

Special Meeting  
 Wednesday, September 21, 1977  
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The City Council of the City of Charlotte, North Carolina, met in special session on Wednesday, September 21, 1977, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor pro tem James B. Whittington presiding, and Councilmembers Betty Chafin, Louis Davis, Harvey Gantt, Pat Locke, and Neil Williams present.

ABSENT: Mayor John M. Belk and Councilman Joe Withrow.

Also present and sitting as a separate body for the purpose of hearing, were the following members of the Charlotte-Mecklenburg Planning Commission: Chairman Tate, Commissioners Campbell, Curry, Ervin, Jolly, Kirk and Tye.

ABSENT: Commissioners Marrash and Royal.

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#### INVOCATION.

The invocation was given by David A. Burkhalter, City Manager.

#### PURPOSE OF MEETING.

The purpose of the meeting was to hear Petition No. 77-34 by James J. and Angelia M. Harris for approval of site plan amendments to the B-1SCD zoning district located on the northwest corner of the intersection of Morrison Boulevard and Roxborough Road, under the quasi-judicial hearing procedures.

#### PROCEDURES FOR CONDUCT OF MEETING EXPLAINED.

Mayor pro tem Whittington reviewed the provisions under which the meeting would be conducted, and the City Attorney explained the provisions of the City Code under which the procedures for the conduct of the hearing would be held, stating the procedures were adopted by the City Council in August, 1976.

#### PROCEEDINGS TAKEN BEFORE A COURT STENOGRAPHER.

Mayor pro tem Whittington advised that the hearing proceedings would be taken before a court stenographer, and stated it is very important that each word be heard, and asked each person speaking to identify themselves and to speak up.

#### HEARING ON PETITION NO. 77-34 BY JAMES J. AND ANGELIA M. HARRIS FOR APPROVAL OF SITE PLAN AMENDMENTS TO THE B-1SCD ZONING DISTRICT LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF MORRISON BOULEVARD AND ROXBOROUGH ROAD, UNDER THE QUASI-JUDICIAL HEARING PROCEDURES.

Mr. Fred Bryant, Assistant Planning Director, was sworn before the City Clerk, after which he explained the request, along with the land uses and zoning in the area.

He presented the following exhibits:

- No. 1 Existing land use map.
- No. 2 Existing zoning in the area - map.
- No. 3 Site Plan.
- No. 4 Comprehensive Plan, 1995.
- No. 5 SouthPark Land Use Study by Planning Staff, September 1976.

In his comments he stated the plan calls for 60,500 square feet of retail space, for a super market, another retail store and a restaurant. One driveway will extend from Morrison Boulevard, one from Roxborough Road. Also the plans call for 334 parking spaces which will be in excess of the required 294 spaces.

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Mr. Bailey Patrick and Mr. B. Irvin Boyles, Attorneys for the Petitioners, presented the evidence for the petitioners.

The following exhibits were presented by them:

- No. 1 Application for the amendment to the site plan.
- No. 2 Schmatic plan.
- No. 3 SouthPark Marketing Potentials.
- No. 4 Thoroughfare Map related to the area
- No. 5 Aerial photograph - site and vicinity taken late 1976 or early 1977.
- No. 6 Schmatic land use plan.
- No. 7 Map showing the zoning changes previously requested by the petitioners.
- No. 8 Zoning map.
- No. 9 Thoroughfare map - of 1995 Comprehensive - Metro
- No. 10 Peak Hour traffic.
- No. 11 Ordinance standards and judgement in NorthPark Center, Inc.
- No. 12 List of witnesses for petitioners.
- No. 13 Aerial photograph, February 1965.
- No. 14 Aerial photograph of area in early 1977 or late 1977- site shown in orange.
- No. 15 Map indicating zoning in area when petition presented to City Council in 1966 for rezoning of area to the north.
- No. 16 Site and visual analysis, 1976.
- No. 17 Chapter 23 of the City Code.

Witnesses were sworn before the City Clerk and questioned.

The witnesses were as follows:

- Howard C. Bissell, H. C. Bissell & Associates, Inc.
- John Rahenkamp, Rahenkamp, Sachs, Wells & Associates.
- William B. Finger, Hensley-Schmidt, Inc.
- B. A. Corbett, Jr., Traffic Engineering Director for City of Charlotte.
- H. L. Moorefield, Jr., Frank C. Cockinos & Associates, Inc.

MEETING RECESSED AND RECONVENED.

Mayor pro tem Whittington called a recess at 4:55 p.m., and reconvened the meeting at 5:00 p.m.

HEARING CONTINUES.

The hearing continued with the opposition presenting its evidence.

Presenting the opening statement for the opposition was Mr. Charles Klapheke, 1701 Runnymede Lane. The written statement was presented as Exhibit No. 1.

Also representing the opposition was Mr. Thomas J. Hardin, II, 5459 Topping Place, who presented the following exhibits:

- No. 2 Memo to Assistant City Manager from Fred Bryant, Assistant Planning Director. Re traffic generation factors related to Morrison Boulevard Zoning Matters.
- No. 3. Letter to City Council from Bailey Patrick dated 7/18/77
- No. 4 Tax map of property in question.

Sworn as witnesses for the opposition were Mr. Ike Heard of the Planning Staff, Mr. Bailey Patrick, Attorney, and Mr. Tom Hardin.

MAYOR PRO TEM WHITTINGTON LEAVES MEETING AND CHAIRMAN PRO TEM ELECTED TO PRESIDE.

Mayor pro tem Whittington left the meeting during the rebuttal evidence, and Councilman Gantt moved that Councilwoman Locke be elected as Chairman pro tem. The motion was seconded by Councilman Williams, and carried unanimously.

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REBUTTAL EVIDENCE.

The petitioner was permitted a rebuttal period after the opposition presented its evidence.

Mr. Patrick recalled Mr. Bissell, Mr. Finger and Mr. Bryant and Mr. Heard for the purpose of presenting rebuttal evidence .

MEETING RECESSED AND RECONVENED.

Chairman pro tem Locke called a recess at 6:12 p.m., and reconvened the hearing at 6:18 p.m..

REBUTTAL EVIDENCE, CONTINUES.


Mr. Patrick continued placing rebuttal evidence, and placed Exhibit No. 17 into evidence. Exhibit No. 17 is Chapter 23 of the City Code.

HEARING CONCLUDED.

After all the evidence was presented, Chairman pro tem Locke explained the time lengths to present additional written evidence to the Planning Commission, and stated the City Council will make a decision on the petition after the Planning Commission reaches a recommendation.

MEETING ADJOURNED.

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

  
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Ruth Armstrong, City Clerk