

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, January 18, 1965, at 2 o'clock p.m., with Mayor pro tem Whittington presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith and Thrower present.

ABSENT: Mayor Brookshire.

The Charlotte-Mecklenburg Planning Commission sat with the City Council and as a Joint Body held Hearings on Petitions for changes in the Zoning Map and/or Ordinance. The following members of the Commission were present: Mr. Sibley, Chairman, Mr. Ervin, Mr. Gamble, Mr. Olive, Mr. Stone, Mr. Toy and Mr. Turner.

ABSENT: Mr. Jones, Mr. Lakey and Mr. Suddreth.

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Invocation.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

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

HEARING ON PETITION NO. 65-1 FOR CHANGES IN THE ZONING OF THREE LOTS AT THE NORTHWEST CORNER OF LANIER AVENUE AND LYNNVILLE AVENUE.

The public hearing was held on Petition No. 65-1 by R. H. Allen and wife, for change in zoning from R-9 to R-9MF of three lots at the northwest corner of Lanier Avenue and Lynnville Avenue, fronting 225 feet on Lanier and 180 feet on Lynnville, on which a protest has been filed by owners of adjoining and adjacent property sufficient to require a 3/4 majority vote of Council to approve the requested zoning change.

Mr. Fred Bryant, Senior Planner, stated the three lots at the corner of Lanier and Lynnville Avenues are in the vicinity of Monroe Road, and the area is devoted primarily to residential uses, with Lanier Avenue developed entirely with single-family residences. The subject property has on two sides single-family residences, across the street the land is vacant and at the rear the property is a combination of single family and duplexes. That the only non-single family development in the immediate area is some duplexes on Eaton Road and three apartments on Lynnville, which is a dead-end street. There is a church at the corner of Eaton and Monroe Roads. The zoning in the area reflects the residential character, zoned for single family purposes along Lanier and Eaton Road with the exception of the R-9MF zoning on Lynnville coming up to Lanier opposite the subject property; and also, multifamily zoning on Monroe Road. The subject property is bounded with single family zoning on three sides and multifamily on the other.

Mr. Lloyd Baucom, Attorney for the Petitioners, stated the property fronts 225 ft. on Lanier Avenue and goes back to a depth of 220 feet and consists of 48,000 square feet. When this part of Lanier Avenue was developed many years ago, Independence Boulevard did not exist and Old Monroe Road was the main

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artery coming into Charlotte; that Lanier deadends one block northeast of the subject property and the houses on Lanier, between Monroe Road and the subject property are in a large part of an older nature. That his clients feel this change would be beneficial to Charlotte and the area because, (1) the topograph of these lots, which fall steeply from the front to the rear makes it very undesirable for single family usage. That his clients have recently listed the property for sale with established realtors and the only prospects they had were people interested on the condition that the zoning was changed. Secondly, from this property over to Monroe Road, there have been very few improvements in recent years because of the topography, and his clients, who live across the street from the property wish to improve the street. Thirdly, this property is on the tax books at a total of \$750.00, which creates a taxable income to the City and County of \$23.40 per year, and even this is an overvalue of the property with the present use his clients have of it. If the petition is granted the improvements that will be made will bring about a tax valuation of \$60,000 and a consequential income to the City and County of well over \$1,000 per year.

Mrs Mae Tucker, 2057 Lanier Avenue, stated she and the other residents do not want multifamily apartments on this property; that the apartments presently on Lynnville are not in sight and they feel the owners can build duplexes on the property.

Council decision was deferred for one week.

HEARING ON PETITION NO. 65-8 FOR CHANGE IN ZONING OF THE BLOCK FRONTING ON RANDOLPH ROAD, BOUNDED BY RANDOLPH ROAD, HODGSON ROAD, HADRIAN WAY AND CHILLINGSWORTH LANE, POSTPONED UNTIL FEBRUARY 15TH AT REQUEST OF PETITIONERS.

Mayor pro tem Whittington announced to the audience that the Petitioners, the Estate of John Randolph, for the change in zoning from R-15 to R-12MF of the block fronting on Randolph Road, have requested that the hearing be postponed until February 15th, and the Council has no alternative but to grant the request. He apologized to those persons interested in this petition for their having to come today and he stated the Petition will be heard on February 15th, and it will be so advertised.

Mr. William Shuford, Attorney for the opponents to the change in zoning, asked the reason for the requested postponement, and the City Clerk stated that the person who brought to her office the request for deferment stated their attorney Mr. Boyles would be tied up in Court today and unable to be present. Mr. Shuford stated he would like the Minutes to show that a large number of residents were present in protest of the proposal for a change in zoning and he would like to know if the hearing will be held on February 15th. Councilman Albea said to Mr. Shuford that he will be notified prior to February 15th and if he is not notified then the hearing will not be heard on that day. Mayor pro tem Whittington advised that the request for postponement was filed on last Friday and there was not time to notify the opponents.

HEARING ON PETITION NO. 65-2 FOR CHANGE IN ZONING OF 11.733 ACRE TRACT OF LAND NORTH OF KELLER AVENUE, BEGINNING 200 FEET WEST OF THE CENTERLINE OF BEATTIES FORD ROAD.

The scheduled hearing was held on Petition No. 65-2 by Spangler Land Company for a change in zoning from R-6 to R-6MFH of 11.733 acre tract of land north of Keller Avenue, beginning 200 feet of the centerline of Beatties Ford Road.

Mr. Bryant, Senior Planner, advised this is in the area of Beatties Ford Road and I-85; an area that has a mixture of land uses, much of the area along Beatties Ford Road on the east being a combination of business, one or two residences and vacant property, particularly on the west side of the road. There is a shopping center developed south of the property and more vacant property to the south. On the rear is University Park Subdivision, some vacant land and new West Charlotte Community Center and West Charlotte High School. The zoning of the area is a combination of business and residential.

Councilman Smith asked Mr. Bryant if the change to R-6MFH would give them the right to height, is that not what the "H" means? Mr. Bryant replied that the "H" classification liberalizes the amount of land. Councilman Smith asked if the basis for R-6MFH was not originally for high-rise? Mr. Bryant stated it was to encourage and make possible high-rise, and when you do not go high-rise you can put more small units on an equal amount of land.

Councilman Thrower asked if the Council did not recently rezone the corner lot at Keller to B-2 and Mr. Bryant stated that is correct.

Councilman Smith asked if the Council were to revise the ordinance so that more multi-height apartments could be put on the amount of ground area, should there not be a differential between this and if you put on it one-story? Mr. Bryant advised this is something the Planning Commission has been concerned about and it is one of the items on their work schedule for additional study; that they know when you do put garden-type apartments on this type of zoning it really covers a lot of land area. Councilman Smith stated it just occurred to him that they had legislated one way and people are using it another way, defeating the purpose of open land. Mr. Bryant stated it was thought that perhaps something could be worked out whereby if one did not put high-rise apartments in the R-6MFH districts additional open space would be required.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred one week.

HEARING ON PETITION NO. 65-3 FOR CHANGE IN ZONING OF A TRACT OF LAND AT THE NORTHEAST CORNER OF EASTWAY DRIVE AND KILBORNE DRIVE.

The public hearing was held on Petition No. 65-3 by Esten H. Bohannon for change in zoning from O-6 to B-1 of a tract of land 200 feet by 200 feet at the northeast corner of Eastway Drive and Kilborne Drive.

Mr. Bryant, Senior Planner, explained the property and surrounding area, stating this is corner property going north. At the present time the land usage of the area reflects residential use all along Eastway Drive on the west side, with duplexes on the two corners of Kilborne; the corner opposite the subject property is a combination of Service Station and Minute Market and another property in the area is vacant, and a Church and the Methodist Home are located in the area, and the remainder of the property is used residentially. That the zoning in the area along Eastway Drive to the south of the subject property is multifamily, on both sides of Eastway up to the beginning of a Business area, there is Business zoning and Office zoning opposite the Business zoning and then the subject property and property around it is zoned for Office at present.

Mr. Frank Snapp, Attorney for the Petitioner, stated this small 200' x 200' lot is part of a much larger tract owned by Mrs Bohannon; the larger part of

the tract is zoned R-9MF except for Mrs Bohannon's home. Along Eastway about 400 feet and some 500 feet back on Kilborne it is presently zoned O-6, but it has been impossible to do much with the O-6 classification. About 2 years ago there was a petition before the Council for a change of a much greater part of this large tract, and it was denied. That they feel by rezoning this property it can be used for a Service Station; that as the Council knows there will be a road built along Eastway, which will be wide enough to shield the property across the street from any disturbance.

No opposition was expressed to the proposed rezoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 65-4 FOR CHANGE IN ZONING OF A TRACT OF LAND FRONTING ON THE SOUTHWEST SIDE OF PROVIDENCE ROAD AND ON THE NORTHWEST SIDE OF BRIAR CREEK EXTENDING TO THE REAR OF LOTS ON BRIARWOOD ROAD AND HANSON DRIVE.

The scheduled hearing was held on Petition No. 65-4 by Sidney Astor, and H.B., Gilbert and Pearl Heath and Genola H. Hall for a change in zoning from R-12 to R-12MF of a tract of land fronting 370-ft. on the southwest side of Providence Road and 2,625-ft. on the northwest side of Briar Creek, extending to the rear of lots on Briarwood Road and Hanson Drive.

The Planning Director advised this is an area adjacent to Providence Road, predominantly developed with single-family residential; there is a church across from the site, a Duke Power Company sub-station on the Briar Creek side, and there is a structure on Hanson Drive that is used as a duplex, otherwise it is single family. The zoning in the area is all single-family nor is there any non-single family zoning in the immediate vicinity of the tract. In the single-family zoning there is some R-12, R-9 and mostly R-15.

Mr. Joe Grier, Attorney, stated he is appearing in behalf of the owners of this property, Mr. Heath of Lando, S. C., who is one of the owners of approximately 22 acres of the 30 acres involved in the petition, along with certain of his relatives for whom he is agent, also Mr. Sidney Astor of Hampton, N. J. who owns the remaining 8 acres of the land. He stated the actual petitioner is Mr. Jesse M. Waller of Charlotte who holds contracts and options to purchase this property, subject to a zoning change which would allow the construction of multi-family residence. That the purchase price of the contracts and options is \$140,000.00. That the reasons assigned in the petition for the change are: (1) That in its present condition it is unsuitable for single-family residences. (2) That the cost of adapting the property for development requires multi-family use of the property. (3) The advantages to the public and tax revenues from some actual development of the property. That Mr. Waller and his associates propose to build on that portion of the property located nearest to Providence Road seven town house apartments, each townhouse containing 16 apartments and one multi-story building containing 88 units. Mr. Grier passed to the Council the architect's drawing of his conception of how this development may be worked out, and where the buildings would be located. That Mr. Cooler, the Architect, and Mr. Waller are here to answer any questions the Council may have. That the part of the property to be developed is located in close proximity of Providence Road, so that whatever traffic that would be generated would have ready access to Providence Road. That the remaining portion of the property, approximately 2/3 of it or 20 acres is proposed to be developed for play grounds along the creek, a swimming pool and a 9-hole golf course for the use of the occupants and their friends. The land, improvements and buildings are estimated to cost approximately \$2,000,000, which would break down into approximately \$140,000 for land, \$50,000 to \$60,000 to adapt the land by filling and the remainder of \$1,500,000

or more for the actual construction of the units, as it is estimated that each of the units will cost approximately \$8,000.00 and rental will begin at \$140.00 per month for the small units and go up. The developers are aware of the flood plain character of this land. The preliminary estimates indicate that approximately 100,000 cubic feet of dirt will be required to bring the building area to adequate elevation. That there are some tributary branches across the portion of the property that is planned for the golf course and there will be clearing out of these tributaries which it is thought will improve the drainage in the area. These people have been in touch with the City Engineering Department and are prepared to work closely with them in the development of this land. He stated they believe that a R-12MF zoning will allow the property to be put to its best use. That the value of the property in the neighborhood would be improved by this use as contrasted with the present dilapidated state of the property. The City will be enabled to house 750 to 1000 additional people without any further expenditure, water, sewer and roads. The proposed development would increase the City and County ad valorem tax revenues by at least \$25,000 a year. Mr. Grier passed to Council photographs made recently of the property in its present condition. In summary the property is unsuitable for any development in its present condition. That the pictures speak for themselves, plus the fact that the property has been there for a long time without any use having been made of it, indicates that it is unsuited for single family development or any other purposes. That the high cost of acquiring the property and of adapting it for development by clearing it and raising the level on that portion of the land on which the building will be constructed can be justified only if multifamily construction is allowed. That the proposed development combining quality residences and open space for recreation is consistent with the surrounding residential area. This is a tract of land that in times past has been spoken of as being best suited for the development of a public park, and he would not be one to come and say to Council that it would not be very desirable for this purpose, but the price tag on the land is \$140,000 without any development, and he thinks with the experience and knowledge the Council members have of the availability of funds for such purpose would tend to foreclose that possibility. That in thinking of such possibility, it should be taken into account that Eastover Park is only a short distance up Briar Creek and that the school property in the Myers Park School complex is a short distance below. He called attention that in the proposed development that approximately 2/3 of the land is used for open space and recreation purposes, and he suggested that as near as can be done under practical circumstances, the development along these lines just as near accomplishes the very best use that could be made of the property. That it is sound policy for the City to encourage the development of additional residential areas in the area of the city in which water, sewer and roads are already provided. Think what it costs the City when 1,000 additional people are housed in the perimeter area in terms of expansion of water, sewer and roads which are required in order to accommodate them and contrast that with this situation. That it seems to him that in determining the policy in this case, we should also take into account the amount of tax revenue that would come to the City for putting this property to some good use in comparison with the revenues that are coming from it in its present state. He stated that Mr. Waller and his Associates have for more than a month actively contacted people residing in the adjacent area and undertaken to acquaint them with their plans. That no protest has been filed but some people are here to protest, that the facts have been presented and both Mr. Waller and Mr. Cooler are here to answer any questions of the Council.

Mr. John Golding, Attorney, 3013 Hanson Drive, stated he was retained by Richard Parsons of Hanson Drive and he is here on behalf of the people on Hanson Drive and some of the adjoining streets. He stated the people in the neighborhood did not receive notice of this proposed rezoning nor see the Notice on

Providence Road until it was too late to file the petition opposing the change to invoke the 3/4 ruling; however, from the time the community became aware of it, about the middle of the week, petitions were circulated, and were filed today, containing approximately 150 names, expressing the feelings of the people on Hanson Drive, which runs off Providence Road around the property in question; on both sides of Hampton Avenue and up and down Providence, as well as around Pinewood Circle and on Cassami. That if the members of the Planning Commission and the Council will go through the Petitions and see the number of names from the streets that were contacted, they can understand what the others would say. In addition, he has filed with the Clerk a letter from Mr. Mark Bernstein, President of Temple Beth El, directly across the street from the property in question. Mr. Golding commented that it seems to him we have a petition which seeks to, as a practical matter, make a spot zoning. That the area involved consists of 30 acres but the development plat shows all of the construction would be done within the area of 100 yard frontage on Providence and running up Hanson Drive about 300 yards; that is how dense it would be in this relatively small area in a residential neighborhood. That the residential area, which extends from the intersection of Providence Road and Queens Road and extends out to Sharon-Amity Road, is developed with very fine homes, and the property in question has been given a value, due to the investment these residents have made, and these out of State owners are putting a price tag on it for a value others have created, and seeking to profit by that. That this is not a case of putting an apartment in an area that is changing from residential to Office and Business; this is putting an apartment out in the middle of a well-developed and well-planned section of our city. Mr. Golding read the letter from Mr. Bernstein in which he advised the Temple joined with other property owners in opposing any change in zoning, and expressed their concern that such change may result in the deterioration of the residential area which might damage property values and decrease the use of property for residential purposes. Mr. Golding pointed out that the apartment building of seven to eight stories would be visible up and down Providence Road and would increase traffic congestion and the families from 200 apartments pouring into Providence Road would cause hazardous conditions. That he understands from the Planning Director, Mr. McIntyre, if the zoning is changed, the petitioners will not be held to any certain construction, they could put up an apartment for 400 families.

Mr. Henry Wilmer, 2136 Malvern Road, stated Malvern Road is one block from the proposed zoning change. That Mr. Grier stated 100,000 yard of dirt would be put in the area and he is wondering how much water would back up on those lots already developed. That there is a precedent for turning down this zoning request, referred to as the Sears property. That he understands Mr. Sears developed a multifamily house in violation of the zoning laws and then requested a change in zoning and it was denied, and this is property contiguous to the property under discussion. Mr. Wilmer said he is speaking specifically for Dr. Claude Squires, who lives on Malvern Road who is sick in bed, and who bought two lots in 1925 contiguous to the property in question just as a protection and he is opposed to the change in zoning. He stated they have contacted 18 out of the 24 residents on Malvern Road and he knows that the sentiment of each and every household is opposition to the change in zoning. Mr. Wilmer said this is just the kind of development that was discussed in the County Subdivision Plan to eliminate this kind of problem by not allowing building in an area that would have a 20 year flood level, and this property falls within that category.

Mr. George Simmons, 2247 Sharon Road, stated their group is not so much opposed to the change in zoning but desperately concerned with the water situation. Every time the property is improved on Providence Road they pay the Piper, and they have evidence of this and of people who could not sell their property because of the flow of water coming over onto Sharon Road, and they would like

to request the Council to turn down this type of thing where you build up one type of property to the advantage of the property owners and then the others pay through the nose. In addition there are people who feel this overflow is a health hazard.

Mrs George Dudley, 2633 Hampton Avenue, stated they are very concerned about the traffic as there are 20 to 30 children on their street. Mr. Julian Albergotti stated he lives in the fourth house up Hanson Drive from the subject property and traffic is a tremendous problem on their street now; you take your life in your hands getting out on Providence Road and with the additional traffic that would be generated by this apartment building would cause a hazardous condition. That he is opposed to any development of this type taking place on this property. Mr. Earl Arthurs stated he is opposed to this project and he thinks it is up to the Council to control these flood plains. That the traffic problem is very hazardous. He called attention that the Notice of the proposed change, consisted of one Sign, posted on the corner of Hanson and Providence but this is such an inaccessible area that only those who live on Hanson Drive use this corner, and he is sure that many residents of Hampton, Scotland, Pinewood and Cassamia were not even aware of the Sign. If there was some way to bring such things more to the public's attention it would be most beneficial. Mrs Amos Bungardner, Hampton Avenue, stated they purchased their home one year ago and they did not think the zoning would ever be changed.

Mayor pro tem Whittington asked Mr. Fred Bryant how many Signs were posted and Mr. Bryant stated there were two signs placed on the property, one at the intersection of Providence Road and Hanson Drive and one at the rear of the property in order to inform the people on Sharon Road. That the property has a lot of undergrowth on it and it is sometimes difficult to place signs advantageously on such property.

Mr. Joe Grier commented that several suggestions have been made about flood plains and the bottleneck at the bridge on Sharon Road. That he would like to call the attention of the Council that the City has in its plans the widening of that road and rebuilding the bridge, which would reduce the flood problem and he would suggest that this be checked with the City Engineer and see what opinion he has as to the effect of this on the flood plain problem.

Mr. John Sturgus, 2242 Malvern Road at the corner of Hampton Avenue and Malvern Road, stated in connection with the statement by the proponents that they contacted the residents of the area prior to the hearing, he would like to know how many residents were contacted and what their response was?

Mr. Grier replied that he did not personally contact any of the people but Mr. Parsons, Real Estate Agent, did undertake to contact all of the people who owned property abutting on the subject property and he suspects that some of these people were not at home, and he thinks all of the people in the immediate area received notice from them.

Mrs Aherns, 3033 Hampton Avenue adjacent to Hanson Drive, stated neither she nor Mrs Keller who live at the corner of Hanson and Providence were informed about this, and they are opposed to the change in zoning.

Councilman Smith commented that he thinks this raises the question the Council might take up about the Signs that are erected on property proposed for rezoning. He asked if it would not be the logical thing where the acreage is large like this to have a larger sign that would be obvious to persons passing it. He asked if all the Signs are the same size and Mr. Fred Bryant stated they are.

Mayor pro tem Whittington asked Mr. Bryant if he would pass the suggestion on to the Planning Commission and let the Council know what they will do about it.

The Mayor pro tem then commented that he thinks there is one point which should be mentioned to the people in the audience who are either for or against this petition because the word "flooding" has been used many times and that is that the Corps of Engineers are now making a survey on Briar Creek and Sugaw Creek and when it is completed it will be given to the Council for consideration toward relieving this condition on these Creeks. That about a year ago the Planning Commission made recommendations for changes in the Ordinance to eliminate flooding of new construction in subdivisions along these two Creeks and other Creeks. He advised he is giving this information as many of the interested persons present may not be aware of what the Council and Planning Commission are trying to do to prevent the flooding in future subdivisions.

Council decision was deferred for one week.

HEARING ON PETITION NO. 65-5 FOR CHANGE IN ZONING OF A TRACT OF LAND ON THE SOUTH SIDE OF BRUNS AVENUE.

The scheduled hearing was held on Petition No. 65-5 by 2215 Thrift Road, Inc. for change in zoning from R-6MF to I-1 of a tract of land 160 ft. x 400 ft. on the south side of Bruns Avenue, beginning about 150 ft. east of the centerline of the P & N Railroad.

Mr. Bryant, Senior Planner, advised this is an area down at the end of Bruns Avenue at the P & N Railway. The land use is all single family residential on the side of Bruns opposite the subject property; there is a commercial type structure on the adjacent property next to the Railroad and across the Railroad there is an area that is devoted to used building material storage and salvage operation. Everything on the opposite side of the Railroad from the property is I-2; immediately along the Railroad adjacent to the property the zoning is I-1 and the remainder of the zoning in the area is R-6MF.

Mr. Frank McCleneghan, Attorney for the petitioner, stated the problem is the property is not suitable for residential purposes, and you really have to see it to understand the situation. That some 20 years ago it was excavated from the P & N Railway and has a large embankment on the town side which creates a natural barrier. It would not be possible to put residences on the embankment without going in and filling it up; furthermore if the building is rented for factory purposes - - and he might say that several years ago it was used for that purpose - - with the space by the side of the building it would not be feasible to park cars on it. Mr. McCleneghan passed to the Council pictures of the property that shows the excavation. It is just a fact that the property cannot be used for residential purposes and the owners can realize some use of their property for industrial purposes only.

No opposition was expressed to the proposed rezoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 65-6 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE EASTERLY SIDE OF HICKORY GROVE-NEWELL ROAD AND THE SOUTH SIDE OF NORFOLK-SOUTHERN RAILROAD.

The public hearing was held on Petition No. 65-6 by Control Services Company for change in zoning from R-9MF to I-1 of a tract of land fronting 404-feet on the easterly side of Hickory Grove-Newell Road and 192 feet on the south side of Norfolk-Southern Railroad.

The Planning Director advised that the property is at the intersection of Hickory Grove-Newell Road and the Norfolk-Southern Railroad. The area around the property is primarily vacant, there is a scattered house or two on the large tract; the actual property already has an industrial type structure on it and has been there prior to the present zoning ordinance; the only other use in the area is a Steel Fabricating Plant. Zoning in the area is mixed - immediately along Hickory Grove Road on both sides and immediately across the Railroad it is zoned R-9MF and on the Marko Steel side it is zoned O-15 for a depth of 300 feet, and the remainder of the area is zoned I-2. To the east it is all zoned single family.

Mayor pro tem Whittington asked if any of the property is contiguous to the Norfolk-Southern Railroad and Mr. Bryant replied that it is not.

Mr. Ben Horack, Attorney for the Petitioner, stated the petitioner is in a mess, but not of his own doing. As Mr. Bryant has said a business building is already on the property - Control Services Company, the President of which is Mr. Walker Caughman, who bought the property in September, 1960 and built the one-story, neat, trim small plant that they have in operation there now, whose business is engineering designing and fabricating electrical and electronic controls for the textile industry and government missile launching items. When they purchased the property and built the plant there was no zoning. Last fall the Petitioner formulated plans for expansion and started digging, fortunately that is as far as he got when he went to get the building permit and found no expansion to his non-conforming use of the property could be made without the property being rezoned I-1. He stated the petitioner's need is desperate as he has made contract commitments. Apart from the hardship he cannot see this property used for multifamily purposes due to the Hickory Grove Road has its intersection with Norfolk-Southern Railway where it goes under the road incline with an overpass. That the area is characterized with wide open spaces and scrub pine, which is not the impression one gets from the map, which shows plotted areas, that is not the case at all. He stated the owner of the adjacent property is Mr. Havey Morris and he has his approval of the rezoning, which he will file with the City Clerk.

No opposition was expressed to the proposed zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 65-7 FOR CHANGE IN ZONING AT 5505 MONROE ROAD.

The scheduled hearing was held on Petition No. 65-7 by Waymon L. West, for change in zoning from R-9 to O-6 of a lot 75 ft. x 275 ft. at 5505 Monroe Road.

Mr. Bryant, Senior Planner, stated this is one lot near the intersection of Monroe Road and Sharon-Amity Road and is across Monroe Road from Sharon Memorial Cemetery, and is bounded by a row of single family structures and also to the rear on Lantana and on the intown side is a Recording Studio and Oakhurst Volunteer Fire Department. There are several business uses at this intersection. The subject property and all of the property to the rear along Lantana, the out-of-town side and across the street is zoned R-9, the immediate property on the intown side is zoned O-6 and the adjoining property and the three corner lots are zoned for business.

Mr. Don Davis, Attorney representing the Petitioner, stated the property was acquired in 1947 and since then the petitioner has acquired other property in the area. The problem which has come to the front is that because of the heavy traffic on Monroe Road and the use of property fronting on Monroe Road they have been unable to rent the property to the type of tenants they would

like to have; therefore, they are in an economic squeeze and so they would like to use the property for an Office building. This property was brought into the city in 1960. That the petitioner has made known his petition for rezoning to the residents and invited them to join in the petition, and no one had any objection to the rezoning of the property in question.

No opposition was expressed to the proposed rezoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 65-9 FOR CHANGE IN ZONING AT 404 WESTWOOD AVENUE.

The public hearing was held on Petition No. 65-9 by F. M. Stokes, 404 Westwood Avenue, for a change in zoning from R-6MF to B-2 of a lot 46 x 150 ft. at 404 Westwood Avenue, to which a protest petition has been filed signed by a sufficient number of owners of adjoining and adjacent property to require a 3/4 majority vote of the City Council to approve the zoning change.

Mr. Bryant, Senior Planner, stated this is a lot on Westwood Avenue near the intersection of Cliffwood Place. It is the first lot on the left facing Westwood turning into Westwood. The property is presently used for single family use. Immediately adjacent to the lot and fronting on Cliffwood Place is a garage, which is operated by the Petitioner. On the opposite corner of Cliffwood and Westwood is an addition to the said garage business. The subject property and all of the other lots fronting on Westwood are zoned R-6MF; the one lot at the corner of Cliffwood and Westwood is zoned B-2 and all of the property from Westwood coming back toward Independence Boulevard on Cliffwood and Mint Street is zoned Industrial and there is a mixture of multifamily, office and industrial zoning on the opposite side of Cliffwood.

Mr. Stokes, Petitioner, stated he operates S & R Auto Service at Westwood and Cliffwood Place and the reason he is requesting a change in the zoning to B-2 is they have very little space for parking, and the neighbors have had the parking taken off on the side street, and he had it restored for 200 feet which gives very little parking and across the street they have some parking but very little, and they are in urgent need of space for this purpose. That the traffic is very heavy on the street and the neighbors have called the police when cars doing business with him were a little out of line; in fact they have harassed him in every way they could and he is asking for this off-street parking space by the rezoning of this lot.

Mr. C. C. Hope, Jr., 1111 Bolling Road, representing the residents of Westwood Avenue opposing the rezoning of the property at 404 Westwood Avenue, presented the Council a map of the area, on which it was indicated that every resident has signed the petition opposing the rezoning. He pointed out that there are 14 residents on the street and of these, 12 represent owner-occupied houses and all houses are single-family, occupied by people who have spent their lives on this very pretty, residential street for an average of 22 years each; some for as long as 40 years and 6 houses occupied by retired couples and 4 by widows. He passed to the Council photographs of the residences, showing the well kept condition of the houses and grounds and the pride in which these residents take of their street. He stated they oppose the rezoning of the property which would bring B-2 Classification to the only lot on Westwood Avenue. In summary, they do not believe it is necessary to rezone the property in order to provide parking. Too, they have counted the cars and trucks parked on the street in relation to this garage and do not believe there is constituted a major problem in parking. Also, the petitioner not long ago asked for a rezoning of property across Westwood Avenue facing Cliffwood and no opposition was given to this rezoning. This type of business would bring noxious fumes

and noise closer to residences not occupied by the petitioner. They believe in the maintenance of this neat residential street and they believe that any change in the zoning would be a violation of a neighborhood that has for some years preserved itself by the efforts of its own residents.

Mr. Stokes invited the Council to see the parking conditions on this corner before making a decision on his petition. He stated there are people in this room who signed the petition who would go along with him on the rezoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 65-10 FOR CHANGE IN ZONING OF A TRACT OF LAND FRONTING ON MCALWAY ROAD AND ASHWORTH ROAD.

The public hearing was held on Petition No. 65-10 by W. E. King, Jr. for a change in the zoning from R-9 to R-6MF of a tract of land fronting 150 ft. on McAlway Road on the southeast and 90 ft. on the east and 233 ft. on Ashworth Road on the north.

Mr. Bryant, Senior Planner, advised that this is a tract of vacant land at the curve or turn in McAlway Road from Randolph Road. Ashworth Road is an unopened street bordering the property on the side. The area is a mixture of single family, vacant and some multifamily apartments; McAlway Manor is located diagonally across McAlway Road from the subject property. There are some multifamily structures down Walker Road, off McAlway Road. At the present time all of the area on this side from the subject property is zoned multifamily, the area on this side of Walker Road is multifamily and the zoning is also multifamily from this direction. The blocks on either side of the subject property are zoned R-9.

Mr. Phil Forlidas spoke for the rezoning, giving as his reasons that the land is not suited for single family residences because of its large size, 23,000 square feet. When McAlway Manor is completed they will have about 85 units, which is a block away from the subject property. That the traffic count at McAlway and Walker Road is 3,263 cars in a 12-hour period, and they will add only 20 cars, and will provide adequate parking for their 10 unit apartment. He stated it is his understanding that McAlway Road is scheduled to be widened. That the values of nearby houses will not be depreciated because they plan to build a semi-luxury apartment which will be in keeping with the residences in the area, and the apartments will rent for \$105.00 for one bedroom and \$125.00 for two bedrooms. They will have a buffer zone all the way around the property and the building will be fireproof and proper drainage will be provided.

No objects were expressed to the rezoning.

Council decision was deferred one week.

MEETING RECESSED AT 4 P.M. AND RECONVENED AT 4:10 P.M.

Mayor pro tem Whittington declared a 10 minute recess at 4 p.m., and the meeting was reconvened and called to order at 4:10 p.m.

ENCROACHMENT AGREEMENT WITH SOUTHERN RAILWAY COMPANY FOR CONSTRUCTION OF TWO TRACKS ACROSS WEST 10TH STREET AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and un-animously carried, an encroachment agreement was authorized with the Southern Railway Company for the construction of two tracks across West 10th Street.

CONTRACTS AUTHORIZED FOR APPRAISAL OF RIGHT OF WAY FOR NORTHWEST EXPRESSWAY.

Motion was made by Councilman Jordan, seconded by Councilman Smith, and unanimously carried, authorizing contracts for the appraisal of rights of way for Northwest Expressway, as follows:

- (a) Contract with L. H. Griffith for appraising one parcel of land on Beaumont Avenue.
- (b) Contract with Robert R. Rhyne, Sr. for appraising one parcel of land on West 7th Street.
- (c) Contract with Harry G. Brown, for appraising one parcel of land at 527 Seigle Avenue and 9th Street.

CONSTRUCTION OF SANITARY SEWER MAIN IN WELLESLEY AVENUE AUTHORIZED.

Councilman Jordan moved approval of the construction of 463 feet of sanitary sewer main in Wellesley Avenue, at the request of Daniels Plumbing Company at an estimated cost of \$3,685.00, with all costs to be borne by the applicant, whose deposit of the amount of the cost will be refunded as per terms of the contract. The motion was seconded by Councilman Dellinger, and unanimously carried.

SUPPLEMENTAL AGREEMENT NO. 1 TO CONTRACT WITH REA CONSTRUCTION COMPANY FOR RUNWAY CONSTRUCTION AT AIRPORT APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, Supplemental Agreement No. 1, to contract with Rea Construction Company for runway construction at Douglas Municipal Airport, was approved which modifies the contract to provide for the installation of sand asphalt material along 1,500 feet of the North-South Runway edges, in the amount of \$3,935.25 increase in the contract price.

SPECIAL OFFICER PERMIT AUTHORIZED ISSUED TO WOODROW FREEMAN FOR USE ON PREMISES OF PARK & RECREATION COMMISSION.

Councilman Jordan moved that a Special Officer Permit be issued to Mr. Woodrow Freeman, Route 1, for use on the premises of the Park and Recreation Commission. The motion was seconded by Councilman Dellinger, and unanimously carried.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON FEBRUARY 15TH ON PETITIONS NUMBERED 65-11 THROUGH 65-20 FOR ZONING CHANGES.

Upon motion of Councilman Bryant, seconded by Councilman Jordan, and unanimously carried, a Resolution Providing for Public Hearings on February 15th on Petitions Numbered 65-11 through 65-20 for Changes in the Zoning Map and/or Ordinance, was adopted.

The resolution is recorded in full in Resolutions Book 4, at Page 478.

TRANSFER OF CEMETERY LOTS AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, the Mayor and City Clerk were authorized to execute the following

deeds for the transfer of cemetery lots:

- (a) Deed with Mrs William Earle Patterson, for Lot 102, Section 2, Evergreen Cemetery, at \$600.00.
- (b) Deed with Mrs Viro H. Roberts, for Lot 420, Section 6, Evergreen Cemetery, at \$240.00.
- (c) Deed with Mrs Harry B. Marsh, for Graves 1 and 2, Lot 141, Section 2, Evergreen Cemetery, at \$120.00.

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR CONSTRUCTION OF SIDEWALKS AND DRIVEWAYS ON WOODLAND DRIVE.

Councilman Jordan moved that contract be awarded the low bidder, Crowder Construction Company, for the construction of sidewalks and driveways on Woodland Drive, as specified, in the amount of \$2,449.40. The motion was seconded by Councilman Dellinger, and unanimously carried.

The following bids were received:

Crowder Construction Company	\$2,449.40
Blythe Brothers Company	2,535.00
C. D. Spangler Construction Co.	3,000.00

CONTRACT AWARDED MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC. FOR FOUR MOTORCYCLE RADIOS.

Councilman Albea moved the award of contract to the only bidder, Motorola Communications and Electronics, Inc. for four motorcycle radios, as specified, in the amount of \$3,300.12. The motion was seconded by Councilman Thrower, and unanimously carried.

CONTRACT AWARDED COMMUNICATION PRODUCTS DIVISION OF GENERAL ELECTRIC COMPANY FOR 30 MOBILE RADIO UNITS.

Motion was made by Councilman Bryant, seconded by Councilman Dellinger, and unanimously carried, awarding contract to the low bidder, Communication Products Division of General Electric Company for 30 Mobile Radio Units, as specified, in the amount of \$15,546.82.

The following bids were received:

Communication Products Division	
General Electric Company	\$15,546.82
Motorola Communication & Electronics, Inc.	16,343.75
Radio Corp. of America	18,696.04
Fairchild-DuMont Laboratories	19,393.77

CONTRACT AWARDED MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC. FOR ONE BASE STATION, TWO REMOTE CONSOLES AND ONE ANTENNA.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder, Motorola Communications and Electronics, Inc. for One base station, 2 remote consoles and one antenna, as specified, in the amount of \$1,429.64.

The following bids were received:

Motorola Communications & Electronics, Inc.	\$1,429.64
Communication Products Division General Electric Company	1,585.17

Bids received not on specifications:

Fairchild-DuMont Laboratories	1,330.50
Radio Corp. of America	1,401.83

CITY MANAGER ADVSISES WILL ATTEND MEETING OF N.C. LOCAL GOVERNMENTAL RETIREMENT SYSTEM ON JANUARY 26TH TO HEAR CHANGES PROPOSED IN THE SYSTEM TO BE PRESENTED TO THE GENERAL ASSEMBLY.

Mr. Veeder, City Manager, stated that the North Carolina Local Governmental Retirement System has called a meeting in Raleigh for a week from tomorrow to inform participants in the System of some changes the System may want to propose to the General Assembly; in essence, the changes are to make the Local Governmental Retirement System similar to the State Teachers Retirement System as amended in the 1963 Session. That he planned on attending the meeting to find out more about the changes proposed and he will keep Council informed as to what it is all about.

APPOINTMENT OF HAROLD M. EDWARDS AS VICE-RECORDER.

The City Manager advised that Judge Beacham and Judge Grist discussed with the City Attorney and him this morning the vacancy of Vice-Recorder and Judge Beacham asked that he point out to Council that Mr. Harold M. Edwards who he had mentioned in his memorandum, currently serving as Judge pro tem for County Recorder's Court, is resigning this office. Both Judge Beacham and Judge Grist commented on the desirability of having more than one Vice-Recorder, as situations could arise where both of them were incapacitated or off the bench for any one of a number of reasons, and they suggested that Council give some consideration to appointing more than one Vice-Recorder for City Recorder's Court. Each of the Judges mentioned an individual who would be willing to sit on the bench in an emergency but would not like to be called on unless it were an emergency and who had indicated a continuing interest in City Government and his willingness to help when help was required.

Councilman Dellinger moved the appointment of Mr. Harold M. Edwards as Vice-Recorder for the unexpired term of Mr. Tom Lane. The motion was seconded by Councilman Albea, and unanimously carried.

Mayor pro tem Whittington commented that the need for another Vice-Recorder has been pointed out by Judge Beacham and Judge Grist, and it might be something for Council to think about.

CITY MANAGER REQUESTED TO CHECK INTO THE MATTER OF CONSTABLES FOR CHARLOTTE TOWNSHIP.

Councilman Smith stated that sometime ago some questions arose about who appointed the Constable for Charlotte Township, and he has heard several comments that perhaps there should be two Constables as the work is such that it would warrant two. The City Manager stated he would be glad to check into the matter; that this is the first time it has come to his attention.

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Councilman Dellinger commented he does not think the Council can appoint but the one under the present arrangement. Councilman Smith remarked that if it is determined that two are needed then a change in the Charter to that effect could be discussed and this would be the time to do it. Councilman Albea remarked that presently one Constable for Charlotte Township is appointed by Council and one is elected. The City Manager said he would be glad to get together the facts and advise Council.

CITY MANAGER REQUESTED TO SET UP DATES FOR MEETINGS WITH MECKLENBURG LEGISLATORS TO DISCUSS CHARTER AMENDMENTS.

Mayor pro tem Whittington asked the City Manager to set up target dates with Mecklenburg Legislators for a discussion of amendments to the Charter. He also asked that he get the message to the Department Heads about the Bond Election on Saturday.

ADJOURNMENT.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, the meeting was adjourned.



Lillian R. Hoffman, City Clerk