Staff Report

Planning and Zoning Commission

DATE: December 17, 2019

SUBJECT: Special Use Permit - MF Residential in C-2 Zoning District

CASE: SUP-09-19

ACCELA: CN-SUP-2019-00007

APPLICANT: TSH Development Company, LLC

LOCATION: 8150 Weddington Road

AREA: 48 +/- Acres

EXISTING LAND USE: Vacant

EXISTING ZONING: C-2 (General Commercial)

REPORT PREPARED BY: Scott Sherrill, AICP – Sr. 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 property located at 8150 Weddington Road is currently vacant, and the applicant is proposing a site plan that includes 648 multifamily units (apartments) on 45.62 acres of the 48 acre site and a three-story, 10,000 square feet commercial structure. Multifamily development requires a special use permit in the C-2 zoning district. The commercial structure does not require a special use permit.

A prior Special Use Permit was approved for the development of 300 apartments on the front 20 acres of the property in 2018. The rear portion of the property indicated 153 townhomes, as townhomes are permissible by right (without an SUP) in the C-2 district.

This special use permit proposes 648 apartment units in 18 buildings and two amenity centers. Residences permitted in nonresidential districts are required to conform to the

density and dimensional standards of the RC zoning district, which allows up to 15 units per acre. The proposed density is 13.3 units per acre of the overall site, and 14.2 dwelling units per acre on the portion of the acreage used for multi-family. The site plan also includes 1051 residential parking spaces, which exceeds the minimum standard of 972 spaces for the residential development. This development, if approved would be the single largest apartment complex in Concord. Additionally, exclusive of this project, 766 multi-family units are entitled city-wide as of September 2019. The applicant is also providing 113 spaces for the commercial building, which is one space per 265 square feet of gross floor area, which is within the range for general retail uses.

The main entrance to the property will be off Weddington Road and in order to meet both zoning and fire requirements, the apartments are required to provide a second remote entrance. The applicant has proposed a second entrance off Ruben Linker Road, and no more than 100 units shall be permitted until the second access point is constructed and provides connectivity to the apartment complex. The property does include a stream, and the applicant has provided the required stream buffer. There is also a proposed pedestrian connection at the southwestern portion of the site that will help form a connection to a public greenway.

The site plan has been reviewed by the Development Review Committee and needs conditions to meet the minimum standards of the Concord Development Ordinance (CDO). As such, if approved, the site plan will be subject to technical site plan approval. At the June 20 DRC meeting, staff suggested to the applicant that they utilize a portion of the site for future commercial development in lieu of development of multifamily on the entire 48 acres, and this has been accomplished by the addition of a commercial parcel fronting on Weddington Rd..

The 2030 Land Use plan designates the site as Industrial/Employment, and C-2 is considered to be a consistent district within that land use designation. The property is also within the "Airport Industrial" character area on the 2030 Growth Concept Map in the Land Use Plan. The applicant has the right to develop under C-2 regulations if the Planning and Zoning Commission determines that the specific approval criteria for a special use permit have been met.

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.*

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 multi-family development is permitted in C-2 as a special use, and is adjacent to existing apartments located to the south of the property. The site plan has been reviewed and conditionally approved by the Development Review Committee, and has been conditioned to meet the minimum standards of the CDO. Permits will be subject to technical site plan approval.

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.

The subject property has direct access to a public thoroughfare and proposes a secondary access point to meet zoning and fire requirements. However, the Traffic Impact Analysis (TIA) is in process but has not been approved for this project. It is anticipated that the applicant will provide additional evidence as to compliance with this criterion at the hearing.

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

The proposed residential use should not generate noxious vibration, noise, dust, odor, smoke, or gas.

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 project is in the "Industrial/Employment" Future Land Use Category, which states that:

"The intent of the Industrial/Employment Future Land Use category is to identify those areas that have either already developed as industrial or are suited for additional industrial development due to the presence of infrastructure and access to transportation routes, such as major highways and railroads. These industrial areas should be preserved for employment uses to generate jobs for the community.

Industrial uses have already developed in several areas throughout the community, most of which are light industrial in function and impact. The 2030 Plan identifies the need to protect industrial lands and to encourage additional growth in industrial/employment uses in designated areas, particularly around Concord Regional Airport, and along I-85 between Pitts School Road and Rocky River…"

This parcel, while not zoned industrial, adjoins Light Industrial-zoned property currently employed for residential uses. Having such a large apartment complex in this location

sets up potential future conflicts with light industrial uses or applies pressure on the industrial property towards either a residential or commercial use. Objective 1.4. from the 2030 Land Use Plan is to "Protect existing and future industrial sites from encroachment of development that would limit their intended uses." And the policy guidance is "Ensure that adjacent development and street networks are designed to safely and compatibly accommodate planned industrial uses and resulting traffic." Goal 4 is: "Ensure compatibility between neighboring land uses," with Objective 4.1. of "Use a combination of land use transitions, intensity gradients, buffering and design to ensure that land use transitions are compatible," Objective 4.2. "Ensure that industrial and commercial developments are designed to limit encroachment of incompatible traffic, noise, odors and lighting into nearby residential areas, and Objective 4.3: "Discourage the location of incompatible uses near intensive existing uses such as the Concord Regional Airport and racing facilities." This property is approximately a quarter of a mile, straight-line distance, from the runway at Concord Regional Airport.

Furthermore, the property is in the Airport Industrial Character Area, where the guidance is to "Discourage new residential development in this character area."

It should be noted that the parcel does have significant topography ranging from 735 at the highest point to around 650 at the lowest point, plus a creek that bisects the front third of the property. These two conditions, while not prohibiting industrial development, do make it harder due to the need for larger, flat building pads.

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 should not be detrimental to or endanger public health safety, or general welfare.

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

The proposed project complies with CDO zoning requirements, but the Fire Department has requested one condition to ensure fire protection coverage for all structures. If the requested SUP is approved, the applicant must obtain technical site plan review prior to permit issuance.

The proposed condition is: The comments provided by fire for the conditional use review are subject to change based on the officially submitted technical site and building plan at a future date. The final approval requirements will include but not be limited to, providing an adequate number of hydrants and placement that will allow for the required hose pull distances as approved by the authority having jurisdiction, and providing adequate fire lane access to hydrants and other fire service features as determined by the authority having jurisdiction. In addition to these identified issues, additional fire protection methods may be required at the time of submittal of technical site and building plans to maintain compliance with the North Carolina Building Code.

PROPOSED FINDINGS OF FACT

1. The subject property is located off Weddington Road with a proposed second entrance off Ruben Linker RD NW.
2. The property is owned by Brigem, LLC
3. The subject property is zoned C-2 (General Commercial).
4. The property consists 48 acres.
5. The adopted Land Use Plan designates the property as industrial/employment center and
6. The request is for a Special Use Permit to construct a 648 unit, multifamily development, consisting of 18 apartment structures and two clubhouse/amenity centers.
7. The submitted site plan and supplemental materials are being conditioned to meet the minimum requirements of the Concord Development Ordinance.

RECOMMENDATION AND SUGGESTED CONDITIONS

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

1) Technical site plan approval is required prior to issuance of zoning clearance permits.
2) A Traffic Impact Analysis must be completed and approved.
3) The School Bus Shelter location(s) must be approved by Cabarrus County Schools.
4) Additional vehicular and pedestrian connectivity will be provided to the commercial parcel.
5) The applicant will construct the greenway segment on the parcel during the phase of apartment construction with which it occurs.
6) The comments provided by fire for the conditional use review are subject to change based on the officially submitted technical site and building plan at a future date. The final approval requirements will include but not be limited to, providing an adequate number of hydrants and placement that will allow for the required hose pull distances as approved by the authority having jurisdiction, and providing adequate fire lane access to hydrants and other fire service features as determined by the authority having jurisdiction. In addition to these identified issues, additional fire protection methods may be required at the time of submittal of technical site and building plans to maintain compliance with the North Carolina Building Code.
7) This project must comply with all federal, state, and local codes, including Fire Code.

Concord
NORTH CAROLINA

Subject Property Map

SUP-09-19

Tom Holdersby,
TSH Dev. Company

Southwest Side of
Ruben Linker Rd
& 8150 Weddington

I-1 (Light Industrial)
to
C-2 (General
Commercial)

PIN 4599-28-3052 &
4599-26-1878

N
W E
S

Source: City of Concord
Planning Department

Disclaimer

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Concord
NORTH CAROLINA

Zoning Map

SUP-09-19

Tom Holdersby, TSH Dev. Company

Southwest Side of Ruben Linker Rd & 8150 Weddington Rd

SUP for Multi-family

PINs 4599-28-3052 & 4599-26-1878

N
W E
S

Source: City of Concord
Planning Department

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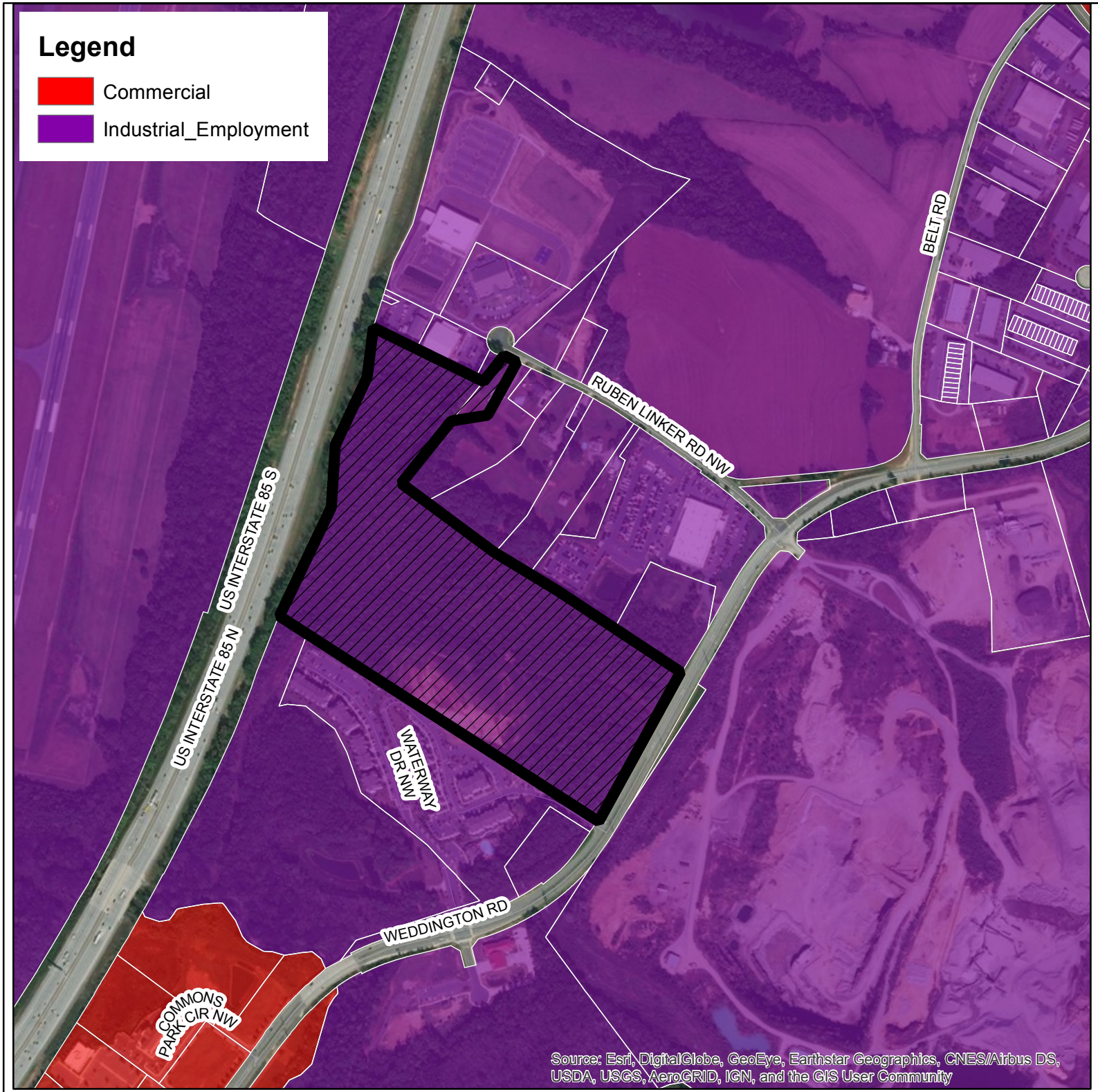

Concord
NORTH CAROLINA

LUP Map

SUP-09-19

Tom Holdersby, TSH Dev. Company

Southwest Side of Ruben Linker Rd & 8150 Weddington Rd

SUP for Multi-family

PINs 4599-28-3052 & 4599-26-1878

N
W E
S

Source: City of Concord Planning Department

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Concord
NORTH CAROLINA
High Performance Living

Application for
Special Use Permit

Date 05-29-19

APPLICANT NAME: TOM HOLDERSBY COMPANY NAME: TSH DEVELOPMENT COMPANY, LLC

APPLCANT ADDRESS: 1034 FINWOOD DRIVE

CITY: WHITSETT STATE NC ZIP 27377

PHONE NUMBER OF APPLICANT: 336-269-4000

OWNER OF PROPERTY (if different from applicant) Brigem LLC

OWNER ADDRESS: C/O Gibbs International Inc, PO Box 1727 CITY Spartanburg STATE SC ZIP 29304

PROJECT ADDRESS (if an address exist): Weddington Road, Concord, NC

P.I.N.: 45992618780000

Area of Subject Property (in acres, or square feet): 48.7

Lot Width: 850 feet Lot Depth: 2000 feet

Current Zoning Classification: C-2 General Commercial

Existing Land Use: Vacant

Description of Use Requested:

The proposed use is a 720-unit multifamily apartment complex. The project will include an amenity center with clubhouse and pool.

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: 8/9/19 Applicant Signature: Thomas S. Holdersby

Concord
NORTH CAROLINA
High Performance Living

Application for
Special Use Permit

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 proposed use is similar and compatible to the surrounding land use.

(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 proposed use conforms to the surrounding existing multifamily development neighboring the site to the south, and church, single family homes, and Retail Auto Lot to the north.

(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 applicant is working with the city and adjacent land owners on providing secondary entrance. A full Traffic Impact Analysis will be completed to determine any off-site roadway improvements the project would require.

(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."
This proposed use is for residential development.

(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 proposed use is compatible to the surrounding property.

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 proposed use requiring a Special Use Permit is a 720-unit multifamily apartment complex. Per Table 8.1.8 of the CDO, this use is allowed in C-2 zoning as a special use and is subject to specific design regulations.

(2) Accessory uses (if any):
None.

(3) Setback provisions:
Setbacks meet the requirements of RC zoning in Table 7.6.2B.

(4) Height provisions:

Building heights meet the requirements of RC zoning in Table 7.6.2A

(5) Off-street parking and loading provisions:
Proposed off street parking meets the requirements of section 10.3 and table 10.3-1.

(6) Sign provisions:
Proposed signs will meet the requirements of CDO Article 12

(7) Provisions for screening, landscaping and buffering:
Landscaping will meet the requirements of CDO section 11.2. Buffer yards have been proposed per the requirements of Tables 11.4-1 and 11.4-2. Building yards meet the requirements of table 11.5-1.

(8) Provisions for vehicular circulation and access to streets:
Access to streets will meet the City of Concord requirements. A second site entrance is being proposed to connect to Ruben Linker Road, this will require the purchasing of additional land for the public ROW.

(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:
This site will meet the requirements of the City of Concord Technical Standards Manual Article 1.

(10) Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces, facilities for waste disposal, and illumination:
This site will meet the requirements of the CDO Article 10 and TSM Article 2.

(11) An adequate amount, and safe location of, play areas for children and other recreational uses, according to the concentration of residential occupancy:
Open space meets the standards in section 10.5 and table 10.5.13

(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):
Screening will meet the requirements of the City of Concord.

(13) Open space (including flood hazard area):
Open space meets the standards in section 10.5 and table 10.5.13

(14) Improvements within the common open space:
Open space improvements will meet the standards in section 10.5.3

(15) Parking Areas:
All proposed parking meets the requirements of section 10.3 and table 10.3-1.

(16) Sidewalks, trails and bikeways:
The site will meet the requirements of the CDO Article 10 and TSM Article 2.

(17) Lighting and utilities:
The site will meet the requirements of section 7.8.11 and utility requirements in the TSM

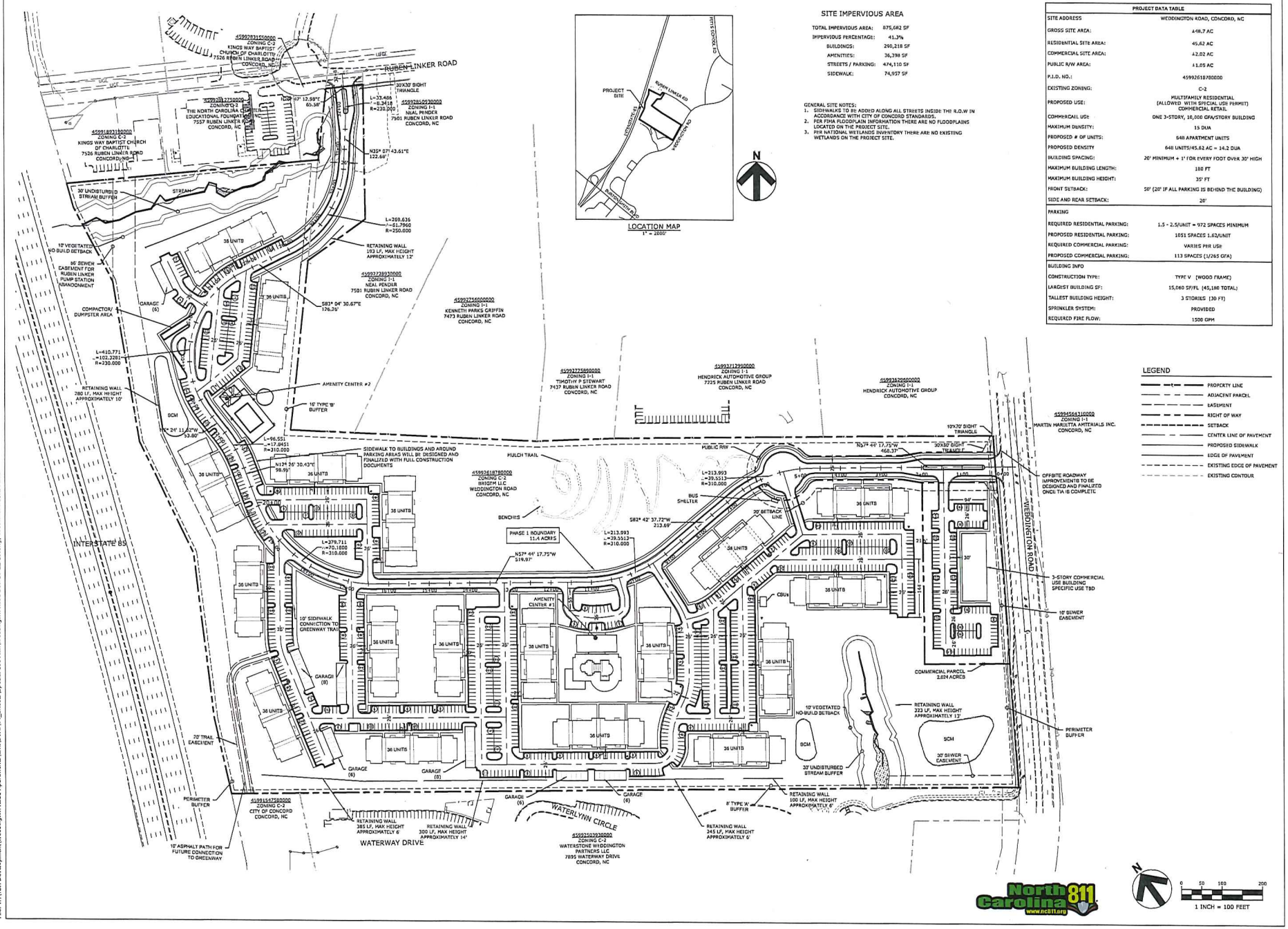
(18) Site furnishings:
None

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

The project will provide all services as required by the City of Concord.

(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:

The applicant has and will continue to work with the city to ensure safe and successful project.



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File: W:\TSH Development\Weddington Road Apartments\Civil\DWG\04_Sheets\Special Use Plan\Weddington Road SUP 10-22-19.dwg, Tab: C-400 SITE PLAN

Cardno
CHARLOTTE
5800 SOUTHERN PINE BLVD., SUITE 1
CHARLOTTE, NORTH CAROLINA 28273
TEL: (704) 527-9700 www.cardno.com

NO.	DATE	DESCRIPTION	BY

SITE PLAN
WEDDINGTON HILLS APARTMENTS
TSH DEVELOPMENT
CITY OF CONCORD, NORTH CAROLINA

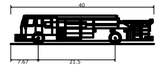
ROBERT L. CASH, P.E.
NC LICENSE No. 035448

DATE	10/31/2019
DRAWN	PFD
DESIGNED	PFD
CHECKED	RLC
PROJECT #	TSH190001

SHEET TITLE
SITE PLAN

SHEET NUMBER
SUP-01

Various hose pulls exceed 400' per section



City of Concord Ladder Truck	
Overall Length	40.000ft
Overall Width	9.920ft
Overall Body Height	7.939ft
Min Body Ground Clearance	0.850ft
Track Width	9.277ft
Lock-to-lock time	6.00s
Wall to Wall Turning Radius	42.167ft

LEGEND

- PROPERTY LINE
- ADJACENT PARCEL
- EASEMENT
- RIGHT OF WAY
- SETBACK
- CENTER LINE OF PAVEMENT
- PROPOSED SIDEWALK
- FACE OF CURB
- EXISTING EDGE OF PAVEMENT
- VEHICLE TRACKING - TIRE PATH
- VEHICLE TRACKING - VEHICLE OVERHANG LIMITS

BUFFER
PROP. HYD
342' HOSE PULL
Need Fire Lane
36 UNITS
PROP. FDC
483' HOSE PULL
45992618780000
ZONING C-2
BRIGEM LLC
WEDDINGTON ROAD
CONCORD, NC
MULCH TRAIL
BENCHES
10'X70' SIGHT TRIANGLE
30'X50' SIGHT TRIANGLE
436' HOSE PULL
CBUs
437' HOSE PULL
392' HOSE PULL
486' HOSE PULL
479' HOSE PULL
444' HOSE PULL
404' HOSE PULL
409' HOSE PULL
435' HOSE PULL
440' HOSE PULL
377' HOSE PULL
378' HOSE PULL
425' HOSE PULL
419' HOSE PULL
455' HOSE PULL
488' HOSE PULL
10' VEGETATED NO-BUILD SETBACK
30' UNDISTURBED STREAM BUFFER
SCM

North Carolina 811 www.nc811.org

N

0 30 60 120

1 INCH = 60 FEET

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9800 SOUTHERN PINE BLVD., SUITE I
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FIRE PLAN EXHIBIT
WEDDINGTON HILLS APARTMENTS
TSH DEVELOPMENT
CITY OF CONCORD, NORTH CAROLINA

#	DESCRIPTION	DATE	BY

ROBERT L. CASH, P.E.
NC LICENSE No. 033448

DATE	10/29/2019
DRAWN	PFD
DESIGNED	PFD
CHECKED	RLC
PROJECT #	TSH190001

SHEET TITLE

FIRE PLAN EXHIBIT

SHEET NUMBER

FP-01

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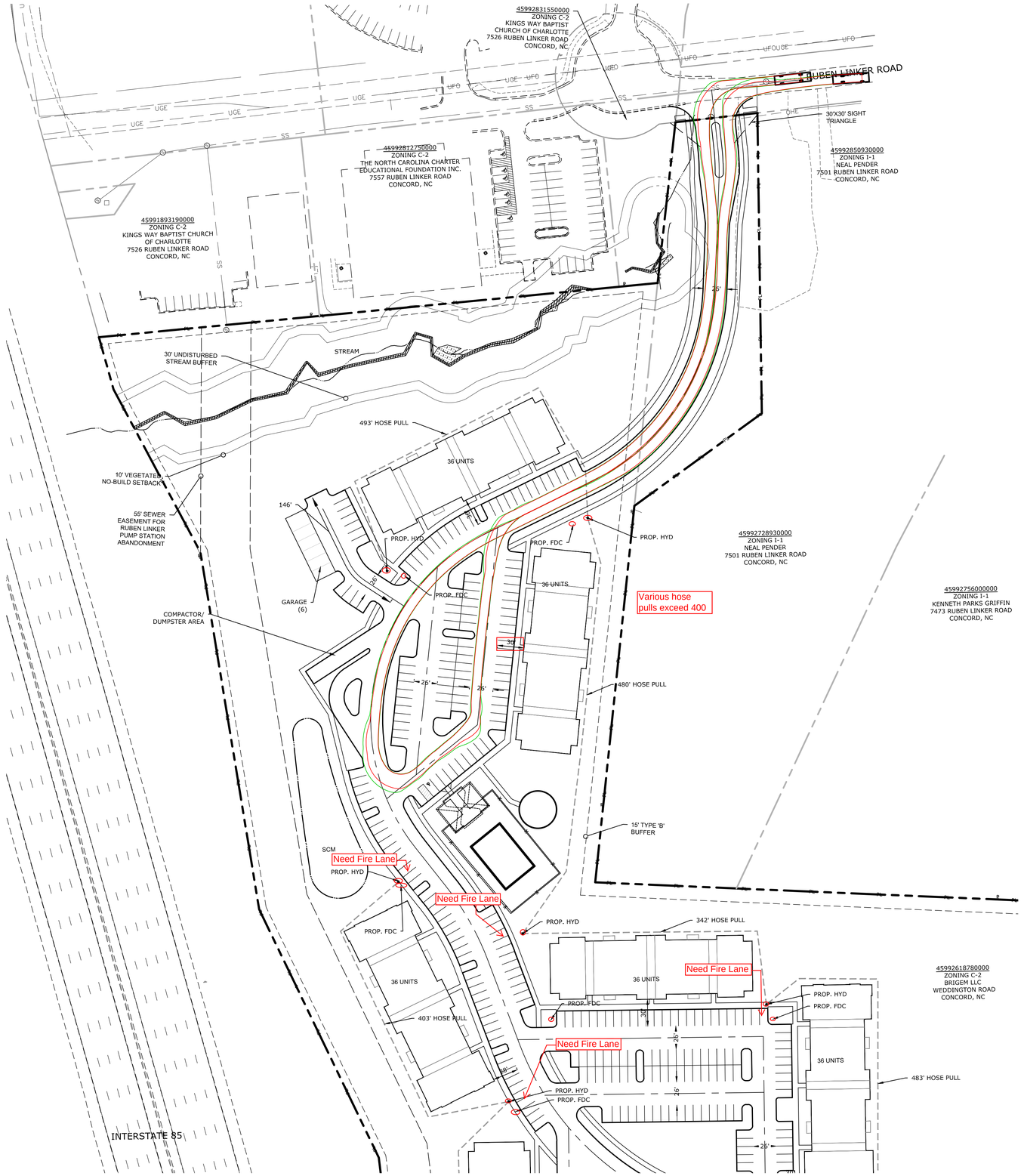
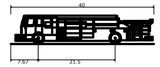
File: W:\TSH Development\Weddington Road Apartments\Civil\DWG\05_Exhibits\2019-10-10 Fire Plan Exhibit\Fire Plan Exhibit.dwg, Tab: C-400 SITE PLAN





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- VEHICLE TRACKING - VEHICLE OVERHANG LIMITS

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0 30 60 120

1 INCH = 60 FEET

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FIRE PLAN EXHIBIT
WEDDINGTON HILLS APARTMENTS
TSH DEVELOPMENT
CITY OF CONCORD, NORTH CAROLINA

#	DATE	DESCRIPTION	BY

ROBERT L. CASH, P.E.
NC LICENSE No. 033448

DATE	10/29/2019
DRAWN	PFD
DESIGNED	PFD
CHECKED	RLC
PROJECT #	TSH190001

SHEET TITLE

FIRE PLAN EXHIBIT

SHEET NUMBER

FP-02

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Weddington Hills of Concord LLC

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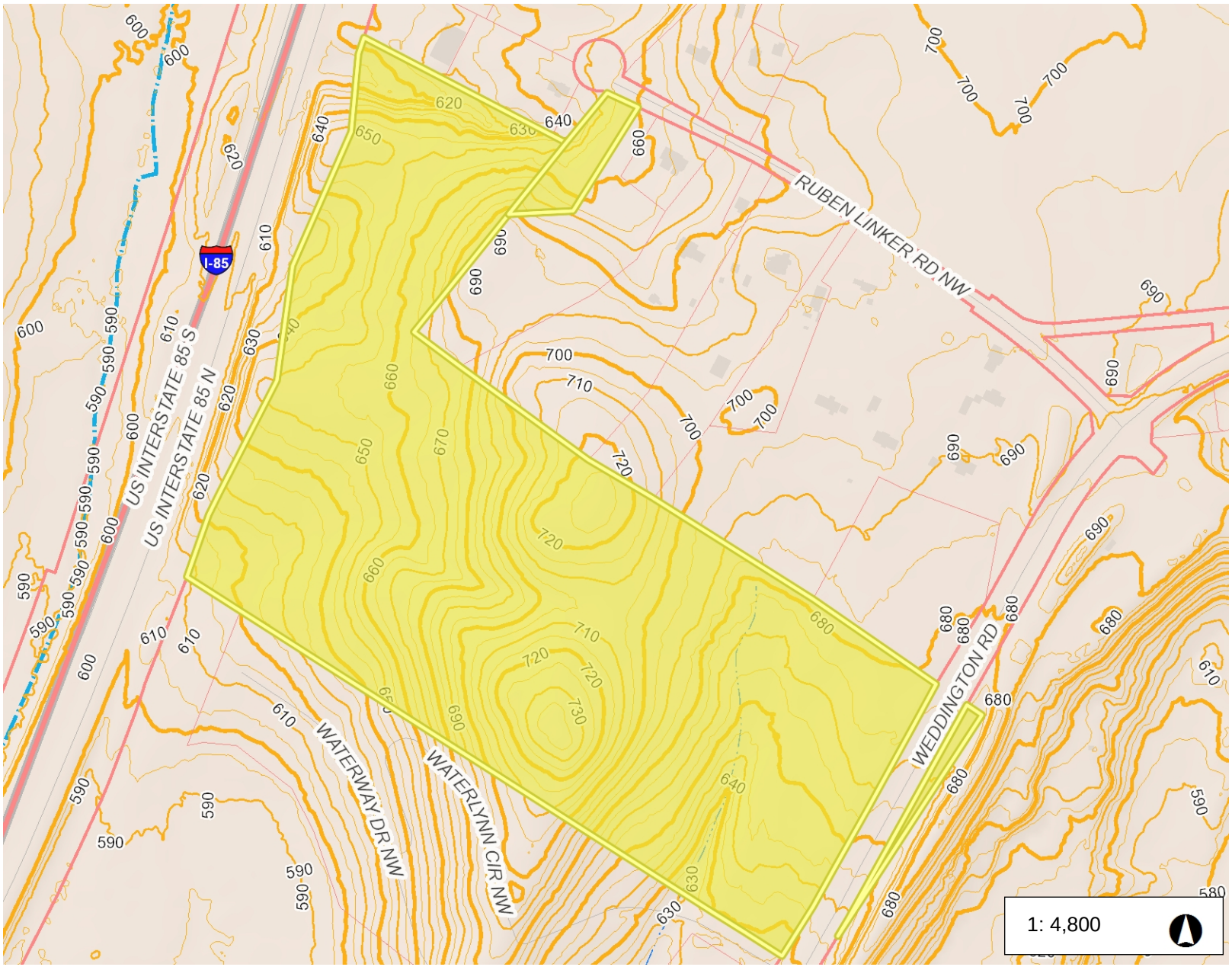
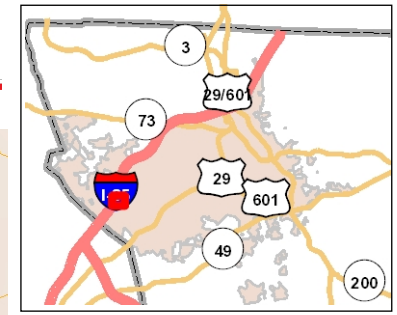
Weddington Hills of Concord LLC

Weddington Hills of Concord LLC

Concord, NC





Legend

- Address Point
- Street Right-of-Way
- Parcels
- Topo 20ft (2005)
- Topo 10ft (2005)
- Topo 5ft (2005)
- Speedways & Race Tracks
- Airports & Airstrips
- Railroad
- Highways
  - Interstate
  - NC Highway
  - US Highway
- Roads
- Waterbodies
- Regulated Streams
  - USGS Perennial - Class 1
  - USGS Intermittent - Class 2
  - NRCS Intermittent - Class 2
- Parks
- Concord City Limits Zoomed In
- Cabarrus County
- Structures
- Hillshade
  - High : 180

Notes

800.0 0 400.00 800.0 Feet

This map is a user-generated static output from an web-based mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise fully reliable. The City of Concord shall not be held liable for inaccurate content.