



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

**May 18, 2021
6:00 PM**

AGENDA

1. THIS WILL BE A TELECONFERENCED MEETING VIA THE ZOOM PLATFORM.

- A. Please click this URL to
join: <https://us02web.zoom.us/j/84099151179?pwd=WWROQTRXdFRaVRFYThQdFIwMGxFdz09>
Passcode: 846605

Or join by phone:
Dial: 312 626 6799
929 205 6099

Webinar ID: 840 9915 1179

2. CALL TO ORDER

- A. AGENDA ADOPTION

3. CONSENT AGENDA

4. PUBLIC HEARINGS

- A. H2021-01-(CUP) - Conditional Use Permit request for Off-road adventure course (dirt path).
B. H2021-02-(CUP) - Conditional Use Permit request for paved road adventure course.

5. 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:

H2021-01-(CUP) - Conditional Use Permit request for Off-road adventure course (dirt path).

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:

Parker Poe Adams & Bernstein LLP, on behalf of Charlotte Motor Speedway LLC has submitted an application for a Conditional Use Permit (CUP) for a off-road adventure course (dirt path) on property located at southern corner of Morehead Road and Hudspeth Road (PIN# 4598-92-7531, 4598-91-5925, 4598-81-9888, 4598-82-3118, 4598,81-5034, 4598-71-6435). The property is currently zoned I-1, Light Industrial. Table 4.6-1 of the Unified Development Ordinance (UDO) lists racetracks as an allowed use for I-1, 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 for your review and consideration.

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 off-road adventure course (dirt path)

Fiscal Impact:

Attachments:

1. H2021-01-CUP_Applicant Petition
2. H2021-01-CUP_Staff Report Off Road Course
3. H2021-01-CUP_Site Plan
4. H2021-01-CUP_Applicant Memo
5. H2021-01-CUP_Site Location Map
6. H2021-01-CUP_Public Hearing Letter



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

Greg Walter on behalf of Charlotte Motor Speedway, LLC
5555 Concord Parkway South
Concord, NC 28027

Charlotte Motor Speedway, LLC
5555 Concord Parkway South
Concord, NC 28027

Applicants Telephone Number 704-454-6422

Parcel Information

Existing Use of Property Vacant

Proposed Use of Property Off-Road Adventure Course

Existing Zoning I-1

Property Location 5470, 5500 Morehead Road and 6131, 6325, 6415 Hudspeth Road, Concord, NC 28075

Property Acreage 131.44 ac

Tax Map and Parcel Number (PIN)

1. TMP: 02041 0013.200000; PIN: 4598927531
2. TMP: 02041 0013.300000; PIN: 4598915925
3. TMP: 02041 0012.190000; PIN: 4598819888
4. TMP: 02041 0012.400000; PIN: 4598823118
5. TMP: 02041 0013.500000; PIN: 4598815034
6. TMP: 02041 0011.140000; PIN: 4598716435

Land Use of Adjacent Properties

(Provide Plat Map if Available)

NORTH I-1, LI, and RF _____
SOUTH RL and RE _____
EAST PID _____
WEST I-1 _____

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."

See attached.

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."

See attached.

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

See attached.

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."

See attached.

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):

See attached.

Accessory uses (if any):

N/A

Setback provisions:

Principle Use

Front: _____ Side: _____ Rear: _____ **(See attached plan)**

Accessory Use

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

Height provisions:

Principle Use N/A Accessory Use N/A

Off street parking and loading provisions: (include calculations)

All parking and loading will be handled on existing lots, PINs: 4598927531; 4598915925; 4598819888.

Sign provisions: (include sketch drawing with dimensions)

Any signage to be handled in separate phases or on separate property.

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

Existing vegetation will be used for all landscaping and buffering.

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

All vehicular circulation will be over existing gravel roads. No new access points or streets are proposed.

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

No new grading or stormwater impacts are anticipated with proposed use. Dust controlling measures will be in place.

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

N/A

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:

No new impervious area is proposed with this use.

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

See attached site plan

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 2-12-2021
Signature of Owner [Signature] Date _____

Gregory T. Walter as EVP & GM of owner Charlotte Motor Speedway, LLC

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 H2021-01-(CUP)
Town of Harrisburg CUP Request
May 18, 2021

Applicant: Parker Poe Adams & Bernstein LLP
301 Fayetteville Street, Suite 1400
Raleigh, NC 28602

Property Owner: Charlotte Motor Speedway LLC
5555 Concord Parkway
Concord, NC 28027

Property Location: Southern corner of Morehead Road and Hudspeth Road intersection
PIN # 4598-92-7531, 4598-91-5925, 4598-81-9888, 4598-82-3118, 4598,81-5034,
4598-71-6435

Current Zoning: 1-1 (Light Industrial District)

Property Size: 131.44 acres +/-

Staff Report By: Craig Thomas, Planning and Economic Development Department

Request: The applicant has requested a Conditional Use Permit to construct a racetrack in the 1-1, Light Industrial 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 site is surrounded by vacant property to the west, motorsports and industrial uses to the north, and motorsports uses to the east. The majority of the adjacent property to the south is vacant, but limited portions are used for motorsports and further south, the Timber Forest residential subdivision. The character is largely rural and industrial, with 1-2 story buildings on large lots or surrounded by large open areas. The site has a significant amount of existing vegetation that is planned to remain, and the course will generally be placed along existing cleared areas of logging roads.

The proposed use does not propose new buildings or structures, so the height and location of structures is not an issue. The majority of the course is designed to be away from property boundaries and towards the center of the site. Existing vegetation will act as a natural screen and landscaping between the property boundaries and the proposed use. As a result, the use will blend well with the character of the neighborhood.

2. **Adequate measures shall be taken to provided ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.** The proposed use will not generate traffic volumes that will significantly impact the capacity or safety of the transportation system. Due to its width and design, the course can only accommodate so many vehicles at a time, and the use must be spread out throughout the day. The anticipated average daily trips is expected to be less than 1,000, and thus a TIA is not required by the UDO. The “peak hour” use will not be more intense than uses throughout the day. Access to the site will be via an existing driveway and access gate on Morehead Road, which connects to an existing dirt path. That path will be widened to 25 feet to provide more ingress and egress room to the course, but will otherwise remain in a natural or gravel condition. This will provide ample room for access for customers and emergency vehicles, maintaining acceptable flow. Ample parking is available within the existing lots adjacent to Morehead Road. Because the traffic generated is not expected to be significant, and the site plan anticipates sufficient access and minimizes traffic hazards, adequate measures are provided.
3. **The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.** The proposed use will not be offensive to the area because the course will be compatible with the existing characteristics of the area. The noise generated from the use will be far less than that from events at the Charlotte Motor Speedway, located across Morehead Road from the site. This is due to the nature of the UTV vehicles, which do not put out the same level or type of noise or smoke as stock cars, and the nature of the course, because contact with natural terrain does not create the same level of noise a large paved course can. For these reasons, vibration, odor, dust, smoke, and/or gas similarly expected to be far less than that of the large speedway. Further, the development will utilize the natural vegetation on the site, which will act as a natural sound barrier or muffler to reduce the impact of vibration, noise, odor, dust, smoke and/or gas on surrounding properties.

While the course is anticipated to consist primarily of dirt, dust-controlling spray and moisture monitoring will be in place to ensure levels of dust are kept at a minimum. This will be necessary for the function of the track and safety of customers, as it becomes difficult to see while on the track if the course becomes too dusty. Maintaining levels of dust on the track will also naturally reduce dust, smoke or gas impact on surrounding properties, as the existing vegetation will screen these elements, and the surrounding properties are either vacant or the uses thereon set a significant distance back from the proposed use. The residential uses to the south will be separated from vibration by about 975 feet at its closest point, and much further in most cases. Thus, the use will not be noxious or offensive.

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.** The site has a future land use designation of Light Industrial and is within subarea A of the Morehead West Small Area. There are no applicable overlay zones for the property, and the majority of the property is zone I-1, while the remaining land fronting Morehead Road is zoned PID. The Morehead West Small Area Plan (“SAP”) encourages a range of uses in the Morehead West Area compatible with existing development and consistent with the Future Land Use Map.

The request is consistent with the SAP subarea A designation, best suited for nonresidential uses, especially additional entertainment and recreation uses that will complement the existing Charlotte Motor Speedway complex to the northeast. The SAP notes this area is “part of a regional destination area created by the Charlotte Motor Speedway and Concord Mill” and that suitable uses include private recreation. Recognizing the importance of the CMS as a regional economic engine, the Plan also encourages the accommodation of motorsports-related activities and private recreation in Subarea A that will expand the range of activities and entertainment for residents and visitors. The proposed use is compatible with uses of the CMS complex and diversifies the available motorsports activities in the area by adding a low intensity experience.

The Harrisburg Area Land Use Plan (“HALUP”) recognizes the importance of sustainability and keeping natural areas closer to Mallard Creek. The majority of site’s southern border is Mallard Creek, and the proposed course is designed to be separated from this area. The proposed use would allow for an off-road adventure course to be placed along existing cleared routes, taking advantage of the natural landscape and preserving the majority of the existing vegetation. No buildings or paved improvements are proposed, which allows the site to remain largely pervious.

This will allow for uses consistent with the planned uses on this site, and will not impede the orderly development and improvement of the surrounding properties. The areas around the site are zoned for industrial uses and can be developed as such because the proposed use is less intense and is similar to existing conditions today.

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 proposed use is very similar in location, intensity, pervious area, vegetation, open space, and access to the existing use. The access and driveway will remain the same as exist today, and the course will be generally placed along existing logging roads and clearings. Dust, noise, and vibration will be controlled by placement of the course, maintenance of existing vegetation, and dust-controlling measures. Traffic will not be significant and adequate access and circulation will be maintained to avoid congestion. The proposal will result in a low-intensity use which will maintain a great deal of pervious area and open space. This, the proposed will not be detrimental to or endanger the public health, safety, or welfare.

6. **Compliance with any other applicable Sections of this Ordinance.** Because the proposed use is not creating new impervious area or grading, no stormwater treatment or flood regulation measures are required. The proposal does not involve buildings, so no setbacks or additional off-street parking are required. No new parking landscaping or many of the site plan requirements are not triggered due to the low intensity of the use and the minimal site disturbance anticipated. As demonstrated on the site plan, the proposed use complies with other applicable portions of the UDO.

PROPOSED PROJECT BOUNDARY:
±129.3 ACRES

PARCELS:

- 1 PARCEL ID: 45987164350000
ACREAGE: +/- 52.7 AC
- 2 PARCEL ID: 45988231180000
ACREAGE: +/- 11.4 AC
- 3 PARCEL ID: 45988198880000
ACREAGE: +/- 30.0 AC
- 4 PARCEL ID: 45988150340000
ACREAGE: +/- 19.8 AC
- 5 PARCEL ID: 4598927531
ACREAGE: +/- 7.2 AC
- 6 PARCEL ID: 4598915925
ACREAGE: +/- 9.0 AC

 EXISTING 100 YEAR FLOODPLAIN

-  MINIMUM TREE SAVE
REQUIREMENTS TO BE
MET WITHIN THIS BOUNDARY

- LOCATIONS OF COURSE AND DRIVE ARE APPROXIMATE AND ARE SUBJECT TO CHANGE BASED ON FINAL FIELD CONDITIONS.
- ACCESS TO MOREHEAD ROAD AND RELATED PARKING TO BE PROVIDED IN EXISTING LOCATIONS ON PARCELS 5 AND 6.
- NO BUILDINGS OR STRUCTURES ARE PROPOSED AS PART OF THIS DEVELOPMENT.

**HARRISBURG
CONDITIONAL
USE PERMIT**

PEEDWAY MOTORSPORTS

[illegible]

DESIGNED BY: LM
DRAWN BY: LM
CHECKED BY: LM

SCALE NORTH

VERT: N/A
HORZ: 1"=200'



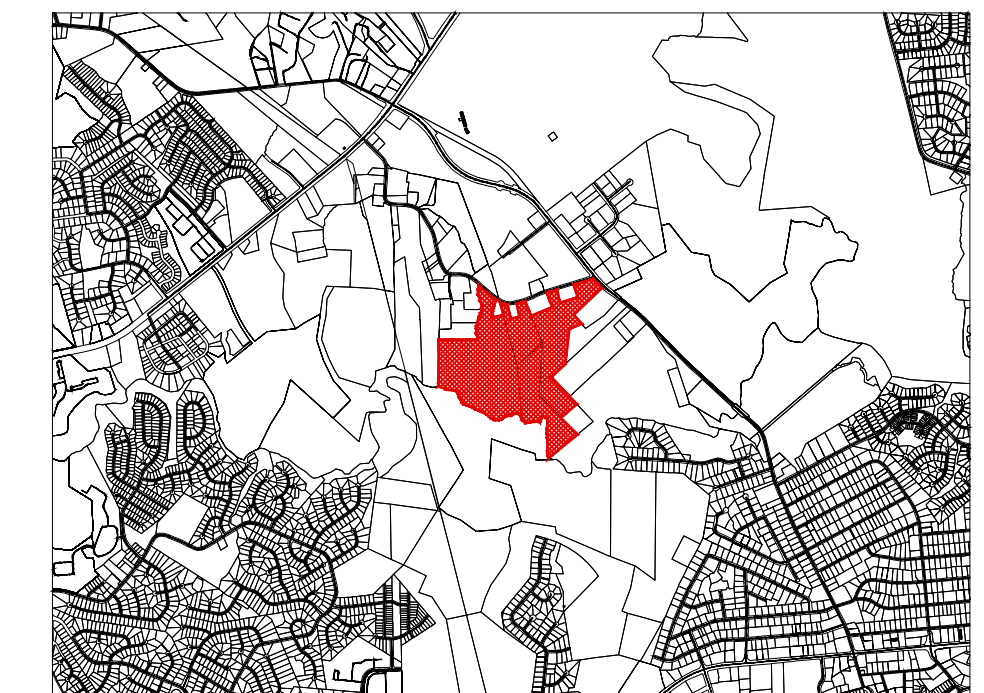
0 100 200 400

SHEET TITLE

SITE OVERVIEW

SHEET NUMBER

RZ-1.0



PROPOSED PROJECT BOUNDARY:
±129.3 ACRES

PARCELS:

- 1 PARCEL ID: 45987164350000
ACREAGE: +/- 52.7 AC
- 2 PARCEL ID: 45988231180000
ACREAGE: +/- 11.4 AC
- 3 PARCEL ID: 45988198880000
ACREAGE: +/- 30.0 AC
- 4 PARCEL ID: 45988150340000
ACREAGE: +/- 19.8 AC
- 5 PARCEL ID: 4598927531
ACREAGE: +/- 7.2 AC
- 6 PARCEL ID: 4598915925
ACREAGE: +/- 9.0 AC

 EXISTING 100 YEAR FLOODPLAIN

-  MINIMUM TREE SAVE
REQUIREMENTS TO BE
MET WITHIN THIS BOUNDARY

- LOCATIONS OF COURSE AND DRIVE ARE APPROXIMATE AND ARE SUBJECT TO CHANGE BASED ON FINAL FIELD CONDITIONS.
- ACCESS TO MOREHEAD ROAD AND RELATED PARKING TO BE PROVIDED IN EXISTING LOCATIONS ON PARCELS 5 AND 6.
- NO BUILDINGS OR STRUCTURES ARE PROPOSED AS PART OF THIS DEVELOPMENT.

PROJECT

SPEEDWAY MOTORSPORTS

[illegible]

LANDDESIGN PROJ.# 1019528

REVISION / ISSUANCE

[illegible]

DESIGNED BY: LM
DRAWN BY: LM
CHECKED BY: LM

SCALE NORTH

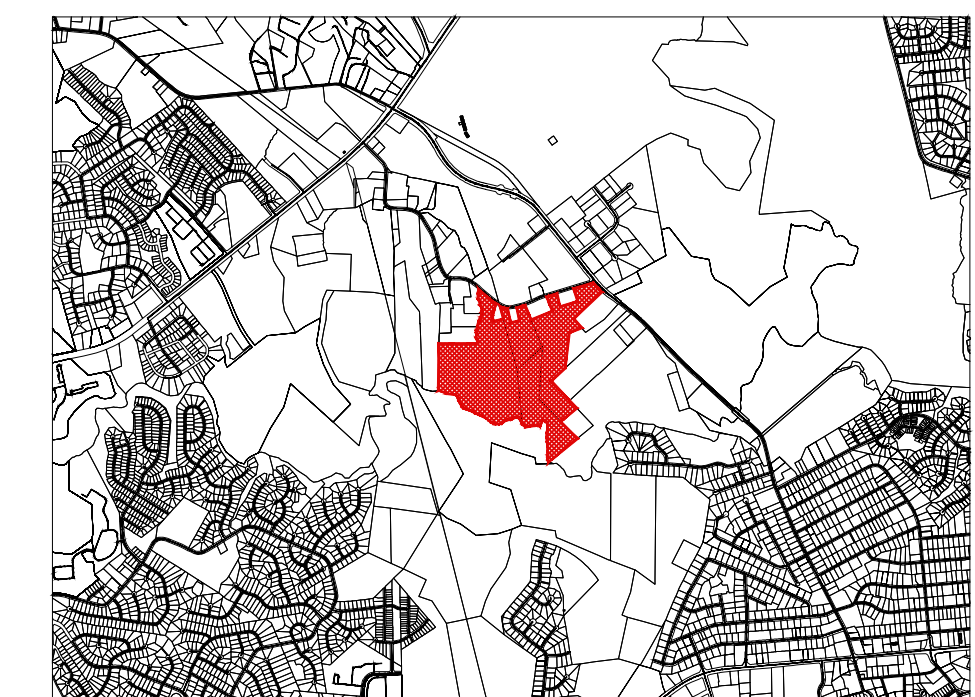
VERT: N/A
HORZ: 1"=200'

SHEET TITLE

SITE PLAN

SHEET NUMBER

RZ-2.0





Jamie S. Schwedler

Partner

t: 919.835.4529

f: 919.835.4618

jamieschwedler@parkerpoe.com

Atlanta, GA

Charleston, SC

Charlotte, NC

Columbia, SC

Greenville, SC

Raleigh, NC

Spartanburg, SC

Washington, DC

Memorandum

Via Email

To: Sushil Nepal
From: Jamie S. Schwedler
Date: February 12, 2021
Re: Speedway Off Road Course CUP Standards

Charlotte Motor Speedway ("Speedway") has filed a Conditional Use Permit application to construct an Off-Road Adventure Course. This memo summarizes how the request satisfies the General Requirements of the Harrisburg Unified Development Ordinance ("UDO"), Conditional Use Permit Requirements, Predefined Standards, and other requirements of the application.

Introduction

The site encompasses approximately 132 acres located near the intersection of Morehead Road and Hudspeth Road, and north of Mallard Creek. The site is made up of four parcels zoned Industrial-1, and is accessed through two parcels zoned PID district. The site is vacant, but consists of existing trees, old logging roads, and an existing gravel parking area adjacent to Morehead Road. The existing lot is largely pervious and used for overflow parking for the Speedway (Lot Q).

The proposed request is to allow for an off-road course on the site to accommodate driving by utility task vehicles (UTVs) and other recreational vehicles appropriate for natural driving courses. The course will be generally in the location of the existing paths and clearings on the site. The course is expected to be 25 feet wide and to meander through the existing terrain and landscape. No buildings or paved areas are proposed, and all parking and roads will remain pervious. As a result, this use will leave the majority of the site undisturbed and of a natural character.

PPAB 6106410v1.docx

General Requirements

1. The Zoning Ordinance imposes the following general requirements on the use requested by the applicant.

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

The proposed use is similar in location, intensity, pervious area, vegetation, open space, and access to the existing use. The access and driveway will remain the same, and the course will be generally placed along existing logging roads and clearings. Dust, noise, and vibration will be controlled by placement of the course, maintenance of existing vegetation, and dust-controlling measures. Due to track size and configuration, traffic will not be significant and adequate access and circulation will be maintained to avoid congestion. The proposal will result in a low-intensity use which will maintain a great deal of pervious area and open space. Thus, the proposed use will not be detrimental to the public health, safety, or welfare.

b. 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."

The proposed use is located along Morehead Road, a maintained road with existing access and driveway to the site. It also has adequate access to water, fire, police and other Town utilities and services, which already service the nearby Charlotte Motor Speedway complex. To the extent parcels require annexation to be eligible for additional services, the property owner will file an annexation petition following the approval of the CUP.

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

The site is surrounded by vacant property, motorsports and industrial uses. The character is largely rural and industrial, with some residential uses further south. The site has a significant amount of existing vegetation that is planned to remain, and the course will generally be placed along existing cleared areas or logging roads. Existing vegetation will act as a natural screen between the property boundaries and the proposed use, and the course is separated from nearby uses by at least 900 feet in all directions. As a result, the use will be appropriate for the character of the neighborhood, and will not adversely affect the surrounding land uses.

d. 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 site has a future land use designation of Light Industrial and is within subarea A of the Morehead West Small Area Plan ("SAP"). This request is consistent with the Plan's subarea A designation, which is best suited for industrial and entertainment uses. The SAP encourages entertainment and recreation uses that will complement the existing Charlotte Motor Speedway complex to the northeast and notes this area is part of a regional destination area. The proposed use is compatible with uses of the CMS complex and diversifies the available motorsports activities in the area. This allows for uses consistent with the planned uses on this site, and will comply with the envisioned development of this property and the surrounding properties.

Conditional Use Permit Requirements

Per UDO § 3.5.3, the request requires a showing of the following at the public hearing before the Board of Adjustment:

- 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 site is surrounded by vacant property to the west, motorsports and industrial uses to the north, and motorsports uses to the east. The majority of the adjacent property to the south is vacant, but limited portions are used for motorsports and further south, the Timber Forest residential subdivision. The character is largely rural and industrial, with 1-2 story buildings on large lots or surrounded by large open areas. The site has a significant amount of existing vegetation that is planned to remain, and the course will generally be placed along existing cleared areas or logging roads.

The proposed use does not propose new buildings or structures, so the height and location of structures is not at issue. The majority of the course is designed to be away from property boundaries, and towards the center of the site. Existing vegetation will act as a natural screen and landscaping between the property boundaries and the proposed use. As a result, the use will blend well with the character of the neighborhood.

- 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 road;*

The proposed use will not generate traffic volumes that will significantly impact the capacity or safety of the transportation system. Due to its width and design, the course can only accommodate so many vehicles at a time, and the use must be spread out throughout the day. The anticipated average daily trips is expected to be less than 1,000, and thus a TIA is not required by the UDO. The "peak hour" use will not be more intense than uses throughout the day. Access to the site will be via an existing driveway and access gate on Morehead Road, which connects to an existing dirt path. That path will be widened to 25 feet to provide more ingress and egress room to the course, but will otherwise remain in a natural or gravel condition. This will provide ample room for access for customers and emergency vehicles, maintaining acceptable flow. Ample parking is available within the existing lots adjacent to Morehead Road. Because the traffic generated is not expected to be significant, and the site plan anticipates sufficient access and minimizes traffic hazards, adequate measures are provided.

- 3) *The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;*

The proposed use will not be offensive to the area because the course will be compatible with the existing characteristics of the area. The noise generated from this use will be far less than that from events at the Charlotte Motor Speedway, located across Morehead Road from the site. This is due to the nature of the UTV vehicles, which do not put out the same level or type of

noise or smoke as stock cars, and the nature of the course, because contact with natural terrain does not create the same level of noise a large paved course can. For these reasons, vibration, odor, dust, smoke, and gas are similarly expected to be far less than that of the large speedway. Further, the development will utilize the natural vegetation on the site, which will act as a natural sound barrier or muffler to reduce the impact of vibration, noise, odor, dust, smoke and/or gas on surrounding properties.

While the course is anticipated to consist primarily of dirt, dust-controlling spray and moisture monitoring will be in place to ensure levels of dust are kept at a minimum. This will be necessary for the function of the track and safety of customers, as it becomes difficult to see while on the track if the course becomes too dusty. Maintaining levels of dust on the track will also naturally reduce dust, smoke, or gas impact on surrounding properties, as the existing vegetation will screen these elements, and the surrounding properties are either vacant or the uses thereon set a significant distance back from the proposed use. The residential uses to the south will be separated from vibration by about 975 feet at its closest point, and much further in most cases. Thus, the use will not be noxious or offensive.

- 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;*

The site has a future land use designation of Light Industrial and is within subarea A of the Morehead West Small Area. There are no applicable overlay zones for the property, and the majority of the property is zoned I-1, while the remaining land fronting Morehead Road is zoned PID. The Morehead West Small Area Plan ("SAP") encourages a range of uses in the Morehead West Area compatible with existing development and consistent with the Future Land Use Map.

This request is consistent with the SAP subarea A designation, best suited for nonresidential uses, especially additional entertainment and recreation uses that will complement the existing Charlotte Motor Speedway complex to the northeast. The SAP notes this area is "part of a regional destination area created by the Charlotte Motor Speedway and Concord Mills" and that suitable uses include private recreation. Recognizing the importance of the CMS as a regional economic engine, the Plan also encourages the accommodation of motorsports-related activities and private recreation in Subarea A that will expand the range of activities and entertainment for residents and visitors. The proposed use is compatible with uses of the CMS complex and diversifies the available motorsports activities in the area by adding a low intensity experience.

The Harrisburg Area Land Use Plan ("LUP") recognizes the importance of sustainability and keeping natural areas closer to Mallard Creek. The majority of site's southern border is Mallard Creek, and the proposed course is designed to be separated from this area. The proposed use would allow for an off-road adventure course to be placed along existing cleared routes, taking advantage of the natural landscape and preserving the majority of the existing vegetation. No buildings or paved improvements are proposed, which allows the site to remain largely pervious.

This will allow for uses consistent with the planned uses on this site, and will not impede the orderly development and improvement of the surrounding properties. The areas around the site are zoned for industrial uses and can be developed as such because the proposed use is less intense and is similar to existing conditions today.

- 5) *The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare; and*

The proposed use is very similar in location, intensity, pervious area, vegetation, open space, and access to the existing use. The access and driveway will remain the same as exist today, and the course will be generally placed along existing logging roads and clearings. Dust, noise, and vibration will be controlled by placement of the course, maintenance of existing vegetation, and dust-controlling measures. Traffic will not be significant and adequate access and circulation will be maintained to avoid congestion. The proposal will result in a low-intensity use which will maintain a great deal of pervious area and open space. Thus, the proposed will not be detrimental to or endanger the public health, safety, or welfare.

- 6) *Compliance with any other applicable Sections of this Ordinance.*

Because the proposed use is not creating new impervious area or grading, no stormwater treatment or flood regulation measures are required. The proposal does not involve buildings, so no setbacks or additional off-street parking are required. No new parking landscaping or Many of the site plan requirements are not triggered due to the low intensity of the use and the minimal site disturbance anticipated. As demonstrated on the site plan, the proposed use complies with other applicable portions of the UDO.

Predefined Standards

The requested use is considered a "Race Track" under the definition in Harrisburg UDO Appendix A. This use is allowed as a conditional use in the Industrial-1 ("I-1") district, subject to additional standards in Articles 5 and 11. In this case, Article 5 does not apply, but the site must comply with the Supplemental Design Standards in UDO § 11.7.2. See UDO Table 4.6-1. These include that:

- *Loading and unloading areas shall not be not visible from any public street. Screening of such areas shall be required in accordance with Article 7. If such areas face a parcel which is zoned or developed residentially, the rear setback shall be increased by fifty percent.*

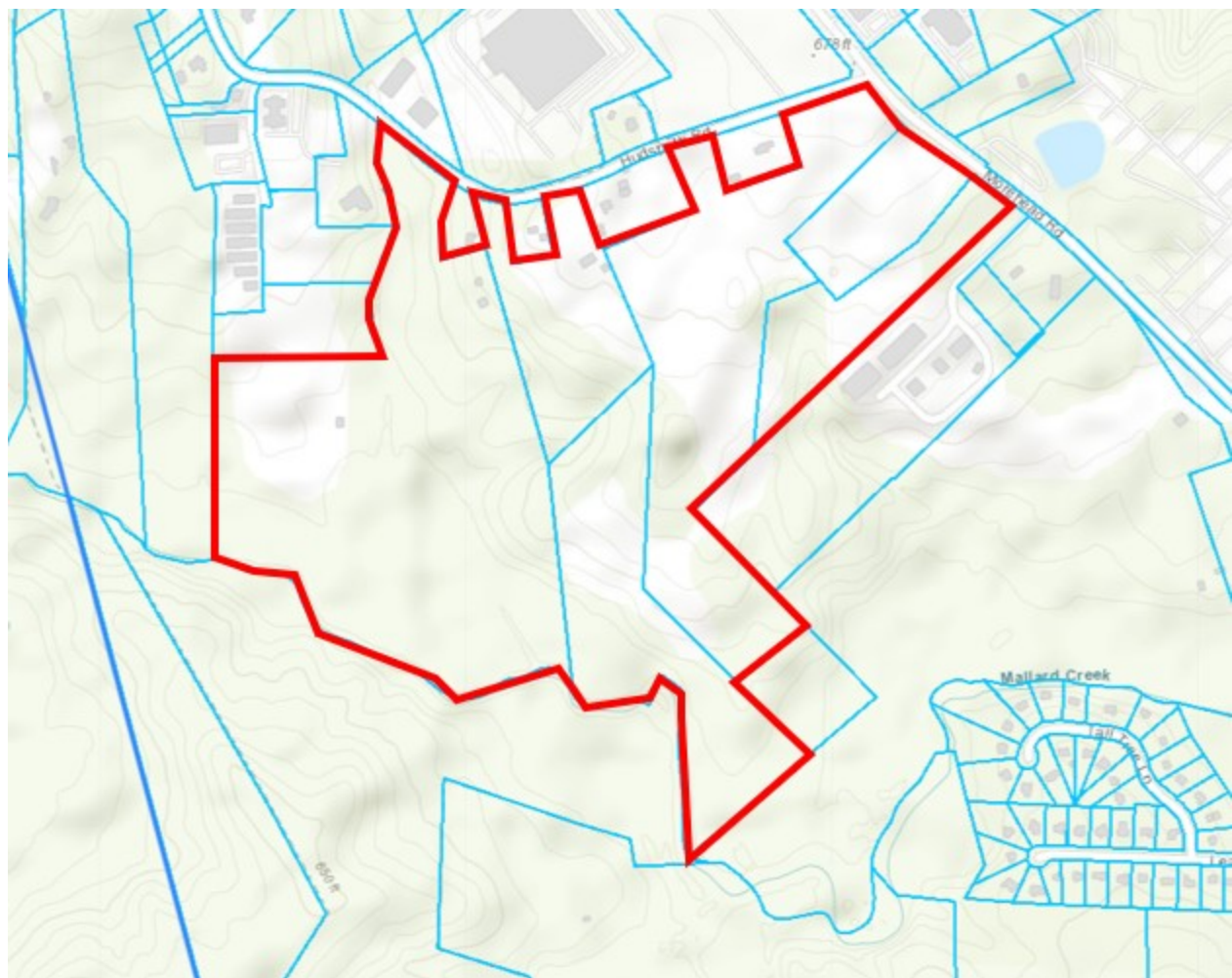
Because the proposed use is not proposed to have buildings, garages or structures, loading areas are not anticipated. To the extent UTVs are transported to the site, they would be unloaded at the edge of the parking lot closest to the course, and approximately 1,325 feet from Morehead Road. They may also be unloaded in the gravel staging area, which is an additional 860 feet away from the street, and through an existing vegetated canopy. No areas possibly used for such loading face residential areas. Thus, no screening or increased setbacks are required here.

- *All noises, noxious odors, vibrations, emissions of smoke, dust, or gases shall be controlled so as not to be detrimental or cause a nuisance to nearby residential or commercial areas in conformance with the Industrial Performance Standards of this Ordinance.*

As noted above, the nature of the UTVs and course material are such that noise, odors, and emissions are far less than those stemming from those used at the Charlotte Motor Speedway. Any noise or emissions are below the standards regulated by the UDO.

- *If an industrial development occurs along a corridor that has been identified by the adopted Bicycle, Pedestrian, and Greenway Plan as having a future greenway, the developer shall be responsible for developing the greenway as part of the development process. The greenway shall, at a minimum, meet the standards set forth in section 6.5.3.7.4 of this Ordinance. All proposed trails shall be a minimum width of 10' and shall be paved. In addition, a 25' easement shall be provided to the Town of Harrisburg for any trail systems that are part of the proposed Town greenway systems.*

The proposed use is a Race Track, not industrial use. It is not proposed on a greenway corridor. Thus, this requirement does not apply.





May 4, 2021

Notice of Public Hearing

To Whom It May Concern;

This letter is to inform you that Parker Poe has applied for a Conditional Use Permit (CUP) to the properties located at parcels PIN 4598-92-7531, 4598-91-5925, 4598-81-9888, 4598-82-3118, 4598-81-5034, and 4598-71-6435. The parcels are currently zoned Light Industrial (I-1). The applicant is requesting a Conditional Use Permit to construct an off-road adventure course. The use is allowed in I-1 district but requires a Conditional Use Permit. See map attached for location reference.

A virtual Public Hearing will be held May 18th, 2021 at 6:00 PM. 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 application is on file in the Harrisburg Planning and Zoning Department.

The number at Town Hall is 704-455-5614 if you have any questions prior to the meeting.

Virtual Meeting Information:

Please click this URL to join.

<https://us02web.zoom.us/j/84099151179?pwd=WWROQTRXdFRaVRFYThQdFIwMGxFdz09>

Passcode: 846605

Or join by phone: (929) 205 6099

Dial: (929) 205 6099

Webinar ID: 840 9915 1179

Send comments or sign up to speak by emailing at planning@harrisburgnc.org

Conditional Use Permit (CUP) Public Hearing

Date: Tuesday, May 18th, 2021

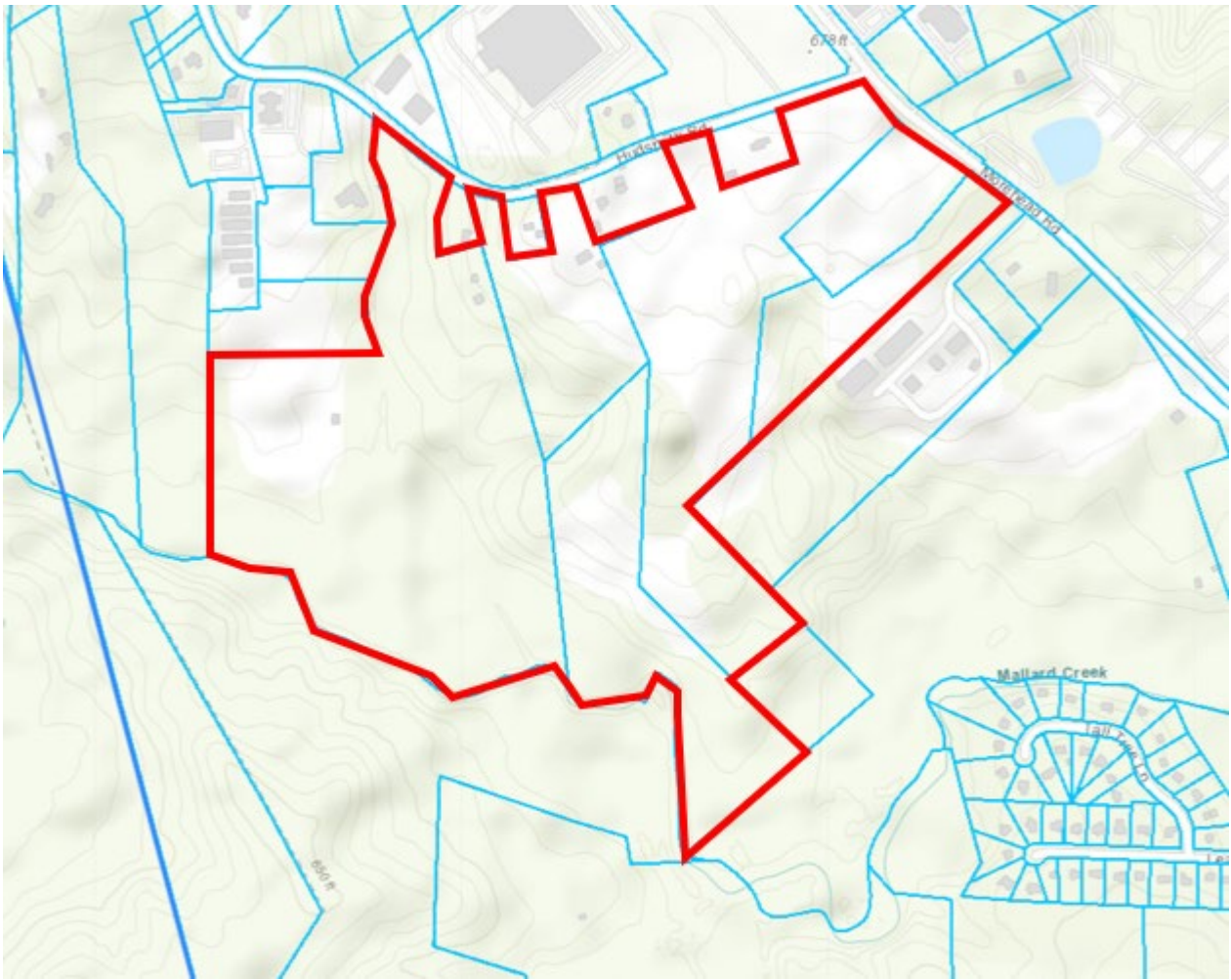
Time: 6:00 PM

Location: Virtual Meeting (see meeting information above)

Sincerely,

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

Conditional Use Permit – Parcel Map





TOWN OF HARRISBURG

Agenda Item Details

Title:

H2021-02-(CUP) - Conditional Use Permit request for paved road adventure course.

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:

Parker Poe Adams & Bernstein LLP, on behalf of Charlotte Motor Speedway LLC has submitted an application for a Conditional Use Permit (CUP) for a paved road adventure course on property located off of Hudspeth Road (PIN#4598-74-1264 and 4598-64-6678). The property is currently zoned I-1, Light Industrial. Table 4.6-1 of the Unified Development Ordinance (UDO) lists racetracks as an allowed use for I-1, 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 for your review and consideration.

Recommendation:

Staff recommends that the Board of Adjustment hold a Public Hearing on this matter and consider the request for a paved road adventure course.

Fiscal Impact:

Attachments:

1. H2021-02-CUP_Applicant Petition
2. H2021-02-CUP_Staff Report Paved Road Course
3. H2021-02-CUP_Site Plan
4. H2021-02-CUP_Applicant Memo
5. H2021-01-CUP_Site Location Map
6. H2021-02-CUP_Public Hearing Letter



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

Greg Walter on behalf of Charlotte Motor Speedway, LLC
5555 Concord Parkway South
Concord, NC 28027

Charlotte Motor Speedway, LLC
5555 Concord Parkway South
Concord, NC 28027

Applicants Telephone Number 704-454-6422

Parcel Information

Existing Use of Property Vacant

Proposed Use of Property Paved Race Track

Existing Zoning I-1

Property Location 6760 Hudspeth Road

Property Acreage 18.36 ac

Tax Map and Parcel Number (PIN)

1. TMP: 02041 0011.000000; PIN: 4598741264
2. TMP: 02041 0011.260000; PIN: 4598646678

Land Use of Adjacent Properties

(Provide Plat Map if Available)

NORTH C-2
SOUTH I-1
EAST C-2
WEST I-1

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."

See attached.

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."

See attached.

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

See attached.

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."

See attached.

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):

See attached.

Accessory uses (if any):

N/A

Setback provisions:

Principle Use

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

(See attached plan)

Accessory Use

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

Height provisions:

Principle Use N/A Accessory Use N/A

Off street parking and loading provisions: (include calculations)

N/A

Sign provisions: (include sketch drawing with dimensions)

Any signage to be handled in separate phases or on separate property.

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

N/A

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

N/A

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

Storm water to be handled in separate phases or on separate property.

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

N/A

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. Storm water to be handled in separate phases or on separate property.

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

See attached site plan.

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

Date 3-4-2021

Signature of Owner

Date 3-4-2021

Gregory P. Walter as EVP & GM of owner **Charlotte Motor Speedway, LLC**

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 H2021-02-(CUP)
Town of Harrisburg CUP Request
May 18, 2021

Applicant: Parker Poe Adams & Bernstein LLP
301 Fayetteville Street, Suite 1400
Raleigh, NC 28602

Property Owner: Charlotte Motor Speedway LLC
5555 Concord Parkway
Concord, NC 28027

Property Location: Between Morehead Road and Hudspeth Road, south of Highway 29
PIN # 4598-74-1264, 4598-86-6678

Current Zoning: 1-1 (Light Industrial District)

Property Size: 18.36 acres +/-

Staff Report By: Craig Thomas, Planning and Economic Development Department

Request: The applicant has requested a Conditional Use Permit to construct a racetrack in the 1-1, Light Industrial 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 site is surrounded by vacant property to the west, motorsports and industrial uses to the north, and motorsports uses to the east. The majority of the adjacent property to the south is vacant, but limited portions are used for motorsports and/or related accessory uses and storage. The character is largely rural and industrial, with 1-2 story buildings on large lots or surrounded by large open areas. The road course will not have structures within the Harrisburg jurisdiction except for the actual course itself; all buildings and structures will be within Concord's jurisdiction. Those building, in turn, will be of a small scale and height that that of the main track located at the Charlotte Motor Speedway Complex. However, as an accessory or complimentary use to the main racing track, the proposed use will conform to the character of the existing neighborhood.

The proposed use does not propose new buildings or structures in Harrisburg, so the height and location of structures is not at issue. The majority of the course is designed to away from property boundaries to the west and south, and towards the center of the site and the shared jurisdictional line with the City of Concord. Existing vegetation will be selected to remain where possible, and can act as a natural screen and landscaping between the property boundaries and the proposed use. As a result the use will blend well with the character of the neighborhood.

2. **Adequate measures shall be taken to provided ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.** The proposed use will not generate traffic volumes that will significantly impact the capacity or safety of the transportation system. Due to its width and design, the course can only accommodate so many vehicles at a time, and the use must be spread out throughout the day. The anticipated average daily trips is expected to be less that 1,000, and thus a TIA is not required by the UDO. The "peak hour" use will not be more intense than uses throughout the day. No access points are planned to Hudspeth Road or by individual vehicles; instead, participants will access the site from Morehead Road in Concord, and will drive on the closed course though Harrisburg back into Concord's jurisdiction before exiting the course. This will provide ample room for access for customers and emergency vehicles, maintaining acceptable flow. Ample parking is available within the existing lots adjacent to Morehead Road. Because the traffic generated is not expected to be significant, and the site plan anticipates sufficient access and minimizes traffic hazards, adequate measures are provided.
3. **The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.** The proposed use will not be offensive to the area because the course will be compatible with the existing characteristics of the area. The noise generated from the use will be far less than that from events at the Charlotte Motor Speedway, located across Morehead Road from the site. This is due to the number and nature of the vehicles, which is planned to include scheduled time on the course with high-performance sports cars. These type of vehicles do not put out the same level or type of noise or smoke as stock cars, and the nature of the course, because contact with natural terrain does not create the same level of noise a large paved course can. For these reasons, vibration, odor, dust, smoke, and/or gas are similarly expected to be far less than that of the Charlotte

Motor Speedway Complex. Thus, the use will not be noxious or offensive.

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.** The site has a future land use designation of Light Industrial and is within subarea A of the Morehead West Small Area. There are no applicable overlay zones for the property, and the majority of the property is zone I-1, while the remaining land fronting Morehead Road is zoned PID. The Morehead West Small Area Plan (“SAP”) encourages a range of uses in the Morehead West Area compatible with existing development and consistent with the Future Land Use Map.

The request is consistent with the SAP subarea A designation, best suited for nonresidential uses, especially additional entertainment and recreation uses that will complement the existing Charlotte Motor Speedway complex to the northeast. The SAP notes this area is “part of a regional destination area created by the Charlotte Motor Speedway and Concord Mill” and that suitable uses include private recreation. Recognizing the importance of the CMS as a regional economic engine, the Plan also encourages the accommodation of motorsports-related activities and private recreation in Subarea A that will expand the range of activities and entertainment for residents and visitors. The proposed use is compatible with uses of the CMS complex and diversifies the available motorsports activities in the area by adding a low intensity experience.

This will allow for uses consistent with the planned uses on this site, and will not impede the orderly development and improvement of the surrounding properties. The areas around the site are zoned for industrial uses and can be developed as such because the proposed use is less intense and is similar to existing conditions today.

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 proposed use is very similar in location, intensity, pervious area, vegetation, open space, and access to the nearby uses. Dust, noise, and vibration will be controlled by placement of the course, maintenance of existing vegetation, and dust-controlling measures. Traffic will not be significant and adequate access and circulation will be maintained to avoid congestion. The proposal will result in a low-intensity use which will maintain a great deal of pervious area and open space. This, the proposed will not be detrimental to or endanger the public health, safety, or welfare.
6. **Compliance with any other applicable Sections of this Ordinance.** No new parking landscaping, nor many of the site plan requirements, are required due to the low intensity of the use and the minimal site disturbance anticipated. No structures or parking areas are planned for the portion of the course in Harrisburg. As demonstrated on the site plan, the proposed use complies with other applicable portions of the UDO.

① PARCEL ID: 45987412640000
ACREAGE: +/- 17.49 AC

② PARCEL ID: 45986466780000
ACREAGE: +/- 0.87 AC

----- CONCEPTUAL LIMITS OF
DISTURBANCE

KEY MAP

SEAL

PROJECT

LANDDESIGN PROJ.# 1019528

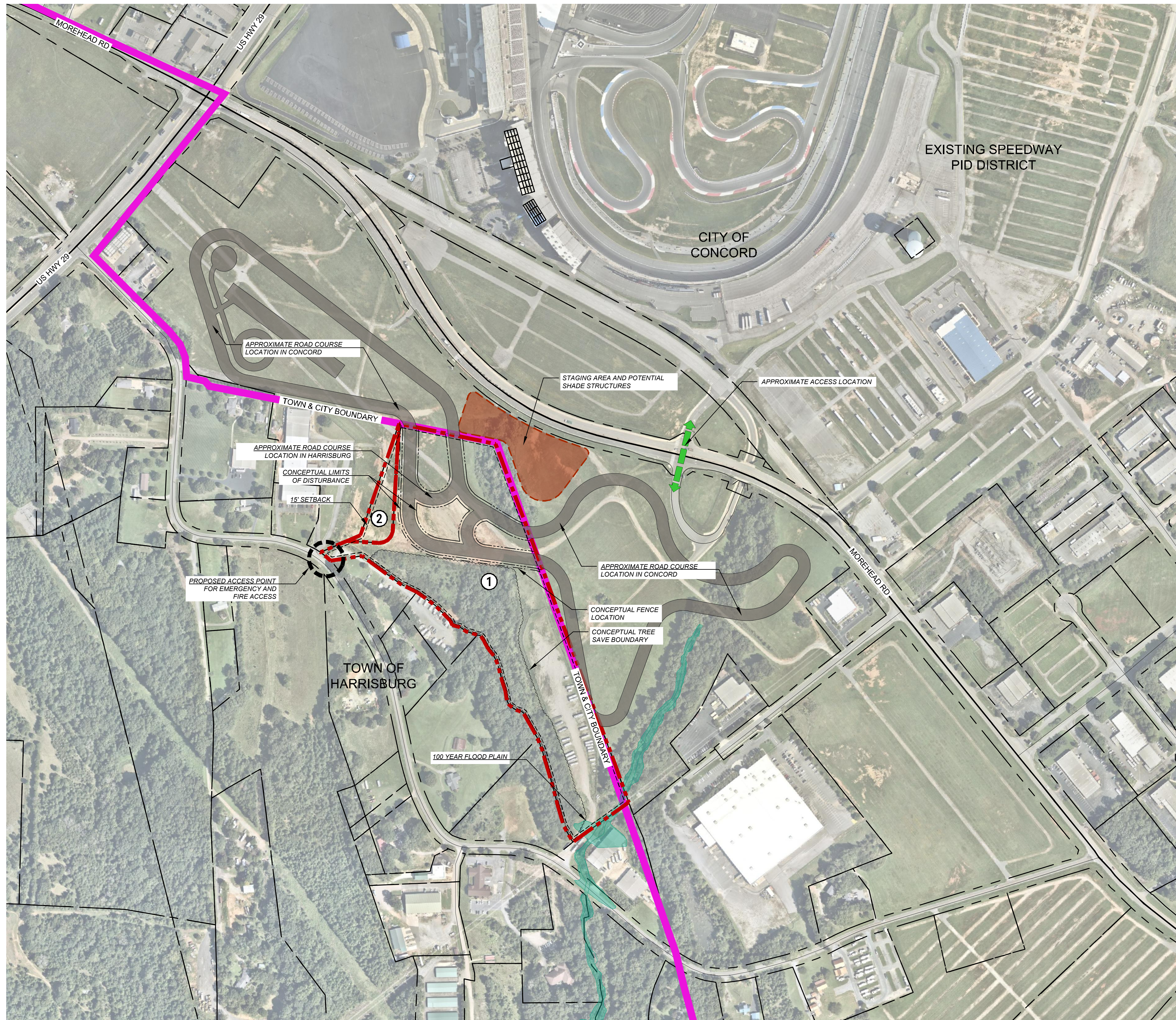
[illegible]

SCALE

Frequency	Count (Approximate)
Never	50
Sometimes	100
Often	150
Always	100

SHEET NUMBER

RZ-1.0





Jamie S. Schwedler

Partner

t: 919.835.4529

f: 919.835.4618

jamieschwedler@parkerpoe.com

Atlanta, GA

Charleston, SC

Charlotte, NC

Columbia, SC

Greenville, SC

Raleigh, NC

Spartanburg, SC

Washington, DC

Memorandum

Via Email

To: Sushil Nepal
From: Jamie S. Schwedler
Date: March 8, 2021
Re: Speedway Paved Road Course CUP Standards

Charlotte Motor Speedway ("Speedway") has filed a Conditional Use Permit application to construct an Paved Road Course. This memo summarizes how the request satisfies the General Requirements of the Harrisburg Unified Development Ordinance ("UDO"), Conditional Use Permit Requirements, Predefined Standards, and other requirements of the application.

Introduction

The site encompasses approximately 18 acres located near the intersection of Morehead Road and US HWY 29, west of Morehead Road, and east of Hudspeth Road. The site is made up of two parcels zoned Industrial-1. The site is vacant, but consists of cleared areas, existing trees, and an existing gravel parking area along the jurisdictional boundary with the City of Concord.

The proposed request is to allow for a paved road course on the site to accommodate scheduled, recreational driving of high-performance sports cars. The course will be generally in the location of the existing paths and clearings on the site, with some existing trees selectively preserved. The majority of the road course will be located on a parcel in the planning jurisdiction of the City of Concord. A smaller part of the road course will be located on portions of the two subject parcels in Harrisburg. No parking, loading, or access to the course is planned for the Harrisburg portion of the course. The road course is planned to compliment the larger motorsports complex located in Concord, but at a smaller scale and level of intensity.

PPAB 6130856v1

General Requirements

1. The Zoning Ordinance imposes the following general requirements on the use requested by the applicant.

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

The proposed use is similar in location and access to, but less intense than the surrounding uses; namely, the Charlotte Motor Speedway Complex immediately across Morehead Road in the City of Concord. Dust, noise, and vibration will be controlled by placement of the course and dust-controlling measures. Due to track size and configuration, traffic will not be significant. Parking, restrooms, and concessions will be located within Concord's jurisdiction, not on the Harrisburg parcels. Adequate access and circulation will be maintained to avoid congestion, but no connections are planned to Hudspeth Road. Thus, the proposed will not be detrimental to the public health, safety, or welfare.

b. 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."

The proposed use is located along Morehead Road, a maintained road with existing access to the site. It also has adequate access to water, fire, police and other Town utilities and services, which already serve the nearby Charlotte Motor Speedway Complex. Charlotte Motor Speedway has response plans in place for fire and police protection within the Concord planning jurisdiction and will work with Harrisburg to coordinate service and response protocols.

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

The site is surrounded by vacant property, motorsports and industrial uses. The character is largely rural and industrial, with some residential uses further south. Most of uses in the area have been adjacent to the Charlotte Motor Speedway since the land was zoned for that use in the 1990s. Thus the character of the area is already largely influenced by motorsports and related uses. The proposed road course is complimentary of the larger, more intense main track located at the Charlotte Motor Speedway Complex, and due to its smaller scale and limited clientele, will be less intense and crowded than that use. As a result, the use will be appropriate for the character of the neighborhood, and will not adversely affect the surrounding land uses.

d. 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 site has a future land use designation of Light Industrial and is within subarea A of the Morehead West Small Area Plan ("SAP"). This request is consistent with the Plan's subarea A designation, which is best suited for industrial and entertainment uses. The SAP encourages entertainment and recreation uses that will complement the existing Charlotte Motor Speedway complex to the east and notes this area is part of a regional destination area. The proposed use is compatible with uses of the CMS complex and diversifies the available motorsports activities in

the area. This allows for uses consistent with the planned uses on this site, and will comply with the envisioned development of this property and the surrounding properties.

Conditional Use Permit Requirements

Per UDO § 3.5.3, the request requires a showing of the following at the public hearing before the Board of Adjustment:

- 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 site is surrounded by vacant property to the west, motorsports and industrial uses to the north, and motorsports uses to the east. The majority of the adjacent property to the south is vacant, but limited portions are used for motorsports and or related accessory uses and storage. The character is largely rural and industrial, with 1-2 story buildings on large lots or surrounded by large open areas. The road course will not have structures within the Harrisburg jurisdiction portion except for the actual course itself; all buildings and structures will be within Concord's jurisdiction. Those buildings, in turn, will be of a smaller scale and height than that of the main track located at the Charlotte Motor Speedway Complex. However, as an accessory or complimentary use to the main racing track, the proposed use will conform to the character of the existing neighborhood.

The proposed use does not propose new buildings or structures in Harrisburg, so the height and location of structures is not at issue. The majority of the course is designed to be away from property boundaries to the west and south, and towards the center of the site and the shared jurisdictional line with the City of Concord. Existing vegetation will be selected to remain where possible, and can act as a natural screen and landscaping between the property boundaries and the proposed use. As a result, the use will blend well with the character of the neighborhood.

- 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 road;*

The proposed use will not generate traffic volumes that will significantly impact the capacity or safety of the transportation system. Due to its width and design, the course can only accommodate so many vehicles at a time, and the use must be spread out throughout the day. The anticipated average daily trips is expected to be less than 1,000, and thus a TIA is not required by the UDO. The "peak hour" use will not be more intense than uses throughout the day. No access points are planned to Hudspeth Road or by individual vehicles; instead, participants will access the site from Morehead Road in Concord, and will drive on the closed course through Harrisburg back into Concord's jurisdiction before exiting the course. This will provide ample room for access for customers and emergency vehicles, maintaining acceptable flow. Ample parking is available within the existing lots adjacent to Morehead Road. Because the traffic generated is not expected to be significant, and the site plan anticipates sufficient access and minimizes traffic hazards, adequate measures are provided.

- 3) *The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;*

The proposed use will not be offensive to the area because the course will be compatible with the existing characteristics of the area. The noise generated from this use will be far less than that from events at the Charlotte Motor Speedway, located across Morehead Road from the site. This is due to the number and nature of the vehicles, which is anticipated to include scheduled time on the course with high-performance sports cars. These types of vehicles do not put out the same level or type of noise or smoke as stock cars. For these reasons, vibration, odor, dust, smoke, and gas are similarly expected to be far less than that of the Charlotte Motor Speedway Complex. Thus, the use will not be noxious or offensive.

- 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;*

The site has a future land use designation of Light Industrial and is within subarea A of the Morehead West Small Area. There are no applicable overlay zones for the property, and the property is zoned I-1, while the remaining land fronting Morehead Road is zoned PID. The Morehead West Small Area Plan ("SAP") encourages a range of uses in the Morehead West Area compatible with existing development and consistent with the Future Land Use Map.

This request is consistent with the SAP subarea A designation, best suited for nonresidential uses, especially additional entertainment and recreation uses that will complement the existing Charlotte Motor Speedway complex to the northeast. The SAP notes this area is "part of a regional destination area created by the Charlotte Motor Speedway and Concord Mills" and that suitable uses include private recreation. Recognizing the importance of the CMS as a regional economic engine, the Plan also encourages the accommodation of motorsports-related activities and private recreation in Subarea A that will expand the range of activities and entertainment for residents and visitors. The proposed use is compatible with uses of the CMS complex and diversifies the available motorsports activities in the area by adding a lower intensity experience.

This will allow for uses consistent with the planned uses on this site, and will not impede the orderly development and improvement of the surrounding properties. The areas around the site are zoned for industrial uses and can be developed as such because the proposed use is less intense and is similar to existing conditions today.

- 5) *The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare; and*

The proposed use is very similar in location, intensity, pervious area, vegetation, open space, and access to the nearby uses. Dust, noise, and vibration will be controlled by placement of the course and dust-controlling measures. Traffic will not be significant and adequate access and circulation will be maintained to avoid congestion. Thus, the proposed will not be detrimental to or endanger the public health, safety, or welfare.

- 6) *Compliance with any other applicable Sections of this Ordinance.*

No new parking landscaping, nor many of the site plan requirements, are required due to the low intensity of the use and the minimal site disturbance anticipated. No structures or parking areas are planned for the portion of the course in Harrisburg. As demonstrated on the site plan, the proposed use complies with other applicable portions of the UDO.

Predefined Standards

The requested use is considered a "Race Track" under the definition in Harrisburg UDO Appendix A. This use is allowed as a conditional use in the Industrial-1 ("I-1") district, subject to additional standards in Articles 5 and 11. In this case, Article 5 does not apply, but the site must comply with the Supplemental Design Standards in UDO § 11.7.2. See UDO Table 4.6-1. These include that:

- *Loading and unloading areas shall not be visible from any public street. Screening of such areas shall be required in accordance with Article 7. If such areas face a parcel which is zoned or developed residentially, the rear setback shall be increased by fifty percent.*

No loading or unloading areas are planned for the Harrisburg portion of the course, or the course in general. Thus, this requirement does not apply.

- *All noises, noxious odors, vibrations, emissions of smoke, dust, or gases shall be controlled so as not to be detrimental or cause a nuisance to nearby residential or commercial areas in conformance with the Industrial Performance Standards of this Ordinance.*

As noted above, the course will be constructed such that noise, odors, and emissions are far less than those stemming from those used at the Charlotte Motor Speedway. Any noise or emissions are below the standards regulated by the UDO.

- *If an industrial development occurs along a corridor that has been identified by the adopted Bicycle, Pedestrian, and Greenway Plan as having a future greenway, the developer shall be responsible for developing the greenway as part of the development process. The greenway shall, at a minimum, meet the standards set forth in section 6.5.3.7.4 of this Ordinance. All proposed trails shall be a minimum width of 10' and shall be paved. In addition, a 25' easement shall be provided to the Town of Harrisburg for any trail systems that are part of the proposed Town greenway systems.*

The proposed use is not proposed on a greenway corridor. Thus, this requirement does not apply.





May 4, 2021

Notice of Public Hearing

To Whom It May Concern;

This letter is to inform you that Parker Poe has applied for a Conditional Use Permit (CUP) to the properties located at parcels PIN 4598-74-1264 and 4598-64-6678. The parcels are currently zoned Light Industrial (I-1). The applicant is requesting a Conditional Use Permit to construct a paved road course. The use is allowed in I-1 district but requires a Conditional Use Permit. See map attached for location reference.

A virtual Public Hearing will be held May 18th, 2021 at 6:00 PM. 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 application is on file in the Harrisburg Planning and Zoning Department.

The number at Town Hall is 704-455-5614 if you have any questions prior to the meeting.

Virtual Meeting Information:

Please click this URL to join.

<https://us02web.zoom.us/j/84099151179?pwd=WWROQTRXdDFRaVRFYThQdFIwMGxFdz09>

Passcode: 846605

Or join by phone: (929) 205 6099

Dial: (929) 205 6099

Webinar ID: 840 9915 1179

Send comments or sign up to speak by emailing at planning@harrisburgnc.org

Conditional Use Permit (CUP) Public Hearing

Date: Tuesday, May 18th, 2021

Time: 6:00 PM

Location: Virtual Meeting (see meeting information above)

Sincerely,

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

Conditional Use Permit – Parcel Map

