

**PREPARED BY:** 

<u>Staff Report</u> Planning and Zoning Commission

DATE:	June 21, 2022
CASE:	TA-07-22 Text Amendment – Multi-Family and Convention Center, Mixed Use

Scott Sherrill, AICP, Development Review Manager

#### BACKGROUND: TA-07-22, CITIZEN INITIATED

On April 14, 2005, City of Concord City Council adopted a text amendment that established a list of permitted uses within 1,000 feet of the Concord Convention Center, effectively establishing an overlay on surrounding properties that limited approved uses. Among the uses that were not permitted within the 1,000 ft. buffer were multi-family residential and mixed-use buildings. The bounds of the overlay were further limited from applying to properties across rights of way greater than 120', which effectively means that properties across Bruton Smith Blvd. were exempted from the use limitations. Several adjoining property owners spoke in opposition to the text amendment at the hearing in 2005.

A map reflecting the convention center buffer is attached to this staff report. It includes portions of the Rocky River Golf Course and other city-owned property to the north along the Hector Henry Greenway. There is one vacant outparcel on Gateway Ln, which is proposed for a drive thru restaurant, per their sewer allocation request. There are four undeveloped parcels bounded by Bruton Smith Blvd, Scott Padgett Pkwy NW, and John Q Hammon Dr. NW that total 8.2+/- acres, and the property at 5350 John Q Hammon Dr NW., consisting of approximately 5.6 acres. All of the relevant property is currently zoned General Commercial (C-2).

The City of Concord received an application for a text amendment from David B. Kossove requesting that multi-family residential uses be permitted within 1,000 feet of the convention center. Staff has recommended extending this request to explicitly permit mixed use buildings also.

Mr. Kossove is associated with a group that is seeking to develop a mixed-use building and a standalone multi-family building at 5350 John Q Hammon Dr. NW that is currently in for a sewer allocation request.

The C-2 zoning district permits vertically integrated mixed-use buildings by right, and multi-family buildings with a special use permit. Residential units above non-residential do not count towards the density limit, whereas standalone multi-family units are limited to 30% of the parcel area for both density and use, and are limited in density to the Residential Compact (RC) standard of 15 dwelling units per acre.

The aerial map reflecting the 1,000 ft. convention center buffer, the application for text amendment, and a selection of the minutes from the April 14, 2005 City Council meeting are attached to this staff report.

At the June 21, 2022 Planning and Zoning Commission meeting, the Planning and Zoning Commission expressed reservations regarding allowing multi-family within the Convention Center overlay, but was supportive of adding mixed use buildings, and this is reflected in the drafted text amendment. The Planning and Zoning Commission also directed staff to reach out to the convention center to get their opinion on the overlay: staff has reached out but has not received a response from the Convention Center.

#### Statement of Reasonableness and Consistency:

The proposed text amendment is consistent with the 2030 Land Use Plan in that it fosters an attractive and functional mix of living, working, shopping and recreational uses within Mixed-Use Activity Centers and Village Centers (Objective 1.5) and Providing a diverse mix and range of housing options throughout the City that will accommodate the current and future needs of the citizens of Concord (Objective 1.6).

The request is reasonable and in the public interest in that it increases the ability to develop residential uses in close proximity to a major commercial node, and supports the goal of the Convention Center overlay/buffer to ensure that future development within close proximity of the convention center will contain uses that are compatible and complementary, and promote pedestrian as well as tourist activities.

#### Action Requested:

Consider the drafted text amendment and make a recommendation to Council on the text amendment and statement of reasonableness and consistency.

# LOCATION

Only the following permitted uses from Table 8.1.8 shall be allowed to locate within one thousand (1000) feet from any convention center property unless the use is separated by an existing public right-of-way of 120 ft. or greater. This does not include property whose use(s) would become nonconforming at the date of adoption. For purposes of this section, a property for which a site plan has been approved shall be considered to be a convention center property.

- ABC Store
- Accessory uses (customarily incidental to the permitted primary use as approved by the Administrator)
- Accounting & Tax Service
- Advertising & Related Services
- Amusement Arcade, indoors only
- Amusement Park

Animal Grooming Establishment (no overnight boarding)

- Antique Store
- Architectural, Engineering & Related Services
- Art Dealer
- Art Supply Shop
- Auditorium/Assembly Hall, up to 350 seats
- Auditorium/Assembly Hall, more than 350 seats
- Bakery/Snack Shop, no drive-thru
- Bank Teller Machines, outdoor (principal or accessory
- uses)
- Barber / Beauty Shop
- Baseball Hitting Range
- Beauty Supply and Cosmetic Store
- Bed and Breakfast Inn
- Bicycle Sales and Service
- Blueprinting and Drafting Service
- Botanical Gardens/Nature Preserves
- Book Store
- Bowling Center
- Bus Charter Service Company (including passenger terminals)
- Camera and Photography Store
- Candle Shop
- Candy and Nut Store
- Card Shop
- Child Care Center
- China and Tableware Shop
- Clock and Watch Sales and Repair
- Cloth/Piece Goods store

- Clothing and Clothing Accessories
- Clothing Alterations and Repairs
- Coin and Stamp Shop
- Computer System Design & Related Services
- Convention Center
- Costume Rental Shop
- Counseling Office
- Consulting Office
- Country Club
- Craft Studio and Store
- Credit Bureau
- Dance School Studio
- Data Processing and News Services
- Delivery/Courier Service, local, (no commercial vehicles)
- Detective Agency
- Drapery and Linen Shop
- Electronics Sales and Repair
- Electronic Shopping and Mail-Order Houses
- Employment Agency
- Engineering, Architect or Surveying Office
- Environmental Consulting Service
- Extended Stay Lodging Facilities
- Financial Institution (no drive up windows)
- Floral and Christmas Shop
- Florist
- Food Catering Facility
- Food Store, (excluding convenience stores)
- Formal Wear
- Funeral Home
- Furniture & Home Furnishings store
- General Merchandise Store (less than 25,000 sq. ft.)
- Gift, Novelty and Souvenir Store
- Glass and Mirror Shop
- Golf Course, public or private
- Golf Driving Range
- Governmental Buildings (excl. correctional institutions)
- Graphic Design Services
- Gun and Ammunition Sales
- Gunsmith
- Hardware Store
- Health Club & Fitness Center
- Hobby, Toy, and Games Stores
- Home Electronics Sales and Repair
- Home Occupations
- Hospital

Hotel

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- Industrial Design Services (general office)
- Insurance Agency
- Interior Design Services
- Jewelry Sales and Repair Store
- Legal services
- Library, public
- Limousine/Chauffeur Service
- Martial Arts School
- Massage Therapist
- Medical clinic
- Medical Supply Shop
- Micro-Brewery (less than 5,000 sq. ft.)
- Miniature Golf Course
- Mixed Use Building
- Motel
- Motion Picture and Sound Recording Studio
- Motion Picture Theater, indoor
- Museum
- Music Store
- Nail Store
- Newsstand (principal use)
- Nursery, plants
- Defice, general
- Office supplies, Equipment and Stationary Store
- Park, community
- Park, district
- Park, neighborhood
- Park, linear
- Park, regional
- Parking Lot & Decks, principal use
- Performing Arts Company & Artist
- Pet Shop
- Photocopy Service
- Photofinishing Laboratory
- Photography Studio
- Picture Frame Shop
- Post Office
- Postal store and Contract Station
- Printing and related Support Activities
- Public Transportation System
- Real Estate agency
- Recreational Instruction and Camps
- Religious Institution / House of Worship (up to 450 seats)
- Religious Institution / House of Worship (more than 450 seats)

- Restaurant
- School, boarding
- School, business or trade
- School, private & parochial
- School, public, elementary & secondary
- School, university or college
- School, fine arts
- Scientific Research & Development Services
- Sewing, Needlework & Piece Goods Store
- Shoe Sales and Repair Shop
- Shopping Center, less than 25,000 sq. ft.
- Shopping Center, 25-100,000 sq. ft.
- Shopping Center, over 100,000 sq. ft.
- Skating Rink, indoor
- Social Assistance (excl. child care centers)
- Sporting Goods Store
- Stationery Shop
- Stock or Security Brokerage Firm
- Tanning Salon
- Television, Radio & Film Studio
- D Tobacco Shop
- Travel Agency
- Trophy & Plaque Shop
- Video Rental & Sales
- Visitor Bureaus
- Wedding Chapel

#### UDO TEXT AMENDMENT - SECTION 8.3.4.G 5

Add the following to list of allowed uses: RESIDENTIAL - MULTI FAMILY

#### 5. LOCATION

Only the following permitted uses from Table 8.1.8 shall be allowed to locate within one thousand (1000) feet from any convention center property unless the use is separated by an existing public right-of-way of 120 ft. or greater. This does not include property whose use(s) would become non-conforming at the date of adoption. For purposes of this section, a property for which a site plan has been approved shall be considered to be a convention center property. ABC Store Accessory uses (customarily incidental to the permitted primary use as approved by the Administrator) Accounting & Tax Service Advertising & Related Services Amusement Arcade, indoors only Amusement Park Animal Grooming Establishment (no overnight boarding) Antique Store Architectural, Engineering & Related Services Art Dealer Art Supply Shop Auditorium/Assembly Hall, up to 350 seats Auditorium/Assembly Hall, more than 350 seats Bakery/Snack Shop, no drive-thru Bank Teller Machines, outdoor (principal or accessory uses) Barber/ Beauty Shop **Baseball Hitting Range** Beauty Supply and Cosmetic Store Bed and Breakfast Inn **Bicycle Sales and Service Blueprinting and Drafting Service Botanical Gardens/Nature Preserves Book Store Bowling Center** Bus Charter Service Company (including passenger terminals) Camera and Photography Store Candle Shop Candy and Nut Store Card Shop

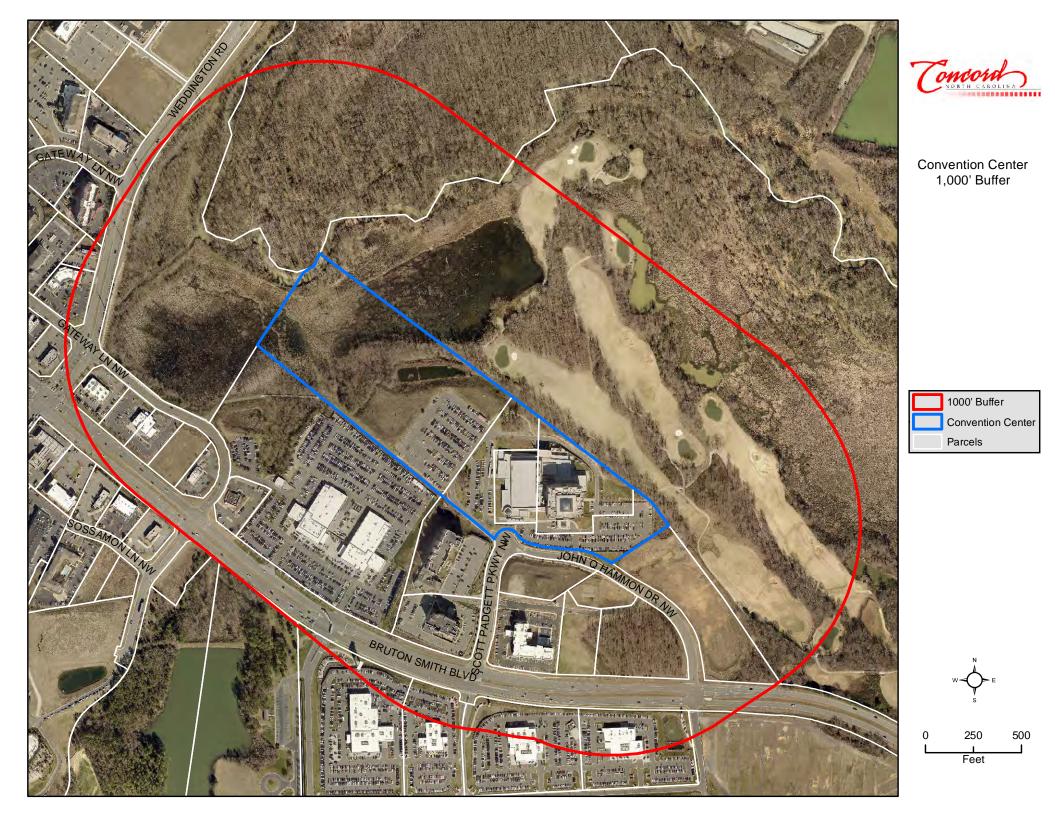
Child Care Center China and Tableware Shop Clock and Watch Sales and Repair Cloth/Piece Goods store **Clothing and Clothing Accessories Clothing Alterations and Repairs** Coin and Stamp Shop **Computer System Design & Related Services Convention Center Costume Rental Shop Counseling Office** Consulting Office **Country Club** Craft Studio and Store **Credit Bureau Dance School Studio Data Processing and News Services** Delivery/Courier Service, local, (no commercial vehicles) **Detective Agency Drapery and Linen Shop Electronics Sales and Repair Electronic Shopping and Mail-Order Houses Employment Agency** Engineering, Architect or Surveying Office **Environmental Consulting Service Extended Stay Lodging Facilities** Financial Institution (no drive up windows) Floral and Christmas Shop Florist **Food Catering Facility** Food Store, (excluding convenience stores) Formal Wear **Funeral Home** Furniture & Home Furnishings store General Merchandise Store (less than 25,000 sq. ft.) Gift, Novelty and Souvenir Store **Glass and Mirror Shop** Golf Course, public or private **Golf Driving Range** Governmental Buildings (excl. correctional institutions) **Graphic Design Services** Gun and Ammunition Sales Gunsmith Hardware Store

Health Club & Fitness Center Hobby, Toy, and Games Stores Home Electronics Sales and Repair Home Occupations Hospital Hotel Industrial Design Services (general office) Insurance Agency Interior Design Services Jewelry Sales and Repair Store Legal services Library, public Limousine/Chauffeur Service Martial Arts School Massage Therapist Medical clinic Medical Supply Shop Micro-Brewery (less than 5,000 sq. ft.) Miniature Golf Course Motel Motion Picture and Sound Recording Studio Motion Picture Theater, indoor Museum **Music Store** Nail Store Newsstand (principal use) Nursery, plants Office, general Office supplies, Equipment and Stationary Store Park, community Park, district Park, neighborhood Park, linear Park, regional Parking Lot & Decks, principal use Performing Arts Company & Artist Pet Shop **Photocopy Service** Photofinishing Laboratory **Photography Studio Picture Frame Shop** Post Office Postal store and Contract Station Printing and related Support Activities

Public Transportation System Real Estate agency Recreational Instruction and Camps Religious Institution / House of Worship (up to 450 seats) Religious Institution / House of Worship (more than 450 seats)

#### **Residential – Multi Family**

Restaurant School, boarding School, business or trade School, private & parochial School, public, elementary & secondary School, university or college School, fine arts Scientific Research & Development Services Sewing, Needlework & Piece Goods Store Shoe Sales and Repair Shop Shopping Center, less than 25,000 sq. ft. Shopping Center, 25-100,000 sq. ft. Shopping Center, over 100,000 sq. ft. Skating Rink, indoor Social Assistance (excl. child care centers) Sporting Goods Store Stationery Shop Stock or Security Brokerage Firm **Tanning Salon** Television, Radio & Film Studio **Tobacco Shop** Travel Agency **Trophy & Plaque Shop** Video Rental & Sales **Visitor Bureaus** Wedding Chapel



#### Mayor Padgett.

Mr. Joe Shambo appeared in support of the annexation. He said the area has two waterways, which gives them an opportunity to protect and enhance the surrounding greenways. He said it would be nice to develop this premiere residential community in conjunction with the City.

No further comments were received. Therefore, the public hearing was closed.

The City Manager said there is no doubt this would be a high quality development. However, there is a concern about the City overextending its services. He further stated that this area is included in the five-year annexation plan that was previously adopted.

Council Member Ramseur stated that the Utilities Service Agreement would ensure that the development is built according to the City's development standards so it could easily be annexed later.

A motion was made by Council Member Henry, seconded by Council Member Ramseur, and duly carried, to deny the current annexation petition and authorize the City Manager and staff to finalize the Utilities Service Agreement with the owner/developer—the vote: all aye.

\* \* \* \* \*

This date and time was established in order to conduct a public hearing and to consider adopting an ordinance annexing the Ambassador project area located east of Poplar Tent Road and south of NC Highway 73. However, the City Manager stated that Mr. Chip Thompson, a representative of Ambassador Properties, had submitted a letter requesting that this annexation request be withdrawn.

Mr. Bob Taylor, with Lat Purser and Associates, appeared on behalf of Mr. Porter Byrum, one of the property owners. He told the Council that they were just notified of Mr. Thompson's letter and asked if Ambassador Properties could withdraw the request without the consent of the property owner. He stated that the property owner signed the petition, but did not know he was giving up all his rights.

The City Attorney suggested that the Council could table this item until next month in order to determine if Ambassador Properties has the right to withdraw.

The City Manager reminded the Council that staff's recommendation was to offer a Utilities Service Agreement and deny the annexation request due to the issues involving adequate school facilities, before the letter was received from Mr. Thompson.

Council Member Grimes felt the Council should table the item to determine the correct applicant. Council Member Ramseur said the petition showed Ambassador Properties as the applicant.

A motion was made by Council Member Barrier, seconded by Council Member Grimes, and duly carried, to table this item until the next regular meeting on May 12, 2005 for clarification—the vote: aye: Phillips, Small, Brown, Barrier, Henry, Grimes; no: Ramseur.

\* \* \* \* \*

This date and time was established in order to conduct a public hearing and to consider adopting an ordinance to amend the Unified Development Ordinance (UDO) pertaining to Article 5, Supplemental Use Regulations. Staff was directed to draft an amendment to the current language in the UDO regarding compatible and complimentary

uses in close proximity to a convention center. The proposed language lists uses that will be allowed within one thousand (1000) feet from any convention center property unless the use is separated by an existing public right-of-way of 120 feet or greater. The public hearing, having been duly advertised, was opened by Mayor Padgett.

Mr. Deane Brunson, representing Crestbrook Investors, the owner of the property adjoining the convention center, appeared in opposition to the text amendment. Ms. Anne Morrison, representing Modern Nissan, stated that they entered into a contract on March 15, 2005 to purchase 5.75 acres adjoining the convention center site from Crestbrook Investors. Mr. Brunson informed the Council that Crestbrook acquired 13.3 acres in front of the convention center site in 1999. At that time, the City had an access easement through the middle of the property, which takes up about 1.468 acres, leaving 5.362 acres to the left of the road and 6.28 acres to the right. He stated that Crestbrook has met on many occasions with the Mayor and City Manager to discuss the plans for the convention center and the plans for their property. However, on Sunday, April 10, Crestbrook was informed of this text amendment by a phone call from the Mayor. Mr. Brunson stated that the text amendment will take away 81 of the 288 uses currently allowed.

Mr. Brunson then spoke about the notices that were given for the public hearings held by the Planning and Zoning Commission and City Council. He stated that a special meeting of the Planning and Zoning Commission was held this past Tuesday evening. Mr. Brunson quoted from the General Statutes regarding the requirements for holding public hearings. He stated that a notice shall be published once a week for two successive calendar weeks in the newspaper, with the first notice published not less than 10 days nor more than 25 days before the hearing. He also read what information the notice should include. Mr. Brunson said they felt the notice had failed to adequately alert the owners of property of their rights that might be affected. He also felt the notice failed to described the area in question.

Ms. Morrison informed the Council that she had spoken with a representative at the Institute of Government earlier about the matter, who had directed her to a similar case in another town. She spoke about the vague notice that was advertised for the public hearings.

A motion was made by Council Member Phillips, seconded by Council Member Ramseur, and duly carried, to allow Ms. Morrison an additional two minutes to speak.

Ms. Morrison stated that the purpose of the notice is to alert the general public and the people who are affected and give them notice so that they can speak and have an adequate public hearing. In that particular case, as in this one, they believe the notice was so cryptic and vague that it amounted to no notice at all.

Mr. Brunson also stated that the General Statutes require the City to give written notice to any property that abuts the property being affected. He stated that the City did not provide a written notice to anyone. Mr. Brunson requested that the Council deny the text amendment. However, if the Council is inclined to adopt the text amendment they requested that the usages they faxed to the City be included. He felt that the Council should not take action on the text amendment as recommended by staff because they feel proper notice was not given to the public.

Mr. Robert Fowler, President of Modern Automotive Network, requested that the Council include automotive sales if the text amendment is adopted. He stated that they are prepared to invest \$5 to \$6 million to this site to construct a building that would be very appropriate for the area. Mr. Fowler stated that this type of business would not be detrimental to the convention center and would not generate a significant amount of traffic.

Mr. Brunson stated that 90% of Speedway Boulevard has already been developed and includes four or five fast food restaurants, a car dealership and gas stations. All of

these uses would be denied for their property in the proposed text amendment. Mr. Brunson stated that they have been told that the main entrance to the convention center is next to the existing car dealership and their property is at the exit of the convention center.

A motion was made by Council Member Henry, seconded by Council Member Ramseur, and duly carried, to recess for ten minutes for the City Attorney to confer with staff.

Following the ten-minute recess, the Council reconvened.

No further comments were received. Therefore, the public hearing was closed.

A motion was made by Council Member Grimes, seconded by Council Member Ramseur, and duly carried, to adopt the amendment to the Unified Development Ordinance pertaining to Article 5, Supplemental Use Regulations, as recommended, and to instruct the City Manager to assign staff to start immediately to work with impacted property owners that have suggestions for changes in the listed uses to determine if other uses should be listed with or without conditions and to come back to Council with a recommendation—the vote: all aye.

ORD. # 05-27

#### AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CONCORD, NORTH CAROLINA

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by the North Carolina General Statute 160A-394 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 160A-381 through 160A-394 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 160A-381 through 160A-394 does hereby recognize a need to amend the text of certain articles of the City of Concord zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina:

SECTION 1: That Article 5, Supplemental Use Regulations, Table of Contents, of the City of Concord Unified Development Ordinance be amended to read as follows:

#### ARTICLE 5 SUPPLEMENTAL USE REGULATIONS

**Summary:** This Section establishes uniform criteria for particular uses which are permitted within one or more of the zoning districts established in Article 4. If the use is listed as a permitted use in Article 4, Table 4.6-1 or 4.6-2, the additional criteria set forth in this Article must be satisfied before an application for development approval will be approved or issued. If the use is listed as a conditional use in Article 4, Table 4.6-1 or 4.6-2, the additional criteria set forth in this Article must be satisfied before an application for development approval will be approved or issued. If the use is listed as a conditional use in Article 4, Table 4.6-1 or 4.6-2, the additional criteria set forth in this Article must be satisfied before an application for Conditional Use Permit will be approved. These criteria are designed to ensure that the listed uses are compatible with the other permitted uses in the zoning district and to

implement the policies of the Comprehensive Plan.

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SECTION 2: That Article 5, Supplemental Use Regulations, of the City of Concord Unified Development Ordinance, be amended to include the following:

# 5.27 SUPPLEMENTAL LOCATION STANDARDS

# 5.27.1 PURPOSE.

The purpose and intent of this section is to ensure that future development within close proximity of the convention center will contain uses that are compatible and complimentary, and promote pedestrian as well as tourist activities.

# 5.27.2 LOCATION.

Only the following permitted uses from Table 4.6-1 shall be allowed to locate within one thousand (1000) feet from any convention center property unless the use is separated by an existing public right-of-way of 120 ft. or greater. This does not include property whose use(s) would become non-conforming at the date of adoption. For purposes of this section, a property for which a site plan has been approved shall be considered to be a convention center property.

ABC Store Accounting & Tax Service Advertising & Related Services Amusement Arcade, indoors only **Amusement Park** Animal Grooming Establishment, no overnight boarding **Antique Store** Architectural, Engineering & Related Services Art Dealer **Art Supply Shop** Auditorium/Assembly Hall, up to 350 seats Auditorium/Assembly Hall, more than 350 seats Bakery/Snack Shop, no drive-thru Bank Teller Machines, outdoor (principal or accessory uses) **Barber/ Beauty Shop Baseball Hitting Range Beauty Supply and Cosmetic Store Bed and Breakfast Inn Bicycle Sales and Service Blueprinting and Drafting Service Botanical Gardens/Nature Preserves Book Store Bowling Center** Bus Charter Service Company, including passenger terminals Camera and Photography Store Candle Shop **Candy and Nut Store** Card Shop **Child Care Center** 

China and Tableware Shop **Clock and Watch Sales and Repair Cloth/Piece Goods store Clothing and Clothing Accessories Clothing Alterations and Repairs Coin and Stamp Shop Computer System Design & Related Services Convention Center Costume Rental Shop Counseling Office Consulting Office Country Club Craft Studio and Store Credit Bureau Dance School Studio Data Processing and News Services** Delivery/Courier Service, local, (no commercial vehicles) **Detective Agency Drapery and Linen Shop Electronics Sales and Repair Electronic Shopping and Mail-Order Houses Employment Agency** Engineering, Architect or Surveying Office **Environmental Consulting Service Extended Stay Lodging Facilities Financial Institution Floral and Christmas Shop** Florist **Food Catering Facility** Food Store, (excel. conv. stores) **Formal Wear Funeral Home Furniture & Home Furnishings store** General Merchandise Store (less than 25,000 sq. ft.) Gift, Novelty and Souvenir Store **Glass and Mirror Shop** Golf Course, public or private **Golf Driving Range** Governmental Buildings (excl. correctional institutions) **Graphic Design Services Gun and Ammunition Sales** Gunsmith **Hardware Store** Health Club & Fitness Center Hobby, Toy, and Games Stores **Home Electronics Sales and Repair Home Occupations** Hospital Hotel Industrial Design Services (general office) Insurance Agency **Interior Design Services Jewelry Sales and Repair Store** 

- Legal services Library, public
- Limousine/Chauffeur Service

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**Martial Arts School Massage Therapist Medical clinic Medical Supply Shop** Micro-Brewery (less than 5,000 sq. ft.) **Miniature Golf Course** Motel **Motion Picture and Sound Recording Studio Motion Picture Theater, indoor** Museum **Music Store Nail Store** Newsstand (principal use) Nursery, plants Office, general Office supplies, Equipment and Stationary Store Park, community Park, district Park, neighborhood Park, linear Park, regional Parking Lot & Decks, principal use Performing Arts Company & Artist Pet Shop **Photocopy Service** Photofinishing Laboratory Photography Studio **Picture Frame Shop Post Office Postal store and Contract Station** Printing and related Support Activities **Public Transportation System Real Estate agency Recreational Instruction and Camps** Religious Institution / House of Worship, up to 450 seats Religious Institution / House of Worship, more than 450 seats Restaurant School, boarding School, business or trade School, private & parochial School, public, elementary & secondary School, university or college School, fine arts Scientific Research & Development Services Sewing, Needlework & Piece Goods Store Shoe Sales and Repair Shop Shopping Center, less than 25,000 sq. ft. Shopping Center, 25-100,000 sq. ft. Shopping Center, over 100,000 sq. ft. Skating Rink, indoor Social Assistance (excl. child care centers) **Sporting Goods Store Stationery Shop** Stock or Security Brokerage Firm Tanning Salon **Television, Radio & Film Studio** 

Tobacco Shop Travel Agency Trophy & Plaque Shop Video Rental & Sales Visitor Bureaus Wedding Chapel

SECTION 5: That this Ordinance be effective immediately upon adoption. Adopted in open session this 14<sup>th</sup> day of April, 2005.

CITY COUNCIL CITY OF CONCORD NORTH CAROLINA

/s/ J. Scott Padgett, Mayor

ATTEST: /s/ Vickie C. Weant, City Clerk

/s/ Albert M. Benshoff, City Attorney

\* \* \* \* \*

This date and time was established in order to conduct a public hearing and to consider adopting the Annual Agency Plan for the Concord Housing Department. The public hearing, having been duly advertised, was opened by Mayor Padgett.

No comments were received. Therefore, the public hearing was closed.

A motion was made by Council Member Henry, seconded by Council Member Small, and duly carried, to adopt the Annual Agency Plan for the Concord Housing Department—the vote: all aye.

\* \* \* \* \*

There being no further business to be discussed, a motion was made by Council Member Barrier, seconded by Council Member Ramseur, and duly carried, to adjourn—the vote: all aye.

Weant, City Clerk

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