



**DATE:** August 15, 2023

**SUBJECT:** Special Use Permit

**CASE:** SUP-02-23

**ACCELA:** CN-SUP-2023-00003

**APPLICANT:** Alex Horner on behalf of Old Dominion Freight Lines (ODFL)

**LOCATION:** 2900 New Town Way SW

**PIN#s:** p/o 5519-78-1062

**AREA:** 39.30 +/- Acres

**EXISTING LAND USE:** Vacant

**EXISTING ZONING:** I-2 (General Industrial)

**PREPARED BY:** George Daniels, Senior Planner

**Please note:** Per CDO Section 6.2.1 “*Special Use Permits are issued on a case by case basis. Special uses are generally compatible with the land uses permitted by right in a zoning district, but require individual review as to their location, design, and configuration. Special uses ensure the appropriateness of the use at a particular location within a given zoning district.*” Approval or denial of a Special Use Permit should be based on the information ascertained from the public hearing and reflected in the Findings of Fact and Conclusions of Law.

**BACKGROUND**

The subject property consists of a 39.30+/- acre portion of a larger 78.05 +/- acre parcel, located at 2900 New Town Way SW. The property is owned by Bootsmead Leasco, LLC and is part of the larger Grounds of Concord properties (formerly the site of Philip Morris). New Town Way SW is located on the western side of the Grounds of Concord properties and is accessed via George W. Liles Pkwy SW.

The applicant is proposing to develop a 53,429 square foot 102 door trucking terminal. The property is zoned I-2 (General Industrial). Truck terminals are only permitted in I-2 zoning districts, and only with the issuance of a Special Use Permit. The 2030 Land Use plan designates the site as Industrial/Employment, and I-2 is considered a consistent zoning district within that land use designation.

To the north, east and south the zoning is I-2 (General Industrial) and this area is all part of the Grounds of Concord Industrial Park. The west side is bordered by George W. Liles Pkwy SW.

Across George W. Liles Pkwy SW the zoning is a mix of RM-2 (Residential Medium Density), I-1 (Light Industrial) and AG (Agricultural). There are several single-family houses in the residential zoned area and a contractors office and auto repair shop in the I-1 district.

The proposed trucking terminal building measures 668 feet long and 80 feet wide and will have 102 truck door docks. The truck traffic for the site will be served by two interior streets in the Grounds of Concord and then access onto the northbound lane of George W. Liles Pkwy SW.

No loading areas will be visible from residential properties or from George W. Liles Pkwy SW. The site sits approximately 20 feet below George W. Liles Pkwy SW and there will be a berm with evergreen planting to provide complete visual screening of the loading areas. An additional planting area has been added to the site in the NW corner to maintain this screening in the event the adjacent parcel to the north is developed in the future. No vehicle maintenance is proposed at this facility, and there will be no outdoor storage of goods.

The site plan, landscape plan, and building elevations and other documents have been reviewed by the Development Review Committee and meet the standards of the Concord Development Ordinance (CDO). As such, if approved, the site plan will be subject to technical site plan approval.

#### **EXHIBITS**

- A. Application
- B. Site Plan
- C. Landscape Plan
- D. Elevations

#### **PROPOSED FINDINGS OF FACT**

1. The subject property is located at 2900 New Town Way SW
2. The property is owned by Bootsmead Leasco, LLC.
3. The request is for a trucking terminal.
4. The subject property is zoned I-2 (General Industrial).
5. The property consists of 78.05 +/- acres, but the Special Use Permit is for +/- 39.30 acres to develop the trucking terminal.
6. The adopted Land Use Plan designates the property as Industrial/Employment.  
The submitted site plan and supplemental materials meet the requirements of the Concord Development Ordinance.

#### **APPROVAL CRITERIA (Conclusions of Law)**

In accordance with CDO Article 6.2, the Commission shall permit only those uses that are part of the special use permit. The following criteria shall be issued by the Commission as the basis for review and approval of the project:

**1) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.**

The ODFL Concord project will be designed and constructed in accordance with all applicable ordinances and regulations. Special attention has been given to life-safety design elements and the project will not be detrimental to public health, safety and general welfare in operation, maintenance and establishment in perpetuity.

**2) The proposed conditional use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on the site.**

The ODFL Concord project is industrial/commercial in nature and the property and surrounding properties are zoned as such. The proposed building will be similar to nearby structures in size, height, style and will meet or in most cases exceed neighboring sites in screening and quality of architectural design.

**3) Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.**

The ODFL Concord facility is not a relatively significant traffic volume producer and the trips are spread-out throughout the day/night and therefore will not be detrimental to traffic/congestion. The driveways are designed in accordance with all driveway separation, radius, width and throat requirements. The site is located at the end of a new road extension further reducing impact.

**4) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.**

The ODFL Concord project will adhere to all applicable requirements in both construction and operation. No real vibration, odor, dust, smoke or gas will be emitted from the site. Any noise created by tractor trailers operating at the facility will be greatly mitigated by surrounding berms and other screening elements.

**5) The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.**

The ODFL Concord project will not impede surrounding development in the industrial zoning district. In fact, this project will directly facilitate the orderly development and improvement of surrounding via the extension of New Town Way SW and utilities which future developments will be able to connect to.

**6) Compliance with any other applicable Sections of this Ordinance.**

Based upon the submitted materials the proposed use and associated site plan comply with the City's ordinances and other governing laws.








**RECOMMENDATION AND SUGGESTED CONDITIONS**

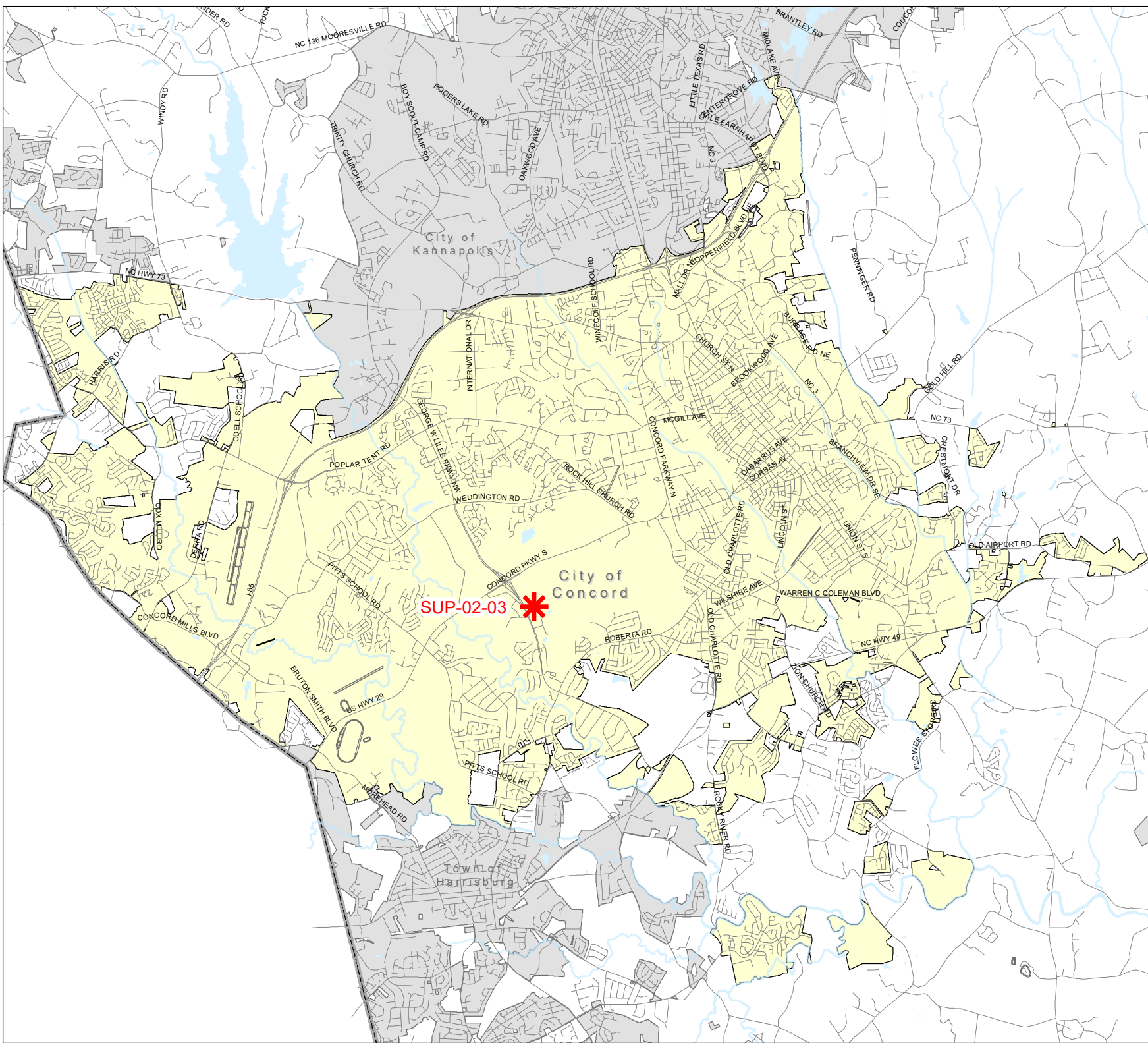
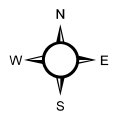
If the Commission votes to approve the special use permit, staff recommends the Commission consider adopting with the following conditions:

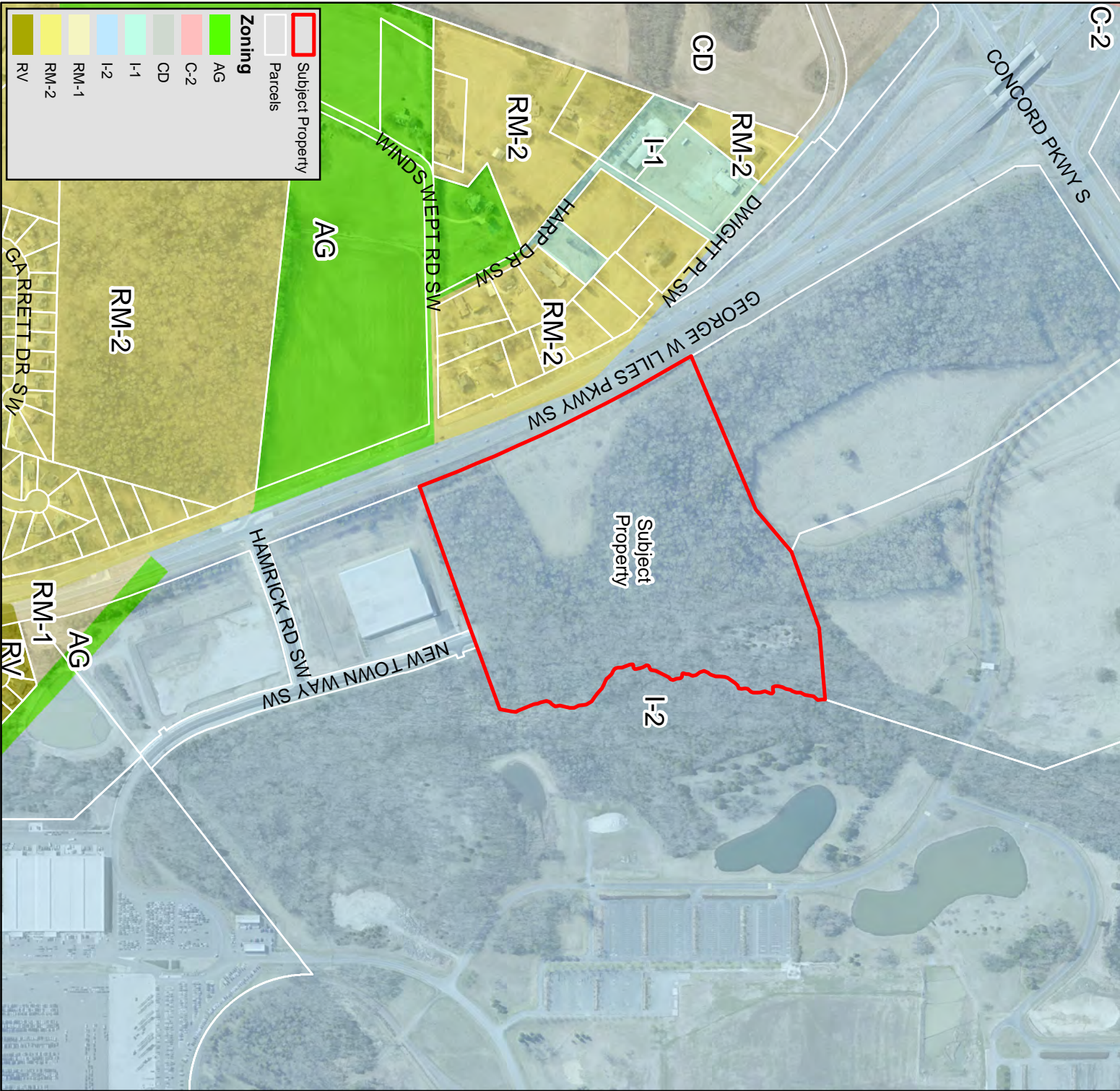
- 1) Compliance with the submitted elevations "ODFL Concord, NC Exterior Elevations" (2 sheets) dated 07/10/23.
- 2) Compliance with the Site Plan C4.0 dated 7/10/23.
- 3) As noted on Landscape Plan, sheet L.10 dated 7/10/23, supplemental evergreen plantings will be added to the northwest corner of the site to ensure visual screening of the loading dock doors in the event that existing trees are removed from the neighboring site with future development.
- 4) All loading docks and bay doors must be screened and should not be visible from George W. Lyles Pkwy.
- 5) Technical site review and approval shall be required.
- 6) The project shall comply with all State and Federally mandated standards such as stormwater requirements, floodplain protection requirements, Building Code, minimum Fire Code requirements, North Carolina Department of Transportation (NCDOT) or City of Concord minimum safety standards.

SUP-02-23

2900 New Town Way SW

-  Case Location
-  Streets
-  Lakes & Ponds
-  Rivers
-  Cabarrus Co.
-  City of Concord
-  Other Municipalities





**Zoning**

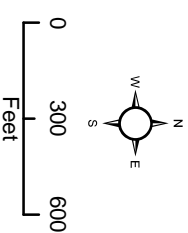
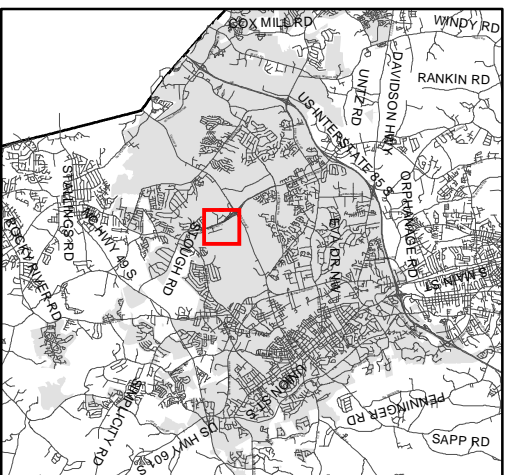
- AG
- RM-2
- I-1
- I-2
- CD
- C-2
- RV

**Subject Property**

- Subject Property
- Parcels

**SUP-02-23**  
**ZONING**  
 Special Use Permit  
 Application  
 Old Dominion Freight Lines  
 Trucking Terminal in an  
 I-2 (General Industrial)  
 Zoning District

2900 New Town Way SW  
 PIN: 5519-07-9329 (part of)



Mixed-Use Activity Center

CONCORD PKWYS

Industrial-Employment

Subject Property

Suburban Neighborhood

Rural

Suburban Neighborhood

**Legend**

- Subject Property
- Parcels

**Land Use Plan**

- Suburban Neighborhood
- Urban Neighborhood
- Mixed-Use Activity Center
- Industrial-Employment
- Rural

DWIGHT PL SW

GEORGE W LILES PKWY SW

HARP DR SW

WINDSWEPT RD SW

NEW TOWN WAY SW

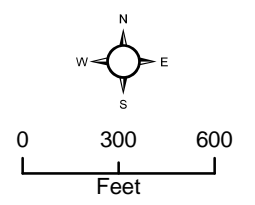
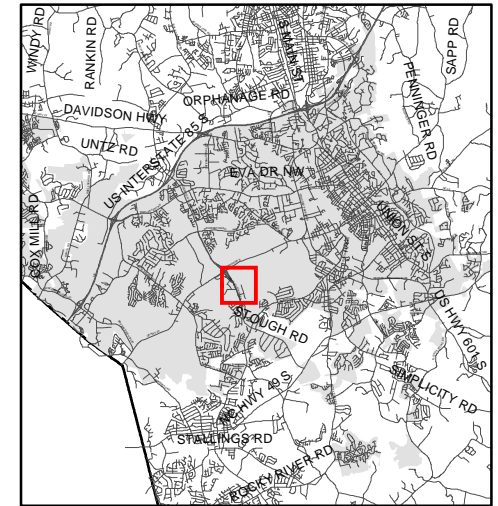
HAMRICK RD SW

GARRETT DR SW

### SUP-02-23 LAND USE PLAN

### Special Use Permit Application Old Dominion Freight Lines Trucking Terminal in an I-2 (General Industrial) Zoning District

2900 New Town Way SW  
PIN: 5519-07-9329 (part of)

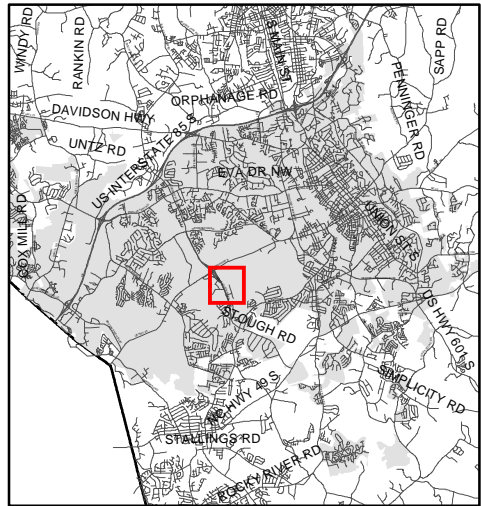






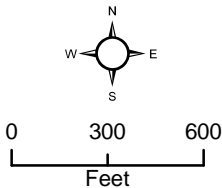
**SUP-02-23  
AERIAL**

**Special Use Permit  
Application  
Old Dominion Freight Lines  
Trucking Terminal in an  
I-2 (General Industrial)  
Zoning District**

2900 New Town Way SW  
PIN: 5519-07-9329 (part of)



 Subject Property  
 Parcels



Required Attachments/ Submittals:

- 1. Typed metes and bounds description of the property (or portion of property) in a Word document.
  
- 2. Cabarrus County Land Records printout of names and addresses of all immediately adjacent landowners, including any directly across the street.
  
- 3. A site plan drawn to scale (conditional district plan), and elevations if applicable (submitted digitally).
  
- 4. Money Received by \_\_\_\_\_ Date: \_\_\_\_\_  
Check # 4190 Amount: \$ 600.00 Cash: \_\_\_\_\_

*The application fee is nonrefundable.*





Date 5/17/23

APPLICANT NAME: Alex C. Horner, PE COMPANY NAME: Hoyt + Berenyi, LLC

APPLICANT ADDRESS: 346 Seacoast Parkway, Suite 200

CITY: Mount Pleasant STATE SC ZIP 29464

PHONE NUMBER OF APPLICANT: 828-989-2672

OWNER OF PROPERTY (if different from applicant) Bootsmead Leasco, LLC

OWNER ADDRESS: 1717 S Boulder Ave, Suite 400 CITY Tulsa STATE OK ZIP 74119

PROJECT ADDRESS (if an address exist): #TBD New Town Way SW, Concord, NC

P.I.N.: Portion of 5519-78-10620000

Area of Subject Property (in acres, or square feet): 39.3018 acres

Lot Width: ~1305' Lot Depth: Varies

Current Zoning Classification: I-2

Existing Land Use: Vacant

Description of Use Requested:

ODFL 102 Door trucking terminal with associated parking and utilities to serve the facility.

**Certification**

I hereby acknowledge and say that the information contained herein and herewith is true, and this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the Development Services Department.

Date: 5/17/23

Applicant Signature: Alexander C. Horner

Digitally signed by Alexander C. Horner  
DN: C=US, E=ahorner@hoytberenyi.com,  
CN=Alexander C. Horner  
Date: 2023.05.18 12:11:01-04'00'

Date: \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_

### General Requirements

The Concord Development Ordinance (CDO) imposes the following general requirements. Under each requirement, the applicant should explain, with reference to the attached plans (when applicable) how the proposed use satisfies these requirements.

- (a) The Planning and Zoning Commission must find that “the establishment, maintenance, or operation of the proposed use shall not be detrimental to, or endanger, the public health, safety or general welfare.”  
The ODFL Concord project will be designed and constructed in accordance with all applicable ordinances and regulations.  
Special attention has been given to life-safety design elements and the project will be an improvement to public health, safety and general welfare in operation, maintenance and establishment in perpetuity.
- (b) The Planning and Zoning Commission must find that the proposed use “conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures, and the type and extent of landscaping and screening on the site.”  
The ODFL Concord project is Industrial/commercial in nature and the property and surrounding properties are zoned as such. The proposed building will be similar to nearby structures in size, height, style and will meet or in most cases exceed neighboring sites in screening and quality of architectural design.
- (c) The Planning and Zoning Commission must find that the proposed use “provides ingress and egress so designed as to minimize traffic hazards and to minimize congestion on the public roads.”  
The ODFL Concord facility is not a relatively significant traffic volume producer and the trips are spread-out throughout the day/night and therefore will not be detrimental to traffic/congestion. The driveways are designed in accordance with all driveway separation, radius, width and throat requirements. The site is located at the end of a new road extension further reducing impact.
- (d) The Planning and Zoning Commission must find that the proposed use “shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.”  
The ODFL Concord project will adhere to all applicable requirements in both construction and operation. No real vibration, odor, dust, smoke or gas will be emitted from the site. Any noise created by tractor trailers operating at the facility will be greatly mitigated by surrounding berms and other screening elements.
- (e) The Planning and Zoning Commission must find that “the establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.”  
The ODFL Concord project will not impede surrounding development in the Industrial Zoning district. In fact, this project will directly facilitate the orderly development and improvement of surrounding via the extension of New Town Way SW and utilities which future developments will be able to connect to.

### Specific Requirements

The Concord Development Ordinance also imposes SPECIFIC REQUIREMENTS on the proposed use(s) requested by the applicant. The applicant should be prepared to demonstrate that, if the land is used in a manner consistent with the plans, specifications, and other information presented to the Planning and Zoning Commission, the proposed use(s) will comply with specific requirements concerning the following:

- (1) Nature of use(s) (type, number of units, and/or area):  
The ODFL Concord project is Industrial/commercial in nature and the property and surrounding properties are zoned as such. The singular proposed building and other improvements adhere to all applicable area, coverage, type requirements.
- (2) Accessory uses (if any):  
The ODFL Concord project is a singular use - trucking terminal serving a less-than-truckload carrier.
- (3) Setback provisions:  
All required setbacks including building, wetland, stream, parking, front and street setbacks are met or exceeded .
- (4) Height provisions:

All height requirements will be met. The building will be less than 30 feet high.

(5) Off-street parking and loading provisions:

Off-street parking requirement of 1 per employee + 1 per company vehicle at peak shift is met and exceeded. The design has gone to great lengths to ensure the loading docks are not visible from a thoroughfare or collector street right-of-way.

(6) Sign provisions:

The proposed monument sign will adhere to all sign standards as described in Article 12.

(7) Provisions for screening, landscaping and buffering:

The design for site was largely modified to ensure berms around the perimeter of the site could be created to screen loading doors from the right-of-way. Landscaping and buffering standards including street yard, parking lot yard & island plantings will be met.

(8) Provisions for vehicular circulation and access to streets:

Ingress and egress to the site has been designed in accordance with all applicable requirements. Tractor-trailers and emergency vehicles can safely and easily navigate the site. Circulation through the truck yard and employee parking area allows two-way circulation. The primary tractor-trailer movement is a counterclockwise path around the yard and the site is designed as such.

(9) Adequate and safe design for grades, paved curbs and gutters, drainage systems, and treatment or turf to handle storm water, prevent erosion, and subdue dust:

The grading and drainage design meets all applicable requirements to facilitate adequate drainage for pervious and impervious surfaces. No slopes exceed 3:1 and the minimum slopes are 1% and 0.5% for the site and storm pipes respectively.

(10) Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces, facilities for waste disposal, and illumination:

Pedestrian path from employee parking area is designed to minimize crossing through the truck yard and is ADA compliant. Roadways, driveways, parking and loading designed in accordance with all applicable requirements. Trash compactor with private haul-off is proposed. Photometric plan will be provided with site lighting design to ensure no impact off property.

(11) An adequate amount, and safe location of, play areas for children and other recreational uses, according to the concentration of residential occupancy:

Not applicable as this is not a residential area..

(12) Fences, walls, or year-round screen planting abutting residential districts, to protect residences from parking lot illumination, headlights, fumes, heat, blowing papers, and dust (to reduce the visual encroachment on privacy and residents):

Not applicable as this is not a residential area..

(13) Open space (including flood hazard area):

Not applicable as this is not a residential area..

(14) Improvements within the common open space:

Open Space Not Applicable per Table 10.5.13.

(15) Parking Areas:

Parking areas adhere to all specific requirements.

(16) Sidewalks, trails and bikeways:

Sidewalks adhere to all specific requirements. Trails and bikeways are not proposed as part of this project.

(17) Lighting and utilities:

Lighting and utilities will adhere to all specific requirements.

(18) Site furnishings:

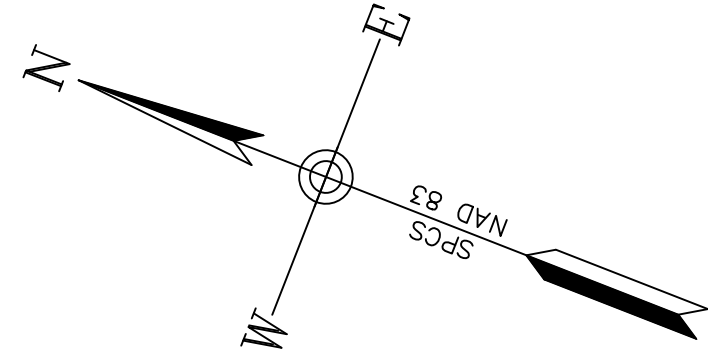
Site furnishings will adhere to all specific requirements.

(19) Adequate fire, police, water and sewer services:

Site will adhere to all emergency service access and circulation requirements. Water and sewer requirements will also be met.

(20) Other requirements as may be requested by the applicant or specified by the City Council for protection of the public health, safety, welfare and convenience:

Site will adhere to any and all reasonably requested requirements. Overall, this project will be an improvement to the community by bringing many well-paying jobs and providing a development that meets and exceeds all applicable requirements and matches the character of neighboring sites.



10' VEGETATED STREAM BUFFER  
MB. 89, PG. 4

**ODFL SITE DATA SUMMARY:**

- LAND SIZE AS A WHOLE: 38.302 ACRES
- DEVELOPED ACRES: ~20 ACRES (871,200 SF)
- PAVED AREA TOTAL: 10.8 ACRES (470,448 SF)
- CONCRETE: 4.9 ACRES
- HEAVY DUTY ASPHALT: 5.1 ACRES
- LIGHT DUTY: 0.8 ACRES
- PARKING: 102 SPACES
- DOCK DOORS: 149 TRAILER SPACES (34 PUPS)
- VAN PARKING SPACES: 37 SPACES
- TRACTOR SPACES: 105 SPACES (INCLUDING 5 ADA SPACES)
- EMPLOYEE SPACES: 105 SPACES (INCLUDING 5 ADA SPACES)

30' UNDISTURBED STREAM BUFFER  
MB. 89, PG. 4

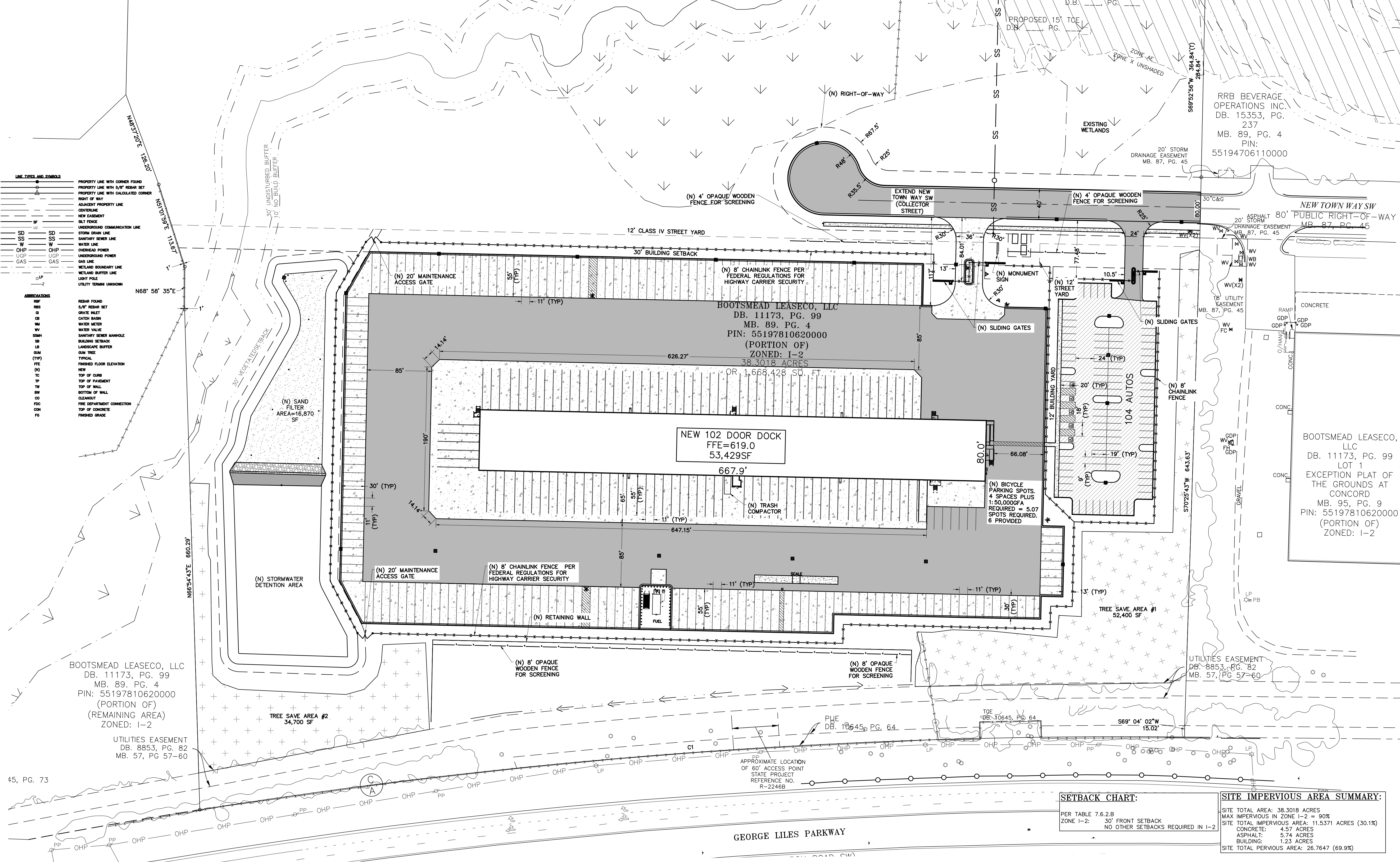
**LINE TYPES AND SYMBOLS**

---	PROPERTY LINE WITH CORNER FOUND
- - -	PROPERTY LINE WITH 5/8" REMARK SET
- . - .	PROPERTY LINE WITH CALCULATED CORNER
- - - -	RIGHT OF WAY
- - - -	ADJACENT PROPERTY LINE
- - - -	CENTERLINE
- - - -	NEW EXISTENT
- - - -	SILT FENCE
- - - -	UNDERGROUND COMMUNICATION LINE
- - - -	STORM DRAIN LINE
- - - -	SANITARY SEWER LINE
- - - -	WATER LINE
- - - -	OVERHEAD POWER
- - - -	UNDERGROUND POWER
- - - -	GAS LINE
- - - -	WETLAND BOUNDARY LINE
- - - -	WETLAND BUFFER LINE
- - - -	LIGHT POLE
- - - -	UTILITY TOWER UNKNOWN

**ABBREVIATIONS**

RF	REBAR FOUND
RS	5/8" REMARK SET
G	GRATE INLET
CB	CATCH BASIN
WM	WATER METER
WV	WATER VALVE
SSM	SANITARY SEWER MANHOLE
SB	BUILDING SETBACK
LB	LANDSCAPE BUFFER
QSM	QUIN TREE
QSM (TYP)	TYPICAL
FFE	FINISHED FLOOR ELEVATION
NEW	NEW
TO	TOP OF CURB
TP	TOP OF PAVEMENT
TM	TOP OF WALL
BTM	BOTTOM OF WALL
CO	CLEANOUT
FC	FIRE DEPARTMENT CONNECTION
CC	TOP OF CONCRETE
FG	FINISHED GRADE



BOOTSMEAD LEASECO, LLC  
DB. 11173, PG. 99  
MB. 89, PG. 4  
PIN: 55197810620000  
(PORTION OF)  
(REMAINING AREA)  
ZONED: I-2

UTILITIES EASEMENT  
DB. 8853, PG. 82  
MB. 57, PG 57-60

TREE SAVE AREA #2  
34,700 SF

NEW 102 DOOR DOCK  
FFE=619.0  
53,429SF  
667.9'

BOOTSMEAD LEASECO, LLC  
DB. 11173, PG. 99  
MB. 89, PG. 4  
PIN: 55197810620000  
(PORTION OF)  
ZONED: I-2  
38.3018 ACRES  
OR 1,668,428 SQ. FT.

BOOTSMEAD LEASECO, LLC  
DB. 11173, PG. 99  
LOT 1  
EXCEPTION PLAT OF  
THE GROUNDS AT  
CONCORD  
MB. 95, PG. 9  
PIN: 55197810620000  
(PORTION OF)  
ZONED: I-2

**SETBACK CHART:**

PER TABLE 7.6.2.B  
ZONE I-2: 30' FRONT SETBACK  
NO OTHER SETBACKS REQUIRED IN I-2

**SITE IMPERVIOUS AREA SUMMARY:**

SITE TOTAL AREA: 38.3018 ACRES  
MAX IMPERVIOUS IN ZONE I-2 = 90%  
SITE TOTAL IMPERVIOUS AREA: 11.5371 ACRES (30.1%)  
CONCRETE: 4.57 ACRES  
ASPHALT: 5.74 ACRES  
BUILDING: 1.23 ACRES  
SITE TOTAL PERVIOUS AREA: 26.7647 (69.9%)



Hoyt+Berenyi, PLLC  
346 Seacoast Pkwy, Ste 200  
Mt. Pleasant, SC 29464  
PPLC License# P-2360

ODFL Concord  
PIN: 55197810620000  
2900 New Town Way SW  
City of Concord, NC 28027

REV	DATE	DESCRIPTION
C	7/10/23	REVISED PER CITY OF CONCORD SUP CONDITIONS OF APPROVAL
B	7/10/23	REVISED PER CITY OF CONCORD SUP COMMENTS
A	7/10/23	REVISED PER CITY OF CONCORD COMMENTS

DRAWN BY: Alex C. Horner, P.E.

CHECKED BY: Kyle M. Hoyt, P.E.

DATE: May 19, 2023

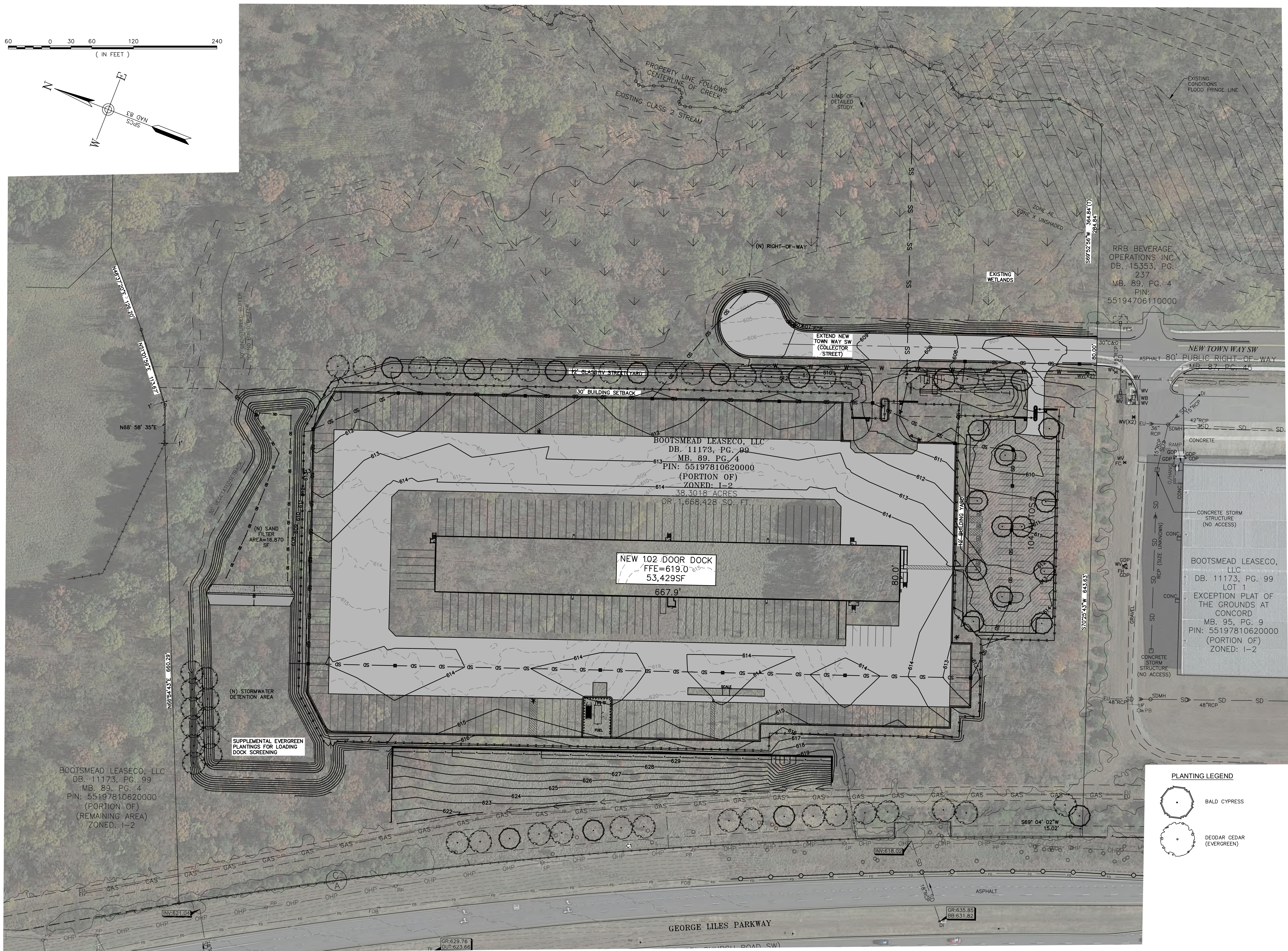
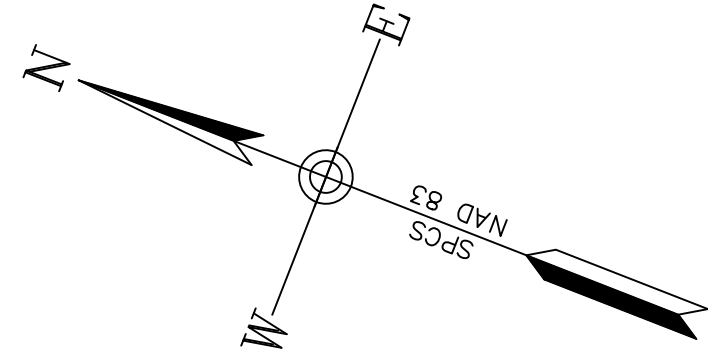
PROJECT #: 21-006

SCALE: 1" = 60'

SHEET TITLE: Site Plan

SHEET NUMBER:

**C4.0**



**PLANTING LEGEND**

	BALD CYPRESS
	DECODAR CEDAR (EVERGREEN)

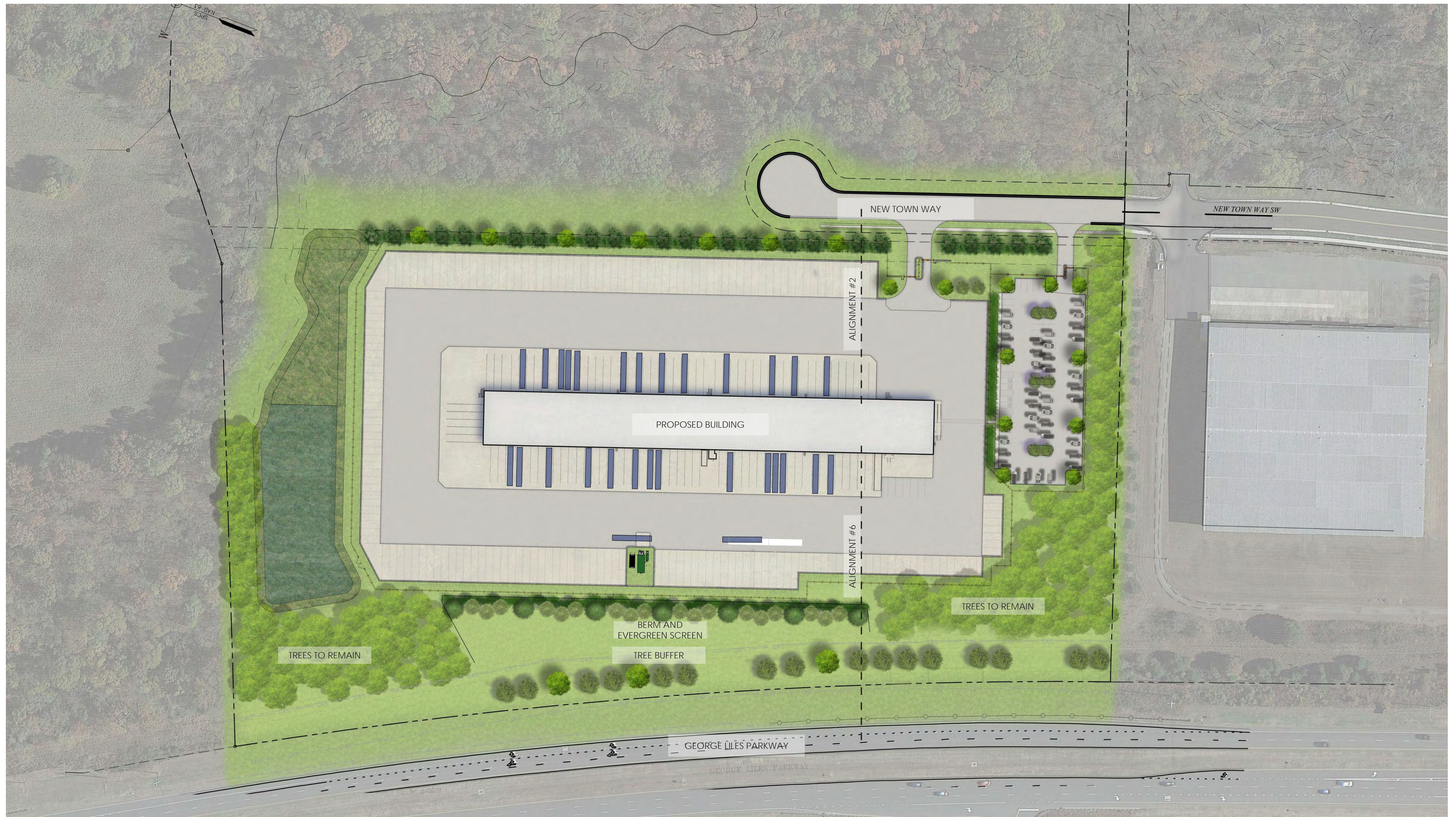


Hoyt+Berenyi, PLLC  
 346 Seacoast Pkwy, Ste 200  
 Mt. Pleasant, SC 29464  
 PPLC License# P-2360

**ODFL Concord**  
 PIN: 55197810620000  
 2900 New Town Way SW  
 City of Concord, NC 28027

REV	DATE	DESCRIPTION	ACH	BY
C	7/10/23	REVISED PER CITY OF CONCORD SUP CONDITIONS OF APPROVAL	ACH	
B	7/10/23	REVISED PER CITY OF CONCORD SUP COMMENTS	ACH	
A	7/10/23	REVISED PER CITY OF CONCORD COMMENTS	ACH	

DRAWN BY: Alex C. Horner, P.E.  
 CHECKED BY: Kyle M. Hoyt, P.E.  
 DATE: May 19, 2023  
 PROJECT #: 21-006  
 SCALE: 1" = 60'  
 SHEET TITLE: **Landscape Plan**  
 SHEET NUMBER: **L1.0**

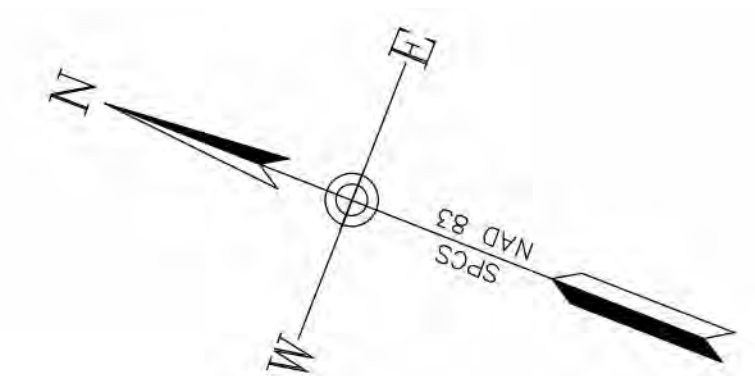


OLD DOMINION FREIGHT LINE

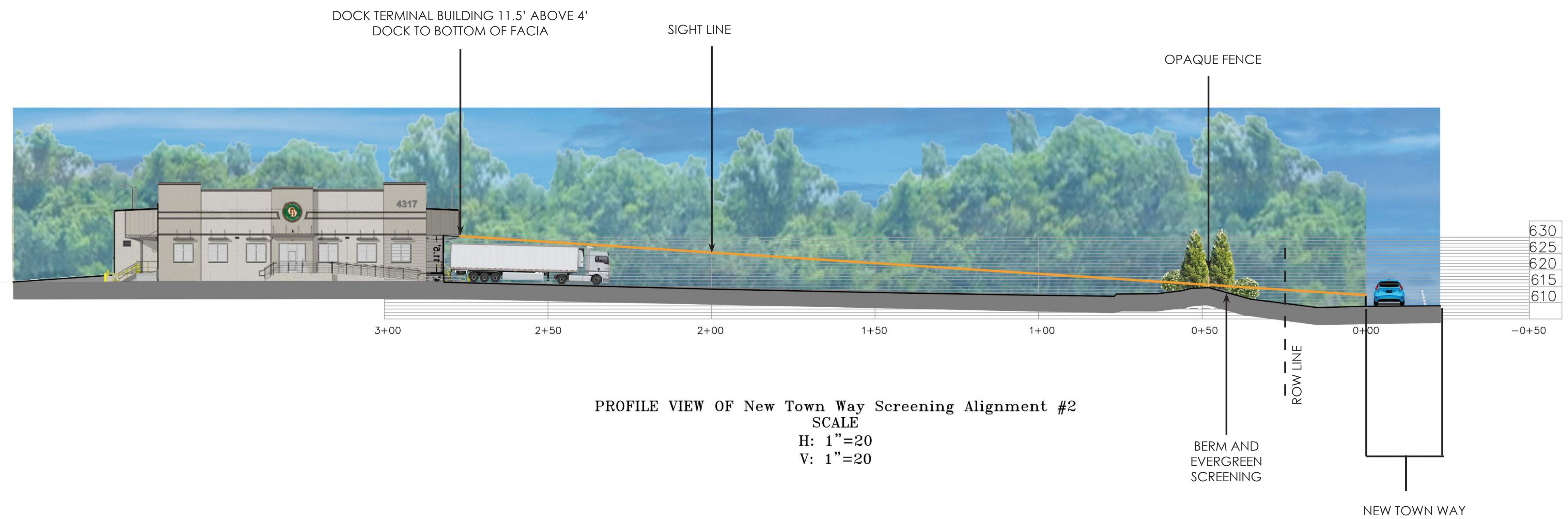
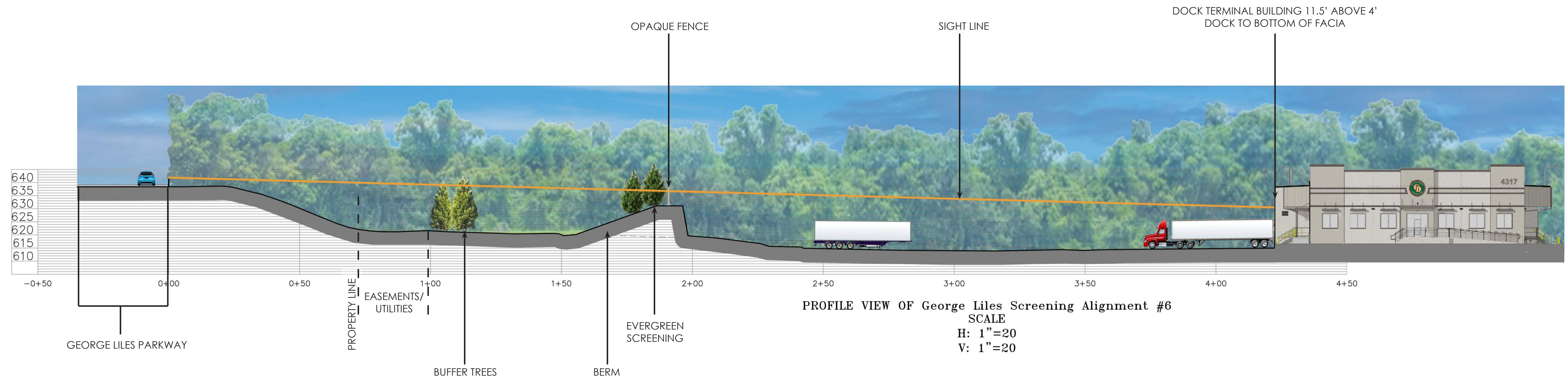


CONCORD, NC | JULY 10, 2023

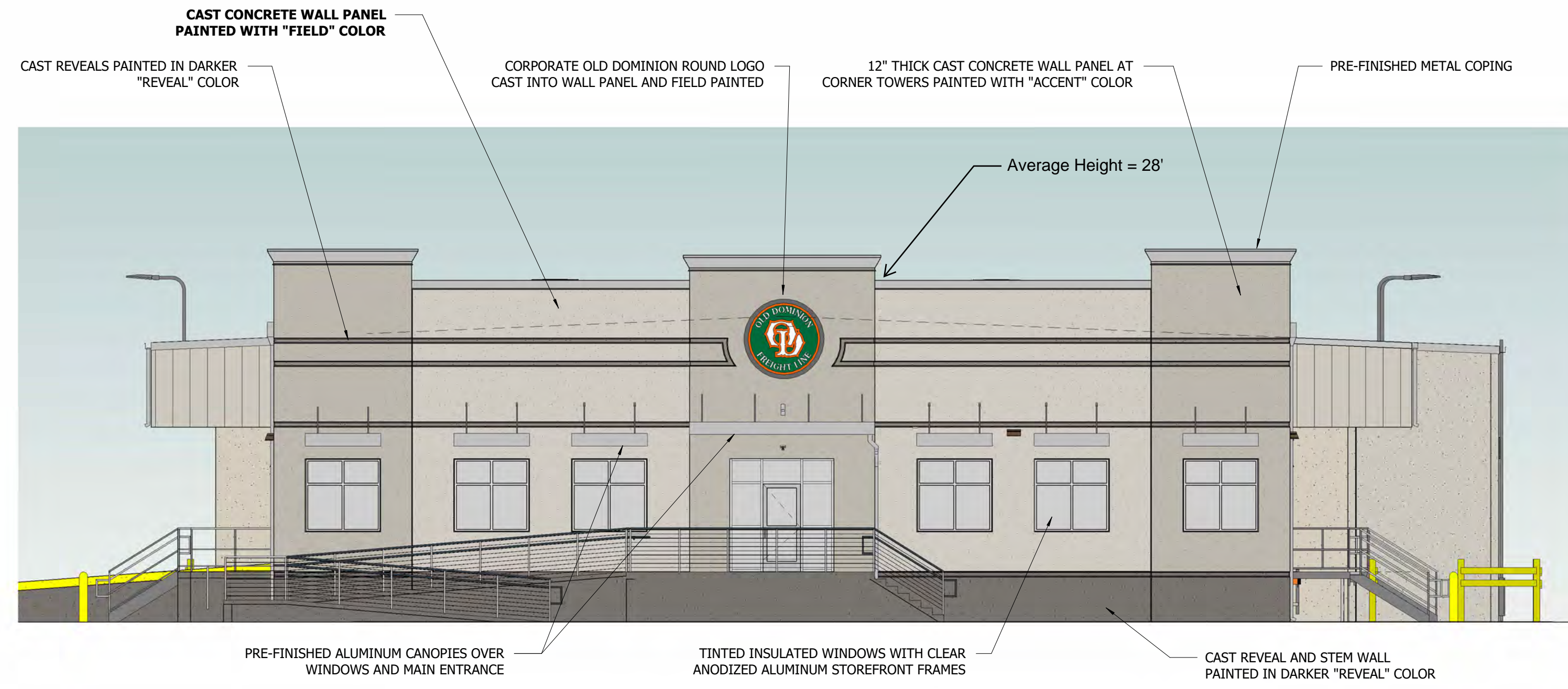
Plan



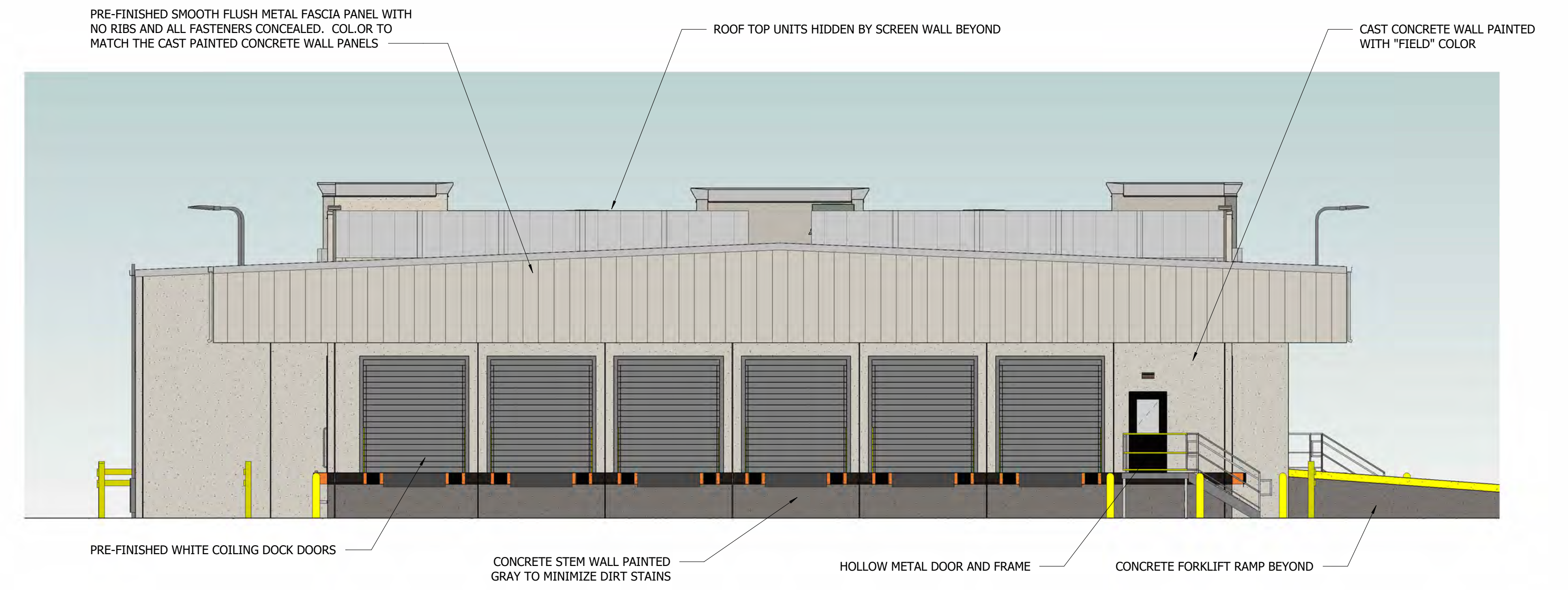
REMARK







3 SOUTH ELEVATION  
1/8" = 1'-0"



2 NORTH ELEVATION  
1/8" = 1'-0"

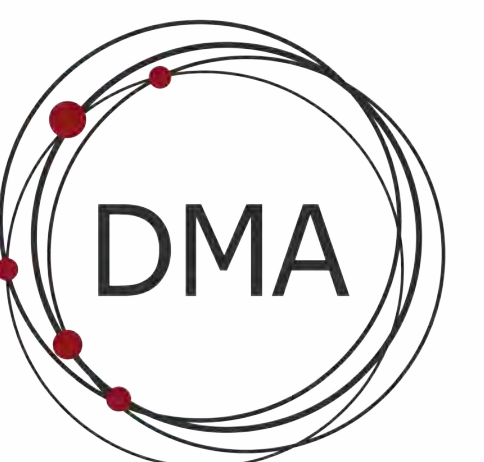


1 PERSPECTIVE VIEW

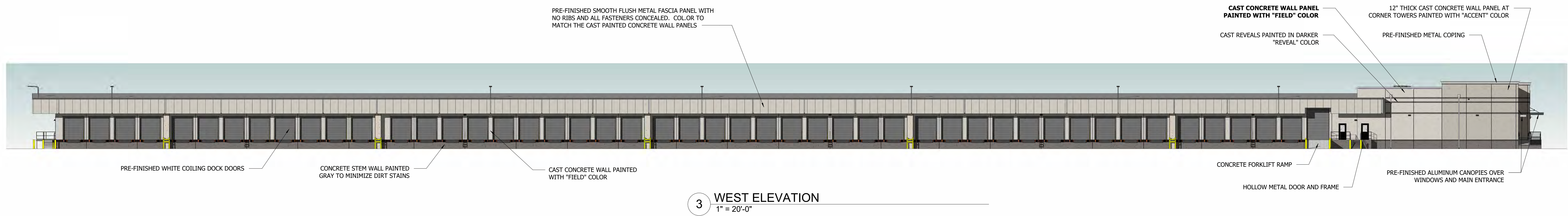


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EXTERIOR ELEVATIONS

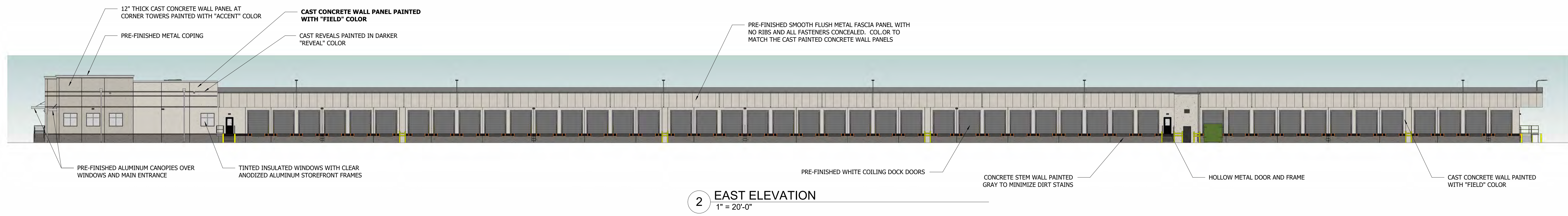
30 x 42 = 1/8" = 1'-0"  
11 x 17 = NO SCALE  
07/10/23



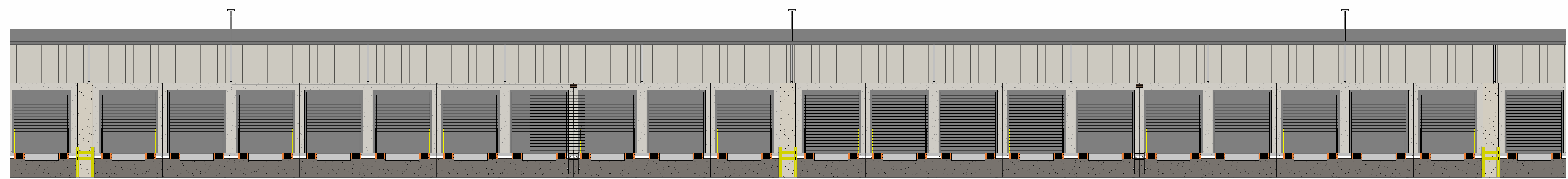
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49 Music Square W-Suite 600  
Nashville, Tennessee 37203  
615.296.9146  
www.theMDGlc.com



3 WEST ELEVATION  
1" = 20'-0"



2 EAST ELEVATION  
1" = 20'-0"

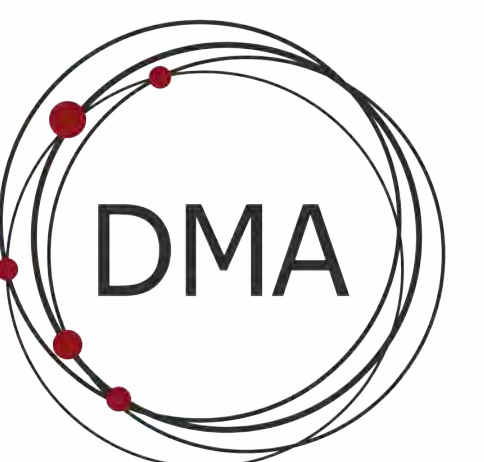


1 TYPICAL SIDE ELEVATION  
1/8" = 1'-0"



ODFL CONCORD, NC  
EXTERIOR ELEVATIONS

30 x 42 = As Indicated  
11 x 17 = NO SCALE  
07/10/2023



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