



**DATE:** April 18, 2023

**SUBJECT:** Special Use Permit for Warehousing/Distribution

**CASE:** SUP-07-21

**ACCELA:** CN-SUP-2021-00011

**APPLICANT:** Tyler Jones, Robinson Weeks Partners

**LOCATION:** 4208 Davidson Highway

**PIN#s:** 5601-88-8181, 87-9077, 7425 (part of)

**AREA:** 49.85 +/- Acres

**EXISTING LAND USE:** Vacant Land

**EXISTING ZONING:** I-1(CD) (Light Industrial-Conditional District)

**REPORT PREPARED BY:** Kevin E. Ashley, AICP Deputy Planning Director

**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 two (2) parcels, and a portion of a third, comprising approximately 49.85 acres located at 4208 Davidson Highway. The property is currently vacant land.

The subject property was annexed into the City on June 30, 1992 as part of a City initiated annexation. After annexation, the property was administratively zoned a combination of Residential Medium and High Density (R-3 and R-4). After the adoption of the Concord Development Ordinance in 2000, the R-3 and R-4 zonings became RC and RV zoning, which is their functional equivalent. A portion of the property was rezoned to Conditional Use Light Industrial (CUI-1) at some point after 1995, however the staff could not locate background information on that zoning case.

On August 21, 2007, a rezoning request from CUI-1 (Light Industrial Conditional Use), RV (Residential Village) and RC (Residential Compact) to Mixed Use – Commercial Center Large (MX-CC2) was approved by the Planning and Zoning Commission (Case Z(CD)-33-07). The approved plan proposed a mixed-use development comprised of approximately 250,000 square feet of office and 250,000 square feet of commercial uses. Due to the economic climate following the approval of the 2007 rezoning to MX-CC2, the proposed development was never constructed.

In 2021, the petitioners filed a zoning amendment application to rezone the property from MX-CC2 to Light Industrial Conditional District (I-1(CD)). The zoning petition (Z(CD)-07-21) was denied by the Planning and Zoning Commission on April 19, 2022 and as a result of the denial, the petition was automatically forwarded to City Council for final decision. The petitioner undertook a noise assessment, and after several continuances with the applicants working with the neighbors on site plan conditions to mitigate sound issues, Council approved the petition on October 13, 2022. These conditions included the addition of landscaping and solid fencing adjacent to the Cambridge Commons subdivision. The approved conditional district zoning permits manufacturing and other industrial uses by right, but acknowledges that a Special Use Permit is required to establish warehousing/distribution on the site. Note that the rezoning also included a five (5) acre parcel of Commercial General (C-2) zoning to the west which is not part of this petition. The 2030 Land Use Plan designates the subject property as “Industrial/Employment.”

Properties to the south include single family detached dwellings and townhomes which are zoned RV, RC-CU and PUD. Conventional C-2 zoning is also present on the south side of NC 73 along with C-2(CD) property. This C-2(CD) petition was recently modified to allow automobile repair as well as other C-2 uses. (Z(CD)-14-22.) Land to the east is single family detached (Cambridge Commons), and Interstate 85 lies to the north, with the City of Kannapolis corporate limits on the north side. Land to the west is zoned C-2 and consists of undeveloped land and a combination Shell convenience store and McDonalds. The signalized intersection for the International Business Park is located to the southwest.

The petitioner has applied for approval of a Special Use Permit to allow a product distribution facility on the subject site. In addition to the application, the petitioner has submitted a two-page site plan (which is identical to the version approved by City Council) and a narrative to support the application.

As depicted on the submitted site plan, (Exhibit A) two (2) Industrial Buildings, Building A (+/- 178,500 sq. ft.) and Building B (+/- 240,500 sq. ft.), associated parking, loading areas, two (2) amenity areas, and landscape buffers are proposed for the I-1-CD portion of the project. Building A’s principal access is proposed from a right-of-way to the west (Rhylma Place), and Building B’s access is proposed from a direct full-access connection to NC 73. The two building sites are proposed to be connected via an emergency drive that involves a stream crossing. The site has significant topography which will result in the front building (Building “B”) sitting approximately 15-20’ below the elevation of Hwy 73, as well as the single-family neighborhood to the east (Cambridge Commons). Therefore,

parking areas and internal roads will be less visible, and noise as well as ambient light may be lessened by the lower elevation. The second building at the back of the site (Building "A"), will sit at a higher elevation, with more visibility from I-85 than Hwy 73. The building is oriented toward the northwest portion of the site, further from the adjacent residential uses. A stream with undisturbed buffers provides additional buffering and separation from the front of the site along Hwy 73.

The proposed development includes a 100-foot-wide type D buffer along the eastern boundary, adjacent to the Cambridge Commons subdivision. Note that this buffer was a condition of zoning approval, and exceeds the standard type D buffer, which is 50 feet wide. The developer's intent is to preserve existing vegetation to the greatest extent possible. The petitioner, during the zoning process, consented to engage the services of a professional arborist to prepare a tree report to identify trees within the buffer for preservation. This report will be presented to the City Arborist for review and approval relative to the removal of dead and dying trees. Additionally, the developer is committing to install a 12-foot tall wooden screen fence along the access drive on the eastern portion of the property and to supplement that screen with green giant arborvitae, planted on the east side, at a rate of 8 trees per 100 feet, or at a rate determined by the City Arborist.

In addition to the standard parking lot and street yard requirements along Hwy 73, a 4' tall black powder-coated aluminum decorative fence with evergreen shrubs planted 5' O.C. on the street-side of the fence will be installed between the street yard and parking lot yard. Two (2) employee amenity areas are depicted on the plans, which include, at a minimum, benches and picnic tables. Maximum impervious area for I-1 zoning is 80%, while the proposed impervious area for this development is shown as 42.8%, almost half of what is allowable.

The petitioners committed to architectural elevations during the rezoning process, and those elevations will be applicable to this project. These structures meet the minimum requirements of the CDO, and the structures will be a maximum of 50 feet in height.

A Traffic Impact Analysis (TIA) was developed and approved for the project during the zoning process. Improvements identified during the zoning process include:

- Construct a southbound right-turn lane with 150 feet of storage on Rhyllma Place/International Drive.
- Construct/stripe the southbound approach of Westgate Circle to contain a single ingress lane, a single egress lane, stop control and a 100-foot internally protected stem. Construct a westbound right-turn lane with 100 feet of storage.

The site plan, landscape plan, and building elevations and other documents have been reviewed by the Development Review Committee and either meet or exceed the minimum standards of the Concord Development Ordinance (CDO), with the approval of conditions. As such, if approved, the site plan will be subject to technical site plan approval, and subject to the allocation of sanitary sewer by City Council.

**Please note:** *The draft “Conclusions of Law” listed below may be modified/added to by the Planning and Zoning Commission based on evidence presented during the course of the public hearing. Since the request is quasi-judicial, staff’s draft “Conclusions of Law” are based on general information included in the application submittal process and site/surrounding area observations. The burden of proof rests with the applicant in providing supporting information and facts.*

**PROPOSED FINDINGS OF FACT**

1. The subject property is located at 4208 Davidson Highway
2. The property is owned by AAC/Shoffner Development Limited Partnership, a NC Limited Partnership and Shoffner Development, LLC.
3. The request is for the development of a product distribution complex consisting of two structures totaling 419,000 square feet.
4. The subject property is zoned I-1(CD)(Light Industrial Conditional District) and the future land use designation is “Industrial/Employment”.
5. The property consists of 49.85 acres.
6. The adopted Land Use Plan designates the property as Industrial/Employment.
7. The submitted site plan (Exhibit A “Site Plan” sheets RZ-1 (dated 3/14/23) and RZ-2 (dated 11/04/22) and application with narrative.

**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. It should be noted that the burden of proof is with the applicant to provide evidence at the hearing as to compliance with the following criteria. The following criteria shall be issued by the Commission as the basis for review and approval of the project:

**1) 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 proposed use conforms to the adjacent industrial land uses and industrial zoning on the south side of NC 73 at International Business Park. The subject property is part of a larger area designated as “Industrial/Employment” by the 2030 Land Use Plan. Landscaping and screening for the site was included on the site plan for the conditional district zoning request and exceeds the minimum required in Article 11.

**2) 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.**

A Traffic Impact Analysis (TIA) was submitted to and approved by the City of Concord’s Transportation Department and NCDOT during the conditional district zoning process. The site has direct access to NC 73 as well as access to a signalized intersection at Rhylna Drive and has adequate ingress/egress for the proposed use. The approved TIA requires multiple onsite and offsite transportation improvements in order to accommodate existing traffic on NC 73.

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

The proposed use is not a manufacturing use and would not generate odor, dust, smoke or gas. A noise assessment was prepared as part of the conditional district zoning request, and enhanced buffering and screening is proposed to mitigate the noise impacts on the adjacent residential uses. The loading docks for the development will be located interior to the site and the main entrance drive serving Building A will be screened from the adjacent residential property with a 12' tall wooden fence and the planting of evergreen arborvitae.

**4) 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 subject property lies within an area designated as "Industrial/Employment" by the 2030 Land Use Plan. Additional screening and buffering measures are proposed on the site, and was as result of the approved conditional district rezoning petition.

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

The proposed use shall not be detrimental to or endanger the public health, safety, or general welfare. The site plan has been reviewed by all applicable City departments as well as NCDOT to ensure that site design standards have been met or exceeded. Development of the site will be required to adhere to all applicable City, state and federal regulations as it relates to design and operation.

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

Section 8.3.7.F specifies that product distribution centers and warehousing and storage of non-farm related products be located on streets that are classified as either arterials or thoroughfares, or that the development be located on a street which accesses an arterial or thoroughfare and that does not serve passenger vehicle traffic other than employees or customers of the development in which the proposed facility is located. Davidson Highway (NC 73) is functionally classified as a thoroughfare. Building B is proposed to have direct access to Davidson Highway. Building A has access via Rhylma Drive, which serves only traffic to the subject development and adjacent parcels.

**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 following documents for "Highway 73 Industrial" as presented to the Planning and Zoning Commission on April 18, 2023: Exhibit A "Site Plan" sheets RZ-1 (dated 3/14/23) and RZ-2 (dated 11/04/22) and Exhibit B, "An Ordinance Amending the Official Zoning Map of the City of Concord, North Carolina for Property Located at 4208 and 4515 Davidson Highway, Concord NC" (dated 10/11/22).
- 2) Technical Site Plan will be required in compliance with CDO.

- 3) All minimum Concord Development Ordinance and Technical Standards Manual regulations shall be met. No deviations from required standards are permitted as part of the Special Use Permit approval, except minor deviations as defined in Section 6.2.2.K of the CDO.



Application for  
Special Use Permit

Date October 18, 2021

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APPLICANT NAME: Tyler Jones COMPANY NAME: Robinson Weeks Partners

APPLICANT ADDRESS: 3350 Riverwood Parkway, Suite 700

CITY: Atlanta STATE: Georgia ZIP: 30339

PHONE NUMBER OF APPLICANT: 678-303-0167

OWNER OF PROPERTY (if different from applicant) See Exhibit A attached hereto

OWNER ADDRESS: See Exhibit A CITY See Exhibit A STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PROJECT ADDRESS (if an address exists): 4208 Davidson Highway

P.I.N.: 5601888181, 5601879077 and a portion of 5601877425

Area of Subject Property (in acres, or square feet): +/- 49.8510 acres

Lot Width: +/- 1,460 feet Lot Depth: +/- 1,400 feet

Current Zoning Classification: I-1(CD)

Existing Land Use: Vacant and residential

Description of Use Requested:

An office, warehouse, distribution and light industrial business park that would contain a maximum of 500,000 square feet of gross floor area.

**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: \_\_\_\_\_ Applicant Signature: See attached Signature Page

Date: \_\_\_\_\_ Property Owner Signature: See attached Signature Page





- (4) Height provisions:  
Will meet the Ordinance requirements.
- (5) Off-street parking and loading provisions:  
Will meet the requirements of the Ordinance. See the Site Plan.
- (6) Sign provisions:  
Will meet the requirements of the Ordinance. See the Site Plan.
- (7) Provisions for screening, landscaping and buffering:  
Will meet the requirements of the Ordinance. See the Site Plan.
- (8) Provisions for vehicular circulation and access to streets:  
Will meet the requirements of the Ordinance. See the Site Plan.
- (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:  
Will meet the requirements of the Ordinance. See the Site Plan.
- (10) Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces, facilities for waste disposal, and illumination:  
Will meet the requirements of the Ordinance. See the Site Plan.
- (11) An adequate amount, and safe location of, play areas for children and other recreational uses, according to the concentration of residential occupancy:  
N/A
- (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):  
Will meet the requirements of the Ordinance. See the Site Plan.
- (13) Open space (including flood hazard area):  
Will meet the requirements of the Ordinance. See the Site Plan.
- (14) Improvements within the common open space:  
Will meet the requirements of the Ordinance. See the Site Plan.
- (15) Parking Areas:  
Will meet the requirements of the Ordinance. See the Site Plan.
- (16) Sidewalks, trails and bikeways:  
Will meet the requirements of the Ordinance. See the Site Plan.
- (17) Lighting and utilities:  
Will meet the requirements of the Ordinance. See the Site Plan.

(18) Site furnishings:

Will meet the requirements of the Ordinance.

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

Will meet all requirements.

(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:

Will meet such requirements.

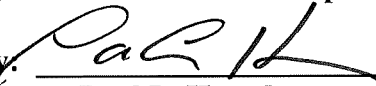
**Signatures of Property Owners to Application for Special Use Permit Filed by  
Robinson Weeks Partners**

**Parcel Identification Nos. 5601879077 and 5601877425**

**AAC/SHOFFNER DEVELOPMENT LIMITED PARTNERSHIP, a NC limited  
partnership**

**By: AAC Concord I Limited Partnership, its general partner**

**By: AAC Concord Development GP, LLC, its general partner**

By:   
**Name: Paul L. Herndon**  
**Title: Vice President**

**Date: September 14, 2021**

~~**Parcel Identification No. 5601888181**~~

~~**SHOFFNER DEVELOPMENT, LLC**~~

~~By: \_\_\_\_\_~~

~~Name: \_\_\_\_\_~~

~~Title: \_\_\_\_\_~~

~~Date: \_\_\_\_\_, 2021~~

**Signatures of Property Owners to Application for Special Use Permit Filed by  
Robinson Weeks Partners**

**Parcel Identification Nos. 5601879077 and 5601877425**

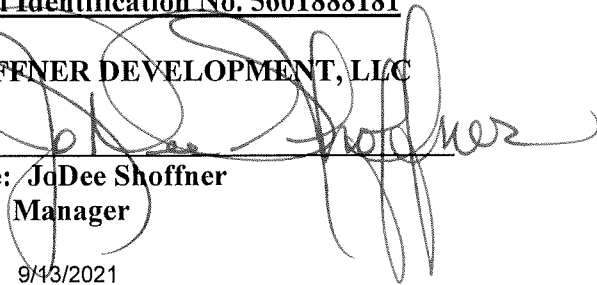
**AAC/SHOFFNER DEVELOPMENT LIMITED PARTNERSHIP, a NC limited  
partnership**

**By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_**

**Date: \_\_\_\_\_, 2021**

**Parcel Identification No. 5601888181**


**SHOFFNER DEVELOPMENT, LLC**

**By:   
Name: JoDee Shoffner  
Title: Manager**

**Date: 9/13/2021**

**Signature of Applicant to Application for Special Use Permit**  
**Filed by Robinson Weeks Partners**

**ROBINSON WEEKS PARTNERS**

By:   
Name: Tyler Jones  
Title: Senior VP

Date: September 7, 2021

**Exhibit A to Application for Special Use Permit**  
**Filed by Robinson Weeks Partners**

**Property Owners Information**

**Parcel Identification Nos. 5601879077 and 5601877425**

AAC/Shoffner Development Limited Partnership, a NC limited partnership  
Attention: Paul Herndon  
5950 Fairview Road, Suite 800  
Charlotte, NC 28210

Phone: 704-295-4000

Email: [pherndon@aacusa.com](mailto:pherndon@aacusa.com)

**Parcel Identification No. 5601888181**

Shoffner Development, LLC  
Attention: Kelsey Pierce  
PO Box 600  
Morris, OK 74445

Phone: 918-599-7755

Email: [kpierce@barberbartz.com](mailto:kpierce@barberbartz.com)

**Exhibit B to Application for Special Use Permit**  
**Filed by Robinson Weeks Partners**

**NC Highway 73 Site**

**General 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.”***

At the hearing on this Application, the Applicant will present testimony and evidence that shows that the proposed development of the parcels for an office, warehouse, distribution and light industrial business park that would contain a maximum of 500,000 square feet of gross floor area, as more particularly described on the site plan submitted herewith (the “Project”), will not be detrimental to, or endanger, the public health, safety or general welfare.

The Applicant’s traffic engineer will testify that the vehicular access points for the Project will provide safe ingress to and safe egress from the Project to the adjacent street network. Moreover, NC Highway 73 can accommodate the vehicular trips to be generated by the Project. Additionally, the Applicant’s traffic engineer will discuss any required traffic mitigation measures. As a result, the Applicant’s traffic engineer will testify that the proposed Project will not be detrimental to, or endanger, the public health, safety or general welfare from a transportation or traffic standpoint.

The Applicant’s site engineer will state that the Project will meet all applicable storm water, soil erosion and sedimentation control and environmental ordinances and regulations. The Applicant’s site engineer will testify that the Project will be served by public water and sewer. Therefore, the proposed use and development will not be detrimental to, or endanger, the public health, safety or general welfare from a storm water, erosion or environmental standpoint. The Applicant’s site engineer will also discuss the design of the Project, and he will describe the buffers and landscaping that will mitigate any adjacency issues.

Testimony will be provided regarding the lighting of the Project as well.

- (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.”***

Testimony will be provided that shows that the Project will conform 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 site is currently being requested to be rezoned to the I-1 (CD) zoning district by the Applicant.

The proposed use is consistent with the recommendation in the 2030 Land Use Plan that this site be devoted to Industrial/Employment uses. According to the Ordinance, the I-1 zoning district is a light industrial zoning district. The proposed Project will be compatible with and conform to the character of this type of development.

The subject site is located on NC Highway 73, a four lane, median divided highway capable of supporting the proposed Project, and the site is in close proximity to the I-85 – NC Highway 73 interchange.

Due to the width of the NC Highway 73 right of way, there is significant separation between the site and the parcels of land located on the south side of NC Highway 73. With respect to the adjacent single-family parcels to the east of the site, the Applicant's site engineer will discuss and describe the ways in which the site is adequately screened and buffered from the adjacent single family parcels to the east of the site.

With respect to the location of the proposed buildings, the buildings will be situated on the site a sufficient distance from the exterior boundary lines of the site, and the site will be sufficiently screened and buffered.

The site will be screened and buffered from adjacent parcels of land and landscaped in conformity with the requirements of the Ordinance. The Applicant's site engineer will discuss and describe the screening and buffers at the hearing.

**(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".***

As noted above, the Applicant's traffic engineer will testify that the vehicular access points for the Project will provide safe ingress to and safe egress from the proposed Project to the adjacent street network. Moreover, NC Highway 73 can accommodate the vehicular trips to be generated by the Project. The Applicant's traffic engineer will also discuss any required traffic mitigation measures. Therefore, the proposed Project will provide ingress and egress designed to minimize traffic hazards and congestion on the public roads.

**(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 proposed Project is not a heavy industrial use. The proposed Project will not generate vibrations, excessive noise, odor, dust, smoke or gas and, therefore, will not be noxious or offensive by reason of these matters.



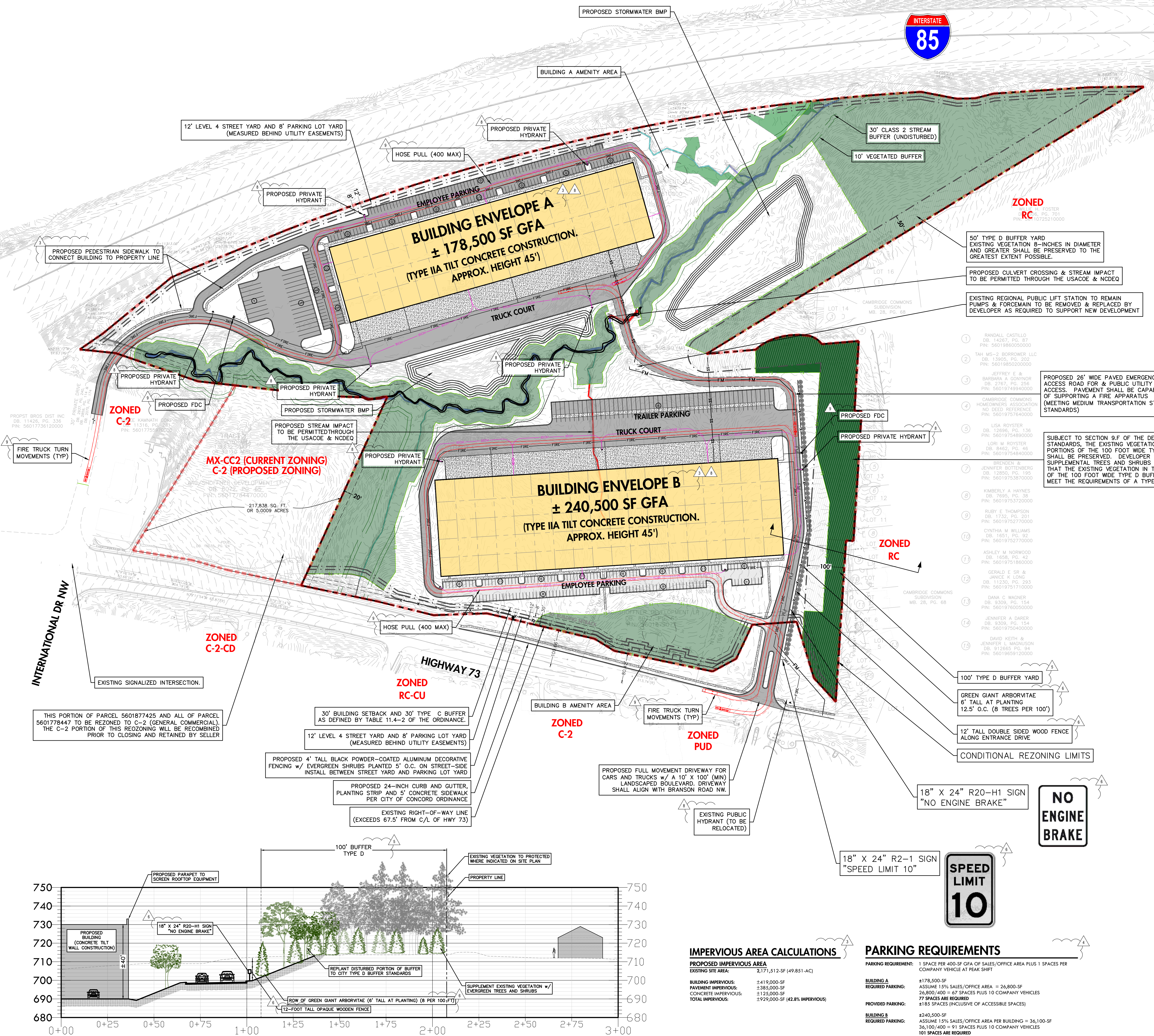
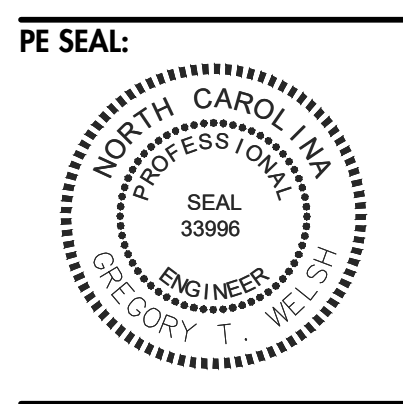
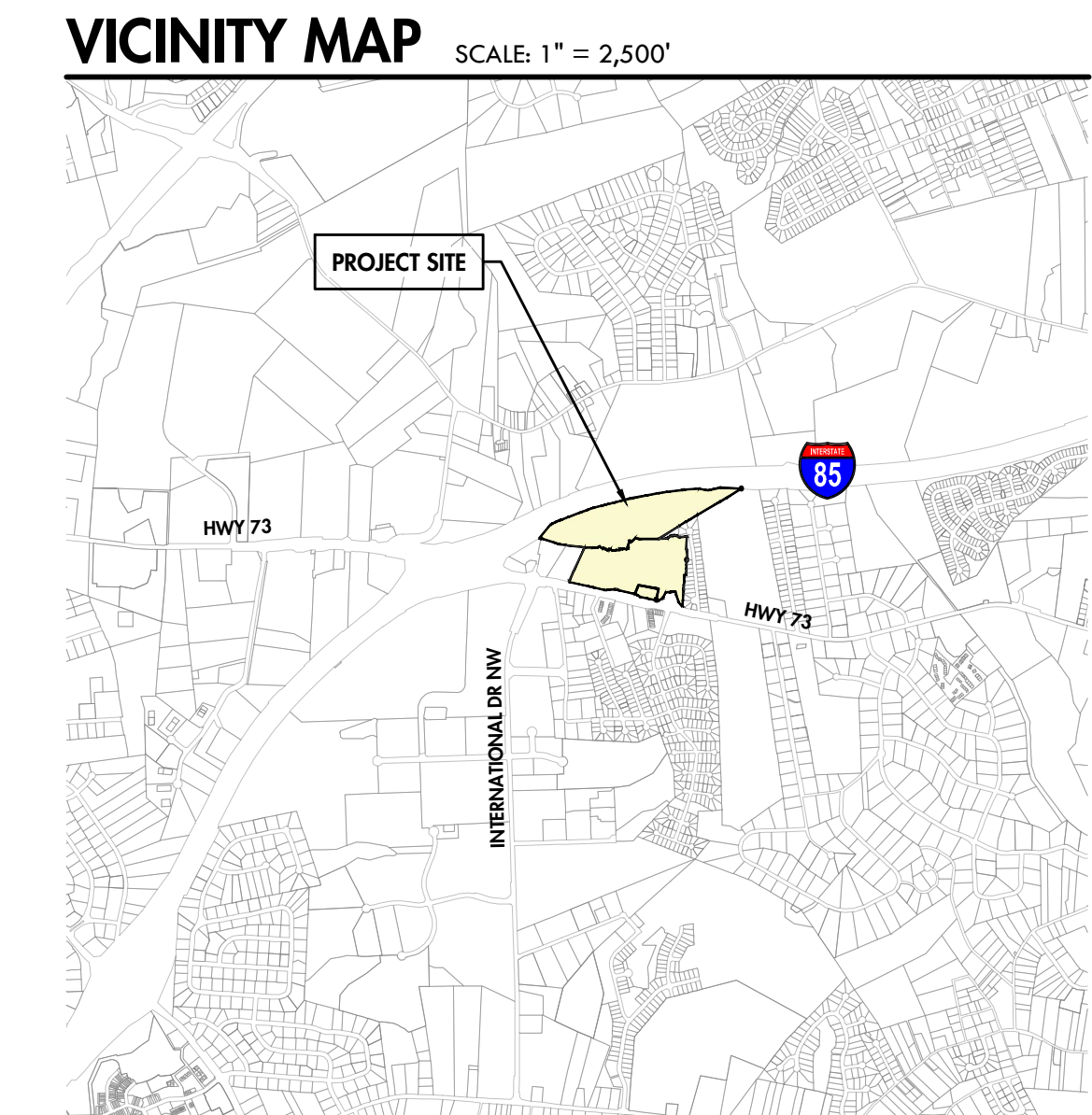
- (e) ***The Planning and Zoning Commission must find that “the establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.”***

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

The parcels to the east of the site are developed for single family uses and many of the parcels located across NC Highway 73 from the site are developed. The parcel to the west of the site is developed for commercial uses.

The Project will not adversely impact the neighboring parcels devoted to residential uses, or the other nearby parcels. As noted above, the 2030 Land Use Plan calls for this site to be devoted to Industrial/Employment uses, meaning that if the special use permit is approved, the resulting use will be consistent with the use contemplated under the Land Use Plan for the site. Further, the Applicant’s site engineer will discuss and describe the ways in which the site is adequately screened and buffered from the neighboring parcels.

# EXHIBIT A

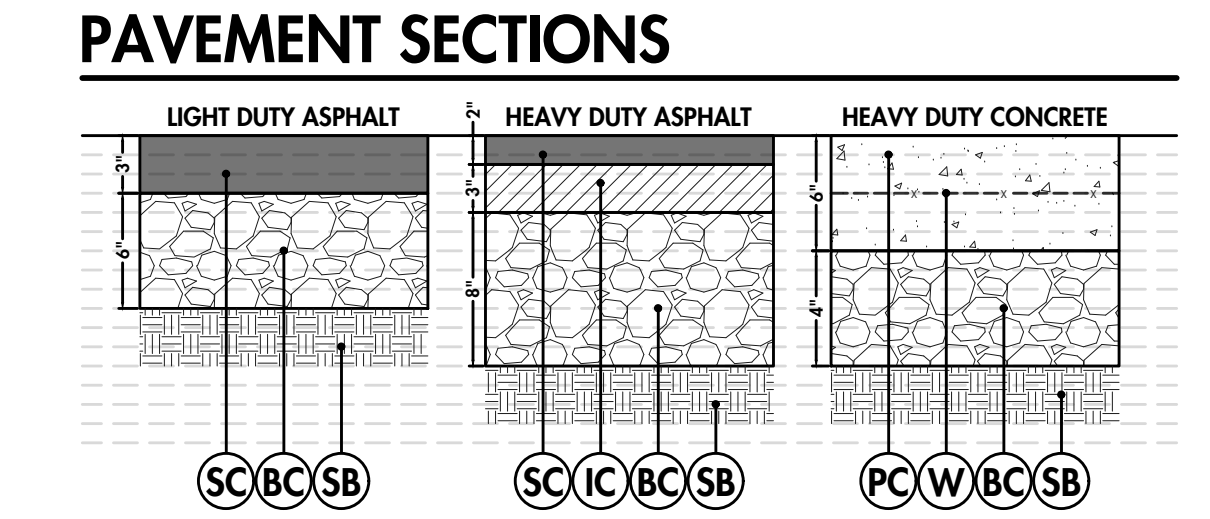


### SITE DEVELOPMENT TABLE

PROJECT NAME:	HWY 73 INDUSTRIAL
PETITION NO.:	CN-RZC-2021-00004
PETITIONER:	ROBINSON WEEKS PARTNERS
PLANS PREPARED BY:	OAK ENGINEERING, PLLC
ACREAGE:	±49.85 ACRES
TAX PARCEL NUMBERS:	5601888181, 5601879077, 5601877425 & 5601778447
CURRENT ZONING:	MX-CC2 (MIXED-USE COMMERCIAL CENTER LARGE)
PROPOSED ZONING:	I-1 CD (LIGHT INDUSTRIAL); ALL OF PARCELS 5601888181 & 5601879077 AND PART OF 5601877425 C-2 (COMMERCIAL); ALL OF PARCEL 5601778447 AND PART OF 5601877425
EXISTING USE:	VACANT
PROPOSED LAND USE:	REFER TO SECTION 2. OF THE DEVELOPMENT STANDARDS
MAXIMUM GFA:	± 419,000 SF
MAXIMUM HEIGHT:	50' (ADDITIONAL SETBACKS AS DEFINED IN ARTICLE 7.11.9 SHALL APPLY)
PARKING:	AS REQUIRED BY THE ORDINANCE FOR THE PERMITTED USES
JURISDICTION:	CITY OF CONCORD
WATERSHED DISTRICT:	NONE
FEMA INFORMATION:	MAP NO. 3710560100K MAP DATES: 11/16/2018 FLOOD ZONE: X

### PAVEMENT HATCH LEGEND

LIGHT DUTY ASPHALT	HEAVY DUTY ASPHALT	CONCRETE PAVEMENT



SC ASPHALT SURFACE COURSE (59.58)  
 IC INTERMEDIATE COURSE (119.08)  
 BC AGGREGATE BASE COURSE  
 SB COMPACTED SUBBASE  
 W 6" x 6" #10 WELDED WIRE MESH (IF REQUIRED BY GEOTECH)

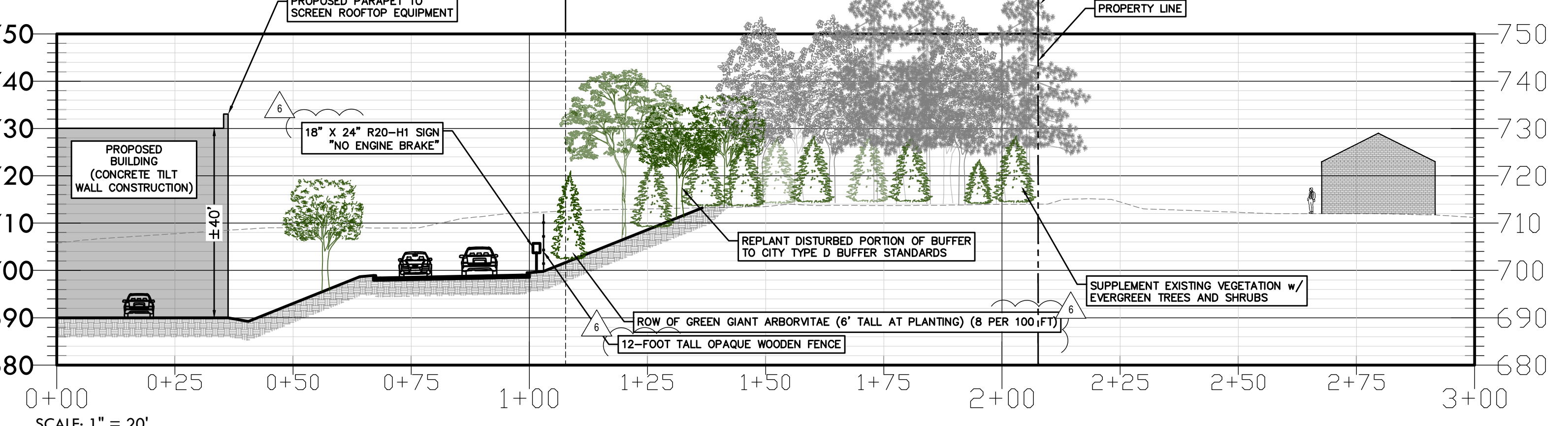
NOTES:  
 1. CONFIRM WITH GEOTECHNICAL ENGINEER FOR PAVEMENT SECTIONS AND SUBGRADE. NOTIFY ENGINEER IN CASE OF CONFLICT.  
 2. PROVIDE CONSTRUCTION JOINTS PER ACI AND/OR GEOTECHNICAL ENGINEER RECOMMENDATIONS (CONCRETE PAVEMENT ONLY).

DENOTES AREAS EXCLUDING THE 100 FOOT WIDE TYPE D BUFFER WHERE NATURAL VEGETATION WILL BE PRESERVED OR REPLANTED. AREAS WITHIN LANDSCAPE BUFFERS SHALL BE REPLANTED TO REFLECT EXISTING DENSITY/OPACITY OR TO TYPE D BUFFER YARD REQUIREMENTS, WHICHEVER IS GREATER

### NOTES:

1. THE PROPOSED SITE IMPROVEMENTS ARE SUBJECT TO JURISDICTIONAL STREAMS AND ASSOCIATED STREAM BUFFERS IN ACCORDANCE WITH ARTICLE 4 - SECTION 4.3 OF THE CITY OF CONCORD DEVELOPMENT ORDINANCE, ANY STREAM OR WETLAND IMPACTS MUST BE PERMITTED IN ACCORDANCE WITH ARTICLE 4 - SECTION 4.3.

THIS PORTION OF PARCEL 5601877425 AND ALL OF PARCEL 5601778447 TO BE REZONED TO C-2 (GENERAL COMMERCIAL). THE C-2 PORTION OF THIS REZONING WILL BE RECOMBINED PRIOR TO CLOSING AND RETAINED BY SELLER



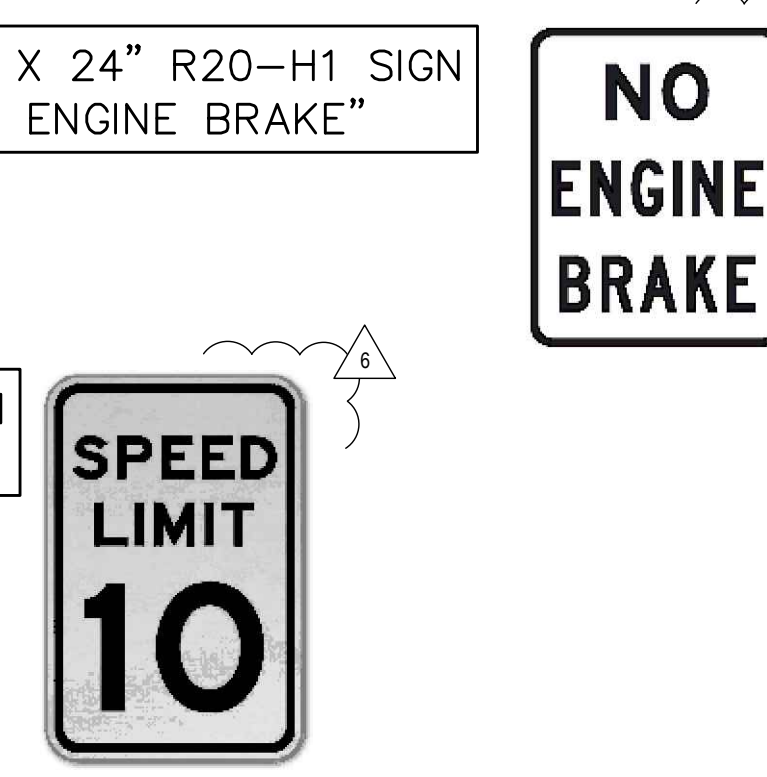
### IMPERVIOUS AREA CALCULATIONS

PROPOSED IMPERVIOUS AREA	2,171,512-SF (49.851-A.C.)
EXISTING SITE AREA:	
BUILDING IMPERVIOUS:	±419,000-SF
PAVING IMPERVIOUS:	±385,000-SF
CONCRETE IMPERVIOUS:	±125,000-SF
TOTAL IMPERVIOUS:	±929,000-SF (42.8% IMPERVIOUS)

### PARKING REQUIREMENTS

PARKING REQUIREMENT: 1 SPACE PER 400-SF GFA OF SALES/OFFICE AREA PLUS 1 SPACES PER COMPANY VEHICLE AT PEAK SHIFT

BUILDING A	±178,500-SF	ASSUME 1.5% SALES/OFFICE AREA = 26,800-SF
REQUIRED PARKING:	26,800/400 = 67 SPACES PLUS 10 COMPANY VEHICLES	77 SPACES ARE REQUIRED
PROVIDED PARKING:	±185 SPACES (INCLUSIVE OF ACCESSIBLE SPACES)	
BUILDING B	±240,500-SF	ASSUME 1.5% SALES/OFFICE AREA PER BUILDING = 36,100-SF
REQUIRED PARKING:	36,100/400 = 91 SPACES PLUS 10 COMPANY VEHICLES	101 SPACES ARE REQUIRED
PROVIDED PARKING:	155 SPACES (INCLUSIVE OF ACCESSIBLE SPACES)	



## HIGHWAY 73 INDUSTRIAL REZONING PETITION

CONCORD, NORTH CAROLINA  
 ROBINSON WEEKS PARTNERS

## REZONING PLAN

REVISIONS:  
 1. 10/18/21 - CITY STAFF COMMENTS  
 2. 01/25/22 - CITY STAFF COMMENTS  
 3. 03/10/22 - CITY STAFF COMMENTS  
 4. 05/13/22 - PLANNING BOARD FEEDBACK  
 5. 06/29/22 - NEIGHBORHOOD MEETING  
 6. 10/11/22 - CITY ARBORIST COMMENTS  
 7. 11/04/22 - SPECIAL USE REVIEW COMMENTS  
 8. 03/14/23 - SPECIAL USE REVIEW COMMENTS

ENGINEER: GTW  
 DRAWN BY: EBT  
 CHECKED BY: LB  
 PROJECT #: 021.011  
 SHEET  
**RZ-1**  
 SHEET 1 OF 2

**DEVELOPMENT STANDARDS**

April 13, 2022

**1. GENERAL PROVISIONS**

- A. These Development Standards form a part of the Rezoning Plan associated with the Application for Zoning Map Amendment filed by Robinson Weeks Partners (the "Applicant") for an approximately 49.85 acre site (excluding right of way) located on the north side of Highway 73 (Davidson Highway), east of the Highway 73 - Interstate 85 interchange, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site"). The Site is comprised of all of Parcel Nos. 5601888181 and 5601879077 and a portion of Parcel No. 5601877425.
- B. The development and use of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the Concord Development Ordinance (the "Ordinance").
- C. Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the I-1 zoning district shall govern all development taking place on the Site.
- D. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Article 3 of the Ordinance. Minor amendments to the Rezoning Plan are subject to Section 3.2.9.H of the Ordinance.

**2. PERMITTED USES/DEVELOPMENT LIMITATIONS**

- A. Subject to the limitations set out below, the Site may be devoted to:
  - (1) any use or uses permitted by right in the I-1 zoning district;
  - (2) any use or uses permitted with supplemental regulations in the I-1 zoning district;
  - (3) any special use or uses permitted in the I-1 zoning district upon the issuance of a special use permit in accordance with Article 6.2 of the Ordinance;
  - (4) any special use or uses with supplemental regulations permitted in the I-1 zoning district upon the issuance of a special use permit in accordance with Article 6.2 of the Ordinance; and
  - (5) any incidental or accessory uses associated with the uses set out above that are permitted under the Ordinance in the I-1 zoning district.
- B. Notwithstanding the terms of paragraph 2.A above, the uses set out below that are listed in the Table of Uses (Section 8.1.8 of the Ordinance) shall be prohibited on the Site.

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- (1) Agricultural uses.
- (2) Resource Extraction uses.
- (3) Educational uses.
- (4) Government Facilities.
- (5) Passenger Terminals.
- (6) Indoor Recreation uses.
- (7) Outdoor Recreation uses.
- (8) Retail Sales and Services.
- (9) Vehicle Sales and Service.
- (10) Commercial Parking as a Principal Use.
- (11) Heavy Industrial uses.
- (12) Self Service Storage.

- C. A maximum of two principal buildings may be developed on the Site.
- D. A total maximum of 419,000 square feet of gross floor area may be developed on the Site.
- E. There are two building envelopes depicted on the Rezoning Plan that are designated as Building Envelope A and Building Envelope B. Minor adjustments to the locations of these building envelopes shall be allowed during the permitting process.
- F. Each principal building constructed on the Site shall be located in one of the two building envelopes depicted on the Rezoning Plan.
- G. All rooftop and above-ground mechanical equipment shall be screened from view to the greatest extent possible, taking into account the existing grade relative to the existing grades surrounding the property. This may be achieved through parapets on buildings, other structural screening, and/or landscaping.
- H. A 4' tall black powder-coated aluminum fence with evergreen shrubs planted 5' O.C. on the street-side of the fence will be installed between the street yard and parking lot yard.
- I. Technical Site Plan approval required.
- J. Compliance with all minimum requirements relative to landscaping, stormwater, transportation, and fire protection.

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**3. TRANSPORTATION**

- A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required by the City of Concord and/or the North Carolina Department of Transportation ("NCDOT").
- B. The alignments of the internal drives and vehicular circulation areas may be modified by Applicant to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the City of Concord and/or NCDOT.
- C. Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan.
- D. Off-street parking shall be provided on the Site in accordance with the requirements of the Ordinance.
- E. Curb, gutter and sidewalk shall be installed along the Site's frontage on Davidson Highway as generally depicted on the Rezoning Plan.

**4. DENSITY AND DIMENSIONAL STANDARDS/SETBACK**

- A. The development of the Site shall comply with the density and dimensional standards set out in Table 7.6.2.A of the Ordinance.
- B. The development of the Site shall comply with the setback requirement set out in Table 7.6.2.B of the Ordinance.

**5. DESIGN STANDARDS**

- A. The maximum height of any building constructed on the Site shall be 50 feet as measured under the Ordinance. For each foot of height over 35 feet, two (2) additional feet of setback shall be provided when abutting residentially zoned property in accordance with Article 7.11.9 of the Ordinance.
- B. The development of the Site shall comply with the Supplemental Design Standards and Requirements for Industrial Districts set out in Section 7.11 of the Ordinance.

**6. BUFFER YARDS**

- A. Buffer yards shall be established on the Site as required by the Ordinance and as depicted on the Rezoning Plan.

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**7. AMENITY AREA**

- A. An amenity area shall be provided on the Site in the location generally depicted on the Rezoning Plan, and this amenity area shall contain, at a minimum, benches and picnic tables.

**8. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS**

- A. If this Application for Zoning Map Amendment is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Applicant and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- B. Throughout these Development Standards, the term "Applicant" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Applicant or the owner or owners of the Site from time to time who may be involved in any future development thereof.
- C. Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Application for Zoning Map Amendment is approved.

SUBSTANTIAL COMPLIANCE WITH THE "HWY 73 INDUSTRIAL" REZONING PLANS, SHEETS RZ-1 AND RZ-2 REVISED 04/13/22, "NORTH ELEVATION - BUILDING A, AND SOUTH ELEVATION BUILDING A AND EAST & WEST ELEVATION, BUILDING A" DATED MARCH 21, 2022, ALSO "SOUTH ELEVATION BUILDING B, NORTH ELEVATION BUILDING B, AND EAST & WEST ELEVATION BUILDING B", DATED MARCH 11, 2022.

THE SUBJECT PLAN IS NOT DESIGNED TO PRELIMINARY PLAT OR TECHNICAL SITE PLAN STANDARDS AND THEREFORE, ANY INTENDED OR PERCEIVED DEVIATION FROM TECHNICAL STANDARDS RESULTING FROM THE SOMEWHAT CONCEPTUAL NATURE OF THE PLAN SHALL NOT CONSTITUTE APPROVAL TO DEVIATE FROM, OR NEGATE, TECHNICAL STANDARDS WITHIN THE CONCORD DEVELOPMENT ORDINANCE, TECHNICAL STANDARDS MANUAL, OR ANY OTHER

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**9. CONDITIONS FOR ADJACENT PROPERTY OWNERS**

- A. Developer shall install a 12 foot tall, double sided, wooden screen fence along that portion of the eastern edge of the access drive from Highway 73 to Building Envelope B that is more particularly depicted on the Rezoning Plan. This wooden screen fence shall be installed prior to the issuance of the first certificate of occupancy for a building located in Building Envelope B.
- B. Developer shall install Green Giant Arborvitae along that portion of the eastern edge of the access drive from Highway 73 to Building Envelope B that is more particularly depicted on the Rezoning Plan. The Green Giant Arborvitae shall be installed on the eastern side of the wooden screen fence referenced above in paragraph A, the Green Giant Arborvitae shall each be a minimum of 6 feet in height at the time of installation and the Green Giant Arborvitae shall be planted at the rate of 8 trees per 100 feet or as directed by the City Arborist. The Green Giant Arborvitae shall be installed prior to the issuance of the first certificate of occupancy for a building located in Building Envelope B.

Developer shall be responsible for maintaining the Green Giant Arborvitae and replacing any dead or dying Green Giant Arborvitae. Replacement Green Giant Arborvitae shall each be a minimum of 6 feet in height at the time of installation.

- C. Developer shall install a sign adjacent to the access drive from Highway 73 to Building Envelope B that provides that the maximum speed limit on this access drive is 10 miles per hour.
- D. Developer shall install a sign adjacent to the access drive from Highway 73 to Building Envelope B that provides that engine braking for trucks is not permitted on this access drive.
- E. An existing wooden screen fence is located along or near a portion of the Site's eastern boundary line (the common property line with the Cambridge Commons Community). Portions of this wooden screen fence are in a state of disrepair. Developer, at its cost and expense, shall repair or replace (as necessary) those segments of this wooden screen fence that are in a state of disrepair. In the event that any segment of this wooden screen fence that is in a state of disrepair is not located on the Site and is located on an adjacent parcel of land, the owner of the adjacent parcel of land must consent in writing to the repair or replacement (as necessary) of such segment of this wooden screen fence by Developer. If an owner of an adjacent parcel of land does not consent in writing to the repair or replacement (as necessary) of the segment of the wooden screen fence located on such owner's adjacent parcel of land, then Developer shall have no obligation to do so.

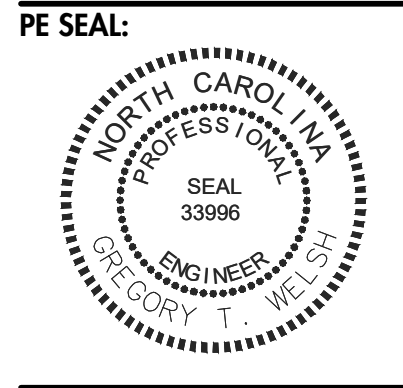
- F. Developer, at its cost and expense, shall engage an arborist to review and inspect the existing trees located on the Site that are located along or near the Site's common property line with the Cambridge Commons Community, and Developer shall submit the report of the arborist to the Concord City Arborist for his review and approval. Based upon the report of the arborist as approved by the Concord City Arborist, Developer shall remove any dead or dying trees and/or limbs that are located on the Site along or near the Site's common property line with the Cambridge Commons Community that are identified for removal in the approved report.

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# EXHIBIT A

## ENGINEERING CONDITIONS OF APPROVAL

- 1) DUE TO LIMITATIONS OF AVAILABLE SEWER CAPACITY ALLOCATION, FLOW ACCEPTANCE IS NOT GUARANTEED UNTIL PROJECT PERMITTING.
- 2) DEDICATION OF PUBLIC UTILITY EASEMENT WITH A MINIMUM WIDTH OF 30-FT THAT ENCOMPASSES THE EXISTING GRAVITY SEWER MAIN, SEWER LIFT STATION, FORCE MAIN, SEWER ACCESS, AND PROPOSED PUBLIC METER SERVICE ASSEMBLIES WILL BE REQUIRED, IN ACCORDANCE WITH CITY CODE OF ORDINANCE CHAPTER 62, ARTICLE 3, SECTION 62-98. ALL EXISTING AND/OR PROPOSED PUBLIC WATER AND SEWER MAIN AND SERVICES ARE TO BE ENCOMPASSED IN A PUBLIC UTILITY EASEMENT IN ACCORDANCE WITH CITY CODE OF ORDINANCE CHAPTER 62, ARTICLE 3, SECTION 62-98.
- 3) SERVICE TO THE EXISTING CUSTOMERS AND ACCESS TO THE EXISTING PUBLIC WATER AND SEWER SYSTEM IS TO BE MAINTAINED THROUGHOUT THE PROJECT DEVELOPMENT, IN ACCORDANCE WITH CITY CODE OF ORDINANCE CHAPTER 62, ARTICLE 3, SECTION 62-98.
- 4) THE PROPOSED LIFT STATION AND FORCE MAIN MODIFICATIONS SHALL BE IN ACCORDANCE TO THE CITY OF CONCORD PUMP STATION AND FORCE MAIN TECHNICAL SPECIFICATIONS, TITLE 15A NCAC 21, THE CITY CODE OF ORDINANCE CHAPTER 62, ARTICLE 3, SECTION 62-98, AND SUBJECT TO THE CITY'S REVIEW AND APPROVAL.
- 5) THE MODIFICATIONS LIFT STATION AND FORCE MAIN SHALL BE SUBJECT TO THE CITY OF CONCORD'S ONE-TIME MAINTENANCE OPERATION FEES IN ACCORDANCE WITH CITY CODE OF ORDINANCE CHAPTER 62, ARTICLE 3, SECTION 62-98.
- 6) THE INTERNAL INDIVIDUAL UTILITIES THAT WILL SERVICE THE PROPOSED INDUSTRIAL SPECULATIVE BUILDINGS WILL BE PRIVATELY MAINTAINED/OPERATED UTILITIES THAT ARE SERVED THROUGH A MASTER WATER METERED SERVICES, DEDICATED FIRE LINES, AND PRIVATE SEWER LINES THAT EXTEND FROM THE CITY'S PUBLIC SYSTEMS AND SUBJECT TO CITY REVIEW AND APPROVAL.
- 7) CURRENT HYDRANT FLOW TEST DATA IS BE OBTAINED FROM THE EXISTING WATER MAIN AND A HYDRAULIC EVALUATION BE CONDUCTED TO VERIFY WHETHER OR NOT THE EXISTING WATER MAIN WILL SUPPORT THE REQUIRED FIRE FLOW REQUIREMENTS IN ACCORDANCE WITH NC FIRE CODE AND TITLE 15A NCAC 18C. THE CUSTOMER SHALL BE RESPONSIBLE FOR INSTALLING THE NECESSARY APPROVED DEVICES TO MAKE ANY ADJUSTMENTS TO THE WATER PRESSURE SUPPLIED BY CONCORD UTILITIES AND SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL SUCH DEVICES IN ACCORDANCE TO CONCORD CODE OF ORDINANCES CHAPTER 62, ARTICLE II WATER AND SEWER SERVICE, SEC. 62-34(i).
- 8) PER CITY OF CONCORD CODE OF ORDINANCE CHAPTER 62, ARTICLE 3, SECTION 62-98 (2) THE PUBLIC WATER AND/OR SEWER EXTENSION AND/OR MODIFICATION SHALL BE IN ACCORDANCE WITH AND SUBJECT TO THE WATER AND SEWER AUTHORITY OF CABARRUS COUNTY'S STANDARD SPECIFICATIONS; THE CITY OF CONCORD'S ORDINANCES, POLICIES, AND STANDARD SPECIFICATIONS, AND THE NORTH CAROLINA ADMINISTRATIVE CODE FOR WASTEWATER COLLECTION AND WATER DISTRIBUTION SYSTEMS. IN THE EVENT OF CONFLICT BETWEEN THE WATER AND SEWER AUTHORITY OF CABARRUS COUNTY'S STANDARD SPECIFICATIONS; THE CITY OF CONCORD'S ORDINANCES, POLICIES, AND STANDARD SPECIFICATIONS, OR THE NORTH CAROLINA ADMINISTRATIVE CODE, THE MORE RESTRICTIVE REQUIREMENTS SHALL APPLY.



**HIGHWAY 73 INDUSTRIAL**  
REZONING PETITION  
CONCORD, NORTH CAROLINA  
ROBINSON WEEKS PARTNERS  
**DEVELOPMENT STANDARDS**

ENGINEER: GTW  
DRAWN BY: EBT  
CHECKED BY: LB  
PROJECT #: 021.011  
SHEET  
**RZ-2**  
SHEET 2 OF 2

REVISIONS:  
1. 10/18/21 - CITY STAFF COMMENTS  
2. 01/25/22 - CITY STAFF COMMENTS  
3. 03/10/22 - CITY STAFF COMMENTS  
4. 04/13/22 - PLANNING BOARD FEEDBACK  
5. 05/29/22 - NEIGHBORHOOD MEETING  
6. 09/29/22 - CITY ARBORIST COMMENTS  
7. 10/11/22 - CITY ARBORIST COMMENTS  
8. 11/04/22 - SPECIAL USE REVIEW COMMENTS

# EXHIBIT B

Drawn By: Kevin Ashley  
Return to: City of Concord ROD Box

PIN#: 5601-77-8447,  
5601-88-8181, 5601-87-  
9077, and 5601-87-7425  
CASE #: Z(CD)-07-21

ORD. 22-115

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
OF THE CITY OF CONCORD, NORTH CAROLINA FOR PROPERTY LOCATED AT  
4208 AND 4515 DAVIDSON HIGHWAY, CONCORD, NC

WHEREAS, the City of Concord, North Carolina, pursuant to the authority conferred by the North Carolina General Statutes 160A-364 enacted an Official Zoning Ordinance for the City of Concord, North Carolina and the Area of Extraterritorial Jurisdiction on July 28, 1977; and

WHEREAS, the City of Concord, North Carolina, pursuant to the authority conferred by North Carolina General Statute 160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951, may from time to time as necessary amend, supplement, change, modify or repeal certain of its zoning regulations and restrictions and zone boundaries; and

WHEREAS, the City of Concord, North Carolina, pursuant to the authority conferred by North Carolina General Statute, Chapter 160A, Art. 19, Session Laws of 1993, Chapter 247, House Bill 575 and Section 3.2.4.B.2 of the Concord Development Ordinance does hereby allow the Planning and Zoning Commission to be final approval authority for zoning changes of land, provided that at least three-fourths of the members present vote in the affirmative, and no appeal of the decision is taken; and

WHEREAS, Section 3.2.4.B.5 of the Concord Development Ordinance specifies that any person aggrieved by the decision of the Planning and Zoning Commission shall have the right to appeal the decision to the City Council within fifteen days of the decision of the Planning and Zoning Commission decision by giving written notice to the Administrator; and

WHEREAS, Section 3.2.4.B.2 of the Concord Development Ordinance specifies that a final approval decision shall not be in effect until the fifteen-day appeal period expires;

NOW, THEREFORE BE IT ORDAINED by the Planning and Zoning Commission of the City of Concord, North Carolina:

SECTION 1. That the P&Z Commission held a duly advertised public hearing on April 19<sup>th</sup>, 2022. At the close of the public hearing, the P&Z Commission adopted the following "Statement of Zoning Consistency" as required by NC Gen Stat 160D-605.

- The subject property is located on the north side of Davidson Highway (also referred to as Highway 73), just east of the I-85 interchange, is +/- 54.8519 acres, and is currently vacant.
- The subject property was voluntarily annexed on December 31, 1995 and on April 17, 2007 the property was rezoned to MX-CC2. The rezoning included a site plan, technical standards, and architectural renderings/illustrations for the proposed development.
- The proposed I-1-CD (Light Industrial Conditional District) and C-2 (General Commercial) zoning classifications are considered corresponding to the 2030 Land Use Plan's Industrial/Employment land use category. The proposal meets the intent of the Industrial/Employment (IE) Future Land Use category by developing an industrial use suited for additional industrial development due to the presence of infrastructure and access to transportation routes, such as major highways and railroads. Furthermore, Industrial Uses such as the International Business Park and other industrial uses have already developed in close proximity.
- The zoning amendment is reasonable and in the public interest as the petition proposes an Industrial Use in close proximity to I-85 where most tractor trailer traffic will be routed to and from, minimizing the impact on traffic along Highway 73, and allows the property to develop as an Industrial Use which is consistent with the area.

The P&Z Commission then voted to DENY the map amendment and said vote was not by the required super-majority. Based upon Section 3.2.5 of the CDO and Session Law 1993, Chapter 247, House Bill 575, a denial is forwarded to City Council for hearing at their next available meeting date.

SECTION 2. That the City Council held a duly advertised public hearing on October 13, 2022. At the close of the public hearing, the City Council adopted the following "Statement of Zoning Consistency" as required by NC Gen. Stat 160A-382(b).

- The subject property is located on the north side of Davidson Highway (also referred to as Highway 73), just east of the I-85 interchange, is +/- 54.8519 acres, and is currently vacant.
- The subject property was voluntarily annexed on December 31, 1995 and on April 17, 2007 the property was rezoned to MX-CC2. The rezoning included a site plan, technical standards, and architectural renderings/illustrations for the proposed development.
- The proposed I-1-CD (Light Industrial Conditional District) and C-2 (General Commercial) zoning classifications are considered corresponding to the 2030 Land Use Plan's Industrial/Employment land use category. The proposal meets the intent of the Industrial/Employment (IE) Future Land Use category by developing an industrial use suited for additional industrial development due to the presence of infrastructure and access to transportation routes, such as major highways and railroads. Furthermore, Industrial Uses such as the International Business Park and other industrial uses have already developed in close proximity.
- The zoning amendment is reasonable and in the public interest as the petition proposes an Industrial Use in close proximity to I-85 where most tractor trailer traffic will be routed to and from, minimizing the impact on traffic along Highway 73, and allows the property to develop as an Industrial Use which is consistent with the area.

The City Council then voted to **APPROVE** the map amendment, subject to the following conditions which have been offered by the petitioner and/or mutually agreed upon during the course of the hearing.

The petitioner has consented to the following conditions (which apply only to the I-1-CD Parcel and not the C-2 Parcel):

1. Substantial compliance with the "Hwy 73 Industrial" Rezoning Plans, sheets RZ-1 and RZ-2 revised 10/11/22, "North Elevation – Building A, and South Elevation Building A and East & West Elevation, Building A" dated March 21, 2022, also "South Elevation Building B, North Elevation Building B, and East & West Elevation Building B", dated March 11, 2022.
2. All uses permitted in the I-1 Zoning District as outlined in the City of Concord CDO shall be permitted excluding those listed below:
  - a. Agricultural Uses
  - b. Resource Extraction Uses
  - c. Educational Uses
  - d. Government Facilities
  - e. Passenger Terminals
  - f. Indoor Recreation Uses
  - g. Outdoor Recreation Uses
  - h. Retail Sales and Services
  - i. Vehicle Sales and Service
  - j. Commercial Parking as a Principle Use
  - k. Heavy Industrial Uses
  - l. Self-Service Storage
3. A 50' buffer will be placed along the east property boundary, which adjoins the Cambridge Commons neighborhood, with any existing vegetation 8 inches in diameter or greater shall be preserved to the greatest extent possible. Prior to any land disturbing activities on the site, the developer will meet with the City Arborist or authorized designee to tag all trees 8" or greater and to establish limits of disturbance along the eastern property line.
4. A maximum of two principle buildings may be developed on the site, with a maximum Gross Floor Area of 419,000 square feet.
5. The maximum height of any building constructed on the site shall be 50 feet as measured under the Concord Development Ordinance (C.D.O.). For each foot of height over 35 feet, two (2) additional feet of setback shall be provided when abutting residentially zoned property in accordance with Article 7.11.9. of the C.D.O.
6. All rooftop and above-ground mechanicals shall be screened from view to the greatest extent possible, considering the existing grade relative to the existing grades surrounding the property. This may be achieved through parapets on buildings, other structural screening, and/or landscaping.
7. A 4' tall black powder-coated aluminum decorative fence with evergreen shrubs planted 5' O.C. on the street-side of the fence will be installed between the street yard and parking lot yard.
8. Compliance with all minimum requirements relative to landscaping, stormwater, transportation, and Fire protection; and

9. Technical site review and approval plan shall be required.
10. The subject plan is not designed to preliminary plat or technical site plan standards and therefore, any intended or perceived deviation from technical standards resulting from the somewhat conceptual nature of the plan shall not constitute approval to deviate from, or negate, technical standards within the Concord Development Ordinance, Technical Standards Manual, or any other regulatory document.
11. Developer shall install a 12 foot tall, double sided, wooden screen fence along that eastern portion of the eastern edge of the access drive from Highway 73 to Building Envelope B that is more particularly depicted on the Rezoning Plan. This wooden screen shall be installed prior to the issuance of the first certificate of occupancy for a building located in Building Envelope B.
12. Developer shall install Green Giant Arborvitae along that portion of the eastern edge of the access drive from Highway 73 to Building Envelope B that is more particularly depicted on the Rezoning Plan. The Green Giant Arborvitae shall be installed on the eastern side of the wooden fence referenced above in Paragraph A, the Green Giant Arborvitae shall each be a minimum of 6 feet in height at the time of installation and the Green Giant Arborvitae shall be planted at the rate of 8 trees per 100 feet or as directed by the City Arborist. The Green Giant Arborvitae shall be installed prior to the issuance of the first certificate of occupancy for a building located in Building Envelope B.  
Developer shall be responsible for maintaining the Green Giant Arborvitae and replacing any dead or dying Green Giant Arborvitae. Replacement Green Giant Arborvitae shall each be a minimum of 6 feet in height at the time of installation.
13. Developer shall install a sign adjacent to the access drive from Highway 73 to Building Envelope B that provides that the maximum speed limit on this access drive is 10 miles per hour.
14. Developer shall install a sign adjacent to the access drive from Highway 73 to Building Envelope B that provides that engine braking for trucks is not permitted on this access drive.
15. An existing wooden fence is located along or near a portion of the Site's eastern boundary line (the common property line with the Cambridge Commons Community). Portions of this wooden screen fence are in a state of despair. Developer, at its cost and expense, shall repair or replace (as necessary) those segments of this wooden screen fence that are in a state of disrepair. In the event that any segment of this wooden screen fence that is in a state of disrepair is not located on the Site and is located on an adjacent parcel of land, the owner of the adjacent parcel of land must consent in writing to the repair or replacement (as necessary) of such segment of this wooden screen fence by Developer. If an owner of an adjacent parcel of land does not consent in writing to the repair or replacement (as necessary) of the segment of the wooden screen fence located on such owner's adjacent parcel of land, then Developer shall have no obligation to do so.
16. Developer, at its cost and expense, shall engage an arborist to review and inspect the existing trees located on the Site that are located along or near the Site's common property line with the Cambridge Commons Community and Developer shall submit the

report to the Concord City Arborist for his review and approval. Based upon the report of the arborist, Developer shall remove any dead or dying trees and/or limbs that are located on the Site along or near the Site's common property line with the Cambridge Commons Community.

SECTION 3: That the Official Zoning Map is hereby amended by rezoning from Mixed Use-Commercial Center Large (MX-CC2) to Light Industrial – Conditional District (I-1-CD) and General Commercial (C-2) the areas described as follows:

Being all of that tract or parcel of land situated, lying and being in the City of Concord, Cabarrus County, North Carolina, and being more particularly described as follows:

**I-1-CD Portion:**

Commencing at an existing NGS monument "Hanover" having NC Grid NAD 83 coordinates of N: 616,524.02, E: 1,510,789.48, thence North 76°27'53" West a horizontal ground distance of 1363.68 feet to an existing 1/2" iron rod, situated at the intersection of the northerly margin of Davidson Highway (NC Highway 73) (an assumed 60' public right-of-way) as shown on NCDOT plans project number 34187.2.2 (ID number I-3808B) with the southwesterly corner of Lot 2 as shown on Map Book 28, Page 68, all Deed and Map Books recorded in the Cabarrus County Public Register of Deeds; thence along the westerly line of Lot 2 and Lot 3 as shown on the aforesaid Map Book 28, Page 68, North 03°38'39" East passing an existing 1/2" iron rod at 6.22 feet for a total distance of 34.08 feet to a new 1/2" iron rod, situated on the northerly margin of Davidson Highway (NC Highway 73) (a variable width right-of-way) as shown on NCDOT plans project number 34187.2.2 (ID number I-3808B) and described in Deed Book 12988, Page 146 and 10035, Page 24 and being the Point of Beginning; thence along the aforesaid northerly margin for the following twelve (12) courses and distances; 1) North 67°15'05" West a distance of 0.45 feet to a new 1/2" iron rod; 2) North 42°31'13" West a distance of 86.58 feet to a new 1/2" iron rod; 3) North 17°02'37" West a distance of 158.56 feet to a new 1/2" iron rod; 4) South 86°13'02" West a distance of 120.00 feet to a new 1/2" iron rod; 5) South 25°06'35" West a distance of 101.01 feet to a new 1/2" iron rod; 6) South 61°40'18" West a distance of 72.33 feet to a new 1/2" iron rod; 7) North 78°09'11" West a distance of 270.91 feet to an existing metal monument; 8) North 58°30'56" West a distance of 61.79 feet to an existing metal monument; 9) North 76°42'04" West a distance of 297.97 feet to an existing metal monument; 10) South 88°02'05" West a distance of 144.07 feet to an existing metal monument; 11) North 76°09'10" West a distance of 154.47 feet to a new 1/2" iron rod; 12) North 78°11'43" West a distance of 210.66 feet to a new 1/2" iron rod; thence leaving aforesaid northerly margin and running with a new line through the lands of AAC/Shoffner Development LP as described in Deed Book 8072, Page 60 North 24°31'18" East a distance of 559.17 feet to a point in the centerline of a creek; thence with the centerline of a creek for the following four (4) courses and distances: 1) South 84°19'21" West a distance of 9.98 feet to a point; 2) South 71°16'53" West a distance of 8.45 feet to a point; 3) South 83°54'41" West a distance of 33.97 feet to a point; 4) North 66°12'10" West a distance of 12.20 feet to a point; thence leaving said creek and running with a line through the aforesaid lands of AAC/Shoffner Development LP North 87°52'12" West a distance of 95.27 feet to an existing 1" iron pipe being the northeast corner of the lands of AAC/Shoffner Development LP as described in Deed Book 8072, Page 65; thence with the northerly line of the lands of aforesaid AAC/Shoffner Development LP North 83°27'17" West a distance of 253.14 feet to an existing 1" iron pipe being the northeast corner of the land of Shree Kamnath Corporation as described in Deed Book 11316, Page 281; thence with the northerly line of the lands of Shree Kamnath Corporation for the following three (3) courses and distances: 1) North 83°45'15" West a distance of 101.62 feet to an existing 1" iron pipe; 2) North 71°03'05" West a distance of 233.62 feet to an existing 1/2" iron rod; 3) North



84°04'17" West a distance of 33.75 feet to an existing 1/2" iron rod being the northeast corner of the land of Propst Bros. Dist., Inc as described in Deed Book 11426, Page 336; thence with the northerly line of the lands of Propst Bros. Dist., Inc. North 84°04'17" West a distance of 63.53 feet to an existing 1" iron pipe, situated on the southerly margin of the aforesaid US Interstate 85 (an assumed variable width public right-of-way); thence along the aforesaid southerly margin for the following eleven (11) courses and distances; 1) North 55°26'138" East a distance of 75.21 feet to an existing metal monument; 2) North 50°41'129" East a distance of 238.78 feet to an existing 3"x3" concrete monument; 3) North 66°39'132" East a distance of 42.81 feet to an existing 3"x3" concrete monument; 4) North 67°46'117" East passing an existing 1/2" iron rod at 36.75 feet for a total distance of 293.14 feet to a new 1/2" iron rod; 5) with a curve along the arc of a curve to the right said curve having an arc length of 1755.12 feet a radius of 5583.11 feet (chord bearing of North 77°43'100" East and chord distance of 1747.90 feet) to an existing metal monument; 6) South 79°13'112" East a distance of 99.86 feet to an existing metal monument; 7) North 88°13'115" East a distance of 48.65 feet to an existing metal monument; 8) North 75°40'123" East a distance of 50.25 feet to an existing metal monument; 9) North 86°13'131" East a distance of 257.40 feet to an existing 6"x6" concrete monument; 10) North 89°18'143" East a distance of 141.54 feet to an existing 6"x6" concrete monument; 11) South 88°53'159" East a distance of 6.40 feet to an existing 5/8" iron rod, situated on the northerly line of the lands of Willie H. Foster as described in Deed Book 506, Page 701; thence along the northerly line of the aforesaid lands and along the northerly and westerly lines of the lands as shown on Map Book 28, Page 68 for the following thirteen (13) courses and distances; 1) South 58°35'134" West a distance of 882.82 feet to an existing 5/8" iron rod; 2) South 58°32'152" West passing an existing 1/2" iron rod at 22.91 feet, continue and passing an existing 5/8" iron rod at 122.56 feet for a total distance of 497.42 feet to an existing 1/2" iron rod; 3) North 85°07'27" East a distance of 132.51 feet to an existing 1/2" iron rod; 4) with a curve along the arc of a curve to the right said curve having an arc length of 47.13 feet a radius of 130.00 feet (chord bearing of North 57°08'125" East and chord distance of 46.88 feet) to an existing 1/2" iron rod; 5) with a compound curve along the arc of a curve to the right said curve having an arc length of 94.84 feet a radius of 192.77 feet (chord bearing of North 81°39'110" East and chord distance of 93.88 feet) to an existing 1/2" iron rod; 6) South 85°50'127" East a distance of 5.88 feet to an existing 1/2" iron rod; 7) with a curve along the arc of a curve to the right said curve having an arc length of 48.13 feet a radius of 57.18 feet (chord bearing of South 59°47'114" East and chord distance of 46.72 feet) to an existing 1/2" iron rod; 8) North 85°09'117" East a distance of 99.92 feet to an existing 1/2" iron rod; 9) South 03°25'124" West a distance of 189.07 feet to a new 1/2" iron rod; 10) South 87°53'114" East a distance of 19.43 feet to an existing 1/2" iron rod; 11) South 03°40'100" West passing an existing 1/2" iron rod at 317.57 feet for a total distance of 349.98 feet to an existing 1/2" iron rod; 12) North 86°21'111" West a distance of 19.98 feet to an existing 1/2" iron rod; 13) South 03°38'139" West a distance of 435.26 feet to the Point of Beginning; containing 2,171,511 square feet or 49.8510 acres of land, more or less, as shown on a survey prepared by R. B. Pharr & Associates, P.A. dated February 25, 2021 (Project No. 92583).

**C-2 Portion:**

Commencing at an existing NGS monument "Hanover" having NC Grid NAD 83 coordinates of N: 616,524.02, E: 1,510,789.48, thence North 76°41'43" West a horizontal ground distance of 3305.17 feet to a new 1/2" iron rod, situated on the northerly margin of Davidson Highway (NC Highway 73)(a variable width right-of-way) as shown on NCDOT plans project number 34187.2.2 (ID number I-3808B) and described in Deed Book 12988, Page 146 and 10035, Page 24, all Deed and Map Books recorded in the Cabarrus County Public Register of Deeds, said point being the southeast corner of the land of Shree Kamnath Corporation as described in Deed Book 11316, Page 281; thence with the easterly line of the lands of Shree Kamnath Corporation North 31°47'41" East a distance of 523.26 feet to an existing 1" iron pipe, situated on the southerly line of the land of Shoffner Development,

LLC as described in Deed Book 8072, Page 56; thence along the southerly line of the aforesaid lands for the following six (6) courses and distances: 1) South 83°27'17" East a distance of 253.14 feet to an existing 1" iron pipe; 2) South 87°52'12" East a distance of 95.27 feet to a point in the centerline of a creek; 3) South 66°12'10" East a distance of 12.20 feet to a point in the centerline of a creek; 4) North 83°54'41" East a distance of 33.97 feet to a point in the centerline of a creek; 5) North 71°16'53" East a distance of 8.45 feet to a point in the centerline of a creek; 6) North 84°19'21" East a distance of 9.98 feet to a point in the centerline of a creek; thence turning and leaving said creek and running with a new line through the lands of Shoffner Development, LLC as described in Deed Book 8072, Page 60 South 24°31'18" West a distance of 559.17 feet to a new 1/2" iron rod, situated on the northerly margin of the aforesaid Davidson Highway; thence along the aforesaid northerly margin of Davidson Highway for the following four (4) courses and distances: 1) North 78°11'43" West a distance of 202.49 feet to an existing metal monument; 2) North 74°19'58" West a distance of 101.31 feet to an existing metal monument; 3) North 80°45'39" West a distance of 101.27 feet to an existing metal monument; 4) North 81°07'30" West a distance of 58.16 feet to the Point of Beginning; Containing 217,838 square feet or 5.0009 acres of land, more or less, as shown on a survey prepared by R. B. Pharr & Associates, P.A. dated February 25, 2021 (Project No. 92583).

**IF APPROVED**

SECTION 4. That the establishment of this district and subsequent issuance of Zoning Clearance Permits are hereby authorized.

SECTION 5. That the above described property shall be perpetually bound to the uses authorized in the Concord Development Ordinance, as such may be amended from time to time and as provided for under Article 3 of the Concord Development Ordinance.

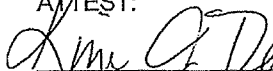
SECTION 6. That the effective date hereof is the 13<sup>th</sup> day of October 2022

Adopted this 13<sup>th</sup> day of October 2022

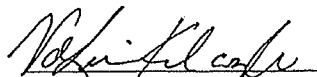
CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

  
\_\_\_\_\_  
William C. Dusch, Mayor

ATTEST:

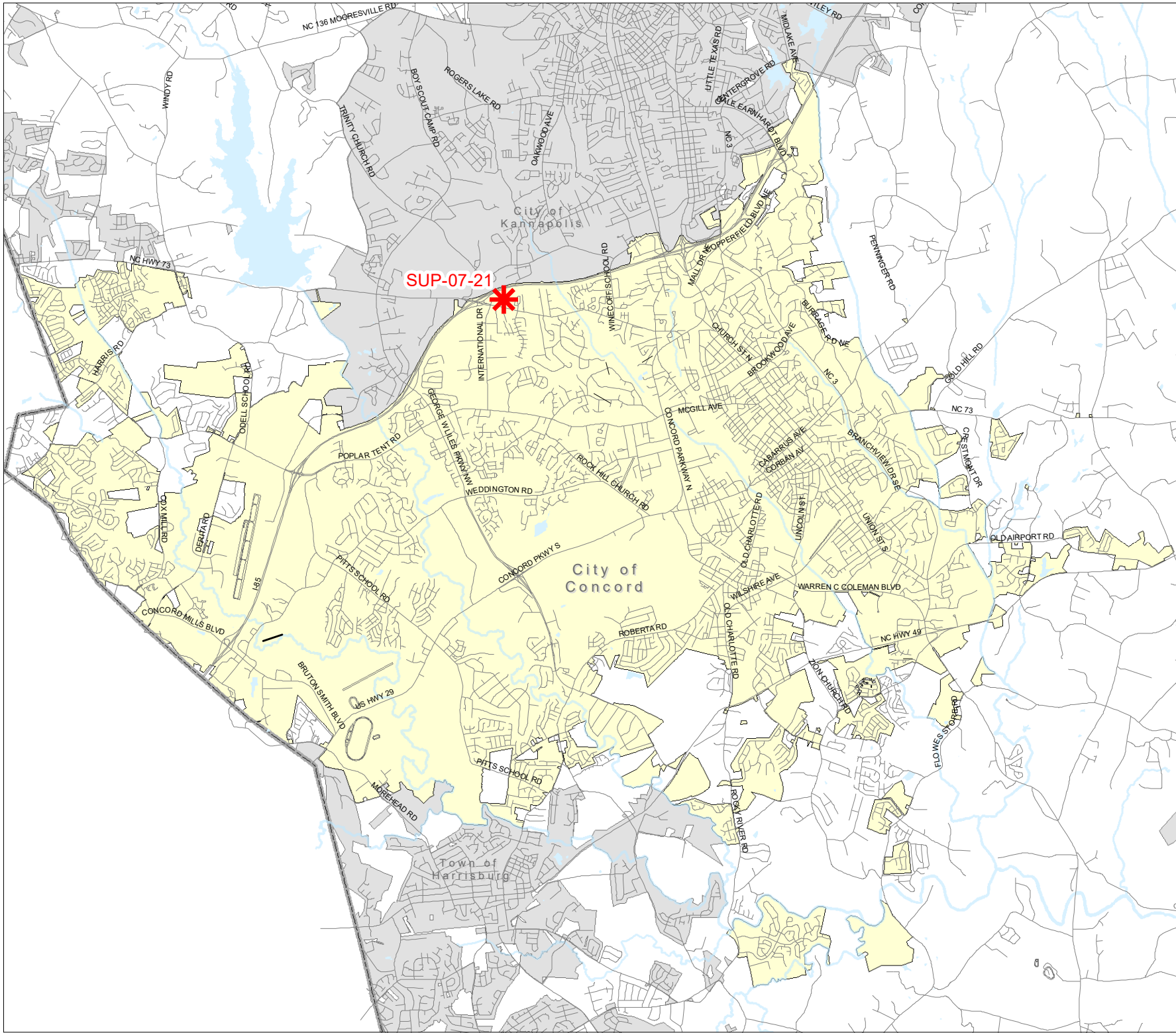
  
\_\_\_\_\_  
Kim Deason, City Clerk










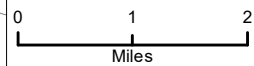
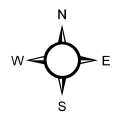
  
\_\_\_\_\_  
VaLerie Kólczyński, City Attorney

**SUP-07-21**

**4208 Davidson Hwy**



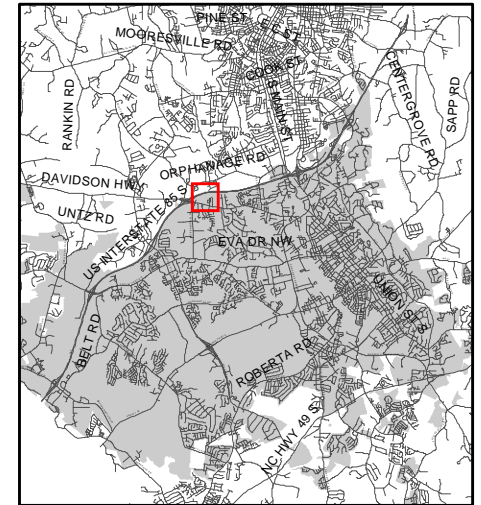
-  Site
-  Streets
-  Lakes & Ponds
-  Rivers
-  Cabarrus Co.
-  City of Concord
-  Other Municipalities



**SUP-07-21  
AERIAL**

**Application for  
An office, warehouse, distribution  
and light industrial business park  
that would contain a maximum of  
500,000 sft of gross floor area**

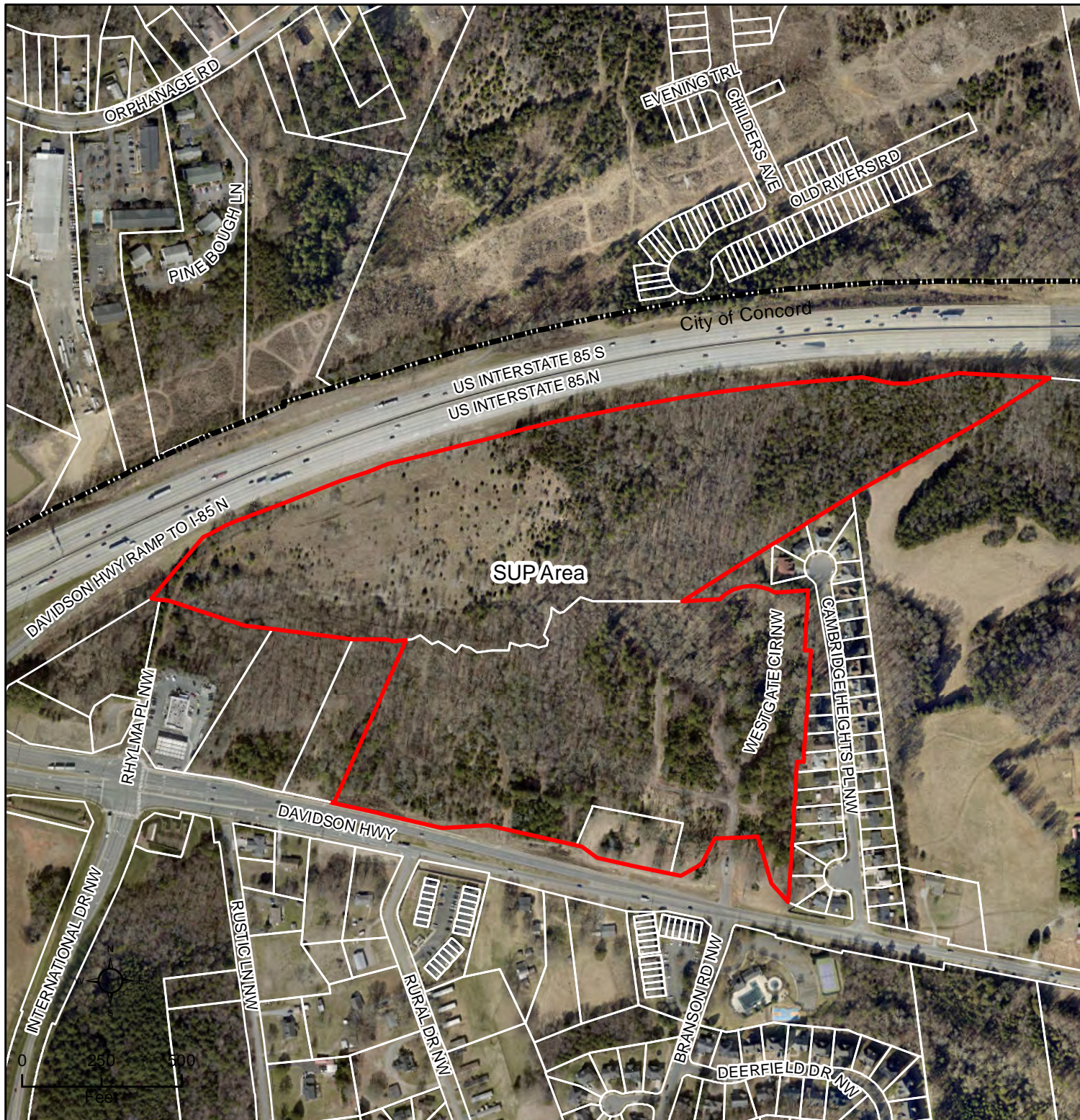
4208 Davidson Hwy  
PIN: 5601-88-8181, 5601-87-9077  
& part of 5601-87-7425

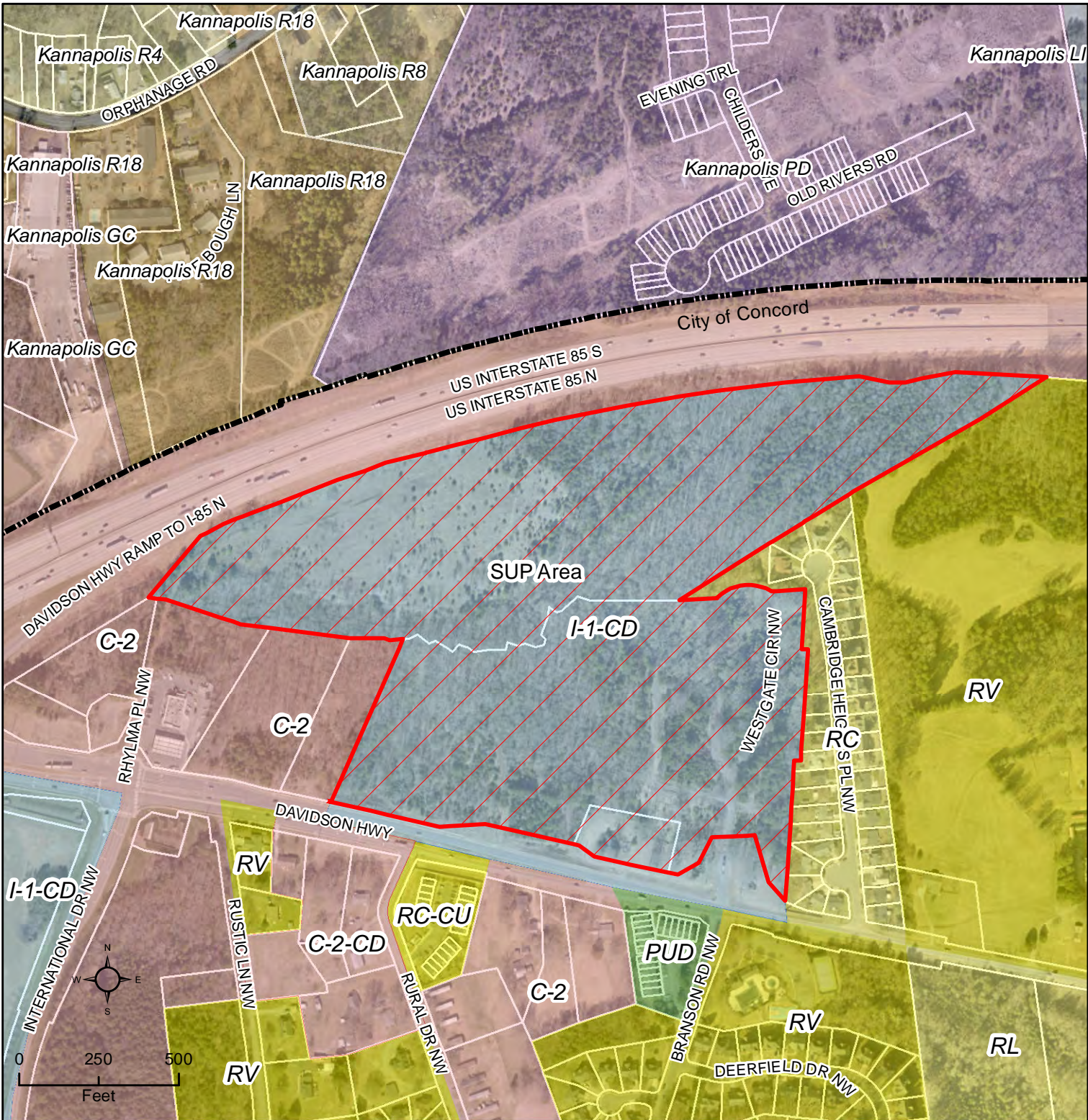


Source: City of Concord  
Planning Department

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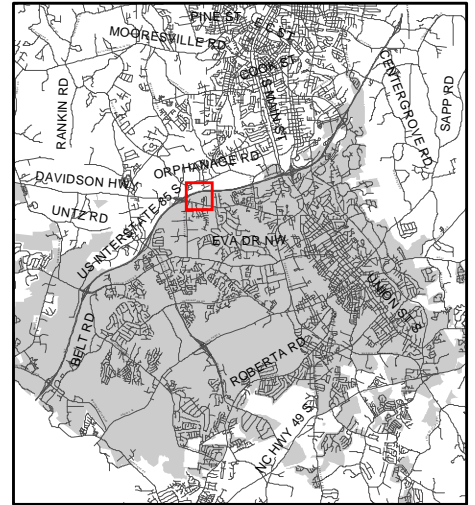




**SUP-07-21  
ZONING**

**Application for  
An office, warehouse, distribution  
and light industrial business park  
that would contain a maximum of  
500,000 sft of gross floor area**

4208 Davidson Hwy  
PIN: 5601-88-8181, 5601-87-9077  
& part of 5601-87-7425



Source: City of Concord  
Planning Department

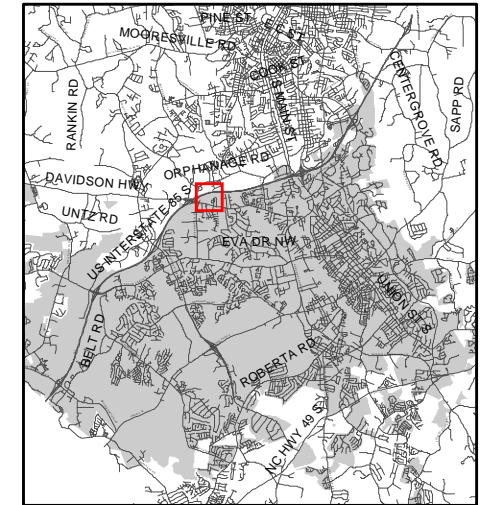
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**SUP-07-21  
LAND USE PLAN**

**Application for  
An office, warehouse, distribution  
and light industrial business park  
that would contain a maximum of  
500,000 sft of gross floor area**

4208 Davidson Hwy  
PIN: 5601-88-8181, 5601-87-9077  
& part of 5601-87-7425



Source: City of Concord  
Planning Department

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