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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber in the City Hall, on Monday, December 18, 1967, at 2:00 o'clock p.m., with Mayor Stan Brookshire presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall and Jerry Tuttle present.

ABSENT: Councilman James B. Whittington.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its public hearings on Petitions for changes in zoning classifications concurrently with the City Council, with the following members present: Chairman Toy, and Commissioners Albea, Ashcraft, Godley, Sibley, Stone, Tate, Turner and Wilmer.

ABSENT: Commissioner Gamble.

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INVOCATION.

The invocation was given by Councilman Milton Short.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the Minutes of the last meeting on Monday, December 11th, were approved as submitted.

HEARING ON PETITION NO. 67-82 BY MAUDE H. FINGER, ET AL, FOR A CHANGE IN ZONING FROM R-9MF TO R-12 PROPERTY ON RUMPLE ROAD BEGINNING AT THE WESTERMOST CORNER OF THE GEORGE W. RAWDON PROPERTY AND EXTENDING ALONG RUMPLE ROAD TO A POINT NORTH OF RIDGE LANE ROAD.

The public hearing was held on the subject petition on which a protest petition has been filed and found sufficient to invoke the 20% Rule requiring the affirmative vote of six Councilmen in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, advised this petition was filed by a number of property owners to upgrade the zoning from its existing multi-family classification to a single family one; the property is located primarily along Rumble Road, which is a road which leads out of the Derita community. The area is about 3,000 feet long and about 1200 feet in width; it extends on both sides of Rumble Road; it has a number of single family residences on it but is primarily vacant as a whole; there are several single family residences along Rumble Road and about five or six mobile homes on the adjoining property.

Adjacent to the subject property is a subdivision which is subdivided for single family residential purposes; it is partially built up by houses but the area is predominately vacant. There are scattered single family residences at the end of Rumble Road; back in the Derita area, along Sugar Creek Road is the school, a shopping area and service station on the corner, a doctor's office building; there are other single family areas along Rumble Road and Hunter Avenue.

The subject property is zoned R-9MF as is all the property from the edge of the subject property coming back into Derita; there is some business zoning in the Derita area and other than that, the area is zoned R-9; from the subject property eastward and northeastward is R-12.

Mr. John Hasty, representing the petitioner, stated this is a petition in which eight families who live in the area have brought a petition which is supported by all of the surrounding property/^{owners} of the Derita community asking that this area be changed from its present zoning status of R-9 multifamily to a single family residence zoning of R-12.

He stated they feel it would make the area more nearly conform with what is already presently developed there. All of these petitioners are residents of this area; the opposition is by Mr. Davis Robinson, who does not live in the area but owns a substantial amount of property in this area.

The land is generally wooded; it has several developments on it; a good many of the residences involved in this particular area cost in excess of \$20,000. He passed around some photographs and stated these are substantial homes. He also presented a map noting the area which is all single family zoning in comparison with the area represented in this petition.

He stated in 1962 when this ordinance was passed, it was the predominate feeling and plan of the community that this area be developed as single family residential property; that the vast majority of the area is zoned single family dwelling. The main purpose which R-9MF can serve in its present location would be that of a buffer zone between the businesses in the Derita area and the residentially zoned properties; that since that time, this has developed into a nice, single family residential area. That the buffer zone which was originally put there to protect these residents is going to work a hinderance or degrade the area.

There are two main roads, or arteries, which feed into this residential area; Rumble Road and Neal Road. As Rumble Road winds into the very heart of this residential section, it does not and cannot if used for apartments, provide a buffer from this business area; it in turn allows the very thing which is being sought to protect the growth in this residential area.

Mr. Hasty stated the traffic by the Derita School would be increased if this were developed in that way. If there is any doubt as to Mr. Robinson's intentions for this property, this petition was filed on the 2nd of November of 1967 and on the 24th of November, he applied through Waters Construction Company and obtained a permit to build a building two stories in height, 75 feet long and 29 feet wide, with five apartment units in it to front on Rumble Road right in the center of the entrance of the entire residential area.

That petitioners ask that Council not allow this zoning to continue and allow the degrading of these nice homes; these people have considerable investment and they ask Council to consider that the streets not be congested; to promote the welfare and general health of the community; to prevent overcrowding of land; to avoid undue concentration of population; consideration for future growth and development in the city and its perimeter area, preserving the existing environment and assuring the development of the future.

Councilman Short asked who the legal property owners are? Mr. Hasty noted on a map the names of the owners involved and pointed out the positions of the homes as stated on the photographs.

Councilman Short asked Mr. Kiser if this is a case where someone was trying to get someone else's land rezoned? Mr. Kiser stated yes that anyone can petition for rezoning; that we have had similar cases before.

Mr. Marshall Haywood, representing Mr. Robinson, stated his client owns all the property north of the zoning line comprising at least half of the area requested to be changed and he does not oppose the rezoning of the property to the south/^{and} asks that Mr. Robinson's property be left as it was zoned some five years ago. That no changes have been made in about five years and Mr. Robinson has been waiting for his property to become more valuable and it is now more valuable and he has applied for a permit to build apartments in this area. Mr. Robinson has had the property surveyed and plans a 65-foot wide street into his property with the first apartment on the edge of Rumble Road. That he and his two sons plan to proceed with this project and to build additional apartments in this area; that it may be up to ten apartments.

That a rumor was circulated that Mr. Robinson was going to build some one story concrete block, low-rent, cheap apartment buildings and he would agree that such construction would not be compatible with this neighborhood; that the homes out there are nice and deserve a decent surrounding area, however, the projects Mr. Robinson has planned would not degrade the area; it would upgrade the entire area.

He stated there are at present no apartment buildings in this area; the nearest apartment complex would be found back in the City of Charlotte on Craighead Road. That they feel there is a demand for this type of building in this area and would not plan on building if they thought it would not be profitable.

Mr. Haywood read Council a letter which Mr. Robinson's son wrote to these residents explaining that the apartments will consist of five units, each unit consisting of 846 sq. ft. of heated space, wall-to-wall carpeting, stove and refrigerator, washer connection, two bedrooms, one and one-half baths and will be air-conditioned. That this is obviously not junk-type construction; that these apartments will be a real benefit to this neighborhood; they plan to rent in the area of approximately \$90.00

That on Mr. Robinson's property, there are approximately five trailers in a park and they plan to remove these trailers. Mr. Haywood read the reply of one of the petitioners, Mr. Everett McConnell who stated that since the time he signed the petition circulated by W. F. Carter, et al, he now feels that no one group should be allowed to change any man's property zoning without his approval. The purpose of the zoning, as he understands it, is to benefit all property owners alike, not any special few or their particular desires and since this property in question was originally zoned by the Commission with a plan, he thinks it should stay as zoned until every property owner agrees for a change to be made.

That Mr. McConnell has now withdrawn from the petition and he feels these people would not be too upset now that they know what is planned; that Mr. Robinson would like to have his property remain as it is now zoned.

Councilman Short asked if you would have to ride through the other property to get to Mr. Robinson's property? Mr. Haywood stated that although this is true, there is a road which does not show on this map and that road can be opened and utilized so there would be at least two entrances into this property; that it may not be necessary to utilize Rumble Road; however, at the present time that is the only road but the other road can be used.

Councilman Tuttle asked Mr. Hasty if all or virtually all of the people except Mr. Robinson were in favor of this zoning and to comment on Mr. McConnell change of mind? Mr. Hasty stated Mr. McConnell called him and stated he wished he wasn't in it one way or the other, and he feels that Mr. McConnell found himself in an embarrassing position in not wishing to offend anyone, that he owns adjoining property and does not want to get involved. That all the other property owners still wish to rezone. Councilman Tuttle asked Mr. Hasty if all interested parties knew about this request for a change and were able to come here to object if they wanted to. Mr. Hasty stated yes.

Councilman Short asked if there is any kind of natural buffer at all between the land of the two contesting parties? Mr. Haywood replied not to his knowledge; primarily there is open land with a few trees toward the west side of the property but not actually between the properties involved.

Council decision was deferred until the next Council meeting.

HEARING ON PETITION 67-83 BY BARBECUE FOODS, INC., FOR A CHANGE IN ZONING FROM R-9MF TO O-6 OF A LOT 50.3' x 140.2' ON THE SOUTH SIDE OF PURSER DRIVE BEGINNING APPROXIMATELY 175' EAST OF EASTWAY DRIVE.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated the subject property is one small lot on the south side of Purser Drive, near Eastway Drive and Plaza Road; that the predominate land use feature in this area is Garinger High School.

The subject property has on it a small structure which is unoccupied; it is adjoined on the Eastway Drive side by a building that is used by Barbecue Foods for a combination office and commissary. Along Eastway Drive is a small upholstery shop, a small restaurant; across the street, at the intersection of Sugar Creek Road and Eastway Drive, there is a new service station, then the Westinghouse Industrial Facility; on the east side of the property, it is all developed along Purser Drive and along Fincher Drive for single family residential purposes.

That there is considerable vacant property to the south of the subject tract, down Eastway Drive; as you come down Eastway Drive, toward Shamrock, there are several single family homes, there is an apartment complex along Audry Street. The zoning of subject property is R-9MF as is everything east of it along Purser Drive and along Fincher Drive; R-9MF zoning also extends across Eastway on to the Garinger School property and everything south of Sugar Creek Road; there is some I-1 zoning that comes down Eastway Drive from the Southern Railroad on both sides of Eastway down to Sugar Creek Road and includes the corner property that is presently occupied by Barbecue Foods.

There is some office zoning on the north side of Southern Railroad and then some single family zoning. Mr. Bryant stated the corner property is I-1 and the petitioner is using it as a combination commissary and office; that they do not serve food to the public.

Mr. L. H. Renninger, the petitioner, stated this building serves as a storage place for catering and one room for an office; that they need additional office space and this adjoining building is rather run down and they want to improve it and have an option providing they can get it rezoned; that the building would be used for office only; that they will not be using the other building for office space if they get this property rezoned. Councilman Tuttle asked if the change is made, can the petitioner use it for other purposes? Mr. Bryant stated no, for office use only.

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No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next Council meeting.

HEARING ON PETITION NO. 67-84 BY J. P. HACKNEY, JR. FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF A LOT 66' X 193' ON THE NORTHEAST SIDE OF EAST SEVENTH STREET BEGINNING 132' SOUTHEAST OF PECAN AVENUE AND CHANGE FROM R-6MF TO B-1 A LOT FRONTING 66 FEET ON THE SOUTHEAST SIDE OF PECAN AVENUE BEGINNING 193 FEET NORTHEAST OF EAST SEVENTH STREET.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant stated the subject property is made up of four separate lots as far as the original subdivision plan is concerned; the two corner lots on Pecan and Seventh are already zoned for business purposes, and is occupied primarily by a huge single family residence; the additional two lots, one facing Seventh Street and one facing Pecan Avenue are the two on which the change is requested.

There is one single family residence on the property at the present time; around the intersection of Seventh and Pecan, there are a number of commercial uses with several other commercial uses located on the corner; on the corner of Caswell and Seventh, there is a Pure Oil Service Station, another service station fronting primarily on Seventh Street, a 7-11 Store and also the offices of the 7-11 Chain. As you go out Seventh Street, there are a number of apartments and rooming house-type residences in this area down to Ridgeway; on the northeast side, there are several single family residences with the exception of a duplex on the corner of Clarice and Seventh Street.

Directly behind the property on Pecan Avenue is the City of Charlotte Water Tank. Across from the subject lot is an electrical contractor's facility, a vacant lot and a single family residence and on the corner is another duplex at the corner of Eighth Street.

Down Eighth Street, there are several non-conforming uses in the area including a sheet metal business and several other buildings of warehouse-type structures. Other than that the area is developed extensively with single family residences.

The zoning of the subject property is B-1 out East Seventh Street, out Pecan Avenue and includes the first two lots on the corner which is under the same ownership as the subject lots. Across the street on Seventh, it is zoned for B-1 purposes; the subject lot on Seventh Street is now zoned O-6 as is everything on both sides of Seventh Street, continuing outward for several blocks. The subject lot on Pecan Avenue is zoned as R-6MF as is everything along Eighth Street, Pecan, Ninth and all the rest of the area.

Mr. Robert Hovis, Attorney for the heirs of J. P. Hackney, Sr., stated the Hackney property is located at the northeast corner of Seventh and Pecan and the old Hackney homeplace is located on it and is 55 years old. Due to the change in the neighborhood, this property is no longer suitable for residential purposes and the City recognized this some time ago when they rezoned the corner B-1.

He stated directly across from the Hackney property, on the southern side of East Seventh Street, is a food store and offices; adjoining that is a large Atlantic Oil Company Station; at the intersection of Caswell and East Seventh Street, is a Pure Oil Service station; directly across Pecan from the Hackney property is a business equipment store, a shoe store, an A & P Food Store, and then the neighborhood shopping center of which Stanley Drug is

perhaps the largest occupant; next to that is a fabric shop, a laundromat, a cleaning establishment, a laundry pick-up station, a beauty parlor and a florist shop. On Pecan, directly across from a part of the Hackney property is Allen Electric Company and they have a show room there. Adjoining that, to the rear of that building, are two storage places, adjoining that is a metal shop and another storage shop. Directly to the east of the Hackney property, fronting on Seventh Street, is the place of business of Sam Butler, Inc. which is a textile yarn concern; then at the rear of the Hackney property, and adjoining it and running all the way to East Eighth Street, is the large water storage tank of the City of Charlotte.

Mr. Hovis stated that he does not think any principal investor would put up a dwelling or apartment or even a duplex on that multi-family lot next to the water storage tank as they would not want such a building right in the shadow of the large storage tank which is rather unsightly.

He stated they feel the most sensible and the most practical use for this entire tract is to let it be developed as a business tract of land. The rather small lot which is now zoned O-6, fronting on Seventh Street, is too small to provide office structure and furnish adequate parking, as much as we need it today. The same thing can be said of the rather small lot which is at the rear of the Hackney property, zoned R-6MF; adequate parking could not be provided if you put up an apartment on that property. That the Hackney home has got to be torn down as it is not practical to remodel; that this property was not acquired for this purpose; it has been in the family and has been used as part of their homeplace since 1910. They feel the entire tract of land should be zoned for business in order to permit a development of the property which will utilize its most productive use.

Councilman Smith asked Mr. Hovis if he would have a hard time trying to finance an apartment complex? Mr. Hovis replied yes, the land is absolutely useless unless you can use it as a part of a business establishment for parking. No one is going to spend money in the shadow of the 100-foot tank.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next meeting of Council.

HEARING ON PETITION NO. 67-85 BY WILLIAM TROTTER DEVELOPMENT COMPANY, ET AL, FOR A CHANGE IN ZONING FROM R-9 TO I-1 OF A STRIP OF LAND ABOUT 550 FEET WIDE LOCATED SOUTH OF ORR ROAD AND GRIER ROAD, AND EXTENDING FROM THE VICTOR ORR PROPERTY TO NEAR THE W. E. HOOK PROPERTY.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated the subject property lies to the rear of some existing I-1 zoning which is already laid out along Orr Road so that this tract of land lies to ^{the} rear of that existing industrially zoned property and then is separated from the Hampshire Hills Residential area by some distance; this property lies roughly between Orr Road and Hampshire Hills Subdivision.

The subject property is predominately vacant although there are two or three single family residential structures on the property; it is bounded on Orr Road side by property which is mostly vacant; and on the other side of Orr Road are several mobile homes. As you come out Orr Road, coming in to Hickory Grove-Newell Road, there are a few additional single family areas; there are a couple TV towers; then the Hampshire Hills area; the St. John's Baptist Church is located on a road which comes off the Hickory Grove Newell Road into the property.

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The zoning is I-1 along Orr Road for the most part up to an 800 foot depth until it hits the property lines and then it follows the property lines to an irregular area. This request is for an increase in the existing depth of the industrial zoning coming off Orr Road; the petitioners are the people who own property that extends all the way out to Orr Road and wish additional depth to their industrially zoned property. Other than that, the area is all zoned R-9.

Mr. W. O. Yomen, one of the petitioners, stated they wish to have this property rezoned as the present zoning is too small for a business interest to settle there; it is not wide enough and they would like it extended further.

Mr. H. A. Berry, Jr, Attorney for William Trotter Development Company, stated they are asking that the existing I-1 be made deeper; at present the I-1 extends from Southern Railway to a depth of about 800 feet, except on the extreme edge where it goes about 1,000 feet; that the line has been proposed to extend it about 500 feet on the average which will give a depth on Orr Road of from 1300 to 1400 feet, on the end where it comes out to about 1500 feet

He stated there is a trailer park located in an R-9 area and is a non-conforming use; and Mr. McLaughlin who owns and operates the park would like it to be rezoned to make it a conforming use. Mr. McLaughlin would have been here today except he has the flu. It is the feeling of the people they are in a situation where they actually live on property which is already zoned I-1 and yet the amount which is zoned I-1 is not large enough to be suitable for that classification. They do not have any specific project in mind and did not acquire the property for this purpose; that most of them have owned the property for some time with the exception of the Trotter Development Company who intends to develop the lower end of it for single family residential uses, but have no plans as far as the industrial area is concerned. He stated the residences are already there in an industrial area and they are asking to extend the industrial on an average of 500 feet which is the logical zoning for the property.

No objections were expressed to the proposed change in zoning. Council decision was deferred until the next meeting of Council.

HEARING ON PETITION NO. 67-86 BY MARLAN C. KING, ET AL, FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF A TRACT OF LAND AT THE NORTHEAST CORNER OF SOUTH TRYON STREET AND FREELAND LANE.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is located at the intersection of South Tryon Street and Freeland Lane across from the Clanton Memorial Church; the property is vacant except for a machinery parts company; the property to the north and east is utilized entirely for single family structures; along Ellenwood Place and Yorkshire Drive, it is also single family use. Directly across Tryon Street at the Bowman Road intersection are single family structures, a contractor's facility, vacant lot and grocery store, and then single family developments. The zoning is I-1 along both sides of South Tryon Street north of Yorkshire Drive down to Freeland Lane on the east and just beyond Freeland Lane on the west. There is industrial zoning along Tryon Street in the Clanton Road area extending out to the business zoning. The property is adjoined on the east by R-6MF and by R-6MF on the south and west of the business zoning on Tryon Street.

Mr. Marlan King, the petitioner, stated they want to be able to develop the property for B-2 use and he has talked to the adjoining property owners and none of them are against the change. He stated he has several plans in mind but nothing definite.

No objections were expressed to the change in zoning.

Council decision was deferred until the next Council meeting.

HEARING ON PETITION NO. 67-87 BY MARY P. SMITH FOR A CHANGE IN ZONING FROM O-15 TO B-1 OF A TRACT OF LAND 300' x 839' AT THE NORTHEAST CORNER OF NATIONS FORD ROAD AND GENERAL YOUNTS EXPRESSWAY.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated this request is in an area where Council has had several other requests recently; it is at the intersection of Nations Ford Road, leading out of town, and the General Younts Expressway; there is an interchange constructed at this point between the expressway and Nations Ford Road.

The subject property is on the northeast corner of Nations Ford Road and the Expressway and faces approximately 200 feet on Nations Ford Road and has a total of about 4 acres in the tract; it is adjoined on the north side by vacant property; across Nations Ford Road are single family structures, Belk Presbyterian Church is just up the road; farther up Nations Ford Road are single family residences.

Across the Expressway on the southeast corner is located a mobile home area and then farther south is a small grocery type store, then residential area; across from the subject property is predominately vacant with one residence near the intersection at the Expressway.

The zoning of subject property is B-2 and O-15; to the west is R-9 zoning; to the north of the property is zoned O-15 and then it goes back to R-9 farther north.

Mr. Ben Horack, representing the petitioner and Humble Oil Company who has an option on this property stated Humble Oil proposes to build a station at this location and it is unclear to him how this property was zoned O-15 in the first place. He asked Mr. Bryant if this was zoned prior to the plans for the Expressway? Mr. Bryant replied it was; at that time there was a rather large area of industrial uses that were envisioned between the expressway and Pineville Road with the office zoning being set up as a transition area from that into the single family residences. That it was thought eventually there would be a need for some office zoning in this area.

Mr. Bryant stated the industrial concept has been somewhat changed by the introduction into this area of a large predominately single family residential section of the Ervin's Montclair-South residential subdivision to the west of Pineville Road so that partially the reasons for this office zoning has been changed since it was originally zoned.

Mr. Horack passed photographs to Council showing the topography of the land area and what is located in the neighborhood. He stated there is a large Duke Power Tower right-of-way that puts a barrier against this property and he feels this request is self-evident because this station is designed to serve the traveling public not only on the expressway which does need the facilities but also several subdivisions up and down Nations Ford Road which need traveling accommodations and facilities.

Mr. Horack read a statement by a Mr. Rhinehour, a member of the Executive Committee of the New Jersey Petroleum Capital: "It is incredible that our Federal Government should have determined to build 43 thousand miles of interstate highway and provide for no services of any kind anywhere on these roads. It is shocking to note that many communities have zoned the areas

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where cars may gain access to and from these highways as residential areas. What is a traveler to do when he needs personal or car service?" A few months ago a part of a letter in the 'Letters to the Editor Column' of a certain newspaper read: "The most beautiful site in the world to this driver is a gasoline service station and lunch station just as when you are running out of gas, have a slow leak in your left tire and you need a cup of coffee and the kids are yelling for the potty".

No objections were expressed to the change in zoning.

Council decision was deferred until the next meeting of Council.

HEARING ON PETITION NO. 67-88 BY ERVIN INDUSTRIES FOR A CHANGE IN ZONING FROM R-12MF AND R-6MF TO O-6 OF A TRACT OF LAND FRONTING 150 FEET ON THE NORTH SIDE OF ALBEMARLE ROAD AND EXTENDING NORTHWARD 625 FEET.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this property is on the north side of Albemarle Road, going away from Charlotte, and lies between Campbell's Creek and the Lawyer's Road intersection with Albemarle Road.

The subject property is a rectangular-shaped tract of land with a frontage of 150 feet on Albemarle Road going back in excess of 600 feet and widening to about 200 feet in width at the rear of the property.

The land uses in the area are scattered, mostly vacant land; there are three houses across the street from it; there is a farm-house nearby; other than that, the area immediately around it is entirely vacant. Back towards Wilora Lake Road intersection, near the Central Avenue intersection, are several uses including some business uses, a restaurant and a service station. There are single family uses on the north side of the road around Jenkins Drive and Wilora Lake Road.

The zoning is B-1 around the Wilora Lake Road; there is single family zoning from that point over to Campbell's Creek; on the north side of Albemarle Road is a strip of B-2 zoning that extends from the creek out to the subject property; the B-2 zoning is adjoined on the north by R-6MF zoning and on the east by R-12MF, on the south by R-9MF zoning so that it is predominately surrounded with multi-family zoning. There is some single family zoning to the north; the subject property is a request for office zoning and would parallel the B-2 zoning and extend slightly to the north.

Mr. Ben Horack, representing the petitioner, stated the objective of this request is to get a 200 foot wide strip which can be used for O-6 purposes; the front part now is B-2 and the back part is now R-6MF; 50 feet of the already existing B-2 can be used for the proposed O-6 use so they only need 150 feet on the front part but 200 in the back.

He stated the proposed use for this property is for a neighborhood post office branch building and passed around schematic layouts showing what is proposed. That the Post Office people have an option to acquire this property and this is why it needs the O-6 zoning in order to permit this use; when Postal Authorities select a site, they do it only after rather exhaustive studies of need in the general area to be served by a branch post office.

Mr. Horack stated Mr. Joe Grier owns the property adjoining the subject property with the exception of three lots and he has indicated his approval; that

Mr. Theiling who owns the house next to it has indicated his definite approval of this request and he has been informed that the Belks and others have said they approve this change.

Commissioner Toy asked Mr. Horack what was planned for the rest of the property? Mr. Horack stated the rear part will be supplemental parking for the postal facility, but he did not know the details.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next meeting of Council.

HEARING ON PETITION NO. 67-89 BY D. M. KING FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF A LOT 203' x 220' AT THE SOUTHEAST CORNER OF SUGAR CREEK ROAD AND ARGYLE DRIVE.

The public hearing was held on the subject petition on which a protest petition has been filed and found sufficient to invoke the 20% Rule requiring the affirmative vote of six Council in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is at the intersection of Sugar Creek Road and Argyle Drive; it is occupied at the present time by one house on the corner, there is also a vacant portion of the property which lies between the house and an existing grocery store that is just off the edge of the property; then a furniture store and several additional business uses continuing on southward along Sugar Creek Road, including a service station, minute market, and other service stations.

Immediately north of the subject property is the Sugar Creek Baptist Church; across Sugar Creek Road there are several single family houses, to the east of the property is a small office building used at the present time as an office for an accountant; then, adjacent to that eastward are three residential structures, vacant lots and then you get into the large single family developments, primarily Hidden Valley and the other subdivisions in this community.

To the west of Sugar Creek Road, in addition to the single family housing along the frontage of Sugar Creek Road, are additional several small residential subdivisions in this area and is predominately single family developments.

There is a large area of B-1 zoning extending from the subject property southward, down to and past Cinderella Road and back eastward for a considerable depth, the front part is developed and otherwise the property is vacant. Across Sugar Creek Road from the business zoning is O-6, and the subject property is zoned O-6. The office zoning extends up to Argyle Drive; the area to the east, north and west is all zoned for single family residential.

Mr. Roy McKnight, Attorney for the petitioner, stated approximately three years ago this property was rezoned from residential zoning to its present office zone. At that time Mr. King had asked that it be zoned for business and the Council and Planning Commission saw fit to go along with the office zoning. The adjoining business property is owned by Mr. King and he has a small grocery store lying to the south.

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Mr. McKnight stated they are asking that only a portion of Mr. King's property be rezoned for business purposes; there is an existing office building which is under lease to an accountant and they have left a 55 foot strip of land between the residential property on Argyle Drive. There is a building on that property which sets some six feet off the property line adjoining the residential property; the building measures some 28 feet in width so in effect there is an area with a six foot setback line, a building some 28 feet in width and will leave an additional 23 feet for ingress and egress to the property which will remain office. Mr. King plans to provide a community facility for the large residential community which is lacking at present. He will enlarge and improve his own facility and plans to develop and lease a drive-in dry cleaning establishment; a sundry shop; he stated the present plans call for the widening of Sugar Creek Road west.

Mr. McKnight filed with the clerk a letter from the Minister of Sugar Creek Baptist Church in which it was stated the Board of Deacons met and it was their opinion that the rezoning should not be opposed.

He stated in connection with the protest, it was filed by Mr. Herbert Eye and it sets forth that this will substantially reduce the value of his property. Mr. McKnight stated if the property can be hurt, it has already been hurt to the extent that it will be hurt; the property is zoned office, all the property behind his property is zoned for business, the property between him and Sugar Creek have an office classification.

He stated Mr. King intends to develop his property in such a fashion that it will be a benefit to the neighborhood and will increase any property value that Mr. Eye is complaining about. That Mr. King has personally or indirectly contacted the other property owners in the whole neighborhood including those which adjoin the protest petition and they voice no objections. The whole area is in favor of this zoning change. He stated there are personal feelings between these parties which he is convinced prompted the protest petition to be filed. That he would prefer that any matter stand on its own merit regardless of what some neighbor may have to say.

Mr. McKnight stated the protest petition contains the signature of both Mr. Eye and his wife and it is his opinion that the petition does not throw this into the 3/4 vote. Mr. Kiser, City Attorney, stated it is true the petition is signed by both the husband and wife and this is the property owners for one piece of property. The requirement for invoking the 3/4 Rule, simply put, is they draw a line 100 feet from each of the sidelines and anyone owning property within that 100 feet may sign the protest petition and if when they sign they own at least 20% of the property within that area, that is sufficient to invoke the Rule; in this case, that is what has been done.

Mr. Robert Bradshaw, Attorney for Mr. and Mrs. H. E. Eye, stated they own the property directly across from the church property on Argyle Drive, and Mr. King's property fronts on Sugar Creek Road.

When the zoning ordinance was adopted the B-1 areas was provided as a Business District for the Hidden Valley Area. If an error was made when the zoning ordinance was adopted it was that more B-1 was provided than necessary. That the area over to Cinderella Avenue is B-1 and is undeveloped. Three years ago when a similar petition for a B-1 classification was sought, this group declined that petition on the assumption that no additional need for B-1 zoning was shown. Nothing has transpired in this intervening period that shows any greater need for a business classification in this area. With the increased development of the shopping center on

Sugar Creek and North Tryon, the need has declined. That there is no great mass of people coming in to protest the zoning as there are not that many people affected by it; this is simply one home owner who is faced with a petition for rezoning which he feels will affect the value of his property as a place to live. That existing B-1 property is available for the needs of this neighborhood and has been ever since the zoning ordinance was adopted several years ago.

Mr. Bradshaw stated there is a flow of traffic from Argyle Drive through what is now an O-6 zone into the parking area that serve Mr. King's business; and that has been a source of difficulty between these parties.

Decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 67-90 BY CARMEN V. BURKE FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF A 6.68 ACRE TRACT OF LAND ON THE SOUTH SIDE OF MORRIS FIELD DRIVE ON THE WEST SIDE OF TAGGART CREEK.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is across the road from a portion of the airport property, and has about 586 feet on Morris Field Drive extending from Taggart Creek to the west toward the airport and consists of about 6 and half acres of land all together; it has on it one single family residence and otherwise it is vacant. The only non-residential use in the immediate vicinity is the Jackson Container Company facility on the corner of Taggart Creek and Morris Field Drive. On the west side of the subject tract is a series of single family residences extending for some distance out towards Airport Drive, with a small residence at the intersection of Airport Drive and Morris Field Drive, and a duplex fronting on Morris Field Drive.

The zoning of the subject property is R-9 as is all the property on the south side of Morris Field Drive and on the west side of Taggart Creek, extending over to Airport Drive. The airport property to the northwest of Morris Field Drive, as well as the property used by Jackson Container Company, and some additional property is I-2. Across Taggart Creek from the subject property there is R-6MF. The subject property is bounded on one side by R-6MF and on the other side by industrial and on the west side by single family.

Mrs. Carmen Burke, the Petitioner, stated the rezoning of this property will permit them to enlarge their home so they can accommodate two elderly aunts who will make their home with them.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next council meeting.

HEARING ON PETITION NO. 67-91 BY CATHERINE SIFFORD LEE FOR A CHANGE IN ZONING FROM R-6MF To B-1 OF A 1.15 ACRE TRACT OF LAND AT THE SOUTHEAST CORNER OF MT. HOLLY ROAD AND HANSARD DRIVE.

The public hearing was held on the subject petition.

The Assistant Planning Director stated the property is at the intersection of Mt. Holly Road and Hansard Drive. That this is very near the edge of the

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zoning jurisdiction of the City of Charlotte. Subject property has on it an office structure and otherwise it is vacant. To the rear and along Hansard Drive is an area that is predominately developed for single family usage; there is a small area of mobile homes adjacent to the railroad and a business that has a good bit of construction equipment parked on the property. Across Mt. Holly Road from the subject property it is predominately vacant with a small mobile home site, an automobile junk yard, a single family house and then a grading and paving contractor's storage area and an office building directly behind a residence. Otherwise there is single family residences along Mt. Holly Road; coming toward town are several scattered single family residences and a combination grocery store and service station.

Everything on the north side of Mt. Holly Road is zoned I-1, and everything on the south side is R-6MF down to the railroad.

Mrs. Catherine Lee stated she has an office building on the property that she would like to remodel so that it will go better with the homes in the area; that she also has a building contractor in her office and wants to add another building to the side of her office for a dress shop. That she is a draftsman and would like her office to look nice because of the drawings she makes for homes. That the property adjoining her on the east is a rental house and sits back in the woods and the rezoning of her property would not affect any of the homes. She lives behind the office building that she would like to remodel.

Councilman Short asked if the present activity is non-conforming and Mr. Bryant replied that it is.

Mrs. Lee stated she has lived here for the past five or six years and has a well-established business and has raised three children alone. She presented sketches of the building she proposes to build which also shows the new front of the present building.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next Council meeting.

HEARING ON PETITION NO. 67-92 BY HOBART SMITH REALTY COMPANY FOR A CHANGE IN ZONING FROM R-9MF TO B-2 OF A 8.666 ACRE TRACT OF LAND BEGINNING 400 FEET WEST OF NORTH TRYON STREET ON THE SOUTH SIDE OF TOM HUNTER ROAD.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property is actually an extension of the business zoning along North Tryon Street which is now zoned for a distance of 400 feet - this would extend it back in excess of another 400 feet to a total of approximately 800 feet depth back from North Tryon Street.

The property is vacant as is most of the property around it; along Tom Hunter Road is a scattering of single family residential uses through the area; there is Hunter Road Baptist Church and along North Tryon Street is a scattering of mixed uses, Bel Air Motel, a mobile home park, a gasoline service station, a furniture store, with a small scattering of mixed uses.

The area to the west is predominately vacant. The zoning at the present time is B-2 along both sides of North Tryon Street through the area 400 feet in depth on the west side of the road; beyond that point, it is zoned R-9MF for a considerable distance back until you get to Monteith Street all the way up to I-85.

On the opposite side of the street the zoning is R-12 after you get past the business zoning. The subject request is from R-9MF to B-2.

Mr. Sol Levine, representing the petitioner, Hobart Smith Construction Company, stated the request is to have area changed from R-6MF to business. That their plan is not to just change one piece of property. There are approximately 8,500 to 10,000 residents in that area and the closest shopping center is Tryon Mall which is several miles away; they intend to build on this tract a shopping center, multi-family townhouses and a recreation area. He presented to Council a map showing the proposed site for the shopping center, with the area for single family dwellings, apartments, shopping center area designed to give adequate parking and adequate facilities for all concerned. He pointed out the recreation area and the townhouse area and stated it will be a multi-million dollar development and they are asking that this portion of the property be rezoned to business which is in effect asking for an extension of the present zoning to include the subject portion.

Mr. Levine stated the part which is already zoned is 5.6 acres and the part requested to be zoned is 8.92 acres; the multi-family aspect involves 72 acres but only 8.92 needs to be rezoned to give adequate parking for their proposed plan for the shopping center. That this will be good for the people out in this section as it will be the only shopping center near this area. He presented a picture showing how the shopping center will look when completed and stated no one has complained about this change as it will be beneficial to everyone in the entire area.

Mr. Levine stated Hobart Smith already owns all the entire project area and is ready to go ahead with it as soon as it has Council's approval.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next meeting of Council.

HEARING ON PETITION NO. 67-93 BY GEORGE GOODYEAR COMPANY FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF A 6.887 ACRE TRACT OF LAND ON THE SOUTH SIDE OF WOODLAWN ROAD BETWEEN MURRAYHILL ROAD AND FAIRBLUFF PLACE.

The public hearing was held on the subject petition on which a protest has been filed and found sufficient to invoke the 20% Rule requiring the affirmative vote of six Councilmen in order to rezone the property.

The Assistant Planning Director stated the subject property is on the south side of Woodlawn Road and is almost directly across the road from the existing commercial structure at Rockford and Woodlawn which was the source of a petition sometime back to permit in the zoning ordinance a wholesale jewelry operation in B-1.

The area is predominately developed with single family residences; the jewelry facility is already in there; there is a personnel service office there, a doctor's office, a beauty shop and several small uses; there is a day care center for the care of small children, the Grace Methodist Church Building.

The subject property has a couple single family residential structures on it and is adjoined on the Park Road side by single family structures and then a number of single family structures down Fairbluff Place. To the rear of

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subject property is single family residential structures along Murrayhill Road.

The zoning of the area at the present time is R-9 with the exception of the small lot at Rockford and Woodlawn which is zoned B-1.

Mr. Phil Forlidas, representing himself and his brother, Angelo Forlidas, stated they have the subject land under option from the George Goodyear Company subject to rezoning.

He stated the property is composed of 11.3 acres with a frontage on Woodlawn of about 400 feet and has an average depth of 700 feet; this site is heavily wooded and part of it has been filled; a creek borders to the rear of this site, separating it from the residences at the rear. They are asking that 8.5 acres be rezoned, leaving 2.8 acres as a buffer zone. These 2.8 acres consists of a 100-foot buffer zone between the rear of the property and the adjacent lots. The sides of the project are adequately buffered by large single family lots and no apartment building will be closer than 300 feet to any house on Murrayhill Road and this 300 feet is heavily wooded. This buffer area will screen the apartments from the single family houses and they feel it will be acceptable to the neighborhood. There is a need for more apartments in this part of the city; the Park Road Woodlawn Road area is rapidly becoming the second largest area for apartments in the city; the last 18 months has seen the start of more than 500 units. This area is in heavy demand for apartments and the vacancy rate for apartments built in this area is extremely low. Construction of new single family residences on this land is unrealistic because of the large area and due to commercial and institutional uses across the street; this part of Woodlawn Road has already been earmarked for uses other than single family as evidenced by the small shopping center, day care center and the church across the street.

Directly across the street is a small shopping center and day care center; about 200 feet toward Park Road Shopping Center is a church and they feel this project will fit in nicely with the commercial and institutional uses in this area. Within three blocks of this site at the corner of Woodlawn and South Boulevard, a \$4 to \$5 million shopping center has been planned. A preliminary market survey they have made indicates this site will support luxury apartments renting for \$120 for one-bedroom and \$160 for two-bedroom, two bathroom units. Because of the quality of the apartments they have planned, the value of the homes in the neighborhood will hold and increase in value. Accordingly, they have planned a project which will afford large amounts of useful space to the apartment residents. They feel the R-9MF zoning would be right for this site; they have concerned themselves with livability here as much as they have density.

These apartments will be carpeted, dishwashers, frost-free refrigerators, self cleaning ovens, sunken living rooms, comparable to the better garden apartments in the south. Woodlawn Road has recently been widened to four lanes and will be one of the main traffic arteries leading to and from the southerly part of the city and its suburban area.

The last recorded traffic count was taken on July 17, 1964, and there were 4,879 cars during a 12-hour period. This belt road is engineered to carry 17,000 cars a day. The Traffic Engineering Department does not expect this load to be reached until 1986. The traffic from this project will not add any significant load; there is no parking permitted on Woodlawn Road; this project will have adequate on-site parking and will exceed the parking requirements called for by the zoning ordinance.

The taxes at present are \$555.00 a year and after completion of construction the taxes will be \$17,400. They understand a protest petition has been filed by one of the adjacent owners; they also understand this petitioner has on numerous occasions discussed rezoning his land with Mr. Fred Bryant, of the Planning Commission, and other members of the Planning Staff. These discussions have ranged from business to office to multi-family zoning and they do not understand the purpose of this protest.

Mr. Elmer Humble, a resident of Murrayhill Road, stated he was not aware of this project until he read it this morning in the paper and tried to call some of his neighbors on Murrayhill Road and none of the ones he contacted were aware of this proposed project. He is not saying he is opposed to it but there are a few statements he would like to have clarification on. The stream which will separate the apartments from the residents on Murrayhill Road is not sufficient as a buffer zone because it is only about two feet wide; that all he asks is an adequate buffer zone between his home and the proposed apartments.

That he read in the paper about the new apartments at Sedgfield Jr. High School; he does not want this to happen to his home; they are talking about apartments built within 15 yards of the school; he does not want apartments 15 yards from his back door or his back yard. This land is beautifully wooded and if at least 100 or 150 feet of these woods remain, it will be satisfactory to him.

Mr. Forlidas stated they have left 100 feet to the rear of this property which comprises almost three acres. Mr. Humble asked if the woods are going to remain intact and Mr. Forlidas replied yes; they cannot park on land that is not zoned for parking.

Mr. L. J. Phelman stated he owns the property adjoining the subject property and he does not understand why there would be any objections to this proposed plan because of the buffer zone.

Mr. Frank Tucker, representing seven home owners on Fairbluff Place and also the Grace Methodist Church, stated two of these property owners adjoin the proposed apartments; that they were not aware of this proposed change in zoning and did not have a lot of time to prepare any protest.

Mr. Tucker stated the sign cannot be read from the street and there is a no-parking sign on Woodlawn Road and they have no access to see it; that he is speaking for the entire group and they feel an apartment of this type would be detrimental to their property; they are primarily single family property owners; they bought this property with this understanding. The group is definitely opposed to the change in zoning and the proposed apartments.

Mr. Tucker pointed out on the map where the sign stands and stated that it is off the road considerably. Mr. Fred Bryant stated it was on the edge of the right-of-way.

Councilman Tuttle stated we have a lot of these zoning situations and placing the signs so that everyone can see them would be very difficult but he had a call on this today from a responsible man who heard about this at the last moment and had not seen the sign. That he feels every effort should be made to place these signs, even if they have to be placed off the property, where the majority of the people can see them. That he has had trouble himself in finding the sign and, if possible, we should make an effort to place them where they can be seen.

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Mr. Bryant stated they do the best they can in this and he realizes in this situation perhaps the problem is that you have a more-or-less high speed road where people are driving and looking straight ahead as they go and have some difficulty involved here. That they have tried placing signs on other peoples' property that would be more evident and they run into difficulty with this because no one wants a sign in front of their house that does not apply to their property but he will continue to make every possible effort to make these signs visible.

Councilman Tuttle stated what about the man who lives on the street to the rear of this property and he turns left on Woodlawn Road to go to work and would never pass the sign. Mr. Bryant stated he agreed but if you try to place it back here - it is in the woods and he will still not see it; there is some question in a case like this where the petitioner has left 100 foot buffer area, they hesitate to come in and place, even on his own property, the sign that is off the area which is requested to be rezoned. The petitioners in the past have protested this because they feel it is an invasion of what they have requested or a violation of what they have actually requested and gives the wrong impression of what they have requested.

Mr. Humble stated residents on Murrayhill have absolutely no chance of seeing the sign because as he leaves his home to go to work, he turns left and never passes the sign. The developer has stated there is a need for this type project in this area but he can count six apartment buildings within a mile and a half serving this area.

Mayor Brookshire stated on the point of signs, there is no legal responsibility on the Statutes for those signs to be put up; they are put up simply for the convenience of the people. Councilman Tuttle stated it may not be legal but he, as a Councilman, has a responsibility to the people who elected him and he thinks the signs ought to be put where they can be seen.

Mr. Francis Clarkson, Jr. stated he represents one half of the property owners that filed the objection. That he is objecting to the invocation of the six man rule as he represents Dr. Smith's former wife and they contend she owns one half of the undivided interest in the property, and she is interested in seeing the property in question rezoned, and does not want to protest. He stated he has given this information and certain legal documents to the City Attorney, and he has asked that this be considered before the six man rule is invoked.

Mr. Kiser, City Attorney, stated there is some question about the validity of a conveyance by which Dr. Smith acquired the entire property. That this adds a complicating factor that will require some research to determine what the status of the property is; this came to their attention during the noon hour; the record indicated that Dr. Smith was the sole owner of the property, but there is this law suit pending in which the title is in question. That his office will advise Council before the time for the vote as to whether or not the 3/4 Rule is invoked.

Councilman Short suggested that the Planning Commission and Mr. Bryant discuss the matter of the signs at today's meeting or at some other meeting because some suggestions he has heard from members of the Commission seem to be rather good.

Council decision was deferred until the next Council meeting.

HEARING ON PETITION NO. 67-94 BY B & L INVESTMENT COMPANY FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF A TRACT OF LAND ON THE SOUTH SIDE OF CLANTON ROAD, EAST OF GENERAL YOUNTS EXPRESSWAY.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the subject property is on the south side of Clanton Road, between General Younts Expressway and South Tryon Street. It is adjoined on the east by the property at the southeast corner of the interchange of the Expressway and Clanton Road. There is one and possibly two single family residences located on it and there are several residential structures in the general vicinity; at South Tryon Street is an auto parts junk yard operation and a service station. Other than that the area is predominately vacant around the interchange until you get into the Clanton Park Area.

The zoning of the property in the immediate vicinity is R-6MF with the exception of the B-1 zoning at the two corners of the Expressway and Clanton Road. Industrial zoning is along South Tryon Street.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next Council meeting.

HEARING ON PETITION NO. 67-95 BY WELCO, INC., TO GRANT CONDITIONAL APPROVAL FOR OFF-STREET PARKING IN CONJUNCTION WITH OFFICE USES ON PROPERTY NOW ZONED R-12MF FRONTING ON CROSBY ROAD EAST OF SHARON AMITY ROAD AND EXTENDING TOWARD PROVIDENCE ROAD.

The public hearing was held on the subject petition on which a protest petition has been filed and found sufficient to invoke the 20% Rule requiring the affirmative vote of six Councilmen in order to rezone the property.

The Assistant Planning Director advised this request is not for the rezoning of the property as such but for the conditional approval to utilize the property for parking purposes in conjunction with a nearby office building. The tract of land fronts on Crosby Road, and is immediately to the rear of several commercial uses that exist along Sharon Amity Road; at the corner of Crosby is a combination office and commercial building; adjacent to that is the Southern Bell exchange building; then the Providence Shopping Center. Recently erected is a new office building fronting on Sharon Amity Road and the proposal is for a second office building on Providence Road on the same tract of land which would utilize the subject area for its parking. It is adjoined on one side by the Tropicana Apartment Building, other than that the area is predominately developed with single family purposes plus some scattering of vacant property.

Beginning at the corner of Sharon Amity and Providence Roads, the property is zoned O-15, then the shopping center area is B-1 with a small strip of O-6 and then B-1 along Crosby Road. The subject property is zoned R-12MF as is the property on the Westbury Road side on which the Tropicana Apartments is located. Along Providence Road the zoning is R-15 as is property along Westbury Drive; there is considerable multi-family zoning along Sharon Amity Road.

Mr. William Webb, appearing for the petitioner, stated the petition was filed by Welco, Inc. who was then the owner of the land; it has subsequently been conveyed to his client, Executive Sales, Incorporated which is the corporation that is actually interested in the zoning change.

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Mr. Webb stated Executive Sales, Incorporated is a corporation with entirely local stockholders. This corporation owns the "L" shaped tract at the corner of Sharon Amity and Providence Roads on which one office building has been erected; they are in the process of negotiating with Humble Oil Company to acquire the 170-foot square tract that Humble owns on the corner. They feel it can be economically developed in the future if they are assured of having the adequate parking in the area to the rear. The present plans for the corner is to landscape it and make it attractive and hope they can find a bank or some similar small structure they could put there where they would have adequate parking. Their present building is completely occupied and there is a demand for good office space in that area, and they have enough tenants lined up for a second building. They have worked out a right-of-way so that the office parking area back of the building will lead into the parking lot on Crosby.

Mr. Webb stated the parking lot will be graded and they plan to cut off the end of it and put a fence across it and leave the end for Mr. John Shaw to use for parking for the shopping center. It will be a fenced, restricted, closed parking area with access through a gate with a key; there will be no night parking; it will be lighted and will be screened from the Tropicana which is the property adjoining it. They will control the area.

The development on the corner amounts to more than a million dollars investment; they have the plans and the financing to acquire the Humble tract and the financing for the entire project.

He stated the protest is filed by the Tropicana which is a cooperative apartment and they are informally advised the owners of at least nine of the 22 apartment units do not object at all. He stated this will isolate and make the property attractive and it will be used as a buffer between the shopping center rear wall and the apartments. The land is not feasible for the use for which it is zoned.

Mr. John Warren stated he represents the Tropicana, Incorporated and the owner-occupants of the Tropicana who share a 100% contiguous property line with the subject property. This is not a commercial rental apartment, it is a home-owner apartment. It has almost a half million dollar investment there. The area requested rezoned was originally used as a buffer zone for the Tropicana as it was developed by Welco, Inc. the same people who petitioned for this change. Should this change be granted it will put parking within 20 feet of the back doors of these people.

Mr. Warren stated to destroy this buffer zone would expose all these apartments to the commercial zone with the garbage cans and trucks and other unsightly noises, smells and odors would be seen and heard where the trees now protect them.

He stated he represents all the homeowners who occupy the Tropicana; that the President and past President of the Tropicana are present and they object to the rezoning. He stated at one time there was a road through the property and the petitioner has caused that road to be abandoned and now proposes to come back and cut the trees down and destroy the buffer zone. The people who purchased in the Tropicana knew of the road and relied on the buffer strip and today a law suit will be filed contesting the title of this property and asking an injunction to be issued to enjoin the buffer strip from being destroyed.

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Councilman Tuttle asked the status of the parking area; can it ever be reverted to other use? Mr. Bryant replied if this is approved for parking for the specific office building to be erected on Providence Road, it cannot be abandoned for other usage; if it were abandoned they would be violating the amount of parking required for the structure being built on Providence; the only way it can be abandoned for parking purposes would be provided other suitable parking was provided. It would then cease to be available for parking purposes. When the ordinance is written it will describe the use for which the parking will be permitted.

Councilman Short asked where the Tropicana has its parking, and Mr. Warren replied it has parking behind it which is undercover for the residents; there is also a drive all the way around the Apartment where a person may park not under cover at the back and up against the Apartment at the side.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION OF HOWARD NANCE COMPANY FOR THE ANNEXATION OF 77.04 ACRES OF PROPERTY LOCATED IN CRAB ORCHARD TOWNSHIP, OFF REDMAN ROAD ADJACENT TO AMITY GARDENS AND IDLEWILD, CONTINUED UNTIL NEXT COUNCIL MEETING.

The hearing was continued from Council Meeting on December 11th on the subject petition.

Councilman Short moved that the petition be granted. The motion was seconded by Councilman Tuttle for purposes of discussion.

Mr. Bobo, Administrative Assistant, stated they had hoped to have the signed contracts with the developer and the utility company for serving the area with sewer today. The signed contract from the developer is on hand, and within the last hour, the contract was received from the utilities company to treat the sewage, and they have not had time to review the contract, and for that reason he would suggest the hearing be postponed until the next Council Meeting.

Councilman Tuttle made a substitute motion to continue the hearing on the subject petition until the next meeting. The motion was seconded by Councilman Stegall.

Mr. Kiser, City Attorney, stated one draft of the contract was presented to Idlewild Utilities Company and the receipt of the contract today was of a different draft containing some provisions which should be checked out by the Engineering Department before it is submitted to Council for approval.

The vote was taken on the substitute motion and carried unanimously.

MEETING RECESSED AT 4:45 AND RECONVENED AT 5:00 O'CLOCK P.M.

Mayor Brookshire called a recess at 4:45 o'clock p.m. and reconvened the meeting at 5:00 o'clock p.m. with Councilman Smith being absent for the remainder of the session.

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APPLICATION FOR PRIVATE SANITARY SEWER LINE CONNECTION OUTSIDE CITY IN FERNBROOK DRIVE, APPROVED.

Upon motion of Councilman Stegall, seconded by Councilman Jordan, and unanimously carried, request of Mr. W. Floyd Cochran to connect a private sanitary sewer line in Fernbrook Drive, outside the city, to the city's sanitary sewerage system with the contract to stipulate the lines will become the property of the City when annexed, was authorized.

APPLICATION FOR PRIVATE SANITARY SEWER LINE OUTSIDE CITY IN HUNTINGTOWN FARMS SUBDIVISION, APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, approving the request of John Crosland Company to connect private sanitary sewer lines in Huntingtown Farms Subdivision, outside the city limits, to the city's sanitary sewerage system with the contract to stipulate these lines will become the property of the city when annexed.

RESOLUTION APPROVING OPENING AND MAINTAINING SAFE DEPOSIT BOX IN THE NAME OF THE CITY OF CHARLOTTE WITH THE NORTH CAROLINA NATIONAL BANK OF CHARLOTTE, NORTH CAROLINA.

Councilman Alexander moved adoption of the subject resolution, which was seconded by Councilman Jordan, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 33.

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF TAXES TO E. I. duPONT deNEMOURS & COMPANY.

Councilman Tuttle moved the adoption of the subject resolution authorizing the refund of \$10,221.20 for overpayment of 1966 taxes which was collected through clerical error or by a tax illegally levied and assessed as the warehouse was located outside the city limits. The motion was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 35.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON JANUARY 15, 1968 ON PETITIONS NO. 68-3 THROUGH 68-11 FOR ZONING CHANGES.

Upon motion of Councilman Jordan, seconded by Councilman Stegall, and unanimously carried, the subject resolution was adopted and is recorded in full in Resolutions Book 6, at Page 36.

ORDINANCES ORDERING THE REMOVAL OF ABANDONED MOTOR VEHICLES PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF THE CITY OF CHARLOTTE AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Stegall, seconded by Councilman Jordan, and unanimously carried, adopting the following Ordinances:

- (a) Ordinance No. 754-X - Ordering the removal of a 1956 Ford at 2501 Commonwealth Avenue;

continued

continued

- (b) Ordinance No. 755-X - Ordering the removal of a 1956 Ford at 1504 Winston Drive;
- (c) Ordinance No. 756-X - Ordering the removal of a 1960 Studebaker Convertible at 518 Ridgeway Drive.

The ordinances are recorded in Ordinance Book 15, beginning 166.

ORDINANCE NO. 757-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE STREET REVOLVING FUND TO THE GENERAL FUND - UNENCUMBERED BALANCE.

Councilman Tuttle moved adoption of the subject ordinance transferring \$3,339.82 of street revolving fund to be used for the relocation and modification of the automatic flashing light signals at Sharon Amity Road. The motion was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 169.

ORDINANCE NO. 758-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE, ALLOCATING \$20,819.45 OF THE PROCEEDS OF THE SALE OF \$2,900,000 AIRPORT BOND ANTICIPATION NOTES.

Motion was made by Councilman Alexander, seconded by Councilman Tuttle, and unanimously carried, adopting the subject ordinance authorizing the transfer of the funds to be used for engineering and contingencies in the construction of the perimeter road.

The ordinance is recorded in full in Ordinance Book 15, at Page 170.

ORDINANCE NO. 759-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE UNENCUMBERED BALANCE OF THE AIRPORT FUND.

Councilman Jordan moved the adoption of the subject ordinance authorizing the transfer of \$12,652.99 of unencumbered balance of airport funds to the Airport Professional Fees Account to be used for attorney's fees in the representation of Charlotte before the Civil Aeronautics Board. The motion was seconded by Councilman Short for discussion.

Councilman Tuttle stated Council approved the money for the attorney's fees but he thought it was only \$10,000. Mr. Bobo, Administrative Assistant, stated Council approved the contract some time ago but did not approve the appropriation of funds; this is just a matter of formality asking for the approval of the funds. Councilman Tuttle asked if it was not presented to Council to not cost more than \$10,000.00. Mr. Bobo replied he thought it was not to exceed \$15,000.00.

The vote was taken on the motion, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 171.

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RIGHT OF WAY AGREEMENTS WITH STATE HIGHWAY COMMISSION FOR INSTALLATION OF WATER LINES IN THE AIRPORT AREA.

Upon motion of Councilman Stegall, seconded by Councilman Jordan, and unanimously carried, the Mayor and City Clerk were authorized to execute right of way agreements with the State Highway Commission for water main installations in the airport area.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Motion was made by Councilman Jordan, seconded by Councilman Stegall, and unanimously carried, authorizing that the following streets be taken over for continuous maintenance by the City:

- (a) Spring Garden Lane, from Snow White Lane 430 feet north of Massey Court;
- (b) Massey Court, from Spring Garden Lane to 160 feet west of Spring Garden Lane;
- (c) Snow White Lane, from 223' west of Corwin Drive to 150' east of Dobson Drive;
- (d) Dobson Drive, from Snow White Lane to 120' south of Snow White Lane;
- (e) Corwin Drive, from Snow White Lane to 120' south of Snow White Lane;
- (f) Robmont Road, from 470' west of Canyon Trail to 555' west of Canyon Trail;
- (g) Whitestone Road, from 180' west of Post Oak Road to 645' west of Post Oak Road;
- (h) Dawnshire Avenue, from McAllister Drive to 555' south of McAllister Drive;
- (i) Linda Lane, from Walker Road to 160' east of Emory Lane;
- (j) Halesworth Drive from Walker Road to Emory Lane;
- (k) Emory Lane, from Linda Lane to 155' south of Halesworth Drive;
- (l) Spring Garden Lane, from Derrydowne Drive to 75' south of Derrydowne Drive;
- (m) Derrydowne Drive, from Spring Garden Lane to 145' east of Spring Garden Lane;
- (n) Keller Avenue, from Beatties Ford Road to Senior Drive;
- (o) Cricketeer Drive from Hoskins Road to 140' of Northbrook Drive;
- (p) Northbrook Drive from 115' east of Cricketeer Drive to 420' west of Cricketeer Drive;
- (q) Carfax Drive, from Cricketeer Drive to 295' west of Cricketeer Drive;
- (r) Vantage Place, from Cricketeer Drive to Carfax Drive;
- (s) Plumstead Road from Cricketeer Drive to 230' west of Cricketeer Drive.

APPRAISAL CONTRACTS AUTHORIZED.

Councilman Alexander moved approval of the following appraisal contracts, which was seconded by Councilman Stegall, and carried unanimously.

- (a) Contract with B. Brevard Brookshire for appraisal of one parcel of land for the Plaza Road Widening;
- (b) Contract with Leo H. Phelan, Jr. for appraisal of one parcel of land for the East Third Street and Fourth Street Connector;
- (c) Contract with D. A. Stout for appraisal of one parcel of land for the Northwest Expressway.

ORDINANCE NO. 760-X ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 200 VICTORIA AVENUE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Jordan, seconded by Councilman Stegall and carried unanimously, adopting the subject ordinance.

The ordinance is recorded in full in Ordinance Book 15, at Page 172.

CONTRACT AWARDED BIG CHIEF, INC. FOR DEMOLITION OF STRUCTURES IN REDEVELOPMENT AREAS NC R-37, R-43, R-60 AND WEST FOURTH STREET EXTENSION.

Upon motion of Councilman Jordan, seconded by Councilman Stegall, and unanimously carried, contract was awarded the low bidder, Big Chief, Inc. in the amount of \$22,302.00 for the demolition of 97 structures within Redevelopment Areas NC R-37, R-43, R-60 and West Fourth Street Extension.

The following bids were received:

Big Chief, Inc.	\$ 22,302.00
Crowell Construction Co.	22,635.00
Max Berrier Wrecking Co.	23,365.00
D. H. Griffin Wrecking Co.	24,559.00
S. E. Cooper Company	34,290.00
Cleveland Wrecking Co.	37,430.00

CONTRACT AWARDED NATIONAL ELECTRIC COMPANY, INC. FOR ELECTRICAL WORK ON KINGS BRANCH SEWAGE PUMPING STATION.

Councilman Tuttle moved award of contract to the low bidder, National Electric Company, Inc., in the amount of \$5,114.00, for the electrical work on Kings Branch Sewage Pumping Station. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

National Electric Company, Inc.	\$ 5,114.00
Electrical Contracting & Eng.	7,230.00
Todd Electric Company, Inc.	7,390.00

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CONTRACT AWARDED CAROLINA CONCRETE PIPE COMPANY FOR REINFORCED CONCRETE PIPE.

Motion was made by Councilman Jordan awarding contract to the low bidder, Carolina Concrete Pipe Company, in the amount of \$10,158.25 on a unit price basis, for 2,920 lineal feet of reinforced concrete pipe. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Carolina Concrete Pipe Company	\$10,158.25
Gray Concrete Pipe Co., Inc.	10,963.65
Foltz Concrete Pipe Co., Inc.	11,615.36

CONTRACT AWARDED INTERNATIONAL HARVESTER COMPANY FOR ONE 32,000 GVW CAB AND CHASSIS.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, contract was awarded International Harvester Company on the low alternate bid, in the amount of \$5,550.50, for one 32,000 GVW chassis and cab.

The following bids were received:

Base Bid (25,000 GVW cab & chassis)

International Harvester Co.	\$ 4,950.27
Central Ford Truck Sales, Inc.	5,459.88
G.M.C. Truck & Coach Div.	5,637.30

Alternate Bid (32,000 GVW cab & chassis)

International Harvester Co.	\$ 5,550.50
G.M.C. Truck & Coach Div.	6,227.67
Central Ford Truck Sales, Inc.	6,637.10

CONTRACT AWARDED INTERSTATE EQUIPMENT COMPANY FOR VACUUM STREET CATCH BASIN CLEANER.

Motion was made by Councilman Jordan, seconded by Councilman Short and unanimously carried awarding contract to the low bidder meeting specifications Interstate Equipment Company, in the amount of \$13,590.00 for one vacuum street catch basin cleaner.

The bids of A. E. Finley & Associates, Inc. in the amount of \$11,223.00 and Sanco Corporation in the amount of \$12,420.00 did not meet specifications.

CONTRACT AWARDED H. B. OWSLEY & SON, INC. FOR ONE HYDRAULIC EXCAVATOR WITH TELESCOPING BOOM.

Councilman Short moved award of contract to the only bidder, H. B. Owsley and Son, Inc., in the amount of \$29,965.00, for one hydraulic excavator with telescoping boom. The motion was seconded by Councilman Jordan, and carried unanimously.

ORDINANCE NO. 761-X, AMENDING THE 1967-68 BUDGET ORDINANCE APPROPRIATING ADDITIONAL REVENUES RECEIVED IN THE POWELL BILL FUND.

Upon motion of Councilman Stegall, seconded by Councilman Tuttle, and unanimously carried, the subject ordinance was adopted appropriating \$49,105.50 from the Powell Bill Fund for the purpose of purchasing equipment under Account 523.05.

The ordinance is recorded in full in Ordinance Book 15, at Page 173.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Short, and seconded by Councilman Stegall, authorizing the following property transactions:

- (a) Acquisition of 18,235 sq. ft. of property at 525 Charles Avenue, from Julian F. Kiker and wife, Ola B. Kiker, at \$7,700 for the East Thirtieth Street Project;
- (b) Settlement of condemnation suit with Mrs. Evelyn Davis and husband, for 6,825 sq. ft. of property at 1004-06 Kendrick Street, at \$2,350.00, for the Northwest Expressway;
- (c) Settlement of condemnation suit with Jack H. Terrell and Judy Terrell, minor, for 8,980 sq. ft. of property at the southeasterly corner of North Tryon and East 13th Streets, at \$23,000 for the Northwest Expressway;
- (d) Right-of-Way Agreement with State Highway Commission across city-owned lot at 614 French Street for Northwest Expressway;
- (e) Exchange of inside property for outside property at the southeast corner of East Fourth Street and Kings Drive, with Louis Lipinsky, Jr. for the East Third and Fourth Street Connector;
- (f) Acquisition of Right-of-Way 15' x 320.34' in Sharon Township on Sharon Road West from Robert C. Page, at \$320.34 for sanitary sewer easement to Kings Branch Pumping Station;
- (g) Acquisition of right-of-way 15' x 435.51' in Sharon Township on Sharon Road West, from Richard H. Jones and wife, at \$435.51 for sanitary sewer easement to Kings Branch Pumping Station.

The vote was taken on the motion and was carried unanimously.

COUNCILMAN SMITH NAMED AS LIASION OFFICER BETWEEN THE CITY AND CENTRAL PIEDMONT COLLEGE.

Mayor Brookshire announced that he has named Councilman Gibson Smith as liasion officer, at the request of Mr. Edgar Terrill, Chairman of the Central Piedmont Community College, to work with the Board and the College in matters which the City and the College has mutual interest.

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LEFT TURN SLOT AT HOLIDAY INN ACROSS FROM COLISEUM REQUESTED PLACED ON COUNCIL DOCKET FOR CONSIDERATION.

Councilman Short stated he has had comment from the Holiday Inn people across from the Coliseum. That he has been out there and as he sees it, the City has put in a left-turn slot for east bound traffic - the effect of which is - if a man really tried to make the left turn, he gets into a danger. That the efforts to deal with Mr. Hoose has resulted in Mr. Hoose saying that he cannot do otherwise because of certain arrangements that the Council itself has made. He stated if the Council has set up a situation where it is inviting people to try to operate an automobile into what is an obvious danger, then it is going to be encumberant on the Council to give this further consideration.

He requested Mr. Bobo, Administrative Assistant, to place this matter on the agenda as quickly as possible.

CITY ATTORNEY'S OFFICE REQUESTED TO REPORT TO COUNCIL ON RECOMMENDATION OF ASSISTANT SOLICITOR IN ISSUING LICENSE TO SELL GUNS.

Councilman Tuttle requested the City Attorney's office to look into the feasibility of the suggestion of Mr. Paul Whitfield, Assistant Solicitor, in having applicants to appear and satisfy Council before license to sell guns is issued, and report back to Council on January 8, 1968.

COPIES OF ATLANTA'S STOP AND FRISK ORDINANCES GIVEN COUNCIL MEMBERS.

The City Attorney passed out a memorandum to Council with copies of the Atlanta stop and frisk ordinances. He stated the ordinances came in the morning's mail and he did not have an opportunity to view and analyze them with respect to what might be done here. He stated in the discussion with the Assistant City Attorney of Atlanta, who was in charge of these ordinances and the cases that arose under them, he relayed that on Wednesday of last week, these two ordinances were found to be void in the Georgia courts for reasons which, on the face of it, seems to be as applicable in North Carolina as in Georgia.

APPRECIATION EXPRESSED FOR SERVICES RENDERED BY CITY ATTORNEY, J. W. KISER, RESIGNED.

Councilman Tuttle stated this is Mr. Kiser's last meeting and he wished him every success in his new venture. Mayor Brookshire stated he would add Council's thanks and the appreciation of the citizens of Charlotte who know of the good job he has done in serving the city well and wished him much success.

Mr. Kiser stated as this is his last meeting sitting in this chair, he would like the opportunity to thank the Mayor and each of the Councilmen for providing him the opportunity to sit with them and to counsel with the legal problems in which the City has been involved. That it has been a lot of fun,

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and he has thoroughly enjoyed it and it has been a real experience for him, and Monday afternoons hereafter will not be the same.

SEASONS' GREETINGS EXTENDED.

Mayor Brookshire stated he hopes that all members of Council and the staff will enjoy the brief respite from the regular Council Meetings, and wished each one a Merry Christmas and a Happy New Year.

ADJOURNMENT.

Upon motion of Councilman Stegall, seconded by Councilman Jordan, and unanimously carried, the meeting was adjourned until Monday, January 8, 1968.

Ruth Armstrong
Ruth Armstrong, City Clerk