

CITY OF CONCORD PLANNING & ZONING COMMISSION
Meeting Agenda
Tuesday, December 19, 2023, at 6:00 PM
City Hall Council Chambers - 35 Cabarrus Avenue West

- I. CALL TO ORDER - Chair**
- II. CHANGES TO THE AGENDA**
- III. APPROVAL OF THE MINUTES - *Motion, second, and vote needed.***
- IV. OLD BUSINESS**
- V. NEW BUSINESS**

1. Z-26-23 (Legislative Hearing)

Robert Nicolia has submitted a Zoning Map Amendment application for +/- 1.29 acres of property located at 3010 New Town Way SW. from RM-1 (Residential Medium Density) to AG (Agricultural District). PINs p/o 5519-14-7860; p/o 5519-23-2971

- a. Open Public Hearing by Motion - *Motion, second, and vote needed.*
- b. Staff Presentation
- c. Staff Recommendation
- d. Applicant's/Proponent's Testimony
- e. Opponent's Testimony
- f. Close Public Hearing by Motion - *Motion, second, and vote needed.*
- g. Recommend Statement of Consistency by Motion - *Motion, second, and vote needed.*
- h. Recommend Zoning and LUP Amendment by Motion - *Motion, second, and vote needed.*

VI. PETITIONS AND REQUESTS – NO PUBLIC HEARING REQUIRED/PRESENTATIONS AND DISCUSSIONS

VII. RECOGNITION OF PERSONS REQUESTING TO BE HEARD

VIII. MATTERS NOT ON THE AGENDA

IX. ADJOURNMENT



DATE: December 19, 2023

REZONING CASE #: Z-26-23

ACCELA: CN-RZZ-2023-00011

DESCRIPTION: Zoning Map Amendment
RM-1 (Residential Medium Density) to AG (Agricultural)

APPLICANT/OWNER: Roberto Nicolia

LOCATION: 3010 New Town Way SW

PIN#: p/o 5519-14-7860, p/o 5519-23-2971

AREA: +/- 1.29 acres

ZONING: RM-1 (Residential Medium Density), I-2 (General Industrial),
AG (Agricultural)

PREPARED BY: Fred Womble, Planner

BACKGROUND

The subject property consists of portions of two (2) parcels comprising +/- 1.29 acres located on the east side of George W. Liles Parkway SW and south of the intersection of George W. Liles Parkway SW and Hamrick Rd SW. The property is owned by Bootsmead Leasco, LLC and is part of the larger Grounds of Concord properties (formerly the site of Philip Morris). New Town Way SW is located on the western side of the Grounds of Concord properties and is accessed via George W. Liles Pkwy SW. The subject properties were annexed on June 30, 1983 and were a part of the larger annexation which included the Philip Morris facility.

SUMMARY OF REQUEST

The applicant is requesting to rezone portions of the subject properties from RM-1 to AG (Agricultural) in order to construct a 50,750-sf industrial facility with outdoor storage. The rezoning of the portions of the two (2) tracts will create the necessary 500-foot separation required for the outdoor storage associated with the proposed industrial facility.

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	
RM-1 (Residential Medium Density); I-2 (General Industrial); AG (Agricultural)	North	AG (Agricultural); I-2 (General Industrial)	Vacant	North	Industrial, Vacant
	South	AG (Agricultural); RM-1 (Residential Medium Density); RV (Residential Village); I-2 (General Industrial)		South	Residential
	East	I-2 (General Industrial); AG (Agricultural)		East	Industrial, Vacant
	West	RM-1 (Residential Medium Density); AG (Agricultural); I-2 (General Industrial); RM-2 (Residential Medium Density)		West	Residential

COMPLIANCE WITH 2030 LAND USE PLAN

The 2030 Land Use Plan (LUP) designates the subject property as “Industrial-Employment (IE).” AG (Agricultural) is not a corresponding zoning district to the “Industrial-Employment” land use category, and therefore is not consistent with the land use plan. The applicant will be required to petition City Council to request an amendment to the 2030 Land Use Plan.

From the 2030 Land Use Plan – “Industrial-Employment” (IE)

The intent of the Industrial/Employment (IE) Future Land Use category is to identify those areas that have either already developed as industrial or are suited for additional industrial development due to the presence of infrastructure and access to transportation routes, such as major highways and railroads. These industrial areas should be preserved for employment uses to generate jobs for the community.

Industrial uses have already developed in several areas throughout the community, most of which are light industrial in function and impact. The 2030 Plan identifies the need to protect industrial lands, and to encourage additional growth in industrial/employment uses in designated areas, particularly around Concord Regional Airport, and along 1-85 between Pitts School Road and Rocky River. Additionally, some light industrial/employment uses are encouraged to locate in Mixed-Use Districts, depending upon their intensity, as identified earlier in this section.

Policy Guidance:

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.

Objective 1.4: Protect existing and future industrial sites from encroachment of development that would limit their intended uses.

SUGGESTED STATEMENT OF CONSISTENCY

- The two (2) parent parcels consist of approximately +/- 25.06 acres and are zoned RM-1 (Residential Medium Density), AG (Agricultural), and I-2 (General Industrial).
- The subject property for the rezoning petition is approximately +/- 1.29 acres and is currently zoned RM-1 (Residential Medium Density).
- The subject property was annexed into the City on June 30, 1983.
- The proposed zoning is not consistent with the 2030 Land Use Plan (LUP) as AG (Agricultural) is not a corresponding zoning classification to the Industrial-Employment (I-E) Land Use Category.
- The zoning amendment is reasonable and in the public interest as it is consistent with the existing zoning adjacent to the subject property. The zoning amendment and subsequent LUP amendment are necessary to meet the outdoor storage separation requirements for the proposed industrial use facility to be constructed.

SUGGESTED RECOMMENDATION AND CONDITIONS

City staff does not have any issues with the proposal. No conditions may be applied as the request is not for a “Conditional District.”

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. As the request is not a Conditional District no conditions may be applied.

**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 # _____ 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: _____
Roberto Nicolia, 612 Muncy Avenue, Lindenhurst, NY 11757
516.805.8779, rnicolia@nicolia.com

Owner Name, Address, Telephone Number: _____
Bootsmead LeaseCo, LLC, 1717 S Boulder Avenue, Suite 400, Tulsa, OK 74119
704.547.4880

Project Location/Address: 3010 New Town Way SW, Concord, NC 28207
P.I.N.: 5519-14-7860-0000, 5519-23-2971-0000

Area of Subject Property (acres or square feet): 1.2928 Acres

Lot Width: 285.99 feet Lot Depth: 416.71 feet

Current Zoning Classification: RM-1

Proposed Zoning Classification: AG

Existing Land Use: Zoned RM-1, Wooded, Duke Energy Right-of-Way

Future Land Use Designation: Proposed Re-zoning AG, Wooded, Duke Energy Right-of-Way

Surrounding Land Use: North Industrial South Residential
East Industrial West Residential

Reason for request: Parcels currently have three different zonings assigned, I-2, AG, and RM-1. Proposed re-zoning would align with current land use and adjacent zoning.

Has a pre-application meeting been held with a staff member? Yes; DRC held 9/28/2023

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:

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):

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 Date

Signature of Owner(s) Date

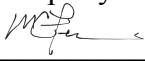
Certification

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: 11 / 29 / 2023

Applicant Signature: Roberto Nicolia

Property Owner or Agent of the Property Owner Signature:



Title	The Grounds at Concord - Nicolock Paving - Re-Zoning...
File name	file
Document ID	01216f9dfd80ed15cfdae841c50b161b89da7b0b
Audit trail date format	MM / DD / YYYY
Status	● Signed

This document was requested from app.contractsafe.com

Document History



SENT

11 / 29 / 2023

20:28:58 UTC

Sent for signature to Roberto Nicolia (rnicolia@nicolia.com) and Mark Fiddes (mark@quartilecapital.com) from mgrohol@bgeinc.com
IP: 4.38.159.154



VIEWED

11 / 29 / 2023

20:48:27 UTC

Viewed by Roberto Nicolia (rnicolia@nicolia.com)
IP: 107.77.216.171



SIGNED

11 / 29 / 2023

20:48:49 UTC

Signed by Roberto Nicolia (rnicolia@nicolia.com)
IP: 107.77.216.171



VIEWED

11 / 29 / 2023

20:53:05 UTC

Viewed by Mark Fiddes (mark@quartilecapital.com)
IP: 71.71.238.76



SIGNED

11 / 29 / 2023

20:53:37 UTC

Signed by Mark Fiddes (mark@quartilecapital.com)
IP: 71.71.238.76



COMPLETED

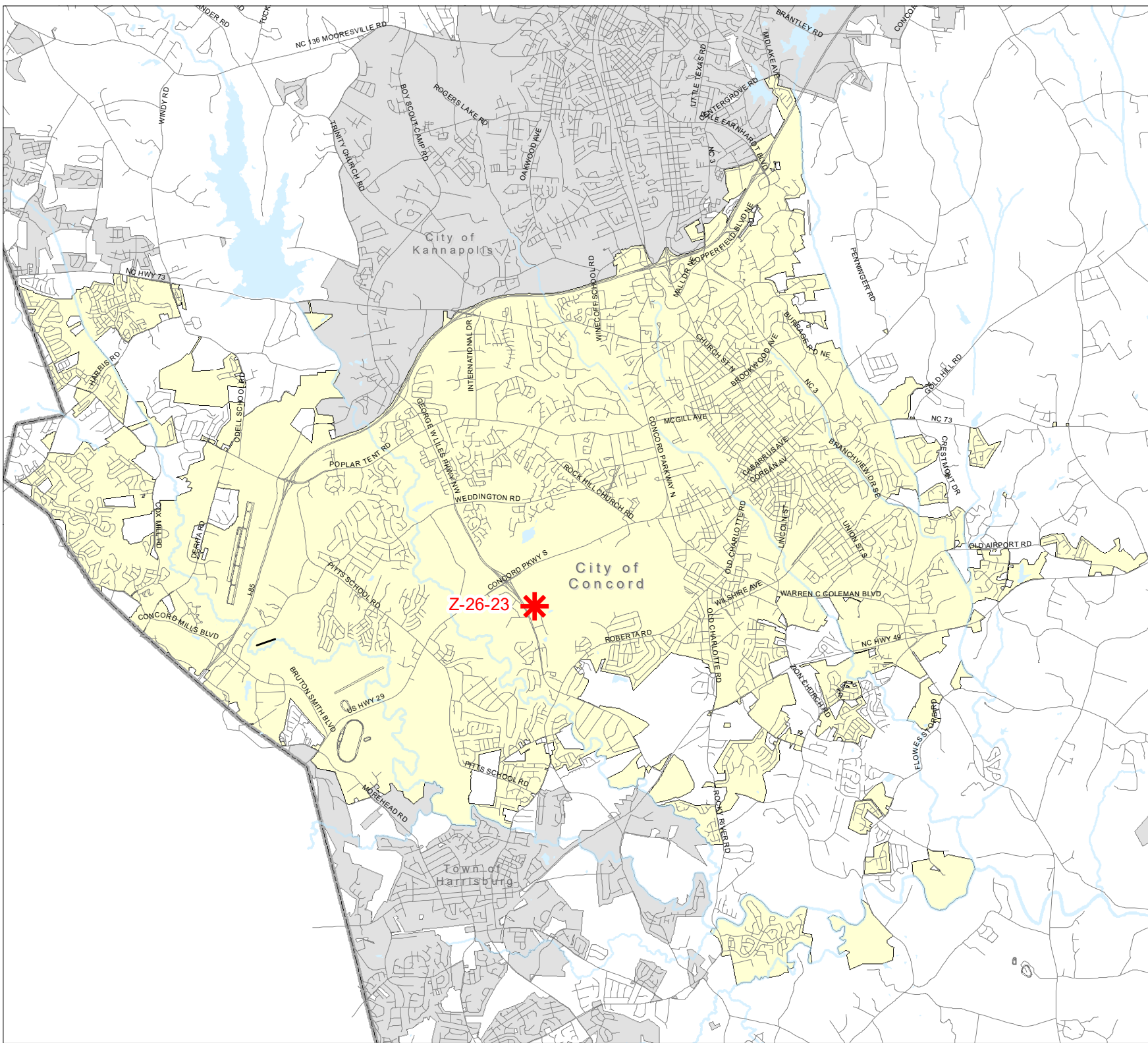
11 / 29 / 2023

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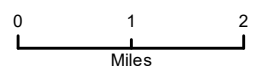
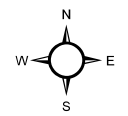
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Z-26-23

3010 New Town Way SW



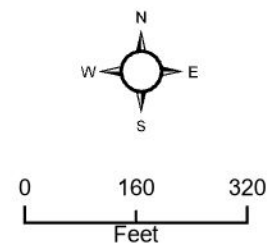
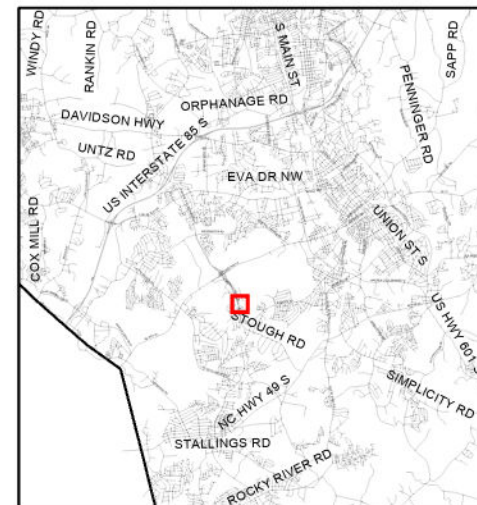
- Case Location
- Streets
- Lakes & Ponds
- Rivers
- Cabarrus Co.
- City of Concord
- Other Municipalities



**Z-26-23
AERIAL**

**Rezoning application
RM-1 (Residential Medium
Density) to
AG (Agricultural)**

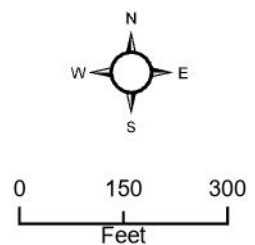
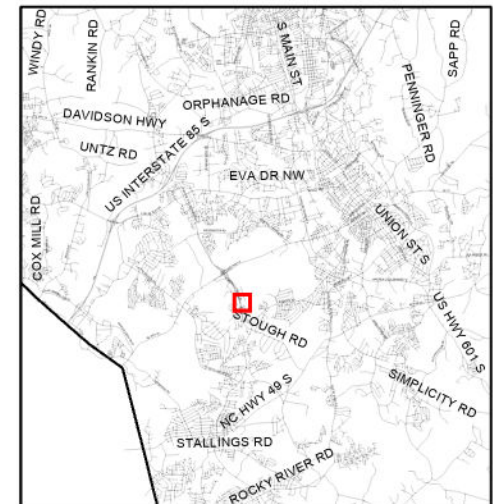
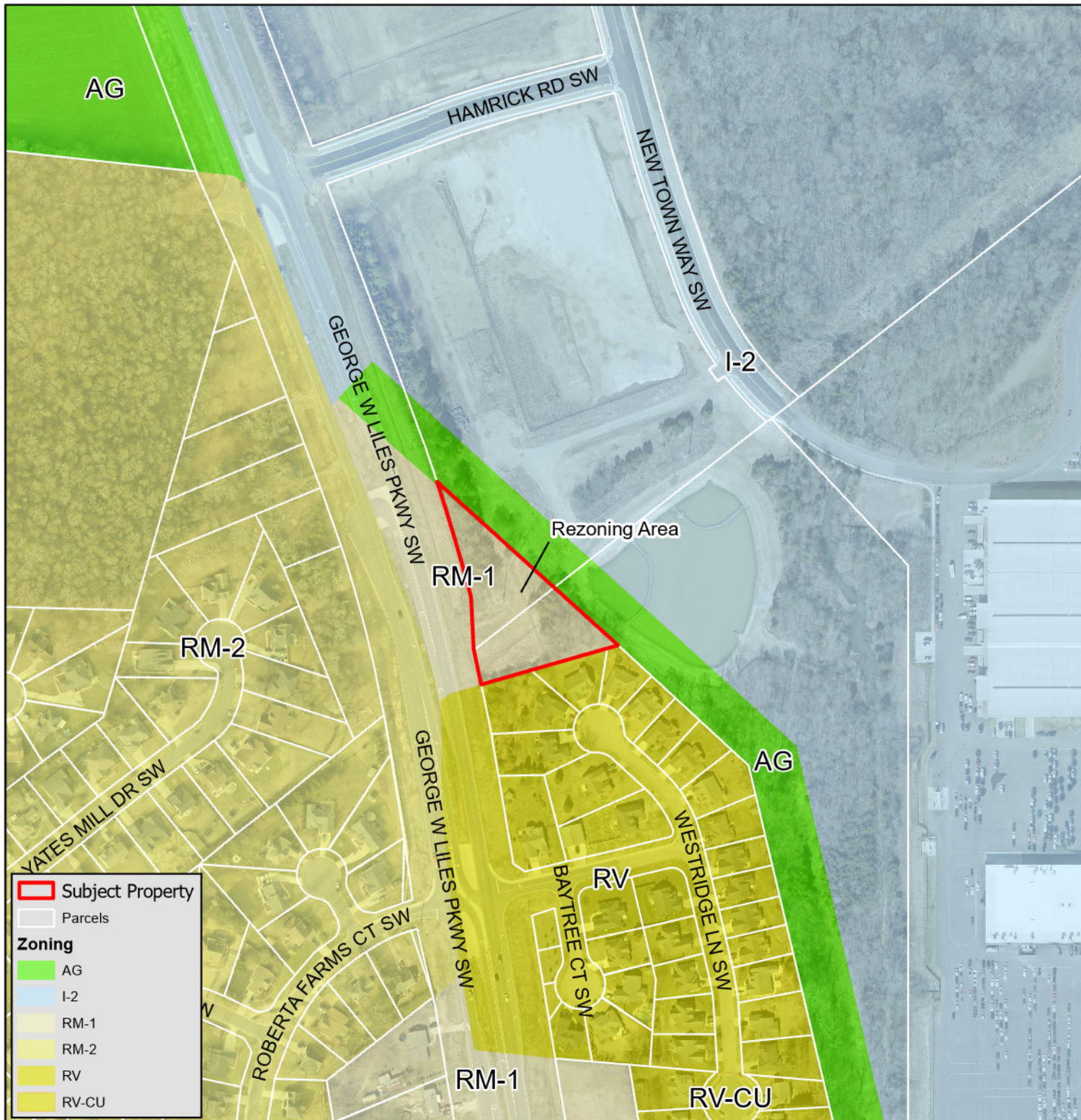
3010 New Town Way SW
PINs: 5519-14-7860 (part of) &
5519-23-2971 (part of)

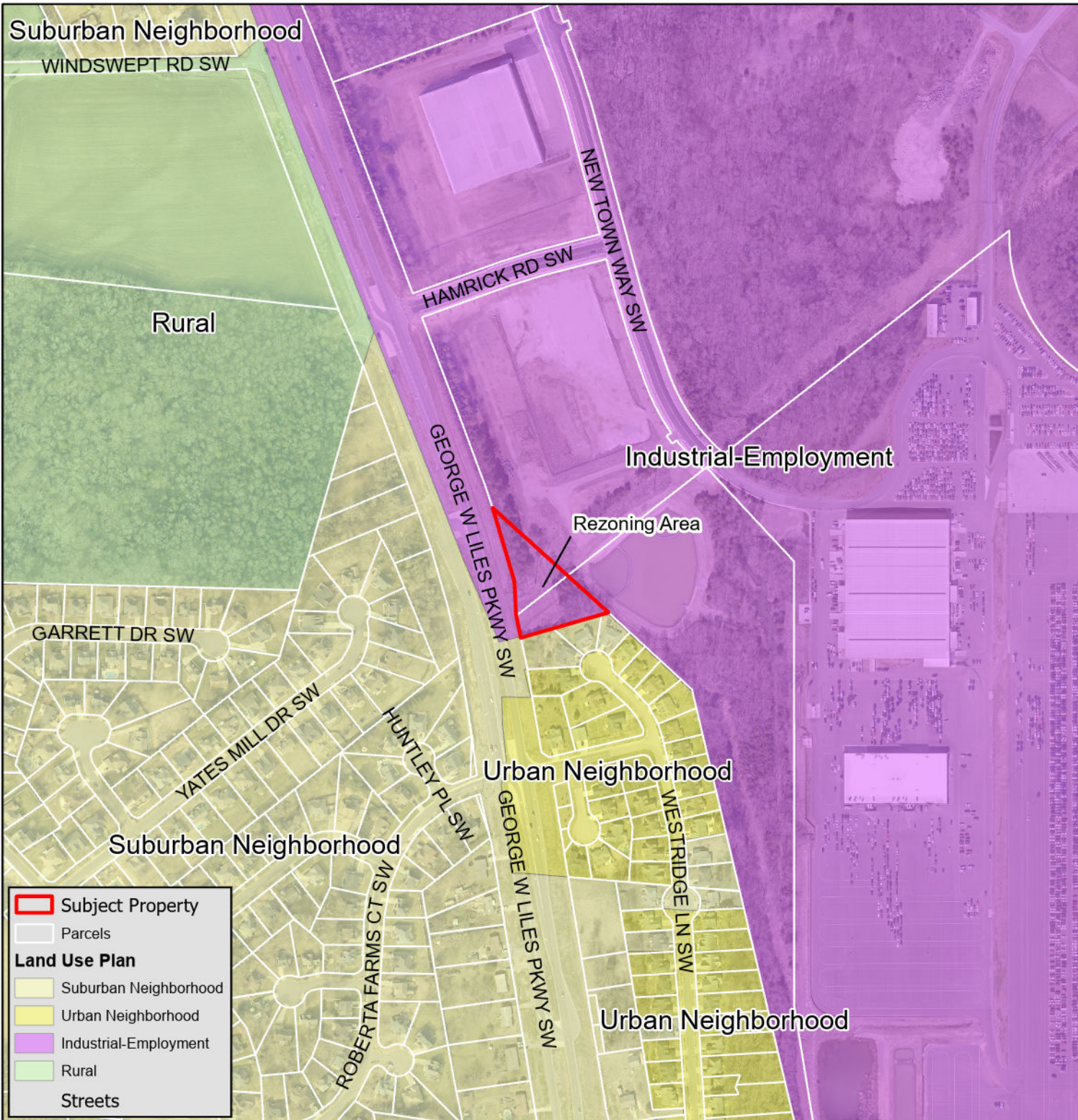


Z-26-23 ZONING

**Rezoning application
RM-1 (Residential Medium
Density) to
AG (Agricultural)**

3010 New Town Way SW
PINs: 5519-14-7860 (part of) &
5519-23-2971 (part of)





	Subject Property
	Parcels
Land Use Plan	
	Suburban Neighborhood
	Urban Neighborhood
	Industrial-Employment
	Rural
	Streets

**Z-26-23
LAND USE PLAN**

**Rezoning application
RM-1 (Residential Medium
Density) to
AG (Agricultural)**

3010 New Town Way SW
PINs: 5519-14-7860 (part of) &
5519-23-2971 (part of)

