



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

**April 8, 2024
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

1. Parks & Recreation Comprehensive Master Plan Update

- 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 March 11, 2024, Town Council Meeting

- B. Consider the minutes of the March 11, 2024, Closed Session

- C. Consideration of Contract with Palmetto Amusements for the 2024 Harrisburg July 4th Celebration

- D. Consider Approval of the contract increase for Roberta Road Improvements Design

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-2024-01-R Farmington PUD Conditional Zoning District

5. **OLD BUSINESS**

6. **NEW BUSINESS**

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 March 11, 2024, Town Council Meeting

Presenting Personnel:

Janet Rackley, Town Clerk

Suggested Motion or Action:

Motion to approve the minutes of the March 11, 2024, Town Council meeting.

Description/Background:

The minutes of the March 11, 2024 Town Council meeting have been attached to this item.

Recommendation:

Staff recommends approval of the attached minutes.

Fiscal Impact:

None

Attachments:

1. Minutes March 11, 2024

**TOWN OF HARRISBURG, NORTH CAROLINA
TOWN COUNCIL MEETING
MONDAY, MARCH 11, 2024
6:00 PM**

MINUTES

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

Mayor Jennifer Teague called the meeting to order.

PRESENT: Mayor Jennifer Teague; Mayor Pro-Tem La'Trecia Glover, Councilmembers Maurice Price Jr. (arrived 6:35pm), Ron Smith, Altyn Cotell, Mike Thevenin, Chris Faw

**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**

MOTION:

Councilmember Smith made a motion to approve the agenda as presented. Second was made by Councilmember Faw. **The motion passed 5-0.**

**1C.
INVOCATION**

Councilmember Thevenin conducted the invocation.

**1D.
PLEDGE OF ALLEGIANCE**

**1E.
SPECIAL PRESENTATIONS**

- **Discussion of the Solid Waste Contract Renewal.** In November 2023, the Town advertised a Request for Proposals to renew its solid waste contract, which expires in June of 2024. The Town received bids and has compared bidders and options and is presenting the results to Town Council as information prior to contract approval at a future meeting. Three options were presented: renew the contract with current service, bring solid waste and recycling in-house, or renew the contract with the Town taking over cart administration. Pros and cons of each option discussed.

**1F.
PUBLIC COMMENT**

- Jeremiah Norberg, 613 Autumn Drive, Harrisburg – questions about Woodside Drive extension with rumored round-about. Would like to see more communication to reduce rumor mill. Town Manager Donham explained there is a grant possibility for that, but nothing is in the works at this time.

**2.
CONSENT AGENDA**

- A. Consider the minutes of the February 12, 2024, Town Council Meeting
- B. Consider changes to the Town's Wastewater Allocation Policy
- C. Consider the Highway 49 Phase 1 Improvements construction contract and related reimbursement resolution

MOTION:

Councilmember Thevenin made a motion to approve the Consent Agenda. Second was made by Councilmember Cotell.
The motion passed 5-0.

3A.**COMMUNICATIONS****Town Manager Report**

- Next budget meeting will be held on March 23rd to present Draft 1. Full day meeting and will be available on Zoom as well. Encouraged everyone to come out and speak to the things they are passionate about. Can also email Council or Manager with questions.

3B.**COMMUNICATIONS****Finance Report**

Finance Director Brian Lee presented the Finance report. Also detailed the new budget billing program that begins this month.

3C.**COMMUNICATIONS****Law Enforcement Report:**

Lt. Sherry Nash presented the Law Enforcement report.

3D.**COMMUNICATIONS****Fire Department Report:**

Chief Bryan Dunn presented the Fire Department report.

3E.**COMMUNICATIONS****MAYOR'S COMMENTS**

- Attended Centralina's Regional Council meeting and am pleased to continue to serve on their executive board this upcoming year.
- Excited to welcome a new business to Harrisburg. Attended the ribbon cutting and grand opening of Cookie Company. This is the first of this franchise on the east coast and we are very happy they chose Harrisburg. Encouraged everyone to try them out; the cookies are delicious.
- Attended NCLM's Town and State Dinner last Thursday with La'Trecia Glover and Chris Faw. It was a great evening to connect with our local and state representatives. Usually held in Raleigh, but they have decided to take this dinner on the road and picked several key cities to spread that out. Concord was the first one to get to host that, and it was a very successful evening.
- This Friday will serve on a panel discussion for the Women Leading Cabarrus function at Frank Liske Park.
- Also wanted to remind everyone of the Harrisburg Connections Group. This is for Harrisburg area Chamber members and the next meeting will be here in Harrisburg Council Chambers on Thursday, March 28 at 8:00am. They are still working to secure a permanent location for that meeting.
- Update on vacant Council seat – want to recap the process we have gone through so far. At our February 22 budget meeting it was discussed and there was some direction given at that point to reach out to those individuals that ran in the most recent election in November. Reached out to the top three vote receivers as a starting point. Of those three, Mr. Patrick and Ms. Anderson responded by the deadline given expressing their interest. Spoke with both of them individually and both are ready and willing to step in and fulfill the duties for the remaining term of that vacancy. Mr. Patrick did specifically request that if he is appointed, he would like to be part of the remaining budget meetings and budget process. Mayor's recommendation is to appoint Mr. Patrick to that seat as he is very familiar with our budget process, the projects we have going, he served four years and was within 38 votes of being elected in November. It would require very minimal effort to bring him up to speed since he just departed in December.

Discussion was held concerning this subject among the Council. After some discussion, the following action was taken:

MOTION:

Councilmember Cotell made a motion to appoint Ian Patrick to serve the remaining term for the seat left vacant by Mr. Dellinger's resignation. Second was made by Councilmember Price. After further discussion, the vote was taken. **The motion passed 6-0.**

Mr. Patrick will be sworn in at the March 23, 2024, Town Council Budget Workshop.

3F.

COMMUNICATIONS

COUNCIL COMMENTS

Councilmember Faw

- Congratulations to the Cookie Company. They have been quite busy, and the cookies are great.
- Attended the Town and State Dinner and it was nice to hear from other towns and cities to see what issues everyone is dealing with.
- Thanked the Mayor for her work behind the scenes on helping the Town to obtain grants.
- Recently a group from Harrisburg went to Mexico to build houses. They built two houses in four days and did an amazing job.

Councilmember Thevenin

- Thanked the Fire department. Had a friend who was involved in a wreck recently on Hwy 49. Young lady was transported to the hospital, and she was pregnant. Happy to report that she and the baby are okay. The Fire department did a wonderful job on that scene.

Mayor Pro-Tem Glover

- Julia Taylor, a 2021 graduate of Hickory Ridge High School, and second vice-chair for Youth Council, is now student body president for UNC Chapel Hill.
- It is social worker appreciation month and there are quite a few of us in Harrisburg. It's our month, let's enjoy it.
- Is there any way to put a shortcut to a link to the recorded budget meetings on the Town's website? Would like to see those easier to find.

4A.

PUBLIC HEARING

None

5A.

OLD BUSINESS

None

6A.

NEW BUSINESS

Consideration of Capital Authorization and FY2024 Budget Ordinance Amendments for Deputy Vehicles.

The expanded law enforcement agreement includes the addition of four officers in FY2025 with start dates targeted at the beginning of the fiscal year in July 2024. Due to the need to order vehicles through the government portal several months ahead of the target-date to actually receive the vehicles, the Harrisburg Division Captain and Town staff request to advance the authorization for the purchase of these vehicles into FY2024 so that they are manufactured and available to be placed in service as close to the beginning of the next fiscal year as possible. This two-year purchase and build methodology follows the multi-year build of a Fire Engine that receives approval a year before it is intended to be placed in service to allow for proper manufacturing time. Projected all-in costs from Cabarrus County for each vehicle is \$85,000, for a total of \$340,000.

The existing fleet is scheduled to have two replacements occur in FY2025. The combined cost is \$170,000.

An existing vehicle was damaged and totaled as a result of an incident on 12/18/2023. The Town's insurance carrier has provided approximately \$9,000 in insurance proceeds toward the vehicle replacement, leaving the Town with a funding deficit of approximately \$76,000 to replace and outfit the vehicle.

The request herein consists of authorization to commit to purchasing seven vehicles now in order to avoid delays of over a year from the manufacturer, as well as approve the FY2024 Budget Ordinance amendments to authorize one FY2024 replacement and six FY2025 vehicles at \$85,000 each, totaling \$595,000.

Ford has opened its ordering portal as of March 1, 2024 and it is expected to close within a short timeframe.

After some discussion, the following action was taken:

MOTION:

Councilmember Smith made a motion to approve the capital outlay authorization and related FY2024 Budget Ordinance Amendments for seven Deputy vehicles. Second was made by Councilmember Thevenin. **The motion passed 6-0.**

6B.

NEW BUSINESS

Consideration of appointment to Parks & Recreation Advisory Board. The election of former Parks & Recreation Advisory Board member Chris Faw to the Harrisburg Town Council created a vacancy on the board that needed to be filled. Per the bylaws, an application and interview process must be followed to recommend the new candidate to Town Council for consideration. Given that a full application and interview process was just completed in August 2023, with viable candidates, a decision was made to pick back up with that list and move forward, particularly given that the vacant position expires in June 2024. With Councilmember Faw being the current Council liaison to that board, he and the Parks and Recreation Director interviewed the runner-up candidate from last August's selection to gauge interest in serving the remaining four months of the two-year term. Zach Bowman expressed that he would be happy to fill the seat and would consider re-applying later this spring for a two-year term of his own.

After some discussion, the following action was taken:

MOTION:

Councilmember Thevenin made a motion to appoint Zach Bowman to the Parks & Recreation Advisory Board effective March 12, 2024, through June 30, 2024. Second was made by Councilmember Price. **The motion passed 6-0.**

7.

ACTION ITEMS

- Look at ways to communicate updates to road improvements
- See if we can put a shortcut link on the website to the recorded budget meetings

8.

CLOSED SESSION

Closed Session to discuss real estate acquisition and litigation.

MOTION:

Councilmember Price made a motion to go into Closed Session to discuss real estate acquisition and litigation. Second was made by Councilmember Faw. **The motion passed 6-0.**

Upon returning from Closed Session the following action was taken:

Councilmember Smith made a motion to come out of Closed Session and return to regular business. Second was made by Councilmember Price. **The motion passed 6-0.**

9.

ADJOURNMENT

MOTION:

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

ATTEST:

Janet Rackley, Town Clerk

Jennifer Teague, Mayor



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider the minutes of the March 11, 2024, Closed Session

Presenting Personnel:

Janet Rackley, Town Clerk

Suggested Motion or Action:

Motion to approve the minutes of the March 11, 2024, Closed Session.

Description/Background:

Attached are the minutes of the March 11, 2024 Closed Session.

Recommendation:

Staff recommends approval.

Fiscal Impact:

None

Attachments:

None



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consideration of Contract with Palmetto Amusements for the 2024 Harrisburg July 4th Celebration

Presenting Personnel:

Jim Spina, Parks and Recreation Director

Suggested Motion or Action:

Motion to approve the Contract with Palmetto Amusements for \$168,184 to provide amusements (rides and games) for the Harrisburg July 4th Celebration on July 3rd and 4th, 2024.

Description/Background:

Palmetto Amusements has provided amusements for the Annual July 4th Celebration for many years. This year, a total of 27 rides and three games have been proposed by the vendor for a total of \$168,184. The rides provided are for individuals of all ages, from small children to adults. As event attendance continues to grow, staff has requested additional rides and games to service those who attend the event. In addition, Palmetto Amusements provides all the staffing, power needs and handles the permitting for the amusements.

Recommendation:

Staff recommends approving the contract with Palmetto Amusements for rides and games for the 2024 Harrisburg July 4th Celebration.

Fiscal Impact:

The cost of the amusements for this year's July 4th Celebration is proposed at: \$168,184. The event budget within the FY2025 proposed annual budget is \$350,000. Approval of this contract would reduce the remaining event budget to approximately \$181,800.

Attachments:

1. Contract - Updated 3.12.2024 (1)



Contract Agreement

This agreement is between the Town of Harrisburg's Annual 4th of July celebration at Harrisburg Park, hereinafter referred to as the **BOOKING PARTY** and **PALMETTO AMUSEMENTS**, hereinafter referred to as the **SUPPLIER**.

1. **SUPPLIER** agrees to provide equipment, etc. as listed in paragraph 3 below for the **BOOKING PARTY'S** event date of 3 July 2024 operational times of 4:00 pm-10:00 pm and 4 July 2024 operational times of 4:00 pm-11:00 pm. **SUPPLIER** will service the event date rain or shine but reserves the right to cease operation of amusement devices during inclement weather to ensure the safety of the children and the general public. **SUPPLIER** will then resume operations as weather permits during the above scheduled hours.
2. **SUPPLIER** agrees to provide:
 - a. Equipment: **See Addendum A.**
 - b. Supplier will also supply all staffing for the mechanical attractions. Suppliers also will also be responsible for state amusement ride inspection. Please be advised that Palmetto Amusements reserves the right to manipulate/rotate equipment in the event that a piece of equipment is not available due to a mechanical/safety issue.
3. **BOOKING PARTY** agrees to provide:
 - a. Access to the set up site **5 days** prior to the event if needed. Removal of equipment will be concluded no later than 5 days post event date.
 - b. Site preparation to include but not limited to: Level surface, identification and marking of any and all hazards/underground utilities/water lines. Lighting of the general area is also the responsibility of the booking party for the safety of the patrons.
 - c. In the event of an inclement weather booking party is responsible for damage to the site during extraction of equipment.
 - d. Security during operational and non-operational hours.
4. **FINANCIAL TERMS:** The total amount for the items listed in paragraph 3 above is: **\$168,184.00**. **SUPPLIER** must receive this signed document and a 50% deposit in the amount of **\$84,092.00** within sixty (60) business days of the date of this contract, in order for the event date above and the equipment to be guaranteed. The final balance will be due ten (10) business days post event date listed in **Paragraph 2** in the amount of **\$84,092.00**.
 - a. Contract & Deposit Due Date : **22 April 2024**
 - b. Balance Due Date : **10 July 2024**
5. **CANCELLATION POLICY:** The deposit is non-refundable. If **BOOKING PARTY** wishes to reschedule the event for inclement weather all financial agreements expected are still due. However, the event can be rescheduled **within 6 months** of the event date, minimal fees may be incurred due to unrecoverable expenses but a decision to reschedule must be made **72 hours** in advance of the event set up.. Should the **BOOKING PARTY** decide to cancel this agreement, see cancellation fee below:

Date of Cancellation	Cancellation Fee
2 months or greater from event	25% of balance due plus unrecoverable expenses
1 months or greater from event	50% of balance due plus unrecoverable expenses
2 weeks or less from event	100% of balance plus unrecoverable expenses



Contract Agreement

Addendum A.

1	Barrel of Pirates	\$4800.00
2	Berry Go Round	\$5400.00
3	Carousel	\$6850.00
4	Dixie Twister Swing	\$5400.00
5	Ferris Wheel	\$7595.00
6	Flying Saucer	\$4800.00
7	Glass House	\$4800.00
8	Hampton Combo Jeep/Car Ride	\$5400.00
9	Helicopter	\$5400.00
10	Kiddie Coaster	\$5400.00
11	Kiddie Ferris Wheel	\$5995.00
12	Kids Town Fun House	\$4800.00
13	Loop O Plane	\$6500.00
14	Mini Pirate Ship	\$4800.00
15	Pirates Revenge	\$5400.00
16	Rapid Slide	\$5400.00
17	Rio Grande Wester Train	\$5400.00
18	Rock O Plane	\$7595.00
19	Round Up	\$7500.00
20	Scat	\$6900.00
21	Sizzler	\$6500.00
22	Spin Master	\$4800.00
23	Spinner	\$5400.00
24	Swings	\$4800.00
25	Tempest	\$6900.00
26	Tractor Farm Ride	\$4800.00
27	Wally's Great Adventure Train Ride	\$4500.00
28	Game Unit #1	\$2500.00
29	Game Unit #2	\$2500.00
30	Game Unit #3	\$2500.00
31	Power / Generators	\$6849.00
32	Event Total	\$168,184.00



Contract Agreement

6. ACCEPTANCE OF THIS CONTRACT BY BOOKING PARTY

Supplier Authorized Signature: Christy Bescaglia Date: 8 March 2024
Electronic Signature

Booking Party Authorized Signature: _____ Date: _____
Authorized Representative



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider Approval of the contract increase for Roberta Road Improvements Design

Presenting Personnel:

Mallory Hodgson, Public Works Director

Suggested Motion or Action:

Motion to execute the attached contract amendment with Timmons Group for an additional \$3,360 to a total of \$52,450..

Description/Background:

The Town of Harrisburg hired Timmons in November 2022 as the design consultant for the Roberta Road Improvements project. The project has been permitted and is in the bidding process. There are utilities within the project area that require relocation. Due to lack of Town staff at the moment, the Town is seeking to subcontract the relocation coordination with Timmons. The scope increase will bring the total contract with Timmons to \$52,450, which by exceeding \$50,000, requires council approval.

Recommendation:

Staff recommends approval of the attached contract amendment.

Fiscal Impact:

The fiscal impact of this amendment is \$3,360, however, the original contract value was \$49,090. This increase in scope takes the total contract value over \$50,000, requiring Council approval. There are sufficient funds in the project budget for this increase.

Attachments:

1. Roberta_IntersectionImprovements_Proposal_11-02-22
2. RobertaRd_CO#1_03-08-24



November 2, 2022

Ms. Mallory Hodgson,
Public Works Director
Town of Harrisburg
4100 Main Street, Suite 101
PO Box 100
Harrisburg, NC 28075

RE: Roberta Rd Intersection Improvements – Professional Engineering Services

Dear Mallory:

Thank you again for selecting Timmons Group to provide you with engineering and related services for the referenced project. We appreciate the Town's confidence in our capabilities and look forward to working with you on this project.

As discussed, and based on our understanding of the requested proposal, we have developed the attached scope of services and fee for the design and construction administration for Robert Rd Intersection Improvements.

We look forward to receiving your notice to proceed and working with you on this project. In the meantime, if you have questions or if we can provide additional information in this regard, please do not hesitate to contact me at (919) 532-3265.

Very truly yours,

Brian Welch, PE
Project Manager

cc: Sushil Nepal, Town of Harrisburg
Paul Trapp, Timmons Group
Chris Kiefer, Timmons Group
Jeff Hochanadel, Timmons Group

1001 Boulders Parkway, Suite 300 | Richmond, VA 23225

TEL 804.200.6500 FAX 804.560.1016

Site Development | Residential | Infrastructure | Technology

www.timmons.com

SCOPE OF SERVICES & FEE PROPOSAL

PROJECT: Roberta Rd Intersection Improvements – Professional Engineering Services
Town of Harrisburg, NC

CLIENT: Mallory Hodgson, PE
Public Works Director

DATE: November 2, 2022

Project Scope

This locally-funded project includes the survey, design and construction administration for four (4) select locations along Roberta Road. These locations include:

- The addition of a right turn lane at Parallel Dr/Roberta Rd;
- Converting Physicians Blvd/Roberta Rd into a right-in/right-out;
- Changing Candystick Cir/Roberta Rd to a right-in/right-out; and
- Removing one entrance for Food Lion.

Please refer to the attached vicinity and improvement maps (Exhibit A) depicting our understanding of the project limits.

The following Services shall be provided:

1. Survey (S01):

A. Existing Conditions Survey to include:

- i. TG will provide an existing conditions survey of the areas highlighted above.
The limits of survey will be:
 1. 60' wide corridor along Parallel Drive from the Roberta Road intersection west for 370 feet, a 60' wide corridor along Roberta Road 200 feet long centered on the Parallel Drive intersection.
 2. The intersection of Roberta Road and Physicians Boulevard
 3. 60' wide corridor along Candystick Circle from the Roberta Road intersection west for 300 feet. Along Roberta Road from 60 feet north of the Candystick Circle intersection to the intersection with Hwy 49.
- ii. Horizontal control will be based on NC State Grid, NAD'83(2011)
- iii. Horizontal location of all visible and obvious site improvements such as roadways, drives, walkways, signs, parking spaces, roadway markings, etc.
- iv. Locate corners and map property lines of land parcels and road rights-of-way.
- v. Storm and sanitary sewer will be located to include top and invert elevations, pipe sizes and types, where such determinations are possible.
- vi. Prepare a base map of the survey at a scale to be determined by the client with a contour interval of one (1) foot.

B. Underground Utility Location to include:

- i. An underground utility survey will be performed to designate and map underground facilities within the topographic survey limits. This utility survey will include horizontal designation through geophysical methods and is defined as Quality Level "B" by the American Society of Civil Engineers (ASCE). The accuracies of the markings are subject to the depth and electrical conductivity of the utility as well as site conditions and manhole access. Plastic and fiber optics lines without tracer wires may be unlocatable. This service does not include the use of ground penetrating radar or test pits. Exclusions: sanitary and storm laterals, roof drains, irrigation systems and abandoned lines.

SCOPE OF SERVICES & FEE PROPOSAL

C. Easement Plats (*budget*)

- i. Timmons Group will prepare easement plats (not to exceed 4 plats) to show the new easement area on the affected parcels to be acquired by the Town of Harrisburg. The plats will be plotted to legal size for attachment to an agreement by others.
- ii. Timmons Group will prepare a metes and bounds description for the new easements.
- iii. This will be billed based on time and materials at current hourly rates.

2. Roadway Design (T01):

A. Project Management to include:

- i. Attend one (1) project scoping meeting;
- ii. Prepare meeting minutes and coordination of action items;
- iii. Provide overall project management/administration/coordination needs with internal TG services, Town of Harrisburg and NCDOT
- iv. Review and implementation of Town, and AASHTO guidelines;
- v. Prepare and submit engineering plan packages for Town review at 20% (Conceptual Design), 90% (Final Plans) and 100% (Construction Document) design stages for the development of the project;
- vi. Develop detailed project cost estimates for Construction Document (100%) submittal; and
- vii. Conduct QA/QC review of plans; and
- viii. Submit NCDOT 16.1B Two-Party encroachment permit.

B. Construction Documents & Plan Design to include:

- i. Develop conceptual (20%) design and include: plan, profile, preliminary grading limits and typical section on single roll plot;
- ii. Preparation of construction baseline alignments;
- iii. Development of proposed profile grades;
- iv. Produce plan cross sectional elements (EOPs, curbing, sidewalk, etc.);
- v. Model roadway corridors and produce proposed surface grading;
- vi. Provide typical sections (pavement sections to match Town standard);
- vii. Generate proposed grading plan;
- viii. Cross section sheets with detailed labels every 25';
- ix. Perform AutoTurn analysis for passenger and truck movements;
- x. Include Town notes & details as required;
- xi. Design storm drainage network layout, perform calculations, and submit to Town Planning for review (where possible, existing storm drainage will be maintained);
- xii. Prepare Pavement Marking Plan and Signing Plans (PMPs);
- xiii. Complete Traffic Management Plans (TMPs) with details notes and sequence of construction;
- xiv. Develop Erosion Control Plans (ECs);

3. Construction Administration (T02):

A. Construction Administration services to include:

- i. Review of final contract plans, specifications and bid documents (compiled by the Town)
- ii. Attend one (1) progress meetings as required (our fee assumes three-month construction duration;
- iii. Assist with advertising the project, evaluation bids and making recommendations for award;
- iv. Review and recommend responses to RFI's made during construction;

SCOPE OF SERVICES & FEE PROPOSAL

Proposed Fees

TG will provide the entire scope of services described above for the lump sum fee of:

Survey (S01)

Task 0001 – Existing Conditions Survey	\$10,650
Task 0002 – Underground Utility Location	\$7,300
Task 0003 – Easement Plats (<i>budget</i>)	\$4,400

Roadway Design (T01)

Task 0001 – Project Management	\$6,080
Task 0002 – Construction Documents & Plan Design	\$18,460

Construction Services (T02)

Task 0001 – Administration	\$2,200
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TOTAL	\$49,090
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Optional Services (if needed)

Traffic Signal Design

Environmental Investigation

Private Utility Coordination

Public Involvement

Geotechnical Investigation

Test Pits

Our fees shall not deviate from the figure indicated above without prior written approval from the Client. Fees indicated as ***budget*** may need to be adjusted up or down based on actual field conditions or regulatory requirements. If for any reason a change to this agreement becomes necessary, the client will be notified by a Change Order written by the Project Manager. After the date of this agreement, changes in the scope of work required by the Town may require a Change Order.

SCOPE OF SERVICES & FEE PROPOSAL

Specific Exclusions

Please note that the above fees do not include the following:

1. Construction Inspection Services;
2. Design of vehicular turnaround areas and pavement bump outs;
3. Design of structural retaining walls;
4. Right of Way/Easement Acquisition services;
5. Town departmental review fees;
6. Erosion Control Approval fees;
7. Stormwater Compliance fees;
8. Signal design and traffic impact analysis
9. Traffic data collection, traffic capacity, traffic impact and/or pedestrian studies;
10. Underground utility test holes;
11. Design of utility, public or private, adjustments or relocations (*other than minor, surficial improvements, such as hydrants or valve boxes*);
12. Environmental investigations or analysis other than specifically described above, including (but not limited to) NEPA documentation, wetland/stream delineation; endangered species surveys, archeological and/or architectural studies, air and noise studies, etc.;
13. Wetlands permitting (*we assume that we will not need a permit based on existing topo*);
14. Environmental permit compliance or reporting during construction;
15. Staking the proposed centerline or right-of-way limits for field review prior to construction, property owner reviews, utility company requests, work during bidding/construction or the re-setting right-of-way monuments disturbed by construction; and
16. Construction surveying.

If determined necessary or desirable during the detailed design of this project, fees for these additional services can be quoted upon request.

SCOPE OF SERVICES & FEE PROPOSAL

Preliminary Schedule

Assuming notice to proceed is received by December 1, 2022, the project can be developed in accordance with the following preliminary schedule:

Roadway:

Notice to Proceed	December 1, 2022
Advance survey notification letters sent out	early December 2022
Survey and utility location completed	mid-January 2023
Conceptual design (20%) submittal to Town for review	early February 2023
Conceptual design (20%) Tabletop Review Meeting	early February 2023
Final Plans (90%) submittal to Town for review	early April 2023
Final Plans (90%) Tabletop Review Meeting	early April 2023
Final Plans (90%) submittal to Town Planning	late May 2023
Final Plans (90%) submittal to NCDOT	late May 2023
Construction Document (100%) submittal to Town Planning*	late June 2023
Construction Document (100%) submittal to NCDOT*	late June 2023
Approved Encroachment Permit	July 2023
Relocate utilities (<i>if required</i>)	July 2023
Construction advertisement	August 2023
Construction begins	September 2023
Project Completion	Winter 2023

*Contingent on NCDOT review time

Schedule of Payment

Unless otherwise provided under the terms of this Agreement, all payments are due upon receipt. Interest shall accrue at the rate of twelve percent (12%) per annum on all unpaid invoices older than thirty (30) days. We reserve the right to stop work on any Client account that becomes sixty (60) days past due and to notify local officials that professional seals should be removed from plans associated with the Client.

Terms and Conditions

This agreement shall be controlled by the provisions listed above and the attached Terms and Conditions (Exhibit B). If there is any conflict between the provisions of this Letter of Agreement and the Terms and Conditions, the Terms and Conditions shall control.

SCOPE OF SERVICES & FEE PROPOSAL

Authorization to Proceed

Upon your agreement with the items contained in this proposal and associated compensation please sign below and return one copy for our files. The signed proposal shall be our authorization to proceed.

Thank you for the opportunity to present you with this proposal for professional services. We look forward to assisting you with the successful completion of this project.

Sincerely,



Brian P. Welch, PE
Project Manager – Roadway Design

Proposal Accepted By:

Client – Printed Name

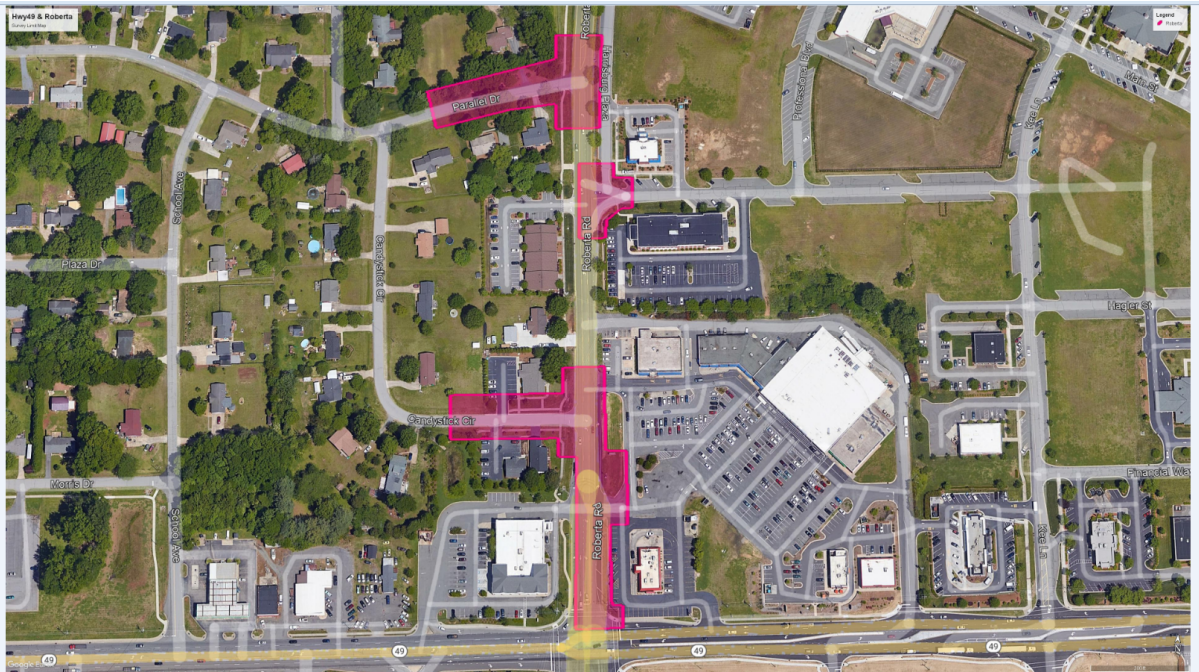
Title

Client – Signature

Date

SCOPE OF SERVICES & FEE PROPOSAL

Exhibit A
(Survey Map)

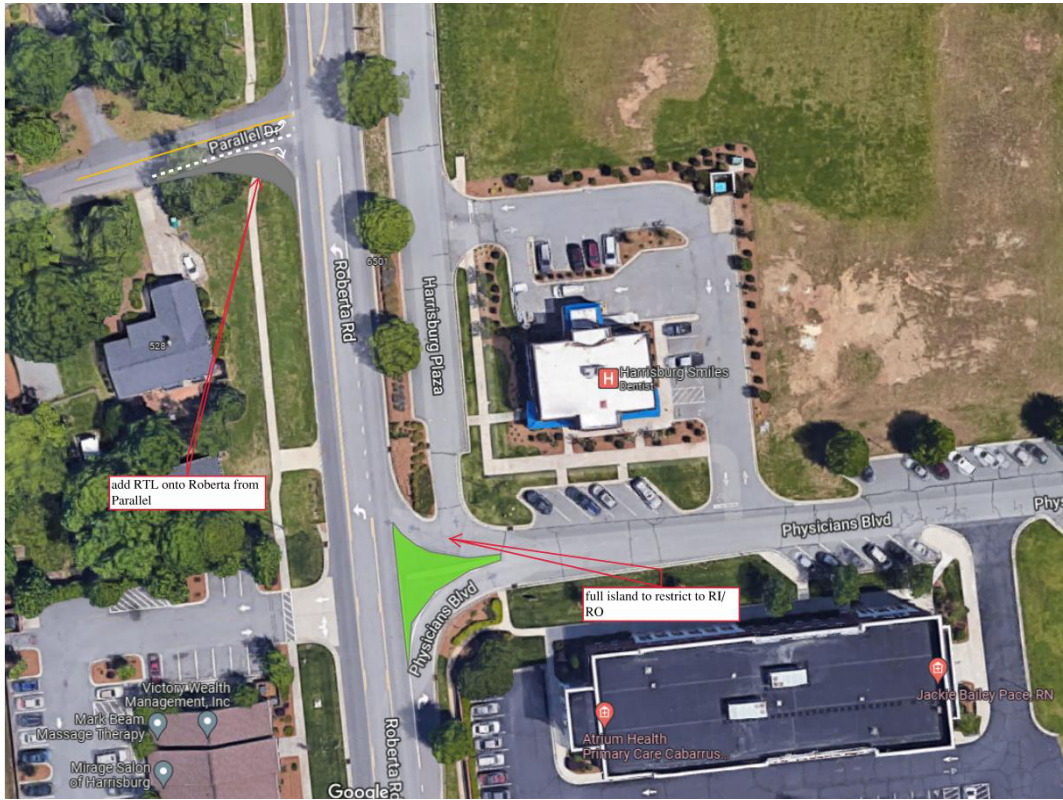


(Improvement Map #1)



SCOPE OF SERVICES & FEE PROPOSAL

(Improvement Map #2)



SCOPE OF SERVICES & FEE PROPOSAL

Exhibit B

(Terms and Conditions)

1. **SCOPE OF SERVICES:** The Scope of Services performed under this Agreement shall be as described above of the Letter of Agreement. Separate Change Orders signed by authorized representatives of Timmons Group and the Client may, from time to time, describe additional or different services to be performed under this Agreement, such Change Orders are incorporated by reference herein. These Terms and Conditions shall apply to the Change Orders except to the extent expressly modified by such Change Order. Timmons Group services with regard to the specific properties covered by this Agreement and subsequent Change Orders, if any, shall hereinafter be referred to as the "Project" or "Projects."
2. **STANDARD OF CARE AND CODE COMPLIANCE:** Timmons Group shall provide its services under this Agreement consistent with the professional skill and care ordinarily provided by members of the same profession practicing in the same or similar locality under the same or similar circumstances. Timmons Group shall exercise usual and customary professional care in its efforts to comply with all applicable codes, laws, regulations and the policies of regulatory agencies in effect as of the date of the Agreement (collectively, "legal requirements"). Design changes made necessary by newly enacted codes, laws, regulations and the policies of regulatory agencies after the date of this Agreement shall be treated as an additional service subject to an executed Change Order, and Timmons Group shall be entitled to appropriate additional compensation. Timmons Group shall not be liable for any damages arising from conflicting interpretations of any legal requirements by different officials. In the event of a conflict between legal requirements applicable to the Project, Timmons Group shall notify the Client of the nature and impact of such conflict, and the Client agrees to cooperate and work with Timmons Group in an effort to resolve the conflict.
3. **INSTRUMENTS OF SERVICE:** All documents, including, but not limited to, drawings, specifications, plans, reports and other forms of electronic data prepared and furnished by Timmons Group, are Instruments of Service pursuant to this Agreement and remain the property of Timmons Group. Client may retain one such copy of all such documents, for record purposes, which documents may only be used for the Project. Any adaptation by Client of said documents, whether intentional or inadvertent, without Timmons Group's verification shall be at Client's sole risk and without liability or legal exposure to Timmons Group or Timmons Group's employees. Client agrees to assume all risks associated therewith and to hold Timmons Group harmless and indemnify it from and against any claims, liabilities, damages, losses and costs, including but not limited to attorney's fees, arising therefrom or in connection therewith.
4. **GOVERNING LAW:** This Agreement shall be governed according to the laws of the place of the Project, without regard to its conflicts of laws provisions.
5. **THIRD PARTY RIGHTS:** This Agreement shall not create any rights or benefits to parties other than the Client and Timmons Group.
6. **ASSIGNMENT:** This Agreement may not be assigned without the prior written consent of the Client and Timmons Group, such consent not to be unreasonably withheld.
7. **PROJECT SITE SAFETY:** Timmons Group's Project site responsibilities are limited solely to the activities of Timmons Group and Timmons Group's employees on the Project site. These responsibilities shall not be inferred by any party to mean that Timmons Group has responsibility for Project site safety. The Client and Timmons Group agree that Project site safety is the sole and exclusive responsibility of the Project's owners or contractor(s). The parties likewise agree that the Project contractor(s) is solely responsible for Project means, methods, techniques, sequences of operation and procedures, and that Timmons Group shall have no obligations relating to these contractor(s) duties.
8. **LIMITATION OF LIABILITY:** To the fullest extent permitted by law, except as expressly stated in this Agreement, Timmons Group makes no representations or warranties, express or implied. Notwithstanding any other provision of this Agreement, the maximum liability, in the aggregate, to the Client and anyone claiming by or through the Client, of Timmons Group and its officers,

SCOPE OF SERVICES & FEE PROPOSAL

directors, shareholders, partners, employees, agents and subconsultants, and any of them, for any and all claims, losses, or damages, including attorney's fees, in any way related to or arising from the Project or this Agreement, shall not exceed Timmons Group's total fee under this Agreement, or \$50,000, whichever is less.

- 9. DISPUTE RESOLUTION:** In the event of any action or proceeding brought by either party against the other under this Agreement, other than default on payment, the prevailing party shall be entitled to recover all costs and expenses, including its court reporter fees, expert witness fees, and reasonable attorney's fees. If Timmons Group initiates legal proceedings to collect payment, it may recover, in addition to all amounts due, its reasonable attorneys' fees and other expenses related to the proceedings. Such expense shall include the cost, at the Timmons Group normal hourly billing rates, of the time devoted to such proceedings by its employees. The parties agree to litigation in a court of competent jurisdiction or in the jurisdiction where the Project is located.
- 10. INDEMNIFICATION:** Timmons Group agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Client, its officers, directors and employees, against all damages, liabilities or costs, including reasonable attorney's fees and defense costs, to the extent caused solely and directly by the negligent performance of professional services by Timmons Group or its agents under this Agreement. The Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless Timmons Group, its officers, directors, employees and agents, against all damages, costs and liabilities, including reasonable attorney's fees, caused solely by the Client's negligent acts in connection with the Project or that of its Contractor(s), subcontractors or consultants or anyone for whom the Client is legally liable. Neither Timmons Group nor the Client shall be obligated to indemnify the other party in any manner whatsoever for the other party's own negligence.
- 11. MISCELLANEOUS:** This Agreement constitutes the entire agreement of the Parties. All prior agreements, whether written or oral, are merged herein and shall be of no force or effect. This Agreement cannot be changed, modified or discharged orally, but only in an agreement in writing. If any term, condition, or provision of this Agreement is found unenforceable by a court of law or equity, this Agreement shall be construed as though that term, condition, or provision did not exist, and its unenforceability shall have no effect whatsoever on the rest of this Agreement. **This represents drafting by both parties and in the event of ambiguities, the principle of interpretation against the drafter shall not apply.**

Mallory Hodgson
Director of Public Works
Town of Harrisburg
4100 Main Street
Harrisburg, NC 28075

March 08, 2024

RE: Roberta Road – Change Order #1

Dear Ms. Hodgson:

The attached change order is respectfully submitted to cover costs associated with additional Utility Coordination services with Duke Energy. Total fee for Utility Coordination will be applied to the existing purchase order (PO04654) as a new time and materials (T&M) task, not to exceed, fee that represents these services. The scope of these services is detailed below:

- **Roadway Design (T01)**
 - **Task 0003 – Utility Coordination**
 - i. Provide Town with recommendations regarding potential utility conflicts;
 - ii. Identify and contact Duke Energy;
 - iii. Provide conceptual relocation plans for two (2) virtual meetings and discussion;
 - iv. Provide Town with recommendations on resolutions; and
 - v. Follow-up coordination with Duke Energy through their construction until their scope of involvement is completed.
 - Meeting minutes, emails, virtual meetings, etc.

Exclusions:

Utility Encroachment Permits
In-person site visit meeting
Cost negotiations
Field staking
Inspection of final utility work
Utility easement acquisition

The total fee is **\$3,360.00** and will be invoiced as Time and Materials (T&M) not to exceed for these rendered services.

If you have any questions or if I can provide you with any additional information, please do not hesitate to contact me at (919) 532-3265.

Regards,



Brian Welch, PE
Senior Project Manager



TOWN OF HARRISBURG

Agenda Item Details

Title:

H-2024-01-R Farmington PUD Conditional Zoning District

Presenting Personnel:

Shelley DeHart, Assistant Planning Director

Suggested Motion or Action:

According to Town Council's internal policy, this item should be voted on at the May 13, 2024 Town Council meeting. However, Council has the option to decide to take action the same night as the public hearing. If Council determines to consider this for a vote at this current meeting, see below for Motion options. Otherwise, these options will be made available for the May 13, 2024 meeting.

For approval, the following motion is suggested: Motion to approve Map Amendment H-2024-01-R Farmington PUD as presented by staff.

Motion to approve the following Consistency Statement for Map Amendment H-2024-01 Farmington PUD: The Town Council finds this map amendment is consistent with the applicable Common Decision Criteria found within Section 145.01.07 and 145.03.03 (E) of the UDO and the HALUP because:

The proposed map amendment, adding a Master Sign Program to an approved Planned Unit Development known as Farmington, is a reasonable request and is consistent with the following goals of the HALUP:

- LU-6 This amendment focuses on a higher level of development, improving the overall appearance of quality designed signs within a high-profile development utilizing flexibility in the program to enhance placemaking.
- ED-3 This amendment supports high-quality retail development in a mixed-use walkable location by establishing a sign program that meets the needs of businesses while reducing the potential for sign clutter.

For denial, the following motion is suggested: Motion to deny Map Amendment H-2024-01-R Farmington PUD, finding the request unreasonable and inconsistent with the goals of the HALUP.

Description/Background:

MPV Properties, the managing company for the Farmington commercial village area, is proposing to amend the approved conditional zoning district for the Farmington Planned Unit Development (PUD) for the purpose of establishing a Master Sign Program (MSP) for the commercial area of the development. A master sign plan will enhance a cohesive sense of place throughout the development by requiring high quality sign types, materials, lighting, and branding.

Recommendation:

Staff and the Planning and Zoning Board recommends approval of the proposed map amendment as presented.

Fiscal Impact:

N/A

Attachments:

1. H-2024-01-PUD-Farmington_TC Report

2. Attachment A - Application
3. Attachment B - Farmington Master Plan_2017
4. Attachment C -Farmington-Master-Sign-Program 3.4.24
5. Attachment D - Reduced_ Farmington Master Sign Table Breakdown 3.11.24
6. Attachment E_H-2024-01- R_Draft Ordinance



Planning and Zoning Department

**Staff Report – Town Council
Rezoning H-2024-01-(R)**

DATE: March 28, 2024

SUBJECT: H-2024-01-R-Farmington PUD Amendment

Request to amend the Planned Unit Development (PUD) zoning district for the purpose of adopting a Master Sign Program for the mixed-use development.

APPLICANT: Rocky River Road Associates, LLC
Represented by Morgan Lucas of MVP

Staff Report Prepared by: Shelley DeHart, Assistant Planning Director

Neighborhood Meeting: N/A

BACKGROUND:

The Farmington development is a 185-acre master planned unit development (PUD) situated partly in the Town of Harrisburg and the City of Charlotte, located just east of the 485 loop at Rocky River Road. The master plan consists of a planned commercial village and a mix of residential housing types representing approximately 600 homes and 275,000 SF of commercial space. This project has been the subject of many zoning actions by both the City of Charlotte and Town of Harrisburg.

The applicant is requesting to amend the PUD zoning district establishing a master sign program (MSP) for the Farmington Village portion of the development through this conditional zoning action (Attachment A). The intent of a master sign plan is to provide a sign program that will enhance a cohesive sense of place throughout a master planned community or development. These types of plans are typical and required in most communities to ensure the vision for the community is realized. The applicant is also requesting flexibility within the proposed master sign program to achieve their vision for the development as it relates to ground signs while operating within the spirit of the Town's sign regulations.

The Planning & Zoning Board heard this request at its March 19, 2024, public meeting. After receiving the report, public comment, and deliberations, the board unanimously recommends approval of the zoning petition amending the Farmington PUD to add the Master Sign Program.

ANALYSIS:

The subject development site was originally approved as area "C" in the Brookdale PUD-Conditional Use District in 2002 and has been the subject of various zoning amendments. Amendments of the PUD include increasing the size of area "C," change in allowable uses and underlying zoning district, changes in building types, and changes to use area labels.

The Unified Development Ordinance (UDO), states existing PUD zoned properties shall follow the PUD regulations associated with its approval.

The UDO in place at the time of conditional zoning approval divides PUD sign regulations into tables associated with residential districts and commercial districts. Review of the PUD sign table below outlines the permissible ground mounted signs for the commercial PUD.

Table 12.1-6 Standards for Permanent Signage in C-1 and PUD Zoning District

Sign Type	Number Allowed	Max. Sign Area	Max. Height	Sign Location
Ground Signs*				
Individual Business	1 per frontage per section 12.5.4.1	32 square feet	8 ft.	Outside of street right-of-way and site triangle
Combined Development	1 per frontage per section 12.5.4.1	32 square feet plus 8 sf per additional tenant upto a maximum of 64 sf	8 ft.	Outside of street right-of-way and site triangle
Subdivision Entrance Sign	1 per entrance road	32 square feet	8feet	Outside of street right-of-way and site triangle

It must be noted that the original approved PUD did limit the uses to C-1 under the PUD, however, the mix of zoning classifications within the subject commercial area (Area 1 on attachment B) were modified over time through zoning amendments and signs were not addressed. The zoning classifications are within this PUD:

- C-2 General Commercial
- B-1 Neighborhood Commercial
- O-I Office/Institutional

Based on the history of amendments, staff believes it is appropriate to adopt a master sign program establishing sign performance standards for the commercial area under the conditional zoning process incorporating the plan within the PUD. The sign information used for the analysis is a mix of the table provided above (C-1 & PUD) and the C-2 (General Commercial) table below.

Table 12.1-1 Standards for Permanent Signage in C-2 Zoning District

Sign Type	Number Allowed	Max. Sign Area	Max. Height	Sign Location
Ground Signs*				
Individual Business	1 per frontage per section 12.5.4.1	50 square feet	8ft.	Outside of street right-of-way and site triangle
Combined Development	1 per frontage per section 12.5.4.1	50 square feet plus 10 sf per additional tenant upto a maximum of 100 sf	10 ft.	Outside of street right-of-way and site triangle
Subdivision Entrance Sign	1 per entrance road	32 square feet	8feet	Outside of street right-of-way and site triangle



Master Sign Program- See Attachment C

1. A large, combined development sign (Pg 6) at the main entrance of Farmington Ridge and Rocky River Road (west corner). The applicant is requesting a 100 sq. ft. allocation.
 - a. A 96 sq. ft sign area is proposed (exceeds the 64 sq. ft. maximum for PUD but within range of a standard C-2 General Commercial zoning District).
 - b. Six (6) feet in height (under the maximum allowed – 8 to 10 feet).
 - c. Halo lit Logo with Routed white acrylic logo backing internally illuminated (Enhanced illumination sign).
 - d. Sign is proposed to be placed within a **sign easement** on an outparcel.

The applicant is proposing to off-set the larger combined development sign square footage by **reducing the number** of overall ground mounted signs adjacent to Farmington Ridge Parkway.

The applicant has also agreed **to prohibit digital electronic message board type** of signage on this sign and throughout the development **except** the Harris Teeter Fueling Station.

2. A subdivision entrance sign (Pg 5) located on the east corner of the main entrance at Farmington Ridge and Rocky River Road. The applicant is requesting flexibility with:
 - a. The PUD subdivision sign is proposed at 100 sq. ft. in the sign area (96 sq. ft. per plan) to match the size and bulk of the combined development sign. This **exceeds** the maximum permitted sign area for subdivision monument signs (32 sq. ft. in area).
 - b. The sign is proposed to be six-feet in height (below the maximum height of 8-ft).
 - c. Halo lit lighting (enhanced illumination sign).

The applicant is proposing to off-set the larger combined development sign square footage by **reducing the number** of overall ground mounted signs adjacent to Farmington Ridge Parkway.

3. Two Village Center branding signs (Pg 7) to be located at the roundabout. They are proposed to be:
 - a. 40 sq. feet in size (exceeds the 32 sq. ft. maximum).
 - b. Four (4) feet in height (under maximum allowed)
 - c. Located within the public right-of-way (signs required to be on private property)
 - d. Halo lit sign (enhanced illumination sign).

These signs identify not only the subdivision but the village center of the master planned unit development and serve more as a “place making” branding sign than a subdivision sign. These signs are not unusual for large master planned communities. Staff is of the opinion that these proposed signs are reasonable and will enhance the aesthetics of the roundabout. Again, they are proposing to reduce the number of monument signs on Farmington Parkway in exchange for flexibility with other signs.

4. Two additional combined development signs (Pg 8) to be located at the roundabout. They are proposed to be:
 - a. Approximately 60 sq. ft. in size (under 64 sq. ft. maximum in PUD/C-2 zoning).
 - b. Five (5) feet in height (under the 8-foot maximum).
 - c. Located within the public right-of-way (signs required to be on private property).
 - d. Halo lit/ LED routed letters & border (Enhanced illumination sign).

These signs are proposed to balance the signs at the roundabout provide interest to commercial designations within the development. An encroachment permit would be required to locate signs within the right-of-way.

5. Individual ground mounted signs (Pg 9) for individual use outparcels located south of the intersection of Farmington Ridge and Dutch Creek Drive (first main intersection).
 - a. Thirty-two sq. ft. in sign area (in compliance).
 - b. Seven feet in height (in compliance).
 - c. Routed and LED lit (In compliance).
 - d. Located on private property.
6. Directory – Wayfinding Signs (Pg 11): The town’s sign regulations do not address these types of signs for master planned communities (PUDs, Medical, or Educational Campus). The applicant is proposing:
 - a. Five wayfinding signs
 - b. Located within the landscaped area between the multi-use path and the curb within the Town maintained right-of-way.
 - c. Five and a half (5 ½) feet in height
 - d. Just under 20 sq. feet in sign area.
 - e. Non-illuminated.

These signs are proposed to be located at strategic locations to help guide the public to their destination listing tenants and directional arrows. Based on their proposed location an encroachment permit would be required for all signs proposed within a right-of-way. The applicant is proposing wayfinding sign in-lieu of individual ground signs on Farmington Ridge Parkway.

7. Wall, Projecting, Canop, and Suspended Signs are proposed to follow Harrisburg sign regulations and will be governed by style, materials, and illumination by the master plan and landlord approval.

Master Sign Program Signage Limitation Proposal

In exchange in flexibility associated with this proposal, the master sign program will include the following limitations:

1. Eliminate Individual Occupant signs north of Dutch Creek Drive & Farmington Ridge Parkway intersection. See illustration on page 4 of the master sign plan.
2. Prohibit electronic message board (EMBs/any digital electronic signage within the development, with the exception to the Harris Teeter Fuel Station site.



We asked the development team to provide an exhibit that would compare the proposed sign limitations with the proposed ground mounted signs requesting flexibility (Attachment D). Using the most conservative regulations (C-1/PUD), the comparison results reflect:

- The total proposed sign area allocation is less than what could be approved by right.
- The number of ground mounted signs proposed is one less than what would be permitted by right.

SPECIFIC REVIEW CRITERIA: Pursuant to the UDO, a conditional zoning petition shall meet the requirements of Section 145.03.03 (E) and the common decision criteria in Section 145.01.07. This petition meets the common decision criteria found in the UDO as follows:

1. The proposed zoning amendment substantially conforms to the prior approvals for the Farmington Planned Unit Development as well as promotes the purpose of the Unified Development Ordinance.
2. The proposed zoning amendment adding a Master Sign Program, as conditioned, will not be detrimental to or endanger the public health, safety, or welfare, and does not affect public or private facility needs.
3. This amendment is following the public hearing process as provided within the UDO.
4. The amendment demonstrates compatibility with the character of the Planned Unit Development known as Farmington and enhances the visual aesthetics by reducing the potential of sign clutter and establishing high quality sign standards within the community.

Criteria in Section 145.03.03 (E):

1. *Use and Location.* The proposed CZ District uses appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the HALUP.

This amendment to add a master sign program to an existing Planned Unit Development does not affect existing approved uses at this location and further enhances the goal of promoting high-quality development as found in LU-6 of the HALUP.

2. *Eligible Uses.* The use(s) requested are among those listed as eligible permitted use, permitted use with limitations, or special use in the general use district as included in the CZ Zoning Map Amendment request.

There is no proposal to amend permissible uses within this conditional zoning district.

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 nuisance.

The amendment does not propose a change in the design of the approved planned use development. This amendment does propose standardizing signs within the development creating a high-quality sign program with a focus on reducing sign clutter.

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 proposed sign program can be implemented and enforced through the Town's sign permitting process and encroachment permit process.*
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 conditional zoning district is subject to all other conditions of approval established by the Town in addition to conditions placed on the subject amendment related to the proposed master sign program.

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 applicant has demonstrated that although the Master Sign Program requests some flexibility, the overall allocated sign area and number of ground mounted signs is slightly less than permitted by right in the underlying zone. Further demonstrated are the higher quality performance standards such as design, material, and illumination that what is permitted by right.

7. *Applicant's Agreement.* The applicant has agreed to accept the use limitations and conditions as proposed and/or imposed for the requested district.

The applicant has agreed to abide by the existing and proposed conditions of approval associated with this CZ-PUD for Farmington.

8. *Town Statement.* For 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.

The proposed zoning amendment is to add a Master Sign Program to an approved Planned Unit Development known as Farmington. This amendment is consistent with the following Goals of the HALUP:

LU-6 This amendment focuses on a higher level of development improving the overall appearance of quality designed signs within a high-profile development utilizing flexibility in the program to enhance placemaking.

ED-3 This amendment supports high-quality retail development in a mixed-use walkable location by establishing a sign program that meets the needs of businesses while reducing the potential for sign clutter.



STAFF AND PLANNING AND ZONING BOARD RECOMMENDATION:

Having heard this request in a public meeting March 19, 2024, staff and the board recommends the proposed conditional zoning petition H-2024-01-R be approved with the following conditions:

1. The applicant shall comply with all conditions of approval established in the previously approved conditional zoning petition for the Farmington Planned Unit Development.
2. Signs proposed within the right-of-way shall require approval of an encroachment permit from the Town. Sign locations are subject to adjustments based on field locations of utilities and sight requirements.
3. Signage at Rocky River Road intersections shall comply with NCDOT sight-triangles.
4. Permitting and compliance is required with all local, state, or federal agencies.

TOWN COUNCIL ACTION

Conduct the public hearing receiving the report, public comment, and deliberations, and

- Motion to Approve, approve with modifications, or disapprove the zoning amendment; and
- Make the required finding for reasonableness and consistency with the HALUP.

Attachment A – Letter of Intent and Application
Attachment B – 2017 CZ Farmington Master Plan
Attachment C – Farmington Master Sign Program
Attachment D – Sign Comparison Exhibit
Attachment E – Draft Ordinance



March 4th, 2024

Shelley DeHart
Assistant Planning Director
4100 Main Street
Harrisburg, NC 28075
Via Email: sdehart@harrisburgnc.org

Re: Farming Master Sign Program and PUD Amendment

Dear Shelley:

Thank you for meeting with the MPV team and me (“Owner”) last week regarding Farmington and specifically signage allowances currently permitted by the Town of Harrisburg UDO and the approved PUD. As we discussed in the meeting, the Farmington development is unique in Harrisburg given its size, configuration, and mixed-use components. The Town of Harrisburg signage ordinance has limitations that make Tenant identification and wayfinding problematic for a project of Farmington’s scale. The Owner seeks to amend its PUD to allow for some minor variations in the size and location of certain sign types permitted by the ordinance. Such amendments to the PUD will include a commitment by the Owner to implement a Master Sign Program for Farmington, which Owner describes as follows:

Master Sign Program Proposal

The Farmington Master Sign Program (Program) attached herein will enhance a cohesive sense of place across Farmington (“Development”). The intent of the Program is to maintain visual consistency among all signs, and it aims to complement the overall architectural design of the Development. By adhering to established guidelines for signage materials, framework, illumination, and background, the Program will not only enhance Farmington's visual environment but also reduce confusion and contribute to a distinct sense of place. The Owner (Declarant) will amend the recorded master Declaration for Farmington to include a reference to the Program, which will govern the installation of signs within the Development going forward. Additionally, the Program will comply with the Town of Harrisburg and City of Charlotte respective zoning and signage ordinances.

PUD Amendment Request 1 - Combined Development Sign Location and Sizing Flexibility

The requested amendments to the PUD address “*Combined Development Signage*” and “*Subdivision Entry Signage*” dimensions and locations within the Development. Like most developments of this type, the commercial sections of Farmington include distinct property lines separating outparcels and other major components. Most large, mixed-used developments and commercial projects have multi-tenant signs

(“*Combined Development Sign*” as defined in Farmington UDO) at major road frontages and main entrances to provide vehicular and pedestrian traffic with information about a development, its tenants and amenities. Waverly and Birkdale Village are two such examples in the region. The Town of Harrisburg UDO does not technically permit the installation of *Combined Development Signs* on outparcels of mixed-use developments, which often separate the interior mass of commercial development from the main road frontages (ie. Rocky River Road and Farmington Ridge Parkway). **Specifically, the Owner seeks to amend the PUD to permit “*Combined Development Signs*” within recorded sign easements on road frontages that feature tenant/owners residing on different legal lots within the unified Development.**

Additionally, under the prevailing PUD ordinance, *Combined Development Signs* are limited to a maximum sign area of 64 square feet. Again, this square footage is very small and limiting when one considers the following:

- Size and Scale of the Farmington Development
- Number of Tenants and Components that will comprise Farmington
- Visibility on a major Road frontage like Rocky River Road
- Creating a sense of arrival at a significant mixed-use development

As part of the PUD Amendment request, the Owner requests to increase the size of this sign at the intersection of Rocky River Road and Farmington Ridge Parkway (entrance to Farmington) to 100 square feet. The C-2 zoning district allows for this square footage of signage on a *Combined Development Sign*. While Farmington is zoned as a PUD, the commercial section of Farmington is designated as C-2, so this signage allowance seems appropriate.

PUD Amendment Request 2 - Subdivision Entry Sign Location and Sizing Flexibility

Given Farmington’s Scale and mixed-use components, the Owner desires to establish a Farmington brand that will facilitate a cohesive and unique sense of place for residents, tenants, visitors, and passersby. Per the UDO, the Development is only permitted to install one (1) “*Subdivision Entry Sign*” sign totaling 32 square feet. **Owner seeks to install a 96 square foot subdivision entry sign at the Rocky River Road main entrance mirroring the *Combined Development Sign*, of the same size, across the street (refer to Master Sign Program proposal for location and placement of these signs).** Owner believes that a sign of this size is more appropriate, and a better aesthetic given the size of the Development, width of intersection, and setback from right-of-way.

Additionally, Owner seeks permission to install two (2) 40 square foot *Subdivision Entry Signs* at the roundabout (RAB) internal to the project. Again, the UDO only permits one sign per entrance road at 32 square feet each. The unique geometric nature of the RAB presents distinct challenges and opportunities for visibility and wayfinding. Placing two symmetrical architectural signage features at this location ensures maximum visibility from all directions, thus enhancing overall development branding and cohesiveness. These signs are low profile, symmetrical, and provide an interesting and quality aesthetic at the RAB located in the center of the Development (refer to Master Sign Program proposal for location and placement of these signs).

Master Sign Program Signage Limitation Proposal

To reduce clutter and signage, the Program proposes to eliminate the following:

1. *“Individual Occupant Signs”* north of Dutch Creek Drive/Farmington Ridge Parkway intersection.
2. Prohibit electronic message board (“EMBs”)/any digital electronic signage within the development, with exception to Harris Teeter Fuel.

PER YOUR REQUEST, A SUMMARY OF THE PROPOSED SIGNS AND AMENDMENTS TO THE PUD ARE INCLUDED IN THE ATTACHED TABLE.

Shelley, thanks again for Zac’s and your time and consideration. We look forward to working together on these signage modifications and allowances, and I believe that they are consistent with what was discussed in the meeting last week. Please let me know if you have any questions or comments.

Sincerely,

George Macon
Managing Partner

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: Farmington
- b. Project Location/Address: Petition # H2019-02 (R)
- c. Tax Map and Parcel Number (PIN): 5506 | 407290000
- d. Zoning: Existing: _____ Proposed: _____
- e. Land Use: Existing: _____ Proposed: _____
- g. Description of Request (attach separate sheet if needed):

Owner is requesting that the proposed Farmington Master Sign Program (attached) be approved for the project's existing zoning (PUD) through a conditional zoning action.

3. Contact Information

- a. Project Manager/Contact Person: Morgan Lucas
Company: MPV Properties
Address: 2400 South Boulevard, Ste 300 City, State, Zip: Charlotte, NC 28203
Phone Number: 704-248-2103 Email Address: mlucas@mpvre.com
- b. Applicant Name (if different than above): _____
Company: _____
Address: _____ City, State, Zip: _____
Phone Number: _____ Email Address: _____
- c. Owner Name: Rocky River Road Associates, LLC
Company: _____
Address: 2400 South Boulevard, Ste 300 City, State, Zip: Charlotte, NC 28203
Phone Number: _____ Email Address: _____

4. Owner's Consent

Rocky River Road Associates, LLC ("Owner") certifies that it is the owner of the property located at Farmington ("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, Morgan Lucas 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: 1/02/2024

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

Project Name: Farmington Submittal Date: 1/4/2024

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: Morgan Lucas

Applicant Signature: Morgan Lucas

6. Staff Use Only:

Record of Process

Date Received: January 2, 2024

Application Number: H2024-01-PUD

Is Application Complete?

☒

Yes

☐

No

Public Hearing Date(s): TBD

Published Notice Date: _____

Mailed Notice Date: _____

Posted Notice Date: _____

Final Action Applicant Notification Mailed Date: _____

Town Staff Signature: _____

Shelley DeHart, AICP

Digitally signed by Shelley DeHart, AICP
DN: cn=Shelley DeHart, o=Town of Haverhill, ou=Planning and Zoning Department,
email=shelley.dehart@haverhillma.gov, c=US

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

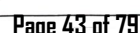
1. List of all abutting property owners' name, mailing address, and PINs
2. Recent survey or legal description of property requested to be rezoned
3. Copies of the invitation letter, minutes, and sign-up sheet from required neighborhood meeting
4. If determined required at the pre-application meeting:
 - 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)

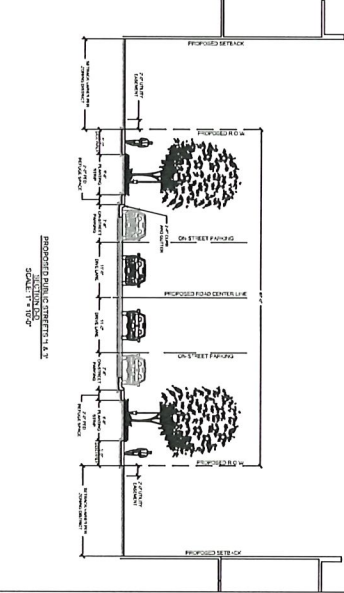
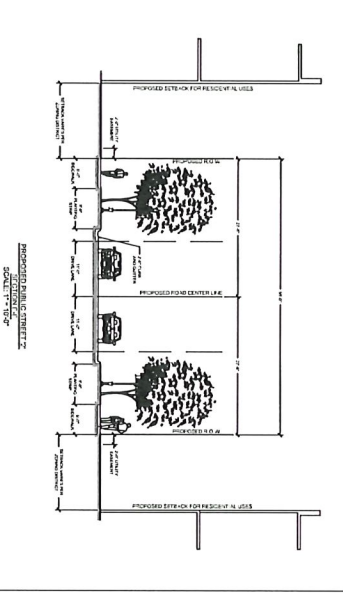
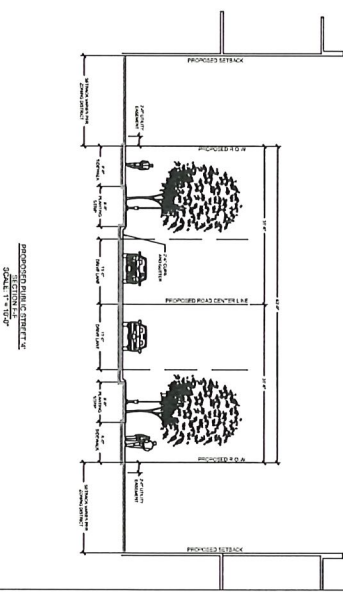
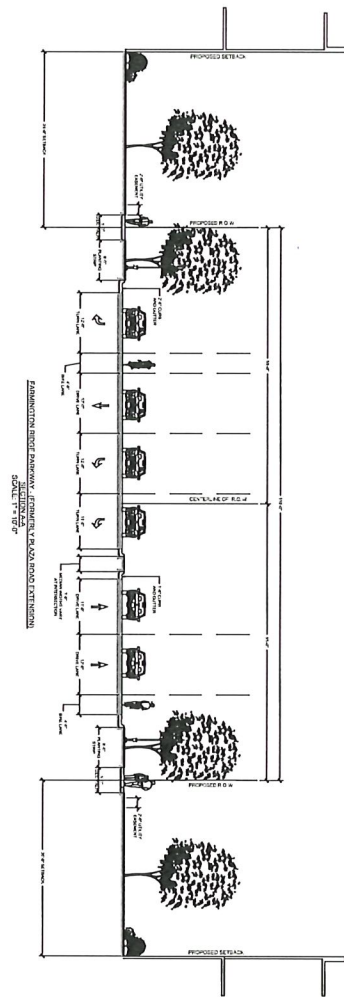
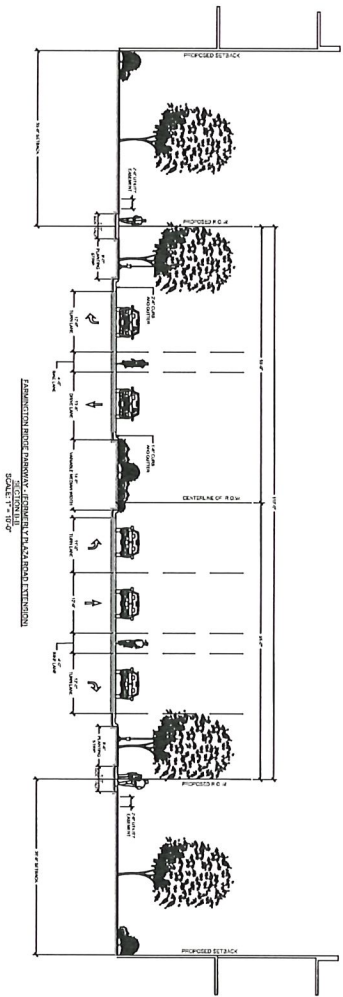
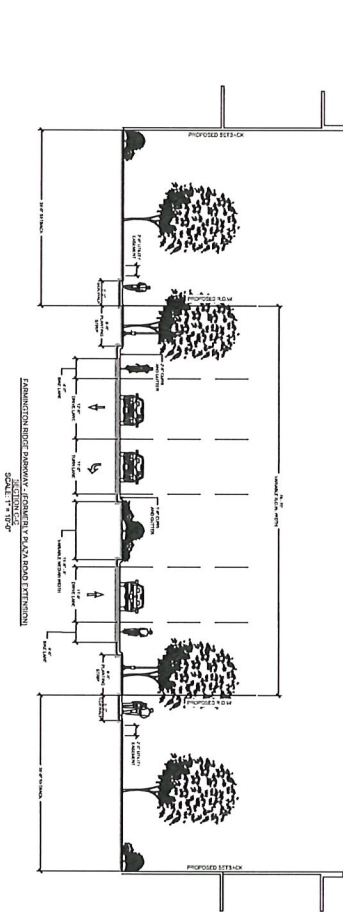
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2. Recent survey or legal description of property requested to be rezoned
3. Copies of the invitation letter, minutes, and sign-up sheet from required neighborhood meeting.
4. If determined required at the pre-application meeting:
 - a. Copies of the 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

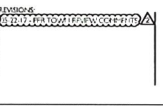






PETITION NO. H2017-04 (R)
TOWN OF HARRISBURG
PETITIONER: ROCKY RIVER ROAD ASSOCIATES, LLC

DATE: MARCH 21, 2017
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS
SCALE: AS SHOWN
PROJECT # 150154



FARMINGTON
HARRISBURG, NORTH CAROLINA
ROCKY RIVER ROAD ASSOCIATES, LLC
SITE REZONING AMENDMENT - STREET CROSS-SECTIONS

PETITION NO. H2017-04-(R)

LandDesign
213 H Graham Street, Charlotte, NC 28202
V. 704.333.0255 F. 704.373.3246
www.landdesign.com
NC Eng Firm License: C-6585

TABLE 4.6-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS

* All uses permitted in the CC, CD, and I-1 Districts are subject to supplemental design regulations in Article 11 of this Ordinance.

P - Permitted Use
C - Conditional UseS - Permitted Use with Supplemental Regulations in Article 5 and/or Article 11
(-) Prohibited UseZONING DISTRICTS

	USE	NAICS	B-1	Area C		C-2	Area C-1	
				O-1			RC	
RESIDENTIAL								
Accessory Dwellings (§ 5.3)	-	-	-	-	-	-	P/S	
Duplex (Two dwelling units per lot)	-	-	-	-	-	-	P	
Family Care Home (see Appendix A for definition)	-	C	C	C	-	-	P	
Home Occupations (§ 5.12)	-	P/S	-	-	-	-	P/S	
Multi-family Dwellings - 3 or more dwelling units (§ 11.2)	-	C/S	C/S	C/S	C/S	-	C/S	
Single-family, attached (§ 11.2)	-	C/S	C/S	C/S	-	-	P/S	
Single-family, detached (§ 5.24)	-	C	C	C	-	-	C	
Single-family, manufactured home	-	-	-	-	-	-	-	P
Single-family, modular home	-	C	C	C	-	-	P	
INSTITUTIONAL AND CIVIC								
Animal Shelter	-	-	-	-	-	-	-	
Auditorium/Indoor Public Assembly, up to 350 seats	-	P	P	P	P	P	C	
Auditorium/Indoor Public Assembly, more than 350 seats	71213, 71219	C	C	C	P	P	C	
Botanical Gardens/Nature Preserves	6244	P/S	P/S	P/S	P/S	P/S	C/S	
Child Care Center (§ 5.16)	8134	P	P	P	P	P	C	
Civic, Social, and Fraternal Organizations	71391	-	-	-	-	-	P	
Country Club	561591	-	-	-	-	-	-	
Convention Center/Visitors Bureau	71391	P	P	P	P	P	P	
Golf Course, public or private	-	P	P	P	P	P	C	
Government Buildings (excl. correctional institutions) and Facilities	622	-	-	-	-	-	-	
Hospital	71211, 71212	C	C	C	P	P	C	
Museums and Art Galleries	71219	P	P	P	P	P	P	
Park - Public, neighborhood	71219	P	P	P	P	P	C	
Park - Public, other than neighborhood	7111	-	-	-	-	-	-	
Performing Arts Companies & Artists	491	-	-	-	-	-	-	
Postal Service Facilities	713990	P	P	P	P	P	C	
Recreational Sports Clubs (Hunting Clubs, Fishing Clubs, etc.)	8131	P	P	P	P	P	C	
Religious Institutions, up to 350 seats	8131	C	C	C	P	P	C	
Religious Institutions, more than 350 seats	623	P/S	P/S	P/S	P/S	P/S	P/S	
Residential Care Facilities (Includes Group Homes) (§ 5.17)	6111	C	C	C	C	C	C	
School - Boarding	6114	-	-	-	-	-	-	
School - Business, Computer and Management	61111	P	C	C	P	P	C	
School - Charter, Private & Parochial								

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 (-) Prohibited Use

ZONING DISTRICTS

USE	NAICS	B-1	Area C		Area C-1 RC
			O-1	C-2	
INSTITUTIONAL AND CIVIC (cont.)					
School - Fine Arts	61161	-	C	P	-
School - Public, Elementary & Secondary	6111	P	P	P	P
School - Technical and Trade	6116	C	C	P	-
School - University or College	6112, 6113	-	C	P	-
Social Assistance (excluding child care centers)	624	C	C	P	C
Zoo, public or private	71213	-	-	C	-
PROFESSIONAL OFFICE/BUSINESS SERVICES					
Accounting & Tax Services	5412	P	P	P	-
Advertising & Related Services (excl. Sign Lettering/Painting)	5418	C	P	P	-
Architectural, Engineering & Related Services	5413	P	P	P	-
Automobile Repair, Major (excl. commercial trucks)	8111	-	-	P	-
Automobile Repair, Minor (excl. commercial trucks)	81119	-	-	P	-
Automobile Repair, Major or Minor, including commercial trucks	811111	-	-	C	-
Banks, Finance and Insurance Offices	52	P	P	P	-
Broadcasting & Telecommunications (excl. Towers)	513	-	P	P	-
Building, Chimney, Pool Cleaning Services	56179	-	-	P	-
Carpet & Upholstery Cleaning Services	56174	-	-	P	-
Catering Services	72232	P	-	P	-
Clothing Alterations/Repair, Footwear Repair	811419, 81143	P	-	P	-
Collection Agencies	56144	P	P	P	-
Computer System Design & Related Services	5415	P	P	P	-
Credit Bureaus	56145	-	P	P	-
Data Processing and News Services	514	-	P	P	-
Delivery/Courier Service, Local	49221	C	P	P	-
Dry Cleaning and Laundry Services	81231, 81232	P	-	P	-
Electronic and Appliance Repair	8112, 8114	-	-	P	-
Employment/Personnel Services/Agencies	5613	-	P	P	-
Environmental Consulting Services	54162	-	P	P	-
Fortune Telling/Palm Reading Services	812990	-	-	C	-
Funeral Home & Services	8122	-	P	P	-
Graphic Design Services	54143	P	P	P	-
Hair, Nail & Skin Care Services	81211	P	P	P	-
Indoor Recreational Facilities		-	-	P	-
Industrial Design Services	54142	-	P	P	-
Interior Design Services	54141	P	P	P	-
Investigation & Security Services, Locksmiths	5616	-	-	P	-

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PROFESSIONAL OFFICE/BUS. SERVICES(cont.)	USE	NAICS	B-1	ZONING DISTRICTS			Area C-1 RC
				Area C	C-2		
Janitorial Services		56172	-	P	P		-
Legal Services		5411	P	P	P		-
Management/Holding Company offices		55	P	P	P		-
Management & Marketing consultants		54161	-	P	P		-
Medical/Health Care Offices		621	P	P	P		-
Motion Picture & Sound Recording (excl. Theaters)		512	-	P	P		-
Office Administrative Services		5611	-	P	P		-
Other Business Support Services		56149	-	P	P		-
Personal and Household Goods Repair		8114	-	-	P		-
Pest Control Services		56171	-	-	P		-
Pet Care Services (excluding Kennels & Veterinary Serv.)		81291	-	-	P		-
Pet Care Services - Kennels only (§ 5.5)		81291	-	-	P/S		-
Photocopy Services (excl. studios)		56143	-	P	P		-
Publishing Industries		511	-	P	P		-
Real Estate & Leasing Offices (excl. mini-warehousing)		531	P	P	P		-
Scientific Research & Development Services		5417	-	P	P		-
Sports and Recreation Instruction/Camps		61162	C	-	P		-
Telemarketing/Telephone Call Centers		56142	-	P	P		-
Travel Services/Agents & Visitors Bureaus		5615	-	P	P		-
Veterinarian Offices/Animal Hospitals (§ 5.5)		54194	P/S	-	P/S		-
Weight Reducing Centers, non-medical		81219	-	-	P		-
RETAIL TRADE							
Amusement Park		713110	-	-	C		-
Amusement Arcade (indoor only)		713120	-	-	P		-
Art Dealers		45392	P	P	P		-
Art Supply Stores		45398	-	-	P		-
Auction House (General Merchandise)		45398	-	-	P		-
Automotive Parts, Tires, and Accessories		4413	-	-	P		-
Automobile Rental & Leasing (§ 5.6)		5321	-	-	P/S		-
Automobile Sales, New & Used (§ 5.6)		4411	-	-	P/S		-
Baked Goods/Snack Shops (excluding drive-thru)		722213	P	-	P		-
Bed & Breakfast Inns (§ 5.7)		721191	C/S	C/S	C/S		C/S
Book, Periodical & Music Stores		4512	P	-	P		-
Bowling Centers		71395	-	-	P		-
Building Material Supply (with outdoor storage)		4441	-	-	C		-

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C - Conditional Use

(-) Prohibited Use

ZONING DISTRICTS

USE	NAICS	B-1	Area C		C-2	Area C-1 RC
			O-I	-		
RETAIL TRADE (cont.)						
Building Material Supply (with no outdoor storage)	4441	-	-	-	P	-
Brewpubs/Brewery - Micro		-	-	-	P/S	-
Car Wash (as a principal use)	811192	-	-	-	P	-
Cemetery Monument Dealers	453998	-	-	-	P	-
Clothing & Clothing Accessories	4481	-	-	-	P	-
Consignment/Used Merchandise Stores	4533	C	-	-	P	-
Convenience Store (with or without gas sales) (\$5.10)	44512, 44711	P/S	-	-	P/S	-
Equipment Rental & Leasing (with indoor storage)	53321, 5324	-	-	-	P	-
Equipment Rental & Leasing (with outdoor storage)	53231, 5324	-	-	-	C	-
Electronics & Appliance Rental	53221	-	-	-	P	-
Electronics, Camera & Appliance Stores	443	-	-	-	P	-
Electronic Gaming Establishments		-	-	-	C/S	-
Farmer's Market, Fruit & Vegetable Stand	44523	-	-	-	P/S	-
Florist	4531	P	-	-	P	-
Formal Wear & Costume Rental	53222	C	-	-	P	-
Furniture& Home Furnishings	442	-	-	-	P	-
Furniture/Party Supply/Sporting Goods Rental	53229	-	-	-	P	-
General Merchandise Stores (less than 25,000 sq. ft.)	452	-	-	-	P	-
Gift, Novelty & Souvenir Stores	45322	P	-	-	P	-
Grocery/Food Stores (excl. convenience stores)	4451, 4452	C	-	-	P	-
Health Clubs & Fitness Centers	71394	P	-	-	P	-
Hobby, Toy & Game Stores	45112	-	-	-	P	-
Hotel, Motels & Extended Stay Lodging Facilities	72111	-	-	-	P	-
Jewelry, Luggage and Leather Goods	4483	P	-	-	P	-
Lawn & Garden Supply (with outdoor storage or display)	4442	-	-	-	C	-
Lawn & Garden Supply (with no outdoor storage or display)	4442	-	-	-	P	-
Liquor Sales (ABC stores)	4453	-	-	-	P	-
LP Gas & Heating Oil Dealers	45431	-	-	-	P	-
Manufactured Home Sales	45393	-	-	-	C	-
Miniature Golf course	713990	-	-	-	P	-
Mini-warehousing/Self-storage Leasing (\$5.15)	53113	-	-	-	C/S	-

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P - Permitted Use
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(-) Prohibited Use

ZONING DISTRICTS

USE	NAICS	B-1	Area C		C-2	Area C-1 RC
			O-1			
RETAIL TRADE (cont.)						
Motion Picture Theaters (excl. drive-in)	512131	-	-	-	P	-
Motion Picture Theaters, drive-in	512132	-	-	-	C	-
Motorcycle, Boat & RV Dealers, New & Used	4412	-	-	-	P	-
Musical Instrument & Supplies	45114	-	-	-	P	-
Nurseries	44422	C	-	-	P	-
Office Supplies & Stationery Stores	45321	-	-	-	P	-
Parking Lots & Structures, Commercial	-	-	-	-	P	-
Pawnshops (subject to NCGS, Chapter 91A)	522298	-	-	-	P	-
Pet & Pet Supply Stores	45391	-	-	-	P	-
Pharmacies, Health & Personal Care Stores	446	-	-	-	P	-
Photography Studios	54192	P	-	-	P	-
Private Clubs (\$ 5.18)	72241	-	-	-	C/S	-
Reception Facilities	-	-	-	-	C/S	-
Restaurant, Full Service (dine-in only)	7221	P	-	-	P	-
Restaurant, Limited Service (delivery, carryout, drive-thru)	722211	-	-	-	P	-
Sewing, Needlework & Piece Goods Stores	45113	P	-	-	P	-
Sewer/Septic Cleaning Services	56299	-	-	-	P	-
Shoe Stores	4482	-	-	-	P	-
Shopping Centers, less than 25,000 gross sq. ft. (\$ 11.3)	-	C/S	-	-	P/S	-
Shopping Ctr./Superstore, 25-80,000 gross sq. ft. (\$ 11.3)	-	-	-	-	P/S	-
Shopping Ctr./Superstore, 80,000-135,000 gross sq. ft. (\$ 11.3)	-	-	-	-	C/S	-
Shooting Ranges/Archery Ranges (indoor only)	713990	-	-	-	P	-
Sign Lettering & Painting	54189	-	-	-	C	-
Sporting Goods Stores	45111	-	-	-	P	-
Swimming Pool, Hot Tub Supply Stores	453998	-	-	-	P	-
Tanning Salons, Ear Piercing, Permanent Make-up Salons	812199	-	-	-	P	-
Tattoo Parlors, Body Piercing	812199	-	-	-	C	-
Tobacco Stores	453991	-	-	-	C	-
Trophy Shops	453998	P	-	-	P	-
Truck Stop, Travel Plaza	44719	-	-	-	C	-
Video Tape & Disk Rental	53223	P	-	-	P	-
Winery-Cidery - Micro	-	-	-	-	P/S	-

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C - Conditional Use	(-) Prohibited Use	ZONING DISTRICTS				Area C-1 RC
		Area C				
USE		NAICS	B-1	O-1	C-2	
WHOLESALE TRADE (no outside storage unless specified)						
Alcoholic Beverage Supply		4228	-	-	P	
Audio/Video Cassette/Disk (prerecorded) Sales		42199	-	-	P	
Book, Periodical, & Newspaper Sales		44292	-	-	P	
Clothing, Piece Goods & Shoe Supply		4223	-	-	P	
Electronic Equipment and Parts Supply		42162	-	-	P	
Farm Supply Product Sales (with indoor storage)		42291	-	-	P	
Farm Supply Product Sales (with outdoor storage)		42291	-	-	C	
Florist & Nursery Supply (with indoor storage)		42293	-	-	P	
Florist & Nursery Supply (with outdoor storage)		42293	-	-	C	
Furniture & Home Furnishing Sales		4212	-	-	P	
Grocery/Food Sales		4224	-	-	P	
Hardware, Plumbing & Heating Supply		4217	-	-	P	
Jewelry Supply		42194	-	-	P	
Lumber & Construction Materials (w/ indoor storage)		4213	-	-	P	
Lumber & Construction Materials (with outdoor storage)		4213	-	-	C	
Metal & Pipe Supply (with indoor storage)		42145	-	-	P	
Motor Vehicle - Sales (§ 5.8)		42111	-	-	P/S	
Motor Vehicle - New Parts Supply		42112	-	-	P	
Motor Vehicle - Used/Salvaged Parts (indoor storage)		42114, 42193	-	-	P	
Music & Musical Instrument Supply		42199	-	-	P	
Paint, Varnish & Paint Supplies		42295	-	-	P	
Paper/Paper Product Supply		4221	-	-	P	
Petroleum/Petro. Products (excl. Bulk Terminals)		4227	-	-	P	
Pharmaceutical and Drug Supply		4222	-	-	P	
Professional & Commercial Equipment Supply		4214	-	-	P	
Tobacco/Tobacco Product Sales		42294	-	-	P	

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USE	ZONING DISTRICTS			
	MAICS	B-1	Area C O-1	Area C-1 RC
AGRICULTURAL USES (cont.)				
Animal Production & Support (excl. Swine & Feed Lots) (§ 5.4)	112, 1152	-	-	-
Crop Production	111	P	P	P
MANUFACTURING AND INDUSTRIAL USES				
Contractors Office/Shop (with indoor storage)	233-235	P/S	P/S	P
Dental Laboratories (5000 sf or less gross floor area)	339116	-	P	P

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(-) Prohibited Use

ZONING DISTRICTS

USE	Area C				Area C-1	
	NAICS	B-1	O-1	C-2	RC	
MANUFACTURING AND INDUSTRIAL USES (cont.)						
Landfill - Demolition & Inert Debris (§ 5.14)	-	P/S	P/S	P/S	P/S	
Printing and Related Support Activities	323	-	-	C	-	
TRANSPORTATION, WAREHOUSING AND UTILITIES USES						
Charter Bus Services	4855	-	-	P	-	
Electric Power Transmission and Distribution	22112	P	P	P	P	
Limousine Service	48532	-	-	P	-	
Natural Gas Distribution Facilities/Equipment	2212	P	P	P	P	

TABLE 4.6-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS

* All uses permitted in the CC, CD, and I-1 Districts are subject to supplemental design regulations in Article 11 of this Ordinance.

P - Permitted Use S - Permitted Use with Supplemental Regulations in Article 5 and/or Article 11

C - Conditional Use (-) Prohibited Use

ZONING DISTRICTS

TRANSPORTATION, WAREHOUSING AND UTILITIES USES (cont.)	USE	NAICS	Area C			Area C-1
			B-1	O-1	C-2	
Pipeline Transportation of Petroleum & Natural Gas		484	C	C	C	C
Public Urban, Interurban and Rural Transit Systems		4851-4582	P	P	P	P
Sewage Treatment Facility, private		22132	C	C	C	C
Taxi Service/Taxi Stand		48531	-	-	P	-
Water Distribution Facilities/Equip. (excl. Water Treatment)		22131	P	P	P	P
Wireless Telecommunications (WTS) Tower** (§ 5.21)		513	C/S	C/S	C/S	C/S
WTS Co-location of equipment on existing tower (§ 5.21)		513	P/S	P/S	P/S	P/S
** WTS towers using approved stealth technology and less than 65 feet in height are permitted by right in all districts.						
SOLAR ENERGY FACILITIES						
Roof Mounted, Parking lot cover, or building integrated (Level 1)			P	P	P	P
Ground Mounted: ≤50% of footprint of primary structure (Level 1)			P	P	P	P
Ground Mounted: ≤1/2 acre (Level 2)			P/S	P/S	P/S	P/S
Ground Mounted: <10 acres (Level 2 or 3)			P/S	P/S	P/S	P/S
Ground Mounted: >10 acres (Level 3)			C/S	C/S	C/S	C/S

FARMINGTON

MASTER SIGN PROGRAM



03

STATEMENT OF PURPOSE

04

COMMERCIAL MASTER PLAN

05

SIGN SPECIFICATIONS

04 MAIN SUBDIVISION ENTRY SIGN

05 MAIN COMBINED DEVELOPMENT SIGN

06 SUBDIVISION ENTRY SIGN

07 COMBINED DEVELOPMENT SIGN

08 INDIVIDUAL OCCUPANT (OUTPARCEL) SIGN

09 FARMINGTON VILLAGE CENTER TENANT SIGN PRECEDENT

10 DIRECTORY / WAYFINDING & INCIDENTAL SIGNS

12

RENDERINGS

14

EXHIBIT A

Statement of Purpose

The Farmington Master Sign Program (Program) attached herein will enhance a cohesive sense of place across Farmington (“Development”). The intent of the Program is to maintain visual consistency among all signs, and it aims to complement the overall architectural design of the Development. By adhering to established guidelines for signage materials, framework, illumination, and background, the Program will not only enhance Farmington’s visual environment but also reduce confusion and contribute to a distinct sense of place. The Owner (Declarant) will amend the recorded master Declaration for Farmington to include a reference to the Program, which will govern the installation of signs within the Development going forward. Additionally, the Program will comply with the Town of Harrisburg and City of Charlotte respective zoning and signage ordinances.

NOTES

- 1** Harris Teeter Individual Occupant Sign, Canopy Sign or Wall Sign may include a digital component for fuel pricing. With exception to HT Fuel, Changeable Copy signage will be prohibited within the Development.

ROUNDAABOUT

FARMINGTON RIDGE PARKWAY

1ST INTERSECTION

MAIN ENTRANCE

SIGNAGE KEY

- Subdivision Entry or Combined Development Sign
- Individual Occupant (Outparcel) Sign
- Directory / Wayfinding Sign
- Individual Occupant Signs north of this line are prohibited

EXISTING ROAD FACING BUILDING SIGNAGE



ROUNDAABOUT

SUBDIVISION ENTRY

COMBINED DEVELOPMENT

SUBDIVISION ENTRY

COMBINED DEVELOPMENT

1ST INTERSECTION

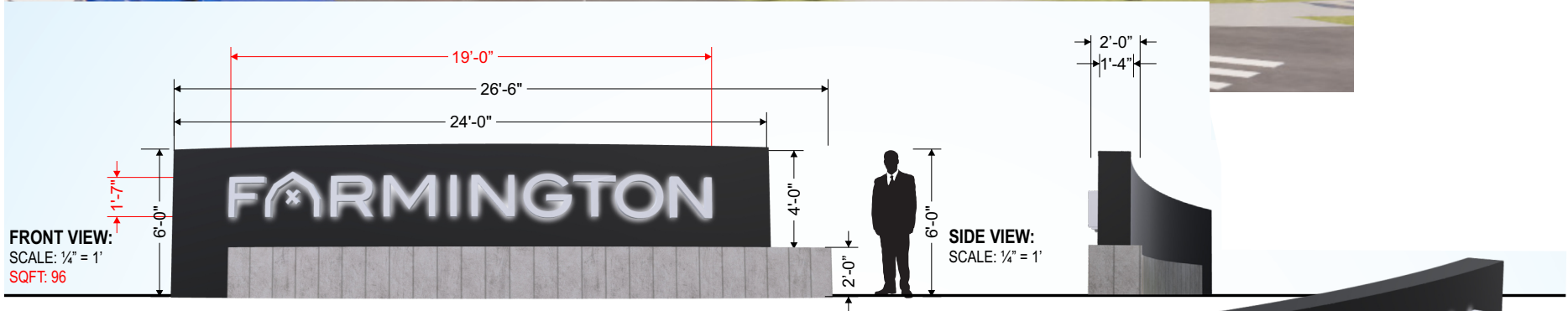
SINGING BROOK DRIVE

MAIN ENTRANCE

MAIN COMBINED DEVELOPMENT

MAIN SUBDIVISION ENTRY

Main Subdivision Entry Sign



SIGN SPECIFICATION

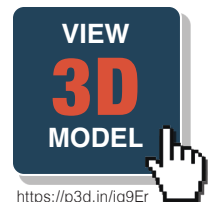
QTY: 1

Aluminum Construction Cabinet

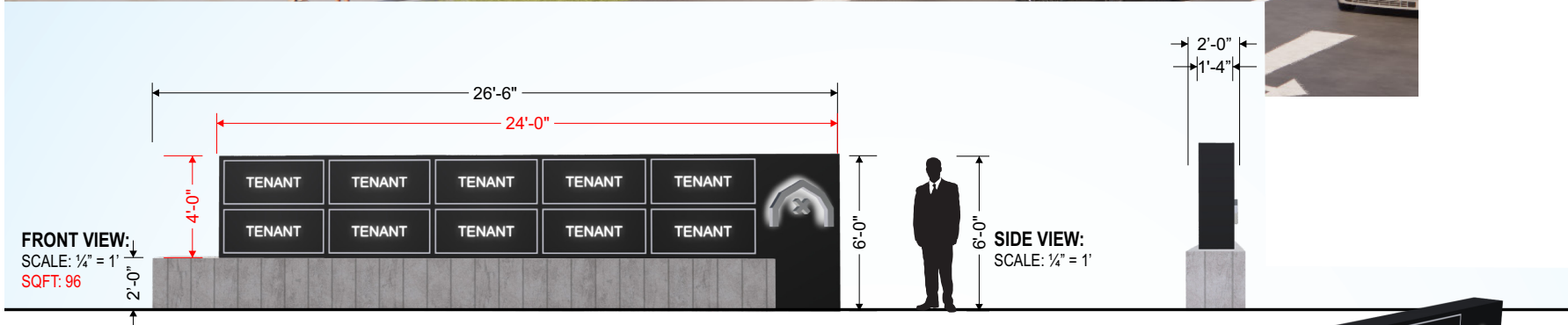
Reverse (Halo Lit) Channel Letter Logo

Cabinet Mounted on Built-in-place board formed concrete base.

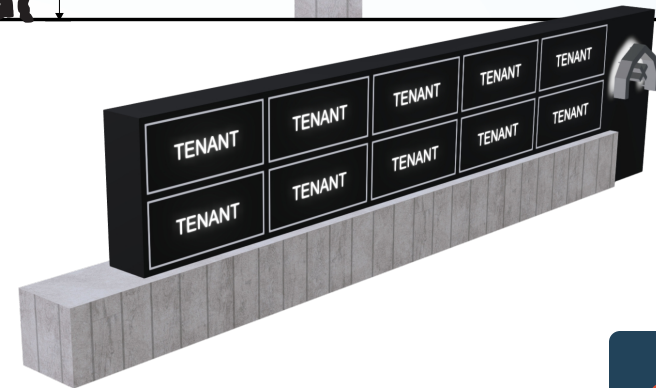
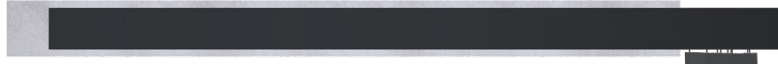
Sign cabinet to be painted Matthew's MP-41313SP



Main Combined Development Sign



TOP VIEW:
SCALE: 1/4" = 1'



SIGN SPECIFICATION

QTY: 1

Aluminum Construction Cabinet

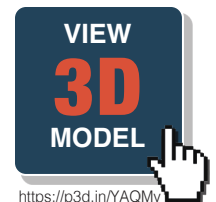
QTY: 10 21"x48" Tenant Panels

White Acrylic logos backing internally illuminated with Cool White LEDs with vinyl border applied First Surface

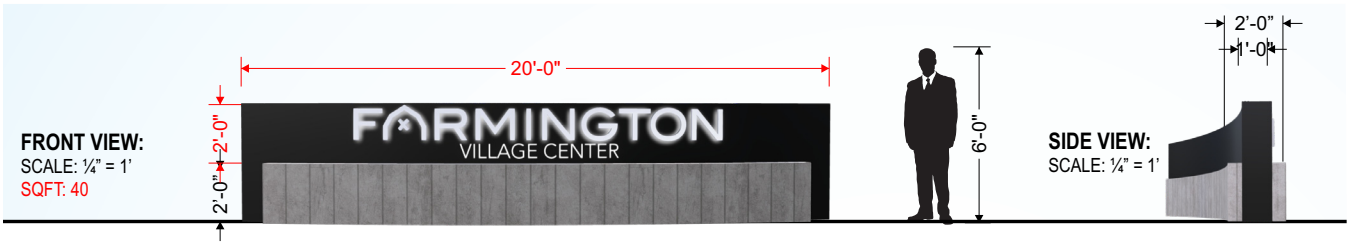
Reverse (Halo Lit) Channel Letter Logo

Cabinet Mounted on Built-in-place board formed concrete base. Vertical pattern.

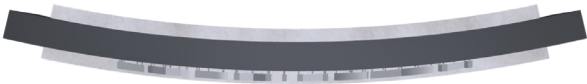
Sign cabinet to be painted Matthew's MP-41313SP



Subdivision Entry Sign

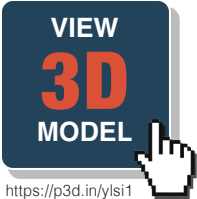


TOP VIEW:
SCALE: 1/4" = 1'



SIGN SPECIFICATION QTY: 2

- Aluminum Construction Cabinet
- Reverse (Halo Lit) Channel Letter Logo
- Cabinet Mounted on Built-in-place board formed concrete base.
- Sign cabinet to be painted Matthew's MP-41313SP



<https://p3d.in/yjsi1>

Combined Development Sign



TOP VIEW:
SCALE: 1/4" = 1'



SIGN SPECIFICATION

QTY: 3

Aluminum Construction Cabinet

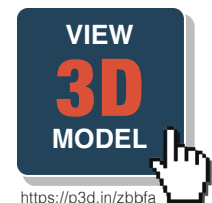
10 15"x40" Tenant Panels

White Acrylic logos backing Internally illuminated with Cool White LEDs with vinyl border applied First Surface.

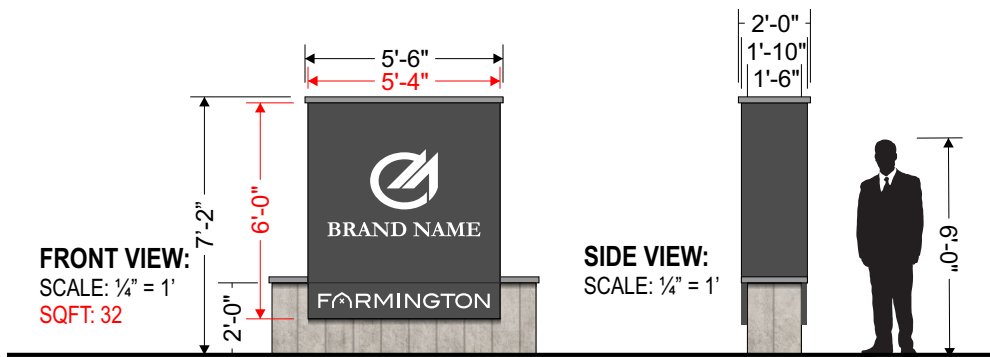
Reverse (Halo Lit) Channel Letter Logo

Cabinet Mounted on Built-in-place board formed concrete base. Vertical pattern.

Sign cabinet to be painted Matthew's MP-41313SP



Individual Occupant (Outparcel) Sign



SIGN SPECIFICATION

QTY: TBD

Aluminum Construction Cabinet

Routed Aluminum Faces, Backed With Acrylic

Internally Illuminated

Cabinet Mounted on Built-in-place board formed concrete base. Cabinet Cap, and Base Cap to be Aluminum Construction.

Sign cabinets to be painted Matthew's MP-41313SP, Cap Color TBD

Farmington Village Center Tenant Sign Precedent

WALL SIGN



PROJECTING SIGN



CANOPY SIGN

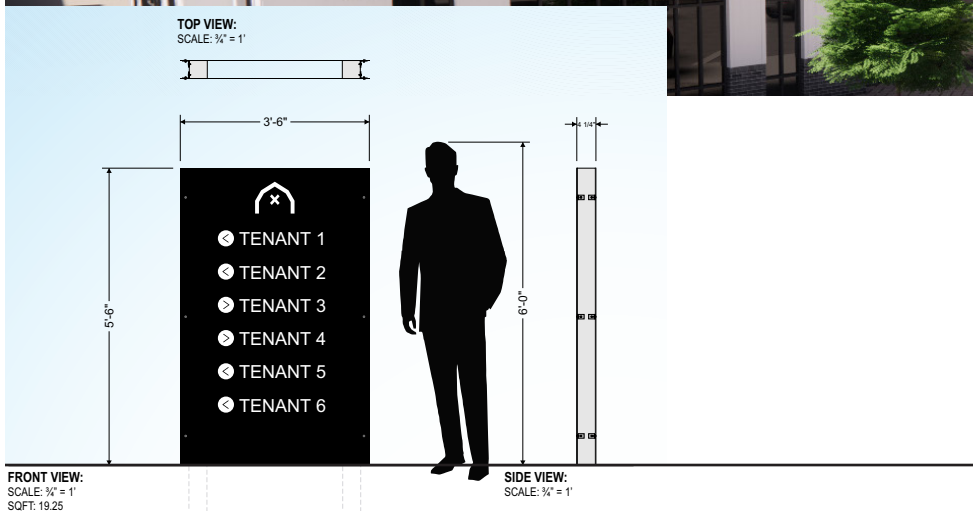


SUSPENDED CANOPY SIGN



See "Exhibit A" for Landlord signage criteria. All tenant signs are subject to both government and Landlord approval.

Directory / Wayfinding & Incidental Signs



SIGN SPECIFICATION

QTY: TBD

Double Sided

Aluminum Construction Post & Panel Sign

.125" Aluminum Faces

Reflective White Vinyl applied 1st Surface

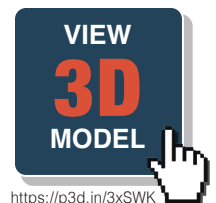
4" Square Tube Supports Non-Illuminated

90 Degree Clip Screw Attachment, Counter Sunk Holes on Face

Sign Faces to be painted Matthew's MP-41313SP



INCIDENTAL SIGN PRECEDENT





Entry into Farmington from Rocky River Road



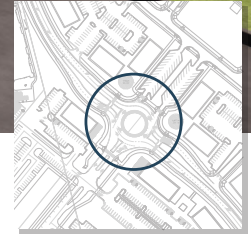
Main entry combined development sign



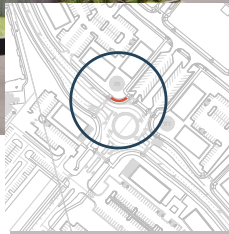
Main entry subdivision entry sign



Roundabout along
Farmington Ridge Parkway



Combined development sign
at roundabout



Subdivision entry sign
at roundabout

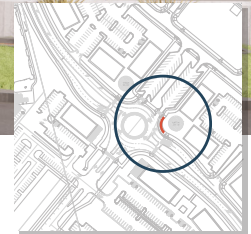


Exhibit A

TENANT BUILDING SIGNAGE CRITERIA

The following sign guidelines shall govern the design, color, size, illumination, location and manner of installation of all Tenant's signs to be placed on or near the Premises and/or the Shopping Center. The design, size and location of all signs must be approved in writing by Landlord, in its sole discretion. Landlord's approval of Tenant's sign shall not constitute the assumption of any liability on the part of Landlord with respect to accuracy or conformity with any zoning, building or signage code or other governmental or regulatory requirements. Tenant shall be solely responsible, at its sole cost, for its sign plan and obtaining all permits and approvals from all appropriate governmental and regulatory bodies. Tenant is required to use professional environmental graphic designers and signage companies to determine sign design and specifications.

Tenant's signage shall be subject to Landlord's approval in accordance with Landlord's Tenant Building Signage Criteria (which may be modified from time to time as Landlord may elect) a copy of which will be made available to Tenant before the execution of any Lease and will be thereafter provided to Tenant by Landlord at any time following Tenant's request for the same. Tenant hereby acknowledges having had the opportunity to review the Landlord's Tenant Building Signage Criteria and either has reviewed it or has elected not to review it.

1. Tenant is permitted to install wall, canopy, projecting or suspended signage in accordance with Article 12 Sign Standards of the Town of Harrisburg UDO. **All signs are subject to both government and Landlord approvals, in Landlord's sole discretion.**
2. All Tenants are required to have a unique identity. If Tenant does not have an identity, the Landlord will refer the Tenant to a preferred professional designer to establish an identity. Generic business names like "Cleaners," "Bank," "Diner," etc. are not allowed.
3. Only signs that carry Underwriters Laboratory (UL) listing will be permitted. The following sign types are not permitted (without written approval by Landlord, in Landlord's sole discretion):
 - a. Signs of the flashing, rotating, moving, blinking or animated type
 - b. Signs with red, green or yellow as a primary color (includes material finish & illumination)
 - c. Signs with exposed neon tubing, exposed lamps, or any exposed sign illumination or illuminated sign cabinets
 - d. Roof-mounted signs

4. Tenant shall submit sign working drawings to Landlord within the timeframe required by the Lease and no sign shall be installed until Landlord's written approval has been granted in Landlord's sole discretion. Tenant shall provide Landlord a copy of the sign permit prior to sign installation. All drawings should show actual construction of the sign. No standard details will be acceptable. The sign working drawings must include the following:
 - a. Shopping center name
 - b. Store name
 - c. Space number
 - d. Complete address
 - e. Type and size of all lettering
 - f. Elevation view of storefront showing sign (drawn to scale) with overall height and width dimensions of sign, overall square footage of sign, detail dimensions of major sign elements (graphics, letterforms, etc) and the linear dimension of the allowable areas of Tenant's presentation.
 - g. A technical section (to scale) through the sign and storefront showing all pertinent construction details. Describe all fastener and weld details. Show attachment detail to building.
 - h. Colors and finishes of all materials
 - i. Wattage and light intensity by lamping type
 - j. Location of penetrations for conduit and sleeves, etc. required for sign installation
 - k. A photograph of the storefront with sign locations shown to scale
5. Tenant's sign shall be located above the storefront of the Premises and within the limits of the area designated by Landlord as the "sign band." Tenant's sign shall be centered vertically within said sign band and horizontally within the lineal front footage of the Premises.
6. Major Tenant signage will be regulated by Landlord and the size and location will be at the discretion and approval of Landlord and governmental regulations.
7. All Tenant signage shall be installed in accordance with Landlord provided Signage & Display Criteria. These criteria also provide direction and character images for window signs, graphics and displays, in addition to A-frame signs, outdoor furniture and awnings. These design elements must be approved by the Landlord in its sole discretion in order to maintain a first-class shopping experience. Additionally, any such signage shall be in conformance with all governmental regulations.

8. Illumination shall be internal to the sign (exposed neon within letterforms, halo-illuminated) or by external front lighting. Light sources shall not cause glare hazardous to pedestrians or vehicle drivers. Lighting is to be white. Colored lamps shall not be permitted without express Landlord approval.
9. Face illumination to only consist of day/night type face material so that face reads as solid element during the day and illuminates at night. Illumination to be consistent with no shadows or hot spots. Standard type acrylic faced letters/signs with colored faces are prohibited.
10. Non-illuminated storefront façade signage prohibited without express Landlord approval.
11. All tenant signs must be new and custom-made. Restored vintage or reused signs are acceptable if approved by Landlord.
12. No sign shall be placed in final position without Landlord approval. Poor quality materials or construction will not be approved. Final installation will be subject to approval and must conform to criteria and drawings provided, as well as to local building codes.
13. If applicable, Tenant shall provide a dedicated circuit for the Tenant's signage illumination and shall coordinate and utilize Landlord-provided master switching relay system for all illuminated signage.
14. Service/rear egress/delivery doors to Tenant areas will have standard identification (Tenant's name and address number) designed and installed by Landlord at the Tenant's expense. No other signage or graphic is permitted at the service entrance.
15. The signage contractor shall perform all cutting and patching of existing surfaces where required for installation of the signage work included herein. The procedures proposed for the accomplishment of cutting and patching work shall be submitted by the sign contractor to the Landlord for approval. Submission to also include work schedule showing start of work, finish date and any other important dates within project timeline.
16. All penetrations of the building structure required for sign installation shall be neatly sealed in a watertight manner.
17. All signs shall be individually pin-mounted or, if canopy mounted, on a raceway (not to be larger than 4'x4') pre-finished to match building or per individual development standard.
18. Landlord is not responsible for cost incurred for replacement or construction of signs that do not conform to these sign guidelines.
19. Sign company names or stamps shall be concealed if permitted by code.
20. Public safety decals on glass in minimum sizes, subject to the approval of Landlord, may be used, as required by building codes or other governmental regulations.

21. Prohibited sign materials include, but are not limited to the following:

- a. Flashing lights
- b. Animated components
- c. Vinyl trim caps on letterform/sign face or return. See note J for face material limitations. Use of minimal size aluminum retainers or other low profile retainers for letterform/sign face are encouraged.
- d. Cabinet signs with illuminated translucent background and silhouette letters
- e. Vacuum-formed plastic letters
- f. Paper, cardboard, stickers, or decals applied to or located behind the storefront glazing
- g. Sandblasted wood signs in natural wood finish with painted, raised letters and/or logos
- h. Advertising placards, banners, pennants, names, insignia, trademarks, or other descriptive or promotional material not designed as part of Tenant's overall presentation and brand identity may not be affixed or maintained on windows, glass fixtures, equipment or another area of the storefront without Landlord approval.
- i. Exposed raceways, exposed ballast boxes or electrical transformers. If raceway is used, it must be integrated into design of sign. Note applies to wall/façade and canopy signs.
- j. Acrylic faced letterforms and sign cabinet. Only allowed acrylic faced elements are day/night type where face appears a solid color during the day and illuminates white at night. See note C for trim cap limitations.

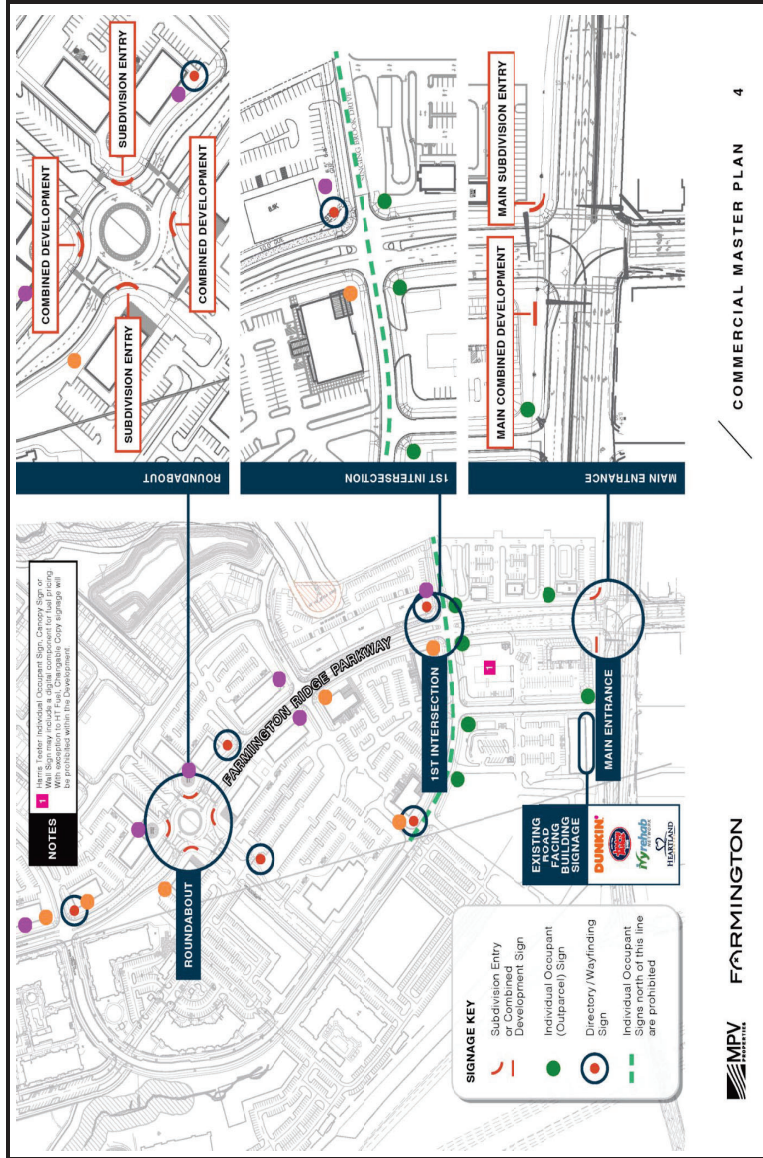


FARMINGTON



POTENTIAL INDIVIDUAL OCCUPANT SIGNAGE (IOS) ALLOWED PER UDO

- Potential Combined Development Sign
- Potential Individual Occupant Sign



MAX ALLOWABLE SF PER UDO			
Sign Type	Quantity	Size (sf)	Total SF
Potential IOS Permitted per UDO (North of Dutch Creek Dr)	6	32	192
Potential CDS Permitted per UDO	6	64	384
Potential Subdivision Entry	1	32	32
Total Max Allowable Signage per UDO			608

PROPOSED SF PER MASTER SIGN PROGRAM			
Sign Type	Quantity	Size (sf)	Total SF
Proposed Amount of CDS	3	Mixed	216
Proposed Subdivision Entry	3	Mixed	176
Proposed Wayfinding Signs	5	19.25	96.25
Total Proposed Signage			488.25

Square Footage Saved with Master Sign Program	
	119.75



ORDINANCE TO AMEND THE TOWN OF HARRISBURG OFFICIAL ZONING MAP

WHEREAS, the Town of Harrisburg has a Unified Development Ordinance (UDO) and Official Zoning Map that provides for various rules and operational framework for how land can be used and developed within Harrisburg's planning and zoning jurisdiction; and

WHEREAS, Rocky River Road Associates, LLC and MVP Properties, applicant and property owner of record, submitted for a zoning map amendment (H-2024-01-R) to amend an existing PUD conditional use zoning district for the Farmington Planned Unit Development (PUD) to incorporate a master sign program; and

WHEREAS, the public hearing for this text amendment has been noticed in compliance with North Carolina General Statutes; and

WHEREAS, the Planning and Zoning Advisory Board reviewed this zoning map amendment petition (H-2024-01-R) at its March 19, 2024 public meeting and voted 5-0 to recommend approval to the Town Council finding the amendment consistent with the Common Decision Criteria found in Sections 145.01.07 and Specific Review Criteria found in Section 145.03.03 (E) of the UDO, and with the goals of the Harrisburg Area Land Use Plan (HALUP); and

WHEREAS, the Harrisburg Town Council held the public hearing on April 8, 2024, and after considering the testimony in the public hearing and deliberations made the finding that this petition is consistent with Common Decision Criteria found within Section 145.01.07 and 145.03.03(E) of the UDO and the HALUP because:

The proposed zoning amendment adding a Master Sign Program to an approved Planned Unit Development known as Farmington is a reasonable request and is consistent with the following Goals of the HALUP:

LU-6 This amendment focuses on a higher level of development improving the overall appearance of quality designed signs within a high-profile development utilizing flexibility in the program to enhance placemaking.

ED-3 This amendment supports high-quality retail development in a mixed-use walkable location by establishing a sign program that meets the needs of businesses while reducing the potential for sign clutter.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Harrisburg, North Carolina, that the existing conditional zoning district for the Farmington PUD (CZ-PUD) be amended incorporating the Master Sign Program, as described on Exhibit A (attached herein), and fully enforced from the time this ordinance is adopted as conditioned below:

1. The applicant shall comply with all conditions of approval established in the previously approved conditional zoning petition for the Farmington Planned Unit Development.
2. Signs proposed within the right-of-way shall require approval of an encroachment permit from the Town. Sign locations are subject to adjustments based on field locations of utilities and sight requirements.
3. Signage at Rocky River Road intersections shall comply with NCDOT sight-triangles.
4. Permitting and compliance is required with all local, state, or federal agencies.

PASSED and ADOPTED this 8th day of April 2024.

Jennifer Teague, Mayor

ATTEST:

Janet Rackley, Town Clerk