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

May 16, 2023
6:00 PM

AGENDA

1. CALL TO ORDER

A. AGENDA ADOPTION

B. SPECIAL PRESENTATIONS

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

D. 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=UUVIbHlWeng1YStOUUVmVWdtZXllQT09
Webinar ID: 829 2293 4233
Passcode: 249745

Or join by phone:
312.626.6799
301.715.8592

2. CONSENT AGENDA

A. Consideration of Approval of March 21, 2023 Meeting Minutes for both Planning and Zoning Board and Board of Adjustment.

3. OLD BUSINESS

4. NEW BUSINESS

A. H-2022-16-R: Harrisburg Retirement Residence

B. H-2022-15-R: Divine Residential Development

5. STAFF UPDATES/INFORMATION

A. Update on Town Council Policy on Boards and Committees

B. 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 Approval of March 21, 2023 Meeting Minutes for both Planning and Zoning Board and Board of Adjustment.

Presenting Personnel:
Zac Gordon, Planning Director

Suggested Motion or Action:
Motion to approve the attached minutes from March 21, 2023 Planning and Zoning Board and Board of Adjustment meeting.

Description/Background:
Attached are the minutes from the March 21, 2023 Planning Board and Board of Adjustment meeting.

Recommendation:
Staff recommends approval.

Fiscal Impact:
None

Attachments:
1. PZ MINS AND BOA MINS - March 21, 2023

TOWN OF HARRISBURG, NORTH CAROLINA
PLANNING & ZONING ADVISORY BOARD MEETING
BOARD OF ADJUSTMENT
TUESDAY, MARCH 21ST, 2023

MINUTES

1.
CALL TO ORDER
Thelma Thorne-Chapman called the meeting to order.

PRESENT: Kevin Schaffner, Thelma Thorne-Chapman, Monica Long, Kevin Hutchins

ABSENT: Andy Rathke, Jacob Carpenter

STAFF: Zac Gordon, Planning Director, Craig Thomas, Senior Planner, Carly Bedgood, Planning Technician

A.
AGENDA ADOPTION

MOTION
Kevin Schaffner made a motion to adopt the agenda as presented. Second was made by Jacob Hutchins.
The motion passed 4-0.

B.
SPECIAL PRESENTATIONS

C.
PUBLIC COMMENT
None

2.
CONSENT AGENDA
A. Planning Board meeting minutes of February 21, 2023, Planning and Zoning Board meeting.

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

3.
OLD BUSINESS
None

4.
NEW BUSINESS

A.
H-2023-02-R: Request to Rezone property on Wedding Belle Court (PINs 5506-69-2600 and 5506-76-0274) from LDR (Low Density Residential) County Zoning to RM (Residential Medium) Town of Harrisburg Zoning. The applicant proposes to annex two parcels into the Town of Harrisburg town limits to have access to Town sewer services for the parcels. The parcels are currently in Cabarrus County. To achieve this, the applicant is requesting that the property be rezoned from County LDR (Low Density Residential) to RM (Residential Medium Density). The rezoning request is consistent with the Harrisburg Area Land Use Plan. Therefore, Planning and Zoning Department staff recommends approval of the request for rezoning and that the Planning and Zoning Board also recommend approval of the applicant's request by the Town Council.

MOTION:
Monica Long made a motion to recommend approval of H2023-02-R and sent it on to the Town Council for their consideration with a second from Kevin Schaffner. **The motion passed 4-0.**

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

CONSISTENCY STATEMENT:

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

MOTION:
Kevin Schaffner made a motion to approve the proposed Consistency Statement with a second from Monica Long. **The motion passed 4-0.**

5.
STAFF UPDATES/INFORMATION
N/A

6.
ADJOURNMENT

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

7.
CALL TO ORDER FOR BOARD OF ADJUSTMENT
Thelma Thorne-Chapman called the meeting to order.

PRESENT: Kevin Schaffner, Thelma Thorne-Chapman, Monica Long, Kevin Hutchins

ABSENT: Andy Rathke, Jacob Carpenter

STAFF: Zac Gordon, Planning Director, Craig Thomas, Senior Planner, Carly Bedgood, Planning Technician

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

8. NEW BUSINESS
A.
H-2022-03-SUP: Touched by An Angel

Craig Thomas
This is a request for a Special Use Permit for Touched by an Angel. The request itself is to operate a daycare business in a residential location. The use is allowed but it is not allowed by right but must be issued a special use permit. In presentation to Planning and Zoning Board, staff identified location of property and described structures on the property: two buildings, one is a church and the other one is where the daycare would be located. Staff noted that there is sufficient parking on the site, which includes 20 parking spaces. The distance from the street to the daycare is approximately 125 feet. Staff explained the criteria for grating the special use permit as follows:

- Consistency with the HALUP
- Ingress and Egress – This criteria addresses access to and from the site, (allowing for cars getting in and out of the site). As currently shown, the parking does provide enough area so that cars, even if they do stack up in dropping children off at the daycare will not create traffic congestion on Autumn.
- Nuisances – This is a certification that the proposed use will not be noxious or offensive by reason of vibration, noise odor, dust, smoke, or gas.
- Orderly Development – This criteria is to ensure that the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- Public Health, Safety and General Welfare -Use must not be detrimental to or endanger the public health, safety, or general welfare.

In consideration of the criteria noted above, staff is recommending approval of this request. The applicant has included appropriate arrangements to ensure safe child drop-off and pick-up, with the granting of a day care license by the State a precondition for operation of this daycare facility. The Board of Adjustment has the option to either approve, approve with conditions, or deny the request for a special use permit. Staff indicated they would be glad to answer any questions.

Thelma Thorne-Chapman
Are there any questions for Craig? We do have a few signed up to speak.

Rich Koch
We will need to have the applicant give their presentation first before public comment.

Karen McMillian- Applicant
I have been doing childcare out of my home for 17 years in a residential area in Mecklenburg County. I am trying to move to Harrisburg to help the community. I know the drop-off can be a concern, we already have a system in place with my staff. We open up at 6:30am, we have our staff out there getting the kids, we will set up cones in the parking area so the parents can see where to go. The parents will never have to get out of their car, they have the drop off app on their phones. Once get the kids, we get 3 at a time; they come inside and sit down. We do it so early because we know the buses are going and anything after 8:45am-9 parents cannot come in. We will have a fenced in area with a lock where the kids will play in. The building will always be locked for safety. Cabarrus County does not have a lot of affordable childcare so I thought if I came out here I could help the community. We bring the community together so that way the parents don't have to travel so far and get to work late. The prices that I have set will be affordable for parents.

Monica Long
Would this be a childcare center or home?

Karen McMillan
Just a center, because of the square footage I will only be allowed a certain number of kids.

Monica Long
Your application said a max of 50 kids, do you think you will have that many?

Karen McMillan
I was thinking less than 45 kids.

Thelma Thorne-Chapman
Where will the kids get out in the mornings?

Karen McMillian
We will have directional signs for the parents so they will know where they are going.

Kevin Schaffner
I will assume you will have them que up on the side of the road, they will have maps, so they know where to go.

Karen McMillian
Correct, they will know they have to be here by 9am. The first 5 parking spots parents can park there if they need to, there are 20 total parking spots.

Monica Long
Have you figured out employee parking?

Karen McMillian
Yes, we will have 4 parking spots for them.

Thelma Thorne-Chapman
When my daughter was in daycare, I had to pick up my daughter by 6pm, do you have a cut off time?

Karen McMillian
6pm, we will wait if someone gets stuck in traffic, but we are sharp with the 6pm time.

Monica Long
Do you know what the width of the driveway entrance is for pick up and drop off?

Roslyn Dawkins- Realtor
The width of the parking lot is enough to have a 10-foot radius without touching the employes vehicles. We did have our architect go out there to make sure we had enough room for vehicles to turn.

Thelma Thorne-Chapman
Will this daycare be affiliated with the church at all?

Karen McMillian
No, it will not.

Monica Long
You mentioned youth programs and nonprofits.

Karen McMillian
We have youth programs we would like to put in place on the weekends or something for child that cannot get out and do certain things.

Monica Long
So, this will not take place at the facility?

Karen McMillian
Correct, this would be off site.

Monica Long
Will you take in or service children for after school programs?

Karen McMillian
I will offer that, but we will still be done at 6pm. I am not sure how the schools work around here but in some places the bus can bring them here.

Monica Long
What is the parking requirement for a daycare facility, is there a minimum?

Craig Thomas
The minimum is 1 per 400 sq ft so they easily meet that.

Karl Buddenbaum
405 Autumn Drive
I live directly across the street; my questions are more towards the board.

Jeff Felts
401 Woodside Drive
You say maybe 45 kids, but you don't know if you are going to expand later?

Karen McMillian
We can't expand once a number is set.

Jeff Felts
Ok you say the hours are till 6pm, what type of safety do you have in place for busses coming in the area. I am directly behind the property. You say there is a 10 ft turn around but a pick up truck would not make that turn.

Roslyn Dawkins
Mr. Felts, I can't speak directly on the details because I am not the one who did the drawings. We were told a standard car would be able to turn around.

Jeff Felts
I know the parking lot very well, and I am very familiar with this property. I live directly behind the church which has done many events, and they are very respectful, and they might do 3 events a year. This neighborhood has been here at least 60 years and the church has always been a positive thing, but I don't think a day care is the proper place for this. How are you going to control all the traffic and cars? Who will be responsible for the mailbox knocked over from buses?

Roslyn Dawkins
When she mentioned the school bus can drop the kids off, I live in rocky river crossing and I do know school buses come up and down these roads every day. I believe they can do this safely daily.

Jeff Felts
Are these kids going to be playing outside any? Are you going to be adding playing ground equipment?

Karen McMillian
Yes, they will be playing outside but we will not be adding equipment due to rust. I understand your concern and because you are in the community your concern is my concern. I will make sure those vehicles are coming in and doing what they are supposed to do. If a bus comes at 3:15 a staff member will be outside to get that kid.

Jeff Felts
It might affect people trying to get to their homes as well. How are you going to make the neighborhood feel like this use is a good fit for their community?

Karen McMillian
Let me prove myself.

Jeff Felts
How are you going to do that?

Karen McMillian
We can write a newsletter and let everyone know what time a bus will drop or pick up a child if you would like that. We will know each time the child gets off the bus.

Jeff Felts
I am just getting in all this information today, and I probably do have more questions. Some of the reasons why this neighborhood is an older community and most of the people like their peace. They don't want to hear 20 kids outside playing. The streets are very narrow. You got people who may work 3rd shift who are sleeping during the day. Not to mention the safety of the kids in the neighborhood, we have parents who have signs saying slow down. It will not be good if cops have to come out and control the speed more often. Accidents are more likely to happen. I've waited 15 mins to make a left hand turn before so there are a lot of issues in here that still need to be looked out. If the kids are outside and throw a ball in the neighbor's yard, what are they going to do to go get it especially if the neighbor isn't home. This neighborhood doesn't have a lot of kids anymore. There are plenty of areas that or more situated for this type of use. This isn't a corner lot in a shopping center, and it just changes everything. Church services once a week and little get togethers like they do is how it should stay.

Thelma Thorne-Chapman
Alright, Mr. Buddenbaum.

Karl Buddenbaum
Thank you, I live at 405 Autumn Drive, and I live pretty much right across the street. That is where people will be shining lights in my house every morning. This is an old street, and it is not designed for collector traffic, and I do have a question for this board, is this use subject to the new UDO?

Craig Thomas
Yes.

Karl Buddenbaum
Well, the current UDO 140.04.04.B.3 says that daycares must front a street classified as a collector with minimum traffic. Autumn drive is not a collector based on the definitions that I could find. I think with somewhere around 45 kids you are going to have about 45 cars in the morning and afternoon. Might be a little less because some will have two. This is a change of use of this site, this is my opinion, and it will certainly affect the streets. If this has to meet the current UDO, it does not. Like Felts said you try to get off Roberta in the afternoons it is very tough, and it backs up a very long way. Also, I do have one question, is this special permit for this daycare only but if something were to happen to this business would this be enforced for another daycare down the road?

Zac Gordon
The permit is for the use only and this applicant only.

Karl Buddenbaum
So, if there was another applicant they would have to go through this again?

Zac Gordon
Correct.

Karl Buddenbaum

Ok, I wish you all the best, but plans change and I am sorry if it sounded like I didn't care. I just wanted to know down the road, things change.

Rich Koch
Does anyone have any questions for this last speaker?

Karen McMillian
I want to say I am not upset with how you feel. However, most childcare now is in residential areas, you have to have a good system in place for it to work. I know the safety of the kids and the noise. I know people are getting older and people like their peace. Sometimes change is good. I don't think it will be a big issue out there and I think I can handle it. Now that I know your concerns, I will make sure you do not have any issues with us. I am very passionate about kids, because I am a mom first and number two, I know how hard it is to have reliable, affordable childcare. I worked in a call center for about 4-5 years before I opened my business because I had let it go for a long time. The young girls and single parents have a hard time getting someone to watch their children where they can go to work and feel comfortable leaving them with someone they trust. I understand that it's mostly a traffic and noise issue. I spoke with the church, and they are excited about this happening. I'm not coming to hurt the community at all, I am just trying to bring something good to the community. I am very passionate about children. Harrisburg lacks affordable childcare.

Roslyn Dawkins
I am in the neighborhood adjacent to this community I understand your concern. The firetruck comes through our street anytime there is an emergency. I can tell you that disturbs sleep at night, and it is what it is. They have to get to who they have to when they can. It's a job that needs to be done. Educating these kids needs to be done. A lot of parents are now working from home, and they do not have anywhere for their kids to go. To come to a small daycare and get the same treatment in your neighborhood would be a benefit. We have seniors, young adults, middle age, we have it all. The chance of having something like this in a neighborhood it does scare me, but it can work just like technology. I am saying this is not bad for this neighborhood, she has been doing this for 17 years. One thing I know is she is different; she is really fighting for parents who cannot afford to send their kid to a 5-star daycare.

Kevin Schaffner
Does anyone have any questions for the previous speaker?

Jeff Felts
What is your definition of affordable and do you own that building or are you renting from the church and does the church actually still own that building?

Karen McMillian
I will be leasing this building.

Jeff Felts
You are leasing it from the church?

Karen McMillian
I will be leasing it from the owner of the church.

Jeff Felts
And who is the owner of the church? Does he have any relationship with you?

Karen McMillian
He does now because I am renting.

Jeff Felts
I didn't know if it was a family member, and what is your price range per week?

Roslyn Dawkins
I am the realtor; she was looking for a place to have her daycare. I am the one who searched for the location. When she checked for the location at the time it was not zoned correctly so she said forget it. I found out it could be a daycare, so we decided to take the steps to do so.

Jeff Felts
Why not lease a place here in Town Center?

Roslyn Dawkins
It is easier said than done. It depends on the owner and the agent. It wasn't like she could go over here and do what she needed to do, she had to stay within her budget. We had to find a location that was right for her.

Jeff Felts
We are going to a present going forward where I could sell my house, turn my house into a day care and come to this committee just like we are today, and this sets the steps for another day care in the community. What about moving a daycare over to Morris Glen, that's what we are doing instead of keeping day cares where they belong. You are getting ready to change a neighborhood. Someone might want to open a full-service garage in their back yard, we are starting this and what is going to be there to stop it?

Roslyn Dawkins
I do not know but I know these gentlemen over here are not going to allow stuff like that to happen.

Jeff Felts
This Board could change next week. I just think this is not a good fit for this neighborhood. If you took the same plan to any other neighborhood, you would have the same push back. Put the daycares where they belong so you don't have to worry about all the other problems. Someone is out cutting the grass and a rock hits a kid who's responsible for that. Things can happen.

Thelma Thorne-Chapman
Do any other parties like to speak?

Rich Koch
I think staff should answer the questions from the public.

Karl Buddenbaum
I would just go back to I thought this was in the UDO, in a residential area they do allow home day cares. Not to a level of 45 kids but I would just go back to the UDO and ask that you look at it that way.

Zac Gordon
With regard to Section 104.04.B. of the UDO, the historical use of this site has been a church. As the zoning administrator, my interpretation of this is that the preexisting use would allow for this use because it is accessory to the principal church use and similar "in kind." Viewing this if it was blank slate and we were doing a brand-new daycare, I think the application of this is intended not for a continued use for what I consider to be a civic, religious use which obviously includes not only the attendance on Sundays and during the week. I think this use falls into that. This is a special use permit. The BOA has the responsibility to make a decision to either approve, deny, or approve the proposed use with conditions. Conditions can include limiting the number of children or hours of operation. As a matter of fact, the number of children will ultimately be determined by the Fire Marshal after conducting a safety inspection. I would be surprised if the number of children allowed for this daycare would even approach 45.

Rich Koch
This use is allowed in that zone with a special use permit, correct?

Zac Gordon
Correct. The standards for a daycare do require a state license and written approval from the Fire Marshal. I will say this, this board can make a decision to allow the use, but ultimately Fire Marshal could make a decision to further constrain the number of children approved by the State.

Rich Koch
Any granting order that we make will show those conditions.

Thelma Thorne-Chapman
Any questions from the board?

Kevin Schaffner
I think we need to go through the 5 points to clarify our decision. From a HALUP standpoint it is good.

Thelma Thorne-Chapman
Should we vote on each one Rich?

Rich Koch
Yes, that is how I would do it.

Thelma Thorne-Chapman
Ok, so the first criteria, regarding the HALUP.

Kevin Hutchins
I think it is in line with the HALUP.

Monica Long
I do agree also, I think it is in line with the church use.

Thelma Thorne-Chapman
Ingress and Egress, what are everyone's thoughts of number 2.

Kevin Schaffner
So, having two kids in daycare now I can say it can be traffic heavy but if we are talking about 40 kids max or 20 over a 30 min period, that would be 1 car per min its not overbearing but maybe there could be a condition of right in, right out but there maybe a limitation on the traffic perspective.

Zac Gordon
You can propose any conditions you guys would want.

Craig Thomas
But the applicant does have to agree to the conditions as well.

Kevin Hutchins
Ingress and egress are probably the most concern to me. I can see that 40 cars over 30 minutes is not that much but the fact of the matter is that road was never designed for that. If you have ever been out on this road and I can say I have and if you are running along and meet a car, you are off on the side of the road. Buses and cars at the peak hours does concern me only because of the size of the road.

Monica Long
How wide is this street compared to a new subdivision?

Karl Buddenbaum
I can help you answer that question, there are no sidewalks, and every house has a swale for run off.

Thelma Thorne-Chapman
You do have to wait for another car to pass you before going.

Zac Gordon
New roads are 20 feet across, and based on my estimate, Autumn Street is probably about 18 feet wide. I think you could pass two cars going both ways. The capacity of this road would not be exceeded even with 30 vehicles, because there is not a lot of traffic on the road today, but this road could handle it.

Thelma Thorne-Chapman
Let's vote on number two.

Monica Long
I think there needs to be some conditions on the ingress and egress. I like the right in and right out like Zac suggested.

Rich Koch
I think that should be a town street not a DOT, I think the applicant could put up signs right in right out, but the Town Council would have to go for other signs on the streets. With there being nothing on the pavement at this point, we don't know if the church would go along with that because it is their property.

Jeff Felts
If we are going to do a right turn only, is that going to be only for the people that live on the street? It will come through Patricia Ave. and Autumn Lane.

Kevin Schaffner
This would be for only in and out of the parking lot.

Roslyn Dawkins
Just so you know all the parents will not arrive at the same time, that's not typical at a daycare. You have staggered time when it comes to dropping off the children. You are not going to have 40 cars at 6:00am.

Thelma Thorne-Chapman
Thank you. The next item is Nuisances, the proposed use will not be noxious or offensive by reason of vibration, noise odor, dust, smoke, or gas. I would say other than the gas from the car I don't think there would be anything else or problems.

Monica Long
I agree.

Thelma Thorne-Chapman
Moving forward, number four. Orderly Development.

Monica Long
I don't think the proposed use will impede this.

Thelma Thorne-Chapman

I agree with the last criteria, health, safety, and welfare.

Kevin Hutchins
I think we need to limit the number of participants.

Thelma Thorne-Chapman
Can you explain a little further?

Kevin Hutchins
Yes, sure. The evidence that has been presented by the people who are against this because it has been a long-established neighborhood. I think the medium ground there would be to limit the number of participants that can be in the facility at one time.

Monica Long
I agree, I think that is very important.

Kevin Hutchins
I said facility but I meant the number of students. I think the number has to be under 30. I think the Fire Marshals number will be lower.

Monica Long
I would agree with 25.

Kevin Schaffner
Ok so that is a condition of approval, the applicant has to come up and agree on that condition.

Karen McMillian
I just wanted to say the number of children, let's just say if it is licensed for 30-40 children doesn't mean that is the number that will be there at all times, some kids are part time.

Kevin Schaffner
We need to be clear on the language. If you limited them to the number of students, I would say at the same time.

Thelma Thorne-Chapman
So, no more than 25 children at a time.

Kevin Schaffner
The Fire Marshal will override our number if his number is less than ours.

Rich Koch
The only condition the applicant has agreed to is the limit of 25 kids there at one time unless the Fire Marshal says something different.

Monica Long
I would like to talk about the playground area. In the letter from the applicant, it says the sq footage of the area should not exceed 1600 sq ft and I know we have had people speak about the quiet enjoyment of their property in the area. Can we talk about the type of fencing that will be put up if this moves forward?

Kevin Schaffner
I don't believe fencing will stop any noise without landscaping.

Roslyn Dawkins

Licensing will regulate the size of the area; we do not know until it is approved, and they tell us what to do.
Monica Long
I am speaking about what type of fence will be used.

Roslyn Dawkins
We did talk about a wooden fence with the contractor. We did not want anything that would rust because children will put their mouth on anything and that will stand the weather.

Rich Koch
I think you should specify if that is what you would like to be one of your conditions.

Kevin Hutchins
My question is if this is going to be off the back of the property, I assume you are not going to be disturbing the trees in the back property either correct?

Roslyn Dawkins
Correct.

Kevin Schaffner
I would say a wooden fence should be on any side that there are neighbors. My concerns are the adjacent property owners.

Karl Buddenbaum
The property on the right is owned by the same person who owns the church, unless that sells differently you might have that conversation with them if they would like a wooden fence or not. Mr. Gordon is there a requirement per sq ft for a play area for a child.

Zac Gordon
The Health Department and Fire Marshal will look at that during their inspection.

Monica Long
What is your ideal location for the fence, the back of the building or the side of the building?

Karen McMillian
The only area that has to be fenced in is where the children will be.

Jeff Felts
What is going to be the height of the fence?

Karen McMillian
4 feet is what we are looking at.

Kevin Schaffner
I think all the sides should be the same. All fencing should be 6ft wooden sides.

Thelma Thorne-Chapman
Ok are we all set with the fence; all sides will be privacy wooden 6ft. Any other questions or concerns.

Jeff Felts
Considering the resale value down the road, how many people are going to want a daycare in this residential area? What is it going to do to this community? Is it going to lower the value.

Kevin Schaffner
I want to make sure before we vote that the applicant is ok with the wooden fencing of 6ft and the number of kids cannot exceed 25.

Karen McMillian
Yes.

Thelma Thorne-Chapman
Can we have a vote?

Monica Long
With the conditions, I would approve.

Kevin Schaffner
Approval with conditions.

Kevin Hutchins
Approval with conditions.

Thelma Thorne-Chapman
Approval with conditions. The Special use permit has been approved. Thank you.

VOTE:
4-0 Approve

9.
ADJOURNEMENT
There being no further business, Thelma-Thorne Chapman made a motion to adjourn with a second from Kevin Schaffner.
The motion passed 4-0.

Prepared by and Return to:

Richard M. Koch
Harrisburg Town Attorney
ROD Box 74

Application Number H2022-03-SUP

PIN: 5507-56-4291

COUNTY OF CABARRUS

STATE OF NORTH CAROLINA

ORDER GRANTING A SPECIAL USE PERMIT

The Board of Adjustment for the Town of Harrisburg, having held a public hearing on March 21, 2023 to consider application number H2022-03-SUP, submitted by Karen D. McMillan dba Touched by an Angel Learning Center, Applicant and Khaled M. S. Alkoor, Property Owner, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

1. The Board makes and adopts the Findings of Fact contained in the attached Exhibit 1 labeled Findings of Fact.

2. It is the Board's CONCLUSION that the proposed use does satisfy the first Common Decision Criteria listed in Section 145.04.03 of the Town of Harrisburg Unified Development Ordinance ("Ordinance"); namely, that the proposed special use will be in harmony with the area in which it is to be located and in general conformance with the Harrisburg Area Land Use Plan (HALUP).

3. It is the Board's CONCLUSION that the proposed use does satisfy the second Common Decision Criteria listed in the Ordinance; namely, adequate measures will be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads.

4. It is the Board's CONCLUSION that the proposed use does satisfy the third Common Decision Criteria listed in the Ordinance; namely, that the proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

5. It is the Board's CONCLUSION that the proposed use does satisfy the fourth Common Decision Criteria listed in the Ordinance; namely, the establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

6. It is the Board's CONCLUSION that the proposed use does satisfy the fifth Common Decision Criteria listed in the Ordinance; namely, the establishment, maintenance, and operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare.

7. It is the Board's CONCLUSION that the proposed use does satisfy the specific standards listed in the Ordinance for this use.

Therefore, because the Board concludes that all of the general and specific conditions precedent to the issuance of a SPECIAL USE PERMIT have been satisfied, it is ORDERED that the application for the issuance of a SPECIAL USE PERMIT be GRANTED, based on the Findings of Fact attached as Exhibit 1 and the Conclusions of Law. This SPECIAL USE PERMIT is limited by the conditions contained in the attached Exhibit 2. The applicant shall fully comply with all the applicable, specific requirements in the Ordinance and must develop the property in accordance with the site plan submitted and approved. If any of the requirements shall be held invalid, this permit shall become void and of no effect.

Ordered this ____ day of April, 2023, *nunc pro tunc* to March 21, 2023.

_____

CHAIR of the TOWN OF HARRISBURG

BOARD OF ADJUSTMENT

I, _____, Notary for Cabarrus County, North Carolina certify that _____, Chair of the Town of Harrisburg Board of Adjustment appeared before me on the above day and signed the foregoing document.

_____

_____, Notary Public

My Commission expires:_____

NOTE: If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Cabarrus County within thirty (30) days after the date of this order.

EXHIBIT 1

FINDINGS OF FACT

SPECIAL USE PERMIT APPLICATION

APPLICANT: KAREN D. MCMILLAN dba TOUCHED BY AN ANGEL LEARNING CENTER and KHALED M.S. ALKOOR, PROPERTY OWNER

400 AUTUMN DRIVE, HARRISBURG, NC

PIN 5507-56-4291

H2022-03-SUP

FINDINGS OF FACT

1. That the proposed special use will be in harmony with the area in which it is to be located and in general conformance with the Harrisburg Area Land Use Plan (HALUP).

a) See applicant's response to this requirement in its petition, which is incorporated by reference as a Finding of Fact.

b) See staff report discussion of this requirement, which is incorporated by reference as a Finding of Fact.

c) The Board specifically finds that this proposed use is compatible with the surrounding uses of the property in that area and is in harmony with the character of that section of Autumn Drive in that this daycare is to be located in an existing church education building, next to an existing church.

2. Adequate measures will be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads.

a) See applicant's response to this requirement in its petition, which is incorporated by reference as a Finding of Fact.

b) See staff report discussion of this requirement, which is incorporated by reference as a Finding of Fact.

c) The Board specifically finds that by limiting the number of children that can be at the facility at one time, this requirement can be met.

d) The Board specifically finds that the driveway for the building is wide enough and long enough to handle a circular pattern of drop-offs and pick-ups of children.

3. The proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

a) See applicant's response to this requirement in its petition, which is incorporated by reference as a Finding of Fact.

b) See staff report discussion of this requirement, which is incorporated by reference as a Finding of Fact.

c) The Board specifically finds that the addition of a privacy fence along the back of the property between the adjoining residential lots and the outdoor area of the daycare will help to meet this requirement.

4. The establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

a) See applicant's response to this requirement in its petition, which is incorporated by reference as a Finding of Fact.

b) See staff report discussion of this requirement, which is incorporated by reference as a Finding of Fact.

5. The establishment, maintenance, and operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare.

a) See applicant's response to this requirement in its petition, which is incorporated by reference as a Finding of Fact.

b) See staff report discussion of this requirement, which is incorporated by reference as a Finding of Fact.

EXHIBIT 2

CONDITIONS

SPECIAL USE PERMIT APPLICATION

APPLICANT: KAREN D. MCMILLAN dba TOUCHED BY AN ANGEL LEARNING CENTER and KHALED M.S. ALKOOR, PROPERTY OWNER

400 AUTUMN DRIVE, HARRISBURG, NC

PIN 5507-56-4291

H2022-03-SUP

1. The number of children to be allowed to be kept at the daycare shall not exceed 25 children at any one time, despite the fact that licensing for the daycare or the Fire Marshal may allow a larger number. Should the licensing for the daycare or the Fire Marshal only allow a number of children less than 25, then the allowed number of children shall be reduced to that number.

2. A six-foot wooden privacy fence shall be erected in the back of the education building housing the daycare and around the outdoor area of the daycare on three sides to provide privacy and noise reduction between the daycare and the surrounding residential properties.

_____
Thelma Thorne-Chapman, Chairman

_____
Carly Bedgood, Secretary

TOWN OF HARRISBURG

Agenda Item Details

Title:
H-2022-16-R: Harrisburg Retirement Residence

Presenting Personnel:
Zac Gordon, Planning Director

Suggested Motion or Action:
Motion to Approve the request for rezoning of property located at Rocky River Road,across from the Stafford Road intersection, from OI (Office Institutional) and CZ-GC (Conditional Zoning-General Commercial) County Zoning to CZ-GC (Conditional Zoning-General Commercial) Town zoning, and to recommend approval of rezoning by Town Council.

Description/Background:

- The applicant proposes to annex one parcel into the Town of Harrisburg town limits to develop a new 149-unit senior living facility (see attached "Harrisburg Retirement Residence Project Narrative".) The parcel is currently located in Cabarrus County. To achieve this, the applicant is requesting that the property be rezoned from County OI (Office Institutional) to CZ-GC (Conditional Zoned-General Commercial).
- 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 GC district allows for Group Living Uses as a permitted by right use.
- The property is split between Harrisburg Town limits and Cabarrus County jurisdiction. The applicant has also submitted a petition requesting Annexation for the portion of the subject property that is in the county and contiguous to the current Town of Harrisburg primary corporate limits.

Recommendation:
The applicant's request for rezoning is consistent with the Harrisburg Area Land Use Plan. Therefore, Planning and Zoning Department staff recommend approval of the request for rezoning and that the Planning and Zoning Board also recommend approval of the applicant's request by the Town Council.

Fiscal Impact:
None

Attachments:
1. H-2022-16-R Staff Report PB
2. H-2022-16-R Rezoning Application
3. H-2022-16-R Aerial
4. H-2022-16-R Site Map
5. H-2022-16-R Harrisburg Senior Living Project Narrative
6. H-2022-16-R Site Plan
7. H-2022-16-R Neighborhood Meeting Report
8. H-2022-16-R Annexation Application
9. H-2022-16-R Legal Description
10. H-2022-16-R Survey

Town of Harrisburg
Planning and Zoning Department
Rezoning Staff Report – Planning and Zoning Board:
May 16, 2023 Meeting

DATE: May 9, 2023

SUBJECT:

Request H-2022-16-R:	To rezone approximately 7.46 acres from County OI (Office Institutional) and Town CZ-C-2 (Conditional Zoning-Commercial) to CZ-GC (Conditional Zoning-General Commercial)
Project Name:	Harrisburg Retirement Residence
Location:	The subject property is located on Rocky River Road across from the Stafford Road intersection (PIN 5506-22-6170)
Applicant:	Hawthorn Devco LLC on behalf of property owners Eugene Cochrane, Susan Blount, and Anne Yarbrough
Staff Report Prepared by:	Craig Thomas, Senior Planner
Neighborhood Meeting:	October 20, 2022

BACKGROUND:

Area:	±7.46 acres Total
Existing Land Use:	Vacant
Zoning within 500 feet:	North - General Commercial (GC), Town South - Countryside Residential (CR), Cabarrus County East - General Commercial (GC), Town West - Planned Unit Development (PUD), Town
Land Uses within 500 feet:	North - Institutional, Town South - Single-family Residential, County East - Vacant, Town West - Commercial/Residential, Town

APPLICATION SUMMARY:

- The applicant proposes to annex one parcel into the Town of Harrisburg town limits to develop a new 149-unit senior living facility (see attached "Harrisburg Retirement Residence Project Narrative".) The parcel is currently located in Cabarrus County. To achieve this, the applicant is requesting that the property be rezoned from County OI (Office Institutional) to CZ-GC (Conditional Zoned-General Commercial).
- 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 GC district allows for Group Living Uses as a permitted by right use.
- The property is split between Harrisburg Town limits and Cabarrus County jurisdiction. The applicant has also submitted a petition requesting Annexation for the portion of the subject property that is in the county and contiguous to the current Town of Harrisburg primary corporate limits.

APPROVAL CRITERIA:

1. **The size of the tract in question**;

   The subject property is approximately 7.46 acres in size.

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

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

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

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

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

Based on the description of the Mixed Use land use classification, proximity to similar uses, restaurant building design with extended connections, the rezoning would meet the intent that has been set for this area in the Land Use Plan.

With regard to the overall goals of the Land Use Plan, **recommendation LU-2** states that development should have access from local streets to minimize traffic volumes on key connectors and reduce turning movements. The primary proposed access to the site is on Rocky River Road, but additional connections to the existing development to the west and future development to the east will help reduce reliance on the primary Rocky River Road access drive.

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

Recommendation LU-7 recommends consistency between the Town's zoning regulations and the adopted Future Land Use Map. A table included as part of this goal establishes the "appropriate" zoning districts to use when making zoning decisions based on the Future Land Use Map. The map designates this area as Mixed Use and a GC zoning classification is deemed a suitable district.

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

   The benefits to the surrounding community would be the development of a currently vacant parcel. Improvements to Rocky River Road will be included as well as vehicular and pedestrian connections to adjacent parcels.

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

   a. **Utilities:**

      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 and development. 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 sewer capacity. Should this rezoning be approved by the Town Council, application for sewer capacity would be made at the construction documents phase, with final approval subject to a determination of available capacity by the Town's "Wastewater Allocation Committee."

Utilities are available in this area and are sufficient to meet the needs of this property. Water is available along Rocky River Road and sewer access is available from each of the adjacent properties to the east, south, and west. Any utility line extensions or upgrades necessary to serve this development will be the responsibility of the developer.

Transportation:

Based on the amount of traffic generated by the senior living facility a Traffic Impact Analysis (TIA) was not required. The Town's "Community Transportation Plan (CTP)" calls for a 4-lane median divided cross-section with multi-use side paths for this section of Rocky River Road. Driveway access and the Rocky River Road cross section will be reviewed and approved by the Town and NCDOT during the construction permitting review process.

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:

There are new residential units associated with this development; however, it is strictly for senior citizens and no change in the number of students is anticipated.

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 surrounding properties are vacant, commercial, and residential. A group living facility is compatible with those uses and offers an ideal transition from commercial and residential 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 a group living facility. Landscaping and buffer areas will be incorporated to minimize any change in the existing character of the area.

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

The areas around this property are zoned for commercial uses closer to the I-485 interchange and transition to residential uses as you move away from the interchange. Existing land use patterns follow the zoning in this regard.

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 proposed use of the property, as a senior living center, is consistent with surrounding uses and neighborhoods and aligns with the Harrisburg Area Land Use Plan (HALUP), including recommended future land use.

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

This property has been vacant for an undetermined period of time.

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.

<u>Furthermore, as a Conditional Zoning request, the Board must consider the following criteria:</u>

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

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

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

- Group living

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 North Carolina Department of Transportation to ensure that the highest of standards are met by the new development.

   Landscaping buffers shown are adequate to meet the needs of the adjacent properties, and the building has been designed to minimize the visual impacts from Rocky River Road.

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

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

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

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

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

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

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

    The Planning Board will need to adopt a consistency statement when a recommendation or decision is made on this request for rezoning.

APPROVAL WITH CONDITIONS:

The proposal is an annexation request to develop a new senior living center, which also requires the property to be rezoned to a Town of Harrisburg zoning classification of CZ-GC (Conditional Zoning-General Commercial). The proposed use meets the dimensional requirements of the Town's UDO.

As a conditional re-zoning request, conditions ***may*** be imposed on the request for rezoning, subject to agreement by the applicant. Accordingly, staff recommends that the following conditions be placed on the requested conditional rezoning, with concurrence of the applicant:

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 make all required improvements to Rocky River Road, as approved by the Town Council and detailed in the final approved construction plans.
3. Applicant agrees that the permitted uses for this property be limited to group living.
4. Applicant agrees that the attached site plan and architectural renderings be included in the conditional zoning request.

RECOMMENDATION:

The applicant's request for rezoning is consistent with the Harrisburg Area Land Use Plan. Therefore, Planning and Zoning Department staff recommends approval of the request for rezoning and that the Planning and Zoning Board also recommend approval of the applicant's request by the Town Council.

HarrisburgNC
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: Harrisburg Retirement Residence

b. Project Location/Address: 9569 Rocky River Rd, Harrisburg, NC 28215

c. Tax Map and Parcel Number (PIN): 55062261700000

d. Zoning: Existing: Office/Institutional (OI) & Commercial (CZ-C-2) Proposed: General Commercial Conditional Zoning (CZ-GC)

e. Land Use: Existing: Vacant Proposed: Congregate Senior Housing

g. Description of Request (attach separate sheet if needed):

See attached Project Narrative and Justification

3. Contact Information

a. Project Manager/Contact Person: Kristi Neznanski, Project Manager
Company: Hawthorn Devco LLC
Address: 2260 McGilchrist Street SE City, State, Zip: Salem, OR 97302
Phone Number: 503-400-9239 Email Address: KNeznanski@HawthornCG.com

b. Applicant Name (if different than above): Same as above
Company:
Address: City, State, Zip:
Phone Number: Email Address:

c. Owner Name: Eugene W. Cochrane, JR., Susan Cochrane Blount, and Anne Cochrane Yarbrough
Company:
Address: 3533 Winslow Green Drive City, State, Zip: Charlotte, NC 28210
Phone Number: 704-575-9550 Email Address: genecochrane@icloud.com

4. Owner's Consent

Eugene W. Cochrane, JR., Susan Cochrane Blount, and Anne Cochrane Yarbrough ("Owner") certifies that it is the owner of the property located at 9569 ROCKY RIVER RD CHARLOTTE NC 28215 ("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, Kristi Neznanski and Hawthorn Devco LLC as agent, to file this application and represent Owner at any and all meetings and hearings required for the approval of this application.

gene cochrane
gene cochrane (Oct 31, 2022 12:38 EDT)

Susan Cochrane Blount
Susan Cochrane Blount (Nov 1, 2022 11:44 EDT)

Anne Cochrane Yarbrough
Anne Cochrane Yarbrough (Nov 1, 2022 11:51 EDT)

Owner's Signature: Oct 31, 2022 Nov 1, 2022 Date: Nov 1, 2022

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

Project Name: Harrisburg Retirement Residence Submittal Date: 11/3/2022

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: Kristi Neznanski on behalf of Hawthorn Devco LLC

Applicant Signature: Kristi Neznanski

6. Staff Use Only:

Record of Process

Date Received: 11-22-2022

Application Number: H-2022-16-R

Is Application Complete? [X] Yes [ ] No

Public Hearing Date(s):

Published Notice Date:

Mailed Notice Date:

Posted Notice Date:

Final Action Applicant Notification Mailed Date:

Town Staff Signature: Zachary D. Gordon

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.)

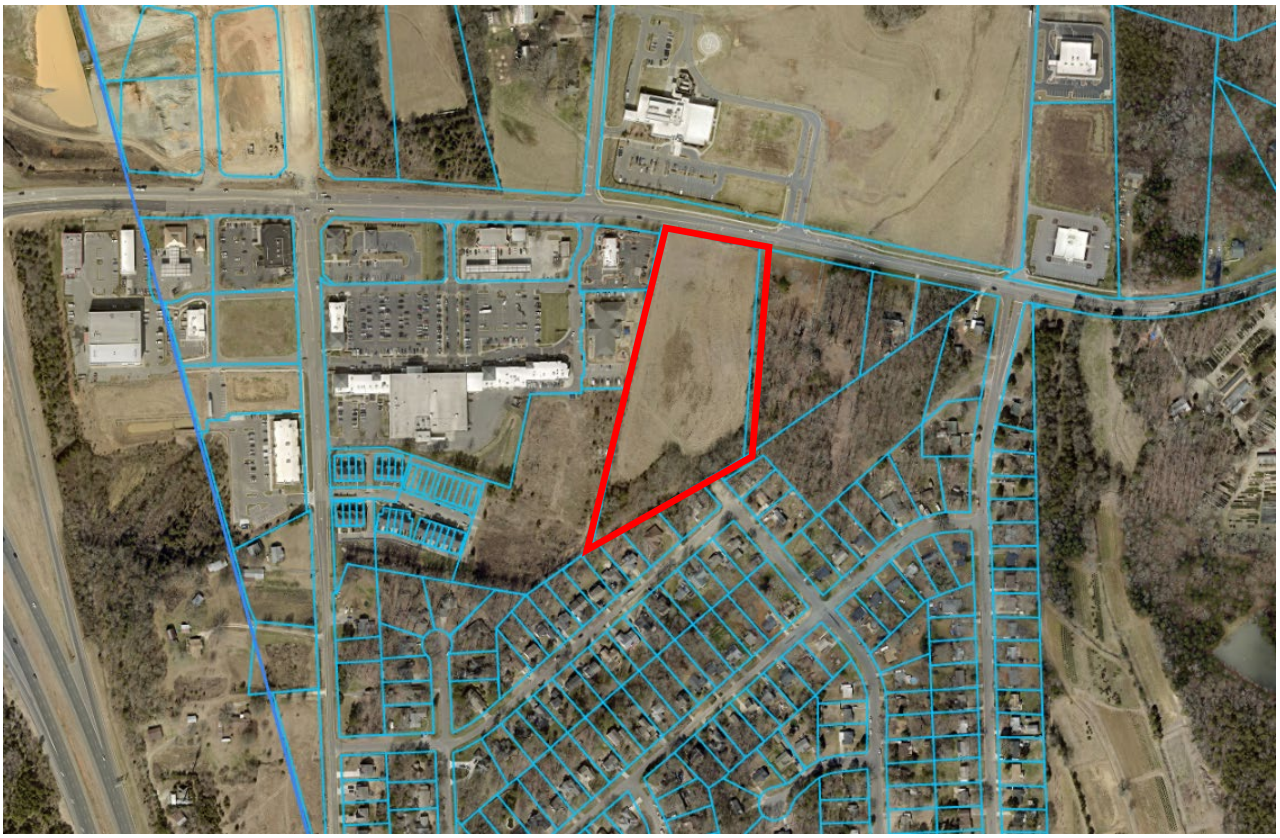
Zoning Map Amendment (rezoning)

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

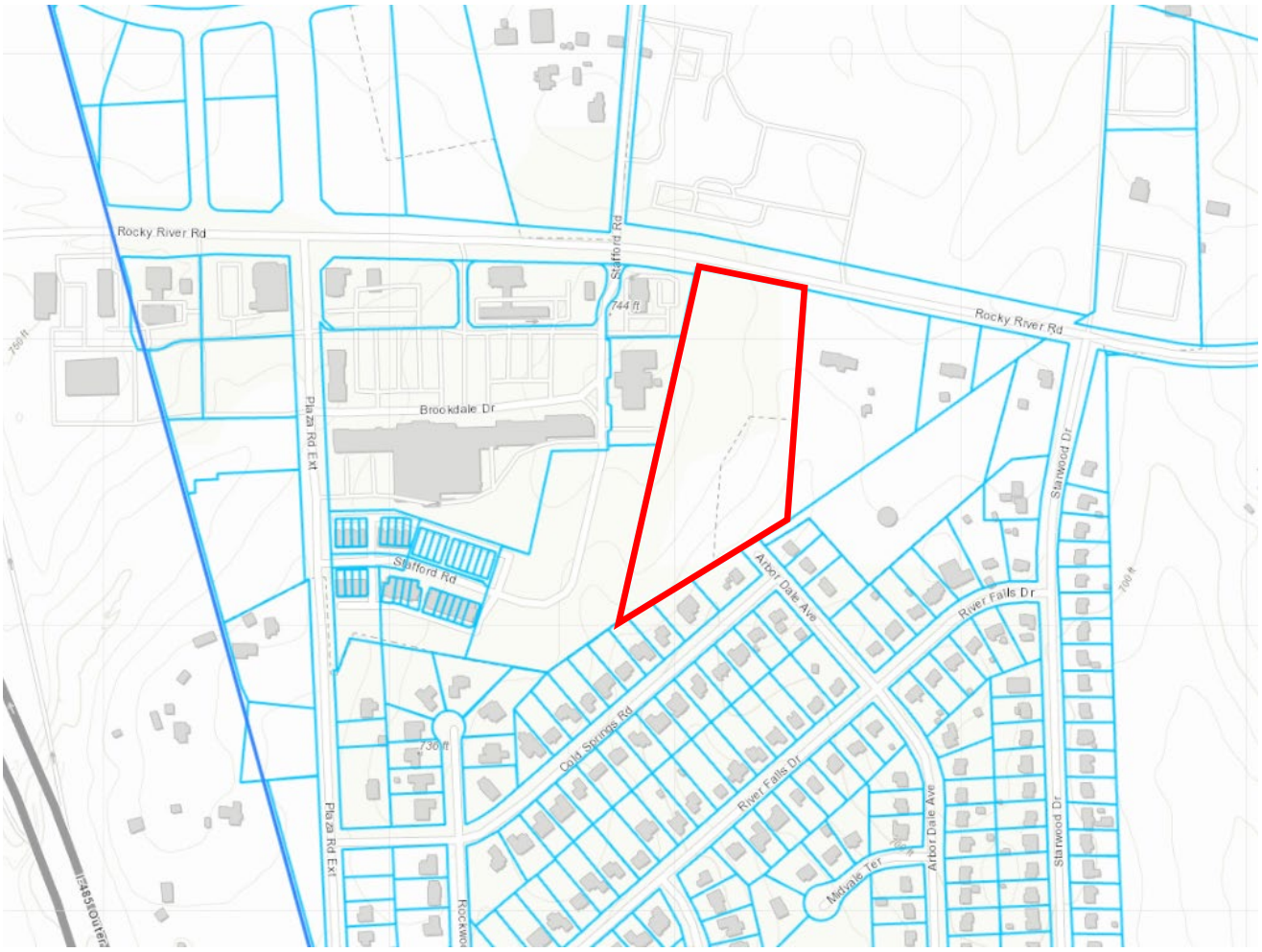
UDO Text Amendment

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

H2022-16-(R) Hawthorn Senior Living Aerial



H2022-16-(R) Hawthorn Senior Living Site Map



Harrisburg Retirement Residence

9569 Rocky River Rd, Harrisburg, NC 28215

Annexation and Rezone to General Commercial Conditional Zoning (CZ-GC)
with Prelim Major Site Plan Review

Project Narrative and Justification

November 3, 2022
Revised April 6, 2022

Project Description

The Harrisburg Retirement Residence is a 3-story, ±149-suite congregate senior living development with associated outbuildings and site improvements proposed at 9569 Rocky River Rd, Harrisburg, NC 28215. The main building is approximately 150,000 SF with ±149 private resident suites centered around shared communal areas for resident dining, socializing, indoor and outdoor activities, and amenities. The project includes two full dwelling units for onsite management. The manager units are part of the operations of the facility and are not available for rent. Other buildings onsite include two single-story residential garages, a trash enclosure, and enclosures for the generator and transformer.

The subject property is approximately 7.46 acres and is located on the south side of Rocky River Road across from the Atrium Hospital. The site is vacant and slopes downward to the east and south with trees located along the southern property line.

To the west is Harris Teeter and associated commercial development with Bojangles and KinderCare directly abutting the site's western property line. Planned to the southwest are the Brookdale Townhomes that are currently under construction. The property to the east is owned by the Venture Church and is planned for future commercial development. To the south is an existing neighborhood of single-family homes.

Hawthorn Senior Living

Hawthorn Senior Living is a Washington based company whose principals have been providing seniors with housing opportunities since the 1980s. With almost 80 buildings in operation throughout North America, Hawthorn is a leader in congregate living and senior housing development. Hawthorn includes a trio of companies that ensure quality senior housing development from beginning to end.

Hawthorn Devco LLC	Development Company
Hawthorn Construction Group	Construction Company
Hawthorn Senior Living	Operator

Hawthorn Living Concept

The Hawthorn congregate senior housing model provides private resident suites centered around common amenities and services that support all residents. The project is designed for those who are still ambulatory, but in need of some support. Private rooms provide the advantages of independent living while onsite services offer support, security, community, and friendship. Private resident suites include studio, one, and two-bedroom versions and each suite is comprised of a sleeping area, full bathroom, and a kitchenette with sink and small refrigerator. A full kitchen with cooking equipment is not included and the suites are not standalone dwelling units.

Onsite services include three chef-prepared meals a day served restaurant-style in the central dining room. Residents are provided with housekeeping and linen service, private bus transportation, onsite amenities, and an extensive schedule of activities and classes. Onsite amenities include a movie theatre, activity room and game room, exercise gym, computer room, beauty salon, outdoor gathering areas, raised garden beds and a fire pit, along with an array of classes and activities planned by the activity director.

Onsite management is available to residents 24 hours a day. Pull cords are installed in residents' bathrooms and near beds to notify the on-duty manager in case of an emergency. No medical care is provided, and the project will not be licensed by the state to provide care, however medical care can be contracted by a resident directly with a home health agency when needed.

A typical resident is a single person in their late 70s or 80s. Approximately 20% of rooms are anticipated to be rented by couples, resulting in an expected building population of 165 residents. The monthly rent payment covers the private suite, all meals, all services, and all utilities other than personal phone. The project operates as a month-to-month tenancy and there are no upfront "buy in" costs.

Parking

Many of the residents are not anticipated to drive and a passenger transportation van is provided as part of the development. This private transportation service is available to take residents to places they need to visit, such as shopping areas, banks, medical offices, appointments, church, etc.

Parking is designed to accommodate the initial opening period of the project. Based on Hawthorn's experience with similar projects around the country, residents who move in with their cars naturally find after a few months their car is no longer needed. Typically, parking levels begin to naturally decline 3 to 4 years after opening.

The principals of Hawthorn have developed more than 350 retirement residences over 30+ years. Experience from this extensive portfolio has shown that 0.80 to 0.90 parking spaces per suite is adequate for residents, staff, and visitors. This parking ratio meets the need of the facility and allows for increased landscaping and open space creating a better residential environment for residents and adjacent property owners.

Traffic

Traffic for this development will be significantly lower than other potential developments at this location. Due to the nature of the facility and average age of residents, daily traffic is limited. Potential traffic impacts are further mitigated by private van transportation that is provided for residents. Additionally, meals are typically served at peak hours, further reducing potential peak hour impacts.

To understand traffic loadings, here are examples of the type of traffic from existing facilities:

service trips	5 deliveries per day (mail, UPS, trash service, deliveries, etc.)
van trips	3 or 4 excursions with around 10 residents each time
resident trips	approximately 25% of residents regularly drive
resident visitors	approximately 20% of residents have visitors each day
staff trips	± 18 staff members to and from work

The number of trips anticipated to be generated by the proposed project were approximated using a maximum of 150 suites and data from the *Trip Generation Manual, 10th Edition*, published by the Institute of Transportation Engineers (ITE). The anticipated trip generation characteristics for the proposed project are shown in Table A: Estimated Project Trip Generation.

Table A: Estimated Project Trip Generation

Land Use (ITE Land Use Code)	Size (DU)	Total Daily Trips	AM Peak-Hour					PM Peak-Hour				
			Total Trips	IN		OUT		Total Trips	IN		OUT	
				%	Trips	%	Trips		%	Trips	%	Trips
Congregate Care Facility (253)	150	303	11	60%	6	40%	4	27	53%	14	47%	13
Proposed Total Trips:		**303**	**11**		**6**		**4**	**27**		**14**		**13**

As shown in Table A, the proposed project estimates 303 new daily trips, with 11 new trips occurring during the AM peak-hour and 27 new trips occurring during the PM peak hour. This is a reduction of traffic volumes from other potential commercial development projects on the site.

Building Design

The design of the building includes shared common space central to the building layout with private suites extending out from the central core. Each private suite contains a full bathroom, a sleeping area, and an area with a sink and a small refrigerator. Two-bedroom suites have an additional sleeping area and a second full bathroom. Resident suites do not have cooking facilities or dishwashers and are not apartments or dwelling units.

Shared common areas are in the central core of the building. On the main floor, shared space contains the main entry, reservation office, marketing office, and manager's units. As the suites do not provide cooking facilities, a commercial kitchen on the first floor serves three daily meals. A private dining room is also available for residents to accommodate visiting family and friends. The main floor includes amenities such as a coffee lounge, activity areas, beauty salon, and a movie theatre.

Other common areas in the building include large multipurpose rooms, activity areas, gaming room with pool table and gaming tables, media room, computer room, library, a gym for exercise equipment, and an exercise room for group classes. Each floor contains centralized laundry facilities, linen storage, and private resident suites. The building will be fully fire sprinklered and is served by a fire lane that loops around the structure.

The exterior design of the building provides architectural features and changes in colors and materials to visually articulate the building façade. Resident patios and decks provide additional architectural relief along the building's exterior. The core of the building steps down from three to two and one story creating a gentle change of scale. Care is taken in the design of the building to minimize potential impacts on the existing community.

Site Design

Neighborhood compatibility is achieved in the site planning and building design. The site is to be highly landscaped, and the building is located close to the commercial developments to the North and East to limit disturbance to the neighborhood South of the project site. Usable outdoor spaces include extensive lawn and a partially covered patio off the main floor activity room. There will be paths which connect all exits from the building to provide walking areas for the residents. Site amenities such as extensive garden and seating areas, outdoor fire pit, raised garden beds, outdoor dining and barbeque area will also be included in the design.

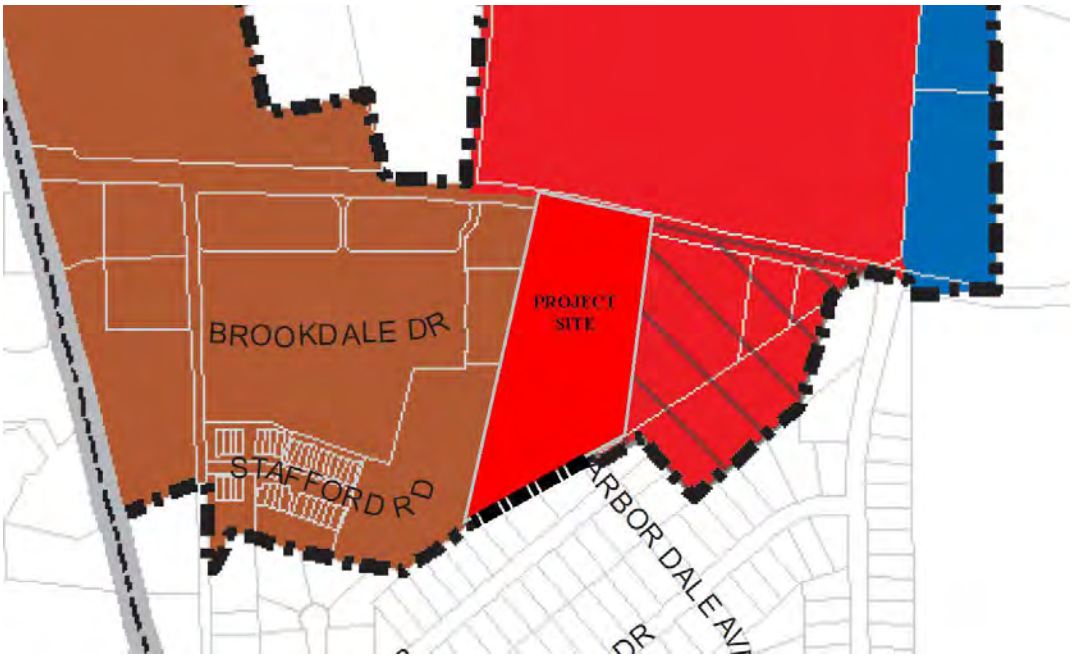
Town of Harrisburg Zoning

The site is shown on the 2018 Town of Harrisburg Zoning Map as partially located within Cabarrus County and partially within the Town boundaries. A portion of the site was annexed into the Town and conditionally rezoned to *C-2, General Commercial* as part of the proposed Venture Church Development to the East. The Venture Church plans have since changed and this portion of the site is not a part of their development plans. The Harrisburg Unified Development Ordinance (UDO) was subsequently published in 2021 revising the zoning designation of both *C-1, Light Commercial* and C-*2, General Commercial* to *GC, General Commercial*. The Atrium Hospital property to the north is also zoned *GC, General commercial*. The Harris Teeter, retail, and townhouse development to the West is zoned PUD, Planned Unit Development.

The adjoining Zoning and land uses are as follows:

North: General Commercial (GC), Atrium Hospital and Future Medical Office
South: Cabarrus County, Low Density Residential (LDR)Rural (R-CD), Single Family Homes
East: General Commercial (GC), Future Venture Church Commercial Development
West: Planned Unit Development (PUD). Commercial, Grocery, Retail, and Future Townhouses

This application for Annexation and Conditional Rezone would annex the remaining portion of the property into the Town of Harrisburg and rezone the property to *GC, General Commercial* to allow for a senior congregate living facility to be developed on the property. An annexation and rezone of the property would close a gap in the Town boundaries and provide continuity with adjacent properties to the North and East that are also zoned *General Commercial*. This would also be consistent with the portion of the property that was previously annexed into the Town and designated as GC. Below is an example of the zoning map following approval showing the filled gap and consistent zoning.



Harrisburg Area Land Use Plan (HALUP)

The current updated Harrisburg Area Land Use Plan (HALUP) was adopted in 2018 and most recently updated in April 2020. The plan is intended to "*define a direction for future growth and development in and around Harrisburg*." The HALUP states:

> *The plan is intended to clearly reflect the community's expectations and desires, and to guide decisions of Cabarrus County staff, Harrisburg town staff, appointed and elected officials, developers, and others involved in local development-related activities and conservation efforts. More importantly, the plan is intended to facilitate consistency in the decision-making that affects this area, which is governed by the two jurisdictions. Such decisions include those related to development proposals for properties within the study area, regulatory changes, and public infrastructure investments. All such decisions should support the implementation of the plan.*

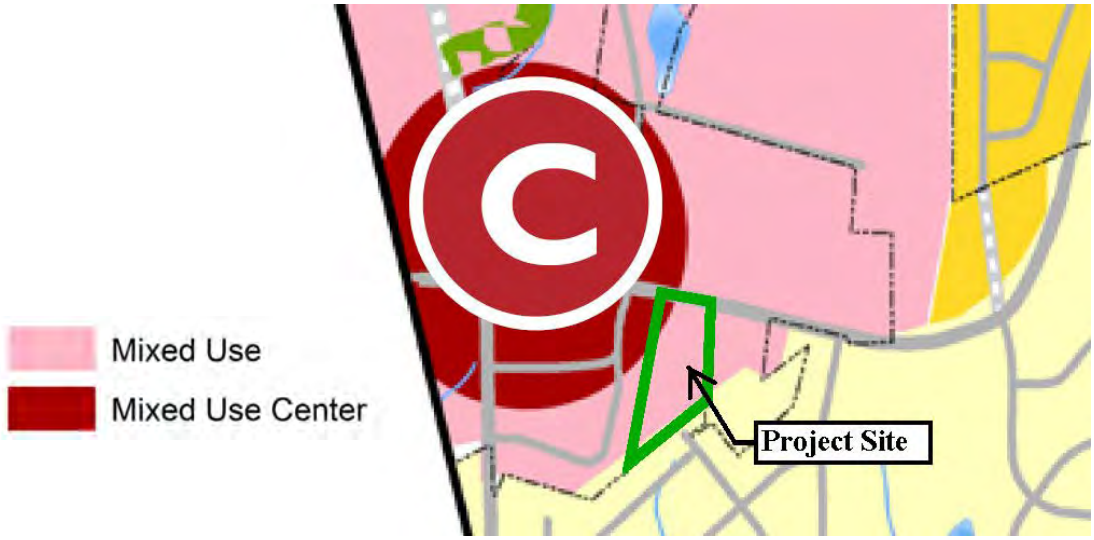
The property is shown in the HALUP as being within the Harrisburg Planning Area (Figure 2 The Planning Area) but outside of the town limits. The Planning Area is described as including areas of potential future annexation indicating that this site was anticipated to be annexed into the town limits at some point in the future.

There are key issues and opportunities noted in the HALUP that support the proposed project:

- *The Planning Area has a growing mature population. More than 40% of heads of households over age 55.*
- *Lower-maintenance, walkable, and lifestyle-driven alternative housing products (townhouses, apartments, walkable single-family) in mixed-use locations to gain appeal to older and younger age groups are needed.*
- *High housing costs, due primarily to regulations, are tempering availability of housing.*

The Hawthorn congregate senior living model offers housing for ageing residents of Harrisburg, provides a low maintenance housing option in a mixed-use location, and addresses housing availability. The addition of 150 senior housing units to the town has the potential to free up existing single-housing stock when seniors relocate to the Hawthorn development. This allows for new residents to locate in the area without the addition of subdivision and additional strain on existing infrastructure.

The Harrisburg Area 2040 Vision lists the goals and objectives of the future planning for the Harrisburg Planning Area and provides the Future Land Use map to achieve those goals. On the Future Land Use Map, the subject property is located adjacent to the "Mixed Use Center" Node C within the Mixed-Use Area.



Mixed Use Nodes encourage a mix of uses and a variety of residential housing types. Node C is identified as a commercial center with retail and office uses that complement a range of institutional uses. As a senior congregate living facility, the Hawthorn project is a unique housing type which blends a mix of residential and commercial elements making it a perfect fit for the area around Node C. Additionally it is a quiet low-impact senior housing use that creates a buffer between the Low Density Residential to the south and the more active commercial developments to the north and northeast.

<u>HALUP Recommendation LU-5: Expand Housing Options</u>
This recommendation identifies diversifying housing options for mature adults seeking to downsize, specifically with rental units within independent and/or assisted living developments. The market trends noted in the HALUP assert that lower maintenance and walkable mixed-use settings are what seniors will be seeking in the next decade. The proposed project is supported and encouraged by this LU recommendation and expands housing options for the Harrisburg community.

HALUP Recommendation LU-6: Focus on Quality

This Recommendation encourages a higher level of quality in design and site features for the project. The Hawthorn project is a high-quality development with extensive onsite landscaping, onsite amenities for residents, beautifully designed exterior, and made of long-lasting materials that will provide a positive addition to the community.

HALUP Recommendation LU-7: Ensure Zoning Is Consistent with Future Land Use Plan Map

This Recommendation encourages supporting rezoning applications that demonstrate the intent to implement the plan. The Hawthorn project is located within the Planning Area and is consistent with the Mixed-Use future land use designation which is in conformance with the Future Land Use Map. One of the appropriate zoning districts for the Mixed-Use Future Land use is C-1, Light Commercial. The C-1 district has been converted to GC in the current UDO along with the C-2, General Commercial zone that already exists on a portion of the property. The proposed GC zoning for the site is consistent with both the recommended C-1 district in the HALUP and the existing C-2 zoning.

HALUP Recommendation ENR-2: Preserve the Existing Tree Canopy to the Extent Practicable

This Recommendation encourages preservation of existing mature forests and tree canopy. There are no mapped or known Heritage Trees on the subject property, however the proposed project is estimated to retain over 60% of the existing tree canopy onsite. Preserving this tree canopy enhances the projects, provides buffer to adjacent homes and supports this recommendation in the HALUP.

General Commercial Zoning Standards

Within the GC zone, there are a variety of uses allowed of both a residential and commercial nature. In discussions with Town Staff, a determination was made that the proposed facility is functionally similar to an assisted living facility and is an allowed use within the General Commercial Zone. Below is a table of the General Commercial Dimensional Standards along with other applicable requirements and how the proposed project meets or exceeds the standards. The design meets the requirements of the GC zone and no deviations are proposed.

Table 140.02.02-3, General Commercial Dimensional Standards

Development Standard		Required	Provided
Development Area (min. acres)		--	NA
Lot Width (min. ft.)		50	± 314’
Density (units per acre)		--	NA
Height (min. ft.)		48	43’–5”
Impervious Surface (max. %)		80	53%
Building Setbacks (ft.)	front/ (min. / max.)	10 / --	± 68’-7”
	rear	8	± 87’-7” to garage ± 121’-6” to main building
	interior side	8	East ±81’-7” West ±57’-0”
	street side	10	±68’-7”
	adjacent to residential district	15	± 87’-7” to garage ± 121’-6” to main building
Auto Parking	0.3/room (min), 1/room (max)	45 min/145 max	133 spaces, 0.89 spaces/suite
Bicycle Parking	No single use required to provide more than 10 spaces	10	12
Loading Zones	Gross leasable area: 50,000 - 120,000 sq. ft	2	2

Annexation & Rezone Common Decision Criteria (145.01.07)

The Harrisburg UDO outlines that in determining whether to approve, approve with conditions or modifications, or deny an application, the applicable development review bodies shall consider the basic review criteria denoted in Table 145.01.07-1 as outlined below.

Common Decision Criteria	Applicant Response
The request complies with the applicable standards of this UDO and the Town Code, and the applicant has provided proof of compliance with any preceding and applicable county, state, or federal requirements.	As detailed above, the project is consistent with the General Commercial zoning dimensional standards as well as the other applicable standards in the UDO. The project proposes to provide any necessary UDOT Right-of-way dedications. No other county, state, or federal requirements are known at this time.
The request substantially conforms to any associated prior approval for the development, including, but not limited to: Special Use Permit, Conditional Zoning, Site Development Plan, etc.	A previous conditional zoning exists on a portion of the site where the adjacent Venture church once planned a storm pond. That project did not move forward as designed and the Venture church did not purchase that portion of the property. No other development plans have been proposed for the site.
The request promotes the purposes of this UDO as established in 144.01.02, Purposes, and in other applicable purpose statements in this UDO.	The proposed congregate senior housing project promotes the General Commercial purpose statement by providing indoor commercial/institutional uses at a site that is in proximity to a major/minor thoroughfare, makes use of existing infrastructure and provides a transition from low density residential to commercial and higher impact institutional uses.
The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare	The project is a senior housing development that will have no negative impact on the community. Alternatively, the project will be a benefit to the health, safety, and welfare of the Harrisburg community and its aging population.
The request is consistent with applicable policies of the most recently adopted HALUP, any applicable utility plans, and adopted capital improvements plans; or, if it addresses a topic that is not contained or not fully developed in the HALUP, the request does not impair the implementation of the HALUP.	As detailed above, the project is consistent with, and promotes, the following recommendations in the HALUP: • LU-5: Expand Housing Options • LU-6: Focus on Quality • LU-7: Ensure Zoning Is Consistent with Future Land Use Plan Map • ENR-2: Preserve the Existing Tree Canopy
Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided.	a. <u>Utilities:</u> A water main exists in Rocky River Road and Town staff confirmed that existing water service is sufficient to serve the needs of the project. A sanitary sewer main is on the property and Town staff has confirmed that sewer can be made available through the wastewater allocation process with the Town's Wastewater Allocation Committee. Gas, electrical and communication utilities are available adjacent to the property. b. <u>Transportation:</u> A TIA was not required by staff per the pre-application meeting notes, and a traffic summary is included in this narrative. The subject property is in an area planned for commercial

	development and the proposed senior housing project anticipates very little traffic generation based on the standards of the Trip Generation Manual as published by the Institute of Transportation Engineers (ITE). c. Safety and Sanitation Services: Adequate police, fire, and sanitation services already exist in this area and the project is not expected to increase demand for these services. d. Schools: The proposed senior congregate living project will not result in an increase in the student population and will have no impact on Cabarrus County schools.
The request demonstrates compatibility with surrounding conforming and permitted land uses and structures and with the essential character of the general vicinity of design, façade treatment, setbacks, building materials, and reasonably anticipated negative impacts.	The use is compatible with the surrounding mix of commercial, institutional, and residential uses. Any anticipated impacts of the project have been mitigated through thoughtful design of the site layout and building exterior. The building is well articulated and provides a variety of materials and architectural elements to break up the façade and create a cohesive design that is compatible with the surrounding area. Building setbacks have been increased from the minimum standards and the building materials are compatible with existing developments in the vicinity. Tree canopy has been preserved along the southern property line providing a buffer to adjacent homes and landscape buffers are proposed between the project and the adjacent commercial developments to the East and West.

Conditional Zoning Specific Review Criteria (145.03.03)

The project as designed meets the standards of the UDO, promotes the goals of the HALUP, and meets the Common Review Criteria for an Annexation and Rezone to General Commercial Zone. At the request of staff, the project is being considered under the Conditional Zoning designation to tie the proposed Rezone to the proposed Hawthorn Project. As such, the Conditional Rezone Review Criteria is addressed below. It is important to note that as designed, the project intends to meet or exceed all standards of the applicable codes and no special allowances have been requested for the project.

Common Decision Criteria	**Applicant Response**
1. Use and Location. The proposed CZ District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the HALUP;	The proposed use is an allowed use within the proposed General Commercial (GC) zone. The site abuts existing GC zoning, and the GC zone is consistent with the zoning recommendations in the Future Land Use Plan in the HALUP.
2. Eligible Uses. The use(s) requested are among those listed as an eligible permitted use, permitted use with limitations, or special use in the general use district as included in the CZ Zoning Map Amendment request;	The proposed use is an allowed use within the proposed General Commercial (GC) zone which is consistent with the recommended zoning for the Mixed-Use areas of the Future Land Use Plan in the HALUP.
3. Nuisance Mitigation. The design of the proposed 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	Potential adverse effects of the project have been mitigated through thoughtful design of the site layout and building exterior. The building is well articulated and provides a variety of materials and architectural elements to break up the façade and create a cohesive design that is compatible with the surrounding area. The loading

nuisance;	area and trash enclosure have been located away from any residential structures, tree canopy has been preserved providing a buffer to adjacent homes, and landscape buffers are proposed between the project and the adjacent commercial developments to the East and West. With the grade of the site, impacts from traffic/parking/loading are further mitigated with changes in grade, avoiding direct views between the onsite parking and drive aisles and the adjacent properties.
4. Reasonableness. 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 proposal is to limit the uses on the site to the Hawthorn senior housing project. This is reasonable for the site and compatible with the UDO and the HALUP.
5. Improvement from General Zoning District. 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;	The project site falls under a mixed use future land use area, which allows for a wide range of uses. The proposed senior congregate living facility provides a needed service to the community and is a reduction in the intensification of the site. For example, under the GC zone the site can be 80% impervious area leaving only 20% of the site as green space. The Hawthorn project is estimated to provide 44% green space on the site which includes the retention of existing tree canopy adjacent to existing homes.
6. Greater Standards. 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;	The project proposes to meet or exceed the requirements of the General Commercial zone. The project does not request any intensification or variances from the standards. With the proposed site plan the project exceeds the standards of the underlying zoning district by providing the following: • Increased building setbacks • Increased pervious/landscape area • Retention of existing tree canopy
7. Applicant's Agreement. The applicant has agreed to accept the use limitations and conditions as proposed and/or imposed for the requested district; and	The proposed project limits the development to the proposed Hawthorn Senior Congregate Living Facility as proposed on the included plans. No special allowances have been requested by the project and the intent is to meet or exceed all applicable requirements.
8. Town Statement. For an approval, the Town Council shall adopt a consistency statement that the amendment being considered is either consistent or inconsistent with the HALUP and that the Town Council considers the action to be reasonable and in the public interest.	

Pre-application Meetings & Neighborhood Meeting Summary

A pre-application meeting was held with Community Development Director Sushil Nepal and Staff Planner Craig Thomas along with other staff on April 20th, 2022, via Zoom. The Community Development Director confirmed that the proposed use would be allowed under the General Commercial zoning designation and staff discussed the process to obtain entitlements and provided feedback on the overall site layout. On September 1st, 2022, a follow up meeting was held with the new Community Development Director Zac Gordon and Staff Planner Craig Thomas to discuss a revised site layout and preliminary architectural designs.

On October 20th, 2022, a neighborhood developer meeting was held at Town Hall. The meeting was attended by Kristi Neznanski on behalf of the applicant, Craig Thomas on behalf of the Town of Harrisburg, and four meeting attendees. A brief presentation was made by the applicant addressing the proposed use, preliminary site plan, and conceptual renderings of the building. Following the presentation, one attendee asked questions related to the site layout and expressed support for the use on the site. No other comments or questions were asked of the applicant by meeting attendees. A meeting summary and list of meeting attendees is included with this application. The meeting list includes names of attendees for the previous agenda item as all meeting attendees signed in on only one sheet.

Conclusion

The rezone of this property to General Commercial Conditional District is consistent with the zoning of the adjacent properties to the North and South and is in conformance with the Future Land Use Plan of the HALUP. The HALUP notes this area as a commercial node which is identified as a preferred location for a mix of residential and institutional uses. The proposed project has no negative impact on the surrounding community and meets the goals of the HALUP by following the zoning patter in the Future Land Use Plan, expanding housing options, retaining existing tree canopy, and by providing a high-quality and long -lasting development that will meet the needs of the community.

The Harrisburg Retirement Residence is a high-end, low-impact senior housing use that is compatible with the established development pattern in this area. The project provides design features that preserve the existing character of the commercial and residential developments and is consistent with the overall character of existing development in the area. Public facilities and services exist in sufficient capacity to service the project, and the rezone will not adversely affect any known archeological, environmental, historical or cultural resources.

HARRISBURG RETIREMENT RESIDENCE

9569 ROCKY RIVER ROAD, HARRISBURG, NC

PROPERTY ID 01-024-0054.40

DATED: APRIL 06, 2023 2

CURRENT PROPERTY OWNER:

EUGENE W. COCHRANE, JR.,
SUSAN COCHRANE BLOUNT,
AND ANNE COCHRANE
YARBROUGH
3533 WINSLOW GREEN DRIVE
CHARLOTTE, NC 28210

DEVELOPER/ CONTRACT PURCHASER:

KRISTI NEZNANSKI OBO
HAWTHORN DEVCO LLC
2260 MCGILCHRIST STREET SE
SALEM, OR 97302
503-400-9239

ARCHITECT:

LENITY ARCHITECTURE, INC
3150 KETTLE COURT SE
SALEM, OREGON 97301
503-399-1090

LANDSCAPE ARCHITECT:

LENITY ARCHITECTURE, INC
3150 KETTLE COURT SE
SALEM, OREGON 97301
503-399-1090

CIVIL ENGINEER:

TIMMONS GROUP
610 EAST MOREHEAD STREET, SUITE
250 CHARLOTTE, NC 28202
704-227-1563

ARCHITECTURAL SHEET INDEX:

- A0.0 COVER SHEET
- A1.1 SITE PLAN
- A4.1 EXTERIOR RENDERINGS
- A4.2 EXTERIOR RENDERINGS
- A4.3 EXTERIOR RENDERINGS
- A5.1 EXTERIOR ELEVATIONS

LANDSCAPE SHEET INDEX:

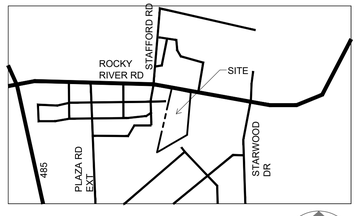
- L1.1 LANDSCAPE PLAN

ELECTRICAL SHEET INDEX:

- E1.1 SITE PHOTOMETRICS
- E1.2 SITE PHOTOMETRICS

CIVIL SHEET INDEX:

- C101 TREE PRESERVATION PLAN
- C200 SITE PLAN
- C400 GRADING AND STORMWATER MANAGEMENT PLAN
- C500 UTILITY PLAN



VICINITY MAP
NOT TO SCALE
DATE: 04/06/2023

lenity architecture, inc.
3150 Kettle Court SE, Salem, Oregon 97301
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

Harrisburg Retirement Residence

Harrisburg, NC

1 12/21/2022
2 04/06/2023

HAWTHORN SENIOR LIVING
9310 NE Vancouver Mall Dr., Suite 200
Vancouver, WA 98662-8210
(360) 213-1550 Fax (360) 213-1540

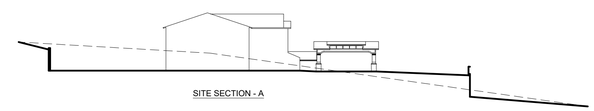
A0.0

3-STORY FINISH FLOOR TO TOP OF ROOF

PARKING SHADE TREE

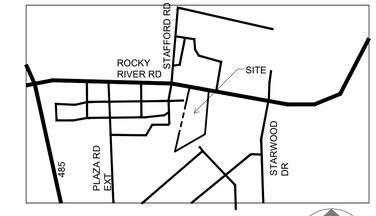
PARKING ORNAMENTAL TREE

BUILDING YARD SHADE TREE



SITE SECTION - A

HARRISBURG, NC



VICINITY MAP

NOT TO SCALE

Site Information

Site Address:	9569 Rocky River Road
Property ID:	#01-024 -0054.40
Parcel Area:	7.46 Acres (325,074 SF)

Land Use Summary

Jurisdiction:	Town of Harrisburg
County:	Cabarrus County
Annexation Required:	Yes
Existing Zoning:	Office (OI) & Commercial (CZ-C-2)
Proposed Zoning:	General Commercial GC
Proposed Use:	Senior Congregate Living
Proposed Units:	149 suites

Development Summary	Required	Proposed
Front Building Setback:	10 Feet Min	68'-7"
Side Building Setback:	8 Feet Min	East 81'-7 1/2" / West 57'
Rear Building Setback:	8 Feet Min, 15 Feet adjacent to residential	87'-7" Acces /121'-6 Bldg
Front Buffer Yard:	10 Feet Street Yard	18'-0"
Side Buffer Yard:	20 Feet	East 24' / West 21'
Rear Buffer Yard:	20 Feet	55'-7"
Building Height:	48 Feet	43'-5"
Building Square Footage:	no min/max	150,345 sq. ft.
Building Coverage:	no min/max	18.30%
Landscaped Area:	no min/max	149,146 sq. ft. 45%
Impervious Area:	80% Max	175,928 sq. ft. 55%
Auto Parking:	Min: 0.3 space/room Max: 1 space/room	133

REQUIRED SUSTAINABILITY POINTS

RECYCLING STATION	0.75	PROVIDED
MIN 5% HYBRID/ELECTRICAL	0.25	PROVIDED, 8 SPACES
1 LEVEL 2 CHARGING STATION	0.75	PROVIDED, 8 STATIONS
20 % EXISTING TREE CANOPY	1.25	PROVIDED, SEE LANDSCAPE PLAN
	3.00	

NOTE: ALL EV CHARGING STATIONS TO BE LEVEL 2

SITE PLAN

DATE: 04/06/2023
1" = 50'

0 25 50 100 150

1 12/21/2022
2 04/06/2023

Harrisburg Retirement Residence

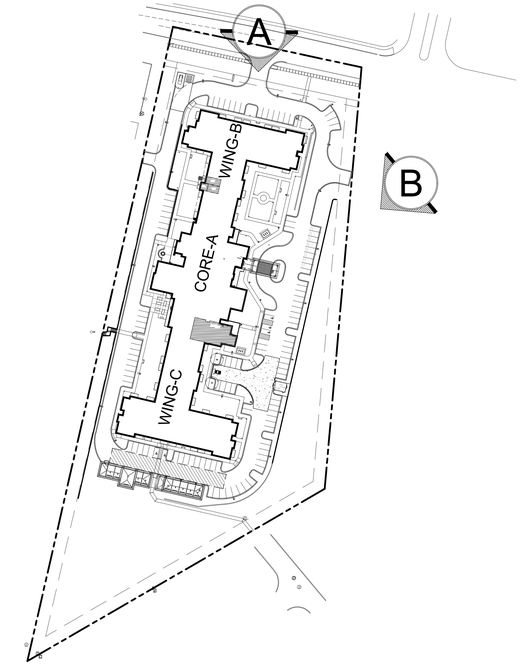
Harrisburg, NC

lenity architecture, inc.
3150 Kettle Court SE, Salem, Oregon 97301
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

HAWTHORN SENIOR LIVING
9310 NE Vancouver Mall Dr., Suite 200
Vancouver, WA 98662-8210
(360) 213-1550 Fax (360) 213-1540

A1.1

A STREET ENTRY LOOKING SOUTH AT WING-B
SCALE : N.T.S.



RENDERING KEY
SCALE: N.T.S.

B DRIVEWAY LOOKING SOUTH
SCALE : N.T.S.

NOTE:
ARCHITECTURAL RENDERINGS WILL CONFORM TO SECTION 141.02 OF THE TOWN OF HARRISBURG UDO.

1

EXTERIOR RENDERINGS
NOT TO SCALE
DATE: 04/06/2023

1 12/21/2022
2 04/06/2023

Harrisburg Retirement Residence

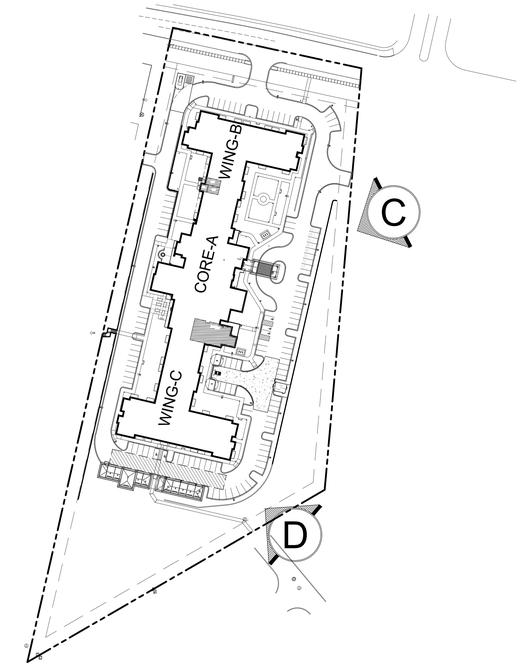
Harrisburg, NC

lenity architecture, inc.
3150 Kettle Court SE, Salem, Oregon 97301
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

HAWTHORN SENIOR LIVING
9310 NE Vancouver Mall Dr., Suite 200
Vancouver, WA 98662-8210
(360) 213-1550 Fax (360) 213-1540

A4.1

C DRIVEWAY LOOKING WEST
SCALE : N.T.S.



RENDERING KEY
SCALE: N.T.S.

D VIEW FROM DRIVEWAY NORTH WEST
SCALE : N.T.S.

NOTE:
ARCHITECTURAL RENDERINGS WILL CONFORM TO SECTION 141.02 OF THE TOWN OF HARRISBURG UDO.

Harrisburg Retirement Residence

Harrisburg, NC

EXTERIOR RENDERINGS
NOT TO SCALE
DATE: 04/06/2023

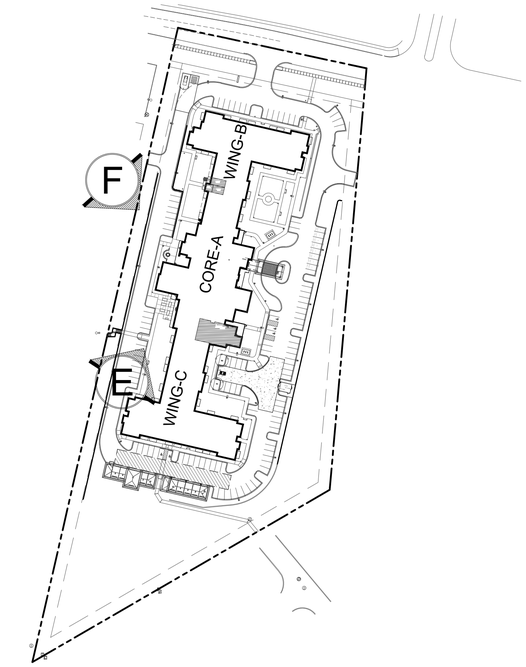
1 12/21/2022
2 04/06/2023

lenity architecture, inc.
3150 Kettle Court SE, Salem, Oregon 97301
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

HAWTHORN SENIOR LIVING
9310 NE Vancouver Mall Dr., Suite 200
Vancouver, WA 98662-8210
(360) 213-1550 Fax (360) 213-1540

A4.2

E VIEW LOOKING EAST AT BACK OF BUILDING
SCALE : N.T.S.



RENDERING KEY
SCALE: N.T.S.

F VIEW LOOKING EAST AT BACK OF BUILDING
SCALE : N.T.S.

NOTE:
ARCHITECTURAL RENDERINGS WILL CONFORM TO SECTION 141.02 OF THE TOWN OF HARRISBURG UDO.

Harrisburg Retirement Residence

Harrisburg, NC

EXTERIOR RENDERINGS
NOT TO SCALE
DATE: 04/06/2023

1 12/21/2022
2 04/06/2023

lenity architecture, inc.
3150 Kettle Court SE, Salem, Oregon 97301
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

HAWTHORN SENIOR LIVING
9310 NE Vancouver Mall Dr., Suite 200
Vancouver, WA 98662-8210
(360) 213-1550 Fax (360) 213-1540

A4.3

A FRONT (EAST) ELEVATION

SCALE : 1/16" = 1'-0" (TYP. ALL DRWG'S THIS SHEET U.O.N.)

B WING B (SOUTH) ELEVATION

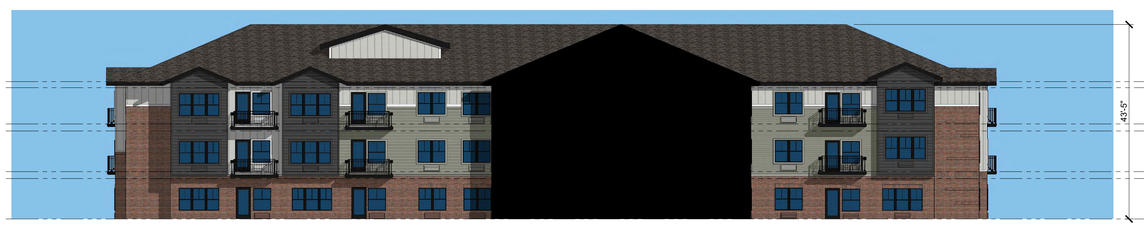
SCALE : 1/16" = 1'-0" (TYP. ALL DRWG'S THIS SHEET U.O.N.)

C WING B (NORTH) ELEVATION

SCALE : 1/16" = 1'-0" (TYP. ALL DRWG'S THIS SHEET U.O.N.)

D REAR (WEST) ELEVATION

SCALE : 1/16" = 1'-0" (TYP. ALL DRWG'S THIS SHEET U.O.N.)

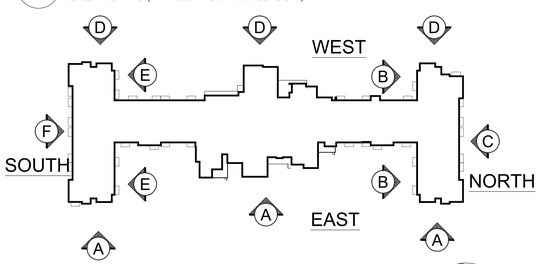


E WING C (NORTH) ELEVATION

SCALE : 1/16" = 1'-0" (TYP. ALL DRWG'S THIS SHEET U.O.N.)

F WING C (SOUTH) ELEVATION

SCALE : 1/16" = 1'-0" (TYP. ALL DRWG'S THIS SHEET U.O.N.)



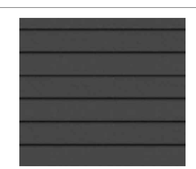
ELEVATION KEY

SCALE: N.T.S.

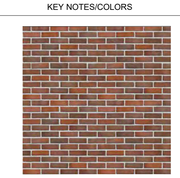
KEY NOTES/COLORS

HARDIE PANEL - SMOOTH FINISH
COLOR: LIGHT MIST*
LOCATIONS: BOARD + BATT SIDING, WINDOW AND DOOR TRIM AS SHOWN ON ELEVATIONS.

HARDIE PANEL LAP SIDING - 7" REVEAL - WOOD GRAIN FINISH
COLOR: GRAY SLATE*
LOCATIONS: LAP SIDING, WINDOW AND DOOR TRIM, BELLY BAND AS SHOWN ON ELEVATIONS

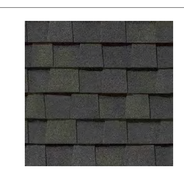


HARDIE PANEL LAP SIDING - 7" REVEAL - WOOD GRAIN FINISH
COLOR: IRON GRAY*
LOCATIONS: LAP SIDING, WINDOW TRIM, FASCIAS & SOFFITS AS SHOWN ON ELEVATIONS

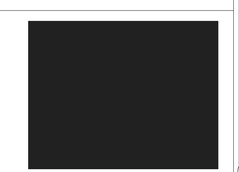


BRICK
COLOR: TAN & BROWN COLOR BRICK PER LOCAL MANUFACTURER*
LOCATIONS: BRICK MASONRY AS SHOWN ON ELEVATIONS

HARDIE PANEL - FASCIAS AND SOFFITS - WOOD GRAIN FINISH
COLOR: TO MATCH DOOR AND WINDOWS*
LOCATIONS: FASCIAS & SOFFITS AS SHOWN ON ELEVATIONS



ARCHITECTURAL COMPOSITION SHINGLE ROOFING
COLOR: CHARCOAL*
LOCATIONS: UPPER ROOF AS SHOWN ON ELEVATIONS



STANDING SEAM METAL ROOFING
COLOR: CHARCOAL*
LOCATIONS: LOWER ROOFS AS SHOWN ON ELEVATIONS

* = OR EQUIVALENT, ALTERNATES TO BE APPROVED BY ARCHITECT

1

NOTE:
ARCHITECTURAL RENDERINGS WILL CONFORM TO SECTION 141.02 OF THE TOWN OF HARRISBURG UDO.

EXTERIOR ELEVATIONS

SCALE: 1/16" = 1'-0"
DATE: 04/06/2023

1 12/21/2022
2 04/06/2023

lenity architecture, inc.
3150 Kettle Court SE, Salem, Oregon 97301
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

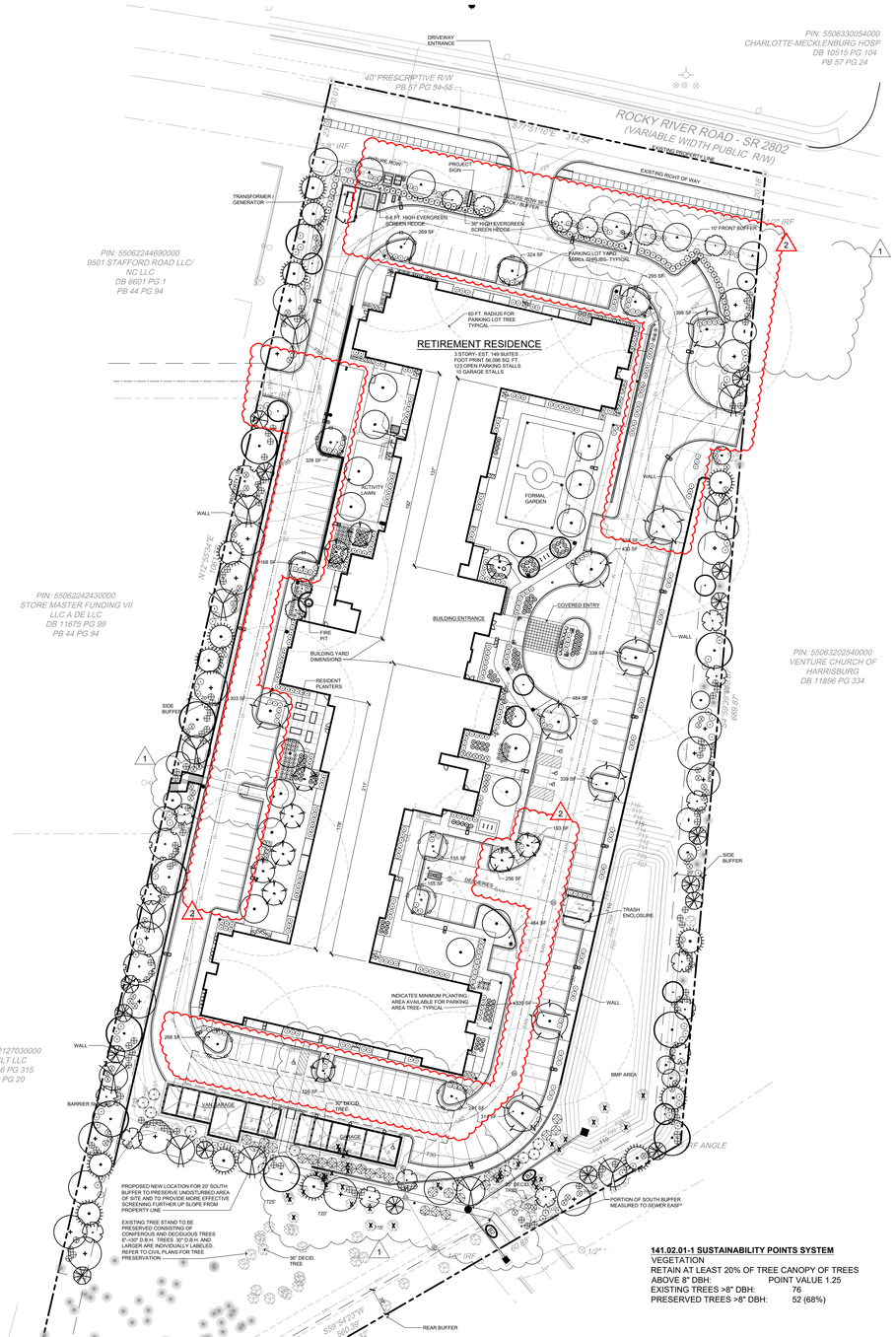
Harrisburg Retirement Residence

Harrisburg, NC

HAWTHORN SENIOR LIVING
9310 NE Vancouver Mall Dr., Suite 200
Vancouver, WA 98662-8210
(360) 213-1550 Fax (360) 213-1540

A5.1

HARRISBURG, NC



141.02.01-1 SUSTAINABILITY POINTS SYSTEM
VEGETATION
RETAIN AT LEAST 20% OF TREE CANOPY OF TREES ABOVE 8" DBH: POINT VALUE 1.25
EXISTING TREES >8" DBH: 76
PRESERVED TREES >8" DBH: 52 (68%)

NOTES:
1. AN AUTOMATED PERMANENT IRRIGATION SYSTEM SHALL BE INSTALLED USING SMART TECHNOLOGY, PROVIDING 100% COVERAGE TO ALL LANDSCAPED AREAS. IRRIGATION CONTRACTOR/INSTALLER SHALL SUBMIT A DESIGN/BUILD IRRIGATION PLAN TO LANDSCAPE ARCHITECT FOR APPROVAL.
2. PROVIDE 4 FT. HIGH TREE PROTECTION FENCING AROUND CRITICAL ROOT ZONES OF ALL TREES OR TREE GROUPS TO BE PRESERVED. TREE PROTECTION FENCING TO BE INSTALLED AND INSPECTED PRIOR TO ANY LAND DISTURBANCE AND TO REMAIN IN PLACE THROUGHOUT ENTIRE CONSTRUCTION ACTIVITY PERIOD. REFER TO CIVIL PLANS.
3. ALL SHRUB/GROUND COVER BEDS TO RECEIVE A 3" LAYER OF AGED SHREDDED HARDWOOD MULCH.

7.4-2 BUFFER YARD LANDSCAPE REQUIREMENTS

BUFFER YARD TYPE	MINIMUM WIDTH	MIN. REQUIRED SHADE TREES	MIN. REQUIRED ORNAMENTAL TREES	% TREES REQUIRED TO BE EVERGREEN	MIN. REQUIRED LARGE EVERGREEN SHRUBS	MIN. REQUIRED POINTS / LIN. FT.
C	20 FT.	1/50'	1/50'	50	1/20'	1.2

20' EAST BUFFER- TYPE C
EAST BUFFER YARD (610 L.F.)

SHADE TREES REQUIRED 610 / 50= 12.2	12 SHADE TREES REQUIRED
PRESERVED DECID. SHADE TREES=	4
PRESERVED EVG. SHADE TREES=	8
NEW DECIDUOUS SHADE TREES=	9
NEW EVERGREEN SHADE TREES=	6
SHADE TREES TOTAL=	27 (324 PTS.)
% EVERGREEN=	52%
ORNAMENTAL TREES REQUIRED 610 / 50= 12.2	12 ORNAM. TREES REQUIRED
NEW DECIDUOUS ORNAMENTAL TREES=	12
NEW EVERGREEN ORNAMENTAL TREES=	12
ORNAMENTAL TREES PROPOSED=	24 (144 PTS.)
% EVERGREEN=	50%
LARGE EVG. SHRUBS REQUIRED 610 / 20= 30.5	31 SHRUBS REQUIRED
LARGE EVG. SHRUBS PROPOSED=	88 (264 PTS.)
POINTS REQUIRED 610 x 1.2=	732 POINTS REQUIRED
POINTS PROPOSED=	732

1

20' SOUTH BUFFER- TYPE C
SOUTH BUFFER YARD (350 L.F.)

SHADE TREES REQUIRED 350 / 50= 7	7 SHADE TREES REQUIRED
PRESERVED DECID. SHADE TREES=	2
PRESERVED EVG. SHADE TREES=	0
NEW DECIDUOUS SHADE TREES=	5
NEW EVERGREEN SHADE TREES=	7
SHADE TREES TOTAL=	14 (168 PTS.)
% EVERGREEN=	50%
ORNAMENTAL TREES REQUIRED 350 / 50= 7	7 ORNAM. TREES REQUIRED
NEW DECIDUOUS ORNAMENTAL TREES=	0
NEW EVERGREEN ORNAMENTAL TREES=	8
ORNAMENTAL TREES PROPOSED=	8 (48 PTS.)
% EVERGREEN=	100%
LARGE EVG. SHRUBS REQUIRED 350 / 20= 28	18 SHRUBS REQUIRED
LARGE EVG. SHRUBS PROPOSED=	41 (205 PTS.)
POINTS REQUIRED 350 x 1.2=	420 POINTS REQUIRED
POINTS PROPOSED=	421

20' WEST BUFFER- TYPE C
WEST BUFFER YARD (788 L.F.)

SHADE TREES REQUIRED 788 / 50= 15.76	16 SHADE TREES REQUIRED
PRESERVED DECID. SHADE TREES=	0
PRESERVED EVG. SHADE TREES=	1
NEW DECIDUOUS SHADE TREES=	17
NEW EVERGREEN SHADE TREES=	17
SHADE TREES TOTAL=	35 (420 PTS.)
% EVERGREEN=	51.4%
ORNAMENTAL TREES REQUIRED 788 / 50= 15.76	16 ORNAM. TREES REQUIRED
NEW DECIDUOUS ORNAMENTAL TREES=	6
NEW EVERGREEN ORNAMENTAL TREES=	10
ORNAMENTAL TREES PROPOSED=	16 (96 PTS.)
% EVERGREEN=	50%
LARGE EVG. SHRUBS REQUIRED 788 / 20= 39.4	39 SHRUBS REQUIRED
LARGE EVG. SHRUBS PROPOSED=	144 (432 PTS.)
POINTS REQUIRED 788 x 1.2=	946 POINTS REQUIRED
POINTS PROPOSED=	948

1 2

7.5-1 BUILDING YARD LANDSCAPE REQUIREMENTS

BUILDING YARD CATEGORY	MINIMUM WIDTH	MIN. REQUIRED SHADE TREES	MIN. REQUIRED ORNAMENTAL TREES	MIN. REQUIRED SMALL OR MEDIUM EVERGREEN SHRUBS	MIN. REQUIRED POINTS / LIN. FT.
4	12 FT.	1 PER 50 L.F.	1 PER 50 L.F.	16 PER 30 L.F.	1.0

EAST BUILDING YARD (348 L.F. x 12 FT. MIN. WIDTH)	348 TOTAL POINTS REQUIRED
SHADE TREES REQUIRED 348/50= 6.96	7 SHADE TREES REQUIRED
SHADE TREES PROPOSED=	7 (84 PTS.)
ORNAMENTAL TREES REQUIRED 348/50= 6.96,	7 ORNAM. TREES REQUIRED
ORNAMENTAL TREES PROPOSED=	7 (42 PTS.)
SMALL OR MEDIUM EVG. SHRUBS REQUIRED 348/30 x 16=	186 SHRUBS REQUIRED
MEDIUM EVG. SHRUBS PROPOSED=	36 (72 PTS.)
SMALL EVG. SHRUBS PROPOSED=	150 (150 PTS.)
TOTAL SHRUBS / TOTAL POINTS PROPOSED=	186 (348 PTS.)
WEST BUILDING YARD (370 L.F. x 12 FT. MIN. WIDTH)	370 TOTAL POINTS REQUIRED
SHADE TREES REQUIRED 370/50= 7.4	8 SHADE TREES REQUIRED
SHADE TREES PROPOSED=	8 (96 PTS.)
ORNAMENTAL TREES REQUIRED 370/50= 7.4	8 ORNAM. TREES REQUIRED
ORNAMENTAL TREES PROPOSED=	8 (48 PTS.)
SMALL OR MEDIUM EVG. SHRUBS REQUIRED 370/30 x 16=	197 SHRUBS REQUIRED
MEDIUM EVG. SHRUBS PROPOSED=	29 (58 PTS.)
SMALL EVG. SHRUBS PROPOSED=	168 (168 PTS.
TOTAL SHRUBS / TOTAL POINTS	197 (370 PTS.)

7.6 PARKING LOT YARD LANDSCAPE REQUIREMENTS

PARKING STALL QUANTITY	123 STALLS (GARAGE SPACES NOT INC.)
PARKING LOT YARD LANDSCAPE AREA REQUIREMENT:	10% MIN. NET AREA ON INTERIOR OR EXTERIOR
PARKING AREA:	69,763 S.F.
10% OF PARKING AREA=	6976 S.F.
PARKING LANDSCAPE AREA PROPOSED=	14,074 S.F. (20%)

PARKING LOT YARD PLANTING REQUIREMENTS:
1 SHADE TREE OR TWO ORNAMENTAL TREES AND EIGHT SMALL SHRUBS / 10 STALLS; WHEREAS PLANTING AREAS SHALL A MINIMUM WIDTH OF 9 FT., SHADE TREES SHALL HAVE A MINIMUM PLANTING OF 300 S.F., ORNAMENTAL TREES SHALL HAVE A MIN. PLANTING AREA OF 150 S.F. A PARKING LOT TREE SHALL BE PLACED 60 L.F. MAX. FROM ALL PARKING STALLS.

123 PARKING STALLS / 10= 12.3 *2 ORNAMENTAL TREES MAY BE USED IN LIEU OF 1 SHADE TREE	13 SHADE TREES REQUIRED*
SHADE TREES PROPOSED=	10 SHADE TREES
ORNAMENTAL TREES PROPOSED=	11 ORNAMENTAL TREES
A TREE IS LOCATED WITHIN 60' OF ALL STALLS	
123 PARKING STALLS / 10= 12.3 x 8=	99 SMALL SHRUBS REQUIRED
SMALL SHRUBS PROPOSED=	118 SMALL SHRUBS

2

7.7-1 STREET YARD LANDSCAPE REQUIREMENTS

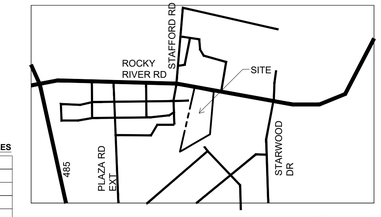
STREET YARD CLASS	MINIMUM WIDTH	MIN. REQUIRED SHADE TREES	MIN. REQUIRED ORNAMENTAL TREES	MIN. REQUIRED POINTS / LIN. FT.
4	8 FT.	1 PER 50 L.F.	1PER 50 L.F.	0.5

FRONT STREET YARD (314 L.F. LESS 30' DRIVEWAY= 284 L.F.x 8 FT. MIN. WIDTH)	
SHADE TREES REQUIRED 284 / 50= 5.68	6 SHADE TREES REQUIRED
SHADE TREES PROPOSED=	6
ORNAMENTAL TREES REQUIRED 284 / 50= 5.68	6 ORNAM. TREES REQUIRED
ORNAMENTAL TREES PROPOSED=	6
POINTS REQUIRED 284 x 0.5=	142 POINTS REQUIRED
POINT SUMMARY:	
6 SHADE TREES @ 12 PTS.=	72
6 ORNAMENTAL TREES @ 6 PTS.=	36
35 SMALL SHRUBS @ 1 PT.=	35
POINTS PROVIDED=	143 POINTS

2 2 2

7.3-1 POINTS FOR INDIVIDUAL PLANT TYPES

TYPE OF PLANT	POINTS
SHADE TREE	12
ORNAMENTAL TREE	6
LARGE SHRUB	3
MEDIUM SHRUB	2
SMALL SHRUB	1



VICINITY MAP
NOT TO SCALE

PLANT LEGEND

SYMBOL	BOTANICAL NAME / COMMON NAME	DEC. / EVG.	QUANTITY	SIZE / COMMENTS
	SHADE TREES: NOTE TREE SYMBOLS MAY APPEAR REDUCED IN SCALE			
	ACER SACCHARUM SUGAR MAPLE	DECIDUOUS	9 (1)	2-2.50" CAL. x 10-12'
	GINKGO BILOBA 'FAIRMOUNT' FAIRMOUNT MAIDENHAIR TREE	DECIDUOUS	16	2-2.50" CAL. x 10-12'
	JUNIPERUS VIRGINIANA EASTERN RED CEDAR	EVERGREEN	14	2-2.50" CAL. x 10-12'
	LIQUIDAMBAR STYRACIFLUA 'ROTUNDILOBA' SWEET GUM	DECIDUOUS	21	2-2.50" CAL. x 10-12'
	LIRIODENDRON TULIPIFERA TULIP TREE	DECIDUOUS	7	2-2.50" CAL. x 10-12'
	MAGNOLIA GRANDIFLORA SOUTHERN MAGNOLIA	EVERGREEN	4 (2)	2-2.50" CAL. x 10-12'
	PINUS ECHINATA SHORT-LEAF PINE	EVERGREEN	12	2-2.50" CAL. x 10-12'
	QUERCUS PHELLOS WILLOW OAK	DECIDUOUS	10	2-2.50" CAL. x 10-12'
	ORNAMENTAL TREES:			
	CERCIS CANADENSIS EASTERN REDBUD	DECIDUOUS	5	1.50-2" CAL. x 6-8'
	CORNUS KOUSA KOUSA DOGWOOD	DECIDUOUS	10	1.50-2" CAL. x 6-8'
	HAMMAMELIS MOLLIS CHINESE WITCH-HAZEL	DECIDUOUS	7	1.50-2" CAL. x 6-8'
	ILEX X ATTENUATA 'FOSTERI' FOSTER HOLLY	EVERGREEN	14	1.50-2" CAL. x 6-8'
	LAGERSTROEMIA INDICA 'MUSKOGEE' LAVENDER CRAPE MYRTLE	DECIDUOUS	11 (2)	1.50-2" CAL. x 6-8'
	MALUS 'PRAIRIFIRE' PRAIRIFIRE FLOWERING CRABAPPLE	DECIDUOUS	8	1.50-2" CAL. x 6-8'
	OXYDENDRON ARBOREUM SOURWOOD	DECIDUOUS	7	1.50-2" CAL. x 6-8'
	PRUNUS CAROLINIANA CAROLINA CHERRY LAUREL	EVERGREEN	16 (2)	1.50-2" CAL. x 6-8'
	LARGE SHRUBS:			
	CHAENOMELES 'HOLLANDIA' RED FLOWERING QUINCE (BARRIER PLANT)	DECIDUOUS	13 (1)	36-42" HIGH
	ILEX CORNUTA 'BURFORDII' BURFORD HOLLY	EVERGREEN	108	36-42" HIGH
	JUNIPERUS CHINENSIS 'HETZII' HETZ'S COLUMNAR JUNIPER	EVERGREEN	94	36-42" HIGH
	OSMANTHUS FRAGRANS TEA OLIVE	EVERGREEN	93 (2)	36-42" HIGH
	PYRACANTHA COCCINEA SCARLET FIRETHORN (BARRIER PLANT)	EVERGREEN	27	36-42" HIGH
MISC. SYMBOLS	MEDIUM & SMALL SHRUB LIST:			
	ABELIA X GRANDIFLORA 'KALEIDOSCOPE' KALEIDOSCOPE GLOSSY ABELIA	EVERGREEN	TBD	18-24" HIGH
	AZALEA (RHODENDRON SPP.) AZALEA	EVERGREEN	TBD	18-24" HIGH
	ILEX CRENATA 'HELLERI' DWARF JAPANESE HOLLY	EVERGREEN	TBD	18-24" HIGH
	ILEX GLABRA INKBERRY HOLLY	EVERGREEN	TBD	18-24" HIGH
	LOROPETALUM CHINENSE LOROPETALUM	EVERGREEN	TBD	18-24" HIGH
	RHAPHIOLEPIS INDICA INDIA HAWTHORN	EVERGREEN	TBD	18-24" HIGH
	RHAPHIOLEPIS UMBELLATA 'MINOR' DWARF YEDDO HAWTHORN	EVERGREEN	TBD	18-24" HIGH
	ROSA SPP. LANDSCAPE AND CARPET ROSES	DECIDUOUS	TBD	18-24" HIGH
	GROUND COVER LIST (100% COVERAGE PROVIDED AT 3 YEARS):			
	COTONEASTER PROCUMBENS 'GERALD' LITTLE DIPPER COTONEASTER	EVERGREEN	TBD	1 GAL. @ 48" O.C.
	LIRIOPE MUSCARI LILY TURF	EVERGREEN	TBD	1 GAL. @ 24" O.C.
	PACHYSANDRA TERMINALIS 'GREEN SHEEN' JAPANESE SPURGE	EVERGREEN	TBD	4" POTS @ 24" O.C.
	TRACHELOSPERMUM ASIATICUM ASIAN JASMINE	EVERGREEN	TBD	4" POTS @ 24" O.C.
	LAWN AREAS- GEO ZOYSIA GRASS		TBD	SOD OR SEED

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT
Exp. 6/30/23
1750
BRIAN D. LINK
PRELIMINARY

LANDSCAPE PLAN
DATE: 04/06/2023
1" = 50'
0 15 30 60 90
1 12/21/2022
2 04/06/2023

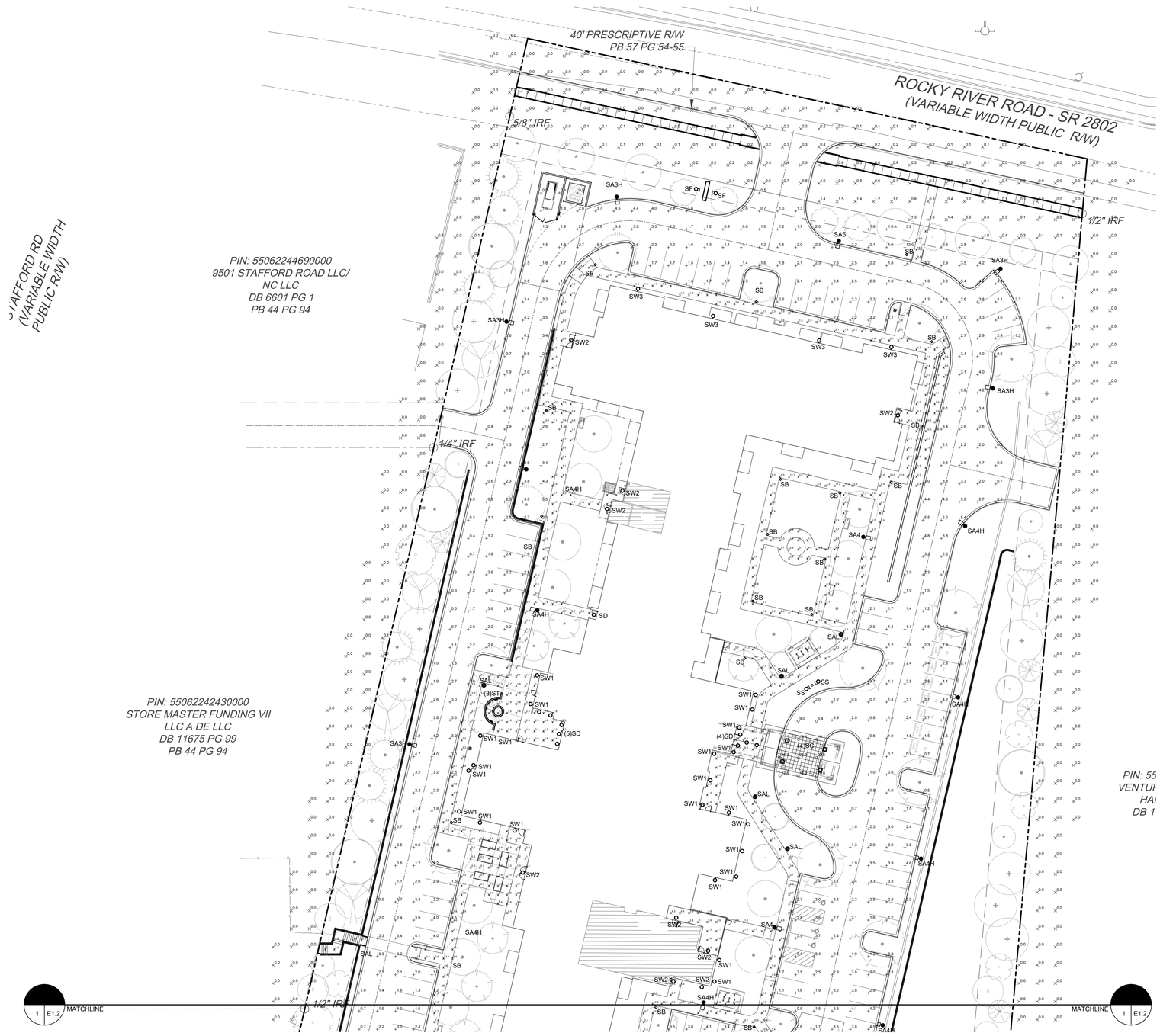
HAWTHORN SENIOR LIVING
9310 NE Vancouver Mall Dr., Suite 200
Vancouver, WA 98662-8210
(360) 213-1550 Fax (360) 213-1540

L1.1

Harrisburg Retirement Residence

Harrisburg, NC

lenity architecture, inc.
3150 Kettle Court SE, Salem, Oregon 97301
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com



Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
ENTRY CANOPY	+	13.9 fc	23.7 fc	5.4 fc	4.4:1	2.6:1
PARKING	+	2.3 fc	12.0 fc	0.3 fc	40.0:1	7.7:1
PROPERTY LINE	×	0.1 fc	1.5 fc	0.0 fc	N/A	N/A
WALKS	×	3.9 fc	23.0 fc	0.1 fc	N/A	N/A

Schedule

Label	Quantity	Manufacturer	Catalog Number	Description	Lumens Per Lamp	Light Loss Factor	Wattage
SA3H	6	Lithonia Lighting	DSXO LED P4 40K T3M MVOLT HS	DSXO LED P4 40K T3M MVOLT with houseside shield	8311	0.95	92
SA4	3	Lithonia Lighting	DSXO LED P4 40K TFTM MVOLT	DSXO LED P4 40K TFTM MVOLT	10558	0.95	92
SA4H	13	Lithonia Lighting	DSXO LED P4 40K TFTM MVOLT HS	DSXO LED P4 40K TFTM MVOLT with houseside shield	8244	0.95	92
SA5	1	Lithonia Lighting	DSXO LED P4 40K T5W MVOLT	DSXO LED P4 40K T5W MVOLT	10889	0.95	92
SAL	6	Lithonia Lighting	RADPT P2 40K SYM	RADPORT Post Top with P2 40K Symmetric distribution	4398	0.95	36
SB	26	Lithonia Lighting	DSXB LED 16C 700 40K SYM	D-SERIES BOLLARD WITH 16 4000K LEDS OPERATED AT 700mA AND SYMMETRIC DISTRIBUTION	3009	0.95	39
SC	4	EATON - McGRAW-EDISON (FORMER COOPER LIGHTING)	LRC-B64-4-LED-E1-WST	LRC CANOPY LUMINAIRE ABSOLUTE PHOTOMETRY IS BASED ON CALIBRATION FACTORS CREATED USING LAB LUMEN STANDARDS IN GONIOPHOTOMETER WITH TEST DISTANCE OF 28.75 FEET	8123	0.95	88
SD	10	EATON - HALO (FORMER COOPER LIGHTING)	SLD612940WH	HALO 6 INCH SURFACE LED DOWNLIGHT	1000	0.95	14.8
SF	2	KIM LIGHTING	CFL-WF-214K50	CFL	4178	0.95	35.46
SS	2	KIM LIGHTING	CFL-NF-214K50	CFL	4212	0.95	34.46
ST	3	KIM LIGHTING	EL8079L4KKIT	EL8079L4KKIT- FLOOD	285	0.95	10.4
SW1	23	Lithonia Lighting	OLLWD LED P1 40K MVOLT	OUTDOOR LED WALL CYLINDER DOWN LIGHT & 4000K NICHIA 219C	576	0.95	9.02
SW2	22	Lithonia Lighting	WPX1 LED wallpack 1500lm 4000K color temperature 120-277 Volts	WPX1 LED wallpack 1500lm 4000K color temperature 120-277 Volts	1568	0.95	11.5
SW3	8	Lithonia Lighting	WDGE2 LED P4 40K 70CRI T4M	WDGE2 LED WITH P4 - PERFORMANCE PACKAGE, 4000K, 70CRI, TYPE 4 MEDIUM OPTIC	4714	0.95	46.7

SITE PHOTOMETRICS

DATE: 04/06/2023
1" = 30'

0 15 30 60 90

1 12/21/2022
2 04/06/2023

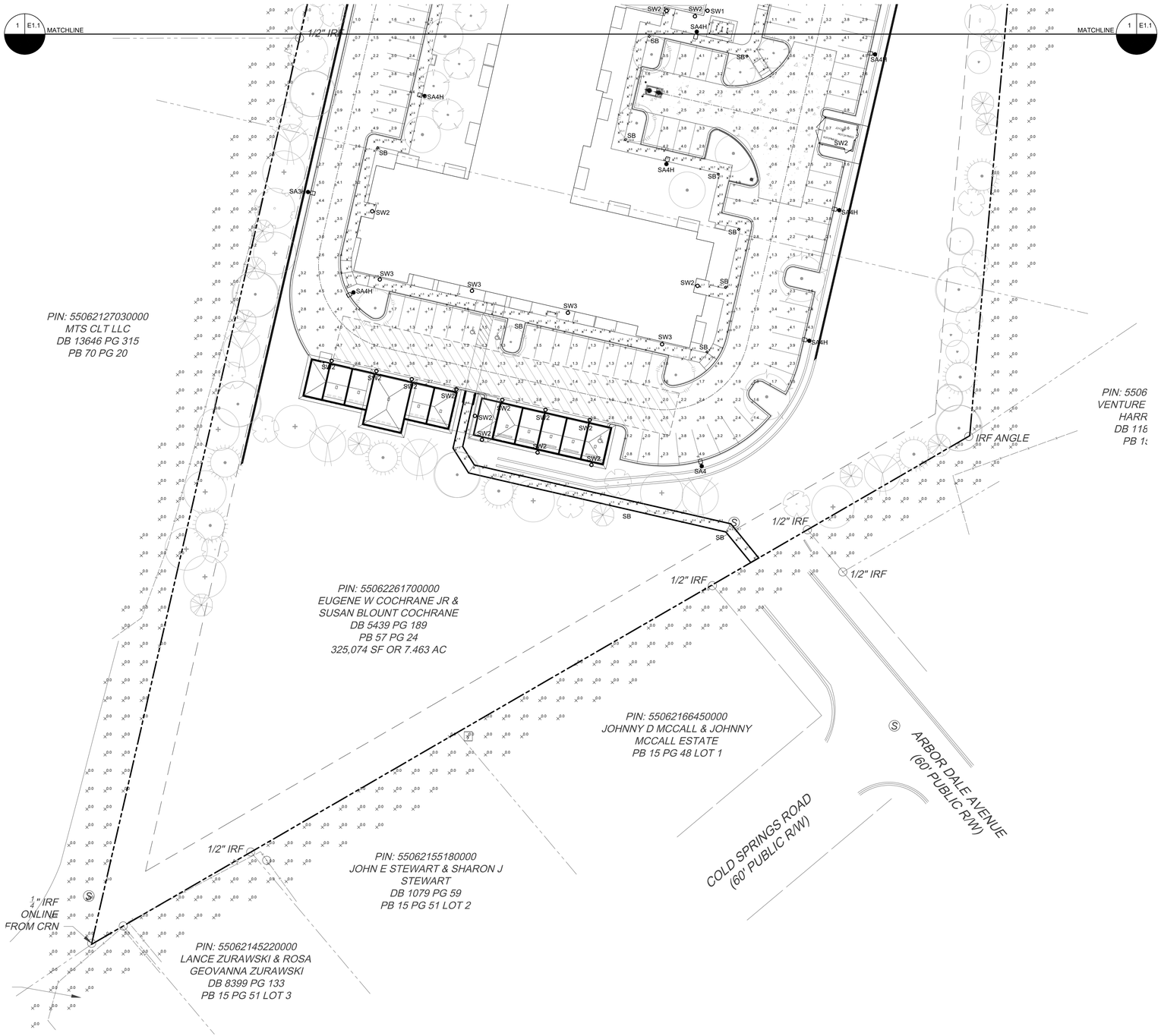
lenity
architecture, inc.
3150 Kettle Court SE, Salem, Oregon 97301
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

Harrisburg Retirement Residence

Harrisburg, NC

HAWTHORN
SENIOR LIVING
9310 NE Vancouver Mall Dr., Suite 200
Vancouver, WA 98662-8210
(360) 213-1550 Fax (360) 213-1540

E1.1



2 SITE PHOTOMETRICS

DATE: 04/06/2023
1" = 30'

0 15 30 60 90

1 12/21/2022
2 04/06/2023

lenity
architecture, inc.
3150 Kettle Court SE, Salem, Oregon 97301
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

Harrisburg Retirement Residence

Harrisburg, NC

HAWTHORN
SENIOR LIVING
9310 NE Vancouver Mall Dr., Suite 200
Vancouver, WA 98662-8210
(360) 213-1550 Fax (360) 213-1540

E1.2

SITE PLAN LEGEND

R/W, PROPERTY LINE	-/-
TREE CANOPY SAVED	-/-
TREE CANOPY REMOVED	-/-
SELECTIVE TREE REMOVAL	-/-
EXISTING TREE TO BE SAVED	-/-
EXISTING TREE TO BE REMOVED	-/-

HERITAGE TREE SUMMARY

THERE ARE NO KNOWN HERITAGE TREES LOCATED WITHIN THIS PROJECT LIMITS

TREE SAVE - TREE CANOPY

AREA OF SITE:	325,073 SF (7.46 AC)
EXISTING CANOPY:	67,065 SF (1.54 AC)
REMOVED CANOPY:	25,682 SF (0.59 AC)
RETAINED TREE CANOPY:	41,383 SF (0.95 AC)*

*61.7% OF EXISTING CANOPY

TREE PROTECTION NOTES:

APPLICABILITY

- A TREE AND ROOT PRESERVATION PLAN DELINEATING AREAS OF TREE SAVE SHALL BE INCORPORATED AS PART OF THE LANDSCAPING, GRADING, AND EROSION CONTROL PLANS. THE FOLLOWING MEASURES SHALL BE FOLLOWED TO PROTECT EXISTING TREES ON A DEVELOPING SITE:

1. PRIOR TO DEMOLITION, CLEARING, CONSTRUCTION, GRADING, AND INSTALLATION OF EROSION CONTROL MEASURES; TREE PROTECTIVE BARRIERS MUST BE INSTALLED AROUND ALL TREE SAVE AREAS BY THE DEVELOPER AND APPROVED BY THE TOWN.
2. THE TREE PROTECTION FENCE SHALL BE LOCATED ALONG THE PERIMETER OF THE TREE SAVE AREA (DRIP LINE PLUS 5 FEET). TREE PROTECTION FENCING FOR A FOREST CANOPY STANDS AREA IS TO BE LOCATED ALONG THE PERIMETER OF THE TREE SAVE AREA AROUND THE FOREST EDGE. TREE PROTECTION FENCING SHALL CONSIST OF ORANGE SAFETY FENCING OR A COMBINATION OF ORANGE SAFETY FENCING WITH SILT FENCING AT A MINIMUM OF 4 FEET IN HEIGHT ON METAL OR WOOD POSTS.
3. ALL TREE PROTECTION AREAS MUST BE DESIGNATED AS SUCH WITH "TREE SAVE AREA SIGNS" POSTED IN ADDITION TO THE REQUIRED PROTECTIVE FENCING. SIGNS REQUESTING SUBCONTRACTOR COOPERATION AND COMPLIANCE WITH TREE PROTECTION STANDARDS ARE RECOMMENDED FOR SITE ENTRANCES.
4. NO SOIL DISTURBANCE OR COMPACTION, STOCK PILING OF SOIL OR OTHER CONSTRUCTION MATERIAL, VEHICULAR TRAFFIC, OR STORAGE OF EQUIPMENT AND MATERIALS ARE ALLOWED WITHIN THE TREE SAVE AREA.
5. NO ROPES, SIGNS, WIRES, UNPROTECTED ELECTRICAL INSTALLATION OR OTHER DEVICE OR MATERIAL, SHALL BE SECURED OR FASTENED AROUND OR THROUGH A TREE OR SHRUB.
6. ALL PROTECTIVE MEASURES SHALL BE MAINTAINED THROUGHOUT THE LAND DISTURBING AND CONSTRUCTION PROCESS, AND SHALL NOT BE REMOVED UNTIL FINAL LANDSCAPING IS INSTALLED.

ENCROACHMENT

- IF ENCROACHMENT INTO A REQUIRED TREE SAVE/PRESERVATION AREA OCCURS WHICH CAUSES IRREPARABLE DAMAGE TO THE TREES, THE TREE PRESERVATION AND/OR REPLACEMENT PLAN SHALL BE REVISED TO COMPENSATE FOR THE LOSS. ENCROACHMENTS SHALL BE SUBJECT TO THE PENALTIES LISTED IN THE TOWN OF HARRISBURG UNIFIED DEVELOPMENT ORDINANCE. ENCROACHMENTS, DAMAGE AND REMOVAL OF VEGETATION IN A TREE SAVE/PRESERVATION AREA SHALL BE REPLANTED IN ACCORDANCE WITH THE TOWN OF HARRISBURG UNIFIED DEVELOPMENT ORDINANCE.

TREE REMOVAL

- LAND DISTURBING PERMIT REQUIRED. LAND DISTURBING ACTIVITIES SHALL NOT COMMENCE UNTIL SUCH ACTIVITIES HAVE BEEN AUTHORIZED BY ISSUANCE OF A VALID LAND DISTURBING PERMIT AS SPECIFIED UNDER THE PROVISIONS OF THE TOWN OF HARRISBURG UNIFIED DEVELOPMENT ORDINANCE AND THE NCDEQ EROSION AND SEDIMENTATION CONTROL MANUAL.

MITIGATION

- IF A REQUIRED TREE SAVE/PRESERVATION AREA OR REQUIRED UNDISTURBED BUFFER YARD IS DISTURBED FOR ANY REASON, IT SHALL BE RESTORED AT A RATE OF 10 TREES PER 1000 SQUARE FEET. TREES TO BE PLANTED SHALL HAVE A MINIMUM CALIPER OF 2 INCHES, SHALL BE 8-10 FEET IN HEIGHT AT INSTALLATION, AND SHALL BE AT LEAST 75% LARGE MATURING VARIETIES. WHERE A DISTURBED AREA ALSO FUNCTIONED TO BUFFER ADJACENT PROPERTIES OR PUBLIC STREET(S), AT LEAST 50% OF THE TREES SHALL BE EVERGREEN VARIETIES. TREES SHALL BE DISTRIBUTED THROUGHOUT THE DISTURBED AREA IN SUCH A WAY AS TO EFFECTIVELY REPLACE THE VEGETATION DISTURBED. WHERE UNDER STORY VEGETATION IS REMOVED OR DISTURBED IT SHALL BE REPLACED AT A RATE OF 40 SHRUBS PER 100 LINEAR FEET. SHRUBS SHALL BE EVERGREEN AND 3 FEET IN HEIGHT WHEN INSTALLED AND ARE EXPECTED TO REACH A MINIMUM HEIGHT OF 6 FEET AT MATURITY. WHEN A TREE IS DESTROYED DUE TO AN ACT OF GOD, IT SHALL BE REPLACED WITH THE SAME SPECIES OR COMPARABLE SPECIES, 2 INCH IN CALIPER IN SIZE. A PLANTING PLAN IS REQUIRED FOR STAFF REVIEW AND APPROVAL PRIOR TO COMMENCEMENT OF PLANTING.

NAD 83

SCALE 1"=30'

0 30' 60'

THIS DRAWING PREPARED AT THE
CHARLOTTE OFFICE
610 E. Morehead Street, Suite 250 | Charlotte, NC 28202
TEL 704.602.8600 FAX 704.376.1076 www.timmons.com
North Carolina License No. C-1652

YOUR VISION ACHIEVED THROUGH OURS.

DATE	REVISION DESCRIPTION
12/21/2022	ADDRESS TOWN COMMENTS
2/9/2023	ADDRESS TOWN COMMENTS

DATE	08/23/2022
DRAWN BY	R.SAMUELS
DESIGNED BY	R.SAMUELS
CHECKED BY	B.CRUTCHFIELD
SCALE	AS SHOWN

TIMMONS GROUP

HARRISBURG RETIREMENT

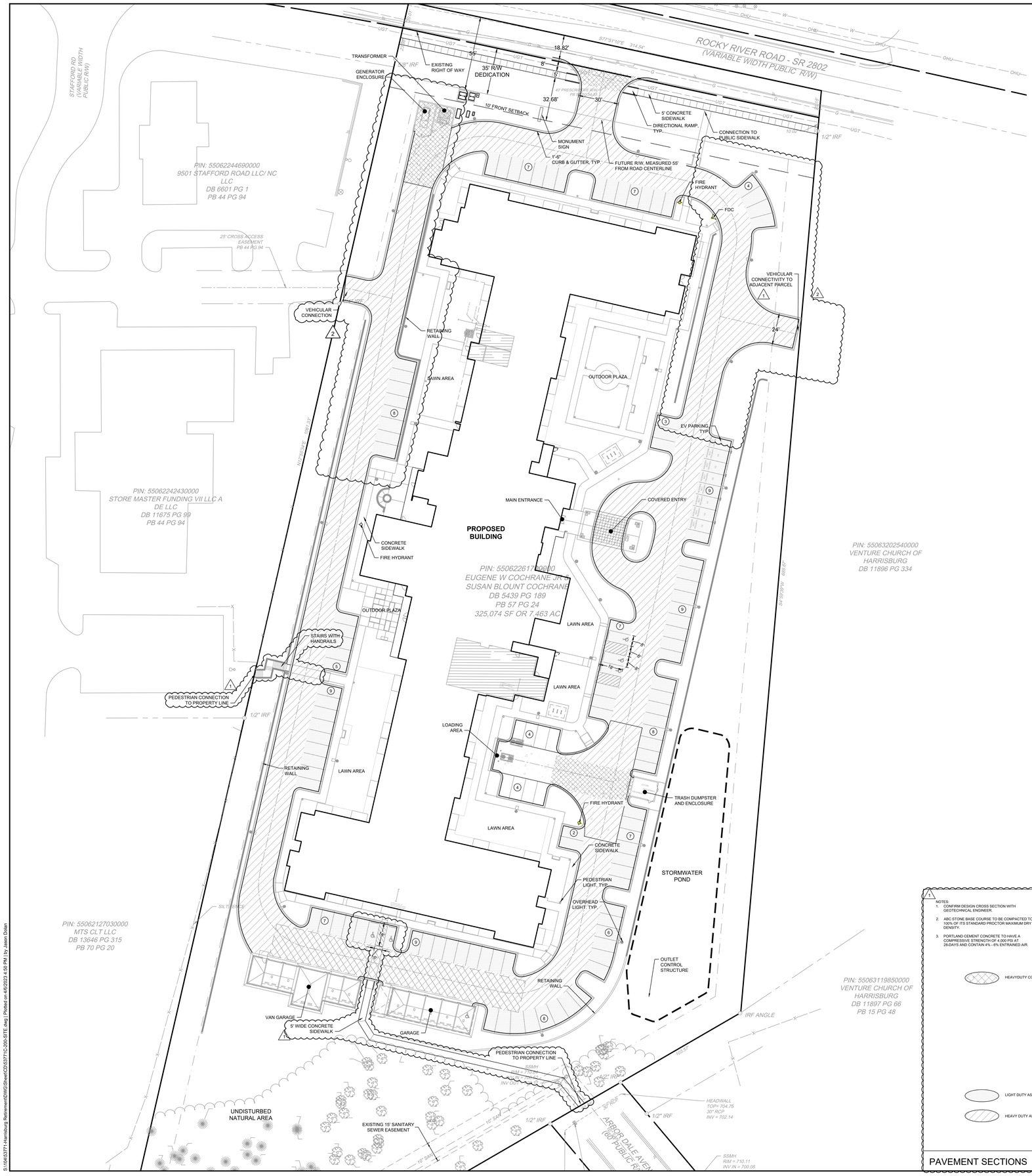
CABARRUS COUNTY, NORTH CAROLINA

TREE PRESERVATION PLAN

JOB NO.	SHEET NO.
53771	C101

These plans and associated documents are the exclusive property of TIMMONS GROUP and may not be reproduced in whole or in part and shall not be used for any purpose whatsoever, inclusive, but not limited to construction, bidding, and/or construction staking without the express written consent of TIMMONS GROUP.

S:\104833\71-Harrisburg Retirement\DWG\Sheet\C0\53771C-101-TREE PRES.dwg | Plotted on 2/9/2023 1:13 PM | by Jason Dolan



SITE PLAN LEGEND

	R/W, PROPERTY LINE	-/-
	1' - 6" CURB & GUTTER	-/-
	STOP SIGN	-/-
	STREET SIGN	-/-

SITE SUMMARY

1. SITE ADDRESS:
   9569 ROCKY RIVER ROAD
   HARRISBURG, NC 28215
2. PARCEL ID:
   550622617000000
3. SITE AREA:
   7.46 AC. (324,958 SF)
4. FEMA FIRM:
   PANEL 3710550600K DATED 11/16/2018,
   PARCEL IS LOCATED IN ZONE "X" OF THE FEMA FLOOD ZONE
   AND THE COMMUNITY FLOOD ZONE.

SEE SHEET A1.1 FOR FULL ZONING INFORMATION

GENERAL NOTES

SCHEMATIC NATURE OF REZONING PLAN
- THE PROPOSED IMPROVEMENTS SHOWN ON THE REZONING PLAN ARE SCHEMATIC IN NATURE. MINOR MODIFICATIONS TO THE PLAN MAY OCCUR DURING DESIGN, ENGINEERING AND CONSTRUCTION PHASES OF THE DEVELOPMENT. THE REMOVAL OF TREES AND VEGETATION TO ACCOMPLISH THE IMPROVEMENTS IS GENERALLY CONTEMPLATED AS SHOWN ON THIS REZONING PLAN.
- THIS IS A REZONING PLAN AND AS SUCH IS TO BE GRAPHICALLY REPRESENTATIVE OF WHAT IS PROPOSED. THE FINAL ENGINEERING PLAN WILL HAVE MINOR CHANGES. THE BUILDING LOCATION, SIZE, ORIENTATION, AND FEATURES MAY HAVE MINOR CHANGES BASED ON FINAL ENGINEER DESIGN, AS APPROVED BY STAFF

ACCESS
- THE NUMBER OF SITE ACCESS POINTS, DRIVEWAYS AND CONNECTIONS TO ROADS ARE SCHEMATIC IN NATURE. TO THE EXTENT PERMITTED BY APPLICABLE DRIVEWAY PERMIT REQUIREMENTS, FUTURE DRIVEWAYS, ACCESS POINTS AND ROAD CONNECTIONS MAY CROSS THE SETBACK AND SHALL NOT REQUIRE A REZONING OF THE PROPERTY, BUT SHALL OTHERWISE COMPLY WITH APPLICABLE DRIVEWAY PERMIT REQUIREMENTS.

SIGNAGE
- ALL SIGNS SHALL COMPLY WITH THE TOWN OF HARRISBURG CODE.

PARKING
- BUILDING - 150,345 GROSS SF
- 0.3 PARKING SPACES REQUIRED PER ROOM
- SPACES REQUIRED = 45
- SPACES PROVIDED = 123 SPACES TOTAL SPACES
- REQUIRED ADA SPACES = 5 SPACES
- PROVIDED ADA SPACES = 5 SPACES
- GARAGE = 10 SPACES (1 VAN)
- VANPOOL / LOW EMISSION = 8 SPACES
- ELECTRIC VEHICLE (EV) = 8 SPACES
- NO STACKING, PARKING OR QUEUING WILL TAKE PLACE ON THE STREET OR PUBLIC RIGHT OF WAY.
- PARKING LOT WILL CONFORM WITH THE TOWN OF HARRISBURG UNIFIED DEVELOPMENT ORDINANCE.

WATER/ SEWER / UTILITIES
- WATER AVAILABLE ON ROCKY RIVER ROAD
- SEWER AVAILABLE FROM EXISTING MH ON ARBOR DALE AVENUE.
- GARBAGE SERVICES WILL BE PROVIDED IN A DUMPSTER FACILITY ON SITE.

DUMPSTER ENCLOSURE
- DUMPSTER TO BE HIDDEN BY OPAQUE FENCE OR WALL OF SUFFICIENT HEIGHT TO SCREEN THE BIN. INSTALLATION WILL COMPLY WITH ARTICLE 6 OF ZONING ORDINANCE.

LIGHTING
- THE LIGHTING FOR THIS PROJECT WILL MEET THE REQUIREMENTS OF THE TOWN OF HARRISBURG UNIFIED DEVELOPMENT ORDINANCE.

ENVIRONMENTAL
- EROSION CONTROL PLANS WILL COMPLY WITH CURRENT ORDINANCES AND BE APPLIED FOR DURING THE COMMERCIAL SITE PLAN PROCESS.
- WATER QUALITY, POST CONSTRUCTION, AND STORM WATER MANAGEMENT SHALL COMPLY WITH THE STANDARDS SET BY THE TOWN OF HARRISBURG'S STORMWATER DRAINAGE MANUAL.

BUFFERS/LANDSCAPING
- BUFFER YARDS SHALL BE PLANTED IN ACCORDANCE WITH THE UNIFIED DEVELOPMENT ORDINANCE. THE BUFFER WILL BE NATURAL, UNDISTURBED WOODED AREAS, AND SUPPLEMENTED IF AN OPAQUE BUFFER IS NOT CREATED WITH EXISTING VEGETATION.

FIRE NOTES

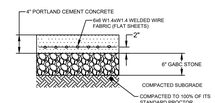
1. FIRE DEPARTMENT ACCESS ROAD SHALL BE A MIN. 20' UNOBSRUCTED CLEAR WIDTH AND SHALL BE CAPABLE OF SUPPORTING 80,000 LBS.
2. FIRE DEPARTMENT ACCESS ROAD THAT EXCEEDS 150' SHALL PROVIDE AN APPROVED TURNAROUND.
3. TURN RADIUS 30' INSIDE AND 42' OUTSIDE.
4. FIRE APPARATUS ACCESS ROADS SHALL NOT HAVE A SLOPE GREATER THAN 10%.
5. FIRE APPARATUS ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS OF FIRE APPARATUS AND SHALL BE SURFACED SO AS TO PROVIDE ALL-WEATHER DRIVING CAPABILITIES.
6. FIRE APPARATUS ACCESS ROADS SHALL BE WITHIN 200 FEET OF ALL EXTERIOR WALLS OF SPRINKLERED BUILDINGS AND 150 FEET OF ALL EXTERIOR WALLS OF NON-SPRINKLERED BUILDINGS.
7. AN APPROVED FIRE HYDRANT SHALL BE LOCATED WITHIN 750 FEET FROM THE MOST REMOTE POINT OF ALL BUILDINGS, AND MEASURED "AS THE TRUCK TRAVELS".
8. THE FIRE DEPARTMENT CONNECTION (FDC) SHALL NOT BE GREATER THAN 50 FEET FROM A FIRE DEPARTMENT ACCESS ROAD.

SITE PLAN NOTES

1. ALL UTILITIES ARE TO BE UNDERGROUND.
2. ALL DIMENSIONS ARE AT 90 DEGREES UNLESS OTHERWISE NOTED.
3. CONTRACTOR SHALL ESTABLISH AND VERIFY POINT OF BEGINNING (P.O.B.) AND STAKE SITE AS INDICATED ON CONSTRUCTION DOCUMENTS PRIOR TO COMMENCEMENT OF CONSTRUCTION. NOTIFY TIMMONS GROUP IMMEDIATELY OF ANY DISCREPANCIES.
4. ALL DIMENSIONS ARE TO FACE OF CURB OR CENTERLINE UNLESS OTHERWISE NOTED.
5. ALL DETAILS SHALL BE CONSTRUCTED IN STRICT COMPLIANCE WITH SPECIFICATIONS AND CONSTRUCTION DOCUMENTS.
6. NO OBSTRUCTION OF PUBLIC R/W OR SIDEWALK WILL BE ALLOWED. NO PARKING IS ALLOWED OVER PUBLIC SIDEWALKS.
7. NO DEMOLITION LANDFILLS ALLOWED ON SITE.
8. THE PURPOSE OF THE STORM DRAINAGE EASEMENT (SDE) IS TO PROVIDE STORM WATER CONVEYANCE. STRUCTURES OR ANY OTHER OBJECT WHICH MAY IMPEDED STORM WATER FLOW OR SYSTEM MAINTENANCE ARE PROHIBITED. MAINTENANCE OF THE SIDE SHALL BE THE RESPONSIBILITY OF THE OWNER.
9. A SITE LIGHTING PLAN WILL BE REQUIRED AT THE CONSTRUCTION DOCUMENT REVIEW PHASE

NOTES:
1. CONFIRM DESIGN CROSS SECTION WITH GEOTECHNICAL ENGINEER.
2. ABC STONE BASE COURSE TO BE COMPACTED TO 100% OF ITS STANDARD PROCTOR MAXIMUM DRY DENSITY.
3. PORTLAND CEMENT CONCRETE TO HAVE A COMPRESSIVE STRENGTH OF 4,000 PSI AT 28-DAYS AND CONTAIN 4% - 6% ENTRAINED AIR.

HEAVYDUTY CONCRETE PAVEMENT

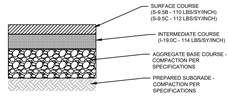


PAVEMENT TYPE	ABC	CONCRETE	REINF
DUMPSTER PADS	6"	6"	#3 REBAR SPACED 12" O.C. BOTH WAYS
HEAVY DUTY CONCRETE PAVEMENT	6"	6"	WWF 6x6 - W1.4XW1.4
SIDEWALK	-	4"	-

CONCRETE PAVING

LIGHT DUTY ASPHALT PAVEMENT

HEAVY DUTY ASPHALT PAVEMENT



PAVEMENT TYPE	SURFACE	INTERMEDIATE	AGGREGATE	TOTAL
LIGHT DUTY ASPHALT	2" (B MIX)*	-	8"	10"
MEDIUM DUTY ASPHALT	3" (B MIX)*	-	8"	11"
HEAVY DUTY ASPHALT	2" (C MIX)	2.5"	8"	12.5"

*PLACE IN TWO (2) EQUAL LIFTS

ASPHALT PAVING

PAVEMENT SECTIONS NTS

NAD 83

SCALE 1"=30'
0 30' 60'

THIS DRAWING PREPARED AT THE
CHARLOTTE OFFICE
610 E. Morehead Street, Suite 250 | Charlotte, NC 28202
TEL 704.602.8600 FAX 704.376.1076 www.timmons.com
North Carolina License No. C-1652

YOUR VISION ACHIEVED THROUGH OURS.

DATE	REVISION DESCRIPTION
12/21/2022	ADDRESS TOWN COMMENTS
4/6/2023	ADDRESS TOWN COMMENTS

DATE
08/23/2022

DRAWN BY
R.SAMUELS

DESIGNED BY
R.SAMUELS

CHECKED BY
B.CRUTCHFIELD

SCALE
AS SHOWN

TIMMONS GROUP

HARRISBURG RETIREMENT

CABARRUS COUNTY, NORTH CAROLINA

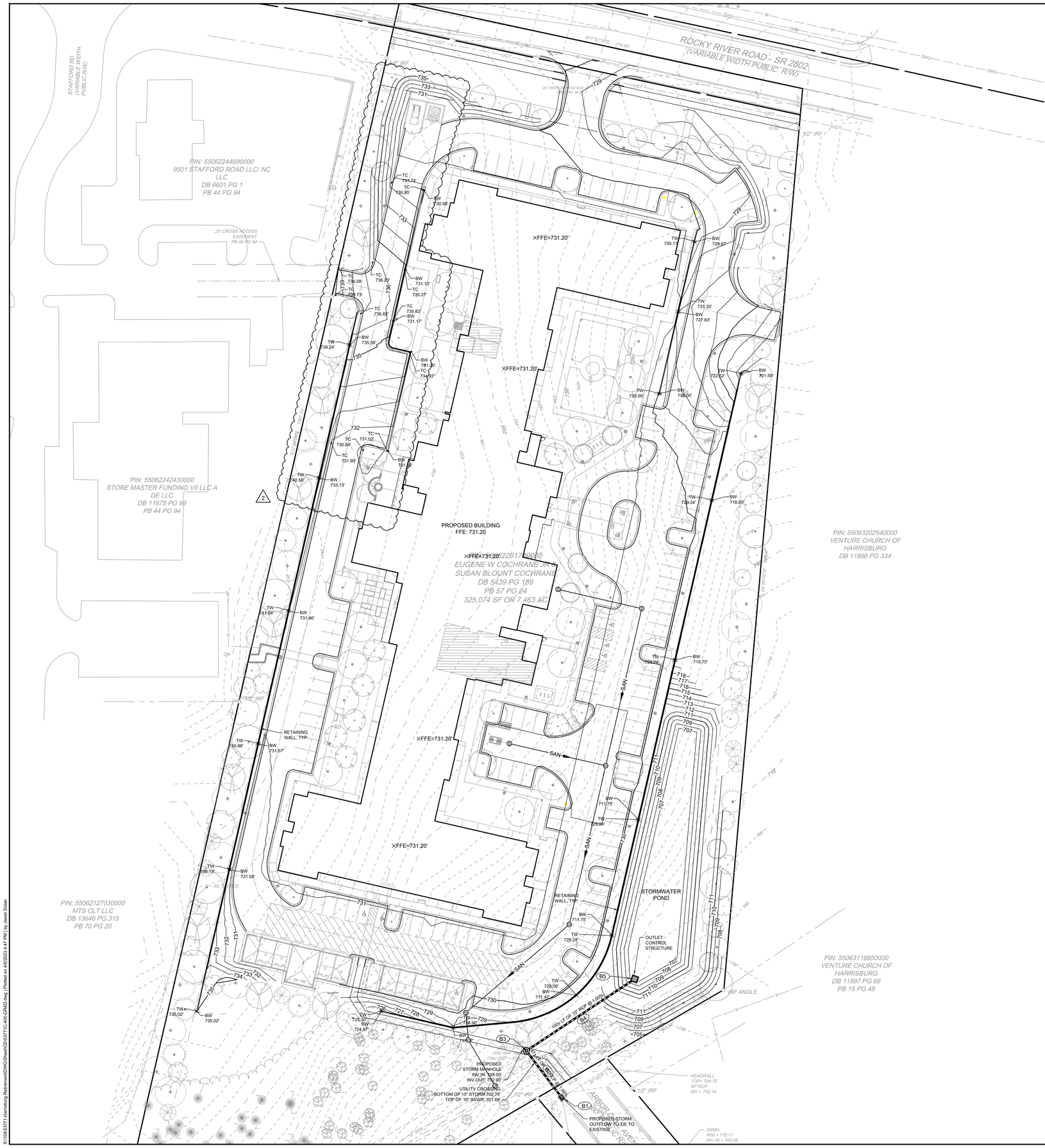
SITE PLAN

JOB NO.
53771

SHEET NO.
C200

These plans and associated documents are the exclusive property of TIMMONS GROUP and may not be reproduced in whole or in part and shall not be used for any purpose whatsoever, inclusive, but not limited to construction, bidding, and/or construction staking without the express written consent of TIMMONS GROUP.

S:\104\53771-Harrisburg Retirement\DWG\Sheet\C200\53771C-200-SITE.dwg | Plotted on 4/6/2023 4:00 PM | By Jason Dolan



GRADING LEGEND

576	MINOR CONTOURS
575	MAJOR CONTOURS
XX 577.00'	SPOT ELEVATION
	STORM RCP
	STORM HDPE
	DROP INLET FOR RCP SEE DETAIL SHEET C-804
	FLARED END SECTION SEE DETAIL SHEET C-804
	OUTLET CONTROL STRUCTURE SEE DETAIL SHEET C-409 & C-410

GRADING NOTES

2

1. CONTRACTOR SHALL MAINTAIN 0.50% SLOPE MINIMUM ON THE CURB AND GUTTERS.
2. ALL PAVED AREAS (SIDEWALKS, PLAZAS, PATIOS, ETC.) SHALL SLOPE AWAY FROM THE BUILDING.
3. FOR SLOPE CONSTRUCTION 3:1 AND STEEPER, THE CONTRACTOR SHALL COORDINATE WITH THE PROJECT GEOTECHNICAL ENGINEER ON THE STABILITY OF SOILS PLANNED FOR THESE SLOPES AND FOLLOW RECOMMENDATIONS BY THE GEOTECHNICAL ENGINEER FOR SLOPE CONSTRUCTION. ALL SLOPES SHOULD BE TRACKED TOP TO BOTTOM AND STABILIZED WITH EROSION CONTROL MATTING AND STAKED TO MANUFACTURER'S RECOMMENDATIONS.
4. SPOT ELEVATIONS AT HIGH AND LOW POINTS INDICATE THE GENERAL ELEVATION NEEDED FOR PROPER DRAINAGE. CONTRACTOR SHALL INSTALL CURB AND GUTTER IN THESE AREAS WITH SMOOTH VERTICAL CURVES, NOT SHARP POINTS.
5. SPOT GRADE ELEVATIONS ARE TAKEN AT FINISHED GRADE (ASPHALT, CONCRETE, TURF, ETC) UNLESS OTHERWISE NOTED.
6. TOC = TOP OF CURB ELEVATION
   BOC = BOTTOM OF CURB ELEVATION (GUTTER FLOW LINE)
   HP = HIGH POINT
   LP = LOW POINT
   EP = EDGE OF PAVEMENT
7. THE FFE LISTED IS THE LOWEST ELEVATION OF ANY FLOOR OR MECHANICAL EQUIPMENT.

GENERAL GRADING NOTES:

1. APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. WHEN FIELD CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED OWNERS.
2. THE DEVELOPER SHALL MAINTAIN EACH STREAM, CREEK, OR BACKWASH CHANNEL IN AN UNOBSTRUCTED STATE AND SHALL REMOVE FROM THE CHANNEL AND BANKS OF THE STREAM ALL DEBRIS, LOGS, TIMBER, JUNK AND OTHER ACCUMULATIONS.
3. COMMUNITY ENCROACHMENT LINE MUST BE MARKED AND MAINTAINED ON SITE UNTIL FINAL GRADING IS COMPLETED.
4. ANY CONSTRUCTION OR USE WITHIN THE AREAS DELINEATED AS FLOODWAY DISTRICT FRINGE BOUNDARY LINE OR FLOODWAY DISTRICT ENCROACHMENT BOUNDARY LINE IS SUBJECT TO THE RESTRICTIONS IMPOSED BY THE FLOODWAY REGULATIONS OF THE TOWN OF HARRISBURG AND CABARRUS COUNTY.
5. THE TOWN OF HARRISBURG ENGINEERING DEPARTMENT HAS NOT REVIEWED THE STRUCTURAL STABILITY OF ANY RETAINING WALLS ON THE SITE AND DOES NOT ASSUME RESPONSIBILITY FOR THEM.
6. NON-STANDARD ITEMS (I.E.: PAVERS, IRRIGATION SYSTEMS, ETC.) IN THE RIGHT-OF-WAY REQUIRE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND/OR THE TOWN OF HARRISBURG BEFORE INSTALLATION.
7. ROOF DRAINS SHALL NOT TIE-IN DIRECTLY TO STORMWATER DRAINAGE STRUCTURES.

BMP NOTES:

1. THE PRIMARY SCM SHALL BE A DRY DETENTION POND WITH A SAND FILTER, AS ALLOWED BY CLAY HEATH ON 04/05/2023.

THIS DRAWING PREPARED AT THE
CHARLOTTE OFFICE
610 E. Morehead Street, Suite 250 | Charlotte, NC 28202
TEL 704.602.8600 FAX 704.376.1076 www.timmons.com
North Carolina License No. C-1652

YOUR VISION ACHIEVED THROUGH OURS.

DATE	REVISION DESCRIPTION
12/21/2022	ADDRESS TOWN COMMENTS
4/5/2023	ADDRESS TOWN COMMENTS

DATE	08/23/2022
DRAWN BY	R.SAMUELS
DESIGNED BY	R.SAMUELS
CHECKED BY	B.CRUTCHFIELD
SCALE	AS SHOWN

TIMMONS GROUP

HARRISBURG RETIREMENT

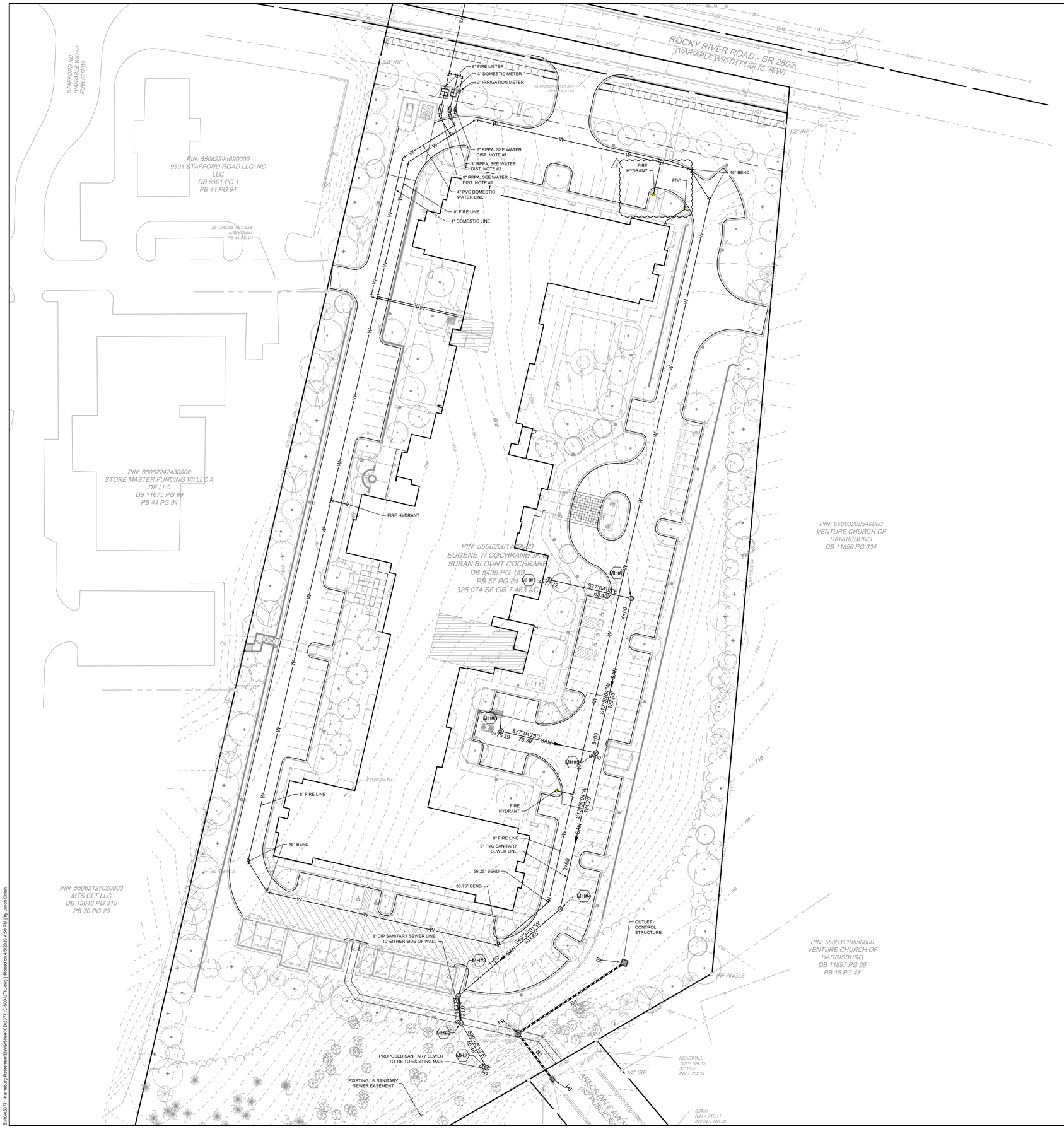
CABARRUS COUNTY, NORTH CAROLINA

GRADING AND STORMWATER MANAGEMENT PLAN

JOB NO.	SHEET NO.
53771	C400

These plans and associated documents are the exclusive property of TIMMONS GROUP and may not be reproduced in whole or in part and shall not be used for any purpose whatsoever, inclusive, but not limited to construction, bidding, and/or construction staking without the express written consent of TIMMONS GROUP.

S:\104\53771-Harrisburg Retirement\DWG\Sheet\CD\53771C-400-GRAD.dwg | Plotted on 4/6/2023 4:47 PM | by Jason Dolan



UTILITIES LEGEND

—W—	EXISTING WATER LINE
	EXISTING SANITARY SEWER LINE
—W—	PROPOSED WATER LINE
—SAN—	PROPOSED SANITARY SEWER LINE
	PROPOSED BACKFLOW SEE DETAIL ON C-602
	PROPOSED METER SEE DETAILON C-602
—UGP—	PROPOSED UNDERGROUND POWER LINE
—G—	PROPOSED UNDERGROUND GAS LINE
	PROPOSED UNDERGROUND COMMUNICATION LINE

WATER DISTRIBUTION GENERAL NOTES

1. PROPOSED 8" REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY INSTALLED ABOVE-GROUND WITHIN INSULATED ENCLOSURE PER JURISDICTIONAL REQUIREMENTS. ENCLOSURE TO INCLUDE DRAIN PORT(S) FOR DISCHARGE WATER PER JURISDICTIONAL REQUIREMENTS.
2. PROPOSED 3" REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY INSTALLED ABOVE-GROUND WITHIN INSULATED ENCLOSURE PER JURISDICTIONAL REQUIREMENTS. ENCLOSURE TO INCLUDE DRAIN PORT(S) FOR DISCHARGE WATER PER JURISDICTIONAL REQUIREMENTS.
3. PROPOSED 2" REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY INSTALLED ABOVE-GROUND WITHIN INSULATED ENCLOSURE PER JURISDICTIONAL REQUIREMENTS. ENCLOSURE TO INCLUDE DRAIN PORT(S) FOR DISCHARGE WATER PER JURISDICTIONAL REQUIREMENTS.
4. PRIOR TO CONSTRUCTION, CONTRACTOR TO LOCATE UTILITY CONNECTION POINT(S) AT BUILDING(S) BASED ON PLUMBING PLANS.
5. THERE SHALL BE NO TAPS, PIPING BRANCHES, UNAPPROVED BYPASS PIPING, HYDRANTS, FIRE DEPT. CONNECTION POINTS, OR OTHER WATER-USING APPURTENANCES CONNECTED TO THE SUPPLY LINE BETWEEN ANY WATER METER AND ITS JURISDICTIONAL-REQUIRED BACKFLOW PREVENTER.
6. WATER LINES SHALL BE INSTALLED WITH A MINIMUM 36" OF COVER.
7. WATER LATERAL(S) ARE LEFT (5) FIVE FEET FROM THE BUILDING FACE. REFER TO MEP PLANS FOR CONNECTION POINTS. ALL CONNECTION MATERIAL BY BUILDING CONTRACTOR.

SANITARY SEWER NOTES

1. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE NCDEQ GRAVITY SEWER MINIMUM DESIGN CRITERIA.
2. CONTRACTOR TO LOCATE UTILITY CONNECTION POINT(S) AT BUILDING(S) BASED ON PLUMBING PLANS.
3. CONTRACTOR SHALL CONTACT THE COUNTY-ASSIGNED PLUMBING INSPECTOR FOR REVIEW OF SANITARY SEWER LATERAL INSTALLATION PRIOR TO BACKFILLING TRENCHES. PLUMBING INSPECTOR SCOPE LIMITED TO SANITARY SEWER LINES DESIGNATED ON THE CONSTRUCTION DOCUMENTS AS "LATERAL". ALL OTHER SANITARY SEWER LINES ARE PERMITTED THROUGH STATE AND SHALL BE INSPECTED BY CIVIL ENGINEER. INSPECTION TO INCLUDE PRESSURE TESTING.
4. SEWER LATERAL(S) ARE LEFT (5) FIVE FEET FROM BUILDING FACE. REFER TO MEP PLANS FOR CONNECTION POINTS. ALL CONNECTION MATERIAL BY BUILDING CONTRACTOR.
5. SEWER LATERAL SHALL HAVE A MINIMUM OF 1.10% AND SHALL NOT EXCEED A SLOPE GREATER THAN 10.00%.
6. CLEANOUTS PLACED WITHIN PEDESTRIAN PATHS (SIDEWALKS, PLAZAS, ETC.) SHALL BE EQUIPPED WITH A BRASS COVER. BRASS COVER TO BE FLUSH WITH FINAL GRADE.
7. WHEN THE WATER MAIN IS ABOVE THE SANITARY SEWER, BUT WITH LESS THAN 24" CLEARANCE, OR WHEN THE SANITARY SEWER IS ABOVE THE WATER MAIN, BOTH THE WATER AND THE SANITARY SEWER LINE SHALL BE CONSTRUCTED OF FERROUS MATERIAL WITH JOINTS EQUIVALENT TO WATER MAIN STANDARDS FOR A MINIMUM LATERAL DISTANCE, MEASURED AT RIGHT ANGLES TO THE SEWER, OF 10 FEET ON EACH SIDE OF THE CROSSING.

THIS DRAWING PREPARED AT THE
CHARLOTTE OFFICE
610 E. Morehead Street, Suite 250 | Charlotte, NC 28202
TEL 704.602.8600 FAX 704.376.1076 www.timmons.com
North Carolina License No. C-1652

YOUR VISION ACHIEVED THROUGH OURS.

DATE	REVISION DESCRIPTION
12/21/2022	ADDRESS TOWN COMMENTS
4/6/2023	ADDRESS TOWN COMMENTS

DATE	08/23/2022
DRAWN BY	R.SAMUELS
DESIGNED BY	R.SAMUELS
CHECKED BY	B.CRUTCHFIELD
SCALE	AS SHOWN

TIMMONS GROUP

HARRISBURG RETIREMENT

CABARRUS COUNTY, NORTH CAROLINA

UTILITY PLAN

JOB NO.	SHEET NO.
53771	C500

These plans and associated documents are the exclusive property of TIMMONS GROUP and may not be reproduced in whole or in part and shall not be used for any purpose whatsoever, inclusive, but not limited to construction, bidding, and/or construction staking without the express written consent of TIMMONS GROUP.

S:\104\53771-Harrisburg Retirement\DWG\Sheet\C200\53771C-500-UTIL.dwg | Plotted on 4/6/2023 4:50 PM | by Jason Dolan

Harrisburg Retirement Residence

Neighborhood Meeting Report

On October 20th, 2022, a neighborhood developer meeting was held at Town Hall to discuss the proposed Hawthorn Retirement Residence. The meeting was attended by Kristi Neznanski on behalf of the applicant, Craig Thomas on behalf of the Town of Harrisburg, and four meeting attendees.

A brief presentation was made by the applicant addressing the proposed use, preliminary site plan, and conceptual renderings of the building. A flyer for the project was available for attendees of the meeting as well. Following the presentation, one attendee asked questions related to the site layout and expressed support for the use on the site. No other comments or questions were asked of the applicant by meeting attendees.

The following items are included with this report:

- Abutting Property Owners List
- Mailed Meeting Notice from the Town
- Project Flyer from the Neighborhood Meeting
- Sign in sheet from the meeting – note the sign in sheet includes names of attendees for the previous agenda item as all meeting attendees signed in on only one sheet.

Tax Parcel	Physical Address				Owner	Mailing Address			
55063300540000	9592 Rocky River Road	Charlotte	North Carolina	28215	Charlotte-Mecklenburg Hospital Authority	Att: Real Estate Services	Charlotte	North Carolina	28232
55062310830000	9400 Stafford Road	Harrisburg	North Carolina	28075	Cochrane, Eugene W and Mary T	3533 Winslow Green Drive	Charlotte	North Carolina	28210
55062244690000	9501 Stafford Road	Charlotte	North Carolina	28215	9501 Stafford Road LLC/NC LLC	525 North Tryon Street, Suite	Charlotte	North Carolina	28202
55062215430000	9625 Rocky River Road	Charlotte	North Carolina	28215	Gate North Carolina INC A FL CORP	PO Box 23627	Jacksonville	Florida	32241
55061281970000	13523 Plaza Road Ext	Charlotte	North Carolina	28215	Brookdale Shopping Center LP	C/O MPV Properties	Charlotte	North Carolina	28203
55062242430000	9525 Stafford Road	Harrisburg	North Carolina	28215	Store Master Funding VII LLC A DE LLC	C/O REE Southeast Inc	Troy	Michigan	48084
55062127030000	5599 Stafford Road	Charlotte	North Carolina	28215	MTS CLT LLC	2857 Westport Road	Charlotte	North Carolina	28208
55062102960000	5610 Vandora Drive	Charlotte	North Carolina	28215	Vinocur, Patricia and Martin Gary	2063 Turning Oaks Trail	Asheboro	North Carolina	27205
55062113510000	5604 Vandora Drive	Charlotte	North Carolina	28215	Cole, Brandi A	5604 Vandora Drive	Charlotte	North Carolina	28215
55062123050000	5600 Vandora Drive	Charlotte	North Carolina	28215	New Residential Borrower 2022-SFR2 LLC	C/O Renu Property Mgmt LLC	Carmel	Indiana	46032
55062123690000	5522 Vandora Drive	Charlotte	North Carolina	28215	BT Aspen Borrower LLC	12801 N Central Expy	Dallas	Texas	75243
55062134130000	5518 Vandora Drive	Charlotte	North Carolina	28215	Barrier, Daniel L and Paulina N	5518 Vandora Drive	Charlotte	North Carolina	28215
55062134770000	5514 Vandora Drive	Charlotte	North Carolina	28215	Sibrava, Jennifer M and Rachel Houdek	5514 Vandora Drive	Charlotte	North Carolina	28215
55062145220000	5510 Vandora Drive	Charlotte	North Carolina	28215	Zurawski, Lance and Rosa Geovanna	5510 Vandora Drive	Charlotte	North Carolina	28215
55062155180000	5506 Vandora Drive	Charlotte	North Carolina	28215	Stewart, John E and Sharon J	5506 Vandora Drive	Charlotte	North Carolina	28215
55062166480000	9630 Arbor Dale Avenue	Charlotte	North Carolina	28215	McCall, Johnny D	C/O Mary McCall	Charlotte	North Carolina	28215
55063119850000	9601 Arbor Dale Avenue	Charlotte	North Carolina	28215	Venture Church of Harrisburg	4245 Main Street	Harrisburg	North Carolina	28075
55062187350000	9631 Arbor Dale Avenue	Charlotte	North Carolina	28215	Russell, Robert A and Laura S	505 Beachland Blvd, #272	Vero Beach	Florida	32963
55062187700000	9701 Arbor Dale Avenue	Charlotte	North Carolina	28215	Davis, Wanda P	9701 Arbor Dale Avenue	Charlotte	North Carolina	28215
55062196440000	9705 Arbor Dale Avenue	Charlotte	North Carolina	28215	Scaggs, Duane A	9705 Arbor Dale Avenue	Charlotte	North Carolina	28215
55063104390000	5324 River Falls Drive	Charlotte	North Carolina	28215	Crowley, Shekea	5324 River Falls Drive	Charlotte	North Carolina	28215
55063115040000	5320 River Falls Drive	Charlotte	North Carolina	28215	Le, Tam Phoung	9760 Robinson Church Road	Harrisburg	North Carolina	28075
55062185040000	5501 Vandora Drive	Charlotte	North Carolina	28215	Carrigan, Sherry L and James H	9818 Saddle Avenue	Waxhaw	North Carolina	28173
55062174380000	5503 Vandora Drive	Charlotte	North Carolina	28215	Brackett, Jeffrey A	5503 Vandora Drive	Charlotte	North Carolina	28215
55062164730000	5505 Vandora Drive	Charlotte	North Carolina	28215	Wedding, Kimberly A	5505 Vandora Drive	Charlotte	North Carolina	28215
55062163180000	5507 Vandora Drive	Charlotte	North Carolina	28215	Bradley, Jennifer and Clark	5507 Vandora Drive	Charlotte	North Carolina	28215
55062153630000	5509 Vandora Drive	Charlotte	North Carolina	28215	Cook, Gregory N	5509 Vandora Drive	Charlotte	North Carolina	28215
55062152090000	5515 Vandora Drive	Charlotte	North Carolina	28215	Cook, Jennifer M	5515 Vandora Drive	Charlotte	North Carolina	28215
55062142440000	5519 Vandora Drive	Charlotte	North Carolina	28215	Stehlin, James M and Lynn M	5519 Vandora Drive	Charlotte	North Carolina	28215
55062131890000	5523 Vandora Drive	Charlotte	North Carolina	28215	Kilts, Robert E and Diane P	5523 Vandora Drive	Charlotte	North Carolina	28215
55062131350000	5601 Vandora Drive	Charlotte	North Carolina	28215	Latham, George	5601 Vandora Drive	Charlotte	North Carolina	28215
55062121800000	5605 Vandora Drive	Charlotte	North Carolina	28215	Hernandez, Janet E and Juan A	5605 Vandora Drive	Charlotte	North Carolina	28215
55062120250000	5611 Vandora Drive	Charlotte	North Carolina	28215	Keo, Phally	5611 Vandora Drive	Charlotte	North Carolina	28215
55061192580000	9803 Rockwood Road	Charlotte	North Carolina	28215	2017-1 IH Borrower LP PTNRP	C/O Invitation Homes	Dallas	Texas	75201
55061183770000	9801 Rockwood Road	Charlotte	North Carolina	28215	Ezechiel, Orion	9801 Rockwood Road	Charlotte	North Carolina	28215

October 10, 2022

Neighborhood Meeting Notice

To Whom It May Concern;

Our records indicate that you own property in close proximity to the property located at parcel PIN 5506-22-6170 located on Rocky River Road near Stafford Road. The property owner is requesting a rezoning and annexation of the parcel, currently with split zoning County Office/Institutional (OI) and Town General Commercial (GC) to General Commercial (GC). The purpose of the rezoning is to enable the property owner to develop the property for one hundred fifty (150) senior living suites.

The Town of Harrisburg will facilitate a Neighborhood Meeting to allow the applicant to present their proposal to neighboring property owners, and to receive feedback from the neighbors at the date and time below. You have options to attend in person or join virtually.

Virtual Meeting Information:
Please click this URL to join.
https://us02web.zoom.us/j/89703774832?pwd=ZUVSVUhMdHQ0U0FzcmVVTCtZenh4dz09
Passcode: 821991
Or join by phone:
Dial: 301 715 8592 or 929 205 6099
Webinar ID: 897 0377 4832
Send comments or sign up to speak by emailing at planning@harrisburgnc.org

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

H2022-16-R Hawthorn Senior Living

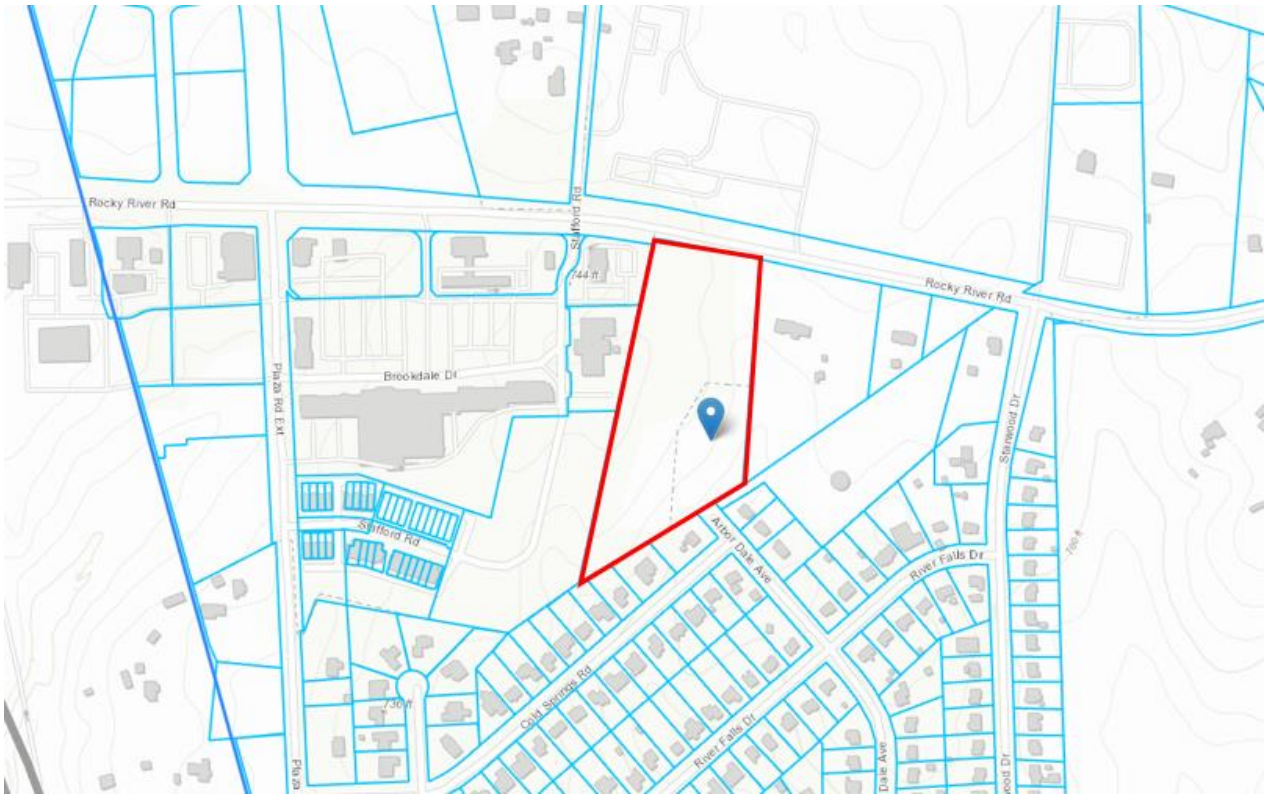
Date:	**Thursday, October 20, 2022**
Time:	**6:30 PM**
Location:	**Harrisburg Town Hall** **4100 Main Street** **Harrisburg, NC 28075**

Sincerely,

Craig Thomas

Craig Thomas
Senior Planner
Town of Harrisburg

Site Location Map (Property highlighted below)



Informational Flyer for the proposed **Harrisburg Retirement Residence**

Thank you for attending the Developer neighborhood meeting to discuss the Hawthorn senior living facility planned for the property located at 9569 Rocky River Rd. The property is proposed to be annexed into the Town of Harrisburg and zoned General Commercial. We have attempted to notify all property owners near the project however, we encourage you to share with others who may be interested in this project. If you would like additional information, please reach out to the contact below.

For more information, please contact the Project Manager:

Kristi Neznanski KNeznanski@HawthornCG.com 503-400-9239

Harrisburg NC
The right side of opportunity

Neighborhood Meeting Sign-In Sheet

H2022-15-R Divine Property Empire Rezoning
10/20/2022 6:00 pm

H2022-16R
Hawthorn Sr Living

Name	Address
Frank Cantrell	PQB Engineering
Eric Hooper	Empire Communities
Randy Hard	11485 Peach Orchard
David Henderson	Rocky River Road - Venture Church
RYAN SIDE	10602 CORONET CT HARRISBURG NC
MONICA LONG	3714 Ayrshire CRT Harrisburg

Neighborhood Meeting 10/20/22

ZOOM Call-in

cheryl	Rodney Dellinger	Karen Peters
Collin Brown	Jade Stone	717-578-2054
Ron Smith	larry	201-575-8485
Markeisha Ford	Ed	764-451-7277
Mike Long		

Planning & Zoning Department
4100 Main Street Ste 102, Harrisburg, NC 28075
(704) 455-5614

Annexation Application

1. Request for Annexation

[X] We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the Town of Harrisburg.

2. Property Information

a. Property Location/Address: 9569 Rocky River Rd, Harrisburg, NC 28215

b. Tax Map and Parcel Number (PIN): 55062261700000

c. Current Zoning: Office/Institutional (OI) & Commercial (CZ-C-2)

d. Current Land Use: Vacant

e. Area to be annexed is: [X] Contiguous [ ] Non-Contiguous

f. Boundaries of territory to be annexed (attach separate sheet or describe below):

See survey attached.

3. Contact Information

a. Contact Person: Kristi Neznanski, Project Manager
Company: Hawthorn Devco LLC
Address: 2260 McGilchrist Street SE City, State, Zip: Salem, OR 97302
Phone Number: 503-400-9239 Email Address: KNeznanski@HawthornCG.com

b. Applicant Name (if different than above): Same as above
Company:
Address: City, State, Zip:
Phone Number: Email Address:

c. Owner Name: Eugene W. Cochrane, JR., Susan Cochrane Blount, and Anne Cochrane Yarbrough
Company:
Address: 3533 Winslow Green Drive City, State, Zip: Charlotte, NC 28210
Phone Number: Email Address:

4. Signature of Owner(s)

Owner Name: Eugene W. Cochrane, Jr. Address: 3533 Winslow Green Dr., Charlotte, NC 28210

Owner Signature: gene cochrane
gene cochrane (Nov 1, 2022 10:56 EDT) Date: Nov 1, 2022

Owner Name: Susan Cochrane Blount Address: 4026 Bellingham Ln., Charlotte, NC 28215

Owner Signature: Susan Cochrane Blount
Susan Cochrane Blount (Nov 1, 2022 11:39 EDT) Date: Nov 1, 2022

Owner Name: Anne Cochrane Yarbrough Address: 1604 Granville Rd., Greensboro, NC 27408

Owner Signature: Anne Cochrane Yarbrough
Anne Cochrane Yarbrough (Nov 1, 2022 11:52 EDT) Date: Nov 1, 2022

Owner Name: _____ Address: _____

Owner Signature: _____ Date: _____

Owner Name: _____ Address: _____

Owner Signature: _____ Date: _____

Owner Name: _____ Address: _____

Owner Signature: _____ Date: _____

Owner Name: _____ Address: _____

Owner Signature: _____ Date: _____

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

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: Kristi Neznanski on behalf of Hawthorn Devco LLC Submittal Date: 11/3/2022

Applicant Signature: Kristi Neznanski

7. Required Attachments

All Annexation Application submittals must be accompanied by:

- Applicable fee(s) (see Master Fee Schedule in Appendix B of the Development Guidebook);
- Sealed survey showing area proposed for annexation in relation to the primary corporate limits of the Town of Harrisburg.

6. Staff Use Only:

Record of Process

Date Received: 11-3-2022

Application Number: H-2022-16-R

Is Application Complete? [X] Yes [ ] No

Public Hearing Date(s): TBD

Published Notice Date:

Mailed Notice Date:

Posted Notice Date:

Final Action Applicant Notification Mailed Date:

Town Staff Signature: Zachary D. Gordon

Record of Decision

Reviewed By:

Recommendation: [ ] Approve [ ] Deny

Final Action: [ ] Approve [ ] Deny

Property Description

Being all of Cabarrus County GIS PIN 55062261700000, property of Eugene W Cochrane Jr. and Susan Cochrane Blount as recorded in Deed Book 5439 Page 189

Beginning at a point in the right of way of Rocky River Road said point being the north eastern corner of the Stafford Road LLC property as recorded in Deed Book 6601 Page 1 of the Cabarrus County Public Registry thence within the right of way of Rocky River Road N 12° 55' 34" E a distance of 43.99 feet from a found 5/8 " iron rod, thence with said right of way S 77° 51' 10" E for a distance of 314.54 feet to a point at the northwestern corner of the Venture Church of Harrisburg property as recorded in Deed Book 11896 Page 334 of the Cabarrus County public registry, thence with said property S 04° 59' 39" W passing through a found ½" iron rod at 30.20 feet, for a total distance of 689.87 feet to a found angle iron on the northern line of the Venture Church property as recorded in Deed Book 11897 Page 66 of the Cabarrus County public registry, thence with said property, the terminus of the Arbor Dale Avenue right of way and Lots 1, 2, 3 and 4 of Plat Book 15 Page 48 of the Cabarrus County public registry S 59° 54' 23" W passing through iron rods at 103.57 feet, 164.45 feet, 458.77 and 540.12 feet for a total distance of 560.39 feet to a found iron rod at the southeastern corner of the MTS CLT LLC property as recorded in Deed Book 13646 Page 315 of the Cabarrus County public registry, thence with said property, the Store Master Funding VII LLC property as recorded in Deed Book 11675 Page 99 of the Cabarrus County public registry and the aforementioned Stafford Road LLC property N 12° 55' 34" E for a distance of 1061.33 feet to the POINT OF BEGINNING, containing 325,074 square feet or 7.463 acres of land, more or less.

NOTES:

1) SURVEY PREPARED WITH THE USE OF FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NUMBER gb22007162, DATED APRIL 26, 2022.
2) AREAS COMPUTED BY COORDINATE METHOD.
3) PROPERTY SHOWN HEREON IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.
4) ALL DISTANCES SHOWN ON SURVEY ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
5) RIGHTS-OF-WAY INFORMATION IS BASED ON DEEDS AND MAPS OF RECORD.
6) BASIS OF BEARING SHOWN HEREON IS NC GRID NAD83 (2011).
7) BOUNDARY INFORMATION IS BASED IN PART, ON DEEDS AND MAPS OF RECORD, AND BY AN ACTUAL FIELD SURVEY BY THIS FIRM
8) THIS SITE LIES IN ZONE X, AREA OF MINIMAL FLOODING ACCORDING TO FLOOD INSURANCE RATE MAP3710550600K ,EFFECTIVE DATE 11/16/2018
8) NO EVIDENCE OF RECENT GRADING OR CONSTRUCTION ON THE SUBJECT PROPERTY.
9) NO EVIDENCE OF RECENT ROADWAY OR SIDEWALK WORK OTHER THAN THE NEW DRIVEWAY ENTRANCE, NO PLANS FOR PROPOSED STREET OR RIGHT OF WAY CHANGES WERE FOUND.
10) EXISTING ZONING - OI AND GC
11) CONTOUR INTERVAL IS 1 FOOT
12) VERTICAL DATUM = NAVD '88

REFERENCES
DB. 5439, PG. 189
MB. 57, PG. 24-25

THE FOLLOWING INFORMATION WAS USED TO PERFORM GPS SURVEY:
(1) CLASS OF SURVEY: "CLASS A"
(2) POSITIONAL ACCURACY: 0.04'
(3) TYPE OF GPS FIELD PROCEDURE: NCVRS
(4) DATE OF SURVEY: 06-01-22
(5) DATUM/EPOCH: NAD83 (2011) - EPOCH 2010.00
(6) PUBLISHED/FIXED-CONTROL USE: NCVRS
(7) GEOID MODEL: 2012 (CONUS)
(8) COMBINED GRID FACTOR(S): 0.99984241
(9) UNITS: US SURVEY FEET

NC GRID
NAD83 (2011)

PROPERTY DESCRIPTION FROM TITLE REPORT

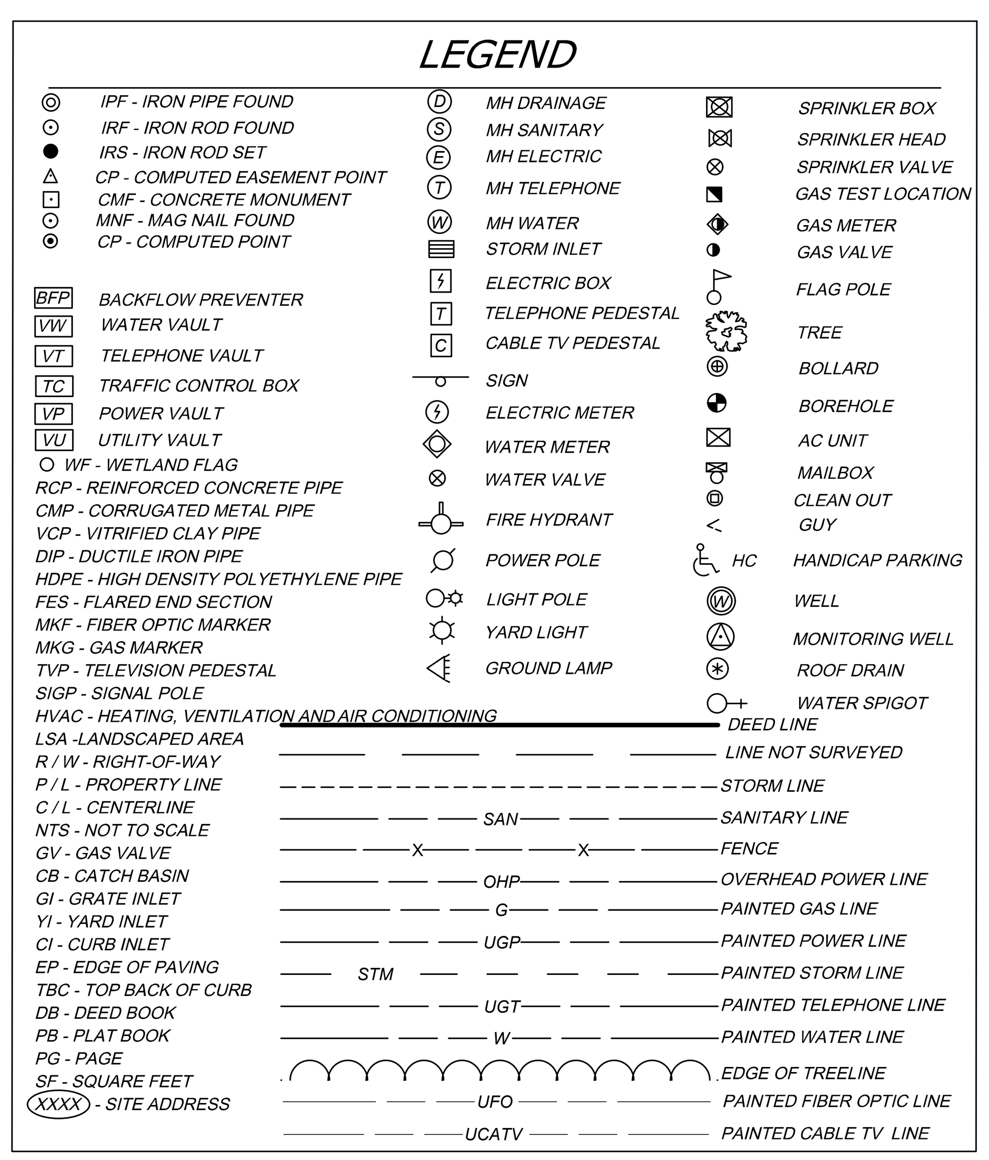
BEING ALL OF TRACT 3A AS SHOWN ON A "RECORD PLAT ROCKY RIVER ROAD - MAP 1", WHICH MAP OR PLAT IS RECORDED IN PLAT BOOK 57, PAGE(S) 24-25, IN THE OFFICE OF THE REGISTER OF DEEDS OF CABARRUS COUNTY, NORTH CAROLINA.

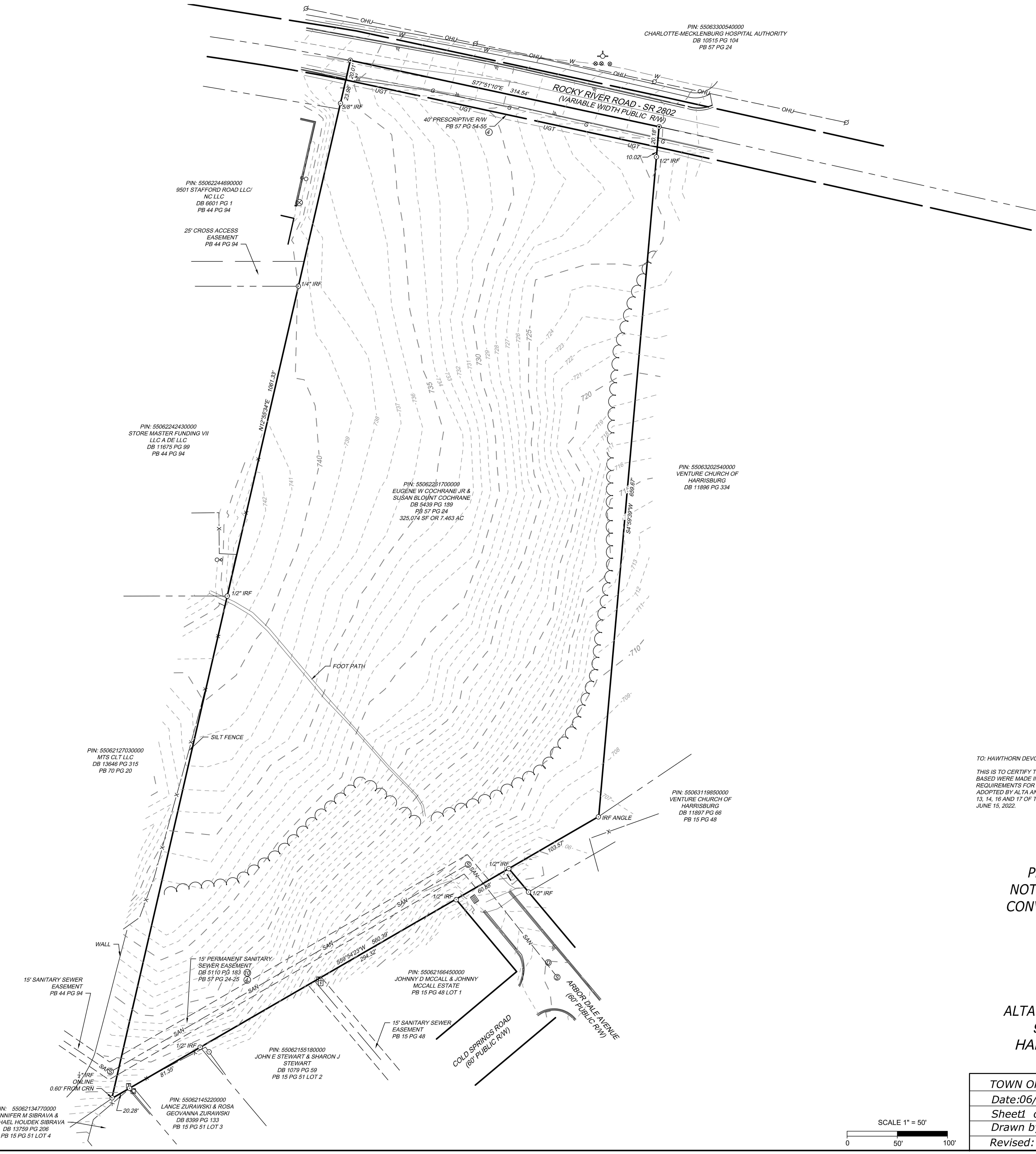
PROPERTY DESCRIBED IS THE SAME AS THE PROPERTY SURVEYED.

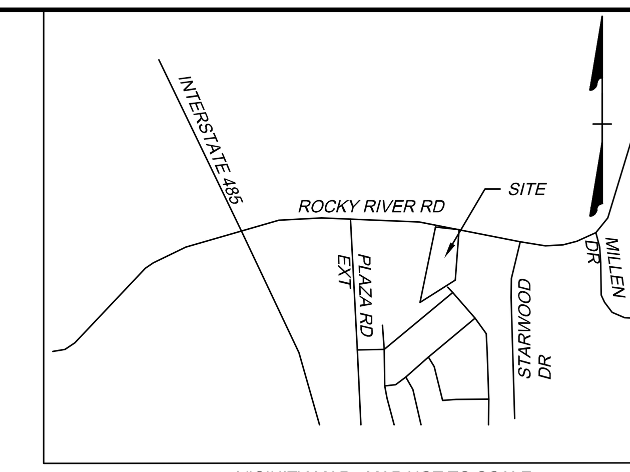
EXCEPTIONS FROM SCHEDULE B PART II

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met. NOT A SURVEY MATTER.
2. The lien of all taxes for the year 2022 and thereafter, which are not yet due and payable. NOT A SURVEY MATTER.
3. Declaration of covenants, conditions, restrictions, easements, charges, assessments, liens, options, rights of or to purchase, and rights of first refusal (but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law) recorded in Book 8520, Page 241 and any amendments and/or supplements thereto. NOTHING PLOTTABLE.
4. Building restriction lines, easements, and any other matters shown on map or plat recorded in Plat Book 57, Page(s) 24-25. AS SHOWN ON SURVEY.
5. Easement(s) and right(s)-of-way for roads or public/private utilities.
6. Easement(s) or right(s)-of-way in favor of Sewer Authority of Cabarrus County recorded in Book 7518, Page 100. DORES NOT AFFECT THE SUBJECT TRACT.
7. Easement(s) or right(s)-of-way in favor of Town of Harrisburg recorded in Book 10291, Page 295. DOES NOT AFFECT THE SUBJECT TRACT.
8. Easement(s) or right(s)-of-way in favor of Town of Harrisburg recorded in Book 10432, Page 318. DOES NOT AFFECT THE SUBJECT TRACT.
9. Easement(s) or right(s)-of-way in favor of Town of Harrisburg recorded in Book 10658, Page 308. DOES NOT AFFECT THE SUBJECT TRACT.
10. Sewer Line Right-of-Way recorded in Book 5110, Page 183. AS SHOWN ON SURVEY.
11. Boundary Line Agreement recorded in Book 5439, Page 189. DOES NOT AFFECT THE SUBJECT TRACT.
12. Rights or claims of parties in possession as tenants under unrecorded leases. NOT A SURVEY MATTER.
13. Any discrepancy, conflict, matter affecting access, shortage in area or boundary lines, encroachment, encumbrance, violation, variation, overlap, setback, easement or claims of easement, riparian right, and title to land within roads, ways, railroads, watercourses, burial grounds, marshes, dredged or filled areas or land below the mean high-water mark or within the bounds of any adjoining body of water, or other adverse circumstance affecting the Title that would be disclosed by a current inspection and accurate and complete land survey of the Land. NONE OBSERVED OTHER THAN AS SHOWN.

Statutory liens of mechanics, laborers and materialmen that have performed or furnished labor, professional design or surveying services, or furnished materials or rental equipment of which no notice appears of record. (NOTE: This exception will be deleted only upon receipt of documentation satisfactory to the Company satisfying the Requirements Addressing Liens for Labor, Services, Materials or Rental Equipment set out in Schedule B-1 of this Commitment.) NOT A SURVEY MATTER.







VICINITY MAP - MAP NOT TO SCALE

TO: HAWTHORN DEVCO LLC AND FIDELITY NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6 (a),6(b), 8,10, 13, 14, 16 AND 17 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON JUNE 15, 2022.

PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES.

ALTA / NSPS LAND TITLE SURVEY OF 9569 ROCKY RIVER ROAD HARRISBURG, NORTH CAROLINA

SURVEY FOR HAWTHORN DEVCO, LLC

SCALE 1" = 50'
0 50' 100'

TOWN OF HARRISBURG	CABARRUS CO., N.C.
Date:06/16/2022	Scale: 1"= 50'
Sheet1 of 1	J.N.:53771
Drawn by: D.W.	Checked by:M.M.
Revised:	

TIMMONS GROUP

THIS DRAWING PREPARED AT THE **CHARLOTTE OFFICE**
610 E. MOREHEAD STREET, Suite 250 | CHARLOTTE, NC 28203
TEL 704.376.1073 FAX 704.376.1076 www.timmons.com
NORTH CAROLINA LICENSE NUMBER C-1652

YOUR VISION ACHIEVED THROUGH OURS.

Site Development **Residential** **Infrastructure** **Technology**

Y:\907\53771-HawthornHarrisburg\DWG\53771-907V-XPSURV.dwg | Plotted on 6/16/2022 4:47 PM | by Mike Miller

TOWN OF HARRISBURG

Agenda Item Details

Title:
H-2022-15-R: Divine Residential Development

Presenting Personnel:
Zac Gordon, Planning Director

Suggested Motion or Action:
Motion to Approve the request for rezoning of property located off Peach Orchard Road south of Sweethaven Lane(PIN 5515-26-0428 and 5515-05-7372), consisting of approximately 171 acres, from County CR (Countryside Residential) to CZ-RL (Conditional Zoning Low Density Residential) and to recommend approval of rezoning by Town Council.

Description/Background:

- The applicant is proposing to develop a 155-lot single-family subdivision off Peach Orchard 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 CR (Countryside Residential) to a Town of Harrisburg designation of CZ-RL (Conditional Zoning Low Density Residential).
- 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 RL zoning district has a maximum density of 1-2 dwelling units per acre. The proposed density for this subdivision is 0.91 dwelling units per acre. If rezoning approval is granted, site density may not exceed 0.91 units/acre and the development will be subject to all the conditions imposed by the Town Council and agreed to by the applicant.
- The applicant has also agreed to make traffic improvements to accommodate and mitigate the impact of the proposed development. See staff report for a detailed explanation of these improvements.
- Per the Town's subdivision regulations, the applicant is required to provide 51.30 acres of active and passive open space to serve residents of the subdivision, with 51.77 acres provided. The applicant is also required to provide 4.42 acres of public open space to serve the broader Harrisburg community, with 6.55 acres provided.
- The request to rezone the subject property as Residential Low (RL) is consistent with the HALUP, which designates this property as Very Low Density Residential (VLDR). The VLDR designation calls for less than one dwelling unit per acre for conventional subdivisions and up to two units per acre if conservation standards are met. At 0.91 dwelling units per acre, the proposed subdivision complies with the HALUP future land use recommendation for this property.

Recommendation:
The proposed rezoning request is consistent with the Harrisburg Area Land Use Plan. Therefore, Planning and Zoning Department staff recommend approval of the request for rezoning and that the Planning and Zoning Board also recommend approval of the applicant's request by the Town Council.

Fiscal Impact:
None

Attachments:
1. H-2022-15-R Staff Report Divine PB
2. H-2022-15-R Neighborhood Meeting Report
3. H-2022-15-R RZ Application
4. H-2022-15-R Aerial
5. H-2022-15-R Site Map
6. H-2022-15-R Site Plan
7. H-2022-15-R Development Standards - Empire - Peach Orchard
8. H-2022-15-R Annex Application
9. H-2022-15-R Survey
10. H-2022-15-R Legal Description

Town of Harrisburg
Planning and Economic Development Department
Rezoning Staff Report for Planning and Zoning Board
May 16, 2023 Meeting

DATE: May 9, 2023

SUBJECT:

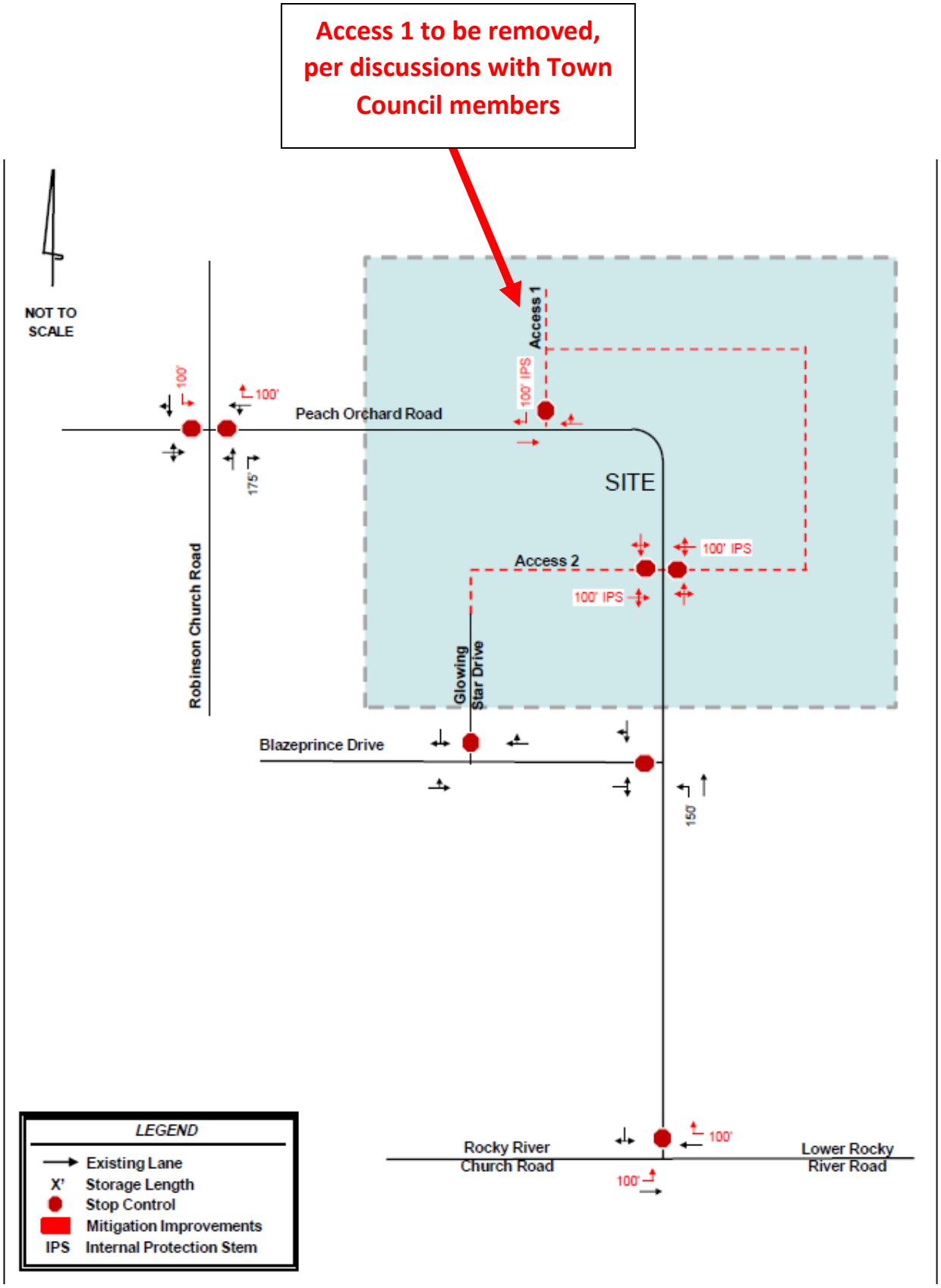
Request H-2022-15-(R):	To rezone approximately 171 acres from County CR (Countryside Residential) to CZ-RL (Conditional Zoning Low Density Residential)
Project Name:	Divine Rezoning
Location:	The subject property is located off Peach Orchard Road south of Sweethaven Lane. (PIN 5515-26-0428 and 5515-05-7372)
Applicant:	Empire Communities
Staff Report Prepared by:	Craig Thomas, Senior Planner
Neighborhood Meeting:	Held October 20, 2022

BACKGROUND:

Area:	±171 acres Total
Existing Land Use:	Vacant/Single-Family Residential
Zoning within 500 feet:	North – RL (Low Density Residential), Town South – CR (Countryside Residential), Cabarrus County East – CR (Countryside Residential), Cabarrus County West – CR (Countryside Residential), Cabarrus County
Land Uses within 500 feet:	North – Residential, Town South – Residential, Cabarrus County East – Vacant, Cabarrus County West – Residential, Cabarrus County

APPLICATION SUMMARY:

- The applicant is proposing to develop a 155-lot single-family subdivision off Peach Orchard 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 CR (Countryside Residential) to a Town of Harrisburg designation of CZ-RL (Conditional Zoning Low Density Residential).
- 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 RL zoning district has a maximum density of 1-2 dwelling units per acre. The proposed density for this subdivision is 0.91 dwelling units per acre. If rezoning approval is granted, site density may not exceed 0.91 units/acre and the development will be subject to all the conditions imposed by the Town Council and agreed to by the applicant.
- The applicant agrees to install the following road improvements per the Traffic Impact Analysis (TIA) completed for the project (see map on the following page: **NOTE:** In response to concerns expressed by Town Council members, Access 1 has been eliminated):
    - **Peach Orchard Road and Robinson Church Road**:
        - Contribution of westbound right-turn lane along Peach Orchard Road with a minimum 100 feet of storage.
        - Construction of an eastbound left-turn lane along Robinson Church Road with a minimum 100 feet of storage.
    - **Peach Orchard Road and Lower Rocky River Road/Rocky River Church Road**:
        - Construction of a westbound right turn lane along Lower Rocky River Road with a minimum of 100 feet of storage.
        - Construction of an eastbound left turn lane along Rocky River Church Road with a minimum 100 feet of storage.
    - **Peach Orchard Road and Access 2**:
        - Construction of the eastbound approach with one ingress and one egress lane and an IPS of 100 feet.
        - Construction of the westbound approach with one ingress and one egress land and an IPS of 100 feet.


Access 1 to be removed, per discussions with Town Council members
NOT TO SCALE
Peach Orchard Road
Robinson Church Road
Access 1
100' IPS
SITE
Access 2
100' IPS
100' IPS
Glowing Star Drive
Blazeprince Drive
150'
175'
100'
100'
Rocky River Church Road
Lower Rocky River Road
100'
100'
LEGEND
Existing Lane
X' Storage Length
Stop Control
Mitigation Improvements
IPS Internal Protection Stem

- Per the Town's subdivision regulations, the applicant is required to provide 51.30 acres of active and passive open space to serve residents of the subdivision, with 51.77 acres provided. The applicant is also required to provide 4.42 acres of public open space to serve the broader Harrisburg community, with 6.55 acres provided.
- The request to rezone the subject property as Residential Low (RL) is consistent with the HALUP, which designates this property as Very Low Density Residential (VLDR). The VLDR designation calls for less than one dwelling unit per acre for conventional subdivisions and up to two units per acre if conservation standards are met. At 0.91 dwelling units per acre, the proposed subdivision complies with the HALUP future land use recommendation for this property.

APPROVAL CRITERIA:

1. **The size of the tract in question**.

   The subject property is approximately 171 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 **Very Low Density Residential**. The description of Very Low Density Residential is as follows:

   "This area intended to remain predominantly rural while allowing residential uses at very low densities. Conservation design is a common subdivision approach if utilities are available, allowing smaller lots in exchange for more open space. Architecture is sensitively integrated, avoiding valuable natural features. Gross densities are less than one unit per acre for conventional subdivisions, and up to two if conservation design standards are met. Some business uses typically located in rural areas, such as small engine repair, may be appropriate provided such uses adhere to performance standards to mini9mize potential impacts to surrounding areas."

   Based on the description of the Very 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 Very Low Density Residential and the RL 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:

RL: The Conservation RL district is established to provide smaller lots clustered around common open space used as buffers and to preserve environmentally sensitive and agricultural land areas.

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 0.91 dwelling units per acre could be achieved under the proposed zoning.

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 Peach Orchid Road. There is also a connection to Glowing Star Drive to the south and a future connection to the vacant parcel to the east. 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 lines and sewer access is available from the development to the northwest of the property. 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 by the "Wastewater Allocation Committee" would also be required before any construction could occur on the site.

Transportation:

A TIA was complete based on the size of the development and the anticipated amount of traffic generated by the project. All traffic improvements are detailed and depicted on a map in the Application Summary (above) and will be completed and delivered by the proposed project, as per that TIA. As previously noted, the applicant is eliminating the northern access drive to the site (Access 1), based on input received from meetings with Town Council members.

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 (Hickory Ridge ES)	123%
Middle (Hickory Ridge MS) -	79%
High (Hickory Ridge HS) -	115%

Future Capacity Based on Unbuilt Lots and Including this Request:

Elementary (Hickory Ridge ES)	130%
Middle (Hickory Ridge MS) -	81%
High (Hickory Ridge HS) -	118%

As per Cabarrus County School, upon full buildout, the Single-family homes in this development will generate an additional 60 elementary students, 30 middle school students, and 40 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 (0.91 dwelling units per acre) are compatible with existing neighborhoods in the area. The density is slightly lower than those to the south and north, and slightly higher than those to the west. The proposed development would represent a comparable average 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 low density residential areas.

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

This property has been used for 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.

<u>Furthermore, as a Conditional Zoning request, the Board must consider the following criteria:</u>

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 apply an RL zoning district designation to this property, with the proposed density limitation, is consistent with the density and lot size standards established for the base RL Zoning District in the Unified Development Ordinance and Very Low Density Residential land use classification in the Land Use Plan.

   The development proposal accompanying the rezoning request would restrict permitted uses to single family detached 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 RL 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 Peach Orchard Road and one access point onto Glowing Star Drive. A third access will be available when the property to the east 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.

APPROVAL WITH CONDITIONS:

The applicant is requesting a conditional rezoning of the subject property for a 155-lot single family subdivision. As outlined in 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. 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 cladding materials for all residential buildings to masonry products; vinyl siding will not be used.
3. Applicant agrees that there will be no exposed concrete foundations and that siding must extend to the ground level on all sides of the homes.
4. Applicant agrees to install all required improvements as required by the final approved Traffic Impact Analysis.

5. Applicant agrees to the mitigation or replacement of heritage trees if damaged during construction, in accordance with the Town of Harrisburg Unified Development Ordinance.
6. Applicant agrees to construct 10 ft paved greenway along eastern portion of property, located within a dedicated 25 ft greenway easement.
7. Applicant agrees that all ponds shall be wet detention ponds with fountains. Ponds shall be designed such that there is a minimum depth of 10' over at least 25% of the permanent pool area.
8. Applicant agrees fence surrounding detention pond shall be vinyl 4-rail farm fence, preferably white.
9. Applicant agrees mailbox clusters shall meet ADA Standards at a minimum.
10. All streets should be to the Town of Harrisburg Engineering Design standards, alternate pavement schedule is not allowable. Roadways cross sections will be reviewed and approved at the construction document phase.
11. Applicant agrees to provide a minimum 8 foot landscape easement (4 feet on each side of the property line) for residential lots sharing a rear property line.

RECOMMENDATION:

The proposed rezoning request is consistent with the Harrisburg Area Land Use Plan. Therefore, Planning and Zoning Department staff recommend approval of the request for rezoning and that the Planning and Zoning Board also recommend approval of the applicant's request by the Town Council.

NEIGHBORHOOD MEETING REPORT

Petitioner: **Empire Communities**

Property: **± 171 acres located at Peach Orchard Road**

This Neighborhood Meeting Report is being filed with the Town of Harrisburg Planning and Zoning Staff pursuant to the provisions of the Town's Unified Development Ordinance (the "**Ordinance**").

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

The required Neighborhood Meeting was held virtually and in person on Thursday, October 20, 2022. The Town of Harrisburg mailed a written notice of the date, time, and details of the virtual and in-person Neighborhood Meeting to the individuals and organizations as required by the Ordinance.

DATE, TIME AND FORMAT OF MEETING:

The Neighborhood Meeting required by the Ordinance was held virtually via Zoom and in-person on Thursday**,** October 20, 2022, at 6:00 PM at Harrisburg Town Hall.

PERSONS IN ATTENDANCE AT MEETING:

Harrisburg staff documented the list of registered attendees by registration for the virtual attendees and sign-in sheets for in-person attendees. The Petitioner's representatives at the required Neighborhood Meeting were Dan Robertson with Empire Communities, Frank Cantrell with POB Engineering, and Sarah Beason with Alexander Ricks PLLC.

SUMMARY OF PRESENATION/DISCUSSION:

Mr. Thomas welcomed the attendees and provided an overview of the agenda and process for the Neighborhood Meeting and the Town's rezoning process in general.

Sarah Beason welcomed everyone in attendance and introduced the rezoning team, using a PowerPoint presentation, attached hereto as Exhibit A.

Ms. Beason gave a general overview of the existing zoning and the Harrisburg Area Land Use Plan (the "**Land Use Plan**") recommendation for the Property and surrounding area. Ms. Beason explained that the Petitioner is requesting a conditional rezoning to RL(CZ) (rural low-density district) to accommodate a single-family development with up to 155 lots with a proposed density of 0.91 dwelling units per acre, which is even lower than the Land Use Plan guidelines. The rezoning plan commits to significant open space in excess of Ordinance requirements.

Dan Robertson gave a brief overview of Empire Communities' development history, and its intent to develop a quality residential community on this site.

Frank Cantrell also explained his history with this particular site and the evolution of the project to its current proposed development in response to concerns for even lower density and areas of environmental sensitivity on the site, including preservation of heritage trees.

Ms. Beason opened the meeting up for discussion and questions.

In response to a question about the relationship between the proposed development and existing development off Peach Orchard Road, especially in light of connections, Petitioner explained that the communities would be separate and subject to separate home owners' association, declaration, and design standards.

Several attendees asked about the quality of the homes to be developed. One attendee stated he was a home inspector and acknowledged that Petitioner was known for being a better builder than other developers. Petitioner's team reiterated its commitment and history of developing quality homes for the community.

A few attendees inquired about sewer and drainage impacts of the project. Petitioner's team and Harrisburg Staff noted that they were aware of concerns about existing leakage and issues with sewer. Stormwater detention and sewer will be evaluated through the development process, and the project would be developed in accordance with the Ordinance and applicable requirements.

The environmental impact of the project was also addressed. There was some concern whether the Property would be clear cut and whether there was any impact to sensitive areas or species. Petitioner's team noted that there are a number of areas that are protected, including the stream and required buffer area and the existing conservation easement on the Property; those areas will not be disturbed. Petitioner's team was not aware of any endangered species, but that would be reviewed and confirmed during design phase.

Another area of discussion was traffic and safety. Some attendees noted concerns with the curve in Peach Orchard Road and the bridge near the Property as presenting unsafe conditions for new access points and increased vehicular traffic. Petitioner's team noted that a traffic impact analysis would be completed, and they would work with NCDOT and the Town at that time to address any necessary road improvements.

Attendee asked if blasting would be required during site development. The development team answered that with our current information we do not know. Harrisburg Staff stated that be closely looked at for feasibility, then monitored and permitted.

It was asked how this site will impact the local schools. Harrisburg Staff said that the schools will be involved with the approval process for this project. At this time a study has not been completed.

Petitioner's team closed by thanking the attendees for their time and asking attendees to reach out with any other comments and questions. Petitioner will continue to work with staff and officials to review and address any comments to the proposed site plan.

cc: Zachary Gordon, Planning Director, Town of Harrisburg
Craig Thomas, Senior Planner, Town of Harrisburg

Exhibit A

Presentation

REZONING PETITION PEACH ORCHARD RD.

EMPIRE COMMUNITIES

OFFICIAL NEIGHBORHOOD MEETING

OCTOBER 20, 2022

Alexander Ricks PLLC

MEETING AGENDA

- Introductions
- Property Location
- Current Zoning & Land Use Plan Recommendation
- Proposed Rezoning
- Conceptual Renderings
- Questions/Discussion

TEAM INTRODUCTIONS

Property Owner: **Divine Armistead Eugene Estate**
Developer:

Alexander Ricks PLLC

Collin Brown &
Sarah Beason

EMPIRE

Shea HOMES

Dan Robertson

POB Engineering
Charlotte, NC 28278
704-564-3824
Frank.Cantrell@pobengineering.com

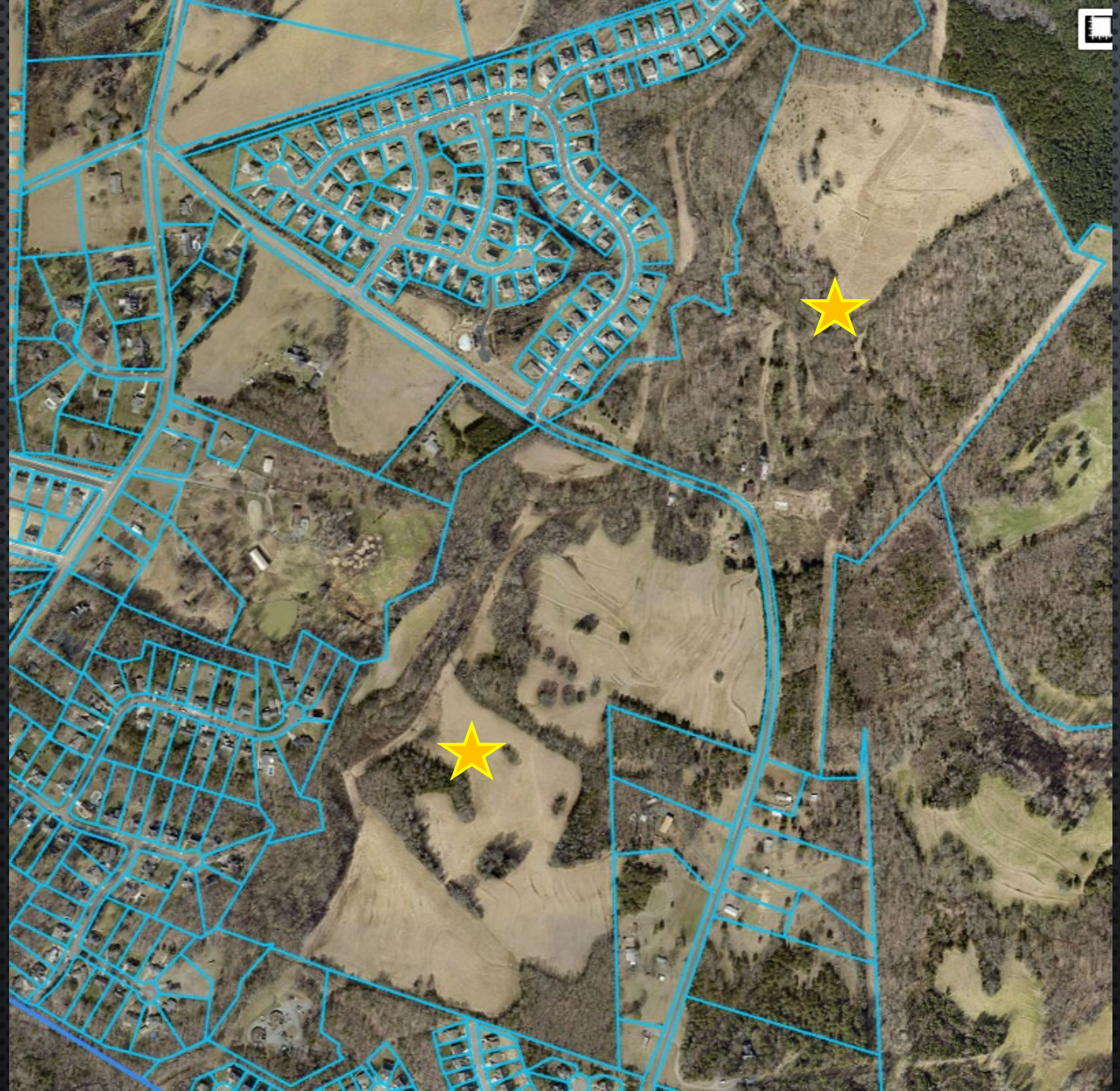
Frank Cantrell, PE

PROPERTY LOCATION

AREA MAP

FARMINGTON
Master Planned
Development
Atrium Health
Emergency
Department
KENSINGTON
FOREST
ELM RUN
KENSINGTON
MCMILLIAN ACRES
WEATHERSTONE
BROOKDALE
BRADFORD PARK
CHESTNUT HILLS
CABARRUS WOODS
HOLCOMB WOODS
BRITLEY
HAWTHORNE
GRANTHAM
BELLEGROVE
DIVINE
PROPERTIES
FEPLECHASE
SILVERTON
PEACH ORCHARD ESTATES
MECKLENBURG
COUNTY

PROPERTY LOCATION



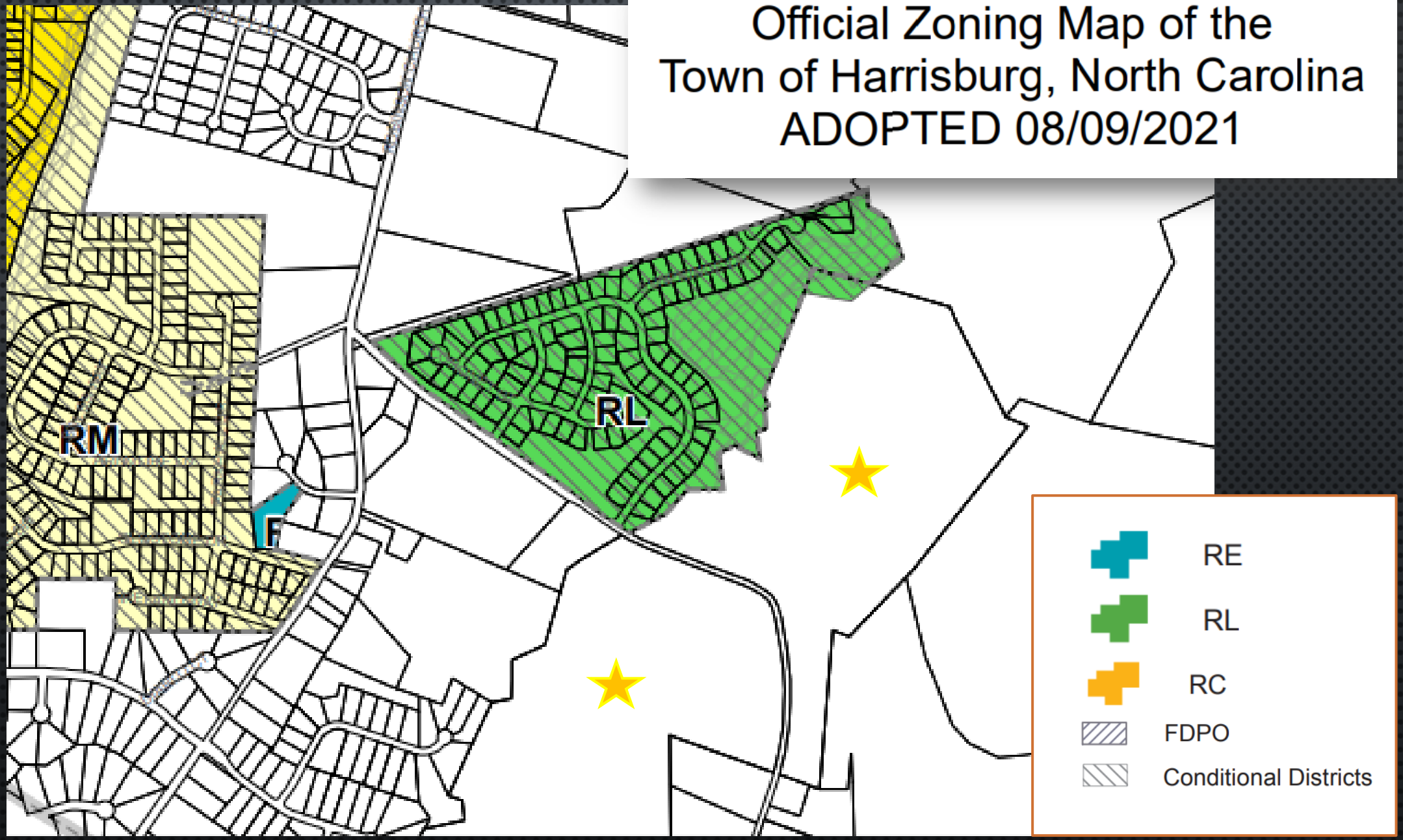
+/- 171 acres

Cabarrus County

Requesting annexation

EXISTING ZONING

Official Zoning Map of the Town of Harrisburg, North Carolina ADOPTED 08/09/2021



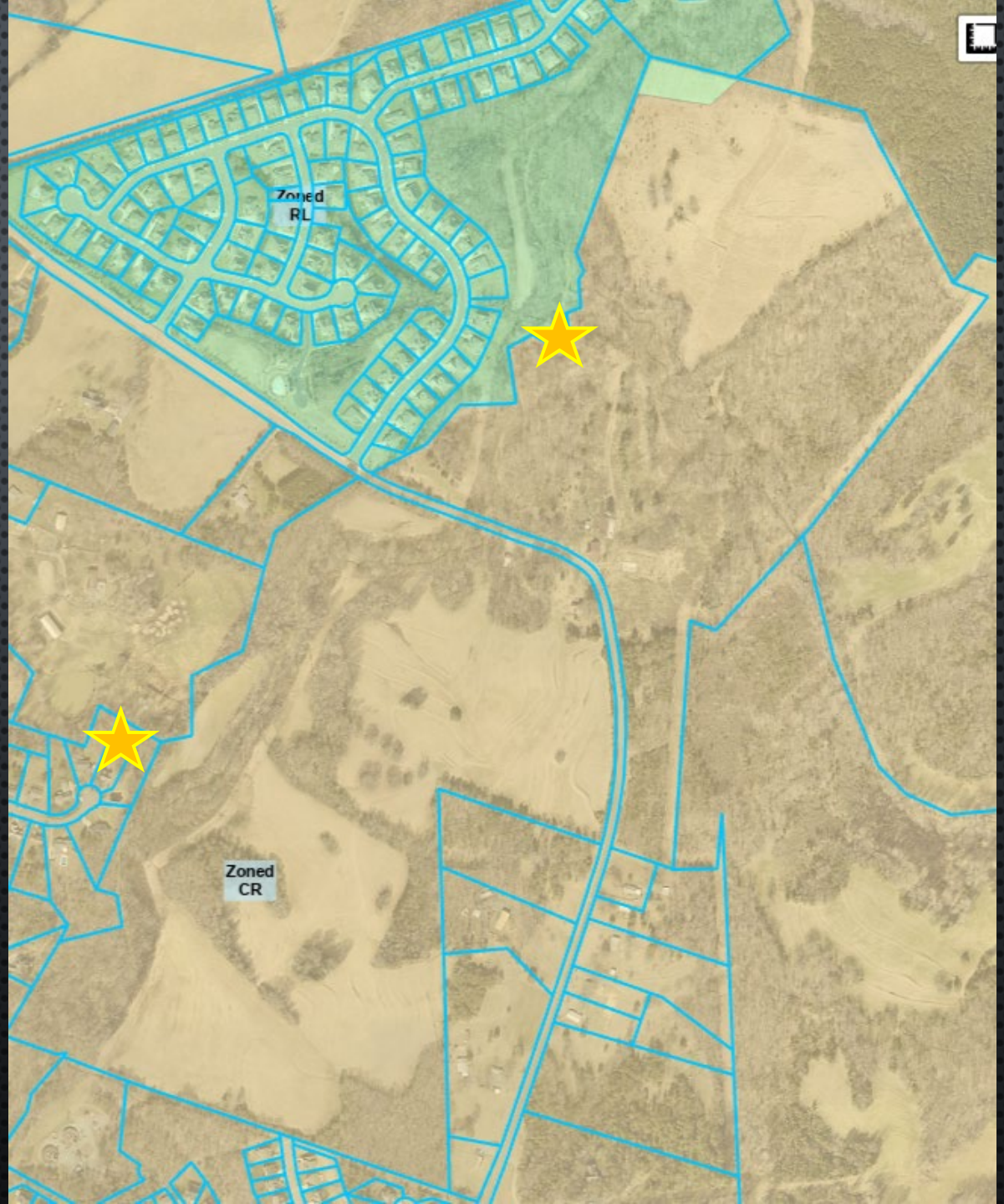
CURRENT ZONING

Cabarrus County

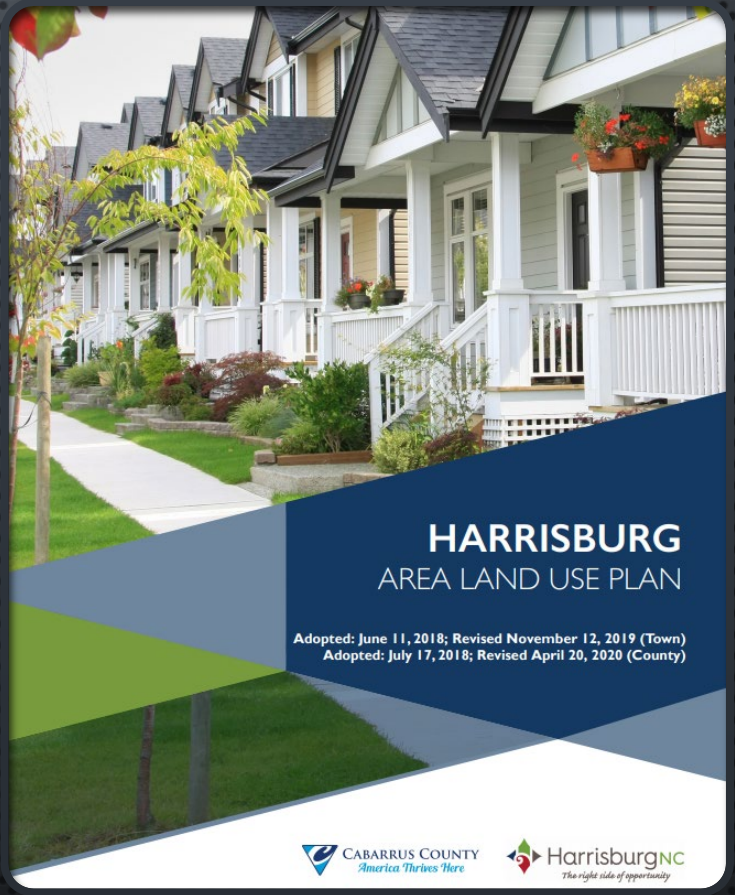
Countryside Residential (CR)

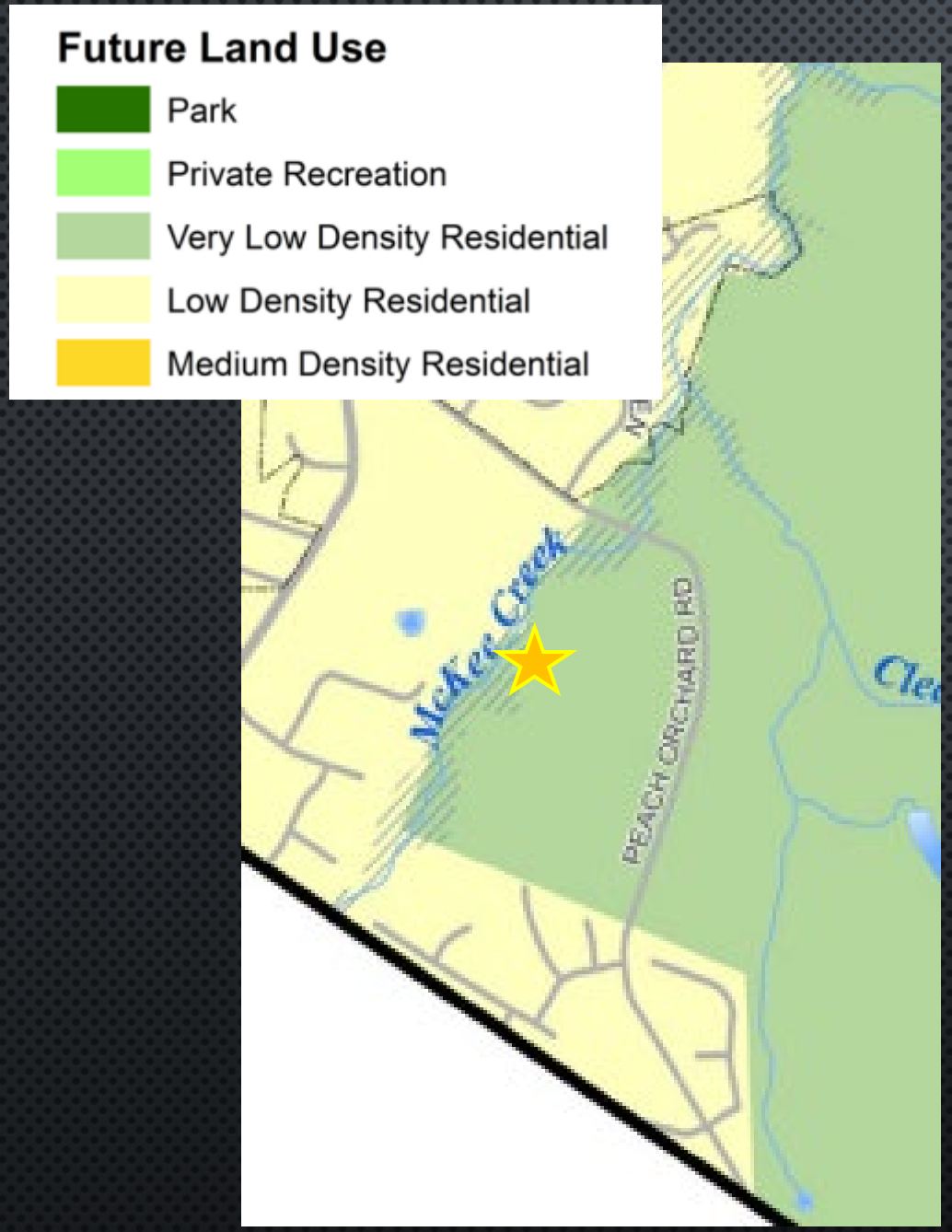
COUNTRYSIDE RESIDENTIAL

Lands in this district have a strong rural, pastoral feel. Natural environmental elements such as tree lines, small ponds, rock formations, and manmade elements such as pasture fencing are to be retained, if at all possible. Although the area is capable of handling higher densities of development, development is kept at very low overall densities. Development includes only the standard single family detached dwelling.



AREA LAND USE PLAN RECOMMENDATION





VERY LOW DENSITY RESIDENTIAL

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

LOW DENSITY RESIDENTIAL

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.

REZONING PROPOSAL

RL(CZ) Zoning District

155 Single-family Residences

0.91 DUA

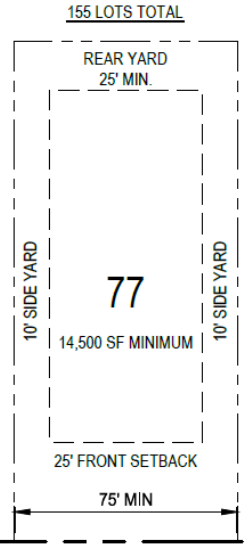
LOTS

PROPOSED USE:	RL CONSERVATION - HARRISBURG
MAXIMUM # OF LOTS:	342
PROPOSED # OF LOTS:	155 TOTAL
MINIMUM 75' WIDE	77 - 75' WIDE MINIMUM
MINIMUM 80' WIDE	78 - 80' WIDE MINIMUM
PROPOSED DENSITY	0.91 DUA
MINIMUM LOT SIZE:	75' FRONTAGE, 14,500 SF

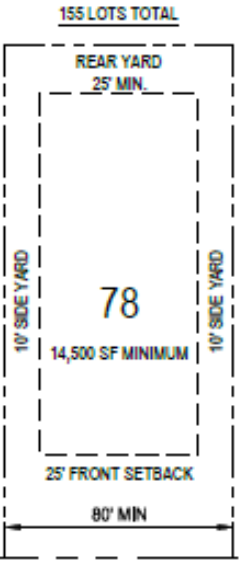
BUILDING SETBACKS REQUIRED

FRONT:	25'
SIDE:	10'
REAR:	25'
BUILDING HEIGHT:	35'
LOT WIDTH@ BLDG LINE:	75' MINIMUM
PROPOSED STREETS:	RESIDENTIAL 60' R/W
LINKS/NODES 25 /15	1.67

PROPOSED RL CONSERVATION ZONING DISTRICT
MINIMUM LOT DIMENSIONS
N.T.S



PROPOSED RL CONSERVATION ZONING DISTRICT
MINIMUM LOT DIMENSIONS
N.T.S



OPEN SPACE

51.77 ACRES

6.55-ACRE PUBLIC PARK DEDICATED TO TOWN

Buffer between Hawthorne

OPEN SPACE CALCULATIONS					
REQUIRED OPEN SPACE	171.00	AC	X30% =	51.30	AC
PROVIDED OPEN SPACE					
COMMON OPEN SPACE	46.72	AC	x100%=	46.72	AC
BUFFER OPEN SPACE	9.57	AC	x20% =	1.91	AC
100YR FLOOD ZONE OPEN SPACE	31.44	AC	x10%=	3.14	AC
TOTAL				51.77	AC
PUBLIC PARK SPACE					
REQUIRED	155 LOTS x 1/35 AC			4.42	AC
PROVIDED				6.55	AC

AMENITY CENTER

CONCEPTUAL RENDERINGS (*EXAMPLE ONLY)

AMENITY CENTER

THANK YOU!

Harrisburg NC
The right side of opportunity

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.

RL, CS

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.).

Dedication of Public Park within site boundary
Dedication of Common Open Space both passive and active use (to be determined through through the design process).
Use of wet ponds only, for storm water control. Wet ponds will also have aerating fountains.
Road improvements for Peach Orchard Dr. based on a Traffic Impact Study for this project.
Sidewalks along Peach Orchard Dr. immediately adjacent to this development.

HarrisburgNC
The right side of opportunity

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	Armistead Eugene Divine Estate
	Steve Rich and Robert M. Critz, Co-Commissioners
Address	33 Church St. SE, PO Box 745, Concord, NC 28026
Phone	704-788-2906
Fax	
Signature	

Steve Rich
Co-Commissioner

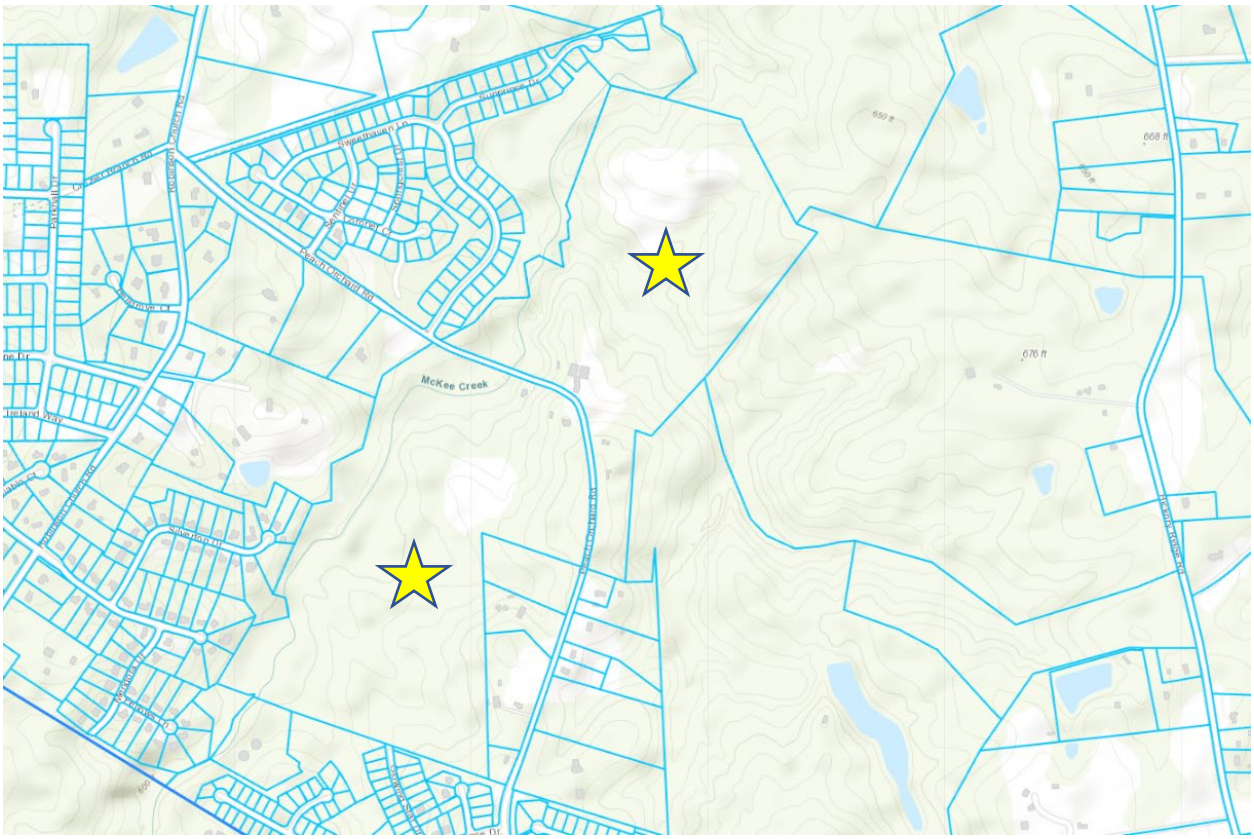
Robert M. Critz
Co-Commissioner

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.

OFFICE USE ONLY:
Petition number: _____
Date filed: _____
Received by: _____

H-2022-15-R Divine Aerial

H-2022-15-R Divine Site Map



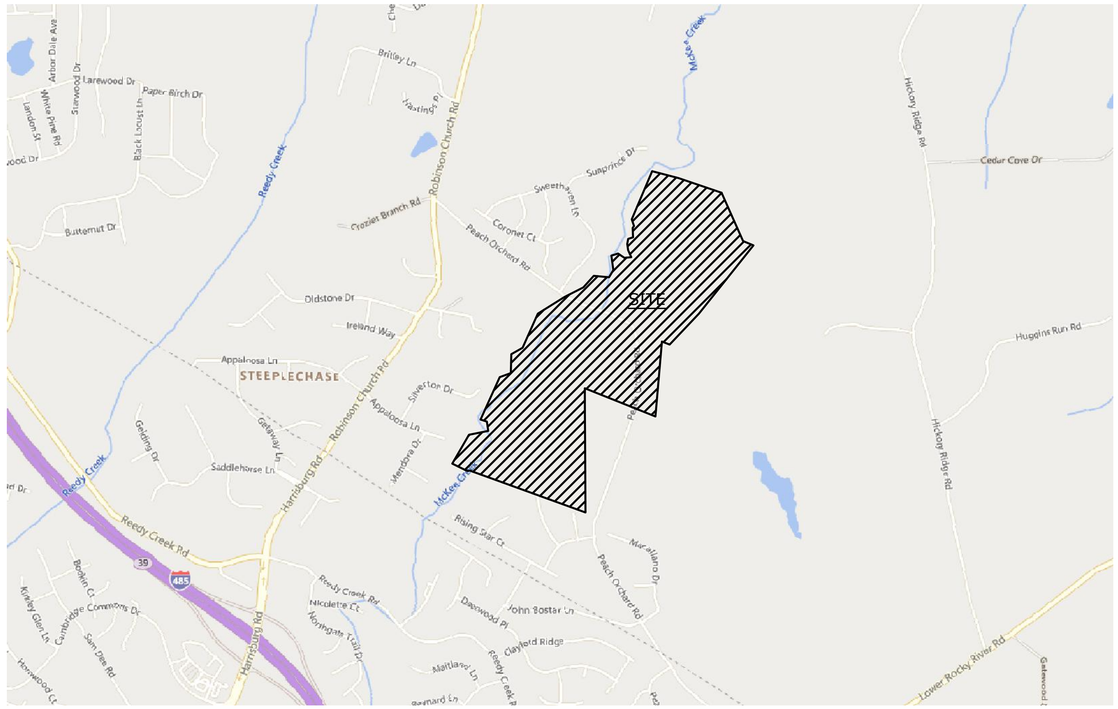
DIVINE PROPERTY
REZONING PETITION
11011, 10960 PEACH ORCHARD RD.
HARRISBURG, CABARRUS COUNTY, NORTH CAROLINA

DEVELOPER:
EMPIRE COMMUNITIES

DAN ROBERTSON
(501) 658-9191
DROBERTSON@EMPIRECOMMUNITIES.COM
8008 CORPORATE CENTER DR. SUITE 300
CHARLOTTE, NC 28226

DESIGN ENGINEER:

Frank Cantrell, PE
704-564-3824
Frank.Cantrell@pobengineering.com
16439 Bastille Drive
CHARLOTTE, NC 28278



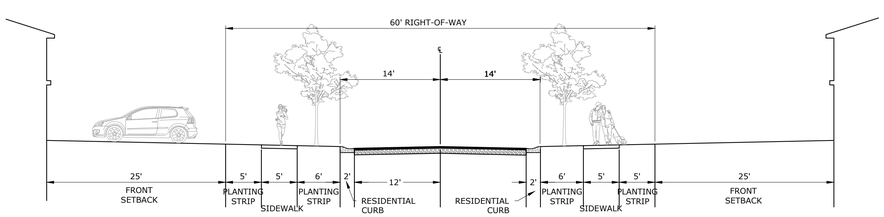
VICINITY MAP
SCALE: 1"=1000'

Rezoning Petition

Sheet Number	Sheet Title
RP-1	COVER SHEET
RP-2	Rezoning Site Plan
RP-3	CONCEPTUAL SITE PLAN
RP-4	CONCEPTUAL SITE PLAN
RP-5	EXISTING SURVEY-HERITAGE TREES

City of Harrisburg Draft Conditions

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 cladding materials for all residential buildings to masonry products; vinyl siding will not be used.
3. The applicant agrees that there will be no exposed concrete foundations and that siding must extend to the ground level on all sides of the homes.
4. The applicant agrees to install all required improvements as required by the final approved Traffic Impact Analysis.
5. Applicant agrees to the mitigation or replacement of heritage trees if damaged during construction, in accordance with the Town of Harrisburg Unified Development Ordinance.
6. The applicant agrees to construct a 10 ft paved greenway along the eastern portion of the property and a dedicated 25 ft greenway easement.
7. Applicant agrees that all ponds shall be wet detention ponds with fountains. Ponds shall be designed such that there is a minimum depth of 10' over at least 25% of the permanent pool area.
8. Applicant agrees fence surrounding detention pond shall be vinyl 4-rail farm fence, preferably white.
9. Applicant agrees mailbox clusters shall meet ADA Standards at a minimum.
10. All streets should be to the Town of Harrisburg Engineering Design standards, an alternate pavement schedule is not allowable. Roadways cross sections will be reviewed and approved at the construction document phase.
11. Applicant agrees to provide a minimum 8-foot landscape easement (4 feet on each side of the property line) for residential lots sharing a rear property line.



TYPICAL STREET SECTION W/SIDEWALK BOTH SIDES
SCALE: 1"=10'

NOTE:
CONSTRUCTION MATERIALS QUALITY AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH NCDOT SPECIFICATIONS AND STANDARDS AND THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.

POB Engineering
Charlotte, NC 28278
704-564-3824
Frank.Cantrell@pobengineering.com

NORTH CAROLINA COL
P-1888
NORTH CAROLINA PROFESSIONAL SEAL 039811 ENGINEER FRANK L. CANTRELL

May 5, 2023

COVER SHEET
REZONING PETITION
DIVINE PROPERTY PEACH ORCHARD
EMPIRE COMMUNITIES
HARRISBURG, NORTH CAROLINA

#	DATE	DESCRIPTION	BY

EMPIRE

DRAWN	FC
DESIGNED	FC
CHECKED	DC
PROJECT #	22101

SHEET NUMBER
RP-1

Plot Stamp: 5/5/2023 7:59:37 AM - F.Cantrell
File: E:\POB Engineering Projects\Empire Communities\Divine Property\Civil\DWG\01_Base\Concept Plan\Rezoning Plan\Rezoning Cover Sheet.dwg, Tab: Rezoning COVER SHEET

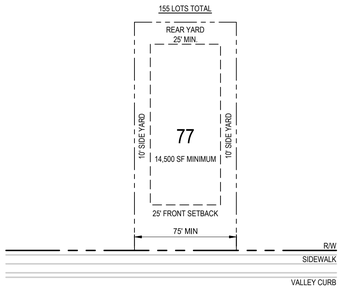
DEVELOPMENT DATA

OWNER:	DIVINE ARMISTEAD EUGENE ESTATES
DEVELOPER INFO:	EMPIRE COMMUNITIES
CONTACT:	DAN ROBERTSON
EMAIL:	DROBERTSON@EMPIRECOMMUNITIES.COM
SITE ADDRESS:	11011, 10960 PEACH ORCHARD RD
GROSS SITE AREA:	171 ± AC.
P.I.D. No.:	55152604280000, 55150573720000
DEED BOOK / PAGE	-
EXISTING ZONING:	-
EXISTING OVERLAY:	-
EXISTING USE:	CR -CABARRUS COUNTY
PROPOSED USE:	CZ-RL Conditional Zoning Residential Low
MAXIMUM # OF LOTS:	342
PROPOSED # OF LOTS:	155 TOTAL
MINIMUM 75' WIDE	77 - 75' WIDE MINIMUM
MINIMUM 80' WIDE	78 - 80' WIDE MINIMUM
PROPOSED DENSITY	0.91 DUA
MINIMUM LOT SIZE:	75' FRONTAGE, 14,500 SF

BUILDING SETBACKS REQUIRED

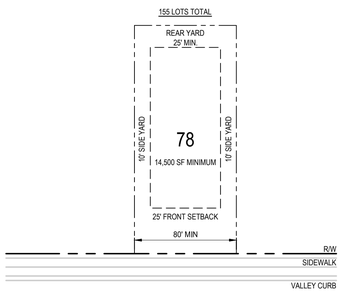
FRONT:	25'
SIDE:	10'
REAR:	25'
BUILDING HEIGHT:	35'
LOT WIDTH@ BLDG LINE:	75' MINIMUM
PROPOSED STREETS:	RESIDENTIAL 60' R/W
LINKS/NODES 25 /15	1.67

PROPOSED RL CONSERVATION ZONING DISTRICT
MINIMUM LOT DIMENSIONS
N.T.S



77 LOTS - 29.47 ACRES

PROPOSED RL CONSERVATION ZONING DISTRICT
MINIMUM LOT DIMENSIONS
N.T.S



78 LOTS - 35.30 ACRES

OPEN SPACE CALCULATIONS						
REQUIRED OPEN SPACE	171.00	AC	X30% =		**51.30**	AC
PROVIDED OPEN SPACE						
COMMON OPEN SPACE	46.72	AC	x100%=		46.72	AC
BUFFER OPEN SPACE	9.57	AC	x20% =		1.91	AC
100YR FLOOD ZONE OPEN SPACE	31.44	AC	x10%=		3.14	AC
TOTAL					**51.77**	AC
PUBLIC PARK SPACE						
REQUIRED	155 LOTS x 1/35 AC				**4.42**	AC
PROVIDED					**7.79**	AC

N

0 100 200 400
1 INCH = 200 FEET

POB Engineering
Charlotte, NC 28278
704-564-3824
Frank.Cantrell@pobengineering.com

NORTH CAROLINA COL
P-1888
NORTH CAROLINA PROFESSIONAL SEAL 039811 ENGINEER FRANK L. CANTRELL

May 5, 2023

REZONING SITE PLAN
REZONING PETITION
DIVINE PROPERTY PEACH ORCHARD
EMPIRE COMMUNITIES
HARRISBURG, NORTH CAROLINA

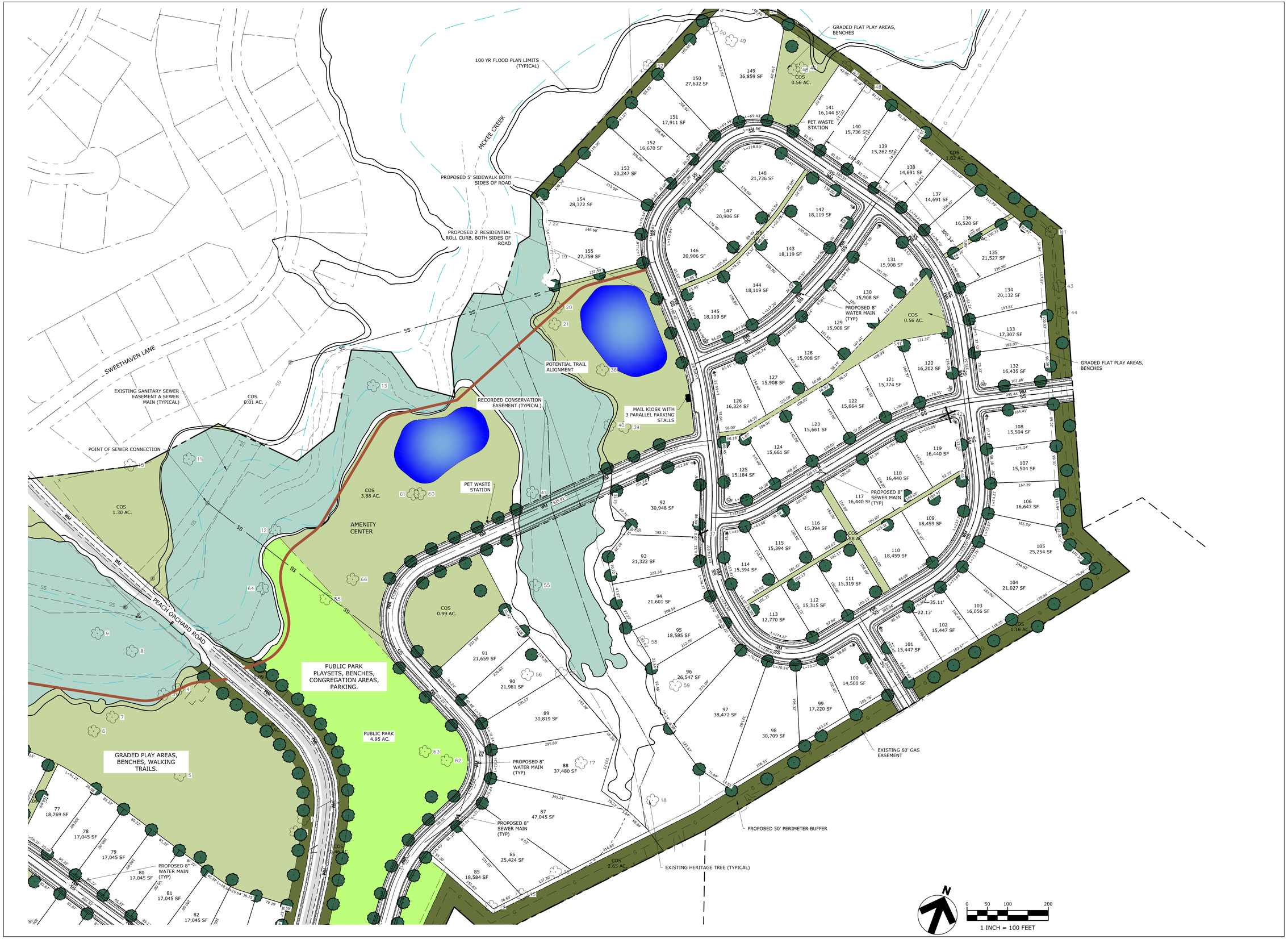
#	DATE	DESCRIPTION	BY

EMPIRE

DRAWN	FC
DESIGNED	FC
CHECKED	DC
PROJECT #	22101

SHEET NUMBER
RP-2

Plot Stamp: 5/5/2023 7:59:48 AM - F.Cantrell
File: E:\POB Engineering Projects\Empire Communities\Divine Property\Civil\DWG\01_Base\Concept Plan\Rezoning Plan\2023-05-02 Rezoning Site Plan.dwg, Tab: Rezoning Site Plan



Plot Stamp: 5/5/2023 7:59:58 AM - F.Cantrell
File: E:\POB Engineering Projects\Empire Communities\Divine Property\Civil\DWG\01_Base\Concept Plan\Rezoning Plan\Rezoning Site Plan North South.dwg, Tab: C2

POB Engineering
Charlotte, NC 28278
704-564-3824
Frank.Cantrell@pobengineering.com

NORTH CAROLINA COL
P-1888
NORTH CAROLINA PROFESSIONAL SEAL 039811 ENGINEER FRANK L. CANTRELL

May 5, 2023

CONCEPTUAL SITE PLAN
REZONING PETITION
DIVINE PROPERTY PEACH ORCHARD
EMPIRE COMMUNITIES
HARRISBURG, NORTH CAROLINA

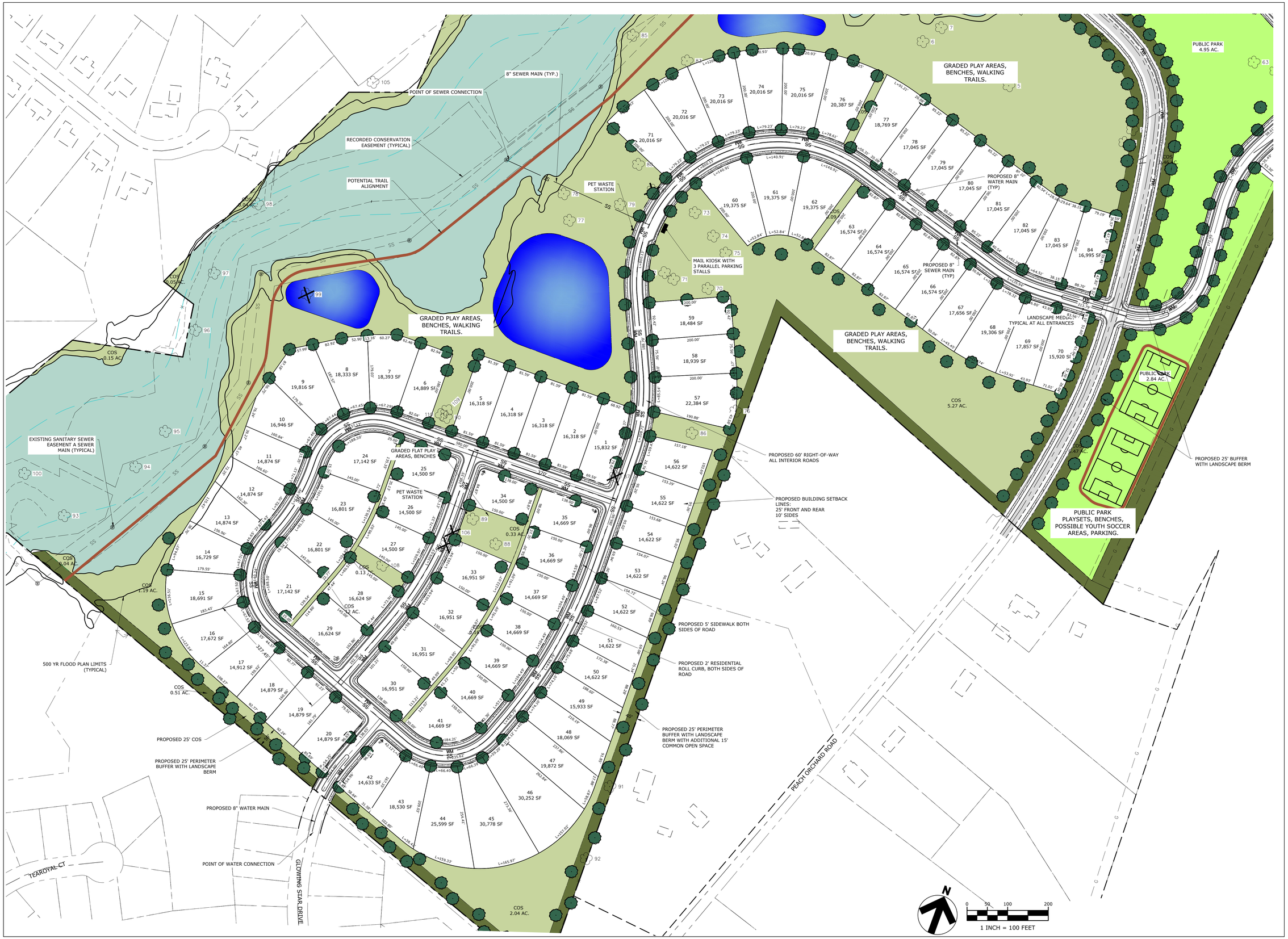
	DATE	DESCRIPTION	BY

EMPIRE

DRAWN	FC
DESIGNED	FC
CHECKED	DC
PROJECT #	22101

SHEET NUMBER

RP-3



Plot Stamp: 5/5/2023 8:00:03 AM - F. Cantrell
File: E:\POB Engineering Projects\Empire Communities\Divine Property\Civil\DWG\01_Base\Concept Plan\Rezoning Plan\Rezoning Site Plan North South.dwg, Tab: C3

POB Engineering
Charlotte, NC 28278
704-564-3824
Frank.Cantrell@pobengineering.com

NORTH CAROLINA COL
P-1888
NORTH CAROLINA PROFESSIONAL SEAL 039811 ENGINEER FRANK L. CANTRELL

May 5, 2023

CONCEPTUAL SITE PLAN
REZONING PETITION
DIVINE PROPERTY PEACH ORCHARD
EMPIRE COMMUNITIES
HARRISBURG, NORTH CAROLINA

	DATE	DESCRIPTION	BY

EMPIRE

DRAWN	FC
DESIGNED	FC
CHECKED	DC
PROJECT #	22101

SHEET NUMBER

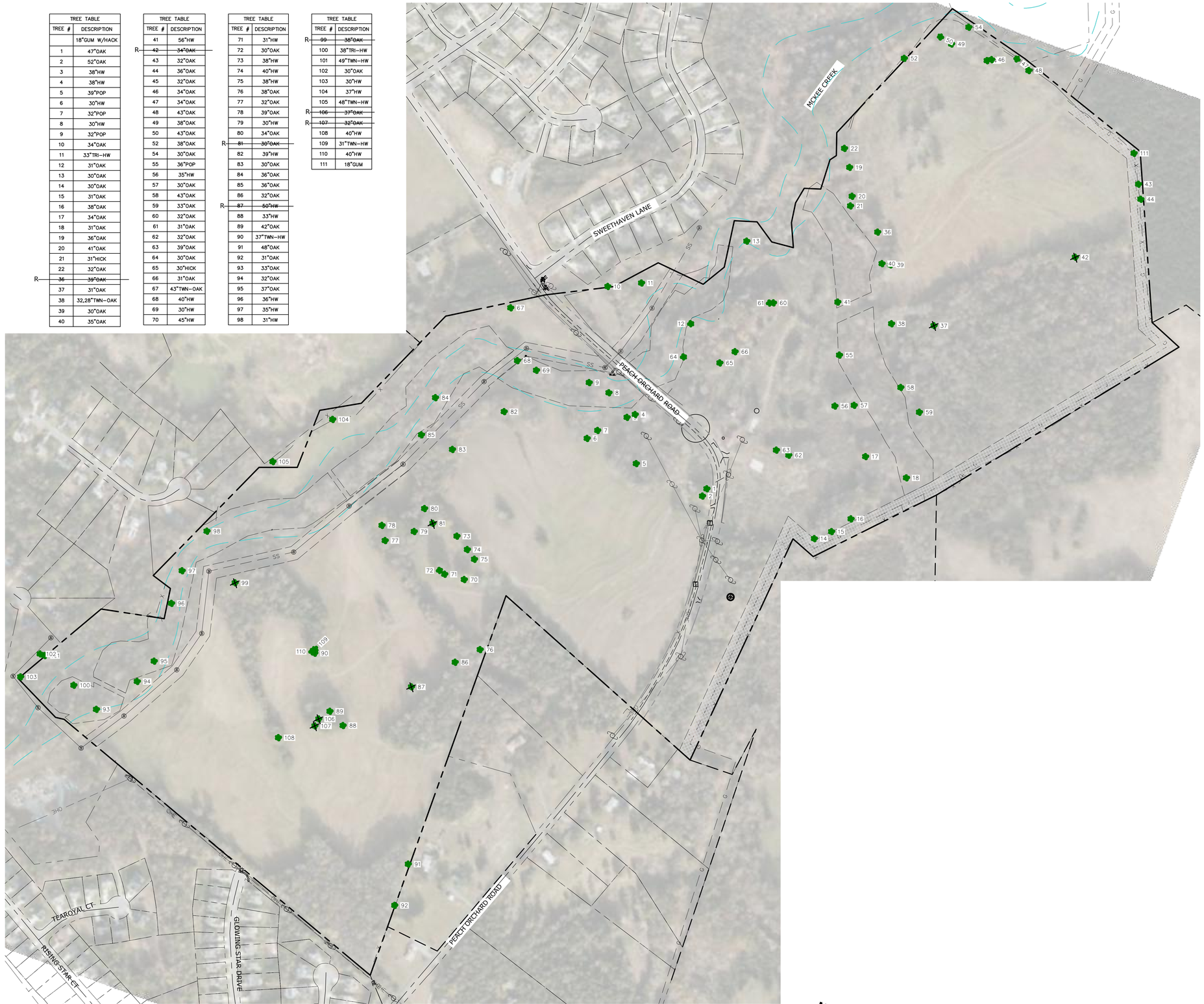
RP-4

TREE TABLE	
TREE #	DESCRIPTION
	18"GUM W/HACK
1	47"OAK
2	52"OAK
3	38"HW
4	38"HW
5	39"POP
6	30"HW
7	32"POP
8	30"HW
9	32"POP
10	34"OAK
11	33"TRI-HW
12	31"OAK
13	30"OAK
14	30"OAK
15	31"OAK
16	38"OAK
17	34"OAK
18	31"OAK
19	36"OAK
20	41"OAK
21	31"HICK
22	32"OAK
R ~~36~~	~~39"OAK~~
37	31"OAK
38	32,28"TWN-OAK
39	30"OAK
40	35"OAK

TREE TABLE	
TREE #	DESCRIPTION
41	56"HW
R ~~42~~	~~34"OAK~~
43	32"OAK
44	36"OAK
45	32"OAK
46	34"OAK
47	34"OAK
48	43"OAK
49	38"OAK
50	43"OAK
52	38"OAK
54	30"OAK
55	36"POP
56	35"HW
57	30"OAK
58	43"OAK
59	33"OAK
60	32"OAK
61	31"OAK
62	32"OAK
63	39"OAK
64	30"OAK
65	30"HICK
66	31"OAK
67	43"TWN-OAK
68	40"HW
69	30"HW
70	45"HW

TREE TABLE	
TREE #	DESCRIPTION
71	31"HW
72	30"OAK
73	38"HW
74	40"HW
75	38"HW
76	38"OAK
77	32"OAK
78	39"OAK
79	30"HW
80	34"OAK
R ~~81~~	~~30"OAK~~
82	39"HW
83	30"OAK
84	36"OAK
85	36"OAK
86	32"OAK
R ~~87~~	~~50"HW~~
88	33"HW
89	42"OAK
90	37"TWN-HW
91	48"OAK
92	31"OAK
93	33"OAK
94	32"OAK
95	37"OAK
96	36"HW
97	35"HW
98	31"HW

TREE TABLE	
TREE #	DESCRIPTION
R ~~99~~	~~38"OAK~~
100	38"TRI-HW
101	49"TWN-HW
102	30"OAK
103	30"HW
104	37"HW
105	48"TWN-HW
R ~~106~~	~~37"OAK~~
R ~~107~~	~~32"OAK~~
108	40"HW
109	31"TWN-HW
110	40"HW
111	18"GUM



POB Engineering
Charlotte, NC 28278
704-564-3824
Frank.Cantrell@pobengineering.com

NORTH CAROLINA COL
P-1888
NORTH CAROLINA PROFESSIONAL SEAL 039811 ENGINEER FRANK L. CANTRELL

May 5, 2023

EXISTING SURVEY-HERITAGE TREES
REZONING PETITION
DIVINE PROPERTY PEACH ORCHARD
EMPIRE COMMUNITIES
HARRISBURG, NORTH CAROLINA

	DATE	DESCRIPTION	BY

EMPIRE

DRAWN	FC
DESIGNED	FC
CHECKED	DC
PROJECT #	22101

SHEET NUMBER

RP-5

Plot Stamp: 5/5/2023 8:00:07 AM - F.Cantrell
File: E:\POB Engineering Projects\Empire Communities\Divine Property\Civil\DWG\01_Base\Concept Plan\Rezoning Plan\RezoningTree Survey.dwg, Tab: Rezoning Tree Survey

EMPIRE COMMUNITIES
TOWN OF HARRISBURG REZONING PETITION NO. _____
DEVELOPMENT STANDARDS
May 5, 2023

I. General Provisions

1. These Development Standards form a part of the Conditional Rezoning Site Plan ("Rezoning Plan") associated with the Conditional Rezoning Petition filed by Empire Communities ("Petitioner") to accommodate the development of up to one hundred fifty-five (155) single-family detached dwelling units as generally depicted on the Rezoning Plan. The proposed development will be on an approximately 171-acre site located on Peach Orchard Road (the "Site").

2. Development of the Site will be governed by the Rezoning Plan, these Development Standards, and the applicable provisions of the Town of Harrisburg Unified Development Ordinance (the "Ordinance"). Unless the Rezoning Plan or these Development Standards establishes more stringent standards, the regulations established under the Ordinance for the RL zoning district shall govern the development and use of the Site.

3. The development and street layout depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of such uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements. Because the project has not undergone the design development and construction phases, it is intended that the Rezoning Plan and these Development Standards provide flexibility in allowing alterations or modifications from such graphic representations in accordance with the requirements set forth on this Rezoning Plan and the Development Standards; provided, however, that any such alterations and modifications shall be minor in nature and not materially change the overall design intent depicted on the Rezoning Plan.

II. Permitted Uses

1. The Site may be developed with up to one hundred fifty-five (155) single-family detached residential units and any incidental and accessory uses relating thereto that are permitted in the RL zoning district.

III. Access and Transportation

1. Vehicular access to the Site will be from Peach Orchard Road as generally depicted on the Rezoning Plan. 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 designs and to any adjustments required for approval by the Town of Harrisburg

and/or the North Carolina Department of Transportation ("NCDOT") in accordance with applicable published standards. A driveway permit from NCDOT will be required for the entrances off Peach Orchard Road.

2. As depicted on the Rezoning Plan, the Site will be served by internal public and/or private streets, and minor adjustments to the location of these streets shall be allowed during the construction permitting process in coordination with the Town of Harrisburg and/or NCDOT, as applicable.

3. The overall street network is conceptual in nature and may be adjusted during the permitting process so long as the provisions of the Ordinance related to connectivity, block lengths and links are adhered to.

4. All of the public roadway improvements will be subject to the standards and criteria of the Town of Harrisburg Engineering Design Standards and/or NCDOT within their respective road system authority. It is understood that an alternate pavement schedule is not permitted, and roadway cross sections will be reviewed and approved in accordance with applicable standards at the construction document phase. It is also understood that such improvements may be undertaken by the Petitioner on its own on in conjunction with other development or roadway projects taking place within the area, by way of a private/public partnership effort or other public sector project support.

5. Petitioner shall ensure the off-site transportation mitigation measures are completed per the final Traffic Impact Analysis (TIA) as coordinated with NCDOT and the Town of Harrisburg and contained herein, or as otherwise mutually agreed upon between the Petitioner and NCDOT and the Town of Harrisburg, as applicable:

   i. INSERT FROM TIA

6. Phasing: To be forthcoming.

7. Petitioner shall provide internal sidewalks and pedestrian connections on the Site as generally depicted on the Rezoning Plan and in compliance with the Ordinance. Internal sidewalks may meander to save existing trees.

IV. Architectural Standards

1. Petitioner agrees to restrict cladding materials for all residential buildings to one or more of the following: brick, stone, precast masonry products, synthetic stone, cement fiber board, stucco, decorative block, wood and engineered wood products, and other materials allowed by the Ordinance; vinyl siding will not be used. However, the use of vinyl siding in interior breezeways, and vinyl windows, handrails, soffits, doors, garage doors, railings, and other accessory features shall be permitted.

2. There shall be no exposed concrete foundations; siding and/or other materials must extend to the ground level on all sides of the residential buildings.

V. Buffers, Yards, and Open Space

1. For residential lots sharing a rear property line, if any, an eight (8) foot landscape easement, extending four (4) feet on each side of such common property line.

2. Open Space shall be provided as generally depicted on the Rezoning Plan and is intended to provide pockets of Open Space throughout the Site. Open Spaces may include benches, play structures, trails, signature landscaping, courtyards, lawns, and/or other features that provide opportunities to recreate or foster community engagement.

3. Petitioner agrees to dedicate to the Town of Harrisburg for permanent ownership and maintenance a twenty-five (25) foot greenway easement along the eastern portion of the Site as generally depicted on the Rezoning Plan and to provide a ten (10) foot paved pedestrian connection(s) within such greenway in accordance with the Ordinance. The final location of the greenway easement and pedestrian connection to be determined during the construction document phase and as approved by the Town of Harrisburg.

4. Petitioner agrees to have garages setback a minimum of thirty (30) feet from sidewalks to accommodate parked vehicles without encroaching into the sidewalk. Petitioner further agrees that no fewer than thirty percent (30%) of the dwelling units shall contain a side-loaded garage.

VI. Environmental Features

1. Stormwater and water quality features and details shall comply with the Ordinance, the Town of Harrisburg Stormwater Drainage Manual, and applicable engineering standards. Petitioner reserves the right to provide underground stormwater facilities in lieu of wet ponds.

2. Stormwater management BMPs shown on the Rezoning Plan are graphical representations and will be designed during the construction document phase.

3. All stormwater BMPs will be screened by landscaping on any side facing lots and when visible from public streets. BMPs fronting public streets shall include amenities and serve as a feature for the community.

4. All ponds shall be wet detention ponds constructed with fountains. Wet ponds shall have a minimum ten (10) foot depth over a minimum of twenty-five percent (25%) of the permanent pool area.

5. Impacts to jurisdictional waters, if any, will be permitted through the U.S. Army Corp of Engineers and the N.C. Department of Environmental Quality, as applicable.

6. Any stormwater facility shall be surrounded by 4-rail vinyl farm fence, preferably white.

7. Petitioner agrees to not utilize sand filters as a stormwater control measure.
8. Petitioner shall mitigate or replace heritage trees if damaged during construction in accordance with the Ordinance, including alternatives for replacement of heritage trees. Heritage trees shown on the Rezoning Plan to remain are subject to final grading conditions during construction document phase; likewise, there may be trees shown to be removed that may be able to remain.

VII. Utilities

1. Proposed utilities and sewer connections are conceptual in nature. Final connection locations will be determined during the construction document phase.

VIII. Miscellaneous Provisions

1. Petitioner agrees to obtain applicable local, state, and federal permits required for the development of the Site before development activity occurs on the Site.

2. Mailbox clusters shall meet applicable ADA standards.

3. Petitioner agrees that there will be no more than ten percent (10%) of the residential units as rentals at any given time and such restriction shall be included in the governing documents for the community association.

IX. Binding Effect of the Rezoning Documents and Definitions

1. If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under the Rezoning Plan and these Development Standards will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest, and assigns.

2. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then Owner(s) of the applicable portion of the Site affected by such amendment in accordance with the provisions of the Ordinance.

3. Throughout these Development Standards, the terms, “Petitioner” and “Owner” or “Owners” shall be deemed to include the heirs, devisees, personal representatives, successors in interest

and assigns of the Petitioner or the owner or owners of any part of the Site from time to time who may be involved in any future development thereof.

Harrisburg NC
The right side of opportunity

PETITION REQUESTING ANNEXATION

DATE: 9/26/2022

TO THE TOWN COUNCIL OF THE TOWN OF HARRISBURG

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the Town of Harrisburg.
2. The area to be annexed is:

   ☒ CONTIGUOUS ☐ NON-CONTIGUOUS

   to the Town of Harrisburg and the boundaries of such territory are:

   ☒ ATTACHED ☐ DESCRIBED AS FOLLOWS:

3. A sealed survey is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Harrisburg.
4. SIGNATURE OF OWNERS

NAME	ADDRESS
Robert M. Critz, Co-Commissioner	P.O. Box 745, Concord, NC 28026 33 Church St.,S., Concord, NC 28025
Steve Rich, Co-Commissioner	Colliers International

NOTES:

THIS SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RESTRICTIONS, EASEMENTS AND/OR RIGHTS-OF-WAY.

SET #5 REBAR AT ALL CORNERS UNLESS OTHERWISE NOTED.

AREAS COMPUTED BY COORDINATE METHOD.

UNADJUSTED RATIO OF PRECISION: 1:25,568

SUBJECT TRACT ADDRESS: PEACH ORCHARD ROAD

TOTAL ACREAGE FOR THE AREA ENCOMPASSED BY THIS MAP IS: 175.667 ACRES

NO DEVELOPMENTAL STUMP HOLES REPORTED TO THIS FIRM WITHIN THE LOTS WHICH MAKE UP THIS MAP.

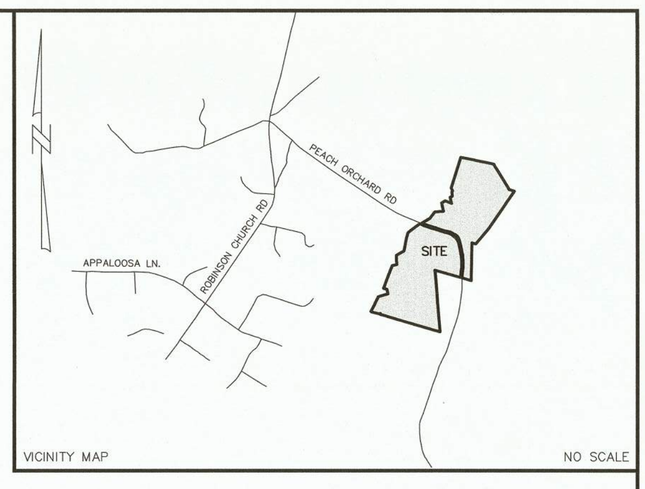
SUBJECT TAX PARCEL: 55150573720000 & 55152604280000

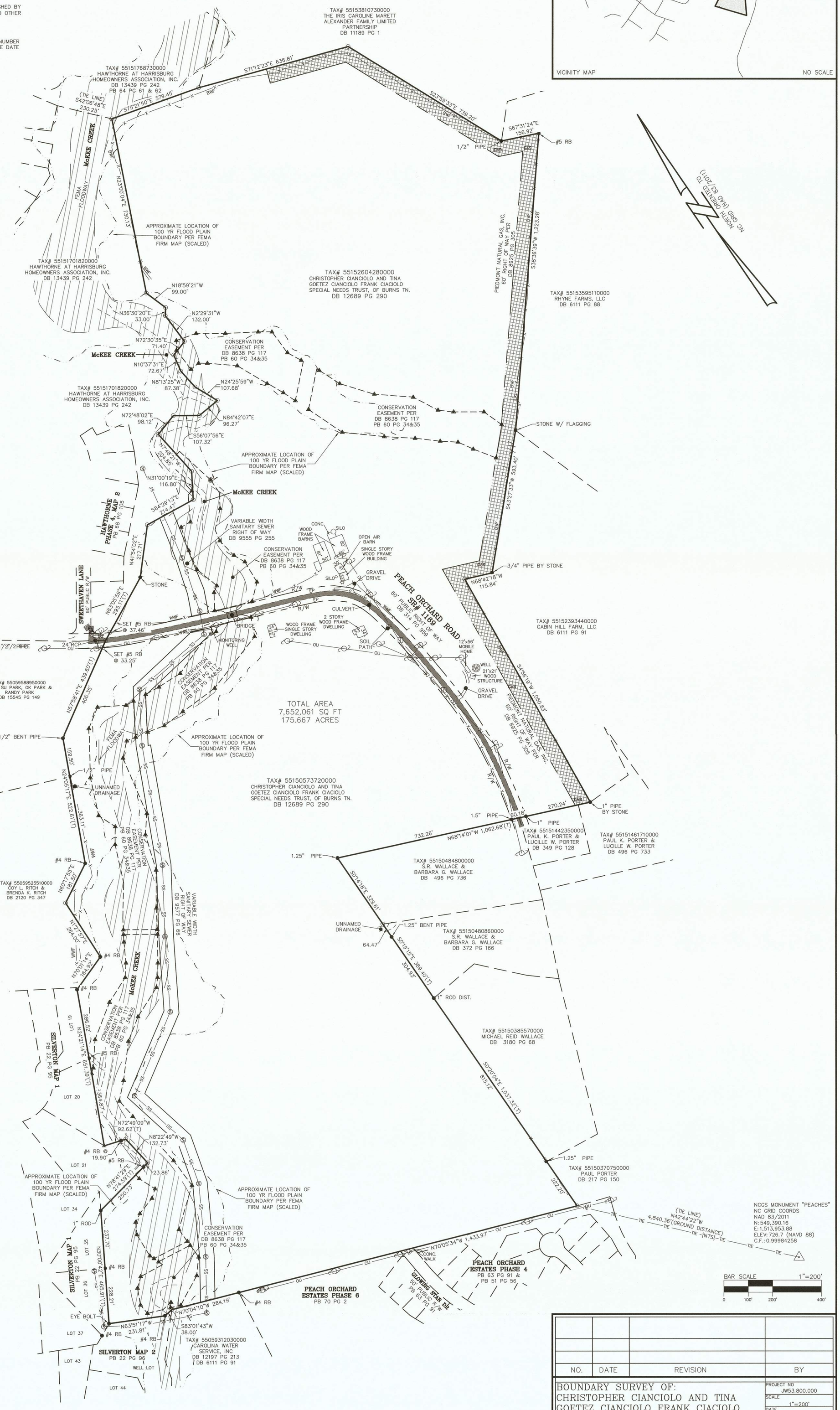
SUBJECT TRACT DEED REFERENCE: DB 12689 PG 290

THE GRAPHIC REPRESENTATION OF THE UNDERGROUND UTILITIES SHOWN ON THIS PLAT WERE ESTABLISHED BY FIELD LOCATION OF PAINT MARKS AND/OR PIN FLAGS PLACED BY UTILITY LOCATION CONTRACTOR AND OTHER INFORMATION SHOWING APPROXIMATE LOCATION.

NO NGS OR NCGS TRAVERSE WITHIN 2000 FEET OF THIS SITE.

SUBJECT TRACT GRAPHICALLY LOCATED WITHIN SPECIAL FLOOD HAZARD AREAS PER FEMA FIRM MAP NUMBER 3710550500M WITH AN EFFECTIVE DATE OF NOVEMBER 16, 2018 AND 3710551500K WITH AN EFFECTIVE DATE OF NOVEMBER 16, 2018.





LEGEND

DB – DEED BOOK
PB – PLAT BOOK
PG – PAGE
BWF – BARBED WIRE FENCE
WWF – WOVEN WIRE FENCE
OU – OVERHEAD UTILITY
RB – REBAR
SR# – SECONDARY ROAD NUMBER
SS – SANITARY SEWER
SD – STORM DRAIN
R/W – RIGHT OF WAY
FEMA – FEDERAL EMERGENCY MANAGEMENT AGENCY
FIRM – FLOOD INSURANCE RATE MAP
NCGS – NORTH CAROLINA GEODETIC SURVEY
EP – EDGE OF PAVEMENT

● – FOUND CORNER
▲ – FOUND CONSERVATION EASEMENT DISC
○ – SET CORNER (#5 REBAR)
– UTILITY POLE
– GUY ANCHOR
– TELEPHONE PEDESTAL
– CARSONITE GAS LINE MARKER
– GAS VALVE
– WATER VALVE
– CATCH BASIN
– SANITARY SEWER MANHOLE
– PAVEMENT
– PIEDMONT NATURAL GAS EASEMENT
– FEMA FLOODWAY

– BOUNDARY LINE
– ADJOINING BOUNDARY LINE (NOT SURVEYED)
– OVERHEAD UTILITY
– EASEMENT LINE
– SANITARY SEWER LINE
– STORM DRAINAGE LINE
– 100 YR FLOOD PLAIN BOUNDARY (SCALED)

© 2021, ESP ASSOCIATES, INC. ALL RIGHTS RESERVED. COPIES OF THE ORIGINAL OF THIS DOCUMENT DISTRIBUTED BY THE SURVEYOR BEAR THE ORIGINAL SIGNATURE AND EMBOSSED SEAL OF THE SURVEYOR.

ESP Associates. Inc.
P.O. Box 7030
Charlotte, NC 28241
3475 Lakemont Blvd.
Fort Mill, SC 29708
704-583-4949 (NC)
803-802-2440 (SC)
www.espassociates.com

NORTH CAROLINA LICENSE NO.: F-1407 ESP ASSOCIATES, INC.

NORTH CAROLINA PROFESSIONAL SEAL L-3635 LAND SURVEYOR ROBERT D. BARTLETT

CERTIFICATE OF SURVEY AND ACCURACY

I, ROBERT D. BARTLETT, CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK & PAGE AS NOTED); THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES FOUND IN DEED BOOK & PAGE ASNOTED; THAT THE RATIO OF PRECISION IS 1:25,568; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

WITNESS MY ORIGINAL SIGNATURE, SEAL THIS 31ST DAY OF JANUARY, 2022.

ROBERT D. BARTLETT NCPLS: L-3635

NO.	DATE	REVISION	BY

BOUNDARY SURVEY OF:
CHRISTOPHER CIANCIOLO AND TINA GOETEZ CIANCIOLO FRANK CIACIOLO SPECIAL NEEDS TRUST, OF BURNS TN.
PROPERTY CONTAINING 175.667 ACRES

LOCATED IN: NO. 4 TOWNSHIP
CABARRUS COUNTY
NORTH CAROLINA

CLIENT:
EASTWOOD HOMES
2857 WESTPORT ROAD
CHARLOTTE, NC 28208

PROJECT NO JW53.800.000
SCALE 1"=200'
DATE JANUARY 31, 2022
DRAWN BY TFB
CHECKED BY RDB
DATE SURVEYED DEC. 2021 – JAN. 2022
DRAWING NO JW53_800_BM.DWG

1.0

SHEET 1 OF 1

Divine Armistead Eugene Estates

Parcel Numbers: 55152604280000 and 55150573720000
Address: 11011 and 10960 Peach Orchard Rd, Harrisburg, NC 28075

Commencing at NCGS Monument "Peaches" NC Grid Coordinates NAD 83/2011 N:549,390.16, E:1,513,953.88, then N 42°44'22" W for a distance of 4,840.36 feet to a set corner (#5 Rebar) at the Point Of Beginning, then N 70°05'34" W for a distance of 1,433.97 feet to a found corner (#4 Rebar). Thence N 70°04'10" W a distance of 284.19 feet to a set corner (#5 Rebar). Then from a set point S 83°01'43" W a distance of 38.00 feet to a found corner (#4 Rebar). Then from said rebar N 63°51'17" a distance of 231.81 feet to a found corner (#4 Rebar). Then from said found corner N 30° 00'42" E a distance of 228.21', thence continuing online a distance of 237.70 feet to a 1-inch rod. Then from said 1"-rod N 78°41'29" E for a distance of 250.73 feet to a found corner (#5 Rebar), thence continuing online a distance of 23.86 feet to a set corner (#5 Rebar) for a total of 274.59 feet. Then from said set corner N 08°22'49" W a distance of 132.73 feet to a set corner (#5 Rebar). Then from set corner N 72° 49'09" W a distance of 19.90 feet to a found corner (#4 Rebar), thence continuing online a distance of 72.72 feet a total 92.62 to a found conservation easement disc. Then from said conservation easement disc N 24°21'14" E for a total distance of 651.39 feet to a found corner (#4 Rebar). Then from found corner N 70°01'14" E a distance of 164.92 feet to a found corner (#4 Rebar). Then from found # 4 rebar N 01°27'57" E a distance of 264.00 feet to a set corner (#5 Rebar). Then from set corner N 60°17'55" E a distance of 181.50' to a found #4 rebar. Then from found rebar N 24°05'17" a total distance of 522.61 feet to a ½" Bent Pipe. Then from ½" Bent Pipe N 57°58'41' E a total of 439.60 feet to Peach Orchard Dr centerline. Then from the centerline of Peach Orchard Dr. N 63°05'59" E a total distance of 295.11 feet to a found corner marked with a stone. Then from found stone N 41°54'02" E a distance of 217.71 feet to a set corner (#5 Rebar). Then from set rebar S 84°29'13" E a distance of 214.47 feet to a set corner (#5 Rebar). Then from #5 rebar N 31°00'19" E a distance of 116.80 feet to a set corner (#5 Rebar). The from set corner N 07°48'21" W a distance of 204.85 feet to a set corner (#5 Rebar). Then from set #5 rebar N 72°48'02" E a distance of 98.12 feet to a set corner (#5 Rebar). Then from #5 rebar S 56°07'56" E a distance of 107.32 feet to a set corner (#5 Rebar). Then from set rebar N 84°42'07" E a distance of 96.27 feet to a set corner (#5 Rebar). The from set #5 rebar N 24°25'59" W a distance of 107.68 feet to a set corner (#5 Rebar). Then from set #5 rebar N 81°13'25" W a distance of 87.38 feet to a set corner (#5 Rebar). Then from #5 set rebar N 10°37'31" E a distance of 72.67 feet to a set corner (#5 Rebar). Then from set #5 rebar N 72°30'35" E a distance of 71.40 feet to a set corner (#5 Rebar). Then from set #5 rebar N 02°29'31" W a distance of 132.00 feet to a set corner (#5 Rebar). Then from set #5 rebar N 36°30'20" E a distance of 33.00 feet to a set corner (#5 Rebar). Then from #5 rebar N 18°59'21" W a distance of 99.00 feet to a set corner (#5 Rebar). Then from set #5 rebar N 23°00'04" E a distance of 730.13 feet to a set corner (#5 Rebar). Then from set #5 rebar S 75°21'50" E a distance of 379.45 feet to a set corner (#5 Rebar). Then from set #5 rebar S 71°12'23" E a distance of 636.81 feet to a set corner (#5 Rebar). Then from set #5 rebar S 23°59'33" E a distance of 739.20 feet to a found corner (½" pipe). Then from found ½" pipe S 67°31'24" E a distance of 156.92 feet to a found corner (#5 Rebar). Then from found #5 rebar S 38°36'39" W a distance of 1,223.28 feet to a found stone with flagging. Then from found stone with flagging S 43°27'33" W a distance of 593.40 feet to a found ¾" pipe by stone. Then from found ¾" pipe by stone N 68°42'18" W a distance of 115.84 feet to a set corner (#5 Rebar). Then from set #5 rebar S 04°56'19" W a distance of 1,050.83 feet to a found 1" pipe by stone. Then from said 1" pipe by stone N 68°14'01" W, passing a found 1" pipe on the East right-of-way of Peach Orchard Dr. at 270.24 feet, thence continuing on line passing a 1.5" Pipe on the West side of Peach Orchard Dr. at 60.18 feet, thence continuing on line 732.26 feet to a found 1.25" pipe, a total distance of 1,062.68 feet. Then from said found 1.25" pipe S 00°14'18" E a distance of 329.61 feet to a set corner (#5 Rebar). Then

from set #5 rebar S 00° 19’15” E passing a 1.25” Bent Pipe found at 64.47 feet, thence continuing on line 304.93 feet to a found 1” Rod Dist, for a total distance of 369.40 feet. Then from said 1” rod dist S 00°20’04” E passing a found 1.25” pipe 815.12 feet, thence continuing on line 222.20 feet, a total distance of 1,037.32 feet to the Point of Beginning, containing ± 171 acres.