

CITY OF CONCORD PLANNING & ZONING COMMISSION
Meeting Agenda
Tuesday, January 16, 2024, 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(CD)-25-23 (Legislative Hearing)

FRED-Charlotte HC, LLC has submitted a Zoning Map Amendment application for +/- 3.17 acres of property located at 8961 & 8971 Quay Rd. from Cabarrus County LI (Limited Industrial) to City of Concord RC-CD (Residential Compact - Conditional). PINs 4589-43-9666; 4589-53-1551; 4589-43-9724.

- 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: January 16, 2024

REZONING CASE #: Z(CD)-25-23

ACCELA: CN-RZC-2023-00008

DESCRIPTION: Zoning Map Amendment from Cabarrus County LI (Limited Industrial) to RC-CD (Residential Compact Conditional District)

APPLICANT/OWNER: FRED-Charlotte HC, LLC.

LOCATION: 8961 & 8971 Quay Rd.

PIN#: 4589-43-9724, 4589-43-9666, and 4589-53-1551

AREA: +/- 3.17 Acres

ZONING: Formerly Cabarrus County LI (Limited Industrial)

PREPARED BY: Fred Womble, Planner

Note: Because this rezoning request is pertaining to a recently annexed property, a City zoning classification must be adopted.

BACKGROUND

The subject property consists of three (3) parcels totaling +/- 3.17 acres on Quay Road. The property is currently zoned Cabarrus County LI (Limited Industrial). The properties are owned by Elizabeth & Ray Kirkpatrick and Ryan & Emily Hyatt. The subject properties were annexed into the City of Concord on November 9, 2023.

To the north of the properties the zoning is RC-CD (Residential Compact Conditional) and C-2 (General Commercial), and the properties are residential and vacant. The property to the east, across Quay Road, is zoned C-2 (General Commercial) and is the site of Concord Mills Mall and its outparcels. The properties to the south are zoned Cabarrus County LI (Limited Industrial) and Mecklenburg County N1-A (Neighborhood 1) and are vacant and single family residential. The properties to the west Mecklenburg County N1-A (Neighborhood 1) and Mecklenburg County N2-B (Neighborhood 2) and are vacant and single family residential.

HISTORY

The subject properties were annexed into the City of Concord on November 9, 2023.

The rezoning request has been submitted as an addition to the previously approved conditional rezoning of 9001 Quay Rd (CD-RZC-2021-0001) and will provide the applicant the opportunity to modify the location of a previously approved stormwater pond and provide additional open space, including a dog path and walking path.

SUMMARY OF REQUEST

The applicant is requesting to rezone the subject properties from Cabarrus County LI (Limited Industrial) to RC-CD (Residential Compact - Conditional District) to relocate a previously approved stormwater pond and provide additional open space and walking path for a 242-unit multifamily development. The proposed multifamily development is located in the zoning jurisdiction of both Mecklenburg County (182 units) and City of Concord (60 units).

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.

In accordance with the Concord Development Ordinance (CDO), all reviewing departments of the DRC (Development Review Committee) have reviewed and approved the proposed site plan.

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	
County LI (Limited Industrial)	North	RC-CD (Residential Compact-Conditional District) C-2 (General Commercial)	Vacant/Residential	North	Residential, Commercial
	South	County LI (Limited Industrial) Charlotte N1A (Neighborhood 1)		South	Vacant, Residential
	East	C-2 (General Commercial)		East	Commercial
	West	Charlotte N1A (Neighborhood 1) Charlotte N2B (Neighborhood 2)		West	Vacant, Residential

COMPLIANCE WITH 2030 LAND USE PLAN

The 2030 Land Use Plan (LUP) designates the subject property as “Mixed Use Activity Center.” RC-CD (Residential Compact Conditional) is listed as a corresponding zoning district to the “Mixed Use Activity Center” land use category, and therefore is consistent with the land use plan.

The corresponding zoning districts for the “Mixed Use Activity Center” land use categories are RV (Residential Village); RC (Residential Compact); O-I (Office-Institutional); CC (City Center); TND (Traditional Neighborhood Development); MX-NC (Mixed Use–Neighborhood Center); MX-CC1 (Mixed Use–Commercial Center Small); MX-CC2 (Mixed Use–Commercial Center Large); MX-IB (Mixed-Use Industrial/Business Center); PRD (Planned Residential Development); C-1 (Light Commercial and Office); C-2 (General Commercial); PUD (Planned Unit Development); and I-1 (Light Industrial).

From the 2030 Land Use Plan – “Mixed Use Activity Center” (MUAC)

The intent of the Mixed-Use Activity Center (MUAC) Future Land Use category is to identify areas that serve broader economic, entertainment, and community activities as compared to mixed-use neighborhoods. Uses and buildings are located on small blocks with streets designed to encourage pedestrian activities. Buildings in the core of the mixed-use center may stand three or more stories. Residential units or office space may be found above storefronts. Parking is satisfied by using on-street parking, structured parking, and shared rear-lot parking strategies. Structured parking should be encouraged to be incorporated into the principal structure.

A large-scale mixed use activity center may be surrounded by one or more neighborhoods that encourage active living, with a comprehensive and interconnected network of walkable streets.

Areas designated as Mixed-Use Activity Centers Future Land Use category are large geographic areas located at key intersections of major transportation corridors, that have high growth potential, where the infrastructure can support denser development. Mixed Use Activity Centers are located along major corridors where transit facilities are currently planned or envisioned in the future. Mixed-Use Activity Centers may not necessarily be constructed as a single development at one time. The very nature of these areas allows them to be approved in phases and to evolve over time into an area made up of a mix of land uses, usually centered on some type of public transit facility, which affords people the opportunity to live, work, shop and, in some cases, have immediate access to recreation facilities in one general area. It is also the goal of these districts to reduce vehicle trips by making them single destination points for multiple consumer needs.

The intent of the Mixed-Use Activity Center designation is to encourage the development of a mixture of complementary uses that will function as an integrated center allowing for pedestrian connections between developments and uses. Each of the eleven proposed Mixed-Use Activity Center locations identified on the Land Use Plan have different characteristics and will develop uniquely. The size of these areas is relatively large, with the intent that mixed use development should occur within a one-half mile radius of a transit stop (an estimated ten minute walking distance). Due to the fact that each area designated as a MUAC, applying one development solution to each is not practical. The key is to coordinate development of each parcel within the

context of the larger District. Coordinating connectivity and planning for future uses will be critical in this process.

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.

- *Monitor Land Use: Monitor existing, approved and planned land uses and compare development capacities with projected demands for all types of residential and non-residential development. The Future Land Use Map should provide adequate land to meet projected demands and provide market flexibility throughout the City.*

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately +/- 3.17 acres and currently zoned Cabarrus County LI (Limited Industrial).
- The proposed zoning is consistent with the 2030 Land Use Plan (LUP) as RC-CD (Residential Compact-Conditional District) is a corresponding zoning classification to the Mixed Use Activity Center (MUAC) Future Land Use Category and meets the policy guidance to encourage the development of a mixture of complementary uses that will function as an integrated center allowing for pedestrian connections between developments and uses.
- The zoning amendment is reasonable and in the public interest as it is complementary to the use, design and density with the adjacent land uses.

OR

- The zoning amendment is not reasonable and in the public interest as the design is not compatible with the adjacent land uses.

SUGGESTED CONDITIONS

If approval is desired, staff recommends the following conditions:

1. Compliance with “Carolina Lily Schematic Site Plan,” sheet number RZ2.00, dated 11/21/2023.
2. Technical site plan review and approval is required including all approvals from outside local, state and federal agencies.
3. 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). A recorded deed is sufficient, if the deed contains a separate description of the property to be rezoned. If the property contains multiple tracts, deeds shall be provided describing each tract or multiple tracts.
- 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**, 6 copies of a plan drawn to scale (conditional district plan) for the initial submittal to be reviewed by Development Review Committee. Staff will advise of additional submission requirements for the Planning Commission hearing after the initial review.
- 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: _____

Fiduciary Real Estate Development, Inc. 789 North Water Street, Suite 500, Milwaukee, WI 53202

414-246-8402 tderosa@fred-inc.com

Owner Name, Address, Telephone Number: _____

Ray & Emily Hyatt 8981 Quay Road, Charlotte, NC 28027 704-418-4801 razer8624@gmail.com

Elizabeth Kilpatrick 8961 & 8971 Quay Road, Concord, NC 28027 704-782-0359 Tuttertay@gmail.com

Project Location/Address: SWC of Carolina Lily Lane and Quay Road

P.I.N.: 4589-43-9666-0000, 4589-53-1551-0000 and 02918115

Area of Subject Property (acres or square feet): 3.17 acres

Lot Width: 452 feet Lot Depth: 346 feet

Current Zoning Classification: LI

Proposed Zoning Classification: RC-CD

Existing Land Use: Mixed-Use Activity Center

Future Land Use Designation: Mixed-Use Activity Center

Surrounding Land Use: North Mixed-Use Activity Center South Commercial

East Commercial West Mecklenburg County

Reason for request: Relocation of previously approved stormwater pond for multifamily development of 242 units and additional of open space and walking path

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

Staff member signature: _____ Date: March 29, 2021

THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

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

Relocation of previously approved stormwater pond for multifamily development of 242 units and additional of open space and walking path

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):

Substantial compliance to site plan

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.

AV Hedorn 6/13/23
 Signature of Applicant Date

[Signature] ESAA 6-9-23
 Signature of Owner(s) Date

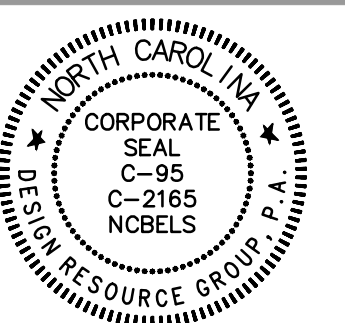
Certification

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: 6/13/23

Applicant Signature: AV Heidorn

Property Owner or Agent of the Property Owner Signature:
Roy [Signature] [Signature]



REZONING PETITION
FOR PUBLIC HEARING
CN-RZC-2023-00008

REZONING DOCUMENTS

CABARRUS COUNTY

9001 QUAY RD.,
CHARLOTTE, NC 28262

CAROLINA LILY
CONCORD, NORTH CAROLINA

FRED - CHARLOTTE HC, LLC
P. 414.226.4535

SCHEMATIC
SITE PLAN

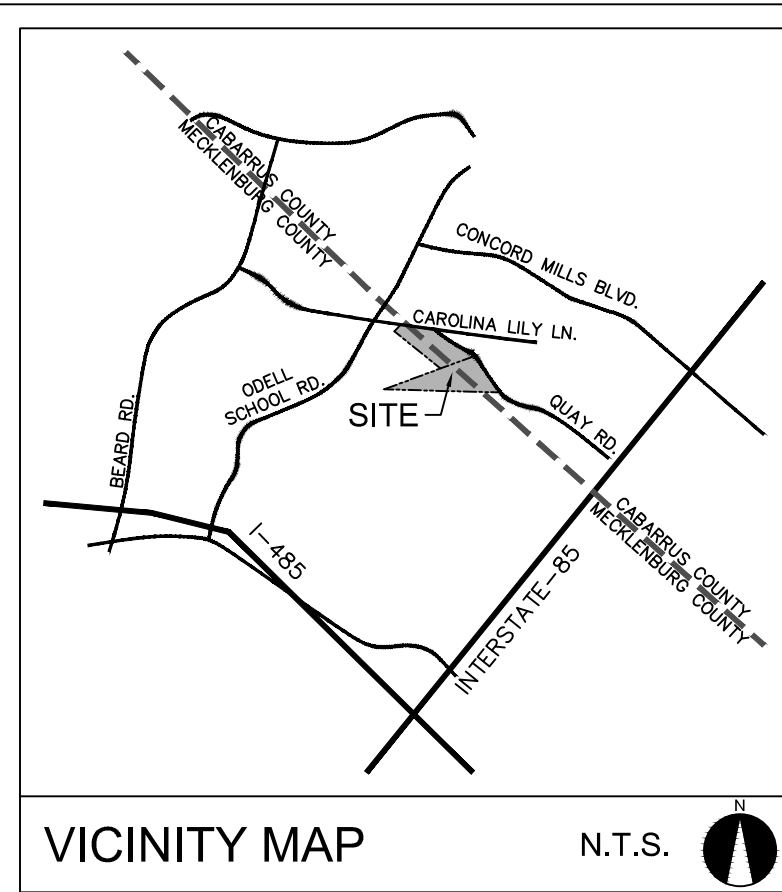
30 0 30 60
SCALE: 1" = 60'

PROJECT #: 949-001
DRAWN BY: DK
CHECKED BY: TH

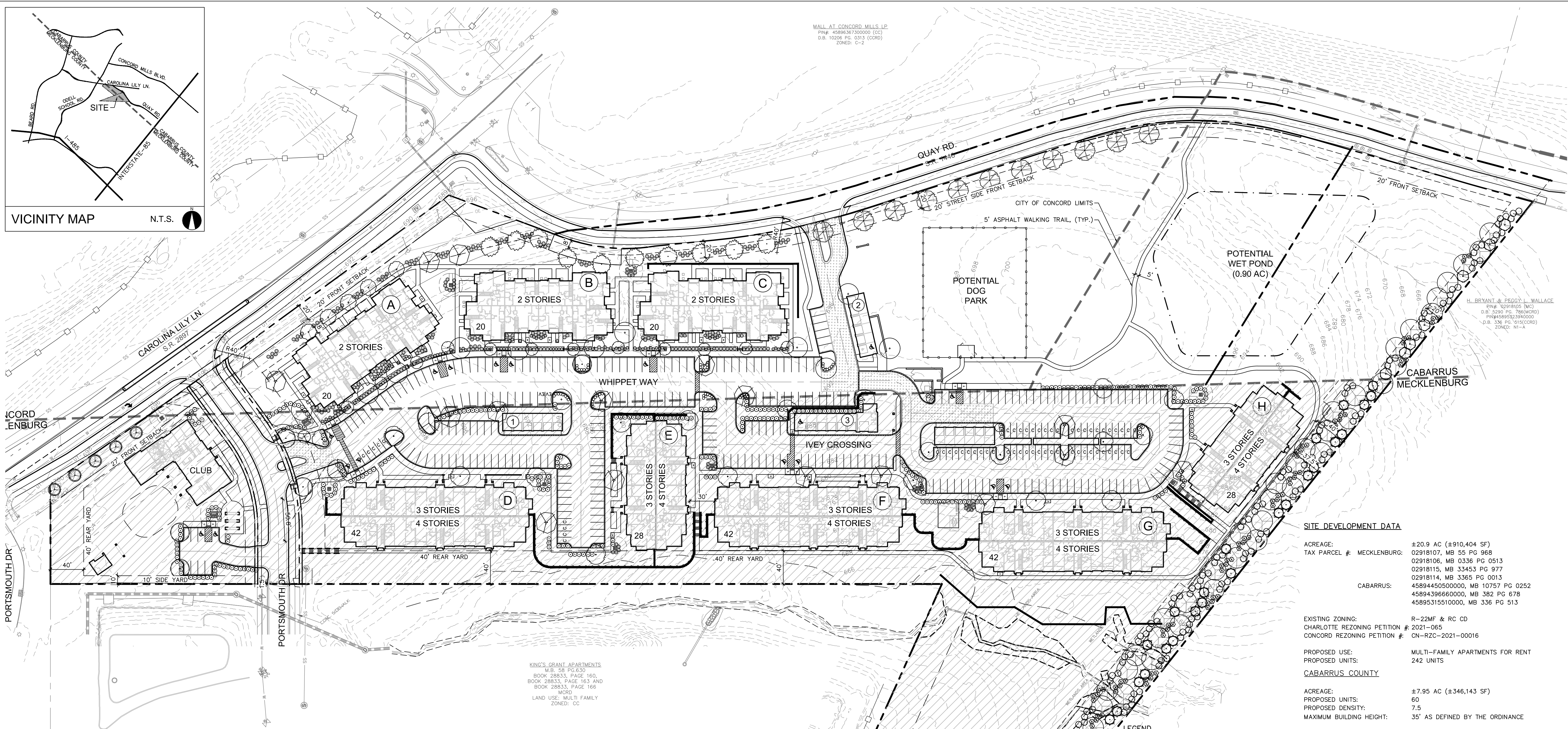
NOVEMBER 21, 2023

REVISIONS:

RZ2.00



VICINITY MAP N.T.S.



SITE DEVELOPMENT DATA

ACREAGE: ±20.9 AC (±910,404 SF)
TAX PARCEL #: MECKLENBURG: 02918107, MB 55 PG 968
02918106, MB 0336 PG 0513
02918115, MB 33453 PG 977
02918114, MB 3365 PG 0013
CABARRUS: 45894450500000, MB 10757 PG 0252
45894396660000, MB 382 PG 678
45895315510000, MB 336 PG 513

EXISTING ZONING: R-22MF & RC CD
CHARLOTTE REZONING PETITION #: 2021-065
CONCORD REZONING PETITION #: CN-RZC-2021-00016

PROPOSED USE: MULTI-FAMILY APARTMENTS FOR RENT
PROPOSED UNITS: 242 UNITS

CABARRUS COUNTY

ACREAGE: ±7.95 AC (±346,143 SF)
PROPOSED UNITS: 60
PROPOSED DENSITY: 7.5
MAXIMUM BUILDING HEIGHT: 35' AS DEFINED BY THE ORDINANCE

MAXIMUM BUILDING LENGTH: 180'
PARKING REQUIRED: 1.5 SPACES/UNIT = 90 SPACES
PARKING PROVIDED: 81 STANDARD SPACES
6 GARAGE SPACES (1 ACCESSIBLE)
6 ACCESSIBLE SPACES
93 TOTAL SPACES (1.53 SPACES/UNIT)

BICYCLE PARKING REQUIRED: 12 SPACES (1 SPACE/ 5 UNITS)
BICYCLE PARKING PROVIDED: 12 SPACES

FRONT SETBACK: 20' ALONG CAROLINA LILY ROAD;
20' ALONG QUAY ROAD

INTERIOR SIDE SETBACK: 20'
REAR YARD: 20'

OPEN SPACE REQUIRED: 20% (7.95 AC) = 1.5 AC

ACTIVE OPEN SPACE PROVIDED: 100% 65,553 SF (1.5 AC)

DOG PARK ACREAGE: 19,472 SF (0.45 AC)

TREE SAVE REQUIRED: 50% OF OPEN SPACE OR 34,412 SF (0.79 AC)
TREE SAVE PROVIDED: 10,838 (0.86 AC)

IMPERVIOUS CALCULATIONS

NET SITE AREA: ±19.76 AC (±860,604 SF)
MAX. IMPERVIOUS ALLOWED: ±9.88 AC (±430,302 SF) (50% OF SITE)
IMPERVIOUS PROPOSED: ±6.81 AC (±296,690 SF) (34% OF SITE)

TRASH COLLECTION

TRASH REQUIRED: EIGHT (8) CUBIC YARD DUMPSTER-TYPE OF
LARGE WASTE CONTAINER PER EVERY THIRTY (30)
UNITS OR AN EIGHT (8) CUBIC YARD
COMPACTOR-TYPE OF LARGE WASTE CONTAINER
PER EVERY NINETY (90) UNITS

RECYCLING REQUIRED: FOUR (4) 144 SF RECYCLING STATIONS

TRASH PROVIDED: 34 CUBIC YARD COMPACTOR
RECYCLING PROVIDED: 576 SF RECYCLING AREA

TRASH AND RECYCLING COLLECTION TO BE PROVIDED PER ORDINANCE VIA PRIVATE

KING'S GRANT APARTMENTS
M.B. 28 PG 630
BOOK 28833, PAGE 160,
BOOK 28833, PAGE 163 AND
BOOK 28833, PAGE 166
MORO
LAND USE: MULTI FAMILY
ZONED: CC

ROBERT & NOVELLA LUNA
P.O. BOX 1104
D.B. 3345 PG 1
LAND USE: S.F.R. - ACREAGE
ZONED: NT-A

FEDERAL NATIONAL MORTGAGE
ASSOCIATION
P.O. BOX 100
D.B. 27403 PG 789

CONSULTANTS:

DEVELOPER: FIDUCIARY REAL ESTATE DEVELOPMENT, INC.
789 N. WATER STREET
#500
MILWAUKEE, WI 53202
414.226.4535

ARCHITECT: AG ARCHITECTURE
1414 UNDERWOOD AVENUE
#301
WALWATOSA, WI 53213
414.431.3131

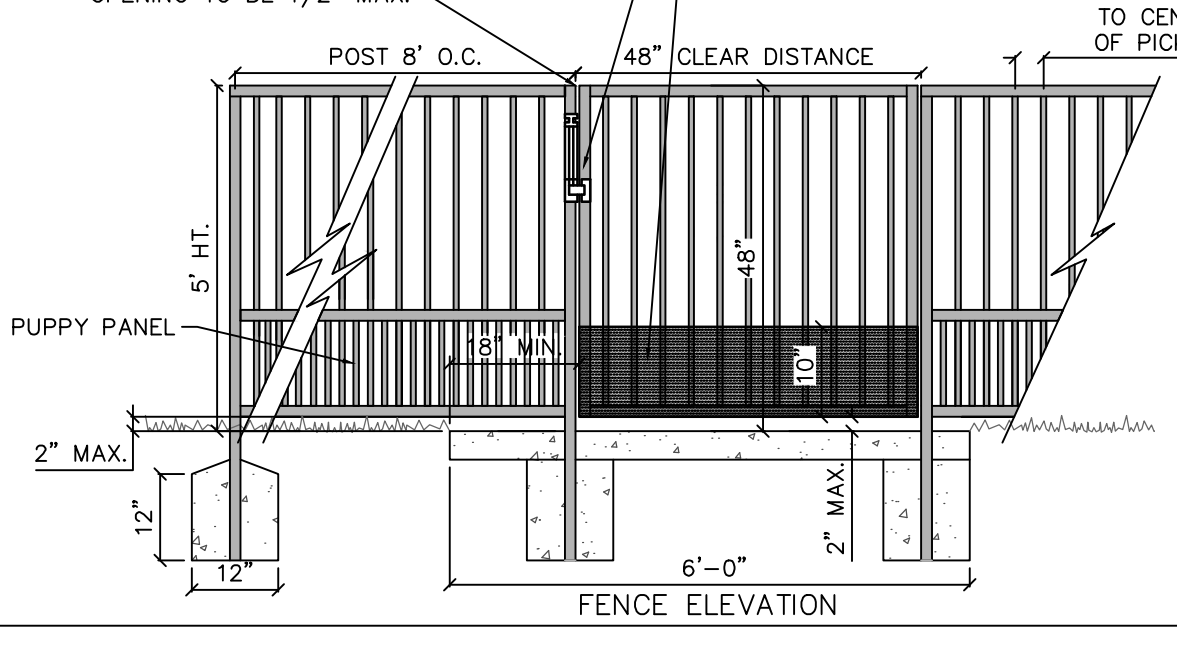
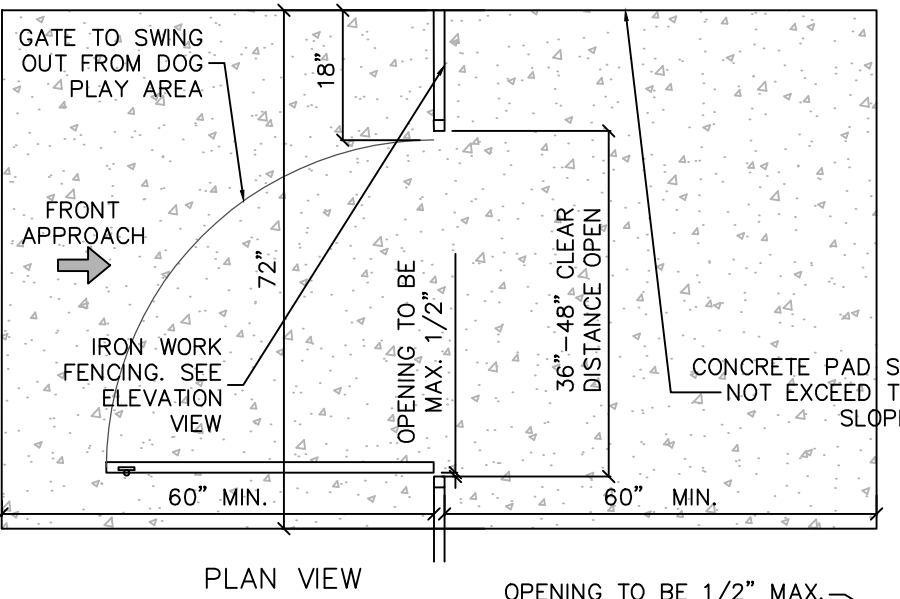
LANDSCAPE ARCH.: DESIGN RESOURCE GROUP, PA
2459 WILKINSON BOULEVARD
SUITE 200
CHARLOTTE, NC 28208
704.343.0608

CIVIL ENGINEER: DESIGN RESOURCE GROUP, PA
2459 WILKINSON BOULEVARD
SUITE 200
CHARLOTTE, NC 28208
704.343.0608

SURVEYOR: OPT ENGINEERING & SURVEYING, INC.
4400 TYNING STREET
HIGH POINT, NC 27265
336.812.8800

NOTES:

1. AMERISTAR ECHELON PLUS WITH PUPPY PANEL, 2 RAIL MAJESTIC STYLE (1-888-333-3422) OR APPROVED EQUAL BY OWNER. CONTRACTOR TO PROVIDE SELF CLOSING, SELF LATCHING HARDWARE 45" ABOVE FINISHED GRADE. ALL GATES ARE TO OPEN AWAY FROM DOG AREA.
2. FENCE AND GATES SHALL COMPLY WITH ALL LOCAL CODES AND REGULATIONS.
3. 6" x 5" CONCRETE PADS REQUIRED ON BOTH SIDES OF GATE, TYP.
4. GATES SHALL PROVIDE A SMOOTH SURFACE WITHIN 10" OF THE FINISH FLOOR OR GROUND MEASURED VERTICALLY ON THE PUSH SIDE.











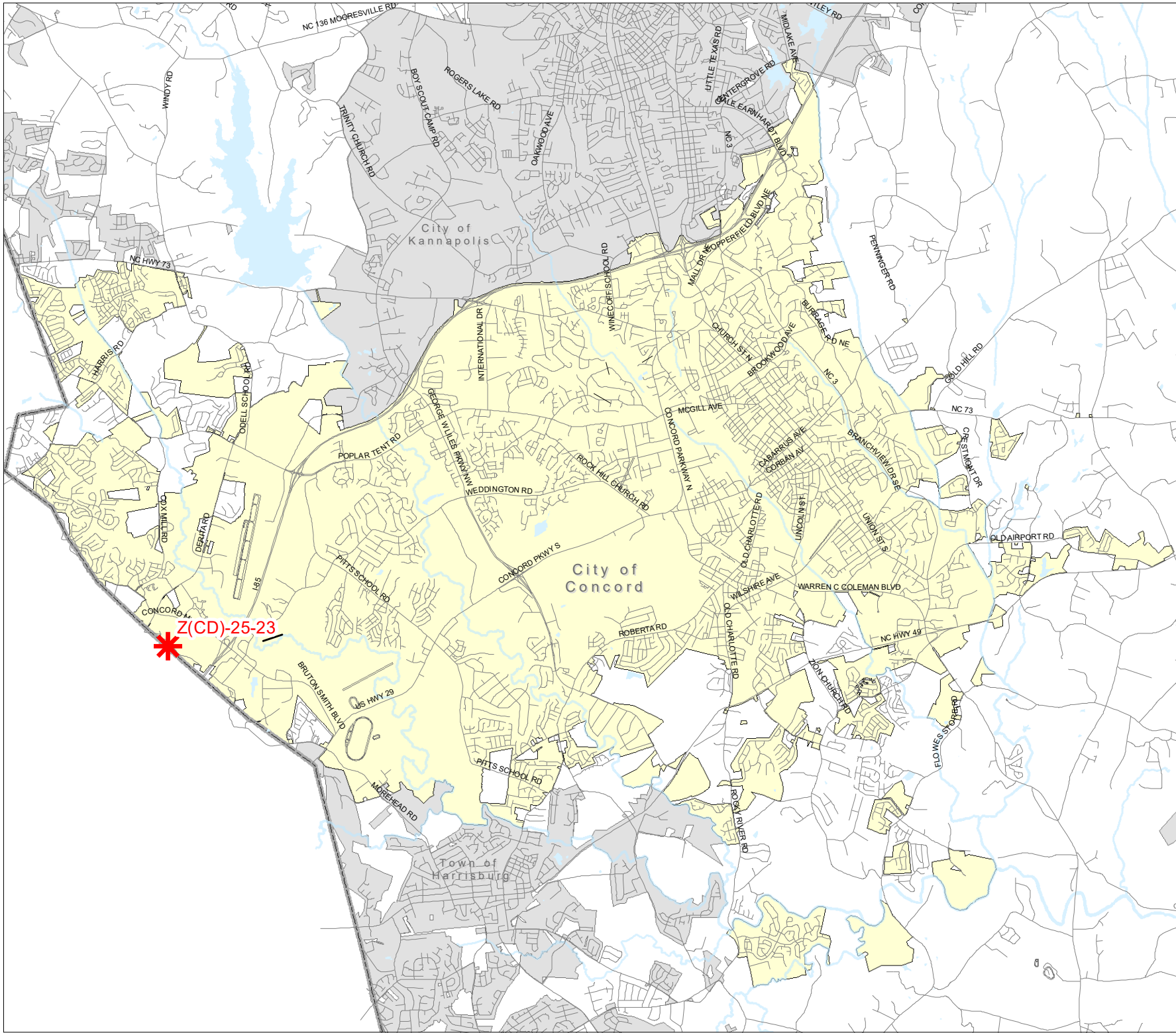
DOG PARK FENCE & GATE DETAIL



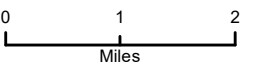
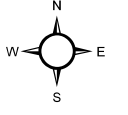
Z(CD)-25-23

Rezoning application
Unzoned (formerly
County LI
Light Industrial)
to
RC-CD (Residential
Compact -
Conditional District)

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



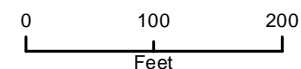
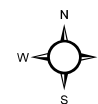
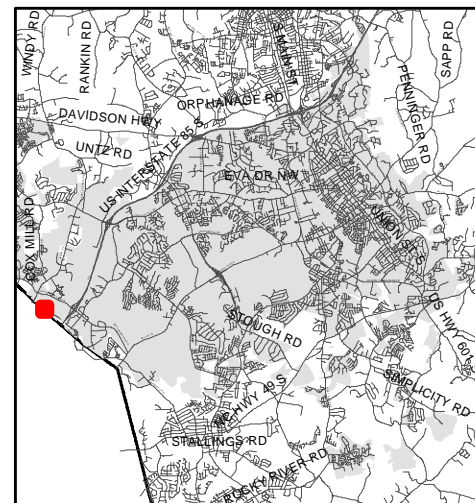
Z(CD)-25-23








Z(CD)-25-23 AERIAL

Rezoning application
Unzoned (formerly County LI -
Light Industrial)
to
RC-CD (Residential Compact -
Conditional District)

8971 Quay Rd
PINs: 4589-43-9666, 4589-53-1551,
4589-43-9724

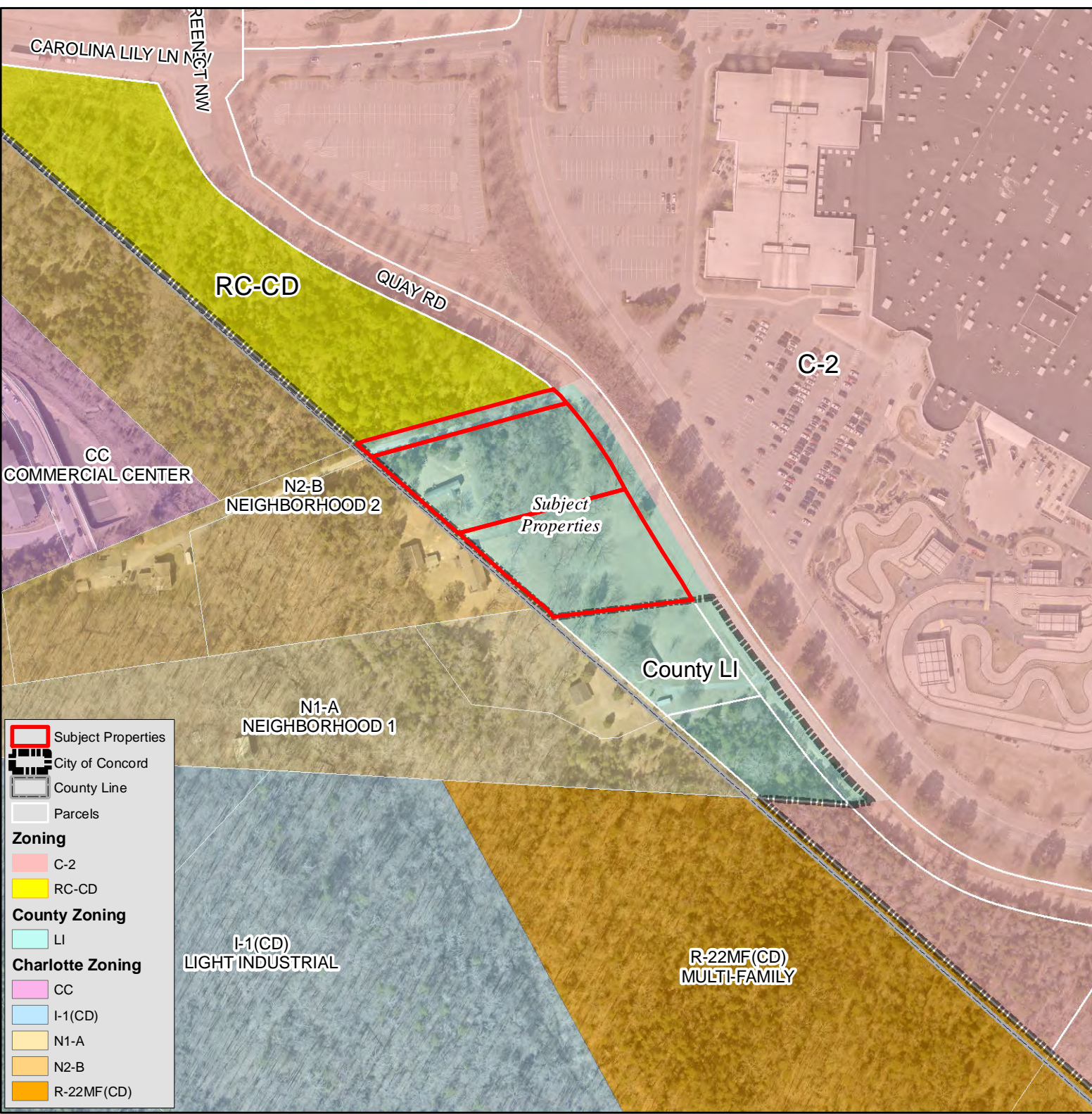


-  Subject Properties
-  City of Concord
-  County Line
-  Parcels

**Z(CD)-25-23
ZONING**

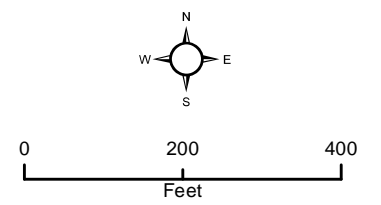
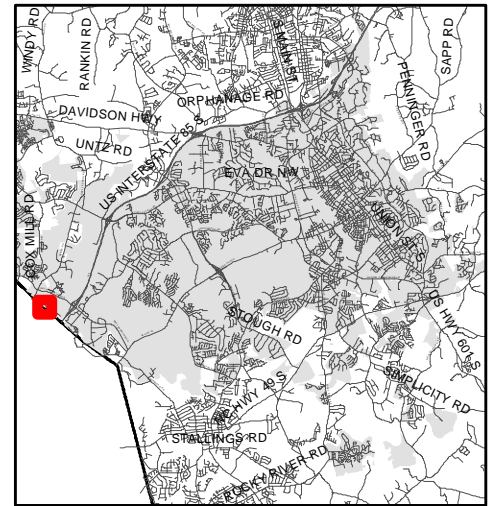
**Rezoning application
Unzoned (formerly County LI -
Light Industrial)
to
RC-CD (Residential Compact -
Conditional District)**

8971 Quay Rd
PINs: 4589-43-9666, 4589-53-1551,
4589-43-9724



Legend

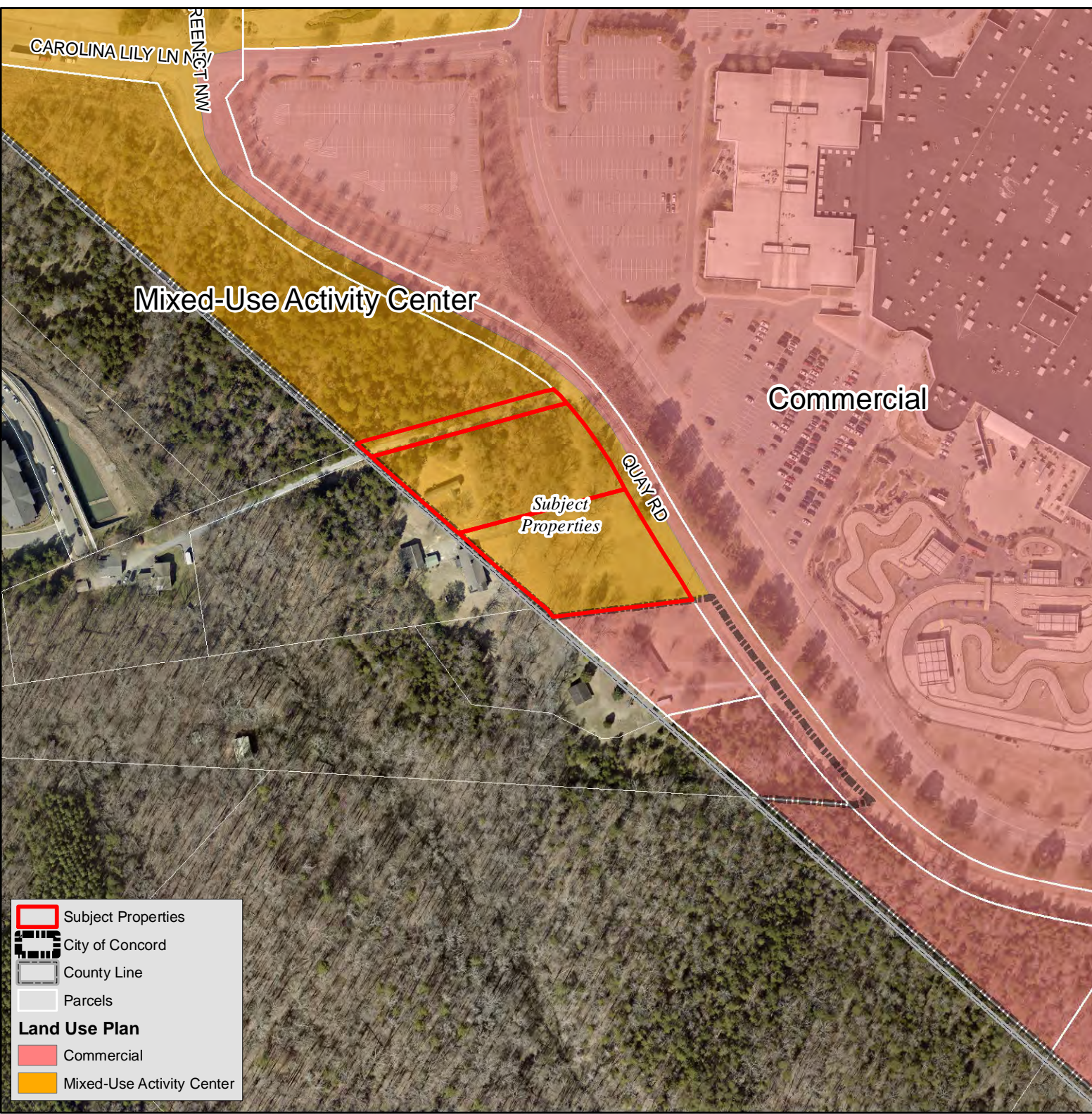
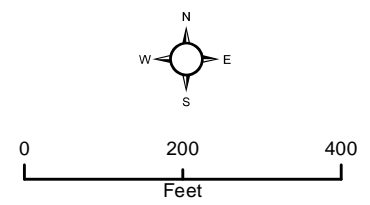
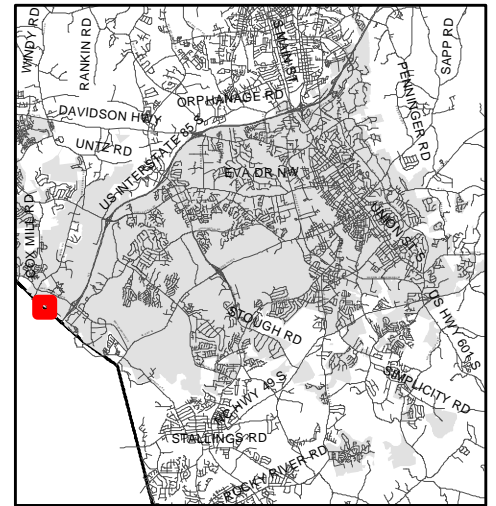
- Subject Properties
- City of Concord
- County Line
- Parcels
- Zoning**
- C-2
- RC-CD
- County Zoning**
- LI
- Charlotte Zoning**
- CC
- I-1(CD)
- N1-A
- N2-B
- R-22MF(CD)



**Z(CD)-25-23
LAND USE PLAN**

**Rezoning application
Unzoned (formerly County LI -
Light Industrial)
to
RC-CD (Residential Compact -
Conditional District)**

8971 Quay Rd
PINs: 4589-43-9666, 4589-53-1551,
4589-43-9724



Legend

- Subject Properties
- City of Concord
- County Line
- Parcels
- Land Use Plan**
- Commercial
- Mixed-Use Activity Center