

PLANNING & ZONING COMMISSION  
Meeting Agenda  
Tuesday, May 19 2015 at 6:00 P.M.  
City Hall  
26 Union Street, 2<sup>nd</sup> Floor

- I. CALL TO ORDER
- II. CHANGES TO THE AGENDA
- III. APPROVAL OF THE MINUTES
- IV. OLD BUSINESS

**1. Case Z (CD)-05-15/S-02-15 (LEGISLATIVE HEARING)**

**CONTINUED FROM APRIL**

**Walton North Carolina, LLC** has submitted a zoning map amendment application and preliminary subdivision plat application for property generally located on the west side of Odell School Road from Residential Low Density (RL) to Residential Compact Conditional District (RC-CD) for the development of a single family subdivision (Ridges of Concord) and for approval of a Site Specific Development Plan (SSDP) for the vesting of development. PINs 4681-94-6153, 71-4316, 91-3041, 72-7234, 4691-03-0484.

- a. Open Public Hearing by Motion
- b. Staff Presentation
- c. Staff Recommendation: No objection
- d. Applicant's Testimony
- e. Opponent's Testimony
- f. Close Public Hearing by Motion
- g. Approve Statement of Consistency by Motion
- h. Approve/Deny Zoning Amendment by Motion
- i. Approve/Deny Preliminary Plat by Motion

- V. NEW BUSINESS

**2. Case SUP-06-15 (QUASI-JUDICIAL HEARING)**

**CNG Signs** have submitted a Special Use Permit application for property located at 8050 Concord Mills Boulevard for approval of a comprehensive sign package in a General Commercial (C-2) zoning district. PIN 4589-84-7455

- a. Witnesses to be sworn in
- b. Open Public Hearing by Motion
- c. Staff Presentation
- d. Applicant's Testimony
- e. Opponent's Testimony
- f. Close Public Hearing by Motion
- g. Approve Findings of Fact by Motion

PLEASE NOTE: IN ACCORDANCE WITH ADA REGULATIONS, ANYONE WHO NEEDS A SPECIAL ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD NOTIFY THE DEVELOPMENT SERVICES DEPARTMENT AT 704-920-5152 AT LEAST TWENTY-FOUR (24) HOURS PRIOR THE MEETING.

- i. Approve/Deny Conditions and Permit by Motion

### **3. Case SUP-07-15 (QUASI-JUDICIAL HEARING)**

**James Simpson** have submitted a Special Use Permit application for property located at 561 Pitts School Road, NW for the development of a fitness center in a Limited Industrial (I-1) zoning district. PIN 4599-59-2689

- a. Witnesses to be sworn in
- b. Open Public Hearing by Motion
- c. Staff Presentation
- d. Applicant's Testimony
- e. Opponent's Testimony
- f. Close Public Hearing by Motion
- g. Approve Findings of Fact by Motion
- h. Approve Conclusions of Law by Motion.
- i. Approve/Deny Conditions and Permit by Motion

### **4. Case Z (CUD)-24-07 (LEGISLATIVE HEARING) TO BE CONTINUED UNTIL JUNE MEETING IN ORDER TO RESOLVE A STORMWATER RETENTION ISSUE**

**NVR Inc. dba Ryan Homes** has submitted a zoning map amendment application for property generally located at 1180 Crestmont Road to amend a previously approved Residential Compact Conditional District (RC-CD) to address architectural requirements and amenity/common open space issues. PINs – various including 5630-92-6070

- a. Open Public Hearing by Motion
- b. Staff Presentation
- c. Staff Recommendation: No objection
- d. Applicant's Testimony
- e. Opponent's Testimony
- f. Close Public Hearing by Motion
- g. Approve Statement of Consistency by Motion
- h. Approve/Deny Zoning Amendment by Motion

### **5. Case Z-(CD)-09-15 (LEGISLATIVE HEARING)**

**Carlos Moore Architects, PA.** have submitted a zoning map amendment application for property located generally at 120, 130 and 150 Old Davidson Place, NW from General Commercial Conditional Use (C-2CD) and Residential Compact (RC) to General Commercial Conditional Use (C-2CD) for development of a grocery store and retail space PINs 5621-05-3669, 5534 and 5596

- a. Open Public Hearing by Motion
- b. Staff Presentation
- c. Staff Recommendation: No objection
- d. Applicant's Testimony

- e. Opponent's Testimony
- f. Close Public Hearing by Motion
- g. Approve Statement of Consistency by Motion
- h. Approve/Deny Zoning Amendment by Motion

#### **6. Case Z-10-15 (LEGISLATIVE HEARING)**

**Raley-Miller Properties, Inc.** have submitted a zoning map amendment application for property located at the southwest quadrant of George W. Liles Parkway and Poplar Crossing Drive from Light Commercial (C-1) to General Commercial (C-2) PIN 5600-27-8674 (P/O)

- a. Open Public Hearing by Motion
- b. Staff Presentation
- c. Staff Recommendation: No objection
- d. Applicant's Testimony
- e. Opponent's Testimony
- f. Close Public Hearing by Motion
- g. Approve Statement of Consistency by Motion
- h. Approve/Deny Zoning Amendment by Motion

#### **7. Case Z-(CD)-11-15 (LEGISLATIVE HEARING)**

**Administrative zoning** of recently annexed property located generally on the south side of Ellenwood Road from Cabarrus County Low Density Residential (LDR) to City of Concord Residential Village Conditional District (RV-CD). PINs 4670-63-6820, 54-9617, 63-4959, 64-6164, 3275.

- a. Open Public Hearing by Motion
- b. Staff Presentation
- c. Staff Recommendation: No objection
- d. Applicant's Testimony
- e. Opponent's Testimony
- f. Close Public Hearing by Motion
- g. Approve Statement of Consistency by Motion
- h. Approve/Deny Zoning Amendment by Motion

#### **8. Case Z-(CD)-12-15 (LEGISLATIVE HEARING)**

**Jon L. Morris and Matt Lucarelli** have submitted a zoning amendment application for property located on the southwest corner of Poplar Tent and Derita Roads from Conditional District General Industrial (CD-I-2) to Light Industrial Conditional District (I-1CD) for the development of industrial uses. PINs 4680-75-5959, 87-5188

- a. Open Public Hearing by Motion
- b. Staff Presentation
- c. Staff Recommendation: No objection
- d. Applicant's Testimony
- e. Opponent's Testimony
- f. Close Public Hearing by Motion

- g. Approve Statement of Consistency by Motion
- h. Approve/Deny Zoning Amendment by Motion

### **9. Case LUP-02-15 (LEGISLATIVE HEARING)**

**David Farmer** has submitted a land use plan amendment request for property located at 2501 Eva Drive from “Single Family Residential” to “Commercial.” PINs 5611-70-5177

- a. Open Public Hearing by Motion
- b. Staff Presentation
- c. Staff Recommendation: No objection
- d. Applicant’s Testimony
- e. Opponent’s Testimony
- f. Close Public Hearing by Motion
- g. Recommendation of Approval or Denial to City Council

### **10. Case SP-01-15 (Christenbury SW) (No public hearing required)**

**Andrew Molnar** has submitted an application for site plan approval for development greater than 100,000 square feet, located on the southwest quadrant of Christenbury Parkway and Derita Road. PIN 4589-35-2884

### **11. Case SUP-08-15 (QUASI-JUDICIAL HEARING)**

**Andrew Molnar** has submitted a Special Use Permit application for property located at the southwest quadrant of Christenbury Parkway and Derita Road for approval of a comprehensive sign package in a Mixed Use Neighborhood Center (MX-CC) zoning district. PIN 4589-35-2884

- a. Witnesses to be sworn in
- b. Open Public Hearing by Motion
- c. Staff Presentation
- d. Applicant’s Testimony
- e. Opponent’s Testimony
- f. Close Public Hearing by Motion
- g. Approve Findings of Fact by Motion
- h. Approve Conclusions of Law by Motion.
- i. Approve/Deny Conditions and Permit by Motion

## **VI. PETITIONS AND REQUESTS –NO PUBLIC HEARINGS REQUIRED**

### **12. Case SP-02-15 (Concord Airport Business Park)**

**Silverman Group, LLC** has submitted an application for site plan approval for development greater than 100,000 square feet, located in the Concord Airport Business Park, on the northeast quadrant of Aviation Blvd. and Derita Road PIN 4680-80-2118

VII. PRESENTATIONS AND DISCUSSION

VIII. RECOGNITION OF PERSONS REQUESTING TO BE HEARD

IX. MATTERS NOT ON THE AGENDA

PLEASE NOTE: IN ACCORDANCE WITH ADA REGULATIONS, ANYONE WHO NEEDS A SPECIAL ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD NOTIFY THE DEVELOPMENT SERVICES DEPARTMENT AT 704-920-5152 AT LEAST TWENTY-FOUR (24) HOURS PRIOR THE MEETING.



**DATE:** May 19, 2015

**CASE #:** Z (CD)-05-15

**DESCRIPTION:** Zoning Map Amendment  
Residential Low Density (RL) to Residential Compact –  
Conditional District (RC-CD)

**OWNERS:** Walton North Carolina, LLC

**LOCATION:** West side of Odell School Road, generally between Poplar Tent  
Road and Untz Road.

**PIN#s:** PIN: 4681-94-6153, 71-4316, 91-3041, 72-7234 and 4691-03-  
0484.

**AREA:** 275.60 +/- acres

**ZONING:** Residential Low Density (RL)

**PREPARED BY:** Kevin E Ashley, AICP Planning and Development Manager

**BACKGROUND**

This item was on the April Commission agenda but was continued to allow the developers and City to explore options on the connection issue to the adjacent Poplar Woods subdivision, and to obtain more information regarding the presence of jurisdictional wetlands on the site. The subject property consists of approximately 275.6 acres, and is located on the west side of Odell School Road, generally south of Untz Road. The proposed area of rezoning consists of approximately 1,900 linear feet of total frontage on Odell School Road. The petitioner seeks approval of the rezoning for the development of a single family residential subdivision, and seeks approval of a Site Specific Development Plan (SSDP) for the vesting of development for a period of five (5) years (for both the zoning and the accompanying subdivision plat).

**HISTORY**

The subject property was annexed on a voluntary basis with an effective date of September 30, 2005. The Planning and Zoning Commission applied Residential Low (RL) zoning to the subject property on November 15, 2005. In 2006, the property owners (Magland Development) applied for a rezoning to Conditional Use Medium Density Residential (CURM-2) with a concurrent Conditional Use Permit (Z-04-06 & CUP-03-06) for the development of 684 homes, and this request was denied by the Planning and Zoning Commission in February, 2006. The developers resubmitted a subdivision plat request for the development of 563 dwelling units (S-02-06) and

this plat was approved by the Planning Commission on April 18, 2006. (See attached staff report and approved preliminary plat).

The developers proceeded with preparation, submission and approval of subdivision construction plan documents, and the City processed those plans and approved them in 2007. No fees were paid and no permits associated with the development were ever issued. Walton Development acquired the property in 2012, and the subdivision plat expired in December 2013. When the developers inquired about reinstating the subdivision plat approval for 563 units, staff could find no evidence of the development ever having received appropriate zoning approval for the lot sizes as shown on the approved plat (which are smaller than permitted under RL zoning). As a result, the developers are pursuing a rezoning to permit these smaller lot sizes and to reapprove a development similar to the previously approved preliminary plat.

The developers also entered into a development agreement with the City relative to the provision of utilities. This agreement was approved by Council in October 2014 and a copy is attached to the staff report.

#### **SUMMARY OF REQUEST**

The petitioner proposes to rezone the subject property for the development of 551 single family homes. As required with a conditional district rezoning, the petitioner has submitted a development plan. The plan illustrates a mixture of 50, 60 and 70 foot wide lots. The blend shown on the development plan indicates 155 fifty foot wide lots, 196 sixty foot wide lots, and 200 seventy foot wide lots. The development proposes five (5) separate parks, an amenity center and a system of walking trails. No less than 30% open space is provided, whereas the CDO would require 8% open space. Furthermore, portions of the development may qualify as a “low-density” project under the federal and state stormwater requirements.

Two access points are proposed on Odell School Road and one access point is provided to Chatham Oaks Drive to the south. Chatham Oaks was platted with its right-of-way “stubbed” to the property line for eventual connection. Five additional “stubs” are provided to properties to the north for eventual connection to the adjacent properties, at such time as they develop.

The submitted application proposes the following uses within the project (most of which are customary support uses for single family residential):

- Streets
- Storm water management facilities
- Single family residential
- Amenity center
- Neighborhood parks
- Mini-parks
- Parkways

The petitioner has submitted a traffic impact analysis (TIA) for the development. The analysis has been under review since early in the development review process and the City’s Transportation Department has coordinated review with NCDOT and the traffic study has been accepted by both entities. The approval letter from the City of Concord is provided with the staff report materials.

The study has identified several improvements that are necessary for the development. These improvements include 1) construction of a left turn lane and a three (3) lane section between Untz

Road and the northernmost Odell School Road access, 2) construction of a three (3) lane section between the two site accesses on Odell School Road, and 3) construction of turn lanes for both access roads on Odell School Road. The installation of a traffic light at the Harris Road intersection is also anticipated to be installed (by the State or others) in the future when conditions warrant.

The proposed development will consist of 551 lots on approximately 275.6 acres, which equates to a gross overall density of two (2) dwelling units per acre. The property's current zoning of RL permits the development of two dwelling units per acre on a net basis (when areas for streets, etc. are subtracted.) The net density of the proposed development is approximately 4.5 dwelling units per acre.

Comparatively speaking, the adjacent Poplar Woods subdivision (developed in Cabarrus County) has a gross density of approximately 3.8 units per acre with minimal open space. The western portion of the Poplar Trails subdivision has a gross density of 0.70 dwelling units per acre and the eastern part has a gross density of 1.74 dwelling units per acre, with lot sizes ranging from one-half acre in the eastern portion of the subdivision to up to 12 acres on the western portion. This subdivision was developed in Cabarrus County in the 1970s prior to the adoption of countywide zoning standards.

The developer has also submitted examples of the housing types that will be included in the subdivision. These examples demonstrate compliance with the residential design standards of the CDO. Should the rezoning be approved, the staff would further review the housing types in each phase of the development to ensure compliance with Article 8.

The applicants held a neighborhood meeting on April 6. A sign-in sheet has been provided to the staff to confirm attendance at the meeting.

The site plan has been reviewed by all City Departments and there are no objections to the petition. The developers are also seeking approval of a preliminary plat (S-02-15) for the development and the preliminary plat matches the zoning site plan.

Property to the north is zoned Cabarrus County Low Density Residential (LDR) and Agriculture-Open (AO) and consists of single family and agricultural property. Land to the east is zoned County Countryside Residential (CR) and LDR. These properties are residentially developed. Land to the south is zoned City Light Industrial (LI), Cabarrus County High Density Residential – Special Use (HDR-SU) and LDR. The HDR property is developed with the Poplar Woods subdivision and the LDR is developed with the Poplar Trails subdivision. The I-1 property which is contiguous on a corner of the subject property is developed with an industrial use. Land to the west is zoned LDR and is part of the Poplar Trails subdivision.

| 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                |             |
|                                    | Residential Low Density (RL) | North  |                                  | Cabarrus County LDR and AO               | Vacant land |
| South                              |                              | Cabarrus County HDR-SU and LDR and City of Concord I-1 | South                            | Single family residential and industrial |             |
| East                               |                              | Cabarrus County CR and LDR                             | East                             | Single family residential                |             |
| West                               |                              | Cabarrus County LDR                                    | West                             | Single family residential                |             |

**UPDATE SINCE APRIL MEETING**

Following is a summary of the issues discussed by the Commission and members of the public at the April meeting.

- **Jurisdictional Wetlands Issue:** The developer has submitted information from the Army Corps of Engineers relative to the presence of wetlands on the site. This information has been provided with the staff report. The information from the Corps indicates that these wetland areas are located within the subdivision’s proposed open space and will be preserved.
- **Stormwater:** Testimony from residents in the Poplar Woods subdivision indicated concerns about stormwater impact from the proposed project. Topographic maps indicate that the Poplar Woods subdivision is at a higher elevation than the proposed development. A topographic map is attached to the staff report.
- **Traffic Study:** As stated previously, the TIA (Traffic Impact Analysis) has been accepted by both NCDOT (impacted streets are NCDOT roads) and by the City of Concord Transportation Department. The acceptance letter is attached to the staff report.
- **Vesting Request:** The developers are requesting vesting of the project for a period of five (5) years. The CDO (and GS 160A-385.1) allow the City to vest a project (with a site specific development plan, or phased development plan) for a period not to exceed five (5) years. Given the size of the project, the developers envision this project as a multi-year project where such vesting would be desirable, and they seek the vesting for both the zoning site plan and the accompanying preliminary subdivision plat. The vesting request means that the City could not “downzone” the property for a period of five years, and that the accompanying preliminary plat would be valid for a period of five (5) years as opposed to the standard two (2) year period.
- **Fire Code Issues Regarding Remote Access:** If the Commission recalls, at the April meeting, staff discussed that the portion of the project west of the stream (also known as phases 1-3) did not meet remote fire protection requirements until such time as neighboring street connections became available. Upon re-evaluation of the issue the Fire Department has determined that these “stubs” are adequate and that the entire development does meet the remote access provision of the Fire Code, based upon re-calculation of the project entrances and property dimensions.

- **Street Connection to Chatham Oaks Drive in Poplar Woods:** Some discussion at the April meeting involved the potential of a “siren-operated” emergency gate at the proposed Chatham Oaks connection, and potentially other traffic calming measures to alleviate concerns about cut-through traffic between the two developments. Staff met to discuss the options and it is the consensus of Planning, Fire, Engineering, Transportation and Police that the gate is not a viable option. Concerns exist as to responsibility for gate maintenance and the potential of malfunction, as well as to the setting of a precedent that could encourage requests for gates on existing streets elsewhere in the City.

Further concerns relate to the necessity of planning for an interconnected street network. Advantages to connecting the streets include: 1) providing more direct cross-access for emergency service vehicles; 2) providing potential access for school bus traffic, mail delivery and garbage collection; 3) providing access for the Poplar Woods residents to the system of parks and trails in the new development; and 4) provision of an alternate means of access to Odell School Road for the existing development. Note that the Cabarrus County Planning Ordinance (Section 12.C.2) requires two (2) access points to “collector and thoroughfare street network” to “accommodate emergency and service vehicles.” Connection of the street to the proposed development would give the existing subdivision the two required entrances.

Section 11.D.7 of the Cabarrus County Planning Ordinance states that “where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way and improvements shall be extended to the boundary of a development. Connections shall be placed at locations where future connection can be made at a reasonable cost and shall not be directed into wetlands, creeks, steep slopes, or other locations that would make the future extension of the road impractical. A temporary turnaround may be required where the dead end exceeds 250 feet in length. Where such a connection has been established on adjacent property, each new subdivision shall be required to extend the connection as a link in the proposed subdivision street network.” This was the Ordinance under which the preliminary plat for the Poplar Woods subdivision was designed and approved.

Section 10.2.6.A of the CDO states “the City Council hereby finds and determines that an interconnected street system is necessary in order to protect the public health, safety and welfare; in order to ensure that streets will function in an interdependent manner; to provide adequate access for emergency and service vehicles; to enhance non-vehicular travel such as pedestrian and bicycles; and to provide continuous and comprehensible traffic routes.” Section 10.2.5.B states that “all proposed streets shall be continuous and connect to existing or platted streets with the exception of cul-de-sacs as permitted and except as provided below.” The CDO also requires that streets rights-of-way be extended to the boundaries of the development to provide for the future subdivision of land.

Therefore, both City and County ordinances require, during the subdivision process 1) the extension of streets to undeveloped adjacent land and 2) the connection of new streets to those streets that have been extended to the subject property. As a result, eliminating this connection would be contrary to adopted Ordinances in both the City and the County (including an adopted finding by City Council).

A feasible alternate to the gate, as discussed by the City, is the construction of a traffic circle near the connection with Poplar Woods. This feature could be constructed on the street connecting to Chatham Oaks (on the project side) or within the existing right-of-

way of the Chatham Oaks cul-de-sac with the ultimate concurrence of NCDOT. The circle would serve as a calming device to substantially slow down passenger vehicle traffic. The middle of the circle would be constructed with slightly raised materials as to prohibit passenger cars from crossing, but fire and emergency vehicles could cross if necessary. The developer has consented to this feature as an acceptable alternative, and this detail is attached.

#### **COMPLIANCE WITH 2015 LAND USE PLAN**

The 2015 Land Use Plan (LUP) designates the subject property as “Single-family, open space encouraged.” The LUP does not specifically list RC zoning as being compatible within this land use designation, but it does not list the existing zoning of RL as being compatible either within the text of the plan (but is within the compatibility matrix). A further examination of the plan shows that Traditional Neighborhood Development (TND), Planned Unit Development (PUD) and Planned Residential Development (PRD), all of which would allow greater density than the proposed zoning, are listed as compatible districts. The proposed development no less than 30% open space whereas the minimum open space requirement for the PRD and PUD districts is 16% and the TND is 5% and includes more parks than required in any of these zoning districts. It appears that RC was not listed as being compatible with the residential land use designation due to the fact that it permits multi-family development up to 15 units per acre. It is the staff’s opinion that this development is designed to an almost identical standard to a PRD development and that the request is therefore consistent with the LUP.

#### **SUGGESTED STATEMENT OF CONSISTENCY**

- The subject property is approximately 275.6 acres and zoned Residential Low Density (RL).
- The subject property is vacant land.
- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because the proposed development of approximately two (2) dwelling units per acre is designed to the equivalent of a Planned Residential Development (PRD) which is deemed consistent within the residential land use designation.
- The zoning amendment is reasonable and in the public interest because the petition proposes more than two times the required minimum open space for residential development and proposes a wide range of lot sizes and housing types.

#### **SUGGESTED RECOMMENDATION AND CONDITIONS**

The staff finds the request consistent with the 2015 Land Use Plan and the requirements of the Concord Development Ordinance. The staff (and Development Review Committee) has no objections to the petition. Because this petition is a parallel conditional district request, the Commission, should they decide to approve the request, may, according to Section 3.2.8.E of the CDO, suggest **“reasonable additional conditions or augment those already provided with the petition, but only those conditions mutually agreed upon by the petitioner and the Commission or Council may be incorporated into the approval. Any such condition should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems,**

**screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space and other matters that the Commission or Council may find appropriate.”**

The petitioner has consented to the following conditions:

1. Compliance with the “Ridges at Concord Illustrative Master Plan” as submitted with the zoning application;
2. The uses on the site shall be limited to the following:
  - Streets
  - Storm water management facilities
  - Single family residential
  - Amenity center
  - Neighborhood parks
  - Mini-parks
  - Parkways
3. Construction of a traffic circle either on the street connecting to Chatham Oaks or within the existing cul-de-sac right-of-way, in accordance with the submitted detail.

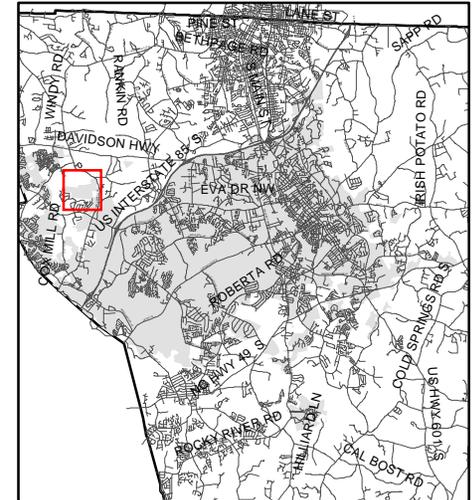
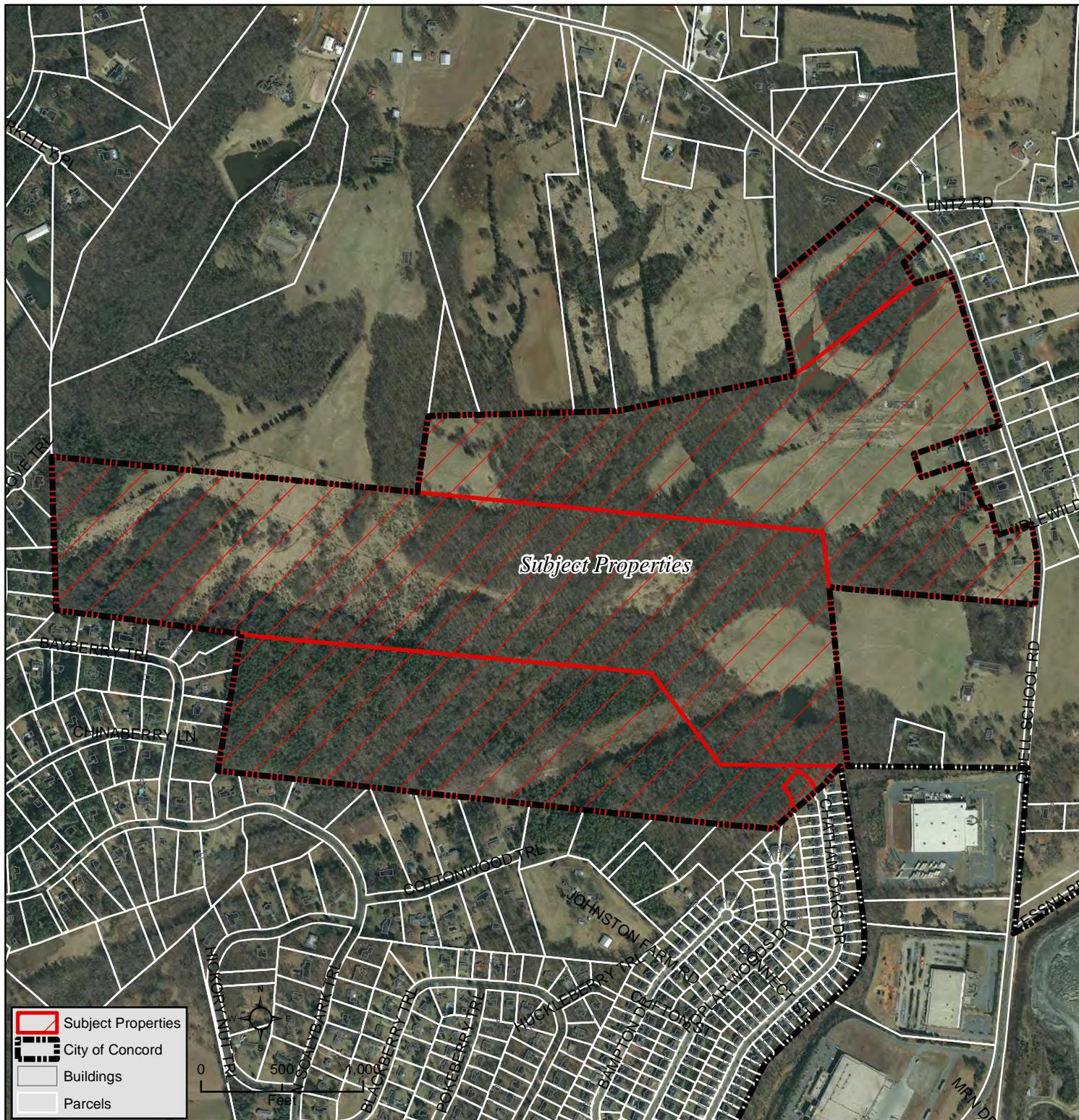
**PROCEDURAL CONSIDERATIONS**

This particular case is a rezoning to a parallel conditional 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.

**Z(CD)-05-15  
AERIAL**

**Zoning Map Amendment  
Application  
Request from Residential  
Low Density (RL) to  
Residential Compact  
Conditional District (RC-CD)  
for the development of a  
single family subdivision**

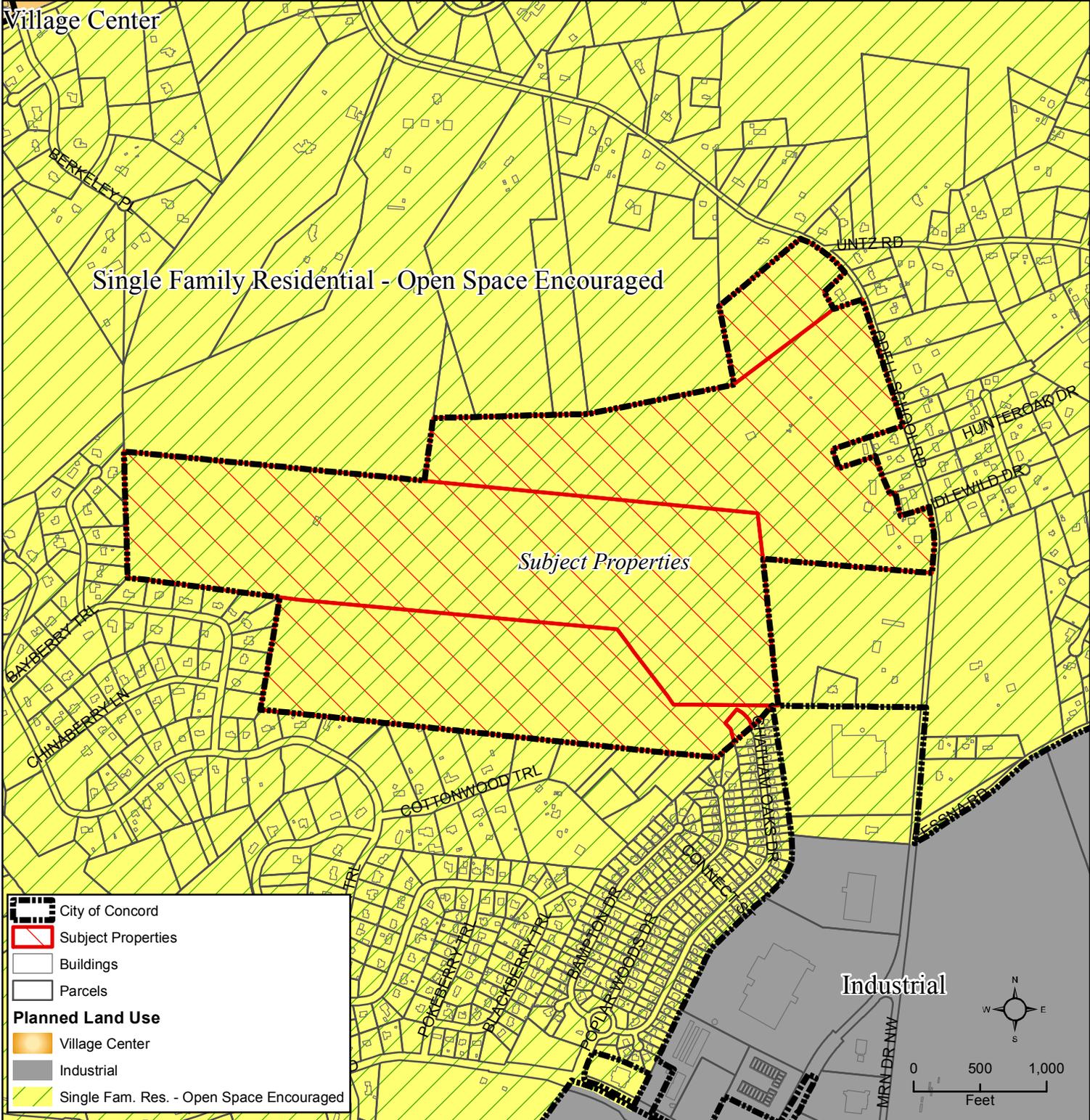
Odell School Rd  
PINs 4681-94-6153,  
71-4316, 91-3041,  
72-7234, 4691-03-0484.



Source: City of Concord  
Planning Department

**Disclaimer**

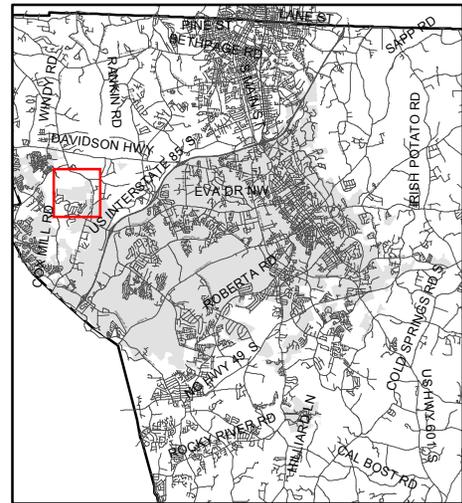
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**Z(CD)-05-15  
LAND USE PLAN**

**Zoning Map Amendment  
Application  
Request from Residential  
Low Density (RL) to  
Residential Compact  
Conditional District (RC-CD)  
for the development of a  
single family subdivision**

Odell School Rd  
PINs 4681-94-6153,  
71-4316, 91-3041,  
72-7234, 4691-03-0484.



|                         |  |
|-------------------------|--|
|                         | City of Concord                          |
|                         | Subject Properties                       |
|                         | Buildings                                |
|                         | Parcels                                  |
| <b>Planned Land Use</b> |  |
|                         | Village Center                           |
|                         | Industrial                               |
|                         | Single Fam. Res. - Open Space Encouraged |

**Industrial**



Source: City of Concord  
Planning Department

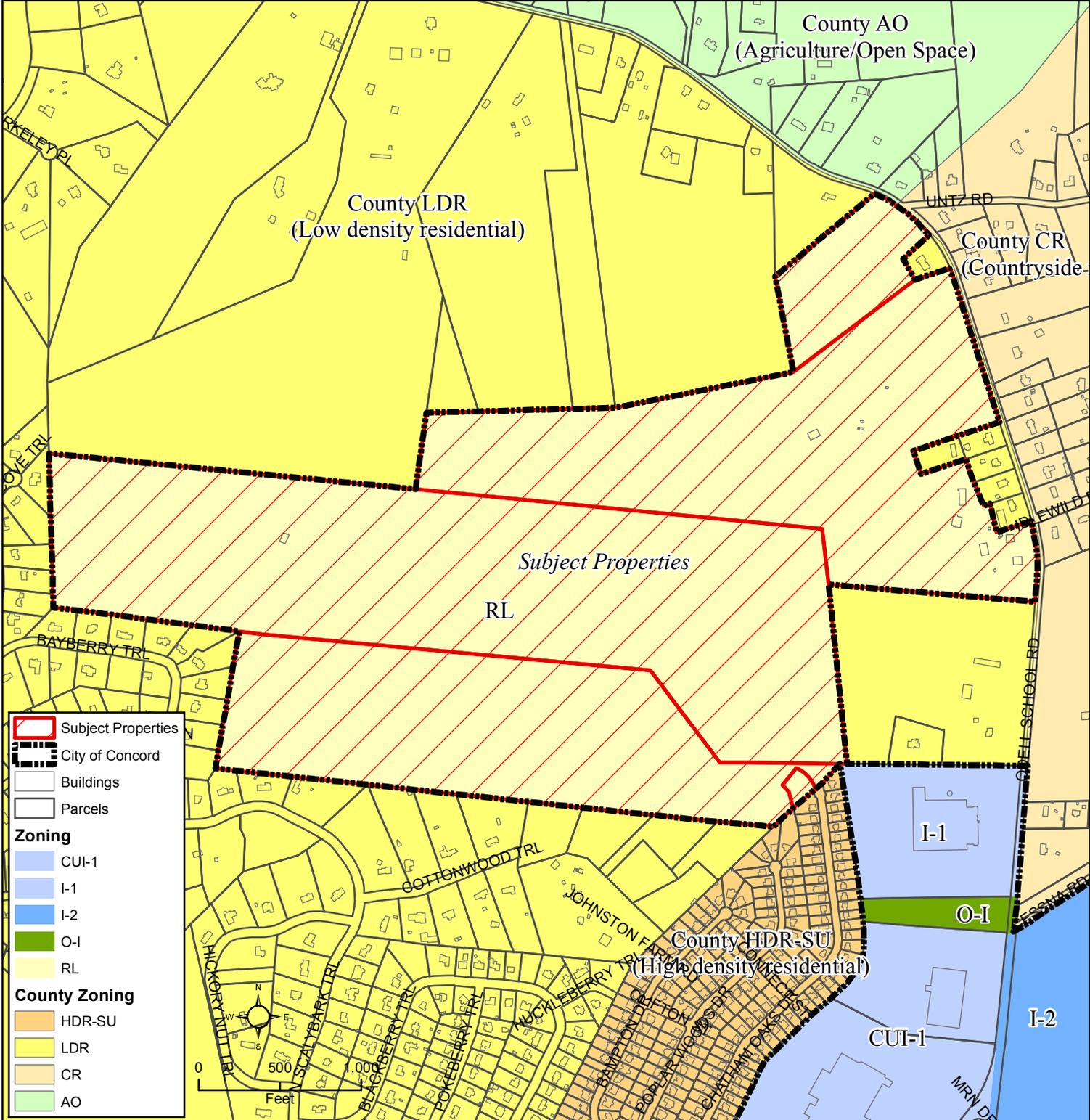
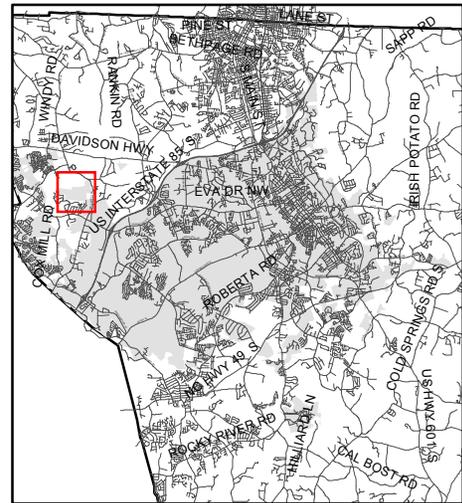
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**Z(CD)-05-15  
ZONING MAP**

**Zoning Map Amendment  
Application  
Request from Residential  
Low Density (RL) to  
Residential Compact  
Conditional District (RC-CD)  
for the development of a  
single family subdivision**

Odell School Rd  
PINs 4681-94-6153,  
71-4316, 91-3041,  
72-7234, 4691-03-0484.



|                      |                    |
|----------------------|--------------------|
|                      | Subject Properties |
|                      | City of Concord    |
|                      | Buildings          |
|                      | Parcels            |
| <b>Zoning</b>        |                    |
|                      | CUI-1              |
|                      | I-1                |
|                      | I-2                |
|                      | O-1                |
|                      | RL                 |
| <b>County Zoning</b> |                    |
|                      | HDR-SU             |
|                      | LDR                |
|                      | CR                 |
|                      | AO                 |



Source: City of Concord  
Planning Department

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FUTURE STREET CONNECTION

FUTURE STREET CONNECTION

PARK

FUTURE STREET CONNECTION

PARK

FUTURE STREET CONNECTION

TRAIL

MINI-PARK

FUTURE STREET CONNECTION

AMENITY SITE

MINI-PARK

PRIMARY NEIGHBORHOOD ENTRY

PARK

POPLAR TRAILS

SECONDARY NEIGHBORHOOD ENTRY

DUKE ENERGY RW

TRAIL

PARK

STREET CONNECTION

POPLAR WOODS

| SITE DATA              |                   |
|------------------------|-------------------|
| TOTAL SITE AREA        | 275.6 AC +/-      |
| 50' SINGLE FAMILY LOTS | 155               |
| 60' SINGLE FAMILY LOTS | 196               |
| 70' SINGLE FAMILY LOTS | 200               |
| TOTAL OPEN SPACE       | 82.6 AC +/- (30%) |
| DENSITY                | 2.0 DU/AC         |

NOTE: THIS PLAN IS ILLUSTRATIVE ONLY AND IS SUBJECT TO CHANGE.

RIDGES AT CONCORD  
ILLUSTRATIVE MASTER PLAN

Walton™  
APPRECIATE THE LAND



STEWART  
STRONGER BY DESIGN





Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **Steve Kichefski** at 828-271-7980, ext. 234 or [steven.l.kichefski@usace.army.mil](mailto:steven.l.kichefski@usace.army.mil).

### **C. Basis for Determination:**

The site contains wetlands as determined by the 1987 Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Eastern Mountain and Piedmont Region (version 2.0). These wetlands are adjacent to stream channels located on the property that exhibit indicators of ordinary high water marks. The stream channel on the property is an unnamed tributary (UT) to **Rocky River** which flows into the **Rocky Watershed; Upper Pee Dee Basin; HUC 03040105** River. The UT to the Rocky River flows to the Atlantic Ocean via the Rocky River and the Pee Dee River. The Pee Dee River is a Section 10 / Navigable-in-fact water of the US beginning at the Blewett Falls Dam.

**D. Remarks: Areas determined jurisdictional as depicted within the updated map received March 6, 2015.**

### **E. Attention USDA Program Participants**

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

### **F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)**

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers  
South Atlantic Division  
Attn: Jason Steele, Review Officer  
60 Forsyth Street SW, Room 10M15  
Atlanta, Georgia 30303-8801

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address within 60 days of the issued date below.

**\*\*It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.\*\***

Corps Regulatory Official: \_\_\_\_\_  
**Steve Kichefski**

Issue Date of JD: **April 24, 2015**

Expiration Date: Five years from *Issue Date*

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at <http://regulatory.usacesurvey.com/>.

Copy furnished:

Jennifer Robertson, Atlas Environmental, Inc., 712 English Tudor Lane, Charlotte, NC, 28211

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

|   |                                    |                             |
|---|------------------------------------|-----------------------------|
| <b>Applicant: Walton North Carolina LLC / Attn: Wayne Souza</b> | <b>File Number: SAW-2005-32312</b> | <b>Date: April 24, 2015</b> |
|---|------------------------------------|-----------------------------|

| Attached is:  | See Section below |
|---|-------------------|
| <input type="checkbox"/> INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A                 |
| <input type="checkbox"/> PROFFERED PERMIT (Standard Permit or Letter of permission)         | B                 |
| <input type="checkbox"/> PERMIT DENIAL  | C                 |
| <input checked="" type="checkbox"/> APPROVED JURISDICTIONAL DETERMINATION                   | D                 |
| <input type="checkbox"/> PRELIMINARY JURISDICTIONAL DETERMINATION                           | E                 |

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.**

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT: You may accept or appeal the permit**

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:  
**District Engineer, Wilmington Regulatory Division,**  
**Attn: Steve Kichefski**  
**828-271-7980**

If you only have questions regarding the appeal process you may also contact:  
Mr. Jason Steele, Administrative Appeal Review Officer  
CESAD-PDO  
U.S. Army Corps of Engineers, South Atlantic Division  
60 Forsyth Street, Room 10M15  
Atlanta, Georgia 30303-8801  
Phone: (404) 562-5137

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

|   |       |                   |
|---|-------|-------------------|
| <hr/><br>Signature of appellant or agent. | Date: | Telephone number: |
|---|-------|-------------------|

**For appeals on Initial Proffered Permits send this form to:**

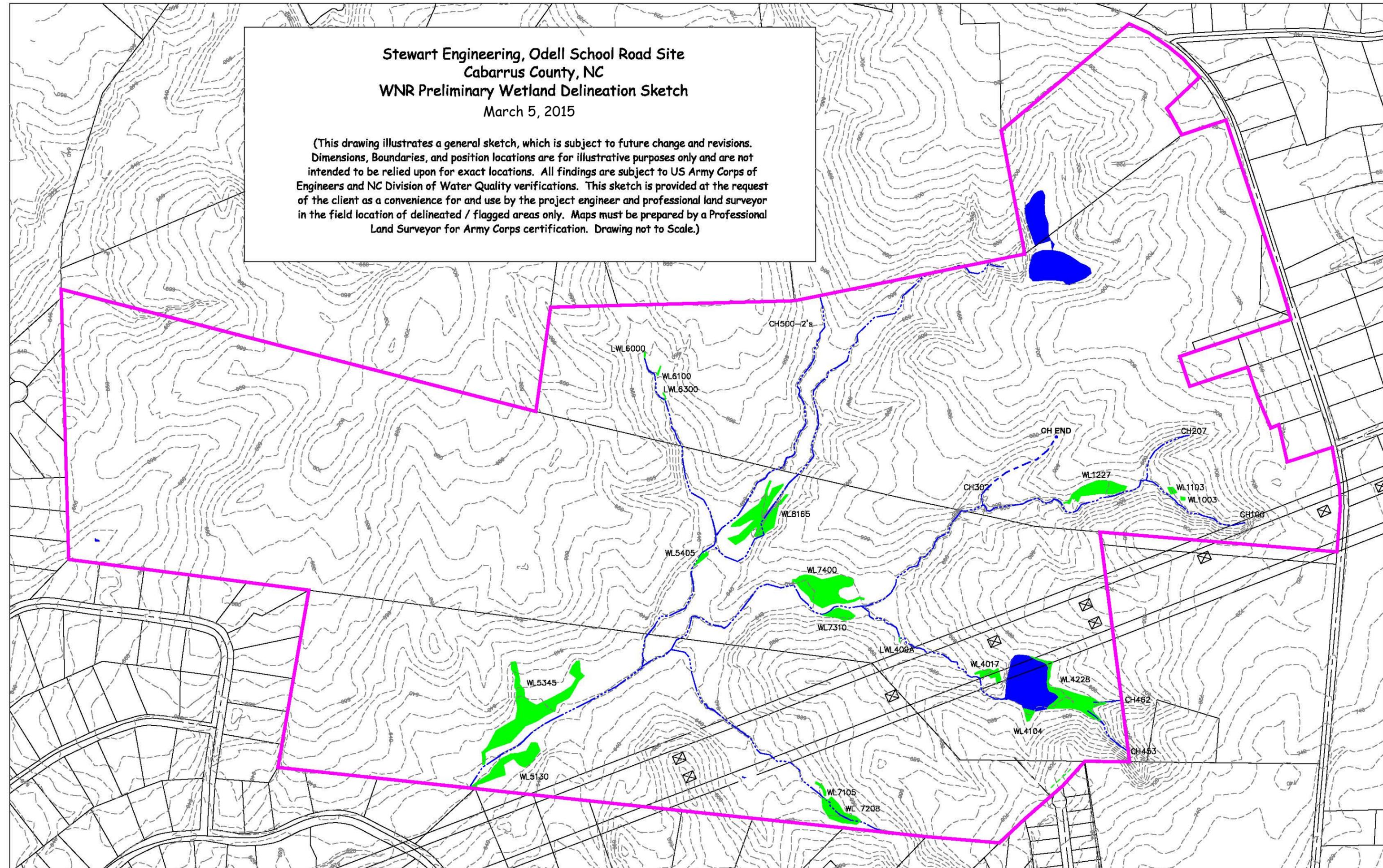
**District Engineer, Wilmington Regulatory Division, Attn.: Steve Kichefski, 69 Darlington Avenue, Wilmington, North Carolina 28403**

**For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:**

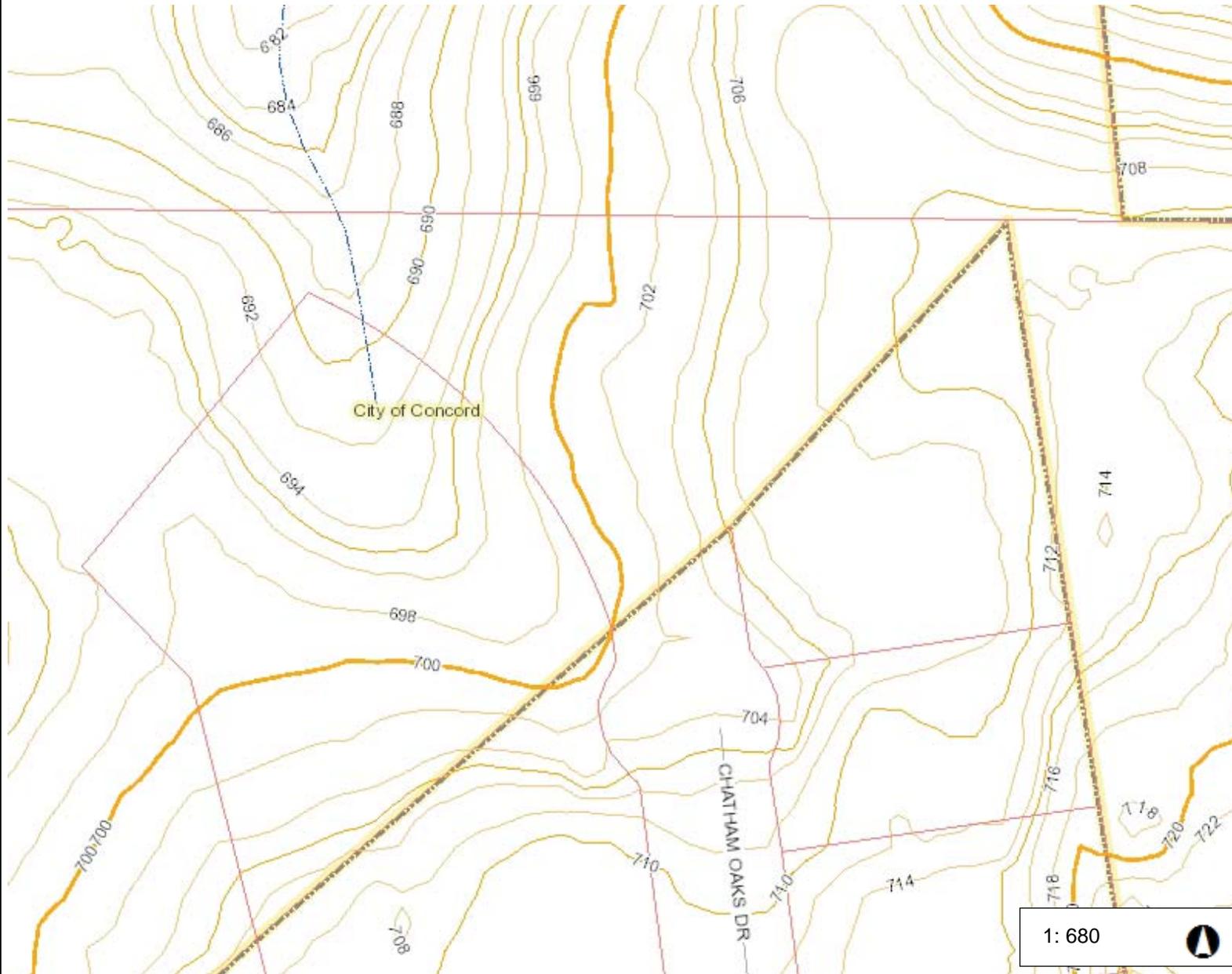
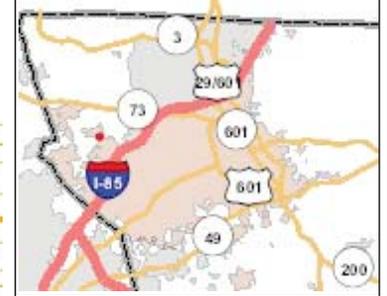
**Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Jason Steele, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801  
Phone: (404) 562-5137**

**Stewart Engineering, Odell School Road Site  
Cabarrus County, NC  
WNR Preliminary Wetland Delineation Sketch  
March 5, 2015**

(This drawing illustrates a general sketch, which is subject to future change and revisions. Dimensions, Boundaries, and position locations are for illustrative purposes only and are not intended to be relied upon for exact locations. All findings are subject to US Army Corps of Engineers and NC Division of Water Quality verifications. This sketch is provided at the request of the client as a convenience for and use by the project engineer and professional land surveyor in the field location of delineated / flagged areas only. Maps must be prepared by a Professional Land Surveyor for Army Corps certification. Drawing not to Scale.)



# Concord, NC



### Legend

- Parcels
- Topo 20ft (2005)
- Topo 10ft (2005)
- Topo 5ft (2005)
- Topo 2ft (2005)
- Speedways & Race Tracks
- Airports & Airstrips
- Railroad
- Highways
  - Interstate
  - NC Highway
  - US Highway
- Roads
- Lakes & Ponds
- Streams
- Parks
- Concord City Limits Zoomed In
- Other Municipal Boundaries
- Cabarrus County

1: 680

### Notes

113.4 0 56.70 113.4 Feet

This map is a user generated static output from a web-based mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise fully reliable. The City of Concord shall not be held liable for inaccurate content.

May 11, 2015

VHB Engineering NC, P.C. (C-3705)  
Attn: Anthony Tagliaferri, PE  
4000 Westchase Boulevard, Suite 530  
Raleigh, North Carolina 27607

Subject: Traffic Impact Analysis  
The Ridges at Concord, Concord, NC

Dear Sir:

Appropriate staff of the City of Concord's Transportation Department have reviewed your sealed (May 8, 2015) analysis for the subject development. As such, we, along with the NCDOT as an affected agency, find your technical analysis complete and concur with the findings and recommendations as stated.

Any formal City of Concord proceedings that have been stayed along with a determination as to compliance with City regulations will at this time need to be coordinated and if necessary, resolved through our Planning and Community Development Department. As usual, any requirements of the NCDOT will need to be coordinated through the Office of the District Engineer in Albemarle.

If there are any comments or questions with regards to such, feel free to contact me at (704) 920-5362 or Ms. Sue Hyde, PE, City Engineer, at (704) 920-5402.

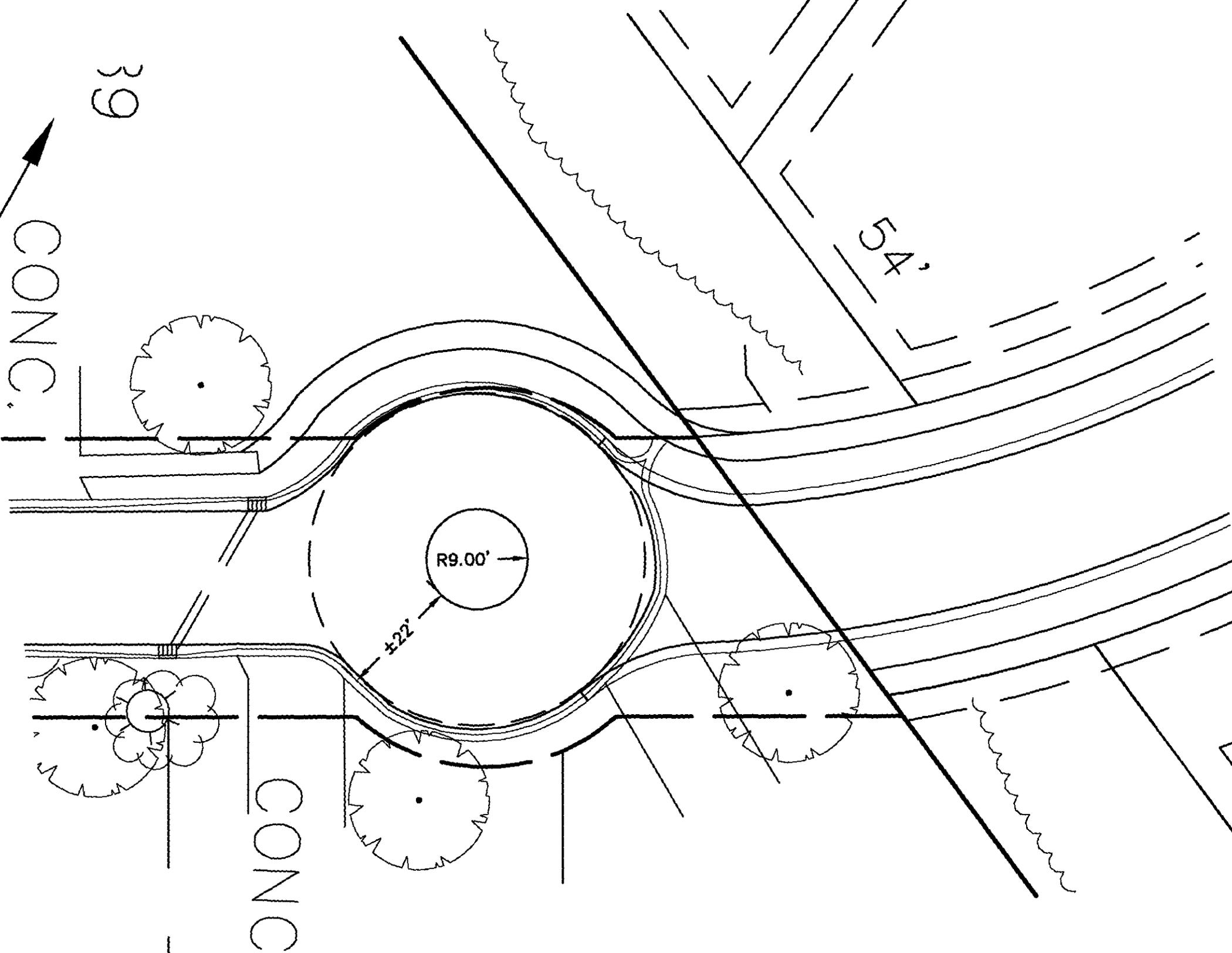
Sincerely,

CITY OF CONCORD

J.K. Wilson, III, P.E.  
Transportation Director

JKW/lmp

cc: TIS File – The Ridges at Concord  
Sue Hyde, P.E., City Engineer  
Margaret Pearson, Planning and Community Development Director



**DATE:** April 18, 2006

**SUBJECT:** Cedar Crest - Preliminary Plat

**Preliminary Subdivision Plat Case Number:** S-02-06

**Owner/ Developer:** Bost-Untz

**Location:** West side of Odell School Road, south of Untz Road intersection

**PIN:** 4681-71-8306, 4681-72-7234, 4681-82-9987, and 4681-94-6153

**BACKGROUND:**

**Area:** 281.5 acres

**Zoning:** RL

**Staff Report Prepared by:** Ben Leatherland, Planning Services Manager

**DISCUSSION:**

- The subject properties were voluntarily annexed into the City on September 30, 2005. The Planning and Zoning (P&Z) Commission subsequently assigned an administrative Residential Low Density (RL) zoning designation to the subject properties on November 15, 2005.
- The maximum density allowed in the RL zoning district is two (2) dwelling units per acre. The existing zoning designation would allow approximately 563 dwellings to be constructed on the 281.5-acre subject properties.
- The applicant is requesting P&Z Commission approval of a preliminary plat for the proposed Cedar Crest project, to be developed similarly to Planned Unit Development (PUD).
- The proposed project was previously submitted for review as a 'cluster' subdivision. Subsequent to that time, the P&Z Commission and City Council removed 'cluster' subdivision development standards from the Unified Development Ordinance (UDO), precluding further use of this option.

**APPROVAL CRITERIA:**

The applicant is proposing a total of 563 single-family detached dwellings on approximately 281.5 acres. The proposed Cedar Crest preliminary plat has been prepared and reviewed in accordance with Unified Development Ordinance (UDO) guidelines. Surrounding zoning districts currently include County Countryside Residential (CR), County Low Density Residential (LDR), County High-Density Residential Special Use (HDR-SU), and City Light Industrial (I-1). The Cedar Crest project is intended to be served by proposed internal public streets. City of Concord staff members have reviewed the proposed preliminary plat, and comments from the technical review staff have been received.

Based on the proposed density of two dwelling units per acre, the UDO (Table 7.15-1) requires a minimum Common Open Space (COS) area of 8% (approximately 22.5 acres). The UDO would normally require a PUD with

the same residential density (two dwelling units per acre) to provide a minimum of 16% COS (approximately 45 acres). Since the Cedar Crest project was initially designed in consideration of 'cluster' subdivision requirements (no longer applicable), the proposed preliminary plat provides in excess of 30% COS (approximately 94 acres, 33% COS).

If the Commission votes to approve the proposed preliminary plat, this approval should be subject to the following conditions:

- 1) The applicant must address any outstanding preliminary plat issues prior to submittal of construction drawings for technical review. (Development Services)
- 2) The applicant must submit construction drawings for technical review and approval. (Development Services)
- 3) Street names and subdivision name must be approved by Cabarrus County. (Development Services)
- 4) The project must comply with City of Concord Engineering standards. (Engineering)
- 5) The project COS area must comply with UDO Open Space requirements. (Development Services)
- 6) A Traffic Impact Study (TIS) may be required. (Transportation)
- 7) The applicant must apply for and obtain an NCDOT and/or City of Concord driveway permit. (Engineering)
- 8) The project must be constructed in accordance with UDO and International Fire Code requirements. (Fire)
- 9) If jurisdictional wetland and/or stream impacts will occur as a result of the proposed project, the applicant must provide the City of Concord with a copy of issued Section 404/401 permit(s), or documentation of compliance with U.S. Army Corps of Engineers (USACE) and N.C. Division of Water Quality (DWQ) Clean Water Act (CWA) requirements (during the construction drawing review stage). (Development Services)
- 10) The project must comply with National Pollutant Discharge Elimination System (NPDES) Phase II requirements. (Environmental)
- 11) The project must comply with UDO stream buffer requirements. (Environmental)
- 12) The applicant must complete construction of a second access road for the proposed project prior to permitting of the 100<sup>th</sup> dwelling (i.e., a maximum of 99 lots can be served by one access road). (Development Services)

**RECOMMENDATION:**

The Commission should consider the evidence presented, and should vote to approve or deny the proposed preliminary plat (as submitted). If the Commission votes to approve the preliminary plat, this approval should include the previously noted conditions. The applicant has agreed to address any remaining preliminary plat comments during the construction drawing review stage of the project.

**COMMISSION RECOMMENDATION:**

**Do you:**

**AGREE WITH STAFF RECOMMENDATION** - Use Staff findings for motion. If the rezoning is a conditional use, include conditions in motion. Clarify any conditions that are not included in staff report.

**DISAGREE WITH STAFF RECOMMENDATION** – Provide alternate findings for motion. If the rezoning is a conditional use, include conditions in motion. Clarify any conditions that are not included in staff report.

*Staff Use Only*

**COMMISSION MOTION:**

**(Record Motion)** \_\_\_\_\_

**COMMISSION VOTE:**

| <b>Member Name</b> | <b>Vote</b> |
|--------------------|-------------|
| _____              | _____       |
| _____              | _____       |
| _____              | _____       |
| _____              | _____       |
| _____              | _____       |
| _____              | _____       |
| _____              | _____       |

- Application is:**  **Approved (Expedited Rezoning - must have 6 or more votes)**  
 **Recommended to Council for Approval (approved with less than 6 votes)**  
 **Denied**

**Recorded by:** \_\_\_\_\_



P.O. Box 931  
 Concord, NC 28026-0931  
 P 704.788.6372  
 F 704.786.4750  
 www.nee-pa.com

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Prepared for:  
 BOST-JUNTZ  
 715 ORPHANAGE ROAD  
 KANNAPOLIS, NC 28001

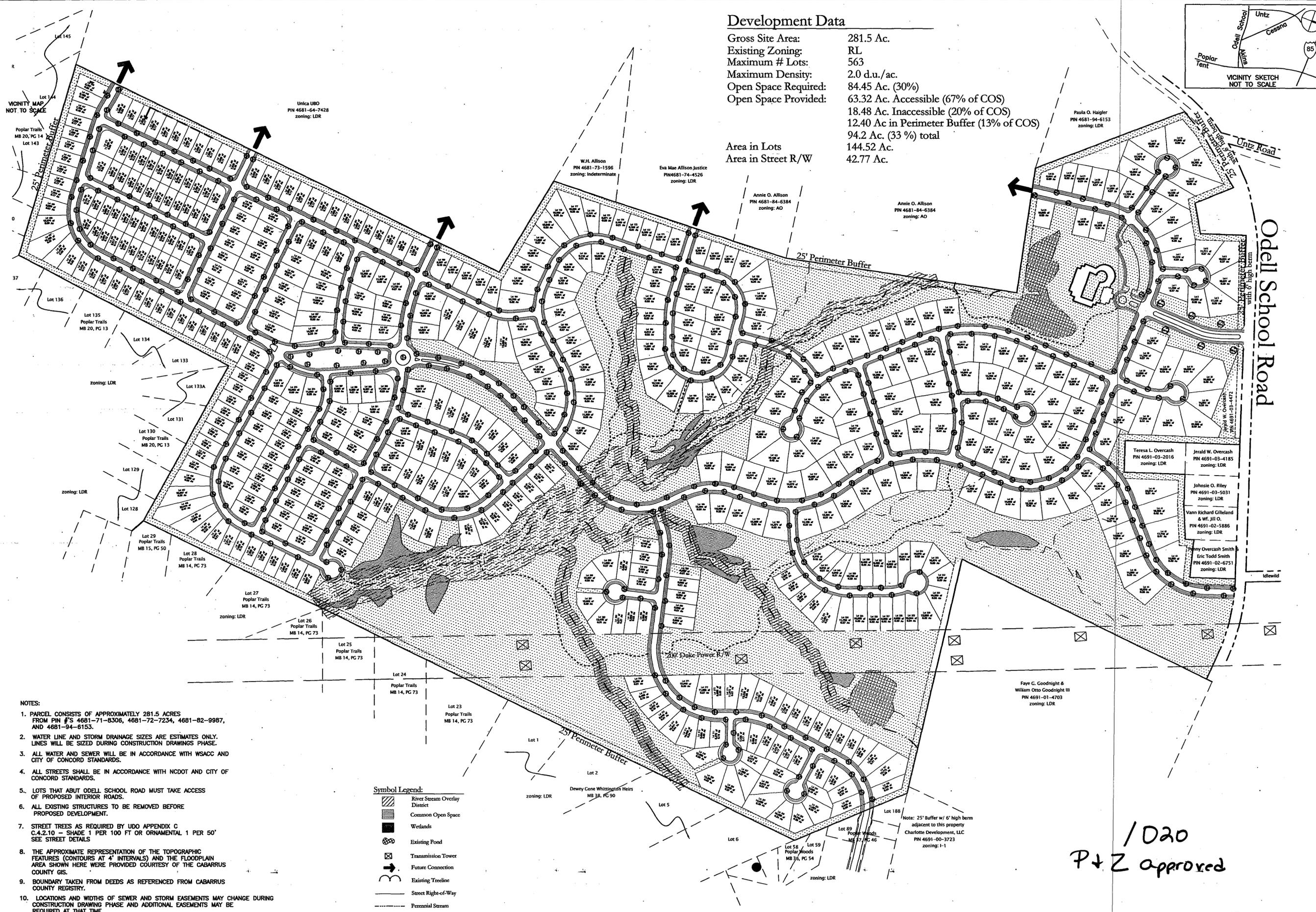
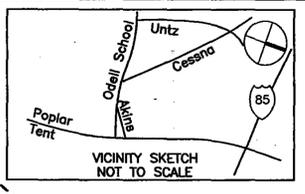
**CEDAR CREST  
 PLANNED RESIDENTIAL COMMUNITY  
 PRELIMINARY PLAN  
 CONCORD, NORTH CAROLINA**

| # | DATE     | REVISION      | BY |
|---|----------|---------------|----|
| 1 | 1/2/2006 | remove parcel |    |
|   |          |               |    |
|   |          |               |    |
|   |          |               |    |
|   |          |               |    |
|   |          |               |    |
|   |          |               |    |
|   |          |               |    |
|   |          |               |    |
|   |          |               |    |

SCALE: 1" = 200'  
 DATE: 4/11/06  
 JOB # 2005-032  
 SHEET 1 OF 5

**Development Data**

Gross Site Area: 281.5 Ac.  
 Existing Zoning: RL  
 Maximum # Lots: 563  
 Maximum Density: 2.0 d.u./ac.  
 Open Space Required: 84.45 Ac. (30%)  
 Open Space Provided: 63.32 Ac. Accessible (67% of COS)  
 18.48 Ac. Inaccessible (20% of COS)  
 12.40 Ac. in Perimeter Buffer (13% of COS)  
 94.2 Ac. (33 %) total  
 144.52 Ac.  
 Area in Lots  
 Area in Street R/W 42.77 Ac.



- NOTES:**
1. PARCEL CONSISTS OF APPROXIMATELY 281.5 ACRES FROM PIN #'S 4681-71-8306, 4681-72-7234, 4681-82-9987, AND 4681-84-6153.
  2. WATER LINE AND STORM DRAINAGE SIZES ARE ESTIMATES ONLY. LINES WILL BE SIZED DURING CONSTRUCTION DRAWINGS PHASE.
  3. ALL WATER AND SEWER WILL BE IN ACCORDANCE WITH WSACC AND CITY OF CONCORD STANDARDS.
  4. ALL STREETS SHALL BE IN ACCORDANCE WITH NCDOT AND CITY OF CONCORD STANDARDS.
  5. LOTS THAT ABUT ODELL SCHOOL ROAD MUST TAKE ACCESS OF PROPOSED INTERIOR ROADS.
  6. ALL EXISTING STRUCTURES TO BE REMOVED BEFORE PROPOSED DEVELOPMENT.
  7. STREET TREES AS REQUIRED BY UDO APPENDIX C C.4.2.10 - SHADE 1 PER 100 FT OR ORNAMENTAL 1 PER 50' SEE STREET DETAILS
  8. THE APPROXIMATE REPRESENTATION OF THE TOPOGRAPHIC FEATURES (CONTOURS AT 4' INTERVALS) AND THE FLOODPLAIN AREA SHOWN HERE WERE PROVIDED COURTESY OF THE CABARRUS COUNTY GIS.
  9. BOUNDARY TAKEN FROM DEEDS AS REFERENCED FROM CABARRUS COUNTY REGISTRY.
  10. LOCATIONS AND WIDTHS OF SEWER AND STORM EASEMENTS MAY CHANGE DURING CONSTRUCTION DRAWING PHASE AND ADDITIONAL EASEMENTS MAY BE REQUIRED AT THAT TIME.
  11. WETLANDS AS SHOWN, TAKEN FROM NORSTAR LAND SURVEYING, INC., 192-A CHURCH STREET, CONCORD, NC 28025, 704-721-6851.



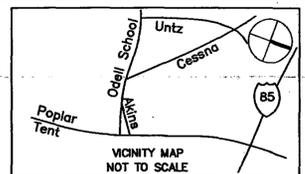
Site is not within 100 year flood as per FEMA FIRM Panel 37025C0075D

1020  
 P+Z approved



Matchline

See Sheet 2



P.O. Box 931  
Concord, NC 28026-0931  
P 704.788.6372  
F 704.786.4750  
www.nee-pa.com

Johnsie O. Riley  
PIN 4691-03-5031  
zoning: LDR

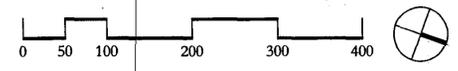
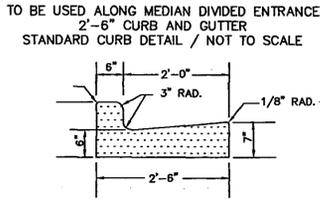
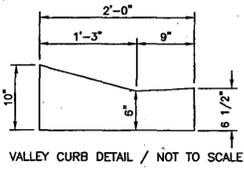
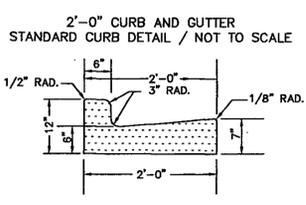
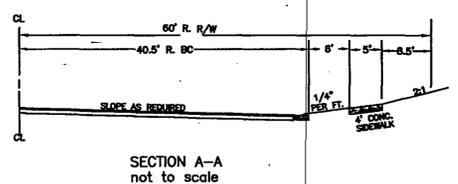
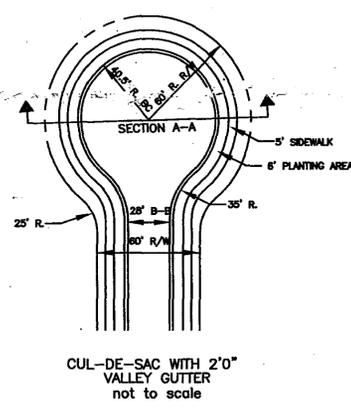
Vann Richard Gilleland  
& Wf. Jill O.  
PIN 4691-02-5886  
zoning: LDR

Penny Overcash Smith &  
Eric Todd Smith  
PIN 4691-02-6751  
zoning: LDR

Idlewild

Faye G. Goodnight &  
William Otto Goodnight III  
PIN 4691-01-4703  
zoning: LDR

Note: 25' Buffer w/ 6' high berm  
adjacent to this property  
Charlotte Development, LLC  
PIN 4691-00-3723  
zoning: I-1



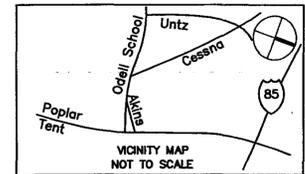
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Prepared for:  
BOST-UNTZ  
715 ORPHANAGE ROAD  
KANNAPOLIS, NC 28001

**CEDAR CREST  
PLANNED RESIDENTIAL COMMUNITY  
PRELIMINARY PLAN  
CONCORD, NORTH CAROLINA**

| BY | REVISION | DATE | # |
|----|----------|------|---|
|    |          |      |   |
|    |          |      |   |
|    |          |      |   |
|    |          |      |   |

SCALE: 1" = 100'  
DATE: 4/11/06  
JOB # 2005-032  
SHEET 3 OF 5



**NE**  
 NORTHEAST  
 ENGINEERING  
 P.O. Box 931  
 Concord, NC 28026-0931  
 P 704.788.6372  
 F 704.788.4750  
 www.nee-pa.com

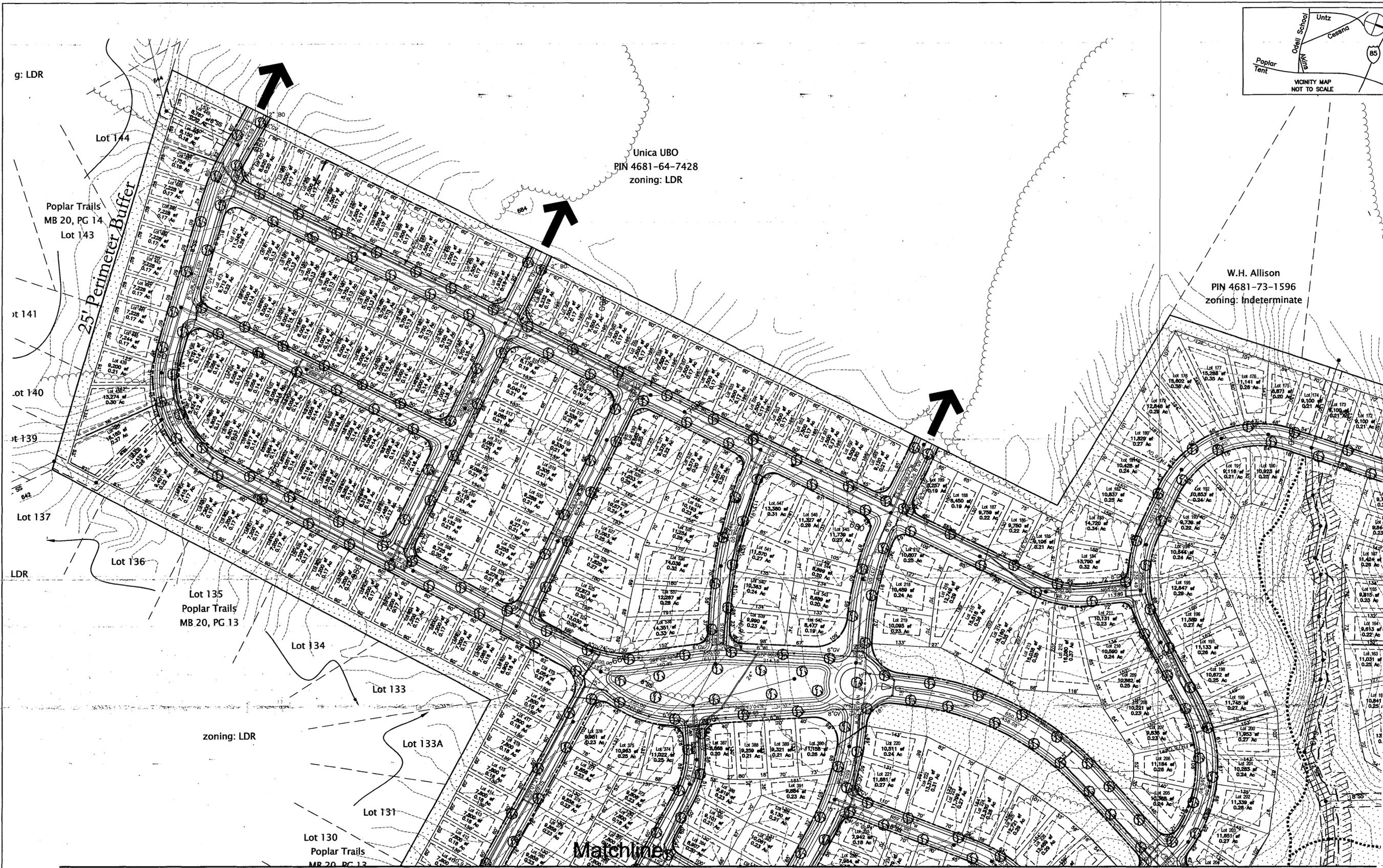
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Prepared for:  
**BOST-UNTZ**  
 715 ORPHANAGE ROAD  
 KANNAPOLIS, NC 28001

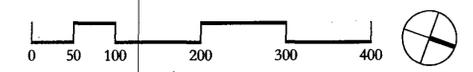
**CEDAR CREST**  
 PLANNED RESIDENTIAL COMMUNITY  
 PRELIMINARY PLAN  
 CONCORD, NORTH CAROLINA

| BY | REVISION | DATE | # |
|----|----------|------|---|
|    |          |      |   |
|    |          |      |   |
|    |          |      |   |
|    |          |      |   |

SCALE: 1" = 100'  
 DATE: 4/11/06  
 JOB # 2005-032  
 SHEET 4 OF 5

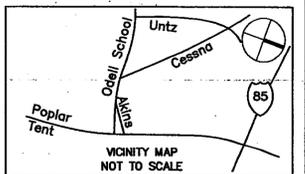


Matchlines  
 See Sheet 5



Matchline

See Sheet 4



NORTHEAST  
ENGINEERING  
P.O. Box 931  
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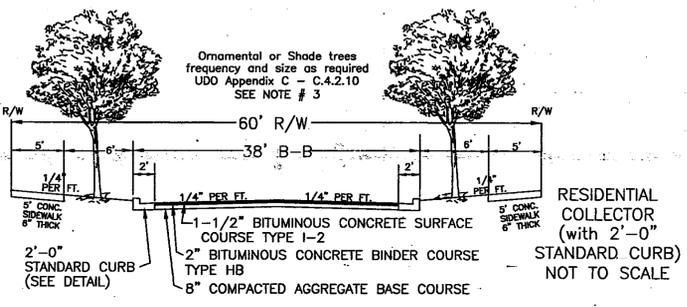
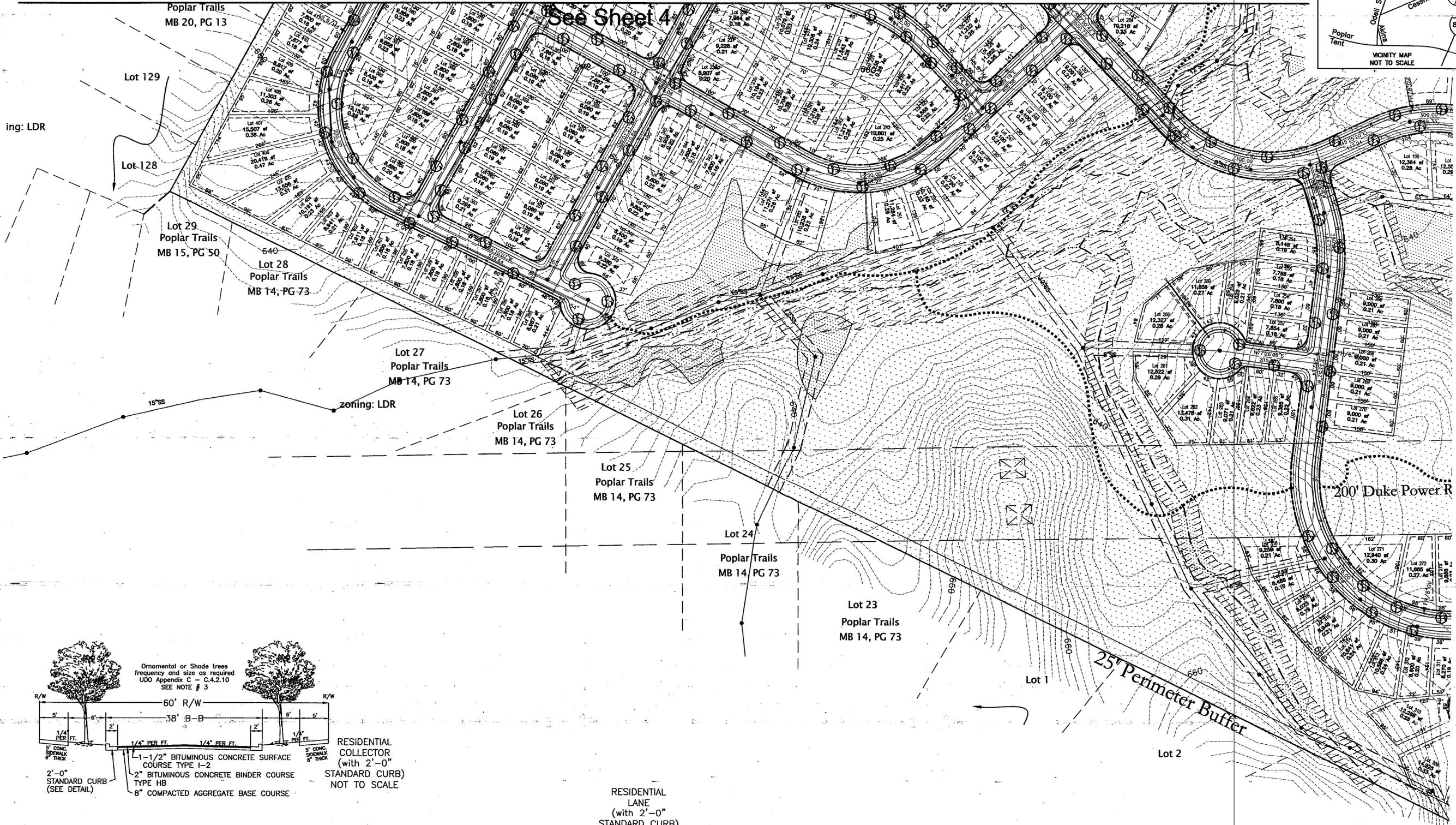
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Prepared for:  
BOST-UNTZ  
715 ORPHANAGE ROAD  
KANNAPOLIS, NC 28001

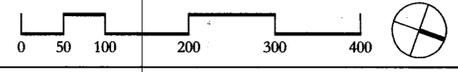
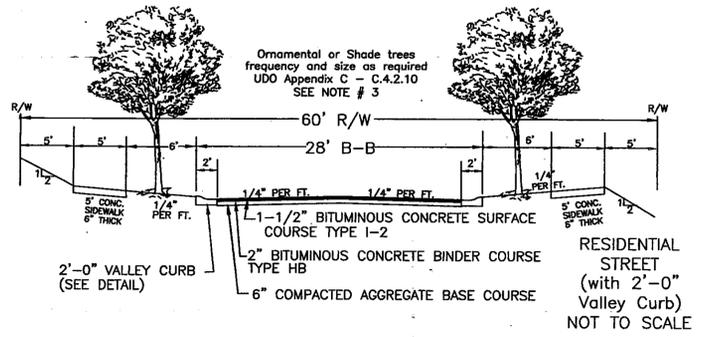
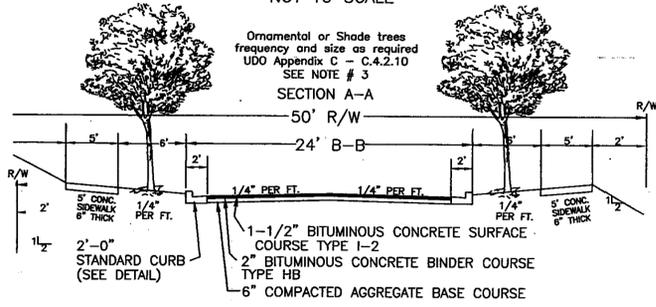
CEDAR CREST  
PLANNED RESIDENTIAL COMMUNITY  
PRELIMINARY PLAN  
CONCORD, NORTH CAROLINA

| # | DATE     | REVISION      | BY |
|---|----------|---------------|----|
| 1 | 1/2/2006 | remove parcel |    |

SCALE: 1" = 100'  
DATE: 4/11/06  
JOB # 2005-032  
SHEET 5 OF 5



RESIDENTIAL LANE (with 2'-0" STANDARD CURB) NOT TO SCALE



Prospective Building Styles



FILED  
CABARRUS COUNTY NC  
WAYNE NIXON  
REGISTER OF DEEDS

FILED Nov 04, 2014  
AT 09:41 am  
BOOK 11175  
START PAGE 0049  
END PAGE 0075  
INSTRUMENT # 23957  
EXCISE TAX \$0.00  
MVW

Portions of the record copy may be  
illegible due to the condition of the  
original instrument.

DEVELOPMENT AGREEMENT

BY AND AMONG

WALTON NORTH CAROLINA, LLC

AND

CITY OF CONCORD, A NORTH CAROLINA CITY AND MUNICIPAL CORPORATION

(M)  
Cindy Greene  
Walton Development and Management  
10735 David Taylor Dr, Suite 150  
Charlotte, NC 28262

27/11

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STATE OF NORTH CAROLINA

DEVELOPMENT AGREEMENT

COUNTY OF CABARRUS

This Development Agreement (the "Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2014 by and among WALTON NORTH CAROLINA, LLC ("Walton"), a North Carolina limited liability company, and CITY OF CONCORD (the "City"), a North Carolina city and municipal corporation.

#### STATUTORY FRAMEWORK

1. N.C.G.S. §160A-400.20(a)(1) provides that "large-scale development projects often occur in multiple phases extending over a period of years, requiring a long-term commitment of both public and private resources."
2. N.C.G.S. § 160A-400.20(a)(3) provides that "because of their scale and duration, such large-scale projects often require careful integration between public capital facilities planning, financing, and construction schedules and the phasing of the private development."
3. N.C.G.S. § 160A-400.20(a)(4) provides that "because of their scale and duration, such large scale projects involve substantial commitments of private capital by developers, which developers are usually unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development."
4. N.C.G.S. § 160A-400.20(a)(5) provides that "because of their scale and duration, such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing impacts on the surrounding areas."
5. N.C.G.S. § 160A-400.20(a)(6) provides that "to better structure and manage development approvals for such large-scale developments and ensure their proper integration into local capital facilities programs, local governments need the flexibility in negotiating such developments."
6. Considering the foregoing, N.C.G.S. §§ 160A-400.20(b) and 400.22 expressly authorize local governments and agencies to enter into development agreement with developers pursuant to the procedures and requirements of §§ 160A-400.20 through 400.32 which procedures and requirements include approval of the development agreement by the governing body of the local government by ordinance after duly noticed public hearing.
7. N.C.G.S. § 160A-400.23 restricts the use of a development agreement to "property that contains 25 acres or more of developable property (exclusive of wetlands, mandatory buffers, unbuildable slopes, and other portions of the property which may be precluded from development at the time of the application)." NCGS § 160A-400.23 further provides that "development

agreement shall be of a term specified in the agreement, provided they may not be for a term exceeding 20 years.”

## RECITALS

1. Walton owns 275.637 acres located along Odell School Road in Concord, North Carolina identified as Cabarrus County Property Identification Numbers (PINs) 4681-71-4316 (63.509 ac), 4681-72-7234 (118.163 ac), and 4691-03-0484 (81.967 ac), and 4681-94-6153 (11.997 ac) (the “Property”). The Property is more particularly described on Exhibit A (“Legal Description of Property”), attached hereto and incorporated herein by reference.
2. Walton proposes to develop the Property into a residential subdivision with approximately 551 dwelling units (the “Project”).
3. The City has identified the need to install and/or improve the sanitary sewer system in watershed drainage basin ROC6300NE pursuant to an ongoing capital improvement plan.
4. In order to develop the Property and thereby construct the Project, Walton needs access to sanitary sewer and potable water.
5. The City has determined that the Project is consistent with the capital improvement plan and planning goals. Further, the City has determined that the Project presents an opportunity for the City to secure quality planning and growth and to strengthen its tax base.

NOW THEREFORE, based upon the terms and conditions set forth herein and in consideration of the mutual promises and assurances provided therein, the parties do hereby agree as follows:

## TERMS

1. Public Hearing. Pursuant to NCGS § 160A-400.24, the City Council conducted a public hearing on October 9, 14 to consider the approval and execution of this Agreement in accordance with the procedures in NCGS § 160A-364. The notice of public hearing specified, among other things, the location of the Property subject to this Agreement, the development uses proposed of the Property and a place where a copy of the Agreement can be obtained. The City Council approved this Agreement and the City’s execution of the same.
2. Term. The term of this Agreement shall commence on the date that all parties hereto have executed the Agreement and it shall terminate twenty (20) years thereafter unless sooner terminated by mutual consent of the parties hereto or their successors in interest. The parties hereto or their successors in interest may by mutual consent extend the term of this agreement by executing a subsequent development agreement.
3. Development of the Property. Walton shall submit to the Concord Planning and Zoning Commission a preliminary plat consistent with the purposes of this Agreement which shall at

minimum depict the sizes, placements, and configurations of the lots, common open space, streets, sidewalks, and other improvements planned for the Property. The Property shall then be developed consistent with the preliminary plat approved by the Concord Planning and Zoning Commission and in accordance with this Agreement including the Development Schedule outlined in section 5. Walton understands that the City's continued performance under this Agreement is contingent upon Walton receiving all necessary approvals for its preliminary plat and Walton's payment made under Section 9.c. Once Walton receives an approved preliminary plat, Walton reserves the right to make minor adjustments to the preliminary plat pursuant to Section 5.2 Preliminary Plat of the Concord Development Ordinance (the "CDO").

In the event of a conflict between the CDO and the approved preliminary plat, the terms of the approved preliminary plat shall govern.

4. Permitted Uses/Maximum Density/Placement and Types of Buildings.

The Property shall be devoted to residential dwelling units and related amenities with any incidental or accessory uses associated therewith which are permitted under the CDO and applicable zoning. The maximum number of dwelling units will be determined by the applicable zoning and the approved preliminary plat as may be amended or modified pursuant to Sections 3 and 13 of this Agreement

5. Development Schedule. The Property shall be developed in accordance with the preliminary development schedules set out in subsection 5.A below, or as may be amended by the agreement of the parties to reflect actual market absorption. Pursuant to N.C.G.S. § 160A-400.25(b), the failure to meet a commencement or completion date shall not, in and of itself, constitute a material breach of the development agreement pursuant to G.S. § 160A-400.27 but must be judged based upon the totality of the circumstances, including but not limited to, Walton's good faith efforts to attain compliance with the relevant development schedule. Periodic adjustments to the relevant development schedule by Walton shall not be considered a material amendment or breach of this Agreement as long as (1) Walton, or its successor in interest, pays the water and sewer capital fees in accordance with the required schedule as set forth in Section 10 hereof, and (2) the Project is developed in accordance with the preliminary plat within the twenty (20) year period described below.

A.

(i) Within ten (10) years of the execution of this Agreement, Walton shall have completed the development of at least fifteen percent (15%) of the lots contemplated by the approved preliminary plat.

(ii) Within fifteen (15) years of the execution of this Agreement, Walton shall have completed the development of at least fifty percent (50%) lots contemplated by the approved preliminary plat.

(iii) Within twenty (20) years of the execution of this Agreement, Walton shall have completed the development of one hundred percent (100%) of the lots contemplated by the approved preliminary plat.

For purposes of Section 5.A. of this Agreement, "Development" means all work necessary to convert a lot into a home site suitable for construction of a residential dwelling unit upon proper application for a building permit.

Notwithstanding anything contained herein to the contrary, Walton may develop lots at a faster pace than the pace proscribed above in subparts (i), (ii), and (iii).

6. Law in Effect at Time of the Agreement Governs the Development. The local ordinances applicable to the development of the Property are those in force as of the date of this Agreement and as they may subsequently be enacted or amended. However, this Agreement does not abrogate any rights preserved by N.C.G.S. § 160A-385.1 or § 160A-387, or that may vest pursuant to common law or otherwise absence of this Agreement.

7. Transportation Improvements. Walton shall comply with the requirements of the North Carolina Department of Transportation ("NCDOT") related to the development of the units including, but not necessarily limited to, constructing improvements, obtaining a driveway permit and placing a performance bond on all work not completed at time of phased final platting.

Walton shall maintain, at its own expense, those public road improvements and temporary storm water and sedimentation and erosion control measures related to road construction and required for the Project until all public road improvements and infrastructure for the Project are dedicated to and accepted by the City. This obligation to maintain requires Walton to correct any deterioration of, or defect in, the improvements that arises and to remove all temporary erosion and sedimentation control measures. Further, Walton shall comply with additional improvement measures, should the occasion arise, as specified by the City or NCDOT.

8. Reservations or Dedications of Land for Public Purpose/Public Improvements. Walton shall dedicate easements on the Property that extend to adjoining properties for future sewer extensions as outlined in Exhibit D ("Acquisition of Easements") which is attached and incorporated herein by reference.

9. Public Sewer and Water.

A. Walton shall construct all sanitary improvements on and off the Property in the eastern basin (ROC6300NE) including construction of the offsite sewer outfall more particularly described in Exhibit B ("Water and Sewer Plan"). The City shall review all construction plans, utility routes, alignments and related tasks, and Walton must receive City's approval of said plans, routes, alignments and related tasks prior to construction.

B. Walton shall dedicate easements outlined in Exhibit C ("Acquisition of Easements"), which is attached and incorporated herein by reference, for the sewer

construction including easements that extend to adjoin properties. Walton will be solely responsible for the costs and dedication of said easements.

C. The City shall acquire rights-of-way as outlined in Exhibit D (“Acquisition of Rights-of-Way”). Prior to acquisition, the City shall submit in writing estimated costs and expenses of acquisition to Walton. Walton shall first pay the City 50% of its estimated costs and expenses for acquisition of the rights-of-way. The City will begin acquisition work within 30 business days of receiving Walton’s payment. City shall provide Walton a written monthly update on the status of acquisition of the rights-of-way. In the event City determines the actual costs and expenses for acquisition of the rights-of-way will exceed the amounts set forth in the original written estimate, City shall promptly notify Walton, in writing, of the amount by which the costs and expenses will exceed the original written estimate. Upon the City’s completion of acquiring the rights-of-way noted in Exhibit D, the City shall provide Walton an itemized bill which lists total actual costs and expenses for acquisition of the rights-of-way noted in Exhibit D. Walton shall reimburse the City for the remaining costs and expenses for acquisition of the rights-of-way within ninety (90) days of receiving the itemized bill.

D. The City may require that certain pipes be upsized to a larger diameter. If the City exercises the option to upsize any pipes within the eastern or western basin, the City shall pay reasonable additional costs resulting from upsizing of the sewer system on the property. Walton shall submit estimated itemized costs to the City prior to beginning construction to upsize the pipes.

E. Walton shall follow all of the requirements, including reporting, of N.C.G.S. Chapter 143, Article 8, Public Contracts, in selecting a contractor to construct the improvements. Walton may use any of the bidding and contracting methods listed in N.C.G.S. § 143-138(a1). Walton shall obtain a minimum of three bids. Walton shall permit the City to review, approve, and/or reject all bidding and contract documents prior to bidding and award of any contracts. The City shall provide a decision within 15-calendar days of receipt of bid documents. Final Notice to Construct Permit may be withheld by the City unless the City is satisfied that all bidding requirements have been met. Approval shall not be unreasonably withheld, conditioned or delayed.

F. City shall grant Walton the right to connect to the City's presently existing water and sewer system after Walton obtains proper water and sewer permits in order to serve the Property.

G. Upon completion of the water and sanitary sewer improvements in accordance with Exhibit B “Water and Sewer Plan”, Walton shall dedicate, and City shall accept, the water and sanitary sewer improvements contingent upon Walton’s compliance with CDO Section 5.7.

10. Water and Sewer Capital Fees. Walton, or its successor in title to the Property, shall pay the City the standard per lot water and sewer capital fees charged by the City for each residential unit planned to be developed on the Property at the time of final platting pursuant to CDO 5.3.

11. Local Development Permits. In accordance with N.C.G.S. § 160A-400.26(a)(6), the following is a description or list of the local development permits approved or needed to be approved for development of the Subdivision:

- City of Concord Subdivision Approvals; and
- City of Concord Zoning Clearance Permits
- NC DENR Soil Erosion Sedimentation Control Permits
- NC DOT Driveway Permits
- NC DOT Encroachment Agreements
- Cabarrus County Building Permits
- Authorization to Construct – Water and Sewer

The failure of the Agreement to address a particular permit, condition, term, or restriction does not relieve Walton of the necessity of complying with the law governing its permitting requirements conditions, terms or restrictions.

12. Insurance. Walton shall maintain the following insurance coverage during the construction of the utilities:

| <u>Coverage</u>       | <u>Minimum Limits</u>  |
|-----------------------|--|
| Workers' Compensation | \$100,000 each accident<br>\$100,000 bodily injury by disease each employee<br>\$500,000 bodily injury by disease policy limit |
| General Liability     | \$1,000,000 per occurrence   |
| Automobile Liability  | \$1,000,000 per occurrence   |
| Umbrella              | \$2,000,000 per occurrence   |

13. Amendment. The terms of this Agreement may be amended by the mutual consent of the parties hereto or their successors in interest. A major modification of the terms of this Agreement shall follow the same procedures as required for the initial approval of this Agreement, which procedures shall include a public hearing and approval by City Council for the City of Concord. A minor amendment to the preliminary plat pursuant to CDO Section 5.2.7 Revision of the Preliminary Plat after Planning and Zoning Commission Approval (as in effect at the time of execution of this Agreement) shall not be considered an amendment to this Agreement.

14. Recordation/Binding Effect. Within fourteen (14) days after the City enters into this Agreement, Walton shall record this Agreement in the Cabarrus County Registry. Walton shall promptly mail a copy of the recorded Agreement to the City Attorney at the address shown below. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties hereto.

15. Periodic Review.

(A) Pursuant to NCGS § 160A-400.27, the Director of Engineering Services and the Director of Planning or other City Manager designee(s) shall conduct a periodic review (the "Periodic Review") at least every 12 months, at which time Walton will be required to demonstrate good faith compliance with the terms of this Agreement.

(B) If, as a result of the Periodic Review, the City finds and determines that Walton has committed a material breach of the terms or conditions of the Agreement, the City shall serve notice in writing, within a reasonable time after the Periodic Review, upon the defaulting party setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the defaulting party a reasonable time to cure the material breach.

(C) If the defaulting party fails to cure the material breach within the time given, then the City unilaterally may terminate or modify the Agreement as to the defaulting party.

16. Default.

A. The failure of Walton to comply with the terms of this Agreement shall constitute a default, entitling the City to pursue such remedies as allowed under applicable law against Walton, provided however, that no termination of this Agreement may be declared by the City absent its according to Walton the notice and opportunity to cure set out in N.C.G.S. § 160A-400.27. In addition to any other rights or remedies, the City may institute legal action against Walton to cure, correct, or remedy any default or breach, to specifically enforce any covenants or agreements set forth in the Agreement or to enjoin any threatened or attempted violation of the Agreement, or to obtain any remedies consistent with the purposes of the Agreement. Legal actions shall be instituted in a court of competent jurisdiction in the County of Cabarrus, State of North Carolina or in the United States District Court for the Middle District of North Carolina, and the parties hereto submit to the personal jurisdiction of such court(s) without application of any conflicts of laws provisions of any jurisdiction.

B. In the event that Walton fails to perform any of its covenants, commitments, and/or obligations hereunder after notice and a reasonable opportunity to cure, the City may, until such default is cured, withhold the issuance of any further zoning clearance permits and/or subdivision approvals within the Project or withhold the issuance of certificates of compliance for any homes within the Project that have not been purchased or have not been placed under contract for sale.

C. In the event that it becomes necessary for the City to pursue a civil action against Walton and the City is the prevailing party in such action, then the City shall be entitled to recover its reasonable attorney fees from Walton.

D. In the event that Walton deems the City to be in default of this Agreement, Walton shall provide the City with written notice of the alleged default. Walton shall provide the City with reasonable time to cure the default prior to the institution of any legal action.

17. Damages upon Termination. In no event shall Walton be entitled to any damages against the City upon termination of this Agreement.

18. Entire Agreement. This Agreement sets forth and incorporates by reference all of the agreements, conditions, and understandings between Walton and the City related to the Property, and there are no promises, agreements, conditions, or understandings, oral or written, expressed or implied, among these parties related to the matters addressed herein other than as set forth or as referred to in the CDO or as expressed in the development conditions applicable to these parcels of land.

19. Hold Harmless. Walton agrees to and shall hold the City, its elected officials, officers, agents, employees, consultants, counsel and representatives harmless from liability: (1) for damages, just compensation, restitution, judicial and/or equitable relief arising out of claims for personal injury, including health, and claims for property damage which may arise for the direct or indirect operations of Walton or its contractors, subcontractors, agents, employees or other persons acting on their behalf which relates to the Project; and (2) from any claim that damages, just compensation, restitution, judicial or relief is due by reason of the terms of or effects arising from this Agreement. Walton agrees to pay all costs for the defense of the City and its officers, agents, employees, consultants, counsel, and representatives regarding any action for damages, just compensation, restitution, judicial or equitable relief caused or alleged to have been caused by reason of Walton's actions or omissions in connection with the Project or any claims arising out of this Agreement.

This hold harmless Agreement applies to all claims for damages, just compensation, restitution, judicial or equitable relief suffered or alleged to have been suffered by reason of the events referred to in this paragraph or due by reason of the terms of, or effects, arising from this Agreement regardless of whether or not the City prepared, supplied or approved this Agreement, plans or specifications, or both, for the Project. Walton further agrees to indemnify, hold harmless, and pay all costs for the defense of the City, including fees and costs for counsel to be selected by the City regarding any action by a third party challenging the validity of this Agreement or asserting that damages, just compensation, restitution, judicial or equitable relief is due to personal or property rights by reason of the terms of effects arising from this Agreement. The City may make all reasonable decisions with respect to its representation in any legal proceeding.

Notwithstanding the forgoing, Walton's obligations to indemnify and hold City harmless shall not extend to any claims, losses or damages that arise from the acts or omissions of City and/or its officers, agents, employees, consultants, counsel, and representatives as well as any claims, losses

or damages arising from the gross negligence or willful misconduct of City and/or its officers, agents, employees, consultants, counsel, and representatives

20. Assignment. After notice to the City, Walton may assign its rights and responsibilities hereunder to subsequent landowners or successors-in-interest of all or any portion of the relevant parcels of land, provided that no assignment as to a portion of the relevant parcel of land shall relieve the assigning party of responsibility with respect to the remaining portion of the relevant parcel or parcels of land owned by the assigning party without the written consent of the City, which consent shall not be unreasonably withheld. Subject to the provisions of N.C.G.S. § 39-23.4, in the event that Walton sells all of its relevant parcel or parcels of land and assigns its respective rights and responsibilities to a subsequent landowner or other successor in interest, then such selling or assigning party shall be relieved of all of its covenants, commitments and obligations hereunder.

21. Governing Law. This Agreement shall be governed by the laws of the State of North Carolina.

22. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute one and the same instrument.

23. Relationship of Parties. The contractual relationship between Walton and the City arising out of this Agreement is one of independent contractor and not agency. It is specifically understood by the parties that: (1) the Project is a private development; (2) the City has no interest in or responsibilities for or duty to third parties concerning any improvements to the Property unless the City accepts the improvements pursuant to the provisions of this Agreement or in connection with any applicable subdivision map approval; and (3) as between the City and Walton, Walton shall have full power and exclusive control of the Property subject to obligations of Walton set forth in this Agreement.

24. Agreements to Run with the Land. This Agreement shall be recorded in the Cabarrus County Registry. The Agreements contained herein shall be deemed to be alien upon, binding upon and run with the land and shall be binding upon and an obligation of all successors in the ownership of the relevant parcels of land.

25. No Pledge of Taxing Power or Governmental Authority. No provision of this Agreement shall be construed or interpreted as (1) creating a pledge of faith and credit of the City within the meaning of any constitutional debt limitation, (2) delegating governmental powers, or (3) a donation or a lending of the credit of the City within the meaning of the Constitution of the State of North Carolina. No provision of this Agreement shall be construed to pledge or to create a lien on any class or source of City monies, or operate beyond its intended scope so as to restrict, to any extend prohibited by law, any future action or right of action on the part of the Concord City Council. To the extent of any conflict between this section and any other provision of this Agreement, this section shall take priority. The City has pre-audited this Agreement and the

obligations hereunder to ensure compliance with budgetary accounting requirements (if any) that may apply. This Agreement is conditioned upon, and shall not be operative until, any required pre-audited certification is supplied.

26. Notices. Any notice, demand, request, consent, approval, or communication which a signatory party is required to or may give to another signatory party hereunder shall be in writing and shall be delivered or addressed to the other at the address below set forth or to such other address as such party may from time to time direct by written notice given in the manner herein prescribed. Such notice or communication shall be deemed to have been given or made when communicated by any reasonable and reliable electronic method, by personal delivery, or by US mail return receipt requested. Notwithstanding the foregoing, it is not the intent of this section that formal notice be made for regular or routine communications between the City and Walton concerning permit requests, site plan reviews or other daily matters related to the development of the project.

All notices, demands, requests, consents, and approvals shall be addressed:

To the City at:

With a REQUIRED Copy to:

|   |  |
|---|--|
| Sue Hyde, PE Director of Engineering Services<br>City of Concord<br>P.O. Box 308<br>850 Warren Coleman Blvd.<br>Concord, NC 28026 | City Attorney<br>City of Concord<br>P.O. Box 308<br>30 Market Street<br>Concord, NC 28025  |
| <p align="center"><u>To Walton at:</u></p>  | <p align="center"><u>With a REQUIRED Copy to:</u></p>  |
| Walton North Carolina, LLC<br>Andy Rathke<br>11535 Carmel Commons Boulevard, Suite 102<br>Charlotte, NC 28226                     | Walton North Carolina, LLC<br>c/o Walton International Group (USA), Inc.<br>4800 North Scottsdale Road, Suite 4000<br>Scottsdale, Arizona 85251<br>Attention: Wayne G. Souza, Esq. |

27. Severability. If any term or provision herein shall be judicially determined to be void or of no effect, such determination shall not affect the validity of the remaining terms and provisions.

28. Authority. Each party represents that it has undertaken all actions necessary for corporate and public approval of this Agreement and that the person signing this Agreement has authority to bind Walton or the City.

IN WITNESS WHEREOF, the parties hereby set their hands and seals, effective the date first above written.

CITY OF CONCORD

*W. Brian Hiatt*

W. Brian Hiatt, City Manager

ATTEST:

*Kim Deason*

Kim Deason, City Clerk

APPROVED AS TO FORM:

*Dana Clements Cuberson*

~~Valerie Koleczynski, City Attorney~~

*Dana Clements Cuberson, Assistant City Attorney*

\*This instrument has been pre-audited in the Manner required by the "Local Government Budget and Fiscal Control Act".

\_\_\_\_\_  
Pam Hinson, Finance Director

WALTON NORTH CAROLINA, LLC,  
a North Carolina limited liability company,

By: **Walton International Group, Inc.**,  
a Nevada corporation, its Manager

By: *Wayne G. Souza*

Name: WAYNE G. SOUZA  
AUTHORIZED SIGNATORY

Its: \_\_\_\_\_

Date: 10/14/14

By: *Gordon A. Price*

Name: GORDON A. PRICE  
AUTHORIZED SIGNATORY

Its: \_\_\_\_\_

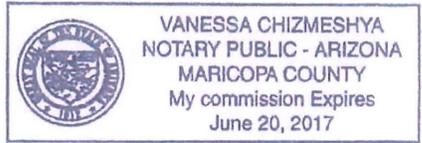
Date: 10/14/14

State of Arizona  
County of Maricopa

I, the undersigned, a Notary Public of the County and State aforesaid, do hereby certify that Wayne G. Sarza, Authorized Signatory (title) of Walton International Group, Inc. personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of said corporation. Witness my hand and official stamp or seal, this the 14<sup>th</sup> day of October, 2014.

[Signature]  
\_\_\_\_\_  
Notary Public

My commission expires: June 20, 2017

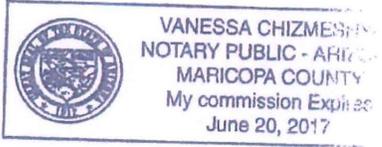


State of Arizona  
County of Maricopa

I, the undersigned, a Notary Public of the County and State aforesaid, do hereby certify that Gordon A. Price, Authorized Signatory (title) of Walton International Group, Inc. personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of said corporation. Witness my hand and official stamp or seal, this the 14<sup>th</sup> day of October, 2014.

[Signature]  
\_\_\_\_\_  
Notary Public

My commission expires: June 20, 2017



## EXHIBIT A

Being the same as that land shown on ALTA/ACSM Land Title Survey prepared by Stantec Consulting Services, Inc., on January 27, 2012, Project No. 178440055, more particularly described as follows:

### TRACT 1:

Commencing at a 2" pipe, corner of Faye G. and William Otto Goodnight and CRM Mid-Atlantic Tract 4 on the west side of Odell School Road; thence along said property line N.84°41'19"W., a distance of 1,292.57 feet to an existing axle the POINT OF BEGINNING having NC grid coordinates of N 612292.09' E 1489525.09'; thence along the boundary line of Faye G. and William Otto Goodnight and CRM Mid-Atlantic Tract 1 S.05°37'16"E., a distance of 1,105.72 feet to a set rebar being the corner of CRM Mid-Atlantic Tract 1 and Mid-Atlantic Tract 3; thence along said property line N.88°16'59"W., a distance of 828.01 feet to a set rebar; thence continuing along said property line N.36°47'02"W., a distance of 628.92 feet to a cedar post in concrete; thence N.84°26'51"W., a distance of 2,562.51 feet to a 3/4" rebar the corner of Lot 132 and Lot 133 Poplar Trail, Phase IV, section 2 (map 20 page 13); thence with lots 133-137 Poplar Trails Phase IV section 2, N.82°10'24"W., a distance of 1,139.21 feet to an existing eye bolt, corner of Lot 139, Poplar Trails, Phase IV, Section 3 (Map 20 PG 14); thence with Lots 139-144 Poplar Trails, Phase IV, Section 3 N.02°55'07"W., a distance of 953.94 feet to an existing iron pipe, corner of Unica UB (Book 1817 Pg 242); thence with the line of Unica UBO, S.84°10'53"E., a distance of 2,268.07 feet to a 1/2" rebar, corner of CRM Mid-Atlantic Prop. LLC Tract 4; thence continue easterly along said line, a distance of 2,545.44 feet to a stone; thence S.06°43'21"E., a distance of 297.94 feet to the POINT OF BEGINNING.

Containing 5,147,187.45 square feet or 118.163 acres, more or less.

### TRACT 2:

Beginning at a pk nail in Odell School Road having NC grid coordinates of N 614422.96' E 1490162.02', said point being the POINT OF BEGINNING; thence along the property line of CRM Mid-Atlantic Prop LLC Tract 2 and CRM Mid-Atlantic Prop LLC (Deed Book 8363 Pg 180) S.48°33'00"W., a distance of 230.17 feet to an existing iron pipe; thence S.29°43'30"E., a distance of 147.20 feet to an existing rebar; thence along the property line of CRM Mid-Atlantic Prop LLC Tract 4 S.52°34'25"W., a distance of 927.10 feet to an existing rebar the corner of Annie o. Allison (Deed Book 9561 Pg 336); thence N.10°57'57"W., a distance of 597.84 feet to an existing rebar, the corner of Paul Wayne Yow; thence N.49°29'44"E., a distance of 764.80 feet to an existing iron pipe; thence continue northeasterly along said line, a distance of 31.26 feet to a set pk in Odell School Road; thence along Odell School Road, S.59°28'51"E., a distance of 124.43 feet to a set pk nail in Odell School Road; thence S.50°14'45"E., a distance of 308.30 feet to the POINT OF BEGINNING.

Containing 522,610.26 square feet or 11.9975 acres, more or less.

### TRACT 3:

Commencing at a 2" pipe, corner of Faye G. and William Otto Goodnight and Charlotte Development LLC (Deed Book 3419 Pg 85) on the west side of Odell School Road; thence along said property line S.89°24'20"W., a distance of 283.02 feet to an existing axle and the corner of James M and Carrie J Moose (Deed Book 3714 Pg 71), the POINT OF BEGINNING having NC grid coordinates of N 611158.97' E 1489636.62'; thence S.47°35'46"W., a distance of 585.07 feet to an existing iron pipe, the corner of Keith L and Ginna W Munday (Deed Book 3749 Pg 169) ; thence N.83°54'17"W., a distance of 3,482.70 feet to an existing rebar, the corner of Steven K and Susan R Price (Deed Book 902 Pg 43) and Corriher Water Service, Inc.(Deed Book 582 Pg 678); thence N.09°20'10"E., a distance of 845.10 feet to an existing rebar the corner of Lot 132 and Lot 133 Poplar Trail, Phase IV, Section 2 (Map 20 Pg 13) and CRM Mid-Atlantic Prop LLC, Tract 1 ; thence S.84°26'51"E., a distance of 2,562.51 feet to a cedar post in concrete ; thence S.36°47'02"E., a distance of 628.92 feet to a set rebar; thence S.88°16'59"E., a distance of 828.01 feet to a set rebar on the property line of Faye G and William Otto Goodnight (Deed Book 5615 Pg 83); thence S.05°37'16"E., a distance of 32.88 feet to the POINT OF BEGINNING.

Containing 2,766,461.44 square feet or 63.5092 acres, more or less.

TRACT 4:

Beginning at a set pk nail with NC grid coordinates of N 612659.92' E 1490803.10', said point being the POINT OF BEGINNING and the beginning of a curve to the right, of which the radius point lies S.75°31'32"W., a radial distance of 1,248.67 feet; thence southerly along the arc, through a central angle of 22°37'34", a bearing of S.03°09'41"E. a distance of 493.10 feet set pk nail in Odell School Road; thence N.84°41'19"W., a distance of 18.08 feet to an existing iron pipe; thence continue westerly along said line, a distance of 1,292.57 feet to an existing iron pipe, the corner of CRM Mid-Atlantic Prop LLC Tract 1 (Deed Book 8363 Pg 180); thence N.06°43'21"W., a distance of 297.94 feet to a stone; thence N.84°10'53"W., a distance of 2,545.44 feet to an existing rebar the corner of Unica UBO; thence N.11°10'54"E., a distance of 485.39 feet to an existing iron pipe, the corner of WH Allison; thence N.88°16'09"E., a distance of 1,175.07 feet an existing rebar; thence N.78°36'21"E., a distance of 1,121.81 feet to an existing rebar, the corner of Leonard E Allison (Deed Book 5139 Pg 214) and Annie O. Allison (Deed Book 9561 Pg 336); thence N.52°34'25"E., a distance of 927.10 feet to an existing rebar, the corner of CRM Mid-Atlantic Prop LLC (Deed 8363 Pg 180); thence N.72°13'46"E., a distance of 249.33 feet to a pk nail set in Odell School Road; thence along Odell School Road S.17°57'43"E., a distance of 997.68 feet to a pk nail set in Odell School Road; thence leaving Odell School Road S.72°15'59"W., a distance of 29.80 feet to an existing rebar the corner of CRM Mid-Atlantic Prop LLC Tract 4 (Deed Book 8529 Pg 121) and Daryl E and Sharonda Graves (Deed Book 8142 Pg 139); thence continue westerly along said line, a distance of 550.40 feet to an existing rebar; thence S.17°44'32"E., a distance of 149.98 feet to an existing rebar; thence N.72°15'45"E., a distance of 290.37 feet to an existing rebar, the corner of Billy R Fisher Jr. (Deed Book 6843 Pg 81); thence S.17°44'15"E., a distance of 150.17 feet an existing rebar the corner of Richard C Jr. and Vanessa L Pethel (Deed Book 6137 Pg 341); thence S.22°17'57"E., a distance of 161.48 feet to an existing rebar; thence N.71°51'27"E., a distance of 41.57 feet to an existing rebar, the corner of Penny Overcash and Eric Todd Smith; thence S.13°18'08"E., a distance of 15.21 feet to an existing rebar; thence S.13°25'14"E., a distance of 164.74 feet to an existing rebar; thence N.72°18'54"E., a distance of 217.45 feet to an existing rebar; thence continue easterly along said line, a distance of 31.94 feet to the POINT OF BEGINNING.

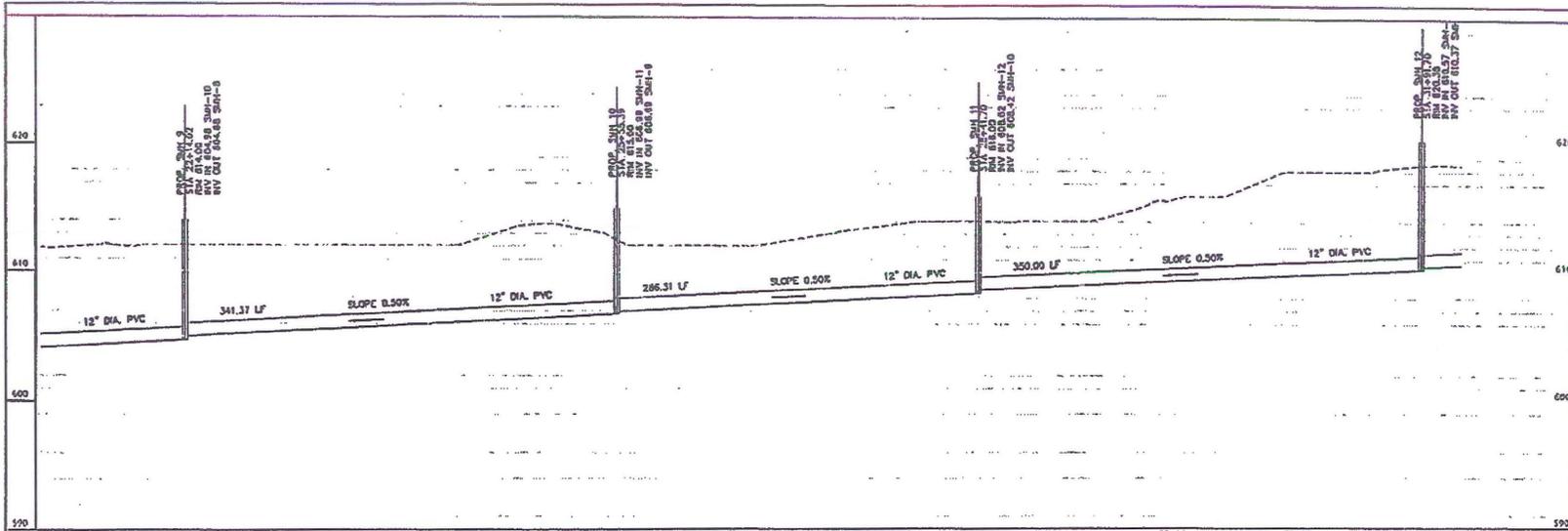
Containing 3,570,495.52 square feet or 81.9673 acres, more or less.

Total area of tracts 1, 2, 3 & 4 is 12,006,754.67 square feet or 275.637 acres, more or less.









**WK DICKSON**  
 Community Infrastructure Consultants  
 1100 Oldham Road  
 Cary, NC 27513  
 (919) 241-1200  
 Office Locations:  
 North Carolina Georgia  
 South Carolina Florida

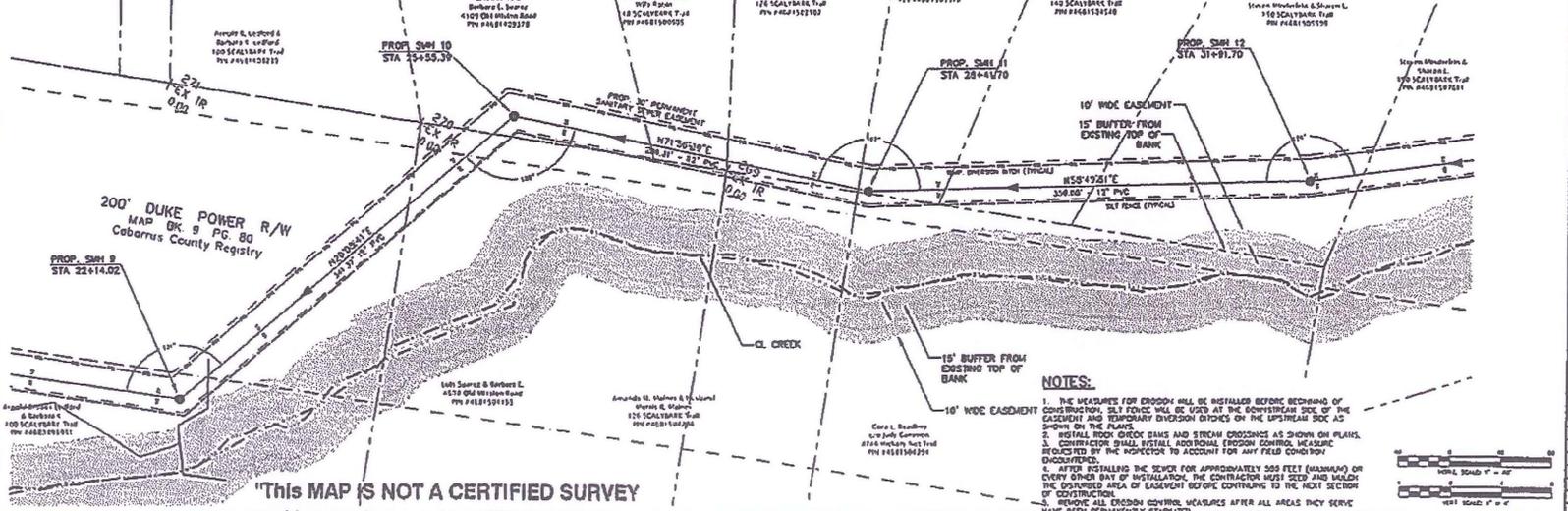
Project: Sewer  
 Date: 2/21/07

Scale: As Shown  
 Date: 2/21/07  
 70053.00 US  
 SHEET: 3 OF 23

**QUAIL HAVEN  
 UTILITY SERVICE EXTENSION  
 SANITARY SEWER MANHOLE 9 - 12  
 PLAN AND PROFILE**

**MATERIALS NOTE:**

ALL MATERIALS, EQUIPMENT, LABOR, AND WORKMANSHIP IS TO BE ACCORDANCE WITH AND SUBJECT TO THE WATER AND SEWER AUTHORITY OF CABARRUS COUNTY'S STANDARD SPECIFICATIONS, THE CITY OF CONCORD'S ORGANIZATIONAL POLICIES AND STANDARD SPECIFICATIONS, AND THE NORTH CAROLINA ADMINISTRATIVE CODE FOR WASTEWATER COLLECTION AND WATER DISTRIBUTION SYSTEMS IN THE EVENT OF CONFLICT BETWEEN THE WATER AND SEWER AUTHORITY OF CABARRUS COUNTY'S STANDARD SPECIFICATIONS, THE CITY OF CONCORD'S ORGANIZATIONAL POLICIES, AND STANDARD SPECIFICATIONS, OR THE NORTH CAROLINA ADMINISTRATIVE CODE, THE MORE RESTRICTIVE REQUIREMENTS SHALL APPLY.



**NOTES:**

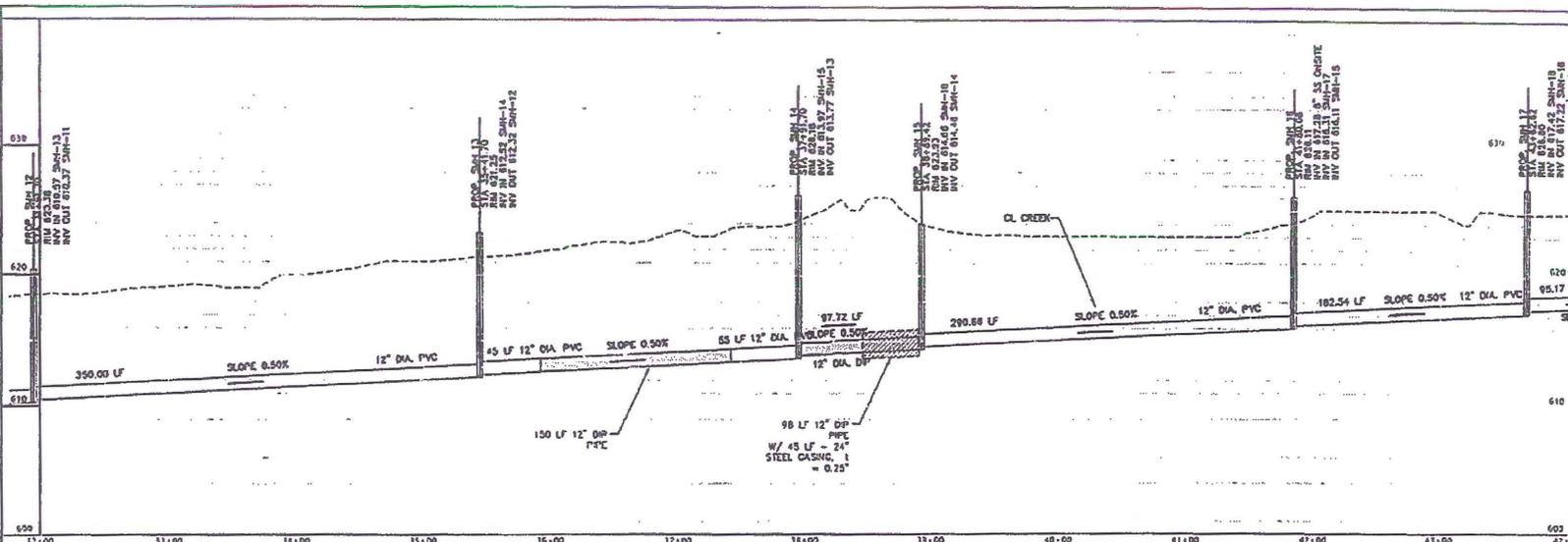
1. THE MEASURES FOR EROSION WILL BE INSTALLED BEFORE BEGING OF CONSTRUCTION. Silt FENCE WILL BE USED AT THE DOWNSTREAM SIDE OF THE CASSEMENT AND TEMPORARY DIVERSION DIVICES ON THE UPSWHEAM SIDE AS SHOWN ON THE PLANS.
2. INSTALL ROCK CHECK DAMS AND STREAM CROSSINGS AS SHOWN ON PLANS.
3. CONTRACTOR SHALL INSTALL ADDITIONAL EROSION CONTROL MEASURES PROPOSED BY THE INSPECTOR TO ACCOUNT FOR ANY FIELD CONDITION ENCOUNTERED.
4. AFTER INSTALLING THE SEWER FOR APPROXIMATELY 500 FEET (MAXIMUM) ON EVERY OTHER DAY OF INSTALLATION, THE CONTRACTOR MUST STOP AND HOLD THE DISTURBED AREA OF EASEMENT BEFORE CONTINUING TO THE NEXT SECTION OF CONSTRUCTION.
5. REMOVE ALL EROSION CONTROL MEASURES AFTER ALL AREAS THEY SERVE HAVE BEEN EXHAUSTIVELY STABILIZED.
6. SEE EROSION CONTROL, DETAILS AND SCHEDULING SCHEDULES AND

**"This MAP IS NOT A CERTIFIED SURVEY  
 and has not been reviewed by a local  
 government agency for compliance  
 with any applicable land development  
 regulations."**

| REV. | DATE    | DESCRIPTION                     |
|------|---------|---------------------------------|
| 1    | 1/14/07 | REVISED PLANS FOR CITY COMMENTS |
| 2    | 1/14/07 | REVISED PLANS FOR CITY COMMENTS |
| 3    | 2/17/07 | REVISED PLANS FOR CITY COMMENTS |
| 4    | 2/17/07 | REVISED PLANS FOR CITY COMMENTS |
| 5    | 2/21/07 | REVISED PLANS FOR CITY COMMENTS |

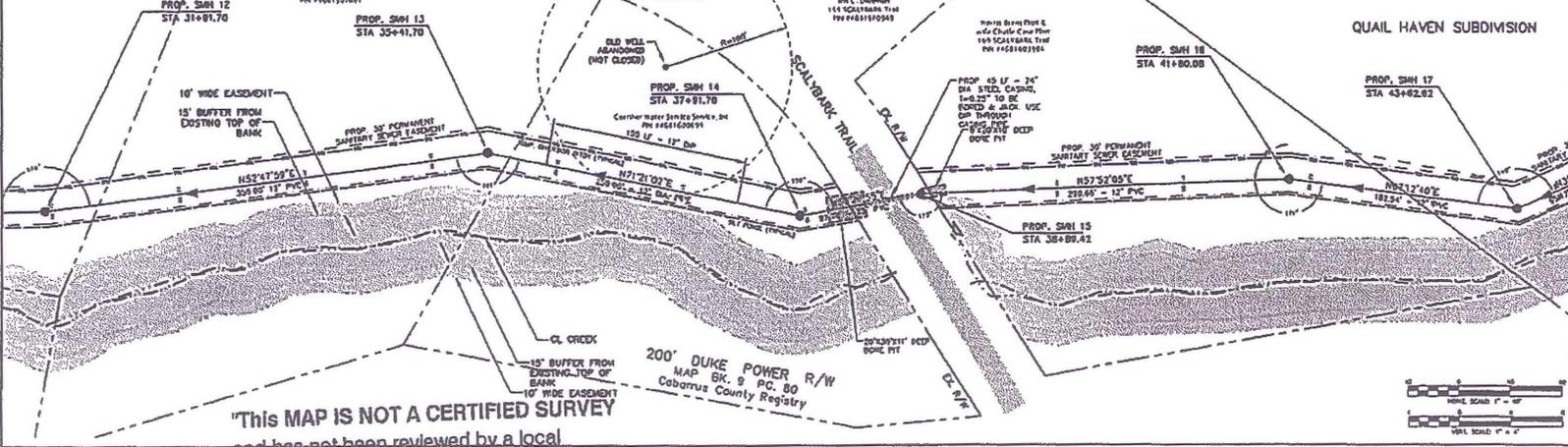
DESIGNED BY: BSS  
 DRAWN BY: JCS  
 CHECKED BY: JLR  
 SCALE: AS SHOWN  
 DATE: 2/21/07  
 70053.00 US  
 SHEET: 3 OF 23

**QUAIL HAVEN  
 UTILITY SERVICE EXTENSION  
 SANITARY SEWER MANHOLE 12 - 17  
 PLAN AND PROFILE**



**MATERIALS NOTE**  
 \*ALL MATERIALS, EQUIPMENT, LABOR, AND WORKMANSHIP IS TO BE ACCORDANCE WITH PERMITS AND SUBJECT TO THE WATER AND SEWER AUTHORITY OF CABARRUS COUNTY'S STANDARD SPECIFICATIONS, THE CITY OF CONCORD'S ORDINANCES, POLICES, AND STANDARD SPECIFICATIONS, AND THE NORTH CAROLINA ADMINISTRATIVE CODE FOR BACKFLOW COLLECTION AND WATER DISTRIBUTION SYSTEMS. IN THE EVENT OF CONFLICT BETWEEN THE WATER AND SEWER AUTHORITY OF CABARRUS COUNTY'S STANDARD SPECIFICATIONS, THE CITY OF CONCORD'S ORDINANCES, POLICES, AND STANDARD SPECIFICATIONS, OR THE NORTH CAROLINA ADMINISTRATIVE CODE, THE MORE RESTRICTIVE REQUIREMENTS SHALL APPLY.

- NOTES:**
1. THE MEASURES FOR EROSION WILL BE INSTALLED BEFORE BEGINNING OF CONSTRUCTION. Silt FENCE SHALL BE LOCATED AT THE DOWNSTREAM SIDE OF THE EASEMENT AND TEMPORARY DIVERSION DITCHES ON THE UPSTREAM SIDE AS SHOWN ON THE PLANS.
  2. INSTALL Silt CHECK BANS AND STEEP CROUCHES AS SHOWN ON PLANS.
  3. CONTRACTOR SHALL INSTALL ADDITIONAL EROSION CONTROL MEASURES PROPOSED BY THE INSPECTOR TO ACCOUNT FOR ANY FIELD CONDITION DISCREPANCIES.
  4. AFTER INSTALLING THE BENCH FOR APPROXIMATELY 500 FEET (MAXIMUM) OR EVERY OTHER BAY OF INSTALLATION, THE CONTRACTOR MUST TEST AND MAINTAIN THE DISTURBED AREA OF EASEMENT BEFORE CONTINUING TO THE NEXT SECTION OF CONSTRUCTION.
  5. REMOVE ALL EROSION CONTROL MEASURES AFTER ALL AREAS THEY SERVE HAVE BEEN PERMANENTLY STABILIZED.
  6. SEE EROSION CONTROL DETAILS AND SCHEDULING AND SPECIFICATIONS.



**"This MAP IS NOT A CERTIFIED SURVEY  
 and has not been reviewed by a local  
 government agency for compliance  
 with any applicable land development  
 regulations."**

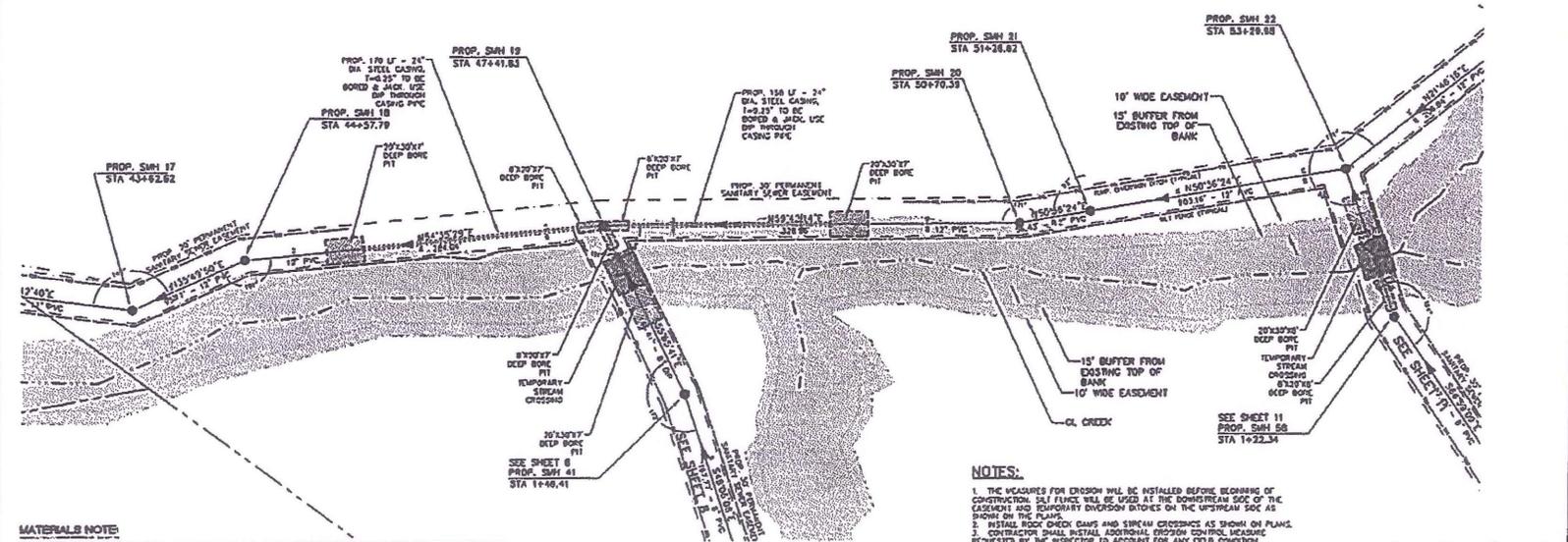
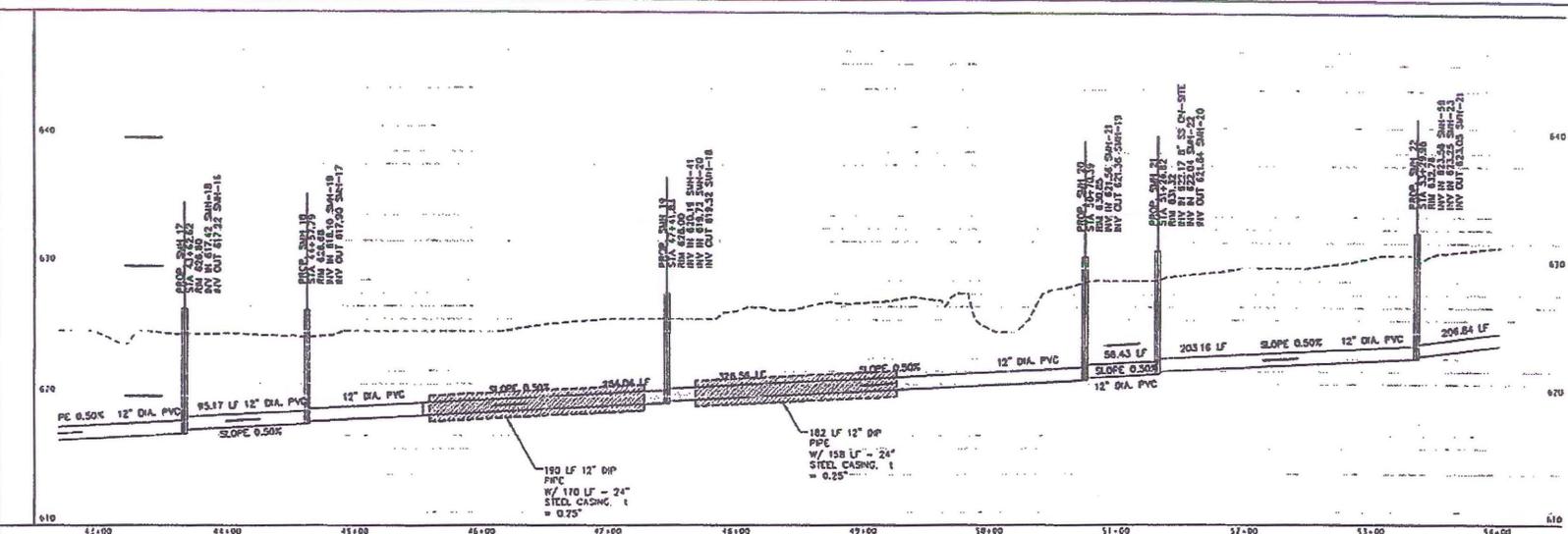
| REV. | DATE     | DESCRIPTION                    |
|------|----------|--------------------------------|
| 1    | 12/21/23 | ISSUED PLANS PER CITY COMMENTS |
| 2    | 1/10/24  | ISSUED PLANS PER CITY COMMENTS |
| 3    | 3/15/24  | ISSUED PLANS PER CITY COMMENTS |
| 4    | 3/27/24  | ISSUED PLANS PER CITY COMMENTS |
| 5    | 4/16/24  | ISSUED PLANS PER CITY COMMENTS |

|                  |                 |
|------------------|-----------------|
| DESIGNED BY: PJB | ISSUED BY: BGS  |
| CHECKED BY: JLB  | SCALE: AS SHOWN |
| DATE: 3/21/23    | DATE: 3/21/23   |
| SHEET: 4         | OF: 22          |

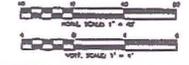
Engineer's Seal

**QUAL HAVEN  
UTILITY SERVICE EXTENSION  
SANITARY SEWER MANHOLE 17 - 22**  
PLAN AND PROFILE



**MATERIALS NOTE:**  
ALL MATERIALS, EQUIPMENT, LABOR, AND WORKMANSHIP IS TO BE ACCORDANCE WITH AND SUBJECT TO THE WATER AND SEWER DEPARTMENT OF CHARLOTTE COUNTY'S STANDARD SPECIFICATIONS, THE CITY OF CHARLOTTE'S STANDARD SPECIFICATIONS, AND THE NORTH CAROLINA ADMINISTRATIVE CODE FOR WASTEWATER COLLECTION AND WATER DISTRIBUTION SYSTEMS. IN THE EVENT OF CONFLICT BETWEEN THE WATER AND SEWER DEPARTMENT OF CHARLOTTE COUNTY'S STANDARD SPECIFICATIONS, THE CITY OF CHARLOTTE'S STANDARD SPECIFICATIONS, AND STANDARD SPECIFICATIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE, THE MORE RESTRICTIVE REQUIREMENTS SHALL APPLY.

- NOTES:**
1. THE MEASURES FOR EROSION WILL BE INSTALLED BEFORE BEGINNING OF CONSTRUCTION. Silt FENCE WILL BE USED AT THE DOWNSTREAM SIDE OF THE EASEMENT AND EROSION CONTROL DIVERSION DITCHES ON THE UPSTREAM SIDE AS SHOWN ON THE PLANS.
  2. INSTALL ROCK CHECK DAMS AND SINKHOLE PROTECTION AS SHOWN ON PLANS.
  3. CONTRACTOR SHALL INSTALL ADDITIONAL EROSION CONTROL MEASURES REQUESTED BY THE INSPECTOR TO ACCOMMODATE ANY FIELD CONDITIONS DISCOVERED.
  4. AFTER INSTALLING THE SINKHOLE PROTECTION, THE CONTRACTOR MUST STAKE AND MARK THE DISTURBED AREA OF EASEMENT BEFORE COMMENCING TO THE NEXT SECTION OF CONSTRUCTION.
  5. REMOVE ALL EROSION CONTROL MEASURES AFTER ALL AREAS THEY SERVE HAVE BEEN PERMANENTLY STABILIZED.

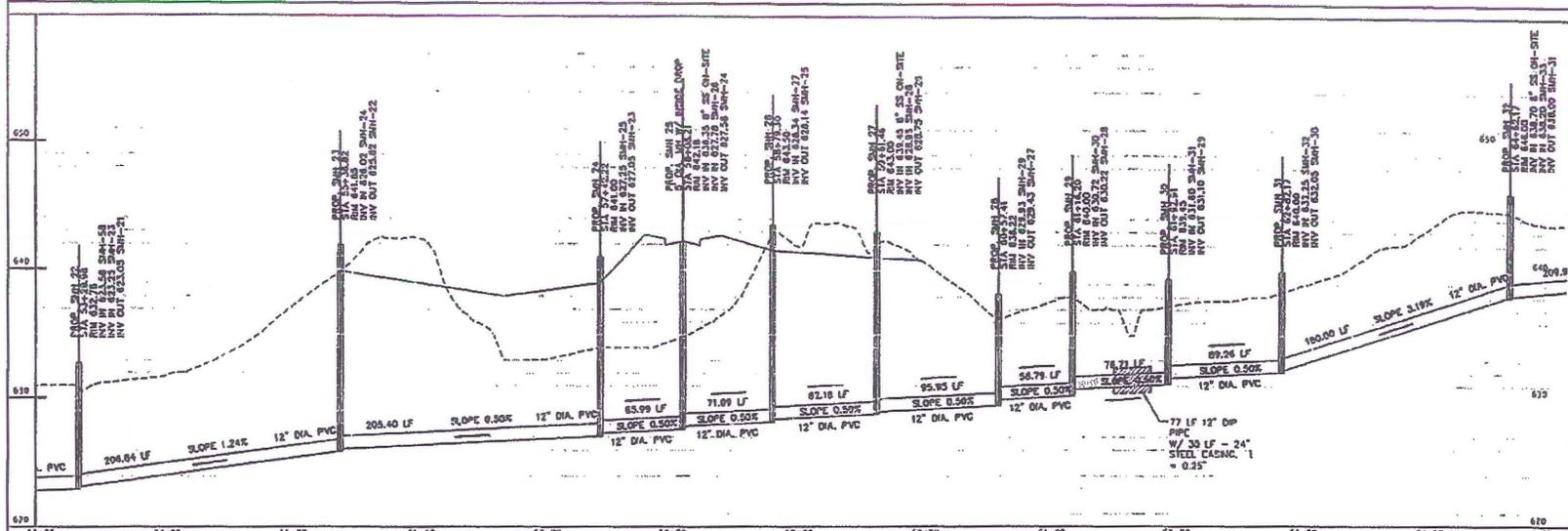


**"This MAP IS NOT A CERTIFIED SURVEY**  
and has not been reviewed by a local government agency for compliance with any applicable land development regulations."

| REV | DATE    | DESCRIPTION                  |
|-----|---------|------------------------------|
| 1   | 1/27/07 | ISSUED PER CITY OF CHARLOTTE |
| 2   | 1/27/07 | ISSUED PER CITY OF CHARLOTTE |
| 3   | 1/27/07 | ISSUED PER CITY OF CHARLOTTE |
| 4   | 1/27/07 | ISSUED PER CITY OF CHARLOTTE |
| 5   | 1/27/07 | ISSUED PER CITY OF CHARLOTTE |

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 CHECKED BY: [ ]  
 DATE: 2/27/07  
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SHEET: 3 OF: 22



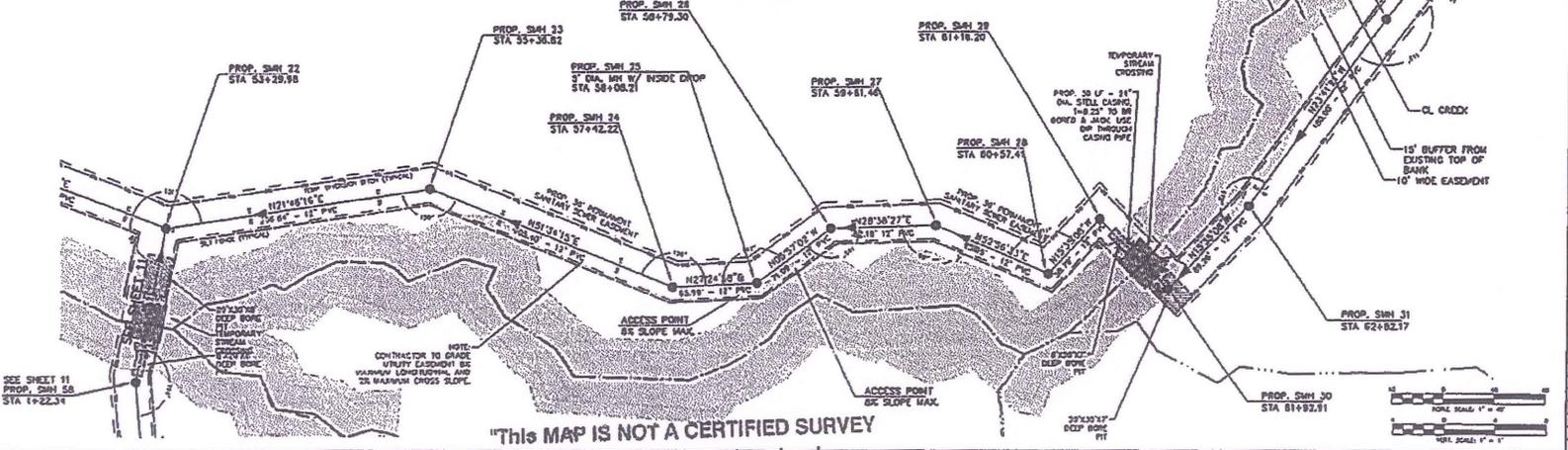
**MATERIALS NOTE**

"ALL MATERIALS, EQUIPMENT, LABOR AND WORKMANSHIP IS TO BE ACCORDANCE WITH WITH AND SUBJECT TO THE WATER AND SEWER AUTHORITY OF CASAPRUS COUNTY'S STANDARD SPECIFICATIONS, THE CITY OF EDWARDS'S ORDINANCES, POLICES AND STANDARD SPECIFICATIONS, AND THE NORTH CAROLINA ADMINISTRATIVE CODE FOR WASTEWATER COLLECTION AND WASTEWATER DISTRIBUTION SYSTEMS. IN THE EVENT OF CONFLICT BETWEEN THE WATER AND SEWER AUTHORITY OF CASAPRUS COUNTY'S STANDARD SPECIFICATIONS, THE CITY OF EDWARDS'S ORDINANCES, POLICES AND STANDARD SPECIFICATIONS, OR THE NORTH CAROLINA ADMINISTRATIVE CODE, THE MORE RESTRICTIVE REQUIREMENTS SHALL APPLY."

**NOTES:**

1. THE MEASURES FOR EROSION WILL BE INSTALLED BEFORE BEGINNING OF CONSTRUCTION BUT FENCE WILL BE USED AT THE DOWNSTREAM SIDE OF THE EASEMENT AND TEMPORARY DICKSON STITCHES ON THE UPSTREAM SIDE AS SHOWN ON THE PLANS.
2. INSTALL FIVE EROSION BARRIERS AND STREAM CHANNELS AS SHOWN ON PLANS.
3. CONTRACTOR SHALL INSTALL ADDITIONAL EROSION CONTROL MEASURES REQUESTED BY THE INSPECTOR TO ACCOMMODATE ANY FIELD CONDITIONS ENCOUNTERED.
4. AFTER INSTALLING THE SERIES FOR APPROXIMATELY 500 FEET (EASING) ON EVERY OTHER DAY OF INSTALLATION, THE CONTRACTOR MUST SEED AND MULCH THE DISTURBED AREA OF EASEMENT BEFORE CONTINUING TO THE NEXT SECTION OF CONSTRUCTION.
5. REMOVE ALL EROSION CONTROL MEASURES AFTER ALL AREAS THEY SERVE HAVE BEEN PERMANENTLY STABILIZED.
6. SEE EROSION CONTROL DETAILS AND SEEDING SCHEDULES AND SPECIFICATIONS.

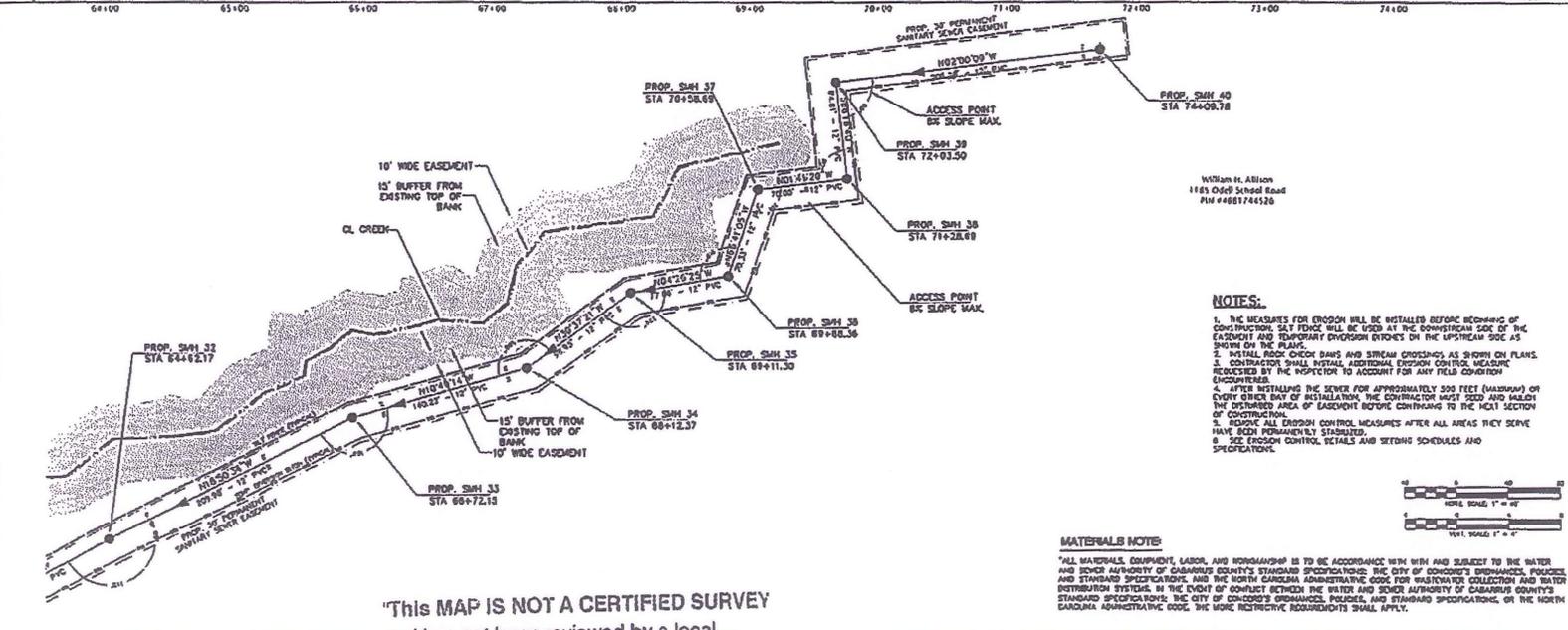
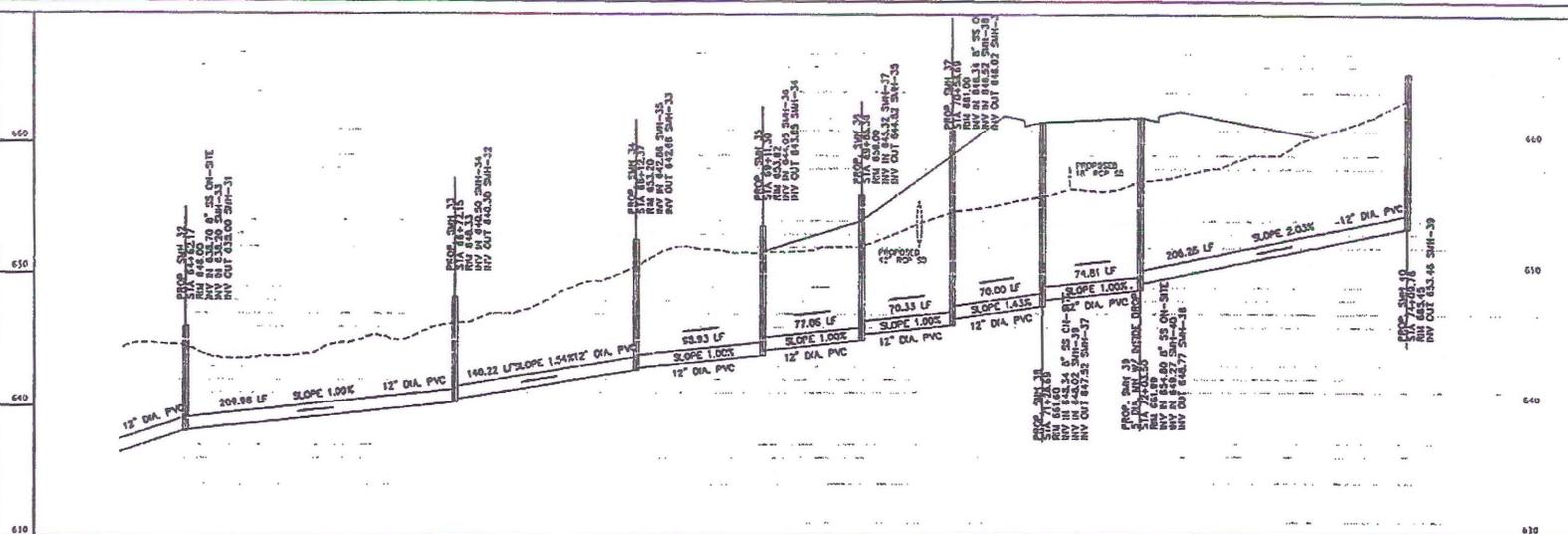
**QUAIL HAVEN  
 UTILITY SERVICE EXTENSION  
 SANITARY SEWER MANHOLE 22 - 32  
 PLAN AND PROFILE**



**"This MAP IS NOT A CERTIFIED SURVEY**  
 and has not been reviewed by a local government agency for compliance with any applicable land development regulations."

| REV. | DATE    | DESCRIPTION                     |
|------|---------|---------------------------------|
| 1    | 1/12/20 | ISSUED PLANS FOR CITY COMMENTS  |
| 2    | 1/13/20 | REVISED PLANS FOR CITY COMMENTS |
| 3    | 1/14/20 | REVISED PLANS FOR CITY COMMENTS |
| 4    | 1/15/20 | REVISED PLANS FOR CITY COMMENTS |
| 5    | 1/16/20 | REVISED PLANS FOR CITY COMMENTS |

DESIGNED BY: BSS  
 DRAWN BY: BSS  
 CHECKED BY: BSS  
 SCALE: AS SHOWN  
 DATE: 7/27/20  
 70253.00 DL  
 SHEET: 8 OF 22



- NOTES:**
1. THE MEASURES FOR EROSION WILL BE INSTALLED BEFORE BEGINNING OF CONSTRUCTION. SET PILES WILL BE USED AT THE DOWNSTREAM SIDE OF THE EASEMENT AND TEMPORARY DIVERSION DIVIKES ON THE UPSTREAM SIDE AS SHOWN ON THE PLANS.
  2. INSTALL ROCK CHECK DAMS AND STREAM CROSSINGS AS SHOWN ON PLANS.
  3. CONTRACTOR SHALL INSTALL ADDITIONAL EROSION CONTROL MEASURES REQUESTED BY THE INSPECTOR TO ACCOUNT FOR ANY FIELD CONDITIONS (ENCOUNTERS).
  4. AFTER REINSTALLING THE SEWER FOR APPROXIMATELY 300 FEET (MAXIMUM) OR OVER OTHER PART OF INSTALLATION THE CONTRACTOR MUST SEDD AND FILL IN THE DISTURBED AREA OF EASEMENT BEFORE CONTINUING TO THE NEXT SECTION OF CONSTRUCTION.
  5. REMOVE ALL EROSION CONTROL MEASURES AFTER ALL AREAS THEY SERVE HAVE BEEN PERMANENTLY STABILIZED.
  6. SEE EROSION CONTROL DETAILS AND SCHEDULING SCHEDULES AND SPECIFICATIONS.

**MATERIALS NOTE:**

"ALL MATERIALS, EQUIPMENT, LABOR, AND WORKMANSHIP IS TO BE ACCORDANCE WITH WPI AND SUBJECT TO THE WATER AND SEWER AUTHORITY OF CABARRUS COUNTY'S STANDARD SPECIFICATIONS, THE CITY OF CONCORD'S ORDINANCES, POLICES AND STANDARD SPECIFICATIONS AND THE NORTH CAROLINA ADMINISTRATIVE CODE FOR WASTEWATER COLLECTION AND WATER DISTRIBUTION SYSTEMS. IN THE EVENT OF CONFLICT BETWEEN THE WATER AND SEWER AUTHORITY OF CABARRUS COUNTY'S STANDARD SPECIFICATIONS, THE CITY OF CONCORD'S ORDINANCES, POLICES, AND STANDARD SPECIFICATIONS OR THE NORTH CAROLINA ADMINISTRATIVE CODE, THE MORE RESTRICTIVE REQUIREMENTS SHALL APPLY."

"This MAP IS NOT A CERTIFIED SURVEY and has not been reviewed by a local government agency for compliance with any applicable land development regulations."

QUAIL HAVEN  
 UTILITY SERVICE EXTENSION  
 SANITARY SEWER MANHOLE 32 - 40  
 PLAN AND PROFILE

| REV | DATE     | DESCRIPTION                     |
|-----|----------|---------------------------------|
| 01  | 11/20/20 | ISSUED FOR PERMITS              |
| 02  | 11/23/20 | REVISED PLANS FOR CITY COMMENTS |
| 03  | 11/23/20 | REVISED PLANS FOR CITY COMMENTS |
| 04  | 11/23/20 | REVISED PLANS FOR CITY COMMENTS |
| 05  | 11/23/20 | REVISED PLANS FOR CITY COMMENTS |

DESIGNED BY: JES  
 CHECKED BY: JES  
 SCALE: AS SHOWN  
 DATE: 2/27/21  
 PROJECT NO.: 2003-002  
 SHEET: 7 OF 22







(Please type or print)

Applicant Name, Address, Telephone Number: Walton North Carolina, LLC  
10735 David Taylor Drive, Suite 150; Charlotte, NC 28262; (704) 879-2480  
4800 N. Scottsdale Road, Suite 4000; Scottsdale, AZ 85251; (800) 959-6048

Owner Name, Address, Telephone Number: Walton North Carolina, LLC  
10735 David Taylor Drive, Suite 150; Charlotte, NC 28262; (704) 879-2480  
4800 N. Scottsdale Road, Suite 4000; Scottsdale, AZ 85251; (800) 959-6048

Project Location/Address: Odell School Road

P.I.N.: 4681946153; 4691030484; 4681727234; 4681714316; 4681913041

Area of Subject Property (acres or square feet): 275.6 Acres

Lot Width: +/- 2,400' Lot Depth: +/- 5,900'

Current Zoning Classification: RL (Prev. approved RL Cluster)

Proposed Zoning Classification: Residential Compact (RC)

Existing Land Use: Vacant

Surrounding Land Use: North Single Family Residential South Single Family Residential  
East Single Family Residential West Single Family Residential

Reason for request: As RL Cluster zoning no longer exists, the RC zoning request is being made to have lots similar in size to ones that were previously approved in the RL Cluster site plan approved by the Planning and Zoning (Cont. below)

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

Staff member signature:  Date: 01/15/2015

Commission (Case #S-02-06) and for consistency with the Development Agreement between Walton North Carolina, LLC and the City of Concord, approved by the City Council on October 9, 2014 and recorded on November 4, 2014.



(Please type or print)

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

- Streets
- Storm Water Management Facilities
- Single Family Residential
- Amenity Center
- Neighborhood Parks
- Mini-Parks
- Parkways

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):

Conditions of the rezoning will abide by the Development Agreement between  
Walton North Carolina, LLC and the City of Concord (Approved by the City  
Council on October 9, 2014 and Recorded on November 4, 2014) which Walton  
North Carolina, LLC has made initial payment for utility easement acquisitions.

Refer to attached Table 1 - Zoning Conditions and the Development Agreement

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.

Please see attached signature page

Signature of Applicant

Date

Please see attached signature page

Signature of Owner(s)

Date

I make this request for Conditional district zoning voluntarily. The uses and conditions described herein 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 uses(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.

Date: 2/24/15

Applicant and Property Owner Signature:

**WALTON NORTH CAROLINA, LLC,**  
a North Carolina limited liability company

By: **Walton International Group, Inc.,**  
a Nevada corporation,  
Its: Manager

By: Carey Herbert  
Name: Carey Herbert  
Title: Authorized Signatory

By: Wayne G. Souza  
Name: WAYNE G. SOUZA  
Title: AUTHORIZED SIGNATORY



*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: [Please see attached signature page](#)

Property Owner or Agent of the Property Owner Signature:  
[Please see attached signature page](#)



**DATE:** May 19, 2015

**SUBJECT:** Preliminary Plat - Ridges at Concord

**CASE NUMBER:** # S-02-15

**OWNER/DEVELOPER:** Walton Development of NC, LLC

**LOCATION:** West side of Odell School Road, generally between Untz Road and Poplar Tent Road.

**PARCEL IDENTIFICATION NUMBER:** 4681-94-6153, 71-4316, 91-3041, 72-7234 and 4691-03-0484

**AREA:** 275.6+/- acres

**ZONING:** Proposed Residential Compact Conditional District (RC-CD)

**REPORT PREPARED BY:** Kevin Ashley, AICP, Planning and Development Manager

This proposed subdivision is located on the west side of Odell School Road, generally south of Untz Road and north of Poplar Tent Road. The developer has submitted a concurrent zoning request relative to the development (Z-CD-05-15) for the development 551 single family lots.

Pursuant to GS 160A-385.1 and Article 13 of the CDO, the developer seeks vested rights for the subdivision plat (and for the rezoning petition) for a period of five (5) years from the date of approval. The developer contends that the project is multi-year and the vesting is necessary to accommodate the time frame anticipated for project completion. The proposed plat indicates numerous interconnections to surrounding properties and the phased request is to allow the developer to resolve fire access issues relative to design and platting in the future phases of the development.

All respective City departments have reviewed the plat, and the proposed development meets the standards of the Concord Development Ordinance. Engineering and Transpiration has requested that the approval be subject to the following condition, and the developer agrees to the condition.

Required traffic improvements along Odell School Road will be determined by the approved traffic impact study. NCDOT driveway permit will be required prior to issuance of zoning clearance permit. Developer is solely responsible for any necessary right-of-way acquisition along Odell School Road.

### **SUGGESTED STATEMENT OF CONSISTENCY (Not required, but offered as information)**

The proposed preliminary plat is consistent with the standards outlined in the Concord Development Ordinance and 2015 Land Use Plan. The City of Concord Land Use Plan designates the subject property as “single family residential – open space encouraged.”

### **SUGGESTED RECOMMENDATION AND CONDITIONS**

The staff recommends approval of the subdivision plat, provided that the rezoning request has been approved. If the Commission concurs and chooses to approve the proposed preliminary plat, approval should be subject to the following conditions:

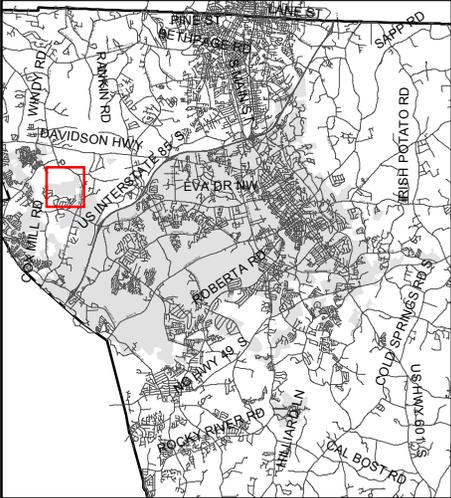
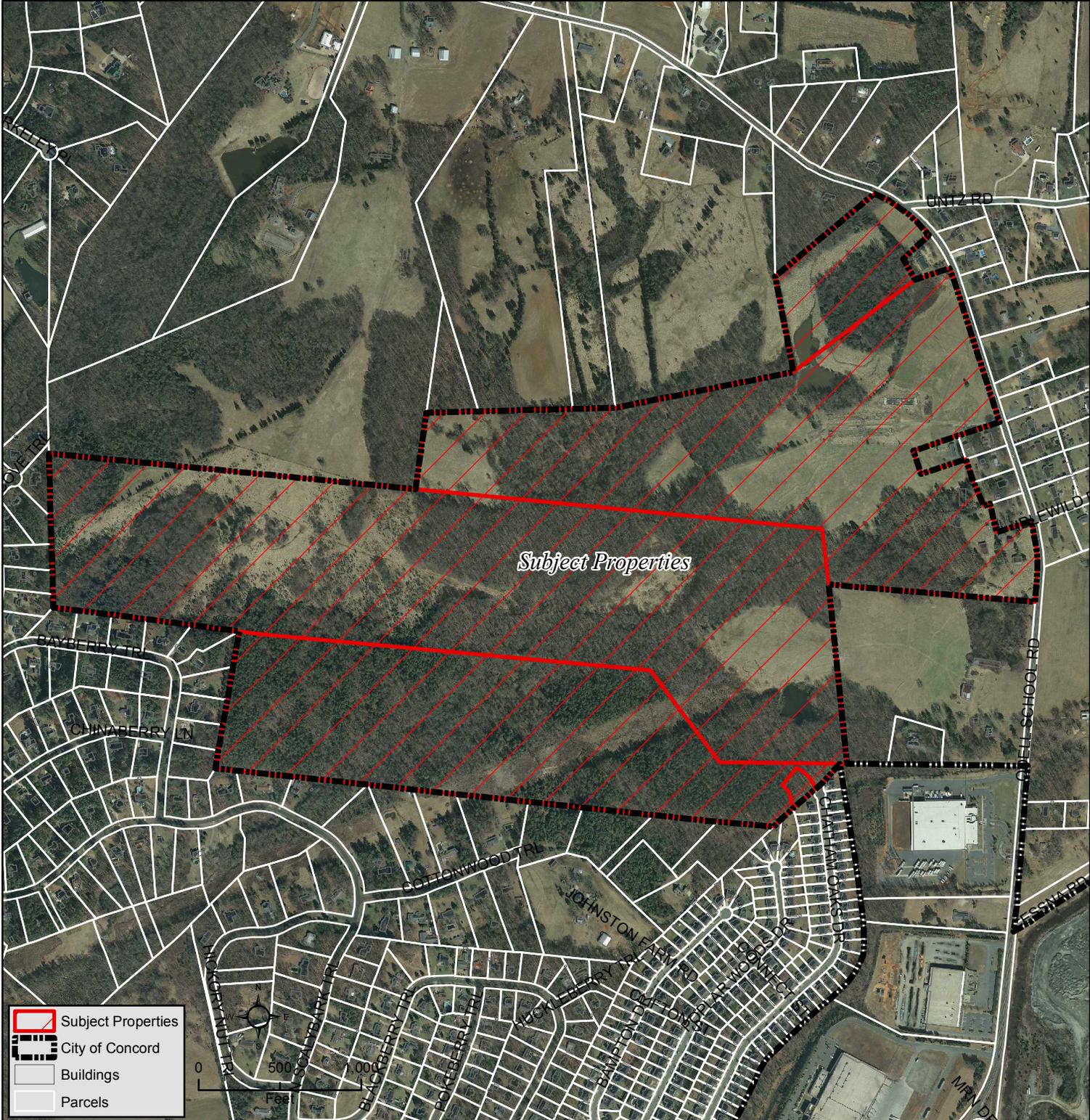
- The applicant must submit a mylar copy of the approved preliminary plat, after addressing any additional comments added by the Commission.
- Required traffic improvements along Odell School Road will be determined by the approved traffic impact study. NCDOT driveway permit will be required prior to issuance of zoning clearance permit. Developer solely responsible for any necessary right-of-way acquisition along Odell School Road.

**S-02-15  
AERIAL**

**Preliminary  
Plat**

**Ridges at Concord**

Odell School Rd  
PINs 4681-94-6153,  
71-4316, 91-3041,  
72-7234, 4691-03-0484.



Source: City of Concord  
Planning Department

**Disclaimer**

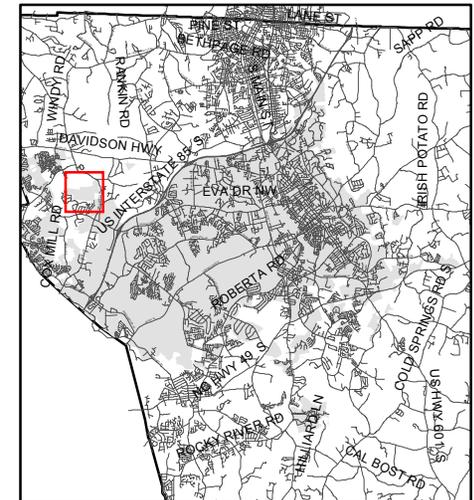
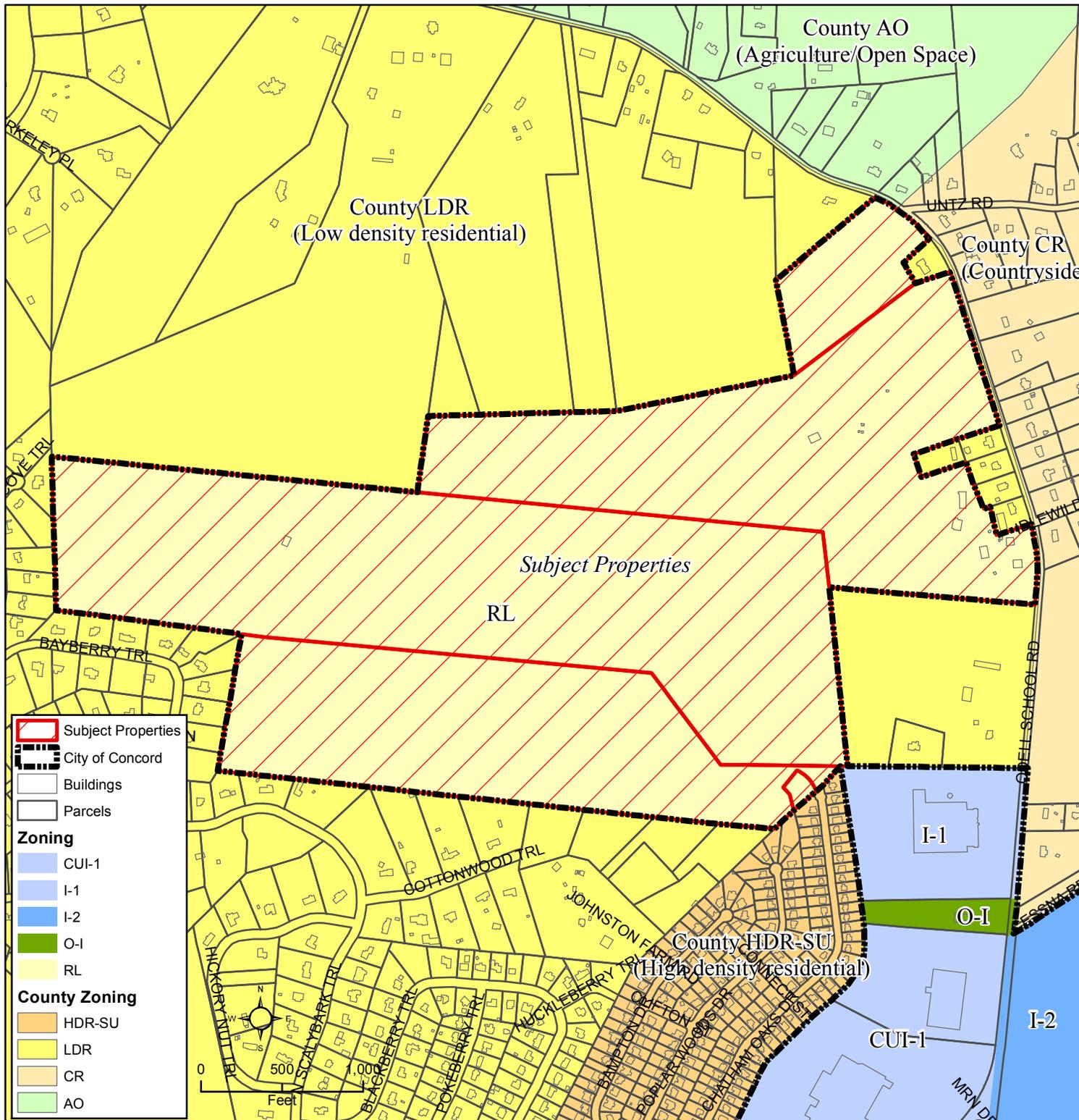
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**S-02-15  
Zoning Map**

**Preliminary  
Plat**

**Ridges at Concord**

Odell School Rd  
PINs 4681-94-6153,  
71-4316, 91-3041,  
72-7234, 4691-03-0484.



Source: City of Concord  
Planning Department

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STEWART

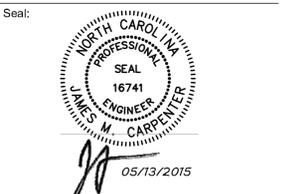
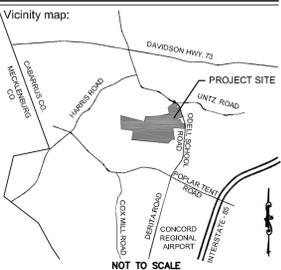
200 S. COLLEGE ST. STE 720  
CHARLOTTE, NC 28202  
7704.334.7925

FIRM LICENSE # C-1051  
www.stewartnc.com  
PROJECT # X13007.00

Client: Walton North Carolina, LLC  
10735 David Taylor Drive, Suite 150  
Charlotte, North Carolina 28262  
(704) 879 - 2480

Walton  
APPRECIATE THE LAND

Project:  
**RIDGES AT CONCORD**  
**A RESIDENTIAL NEIGHBORHOOD**



Issued for:  
**PRELIMINARY PLAT**

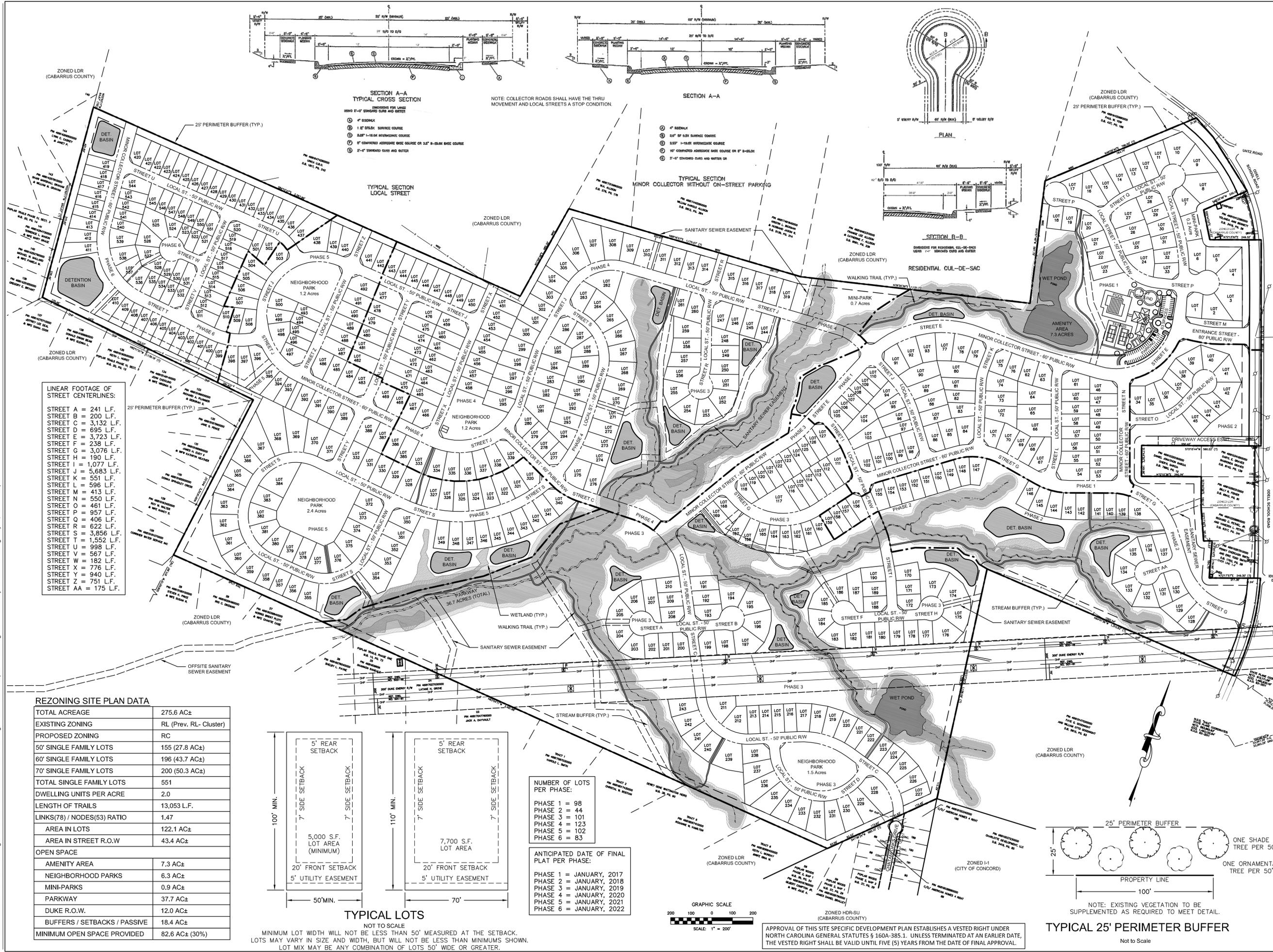
Table with 3 columns: No., Date, Description. The table is currently empty.

Scale: 1" = 200'

Title:  
**OVERALL SITE PLAN**

Project number: X13007.00 Sheet:  
Date: 04-16-2015  
Drawn by: JMC  
Approved by: JMC

**C300**

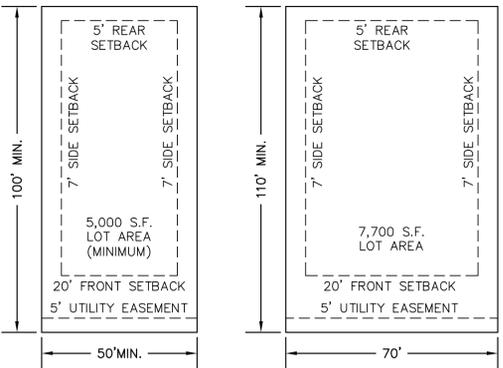


LINEAR FOOTAGE OF STREET CENTERLINES:

|           |              |
|-----------|--------------|
| STREET A  | = 241 L.F.   |
| STREET B  | = 200 L.F.   |
| STREET C  | = 3,132 L.F. |
| STREET D  | = 695 L.F.   |
| STREET E  | = 3,723 L.F. |
| STREET F  | = 238 L.F.   |
| STREET G  | = 3,076 L.F. |
| STREET H  | = 190 L.F.   |
| STREET I  | = 1,077 L.F. |
| STREET J  | = 5,683 L.F. |
| STREET K  | = 551 L.F.   |
| STREET L  | = 596 L.F.   |
| STREET M  | = 413 L.F.   |
| STREET N  | = 550 L.F.   |
| STREET O  | = 461 L.F.   |
| STREET P  | = 957 L.F.   |
| STREET Q  | = 406 L.F.   |
| STREET R  | = 622 L.F.   |
| STREET S  | = 3,856 L.F. |
| STREET T  | = 1,552 L.F. |
| STREET U  | = 998 L.F.   |
| STREET V  | = 567 L.F.   |
| STREET W  | = 182 L.F.   |
| STREET X  | = 776 L.F.   |
| STREET Y  | = 940 L.F.   |
| STREET Z  | = 751 L.F.   |
| STREET AA | = 175 L.F.   |

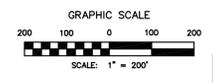
REZONING SITE PLAN DATA

|                              |                        |
|------------------------------|------------------------|
| TOTAL ACREAGE                | 275.6 AC±              |
| EXISTING ZONING              | RL (Prev. RL- Cluster) |
| PROPOSED ZONING              | RC                     |
| 50' SINGLE FAMILY LOTS       | 155 (27.8 AC±)         |
| 60' SINGLE FAMILY LOTS       | 196 (43.7 AC±)         |
| 70' SINGLE FAMILY LOTS       | 200 (50.3 AC±)         |
| TOTAL SINGLE FAMILY LOTS     | 551                    |
| DWELLING UNITS PER ACRE      | 2.0                    |
| LENGTH OF TRAILS             | 13,053 L.F.            |
| LINKS(78) / NODES(53) RATIO  | 1.47                   |
| AREA IN LOTS                 | 122.1 AC±              |
| AREA IN STREET R.O.W         | 43.4 AC±               |
| OPEN SPACE                   |                        |
| AMENITY AREA                 | 7.3 AC±                |
| NEIGHBORHOOD PARKS           | 6.3 AC±                |
| MINI-PARKS                   | 0.9 AC±                |
| PARKWAY                      | 37.7 AC±               |
| DUKE R.O.W.                  | 12.0 AC±               |
| BUFFERS / SETBACKS / PASSIVE | 18.4 AC±               |
| MINIMUM OPEN SPACE PROVIDED  | 82.6 AC± (30%)         |

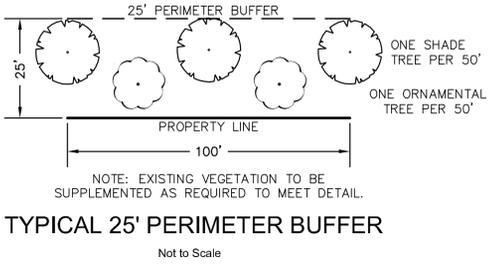


NUMBER OF LOTS PER PHASE:  
PHASE 1 = 98  
PHASE 2 = 44  
PHASE 3 = 101  
PHASE 4 = 123  
PHASE 5 = 102  
PHASE 6 = 83

ANTICIPATED DATE OF FINAL PLAT PER PHASE:  
PHASE 1 = JANUARY, 2017  
PHASE 2 = JANUARY, 2018  
PHASE 3 = JANUARY, 2019  
PHASE 4 = JANUARY, 2020  
PHASE 5 = JANUARY, 2021  
PHASE 6 = JANUARY, 2022



APPROVAL OF THIS SITE SPECIFIC DEVELOPMENT PLAN ESTABLISHES A VESTED RIGHT UNDER NORTH CAROLINA GENERAL STATUTES § 160A-385.1. UNLESS TERMINATED AT AN EARLIER DATE, THE VESTED RIGHT SHALL BE VALID UNTIL FIVE (5) YEARS FROM THE DATE OF FINAL APPROVAL.



G:\PROJECTS\2013\X13007.00 The Ridges at Concord Subdivision\DWGS\1-Planning\X13007-site Concept G1 - Rezoning Plan - Preliminary Plat Comments.dwg May 13, 2015 - 4:37pm







IMPERVIOUS AREA CALCULATION:  
(WEST SIDE OF DRAINAGE DIVIDE)

TOTAL SITE AREA = 1,175,250 S.F.

EXISTING IMPERVIOUS AREA = NEGLIGIBLE

PROPOSED IMPERVIOUS AREA:  
PAVEMENT / CURB AREA = 117,491 S.F.  
SIDEWALK AREA = 38,495 S.F.  
ACCESSIBLE RAMP AREA = 3,456 S.F.  
DRIVEWAYS = 44,928 S.F.  
HOMES AND ANCILLARY AREA = 124,416 S.F. (50' LOTS)  
TOTAL IMPERVIOUS AREA = 328,786 S.F.

PERCENT IMPERVIOUS AREA = 28%

THE TWO BASINS WEST OF THE DRAINAGE DIVIDE  
WILL PROVIDE FOR BOTH WATER QUALITY AND  
STORMWATER DETENTION.

IMPERVIOUS AREA CALCULATION:  
(EAST SIDE OF DRAINAGE DIVIDE)

TOTAL SITE AREA = 10,829,887 S.F.

EXISTING IMPERVIOUS AREA = NEGLIGIBLE

PROPOSED IMPERVIOUS AREA:  
PAVEMENT / CURB AREA = 931,904 S.F.  
SIDEWALK AREA = 269,750 S.F.  
ACCESSIBLE RAMP AREA = 19,392 S.F.  
DRIVEWAYS = 212,940 S.F.  
HOMES AND ANCILLARY AREA = 72,576 S.F. (50' LOTS)  
HOMES AND ANCILLARY AREA = 363,580 S.F. (60' LOTS)  
HOMES AND ANCILLARY AREA = 551,000 S.F. (70' LOTS)  
AMENITY FACILITIES = 75,000 S.F.  
TOTAL IMPERVIOUS AREA = 2,496,142 S.F.

PERCENT IMPERVIOUS AREA = 23%

THE BASINS EAST OF THE DRAINAGE DIVIDE WILL  
PROVIDE FOR STORMWATER DETENTION ONLY AND  
UTILIZE GRASS LINED SWALES FOR WATER QUALITY.  
IMPERVIOUS AREA LIMITS WILL BE PLACED ON THE  
LOTS AND RECORDED ON THE FINAL PLATS.

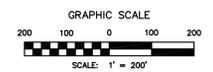
NOTE: 1,296 S.F. IMPERVIOUS AREA ALLOTTED TO  
HOMES AND ANCILLARY AREAS FOR 60' LOTS.

1,855 S.F. IMPERVIOUS AREA ALLOTTED TO  
HOMES AND ANCILLARY AREAS FOR 70' LOTS.

2,755 S.F. IMPERVIOUS AREA ALLOTTED TO  
HOMES AND ANCILLARY AREAS FOR 70' LOTS.



CONTOUR INTERVAL = 5'



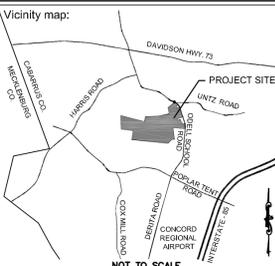
290 S. COLLEGE ST. STE 720  
CHARLOTTE, NC 28202  
770.634.7925

FIRM LICENSE # C-1051  
www.stewartinc.com  
PROJECT # X13007.00

Client: Walton North Carolina, LLC  
10735 David Taylor Drive, Suite 150  
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(704) 879 - 2480

**Walton**  
APPRECIATE THE LAND

Project:  
**RIDGES AT  
CONCORD**  
  
**A RESIDENTIAL  
NEIGHBORHOOD**



Seal:

05/13/2015

Issued for:  
**PRELIMINARY PLAT**

| No. | Date | Description |
|-----|------|-------------|
|     |      |             |
|     |      |             |
|     |      |             |
|     |      |             |

Scale: 1" = 200'

Title:  
**OVERALL  
GRADING &  
DRAINAGE PLAN**

Project number: X13007.00 Sheet:  
Date: 04-16-2015  
Drawn by: JMC  
Approved by: JMC

**C500**











Application for Preliminary Plat Approval – Major Subdivision (Please type or print)

- 1. Name of subdivision: Ridges at Concord
2. Name, address, telephone number, and fax number of owner(s)/developer(s): Walton North Carolina, LLC; 10735 David Taylor Dr., Suite 150; Charlotte, NC 28262; 704-879-2480; No Fax 4800 N. Scottsdale Rd., Suite 4000; Scottsdale, AZ 85251; 800-959-6048; Fax 800-959-6049
3. Name, address, telephone number, and fax number of surveyor/engineer: Stewart, Inc.; 200 S. College St., Suite 720; Charlotte, NC 28202; 704-909-3516; 704-334-7926
4. Name, address and e-mail address of person to whom comments should be sent: Jamie Carpenter; 200 S. College St., Suite 720; Charlotte, NC 28202; jcarpenter@stewartinc.com
5. Telephone number of person to whom comments should be sent: 704-909-3516 Fax: 704-334-7926
6. Location of subdivision: Odell School Road
7. Cabarrus County P.I.N.#: 4681946530000; 46910304840000; 46817272340000; 46817272340000
8. Current zoning classification: RL - Cluster
9. Total acres: 275.603 Total lots: 551

REQUIRED ATTACHMENTS/SUBMITTALS
1. A fee of \$100.00 for land less than 2 acres, \$200.00 2-10 acres, \$300.00 10-25 acres, \$ 400.00 for more than 25 acres shall accompany the preliminary plat.
2. Legal deed description of the property.
3. Six (6) FOLDED black/blue line copies of the plat are required at the time of submission.
4. One (1) Mylar should be submitted after approval has been granted by the Planning and Zoning Commission and any conditions placed on the plat by the Commission have been met.
5. Completed "Street Name Review and Confirmation" sheet.

12/19/2014 Date Signature of Owner/Agent

NOTE: By affixing his or her signature hereto, the sub divider acknowledges understanding of and agreement to comply with all provisions of the Concord Subdivision Regulations which include, but are not limited to, the requirement to pay costs of construction inspections of improvements to be owned and maintained by the City of Concord as conditions precedent to approval of the final plat for recording.

Staff Use Only: Fee: Received by: Date:



Agenda Memorandum  
**Planning and Zoning Commission**

**DATE:** May 19, 2015

**SUBJECT:** Special Use Permit SUP-06-15  
(Comprehensive Sign Package Request)

**APPLICANT:** CNG Signs

**LOCATION:** 8050 Concord Mills Blvd. (4589-94-0652 and 4589-84-7455)

**AREA:** +/- 34.17 acres

**EXISTING LAND USE:** Retail uses

**EXISTING ZONING:** (C-2) General Commercial

**PREPARED BY:** Pam Parker and Starla Rogers, Senior Planners

**BACKGROUND**

The applicant has submitted a Comprehensive Sign Package/Special Use Permit (SUP) application for the subject property. The general intent of a Comprehensive Sign Package is to permit a level of flexibility with signage area between locations (i.e. window sign to wall sign, or parcel to parcel) than otherwise permitted under CDO Article 12. In the past, when applicants applied for Comprehensive Sign Packages, they have attempted to reduce signage in one area in order to transfer signage to another area along with creating uniformity.

The Pavilion at Kings Grant is a combined development approved and constructed in segments beginning in the late 1990's and has continued to develop internally with the most recent structure being the Pier 1 Imports, constructed in 2011. Another future structure is proposed and initial discussions have indicated 2 potential tenant spaces with a potential for more. However, monument signage on Concord Mills Blvd has been utilized to the maximum allowable amount. Therefore, the existing signs would need to decrease panel size to accommodate new tenants or the new businesses would not receive monument signage at all. In addition to the increased number of structures/tenants, the inline tenants and individual buildings range from approximately 400ft to over 1,100ft back from Concord Mill Blvd, behind developed outparcels.

The Concord Development Ordinance allows 2 monument signs per 1,000 feet of street frontage. Combined development signs can up to 10ft tall with a maximum of 100sf of sign face, by right. Currently, there are 2 combined development monument signs for the property as it contains over 1,000 linear feet of street frontage on Concord Mills Blvd. The combined development sign at the main entrance into the development, between Jared Jewelers and Chick-Fil-A, approximately 14ft 11in tall with 135sf of sign face. This is 4ft 11in taller than currently permitted by right with an overage of 35sf of sign face. It is unclear when this sign was permitted. However, no changes are being proposed to this sign. The combined development sign at the entrance between Applebee's and Red Lobster (referred to by the current proposal as existing Sign B) is 10 feet in height and has 50 sf of sign area. The applicant is proposing to increase Sign B to approximately 13.67 feet in height and increase the allowable signage to approximately 93.3sf.

This is approximately 6sf less than permitted for combined development signs, by right, in the C-2 (General Commercial) zoning districts. Additionally, per a previous agreement, the outparcel currently containing Red Lobster is not permitted an individual monument sign and must accommodate any desired monument sign advertisement by means of the subject combined development sign.

The applicant is also requesting a third combined development monument sign (referred to by the current proposal as Sign A) on their property adjacent to the I-85 S Ramp. Sign A is designed at 35ft in height with approximately 148.19sf of sign face. This sign is 25ft taller than a sign that would be permitted by right. The proposed sign is requested at this height and size due to an 8ft tall berm adjacent to the development on the I-85 off-ramp side and because the existing vegetation in the NCDOT right of way future blocks building wall or potential standard size ground sign visibility. According to the applicant, standard signage for the existing tenants and future tenants in standalone buildings and inline tenants would not be visible in this location and no additional, by right, signage is permitted on Concord Mills Blvd making this subject sign necessary both for marketing and directional purposes. The subject property is in the airport overlay district and is subject to height restrictions. The sign cannot exceed 669.5ft above sea level within this overlay. Depending on exact location atop the berm, the proposed sign is close to the maximum allowed. Therefore, a survey will have to be submitted to both the City and the Federal Aviation Administration prior to permitting to ensure the allowed height will not exceeded.

The applicant has proposed to transfer unused wall signage amounts to the proposed monument signage. A calculation of the existing wall signage for the development to justify the proposed monument signage has been submitted. Building wall signage in the C-2 (General Commercial) zoning districts are permitted 1sf of wall signage per linear foot of building wall facing a public street. This buildings in this proposal are permitted 1,481sf of wall signage but not all allowable signage has been used. The applicant has proposed to transfer the 284sf of unused wall signage to allow the increase monument sign height and sign face. The chart below breaks down the calculations and details that the proposal reduces allowable sign face by 107.51sf. Each tenant space will be limited to the square footage of signage indicated as existing. Any new

| Sign                       | Existing Height               | Existing/Proposed Sign Face | Permitted/Proposed            | Overage/Amount Under |
|----------------------------|-------------------------------|-----------------------------|-------------------------------|----------------------|
| Existing Monument Sign     | 14ft 11in tall -4ft 11in over | 135sf                       | 10ft tall/100sf - 135sf over  | 135sf                |
| Proposed Monument Sign "B" | 13.66ft tall - 3.66ft over    | 93.3sf                      | 10ft tall/100sf - 6.7sf under | 6.7sf                |
| Proposed Monument Sign "A" | 35ft tall - 25ft over         | 148.19sf                    | 10ft tall/100sf - 48.19 over  | 48.19sf              |
| Existing Wall Signage      | N/A                           | 1,481sf                     | 1,484sf/1197sf - 284sf under  | 284sf                |
| <b>Total</b>               |                               |                             |                               | <b>107.51 Under</b>  |

tenants/signs not specifically identified in the Comprehensive Sign Package must comply with the sign standards as established in CDO Article 12. The applicant has provided a Comprehensive Sign Design. It includes a site plan indicating the location and illustration of the proposed signage including size and design. If approved, these illustrations and site plan become binding.

**APPROVAL CRITERIA**

In accordance with the Concord Development Ordinance, Article 6 Section 2, the Planning and Zoning Commission shall permit only those uses that are part of the Special Use Permit. The following criteria shall be issued by the Commission as the basis for review and approval of the project.

- 1) **The proposed special use conforms to the character of the neighborhood, considering the location, type, and height of building and structures and the type and extent of landscaping and screening on the site. The Zoning Ordinance imposes the following general requirements on the use requested by the applicant.**

The proposed Special Use Permit for a Comprehensive Sign Package would conform to the character commercial and tourist destination nature of the surrounding area including Concord Mills Mall, Convention Center, Lowes Motor Speedway, the ZMax Drag Strip, and the Hendrick Automall Museum. The property is currently zoned C-2 (General Commercial) and is recommended to remain commercial in the 2015 Center City Plan. The subject property is developed with multi-tenant commercial/retail establishments and commercial/retail anticipated outparcels. The design of the proposed signage is intended to create uniformity and display directional tenant signage.

**2) Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.**

As shown in the design illustrations, the proposed monument sign will provide highly visible signage indicating development tenants directing traffic to inline and standalone tenants toward the back of the development, which otherwise would have little to no signage visibility. Given the amount of traffic in the Concord Mills/Speedway area, appropriate directional signage is necessary to eliminate future congestion associated with distracted/confused drivers attempting to locate destinations.

**3) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.**

Not Applicable.

**4) The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted with the zoning district.**

The proposed use should not impede the development or improvement of the surrounding properties for uses permitted in the zoning district. The surrounding property is currently developed with commercial uses and is zoned commercially.

**5) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.**

The proposed use should not be detrimental to (or endanger) public health safety, or general welfare as the proposed monument sign consolidates tenant signage into one location for the convenience of motorists. Furthermore, the proposed signage will not be out of scale with the development given the large buildings in the rear, number of outparcels, vicinity of the interstate and multilane nature of Concord Mills Blvd. Additionally, the signs will be internally illuminated but will not feature any digital/changing display that could be associated with traffic hazards.

**6) Compliance with any other applicable Sections of this Ordinance.**

The applicant submitted a proposal for a Comprehensive Sign Package for the development that is in compliance with the CDO requirements. If the SUP request is approved, the applicant must also receive technical review approval of sign permit illustrations and comply with other applicable sections of the CDO. All new signs, in accordance with CDO Article 12 will be required to receive applicable permits.

**Proposed Findings of Fact:**

The Planning and Zoning Commission may wish to adopt some of the following Findings of Fact:

1. The request is for a Comprehensive Sign Package.
2. The general intent of a Comprehensive Sign Package is to permit a level of flexibility with signage area between locations (i.e. window sign to wall sign, or parcel to parcel) than otherwise permitted under CDO Article 12. In the past, when applicants applied for

- Comprehensive Sign Packages, they have attempted to reduce signage in one area in order to transfer signage to another area along with creating uniformity.
3. Comprehensive Sign Packages require approval of a Special Use Permit.
  4. The subject property is zoned C-2 (General Commercial.)
  5. The CDO allows businesses in the C-2 (General Commercial) zoning district to have one combined development monument sign per 1,000ft of street frontage with each sign allowed to be a maximum of 10ft tall with 100sf of sign face.
  6. The subject property currently has one monument sign that is 14ft 11in tall with 135sf of sign face.
  7. The applicant has proposed to alter another existing monument sign to be 13.66 ft tall with 93.3sf of sign face; 3.66ft taller than permitted by right and 6.7sf less sign face than permitted.
  8. The applicant has proposed to install a 35ft tall monument sign with 148.19sf of sign face on the I-85 South off ramp side of the property; 25ft taller and 48.19sf of sign face more than permitted by right.
  9. The Concodrd Development Ordinance permits businesses in the C-2 (General Commercial) zoning district to have 1sf of wall signage per linear foot of bulding wall facing a public street.
  10. The subject development is permitted to have 1,481sf of wall signage on the existing buildings.
  11. The applicant has proposed to limit the allowable wall signage to 1,197sf of wall signage; 284sf less than permitted by right.
  12. The overall reduction in sign face for wall and ground mounted signage for the development is 107.51sf.
  13. Any new tenant signs or signs not specifically identified in the Comprehensive Sign Package must comply with the sign standards as established in CDO Article 12.
  14. The applicant has provided a Comprehensive Sign Design which includes a site plan indicating the location and illustration of the proposed signage including size and design, offered as conditions.

#### **RECOMMENDATION AND SUGGESTED CONDITIONS**

The staff recommends approval of the Special Use Permit application. If the Commission concurs, staff recommends the Commission consider adopting of the following conditions:

1. The applicant must provide the Planning and Community Development Department with one (1) copy of a revised Comprehensive Sign Package that incorporates any conditions based on approval. (If applicable) This submittal must be received before any permits are issued.
2. All submitted documentation (i.e sign sizes, locations) becomes a binding part of the Special Use Permit.
3. A survey will have to be submitted to both the City and the Federal Aviation Administration prior to permit issuance to ensure the allowed height will not exceeded.
4. All signage within this development shall be required to either comply with the conditions of this approval or with the requirements of CDO Article 12.
5. All new signs must receive required permits from the City and any other applicable entity.



Date 4/2/15

APPLICANT NAME: CNG Signs COMPANY  
NAME Michael Wilcox

APPLICANT ADDRESS:  
381 Industrial Court

CITY: Concord STATE NC ZIP 28025 PHONE NUMBER OF  
APPLICANT: 704-201-2305

OWNER OF PROPERTY (if different from applicant)  
Retail Properties Of America, Inc.

OWNER ADDRESS:  
2675 Paces Ferry Rd SE CITY Atlanta STATE GA ZIP 30339

PROJECT ADDRESS (if an address exist):  
8050 Concord Mills Blvd

P.I.N.: 45898474550000,

Area of Subject Property (in acres, or square feet): 5.17

Lot Width: 1,500 Lot Depth: 1,400

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

Existing Land Use: Retail Development / Commercial

Description of Use Requested: No change of use requested

**Certification**

I hereby acknowledge and say that the information contained herein and herewith is true, and this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the Development Services Department.

Date: 4/2/2015 Applicant Signature: 



(5) Off-street parking and loading provisions:  
N/A

(6) Sign provisions:  
See attached drawings

(7) Provisions for screening, landscaping and buffering:  
N/A

(8) Provisions for vehicular circulation and access to streets:  
N/A

(9) Adequate and safe design for grades, paved curbs and gutters, drainage systems, and treatment or turf to handle storm water, prevent erosion, and subdue dust:  
N/A

(10) Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces, facilities for waste disposal, and illumination:  
N/A

(11) An adequate amount, and safe location of, play areas for children and other recreational uses, according to the concentration of residential occupancy:  
N/A

(12) Fences, walls, or year-round screen planting abutting residential districts, to protect residences from parking lot illumination, headlights, fumes, heat, blowing papers, and dust (to reduce the visual encroachment on privacy and residents):  
N/A

(13) Open space (including flood hazard area):  
N/A

(14) Improvements within the common open space:  
N/A

(15) Parking Areas:  
N/A

(16) Sidewalks, trails and bikeways:  
N/A

(17) Lighting and utilities:  
N/A

(18) Site furnishings:  
N/A

(19) Adequate fire, police, water and sewer services:



NORTH CAROLINA

**High Performance Living**



Application for  
Special Use Permit

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N/A

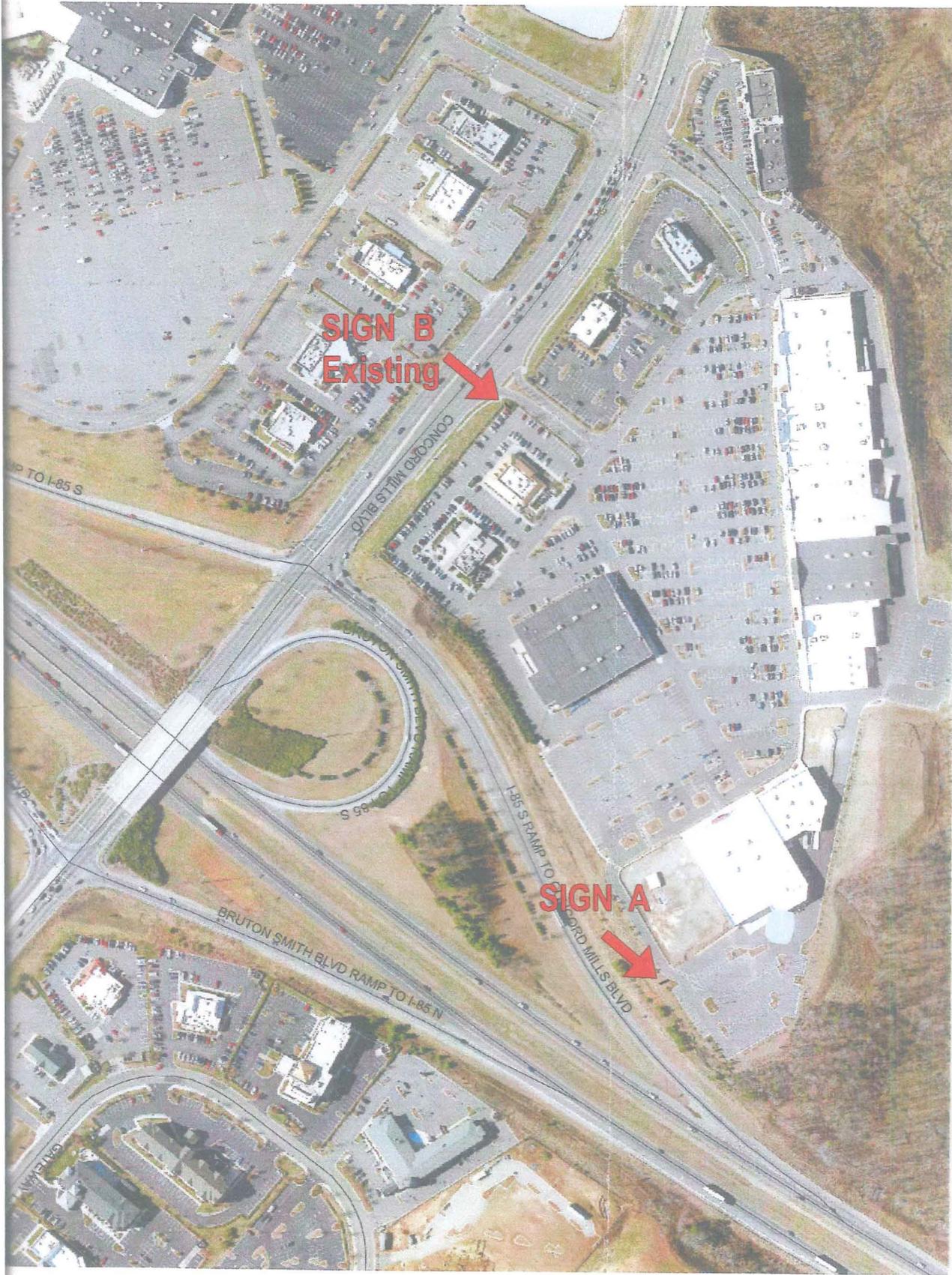
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(20) Other requirements as may be requested by the applicant or specified by the City Council for protection of the public health, safety, welfare and convenience:

N/A

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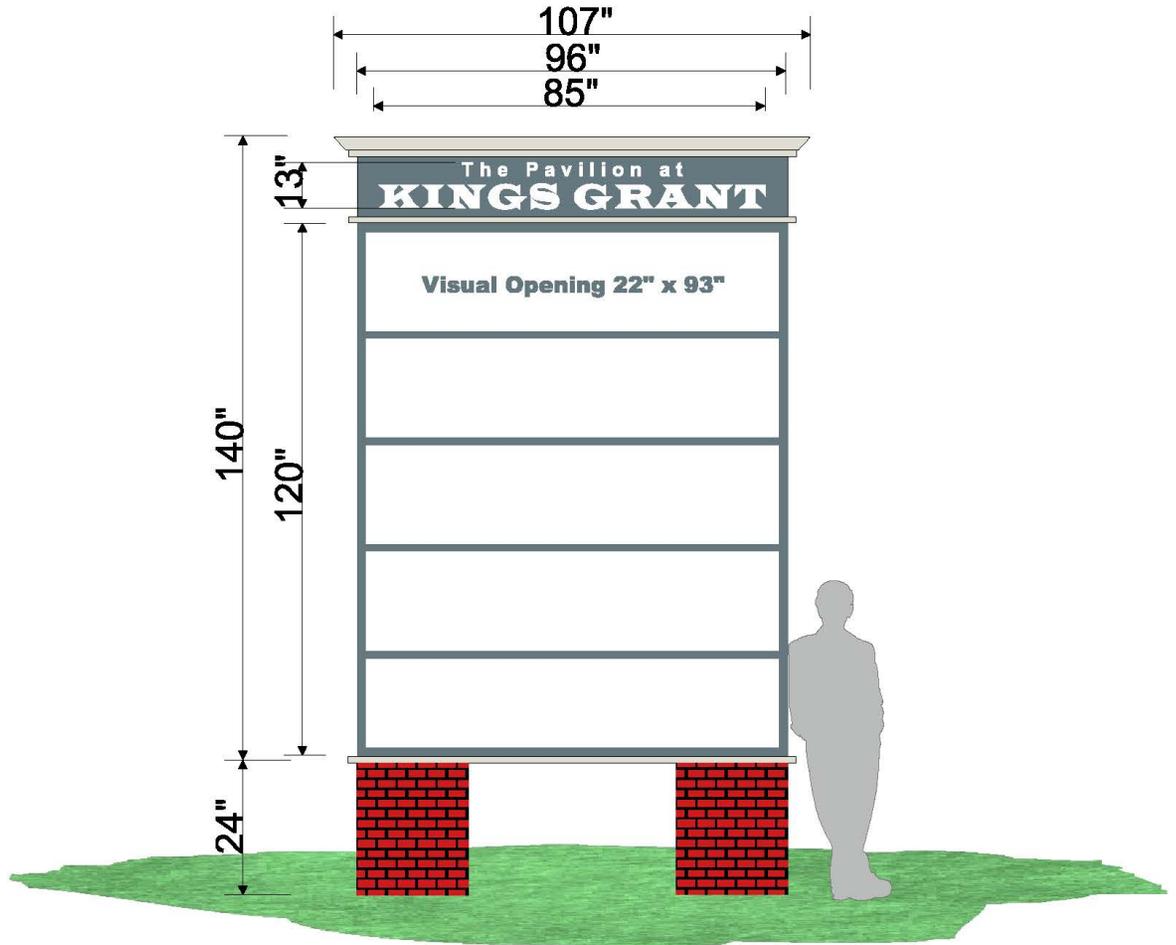


# Proposed Pylon sign for Pavilion at Kings Grant Concord Mills Blvd Side of Property

**Existing Sign B**  
**Total Sq/Ft 53.9**



**Proposed Sign B**  
**Total Sq/Ft 93.3**



381 Industrial Court  
 Concord, NC 28025

Client Name:  
 Retail Properties of America

Location:  
 8050 Concord Mills Blvd  
 Concord, NC 28027

Start Date:  
 Last Revision: 5/14/15  
 Job#:  
 Drawing#: 3  
 Page: 1

Client Approval

Landlord Approval

Sales Rep:  
 Mike W  
 Designer:  
 Daniel



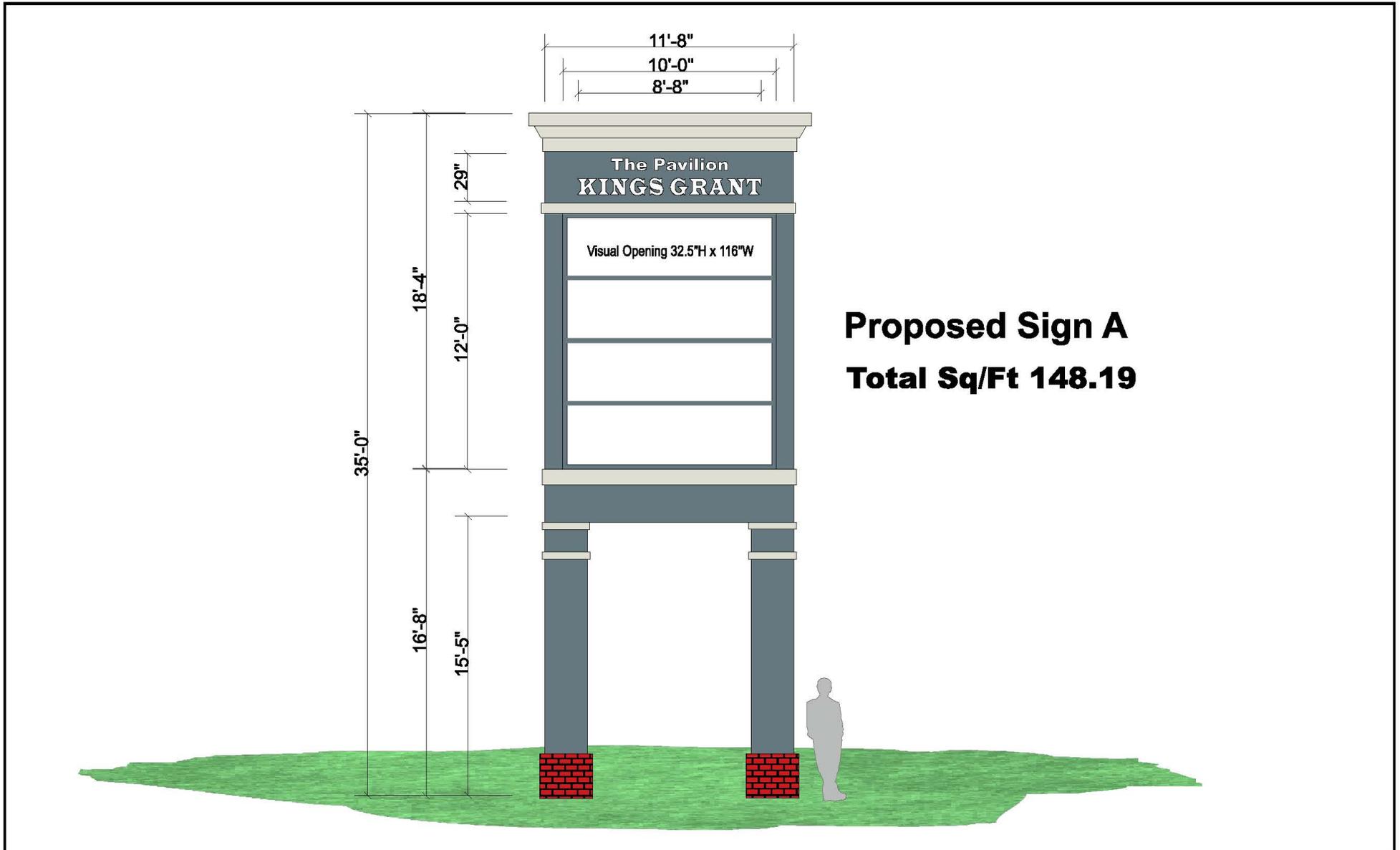
*The Plaza*  
KINGS GRANT

RED LOBSTER  
DSW SHOES

DOLLAR TREE



# Proposed Pylon sign for Pavilion at Kings Grant Interstate Side of Property



381 Industrial Court  
 Concord, NC 28025

Client Name:  
 Retail Properties of America

Location:  
 8050 Concord Mills Blvd  
 Concord, NC 28027

Start Date:  
 Last Revision: 5/14/15  
 Job#:  
 Drawing#: 1  
 Page: 1

Client Approval

Landlord Approval

Sales Rep:  
 Mike W  
 Designer:  
 Daniel



The Pavilion  
**KINGS GRANT**

Visual Opening 32,5"H x 116"W



# Flag Test Sign A



# Proposed Sign A





The Pavilion at  
**KINGS GRANT**

**SPACE AVAILABLE**  
704-541-1204

**TOYS R US**

**Pier 1 Imports**

**ROSS** DRESS  
FOR LESS

**hhgregg** APPLIANCES & ELECTRONICS

**BABIES R US**

**A.C. MOORE** ARTS  
& CRAFTS

**PETCO**

Existing Sign - No Modification Proposed  
14ft 11in Tall



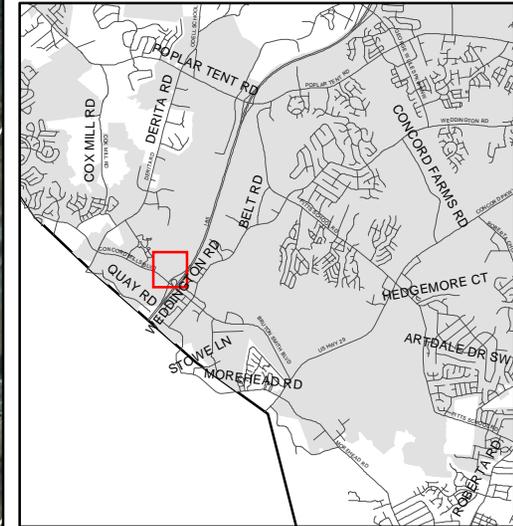
Pavilion at Kings Grant  
8050 Concord Mills Blvd  
signage used

|                                     | Allowable | Used | Unused |
|-------------------------------------|-----------|------|--------|
| AC Moore 142 Linear ft              | 142 Sq/Ft | 140  | 2      |
| Babies R Us 163 Linear ft           | 163 Sq/Ft | 136  | 27     |
| Dollar Tree 86 Linear ft            | 86 Sq/Ft  | 0    | 0      |
| DSW 90 Linear ft                    | 90 Sq/Ft  | 84   | 6      |
| HH Gregg 201 Linear ft              | 201 Sq/Ft | 197  | 4      |
| Petco 102 Linear ft                 | 102 Sq/Ft | 89   | 13     |
| Pier 1 Imports 126 Linear ft        | 126 Sq/Ft | 77   | 49     |
| Ross Dress For Less 165 Linear ft   | 165 Sq/Ft | 137  | 28     |
| Sports Authority 198 Linear ft      | 198 Sq/Ft | 161  | 37     |
| Toys R Us 210 Linear ft             | 208 Sq/Ft | 90   | 118    |
| <b>Total Unused allowance – 284</b> |           |      |        |

**SUP-06-15  
AERIAL**

**Special Use Permit Application  
for a Comprehensive Sign  
Package in a General Commercial  
(C-2) zoning district**

8050 Concord Mills Blvd  
PIN's: 4589-84-7455, 94-0652



Source: City of Concord  
Planning Department

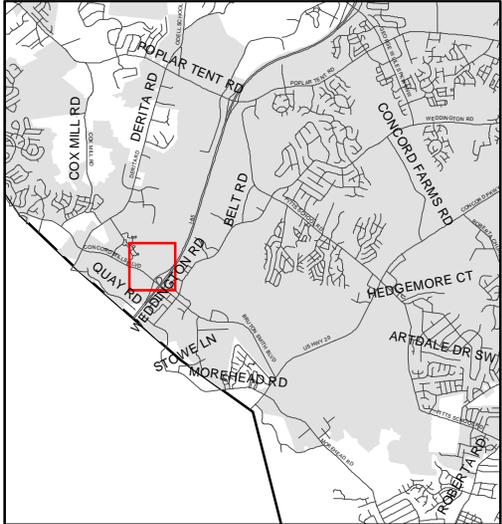
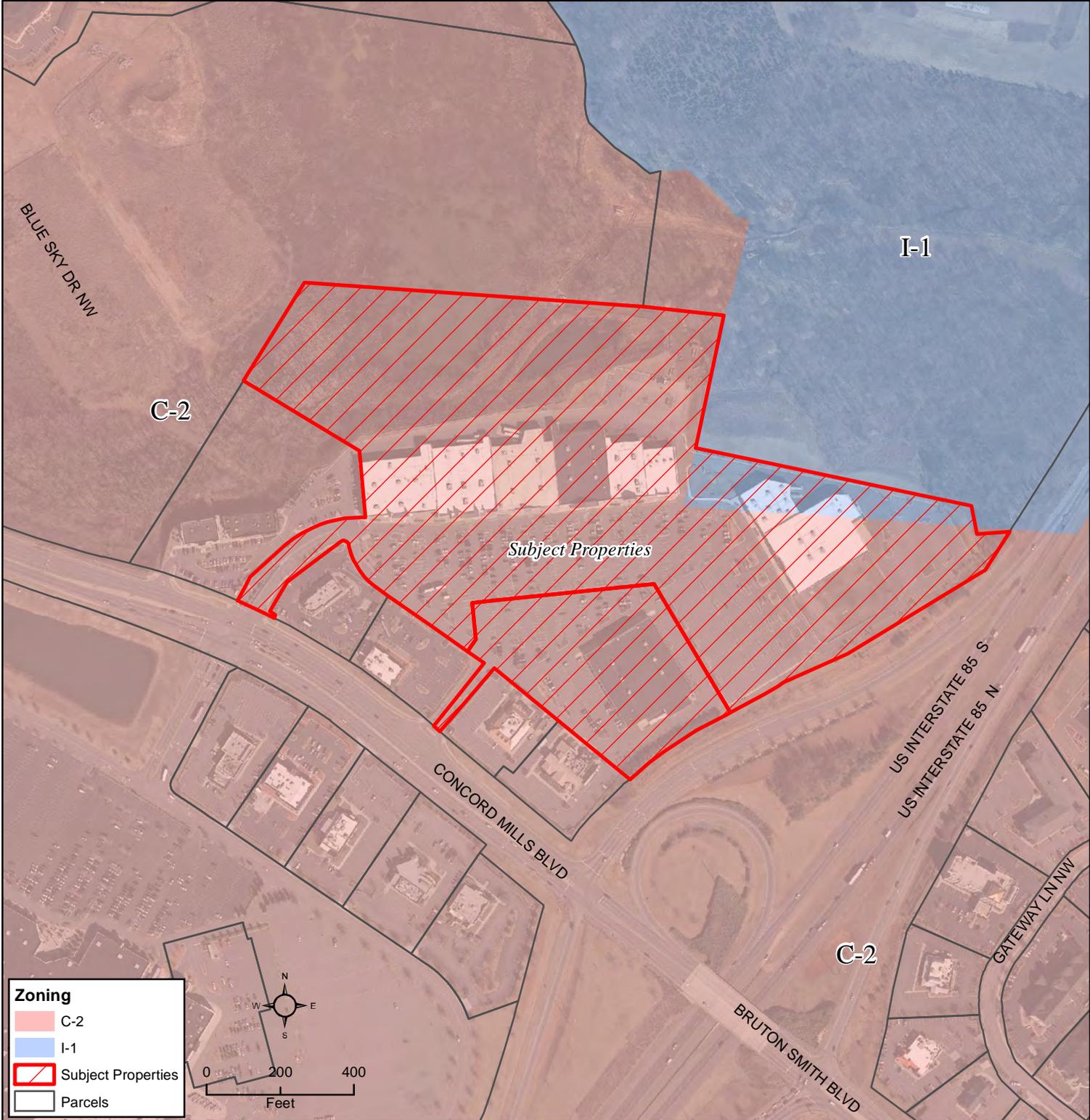
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**SUP-06-15  
ZONING MAP**

**Special Use Permit Application  
for a Comprehensive Sign  
Package in a General Commercial  
(C-2) zoning district**

8050 Concord Mills Blvd  
PIN's: 4589-84-7455, 94-0652



Source: City of Concord  
Planning Department

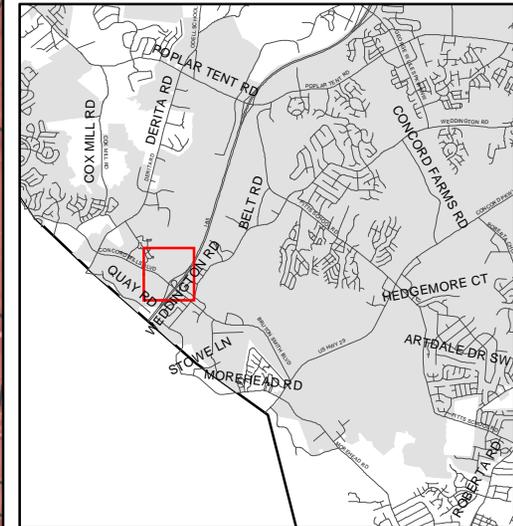
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# SUP-06-15 LAND USE PLAN

Special Use Permit Application  
for a Comprehensive Sign  
Package in a General Commercial  
(C-2) zoning district

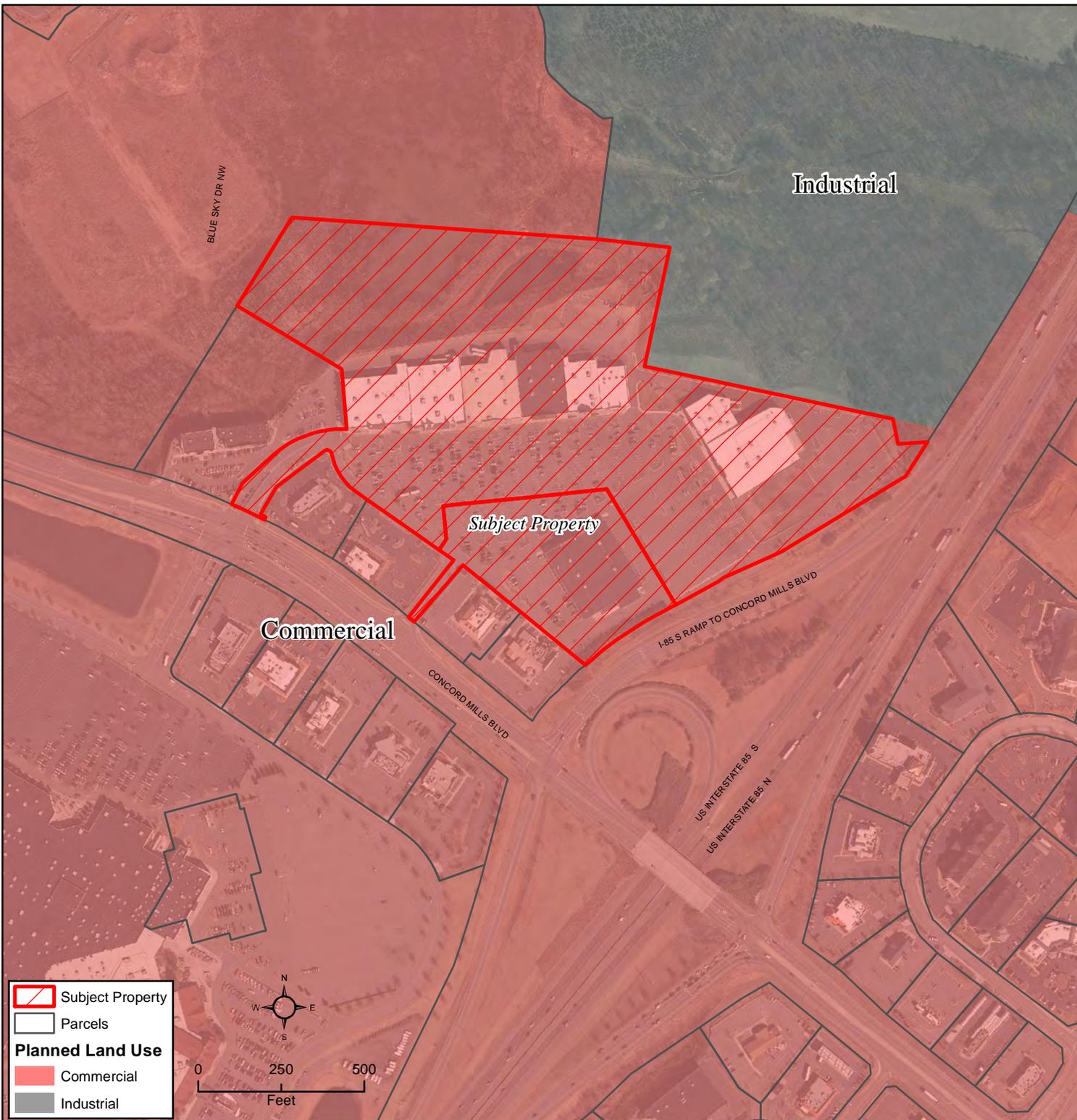
8050 Concord Mills Blvd  
PIN's: 4589-84-7455, 94-0652



Source: City of Concord  
Planning Department

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**DATE:** May 19, 2015

**SUBJECT:** Special Use Permit  
Fitness Facility in the I-1 (Light Industrial) Zoning District

**CASE:** SUP-07-15

**APPLICANT:** James Simpson/NuBody Fitness

**LOCATION:** 561 Pitts School Road, NW  
PIN 4599-59-2689

**AREA:** +/- 4.0 Acres

**EXISTING LAND USE:** Industrial

**EXISTING ZONING:** I-1 (Light Industrial)

**REPORT PREPARED BY:** Kevin E. Ashley, AICP Planning and Development Manager

**BACKGROUND**

The applicant is requesting a Special Use Permit, in accordance with the CDO to open a fitness facility at 561 Pitts School Road, NW. The site is approximately 4.0 acres in size and is improved with two multi-tenant industrial structure of approximately 20,000 square feet each. The applicant proposes to occupy approximately 5,000 square feet of floor area within the westernmost structure, but according to the applicant, only a portion of that area will be devoted to training space. Furthermore the applicant states that sessions are by appointment only and walk-ins are not permissible. Existing uses within the development include computer wholesale distributors, air conditioning contractor's office, storage and automobile related businesses. According to the CDO, eight parking spaces are required for the proposed use, and the applicant has stated that the landowner has guaranteed the use of ten (10) spaces if necessary. The use proposed by the petitioner would appear to have its peak hours of operation at times contrary to these existing businesses. Furthermore, a site inspection by staff indicates numerous vacant parking spaces on site during daylight hours. The applicant states that up to 18 parking spaces are available on site for their use.

It should be noted that the subject property is not in a traditional industrial development, and is within a multi-tenant development that was originally designed and developed to be a blend of industrial and office/commercial.

## APPROVAL CRITERIA

In accordance with CDO Article 6.2, the Commission shall permit only those uses that are part of the special use permit. The following criteria shall be issued by the Commission as the basis for review and approval of the project:

**1) The proposed conditional use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on the site.**

The proposed fitness studio is permitted within an I-1 zone with a Special Use Permit. The proposed use is not adding to or altering the building and conforms to the general character of the lot and uses in the vicinity. The proposed use is not inconsistent with surrounding uses within the development such as a computer wholesale distributor and mechanical contractor's office. The proposed use will not interfere with other industrial uses on the site and in the vicinity. The primary hours of operation are likely during times other businesses within the development are closed.

**2) Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.**

The subject use is proposed to be located in an existing industrial complex that has access on both Pitts School and Belt Roads. No site changes will occur. Adequate parking is available on site. . No increased traffic flow will be generated during peak business hours of the industrial office buildings.

**3) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.**

The proposed use will function similarly, or less intense than the majority of other uses located on the subject property and surrounding commercial areas. The use should not generate noxious vibration, noise, dust, odor, smoke, or gas.

**4) The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.**

Establishment of the proposed business at the noted location should not significantly impede future development of surrounding properties. Adjoining properties would be allowed to develop, as their zoning would permit.

**5) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.**

The proposed use should not be detrimental to or endanger public health safety, or general welfare.

**6) Compliance with any other applicable Sections of this Ordinance.**

The proposed project complies with CDO requirements with respect to zoning. If the requested SUP is approved, the applicant must also apply for a Certificate of Compliance (COC) and comply with CDO signage requirements.

## PROPOSED FINDINGS OF FACT

1. The applicant is NuBody Fitness (James Simpson).
2. The subject property is zoned I-1 (Light Industrial.)

3. Fitness studios are permitted in the I-1 (Light Industrial) zoning district only with the issuance of a Special Use Permit.
4. The adopted Land Use Plan designates the future land use as Industrial.
5. The applicant shall be required to meet the standards of the Concord Development Ordinance (CDO).
6. The applicant shall be required to comply with all applicable regulatory requirements for operation of the fitness arts studio.
7. The request is utilize an existing tenant space in a multi-tenant industrial structure.
8. Currently, the existing structure is contains a mixture of industrial, and commercial uses.

#### **RECOMMENDATION AND SUGGESTED CONDITIONS**

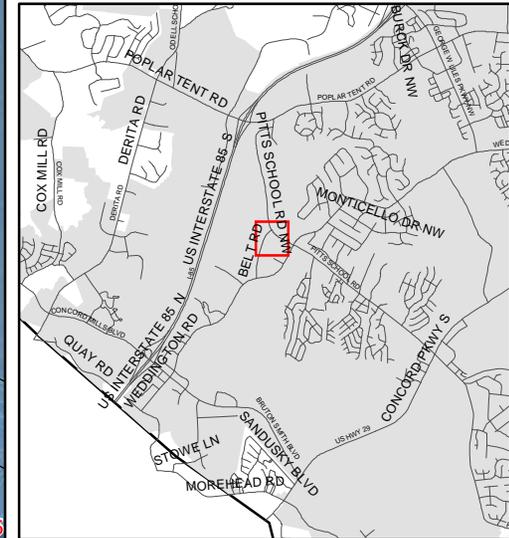
If the Commission votes to approve the special use permit, staff recommends the Commission consider adopting of the following conditions:

- 1) Prior to occupying the structure as a dance/fitness studio a Certificate of Compliance (COC) shall be obtained from the City of Concord.
- 2) If the use vacates the tenant space for a period longer than 180 days, the Special Use Permit will expire.

**SUP-07-15  
ZONING MAP**

**Special Use Permit Application  
for development of a  
fitness center in a  
Limited Industrial (I-1)  
zoning district**

561 Pitts School Rd NW  
PIN: 4599-59-2689



Source: City of Concord  
Planning Department

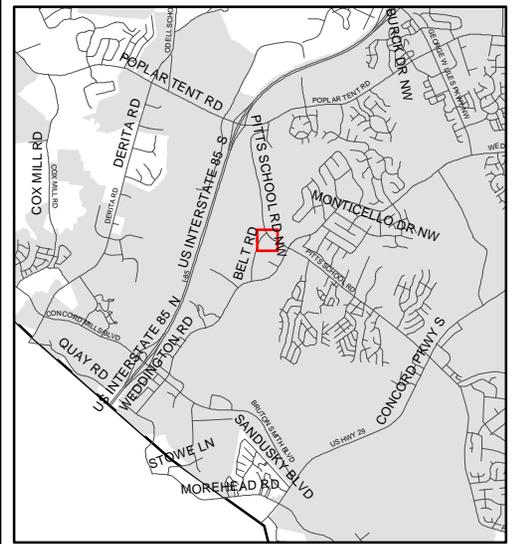
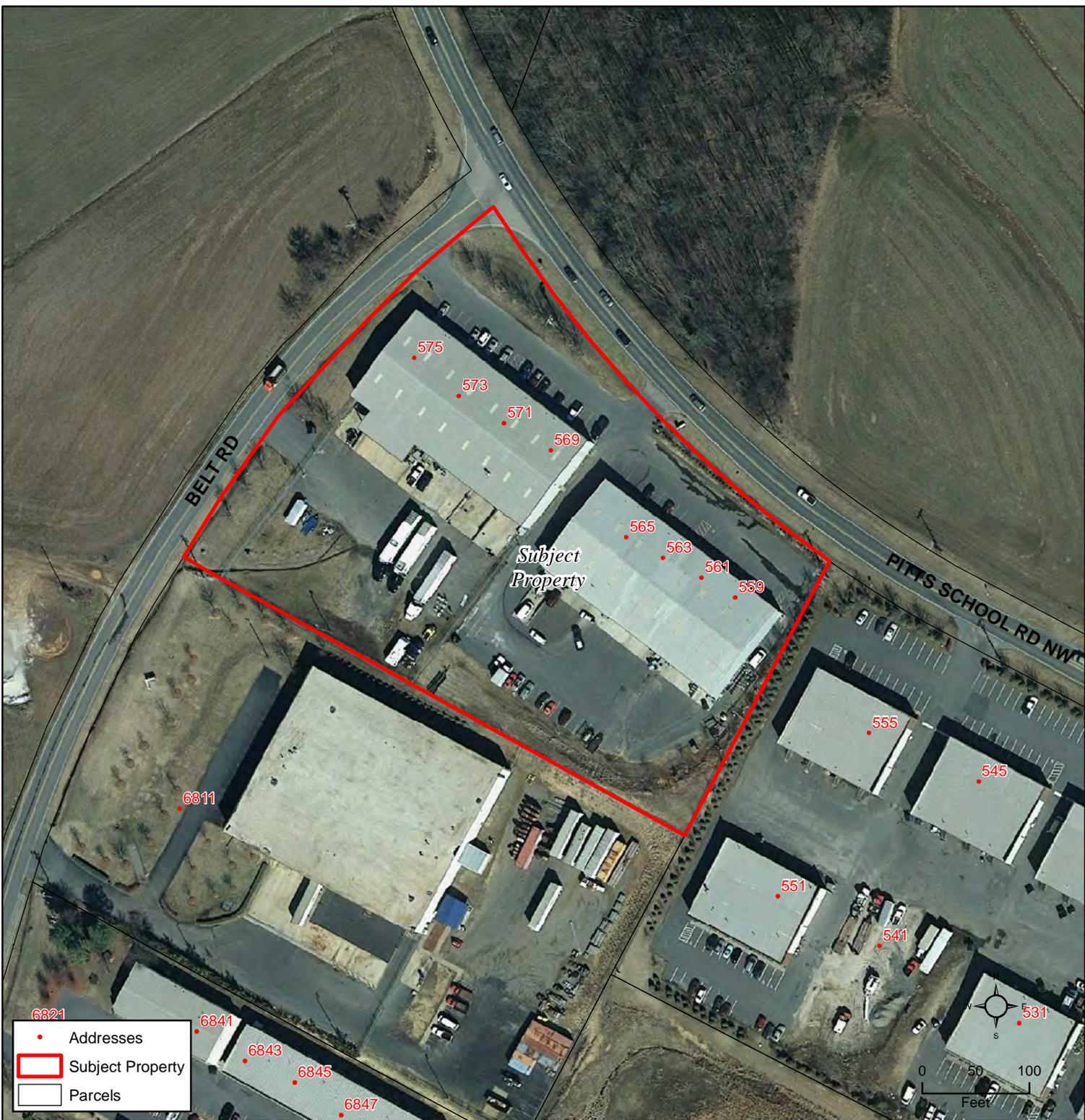
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**SUP-07-15  
AERIAL**

**Special Use Permit Application  
for development of a  
fitness center in a  
Limited Industrial (I-1)  
zoning district**

561 Pitts School Rd NW  
PIN: 4599-59-2689



Source: City of Concord  
Planning Department

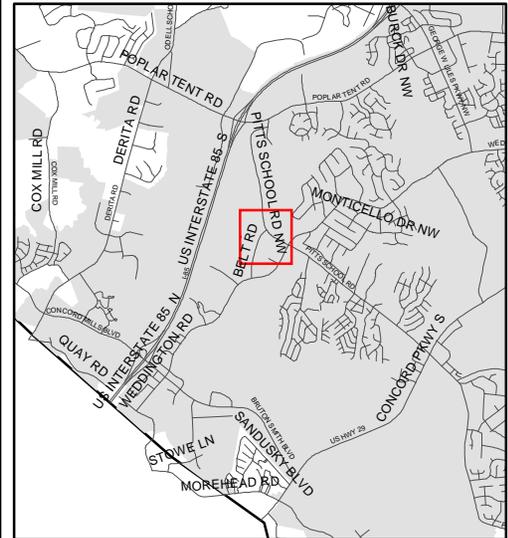
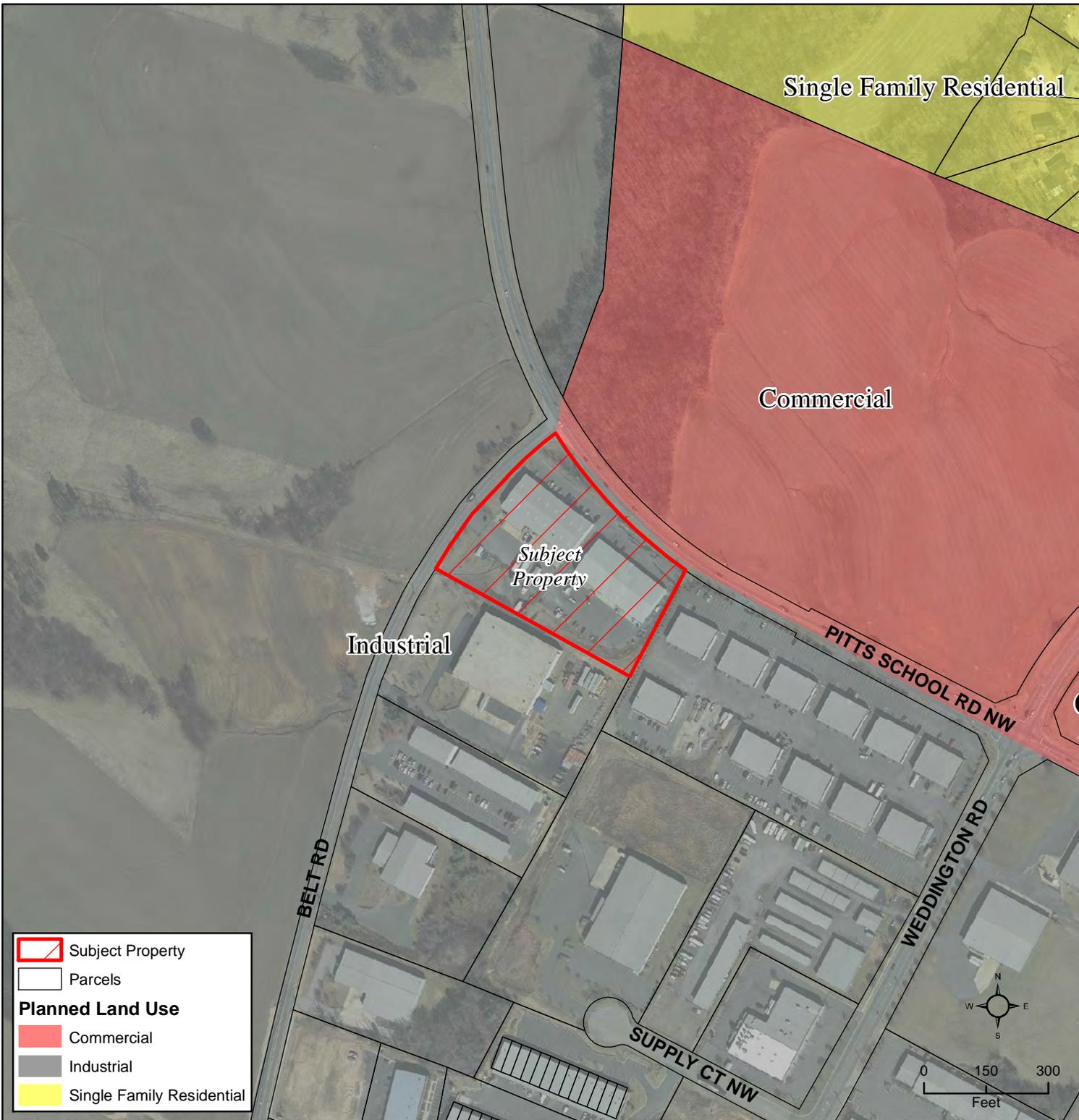
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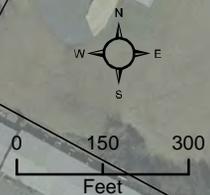
**SUP-07-15  
LAND USE PLAN**

**Special Use Permit Application  
for development of a  
fitness center in a  
Limited Industrial (I-1)  
zoning district**

561 Pitts School Rd NW  
PIN: 4599-59-2689



|                         |                           |
|-------------------------|---------------------------|
|                         | Subject Property          |
|                         | Parcels                   |
| <b>Planned Land Use</b> |                           |
|                         | Commercial                |
|                         | Industrial                |
|                         | Single Family Residential |



Source: City of Concord  
Planning Department

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Date 4/7/2015

APPLICANT NAME: James Simpson COMPANY  
NAME NuBody Fitness

APPLICANT ADDRESS: 8611 Concord Mills Blvd #203

CITY: Concord STATE NC ZIP 28027 PHONE NUMBER OF  
APPLICANT: 704-299-6901

OWNER OF PROPERTY (if different from applicant) Bill Venturini

OWNER ADDRESS: 571 Pitts School Road <sup>NW</sup> CITY Concord STATE NC ZIP 28027

PROJECT ADDRESS (if an address exist):  
561 Pitts School Road

P.I.N.: 4599592689000 part of  
Area of Subject Property (in acres, or square feet): 4.36 acres

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

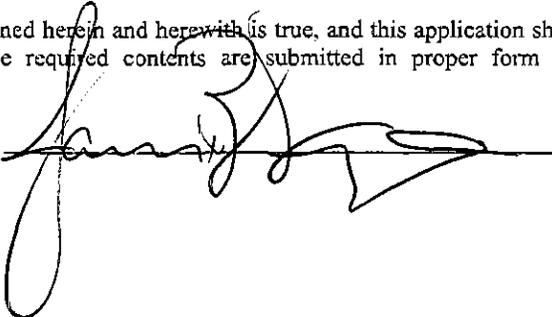
Current Zoning Classification: I

Existing Land Use: Industrial warehouse

Description of Use Requested: Personal Training / Bootcamp

**Certification**

I hereby acknowledge and say that the information contained herein and herewith is true, and this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the Development Services Department.

Date: 4/16/2015 Applicant Signature: 



(5) Off-street parking and loading provisions:

n/a

(6) Sign provisions:

will comply with city ordinances

(7) Provisions for screening, landscaping and buffering:

provided already

(8) Provisions for vehicular circulation and access to streets:

provided already

(9) Adequate and safe design for grades, paved curbs and gutters, drainage systems, and treatment or turf to handle storm water, prevent erosion, and subdue dust:

provided already

(10) Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces, facilities for waste disposal, and illumination:

provided already

(11) An adequate amount, and safe location of, play areas for children and other recreational uses, according to the concentration of residential occupancy:

n/a

(12) Fences, walls, or year-round screen planting abutting residential districts, to protect residences from parking lot illumination, headlights, fumes, heat, blowing papers, and dust (to reduce the visual encroachment on privacy and residents):

n/a

(13) Open space (including flood hazard area):

n/a

(14) Improvements within the common open space:

n/a

(15) Parking Areas:

n/a

(16) Sidewalks, trails and bikeways:

n/a

(17) Lighting and utilities:

n/a

(18) Site furnishings:

n/a

(19) Adequate fire, police, water and sewer services:



Application for  
Special Use Permit

n/a

(20) Other requirements as may be requested by the applicant or specified by the City Council for protection of the public health, safety, welfare and convenience:

n/a

# Memo

To: Planning and Zoning Commission Members  
From: Kevin E. Ashley, AICP Planning and Development Manager  
Date: May 19, 2015  
Re: Case Z(CUD)-24-07 – Pendleton Subdivision

---

The staff has been made aware of a stormwater easement issue which would preclude the Commission from approving this petition. This item needs to be continued until the June meeting to allow the developer to work on resolution of the issue.



**DATE:** May 19, 2015

**CASE #:** Z (CD)-09-15

**DESCRIPTION:** Zoning Map Amendment  
Conditional Use General Commercial (CU-C2) and Residential Compact (RC) to General Commercial Conditional District (C-2CD)

**OWNERS:** 160 Concord Inc.

**LOCATION:** 120, 130 and 150 Old Davidson Place NW

**PIN#s:** PINs: 5621-05-3669, 5534, 5596

**AREA:** 5.097 +/- acres

**ZONING:** Conditional Use General Commercial (CUC-2) and Residential Compact (RC)

**PREPARED BY:** Kevin E Ashley, AICP Planning and Development Manager

**BACKGROUND**

The subject property consists of approximately 5.097 acres on the north side of Old Davidson Place, generally on the northeast quadrant of Concord Parkway (US 29) and Davidson Highway (NC-73). The applicant seeks a zoning map amendment to General Commercial-Conditional District (C-2CD) for the development of a 23,400 square foot grocery store and retail space.

**HISTORY**

The CUC-2 zoned property has one commercial structure, which according to County Land Records data, was constructed in 1940. This parcel was rezoned in 2007 for the development of retail uses (Case Z (CD)-35-07). The approved zoning indicated four structures on site, totaling a maximum of 44,898 square feet. 160 Concord Inc. acquired the two RC zoned properties (rental homes) in March, 2015. According to Cabarrus County Property Appraiser data, the homes were constructed in 1950 and 1982. Note that the CUC-2 district is no longer a classification within the Concord Development Ordinance as the Conditional Use options were removed from the Ordinance due to a change in the General Statutes in 2008.

## **SUMMARY OF REQUEST**

The petitioner proposes to rezone the subject property from CUC-2 and RC Commercial General Conditional District General Commercial Conditional District (C-2CD). The petitioner has clarified that they seek approval for a grocery store as the principal use, and request consideration of supporting uses in one lease space, which would be limited to a bank (financial institution), office, or specialty retail.

Because the request is conditional district in nature, the developer has submitted a development plan for consideration. The plan illustrates a 23,400 square foot grocery store. The structure is pulled up to the northern boundary of Old Davidson Place, and parking is located to the side and rear of the structure. No parking lies between the road right-of-way and the structure.

A stream bisects the subject property in a southwest to northeast direction, and a stream buffer is required on both sides. The developer proposes a vehicular crossing on this stream in order to provide parking on the north portion of the property. A 30' wide parcel of I-1 zoned property separates the CUC-2 zoned property from the RC zoned property. This parcel is actually a right-of-way which provides access to a C-2 zoned property to the north.

The site plan has been reviewed by the Development Review Committee (DRC) and the petition meets the requirements of the CDO. The project will be subject to technical site plan review, including obtaining an NCDOT driveway permit and installing curb, gutter and sidewalks.

Additionally, the petitioner has submitted architectural renderings and elevations which demonstrate general compliance with the nonresidential design standards of the CDO. The north elevation will be screened from the multifamily development by the undisturbed stream buffer. The west, east and north elevations all include numerous insets to the facades to break up the building walls. The south elevation proposes a series of awnings as well as some wall insets for the development of murals/artwork. The petitioner has stated that the split face block band extends to all sides of the structure, and has consented to slightly amend the south elevation to insure that there are no uninterrupted wall planes greater than 50 feet as specified in the Ordinance. More detailed elevations will be reviewed during technical site plan approval, should the request be approved.

Property to the north is zoned Heavy Industrial (I-2) and Residential Compact (RC). The I-2 land is developed with a concrete supply storage yard and the RC land is developed with multifamily. Land to the east is zoned Light Industrial (I-1) and General Commercial (C-2). The C-2 property is commercially developed and the I-1 land appears to be used as a single family home. Land to the south is zoned C-2 and I-1. The C-2 land is commercially developed and the I-1 property is developed with self-service storage units. Property to the west is zoned C-2 and RC. The C-2 property is commercially developed and the RC property is developed with multifamily.

| 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 |  |
| Conditional Use Commercial General (CUC-2) | North                  | I-2 and RC  | Single family residential and commercial | North                     | Industrial and multifamily               |
|  | South                  | C-2 and I-1 |  | South                     | Commercial and self-service storage      |
|  | East                   | I-1 and C-2 |  | East                      | Single family residential and commercial |
|  | West                   | C-2 and RC  |  | West                      | Commercial and multifamily               |

**COMPLIANCE WITH 2015 LAND USE PLAN**

The 2015 Land Use Plan (LUP) predominately designates the subject property as “commercial”. C-2 zoning (including conditional district) is deemed to be consistent with the LUP.

**SUGGESTED STATEMENT OF CONSISTENCY**

- The subject property is approximately 5.097 acres.
- The subject property is improved with one commercial structure and two single family residences.
- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because it brings the property more into conformance with the “commercial” land use designation by rezoning residentially zoning property to a district that is consistent within the land use designation.
- The zoning amendment is reasonable and in the public interest because the petition proposes commercial uses that will directly supports the neighboring multifamily development.

**SUGGESTED RECOMMENDATION AND CONDITIONS**

The staff finds the request consistent with the 2015 Land Use Plan and the requirements of the Concord Development Ordinance. The staff (and Development Review Committee) has no objections to the petition. Because this petition is a parallel conditional district request, the Commission, should they decide to approve the request, may, according to Section 3.2.8.E of the CDO, suggest **“reasonable additional conditions or augment those already provided with the petition, but only those conditions mutually agreed upon by the petitioner and the Commission or Council may be incorporated into the approval. Any such condition should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way**

**improvements, water and sewer improvements, storm water drainage, the provision of open space and other matters that the Commission or Council may find appropriate.”**

The petitioner has consented to the following conditions:

1. Compliance with the “Schematic Site Plan” for Compare Foods Sheet SP-1
2. Uses on the site shall be limited to a grocery store as a principal use, with a potential supporting use of bank (financial institution), office, or specialty retail with the total floor area not exceeding 23,400 square feet.
3. The project shall be subject to technical site plan approval.
4. Amendment of the south elevation (at the time of technical site plan approval) to insure that there are no flat wall planes longer than 50 feet in length.

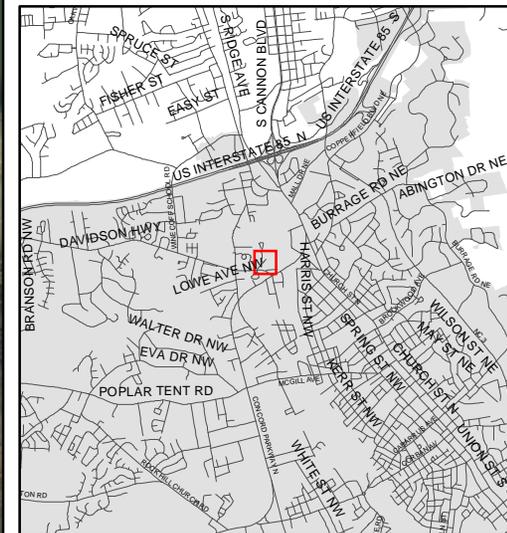
**PROCEDURAL CONSIDERATIONS**

This particular case is a rezoning to a parallel conditional 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.

**Z(CD)-09-15  
AERIAL**

**Zoning map  
amendment application  
General Commercial  
Conditional Use (CUC-2),  
Residential Compact (RC)  
to General Commercial  
Conditional Use (CUC-2)  
for development of a grocery  
store and retail space**

120, 130 & 150 Old Davidson PI NW  
PINs: 5621-05-3669, 5535, 5596



Source: City of Concord  
Planning Department

**Disclaimer**

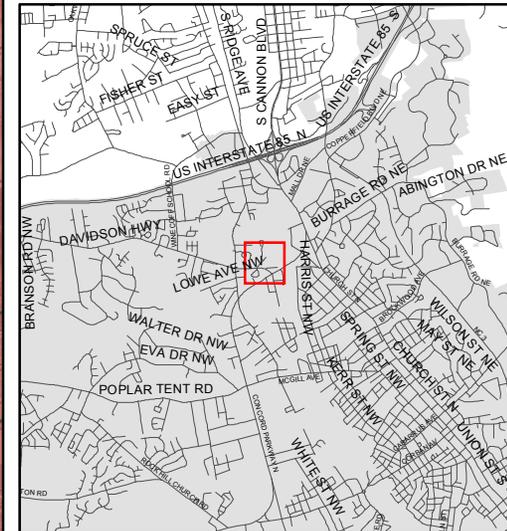
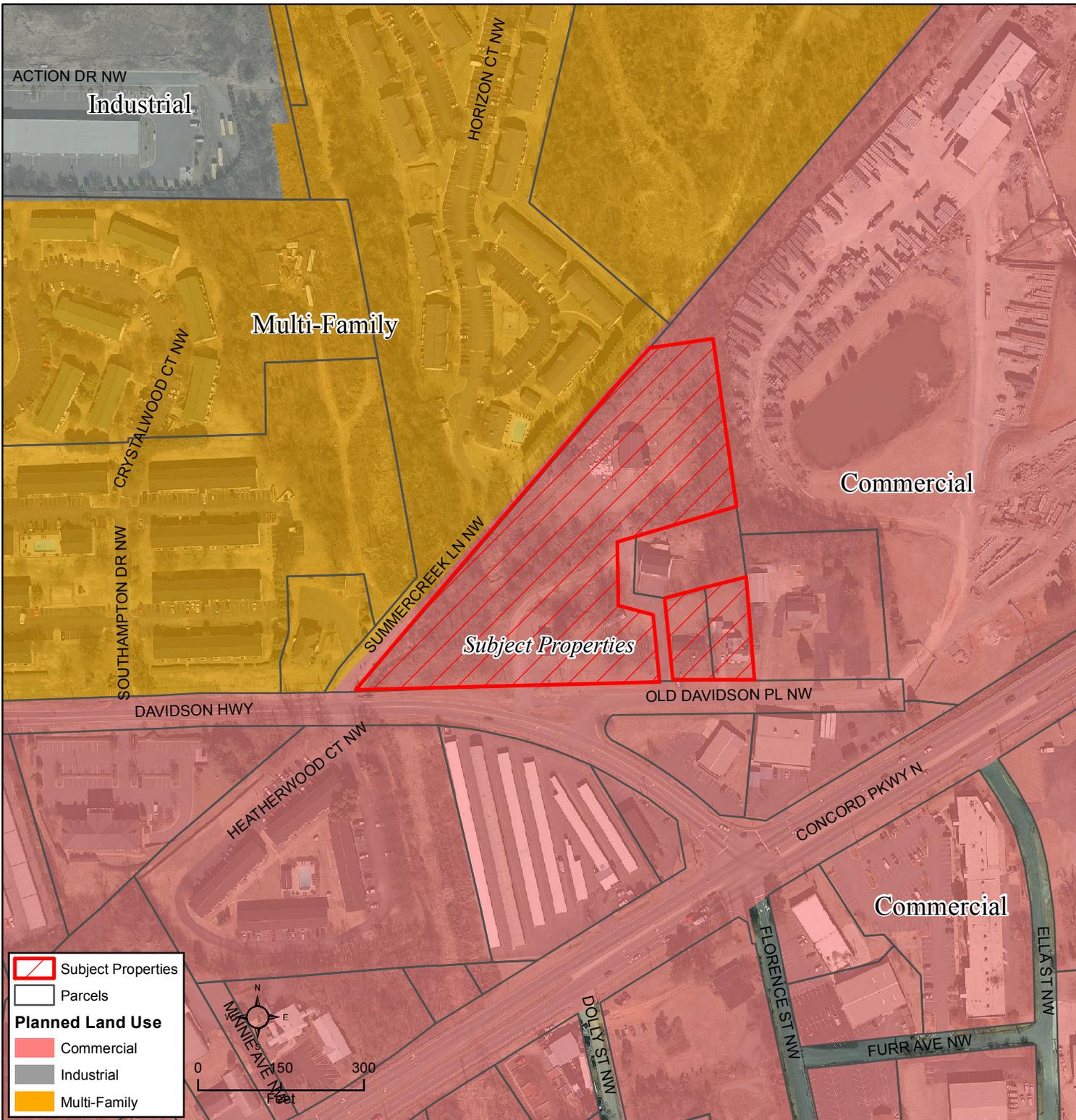
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**Z(CD)-09-15  
LAND USE PLAN**

**Zoning map  
amendment application  
General Commercial  
Conditional Use (CUC-2),  
Residential Compact (RC)  
to General Commercial  
Conditional Use (CUC-2)  
for development of a grocery  
store and retail space**

120, 130 & 150 Old Davidson PI NW  
PINs: 5621-05-3669, 5535, 5596



Source: City of Concord  
Planning Department

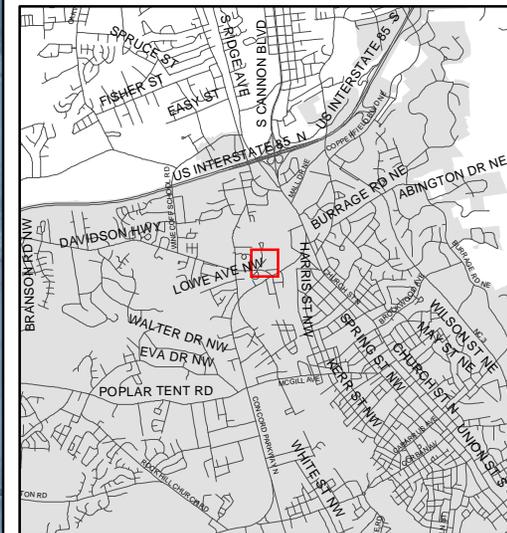
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# Z(CD)-09-15 ZONING MAP

**Zoning map  
amendment application  
General Commercial  
Conditional Use (CUC-2),  
Residential Compact (RC)  
to General Commercial  
Conditional Use (CUC-2)  
for development of a grocery  
store and retail space**

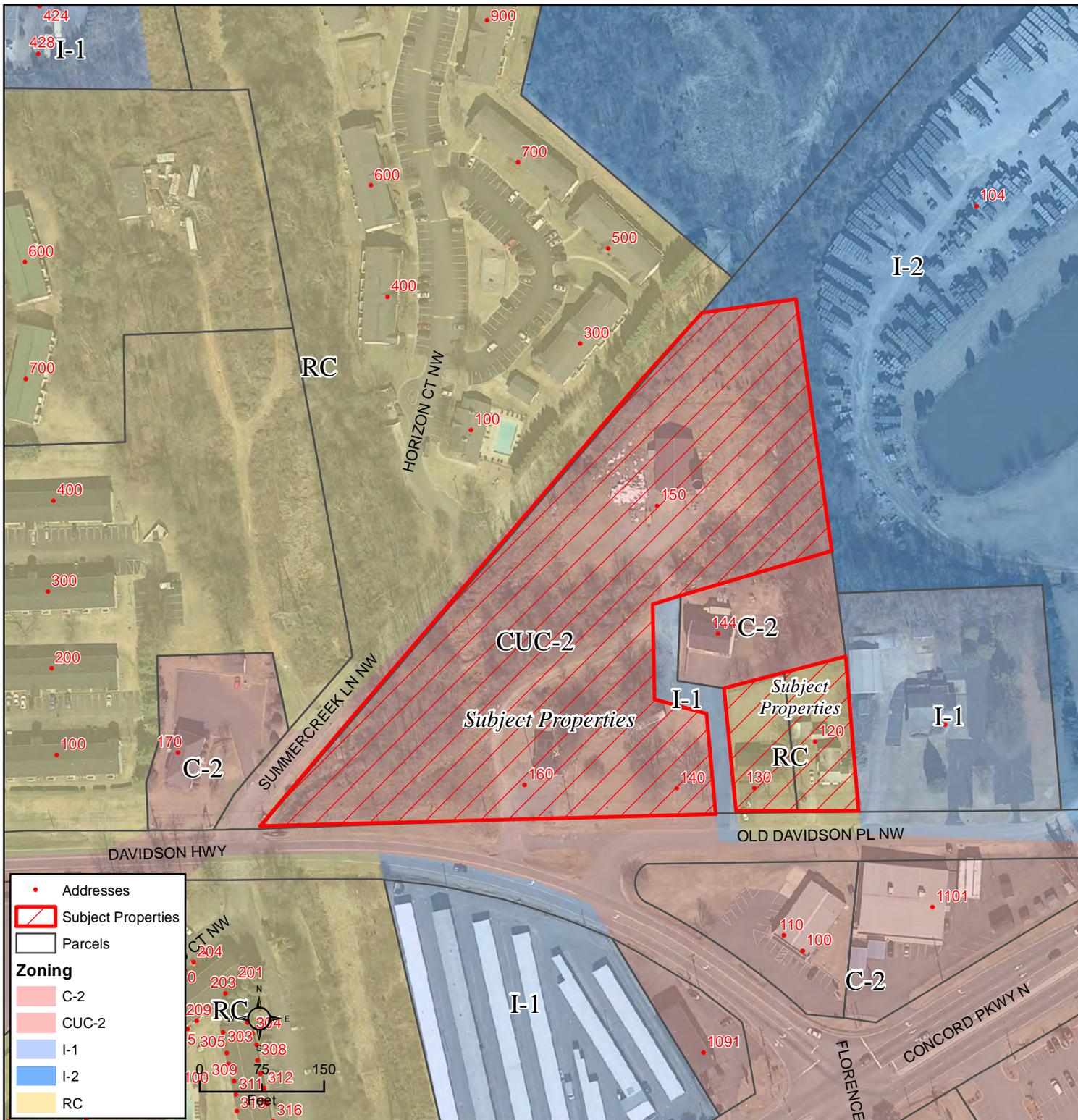
120, 130 & 150 Old Davidson PI NW  
PINs: 5621-05-3669, 5535, 5596

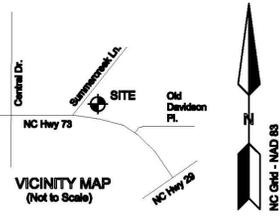


Source: City of Concord  
Planning Department

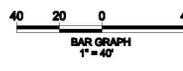
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- LEGEND**
- RW - RIGHT OF WAY
  - - POWER POLE
  - - LIGHT POLE
  - - GUYWIRE
  - - ELECTRIC METER
  - - FIBER OPTIC BOX
  - - FIRE HYDRANT
  - - WATER VALVE
  - - WATER METER
  - - SANITARY SEWER MANHOLE
  - - SANITARY CLEANOUT
  - - TELEPHONE PEDESTAL
  - - CABLE PEDESTAL
  - - MAILBOX
  - - DROP INLET
  - - SIGN



**Grid Tie Information**  
 NCGS '88 JAS' to GPS #1  
 S 28°27'05" W 73.86' Ground  
 73.79' Grid

GPS #1 to GPS #2  
 S 72°09'51" W 413.82' Ground  
 413.89' Grid

SF: 0.999904329  
 NAD 83(NRS2011)

**NCGS '88 JAS'**  
 N: 815416.14  
 E: 1519850.05

**GPS #1**  
 N: 815450.276  
 E: 1519855.142  
 EL: 634.381

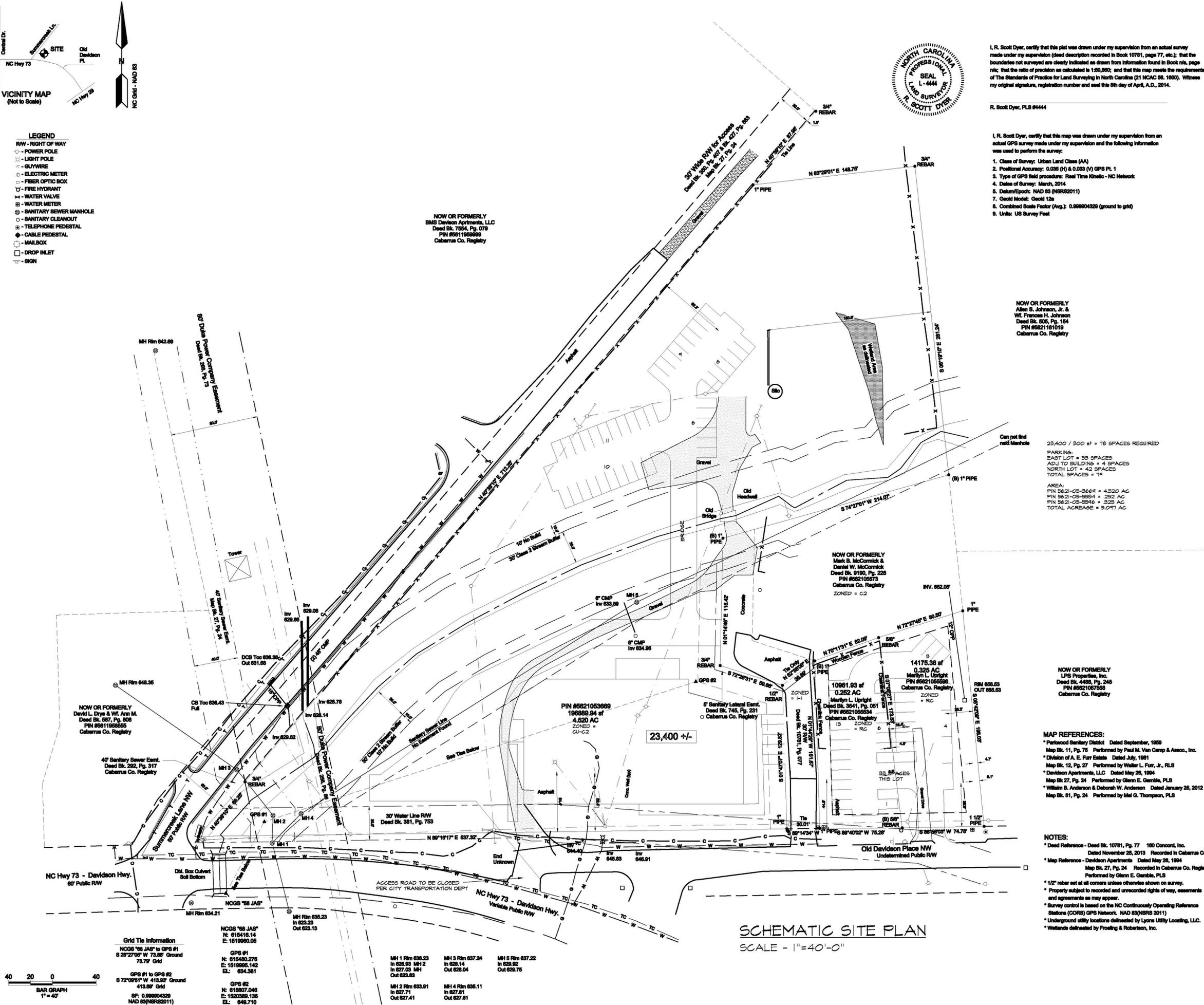
**GPS #2**  
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 E: 1520388.136  
 EL: 648.710

MH 1 Rm 638.23  
 In 628.25  
 Out 628.83

MH 2 Rm 637.34  
 In 628.14  
 Out 628.04

MH 3 Rm 637.22  
 In 628.14  
 Out 628.75

MH 4 Rm 636.11  
 In 627.71  
 Out 627.81



I, R. Scott Dyer, certify that this plan was drawn under my supervision from an actual survey made under my supervision (detailed description recorded in Book 10781, page 77, etc.); that the boundaries not surveyed are clearly indicated as drawn from information found in Book n/a, page n/a; that the ratio of precision as calculated is 1:80,850; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 86.1600). Witness my original signature, registration number and seal this 8th day of April, A.D., 2014.

R. Scott Dyer, PLS #4444

I, R. Scott Dyer, certify that this map was drawn under my supervision and the following information was used to perform the survey:

- Class of Survey: Urban Land Class (AA)
- Positional Accuracy: 0.035 (H) & 0.033 (V) GPS PL 1
- Type of GPS Field Procedure: Real Time Kinematic - NC Network
- Date of Survey: March, 2014
- Datum/Epoch: NAD 83 (NRS2011)
- Geoid Model: Geoid 12a
- Combined Scale Factor (Avg.): 0.999904329 (ground to gfd)
- Units: US Survey Feet

NOW OR FORMERLY  
 Allen S. Johnson, Jr. &  
 W. Frances H. Johnson  
 Deed Bk. 605, Pg. 154  
 PIN #6621161019  
 Cabarrus Co. Registry

NOW OR FORMERLY  
 Mark B. McCormick &  
 Daniel W. McCormick  
 Deed Bk. 9150, Pg. 228  
 PIN #662105873  
 Cabarrus Co. Registry  
 ZONED = C-2

NOW OR FORMERLY  
 LPS Properties, Inc.  
 Deed Bk. 4488, Pg. 245  
 PIN #6621057668  
 Cabarrus Co. Registry

- MAP REFERENCES:**
- Perkwood Sanitary District Dated September, 1959
  - Map Bk. 11, Pg. 75 Performed by Paul M. Van Camp & Assoc., Inc.
  - Division of A. E. Farr Estate Dated July, 1961
  - Map Bk. 12, Pg. 27 Performed by Walter L. Farr, Jr., PLS
  - Davidson Apartments, LLC Dated May 25, 1994
  - Map Bk. 27, Pg. 24 Performed by Glenn E. Gamble, PLS
  - William B. Anderson & Deborah W. Anderson Dated January 25, 2012
  - Map Bk. 81, Pg. 24 Performed by Mel G. Thompson, PLS

- NOTES:**
- Deed Reference - Deed Bk. 10781, Pg. 77 180 Concord, Inc. Dated November 25, 2013 Recorded in Cabarrus Co. Registry
  - Map Reference - Davidson Apartments Dated May 25, 1994 Map Bk. 27, Pg. 24 Recorded in Cabarrus Co. Registry Performed by Glenn E. Gamble, PLS
  - 1/2" rebar set at all corners unless otherwise shown on survey.
  - Property subject to recorded and unrecorded rights of way, easements and agreements as may appear.
  - Survey control is based on the NC Continuously Operating Reference Stations (CORS) GPS Network. NAD 83(NRS 2011)
  - Underground utility locations delineated by Lyons Utility Locating, LLC.
  - Wetlands delineated by Frooting & Robertson, Inc.



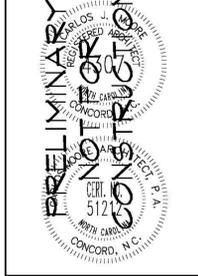
**NORSTAR LAND SURVEYING, INC.**  
 552-B Newell Street NW  
 Concord, NC 28025  
 Ph 704 721 6651  
 Fax 704 721 6653  
 Firm Lic. # C-2294

Owners: 180 Concord, Inc.  
 City of Concord  
 Cabarrus County, NC

**4.52 AC - Hwy. 73 & Old Davidson Place**  
**BOUNDARY & TOPOGRAPHIC SURVEY**

|            |                               |
|------------|-------------------------------|
| DATE       | March 27, 2014                |
| SCALE      | 1" = 40'                      |
| NLS NO.    | 14017                         |
| DRAWN BY   | S. Dyer                       |
| CHECKED BY | S. Dyer                       |
| DATE       | 11/28/14                      |
| BY         | SHK                           |
| REVISION   | ADD TWO PARCELS PER ARCHITECT |
| SHEET      | 1 OF 1                        |

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**PRELIMINARY NOT FOR CONSTRUCTION**

**Carlos J. Moore**  
 EST. 1987  
 ARCHITECT PA  
 222 CHURCH ST. N. CONCORD, NC 28025  
 T-704.788.8333 F-704.782.0487  
 WWW.CMOOREARCH.COM

NEW PROJECT FOR:  
**COMPARE FOODS**  
 160 OLD DAVIDSON PLACE, CONCORD NC

**SCHEMATIC SITE PLAN**

TODAY'S DATE: 04.01.2015  
 SCHEMATIC DESIGN APPR: XXXX  
 ORIGINAL SEAL DATE: XXXX

REVISIONS:

DRAWING NUMBER: 1403045P1  
 DRAWN BY: VLM  
 PROJECT MGR: VLM  
 CHECKED BY: C. MOORE

SHEET  
 1 OF 1

TOTAL # OF SHEETS: X



COMPARE OCLC



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**Carlos Moore**  
 EST. 1987  
 ARCHITECT PA  
 222 CHURCH ST. N. CONCORD, NC 28025  
 T-704.786.8993 F-704.782.0487  
 WWW.MOOREARCH.COM

NAME OF PROJECT  
**COMPARE FOODS**  
 ADDRESS  
**EXTERIOR ELEVATIONS**

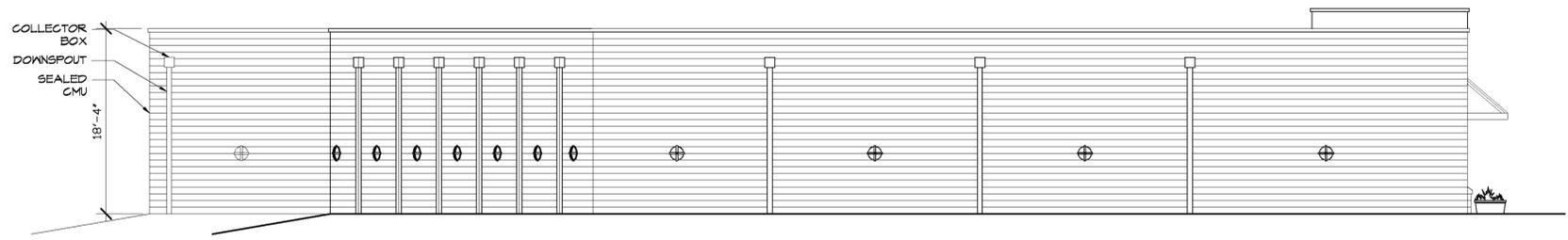
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 SHEET TITLE:

TODAY'S DATE: 03.10.2015  
 SCHEMATIC DESIGN APPR. XXXX  
 ORIGINAL SEAL DATE: XXXX

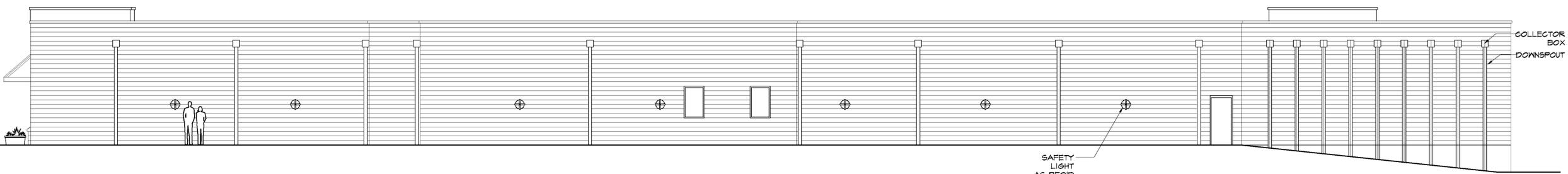
REVISIONS:

DRAWING NUMBER: 140304 EL  
 DRAWN BY: VLM  
 PROJECT MGR: VLM  
 CHECKED BY: V. MOORE

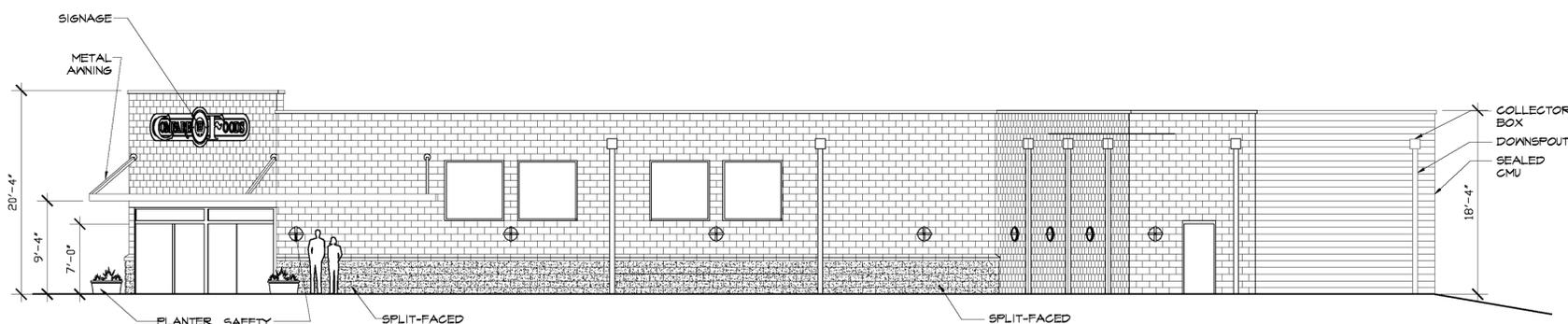
SHEET  
**A-3**  
 TOTAL # OF SHEETS: X  
 OF X



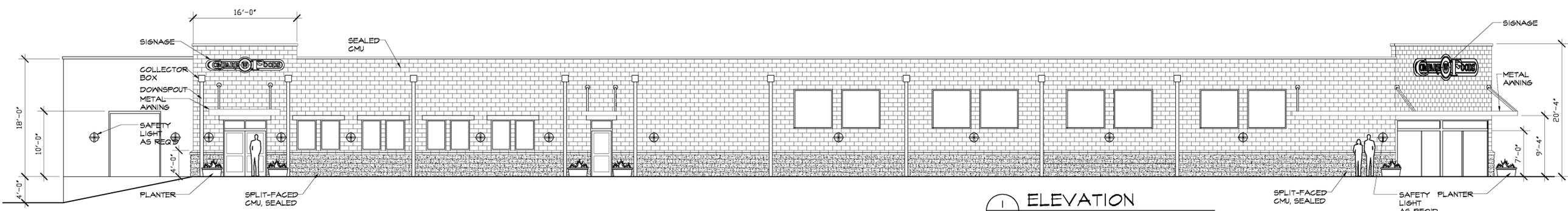
**4**  
 A-3  
**ELEVATION**  
 SCALE 1/8"=1'-0" WEST



**3**  
 A-3  
**ELEVATION**  
 SCALE 1/8"=1'-0" NORTH



**2**  
 A-3  
**ELEVATION**  
 SCALE 1/8"=1'-0" EAST



**1**  
 A-3  
**ELEVATION**  
 SCALE 1/8"=1'-0" SOUTH

(Please type or print)

Applicant Name, Address, Telephone Number: Carlos Moore Architect PA  
272 Church St. N; Concord NC 28025. 704-788-8333

Owner Name, Address, Telephone Number: 160 Concord Inc  
3600 N. Sharon Amity Rd. Charlotte NC 28205

Project Location/Address: 150 Old Davidson Place NW. / 130 Old Davidson Place NW  
P.I.N.: 5621-05-3669 / 120 Old Davidson Place NW

Area of Subject Property (acres or square feet): 4.520 Ac / .13 Ac / .34 Ac

Lot Width: Survey attached Lot Depth: Survey attached

Current Zoning Classification: CU-C2 / RC / RC

Proposed Zoning Classification: CU-C2

Existing Land Use: Vacant / RC has 2 rental homes

Surrounding Land Use: North RC / I-2 South RC / I-1  
East I-1, C-2, I-1 West C-2 / RC

Reason for request: update existing conditional use on larger parcel  
to include a grocery store + small retail space. On the RC lots - rezone to  
allow for parking for the grocery store.

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

Staff member signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Required Attachments/Submittals:**

1. Typed metes and bounds description of the property or portion of the property to be rezoned. A property deed is sufficient, provided the deed describes only the subject property.
2. Cabarrus County Land Records printout of names and addresses of all immediately adjacent property owners, including any directly across the street.
3. Neighborhood meeting summary report
4. If application is for a Conditional District, attach a completed "Application for Conditional District" with this form

***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.*

Applicant Signature: \_\_\_\_\_

Date: 04.02.2015

Owner Signature: \_\_\_\_\_

Date: 4/8/15



**DATE:** May 19, 2015

**CASE #:** Z -10-15

**DESCRIPTION:** Zoning Map Amendment  
Light Commercial (C-1) to General Commercial (C-2)

**APPLICANT/OWNERS:** Raley-Miller Properties, Inc./Coble Family Farm Limited Partnership

**LOCATION:** Southwest quadrant of Poplar Crossing Drive NW and George W. Liles Parkway NW

**PIN#s:** PINs: 5600-27-8674

**AREA:** 3.19 +/- acres

**ZONING:** Light Commercial (C-1)

**PREPARED BY:** Kevin E Ashley, AICP Planning and Development Manager

**BACKGROUND**

The subject property consists of approximately 3.19 acres generally on the southwest quadrant of Poplar Crossing Drive and George W. Liles Parkway. The property is a portion of a 10.86+/- acre parcel which is predominately zoned General Commercial (C-2). The developer seeks to rezone the C-1 portion of the property to place all of the property under one consistent district.

**HISTORY**

The subject property was annexed as part of a large involuntary annexation in December, 1995. The landowners worked closely with staff to develop a mixture of commercial zoning at the corner of Poplar Tent Road and George W. Liles Parkway (then known as Crisco Road), with complementary Industrial zoning to the west. The general area of the intersection was zoned a combination of B-3 (General Commercial), B-5 (Buffer Commercial) and I-1 (Light Industrial). With the adoption of the Unified Development Ordinance (now known as the CDO) and their corresponding new districts in 2000, the areas zoned B-3 became C-2 zoning, the B-5 areas became C-1 Neighborhood Commercial and the name of the existing I-1 zoning remained. The C-1 areas and part of the I-1 areas were rezoned to C-2 in March, 2008 (Case #Z-04-08) and a rezoning was approved in 2012 (Case # Z-08-12) for Office Institutional (O-I) for the development of the Charter School. With the development of surrounding uses (such as the adjacent Legacy Apartments) and the construction of streets, there are instances (such as this one) where the zoning lines and property lines do not necessarily match.

**SUMMARY OF REQUEST**

The petitioner proposes to rezone a portion of the subject property from Light Commercial (C-1) to General Commercial (C-2). Approximately 7.67 acres of the total land area of the subject property is zoned C-2, which includes the parcels frontage on George W. Liles Parkway. Approximately 3.19 acres on the southwest portion of the subject property is zoned C-1 and the petitioner seeks to move the zoning line to put the entire property ownership under one zoning classification. While some of the uses in C-1 may be permissible in C-2, the split zoning creates substantial confusion in terms of financing, land appraisals and zoning administration, particularly in the instance where the zoning line could bisect a future structure.

Property to the north is zoned Commercial General (C-2) and is developed commercially. Land to the west is zoned O-I and C-I and is developed with the Charter School and multifamily development. Land to the south is zoned C-1 and Residential Compact (RC) and is multifamily and vacant land. Land to the east (on the east side of George W. Liles Parkway) is zoned C-1 and is vacant.

| <b>Existing Zoning and Land Uses</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> |                                |
| Light Commercial (C-1)                    | <b>North</b>                  | C-2         | Vacant land                             | <b>North</b>                     | Commercial                     |
|   | <b>South</b>                  | C-1 and RC  |   | <b>South</b>                     | Multifamily and vacant land    |
|   | <b>East</b>                   | C-1         |   | <b>East</b>                      | Vacant land                    |
|   | <b>West</b>                   | C-1 and O-I |   | <b>West</b>                      | Multifamily and charter school |

**COMPLIANCE WITH 2015 LAND USE PLAN**

The 2015 Land Use Plan (LUP) designates the subject property as “Village Center”. The Poplar Tent Road/George W. Liles Parkway is designated as a large village center area. The LUP states that these areas should “create pedestrian friendly neighborhoods and include open space preservation, a walkable plan with sidewalks, connectivity to transportation corridors and adjacent development and a mixture of uses.” The plan does not specifically list C-2 zoning as consistent with the Village Center land use designation. However, to permit a true mixture of uses in a Village Center, from a planning perspective, uses permitted in the C-2 zoning are necessary and this request represents the adjustment of a historical zoning classification. As this particular geographic area encompasses a range of residential, commercial and institutional zoning (RC, C-1, C-2 and O-I), and the existing adjacent C-2 zoning predates the adoption of the LUP, it is our opinion that the C-2 therefore is consistent with the plan.

### **SUGGESTED STATEMENT OF CONSISTENCY**

The subject property is approximately 3.19 acres and is zoned Light Commercial (C-1) and is vacant land.

- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because 1) uses permissible in C-2 zoning are necessary for the proper mixture of uses in a “village center” designation and 2) the C-2 zoning in the area pre-dates the adoption of the LUP.
- The zoning amendment is reasonable and in the public interest because the petition places the entire property ownership under one zoning classification and its approval will serve to alleviate potential future issues relative so zoning administration and financing.

### **SUGGESTED RECOMMENDATION AND CONDITIONS**

The staff finds the request consistent with the 2015 Land Use Plan and 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.

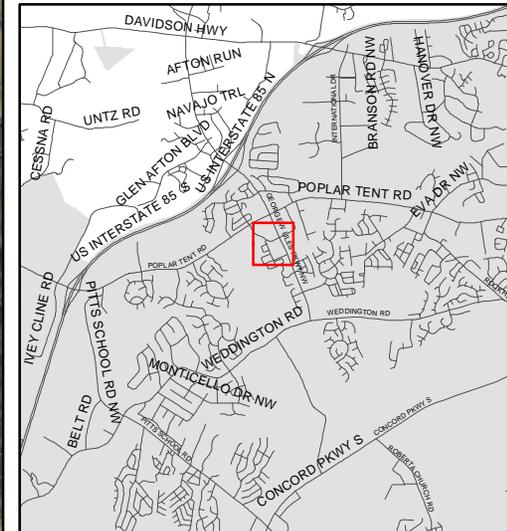
### **PROCEDURAL CONSIDERATIONS**

This particular case is a rezoning to a parallel conditional 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.

# Z-10-15 AERIAL

## Zoning map amendment application Light Commercial (C-1) to General Commercial (C-2)

George W. Liles Pkwy NW &  
Poplar Crossing Dr NW  
PIN: prt of 5600-27-8674



Source: City of Concord  
Planning Department

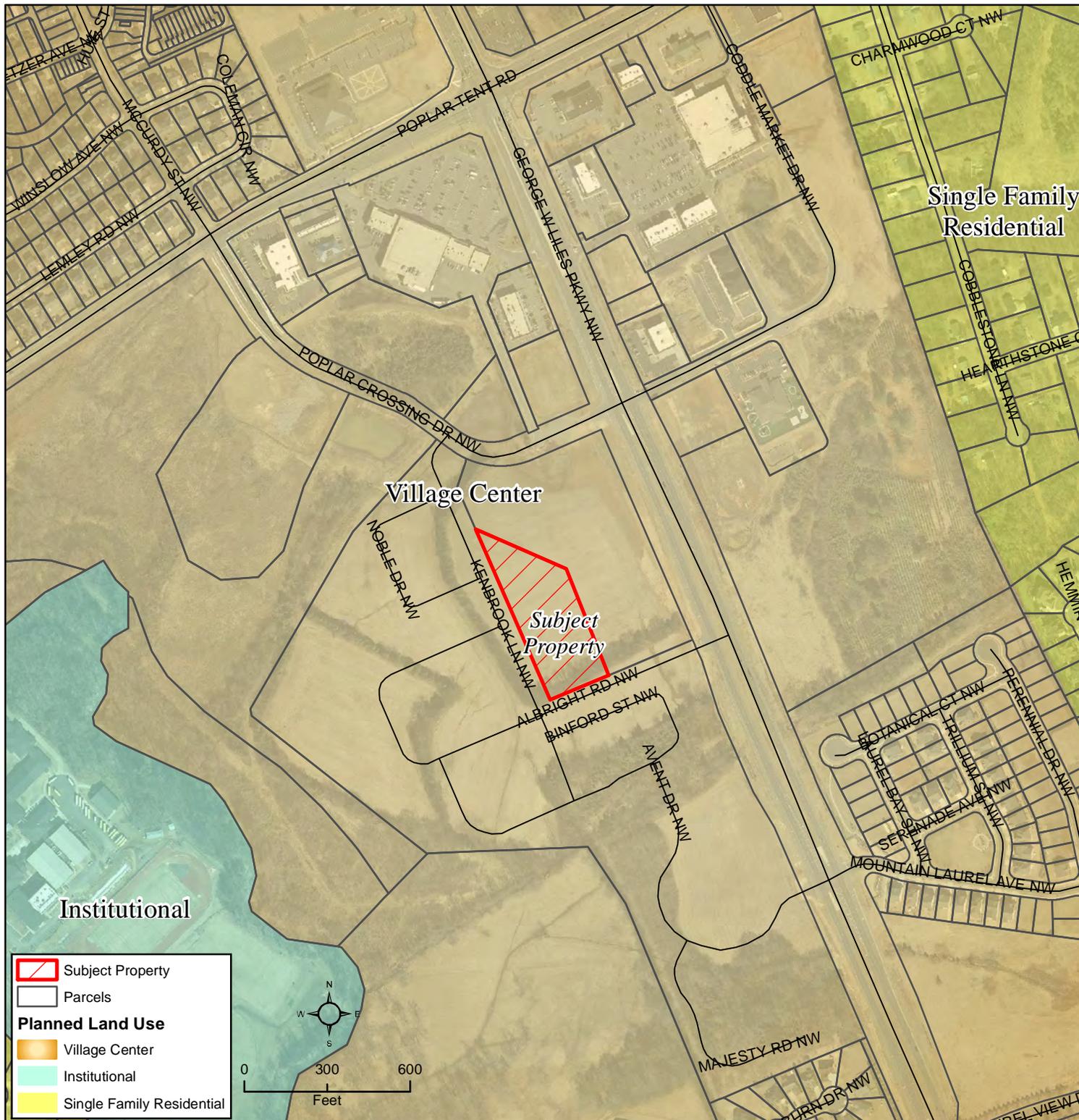
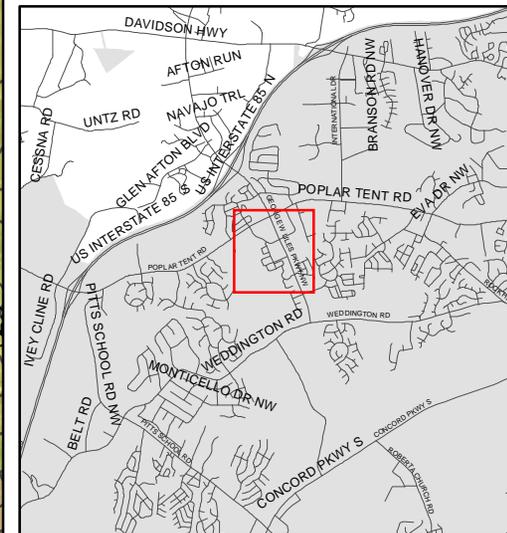
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**Z-10-15  
LAND USE PLAN**

**Zoning map  
amendment application  
Light Commercial (C-1) to  
General Commercial (C-2)**

George W. Liles Pkwy NW &  
Poplar Crossing Dr NW  
PIN: prt of 5600-27-8674



Source: City of Concord  
Planning Department

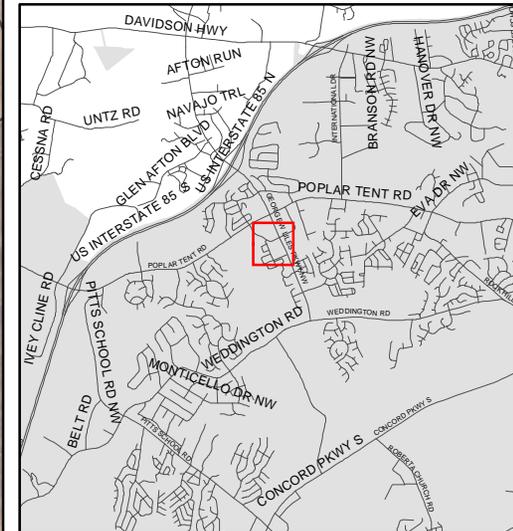
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**Z-10-15  
ZONING MAP**

**Zoning map  
amendment application  
Light Commercial (C-1) to  
General Commercial (C-2)**

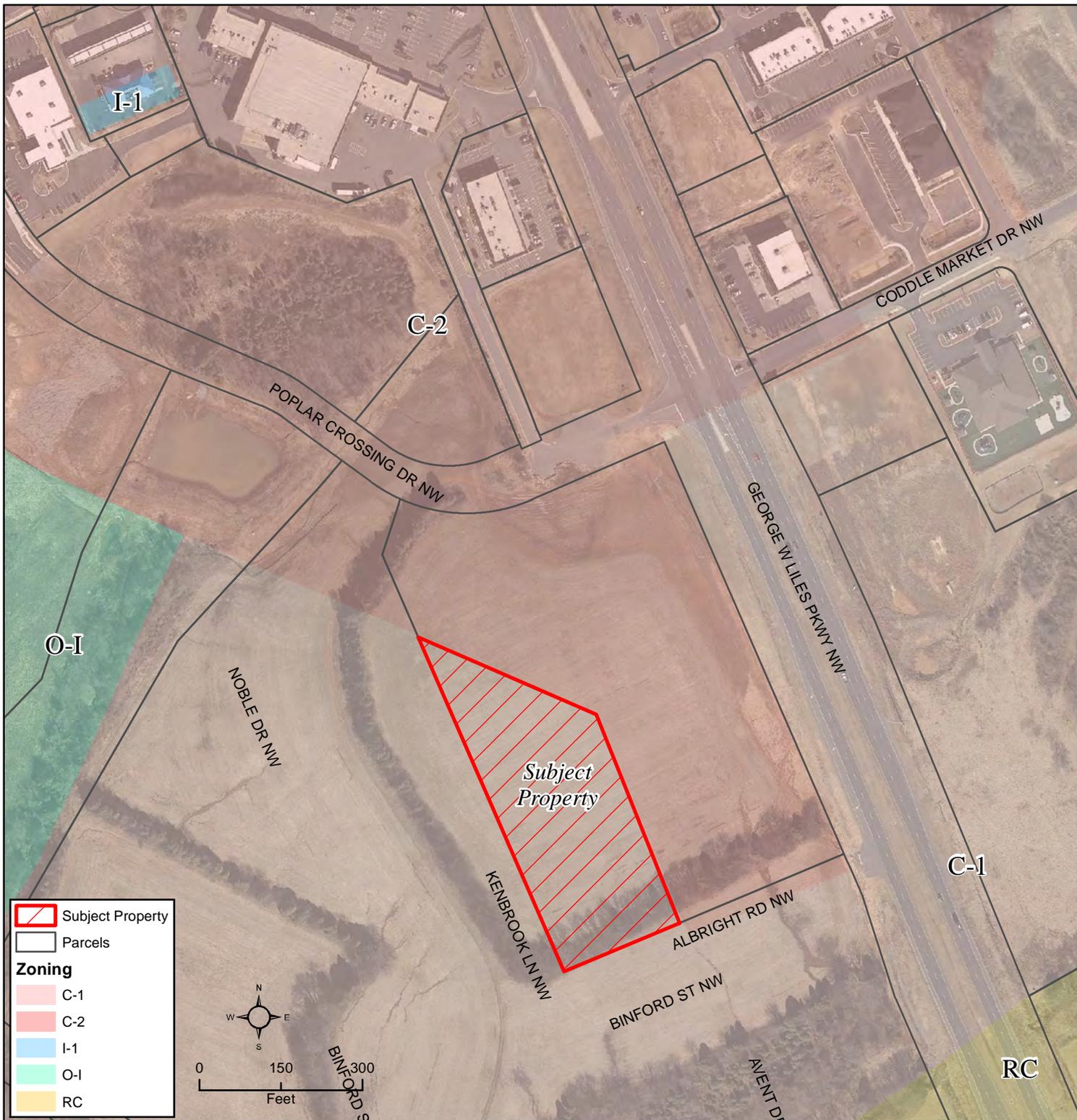
George W. Liles Pkwy NW &  
Poplar Crossing Dr NW  
PIN: prt of 5600-27-8674



Source: City of Concord  
Planning Department

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(Please type or print)

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

Raley-Miller Properties, Inc., 10815 Sikes Place, Suite 300, Charlotte, NC 28277  
704-321-1000

Owner Name, Address, Telephone Number: Coble Family Farm Limited Partnership,  
Joyce P. Needham & Joyce P. Needham Limited Partnership  
c/o Bonanza Development Company  
816 Brawley School Rd. #G, Mooresville, NC 28117

Project Location/Address: Southwest Quadrant of George W. Liles Parkway & Poplar Crossing Drive

P.I.N.: 5600-2786-7400-00

Area of Subject Property (acres or square feet): 10.8595 +/- (3.14 +/- Zoned C-1)

Lot Width: 829' +/- Lot Depth: 560' +/-

Current Zoning Classification: C-1 & C-2

Proposed Zoning Classification: C-2

Existing Land Use: Vacant commercial

Surrounding Land Use: North commercial South multifamily

East vacant commercial West multifamily

Reason for request: unify zoning to single district rather than current split zoning

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

Staff member signature: KEA Date: \_\_\_\_\_



**Required Attachments/Submittals:**

1. Typed metes and bounds description of the property or portion of the property to be rezoned. A property deed is sufficient, provided the deed describes only the subject property.
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4. If application is for a Conditional District, attach a completed "Application for Conditional District" with this form

*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.*

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Coble Family Farm Limited Partnership by Carolyn C. Clive* 4/1/15  
Owner Signature: *Joyce P. Needham Limited Partnership by Joyce P. Needham* Date: 4/1/15



**DATE:** May 19, 2015

**CASE #:** Z (CD)-11-15

**DESCRIPTION:** Administrative Zoning Map Amendment  
Cabarrus County Low Density (LDR) to City of Concord Residential Village – Conditional District (RV-CD) for development of a single family subdivision.

**OWNERS:** Estate of Kirksey Dunn Ramsey, Kirksey C. Rankin, Sue R. Baty, Ben F. Rankin, Thomas A. Rankin, Martha R. Lowery, and Joyce R. Cox (aka Rankin Family Properties).

**LOCATION:** South side of Ellenwood Road, and south of the Winding Walk Subdivision

**PIN#s:** PINs: 4670-63-6820, 4959, 54-9617, 64-6164, 3275

**AREA:** 30.59 +/- acres

**ZONING:** Cabarrus County Low Density (LDR)

**PREPARED BY:** Kevin E Ashley, AICP Planning and Development Manager

**BACKGROUND**

The subject property consists of approximately 30.59 acres on the south side of Ellenwood Drive, southeast of Harris Road and generally south of the Winding Walk subdivision. The developers seek approval of Residential Village – Conditional District (RV-CD) zoning for development of a single family subdivision.

**HISTORY**

The subject property was annexed on a voluntary basis with an effective date of April 9, 2015. The property is currently owned by the Kirksey Dunn Rankin Estate and the property is proposed for development by Shea Homes. The total property ownership by the Estate is approximately 39.78 acres with 9.19 acres located within Mecklenburg County. The property consists of one dilapidated single family home and three manufactured homes. According to Cabarrus County Land Records, the manufactured homes were placed on the site between 1991 and 1997.

## **SUMMARY OF REQUEST**

The petitioner proposes to rezone the subject property for the development of 88 single family homes within the City of Concord portion of the property. The developer is pursuing approval of the Mecklenburg County/City of Charlotte portion of the subdivision also. The subdivision is proposed to have interconnectivity to Northridge Drive in Mecklenburg County, and will consist of 112 lots when completed.

Because the request is conditional district in nature, the developer has submitted a development plan for consideration. Zoning on the property would limit the uses to 88 single family residences within the City of Concord. The proposed zoning of RV-CD would allow the development of 55 foot wide lots with a minimum lot area of 7,518 square feet. This zoning scheme is similar to that of the Mecklenburg portion of the development of 60 foot wide lots with a minimum lot area of 8,000 square feet. The RV-CD zoning is identical to that of the Winding Walk subdivision to the north (zoned RV) and similar in size to the Haddington Village subdivision to the southeast (zoned Residential-County Originated or R-CO). Furthermore, the development is similar to the density allowable in the Charlotte-Mecklenburg zoning of R-3 single family residential, which permits a maximum of three (3) dwelling units per acre. The development plan has been reviewed by the Development Review Committee (DRC) and the plan meets all the requirements of the Concord Development Ordinance (CDO).

According to GIS data, the density of the adjacent Winding Walk Subdivision is approximately 1.97 dwelling units an acre. The proposed development is approximately 2.88 dwelling units per acre within the City of Concord area, and the entire development (including the Charlotte-Mecklenburg County portion) equates to approximately 2.81 dwelling units per acre. The proposed development plan indicates approximately 20% open space within the City of Concord portion whereas the CDO requires 10% open space for RV zoned subdivisions. From a planning standpoint, the proposed RV zoning is an expansion/continuation of the Winding Walk development to the north.

Property to the north is zoned Cabarrus County Low Density Residential (LDR) City of Concord Commercial General (C-2) and RV. This land is a combination of commercial development, vacant land, and single family residential (Winding Walk subdivision). Land to the west is zoned Cabarrus County Office Institutional (O-I) and Charlotte-Mecklenburg County R-3 Single Family. Land to the south also zoned Charlotte-Mecklenburg County R-3 and is vacant land. Property to the east is zoned Cabarrus County LDR and Concord Residential County Originated (R-CO). The LDR property is vacant land and the R-CO land is improved with the Haddington Village subdivision.

| 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            |             |
|                                    | Cabarrus County Low Density Residential (LDR) | North                                    |                                  | C-2 and County LDR                   | Vacant land |
| South                              |   | Charlotte Mecklenburg R-3                | South                            | Vacant land                          |             |
| East                               |   | R-CO and County LDR                      | East                             | Single family residential and vacant |             |
| West                               |   | County O-I and Charlotte Mecklenburg R-3 | West                             | Vacant                               |             |

**COMPLIANCE WITH 2015 LAND USE PLAN**

The 2015 Land Use Plan (LUP) predominately designates the subject property as “Single-family, open space encouraged.” A portion of the western extent of the property is within a “village center” designation. RV zoning is considered appropriate in the “village center” and is appropriate in the “single family designation” provided certain conditions are met. These conditions include either location on an arterial street, or the development could be an expansion of an existing RV district which is located adjacent to a major or minor thoroughfare but does not expand the district by greater than 50%. The plan also states that “in no case shall traffic from an RV zone utilize roads that pass through a single family residential. As previously discussed, the proposed development is similar in size and density to the Winding Walk subdivision to the north. Furthermore, while not adjacent to a thoroughfare, Ellenwood is classified as a “major collector”, which is similar in function to a minor thoroughfare. It is the staff’s opinion that the proposal is consistent with the LUP.

**SUGGESTED STATEMENT OF CONSISTENCY**

- The subject property is approximately 30.59 acres and zoned Cabarrus County Low Density Residential (LDR).
- The subject property has one single family home and three manufactured homes.
- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because the proposed development of approximately 2.81 dwelling units per acre and lots sizes of approximately 7,500 square feet is similar to that of the Winding Walk development to the north. The development is also similar in density to the development permitted by the Charlotte-Mecklenburg zoning of R-3 to the south.
- The zoning amendment is reasonable and in the public interest because the petition proposes two times the minimum required open space for the RV district and provides vehicular interconnection to the street network to the south in Mecklenburg County.

### **SUGGESTED RECOMMENDATION AND CONDITIONS**

The staff finds the request consistent with the 2015 Land Use Plan and the requirements of the Concord Development Ordinance. The staff (and Development Review Committee) has no objections to the petition. Because this petition is a parallel conditional district request, the Commission, should they decide to approve the request, may, according to Section 3.2.8.E of the CDO, suggest **“reasonable additional conditions or augment those already provided with the petition, but only those conditions mutually agreed upon by the petitioner and the Commission or Council may be incorporated into the approval. Any such condition should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space and other matters that the Commission or Council may find appropriate.”**

The petitioner has consented to the following conditions:

1. Compliance with the “Shea Homes Rankin Property” site plan, dated 3/30/15.

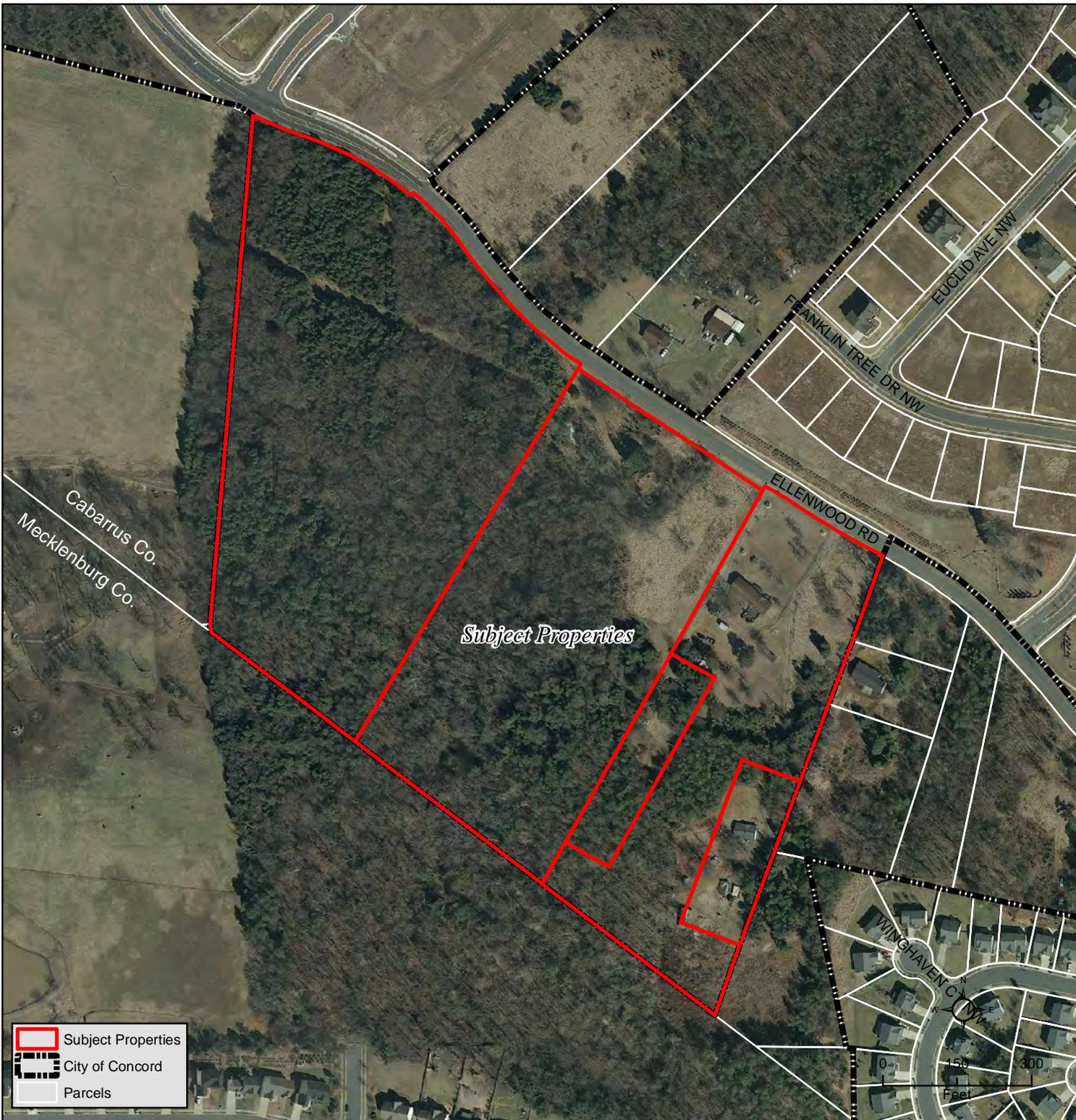
### **PROCEDURAL CONSIDERATIONS**

This particular case is a rezoning to a parallel conditional 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.

**Z(CD)-11-15  
AERIAL**

**Administrative zoning map  
amendment from  
Cabarrus Co. Low Density  
Residential (LDR) to  
Concord Residential Village  
Conditional District (RV-CD)**

Ellenwood Rd  
PINs: 4670-63-6820, 54-9617,  
63-4959, 64-6164, 3275



-  Subject Properties
-  City of Concord
-  Parcels



Source: City of Concord  
Planning Department

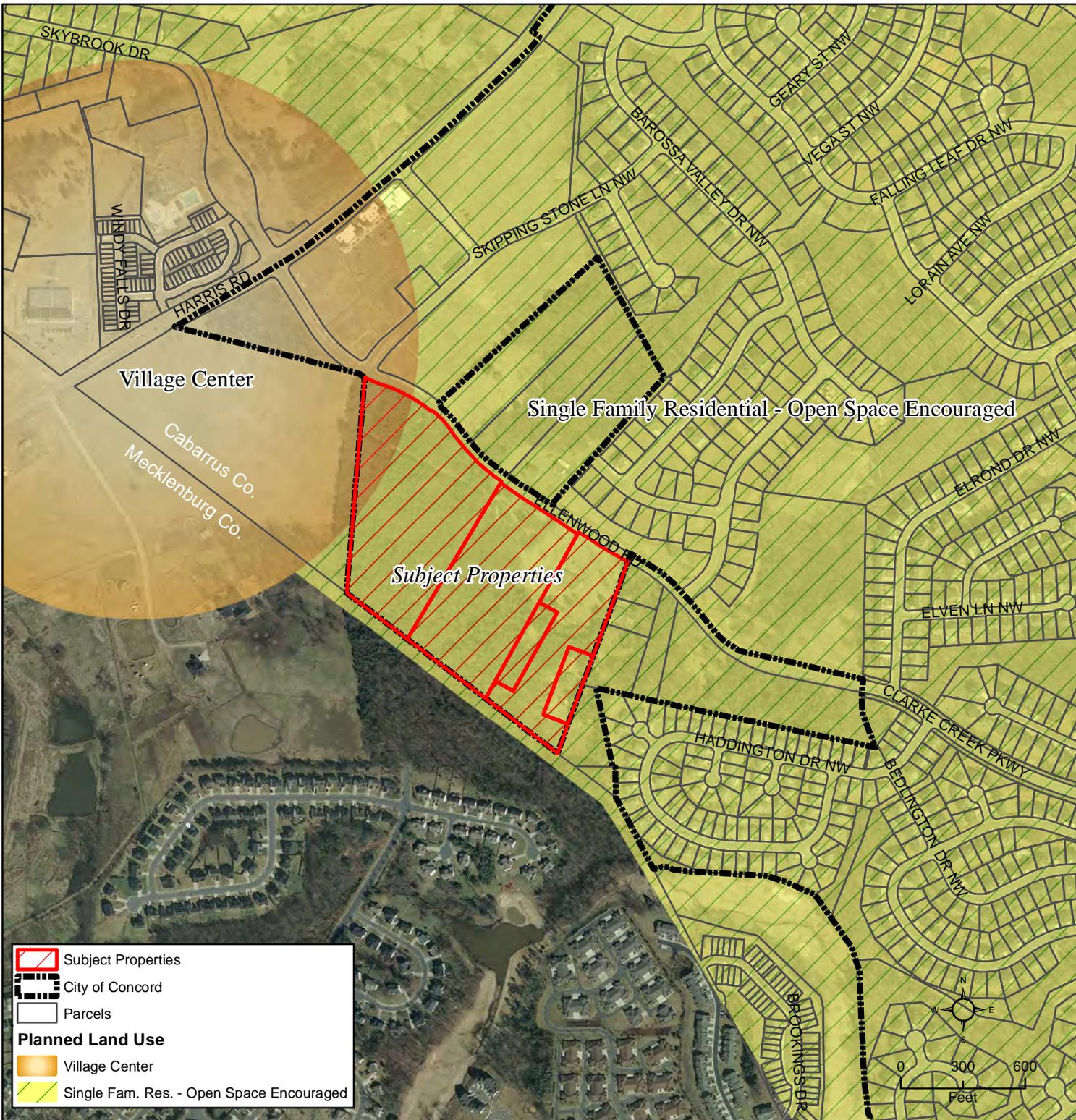
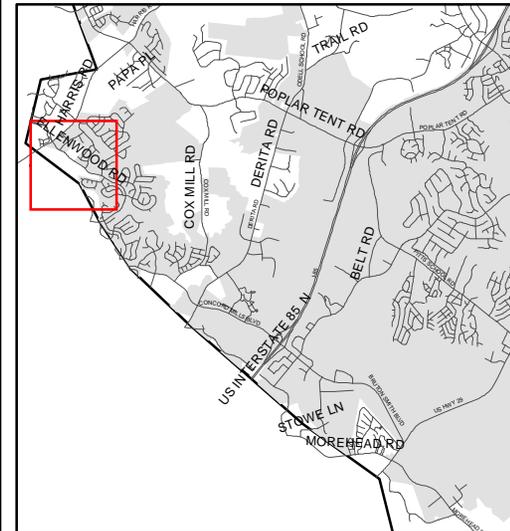
**Disclaimer**

These maps and products are designed for general reference only and data contained herein is subject to change. The City Of Concord, it's employees or agents make no warranty of merchantability or fitness for any purpose, expressed or implied, and assume no legal responsibility for the information contained therein. Data used is from multiple sources with various scales and accuracy. Additional research such as field surveys may be necessary to determine actual conditions.

**Z(CD)-11-15  
LAND USE PLAN**

**Administrative zoning map  
amendment from  
Cabarrus Co. Low Density  
Residential (LDR) to  
Concord Residential Village  
Conditional District (RV-CD)**

Ellenwood Rd  
PINs: 4670-63-6820, 54-9617,  
63-4959, 64-6164, 3275



|                         |  |
|-------------------------|--|
|                         | Subject Properties                       |
|                         | City of Concord                          |
|                         | Parcels                                  |
| <b>Planned Land Use</b> |  |
|                         | Village Center                           |
|                         | Single Fam. Res. - Open Space Encouraged |



Source: City of Concord  
Planning Department

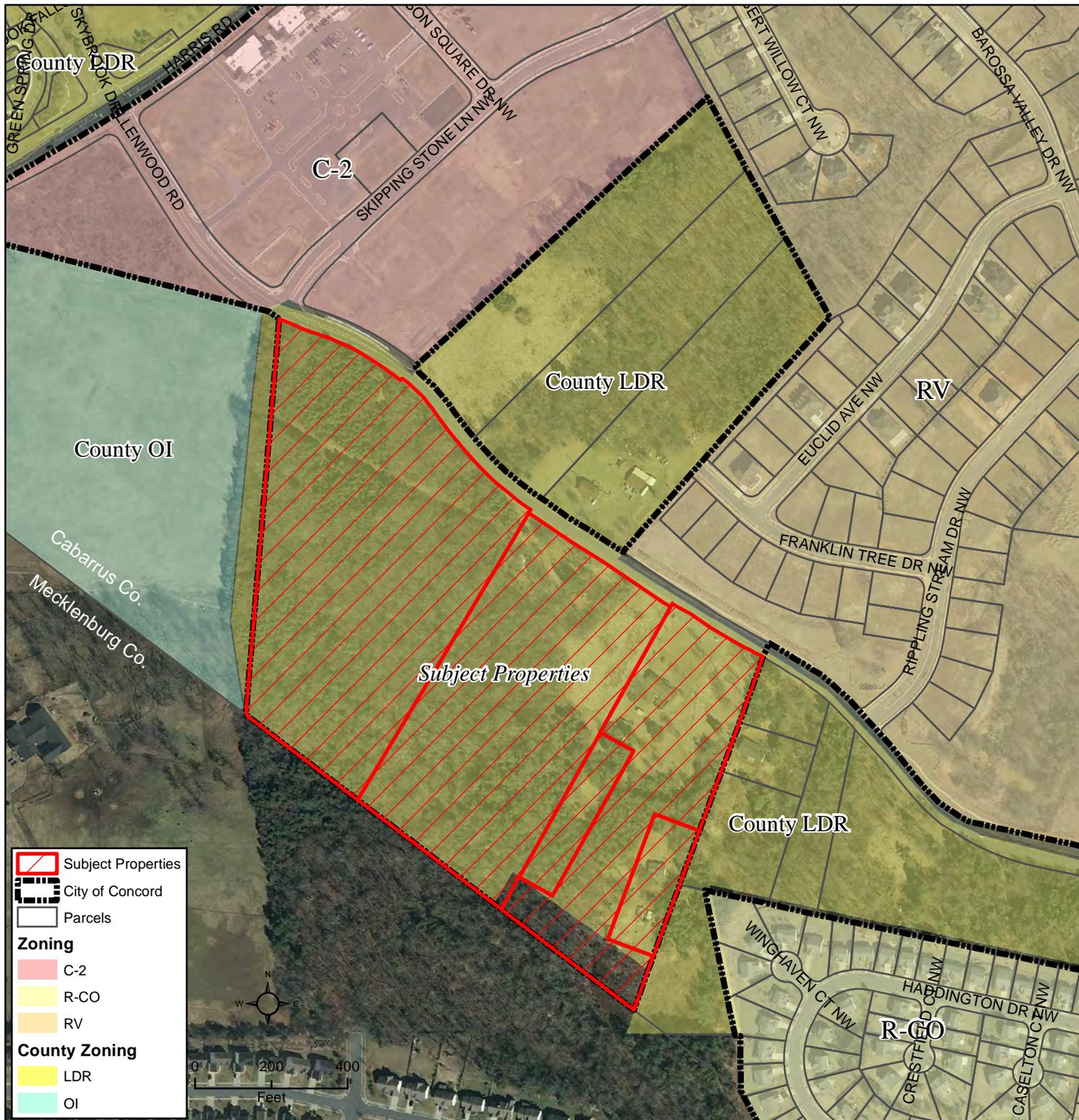
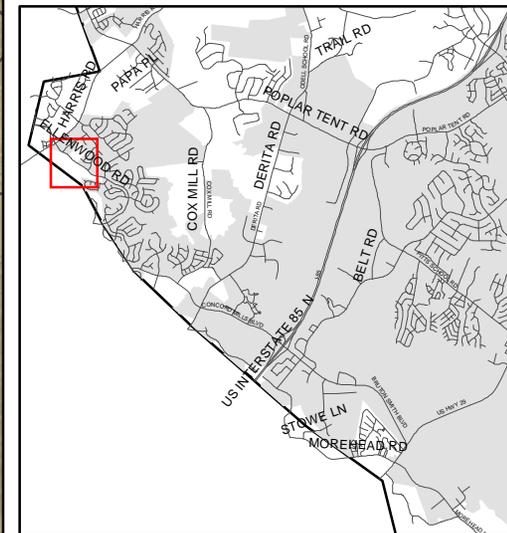
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**Z(CD)-11-15  
ZONING MAP**

**Administrative zoning map  
amendment from  
Cabarrus Co. Low Density  
Residential (LDR) to  
Concord Residential Village  
Conditional District (RV-CD)**

Ellenwood Rd  
PINs: 4670-63-6820, 54-9617,  
63-4959, 64-6164, 3275



|                      |                    |
|----------------------|--------------------|
|                      | Subject Properties |
|                      | City of Concord    |
|                      | Parcels            |
| <b>Zoning</b>        |                    |
|                      | C-2                |
|                      | R-CO               |
|                      | RV                 |
| <b>County Zoning</b> |                    |
|                      | LDR                |
|                      | OI                 |



Source: City of Concord  
Planning Department

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**LEGEND**

- PROPERTY LIMITS
- ▨ OPEN SPACE
- ▤ TREE SAVE (MECK CO.)
- JURISDICTIONAL STREAMS
- ▣ CITY BOUNDARY
- ▤ WATER QUALITY POND

ZONING: OI (COUNTY)

ZONING: R3 (MECK. COUNTY)

ZONING: C-2 (CONCORD)

EXISTING 12" WATER SERVICE.

LIMITS OF ROADWAY IMPROVEMENTS WITH COMMERCIAL DEVELOPMENT ON THE NORTH SIDE OF ELLENWOOD ROAD.

ZONING: LDR (COUNTY)

DEDICATION OF RW AND IMPROVEMENTS TO BE DETERMINED BY CITY OF CONCORD AND NCDOT

PROPOSED CONNECTION TO ELLENWOOD ROAD

ZONING: RV (CONCORD)

12" WATER SERVICE AVAILABLE ALONG ELLENWOOD ROAD (CITY OF CONCORD)

ZONING: LDR (COUNTY)

CABARRUS COUNTY CITY OF CONCORD

ZONING: R-CO (CONCORD)

Potential Water Quality Feature

POTENTIAL JURISDICTIONAL STREAM

50' UNDISTURBED PCCO BUFFER (MECK CO.)

GRAVITY SEWER AVAILABLE OFFSITE. APPROXIMATELY 0.13 MILE (CMUD)

PROPOSED CONNECTION TO WILDBROOK DRIVE  
ZONING: R3 (MECK. COUNTY)

EXISTING WATER SERVICE AVAILABLE AT END OF WILDBROOK DR (CMUD)

**SITE DATA**

MECKLENBURG COUNTY  
PROPERTY AREA: 9.19 AC

OPEN SPACE PROVIDED:  
MECKLENBURG COUNTY:  
OPEN SPACE: 0.14 AC  
WQ TRACT: 1.38 AC  
TREE SAVE: 1.49 AC (16.2%)  
TOTAL OPEN SPACE: 3.01 AC

RIGHT-OF-WAY AREA:  
RESIDENTIAL ROADS: 1.26 AC

WATER QUALITY TRACT: 1.38 AC

TOTAL LOT AREA: 4.92 AC

RESIDENTIAL LOCAL ROADS:  
RIGHT-OF-WAY: 56 FT  
PAVEMENT WIDTH: 22 FT  
CURB TYPE: 2' VALLEY GUTTER  
LANDSCAPE STRIP: 8 FT  
SIDEWALK WIDTH: 5 FT  
TOTAL LENGTH: 946 FT

MUNICIPALITY: CHARLOTTE  
EXISTING ZONING: R-3  
PROPOSED DENSITY: 2.61 UNITS PER ACRE  
PROPOSED LOTS: 24

UNIT/PAD DIMENSIONS: 40 FT x 66 FT

AVERAGE LOT AREA: 8,776 SF  
MIN LOT AREA: 8,115 SF

SETBACKS/YARDS\*:  
MIN LOT WIDTH: 60 FT  
MIN LOT AREA: 8,000 SF  
FRONT: 20 FT (FROM BACK OF SIDEWALK)  
SIDE (INTERIOR): 5 FT  
SIDE (CORNER): 10 FT  
REAR: 30 FT (INTERIOR LOTS)  
45 FT (EXTERIOR LOTS)

\*SUBJECT TO TREE SAVE AREA INCENTIVES

CABARRUS COUNTY  
PROPERTY AREA: 30.59 AC

OPEN SPACE PROVIDED:  
CABARRUS COUNTY:  
50' BUFFER: 1.75 AC  
50% WQ TRACT: 0.61 AC  
OTHER: 3.78 AC  
TOTAL OPEN SPACE: 6.14 AC (20.0%)

RIGHT-OF-WAY AREA:  
ELLENWOOD RD: 1.08 AC  
RESIDENTIAL ROADS: 4.52 AC

WATER QUALITY TRACT: 1.22 AC

TOTAL LOT AREA: 18.24 AC

RESIDENTIAL LOCAL ROADS:  
RIGHT-OF-WAY: 50 FT  
PAVEMENT WIDTH: 20 FT  
CURB TYPE: 2' VALLEY GUTTER  
LANDSCAPE STRIP: 6 FT  
SIDEWALK WIDTH: 5 FT  
TOTAL LENGTH: 3,238 FT

RESIDENTIAL COLLECTOR ROADS:  
RIGHT-OF-WAY: 60 FT  
PAVEMENT WIDTH: 24 FT  
CURB TYPE: 2' VALLEY GUTTER  
LANDSCAPE STRIP: 6 FT  
SIDEWALK WIDTH: 5 FT  
TOTAL LENGTH: 385 FT

MUNICIPALITY: CONCORD (ANNEXATION)  
EXISTING ZONING: LDR (CABARRUS CO.)  
PROPOSED ZONING: RV  
PROPOSED DENSITY: 2.88 UNITS PER ACRE  
PROPOSED LOTS: 88

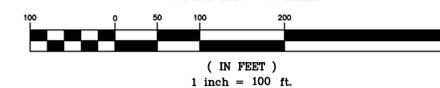
UNIT/PAD DIMENSIONS: 40 FT x 66 FT

AVERAGE LOT AREA: 9,090 SF  
MIN LOT AREA: 7,518 SF

MIN LOT WIDTH: 55 FT  
MIN LOT FRONTAGE: 15 FT  
MIN LOT DEPTH: 109 FT

SETBACKS:  
FRONT: 20 FT  
SIDE (INTERIOR): 7 FT  
REAR: 5 FT

GRAPHIC SCALE



**STIPULATION FOR REUSE**

THIS DRAWING WAS PREPARED FOR USE ON A SPECIFIC SITE. UNLESS OTHERWISE NOTED, IT IS NOT TO BE REPRODUCED OR USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY THIS DRAWING. THE ENGINEER IS NOT RESPONSIBLE FOR ANY CONSEQUENCES ARISING FROM THE REUSE OF THIS DRAWING FOR ANY OTHER PROJECT. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY THIS DRAWING.

**Shea Homes**  
**Rankin Property**  
Cabarrus County / Mecklenburg County  
North Carolina

**MODIFICATION LOG**

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
|     |      |             |
|     |      |             |
|     |      |             |
|     |      |             |
|     |      |             |

JOB NUMBER: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
DRAWN BY: BMF  
DATE: 3/30/15

AMERICAN Engineering  
American Engineering Associates - Southeast, P.A.  
8006 Corporate Center Dr - Suite 110  
Charlotte, NC 28226  
FIRM # C-3881  
704-375-2438

Conceptual Plan

SHEET: C1



(Please type or print)

Applicant Name, Address, Telephone Number and email address: Shea Homes  
8008 Corporate Center Dr. Suite 300, Charlotte, NC 28226  
704-319-5000

Owner Name, Address, Telephone Number: Ben F. Rankin, Sr.  
101 Pineview Dr. Liberty, SC 29657 - 864-350-3611

Also: Thomas & Judith Rankin, Martha Lowery, Barbara Davis, Joyce Cox  
Project Location/Address: Ellenwood Road

P.I.N.: 4670549617000

Area of Subject Property (acres or square feet): 30.59 acres (Cabarrus County)

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

Current Zoning Classification: Unincorporated LDR

Proposed Zoning Classification: RV-CD

Existing Land Use: Undeveloped / Agr

Future Land Use Designation: Single Family Residential

Surrounding Land Use: North Undevel/Agr/Res South Residential  
East Undevel /Agr West Undevel/Agr

Reason for request: The zoning request coincides with an annexation petition. The site has a proposed use of single family residential.

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

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:

The applicant proposes a 112 lot residential subdivision  
which will lie within both the City of Charlotte and the  
City of Concord (following annexation).

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):

The applicant has provided a detailed site plan which  
illustrates the site layout, infrastructure, and  
improvements.

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.

Michael Grew 4/20/15  
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: 4/28/15

Applicant Signature: Michael Green

Property Owner or Agent of the Property Owner Signature:  
\_\_\_\_\_

***Additional Requirements for Conditional District Amendments Only***  
(SEE SECTION 3.2.8)

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. The following information shall be provided, if applicable:

1. A boundary survey and vicinity map showing the property's total acreage, zoning classification(s), location in relationship to major streets, railroads, the date, and a north arrow;
2. All existing easements, reservations and rights-of-way;
3. Areas in which structures are proposed;
4. Proposed use of all land and structures including the number of residential units and square footage of nonresidential development;
5. Proposed and required screening and landscaping as specified in Article 11;
6. Existing and proposed points of access to public streets and to adjacent property;
7. Location of 100 year floodplains and location of proposed stream buffers as specified in Article 4;
8. General parking and circulation plans;
9. Additional data and information as specified in Article 9, if applicable.

In the course of evaluating the application, the Administrator, Planning and Zoning Commission or City Council may request additional information from the petitioner. This information may include the following:

1. The exterior features of the proposed development including height and exterior finish;
2. Existing and general topography of the site;
3. Existing vegetation and tree cover; and
4. Location and number of proposed signs.

The site plan and all supporting materials and text shall constitute part of the petition for all purposes under this Chapter.

For conditional district rezonings, after receipt of the petition, the staff shall forward the petition including the site plan to the Development Review Committee (DRC) for review and comments prior to the hearing. The DRC shall concur that the site plan sufficiently meets minimum requirements prior to the item proceeding to the Planning Commission for public hearing. Comments from the DRC may necessitate changes to the rezoning plan prior to the public hearing.

CONSENT TO APPROVALS

This CONSENT TO APPROVALS is entered into as of October 23, 2014 by **Ben F. Rankin** (Single); **Martha R. Lowery** (Single); **Thomas A. Rankin** and wife, **Judy Rankin**; **Joyce R. Cox** and husband, **Jim Cox**; **Barbara R. Davis** (Single); **Tammy Bishop** (Single) and **Katie R. Long** (Single) (collectively, "**Sellers**").

Sellers collectively own all of Tract 2 located in Cabarrus County, North Carolina (containing 9.707 acres), and Tract 6 located in Mecklenburg County, North Carolina (containing 5.398 acres) as shown on a plat recorded in Plat Book 65, Page 6 in the office of the Cabarrus County Register of Deeds, together with any easements and appurtenances thereto ("**Property**").

Sellers have agreed to sell the Property to **Shea Real Estate Investments, LLC**, or its assigns ("**Buyer**") pursuant to a Land Purchase Contract dated October 23, 2014 ("**Contract**"). Under the Contract, Sellers have agreed to cooperate with Buyer in obtaining permits and approvals in connection with Buyer's intended development of the Property.

Sellers hereby authorize Joyce R. Cox ("**Signatory**") to execute on behalf of Sellers all applications, petitions, permits, approvals and other documentation in connection with obtaining any permits and approvals related to the Property. Sellers each hereby appoint Signatory as their attorney-in-fact for the purpose of executing all such documentation.

Signatory's contact information is as follows:

c/o Joyce R. Cox  
1300 Hawthorne Drive  
Indian Trail, NC 28079

[signatures follow]

SELLER:

Ben F. Rankin  
BEN F. RANKIN (Single)

Pickens County, <sup>South</sup> North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Ben F. Rankin

Date: 10-3-2014

Donna W. Patterson  
Notary's printed or typed name, Donna W. Patterson  
Notary Public

(Official Seal)

My commission expires  
**My Commission Expires**  
April 8, 2024

**SELLER:**

Martha R. Lowery  
MARTHA R. LOWERY (Single)

Spartanburg County, South Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Martha R. Lowery

Date: October 20, 2014

MARILYN B. Oglesby  
Notary's printed or typed name,  
Notary Public Marilyn B. Oglesby

(Official Seal)

My commission expires  
June 15, 2020

**SELLER:**

Thomas A. Rankin  
THOMAS A. RANKIN

Judith D Rankin  
JUDY RANKIN

Cabarrus County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Thomas A. Rankin

Date: 10/17/2014

Frances J. Boyle, Fran Boyle  
Notary's printed or typed name,  
Notary Public

(Official Seal)

My commission expires:  
January 5, 2018

Cabarrus County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Judy Rankin

Date: 10/17/2014

Frances J. Boyle, Fran Boyle  
Notary's printed or typed name,  
Notary Public

(Official Seal)

My commission expires:  
January 5, 2018

**SELLER:**

Joyce R. Cox  
**JOYCE R. COX**  
Jim Cox  
**JIM COX**

Gaston County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Joyce R. Cox

Date: 10/13/14

Britney M. McCotter  
Notary's printed or typed name, Britney M. McCotter  
Notary Public

Britney M McCotter  
(Official Seal) Notary Public  
State of North Carolina  
County of Gaston  
My Commission Expires 12/11/2018

My commission expires:  
December 11, 2018

Gaston County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Jim Cox

Date: 10/13/14

Britney M. McCotter  
Notary's printed or typed name, Britney M. McCotter  
Notary Public

Britney M McCotter  
Notary Public  
State of North Carolina  
County of Gaston  
My Commission Expires 12/11/2018



**SELLER:**

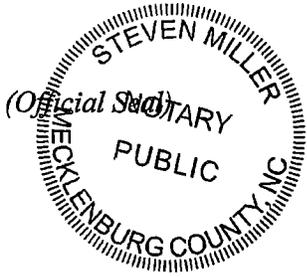
Barbara R. Davis  
**BARBARA R. DAVIS** (Single)

Mecklenburg County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Barbara R. Davis

Date: 10/6/14

Steven Miller  
Notary's printed or typed name,  
Notary Public Steven Miller



My commission expires:  
May 15 2017

SELLER:

Katie R. Long  
KATIE R. LONG

Tommy Long  
TOMMY LONG

Stanley County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Katie R. Long

Date: Oct 14, 2014

Renee McRae  
Notary's printed or typed name,  
Notary Public

(Official Seal)

My commission expires:  
MY COMMISSION EXPIRES 3-3-2016

Stanley County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Tommy Long

Date: Oct 14, 2014

Renee McRae  
Notary's printed or typed name,  
Notary Public

(Official Seal)

My commission expires:  
MY COMMISSION EXPIRES 3-3-2016



**DATE:** May 19, 2015

**DESCRIPTION:** Zoning Map Amendment  
Conditional District Heavy Industrial (CDI-2) to  
Light Industrial Conditional District (I-1CD)

**CASE NUMBER:** Z(CD)-12-15

**APPLICANT** John L. Morris and Matt Lucarelli

**OWNERS** River Oaks Land LLC and Carolina Tractor &  
Equipment Company

**LOCATION:** Southwest quadrant of Poplar Tent and Derita Roads

**PARCEL PIN:** 4680-75-5959 and 4680-87-5188

**AREA:** +/- 120.25 acres

**ZONING:** City of Concord Conditional District Heavy  
Industrial (CDI-2)

**REPORT PREPARED BY:** Kevin E. Ashley, AICP Planning and  
Development Manager

**BACKGROUND**

The subject property consists of approximately 120 acres on the southwest quadrant of Poplar Tent and Derita Roads. The request is a minor amendment to a previously approved conditional district rezoning (Z (CD)-02-14). Note that one parcel (770 Derita Road) that is shown within the boundary of “building C” on the site plan is not within the City limits, but the developers have a contract on the property and an annexation petition has been submitted to the City. The rezoning of this parcel will occur after the effective date of the annexation.

**HISTORY**

The total property was part of a 440 acre zoning amendment in Cabarrus County (pre-annexation) in 1997 (Case Number 97-19). This amendment rezoned multiple parcels on the west side of Derita Road from Cabarrus County Medium Density Residential (MDR) to General Industrial Special Use (GI-SU), which is the equivalent to Concord’s Conditional District Heavy Industrial (CDI-2). The request included approval of a “conceptual plan” and a provision that numerous uses not be permitted within these areas. These excluded uses include: “asphalt and concrete plants, foundries/iron, steel mills; railroad stations and storage yard; sawmill;

slaughterhouse/meat packaging; truck stop/truck terminal; communications tower- standalone cellular tower; salvage yard; airport, commercial; airstrip; coliseum and stadium; extraction of earth products; landfill, demolition – more than one acre; landfill/sanitary; race tracks/animal and mechanical; and tire recapping.” The overall area of zoning would yield a maximum of 5 million square feet of industrial development.

The northernmost property was annexed with an effective date of October 31, 2007. The property was subsequently zoned from Cabarrus County General Industrial – Special Use (GI-SU) to City of Concord Conditional District Heavy Industrial (CDI-2) in December, 2007 (Case Z (CD)-45-07. The southernmost parcel was annexed on a voluntary basis with an effective date of January 9, 2014.

The entire property was then zoned to Conditional District Heavy Industrial (CDI-2) in April of 2014 for the development of 1,468,520 square feet of warehousing and industrial uses. Following are the conditions approved with the zoning request:

1. The following uses shall not be permissible: “asphalt and concrete plants, foundries/iron, steel mills; railroad stations and storage yard; sawmill; slaughterhouse/meat packaging; truck stop/truck terminal; communications tower- standalone cellular tower; salvage yard; airport, commercial; airstrip; coliseum and stadium; extraction of earth products; landfill, demolition – more than one acre; landfill/sanitary; race tracks/animal and mechanical; and tire recapping of more than 30,000 square feet of floor area.”
2. The specific use “truck terminal”, referenced above as being prohibited, shall be defined as follows: “a facility which accommodates the trucking industry by providing fueling stations, weigh stations, restaurants, convenience foods, and occasionally, overnight rooming accommodations. These facilities are typically located near state, federal or interstate highways.”
3. Development shall be limited to a maximum of 1,468,520 square feet of industrial uses as illustrated on the site plan dated 3/14/14 which is included as part of this staff report.
4. Buffers adjacent to the residentially zoned Beach Bluff neighborhood to the west shall be installed in accordance with the site plan and the following plans which are included as part of this staff report:
  - i. Schematic Site Sections, Page 3 dated 4/10/14;
  - ii. Proposed A-A1 and B-B1, dated 4/10/14; and
  - iii. Proposed C-C1 and D-D1, dated 4/10/14
5. The applicant shall provide screening adjacent to the Beech Bluff neighborhood in accordance with the document entitled “Beech Bluff Proposed Setback and Site Compromise” dated April 10, 2014, which is included as part of the staff report.
6. Fencing shall be installed around two (2) Water Quality BMPs (stormwater ponds) on site.
7. Technical site plan submission for all development on the site shall include architectural plans in order to demonstrate compliance with Section 7.10 of the CDO.

The City has issued the owner a grading permit and the site is currently undergoing technical review for master site plan approval.

**SUMMARY OF REQUEST**

The petitioner seeks a rezoning to Light Industrial Conditional District (I-1CD) to continue the development of the property as a multi-tenant industrial development. The developer has indicated to the staff that the presence of Heavy Industrial zoning on the property is not conducive to the overall development of the property and that Light Industrial is more favorable.

The developer proposes no changes to the approved conditions for the subject property. Landscaping, screening, design and permitted uses will remain the same as the previous approval, as enumerated above.

Properties directly to the north are zoned a combination of Cabarrus County Medium Density Residential (MDR), City of Concord RM-1, Light Industrial (I-1) and Conditional Use Light Industrial. These properties are developed with a combination of single family residential and Light Industrial Uses. Land to the west is zoned Cabarrus County MDR and is vacant and single family residential. Land to the south is zoned Cabarrus County General Industrial Special Use (GI-SU) and is vacant land. Land to the east is zoned City of Concord Light Industrial (I-1) and is industrially developed, adjacent to Concord Regional Airport.

| Existing Zoning and Land Uses                                 |                        |   |                                  |                           |  |
|---|------------------------|---|----------------------------------|---------------------------|--|
| Zoning of Subject Property                                    | Zoning Within 500 Feet |   | Land Uses(s) of Subject Property | Land Uses Within 500 Feet |  |
| City of Concord Conditional District Heavy Industrial (CDI-2) | North                  | Cabarrus County Medium Density Residential (MDR), City of Concord Residential Medium Density (RM-1), Light Industrial (I-1) and Conditional District Light Industrial (CDI-1) | Vacant                           | North                     | Single family, vacant land, industrial development |
|   | East                   | City of Concord Light Industrial (I-1)  |                                  | East                      | Vacant and Industrial                              |
|   | South                  | Cabarrus County <u>General Industrial Special Use (GI-SU)</u>   |                                  | South                     | Vacant   |
|   | West                   | Cabarrus County Medium Density Residential (MDR)  |                                  | West                      | Single family and vacant                           |

## COMPLIANCE WITH 2015 LAND USE PLAN

The 2015 Land Use Plan (LUP) designates the subject property as “industrial.” I-1 zoning (including conditional district) is specifically listed as being consistent with the industrial land use designation. The proposed rezoning is clearly consistent with the LUP.

## SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately 120.25 acres.
- The 2015 Land Use Plan designates the subject property as “industrial.”
- The subject property is vacant land and is zoned City of Concord Conditional District Heavy Industrial (CDI-2).
- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because the proposed zoning of I-1CD is specifically listed as a consistent district within the “industrial” land use designation, and the proposed Light Industrial district is more indicative of the permitted uses than Heavy Industrial.
- The zoning amendment is reasonable and in the public interest because the petition “downzones” the property from Heavy to Light Industrial and the site plan as submitted generally represents a reduction in intensity from the approved request.

## SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the request consistent with the 2015 Land Use Plan and the requirements of the Concord Development Ordinance. The staff (and Development Review Committee) has no objections to the petition. Because this petition is a parallel conditional district request, the Commission, should they decide to approve the request, may, according to Section 3.2.8.E of the CDO, suggest **“reasonable additional conditions or augment those already provided with the petition, but only those conditions mutually agreed upon by the petitioner and the Commission or Council may be incorporated into the approval. Any such condition should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space and other matters that the Commission or Council may find appropriate.”**

The petitioner has consented to the following conditions (which are carried over from the previous approval, with the exception of the revised site plan):

1. The following uses shall not be permissible: “asphalt and concrete plants, foundries/iron, steel mills; railroad stations and storage yard; sawmill; slaughterhouse/meat packaging; truck stop/truck terminal; communications tower- standalone cellular tower; salvage yard; airport, commercial; airstrip; coliseum and stadium; extraction of earth products; landfill, demolition – more than one acre; landfill/sanitary; race tracks/animal and mechanical; and tire recapping of more than 30,000 square feet of floor area.”
2. The specific use “truck terminal”, referenced above as being prohibited, shall be defined as follows: “a facility which accommodates the trucking industry by providing fueling stations, weigh stations, restaurants, convenience foods, and

- occasionally, overnight rooming accommodations. These facilities are typically located near state, federal or interstate highways.”
3. Development shall be limited to a maximum of 1,468,520 square feet of industrial uses as illustrated on the site plan dated 3/14/14 which is included as part of this staff report.
  4. Buffers adjacent to the residentially zoned Beach Bluff neighborhood to the west shall be installed in accordance with the site plan and the following plans which are included as part of this staff report:
    - i. Schematic Site Sections, Page 3 dated 4/10/14;
    - ii. Proposed A-A1 and B-B1, dated 4/10/14; and
    - iii. Proposed C-C1 and D-D1, dated 4/10/14
  5. The applicant shall provide screening adjacent to the Beech Bluff neighborhood in accordance with the document entitled “Beech Bluff Proposed Setback and Site Compromise” dated April 10, 2014, which is included as part of the staff report.
  6. Fencing shall be installed around two (2) Water Quality BMPs (stormwater ponds) on site.
  7. Technical site plan submission for all development on the site shall include architectural plans in order to demonstrate compliance with Section 7.10 of the CDO.

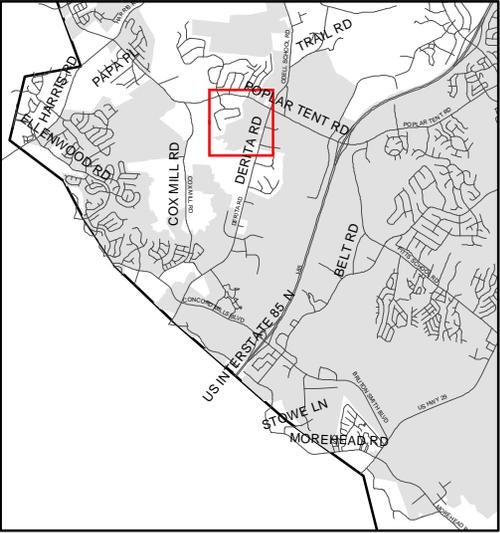
**PROCEDURAL CONSIDERATIONS**

This particular case is a rezoning to a parallel conditional 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.

**Z(CD)-12-15  
AERIAL**

**Zoning map amendment  
application from Conditional  
District General Industrial (CD-I-2)  
to Conditional District Light  
Industrial (I-1CD)**

Poplar Tent Rd & Derita Rd  
PINs: 4680-75-5959, 87-5188



Source: City of Concord  
Planning Department

**Disclaimer**

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*Subject Properties*

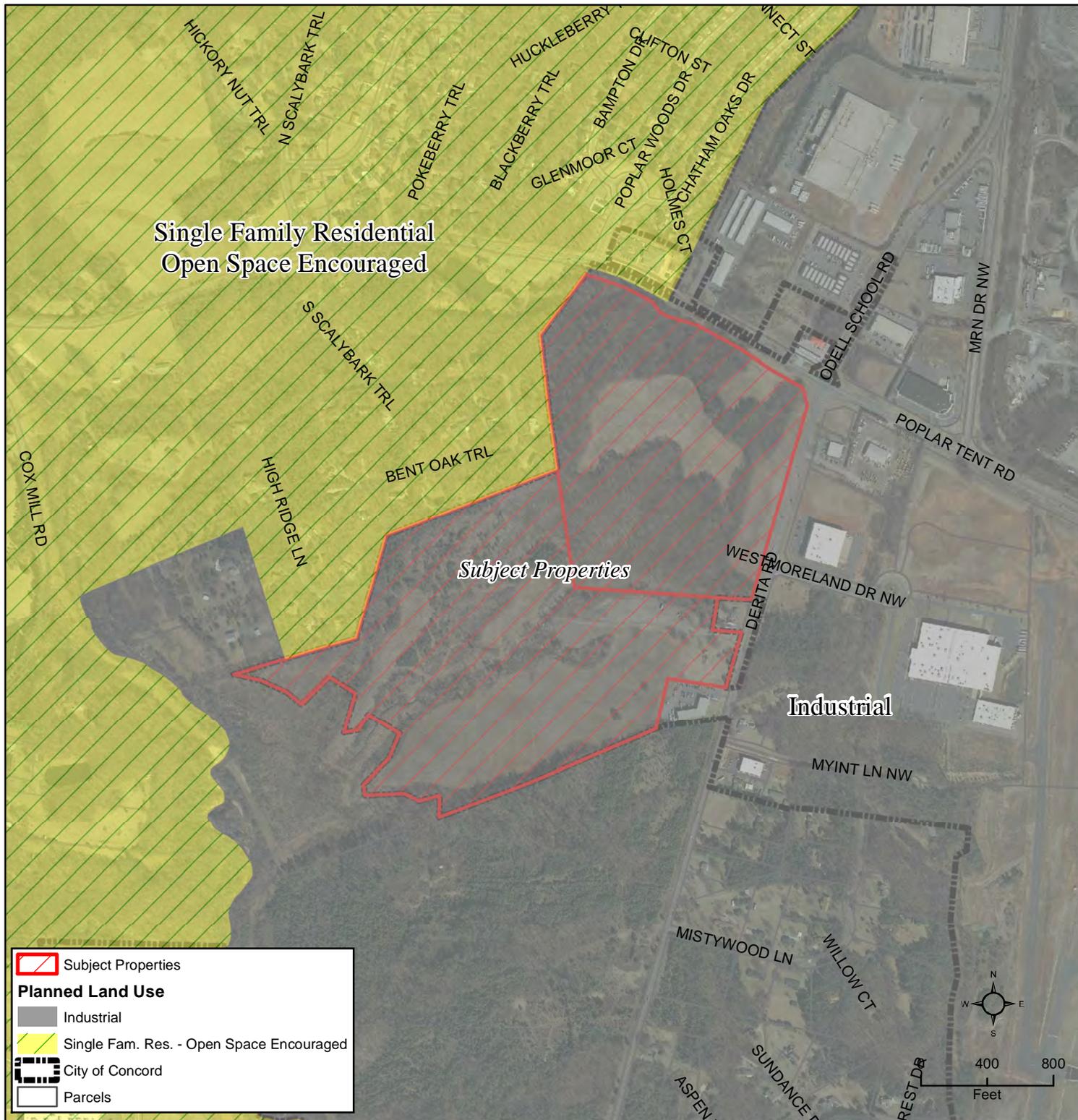
-  Subject Properties
-  City of Concord
-  Parcels



**Z(CD)-12-15  
LAND USE PLAN**

**Zoning map amendment  
application from Conditional  
District General Industrial (CD-I-2)  
to Conditional District Light  
Industrial (I-1CD)**

Poplar Tent Rd & Derita Rd  
PINs: 4680-75-5959, 87-5188



Source: City of Concord  
Planning Department

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Building E has been shifted 20' away from the Beech Bluff property line.

Perimeter of basin will be fenced.

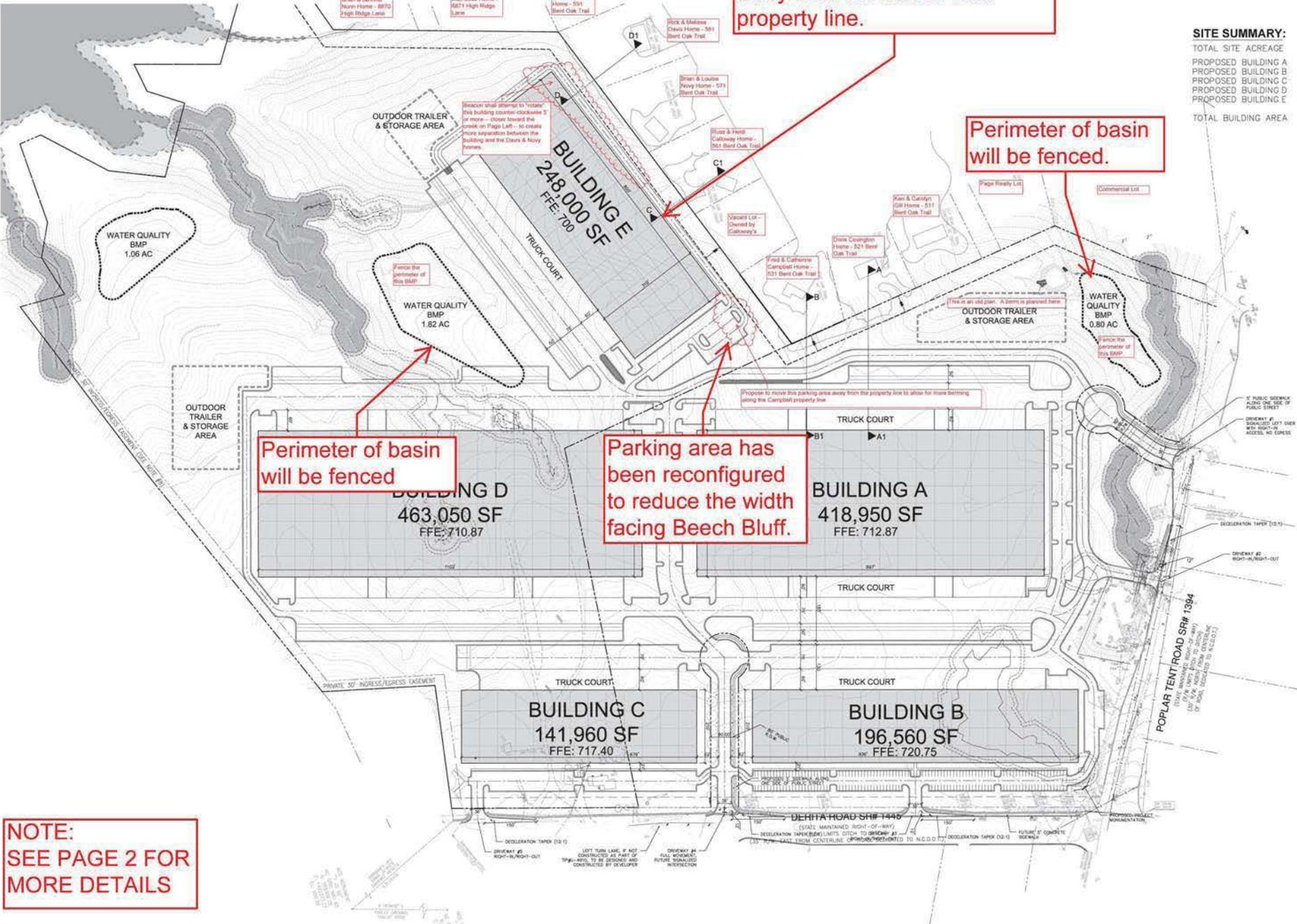
Perimeter of basin will be fenced

Parking area has been reconfigured to reduce the width facing Beech Bluff.

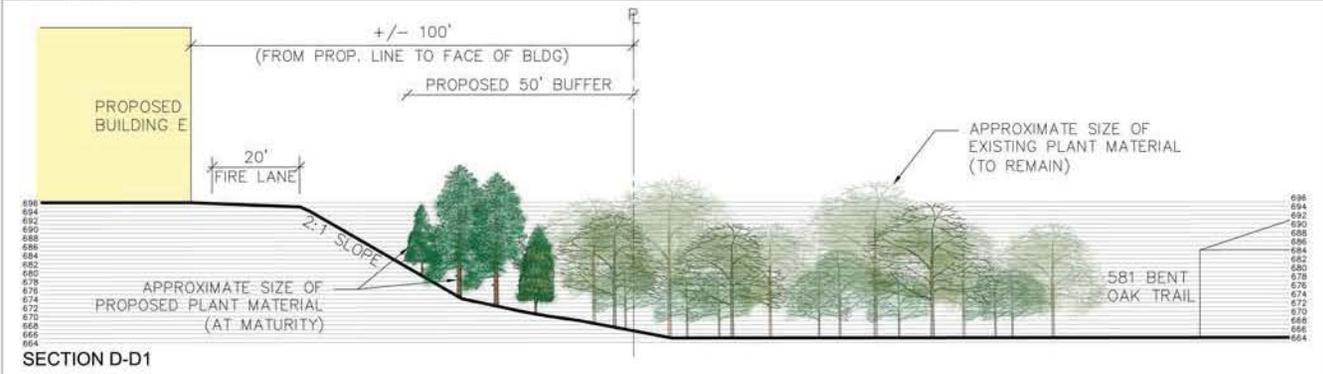
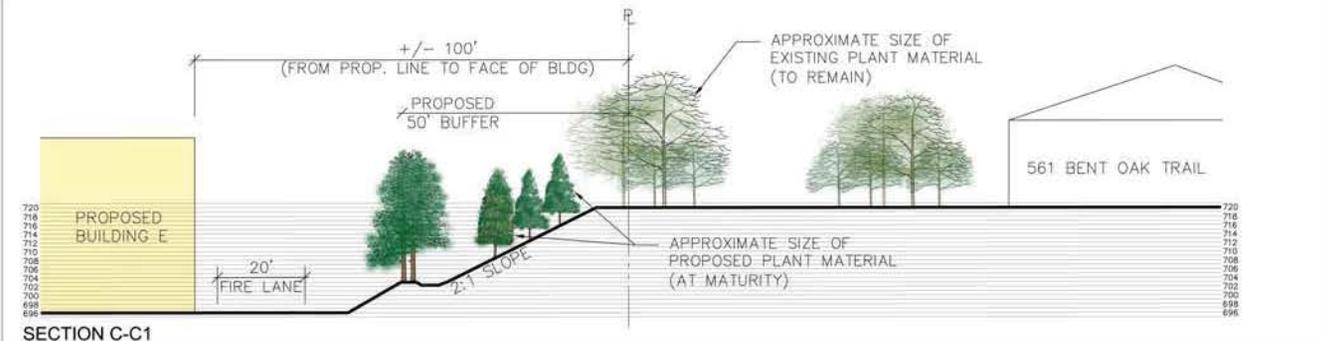
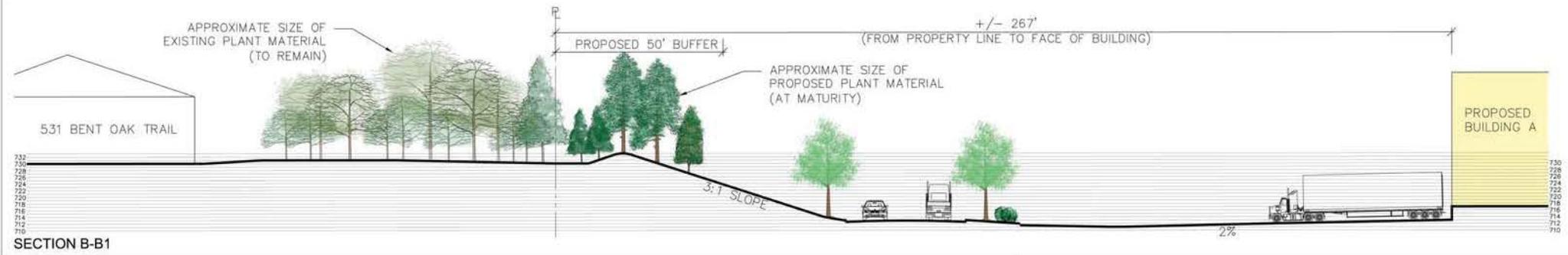
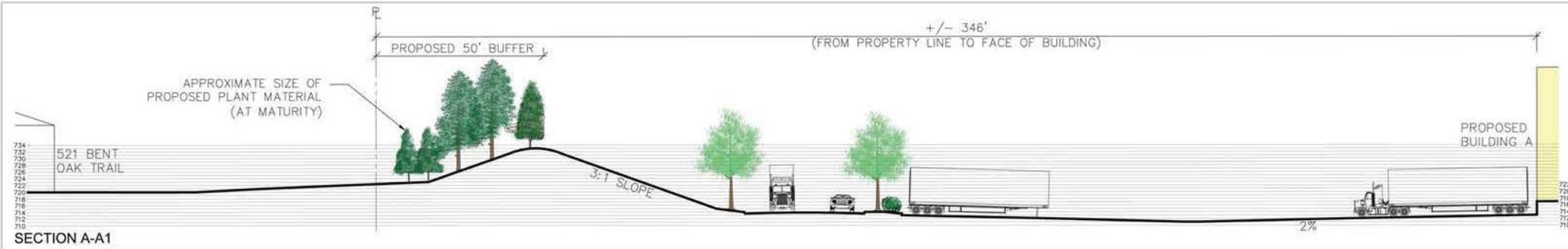
**SITE SUMMARY:**

|                            |                       |
|----------------------------|-----------------------|
| TOTAL SITE ACREAGE         | = 121.82 AC           |
| PROPOSED BUILDING A        | = 418,950 SF          |
| PROPOSED BUILDING B        | = 196,560 SF          |
| PROPOSED BUILDING C        | = 141,960 SF          |
| PROPOSED BUILDING D        | = 463,050 SF          |
| PROPOSED BUILDING E        | = 248,000 SF          |
| <b>TOTAL BUILDING AREA</b> | <b>= 1,468,520 SF</b> |

**NOTE:**  
SEE PAGE 2 FOR MORE DETAILS



RIVEROAKS CORPORATE CENTER  
BEACON PARTNERS



**POSSIBLE PLANT MATERIALS**



EDITH BOGUE MAGNOLIA



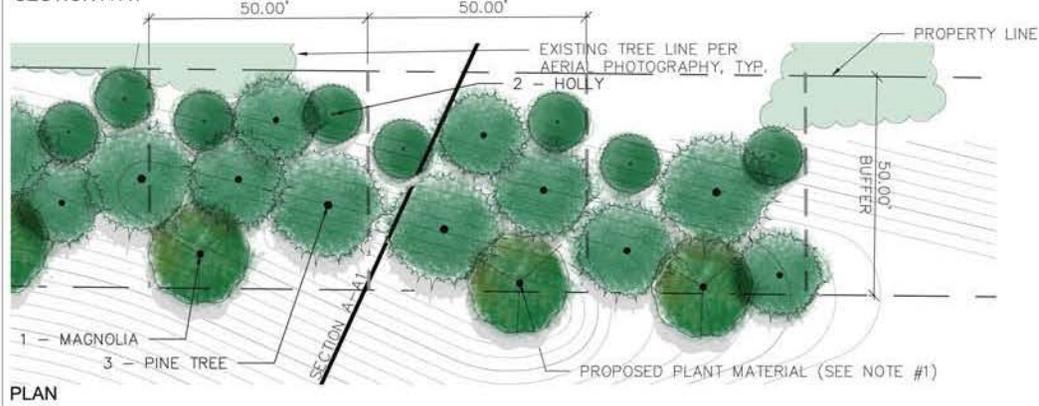
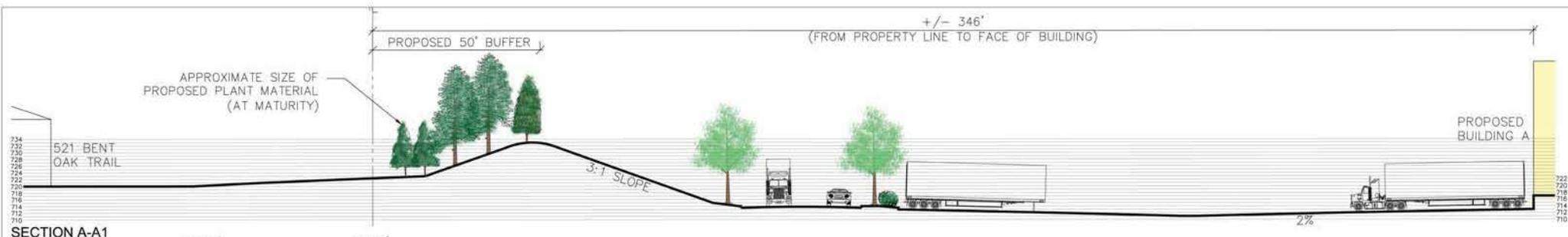
LOBLOLLY PINE



NELLIE R. STEVENS HOLLY



HIGHPOINT NUTTALL OAK (STREET TREE)



**50' WIDE BUFFER REQUIREMENTS:**

50' WIDE BUFFERYARD OR 25' WITH 6' HIGH BERM:

- 1 SHADE TREE PER 50 LINEAR FEET
- 1 ORNAMENTAL TREE PER 50 LINEAR FEET
- 1.2 POINTS MINIMUM PER LINEAR FOOT OR 0.9 POINTS WITH 6' HIGH BERM (MINIMUM 120 POINTS PER 100 LINEAR FEET)

POINTS FOR INDIVIDUAL PLANT TYPES:

| TYPE OF PLANT   | POINTS |
|-----------------|--------|
| SHADE TREE      | 12     |
| ORNAMENTAL TREE | 6      |

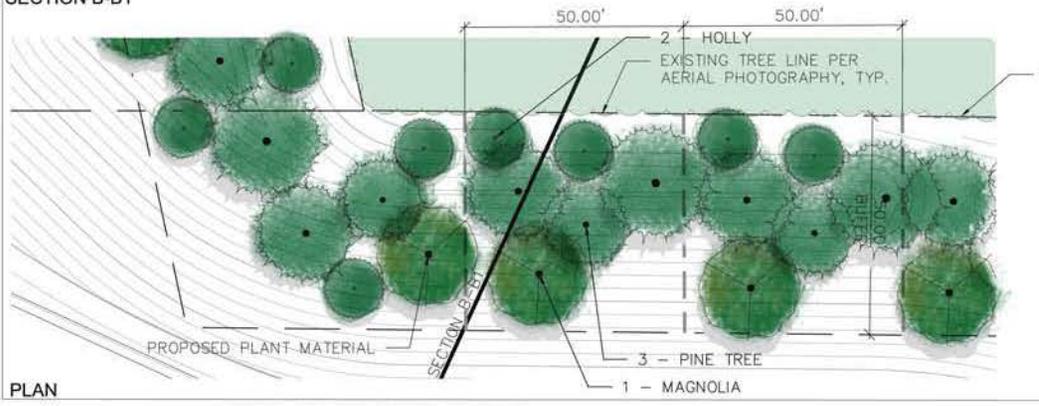
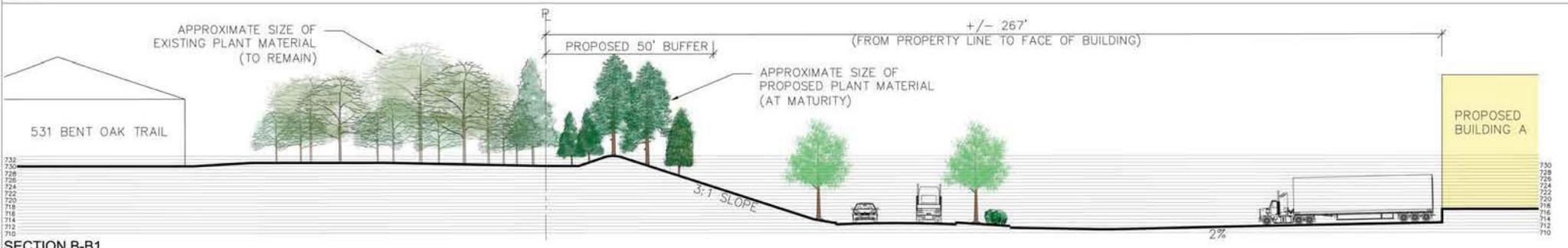
**PROPOSED 50' BUFFER:**

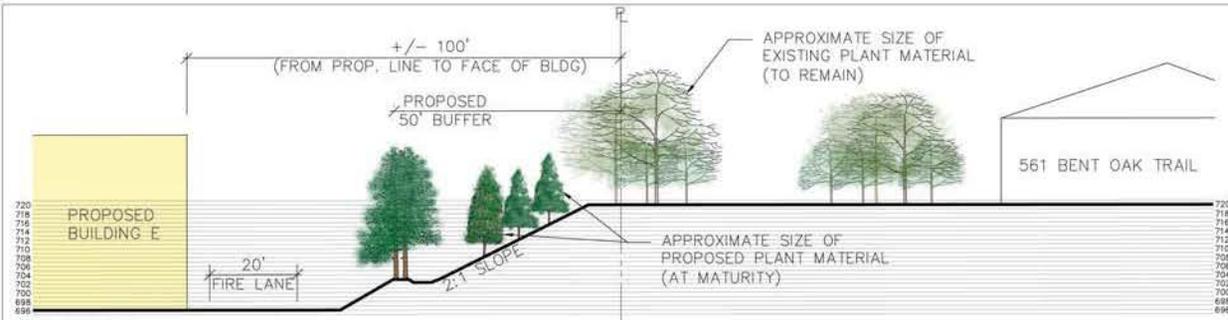
TYPICAL 100' LINEAR FEET:  
(2 TIMES CALCULATION OF 50' ORDINANCE REQUIREMENT)

|  | POINTS            |
|--|-------------------|
| 6 LOBLOLLY PINE TREE (LARGE MATURING TREE) | 72                |
| 2 MAGNOLIA TREE (LARGE MATURING TREE)      | 24                |
| 4 HOLLY (ORNAMENTAL TREE)                  | 24                |
| <b>TOTAL:</b>                              | <b>120 POINTS</b> |

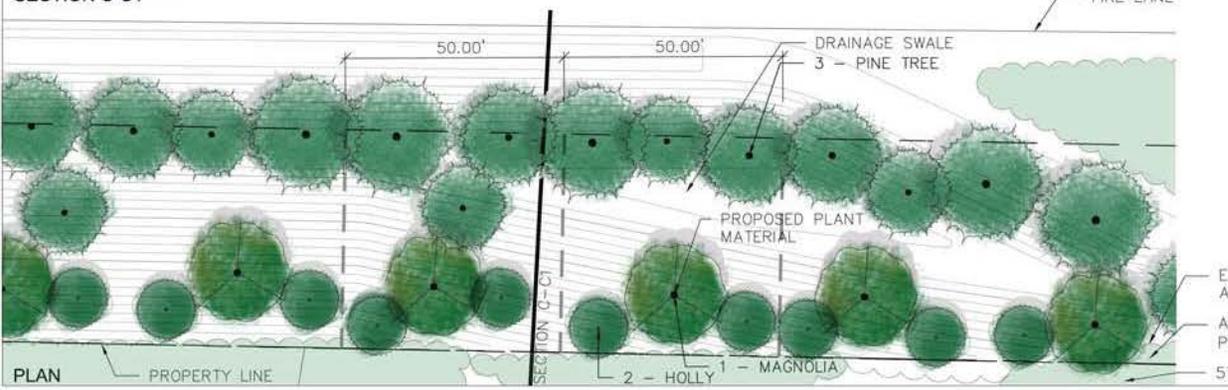
**NOTES**

1. THE PROPOSED PLANT MATERIAL MAY BE LESS IN AREAS WHERE EXISTING TREES WITHIN 50' BUFFER FULLY MEET OR PARTIALLY MEET THE MINIMUM POINT REQUIREMENT.

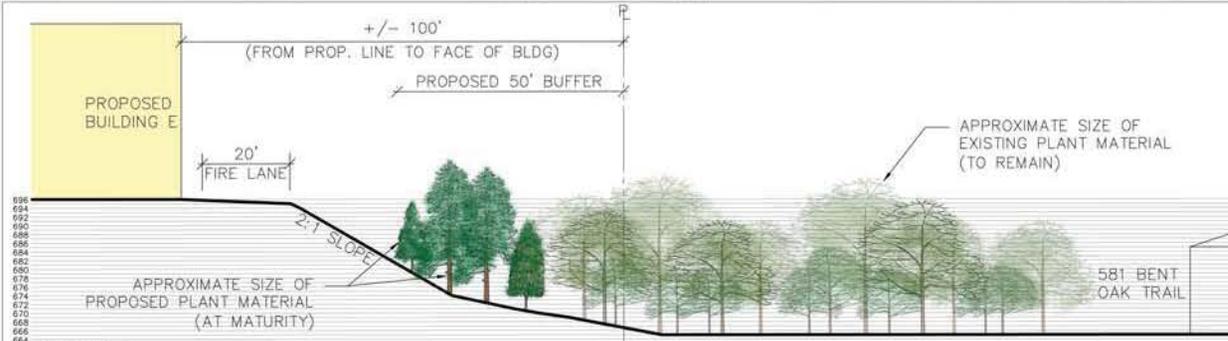




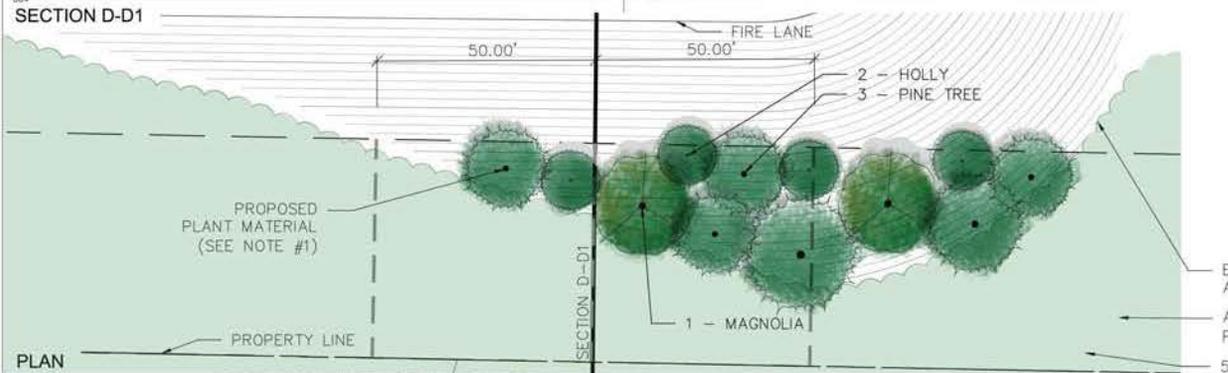
SECTION C-C1



PLAN



SECTION D-D1



PLAN

**50' WIDE BUFFER REQUIREMENTS:**  
50' WIDE BUFFERYARD OR 25' WITH 6' HIGH BERM:

- 1 SHADE TREE PER 50 LINEAR FEET
- 1 ORNAMENTAL TREE PER 50 LINEAR FEET
- 1.2 POINTS MINIMUM PER LINEAR FOOT OR 0.9 POINTS WITH 6' HIGH BERM (MINIMUM 120 POINTS PER 100 LINEAR FEET)

POINTS FOR INDIVIDUAL PLANT TYPES:

| TYPE OF PLANT   | POINTS |
|-----------------|--------|
| SHADE TREE      | 12     |
| ORNAMENTAL TREE | 6      |

**PROPOSED 50' BUFFER:**

TYPICAL 100' LINEAR FEET:  
(2 TIMES CALCULATION OF 50' ORDINANCE REQUIREMENT)

| PLANT TYPE                                 | POINTS |
|--|--------|
| 6 LOBLOLLY PINE TREE (LARGE MATURING TREE) | 72     |
| 2 MAGNOLIA TREE (LARGE MATURING TREE)      | 24     |
| 4 HOLLY (ORNAMENTAL TREE)                  | 24     |

TOTAL: 120 POINTS

**NOTES**

1. THE PROPOSED PLANT MATERIAL MAY BE LESS IN AREAS WHERE EXISTING TREES WITHIN 50' BUFFER FULLY MEET OR PARTIALLY MEET THE MINIMUM POINT REQUIREMENT.

Beech Bluff Proposed Setback and Site Compromise  
Updated: April 10, 2014

- I. General Setback Requirements per Concord:
  - a. 50' setback upon annexation into the City of Concord
    - i. Setback may reduce to 25' with the construction of a landscaped berm
  - b. No additional plantings or restrictions on clearing within the setback area
  - c. No fencing
  - d. No restrictions on dock locations
  - e. Screening of HVAC units from public rights of way only
- II. Requested Setback and Site Upgrades by Beech Bluff Neighborhood:
  - a. Retain 100 foot setback which currently exists for county property
  - b. Construct a 10' high masonry wall (brick or comparable) the entire length of the adjoining properties.
  - c. Locate all loading docks on building sides not facing Beech Bluff residences.
  - d. Retain as many of the existing trees in the setback as is possible.
  - e. Screen HVAC units from Beech Bluff view by constructing parapets.
  - f. Move Building E away from the property lines of the Beech Bluff neighbors, specifically the Campbell, Calloway, Novy and Davis homes.
- III. Proposed General Upgrades by Beacon Partners:
  - a. Beacon will not request to reduce the buffer to 25' from 50', even though the City of Concord's ordinance allows such a reduction with a berm and screening.
  - b. Meet (or exceed, at Beacon's discretion, consulting the neighbors) Concord's stated screening requirement of 120 points within a 100' long property section
    - i. Each existing tree retained counts for 12 points, reducing the required counts below
    - ii. 10 large maturing trees @ 12 points each = 120 points
    - iii. 8 large maturing trees @ 12 points each plus 4 ornamental trees at 6 points each = 120 points
    - iv. Beacon proposes a combination of loblolly pines/ magnolias (as appropriate given sun/ shading/ soil parameters) as large maturing trees and Nellie Stevens hollies as ornamental trees.
  - c. Retain existing trees where practical and commercially reasonable, consulting with neighbors.
  - d. Berm the property line wherever the property grade allows.
  - e. Install 6' tall black vinyl coated chain link fence around the property perimeter in a location deemed appropriate by Beacon (as discussed in the April 2<sup>nd</sup> meeting with the neighbors at the Crown Lift conference room across from the property) in Beacon's commercially reasonable discretion.
  - f. Install a 6' masonry fence or dense hedge of bushes where Beacon deems necessary in its commercially reasonable judgement, consulting with neighbors.
- IV. Proposed General Upgrades on a house-by-house basis:
  - a. Page Realty Lot
    - i. Berm (III.d. above)
    - ii. 6' black vinyl coated chain link fence (set forth in III.e. above) likely extending from the BMP toward the interior access road (and not the property line) per discussions in the 4/2/14 meeting.
    - iii. Add or retain existing trees/ bushes at Beacon's commercially reasonable discretion (set forth in III.b. & III.c. above), with a bias toward adding trees (likely loblolly pines) in this specific location.
  - b. Ken & Carolyn Gill Home @ 511 Bent Oak Trail
    - i. Berm (set forth in III.d. above)
    - ii. 6' black vinyl coated chain link fence (set forth in III.e. above) likely located closer to the access road than the property line.
    - iii. Add or retain existing trees/ bushes at Beacon's commercially reasonable discretion (set forth in III.b. & III.c. above), with a bias toward adding trees (likely loblolly pines) in this location, consulting with Mr. & Mrs. Gill.
  - c. Doris Covington Home @ 521 Bent Oak Trail
    - i. Berm (set forth III.d. above)
    - ii. 6' black vinyl coated chain link fence (set forth in III.e. above) likely located closer to the access road than the property line.
    - iii. Add or retain existing trees/ bushes at Beacon's commercially reasonable discretion ( set forth in III.b. & III.c. above), with a bias toward adding trees

(likely loblolly pines or magnolias) with possibly a few bushes interspersed, consulting with Ms. Covington.

- d. Fred & Catherine Campbell Home @ 531 Bent Oak Trail
  - i. Berm (set forth in III.d. above) as far as the grade allows, with Beacon agreeing to move car parking away from the property line (at Beacon's commercially reasonable discretion) from the north side of the Build E parking lot if it allows for the berm to continue further.
  - ii. 6' black vinyl coated chain link fence (set forth in III.e. above) likely located closer to the access road than the property line.
  - iii. Add or retain existing trees/ bushes at Beacon's commercially reasonable discretion (set forth in III.b. & III.c. above), with a bias toward adding trees (likely loblolly pines or magnolias) and bushes (perhaps even additional bushes given the proximity to the development), consulting with Mr. & Mrs. Campbell.
  - iv. If, in Beacon's commercially reasonable discretion, the berm noted in IV.d.i. above cannot be adequately extended; then in such event Beacon may elect to, in its commercially reasonable discretion, either add a 6' tall masonry fence or provide a dense hedge of bushes (like Nellie Stevens hollies). Beacon shall again consult with Mr. & Mrs. Campbell on this matter.
- e. Russ & Heide Calloway Home @ 561 Bent Oak Trail
  - i. If commercially reasonable, create a small, low berm (set forth in III.d. above) as far as the grade allows.
  - ii. 6' black vinyl coated chain link fence (set forth in III.e. above), likely located closer to Building E than the property line.
  - iii. Add or retain existing trees/ bushes at Beacon's commercially reasonable discretion (set forth in III.b. & III.c. above), with a bias toward adding trees (likely loblolly pines) and bushes (perhaps even additional bushes given the line of sight to Building E), consulting with Mr. & Mrs. Calloway.
  - iv. After reviewing the site layout and grading implications, Beacon was able to shift Building E 20' further from the Calloway's property line.
  - v. As a result of moving Building E further from the property line, the retaining may be eliminated at this location.
- f. Brian & Louise Novy Home @ 571 Bent Oak Trail
  - i. If commercially reasonable, create a small, low berm (set forth in III.d. above) as far as the grade allows.
  - ii. 6' black vinyl coated chain link fence (set forth in III.e. above), likely located closer to Building E than the property line.
  - iii. Add or retain existing trees/ bushes at Beacon's commercially reasonable discretion (set forth in III.b. & III.c. above), with a bias toward adding trees (likely loblolly pines) and bushes (like Nellie Stevens hollies and rhododendrons for color if that species fits this environment) perhaps even additional bushes given the line of sight to Building E), consulting with Mr. & Mrs. Novy.
  - iv. After reviewing the site layout and grading implications, Beacon's team was able to shift Building E 20' further from the Novy's property line.
  - v. As a result of moving Building E further from the property line, a retaining wall is no longer needed at this location.
- g. Rick & Melissa Davis Home @ 581 Bent Oak Trail
  - i. A berm does not work for this lot given the upward-sloping grade.
  - ii. 6' black vinyl coated chain link fence (set forth in III.e. above), likely located closer to Building E than the property line.
  - iii. Add or retain existing trees/ bushes at Beacon's commercially reasonable discretion (set forth in III.b. & III.c. above), with a bias toward adding trees (likely loblolly pines) and bushes (like Nellie Stevens hollies and rhododendrons for color if that species fits this environment) perhaps even additional bushes given the line of sight to Building E), consulting with Mr. & Mrs. Davis.
  - iv. After reviewing the site layout and grading implications, Beacon's team was able to shift Building E 20' further from the Davis' property line.
  - v. As a result of moving Building E further from the property line, the retaining may be eliminated at this location.
- h. Teri Kirkpatrick Home @ 591 Bent Oak Trail
  - i. This lot only abuts the RiverOaks development at a single tangential point, such that any proposed upgrades provided to the neighboring lots (e.g. the Davis Home and the Sees Home) will serve this property.

- i. Dan Sees Home @ 8871 High Ridge Lane
  - i. Berm (set forth in III.d. above)
  - ii. 6' black vinyl coated chain link fence (set forth in III.e. above) likely extending from the BMP toward Building E per discussions in the 4/2/14 meeting.
  - iii. Add or retain existing trees/ bushes at Beacon's commercially reasonable discretion (set forth in III.b. & III.c. above), with a bias toward adding trees (likely loblolly pines) in this location.
  - iv. Trees within the 50' buffer will be preserved with a berm installed outside of the buffer.
  
- j. Brian & Jennifer Nunn Home @8870 High Ridge Lane
  - i. Berm (set forth in III.d. above)
  - ii. 6' black vinyl coated chain link fence (III.e. above) likely extending from the BMP toward Building E per discussions in the 4/2/14 meeting.
  - iii. Add or retain existing trees/ bushes at Beacon's commercially reasonable discretion (set forth in III.b. & III.c. above), with a bias toward adding trees (likely loblolly pines) in this location.
  - iv. Trees within the 50' buffer will be preserved with a berm installed outside of the buffer.



**THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY**

(Please type or print)

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

*Warehousing, distribution, office, industrial, light manufacturing, ~~and~~ retail/showroom and indoor recreational*

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):

The following are prohibited uses under the current County GI-SU zoning classification. It is requested that these conditions be transferred as prohibited uses on the subject property under the City's ~~CDI zoning~~ *CDI-1 zoning*.  
 Asphalt and concrete plants, Foundries/iron, steel mills, Railroad station and storage yard, Sawmill, Slaughterhouse/meat packaging, Truck stop/Truck terminal, Communications tower – stand alone cellular tower, Salvage Yard, Airport, commercial Airstrip, Coliseum and stadium, Extraction of earth products, Landfill, demolition- more than one acre, Landfill/Sanitary, Outside Race tracks/animal and mechanical, Tire recapping *in excess of 30,000 SF.*

*Additionally, the specific uses of indoor recreational ~~and~~ retail/showroom shall be allowed.*

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]*  
 Signature of Applicant  
 4/29/15  
 Date

*[Signature]*  
 Signature of Owner(s)  
 4/29/15  
 Date





**DATE:** May 19, 2015

**CASE #:** LUP-02-15

**DESCRIPTION:** Land Use Plan Amendment -  
Single Family Residential to Commercial

**OWNERS:** DFR Motors

**APPLICANT:** David Farmer

**LOCATION:** 2501 Eva Drive

**PIN#s:** PIN: 5611-70-5177

**AREA:** 3.01 +/- acres

**ZONING:** Residential Medium Density (RM-2)

**PREPARED BY:** Kevin E Ashley, AICP Planning and Development Manager

**BACKGROUND**

The subject property consists of approximately 3.01 acres on the south side of Eva Drive, just west of the Troxler Drive intersection. The owner seeks a land use plan amendment from “single family residential” to “commercial.”

**HISTORY**

There subject property was formerly the site of a large nonconforming junkyard/salvage yard and body shop/auto repair. The current owner acquired the property in April 2013, and proceeded to remove the junk cars, generally cleaning up the site, but maintaining the nonconforming auto repair use.

**EXISTING LAND USES**

The north side of Eva Drive, west of the Troxler Circle intersection is developed with heavy commercial uses. A church is located on the east side of Troxler and the north side of Eva Drive. Single family homes are located to the east and west of the subject property. Those residences on the west side of the property appear to be rental homes.

## **FUTURE LAND USE AND ZONING ANALYSIS**

The 2015 Future Land Use Plan (LUP) designates the subject property as “single family residential” as previously discussed. Land on all sides of the subject property is designated “single family residential.” “Commercial” land use lies to the east, southeast, and southwest of the subject property. The commercially designated property to east lies within 500 feet and the land to the west lies within 200 feet.

The commercially developed property on the north side of Eva Drive is zoned General Commercial (C-2), but designated “single family residential” by the LUP. Additionally, land directly to the south is zoned Office-Institutional (O-I). Based on this pattern, and the vicinity of the Concord Parkway/Poplar Tent intersection, it could be argued that the “residential” future land use designation in this area could easily be changed to “commercial, from the subject property east to the ” Furthermore, from a planning perspective, it is impractical for the subject property (and the land on the north side of Eva Drive) to be developed as single family residential given the land use history as a junk/salvage yard. It is also impractical for the land east of the subject property, on the south side of Eva Drive, to be developed residentially given 1) the historical use of the subject property; and 2) the presence of the commercial property at the Concord Parkway/Poplar Tent Road intersection to the east.

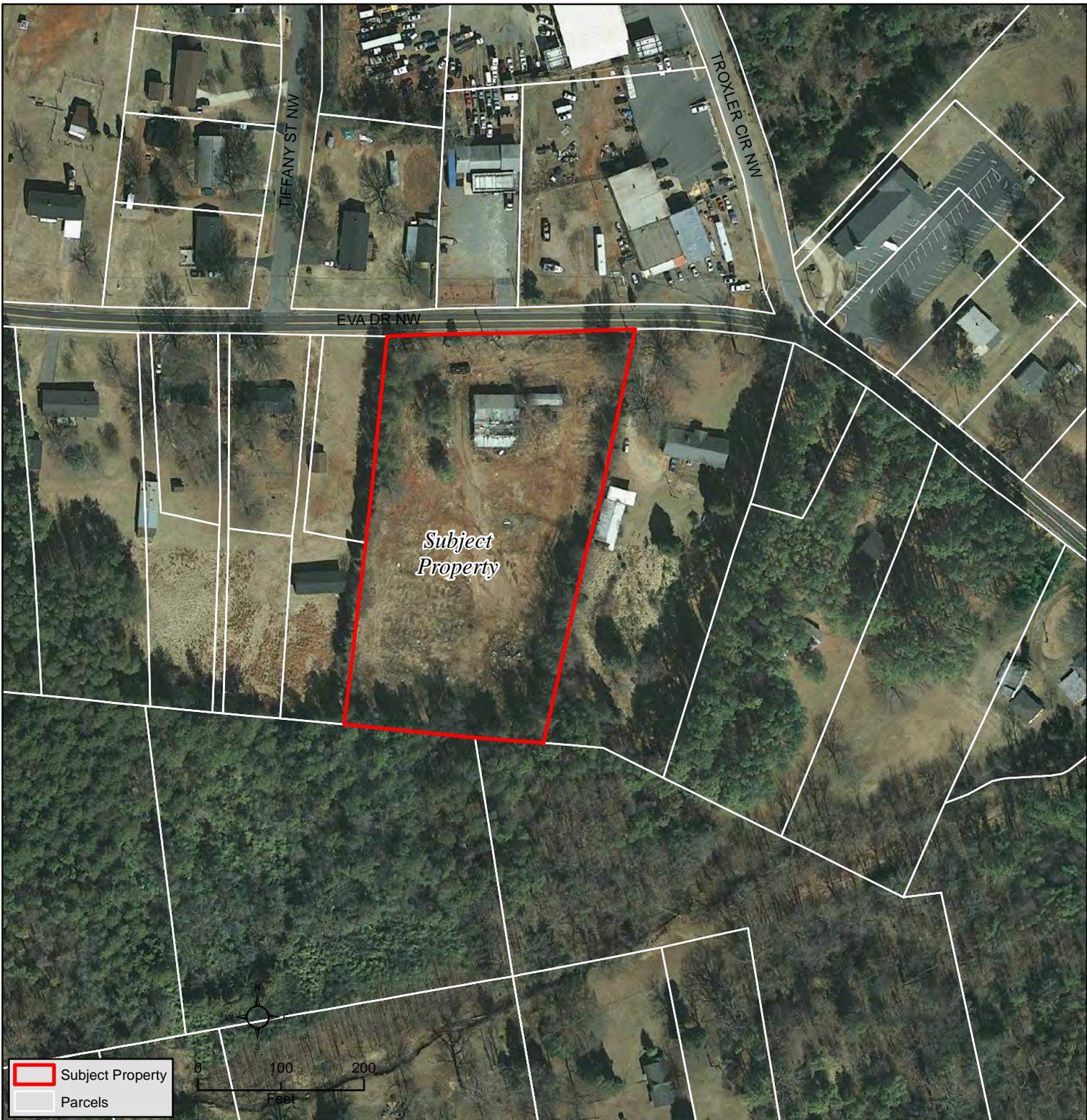
Based on the above analysis, the staff recommends that the Commission consider amending the land use designation for the five parcels to the east (2463, 2431, 2411, 2355 and 2301 Eva Drive) from “residential” to “commercial.” Should the Commission concur, this recommendation would be passed on to City Council.

## **SUGGESTED RECOMMENDATION AND CONDITIONS**

Per the CDO, the Concord City Council is the approval authority for the land use plan amendment. The staff recommends approval of the request, and additionally recommends that Council consider amending the five parcels directly east of the subject property. Therefore the Planning and Zoning Commission should make a recommendation to the City Council as to whether the land use plan amendment be approved and said recommendation will be forwarded to City Council for consideration at their June 11 meeting.

## **PROCEDURAL CONSIDERATIONS**

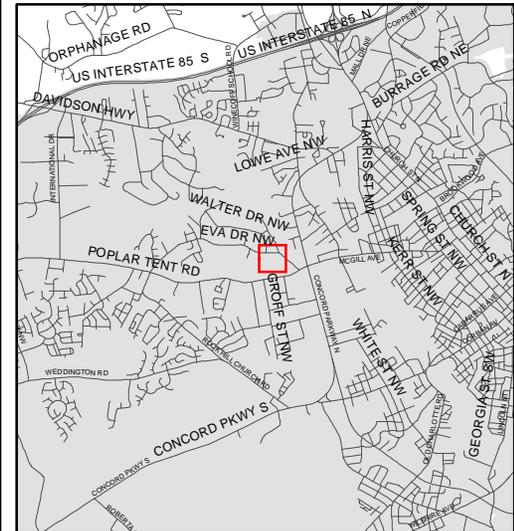
Land use plan amendments, under the CDO, are “legislative” in nature. Legislative hearings DO NOT require the swearing or affirming of witnesses prior to testimony at the public hearing.



**LUP-02-15  
AERIAL**

**Land Use Plan  
amendment request  
from Single Family  
Residential to Commercial**

2501 Eva Dr  
PIN: 5611-70-5177



Source: City of Concord  
Planning Department

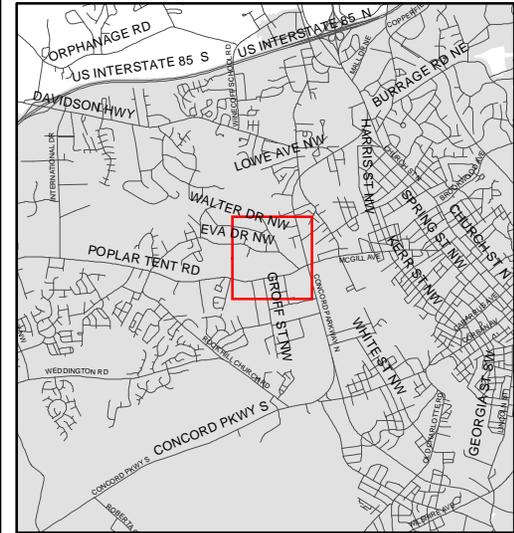
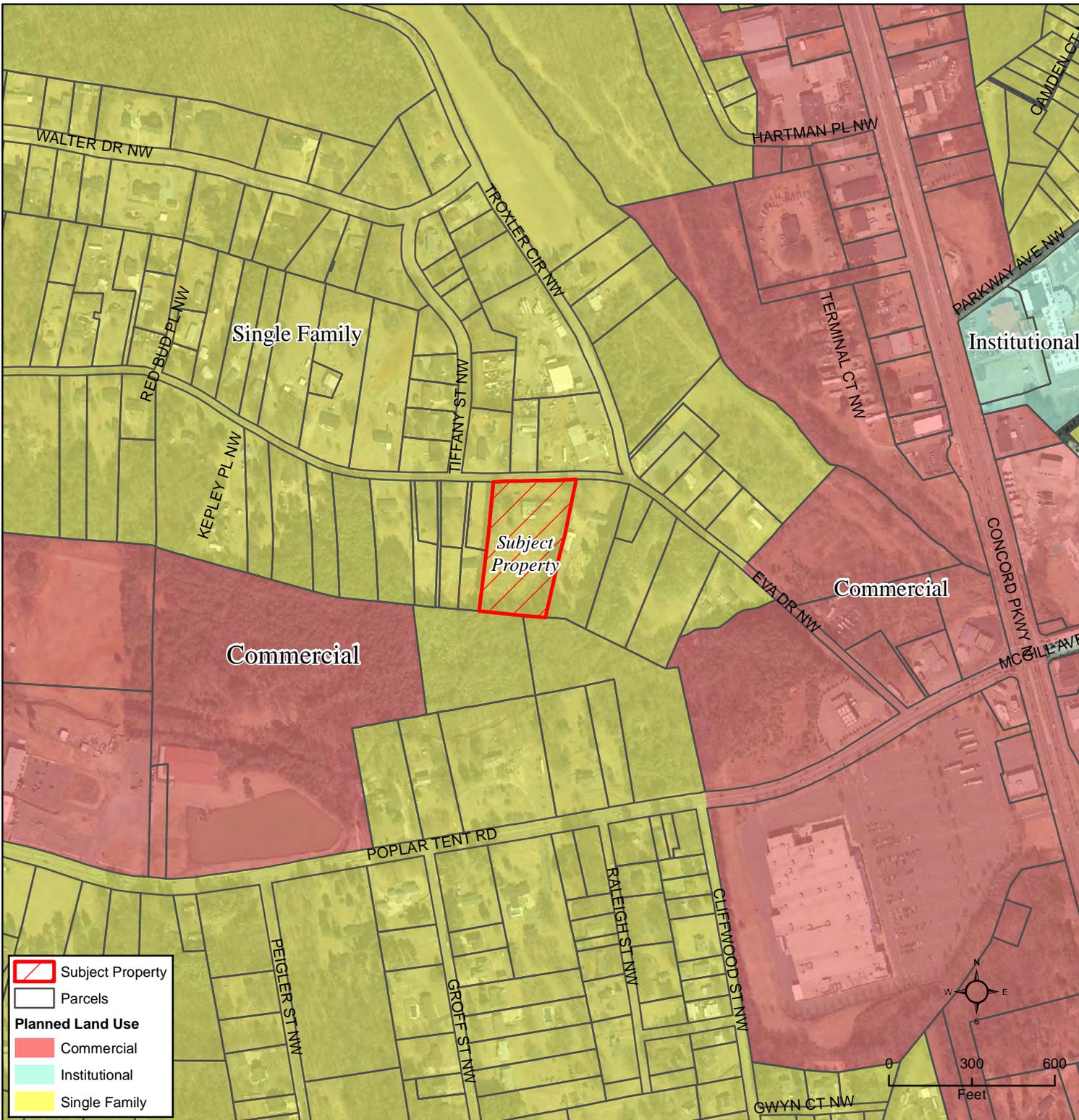
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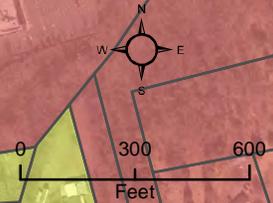
**LUP-02-15  
LAND USE PLAN**

**Land Use Plan  
amendment request  
from Single Family  
Residential to Commercial**

2501 Eva Dr  
PIN: 5611-70-5177



|                         |                  |
|-------------------------|------------------|
|                         | Subject Property |
|                         | Parcels          |
| <b>Planned Land Use</b> |                  |
|                         | Commercial       |
|                         | Institutional    |
|                         | Single Family    |



Source: City of Concord  
Planning Department

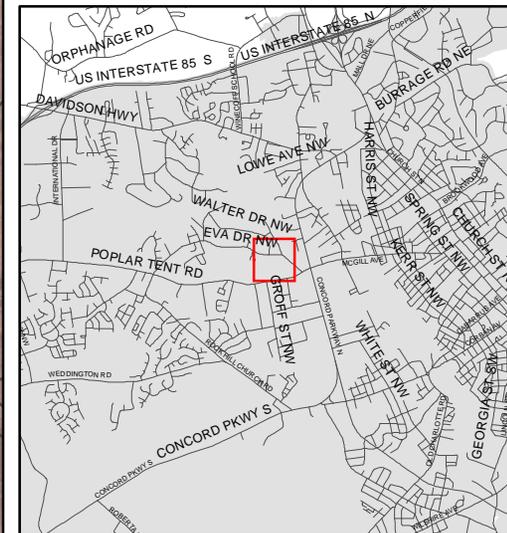
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# LUP-02-15 ZONING MAP

## Land Use Plan amendment request from Single Family Residential to Commercial

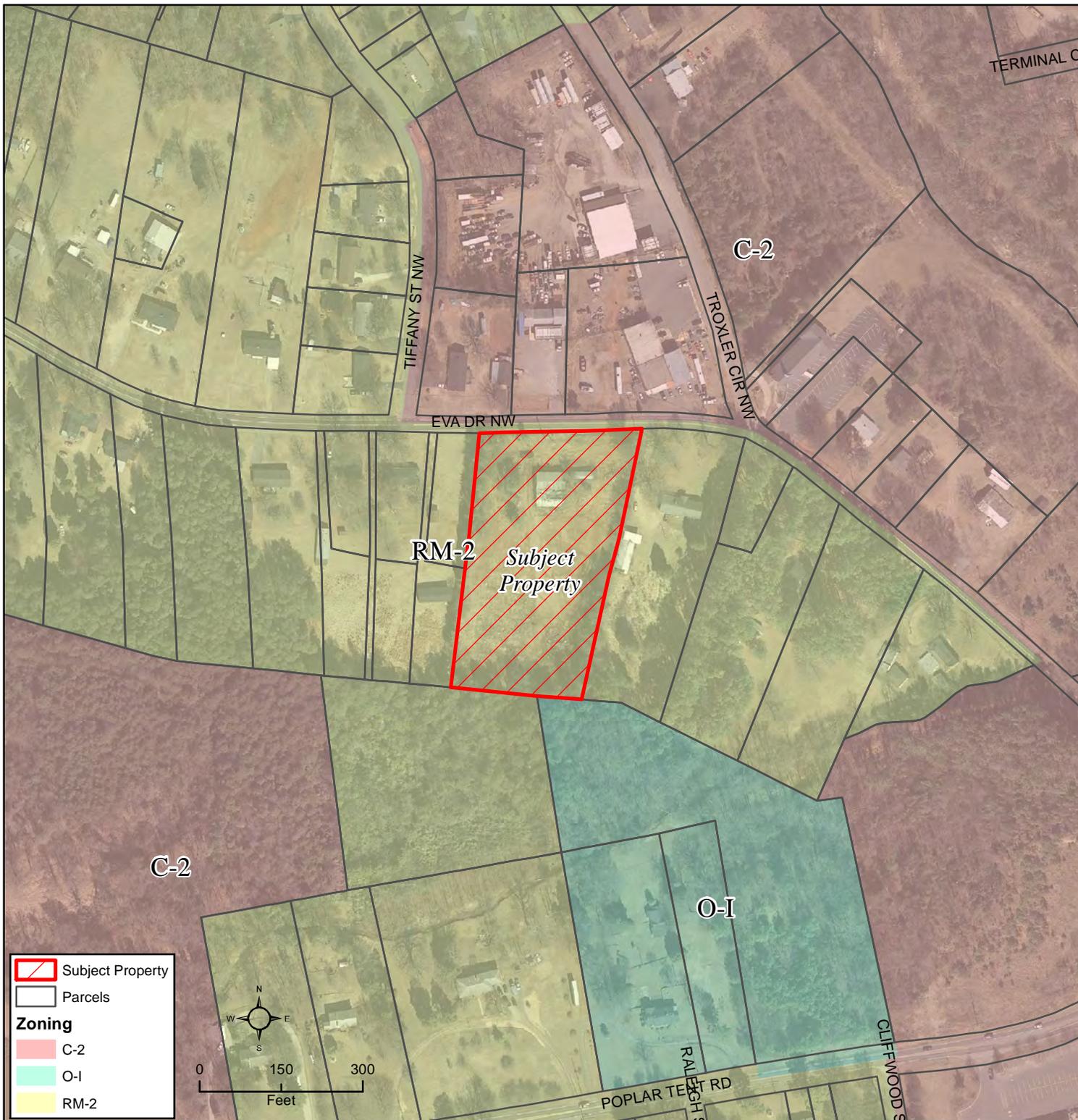
2501 Eva Dr  
PIN: 5611-70-5177



Source: City of Concord  
Planning Department

### Disclaimer

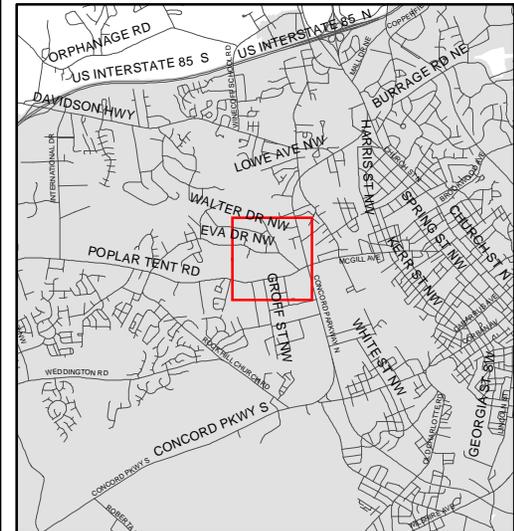
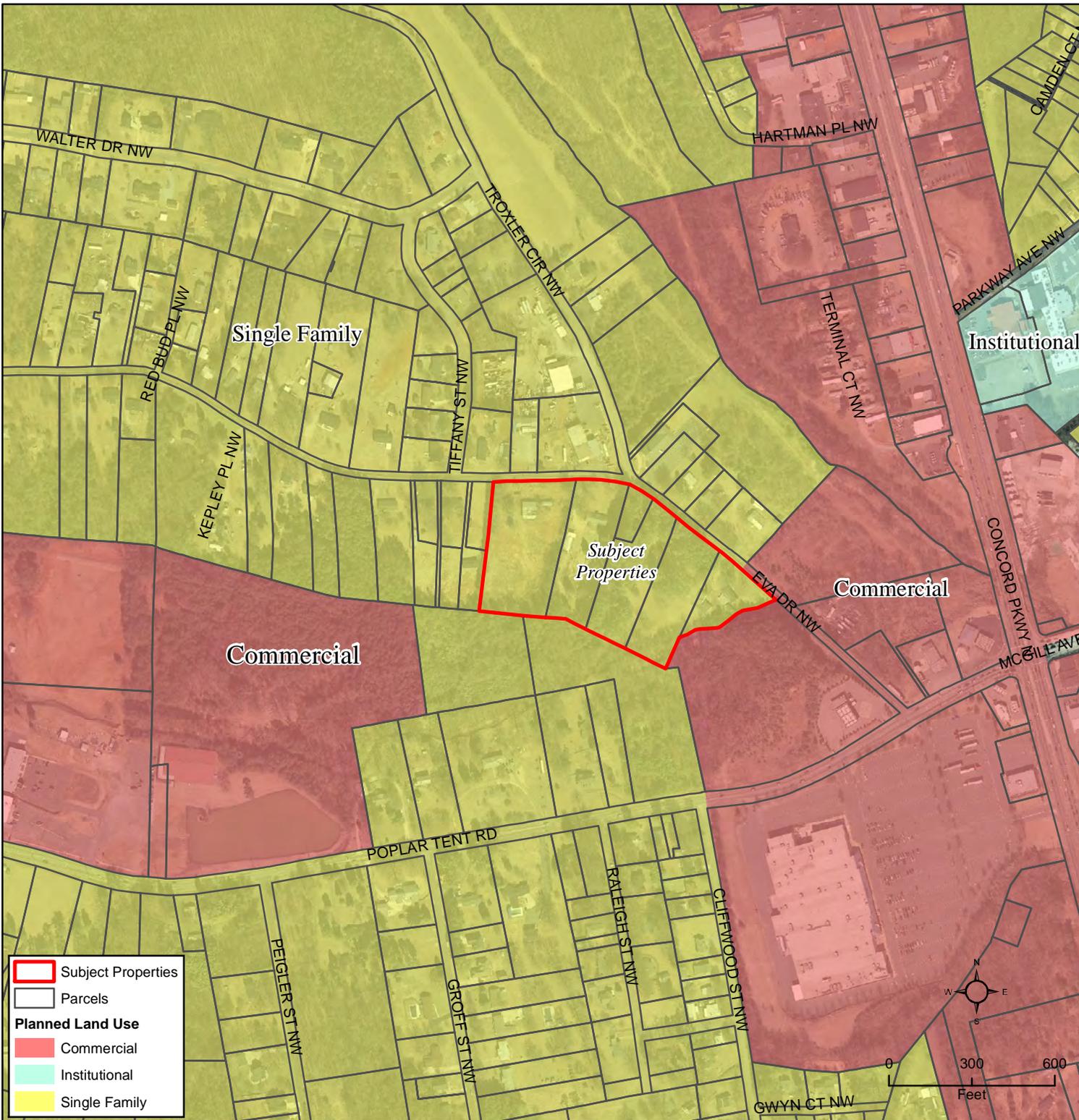
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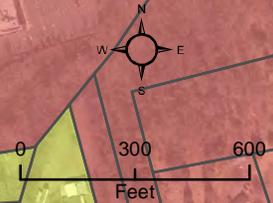
**LUP-02-15  
LAND USE PLAN**

**Land Use Plan  
amendment request  
from Single Family  
Residential to Commercial**

2501 Eva Dr  
PIN: 5611-70-5177



|                         |                    |
|-------------------------|--------------------|
|                         | Subject Properties |
|                         | Parcels            |
| <b>Planned Land Use</b> |                    |
|                         | Commercial         |
|                         | Single Family      |



Source: City of Concord  
Planning Department

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City Staff to complete this section  
Case Number: LUP-02-15

PETITION FOR AMENDING THE LAND USE/SMALL AREA PLAN

Date of Application: 3/30/15

This application shall be accompanied by the following:

- Three copies of a conceptual plan drawn to scale showing proposed development (see procedure sheet)
- Survey or Deed of property
- Map indicating the current and proposed land use designations
- List of all surrounding property owners, obtained from Cabarrus County

Petition is hereby made to the Concord Planning and Zoning Commission to consider a recommendation to the City Council of the City of Concord, North Carolina, that a portion of City of Concord Land Use Plan be changed from Res to Commercial.

Name of Applicant or Agent (Print): DFR Motors LLC (David Farmer) Phone: 704 706 9205  
Address: 525 Elizabeth Lee Dr. Concord NC 28027  
FAX: \_\_\_\_\_ E-mail (optional): y2khardtop@gmail.com

Record Property Owner (Print): DFR Motors LLC Phone: 704 706 9205

Property Address(s): 2501 Eva Dr. Concord

Zip Code: 28027 City Concord County: Cabarrus

County Parcel/Tax ID Number(s): PIN 56117051770000

Tract Acreage: 3.01 General Location: Eva Drive

Existing Land Use: RS Proposed Land Use: Comm Existing Zoning/Use: RMA-2 / Auto garage - Storage

Proposed Zoning/Use: C2-Storage FEMA Flood Zone: \_\_\_\_\_

WHAT HAS CHANGED OR NEEDS CONSIDERATION SINCE THE LAND USE PLAN AND/OR SMALL AREA PLAN WAS ADOPTED THAT WARRANTS THIS REQUEST?

(You may attach one additional sheet to explain these items if necessary)

- Provide some general information about the property (current use, natural features, history, etc.):  
Former auto salvage, now cleaned up for auto repair & storage. Older existing building has commercial variance, similar to neighboring properties.

- Current and future traffic counts and patterns: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Utility/Infrastructure Changes: Possible additional Driveway & Fencing  
\_\_\_\_\_  
\_\_\_\_\_

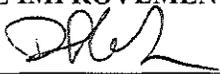
- Status of Floodplain/Hydrology: \_\_\_\_\_  
\_\_\_\_\_
- Changes in Surrounding Land Uses: \_\_\_\_\_  
\_\_\_\_\_
- Other (Please explain) This property has always been used commercially, and has multiple commercial style structures. I would like to eventually change the zoning to C2 to add additional storage buildings.

Is there other property within a half-mile radius available for the proposed use and development? If yes, Please explain.  
\_\_\_\_\_  
\_\_\_\_\_

Does the proposed change fulfill the Goals and Objectives outlined in the Land Use/Small Area Plan? Please explain and indicate which ones. *(You may attach one additional sheet to explain this item)* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does the proposed change involve a single use/one lot development? \_\_\_\_\_

**I HEREBY CERTIFY THAT THE INFORMATION HEREIN SUBMITTED IS COMPLETE, TRUE AND ACCURATE AND THAT I/WE HAVE BEEN NOTIFIED ON THE DEVELOPMENT PROCEDURES AND GUIDELINES, INCLUDING PLATTING AND SITE PLAN REVIEWS IF REQUIRED AND ALL FEES AND CHARGES RELATED TO SITE IMPROVEMENTS, DEVELOPMENT AND BUILDING PERMIT COSTS.**

SIGNATURE OF APPLICANT:  Date: \_\_\_\_\_

SIGNATURE OF PROPERTY OWNER:  Date: \_\_\_\_\_

**DO NOT WRITE BELOW THIS LINE**

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_

Total Fee: \_\_\_\_\_ Receipt #: \_\_\_\_\_

- Staff Action (Check One):  Continued  Approved  Denied  Modified
- Planning Zoning Commission Action (Check One):  Continued  Approved  Denied  Modified
- City Council Action (Check One):  Continued  Approved  Denied  Modified

Ordinance Number: \_\_\_\_\_

Past



present



Eva Dr NW



Eva Dr NW



Crest

**DATE:** May 19, 2015

**DESCRIPTION:** Site Plan of a Commercial Development Greater than 100,000 square feet

**CASE NUMBER:** SP-01-15

**APPLICANT:** Thompson Thrift/Andrew Molar

**OWNER:** Thompson Thrift

**LOCATION:** Intersection of Christenbury Parkway and Dertia Road

**PARCEL PIN:** 4589-35-2884

**AREA:** 29.5 Acres

**ZONING:** MX-CC2 (Mixed Use Commercial Center)

**REPORT PREPARED BY:** Boyd V. Stanley, AICP  
Development Review Administrator

**BACKGROUND**

The petitioner requests site plan review and approval for the South West Quadrant of the Christenbury Corners development. The subject property was annexed into the City on September 30, 2007 and zoned MX-CC2 (Mixed Use Commercial Center) on October 17, 2007. At the time of annexation and initial zoning approval, all four corners were under the same ownership. At this time, all four corners are under separate ownership. The subject request encompasses only one quadrant (S.W. quadrant) of the entire 95-acre development which covers all four corners of the intersection at Concord Mills Blvd/Christenbury Parkway and Derita Road. As part of the Conditional Zoning District, a preliminary site plan, building elevations and a technical data sheet were approved to guide development. To date, the North East Quadrant (Lowe's) is still under development and the South East Quadrant (Academy Sports) is complete. In addition, a preliminary plat was approved by the Planning and Zoning Commission for this property in 2014.

The proposed major site plan for your consideration totals 29.5 acres and consists of 6 proposed outparcels and a group of larger retail tenants, which are labeled Future Phase II on the site plan. Building square footages were originally approved for a maximum of 215,000 square feet and the proposed square footage maximum is approximately 170, 000 square feet. A maximum of 923 parking spaces were also originally approved, but the proposed maximum number of parking spaces will be closer to 800. All external access points for ingress and egress were approved on the preliminary site plan with the previous zoning approval and have not been altered from what was approved by NCDOT. There are some changes with regard to internal access and circulation from the original "Master Plan", which can be seen with the incorporated "Spine Road". The

proposed “Spine Road” will incorporate increased landscaping and decorative lighting elements to promote a pedestrian friendly internal boulevard.

Updated architectural renderings have been provided for the larger retail tenants and are displayed in the revised supplemental design criteria. At this time, there are three proposed outparcel site plans under technical review which are Dunkin Donuts, Circle K (Convenience Store and Gas Sales) and McDonald’s. The renderings for the Dunkin Donuts have been provided as an exhibit in your packet and are consistent with the updated supplemental design criteria and the MX-CC2 Standards. We are awaiting revisions for the Circle K and McDonald’s renderings. All proposed out parcel buildings were required to follow the pre-approved architectural renderings from the zoning approval.

The updated supplemental design criteria provided by the developer details acceptable building materials, neutral/earth tone color palettes, parking lot lighting, decorative pedestrian lighting, decorative building lighting, increased landscaping, parking buffers, furnishings (benches and bike racks) and a detail for consistent dumpster enclosures throughout the development. All development on this site shall be required to conform to the updated supplemental design requirements and all MX-CC2 Standards as outlined in Article 9 of the Concord Development Ordinance.

The proposal conforms to the surrounding residential and commercial development in this area. All site details and architectural renderings are in compliance with the approved MX-CC2 Conditional District preliminary site plan. As a condition of the zoning approval, increased landscaping and architectural features were required and are reflected in this proposal.

A technical site plan for this development has been submitted and is currently being reviewed. Technical site plan approval is subject to the Planning and Zoning Commission approval.

**SUGGESTED RECOMMENDATION AND CONDITIONS (Not required but offered as information)**

If the Commission votes to approve the site plan, staff recommends the adoption of the following conditions:

1. Full technical site plan has been submitted and is currently under review. Proposed technical site plan approval is subject to Planning and Zoning Commission approval
2. All requirements as outlined in the approved MX-CC2 zoning and updated supplemental design criteria shall be met.

**SP-01-15  
AERIAL**

**Site Plan**

**Christenbury Corners  
Southwest Quadrant**

Southwest quadrant  
Christenbury Pkwy &  
Derita Rd  
PIN: 4589-35-2884

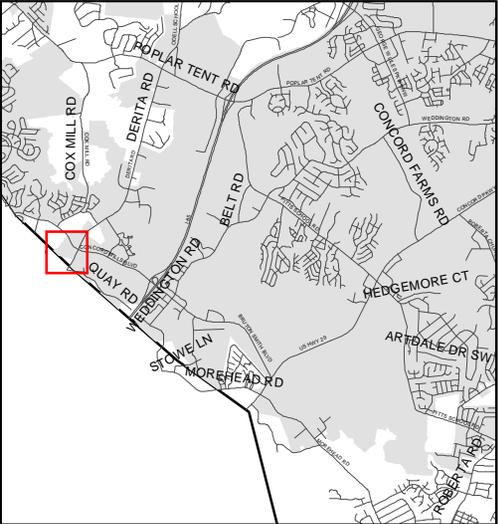


*Subject Property*

Cabarrus Co.  
Mecklenburg Co.

Subject Property  
 Parcels

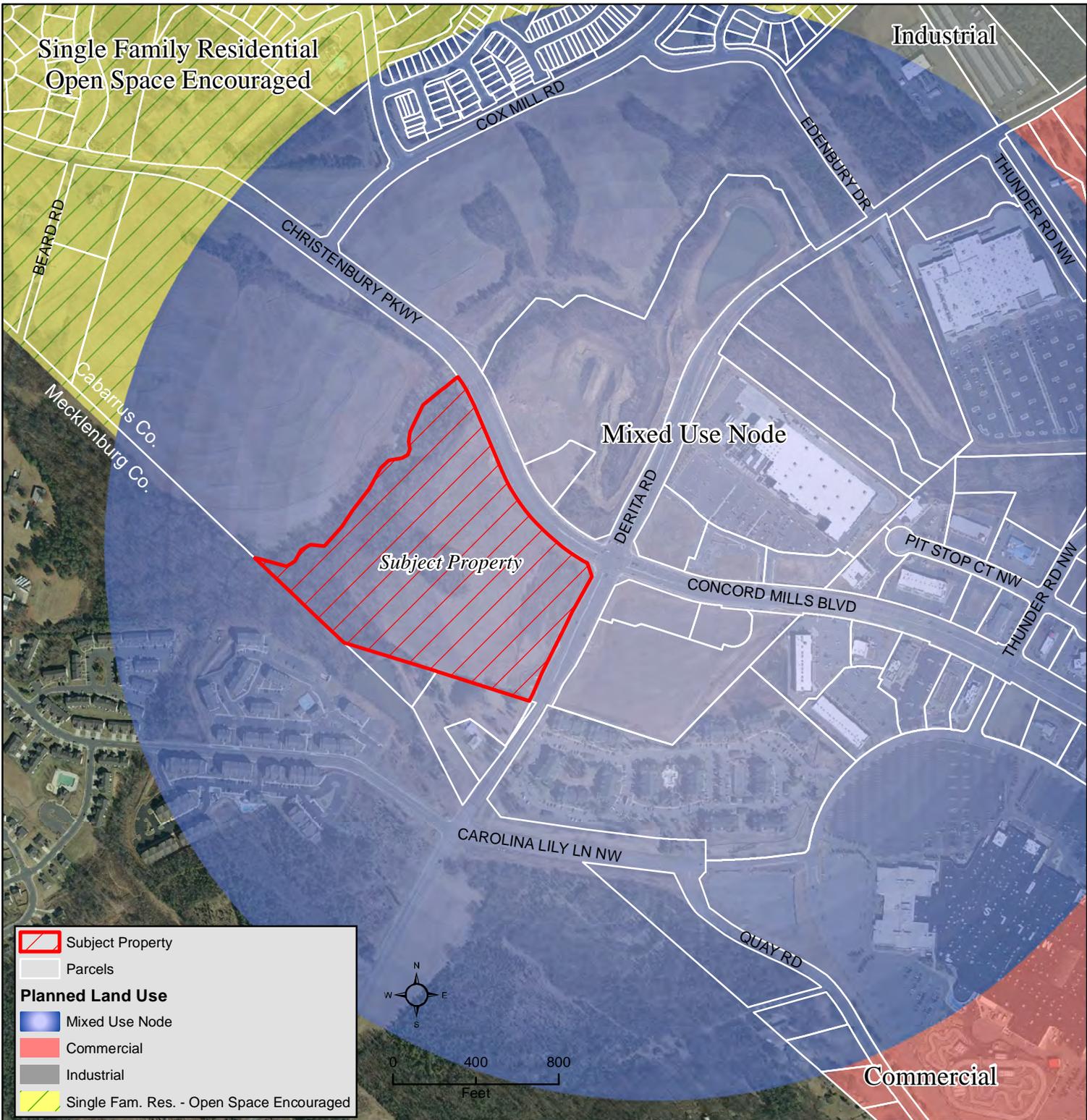
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Source: City of Concord  
Planning Department

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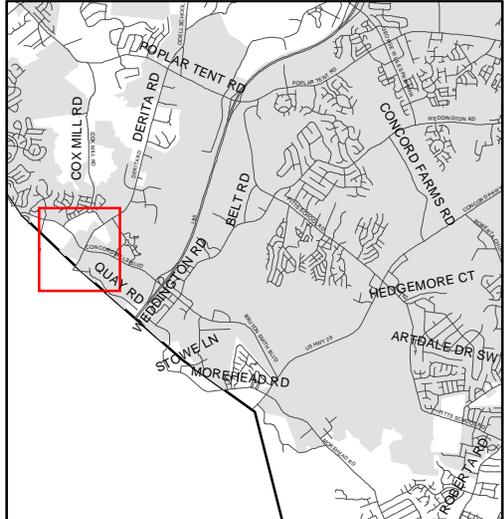


**SP-01-15  
LAND USE PLAN**

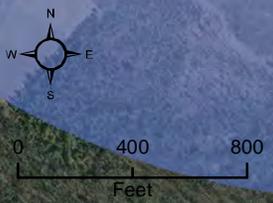
**Site Plan**

**Christenbury Corners  
Southwest Quadrant**

Southwest quadrant  
Christenbury Pkwy &  
Derita Rd  
PIN: 4589-35-2884



|                         |  |
|-------------------------|--|
|                         | Subject Property                         |
|                         | Parcels                                  |
| <b>Planned Land Use</b> |  |
|                         | Mixed Use Node                           |
|                         | Commercial                               |
|                         | Industrial                               |
|                         | Single Fam. Res. - Open Space Encouraged |



Source: City of Concord  
Planning Department

**Disclaimer**

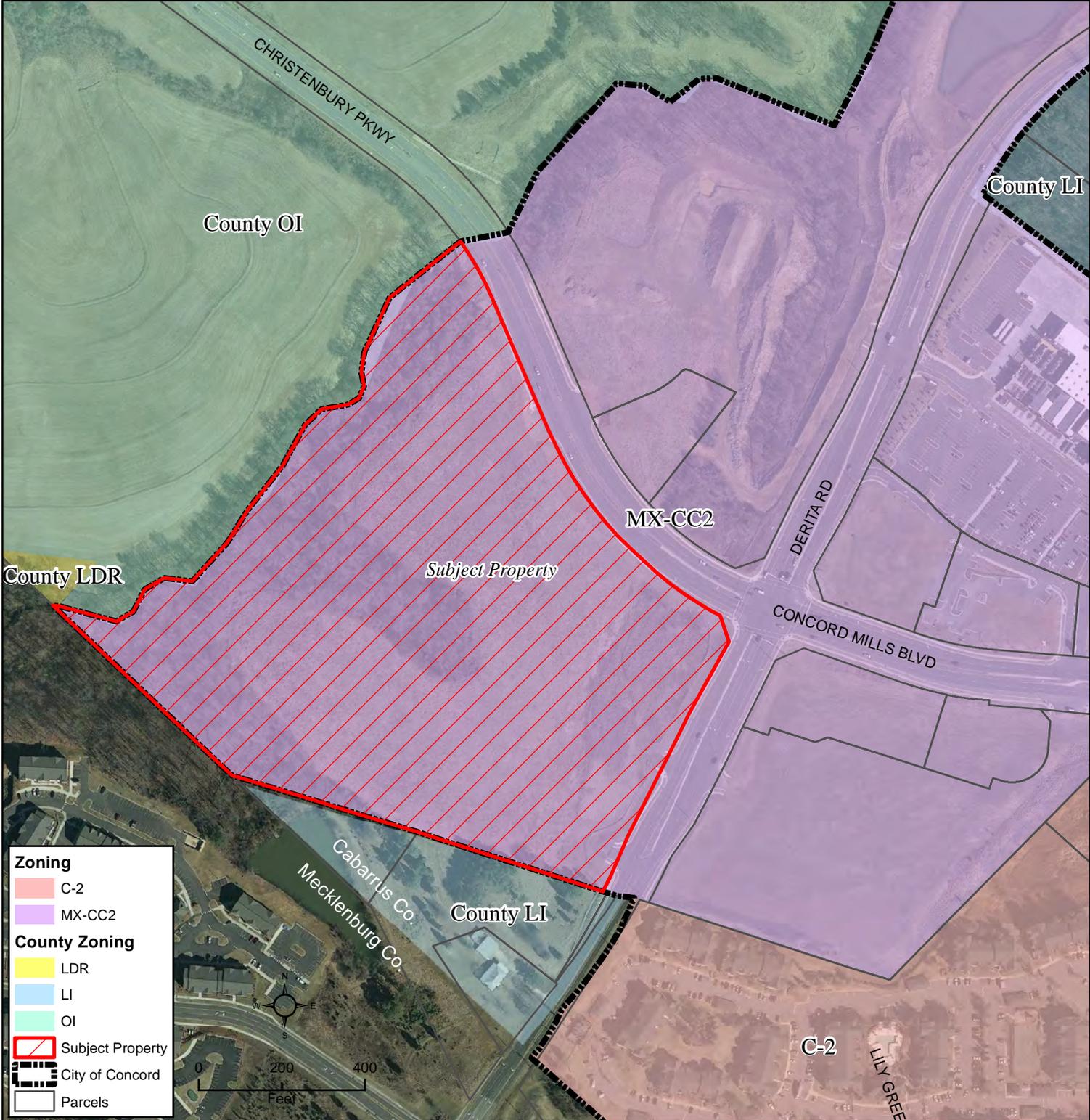
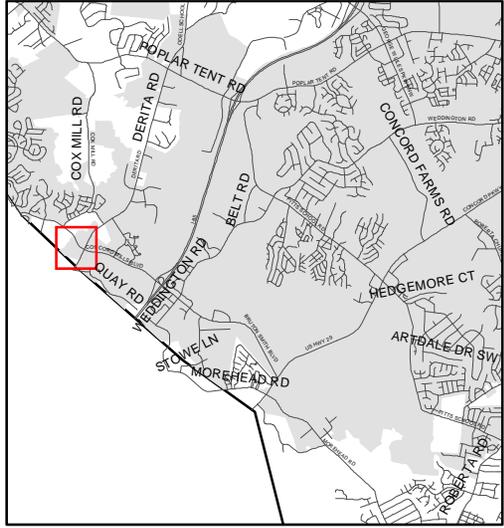
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**SP-01-15  
ZONING MAP**

**Site Plan**

**Christenbury Corners  
Southwest Quadrant**

Southwest quadrant  
Christenbury Pkwy &  
Derita Rd  
PIN: 4589-35-2884

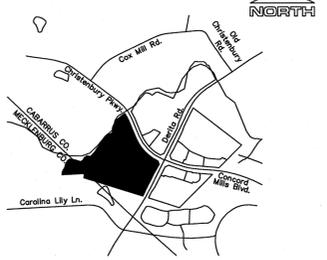


Source: City of Concord  
Planning Department

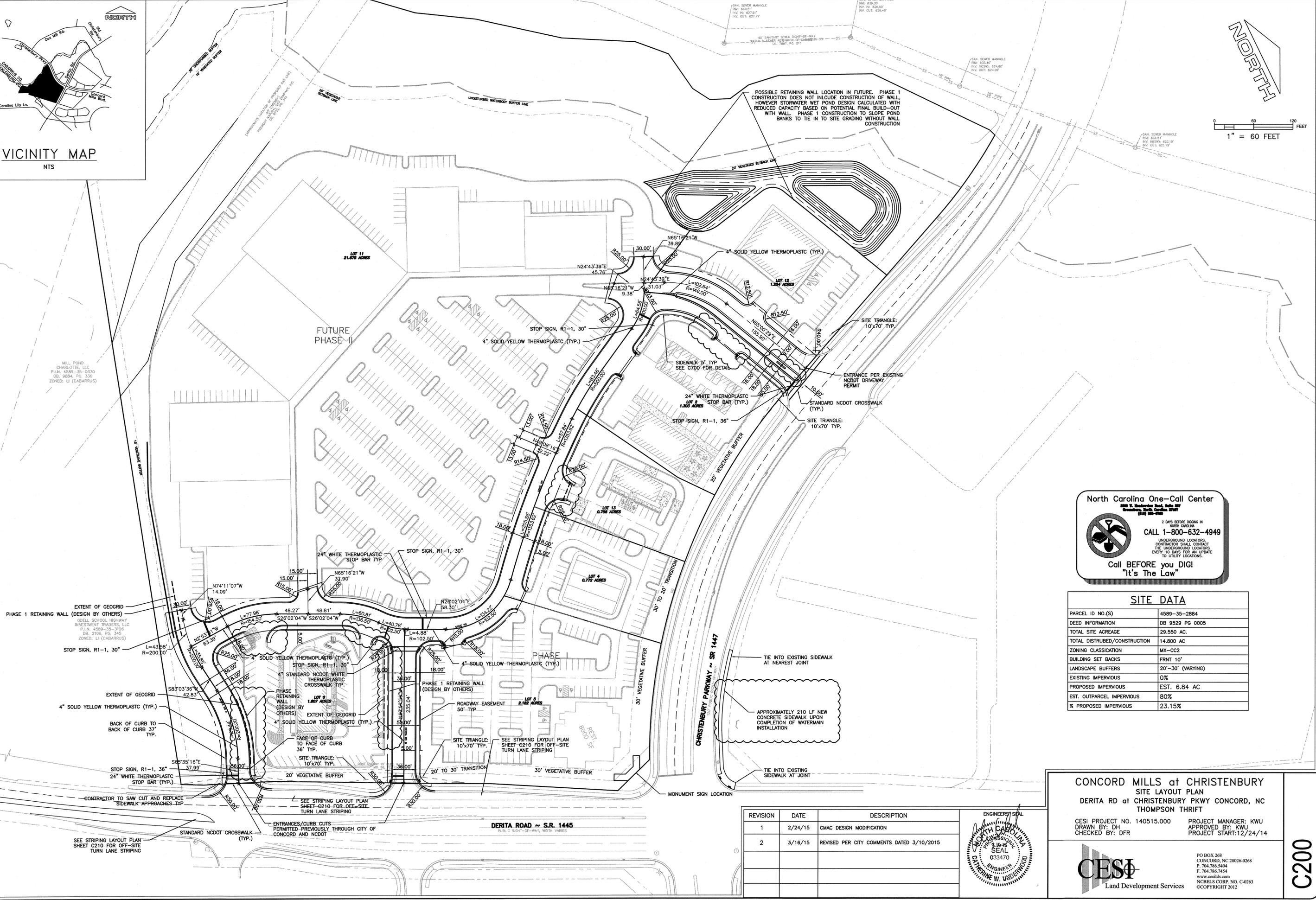
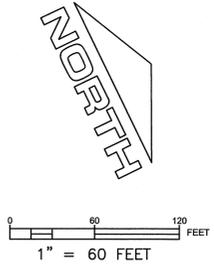
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VICINITY MAP  
NTS



North Carolina One-Call Center  
 2 DAYS BEFORE DIGGING IN NORTH CAROLINA  
 CALL 1-800-632-4949  
 UNDERGROUND LOCATORS CONTRACTOR SHALL CONTACT THE UNDERGROUND LOCATORS EVERY 10 DAYS FOR AN UPDATE TO UTILITY LOCATIONS.  
 Call BEFORE you DIG!  
 "It's The Law"

| SITE DATA                      |                   |
|--------------------------------|-------------------|
| PARCEL ID NO.(S)               | 4589-35-2884      |
| DEED INFORMATION               | DB 9529 PG 0005   |
| TOTAL SITE ACREAGE             | 29.550 AC.        |
| TOTAL DISTRIBUTED/CONSTRUCTION | 14.800 AC         |
| ZONING CLASSIFICATION          | MX-CC2            |
| BUILDING SET BACKS             | FRNT 10'          |
| LANDSCAPE BUFFERS              | 20'-30' (VARYING) |
| EXISTING IMPERVIOUS            | 0%                |
| PROPOSED IMPERVIOUS            | EST. 6.84 AC      |
| EST. OUTPARCEL IMPERVIOUS      | 80%               |
| % PROPOSED IMPERVIOUS          | 23.15%            |

CONCORD MILLS at CHRISTENBURY  
 SITE LAYOUT PLAN  
 DERITA RD at CHRISTENBURY PKWY CONCORD, NC  
 THOMPSON THRIFT

CONCORD, NC 28026-0268  
 P. 704.786.5494  
 F. 704.786.7454  
 www.cesids.com  
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 DERITA RD at CHRISTENBURY PKWY CONCORD, NC  
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| REVISION | DATE    | DESCRIPTION                               |
|----------|---------|---|
| 1        | 2/24/15 | CMAC DESIGN MODIFICATION                  |
| 2        | 3/16/15 | REVISED PER CITY COMMENTS DATED 3/10/2015 |



C200



## INTRODUCTION

Concord Mills at Christenbury Development is a 29.5-acre, retail development located on the southwest corner of Christenbury Parkway and Derita Road in Concord, North Carolina. This development is a part of the original Christenbury Corners Project that was approved in 2007. The permitted uses within the development provide for a mix of retail and commercial establishments.

In early 2014 Thompson Thrift Development (the “**Developer**”) submitted a revised site plan along with a request for administrative approval to amend the original master plan to accommodate the new layout of the center. The new layout of the center showed incorporating several mid-size and small shop spaces in lieu of one large box to anchor the center as well as the addition of outlots to enhance the project. In June of 2014 the Planning and Neighborhood Development Department conditionally approved the site plan modifications noting that it is not a substantial deviation to the approved master plan, per Section 6.2.2.K of the Concord Development Ordinance, and that these changes may be approved by the administrator. The condition of this approval was for the Planning and Neighborhood Development Department and the Developer to discuss additional buffer and/or site enhancements on the outparcels.



Architectural Concept

With the Original Christenbury Corners Development Standards still in place, and fully enforceable by the City of Concord, the Developer has recorded a Declaration of Easements and Protective Covenants (“**Declaration**”) outlining certain rights and responsibilities of the Developer, tenants, and future owners. In addition to these Declarations, we are also incorporating additional Design Criteria to ensure a cohesive and consistent theme is provided throughout the development.

With this in mind and as a follow up to the conditional approval, the Developer is requesting final approval of the proposed site plan which will incorporate the Proposed Site Design Criteria as outlined below.



Existing Center with similar elements, Fishers, IN

## **SITE DEVELOPMENT**

The intent of this document is to illustrate how this project meets the Development Standards of the Technical Data Sheet and General Notes for CHRISTENBURY CORNERS, so the administration is comfortable acknowledging that the condition of approval has been satisfied and are providing their support and approvals going forward.

Original Concept Plan: This Original Concept Plan for Christenbury Corners as approved in 2007 is attached as Exhibits “A” & “B”.

Proposed Concept Plan: The Proposed Concept Plan is included as Exhibit “C” and demonstrates that the proposed project is consistent with the Original Concept Plan.

Project Phasing: The Proposed Concept Plan notes two phases of development for this project. Phase I will include six (6) outparcels fronting on Christenbury Parkway and Derita Road. An internal access drive and utility construction will be the catalyst for sales and leasing of these outparcels.

Phase II will include the remaining interior ground and consist of several mid-size and small shop spaces.

Site Design: The site design is consistent with the Original Concept Plan for the area and utilizes the existing curb cuts provided for access. The Design Criteria below outlines common elements to be used throughout Concord Mills at Christenbury to tie the project together.

## DESIGN CRITERIA

In order to maintain and ensure a cohesive and consistent theme throughout the development, certain design features, materials and colors will be used.

Color Palette: In general, earth tones shall be used for building materials with classic accent colors. All proposed colors shall be submitted to the developer for final approval. Please note that the City of Concord will also have approval over the final design.

Materials Palette: Materials shall meet the requirements of the Development Standards and shall consist of brick, natural stone, cast stone, integrally colored concrete masonry units, EIFS, architectural metals, canopies and awnings. Walls using EIFS as the primary material must introduce a vertical element, including, but not limited to, “V” groove patterns, color or material change to simulate the look of a column at 30-foot intervals. The stone material selected for the site features in the **Alpine Pro-Fit Ledgestone** development shall be used at least as an accent in all of the retail buildings within the development. Other materials may be acceptable in lieu of the stone material; however, all proposed materials shall be submitted to the developer for final approval.



### Design Requirements:

Lighting: All parking lot lighting shall be designed such that no more than one half foot candle of illumination shall occur 10 feet outside the perimeter of the Project. Parking lot lighting shall not exceed 40 feet in height. All poles and fixtures shall be black. Energy efficient streamlined fixtures shall be used. All fixtures shall be of similar type, construction and quality. If the same fixtures are not used, proposed fixture shall be complimentary to the development standard. Final approval shall be by the developer.



**Fixture and pole to be Black**

Decorative Lighting: Lighting of the main entry drives into the center shall include decorative, pedestrian oriented fixtures set at a maximum height of 20-feet. The ‘Spine Road’ shall have standard lighting as described above.



**Entry Drive Lighting**

Building Lighting: Each building within this development shall incorporate the Indessa Lighting – 503 Sentry sconces or approved equal. No goose neck, spot lights or other light fixtures extending away from the building façade shall be allowed unless specifically approved in writing by the Developer and the City.



**Sconce Light**

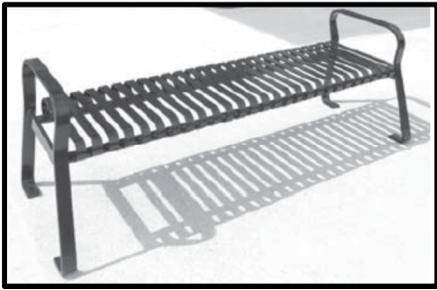
Landscaping: Landscaping requirements shall comply with all applicable requirements in the Ordinance as directed by the zoning administrator.

In addition to the Ordinance requirements each petitioner shall submit a landscaping plan consistent with the intention as depicted on the Master Landscape Plan to the City of Concord as part of the building permit process to be approved prior to the commencement of building construction within the Development. Please note that it is not the intent to just meet the minimum landscape requirements, but to use these requirements as a starting point to provide a well thought out and attractive landscape plan for the project and/or lot.

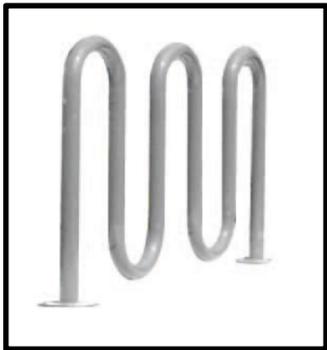
Parking buffers: Parking spaces facing Christenbury Parkway or Derita Road and within 30-feet of the back of curb of those roadways shall require additional screening. Additional screening can be fencing, walls, berms or additional landscaping above and beyond the required buffer and approved by the developer.

Furnishings: Each individual outparcel owner shall provide outdoor amenities, including but not limited to, benches or patio seating and bike racks. Such amenities shall be constructed

of quality materials and be black in color. All furnishings and amenities are to be submitted and approved by the developer.



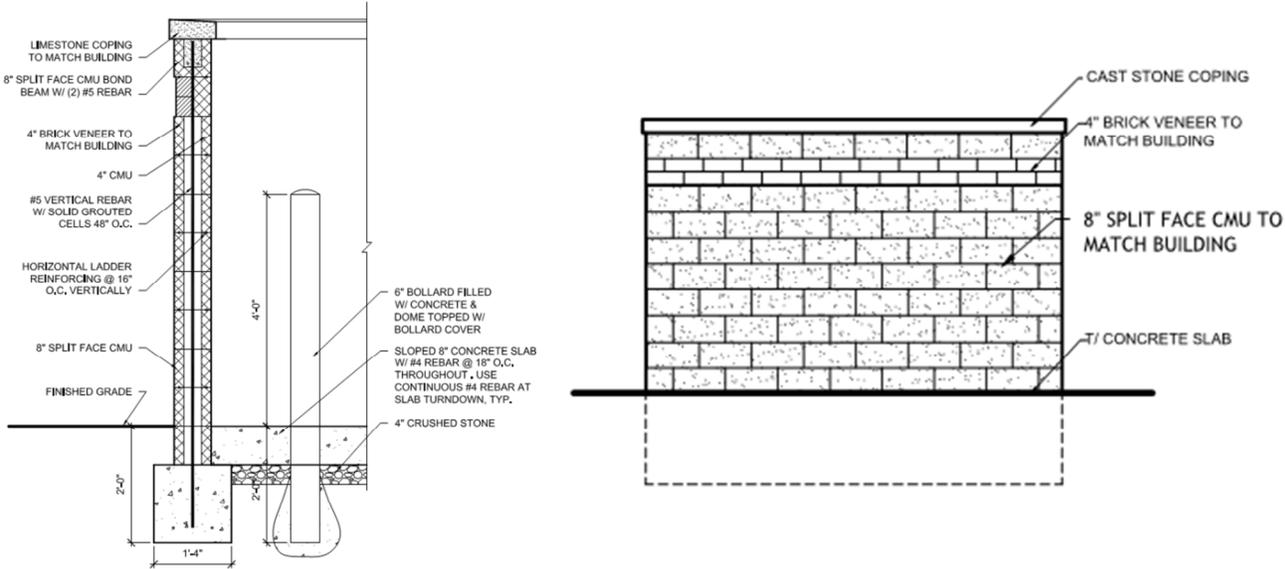
**Benches (Black)**



**Bike Rack (Black)**

Architecture: The intent of the architectural design for the project is to meet the requirements of the Development Standards, while also maintaining the theme of the development by carrying design elements, colors, and materials from one building to another.

Dumpter Enclosures: Dumpster enclosures shall be constructed of split face CMU integrally colored to match the building colors with a soldier coarse of brick and cast stone cap. The gates shall be metal and painted gloss black or a color to match a building accent. Please see the detail below.



Signage: Outlot and overall shopping center signage shall be subject to the attached concept plan for each sign.

## **APPROVAL PROCESS**

Each outlot tenant in Phase One and each in-line tenant in Phase Two shall prepare a submittal package equal to that required by the City of Concord, NC for permitting. This package shall be delivered electronically via pdf file as well as one full-size hard copy via mail. Review will be based on the criteria within this document and review time will be as described in the Declaration of Easements and Protective Covenants.

Upon written approval by the Developer, tenant shall submit plans to the City of Concord for permitting.



Agenda Memorandum  
**Planning and Zoning Commission**

**DATE:** May 19, 2015

**SUBJECT:** Special Use Permit SUP-08-15  
(Comprehensive Sign Package Request)

**APPLICANT:** Thompson Thrift Development

**LOCATION:** Southwest Corner of Christenbury Pkwy. & Derita Road

**AREA:** +/- 27.63 acres

**EXISTING LAND USE:** Vacant parcels

**EXISTING ZONING:** (MX-CC2 Mixed Use Commercial Center, Large)

**PREPARED BY:** Pam Parker and Starla Rogers, Senior Planners

**BACKGROUND**

The Christenbury Corners Development was approved in October, 2007. It consists of 4 corners at the intersection of Derita Road, Concord Mills Blvd, and Christenbury Parkway. As part of the conditional district rezoning, the applicant was required to reappear before the P&Z Commission and present an overall comprehensive signage plan for the entire development. That was presented and approved on February 19, 2008. Due to the economic downturn, the original developer sold properties to separate entities. As the property has developed, there have been changes in intended tenants and building layouts. As a result, the new developer for the Southwest Quadrant, is requesting modifications to the approved monument signage layout and design to accommodate future tenants for this property.

Originally, the Southwest Quadrant shown as Phase IV on the conceptual master plan, proposed 3 outparcels and 1 major (standalone) tenant. Currently, the approved site plan shows 6 outparcels and 5-8 (in-line) tenants creating potentially 10 smaller individual tenants for the development. The entrances into the development have not changed and are still intended to be developed as pedestrian-friendly, boulevard style entrances. The overall unified theme of the development has not changed from the original vision. Therefore increasing the number of individual signs may detract from the intent of this specific development and the MXCC-2 standards.

The original comprehensive sign package permits 2 combined development monument signs for in-line and/or standalone tenants, 2 single tenant monument outparcel signs and 1 shared outparcel sign (with a minimum of 2 and maximum of 3 tenants). The current request is for 2 monument combined development signs for in-line and/or standalone tenants, 4 single tenant monument outparcel signs and 1 shared outparcel sign (with a maximum potential of 4 tenants and minimum of 2). The corner feature sign was approved as part of the 2007 rezoning and is submitted for informational purposes only and should not be calculated as part of the requested signage for the comprehensive sign package.

Commercial developments are permitted to have one combined development monument sign per 1,000ft of street frontage with the signs being a maximum of 100sf in sign face and up to 10ft tall.



Concord Mills and the Speedway, to the residential character of the Christenbury neighborhood. The Commission should consider the request and determine if the proposal to increase the number of monument signs is still consistent with the surrounding area, character of the development.

### **APPROVAL CRITERIA**

In accordance with the Concord Development Ordinance, Article 6 Section 2, the Planning and Zoning Commission shall permit only those uses that are part of the Special Use Permit. The following criteria shall be issued by the Commission as the basis for review and approval of the project.

- 1) **The proposed special use conforms to the character of the neighborhood, considering the location, type, and height of building and structures and the type and extent of landscaping and screening on the site. The Zoning Ordinance imposes the following general requirements on the use requested by the applicant.**

The proposed special use permit for a comprehensive sign package would conform to the character of the existing neighborhood, as it is zoned MXCC-2 (Mixed Use Commercial Center-Large). The subject property is currently vacant but has been approved to be developed with commercial/retail uses and the number of potential tenants/outparcels/structures has increased since the original approval necessitating a need to modify the original approved Comprehensive Sign Package by some manner. The materials/colors proposed on the ground mounted signage would be complimentary to the buildings within the development. Each MXCC-2 zoning district will vary in design and as such there are no set signage regulations for this specific zoning district. Each must be evaluated on a case by case to determine consistency with the surrounding area and design characteristics of the development in coordination with proposed signage.

- 2) **Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.**

As shown in the design illustrations, the proposed monument signs would provide highly visible signage indicating development tenants without the visual hazards associated with excessive signage along the roadway for each individual parcel. The ground mounted signs will be required to be located outside of the right-of-way and sight triangles eliminating other possible traffic hazards.

- 3) **The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.**

Not Applicable.

- 4) **The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted with the zoning district.**

The proposed use should not impede the development or improvement of the surrounding properties for uses permitted in the zoning district. The surrounding property is currently developed with commercial uses and is zoned commercially.

- 5) **The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.**

The proposed use should not be detrimental to (or endanger) public health safety, or general welfare as the proposed monument signs are not excessive in sign face size or height and do not provide for any distracting digital displays.

- 6) **Compliance with any other applicable Sections of this Ordinance.**

The applicant submitted a proposal for a Comprehensive Sign Package for the development that is in compliance with the CDO requirements. If the SUP request is approved, the applicant must also receive technical review approval of sign permit illustrations and comply with other applicable sections of the CDO. All new signs, in accordance with CDO Article 12 will be required to receive applicable permits.

### **Proposed Findings of Fact:**

The Planning and Zoning Commission may wish to adopt some of the following Findings of Fact:

1. The request is for a Comprehensive Sign Package.
2. The general intent of a Comprehensive Sign Package is to permit a level of flexibility with signage area between locations (i.e. window sign to wall sign, or parcel to parcel) than otherwise permitted under CDO Article 12. In the past, when applicants applied for Comprehensive Sign Packages, they have attempted to reduce signage in one area in order to transfer signage to another area along with creating uniformity.
3. Comprehensive Sign Packages require approval of a Special Use Permit.
4. The subject property is zoned MX-CC-2 (Mixed Use Commercial Center, Large).
5. The original comprehensive sign package allows businesses in the C-2 (General Commercial) zoning district to have one 10ft tall combined development monument sign per 1,000 feet of street frontage, by right.
6. The development has approximately 1,100 feet of street frontage on Christenbury Parkway and approximately 675ft on Derita Road.
7. The original comprehensive sign package permits 2 combined development monument signs for in-line and/or standalone tenants (100sf of sign face each), 2 single tenant monument outparcel signs (32sf of sign face each) and 1 shared outparcel sign (50sf of sign face).
8. The current request is for 2 combined development monument signs for in-line and/or standalone tenants (93.1sf of sign face each), 4 single tenant monument outparcel signs (22sf of sign face each) and 1 shared outparcel sign (with a maximum potential of 4 tenants and minimum of 2 and 35.7sf of sign face).
9. The overall request increases the number of monument signs by 2 and decreases the total overall sign face by 4.1sf.

### **RECOMMENDATION AND SUGGESTED CONDITIONS**

The staff recommends approval of the Special Use Permit application. If the Commission concurs, staff recommends the Commission consider adopting of the following conditions:

1. The applicant must provide the Planning and Community Development Department with one (1) copy of a revised Comprehensive Sign Package that incorporates any conditions based on approval. (If applicable) This submittal must be received before any permits are issued.
2. All submitted documentation (i.e sign sizes, locations) becomes a binding part of the Special Use Permit.
3. All signs or signage aspects not addressed by this Comprehensive Sign Package amendment shall comply with the original 2008 approval or the Concord Development Ordinance sign standards.
4. All new signs must receive required permits from the City and any other applicable entity.

Date 4/29/15

APPLICANT NAME: Andrew Mohan COMPANY  
NAME Thompson Thrift Development

APPLICANT ADDRESS:  
2750 E. 146th St Suite 200

CITY: CARMEI STATE IN ZIP 46033 PHONE NUMBER OF  
APPLICANT: 812-514-7507

OWNER OF PROPERTY (if different from applicant)  
Ice Breaker Development, LLC

OWNER ADDRESS:  
901 Wabash Ave Suite 300 CITY TERRE HAUTE STATE IN ZIP 47807

PROJECT ADDRESS (if an address exist):  
South West Corner of Derita Rd + Christenbury Pkwy

P.I.N.: 45893528840000

Area of Subject Property (in acres, or square feet): 27.63

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

Current Zoning Classification: MX-CC2

Existing Land Use: Vacant

Description of Use Requested: Commercial

**Certification**

I hereby acknowledge and say that the information contained herein and herewith is true, and this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the Development Services Department.

Date: 4/29/15 Applicant Signature: [Signature]

**General Requirements**

The Concord Development Ordinance (CDO) imposes the following general requirements. Under each requirement, the applicant should explain, with reference to the attached plans (when applicable) how the proposed use satisfies these requirements.

(a) The Planning and Zoning Commission must find that "the establishment, maintenance, or operation of the proposed use shall not be detrimental to, or endanger, the public health, safety or general welfare."

The use has been conditionally approved by staff as to conform to the existing zoning.

(b) The Planning and Zoning Commission must find that the proposed use "conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures, and the type and extent of landscaping and screening on the site."

The proposed sign package conforms in design to the originally proposed and currently constructed signs for the 4 corners. The signage proposed actually reduces the amount of square footage from 314 to 309.9 square feet.

(c) The Planning and Zoning Commission must find that the proposed use "provides ingress and egress so designed as to minimize traffic hazards and to minimize congestion on the public roads."

N/A

(d) The Planning and Zoning Commission must find that the proposed use "shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas."

N/A

(e) The Planning and Zoning Commission must find that "the establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district."

The signage is within the square footage previously approved.

**Specific Requirements**

The Concord Development Ordinance also imposes SPECIFIC REQUIREMENTS on the proposed use(s) requested by the applicant. The applicant should be prepared to demonstrate that, if the land is used in a manner consistent with the plans, specifications, and other information presented to the Planning and Zoning Commission, the proposed use(s) will comply with specific requirements concerning the following:

(1) Nature of use(s) (type, number of units, and/or area):

Signage: Individual, multi-tenant, corner feature and In-line Monument

(2) Accessory uses (if any):

N/A

(3) Setback provisions:

N/A

(4) Height provisions:

N/A

(5) Off-street parking and loading provisions:  
N/A

(6) Sign provisions:

For multi-tenant buildings a minimum of 2 tenants with a maximum signage of 4 tenants, so long that the overall square footage of the project does not exceed 3/4 square feet

(7) Provisions for screening, landscaping and buffering:  
N/A

(8) Provisions for vehicular circulation and access to streets:  
N/A

(9) Adequate and safe design for grades, paved curbs and gutters, drainage systems, and treatment or turf to handle storm water, prevent erosion, and subdue dust:  
N/A

(10) Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces, facilities for waste disposal, and illumination:  
N/A

(11) An adequate amount, and safe location of, play areas for children and other recreational uses, according to the concentration of residential occupancy:  
N/A

(12) Fences, walls, or year-round screen planting abutting residential districts, to protect residences from parking lot illumination, headlights, fumes, heat, blowing papers, and dust (to reduce the visual encroachment on privacy and residents):  
N/A

(13) Open space (including flood hazard area):  
N/A

(14) Improvements within the common open space:  
N/A

(15) Parking Areas:  
N/A

(16) Sidewalks, trails and bikeways:  
N/A

(17) Lighting and utilities:  
N/A

(18) Site furnishings:  
N/A

(19) Adequate fire, police, water and sewer services:



Application for  
Special Use Permit

N/A

(20) Other requirements as may be requested by the applicant or specified by the City Council for protection of the public health, safety, welfare and convenience:

# Current (not shown)

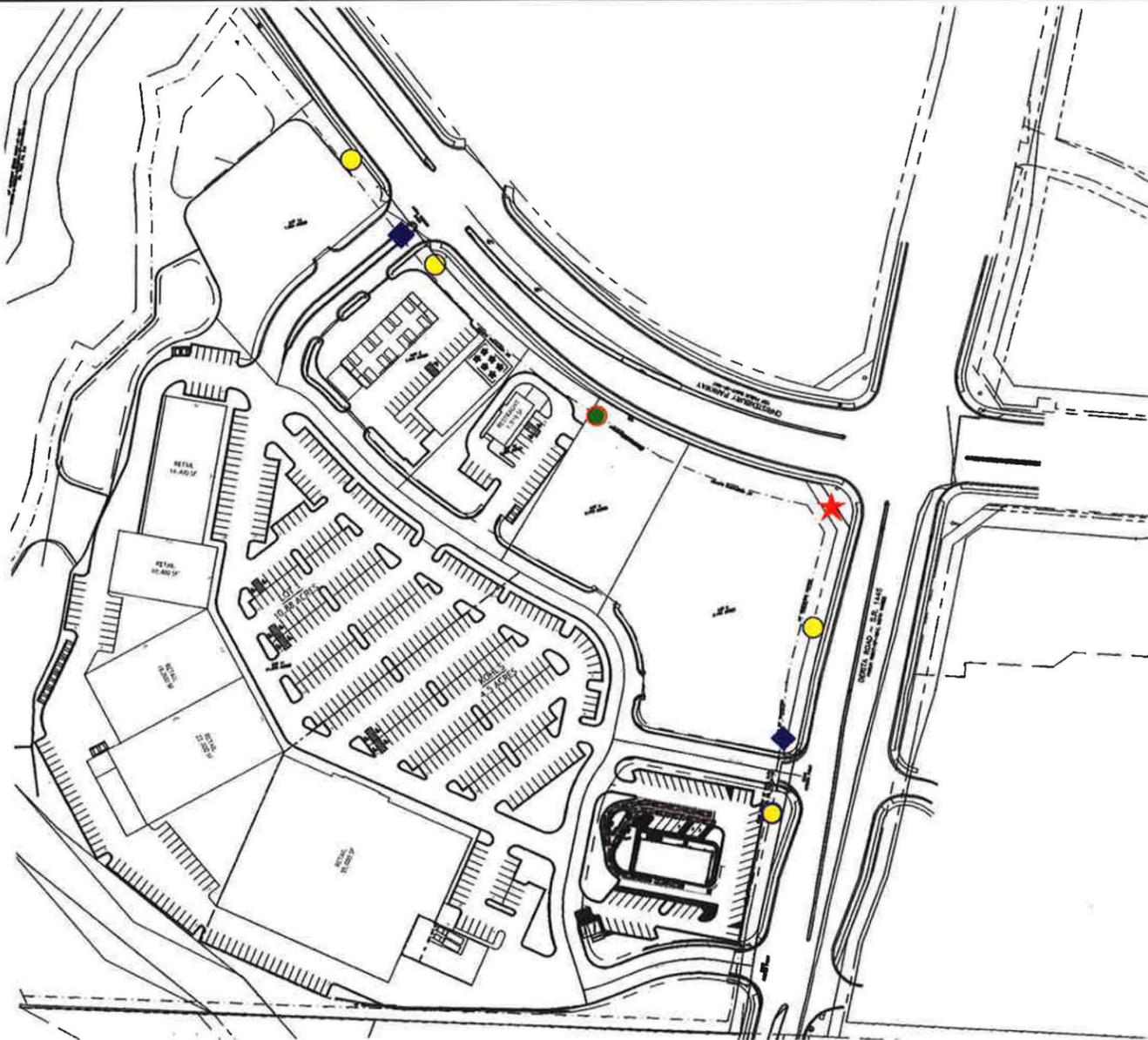
- ★ CORNER FEATURE LOCATIONS
- 2 ◆ SEC + SWC MONUMENT SIGN LOCATIONS
- 1 ● SHARED OUTPARCEL SIGN LOCATION
- 2 ● SINGLE TENANT OUTPARCEL MONUMENT SIGN LOCATIONS

**Square Footage Note:**  
 • Total Square Footage Of Signage (excluding  
 ★ Corner Feature) = 314

# Proposed (shown on Map)

- ★ CORNER FEATURE LOCATIONS
- 2 ◆ SEC + SWC MONUMENT SIGN LOCATIONS
- 1 ● SHARED OUTPARCEL MONUMENT SIGN LOCATIONS  
4 Tenant Panel
- 4 ● SINGLE TENANT OUTPARCEL MONUMENT SIGN LOCATIONS

**Square Footage Note:**  
 • Total Square Footage Of Signage (excluding  
 ★ Corner Feature) = 309.9



**Site Plan**  
Not to Scale



1000 Biscayne Drive 704.788.7097  
 Concord, NC 28027 fax: 704.788.7091

Client: \_\_\_\_\_



Job Location: Concord, NC

Designer: cbm Salesperson: RL

Project #: 13344 Date: 13 March 15

Revision Date:  
 20 March 15cbm  
 27 March 15cbm  
 1 April 15cbm

Drawing # & File Location:  
 2015 Art/abc/T/Thomson Thrift - Christenbury  
 Corners - Concord, NC - 13344

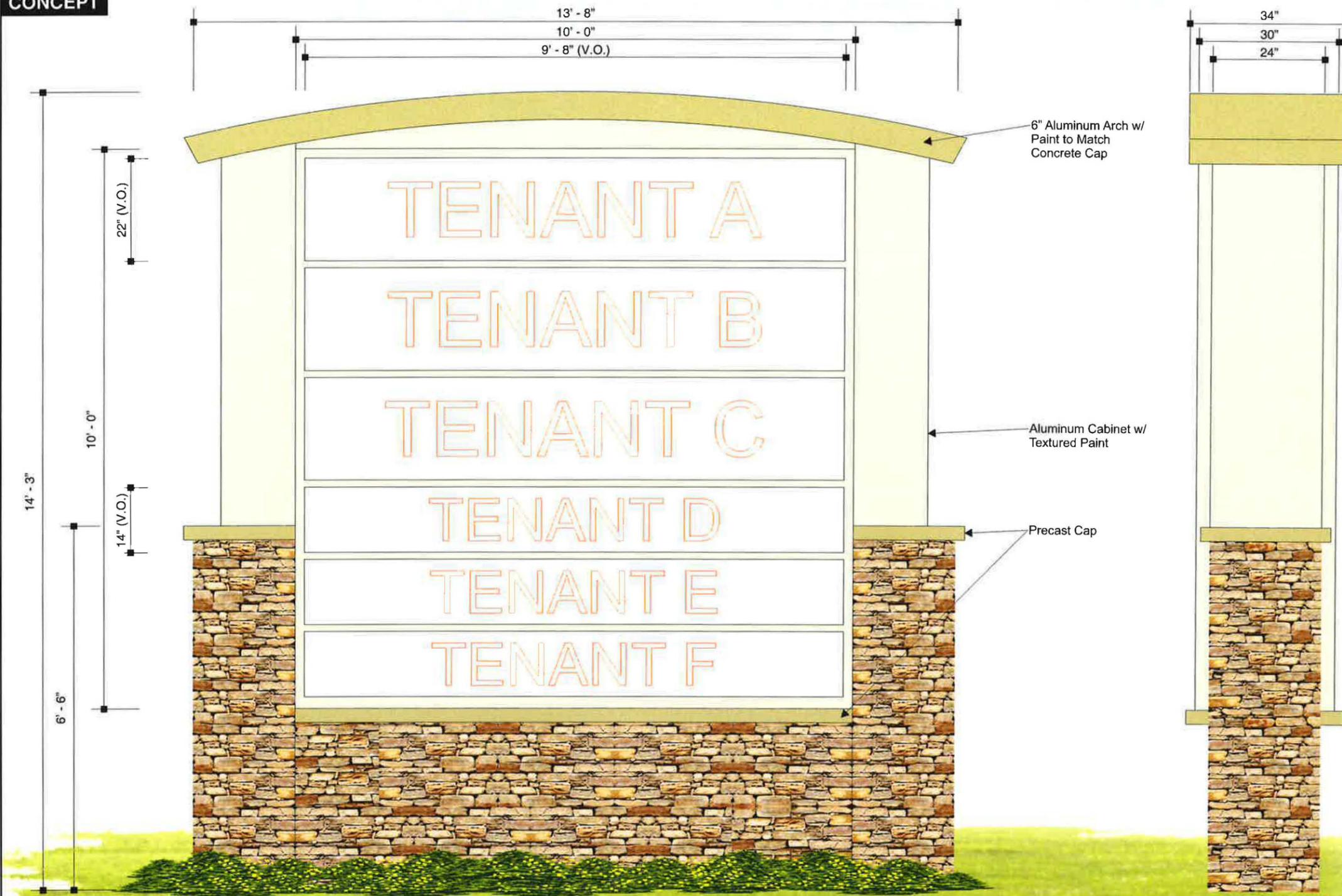
Customer Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Land Lord Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Production Approval: \_\_\_\_\_ Date: \_\_\_\_\_

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**CONCEPT**



**RITELITE**  
SIGNS, INC.

1000 Biscayne Drive 704.788.7097  
Concord, NC 28027 fax: 704.788.7091

Client: \_\_\_\_\_



Job Location: Concord, NC

Designer: cbm Salesperson: RL

Project # 13344 Date: 13 March 15

Revision Date:  
20 March 15cbm  
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Drawing # & File Location:  
2015 Ar/abc/T/Thomson Thrift - Christenbury  
Comers - Concord, NC - 13344

Customer Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Land Lord Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Production Approval: \_\_\_\_\_ Date: \_\_\_\_\_

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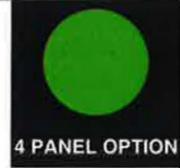


**D/F Internally Illuminated Center Monument Sign**  
Scale: 1/2" = 1' - 0"

**Square Footage Note:**  
• Shown: 116" x 115.5" = 93.1  
• Allowed: 100

**Note:**  
• Panels May be Split to Accommodate More Tenants; Square Footage Will Remain the Same.

**Side View**



**RITELITE**  
**SIGNS, INC.**

1000 Biscayne Drive 704.788.7097  
 Concord, NC 28027 fax: 704.788.7091

Client:



Job Location:

Concord, NC

Designer:

cbm

Salesperson:

RL

Project #

13344

Date:

13 March 15

Revision Date:

23 March 15cbm  
 27 March 15cbm  
 1 April 15cbm

Drawing # & File Location:

2015 Ar/abc/T/Thompson Thrift - Christenbury  
 Corners - Concord, NC - 13344

Customer Approval:

Date:

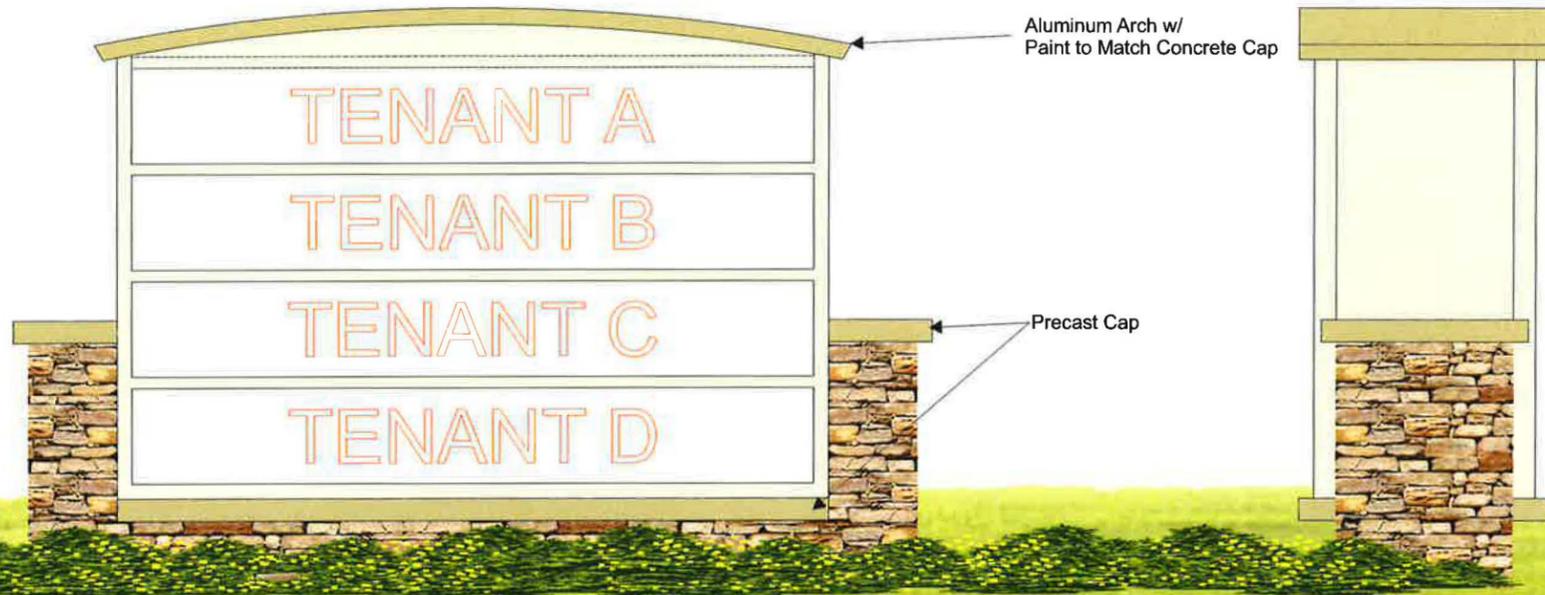
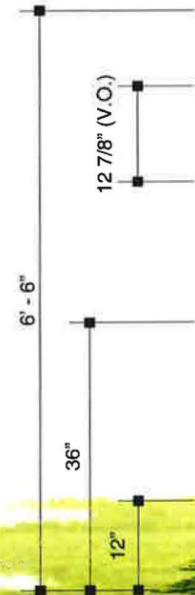
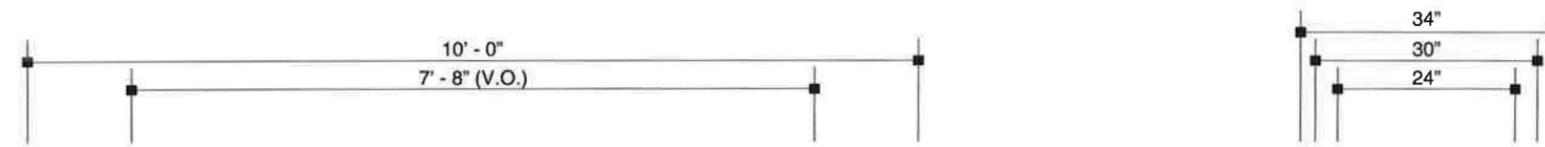
Land Lord Approval:

Date:

Production Approval:

Date:

**Square Footage Note:**  
 • Shown: 92" x 56" = 35.7   
 • Allowed: 50



**D/F Internally Illuminated Four Tenant Monument Sign**

Scale: 1/2" = 1' - 0"

**Side View**

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Client:



Job Location:

Concord, NC

Designer:

cbm

Salesperson:

RL

Project #

13344

Date:

13 March 15

Revision Date:

23 March 15cbm  
27 March 15cbm  
1 April 15cbm

Drawing # & File Location:

2015 Ar\abc\T\Thompson Thrift - Christenbury  
Corners - Concord, NC - 13344

Customer Approval:

Date:

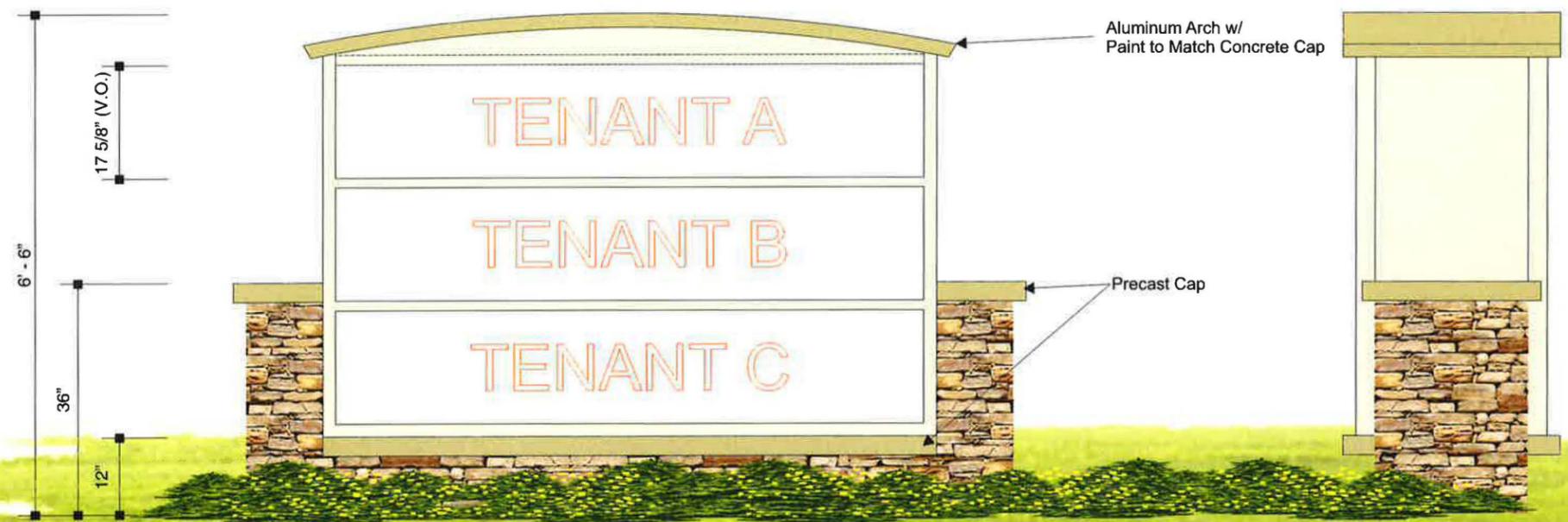
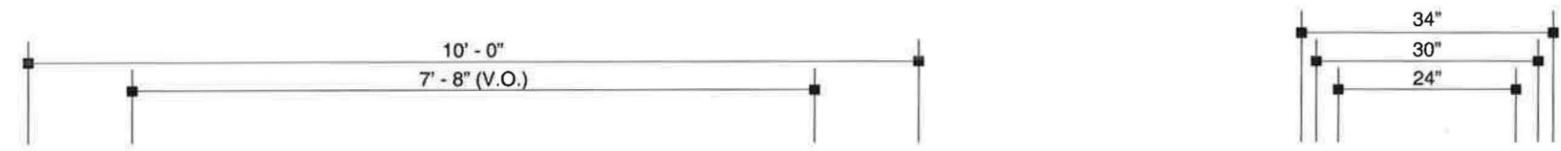
Land Lord Approval:

Date:

Production Approval:

Date:

**Square Footage Note:**  
• Shown: 92" x 56" = 35.7   
• Allowed: 50



**D/F Internally Illuminated Three Tenant Monument Sign**

Scale: 1/2" = 1' - 0"

**Side View**

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Client:



Job Location: Concord, NC

|                    |                      |
|--------------------|----------------------|
| Designer:<br>cbm   | Salesperson:<br>RL   |
| Project #<br>13344 | Date:<br>13 March 15 |

Revision Date:  
20 March 15cbm  
27 March 15cbm  
1 April 15cbm

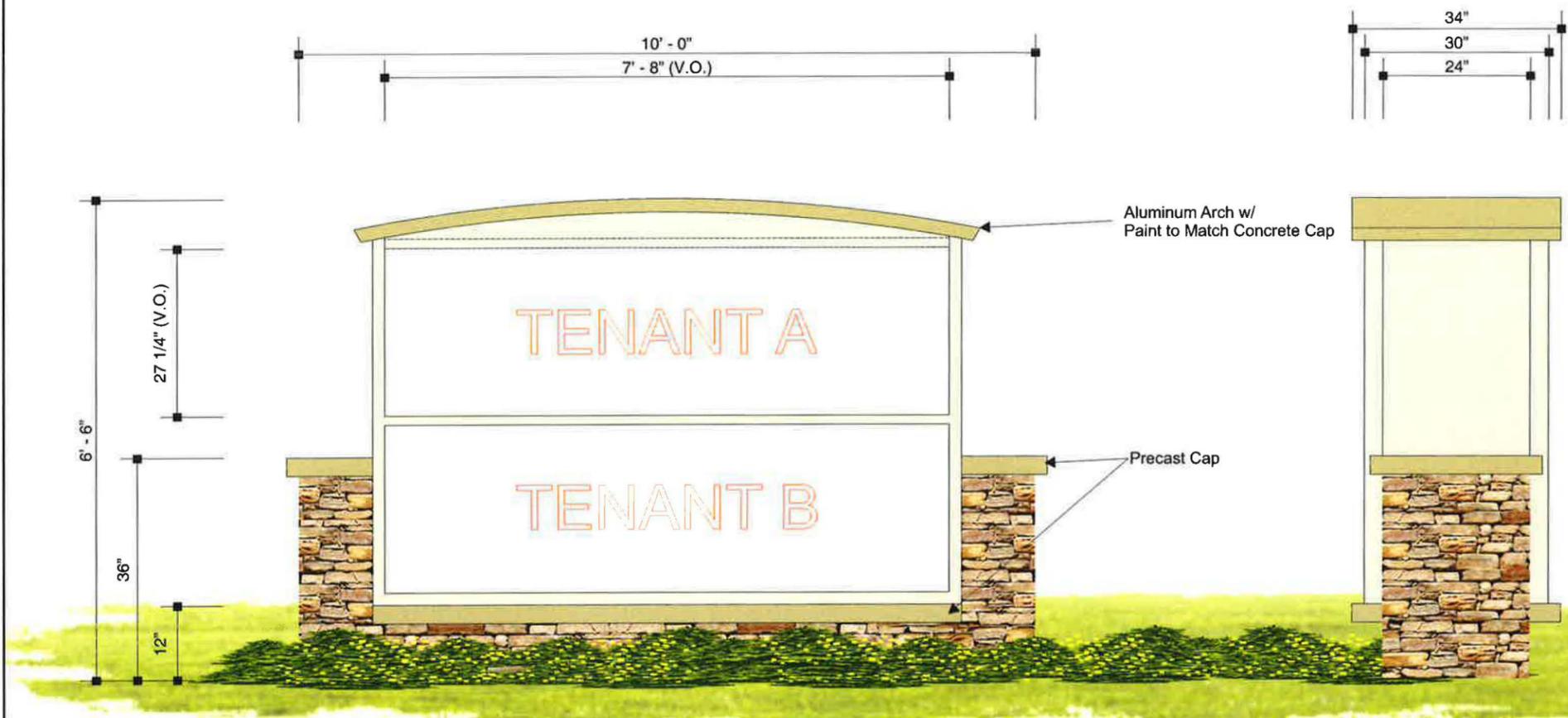
Drawing # & File Location:  
2015 Art/abc/T/Thompson Thrift - Christenbury  
Corners - Concord, NC - 13344

Customer Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Land Lord Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Production Approval: \_\_\_\_\_ Date: \_\_\_\_\_

**Square Footage Note:**  
• Shown: 92" x 56" = 35.7   
• Allowed: 50



**D/F Internally Illuminated Two Tenant Monument Sign**  
Scale: 1/2" = 1' - 0"

**Side View**

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Client:



Job Location:

Concord, NC

Designer:

cbm

Salesperson:

RL

Project #

13344

Date:

13 March 15

Revision Date:

20 March 15cbm  
27 March 15cbm  
1 April 15cbm

Drawing # & File Location:

2015 Art/abc/T/Thomson Thrift - Christenbury  
Comers - Concord, NC - 13344

Customer Approval:

Date:

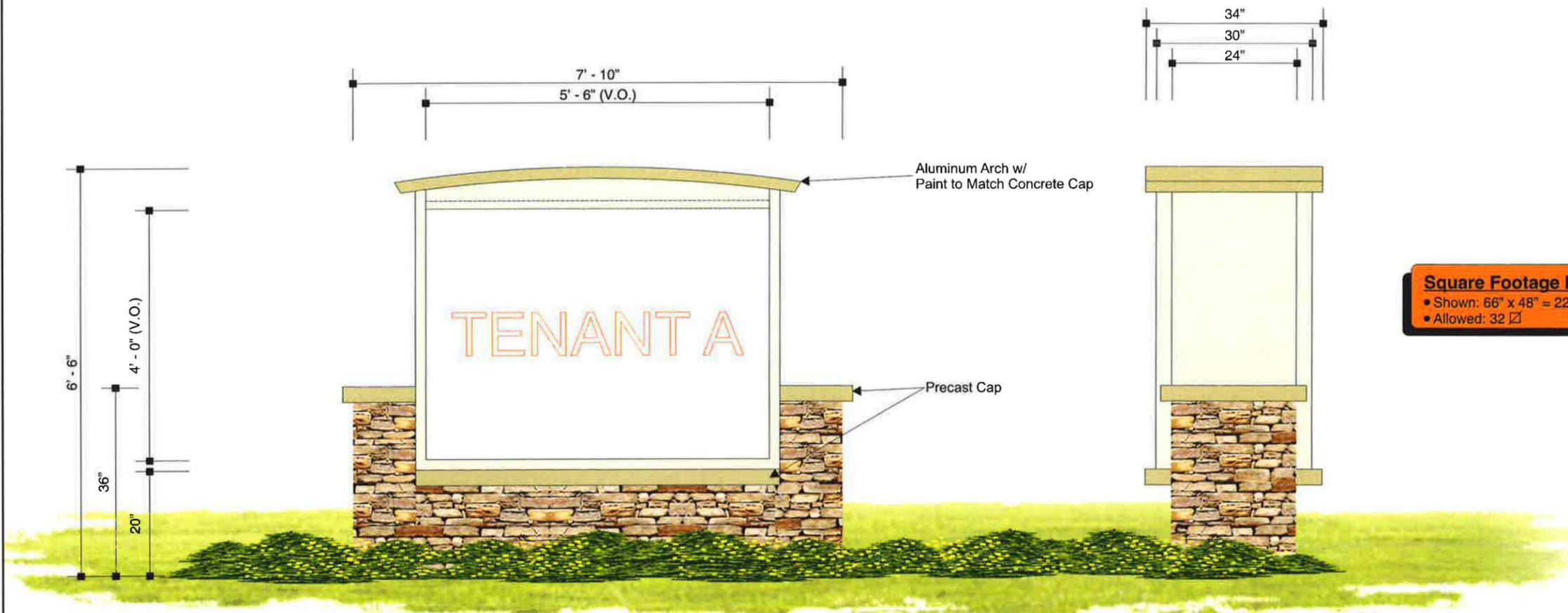
Land Lord Approval:

Date:

Production Approval:

Date:

**Square Footage Note:**  
• Shown: 66" x 48" = 22   
• Allowed: 32



**D/F Internally Illuminated Single Monument Sign**  
Scale: 1/2" = 1' - 0"

**Side View**

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# RITELITE SIGNS, INC.

1000 Biscayne Drive 704.788.7097  
Concord, NC 28027 fax: 704.788.7091

Client:



Job Location:

Concord, NC

Designer:

cbm

Salesperson:

RL

Project #

13344

Date:

13 March 15

Revision Date:

23 March 15cbm  
1 April 15cbm

Drawing # & File Location:

2015 Art/abc/T/Thomson Thrift - Christenbury  
Corners - Concord, NC - 13344

Customer Approval:

Date:

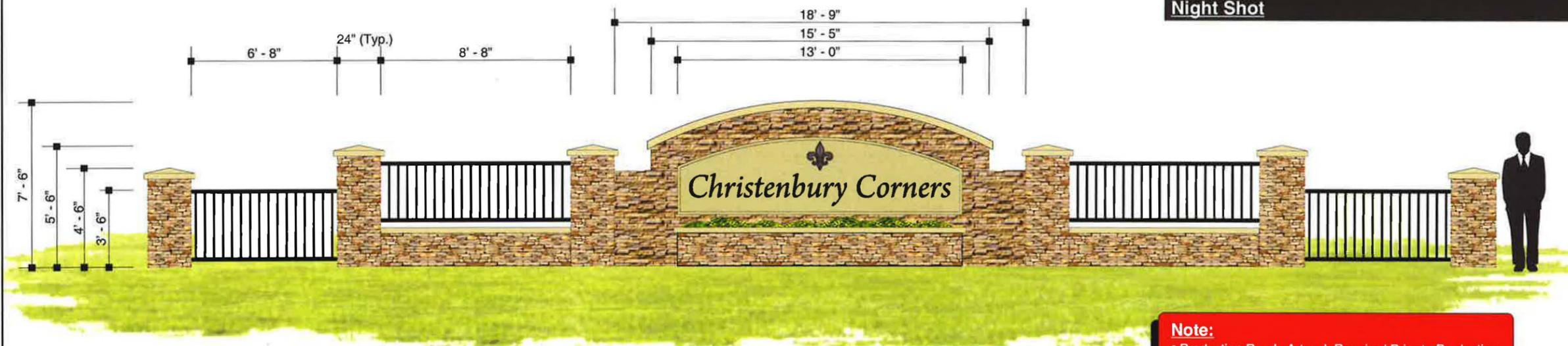
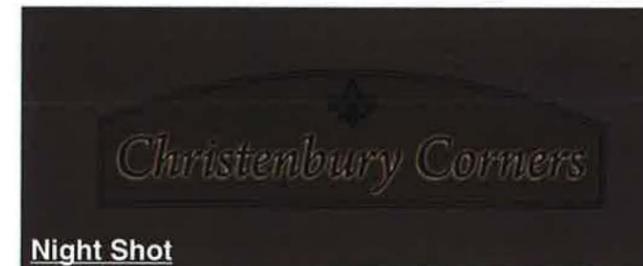
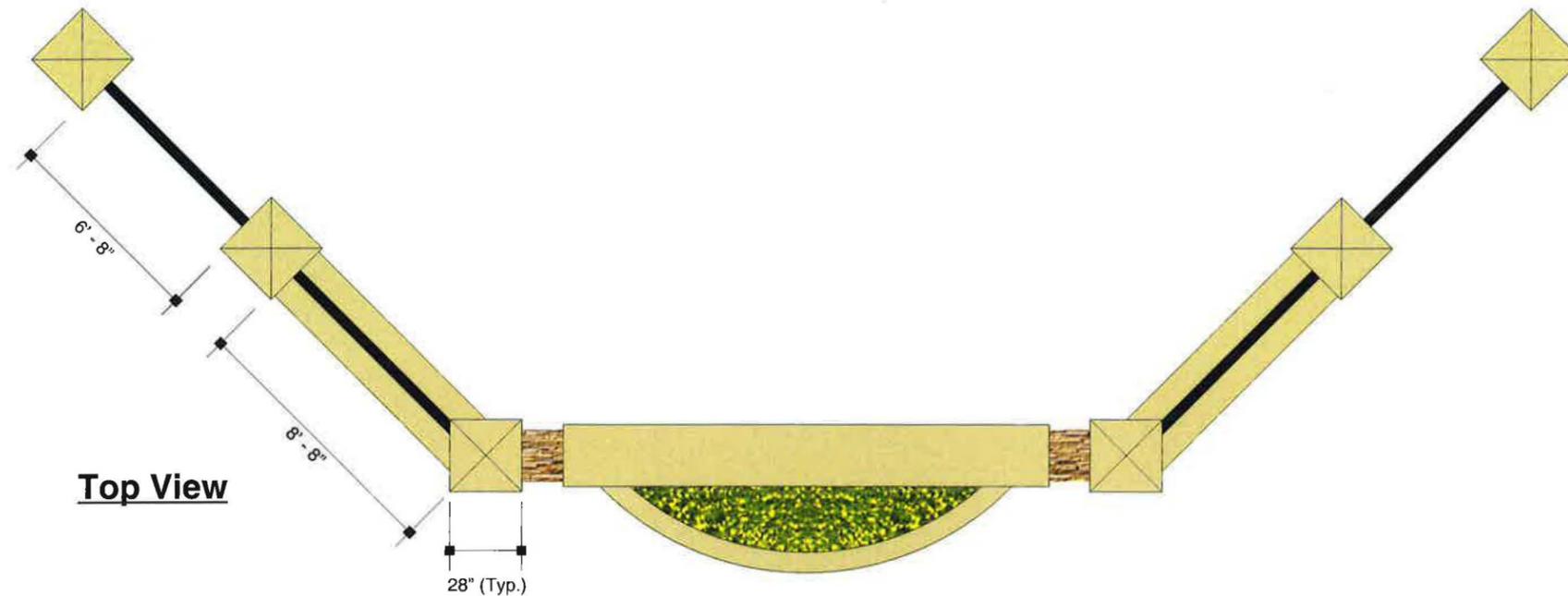
Land Lord Approval:

Date:

Production Approval:

Date:

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**Corner Feature w/ Halo Illuminated Channel Letters**  
Scale: 3/16" = 1' - 0"

**Note:**  
• Production Ready Artwork Required Prior to Production.

# Previously Approved

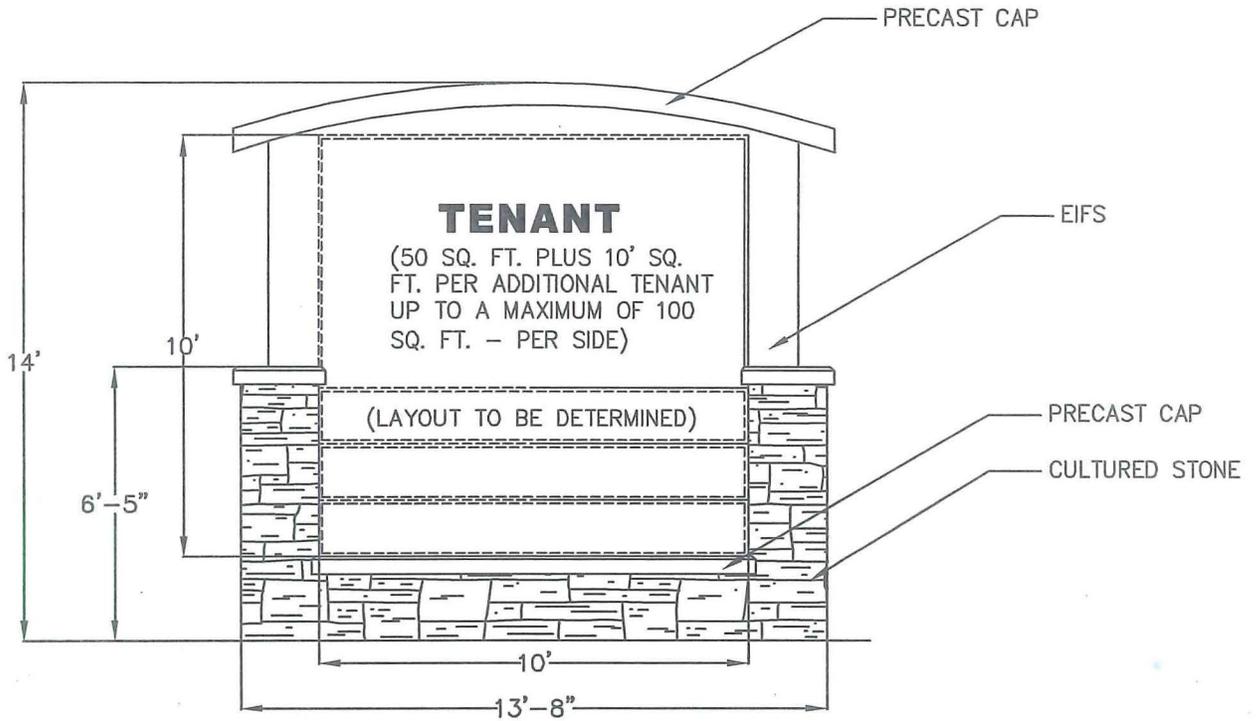


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**CHRISTENBURY CORNERS  
RETAIL SHOPS**  
 CHARLOTTE, NORTH CAROLINA  
 PROJECT # 07-212  
 DATE: 03.23.2008  
 REVISION:

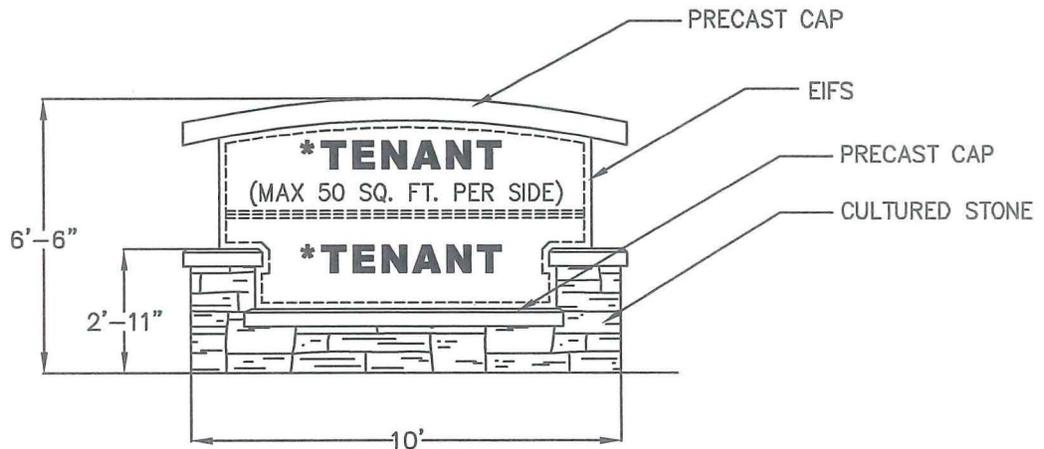
SIGNAGE  
 ELEVATIONS &  
 LOCATIONS

**Exhibit A**



## **SE & SW CORNER MONUMENT SIGNS**

(CHRISTENBURY PARKWAY/CONCORD MILLS BLVD. & DERITA ROAD)

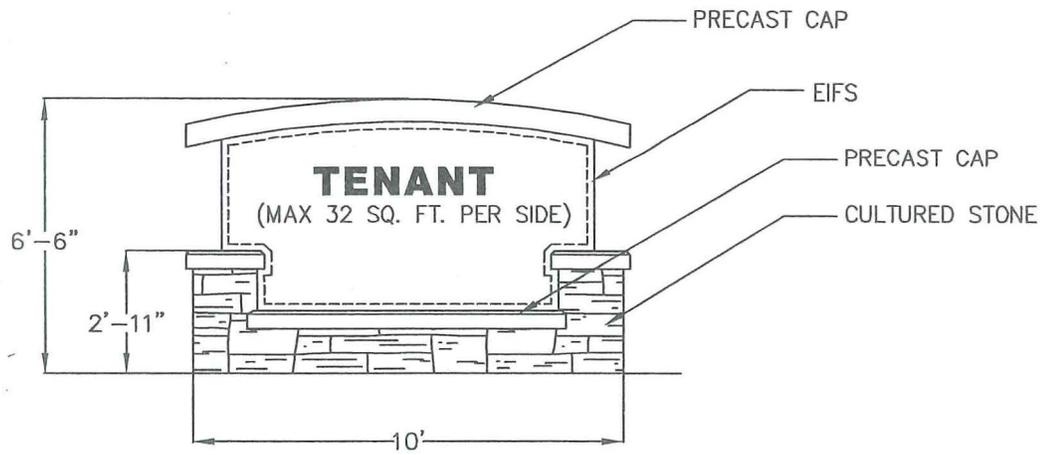


## **SHARED OUTPARCEL SIGNS**

(CHRISTENBURY PARKWAY/CONCORD MILLS BLVD. & DERITA ROAD)

\* OUTPARCEL MONUMENT SIGNS SHALL BE SHARED BETWEEN A MINIMUM OF TWO (2) AND A MAXIMUM OF THREE (3) ADJOINING OUTPARCEL TENANTS ALONG THE SAME ROAD FRONTAGE.

**Exhibit D**



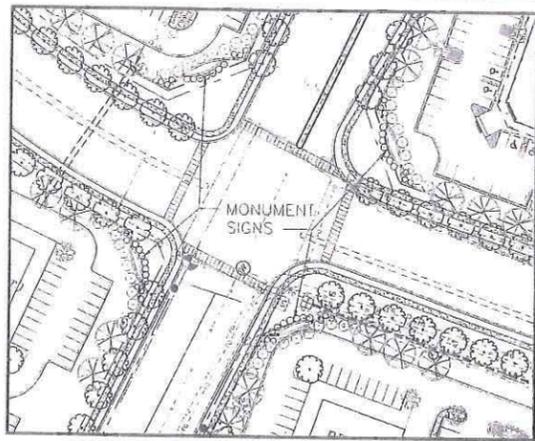
## **SINGLE TENANT OUTPARCEL SIGNS**

(CHRISTENBURY PARKWAY/CONCORD- MILLS BLVD. & DERITA ROAD)

***Exhibit D***







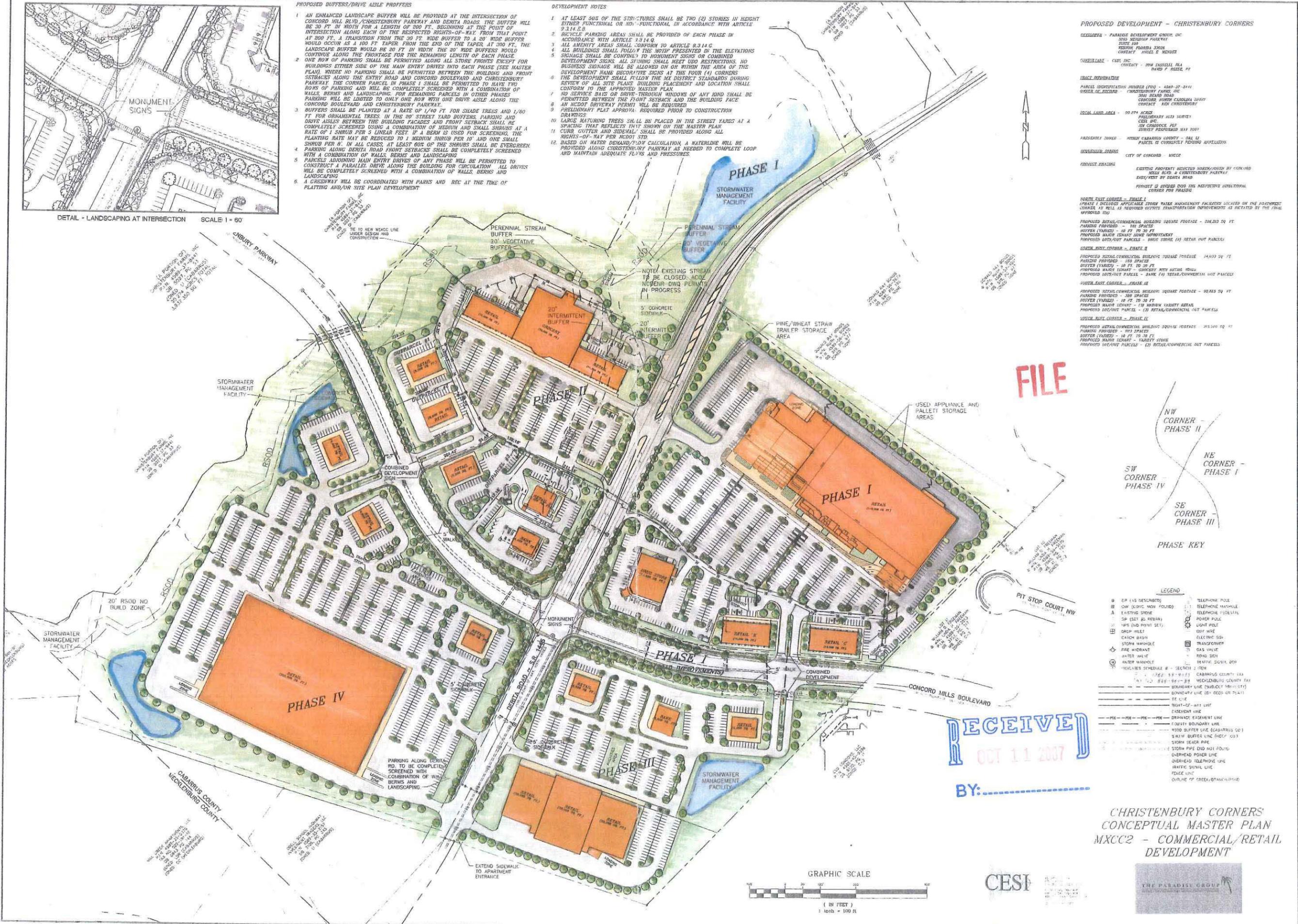
DETAIL - LANDSCAPING AT INTERSECTION SCALE 1 = 60

PROPOSED BUFFERS/DRIVE AISLE PROFFERS

1. AN ENHANCED LANDSCAPE BUFFER WILL BE PROVIDED AT THE INTERSECTION OF CONCORD MILLS BLVD/CHRISTENBURY PARKWAY AND DERTA ROAD. THE BUFFER WILL BE 30 FT IN WIDTH FOR A LENGTH OF 200 FT, BEGINNING AT THE POINT OF INTERSECTION ALONG EACH OF THE RESPECTED RIGHTS-OF-WAY. FROM THAT POINT AT 200 FT, A TRANSITION FROM THE 30 FT WIDE BUFFER TO A 20' WIDE BUFFER WOULD OCCUR AS A 100 FT TAPER. FROM THE END OF THE TAPER AT 100 FT, THE LANDSCAPE BUFFER WOULD BE 20 FT IN WIDTH THE 20' WIDE BUFFERS WOULD CONTINUE ALONG THE FRONTAGE FOR THE REMAINING LENGTH OF EACH PHASE.
2. PARKING ALONG DERTA ROAD AND CONCORD BOULEVARD AND CHRISTENBURY PARKWAY THE CORNER PARCEL IN PHASE I SHALL BE PERMITTED TO HAVE TWO ROWS OF PARKING AND WILL BE COMPLETELY SCREENED WITH A COMBINATION OF WALLS, BERMS AND LANDSCAPING. FOR REMAINING PARCELS IN OTHER PHASES PARKING WILL BE LIMITED TO ONLY ONE ROW WITH ONE DRIVE AISLE ALONG THE CONCORD BOULEVARD AND CHRISTENBURY PARKWAY.
3. BUFFERS SHALL BE PLANTED AT A RATE OF 1/40 FT FOR SHADE TREES AND 1/60 FT FOR ORNAMENTAL TREES IN THE 20' STREET YARD BUFFERS, PARKING AND DRIVE AISLES BETWEEN THE BUILDING FACADES AND FRONT SETBACK SHALL BE COMPLETELY SCREENED USING A COMBINATION OF MEDIUM AND SMALL SHRUBS AT A RATE OF 1 SHRUB PER 5 LINEAR FEET. IF A BERM IS USED FOR SCREENING, THE PLANTING RATE MAY BE REDUCED TO 1 MEDIUM SHRUB PER 10' AND ONE SMALL SHRUB PER 6'. IN ALL CASES, AT LEAST 60% OF THE SHRUBS SHALL BE EVERGREEN.
4. PARKING ALONG DERTA ROAD FRONT SETBACKS SHALL BE COMPLETELY SCREENED WITH A COMBINATION OF WALLS, BERMS AND LANDSCAPING.
5. PARCELS ADJOINING MAIN ENTRY DRIVES OF ANY PHASE WILL BE PERMITTED TO CONSTRUCT A PARALLEL DRIVE ALONG THE BUILDING FOR CIRCULATION. ALL DRIVES WILL BE COMPLETELY SCREENED WITH A COMBINATION OF WALLS, BERMS AND LANDSCAPING.
6. A GREENWAY WILL BE COORDINATED WITH PARKS AND REC AT THE TIME OF PLATTING AND/OR SITE PLAN DEVELOPMENT.

DEVELOPMENT NOTES

1. AT LEAST 50% OF THE STRUCTURES SHALL BE TWO (2) STORIES IN HEIGHT EITHER FUNCTIONAL OR NON-FUNCTIONAL IN ACCORDANCE WITH ARTICLE 2.3.14.E.D.
2. BICYCLE PARKING AREAS SHALL BE PROVIDED OF EACH PHASE IN ACCORDANCE WITH ARTICLES 1.3.14.G.
3. ALL AMBULANCE AREAS SHALL CONFORM TO ARTICLE 2.3.14.G.
4. ALL BUILDINGS SHALL FOLLOW THE NOTIF PRESENTED IN THE ELEVATIONS SIGNAGE SHALL BE COMBINED TO MONUMENT SIGNS OR COMBINED DEVELOPMENT SIGNS. ALL SIGNING SHALL MEET UDS RESTRICTIONS. NO BUSINESS SIGNAGE WILL BE ALLOWED ON OR WITHIN THE AREA OF THE DEVELOPMENT NAME DECORATIVE SIGNS AT THE FOUR (4) CORNERS.
5. THE DEVELOPMENT SHALL FOLLOW THE MX DISTRICT STANDARDS DURING DEVELOPMENT SIGNING. ALL SIGNING SHALL MEET UDS RESTRICTIONS. REVIEW OF ALL SITE PLANS, BUILDING PLACEMENT AND LOCATION SHALL CONFORM TO THE APPROVED MASTER PLAN.
6. NO SERVICE BAYS OR DRIVE-THROUGH WINDOWS OF ANY KIND SHALL BE PERMITTED BETWEEN THE FRONT SETBACK AND THE BUILDING FACE.
7. AN NCDOT DRIVEWAY PERMIT WILL BE REQUIRED.
8. PRELIMINARY PLAT APPROVAL REQUIRED PRIOR TO CONSTRUCTION.
9. LARGE MATURING TREES SHALL BE PLACED IN THE STREET YARDS AT A SPACING THAT REFLECTS THAT SHOWN ON THE MASTER PLAN.
10. CURB GUTTER AND SIDEWALK SHALL BE PROVIDED ALONG ALL RIGHTS-OF-WAY PER NCDOT STD.
11. BASED ON WATER DEMAND/FLOW CALCULATION, A WATERLINE WILL BE PROVIDED ALONG CHRISTENBURY PARKWAY AS NEEDED TO COMPLETE LOOP AND MAINTAIN ADEQUATE PRESSURES.



**PROPOSED DEVELOPMENT - CHRISTENBURY CORNERS**  
 DEVELOPER - PARADISE DEVELOPMENT GROUP, INC.  
 3025 CHRISTENBURY PARKWAY  
 SUITE 100  
 FORT WORTH, TEXAS 76106  
 CONTACT - ANGEL G. MENDEZ  
 CONSULTANT - CESI, INC.  
 CONTACT - TIM CASTELL, P.E.  
 1000 P. 10000, P.O. BOX 10000  
 FORT WORTH, TEXAS 76106  
 PROJECT INFORMATION  
 PARCEL IDENTIFICATION NUMBER (PID) - 4584-37-3411  
 PROJECT NAME - CHRISTENBURY CORNERS  
 3041 BEARD ROAD  
 CONCORD MILLS COMMERCIAL CENTER  
 CONTACT - KIM CHRISTENBURY  
 TOTAL LAND AREA - 99.274 ACRES  
 PRELIMINARY AREA SURVEY  
 CESI, INC.  
 1000 CAMDEN RD  
 SUITE 100  
 FORT WORTH, TEXAS 76106  
 PROJECT ZONING - MEDIUM DENSITY RESIDENTIAL - MDU (U)  
 PROJECT IS CURRENTLY PENDING APPROVAL  
 ADJACENT LANDS - CITY OF CONCORD, MUECC  
 PROJECT PHASING  
 EXISTING PROPERTY DIVIDED NORTH/SOUTH BY CONCORD MILLS BLVD & CHRISTENBURY PARKWAY  
 EAST/WEST BY DERTA ROAD  
 PROJECT IS DIVIDED INTO THE RESPECTIVE DIRECTIONAL CORNERS FOR PHASING  
 NORTH/EAST CORNER - PHASE I  
 PHASE I INCLUDES APPLICABLE STORM WATER MANAGEMENT FACILITIES LOCATED ON THE NORTHWEST CORNER. IT WILL AS REQUIRED MEET ALL TRANSPORTATION REQUIREMENTS AS IMPOSED BY THE FINAL APPROVED PLAN.  
 PROPOSED RETAIL/COMMERCIAL BUILDING SQUARE FOOTAGE - 306,210 SQ FT  
 PARKING PROVIDED - 741 SPACES  
 BUFFER (VARIES) - 10 FT TO 30 FT  
 PROPOSED MAJOR TENANT - GROCERY WITH RETAIL WINGS  
 PROPOSED LOTS/OUT PARCELS - 100 LOTS (2) RETAIL OUT PARCELS  
 NORTH/WEST CORNER - PHASE II  
 PROPOSED RETAIL/COMMERCIAL BUILDING SQUARE FOOTAGE - 14,939 SQ FT  
 PARKING PROVIDED - 155 SPACES  
 BUFFER (VARIES) - 10 FT TO 30 FT  
 PROPOSED MAJOR TENANT - GROCERY WITH RETAIL WINGS  
 PROPOSED LOTS/OUT PARCELS - 13 RETAIL/COMMERCIAL OUT PARCELS  
 NORTH/EAST CORNER - PHASE III  
 PROPOSED RETAIL/COMMERCIAL BUILDING SQUARE FOOTAGE - 90,865 SQ FT  
 PARKING PROVIDED - 384 SPACES  
 BUFFER (VARIES) - 10 FT TO 30 FT  
 PROPOSED MAJOR TENANT - (2) MEDIUM VARIETY RETAIL  
 PROPOSED LOTS/OUT PARCELS - (2) RETAIL/COMMERCIAL OUT PARCELS  
 SOUTH/EAST CORNER - PHASE IV  
 PROPOSED RETAIL/COMMERCIAL BUILDING SQUARE FOOTAGE - 16,500 SQ FT  
 PARKING PROVIDED - 101 SPACES  
 BUFFER (VARIES) - 10 FT TO 30 FT  
 PROPOSED MAJOR TENANT - GROCERY STORE  
 PROPOSED LOTS/OUT PARCELS - (2) RETAIL/COMMERCIAL OUT PARCELS

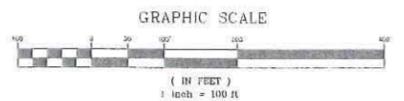
**PHASE KEY**

- PHASE I - NORTH/EAST CORNER
- PHASE II - NORTH/WEST CORNER
- PHASE III - SOUTH/EAST CORNER
- PHASE IV - SOUTH/WEST CORNER

**LEGEND**

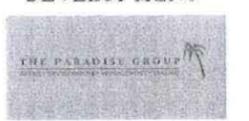
|                                       |                                   |
|---------------------------------------|-----------------------------------|
| DP (AS DESCRIBED)                     | TELEPHONE POLE                    |
| DP (AS FOUND)                         | TELEPHONE MASTHEAD                |
| EXISTING STONE                        | TELEPHONE TOWER                   |
| DP (SET AS PERM)                      | POWER POLE                        |
| DP (NO POINT SET)                     | LIGHT POLE                        |
| DRAIN HOLE                            | DRY WIRE                          |
| CRACK BASIN                           | ELECTRIC BOX                      |
| STORM MANHOLE                         | TRANSFORMER                       |
| FIRE HYDRANT                          | GAS VALVE                         |
| WATER VALVE                           | ROAD SIGN                         |
| WATER MANHOLE                         | TRAFFIC SIGNAL BOX                |
| INDICATES SCHEDULE B - SECTION 2 ITEM |                                   |
| 1" = 10' (SEE 10-111)                 | CADWORTH COUNTY ZONING            |
| 1" = 10' (SEE 10-111)                 | MECKLENBURG COUNTY ZONING         |
| ---                                   | BOUNDARY LINE (SUBJECT TO RIGHTS) |
| ---                                   | BOUNDARY LINE (BY DEED OR PLAT)   |
| ---                                   | FE LINE                           |
| ---                                   | RIGHT-OF-WAY LINE                 |
| ---                                   | EASEMENT LINE                     |
| ---                                   | DRAINAGE EASEMENT LINE            |
| ---                                   | COUNTY BOUNDARY LINE              |
| ---                                   | 1000' BUFFER LINE (CADWORTH CO)   |
| ---                                   | 500' BUFFER LINE (MECKLENBURG CO) |
| ---                                   | STORM SEWER PIPE                  |
| ---                                   | STORM PIPE END NOT FOUND          |
| ---                                   | OVERHEAD POWER LINE               |
| ---                                   | OVERHEAD TELEPHONE LINE           |
| ---                                   | TRAFFIC SIGNAL LINE               |
| ---                                   | FENCE LINE                        |
| ---                                   | OUTLINE OF CREEK/STREAM/RIVER     |

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 BY: \_\_\_\_\_



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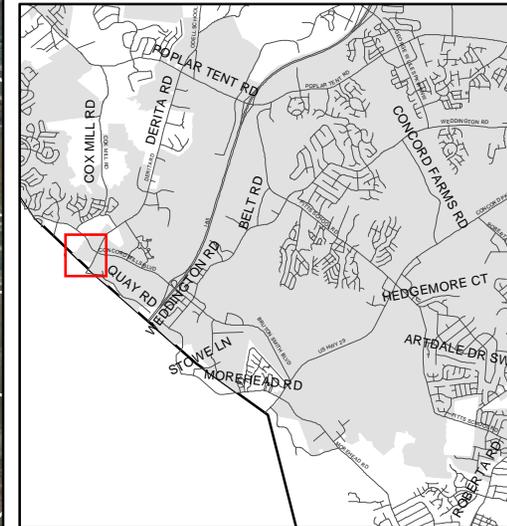
CHRISTENBURY CORNERS  
 CONCEPTUAL MASTER PLAN  
 MXCC2 - COMMERCIAL/RETAIL  
 DEVELOPMENT



**SUP-08-15  
AERIAL**

**Special Use Permit Application  
for a Comprehensive Sign  
Package in a Mixed Use  
Neighborhood Center  
(MX-CC2) zoning district**

Southwest quadrant  
Christenbury Pkwy &  
Derita Rd  
PIN: 4589-35-2884



Source: City of Concord  
Planning Department

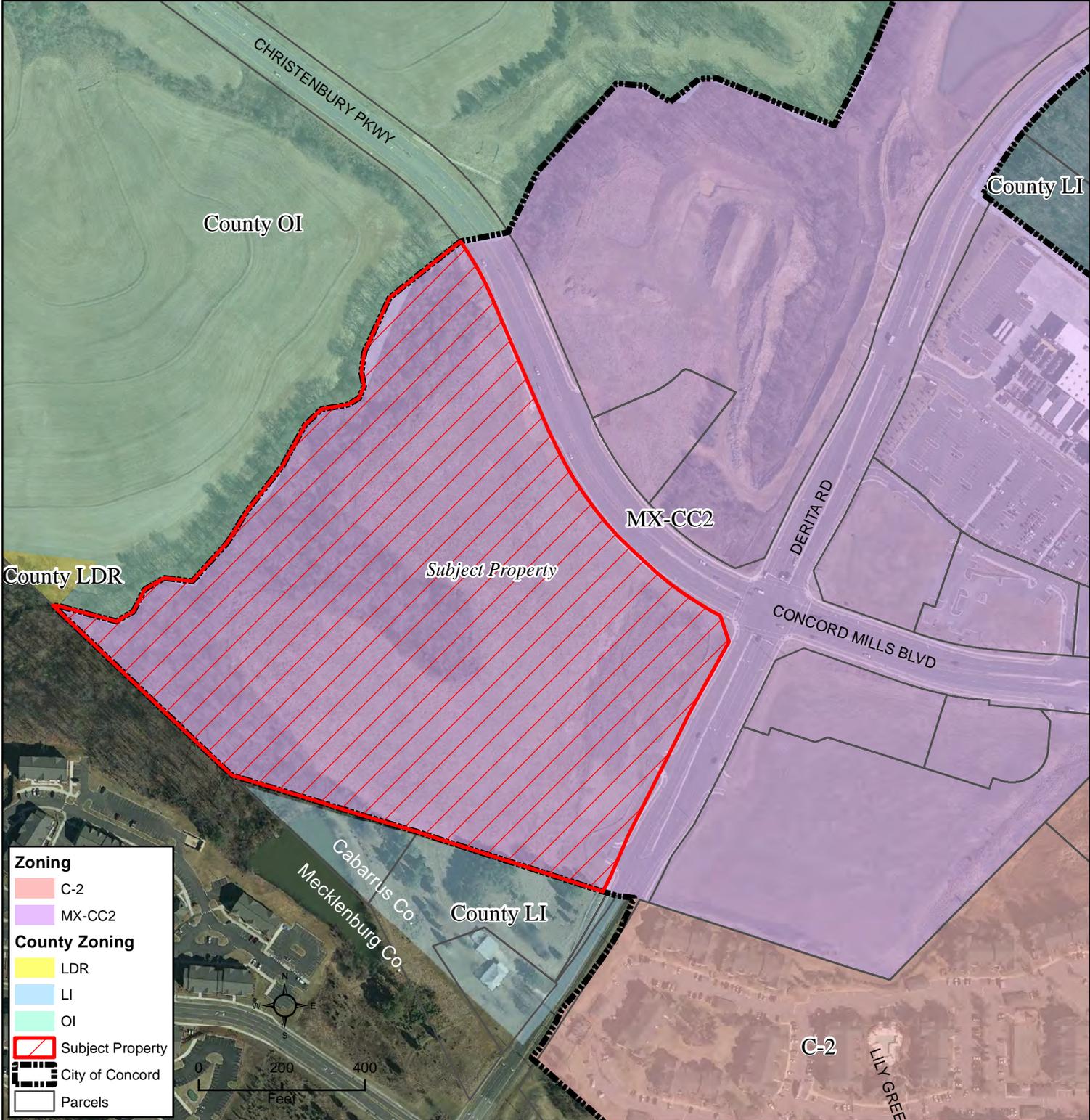
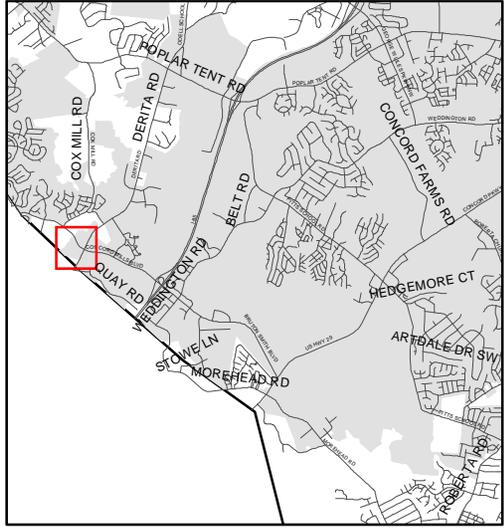
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**SUP-08-15  
ZONING MAP**

**Special Use Permit Application  
for a Comprehensive Sign  
Package in a Mixed Use  
Neighborhood Center  
(MX-CC2) zoning district**

Southwest quadrant  
Christenbury Pkwy &  
Derita Rd  
PIN: 4589-35-2884



**Zoning**

- C-2
- MX-CC2

**County Zoning**

- LDR
- LI
- OI

Subject Property

City of Concord

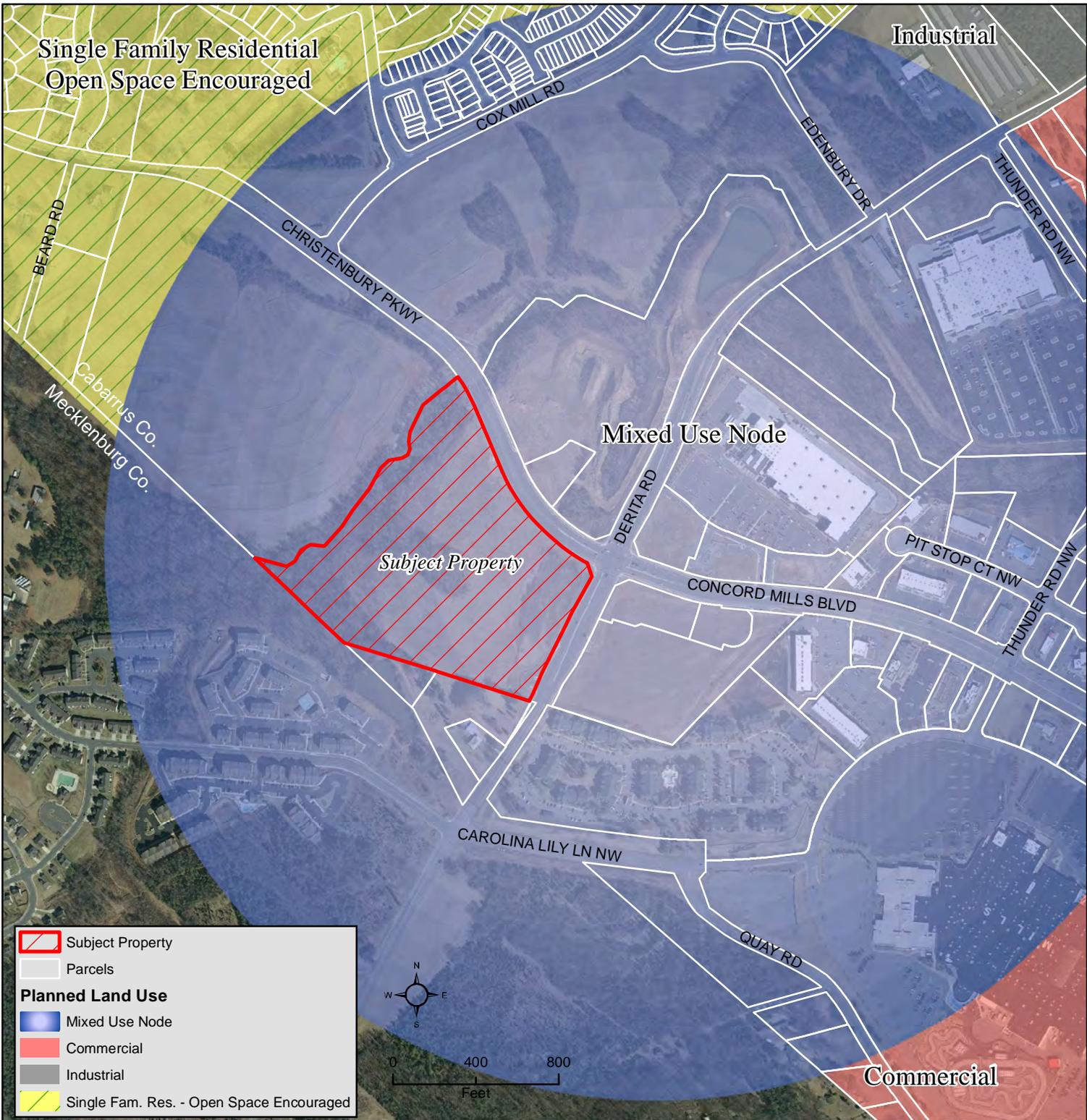
Parcels



Source: City of Concord  
Planning Department

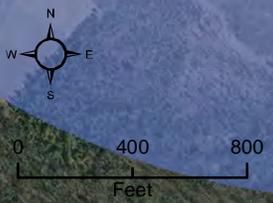
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**Legend**

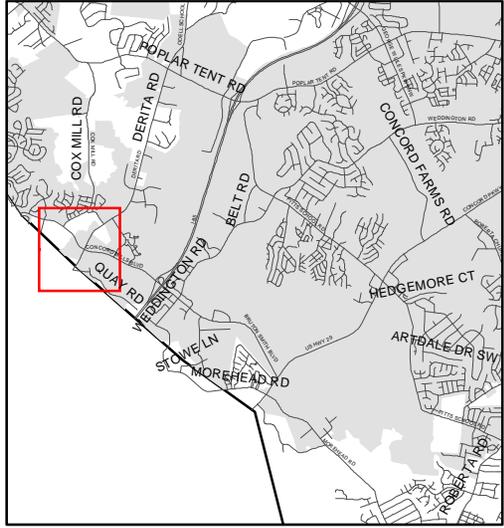
- Subject Property
- Parcels
- Planned Land Use**
- Mixed Use Node
- Commercial
- Industrial
- Single Fam. Res. - Open Space Encouraged



**SUP-08-15  
LAND USE PLAN**

**Special Use Permit Application  
for a Comprehensive Sign  
Package in a Mixed Use  
Neighborhood Center  
(MX-CC2) zoning district**

Southwest quadrant  
Christenbury Pkwy &  
Derita Rd  
PIN: 4589-35-2884



Source: City of Concord  
Planning Department

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**DATE:** May, 19, 2015

**DESCRIPTION:** Preliminary Site Plan of a Non-Residential Development Greater than 100,000 square feet

**CASE NUMBER:** SP-02-15

**APPLICANT:** The Silverman Group, LLC

**OWNER:** The Silverman Group, LLC

**LOCATION:** Corner of Derita Rd. and Aviation Blvd.

**PARCEL PIN:** 4680-80-2118

**AREA:** 12.48 Acres

**ZONING:** Light Industrial (I-1)

**REPORT PREPARED BY:** Boyd V. Stanley, AICP  
Development Review Administrator

**BACKGROUND**

The subject property is the site of two new proposed industrial buildings. The larger of the two proposed buildings is a total of 108,000 square feet, which will accommodate industrial flex space. A separate building is shown as 7 units, which total 28,350 square feet and is labeled as "Future Building/Phase II" on the site plan. There are two proposed points of full-movement access proposed off of Aviation Blvd. and a Traffic Impact Study is currently being conducted.

The City has been working closely with the developer for the past few months on the design of the site. A site plan, along with an architectural rendering is included with the staff report. At this time, there are no renderings available for the future phase and staff will work with the developer to ensure all design criteria is met when they become available. The rendering illustrates general compliance with the nonresidential design standards of the CDO.

**RECOMMENDATION AND CONDITIONS**

Staff recommends approval of this item. If the Commission votes to approve the site plan, staff recommends the adoption of the following condition:

1. Full technical site plans shall be reviewed and approved. Technical site plan approval shall be subject to any conditions that the Commission may impose on approval of the site plan.

**PROCEDURAL CONSIDERATIONS**

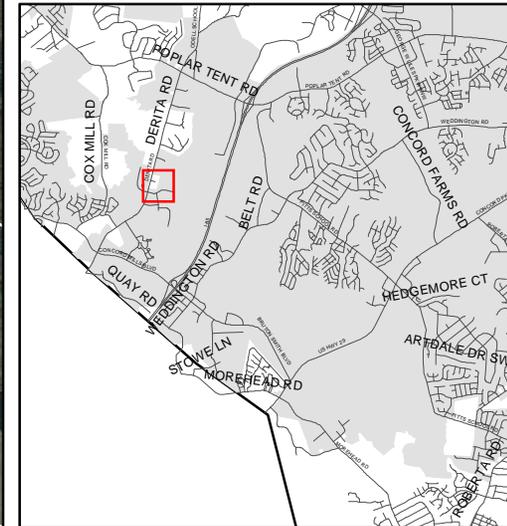
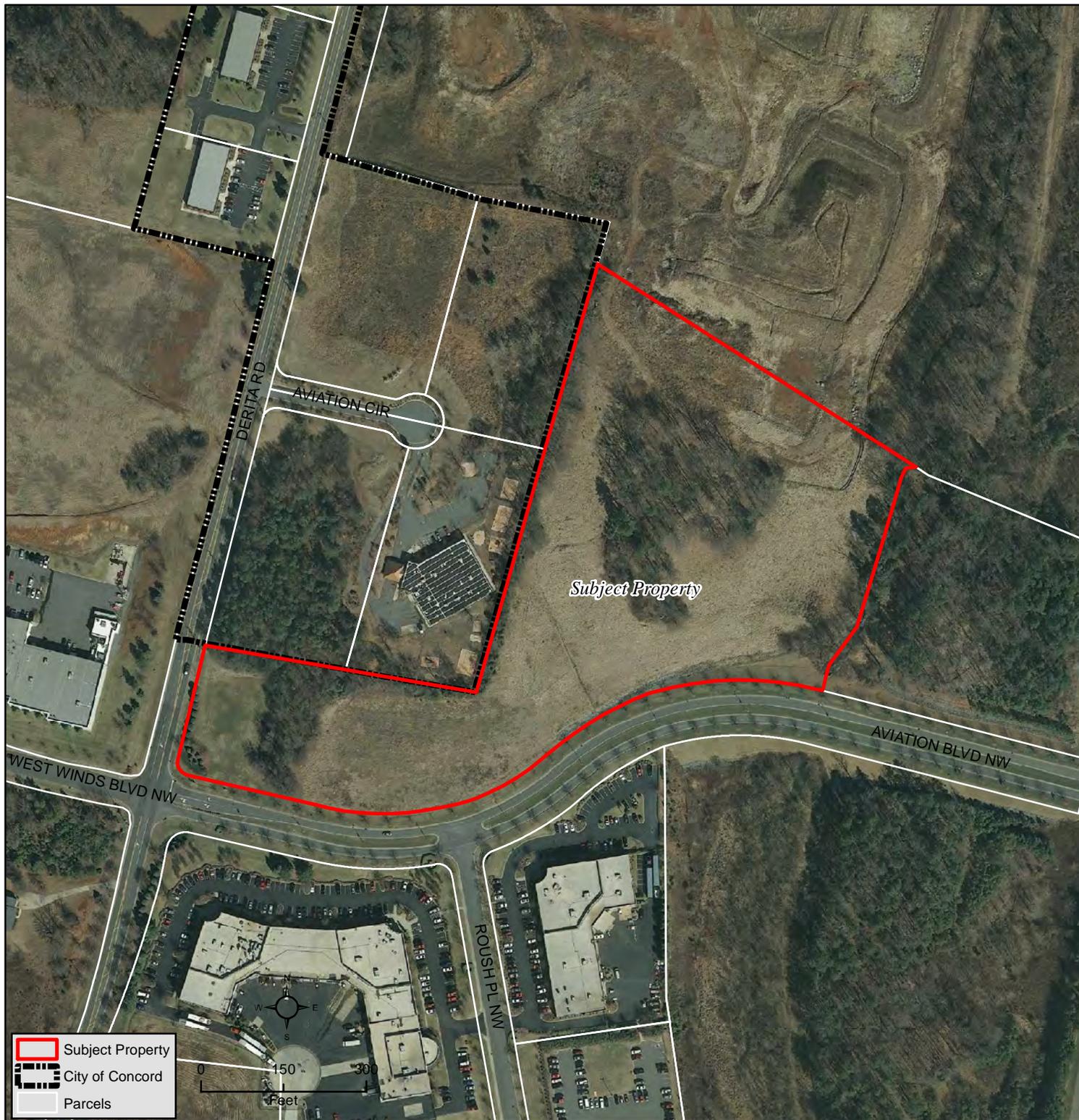
This item is not a public hearing, and therefore does not require sworn testimony from the parties involved.

**SP-02-15  
AERIAL**

**Site Plan**

**Concord Airport  
Business Park  
Phase II**

Aviation Blvd NW  
PIN: 4680-80-2118



Source: City of Concord  
Planning Department

**Disclaimer**

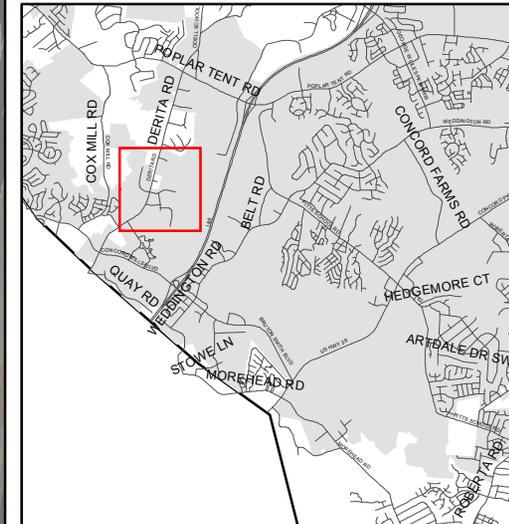
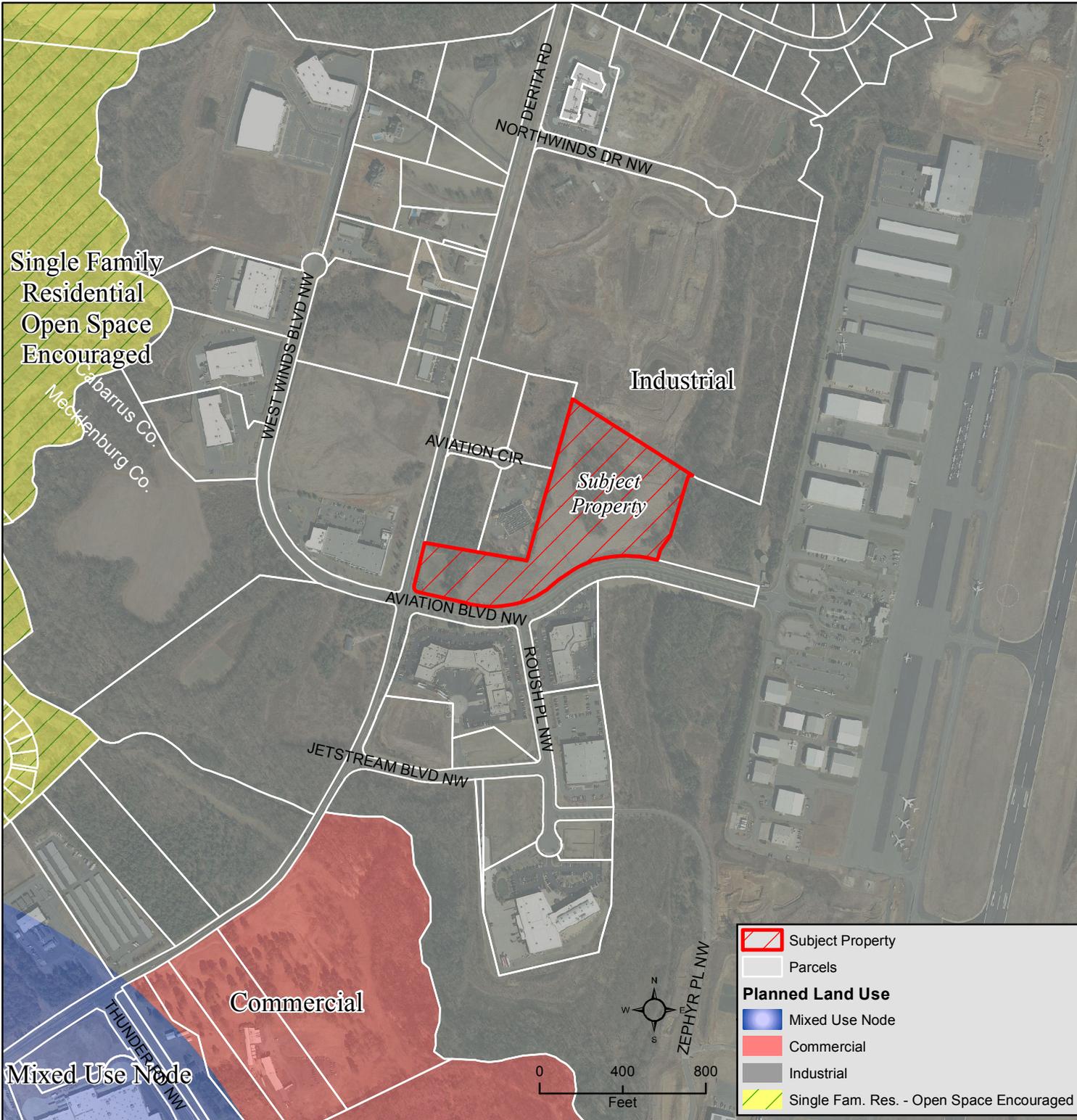
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**SP-02-15  
LAND USE PLAN**

**Site Plan**

**Concord Airport  
Business Park  
Phase II**

Aviation Blvd NW  
PIN: 4680-80-2118



Source: City of Concord  
Planning Department

**Disclaimer**

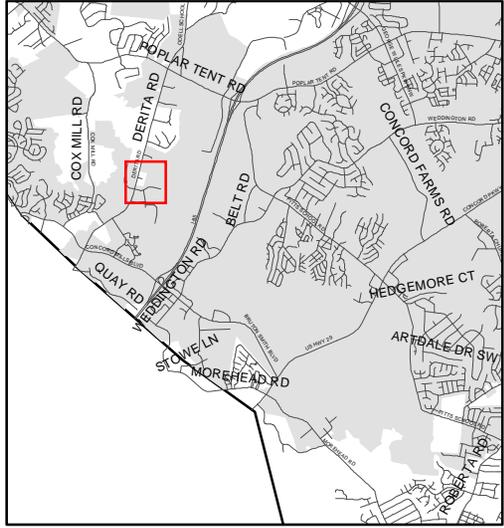
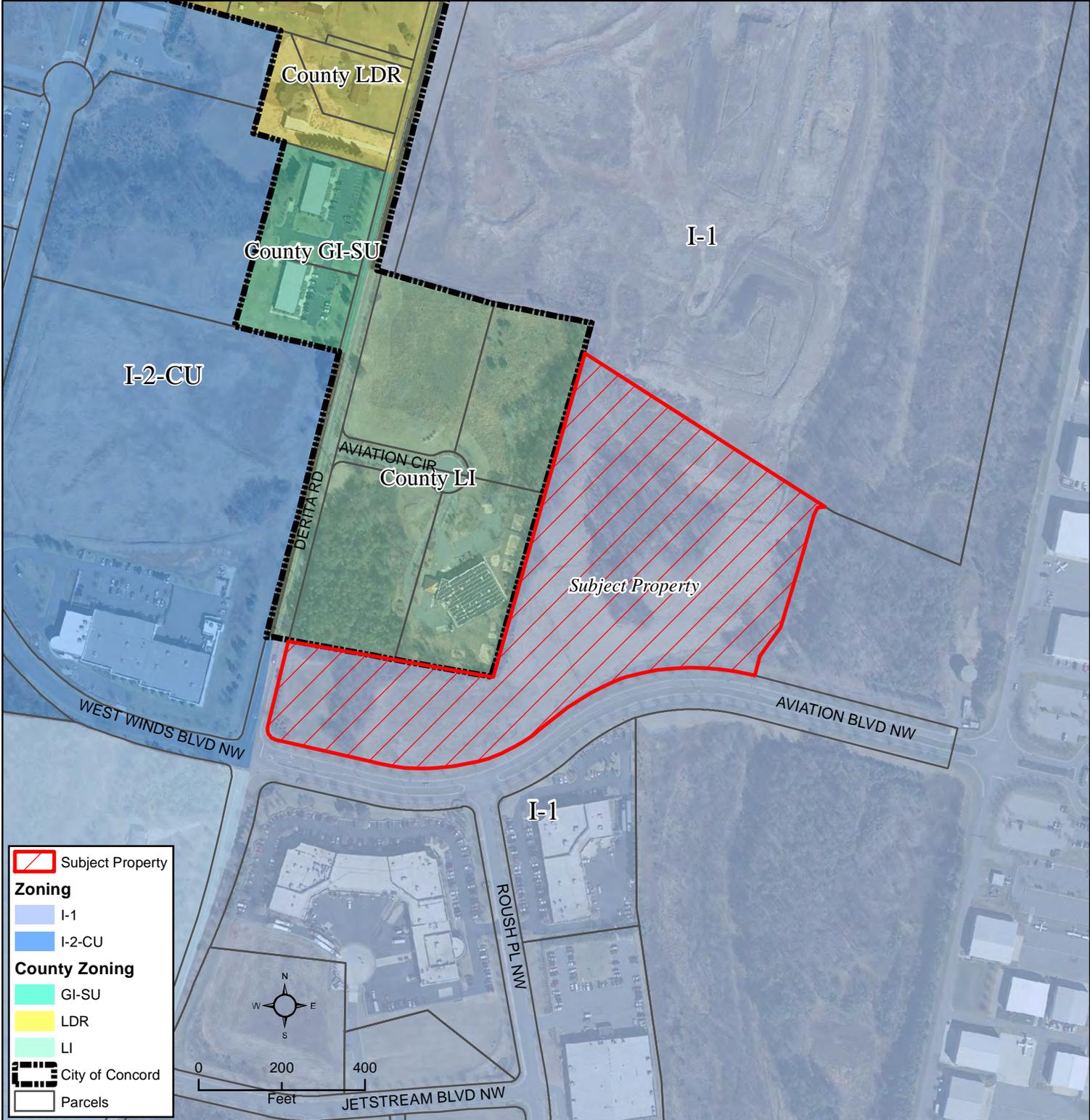
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**SP-02-15  
ZONING MAP**

**Site Plan**

**Concord Airport  
Business Park  
Phase II**

Aviation Blvd NW  
PIN: 4680-80-2118



Source: City of Concord  
Planning Department

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