



Commerce Department
Planning Division

Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting

September 16, 2010

Board of Commissioners Chamber

Cabarrus County Governmental Center

6:30 P.M. Presentation of the Harrisburg Area Land Use Plan Update (HALUP), by Ms. Meg Nealon, LandDesign, Inc. (Joint meeting with the Cabarrus County Planning and Zoning Commission and the Town of Harrisburg Planning and Zoning Commission - Discussion and Q & A).

Regular Planning and Zoning Commission meeting will be held immediately following the presentation.

Agenda

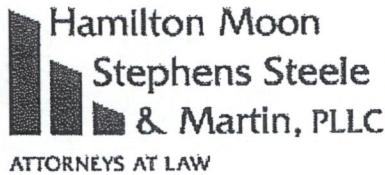
1. Oath of Office to Newly Appointed Board Members
2. Selection of Chair and Vice-Chair, also appoint a member to be Chair of the Board in the absence of the Chair and Vice-Chair
3. Roll Call
4. Approval/Correction of August 19, 2010 Minutes
5. New Business - Planning Board Function:

Recommendation to Board of Commissioners - Harrisburg Land Use Plan (HALUP)

6. New Business – Board of Adjustment Function:

Request to Table Variance Application – Applicant Benjamin S. Small

7. Directors Report
8. Adjournment



201 South College Street, Suite 2020
Charlotte, North Carolina 28244-2020
Telephone: 704.344.1117
Facsimile: 704.344.1483

George W. Sistrunk III
Email: gsistrunk@lawhms.com
704-227-1065

September 9, 2010

VIA EMAIL (Samorris@cabarruscounty.us)
AND FIRST CLASS MAIL

Susie Morris
Cabarrus County Commerce Department
65 Church Street
2nd Floor
Concord, NC 28025

*Re: Benjamin S. Small Variance Application
2239 St. Johns Church Road
Concord, NC 28025*

Dear Ms. Morris:

Due to scheduling conflicts, Mr. Small is unavailable for the September 16, 2010 hearing that has been scheduled. We request that the hearing be placed on the October 21, 2010 agenda.

If you have any questions or need any additional information, please let me know.

Sincerely,

A handwritten signature in black ink that reads "George W. Sistrunk III". The signature is written in a cursive style with a horizontal line through the end of the "III".

George W. Sistrunk III

GWS/djm

Memo

To: Cabarrus County Planning and Zoning Commission
From: Lynn Roberts, Planning and Zoning Commission Clerk
Date: September 9, 2010

Please find the link to the board packet for the September 16, 2010, Planning and Zoning Commission meeting.

Prior to the Planning and Zoning Commission meeting there will be a joint meeting with the Cabarrus County Planning and Zoning Commission and the Town of Harrisburg Planning and Zoning Commission, to review the final draft document of the Harrisburg Area Land Use Plan (HALUP) presented by LandDesign.

This will be an item for consideration and you will be asked to make a recommendation to the Board of Commissioners.

If you have any questions that you would like answered prior to the meeting, please feel free to call Susie Morris.

The Harrisburg Area Land Use Plan final draft document has been placed on the FTP server for you to view at your convenience before the joint meeting on September 16th at 6:30 PM.

The folder contains the following documents:

1. A summary of the changes made to the maps/text after the EAO meeting on July 29th
2. The complete land use plan document and maps
3. Maps that specifically call out edits in #1

To access the board packet and the HALUP folder, right click on the underlined text and click on open hyperlink.



Planning and Zoning Commission Minutes
September 16, 2010

Mr. Todd Berg, Chair, called the meeting to order at 6:37 p.m. Members present, in addition to the Chair, were, Ms. Mary Blakeney, Mr. Larry Ensley, Mr. Danny Fesperman, Ms. Shannon Frye, Mr. Ted Kluttz, Ms. Emily Knudson, Mr. Tommy Porter and Mr. Barry Shoemaker. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning Manager, Ms. Arlena Roberts, Clerk to the Board, and Mr. Richard Koch, County Attorney.

Mr. Joe Howell, Chair, Harrisburg Planning and Zoning Commission called their meeting to order at 6:38 p.m. Members present in addition to the Chair, were Mr. Lloyd Quay, Mr. Andy Rathke, Ms. Felicia Dixon-Ward and Ms. Thelma Thorne-Chapman.

Ms. Meg Nealon and Mr. Alec Brebner gave an overview of the Harrisburg Area Land Use Plan (HALUP) revisions.

Ms. Meg Nealon stated that this process started about a year ago and went through a five step process. She said a lot of information was gathered about the entire study area which goes well outside of Harrisburg's jurisdiction. A lot of information was gathered related to the infrastructure, the environment, and generally about the economic situation given where Harrisburg is in the region. She said Frank Warren and Associates were also on the team assisting them with that.

She said the first phase was going through all the data collection; setting the tone for the rest of the process. She said a lot of the board members were there through out the whole process; attending all of the public meetings, observing what was happening with the stakeholder input, and the interviews we conducted as a part of that, so that we could have some technical information and some information from folks. She said they normally put the data up on a daily or weekly basis or sometimes monthly basis, dealing with the current agencies, and that is what started to shape the initial alternative that went into the charette that was conducted earlier this year.

She said out of that came a concept plan that reflected what we heard during the charette process and we got some feedback at the community meeting about what was reflective on the map and how accurately it was reflective of what we heard at the charette before and after, and more importantly how it related to the goals that were established for this process.

The plan was refined over time and the most recent public process activity was an open house held in July where over 120 people attended. All of the existing conditions were on display as well as our concept maps. As we went through this process, it was important



to us not to just deliver a land use map, but instead deliver the different layers that has some varying on the land use pattern, that it ultimately merged to the land use map. In support of that there is a transportation concept as well as a preservation concept. She said everyone should have seen all of that in the most recent draft of the report.

She said there were meetings with the advisory committee, appointed and elected officials talking about details of the plan. In recent weeks, there have been some minor modifications to the over all land use plan and clarification about the transportation component of it.

Alec Brebner with LandDesign gave an over view of the plan. He went over the recommendations for the plan. He said the plan has been under development for a number of months and he showed the current stage of the Harrisburg Area Land Use Map.

He said the Board may recall that we spent some time discussing each area of the Harrisburg area, the western area of Cabarrus County; that it should engage in a preservation plan and in order to set the stage for that we included a conceptual preservation map. The map identifies historic and cultural resources that might be of value to use for further exploration and discussion. That it might be important to take to protect those resources.

Mr. Brebner said some of the ideas talked about were the notion of open space subdivisions or conservation subdivisions that allow a little bit more flexibility in lot size without increasing density, so that important landscapes or habitats can be protected. We had a discussion about that language and adjusted it accordingly.

He said there is also a conceptual transportation network map, and notes that both the conceptual preservation map and the conceptual transportation map both appear in the appendices at the end of the document. He said they are both important policies that were developed in the charette that took place in February. He said we are not telling you that you should do all this transportation facilities as part of the Harrisburg Area Land Use Map. It is a representation of transportation facilities that would support the land use pattern and the land use plan. It shows a combination of facilities ranging from sidewalks and bike lanes, open trails, all the way up to collector streets. It also identifies the railroad crossings and they have been quite a topic of discussion throughout this process.

One of the recommendations that came out of this idea is that it would be useful for the town and county to get collector streets connections. A collector street is something that is between a local road and an arterial. It is something that would be built in a larger development and would be an important piece of a transportation network that is well connected and that would forestall the need to widen Rocky River Road or other arterials. It is not going to prevent NCDOT from ever widening but would certainly delay NCDOT widening in the future. The projects that appear in the thoroughfare plan are a part of these collector streets recommendations.

He said we talked at some length about finding greenways and alternate trails for bicyclists and such. He said one of the things we have in the lower density use is that you do not have a lot of wide open sidewalks, and so the preferable means of access to schools, parks and libraries specifically for families with children might be to have off load facilities, facilities that parallel streets or that are significantly separated from a roadway, such as Hickory Ridge Road.

We also talked about community character and road design and how those two things relate. We have some graphics and there are more refined graphics that appears in the actual document. It talks about the idea that as roads align, and he wants to be clear that no roads are supposed to be aligned in the immediate future in the Harrisburg area; but, in time one can speculate how it might eventually be.

We talked about some ideas of how that might happen. He said what might be a typical NCDOT cross section, we are looking at some options for other ideas, such as expanding the median area, planting trees or raising the median as a safer way to build a road that actually prevents cars from crossing and hitting each other head on. We also talked about a linear park along side the road; that would only be in new development. If you have large new residential development, it might be advantageous to have a linear park up against the roadway as opposed to the backs of houses with a privacy fence against the road way.

He said there was also talk about what should happen in the more built up part of Harrisburg, the area we refer to as "downtown" Harrisburg. Some people want to make it interchangeable with the Town Center, it is not. We are talking about a broader area across Highway 49, it encompasses the town center, but it also encompasses a lot of commercial and residential area which stands to gain from development and redevelopment over time.

We talked about what some of the design principals and land use principals might be used in that area. Suggestions were to have buildings oriented to the roads to create a strong physical presence, encourage a mixture of use, and maintain the location of Town Hall as it is, a strong anchor in this area that is still evolving.

We talked about how Harrisburg is going to support transit. A light rail line is expected to come up to the UNCC campus and there are opportunities for a bus service to link to that, and a good spot for a formal stop might be the Town Center area. Recommendations were made that the Town and the County work with Salisbury and others to see if there is possibility and potential for a commuter rail corridor through this area that would stop in Harrisburg, because the rail is right there.

He said there was recommendation for an inter-local agreement to phase water and sewer service over time.

Mr. Brebner said a few modifications came in after the open house meeting was held in July. There were revisions to the plan, particularly in the maps:

1. The Harrisburg Area Land Use map - there were long discussions about the Hudspeth Road corridor near Morehead Road, near the Speedway and how that should be rendered aback. Request to change Hudspeth Road area from LDR to Light Industrial from Hudspeth road all the way up on the north side of Mallard Creek Road to Highway 29 where it becomes mixture of light industrial and commercial.
2. Minor changes to the text to a table correlating land use plan classes and zoning districts by including residential densities to the table.
3. Changes to the conceptual transportation network - the new version Roberta Road intersects with Stallings Road and extends on to Hickory Ridge Road.
4. Added text to show that the Town staff is working with NCDOT to mitigate potential negative impacts of high speed rail in Harrisburg.

Mr. Brebner said this is a summary of the revisions. Discussion followed the presentation.

There being no further discussion, it was the consensus of the Harrisburg Planning and Zoning Commission to Table making a recommendation to Harrisburg Town Council until their October 2010 meeting. The Harrisburg Planning and Zoning Commission meeting was adjourned.

The Cabarrus County Planning and Zoning Commission continued with their regular meeting.

The Oath of Office was administered to reappointed member Mr. Danny Fesperman and newly appointed members Ms. Mary Blakeney, Ms. Shannon Frye and Ms. Emily Knudson.

Mr. Danny Fesperman, **MOTIONED, SECONDED** by Mr. Larry Ensley to have Mr. Todd Berg reappointed as the Chairman of the Planning and Zoning Commission. The vote was unanimous.

Mr. Danny Fesperman, **MOTIONED, SECONDED** by Mr. Tommy Porter to have Mr. Barry Shoemaker appointed as the Vice-Chairman of the Planning and Zoning Commission. The vote was unanimous.

Mr. Danny Fesperman, **MOTIONED, SECONDED** by Mr. Larry Ensley to have Mr. Tommy Porter appointed as the Chairman of the Board in the absence of both the Chair and Vice-Chair of the Planning and Zoning Commission. The vote was unanimous.

Roll Call

Approval of Minutes

Mr. Barry Shoemaker, **MOTIONED, SECONDED** by Mr. Ted Kluttz to **APPROVE** the August 19, 2010, meeting minutes with corrections (changing Mr. Ma to Ms. Ma and Mr. Tommy to Mr. Tommy Porter). The vote was unanimous.

New Business - Planning Board Function:

Harrisburg Area Land Use Plan (HALUP) – Recommendation to the Board of Commissioners

The Chair introduced the next item on the agenda, the Harrisburg Area Land Use Plan – Recommendation to the Board of Commissioners.

The Chair said what happened prior to this meeting was a little bit of a surprise, we anticipated that Harrisburg's Planning and Zoning Commission would act on the adoption of the land use plan first. He said since Harrisburg has decided to table it, our options are to discuss it and decide whether or not to make a recommendation to the Board of Commissioners or we could table as well.

Ms. Susie Morris, Planning and Zoning Manager, addressed the Board stating that a lot of the Board members have been participating in the process and are familiar with the plan. She said after the last joint meeting with the Elected Officials, the Advisory Committee, and the Planning and Zoning Boards, the changes that were shown came out of those meetings and those are the only changes that they requested or asked for. She said over 150 people attended each of our public meetings, plus we had joint meetings together so that each jurisdiction could provide input as well as the perspective of the Planning and Zoning Boards, or the Elected Officials or the advisory committee; which had a very broad range of folks on it.

She said this plan represents a lot of what is already on the ground in Harrisburg. There is probably not a whole lot that could actually change with the plan, because it is recognizing what is there and the development rights that those have and then putting forth those strategies for moving forward in the future. We anticipated that both Boards would make some type of recommendation this evening so we could start moving forward with the inter-local agreement process and then with the elected officials process.

Mr. Barry Shoemaker has participated in a couple of the charettes and some of the reviews. He said there was a lot of information exchanged and members of Harrisburg's council participated in a lot of the exchanges and changes that were made. He feels that they captured the essence of what plan they need for Harrisburg and that the plan looks into the future. He said it is just a plan like we have gone through before. He thinks Harrisburg's issue is that they have not had to go through a bunch of plans; where we have had the Eastern Area Plan and the Central Area plan, and we are more used to the

process. He does not see a reason why the Board could not make a recommendation to the Board of Commissioners tonight.

The Chair participated in a number of the meetings as well and there was a lot of participation by the citizens of Harrisburg, as well as their Planning and Zoning members. He initially thought our Board would not act on it without having Harrisburg act on it first or at least out of courtesy to them. He said since Harrisburg has decided to put it off at this particular time, he does not see any reason for our Board not to move on.

Ms. Morris said as far as this Board making a recommendation to the Board of Commissioners, if Harrisburg decided to change the plan, you could consider those changes but that is not something we necessarily have to do. She said because of the inter-local agreement, if they did recommend changes you would want to look at those changes.

Ms. Morris said at this point we have completed the contract with LandDesign, so any additional changes to the plan would require additional funds appropriated to this project from the County.

Mr. Barry Shoemaker asked if Harrisburg were to make any changes, would they be germane to Harrisburg itself and there planning and zoning. He said we are on the hinter land of the central part of Harrisburg and they have the ETJ section where we overlap with them on it. He asked if Harrisburg makes changes, would it only be inside their own city limits.

Ms. Morris said they could request changes to any of the planning area. She said the planning area, essentially, anything south of Rocky River is mostly in Cabarrus County. She said along Hickory Ridge a lot of that property is still unincorporated County. We do have a vested interest in the area, as far as property. She said Harrisburg has some ETJ left where they have planning and zoning jurisdiction, but they could ask for changes anywhere in the plan. She said that is there utility service area, that boundary that is established and eventually it would be in the town limits.

Ms. Morris said during the meetings and during the charette we talked about densities; the utility providers and NCDOT were there. We had a long range look at what plans were including what improvements. She said a lot of the densities that are seen on the plan were indicative of what those improvements were and the timing of those improvements.

She said they could ask for changes anywhere in the plan if they decided too. She said there planning and zoning board could also make a recommendation to their Town Council saying that they recommend it be approved with this change or that change. She said we would have to deal with it at that time.

The Chair said if we choose to make a recommendation to the County Commissioners it would be a recommendation for the plan presented, any modifications made after that would have to be brought back and recommendations would have to be made again.

Mr. Shoemaker said it is just like the Eastern Area Plan when we made the recommendation to send it on, Concord accepted it and Kannapolis had their issues with it and we let them deal with those as they come up.

Ms. Morris said that is correct, at a staff level the reason we had this joint meeting this evening was so there would not be any concerns about what the County talked about or what Harrisburg talked about in their meeting. She said it was to make sure that everybody was on a level playing field. We had hoped for a vote, but the sole reason and purpose for us having this meeting was so that everybody heard the same information, got the same summary of the public meetings, and the input and everything like that. It was also for the benefit of the folks that have not been able to participate as much. She said we had the joint meeting to get everybody to the final point where they were comfortable with what is being recommended as the plan.

Ms. Shannon Frye said hearing the process summarized at the beginning of the introduction to the presentation on how this has been reported, and knowing that there were 150 participants at the community meetings, and the citizen involvement and the goal of the consultant to take that involvement and apply the professional entities to come up with that plan; and as Ms. Morris alluded to with the input of the state and what the long and short capabilities are out there, she thinks the product that LandDesign has represents that process and the elements of that plan and the conclusions in that plan for the recommendations, she sees as a final draft and any other changes or amendments to it she thinks is outside of the process that has ended for this piece of it.

Ms. Frye said the other point that was made is when a rezoning comes in and are contrary to what is in the plan, then that would be an opportunity to make updates. The way it was presented tonight, she feels that they have completed a public involvement process that is now a final presentation, which is what we saw tonight.

Ms. Emily Knudson attended the meetings and knows a lot about it and approves of most of the plan. She feels uncomfortable approving it when the other party is still discussing it.

The Chair understands her concern and that was his original thought as well. He said that was the reason for timing of all of this. He said they put it off and we can keep going back and forth for a long time. He is comfortable that the process is representative of what the public has asked for, it was a public process. He does not know what Harrisburg would do that would change our decision.

Mr. Shoemaker thinks there is enough flexibility in the plan that addresses a lot of the issues that they have with conservation, with conserving the scenic portions of the county, the bedroom portions of the county, that area. He said just like we had to do with

the Eastern Area Plan when we had to make a decision, and we actually made our decision prior to Concord's Planning and Zoning group meeting and their City Council approving the plan.

He said Harrisburg has to rectify the differences between the Town Council and the County Commissioners. He said there has been a lot of thought put into this plan, they listened to the Town Council members for Harrisburg, and they listened to the Planning and Zoning Commission for Harrisburg. He understands Mr. Quay's issue, but that was more of a personal issue and really as a recusal. If he cannot deal with that, that is something he will have to deal with as a person, but it has nothing to do with the fact that a lot of time has gone into the plan. He said there is a lot of flexibility in the plan and they can always make statements of facts and findings if they decide to go against the plan.

We have gone against other plans and made statements to say this is in the public interest because of this thing even though it is not consistent with the plan. He said in North Carolina this is not etched in stone, we haven't rezoned anything.

The Chair knows they still have to work out the inter-local agreement on the utilities. He asked Ms. Morris if she had a sense for whether the County Commissioners are ready to act on this regardless of whether Harrisburg has or has not.

Ms. Morris thinks the County Commissioners are comfortable with it. They have been participating in the process. She said we ran into this situation with the Central Area Plan; Kannapolis never did adopt the plan but the County adopted the plan. The area that Kannapolis had was relatively small and they felt that they really did not need to adopt the County's plan, so it was more a plan between Cabarrus and Concord.

At this point she feels that the Town will adopt the plan. They may not have had the opportunity to participate as much as some of you have and it may just be letting them get in and take a good look at the recommendations and things that are in there. She said the plan recommendations did come from the Advisory Committee, which was made up of people who live in the Harrisburg area and they were very vocal. She said this is a joint plan but it is a long range planning process for the County.

She feels like the County will move forward with the plan and the hope is that Harrisburg will also adopt the plan so that everybody is on the same page. She does not know if the County Commissioners would have any concerns necessarily, but she thinks they probably would at least want to know that the Planning Board has made a recommendation to the Town Council.

She said they have all participated in the different meetings, plus with the public in put, it is a public plan, very much community driven. We have never had participation like we had at the Harrisburg meetings and she thinks that the process has been a good process. We put information on the web and people commented on the web. It is not something that hasn't been out there over the last year. Ms. Morris asked Mr. Koch if he had anything to add since he works with both boards

Mr. Koch said densities, planning and growth has probably been the preeminent issue in Harrisburg, so, it is a very political issue there and it has been that way for quite a while. He said that is why it did not particularly surprise him when the Planning and Zoning Board did not act on it this evening. He said a number of them have been involved in the process and so have a lot of the Town Council members, it is such a hot topic there that he could see them moving more slowly on it.

He does not think that requires this Board to wait on them, certainly not from a legal prospective and maybe not even from a practical perspective. If you are comfortable with this plan and think it is the right plan to recommend to the Board of Commissioners, there is no reason to let it sit on your agenda for another couple of months waiting to see what they do.

Mr. Koch thinks eventually they will recommend approval of the plan or at least substantially what we saw tonight. He thinks the process there will probably take a little longer to go through it; just because of the way things are there. He said having represented Harrisburg for 17 or 18 years and seeing how it has evolved, and seeing what the hot button issues are there; this touches some of the hot button issues.

He said the density in particular is a huge issue in Harrisburg. He said there is no agreement with in the town at all, concerning particularly high density and multi family. There are some people who want every thing to be single family large lots, $\frac{1}{2}$ acre lots, and there were a number of Town Council members who got elected on that platform. He said you have that, and you have some denser parts of the town out there. He said it is a topic or an issue on which there is a lot of disagreements, and lot of pretty emphatic dispute.

There being no further discussion, Mr. Barry Shoemaker, **MOTIONED, SECONDED** by Mr. Larry Ensley to recommend Approval of the Harrisburg Area Land Use Plan (HALUP) to the Board of Commissioners. The vote was unanimous.

New Business – Board of Adjustment Function: Request to Table Variance

The Chair stated there was a letter in the Board packet from the Mr. George Sistrunk III, Attorney, for the applicant Mr. Benjamin Small, requesting to table the Variance until the October 2010 meeting.

The Chair said members who have been on the board for a while may be familiar with Mr. Small who had a case before us 1 $\frac{1}{2}$ to 2 years ago. The Chair asked Mr. Koch if it would be appropriate for him to update the Board on what is going on or would he rather do that at a different time.

Mr. Koch said it is a Board of Adjustment function and he would rather have it be done in the context of when it is heard, since it is a quasi judicial hearing. He would not want anything that is said in advance to be misconstrued. He said it is a Board of Adjustment

function and is one of those things that the Board should not discuss outside of the actual hearing. Mr. Koch deferred.

There being no further discussion, Mr. Larry Ensley, **MOTIONED, SECONDED** by Mr. Tommy Porter to **Table** the Variance Request from Mr. Ben Small until the October 2010 meeting.

Mr. Shoemaker asked if the minutes from the previous meeting be provided.

The Chair thinks this is a separate action.

Mr. Koch said that is correct. He said this is a matter of public record, but the last time that it was heard, it was on an appeal of an interpretation of the Zoning Ordinance as it applied to Mr. Small's accessory building. He said Susie Morris, Zoning Manager, made an interpretation has to how the ordinance applied to that accessory building. It was appealed; which he has the right to do and it is a Board of Adjustment function for you all to consider that appeal. He said what was determined was the Board affirmed the interpretation made by the Zoning Officer, the Ordinance as it applied to the accessory building. That is what occurred last time.

Mr. Koch said we would not ordinarily give you the minutes because that sort of blurs what you are making your decision on. You need to make your decision on what the evidence is that comes before you at the next hearing. This is a completely separate case; he is applying for a Variance. It is another Board of Adjustment issue, but it is a whole new matter and you have to decide it based on the evidence that is put before you at the hearing.

Directors Report

Ms. Susie Morris, Planning and Zoning Manager addressed the Board welcoming the new Board members.

She stated that the appeal opinion was received from the appeals courts. She said it is being misconstrued in the media that we are required to pay all of the developers back. We are also getting some request from people wanting their money back.

She said it was determined that we did not have statutory authority to have an APFO (Adequate Public Facilities) Ordinance. Nothing about the money was contemplated in the action. She said they were strictly looking at whether you can have an APFO or not.

Ms. Morris said based on what Mr. Koch told her, the County will be appealing the decision to the State Supreme Court for a discretionary review. She said they will look at the facts of the case and look to see if any errors were made. She said in our case the opinion was actually an unpublished opinion, which means that they are saying there is nothing new, special or different about it and they based their decision on past case law. We are still operating under business as usual.

She told the Board if they are approached by any developers about what to do or how to get a refund from the county, have them contact Mr. Koch, County Attorney.

Mr. Koch said one reporter contacted him and he tried to explain to him that the matter of the money is a whole separate issue and it is not automatic from whatever even the Supreme Court decides. He said every one of the developers signed a consent agreement, which is a contract. Our position is that those are contractual issues that relies on the contract law and is entirely separate from the APFO.

He understands that the developers feel differently and that is what the issue is going to be in that case. It is not as it has been portrayed in the media, that if the Supreme Court were to decline to hear the case at all, which is one of their options, or if they do agree to hear it and then affirm the Court of Appeals, then all of a sudden you have to get the County check book and start paying back these APFO fees. He said that doesn't make for good copy in the newspaper.

He said the decision was not unexpected, simply because they had ruled that way nine months ago in the Union County case, which was very similar to the Cabarrus County case with some distinctions. He said their ordinance was written by the same guru that wrote ours and they were very similar. We thought we had a little more oomph in ours because of local legislation that Fletcher Hartsell had gotten for the County. He said that did not seem to matter to the Court of Appeals either, so they felt that they were bound by the decision they had previously made in the Union County case and that is why this opinion in part was unpublished; it basically said we have already decided this in the Union County case, and so we have to follow that as controlling precedent, so, sorry you guys lose.

For some reasons that he can not say, but can only speculate on, Union County, nine months ago filed their petition for discretionary review of the Supreme Court and the Supreme Court has not ruled on it yet; which is very unusual for that length of time. They usually decide whether they are going to hear something or not pretty quickly. That is a threshold question on a petition for discretionary review. He said they have the right to say that they are not going to hear it and a lot of them they kick out within a week. So, something is going on there and he does not want to speculate on it, but it is just very unusual.

We are going to do the same thing, that will put our cases up there in the same posture and hopefully, they will do what they really should do as the highest court of the state and that is rule on an issue like this which has a lot of ramifications and is pretty important to a lot of the local governments across North Carolina, particularly the ones that have this problem with a lot of growth and how to deal with it.

Mr. Fesperman asked how much money is involved that the county is holding.

Mr. Koch said we are not holding any, we spent it on schools. He thinks the cash figure is around \$6 million.

Mr. Koch said there is also this matter of some in kind deals that we made with different developers, where they would put up land and they would get credit against their APFO fee and we took that land and put a school on it. We have some of those, we have done some things with some roads in different places that are affected, so there is some of that in kind stuff and then there is also the very real issue as to who ultimately paid for those things. He said while the developer may have written the checks the person who ultimately paid that bill may not necessarily have been the developer. That is kind of another little issue that has kind of evolved in all of this.

He said it would be nice if the Supreme Court would just rule in our favor and it would make all of that go away. But, if they don't or they decide that they don't even want to hear it, then we have to go back and deal with what he calls the APFO refund lawsuit; which is a whole new kettle of fish.

Mr. Fesperman asked if the County would be committed to paying interest also, like in the Union County situation where you have interest on top of what you refund.

Mr. Koch thinks that is now statutory.

Ms. Morris said based on Judge Lee's decision a case was filed with about 20 who are asking not only for the APFO fees but also for the interest.

Mr. Koch said that number has actually increased from the original filing; a few more people have been added as plaintiffs to the case. He thinks it is up to around 30 now.

Ms. Morris informed the Board that David Baucom resigned from the Board. She said if they know of anyone from the Kannapolis area who may be interested, to encourage them to submit an application.

There being no further discussion, Mr. Ted Kluttz, **MOTIONED, SECONDED** by to **Adjourn** the meeting. The vote was unanimous. The meeting ended at 8:29 p.m.

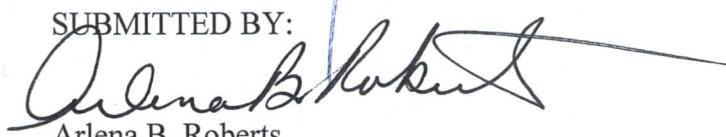
Planning and Zoning Commission Minutes
September 16, 2010

APPROVED BY:

A blue ink signature of the name Todd Berg.

Todd Berg, Chairman

SUBMITTED BY:

A blue ink signature of the name Arlena B. Roberts.

Arlena B. Roberts

ATTEST BY:

Susie Morris
Planning and Zoning Manager

Harrisburg Area Land Use Plan

P&Z Joint Meeting

HARRISBURG TOWN HALL

September 16, 2010

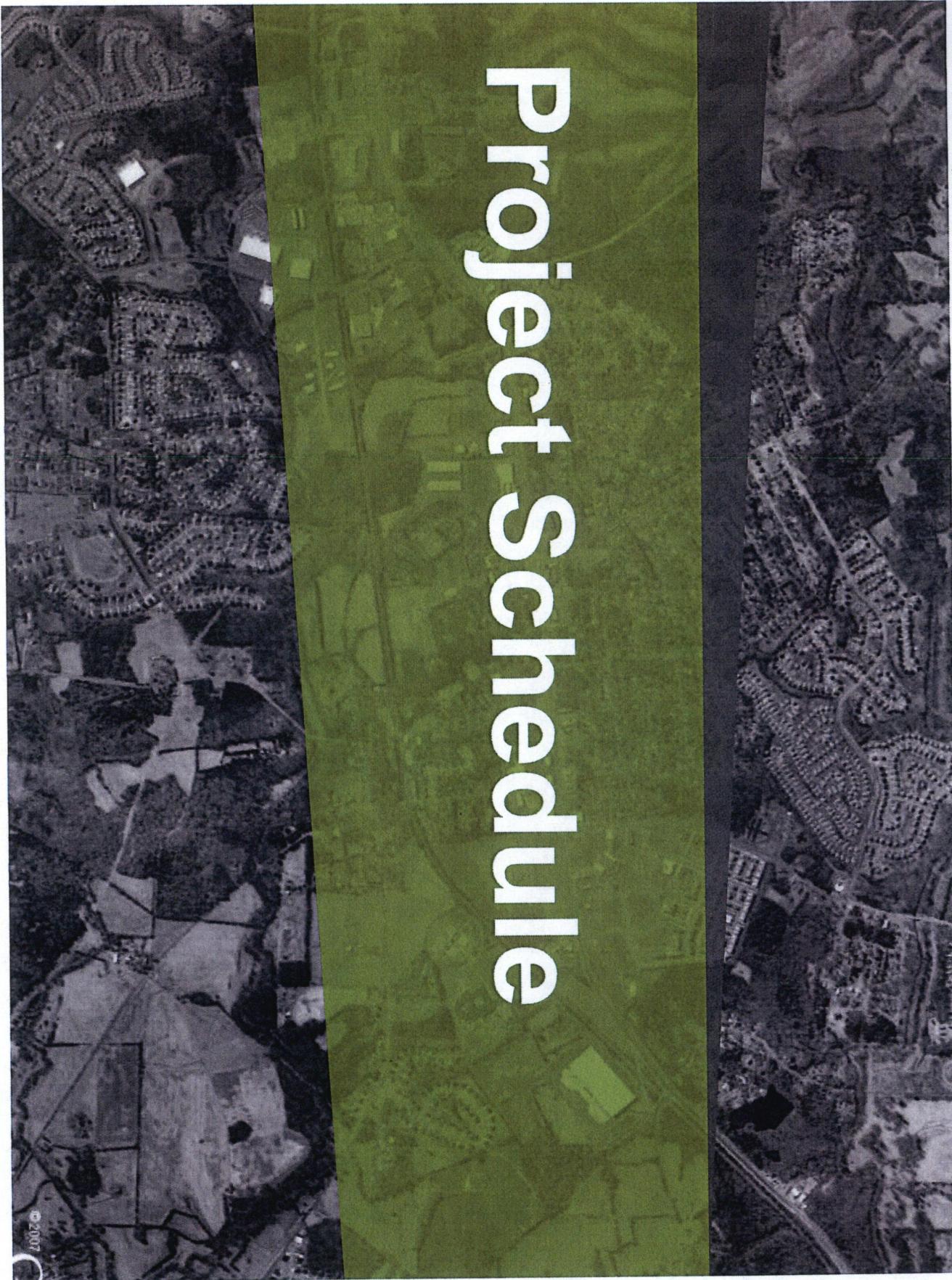
LandDesign.

WARREN & ASSOCIATES
REAL ESTATE MARKET STRATEGIES

Agenda

- Summary of Process
- Summary of Plan & Recommendations
- Recent Modifications

Project Schedule



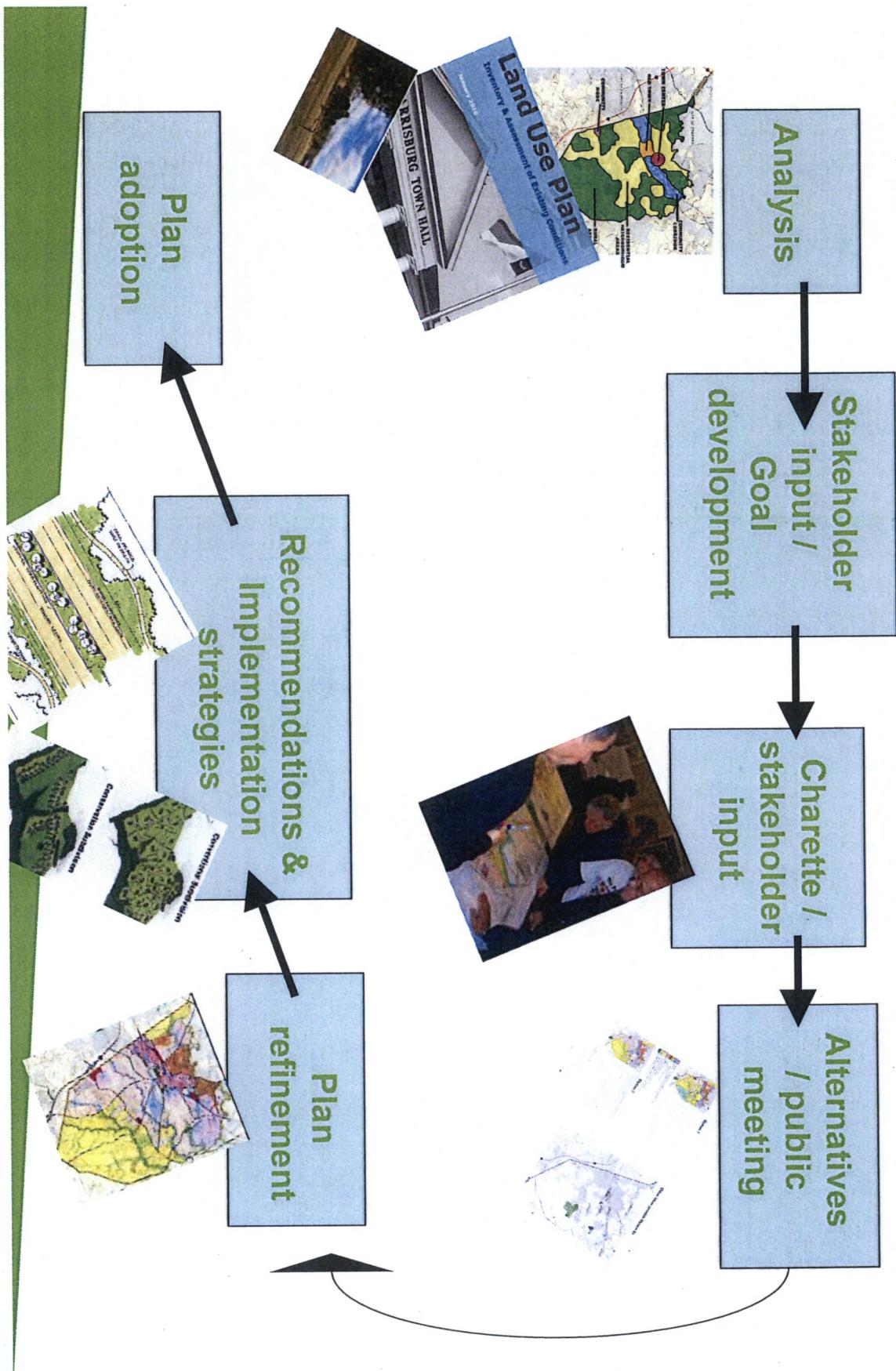
Project Schedule

5-PHASE PROCESS

01	PHASE 1 5 months	Inventory & Analysis
02	PHASE 2 3 months	Plan Development
03	PHASE 3 1 month	Recommendations & Implementation Strategies
04	PHASE 4 2 months	Plan Preparation
05	PHASE 5 2 months	Plan Adoption



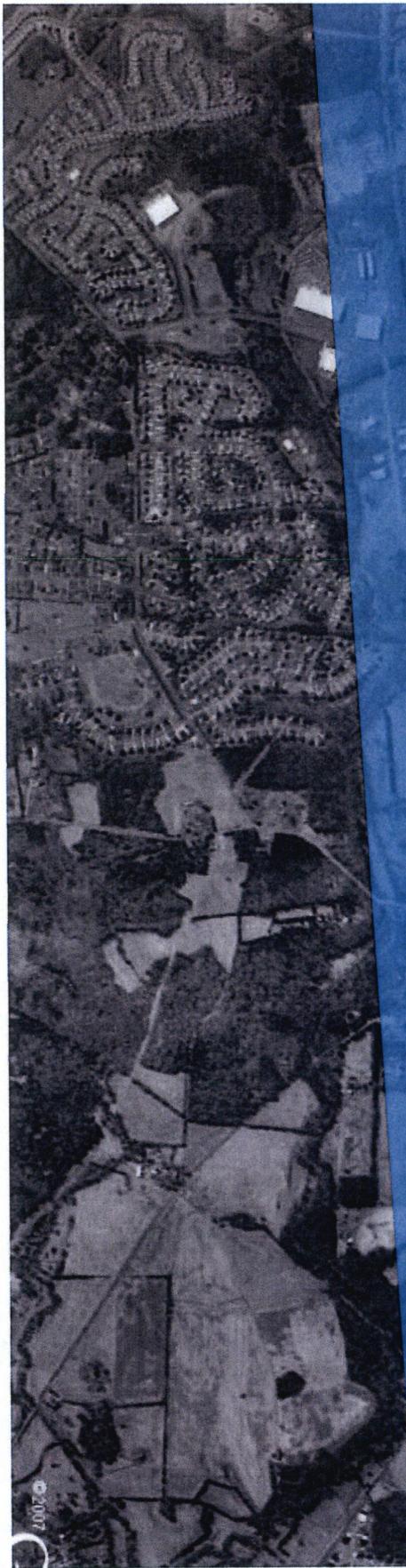
Project Process Highlights



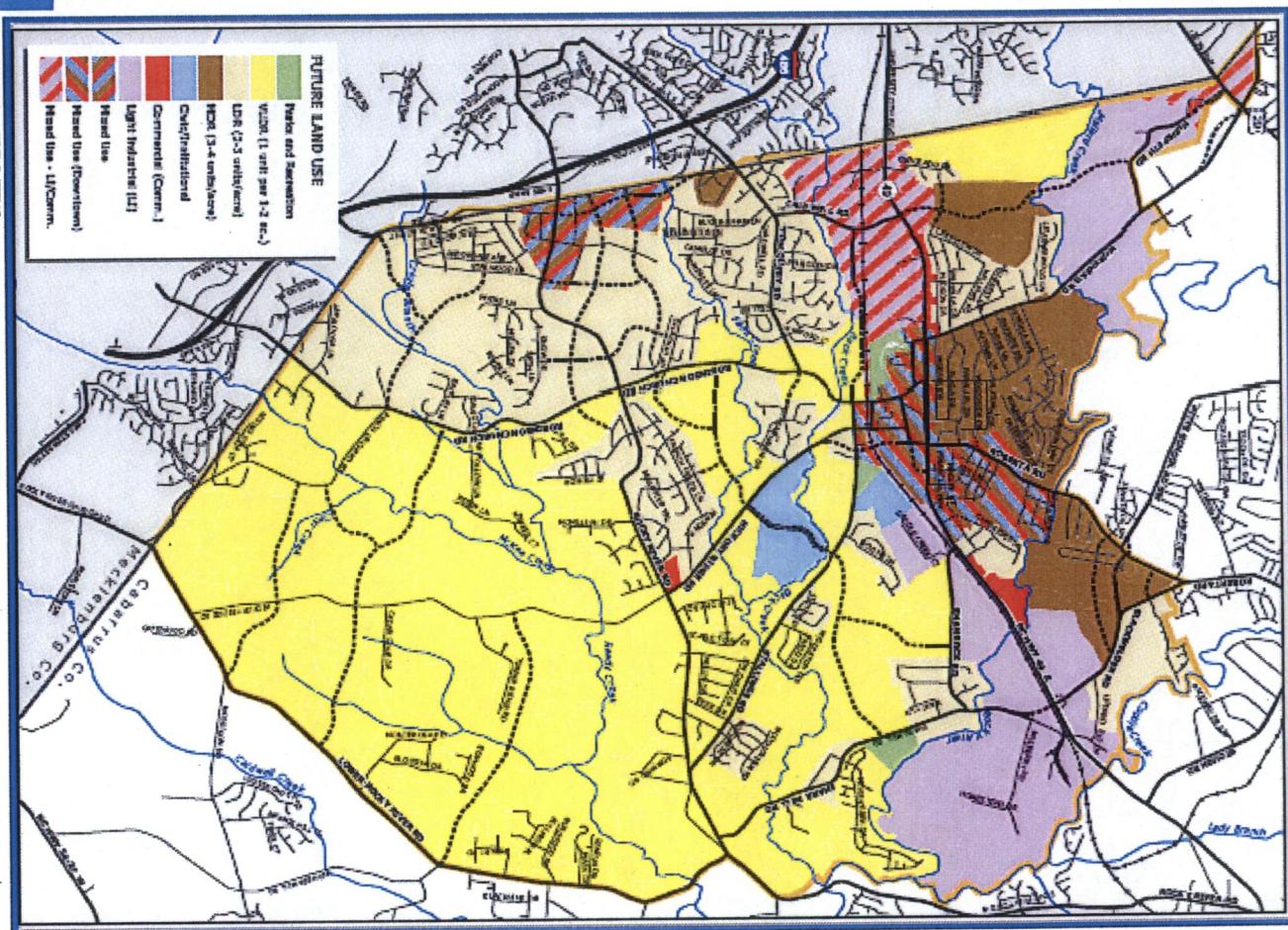
Last Public Input Opportunity

- Open House at Harrisburg Library
 - 3:30 – 7:00, Tuesday, July 27, 2010
- 3 “stations”
 - Transportation and Infrastructure
 - Cultural and Natural Resources
 - Land Use
 - (Including Housing and Market Analysis – Warren & Associates)
- Over 100 attendees

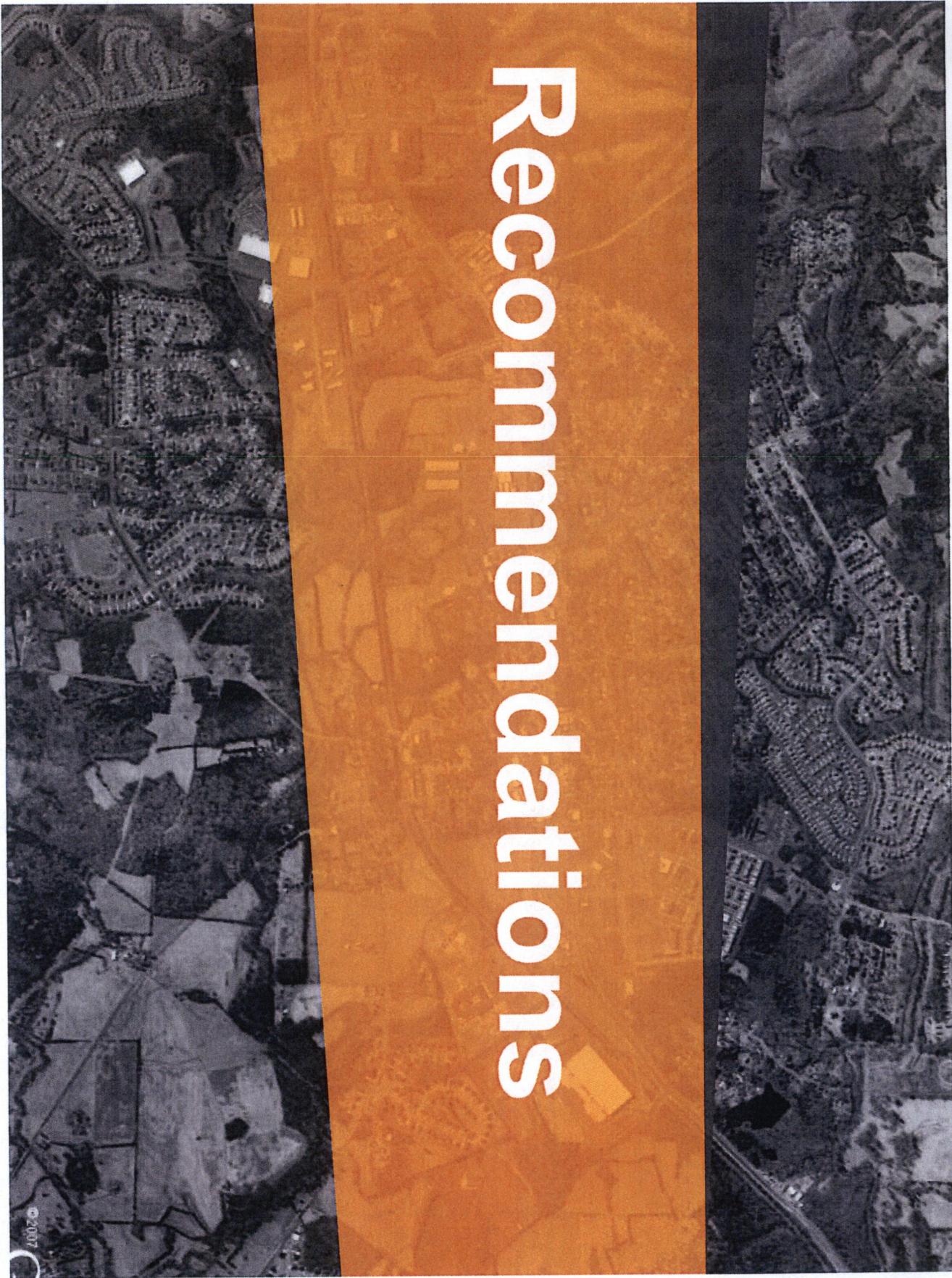
Plan Development



Preferred Alternative Land Use Map



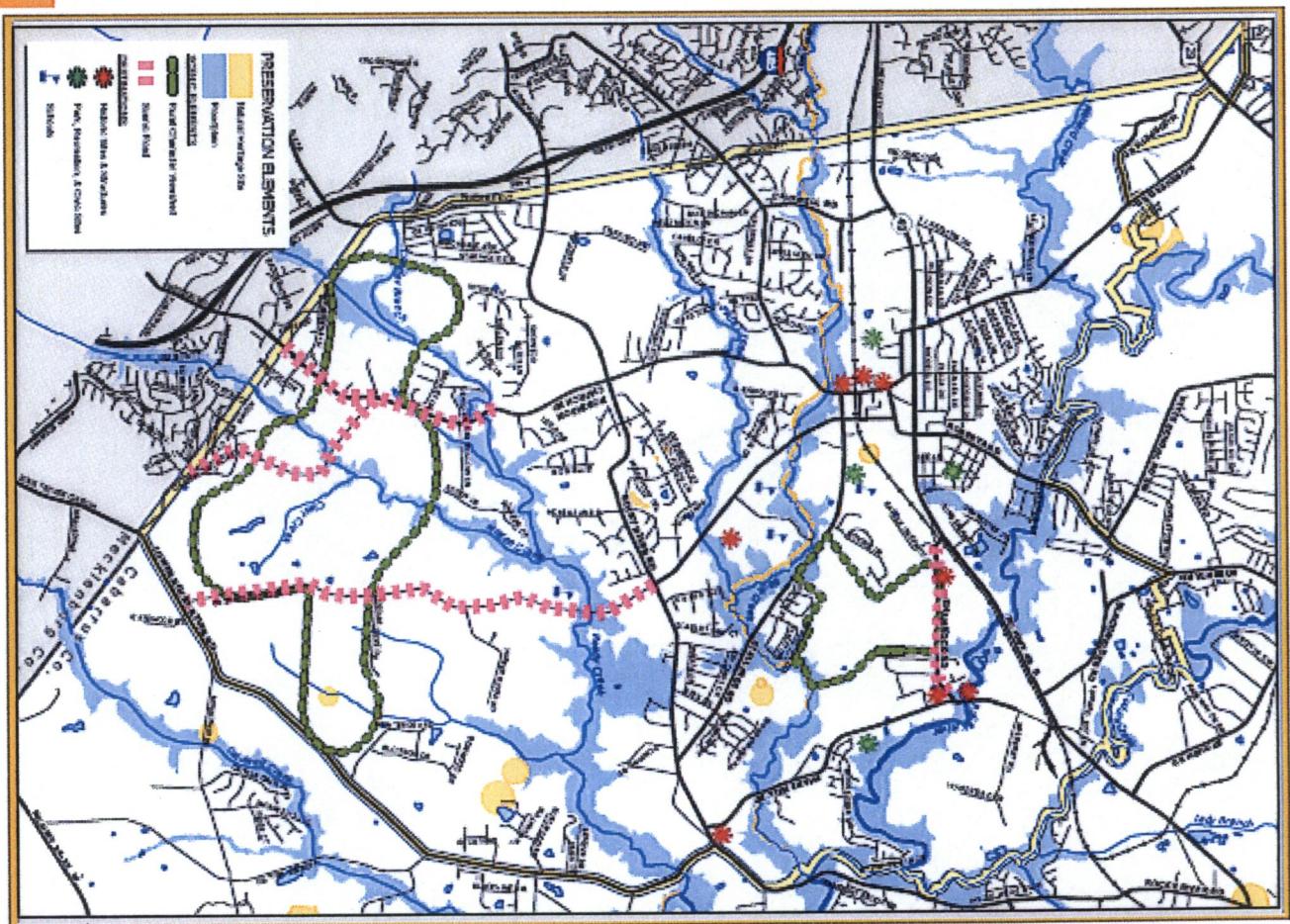
Recommendations



Conceptual Preservation Plan Map

5 sets of features or places of value to the community that *could* be included in a preservation plan:

- Natural Heritage Sites (rare plants and animals)
- Creeks' floodplains and wetlands
- Scenic roads
- Rural character viewsheds
- Destinations
 - Historic sites and structures
 - Park, recreation, and civic sites
 - Schools



Conceptual Preservation Plan Map

(ENR-5) Consider creating a Preservation Plan that takes into consideration the important cultural and environmental resources worthy of preservation.

- Using the Conceptual Preservation Plan as a starting point, develop a joint Town/County Preservation Plan consistent with the following points.
 - The Plan should define the types of features to preserve and provide a methodology for identifying priorities.
 - The delineation of specific preservation areas in the Conceptual Preservation Plan may be schematic, as a preliminary demarcation of any key features would require subsequent field verification as part of the preservation steps (implementation of the Preservation Plan). One exception might be the designation of specific roadway segments that are potential scenic corridors (see Scenic Route Preservation recommendation), which have been preliminarily identified in this Harrisburg Area Land Use Plan process based on citizen input reflected in the products of charrette. Those identified segments would be reviewed during the Preservation Plan process and incorporated into the Preservation Plan.
 - The Plan should address features and landscapes with the following characteristics and values: Cultural significance; Historic value; Scenic roadway corridors; Agricultural land; Scenic beauty; Semi-rural character; Land for active and passive recreation; Lands that are not naturally suited for development; Ecologically sensitive lands; Habitat for birds, fishes, and other wildlife; Lands critical to support natural processes and balances; Lands strategically located to provide relief from an otherwise consistent developed suburban condition.
 - The Plan should identify specific conservation tools, which may include or add to the following: Agricultural districts; Conservation easements; Purchase of development rights; Land acquisition; Land donation or dedication; Zoning options such as Land conservation district, Overlay district, Incentive zoning, and Floating zone; and Subdivision regulations like Land set aside, and Conservation subdivision.
 - The Plan should also identify funding mechanisms for conservation as well as public- and private-sector partners, including but not limited to state and federal agencies and programs; local, state, and federal conservation groups; and civic and neighborhood organizations.
- Create incentives for preserving features identified or described in the Conceptual Preservation Plan in future development. For example, allow smaller lot sizes in subdivisions developed within the Town's jurisdiction provided the land set aside to meet zoning requirements for open space contributes to the implementation of the Conceptual Preservation Plan.

Subdivision Incentives for Preservation

- "RE" Conventional Subdivision
- "RE" Conservation District

The diagram illustrates two land parcels, each outlined in black and filled with yellow diagonal hatching. The top parcel, labeled "CONVENTIONAL TOWN (RE)" and "20 lots (ac) 100' x 100' per lot", shows a grid of 20 lots. A central green area, representing a park or保留区 (conservation district), is enclosed by a white line and contains a small circular feature. The bottom parcel, labeled "CONSERVATION DISTRICT", shows a grid of lots with a more complex road network, including a curved road and a circular intersection. A large green area, representing a保留区 (conservation district), is located in the bottom right corner of the parcel.

Subdivision Incentives for Preservation

From Land Use Recommendation #2 (LU-2)

- A land conservation approach to the subdivision of land, as permitted in the County's Open Space Subdivision Option and the Town's Conservation District, should be encouraged to accomplish single-family development in areas where the preservation of natural resources is imperative and where conventional development would have a negative impact on the protection of such resources.

- Currently, the smallest lot size that can be achieved in the Town is 0.5 acres. Smaller lot sizes (smaller than 0.5 acres) should be permitted provided specific design standards are met and the permissible gross density is not exceeded.

From PR-1

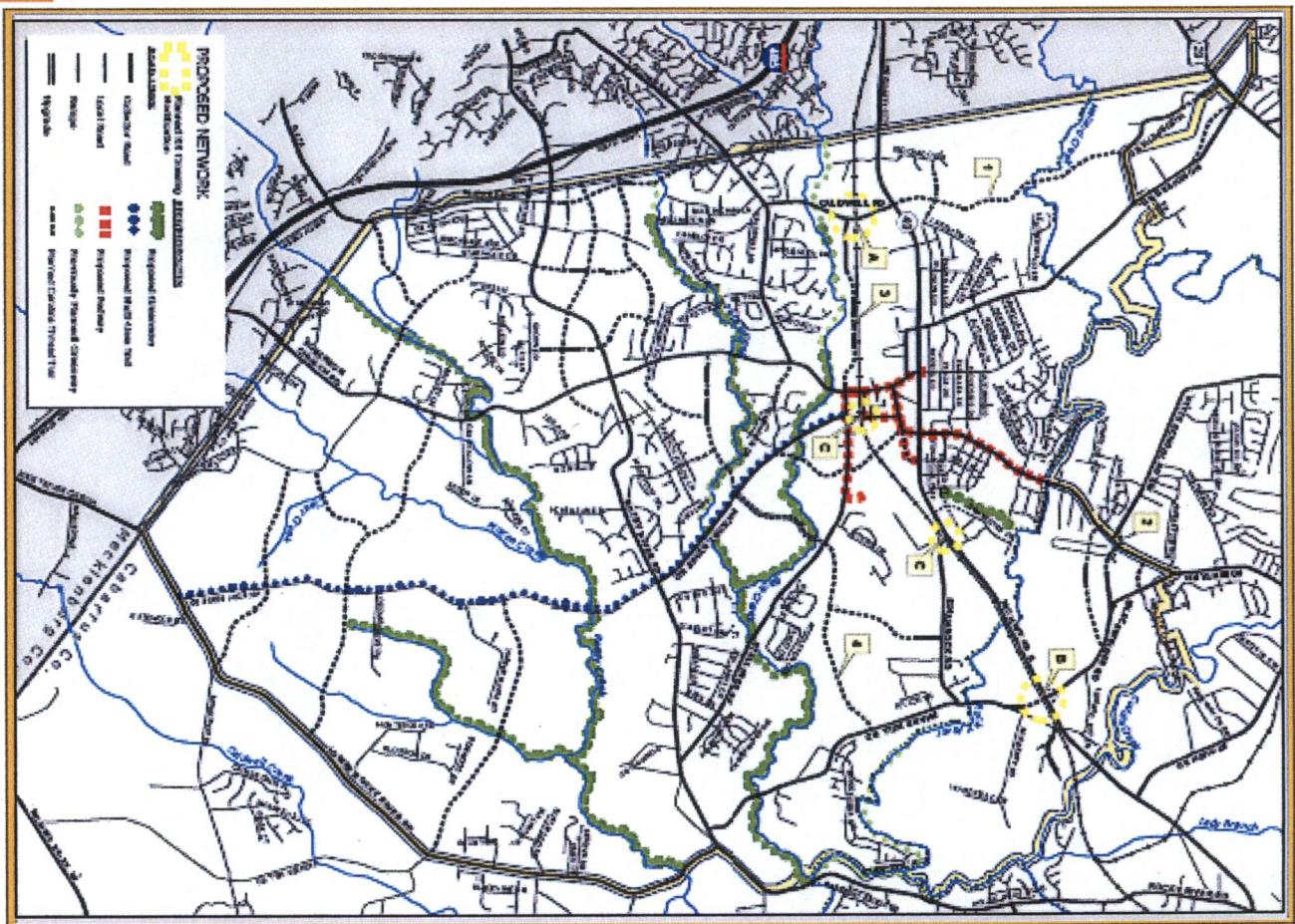
- Create policy to require developers to provide open space or pay in lieu fees, and provide greenway connections to the public open space system.

Conceptual Transportation Network Map

5 sets of facilities

proposed:

- Collector roads in other plans (e.g., MPO Thoroughfares)
- Additional collectors to support proposed land-use pattern
- Multi-use trail along Hickory Ridge Road
- Greenways along creeks
- Pedestrian ways (sidewalk, crosswalk, and illumination enhancements in town core)



Conceptual Transportation Network Map

(TR-1) Create collector street connections.

- The Town and the County should implement a collector street network through their authority to review subdivisions and require public improvements. Local governments should secure right-of-way or the construction of segments of these routes, appropriate in scale to the proposed land development.

(TR-2) Support transportation improvement projects identified in CRMPO's Thoroughfare Plan.

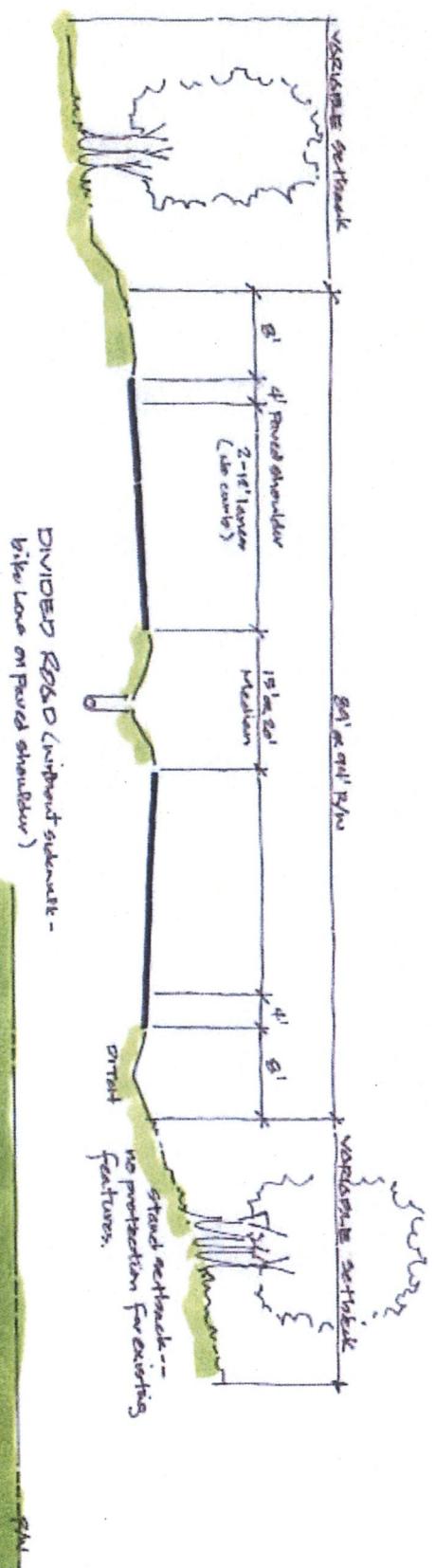
- These roads are identified in both the Cabarrus-Rowan Metropolitan Planning Organization's "Thoroughfare Plan" and the Conceptual Transportation Network Plan for this HALUP. Local governments can implement significant portions of these thoroughfares as collector roads, as described in 'TR-1,' immediately above.
 - Caldwell Road Extension (north-south link)
 - Harrisburg Industrial Park Road extension
 - Raging Ridge Road extension (major east-west link)

Conceptual Transportation Network Map

(TR-6) Provide greenways and other facilities for enhanced mobility for bicycles and pedestrians.

- Creating great places and maintaining quality of life requires a diverse approach to transportation planning. The transformation of undeveloped portions of the study area into emerging neighborhoods will require a more robust transportation system that includes opportunities for functional and recreational non-motorized trips. It is also advisable to look beyond a singular approach to pedestrian accommodations (i.e. sidewalks). Opportunities exist to enhance transportation connectivity through means beyond typical streets, as indicated on the Conceptual Transportation Network Plan.
- Segments of multi-use trails and sidewalks should be constructed as required infrastructure in major subdivisions.
- Right-of-way for a system of interconnected greenways should be set aside during the planning for major subdivisions.
- The Town and the County should work with Cabarrus-Rowan MPO and NCDOT to identify funding and implement non-motorized transportation facilities. Any road improvement project should include sidewalks, multi-use trails, and crosswalks as essential components of the improvements.

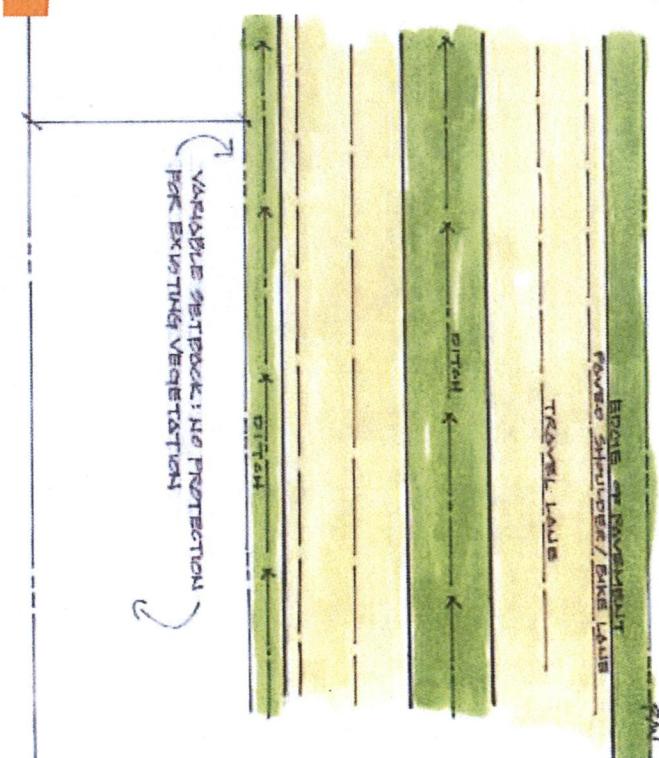
Roads and Community Character



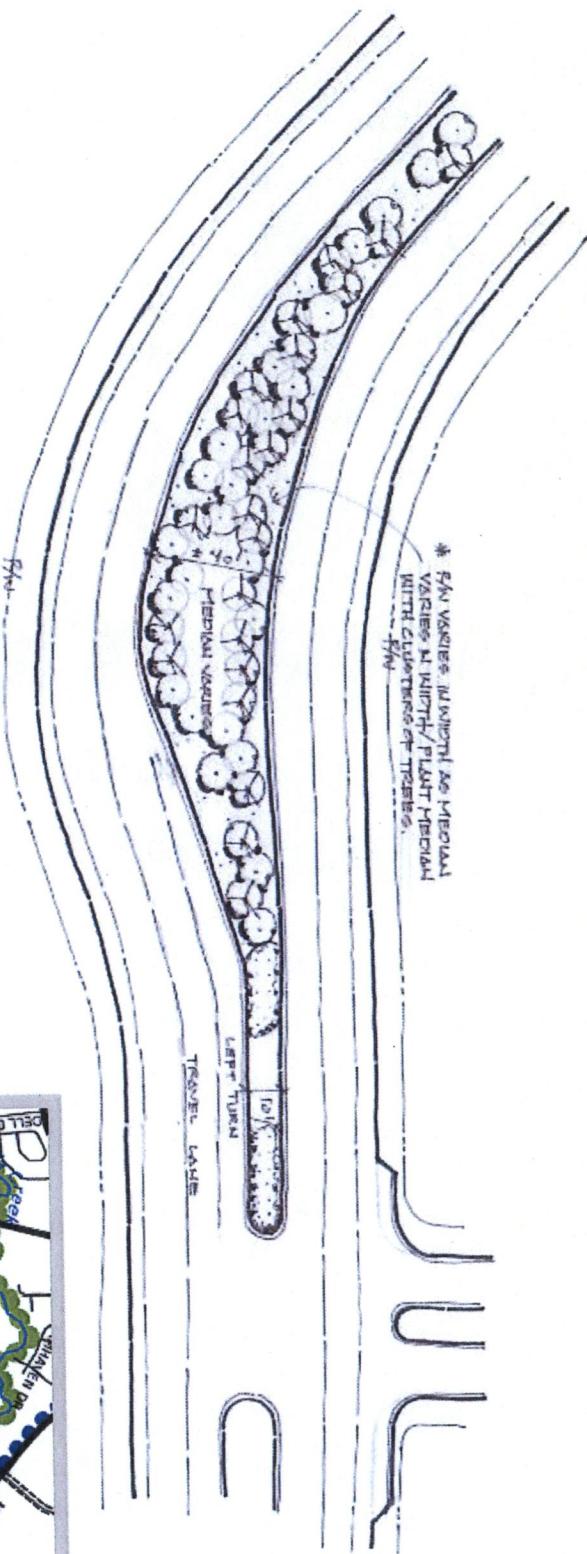
If Rocky River Road is widened:

NCDOT default 4-lane divided road section

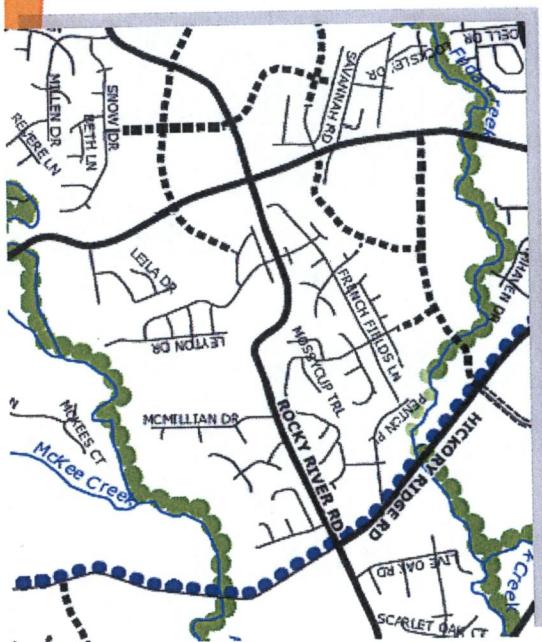
Does the Town envision road corridors with scenic value or rural character?



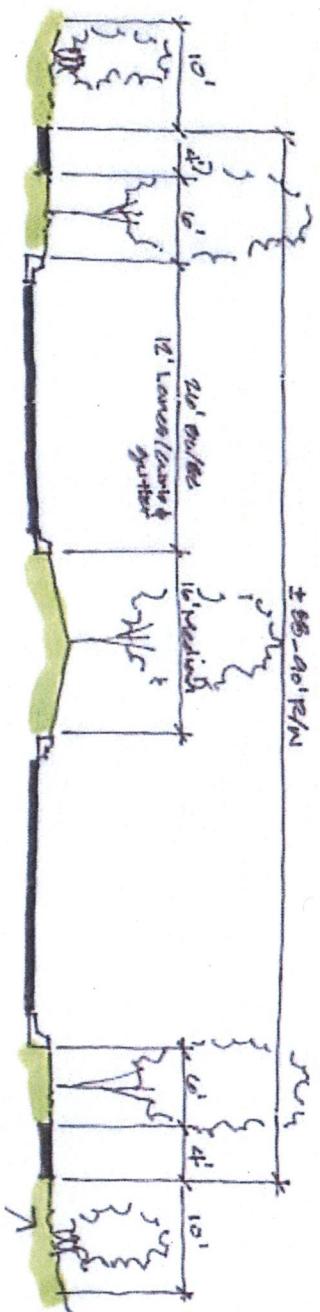
Roads and Community Character



Recommendation for road improvement to preserve/enhance community character:
Conceptual 4-lane curve correction on Rocky
River Road with wide median

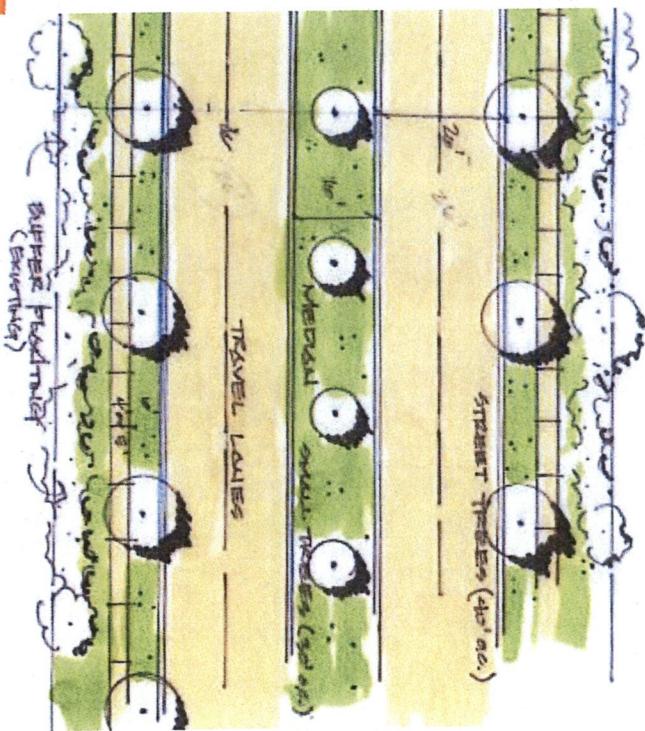


Roads and Community Character

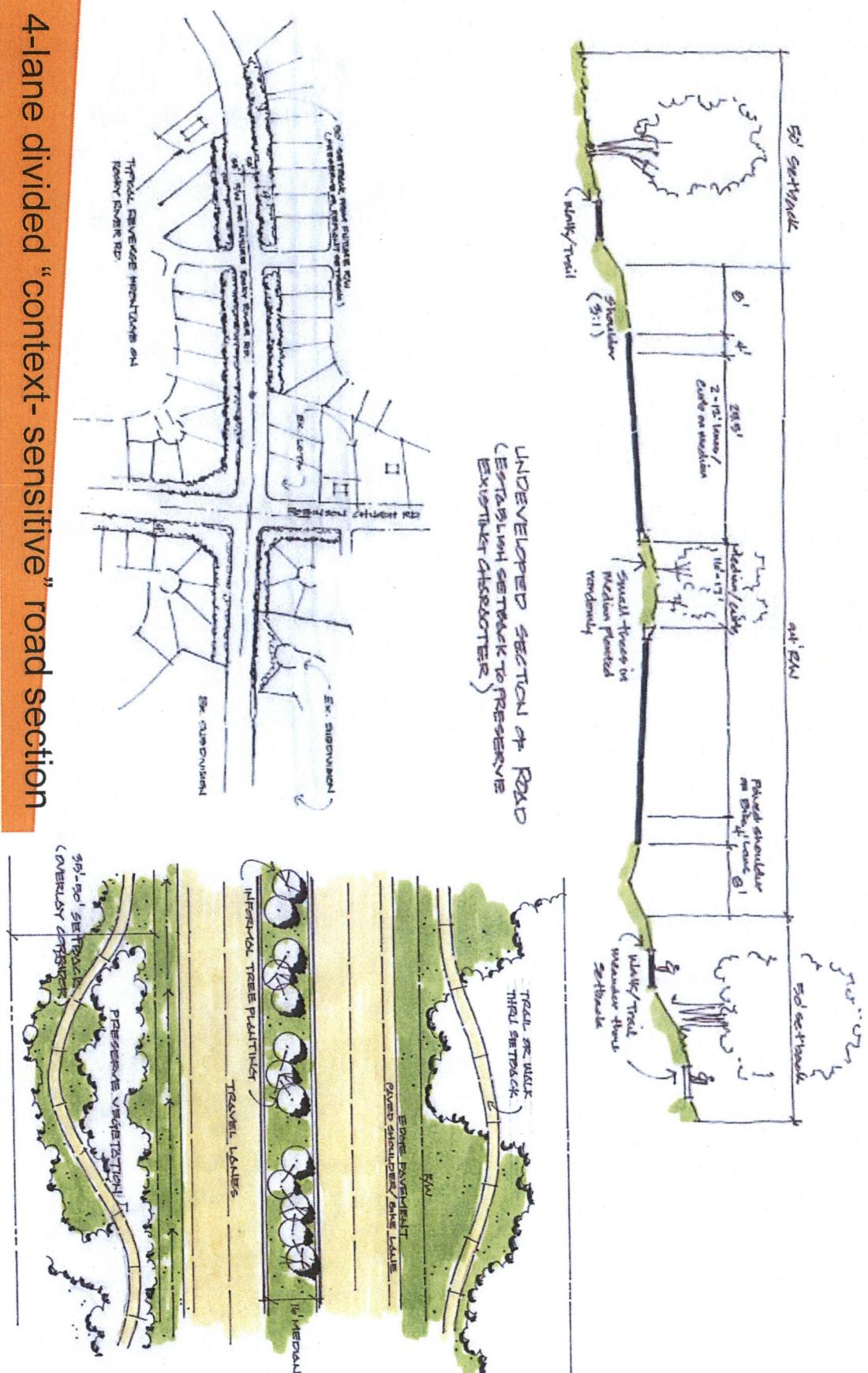


EXISTING SUBURBAN SECTION / PLANNING

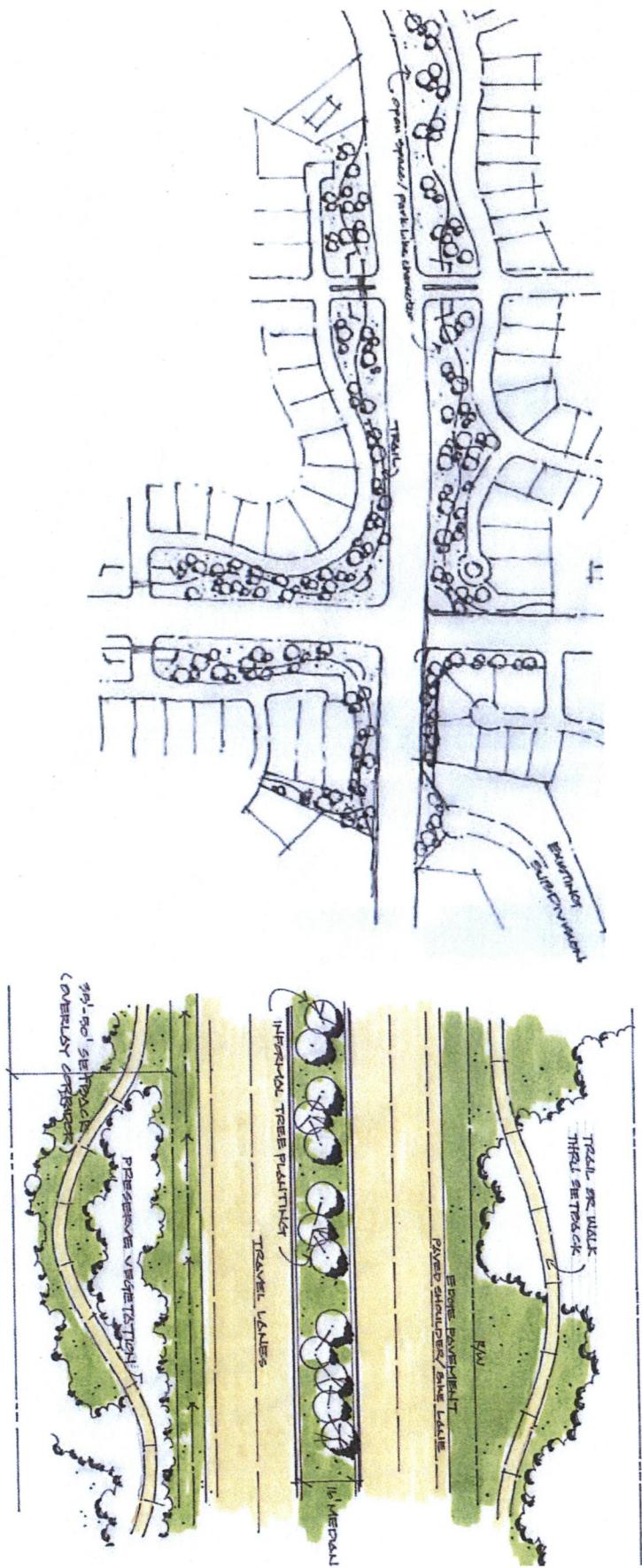
4-lane "complete street" section:
Recommended in commercial and mixed
use areas along Rocky River Road



Roads and Community Character



Roads and Community Character



4-lane divided "context-sensitive" road section (buffer variation)

Roads and Community Character

(TR-6) Provide greenways and other facilities for enhanced mobility for bicycles and pedestrians.

- Creating great places and maintaining quality of life requires a diverse approach to transportation planning. The transformation of undeveloped portions of the study area into emerging neighborhoods will require a more robust transportation system that includes opportunities for functional and recreational non-motorized trips. It is also advisable to look beyond a singular approach to pedestrian accommodations (i.e. sidewalks). Opportunities exist to enhance transportation connectivity through means beyond typical streets, as indicated on the Conceptual Transportation Network Plan.
 - Segments of multi-use trails and sidewalks should be constructed as required infrastructure in major subdivisions.
 - The Town and the County should work with Cabarrus-Rowan MPO and NC DOT to identify funding and implement non-motorized transportation facilities. Any road improvement project should include sidewalks, multi-use trails, and crosswalks as essential components of the improvements.

“Downtown” (in lieu of illustration...)

- Buildings oriented to NC-49, strong presence along that road
- Highly visible formal space that announces and directs attention to downtown
- Opportunity for key anchors along NC-49 to bring people in on regular basis



“Downtown”

(LU-3) Continue efforts to create a true “downtown” for Harrisburg.

- Locate buildings close to the street to create a strong physical presence, which signals the arrival of motorists to a destination and encourages pedestrians to explore and visit multiple venues.

From LU-4:

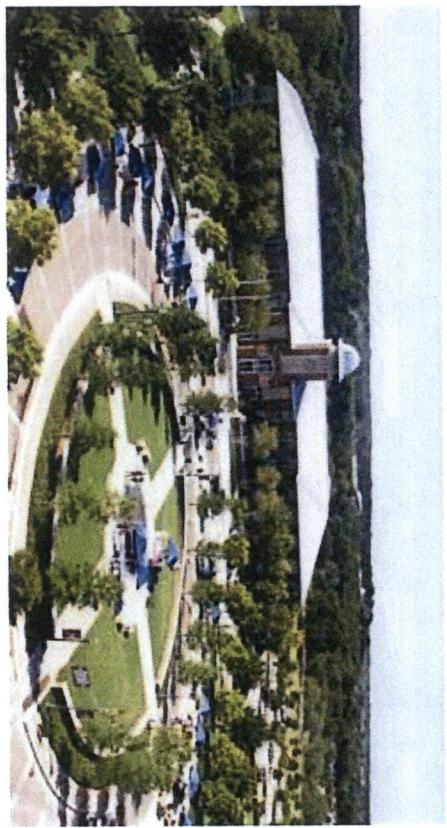
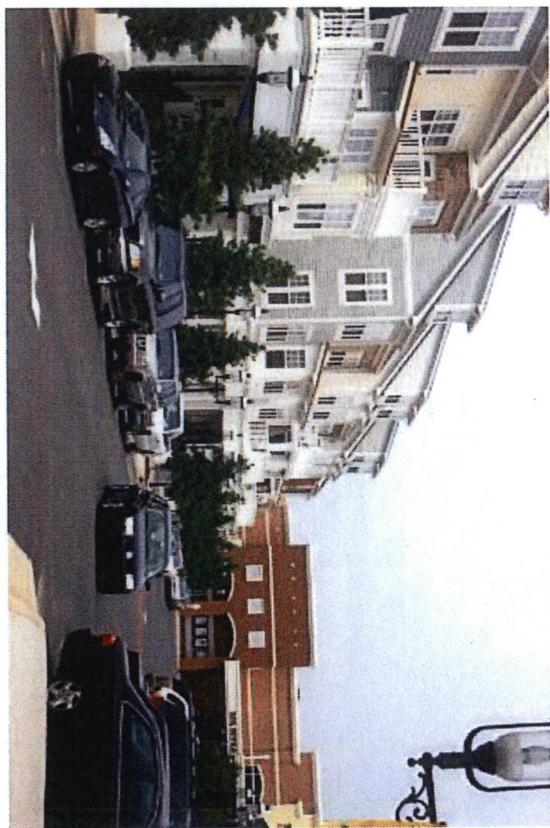
- Encourage mixed-use development at an intensity and orientation that supports bus transit, particularly downtown and at the mixed-use area along Rocky River Road.

From TR-3:

- The priority for bicycle and pedestrian circulation within NC-49’s right-of-way should therefore be across the road rather than parallel to it. Crossings should occur at signalized intersections in a fashion similar to that depicted in Section VI. Parallel sidewalks should be separated from curbs by several feet for safety and comfort of pedestrians.

“Downtown” (In lieu of illustration...)

- Town Hall
 - Prominent site
 - Visual terminus
 - Formal green in front
- Mixture of uses to include residential on upper floors to generate more activity in downtown (24/7 environment)



“Downtown”

From LU-3:

- Maintain the location of Town Hall, as it is a strong anchor in this area that is still evolving.
- Locate civic and other key buildings on prominent sites, and emphasize the importance of such buildings by creating view corridors terminated by these buildings.

(CF-2) Encourage the integration of community facilities into existing and proposed development.

- Churches, schools and libraries complement other compatible uses and, with thoughtful integration, may serve as a focal point in a neighborhood.

Transportation Network - Transit

- Proposed service improvements:
 - Circulator service in Harrisburg to park-n-ride lots at speedway (near term), LYNX station (long-term).
 - Implement bus shelters on route, especially “downtown.”



Transportation Network - Transit

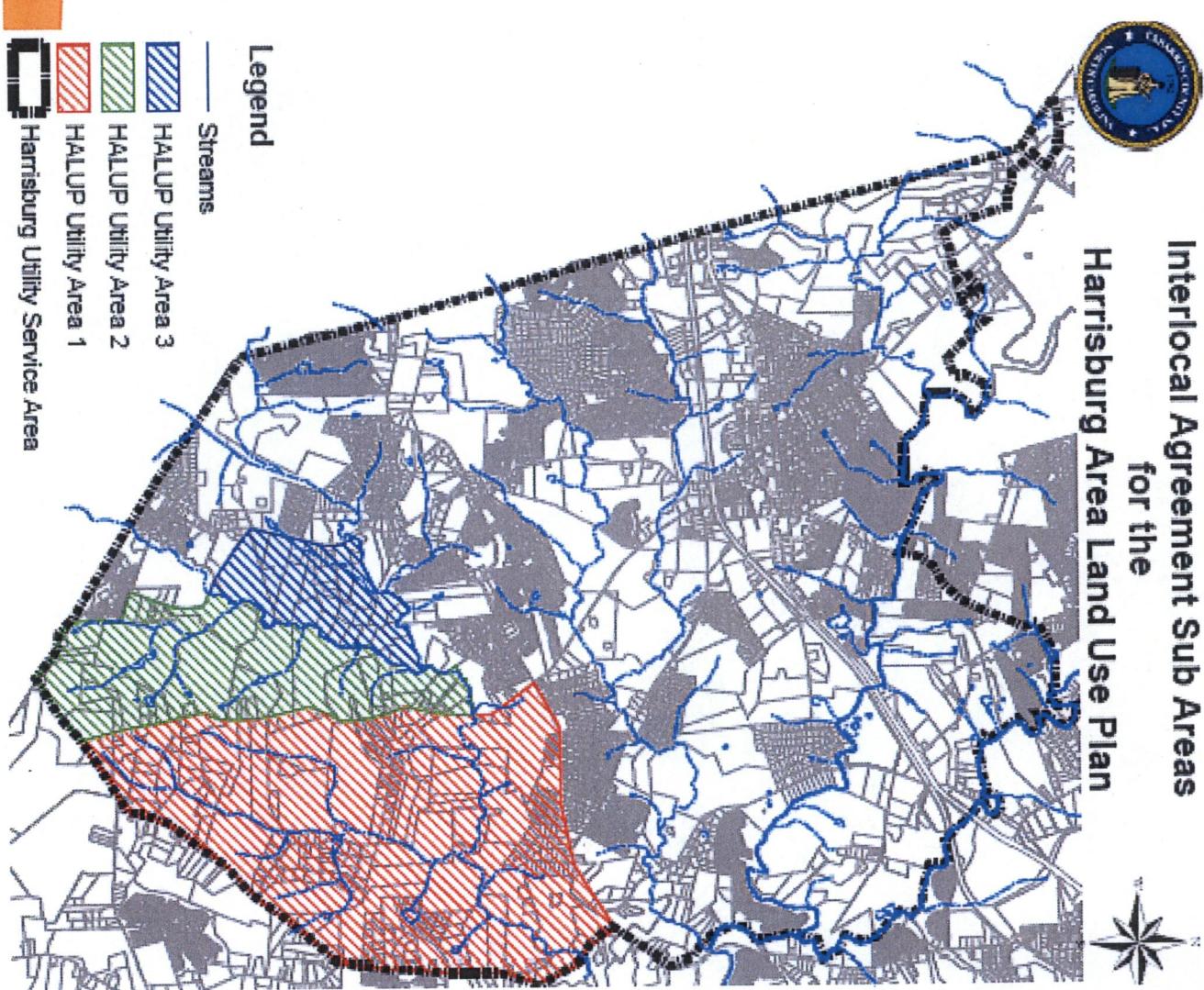
(TR-4) Support improvements that facilitate the provision of transit in Harrisburg or other service that connects Harrisburg to regional transit facilities.

- The Town and the County should work with CCTS and CATS to bring circulator bus service to Harrisburg to serve commuters destined for Charlotte. The town's most significant stop should occur downtown, with intermediate stops along a route between the park-and-ride lot at Lowe's Motor Speedway (near term) and eventually the terminal light rail station on North Tryon Street at I-485.

Utility Phasing



Interlocal Agreement Sub Areas for the Harrisburg Area Land Use Plan



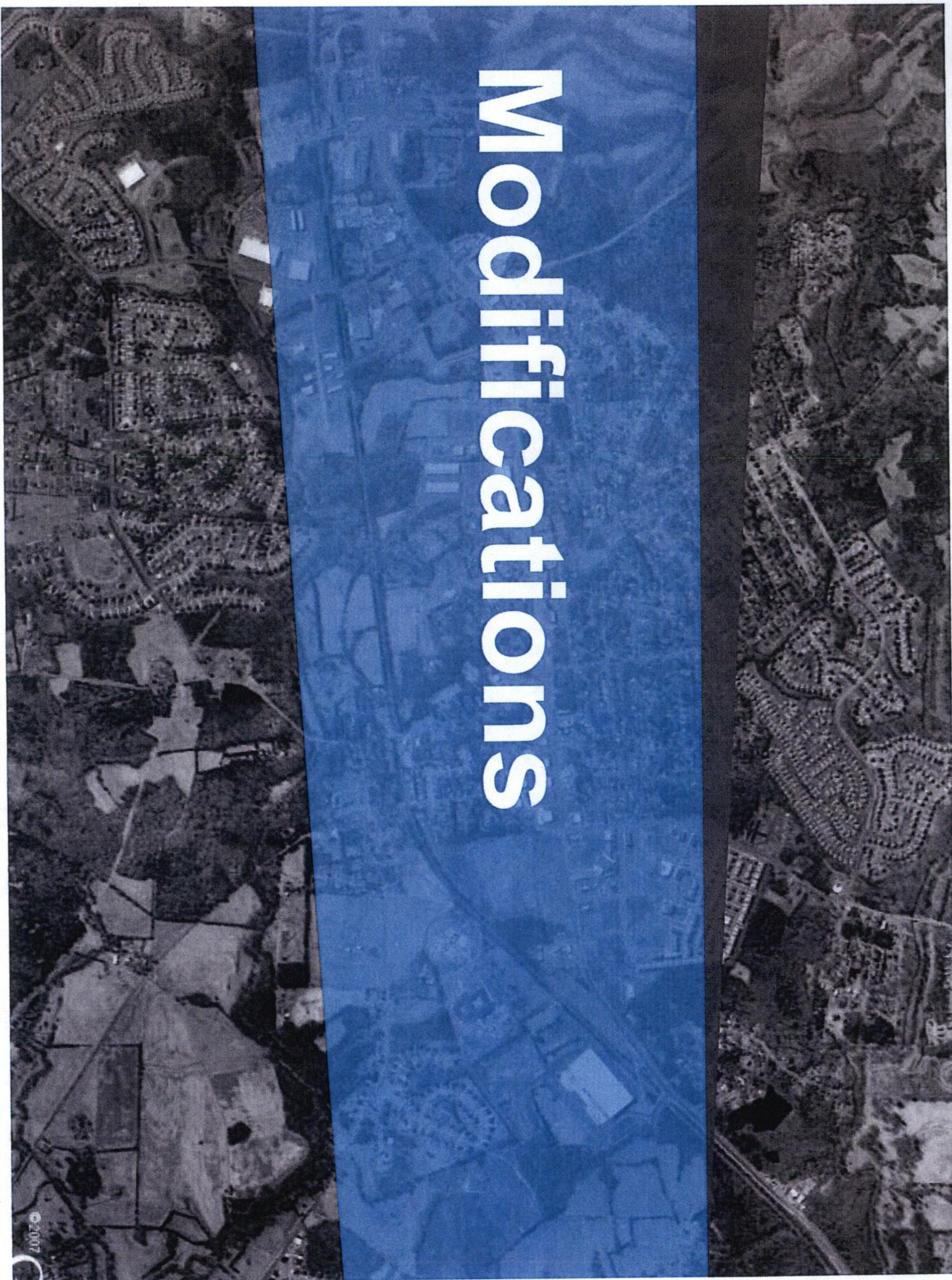
- Sewer to be implemented in 3 phases:
 - Small area west of McKee Creek
 - Btw. McKee Cr. and Hickory Ridge Rd.
 - East of Hickory Ridge Rd. and south of Rocky River Rd.

Utility Phasing

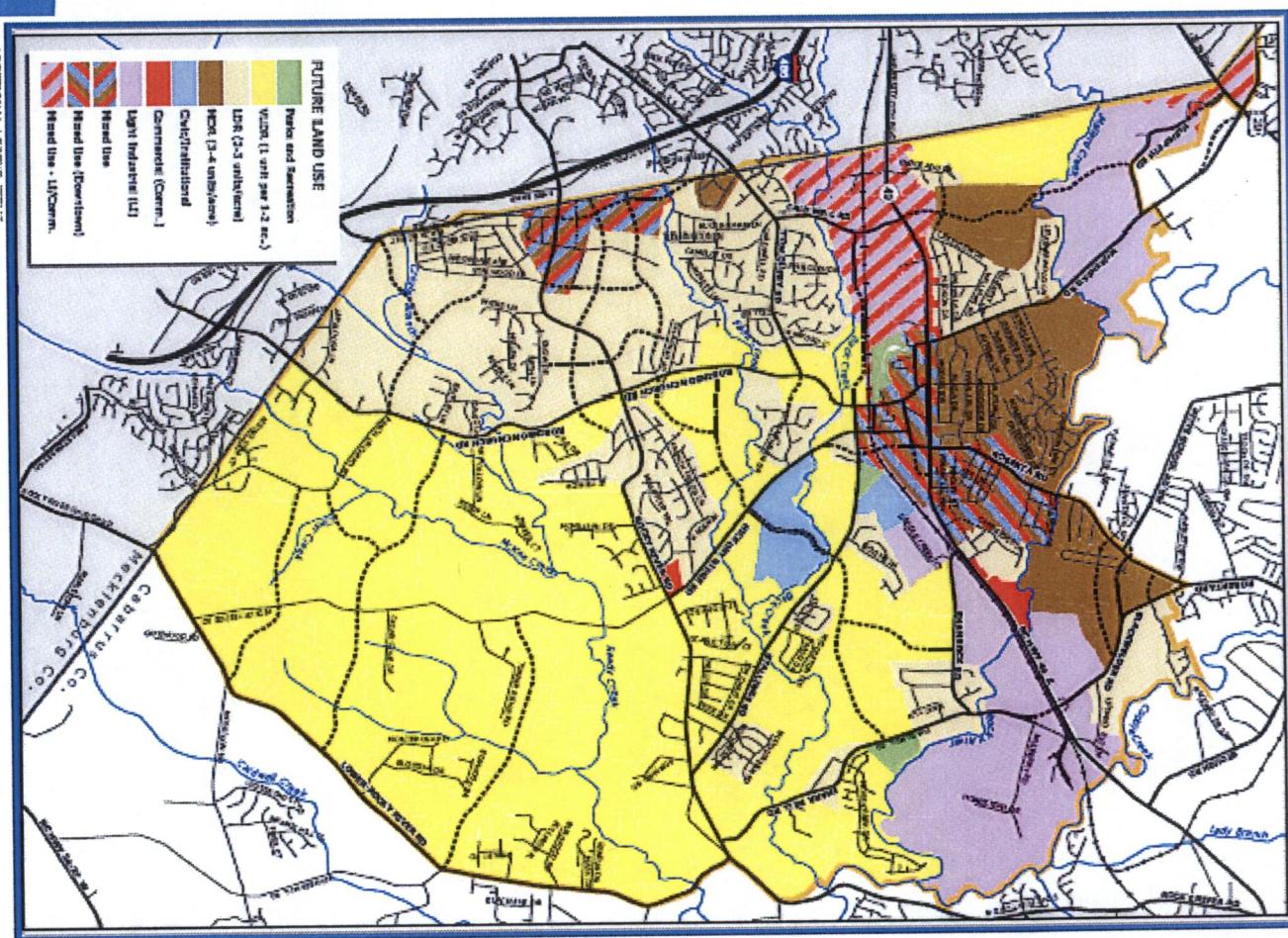
From U-2:

- Phase water and sewer service through a separate Interlocal Agreement.
 - Establish priorities for publicly-financed future extensions:
 - higher density areas,
 - areas where septic and/or private package treatment plants are not an option,
 - areas where the financial investment in utilities has already been made,
 - areas that have already been annexed into the Town limits, especially where there are gaps in service provision.
 - The area generally south of Rocky River Road would remain a low priority for service for at least five years.

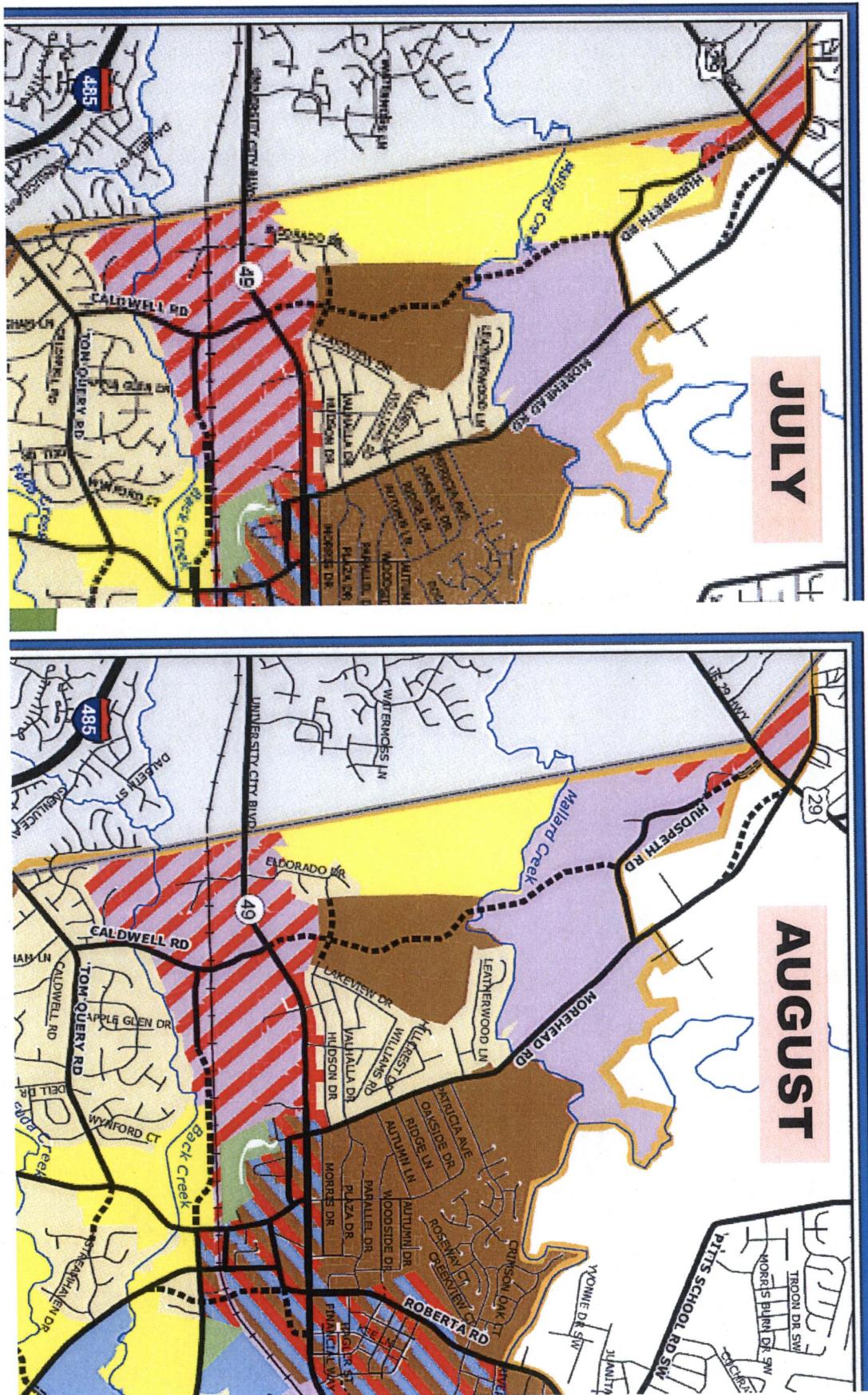
Modifications



Preferred Alternative Land Use Map -Revised



Harrisburg Area Land Use Map



HALUP Text

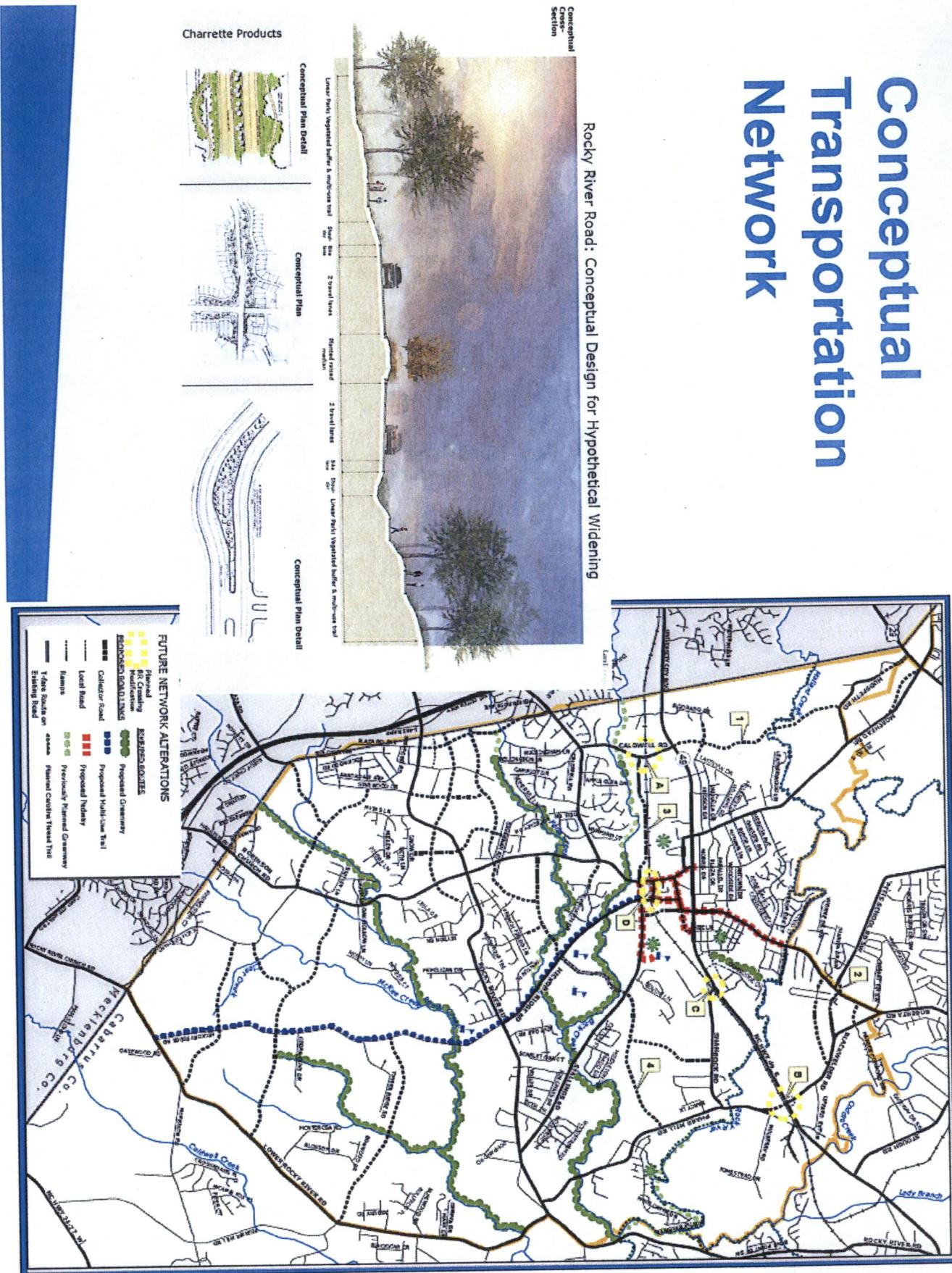
Page 56: Table correlating land-use classes & zoning districts: added residential densities.

LAND USE	TOWN ZONING	COUNTY ZONING	LAND USE	RESIDENTIAL DENSITY (RDU/AC)	TOWN ZONING	COUNTY ZONING
Very Low-Density Residential	AG RE	AO CR	Very Low-Density Residential	0.5-1.0	AG RE	AO CR
Low-Density Residential	RL RM-1 RM-2	LDR (Amenity Subd.) MDR (Amenity Subd.)	Low-Density Residential	2-3	RL RM-1	LDR (Amenity Subd.) MDR
Medium-Density Residential	O-1	OI	Medium-Density Residential	3-4	RM-2	MDR (Amenity Subd.)
Civic/Institutional	O-1	OI	Civic/Institutional	Not Applicable (N/A)	O-1	OI
Commercial	B-1 C-1 C-2 CD	LC GC GC CD	Commercial	N/A	B-1 C-1 C-2 CD	LC GC GC CD
Light Industrial	I-1 I-2	LI	Light Industrial	N/A	I-1 I-2	LI
Mixed Use - LI/C	O-1 B-1	OI LC	Mixed Use - LI/C	N/A	O-1 B-1 C-1 C-2 CD	OI LC GC LI CD
Mixed Use	PUD TND TOD	PUD	Mixed Use	3-4	PUD TND TOD	PUD
Mixed Use (Downtown)	CC PUD TOD	JD	Mixed Use (Downtown)	3-4	CC PUD IND	JD TOD

JULY

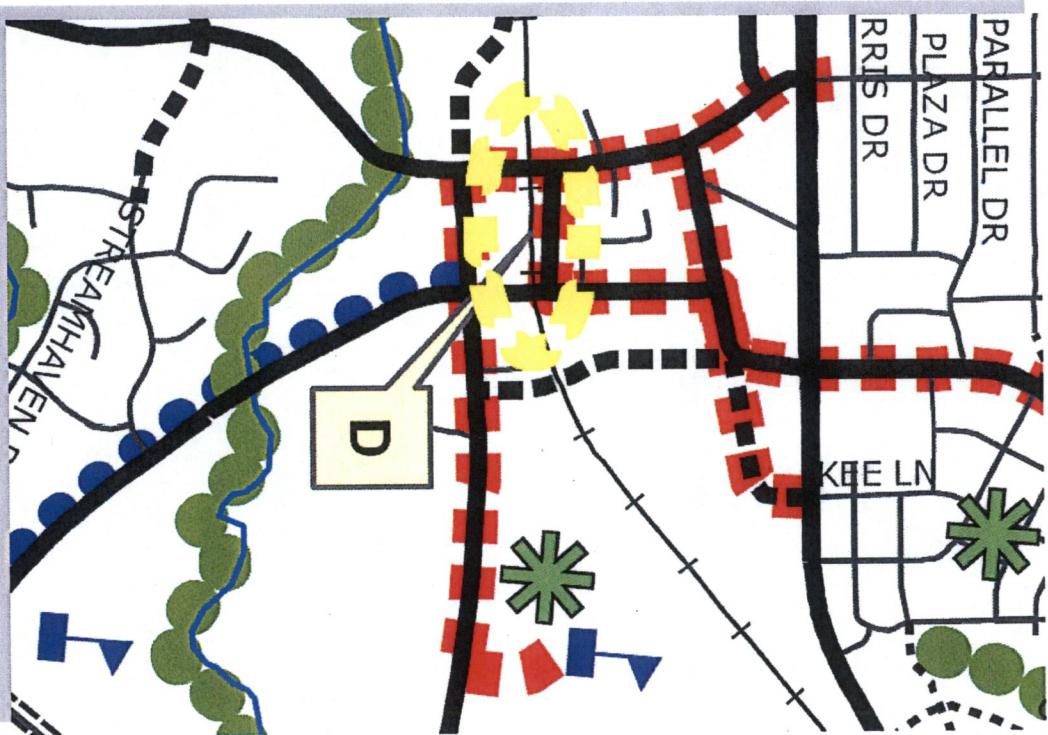
AUG.

Conceptual Transportation Network

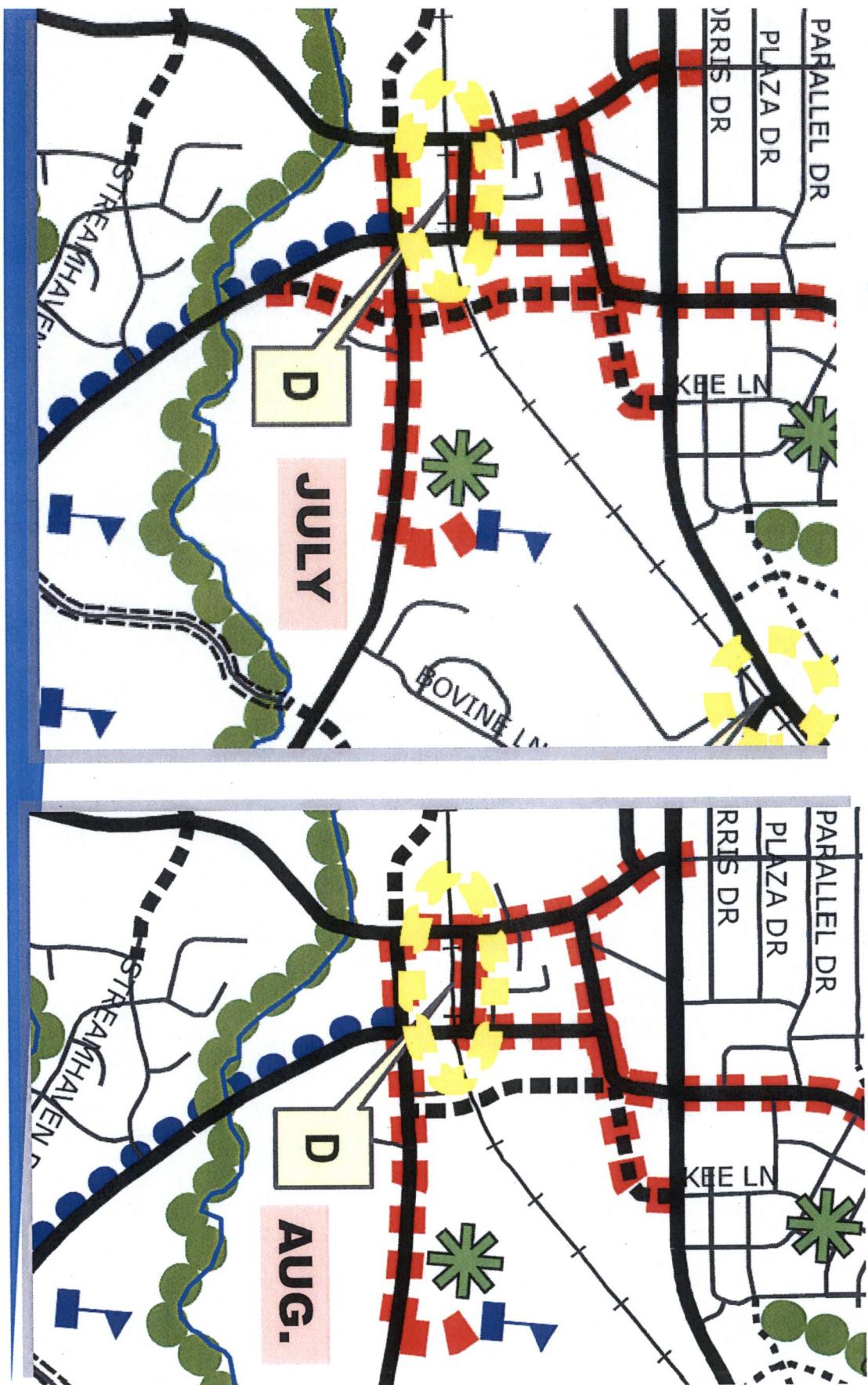


Conceptual Transportation Network

- Railroad Crossings
 - Railroad splitting town in two
 - Overwhelming opposition to current proposal in center of town (loss of capacity, turning movements, condemnation of homes) →→→
 - Opposition to closing Shamrock Road (resulting truck traffic negative to nearby neighborhoods)
 - Support for bridges (notably Caldwell Rd.) passing over RR
 - Desire for additional planning for changes to traffic patterns due to closings
 - Improve public notice



Conceptual Transportation Network



Conceptual Transportation Network

— 90 — HARRISBURG AREA LAND USE PLAN

APPENDIX C

Page 90, Paragraph 4: "Town staff is working with NCDOT to mitigate potential negative impacts of high-speed rail in Harrisburg.

C.2 Conceptual Transportation Network Map

The Conceptual Transportation Network Map identifies opportunities to weave an interconnected system of routes for all travelers through the Harrisburg planning area. The Network Map shows improvements for three modes of transportation: pedestrian, bicycling, and motor vehicle. The map does not illustrate every planned bicycle or pedestrian improvement does; nor does it depict improvements exclusive to transit. One type of transit, high-speed rail impacts the Network Map as discussed herein.

Current Plans for Transportation Facilities

The Conceptual Transportation Network Map incorporates projects conceived or proposed by North Carolina Department of Transportation (NCDOT), Cabarrus-Rowan Metropolitan Planning Organization (CRMPO), Cabarrus County, and private landowners. These include railroad crossing modifications in anticipation of high-speed rail service passing through the planning area (NCDOT), routes for thoroughfares of regional importance (CRMPO), greenways (Cabarrus County), and major subdivision spine roads.

The Town of Harrisburg has plans for several bicycle and pedestrian improvements. These are not depicted due to scale and absence of spatial data sets necessary to generate the map. The improvements nevertheless guided the creation of the Conceptual Transportation Network Map.

The Network Map calls out each of the railroad crossing modifications planned by NCDOT in anticipation of the Charlotte-Raleigh high-speed rail link. Letters in the following list correspond with map call-outs in Figure 11. Service roads that NC Rail will construct to accommodate private and public rail closings are not depicted. Town staff is working with NCDOT to mitigate potential negative impacts of high-speed rail in Harrisburg.

- A) Caldwell Road will be reconstructed on a bridge to pass over the railroad. Its intersections with NC Highway 49 and Harrisburg Industrial Park Road will be retained and perhaps reconfigured.
- B) Pharr Mill Road will be realigned with Blackwelder Road onto a bridge above both, the railroad and NC Highway 49. Ramps will be constructed to maintain the link between the state highway and these north-south routes. Pharr Mill Road's existing railroad crossing near Uppard Lane will be eliminated.
- C) The railroad crossing of Shamrock Road will be closed and traffic rerouted. The railroad crossings of Hickory Ridge Road and Robinson Church Road will be closed. Roberta Road will be extended parallel to Hickory Ridge Road and overpasses the railroad to Stallings Road. Stallings Road will be embanked and its intersections with Robinson Church Road and Hickory Ridge Road will be reconfigured to better accommodate north-south traffic in the middle of Harrisburg.

CRMPO maintains a Thoroughfare Plan covering its planning jurisdiction, which includes the Harrisburg planning area. Regionally significant transportation improvements ranging from road widenings to new connections and alternate routes appear in the plan. Its four projects for the Harrisburg planning area are these:

Harrisburg Area Land Use Plan

HARRISBURG TOWN HALL

LandDesign.

WARREN & ASSOCIATES
REAL ESTATE MARKET STRATEGIES

Harrisburg Area Land Use Map

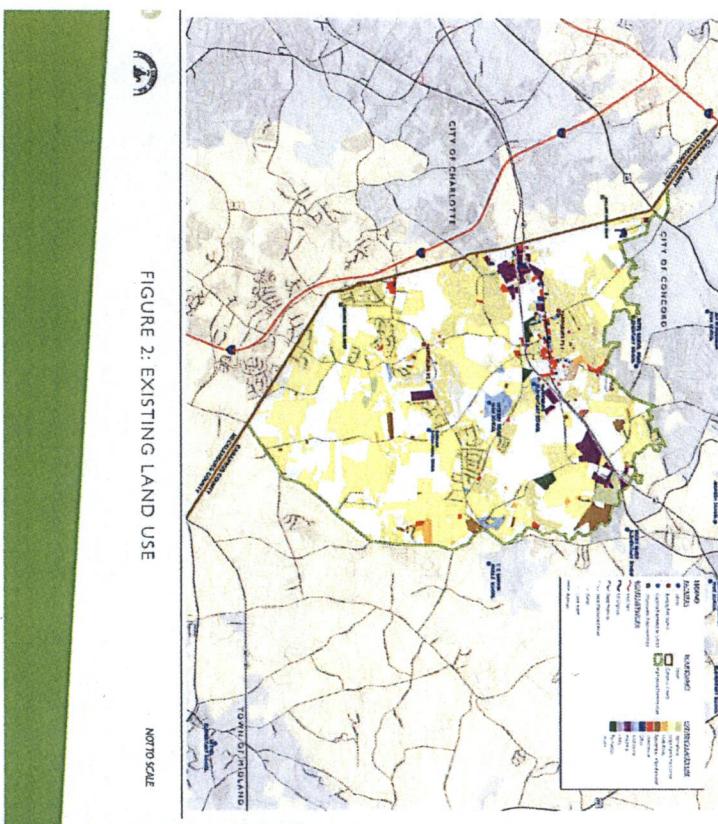


FIGURE 2: EXISTING LAND USE

NOT TO SCALE

