

October 27, 1977
 Minute Book 66 - Page 256
 QUASI-JUDICIAL HEARINGS

The City Council of the City of Charlotte, North Carolina, met on Thursday, October 27, 1977, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Harvey Gantt, Pat Locke, Neil Williams and James Whittington present.

ABSENT: Councilmembers Louis Davis and Joe Withrow.

Also present and sitting as a separate body were members of the Charlotte-Mecklenburg Planning Commission: Chairman Tate, Commissioners Broadway, Curry, Ervin, Jolly, and Marrash.

ABSENT: Commissioners Campbell, Kirk, Royal and Tye.

* * * * *

HEARING ON PETITION NO. 77-50 BY CHARLES L. HELTON AND WIFE TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW A HOME FOR THE AGED IN AN R-9 ZONING DISTRICT ON PROPERTY LOCATED ON MILTON ROAD NEAR TIPPERARY PLACE.

Mayor Belk reviewed the provisions under which the meeting would be conducted, and the City Attorney reviewed the city code provisions, and the procedures which were adopted by City Council in August, 1976.

Mayor Belk advised that the proceedings will be taken before a court stenographer, and that it is very important that each person speaking give their names and they should speak so that everyone including the court stenographer can hear and understand them.

Mr. Fred Bryant, Assistant Planning Director, was sworn before the City Clerk, and reviewed the surrounding area, the land uses and the existing zoning in the area. He presented the following exhibits:

- No. 1. Map showing the existing land uses in the area.
- No. 2. Map showing the existing zoning in the area.
- No. 3. Schematic site plan.

In his comments he advised the plan calls for a 52-bed rest home for the aged; that it will be located approximately 250 feet back from Milton Road. This is not a nursing home which would have treatment facilities for people with ailments and ills; but it is only a home for elderly people.

The following witnesses were sworn before the City Clerk:

- (1) Reverend Charles Helton, petitioner.
- (2) Edwin F. Chapin, Director Social Services Department.
- (3) Judy Ann English, with Social Services Department
- (4) John Gray, Architect
- (5) Charles Lamm, 5306 Galway Drive.

Mr. Ben Horack, Attorney for the Petitioner, placed evidence into the record by cross-examining Mr. Fred Bryant, Reverend Charles Helton, 8611 Viola Drive, Judy Ann Engles, and John Gray.

He presented the following exhibits:

- No. 1. Flood Area Map - Sugar Creek Tributary No. 2.
- No. 2. Hand out - analytical comparison of Impervious Area.
- No. 3. Letter from Charlotte-Mecklenburg Utility Department re sanitary sewer service.
- No. 4. Statement of Assurance.
- No. 5. Letter from Department of Human Resources - Re Architectural deficiency.
- No. 6. Letter from Department of Human Resources - dated 9/21/77
- No. 7. Letter from Department of Human Resources - dated 9/6/77
- No. 8. Letter from Department of Social Services - dated 8/31/76

Also placing evidence into the record was Mr. Charles Lamm, 5406 Galway Drive. He did not object to the petition, but asked that attention be given to the water run-off and drainage problems in the area.

October 27, 1977
 Minute Book 66 - Page 257
 QUASI-JUDICIAL HEARINGS

MOTION TO REDUCE TIME PERIODS CONTAINED IN PROCEDURES.

The City Attorney advised there will be some time period constraints if Council follows the procedures. In order for this Council to be able to make a decision on this petition, he suggests that the five day period to send in comments to the Planning Commission be shorten from five to three days; and the ten days period to comment on the Planning Commission recommendation be reduced to five days. This would give the present Council an opportunity to consider the petition by November 21, prior to the time the new Council takes office.

Motion was made by Councilman Whittington to reduce the time as suggested by the City Attorney. The motion was seconded by Councilwoman Chafin, and carried unanimously.

HEARING CONCLUDED.

There being no further evidence to be placed before the joint bodies, the hearing was concluded by the Mayor.

* * * * *

The City Council continued the hearings with Mayor Belk presiding, and Councilmembers Gantt, Locke, Whittington and Williams present.

Present for the Planning Commission were Chairman Tate, and Commissioners Broadway, Curry, Ervin, Jolly and Marrash.

HEARING ON PETITION NO. 77-57 BY CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY TO CONSIDER A REQUEST FOR TWO SPECIAL USE PERMITS TO ALLOW EXPANSION OF A HOSPITAL AND TO ALLOW CONSTRUCTION IN EXCESS OF 60 FEET IN HEIGHT IN AN R-6MF ZONING DISTRICT ON PROPERTY GENERALLY LOCATED ON BOTH SIDES OF BRUNSWICK AVENUE, AT THE INTERSECTION OF BRUNSWICK AVENUE AND BLYTHE BOULEVARD AND EXTENDING NORTH TO SCOTT AVENUE.

Mayor Belk opened the hearing by stating the purpose of the hearing.

With the permission of the Attorney for the petitioner, Mr. Irwin Boyles, the City Attorney did not review the zoning provisions and the provisions under the procedures for the hearing.

The City Attorney advised with Mr. Boyles permission the statement would be incorporated into the transcript of the hearing by the court stenographer.

Mr. Fred Bryant, Assistant Planning Director, was sworn before the City Clerk and presented evidence into the record by explaining the land use map, the existing zoning in the area map and the site plan. Each was placed into the record as exhibits:

- No. 1. Map indicating the existing land uses in the area.
- No. 2. Map indicating the existing zoning in the area.
- No. 3. Site Plan.

He advised the request has been reviewed by all departments concerned, and the plans meet with their approval; that Mr. Corbett, Traffic Engineer, has given a verbal approval and he is working with the Hospital Authority to work out the deficiencies in the parking.

Mr. Irwin Boyles, Attorney for the Petitioner, presented his evidence by cross examining Mr. R. Z. (Zack) Thomas, Executive Director of the Charlotte-Mecklenburg Hospital Authority.

He placed into the record the following exhibits:

- No. 1. Mark up photograph of the hospital before;
- No. 2. Mark up photograph of the hospital after.
- No. 3. Site plan

He introduced Mr. Herbert Johnson the architect.

October 27, 1977
Minute Book 66 - Page 258
QUASI-JUDICIAL HEARINGS

MOTION TO SUSPEND THE RULES TO REDUCE THE TIME PERIOD CONTAINED IN THE RULES OF PROCEDURES.

At the request of the City Attorney, Councilman Whittington moved that Council suspend the rules of procedures to reduce the time limits from five to three days, and from 15 to 10 days in order for the present Council to have time to consider the petition before the new Council takes office. The motion was seconded by Councilwoman Locke, and carried unanimously.

HEARING CONCLUDED.

There being no further evidence to be presented the hearing was concluded.



Ruth Armstrong, City Clerk

THE VERBATIM TRANSCRIPT IS ON FILE IN THE OFFICE OF THE CITY CLERK,
TAKEN BY MS. LOUISE JOHNSON, COURT STENOGRAPHER.