

(SEE FILING INSTRUCTIONS ON REVERSE SIDE)

Petition No 66-28.

Date Filed Feb. 11 1966

To Charlotte-Mecklenburg Planning Commission
Charlotte, North Carolina

Gentlemen:

Your consideration of a recommendation to the City Council for a change in the zoning classification of the property hereinafter described is requested.

Title to the property was acquired * _____ 19_____, and is in the name of

* _____, whose address is _____

* _____, and the deed is recorded in Book _____,

at Page _____, in the office of the Register of Deeds for Mecklenburg County.

Location of Property: **Southwest corner of Eastway Drive and Central Avenue.**
(See attached map)

Present Zoning Classification: B-1

Requested Zoning Classification: B-2

Reasons why the zoning classification should be changed: See attached Narrative

- * May 27, 1955, Morris Investment Co., Inc., Book 1773, Page 587
- Oct. 14, 1959, Newell Properties, Inc., Book 2086, Page 33
- Jan. 23, 1961, Houston Properties, Inc., Book 2196, Page 160
- Jan. 21, 1961, Houston Properties, Inc., Book 2196, Page 162
- Jan. 25, 1961, Houston Properties, Inc., Book 2197, Page 304

Freeman and McClintock, Inc.
Name of Agent, (if any)

J. Morris Newell
Signature of Owner

132 Brevard Court
Agent's Address

1400 Medford Drive
Owner's Address

334-7211
Telephone Number

537-0537
Telephone Number

**Re-zoning Petition Narrative
for
Southeast and Southwest Corners of Eastway Dr. and Central Ave.**

Reference is made to the map attached hereto, drawn by R. B. Pharr and Associates, Registered Surveyors, revised April, 1963.

The total properties at the southeast and southwest corners of Eastway Drive and Central Avenue are owned by the same principals and, therefore, these petitions are being submitted for these properties under the names of Morris Investment Company, Newell Properties, Inc., and Houston Properties, Inc., the president of each corporation being Mr. C. Morris Newell.

The intent of our present zoning (B-1) was to enable this shopping center to develop as a regional center on this 36 acres of land facing the Eastway Drive Belt Line, thus providing Eastern Charlotte with a well planned center that would be developed with the highest and best use of land in mind. However, delay in the construction of the Belt Line, together with the fact that enterprising real estate developers have obtained B-2 zoning in nearby areas, has created a disadvantage for the developers of this shopping center. As an example, they cannot obtain leases for for the following categories of businesses available to competitive centers with B-2 zoning: Auto Laundry, Retail Auto Outlet, Bakeries, Boat Sales and Repair, Contractor Offices, Engraving, Retail Sale of Fences and Feeds in conjunction with Hardware, Mail Order Houses, Repair and Service of any Article, Restaurants with Drive-In, Sign Painting, Vending machines. Therefore, for this reason, and for two additional reasons as set forth below, the change from B-1 to B-2 is being requested as follows:

1. Reference is made to the attached petition by Morris Investment Co., Inc., deed reference 1773/587:

At the Southeast corner of Central Avenue and Eastway Drive, there are two leases in effect, designated by the black area entitled "A". Shell Oil Company occupies the corner and Barber-Colman Company occupies the property immediately east of Shell Oil Company. Shell Oil Co. has requested a new lease, including a new improvement that would encompass the area outlined in red and designated as "B", which would include an additional 65 feet of frontage on Eastway Drive, as well as the present Barber-Colman property. Concurrently, Barber-Colman Co. has outgrown its present facilities and has requested a new improvement on land as designated in blue and shown as Lot C on Eastway Drive, consisting of 75 feet of

frontage. The Barber-Colman business is such that it cannot operate except in B-2 zoning under the present ordinance. Therefore, in order to accommodate these tenants who have conducted their business at this location for the past ten years and who are valued tenants of the undersigned, the request is being made for B-2 zoning for the area as shown on the attached map and designated as Lots A, B and C.

2. Reference is made to the attached petition by Morris Investment Co., Inc., (1773/587); Newell Properties, Inc. (2086/33); and Houston Properties, Inc., (2196/160, 2196/162, 2197/304):

At the southwest corner of Eastway Drive and Central Avenue, the property as outlined in green and designated as 'D', is an area on which B-1 zoning was requested under the ordinance in effect prior to the present ordinance. There are thirteen tenants presently occupying space on this property as shown on the attached map, eleven of them being retail merchants. Additional tenants are considering the balance of the acreage for an orderly development of a Regional Shopping Center. Because B-1 zoning, under the present ordinance, restricts too strenuously the type of businesses that would ordinarily go into a shopping center of this type, as outlined above, the owners of the property find themselves at a disadvantage in its development in that they cannot compete with other major shopping centers in Charlotte that have B-2, or other more liberal zoning.

In addition to this reason for the requested change, the Merchants Association of this Center are not able to have promotional activities that involve the hiring of children's outdoor amusement facilities as part of their promotional activities in generating business for the Center. On Page 21 of the Zoning Ordinance, adopted January 29, 1962, and amended through November, 1965, you will note that: "Amusement, commercial, outdoors, such as miniature golf, racers, golf-driving ranges, 'par-3' and similar types of golf courses, shooting galleries, and similar commercial amusement enterprises located at least 200' from any Residential District" cannot be carried on in B-1 zoning. For this reason, the merchants of this Center are not able to compete with other centers having B-2 zoning.

Therefore, it is respectfully requested that the Charlotte-Mecklenburg Planning Commission and the City Council grant the owners of this property the changes as requested.

Respectfully submitted,



C. Morris Newell