



DATE: May 20, 2018

CASE #: Z -03-18

DESCRIPTION: Zoning Map Amendment
Heavy Industrial (I-2) to Light Industrial (I-1)

APPLICANT: Cirq-U (Circus University)

OWNERS: Third's Academy Property, LLC

LOCATION: 284 Ann Street NW.

PIN#s: PIN: 5620-49-9360

AREA: 3.10 Acres

ZONING: Heavy Industrial (I-2)

PREPARED BY: Joseph Beasley, Economic Development Coordinator

BACKGROUND

The subject property consists of approximately 3.10 acres located at 284 Ann St. NW on the northern corner of the Ann St and Elm Ave intersection. An existing 135,394 SF building is located on the property.

The existing building currently has two tenants: Lafferty Motorsports caters to the streetcar market building custom engines, transmissions, and restorations; Charlotte Stage & Sound provides portable staging equipment for events.

SUMMARY OF REQUEST

The applicant has requested to rezone the subject property from I-2 to I-1. This would allow Cirq-U (Circus University) to operate as an indoor recreation fitness center/dance studio with the CDO supplemental regulation that *"Only one indoor recreation facility (go-kart or fitness/martial arts) shall be permitted per Combined Development and shall be located inside the structure adjacent to the primary entrance road."* Cirq-U Circus University teaches students a wide variety of circus skills including aerial arts, acrobatics, juggling, adult and senior Cirq-U fitness classes, and offers a special needs program. Currently, this type of indoor recreation is not permitted in the I-2 (Heavy Industrial) zoning district.

This request is not a conditional district zoning, which limits proposed uses. Any use permissible in the I-1 district would be permissible.

The “downzoning” would not cause any of the existing uses within the facility to become nonconforming and the property owner understands that while the rezoning would limit some of the more intense uses permitted in I-2 (Heavy Industrial), it would also allow more less intense uses that may be currently prohibited.

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The subject property is surrounded by Concord I-2 with some RC to the north and east and southeast. The property adjacent to the west and southwest is predominantly zoned Concord RC. The rezoning represents a downzoning from I-2 Heavy Industrial, which will allow for less intense uses adjacent to the adjacent residential development.

Existing Zoning and Land Uses					
Current Zoning of Subject Property	Zoning Within 500 Feet		Land Uses(s) of Subject Property	Land Uses within 500 Feet	
City of Concord Light Industrial (I-1)	North	I-2, I-2-CU & RC	Industrial/Warehouse	North	Industrial, Residential
	South	I-2, RC		South	Industrial, Residential
	East	I-2, RC		East	Industrial
	West	RC		West	Residential

COMPLIANCE WITH 2030 LAND USE PLAN AND CENTER CITY PLAN

The 2030 Land Use Plan (LUP) designates the subject property as “Industrial/Employment.” I-1 zoning is consistent with the industrial/employment land use designation. The Center City Plan, incorporated into the Land Use Plan by reference, designates the property as “Industrial” and I-1 is a corresponding zoning classification, making it consistent.

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately 3.10 acres, is zoned City of Concord Heavy Industrial (I-2).
- The proposed zoning amendment is consistent with the 2030 Land Use Plan (LUP) and the Center City Plan because the proposed zoning will allow development of uses that are encouraged within the industrial/employment land use designations.
- The zoning amendment is reasonable and in the public interest because the petition represents a less intense use adjacent to residential development while allowing for the current and future existence of light industrial uses in the industrial building.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the request consistent with the 2030 Land Use Plan and Center City Plan as well as the requirements of the Concord Development Ordinance and has no objections to the request. Because this petition is conventional district request, sworn testimony and findings of fact are not required, and the Commission may not impose conditions on the approval.

PROCEDURAL CONSIDERATIONS

This particular case is a rezoning to a conventional zoning district, 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.