



**TOWN OF HARRISBURG, NORTH CAROLINA
HARRISBURG TOWN HALL
TOWN COUNCIL MEETING**

**June 12, 2023
6:00 PM**

AGENDA

1. CALL TO ORDER

- A. The Town Hall Council Chambers will be open at our normal capacity. The meeting may also be accessed via the Zoom platform at the following link:

<https://us02web.zoom.us/j/83481877476?pwd=YzFjTlBDZWQweU9NVWR0QjFhRVVqQT09>

Meeting ID: 834 8187 7476
Passcode: 212521

Or join by phone:
301.715.8592
305.224.1968

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

2. CONSENT AGENDA

- A. Consider the minutes of the May 8, 2023, Town Council Meeting
- B. Consideration to Set a Public Hearing: to Consider Extension of Harrisburg-Midland Annexation Agreement for July 10, 2023
- C. H-2022-15-R: Consideration to Set a Public Hearing to consider the non-contiguous annexation of property off Peach Orchard Road south of Sweethaven Lane, consisting of 171 acres, to be rezoned for a 155 lot residential development on July 10, 2023
- D. H-2022-16-R Consideration to Set a Public Hearing to consider annexation of property located at 9569 Rocky River Road, consisting of 7.46 acres, to be rezoned for a 149 unit senior living facility
- E. Consideration of FY2023 Budget Ordinance Amendment for Insurance Proceeds - Fire Dept.

- F. Consideration of Acceptance of Asphalt and Storm Drainage Systems in Phase 3&4 of the Grantham Subdivision
- G. Consideration of Capital Project Ordinance Amendments

3. COMMUNICATIONS

- A. TOWN MANAGER REPORT
- B. FINANCE REPORT
- C. LAW ENFORCEMENT REPORT
- D. FIRE DEPARTMENT REPORT
- E. MAYOR'S COMMENTS
- F. COUNCIL COMMENTS

4. PUBLIC HEARINGS

- A. H-2022-18-R: Consider non-contiguous annexation and rezoning of a 5.59 acre parcel located at 9771 Robinson Church Road from Cabarrus County - CR (Countyside Residential) to Town of Harrisburg - RL (Residential Low Density).

5. OLD BUSINESS

- A. Consideration of Adoption of new Board of Adjustment Rules of Procedure
- B. Discussion of Final YMCA Operating Agreement

6. NEW BUSINESS

- A. Consideration to extend the terms of Planning and Zoning Board members Andy Rathke, Thelma Thorne-Chapman and Jacob Carpenter through August 14, 2023, to facilitate the appointment process for replacement board members.

7. ACTION ITEMS

8. CLOSED SESSION

9. ADJOURNMENT

Vision Statement

Harrisburg will be a distinctive, family-focused community where memories are made.

Mission Statement

Together, we enhance our quality of life by collaborating, planning, and investing to create our community of choice.



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider the minutes of the May 8, 2023, Town Council Meeting

Presenting Personnel:

Suggested Motion or Action:

Motion to approve the minutes of the May 8, 2023, Town Council meeting.

Description/Background:

Recommendation:

Staff recommends approval of the attached minutes.

Fiscal Impact:

None

Attachments:

1. May 8 Minutes

**TOWN OF HARRISBURG, NORTH CAROLINA
TOWN COUNCIL MEETING
MONDAY, May 8, 2023
6:00 PM**

MINUTES

This meeting was held in person as well as virtually via the Zoom platform.

Mayor Jennifer Teague called the meeting to order.

PRESENT: Mayor Jennifer Teague; Mayor Pro-Tem Maurice Price Jr. (arrived 6:50 pm), Councilmembers Rodney Dellinger, Altyn Cotell, Ron Smith, Mike Thevenin, Rick Russo

ABSENT: Councilmember Ian Patrick

**1A.
ZOOM NOTIFICATION**

The Zoom meeting link and details were published and advertised before the meeting took place and were shown on the agenda.

**1B.
AGENDA ADOPTION**

Councilmember Dellinger requested that Item 2C (H2022-16 R) be removed from the agenda in order to give the Planning and Zoning Advisory Board time to review it.

MOTION:

Councilmember Russo made a motion to approve the agenda with the removal of Item 2C. The second was made by Councilmember Dellinger. **The motion passed 5-0.**

**1C.
INVOCATION**

Councilmember Thevenin conducted the invocation.

**1D.
PLEDGE OF ALLEGIANCE**

**1E.
SPECIAL PRESENTATIONS**

- **S.T.A.R. Awards Presentation.** The purpose of the Annual Harrisburg “S.T.A.R. Award” (Special Thanks and Recognition Award) is to recognize employees for their contributions to the Town. These contributions go above and beyond the normal scope and responsibilities of the performance of job duties. As employees of Harrisburg, it is our responsibility to protect the health and well-being of our citizens, to provide responsible stewardship of public assets and to protect the environment. As a result, the work of our employees is aligned with the following values and beliefs: Integrity, Professionalism, Collaboration and Promoting the Quality of Life. The S.T.A.R. Award is to recognize employees for going above their daily job responsibilities such as:
 - Doing an extraordinary service by going the extra mile to help another person (co-worker or customer, internally or externally)
 - Providing exceptional customer service for either internal or external customers
 - Outstanding effort and achievement on a specific project; performance which impacts project status or goal attainment
 - Innovation resulting in cost savings or greater operational efficiency
 - Proactive approach in the moderate, significant or exceptional improvement to the quality of services provided

- Special department/division achievement
- Development of management or operational programs that may be applied in department and/or divisions other than the one in which the employee works
- Other actions by employees that are noteworthy

There were nine nominees this year and we will be honoring the winner as well as recognizing all of the nominees for a job well done.

The nine nominees are: Brian Faust (Public Works), Lynda Hinson (Customer Service), Jeff Isley (Public Works), Patrick Kennes (Engineering), Jonathan Ritchie (Public Works), Craig Thomas (Planning), Matthew Whitley (Public Works), Nicholas Tompkins (Fire) and Sandy Torrence (Fire).

This year's winner is Jonathan Ritchie.

- **Improving Water Quality Presentation.** Presentation given by Rusty Rozzelle who has managed Mecklenburg County's Water Quality Program, a part of Charlotte-Mecklenburg Storm Water Services for over 40 years. The program is charged with protecting and restoring the quality and usability of the County's surface water resources.

1F.

PUBLIC COMMENT

None

2.

CONSENT AGENDA

- A. Consider the minutes of the April 17, 2023, Town Council Meeting
- B. Consider the contract for Orchard Park Pump Station Improvements

MOTION:

Councilmember Smith made a motion to approve the Consent Agenda. Second was made by Councilmember Russo. **The motion passed 5-0.**

3A.

COMMUNICATIONS

TOWN MANAGER/FINANCE REPORT

Manager Report:

- Staff recently gave a presentation on the 50th Anniversary – past, present, and future of Harrisburg. Congratulated staff on a tremendous job.

Finance Report:

Finance Director Brian Lee presented the Finance report.

Law Enforcement Report:

Captain Measimer presented the Law Enforcement report.

Fire Department Report:

Fire Chief Dunn presented the Fire Department report.

3B.

COMMUNICATIONS

MAYOR'S COMMENTS

- Thanked staff for their presentation at the Cabarrus Summit. Everyone did a great job.
- Attended a panel discussion in Charlotte today with State Attorney General Josh Stein concerning protecting our children. Topics discussed included mental health, drugs, suicide prevention, and toxicity of social media platforms. Came away thinking about how children mimic what they see on social media. We see adults every day on social media exhibiting bullying behavior, spreading false narratives, sensationalizing personal agendas, and more negativity. Would like to encourage adults to come out from behind the keyboard and engage in responsible

face to face interaction. Encouraged anyone in Town to contact staff or Council if they have concerns about anything. When elected, she made it her mission to treat everyone with respect and dignity and to be approachable. Sadly, very few individuals have engaged with her so far. Hopefully, this will get shared on social media so that everyone is aware that she is willing, and believes all of Council is willing, to speak with residents about any subject that concerns them.

COUNCIL COMMENTS

Councilmember Dellinger

- Lion's Club will hold a pancake breakfast on May 20th from 8am-11am
- Has served on Council for four years now. Gone through four budgets. He has been accused of many things, including some on social media saying that he does not support the fire department. The fire department comprises about 33-34% of the total town budget. In the four years he has served on Council, the fire department has received a \$1.6 million ladder truck, a fire training facility, land for a future fire station, \$4,500 Covid bonus for each employee, among many other things. There is still a disconnect. Would like to sit in this room with everyone from the fire department, the Town Manager, Deputy Town Manager, the Town Attorney and any Council member that would like to attend, to talk about what that disconnect is. Would like members of the fire department to bring their concerns and complaints in their own handwriting and from their hearts. He does appreciate the fire department and understands they have a very challenging job.

Councilmember Smith

- Would like to join in the fire department discussion with Councilmember Dellinger

Town Manager

- Rob Donham stated that he was made aware of the social media situation, but he doesn't engage in those things. Doesn't believe social media is where these things should be handled. Recommended people come talk to staff with issues face to face.

4A.

PUBLIC HEARING

Consider the FY2024 Budget Ordinance, Tax Rate, Schedule of Fees, and Capital Improvement Plan. In the April Town Council meeting, the budget was presented to the Town Council with the public given an opportunity to ask questions and comment, as well as being made available for public inspection. A public hearing is required to be held to receive additional input from the public. Town Manager, Rob Donham, provided a budget presentation summarizing the proposed FY2024 budget.

MOTION:

Councilmember Russo made a motion to pull the money to make Parallel a one-way street from the budget. The motion died for lack of a second.

The public hearing was opened.

Speaking: none

The public hearing was then closed.

After some discussion, the following action was taken:

MOTION:

Councilmember Smith made a motion to approve the FY2024 budget ordinance, schedule of fees and capital improvement plan as presented. Second was made by Mayor Pro-Tem Price. **The motion passed 5-1 (Councilmember Russo voting against).**

MOTION:

Councilmember Smith made a motion to set the tax rate at \$0.0435 and have Cabarrus County collect those taxes for the Town. Second was made by Mayor Pro-Tem Price. **The motion passed 5-1 (Councilmember Russo voting against).**

4B.

PUBLIC HEARING

H-2022-18-R: Consider non-contiguous annexation and rezoning of a 5.59 acre parcel located at 9771 Robinson Church Road from Cabarrus County - CR (Countryside Residential) to Town of Harrisburg - RL (Residential Low Density). Due to the discovery that part of this property is in the right-of-way, it is requested that this public hearing be continued until the June meeting of Council to give time to address this with the property owner.

Request is for this item to be continued until the June meeting of Council due to the absence of the applicant to discuss the possible dedication of land for NCDOT public right-of-way on Robinson church Road.

After some discussion, the following action was taken:

MOTION:

Councilmember Smith made a motion to continue the public hearing until the June Council meeting. Second was made by Councilmember Russo. **The motion passed 6-0.**

4C.

PUBLIC HEARING

H-2023-02-R: Consider request for contiguous annexation and rezoning of property on Wedding Belle Court (PINs 5506-69-2600 and 5506-76-0274), consisting of 2.13 acres, from LDR (Low Density Residential) County Zoning to RM (Residential Medium) Town of Harrisburg Zoning. The applicant is requesting approval to rezone two parcels on Wedding Belle Court (PINs 5506-69-2600 and 5506-76-0274), consisting of approximately 2.13 acres, from their current County zoning designation of LDR (Low Density Residential) to a Town of Harrisburg designation of RM (Residential Medium Density). Along with this request, the applicant is also seeking Town Council approval for a contiguous annexation of these parcels into the Town of Harrisburg town limits to access Town sewer services.

The Harrisburg Area Land Use Plan (HALUP) Future Land Use Map (FLUM) designates this property as "Medium Density Residential (MDR)", which calls for a density of 2-3 dwelling units per acre. The RM zoning district also has a density limit of 2-3 dwelling units per acre. At a density of 0.94 dwelling units per acre, the proposed rezoning complies with the HALUP and is within the RM zoning density limits of 2-3 dwelling units per acre.

The Planning and Zoning Board reviewed the request for rezoning at its March 21, 2023, meeting and is recommending Town Council approval of the rezoning.

Zachary Gordon, Planning Director, presented the background information.

The public hearing was opened.

Speaking:

- Debra Moore, 8980 Rocky River Road – questions
- Gloria Moore, 8980 Rocky River Road – questions
- William Weathers, owner of the property - question

The public hearing was then closed.

After some discussion, the following action was taken:

MOTION:

Councilmember Russo made a motion to approve the applicant's request for rezoning of property on Wedding Belle Court (PINs 5506-69-2600 and 5506-76-0274) - Case # H-2023-02-R, consisting of approximately 2.13 acres, **contingent on approval of related annexation request.** Second was made by Councilmember Smith. **The motion passed 6-0.**

The following Consistency Statement was then proposed:

CONSISTENCY STATEMENT:

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:

Councilmember Cotell made a motion to approve the Consistency Statement as proposed. Second was made by Mayor Pro-Tem Price. **The motion passed 6-0.**

MOTION:

Councilmember Cotell made a motion to approve the request for annexation of property on Wedding Belle Court (PINs 5506-69-2600 and 5506-76-0274), consisting of 2.13 acres. Second was made by Mayor Pro-Tem Price. **The motion passed 6-0.**

5A.

OLD BUSINESS

Consider adoption of new Town Vision, Mission, Values and Goals. In December 2022, the Town Council held a retreat, which was facilitated by Centralina. The goal of this retreat was to develop new, relevant mission, vision, core values and goals. These were drafted by the end of the retreat. In February 2023, Town Council discussed the results of the retreat and further developed these items. Staff presented the final drafts of these items to Council at the April 2023 Town Council meeting.

VISION:

Harrisburg will be a distinctive, family-focused community where memories are made.

MISSION:

Together, we enhance our quality of life by collaborating, planning, and investing to create our community of choice.

VALUES:

- Honesty and Trust
- Commitment
- Compassion
- Community and Relationships
- Collaboration
- Accountability

GOALS:

- The Town of Harrisburg maintains a strong financial position
- The Town of Harrisburg promotes and supports a dynamic and responsive local economy
- The Town of Harrisburg provides safe, well-maintained, and dependable public facilities, systems, and services
- The Town of Harrisburg communicates its goals, successes, and challenges to the community and serves as an advocate for the community
- The Town of Harrisburg will actively and responsibly plan for our future with compassion and respect for our heritage

After some discussion, the following action was taken:

MOTION:

Councilmember Russo made a motion to approve the new Town Vision, Mission, Values and Goals as presented. Second was made by Councilmember Cotell. **The motion passed 6-0.**

5B.

OLD BUSINESS

Consideration of Adoption of Updated Bylaws and Appropriate Dissolution of Town Advisory Boards and Committees. In the Fall of 2022, Town Council directed Town staff to evaluate bylaw consistencies of all current Boards and Committees and report back with those results, particularly number of members, term limits and appointment processes. This evaluation was done and presented to Council in January 2023. Council then directed staff to present amended bylaws for all boards that are consistent with each other and further, to evaluate the viability of each board. These results were discussed with Town Council at the April 2023 Council meeting.

The results of staff analysis were that the following should be consistent among all boards and committees:

- No. of members - 7
- ETJ Requirements - None, but no more than one from Planning Area
- Ex-Officio - Non-voting - one sustainability member
- Length of terms - 2 years
- Term limits - 2 terms (4 years), off 2 terms (4 years), reset
- Term end date - 6/30
- Meeting attendance requirements - 75%
- Quorum for meeting - min of 4 of 7

Viability of the Boards and Committees were evaluated and the Fire Advisory Board and Sustainability Advisory Board were deemed no longer viable. The Fire Advisory Board, under the new term limits, would have 6 of their 7 members term out, which would create a significant challenge to fill. Also, as their responsibilities have shifted from what they were in the Administrator - Mayor form of government to what they are now with the Manager - Council form of government, there was not as much of Council-needed advice from this Board. The Sustainability Advisory Board seemed to be a much better fit and could have more of a sustainability impact by being members of the other Advisory Boards. Updated bylaws have been provided to Council for review.

Due to the complexity involved with meeting State statutes relating to the Board of Adjustment, this revision will be provided to Town Council at the June 2023 Council meeting. After some discussion, the following action was taken:

MOTION:

Councilmember Russo made a motion to adopt the revised bylaws for the Parks and Recreation Advisory Board, Harrisburg Arts, Culture, and Heritage Committee, and revised Harrisburg Planning and Zoning Board Rules of Procedure. Second was made by Councilmember Dellinger. **The motion passed 6-0.**

MOTION:

Councilmember Russo made a motion to formally dissolve all other Boards and Committee other than the Parks and Recreation Advisory Board, Harrisburg Arts, Culture and Heritage Committee, and Planning and Zoning Board and Board of Adjustment. Second was made by Councilmember Thevenin. **The motion passed 6-0.**

5C.

OLD BUSINESS

Consider Adoption of Operating Agreement with YMCA for New Harrisburg YMCA in Harrisburg Park.

In October 2018, the Town and Cannon Memorial YMCA entered into a Memorandum of Understanding to work jointly with the Harrisburg YMCA to relocate within Harrisburg Park. This was to include approximately 3,500 square feet of space for the Parks and Recreation offices and two full-court gymnasiums which the Town would have access to for youth and adult sports programs.

Over the course of the next four years, Town staff have worked with the YMCA to design a facility and the relating operating agreement. Since 2018, the Town has decided an alternative location for Parks and Recreation offices, so those have been removed from the YMCA project. Also, due to costs, the two full size gymnasiums have been reduced in size. See below for a summary of some significant points in the operating agreement:

- The YMCA will be responsible for the construction of the Facility, including but not limited to the building, parking lot, lighting, irrigation, landscaping, access road(s), sidewalks, curb and gutter, and monument sign.
- The Town will have first rights of access to YMCA gymnasiums for youth sports, at no cost.
- The Town will have access to multipurpose space for programs and meetings at no cost.
- The YMCA will not compete with the Town for youth and adult athletics and the Town will not compete with the YMCA for programs such as summer day camp and after school programs.
- The YMCA will extend to residents and employees of the Town membership discounts.
- Town will provide up to \$4.815M in cash, donation of land, assumption of related TIA offsite improvements and waived fees associated with the design and construction of the facility.

After some discussion, the following action was taken:

MOTION:

Councilmember Smith made a motion to adopt the contract to make a total contribution of \$4.815 million as stated contingent upon the sales, reimbursements, sunset, and transfer of title provisions being added to the contract by the Town Attorney. Second was made by Councilmember Dellinger. **The motion passed 6-0.**

6A.

NEW BUSINESS

Consider Adoption of Ordinance Prohibiting Unmuffled Engine Compression Brakes within Town Limits. Town staff have received complaints regarding the noise associated with unmuffled engine compression brakes, particularly along the NC 49 corridor where there is significant tractor-trailer traffic. The NC Department of Transportation has adopted a policy which permits municipalities to adopt ordinances which prohibit this type of braking. Once such an ordinance is adopted, enforcement may occur through the Sheriff's Department. As outlined in the NCDOT policy for the prohibition of unmuffled brake noise, the following steps must be taken by the Town to enforce this prohibition:

1. **Ordinance Adoption** - The Town must adopt an ordinance prohibiting unmuffled engine compression brakes within the Town limits, specifying the limits of the restriction;
2. **Signage Posting** - Speed limit signage must be placed at the Town's limits. If speed reduction signs are required outside the municipal limits to notify the motorist and allow gradual braking, these signs must be installed prior to a request to NCDOT.
3. **Encroachment Agreement** - An encroachment agreement with NCDOT will be required for placement of signs in the NCDOT R.O.W (inside or outside the town limits).
4. **Installation of Signage** - The town may install signage inside the town limits, with any signage installed outside of the town limits to be installed by NCDOT, or an NCDOT approved contractor.
5. **Cost of Sign/Installation/Enforcement/Maintenance** - The Town will be responsible for the cost of any signs, installation, enforcement and maintenance.
6. **Sign Design** - Sign design will be provided by NCDOT (see attached)
7. **Request to NCDOT** - Requests for signage should be made to the Division Engineer, with the required documentation.

After some discussion, the following action was taken:

MOTION:

Councilmember Russo made a motion to adopt the proposed ordinance prohibiting unmuffled engine compression brakes within the Town limits. Second was made by Mayor Pro-Tem Price. **The motion passed 4-2 (Councilmembers Smith and Cotell voting against).**

6B.

NEW BUSINESS

Consider Approval of Water Purchase Contract with City of Concord. The Town of Harrisburg entered into an agreement with the City of Concord on June 30, 2008, for the sale of potable water to the Town of Harrisburg. The Town has since executed multiple contract addendums to extend the contract. The first addendum was executed in July 2016 and the second in August 2018. The second addendum expires on July 31, 2023, thus the need for a contract extension, or third addendum. Per the third addendum, Concord shall make available to Harrisburg up to 2,000,000 gallons per day of potable water (up from a previous amount of 1,600,000). Harrisburg shall pay for at least 700,000 gallons, regardless of the amount delivered to or used by Harrisburg, which is consistent with the previous addendum. This addendum also removes the requirement for contractual storage capacity, which is no longer needed with the construction of the second Town-maintained elevated water storage tank. Finally, Addendum Number 3 will extend the contract for a period of one year and will expire June 30, 2024.

The Town intends to identify alternate water sources to alleviate the dependency on the City of Concord for water purchases moving forward. This 1-year contract extension will allow adequate time for each party to determine the most appropriate next steps for providing clean and reliable water to the Town's water and sewer customers.

After some discussion, the following action was taken:

MOTION:

Councilmember Russo made a motion to execute the proposed contract with City of Concord extending the Town's water purchase agreement. Second was made by Mayor Pro-Tem Price. **The motion passed 6-0.**

7.

ACTION ITEMS

- Need replacement flags at Veteran's Park
- Look into pedestrian crossing at the middle school to Bridgepointe
- Meetings with Fire Department
- Follow up with YMCA on contract
- Clarity on number of Harmony lots to trigger signal

8.

ADJOURNMENT:

MOTION:

There being no further business, Mayor Pro-Tem Price made a motion to adjourn the meeting. Second was made by Councilmember Russo. **The motion passed 6-0.**

ATTEST:

Jennifer Teague, Mayor

Janet Rackley, Town Clerk



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consideration to Set a Public Hearing: to Consider Extension of Harrisburg-Midland Annexation Agreement for July 10, 2023

Presenting Personnel:

Zac Gordon, Planning Director

Suggested Motion or Action:

Motion to set public hearing for July 10, 2023 to consider extension of the Harrisburg-Midland Annexation Agreement from 2024 to 2044.

Description/Background:

The Town currently has an "Annexation Agreement" with the Town of Midland that expires on July 12, 2024. Town Attorney Koch has drafted an extension of that agreement that would expire in 2044. The current and proposed Annexation Agreements between Harrisburg and Midland are attached. Staff has forwarded the proposed extension Agreement to the Town of Midland for their review and approval. As with Harrisburg, the Town of Midland would need to hold a public hearing to approve the proposed extension.

Recommendation:

Staff is recommending that the Town Council call a Public Hearing for May 8, 2023 to consider extension of the Harrisburg-Midland Annexation Agreement from 2024 to 2044.

Fiscal Impact:

None

Attachments:

1. Harrisburg-Midland 2024-2044 Annexation Extension Agreement
2. Harrisburg-Midland 2024-2044 Annexation Extension Agreement Map
3. Harrisburg Midland 2004-2024 Annexation Agreement

**AMENDMENT TO AND EXTENSION OF ANNEXATION
AGREEMENT BETWEEN HARRISBURG AND MIDLAND**

This **AMENDMENT TO AND EXTENSION OF ANNEXATION AGREEMENT BETWEEN HARRISBURG AND MIDLAND** (this “Extension”) is hereby made and entered into as of the date of execution by the latter of the two parties, by and between the **TOWN OF HARRISBURG** (“Harrisburg”) and the **TOWN OF MIDLAND** (“Midland”).

WHEREAS, Harrisburg and Midland previously entered into that certain Annexation Agreement (“Agreement”) having an execution date of July 12, 2004, pertaining to future annexation between the two North Carolina municipal corporations in order to enhance orderly planning by them and the residents and property owners in the areas adjacent to the municipalities.

WHEREAS, Chapter 168A, Article 4A, Part 6 of the North Carolina General Statutes authorizes annexation agreements and extensions of this type.

WHEREAS, Harrisburg and Midland mutually desire to amend and extend the Agreement.

NOW, THEREFORE, in consideration of the following mutual covenants and agreements herein set forth and other good and valuable consideration, the receipt, and sufficiency of which are hereby acknowledged, the parties hereby execute this Extension to the Agreement and modify and amend the Agreement upon the following terms and conditions:

1. **Extension of the Agreement.** The parties agree to extend the Agreement from July 12, 2024 to July 12, 2044. The parties also agree to approve this Extension by ordinance after public hearing as required by N. C. Gen. Stat. § 160A-31(c).
2. **Agreement Map.** The parties agree that the map attached to this Extension shall replace the Harrisburg/Midland Agreement Map attached to the Agreement.
3. **General.** Any defined term not otherwise defined or modified herein shall have the meaning provided in the Agreement. Except as amended by this Extension, the Agreement continues in full force and effect, and Harrisburg and Midland hereby ratify and confirm the Agreement, as amended hereby. The parties agree that this Amendment may be executed and delivered by electronic signature and transmission.

IN WITNESS, Harrisburg and Midland have caused this Amendment to be duly executed as of the day, month and year first above written.

(Signatures on the next page)

TOWN OF HARRISBURG

By: _____
Jennifer Teague
Mayor

ATTEST:

Janet Rackley
Town Clerk

TOWN OF MIDLAND

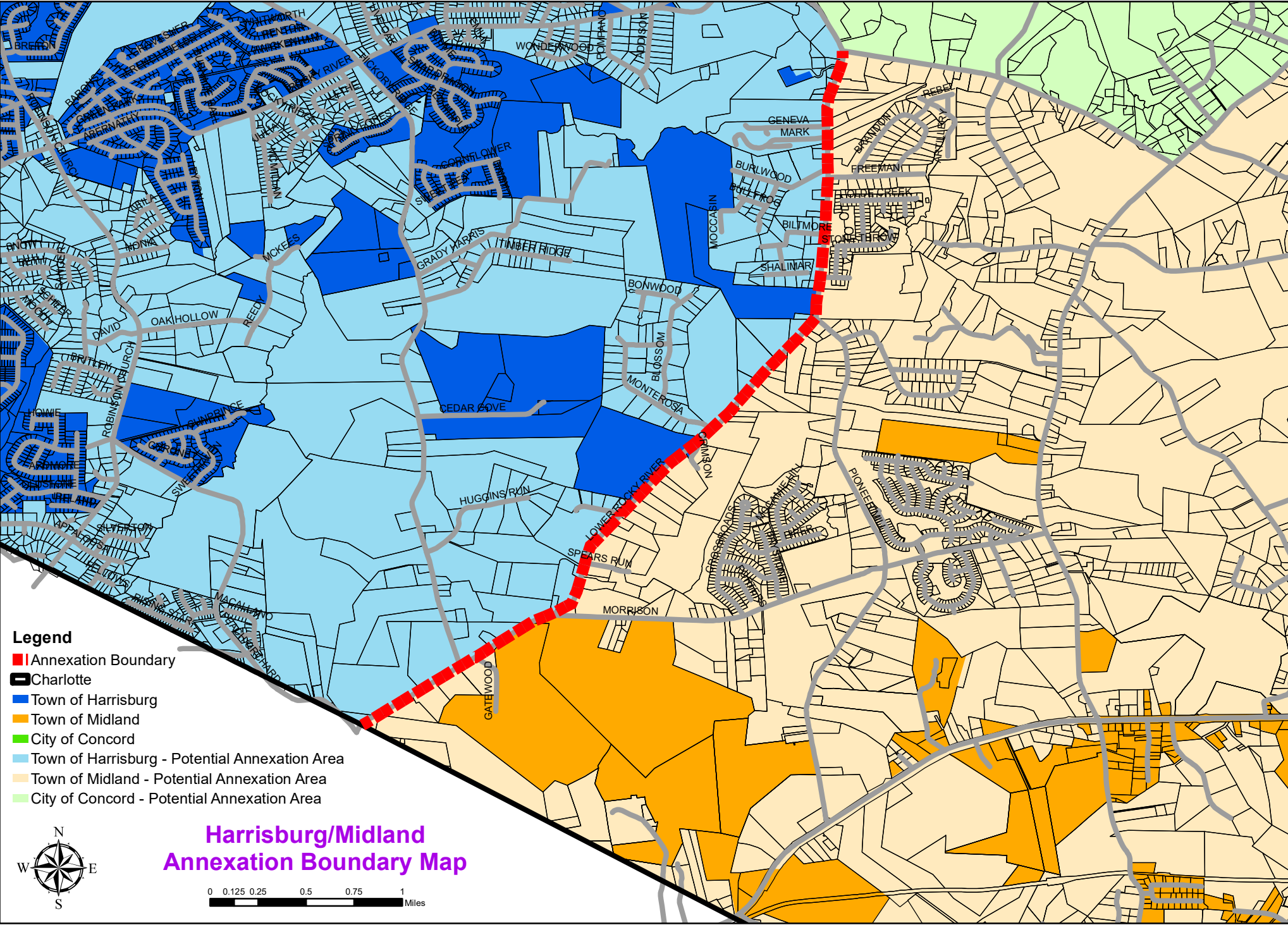
By: _____
John Crump
Mayor

ATTEST:

Town Clerk

(CORPORATE SEAL)

Exhibit A





TOWN OF MIDLAND

**An Ordinance Approving Annexation Agreement
Between the Town of Midland and the Town of Harrisburg**

Ordinance #2004- 29

WHEREAS, all the prerequisites to adoption of this ordinance prescribed in G.S. Chapter 160A, Article 4A, Part 6 have been met; and

WHEREAS, the Town Council of the Town of Midland has taken into consideration the statements presented at the public hearing held on April 13, 2004 concerning the proposed Annexation Agreement; and

WHEREAS, the Town Council has concluded and hereby declares that it is appropriate and desirable for the Town of Midland to enter into the Agreement;

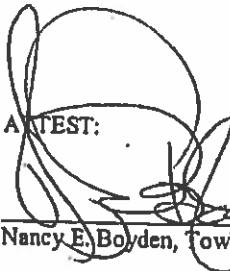
NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Midland, that:

Section 1. The proposed Annexation Agreement between the Town of Midland and the Town of Harrisburg is hereby approved and ratified and the Mayor of Midland is directed to execute the Agreement with the Mayor of Harrisburg as soon as possible, to become effective as provided therein.

Section 2. The approved Agreement is attached to this ordinance and is incorporated herein, and this ordinance and the executed Agreement shall be spread upon the minutes of this meeting.

Section 3. This approving ordinance is effective upon adoption.

Adopted this 13th day of April, 2004.

ATTEST:

Nancy E. Boyden, Town Clerk


L.W. "Bunk" Whitley, Mayor



**An Ordinance Approving Annexation Agreement
Between the Town of Harrisburg and the Town of Midland**

WHEREAS, all the prerequisites to adoption of this ordinance prescribed in G.S. Chapter 160A, Article 4A, Part 6 have been met; and

WHEREAS, the Town Council of the Town of Harrisburg has taken into consideration the statements presented at the public hearing held on July 12, 2004 concerning the proposed Annexation Agreement; and

WHEREAS, the Town Council has concluded and hereby declares that it is appropriate and desirable for the Town of Harrisburg to enter into the Agreement;

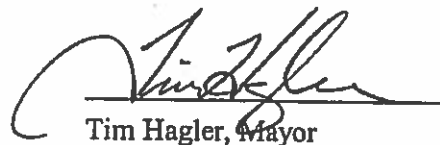
NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Harrisburg, that:

Section 1. The proposed Annexation Agreement between the Town of Harrisburg and the Town of Midland is hereby approved and ratified and the Mayor of Harrisburg is directed to execute the Agreement with the Mayor of Midland as soon as possible, to become effective as provided therein.

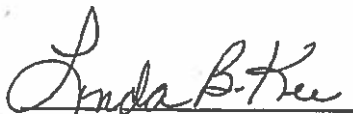
Section 2. The approved Agreement is attached to this ordinance and is incorporated herein, and this ordinance and the executed Agreement shall be spread upon the minutes of this meeting.

Section 3. The approving ordinance is effective upon adoption.

Adopted this 12th day of July, 2004.


Tim Hagler, Mayor

ATTEST:


Linda B. Kee, Town Clerk

"Working Together For A Successful Future"



Annexation Agreement

WHEREAS, the Town of Harrisburg and the Town of Midland, duly incorporated municipalities under the laws of the State of North Carolina, desire to eliminate uncertainty among residents and property owners in unincorporated areas adjacent to the participating municipalities and also to improve planning by public and private interests in such areas; and

WHEREAS, Chapter 160A, Article 4A, Part 6 of the General Statutes of the State of North Carolina (hereinafter referred to as the "Act") authorizes municipalities to enter into binding agreements concerning future annexation in order to enhance orderly planning by such municipalities as well as residents and property owners in areas adjacent to such municipalities;

NOW, THEREFORE, THE PARTICIPATING MUNICIPALITIES AGREE AS FOLLOWS:

1. This Agreement is executed pursuant to the authority of the Act, codified as North Carolina General Statute, Chapter 160 A, Article 4A, Part 6.
2. The duration of this Agreement shall be for a period of twenty (20) years from the effective date as listed in paragraph 6 herein.
3. Attached hereto as a map labeled "Harrisburg/Midland Agreement Map" (hereinafter referred to as the "Annexation Map"). The property that is subject to this agreement is shown on the Annexation Map.
4. Throughout the duration of this Agreement, the Town of Harrisburg may not adopt an annexation ordinance, either voluntary or involuntary, purporting to annex any of those areas labeled "Future Town of Midland" on the Annexation Map and the Town of Midland may not adopt an annexation ordinance, either voluntary or involuntary, purporting to annex any of those areas labeled "Future Town of Harrisburg" on the Annexation Map. Any such attempt by either of the participating municipalities shall be construed as a violation of this Agreement as prohibited by North Carolina General Statute § 160A-58.25.
5. The effective date of this agreement shall be July 12 2004, or the date of adoption of the approving ordinance by the last participating municipality, whichever is later.
6. Unless first waived as provided in paragraph 7 herein, at least 60 days before the adoption of any annexation ordinance, the participating municipality which is proposing the annexation shall give written notice to the other participating municipality of the proposed annexation. Such notice shall describe the area to be annexed by a legible map, clearly and accurately shown the boundaries of the areas to be annexed in relation to the area described in this Agreement,

roads, streams and any other prominent geographical features. Such notice shall not be effective for more than 180 days.

7. Any participating municipality may waive in writing the notice requirements set forth in section 6 hereinabove. Such waiver may only be made by the party's governing body or an authorized representative of the governing body who shall be appointed by the governing body to make decisions regarding the waivers described in this section 7. Any such waivers shall only apply to the annexation described in said waiver and shall not in any way be construed as a waiver against any other future annexations.
8. Upon a showing by a participating municipality desiring to annex property that is not contained in the area on the Annexation Map labeled "Future Town Boundary" for the other participating municipality, a waiver of the requirements of section 6 hereinabove shall be granted to the requesting municipality.
9. This agreement may be terminated unilaterally by a participating municipality or a participating municipality may withdraw from this agreement by repealing the ordinance which approved this Agreement and providing five years' written notice to the other participating municipality. Upon the expiration the five-year period, this Agreement shall terminate.
10. Both parties warrant that there are no annexation petitions now pending with either party concerning property that it subject to this Agreement.
11. This Agreement may be modified or terminated by a subsequent agreement entered into by the participating municipalities. Any subsequent agreement shall be approved by ordinance after public hearings as provided in North Carolina General Statute § 160A-31(c).
12. Both parties acknowledge that there may be circumstances in the future where developments may cross the boundary line between those areas on the map labeled Future Town of Midland and Future Town of Harrisburg (the "Boundary Line") and it may be desirable to amend this agreement to allow one party or the other to annex across the Boundary Line. Upon the request of either party, the parties agree in good faith to consider amending this agreement to permit annexation across the county line, by either party, in mutually agreeable circumstances. Any such mutually agreeable amendment to this agreement shall be considered in accordance with applicable legal requirements and must be approved by elected boards to be effective.
13. Nothing in this Agreement shall be construed to authorize the annexation of any area that is not otherwise subject to annexation under applicable law.

14. Any written notices required by the terms of this Agreement shall be deemed sufficient if delivered by hand or mailed, certified mail, return receipt requested, to the mayor of the municipality to whom such notice is directed. The notice shall be deemed received upon the date of hand delivery or upon receipt of the notice by the addressee.
15. This writing contains the entire agreement between the participating municipalities.

IN WITNESS WHEREOF, the mayors of the participating municipalities execute this Agreement, in duplicate, to become effective as provided in paragraph __, above. This is the 12 day of July, 2004.

TOWN OF MIDLAND

By: L. W. Whitley
L. W. Whitley, Town Mayor

ATTEST:

Nancy E. Boyden
Nancy E. Boyden, Town Clerk

(CORPORATE SEAL)

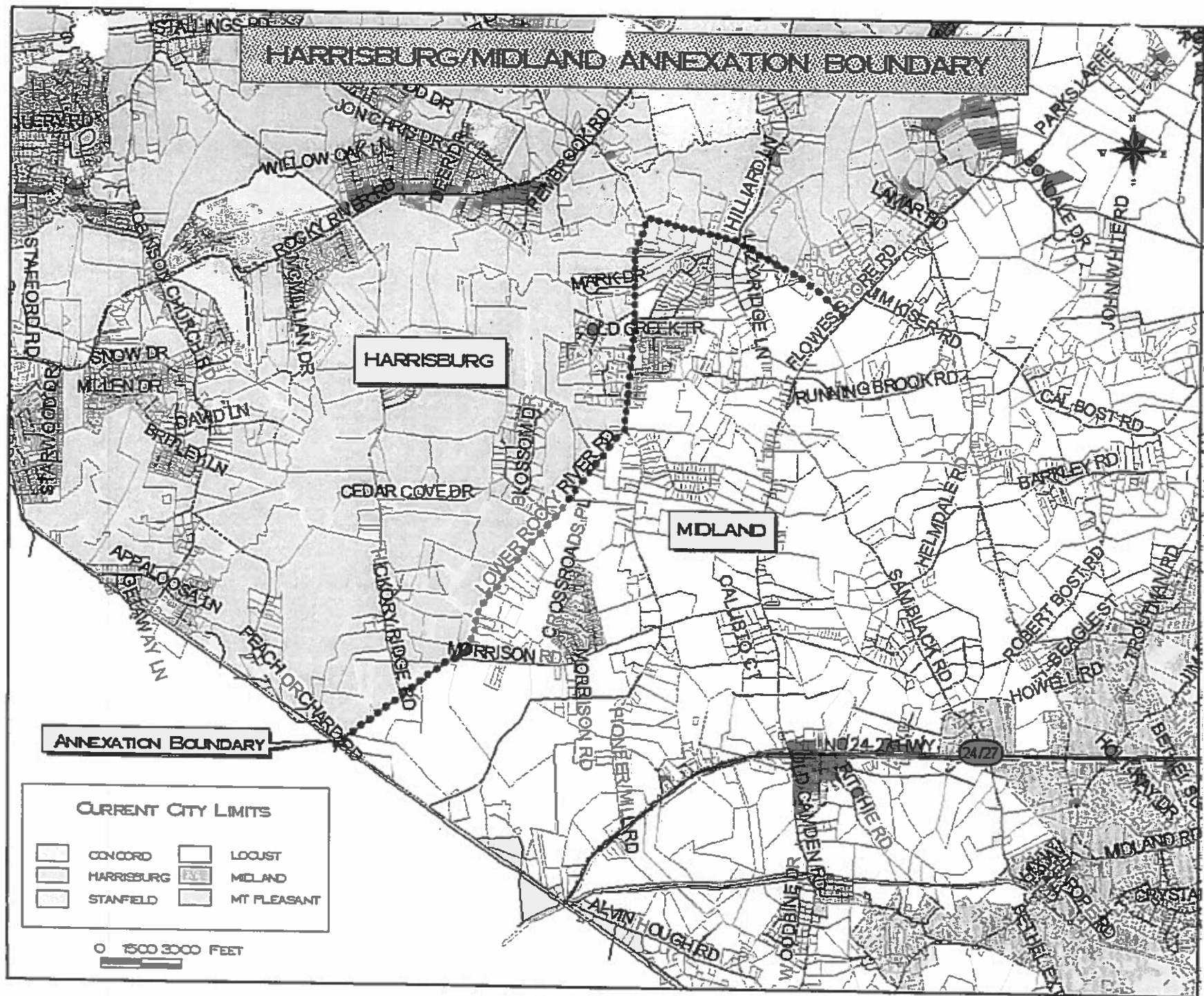
TOWN OF HARRISBURG

By: [Signature]
Town Mayor

ATTEST:

Linda B. Kee
Linda B. Kee
Town Clerk

(CORPORATE SEAL)





TOWN OF HARRISBURG

Agenda Item Details

Title:

H-2022-15-R: Consideration to Set a Public Hearing to consider the non-contiguous annexation of property off Peach Orchard Road south of Sweethaven Lane, consisting of 171 acres, to be rezoned for a 155 lot residential development on July 10, 2023

Presenting Personnel:

Zac Gordon, Planning Director

Suggested Motion or Action:

Motion to Approve setting a public hearing for July 10, 2023 to consider a request for the non-contiguous annexation of property located off Peach Orchard Road south of Sweethaven Lane (PIN 5515-26-0428 and 5515-05-7372), consisting of approximately 171 acres, for rezoning case H-2022-15-R.

Description/Background:

A Public Hearing is requested for July 10, 2023 to consider the non-contiguous annexation of property located off Peach Orchard Road south of Sweethaven Lane, consisting of 171 acres, to be rezoned for a 155 lot residential development. This is considered a "non-contiguous" annexation, as the proposed subdivision is not located immediately adjacent to the Town's primary corporate limits.

In conjunction with the request for annexation, the applicant is also seeking to rezone this 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. Staff recommended a number of conditions (see attached staff report) to the Planning and Zoning Board, which were made part of their recommendation for approval, along with the following additional conditions imposed by the Board:

- Walking trails both north and south of Peach Orchard Road as part of the subdivision
- Traffic safety signage on Peach Orchard Road approaching the development
- Berm landscaping along the property frontage
- Installation of appropriate lighting and traffic safety improvements at Peach Orchard and Robinson Church Road intersection

The Planning and Zoning Board considered this request at their May 16th meeting and endorsed the proposed rezoning (with staff recommended conditions and additional conditions requested by the Planning and Zoning Board) and recommended approval by the Town Council.

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 to the Planning and Zoning Board 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 7.79 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:

Staff recommends that the Town Council set a public hearing for July 10, 2023 to consider non-contiguous annexation of property located off Peach Orchard Road south of Sweethaven Lane (PIN 5515-26-0428 and 5515-05-7372), consisting of approximately 171 acres.

Fiscal Impact:

None

Attachments:

1. H-2022-15-R Devine_Annexation_Application
2. H-2022-15-R Survey
3. H-2022-15-R Legal Description
4. H-2022-15-R Staff Report Divine PB
5. H-2022-15-R RZ Application
6. H-2022-15-R Neighborhood Meeting Report
7. H-2022-15-R Aerial
8. H-2022-15-R Site Map
9. H-2022-15-R Site Plan
10. H-2022-15-R Development Standards - Empire - Peach Orchard
11. Resolution Fixing Date of Public Hearing - Divine
12. Certificate of Sufficiency - Divine



PETITION REQUESTING ANNEXATION

DATE: 9/26/2022

Revised 6/5/2023

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

DocuSigned by:

Robert M. Critz

Robert M. Critz

33 Church Street, South, Concord, NC 28025

Co-Commissioner

DocuSigned by:

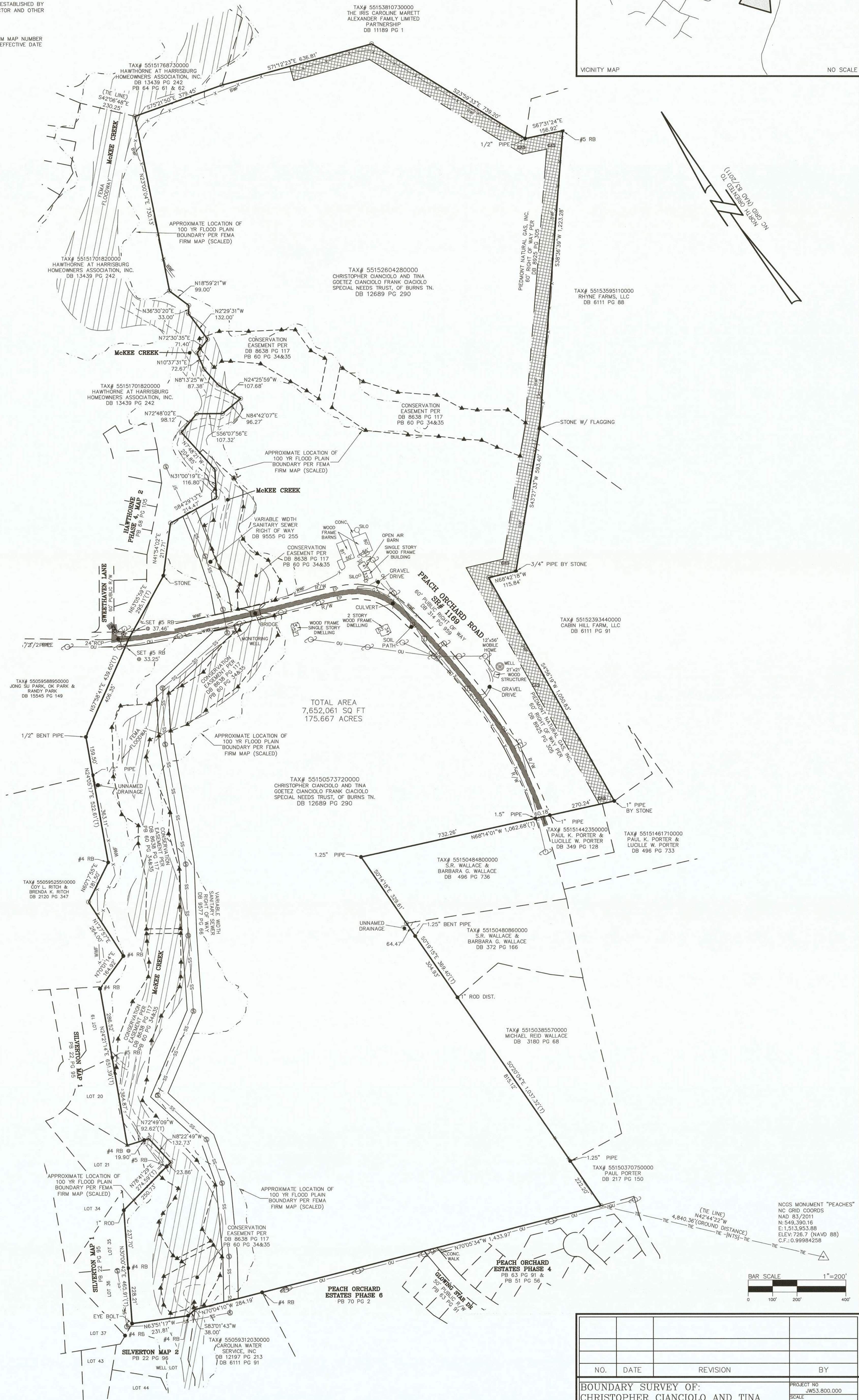
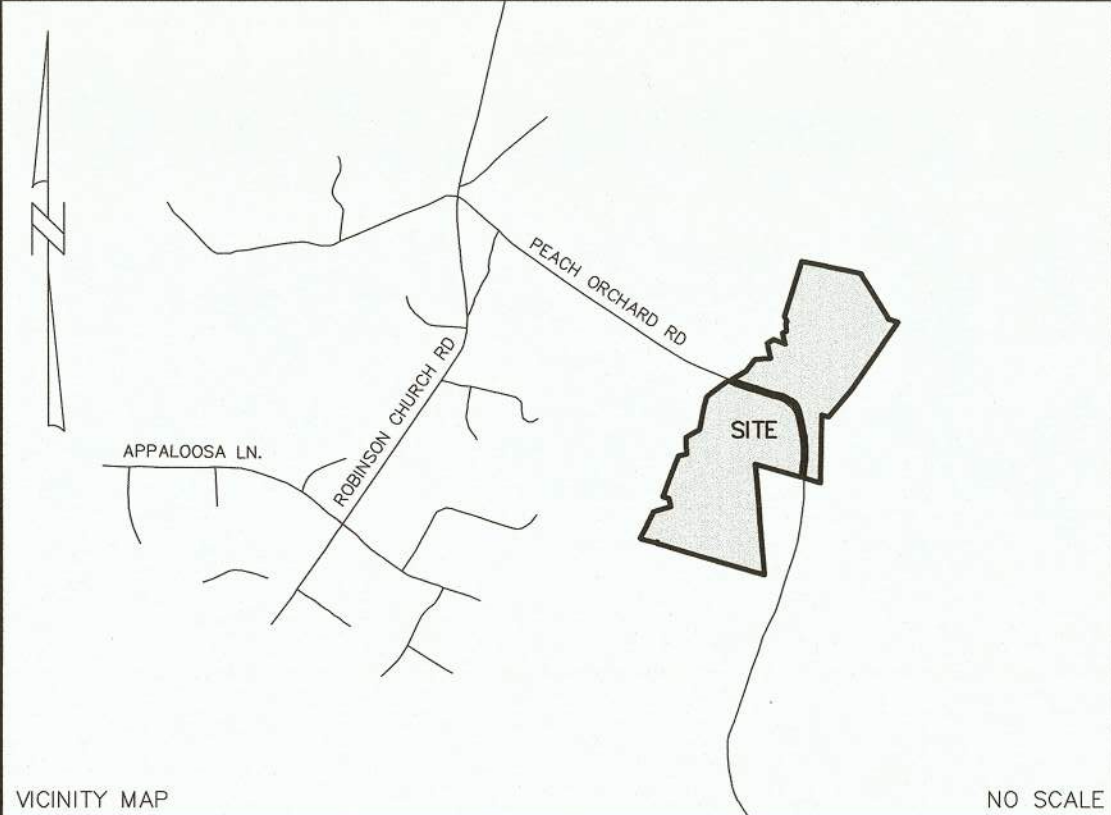
Steve Rich

Steve Rich

7900 Wilby Hollow Dr., Charlotte, NC 28270

Co-Commissioner

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 3710550000M 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 - WOODEN 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)

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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



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 AS NOTED; 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
ROBERT D. BARTLETT NCPLS: L-3635

NO.	DATE	REVISION	BY
BOUNDARY SURVEY OF: CHRISTOPHER CIANCIOLO AND TINA GOETZ CIANCIOLO FRANK CIANCIOLO 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 $\pm$ 171 acres.



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 “non-contiguous” annexation, as the proposed subdivision is not located immediately adjacent to the Town’s primary 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 lane and an IPS of 100 feet.

- 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 minimize 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)	<u>123%</u>
Middle (Hickory Ridge MS) -	<u>79%</u>
High (Hickory Ridge HS) -	<u>115%</u>

Future Capacity Based on Unbuilt Lots and Including this Request:

Elementary (Hickory Ridge ES)	<u>130%</u>
Middle (Hickory Ridge MS) -	<u>81%</u>
High (Hickory Ridge HS) -	<u>118%</u>

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.

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

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

The rezoning application to 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 western 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.



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.

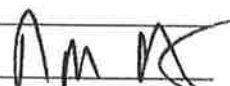


Owner Information

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner. In addition, it is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound by the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended through the rezoning process. It is further understood and acknowledged that it is the responsibility of the petitioner to file the development plan in the Cabarrus County Register of Deeds Office as a deed restriction upon the subject property.

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

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

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

COPIED FOR ONLY:

Project number: _____
Date filed: _____
Received by: _____

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 PRESENTATION/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:



Collin Brown &
Sarah Beason



Dan Robertson



Frank Cantrell, PE

PROPERTY LOCATION



AREA MAP

FARMINGTON
Master Planned
Development

Atrium Health
Emergency
Department

BROOKDALE

BRADFORD PARK

CHESTNUT HILLS

CASARRUS WOODS

HOLCOMB WOODS

BRITLEY

GRANTHAM

BELLE GROVE

HAWTHORNE

**DIVINE
PROPERTIES**

SILVERTON

CELEBRATE

PEACH ORCHARD ESTATES

**MECKLENBURG
COUNTY**

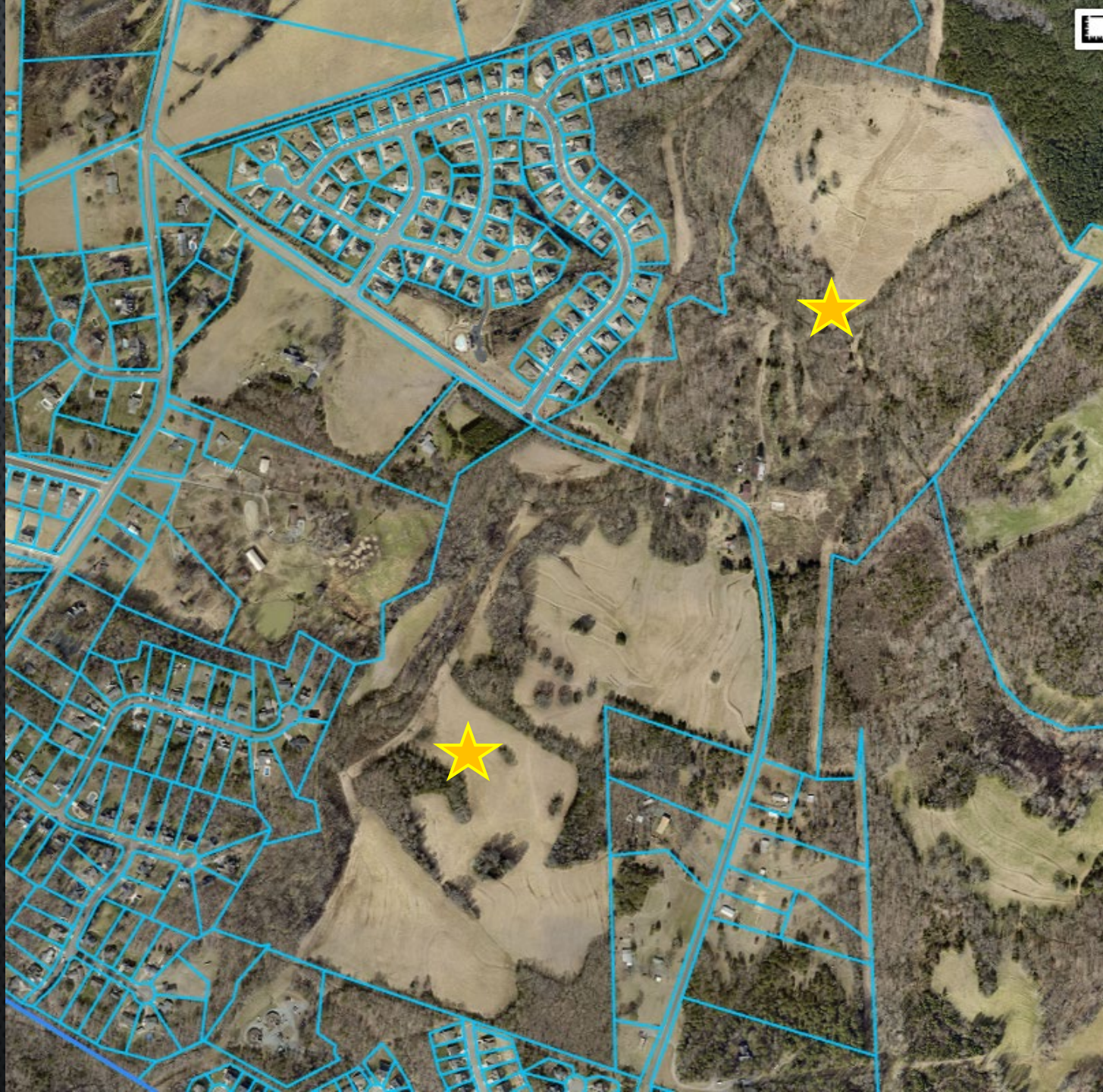
485

485

485

PROPERTY LOCATION





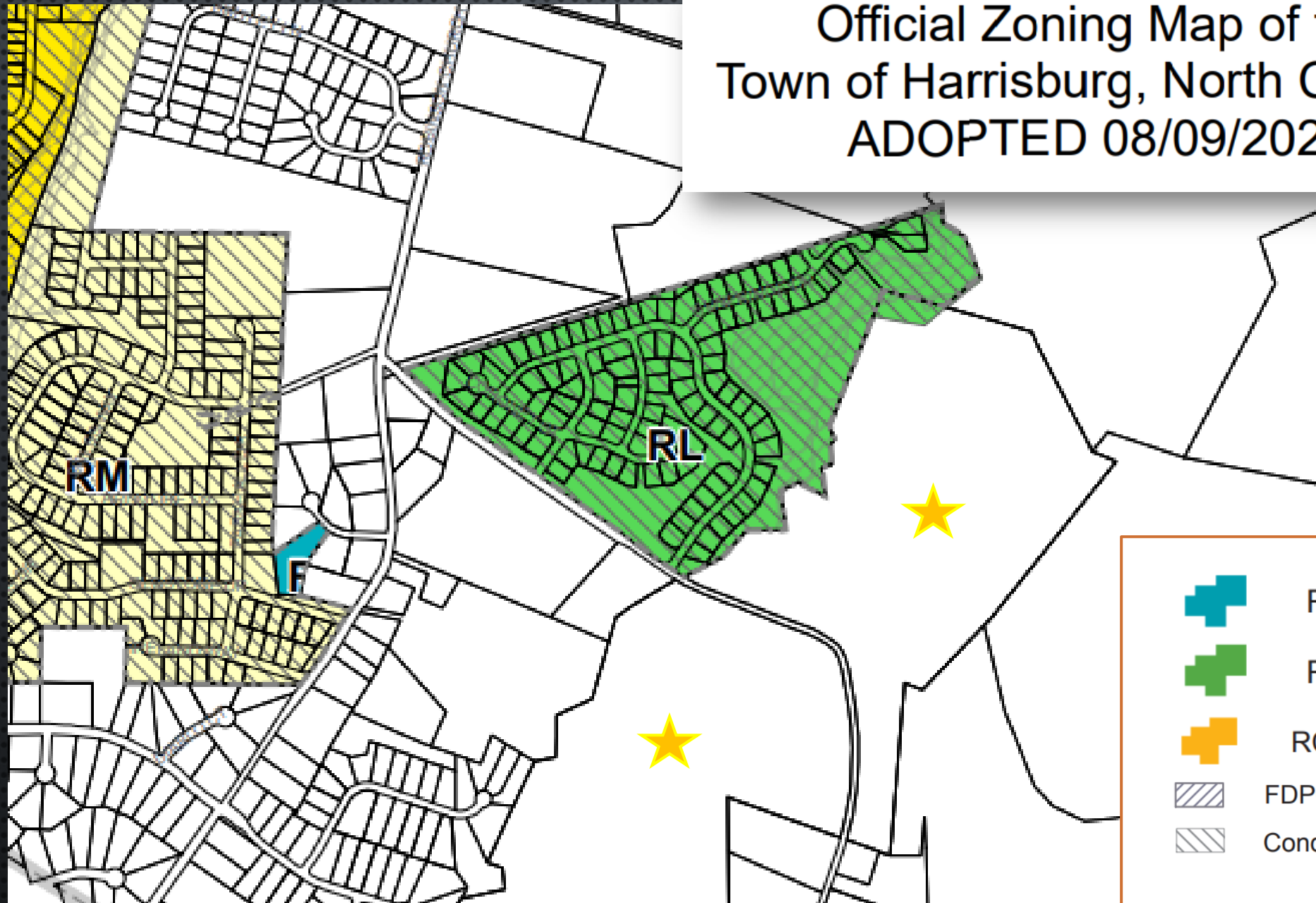
+/- 171 acres

Cabarrus County

Requesting
annexation

EXISTING ZONING

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



	RE
	RL
	RC
	FDPO
	Conditional Districts

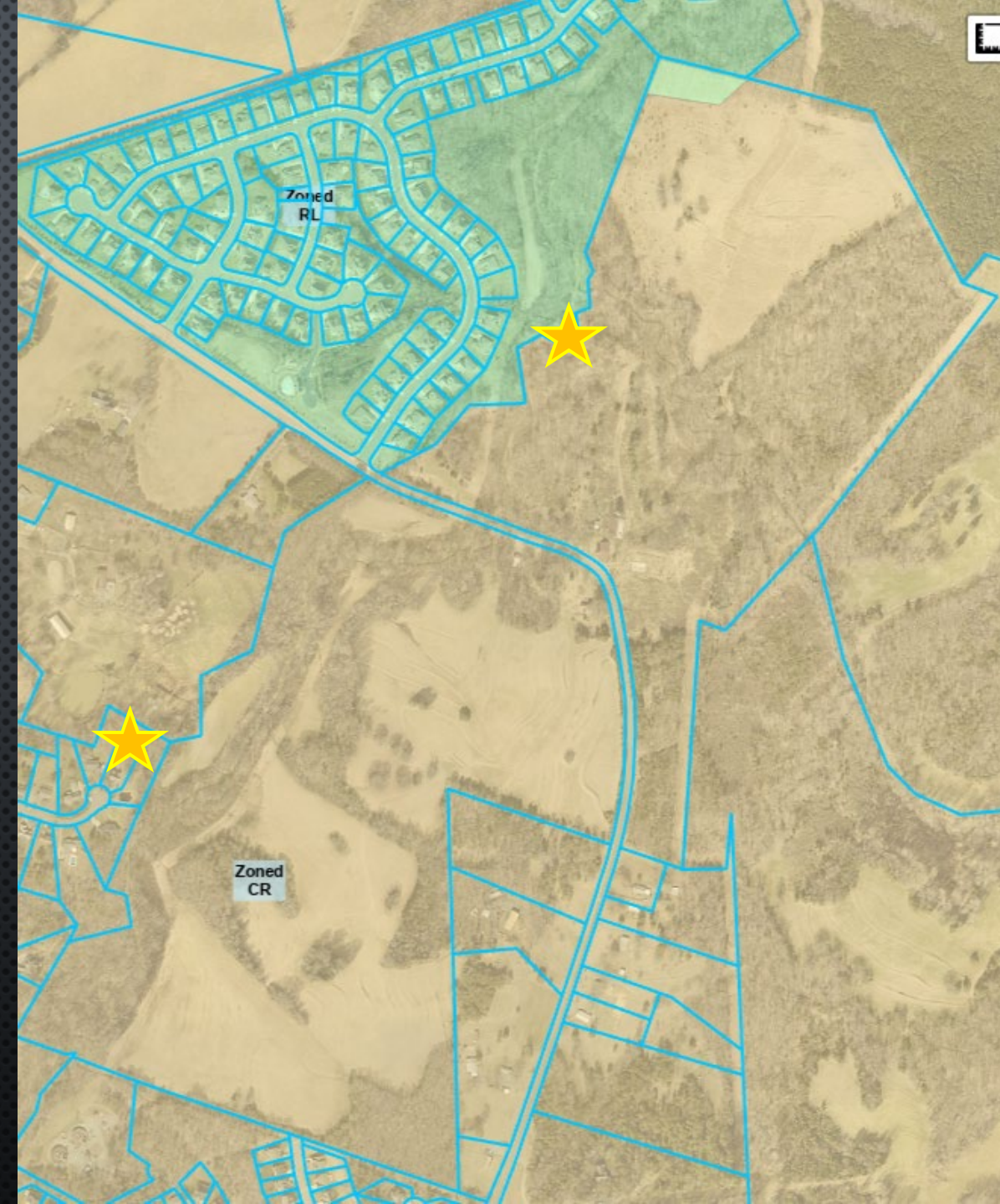
CURRENT ZONING

Cabarrus County

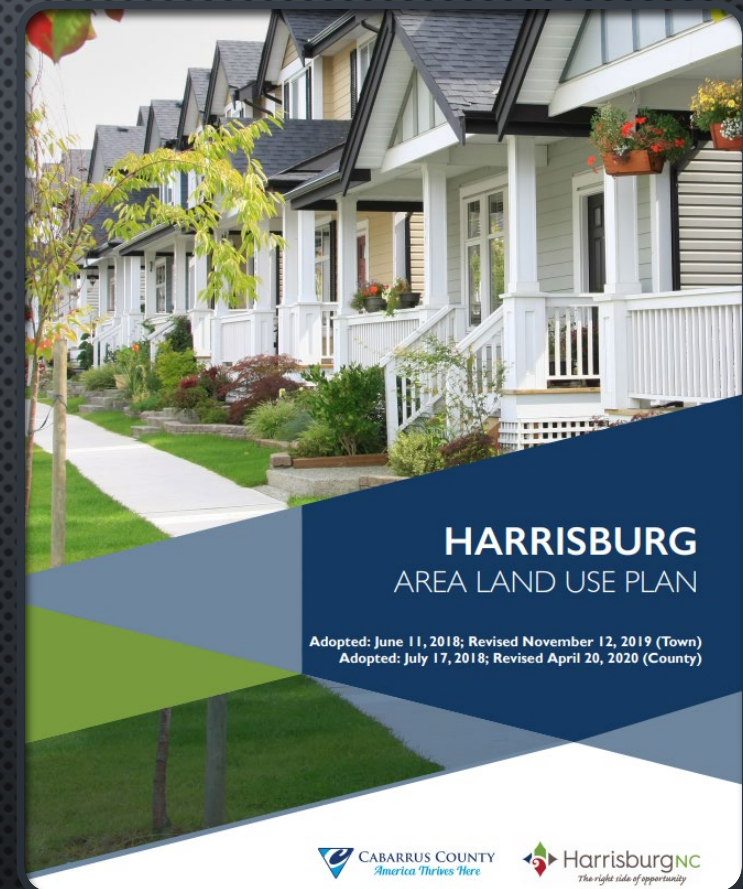
Countryside Residential (CR)

COUNTRYSIDE RESIDENTIAL

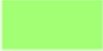
Lands in this district have a strong rural, pastoral feel. Natural environmental elements such as tree lines, small ponds, rock formations, and manmade elements such as pasture fencing are to be retained, if at all possible. Although the area is capable of handling higher densities of development, development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

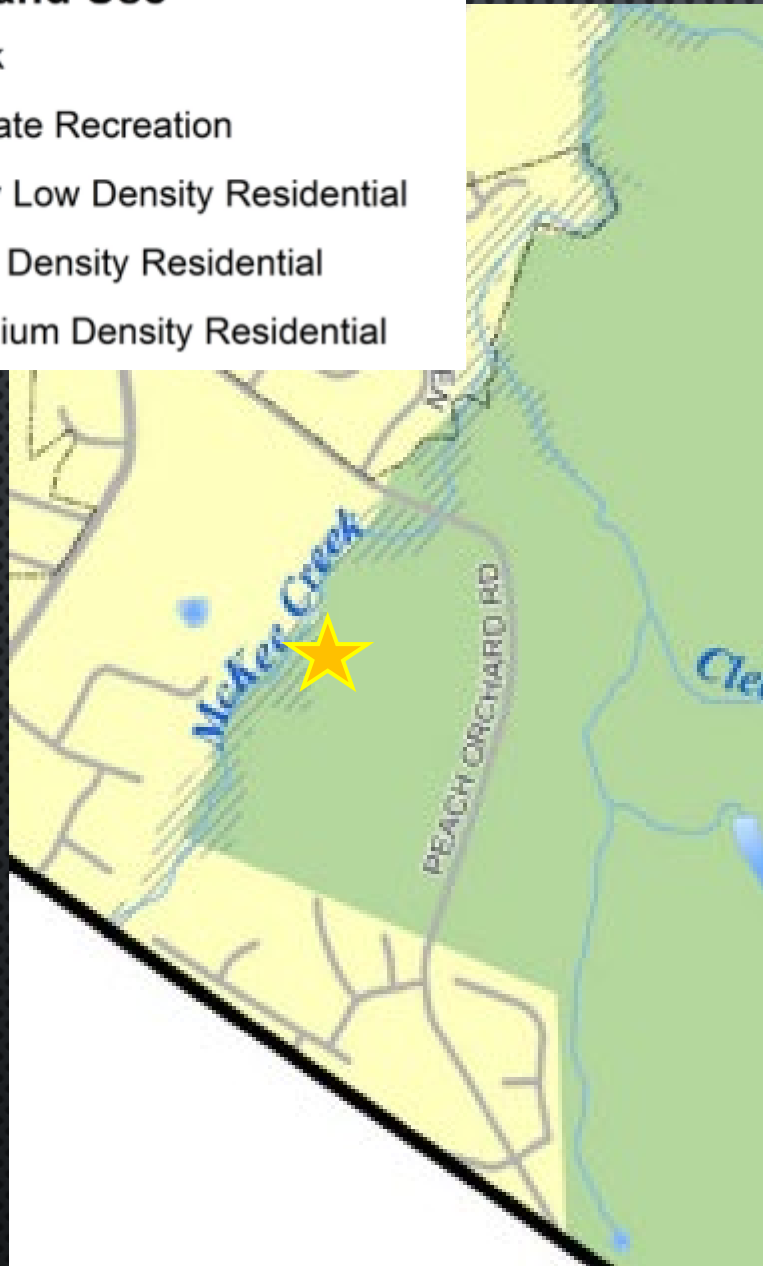


AREA LAND USE PLAN RECOMMENDATION



Future Land Use

-  Park
-  Private Recreation
-  Very Low Density Residential
-  Low Density Residential
-  Medium Density Residential



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



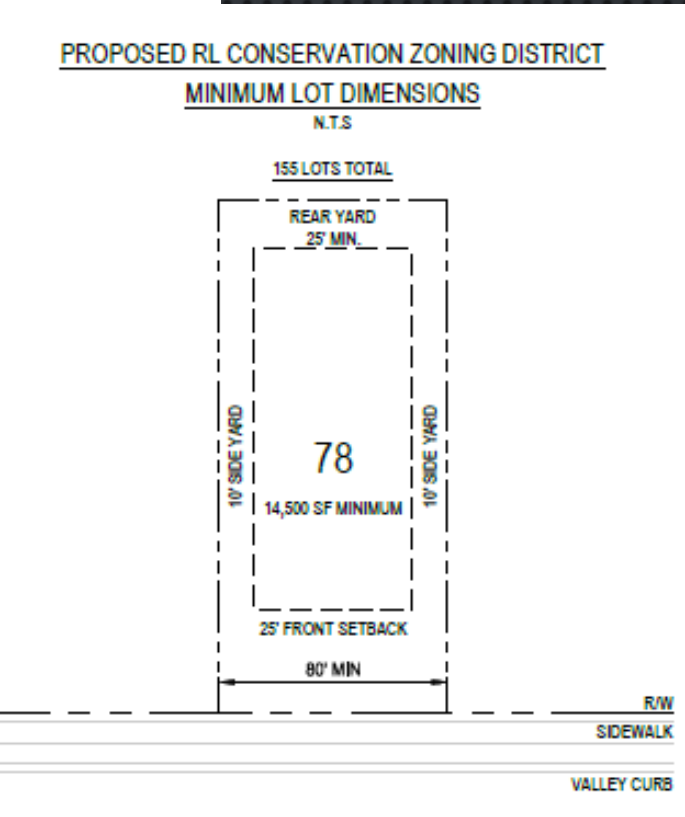
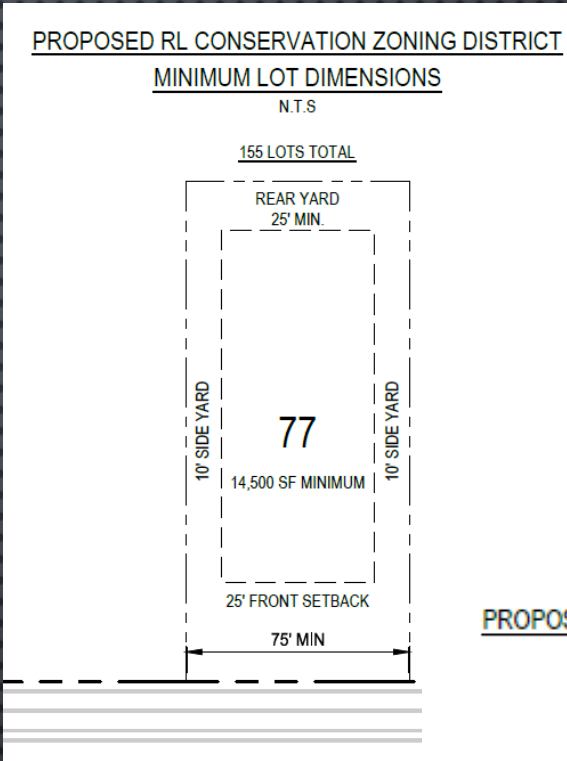
RL(CZ) Zoning District

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
<u>BUILDING SETBACKS REQUIRED</u>	
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



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



CONCEPTUAL RENDERINGS

(*EXAMPLE ONLY)



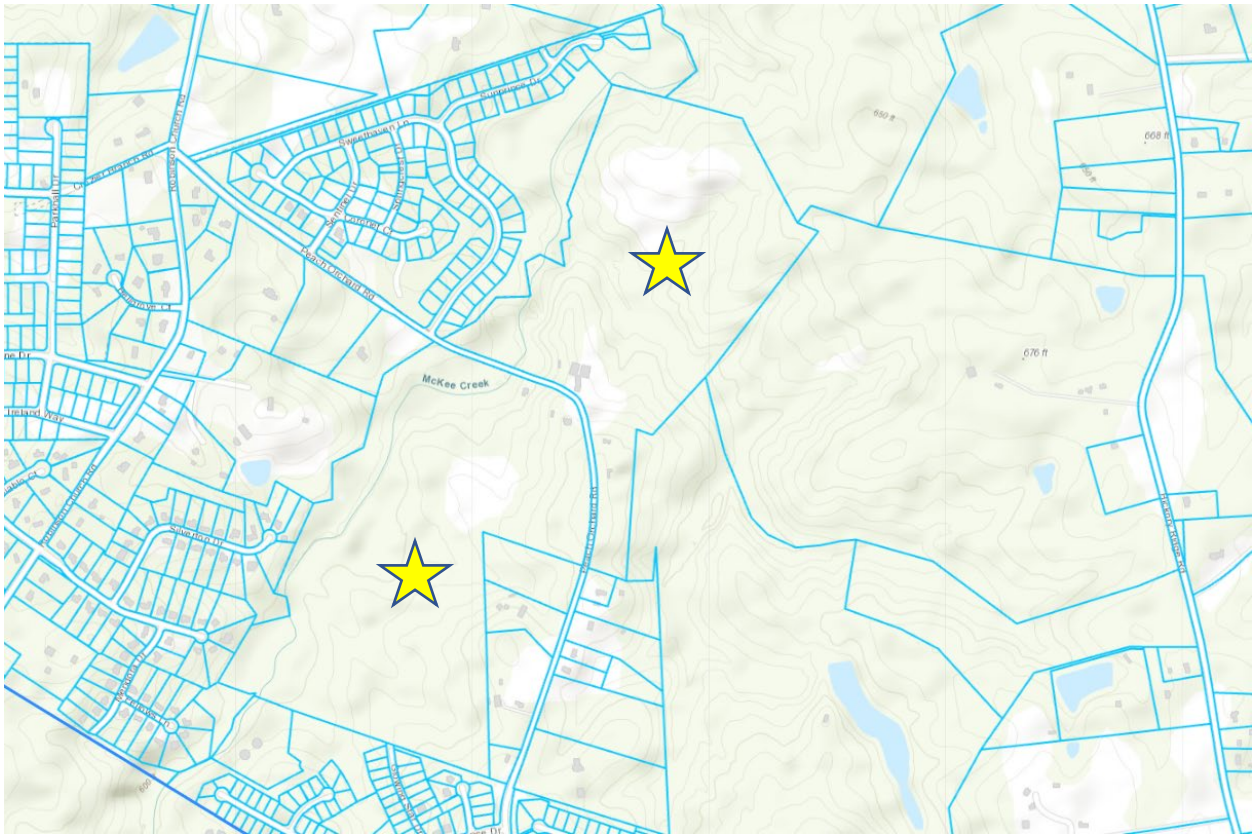


THANK YOU!

H-2022-15-R Divine Aerial



H-2022-15-R Divine Site Map



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

DIVINE PROPERTY REZONING PETITION

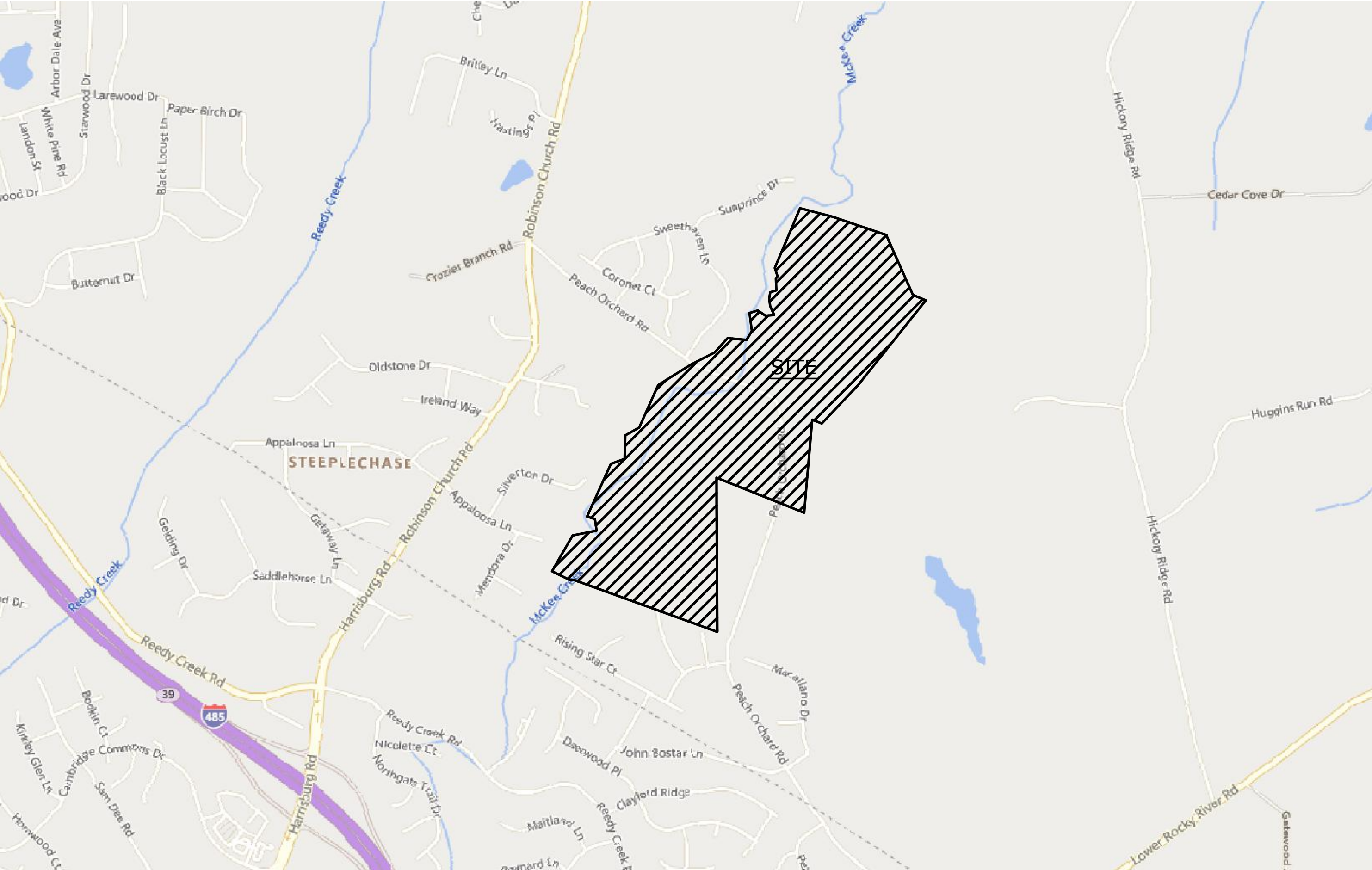
11011, 10960 PEACH ORCHARD RD.
HARRISBURG, CABARRUS COUNTY, NORTH CAROLINA

DEVELOPER:
EMPIRE COMMUNITIES

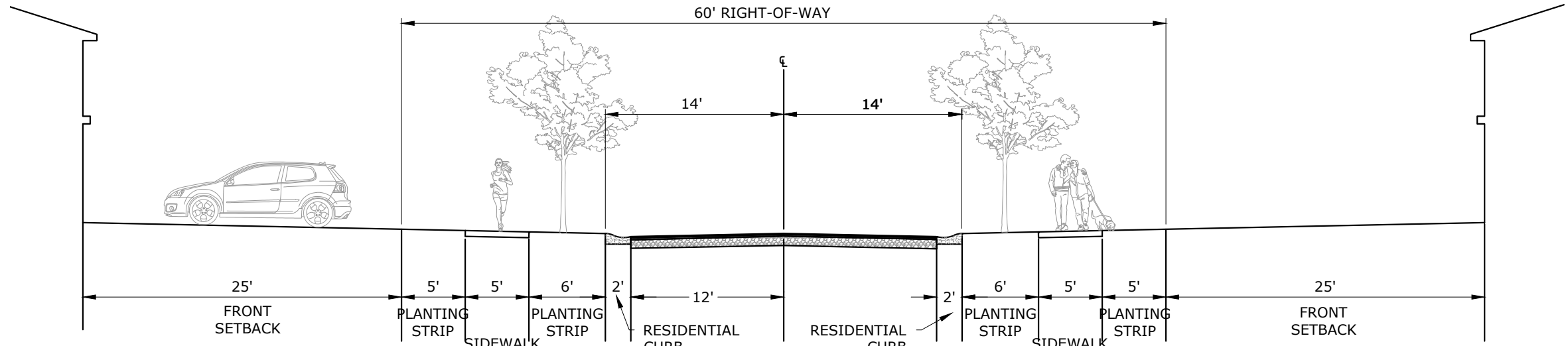
DAN ROBERTSON
(501) 658-9191
DROBERTSON@EMPIRECOMMUNITIES.COM
8008 CORPORATE CENTER DR. SUITE 300
CHARLOTTE, NC 28226

DESIGN ENGINEER:

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



VICINITY MAP
SCALE: 1"=1000'



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.

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.
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 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.
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 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.

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

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

May 5, 2023

COVER SHEET

REZONING PETITION

DIVINE PROPERTY PEACH ORCHARD

EMPIRE COMMUNITIES

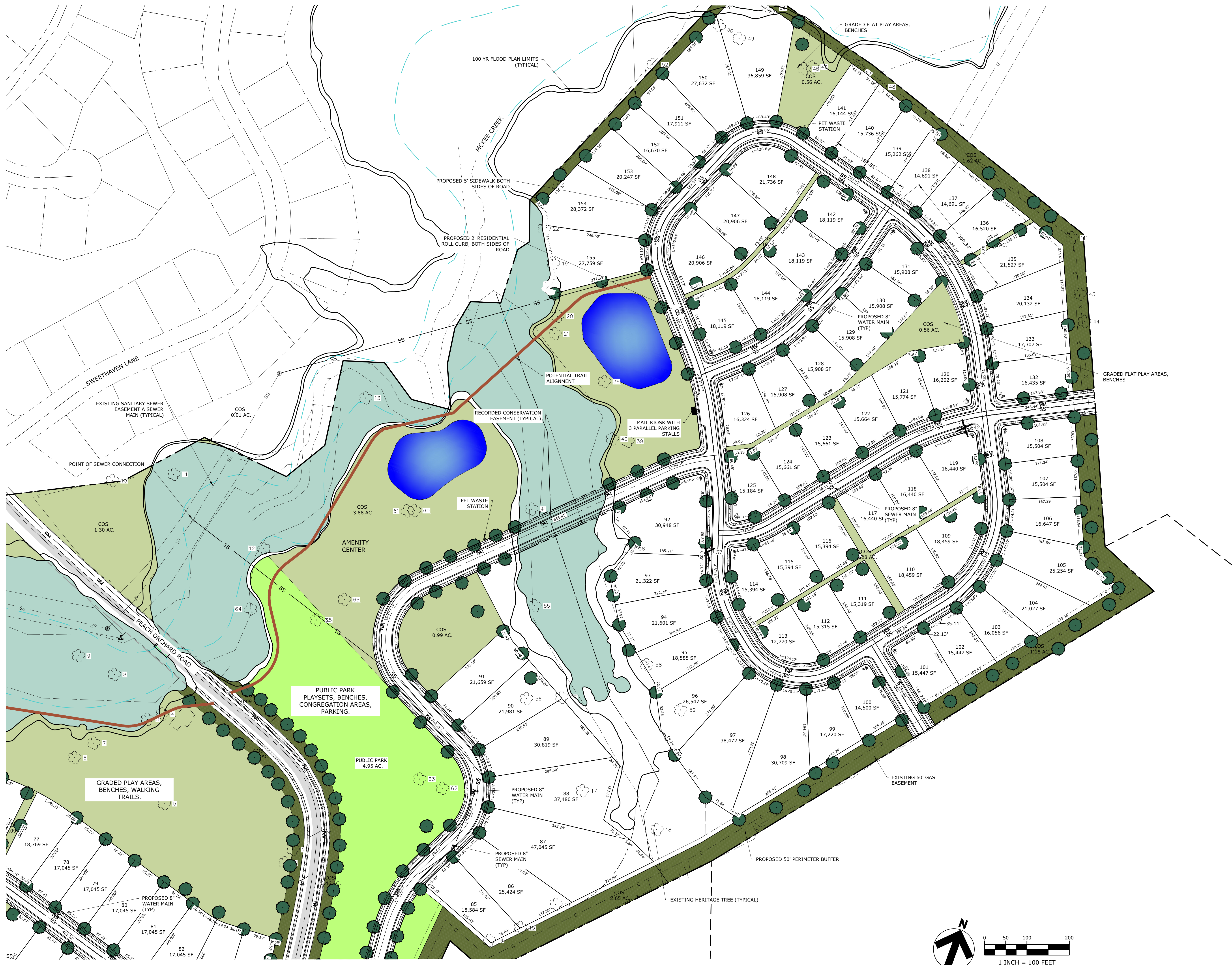
HARRISBURG, NORTH CAROLINA

EMPIRE

DRAWN | FC
DESIGNED | FC
CHECKED | DC
PROJECT # | 22101
SHEET NUMBER

RP-1

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CONCEPTUAL SITE PLAN
REZONING PETITION
DIVINE PROPERTY PEACH ORCHARD
EMPIRE COMMUNITIES

NO.	DATE	DESCRIPTION

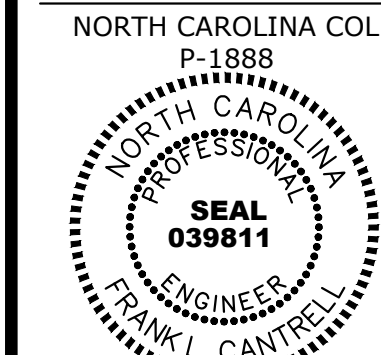
EMPIRE

DRAWN | FC
DESIGNED | FC
CHECKED | DC
PROJECT # | 22101

SHEET NUMBER

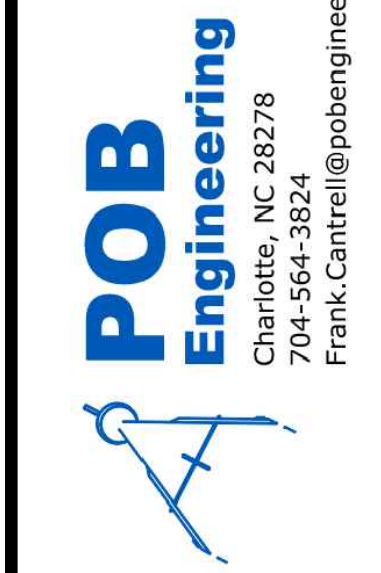
RP-3

HARRISBURG, NORTH CAROLINA



May 5, 2023

NORTH CAROLINA COL
P-1888

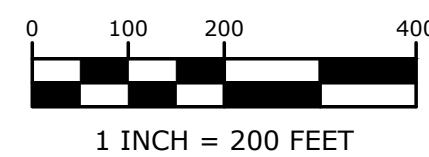
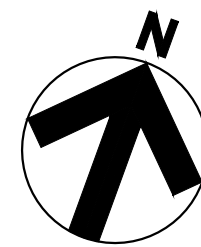
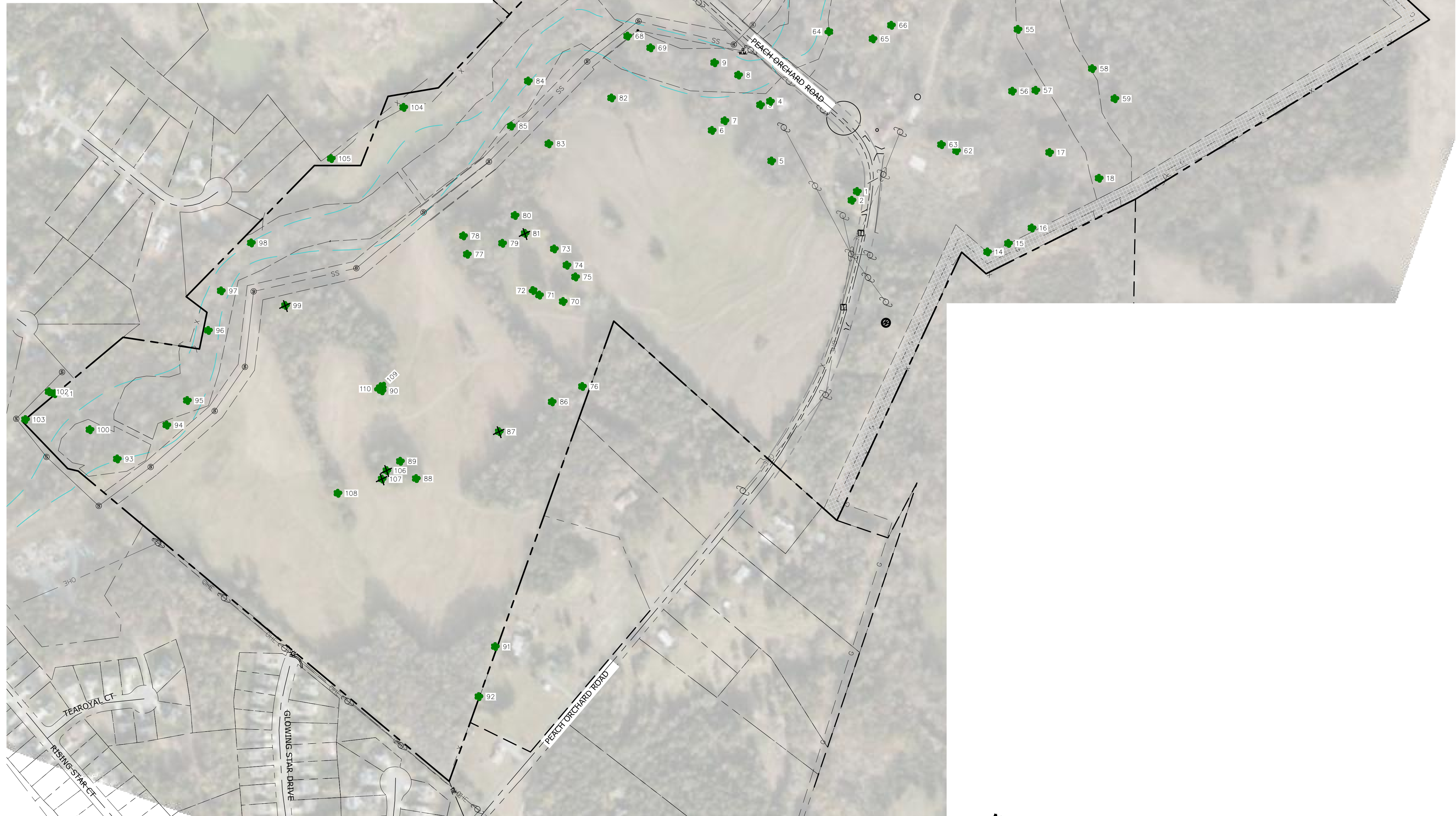


TREE TABLE	
TREE #	DESCRIPTION
1	18"GM W/HACK
2	47"OAK
5	39"POP
6	30"HW
7	32"POP
8	30"HW
9	32"POP
10	34"OAK
11	33"TRI-HW
12	31"OAK
13	30"OAK
14	30"OAK
15	31"OAK
16	38"OAK
17	34"OAK
18	31"OAK
19	36"OAK
20	41"OAK
21	31"HICK
22	32"OAK
36	39"OAK
37	31"OAK
38	32.28"TWN-OAK
39	30"OAK
40	35"OAK

TREE TABLE	
TREE #	DESCRIPTION
41	56"HW
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	
TRIE #	DESCRIPTION
71	31*HW
72	30*OK
73	38*HW
74	40*HW
75	38*HW
76	38*OK
77	32*OK
78	39*OK
79	30*HW
80	34*OK
81	36*OK
82	39*HW
83	30*OK
84	36*OK
85	36*OK
86	32*OK
87	60*HW
88	33*HW
89	42*OK
90	37*TWN-HW
91	48*OK
92	31*OK
93	33*OK
94	32*OK
95	37*OK
96	36*HW
97	35*HW
98	31*HW

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



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 or 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.



**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-58.1**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town of Harrisburg Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Harrisburg, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at Harrisburg Town Hall at 4100 Main Street, Harrisburg, North Carolina at 6:00 p.m. on July 10, 2023.

Section 2. The area proposed for annexation is described as follows:

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). Then 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). Then 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.

Section 3. Notice of the public hearing shall be published in the Independent Tribune, a newspaper having general circulation in the Town of Harrisburg, at least ten (10) days prior to the date of the public hearing.

Jennifer Teague, Mayor

ATTEST:

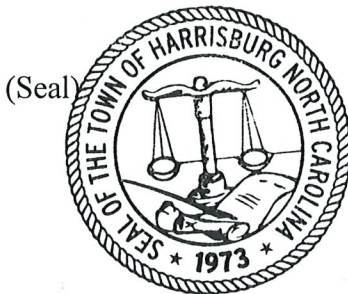
Janet Rackley, Clerk



To the Town Council of the Town of Harrisburg of Harrisburg North Carolina:

I, Janet Rackley, Clerk, do hereby certify that I have investigated the petitions attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Harrisburg of Harrisburg, North Carolina, this 5th day of June 2023.




Janet Rackley, Clerk

Annexation Application

1. Request for Annexation

- ☒ 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: ☒ 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. Cochran, Jr. Address: 3533 Winslow Green Dr., Charlotte, NC 28210

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

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

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

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

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

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? ☒ Yes ☐ No

Public Hearing Date(s): 7-10-2023

Published Notice Date: NA - Public Hearing called by Town Council on 6-12-2023

Mailed Notice Date: NA - see above

Posted Notice Date: NA - see above

Final Action Applicant Notification Mailed Date: _____

Town Staff Signature: Zachary D. Gordon

Record of Decision

Reviewed By: _____

Recommendation: ☐ Approve ☐ Deny

Final Action: ☐ Approve ☐ Deny



**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town of Harrisburg Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Harrisburg, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at Harrisburg Town Hall at 4100 Main Street, Harrisburg, North Carolina at 6:00 p.m. on July 10, 2023.

Section 2. The area proposed for annexation is described as follows:

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.

Section 3. Notice of the public hearing shall be published in the Independent Tribune, a newspaper having general circulation in the Town of Harrisburg, at least ten (10) days prior to the date of the public hearing.

Jennifer Teague, Mayor

ATTEST:

Janet Rackley, Town Clerk



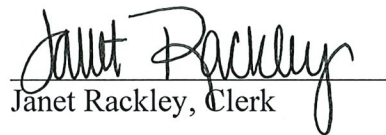
CERTIFICATE OF SUFFICIENCY

To the Town Council of the Town of Harrisburg of Harrisburg North Carolina:

I, Janet Rackley, Clerk, do hereby certify that I have investigated the petitions attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Harrisburg of Harrisburg, North Carolina, this 21st day of April 2023.




Janet Rackley, Clerk

- 1) SURVEY PREPARED WITH THE USE OF FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NUMBER pg20027162, DATED APRIL 26, 2022.
- 2) AREAS COMPUTED BY THE FOLLOWING METHOD
- 3) PROPERTY SHOWN HEREON IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD
- 4) ALL DISTANCES SHOWN ON THIS MAP ARE HORIZONTAL DISTANCES. 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. THIS SITE LIES IN ZONE X, AREA OF MINIMAL FLOODING ACCORDING TO FLOOD INSURANCE RATE MAPS, EFFECTIVE 1/1/83.
- 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 10 FT
- 12) VERTICAL DATUM = NAVD 88

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

SURVEY:

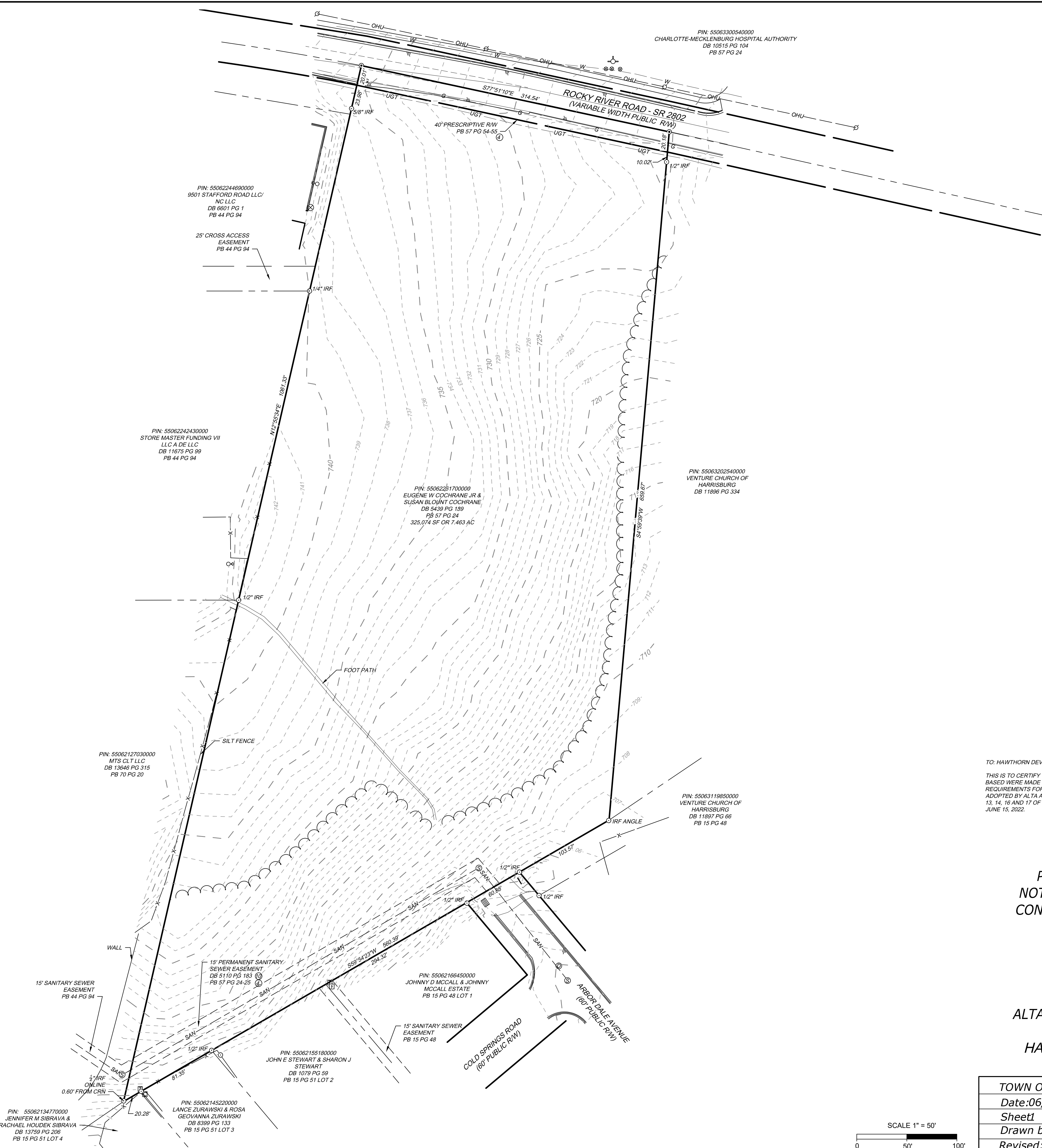
- (1) CLASS OF SURVEY: "CLASS A"
- (2) POSITIONAL ACCURACY: 0.04"
- (3) TYPE OF GPS FIELD PROCEDURE: NCVRS
- (4) DATE OF SURVEY: 06-01-22
- (5) DATUM/EPOCH: NAD83 (2011) - EPOCH 2010.00
- (6) PUBLISHED/FIXED-CONTROL USE: NCVRS
- (7) GEOID MODEL: 2012 (CONUS)
- (8) COMBINED GRID FACTOR(S): 0.99984241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

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.

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records as 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 or to purchase, or 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 laws, easements, and any other matters shown on map or plat recorded in Plat Book 57, Page(s) 24-25. AS SHOWN ON MAP.
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. DOES 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 not be discovered by 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.

⊙	IPF - IRON PIPE FOUND	Ⓚ	MH DRAINAGE	⊠	SPRINKLER HOOD
⊙	IRF - IRON ROD FOUND	Ⓚ	MH SANITARY	⊠	SPRINKLER HEAD
⊙	IRS - IRON ROD SET	Ⓚ	MH ELECTRIC	⊠	SPRINKLER VALVE
▲	CP - COMPUTED EASEMENT POINT	Ⓚ	MH TELEPHONE	⊠	GAS TEST LOCATION
●	CMF - CONCRETE MONUMENT	Ⓚ	MH WATER	⊠	GAS METER
●	MMF - MAG NAIL FOUND	Ⓚ	STORM INLET	⊠	GAS VALVE
⊙	CP - COMPUTED POINT	Ⓚ	ELECTRIC BOX	⊠	FLAG POLE
BFP	BACKFLOW PREVENTER	Ⓚ	TELEPHONE PEDESTAL	⊠	TREE
VW	WATER VAULT	Ⓚ	CABLE TV PEDESTAL	⊠	BOLLARD
VT	TELEPHONE VAULT	Ⓚ	SIGN	⊠	BOREHOLE
TC	TRAFFIC CONTROL BOX	Ⓚ	ELECTRIC METER	⊠	AC UNIT
VW	WATER VAULT	Ⓚ	UTILITY VAULT	⊠	MAILBOX
WF	WETLAND FLAG	Ⓚ	WATER METER	⊠	CLEAN OUT
RCF	REINFORCED CONCRETE PIPE	Ⓚ	WATER VALVE	⊠	GUY
CMP	CORRUGATED METAL PIPE	Ⓚ	FIRE HYDRANT	⊠	HC
VCP	VITRIFIED CLAY PIPE	Ⓚ	POWER POLE	⊠	HANDICAP PARKING
DIP	DUCTILE IRON PIPE	Ⓚ	LIGHT POLE	⊠	WELL
HDPE	HIGH DENSITY POLYETHYLENE PIPE	Ⓚ	YARD LIGHT	⊠	MONITORING WELL
FES	FLARED END SECTION	Ⓚ	GROUND LAMP	⊠	ROOF DRAIN
MKF	FIBER OPTIC MARKER	Ⓚ		⊠	WATER SPIGOT
MKG	GAS MARKER	Ⓚ		⊠	DEED LINE
TP	TELEVISION PEDESTAL	Ⓚ		⊠	LINE NOT SURVEYED
SIGP	SIGNAL POLE	Ⓚ		⊠	STORM LINE
HVAC	HEATING, VENTILATION AND AIR CONDITIONING	Ⓚ		⊠	SANITARY LINE
LSA	LANDSCAPED AREA	Ⓚ		⊠	FENCE
R/W	RIGHT-OF-WAY	Ⓚ		⊠	OHP
P/L	PROPERTY LINE	Ⓚ		⊠	PAINTED GAS LINE
C/L	CENTERLINE	Ⓚ		⊠	PAINTED POWER LINE
NTS	NOT TO SCALE	Ⓚ		⊠	PAINTED STORM LINE
GS	GAS VALVE	Ⓚ		⊠	PAINTED TELEPHONE LINE
CB	CATCH BASIN	Ⓚ		⊠	PAINTED WATER LINE
GI	GRATE INLET	Ⓚ		⊠	EDGE OF PAVING
YI	YARD INLET	Ⓚ		⊠	TOP BACK OF CURB
CI	CURB INLET	Ⓚ		⊠	DEED BOOK
EP	EDGE OF PAVING	Ⓚ		⊠	PLAT BOOK
TBC	TOP BACK OF CURB	Ⓚ		⊠	PAGE
DB	DEED BOOK	Ⓚ		⊠	SF - SQUARE FEET
PB	PLAT BOOK	Ⓚ		⊠	XXXX - SITE ADDRESS
PG	PAGE	Ⓚ		⊠	UFO
SF	SQUARE FEET	Ⓚ		⊠	UCATV
XXXX	SITE ADDRESS	Ⓚ		⊠	EDGE OF TREELINE
		Ⓚ		⊠	PAINTED FIBER OPTIC LINE
		Ⓚ		⊠	PAINTED CABLE TV LINE



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.

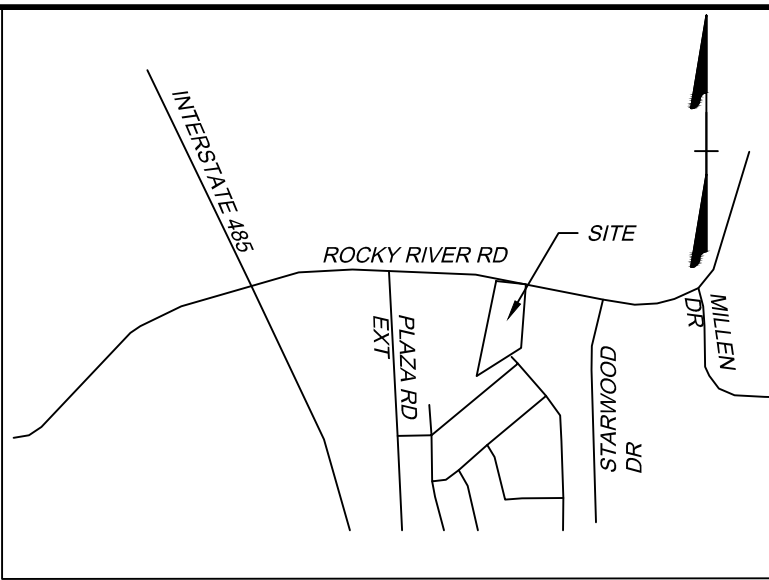
*PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES.*

ALTA / NSPS LAND TITLE SURVEY OF
9569 ROCKY RIVER ROAD
HARRISBURG, NORTH CAROLINA
SURVEY FOR HAWTHORN DEVCO, LLC

SCALE 1" = 50'



A horizontal scale bar with a white left half and a black right half. The left half is labeled '0' at the start and '50'' at the midpoint. The right half is labeled '100'' at the end.



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

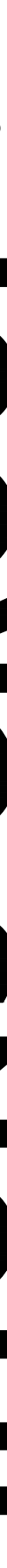
YOUR VISION ACHIEVED THROUGH OURS.

Technology

Infrastructure

Residential

Site Development

The logo for the Timmons Group, featuring the company name in a bold, sans-serif font, followed by a graphic of several black dots of varying sizes arranged in a curved, upward-sloping pattern.

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.

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. Cochran, JR., Susan Cochran Blount,
and Anne Cochran 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 Cochran Blount

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

Anne Cochran Yarbrough

Anne Cochran 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? ☒ Yes ☐ No

Public Hearing Date(s): 7-10-2023

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



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:

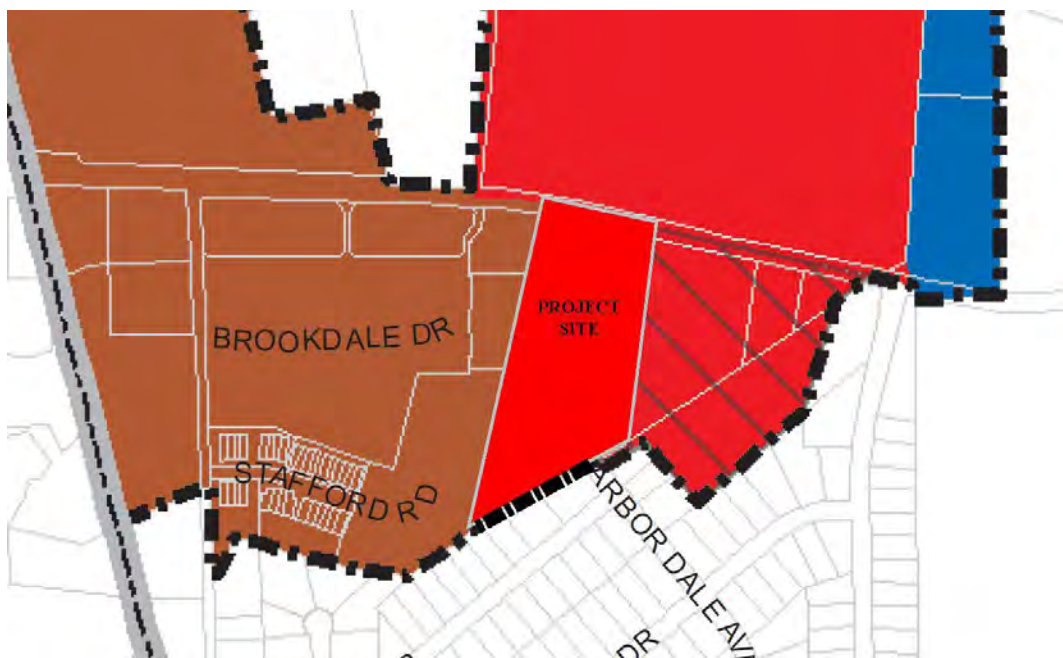
North: General Commercial (GC), Atrium Hospital and Future Medical Office

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.

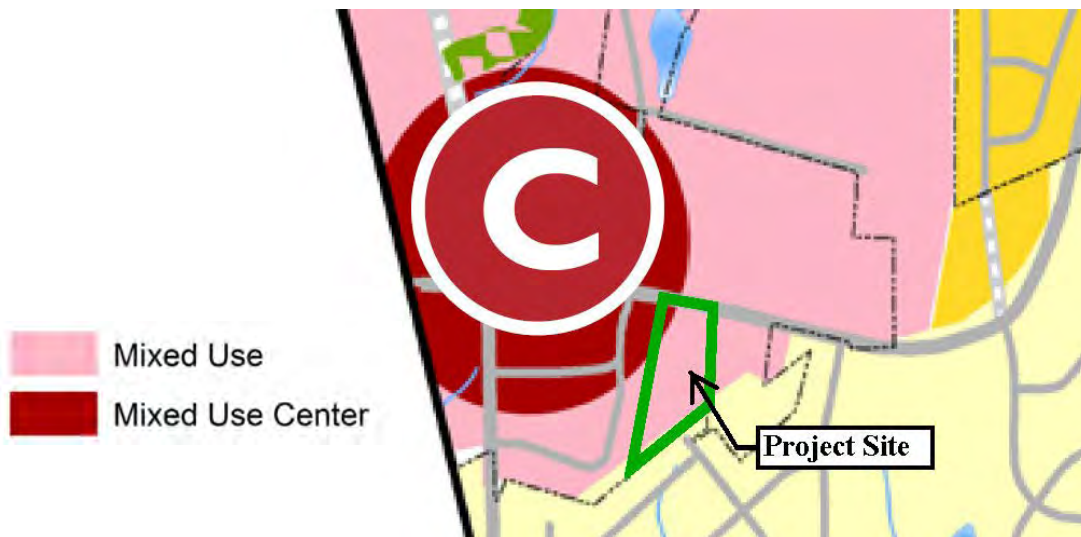
The property is shown in the HALUP as being within the Harrisburg Planning Area (Figure 2 The Planning Area) but outside of the town limits. The Planning Area is described as including areas of potential future annexation indicating that this site was anticipated to be annexed into the town limits at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

HALUP Recommendation LU-5: Expand Housing Options

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
<i>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.</i>	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.
<i>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.</i>	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.
<i>The request promotes the purposes of this UDO as established in 144.01.02, Purposes, and in other applicable purpose statements in this UDO.</i>	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.
<i>The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare</i>	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.
<i>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.</i>	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
<i>Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided.</i>	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. <u>Safety and Sanitation Services:</u> Adequate police, fire, and sanitation services already exist in this area and the project is not expected to increase demand for these services. d. <u>Schools:</u> 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.
<i>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.</i>	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 pattern 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.



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 Cochran, 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.

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

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

The rezoning 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.

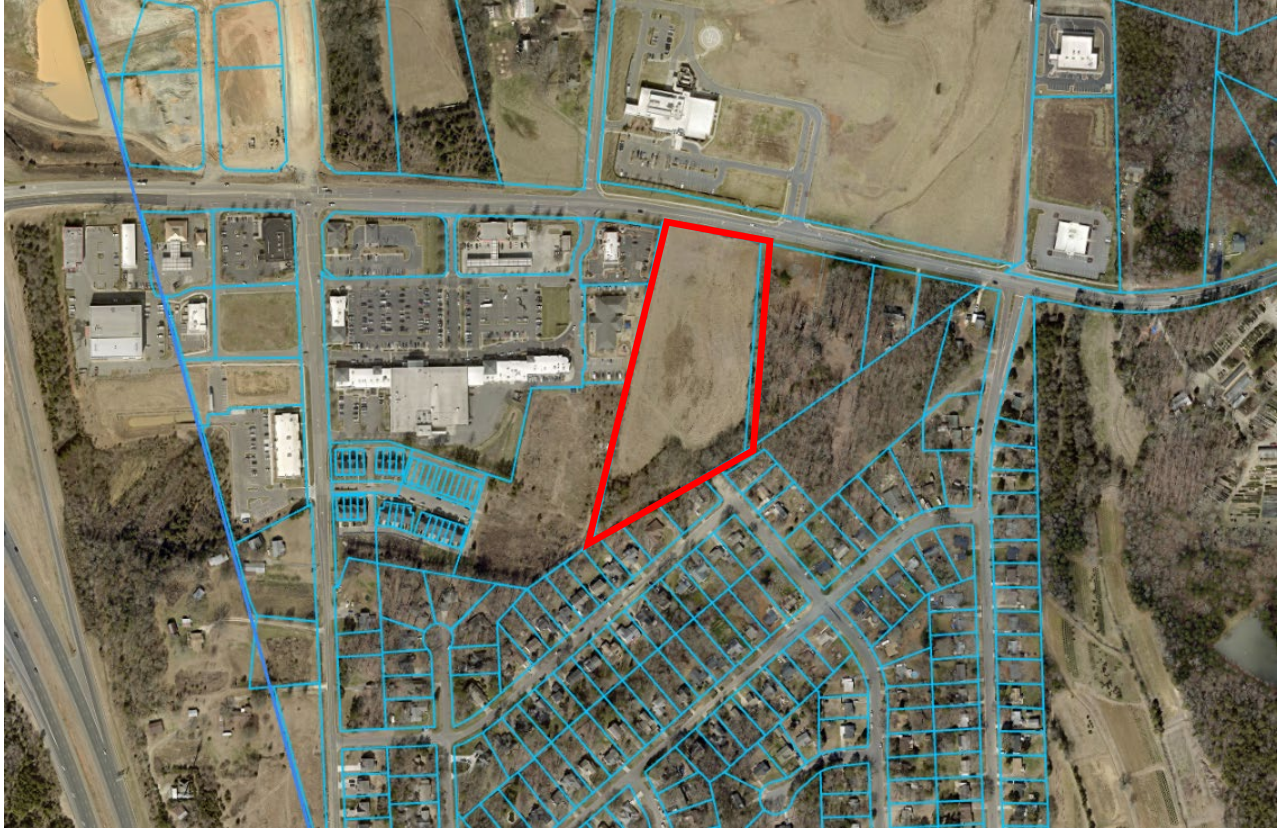
As a conditional re-zoning request, conditions may be imposed on the request for rezoning, subject to agreement by the applicant. Accordingly, staff recommends that the following conditions be placed on the requested conditional rezoning, with concurrence of the applicant:

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.

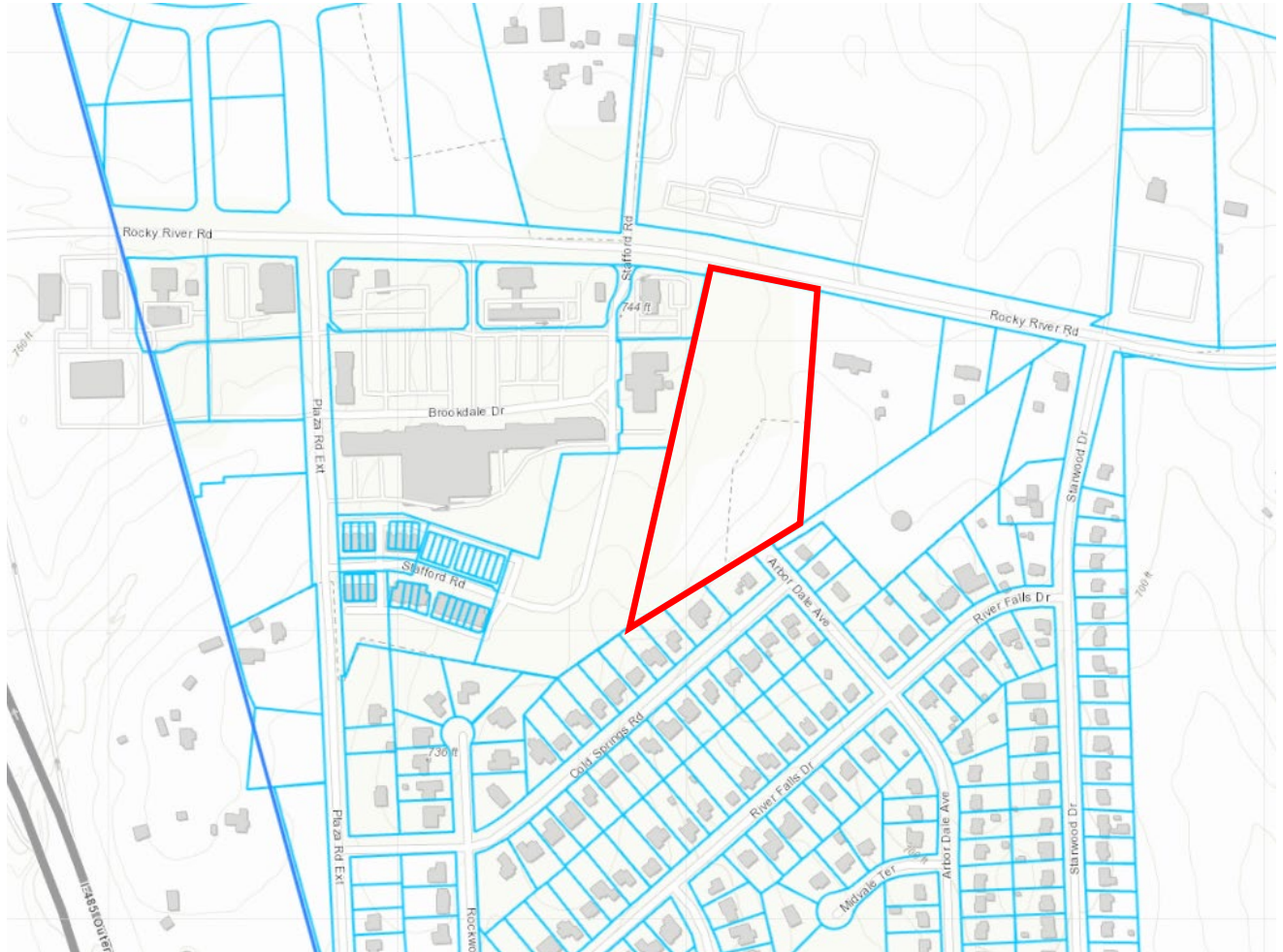
RECOMMENDATION:

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.

H2022-16-(R) Hawthorn Senior Living Aerial



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



HARRISBURG RETIREMENT RESIDENCE

9569 ROCKY RIVER ROAD, HARRISBURG, NC

PROPERTY ID 01-024-0054.40

DATED: APRIL 06, 2023



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:

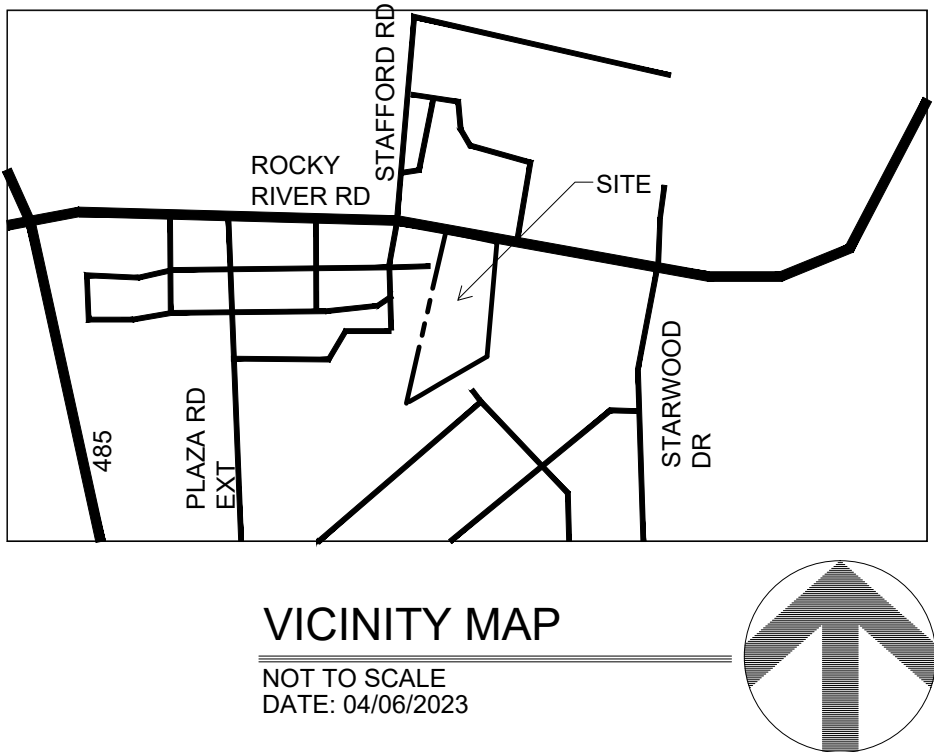
- L1.1 LANDSCAPE PLAN

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



lenity
architecture, inc.

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

Harrisburg Retirement Residence

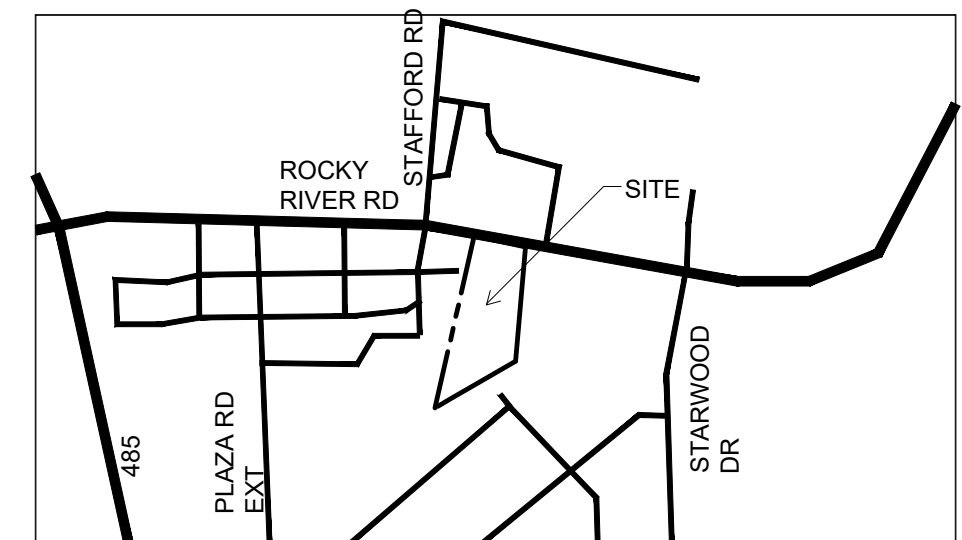
Harrisburg, NC

HAWTHORN
SENIOR LIVING
9310 NE Vancouver Mall Dr., Suite 200
Vancouver, WA 98662-8210
(360) 213-1550 Fax (360) 213-1540
A0.0

Harrisburg Retirement Residence

Harrisburg, NC

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

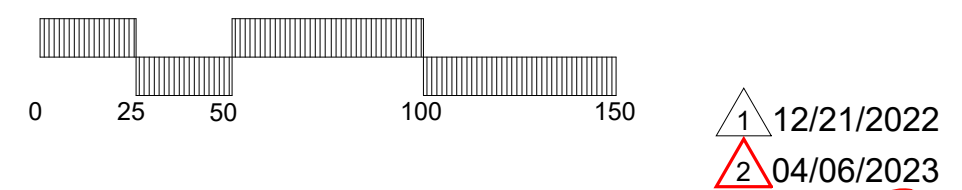
Development Summary	Required	Proposed
Front Building Setback:	10 Feet Min	68'-7"
Side Building Setback:	8 Feet Min	East 81'-7 1/2" / West 57'
Rear Building Setback:	8 Feet Min, 15 Feet adjacent to residential	87'-7" Acres / 121'-6 Bldg
Front Buffer Yard:	10 Feet Street Yard	18'-0"
Side Buffer Yard:	20 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'



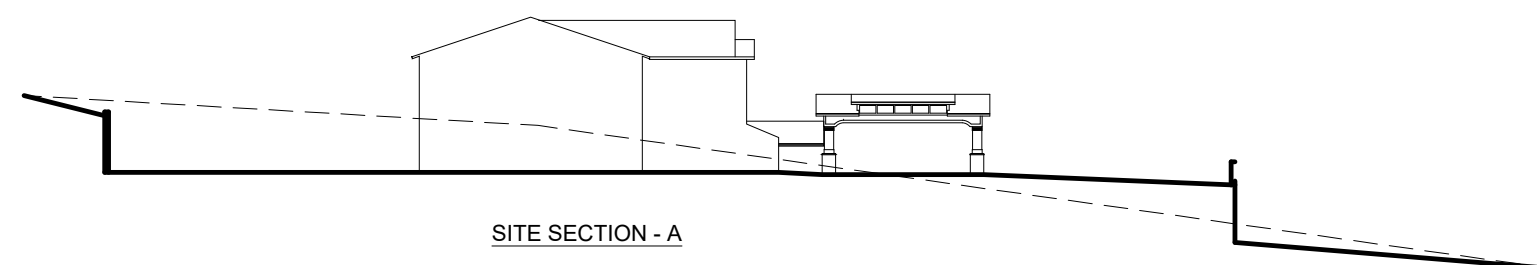
HAWTHORN
SENIOR LIVING

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

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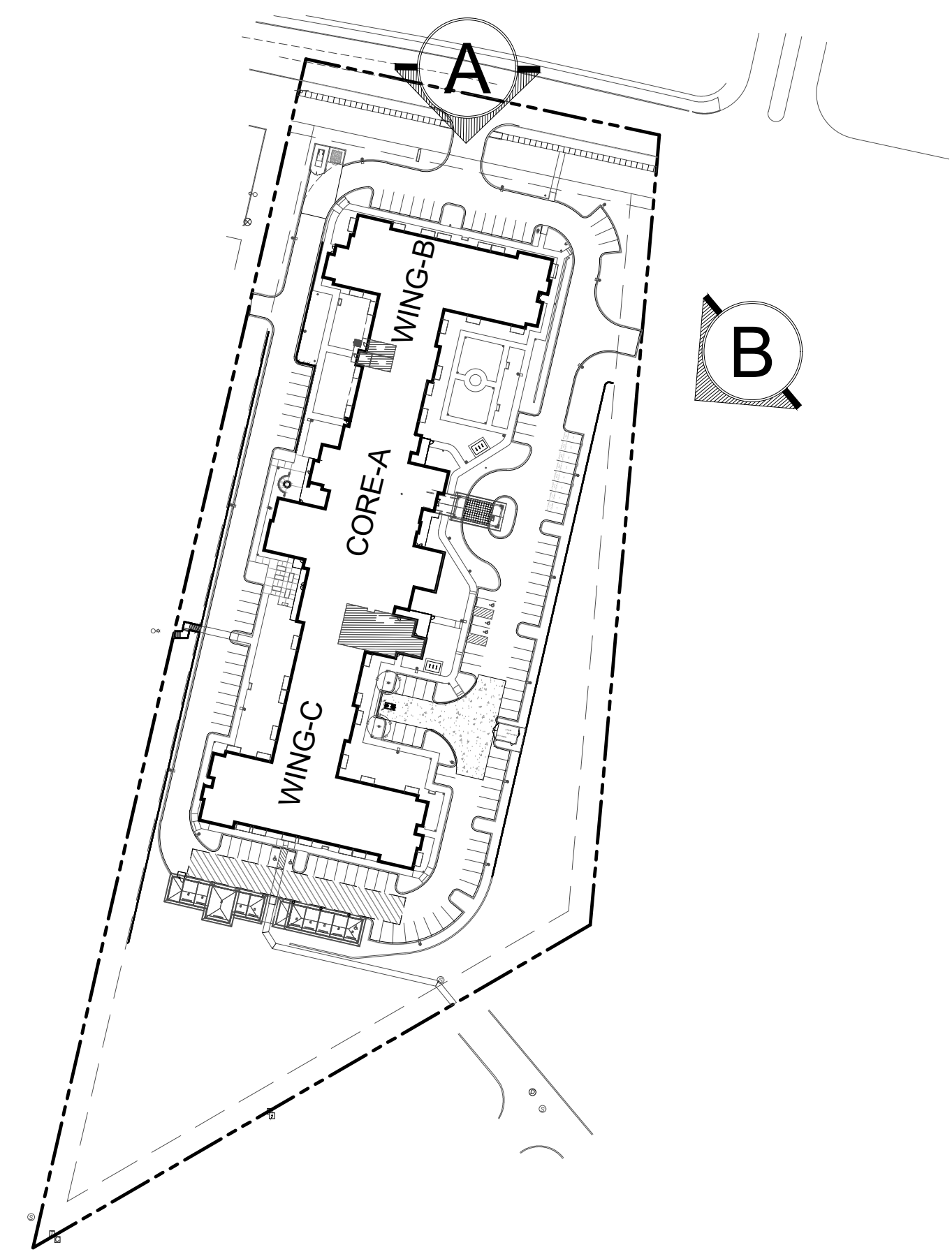
3-STORY FINISH FLOOR TO TOP OF ROOF



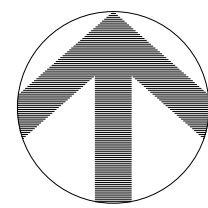
SITE SECTION - A



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.

EXTERIOR RENDERINGS

NOT TO SCALE
DATE: 04/06/2023

12/21/2022
04/06/2023

HAWTHORN
SENIOR LIVING

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Vancouver, WA 98662-8210
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A4.1

lenity
architecture, inc.

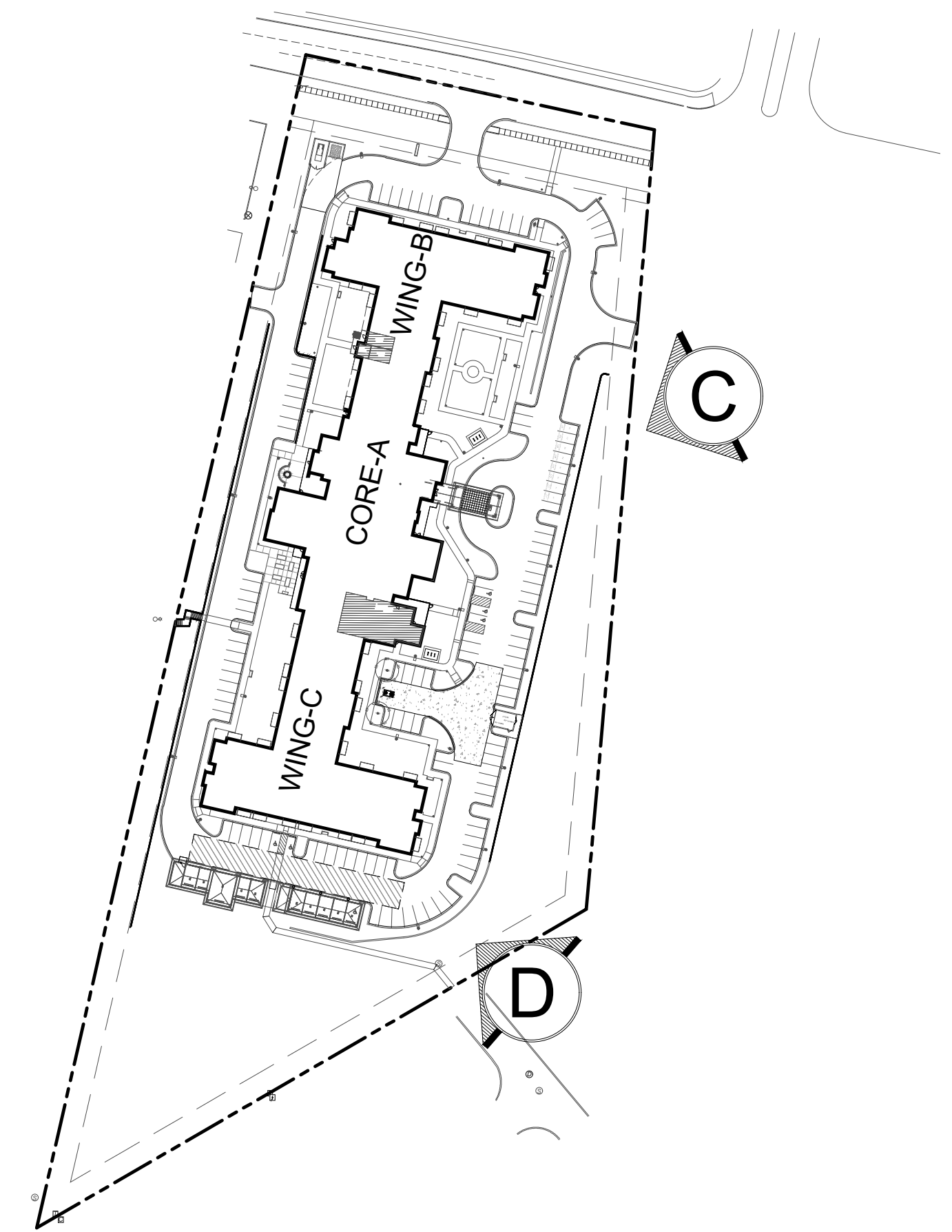
3150 Kettle Court SE, Salem, Oregon 97301
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

Harrisburg Retirement Residence

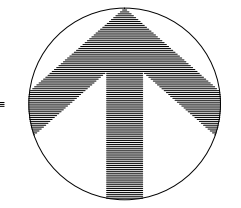
Harrisburg, NC



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.

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

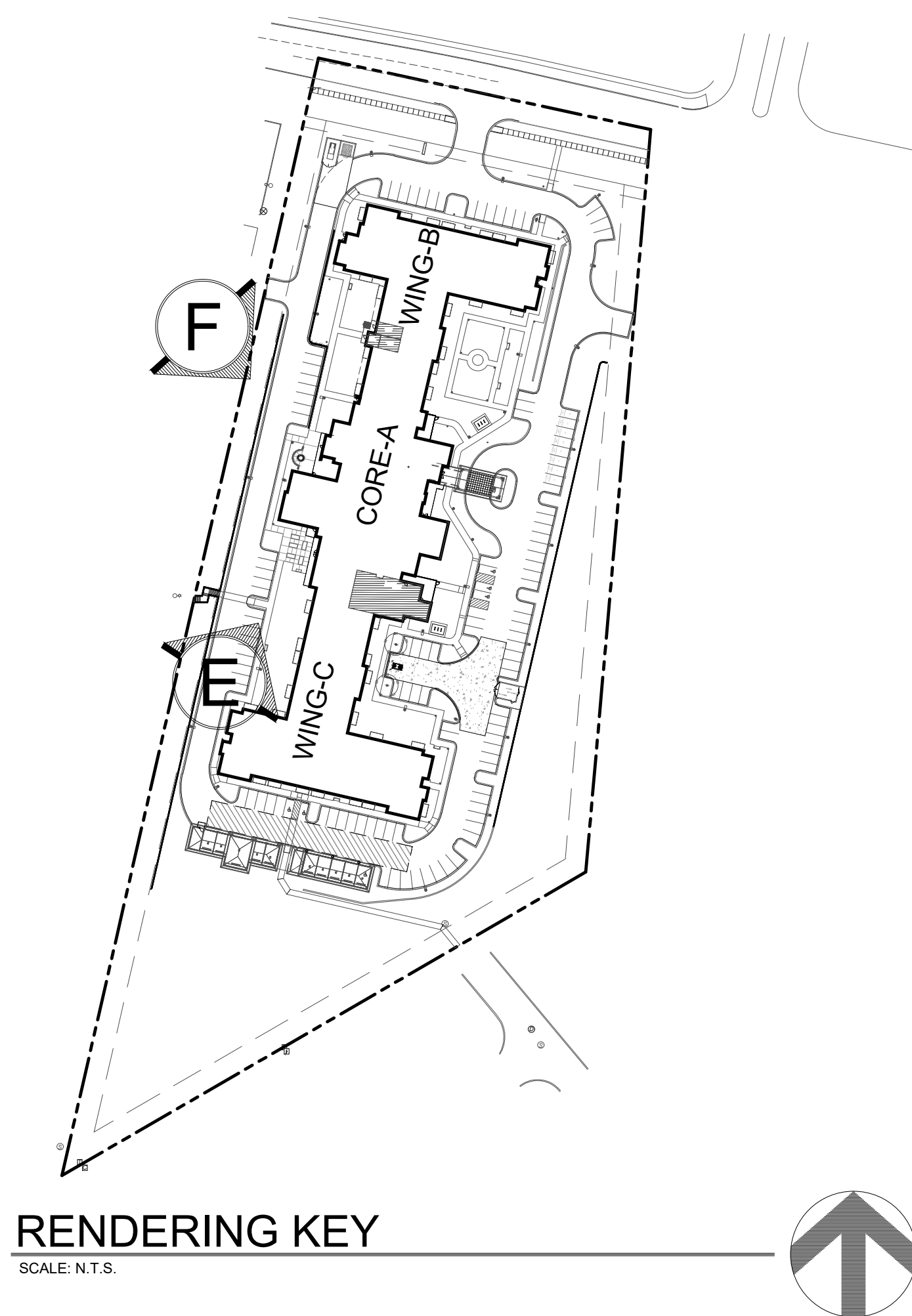
HAWTHORN
SENIOR LIVING
9310 NE Vancouver Mall Dr., Suite 200
Vancouver, WA 98662-8210
(360) 213-1550 Fax (360) 213-1540

Harrisburg Retirement Residence

Harrisburg, NC



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.

EXTERIOR RENDERINGS

NOT TO SCALE
DATE: 04/06/2023

12/21/2022
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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.)



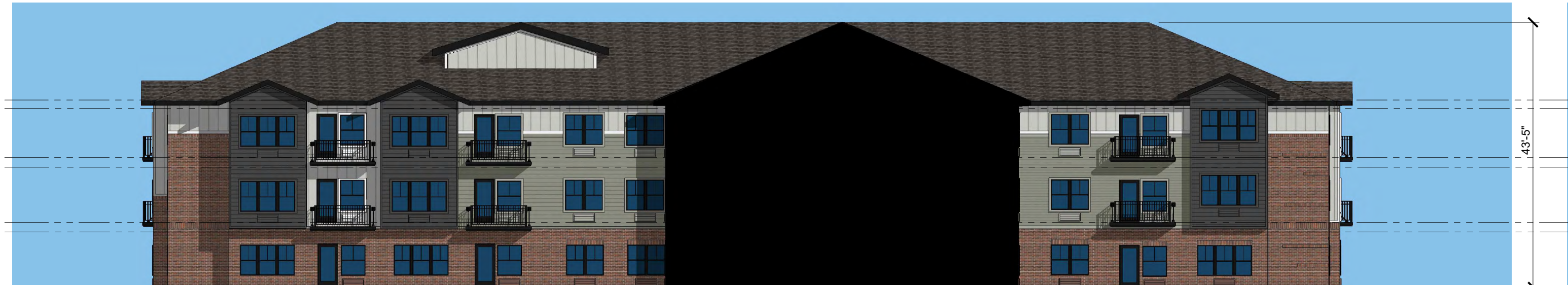
C WING B (NORTH) ELEVATION

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.)



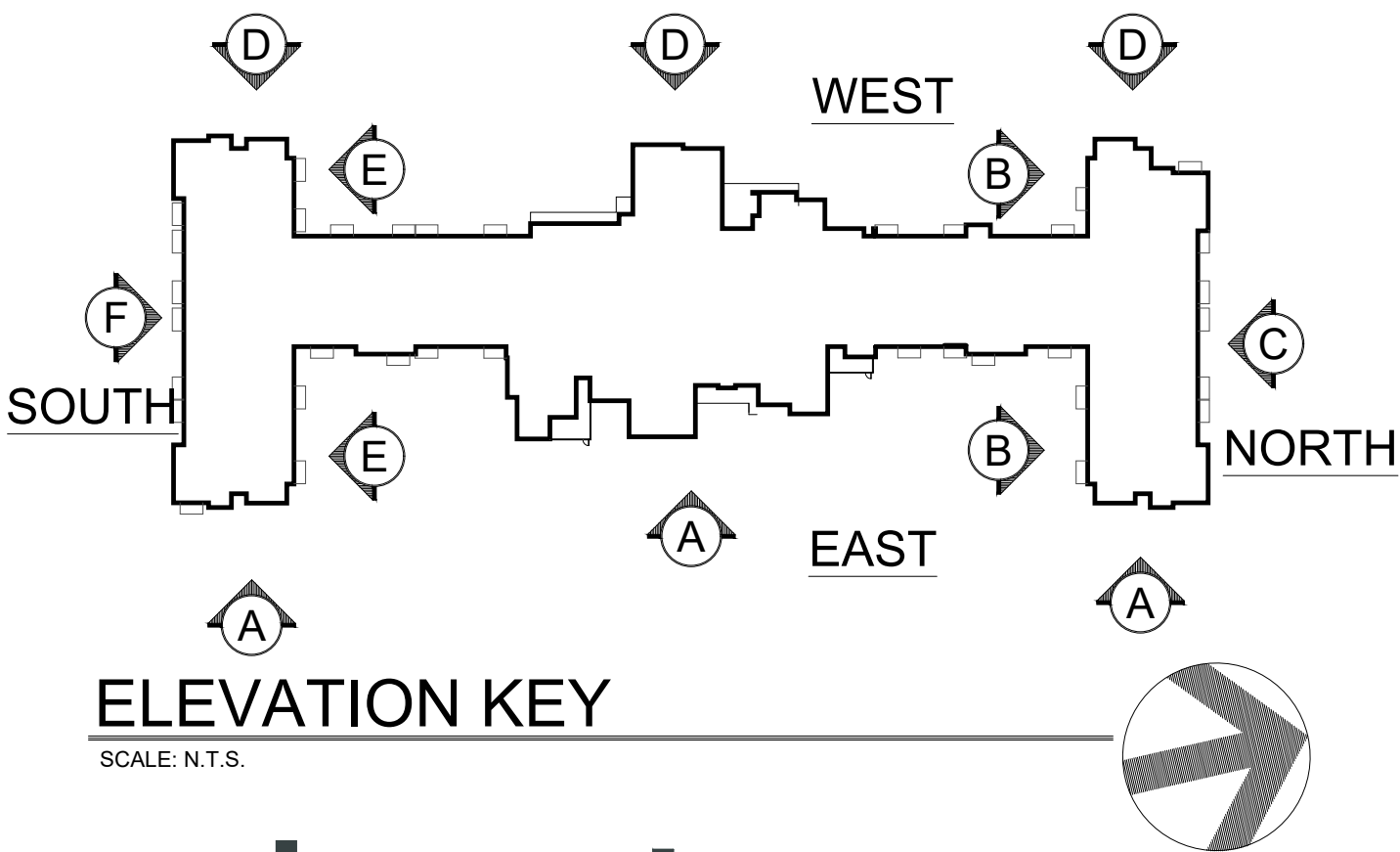
E WING C (NORTH) ELEVATION

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



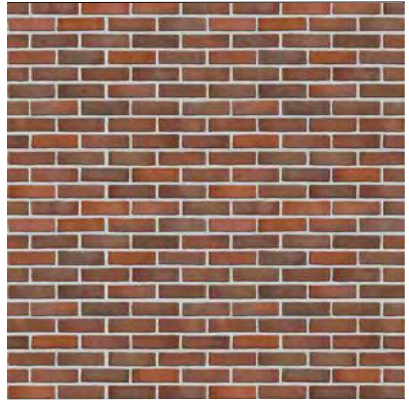
F WING C (SOUTH) ELEVATION

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 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

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

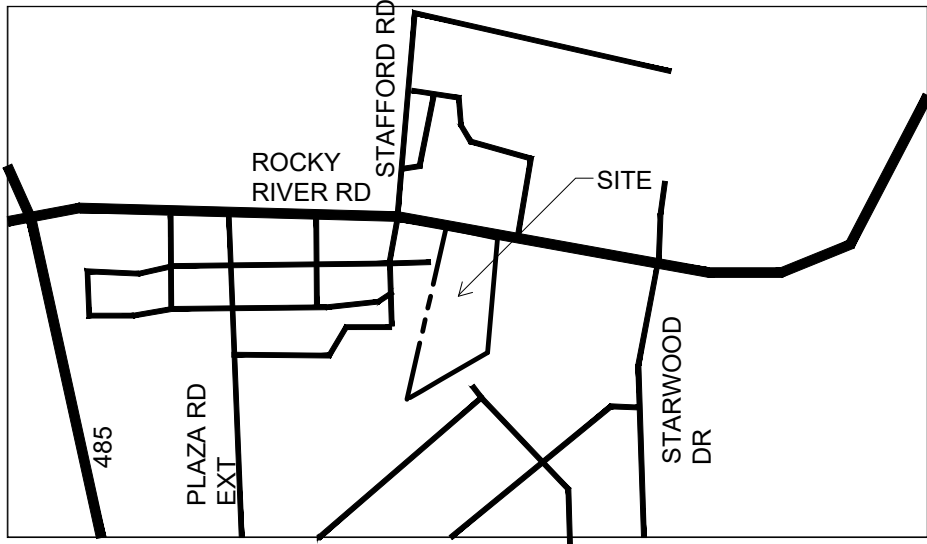
EXTERIOR ELEVATIONS

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

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Harrisburg Retirement Residence

Harrisburg, NC



VICINITY MAP
NOT TO SCALE

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

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	2-2.50" CAL. x 10-12"
	GINKGO BILOBA 'FAIRMOUNT'	DECIDUOUS	16	2-2.50" CAL. x 10-12"
	FAIRMOUNT MAIDENHAIR TREE	EVERGREEN	14	2-2.50" CAL. x 10-12"
	JUNIPERUS VIRGINIANA EASTERN RED CEDAR	DECIDUOUS	21	2-2.50" CAL. x 10-12"
	LIQUIDAMBAR STYRACIFLUA 'ROTUNDILOBA'	DECIDUOUS	7	2-2.50" CAL. x 10-12"
	SWEET GUM	EVERGREEN	4	2-2.50" CAL. x 10-12"
	MAGNOLIA GRANDIFLORA SOUTHERN MAGNOLIA	EVERGREEN	12	2-2.50" CAL. x 10-12"
	PINUS ECHINATA SHORT-LEAF PINE	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 'FOSTER'	EVERGREEN	14	1.50-2" CAL. x 6-8"
	LAGERSTROEMIA INDICA 'MUSKOGEE'	DECIDUOUS	11	1.50-2" CAL. x 6-8"
	LAVENDER GRAPE MYRTLE	DECIDUOUS	8	1.50-2" CAL. x 6-8"
	PRAIRIFIRE FLOWERING CRABAPPLE	DECIDUOUS	7	1.50-2" CAL. x 6-8"
	OXYDENDRON ARBOREUM SOURWOOD	EVERGREEN	16	1.50-2" CAL. x 6-8"
	PRUNUS CAROLINIANA CAROLINA CHERRY LAUREL	DECIDUOUS	13	36-42" HIGH
	CHAENOMELES 'HOLLANDIA'	EVERGREEN	108	36-42" HIGH
	RED FLOWERING QUINCE (BARRIER PLANT)	EVERGREEN	94	36-42" HIGH
	ILEX CORNUTA 'BURFORDII'	EVERGREEN	93	36-42" HIGH
	JUNIPERUS CHINENSIS 'HETZII'	EVERGREEN	27	36-42" HIGH
	HETZ'S COLUMNAR JUNIPER	EVERGREEN	TBD	18-24" HIGH
	OSMANTHUS FRAGRANS TEA OLIVE	DECIDUOUS	TBD	18-24" HIGH
	PYRACANTHA COCCINEA SCARLET FIRETHORN (BARRIER PLANT)	EVERGREEN	TBD	18-24" HIGH
MEDIUM & SMALL SHRUB LIST:				
	ABELIA X GRANDIFLORA 'KALEIDOSCOPE'	EVERGREEN	TBD	18-24" HIGH
	KALEIDOSCOPE GLOSSY ABELIA	EVERGREEN	TBD	18-24" HIGH
	AZALEA (RHODODENDRON SPP.)	EVERGREEN	TBD	18-24" HIGH
	AZALEA	EVERGREEN	TBD	18-24" HIGH
	ILEX CRENATA 'HELLERI'	EVERGREEN	TBD	18-24" HIGH
	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'	EVERGREEN	TBD	18-24" HIGH
	DWARF YEDDO HAWTHORN	DECIDUOUS	TBD	18-24" HIGH
	ROSA SPP. LANDSCAPE AND CARPET ROSES	EVERGREEN	TBD	1 GAL. @ 48" O.C.
	GROUND COVER LIST (100% COVERAGE PROVIDED AT 3 YEARS):	EVERGREEN	TBD	1 GAL. @ 24" O.C.
	COTONEASTER PROCUMBENS 'GERALD'	EVERGREEN	TBD	4" POTS @ 24" O.C.
	LITTLE DIPPER COTONEASTER	EVERGREEN	TBD	4" POTS @ 24" O.C.
	LIRIOPE MUSCARI LILY TURF	EVERGREEN	TBD	4" POTS @ 24" O.C.
	PACHYSANDRA TERMINALIS 'GREEN SHEEN'	EVERGREEN	TBD	4" POTS @ 24" O.C.
	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	

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.)	12 SHADE TREES REQUIRED
SHADE TREES REQUIRED 610 / 50= 12.2	4
PRESERVED DECID. SHADE TREES=	8
PRESERVED EVG. SHADE TREES=	9
NEW DECIDUOUS SHADE TREES=	6
NEW EVERGREEN SHADE TREES=	27 (324 PTS.)
SHADE TREES TOTAL=	52%
% EVERGREEN=	
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

20' SOUTH BUFFER- TYPE C

SOUTH BUFFER YARD (350 L.F.)	7 SHADE TREES REQUIRED
SHADE TREES REQUIRED 350 / 50= 7	2
PRESERVED DECID. SHADE TREES=	0
PRESERVED EVG. SHADE TREES=	5
NEW DECIDUOUS SHADE TREES=	7
NEW EVERGREEN SHADE TREES=	14 (168 PTS.)
SHADE TREES TOTAL=	50%
% EVERGREEN=	
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.)	16 SHADE TREES REQUIRED
SHADE TREES REQUIRED 788 / 50= 15.76	0
PRESERVED DECID. SHADE TREES=	1
PRESERVED EVG. SHADE TREES=	17
NEW DECIDUOUS SHADE TREES=	17
NEW EVERGREEN SHADE TREES=	35 (420 PTS.)
SHADE TREES TOTAL=	51.4%
% EVERGREEN=	
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

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)

SHADE TREES REQUIRED 348/50= 6.96	348 TOTAL POINTS REQUIRED
SHADE TREES PROPOSED=	7 SHADE TREES REQUIRED
	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=	6,976 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	13 SHADE TREES REQUIRED*
*2 ORNAMENTAL TREES MAY BE USED IN LIEU OF 1 SHADE TREE	
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

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.	1 PER 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

- 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.

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%)	

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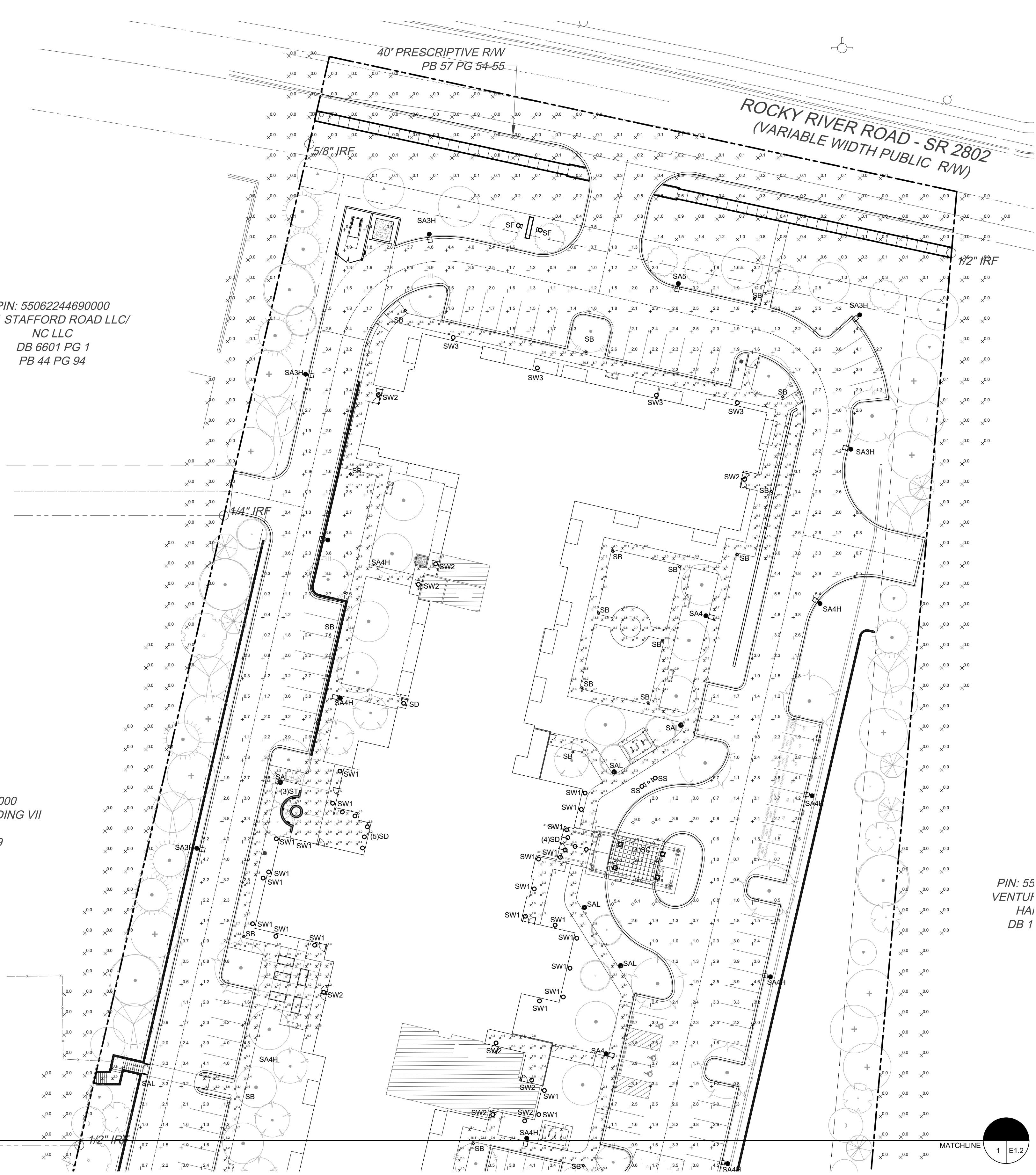
LANDSCAPE PLAN

DATE: 04/06/2023
11" = 50'
0 15 30 60 90
12/21/2022
04/06/2023

HAWTHORN
SENIOR LIVING

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Vancouver, WA 98662-8210
(360) 213-1550 Fax (360) 213-1540

L1.1



STAFFORD RD
(VARIABLE WIDTH
PUBLIC R/W)

PIN: 55062244690000
9501 STAFFORD ROAD LLC/
NC LLC
DB 6601 PG 1
PB 44 PG 94

PIN: 55062242430000
STORE MASTER FUNDING VII
LLC A DE LLC
DB 11675 PG 99
PB 44 PG 94

PIN: 55
VENTUR
HA
DB 1

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	X	0.1 fc	1.5 fc	0.0 fc	N/A	N/A
WALKS	X	3.9 fc	23.0 fc	0.1 fc	N/A	N/A

Label	Quantity	Manufacturer	Catalog Number	Description	Lumens Per Lamp	Light Loss Factor	Wattage
SA3H	6	Lithonia Lighting	DSX0 LED P4 40K T3M MVOLT HS	DSX0 LED P4 40K T3M MVOLT with housewire shield	8311	0.95	92
SA4	3	Lithonia Lighting	DSX0 LED P4 40K TFTM MVOLT	DSX0 LED P4 40K TFTM MVOLT	10558	0.95	92
SA4H	13	Lithonia Lighting	DSX0 LED P4 40K TFTM MVOLT	DSX0 LED P4 40K TFTM MVOLT with housewire shield	8244	0.95	92
SA5	1	Lithonia Lighting	DSX0 LED P4 40K TSW MVOLT	DSX0 LED P4 40K TSW MVOLT	10889	0.95	92
SAL	6	Lithonia Lighting	ROCKY RIVER 16C 700 40K SYM	ROCKY RIVER 16C 700 40K SYM Symmetric distribution	3768	0.95	39
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 HILL (FORMER COOPER LIGHTING)	LRC-B64-LED-E1-WST	LRC CANOPY LUMINAIRE ABSOLUTE PHOTOMETRY IS BASED ON CALIBRATION FACTORS CREATED USING LAB LUMEN STANDARDS IN GONIOPHOTOMETER WITH TEST DISTANCE OF 38.75 FEET	8123	0.95	88
SD	10	EATON - HALO (FORMER COOPER LIGHTING)	SLD612840WH	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	EL8079LAKMT	EL8079LAKMT-FLOOD	285	0.95	10.4
SW1	23	Lithonia Lighting	OUTDOOR LED P1 40K	OUTDOOR LED WALL CYLINDER DOWN LIGHT & 4000K NICHIA 219C	576	0.95	9.02
SW2	22	Lithonia Lighting	WPX1 LED P1 40K Mvmt	WPX1 LED wallpack 1500lm 4000K color temperature 150-277 Volt	1505	0.95	11.5
SW3	8	Lithonia Lighting	WDO2 LED P4 40K 70CR 14M	WDO2 LED WITH P4 - PERFORMANCE PACKAGE, 4000K, 70CRI, TYPE 4 MEDIUM OPTIC	4714	0.95	46.7

12/21/2022

04/06/2023

DATE: 04/06/2023

1" = 30'

0

15

30

60

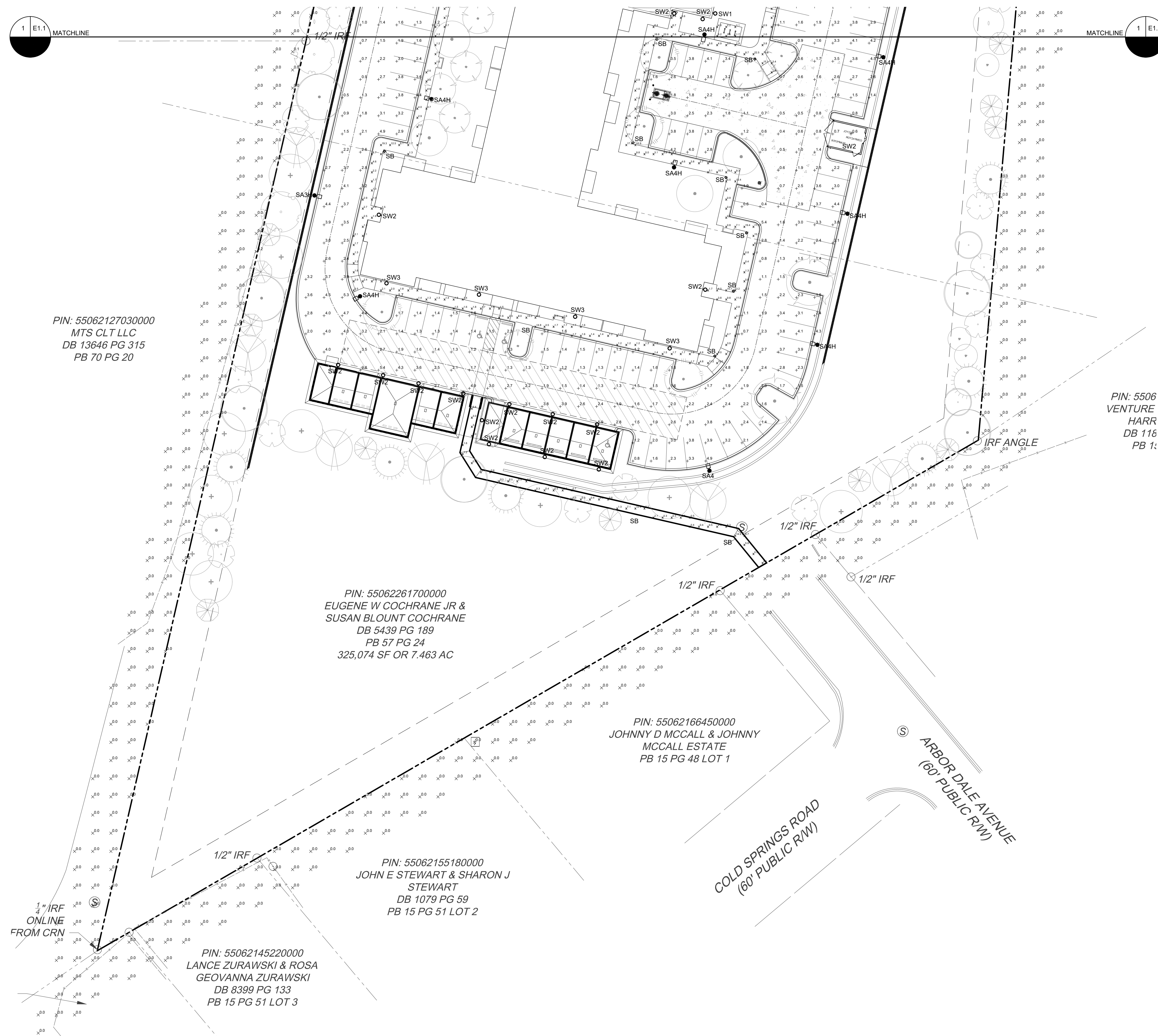
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12/21/2022

04/06/2023

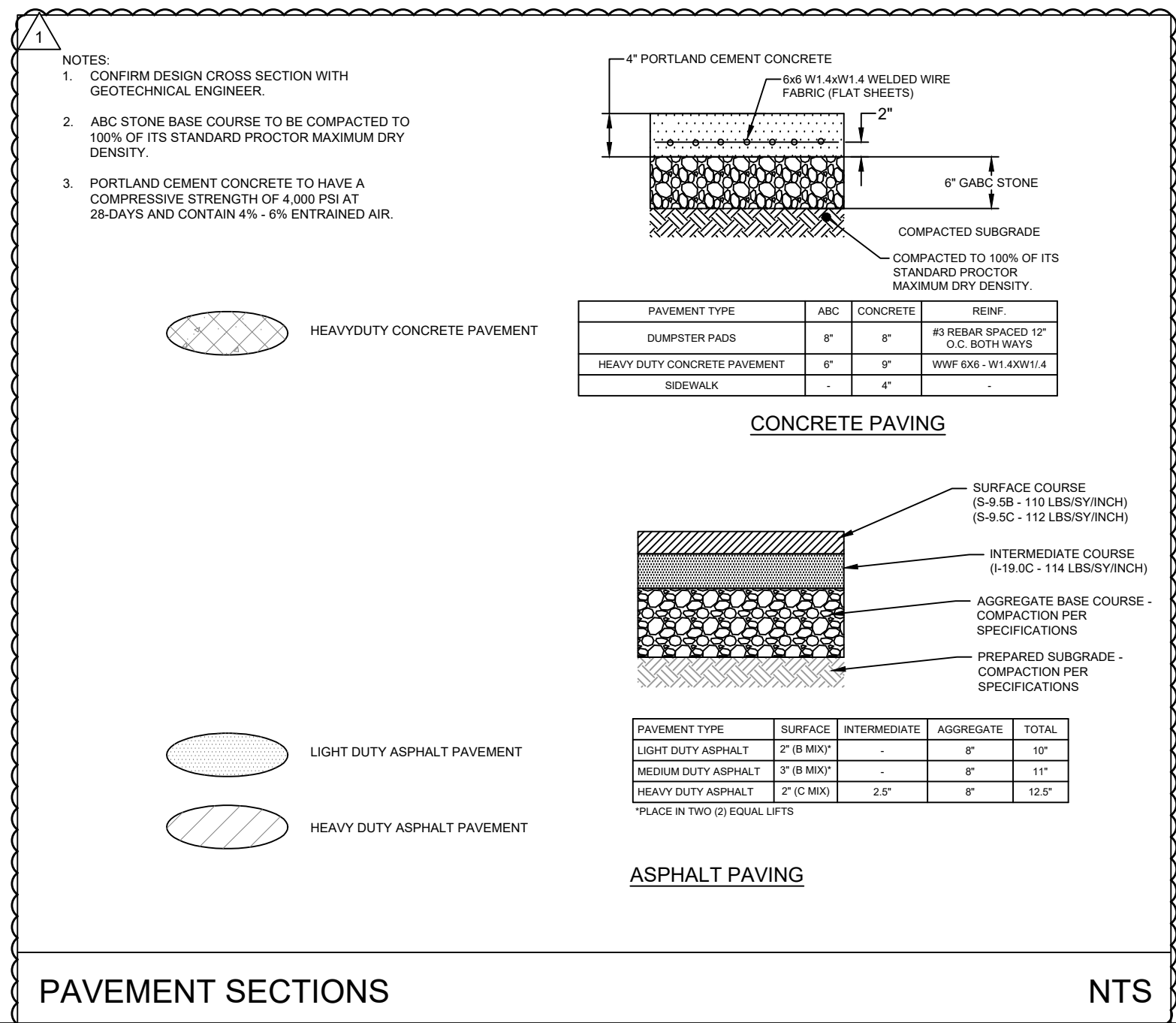
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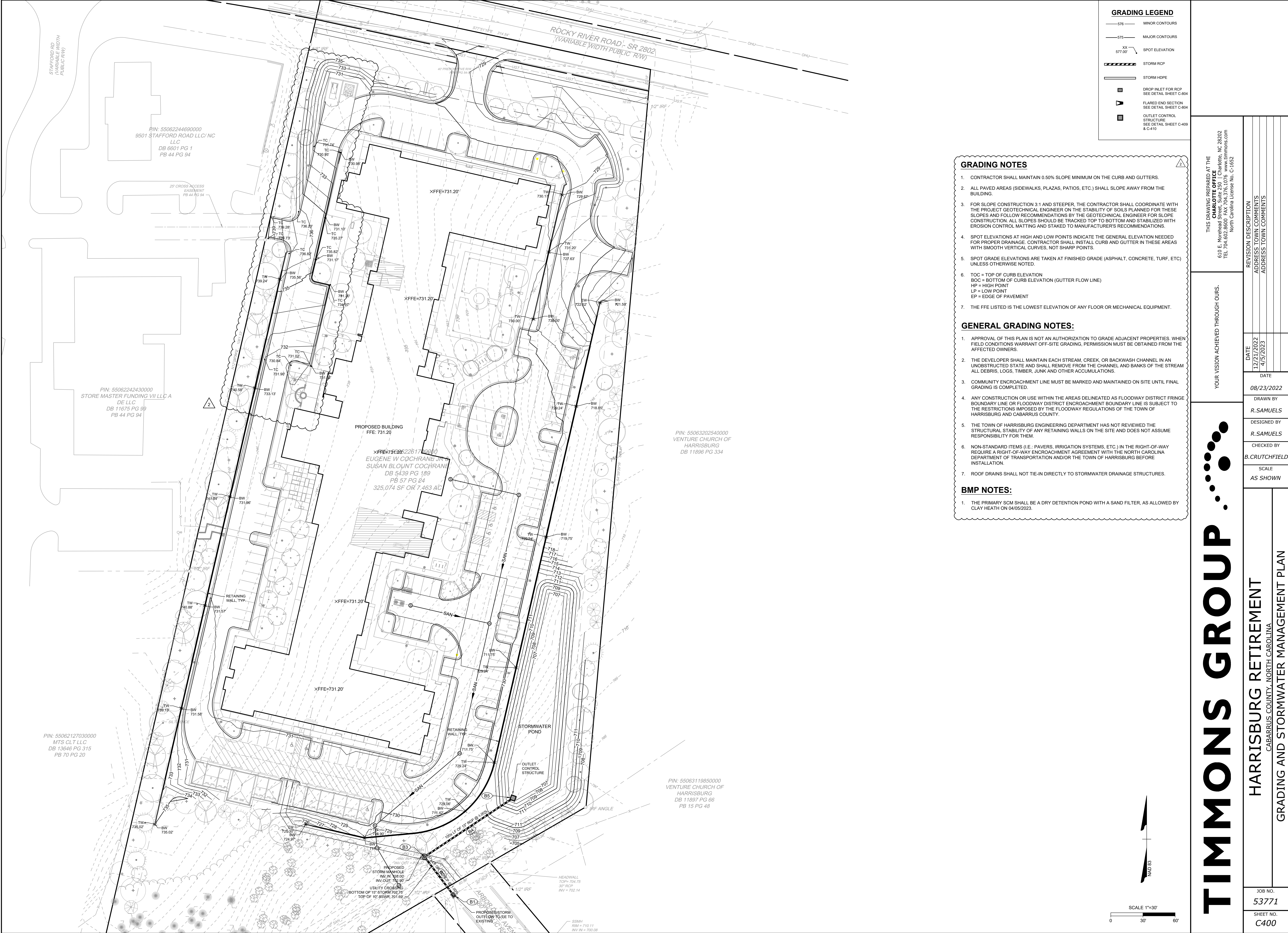


Harrisburg Retirement Residence

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GRADING LEGEND

576

MINOR CONTOURS

576

MAJOR CONTOURS

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

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.

REVISION DESCRIPTION

DATE

ADDRESS TOWN COMMENTS

ADDRESS TOWN COMMENTS

12/21/2022

4/5/2023

08/23/2022

DRAWN BY

R.SAMUELS

DESIGNED BY

R.SAMUELS

CHECKED BY

B.CRITCHFIELD

SCALE

AS SHOWN

HARRISBURG RETIREMENT

CABARRUS COUNTY, NORTH CAROLINA

GRADING AND STORMWATER MANAGEMENT PLAN

JOB NO.

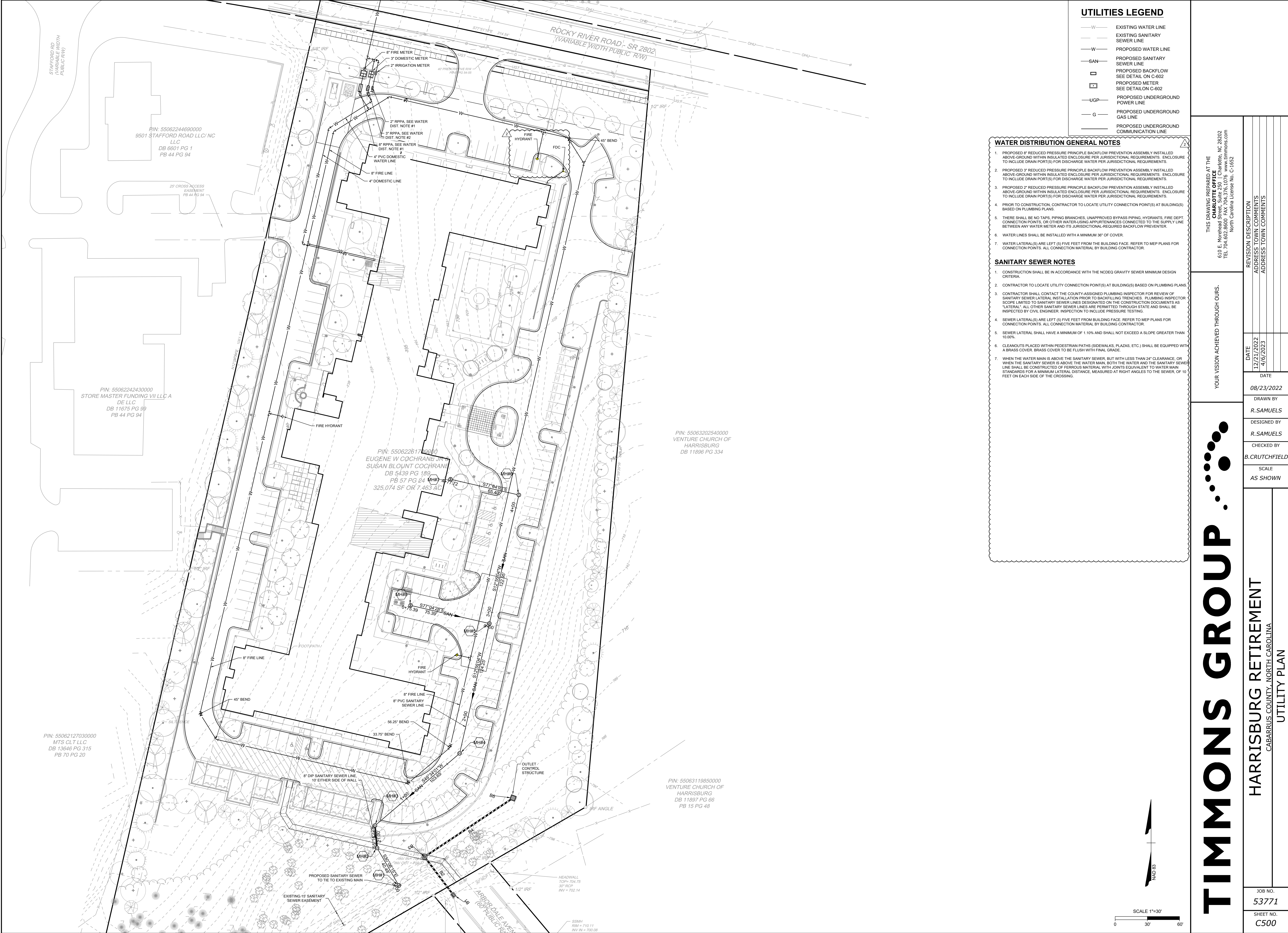
53771

SHEET NO.

C400

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S:\0453771 Harrisburg Retirement\DWG\Sheet\CD53771C500\UTIL.dwg [Plotted on 4/6/2023 4:50 PM] by Jason Dolen



UTILITIES LEGEND

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

WATER DISTRIBUTION GENERAL NOTES

- PROPOSED 8\"/>
- PROPOSED 3\"/>
- PROPOSED 2\"/>
- PRIOR TO CONSTRUCTION, CONTRACTOR TO LOCATE UTILITY CONNECTION POINT(S) AT BUILDING(S) BASED ON PLUMBING PLANS.
- 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.
- WATER LINES SHALL BE INSTALLED WITH A MINIMUM 36\"/>
- WATER LATERAL(S) ARE LEFT (S) FIVE FEET FROM THE BUILDING FACE. REFER TO MEP PLANS FOR CONNECTION POINTS. ALL CONNECTION MATERIAL BY BUILDING CONTRACTOR.

SANITARY SEWER NOTES

- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE NCDEQ GRAVITY SEWER MINIMUM DESIGN CRITERIA.
- CONTRACTOR TO LOCATE UTILITY CONNECTION POINT(S) AT BUILDING(S) BASED ON PLUMBING PLANS.
- 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.
- SEWER LATERAL(S) ARE LEFT (S) FIVE FEET FROM BUILDING FACE. REFER TO MEP PLANS FOR CONNECTION POINTS. ALL CONNECTION MATERIAL BY BUILDING CONTRACTOR.
- SEWER LATERAL SHALL HAVE A MINIMUM OF 1.10% AND SHALL NOT EXCEED A SLOPE GREATER THAN 10.00%.
- CLEANOUTS PLACED WITHIN PEDESTRIAN PATHS (SIDEWALKS, PLAZAS, ETC.) SHALL BE EQUIPPED WITH A BRASS COVER. BRASS COVER TO BE FLUSH WITH FINAL GRADE.
- WHEN THE WATER MAIN IS ABOVE THE SANITARY SEWER, BUT WITH LESS THAN 24\"/>

TIMMONS GROUP

HARRISBURG RETIREMENT
CABARRUS COUNTY, NORTH CAROLINA
UTILITY PLAN

JOB NO.
53771
SHEET NO.
C500

YOUR VISION ACHIEVED THROUGH OURS.

THIS DRAWING PREPARED AT THE
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North Carolina License No. C-1652

REVISION DESCRIPTION
ADDRESS TOWN COMMENTS
ADDRESS TOWN COMMENTS

DATE
12/21/2022
4/6/2023
DATE
08/23/2022

DRAWN BY

R.SAMUELS

DESIGNED BY

R.SAMUELS

CHECKED BY

B.CRUTCHFIELD

SCALE

AS SHOWN



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consideration of FY2023 Budget Ordinance Amendment for Insurance Proceeds - Fire Dept.

Presenting Personnel:

Brian Lee, Finance Director

Suggested Motion or Action:

Motion to approve the attached FY2023 Budget Ordinance Amendment in the amount of \$3,850 for insurance proceeds.

Description/Background:

On March 2, 2023 the Fire Department's 2020 Smeal Pumper Apparatus was damaged when responding to an incident. This resulted in \$4,850 in damage to the truck. The Town's deductible for Fire Apparatus claims is \$1,000.

Recommendation:

Staff recommends approval of the attached FY2023 Budget Ordinance Amendment totaling \$3,850.

Fiscal Impact:

The fiscal impact to the Town is insurance proceeds of \$3,850 and a total repair expenditure of \$4,850. The net expense to the Town as a result of the incident is \$1,000, or the Town's deductible.

Attachments:

1. Insurance - FD 3.2.2023
2. Amendment - GF - Fire Insurance Proceeds 6.12.2023



SWORN STATEMENT IN PROOF OF LOSS

(Automobile)

Policy No. APD - Collision CLM No. _____
Policy Coverage at Time of Loss _____
Policy at time of Loss _____ Company Claim No. 3220110553
Date Issued 07/01/2022 Agent _____
Date Expires 06/30/2023 Agency At _____
To the Interlocal Risk Financing Fund of North Carolina
Of _____ By your policy of insurance described above.

you insured Town of Harrisburg
(HEREINAFTER CALLED THE INSURED) AGAINST LOSS OF OR DAMAGE TO THE AUTOMOBILE DESCRIBED AS FOLLOWS:

DESCRIPTION OF AUTOMOBILE	TRADE NAME	TYPE OF BODY (IF TRUCK STATE TONNAGE)	MODEL	MODEL (YEAR)	VEHICLE IDENTIFICATION NUMBER
	SPARTAN	Pumper	Smeal	2020	4S9BEEUA4LS419798

TIME AND A loss caused by Collision occurred on the 03/02/2023 day of _____, 20____
about the hour of _____ ☐ AM ☐ PM

ORIGIN the full particulars of which are as follows: (State where and how it occurred) 11570 University City Blvd. Charlotte 28213
OV struck IV in rear.

TITLE AND INTEREST The insured was the sole owner of the automobile at the time of the loss or damage and no other person had any interest therein, by bailment lease, conditional sale, mortgage, or other encumbrance or otherwise, except:
N/A

OTHER INSURANCE At the time of this loss, there was no other insurance on said automobile covering the same perils except:
N/A

USE At the time of this loss, the said automobile was being used for Business
(PLEASURE, BUSINESS OR COMMERCIAL PURPOSES)

and was not being used to carry passengers for compensation or rental or leased or for any illegal purpose except:
NA

THE ACTUAL CASH VALUE of the property described, the actual loss and damage sustained, and the amount claimed under this Policy are as follows:

CASH VALUES	WHOLE LOSS	AMOUNT DEDUCTIBLE	AMOUNT CLAIMED UNDER THIS POLICY
\$ <u>N/A</u>	\$ <u>4847.09</u>	\$ <u>1000.00</u>	<u>3847.09</u>

SUBROGATIO To the extent of the payment made or advanced under this policy, the insured hereby assigns, transfers and sets over to the insurance company all rights, claims or that he has against any person, firm or corporation liable for the loss or damage to the property for which payment is made or advanced. He also hereby authorized the insurance company to sue any such third party in his name.

The insured hereby warrants that no release has been given or will be given or settlement or compromise made or agreed upon with any third party who may be liable in damages to the insured with respect to the claim being made herein.

The said loss or damage did not originate by any act, design or procurement on my/our part nor on the part of anyone having interest in the property insured, or in the said policy of insurance nor in consequence of any fraud or evil practice done or suffered by me/us and that no property saved has any manner been concealed.

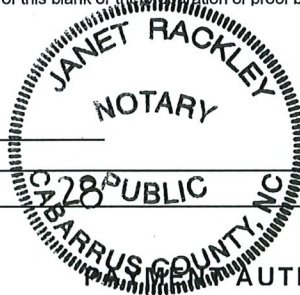
It is expressly understood and agreed that the furnishing of this blank or the preparation of proof by a representative of the above insurance company is not a waiver of any of its rights.

CAUTION

State of North Carolina

County of Cabarrus

Subscribed and sworn to before me this _____



X [Signature]
day of April 20 23
[Signature]
NOTARY PUBLIC

INSURED

AUTHORIZATION

20

Insurance Company,

is hereby requested, authorized and empowered to pay, at its option, as follows:

To _____ The sum of \$ _____
To _____ The sum of \$ _____
To _____ The sum of \$ _____

Amount Claimed Under Policy \$ _____

Witness: _____
Address: _____
Witness: _____

Insured _____
By _____ Title _____
Loss Payee _____
By _____ Title _____



AN ORDINANCE AMENDING THE 2022-2023 BUDGET ORDINANCE OF THE TOWN OF HARRISBURG, NORTH CAROLINA

Be it ordained by the Town Council of the Town of Harrisburg, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2023:

Section 1. Amend the General Fund to account for insurance proceeds for damage incurred on the Fire Department's 2020 Spartan Pumper when responding to an incident.

Section 2. To amend the General Fund, the appropriations are to be changed as follows:

Increase line item 100-2100-54303	\$ 3,850
M/R - Vehicles	

Section 3. To amend the General Fund, the revenues are to be changed as follows:

Increase in item 100-49121	\$ 3,850
Insurance Proceeds	

Section 4. Copies of this budget amendment shall be furnished to the Clerk of the Town Council, and to the Budget Officer and the Finance Officer for their direction.

Section 5. That this ordinance shall be effective upon its passage. Adopted this 12th day of June, 2023.

Jennifer Teague, Mayor

ATTEST:

Janet Rackley, Town Clerk



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consideration of Acceptance of Asphalt and Storm Drainage Systems in Phase 3&4 of the Grantham Subdivision

Presenting Personnel:

Mallory Hodgson, Public Works Director

Suggested Motion or Action:

Motion to approve the resolution accepting Phase 3&4 of the Grantham Subdivision into the Town's street and stormwater maintenance system including Ardmore Lane, Birch Hill Drive, Howie Lane, Parkhall Drive, Springfarm Lane, and Stiles Way, with a value of \$1,777,663 in asphalt, curb, gutter, and sidewalk, and \$580,193 in stormwater infrastructure.

Description/Background:

Grantham is an existing subdivision in the Town of Harrisburg. The Town has reviewed and inspected all of the infrastructure and improvements associated with Phases 3&4 of this subdivision and recommends acceptance of the streets and storm drainage network into the Town's maintenance system.

Along with acceptance of the roads and stormwater infrastructure, the Town must also accept a value of those assets to properly account for them in the Town's financial records. Based on the attached engineer's cost estimate, the value has been determined to be \$1,777,663 in asphalt, curb, gutter, and sidewalk, and \$580,193 in stormwater infrastructure.

Recommendation:

Staff recommends approval of the attached resolution to accept Phase 3&4 of the Grantham Subdivision and the associated streets and stormwater infrastructure into the Town's maintenance system.

Fiscal Impact:

There is no direct fiscal impact to the Town for taking over these streets aside from the lighting operation and maintenance costs and the future maintenance costs of the streets and storm drainage system. The engineer's estimate for the improvements is \$1,777,663 in asphalt, curb, gutter, and sidewalk, and \$580,193 in stormwater infrastructure, totaling \$2,357,856 in improvements for Phase 3&4 in Grantham.

In the next fiscal year, the Town will begin to collect Powell Bill funds for the street miles associated with this acceptance.

Attachments:

1. Grantham Ph3&4 - Council Resolution for Acceptance
2. Grantham Ph3&4 - Engineer Estimate 5-26-2023
3. Grantham Ph3&4 - Map

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

BOOK 81 PAGE 101 & 102 & 103
BOOK 84 PAGE 23
BOOK 84 PAGE 90
BOOK 85 PAGE 84 & 85
REQUEST FOR TOWN OF
HARRISBURG TO ACCEPT
ASPHALT & STORM DRAINAGE SYSTEMS
ARDMORE LANE, BIRCH HILL DRIVE, HOWIE LANE,
PARKHALL DRIVE, SPRINGFARM LANE, AND STILES WAY
GRANTHAM SUBDIVISION PHASE 3 & 4

Whereas, this is to certify that the previous developer and original owner installed asphalt and storm drainage systems in Phase 3 & 4 of the Grantham Subdivision, including Ardmore Lane, Birch Hill Drive, Howie Lane, a portion of Parkhall Drive, Springfarm Lane and Stiles Way, which are recorded in Book 81 Page 101 & 102 & 103, dated September 26, 2019 and Book 84 Page 23, dated May 7, 2020 and Book 84 Page 90, dated July 1, 2020 and Book 85 Page 84 & 85, dated September 24, 2020; and labeled as 60' Public Right-of-Way; and labeled as Ardmore Lane, Birch Hill Drive, Howie Lane, Parkhall Drive, Springfarm Lane and Stiles Way; and are located in the Town of Harrisburg,

Whereas, existing right of way is measured 60 feet wide from road center,

Whereas, asphalt, curb, gutter, and sidewalk (\$1,777,663) and storm drainage systems (\$580,193) have been installed on these streets in Phase 3 & 4 of the Grantham Subdivision to the standards and specifications of the Town of Harrisburg Engineering Department,

Whereas, the Town of Harrisburg desires to accept the asphalt and storm drainage system from the developer, to be owned and maintained as part of the Town's public roadway and storm drainage systems.

The Town of Harrisburg seeks to accept the above mentioned asphalt, curb, gutter and sidewalk and storm drainage systems for Phase 3 & 4 of the Grantham Subdivision into the Town's systems, to be owned and maintained as a part of the Town's public roadway and drainage systems.

Adopted this 12th day of June, 2023

Jennifer Teague, Mayor

Attest:

Janet Rackley, Town Clerk

Grantham Subdivision Phase 3 & 4 Road and Stormwater Estimate
 Prepared by Town of Harrisburg Engineering Staff

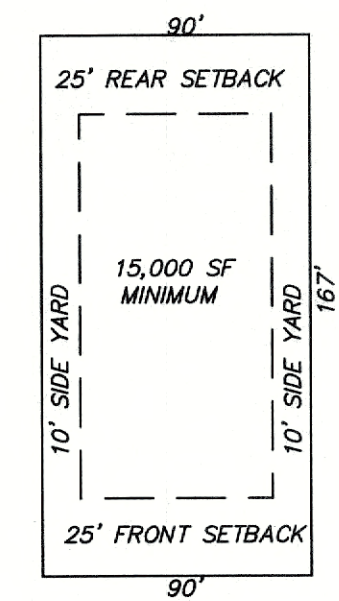
Description	Quantity	Unit	Unit Price Estimate	Total
15"	2438	LF	\$ 52.00	\$ 126,776
18"	1277	LF	\$ 58.00	\$ 74,066
24"	1279	LF	\$ 70.00	\$ 89,530
30"	1012	LF	\$ 95.00	\$ 96,140
36"	97	LF	\$ 118.00	\$ 11,446
42"	43	LF	\$ 145.00	\$ 6,235
Manhole	5	EA	\$ 2,200.00	\$ 11,000
Curb Inlet	41	EA	\$ 2,200.00	\$ 90,200
Double Curb Inlet	17	EA	\$ 4,400.00	\$ 74,800
	Stormwater Subtotal			\$ 580,193
Ardmore Lane (3,285' at 24' Width)	8760	SY	\$ 51.00	\$ 446,760
Birch Hill Drive (446' at 24' Width)	1189	SY	\$ 51.00	\$ 60,656
Howie Lane (514' at 24' Width)	1371	SY	\$ 51.00	\$ 69,904
Portion of Parkhall Drive (1,116' at 24' Width)	2976	SY	\$ 51.00	\$ 151,776
Springfarm Lane (941' at 24' Width)	2509	SY	\$ 51.00	\$ 127,976
Stiles Way (778' at 24' Width)	2075	SY	\$ 51.00	\$ 105,808
5' Concrete Sidewalk	7603	SY	\$ 55.00	\$ 418,183
ADA Ramps	42	EA	\$ 900.00	\$ 37,800
Curb and Gutter	14352	LF	\$ 25.00	\$ 358,800
	Pavement/Sidewalk Subtotal			\$ 1,777,663
Grand Total Engineer's Estimates for Road and Stormwater Improvements				\$ 2,357,856

This estimate is for the installed road and storm drainage improvements in Phase 3 & 4 of the Grantham Subdivision. Town Staff utilized 2021 construction contract invoices and bond estimates to determine rates, which include labor to construct.

|

SITE DATA:

1. PARCEL PIN = 5505-67-2161
PARCEL ZONING = CZRM-1 (PER TOWN OF HARRISBURG 3/9/15)
TOTAL AREA = ±180.22 ACRES
2. TOTAL NUMBER OF LOTS = 258
CABARRUS COUNTY=235 LOTS, MECKLENBURG COUNTY=23 LOTS
(PER APPROVED REZONING : CABARRUS COUNTY=235 LOTS,
MECKLENBURG COUNTY=23 LOTS)
3. MINIMUM LOT SIZE = ±0.34 ACRES
4. AVERAGE LOT SIZE = ±0.41 ACRES
5. COMMON OPEN SPACE (COS) = 46.62 ACRES (25.9 %)
"ACTIVE" COMMON OPEN SPACE = 6.81 ACRES
6. TYPICAL LOT DIMENSIONS = 90' x 167'
7. SIDEWALKS SHALL BE PROVIDED AS REQUIRED ON BOTH SIDES
OF ALL PROPOSED STREETS.
8. A TREE SURVEY SHALL BE PROVIDED TO LOCATE HERITAGE
TREES AS PART OF THE PROJECT DESIGN.
9. LARGE MATURING AND ORNAMENTAL TREES SHALL BE PROVIDED
AT 100 FT ON CENTER.
10. STREET A AND LINK/NODE RATIO SHALL BE MODIFIED AS
REQUIRED TO MEET TOWN REQUIREMENTS PENDING
COORDINATION WITH ADJACENT DEVELOPMENT.
11. A MINIMUM OF 6.575 AC. OF ACTIVE OPEN SPACE SHALL BE
PROVIDED TO MEET THE INTENT OF ARTICLE 6.5.3.7 OF THE UDO.
12. A 25' GREENWAY EASEMENT SHALL BE PROVIDED IN THE COS
AREA ALONG REEDY CREEK. THE EXACT LOCATION WILL BE
DETERMINED IN CONJUNCTION WITH THE TOWN.
13. SURVEY PROVIDED BY:
ROBERT DEDMON, PL#3899
3704 NC HIGHWAY #16 NORTH
P.O. BOX 494 - DENVER, NC 28037
PHONE: 704-483-4908
14. TOPOGRAPHY OUTSIDE SURVEY PROVIDED WITH:
CABARRUS COUNTY LIDAR
MECKLENBURG COUNTY LIDAR

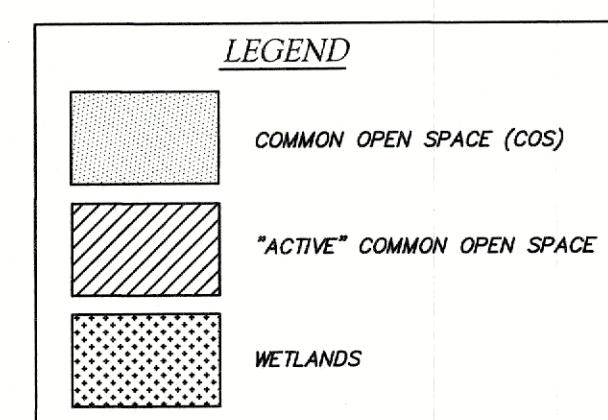


TYPICAL LOT SETBACKS

NOTE:
ALL PIPES (STORM, SEWER, & WATER)
TO BE INSTALLED IN THE GROUND
SHALL INCLUDE A TRACER WIRE.

INSET A

MATCH LINE - SEE INSET A

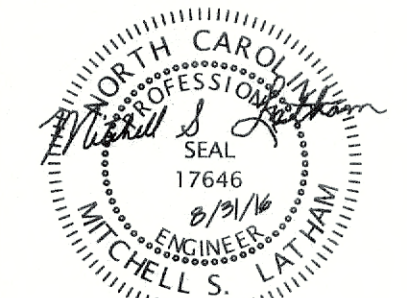


Course	Bearing	Distance
L1	N 18°45'03" E	140.10
L2	N 18°09'04" E	112.30
L3	N 15°06'11" E	55.13
L4	N 27°29'16" E	90.56
L5	N 17°04'08" E	111.90
L6	N 14°41'43" E	103.72
L7	N 17°40'39" E	121.13
L8	N 17°40'45" E	122.25
L9	N 17°30'15" E	108.40
L10	N 22°29'21" E	95.53
L11	N 21°37'46" E	95.53
L12	N 24°14'17" E	101.63
L13	N 24°42'23" E	108.02
L14	N 15°01'49" E	103.08
L15	N 14°54'35" E	99.59
L16	N 20°20'29" E	104.03
L17	N 07°04'27" E	102.05
L18	N 21°18'03" E	106.93
L19	N 12°54'12" E	97.65
L20	N 05°25'59" E	116.47
L21	N 48°52'12" E	99.37
L22	N 33°56'29" E	54.28
L23	N 29°56'08" E	101.93
L24	N 31°01'33" E	107.42
L25	N 32°16'52" E	104.40
L26	N 35°42'30" E	90.81
L27	N 34°43'08" E	44.29
L28	S 25°50'07" E	27.31
L29	S 25°50'07" E	134.26

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING
APPROPRIATE PARTIES AND ASSURING THAT EXISTING
UTILITIES ARE LOCATED PRIOR TO BEGINNING
CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES
USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY
TO THE PUBLIC.
3. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO
BE REPLACED ACCORDING TO STANDARDS OF THE NORTH
CAROLINA DEPARTMENT OF TRANSPORTATION.
4. SHORING WILL BE ACCORDING TO OSHA TRENCHING
STANDARDS PART 1926 SUBPART P, OR AS AMENDED.



LWE
LATHAM-WALTERS
ENGINEERING, INC.
N.C. CORP. LIC. C-1815
16507-A NORTHCROSS DRIVE
HUNTERVILLE, N.C. 28078
PHONE: (704) 895-8484
FAX: (704) 237-4362



AUGUST 31, 2016
DATE

ROBINSON CHURCH
(CHARLOTTE)
ASLI VII, LLC

923 N. PENNSYLVANIA AVENUE
WINTER PARK, FL 32789
PHONE: (407) 628-8488
FAX: (407) 644-3115
avantiprop.com

GRANTHAM SUBDIVISION PHASE 1-2
ROBINSON CHURCH ROAD HARRISBURG, NC 28075
OVERALL SITE PLAN

REVISIONS

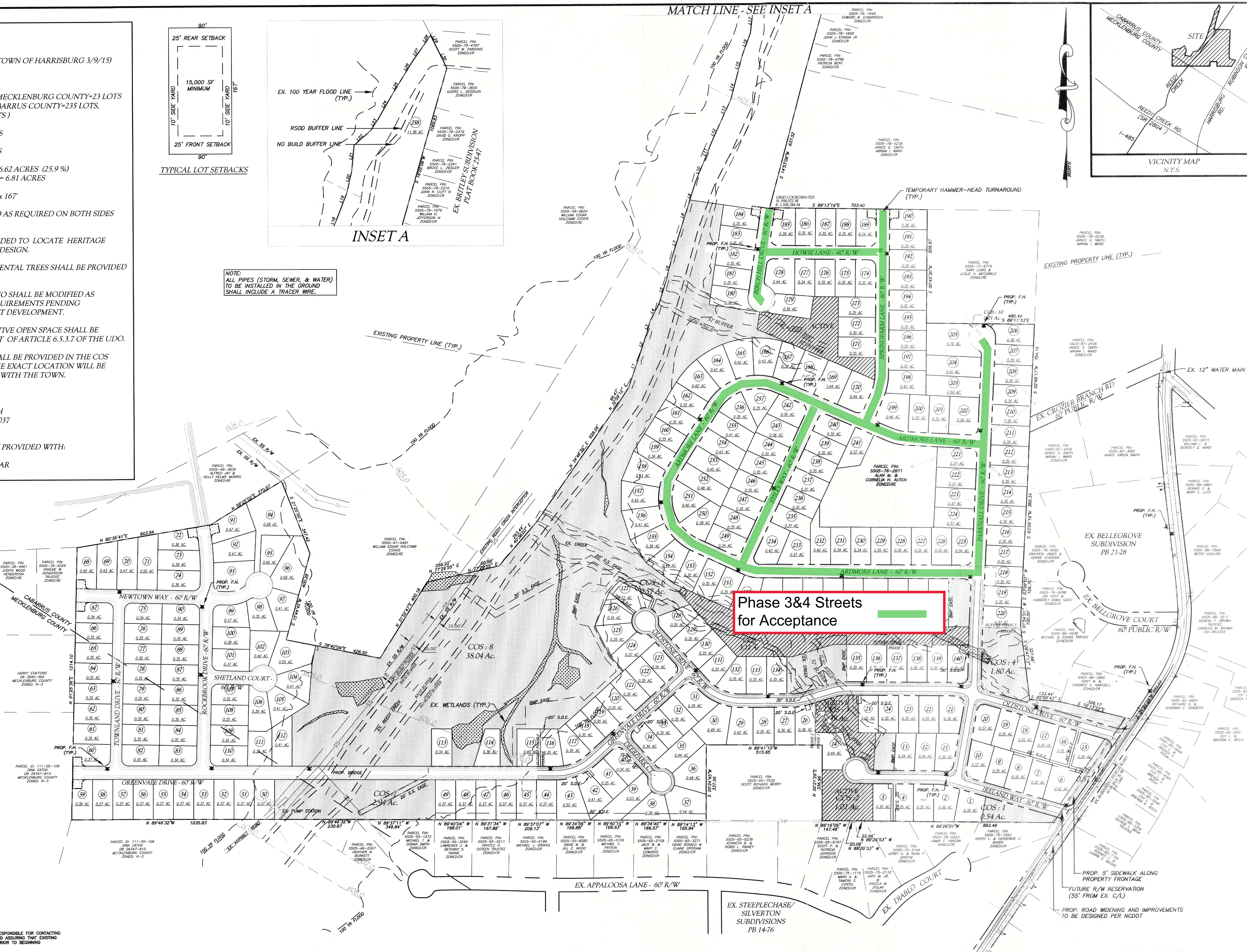
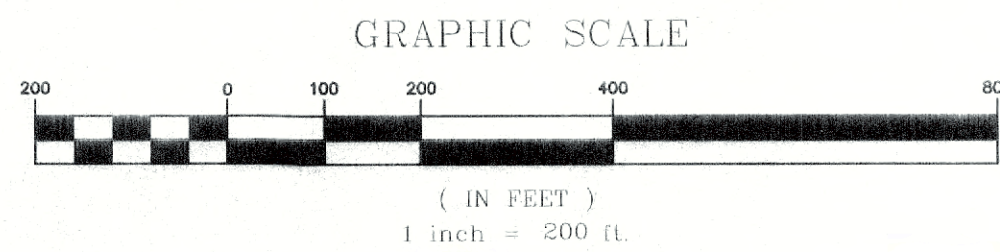
REV. 1 - 08/12/16
REVISED PER TOWN OF HARRISBURG
COMMENTS

REV. 1 - 08/03/16
REVISED PER TOWN OF HARRISBURG
COMMENTS

PROJECT NO.: 2015.10
SCALE: 1"=200'
DRAWN BY: CLR
CHECKED BY: MSL

SHEET NO:

C1.0





TOWN OF HARRISBURG

Agenda Item Details

Title:

Consideration of Capital Project Ordinance Amendments

Presenting Personnel:

Brian Lee, Finance Director

Suggested Motion or Action:

Motion to approve the Capital Project Ordinance Amendments, as attached.

Description/Background:

Each year, Town staff reviews existing multi-year capital projects and evaluates if their original expiration date is appropriate. During this process this year, the following projects were identified as needing extended project lives.

1. FY2021/2022 Waterline Upgrades Project was originally authorized by Town Council as part of the FY2021 Capital Improvement Plan and Budget Ordinance to cover a span of July 1, 2020 to June 30, 2022. It was extended for one year to June 30, 2023. The construction is currently underway but is expected to be completed after June 30, 2023. In order to provide authorization for this project to be completed past June 30, 2023, staff is requesting extending the term of the project to June 30, 2024.

2. Cabarrus Woods Waterline Project was originally authorized by Town Council as part of the FY2022 Capital Improvement Plan and Budget Ordinance to cover a span of July 1, 2021 to June 30, 2023. Bidding for Phase 1A of the project is expected this summer with construction to begin in the Fall of 2023. In order to provide authorization for this project to be completed past June 30, 2023, staff is requesting extending the term of the project to June 30, 2025.

3. Regional Detention Pond Project was originally authorized by Town Council Council as part of the FY2020 Capital Improvement Plan and Budget Ordinance to cover a span of July 1, 2019 to June 30, 2021. It was extended for two years to June 30, 2023. Due to delays in the development of Town Center, the authorization for this project needs to be extended to allow for future design and construction. Staff is requesting extending the term of the project to June 30, 2027.

4. Storm Water Improvements - System A Phase 3 Project was originally authorized by Town Council as part of the FY2021 Capital Improvement Plan and Budget Ordinance to cover a span of July 1, 2020 to June 30, 2023. Staff is requesting extending the term of the project to June 30, 2025 to allow time for design and construction of this phase of improvements.

Recommendation:

Staff recommends approval of these Capital Project Ordinance Amendments, as attached.

Fiscal Impact:

There is no additional fiscal impact to the Town. The amendments only extend the end date of each project as follows:

1. FY2021/2022 Waterline Upgrades - June 30, 2024

2. Cabarrus Woods Waterline Project - June 30, 2025
3. Regional Detention Pond - June 30, 2027
4. Storm Water Improvements - System A Phase 3 - June 30, 2025

Attachments:

1. Project Amendment - CPF-WS - FY21-22 Waterline Project Extension 06122023
2. Project Amendment - CPF-WS - Cabarrus Woods Waterline Project Extension 06122023
3. Project Amendment - CPF-SW - Storm Water System A Phase 3 Extension 06122023
4. Project Amendment - CPF-SW - Regional Detention Pond Extension 06122023



AN ORDINANCE AMENDING THE 2021-2023 CAPITAL PROJECTS ORDINANCE OF THE TOWN OF HARRISBURG, NORTH CAROLINA

Be it ordained by the Town Council of the Town of Harrisburg, North Carolina, that the following amendment be made to the Capital Projects Fund – Water and Sewer ordinance for the fiscal years beginning July 1, 2020 and ending June 30, 2023:

SECTION 1. To amend the dates of the Capital Projects Fund – Water and Sewer to the fiscal year beginning July 1, 2020 and ending June 30, 2024 for the following project:

- 2021-6000-001: FY21/22 Waterline Upgrades Project

SECTION 2. Copies of this budget amendment shall be furnished to the Clerk to the Town Council and to the Budget Officer and the Finance Officer for direction.

SECTION 3. That this ordinance shall be effective upon its passage. Adopted this 12th day of June, 2023.

Jennifer Teague, Mayor

ATTEST:

Janet Rackley, Town Clerk



AN ORDINANCE AMENDING THE 2022-2023 CAPITAL PROJECTS ORDINANCE OF THE TOWN OF HARRISBURG, NORTH CAROLINA

Be it ordained by the Town Council of the Town of Harrisburg, North Carolina, that the following amendment be made to the Capital Projects Fund – Water and Sewer ordinance for the fiscal years beginning July 1, 2021 and ending June 30, 2023:

SECTION 1. To amend the dates of the Capital Projects Fund – Water and Sewer to the fiscal year beginning July 1, 2021 and ending June 30, 2025 for the following project:

- 2022-6000-009: Cabarrus Woods Waterline Project

SECTION 2. Copies of this budget amendment shall be furnished to the Clerk to the Town Council and to the Budget Officer and the Finance Officer for direction.

SECTION 3. That this ordinance shall be effective upon its passage. Adopted this 12th day of June, 2023.

Jennifer Teague, Mayor

ATTEST:

Janet Rackley, Town Clerk



AN ORDINANCE AMENDING THE 2021-2023 CAPITAL PROJECTS ORDINANCE OF THE TOWN OF HARRISBURG, NORTH CAROLINA

Be it ordained by the Town Council of the Town of Harrisburg, North Carolina, that the following amendment be made to the Capital Projects Fund – Storm Water ordinance for the fiscal years beginning July 1, 2020 and ending June 30, 2023:

SECTION 1. To amend the dates of the Capital Projects Fund – Storm Water to the fiscal year beginning July 1, 2020 and ending June 30, 2025 for the following project:

- 2021-7000-001: Storm Water Improvements – System A – Phase 3

SECTION 2. Copies of this budget amendment shall be furnished to the Clerk to the Town Council and to the Budget Officer and the Finance Officer for direction.

SECTION 3. That this ordinance shall be effective upon its passage. Adopted this 12th day of June, 2023.

Jennifer Teague, Mayor

ATTEST:

Janet Rackley, Town Clerk



AN ORDINANCE AMENDING THE 2020-2023 CAPITAL PROJECTS ORDINANCE OF THE TOWN OF HARRISBURG, NORTH CAROLINA

Be it ordained by the Town Council of the Town of Harrisburg, North Carolina, that the following amendment be made to the Capital Projects Fund – Storm Water ordinance for the fiscal years beginning July 1, 2019 and ending June 30, 2023:

SECTION 1. To amend the dates of the Capital Projects Fund – Storm Water to the fiscal year beginning July 1, 2019 and ending June 30, 2027 for the following project:

- 2020-7000-001: Regional Detention Pond

SECTION 2. Copies of this budget amendment shall be furnished to the Clerk to the Town Council and to the Budget Officer and the Finance Officer for direction.

SECTION 3. That this ordinance shall be effective upon its passage. Adopted this 12th day of June, 2023.

Jennifer Teague, Mayor

ATTEST:

Janet Rackley, Town Clerk



Town of Harrisburg
Planning and Zoning Department
Rezoning Staff Report for Town Council
Case # H-2022-18-R

DATE: April 21, 2023

SUBJECT:

Request H-2022-18-R: To rezone approximately 5.559 acres from County CR (Countryside Residential) to RL (Residential Low Density)

Location: The subject property is located on Robinson Church Road north of the Oak Hollow Lane intersection (PIN 5506-91-1078)

Applicant: Foxx Contracting on behalf of property owner Giuseppe Acito

Staff Report Prepared by: Craig Thomas, Senior Planner

Neighborhood Meeting: N/A

BACKGROUND:

Area: ±5.559 acres Total

Existing Land Use: Vacant/Single-Family Residential

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

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

APPLICATION SUMMARY:

- The applicant is requesting approval to rezone property located at 9771 Robinson Church Road from its current County zoning designation of CR (Countryside Residential) to a Town of Harrisburg designation of RL (Residential Low Density). Along with the request for rezoning, the applicant is also requesting Town Council approval for a non-contiguous annexation into the Town of Harrisburg town limits, to access Town sewer services for the parcel. Should the Town Council approve the rezoning, approval would need to be made contingent on annexation approval by the Council.
- The RL district has a maximum density of 1 dwelling unit per acre. At a density of 0.18 dwelling units per acre, the subject parcel meets the RL dimensional requirements of the UDO.
- The Planning and Zoning Board reviewed the request for rezoning at its February 13, 2023 meeting and is recommending Town Council approval of the rezoning.

APPROVAL CRITERIA:

1. The size of the tract in question;

The subject property is approximately 5.559 acres in size.

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

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

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

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

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

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

With regard to the overall goals of the Land Use Plan, **recommendation LU-5** states that the Town should “Expand Housing Options” to appeal to a broad range of audiences and

products to those seeking Harrisburg's high quality of life. The low density nature of this area and the proposed zoning would allow the property owner to continue to utilize the existing single family home and maintain the rural character of the area.

Recommendation LU-7 of the Plan recommends consistency between the Town's zoning regulations and the adopted Future Land Use Map. A table included as part of this goal establishes the "appropriate" zoning districts to use when making zoning decisions based on the Future Land Use Map. The map, as previously stated, designates this area as Low Density Residential and the proposed density of 0.18 dwelling units per acre is compatible with the 1 acre lot size standard designated by the RL district.

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

The benefits to the owners of the properties would be that single-family residential zoning at the proposed density of 0.18 dwelling units per acre could be achieved under the proposed zoning, and annexation allows access to town offered services.

The continuation of one single-family detached home has no detrimental impact to the surrounding community. The rezoning and annexation request is to adopt the Town's low density zoning and tap into the Town's water and sewer availability.

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

a. Utilities:

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.

In accordance with the Town's Sewer Allocation Policy, a single residential parcel is exempt from this Policy and therefore does not require an allocation of sewer capacity.

Utilities are available in this area and are sufficient to meet the needs of this property. Water is available along Robinson Church Road and sewer access is available to the northeast and northwest of the property on the other side of Robinson Church Road. Any utility line extensions or upgrades necessary to serve this development will be the responsibility of the developer.

Transportation:

Based on the small amount of traffic generated by the existing single family dwelling A TIA was not required. Driveway access will be reviewed and permitted by the Town and NCDOT during the 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:

As no additional residential units are being created by this rezoning and annexation, 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;

At a density of 0.18 dwelling units per acre, the proposed use is compatible with surrounding land uses.

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

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

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

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

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

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

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

As previously mentioned, the use of the property for a single family detached home, is consistent with surrounding neighborhoods and aligns with the Harrisburg Area Land Use Plan (HALUP) future land use recommendation for this property.

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

This property has been vacant.

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

Land supply is not a direct issue in this area.

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

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

PLANNING AND ZONING BOARD RECOMMENDATION:

At its February 13th meeting, the PZB voted to recommend Town Council approval of the requested rezoning.

STAFF RECOMMENDATION:

The proposed rezoning of property located at 9771 Robinson Church Road is consistent with the Harrisburg Area Land Use Plan (HALUP) LDR designation and the requirements of the UDO. Planning and Zoning staff therefore recommends approval of the request for rezoning of property located at 9771 Robinson Church Road from County-CR (Countryside Residential) to a Town of Harrisburg designation of RL (Residential Low Density).



Harrisburg NC

The right side of opportunity

Planning & Zoning Department

4100 Main Street Ste 102, Harrisburg, NC 28075

(704) 455-5614

Legislative Approval Application

1. Application Type (select all that apply)

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

2. Project Information

- a. Project Name: ACTO RESIDENCE
- b. Project Location/Address: 9771 ROBINSON CHURCH RD
- c. Tax Map and Parcel Number (PIN): #5506911078000 (5.559 ACRES)
#5506911011000 (3.840 ACRES)
- d. Zoning: Existing: CR Proposed: RL
- e. Land Use: Existing: _____ Proposed: _____
- g. Description of Request (attach separate sheet if needed):

Report to ANNEX TO TIE IN GUY SEWER
 TOWN OF HARRISBURG HAS INSPECTED AND DEEMED ACCESSIBLE

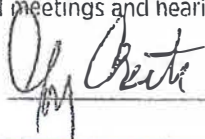
3. Contact Information

- a. Project Manager/Contact Person: GIUSEPPE ACTO
- Company: N/A
- Address: 9771 ROBINSON CHURCH City, State, Zip: HARRISBURG NC 28075
- Phone Number: 704 622 3055 Email Address: gacto@AATRENCHING.biz
- b. Applicant Name (if different than above): _____
- Company: _____
- Address: _____ City, State, Zip: _____
- Phone Number: _____ Email Address: _____
- c. Owner Name: _____
- Company: _____
- Address: _____ City, State, Zip: _____
- Phone Number: _____ Email Address: _____

4. Owner's Consent

Giuseppe Acito ("Owner") certifies that it is the owner of the property located at 9771 ROBINSON CHURCH RD ("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, Gregory Fox as agent, to file this application and represent Owner at any and all meetings and hearings required for the approval of this application.

Owner's Signature: 

Date: 11/10/22

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

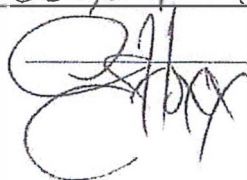
Project Name: Acito Residence Submittal Date: 11/10/22

STATEMENT OF COMPLETENESS AND ACCURACY:

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

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

Applicant Name: Gregory Fox

Applicant Signature: 

6. Staff Use Only:

Record of Process

Date Received: 1/17/2023

Application Number: H-2022-18-R

Is Application Complete?

☒

Yes

☐

No

Public Hearing Date(s): 5/8/23

Published Notice Date: 4/28/23 and 5/5/23

Mailed Notice Date: 4/10/23

Posted Notice Date: 4/10/23

Final Action Applicant Notification Mailed Date:

Town Staff Signature: Craig Thomas

Record of Decision

Reviewed By:

Recommendation:

☐

Approve

☐

Deny

Final Action:

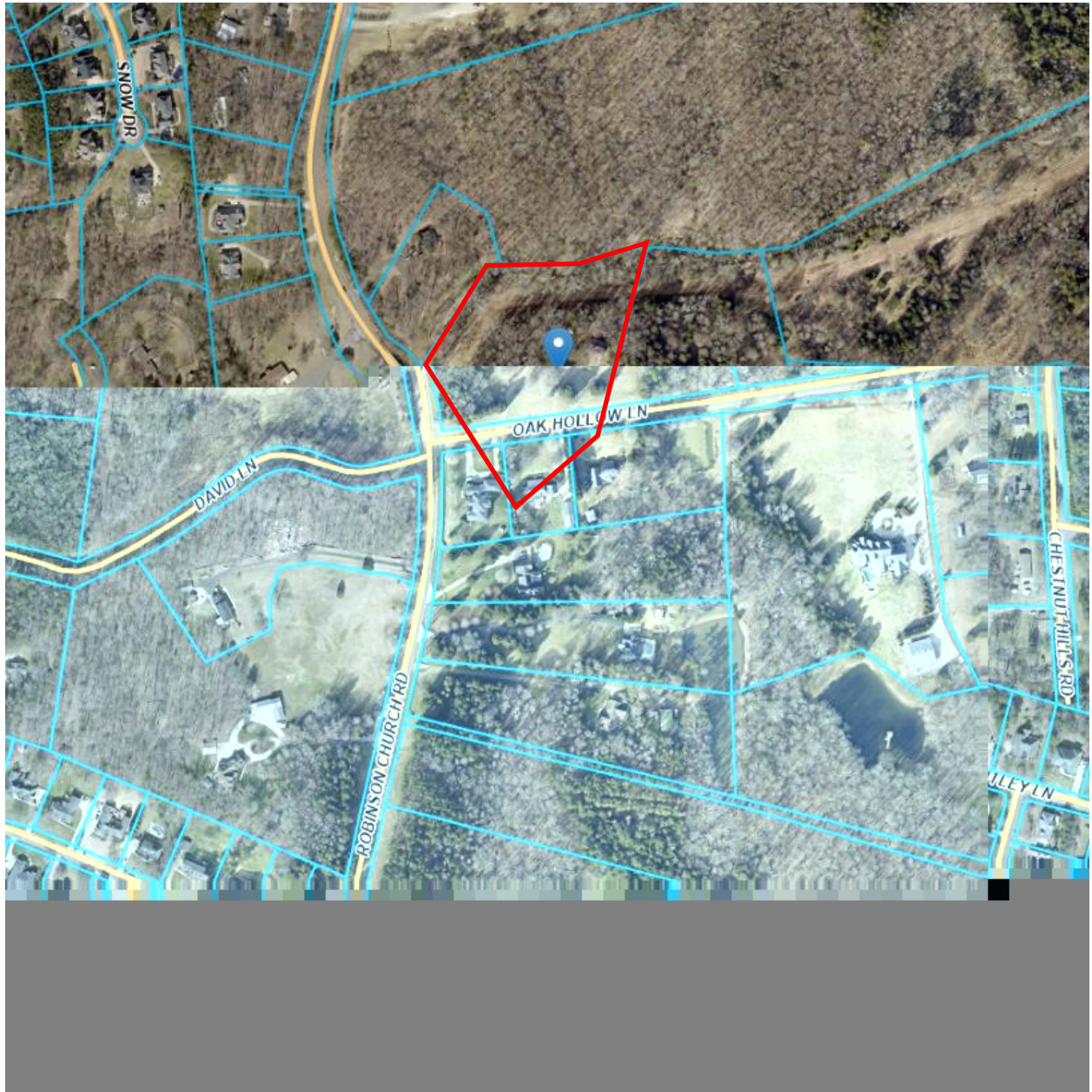
☐

Approve

☐

Deny

H-2022-18-R Aerial Map



H-2022-18-R Site Map



PUBLIC HEARING NOTICE

Harrisburg Town Council ****Onsite/Virtual Meeting****

Monday, May 8, 2023 @ 6:00 PM

Harrisburg Town Hall- Council Chambers

4100 Main Street

Harrisburg, NC 28075

H-2022-18-R: Request to rezone approximately 5.559 acres from County CR (Countryside Residential) to RL (Residential Low Density). The subject property is located on Robinson Church Road north of the Oak Hollow Lane intersection (PIN 5506-91-1078).

****Virtual Meeting Information will be posted on the published agenda and can be accessed here <https://harrisburgnc.org/129/Agendas-Minutes>**

Copies of text amendment available for review at Harrisburg Town Hall.

Publication Dates: Friday April 28th, 2023, and Friday May 5, 2023.



April 10, 2023

Public Hearing Notice Revised

To Whom It May Concern:

Our records indicate that you own property within 300' of property located at 9771 Robinson Church Road (Cabarrus County PIN 5506-91-1078). The owner of this property is requesting annexation into the Town of Harrisburg limits and rezoning from Cabarrus County CR (Countryside Residential) to Town of Harrisburg RL (Residential Low Density). The purpose of this annexation and rezoning is to have access to the Town's water and sewer services.

A public hearing on this request will be held on May 8, 2023, at 6:00 pm at Harrisburg Town Hall in the Town Council chambers. You are being notified of this public hearing in accordance with the requirements of Section 145.01.08.C of the Harrisburg Unified Development Ordinance (UDO) and are invited to attend the meeting (in person or virtually) and provide input or ask questions. Please see instructions below on how to access this meeting virtually.

Virtual Meeting Information:

Please click this URL to join.

<https://us02web.zoom.us/j/83481877476?pwd=YzFjTlBDZWQweU9NVWR0QjFhRVVqQT09>

Passcode: 212521

Or join by phone: (929) 205 6099

Dial: (929) 205 6099

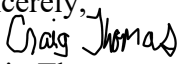
Webinar ID: 834 8187 7476

Send comments or sign up to speak by emailing at planning@harrisburgnc.org

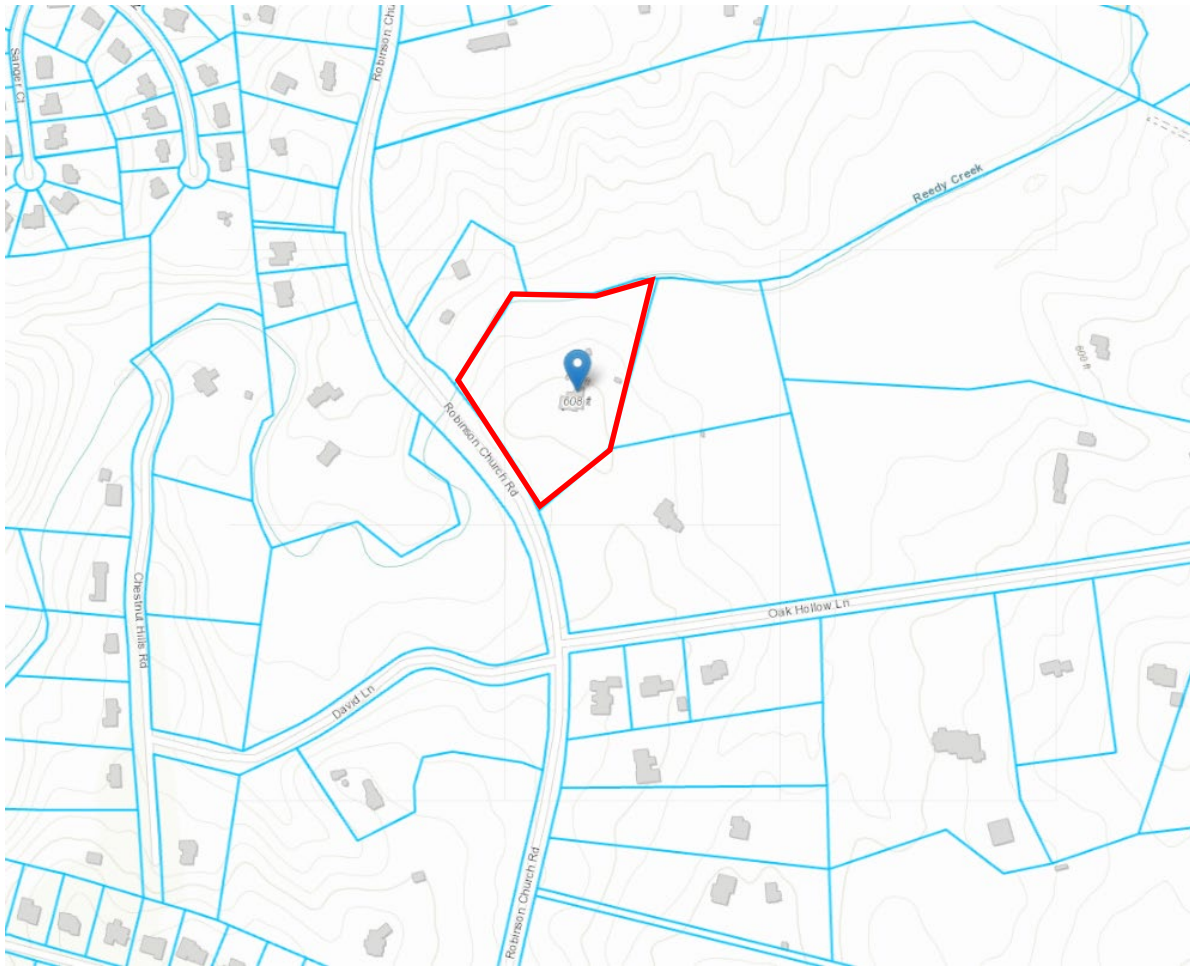
The number at Town Hall is 704-455-5614 if you have any questions prior to the meeting.

H2022-18-R 9771 Robinson Church Road Rezoning – Town Council Public Hearing

Date: Monday, May 8, 2023
Time: 6:00 PM
Location: Harrisburg Town Hall
4100 Main Street
Harrisburg, NC 28075

Sincerely,

Craig Thomas
Senior Planner
Town of Harrisburg

Site Location Map (9771 Robinson Church Road)



Annexation Application

1. Request for Annexation

- ☐ 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: 9771 ROBINSON CHURCH RD.
- b. Tax Map and Parcel Number (PIN): # 5506911078000 - 5.559 Acres
5506911011000 - 3.840 Acres
- c. Current Zoning: CR
- d. Current Land Use: Residential
- e. Area to be annexed is: ☒ Non-Contiguous
- f. Boundaries of territory to be annexed (attach separate sheet or describe below):

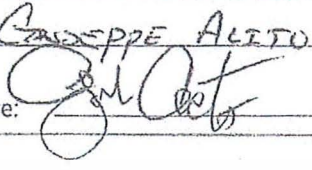
PROPERTY Boundary IN ITS Entirety

3. Contact Information

- a. Contact Person: GIUSEPPE ACITO
 Company: N/A
 Address: 9771 ROBINSON CHURCH City, State, Zip: HARRISBURG, NC 28075
 Phone Number: 704 622-3095 Email Address: JOACITO@ASTRENCING.BIZ
- b. Applicant Name (if different than above): _____
 Company: _____
 Address: _____ City, State, Zip: _____
 Phone Number: _____ Email Address: _____
- c. Owner Name: _____
 Company: _____
 Address: _____ City, State, Zip: _____
 Phone Number: _____ Email Address: _____

4. Signature of Owner(s)

Owner Name: GIUSEPPE ALITO Address: 9771 ROBINSON CIRCLE RD

Owner Signature:  Date: 11/10/22

Owner Name: _____ Address: _____

Owner Signature: _____ Date: _____

Owner Name: _____ Address: _____

Owner Signature: _____ Date: _____

Owner Name: _____ Address: _____

Owner Signature: _____ Date: _____

Owner Name: _____ Address: _____

Owner Signature: _____ Date: _____

Owner Name: _____ Address: _____

Owner Signature: _____ Date: _____

Owner Name: _____ Address: _____

Owner Signature: _____ Date: _____

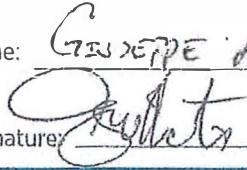
5. Affidavit of Completeness and Accuracy (to be completed by the individual submitting the application)

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: GIUSEPPE ALITO Submittal Date: 11/10/22

Applicant Signature: 

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: 1/17/23

Application Number: H-2022-18-R

Is Application Complete?

☒

Yes

☐

No

Public Hearing Date(s): 5/8/23

Published Notice Date: NA - Public Hearing called by Town Council 4/17/2023

Mailed Notice Date: NA

Posted Notice Date: NA

Final Action Applicant Notification Mailed Date:

Town Staff Signature:

Craig Thomas

Record of Decision

Reviewed By:

Recommendation:

☐

Approve

☐

Deny

Final Action:

☐

Approve

☐

Deny



To the Town Council of the Town of Harrisburg of Harris

I, Janet Rackley, Clerk, do hereby certify that I have in
attached hereto and have found as a fact that said petition is sign
property lying in the area described therein, in accordance with C

In witness whereof, I have hereunto set my hand and affi
of Harrisburg of Harrisburg, North Carolina, this 6th day of April



Janet Rackley
Janet Rackley, Clerk

Harrisburg North Carolina:

Investigated the petitions
ned by all owners of real
r.S. 160A-58.1.

xed the seal of the Town
2023.

Wally



HarrisburgNC

The right side of opportunity

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-58.1**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town of Harrisburg Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to sufficiency of the petition has been made;

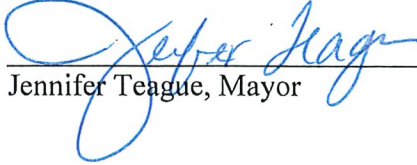
NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Harrisburg, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at Harrisburg Town Hall at 4100 Main Street, Harrisburg, North Carolina at 6:00 p.m. on May 8, 2023.

A metes and bounds description of 9771 Robinson Church Road, Harrisburg, NC:

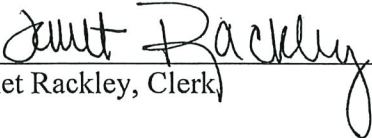
Beginning at a capped rebar on the south bank of Reedy Creek; thence S 83°35'03" W a distance of 200.00'to a computed point in said creek; thence S 89°29'05" W a distance of 237.49'to a computed point in said creek; thence S 34°03'44" W a distance of 216.84'to a computed point in said creek; thence S 33°18'21" W a distance of 175.45'to a computed point in said creek; thence S 42°33'06" E a distance of 104.11'to a computed point across Robinson Church Rd; thence S 54°01'31" E a distance of 100.00'to a computed point in Robinson Church Rd; thence S 48°44'42" E a distance of 50.00'to a computed point in Robinson Church Rd; thence S 41°12'55" E a distance of 50.00'to a computed point in Robinson Church Rd; thence S 34°00'19" E a distance of 50.00'to a computed point in Robinson Church Rd; thence S 26°03'01" E a distance of 48.12'to a computed point in Robinson Church Rd; thence N 49°08'10" E a distance of 31.87'to a 1.5" pipe in a stone pile; thence N 49°08'10" E a distance of 287.64'to a 1/2" rebar; thence N 18°06'39" E a distance of 454.94'to a capped rebar; which is the point of beginning, having an area of 5.559 acres, as depicted on an unrecorded plat by Helton Surveying and Mapping PLLC, dated September 19, 2022, for Giuseppe Acito.

Section 3. Notice of the public hearing shall be published in the Independent Tribune, a newspaper having general circulation in the Town of Harrisburg, at least ten (10) days prior to the date of the public hearing.



Jennifer Teague, Mayor

ATTEST:



Janet Rackley, Clerk



A
PHYSICAL SURVEY
for

Giuseppe Acito

TOWNSHIP 1 - HARRISBURG
CABARRUS COUNTY, NC
SEPTEMBER 19, 2022

PROPERTY INFORMATION:

PARCEL ID: 55069161110000
55069110780000
9771 ROBINSON CH. RD.
HARRISBURG, NC

PLAT NOTES:

1. PLAT NORTH IS BASED ON NAD83(2011)
2. NO GEODETIC MONUMENTS WERE SURVEYED
3. AREA COMPUTED USING COORDINATE METHOD
4. ALL DISTANCES ARE GROUND HORIZONTAL UNLESS OTHERWISE NOTED
5. ANY TRAVERSE ADJUSTMENTS WERE PERFORMED USING THE COMPASS RULE
6. PROPERTY MAY BE SUBJECT TO BURDENS OR BENEFITS NOT SHOWN

HELTON

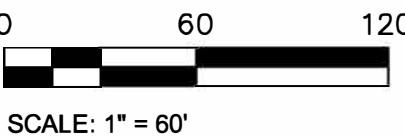
SURVEYING & MAPPING PLLC
(704) 634-9354

FIRM #P-2095

JACOB W. HELTON, PLS, CFS
JACOBH@HELTON.BIZ
3579 ANDERSON MOUNTAIN RD.
MAIDEN, NC 28650

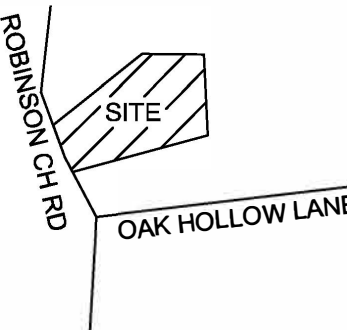
DEED AND PLAT REFERENCES:

DB: 12133 PG: 128
DB: 1169 PG: 100



SURVEY: JWH/BH 9-15-22
DRAWN: JWH 9-19-22
JOB: 22148

VICINITY SKETCH: NO SCALE



PIERCE
DEED T008-091

REEDY CREEK

EURY
DEED 628-010

60' SANITARY SEWER EASEMENT
WATER AND SEWER AUTHORITY OF CABARRUS COUNTY
DEED 7958-253

CALDERWOOD
DEED 5368-248

SMITH
DEED 1169-100
3.840 ACRES

FLOOD ZONE AE

0.2% ANNUAL CHANCE FLOOD HAZARD

SMALL
DEED 8132-83

SMITH
DEED 12133-128
5.559 ACRES TOTAL
0.561 AC. IN PUBLIC R/W

STORAGE
BUILDING

GARAGE

BRICK
HOUSE

ROBINSON CHURCH RD.
S.R. #1168
60' PUBLIC R/W - VARIABLE WIDTH

LINE	BEARING	DISTANCE
L1	S 49°08'10" W	31.87'
L2	N 37°26'00" E	35.46'
L3	N 26°03'01" W	48.12'
L4	N 34°00'19" W	50.00'
L5	N 41°12'55" W	50.00'
L6	N 48°44'42" W	50.00'
L7	N 54°01'31" W	100.00'
L8	N 42°33'06" W	104.11'
L9	N 20°22'31" W	102.61'
L10	S 11°45'18" E	30.76'

"I certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 12133, page 128 or other reference source (SEE NOTES)); that the boundaries not surveyed are indicated as drawn from information in other reference source (SEE NOTES); that the ratio of precision or positional accuracy is 1:10,000+; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600)." This 19 day of SEPTEMBER, 2022.

Seal
Professional Land Surveyor



- LEGEND
- RCP REINFORCED CONCRETE PIPE
 - HDPE HIGH DENSITY PLASTIC
 - CMP CORRUGATED METAL PIPE
 - DB PG DEED BOOK & PAGE
 - MB PG MAP/PLAT BOOK & PAGE
 - R/W RIGHT OF WAY
 - AC ACRES
 - C/L CENTERLINE
 - AXLE
 - SURVEY SPIKE SET
 - CONCRETE MONUMENT
 - MAGNETIC/PK NAIL
 - IRON PIPE
 - COMPUTED POINT
 - UNMARKED CORNER IN TREE
 - REBAR FOUND
 - BENCHMARK
 - GEODETIC MONUMENT
 - REBAR SET
 - STONE
 - UTILITY POLE
 - HVAC
 - WATER WELL
 - WATER VALVE
 - HYDRANT

- BOUNDARY LINE (AS SURVEYED)
- TIE LINE (NO SCALE)
- WOODLINE
- FENCE
- EDGE OF GRAVEL
- CURB & GUTTER
- BOUNDARY LINE (BY REFERENCE)
- RIGHT-OF-WAY LINE
- EASEMENT LINE
- TIE LINE
- OVERHEAD POWER LINE
- CENTERLINE OF BRANCH / CREEK
- FEMA 100 YEAR FLOOD LINE

A metes and bounds description of 9771 Robinson Church Road, Harrisburg, NC:

Beginning at a capped rebar on the south bank of Reedy Creek; thence S 83°35'03" W a distance of 200.00' to a computed point in said creek; thence S 89°29'05" W a distance of 237.49' to a computed point in said creek; thence S 34°03'44" W a distance of 216.84' to a computed point in said creek; thence S 33°18'21" W a distance of 175.45' to a computed point in said creek; thence S 42°33'06" E a distance of 104.11' to a computed point across Robinson Church RD; thence S 54°01'31" E a distance of 100.00' to a computed point in Robinson Church Rd; thence S 48°44'42" E a distance of 50.00' to a computed point in Robinson Church Rd; thence S 41°12'55" E a distance of 50.00' to a computed point in Robinson Church Rd; thence S 34°00'19" E a distance of 50.00' to a computed point in Robinson Church Rd; thence S 26°03'01" E a distance of 48.12' to a computed point in Robinson Church Rd; thence N 49°08'10" E a distance of 31.87' to a 1.5" pipe in a stone pile; thence N 49°08'10" E a distance of 287.64' to a 1/2" rebar; thence N 18°06'39" E a distance of 454.94' to a capped rebar; which is the point of beginning, having an area of 5.559 acres, as depicted on an unrecorded plat by Helton Surveying and Mapping PLLC, dated September 19, 2022, for Giuseppe Acito.

ORDINANCE #7029

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF HARRISBURG, NORTH CAROLINA**

WHEREAS, the Town of Harrisburg has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Town of Harrisburg has by resolution directed the Town of Harrisburg Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town of Harrisburg Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Harrisburg Town Hall, 4100 Main Street, Suite 101, Harrisburg, N.C. on June 12, 2023, after due notice by Independent Tribune; and

WHEREAS, the Town of Harrisburg finds that the area described therein meets the standards of G.S. 160A-58,1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Harrisburg;
- b. No point of the proposed satellite corporate limits is closer to another municipality than to the Town of Harrisburg;
- c. The area described is so situated that the Town of Harrisburg will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Harrisburg; and

WHEREAS, the Town Council further finds that the petition has been signed by all owners of the real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town of Harrisburg and of the area proposed for annexation will best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Harrisburg of Harrisburg, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Harrisburg:

A metes and bounds description of 9771 Robinson Church Road, Harrisburg, NC:

Beginning at a capped rebar on the south bank of Reedy Creek; thence S 83°35'03" W a distance of 200.00'to a computed point in said creek; thence S 89°29'05" W a distance of 237.49'to a computed point in said creek; thence S 34°03'44" W a distance of 216.84'to a computed point in said creek; thence S 33°18'21" W a distance of 175.45'to a computed point in said creek; thence S 42°33'06" E a distance of 104.11'to a computed point across Robinson Church RD; thence S 54°01'31" E a distance of 100.00'to a computed point in Robinson Church Rd; thence S 48°44'42" E a distance of 50.00'to a computed point in Robinson Church Rd; thence S 41°12'55" E a distance of 50.00'to a computed point in Robinson Church Rd; thence S 34°00'19" E a distance of 50.00'to a computed point in Robinson Church Rd; thence S 26°03'01" E a distance of 48.12'to a computed point in Robinson Church Rd; thence N 49°08'10" E a distance of 31.87'to a 1.5" pipe in a stone pile; thence N 49°08'10" E a distance of 287.64'to a 1/2" rebar; thence N 18°06'39" E a distance of 454.94'to a capped rebar; which is the point of beginning, having an area of 5.559 acres, as depicted on an unrecorded plat by Helton Surveying and Mapping PLLC, dated September 19, 2022, for Giuseppe Acito.

Map recorded at Cabarrus County Register of Deeds, Book _____ Page _____

Section 2. Upon and after June 12, 2023, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Harrisburg and shall be entitled to the same privileges and benefits as other parts of the Town of Harrisburg. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Harrisburg shall cause to be recorded in the office of the Register of Deeds of Cabarrus County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of the ordinance. Such a map shall also be delivered to the Cabarrus County Board of Election, as required by G.S. 163-288.1.

Adopted this 12th day of June, 2023

Jennifer Teague, Mayor

ATTEST:

Janet Rackley, Town Clerk



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consideration of Adoption of new Board of Adjustment Rules of Procedure

Presenting Personnel:

Lee Connor, Deputy Town Manager, Robert Donham, Town Manager

Suggested Motion or Action:

Motion to adopt the attached Rules of Procedure for the Harrisburg Board of Adjustment.

Description/Background:

In the Fall of 2022, Town Council directed Town staff to evaluate bylaw consistencies of all current Boards and Committees and report back with those results, particularly number of members, term limits and appointment processes. This evaluation was done and presented to Council in January 2023. Council then directed staff to present amended bylaws for all boards that are consistent with each other and further, to evaluate the viability of each board. These results were discussed with Town Council at the April 2023 Council meeting. In the May 2023 Council meeting, Town Council adopted new bylaws for the Parks and Recreation Advisory Board, Arts, Culture and Heritage Committee and rules of procedure for the Planning and Zoning Board. Due to complexities with the Board of Adjustment, as many of its requirements are outlined by State Statute, additional time was needed to draft the attached rules of procedure. Because of this, there are some differences with this Board compared to the others.

First, the new Rules of Procedure for the Board of Adjustment calls for a fully separate board from the Planning and Zoning Board. There may be members of the P&Z Board that are appointed to the Board of Adjustment, but it is not automatically the same members for both boards.

Below is a summary of the key items relating to this Board.

- No. of members - 5 (additionally 2 alternate members of the Board shall be appointed)
- ETJ Requirements - One of the five members shall be the ETJ member appointed to the P&Z Board, or as described in Rule 1 of their Rules of Procedure
- Length of terms - 3 years
- Term limits - 2 terms (6 years), off 4 yrs, reset
- Term end date - 6/30
- Meeting attendance requirements - 75%
- Quorum for meeting - min of 3 of 5

Recommendation:

Staff recommends approval of the attached Rules of Procedure for the Board of Adjustment.

Fiscal Impact:

N/A

Attachments:

1. Rules of Procedure for Harrisburg Board of Adjustment



HarrisburgNC
The right side of opportunity

Rules of Procedure

Harrisburg Board of Adjustment

Rules of Procedure for Harrisburg Board of Adjustment

1. GENERAL RULES.

The function of the Board of Adjustment (referred to as the "Board") is to hear and determine certain quasi-judicial matters under the development regulations of the Town of Harrisburg. The Board shall be governed by the terms of Chapter 160A, Article 19, Part 3 and Chapter 160D of the General Statutes of North Carolina and by the Unified Development Ordinance of the Town of Harrisburg (referred to as the "UDO"). The Board shall exercise such additional authority as may be given it under general law, special act and local ordinance. These Rules of Procedure are intended to supplement and explain procedural provisions and requirements set out in the applicable provisions of law and ordinance.

These Rules of Procedure are adopted by the Board and the Town Council.

All members of the Board shall thoroughly familiarize themselves with the statutes and ordinances specified above and these Rules of Procedure.

2. OFFICERS AND THEIR DUTIES.

A. Chair. The Chair shall be a regular member elected by a majority vote of the full membership of the Board (including extraterritorial and alternate members). The Chair's term of office shall be one year, or until a successor is elected, beginning on July 1. The Chair shall be eligible for reelection. The Chair shall decide upon all points of order and procedure, subject to these rules. The Chair shall rule on all objections to the presentation of evidence. Rulings of the Chair may be appealed by a member of the Board to the full Board. The Chair shall appoint any committees found necessary to conduct the business of the Board.

B. Vice Chair. The Vice Chair shall be a regular member of the board elected by the Board in the same manner and for the same term as the Chair. The Vice-Chair shall serve as Acting Chair in the absence of the Chair and at such times the Vice-Chair shall have the same powers and duties as the Chair.

C. Secretary. The Secretary shall be the appointed Planning and Zoning Planning Technician for the Town of Harrisburg. The Secretary, subject to the direction of the Chair and the Board, shall keep all records, shall conduct all correspondence of the Board, shall arrange for all public notices required to be given, shall notify members of pending meetings and their agenda, shall notify parties to cases before the Board of its decision on such cases, and shall generally supervise clerical work of the Board. The Secretary shall keep in a permanent volume the summary of minutes of every meeting of the Board. These shall show the record of all important facts pertaining each meeting and hearing, every resolution acted upon by the Board and all votes of members of the Board upon the final determination of any question, indicating the names of the members absent or failing to vote. The Secretary shall not be eligible to vote upon any matter and is not a member of the Board.

The Secretary shall provide to every new member of the Board print or electronic copies of all relevant ordinances, these Rules of Procedure, and such other educational materials deemed appropriate. The Secretary shall arrange for an orientation for new members and shall coordinate

provision of continuing education for Board members.

3. MEMBERS.

A. Regular Members. There shall be five (5) regular members of the Board, each to be appointed by the Town Council, according to the appointment procedure in Rule 6 of the Rules of Procedure of the Harrisburg Planning & Zoning Board. Such members may also be members of the Harrisburg Planning & Zoning Board and/or Town Council during the same term of office, but not required. One of the five regular members shall be the P&Z member residing in the Town's extraterritorial jurisdiction ("ETJ"), who will have been appointed as determined in Rule 1 of the Rules of Procedure of the Harrisburg Planning & Zoning Board.

B. Alternate Members. There shall be two (2) alternate members of the Board, each appointed by the Town Council in the same manner as provided for regular members. The two alternate members may be the other two members of the Harrisburg Planning & Zoning Board and shall be designated by the Town Council as the alternate members when so appointed. Alternate members are encouraged to attend all meetings of the Board, but shall not participate in hearing, deliberating, and deciding a case only when acting in the place of a regular member. On receiving such notice that a regular member will not be participating, the Secretary shall, by the most expeditious means, notify an alternate member to attend. An alternate member shall be called upon by the Chair to participate in an individual case in the place of a member who has a conflict and is ineligible to participate in that case. At any meeting or case upon which they are called upon to participate, alternate members shall have the same powers and duties as regular members. Alternate members who are present and participate in hearing an individual case shall continue to hear, deliberate and vote on that case at any subsequent meeting.

C. Term. Each regular and alternate member shall be appointed for a three (3) year term. Each such member may be reappointed to a second three (3) year term, after which the member is not eligible for reappointment until four (4) years have elapsed. All terms of appointment shall start on July 1st. Any member that is appointed to fill an unexpired term may still be appointed for two (2) consecutive terms of their own.

4. RULES OF CONDUCT FOR MEMBERS.

A. In accordance with the Unified Development Ordinance, members of the Board may be removed by the Town Council for cause, including violation of the rules stated below. The Chair shall report to the Town Council any violation of these rules of conduct. Where feasible, the Town Council shall notify a member being considered for removal of the reasons for removal and give that member an opportunity to respond.

B. Faithful attendance at all meetings of the Board and conscientious performance of the duties required of members of the Board shall be considered a prerequisite for continuing membership on the Board. Any regular Board member who is absent for more than three consecutive regular meetings or more than 75% of the regular meetings in a calendar year shall lose his or her status as a Board member. Absence due to sickness, death in the immediate family, or other emergencies of a similar nature shall be recognized as excused absences and shall not affect a member's status on the Board, except that in the event of a long illness or other such cause for prolonged absence the member shall be replaced. The Secretary to the Board shall keep a record of attendance and shall provide reasonable notice to any member who is in immediate risk of failing to meet these attendance

requirements.

C. Board members should disclose at the hearing any pertinent facts about a pending case of which they have personal knowledge prior to the hearing. Other than this type of disclosure, a board member seated for a hearing should not testify at that hearing. A board member who is recused from a case should avoid testifying as a witness in that hearing if at all feasible.

D. Board members shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision-maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change; undisclosed ex parte communications; a close, familial, business, or other associational relationship with an affected person; or a financial interest in the outcome of the matter. Board members shall endeavor to avoid the appearance of impropriety. Conflicts of interest are governed by N.C. Gen. Stat. § 160D-109.

A member with a potential bias or conflict of interest may consult with the Chair or the Town Attorney regarding that potential conflict prior to the hearing. A Board member with a bias or conflict of interest shall declare that at the opening of the hearing on the matter and shall be recused by the Board from all participation in hearing and deciding the case.

If an objection is raised to a member's participation in a case by a party to that case or by another Board member, the remaining members of the Board shall by majority vote rule on the objection. When a member is recused, that member shall absent himself or herself from the hearing room for the duration of the board's hearing, deliberation, and vote on that matter.

E. Board members shall not discuss any quasi-judicial case with, or receive any information about a case from, any parties to the case, other board members, or from other interested persons outside the evidentiary hearing on that case. No Board member shall conduct an investigation or gather facts about the case outside the evidentiary hearing. A Board member may visit the site of a pending case provided that visit is disclosed at the evidentiary hearing. Board members may seek and receive general information about ordinance and planning provisions pertaining to the case from the Chair, the Town Attorney, or Town Staff (except when a staff member is a party or an adversarial witness), provided any factual queries regarding the pending case itself shall only be made in open session at the evidentiary hearing.

F. Board members shall not vote on the merits of any quasi-judicial matter unless the Board member has either attended the evidentiary hearing on that matter or has thoroughly reviewed the full hearing record for that matter.

G. Board members shall not express individual opinions or judgments regarding a pending quasi-judicial case prior to the determination of that case.

5. MEETINGS.

A. Regular Meeting. Regular meetings of the Board shall be held on the third Tuesday of each month at 6:00 p.m. in the Council Chambers of Town Hall; provided that meetings may be held at any other convenient place, date or time in the Town if directed by the Chair in advance of the meeting and proper notice is given in accordance with applicable provisions of the Town Code and state law. Typically, meetings of this Board shall either directly precede or be directly after a meeting of the Harrisburg Planning & Zoning Board. The Secretary to the Board shall make the

schedule of regular meetings available to the public and shall post a copy of the schedule on the Town web site.

Regular meetings and hearings may be rescheduled by the Planning and Zoning Director if a scheduled meeting or hearing cannot be held because of a holiday, weather, lack of a quorum, or other unusual circumstance. Notice of a rescheduled meeting shall be provided in the same means as required for a special meeting. When an evidentiary hearing will be conducted at a regular or special meeting, all required notices to the parties must be provided within the times set by state law and the UDO.

B. Special Meetings. Special meetings of the Board may be called at any time by the Planning and Zoning Director pursuant to applicable provisions of the Open Meetings Law, N.C. Gen. Stat. §143-318.12. At least forty-eight (48) hours' written notice of the time and place of a special meeting shall be given by the Secretary to the Board to each member of the Board and to each news organization and person requesting such notice. This notice may be provided by electronic mail. This notice shall also be posted on the Town web site.

C. Cancellation of Meeting. If there are no quasi-judicial cases to be heard or other business before the Board, if there is a weather emergency or similar situation, or if so many regular and alternate members indicate that they will not be able to attend that a quorum will not be available, the Planning and Zoning Director may cancel a regular meeting by giving written and oral notice to all Board members. If feasible, notice of cancellation shall be made not less than twenty-four (24) hours before the time set for the meeting. The Secretary to the Board shall post a notice of the meeting cancellation at the regular meeting location.

D. Quorum. A quorum of the Board, necessary to meet, shall consist of three (3) members of the Board, but the Board shall not vote on any questions related to an appeal of a decision or a determination of the Zoning Officer or an application for a variance or special use permit when fewer than four (4) voting members of the Board are present. If fewer than five (5) voting members of the Board are present, a party to a quasi-judicial matter may request that the hearing be continued until five (5) voting members are present. Whenever during a meeting, a quorum ceases to be present, if no objection is raised by a member of the Board, the Board may continue to hear evidence and debate but may not vote on any action except to adjourn.

E. Hearing Deferrals and Continuances. Once a quasi-judicial case has been noticed for hearing, the Board generally expects the case to be heard at that time. An applicant may make a written request to delay consideration of a case to the next scheduled meeting, provided that the request is received at least twenty-four (24) hours prior to the scheduled meeting. Except for good cause shown, if an applicant fails to appear at a meeting to prosecute his or her application, and the hearing has been continued one (1) time before, the Board may dismiss the application for failure to prosecute. An application that has been dismissed may be resubmitted upon payment of applicable fees.

The Board may in its discretion continue any hearing when the Board deems that to be reasonable in order to receive additional evidence or to further deliberate. In all instances the Board shall decide cases within a reasonable time.

F. Voting. All regular members shall vote on any issue unless they have been disqualified for one or more of the reasons stated in Rule 4. Alternate members shall vote on any issue for which they are seated in place of regular members unless they have disqualified themselves for one or more of the

reasons stated in Rule 4.

The required vote to issue a variance shall be four-fifths of all members eligible to vote on the matter. If a motion to approve a variance does not receive the affirmative vote of four-fifths of those members eligible to vote, the variance shall be deemed denied. When this occurs, members who did not cast an affirmative vote on granting the variance shall state for the record their rationale for casting a negative vote. The required vote to decide any other quasi-judicial matter shall be a simple majority of all members eligible to vote on the matter.

In all other matters the vote of a majority of the voting members present shall decide issues before the Board. The Chair votes as any other Board member.

G. Conduct of Meetings. All meetings shall be open to the public, except for closed sessions as allowed by law. The order of business at regular meetings shall be as follows:

1. Call to order, roll call and announcements;
2. Action on minutes of previous meetings, including acceptance and correction;
3. Hearing, consideration, and determination of cases;
4. Reports of committees;
5. Unfinished business;
6. New business;
7. Adjournment.

Without objection from a member the Chair, or other member presiding at the meeting, may change the order of business and the order in which cases are heard. Upon objection, the issue shall be put to a vote of the Board. Requests to continue a matter before the Board shall be voted on by the Board.

H. Agenda and Meeting Materials. An agenda for each meeting and hearing shall be prepared by the Secretary to the Board and shall be distributed to all members of the Board, applicants with cases to be heard, and any other interested person who has made a written request to receive an agenda. The agenda shall be distributed at least one week prior to regular meetings and two days prior to special meetings.

Written briefs, documents, letters, and staff reports may be submitted to Board members by the Secretary to the Board prior to an evidentiary hearing, provided that any such material is also submitted to all parties to that case at the time they are submitted to Board members. Staff may establish reasonable deadlines for submission of any such material to be distributed prior to the hearing. Such materials shall be distributed at the same time the meeting agenda is distributed. Any such material shall be part of the hearing record and introduced as documentary evidence at the evidentiary hearing. Board members shall endeavor to review the materials prior to the hearing.

I. Meeting Recordings. The Secretary shall make audio or video recordings of each meeting and hearing. Electronic recordings that may be used to generate transcripts for judicial review as needed shall be made of each meeting and shall be held for safekeeping by the Secretary in accordance with record retention policies set by state law and the UDO. Any party to a quasi-judicial proceeding may request a verbatim transcript of the evidentiary hearing, with the cost of preparation of the transcript borne by the party making that request. Any person may make an audio or video recording of any Board hearing or meeting, provided it is done in a manner that does not disrupt the hearing or meeting.

J. Oaths. All witnesses presenting testimony in evidentiary hearings shall be sworn in. Oaths may be administered by the Chair or the Secretary to the Board. An affirmation may be made by any witness with a religious objection to swearing.

K. Subpoenas. Persons with standing on a quasi-judicial matter before the Board may make a written request to subpoena for witnesses or to compel the production of evidence. The Chair shall issue subpoenas determined to be reasonable in nature and scope and not oppressive. The Chair shall rule on any objections or motions to quash subpoenas. The Chair's decisions on subpoenas may be appealed to the full Board.

6. APPEALS AND APPLICATIONS.

A. Types of Appeals and Applications.

1. The Board shall hear and decide all appeals from final, binding written decisions or determinations made by the Zoning Administrator as provided by the UDO and by state statutes.

2. The Board shall hear and decide petitions for variances from the zoning ordinance and other such ordinances as provided by the UDO.

3. The Board shall hear and decide special use permits as assigned by the UDO.

4. The Board shall make interpretations of the Zoning Map, including disputed questions of zoning district boundary lines and similar questions that may arise from administration of the development regulations of the Town of Harrisburg.

5. The Board shall also hear and decide all matters referred to it or upon which it is required to pass by the UDO and any other matters assigned to it by ordinance or by law.

B. Procedure for Filing Appeals and Applications.

1. An appeal of a decision or determination of the Zoning Administrator shall be filed with the Town Clerk or such other officer as designated by the UDO. The notice of the appeal shall state the grounds for the appeal. No appeal shall be heard by the Board unless the appeal is filed within thirty (30) days of written or constructive notice of the order or determination made by the Zoning Administrator.

2. Applications for variances and special use permits shall be accompanied by a site plan of sufficient size and accuracy to enable the Board to see the precise location and size of the variance and/or nature and location of the special use permit being sought. Such application shall specifically state the type of variance or special use permit sought. Upon submission of an application, the Zoning Administrator shall determine if these requirements are satisfied.

3. All appeals, applications, and any other matter coming before the Board shall be made upon the form for that purpose.

4. All required information required shall be complete and all required fees paid before an appeal, application, or other matter shall be considered as having been filed.

5. An applicant may withdraw any appeal, application, or other matter prior to the start of the evidentiary hearing on that matter. A withdrawal shall be made in writing. Upon withdrawal the case is closed. New application and fee must be submitted if the application is renewed.

C. Evidentiary Hearings.

1. Time. After receipt of an appeal, application, or other matter, the Planning and Zoning Director shall schedule the matter for hearing at the first available regular or special meeting scheduled.

2. Notice. The Board shall give notice of evidentiary hearings on quasi-judicial cases by first-class mail to the person whose appeal or application is the subject of the hearing, to the owner of the affected property if the owner did not initiate the hearing, and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. The notice shall be posted in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the hearing. A notice of the hearing shall also be prominently posted on the property that is the subject of the hearing (or the adjacent street right-of-way) in this same time period.

If a hearing is set for a given date and a quorum of the Board is not then present, the hearing shall be continued until the next regular Board meeting by announcement by the Chair without further advertisement. In addition, the Board may, without further advertisement, continue a hearing to a date certain after the hearing has been called to order.

The hearing notice shall include the location of the property subject to the hearing, the general nature of the matter being heard, and the date, time, and location of the hearing.

3. Conduct of Evidentiary Hearing. Any party may appear in person or by agent or by attorney at the hearing. The order of business for hearing shall be as follows:

a. The Chair, or such person as the Chair may direct, shall give an opening statement regarding the nature of the hearing and the process that will be followed. The Chair shall poll all Board members participating in the case as to any ex parte communications, bias, or conflicts of interest. Issues regarding standing, participation of Board members in consideration of the case, or other jurisdictional issues shall be addressed. Witnesses to offer testimony may be sworn in.

b. The Chair or the staff shall provide a preliminary statement of the case, including a summary of the facts and relevant ordinance provisions. Staff shall present the application, supporting materials, staff report, and any other written materials received and distributed prior to the hearing for introduction into the hearing record.

c. The applicant shall present evidence and argument in support of the application or appeal taken.

d. Parties opposed to the application, including the staff from whom an appeal is being taken, may present evidence and argument.

e. Other persons may present relevant evidence.

f. Staff may make a recommendation to the Board concerning requests for special use

permits and variances.

- g. Parties may present rebuttal evidence.
- h. Closing statements or summaries may be made by parties to the case and staff.
- i. The Board shall deliberate on and make a determination of the case.

Witnesses may be called and factual evidence may be submitted. The Chair must recognize witnesses before they are heard and confirm that they are under oath. The Chair shall allow all witnesses to be heard but may limit testimony or evidence that is irrelevant, repetitive, incompetent, hearsay, or inadmissible opinion testimony. The Chair shall allow the parties to the case to make direct and cross examination of witnesses and to present rebuttal evidence. The Chair may establish reasonable procedures to assure that what is done is in a fair, impartial, and efficient manner. Board members may ask questions of any witness.

The Board shall not be limited to consideration of such evidence as would be admissible in a court of law, but all decisions must be based on competent, material, and substantial evidence properly placed in the hearing record. Board members may view the premises before arriving at a decision, but any key facts observed by members shall be disclosed at the hearing and made part of the record.

Upon completion of the presentation of evidence and recommendation by the staff, Board members shall discuss the case among themselves in open session and may recall any witness to ask further questions and otherwise deliberate among themselves. Board members shall not discuss the case or give opinions on the evidence until initial presentation of the case is completed.

4. Rehearings. An application for a rehearing may be made to the Board and shall contain evidence that there has been a substantial change in the facts or conditions of the case. The Board may decide to conduct a full evidentiary hearing to consider such application. The application for rehearing shall be denied by the Board if, from the record, it finds there has been no substantial change in facts or conditions. If the Board finds that there has been a change, it shall thereupon treat the request in the same manner as a new application.

D. Decisions.

1. Time. Decisions by the Board shall be made in a reasonable time from the completion of the evidentiary hearing. A decision may not be continued indefinitely.

2. Motion and Voting. Voting on an appeal, application, or other matter shall be in accordance with the provisions of the UDO and the North Carolina General Statutes. A vote on a request for a variance, special, or conditional use permit or on an appeal of a staff determination shall be in the form of a motion to approve the request, and such motions shall require a second. A motion made to determine a quasi-judicial matter shall state specifically any conditions desired to be made a part of that decision and shall reference, if appropriate, any documents or maps submitted as a part of that application. Any such references made in the motion shall, if approved, be part of the record and decision in that case. The vote of each member shall be recorded. If a request or application is not approved, the members voting not to approve shall state for the record the factual findings and rationale that support their opposition.

3. Form. All decisions of the Board on quasi-judicial matters shall be reduced to writing as soon as practicable after the case is decided. The written decision shall reflect the Board's determination of contested facts and the application of the pertinent standards to those facts. The written decision shall be signed by the Chair or other duly authorized member of the Board. After signature, the written decision shall be filed with the Secretary to the Board and delivered to the parties.

4. Effective Date and Filing. Decisions of the Board on quasi-judicial matters are effective upon filing the written decision with the Secretary to the Board and the delivery of the decision to the applicant, the property owner if that entity is not the applicant, and to any other person who filed a written request for a copy of the decision at the evidentiary hearing on the matter. The decision may be delivered by personal service, first-class mail, or electronic mail.

5. Public Records of Decisions. The decisions of the Board shall be a public record available for inspection at all reasonable times. All decisions shall be entered into the minutes of the Board. The Secretary to the Board shall maintain copies of all written decisions of the Board.

6. Amendments. These Rules may be amended without prior notice only by the Town Council.

Approved and adopted on this 12th day of June, 2023.

TOWN OF HARRISBURG

Jennifer Teague, Mayor

ATTEST:

Janet Rackley, Town Clerk



TOWN OF HARRISBURG

Agenda Item Details

Title:

Discussion of Final YMCA Operating Agreement

Presenting Personnel:

Lee Connor, Deputy Town Manager, Robert Donham, Town Manager

Suggested Motion or Action:

None needed.

Description/Background:

At the May 2023 Town Council meeting, Council voted to adopt an operating agreement between the Town and the Rowan-Cabarrus YMCA for the new YMCA facility to be built in Harrisburg Park. This was approved subject to certain additional items added to the agreement. Below are a list if items added per Council's direction:

- Transfer of Land
- Default by YMCA
- Sunset Provision
- Right of First Refusal
- Future Sale by YMCA

Staff and legal counsel have worked together to ensure all items have been addressed. This revision has been shared with members of the YMCA and they have agreed to these additional terms.

Recommendation:

Staff recommends moving forward with executing the attached contract.

Fiscal Impact:

Total financial contribution of \$4,815,000 in cash, donation of land, assumption of related TIA offsite improvements and waived fees associated with the design and construction of the Facility.

Attachments:

1. YMCA - Harrisburg Operating Agreement 062023

JOINT OPERATIONS AGREEMENT BETWEEN THE TOWN OF HARRISBURG AND THE ROWAN-CABARRUS YMCA

This **JOINT OPERATIONS AGREEMENT** (“Operations Agreement”) is made between the **TOWN OF HARRISBURG** (“Town”), a municipal corporation of the State of North Carolina located within Cabarrus County, acting through its duly authorized Town Manager, and the **ROWAN-CABARRUS YOUNG MEN’S CHRISTIAN ASSOCIATION** d/b/a Rowan-Cabarrus YMCA, (“YMCA”) a North Carolina non-profit corporation acting through its officers as duly authorized by its Board of Directors.

RECITALS

1. In order to provide its citizens a facility for recreation, meeting space and other traditional and progressive recreational and community service programs, the Town desires to participate in the construction of a joint-use facility (“Facility”) with the YMCA, a non-profit organization whose goals and objectives align with the goals and objectives of the Town’s Parks and Recreation Department.

2. The Facility is planned to be constructed on property located within Harrisburg Park, 191 Sims Parkway, Harrisburg, North Carolina 28075.

3. The Town has recognized the experience and expertise of the YMCA in conducting programs for families at its branches in Cabarrus County, and in providing recreational and character-building programs for adults and youth.

4. The residents of the Town will derive substantial benefits from the activities and programs to be provided and conducted by the YMCA for YMCA members and program participants at the Facility and, through nationwide membership privileges, at other YMCAs in Cabarrus County and nationally where members work or travel.

5. It is the mutual desire of the Town and the YMCA that the new Facility be constructed, occupied and managed by the YMCA for the offering and conducting of YMCA programs and other community-based programming as contemplated by this Operations Agreement and in accordance with its terms and conditions, based on programs of the YMCA and the Town’s Parks and Recreation Department offered at each of its facilities.

6. Location of the Facility in the Harrisburg Park will serve as a catalyst for Park development and use, bring members, guest and visitors to the Park on a daily basis and serve as a gathering place for the Town.

7. The YMCA will vacate the second floor of the Town Hall building upon opening of the Facility, which will allow the Town to expand its growing governmental operations into that space.

8. The provisions of this Operations Agreement are permitted under N. C. Gen. Stat. § 160A-279.

In consideration of the above Recitals and the Terms contained below, which the parties agree make this Operations Agreement legally binding, the Town and the YMCA agree as follows.

TERMS

ARTICLE 1. DEFINITIONS

1.01 Town. Town means the Town of Harrisburg.

1.02 Facility. Facility means the building to be constructed and operated as the Harrisburg YMCA. Facility includes all the footprint of the building, any exterior patios and sidewalks directly adjacent to the building, any improvements (including parking lot), amenities, and areas that were installed, constructed, or landscaped as part of the original construction

1.03 YMCA. YMCA means the Rowan-Cabarrus Young Men's Christian Association, a North Carolina non-profit corporation.

ARTICLE 2. USE OF PREMISES/OWNERSHIP OF PROPERTY

2.01 Premises. In consideration of the mutual terms and covenants of this Operations Agreement, YMCA has the right to own and jointly use with the Town, (a) a 9.944-acre tract of land, more or less, as legally described in the survey, attached to this Operations Agreement ("Land"), and (b) any buildings and improvements on the Land or to be constructed on the Land, as described in Paragraph 1.03, above. The Land and Facility are collectively referred to as the "Premises". This Operations Agreement is subject to all existing easements, as well as any easements that may be created or granted subsequent to the execution of this agreement for public roads, channels, highways, public utilities, railroads, pipelines and electrical transmission lines.

2.02 Permitted Use of Premises. YMCA may use the Premises only for the purpose of conducting normal/customary YMCA activities and programming. YMCA will offer, conduct, and operate recreation, wellness, and youth and family programs and related activities, consistent with other YMCA facilities. Scheduling of use by and for the Town

will be coordinated through the YMCA to prevent conflict with regularly scheduled programs of the YMCA.

2.03 Illegal Use Not Permitted. YMCA may not use any part of the Premises for any use or purpose that violates any applicable law, regulation, or ordinance of the United States, the State of North Carolina, Cabarrus County, or the Town of Harrisburg, or other lawful authority with jurisdiction over the Premises.

2.04 Condition of Land. YMCA accepts the Land in its present condition, finds it suitable for the purposes intended, and further acknowledges that it is thoroughly familiar with such condition by reason of a personal inspection and does not rely on any representations by Town as to the condition of the Land or its suitability for the purposes intended. YMCA further accepts the Land described subject to all previous recorded easements, if any, that may have been granted on, along, over, under or across said property, and releases Town from any and all damages, claims for damages, loss or liabilities that may be caused to all invitees, licensees, or trespassers by reason of the exercise of such rights or privileges granted in these easements.

2.05 Zoning Restrictions and Other Laws. The Premises are subject to any statement of facts which an accurate survey or physical inspection might show, all zoning, restrictions, regulations, rulings and ordinances, building restrictions, and other laws and restrictions now in effect or later adopted by any governmental authority having jurisdiction.

2.06 Membership Fees. Fees for memberships and programs shall be priced in accordance with fees established by the YMCA for branches of similar size and amenities and consistent with the YMCA's goal to permit participation by all socio-economic groups.

2.07 Janitorial Services and Housekeeping. The YMCA, at its sole cost and expense, shall provide daily janitorial and custodial service for the Facility. For the term of this Operations Agreement, the YMCA will employ or subcontract for housekeeping staff whose function shall be daily in-house tasks related to routine and emergency cleanups, room or facilities preparation, minor repairs and other routine function associated with programs and building operations. The YMCA shall pay the full cost of the total salary and fringe benefits of said employee(s) or contractors.

2.08 Inspections. The Town shall conduct periodic and regular inspections as may be required of the Facility to ensure that fire, safety and sanitation regulations and other provisions contained in this Operations Agreement or in the Town Code are being adhered to by the YMCA. The Town shall notify the YMCA of its findings, specifying any items needing attention. The YMCA agrees to grant the Town the right to access the Facility for inspections during normal business hours, and after hours, with prior notice as may be necessary. Failure to conduct any inspections as may be required shall not operate as a

waiver of the Town's right to conduct these inspections and shall not be considered a default of the terms of this Operations Agreement.

2.09 Fire Code Inspections. YMCA will permit the Town's Fire Marshal or his or her authorized agents to inspect the Premises, and YMCA and Town will comply with all requirements of the Fire Marshal or his or her authorized agents that are necessary to bring the Premises into compliance with the Town Fire Code and Building Code provisions regarding fire safety, as such provisions exist or may later be amended subject to the maintenance and repair obligations under Paragraph 3.12 (a) below. YMCA shall maintain in proper condition accessible fire extinguishers of a number and type approved by the Fire Marshal or his or her authorized agents for the particular hazard involved.

2.10 Ownership of Equipment and Furniture. No Town funds shall be used to acquire equipment and furniture to be used by the YMCA. The YMCA shall own all equipment and furniture purchased by it. The YMCA, at its sole cost and expense shall be responsible for repair and/or replacement of this furniture and equipment during the term of the Operations Agreement.

2.11 Ownership of Facility and Fixtures. YMCA shall own the Facility and all attached fixtures. The Facility and any other buildings, improvements, additions, alterations, and fixtures constructed, placed, or maintained on any part of the Premises will be the responsibility of the YMCA.

2.12 Maintenance and Repair. YMCA shall, at its sole cost and expense, shall maintain the Facility in first class condition, interior and exterior, including structural, mechanical, electrical, HVAC, and all other systems, along with the parking lot, parking lot lights, sidewalks, grass, landscaping and any other non-structural items. Maintenance of these areas should be kept consistent with the adjacent Harrisburg Park.

2.13 Insurance. YMCA shall, at its sole cost and expense, maintain fire, casualty and liability insurance on the Premises in at least the coverages it maintains on its other facilities.

2.14 Naming. The Town reserves the right to have final approval on the naming of the Facility.

ARTICLE 3. CONSTRUCTION OF THE FACILITY

3.01 General Conditions. Town and YMCA agree that the YMCA will award the contracts for design and construction of the Facility, in accordance with applicable North Carolina law, subject to review by Town staff prior to execution of the contract.

3.02 Additions and renovations. YMCA agrees to work with Town when adding onto the Facility. Town must approve additions and renovations to the Premises.

ARTICLE 4. UTILITIES

4.01 Payment by YMCA. The YMCA, at its sole cost and expense, will pay the cost to provide all gas, water, sewer, electric, network and communication services and utilities for use on the Premises.

ARTICLE 5. INDEMNIFICATION

5.01 Liability of Town. Town is not liable for any loss, damage, or injury of any kind to any person or property arising from any use of the Premises (or any part of it), or caused by any defect in any building, structure, improvement, equipment, or Facility on the Premises or caused by or arising from any act or omissions of the YMCA, or of any of its agents, employees, licensees or invitees, or by or from any accident, fire, or other casualty on the Premises, or brought about by YMCA's failure to maintain the Premises in safe condition.

5.02 INDEMNIFICATION. YMCA agrees to defend, indemnify and hold the Town, its officers, agents, servants and employees, harmless from and against any and all claims, lawsuits, actions, cost and expenses of any kind, including, but limited to, those for property damage or loss and/or personal injury, including death, that may relate to, arise out of or be occasioned by (i) YMCA's breach of any of the Terms or provisions of this Operations Agreement or (ii) any negligent act or omission or intentional misconduct of YMCA, its officers, agents, associates, employees, contractors (other than the Town) or subcontractors, related to construction of the Facility or the performance of this Operations Agreement; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the gross negligence of the Town or its officers, agents, employees or separate contractors, and in the event of joint and concurrent negligence of both YMCA and Town, responsibility, if any, shall be apportioned comparatively in accordance with the laws of the State of North Carolina.

ARTICLE 6. RECORDS

6.01 Notice of complaints or violation reports. The YMCA and Town shall promptly notify the other of any complaints or reports of violations of the law that have occurred at the Facility or on the Premises and that are significant in nature and that have a material effect on the operations of the Facility.

ARTICLE 7. NOTICES

7.01 Notices. Any notice, demand, request or other communication hereunder given or made by either party to the other shall be in writing and shall be deemed to be

delivered whether actually received or not, when deposited in the United States mail, postage prepaid, certified or registered mail, return receipt requested, addressed to the parties hereto at the respective addresses set out below, or at such other address as they may hereafter specify by written notice so given.

a. If to Town: Town Manager
 Town of Harrisburg
 PO Box 100
 Harrisburg, NC 28075

b. If to YMCA: President/CEO
 215 Guffy St.
 Salisbury, NC 28147

ARTICLE 8. GENERAL PROVISIONS

8.01 Right of Entry and Inspection. YMCA must permit Town or its agents, representatives, or employees to enter the Premises for the purposes of inspection; determining whether YMCA is complying with this Operations Agreement; maintaining, repairing, or altering the Premises; or any other reasonable purpose. During any inspection, Town may perform any obligations that Town is authorized or required to perform under the terms of this Operations Agreement or pursuant to its governmental duties under federal, State or local laws, rules or regulations.

8.02 Interpretation. In the event of any dispute over the meaning or application of any provision of this Operations Agreement, this Operations Agreement shall be interpreted fairly and reasonably, and neither more strongly for or against any party, regardless of the actual drafter of this Operations Agreement.

8.03 No Third Party Rights. The Terms of this Operations Agreement are solely for the benefit of the Town and YMCA, and any lawful assigns or successors of the YMCA, and are not intended to create any rights, contractual or otherwise, to any other person or entity.

8.04 No Partnership or Joint Venture. YMCA is an independent contractor and is not an officer, agent, servant, or employee of the Town. YMCA shall have the exclusive control of, and the exclusive right to, control the functions designated to the YMCA to be performed under this Operations Agreement, except where otherwise indicated. Neither Town nor YMCA shall be responsible under the doctrine of respondeat superior for the acts and omissions of the other party's officers, agents, servants, contractors, subcontractors, or employees. It is understood and agreed that the Town is not involved as

a party to any activities that may be carried on by YMCA pursuant to this Operations Agreement. YMCA acknowledges itself solely responsible for such activities and for all persons and property involved or used in connection with YMCA's use of the Premises. However, no provision of this Operations Agreement shall operate or be construed as a waiver by either party of any immunity from liability which it has or could be asserted.

8.05 Declared Emergency. In the event of a declared Town, State or federal emergency, the YMCA will immediately make the Premises available for use as deemed necessary by the Town in order to respond to the declared emergency. Should the declared emergency extend beyond 72 hours, the Town will seek reimbursement from federal, State and/or local funding and compensate the YMCA for any lost revenue as a result of declared emergency use, to the extent funds are received from these sources.

8.06 Force Majeure. Each party to this Operations Agreement agrees to excuse the failure of another party to perform its obligations under this Operations Agreement to the extent that failure is caused by an event of Force Majeure. Force Majeure means acts and events not within the control of the party, and which the party could not use due diligence to avoid or prevent. Events of Force Majeure include acts of God, strikes, riots, sabotage, civil disturbances, epidemics, acts of domestic or foreign terrorism, lightning, earthquakes, fires, storms, floods, and landslides. Force Majeure does not include economic or market conditions, which affect a party's cost, but not its ability to perform. The party invoking Force Majeure shall give timely and adequate notice to the other party of the event by facsimile transmission, telephone, or e-mail and then the party must promptly provide written notice of the Force Majeure in the manner required by this Operations Agreement. The party shall use due diligence to remedy the effects of Force Majeure as soon as reasonably possible. If a party's performance is delayed by the event of Force Majeure, the parties will mutually agree to extend the time for the completion of obligations by a period of time reasonably necessary to overcome the effect of the Force Majeure event.

ARTICLE 9. PROGRAMS

9.01 Programs. Town and YMCA agree to make every effort to not compete on core programs and work to strengthen each other through this Operations Agreement.

9.02 Youth and Adult Sports. Town will be primary provider of youth and adult sports. YMCA will not offer sports that directly compete with Town sports. YMCA may run clinics, off-season leagues, and sports the Town does not offer, as advised by the Town. Town will have first rights of access to YMCA gymnasiums for youth sports, at no cost, and undertake its best efforts to be scheduled in advance with YMCA staff. YMCA may request access to one field, at no cost, for non-competing sports and must be scheduled in advance with the Town, if available.

9.03 Summer Camp and Afterschool. YMCA will be the primary provider of summer day camp and afterschool programs. Town will not offer similar programs that directly compete with YMCA camps. Town may run specialty summer camps such as sports camps, STEM camps or other such camps as advised by the YMCA. YMCA will have reasonable access to shelters, fields and playgrounds in the Park at no cost, for use during these programs, must be scheduled in advance with the Town.

9.04 Special Events. YMCA and Town will work together on Special Events in Harrisburg Park. The Premises may be used to support events such as July 4th, Rockin' the Burg and others. Facility usage to be agreed upon in advance.

9.05 Multipurpose Space. Town will have access to multipurpose space for programs and meetings at no cost and which must be scheduled in advance. YMCA meetings and programs will take precedence.

9.06 Partnership Team. Town and YMCA will meet regularly to discuss existing programs, new programs, schedules, conflicts and opportunities. The Team will consist of YMCA Executive Director, two YMCA designees, Town Parks and Recreation Director, and two Town designees. Additional staff may attend as deemed necessary.

9.07 Additional Programs. Town and YMCA will work together to not offer conflicting programs, including martial arts, arts and crafts, fitness, cultural and educational programs. Programs will be agreed upon by the Partnership Team.

9.08 Board Representation. YMCA will appoint a Town Representative as a YMCA Branch Board Member. Town will appoint a YMCA Representative to serve on its Parks and Recreation Advisory Board.

9.09 Town Resident Discount. Residents of the Town of Harrisburg will qualify for a 15% resident discount. YMCA will work with Town to identify residents.

9.10 Town Employee Discount. Full-time and permanent part-time Town employees will receive a free adult membership and qualify for discounts for additional adult and family rates, similar to that of YMCA employees. As of the date of this Operations Agreement, discounted rates would be \$14 per month for additional adult membership and \$28 per month for family membership.

9.11 Discounts Reviewed. The Town resident discount and Town employee discounts will be reevaluated after a minimum of five years from the date of this Operations Agreement and may be modified with a further agreement between the YMCA and the Town.

ARTICLE 10. FUNDING

10.01 Funding Responsibility. The YMCA, at its sole expense, will be responsible for the construction of the Facility, including but not limited to the building, parking lot, lighting, irrigation, landscaping, access road(s), sidewalks, curb and gutter, and monument sign.

10.02 Cost Estimates. The Town will provide up to \$4,815,000 in cash, donation of land, assumption of related TIA offsite improvements and waived fees associated with the design and construction of the Facility. The Town will make a financial contribution to the YMCA Capital Campaign of \$4,815,000, less the value of the land donation, assumption of TIA offsite improvements and waived fees.

At the date of this Operations Agreement, the following estimates are considered accurate. Changes in estimates and/or scope may impact the numbers below.

Total Town contribution to the YMCA	\$ 4,815,000
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Less:

Value of donated land	(736,000)
Value of offsite improvements in TIA	(815,000)
Value of fees waived	<u>(91,000)</u>

Total anticipated cash contribution	<u>\$ 3,173,000</u>
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10.03 Milestones. The Town will make payments of its financial contribution based on various milestones established between the Town and YMCA.

Milestone 1	Ground breaking	25% of cash contribution
	Utility infrastructure acceptance	
Milestone 2	and offsite improvements	50% of cash contribution
Milestone 3	Final completion (c/o)	Remainder of cash contribution

10.04 Transfer of Land. The Town shall convey the Land to the YMCA as soon as it can get it released from the financing in place on the Harrisburg Park but not before

the date the YMCA is ready to issue a Notice to Proceed to its contractor for construction of the Facility.

10.05 Default by YMCA. Should the YMCA not construct the Facility and Premises as outlined in this Operations Agreement and the agreed upon design and construction documents or the YMCA is unable to obtain the funding required to construct the Facility and Premises as agreed between the parties, the YMCA shall be in default under this Operations Agreement. Should that occur, the Town shall give the YMCA written notice of such default and the YMCA shall have sixty (60) days to cure such default. Should the YMCA be unable to cure the default, the Town shall be entitled to terminate this Operations Agreement. Should the Town terminate this Operations Agreement, the YMCA shall immediately repay to the Town any moneys the Town has paid pursuant to this Operations Agreement and shall immediately reconvey the Land to the Town.

10.06 Sunset Provision. Should the YMCA not have all of the money it needs to build this Facility and Premises and having started construction on this project by July 1, 2024, this Operations Agreement may be terminated by the Town and the YMCA shall immediately repay to the Town any moneys the Town has paid pursuant to this Operations Agreement and shall immediately reconvey the Land to the Town.

10.07 Right of First Refusal. In the event the YMCA decides to sell or transfer the Facility and Premises, the YMCA shall first offer the Facility and Premises to the Town on the same terms and conditions as agreed with the prospective transferee. The Town shall have ninety (90) days from written notice of such transfer to decide whether to exercise this right of first refusal, and if it decides to so exercise, it shall have an additional thirty (30) days to close.

10.08 Future Sale by YMCA. In the event the YMCA decides to sell or transfer the Facility and Premises, upon such sale or transfer, the YMCA shall pay to the Town a percentage of the sale proceeds equal to the percentage that the Town's total contribution in Paragraph 10.02 bears to the total original cost of the Facility and Premises.

(Signatures on next page)

TOWN OF HARRISBURG

By: _____
Town Manager

Date: _____

ROWAN-CABARRUS YOUNG MEN’S
CHRISTIAN ASSOCIATION

By: _____
President/CEO

Date: _____

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Brian Lee, Town of Harrisburg Finance Officer



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consideration to extend the terms of Planning and Zoning Board members Andy Rathke, Thelma Thorne-Chapman and Jacob Carpenter through August 14, 2023, to facilitate the appointment process for replacement board members.

Presenting Personnel:

Zac Gordon, Planning Director

Suggested Motion or Action:

Motion to extend the terms of Planning and Zoning Board members Andy Rathke, Thelma Thorne-Chapman and Jacob Carpenter through August 14, 2023.

Description/Background:

The terms of Andy Rathke, Thelma Thorne-Chapman and Jacob Carpenter expire on June 30, 2023. In accordance with the recently adopted Town Council policy for Boards and Commissions, Andy and Thelma are term-limited and not eligible for re-appointment to the Board. Jacob is eligible for reappointment but has indicated that he will not be seeking reappointment. Staff has started the process for soliciting applications to fill these openings, but the review and appointment process will not be completed before June 30th, which would leave the Board with only three (3) active members - which is less than the minimum number required to hold a meeting. To allow for sufficient time for the review and appointment of replacement members to the Board, staff is requesting that the Town Council extend the terms of Andy, Thelma and Jacob through the August Town Council Meeting (8/14), at which time it is anticipated that Town Council will appoint the new members.

Recommendation:

Staff is recommending the extension of the terms of Planning and Zoning Board members Andy Rathke, Thelma Thorne-Chapman and Jacob Carpenter through August 14, 2023, and that the Town Council initiate the review and appointment process for replacement Board members in accordance with the Council's recently adopted policy for appointment of Town Advisory Boards and Committees, with terms to begin upon appointment, which is currently anticipated for August 14, 2023.

Fiscal Impact:

None

Attachments:

1. PZ Board Members - 10-2022

TOWN OF HARRISBURG ADVISORY BOARD MEMBERS

PLANNING & ZONING ADVISORY BOARD/BOARD OF ADJUSTMENT					
Began:	Name	Address	Phone Number	Email	Term Expires
2018	Jake Carpenter	9161 Kensington Forest Drive, Harrisburg, NC	980-505-3889	jakecarpenter@gmail.com	6/30/2023
2019	Kevin Schaffner	9459 Leyton Drive, Harrisburg, NC 28075	407-730-0260	kschaffnergov@gmail.com	6/30/2022
2009	Andy Rathke, Chairman P/Z, Vice BOA	5508 Excalibur Ct. , Harrisburg, NC 28975	704-773-8920	amrathke@aol.com	6/30/2023
2010	Thelma Thorne-Chapman	4852 Sherborne Drive, Harrisburg, NC	704-941-9911	thelmachapman1@gmail.com	6/30/2023
2018	Rodney Garner (BOA ALT)	4721 The Arbors Drive, Harrisburg, NC	704-507-5118	rgarner68@gmail.com	6/30/2022
2021	Kevin Hutchins	6156 Maple Leaf Avenue, Harrisburg, NC	704-562-2053	kevinhutchinskh@gmail.com	6/30/2024
	ETJ* - VACANT				6/30/2024

* Appointed by County

P/Z Council Liasions - Ian Patrick, Rodney Dellinger (alt)

3 Year Terms