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 University City Plan Zoning

A recessed meeting of the City Council was held on Thursday, January 15, 1970 in the Parquet Room of the Student Union of the University of North Carolina at Charlotte at 7:30 o'clock p.m., with Mayor pro tem James B. Whittington presiding, and Councilman Fred D. Alexander, Sandy R. Jordan, Milton Short, John Thrower, and Joe D. Withrow present.

ABSENT: Mayor John M. Belk and Councilman Jerry Tuttle.

Present for the Planning Commission were Chairman Toy and Commissioners Embry and Stone.

ABSENT: Commissioners Albaea, Blanton, Brewer, Godley, Sibley, Tate and Turner.

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INVOCATION.

The invocation was given by Councilman Joe D. Withrow.

HEARING ON PETITION NO. 70-1 TO CONSIDER VARIOUS AMENDMENTS TO THE TEXT OF THE ZONING ORDINANCE TO ESTABLISH A NEW ZONING DISTRICT TO BE KNOWN AS THE INSTITUTIONAL DISTRICT.

The scheduled hearing was called on the subject petition on which a protest petition has been filed by eight property owners in this area.

Mr. W. E. McIntyre, Planning Director, advised the Institutional District was described in detail at the meeting on last Monday night, January 12, and many ideas, suggestions and recommendations about the district were stated by residents and property owners of the area.

(For details see minutes of the January 12 meeting.)

Council decision was deferred until a later date.

HEARING ON PETITION NO. 70-2 TO CHANGE THE ZONING FROM R-12, RE AND B-2 TO INST OF PROPERTY GENERALLY BOUNDED ON THE NORTH BY THE CHARLOTTE PERIMETER LINE AND THE SOUTHER PROPERTY LINE OF LAND OWNED BY FRANK RATCLIFFE, ON THE EAST BY U. S. HIGHWAY 29, ON THE SOUTH BY HARRIS BOULEVARD AND ON THE WEST BY INTERSTATE HIGHWAY 85.

The scheduled hearing was held on the subject petition on which two protest petitions have been filed and are not sufficient to invoke the 3/4 Rule requiring the affirmative vote of six Councilmen in order to rezone the property.

The Planning Director stated the subject petition covers land owned basically by the University of North Carolina with some minor residential uses in the area; on the Highway 29 frontage is a motel and the Advent Lutheran Church and a residential structure.

Mr. McIntyre stated most of the property in the petition is zoned for R-12; along Highway 29 is some B-2 zoning and the motel is located in that area; a small portion of the property in the petition is zoned for Research and is that small triangular piece located on Harris Boulevard.

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Dr. James M. Alexander stated he is a part owner of about 97 acres of property part of which juts over beyond Mallard Creek; that he is opposed to the proposed Institutional zoning of this property and request that it assume its previous classification of R-12. That they are willing and want zoning but do not want Institutional zoning; they feel they have more freedom in the present zoning; therefore they are opposed to being segregated and used as a minority group for conditional zoning; they feel it is in their interest to continue to be served by R-12, the zoning that is now permitted.

Mr. McIntyre stated the property Dr. Alexander is interested in extends on the southerly side of Mallard Creek and is a portion of the total tract most of it lying outside of the boundaries of this petition.

Councilman Short asked what portion of the property involves in Petition No. 70-2 is now business and what portion is R-12? Mr. McIntyre replied perhaps 1/15 of the total acreage is now zoned business and is located on the northerly side of the boundary of the petition extending from the west side of the highway and the business zoning forming a triangular line with the highway.

Councilman Short asked Dr. Alexander if his opposition is directed to that portion now zoned business or if it is directed to the entire tract? Dr. Alexander replied he is speaking specifically for the 97 acres; the exact amount that sticks out and juts beyond Mallard Creek; that he is not sure of the exact amount of property; he is treating it as a whole and not in part and he is opposing the change in zoning.

Council decision was deferred until a later date.

HEARING ON PETITION NO. 70-3 TO CHANGE THE ZONING FROM R-12 AND B-2 TO INST AND B-1 OF PROPERTY GENERALLY BOUNDED ON THE NORTH BY THE CHARLOTTE PERIMETER LINE, ON THE EAST BY U. S. HIGHWAY 29, ON THE SOUTH BY THE SOUTHERN PROPERTY LINE OF LAND OWNED BY FRANK RATCLIFFE, AND ON THE WEST BY THE CHARLOTTE PERIMETER LINE.

The scheduled hearing was held on the subject petition on which three protest petitions have been filed and found sufficient to invoke the 3/4 Rule requiring the affirmative vote of six (6) Councilmen in order to rezone the property.

Mr. W. E. McIntyre, Planning Director, advised this property lies immediately to the north of the property just discussed under Petition No. 70-2. The property within the area is used for a golf course, a golf course club house, a restaurant and a golf driving range. He stated the frontage along the road is zoned for business and extends back from the highway to a depth of 800 feet and from that point back to the limits of the petition the property is zoned R-12.

Mrs. Marjorie Alexander Thompson stated she is requesting that her property along the western side of U. S. 29, between Mallard Creek and Mallard Creek Church Road, remain as it is presently zoned B-2, and that her property not be included in the Institutional District if one is established. That in 1962 the City Council zoned this property B-2 because it knew this classification would give the greatest value to this land. Mrs. Thompson stated she has not built on her road frontage; that a Commission member told her they needed open space along the road. She stated there are three reasons that might cause her to fill this open frontage: (1) the need for money to pay medical bills; (2) the need for money to pay taxes; if the County continues to raise taxes so high that she cannot continue to

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pay taxes out of her retirement money and have enough money left to maintain her home, to pay her bills and to buy her food; (3) the opportunity to select a business establishment that would benefit the community. She stated she would resent paying higher taxes on her property that she is forced to leave vacant.

Mrs. Thompson listed the things that she has given to the University and stated she believes that gifts should be given freely or not at all. That she is opposed to being forced to give anyone anything and that includes the university, the state, the city and county. She stated she is more interested in her land being used properly than any person here. That she would never do anything to make her home a less desirable place to live. She asked Council to reaffirm the decision made in 1962 and not place her in a district with a large public institution.

Mr. Faison Barnes, Attorney, stated this land has enhanced in value as has all land in Mecklenburg County in the last few years; that it seems to him there is considerable doubt if this plan is adopted as to whether the presence of the university in the area enhances or decreases the value of the property in the neighborhood; that it seems further this is not a consideration that should compel anyone on the Planning Commission or the City Council to vote one way or the other. He stated he thought the function of planning was to objectively determine the needs of the area and to make an orderly plan for land usage for the good of the community. This is not a plan in the sense that zoning plans normally come before a governmental body for adoption. There is considerable doubt as to whether this represents progress for this community.

He stated specifically he represents Mr. Frank Ratcliffe in opposition to this petition; that Mr. Ratcliffe owns the Grade A restaurant, the Paradise Valley Golf Course which consists of a Par 3 and a regulation nine-hole course and a golf driving range. That this property was not zoned until 1962 when it received its present zoning classification. The front portion is zoned B-2, the Restaurant, Golf Course, and Par 3 Course requires B-2 zoning, and these facilities have been there for some time, and they do not constitute any threat to the community nor to the university; they are across U. S. 29 from the university.

Mr. Barnes stated at a hearing the Planning Commission conducted about this plan earlier, Mr. Ratcliffe stated his position in this matter; the Planning Commission took it under consideration at its meeting on November 10, and the minutes indicate Mr. Ratcliffe's request was denied as there was no justification for allowing the existing zoning to remain, especially as B-2; that the subject strip of commercial land would defeat the entire concept behind the Institutional district as this district is formulated to create an environment where the university as well as other uses can be located for compatibility; the Institutional District is designed to forestall traffic and congestion problems by giving special consideration to the relationship between individual institutional type developments and their impact on the highway and street system; business uses and strips along the highway will add additional traffic and other vehicular congestion; the subject uses will have the eventual effect of destroying the ultimate objective of the Institutional district.

He stated this property lies between U. S. 29 and I-85 and is at the intersection of Harris Boulevard and is close to N. C. 49.

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Mr. Barnes stated either the Institutional category zoning says what it means or it doesn't. Business uses are some of the permitted uses within the conditional zoning; that he does not know the reason for the Planning Commission recommendation, but the traffic conditions could not be it. This recommendation takes property by rezoning from B-2 and R-12 to Institutional; as he sees it, it is rezoning it from B-2 and R-12 to R-15. He stated many of these people have owned this land since the days before the American Revolution; that this is an out and out confiscation of private property.

He stated he has a newspaper clipping which appeared in the Charlotte Observer in March 1967 pertaining to the University City Plan in which it was mentioned that the University intended to acquire this particular property as an 18 hole golf course to be used as a part of the University campus. That Chancellor Colvert and Dr. Cone personally told Mr. Ratcliffe that it was the intention of the University to ultimately acquire this property for the university; that he does not know if the University still intends to take the property or not; but is it fair for the university to take property that a man has used since 1962 for the purposes for which it was zoned.

He stated the function of the Planning Commission and City Council is to do equity and there is no equity in this; that they protest this petition in the most vigorous manner; that it is not right and it should not be done.

Mr. W. R. Alexander stated there is no eyesore on the entire frontage of Highway 29 which lacks about 40 feet being one mile. He stated he does not want to do anything to downgrade the university property but they do ask for the privilege of managing their own property. He stated he has only 300 feet in this particular petition which is in the Mallard Creek Church Road corner which is now zoned B-2 and he would like for it to remain B-2.

Dr. James Alexander stated by putting this into Institutional District it takes it completely out of the normal channels of operating this property.

Councilman Alexander stated for the record the term "Institutional" has no reference to the university.

Council decision was deferred until a later date.

HEARING ON PETITION NO. 70-4 TO CHANGE THE ZONING FROM R-12, R-12MF AND B-2 TO B-1 AND INST OF PROPERTY GENERALLY BOUNDED ON THE NORTH BY MALLARD CREEK CHURCH ROAD, ON THE EAST BY MARY ALEXANDER ROAD AND N. C. HIGHWAY 49, ON THE SOUTH BY HARRIS BOULEVARD AND ON THE WEST BY U. S. HIGHWAY 29.

The scheduled hearing was held on the subject petition on which two protest petitions have been filed and found sufficient to invoke the 3/4 Rule requiring the affirmative vote of six (6) Councilmen in order to rezone the property.

The Planning Director stated the property is basically vacant and a large portion is owned by the university; the property on the Highway 29 frontage covers various kinds of usage; on the easterly side is a gas station-restaurant; a grill and another restaurant which occupies part of the property on Highway 29 at Harris Boulevard.

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Mr. McIntyre stated the zoning is three types. Along Highway 29 the property is zoned for business; immediately beyond that extending across the area to the Mary Alexander Road the property is zoned R-12MF; a small portion of the property on the south edge of the petition is zoned R-12; this R-12 zoning borders on the corner of Highway 29 and Harris Boulevard.

Seven persons in the audience raised their hands in support of the petition and approximately 25 raised their hands in opposition to the petition.

Mr. Robert F. Alexander stated his property starts at Mallard Creek and goes to the Mallard Creek Church Road, going east on the Mallard Creek Church Road and follows Mary Alexander Road and comes out into 49 and his property is just about in this corner - it is about 1800 feet from Mallard Creek Church Road over to that corner of the University property. It goes west back to Mallard Creek and follows the creek back up to the original point on Highway 49.

He stated he understands the prime purpose of zoning is to segregate and not integrate. What he means is this places business in a residential district but not in a business district. Under this plan as it has been explained to them in former meetings these uses can be placed in any of these parts under these conditional uses with permission. He stated he would like to retain the section of his property now zoned business; the area east of Mallard Creek would make a beautiful residential area within walking distance of the campus. He stated if he retains the business area the creek is a buffer and the old creek channel where it has been dredged has grown up and it has tall trees which would make a perfect shield. He stated all he wants is that piece of property to remain zoned business as it was zoned in 1962.

Mr. Alexander stated in his opinion what is recommended here will not stand up in any state or federal court. In this zoning you are taking over 1000 acres outside the campus and putting it into institutional zoning. No other place in the State of North Carolina has a zoning comparable to this proposed zoning now offered; this is taking away the constitutional right provided in the Fifth and Fourteenth Amendment as to use of your own property.

Mrs. Lydia McNeary stated should Council approve the proposed Institutional Zoning there are but two alternatives for those who own property - (1) hire an architect, hire a lawyer and pay a filing fee of \$100 realizing all of this may be for nought; (2) appeal this zoning which would be more costly but probably be more soul satisfying. She stated their land is presently zoned R-12MF with a narrow border of B-2 frontage; that there is no university in this country that does not have apartments within walking distance of the school. Why then should land ideally located and currently zoned to meet this need be removed for such use as permitted under the institutional zoning.

Mrs. McNeary asked Council to deny the subject petition (70-4) as well as petitions 70-1 and 70-9.

Mr. Lloyd Danielson asked if the university has the right of eminent domain? The City Attorney replied the State of North Carolina has that right, but he does not know if that authority has been delegated to the university; that he will find the answer and give it to Mr. Danielson tonight.

Council decision was deferred until a later date.

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HEARING ON PETITION NO. 70-5 TO CHANGE THE ZONING FROM R-12, R-12MF AND B-2 TO INST OF PROPERTY GENERALLY BOUNDED ON THE NORTH BY HARRIS BOULEVARD, ON THE EAST BY N. C. HIGHWAY 49 AND THE REAR OF LOTS ON SHADY HILLS CIRCLE, ON THE SOUTH BY LAND OWNED BY MILAS W. NEAL, AND TO THE WEST BY U. S. HIGHWAY 29.

The scheduled hearing was held on the subject petition on which a protest petition has been filed and found sufficient to invoke the 3/4 Rule requiring the affirmative vote of six (6) Councilmen in order to rezone the property.

Mr. W. E. McIntyre, Planning Director, advised the subject property lies immediately south of Petition 70-4; it is bounded by Harris Boulevard, generally by Highway 49 with a section of a small residential subdivision located on Highway 49, by property located on the southerly boundary and by Highway 29 on the westerly boundary. He stated the uses within the area are mixed; there is a residential subdivision about in the middle of the district with scattered homes in the subdivision and some vacant lots; along the Highway 29 frontage are a few scattered residences; the State Highway Patrol Station is located on Highway 29 fairly close to Harris Boulevard; there is a motel south of the Patrol Station and another motel south of that one. Some distance south is a service station and a trailer park with some mobile homes located on the property. He stated there is a substantial amount of vacant land in the area at present.

He stated the zoning is of three types; a portion of the property is zoned for single family; property along Highway 29 is zoned business and property along the northerly corner is the portion that borders on Harris Boulevard and Highway 29 and is zoned R-12MF.

Mr. Joe Griffin, Attorney representing Mr. V. E. Smith and Mr. Ray Perry the owners of the Lake Side Motel and the Pines Motel, held up a picture of Mr. Smith's motel and stated Mr. Perry's motel is similar. He stated Mr. Smith's motel consists of 8 units and Mr. Perry's of 9 units; that Mr. Smith's property is zoned B-2 for a 400 foot depth and with 400 foot frontage; Mr. Perry's property is zoned B-2 for a 296 foot depth; both front on Highway 29.

Mr. Griffin stated if this property is rezoned Institutional it will seriously devalue the property; he stated he understands these people can continue these motels and expand them under the present zoning and if they sell to another owner then he can operate and expand. However, if the property is rezoned it will seriously devalue their property. He stated assuming he is right that it will devalue the property, is this not a simple gift; and these people cannot afford to make this gesture. He stated the university is a mile or a mile and half from this property, and asked if it will harm the university to leave this property zoned for B-2 and the back portion left as R-12. He asked that this property not be rezoned as these men cannot afford it. That a four lane highway such as U. S. 29 is not suited for a residential development.

Councilman Short asked if a pre-existing motel in an institutional zone which has motels as a conditional use, is a non-conforming use? Mr. Underhill, City Attorney, replied it would not be a non-conforming use as such. Mr. Griffin replied it is his understanding that it would not and the motels could be sold to be operated as a motel by other parties; but the motels themselves in these instances are only a small part of the value of the land. The land itself zoned as B-2 is the value he is talking about, not the motel itself or even the right to operate a motel but a restaurant or retail establishment.

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Mr. McIntyre stated the language of the ordinance reads: "uses which are listed in this ordinance as conditional uses in the institutional district and already in existence prior to being zoned institutional shall be considered as conforming uses. Such uses may expand without public hearing provided no additional property is required to accommodate the expansion and further provides that such expansions conform to other pertinent uses of this ordinance."

Mr. Bill Booe, Attorney representing Mr. John Spurrier and Spurrier Oil Company, stated they are completely opposed to the plan presented by the Planning Commission. He pointed out the tract of land on the map and stated they are interested in two aspects - the land in general and in toto, and after that bridge he is interested in the property of his client.

Mr. Booe stated the first thing to decide is the legal scope in which to operate; then decide the wishes of the people, and what is in the best interest of the general public.

He referred to the general statutes in reference to Council's authority "you may zone for the purpose of promoting health, safety, morals or the general welfare".

He stated this is the legal framework in which Council can operate. He stated in 1964 the Supreme Court of North Carolina ruled that the zoning ordinance must bear a substantial relation, not to all, but at least one of the statutory factors involved.

He stated the plan submitted is that in residential areas the property can be used for residential purposes subject to certain conditions. He stated it would be well for Council to have some deep thoughts about what it has been asked to do in reference to legal principals. He stated in his opinion there is grave doubt that this plan can stand legal testing.

Mr. Booe stated the people he has come in contact with are completely opposed to this plan. The newspapers and the Planning Commission have promoted it, but most people are opposed to it. This is the taking away of property management; this is zoning property that other people own. He stated it always comes back to "why are you being asked to do it?" The only thing that he comes back to is "for the university." The statute does not give the authority to do that for the university; it gives the authority to do it for promoting health, safety, morals or the general welfare.

He stated his clients purchased their property in 1951 when it was not zoned; Council subsequently zoned it and it is now zoned B-2; and under this plan it is proposed to change it to institutional. His client purchased the property in good faith and put in curb and laid a foundation.

Mr. Booe asked each Councilman to go out and ride this stretch of the property; the first thing they see is the omission of a strip of property about 400' x 400'; then you come to a trailer court and his client's property is beyond that. Part of the transmission line crosses the rear of his property; as you go on up you come to the motel; there are a number of other businesses located in here. On the other side of the street there is business all the way - the State Highway Patrol office, is located there and the Carolina Nursery is on the left but is not included in this petition. The property is already developed for business purposes.

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He stated there is no health problem involved; how can safety be a concern when you have a four lane road going north, and only the easterly side is covered in the petition, and the west side is excluded. If there is a traffic factor, it has to be just as bad coming into the city if not more so than going away. He stated under the statute what moral factor could come in. In other words on what basis can we consider this petition under the law. He stated there is no legal basis that this petition can be allowed and they ask that Council give their request complete consideration.

Mr. Ralph Alderman stated he lives on Highway 49 going south and he requests that his property remain as presently zoned, R-12. He stated he bought his property in 1955 and was the sole house on Highway 49 from there to the college. That when he bought in the development it was residential and the restrictions were good so he built his home. He stated the restrictions were for single family; that he bought his lots there with the understanding that he could pick his neighbors. He asked why his property was separated from the housing development and Mr. McIntyre replied he would judge it was because the small subdivision is laid out with streets.

Mr. Alderman requested that his property remain under its present zoning of R-12.

Councilman Short asked the zoning of Mr. Alderman's property and the present zoning of Hampton Park? Mr. McIntyre replied Mr. Alderman's property is zoned R-12 and Hampton Park is also zoned as R-12.

Mrs. Ralph Alderman also spoke in opposition to the proposed change in zoning of their property and asked that it remain as presently zoned R-12.

Council decision was deferred until a later date.

HEARING ON PETITION NO. 70-6 TO CHANGE THE ZONING FROM R-12 AND R-12MF TO INST OF PROPERTY GENERALLY BOUNDED ON THE NORTH BY MARK TWAIN ROAD, AND CONTAINING AN AREA LOCATED WEST AND SOUTH OF THE COLLEGE DOWNS SUBDIVISION TO A LINE 1,000 FEET PARALLEL AND EAST OF THE WESTERN PROPERTY LINE OF JOHN KIRK, THEN IN A WESTERLY DIRECTION ALONG EXISTING PROPERTY LINES TO A POINT AT THE INTERSECTION OF UNIVERSITY CITY BOULEVARD AND CAROLYN LANE AND THEN NORTH ALONG UNIVERSITY CITY BOULEVARD TO MARK TWAIN ROAD.

The scheduled hearing was held on the subject petition.

The Planning Director stated portions of this property lie immediately to the east of the petition just considered (Petition 70-5) across Highway 49 from the area of that petition. The property is generally undeveloped land. There is a subdivision which is principally on paper; the name of the street running through the development is Shady Hills Circle and is the only indication of potential development within the area.

Mr. McIntyre stated the zoning of the property is largely R-12; a portion is adjacent to College Downs and lies between College Downs and Highway 49 and is zoned R-12MF.

Mr. Faison Barnes, Attorney for the Kirk Family, stated they did not file a protest as they feel institutional zoning would be an improvement over R-12; they still oppose the Institutional category as proposed; that even as it is now zoned, they feel institutional may constitute a little better zoning than R-12; they think basically both are a single family classification.

Council decision was deferred until a later date.

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HEARING ON PETITION NO. 70-7 TO CHANGE THE ZONING FROM R-12MF AND O-15 TO INST OF PROPERTY GENERALLY BOUNDED ON THE NORTH BY MALLARD CREEK CHURCH ROAD, ON THE EAST BY THE CHARLOTTE PERIMETER LINE, ON THE SOUTH BY AN IRREGULAR SHAPED BOUNDARY TO THE NORTHEAST OF THE COLLEGE DOWNS SUBDIVISION, AND ON THE WEST BY UNIVERSITY BOULEVARD.

The scheduled hearing was held on the subject petition on which a protest petition has been filed and found sufficient to invoke the 3/4 Rule requiring the affirmative vote of six (6) Councilmen in order to rezone the property.

Mr. W. E. McIntyre, Planning Director, advised this is a small tract and lies on the easterly side of Highway 49 or University Boulevard, and extends along University Boulevard easterly to the railroad and covers the road identified as Suther Road. Parts of the property has been subdivided and laid out in lots and a few single family homes have been built. Otherwise the property is substantially vacant, with one or two older homes located on property. The zoning of the property is of two types. Practically all the area is zoned R-12MF with one piece of property at the intersection of Highway 49 and Mallard Creek Church Road zoned for office use.

Mr. Ned Fowler stated the majority of the comments he has heard tonight and before indicates these people are dedicated to the development of this area to its optimum value as a part of the total university complex and all the associated things that go along with it. That he feels this is the intention of the staff of the Planning Board and the Planning Board itself, as he is sure it is the desire of the Council. The apprehension that seems to exist is the result of several things - maybe the college will become domineering and not be a good neighbor and with changes on the Planning Commission their interest and desires will not be recognized and perhaps Council will change personnel and it will end up with someone taking advantage of them. Mr. Fowler stated this is a dream opportunity to a planner; they will almost never have the opportunity to find 30 square miles that they can go into and deal with development rather than concerning themselves with undesirable things that already exist.

He stated for this reason he believes they will lean over backwards and see that the program and conditional uses are administered in a way that will end up in an optimum development.

Mr. Faison Barnes, Attorney, stated at the hearing this fall he asked Mr. McIntyre in what way a petition for conditional use differed from a petition for rezoning and at that time it was established you do not have the 20% Rule to invoke the 3/4 Majority.

He stated under rezoning if you file a petition and Council turns it down you cannot file again for two years. He asked if that condition will apply in this situation. Mr. McIntyre replied he would judge it would not apply but he thinks it should be answered by the attorney. Mr. Barnes suggested if Council adopts this Institutional district then it should make sure there is written into the ordinance a statement that it does not apply.

Mr. Barnes stated here we are dealing with privately owned property; land that belongs to other people. That he applauds the concept of a university city of this kind; but we need leadership from the government in this situation, not dictation. He stated if you read the concept and then look at the map, the two are not the same thing. You have a concept to do these things with a recommendation to Council of a plan whereby they zone everything essentially single family and freeze its development, presumedly with the expectation that people will come and say here is a plan to develop this property. He stated you cannot do this legally and it will not work.

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Mr. Barnes stated if the City wanted to this, first they should have had a hearing with the people who own the property in this area. They should have been told what the concept was and consulted about their desires and asked for their cooperation. This was not done. You have been working for five years on this plan and you consulted some private commercial interests but most of the other people were never asked.

He stated they are opposed to the idea that you put on this property the most rigidly controlled single family criteria that you have and add to that you can use it for university and college purposes, and say these things you can do as a matter of right; obviously this is considerably less than you can do under its present zoning.

You come up with a list of conditional uses and all you are doing is saying if the landowner wants to use it for one of the uses, he can petition to be permitted to do it and he must submit a plan.

First they must pay \$100 filing fee; then come up with an elaborate plan which in addition could cost the landowner an additional \$750-1500. Then if it is turned down, the question arises as to whether or not you have to wait two years before submitting another proposal. They say this is unfair; that Council should make now a determination of the needs of this area and specifically zone the property to meet those needs.

This puts the private small landowner at a disadvantage. This ordinance makes the possibility for the Planning Commission or the City Council to be arbitrary in granting or denying requests.

If this ordinance is adopted as proposed and in order for the ordinance to stand the legal test, it must say what conditions are to be made to be approved for one of the conditional uses so that the landowner will know what to expect.

Mr. Barnes stated they ask that the property not be zoned this way unless considerable modifications are going to be made.

He referred to the morning newspaper in which statistics were quoted from Mrs. Ervin, Secretary to the Charlotte Home Builders, that of the 4,434 housing units started in 1969, 2,517 were apartment units. In the U. S. News and World report, there was an indication the national average for apartment housing is approaching 50 percent. The actual percentage in Mecklenburg County in 1969 was 56.7% apartments.


He referred again to the map and the residential area and stated if they add to this the area proposed as Institutional, then a good 80% of the total 30 square miles is single family. He stated that is wrong and is not paying attention to the fact that 56.7% of the housing started in Mecklenburg County last year was apartments.

Mr. John Griggs stated he owns slightly less than an acre of land under this petition; that he purchased the land about 15 years ago and built his home and moved in 12 years ago; there are only a few homes that have been built; he stated he was pleased when the school located in this area.

He requested that the zoning of his property remain as it is now zoned.

MEETING RECESSES.

Motion was made by Council Thrower, seconded by Councilman Withrow recessing the meeting until Monday Night, January 19, 1970 at 7:30 o'clock p.m., in the Parquet Room of the Student Union of the University of North Carolina at Charlotte.


 Ruth Armstrong, City Clerk