

The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, January 19, 1976, at 7:30 o'clock p.m., in the Board Room of the Educational Center with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis Davis, Harvey Gantt, Pat Locke, Neil Williams and Joe Withrow present.

ABSENT: Councilman James B. Whittington.

Sitting as a separate body for the hearings on petitions for zoning changes was the Charlotte-Mecklenburg Planning Commission, with the following members present:

Commissioners Boyce, Ervin, Finley, Jolly, Kirk, Marrash, Ross and Royal.

ABSENT: Chairman Tate.

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#### INVOCATION.

The invocation was given by Councilman Joe Withrow.

#### MINUTES APPROVED.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, approving the minutes of the Council Meeting on Monday, January 5, 1976, as submitted.

#### PRESENTATION OF PLAQUE AND REPORT FROM CLEAN CITY COMMITTEE.

Mr. Jeff Huberman, Chairman of the Clean City Committee, presented a status report on the Clean City Committee for the past year and a half - copy of the report was filed with the City Clerk.

Mr. Huberman reviewed the report with the Mayor and Council, and introduced the members of the Committee present in the audience.

During the report he stated the Keep America Beautiful's 22nd Annual Meeting was held in Washington, D. C., on December 3-5 and it centered around the presentation of the final report of the research findings of the Action Research Model. At the conclusion, Roger Powers, President of KAB, unveiled a certificate addressed to the people of Charlotte in thanks for making ARM a success.

Mr. Hopson, Director of Public Works and members of the Clean City Committee, presented Mayor Belk with the plaque.

Mayor Belk expressed appreciation to Mr. Hopson and Mr. Huberman for their leadership and the Committee for its fine work.

#### RESOLUTION OF APPRECIATION PRESENTED TO J. B. SMITH.

Councilman Withrow presented the following resolution to J. B. Smith:

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WHEREAS, J. B. Smith, has lived in Charlotte 20 years, and has been involved in civic and community affairs for a long period of time; and

WHEREAS, Mr. Smith was the first Chairman of the Charlotte Clean City Committee a committee which was formed after Charlotte, along with Macon, Georgia and Tampa, Florida was selected a national test city to conduct a pilot project for systematic communitywide reduction and control of litter. The results of the pilot program are so successful that in 1976 the program will be offered to communities nationwide; and

WHEREAS, during his term City Council adopted the Charlotte litter control ordinance which the committee proposed; and

WHEREAS, Mr. Smith has promoted a greater understanding on the part of the entire community that everyone is responsible for a clean community.

NOW, THEREFORE, be it resolved the City Council of the City of Charlotte, North Carolina, hereby commends and expresses its deepest appreciation to Mr. Smith for an outstanding service to the City and its citizens.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting, and that a copy of this resolution be presented to Mr. Smith."

HEARING ON PETITION NO. 76-1 BY GEORGE H. ROBINSON FOR A CHANGE IN ZONING OF PROPERTY FRONTING ON THE WEST SIDE OF PINOCA STREET, ON THE NORTHEAST SIDE OF THE INTERSECTION OF PINOCA STREET AND HOVIS ROAD.

The public hearing was held on the petition to change the zoning from R-6MF to O-6(CD).

Mr. Bryant, Assistant Planning Director, stated the request is a change in zoning from a multi-family classification to an office conditional district type of classification. A few months ago, Mr. Robinson appeared before this same group requesting that property on Pinoca Street in the Thomasboro area be rezoned from the R-6MF to the O-6 classification for the purpose of establishing a beauty shop at this location. The Planning Commission at that time recommended that the request be denied. Council did deny the request as recommended. In the process it was pointed out there would be available a different type of zoning process known as the conditional district, or parallel district process whereby property can be considered for a specific use allocation, rather than a general district allocation. In this context the Council wanted Mr. Robinson to have the opportunity if he wished to come back with a specific planned type of proposal that would involve the use of the property only for the purpose which he so stipulated. This is what is before the two bodies tonight.

Mr. Bryant then presented slides of the area showing the property requested for the conditional district; the surrounding land uses, and referred to maps indicating the location of the property, and the zoning uses in the area.

He stated the area is generally zoned for R-6MF with the nearest other type zoning being single family zoning to the south of Hovis Road, and I-1 zoning to the north that accommodate the industrial area. The subject property is entirely surrounded by R-6MF zoning.

Councilman Gantt asked if on conditional type zoning the petitioner has to provide the site plan prior to the actual use of the property; and the site plan is approved by staff? Mr. Bryant replied Council must approve it as a part of its adopting procedures. If Council should approve this petition it will adopt an ordinance stipulating the text of the change and at the same time

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approve the site plan which the petitioner would submit. Mr. Bryant stated the site plan has been submitted and is in their file. In this instance there is no new building proposed; it is merely a site plan that delineates the present structure which is on the site stating it would be used for the beauty shop purpose. The conditional approach would not only tie it to that plan as far as the layout of the structure but would limit it to that one use.

Speaking for the petition was Mr. George Robinson and his wife. Mr. Robinson stated the building next door is now used as a shop repair shop and warehouse. During the summer the weeds were never cut and they were head high. That is right next door to the subject property. In answer to a question, Mr. Robinson stated both he and his wife are cosmetologists; that he is also a wig maker.

Councilman Gantt asked how he intends to accommodate the traffic jams that could be at the house? Mr. Robinson replied they are the corner lot with the exception of the lot facing Hovis Road; the traffic coming down the street would pass no houses to get to this location; there is a house directly across the street; but there are no houses between the property. He stated parking will be in the rear; this information is all included in the map which he furnished to Mr. Bryant.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 76-2 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO CONSIDER AN AMENDMENT TO THE ZONING ORDINANCE IN REGARD TO HEIGHT REQUIREMENTS FOR RADIO AND TELEVISION MASTS AND A PROVISION FOR THESE STATIONS.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this is a text change to amend the text of the zoning ordinance dealing with the conditions and circumstances under which a particular use would be allowed. This would amend the conditions under which a television, radio studio or office would be allowed. At present, the zoning ordinance allows within any residential district the location of radio, telephone and television masts, towers, antennas, and similar structures as well as radio and television stations and/or offices. This means that in residential locations within the City of Charlotte there could be located not only the transmitting tower or the structural radio or television masts but at the same time the actual broadcasting studio as well as the offices of radio or television stations.

This is different from the county ordinance in that the mast or towers are allowed in residential situations, but the actual studios or offices are restricted to either an office, business or industrial location. The proposal before Council tonight is proposed to do just that for the city. It proposes to continue as a use by right in residential districts, radios, telephones and television masts, towers, antennas and similar structures but would relate radio and television stations and/or offices to institutional, office, business or industrial districts. In effect, removing those uses by right from residential locations.

Mr. Bryant stated under the current ordinance the only restriction is that any such facility must be at least 200 feet from the property line. Other than that there is no restriction about its location in any residential area within the City of Charlotte.

Mrs. Claudia King, Vice President of the Huntingtown Farms Neighborhood Association, stated this group is supporting the proposed change in the zoning ordinance prohibiting radio, and TV stations in residential areas. They request that Council approve the change.

Mr. Randy Frazier, Manager of Cablevision of Charlotte, stated he is present to inquire how this might affect their operations in this community. They are franchised to provide cablevision service in Charlotte, and have done so for a number of years under several different ownerships - presently under the ownership of American Television and Communications Corporation. They are regulated by the Federal Communications Commission as well as the enabling ordinance granted by the City of Charlotte. As such they have certain requirements of service and facilities they must provide to the community. Two of the services in which they are moving into a position of having to provide in the immediate future are public access and local origination programming. To do that, they have to have studio facilities or equipment available for persons in the community that are interested in putting on programming on a first come, first serve basis. He stated they are in a position also of having a head in and receiving tower and equipment in a residential area and this zoning possibly would preclude their use and service to the community in the area of public access of local origination programming.

He stated he talked to Mr. Bryant earlier today and he brought up the point that they could possibly have conditional use. There are now three receiving sites and towers in the community of Charlotte to provide public access service in going into Washington, D. C. independent stations within the coming months, and they have to consolidate and put in equipment to broadcast to two sites. They will have one central site which is on Sharon Amity, and is zoned residential. That will be the site of any local origination of public access programming. It is their concern that this zoning change could preclude their use of that site, giving the nature of the equipment they have there, and the facilities they have there which is a concrete block build. They would not have to make a lot of changes if they were allowed to use that site.

Mr. Frazier stated they have a tower and a receiving antenna there now to pick up signals out of the air; the tower is 400 feet. That site has been in existence since the beginning of the operation of community antenna system in Charlotte.

The building is approximately 100 to 120 square feet; it contains singal processing equipment and switching equipment for non-duplication of tapes between local television signals and their television signals. It was their plan until this came up to put in local origination equipment which would be video-tape machines and in the future expand the building to accommodate a small studio. The two do not automatically have to be together; it is more feasible from a technical standpoint, and an operations standpoint to be able to have the facilities located at the headin building. Cable television system is a closed network; it is not a broadcast system where you have a tower sending a signal all over the community. It is a fixed location, serving a fixed area.

Councilman Withrow stated in Huntingtown Farms there are two streets that go into the PTL property - Colvert Land and the extension of Tensbury Court has never been opened up. He asked if the Planning Commission can investigate a closure of these streets so that the traffic from the Club can only go out the Park Road entrance, rather than going through the neighborhoods.

Mr. Bryant replied they will work with the City Attorney to see legally what can be done. That he understands there are publicly dedicated stub streets. They do give access to specific properties and they will work with the City Attorney to see what can be done.

Councilman Withrow stated he understands they have taken a bulldozer and piled dirt up to close Colvert Lane, and they are using the Park Road entrance. Mr. Bryant stated it is possible they would have no objections to the closure, and would voluntarily be a part of it. Then the adjoining property owners on each side of the stub could join in and perhaps it can be done that way. They will be glad to work with this.

Mayor Belk asked Mr. Bryant to check with Mr. Underhill and report back to City Council on the streets.

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

HEARING ON PETITION NO. 76-3 BY LOU PERRY BATTS FOR A CHANGE IN ZONING OF PROPERTY ON THE NORTH SIDE OF CENTRAL, WEST OF THE INTERSECTION OF CENTRAL AVENUE AND SHARON AMITY ROAD.

The public hearing was held on the subject petition to change the zoning from O-6 to B-1.

Mr. Bryant, Assistant Planning Director, explained the location of the property, the land uses in the area, and the zoning of the property and surrounding properties. Slides of the area and the maps were presented and reviewed by Mr. Bryant.

The subject property is bounded on the east side by B-1 zoning; on the west side by office zoning, and to the rear by office zoning. To the east is the vacant lot; then the commercial uses begin at the intersection of Sharon Amity Road. To the west is the vacant property and then single family houses and the large massive apartment project. Across Central Avenue is also a vacant lot. The subject property has vacant property on two sides and the apartment project which wraps around it to the rear.

Speaking for the petitioner was Mr. Wayne M. Brendle, Attorney, who stated the petitioner would like to use the property for a retail arts and craft shop. This would include the assembling of wall plaques and other wall decorations. It will be a small family type of operation. There will be parking in the front and to the rear. He showed the type of plaques that would be made from the molds.

Mr. Brendle stated the present plans call for the addition of a garage. Other than that there are no other plans.

Councilman Gantt asked if there is enough property to get the proper amount of parking space for the number of people who will be employed? Mr. Brendle replied the lot is some 260 feet deep, and would permit adequate parking.

Councilman Gantt stated looking at the pattern of zoning there is a multi-family area which spreads along Central Avenue, and as it approaches the corner it is buffered with an office zoning, and the business picks up at the corner except on the southwestern side of the street there is a long strip of business zoning. He asked what this is? Mr. Bryant replied this is reflective of a situation where we started out with a good neat pattern, and over the years things happen, and end up with a strip of commercial zoning. To the west all the B-1 was inserted over the years, piece meal, after the initial adoption of the zoning in the area. It is primarily occupied by a variety of commercial activities.

Councilman Gantt stated it seems we have a terrific problem trying to find a buffer between residential and business development, and we have been using office and that seems to continually be violated by people wanting to make it business zoning.

Mr. James Rowe, Jr., 3924 Winterfield Place, stated they would like to object to the continued strip zoning in their neighborhood. That he will elaborate on this after the next petition.

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

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HEARING ON PETITION NO. 76-5 BY JIMMIE POURLOS FOR A CHANGE IN ZONING OF PROPERTY FRONTING ON THE SOUTH SIDE OF CENTRAL AVENUE AT THE SOUTHEAST CORNER OF THE INTERSECTION OF CENTRAL AVENUE AND WINTERFIELD PLACE.

The public hearing was held on the subject petition to change the zoning from O-6 to B-1.

Mr. Bryant, Assistant Planning Director, presented slides of the property, the surrounding areas, and maps of the areas showing the zoning of the property and the zoning of the surrounding areas.

The subject property is vacant; to the rear begins the pattern of single family extending back into and along Winterfield Place. A six unit apartment is located across from the subject property.

The subject property is zoned O-6 similar to the north side of Central Avenue discussed previously; there is a pattern of business zoning beginning at Sharon Amity Road and extending almost to the subject property with office zoning extending out to Winterfield. There is a band of office zoning on the opposite side of Winterfield and then the beginning of the R-6MF area to the south and north of Central Avenue.

Speaking for the petitioner was Mr. Nick Miller, Attorney who stated his client bought the property a number of years ago for investment purposes long before Eastland Mall. As far as the people who made the valuation on the property he made a wise choice because last year's taxes were some \$1700 for the vacant lot. The property is zoned office, and at present in Mecklenburg County there is not a great deal of demand for office space.

He stated the petitioner has a fast food operation "Windy's" who would like to use the property. The company is almost nationwide and they have a couple of hundred locations. He passed around pictures of the proposed building stating he has a site plan.

Mr. Miller stated the narrow strip of land between this property and the B-1 property which is about 50 feet is zoned office. The property is owned by the same people who own the property on which Food Town is located; it is also leased to the Food Town operation for approximately 15 years. He stated he has a letter from the owners, which states they have no objections to this rezoning, nor do they have any objections to their particular 50 foot parcel being rezoned so there will not be a B-1, office and then another B-1 zoning should the Council see fit to rezone this particular piece of property.

Mr. Miller stated this particular rezoning would not have the effect of putting business immediately adjacent to residential property. This rezoning could be limited to 200 feet in depth, and still leave a hundred foot or more strip of land between the residential and the business requested use. The traffic problem has been discussed, and he is sure that Windy's would be delighted if they thought their one fast food operation could increase or bring that much traffic to an area. He stated he thinks it is safe to say they will probably disperse some of the traffic from the corner of Sharon Amity and Central Avenue at the fast food operation located there.

Mr. James Rowe, Jr., 3925 Winterfield Place, spoke in opposition to the rezoning. He stated he has a petition containing 110 signatures in opposition. (The Petition was not filed with the City Clerk). He stated they feel the jump to B-1 would affect their neighborhood by traffic congestion, safety to the children, spot zoning on Central Avenue, depress property values, and the saturation of eating establishments and food outlets in their area, and environment.

The traffic congestion since the widening of Central Avenue and Sharon Amity Road has become so dense at peak hours that the residents of the neighborhood cannot get in and out of their street due to the heavy right turn lane, turning into Food Town. Some of the children must cross Central Avenue to catch a school bus and there is no safety zone for them. There have been several wrecks at this corner. Since the widening of Central Avenue, due to lack of conformity of zoning, the stretch of Central Avenue, from Norland Road and Sharon Amity Road is becoming an eye sore. The entrance to Rosehaven has been ruined by an unattractive assortment of service stations, convenience stores and mini-shopping center.

The residents nearest Central Avenue are most concerned about decreasing property values brought about by the encroachment of additional eating places, retail outlets and such at the entrance to the community. He stated there are approximately 40 eating establishments and food outlets within a half mile area of this piece of property. Also in this area are two churches and many nice residential homes and streets, all trying to maintain their character and their dignity.

The lot at the corner of Central Avenue and Winterfield is their last vestige of a green belt for a buffer between their community and the high density intersection of Central and Sharon Amity.

Also speaking in opposition to the rezoning were Ms. Mary Rolinsky of Winterfield Place and Ms. Ann Rowe, 3925 Winterfield Place.

Mr. Bryant stated under the conditional approach you would be able to relate the traffic situation, the driveway locations and such to a plan that could be considered and approved by the Traffic Engineering Department. Under the conventional use by right district there is no opportunity to evaluate this other than the normal conditions which are applied to the granting or the withholding of any driveway permit. Under the normal zoning processes there is not the opportunity to review plans to the extent of the conditional plans.

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

HEARING ON PETITION NO. 76-4 BY YOUNG WOMEN'S CHRISTIAN ASSOCIATION FOR CONDITIONAL APPROVAL FOR ADDITIONAL CONSTRUCTION TO A YWCA FACILITY IN AN R-9 DISTRICT; 9.65 ACRES FRONTING 349.6 FEET ON THE WEST SIDE OF PARK ROAD AT THE INTERSECTION OF PARK ROAD AND TOWNES ROAD.

The scheduled hearing was held on the subject petition.

Mr. Bryant, Assistant Planning Director, stated this constitutes the first opportunity to utilize the recently adopted regulation making most institutional uses conditional uses in residential districts. The YWCA has been located on Park Road for a number of years, and went in when the ordinance allowed it as a use by right. They now desire to expand and extend their facility, and they have to come at this point for the conditional approval approach which was recently installed into the ordinance.

Mr. Bryant then presented slides showing the buildings, the surrounding area, land uses and zoning in the area. Across Park Road in front of the Y is generally residential structures with one exception where there is a day care center at the corner of Townes Road and Park Road. He stated the zoning of the entire area is R-9 and this includes the Y property.

He stated this is not a request to change the zoning of the property of the Y but is a request for conditional approval to allow an expansion and extension of the use which is there now. He referred to a map and pointed out the location of the extension. The drive will be extended from the present drive and about 23 additional parking spaces will be created on two sides of the tennis courts. Those additional parking spaces are required in order to meet the minimum parking requirements of the zoning ordinance.

Speaking for the petition was Mrs. Carlton Watkins who stated the gymnasium they want to build at this time was a part of the original plan for the YWCA some ten years ago. It was not built because of the lack of funds. There are 7,000 members of the Y; but this is planned for all the women and girls and for the entire community.

No opposition was expressed to the request.

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

HEARING ON PETITION NO. 76-6 BY REGINALD S. HAMEL FOR A CHANGE IN ZONING OF PROPERTY FRONTING ON THE SOUTH SIDE OF TUCKASEEGEE ROAD, DIRECTLY SOUTH OF EDGEWOOD DRIVE AND EXTENDING WEST ABOUT 840 FEET.

The scheduled hearing was held on the subject petition for a change in zoning from R-9 to B-1 and O-15.

Mr. Bryant, Assistant Planning Director, presented slides stating it is a request to change from residential to business and office a strip of land located on the south side of Tuckaseegee Road, not far from the Interstate 85 intersection. This is a request for rezoning on the south side of Tuckaseegee Road backing up to some existing extensive industrial zoning at that location.

There is commercial development on the east side of the subject property with residential development across the road in front of it; to the rear is an extensive area of industrial zoning which has not been utilized, and is for the most part vacant.

The subject property is a lengthy strip of land with a depth of 200 feet. The easterly portion from about Cheshire Avenue is being requested for a change to B-1 with the westerly portion from Cheshire West being requested for an office classification. Immediately adjoining the property on the west is a large day care center which has been built recently. To the rear of the property is the vacant area zoned industrial; to the east are the commercial uses.

The property is bounded on the rear by I-1 zoning; to the east is the B-2 zoning for a motel, and then a solid pattern of R-9 along the opposite side of Tuckaseegee Road.

Mr. Bryant stated most of the area which is zoned industrial in the rear was zoned that way a number of years ago when we were involved in an attempt to relate land use and zoning more specifically to the airport and the effects of the landing and take off zones. Most of the property in the area was within the flight path of one of the runways from the airport. In order to discourage and prevent predominately residential development from occurring to the south of the subject property a rather large massive area of industrial zoning was introduced at that time. The residential zoning which was preserved along Tuckaseegee Road at that time was preserved in the interest of maintaining Tuckaseegee Road itself as a residential street rather than bringing the industrial all the way to Tuckaseegee Road.

Mr. Joe Hill, 410 North Laurel Avenue, spoke for the petitioner. He referred to several maps, and pointed out the flight path which the commercial airliners using Douglas Municipal Airport make across the property. In a previous petition the Planning Commission recommended against a residential classification. He stated the three nearest shopping centers to the property are Freedom Mall, Freedom Mart and a 7-11 Store on Little Rock Road. The Freedom Mall and Freedom Mart are one half mile from the site, but are regional in nature and character, and are separated by I-85 from this general neighborhood. The 7-11 Store is 2.3 miles away and the closest shopping in the area of any type; there is none further out Tuckaseegee Road. The area needs some kind of neighborhood shopping facilities.

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During his presentation Mr. Hill stated his client proposes to extend Centurian Boulevard through his property and tie into Tuckesegee Road. Since the land is not suitable for residential development they felt the B-1 zoning next to the motel is a logical extension of the B-1 zoning, and will provide an opportunity for needed neighborhood shopping. The O-15 zoning requested along with the B-1 zone will provide a logical transition to the nursery property, and they together will provide a good buffer between the industrial land and the residential land.

Councilman Davis asked the width of the yellow arrow representing the flight pattern on his map, and how he determined it? Mr. Hill replied it does not indicate a specific flight width; but he would say it is 1200 to 1500 feet.

Councilman Gantt asked if there is a client for the property? Mr. Hill replied he is a land planner, and he represents the petitioner. As far as he knows there is no client for the property. He does not have that information.

No opposition was expressed to the proposed change in zoning.

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

ORDINANCE NO. 13 AMENDING CHAPTER 18, SECTION 18-2 BY ADDING A NEW PARAGRAPH PROVIDING FOR REVIEW AND APPROVAL OF SIGNS OR STRUCTURES TO BE LOCATED INSIDE THE STREET RIGHT OF WAY.

Councilwoman Locke moved adoption of the subject ordinance, as recommended by the Planning Commission which reads as follows:

"Any landscaping, identification signs or structures proposed to be located inside the street right of way shall be subject to review and approval by the City of Charlotte Public Works Department, Landscape Division."

The motion was seconded by Councilman Williams, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 10.

ORDINANCE NO. 14-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE NORTH SIDE OF PECAN AVENUE NORTHEAST OF THE INTERSECTION OF SEVENTH AND PECAN AVENUE, AND PETITIONER TO RESUBMIT A PETITION FOR CONDITIONAL B-1 USE.

Council was advised that the Planning Commission recommends the petition by J. L. Stanley for a change in zoning from O-6 to B-1 be approved.

Councilman Gantt stated a member of the Neighborhood Association called and indicated that the petitioner and the Neighborhood Association have gotten together on a possible compromise solution that would satisfy both the Neighborhood and Mr. Stanley in his efforts to have zoning change made there. That he understands Mr. Stanley agreed to re-submit this petition under a parallel conditional district. Second, another citizen from that area, also called and indicated that Mr. Stanley had already started to use the property for business zoning on the assumption that Council had made the decision. He asked if the property is actually being used?

Mr. Stanley, the petitioner, stated he has not opened. That he has a sign on the door and window which says opening soon. That he had just gotten in some hams he bought through the drug store and Mr. Mathias a neighboring operation asked him to sell one. That he sold him one but it is not opening a butcher shop as he brought the hams through the drug store. He passed around a petition signed by residents of Pecan Avenue, East 8th Street, Louise Avenue, Clement Avenue, and other streets in the area stating they favor having a butcher shop at 417 Pecan Avenue.

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Councilman Gantt asked if he has agreed to re-submit the petition for a parallel conditional zoning? Mr. Stanley replied he is interested in doing what the neighbors in the community want; that he told Mr. Carroll, spokesman for the Neighborhood, that he would not put in anything but a butcher shop. That he is all set to open the butcher shop; that he has his first shipment coming in tomorrow. That he plans to put a row of shrubbery beside the building.

Mr. Carroll stated he talked to Mr. Bryant a little earlier and he said there would be no problem in acting on the parallel conditional district. The only problem is getting the site plan.

Councilman Gantt stated this is an interesting resolution of a businessman making an investment in the community, and a neighborhood concerned about the quality and character of their neighborhood, particularly in view of some of the kinds of zoning petitions we have seen tonight. He feels that under the parallel conditional zoning we have an opportunity to insure that Mr. Stanley operates a butcher shop, and that we do not give him a use by right situation should he decide to give up his drug store business and his butcher shop business, and then we have some other type of use in there.

Councilman Gantt moved that Council approve the petition on the basis of the conditional district zoning, on the condition he submits the site plan within 30 days. The motion was seconded by Councilwoman Locke.

Councilman Gantt asked if Council can do this? Mr. Underhill, City Attorney, replied it was contemplated by the ordinance when conditional zoning is approved that Council have before it the site plan upon which to base its approval. That this was not before Council at the public hearing because it was considering a B-1 district.

During the discussion that followed, Mr. Bryant, Assistant Planning Director, advised Council that one of the requirements of the ordinance is to approve a site plan.

Councilman Gantt withdrew his original motion, and moved that Council delay decision on the petition for the submission of a site plan. The motion was seconded by Councilman Withrow.

Following further discussion, Councilwoman Locke made a substitute motion to approve the petition for B-1, with the understanding that we immediately set in motion the necessary additional public hearing to come back and rezone it to the conditional district as soon as possible, and that the filing fee of \$100 be waived for the new petition. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 11.

ORDINANCE NO. 15-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAPS OF THE CITY OF CHARLOTTE BY CHANGING THE ZONING OF PROPERTY ON THE NORTH SIDE OF MONROE ROAD, SOUTHEAST OF THE INTERSECTION OF SHARON AMITY ROAD AND MONROE ROAD ON PETITION OF THE OAKHURST VOLUNTEER FIRE DEPARTMENT

Councilman Withrow moved adoption of the subject ordinance changing the zoning from R-9 to B-1 as recommended by the Planning Commission. The motion was seconded by Councilman Gantt, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 12.

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ORDINANCE NO. 16 AMENDING CHAPTER 23, SECTION 23-46.1 OF THE CITY CODE AMENDING THE TEXT OF THE ZONING ORDINANCE TO ALLOW PARKING IN THE SETBACK IN R-1.OMF DISTRICTS WITH THE USE OF SPECIAL USE PERMITS.

Councilman Gantt moved adoption of the subject ordinance amending the text of the zoning ordinance to allow parking in the setback in R-1.OMF Districts with the use of Special Use Permits, on petition of the Charlotte-Mecklenburg Planning Commission. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 13.

COUNCILMAN WITHROW EXCUSED FROM VOTE ON THE FOLLOWING PETITION.

After explanation by Councilman Withrow that his son owns the property next door and ruling by the City Attorney, Councilman Gantt moved that Councilman Withrow be excused from voting on the following petition. The motion was seconded by Councilwoman Chafin, and carried unanimously.

PETITION NO. 75-54 BY SARAH LEAH ARENSON FOR A CHANGE IN ZONING OF PROPERTY ON THE NORTHWEST SIDE OF HAWTHORNE LANE SOUTH OF THE INTERSECTION OF HAWTHORNE LANE SOUTH OF THE INTERSECTION OF HAWTHORNE LANE AND INDEPENDENCE BOULEVARD, DENIED.

Councilman Gantt moved that the subject petition for a change in zoning from R-6MF to O-6 be denied. The motion was seconded by Councilwoman Locke.

Councilwoman Locke stated there were five votes for this petition and two against with the argument that any further extension of non-residential zoning away from Independence Boulevard would be an encroachment into the Elizabeth neighborhood and therefore it should be discouraged. In the previous zonings it has been pointed out there is not a great demand for office spaces, and therefore she will vote against the petition.

Councilman Williams stated this is a change from R-6MF to O-6 about three or four lots from Independence Boulevard where there is considerable business. That we are always looking for transitional zoning or buffering zoning. It seems to him that maybe O-6 is a good kind of transitional zoning between business and residential. Also down the street is an institutional type of use which is the Hawthorne Methodist Church. The majority of the Planning Commission in recommending approval of this pointed out the practicalities and ventured the opinion this might be the only practical use of the property. That he understands the concern about protecting Elizabeth and the neighborhood, and if this were a change for a business zoning he would not be tempted to change it to business. Since it is office and that is a sort of transitional type zoning, he wonders about it. That he would like to have some comments on that.

Councilman Gantt replied he finds this particular block a little different than the Stanley Drug Store which has a substantial kind of commercial use, and was a block in transition where there was some question about what we were doing in the overall pattern of zoning. In this case it seems clear to him that along that street, if we begin the office zoning pattern that we are likely to begin the cancer of developing it from Hawthorne inward from that block. He would agree the transition here would be more akin to multi-family boarding house type of operations - giving the type of unit, the character and style of houses along that stretch of Hawthorne. It would seem that some form of duplex or multi-family housing along there through conversion of those units to boarding houses or to some form of rooming houses would be more appropriate than to start the office zoning which ultimately becomes business zoning. He feels that in areas like Dilworth along East Boulevard, and in Elizabeth and other inner city neighborhoods we have to take unusual measures to insure against this kind of encroachment.

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Councilwoman Locke stated she agrees with Mr. Gantt; that she thinks it is an encroachment that will continue on down the street.

The vote was taken on the motion to deny and carried as follows:

YEAS: Councilmembers Gantt, Locke, Chafin, and Williams.

NAYS: Councilman Davis.

PETITION NO. 75-21 BY G. PATRICK HUNTER, JR. TO CHANGE ZONING OF PROPERTY ON THE NORTH SIDE OF MEACHAM STREET, NORTHWEST OF THE INTERSECTION OF MEACHAM STREET AND LYNTHURST AVENUE, DEFERRED FOR SITE PLAN.

Councilman Williams moved adoption of an ordinance amending the zoning map by changing the zoning of the subject property from R-6 to B-1(CD) as recommended by the Planning Commission. The motion was seconded by Councilwoman Chafin.

Councilman Gantt made a substitute motion that decision be deferred on the petition until Council has seen the site plan. The motion was seconded by Councilman Withrow, and carried unanimously.

RESOLUTION CLOSING PORTIONS OF TREMONT AVENUE AND FAIRWAY LANE IN THE CITY OF CHARLOTTE, AS PETITIONED BY B & B THEATRES CORPORATION.

The scheduled hearing was held on the petition to close and abandoned portions of Tremont Avenue and Fairway Lane. Council was advised that the petition has been investigated by all city departments concerned with street rights of way and there are no objections to the closing.

Mr. Walter Benson, Attorney for the Petitioner, stated this is a little portion of Tremont that deadends and is blocked off from Interstate 77, and serves no purpose except as a place to collect garbage and trash. He stated the petitioners own everything on the north side. That Fairway Lane serves the back lot and there is no access being denied to anyone.

No opposition was expressed to the proposed closings.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and carried unanimously adopting the resolution closing portions of Tremont Avenue and Fairway Lane in the City of Charlotte.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 25.

\* \* \* \* \*

The following members of the Charlotte-Mecklenburg Historic Properties Commission came into the meeting at this point and set with the City Council as a Joint Body for the Hearings on the designation of buildings as historic properties:

Chairman Toy, and Commission members Boyer, Gay, Hunter, and Love.

ORDINANCES NO. 17-X AND 18-X DESIGNATING THE BUILDINGS KNOWN AS CARTER HALL AND BIDDLE MEMORIAL HALL, LOCATED ON THE CAMPUS OF JOHNSON C. SMITH UNIVERSITY AS HISTORIC PROPERTIES.

The public hearing was held on the request to designate the buildings known as Carter Hall and Biddle Memorial Hall, located on the campus of Johnson C. Smith University as Historic Properties.

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Dr. Greenfield, President of Johnson C. Smith University, stated they feel this is an essential part of the University; they feel this is a tremendous landmark in the history of Charlotte to have these facilities designated as historical buildings. Biddle Memorial Hall was established in 1882 and is 94 years old. Carter Hall was built about 1895. He stated present with him are Dr. & Mrs. Gaston from the University, and Mrs. Aldridge.

No opposition was expressed to the designation of the buildings.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, designating the buildings as historic properties.

The ordinances are recorded in full in Ordinance Book 23, beginning at Page 15.

ORDINANCE NO. 19-X DESIGNATING THE BUILDING KNOWN AS THE FORMER FIRE STATION NO. 2, LOCATED AT 1212 SOUTH BOULEVARD, AS HISTORIC PROPERTY.

The scheduled hearing was held on the request to designate the building at 1212 South Boulevard as historic property.

Speaking for the designation was Mrs. Frances Gay, member of the Commission, and Co-Chairman of the Committee to restore the fire station.

Speaking against the designation was Mr. T. O. Wolfe, present occupant of the building who stated he would like to know when they plan to start the restoration. That he has been in the building for the past eight years, and now he is located there from day to day. Mrs. Gay stated they do not know the exact date they will start the work but they will give Mr. Wolfe notice.

Mr. Toy stated the new owner of the fire station is now the Charlotte-Mecklenburg Fire Museum Committee.

Motion was made by Councilwoman Locke, seconded by Councilman Gantt, and unanimously carried to adopt the ordinance designating the building as historic property.

The ordinance is recorded in full in Ordinance Book 23, at Page 21.

ORDINANCE NO. 20-X DESIGNATING THE BUILDING KNOWN AS THE FORMER FIRST BAPTIST CHURCH, LOCATED ON NORTH TRYON STREET, AS HISTORIC PROPERTY.

The public hearing was held on the request to designate the building located on North Tryon Street as historic property.

Mr. Toy stated this building is now owned by the County.

No opposition was expressed to the designation of the building as historic property.

Motion was made by Councilwoman Chafin, seconded by Councilman Williams, and unanimously carried, to adopt the ordinance designating the building known as the former First Baptist Church, located on North Tryon Street, as Historic property.

The ordinance is recorded in full in Ordinance Book 23, at Page 24.

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ORDINANCE NO. 21-X DESIGNATING THE BUILDING KNOWN AS THE MINT MUSEUM OF ART, LOCATED AT 501 HEMPSTEAD PLACE, AS HISTORIC PROPERTY.

The scheduled hearing was held on the request to designate the building known as the Mint Museum of Art as historic property.

No opposition was expressed to the designation of the building as historic property.

Councilman Davis moved adoption of the ordinance designating the building known as the Mint Museum of Art, located at 501 Hemstead Place, as historic property. The motion was seconded by Councilwoman Chafin, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 27.

STAFF INSTRUCTED TO ENFORCE THE CITY ORDINANCE AS IT PERTAINS TO INSTALLATION OF SIGN IN CITY RIGHT OF WAY.

Mr. William E. Little, General Partner in the Partnership of Southern Parking Ltd., stated this was created to construct the Southern National Center. They entered into a contract with the City on March 12, 1973 in which they agreed to do a number of things; primarily to provide a minimum of 600 public parking spaces; to continue with the Ponte-Travers Wolfe Plan by creating a pedestrian plaza at the level of the mezzanine of the Civic Center; and to provide for the truck-way between their property and the property fronting on North Tryon Street. Next was to create access tunnels from Fourth Street under College, and from the facility under College to Third Street. In the contract with the City they agreed to maintain and operate the facility for 60 years. In connection with the total conception, they donated an 18 foot strip of land on Third Street to the City and donated a four foot strip of land on Fourth Street - a total of 3,802 square feet. In addition they allocated approximately 6,000 square feet of an alley. This is a total of almost 10,000 square feet. Based on what this land cost this represents approximately \$290,000.

He stated the further provision of the contract was that they construct and maintain sidewalks under the building. That in the plan of the parking structure they exchanged rights of way with the city. Under this plan in several places, and in particular under the building, they have displaced the sidewalk with an exit ramp for the parking facility, and in turn have moved the sidewalk under the building. In this connection they have agreed for the 60 year period to maintain the sidewalks. In September of 1973 a deed of easement was given to Southern Parking Ltd. and under Paragraph 4 - signs and controls - there was a provision that "Southern or City may maintain upon such ramps and tunnels directional and informational signs, and traffic controls relating and governing the use of the ramps, tunnels, and the parking facility served thereby as may be approved from time to time by the parties; such approval not to be unreasonably withheld.

Mr. Little passed around a picture of the sign to be installed at the beginning of the tunnel. This has been reviewed by the City Staff and there is a basic objection to the request. The objection is simply that they are naming the facility in the sign on the right of way. The concern has been raised that this would constitute advertising within the public right of way. Their position is that this is a public parking facility; they have spent in excess of \$1.0 million to create the tunnel to relieve traffic congestion in downtown Charlotte. The entrance to the facility is approximately one half block from the parking building itself. Without identifying properly the project, they maintain it would be possible that some people would arrive and see the tunnel and not be aware of where they are going. He stated they think this is within their right under the contract with the City, and request Council's approval of the sign.

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Mr. Corbett, Director of Traffic Engineering, stated Mr. Little brought the sign to them sometime back. They reviewed it as stated in the agreement. They did not see fit to approve that sign which was almost identical to the one that he has shown this evening, because it is in conflict with the requirements of the City Code. They feel the message Southern National Center which is placed across the top of the sign constitutes advertising, and it makes reference to a specific business which is not within the public right of way. Under Section 20-37 of the City Code, there is a specific mention of this type of sign, and says it shall not be permitted anywhere on public right of way.

Mr. Corbett passed around a rendering prepared by the PS&I Department. He stated this sign is identical to the sign that Mr. Little has shown except for the words dealing with the bank open and closed on the bottom left hand side, which he says he will omit. The sign he intended placed would be at the very beginning of the entrance to the underground tunnel. He stated staff has suggested to him that a better sign might be the one that is contained in the rendering when you flip back the top cover. This sign says public parking without the words Southern National Center, which staff feels is permissible under the city code and is adequate to notify the public of the fact that public parking is available in the structure. That if they enter the tunnel they can expect to terminate within a parking facility.

Mr. Corbett stated over the past years they have received numerous requests from private enterprise to erect within the public right of way signs which make reference in an advertising manner to businesses which are off the street. The ordinance gives permission for the erection of traffic control signs which relate to a specific business as long as they are not advertising signs.

Following was a general discussion of the request, after which Councilman Gantt moved that Council instruct staff to enforce the ordinance at it now stands. The motion was seconded by Councilwoman Locke, and carried unanimously.

RESOLUTION CALLING FOR A PUBLIC HEARING ON MONDAY, FEBRUARY 9, 1976 ON THE COMMUNITY DEVELOPMENT PLAN AND THE REDEVELOPMENT PLAN FOR SOUTHSIDE PARK TARGET AREA.

Councilman Gantt moved adoption of the resolution calling for a public hearing on the Community Development Plan and the Redevelopment Plan for Southside Park Target Area. The motion was seconded by Councilwoman Chafin, and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, at Page 256.

NOMINATIONS TO THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR UNEXPIRED TERM.

Councilman Gantt placed in nomination the name of Howard Campbell to fill the unexpired term on the Charlotte-Mecklenburg Planning Commission created by the resignation of Ike Heard.

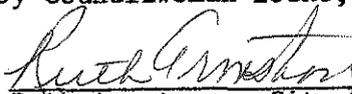
Councilman Davis placed in nomination the name of Jim Kratt to fill the unexpired term on the Charlotte-Mecklenburg Planning Commission created by the resignation of Ike Heard.

NOMINATION TO THE FIREMEN'S RELIEF BOARD OF TRUSTEES.

Councilman Davis placed in nomination the name of J. Reid Potter to succeed himself on the Firemen's Relief Board of Trustees.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk