



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

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

AGENDA

1. CALL TO ORDER

A. PUBLIC PARTICIPATION VIA ZOOM

Harrisburg Town Hall's Council Chambers will be open for the public to attend the meeting in person.

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

<https://us02web.zoom.us/j/82922934233?pwd=UUUVIbHlWenglYStOUUVmVWdtZXllQT09>

Webinar ID: 829 2293 4233

Passcode: 249745

Or join by phone:

312.626.6799

301.715.8592

B. AGENDA ADOPTION

C. SPECIAL PRESENTATIONS

D. 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.

2. CONSENT AGENDA

3. OLD BUSINESS

A. Consideration of October 18, 2022 Minutes

4. NEW BUSINESS

A. H-2022-14-(R): Stallings Road and Jon Chris Rd Rezoning and Annexation

B. H-2022-07-(R): Blackwelder Rezoning and Annexation

5. STAFF UPDATES/INFORMATION

A. Planning Director Update

6. 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:

Consideration of October 18, 2022 Minutes

Presenting Personnel:

Zac Gordon, Interim Planning & Economic Development Director

Suggested Motion or Action:

Motion to approve October 18, 2022 minutes as presented.

Description/Background:

Recommendation:

Staff recommends approval of the October 18, 2022 minutes as presented

Fiscal Impact:

None

Attachments:

1. PZ MINS AND BOA OCTOBER 18 2022

**TOWN OF HARRISBURG, NORTH CAROLINA
PLANNING & ZONING ADVISORY BOARD MEETING
BOARD OF ADJUSTMENT
TUESDAY, OCTOBER 18, 2022**

MINUTES

1.

CALL TO ORDER

Andy Rathke called the meeting to order.

PRESENT: Kevin Schaffner, Jacob Carpenter, Andy Rathke, Kevin Hutchins, Rodney Garner

STAFF: Craig Thomas, Senior Planner, Carly Bedgood, Planning Technician

ABSENT: Thelma Thorne-Chapman, Zac Gordon, Planning Director

A.

AGENDA ADOPTION

New Businesses Item B Applicant has requested to defer going to the Planning Board this evening in order to submit revised plans that align with recent discussion on improvements and site conditions. They would like to make some changes and resubmit to be on the November Planning Board.

MOTION

Jacob Carpenter made a motion to adopt the agenda with the change and a Second was made by Kevin Schaffner.

The motion passed 5-0.

B.

SPECIAL PRESENTATIONS

None

C.

PUBLIC COMMENT

None

2.

CONSENT AGENDA

A. Planning Board meeting minutes of September 20th, 2022, Planning and Zoning Board meeting.

MOTION

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

3.

OLD BUSINESS

None

4.

NEW BUSINESS

A.

H2022-13-R 3087 Stallings Rd Rezoning and Annexation

The applicant is requesting that the subject property be rezoned from County LDR (Low Density Residential) to RE (Rural Estate). This rezoning is being requested to annex one parcel into the Town of Harrisburg town limits to access sewer services. The RE district has a maximum density of 0.80 dwelling units per acre. The proposed lot density is 0.20

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Tuesday, October 18, 2022**

dwelling units per acre and therefore meets the RE dimensional requirements of the UDO. The rezoning request is consistent with the Harrisburg Area Land Use Plan (HALUP), which locates the property in an area designated on the future land use map as Medium Density Residential, which recommends 2-3 dwelling units per acre. Along with this request for rezoning, the applicant has submitted a petition to be annexed into the Town of Harrisburg corporate limits. Based on consistency with the Harrisburg Area Land Use Plan (HALUP) and the Unified Development Ordinance (UDO). Planning and Zoning Department staff recommends approval of the request for rezoning and annexation.

MOTION:

Kevin Schaffner made a motion to recommend approval of H2022-13-R and send it on to the Town Council for their consideration with a second from Kevin Hutchins. **The motion passed 5-0.**

The following Consistency Statement was presented to the Board for its consideration:

CONSISTENCY STATEMENT:

1. Based on the staff report, staff presentation and with the conditions proposed, this 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 5-0**

B.

DEFERRED

H2022-06-R Mulberry Industrial Site Rezoning and Annexation

Applicant has requested to defer going to the Planning Board this evening in order to submit revised plans that align with recent discussion on improvements and site conditions. They would like to make some changes and resubmit to be on the November Planning Board.

5.

STAFF UPDATES/INFORMATION

- The Town has named a new Planning Director. Zac Gordon's official first day was Monday October 17th. We are excited to welcome him to our department and look forward to all he has to offer the Town.
- The Planning Board training was held a few weeks ago, thank you to all who attended. There is another opportunity coming up for Board of Adjustment training, if anyone is interested in signing up please let us know so we can take care of that.
- Our next meeting will be held on November 15th.

6.

ADJOURNMENT

MOTION:

There being no further business, Andy Rathke made a motion to adjourn, with a second from Kevin Hutchins. **The motion passed 5-0.**

7.

CALL TO ORDER FOR BOARD OF ADJUSTMENT

Andy Rathke called the meeting to order.

PRESENT: Kevin Schaffner, Jacob Carpenter, Andy Rathke, Rodney Garner

STAFF: Craig Thomas, Senior Planner, Carly Bedgood, Planning Technician

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ABSENT: Thelma Thorne-Chapman, Zac Gordon, Planning and Economic Development Director

AGENDA ADOPTION

Due to a current board member, Kevin Hutchins, being employed by the company that is applying for the Variance, he has recused himself from consideration of this request. The alternate member of the Board of Adjustment Board, Kevin Schaffner, will sit in on this meeting. Due to some unseen circumstances, we will only have 4 Board members sitting on the Board of Adjustment hearing this evening. Craig Thomas let the applicant know this information ahead of time to see if they would still like to proceed with tonight's meeting or defer to our November meeting. The Applicant chose to stay on tonight's meeting understanding they must have all 4 votes in favor for this Variance to pass.

Andy Rathke made a motion to adopt the agenda with the change and a second was made by Jacob Carpenter. **The motion passed 4-0.**

All parties who wish to speak on behalf of this project were sworn in.

8. NEW BUSINESS

A.

Case #2022-01(V) Request for Variance, 3875 Center Place Drive

Craig Thomas, Senior Planner started the meeting with a brief presentation. The variance is about the side setback with a home that has already been constructed. The required side setback is 7 feet. The original house layout shows the home being within the required setbacks. As constructed, the home has a "bump out" that encroaches into the required side setback by 18". The applicant's request is to be relieved from the requirement to comply with this side yard setback, allowing the existing structure to remain in place. Mr. Thomas explained that the Board of Adjustment must make certain findings of fact in order to grant the requested variance. These findings of fact are based on four (4) criteria as set forth in the UDO. The first finding that the Board must make is that not granting the request for a variance will result in an unnecessary hardship; the second is that there are conditions peculiar to the property which warrant the variance; third is that the hardship is not the result of actions taken by the applicant or the property owner and fourth that the granting of a variance is consistent with the spirit, purpose, and intent of the Ordinance. Mr. Thomas noted that the Board must make an affirmative finding for each of the four criteria. Mr. Thomas invited that applicant to address the Board.

William Bui

William Bui, with Eastover Land Surveying Company, explained to the Board that the original plot plan showed the house within all required zoning setbacks. During construction, Mr. Bui noted that they were informed that the home was to be built with a 4-foot garage bump out. Mr. Bui indicated that he was asked to revise the layout of this house in order to accommodate the 4-foot "bump out", which was done. Mr Bui stated that since the foundation for the home was already located on the ground, the bump-out was added to the existing foundation, resulting in an encroachment into the required 7-foot side yard setback. Because the house location was already finalized, they went with the original location, which resulted in the encroachment. Mr. Bui testified that once this encroachment was brought to his attention, he contacted the Town to determine what options were available to address this encroachment.

Chairman Rathke

Mr. Rathke asked the applicant if he had any other comments?

William Bui

Mr. Bui indicated that he didn't but that he would answer any questions that the Board may have.

Chairman Rathke

Mr. Rathke asked if the Board needed to open the public hearing at this time?

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Town Attorney Rich Koch

Attorney Koch asked if any members of the board had any questions for the applicant?

Chairman Rathke

Mr., Rathke asked if the encroachment was discovered during the construction of the foundation or was the building already completely done?

William Bui

It was brought to my attention when the building was already completed.

Jacob Carpenter

Is there an option to remove the bump out and just do a flat face garage side?

William Bui

I do not know that answer, I am not the builder. I am just representing the land surveying company.

Andy Rathke

Is it a side loading garage?

William Bui

Mr. Bui showed the Board a picture of the front elevation of the house.

Andy Rathke

Is this bump out only on the first floor or does it go to the second floor?

William Bui

Only on the first floor.

Kevin Schaffer

Was this bump out in the original plan or was it added along with way?

William Bui

The original plot plan did not account for this 4-foot garage extension.

Jacob Carpenter

Can we ask questions about the four findings to determine why this is a hardship?

Attorney Rich Koch

Yes, and the applicant must demonstrate that they meet all four hardship requirements. Attorney Koch stated that it was up to the Board to base their decision on the evidence presented in support of each of the hardship criteria.

Rodney Garner

That bump out space is literally just providing more space, correct?

William Bui

That bump out is just providing more space in the garage.

Jacob Carpenter

Is this property waiting for a CO?

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William Bui

That I do not know, I do not have that information. It was on a closing report for the builder so I would have to assume at some point and time it did have a potential contract on it. Once the survey was provided to me at that point, I reached out to Craig to see what avenues we had.

Andy Rathke

Craig, can you pull up the four (4) criteria for granting a variance on the screen for us?

Jacob Carpenter

Can you explain to us how this is related to the property and not an action from the developer?

William Bui

Based on the facts, in its current state there is not a hardship, because of the actions of the applicant. As currently built, the home does not meet the required side yard setback for the side where the garage (and 4-foot bump out). As noted in the application for a variance, it was noted that the circumstances which resulted in this setback encroachment would not justify a hardship. Ultimately, the hardship is the result of human error. Mr. Bui noted that everything possible was done to rectify the encroachment (including "re-pinning" the bump out location, but the subcontractor that constructed the bump out made the decision to tack on the extra garage storage space resulting in this situation.

Chairman Rathke

Was the property owner made aware of this situation?

William Bui

At the time, East Wood homes was the property owner it had not transferred named. When I found out about it, it was already constructed.

Jacob Carpenter

From my listening, it sounds like the first two you've stated facts that are actually opposite to what's required of us to prove a variance. The facts need to be proved that it is a hardship and I believe that the second it needs to be conditions that are about the property. It should not be actions that are taken by the applicant or property owner even though they are not the contractor they hired someone to do this. Am I interpreting this correct?

Kevin Schaffner

Yes, I agree

Rich Koch

You said there was a later contractor that came in, not the original one. Who was that?

William Bui

In the home building process, East Wood homes contracts us to lay these homes out

Rich Koch

I understand that but I want to know who the contractor was

William Bui

The box company that comes in after us that boxes them up, they use several contractors. I would not know who that was, they use several ones.

Rich Koch

I am just trying to figure out why they sent you up here to do this presentation.

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William Bui

Because I am the one who found the violation in the ordinance.

Rich Koch

But you are the surveyor who laid it out correctly originally, it was all within the setbacks. You said you did resurvey it and laid it out. You did you work properly so I don't know but it does sound like to me that you did. Its this box contractor that did not follow the survey correctly.

Jacob Carpenter

Are they employed by the owner of the property?

Rich Koch

They would be a separate company. Do you know the name of them?

William Bui

They use several different companies and I do not know which box company was on this site.

Jacob Carpenter

How far does it extend down, if you do a project and hire a bunch of people to do it and one of them does it wrong can you get a variance just because someone did it wrong or are they just responsible for fixing it?

Chairman Rathke

You would think a builder would build this correctly so I do not think the builder would have made their own decision to add this bump out without having direction from Eastwood.

Rich Koch

I think you are right about that but here the actual owner did lay it out the way it was supposed to be, if it would have been done that way, we wouldn't have this. The box contractor came in afterwards and did not follow what should have been done. That is what we are hearing from him. To me that it sounds like the actual owner did not make this mistake.

Jacob Carpenter

Is the owner not reasonable for all of their own contractors? If not, that means they could just apply for a variance for anything.

Rodney Garner

The owner has to be liable.

Rich Koch

Usually, we try to separate it out if the owner tried to have to done right and they didn't then that's one thing but if the owner screwed it up then that another. What I think I am hearing is that the owner did have the house laid out properly and the box contractor came in and ignored what was laid out and just did it wrong. I do not think you can completely hold the owner responsible for this. I am just trying to analyze the facts here; they really did not support those four requirements and I agree with him as far as that's concerned. When we get to the hearing, we are trying to figure out what the facts are and to see if they do support them or not.

Jacob Carpenter

I am just struggling a little bit with anyone who builds anything has responsibilities that extend a certain portion into the project, you need a project manager to make sure the contractor is doing what they are suppose to, you need a surveyor to lay the home out correctly, when you go for inspections on a house if something is done wrong you might not get a variance just because say the plumber did something wrong.

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Kevin Schaffer

It's tough too because the builder is the owner for all the properties so you will not have a neighbor who will speak against a house being 7 feet closer because the house next door isn't sold yet. I agree with you, I have a hard time considering this not an owner issue. If it was a single-family home that was doing an addition that did not build the project per the drawings, that person would still in my mind be responsible for those changes.

Chairman Rathke

That's correct

Kevin Schaffer

Have there been any actions taken by the owner to rectify this?

William Bui

This is the first thing

Chairman Rathke

Does anyone have any additional questions?

Janise Bond

I was buying 3875 on the facts, facts are that I sold my home, and I was under contract for this home when I was informed that there was an issue with the setbacks. The facts are now that I do not have a home and I am waiting on the decision on this to see where me and my son will be living. We are currently homeless. That is a fact. I can't give you an address, but, I can give you a PO Box because that is what I am currently using for my address. This may not be a hardship from a building perspective, but it is a hardship for me because we are currently without a home. I would be for this variance only because without it I have to figure out something else for me and my son.

Jacob Carpenter

I think that is helpful, thank you.

Marc Battiste

I wanted to if I could clarify the construction process and how this came about. During the planning stage the home footprint was changed to add this 4-foot bump out, Eastover our developer went out and changed the foundation survey pins in the ground. However, the foundation was already set up, as we are required to install those very early when building in the Town of Harrisburg. Part of our process is to do a "form" check and a foundation check, as we go through this process and any time something is discovered to be not correct, we are to be notified. We were not notified on this house, and this was not uncovered until the final building survey, after the home was already constructed.

Chairman Rathke

Does anyone have any other questions for Marc?

Rich Koch

We have not had a variance case in a at least a year, correct?

Chairman Rathke

Correct.

Rich Koch

Let me give you a little background what has happened in the past, not to say you have to do that tonight. Whenever we have these situations come up from time to time, they are usually some kind of mistake particularly in these subdivisions where the building is pretty tight in our requirements that require you to stay within a setback and something happens in the course of construction, and it ends up outside of the building envelope. The facts on how it happens varies from one situation to the next. In all of the situations that I have seen, the board has actually granted the variance. This is not a big

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variance it is a small one, we have had some much larger than this before. The property owner sometimes might notice, or you can see it from the street, but not like this with it being so small. This one is certainly not a bad one.

Chairman Rathke

Thanks Rich, I agree.

Jacob Carpenter

Yes, I think it helps understand the owner vs. builder because we are responsible to find these facts.

Rich Koch

The requirements used to be a lot tougher, it was almost impossible to prove a variance in this state.

Chairman Rathke

Do we have anyone who would like to make a motion for approval or denial for this case?

MOTION:

Rodney Garner made a motion to approve 2022-01 V Request for a variance with a second from Kevin Schaffner.

VOTE:

Passed 4-0

Kevin Schaffner

I hope that in the future that the companies here are paying closer attention to the process and maybe there should be another step to prevent this from happening.

Jacob Carpenter

I would ask that in the future, variance applications may be more complete with their statement of facts and to provide more of a description.

Rich Koch

I think Craig just has to go with what is turned in, he cannot write it for them.

Jacob Carpenter

I am not saying anything was done wrong on the Towns end just encouraging more from the applicant.

9.

ADJOURNEMENT

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

Findings of Facts as prepared by Attorney Rich Koch are as follows:

FINDINGS OF FACT

1. The Property is zoned CZ-RV Conditional Zoning Residential District and is approximately 0.129 acres in size.
2. In this zoning the individual residential lots have a minimum required side setback for principal structures of seven (7) feet, under the UDO.
3. The Property was originally surveyed on December 14, 2021, with the Arlington style residence to be constructed entirely within the building envelope, including the side setbacks.

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4. When the Property was put under contract by Eastwood, the purchaser wanted a four (4) foot garage extension on the right elevation. This required the residence to be shifted within the building envelope.
5. Eastwood had the residence change staked in the field; however, the contractor did not follow the new layout and added the garage extension to the original layout. This created a 1' 6" (1.5 feet) encroachment into the side setback for a fourteen (14) foot length.
6. This encroachment was discovered after the Property was re-surveyed on August 29, 2022.
7. The prospective purchaser testified at the hearing that she had sold her previous home in reliance on purchasing the Property and was presently without a home until this encroachment issue was resolved.

Based on the foregoing Findings of Fact, the Board makes the following

CONCLUSIONS OF LAW

1. Unnecessary hardship would result from the strict application of the UDO. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the Property.
 - a). The Board adopts and incorporates by reference the above Findings of Fact.
 - b). Eastwood has proved by substantial, material, and competent evidence that unnecessary hardship would result from the strict application of the UDO, since the residence has already been built.
2. The hardship results from conditions that are peculiar to the Property, such as location, size, or topography. Hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the public, may not be the basis for granting a variance.
 - a). The Board adopts and incorporates by reference the above Findings of Fact.
 - b). Eastwood has proved by substantial, material, and competent evidence that unnecessary hardship would result from the strict application of the UDO.
 - c). Eastwood did everything it could to prevent this encroachment from occurring; however, despite re-staking the Property, the contractor made a mistake by following the original location and there was not enough room to fit the garage extension within the building envelope.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - a). The Board adopts and incorporates by reference the above Findings of Fact.
 - b). Eastwood has proved by substantial, material, and competent evidence that unnecessary hardship would result from the strict application of the

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UDO.

4. The requested variance is consistent with the spirit, purpose, and intent of the UDO, such that public safety is secured, and substantial justice is achieved.
 - a). The Board adopts and incorporates by reference the above Findings of Fact.
 - b). Eastwood has proved by substantial, material, and competent evidence that unnecessary hardship would result from the strict application of the UDO.

Based on the foregoing Findings of Fact and Conclusions of Law, the Harrisburg Planning and Zoning Advisory Board sitting as the Board of Adjustment hereby grants the variance consistent with the site plan presented at the hearing. This variance Order shall run with the land with reference to the Property and shall be recorded in the Cabarrus County Public Registry.

This 18th day October 2022.

Andy Rathke

Acting Chair

Harrisburg Board of Adjustment

ATTEST:

Carly Bedgood

Clerk to the Board of Adjustment

STATE OF NORTH CAROLINA

COUNTY OF CABARRUS

I, _____, a Notary Public in and for the said State and County do hereby certify that Andy Rathke as Acting Chair of the Harrisburg Board of Adjustment personally appeared before me this day and acknowledged the due execution of the foregoing Order.

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Witness my hand and notarial seal,

this _____ day of October 2022.

Notary Public

My Commission Expires: _____

Andy Rathke, Chairman

Carly Bedgood, Secretary



TOWN OF HARRISBURG

Agenda Item Details

Title:

H-2022-14-(R): Stallings Road and Jon Chris Rd Rezoning and Annexation

Presenting Personnel:

Zac Gordon, Interim Planning & Economic Development Director

Suggested Motion or Action:

For a recommendation to the Town Council for approval, the following motion is suggested:

Motion for the Planning and Zoning Board to recommend approval by the Town Council of the applicant's request for rezoning and annexation of property located on Stallings Road and Jon Chris Road - Case # H-2022-14-R.

Consistency Statement:

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

For a recommendation of denial to the Town Council, the following motion is suggested:

Motion for the Planning and Zoning Board to recommend denial by the Town Council of the applicant's request for rezoning and annexation of property located Stallings Road and Jon Chris Road - Case # H-2022-14-R.

Description/Background:

- The applicant proposes to rezone five parcels from County LDR (Low Density Residential) to RM (Residential Medium Density). The purpose of this rezoning is to allow for the annexation of these parcels into the Town of Harrisburg limits to access sewer services for each lot.
- The RM District allows a gross density between 2 and 3 units per acre. At 2.20 units per acre the proposed rezoning is consistent with the requirements of the UDO.
- The Harrisburg Area Land Use Plan (HALUP) locates this property within a "Low Density Residential" area. The LDR designation calls for 1 -2 units per acre. The proposed density is 2.20 dwelling units per acre – just over the 1-2 units per acre designated by the HALUP. Although the lots slightly exceed the recommended LDR density, the five lots are existing and would not be allowed to be subdivided further.
- Along with this request for rezoning, the applicant has submitted a petition to be annexed into the Town of Harrisburg corporate limits.

Recommendation:

The request for rezoning is consistent with the Harrisburg Area Land Use Plan (HALUP) and complies with the Unified Development Ordinance (UDO). Planning and Zoning Department staff therefore recommends approval of the request for rezoning.

Fiscal Impact:

None

Attachments:

1. H2022-14-R Staff Report PB Stallings Rd and Jon Chris Rd
2. H2022-14-R Site Map revised
3. H2022-14-R Survey
4. H2022-14-R Application



Town of Harrisburg
Planning and Economic Development Department
Rezoning Staff Report

DATE: November 8, 2022

SUBJECT:

Request H-2022-14-(R): To rezone approximately 2.27 acres from County LDR (Low Density Residential) to RM (Residential Medium Density)

Location: The subject properties are located on Stallings Road and John Chris Drive (PIN 5517-60-7529, 5517-60-8525, 5517-60-9512, 5517-60-6451, and 5517-60-7347)

Applicant: Robert Williams

Staff Report Prepared by: Craig Thomas, Senior Planner

Neighborhood Meeting: N/A

BACKGROUND:

Area: ±2.27 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
West - Low Density Residential (LDR), Cabarrus County

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

APPLICATION SUMMARY:

- The applicant proposes to rezone five parcels from County LDR (Low Density Residential) to RM (Residential Medium Density). The purpose of this rezoning is to allow for the annexation of these parcels into the Town of Harrisburg limits to access utility services for each lot.
- The RM District allows a gross density between 2 and 3 units per acre. At 2.20 units per acre the proposed rezoning is consistent with the requirements of the UDO.
- The Harrisburg Area Land Use Plan (HALUP) locates this property within a “Low Density Residential” area. The LDR designation calls for 1 -2 units per acre. The proposed density is 2.20 dwelling units per acre – just over the 1-2 units per acre designated by the HALUP. Although the lots slightly exceed the recommended LDR density, the five lots are existing and would not be allowed to be subdivided further.
- Along with this request for rezoning, the applicant has submitted a petition to be annexed into the Town of Harrisburg corporate limits.

APPROVAL CRITERIA:

1. The size of the tract in question;

The subject properties measure approximately 2.27 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 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 medium and low-density

nature of this area and the proposed zoning would allow the property owners to build 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 Low Density Residential and the proposed density of 2.20 dwelling units per acre is compatible with the standards designated by the RM district.

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

***RM:** The RM district provide areas for medium-density, single-family residential uses on smaller lots or single-family detached and attached dwellings cluster around common open space used as buffers between districts or housing types and to provide for resource protection and preservation of sensitive lands.*

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 2.20 dwelling units per acre could be achieved under the proposed zoning, and annexation allows access to town offered services, including utilities.

The addition of five single-family detached homes has no detrimental impact to the surrounding community. The construction of five new homes would be allowed under current Cabarrus County zoning. The rezoning and annexation request is to convert to the Town’s RM zoning district 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 Stallings Road and sewer access is available along the rear property lines.

Sewer Allocation

In 2021, due to the need to expand capacity at the Rocky River Regional Wastewater Treatment Plant, the Water and Sewer Authority of Cabarrus County (WSACC) began the process of expanding capacity at the plant to serve new growth. In conjunction with this planned expansion, WSACC imposed a limit on the available sewer allocation for customers within its service area. In response, the Town has adopted a “Sewer Allocation Policy” to ensure that the capacity available to the Town is not exceeded. Town staff meets on a quarterly basis to review applications for sewer allocations and either approves or denies

allocations, based on the availability of capacity. If rezoning and annexation approval is granted for these five (5) lots, sewer allocation approval would also be required before any construction could occur on these lots.

b. Transportation:

A TIA was not required based on the limited amount of traffic generated by this rezoning, with only five (5) lots and five potential homes involved. Driveway access will be reviewed and permitted by the Town and NCDOT during the permitting review and approval process.

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 (2.20 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 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 for 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 for at least as long as the surrounding neighborhoods have been developed.

- 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.

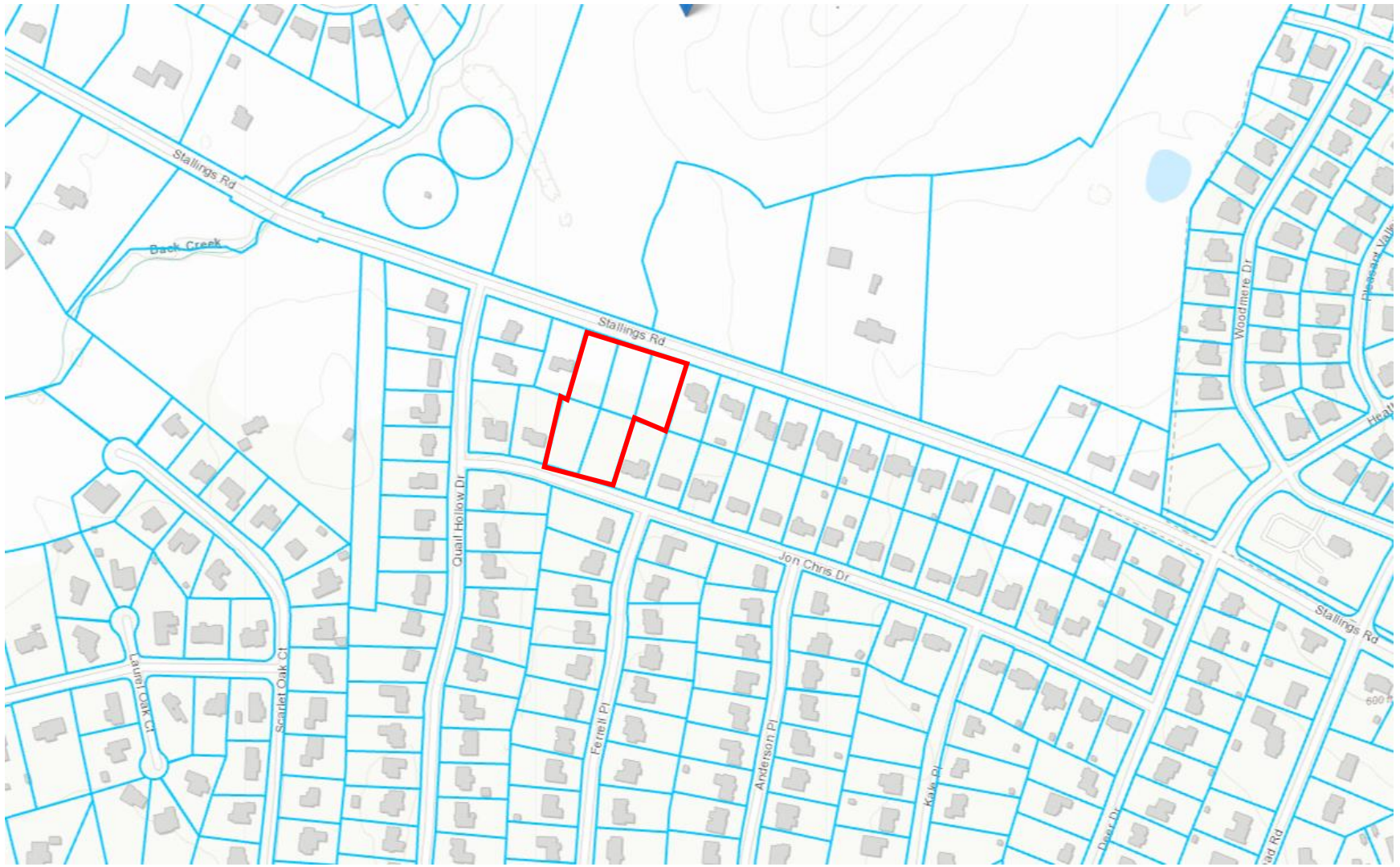
SUMMARY:

The applicant's request for rezoning to a Town of Harrisburg zoning classification of RM (Residential Medium Density) is necessary for the properties to be annexed into the Town limits in order to provide future property owners with access to Town services (including utilities).

RECOMMENDATION:

The rezoning request is consistent with the Harrisburg Area Land Use Plan (HALUP) and the Unified Development Ordinance (UDO). Planning and Zoning Department staff therefore supports approval of the rezoning request and request for annexation.

H2022-14-R Stallings Road and Jon Chris Five Lot Rezoning



STATE OF NORTH CAROLINA CABARRUS COUNTY

"I, MARK C. CARTER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 641, PAGE 265 OR OTHER REFERENCE SOURCE); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK 22, PAGE 68; THAT THE RATIO OF PRECISION OR POSITION ACCURACY IS 1:10,000, AND THAT THIS MAP MEET THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600)." THIS 23rd DAY OF SEPTEMBER, 2022.

PROFESSIONAL LAND SURVEYOR

PRELIMINARY
NOT FOR SALES OR CONVEYANCES

"I, MARK C. CARTER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

1. CLASS OF SURVEY: A
2. POSITIONAL ACCURACY: 0.03 US FEET
3. TYPE OF GPS FIELD PROCEDURE: REAL TIME KINEMATICS NETWORK
4. DATES OF SURVEY: SEPT 7, 2022
5. DATUM/EPOCH: NAD83
6. PUBLISHED/FIXED CONTROL USE: NGS 'PEMBROOK'
7. GEOD MODEL USED: GEIOD 2018
8. COMBINED GRID FACTOR: 0.99985000
9. UNITS: US SURVEY FEET

MARK C CARTER NCPLS L-5102

DATE

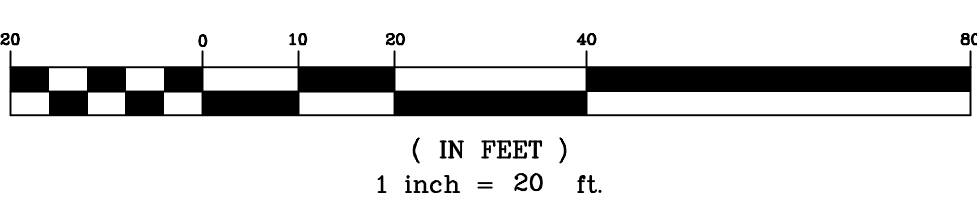
NOTES

1. AREA CALCULATED BY COORDINATE COMPUTATION.
2. ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM CABARRUS COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OR FORMERLY.
3. IRON RODS AT ALL CORNERS UNLESS NOTED.
4. THIS MAP IS SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, RIGHT-OF-WAY, UTILITIES AND RESTRICTIVE COVENANTS AND PRELIMINARY PLAN WHICH MAY BE OF RECORD.
5. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES, MEASURED WITH ELECTRONIC MEASURING DEVICES.
6. LOT SUBJECT TO ALL ZONING ORDINANCES OF THE CABARRUS COUNTY. BUILDER/OWNER MUST VERIFY THAT LOT IS IN COMPLIANCE WITH ALL COUNTY AND HOMEOWNERS ASSOCIATION ZONING ORDINANCES PRIOR TO ANY LAND DISTURBANCE OR CONSTRUCTION.
7. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH.
8. NO NCOS MONUMENT FOUND WITHIN 2000 FEET.
9. SETBACKS SHOWN ARE per CURRENT ZONING ORDINANCES UNLESS OTHERWISE NOTED.
10. SUBJECT PROPERTY ZONED LDR.
11. PROPERTY SUBJECT TO EASEMENT(S) per MB 22 PG 68.
12. PROPERTY SUBJECT TO RESTRICTIONS per DB 424 PG 231, AND DB 684 PG 196.
13. THE COMMUNITY FLOOD FRINGE BASE FLOOD ELEVATION (BFE) REPRESENTS THE COMPUTED FLOOD ELEVATION (NAVD 88) FOR THE 0.2% ANNUAL CHANCE FLOOD EVENT. (500 YEAR FLOOD).
14. NO DWELLING OR OTHER STRUCTURE OR BUILDING SHALL BE LOCATED ON ANY LOT NEARER THAN 10 FEET TO AN INTERIOR LOT LINE OR NEARER THAN 15 FEET TO ANY REAR LOT LINE PER DB 684 PG 196.

LEGEND

- | | |
|-----|-----------------------------|
| RF | REBAR FOUND |
| PTF | FINCHED TOP PIPE FOUND |
| RS | REBAR SET |
| R/W | RIGHT-OF-WAY |
| SF | SQUARE FEET |
| MB | MAP BOOK |
| DB | DEED BOOK |
| PG | PAGE |
| BL | BUILDING LINE |
| RY | REAR YARD |
| SY | SIDE YARD |
| SDE | STORM DRAINAGE EASEMENT |
| DUE | DRAINAGE & UTILITY EASEMENT |
| RCP | REINFORCED CONCRETE PIPE |
| CFF | COMMUNITY FLOOD FRINGE |
| BFE | BASE FLOOD ELEVATION |
| SD | STORM DRAIN LINE |
| SS | SANITARY SEWER LINE |
| PP | POWER POLE |
| APL | ADJOINER PROPERTY LINE |
| RWL | R/W LINE |
| EPL | EXTERIOR PROPERTY LINE |
| TL | TOP BANK |
| SDE | STORM DRAINAGE EASEMENT |
| DUE | DRAINAGE & UTILITY EASEMENT |
| BL | BUILDING SETBACK LINE |
| CFF | COMMUNITY FLOOD FRINGE |
| WM | WATER METER |
| CT | CABLE TV |
| TP | TELEPHONE PEDESTAL |
| ICV | ICV |
| SS | SANITARY SEWER MANHOLE |

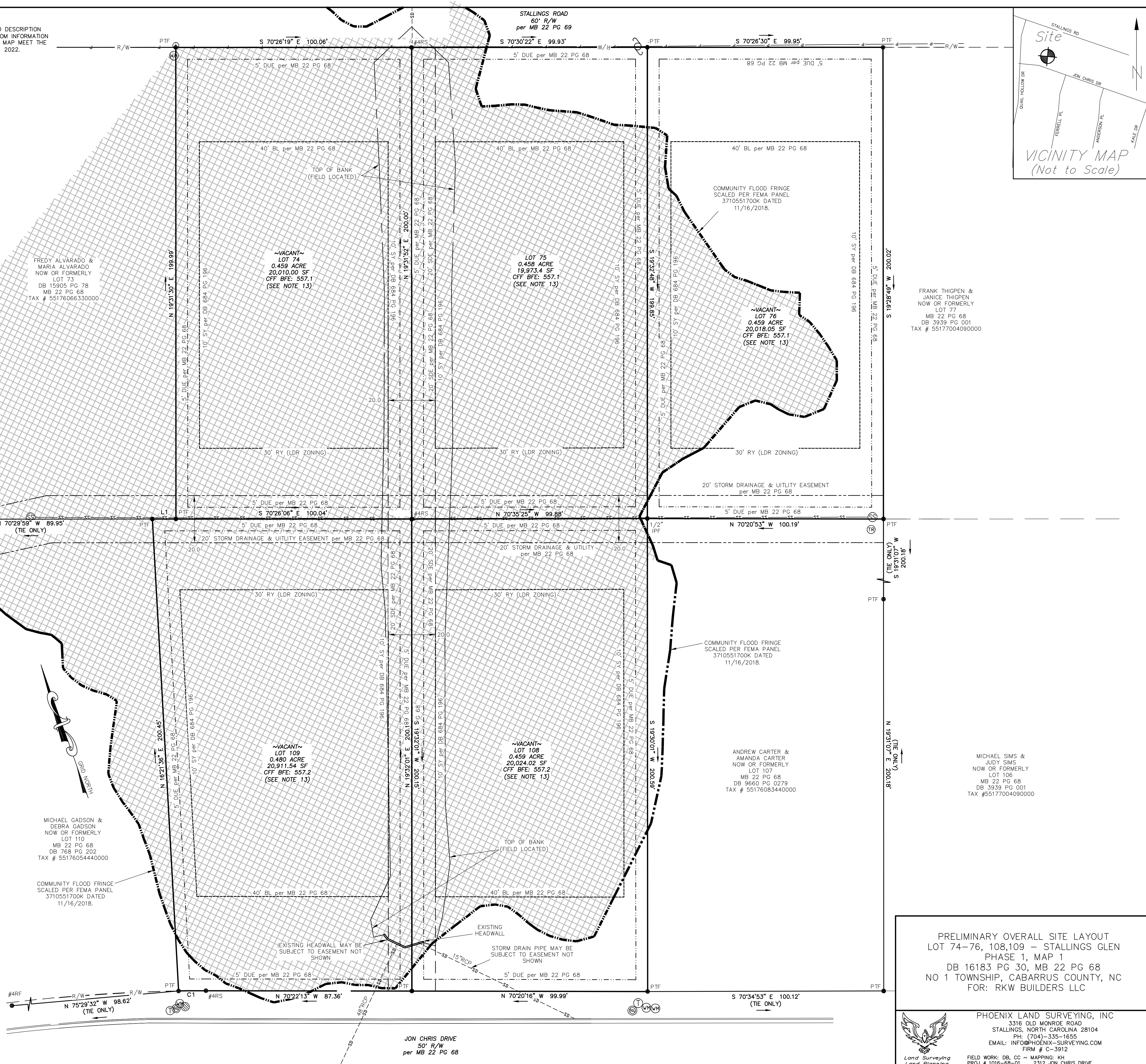
GRAPHIC SCALE



SITE NOTES:

BUILDING SETBACK REQUIREMENTS (MINIMUM) ZONED LDR.
FRONT: 40 FEET (per MB 22 PG 68)
SIDE YARD: 10 FEET (per DB 684 PG 196)
REAR YARD: 30 FEET (LDR ZONING)

FLOOD NOTE:
A PORTION OF THE SUBJECT PROPERTY SHOWN HEREON LIES WITHIN A SPECIAL FLOOD HAZARD AREA PER F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 3710551700K, DATED: 11/16/2018.



PRELIMINARY OVERALL SITE LAYOUT
LOT 74-76, 108,109 - STALLINGS GLEN
PHASE 1, MAP 1
DB 16183 PG 30, MB 22 PG 68
NO 1 TOWNSHIP, CABARRUS COUNTY, NC
FOR: RKW BUILDERS LLC



PHOENIX LAND SURVEYING, INC
3316 OLD MONROE ROAD
STALLINGS, NORTH CAROLINA 28104
PH: (704)-335-1655
EMAIL: INFO@PHOENIX-SURVEYING.COM
FIRM # C-3912
FIELD WORK: DB, CC ~ MAPPING: KH
PROJ # 1016-68-01 2312 JON CHRIS DRIVE



Harrisburg NC

The right side of opportunity

Planning & Zoning Department

4100 Main Street Ste 102, Harrisburg, NC 28075

(704) 455-5614

Legislative Approval Application

1. Application Type (select all that apply)

- ☐ UDO Text Amendment ☐ Zoning Map Amendment (rezoning) ☐ Conditional Zoning Approval
☐ Certificate of Appropriateness

2. Project Information

- a. Project Name: 5 small lots 3 Stallings / 2 Jon Chris
- b. Project Location/Address: 2306 + 2312 Jon Chris Dr. / 2301, 2307 + 2313 Stallings Road
- c. Tax Map and Parcel Number (PIN): _____
- d. Zoning: Existing: LD R Proposed: RM
- e. Land Use: Existing: Residential Proposed: Residential
- g. Description of Request (attach separate sheet if needed):

3. Contact Information

- a. Project Manager/Contact Person: Robert K Williams, Jr
Company: RKW Builders LLC
Address: 8392 Rocky River Road City, State, Zip: Harrisburg NC 28075
Phone Number: (704) 222-3814 Email Address: RKW JR Homes @ gmail.com
- b. Applicant Name (if different than above): _____
Company: _____
Address: _____ City, State, Zip: _____
Phone Number: _____ Email Address: _____
- c. Owner Name: Robert K. Williams, Jr
Company: RKW Builders, LLC.
Address: 8392 Rocky River Road City, State, Zip: Harrisburg NC 28075
Phone Number: (704) 222 3814 Email Address: RKW JR Homes @ gmail.com

4. Owner's Consent

Robert K Williams, Jr. ("Owner") certifies that it is the owner of the property located at ~~Rocky Ridge Road~~, Jon Chris Stollings ("Subject Property") and expressly consents to the use of the Subject Property as described in this application and to all conditions that may be agreed to as a part of the approval of this application, which may be imposed by the decision making board.

Owner hereby authorizes, Larry Thompson + Paul Thompson as agent, to file this application and represent Owner at any and all meetings and hearings required for the approval of this application.

Owner's Signature: M K Wilfr. Date: 9/25/22

5. Affidavit of Completeness and Accuracy (to be completed by the individual submitting the application)

Project Name: _____ Submittal Date: 9/25/22

STATEMENT OF COMPLETENESS AND ACCURACY:

I hereby certify all property owners have full knowledge the property they own is the subject of this application. I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related application material and all attachments become official records of the Planning and Zoning Department of Harrisburg, North Carolina, and will not be returned.

I understand that any knowingly false, inaccurate or incomplete information provided by me will result in the denial, revocation or administrative withdrawal of this application, request, approval or permit. I further acknowledge that additional information may be required to process this application. I further consent to the Town of Harrisburg to publish, copy or reproduce any copyrighted documents submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

Applicant Name: Robert K Williams, Jr.

Applicant Signature: M K Wilfr.

6. Staff Use Only:

Record of Process

Date Received: _____

Application Number: _____

Is Application Complete?

☐

Yes

☐

No

Public Hearing Date(s): _____

Published Notice Date: _____

Mailed Notice Date: _____

Posted Notice Date: _____

Final Action Applicant Notification Mailed Date: _____

Town Staff Signature: _____

Record of Decision

Reviewed By: _____

Recommendation:

☐

Approve

☐

Deny

Final Action:

☐

Approve

☐

Deny

7. Required Attachments

All development application submittals must be accompanied by:

- Applicable fee(s) (see Master Fee Schedule in Appendix B of the Development Guidebook);
- Attachments listed in under the pertinent application;
- Case numbers of other related development applications; and
- Any additional information or attachments required by the Town Attorney, Director or other Town staff, Historic Preservation Commission, Planning and Zoning Board, Board of Adjustment, or Town Council.

Consult staff during pre-application meeting for any required paper copies consult staff during pre-application meeting for any required paper copies.

Conditional Zoning Approval

1. List of all abutting property owners' name, mailing address, and PINs
2. Recent survey or legal description of property requested to be rezoned
3. Copies of the invitation letter, minutes, and sign-up sheet from required neighborhood meeting
4. If determined required at the pre-application meeting:
 - a. Copies of the Traffic Impact Analysis (TIA)
 - b. Proposed site plan
 - c. Landscape plan (with number, location, and type of proposed plantings)
 - d. Proposed building elevations
5. A digital (PDF) copy of a complete site-specific development plan
6. List of specific proposed permitted uses (chosen from permitted used of proposed district)
7. Any specific conditions willing to be imposed as part of application (e.g. no outside storage, increased buffer width, etc.)

Zoning Map Amendment (rezoning)

1. List of all abutting property owners' name, mailing address, and PINs
2. Recent survey or legal description of property requested to be rezoned
3. Copies of the invitation letter, minutes, and sign-up sheet from required neighborhood meeting.
4. If determined required at the pre-application meeting:
 - a. Copies of the Traffic Impact Analysis (TIA)
 - b. Proposed site plan
 - c. Landscape plan (with number, location, and type of proposed plantings)
 - d. Proposed building elevations

UDO Text Amendment

1. Proposed text of amendment ordinance
2. Written rationale for the change



TOWN OF HARRISBURG

Agenda Item Details

Title:

H-2022-07-(R): Blackwelder Rezoning and Annexation

Presenting Personnel:

Zac Gordon, Interim Planning & Economic Development Director

Suggested Motion or Action:

For a recommendation of approval the following motion is suggested:

I move that the Planning and Zoning Board **approve** the proposed Blackwelder 51-lot subdivision and recommend to the Town Council that Conditional Rezoning **approval be granted** for Case # H-2022-07-(R) as proposed by the applicant, subject to the conditions outlined in the staff report.

Consistency Statement: Based on the staff report, staff presentation and with the conditions proposed, this request for Conditional Rezoning approval is consistent with the Harrisburg Area Land Use Plan, and with the conditions proposed it is reasonable and in the public interest.

For a recommendation of denial the following motion is suggested:

I move that the Planning and Zoning Board **deny** the proposed Blackwelder 51-lot subdivision and recommend to the Town Council that Conditional Rezoning **approval be denied** for Case # H-2022-07-(R) as proposed by the applicant.

Description/Background:

The applicant proposes to develop a 51-lot single-family subdivision. To achieve this, the applicant is requesting the proposed subdivision property be annexed into the Town of Harrisburg corporate limits and be rezoned from its current Cabarrus County Low Density Residential (LDR) district designation to Conditional Zoning Residential Medium (CZ-RM) in accordance with the site plan submitted with the application.

The RM zoning district has a maximum density of two dwelling units per acre. The proposed density for this subdivision is 1.31 dwelling units per acre. If rezoning approval is granted, site density may not exceed 1.31 units/acre and the development will be subject to all of the conditions imposed by the Town Council and agreed to by the applicant.

The request to rezone the subject property as Residential Medium (RM) is consistent with the HALUP, which designates this property as Low Density Residential (LDR). The LDR designation calls for 1-2 dwelling units per acres.

Recommendation:

Based upon consistency of the proposed subdivision with the Harrisburg Area Land Use Plan and compliance with the Unified Development Ordinance, Planning and Zoning Department staff recommends approval of the applicant's request for rezoning, subject to the conditions noted in the staff report. Furthermore, staff recommends that the Planning and Zoning Board recommends Town Council approval of the applicant's request for conditional zoning.

Fiscal Impact:

The proposed subdivision would generate tax revenue for the Town, and also require the expenditure of public funds for the provision of services. Actual revenues and costs will be determined based on the value of property within this subdivision.

Attachments:

1. Staff Report Blackwelder PB
2. H2022-07 Blackwelder Rezoning Plan
3. H2022-07 Site Map2
4. H2022-07 Conditional Rezoning Application
5. H2022-07 Neighborhood Meeting Notes
6. H2022-07 Public Open Space Payment Letter2
7. H2022-07 Sample Housing Elevations



Town of Harrisburg
Planning and Economic Development Department
Rezoning Staff Report

DATE: November 8, 2022

SUBJECT: Blackwelder Road Rezoning

Request H-2022-07-(R): To rezone approximately 39.32 acres from County LDR (Low Density Residential) to CZ-RM (Conditional Zoning Medium Density Residential)

Location: The subject property is located off Blackwelder Road between Roberta Road and Lakeland Road. (PIN 5518-44-8790 and 5518-34-3293)

Applicant: Southfork Ventures, LLC

Staff Report Prepared by: Craig Thomas, Senior Planner

Neighborhood Meeting: Held July 21, 2022

BACKGROUND:

Area: ±39.32 acres Total

Existing Land Use: Vacant/Single-Family Residential

Zoning within 500 feet: North – LDR, Low Density Residential
South – LDR, Low Density Residential
East – LI, Light Industrial
West – LDR, Low Density Residential

Land Uses within 500 feet: North – Single-Family Residential
South – Vacant and Single-Family Residential
East – Vacant
West – Vacant

APPLICATION SUMMARY:

- The applicant is proposing to develop a 51-lot single-family subdivision off Blackwelder Road between Roberta Road and Lakeland Road. This subdivision will require rezoning and annexation into the town limits.
- To allow for the proposed subdivision, the applicant is requesting to rezone the property from its current Cabarrus County designation of LDR (Low Density Residential) to a Town of Harrisburg designation of CZ-RM (Conditional Zoning Residential Medium).
- 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 currently located in an unincorporated area within Cabarrus County. Concurrent with this request for rezoning, the applicant has submitted a Petition for annexation of the subject property by the Town. The proposed annexation is considered to be a contiguous annexation, as the proposed subdivision is located immediately adjacent to the Town's corporate limits.
- The RM zoning district has a maximum density of two dwelling units per acre. The proposed density for this subdivision is 1.31 dwelling units per acre. If rezoning approval is granted, site density may not exceed 1.31 units/acre and the development will be subject to all of the conditions imposed by the Town Council and agreed to by the applicant.
- No Traffic Impact Analysis (TIA) was required for this subdivision as the number of trips to be generated by this development did not meet the threshold requirements of the Town for such a study.
- Per the Town's subdivision regulations, the applicant is required to provide 4.68 acres of active and passive open space to serve residents of the subdivision, with 14.82 acres provided. The applicant is also required to provide 1.46 acres of public open space to serve the broader Harrisburg community. To satisfy this requirement, the applicant is proposing to provide 0.51 acres of this total public open space in the form of dedicated 25' wide easement, with a fee-in-lieu payment proposed for the remaining 0.95 acres, in the amount of \$36,162. This calculation is based on a per acre market value of \$38,065.
- The request to rezone the subject property as Residential Medium (RM) is consistent with the HALUP, which designates this property as Low Density Residential (LDR). The LDR designation calls for 1-2 dwelling units per acres.

APPROVAL CRITERIA:

1. The size of the tract in question.

The subject property is approximately 39.32 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 Harrisburg Area Land Use Plan, the subject property is located in 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.”

Based on the description of the Low-Density Residential land use classification, the proposed density and dedicated open space 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 audience and create value for property owners with smaller lots in exchange for preservation of open space.

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 RM district is appropriate for this land use classification.

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

RM: The RM district is established to provide areas for medium density single family uses, on smaller lots or single-family detached and attached dwellings clustered around common open space used as buffers between districts or housing types and to provide for resource protection and preservation of sensitive lands.

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

The benefits to the owner of the property would be that single-family residential development at the proposed density of 1.31 dwelling units per acre could be achieved under the proposed zoning. The existing zoning restricts density to 1 dwelling unit per acre.

Detriments to the neighbors and surrounding community are consistent with those expected with additional residential development, such as generation of additional traffic and potential traffic congestion during peak times. The proposal includes a full-movement main entrance on Blackwelder Road. There is also a connection to Aberdeen Way to the north and a future extension of Aberdeen Way to the south. This will help alleviate the reliance on a single entrance and divert local traffic through the neighborhood. Benefits to the neighbors and the surrounding community include the dedication and construction of an additional segment of greenway.

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 line is located along Blackwelder Road, and sewer access is available from the development to the north of the property and accessible from the west. Any utility line extensions or upgrades necessary to serve this development will be the responsibility of the developer.

Sewer Allocation

In 2021, due to the need to expand capacity at the Rocky River Regional Wastewater Treatment Plant, the Water and Sewer Authority of Cabarrus County (WSACC) began the process of expanding capacity at the plant to serve new growth. In conjunction with this planned expansion, WSACC imposed a limit on the available sewer allocation for customers within its service area. In response, the Town has adopted a “Sewer Allocation Policy” to ensure that the capacity available to the Town is not exceeded. Town staff meets on a quarterly basis to review applications for sewer allocations and either approves or denies allocations, based on the availability of capacity. If rezoning and annexation approval is granted for this subdivision, sewer allocation approval would also be required before any construction could occur on the site.

Transportation:

A TIA was not required for this subdivision, based on the proposed number of lots. However, future right of way on Blackwelder Road is being dedicated and will be available for future expansion. A full access movement along with a dedicated right turn lane will also be constructed on Blackwelder Road including 300 feet of pavement widening and associated taper. The greenway will be constructed and eventually connect throughout town as additional subdivisions are built with greenways.

b. Safety and Sanitation Services:

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

c. Schools:

Per Cabarrus County, the APF Ordinance for schools is currently not being enforced after a ruling by the NC Supreme Court. However, Cabarrus County Schools does still review the capacity of the K-12 schools that this development will feed into and provides future capacity numbers based on the units proposed. For this site, Cabarrus County has provided the following information:

Current Capacity:

Elementary (Pitts School Road ES)	<u>83%</u>
Middle (Roberta Road MS) -	<u>82%</u>
High (Jay Robinson HS) -	<u>67%</u>

Future Capacity Based on Unbuilt Lots and Including this Request:

Elementary (Pitts School Road ES)	<u>86%</u>
Middle (Roberta Road MS) -	<u>83%</u>
High (Jay Robinson HS) -	<u>68%</u>

As per Cabarrus County School, upon full buildout, the Single-family homes in this development will generate an additional 28 elementary students, 14 middle school students, and 18 high school students.

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 use and density (1.31 dwelling units per acre) are compatible with existing neighborhoods in the area. The density is slightly lower than those developments and the lot sizes are similar. Properties to the west and south of the site currently exists as rural homesteads, so the proposed development would represent a change compared to those areas.

- 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 neighborhoods, while preserving appropriate area for open space.

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

The area around this property is primarily zoned for low to medium density residential use. Existing land use patterns in the area typically consist of low to medium density residential neighborhoods, vacant forested land and land previously used for agricultural purposes.

- 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 the Harrisburg Area Land Use Plan (HALUP), particularly the mixed-use areas.

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

This property has been used for residential and agricultural purposes.

- 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 RM district to the property, with the proposed density limitation, is consistent with the density and lot size standards established for the base RM Zoning District in the Unified Development Ordinance and Medium Density Residential land use classification in the Land Use Plan.

The development proposal accompanying the rezoning request would restrict permitted uses to single family attached residences, which are appropriate in this area.

- 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 approval to develop this property for single-family detached residential use, which is an allowed use in the RM District.

- 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 identifying and implementing roadway improvement measures on perimeter roadways intended to mitigate adverse transportation impacts associated with the proposed development. Currently two vehicular site access points are planned, one full movement onto Blackwelder Road and one access point onto Aberdeen Way. A third access will be available when the property to the south is developed and a connection is established. The planned greenway will provide residents in the area greater bicycle and pedestrian mobility alternatives.

Landscaping buffers shown are adequate to meet the needs of the adjacent properties, and town staff is working with the applicant to identify any prospective tree save opportunities on the site that could be incorporated into the final planting plan.

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 reasonably be 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. Additional conditions imposed on this proposed conditional rezoning will need to be agreed to by the applicant before they can be included as part of any approval granted.

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.

Both the Planning Board and the Town Council will need to adopt a consistency statement when a recommendation or decision is made on this request.

RECOMMENDATION:

Based upon consistency of the proposed subdivision with the Harrisburg Area Land Use Plan and compliance with the Unified Development Ordinance, Planning and Zoning Department staff recommends approval of the applicant's request for rezoning, subject to the conditions noted below. Furthermore, staff recommends that the Planning and Zoning Board recommend approval to the Town Council of the applicant's request for conditional zoning.

APPROVAL WITH CONDITIONS:

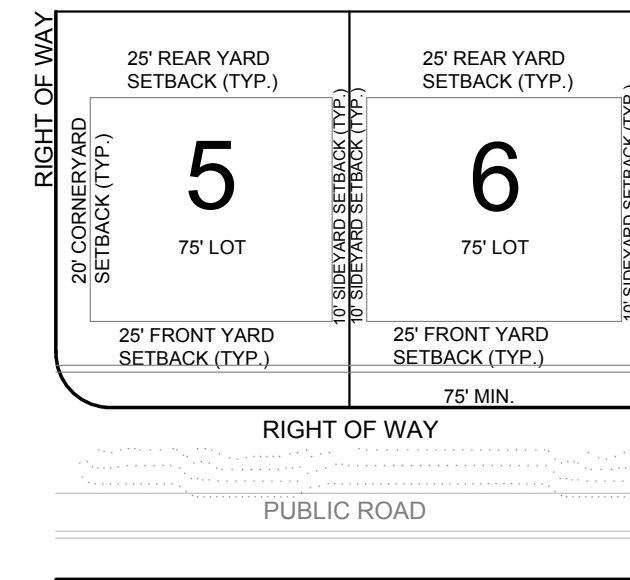
The applicant is requesting a conditional rezoning of the subject property for a 51-lot single family subdivision. As outlined in the Section 145.03 of the UDO, conditions may be imposed on the requested rezoning, subject to the consent of the applicant.

In accordance with the approval criteria noted above, staff recommends approval of the request for rezoning, subject to the following conditions, as agreed to by the applicant:

1. The applicant shall obtain any and all applicable local, state, and federal permits required for development before any development activity can take place.
2. Primary cladding materials for all residential buildings shall be restricted to masonry or similar products (no vinyl siding will be allowed).
3. All concrete foundations shall be covered with siding and/or other material and must extend to the ground level on all sides.
4. Mitigation/replacement of identified heritage trees shall be required if damaged during construction, in accordance with the Town of Harrisburg Unified Development Ordinance.
5. A minimum 8-foot-wide landscape easement (4 feet on each side of the property line, existing tree save or newly planted) shall be provided for residential lots sharing a rear property line.
6. A fee-in-lieu of payment for required "Public Open Space" shall be made in the amount \$36,162 (calculation is based on a per acre value of \$38,065 for .95 acres). This fee-in-lieu dedication shall be made to the Town prior to final plat approval.
7. A 10' wide paved greenway shall be constructed as shown on the rezoning site plan. In addition, a 25' wide greenway public access easement shall be dedicated to the Town of Harrisburg.
8. 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.
9. Fences surrounding all detention ponds shall be vinyl 4-rail farm fence, preferably white.
10. Mailbox clusters shall meet ADA Standards at a minimum.
11. All streets shall be designed and built to Town of Harrisburg Engineering Design standards. Alternate pavement schedule design is not allowable. Roadways cross sections will be reviewed and approved at the construction document phase.

DEVELOPER:	SOUTHFORK VENTURES, LLC PO BOX 178 WADMALAW ISLAND, SC 29487 PHONE: (704) 254-3137
LAND OWNER:	JENOAL G & ROBIN ANNE BLACKWELDER 5127 BLACKWELDER ROAD CONCORD, NC 28027
TAX PARCEL NO.:	02-040-0006.15, 02-040-0006.20
BOOK & PAGE:	DB 8890 DP 0159
SITE ACREAGE:	39.32± ACRES (TOTAL SITE) <u>0.29± ACRES (LESS DOT R/W)</u> 39.03± ACRES (NET)
CURRENT ZONING:	LDR (LOW DENSITY RESIDENTIAL)
PROPOSED ZONING:	CZ-RM: RESIDENTIAL MEDIUM CONDITIONAL USE DISTRICT
LAND USE:	EXISTING: FARMLAND (VACANT) PROPOSED: SINGLE FAMILY RESIDENTIAL
BUFFER YARD:	REQUIRED: TYPE "A" (12')
SETBACKS	
FRONT:	30 FT (25 FT IF SIDE ENTRY)
CORNER:	20 FT
SIDE:	10 FT
REAR:	25 FT
LOTS/UNITS:	51 UNITS
LOT WIDTH (MIN.):	75 FT
LOT AREA (MIN.):	15,000 SF
DENSITY:	1.31 UNITS/ACRE
OPEN SPACE:	REQUIRED: 4.68 AC. (12.00% <2.0 DUA) PROVIDED: 14.82 AC. (38.02%)
ACTIVE OPEN SPACE:	REQUIRED: 1.275 AC (.025 AC. PER LOT, TABLE 6.5.3.7.2) PROVIDED: 1.93 AC.
PASSIVE OPEN SPACE:	PROVIDED: 7.41 AC.
PUBLIC OPEN SPACE:	REQUIRED: 1.46 AC. (1/35 AC. PER LOT) PROVIDED: 0.51 AC. MITIGATION AREA = 0.95 AC.*

Line #	Line Table	
	Length	Direction
L1	177.88	S25°21'30"E
L2	89.89	N64°39'25"E
L3	74.31	N64°37'47"E
L4	49.41	N70°53'30"E
L5	48.72	S38°45'59"W
L6	48.82	S23°38'20"W
L7	76.71	E6°42'45"E
L8	82.68	S9°19'33"E
L9	23.83	S25°15'30"E
L10	145.82	S18°0'46"E
L11	170.83	S50°35'33"E
L12	152.95	S39°24'03"E
L13	218.99	S41°20'03"E
L14	40.03	S75°57'54"W
L15	59.98	S27°30'33"E
L16	90.03	S14°15'23"E
L17	60.10	S14°02'07"E
L18	38.53	S75°55'27"W
L19	31.28	S76°06'14"W
L20	30.04	N64°36'22"E

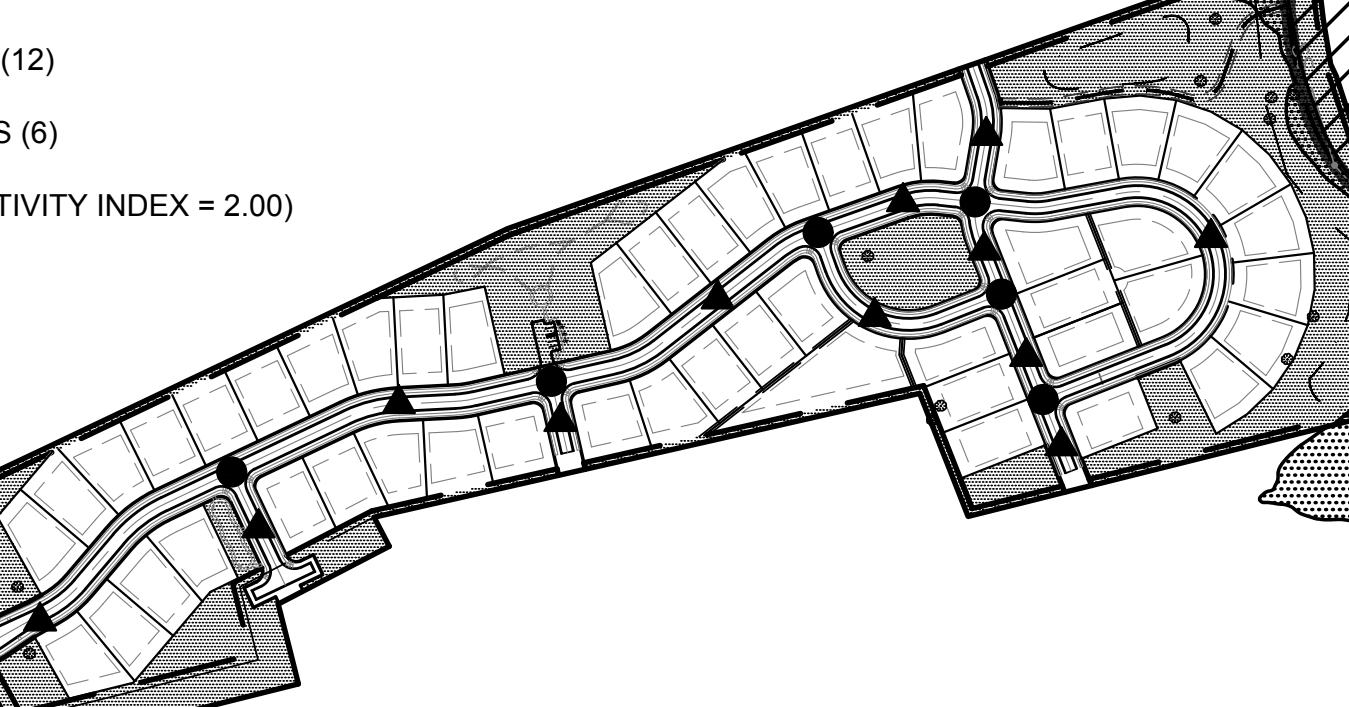


(Not To Scale)

KEY:

- ▲ LINKS (12)
- NODES (6)

(CONNECTIVITY INDEX = 2.00)



A schematic diagram of a road network. The network consists of several interconnected road segments (links) and junctions (nodes). The links are represented by lines with arrows indicating the direction of traffic flow. The nodes are represented by black dots. The diagram shows a complex, interconnected network of roads, with some segments having multiple lanes and others being single-lane roads. The network is set against a background of a grid of squares, which may represent land parcels or a street grid. The overall shape of the network is elongated and somewhat irregular, with a central loop and several branches.

CONNECTIVITY DIAGRAM

(Not To Scale)



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Engineer:



R. Joe Harris & Associates, Inc.

Engineering • Land Surveying • Planning
Management

186 Stonecrest Blvd., Tega City, S.C. 29708 P: (803) 802-1799

www.rjoe Harris.com

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FOR
INFORMATION
ONLY

Project Manager	Drawn
P. Murphy	J. Murdock
Department Manager	Checked
P. Murphy	B. Pridemore

October 17, 2022

Asbuilt Drawn

Client

Southfork Ventures, LLC
PO BOX 178
WADMALAW ISLAND, SC 29487
P: (704) 254-3137

Project:

Blackwelder Subdivision

Drawing Title:

Rezoning

Project No.	Drawing No.
5118	
DWG File Name:	SP-1
118-Blackwelder-rezoning	



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P. Murphy	J. Murdock
Department Manager	Checked
P. Murphy	B. Pridemore

Print/Plot Date

October 17, 2022

Asbuilt Drawn

Asbuilt Date

-

Client

Southfork Ventures, LLC

PO BOX 178

WADMALAW ISLAND, SC 29487

P: (704) 254-3137

Project:

Blackwelder Subdivision

Drawing Title:

Landscape

Project No.

DWG File Name:

5118

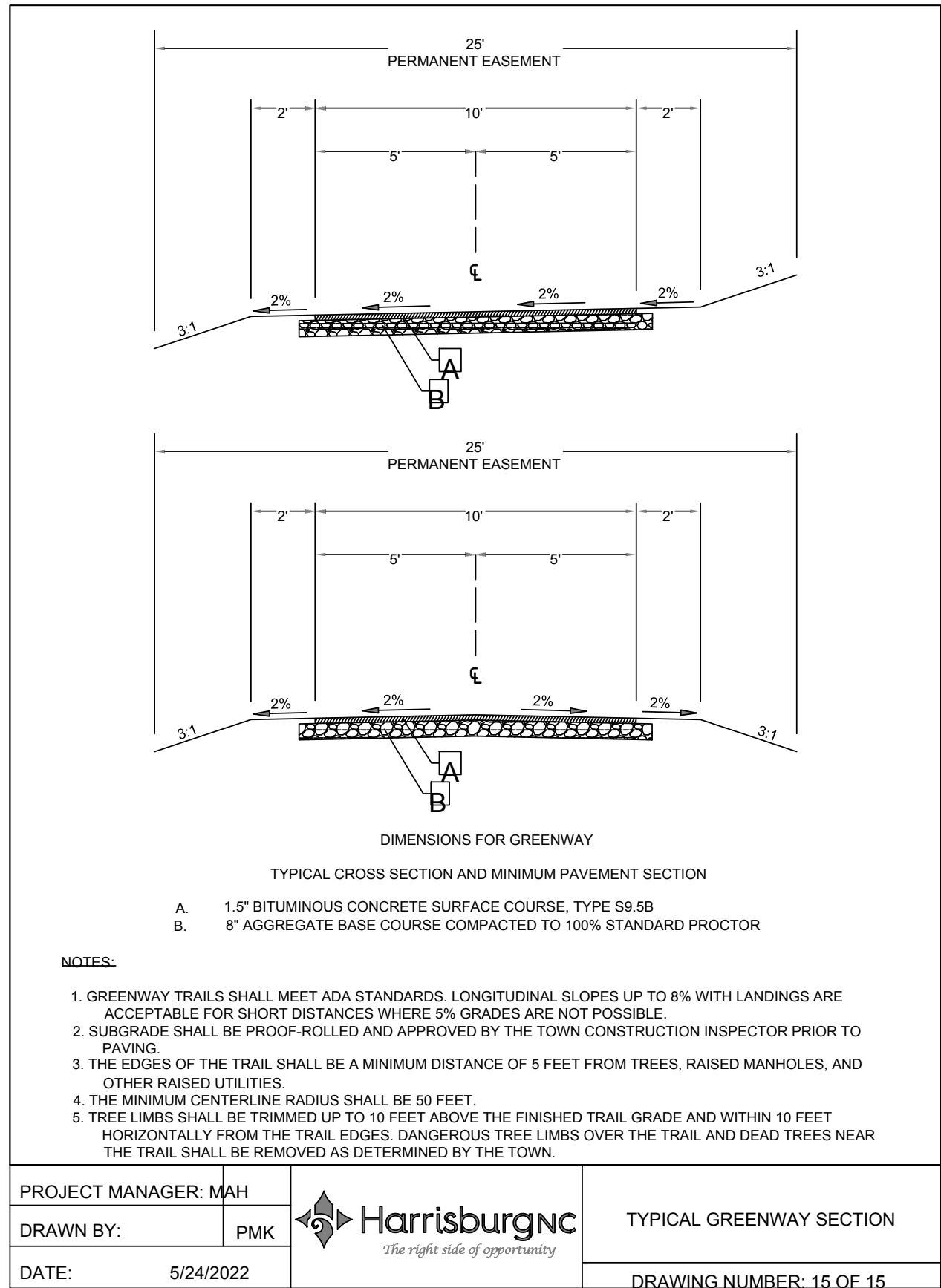
5118-Blackwelder-re-zoning

Drawing No.

SP-2

CONDITIONAL NOTES:

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 RESTRICT PRIMARY CLADDING MATERIALS FOR ALL RESIDENTIAL BUILDINGS TO MASONRY TO INCLUDE FIBER CEMENT OR SIMILAR PRODUCTS; VINYL SIDING SHALL ONLY BE USED FOR DOORS AND TRIM.
3. APPLICANT AGREES THAT THERE WILL BE NO EXPOSED CONCRETE FOUNDATIONS AND THAT SIDING AND/OR OTHER MATERIAL MUST EXTEND TO THE GROUND LEVEL ON ALL SIDES OF THE HOMES.
4. APPLICANT AGREES TO THE MITIGATION/REPLACEMENT OF IDENTIFIED 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, EXISTING TREE SAVE OR NEWLY PLANTED) FOR RESIDENTIAL LOTS SHARING A REAR PROPERTY LINE.
6. APPLICANT AGREES TO DEDICATE A FEE-IN-LIEU OF PUBLIC OPEN SPACE DEDICATION FOR THE 0.95 ACRES OF REQUIRED PUBLIC OPEN SPACE, IN THE AMOUNT OF \$38,065 PER ACRE, FOR A TOTAL OF \$36,162. ALL FEE-IN-LIEU OF DEDICATIONS SHALL BE MADE TO THE TOWN PRIOR TO FINAL PLAT APPROVAL.
7. APPLICANT AGREES TO CONSTRUCT 10' WIDE PAVED GREENWAY AND DEDICATE 25' GREENWAY EASEMENT AS SHOWN ON THE REZONING SITE PLANS.
8. 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.
9. APPLICANT AGREES FENCE SURROUNDING DETENTION POND SHALL BE VINYL 4-RAIL FANS FENCE, PREFERABLY WHITE.
10. APPLICANT AGREES MAILBOX CLUSTERS SHALL MEET ADA STANDARDS AT A MINIMUM.
11. 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.



DEVELOPMENT NOTES:

1. GENERAL PROVISIONS:
 - 1.1. SITE DEVELOPMENT. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY SOUTHFORK VENTURES, LLC ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF UP TO FIFTY-ONE (51) SINGLE-FAMILY DETACHED DWELLING UNITS AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PROPOSED DEVELOPMENT WILL BE ON AN APPROXIMATELY 39.03 ACRE SITE ON BLACKWELDER ROAD ("THE SITE").
 - 1.2. ZONING DISTRICTS/ORDINANCE. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE HARRISBURG ZONING ORDINANCE ("THE ORDINANCE"), UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE RV ZONING CLASSIFICATION SHALL GOVERN.
 - 1.3. GRAPHICS AND ALTERATIONS. THE SCHEMATIC DEPICTIONS LOTS, SIDEWALKS, STRUCTURES AND BUILDINGS, BUILDING ELEVATIONS, DRIVEWAYS, STREETS AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE LAYOUT, LOCATIONS, SIZES AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY THE TOWN OF HARRISBURG.
 - 1.4. SINCE THE PROJECT HAS NOT UNDERGONE THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES, IT IS INTENDED THAT THIS REZONING PLAN PROVIDE FOR FLEXIBILITY IN ALLOWING SOME ALTERATIONS OR MODIFICATIONS FROM THE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS. THEREFORE, THERE MAY BE INSTANCES WHERE MINOR MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER THE ORDINANCE PENDING REVIEW AND APPROVAL BY THE TOWN OF HARRISBURG. THESE INSTANCES WOULD INCLUDE CHANGES TO GRAPHICS IF THEY ARE MINOR AND DON'T MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.
 - 1.5. THE PLANNING DIRECTOR WILL DETERMINE IF SUCH MINOR MODIFICATIONS ARE ALLOWED PER THIS AMENDED PROCESS, AND IF IT IS DETERMINED THAT THE ALTERATION DOES NOT MEET THE CRITERIA DESCRIBED ABOVE, THE PETITIONER SHALL THEN FOLLOW THE ADMINISTRATIVE AMENDMENT PROCESS OF THE ORDINANCE; IN EACH INSTANCE, HOWEVER, SUBJECT TO THE PETITIONER'S APPEAL RIGHTS SET FORTH IN THE ORDINANCE.
2. PERMITTED USES & DEVELOPMENT LIMITATION:
 - 2.1. THE SITE MAY BE DEVELOPED WITH UP TO FIFTY-ONE (51) SINGLE-FAMILY DETACHED DWELLING UNITS.
 - 2.2. THE MINIMUM LOT SIZE SHALL BE 15,000 SQUARE FEET WITH A MINIMUM LOT WIDTH OF SEVENTY-FIVE (75) FEET.
3. ACCESS AND TRANSPORTATION:
 - 3.1. ACCESS TO THE SITE WILL BE FROM CONNECTION TO BLACKWELDER ROAD ON THE WESTERN PART OF THE SITE AS DEPICTED ON THE REZONING PLAN.
 - 3.2. ADDITIONAL ACCESS TO THE SITE WILL BE FROM CONNECTION TO ABERDEEN WAY ON THE NORTHEAST PART OF THE SITE AS DEPICTED ON THE REZONING PLAN.
 - 3.3. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE DEVELOPMENT AND CONSTRUCTION PLANS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE TOWN OF HARRISBURG AND/OR NCDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.
 - 3.4. THE PETITIONER SHALL INSTALL TRANSPORTATION IMPROVEMENTS AS SHOWN/PROVIDED WITH REZONING PLAN.
4. ARCHITECTURAL STANDARDS:
 - 4.1. THE BUILDING MATERIALS USED ON THE PRINCIPAL BUILDINGS CONSTRUCTED ON SITE WILL BE A COMBINATION OF PORTIONS OF THE FOLLOWING: BRICK, STONE, PRECAST STONE, PRECAST CONCRETE, SYNTHETIC STONE, CEMENTITIOUS FIBER BOARD, EIFS, STUCCO, DECORATIVE BLOCK AND/OR WOOD, VINYL OR ALUMINUM AS A BUILDING MATERIAL MAY ONLY BE USED ON WINDOWS, SOFFITS AND HANDRAILS/RAILINGS. THE PROPOSED ROOFING MATERIALS WILL BE ARCHITECTURAL SHINGLES, WOOD SHAKE, SLATE, TILE AND/OR METAL.
 - 4.2. THE MINIMUM SINGLE-FAMILY RESIDENTIAL UNIT SIZE SHALL BE 2,000 SQUARE FEET FOR A SINGLE STORY UNIT AND 2,600 SQUARE FEET FOR A 2-STORY UNIT.
 - 4.3. THE PETITIONER AGREES TO RESTRICT CLADDING MATERIALS FOR ALL BUILDINGS TO CLADDING PRODUCTS OTHER THAN VINYL SIDING.
 - 4.4. NO LESS THAN 30% OF ALL HOMES SHALL HAVE SIDE ENTRY GARAGES.
5. STREETSCAPE, BUFFERS, YARDS, LANDSCAPING:
 - 5.1. A TWENTY-FIVE (25) FOOT TYPE 6 STREET YARD BUFFER SHALL BE PROVIDED WHILE ADJACENT TO EXISTING ROADS.
 - 5.2. A TWELVE (12) FOOT TYPE "A" LANDSCAPE BUFFER SHALL BE PROVIDED AS GENERALLY DEPICTED.
6. ENVIRONMENTAL FEATURES AND OPEN SPACE:
 - 6.1. THE SITE SHALL COMPLY WITH STORMWATER AND WATER QUALITY REQUIREMENTS AS SET FORTH IN THE ORDINANCE.
 - 6.2. THE STORMWATER FACILITY WILL PROVIDE PEAK DISCHARGE CONTROL (DETENTION) UP TO THE TWENTY-FIVE (25) YEAR STORM.
 - 6.3. A TEN (10) FOOT WIDE PAVED PUBLIC GREENWAY TRAIL WITH A TWENTY-FIVE (25) FOOT EASEMENT SHALL BE PROVIDED AS GENERALLY DEPICTED.
7. MISCELLANEOUS PROVISIONS:
 - 7.1. PETITIONER AGREES TO OBTAIN ALL APPLICABLE LOCAL, STATE, AND FEDERAL PERMITS REQUIRED FOR DEVELOPMENT BEFORE ANY DEVELOPMENT ACTIVITY OCCURS ON SITE.
8. AMENDMENTS TO THE REZONING PLAN:
 - 8.1. FUTURE AMENDMENTS TO THE REZONING PLAN (WHICH INCLUDES THESE DEVELOPMENT STANDARDS) MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE APPLICABLE PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS OF THE ORDINANCE.
9. BINDING EFFECT OF THE REZONING APPLICATION:
 - 9.1. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INSURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.

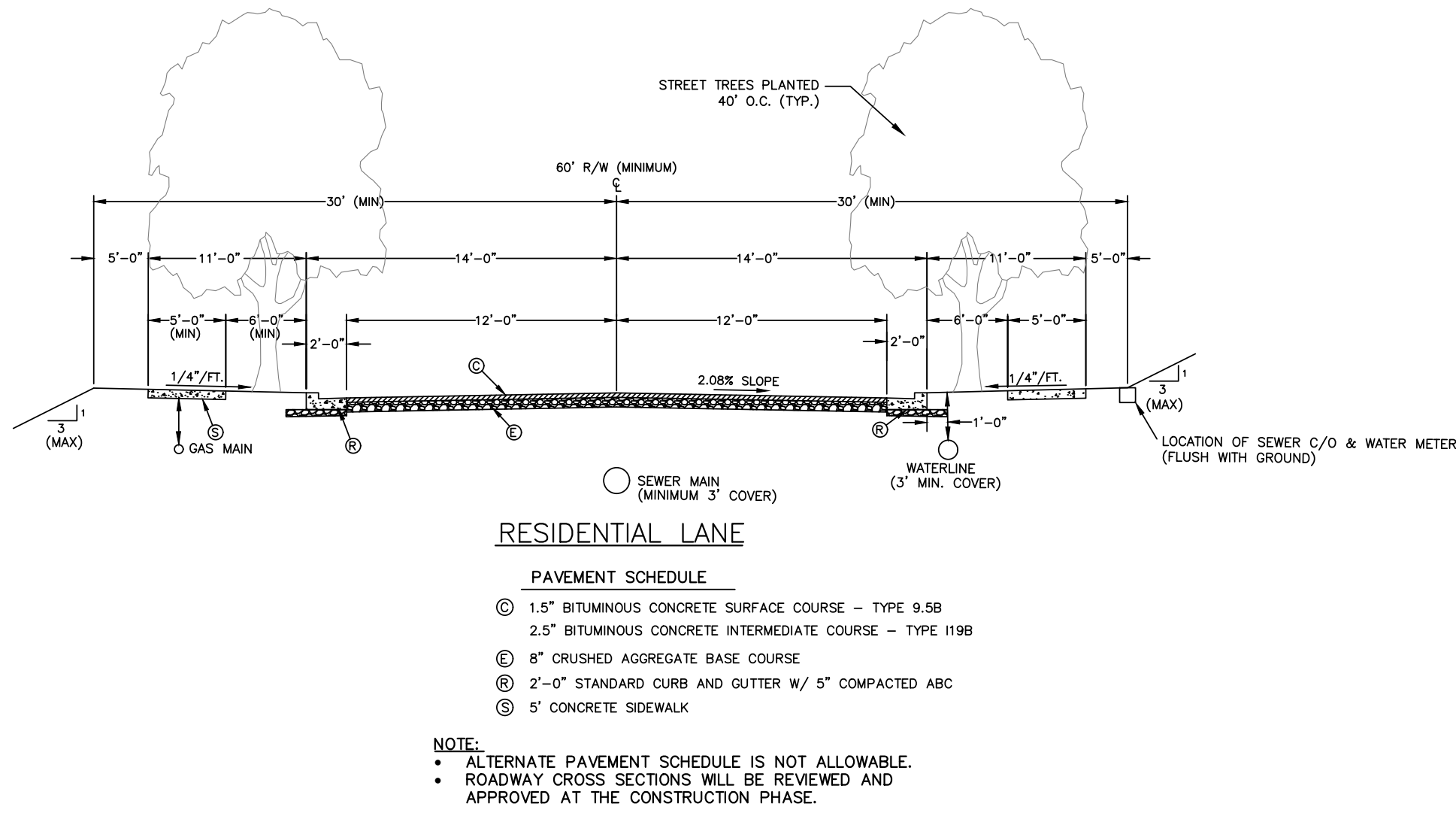
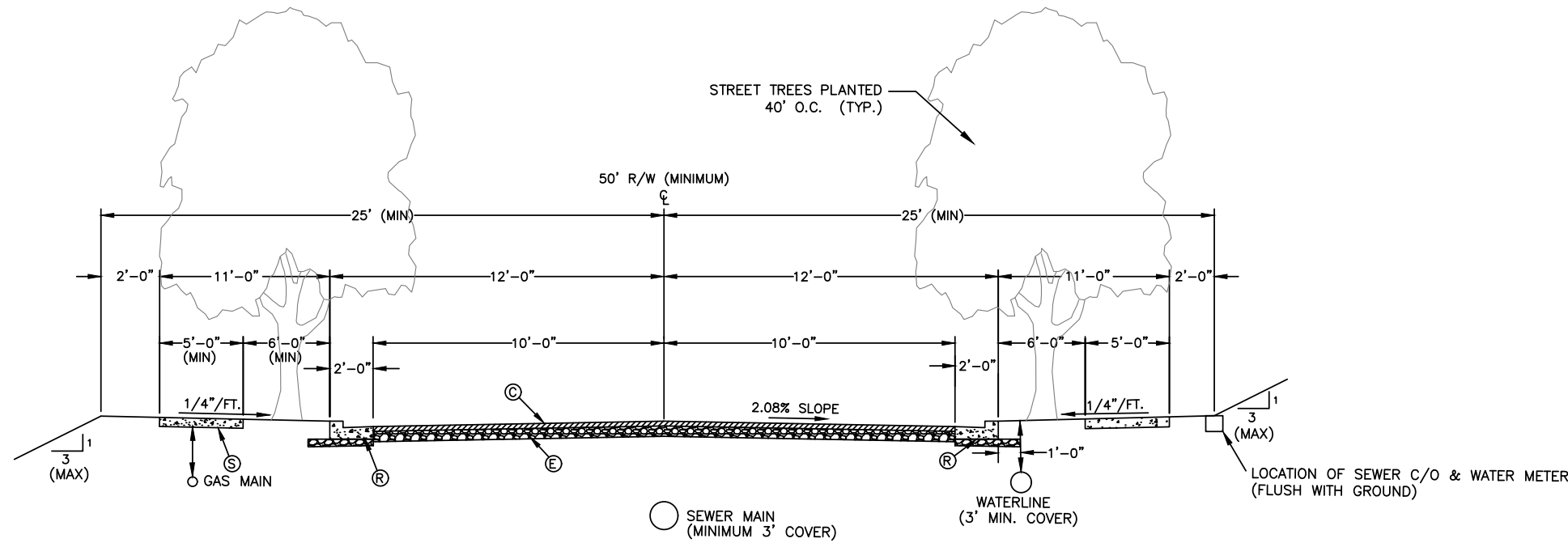
RIVERSTREAM OVERLAY CALCULATION NOTE:

CLASS 1 STREAM BUFFER SHALL BE MEASURED FROM THE AVERAGE ANNUAL STREAM BANK PERPENDICULARLY FOR A DISTANCE OF 50 FEET PLUS FOUR (4) TIMES THE AVERAGE PERCENT OF SLOPE OF AREA ADJACENT TO THE STREAM. SLOPE CALCULATED BY MEASURING A DISTANCE OF 250 FEET FROM THE CENTER OF THE STREAM. MAXIMUM DISTANCE SHALL NOT EXCEED 120 FEET FROM THE EDGE OF THE STREAM.

MAX. AVERAGE EXISTING SLOPE FOR 250' DISTANCE FROM CREEK = 4.3% - 16.4%
RSOD = MINIMUM 50' + (4 * AVERAGE SLOPE)
RSOD PROVIDED = 67.2' - 115.6' FROM TOP OF BANK



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10/17/2022	Third Submittal to Town of Harrisburg	2



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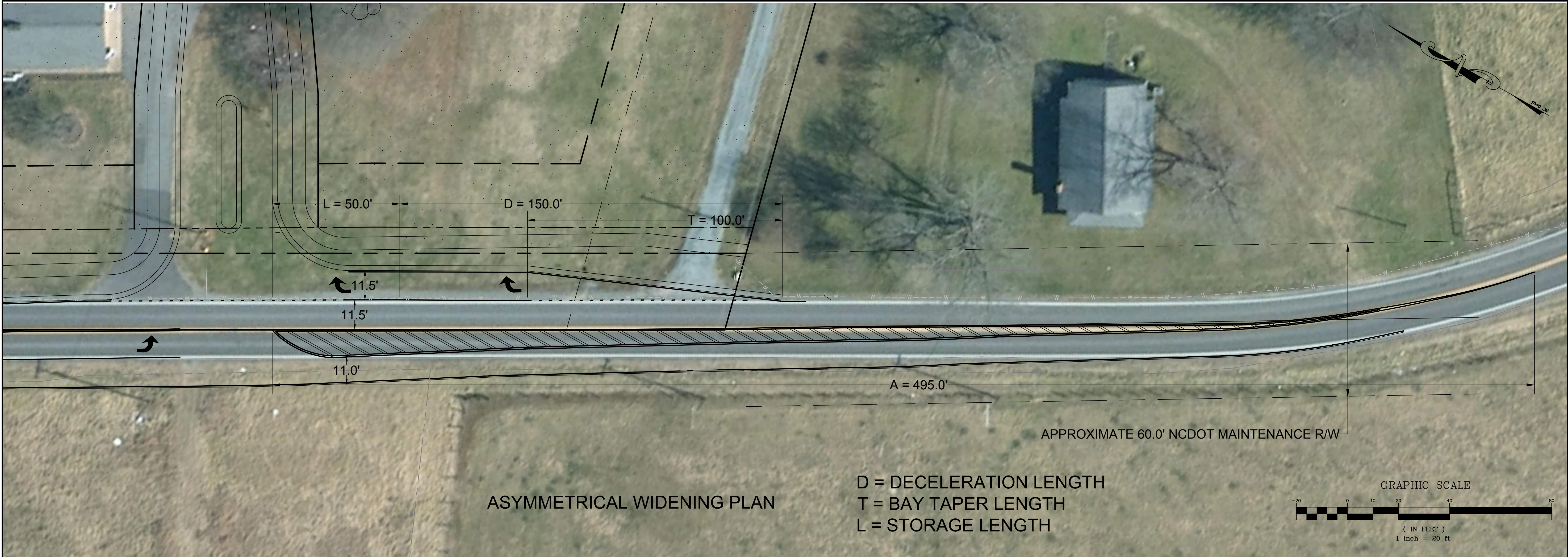
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This drawing shall not be used for construction purposes until the seal and signature of the responsible registrant appears on the drawing, and proper permit forms and related fees are transmitted by the Owner, Owner's Agent or Contractor to the Authority having jurisdiction.

FOR
INFORMATION
ONLY

Project Manager	Drawn
P. Murphy	J. Murdock
Department Manager	Checked
P. Murphy	B. Pridemore
Print/Plot Date	
October 17, 2022	
Asbuilt Drawn	Asbuilt Date
-	-
Client	
Southfork Ventures, LLC	
PO BOX 178	
WADMALAW ISLAND, SC 29487	
P: (704) 254-3137	
Project:	
Blackwelder Subdivision	
Drawing Title:	
Details	
Project No.	Drawing No.
5118	
DWG File Name:	
5118-Blackwelder-rezoning	SP-3



DATE	ISSUED FOR	REV
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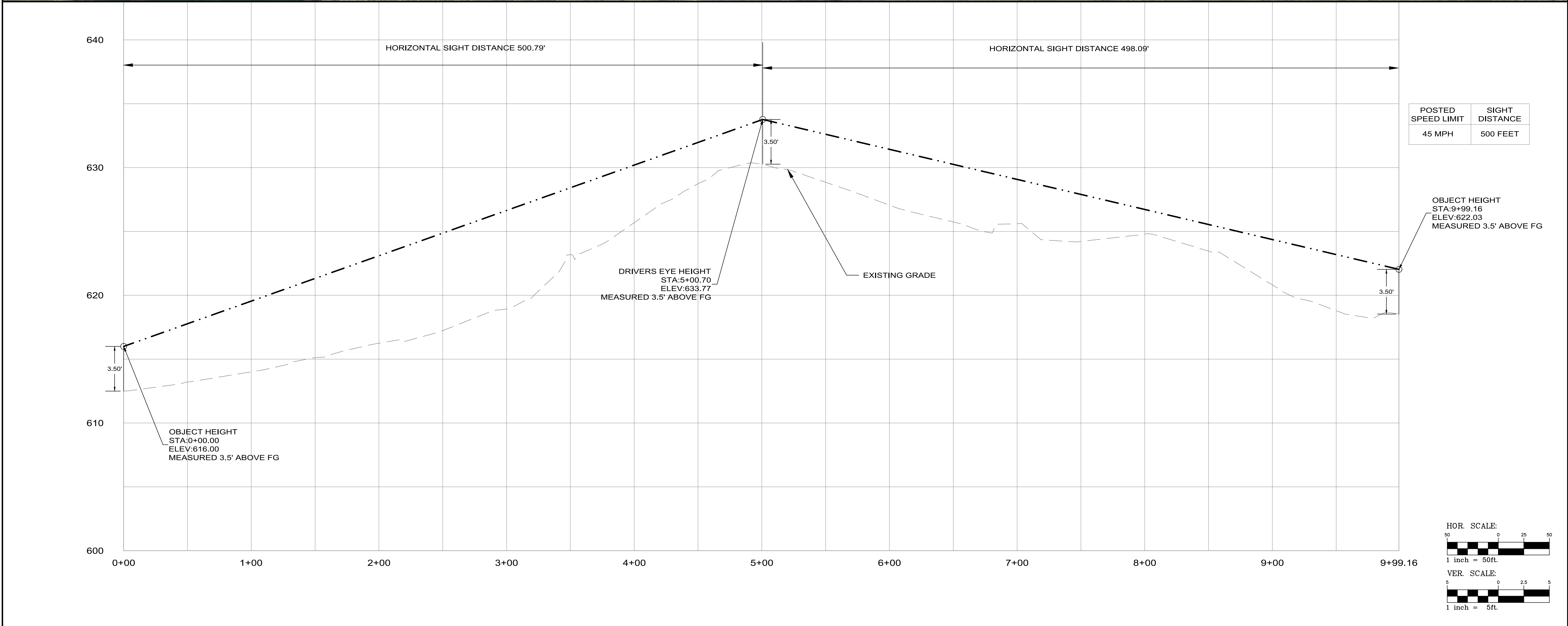
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FOR INFORMATION ONLY

Project Manager P. Murphy	Drawn J. Murdock
Department Manager P. Murphy	Checked B. Pridemore
Print/Plot Date October 17, 2022	
Asbuilt Drawn -	Asbuilt Date -
Client SOUTH FORK VENTURES, LLC 3712 RIVERGRASS LANE YORK, SC 29745 (704) 506-2407	
Project: BLACKWELDER SUBDIVISION	
Drawing Title: ROAD WIDENING EXHIBIT	
Project No. 5118 DWG File Name: 5118-Blackwelder-rezoning	Drawing No. SP-4



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Engineer:



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Engineering • Land Surveying • Planning
Management

127 Ben Casey Drive, Suite 101, Fort Mill, S.C. 29708 P: (803) 802-1799

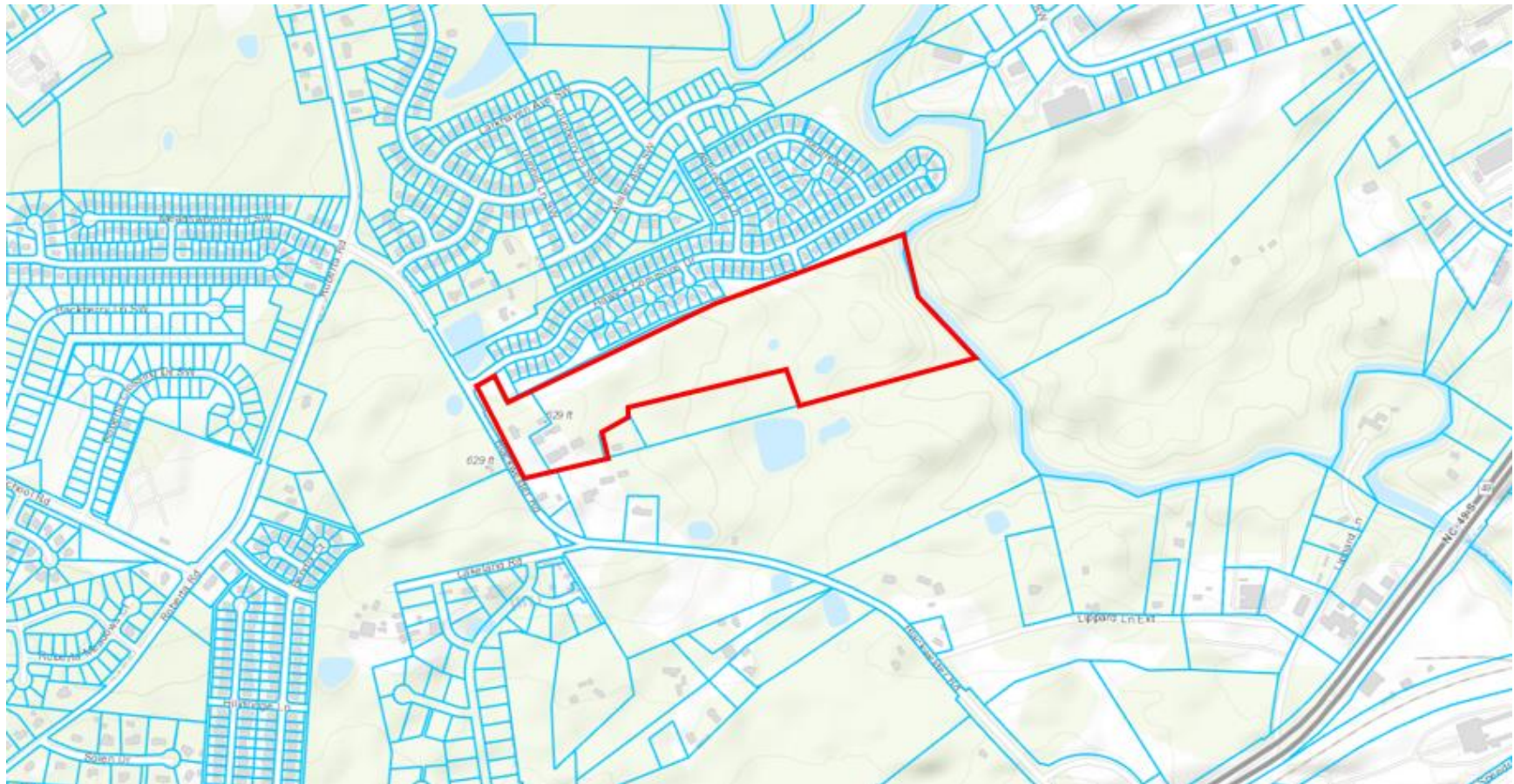
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Department Manager P. Murphy	Checked B. Pridemore
Print/Plot Date October 17, 2022	
Asbuilt Drawn -	Asbuilt Date -
Client SOUTHFORK VENTURES, LLC PO BOX 178 WADMALAW ISLAND, SC 29487 P: (704) 254-3137	
Project: Blackwelder Subdivision	
Drawing Title: Site Distance Profile	
Project No. 5118 DWG File Name: 5118-Blackwelder-Site Distance	Drawing No. SD-1

H2022-07-R Blackwelder Rezoning Site Map





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.

Single Family Residential

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.).

Will Offer Minimum of 30% Side Loaded Garage Products

Increase Front Setbacks to 30' When Using Front Loaded Garages

Provide Full Access to Blackwelder Road w/RTL and LTL (subject to NCDOT approval)

Provide Landscaped Berm Along Frontage of Blackwelder Road



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	<u>Jenoal G Blackwelder</u> <u>(TM#5518448790 & TM#5518343293 partial owner)</u>
Address	<u>5127 Blackwelder Rd.</u> <u>Concord, NC 28027</u>
Phone	<u></u>
Fax	<u></u>
Signature	<u><i>Jenoal G. Blackwelder</i></u> 6-22-22 <u>Jenoal G. Blackwelder</u>

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: _____



Owner Information

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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 Robin Ann Blackwelder
(TM#5518343293 partial owner)
Address 5127 5151 Blackwelder Rd.
RB Concord, NC 28027
Phone _____
Fax _____
Signature *Robin Ann Blackwelder* 6-22-22
Robin Ann Blackwelder

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BLACKWELDER CZ-RM ANNEXATION & REZONING

Notes from Neighborhood Meeting | July 21st, 2022

Issued: 7/28/2022

HOW WILL DEVELOPMENT AFFECT SCHOOL SYSTEM OVERLOAD?

- Town coordinates and shares all projects to the Cabarrus County School District (City response).
- Brandon Pridemore (consultant for applicant) noted that with only 51 residential lots, the development would only send limited number of students between the elementary, middle and high schools.

BRANDON ODELL, WHO LIVES AT 5151 BLACKWELDER ROAD, WANTED TO KNOW IF ACCESS TO HIS LOT WOULD BE IMPACTED

- Brandon Pridemore noted that is access would be unaffected and we have a paved stub extended adjacent to this lot within the existing 60' private right-of-way reserved to serve the parcel behind him

WHO WILL MAINTAIN RIGHT-OF-WAY (PRESUMABLY ALONG BLACKWELDER ROAD) AND OPEN SPACES? WILL AN AGREEMENT BE NEEDED?

- Brandon Pridemore noted HOA will maintain any landscaping and open spaces within the project and that NCDOT will own and maintain any dedicated Road Right-of-Ways

JOYCE HARDISTER ASKED QUESTIONS RELATED TO CONSTRUCTION START DATE AND PRICE POINTS OF HOMES

- Brandon Pridemore responded that anticipated start of construction, assuming approval of the rezoning petition, would be at least 12-15 months away and another 6-8 months thereafter before start of home construction
- Brandon Pridemore responded that home prices will start at a minimum of high \$400k and expect prices to be up into the \$600k range

IN GENERAL – NOT QUESTIONS ASKED BY PUBLIC

- Brandon Pridemore noted that applicant (South Fork Ventures) has not yet decided if they will self-develop and sell individual lots or seek a building partner
- There were no “protest” comments issued by the public



R. Joe Harris & Associates, Inc.

1186 Stonecrest Blvd., Tega Cay, S.C. 29708
(803) 802-1799

November 10, 2022

Craig Thomas, Sr. Planner
Town of Harrisburg
Planning & Zoning Department
4100 Main Street, Suite 102
Harrisburg, NC 28075

**RE: BLACKWELDER SUBDIVISION
Public Open Space Fee-in-Lieu Estimation**

RJH Project #3329

Dear Mr. Thomas:

On behalf of South Fork Ventures, LLC (Developer), we would like to request approval for a fee-in-lieu payment for a portion of the required public open space for the above referenced Blackwelder Subdivision.

The proposed development will include 51 lots which would require 1.46 acres of public open space based on 1/35 acre per lot. The developer is proposing to provide 0.51 acres within the property and providing fee-in-lieu payment for the remaining 0.95 required acres. The current assessed land value (per acre) as taken from GIS is \$38,065.00. This value will be used to calculate the fees unless the sale price of the land yields a larger price per acre, in which case, the fee will be adjusted to reflect the sales price.

The Developer is requesting to provide a fee-in-lieu mitigation payment at the time of final plat as follows:

Total fee to be paid = \$38,065.00/acre x 0.95 acres = \$36,162.00

Additionally, the Developer has committed to building a 10' wide paved greenway trail within a 25' permanent easement (0.51 acres of public open space within the property).

If you should have any questions or require any additional information, please feel free to contact us.

Sincerely,

R. JOE HARRIS & ASSOCIATES, INC.

Brandon S. Pridemore
Vice President
Lead Development Consultant

cc-email: Rick Walliser – South Fork Ventures

BLACKWELDER

TOWN OF HARRISBURG, NC

SAMPLE HOUSING ELEVATIONS

(THE ELEVATIONS PROVIDED ARE ILLUSTRATIVE OF THE HOUSING STYLES PROPOSED FOR THE NEIGHBORHOOD AND SHALL SERVE AS THE MINIMUM STANDARDS FOR THE COMMUNITY. FINAL HOUSE PLANS TO BE PROVIDED TO TOWN OF HARRISBURG PLANNING STAFF TO ENSURE COMPLIANCE WITH THE STANDARDS ESTABLISHED FOR THE BLACKWELDER CONDITIONAL REZONING PLAN)

A Community By:



SOUTHFORK
VENTURES



HarrisburgNC

The right side of opportunity









