



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

**May 17, 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/89650202404?pwd=WTlubklQVUxzEYzUUppRWILS0RIZz09>

Webinar ID: 896 5020 2404

Passcode: 357361

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 April 19, 2022 Planning and Zoning Board meeting.

4. OLD BUSINESS

5. NEW BUSINESS

- A. H2022-02-R: Consider rezoning a portion of parcel (PIN 5517-31-9093) off Stallings Rd for a single-family home.
- B. H2022-04-R: Consider rezoning of a parcel at 9625 Reedy Ln associated with an annexation request for the town's services.

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 April 19, 2022 Planning and Zoning Board meeting.

Presenting Personnel:

Suggested Motion or Action:

Motion to approve the meeting minutes of the April 19, 2022 Planning and Zoning Board meeting.

Description/Background:

Recommendation:

Fiscal Impact:

Attachments:

1. PZ MINS APRIL 19 2022

**TOWN OF HARRISBURG, NORTH CAROLINA
PLANNING & ZONING ADVISORY BOARD MEETING
TUESDAY, APRIL 19, 2022**

MINUTES

1.

CALL TO ORDER

Andy Rathke called the meeting to order.

PRESENT: Thelma Thorne-Chapman, Kevin Schaffner, Jacob Carpenter, Andy Rathke

ABSENT: Kevin Hutchins, Rodney Garner

A.

AGENDA ADOPTION

MOTION

Kevin Schaffner made a motion to adopt the agenda as presented. Second was made by Jacob Carpenter.

The motion passed 4-0.

B.

SPECIAL PRESENTATIONS

C.

PUBLIC COMMENT

2.

CONSENT AGENDA

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

MOTION

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

3.

OLD BUSINESS

4.

NEW BUSINESS

A.

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

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 ZMax 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.

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.

MOTION:

Thelma Thorne Chapman made a motion to recommend approval of H2021-04-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 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:

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

5.

STAFF UPDATES/INFORMATION

- Thursday we will be holding a Neighborhood meeting.
- We have a lot of activity on HWY 49, many projects are starting and finishing up at the same time.
- Several projects are being reviewed by the Planning Staff.
- The Blackwelder rezoning project that was denied may come back to the board, they have had some talk about changing what was presented before.
- Pet suites should be opening any day now.
- Panera will be breaking ground at their site soon.
- We will be setting up a training for the Planning Board in the next couple of weeks, I will be sending out more information on that soon.

6.

ADJOURNMENT

MOTION:

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

Andy Rathke, Chairman

Carly Bedgood, Secretary



TOWN OF HARRISBURG

Agenda Item Details

Title:

H2022-02-R: Consider rezoning a portion of parcel (PIN 5517-31-9093) off Stallings Rd for a single-family home.

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 Rural Estate (RE), as requested by the applicant for the related property in application H2022-02 (R).

If denied, the following motion is suggested:

To deny the rezoning request from Low Density Residential (LDR) in the County to Town's Residential Rural Estate (RE), as requested by the applicant for the related property in application H2022-02 (R)

Description/Background:

The property owners of parcel 5517-31-9093 have submitted a request to subdivide and rezone a portion of this parent parcel, approximately 4.25 acres of land located off Stallings Rd and annex into the Town. A portion of the proposed parcel is currently in the Town's ETJ and remainder in the County, rezoning/annexation will keep the parcel in one jurisdiction and allow to build a single-family home on the newly created lot. To achieve this, the applicant is requesting that the properties be rezoned from County LDR (Low Density Residential) to RE (Residential Rural Estate). The RE district has a maximum density of 0.80 dwelling unit per acre. The proposed density is 0.24 dwelling units per acre and the lot meets the RE dimension requirements per the UDO.

The newly created lot will require annexation to take it out of the County and the Town's ETJ. 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 request as 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. H2022-02-R Application
2. H2022-02-R Site Map
3. H2022-02-R Staff Report PB
4. H2022-02-R Survey



HarrisburgNC

The right side of opportunity

Subject Property Information

1. Street Address A PART OF 3151 STALLINGS RD.
2. PIN(s) (10 digit#) 5517 -- 31 -- 9093
3. Deed Reference Book 12440 Page 257
4. Township # 1

Description of Subject Property

5. Size (square feet or acreage) 4.25 ACRES
6. Street Frontage (feet) +/- 519'
7. Current Land Use FARM
8. Surrounding Land Use and Zoning Classification
 - North: Zoning RM Land Use RESIDENTIAL
 - South: Zoning LDR Land Use FARM
 - East: Zoning LDR Land Use FARM
 - West: Zoning RE Land Use FARM
9. Request to Change Zoning From LDR to RE
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: _____



HarrisburgNC

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.

- JAMES R. FLOWERS, JR. AND WIFE**
12. Property Owner VIRGINIA K. FLOWERS
- Address 7029 KITTY HAWK LN. INDIAN LAND S.C. 29707
- Phone (704) 574-1008
- Fax N/A
- Email: Jim@bvbproperties.com
- Signature Virginia K. Flowers
13. Agent (if any) _____
- Address _____
- Phone _____
- Fax _____
- Email _____
- Signature _____
14. Applicant (if any) Virginia K. Flowers
- Address 7029 Kitty Hawk Lane Indian Land, S.C. 29707
- Phone (704) 562-4835
- Fax _____
- Email virginiaflowers44@gmail.com
- Signature Virginia K. Flowers

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.



HarrisburgNC

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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

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

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

AMELIA F. TURNER

Address

2900 STALLINGS RD.
HARRISBURG NC 28075

Phone

Fax

N/A

Email:

afturner7@gmail

Signature

Amelia F. Turner

13. Agent (if any)

Address

Phone

Fax

Email

Signature

14. Applicant (if any)

Amelia F. Turner

Address

2900 Stallings Rd. Harrisburg, NC

Phone

7806217736

Fax

Email

afturner7@gmail

Signature

Amelia F. Turner

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.





Town of Harrisburg
Planning and Economic Development Department
Rezoning Staff Report

DATE: May 10, 2022

SUBJECT:

Request H-2022-02-(R): To rezone approximately 4.25 acres from County LDR (Low Density Residential) to RE (Rural Estate)

Location: The subject property is located on Stallings Road across from Cotton Street (portion of PIN 5517-31-9093)

Applicant: James Flowers

Staff Report Prepared by: Craig Thomas, Senior Planner

Neighborhood Meeting: N/A

BACKGROUND:

Area: ±4.25 acres Total

Existing Land Use: Vacant/Single-Family Residential

Zoning within 500 feet: North - Countryside Residential (RM), Town of Harrisburg
South - Low Density Residential (LDR), Cabarrus County
East - Low Density Residential (LDR), Cabarrus County
West - Office and Institutional (O-I) and Rural Estate (RE), Town

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

APPLICATION SUMMARY:

- The applicant proposes to annex/rezone portion of parcel PIN 5517-31-9093 into the Town of Harrisburg. A portion of the proposed single-family lot is currently in the Town's ETJ and remainder in the County, rezoning/annexation will keep the parcel in one jurisdiction and get access to town's services.
- The portion in the Town's ETJ is zoned RE (Rural Estate) and the remainder zoned County LDR (Low Density Residential). The request is to annex the county portion into the Town and zone the entire new parcel to RE (Rural Estate).
- The RE district has a maximum density of 0.80 dwelling unit per acre. The proposed density is 0.24 dwelling units per acre and the lot meets the RE 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 contiguous to the current Town of Harrisburg corporate limits.

APPROVAL CRITERIA:

1. The size of the tract in question;

The subject property is approximately 4.25 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:

***RE:** The RE district is established to provide transition areas between low- and medium- or high-density residential land uses, designed as larger, estate-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 **Medium Density Residential**. The description of Medium Density Residential is as follows:

“This area is comprised of predominantly single-family detached homes but may include attached single family units, such as townhomes and duplexes. The mix of housing types are intended to create neighborhoods with a density range of 2 to 3 dwelling units per acre. Improved open spaces are interspersed and the streetscape is more formal.”

Based on the description of the Medium Density 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 owner to build a single family home and maintain the low density character of what is currently a vacant parcel along the south side of Stallings Road.

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 Medium Density Residential, and although the proposed density of 0.24 dwelling units per acre is less than the standards set forth in the HALUP, the proposed density does not exceed those standards and is compatible with the standards designated by the RE 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 0.24 dwelling units per acre could be achieved under the proposed zoning, and annexation allows access to town offered services.

The addition of one single-family detached home has no detrimental impact to the surrounding community. The construction of one new home 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, subject to availability being allocated by the Town’s Wastewater Allocation Committee. Water is available along Stallings Road and sewer access is available in neighborhoods to the north, south, and east of the property. 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 one (1) lot and one home 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 (0.24 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 lot, 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 to medium density residential use and a school. Existing land use patterns in the area typically consist of low to medium density residential lots, institutional, 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 applicant proposes to annex/rezone portion of parcel PIN 5517-31-9093 into the Town of Harrisburg. A portion of the proposed single-family lot is currently in the Town's ETJ and remainder in the County, rezoning/annexation will keep the parcel in one jurisdiction and get access to town's services. The proposed lot meets dimensional requirements in the UDO for Residential Rural Estate (RE) district.

RECOMMENDATION:

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

CERTIFICATE OF OWNERSHIP
WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT, ESTABLISHED MINIMUM BUILDING LINES, AND DEDICATE ALL ROADS, ALLEYS, WALKS, PARKS, AND OTHER SITES TO THE PUBLIC USE EXCEPT AS NOTED. FURTHER, WE CERTIFY THE LAND AS SHOWN HEREON IS WITHIN THE PLATTING JURISDICTION OF CABARRUS COUNTY.

BY: _____ DATE
OWNER

BY: _____ DATE
OWNER

BY: _____ DATE
OWNER

CERTIFICATE OF APPROVAL BY THE SUBDIVISION ADMINISTRATOR

I, _____, Subdivision Administrator of Cabarrus County hereby approve the final plat entitled "MINOR SUBDIVISION PLAT: THE PROPERTY OF JAMES R. FLOWERS, Jr. and wife, VIRGINIA KALE FLOWERS on the _____ day of _____, 2021.

Administrator

PLAT REVIEW OFFICER CERTIFICATE

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

I, _____, REVIEW OFFICER OF CABARRUS COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER

DATE

CERTIFICATE OF FINAL PLAT APPROVAL

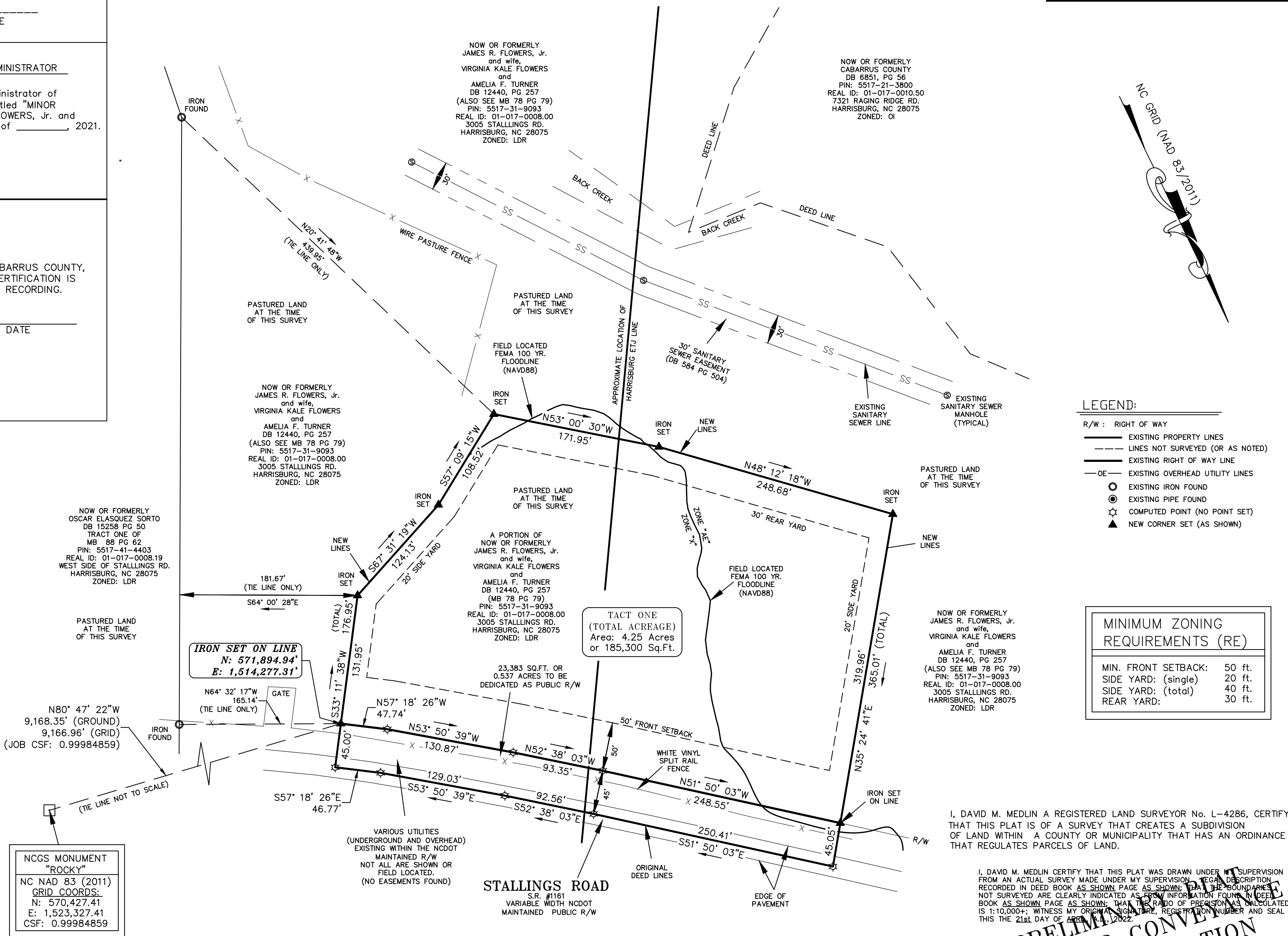
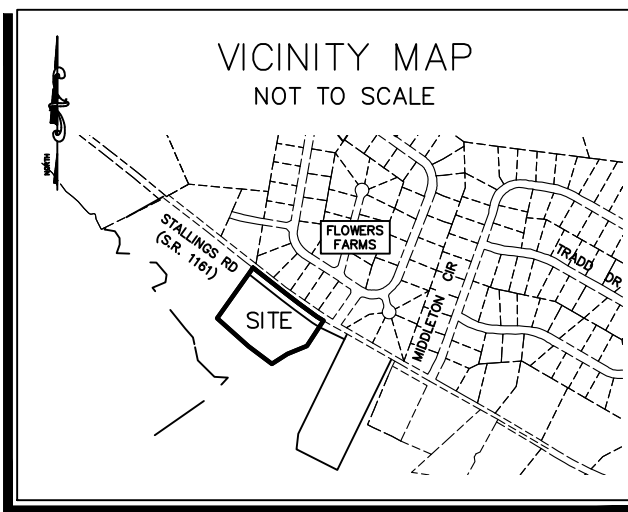
IT IS HEREBY CERTIFIED THAT THIS PLAT IS IN COMPLIANCE WITH THE SUBDIVISION REGULATIONS OF THE HARRISBURG TOWN COUNCIL, OR THEIR DESIGNATED REVIEW COMMITTEE, SUBJECT TO ITS BEING RECORDED WITH THE CABARRUS COUNTY REGISTER OF DEEDS WITHIN 30 DAYS OF THE DATE BELOW.

DATE

DIRECTOR OF PLANNING

DATE

DIRECTOR OF ENGINEERING AND PUBLIC WORKS



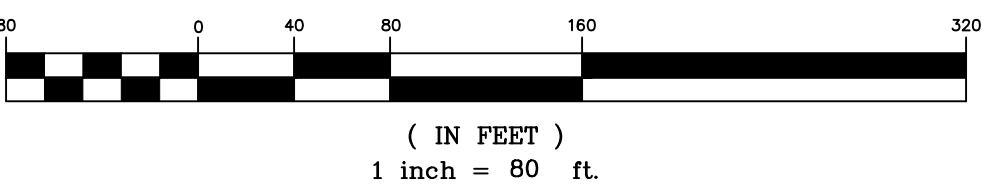
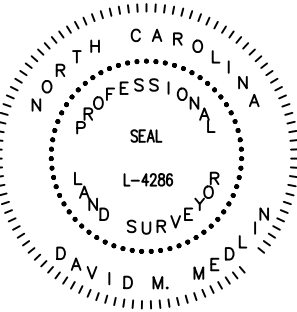
- LEGEND:
- R/W : RIGHT OF WAY
 - EXISTING PROPERTY LINES
 - LINES NOT SURVEYED (OR AS NOTED)
 - EXISTING RIGHT OF WAY LINE
 - OE --- EXISTING OVERHEAD UTILITY LINES
 - EXISTING IRON FOUND
 - EXISTING PIPE FOUND
 - ☆ COMPUTED POINT (NO POINT SET)
 - ▲ NEW CORNER SET (AS SHOWN)

MINIMUM ZONING REQUIREMENTS (RE)	
MIN. FRONT SETBACK:	50 ft.
SIDE YARD: (single)	20 ft.
SIDE YARD: (total)	40 ft.
REAR YARD:	30 ft.

I, DAVID M. MEDLIN A REGISTERED LAND SURVEYOR No. L-4286, CERTIFY THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

I, DAVID M. MEDLIN CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. LEGAL DESCRIPTION RECORDED IN DEED BOOK AS SHOWN PAGE AS SHOWN. IF BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS FROM INFORMATION FOUND IN DEED BOOK AS SHOWN PAGE AS SHOWN; THAT THE RADIO OF PRECISION AS CALCULATED IS 1:10,000+; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS THE 21st DAY OF APRIL 2022.

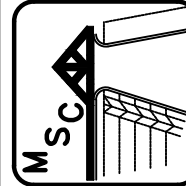
PRELIMINARY PLAT
NOT FOR CONVEYANCE
OR RECORDATION



NOTES:

- BOUNDARY SURVEY MADE USING:
DEED BOOK: PAGE:
12440 257
208 28
584 504
PLAT BOOK: PAGE:
78 79
AND OTHERS, AS SHOWN AND RECORDED IN CABARRUS CO. REGISTER OF DEEDS
- TAX PARCEL : 5517-31-9093; REAL ID: 01-017-008.00
- IRON PINS ESTABLISHED AT ALL CORNERS (UNLESS OTHERWISE NOTED)
- TITLE SEARCH NOT DONE BY MEDLIN SURVEYING CO.
PROPERTY SUBJECT TO ANY RECORDED EASEMENTS NOT SHOWN ON THIS SURVEY
- SUBJECT PROPERTY LIES WITHIN FEMA AREA "X" AND "AE"
(FEMA MAP # 3710551700K - EFFECTIVE DATE 8/30/2018).
- AREA BY COORDINATE GEOMETRY METHOD
- SUBJECT PROPERTY IS CURRENTLY ZONED: LDR (CABARRUS COUNTY).
AS SHOWN: WITH PROPOSED ZONING OF "RE" (TOWN OF HARRISBURG).

NCGS MONUMENT
"ROCKY"
NC NAD 83 (2011)
GRID COORDS:
N: 570,427.41
E: 1,523,327.41
CSF: 0.99984859



MEDLIN
SURVEYING CO.

2915 STALLINGS RD.
HARRISBURG, NC 28075
Cell: 704-201-4332
EMAIL: MEDLINSURVEY@YAHOO.COM

Revisions:
4/21/22: REVISED SETBACKS & RW DEDICATION-PER COMMENTS.

Scale: 1"=80'
Date: NOV. 06, 2021
Drawn By: DIM
Surveyed By: DIM
Job No.: KENT 4.25
FLOWERS - FINAL-4-21-2022-V2020.DWG

MINOR SUBDIVISION OF A PORTION OF

THE PROPERTY OWNED BY:

JAMES R. FLOWERS, Jr. and wife, VIRGINIA KALE FLOWERS

AND AMELIA F. TURNER

PIN: 5517-31-9093; REAL ID: 01-017-008.00

3151 STALLINGS ROAD, HARRISBURG, N.C. 28075 No. 1 TOWNSHIP OF CABARRUS COUNTY



TOWN OF HARRISBURG

Agenda Item Details

Title:

H2022-04-R: Consider rezoning of a parcel at 9625 Reedy Ln associated with an annexation request for the town's services.

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 Countryside Residential (CR) in the County to Town's Residential Rural Estate (RE), as requested by the applicant for the related property in application H2022-04 (R).

If denied, the following motion is suggested:

To deny the rezoning request from Countryside Residential (CR) in the County to Town's Residential Rural Estate (RE), as requested by the applicant for the related property in application H2022-04 (R).

Description/Background:

The property owners of parcel addressed 9625 Reedy Lane have submitted a request to rezone the parcel, approximately 15 acres of land located off Reedy Lane. The applicant proposes to annex the parcel into the Town of Harrisburg town limits to have access to a Towns' sewer services for the lot. The lot is currently in Cabarrus County. To achieve this, the applicant is requesting that the property be rezoned from County CRR (Countryside Residential) to RE (Residential Rural Estate). The RE district has a maximum density of 0.80 dwelling unit per acre. The proposed density is 0.067 dwelling units per acre and the lot meets the RE 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 request as 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. H2022-04-R Application
2. H2022-04-R Site Map
3. H2022-04-R Staff Report PB
4. H2022-04-R Survey



Subject Property Information

1. Street Address 9625 Reedy Ln Harrisburg, NC 28075
2. PIN(s) (10 digit#) 5516 -- 12 -- 7719 ; -- --
3. Deed Reference Book 39 Page 99
4. Township #

Description of Subject Property

5. Size (square feet or acreage) 15 Acres
6. Street Frontage (feet) 270 feet
7. Current Land Use CR - Residential
8. Surrounding Land Use and Zoning Classification
- | | | |
|--------|------------------|-----------------------------|
| North: | Zoning <u>CR</u> | Land Use <u>Residential</u> |
| South: | Zoning <u>CR</u> | Land Use <u>Residential</u> |
| East: | Zoning <u>CR</u> | Land Use <u>Residential</u> |
| West: | Zoning <u>CR</u> | Land Use <u>Residential</u> |
9. Request to Change Zoning From CR to RE
10. Is this a request for a Conditional Rezoning? ☒ YES ☐ NO

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

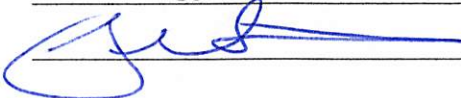
11. Purpose for Request: To annex the property into the town of Harrisburg to obtain
the use of the sewer system.



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.

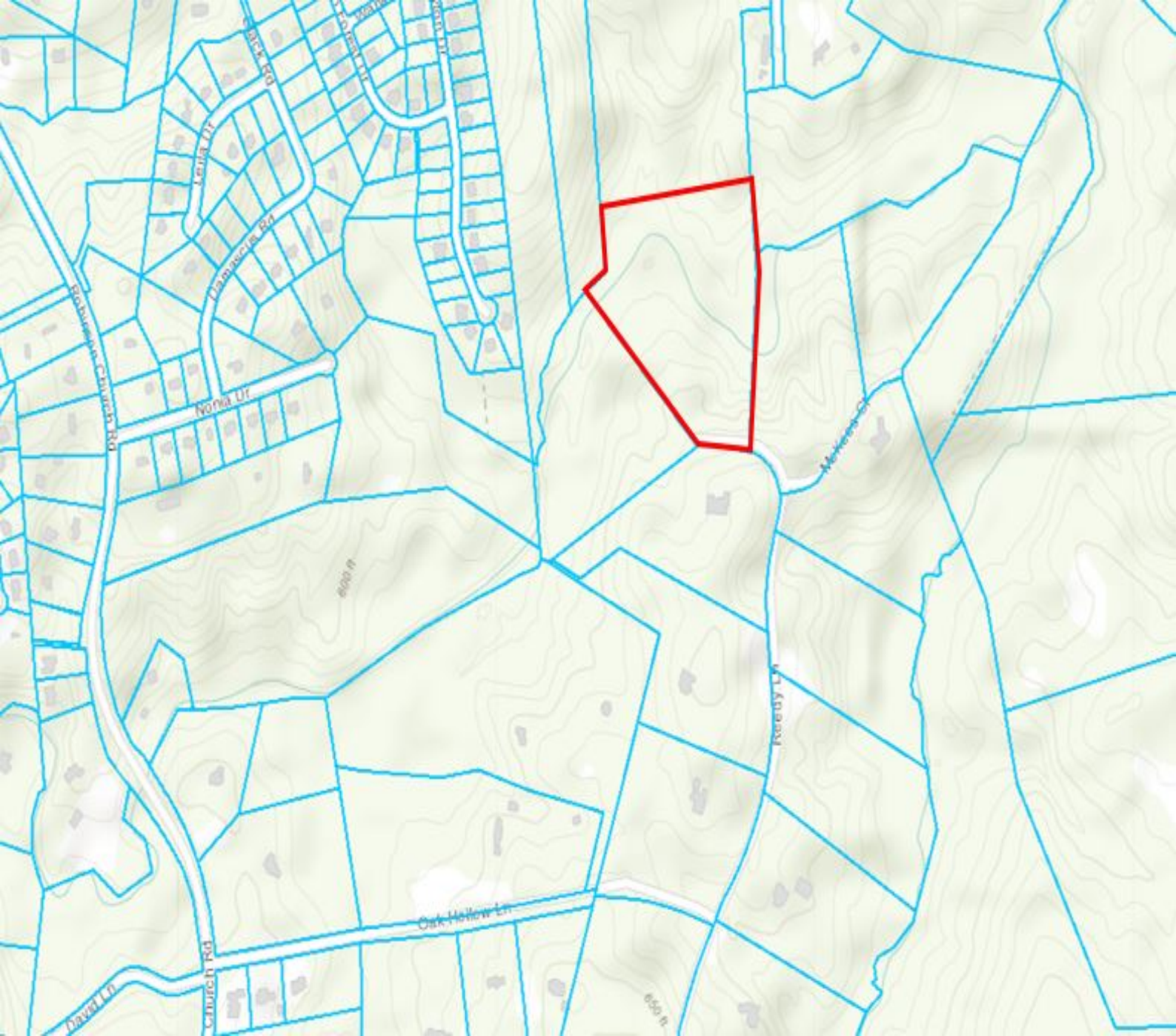
I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

12. Property Owner Tron Properties LLC - Brian Mann President
Address 9630 Reedy Ln Harrisburg, NC 28075
Phone (904) 710-8918
Fax
Email: brian.mann14@gmail.com
Signature 

13. Agent (if any)
Address
Phone
Fax
Email
Signature

14. Applicant (if any) Gaddis Bros. Inc.
Address PO Box 651 Harrisburg, NC 28075
Phone (980) 500-9408
Fax
Email jason@gaddisbros.com
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.





Town of Harrisburg
Planning and Economic Development Department
Rezoning Staff Report

DATE: May 10, 2022

SUBJECT:

Request H-2022-04-(R): To rezone approximately 15 acres from County CR (Countryside Residential) to RE (Rural Estate)

Location: The subject property is located on Reedy Lane off of Oak Hollow Lane (PIN 5516-12-7719)

Applicant: Brian Mann of Tron Properties, LLC

Staff Report Prepared by: Craig Thomas, Senior Planner

Neighborhood Meeting: N/A

BACKGROUND:

Area: ±15.0 acres Total

Existing Land Use: Vacant/Single-Family Residential

Zoning within 500 feet: North - Countryside Residential (CR), Cabarrus County
South - Countryside Residential (CR), Cabarrus County
East - Countryside Residential (CR), Cabarrus County
West - Countryside Residential (CR), Cabarrus County and Town

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

APPLICATION SUMMARY:

- The applicant proposes to annex a parcel into the Town of Harrisburg town limits to have access to a Towns' sewer services. The lot is currently in Cabarrus County. To achieve this, the applicant is requesting that the property be rezoned from County CR (Countryside Residential) to RE (Rural Estate).
- The RE district has a maximum density of 0.80 dwelling unit per acre. The proposed density is 0.067 dwelling units per acre and the lot meets the RE 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 15.0 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:

RE: *The RE district is established to provide transition areas between low- and medium- or high-density residential land uses, designed as larger, estate-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 **Low Density Residential**. The description of Low Density Residential is as follows:

"This area is characterized by low- to moderate-density residential development (1 to 2 dwelling units per acre). Single-family detached homes are complemented by natural areas as well as formal and informal open space amenities. Conservation design, which includes more open space in exchange for smaller minimum lot sizes, may be recommended in locations with sensitive natural resources."

Based on the description of the Low Density 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 owner to build a single family home 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 Low Density Residential and the proposed density of 0.067 dwelling units per acre is compatible with the standards designated by the RE 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 0.067 dwelling units per acre could be achieved under the proposed zoning, and annexation allows access to town offered services.

The addition of one single-family detached home has no detrimental impact to the surrounding community. The construction of one new home 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, subject to availability being allocated by the Town’s Wastewater Allocation Committee. Water is available to the west at Hickory Ridge Elementary School and sewer access is available to the north of the property along Reedy Creek. 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 one (1) lot and one home 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 (0.067 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 lot, 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 rezoning request is associated with an annexation request to access Town's sewer services, which requires the properties to be rezoned to Town's zoning classification. The requested RE (Rural Estate) zone and the lot size 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.



Vicinity Map (NTS)

Flood Certification
I have examined the Flood Insurance Rate Map for Cabarrus County North Carolina, Community Panel Number 371055166K dated November 16, 2018, and hereby certify that this property is located in a special flood hazard area as determined by the Federal Emergency Management Agency.



NC Grid
(NAD 83-CORS)

Site Data:
Tax Parcel: 5516127719
Zoning: CR
Setbacks:
Front 50'
Side 20'
Rear 30'

- NOTES
1. Areas computed using coordinate geometry.
 2. This map was prepared without the benefit of a title search.
 3. Survey subject to full title search.
 4. This property may be subject to right of ways, easements, restrictions and covenants either recorded or implied.
 5. All distances shown are horizontal ground distances.
 6. Rebar set at all corners unless otherwise noted.
 7. Broken lines indicate property lines not surveyed.
 8. All adjoining property owner information is taken from current deeds and tax records and are considered as "Now or Formerly".
 9. Lawrence Associates makes no guarantees to the compaction or to the nonexistence of spoils areas.
 10. Other underground utilities may exist but their locations are not known.

Curve Table				
Curve #	Length	Radius	CHORD BEARING	CHORD
C1	10.93	200.00	N77°10'15"W	10.93
C2	269.31	1200.00	N85°26'50"W	268.75

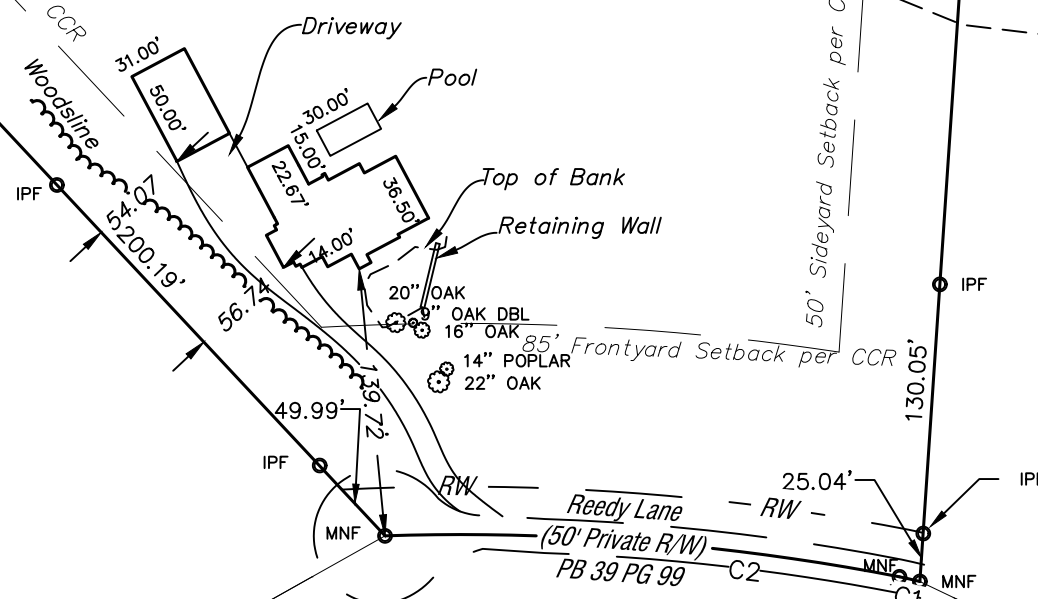
5516136622
8857 Rocky River LLC
PB 38 PG 75
8847 Rocky River Rd.

551623649
Jason Dickens
9155 McMillian Dr.

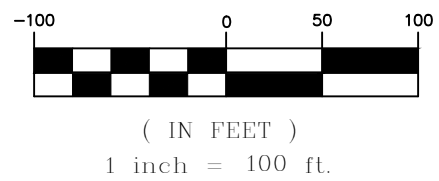
5516127719
Douglas and Nancy Henry
PB 39 PG 99
9625 Reedy Lane

5516223557
Jose and Tish Sanchez
PB 39 PG 99
9645 Reedy Lane

551612245
James and Deborah Carano
PB 39 PG 99
9600 Reedy Lane



Legend	
Power Pole.....	
Light Pole.....	
Overhead Electric..	
IPF	Iron Pin Found
IPS	Iron Pin Set
MNF	Mag. Nail Found



LAWRENCE ASSOCIATES 106 W. Jefferson St. Monroe, North Carolina 28112 P 704-289-1013 F 704-283-9035 www.lawrencesurveying.com Firm License Number: C-2856	Plot Plan for Douglas Henry Harrisburg, Cabarrus County, NC		REVISIONS WML 07-22-2020 WML 08-12-2020 WML 08-14-2020 WML 09-02-2020 WML 11-12-2020
	Orig. scale: 1" = 100'	Date: July 17, 2020	Drawn By: WML
Job No. 5762			Drawing file: Plot Plan.dwg
			Drawing no. 20/195