



DATE: February 20, 2024

REZONING CASE #: Z (CD)-19-23

ACCELA: CN-RZC-2023-00013

DESCRIPTION: Zoning Map Amendment
C-2 (General Commercial District) and I-1 (Light Industrial District) to I-1-CD (Light Industrial – Conditional District) and I-2-CD (General Industrial Conditional District)

APPLICANT/OWNER: Landeavor Acquisitions, LLC on behalf of Morris Family LTD Partnership & Rob Morris

LOCATION: 100 & 172 Pitts School Rd.

PIN#s: p/o 5509-31-7753; p/o 5509-42-1822

AREA: +/- 79.29 acres

ZONING: C-2 (General Commercial District) and I-1 (Light Industrial District)

PREPARED BY: Autumn C. James, AICP - Planning & Development Manager

BACKGROUND

The subject property consists of +/- 79.29 acres generally located between Pitts School Rd. SW to the north and east and U.S. 29 to the west. The petitioner seeks approval of a rezoning for industrial development that will serve a mix of business types.

HISTORY

The subject property annexed into the City of Concord on December 31, 1995, as a part of a large western area annexation. The current zoning designation has been present since annexation into the City. In 2021, a portion of this subject property was part of a rezoning request to extend the C-2 (General Commercial) zoning for the development of townhomes. The request was denied at that time.

As required by the Concord Development Ordinance (CDO), the applicant held an online neighborhood meeting on November 13, 2023 with two (2) individuals in attendance.

SUMMARY OF REQUEST

The applicant proposes to rezone +/- 79.29 acres from C-2 (General Commercial District) and I-1 (Light Industrial District) to I-1-CD (Light Industrial – Conditional District) and I-2-CD (General Industrial Conditional District) for industrial development that will serve a mix of business types.

The conditional zoning process allows particular uses to be established on case-by-case basis on a specific property. A petition for conditional zoning must include a site plan, drawn to scale, with supporting information and text that specifies the actual use or uses intended for the property and any proposed conditions that will govern development and use of the property. If a petition for conditional district zoning is approved, the conditions of approval shall become binding upon the property. Only those uses and structures indicated in the approved petition and site plan may be developed on the site. Conditions recommended by City Staff have also been reviewed and accepted by the petitioner. Those conditions are listed at the conclusion of this staff report.

The site plan indicates the subject property totals +/- 79.29 acres with six buildings dispersed within three areas. Area 1 is +/- 42.28 acres with an I-2-CD proposed zoning and will contain Building 1 measuring ~392,040 square feet with a truck court, car parking, and uncovered trailer parking. Areas 2 and 3 are +/- 37.01 acres with an I-1-CD proposed zoning and will include Building 2 (60,000 SF), Building 3 (75,000 SF), Building 4 (70,000 SF), Building 5 (72,000 SF), and Building 6 (60,000 SF), truck courts, and car parking. Stormwater Control Measures (SCM) are present throughout the site.

Land uses that shall not be permitted include cemeteries, sanitary landfills, debris landfills, junkyard/salvage yards, livestock auctions, sexually oriented businesses, hazardous waste facilities, food manufacturing with animal slaughter, tire recapping, or sewage treatment facilities.

A Traffic Impact Analysis (TIA) was prepared for the project in accordance with City of Concord requirements. The TIA is intended to identify transportation improvements necessary to help mitigate the impact of the development. In Phase 1, at Pitts School Rd. at Coventry Commons Ave., the mitigation measures include construction of NB leg (Access A) with one (1) ingress and two (2) egress lanes (L and TR); construction of WB left turn lane (150 ft. storage); construction of EB right turn lane (100 ft. storage); installation of traffic signal. In Phase 3, at U.S. 29 and Carpenter Court, the mitigation measures include extension of the WB left turn lane storage to 300 ft. of storage; extend the NC right turn lane to 275 ft. of storage. The applicant agrees all site accesses to be constructed in Phase 1; cross access connection from U.S 29 to Pitts School Rd. must be designated as a public road, built or upgraded to public road standards, and constructed in Phase 1. It is additionally noted that the site must not be used for any manufacturing purposes, as any manufacturing purpose would require an updated TIA.

The rezoning site plan has been reviewed and conditionally approved by all applicable departments. In accordance with the Concord Development Ordinance (CDO), the Development Review Committee (DRC) has agreed that the plan is complete and meets standards required for a rezoning site plan, and therefore may be heard and considered by the Planning and Zoning Commission.

Property to the north and west are zoned C-2 (General Commercial) and consists of a mixture of residential and commercial uses. To the east, zoned RM-1 (Residential Medium Density) is the location of Jay M. Robinson High School. To the south, zoned Public Interest Development (PID) and I-2 (General Industrial) are the locations of the Charlotte Motor Speedway and Republic Services.

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	
C-2 (General Commercial) and I-1 (Light Industrial)	North	C-2 (General Commercial)	Vacant; Single Family Residence	North	Residential, Commercial
	South	I-2 (General Industrial); PID (Public Interest Development)		South	Speedway; Republic Services
	East	RM-1 (Residential Medium Density)		East	Jay M. Robinson High School
	West	C-2 (General Commercial)		West	Residential, Commercial

COMPLIANCE WITH 2030 LAND USE PLAN

These two parcels will consist of three different zoning designations, should this rezoning be approved; C-2 (General Commercial), I-1-CD (Light Industrial – Conditional District) and I-2-CD (General Industrial Conditional District)

The 2030 LUP designates the subject property as “Mixed-Use Activity Centers (MUAC). While C-2 (General Commercial) and I-1 (Light Industrial) *are listed* as corresponding zoning districts in the “Mixed Use Activity Centers (MUAC) land use categories, I-2 (General Industrial) *is not* listed as a corresponding zoning district and therefore, is inconsistent with the land use plan. However, for consistency across the two parcels, it is recommended that the future land use for the entire area be updated to Civic/Institutional (CI).

The corresponding zoning districts for the “Civic/Institutional” land use category are AG (Agricultural District), RE (Rural Estate District), RL (Residential Low Density), RM-1 (Residential Medium Density), RM-2 (Residential Medium Density), RV (Residential Village), RC (Residential Compact), O-I (Office-Institutional District), B-1 (Neighborhood Commercial/Office District), CC (City Center District), C-2 (General Commercial District), I-1 (Light Industrial District), I-2 (General Industrial District).

From the 2030 Land Use Plan – “Civic/Institutional (CI)”

The intent of the Civic /Institutional (CI) Future Land Use category is to identify areas to serve the community, such as public facilities, public and private schools, places of worship, cemeteries and other community gathering facilities.

The following goals, objectives and policy guidance relate to the proposed zoning amendment:

Goal 1: Maintain a sustainable balance of residential, commercial and industrial land uses.

Objective 1.3: Ensure that the Future Land Use Map allows sufficient development opportunities to meet existing and projected needs for residential, commercial, industrial and other land uses.

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately +/- 79.29 acres and currently zoned C-2 (General Commercial District) and I-1 (Light Industrial District)
- The subject property was voluntarily annexed on December 31, 1995, as a part of a large western area annexation.
- The proposed zoning amendment is not consistent with the 2030 Land Use Plan (LUP). While I-1 (Light Industrial) *is listed* as corresponding zoning districts in the “Mixed Use Activity Centers (MUAC) land use category, I-2 (General Industrial) *is not* listed as a corresponding zoning district and therefore, is inconsistent with the Land Use Plan.
- The zoning amendment is reasonable and in the public interest as it demonstrates compatibility with the 2030 Land Use Plan, provides development opportunities to meet existing and projected needs for commercial and industrial land uses, and is compatible with the existing zoning and land use designations of adjacent parcels.

OR

- The zoning amendment is not reasonable and in the public interest as it does not demonstrate compatibility with the 2030 Land Use Plan, does not provide development opportunities to meet existing and projected needs for commercial and industrial land uses, and is not compatible with the existing zoning and land use designations of adjacent parcels.

SUGGESTED CONDITIONS

If approval is desired, staff recommends the following conditions:

1. Compliance with “Morris Tract Conditional Rezoning Plan,” sheet number C1.0, dated 10/17/2023.
2. Adherence to General Notes as stated on “Morris Tract Conditional Rezoning Plan,” sheet number C1.0, dated 10/17/2023.
3. Compliance with design standards as stated in “Section 7.11 Supplemental Design Standards and Requirements for Industrial Districts,” in the Concord Development Ordinance (CDO).
4. Technical site plan review and approval is required including all approvals from outside local, state and federal agencies.
5. Future modifications/additions to the approved site plan may require further approval from the Planning and Zoning Commission.

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.

**APPLICATIONS NOT COMPLETED BY THE PUBLISHED APPLICATION
DEADLINE WILL NOT BE CONSIDERED.**

Required Attachments / Submittals:

- 1. Typed metes and bounds description of the property (or portion of property) in a Word document format.

- 2. Cabarrus County Land Records printout of names and addresses of all immediately adjacent landowners, including any directly across the street.

- 3. **FOR CONDITIONAL DISTRICT APPLICATIONS ONLY**, a plan drawn to scale (conditional district plan), and elevations if applicable submitted digitally.

- 4. If applicable, proof of a neighborhood meeting (signature page) or receipt from certified letters mailed to adjoining property owners if project increases density or intensity (See Section 3.2.3). Staff will provide further information on this requirement during the required pre-application meeting.

- 5. Money Received by _____ Date: _____
Check # 211 Amount: \$ 800.00 (Conditional) or \$600 (Conventional)
Cash: _____

The application fee is nonrefundable.



(Please type or print)

Applicant Name, Address, Telephone Number and email address: _____
Landeavor Acquisitions, LLC
105 Waxhaw Professional Park Drive, Suite 500, Waxhaw, NC 28173
770-709-6566
lorry@landeavor.com

Owner Name, Address, Telephone Number: x (704) 699-8579
Morris Family LTD Partnership & Rob Morris
172 Pitts School Road SW, Concord, NC 28027

Project Location/Address: 172 Pitts School Road SW, Concord, NC 28027

P.I.N.: 55094218220000 & 55093177530000

Area of Subject Property (acres or square feet): 86.44 Ac

Lot Width: +/- 1,650 sf Lot Depth: +/- 4,360 sf

Current Zoning Classification: C-2, I-1

Proposed Zoning Classification: I-2 / I-1 / C-2

Existing Land Use: Residential / Undeveloped

Future Land Use Designation: Commercial / Industrial

Surrounding Land Use: North Commercial / TH / SF South Landfill

East School West Commercial / MF Resi

Reason for request: _____

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

Staff member signature: _____ Date: _____

THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

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

- Speculative development intended to serve uses allowed by the zoning of each of the zoning areas listed on the conditional plan.

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):

- As a condition, we are proposing to build and dedicate a Collector Road to connect Pitt School Road (at Coventry Commons) to the currently private access road at Concord Parkway (opposite Carpenter Ct NW).

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.

Scott C. But 8/17/23
 Signature of Applicant Date

Robert Franklin Morris Aug 16, 2023
 Robert Franklin Morris (Aug 16, 2023 20:38 EDT) Date
 Signature of Owner(s)

x Robert Franklin Morris

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: 8/17/23

Applicant Signature: Scott C. Paul

Property Owner or Agent of the Property Owner Signature:

Robert Franklin Morris
Robert Franklin Morris (Aug 16, 2023 20:38 EDT) Robert Franklin Morris



This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed.

ADB | DESIGN SERVICES

CONCEPTUAL RENDERING

ANYWHERE, USA
11.21.2022

ARCO
DESIGN/BUILD



This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed.

CONCEPTUAL RENDERING

| AS503-23 | 09.14.2023

ARCO
DESIGN/BUILD



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ADB | DESIGN SERVICES

CONCEPTUAL RENDERING

ANYWHERE, USA
11.21.2022

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ADB | DESIGN SERVICES

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ANYWHERE, USA
11.21.2022

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CONCEPTUAL RENDERING

ANYWHERE, USA
11.21.2022

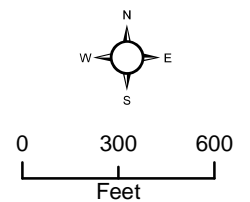
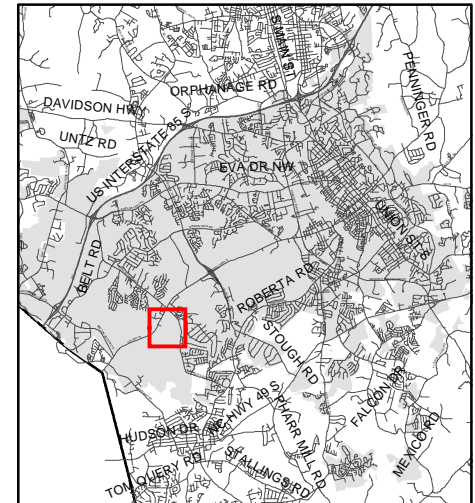
ARCO
DESIGN/BUILD

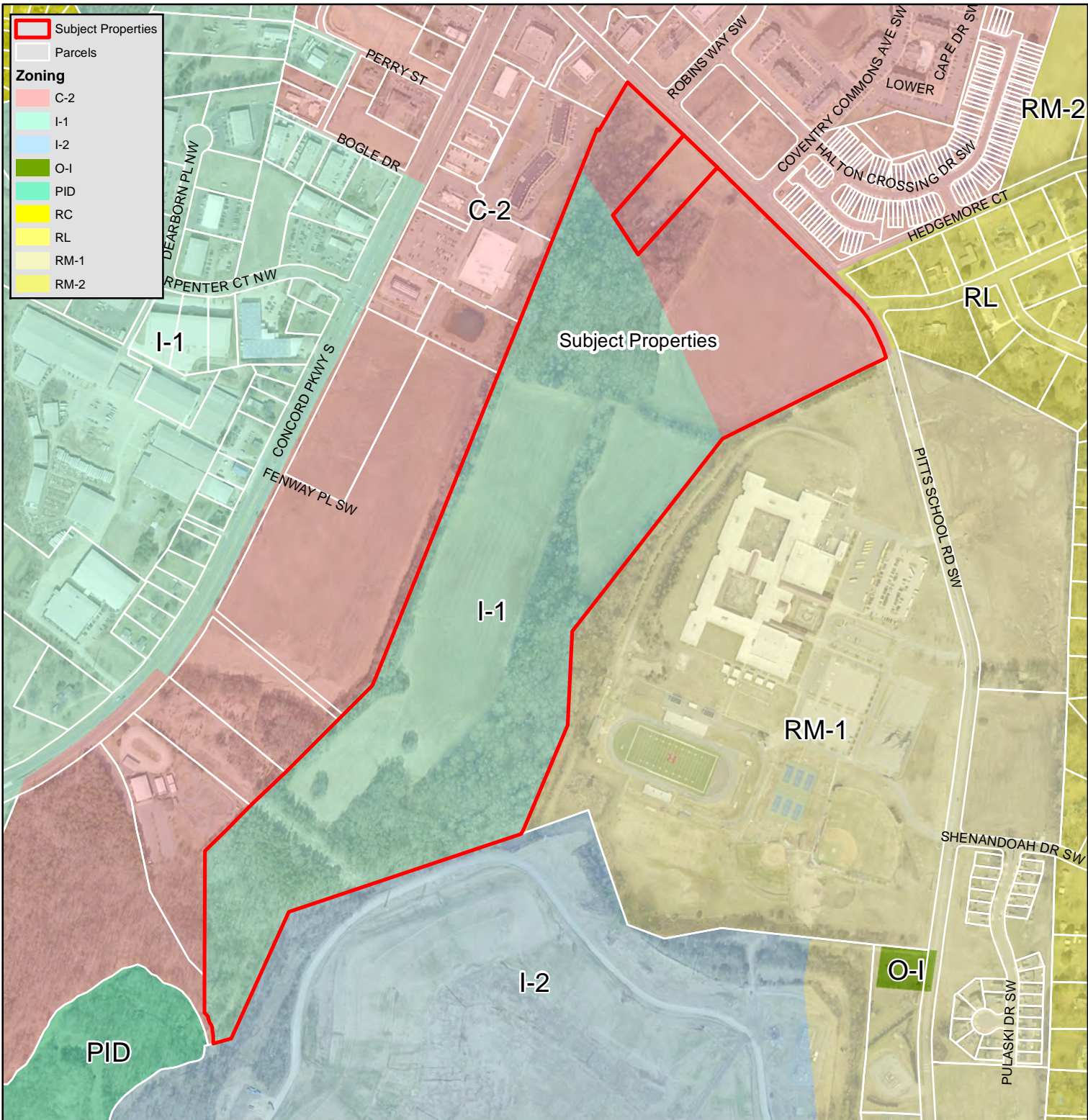


**Z(CD)-19-23
AERIAL**

**Rezoning application from
I-1 (Light Industrial) and
C-2 (General Commercial)
to
I-1 (Light Industrial),
I-2 (General Industrial)
and C-2 (General Commercial)**

100 Pitts School Rd SW
PIN's: 5509-42-1822 & 5509-31-7753

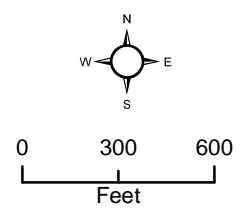
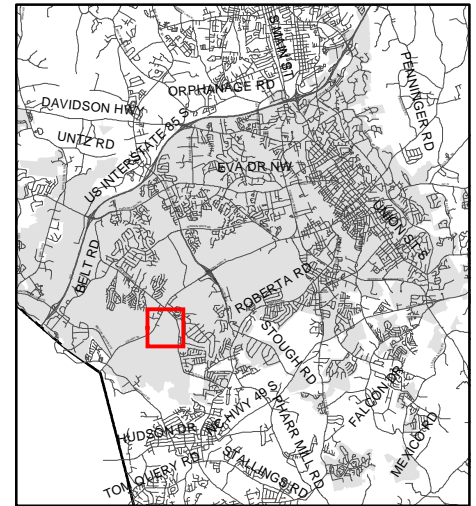


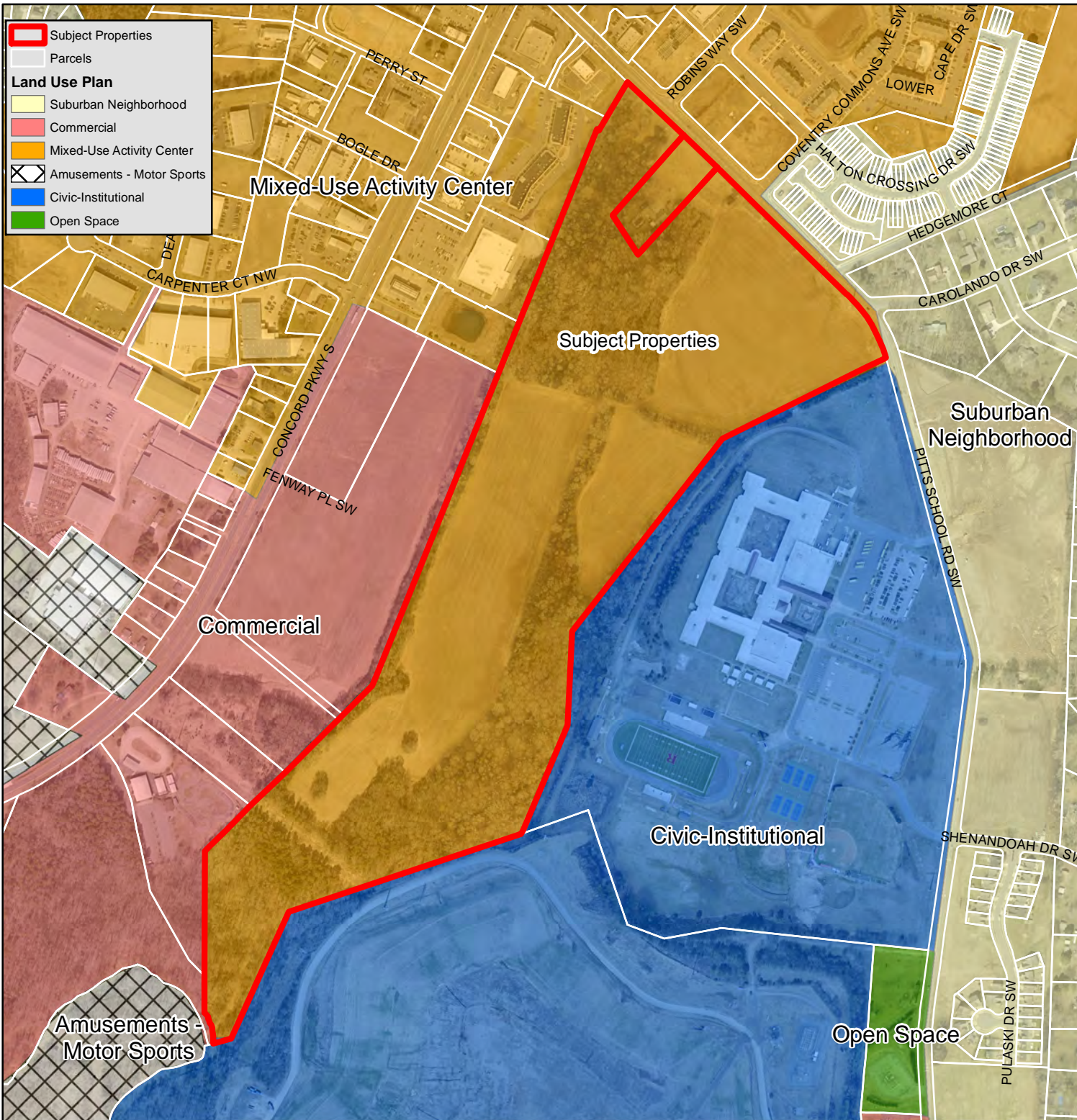


**Z(CD)-19-23
ZONING**

**Rezoning application from
I-1 (Light Industrial) and
C-2 (General Commercial)
to
I-1 (Light Industrial),
I-2 (General Industrial)
and C-2 (General Commercial)**

100 Pitts School Rd SW
PIN's: 5509-42-1822 & 5509-31-7753

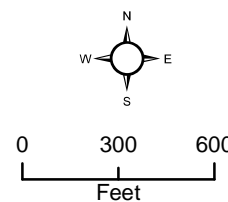
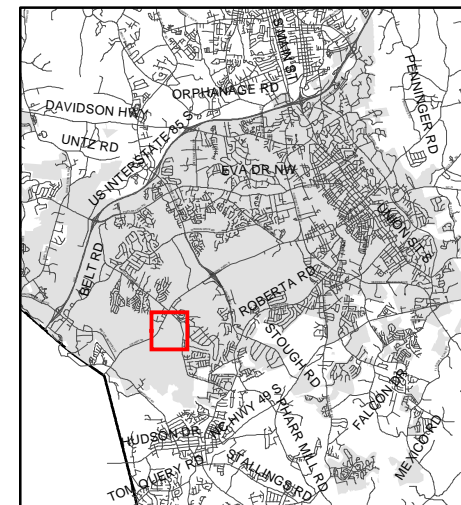




**Z(CD)-19-23
LAND USE PLAN**

**Rezoning application from
I-1 (Light Industrial) and
C-2 (General Commercial)
to
I-1 (Light Industrial),
I-2 (General Industrial)
and C-2 (General Commercial)**

100 Pitts School Rd SW
PIN's: 5509-42-1822 & 5509-31-7753



Z(CD)-19-23

100 Pitts School Rd SW

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

