



DATE: May 14, 2019

REZONING CASE #: Z(CD)-07-19

ACCELA CN-RZC-2019-00004

DESCRIPTION: Zoning Adoption - Unzoned to C2-CD (General Commercial Conditional District)

APPLICANT/OWNER: RMP-Hensley, LLC

LOCATION: West quadrant Poplar Tent Rd/Harris Rd

PIN#s: 4671-91-3611, 4671-91-1607

AREA: +/- 16.030 acre

ZONING: Unzoned

PREPARED BY: Starla Rogers, Planning & Development Manager

BACKGROUND

The subject property consists of two (2) parcels comprising approximately 16.030 acres on the western quadrant of the Harris Rd. and Poplar Tent Rd. intersection. The property is primarily vacant, but is improved with a +/- 3,500 square foot, single-story, single-family detached residence and an outbuilding/barn. Should development occur on this property, both the home and outbuilding would be demolished. The subject property was annexed into the City of Concord on June 9th, 2016 and was previously designated as LDR (Low Density Residential) within Cabarrus County. During the annexation process, the original petitioner expressed interest in rezoning the property to C-2 (General Commercial) for development of a 55,000 SF grocery store with drive thru pharmacy, six pump fuel station with convenience store, two drive thru fast food restaurants, and 15,000 SF small retail shops. However, the petitioner encountered delays, the rezoning was tabled several times, and zoning was inadvertently not adopted. A City of Concord zoning classification must be applied to the property at this time.

SUMMARY OF REQUEST

RMP-Hensley, LLC has acquired the subject property. After becoming aware that the two parcels remained unzoned, the City of Concord began working with the property owner to initiate the zoning process. The City has the ability to administratively zone property after annexation without an application from the property owner. Should that be the case, Concord Planning staff would recommend C-2 (General Commercial) for conformity with the 2030 Land Use Plan. However, the City cannot administratively apply conditional zoning, limiting development uses. This process must be initiated by a private petitioner. Therefore, RMP-Hensley, LLC has worked with the City to apply zoning of C2-CD (General Commercial Conditional District) with limitations, prohibiting the future development of specific uses.

A rezoning bubble plan has been included by the applicant, siting two development areas, “A” and “B.” Below are the applications proposed conditions for each development area:

- The Rezoning Plan sets forth two (2) development areas as generally depicted on the Technical Data Sheet as Development Area A and Development Area B (each a “Development Area” and collectively the “Development Areas”). Buildings constructed within Development Areas A and B on the Site shall be limited to an aggregate gross floor area of 150,000 square feet of commercial uses permitted by right and under prescribed conditions, along with any accessory uses allowed in the C-2 zoning district. Permitted uses on the Site shall be those allowed in the C-2 zoning district (pursuant to the Use Table in 8.1.8. of the CDO); however, the following uses shall not be permitted on the Site: Single-Family Attached Dwelling, Multifamily Dwelling (Apartment), Convention Center, Animal Shelter, Visitor Bureau, Golf Course, Go-Kart Track, Sexually-Oriented Business, Amusement Park, Motion Picture Theater (drive-in), Flea Market, Truck Stop/Travel Plaza, Solid Waste Management Facility.
- For purposes of the development limitations set forth in these Development Standards (the term “gross floor area” or “GFA” shall mean and refer to the sum of the gross horizontal areas of each ground floor of a principal building on the Site measured from the outside of the exterior walls or from the center line of party walls: provided, however, such term shall exclude dwellings not located on the ground floor of any buildings, any surface or
- structured parking facilities, areas used for building and equipment access (such as stairs, elevator shafts, vestibules, roof top equipment rooms and maintenance crawl spaces), all loading dock areas (open or enclosed), outdoor coolers and outdoor dining areas whether on the roof of the building(s) or at street level (parking for outdoor dining areas will be provided as required by the CDO). Development Area A shall be permitted to have a grocery store use (with drive-through facilities) of up to 100,000 square feet of GLA. Development Area B may contain any number of individual buildings (single-tenant or multi-tenant) as long as the overall commercial GLA of the Site does not exceed 150,000 square feet.

All other uses permitted in the C-2 (General Commercial) zoning district, not expressly prohibited above, would be permitted.

Existing Zoning and Land Uses (Subject Parcel)				
Current Zoning of Subject Property	Zoning Within 500 Feet		Land Uses(s) of Subject Property	Land Uses within 500 Feet
Unzoned	North	RV (Residential Village), RE (Residential Estate), LDR (County Low Density Residential) & RM-2 (Residential Medium Density)	Single-Family Detached	Cell Tower, Vacant, Single-Family Detached
	South	PUD (Planned Unit Development)		Single-Family Attached and Commercial/Office
	East	RV (Residential Village), RE (Residential Estate), PUD (Planned Unit Development), and C-2-CU (General Commercial Conditional Use)		Single-Family Detached and Commercial/Office
	West	O-I (Office Institutional) and RC (Residential Compact)		Vacant/Farm Use

COMPLIANCE WITH 2030 LAND USE PLAN

2030 LAND USE PLAN

The 2030 Land Use Plan (LUP) designates the subject property as “Village Center” and C-2 (General Commercial), as well as conditional district variations are considered compatible zoning classifications to the Land Use Category.

From the 2030 Land Use Plan – “Village Center”:

Village Center areas are typically located at key intersections of minor transportation corridors. These centers are often located in areas with Future Land Use categories that are residential and/or rural in focus with limited non-residential development nearby. Oftentimes areas designated as Village Centers already contain some non-residential development, usually highway oriented retail, office, or light industrial, with supportive zoning. Village Centers represent opportunities to create small/mid-size commercial and mixed-use centers and limit strip commercial in areas that are predominantly residential in character.

As with the larger Mixed-Use Activity Centers, the smaller Village Centers create an alternative to strip commercial development by concentrating non-residential uses in areas where infrastructure and residential demand support them. Consequently, none of the designated Village Centers proposed would develop without residential growth preceding it, thus creating the demand. Similarly, Village Centers would not develop if there was inadequate infrastructure, such as roads, water and sewer service.

The characteristics of developed Village Centers will vary greatly depending on the surrounding land use pattern and existing development intensity. The types of uses within Village Centers will vary, but encouragement should be given to mixed uses and those uses that are neighborhood serving (i.e. restaurants/diners, gas stations, small convenience stores, hardware stores, etc.) which reduce the need for residents to travel long distances in a car to meet basic needs. Additionally, emphasis should be given to pedestrian oriented development and interconnectivity between uses within the Village Center and out to the surrounding residential areas.

“From the 2030 Land Use Plan Western Area Village Centers”

The eight proposed Village Centers identified in the 2030 Plan are on the western portion of the Study Area where most residential growth has occurred in recent years. Many of these Centers already have neighborhood commercial and office uses in place. Others have experienced enough residential growth that a demand has been created and light commercial and office uses could already be supported, or are in an area where planned infrastructure improvements would increase access and demand.

LUP Goal 4: ***Ensure compatibility between neighboring land uses.***

- Objective 4.1:*** *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.*
- Objective 4.3:*** *Discourage the location of incompatible uses near intensive existing uses such as the Concord Regional Airport and racing facilities.*

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately 16.030 acres and is currently unzoned.
- The subject property was annexed on June 9th 2016 and is improved with a single-family detached structure and an out building. The remainder of the property is vacant.
- The proposed zoning amendment is consistent with the 2030 Land Use Plan (LUP) in that C-2 (General Commercial) and conditional district variations are considered consistent

zoning classifications to the Village Center Land Use category. The commercial nature of the zoning proposal identifies the specific use of a grocery store and would allow various other uses that could be neighborhood serving to the adjacent residential areas. Furthermore, this location is surrounded by established neighborhoods and is experiencing increased residential density. The development of commercial uses on the subject property would act to reduce vehicular trips from these residential areas to other commercial zones. This concept is one which is promoted by the Land Use Plan's Village Center category.

- The zoning amendment is reasonable and in the public interest because the development would provide local commercial/retail uses in close proximity, reducing vehicle trips to commercial uses at a greater distance. Additionally, the conditional district nature of the zoning proposal prohibits a variety of uses that could be considered incompatible with the nearby residential.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the consistent 2030 Land Use Plan and staff has no objections to the petition.

1. Compliance with the "RMP-Hensley LLC" rezoning plan with revision date 5/2/19.
2. Uses shall be limited to those permitted by right within the C-2 (General Commercial) zoning district excluding the uses listed on the "RMP-Hensley LLC" rezoning plan with revision date 5/2/19.
3. Technical site plan review is required.

PROCEDURAL CONSIDERATIONS

This particular case is a rezoning, which under the CDO, is "legislative" in nature. Legislative hearings DO NOT require the swearing or affirming of witnesses prior to testimony at the public hearing.



Subject Property Map

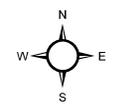
Z(CD)-07-19

RMP Hensley, LLC

West quadrant of Harris Rd & Poplar Tent Rd intersection

Rezoning to:
C2-CD (General Commercial Conditional District)

PINs 4671-91-3611 & 4671-91-1607



Source: City of Concord Planning Department

Disclaimer

These maps and products are designed for general reference only and data contained herein is subject to change. The City Of Concord, it's employees or agents make no warranty of merchantability or fitness for any purpose, expressed or implied, and assume no legal responsibility for the information contained therein. Data used is from multiple sources with various scales and accuracy. Additional research such as field surveys may be necessary to determine actual conditions.



Legend

 Subject Property

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Zoning Map

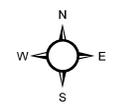
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RMP Hensley, LLC

West quadrant of
Harris Rd & Poplar
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Rezoning to:
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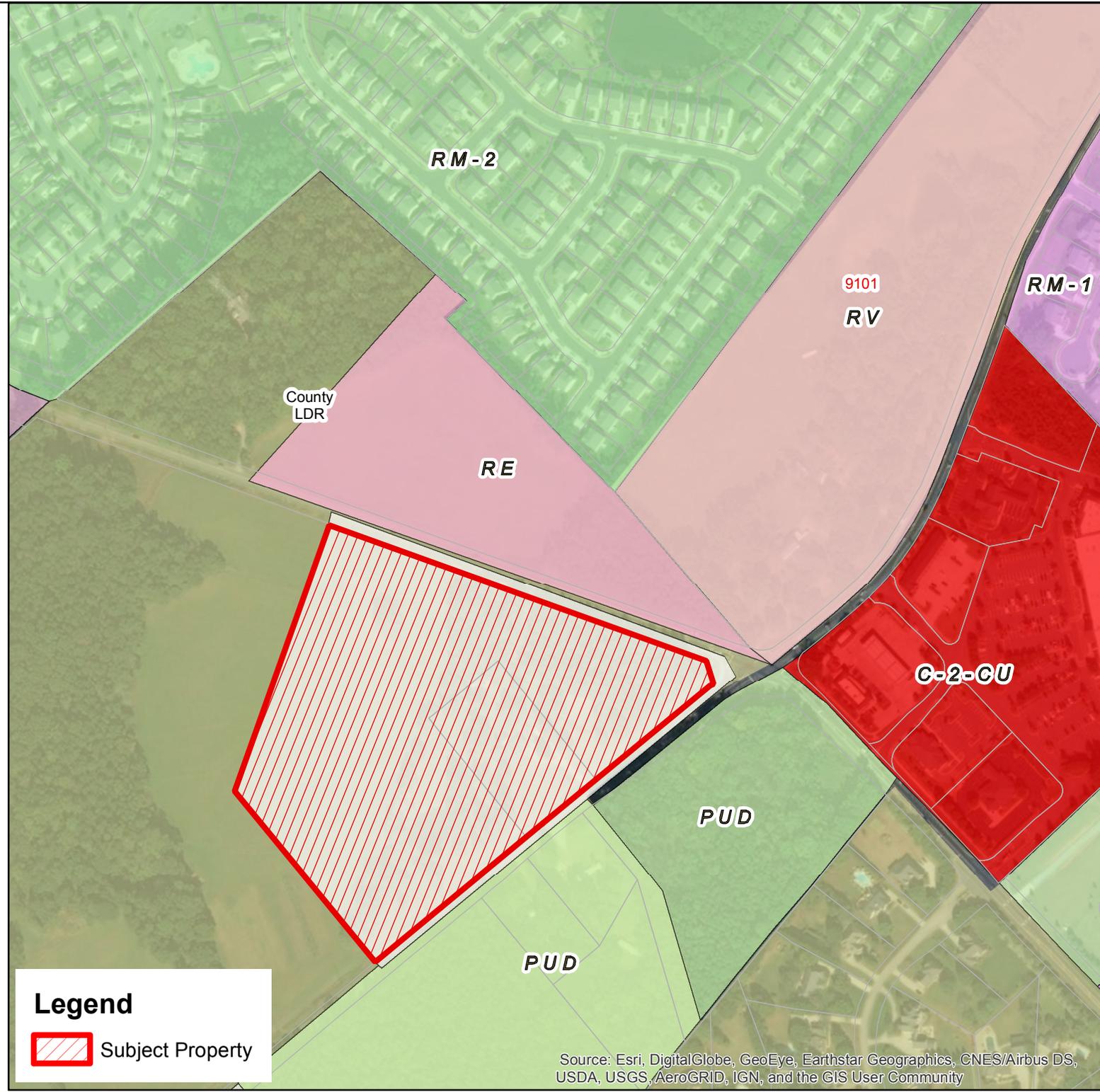
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Planning Department

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Legend

 Subject Property



LUP Map

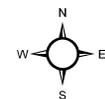
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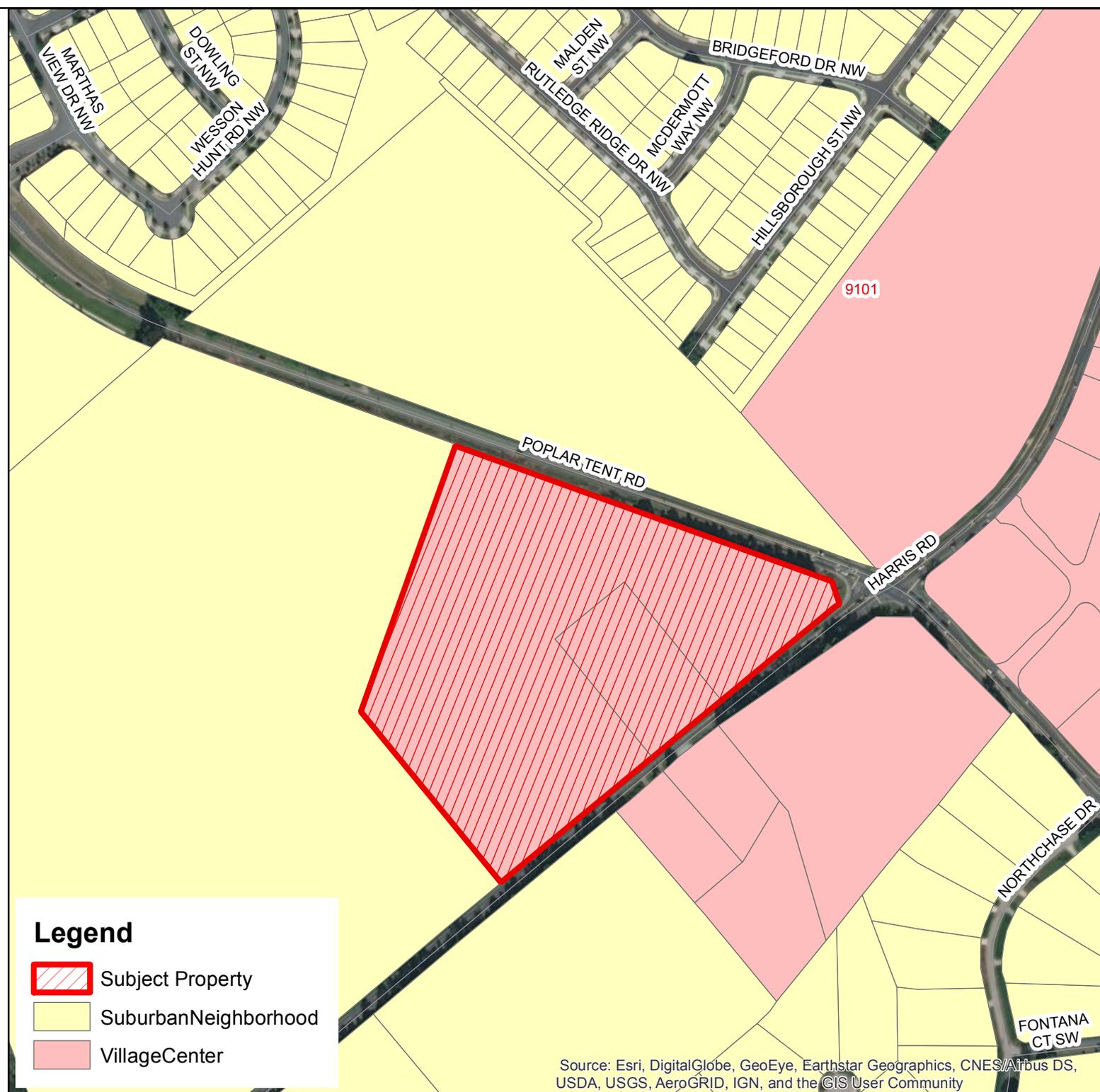
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Legend

-  Subject Property
-  Suburban Neighborhood
-  Village Center

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

(Please type or print)

Applicant Name, Address, Telephone Number and email address: _____
RMP-Hensley, LLC, 10815 Sikes Place, Suite 300, Charlotte NC 28277
704.321.1000; ken@raleymiller.com

Owner Name, Address, Telephone Number: _____
RMP-Hensley, LLC, 10815 Sikes Place, Suite 300, Charlotte NC 28277
704.321.1000

Project Location/Address: West quadrant Poplar Tent Rd/Harris Rd
P.I.N.: 4671-91-3611, 4671-91-1607

Area of Subject Property (acres or square feet): 16.030 acres

Lot Width: approx. 971' Lot Depth: approx. 718'

Current Zoning Classification: LDR (Cabarrus County)

Proposed Zoning Classification: C-2 (conditional)

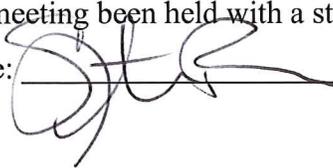
Existing Land Use: former agricultural

Future Land Use Designation: Village Center

Surrounding Land Use: North vacant South commercial and vacant land
East commercial/retail West vacant land

Reason for request: Provide for commercial area serving the immediate area in
furtherance of the City of Concord 2030 Land Use Plan

Has a pre-application meeting been held with a staff member? Yes

Staff member signature:  _____ Date: 2/15/19

THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

1. List the Use(s) Proposed in the Project:

All uses as permitted within the City of Concord C-2 zoning district with the exception of those listed on the Technical Data Sheet.

2. List the Condition(s) you are offering as part of this project. Be specific with each description.

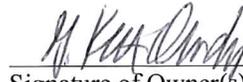
(You may attach other sheets of paper as needed to supplement the information):

Applicant is offering to eliminate single-family attached dwelling and multifamily dwelling (apartment) as permitted uses within the project. Applicant is offering to eliminate various other uses as listed on the Technical Data Sheet.

I make this request for Conditional district zoning voluntarily. The uses and conditions described above are offered of my own free will. I understand and acknowledge that if the property in question is rezoned as requested to a Conditional District the property will be perpetually bound to the use(s) specifically authorized and subject to such conditions as are imposed, unless subsequently amended as provided under the City of Concord Development Ordinance (CDO). All affected property owners (or agents) must sign the application.


 Signature of Applicant

3/12/19
 Date


 Signature of Owner(s)

3/12/19
 Date

Certification

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

Date: 3/12/19

Applicant Signature: *B. Keith Overhoff*

Property Owner or Agent of the Property Owner Signature:
B. Keith Overhoff

DEVELOPMENT STANDARDS:

Site Development Data:
 --Tax Parcels: 4671-91-3611, 4671-91-1607
 --Owner: RMP-Hensley, LLC
 --Acreage: ±16.030 acres
 --Existing Zoning: None
 --Proposed Zoning: C-2 (Conditional)
 --Existing Uses: Vacant (rental home on site would be eliminated)

General Provisions:

Site Description. These Development Standards and the Technical Data Sheet form the rezoning plan (hereafter collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by RMP-Hensley, LLC ("Petitioner") related to the development of a mixed-use community on an approximately 16.030 acre site located in the west quadrant of the intersection of Poplar Tent Road and Harris Road. As more particularly described below, this rezoning relates to Development Areas A and B (the "Site").

Unified Development. The Site shall be viewed as a unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, setbacks, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, that all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in the Concord Development Ordinance (the "CDO").

Technical Data Sheet. The Site shall be developed in a manner generally consistent with the Technical Data Sheet, with the understanding that the configurations, placements and sizes of buildings, parking areas and open spaces may be altered or modified as long as the ultimate design is consistent with the spirit and intent of the Technical Data Sheet.

Permitted Uses and Development Area Limitations:

The Rezoning Plan sets forth two (2) development areas as generally depicted on the Technical Data Sheet as Development Area A and Development Area B (each a "Development Area" and collectively the "Development Areas"). Buildings constructed within Development Areas A and B on the Site shall be limited to an aggregate gross floor area of 150,000 square feet of commercial uses permitted by right and under prescribed conditions, along with any accessory uses allowed in the C-2 zoning district. Permitted uses on the Site shall be those allowed in the C-2 zoning district (pursuant to the Use Table in 8.1.8. of the CDO); however, the following uses shall not be permitted on the Site: Single-Family Attached Dwelling, Multifamily Dwelling (Apartment), Convention Center, Animal Shelter, Visitor Bureau, Golf Course, Go-Kart Track, Sexually-Oriented Business, Amusement Park, Motion Picture Theater (drive-in), Flea Market, Truck Stop/Travel Plaza, Solid Waste Management Facility.

For purposes of the development limitations set forth in these Development Standards (the term "gross floor area" or "GFA" shall mean and refer to the sum of the gross horizontal areas of each ground floor of a principal building on the Site measured from the outside of the exterior walls or from the center line of party walls: provided, however, such term shall exclude dwellings not located on the ground floor of any buildings, any surface or structured parking facilities, areas used for building and equipment access (such as stairs, elevator shafts, vestibules, roof top equipment rooms and maintenance crawl spaces), all loading dock areas (open or enclosed), outdoor coolers and outdoor dining areas whether on the roof of the building(s) or at street level (parking for outdoor dining areas will be provided as required by the CDO). Development Area A shall be permitted to have a grocery store use (with drive-through facilities) of up to 100,000 square feet of GLA. Development Area B may contain any number of individual buildings (single-tenant or multi-tenant) as long as the overall commercial GLA of the Site does not exceed 150,000 square feet.

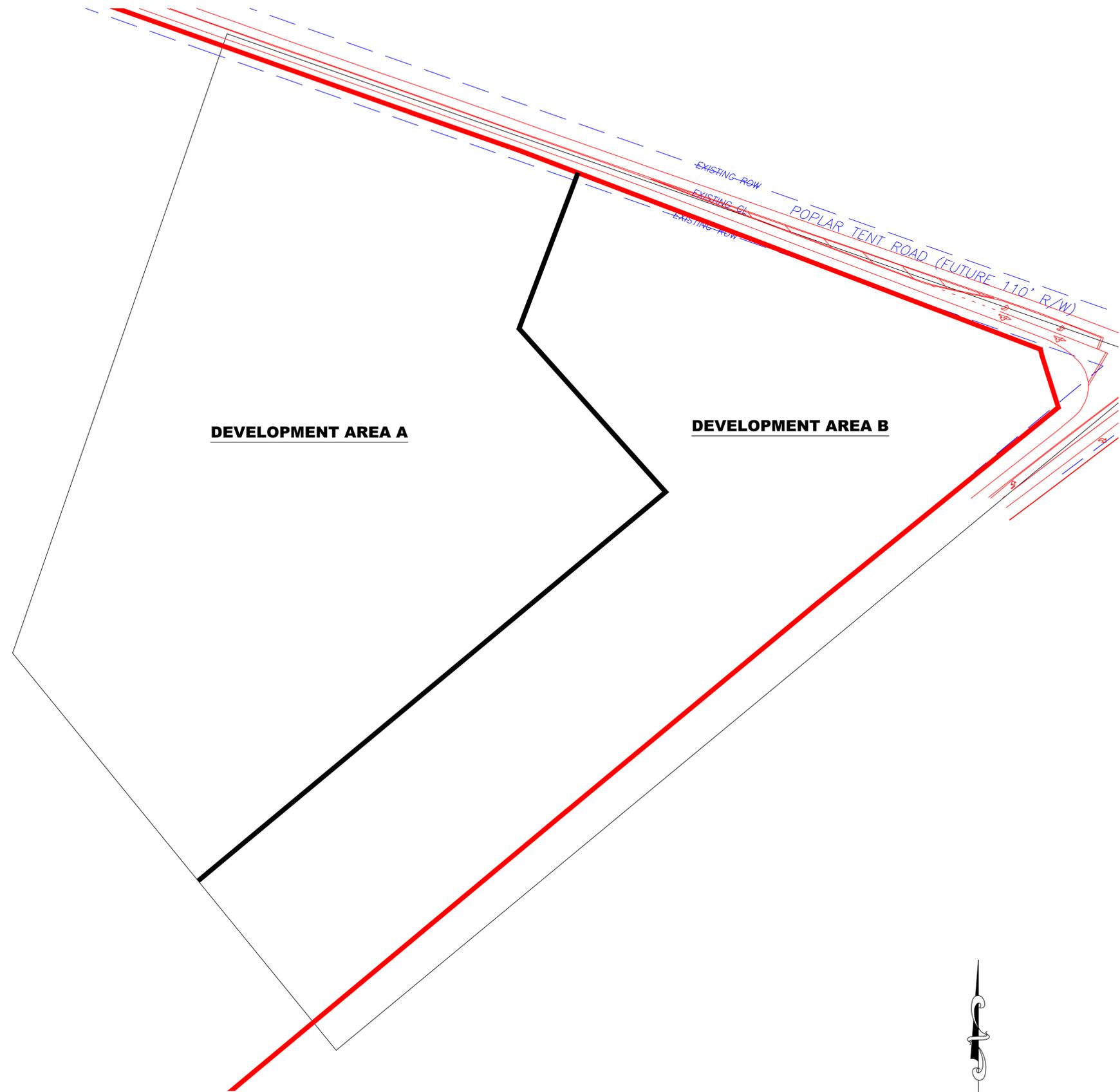
Transportation

All public roadway improvements will be subject to the standards and criteria of the City of Concord and North Carolina Department of Transportation, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements (if required) may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the Poplar Tent corridor, by way of a private/public partnership effort or other public sector project support. Access to the Site from Poplar Tent Road and Harris Road shall be as generally depicted on the Technical Data Sheet. The number and location of internal streets (if any) will be determined during the design process and thereafter with approval from appropriate governmental authorities, subject to applicable statutes, ordinances and regulations such as subdivision and driveway regulations.

Fifteen Year Vested Rights. Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the nature of the development, the level of investment, the timing of development and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning district associated with the Petition for a fifteen (15) year period.

Amendments to the Rezoning Plan:

Future amendments to the Rezoning Plan may be applied for by the then Owner or Owners of the Site affected by such amendment in accordance with the CDO.



DEVELOPMENT AREA A

DEVELOPMENT AREA B



Amicus Partners, PLLC
 Firm License # P-1191
 7140 Weddington Road
 Suite 140
 Concord, NC 28027
 Civil Site Design
 Low Impact Development
 Small-Scale Building Design
 Telephone: 704.573.1621
 Facsimile: 704.248.7951

Seals:

REZONING PLAN
 FOR
 RMP-HENSLEY, LLC
 10815 SIKES PLACE, SUITE #300
 CHARLOTTE, NORTH CAROLINA 28227

Project Number:
 Date: 05/02/2019
 Drawn By: EML
 Checked By: NRP

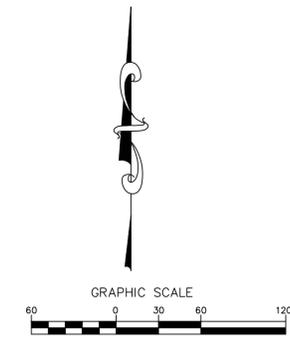
Revisions:	
05/02/19	PRELIMINARY

Sheet Title:

TECHNICAL DATA SHEET

Sheet No:

RZ-1



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