



A Joint Meeting was held with the Board of County Commissioners, City Council and the Planning Commission in the Commissioners Room, Fourth Floor of the County Office Building at 720 East Fourth Street, on Monday, May 5, 1969, at 11:00 o'clock a.m., with Chairman Charles Lowe presiding, and the following members present:

FOR THE CITY: Councilmen Alexander, Jordan, Short, Smith, Stegall and Whittington.

ABSENT: Mayor Brookshire and Councilman Tuttle.

FOR THE COUNTY: Chairman Lowe, and Commissioners Martin, Myers, Osborne and Peterson.

ABSENT: None.

FOR THE PLANNING COMMISSION: Chairman Toy, and Commissioners Godley, Sibley, Stone and Tate.

ABSENT: Commissioners Albea, Ashcraft, Gamble, Turner and Wilmer.

HEARING ON PETITION NO. 69-49 BY WHISNANT HEIRS AND HOWEY DEVELOPMENT COMPANY TO CONSIDER APPROVAL OF A RESIDENTIAL PLANNED UNIT DEVELOPMENT PROPOSAL ON LAND ZONED R-12 BOUNDED ON THE NORTH BY HUNTINGTOWNE FARMS, ON THE EAST BY PARK ROAD, ON THE SOUTH BY THE CHARLOTTE PERIMETER LINE SOUTH OF SHARON ROAD WEST, AND ON THE WEST BY SUGAR CREEK.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this is the first application filed for approval of a planned unit development; a few months ago regulations were adopted by both the City and County permitting the establishment of a planned unit type of proposal. He stated planned unit development is a process whereby a tract of land is designated, with plan approval, that would permit the development of a given tract of land according to the unit type of planned development that may encompass a number of different land use types - particularly residential land use types - into one central uniform, overall plan, rather than encouraging several uses of tracts of land without any overall plan involved.

Mr. Bryant stated the subject plan has had good planning throughout, and is large enough to bring into it a number of different land use types in a manner that demonstrates some of the basic principles of planned unit development type of proposal.

He stated the tract of land is 476 acres located primarily west of Park Road and east of Sugar Creek - the boundary of the tract is Park Road on the east, Sugar Creek for the most part on the west, and is located on both sides of Sharon Road West. He stated the tract of land is almost evenly divided between the City's jurisdiction zoning line which lies 300 feet south of Sharon Road West, and the remaining portion is in the county and is subject to the County zoning ordinance.

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Mr. Bryant stated to the north of the subject property is an area that is subdivided, not all of which is developed as yet, but principally it is bounded on the north by Huntingtowne Farms, a residential subdivision; it also ties into a strip of park land that is in the process of being developed along Sugar Creek; in addition in the immediate area are three private swim clubs; to the west across Sugar Creek is entirely vacant, and is in the planning stages for a large apartment project; most of the land on the west side of Sugar Creek is zoned R-9MF, and is being planned for an apartment development. South of Sharon Road West, the property is being considered for a non-conventional type of single family development; he pointed out the area zoned R-9MF and stated they have been working with a developer on a town-house for sale type, or single family attached development; that directly south of the property, the area is entirely vacant; on the east is predominately institutional type uses and vacant land; he pointed out the South Mecklenburg High School site, and the Quail Hollow Junior High School, and a new Presbyterian church under construction; other than that, with the exception of a scattering of houses, the area on three sides of the property is vacant but in various stages of development planning at the time.

Mr. Bryant stated to the east of Sugar Creek the property is zoned for single family purposes - R-12 and R-15 primarily; to the west there is a variety of multi-family zoning along Sharon Road West on both sides and industrial and business zoning as you get over to Pineville Road.

Mr. Ralph Howey, President of Howey Company, Inc., stated this project dates back six years. He called attention to a drawing and pointed out the single family areas, the parks and open space throughout the area, a site provided for an elementary school, traffic pattern, the townhouse and garden type dwellings and the shopping center area.

Mr. Howey stated their street arrangement is really the major street arrangement and allows them to follow the contour of the land to keep from destroying the beauty of the trees and the terrain. He stated there is a very slight increase in density over the R-12, and they are leaving 120 acres of park land with the golf course and bridle paths; there will be single family and a combination of single family detached, and the courthouse, which is a single family with a small yard.

Mr. Hayden, with Hayden and Benning Associates, Inc., land planning consultant, stated this land has all the assets to make it a unique and pleasant place to live; it has good access, good topography overlooking Sugar Creek; there is enough vertical relief in the topography to make it attractive; water and sewer are available; there are already existing many permanent assets and open space features, such as the Quail Hollow Junior High School, South Mecklenburg High School, and several country clubs. Under the subject plan other community features are planned, including 120 acres of open space.

Mr. Hayden stated the plan has an experienced and responsible sponsor in Mr. Howey, and has the best planned unit ordinance he has ever worked with. He stated he has shown this ordinance to a number of other jurisdictions and they are using it as a model to evolve their own planned unit text.

Mr. W. A. McGarity stated the last time he was before this group he was up for a zoning change; the same people who are presenting this plan today were opposed to his rezoning; that this past week he was asked to get up a petition in opposition to this plan today. Mr. McGarity stated most anything that happens in Sharon has a lot of opposition whether it is good or bad for the community; that the only thing that makes him wonder is Charlotte for the big man. He stated he, his son and son-in-law are for anything that will improve the community in which they live; that he thinks they should have the same opportunity to develop their community as the man with the money.

Mr. McGarity stated he is for Mr. Howie and he does not oppose anything that will benefit their community.

Councilman Short stated under the provisions of the ordinance there is to be a home owners' association to maintain the open space, or if this is not done, the government takes it over and assesses the cost of it to those within the development; in this case, the open space includes a golf course; would the city or county or government wind up operating this golf course if the people did not maintain it themselves? Mr. Bryant replied in the particular case of Hopecrest Farms, they are proposing the establishment of a home owners' association; it will be mandatory for anyone who purchases in this area to become a member of the Hopecrest Farm Association, Incorporated; if doing this, they agree to all the rules, covenants and restrictions that apply to that association; part of that agreement would be that they would be assessed their share in maintaining this open space and in this case, it would include the golf course; there will be provisions whereby if they fail in their payments this becomes a lien against their property and against their land. Mr. Bryant stated if it ever reaches a point where enough of these people default on their payment, the whole association fails; he does not think this will ever happen; you would always have enough people in the association with enough interest in the common open areas to see that it is carried on. Mr. Bryant stated there is a choice on the part of the developer; he can go in one of two directions - he can ask that the county or city assume the responsibility of maintenance and upkeep of the open space and it would become public open space; or he can choose as the Hopecrest Developers have done, and have the home owners' association.

Councilman Short stated he would hope that while the city might have the authority to do what it needs to do in the open areas, that it would not get in a situation where a resident would have the right to come in and demand the golf course; he suggested that an explanation be included in the recommendation the staff presents to Council. Mr. Bryant stated there is no responsibility on the part of the City to ever go in and assume the operation; there is no requirement for them to do this. That it is a requirement and not a choice on the part of the purchaser to become a member of the association.

Commissioner Martin asked if the ten acres for schools will be donated to the Board of Education? Mr. Bryant replied there has not been any actual agreement to this effect as yet; at this point as far as the plan is concerned and the density of development the ten acres have not been included; the actual detail as to how it will be assumed by the Board of Education have not been worked out.

No opposition was expressed to the proposed change in zoning.

Councilman Whittington moved that the petition be referred to the Planning Commission for recommendation. The motion was seconded by Commissioner Osborne, and carried unanimously

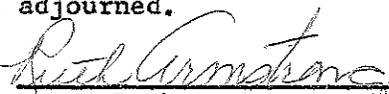
**MOMENT OF SILENCE OBSERVED IN MEMORY OF FATHER BISS.**

Councilman Whittington stated a very dear friend of his and a very dear friend to most of the citizens of this community passed away rather suddenly this morning at 7:00 o'clock - Father Edward Biss of Saint Peter's Catholic Church. Councilman Whittington stated he was a great friend to those in the Legion, and those of us who hold office, and he was always trying to encourage and help us, and particularly help the veterans of this city and county.

At the request of Councilman Whittington, with everyone standing, a moment of silence was observed in Father Biss's memory.

**ADJOURNMENT.**

Upon motion of Councilman Jordan, seconded by Commission Osborne, and unanimously carried, the meeting was adjourned.

  
Ruth Armstrong, City Clerk