



**TOWN OF HARRISBURG, NORTH CAROLINA
HARRISBURG TOWN HALL
PLANNING AND ZONING BOARD MEETING**

**February 15, 2022
6:00 PM**

AGENDA

1. VIRTUAL MEETING INFORMATION

- A. Please click the link below to join the webinar:
<https://us02web.zoom.us/j/87914993791?pwd=bmk0K3FpdWE2L1VNVmRSVDFITGFuQT09>
Webinar ID: 879 1499 3791
Passcode: 508077

Or Join By Phone:
Dial 301 715 8592 or 312 626 6799

2. CALL TO ORDER

- A. AGENDA ADOPTION
- B. SPECIAL PRESENTATIONS
- C. PUBLIC COMMENT - Anyone wishing to address the Board may do so during the Public Comment section. Please state your name and address for the record, be courteous and do not repeat what has already been said. Please keep your comments about the subject and not personal in nature.

3. CONSENT AGENDA

- A. Consider the meeting minutes of November 16, 2021 Planning and Zoning Board meeting.

4. OLD BUSINESS

5. NEW BUSINESS

- A. Consider a rezoning request to add a portion of parcel to modify the previously approved Farmington PUD (H2021-13-R).
- B. Consider a rezoning request to remove a portion of parcel and modify the previously approved Farmington PUD (H2021-14-R).
- C. Consider rezoning of 2 parcels off of Paul Linker PL associated with an annexation request (H2022-01-R).

6. STAFF UPDATES/INFORMATION

7. 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:

Consider the meeting minutes of November 16, 2021 Planning and Zoning Board meeting.

Presenting Personnel:

Suggested Motion or Action:

Motion to approve the meeting minutes of November 16, 2021 Planning and Zoning Board meeting.

Description/Background:

Recommendation:

Fiscal Impact:

Attachments:

1. PZ MINS NOV 16 21

**TOWN OF HARRISBURG, NORTH CAROLINA
PLANNING & ZONING ADVISORY BOARD MEETING
TUESDAY, NOVEMBER 16, 2021**

MINUTES

1.

CALL TO ORDER

Andy Rathke called the meeting to order.

PRESENT: Andy Rathke, Rodney Garner, Thelma Thorne-Chapman, Kevin Schaffner

ABSENT: Kevin Hutchins, Jacob Carpenter

A.

AGENDA ADOPTION

MOTION

Thelma Thorne-Chapman made a motion to adopt the agenda as presented. Second was made by Kevin Schaffner.

The motion passed 4-0.

B.

SPECIAL PRESENTATIONS

C.

PUBLIC COMMENT

2.

CONSENT AGENDA

A. Planning Board meeting minutes of July 20, 2021 Planning and Zoning Board meeting.

MOTION

Kevin Schaffner made a motion to approve the Consent Agenda. Second was made by Thelma Thorne-Chapman. **The motion passed 4-0.**

3.

OLD BUSINESS

A.

Election of Officers for Planning and Zoning Board and the Board of Adjustment for the current annual term ending on June 30, 2022

After consideration, the Board voted Andy Rathke to stay as the Planning Board Chair with Thelma Thorne-Chapman being picked as the Vice Chair. For the Board of Adjustment Board, Thelma Thorne-Chapman will be the Chair and Rodney Garner will be the Vice Chair.

1st MOTION:

Andy Rathke made a motion to approve the new selected Chair Members for the Planning Board with a second from Kevin Schaffner. **The motion passed 4-0.**

2nd MOTION:

Andy Rathke made a motion to approve the new selected Chair Members for the Board of Adjustment Board with a second from Kevin Schaffner. **The motion passed 4-0.**

4.

NEW BUSINESS

A.

H2021-04-(S) Tramore Subdivision Preliminary Plat

McAdams Company, on behalf of Taylor Morrison has submitted a Preliminary Plat application for 42 single family homes in Tramore Residential Subdivision, located on the western side of Hickory Ridge Road near Grady Harris Road. The site PIN numbers are 5516-41-0869, 5516-51-2789 and 5516-42-6187, consisting of a total area of 52.17 acres. The subject property was rezoned in July 2021 (Case #H2021-03-R)) to CZ-RM1 to allow for 42 single family homes. A staff report is attached for more information and a site plan along with development notes is submitted for your consideration. Staff has reviewed the site plan in accordance with the Harrisburg Area Land Use Plan (HALUP) and Unified Development Ordinance (UDO). Staff has reviewed the submitted preliminary plat and has found it to be consistent with the approved conditional zoning site plan (H2021-03-R), the Harrisburg Area Land Use Plan (HALUP) and the standards of the UDO for CZ-RM1 district. Staff recommends that the Planning and Zoning Board recommend approval of the proposed preliminary plat to the Town Council, with the inclusion of the conditions of the approved conditional rezoning plan.

1. Applicant agrees to obtain all applicable local, state, and federal permits required for development before any development activity can take place.
2. Applicant agrees to restrict cladding materials for all residential buildings to masonry products; vinyl siding will not be used.
3. Applicant agrees that there will be no exposed concrete foundations and that siding and/or appropriate materials must extend to the ground level on all sides of the homes.
4. Applicant agrees mailbox clusters shall meet ADA Standards at a minimum.
5. Applicant agrees to the mitigation or replacement of heritage trees if damaged during construction, in accordance with the Town of Harrisburg Unified Development Ordinance.
6. Applicant agrees that all ponds shall be wet detention ponds with fountains. Ponds shall be designed such that there is a minimum depth of 10' over at least 25% of the permanent pool area.
7. Applicant agrees the storm water facility shall be surrounded by a 5-foot aluminum fence for added security being next to the Harrisburg Elementary School.
8. Applicant agrees that all streets should be to the Town of Harrisburg Engineering Design standards, alternate pavement schedule is not allowable. Roadways cross sections will be reviewed and approved at the construction document phase.

Public Comment:

Alan Kerley- Applicant spoke and answered questions on behalf of the project.

After some discussion about the project, they then took the following action:

MOTION:

Kevin Schaffner made a motion to recommend approval of H2021-04-(S) with the following conditions and sent it on to the Town Council for their consideration with a second from Thelma Thorne-Chapman. **The motion passed 4-0.**

B.

H2021-01 (R) – Conditional Rezoning and Zoning Map Amendment for Oakview Residential Subdivision off of Hickory Ridge Rd (behind Blume Phase II)

Oakview LLC, on behalf of the property owners of parcel 55167593100000 has submitted a request to rezone approximately 65.01 acres of land located on the eastern side of Hickory Ridge Road south of Rocky River Road and connecting to Cornflower Drive (behind Blume Phase II). The applicant proposes to develop a single-family subdivision with 30 detached units with a minimum lot size of 20,000 sq. ft. To achieve this, the applicant is requesting that the property be rezoned from Rural Estate (RE) to CZ-RL (Conditional Zoning Residential Low Density). The proposed gross density of the site is 0.46 dwelling units per acre. The property is in the Town limits and does not require annexation. A Town Council public hearing will be held to take action on the rezoning upon the recommendation of the Planning and Zoning Board. A staff report is attached for more information and a site plan is

submitted for your consideration. If approved, staff will continue reviewing the site plan in accordance with our Unified Development Ordinance (UDO) during the subsequent Preliminary Plat and Construction Document (CDs) reviews. Staff is recommending approval of the rezoning request with conditions included in the staff report. With the conditions proposed, the rezoning request is consistent with the Harrisburg Area Land Use Plan and the Unified Development Ordinance. Planning and Zoning Department staff recommends the approval of the rezoning request with conditions.

1. Applicant agrees to obtain all applicable local, state, and federal permits required for development before any development activity can take place.
2. Applicant agrees to restrict cladding materials for all residential buildings to masonry products; vinyl siding will not be used.
3. Applicant agrees that there will be no exposed concrete foundations and that siding must extend to the ground level on all sides of the homes.
4. Applicant agrees to the mitigation or replacement of heritage trees if damaged during construction, in accordance with the Town of Harrisburg Unified Development Ordinance.
5. Applicant agrees that all ponds shall be wet detention ponds with fountains. Ponds shall be designed such that there is a minimum depth of 10' over at least 25% of the permanent pool area.
6. Applicant agrees fence surrounding detention pond shall be vinyl 4-rail farm fence, preferably white.
7. Applicant agrees to construct greenway along Reedy Creek and provide pedestrian connection via pedestrian bridge to the proposed neighborhood.
8. Applicant agrees to bond the subdivision streets in the existing Blume Subdivision and perform any required maintenance due to construction access and heavy vehicle and equipment traffic on the Blume Subdivision streets.
9. Applicant agrees mailbox clusters shall meet ADA Standards at a minimum.
10. All streets should be to the Town of Harrisburg Engineering Design standards; alternate pavement schedule is not allowable. Roadways cross sections will be reviewed and approved at the construction document phase.

Public Comment:

Sarah Beason, Mooresville, NC- Applicant of the project spoke

After some discussion about the project, they then took the following action:

MOTION:

Kevin Schaffner made a motion to recommend approval of H2021-01(R) with the following conditions and send it on to the Town Council for their consideration with a second from Rodney Garner. **The motion passed 4-0.**

The following Consistency Statement was then proposed:

CONSISTENCY STATEMENT:

1. Based on the staff report, staff presentation and with the conditions proposed, this conditional rezoning request is consistent with the Harrisburg Area Land Use plan and with the conditions it is reasonable and in the public interest.

MOTION:

Thelma Thorne-Chapman made a motion to approve the proposed Consistency Statement with a second from Kevin Schaffner. **The motion passed 4-0.**

5.

STAFF UPDATES/INFORMATION

- There will be no meetings held for the months of December or January. Hopefully we will pick back up starting in February.

- Both of the projects tonight that were approved by the Board, will be presented to Town Council in the February meeting.
- Our new elected Council will be starting in December.

6.

ADJOURNMENT

MOTION:

There being no further business, Andy Rathke made a motion to adjourn, with a second from Kevin Schaffner. **The motion passed 4-0.**

Andy Rathke, Chairman

Carly Bedgood, Secretary



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider a rezoning request to add a portion of parcel to modify the previously approved Farmington PUD (H2021-13-R).

Presenting Personnel:

Sushil Nepal, Planning & Economic Development Director

Suggested Motion or Action:

If approved, the following motion is suggested:

To approve the conditional rezoning request from Office Institutional (OI) in the County to Planned Unit Development (PUD) resulting in modification of previously approved PUD H2019-02-R , as requested by the applicant for the related property in application H2021-13 (R).

If denied, the following motion is suggested:

To deny the conditional rezoning request from Office Institutional (OI) in the County to Planned Unit Development (PUD) resulting in modification of previously approved PUD H2019-02-R , as requested by the applicant for the related property in application H2021-13 (R).

Description/Background:

MVP Properties, on behalf of the the property owners of parcel 5506-13-9416 has submitted a request to rezone a portion of this parcel, approximately 1.557 acres of land located along the edge of Farmington PUD off Farmington Ridge Pkwy. The applicant proposes to rezone/annex and develop the parcel as part of the established Planned Unit Development (PUD) for Farmington. To achieve this, the applicant is requesting that the property be rezoned from Cabarrus County OI (Office/Institutional) to Town of Harrisburg PUD (Planned Unit Development). It is part of the land swap associated with another Rezoning H2021-14-R that will take away a portion of original PUD.

The property in question is in the County and requires annexation. A Town Council public hearing will be held to take action on the rezoning and annexation upon the recommendation of the Planning and Zoning Board.

A staff report is attached for more information and a site plan is submitted for your consideration. If approved, staff will continue reviewing the site plan in accordance with our Unified Development Ordinance (UDO) during the Construction Document (CDs) reviews. Staff is recommending approval of the rezoning request with conditions included in the staff report.

Recommendation:

The rezoning and proposed Site Plan Amendment is consistent with the Harrisburg Area Land Use Plan and the intent of the originally approved PUD H 2019-02-R. Planning and Zoning Department staff supports approval of the rezoning request.

Fiscal Impact:

None.

Attachments:

1. H2021-13-R Application
2. H2021-13-R Rezoning Plan PUD Amendment

3. H2021-13-R Site Map
4. H2021-13-R Site Survey
5. H2021-13-R PB Staff Report
6. H2021-13-R Neighborhood Mtg



Subject Property Information

1. Street Address: 9360 Stafford Rd, Harrisburg NC 28075
2. PIN (10 Digit #) A Portion of 5506-13-9416
3. Deed Reference Book 5439 Page 189
4. Township # 1

Description of Subject Property

5. Size (square feet or acreage) 1.557 ac
6. Street Frontage (feet)
7. Current Land Use Vacant
8. Surrounding Land Use and Zoning Classification

North: Zoning <u>OI</u>	Land Use <u>Vacant</u>
South: Zoning <u>PUD</u>	Land Use <u>Vacant</u>
East: Zoning <u>OI</u>	Land Use <u>Vacant</u>
West: Zoning <u>PUD</u>	Land Use <u>Vacant</u>
9. Request to Change Zoning From OI to PUD
10. Is this a request for a Conditional Rezoning? YES NO

(If YES, you must also submit an application for a Conditional Rezoning)

11. Purpose for Request: The purpose of the rezoning is to modify the rezoning boundary for the adjacent PUD.



Owner/Agent/Applicant Information

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

12. Property Owner Eugene W. Cochrane and Susan B.
Address 3533 Winslow Green Drive Charlotte,
Phone _____
Fax _____
Email: _____
Signature _____

13. Agent (if any) Bridget Grant
Address 100 N. Tryon Suite 4700 Charlotte NC 28202
Phone 704-331-2739
Fax _____
Email bridgetgrant@mvalaw.com
Signature Bridget Grant

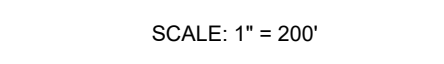
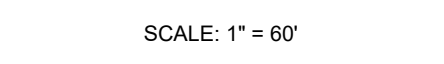
14. Applicant (if any) MPV: Attn Jim Merrifield
Address 2400 South Blvd Suite 300 Charlotte NC 28203
Phone _____
Fax _____
Email jmerrifield@mpvre.com
Signature James E. Merrifield

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.

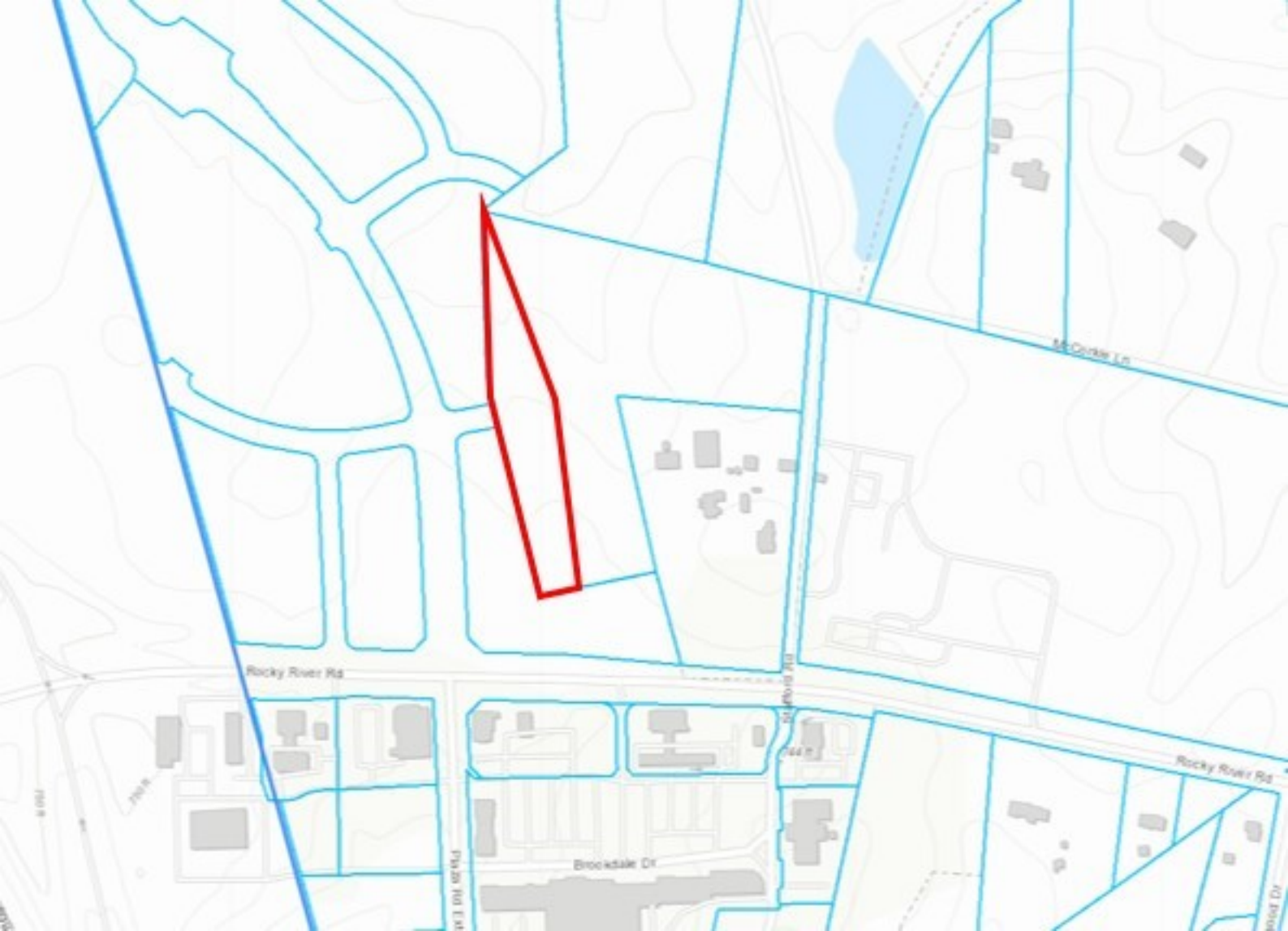


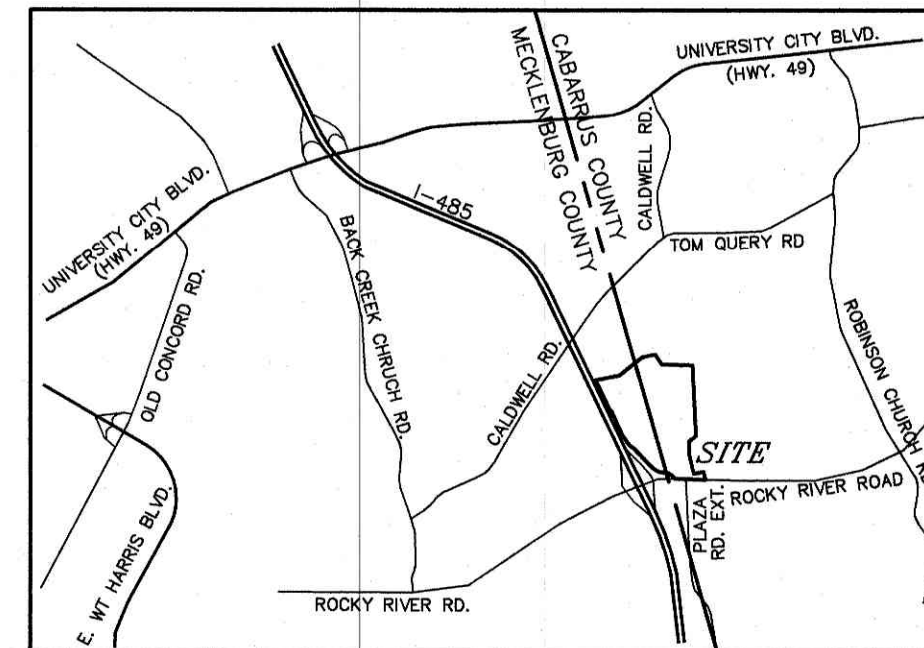
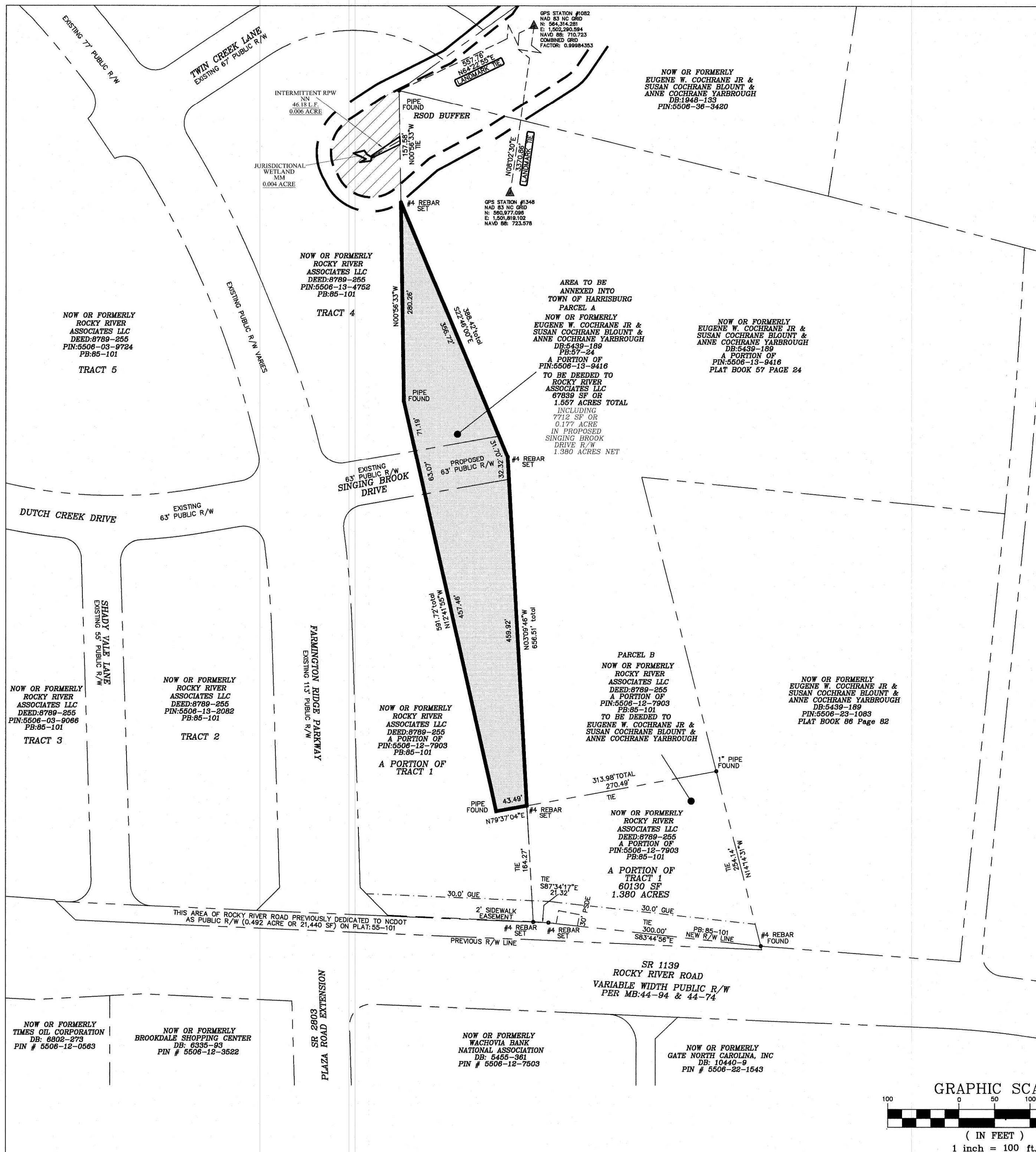
PARCEL A

PLAN ENLARGEMENT



11/2/2023 5:00 PM CHASE WEAVER N1 0316101619/ICANEVMDIT9/2021 12 13 1 AND 0W161019 1 AND 0W161019 1





LEGEND
GUE - GENERAL UTILITY EASEMENT
MB - MAP BOOK
PSDE - PUBLIC DRAINAGE EASEMENT -
(MAINTAINED BY PROPERTY OWNER OR PROPERTY ASSOCIATION)
R/W - RIGHT-OF-WAY
SF - SQUARE FEET
Y&H - YARBROUGH-WILLIAMS AND HOULE

NOTES

BOUNDARY INFORMATION PREPARED BY YARBROUGH-WILLIAMS & HOULE.
THIS PROPERTY IS NOT LOCATED WITHIN 2000' OF AN NCGS CONTROL MONUMENT.
A 2' SIDEWALK EASEMENT WILL BE IN PLACE WHERE SIDEWALK ABUTS RIGHT-OF-WAY.
CONTRACTOR SHALL FOLLOW ALL LOCAL, STATE, AND FEDERAL REGULATIONS IN DISPOSING OF DEMOLISHED MATERIALS REMOVED FROM THIS SITE.
THESE PROPERTIES ARE NOT LOCATED WITHIN FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 3710550600K, DATED NOVEMBER 16 2018.

"I STATE THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 5439, PAGE 189; THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK 8789, PAGE 255; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS IN EXCESS OF 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600)."
THIS 1 DAY OF FEBRUARY, 2022.

PROFESSIONAL LAND SURVEYOR

THIS PLAT REPRESENTS ONE AREA ANNEXED TO THE TOWN OF HARRISBURG, NORTH CAROLINA PURSUANT TO NCGS 160A-58, BY ORDINANCE DULY ADOPTED 95-_____) AND IS NOT SUBJECT TO REVIEW OR APPROVAL BY THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.
THIS _____ DAY OF _____, 2022.

MAYOR
TOWN OF HARRISBURG

ATTEST: _____
TOWN CLERK

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN.

DATE _____ OWNER(S) _____

OWNERS
PARCEL A
NOW OR FORMERLY
EUGENE W. COCHRANE JR. &
SUSAN COCHRANE BLOUNT &
ANNE COCHRANE YARBROUGH
DE:5439-189
PB:57-24
A PORTION OF
PIN:5506-13-9416

SHEET TITLE

ANNEXATION MAP - 1.557 ACRES

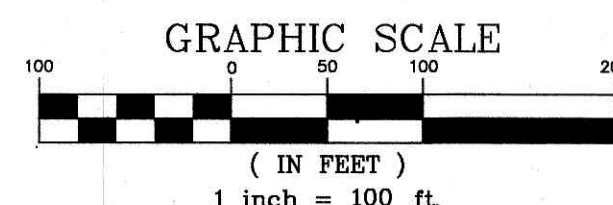
PROJECT

EUGENE W. COCHRANE, JR. & SUSAN COCHRANE BLOUNT &
ANNE COCHRANE YARBROUGH /
ROCKY RIVER ROAD ASSOCIATES LLC PROPERTY
TOWN OF HARRISBURG, CABARRUS COUNTY, N.C.
OWNERS: AS SHOWN ON MAP



YARBROUGH-WILLIAMS & HOULE, INC.
Planning • Surveying • Engineering
700 Windsor Oak Court, P.O. Box 1198
Charlotte, North Carolina, 28275 Pineville, North Carolina, 28134
704.556.1900 704.556.0505(fax)

PROJECT NO.
SCALE
1"=100'
DATE
09/28/21
DRAWN BY
YWH
CHECKED BY
JEW
ZONED
DRAWING NO.
XXX-XXX
SHT 1 OF 1 SHTS





Town of Harrisburg
Planning and Economic Development Department
Rezoning Staff Report

DATE: February 8, 2022

SUBJECT:

Request H-2021-13-(R): To rezone approximately 1.557 acres from Cabarrus County OI (Office/Institutional) to PUD (Planned Unit Development)

Location: The subject property is off Farmington Ridge Parkway north of Rocky River Road (portion of PIN 5506-13-9416).

Applicant: Bridget Grant, Moore & Van Allen PLLC and Jim Merrifield, MPV Properties

Staff Report Prepared by: Craig Thomas, Senior Planner

Neighborhood Meeting: Held November 18, 2021

BACKGROUND:

Area: ±1.557 acres Total

Existing Land Use: Vacant/Single-Family Residential

Zoning within 500 feet: North - Office/Institutional (OI), Cabarrus County
South - Planned Unit Development (PUD), Town
East - Office/Institutional (OI), Cabarrus County
West - Planned Unit Development (PUD), Town

Land Uses within 500 feet: North - Vacant, County
South - Vacant, Town
East - Single-family Residential, County
West - Vacant, Town

APPLICATION SUMMARY:

- The applicant proposes to annex and develop the parcel as part of the established Planned Unit Development for Farmington. To achieve this, the applicant is requesting that the property be rezoned from Cabarrus County OI (Office/Institutional) to Town of Harrisburg PUD (Planned Unit Development). It is part of the land swap associated with Rezoning H2021-14-R that will take away a portion of original PUD and add this new parcel into the PUD.
- The original Farmington PUD petition was H-2019-02-(R) and all the site notes and conditions associated with that approval shall apply to this site. This rezoning request is to modify the overall boundary of the original petition by adding this 1.577-acre parcel.
- As a conditional zoning request, the applicant has submitted a survey along with the request for rezoning, which is attached for your consideration. There is no current site plan associated with this parcel or rezoning request.
- The property is in the County and the applicant has also submitted a Petition requesting Annexation for the subject properties which are contiguous to the current Town of Harrisburg corporate limits.

APPROVAL CRITERIA:

1. The size of the tract in question;

The subject property is approximately 1.557 acres in size.

2. Whether the proposal conforms with and is in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the goals, objectives and policies of the Ordinance;

Per the Unified Development Ordinance, the intent of the proposed district depicted on the submitted site plan is as follows:

***PUD:** The PUD district is established to provide for the unified and coordinated development of parcels or tracts of land. Certain freedom of choice as to intended land uses shall be permitted, provided that the essential site development regulations are complied with or exceeded, and that the character of the development is not in conflict with the general purpose and intent of either the UDO or the HALUP.*

Per the Harrisburg Area Land Use Plan, the subject property is located in area designated on the future land use map as **Mixed Use Node**. The description of Mixed Use Node is as follows:

“These areas are intended to be centers of activity that include a mix of retail, restaurant, service, and office uses in addition to a variety of residential housing types. The mix of uses can be horizontal as well as vertical where a change in use can occur between floors of the same building. Buildings of two stories and above are common, and

connected streets include short block lengths and pedestrian facilities. Open space is integrated in the form of plazas and greens.

Based on the description of the Mixed Use Node land use classification, the proposed use would meet the intent that has been set for this area in the Land Use Plan.

With regard to the overall goals of the Land Use Plan, **recommendation LU-6** focuses on quality. The Farmington PUD has promoted a higher level of quality for the future development of the area by incorporating façade treatments, landscaping and site furnishings visible from the public view and available for public use. Farmington also helps promote **recommendation LU-2** by providing an interconnected network of local streets to minimize traffic volumes on key thoroughfares.

Recommendation LU-7 of the Plan recommends consistency between the Town’s zoning regulations and the adopted Future Land Use Map. A table included as part of this goal establishes the “appropriate” zoning districts to use when making zoning decisions based on the Future Land Use Map. The map, as previously stated, designates this area as Mixed Use Node and the PUD district is appropriate for this land use classification.

3. The benefits or detriments for the owner, neighbors and surrounding community;

The benefits to the owner of the property would be that a 1.557 acre expansion of the PUD would allow for a larger buildable lot and could be achieved under the proposed zoning. Benefits to the neighbors and the surrounding community include the continued development of the Farmington area and prevent large vacant outparcels in the development.

4. Whether the proposed request is in compliance with the adequate public facilities criteria;

a. Utilities:

Utilities are available in this area and are sufficient to meet the needs of this property. Water and sewer access are located along Farmington Ridge Parkway. Any utility line extensions or upgrades necessary to serve this development will be the responsibility of the developer.

b. Transportation:

A Traffic Impact Analysis was completed for the existing PUD zoning district in 2018; all the traffic improvement will be completed as per that TIA. The addition of this 1.557 parcel is an expansion of existing outparcels without increasing development levels. As such, it has no new impacts on the transportation system.

c. Safety and Sanitation Services:

Adequate police, fire, and sanitation services are available for the proposed use, and will be provided upon annexation.

d. Schools:

Based on the location of the proposed rezoning in relation to original Farmington PUD approval, the proposed development is not residential and thus would generate no new students across all levels. A school impact calculation was provided during the original PUD approval.

5. The relationship of the uses envisioned under the new zoning and the uses currently present in adjacent tracts. The Commission shall consider the following:

- a. Whether the proposed zoning is compatible with the surrounding area or whether there will be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new use will generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting or other nuisances;**

The proposed development is part of the larger Farmington development and is compatible with surrounding land uses.

- b. Any change of character in the area due to installation of public facilities, other zoning changes, new growth changes, deterioration, and development;**

Like all other development activity in this area, the development of this land would convert former vacant land into office and institutional uses. The addition of 1.557 acres is intended to increase the buildable area of two outparcels.

- c. The zoning districts and existing land uses of the surrounding properties;**

The areas around this property are generally zoned for a variety of uses, with retail and office in proximity to Rocky River Road. Existing land use patterns in the area typically consist of office, retail, and institutional, with residential nearby.

- d. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification;**

The property is suitable for the uses which it has been restricted to under the existing zoning classification.

- e. Whether the rezoning is compatible with the adjacent neighborhood, especially concerning neighborhood stability and character;**

The specific use of the property is unknown at this time, but the proposed PUD zoning is an extension of existing zoning in the area and is consistent with

surrounding land uses. The zoning aligns with Mixed Use Node of the Harrisburg Area Land Use Plan (HALUP).

- f. The length of time the subject property has remained vacant as zoned (if applicable);**

This property has been vacant.

- g. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs;**

Land supply is not a direct issue in this area.

- 6. Whether the existing zoning was in error at the time of adoption.**

The existing zoning was not in error at the time of adoption.

Furthermore, as a Conditional Zoning request, the Board must consider the following criteria:

- 7. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the current Land Use Plan.**

The rezoning application to PUD district to the property is consistent with the lot size standards established for the base PUD Zoning District in the Unified Development Ordinance and Mixed Use Node land use classification in the Land Use Plan.

- 8. The use(s) requested are among those listed as an eligible permitted or conditional use in the general use district as included in the rezoning request.**

The applicant is seeking for the following uses to be allowed in this Conditional Zoning District:

- The same allowable uses in the PUD District. This is 1.557 acre expansion of the existing adjacent PUD zoning.

- 9. The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare and vibration and not create a nuisance.**

The applicant intends to work collaboratively with both Harrisburg town staff and the NC Department of Transportation in establishing appropriate connectivity for the development.

10. The use limitations and conditions as proposed and/or imposed for the requested district can reasonably be implemented and enforced for the subject property.

The conditions proposed and imposed for this district can be reasonably implemented on this site.

11. When implemented the proposed and/or imposed use limitations and conditions will mitigate specific land development issues that would likely result if the subject property were zoned to accommodate all the uses and the minimum standards of the corresponding general zoning district. If any standards are proposed that are different from the underlying zoning district, the applicant must clearly demonstrate that the overall resultant project is greater than that which is typically allowed by the general district.

All proposed conditions recommended by staff are to bring the site into conformance with applicable local and state regulations.

12. The applicant has agreed to accept the use limitations and conditions as proposed and/or imposed for the requested district.

The applicant will need to agree to all conditions listed in this staff report. Any additional conditions placed on this property will need the acceptance of the applicant before a decision can be made on this application.

13. For an approval, the Board must adopt a consistency statement that the amendment being considered is either consistent or inconsistent with the adopted land use plan and that the Board considers the action to be reasonable and in the public interest.

The Planning and Zoning Board will need to adopt a consistency statement when a recommendation or decision is made on this item.

APPROVAL WITH CONDITIONS:

The proposal is a conditional re-zoning request. Conditions may be imposed on the zoning action; staff does not recommend any additional conditions be placed on this project. The following conditions were part of the original approval, H2019-02-(R), and will be part of this approval as well:

1. Applicant agrees to obtain any and all applicable local, state, and federal permits required for development before any development activity can take place.
2. Applicant agrees to dedicate a 25 ft greenway easement (except for portions of multiuse path along Streets) and construct a 10 ft wide asphalt greenway as shown on plan, to meet requirements of article 6.5.5 of the UDO. The greenway shall be constructed prior to 50% completion of each residential pod (areas 2 and 3).
3. Applicant agrees to restrict cladding materials for all residential buildings to masonry products; vinyl siding will not be used.

4. Applicant agrees to install all required phased improvements as required by the final approved traffic analysis and at the direction of NCDOT.
5. Applicant agrees to the final design of Farmington Ridge Parkway and other streets within the development as depicted in sheets RZ-3 and RZ-4 of the Site Plan.
6. Applicant agrees to assess the pavement structure for the existing portions of Farmington Ridge Parkway and bring this portion of street up to current town standards as needed to accommodate the increased traffic this proposed development will place on this structure. This will be completed as part of Phase I, along with newly constructed Farmington Ridge Parkway.
7. Applicant agrees to construct Farmington Ridge Parkway in its entirety throughout the site as part of phase I of the development.
8. Applicant agrees that there will be no more than 20% of the residential units as rentals at any given time and will be restricted as such by the deed restrictions.
9. The applicant agrees to install greenway and amenities such as trash receptacles and benches along the greenway during greenway construction.
10. Applicant agrees to remove animal shelters as an allowed use in this PUD district.

RECOMMENDATION:

The rezoning and proposed Site Plan Amendment is consistent with the Harrisburg Area Land Use Plan and the intent of the originally approved PUD H 2019-02-R. Planning and Zoning Department staff supports approval of the rezoning request.

COMMUNITY MEETING REPORT FOR FARMINGTON LAND SWAP

Petitioner: MPV Properties

Property: 1.557 acres added to the Farmington PUD and 1.38 acres removed from the Farmington PUD

This Community Meeting Report is being filed with the Town of Harrisburg Planning Department.

PERSONS AND ORGANIZATIONS CONTACTED WITH DATES AND EXPLANATIONS OF HOW CONTACTED:

The required Community Meeting was held on Thursday, November 18, 2021. The Town of Harrisburg mailed a written notice of the date, time, and details of the Community Meeting to the individuals and organizations as required by Ordinance.

TIME AND DATE OF MEETING:

The Community Meeting required by the Ordinance was held on Thursday, November 18, 2021, at 6:00 PM.

PERSONS IN ATTENDANCE AT MEETING:

Harrisburg staff documented the list of registered attendees from the required Community Meeting. The Petitioner's representatives at the required Community Meeting were Jim Merrifield with MPV Properties, and Bridget Grant with Moore & Van Allen, PLLC.

SUMMARY OF ISSUES DISCUSSED AT MEETING:

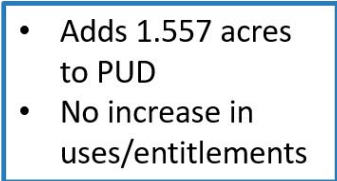
I. Overview of Petitioner's Presentation.

Introduction and Overview of Development Plan.

After introductions by the Town of Harrisburg Planning Staff, Bridget Grant welcomed everyone in attendance and introduced the rezoning team.

Ms. Grant described the site location and the minimal adjustments being made to the Farmington PUD overall boundary. Ms. Grant confirmed that no changes were being made to the permitted uses or the permitted development levels. The portion of the site being removed from the Farmington PUD is proposed for O-1 Zoning which is consistent with other zoning in the area.

The graphic depicting the proposed changes is below:



- Removes 1.38 acres from PUD
- Zoning O-I

II. Summary of Questions/Comments and Responses:

Mr. Merrifield provided a high level update on current leasing efforts at Farmington. In closing, Ms. Grant and Mr. Nepal shared their email addresses in order to address any remaining questions.

The development team will continue to work with staff to revise plans with additional details as needed.

CHAR2\2539969v1



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider a rezoning request to remove a portion of parcel and modify the previously approved Farmington PUD (H2021-14-R).

Presenting Personnel:

Sushil Nepal, Planning & Economic Development Director

Suggested Motion or Action:

If approved, the following motion is suggested:

To approve the rezoning request from Planned Unit Development (PUD) in the Town to Office-Institutional (O-I) resulting in modification of previously approved PUD H2019-02-R, as requested by the applicant for the related property in application H2021-14 (R).

If denied, the following motion is suggested:

To deny the rezoning request from Planned Unit Development (PUD) in the Town to Office-Institutional (O-I) resulting in modification of previously approved PUD H2019-02-R, as requested by the applicant for the related property in application H2021-14 (R).

Description/Background:

MVP Properties, on behalf of the the property owners of parcel 5506-12-7903 has submitted a request to rezone a portion of this parcel, approximately 1.38 acres of land located along the edge of Farmington PUD off Farmington Ridge Pkwy. The applicant proposes to develop the parcel as Office and Institutional and be removed from originally approved Farmington PUD. This particular parcel is proposed to be office or institutional. To achieve this, the applicant is requesting that the property be rezoned from Town of Harrisburg PUD (Planned Unit Development) to O-I (Office and Institutional). It is part of the land swap associated with Rezoning H2021-13-R that will add a new parcel into the PUD.

The property in question is in the Town Limits and does not require annexation, upon rezoning and removal from the PUD the property will remain within Town Limits. A Town Council public hearing will be held to take action on the rezoning upon the recommendation of the Planning and Zoning Board.

A staff report is attached for more information and a site plan is submitted for your consideration. If approved, staff will continue reviewing the site plan in accordance with our Unified Development Ordinance (UDO) during the Construction Document (CDs) reviews. Staff is recommending approval of the rezoning request.

Recommendation:

The rezoning request is consistent with the Harrisburg Area Land Use Plan. Planning and Zoning Department staff supports approval of the rezoning request.

Fiscal Impact:

None.

Attachments:

1. H2021-14-R Rezoning Application
2. H2021-14-R Site Map

3. H2021-14-R Rezoning Plan PUD Amendment
4. H2021-14-R Survey
5. H2021-14-R PB Staff Report
6. H2021-14-R Neighborhood Mtg



Subject Property Information

1. Street Address: N/A
2. PIN (10 Digit #) A Portion of 5506-12-7903
3. Deed Reference Book 8789 Page 355
4. Township # 1

Description of Subject Property

5. Size (square feet or acreage) 1.38 ac
6. Street Frontage (feet)
7. Current Land Use Vacant
8. Surrounding Land Use and Zoning Classification
North: Zoning OI Land Use Vacant
South: Zoning OI Land Use Vacant
East: Zoning OI Land Use Vacant
West: Zoning OI Land Use Vacant

9. Request to Change Zoning From PUD to O-1

10. Is this a request for a Conditional Rezoning? YES NO

(If YES, you must also submit an application for a Conditional Rezoning)

11. Purpose for Request: The purpose of the rezoning is to remove the site from the existing PUD development and assign zoning consistent with surrounding parcels.



Owner/Agent/Applicant Information

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

12. Property Owner Rocky River Road Assoc LLC
 Address c/o MPV Properties Charlotte NC 28203
 Phone _____
 Fax _____
 Email: JMerrifield@mpve.com
 Signature *James E Merrifield*
13. Agent (if any) BRIDGET GRANT
 Address 100 N. TRYON ST STE 4700
 Phone 704 331 2379
 Fax _____
 Email bridgetgrant@mvalaw.com
 Signature *Bridget Grant*
14. Applicant (if any) Jim Merrifield
 Address _____
 Phone _____
 Fax _____
 Email JMerrifield@mpve.com
 Signature *James E Merrifield*



McCorkle Ln

Rocky River Rd

Stafford Rd

744 N

Brookdale Dr

Plaza Rd East



PARCEL A
-ACREAGE: +/- 1.557 ACRES
-PIN #: 5506-13-9416
-EXISTING ZONING: O-1 (CABARRUS COUNTRY)
-PROPOSED ZONING: PUD
-EXISTING USES: VACANT/FORMER FARMLAND
-PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE PUD ZONING DISTRICT
-CONDITIONS: THE SITE, CONSISTING OF A PORTION OF PARCEL 5506-13-9416, SHALL BE CONSIDERED A PART OF THE PREVIOUSLY APPROVED PETITION H-2019-02-(R). ALL ENTITLEMENTS, USES, STANDARDS AND OTHER REQUIREMENTS AND CONDITIONS AS SET FORTH ON PETITION H-2019-02-(R) SHALL APPLY TO THIS SITE. THIS REZONING MODIFIES THE OVERALL BOUNDARY OF PETITION H-2019-02-(R) WITHOUT INCREASING DEVELOPMENT LEVELS.

NOW OR FORMERLY EUGENE W. COCHRANE JR.
& SUSAN COCHRANE BLOUNT
& ANNE COCHRANE YARBROUGH
DB 1946-133
PIN 5506-36-3420

NOW OR FORMERLY
ROCKY RIVER ROAD
ASSOCIATES LLC
DEED #P88-255
PIN 5506-13-4752
PB 85-101
TRACT 4

NOW OR FORMERLY
ROCKY RIVER ROAD
ASSOCIATES LLC
DEED #P88-255
PIN 5506-03-8724
PB 85-101
TRACT 5

NOW OR FORMERLY
ROCKY RIVER ROAD
ASSOCIATES LLC
DEED #P88-255
PIN 5506-13-2082
PB 85-101
TRACT 2

NOW OR FORMERLY
ROCKY RIVER ROAD
ASSOCIATES LLC
DEED #P88-255
PIN 5506-12-7603
PB 85-101
A PORTION OF
TRACT 1

NOW OR FORMERLY
ROCKY RIVER ROAD
ASSOCIATES LLC
DEED #P88-255
PIN 5506-12-7603
PB 85-101
A PORTION OF
TRACT 1

NOW OR FORMERLY
ROCKY RIVER ROAD
ASSOCIATES LLC
DEED #P88-255
PIN 5506-12-7603
PB 85-101
A PORTION OF
TRACT 1
10.130 SF
1.380 ACRES

NOW OR FORMERLY EUGENE W. COCHRANE JR.
& SUSAN COCHRANE BLOUNT
& ANNE COCHRANE YARBROUGH
DB 5430-189
A PORTION OF PIN 5506-13-9416

NOW OR FORMERLY EUGENE W. COCHRANE JR.
& SUSAN COCHRANE BLOUNT
& ANNE COCHRANE YARBROUGH
DB 5430-189
A PORTION OF PIN 5506-13-9416
17,839 SF
TO BE DEEDED TO
ROCKY RIVER ASSOCIATES LLC
07,839 SF
1.567 ACRES
INCLUDING 7,712 SF OR 0.177 ACRES
IN PROPOSED SINGING BROOK DRIVE
ROW
1.36 ACRES NET

NOW OR FORMERLY EUGENE W. COCHRANE JR.
& SUSAN COCHRANE BLOUNT
& ANNE COCHRANE YARBROUGH
DB 5430-189
A PORTION OF PIN 5506-23-1083

NOW OR FORMERLY
BROOKDALE SHOPPING CENTER
DB 8338-81
PIN 5506-12-3522

NOW OR FORMERLY
WATCHDOG BANK
NATIONAL ASSOCIATION
DB 5655-561
PIN 5506-12-7503

NOW OR FORMERLY
GATE NORTH CAROLINA LLC
DB 1040-9
PIN 5506-22-1543

FARMINGTON RIDGE PARKWAY

ROCKY RIVER ROAD

735.1

736.4

737.2

738.1

739.1

739.2

739.3

739.4

739.5

739.6

739.7

739.8

739.9

740.0

740.1

740.2

740.3

740.4

740.5

740.6

740.7

740.8

740.9

741.0

741.1

741.2

741.3

741.4

741.5

741.6

741.7

741.8

741.9

742.0

742.1

742.2

742.3

742.4

742.5

742.6

742.7

742.8

742.9

743.0

743.1

743.2

743.3

743.4

743.5

743.6

743.7

743.8

743.9

744.0

744.1

744.2

744.3

744.4

744.5

744.6

744.7

744.8

744.9

745.0

745.1

745.2

745.3

745.4

745.5

745.6

745.7

745.8

745.9

746.0

746.1

746.2

746.3

746.4

746.5

746.6

746.7

746.8

746.9

747.0

747.1

747.2

747.3

747.4

747.5

747.6

747.7

747.8

747.9

748.0

748.1

748.2

748.3

748.4

748.5

748.6

748.7

748.8

748.9

749.0

749.1

749.2

749.3

749.4

749.5

749.6

749.7

749.8

749.9

750.0

750.1

750.2

750.3

750.4

750.5

750.6

750.7

750.8

750.9

751.0

751.1

751.2

751.3

751.4

751.5

751.6

751.7

751.8

751.9

752.0

752.1

752.2

752.3

752.4

752.5

752.6

752.7

752.8

752.9

753.0

753.1

753.2

753.3

753.4

753.5

753.6

753.7

753.8

753.9

754.0

754.1

754.2

754.3

754.4

754.5

754.6

754.7

754.8

754.9

755.0

755.1

755.2

755.3

755.4

755.5

755.6

755.7

755.8

755.9

756.0

756.1

756.2

756.3

756.4

756.5

756.6

756.7

756.8

756.9

757.0

757.1

757.2

757.3

757.4

757.5

757.6

757.7

757.8

757.9

758.0

758.1

758.2

758.3

758.4

758.5

758.6

758.7

758.8

758.9

759.0

759.1

759.2

759.3

759.4

759.5

759.6

759.7

759.8

759.9

760.0

760.1

760.2

760.3

760.4

760.5

760.6

760.7

760.8

760.9

761.0

761.1

761.2

761.3

761.4

761.5

761.6

761.7

761.8

761.9

762.0

762.1

762.2

762.3

762.4

762.5

762.6

762.7

762.8

762.9

763.0

763.1

763.2

763.3

763.4

763.5

763.6

763.7

763.8

763.9

764.0

764.1

764.2

764.3

764.4

764.5

764.6

764.7

764.8

764.9

765.0

765.1

765.2

765.3

765.4

765.5

765.6

765.7



FARMINGTON

HARRISBURG, NORTH CAROLINA
ROCKY RIVER ROAD
ASSOCIATES, LLC

PETITION NUMBER:
XXXX-XX-XX

LAND DESIGN PROJ# 1016184

[illegible]

DESIGNED BY: LD
DRAWN BY: LD
CHECKED BY: LD

SCALE NORTH

VERT: N/A
HORZ: N/A

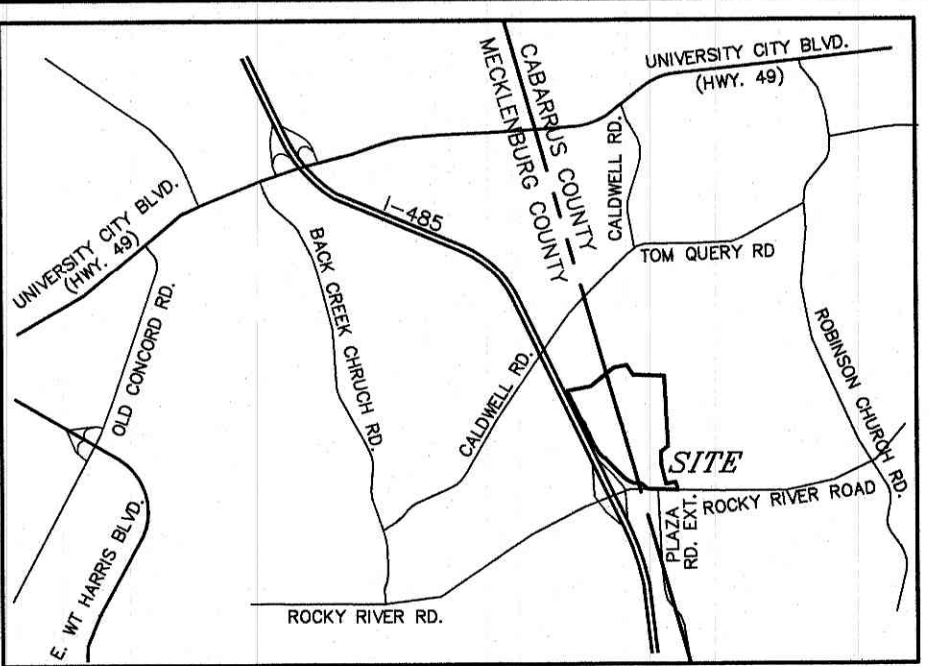
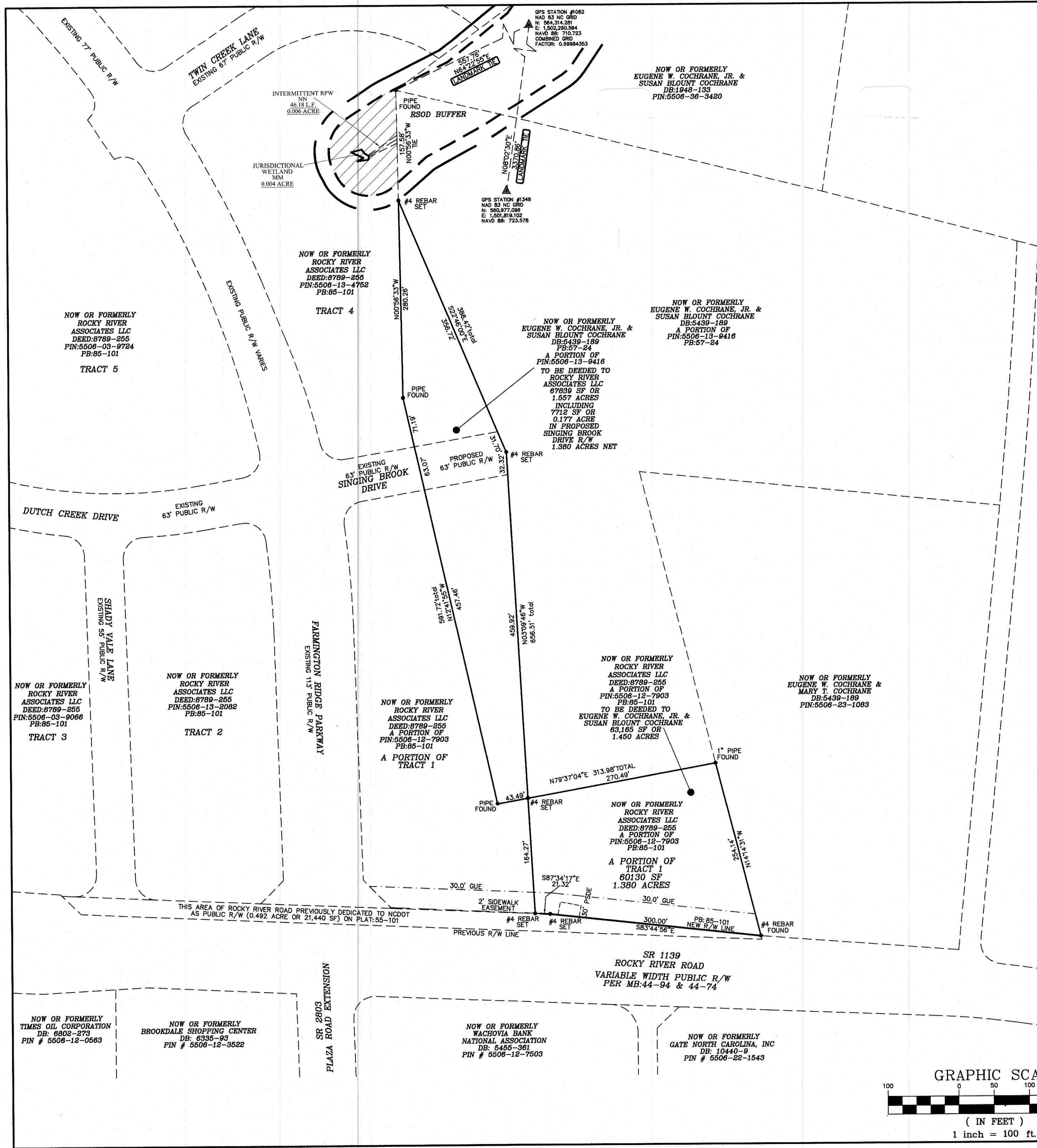
A circular symbol with a vertical line and a horizontal line intersecting at the center, forming a crosshair. The vertical line is slightly longer than the horizontal line. This symbol is used to indicate North.

ORIGINAL SHEET SIZE: 30" X 42"

CONDITIONAL PLAN

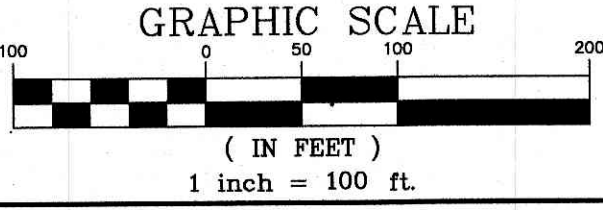
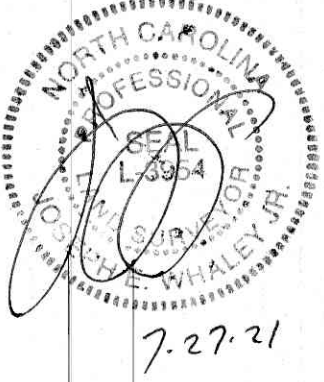
SHEET NUMBER _____

RZ-1



LEGEND
GUE - GENERAL UTILITY EASEMENT
MB - MAP BOOK
PSDE - PUBLIC DRAINAGE EASEMENT-
(MAINTAINED BY PROPERTY OWNER OR PROPERTY ASSOCIATION)
R/W - RIGHT-OF-WAY
SF - SQUARE FEET
YWBH - YARBROUGH-WILLIAMS AND HOULE

NOTES
BOUNDARY INFORMATION PREPARED BY YARBROUGH-WILLIAMS & HOULE.
THIS PROPERTY IS NOT LOCATED WITHIN 2000' OF AN NCGS CONTROL MONUMENT.
A 2' SIDEWALK EASEMENT WILL BE IN PLACE WHERE SIDEWALK ABUTS RIGHT-OF-WAY.
CONTRACTOR SHALL FOLLOW ALL LOCAL, STATE, AND FEDERAL REGULATIONS IN DISPOSING OF DEMOLISHED MATERIALS REMOVED FROM THIS SITE.
THESE PROPERTIES ARE NOT LOCATED WITHIN FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 3710550600K, DATED NOVEMBER 16 2018.



SHEET TITLE		PROJECT NO.
BOUNDARY SWAP MAP		SCALE
		1"=100'
		DATE
		07/27/21
		DRAWN BY
		YWH
		CHECKED BY
		JEW
		ZONED
		DRAWING NO.
		XXX-XXX
		SHT 1 OF 1 SHTS
PROJECT		
EUGENE W. COCHRANE, JR. & SUSAN BLOUNT COCHRANE /		
ROCKY RIVER ROAD ASSOCIATES LLC PROPERTY		
TOWN OF HARRISBURG, CABARRUS COUNTY, N.C.		
OWNERS: AS SHOWN ON MAP		
YARBROUGH-WILLIAMS & HOULE, INC.		
Planning • Surveying • Engineering		
750 Windsor Oak Court		P.O. Box 1198
Charlotte, North Carolina, 28278		Florida, North Carolina, 28134
704.556.1990		704.556.2000(fax)



Town of Harrisburg
Planning and Economic Development Department
Rezoning Staff Report

DATE: February 8, 2022

SUBJECT:

Request H-2021-14-(R): To rezone approximately 1.38 acres from PUD (Planned Unit Development) to O-I (Office and Institutional)

Location: The subject property is on Rocky River Road near the Farmington Ridge Parkway intersection (portion of PIN 5506-12-7903).

Applicant: Bridget Grant, Moore & Van Allen PLLC and Jim Merrifield, MPV Properties

Staff Report Prepared by: Craig Thomas, Senior Planner

Neighborhood Meeting: Held November 18, 2021

BACKGROUND:

Area: ±1.38 acres Total

Existing Land Use: Vacant/Single-Family Residential

Zoning within 500 feet: North - Office/Institutional (OI), Cabarrus County
South - Planned Unit Development (PUD), Town
East - Office/Institutional (OI), Cabarrus County
West - Planned Unit Development (PUD), Town

Land Uses within 500 feet: North - Vacant, County
South - Vacant, Town
East - Single-family Residential, County
West - Vacant, Town

APPLICATION SUMMARY:

- The applicant proposes to develop the parcel as Office and Institutional and be removed from originally approved Farmington PUD. This particular parcel is proposed to be office or institutional. To achieve this, the applicant is requesting that the property be rezoned from Town of Harrisburg PUD (Planned Unit Development) to O-I (Office and Institutional). It is part of the land swap associated with Rezoning H2021-13-R that will add a new parcel into the PUD.
- The original Farmington PUD petition was H-2019-02-(R). This rezoning request is to modify the overall boundary of the original petition by removing this 1.38 acre parcel, upon approval of the removal all site notes and conditions associated with original PUD approval will be removed for this site.
- The applicant has submitted a survey along with the request for rezoning, which is attached for your consideration. There is no current site plan associated with this parcel or rezoning request.
- The property is currently within the Town of Harrisburg.

APPROVAL CRITERIA:

1. The size of the tract in question;

The subject property is approximately 1.38 acres in size.

2. Whether the proposal conforms with and is in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the goals, objectives and policies of the Ordinance;

Per the Unified Development Ordinance, the intent of the proposed district depicted on the submitted site plan is as follows:

O-I: *The O-I district is established to provide for public and private agencies and offices together with supporting commercial development in contexts where single-use, single-building developments are appropriate.*

Per the Harrisburg Area Land Use Plan, the subject property is located in area designated on the future land use map as **Mixed Use Node**. The description of Mixed Use Node is as follows:

“These areas are intended to be centers of activity that include a mix of retail, restaurant, service, and office uses in addition to a variety of residential housing types. The mix of uses can be horizontal as well as vertical where a change in use can occur between floors of the same building. Buildings of two stories and above are common, and connected streets include short block lengths and pedestrian facilities. Open space is integrated in the form of plazas and greens.

Based on the description of the Mixed Use Node land use classification, the proposed use would meet the intent that has been set for this area in the Land Use Plan.

With regard to the overall goals of the Land Use Plan, **recommendation LU-6** is focused on quality. While this property is being removed from the PUD, it will still be held to a high standard of design consistent with the UDO and surrounding uses, including architectural features, landscaping and connectivity.

Recommendation LU-7 of the Plan recommends consistency between the Town's zoning regulations and the adopted Future Land Use Map. A table included as part of this goal establishes the "appropriate" zoning districts to use when making zoning decisions based on the Future Land Use Map. The map, as previously stated, designates this area as Mixed Use Node and the O-I zoning district is appropriate for this land use classification.

3. The benefits or detriments for the owner, neighbors and surrounding community;

The benefits to the owner of the property would be that a 1.38 acre stand-alone parcel would be available for an appropriate compatible use to the surrounding area. Benefits to the neighbors and the surrounding community include the continued development of office and/or institutional uses along the Rocky River corridor.

4. Whether the proposed request is in compliance with the adequate public facilities criteria;

a. Utilities:

Utilities are available in this area and are sufficient to meet the needs of this property. Water access is located along Rocky River Road and sewer is available nearby on Farmington Ridge Parkway and Stafford Road. Any utility line extensions or upgrades necessary to serve this development will be the responsibility of the developer.

b. Transportation:

A Traffic Impact Analysis was completed for the existing PUD zoning district in 2018; all the traffic improvement will be completed as per that TIA. The removal of the 1.38 parcel is a modification to the PUD boundaries and thus no new impacts on the transportation system.

c. Safety and Sanitation Services:

Adequate police, fire, and sanitation services are available for the proposed use, and will be provided upon annexation.

d. Schools:

The proposed development is Office and Institutional and would generate no new students across all levels.

5. The relationship of the uses envisioned under the new zoning and the uses currently present in adjacent tracts. The Commission shall consider the following:

- a. Whether the proposed zoning is compatible with the surrounding area or whether there will be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new use will generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting or other nuisances;**

The proposed development is similar to existing zoning in the immediate area and is compatible with surrounding land uses.

- b. Any change of character in the area due to installation of public facilities, other zoning changes, new growth changes, deterioration, and development;**

Like all other development activity in this area, the development of this land would convert the currently vacant land from the Farmington PUD into a stand-alone parcel for office and institutional uses.

- c. The zoning districts and existing land uses of the surrounding properties;**

The areas around this property are generally zoned for a variety of uses, with retail, institutional and office along Rocky River Road. Existing land use patterns in the area typically consist of office, retail, and institutional, with residential nearby.

- d. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification;**

The property is suitable for the uses which it has been restricted to under the existing zoning classification.

- e. Whether the rezoning is compatible with the adjacent neighborhood, especially concerning neighborhood stability and character;**

The specific use of the property is unknown at this time, but the proposed O-I zoning is consistent with surrounding land uses. The zoning aligns with Mixed Use Node of the Harrisburg Area Land Use Plan (HALUP).

- f. The length of time the subject property has remained vacant as zoned (if applicable);**

This property has been vacant.

- g. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs;**

Land supply is not a direct issue in this area.

6. Whether the existing zoning was in error at the time of adoption.

The existing zoning was not in error at the time of adoption.

RECOMMENDATION:

The rezoning request is consistent with the Harrisburg Area Land Use Plan. Planning and Zoning Department staff supports approval of the rezoning request.

COMMUNITY MEETING REPORT FOR FARMINGTON LAND SWAP

Petitioner: MPV Properties

Property: 1.557 acres added to the Farmington PUD and 1.38 acres removed from the Farmington PUD

This Community Meeting Report is being filed with the Town of Harrisburg Planning Department.

PERSONS AND ORGANIZATIONS CONTACTED WITH DATES AND EXPLANATIONS OF HOW CONTACTED:

The required Community Meeting was held on Thursday, November 18, 2021. The Town of Harrisburg mailed a written notice of the date, time, and details of the Community Meeting to the individuals and organizations as required by Ordinance.

TIME AND DATE OF MEETING:

The Community Meeting required by the Ordinance was held on Thursday, November 18, 2021, at 6:00 PM.

PERSONS IN ATTENDANCE AT MEETING:

Harrisburg staff documented the list of registered attendees from the required Community Meeting. The Petitioner's representatives at the required Community Meeting were Jim Merrifield with MPV Properties, and Bridget Grant with Moore & Van Allen, PLLC.

SUMMARY OF ISSUES DISCUSSED AT MEETING:

I. Overview of Petitioner's Presentation.

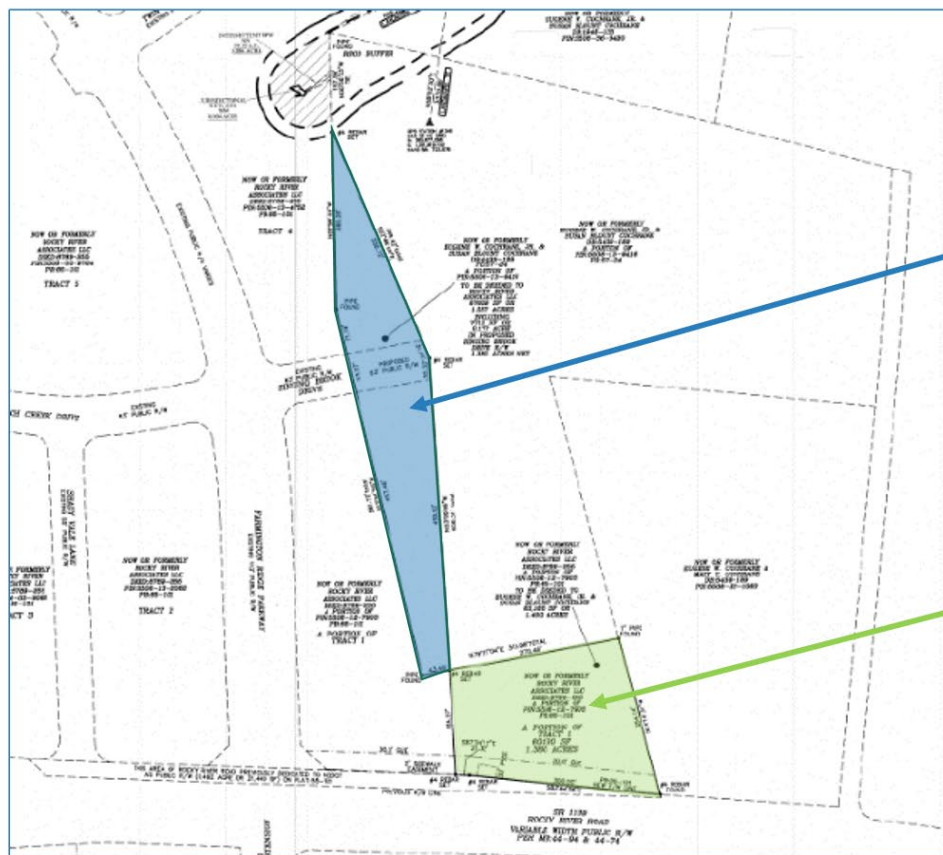
Introduction and Overview of Development Plan.

After introductions by the Town of Harrisburg Planning Staff, Bridget Grant welcomed everyone in attendance and introduced the rezoning team.

Ms. Grant described the site location and the minimal adjustments being made to the Farmington PUD overall boundary. Ms. Grant confirmed that no changes were being made to the permitted uses or the permitted development levels. The portion of the site being removed from the Farmington PUD is proposed for O-1 Zoning which is consistent with other zoning in the area.

The graphic depicting the proposed changes is below:

FARMINGTON ANNEXATION & AMENDMENT



- Adds 1.557 acres to PUD
- No increase in uses/entitlements

- Removes 1.38 acres from PUD
- Zoning O-I

Ms. Grant then opened the meeting up for questions.

II. Summary of Questions/Comments and Responses:

There were no questions specific to the proposed rezoning and annexation of the 1.557 acre site or the rezoning of the 1.38 acre site.

Mr. Merrifield provided a high level update on current leasing efforts at Farmington.

In closing, Ms. Grant and Mr. Nepal shared their email addresses in order to address any remaining questions.

CHANGES MADE TO PETITION AS A RESULT OF THE MEETING:

The development team will continue to work with staff to revise plans with additional details as needed.

cc: Sushil Nepal, Planning Director, Town of Harrisburg
Jim Merrifield, MPV Properties
Bridget Grant, Moore & Van Allen, PLLC



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider rezoning of 2 parcels off of Paul Linker PL associated with an annexation request (H2022-01-R).

Presenting Personnel:

Sushil Nepal, Planning & Economic Development Director

Suggested Motion or Action:

If approved, the following motion is suggested:

To approve the rezoning request from Low Density Residential (LDR) in the County to Town's Residential Low Density (RL), as requested by the applicant for the related property in application H2022-01 (R).

If denied, the following motion is suggested:

To approve the rezoning request from Low Density Residential (LDR) in the County to Town's Residential Low Density (RL), as requested by the applicant for the related property in application H2022-01 (R).

Description/Background:

The property owners of parcel 5527-12-6235 and 5527-12-7291 have submitted a request to rezone these parcels, approximately 4.233 acres of land located off Paul Linker PL. The applicant proposes to annex two parcels into the Town of Harrisburg town limits to have access to a Towns' sewer services for each lot. The two lots are currently in Cabarrus County. To achieve this, the applicant is requesting that the properties be rezoned from County LDR (Low Density Residential) to RL (Residential Low Density). The RL district has a maximum density of 1 dwelling unit per acre. The proposed density is 0.47 dwelling units per acre and the lot meets the RL dimension requirements per the UDO.

The property in question is in the County and requires annexation. A Town Council public hearing will be held to take action on the rezoning and annexation upon the recommendation of the Planning and Zoning Board.

A staff report is attached for more information, there is no site-specific plans for these parcels. Staff is recommending approval of the rezoning requests presented

Recommendation:

The rezoning request is consistent with the Harrisburg Area Land Use Plan. Planning and Zoning Department staff supports approval of the rezoning request.

Fiscal Impact:

None.

Attachments:

1. H2022-01-R Application
2. H2022-01-R Site Map
3. H2022-01-R Survey
4. H2022-01-R Staff Report PB



APPLICATION FOR ZONING MAP AMENDMENT

**The following steps are required in order for your application to be considered complete.
Incomplete applications will be returned to the applicant and will not be processed.**

1. Schedule a pre-application meeting with staff.
2. Submit a completed application for an amendment to the official zoning map. All applications must include:
 - a. A list of all adjacent property owners (include owner name, address, and Parcel Identification Number)
 - b. A recent survey or legal description of the property or area to be rezoned.
 - c. A copy of the letter, minutes, and the sign-up sheet from the Neighborhood Meeting.
 - d. Copies of the Traffic Impact Analysis (TIA), proposed site plan, landscape plan, and proposed building elevations (applicability determined at pre-application meeting with staff).
3. Submit cash, check or money order made payable to the Town of Harrisburg

Overview of the Rezoning Process:

1. Hold a pre-application meeting with staff to discuss your rezoning request and the map amendment process.
2. Hold a **neighborhood meeting** with the adjacent property owners. All adjacent property owners must be contacted and given an opportunity to meet with the applicant at a meeting established at a reasonable time. No member of the Town decision-making entity may participate in this meeting.
3. Submit a Zoning Map Amendment application to the Town of Harrisburg Planning Department. All applications must be submitted by the third Tuesday of the Month to go before the Planning and Zoning Board on the following month. NOTE: If the request is a Conditional Zoning request, complete and submit, with this application, a Conditional Rezoning Application.
4. Planning staff will review your application and subsequent information, prepare a staff report for the Board and take your request to the Planning and Zoning Board for a recommendation to the Town Council. Planning Board meetings are held on the third Tuesday of every month at 7:00 PM.
5. Once the Planning and Zoning Board has made a recommendation, staff will notify the adjacent property owners of the public hearing, post a sign on the property, and place announcements of the hearing in the local newspaper.
6. Town Council meetings are held on the second Monday of every month at 7:00 PM. At this meeting the Council will hold a public hearing and may vote on your request. Meetings are held at the Harrisburg Town Hall located at 4100 Main Street, Suite 101.

Questions: Contact the Town of Harrisburg Planning Department with any questions regarding rezonings in the Town of Harrisburg. Staff can be reached at 704-455-0709.



Harrisburg NC

The right side of opportunity

Subject Property Information

1. Street Address 7595 Paul Linker Pl Harrisburg NC
2. PIN(s) (10 digit#) 552 -- 712 -- 623; 5 -- --
3. Deed Reference Book 15588 Page 0336
4. Township # 1

Description of Subject Property

5. Size (square feet or acreage) 2.099 ac.
6. Street Frontage (feet) 300.88'
7. Current Land Use LDR
8. Surrounding Land Use and Zoning Classification

North: Zoning	<u>LDR</u>	Land Use	<u>Residential</u>
South: Zoning	<u>LDR</u>	Land Use	<u>"</u>
East: Zoning	<u>LDR</u>	Land Use	<u>"</u>
West: Zoning	<u>LDR</u>	Land Use	<u>"</u>

9. Request to Change Zoning From _____ to _____
10. Is this a request for a Conditional Rezoning? YES ☒ NO

(If YES, you must also submit an application for a Conditional Rezoning)

11. Purpose for Request: To have access to a 4" sewer
tap for a single residence to the Back Creek
Interceptor Sewer line at the South Property line



Harrisburg NC

The right side of opportunity

Owner/Agent/Applicant Information

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

12. Property Owner

Address

Phone

Fax

Email:

Signature

Daniel Linker

7595 Paul Linker Pl Harrisburg Mc.

704 - 340 - 6071

Dlinker191@gmail.com

Daniel Linker

13. Agent (if any)

Address

Phone

Fax

Email

Signature

14. Applicant (if any)

Address

Phone

Fax

Email

Signature

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.



Harrisburg NC

The right side of opportunity

Subject Property Information

1. Street Address 7585 Paul Linker Pl. Harrisburg NC
2. PIN(s) (10 digit#) 5527 12 7291;
3. Deed Reference Book 15588 Page 0333
4. Township # 1

Description of Subject Property

5. Size (square feet or acreage) 2.134 ACRES
6. Street Frontage (feet) 140'
7. Current Land Use LDR
8. Surrounding Land Use and Zoning Classification
 - North: Zoning LDR Land Use Residential
 - South: Zoning LDR Land Use "
 - East: Zoning LDR Land Use "
 - West: Zoning LDR Land Use "
9. Request to Change Zoning From N/A to N/A
10. Is this a request for a Conditional Rezoning? YES (NO)

(If YES, you must also submit an application for a Conditional Rezoning)

11. Purpose for Request: To have access to a 4" sewer tap
for a single residence to the Back Creek Interceptor
Sewer Line @ the South Property line.



Subject Property Information

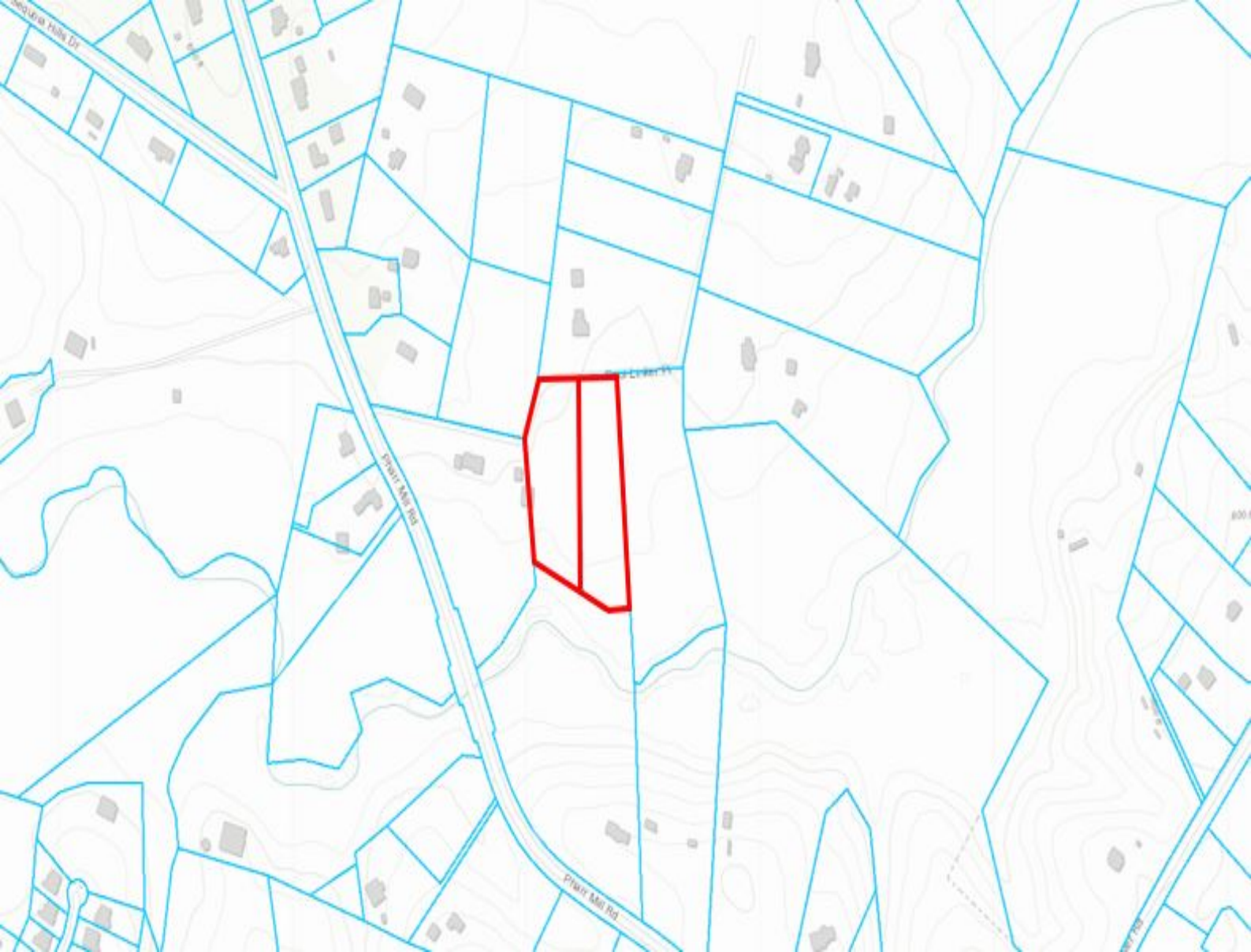
1. Street Address LOT 2 - 7545 Paul Linker Pl
LOT 3 7585 Paul Linker Pl
2. PIN(s) (10 digit#) 5527 -- 12 -- 6235; 5527 -- 12 -- 7291
3. Deed Reference Book _____ Page _____
4. Township # _____

Description of Subject Property

5. Size (square feet or acreage) LOT 2 2.099 LOT 3 2.134
6. Street Frontage (feet) LOT 2 300' LOT 3 140
7. Current Land Use VACANT
8. Surrounding Land Use and Zoning Classification
- | | | | |
|---------------|------------|----------|--------------------|
| North: Zoning | <u>LDR</u> | Land Use | <u>Residential</u> |
| South: Zoning | <u>LDR</u> | Land Use | <u>VACANT</u> |
| East: Zoning | <u>LDR</u> | Land Use | <u>VACANT</u> |
| West: Zoning | <u>LDR</u> | Land Use | <u>Residential</u> |
9. Request to Change Zoning From LDR to RL
10. Is this a request for a Conditional Rezoning? YES ☒ NO

(If YES, you must also submit an application for a Conditional Rezoning)

11. Purpose for Request: To have access to a 4" sewer tap
for a single residence to the Back Creek
Interceptor Sewer Line at the South Property
line for LOTS 2 & 3





Town of Harrisburg
Planning and Economic Development Department
Rezoning Staff Report

DATE: February 8, 2022

SUBJECT:

Request H-2022-01-(R): To rezone approximately 4.233 acres from County LDR (Low Density Residential) to RL (Residential Low Density)

Location: The subject properties are located on Paul Linker Place off of Pharr Mill Road (PIN 5527-12-6235 and 5527-12-7291)

Applicant: Jason Linker on behalf of property owners Daniel Linker, Robert Marlow and Heather Marlow

Staff Report Prepared by: Craig Thomas, Senior Planner

Neighborhood Meeting: N/A

BACKGROUND:

Area: ±4.233 acres Total

Existing Land Use: Vacant/Single-Family Residential

Zoning within 500 feet: North - Low Density Residential (LDR), Cabarrus County
South - Low Density Residential (LDR), Cabarrus County
East - Low Density Residential (LDR), Cabarrus County and Office and Institutional (O-I) Town
West - Low Density Residential (LDR), Cabarrus County

Land Uses within 500 feet: North - Single-family Residential and Vacant, County
South - Single-family Residential, County
East - Single-family Residential and Vacant, County
West - Single-family Residential and Vacant, Town and County

APPLICATION SUMMARY:

- The applicant proposes to annex two parcels into the Town of Harrisburg town limits to have access to a Towns' sewer services for each lot. The two lots are currently in Cabarrus County. To achieve this, the applicant is requesting that the properties be rezoned from County LDR (Low Density Residential) to RL (Residential Low Density).
- The RL district has a maximum density of 1 dwelling unit per acre. The proposed density is 0.47 dwelling units per acre and the lot meets the RL dimension requirements per the UDO.
- The property is in the County and the applicant has also submitted a Petition requesting Annexation for the subject properties which are non-contiguous to the current Town of Harrisburg corporate limits.

APPROVAL CRITERIA:

1. The size of the tract in question;

The subject property is approximately 4.233 acres in size.

2. Whether the proposal conforms with and is in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the goals, objectives and policies of the Ordinance;

Per the Unified Development Ordinance, the intent of the proposed district:

RL: *The RL district is established to provide areas for low-density single-family residential uses on moderately-sized lots.*

Per the Harrisburg Area Land Use Plan, the subject property is located in an area designated on the future land use map as **Very Low Residential**. The description of Very Low Residential is as follows:

“This area intended to remain predominantly rural while allowing residential uses at very low densities. Conservation design is a common subdivision approach if utilities are available, allowing smaller lots in exchange for more open space. Architecture is sensitively integrated, avoiding valuable natural features. Gross densities are less than one unit per acre for conventional subdivisions, and up to two if conservation design standards are met. Some business uses typically located in rural areas, such as small engine repair, may be appropriate provided such uses adhere to performance standards to minimize potential impacts to surrounding areas.”

Based on the description of the Very Low Residential land use classification, the proposed density would meet the intent that has been set for this area in the Land Use Plan.

With regard to the overall goals of the Land Use Plan, **recommendation LU-5** states that the Town should “Expand Housing Options” to appeal to a broad range of audiences and products to those seeking Harrisburg’s high quality of life. The low density nature of this area and the proposed zoning would allow the property owners to build two single family homes and maintain the rural character of the area.

Recommendation LU-7 of the Plan recommends consistency between the Town’s zoning regulations and the adopted Future Land Use Map. A table included as part of this goal establishes the “appropriate” zoning districts to use when making zoning decisions based on the Future Land Use Map. The map, as previously stated, designates this area as Very Low Residential and the proposed density of 0.47 dwelling units per acre is compatible with the standards designated by the RL district.

3. The benefits or detriments for the owner, neighbors and surrounding community;

The benefits to the owners of the properties would be that single-family residential zoning at the proposed density of 0.47 dwelling units per acre could be achieved under the proposed zoning, and annexation allows access to town offered services.

The addition of two single-family detached homes has no detrimental impact to the surrounding community. The construction of two new homes would be allowed under current Cabarrus County zoning. The rezoning and annexation request is to convert to the Town’s low density zoning and tap into the Town’s water and sewer availability.

4. Whether the proposed request is in compliance with the adequate public facilities criteria;

a. Utilities:

Utilities are available in this area, and are sufficient to meet the needs of this property. Water is available along Pharr Mill Road and sewer access is available to the southwest of the two properties on the other side of Pharr Mill Road. Any utility line extensions or upgrades necessary to serve this development will be the responsibility of the developer.

b. Transportation:

A TIA was not required based on the lower amount of traffic generated by this rezoning, with only two (2) lots and two homes involved. Driveway access will be reviewed and permitted by the Town and NCDOT during the permitting review.

c. Safety and Sanitation Services:

Adequate police, fire, and sanitation services are available for the proposed use, and will be provided upon annexation.

d. Schools:

The proposed development would generate no new students across all levels. Cabarrus County School did not offer an impact statement for this rezoning and single-family development as the impact is so minimal.

5. The relationship of the uses envisioned under the new zoning and the uses currently present in adjacent tracts. The Commission shall consider the following:

- a. Whether the proposed zoning is compatible with the surrounding area or whether there will be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new use will generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting or other nuisances;**

The proposed single-family development and density of the proposed development (0.47 dwelling units per acre) is compatible with surrounding land uses.

- b. Any change of character in the area due to installation of public facilities, other zoning changes, new growth changes, deterioration, and development;**

Like all other development activity in this area, the development of this land would convert former vacant land into residential lots, while preserving the rural character of the area.

- c. The zoning districts and existing land uses of the surrounding properties;**

The areas around this property are generally zoned for low density residential use. Existing land use patterns in the area typically consist of low density residential lots and vacant forested land.

- d. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification;**

The property is suitable for the uses which it has been restricted to under the existing zoning classification.

- e. Whether the rezoning is compatible with the adjacent neighborhood, especially concerning neighborhood stability and character;**

As previously mentioned, the specific use of the property, single family detached homes, is consistent with surrounding neighborhoods and aligns with Harrisburg Area Land Use Plan (HALUP).

- f. The length of time the subject property has remained vacant as zoned (if applicable);**

This property has been vacant.

- g. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs;**

Land supply is not a direct issue in this area.

6. Whether the existing zoning was in error at the time of adoption.

The existing zoning was not in error at the time of adoption.

APPROVAL:

The proposal is an annexation request to access Town's sewer, which requires the properties to be rezoned to Town's zoning classification RL (Residential Low Density) and meets dimensional requirements as noted in the Town's UDO.

RECOMMENDATION:

The rezoning request is consistent with the Harrisburg Area Land Use Plan. Planning and Zoning Department staff supports approval of the rezoning request.