

SPECIAL COUNCIL MEETING  
 September 16, 1976  
 Minute Book 64 - Page 126

The City Council of the City of Charlotte, North Carolina, met in special session on Thursday, September 16, 1976, in the Council Chamber, City Hall, at 10:00 o'clock a.m., with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis Davis, Harvey Gantt, Pat Locke, James B. Whittington, Neil Williams, and Joe D. Withrow present.

ABSENT: Mayor Belk absent at the beginning of the meeting, and Mayor pro tem Whittington presiding.

Sitting with the City Council as a separate body for the hearings was the Charlotte-Mecklenburg Planning Commission, with the following members present: Chairman Tate, and Commissioners Campbell, Ervin, Kirk, Johnston, Jolly, Marrash, Ross and Royal.

ABSENT: None.

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#### PURPOSE OF THE MEETING.

Mayor pro tem Whittington announced the purpose of the meeting is to hear Petitions No. 76-11 and 76-12, which are requests to construct shopping centers which exceed 100,000 square feet in floor area, and ten acres in land area.

He also announced that the hearings would be conducted in accordance with the rules of procedure adopted by City Council in conducting such hearings. Prior to the opening of the hearing, the City Attorney reviewed and explained the provisions of the City Code controlling such hearings, and the Rules of Hearing Procedures for Conditional Use Permits.

#### PROCEEDINGS RECORDED BY COURT STENOGRAPHER.

Mayor pro tem Whittington advised the proceedings are being recorded by a court stenographer, and copies of the proceedings can be obtained from the Louise Johnson and Associates.

#### MOTION TO RECESS FOR LUNCH.

Councilwoman Locke moved that Council recess at 12:15 p.m. for one hour for lunch, and resume the hearing at the time the meeting reconvenes. The motion was seconded by Councilwoman Chafin and carried unanimously.

HEARING ON PETITION NO. 76-11 BY NORTH PARK CENTER, INC. FOR CONDITIONAL USE APPROVAL OF A PROPOSED SHOPPING CENTER IN EXCESS OF 100,000 SQUARE FEET OF TOTAL FLOOR AREA, LOCATED ON THE EAST SIDE OF THE INTERSECTION OF NORTH TRYON STREET AND EASTWAY DRIVE.

The hearing was called on the subject petition.

Mr. Bryant, Assistant Planning Director, explained the location of the property, the existing zoning pattern and existing land uses of the area, and the site plan as presented by the petitioners.

During his presentation he placed into evidence the following exhibits:

- No. 1 - Map on existing land uses in the Area.
- No. 2 - Map on existing zoning patterns in the area.
- No. 3 - Map on general pattern of land uses.
- No. 4 - Site Plan.

The Petitioner was represented by Joe Grier and I. W. Hankins, III, Attorneys. They placed into evidence the following exhibits:

- No. 1 - Petitioner's application

- No. 2 - Site plan
- No. 3 - Statement of standards.
- No. 4 - Table of permitted uses from City code
- No. 5 - List of witnesses
- No. 6 - Plan by Oliver Rowe
- No. 7- North Park Center - Circulation plan.
- No. 8 - Aerial Photograph of Eastway-Tryon.
- No. 9 - City's current thoroughfare plan
- No. 10 - Current market study factors
- No. 11 - Site plan drawing by Architect Harry Wolf.
- No. 12 - Rendering from street view by Architect Harry Wolf.
- No. 13 - Tree trunk sizes (orange container.)
- No. 14 - Affidavit signed by Charles Rust - Engineer with Public Works Department.

The following witnesses were sworn and placed evidence into the record:

- No.1 - Oliver Rowe
- No.2 - Charles Lebovitz
- No.3 - William Finger
- No.4 - John Weitnauer
- No.5 - Harry Wolf, III
- No.6 - Charles Rust
- No.7 - B.A. Corbett, Jr.

No opposition was expressed to the petition .

The Mayor declared the hearing closed at 3:15 o'clock p.m.

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HEARING ON PETITION NO. 76-12 BY J.E. CARTER, J. H. CONNER, CLIVEDON PROPERTIES, INC., ET AL, FOR CONDITIONAL USE APPROVAL OF A PROPOSED SHOPPING CENTER IN EXCESS OF 100,000 SQUARE FEET IN TOTAL FLOOR AREA, LOCATED ON THE SOUTH SIDE OF TYVOLA ROAD EXTENSION, APPROXIMATELY 1,200 FEET EAST OF THE INTERSECTION OF TYVOLA ROAD AND INTERSTATE HIGHWAY 77.

The hearing was called on the subject petition.

Mr. Bryant, Assistant Planning Director, explained the location of the property, the existing zoning pattern and existing land uses of the area, and the site plan as presented by the petitioners.

During his presentation he placed into evidence the following exhibits:

- No. 1 - Map on existing land uses in area.
- No. 2 - Map on existing zoning patterns in area.
- No. 3 - Map on generalized land uses in area.

The petitioners were represented by Ben S. Horack, Attorney, who placed into evidence the following exhibits:

- No. 1 - Petitioners' application.
- No. 2 - Site plan.
- No. 3 - Statement of three standards.
- No. 4 - City's thoroughfare plan
- No. 5 - Aerial map of Tyvola Road
- No. 6 - Economic study (research report).
- No. 7 - Affidavit - Charles Rust, Engineer with Public Works Department
- No. 8 - Memo from B.A. Corbett to Fred Bryant, review of proposed shopping centers.
- No. 9 - Harry Wolf's resume.

- No. 10 - Site plan by Harry Wolf, Architect.
- No. 11 - Rendering by Harry Wolf, Architect.
- No. 12 - Off-site water retention pond facilities.

The following witnesses were sworn, and placed evidence into the record:

- No. 1 - Charles Lebovitz
- No. 2 - Henry Faison
- No. 3 - William Finger
- No. 4 - John Weitnauer
- No. 5 - Charles Rust
- No. 6 - Harry Wolf III

Opposition was expressed by Rick Dancy, 4701 Wedgewood Drive.

Mr. Dave Howard of the Planning Staff was sworn as a witness for Mr. Dancy.

The Mayor declared the hearing closed at 7:15 o'clock p.m.

ADJOURNMENT

There being no further business before the City Council, the meeting adjourned.

*Ruth Armstrong*  
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 Ruth Armstrong, City Clerk