



**TOWN OF HARRISBURG, NORTH CAROLINA
HARRISBURG TOWN HALL
BOARD OF ADJUTMENT MEETING**

**December 17, 2019
6:00 PM**

AGENDA

1. CALL TO ORDER

A. AGENDA ADOPTION

2. CONSENT AGENDA

3. PUBLIC HEARINGS

A. H2019-02-(CUP) - Conditional Use Permit request for Kiddie Academy (Child Care Facility).

B. H2019-03-(CUP) - Conditional Use Permit request for Wendy's restaurant with a drive through facility.

4. ADJOURNMENT

Town of Harrisburg's Vision Statement

Harrisburg will be the best small town in North Carolina based on low density housing, excellent economic opportunities, a safe living environment, and efficient and effective municipal services. Amenities such as excellent recreational programs, adequate open space, attractive shopping opportunities, a diversity of restaurants, and a connected system of roadways, sidewalks, greenways, and bicycle lanes will continue to enhance the quality of life of the Town. These services and amenities will be provided while retaining reasonable tax rates and debt levels.



TOWN OF HARRISBURG

Agenda Item Details

Title:

H2019-02-(CUP) - Conditional Use Permit request for Kiddie Academy (Child Care Facility).

Presenting Personnel:

Sushil Nepal, Planning & Economic Development Director

Suggested Motion or Action:

If approved, the following motion is suggested:

To approve the Conditional Use Permit (CUP) request in accordance with guidelines and requirements set forth in the UDO and prepare appropriate finding of facts and granting order upon approval.

If denied, the following motion is suggested:

To deny the Conditional Use Permit (CUP) request in accordance with guidelines and requirements set forth in the UDO and prepare appropriate finding of facts and granting order upon denial.

Description/Background:

Michael Ambrosino and Stephen Kramer, on behalf of Kiddie Academy has submitted an application for a Conditional Use Permit (CUP) for a Child Care Facility on property located at 3618, 3624 and 3630 NC HWY 49 S (PIN# 55171-75660-0000/55171-76627-0000/55171-76292-0000). The property is currently zoned RL, Residential Low Density. Table 4.6-1 of the Unified Development Ordinance (UDO) lists this use as an allowed use for RL, subject to conditional use review criteria in Article 3 and supplement use regulations in Article 5 of the Unified Development Ordinance (UDO).

Attached you will find a staff report that includes the responses from the applicant, the Conditional Use Permit application, including a site plan and proposed elevations.

Recommendation:

Staff recommends that the Board of Adjustment hold a Public Hearing on this matter and consider the request for a Conditional Use Permit for a Child Care Facility.

Fiscal Impact:

Attachments:

1. Staff Report_Kiddie Academy
2. Kiddie_Conditional Use Application
3. Kiddie Academy_ Board of Adjustment Memo
4. Kiddie_ Conditional Use Site Plan-12-6-19
5. Kiddie_Colored Elevations A-200 Updated
6. Kiddie Academy_Site Location Map
7. Adj. prop owner letter_Kiddie Academy



Conditional Use Permit H2019-02-(CUP)
Town of Harrisburg CUP Request
December 17, 2019

Applicant: Michael Ambrosino & Stephen Kramer
155 First Street, Suite 103
Mineola, NY 11501

Property Owner: Barry and Lisa Hedrick
3618, 3624, 3630 NC HWY 49 S
Harrisburg, NC 28075

Property Location: 3600 block of NC HWY 49 S
PIN #55171-75660-0000/55171-76627-0000/55171-76292-0000

Current Zoning: RL (Residential Low Density)

Property Size: 1.4 acres

Staff Report By: Matt Ward, Planning and Economic Development Department

Request: The applicant has requested a Conditional Use Permit to construct a Child Care Facility in the RL, Residential Low-Density District, which is an allowed use subject to conditional use review criteria in Article 3 and Article 5 supplemental use regulations of the Unified Development Ordinance.

Additional Information:

1. The applicant has submitted a complete application which includes the Findings of Fact sheet and has paid the application fee.
2. Preliminary site plan is attached for the Board's review. If the Board approves, the applicant will have 12 months to submit a final site plan for review and approval. If the applicant fails to submit the final site plan within the allotted time, the conditional use permit will be null and void.
3. If the project requires the installment of a new driveway, the applicant will be required to secure a driveway permit from the Harrisburg Public Works Department. A Traffic Impact Assessment (TIA) will need to be completed, if required based on traffic generation.
4. The Public Hearing notices have been published as required by the Harrisburg UDO.

5. The adjacent property owners have been notified by US Mail.
6. A sign has been placed on the property stating the time, date and location of the public hearing.

General Guidelines and Requirements – Approval Criteria (Responses as provided by the Applicant, See attached supplement document)

1. **The proposed conditional use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on site.** The proposed Kiddie Academy facility will conform with the character of the neighborhood by meeting the site development intent of adjacent retail development to the west. The proposed building will be oriented along the US-49 frontage with a playground in the back of the site. Parking will be kept to the side of the building due to the location of the playground, which must be interconnected to the building for safety purposes. The proposed landscape buffers will be extended from the adjacent retail development and overhead utilities will be placed below grade per Town Ordinances. The height and overall building appearance will meet or exceed requirements set forth in Appendix E.
2. **Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.** Site access will be provided by connecting to the existing retail development (stub road shown on approved plans) and a drive entrance along US-49. The connection to the existing retail development will be agreed upon with a cross access easement between Ambrosino Consultant Corporation and the adjacent landowner. Discussions have already started on the cross-access easement and both parties are in agreement regarding the cross access easement. The NCDOT access has already been coordinated with Mr. Jeff Burleson who is in agreement of a full access drive entrance along US-49. We understand that future modifications to US-49 could restrict movements to a right- in/right-out, but NCDOT is acceptable to the full access drive entrance at this time.
3. **The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.** Kiddie Academy shall not add any noxious or offensive vibration, noise, odor, dust, smoke, or gas to the adjacent properties. Additionally, this facility will provide a needed service to the community.
4. **The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.** Kiddie Academy is an extension of the commercial business frontage already developed west of the site along US-49. Additionally, the three parcels to the east of Kiddie Academy's subject properties are zoning B-1. The likely scenario is that the Kiddie Academy parcels would ultimately end up being rezoned to a commercial use if the conditional use isn't approved.
5. **The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.** The establishment, maintenance and operation of the proposed use shall only be a positive to the area by providing a necessary service for the Town of Harrisburg and will not be a detriment to health, safety or welfare.
6. **Compliance with any other applicable Sections of this Ordinance.** We will comply with all applicable sections of the Ordinance and will continue to work with staff to create a development all will be proud of in the community.



Engineers, Surveyors, Planners, Scientists

Transmittal

TO:

Harrisburg Town Hall
Attn: Sushil Nepal
4100 Main Street, Suite 101
Harrisburg, NC 28075

FROM:

Name:	Brian Rossi
Date:	11/25/19
Job No.:	2019-1139
Subject:	Kiddie Academy

We are sending via: ☒ Courier ☐ U.S. Mail ☐ Fed. Ex ☐ Email attachment
☐ Sharefile ☐ Other online file storage: _____

The following items: ☐ Copies ☒ Originals ☐ [Other]

Copies	Date	Number of sheets per copy	Description
1	11/21/19	7	Petition for a Conditional Use Permit
-	11/20/19	-	Check #0101 for \$1,005.00 Conditional Use Permit Fee

These are transmitted as checked below:

☒ For Approval ☐ For Your File ☐ As Requested ☐ For Review and Comment
☐ For Execution/Signatures ☐ [Other]

Remarks:

If you should have any questions or need additional information, please do not hesitate to contact Brian Rossi directly at 704-353-9948 or via email at brossi@emht.com.

THIS IS NOT A SUBSTITUTE FOR THE ELECTRONIC RELEASE FORM, which must be signed prior to the transfer of any digital information externally.

For EMH&T:


Elizabeth S. Carroll

If enclosures are not as noted, kindly notify us at once.



Application No. _____

Date _____

PETITION FOR A CONDITIONAL USE PERMIT

The Conditional Use Process:

A conditional use is necessary when a proposed land use may have some consequences that may warrant review by the Board of Adjustment. This review is to insure there will be no detrimental effects to surrounding properties nor will it be contrary to the public interest.

In order to apply for a conditional use a completed application along with the application fee is required to be turned in to the Zoning Office, 30 days prior to the scheduled public hearing. In order for the Board of Adjustment to grant approval of the conditional use, the applicant must provide the requested information in the following application.

If the Board finds that all approval criteria have been met, they may impose reasonable conditions upon the granting of any conditional use to insure public health, safety, and general welfare. If the application is approved the applicant then may proceed with securing all required local and state permits necessary for the endeavor. Failure to follow conditions set in the approval process would result in a violation of the Zoning Ordinance.

If there are additional questions concerning this process, please call the Zoning Office at (704) 455-5614.

TO THE BOARD OF ADJUSTMENT:

I, HEREBY PETITION THE BOARD OF ADJUSTMENT TO GRANT THE ZONING ADMINISTRATOR THE AUTHORITY TO ISSUE A CONDITIONAL USE PERMIT FOR THE USE OF THE PROPERTY AS DESCRIBED BELOW.

Applicant's Name Property Owner's Name

MICHAEL AMBROSINO & STEPHEN KRAMER

BARRY & LISA HEDRICK

Applicant's Address

155 FIRST STREET, SUITE 103

Property Owner's Address

3618, 3624, 3630 NC HWY 49 S

MINEOLA, NY 11501

HARRISBURG, NC 28075

Applicants Telephone Number 516-644-2222

Parcel Information

Existing Use of Property RESIDENTIAL

Proposed Use of Property INSTITUTIONAL

Existing Zoning RESIDENTIAL LOW DENSITY

Property Location 3618, 3624, 3630 NC HWY 49 S

Property Acreage 1.4 ACRES +/- TOTAL

Tax Map and Parcel Number (PIN) 55171-75660-0000 / 55171-76627-0000 / 55171-76792-0000

Land Use of Adjacent Properties

(Provide Plat Map if Available)

NORTH RESIDENTIAL

SOUTH RAILROAD AND DOT

EAST NEIGHBORHOOD COMMERCIAL & OFFICE DISTRICT

WEST LIGHT COMMERCIAL & OFFICE DISTRICT

General Requirements

1. The Zoning Ordinance imposes the following general requirements on the use requested by the applicant. Under each requirement, the applicant should explain, with reference to the attached plans, where applicable, how the proposed use satisfies these requirements.

The Board must find that the uses(s) as proposed "are not detrimental to the public health, safety or general welfare."

CHILD CARE CENTERS PROVIDE A NECESSARY SERVICE FOR THE TOWN OF HARRISBURG AND ITS'
CITIZENS.

The Board must find that the use(s) as proposed "are appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, etc."

AS SHOWN ON THE CONDITIONAL USE SITE PLAN, TRANSPORTATION INCONNECTIVITY IS PROVIDED
WITH ADJACENT DEVELOPMENT, DUMPSTER ENCLOSURES ARE GROUPED FOR EASY SERVICE, & WATER
AND SEWER ARE READILY ACCESSIBLE TO THE SITE.

The Board must find that the use(s) as proposed "will not violate neighborhood character nor adversely affect surrounding land uses."

THE PROPOSED CHILD CARE CENTER IS A CONTINUATION OF THE LIGHT COMMERCIAL AND BUSINESS
USES ALONG THE US-49 CORRIDOR.

The Board must find that the use(s) as proposed "will comply with the general plans for the physical development of the County or Town, as embodied in the Zoning Ordinance or in the area development plans that have been adopted."

THE PROPOSED CHILD CARE CENTER WILL COMPLY WITH THE TOWN'S ZONING ORDINANCE INCLUDING
BURYING OVERHEAD UTILITIES. THE PROPOSED SITE PLAN HAS BEEN COORDINATED WITH THE
ADJACENT COMMERCIAL PROPERTIES REGARDING SITE ORIENTATION AND LAYOUT.

2. The Zoning Ordinance also imposes SPECIFIC REQUIREMENTS on the use(s) requested by the applicant. The applicant should be prepared to demonstrate that, if the land is used in a manner consistent with the plans, specifications, and other information presented to the Board, the proposed use(s) will comply with specific requirements concerning the following:

Nature of use (type, number of units, and/or area):

CHILD CARE CENTER / 1 UNIT / 10,160 SF

Accessory uses (if any):

N/A

Setback provisions:

Principle Use

Front: 35' Side: 15' Rear: 30'

Accessory Use

Front: N/A Side: N/A Rear: N/A

Height provisions:

Principle Use 35' Accessory Use N/A

Off street parking and loading provisions: (include calculations)

MIN. PARKING = 1 PER 375 SF = 10,160SF/375 = 28 SPACES

MAX. PARKING = 1.5 PER 375 SF = 28 SPACES X 1.5 = 42 SPACES

PROVIDED PARKING = 40 SPACES INCLUDING 2 ADA SPACES

Sign provisions: (include sketch drawing with dimensions)

SEE PLAN FOR PROPOSED MONUMENT SIGN LOCATION AND SEE EXHIBIT A FOR SIGN DIMENSIONS

Provisions for screening landscaping and buffering: (if required add to site plan)

PROVIDED 10' SIDE AND REAR YARD BUFFERS / 10' STREET YARD BUFFER ALONG US-49 FRONTAGE

REAR YARD TO INCREASE FROM 10' PENDING FINAL GRADES

Provisions for vehicular circulation and access to streets: (provide NCDOT permit if necessary)

SEE ATTACHED EXHIBIT B FOR NCDOT CONFIRMATION OF ACCESS ALONG US-49.

CROSS ACCESS EASEMENT WITH ADJACENT DEVELOPMENT TO THE WEST WILL BE PROVIDED PRIOR TO CONSTRUCTION PLAN APPROVALS.

Adequate and safe design for grades, paved curbs and gutters, drainage systems, and treatment or turf to handle storm waters, prevent erosion, subdue dust:

FINAL DESIGN SHALL CONFORM TO TOWN OF HARRISBURG REQUIREMENTS

An adequate amount and safe location of play areas for children and other recreational uses according to the concentration of residential property:

CHILD PLAYGROUND AREAS LOCATED SAFELY AWAY FROM US-49 AND BEHIND THE PROPOSED BUILDING.

Compliance with overlay zones including but not limited to the Thoroughfare Overlay and the River/Stream Overlay Zones:

N/A

Compliance with the Flood Damage Prevention Ordinance:

N/A

Other requirements may be requested by the applicant or specified by the Board for protection of the public health, safety, welfare, and convenience:

N/A

Predefined Standards

Each individual Conditional Use listed in the Zoning Ordinance may have specific standards imposed. Refer to the Conditional Use section of the Zoning Ordinance for these requirements. Each standard should be addressed in the site plan submitted along with this application.

Required Attachments/Submittals

1. Printout of names and addresses of all immediately adjacent property owner, including any directly across the street.
2. Scaled site plan containing all requested information above on legal or ledger sized paper. Larger sized copies will be accepted if copies for each Board Member is provided for distribution.

Certification

I hereby confirm that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are to the Zoning Department.

Signature of Applicant [Signature] Date 11-21-18

Signature of Owner [Signature] Date 11/21/19

STAFF USE ONLY:

Application Fee Collected Yes ☐ No ☐

Posted Database Yes ☐ No ☐

Site Plan Attached Yes ☐ No ☐

Public Hearing Date Notice of Public Hearing Published On _____

Notices to Applicant(s) and Adjoining Property Owners Mailed On _____

Signs Posted On _____

Process Record

Record of Decision:

Motion to: Approve ☐ Deny ☐

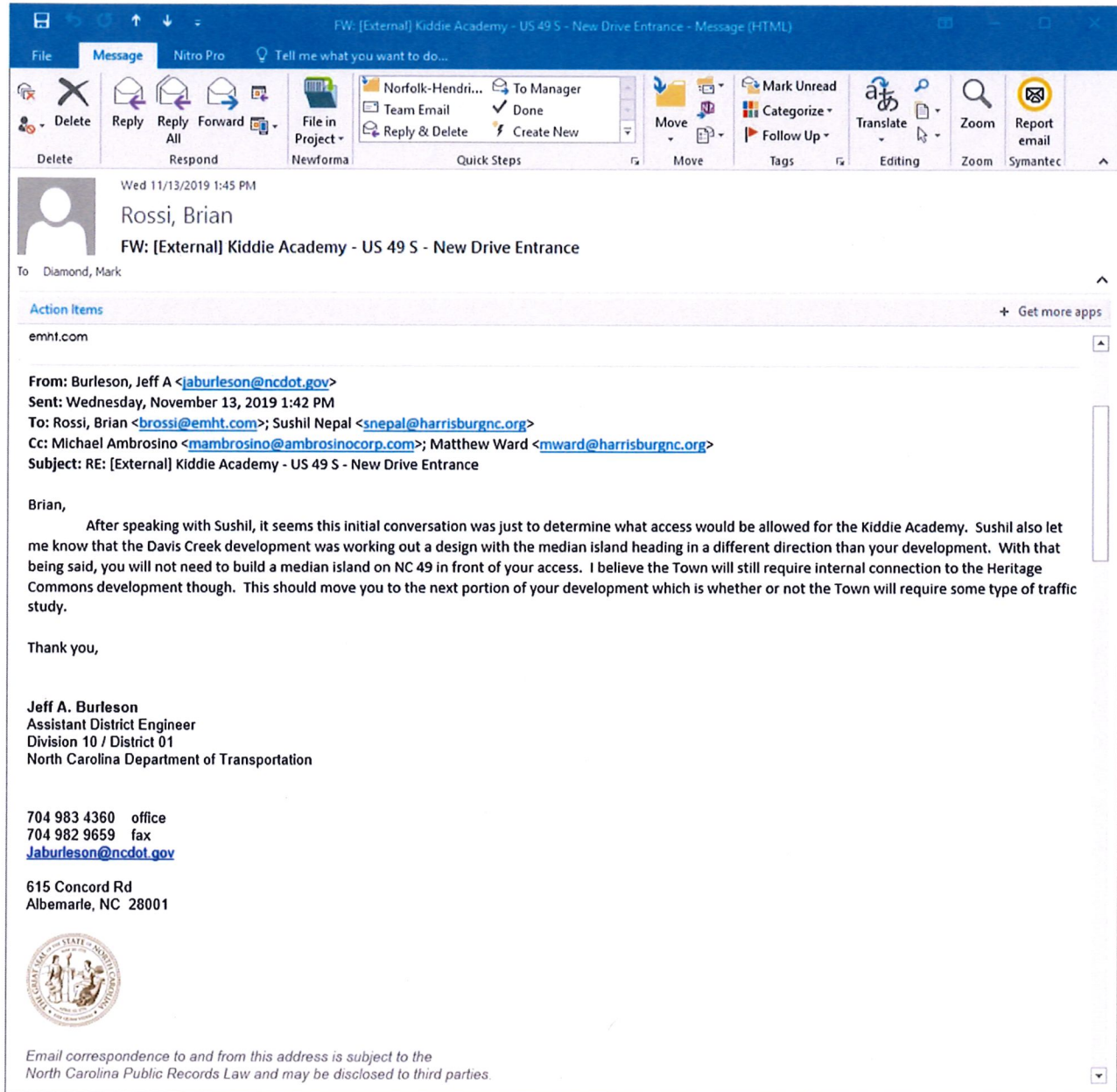
Board of Adjustment Recommendation: Approve ☐ Deny ☐

Action Taken by Board of Adjustment: _____

Date Notification of Action Mailed to Applicant(s): _____

Signature of Zoning Official

EXHIBIT B



ADJACENT PROPERTY OWNER INFORMATION TABLE		
Parcel ID Number	Owner	Physical Address
55171745440000	NGC PROPERTIES LLC A NC LLC	3770 NC HWY 49 S HARRISBURG NC 28075
55171754090000	HERITAGE COMMONS CONDOMINIUM	3662 NC HWY 49 S HARRISBURG NC 28075
55171737960000	RUTLEDGE JEFFERY	6413 CUMBERLAND DR HARRISBURG NC 28075
55171748720000	JOYAL MATTHEW E	6407 CUMBERLAND DR HARRISBURG NC 28075
55171758580000	WAINWRIGHT EARL TIMOTHY JR	6401 CUMBERLAND DR HARRISBURG NC 28075
55171769250000	WEBER WILLIAM N	6369 CUMBERLAND DR HARRISBURG NC 28075
55171777680000	TAYLOR MORRISON DEAN	-
55079531800000	NORTH CAROLINA RAILROAD CO	1900 CHAPEL CREEK RD SW CONCORD NC 28025



Engineers, Surveyors, Planners, Scientists

MEMO

Date: November 25, 2019
To: Town of Harrisburg Board of Adjustments
From: Brian R. Rossi, PE
Subject: Kiddie Academy Conditional Use Permit Memo
Copies: Michael Ambrosino – Ambrosino Consultant Corporation

Town of Harrisburg Unified Development Ordinance

3.5.3 APPROVAL CRITERIA.

Uses permitted subject to conditional use review criteria shall be permitted only after review and approval by the Board of Adjustment only if the applicant demonstrates that:

- 3.5.3.1. The proposed conditional use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on the site.

RESPONSE: The proposed Kiddie Academy facility will conform with the character of the neighborhood by meeting the site development intent of adjacent retail development to the west. The proposed building will be oriented along the US-49 frontage with a playground in the back of the site. Parking will be kept to the side of the building due to the location of the playground, which must be interconnected to the building for safety purposes. The proposed landscape buffers will be extended from the adjacent retail development and overhead utilities will be placed below grade per Town Ordinances. The height and overall building appearance will meet or exceed requirements set forth in Appendix E.

- 3.5.3.2 Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

RESPONSE: Site access will be provided by connecting to the existing retail development (stub road shown on approved plans) and a drive entrance along US-49. The connection to the existing retail development will be agreed upon with a cross access easement between Ambrosino Consultant Corporation and the adjacent landowner. Discussions have already started on the cross access easement and both parties are in agreement regarding the cross access easement. The NCDOT access has already been coordinated with Mr. Jeff Burleson who is in agreement of a full access drive entrance along US-49. We understand that future modifications to US-49 could restrict movements to a right-in/right-out, but NCDOT is acceptable to the full access drive entrance at this time.

3.5.3.3 The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

RESPONSE: Kiddie Academy shall not add any noxious or offensive vibration, noise, odor, dust, smoke, or gas to the adjacent properties. Additionally, this facility will provide a needed service to the community.

3.5.3.4 The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

RESPONSE: Kiddie Academy is an extension of the commercial business frontage already developed west of the site along US-49. Additionally, the three parcels to the east of Kiddie Academy's subject properties are zoning B-1. The likely scenario is that the Kiddie Academy parcels would ultimately end up being rezoned to a commercial use if the conditional use isn't approved.

If you have any questions on the responses provided, don't hesitate to give me a call at 704.353.9948 or e-mail at brossi@emht.com.

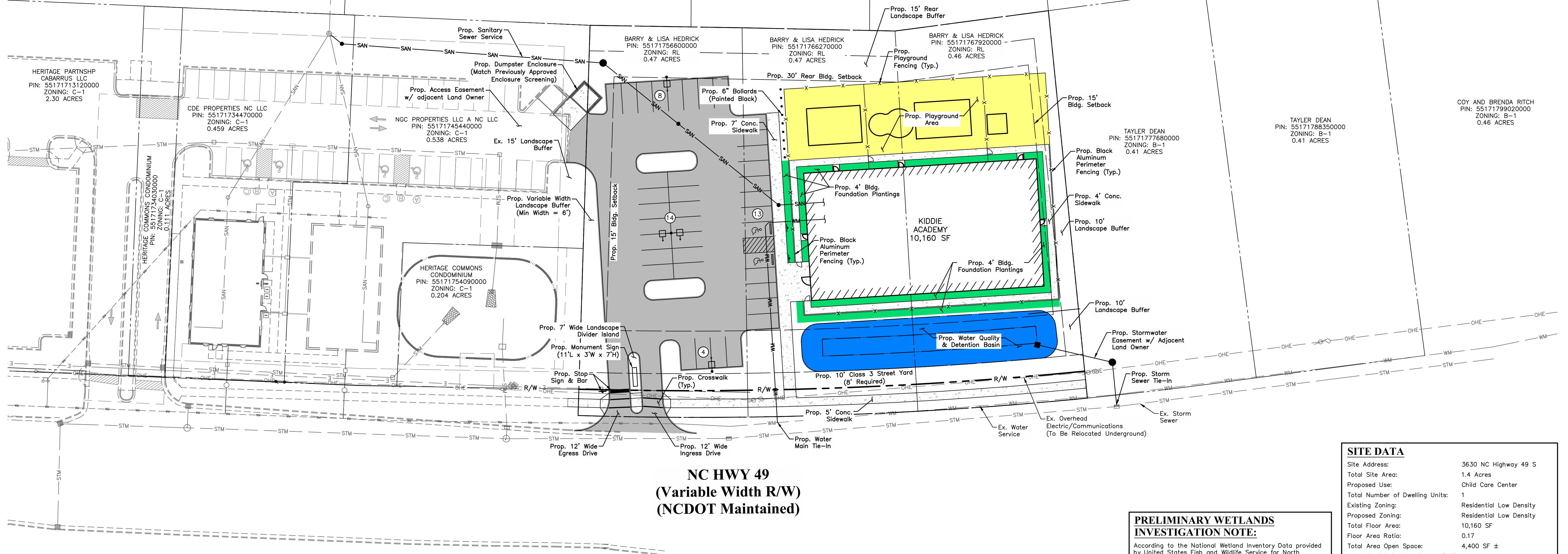
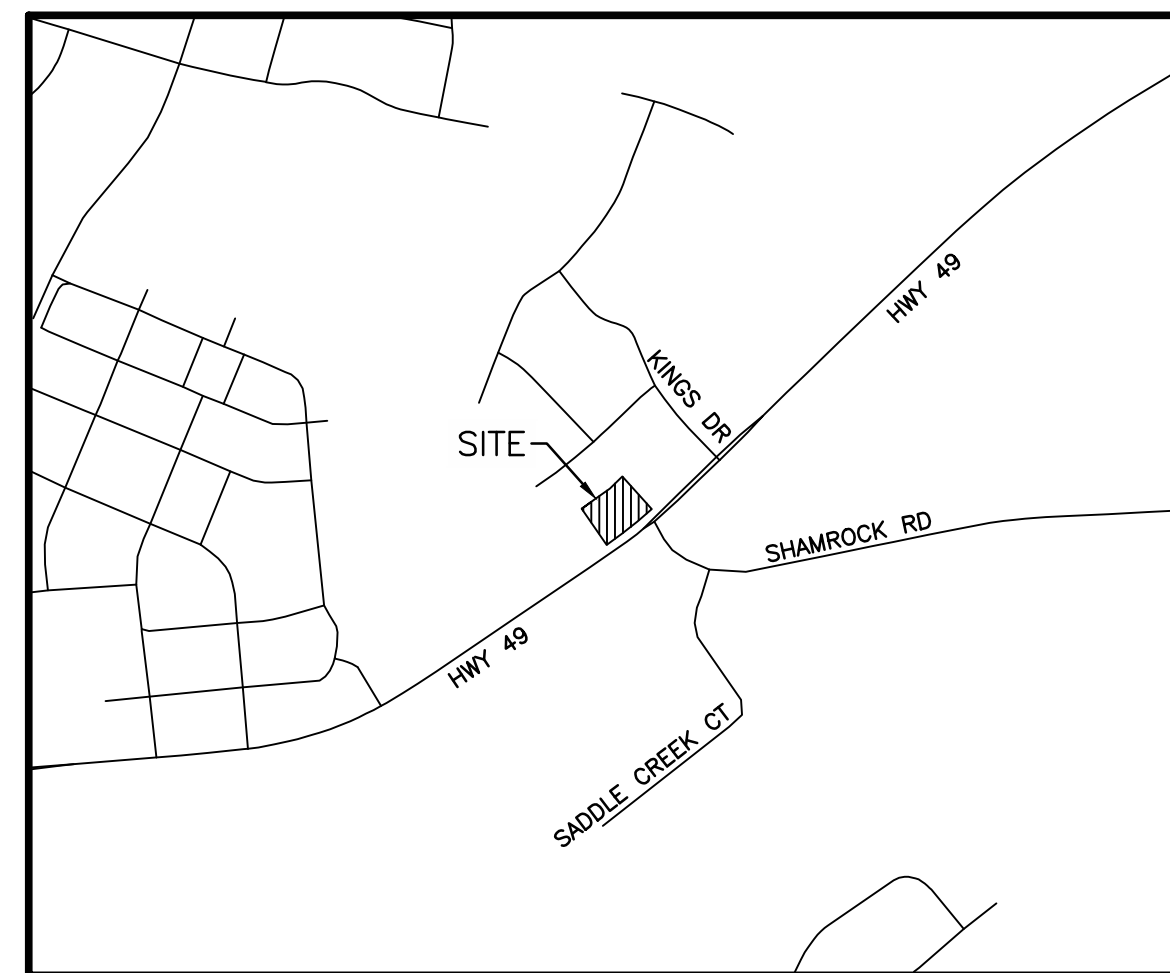
Thank you,



Brian R. Rossi, PE
Project Manager



EMH&T Engineers, Surveyors, Planners, Scientists
301 McCullough Drive, Suite 109, Charlotte, NC 28262
v. 704.353.9948 | c. 980.259.8797 | brossi@emht.com
emht.com

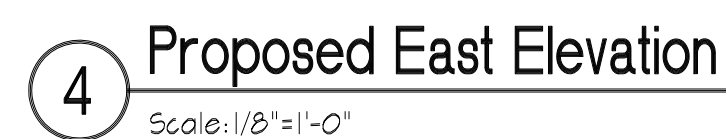
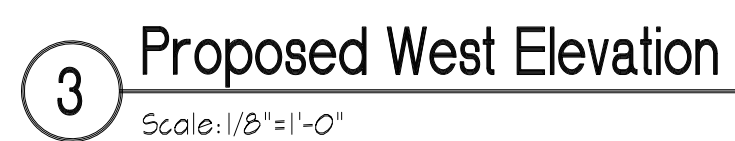
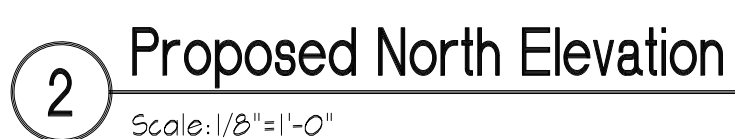


<u>SITE DATA</u>	
Site Address:	3630 NC Highway 49 S
Total Site Area:	1.4 Acres
Proposed Use:	Child Care Center
Total Number of Dwelling Units:	1
Existing Zoning:	Residential Low Density
Proposed Zoning:	Residential Low Density
Total Floor Area:	10,160 SF
Floor Area Ratio:	0.17
Total Area Open Space:	4,400 SF ±
*Undisturbed Landscape Buffer	
Min. Off-Street Parking:	28 Spaces (1 per 375 SF)
Max. Off-Street Parking:	42 Spaces (1.5 per 375 SF)
Prop. Off-Street Parking:	39 Spaces (2 ADA)

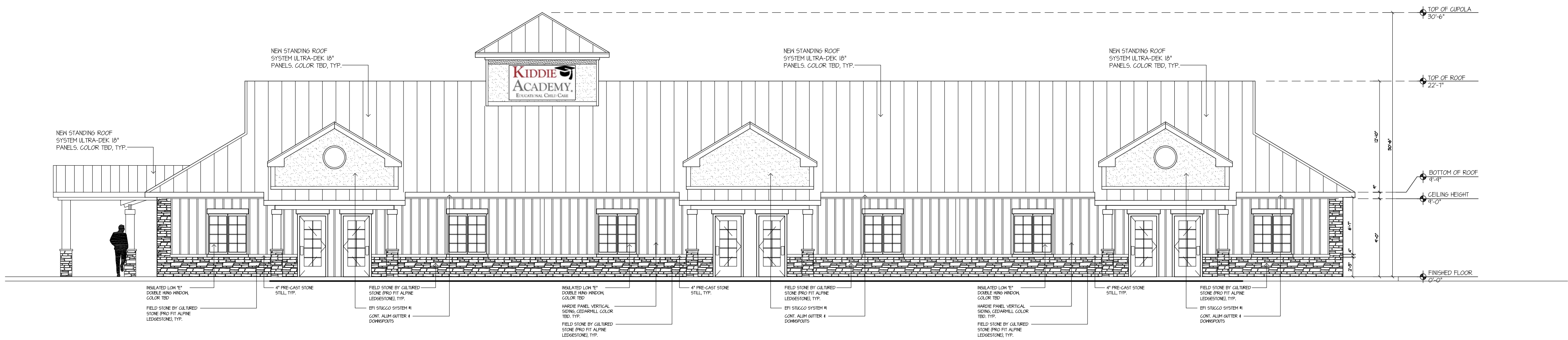
PRELIMINARY WETLANDS
INVESTIGATION NOTE:

According to the National Wetland Inventory Data provided by United States Fish and Wildlife Service for North Carolina, dated 2018, the subject tract shown herein lies outside of any special flood hazard and/or wetland area. Carolina Wetland Services performed an investigation of the subject parcel(s) & found no features on site.

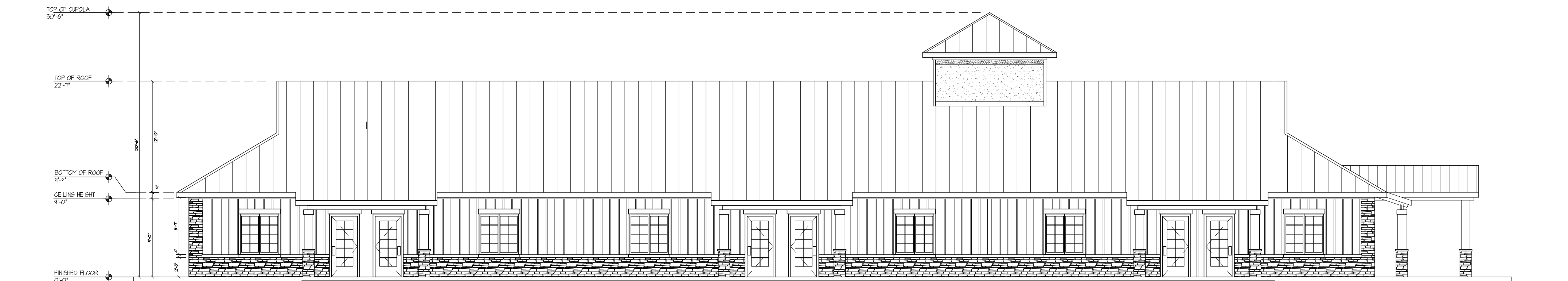
(CWS Project # 2019-0372, report dated October 24, 2019)



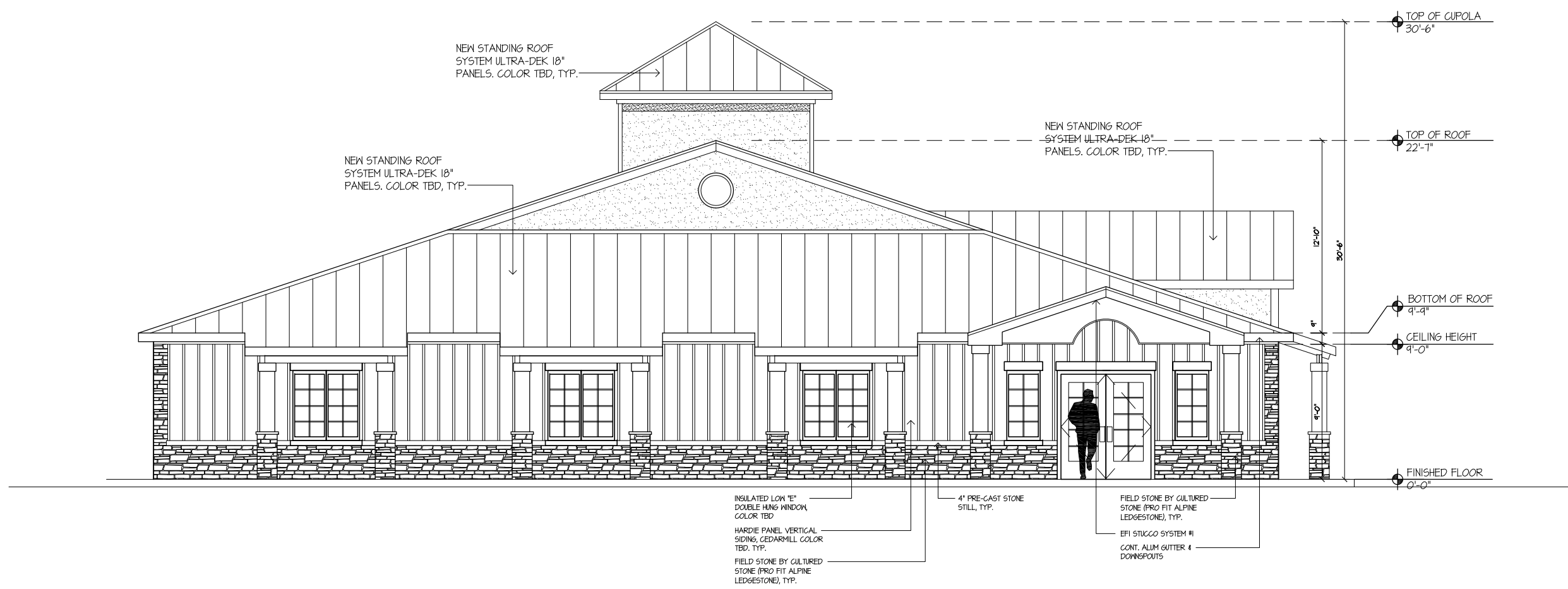
This drawing and its contents, including but not limited to all patentable features, separately or collectively shown, constitute the original and unpublished property of Combined Resources Consulting & Design, Inc.. This drawing may not be disclosed, reproduced in whole or part or employed for any purpose other than specifically permitted by written consent of CRCD and is loaned subject to return on demand.



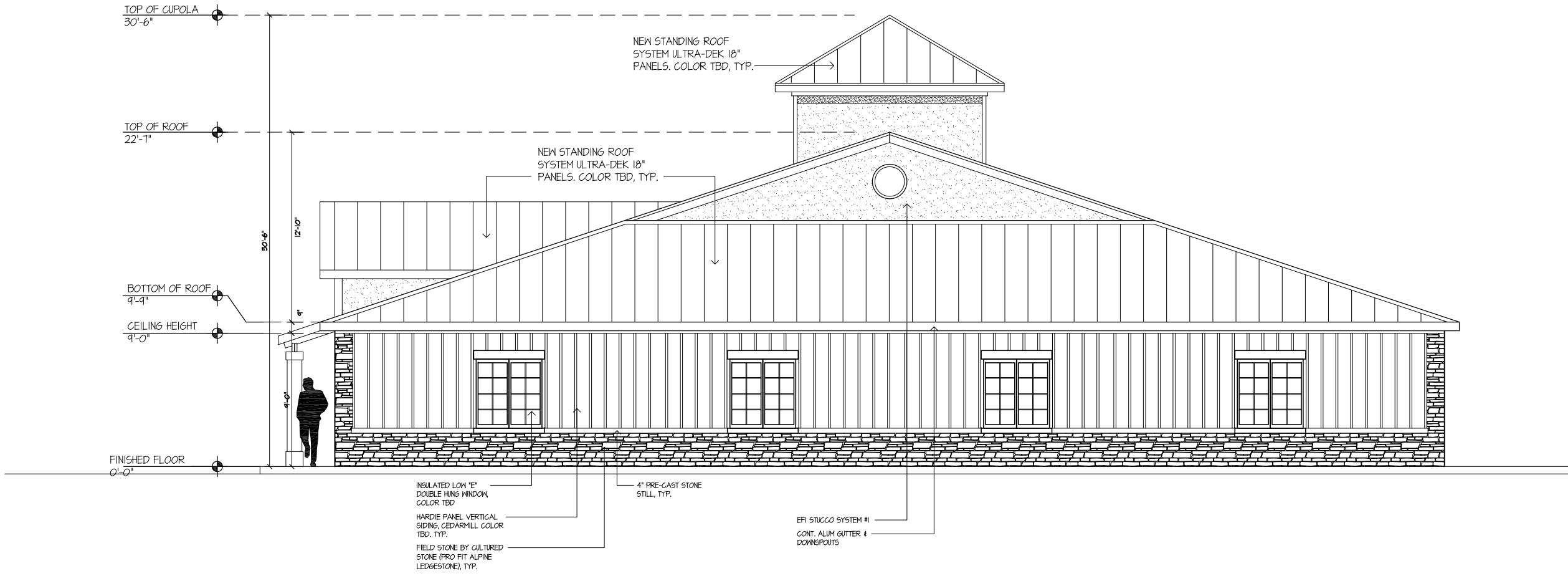
1 Proposed South Elevation
Scale: 1/8"=1'-0"



2 Proposed North Elevation
Scale: 1/8"=1'-0"



3 Proposed West Elevation
Scale: 1/8"=1'-0"



4 Proposed East Elevation
Scale: 1/8"=1'-0"

The intent of this set of construction documents is to provide a complete and properly functioning space to be utilized for its designed purpose. The general contractor, construction manager, sub-contractor(s), supplier(s), and vendor(s) shall provide all labor and materials necessary to achieve a finished product capable of receiving a certificate of occupancy. Each contractor is obligated to examine the plans and if necessary, visit the site(s), so to be familiar with the actual conditions and requirements of the project. Any alleged discrepancies, omissions or unknowns, shall be immediately called to the attention of Combined Resources Consulting & Design, Inc., so that the matter may be resolved prior to the submission of a bid proposal. Each contractor, by submission of their bid, shall acknowledge that these documents are an adequate definition of the scope of work. Additional cost claims, based on any deficiency of construction documents, actual or not, will not be considered.

No	Submission	Date

Engineer:

Architect:

**COMBINED
RESOURCES**
CONSULTING AND DESIGN, INC.
155 FIRST STREET, SUITE 102
MINEOLA, NY 11501
P.516.644.2828 F.516.644.2820

Tenant/Occupant:

KIDDIE ACADEMY

Location:

3630 NC HIGHWAY 49 S
HARRISBURG, NC 28075

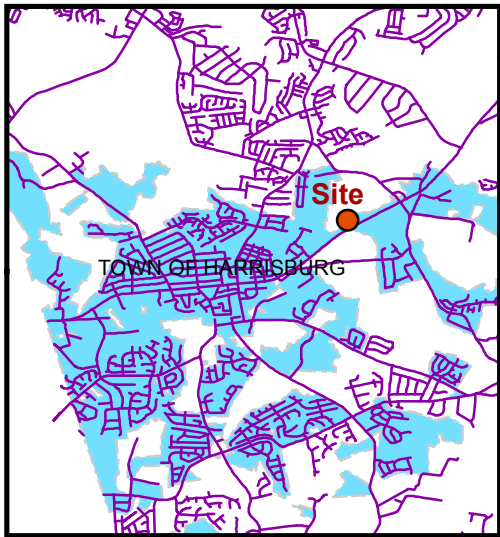
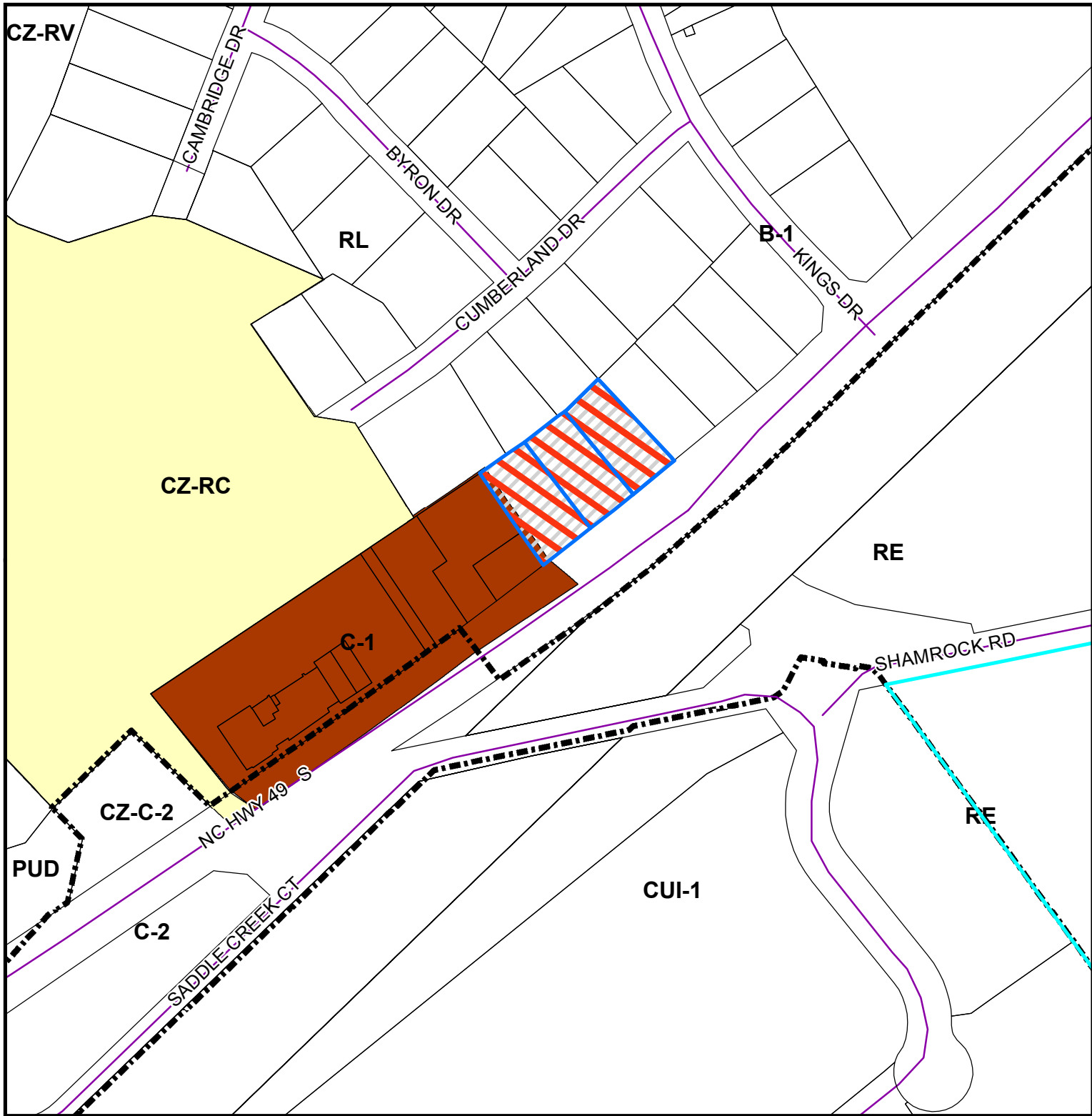
Drawing:

PROPOSED ELEVATIONS

Initial Dwg Date:	11.20.2019	Drawn By:	PS
Job No.:	19-152.00	Chk By:	SF
Scale:	As Noted	PS:	
		OF:	X
Dwg No.:		Seal & Sign:	

A-200.00

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H2019-02-(CUP)
Kiddie Academy -
Conditional Use Permit

Applicant: Michael Ambrosino and
Stephen Kramer

Current Zoning: RL
(Residential Low Density)

Proposed: Institutional
Conditional Use

Address:
3618, 3624, 3630 NC HWY 49 S
Harrisburg, NC 28075

PIN: 55171756600000;
55171766270000;
55171767920000



0 62.5125 250 Feet



December 03, 2019

Notice of Public Hearing

Dear Adjacent Property Owner:

This letter is to inform you that Michael Ambrosino and Stephen Kramer on behalf of Kiddie Academy has applied for a Conditional Use Permit (CUP) for the property owned by Barry and Lisa Hedrick (Parcel ID #5517175660, 551776627 and 5517176792) located at 3618, 3624 and 3630 NC HWY 49 S. The parcel is currently zoned RL (Residential Low Density). The applicant is requesting a Conditional Use Permit (CUP) to construct a Child Care facility. The Child Care Center is permitted in RL district with Supplement Regulations and requires a Conditional Use Permit (C/S) as provided in the Unified Development Ordinance (UDO). See attached map for site location.

A Public Hearing will be held December 17th, 2019 at 6:00 p.m. in Town Hall located at 4100 Main Street, Harrisburg, North Carolina. The Harrisburg Board of Adjustment will hear the proposed CUP and render a decision. There will be a sign posted on the property prior to the hearing. The CUP application is on file in the Harrisburg Planning and Zoning Department.

Conditional Use Permit (CUP) Public Hearing

Date: Tuesday, December 17th, 2019

Time: 6:00PM

Location: Harrisburg Town Hall (Council Chambers)
4100 Main Street, Suite 101
Harrisburg, NC 28075

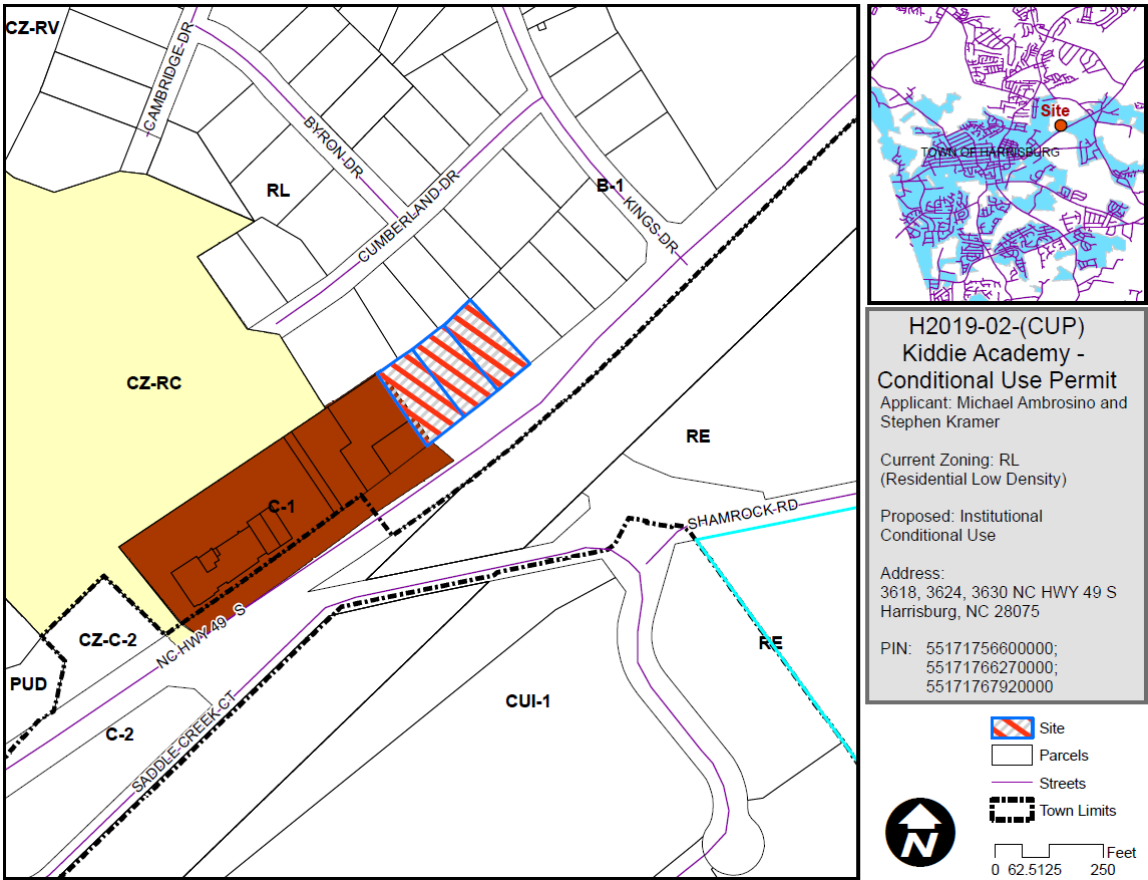
If you have any questions or would like to view the application, please contact our office at 704-455-0738.

Sincerely,

Sushil Nepal

Sushil Nepal, AICP
Planning & Economic Development Director
Town of Harrisburg

Site Location Map





TOWN OF HARRISBURG

Agenda Item Details

Title:

H2019-03-(CUP) - Conditional Use Permit request for Wendy's restaurant with a drive through facility.

Presenting Personnel:

Sushil Nepal, Planning & Economic Development Director

Suggested Motion or Action:

If approved, the following motion is suggested:

To approve the Conditional Use Permit (CUP) request in accordance with guidelines and requirements set forth in the UDO and prepare appropriate finding of facts and granting order upon approval.

If denied, the following motion is suggested:

To deny the Conditional Use Permit (CUP) request in accordance with guidelines and requirements set forth in the UDO and prepare appropriate finding of facts and granting order upon denial.

Description/Background:

FFC Limited Partnership, on behalf of Wendy's Restaurant has submitted an application for a Conditional Use Permit (CUP) for a restaurant with a drive through facility at 4960 NC Hwy 49 (PIN# 55075631340000/55075632370000). The property is currently zoned C-1, Light Commercial District. Table 4.6-1 of the Unified Development Ordinance (UDO) lists this use as an allowed use for C-1, subject to conditional use review criteria in Article 3 of the Unified Development Ordinance.

Attached you will find a staff report that includes the responses from the applicant, the Conditional Use Permit application, including a site plan and multiple exhibits of proposed restaurant elevations.

Recommendation:

Staff recommends that the Board of Adjustment hold a Public Hearing on this matter and consider the request for a Conditional Use Permit for a restaurant with drive through facility.

Fiscal Impact:

Attachments:

1. Staff Report_Wendys
2. Wendy's_Conditional Use Permit Application and Memo
3. Wendy's _Site Plan
4. Wendys _Exterior Elevations updated
5. Conditional Use Permit -Wendy's Site Location Map
6. Adj. prop owner letter_Wendys



Conditional Use Permit H2019-03-(CUP)
Town of Harrisburg CUP Request
December 17, 2019

Applicant: FFC Limited Partnership
166 Southgate Drive
Boone, NC 28607

Property Owner: Olivia & Corey Elwood
4960 NC HWY 49
Charlotte, NC 28202

Property Location: 4900 block of NC HWY 49 S
PIN #55075631340000/55075632370000

Current Zoning: C-1 (Light Commercial District)

Property Size: 0.98 acres +/-

Staff Report By: Matt Ward, Planning and Economic Development Department

Request: The applicant has requested a Conditional Use Permit to construct a restaurant with drive through facility in the C-1, Light Commercial District, which is an allowed use subject to conditional use review criteria in Article 3 of the Unified Development Ordinance.

Additional Information:

1. The applicant has submitted a complete application which includes the Findings of Fact sheet and has paid the application fee.
2. Preliminary site plan is attached for the Board's review. If the Board approves, the applicant will have 12 months to submit a final site plan for review and approval. If the applicant fails to submit the final site plan within the allotted time, the conditional use permit will be null and void.
3. If the project requires the installment of a new driveway, the applicant will be required to secure a driveway permit from the Harrisburg Public Works Department. A Traffic Impact Assessment (TIA) will need to be completed, if required based on traffic generation.
4. The Public Hearing notices have been published as required by the Harrisburg UDO.

5. The adjacent property owners have been notified by US Mail.
6. A sign has been placed on the property stating the time, date and location of the public hearing.

General Guidelines and Requirements – Approval Criteria (Responses as provided by the Applicant, See attached supplement document)

1. **The proposed conditional use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on site.** The proposed building will be 24' tall at its highest point which is well under the required 48' for C-1. The exterior of front of the building will be mostly glass which will provide a beautiful view into the restaurant for pedestrians walking by on the sidewalk. The remainder of the building will be 85% brick or stone, which exceeds the 75% Town of Harrisburg requirement, which will blend nicely with the character of the neighborhood and the community, and certainly improve the appeal from the current business at this location. All rooftop equipment will be screened to maintain the visual appeal and all landscaping will conform with the Town of Harrisburg Unified Development Ordinance.
2. **Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.** Over 6 months has been spent working with the Town of Harrisburg and NCDOT to improve the ingress and egress on both NC Hwy 49 and Morris Drive. After much discussion, the attached current site plan was approved, preliminarily of course, by both the Town of Harrisburg and NCDOT. The drive through stacking distance complies with the NCDOT requirement of 200'. Additionally we will use a small concrete curb/island, as noted on the site plan, to help to ensure the stacking wraps around the front of the building, if needed at peak times. This alleviated any concerns that cars would enter from NC HWY 49 directly into the drive-thru aisle and ultimately back up into NC HWY 49. The curb/island also does not hinder customers exiting onto HWY 49 or to exit towards the back of the lot onto Morris Drive to use the lighted intersections at Morehead Road or Patricia Avenue. Multiple points of ingress and egress allow for more choices to the customer and ultimately limit possible congestion on public roads.
3. **The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.** Our proposed use, Wendy's restaurant with drive-thru, will be consistent in use to Bojangles restaurant (4850 NC HWY 49) which is located on the same road only three parcels to the east of our proposed site. The Bojangles site, which also has a drive-thru, is also zoned C-1 which is the same designation as our site. The property was previously a gas station/service station. The most recent use of the property was a mechanic shop. If anything, our proposed Wendy's restaurant should reduce the vibration, noise, odor, and smell of smoke and gas as compared to the previous occupants on this property for the adjacent commercial business and the residential properties to the north of the property. We are also working with the North Carolina Department of Environmental Quality (NCDEQ) to improve what has been deemed a low-risk site with contamination. Removal of the existing buildings, including one dilapidated building towards the rear, and the two large above ground storage tanks on the property should improve the visual appeal of the view from not only the residential properties to the north of the property but also the adjacent commercial businesses.
4. **The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.** Wendy's restaurant with drive-thru should not impede or impact future development or improvement of

surrounding properties with-in the zoning district.

5. **The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.** Proposed Wendy's restaurant with drive-thru should not in any way endanger the public health, safety, or general welfare. As noted above in response to 3.5.3.2., a tremendous amount of discussion has occurred with Town of Harrisburg and NCDOT to ensure not only customer safety on our site, with reduction of parking spaces on the east side of the parking lot, but also customer and public safety on NC Hwy. 49. We comply with NCDOT stacking requirements and additionally, we added the concrete curb/island to inhibit traffic from entering drive-thru aisle directly from NC Hwy. 49 when the drive-thru line lengthens. Also, as noted above in response to 3.5.3.3., the work the NCDEQ and other environmental consultants on this property illustrates our desire to ultimately improve the property for the general welfare of the public.
6. **Compliance with any other applicable Sections of this Ordinance.** We will comply with all applicable sections of the Ordinance and will continue to work with staff to create a development all will be proud of in the community.



HarrisburgNC

The right side of opportunity

Application No. _____

Date _____

PETITION FOR A CONDITIONAL USE PERMIT

The Conditional Use Process:

A conditional use is necessary when a proposed land use may have some consequences that may warrant review by the Board of Adjustment. This review is to insure there will be no detrimental effects to surrounding properties nor will it be contrary to the public interest.

In order to apply for a conditional use a completed application along with the application fee is required to be turned in to the Zoning Office, 30 days prior to the scheduled public hearing. In order for the Board of Adjustment to grant approval of the conditional use, the applicant must provide the requested information in the following application.

If the Board finds that all approval criteria have been met, they may impose reasonable conditions upon the granting of any conditional use to insure public health, safety, and general welfare. If the application is approved the applicant then may proceed with securing all required local and state permits necessary for the endeavor. Failure to follow conditions set in the approval process would result in a violation of the Zoning Ordinance.

If there are additional questions concerning this process, please call the Zoning Office at (704) 455-5614.

TO THE BOARD OF ADJUSTMENT:

I, HEREBY PETITION THE BOARD OF ADJUSTMENT TO GRANT THE ZONING ADMINISTRATOR THE AUTHORITY TO ISSUE A CONDITIONAL USE PERMIT FOR THE USE OF THE PROPERTY AS DESCRIBED BELOW.

Applicant's Name Property Owner's Name
FFC Limited Partnership

Olivia & Corey Elwood

Applicant's Address
166 Southgate Drive

Property Owner's Address
4960 NC Hwy. 49

Boone, NC 28607

Harrisburg, NC 28075

Applicants Telephone Number 828-262-1811

Parcel Information

Existing Use of Property Vacant currently, previously Davis Auto Inspections

Proposed Use of Property Restaurant with drive-thru - Wendy's

Existing Zoning C-1 Light Commercial

Property Location Between NC Hwy. 49 and Morris Drive (beside Harrisburg Hometown Pharmacy)

Property Acreage .98 acres +/-

Tax Map and Parcel Number (PIN) 55075631340000 & 55075632370000

Land Use of Adjacent Properties

(Provide Plat Map if Available)

NORTH Residential RM-1

SOUTH Commercial C-1 (Various businesses on other side of NC Hwy 49

EAST Commercial C-1 (Various businesses)

WEST Commercial C-1 (Harrisburg Hometown Pharmacy)

SEE ATTACHED MEMO

General Requirements

1. The Zoning Ordinance imposes the following general requirements on the use requested by the applicant. Under each requirement, the applicant should explain, with reference to the attached plans, where applicable, how the proposed use satisfies these requirements.

The Board must find that the uses(s) as proposed "are not detrimental to the public health, safety or general welfare."

Proposed restaurant, with dine-in and drive-thru will not impact public health and safety. We have worked extensively with Town of Harrisburg and NCDOT to ensure the site limits congestion and conflict points on NC Hwy. 49 and access on Morris Drive provides customers with alternative to access lights on Patricia Ave. and Morehead Road.

The Board must find that the use(s) as proposed "are appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, etc."

Site plan provides access to NC Hwy. 49 and Morris Drive to ensure a safe ingress and egress for the customer and law enforcement. City water supply and city sewer is supplied to the property line along Morris Drive and NC Hwy.

49. Proposed restaurant is conveniently at the center of Town and will not negatively impact the Town's resources.

The Board must find that the use(s) as proposed "will not violate neighborhood character nor adversely affect surrounding land uses."

Applicant is working with NCDEQ since previous use of property has been either a gas station or mechanic shop.

Removal of current building and above ground storage tanks along with building that will meet the Town of Harrisburg's Unified Development Ordinance as it relates to the exterior will improve the overall appeal along NC Hwy. 49.

The Board must find that the use(s) as proposed "will comply with the general plans for the physical development of the County or Town, as embodied in the Zoning Ordinance or in the area development plans that have been adopted."

Proposed restaurant is permitted with-in C-1 as identified in Table 4.6-1 in the Unified Development Ordinance (UDO) The required 10' setback is met as detailed in the site plan, as are the required 8' buffer requirements which are noted in the site plan. The building height is below the requirement for C-1 and design standards of the UDO have been met to give an aesthetically pleasing site and building consistent with goals of the Town.

2. The Zoning Ordinance also imposes SPECIFIC REQUIREMENTS on the use(s) requested by the applicant. The applicant should be prepared to demonstrate that, if the land is used in a manner consistent with the plans, specifications, and other information presented to the Board, the proposed use(s) will comply with specific requirements concerning the following:

Nature of use (type, number of units, and/or area):

Wendy's restaurant with both dine-in and drive-thru. Restaurant with dine-in is permitted in C-1, drive-thru is only permitted with Conditional Use Permit which is the reason for the application.

Accessory uses (if any):

Setback provisions:

Principle Use

Front: 10' Side: - Rear: -

Setback is in accordance with C-1 requirements under Table 4.7-1 in the UDO

Accessory Use N/A

Front: Side: Rear:

Height provisions:

Principle Use 24' Accessory Use Maximum height in C-1 is 48' so we are well below in our design

Off street parking and loading provisions: (include calculations)

See attached site plan. 67 seats requires at least 22 parking spaces per UDO. Site design shows 27 parking spaces. All parking stalls are at least 9' wide and 20' in depth and at 45 or 60 degree angles with the requisite aisle width depending upon the parking angle.

Sign provisions: (include sketch drawing with dimensions)

See attached Smart 55 concept design with an example of exterior signage on building. Also, monument sign noted on the site plan that is outside of street right-of-way and site triangle and will be no more than 32' square feet in area and no more than 8' in height in accordance with the UDO.

Provisions for screening landscaping and buffering: (if required add to site plan)

See attached Landscaping site plan.

Provisions for vehicular circulation and access to streets: (provide NCDOT permit if necessary)

See attached site plan. NCDOT permit has not been applied for at this time, but we were provided with preliminary approval based on current site plan. Circulation is one-way around the building with dedicated drive-thru aisle to control stacking around front of building and reduce any potential impact to NC Hwy. 49.

Adequate and safe design for grades, paved curbs and gutters, drainage systems, and treatment or turf to handle storm waters, prevent erosion, subdue dust:

Attached site plan denotes the grades of the property, elevations of the property, and denotes the requisite curb and guttering on the property. Site plan does note a planned storm water detention pond at the rear of the property.

An adequate amount and safe location of play areas for children and other recreational uses according to the concentration of residential property:

Site is not in residential zoning area.

Compliance with overlay zones including but not limited to the Thoroughfare Overlay and the River/Stream Overlay Zones:

Many of the provisions in Article 15 of the UDO are noted on the attached site plans.

Compliance with the Flood Damage Prevention Ordinance:

Site is not identified as being in the FDPO area per the official zoning map

Other requirements may be requested by the applicant or specified by the Board for protection of the public health, safety, welfare, and convenience:

Predefined Standards

Each individual Conditional Use listed in the Zoning Ordinance may have specific standards imposed. Refer to the Conditional Use section of the Zoning Ordinance for these requirements. Each standard should be addressed in the site plan submitted along with this application.

Required Attachments/Submittals

1. Printout of names and addresses of all immediately adjacent property owner, including any directly across the street.
2. Scaled site plan containing all requested information above on legal or ledger sized paper. Larger sized copies will be accepted if copies for each Board Member is provided for distribution.

Certification

I hereby confirm that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are to the Zoning Department.

Signature of Applicant James C. Surman Date 11-26-19
Signature of Owner John R. Surman Date 11/25/19

STAFF USE ONLY:

Application Fee Collected Yes _____ No _____

Posted Database Yes _____ No _____

Site Plan Attached Yes _____ No _____

Public Hearing Date Notice of Public Hearing Published On _____

Notices to Applicant(s) and Adjoining Property Owners Mailed On _____

Signs Posted On _____

Process Record

Record of Decision:

Motion to: Approve _____ Deny _____

Board of Adjustment Recommendation: Approve _____ Deny _____

Action Taken by Board of Adjustment: _____

Date Notification of Action Mailed to Applicant(s): _____

Signature of Zoning Official

CONDITIONAL USE PERMIT

APPROVAL CRITERIA UNDER SECTION 3.5.3

ZONING – C-1 LIGHT COMMERCIAL

CONDITIONAL USE – DRIVE-THRU (RESTAURANT USE IS PERMITTED IN C-1)

3.5.3.1 – The proposed conditional use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on the site.

The proposed building will be 24' tall at its highest point which is well under the required 48' for C-1. The exterior of front of the building will be mostly glass which will provide a beautiful view into the restaurant for pedestrians walking by on the sidewalk. The remainder of the building will be 85% brick or stone, which exceeds the 75% Town of Harrisburg requirement, which will blend in nicely with the character of the neighborhood and the community, and certainly improve the appeal from the current business at this location. All rooftop equipment will be screened to maintain the visual appeal and all landscaping will confirm with the Town of Harrisburg Unified Development Ordinance.

3.5.3.2 – Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

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3.5.3.3. – The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

Our proposed use, Wendy's restaurant with drive-thru, will be consistent in use to Bojangles restaurant (4850 NC Hwy 49) which is located on the same road only three parcels to the east of our proposed site. The Bojangles site, which also has a drive-thru, is also zoned C-1 which is the same designation as our site.

The property was previously a gas station/service station. The most recent use of the property was a mechanic shop. If anything, our proposed Wendy's restaurant should reduce the vibration, noise, odor, and smell of smoke and gas as compared to the previous occupants on this property for the adjacent commercial business and the residential properties to the north of the property. We are also working with the North Carolina Department of Environmental Quality (NCDEQ) to improve what has been deemed a low-risk site with contamination. Removal of the existing buildings, including one dilapidated building towards the rear, and the two large above ground storage tanks on the property should improve the visual appeal of the view from not only the residential properties to the north of the property but also the adjacent commercial businesses.

3.5.3.4 – The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

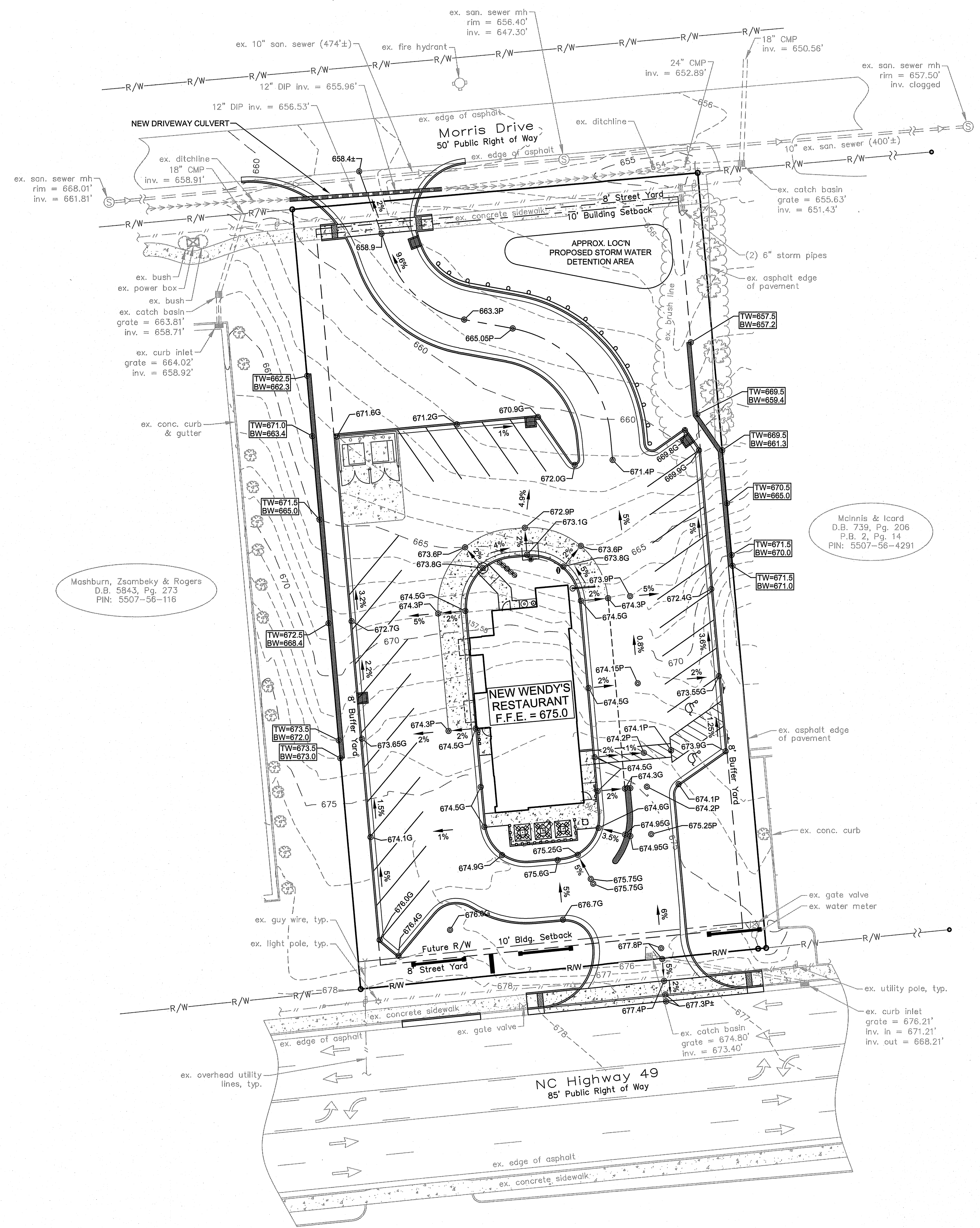
Wendy's restaurant with drive-thru should not impede or impact future development or improvement of surrounding properties with-in the zoning district.

3.5.3.5 – The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

Proposed Wendy's restaurant with drive-thru should not in any way endanger the public health, safety, or general welfare. As noted above in response to 3.5.3.2., a tremendous amount of discussion has occurred with Town of Harrisburg and NCDOT to ensure not only customer safety on our site, with reduction of parking spaces on the east side of the parking lot, but also customer and public safety on NC Hwy. 49. We comply with the NCDOT stacking requirements and additionally, we added the concrete curb/island to inhibit traffic from entering drive-thru aisle directly from NC Hwy. 49 when the drive-thru line lengthens. Also, as noted above in response to 3.5.3.3., the work with NCDEQ and other environmental consultants on this property illustrates our desire to ultimately improve the property for the general welfare of the public.

3.5.3.6 – Compliance with any other applicable Sections of this Ordinance.

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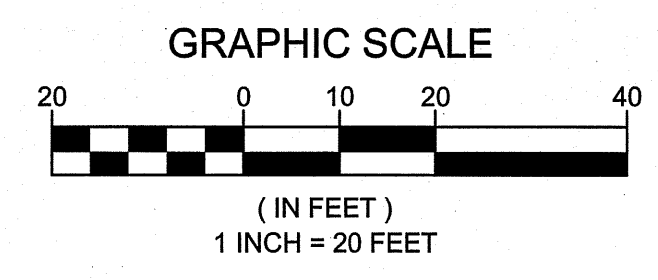


Mashburn, Zsambeky & Rogers
D.B. 5843, Pg. 273
PIN: 5507-56-116

McInnis & Icard
D.B. 739, Pg. 206
P.B. 2, Pg. 14
PIN: 5507-56-4291

GRADING & STORMWATER DRAINAGE LEGEND	
	106.0P FINISHED GRADE TOP OF PAVEMENT SPOT ELEVATION
	106.0G FINISHED GRADE CONCRETE GUTTER SPOT ELEVATION
	106.0S FINISHED GRADE TOP OF CONCRETE SIDEWALK SPOT ELEVATION
	F.F.E. = 106.7 FINISHED FLOOR ELEVATION FOR NEW BUILDING
	FLOW SURFACE FLOW DIRECTION
	5% FINISHED GRADE SURFACE FLOW DIRECTION & PERCENTAGE
	2:1 MAX FINISHED GRADE SLOPE (HORIZONTAL SLOPE:VERTICAL SLOPE)
	TW FINISHED GRADE ELEVATION AT TOP OF RETAINING WALL
	BW FINISHED GRADE ELEVATION AT BOTTOM OF RETAINING WALL
	HP FINISHED GRADE HIGH POINT
	670 EXISTING MAJOR CONTOUR
	670 FINISHED GRADE MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	EXISTING STORMWATER DRAINAGE PIPE
	OR EXISTING STORMWATER DRAINAGE STRUCTURE
	EXISTING STORMWATER DRAINAGE SWALE
	NEW STORMWATER DRAINAGE PIPE
	NEW STORMWATER DRAINAGE STRUCTURE
	NEW STORMWATER DRAINAGE HEADWALL
	VS VS NEW STORMWATER PERMANENT VEGETATED DRAINAGE SWALE

NOTE:
SPOT ELEVATIONS ARE SHOWN TO DEPICT GENERAL PROPOSED ELEVATIONS AND GRADES. FINAL PLANS WILL INCLUDE PROPOSED CONTOURS AND COMPLETE STORM DRAINAGE SYSTEM DESIGN.



PRELIMINARY
FOR REGULATORY REVIEW ONLY

**MUNICIPAL ENGINEERING
SERVICES COMPANY, P.A.**

**WENDY'S RESTAURANT
FFC LIMITED PARTNERSHIP**
4960 NC HIGHWAY 49
HARRISBURG, NORTH CAROLINA

DATE: 11-15-19

DRWN. BY: EGT

CHKD. BY: A/C

PROJECT NUMBER: B19014

DRAWING NO. C-2

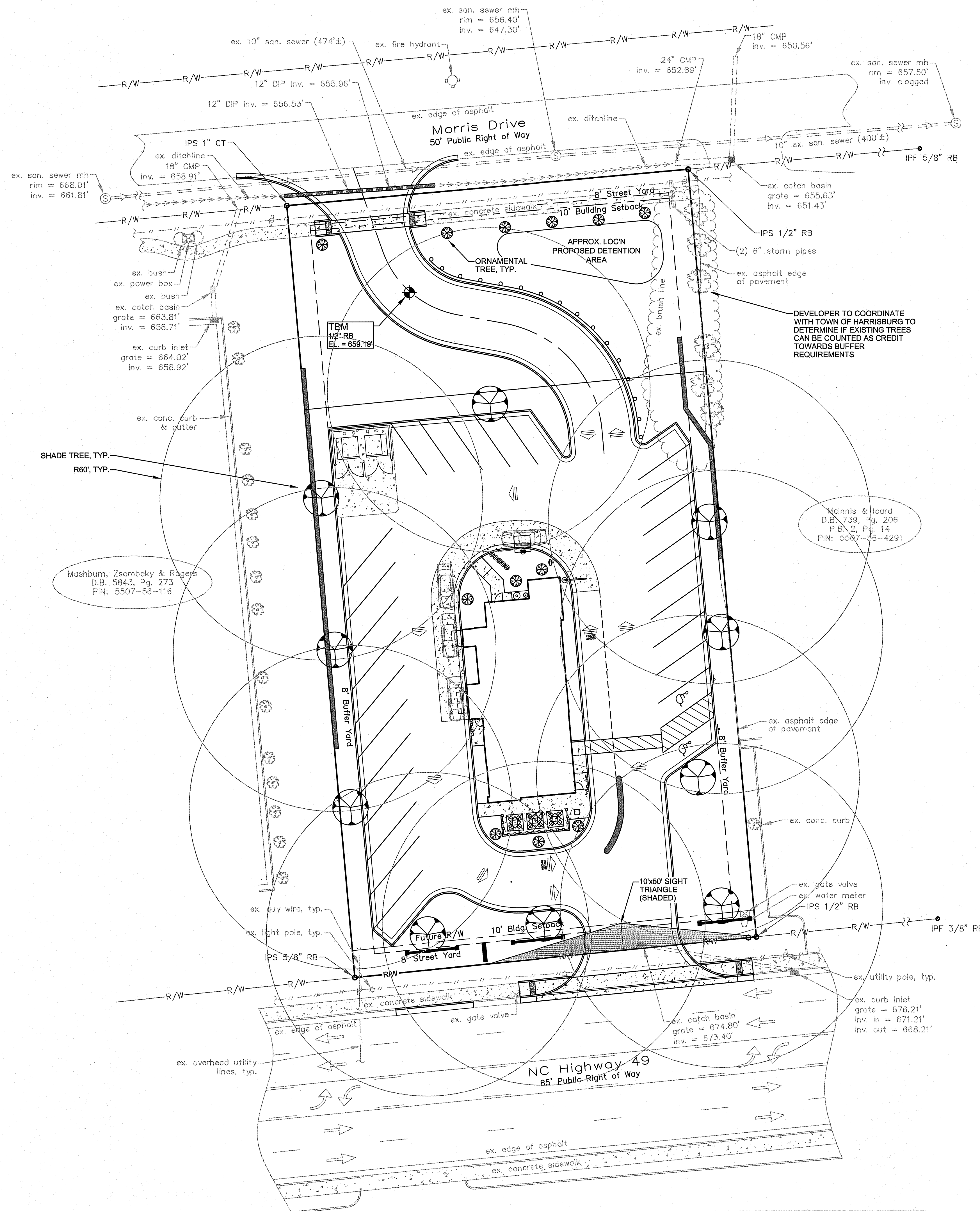
DESCRIPTION: PRELIMINARY GRADING PLAN FOR CONDITIONAL USE PERMIT

SHEET NO. 2 OF 2

68 SHIPWASH DRIVE, GARNER, NC 27529 - PHONE: 919-772-5393

820-B STATE FARM ROAD, BOONE, NC 28607 - PHONE: 828-262-1767

LICENSE NUMBER: C-0281



CLASS 4 - TYPE A - 8' BUFFER YARD (WESTERN PROPERTY LINE)			
TOTAL LENGTH = 269 LF			
VEGETATION REQUIRED:			
SHADE TREES:	269 LF / 100	=	3
LARGE EVERGREEN SHRUBS:	269 LF / 50	=	5
MINIMUM POINTS:	269 LF x 0.4	=	108
VEGETATION PROVIDED:			
SHADE TREE:	3		
LARGE EVERGREEN SHRUB:	5		
MINIMUM POINTS:	108		

CLASS 4 - TYPE A - 8' BUFFER YARD (EASTERN PROPERTY LINE)			
TOTAL LENGTH = 271 LF			
VEGETATION REQUIRED:			
SHADE TREES:	271 LF / 100	=	3
LARGE EVERGREEN SHRUBS:	271 LF / 50	=	5
MINIMUM POINTS:	271 LF x 0.4	=	108
VEGETATION PROVIDED:			
SHADE TREE:	3		
LARGE EVERGREEN SHRUB:	5		
MINIMUM POINTS:	108		

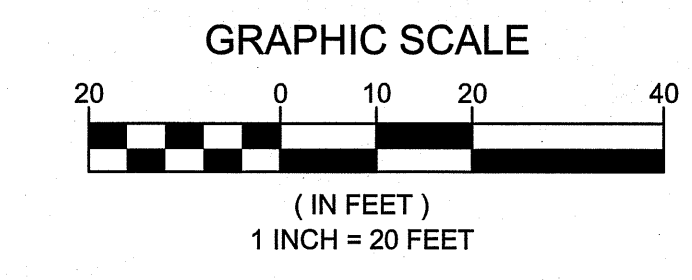
CLASS 4 - 8' STREET YARD (NC HIGHWAY 49)			
TOTAL LENGTH = 150 LF			
VEGETATION REQUIRED:			
SHADE TREES:	150 LF / 50	=	3
ORNAMENTAL TREE:	150 LF / 50	=	3
MINIMUM POINTS:	150 LF x 0.5	=	75
VEGETATION PROVIDED:			
SHADE TREE:	3		
ORNAMENTAL TREE:	3		
MINIMUM POINTS:	75		

CLASS 4 - 8' STREET YARD (MORRIS DRIVE)			
TOTAL LENGTH = 150 LF			
VEGETATION REQUIRED:			
SHADE TREES:	150 LF / 50	=	3
ORNAMENTAL TREE:	150 LF / 50	=	3
MINIMUM POINTS:	150 LF x 0.5	=	75
VEGETATION PROVIDED:			
ORNAMENTAL TREE:	6		
(DUE TO POWER LINE LOC'N)			
MINIMUM POINTS:	75		

PARKING LOT YARD			
PARKING LOT AREA = 30,383± SF			
PARKING SPACES = 27 SPACES			
VEGETATION REQUIRED:			
MIN. LANDSCAPED AREA:	30,383 x 10%	=	3,038 SF
SHADE TREE:	1 PER 2.7	=	3
SMALL SHRUBS:	8 PER 2.7	=	22
VEGETATION PROVIDED:			
LANDSCAPED AREA:	6,800± SF		
SHADE TREE:	3+		
SMALL SHRUBS:	22+		
EVERY SPACE TO BE WITHIN 60' OF A SHADE TREE			

CATEGORY 2 - BUILDING YARD			
TOTAL LENGTH = 183 LF			
(2 SIDES AND BACK FACING PARKING)			
VEGETATION REQUIRED:			
ORNAMENTAL TREES:	183 LF / 30	=	6
SMALL EVERGREEN SHRUBS:	183 LF / 30 x 8	=	48
MINIMUM POINTS:	183 LF x 0.5 = 92		
MINIMUM WIDTH:	6 FT		
VEGETATION PROVIDED:			
ORNAMENTAL TREE:	6		
SMALL EVERGREEN SHRUB:	48		
MINIMUM POINTS:	92		
MINIMUM WIDTH:	6 FT AVG.		

- LANDSCAPE PERMITTING NOTES:**
- ALL LANDSCAPING SHALL CONFORM TO TOWN OF HARRISBURG UNIFIED DEVELOPMENT ORDINANCE.
 - ONLY SHADE TREES AND ORNAMENTAL TREES ARE SHOWN AT THIS TIME FOR REFERENCE. FINAL LANDSCAPE PLANS WILL INCLUDE PLANT LIST AND LOCATION OF ALL PLANT SPECIES.
 - TREE LOCATIONS ARE APPROXIMATE AND MAY CHANGE WITH FINAL DESIGN.



PRELIMINARY
FOR REGULATORY REVIEW ONLY

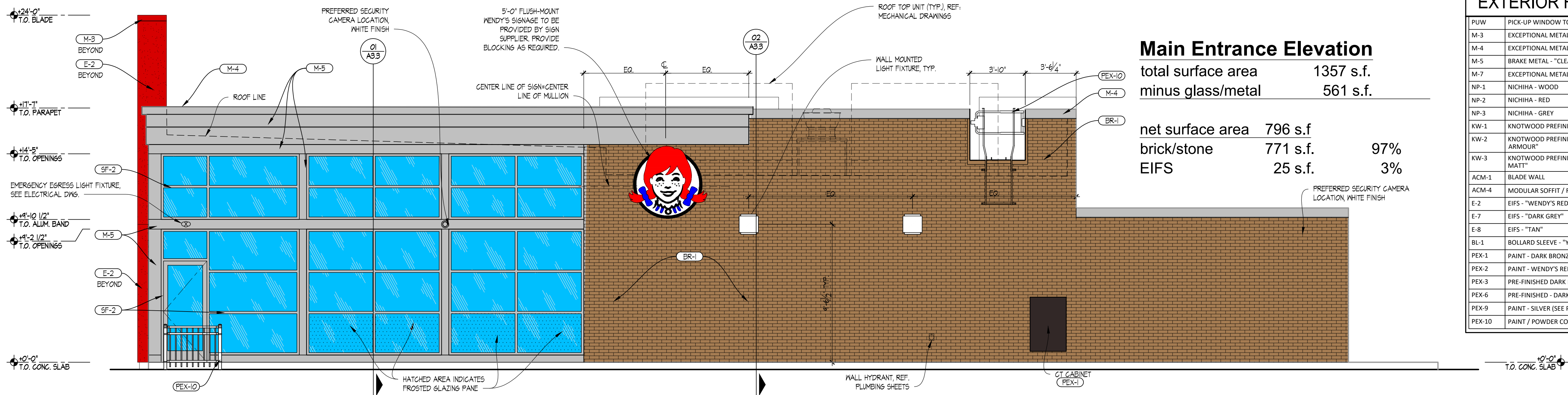
**MUNICIPAL ENGINEERING
SERVICES COMPANY, P.A.**
68 SHIPWASH DRIVE, GARNER, NC 27529 • PHONE: 919-772-5393
820-B STATE FARM ROAD, BOONE, NC 28607 • PHONE: 828-262-1767
LICENSE NUMBER: C-0281



**WENDY'S RESTAURANT
FFC LIMITED PARTNERSHIP
4960 NC HIGHWAY 49
HARRISBURG, NORTH CAROLINA**

DESCRIPTION		REV.	
DATE	BY	DATE	BY
PRELIMINARY LANDSCAPE PLAN FOR CONDITIONAL USE PERMIT			
SCALE: AS SHOWN			
DATE: 11-15-19			
DRWN. BY: EGT			
CHKD. BY: A/C			
PROJECT NUMBER			
B19014			
DRAWING NO.		SHEET NO.	
C-3		3 OF 3	

11/30/2019, 1:58 PM, N:\Projects\2019-106 Wendy's Harrisburg NC\Drawings\Sheet\01 - SMART_55-SQUARE_A2.1 - Exterior Elevations - color.dwg, Ken B

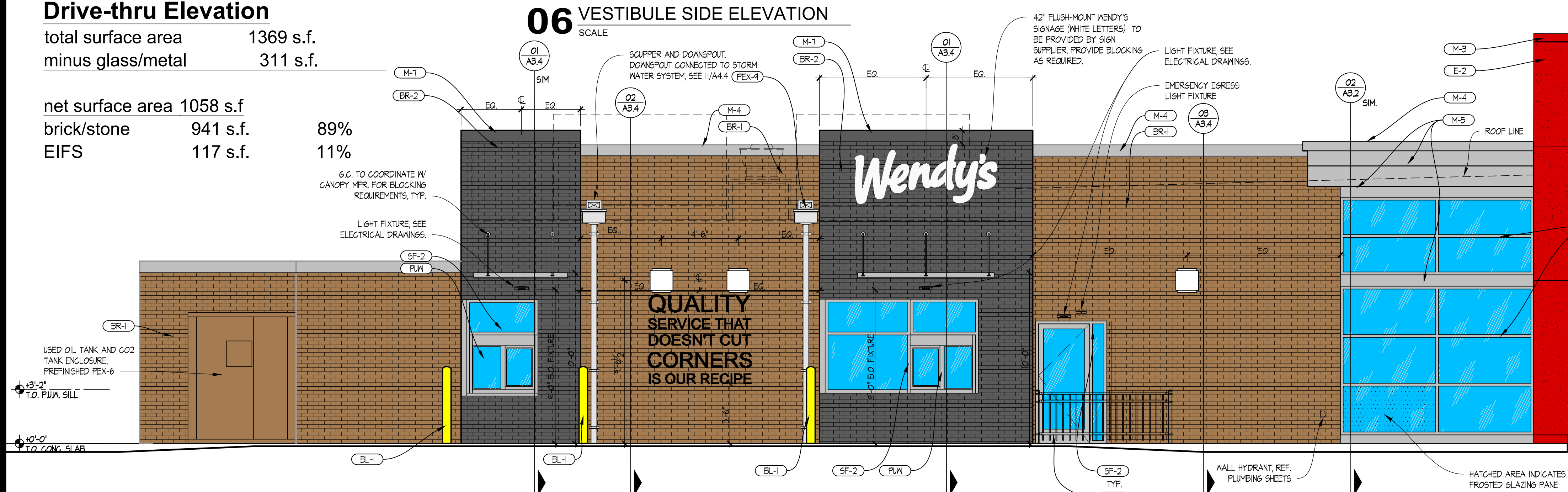


EXTERIOR FINISHES LEGEND	
PUW	PICK-UP WINDOW TO MATCH STOREFRONT
M-3	EXCEPTIONAL METALS - "BRIGHT RED"
M-4	EXCEPTIONAL METALS - "SILVER METALLIC"
M-5	BRAKE METAL - "CLEAR ANNOXIDIZED"
M-7	EXCEPTIONAL METALS - "CUSTOM DARK GREY"
NP-1	NICHHA - WOOD
NP-2	NICHHA - RED
NP-3	NICHHA - GREY
KW-1	KNOTWOOD PREFINISHED ALUMINUM SIDING MATERIAL "LIGHT OAK"
KW-2	KNOTWOOD PREFINISHED ALUMINUM SIDING MATERIAL "KNIGHTS ARMOUR"
KW-3	KNOTWOOD PREFINISHED ALUMINUM SIDING MATERIAL "BRITE RED MATT"
ACM-1	BLADE WALL
ACM-4	MODULAR SOFFIT / FASCIA
E-2	EIFS - "WENDY'S RED"
E-7	EIFS - "DARK GREY"
E-8	EIFS - "TAN"
BL-1	BOLLARD SLEEVE - "YELLOW"
PEX-1	PAINT - DARK BRONZE (SEE PAINT SCHEDULE)
PEX-2	PAINT - WENDY'S RED (SEE PAINT SCHEDULE)
PEX-3	PRE-FINISHED DARK BRONZE SIGN CABINETS (SEE PAINT SCHEDULE)
PEX-6	PRE-FINISHED - DARK BRONZE (SEE PAINT SCHEDULE)
PEX-9	PAINT - SILVER (SEE PAINT SCHEDULE)
PEX-10	PAINT / POWDER COAT - BLACK (SEE PAINT SCHEDULE)

Drive-thru Elevation
total surface area 1369 s.f.
minus glass/metal 311 s.f.

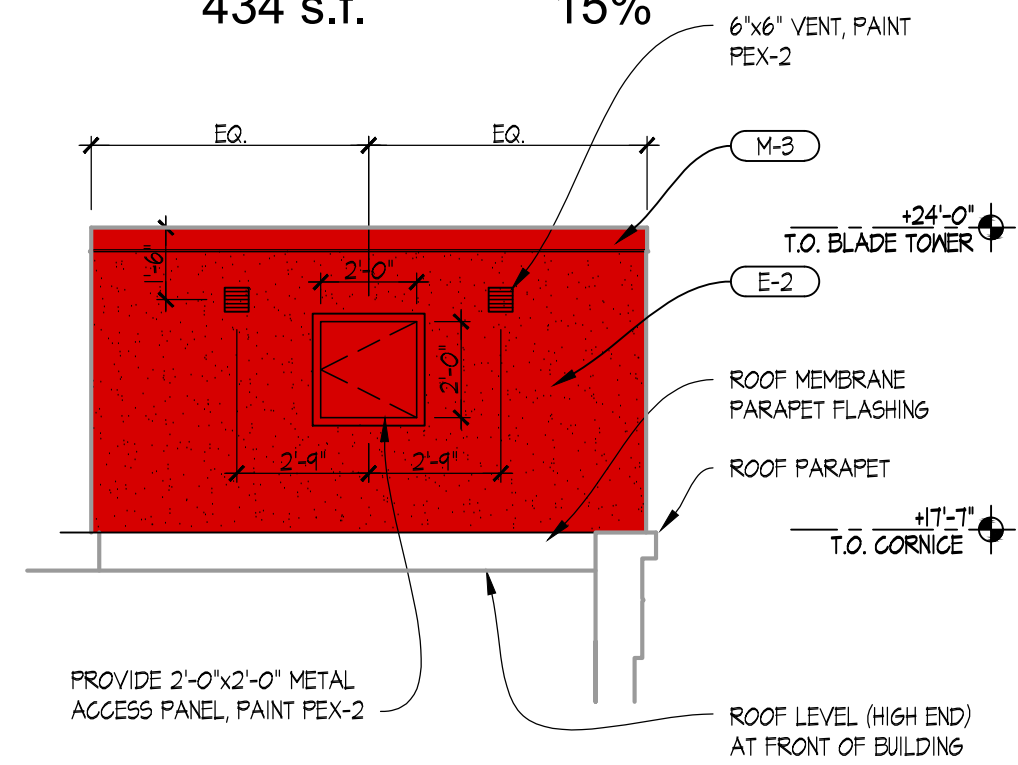
net surface area 1058 s.f.
brick/stone 941 s.f. 89%
EIFS 117 s.f. 11%

06 VESTIBULE SIDE ELEVATION



Building Total
total surface area 4294 s.f.
minus glass/metal 1287 s.f.

net surface area 3007 s.f.
brick/stone 2573 s.f. 85%
EIFS 434 s.f. 15%

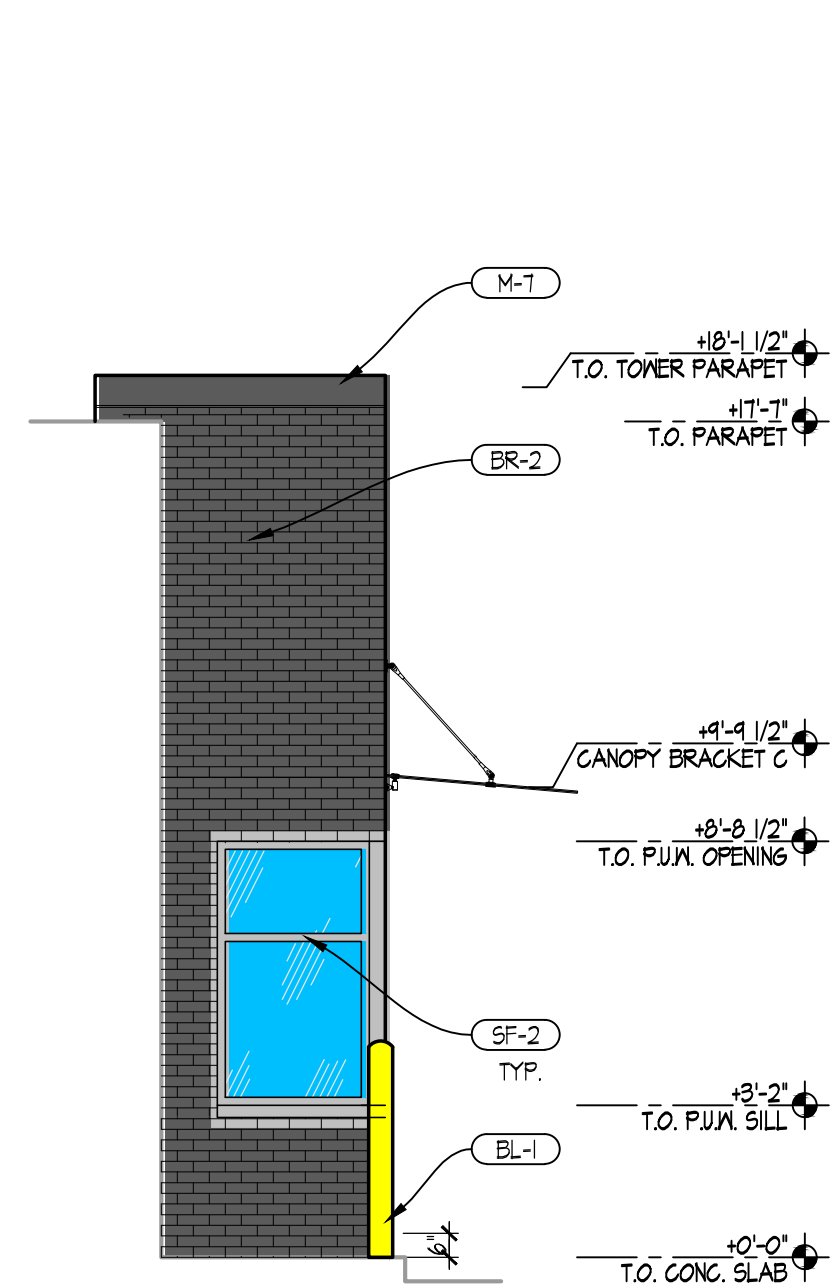


05 DRIVE THRU SIDE ELEVATION

Rear Elevation

total surface area 789 s.f.
minus glass/metal 52 s.f.

net surface area 737 s.f.
brick/stone 737 s.f.
EIFS 0 s.f.



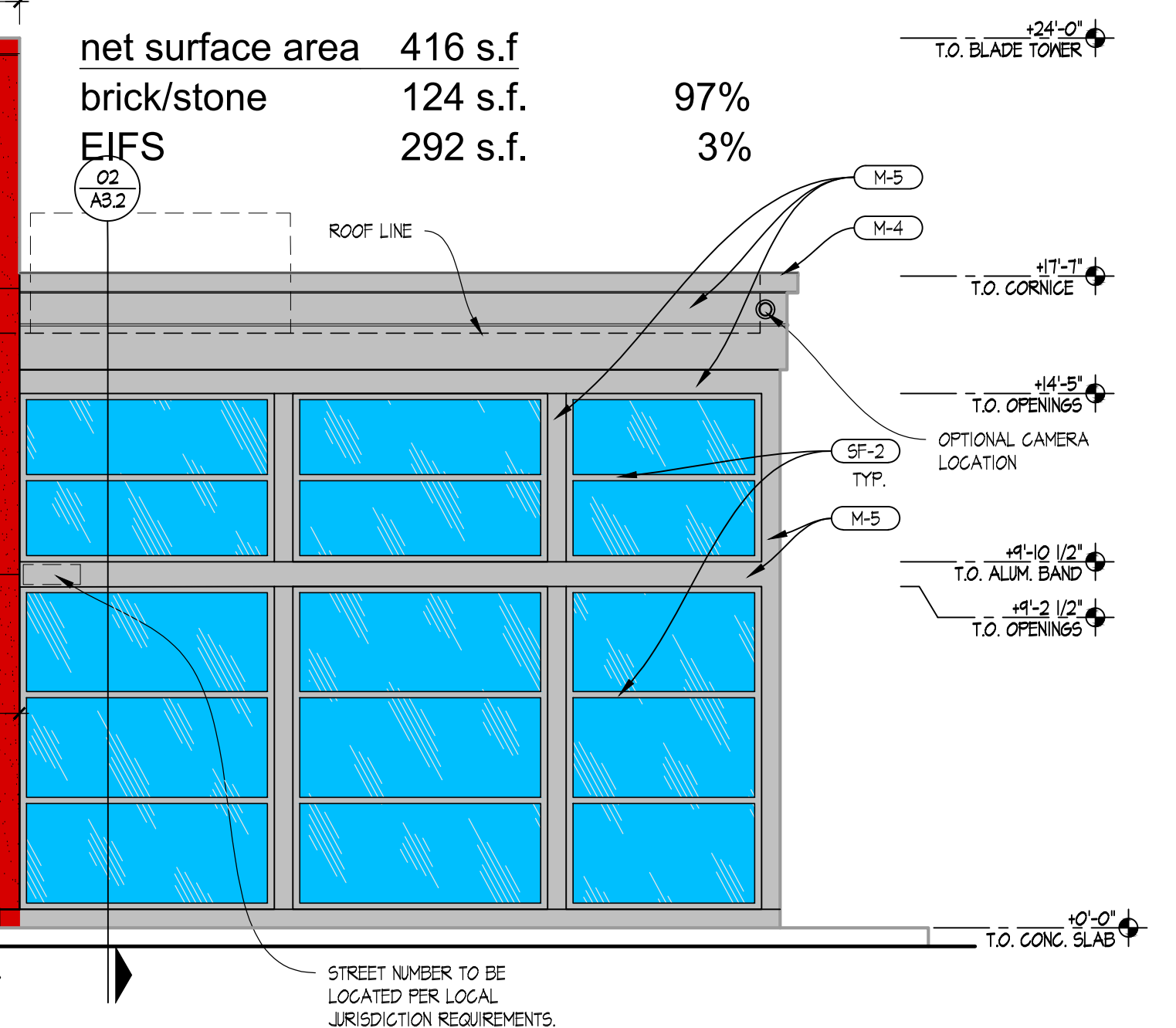
02 REAR ELEVATION

01 FRONT ELEVATION

Front Elevation

total surface area 779 s.f.
minus glass/metal 363 s.f.

net surface area 416 s.f.
brick/stone 124 s.f. 97%
EIFS 292 s.f. 3%



SITE NUMBER: 12698
BASE MDL: SMART 55 - SQUARE 2017
ASSET TYPE: FRANCHISE
CLASSIFICATION: NEW
OWNER: TAR HEEL CAPITAL
BASE VERSION: 2017
UPGRADE CLASSIFICATION: NEW BUILD
PROJECT YEAR: 2020
FURNITURE PACKAGE: 2016 V3
DRAWING RELEASE: FEB 2019

Project No. 19-106

snidesign
ARCHITECTS

Bardstown-Eastern Building
1449 Bardstown Rd, Suite 200
Louisville, Kentucky 40204
(502) 454-5011 (502) 454-4511 (fax)

Wendy's
4960 NC HIGHWAY 49
HARRISBURG, NC. 28075

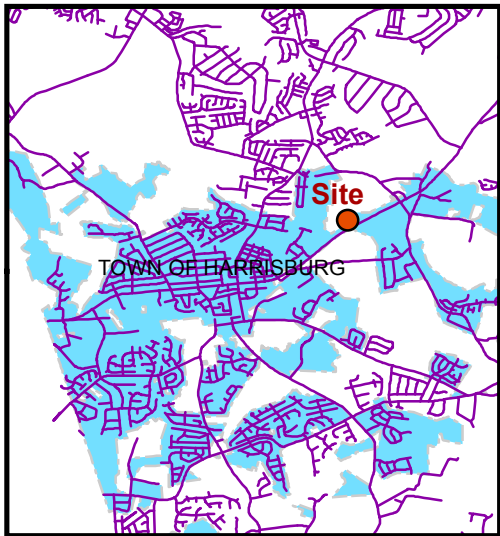
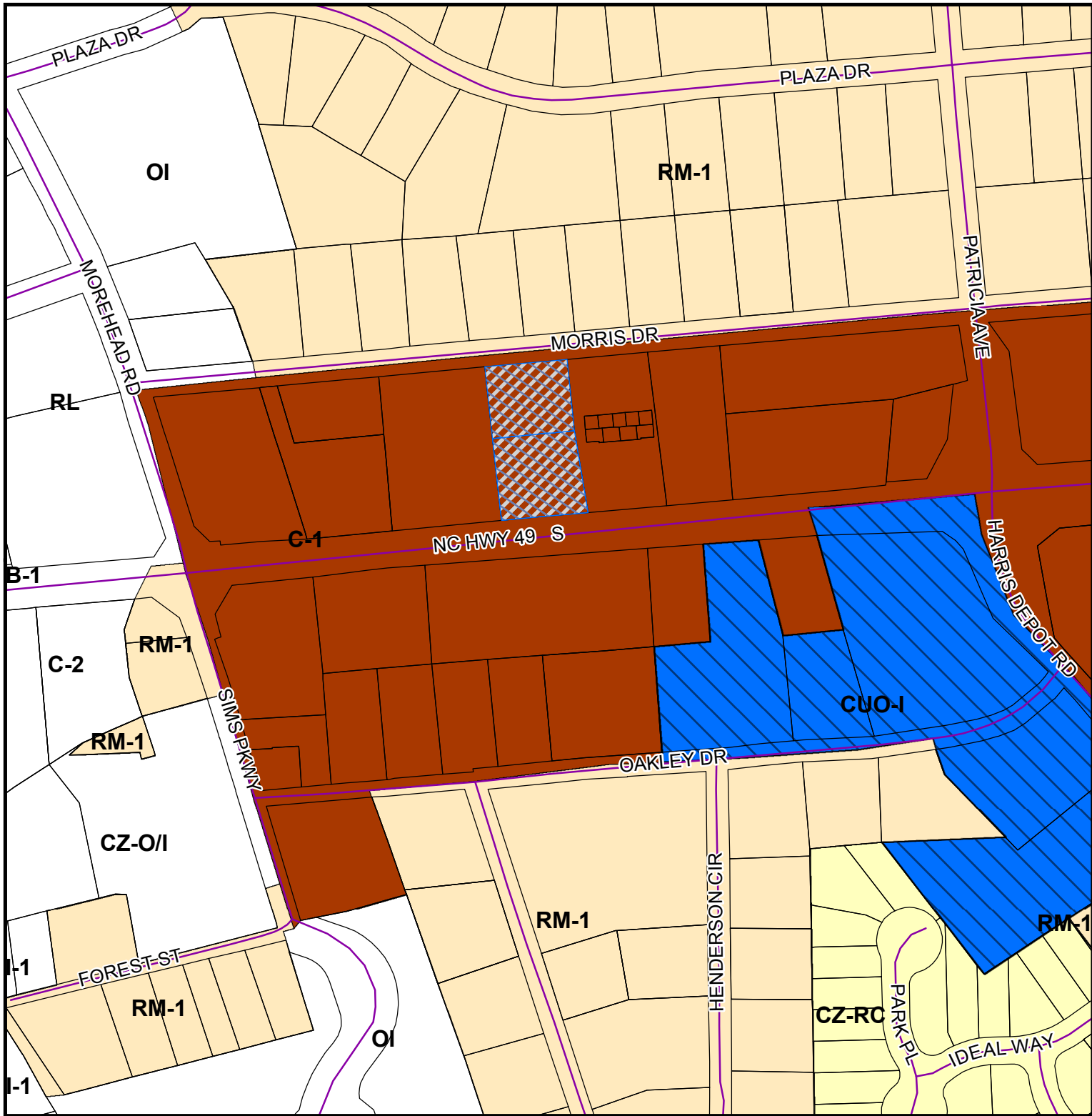
REV. DATE DESCRIPTION
ISSUE DATE: XX/XX/201X
PROJECT NUMBER: ...
DRAWN BY:
CHECKED BY:

SEAL

SHEET NAME
EXTERIOR ELEVATIONS

SHEET NUMBER

A2.1



H2019-03-(CUP)
Wendy's -
Conditional Use Permit
 Applicant: FFC Limited Partnership

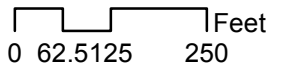
Current Zoning: C-1
 (Light Commercial)

Proposed: Restaurant with
 Drive Through) Conditional Use

Address:
 4960 NC HWY 49
 Harrisburg, NC 28075

PIN: 55075631340000;
 55075632370000

-  Site
-  Parcels
-  Streets
-  Town Limits





December 03, 2019

Notice of Public Hearing

Dear Adjacent Property Owner:

This letter is to inform you that FFC Limited Partnership has applied for a Conditional Use Permit (CUP) for the property owned by Olivia and Corey Elwood (Parcel ID #55075631340000 and 55075632370000) at 4960 NC HWY 49 S. The parcel is currently zoned C-1 (Light Commercial and Office District). The applicant is requesting a Conditional Use Permit (CUP) to construct a restaurant with a drive-through window at this site. The restaurant use is allowed in C-1 district but restaurant with a drive-through requires an approval of a Conditional Use Permit. See attached map for site location.

A Public Hearing will be held December 17th, 2019 at 6:00 p.m. in Town Hall located at 4100 Main Street, Harrisburg, North Carolina. The Harrisburg Board of Adjustment will hear the proposed CUP and render a decision. There will be a sign posted on the property prior to the hearing. The CUP application is on file in the Harrisburg Planning and Zoning Department.

Conditional Use Permit (CUP) Public Hearing

Date: Tuesday, December 17th, 2019

Time: 6:00PM

Location: Harrisburg Town Hall (Council Chambers)
4100 Main Street, Suite 101
Harrisburg, NC 28075

If you have any questions or would like to view the application, please contact our office at 704-455-0738.

Sincerely,

Sushil Nepal

Sushil Nepal, AICP
Planning & Economic Development Director
Town of Harrisburg

Site Location Map

