

**CITY OF CONCORD PLANNING & ZONING COMMISSION**  
**Meeting Agenda**  
**Tuesday, March 19, 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-01-24 (Legislative Hearing)**

**St John Fire Baptized Holiness Church** has submitted a Zoning Map Amendment application for +/- 1.94 acres of property located at 121 & 131 Scotia Ave from RC (Residential Compact) to O-I (Office Institutional District). PINs 5621-02-7769; 5621-02-5846.

- 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. Approve Statement of Consistency by Motion - *Motion, second, and vote needed.*
- h. Approve/Deny Zoning Amendment with by Motion - *Motion, second, and vote needed.*

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

**1. TA-01-24**

Consider a text amendment to CDO Articles 8 & 14 to address Tobacco and Hemp Retail.

- a. Staff Presentation
- b. Commission Guidance-- *Motion, second, and vote needed*

**2. Staff Presentations**

- a. Concord Corridor Study Update (Concord Mills/Bruton Smith Blvd)
- b. Sewer Allocation Update

**VII. RECOGNITION OF PERSONS REQUESTING TO BE HEARD**

**VIII. MATTERS NOT ON THE AGENDA**

**IX. ADJOURNMENT**



**DATE:** March 19, 2024

**REZONING CASE #:** Z-01-24

**ACCELA:** CN-RZZ-2024-00001

**DESCRIPTION:** Zoning Map Amendment  
RC (Residential Compact) to O-I (Office Institutional)

**APPLICANT/OWNER:** St. John Fire Baptized Holiness Church – c/o Carlos Moore  
Architect PA

**LOCATION:** 121 & 131 Scotia Ave. NW

**PIN#:** 5621-02-7769, 5621-02-5846

**AREA:** +/- 1.94 acres

**ZONING:** RC (Residential Compact)

**PREPARED BY:** Fred Womble, Planner

**BACKGROUND**

The subject property consists of two (2) parcels comprising +/- 1.94 acres located on the north side of Scotia Avenue. Both parcels are owned by St. John Fire Baptized Holiness Church. Presently, the church utilizes the existing structure at 121 Scotia Ave. NW for its services.

**HISTORY**

The subject properties were annexed into the City prior to 1932. The church obtained ownership of the property at 121 Scotia Ave. in 1993 and 131 Scotia Ave. in 1996. Prior to the adoption of the Unified Development Ordinance (UDO) in 2000, both parcels were designated R-4 and converted to RC (Residential Compact) with the adoption of the current CDO.

**SUMMARY OF REQUEST**

The applicant is requesting to rezone the subject properties from RC (Residential Compact) to O-I (Office Institutional) to place a modular building on the site to be used as a small church. The proposed modular unit will be located along the east side of the current property line of 131 Scotia Ave. and to the northwest of the existing building at 121 Scotia Ave. Additionally, the applicant proposes to provide new off-street parking between the existing church building and the proposed modular unit to be located in the rear of the lots.

Because the request is not a conditional rezoning, if the request were to be approved, all permitted uses within the O-I (Office Institutional) district would be allowed. O-I zoning permits a wide variety of governmental offices and services and permits residences (single-family detached and attached and multi-family) only as accessory to a principal use such as a church or a school. Under the current RC zoning, a special use permit is required for additions to the structure and new structures.

<b>Existing Zoning and Land Uses (Subject Parcel)</b>					
<b>Current Zoning of Subject Property</b>	<b>Zoning Within 500 Feet</b>		<b>Land Uses(s) of Subject Property</b>	<b>Land Uses within 500 Feet</b>	
RC (Residential Compact)	<b>North</b>	RC (Residential Compact); I-1 (Light Industrial); I-2 (General Industrial)	Church & Vacant	<b>North</b>	Industrial, Vacant
	<b>South</b>	RC (Residential Compact)		<b>South</b>	Residential, Vacant
	<b>East</b>	RC (Residential Compact)		<b>East</b>	Residential
	<b>West</b>	RC (Residential Compact)		<b>West</b>	Vacant

**COMPLIANCE WITH 2030 LAND USE PLAN**

The 2030 Land Use Plan (LUP) designates the subject properties as “Urban Neighborhood” (UN). O-I (Office Institutional) *is listed* as a corresponding zoning district to the “Urban Neighborhood” land use category, and therefore is consistent with the land use plan.

The corresponding zoning districts for the “Urban Neighborhoods” land use category are RM-1 (Residential Medium Density), RM-2 (Residential Medium Density), RV (Residential Village), RC (Residential Compact), PRD (Planned Residential Development District), C-1 (Light Commercial and Office), PUD (Planned Unit Development), TND (Traditional Neighborhood Development), and O-I (Office-Institutional), and R-CO (Residential County Originated)

**From the 2030 Land Use Plan – “Urban Neighborhoods” (UN)**

*The Urban Neighborhood (UN) Future Land Use category includes a mix of moderate- to high-density housing options. These neighborhoods are relatively compact and may contain one or more of the following housing types: small lot, single family detached, townhomes, condominiums, or apartments. The design and scale of development in an urban neighborhood encourages active living with a complete comprehensive network of walkable streets. Cul-de-*

*sacs are restricted to areas where topography, environment, or existing development makes other connections prohibitive. Lots at intersections of collector and arterial streets within or at the edges of urban neighborhoods may support neighborhood- and community-serving, pedestrian-oriented commercial or service uses such as coffee shops, cafes, beauty salons and light retail. Drive-through uses may be appropriate if designed and located so they access side streets and do not compromise pedestrian safety. Non-residential and multi-family uses are typically developed with minimal street setbacks in the urban neighborhood future land use category.*

**SUGGESTED STATEMENT OF CONSISTENCY**

- The subject properties for the rezoning petition are approximately +/- 1.94 acres and are currently zoned RC (Residential Compact).
- The subject properties were annexed into the City prior to 1932.
- The proposed zoning is consistent with the 2030 Land Use Plan (LUP) as O-I (Office Institutional) is a corresponding zoning classification to the Urban Neighborhood (UN) 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.

OR

- The zoning amendment is not reasonable and in the public interest as the design is not compatible with the surrounding residential area.

**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.

**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:

\_\_\_\_\_  
Owner Name, Address, Telephone Number:

\_\_\_\_\_  
Project Location/Address:

Parcel Identification Number (PIN): \_\_\_\_\_

Area of Subject Property (acres or square feet): \_\_\_\_\_

Lot Width: \_\_\_\_\_ Lot Depth: \_\_\_\_\_

Current Zoning Classification: \_\_\_\_\_

Proposed Zoning Classification: \_\_\_\_\_

Existing Land Use: \_\_\_\_\_

Future Land Use Designation: \_\_\_\_\_

Surrounding Land Use: North \_\_\_\_\_ South \_\_\_\_\_

East \_\_\_\_\_ West \_\_\_\_\_

Reason for request:

\_\_\_\_\_  
Has a pre-application meeting been held with a staff member? \_\_\_ Yes \_\_\_ No

Staff member signature: Anita M. Massey Date: 12/22/2023

**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.

*Virginia Moore*  
\_\_\_\_\_  
Signature of Applicant                      Date

*Anita M. Massey*    *12/22/2023*  
\_\_\_\_\_  
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: \_\_\_\_\_

Applicant Signature: Virginia Moore

Property Owner or Agent of the Property Owner Signature:

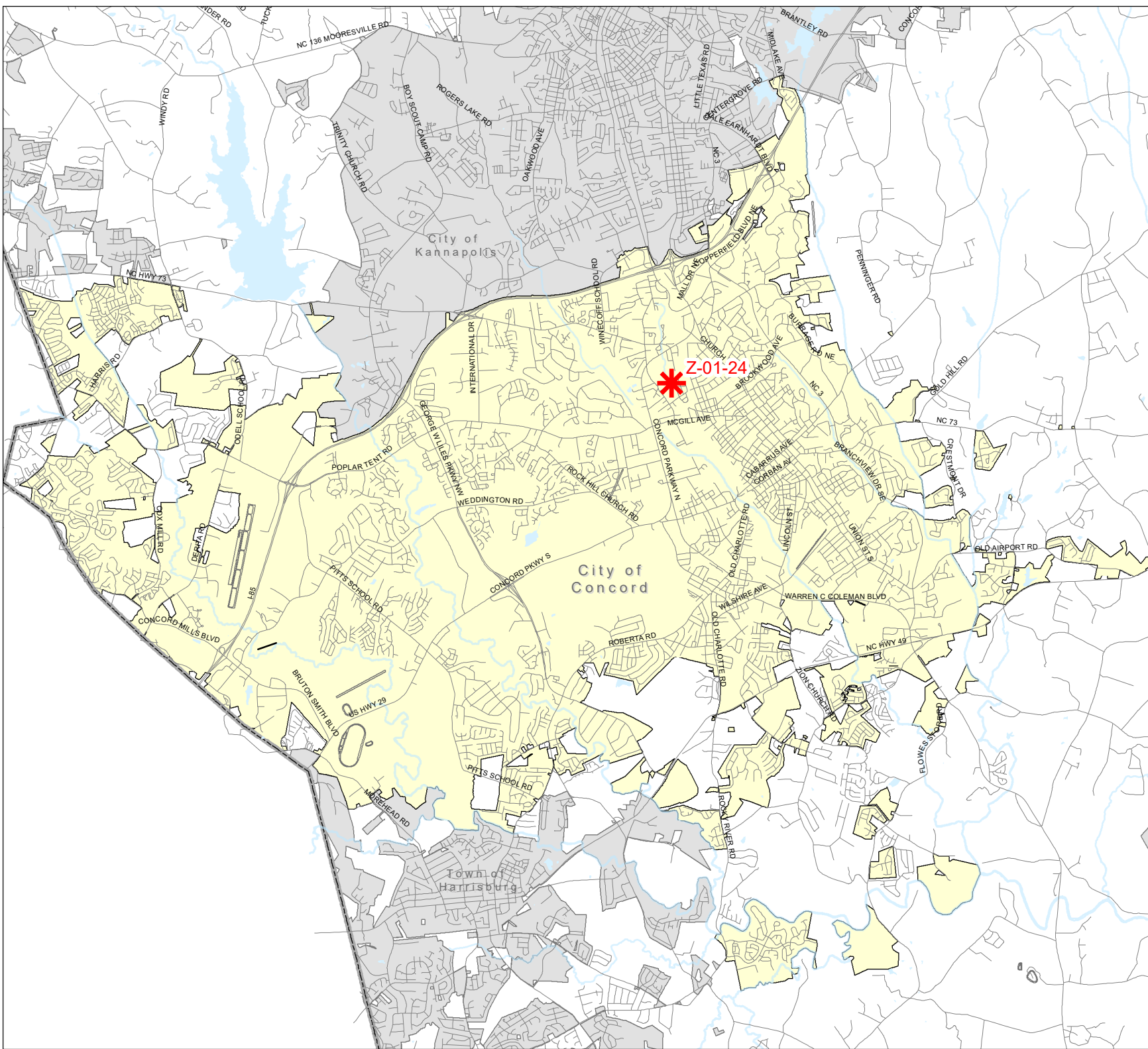
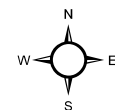
Anita M. Massey



Z-01-24

121 & 131 Scotia Ave NW

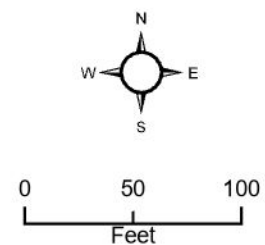
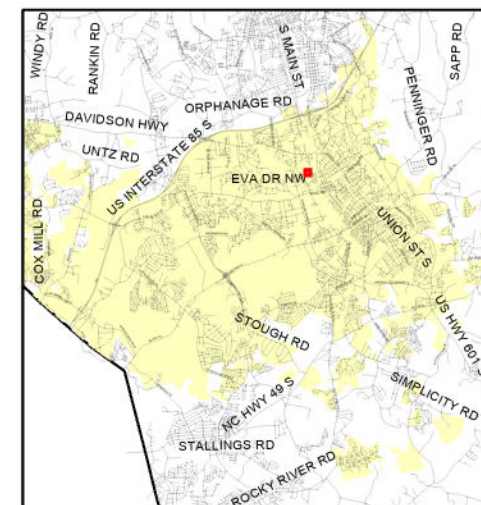
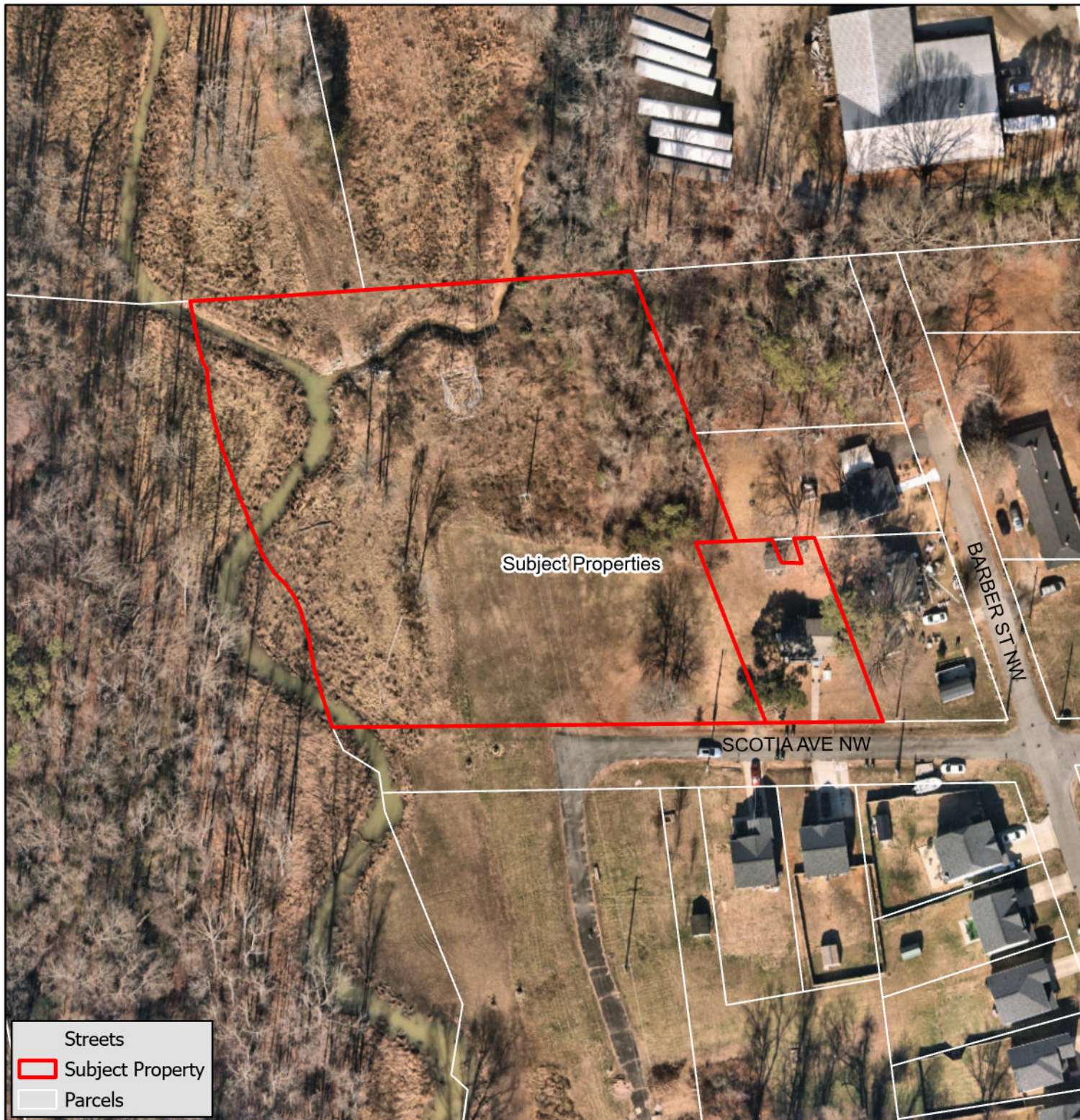
- Case Location
- Streets
- Lakes & Ponds
- Rivers
- Cabarrus Co.
- City of Concord
- Other Municipalities

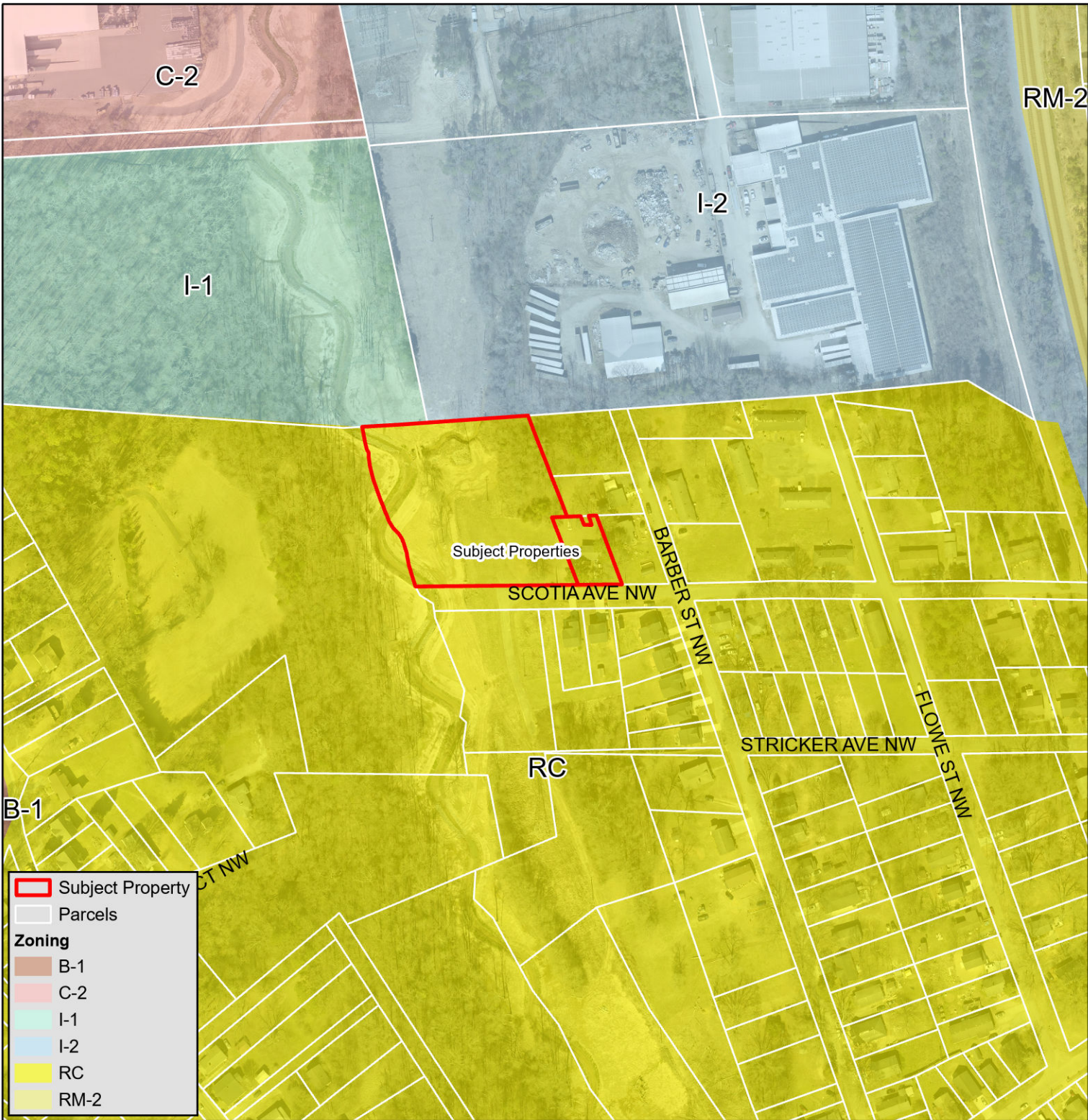


**Z-01-24  
AERIAL**

**Rezoning application  
RC (Residential Compact) to  
O-I (Office -Institutional)**

121 & 131 Scotia Ave NW  
PINs: 5621-02-7769 & 5521-02-5846

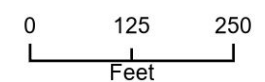
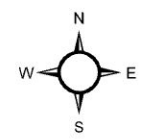
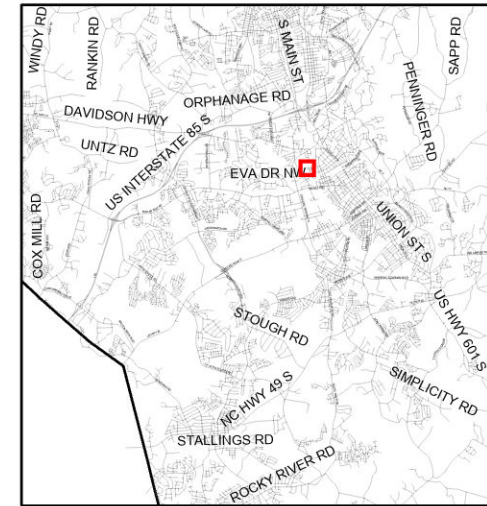




**Z-01-24  
ZONING**

**Rezoning application  
RC (Residential Compact) to  
O-I (Office -Institutional)**

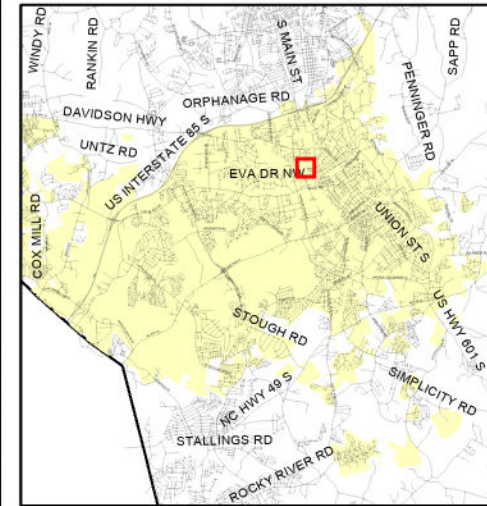
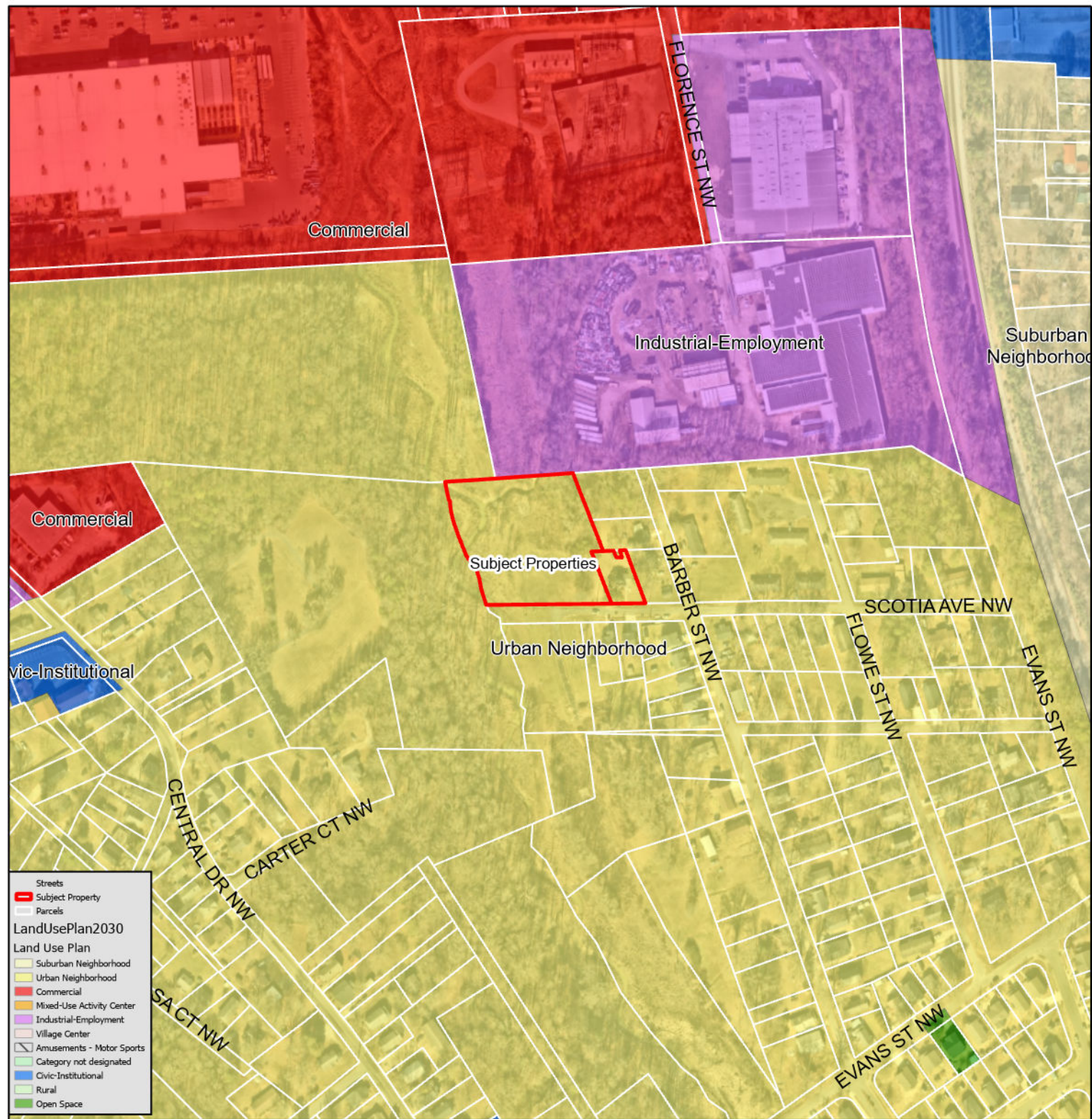
121 & 131 Scotia Ave NW  
PINs: 5621-02-7769 & 5521-02-5846



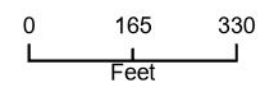
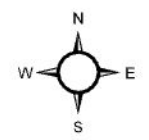
**Z-01-24  
LAND USE PLAN**

**Rezoning application  
RC (Residential Compact) to  
O-I (Office -Institutional)**

121 & 131 Scotia Ave NW  
PINs: 5621-02-7769 & 5521-02-5846



- Streets
- Subject Property
- Parcels
- LandUsePlan2030**
- Land Use Plan**
- Suburban Neighborhood
- Urban Neighborhood
- Commercial
- Mixed-Use Activity Center
- Industrial-Employment
- Village Center
- Amusements - Motor Sports
- Category not designated
- Civic-Institutional
- Rural
- Open Space





**DATE:** March 19, 2024  
**CASE:** TA-01-24 Text Amendment (Tobacco and Hemp Shops)  
**PREPARED BY:** Kevin Ashley, AICP- Deputy Planning Director

**BACKGROUND**

In recent years tobacco and hemp shops, notably with vaping supplies, have become an emerging land use which has spurred much discussion among the planning profession. Several jurisdictions in the State have adopted ordinances to regulate these uses, and others are in the process of drafting such regulations.

The National Institutes of Health (NIH), in a study titled "The Co-occurrence of Specialty Vape Shops, Social Disadvantage, and Poor Air Quality in the United States: An Assessment of Cumulative Risks to Youth" states that " .. vape shops are themselves associated with an environmental health risk to youth."

Given the large investment in the Center City streetscape improvements, and from concerns voiced from downtown property owners, it is felt that an amendment to restrict these uses (particularly in downtown) is warranted.

Much of the research for the definition in the proposed ordinance has been derived from Wake County. The specific land use is designated as "tobacco and hemp retail" which includes an establishment whose principal sales involves e-cigarettes, hookah, traditional tobacco, THC products and paraphernalia.

The proposed ordinance would allow "tobacco and hemp retail" only in the C-2 district and in no other non-residential districts and adds it as a line item in the use table. Sales of the items in the definition would be allowed in other retail establishments provided that they are not the principal sales of the business.

The proposed amendment is in approval form and may be forwarded to Council for approval with the consensus of the Commission.

ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE CITY OF CONCORD, NORTH CAROLINA

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by the North Carolina General Statute §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 160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951 does hereby recognize a need to amend the text of certain articles of the City of Concord Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina:

**SECTION 1:** That the following section of Concord Development Ordinance (CDO) Article 8 “Use Regulations”, Section 8.1.8. “Use Table”, be amended in relevant part:

	AG	RESIDENTIAL						COMMERCIAL					IND		
USE CATEGORY	AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	Standards
Tobacco and Hemp												P			

**SECTION 2:** That Section 14.1.2 be amended to include the following definition:

**TOBACCO AND HEMP RETAIL** - means the principal sales and distribution of:

- Any product that contains tobacco or nicotine, irrespective of whether the nicotine is tobacco-derived or synthetic, and is intended for human consumption, as defined by G.S. § 14-313(4). As used this subchapter, “tobacco product” includes but is not limited to: cigarettes, cigars, pipe tobacco, electronic cigarettes, hookah, smoked or vaped tobacco substitutes, chewing tobacco, snuff, snus, dissolvable tobacco products, and heated tobacco products. This tobacco product definition does not include nicotine replacement products approved by the USFDA for treatment of Tobacco use and dependence.
- Any product that contains tetrahydrocannabinol (THC), regardless of whether the THC is hemp-derived or synthetic. Products that contain no greater than .3 percent THC are exempt.
- Any product that contains *Mitragyna speciosa*, commonly known as kratom.
- Any electronic device that delivers nicotine, THC or other substances to the person inhaling from the device, including but not limited to, an electronic cigarette, electronic cigar, electronic pipe, vape or electronic hookah.
- Tobacco and hemp retail shall also mean any person who primarily sells, offers for sale, or does or offers to exchange any form of consideration, tobacco, tobacco products, or tobacco paraphernalia.

**SECTION 3:** That this Ordinance be effective immediately upon adoption.

Adopted in this **DATE**, 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

ATTEST:

---

William C. Dusch, Mayor

---

Kim Deason, City Clerk

---

VaLerie Kolczynski, City Attorney