

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
OF THE CITY OF CONCORD, NORTH CAROLINA  
FOR PROPERTY LOCATED AT 239 BROOKWOOD AVE NW, CONCORD, NC**

WHEREAS, the City of Concord, North Carolina, pursuant to the authority conferred by the North Carolina General Statutes 160A-364 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 160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951, 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, Chapter 160A, Art. 19, Session Laws of 1993, Chapter 247, House Bill 575 and Section 3.2.4.B.2 of the Concord Development Ordinance does hereby allow the Planning and Zoning Commission to be final approval authority for zoning changes of land, provided that at least three-fourths of the members present vote in the affirmative, and no appeal of the decision is taken; and

WHEREAS, Section 3.2.4.B.5 of the Concord Development Ordinance specifies that any person aggrieved by the decision of the Planning and Zoning Commission shall have the right to appeal the decision to the City Council within fifteen days of the decision of the Planning and Zoning Commission decision by giving written notice to the Administrator; and

WHEREAS, Section 3.2.4.B.2 of the Concord Development Ordinance specifies that a final approval decision shall not be in effect until the fifteen-day appeal period expires;

NOW, THEREFORE BE IT ORDAINED by the Planning and Zoning Commission of the City of Concord, North Carolina:

SECTION 1. That the P&Z Commission held a duly advertised public hearing on July 18, 2023. At the close of the public hearing, the P&Z Commission adopted the following "Statement of Zoning Consistency" as required by NC Gen Stat 160D-605.

- The subject property is approximately +/- .30 acres and currently zoned City of Concord C-2 (General Commercial).
- The subject property was annexed on into the City of Concord prior to 1932 and is currently unoccupied.
- The proposed zoning is not consistent with the 2030 Land Use Plan (LUP) as RV (Residential Village) is not a corresponding zoning classification to the Commercial Land Use Category. However, the subject property is located adjacent to other properties zoned residential and would be compatible with the adjacent zoning to the north, south, east, and west.
- The zoning amendment is reasonable and in the public interest as it is consistent with the existing zoning adjacent to the subject property.

The P&Z Commission then voted to recommend approval of the map amendment for p/o PIN 5621-30-1917 from C-2 (General Commercial) to RV (Residential Village), and designate the property UN (Urban Neighborhoods) in the 2030 Land Use Plan. Since the rezoning would result in a comprehensive plan amendment; it is forwarded to City Council for hearing with a recommendation from the Planning and Zoning Commission.

SECTION 2. That the City Council held a duly advertised public hearing on August 10, 2023. At the close of the public hearing, the City Council adopted the following "Statement of Zoning Consistency" as required by NC Gen. Stat 160D-605.

- The subject property is approximately +/- .30 acres and currently zoned City of Concord C-2 (General Commercial).
- The subject property was annexed on into the City of Concord prior to 1932 and is currently unoccupied.
- The proposed zoning is not consistent with the 2030 Land Use Plan (LUP) as RV (Residential Village) is not a corresponding zoning classification to the Commercial Land Use Category. However, the subject property is located adjacent to other properties zoned residential and would be compatible with the adjacent zoning to the north, south, east, and west.
- The zoning amendment is reasonable and in the public interest as it is consistent with the existing zoning adjacent to the subject property.

The City Council then voted to **APPROVE** the map amendment by the required supermajority.

SECTION 3: That the Official Zoning Map is hereby amended by rezoning from City of Concord C-2 (General Commercial) to City of Concord RV (Residential Village) in the area described as follows and that the future land use designation of UN (Urban Neighborhoods) is applied in the 2030 Land Use Plan:

BEING A 0.30 ACRE PARCEL AT THE SOUTHWEST INTERSECTION OF BROOKWOOD AVE NW AND GIBSON ST NW LYING AND BEING IN THE CITY OF CONCORD, CABARRUS COUNTY NORTH CAROLINA BEING A PART TO THE SUBDIVISION OF BLOCK "A", "WADSWORTH ADDITION" MAP BOOK (MB) 1 PAGE (PG) 49 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

POINT OF ORIENTATION BEING A NORTH CAROLINA GEODETIC MONUMENT NAMED "NCRR CB M355 1" HAVING COORDINATES OF N: 609,965.88FT-E:1,522,600.20FTNAD 83 (2011); THENCE FROM SAID MONUMENT N

28-50-50 E - 977.54' TO THE POINT OF BEGINNING BEING AN EXISTING MAGNETIC NAIL HAVING GRID COORDINATES OF N: 610,822.12FT-E: 1,523,071.84FTNAD 83 (2011) AND BEING THE NORTHEAST CORNER OF DAVID

CRANFORD, DB 2138 PG 271 AND ON THE SOUTHERN SIDE OF THE 60' PUBLIC R/W FOR BROOKWOOD AVE NW; THENCE WITH SAID R/W N 70-20-30 E - 120.09' TO A 2" OPEN IRONPIPE AT THE SOUTHWESTERN R/W INTERSECTION OF BROOKWOOD AVE NW AND GIBSON ST NW; THENCE WITH THE 60' PUBLIC R/W FOR GIBSON ST NW S 1948-18 E - 129.61' TO A 1-1/2" OPENPIPE, BEING THE NORTHEAST CORNER OF OSVALDO LOPEZ, DB 6720 PG 36; THENCE WITH LINE OF SAID LOPEZ S 70-26-51 W - 72.80' TO A NEW REBAR SET (NRS), IN THE LINE OF JIMMY D. WHITE, DB 6725 PG 86; THENCE TWO CALLS WITH SAID LINE OF WHITE 1) N 13-54-11 W - 47.00' TO A NRS 2) S 83-5049 W 59.73' TO A 1" PIPE W/ELBOW IN THE LINE OF DAVID CRANFORD, DB 2138 PG 271; THENCE WITH SAID LINE OF CRANFORD N 14-54-08 W - 69.02' TO THE POINT OF BEGINNING, CONTAINING 0.30ACRES AND SHOWN ON A SURVEY BY HARRISBURG SURVEYING, DATED JANUARY 15, 2023, JOB# 221201

THE AREA WITHIN THE ABOVE-DESCRIBED PARCEL TO BE REZONED IS LOCATED AS FOLLOWS.

FROM THE POINT OF BEGINNING, AS DEFINED ABOVE; THENCE WITH THE SOUTHERN SIDE OF THE 60' PUBLIC R/W FOR BROOKWOOD AVE NW N 70-20-30 E - 71.00' TO A NRS, BEING THE TRUE POINT OF BEGINNING FOR REZONING LINE; THENCE CONTINUING WITH SAID R/W N 70-20-30 E - 49.09' TO A 2" OPEN

IRONPIPE AT THE SOUTHWESTERN R/W INTERSECTION OF BROOKWOOD AVE NW AND GIBSON ST NW; THENCE WITH THE 60' PUBLIC R/W FOR GIBSON ST NW S 1948-18 E - 129.61' TO A 1-1/2" OPENPIPE, BEING THE NORTHEAST CORNER OF OSVALDO LOPEZ, DB 6720 PG 36; THENCE WITH SAID LINE OF LOPEZ S 70-26-51 W - 72.80' TO A NEW REBAR SET (NRS), IN THE LINE OF JIMMY D. WHITE, DB 6725 PG 86; THENCE WITH SAID LINE OF WHITE 1) N 13-54-11 W 47.00' TO A NRS; THENCE TWO NEW CALLS THROUGH THE ABOVE DESCRIBED PARCEL 1) N 20-56-21 E - 29.10' TO A NRS 2) N 19-56-12 W - 60.64' TO THE POINT OF BEGINNING. CONTAINING 0.17ACRES AND SHOWN ON SURVEY BY HARRISBURG SURVEYING, DATED MAY 5, 2023, JOB# 221201


SECTION 4. That the establishment of this district and subsequent issuance of Zoning Clearance Permits are hereby authorized.

SECTION 5. That the above-described property shall be perpetually bound to the uses authorized in the Concord Development Ordinance, as such may be amended from time to time and as provided for under Article 3 of the Concord Development Ordinance.

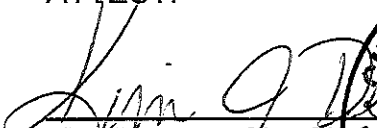
SECTION 6. That the effective date hereof is the 10<sup>th</sup> day of August, 2023

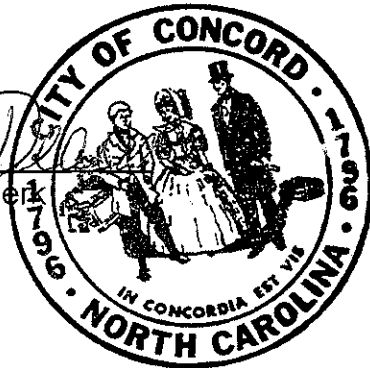
Adopted this 10<sup>th</sup> day of August, 2023

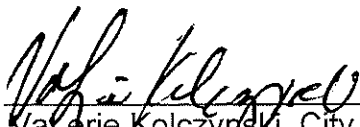
CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

  
\_\_\_\_\_  
William C. Dusch, Mayor

ATTEST:

  
\_\_\_\_\_  
Kim Deason, City Clerk



  
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Valerie Kolczynski, City Attorney