



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

**April 19, 2022
6:00 PM**

AGENDA

1. MEETING INFORMATION

- A. Harrisburg Town Hall's Council Chambers will be open to attend the meeting in person - Masks are encouraged at your discretion.

The public also has the option to join the meeting virtually via the Zoom platform using the following link:

<https://us02web.zoom.us/j/84801299238?pwd=RkxCcjBNQlIUeCtoZWlwUVhKzBNdz09>

Webinar ID: 848 0129 9238

Passcode: 586737

Or join by phone:

312.626.6799

301.715.8592

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 the March 15, 2022 Planning and Zoning Board meeting.

4. OLD BUSINESS

5. NEW BUSINESS

- A. H2021-04 (R) – Conditional Rezoning and Zoning Map Amendment for Cook Out property off of Hwy 49 and Z-Max Blvd.

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 the March 15, 2022 Planning and Zoning Board meeting.

Presenting Personnel:

Suggested Motion or Action:

Motion to approve the meeting minutes of the March 15, 2022 Planning and Zoning Board meeting.

Description/Background:

Recommendation:

Fiscal Impact:

Attachments:

1. PZ MINS MARCH 15 22

**TOWN OF HARRISBURG, NORTH CAROLINA
PLANNING & ZONING ADVISORY BOARD MEETING
TUESDAY, MARCH 15, 2022**

MINUTES

1.

CALL TO ORDER

Thelma Thorne-Chapman called the meeting to order.

PRESENT: Rodney Garner, Thelma Thorne-Chapman, Kevin Schaffner, Kevin Hutchins, Jacob Carpenter

ABSENT: Andy Rathke

A.

AGENDA ADOPTION

MOTION

Kevin Hutchins made a motion to adopt the agenda as presented. Second was made by Rodney Garner.

The motion passed 5-0.

B.

SPECIAL PRESENTATIONS

C.

PUBLIC COMMENT

2.

CONSENT AGENDA

A. Planning Board meeting minutes of February 15, 2022, Planning and Zoning Board meeting.

MOTION

Kevin Schaffner made a motion to approve the Consent Agenda. Second was made by Kevin Hutchins. **The motion passed 5-0.**

3.

OLD BUSINESS

4.

NEW BUSINESS

A.

H2021-06-R Conditional Rezoning and Zoning Map Amendment for Properties off Robinson Church and Peach Orchard Rd

DRB Group, on behalf of the property owners of 3 parcels 5505-97-1603, 5505-98-4167, and 5515-08-5085 has submitted a request to rezone approximately 53.21 acres of land located on the northeastern corner of Robinson Church Road and Peach Orchard Road intersection. The applicant proposes to develop a single-family subdivision with 71 detached units with a minimum lot size of 15,000 sq. ft. To achieve this, the applicant is requesting that the property be rezoned from Countryside Residential (CR) in the County to CZ-RM-1 (Conditional Zoning Residential Medium Density). The proposed gross density of the site is 1.33 dwelling units per acre. The property is in the County and will require 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, along with the Rezoning Site Plan and supporting documents is attached for more information and 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. The 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 (HALUP) and the Unified Development Ordinance (UDO). 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 primary 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 other materials 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 to provide a minimum 8-foot landscape easement (4 feet on each side of the property line) for residential lots sharing a rear property line.
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 to fence surrounding detention pond shall be vinyl 4-rail farm fence, preferably white.
8. Applicant agrees to pay agreed upon fee-in-lieu of required common open space.
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

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

MOTION:

Kevin Hutchins made a motion to recommend approval of H2021-06-R with the following conditions and sent it on to the Town Council for their consideration with a second from Jacob Carpenter. **The motion passed 5-0.**

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:

Jacob Carpenter made a motion to approve the proposed Consistency Statement with a second from Kevin Hutchins. **The motion passed 5-0.**

5.

STAFF UPDATES/INFORMATION

- We will be holding a Neighborhood meeting this Thursday if you would like to attend, please do so.
- Our new Town Manager, Rob Donham, was sworn in at the last Town Council meeting.
- We will be bringing you guys' new projects soon, we have a lot of projects in the pipe line that are under review.

6.

ADJOURNMENT

MOTION:

There being no further business, Thelma Thorne-Chapman made a motion to adjourn, with a second from Jacob Carpenter. **The motion passed 5-0.**

Thelma Thorne-Chapman, Fill in Chairman

Carly Bedgood, Secretary



TOWN OF HARRISBURG

Agenda Item Details

Title:

H2021-04 (R) – Conditional Rezoning and Zoning Map Amendment for Cook Out property off of Hwy 49 and Z-Max Blvd.

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 Employment Center (EC) to Conditional General Commercial (CZ-GC), as requested by the applicant for the related property in application H2021-04 (R).

If denied, the following motion is suggested:

To deny the conditional rezoning request from Employment Center (EC) to Conditional General Commercial (CZ-GC), as requested by the applicant for the related property in application H2021-04 (R).

Description/Background:

Higgins Benjamin, PLLC, on behalf of the property owners of 2 parcels 5507-45-2736 and 5507-45-2524 has submitted a request to rezone approximately 1.145 acres of land located 5235 NC Hwy 49 on the southeast corner of the intersection at Z-Max Blvd. The applicant proposes to develop a drive-thru restaurant on the parcels. To achieve this, the applicant is requesting that the property be rezoned from EC (Employment Center) to CZ-GC (Conditional Zoning General Commercial) district.

The property is within the Town limits and will 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, along with the Rezoning Site Plan and supporting documents is attached for more information and your consideration. If approved, staff will continue reviewing the site plan in accordance with our Unified Development Ordinance (UDO) during the subsequent Construction Document (CDs) reviews. The staff is recommending approval of the rezoning request with conditions included in the staff report.

Recommendation:

With the conditions proposed, the rezoning request is consistent with the Harrisburg Area Land Use Plan (HALUP) and the Unified Development Ordinance (UDO). Planning and Zoning Department staff recommends the approval of the rezoning request with conditions.

Fiscal Impact:

None.

Attachments:

1. H2021-04R Rezoning Application
2. H2021-04R Site Location Map
3. H_2021_04_R Staff Report PB
4. H2021-04R Rezoning Site Plan
5. H2021-04R Architectural Renderings

6. H2021-04R Neighborhood Meeting Summary



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.



HarrisburgNC

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Subject Property Information

1. Street Address 5235 NC Hwy 49S and a portion of 5359 Z-Max Blvd, Harrisburg, NC
2. PIN(s) (10 digit#) 550 -- 745 -- 2736 ; 550 -- 745 -- 2524
3. Deed Reference Book 15517 Page 40
4. Township # 01

Description of Subject Property

5. Size (square feet or acreage) 1,145 acres
6. Street Frontage (feet) 305.52 feet on Z-Max Blvd and 192.71 feet on NC Hwy 49S
7. Current Land Use Vacant Industrial
8. Surrounding Land Use and Zoning Classification

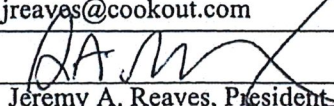
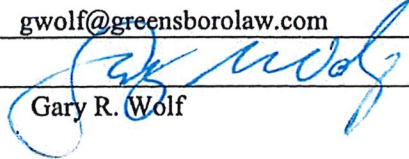
	GC		Restaurant
North: Zoning	<u>NC</u>	Land Use	<u>Office</u>
South: Zoning	<u>EC</u>	Land Use	<u>Town of Harrisburg park</u>
East: Zoning	<u>OI</u>	Land Use	<u>Cemetery</u>
West: Zoning	<u>EC</u>	Land Use	<u>Industrial</u>
9. Request to Change Zoning From EC to CZ GC
10. Is this a request for a Conditional Rezoning? YES ~~NOX~~
(If YES, you must also submit an application for a Conditional Rezoning)
11. Purpose for Request: Rezone for Cook Out Restaurant with drive-thrus



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	Cook Out-Harrisburg, Inc.
Address	15 Laura Lane, Suite 300, Thomasville, NC 27360
Phone	336-215-7025
Fax	
Email:	jreaves@cookout.com
Signature	 Jeremy A. Reaves, President
13. Agent (if any)	Gary R. Wolf, Higgins Benjamin, PLLC
Address	P.O. Box 20570, Greensboro, NC 27420-0570
Phone	336-808-8017
Fax	
Email	gwolf@greensborolaw.com
Signature	 Gary R. Wolf
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.



APPLICATION FOR CONDITIONAL REZONING

Applications for a Conditional District must be accompanied by an application for a Zoning Map Amendment.

1. Please submit fifteen (15) copies of a complete development plan in conformance with Appendix B, Section B-4 of the UDO (all conditional rezoning applications shall include a site specific development plan which, if approved, shall be binding on the property in question). If approved, a zoning site plan review and approval will be required to receive a zoning compliance permit. For specific requirements, please see the form entitled "Site Plan Requirements".
2. Please list the specific permitted land use(s) that you are proposing. Land use(s) shall be chosen from Article 4.6 in the Harrisburg UDO titled "Use Regulations" and shall correspond to the Zoning District requested.

Restaurant, Limited Service

Section 140.04.96 D

3. Please list any specific conditions that you would be willing to impose as part of this application (example: no outside storage permitted on-site, increased buffer width, etc.).

Extension of Building over Drive-thru aisles along frontage of NC Hwy 49 S as shown on site plan, elevations, and renderings



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Owner 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. In addition, it is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound by the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended through the rezoning process. It is further understood and acknowledged that it is the responsibility of the petitioner to file the development plan in the Cabarrus County Register of Deeds Office as a deed restriction upon the subject property.

If, after two years from the date of approval substantial construction has not begun, the property in question may revert to its prior zoning designation after a public hearing is held in compliance with the required procedure for a zoning map amendment.

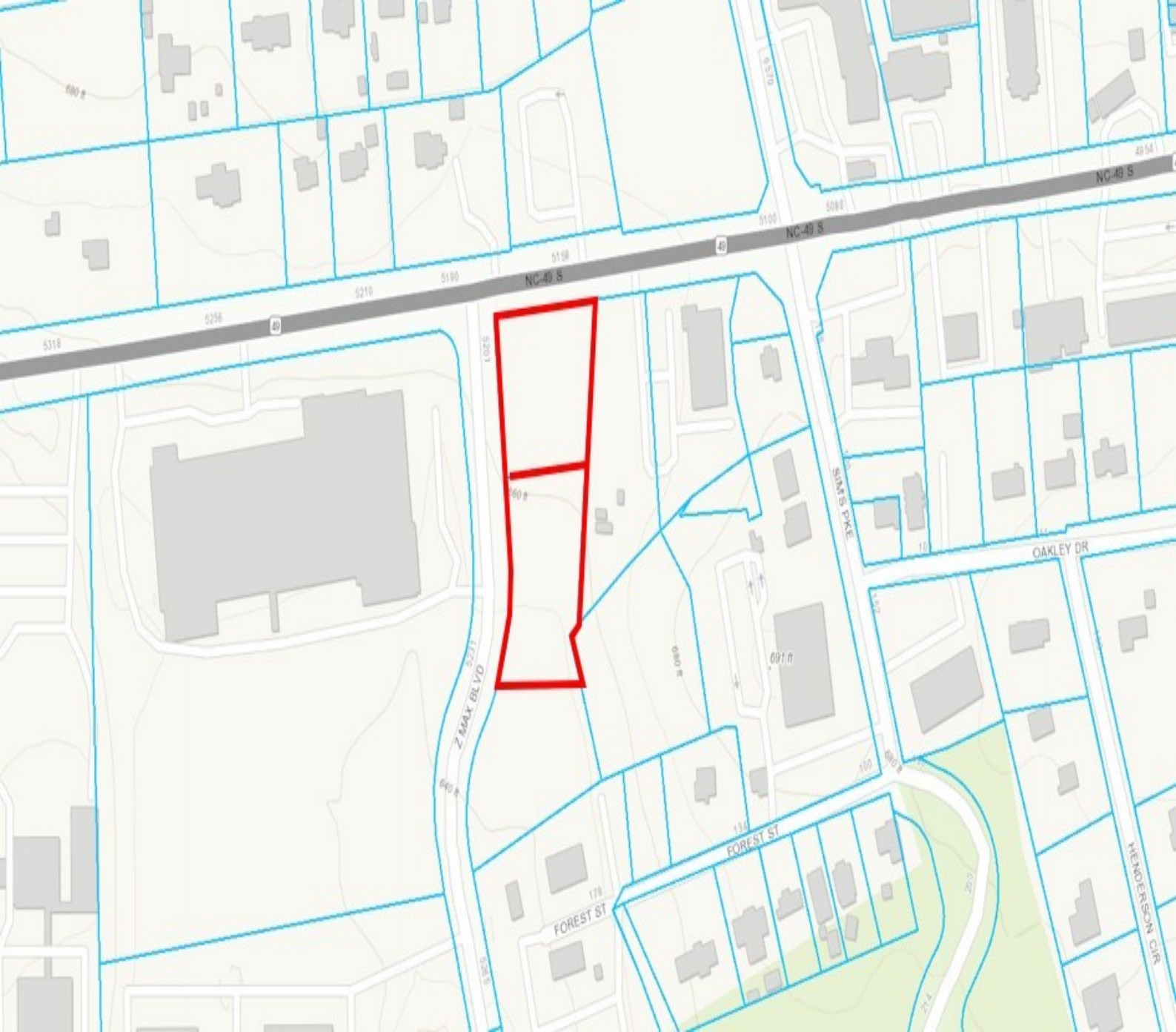
I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

Property Owner	Cook Out-Harrisburg, Inc.
Address	15 Laura Lane, Suite 300 Thomasville, NC 27360
Phone	336-215-7025
Fax	
Signature	 Jeremy A. Reaves, President

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.

OFFICIAL USE ONLY:

Petition Number: _____
Date Filed: _____
Received By: _____



Z MAX BLVD

SUN'S PKE

OAKLEY DR

HENDERSON CIR

FOREST ST

FOREST ST

NC-49 S

NC-49 S

NC-49 S

5310

5256

5210

5190

5150

5100

5080

4054

690 ft

1020

60 ft

600 ft

691 ft

10

157

100

690 ft

130

170

203

112



Town of Harrisburg
Planning and Economic Development Department
Rezoning Staff Report

DATE: April 11, 2022

SUBJECT: Cook Out

Request H-2021-04-(R): To rezone approximately 1.145 acres from EC (Employment Center) to CZ-GC (Conditional Zoning General Commercial)

Location: The subject property is located at 5235 NC Hwy 49 on the southeast corner of the intersection at Z-Max Blvd (PIN 5507-45-2736 and 5507-45-2524)

Applicant: Cook Out Harrisburg, represented by Higgins Benjamin, PLLC

Staff Report Prepared by: Craig Thomas, Senior Planner
Planning and Economic Development Department

Neighborhood Meeting: Held February 17, 2022

BACKGROUND:

Area: ±1.145 acres Total

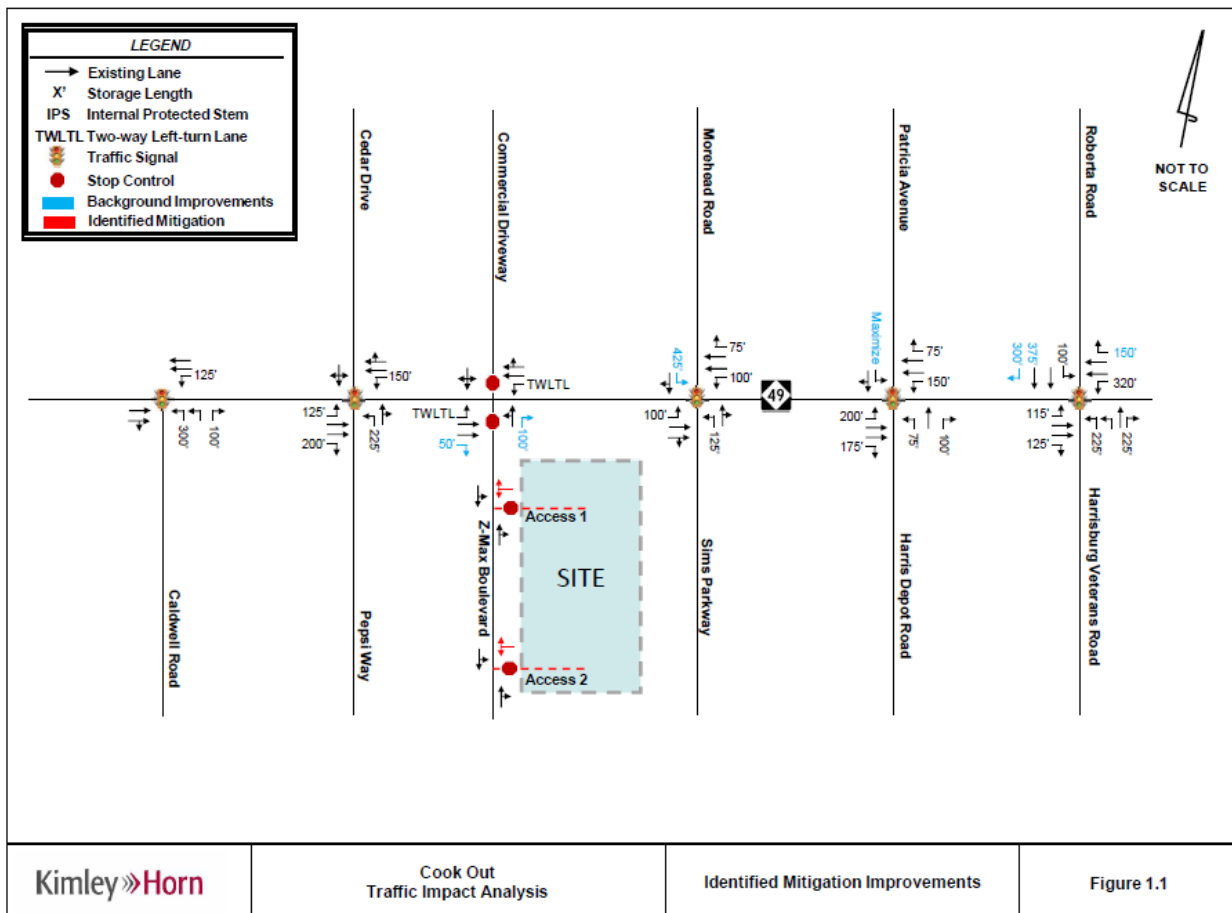
Existing Land Use: Vacant

Zoning within 500 feet: North - General Commercial (GC) and Neighborhood Commercial (NC), Town
South - Employment Center (EC), Town
East - General Commercial (GC) and Office and Institutional (O-I), Town
West - Employment Center (EC), Town

Land Uses within 500 feet: North - Restaurant and Office, Town
South - Vacant, Town
East - Retail, Town
West - Industrial, Town

APPLICATION SUMMARY:

- The applicant proposes to develop a drive-thru restaurant on the parcels. To achieve this, the applicant is requesting that the property be rezoned from EC (Employment Center) to CZ-GC (Conditional Zoning General Commercial) district.
- The property is 1.145 acres of vacant land.
- As a conditional zoning request, the applicant has submitted a site plan along with the request for rezoning, which is attached for your consideration.
- The property is within the town limits of the Town of Harrisburg and does not require Annexation.
- The applicant agrees to install the following road improvements per the Traffic Impact Analysis (TIA) completed for the project (see map below):
 - **Z-Max Boulevard and Access 1:**
 - Construction of the westbound approach with one ingress and one egress lane.
 - **Z-Max Boulevard and Access 2:**
 - Construction of the westbound approach with one ingress and one egress lane.



APPROVAL CRITERIA:

1. The size of the tract in question;

The subject property is approximately 1.145 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:

General Commercial (GC): *The GC district is established to provide areas for indoor commercial and some institutional uses in well-designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for an orderly transition between the NC district and more intense districts. Development site and buildings are of greater height and impervious surface, and provide for more auto-intensive establishments, than the NC district. Parking is largely accommodated by off-street parking lots. This district is ideally located on or within proximity to major and/or minor thoroughfares.*

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

“This area encourages the blending of complementary commercial, office and a mix of residential housing types. These areas typically offer a horizontal mix of uses where changes in use occur between adjacent buildings. Buildings are typically one and two stories. Designed to facilitate access via walking and biking, mixed-use areas should be located near potential commercial and mixed-use nodes where access via the road network, sidewalks, greenways, and/or future transit is feasible.”

Based on the description of the Mixed Use land use classification, proximity to similar uses, restaurant building design with extended connections, the rezoning 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-2** states that development should have access from local streets to minimize traffic volumes on key connectors and reduce turning movements. The proposed access to the site is from Z-Max Boulevard and eliminates an additional access on Hwy 49.

Recommendation LU-6 of the Plan seeks improved appearance and a higher level of quality. The conditional rezoning process encourages a higher level of investment in façade treatments and landscaping.

Recommendation LU-7 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 designates this area as Mixed Use and a GC zoning classification is deemed a suitable district.

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

The benefits to surrounding community would be the development of a currently vacant parcel. The Traffic Impact Analysis recommendation lessens the impact on Hwy 49 by designing the site to incorporate access on the secondary road (Z-Max Boulevard) as a means to mitigate and minimize the impact of additional trip generations in the area associated with this 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 lines exist along Hwy 49. Any utility line extensions or upgrades necessary to serve this development will be the responsibility of the developer.

b. Transportation:

A TIA was completed based on the size of the development and the anticipated amount of traffic generated by the project. All traffic improvements are detailed and depicted on a map in the Application Summary (above) and will be completed and delivered by the proposed project, as per that TIA.

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 commercial development will have no impact on Cabarrus County schools.

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 zoning is compatible with existing zoning along Hwy 49. Nearly all zoning along the Hwy 49 is commercial or industrial and the proposed rezoning will not adversely impact the immediate area. The stormwater generated will be managed internal to the site using stormwater control measures throughout the site. Lighting will be reviewed during the construction plan process to prevent excessive nighttime lighting or spillover to adjacent properties.

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

The development of this land would convert former vacant land into a commercial property and will not change the character of the area. The site has been designed to minimize any deterioration of the area or detrimental effects to surrounding properties.

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

The areas around this property are generally zoned commercial and industrial. Existing land use patterns in the area largely consist of commercial, service, retail, and a nearby industrial building.

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, drive-thru restaurant, is consistent with surrounding land uses and aligns with Harrisburg Area Land Use Plan (HALUP) Mixed Use designation.

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 of the property to the General Commercial (GC) district is consistent with the developmental standards established for the base GC Zoning District in the Unified Development Ordinance and Mixed-Use designation 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:

- Drive-through Restaurant

- 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 North Carolina Department of Transportation to ensure the highest of standards are met with the new development.

Landscaping buffers shown are adequate to meet the needs of the adjacent properties, and the building has been designed to incorporate the drive thru as part of the building to minimize the visual impacts from Hwy 49.

- 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 Board will need to adopt a consistency statement when a recommendation or decision is made on this item.

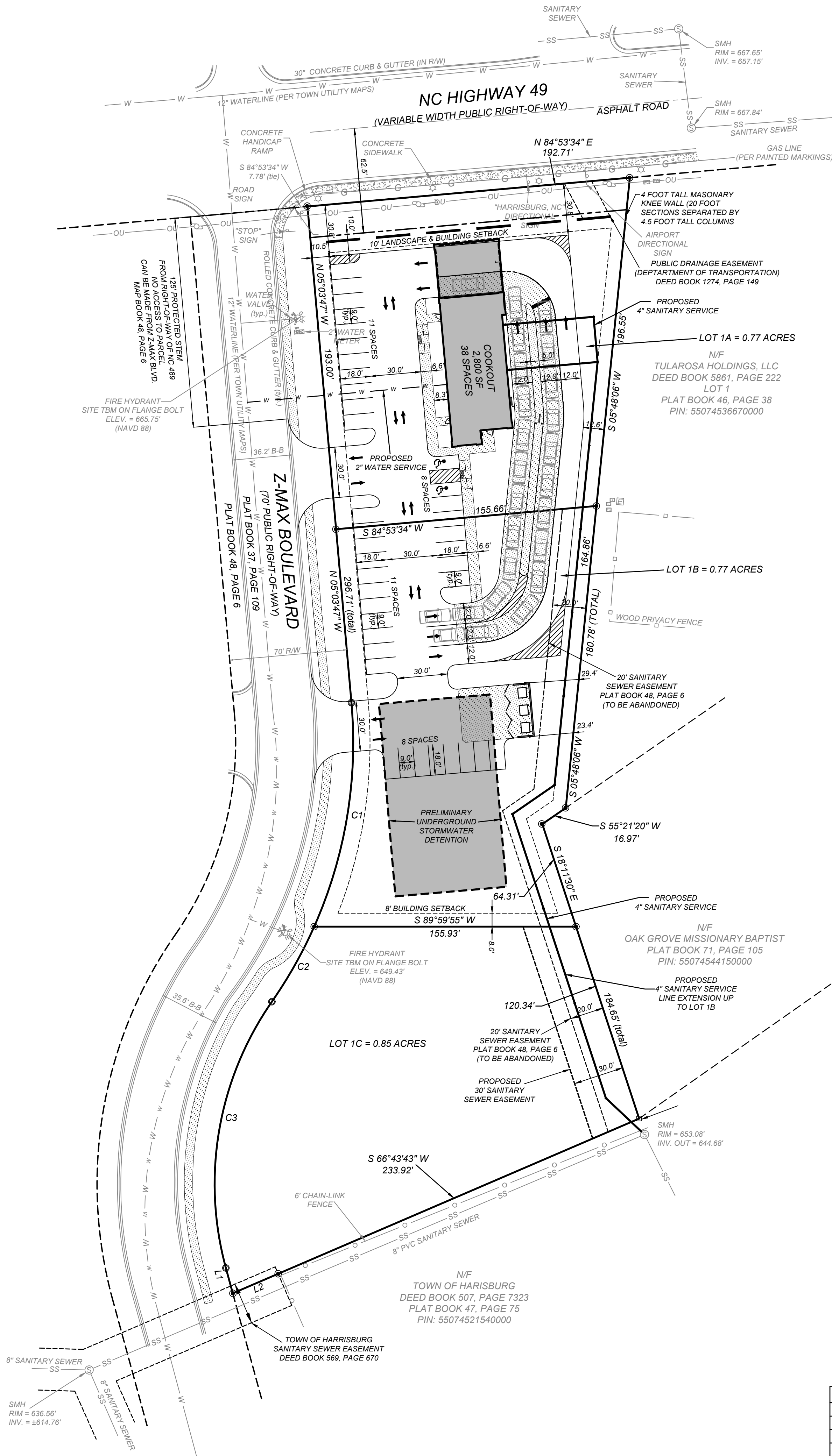
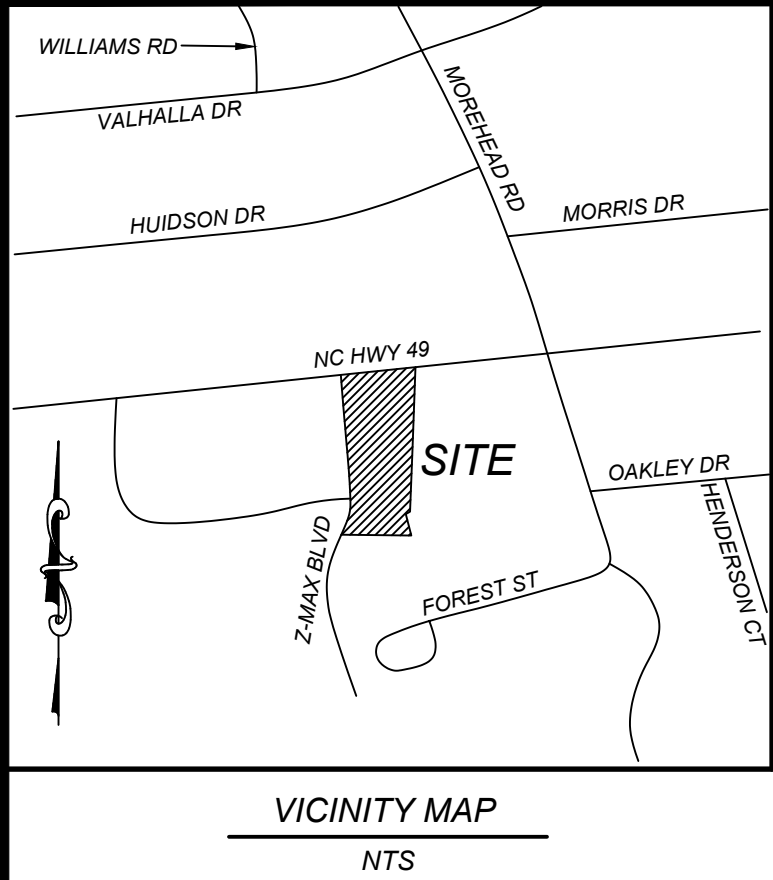
APPROVAL WITH CONDITIONS:

The proposal is a conditional re-zoning request. Conditions may be imposed on the zoning action; staff recommends that the following conditions be placed on this project. Applicant agrees to the following:

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 install all required improvements as required by the final approved Traffic Impact Analysis (TIA).
3. Applicant agrees that the permitted uses (P) outlined for this CZ-GC zoning in the Harrisburg Unified Development Ordinance be limited to a restaurant.
4. Applicant agrees that the attached site plan and architectural renderings, including an extension of the building over the drive-thru aisles along the Hwy 49 frontage, be included in the conditional zoning request.
5. Applicant agrees to provide easement at the corner of Hwy 49 and Z-Max Blvd on its property for the future installation of Town's monument sign.

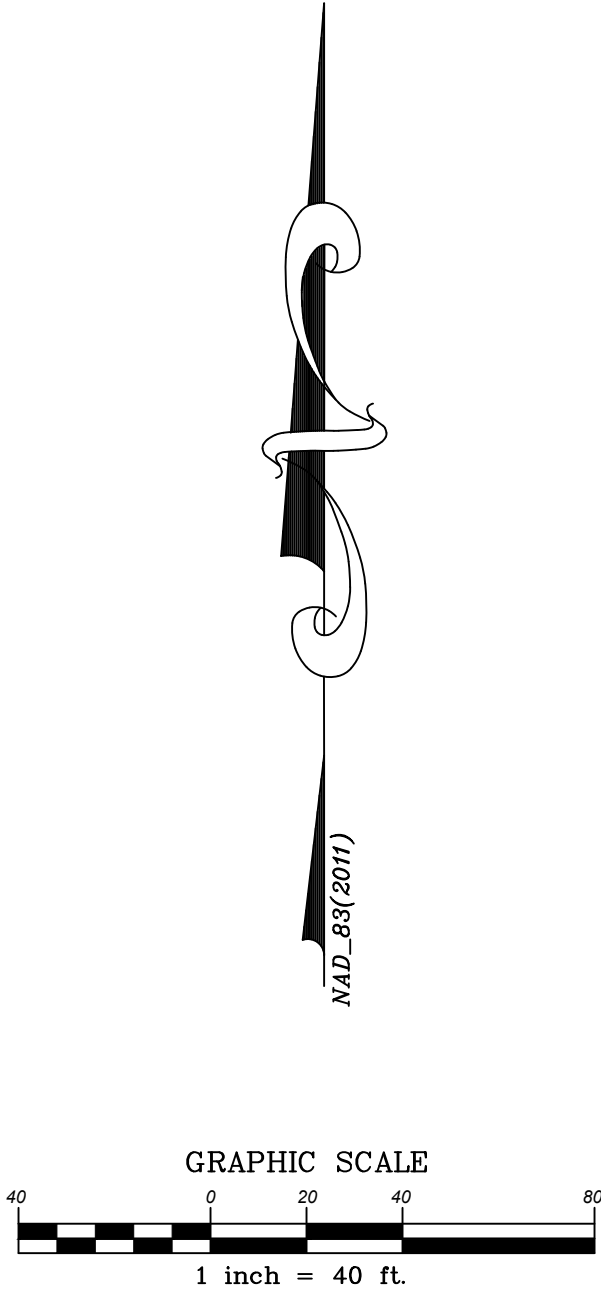
RECOMMENDATION:

With the proposed site plan and conditions proposed, the rezoning request is consistent with the Harrisburg Area Land Use Plan (HALUP) and the Unified Development Ordinance (UDO). Planning and Zoning Department staff supports approval of the rezoning request with conditions.



LINE TABLE			
LINE	BEARING	DISTANCE	
L1	N 15°15'46" W	15.62'	
L2	S 66°43'43" W	29.48'	

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	136.73'	270.00'	69.86'	135.27'	N 09°26'37" E	29°00'51"
C2	51.39'	270.00'	25.77'	51.32'	N 29°24'09" E	10°54'21"
C3	166.21'	190.00'	88.84'	160.96'	S 09°47'51" W	50°07'17"



REVISIONS			
NO.	DATE	DESCRIPTION	BY

**COMMERCIAL
SITE DESIGN**

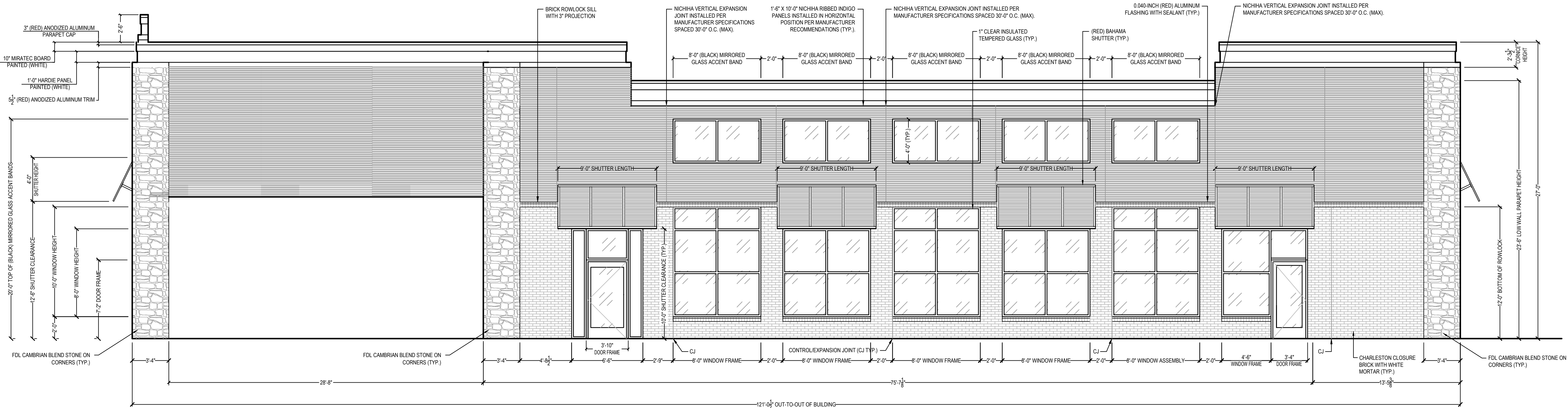
8812 CREEDMOOR ROAD
RALEIGH, NORTH CAROLINA 27615
PHONE: (919) 848-0121
WWW.CSITDESIGN.COM

CLIENT:

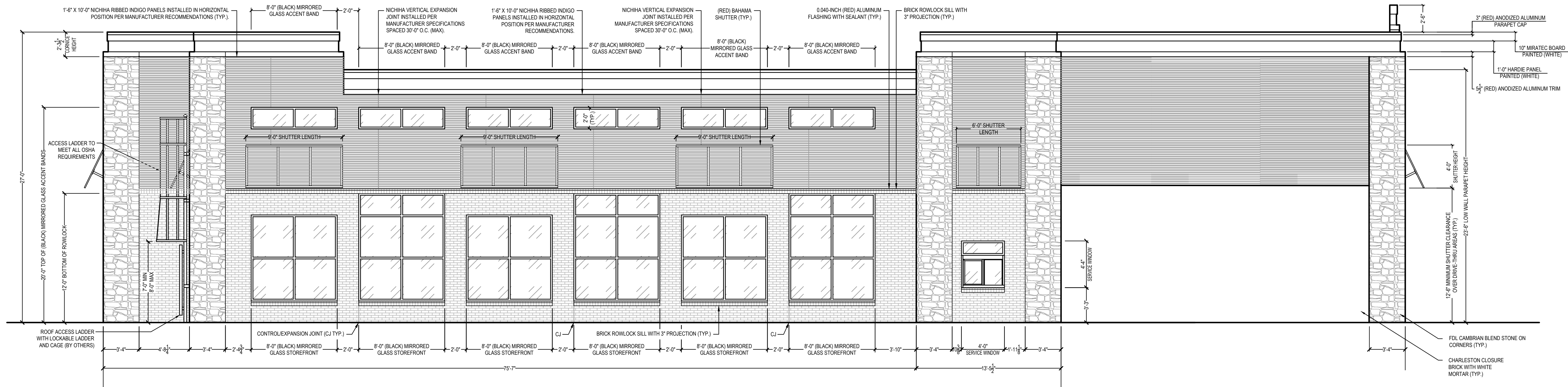
COOK OUT RESTAURANTS
15 LAURA LANE, SUITE 300
THOMASVILLE, NC 27380
PHONE: (336) 215-1025

COOKOUT
5161 Z-MAX BOULEVARD
HARRISBURG, NORTH CAROLINA
PRELIMINARY PLAN #12

PROJECT NO.	OUT-2045
FILENAME:	OUT2045-OS
DRAWN BY:	RCN
SCALE:	1" = 40'
DATE:	4-07-2022
SHEET NO.	PSP-12



1 RIGHT ELEVATION
A-3 SCALE: 3/16" = 1'-0"



MASONRY/STONE VENEER SPECIFICATIONS:
BRICK VENEER MFG: SCOTT STONE, INC.
BRICK COLOR: STATESVILLE CHARLESTON HARBOR CLOSURE BRICK
MORTAR COLOR: LEHIGH WHITE (TYPE S)
STONE VENEER MFG: SCOTT STONE, INC.
STONE COLOR: FDL CAMBRIAN BLEND (8020) NTV
MORTAR COLOR: BROMONT (TYPE S)
WATERTABLE/SILL: TN BLUE/GRAY

2 LEFT ELEVATION
A-3 SCALE: 3/16" = 1'-0"

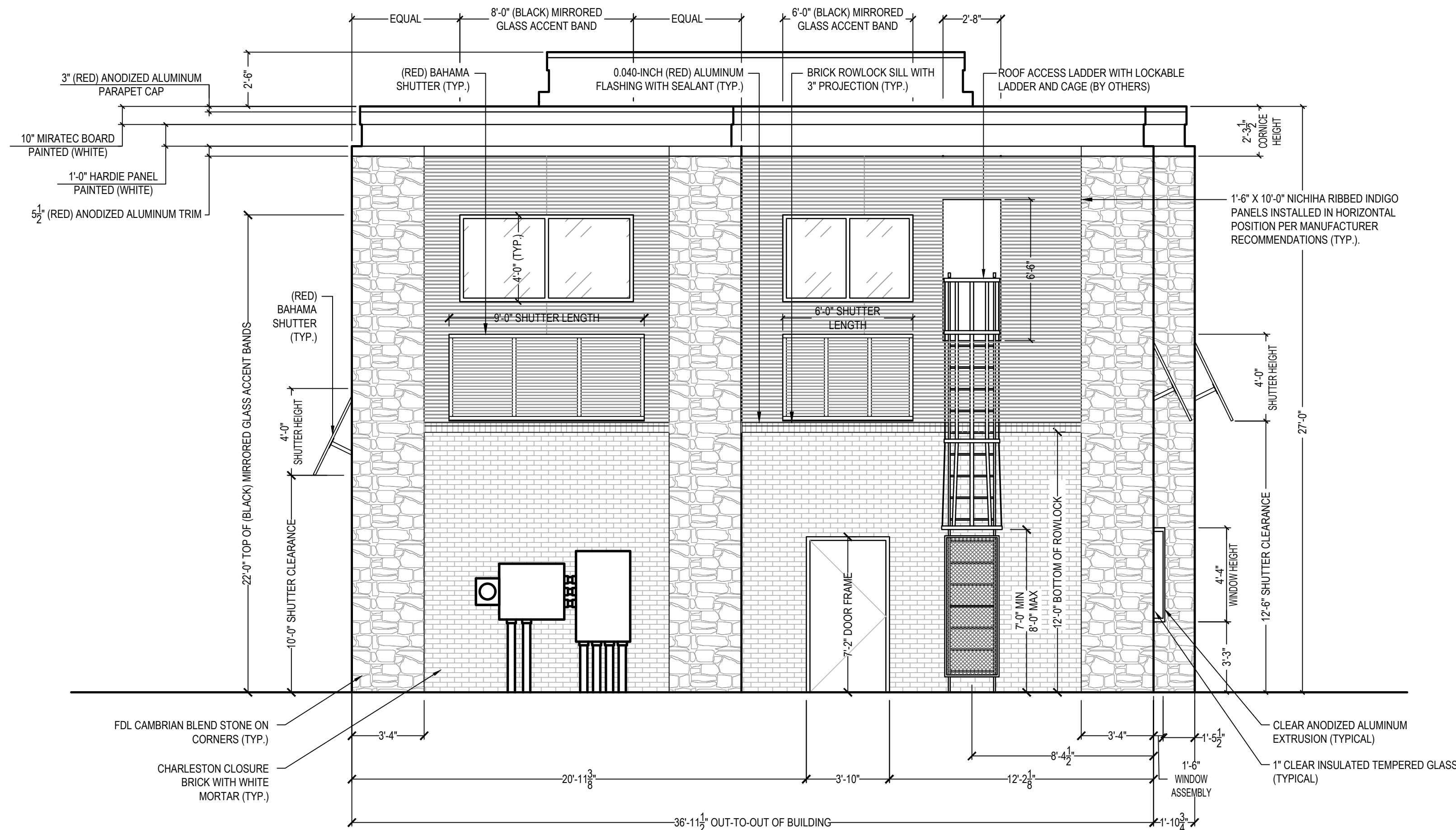
REV. NO.	DATE	DESCRIPTION
0	01/26/22	PRELIMINARY REVIEW

STAMP

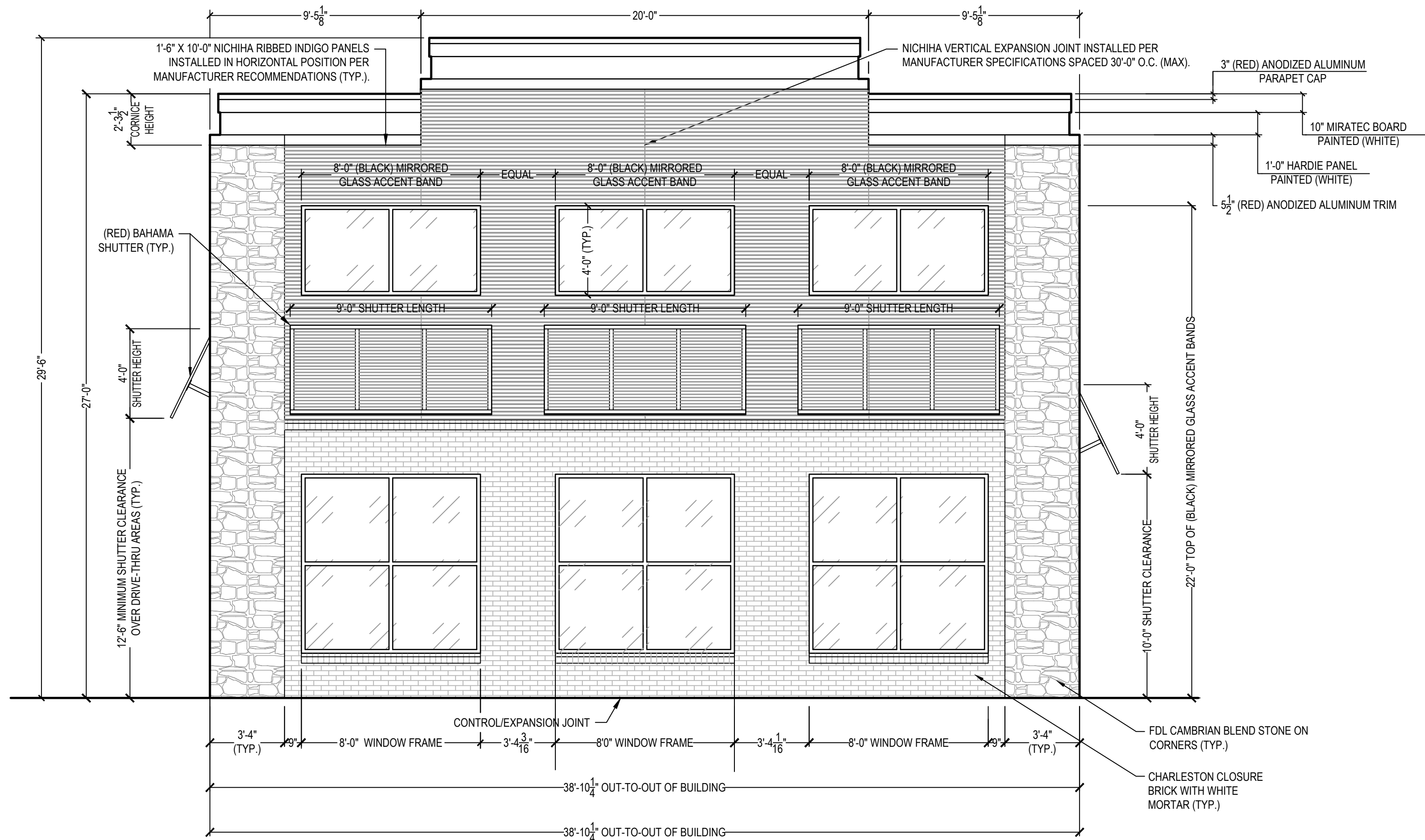
ALL ENGINEERING:
SUMMEY ENGINEERING ASSOC., PLLC
P.O. Box 988
Asheboro, NC 27204 (336) 328-0902
STRUCTURAL ENGINEERING
SUMMEY ENGINEERING ASSOC., PLLC
P.O. Box 988
Asheboro, NC 27204 (336) 328-0902
MECHANICAL, ELECTRICAL & PLUMBING ENGINEERING
SUMMEY ENGINEERING ASSOC., PLLC
P.O. Box 988
Asheboro, NC 27204 (336) 328-0902

KEY PLAN

JOB NO. E-7069
DRAWN
CHECKED
DATE 01/26/2022
TITLE EXTERIOR ELEVATIONS



1 REAR ELEVATION
A-4 SCALE: 1/4" = 1'-0"



MASONRY/STONE VENEER SPECIFICATIONS:			
BRICK VENEER MFG:	SCOTT STONE, INC.		
BRICK COLOR:	STATESVILLE CHARLESTON HARBOR CLOSURE BRICK		
MORTAR COLOR:	LEHIGH WHITE (TYPE S)		
STONE VENEER MFG:	SCOTT STONE, INC.		
STONE COLOR:	FDL CAMBRIAN BLEND (80/20) NTV		
MORTAR COLOR:	BRIXMENT (TYPE S)		
WATERTABLE/SILL:	TN BLUE/GRAY		

2 FRONT ELEVATION
A-4 SCALE: 1/4" = 1'-0"

REV. NO.	DATE	DESCRIPTION
0	01/26/22	PRELIMINARY REVIEW

STAMP

ALL ENGINEERS:
SUMMEY ENGINEERING ASSOC., PLLC
P.O. Box 988
Asheboro, NC 27204 (336) 328-0902
STRUCTURAL ENGINEERING
SUMMEY ENGINEERING ASSOC., PLLC
P.O. Box 988
Asheboro, NC 27204 (336) 328-0902
MECHANICAL, ELECTRICAL & PLUMBING ENGINEERING
SUMMEY ENGINEERING ASSOC., PLLC
P.O. Box 988
Asheboro, NC 27204 (336) 328-0902

BUILDING PLANS FOR
COOK-OUT RESTAURANTS
5161 Z-MAX BOULEVARD
HARRISBURG, CABARRUS COUNTY, NORTH CAROLINA

KEY PLAN

JOB NO. E-7069
DRAWN
CHECKED
DATE 01/26/2022
TITLE
EXTERIOR ELEVATIONS

SHEET NO. A-4









NEIGHBORHOOD MEETING REPORT FOR COOK OUT RESTAURANTS

Petitioner: Cook Out-Harrisburg, Inc.

**Property: Parcel PINs 5507-45-2736 and 5507-45-2524, located on NC Hwy 49
at the intersection of Z-Max Boulevard.**

This Neighborhood 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 Neighborhood Meeting was held on **February 17, 2022**. The Town of Harrisburg mailed a written notice of the date, time, and details of the Neighborhood Meeting to the individuals and organizations as required by Ordinance.

TIME AND DATE OF MEETING:

The Neighborhood Meeting required by the Ordinance was held on **February 17, 2022, at 6:00 PM.**

PERSONS IN ATTENDANCE AT MEETING:

Harrisburg staff documented the list of registered attendees from the required Neighborhood Meeting. The Petitioner's representatives at the required Neighborhood Meeting were Jeremy A. Reaves, President of Cook Out Restaurants, Chris Clayton with Commercial Site Design in Raleigh, NC, and Gary R. Wolf of Higgins Benjamin, PLLC, counsel for Petitioner.

SUMMARY OF ISSUES DISCUSSED AT MEETING:

I. Overview of Petitioner's Presentation.

Introduction and Overview of Development Plan.

Petitioner's Counsel, Gary R. Wolf, presented the proposed site with the surrounding uses, the proposed site plan, renderings and elevations of the proposed restaurant.

The graphic depicting the proposed changes is below:

See attached PowerPoint slides presented by Petitioner

The Planning Director then opened the meeting up for questions.

II. Summary of Questions/Comments and Responses:

Other than the attendance of council members, Rodney Dellinger and Ian Patrick, there were no residents or members of the public in attendance. There were no questions/comments in response to the Petitioner's presentation.

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



COOK OUT
RESTAURANTS

TOWN OF
HARRISBURG

NEIGHBORHOOD
MEETING
FEBRUARY 17, 2022











NC HIGHWAY 49
PUBLIC RIGHT-OF-WAY VARIES

Z-MAX BOULEVARD
60' PUBLIC RIGHT-OF-WAY
MB. 37, PG. 109

LOT 1A
0.772 ACRES
M.B. 48 PG. 6
AREA = 0.772 AREAS

LOT 1B
0.772 ACRES
M.B. 48 PG. 6

COOKOUT
2,800 SF
39 SPACES

8" FOUNDATION YARD REQUIRED

11 SPACES

9 SPACES

7 SPACES

11 SPACES

10' BUILDING SETBACK & STREET YARD

10' LANDSCAPE BUFFER

8" BUILDING SETBACK

8" DIA. WATER FEATURE

20' SEWER EASEMENT

INSTALL PATIO WALL SCREEN

CONSTRUCT NEW SIDEWALK

NOTE:
SETBACKS ASSUME A REZONING TO C-2

PRELIMINARY PLAN #10

COOKOUT
5161 ZMAX BOULEVARD
HARRISBURG, NORTH CAROLINA

COMMERCIAL SITE DESIGN

RED CROSS CHURCH ROAD
HALLSBURY, NORTH CAROLINA 28626
(919) 848-4021 FAX: (919) 848-4741
WWW.KSHDESIGN.COM

10' BUILDING SETBACK
& STREET YARD

CONSTRUCT
NEW
SIDEWALK

Z-MAX BOULEVARD
EAST PUBLIC RIGHT-OF-WAY

CONSTRUCT-
NEW
SIDEWALK

NOTE:
SETBACKS ASSUME A
REZONING TO C-2

PROJECT NO.	OUT-2045
FILENAME:	OUT2045-SK10
SCALE:	1"= 50'
DATE:	01-31-2022

PRELIMINARY PLAN #10

COOKOUT
5161 ZMAX BOULEVARD
HARRISBURG, NORTH CAROLINA

BUILDING SETBACK—
STREET YARD

LOT 1A
0.772 ACRES
M.B. 48 PG. 6
AREA = 0.772 AREAS

- 10' LANDSCAPE
BUFFER

TULAROSA
HOLDINGS, LLC
DB. 5861, PG. 19
LOT 1, MB. 46, PG 38
5507-45-3667

8' BUILDING
SETBACK

— INSTALL PATIO

16' DIA.
-WATER
FEATURE

20.0' SEWER
EASEMENT

ADDITIONAL ACREAGE
TO BE ACQUIRED 0.37
ACRES

10' LANDSCAPE
BUFFER

LOT 18
0.772 ACRES
M.B. 48 PG. 6

6972 CREEKWOOD ROAD
RALEIGH, NORTH CAROLINA 27603

(979) 848-6121, FAX: (979) 848-3741
WWW.CSIIDESIGN.COM



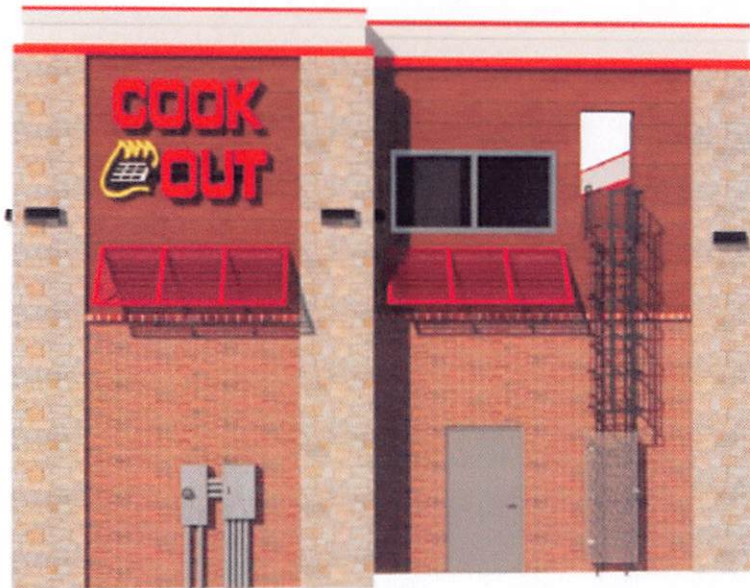
Highway 49 Facade



Z-Max Boulevard Facade



Eastern Facade



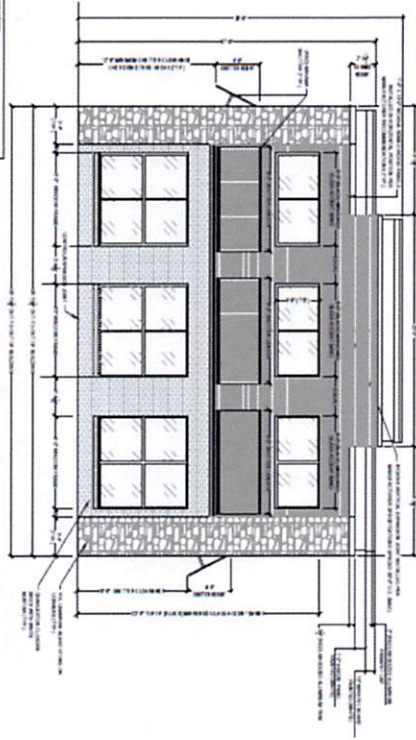
Rear Facade

PROJECT: COOK-OUT RESTAURANTS
 LOCATION: 5161 Z-MAX BOULEVARD
 HARRISBURG, CHESAPEAKE COUNTY, NORTH CAROLINA
 DATE: 08/11/2011
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

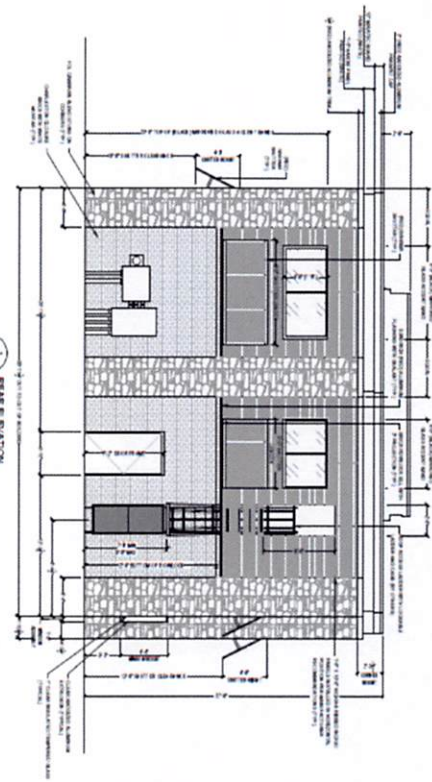
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 153 3/4" = 1845'-0"
 154" = 1848'-0"
 154 1/4" = 1851'-0"
 154 1/2" = 1854'-0"
 154 3/4" = 1857'-0"
 155" = 186

PROJECT: COOK-OUT RESTAURANTS
 5107 ZIMMERMAN BOULEVARD
 HARRISBURG, NORTH CAROLINA
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]

FRONT ELEVATION
 1/4" = 1'-0"



REAR ELEVATION
 1/4" = 1'-0"



COOK-OUT RESTAURANTS
 5107 ZIMMERMAN BOULEVARD
 HARRISBURG, CAROLINA COUNTY, NORTH CAROLINA

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 Harrisburg, NC 27834
 Phone: (704) 667-2000
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 Email: brian@brianlathrop.com