

The City Council of the City of Charlotte, North Carolina, met in joint meeting with the County Commissioners on Tuesday, April 16, 1974, at 10:00 o'clock a.m. in the Commissioners' Board Room, County Office Building, with the following present:

FOR THE CITY: Mayor John M. Belk, Councilmembers Fred D. Alexander, Kenneth Harris, Pat Locke, and Milton Short.

ABSENT: Councilmembers James B. Whittington, Neil C. Williams and Joe D. Withrow.

FOR THE COUNTY: Chairman W. T. Harris, Commissioners Peter A. Foley, Phillip E. Gerdes, Elizabeth Hair and J. Alex McMillan, III.

ABSENT: None.

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HEARING ON FLOOD AREA MAPS FOR MCALPINE CREEK.

The scheduled hearing was held to consider the adoption of flood area maps for McAlpine Creek.

Mr. W. E. McIntyre, Planning Director, stated this is the third public hearing the joint governing bodies have had on this type of matter. Today, the concern is with McAlpine Creek, from the beginning at the South Carolina line and extending some 15 miles up stream to Lawyers Road. He stated the maps on the walls are the official maps which are being considered today.

Mr. McIntyre explained the maps stating the red and yellow colors define the lands along the stream that are subject to flooding in accordance with the 100 year flood elevation. The areas identified in red are areas that are essentially to be kept open and cleared so they will be available for the passage of the 100 year level flood waters; they are subject to regulations allowing only uses by right, but also allowing uses by special permit from the City Council or Board of Commissioners subject to the guidelines. The yellow areas can be filled and developed without detriment from the 100 year flood level volumes. These areas too are subject to regulations. He stated you can do a few things by right within the red area such as parks, playgrounds; and under special permit, structures can be considered but not for human habitation.

Mr. Bob Landers, City Planner, pointed out the area along McAlpine Creek indicating the areas under city jurisdiction and the areas under county jurisdiction, and stated the land along McAlpine Creek is very sparsely developed. From the South Carolina line to N.C. 51 there is almost no development; the McAlpine Creek Treatment plant is located on the west side; there is a Planned Unit Development underway at one point south of 51, which is a joint project with the Ervin Company and John Crosland Company, and has 450 acres of open space most of which is associated with the flood plain areas. All the development has taken into consideration, not just the red area but also the yellow area. Coming up from N. C. 51 is the Carmel Country Club with homes located adjoining it. Then in Montibello there are about four homes in this area which would be in proximity to the 100 year flood elevation in the yellow area. A number of them had fill places in the flood area prior to construction. In the Old Providence Area, Lancer Drive runs basically parallel with McAlpine Creek, and it is through areas such as this that have the greatest problems with accessory structures at the back end of lots. The regulations now provide that such buildings as these would be properly anchored. Many of the present ones are not anchored and during times of flood, the buildings can break loose and float down stream and jam up the creek and further increase the flooding problem; also there is damage and loss

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to the property owner. Providence Square is located on the west side of McAlpine Creek, and the development does respect the 100 year flood elevation. On Silver Bell there are three homes that are actually within the floodway fringe on the west side of Silver Bell which runs off Sardis Road; these homes were there even before the 20 year flood regulation was in effect, and for this reason the houses are constructed without that level. Continuing north from Sardis Road, there is Heritage Woods and there are no homes or structures in jeopardy or which are affected by the flood regulations. There is a sewerage treatment plant which is located for the Heritage Woods area, and sewerage treatment plants are permitted as a use in the flood way. They have to be low and have to respect the natural topography. He pointed out the Stonehaven Area, the Racquet and Swim Club. He stated probably the most hazardous structure now is located on the north side of Monroe Road on the southeast side of McAlpine Creek which is an industrial maintenance building, and is built on the bank of the creek. He stated through the adoption of the maps and the enforcement of the regulations the flood potential for the property owner will be underscored. There are no problems in the East Lake Village area; there is a private sewer treatment plant that has been acquired as the result of the annexation. Along Margaret Wallace Road, there are three structures that come off a gravel road in the area that are directly affected, and the maps are an overstatement of the problem. The people obviously know there are in a flood hazard area; they are old homes, and the subdivision of the land was prior to any effective subdivision regulations. On Idlewood Circle the homes are in proximity to McAlpine Creek, and are generally well above it; there are two or three accessory buildings located in close proximity and within the flood hazard area. Generally within the area the number of non-conforming situations are very limited; the number of residences which are actually within the flood area number about four. He stated he does not have a complete computation of the accessory buildings.

Following was a general discussion.

Speaking in opposition was Mr. David Lucas for his clients on McAlpine Creek, Kings Creek Branch and along Sugar and Irwin Creeks. He stated his clients have submitted plans for review by the Planning Commission and he asked that the decision on the adoption of the maps be postponed until he has a chance to have an administrative review with his clients to get a better interpretation.

Also speaking was Mr. Harold Eddins, U. S. Geological Survey Administrator.

Mr. Landers stated the maps have been reviewed by the U. S. Geological Survey Team, by the City and County Engineering Departments, and reviewed and recommended for approval by the Planning Commission.

MAYOR LEAVES AND CHAIRMAN PRO TEM PRESIDES.

Mayor Belk left the meeting during the discussion, and Chairman pro tem Alexander presides in his absence.

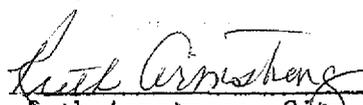
FLOOD AREA MAPS FOR MCALPINE CREEK, ADOPTED.

Motion was made by Commissioner Foley, seconded by Commissioner Gerdes and unanimously carried approving the flood area maps for McAlpine Creek under the county's jurisdiction.

Upon motion of Councilwoman Locke, seconded by Councilman Harris, and unanimously carried, the flood area maps for McAlpine Creek under the city's jurisdiction were approved.

ADJOURNMENT.

There being no other business before the Joint Group, the City Council members left the meeting.


Ruth Armstrong, City Clerk

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The City Council of the City of Charlotte, North Carolina, met on Tuesday, April 16, 1974, at 8:00 o'clock p.m., in the Board Room at the Board of Education, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Kenneth R. Harris, Pat Locke, Milton Short, Neil C. Williams, and Joe D. Withrow present.

ABSENT: Mayor pro tem James B. Whittington.

Sitting with the Council were the following members of the Planning Commission: Chairman Tate, and Commissioners Boyce, Ervin, Finley, Jolly, and Royal.

ABSENT: Commissioners, Drummond, Kratt, Ross and Turner.

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INVOCATION.

The invocation was given by Reverend H. H. Mirley of Resurrection Lutheran Church.

PRESENTATION OF PLAQUES TO FORMER COUNCILMEMBERS.

Mayor Belk stated this evening he and Council have the privilege of recognizing three former members of the City Council.

Mayor Belk then recognized Mrs. Ruth Easterling, Mr. Sandy R. Jordan, and Mr. James D. McDuffie and presented each with a plaque and stated he and Council are proud to have served with each one.

RECOGNITION OF CITY HALL EXPLORER POST 258.

During the meeting Mayor Belk recognized members of City Hall Explorer Post 258 together with their Advisor, Uly Ford. He thanked them for their presence and their interest in the City.

MINUTES APPROVED.

Upon motion of Councilman Alexander, seconded by Councilwoman Locke, and unanimously carried, the minutes of the last meeting on April 8, 1974 were approved as submitted.

HEARING ON PETITION NO. 74-6 BY MECKLENBURG COUNTY FOR A CHANGE IN ZONING OF LAND ON THE NORTHEAST SIDE OF RANDOLPH ROAD WITH FRONTAGE ON BILLINGSLEY ROAD, ELLINGTON STREET AND WHEATLEY AVENUE.

The public hearing was held on Petition No. 74-6 by Mecklenburg County for a change in zoning from R-6MF to O-15 of 84.889 acres of land.

Mr. Fred Bryant, Assistant Planning Director, stated the property is basically vacant but does have several uses on the rear portion of the property. The Mental Health Center and the Human Development Center is located on the rear portions of the property. The Randolph Alcoholic Center is located at the intersection of Billingsley and Randolph Road. A relatively new medical center, Randolph Medical Park, is located on Randolph Road; there is a church opposite the property on Billingsley Road; then there are scattered residential uses, for the most part single family, located generally along Billingsley Road. Along Ellington the pattern is basically single family; then to the southwest of the property there is a configuration of apartment and single family uses. The land use pattern is one of residential uses around the perimeter of about three sides of the property, and then office and office related uses on Randolph Road.

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Mr. Bryant stated the property itself, as well as all the property on the south and southwest side, is zoned R-6MF; property along Billingsley is zoned R-6MF; there is existing 0-15 zoning along Randolph Road and a portion of the way down Billingsley to accommodate the medical center and the Alcoholic Center. There is also office zoning which extends from Briar Creek to the vicinity of the subject property. Basically the remainder of the area is zoned R-6MF.

Mr. Glenn Blaisdell, County Manager, stated currently on the property is the Mental Health Center, and the Human Development Center; that they have let a contract for the addition to the Mental Health Center which will be a 102-bed in-patient facility. If the zoning is approved they plan to build a 75,000 square foot office building for the Social Services Department. Eventually the County may move its Health Center to this site. He stated at present they have no plans for the front 20 acres on Randolph Road. He stated they are trying to bring their Social Services Offices together under one roof.

Mr. Bryant stated the Mental Health Clinic and the Human Development Centers are built in R-6MF under the ordinance which allows certain types of institutional uses in residential area. The uses the County contemplates to build are basically of an office orientation and will have to be considered an office use and is not permitted under the present residential zoning.

No opposition was expressed to the proposed rezoning.

Council decision was deferred for a recommendation of the Planning Commission.

MAYOR LEAVES CHAIR AND CHAIRMAN PRO TEM PRESIDES.

Mayor Belk left the Chair at this time and Chairman pro tem Alexander presides during his absence.

HEARING ON PETITION NO. 74-7 BY COCA-COLA BOTTLING COMPANY CONSOLIDATED FOR A CHANGE IN ZONING OF LAND AT THE SOUTHWEST CORNER OF MILTON ROAD AND DILLARD DRIVE.

The scheduled hearing was held on Petition No. 74-7 by Coca-Cola Bottling Company Consolidated for a change in zoning from 0-15 to B-1SCD of 4.67 acres of land.

Mr. Bryant, Assistant Planning Director, stated this case had its inception several months ago; it was originally filed with Mecklenburg County as the property was outside the city at that time. Before it could be carried to a completion before a final decision was made, the city had annexed the area, and therefore the County Commission no longer had jurisdiction in the matter. The petition had to be refiled with the city.

He stated the property consists of a little larger than four and half acres located on Milton Road and is requested for a change to B-1SCD, and requires the submission of a definite plan of development.

Mr. Bryant stated the property is vacant. The surrounding property is partially vacant; to the east it is vacant to Hickory Grove Newell Road; across Milton Road on the north side is a single family residence and several others; there is a very large Duke Power substation in the area; there are several apartments in the area. On the in-city side begins a solid pattern of single family residential uses. Dillard Drive is predominately occupied with industrial uses; the adjoining property to the subject property is used for a warehouse distribution point for the Coca Cola Company; there is a building contractor's yard facility; a builder's supply yard and several other industrial uses.

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He stated the zoning in the area is rather involved; it has just about all the classifications you can think of in terms of the basic land use types in the area. The subject property is zoned as an office classification as is a portion of the property directly west of the area coming back to the Barrington Drive area. Across Milton Road is R-9MR; to the east is R-9MF; to the south is the beginning of the industrial zoning; the immediate adjacent property is zoned I-1. There are two existing small B-1SCD areas already in the vicinity. Immediately west of the property and extending along Milton Road all the way to Barrington Drive, and then on the northwest corner of Milton Road and Hickory Grove-Newell Road is another small B-1SCD area. The subject property has no less than four different zoning categories adjacent to it at present.

Mr. Bryant explained the Plan of Development and stated if approved this plan must be adhered to. The proposal is for a total of about 57,000 to 58,000 square feet of building to consist of a drug store, grocery store in the middle and several miscellaneous retail and service stores on the westerly edge of the building complex. Parking is shown to the front of the area and some small amount of parking on the Dillard Drive side. Service will be provided at the rear of the property coming off Dillard Drive. There will be one entrance from Milton Road and one entrance from Dillard Drive into the parking area. The petitioner does show some tree and shrubbery coverage around the perimeter of the property. Basically it is a small neighborhood retail shopping area.

Mr. Ray Bradley, Attorney for the petitioner, then presented the petition showing an aerial map and giving the background of the property, the petition, and the entire area. During the discussion he stated after the hearing on the petition for B-1SCD before the County Commissioners, the Planning Commission made a recommendation against the request for the reason there was no need for this type of zoning in the area, and the plan submitted with the petition did not meet the good design objectives foreseen for this type of district. Following this recommendation against the zoning request, various points about the size of the property and the area surrounding the property were made in writing to the County Commissioners. At the meeting when this petition was considered by the Board of County Commissioners, they referred the matter back to the Planning Commission with the request that the plans submitted with the petition be changed to meet the standards of the Planning staff. After these instructions from the County Commissioners in early January, and before the Planning staff could make an appointment with the engineer preparing the plan for the petition, this property was annexed into the city limits, and they had to start all over again with a new petition.

Mr. Bradley stated the 4 1/2 acre tract is almost square and lends itself perfectly to a shopping center development, particularly since it is at the corner of Dillard Drive and Milton Road. The prospective purchasers have presented the Planning staff with plans to incorporate all the ideas presented them by the staff. He passed around a copy of the development plan for viewing by the Council and Planning Commission, and explained it in detail. He stated the prospective purchasers are willing to continue to work with the Planning Staff to make the plan right for the area. They have employed Hal McKee, Real Estate Agent and Developer, to handle the rental of the center. They already have in prospect a chain food store, a retail clothing store, a drug store and an ice cream parlor.

Mr. Bradley introduced the prospective purchasers and Mr. James Johnston, President of Coca-Cola Bottling Company, and stated they would be glad to answer any questions.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

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MAYOR RETURNS TO CHAIR AND PRESIDES FOR REMAINDER OF THE SESSION.

Mayor Belk returned to the Chair during the presentation of the following petition and presided for the remainder of the Session.

HEARING ON PETITION NO. 74-8 BY C & M REALTY INC., FOR A CHANGE IN ZONING OF LAND WEST OF OLD PINEVILLE ROAD, NORTH OF SOUTHLAND INDUSTRIAL PARK.

The public hearing was held on Petition No. 74-8 for a change in zoning from R-9 to I-2 of about 30 acres of land west of Old Pineville Road, north of Southland Industrial Park.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is located west of Old Pineville Road and is contiguous to the Sterling Community. It is largely vacant property with a series of very small residential structures located along Aileen Circle, and those homes are in varying stages of condition; many of them are abandoned and have broken windows and in bad shape; others are occupied and in somewhat better condition. There are other single family houses off Aileen Circle, along Old Pineville Road and then several single family homes on Sterling Lane just north of the subject property. There is a store located at the intersection of Aileen and Pineville Road, and then the Sterling Elementary School is located in the area. Just south of the subject property is a large industrial park area known as Southland Industrial Park.

Mr. Bryant stated the request would change the property from a residential classification to industrial. The subject property is the major portion of a rather small residentially zoned area with all the surrounding property being zoned for industrial purposes; this is true north, south, west and east. There is a configuration of existing single family zoning, which obviously was placed there to accommodate those single family houses already in the area and not make them non-conforming uses, surrounded by industrial zoning.

Mr. Bill Thrower with McFalls and Associate Realtors stated he represents the C & M Realty Inc. He stated for some time they have difficulty in trying to arrange financing for single family residences in the area. The area is very run down, probably to the extent that it should be torn completely out. He stated the request for the change is being made because they feel it is a non-conforming use at this time. There is water and sewer in the area and cannot be used for residential purposes. They have gone to the local, state and federal government for funds to revamp for a rehabilitation program in order to re-establish the area. The Sterling Community is an old township community, and the landlords have not been able to keep the property in the condition it should be as it does not produce enough income.

Mr. Thrower stated at present they are in a position now to build on the property if the zoning is approved. They plan to remove all the property that is abandoned and revamp some of the houses on the upper end of the area. He stated there are 31 houses in the area and only twelve to fifteen families are in the homes.

Councilman Harris stated he has before him a written statement and asked if Mr. Thrower's firm is willing to relocate all residences remaining in the homes to acceptable housing. Mr. Thrower replied that is true; they do not want to take anything away from any of the other realtors; that he is sure other friends and relatives in the real estate business will cooperate with them in helping these people.

Mr. Thrower stated there is a possibility this property could serve as a satellite center for the City of Charlotte's sanitation department. He stated he has not had any discussions with the city about this, and would not be involved in that; but other realtors have been involved in this.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

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HEARING ON PETITION NO. 74-9 BY QUEENSGATE SHOPPING CENTER FOR CONDITIONAL APPROVAL FOR OUTDOOR COMMERCIAL AMUSEMENT ON PROPERTY AT THE NORTHWEST CORNER OF WILKINSON BOULEVARD AND ASHLEY ROAD.

The scheduled hearing was held on Petition No. 74-9 for conditional approval for outdoor commercial amusement on property now zoned B-2 at the northwest corner of Wilkinson Boulevard and Ashley Road, being part of the Queensgate Shopping Center.

Mr. Fred Bryant, Assistant Planning Director, stated this is not a request for a change in zoning as such, but involves the granting of approval of a type of use going on the property with the existing zoning as long as the City Council approves it. This is called a conditional use approval.

The property is located north of Wilkinson Boulevard and west of Ashley Road and is occupied by the Woolco Store located in the Queensgate Shopping Center area. There is a bank located on the property; a vacant service station which is not a part of the property. There is a bank across Ashley Road; Southern Engineering Company is located south of Wilkinson Boulevard; west of the property is a continuation of the retail business type. To the north of the property begins the residential pattern associated with Westerly Hills residential area.

The zoning pattern involves a B-2 zoning on the subject property; and is most of the frontage property along Wilkinson Boulevard. This is true to the west and east and across Ashley Road. South of Wilkinson Boulevard is a pattern of I-2, and north of the tract is principally single family residential zoning throughout the area.

Mr. Bryant stated the request is for conditional use approval to allow the parking lot area to be used for outdoor commercial amusement. This time of year it is common for the rides and carnival type facilities to locate temporarily on Shopping Center Parking Lots. The request would grant the permanent use of this property for that purpose; but to his knowledge there is no intent to use it on a permanent basis. This has been done in several other shopping center locations where this type of use comes in for a week or ten days at a time and then moves on. The granting of the conditional use approval would be a permanent approval. That means they could come at any time.

No one spoke for or against the petition.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 74-10 BY JACQUELINE C. PARKER FOR A CHANGE IN ZONING OF PROPERTY SOUTHWEST OF MARGARET WALLACE ROAD, WEST OF WOODBERRY FOREST AND ADJOINING PARKVIEW EAST.

The public hearing was held on Petition No. 74-10 for a change in zoning from R-12 to O-6 of property beginning 300 feet southwest of Margaret Wallace Road, west of Woodberry Forest and adjoining Parkview East.

Mr. Fred Bryant, Assistant Planning Director stated the subject property is an interior portion of property without actual frontage on any existing road. It is part of a tract that extends out to Wallace Road with the frontage portion zoned for office purposes. It is vacant property, and the pattern of land use adjoining is basically vacant; with some scattered single family residential uses along Wallace Road. Many of the small residential structures that have been along Wallace Road have been removed in recent months. To the southwest is a developing residential subdivision which extends out to Monroe Road. Along Independence Boulevard is a multitude of retail establishments.

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Mr. Bryant stated there is basically business zoning along both sides of Independence Boulevard; there is considerable O-6 zoning which extends along Wallace Road and includes the property in front of the subject tract. The remainder of Wallace Road area and the property to the rear of the subject tract is zoned R-12. This request would extend the depth of the office zoning from Wallace Road back to the depth of the property which fronts on the road itself.

No one spoke for or against the petition.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 74-12 BY CARL B. GADDY, JR. FOR A CHANGE IN ZONING OF LAND AT THE NORTHWEST CORNER OF SUGAR CREEK ROAD AND HONDURES DRIVE.

The scheduled hearing was held on Petition No. 74-12 for a change in zoning from R-9MF to O-15 of about 1.5 acres of land at the northwest corner of Sugar Creek Road and Honduras Drive.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is located at the intersection of the northwest corner of Sugar Creek Road and Honduras Drive. It has a single family residence on it, and is adjoined across Honduras on the southwest corner with a single family residence. To the rear of the property is a developing small apartment group on the north side of Honduras with several other single family homes on the south side toward the end of the street. Across Sugar Creek Road is vacant land and a single family house to the south. To the north is an abandoned house; a day care center is located in the area, and at the intersection of Cinderella is a service station on both corners. North of that is a general pattern for several blocks of various retail-commercial establishments. Just north of the subject property is an office building which has an income tax service, beauty shop and one other additional office. The subject property has a relationship to the north to existing office development; to the west to an existing apartment development and to the south existing single family, and to the east vacant property.

Mr. Bryant stated the subject property has residential-multi-family zoning on three sides of it, and office zoning on the north side.

Mr. Carl B. Gaddy stated there are 44 apartments built to the rear and adjoining their property and then office on the other side.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 74-13 BY ROBERT E. MASON EQUIPMENT COMPANY FOR A CHANGE IN ZONING OF A TRACT OF LAND AT THE SOUTHWEST CORNER OF KESWICK AVENUE AND BANCROFT STREET.

The public hearing was held on Petition No. 74-13 for a change in zoning from O-6 to I-2 of a tract of land 100' x 200' at the southwest corner of Keswick Avenue and Bancroft Street.

Mr. Fred Bryant, Assistant Planning Director, stated this is a request to change the zoning of two lots from an office classification to an industrial classification on property located at the intersection of Bancroft Street and Keswick Avenue. The lots have on them one single family residence and one duplex. Those are adjoined on the Graham Street side by the facilities of the Robert Mason Company which basically consists of warehouse storage as well as some office use. Across Keswick is a duplex at the corner of Bancroft and Keswick which has been condemned. Adjoining that is an electrical contractors' facility which extends out to Graham Street. Along Graham Street is a dry cleaners, a restaurant, and then begins a general pattern of light industrial

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activities. Across Graham Street is the former Douglas Plant, which is now occupied by several different commercial activities. On the in town side, Sylvania side, is a vacant lot which is being used for parking and driveway access purposes of the Robert Mason Company; from Bancroft, in the direction of Tryon Street, along Keswick, Sylvania and Plymouth is a solid pattern of residential uses, predominately single family with some scattered duplex and very few apartment uses.

Mr. Bryant stated the subject property is part of a band of office zoning which extends all along Bancroft Street, from Keswick all the way past Plymouth. This office zone acts as a buffer from the existing industrial zoning. On the other side of Bancroft is residential zoning, R-6MF. The subject property has existing industrial zoning on the Graham Street side, office zoning across Keswick, office zoning to the rear in the direction of Sylvania, and residential zoning across Bancroft in the direction of Tryon Street.

Mr. Baily Patrick, representing Sally S. Mason, widow of Robert E. Mason, and the Robert E. Mason Equipment Company, stated they are the owners of the two tracts of land subject of the petition. He stated the Robert E. Mason Company has been on this property since 1946, and through their internal growth and expansion of product lines they have found themselves expanding. They are basically manufacturers' representatives, selling primarily pneumatic and electrical controls, valves and computer parts, serving the power and gas utilities, the textile industry and such. They are forced to maintain an inventory of critical items, and because of delivery problems, to be able to serve their customers. They need to expand again in the very near future.

Mr. Patrick stated the property will be used for warehousing, and the present zoning will not permit the use of the property for a warehouse. He stated Mr. Bryant pointed out to him the well maintained residential section running from behind their property, and that the city wants to maintain and protect it. Mr. Patrick stated they do not need the I-2 classification; they simply need a classification that will support the construction of a warehouse. That they are not speculating on this property, and they need it for their expansion.

Councilman Short asked if they could use the B-D zoning? Mr. Patrick replied he thinks they could use this zone; the reason he did not suggest it was that he had forgotten about it; that he thinks it will support their needs. Someone did point out that the B-D was probably designed for a larger area, and they are dealing with only two lots. If this is what Council and the Planning Commission and staff feel is proper for this area, they can live with it.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 74-16 BY CHARLOTTE CITY COUNCIL TO CONSIDER AN AMENDMENT TO THE TEXT OF THE ZONING ORDINANCE TO REQUIRE THAT PROPOSED BUILDINGS OVER EIGHTY FEET IN HEIGHT IN RESIDENTIAL DISTRICTS BE SUBMITTED FOR SPECIAL USE PERMIT APPROVAL BY THE CITY COUNCIL PRIOR TO CONSTRUCTION.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, again gave a brief explanation of the proposed amendment. He stated about a month ago this ordinance was presented to the City Council for discussion purposes.

Mr. Dick Baxter, Real Estate Developer from Columbia, S. C., stated he has in the final stages a building which will not be permitted unless they meet the requirements as set out in this ordinance. He stated they have purchased the land; they have completed the preliminary drawings and sketches necessary; they have a joint venture structure, and they plan to start construction June 1. The property involved is currently zoned R-6MF, and their plans meet all the current zoning requirements, including the setbacks.

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Mr. Baxter stated if this ordinance is passed they may be able to build their building only if they meet the requirements, and the chances are they will not. The owners of the property, himself included, will suffer a substantial loss, not to mention the seven to eight months they have spent planning the project; they estimate the loss to be around 1/4 million dollars. During the discussion, Mr. Baxter stated the property is located on Fenton Place, just off Providence Road, and the nature of the land is such that they can only go up. He stated it is 3.8 acres of land; they plan six units per floor; the building will be 12 stories plus a lobby which would make it 13 stories in height.

Mr. Jake Wade, representing the Myers Park Homeowners Association, stated this group has appeared before Council before, and at that time they advised Council they had two purposes in mind. One purpose was to protect the beauty and integrity of Myers Park. Second purpose was to protect Myers Park from adverse effects of multi-family zoning and particularly from high rise and high density zoning. He stated City Council in its wisdom saw fit to deny their request, and did not take the action suggested by the Planning Commission to achieve the first objective.

He stated they feel the ordinance is a step toward their second objective to protect their area and other areas from the adverse effects of high density and high rise development. He stated they approve the idea of an ordinance limiting the height of buildings in residential areas. At the same time they have strong reservations about the present wording of the ordinance as now proposed. One, it is a height restriction rather than a height limitation. Two, the height is 80 feet and they feel 80 feet is much too high. They feel that 40 feet is a more reasonable height. Three, the ordinance does not call for a hearing in the event someone wants to exceed the 80 feet; it could include a provision calling for a hearing in the event a person wants to exceed the height.

Also speaking was Mr. Phillip Garrick, representing the Parking Mobile Company of New York City.

Mr. Ralph Howie, representing the Community Facilities Committee of the Board of Realtors, stated the Board of Realtors agree that a change in this section of the zoning ordinance may be desirable. Due to the importance of the change and the effect it may have they recommend additional study of the proposed change prior to its enactment. The wording in Section 2(e) where the proposed ordinance states - "It will contribute to a desirable overall development pattern for the area, will be compatible with existing or probable future plans and will not unduly shadow adjoining single family homes", leaves a very questionable area of lack of guidelines in who will determine what is desirable or what is not desirable.

Mr. Bill Allan stated a good many are opposed to this ordinance; they think the terms could be softened if Council does decide to pass this. If this could be limited to properties that adjoin single family neighborhoods it would take care of good many of the problems. That it would seem obvious to him that in the midst of a multi-family district where other apartments are around there may be office zone next door and a business to the rear, then this ordinance should not apply under those circumstances. That he thinks we should be a little more careful as the purpose is to prevent it overshadowing a house next door, and the way it is written it will prevent them in places where you are not trying to prevent them.

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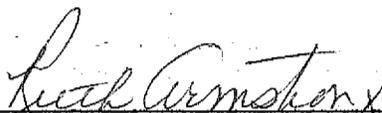
Councilman Harris stated this ordinance is not a prohibition about building above a certain area; it is a matter of bringing this situation before Council to have a special permit granted. It is not a prohibition above 80 feet. Mr. Allan replied that is fine, and it is Council's right to pass that if they choose; but he thinks in certain circumstances the builder, developer and property owner should have that as a matter of right where it is obvious that the effect of the law is not intended.

During the discussion, it was pointed out by the City Attorney that no public hearing is required for a special use permit.

Council decision was deferred for a recommendation of the Planning Commission.

ADJOURNMENT.

Upon motion of Councilman Harris, seconded by Councilwoman Locke, and unanimously carried, the meeting was adjourned.



Ruth Armstrong, City Clerk