

PLANNING & ZONING COMMISSION  
Meeting Agenda  
Tuesday, June 16, 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
- V. NEW BUSINESS

**1. Case Z (CUD)-24-07 (LEGISLATIVE HEARING) TO BE CONTINUED UNTIL FURTHER NOTICE TO ALLOW THE PETITIONER TO ADDRESS A STORMWATER 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:
- 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

**2. Case SUP-09-15 (QUASI-JUDICIAL HEARING)**

**Brian K. North/Martin Marietta Materials, Inc.** has submitted a request for a Special Use Permit to construct an asphalt plant on property zoned Heavy Industrial (I-2) generally located at 7267 Weddington Road (PINs 4599-45-6466, 47-6570, 4497, part of)

- 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

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.

### **3. Case SUP-05-13 Amendment (QUASI-JUDICIAL HEARING)**

**Robert Ritchie** has submitted a request to amend a previously approved Special Use Permit for property located at 391 Union Street, South to address guest parking and occupancy (PIN 5630-24-0612).

- 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-07-15 (LEGISLATIVE HEARING)**

**Christopher Loukos** has submitted a zoning amendment application for property located at 44 Willowbrook Drive from Residential Compact (RC) to Commercial General (C-2) (PIN 5621-09-3012).

- a. Open Public Hearing by Motion
- b. Staff Presentation
- c. Staff Recommendation:
- 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

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

#### VII. PRESENTATIONS AND DISCUSSION

Discussion of an interpretation regarding indoor recreation uses in the Industrial districts.

#### VIII. RECOGNITION OF PERSONS REQUESTING TO BE HEARD

#### IX. MATTERS NOT ON THE AGENDA

# Memo

To: Planning and Zoning Commission Members  
From: Kevin E. Ashley, AICP Planning and Development Manager  
Date: June 16, 2015  
Re: Case Z(CUD)-24-07 – Pendleton Subdivision

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The developer is continuing to work on the stormwater easement issue which would preclude the Commission from approving this petition. This item needs to be continued until further notice to allow the developer to continue to work on resolution of the issue.



**DATE:** June 16, 2015

**SUBJECT:** Special Use Permit  
Asphalt Plant in a Heavy Industrial (I-2) District

**CASE:** SUP-09-15

**APPLICANT:** Brian K. North/Martin Marietta Materials, Inc.

**LOCATION:** 7267 Weddington Road  
PINs 4599-45-6466, 47-6570, 47-4497 (portions of)

**AREA:** 10.8+/- Acres (of approximately 249 acre total ownership)

**EXISTING LAND USE:** Quarry land and wooded area

**EXISTING ZONING:** I-2 (Heavy Industrial)

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

**BACKGROUND**

The applicant proposes to develop an asphalt plant on approximately 10.82 acres on the south side of Weddington Road near the Belt Road intersection. The property is owned by Martin Marietta Materials, Inc. and is improved with a rock quarry.

**HISTORY**

The subject properties were annexed on a voluntary basis in February 1991 and August 1993. The portion of the property that was annexed in 1991 was administratively zoned from County PUD to City PUD. According to records, the property was designated industrial. The property was subsequently rezoned to I-2 Heavy Industrial in July 1993 at the request of the owner. The portion of the property annexed in 1993 was zoned from Cabarrus County Agricultural Industrial (A-I) to I-2 in October 1993. According to the petitioner, a mining permit was issued to the Bonds Family (previous owners) in May 1993, and was transferred to Martin Marietta in September 1991.

**SUMMARY OF REQUEST**

The applicant has submitted a site plan and supporting materials relative to the development proposal. The proposed site plan indicates that the asphalt equipment will be set back 100 feet from Weddington Road, behind an existing tree line. The site plan indicates that the entrance road the proposed plant will be aligned with Belt Road. Both right and left turn lanes area indicated, leading to the site. The Transportation Department has indicated that these lanes are

adequate in concept, but that an abbreviated traffic technical memorandum will be necessary (at the time of permitting, should the petition be approved) in order to determine lane widths, lengths and dimensions.

The Future Land Use Plan designates the subject property as “Industrial”.

The site plan has been reviewed by various City departments, however, based upon the supporting materials it is not possible for staff to determine how the development complies with all requirements.

## **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, however, based upon the nature of the supporting materials submitted; it is not possible for staff to determine how this particular development may meet these criteria.

**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 plant is located in an overall parcel that has been in use for a quarry for numerous years. Furthermore the property is zoned Heavy Industrial (I-2) and is designated Industrial by the future land use plan (LUP). The applicant has provided information that indicates that the height of the equipment will not be higher than the tree line on Weddington Road (and will not exceed 72 feet in height), but no information has been provided relative to the view of the equipment directly from Weddington Road. The applicant has indicated that this item will be addressed at the hearing.

**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 property has direct access to Weddington Road. The Transportation Department has indicated that the proposed right and left turn lanes are adequate in concept but further information (to submitted at the time of permitting should the petition be approved) is necessary to address the particular dimensions.

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

The applicant states that this plant will be covered by air quality regulations and it is the understanding of the staff that data has been submitted to the State for issuance of an air quality permit. The applicant has submitted information from the National Asphalt Pavement Association (NAPA), but the information submitted does not indicate how this specific project complies with this particular criterion. The applicant has indicated that this item will be addressed at the hearing.

**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.**

The applicant has stated that the surrounding properties on the south side of Weddington Road are owned by the applicant, and that this item will be addressed at the hearing.

**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 applicant states that the proposed operator is an established, experienced asphalt producer and that the plant is subject to numerous regulations. Again, it is not clear with the submitted materials as to whether the petition meets this criterion. The applicant states that further information will be presented at the hearing relative to this item.

**PROPOSED FINDINGS OF FACT**

1. The applicant is Brian K. North/Martin Marietta Materials, Inc.
2. The property is owned by Martin Marietta Materials Real Estate Investments Inc. (DB 11352 PG 176,) and Martin Marietta Materials, Inc. (DB 8287 PG 179).
3. The subject properties were annexed in February 1991 (Ordinance 91-06) and August, 1993 (Ordinance 93-92).
4. The property was zoned to I-2 in July and October, 1993.
5. The property consists of approximately 10.8 acres of an approximate 249 acre ownership.
6. The adopted Land Use Plan designates the property as “industrial”.

**RECOMMENDATION AND SUGGESTED CONDITIONS**

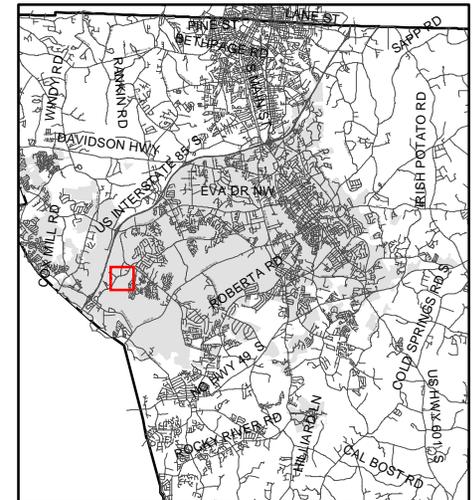
If the Commission votes to approve the special use permit, staff recommends the Commission consider adopting of the following conditions:

- 1) Technical site plan approval shall be required prior to issuance of zoning compliance permits.
- 2) A technical traffic memorandum is required to address the dimensional requirements of the right and left turn lanes on Weddington Road.
- 3) All applicable State and Federal permits shall be secured prior to issuance of a certificate of compliance for the project.

**SUP-09-15**  
**Aerial**

**Special Use Permit  
application for construction  
of an asphalt plant in a  
Heavy Industrial (I-2)  
Zoning District**

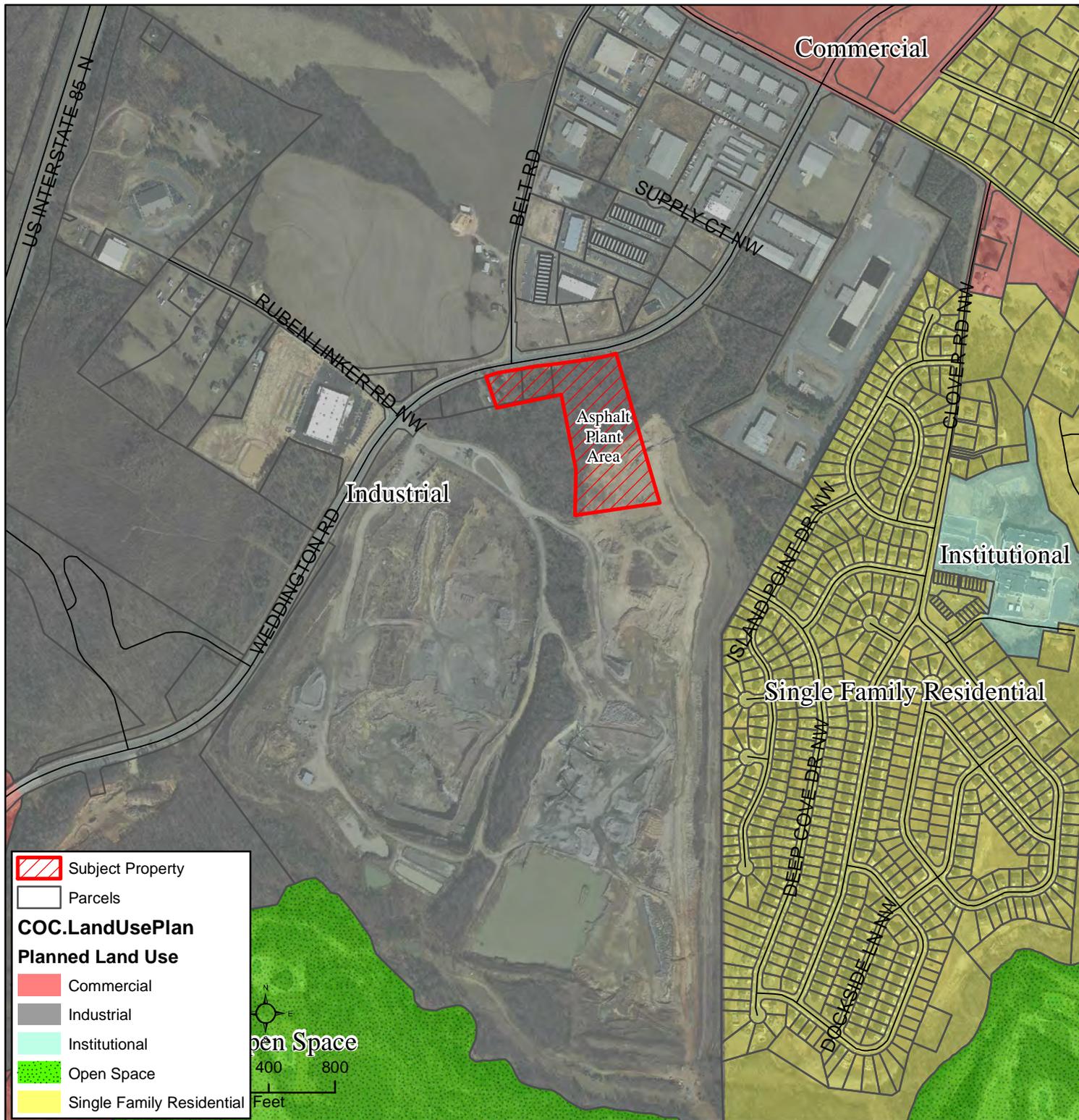
7267 Weddington Rd  
PIN: 4599-47-6570, 4599-47-4497 &  
part of 4599-45-6466



Source: City of Concord  
Planning Department

**Disclaimer**

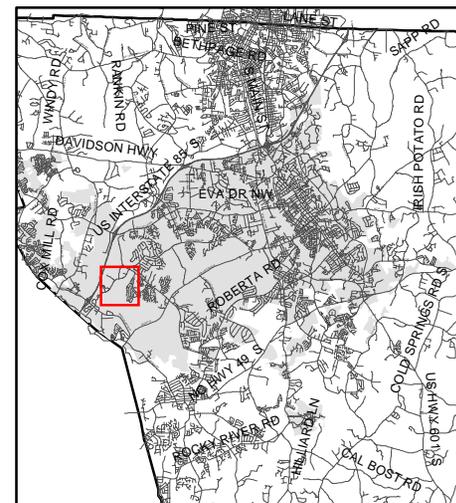
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**SUP-09-15  
Land Use Plan**

**Special Use Permit  
application for construction  
of an asphalt plant in a  
Heavy Industrial (I-2)  
Zoning District**

7267 Weddington Rd  
PIN: 4599-47-6570, 4599-47-4497 &  
part of 4599-45-6466



Source: City of Concord  
Planning Department

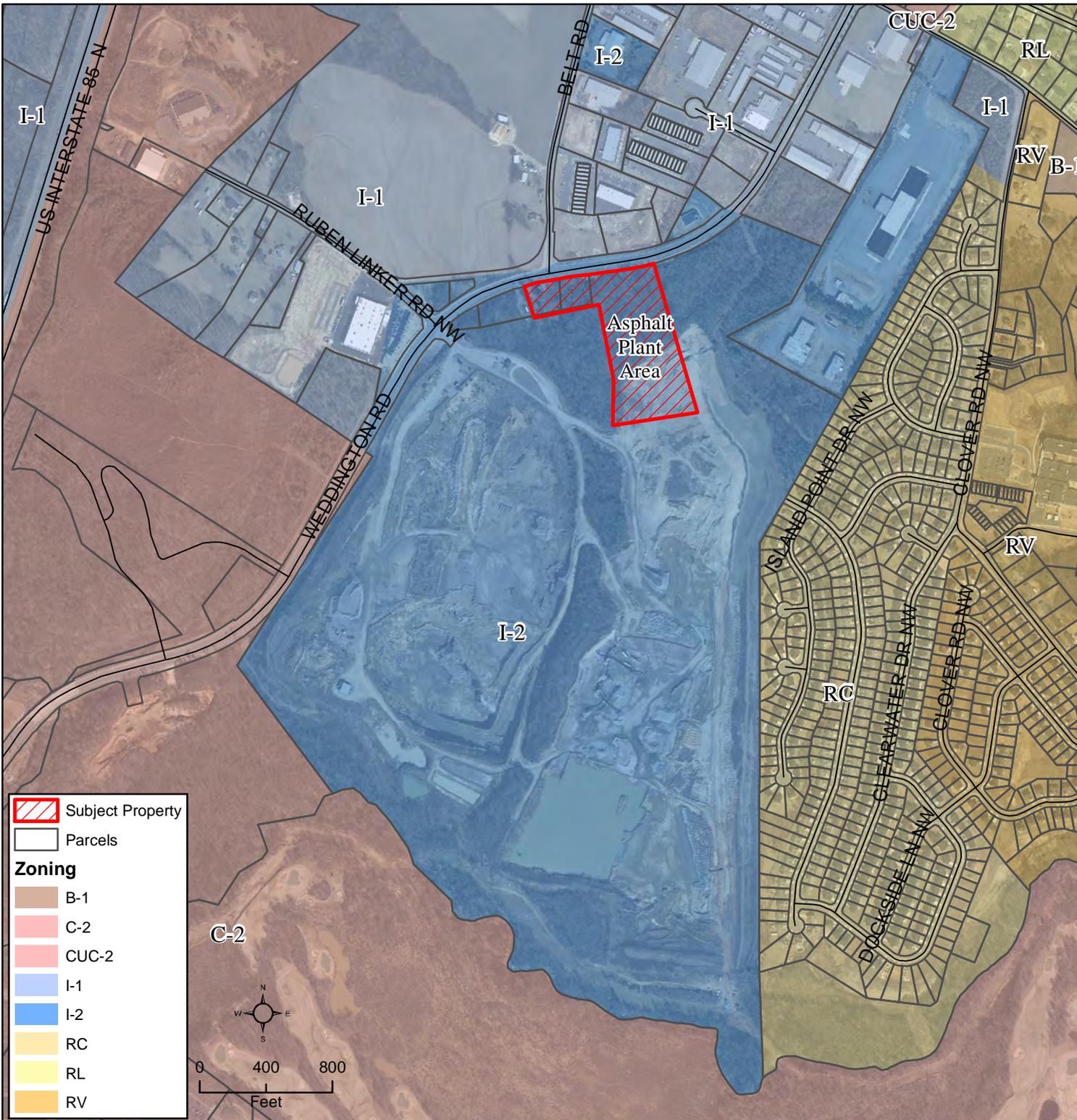
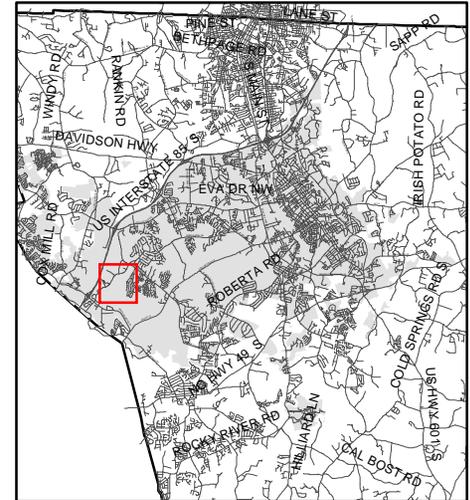
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**SUP-09-15  
Zoning**

**Special Use Permit  
application for construction  
of an asphalt plant in a  
Heavy Industrial (I-2)  
Zoning District**

7267 Weddington Rd  
PIN: 4599-47-6570, 4599-47-4497 &  
part of 4599-45-6466



Source: City of Concord  
Planning Department

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# The Environmental Impact of Asphalt Plants



**NATIONAL ASPHALT  
PAVEMENT ASSOCIATION**

Hundreds of communities across the country coexist peacefully with asphalt plants. These facilities are in urban, suburban, and rural areas, and most of them are known as good neighbors who are engaged with their community and dedicated to sustainable operations.

However, there is a lot of misleading and often daunting information about asphalt plants and asphalt products. Therefore, it's important to understand what's fact, what's fiction, and what the differences are between different types of asphalt products.

As with any industrial facility, it's helpful to understand what happens behind the gates at an asphalt plant. This paper provides basic information about what happens at an asphalt plant including how it impacts your neighborhood, the community, and the environment.

## **Well Regulated by the U.S. EPA**

Asphalt plants, or more accurately asphalt pavement mixing facilities, are industrial operations that mix liquid asphalt binder (also called asphalt cement) with crushed rock, gravel, and sand (collectively called aggregates) to make pavement. Asphalt binder, the glue that binds the aggregates together, is one of many distilled products obtained from the oil refining process. Similar to other refined oils, such as lubricating oils, asphalt binder is processed to meet defined standards. Some mixes also require additives, which can

range from chemicals that improve mix performance to natural fibers that strength specialty mixes. The use and storage of these materials is carefully monitored and regulated.

Asphalt pavement mixing facilities are well-regulated by federal and state environmental agencies, and they employ multiple emission control systems. The small amount of emissions released from these control systems are closely monitored to ensure they stay well below any permitted level set by the U.S. Environmental Protection Agency (EPA) and other regulators to ensure that they pose no health or environmental risk to nearby communities.

In fact, over a decade ago, the EPA reviewed emissions from asphalt plants and determined that such facilities are not a major source of air pollution and were subsequently delisted by the agency.<sup>1</sup> Subsequent studies by various regulatory agencies have verified that emissions from asphalt pavement mixing facilities do not present an environmental or public health hazard.

## **Emissions — Very Low and Getting Lower**

The majority of emissions at asphalt mixing facilities come from the combustion of fuel, such as natural gas, that are used to dry and heat the rock or aggregate and to keep the temperature of the asphalt hot. Most of the other potential emissions, such as the dust gener-





ated during the drying of aggregate, are captured by baghouse filters or similar controls and never released to the environment.

At times, there may be noticeable emissions coming from an asphalt plant's stack, but in almost all circumstances this is just steam — the loss of water vapor from the drying of aggregate at high temperatures.

Sometimes odors from the heated materials may also emanate from an asphalt plant. Although they may be noticeable, these odors pose no danger to either plant personnel or to the communities in which a plant operates. A noticeable odor does not indicate a health hazard; there are many instances of natural and man-made odors that are noticeable, but not harmful — skunks, dairy farms, garlic, and marshlands to name but a few. Asphalt plant odors are not harmful.

A 2001 study<sup>2</sup> compared emissions from an asphalt plant to emissions from other common community and industrial sources. The study found that the low annual emissions from an asphalt plant are equivalent or well below many other common sources:

- Similar volatile organic compound (VOC) emissions from one bakery operating for about two weeks or from 13 residential fireplaces over the course of a year
- Less than six months' worth of toluene emissions from an automotive gasoline filling station

Since 1970, the asphalt pavement industry has documented a decrease in total stack emissions of 97%, while increasing pavement production by 250%.

In an effort to further reduce an asphalt plant's environmental footprint, a number of technological advances have been pursued and implemented by the asphalt pavement industry over the past 10 years. These advances have helped reduce the amount of energy needed to make asphalt pavements and have expanded the use of recycled materials in asphalt pavements,

resulting in dramatic and well-documented reductions in the carbon footprint of asphalt pavements.

The fact is, asphalt pavements have a very small carbon footprint compared to other pavement materials.<sup>3</sup> In addition, the U.S. Department of Energy recognizes asphalt as a top material for sequestering carbon.<sup>4</sup>

### **Not All Asphalt Is the Same**

When examining regulations and health information regarding asphalt, it is important to note that the word *asphalt* (or its European name *bitumen*) is used for multiple products that are produced and used in different ways. Asphalt pavement material (sometimes called asphalt concrete) is not the same thing as roofing asphalt, and it is unrelated to coal tar.

Each of these materials has different components, properties, and is used at different temperatures, which results in very different potentials for emissions. The asphalt pavement industry has spent decades advancing technology that reduces the temperature needed to produce asphalt pavement, thereby minimizing and eliminating those emissions.

### **100% Recyclable and Inert**

Asphalt pavement is the most recycled material in the U.S. Not only recyclable, it can be reused over and over again in new asphalt pavement mixes. Recycled or reclaimed asphalt pavement (RAP) contains old asphalt binder and aggregates that can replace virgin material requirements. The old asphalt binder is reactivated, replacing part of the binder required in a new mix, just as the old aggregate becomes part of the aggregate content of the new pavement. About 80 million tons of asphalt pavement is reclaimed each year, and over 99% of that total is reused or recycled.

Asphalt is also inert. No materials are leached from the pavement itself (because it is waterproof). In fact, a number of drinking water reservoirs and fish hatcher-

ies are lined with asphalt.<sup>5</sup> Although vehicle emissions like grease and oil may be deposited on roadways over time, emissions and leachate from RAP stockpiles have been found to be practically nonexistent. The EPA recognizes that RAP piles are unlikely to cause fugitive dust problems<sup>6</sup> and can actually be used to reduce dust from unpaved roads. Numerous studies have documented that leachate or runoff from RAP storage is not a problem,<sup>5,7</sup> and RAP is commonly used as clean fill material in highway construction.

In addition to reclaimed asphalt pavements, materials from other industries are routinely recycled into asphalt pavements, including rubber from used tires, glass, asphalt roofing shingles, and blast furnace slag. Recycling of asphalt pavement and asphalt roofing shingles conserves more than 21 million barrels of liquid asphalt binder annually.

### Busy Places and Controlled Traffic

Although asphalt plants don't take up a large amount of real estate, they do contain a lot of equipment and are busy places to work. From the street, visible equipment may include large silos used to store the finished pavement material, big pieces of environmental-control equipment to filter out stack emissions, and many stockpiles of raw materials, including sand, rocks, reclaimed asphalt pavement, and other recycled materials.

Asphalt plants also contain tanks that store both fuel and liquid asphalt. The EPA and other environmental agencies closely regulate these tanks to ensure that they don't rupture, and there are adequate protection systems and safeguards in place to prevent any discharge in the unlikely event of a leak.

Other pieces of large equipment include the aggregate dryer drum, which is used to warm and remove moisture from the aggregate before the materials are

all mixed together in a large mill. The final finished pavement material is then stored in on-site silos for short periods of time before it is loaded into trucks to be taken out to a job site.

Truck traffic to and from a plant can be heavy, particularly during the summer months when road repair and construction are greatest. To ensure that the asphalt mix reaches the paving site at the proper temperature to ensure quality, plants and paving companies aim to manage truck traffic carefully to minimize delays at the plant or the paving site. Proximity to roadway work sites also plays a role in deciding where a new or temporary plant should be placed.

### Asphalt Plants Benefit the Community

Asphalt plants are good neighbors, who are active in their community. They offer opportunities for local employment, and often contribute to community events with volunteers and financial donations. Many asphalt plants are family-owned and -operated and have been an important part of their community for decades.

### Essential to Our Nation's Infrastructure

Asphalt pavements have been produced since the late 1800s — in fact, naturally occurring asphalt has been used for thousands of years as a waterproofing agent. Asphalt plants are an important link in the nation's transportation infrastructure.

Today, more than 94% of the nation's 2 million miles of paved streets and highways are surfaced with asphalt. That's because state and federal highway departments have long known that asphalt pavements are smooth, cost-effective to construct and maintain, exceptionally durable, environmentally friendly, and 100% recyclable.

In addition, asphalt pavements can provide solutions for multiple forms of transportation, including walking trails, cycle tracks, bus rapid transit lanes, and airport runways. And specialty pavement mixes, such as porous asphalt, are an important option for stormwater management.

### References

- 1 EPA (2002). "National Emission Standards for Hazardous Air Pollutants: Revision of Source Category List Under Section 112 of the Clean Air Act." *Federal Register*, Vol. 67, No. 29, pp. 6521-6536. <http://www.gpo.gov/fdsys/pkg/FR-2002-02-12/pdf/02-3348.pdf>
- 2 Connolly, Ú. (2001). "Clearing the Air." *Hot Mix Asphalt Technology*, Vol. 6, No. 4, pp. 21-22. [http://www.flexiblepavements.org/sites/www.flexiblepavements.org/files/clean\\_air\\_2\\_pg\\_article.pdf](http://www.flexiblepavements.org/sites/www.flexiblepavements.org/files/clean_air_2_pg_article.pdf)
- 3 APA (2010). *Carbon Footprint: How Does Asphalt Stack Up?*, Asphalt Pavement Alliance, Lanham, Maryland. [http://asphaltroads.org/images/documents/carbon\\_footprint\\_web.pdf](http://asphaltroads.org/images/documents/carbon_footprint_web.pdf)
- 4 EIA (2009). *Emissions of Greenhouse Gases in the United States 2008*. Report DOE/EIA-0573(2008). U.S. Energy Information Administration, U.S. Department of Energy. [http://www.eia.gov/oiaf/1605/ggrpt/pdf/0573\(2008\).pdf](http://www.eia.gov/oiaf/1605/ggrpt/pdf/0573(2008).pdf)
- 5 APA (2011). *Cleaner Water With Asphalt*. Asphalt Pavement Alliance, Lanham, Maryland. <http://asphaltroads.org/images/documents/cleanerwater.pdf>
- 6 Eastern Research Group (1996). *Preferred and Alternative Methods for Estimating Air Emissions From Hot-Mix Asphalt Plants, Final Report*, Vol. II, Ch. 3. U.S. Environmental Protection Agency, Washington, D.C. <http://www.epa.gov/ttnchie1/eiip/techreport/volume02/ii03.pdf>
- 7 Townsend, T.G., and A. Brantley (1998). *Leaching Characteristics of Asphalt Road Waste*. Florida Center for Solid and Hazardous Waste Management, University of Florida, Gainesville, Florida. [http://www.hinkleycenter.com/images/stories/publications/townsend\\_98-2.pdf](http://www.hinkleycenter.com/images/stories/publications/townsend_98-2.pdf)



# Asphalt Plants

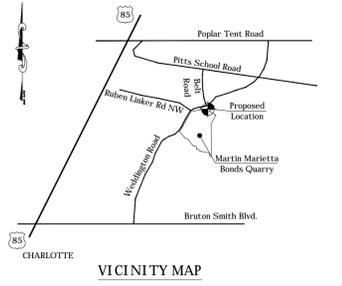
## Know The Facts



**NATIONAL ASPHALT  
PAVEMENT ASSOCIATION**

The National Asphalt Pavement Association (NAPA), founded in 1955, represents more than 1,100 asphalt producers, paving contractors, and affiliated businesses that build the network of roads so critical to the American economy. The asphalt pavement industry has a long history of working with regulatory authorities and federal agencies to develop and promote innovations that enhance the sustainability of asphalt pavements, improve worker safety, protect the environment, and save taxpayers money.

- ➔ There are approximately 3,500 asphalt plants in the U.S. The industry supports, directly or indirectly, 260,000 American jobs that cannot be exported overseas.
- ➔ Of the 2.6 million miles of paved roads in the U.S., 94% are surfaced with asphalt.
- ➔ Asphalt pavement is a precisely engineered product composed of 95 percent aggregates (stone, sand, and gravel), and 5 percent asphalt cement, a petroleum product.
- ➔ Asphalt plants are well-regulated by the EPA and other state and federal regulatory agencies.
- ➔ In 2002, the EPA officially delisted asphalt plants as a major source of air pollution.
- ➔ Asphalt is 100% reusable, and is the most reused and recycled product in the U.S.
- ➔ Asphalt plant emissions are very low and getting lower due to innovative control systems and manufacturing technology.
- ➔ From time-to-time, odors may emanate from an asphalt plant — while noticeable, these odors pose no danger to plant personnel or the communities in which a plant operates.
- ➔ Asphalt binder recycled from old pavements and roofing shingles replaces more than 21 million barrels of oil per year, saving American taxpayers more than \$2.2 billion annually.
- ➔ Not all asphalt is the same: Asphalt pavement is different from roofing asphalt and other asphalt products. It has different components, properties, and is used at different temperatures, which results in very different potential emissions. Asphalt cement is unrelated to coal tar.
- ➔ Asphalt is inert: it does not leach materials. Recycled or reclaimed asphalt pavement (RAP) is likewise inert.
- ➔ Storage silos and fuel tanks on a plant's property are highly regulated to ensure they are well maintained, and redundant protection systems and safeguards are in place to prevent accidental material release.
- ➔ Asphalt plants are good neighbors. If there is a concern, the first step is to contact the plant owner or operator.



Now or Formerly  
Bonds Family Partnership  
PIN# 4690-42-0891  
Zoned: I-1

Now or Formerly  
Weddington Road  
Business Park  
Zoned: I-2

Now or Formerly  
Dasser-CLT Properties LLC  
PIN# 4599-57-4907  
Zoned: I-2

Now or Formerly  
John R. Whitley  
PIN# 4599-68-0015  
Zoned: I-1

Now or Formerly  
Weddington Road Business Park  
Zoned: I-2

Now or Formerly  
Weddington Road Business Park  
Zoned: I-2

Now or Formerly  
Martin Marietta Materials  
PIN# 4599-45-6466  
Zoned: I-1

Now or Formerly  
City of Concord  
PIN# 4599-47-0209  
Zoned: I-1

Now or Formerly  
City of Concord  
PIN# 4599-47-2423  
Zoned: I-2

Now or Formerly  
City of Concord  
PIN# 4599-47-0209  
Zoned: I-2

Now or Formerly  
Martin Marietta Materials  
PIN# 4599-45-6466  
Zoned: I-2

Now or Formerly  
Martin Marietta Materials  
PIN# 4599-45-6466  
Zoned: I-2

Now or Formerly  
OCEE LLC  
PIN# 4599-67-2450  
Zoned: I-2

Existing Quarry  
Office and Scales

Control House and  
Quality Control

Gravel Work Area

Proposed Stockpile Area

Proposed Asphalt  
Processing Plant

Material  
Storage Bins

Proposed Access

Paved Road

Open Space

100' Stream Buffer

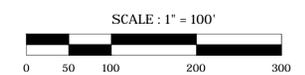
100' Stream Buffer

Current Mining Area

Current Mining Area

Now or Formerly  
Martin Marietta Materials  
PIN# 4599-45-6466  
Zoned: I-2

**Development Summary:**  
**Owner(s):** Martin Marietta Materials, Inc. & Martin Marietta Real Estate Investments  
**Parcels:** 4599-47-6570, 4599-47-4497 & A Portion of 4599-45-6566  
**Zoning Summary:**  
**Existing Zoning:** I-2  
**Maximum Building Height:** 72'  
**Total Acreage:** 10.80 Acres

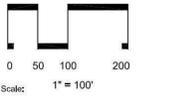


		Mid-Atlantic Division Carolina South District
<b>Special Use Site Plan - 10.80 Acres</b> <b>Proposed Asphalt Plant</b>		
Date: 4/9/15	Scale: 1" = 100'	1
Design by: JN	Located: City of Concord, NC	
Drawn by: JN	Site Number:	

Curve Table				
Curve	Curve Length	Chord Bearing	Chord Distance	Radius
C1	90.74'	N78° 17' 55" E	90.71'	1095.92'
C2	121.97'	N77° 37' 16" E	121.91'	1145.92'



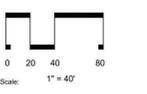
No.	Date	Description



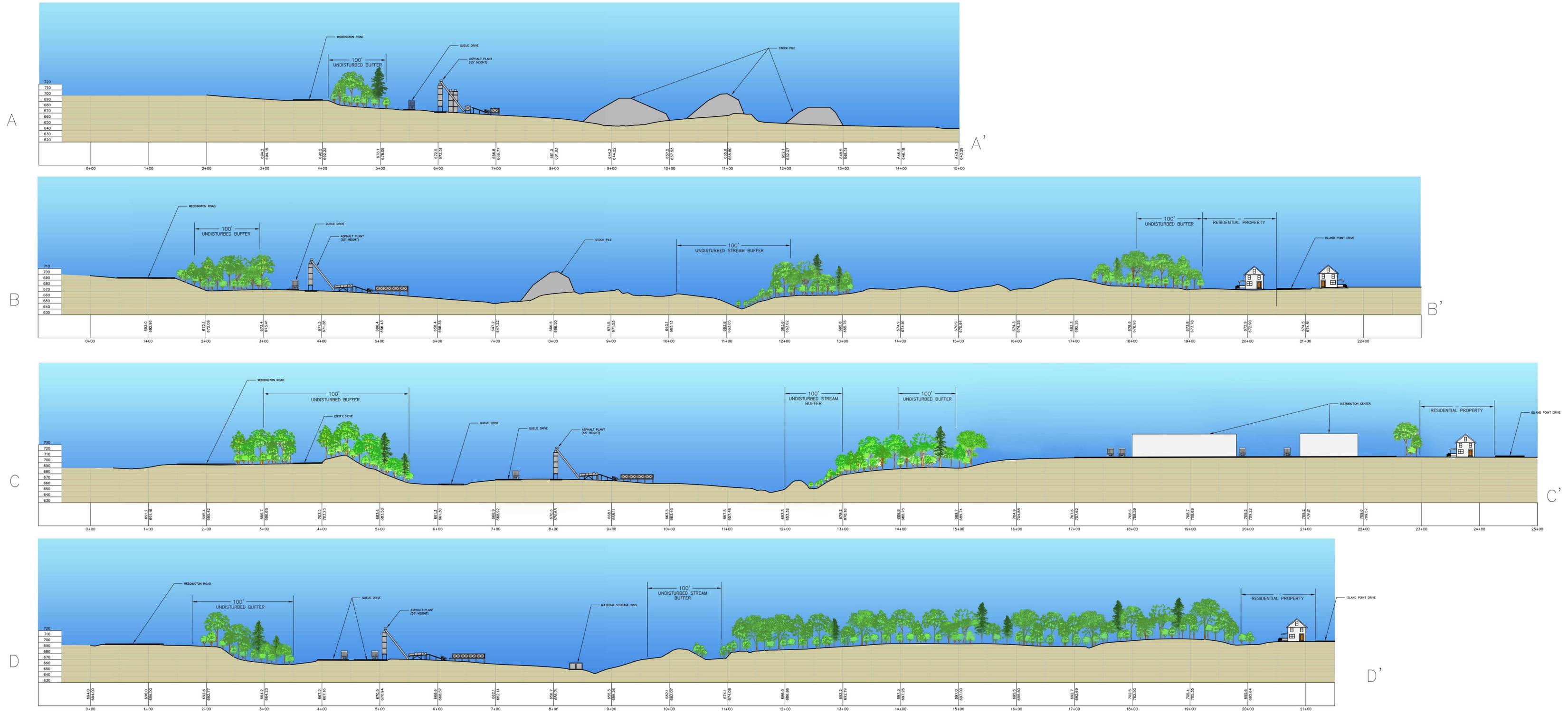
**SITE  
CROSS-SECTIONS**



No.	Date	Description



Title:  
**SITE  
CROSS-SECTIONS**





Date 4-30-15

APPLICANT NAME: Brian K. North COMPANY  
NAME Martin Marietta Materials, Inc.

APPLICANT ADDRESS:  
413 S. Chimney Rock Road

CITY: Greensboro STATE NC ZIP 27409 PHONE NUMBER OF  
APPLICANT: 336-389-6616

OWNER OF PROPERTY (if different from applicant)  
\_\_\_\_\_

OWNER ADDRESS:  
8701 Red Oak Blvd. CITY Charlotte STATE NC ZIP 28217

PROJECT ADDRESS (if an address exist):  
7267 Weddington Road, Concord, NC 28027

P.I.N.: Portion of 45994564660000, 45994765700000, and 45994744970000

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

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

Current Zoning Classification: I-2

Existing Land Use: Undisturbed buffer and quarry operation

Description of Use Requested: Asphalt Plant

**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: 4-30-15 Applicant Signature: [Handwritten 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.”  
See attached sheet for response.
- (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.”  
See attached sheet for response.
- (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.”  
See attached sheet for response.
- (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.”  
See attached sheet for response.
- (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.”  
See attached sheet for response.

### 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):  
Proposed Asphalt Plant on property zoned as I-2, Heavy Industrial.
- (2) Accessory uses (if any):  
Temporary access is requested to the south of the SUP boundary while a permanent driveway permit is being requested and constructed.
- (3) Setback provisions:  
A 100' setback is provided along Weddington Road, which meets Table 7.6.2. No additional setback is required on the remaining SUP boundaries.
- (4) Height provisions:

- Height of the plant equipment will be minimized to reduce public view of the operation. Plant equipment will be less than 72' in height.
- (5) Off-street parking and loading provisions:  
No off-street parking or unloading will be allowed on Weddington Road.
- (6) Sign provisions:  
Permanant sign requirements will be met as indicated in Table 12.1-2.
- (7) Provisions for screening, landscaping and buffering:  
A 100' existing vegetative buffer will remain along Weddington Road. Additional buffers exists within the boundary of the Bonds Quarry.
- (8) Provisions for vehicular circulation and access to streets:  
A Driveway Permit will be obtained as required by the City's Technical Standards Manual, Article III
- (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:  
Sediment and erosion control and air quality permits will be obtained through NC DENR prior to any land disturbing or operation of the plant.
- (10) Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces, facilities for waste disposal, and illumination:  
No pedestrian access into the site will be allowed.  
See Site plan for the layout of the proposed use of the property.
- (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):  
No Open space is proposed in the SUP application. See Site plan for the layout of the propsoed use of the property.
- (14) Improvements within the common open space:  
N/A
- (15) Parking Areas:  
Adequate parking is provided as shown on the site plan.
- (16) Sidewalks, trails and bikeways:  
N/A
- (17) Lighting and utilities:  
All utilities will be installed underground. Security lighting will be provided at drivwvay and entryways and directed away from dwellings.
- (18) Site furnishings:  
N/A
- (19) Adequate fire, police, water and sewer services:



Application for  
Special Use Permit

See site plan for specifics on all proposed utilities and emergency services.

(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:

Any other requirements will be included on the Site plan.

## Martin Marietta Materials, Inc. – Proposed Asphalt Plant SUP Application Request

### Special Use Permit Application - General Requirements

(a) The proposed use is an industrial use in an I-2 District. The operator is an established, experienced asphalt producer, and the plant will be a modern facility. Numerous regulations govern the operation of an asphalt plant, and we will show that the operator will be fully compliant. Martin Marietta owns the surrounding property, except for the use across Weddington Road, and that site is already developed as industrial.

(b) The proposed use is consistent and suitable based upon adjacent land uses. Property buffers and screening of the proposed operation will be provided.

(c) Traffic from the proposed use will enter Weddington Road as shown on the Site Plan. This access will be approved by DOT in accordance with their standard criteria for such uses. On a net basis, the location of this use at the quarry will reduce traffic on the public roads.

(d) As stated above, this will be a modern plant covered by air quality regulations. The operator is an experienced asphalt producer with a proven record of responsible production of asphalt. The operator will explain the safeguards and protections associated with their plant.

(e) The surrounding property is owned by the Applicant, except for the parcel across the street, which is already developed as an industrial use, as are other near-by properties.



**DATE:** June 16, 2015

**SUBJECT:** Special Use Permit – Amendment to  
Banquet Home in an RM-2 (Residential Medium Density) Zoning  
District

**CASE:** SUP-05-13

**APPLICANT/OWNERS:** Robert Ritchie/Ritchie & Alm Families

**LOCATION:** 391 Union Street South  
PIN 5620-24-0630

**AREA:** 4.561+/- Acres

**EXISTING LAND USE:** Single Family Residential

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

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

**BACKGROUND**

The proposed special use permit is a request to add additional parking spaces and modify conditions relative to off-street parking for an approved banquet home in an RM-2 zoning district.

**HISTORY**

The subject property is located at 391 Union Street South. , The Planning Commission approved the special use permit request for a banquet home in July, 2013. If the Commission recalls, the owners of the property approached the Commission with a request to develop a text amendment and design standards to permit banquet homes as special uses. The staff, working with the Commission and Council developed an amendment to the Concord Development Ordinance and the owners subsequently applied for (and were granted) a special use permit and certificate of appropriateness (by the Historic Preservation Commission) to convert the residence to a banquet home. The special use permit was approved in July, 2013.

**SUMMARY OF REQUEST**

The property has approximately 250 feet of frontage along Union Street, South, approximately 200 feet of frontage on Ingleside Drive, SE and approximately 350 feet of frontage on Sunnyside Drive, SE. The property’s frontage on Ingleside and Sunnyside is steep, heavily wooded and no vehicular access is present on those frontages.

The special use permit was approved with a total of 33 parking spaces at the rear of the site, based upon the assumption that 100 guests could be accommodated on the front porch of the structure (at a rate of 3.0 spaces per person). The approved site plan is attached as part of the staff report. Some of these spaces were constructed as paved parking, but most are situated in a gravel area on the northeast side of the property.

After several events, the owner, City staff and neighbors have seen the need to amend the special use permit to address the parking space issue to principally address traffic and parking concerns.

The owner has re-examined the approved site plan (attached) to identify additional areas of on-site parking, and has committed to several conditions relative to activity on site in order to address the issues. An attempt was made to avoid clearing any more land for parking spaces in order to preserve the tree canopy. Fifteen (15) permanent spaces have been identified within the gravel area. None of these spaces will require removal of trees. Thirteen (13) additional overflow spaces have been identified within the grass area. These spaces are level and easily accessible. With the approved and existing 33 parking spaces, a total of 61 parking spaces are proposed on site. Based upon the additional 28 parking spaces, these spaces would account for a total of 183 guests. This parking layout has been reviewed by both the Fire Marshall and Engineering and there are no objections to the additional parking spaces.

The Fire Marshall has rated the occupancy load for the structure for a maximum of 166 persons. This calculation includes the area on the interior of the home, as well as the porch. Fire Code does not regulate occupancy outside of the boundaries of the structure, except in the case of some tent uses. The applicant's site plan does state that occupancy in excess of 166 (if that were to occur) would be in the yard areas.

The applicant has submitted a narrative relative to the application and has committed to several conditions including:

1. An off-duty officer will be present to direct guests from the street to the on-site parking in order to minimize on-street parking;
2. Providing an attendant to direct cars to parking spaces;
3. Placing a temporary sign at the curb directing traffic to "guest parking", also to minimize on street parking;
4. Providing detailed information to guests about using the off-street parking areas;
5. Utilizing a van service/shuttle to bring guests to the facility for those events where the maximum capacity for the building is being approached. This service would lessen the total number of vehicle trips to the site, reducing traffic and discouraging the use of on-street parking. The petitioner also commits to encouraging the use of car-pooling among their guests.

The petitioner also states that the maximum number of guests on site is anticipated to be 200 or less. Based upon 200 guests, the total number of parking spaces required is 67 spaces. The site will have 61 spaces and the shortfall of the six (6) spaces in the event of maximum occupancy could be addressed through the use of the van service or shuttle. Section 10.3.2.E of the CDO allows the Administrator to modify the number of parking spaces by up to ten (10) percent if one of the following circumstances exists:

1. Expected automobile ownership or use patterns of employees, tenants, or other uses varies from what is typically in the community or typical for the use;
2. The parking demand varies throughout the day in relation to the parking supply;
3. The nature of operational aspects of the use warrants unique parking arrangements.

The staff feels that the third circumstance as detailed above is applicable to this specific land use, where it is desirable to reduce the total number of vehicle trips to the site as the property is located within a residential district. Furthermore, the applicant's commitment to utilize the shuttle when the capacity of the building is approached warrants this minor modification of the total number of parking spaces. However at no time shall the occupancy on the site exceed 200 persons.

### **COMPLIANCE WITH SUPPLEMENTAL REGULATIONS (8.3.5.N)**

Section 8.3.5.N of the CDO sets forth supplemental regulations for the development of banquet homes. The Commission found that the application met these requirements when the original special use permit was approved for establishment of the banquet home. Part 3.A below is the only part of these supplemental regulations that is applicable to the amendment to the special use permit.

#### **3. APPROVAL CRITERIA**

- A. All required off-street parking shall be provided in the rear yard and shall be located in such a manner as to not be visible from the public right-of-way. For minimum off-street parking requirements see § 10.3.**

The proposed development has all parking placed completely behind the principal structure, including the new parking areas.. The property is heavily wooded and the parking will not be visible from the public rights-of-way, including Sunnyside and Ingleside Drives. The proposed (and existing) parking meets this requirement.

#### **APPROVAL CRITERIA FOR SPECIAL USES**

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 Commission found that the banquet home, as approved conforms to the character of the neighborhood as the residential character of the property will be maintained through a combination of preservation of the existing structure and site design. The proposed additions to the parking on site are within areas already graded and cleared and no landscaping or screening will be impacted.

- 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 property has direct access to Union Street, South which is a City maintained public street and the revision is for the addition of parking spaces and conditions related to vehicular access. The developer is committing to numerous conditions to minimize traffic hazards and to reduce on-street parking and related traffic congestion. These conditions include the use of attendants and off-duty officers (and temporary signage) to direct traffic to on-site parking, as well as encouraging car-pooling and utilizing a shuttle service.

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

The proposed parking addition is not anticipated to be noxious or offensive relative to vibration or noise given the nature of the established use on the site and the physical characteristics of the site. Existing conditions include a heavily wooded parcel, where existing tree cover has been supplemented with some additional plantings. The nature of the use would not be noxious relative to odor, smoke, dust, 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.**

Development of the proposed use should not impede development of surrounding properties as most are developed as single family residential.

**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. The proposed parking modifications of the site plan and the conditions proposed are efforts to lessen the use of off-street parking during events, and to reduce the amount of vehicle trips to the site (through the use of a shuttle and car-pooling).

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

Based upon the submitted materials, the proposed project complies with CDO requirements with respect to zoning. Applicable City departments have reviewed the proposed parking addition and the departments have no objections.

**PROPOSED FINDINGS OF FACT**

1. The applicant is Robert Ritchie and the subject property is located at 391 Union Street South.
2. The property is owned by Robert Lee Ritchie Jr. and Elizabeth Ritchie Alm (DB 98-E, PG 10.)
3. The subject property is zoned RM-2 (Residential Medium Density)
4. The property consists of 4.561 acres and is improved with a single family structure constructed in approximately 1903.
5. The Planning and Zoning Commission approved a special use permit (SUP-05-13) for the establishment of a banquet home on July 16, 2013.
6. The site plans approved as part of the Special Use Permit indicate that the proposal meets the minimum requirements of Section 8.3.5.N of the Concord Development Ordinance (Supplemental Regulations for Certain Uses).
7. The applicant has submitted a request to amend the approved special use permit.
8. The applicant has also submitted a site plan which illustrates the addition of 28 parking spaces, Fifteen (15) of the spaces are located within the gravel area and are permanent in nature. Thirteen (13) spaces are located within the grassed "overflow" area.
9. The applicant has also committed to a number of conditions addressing on-site parking and circulation.

**RECOMMENDATION AND SUGGESTED CONDITIONS**

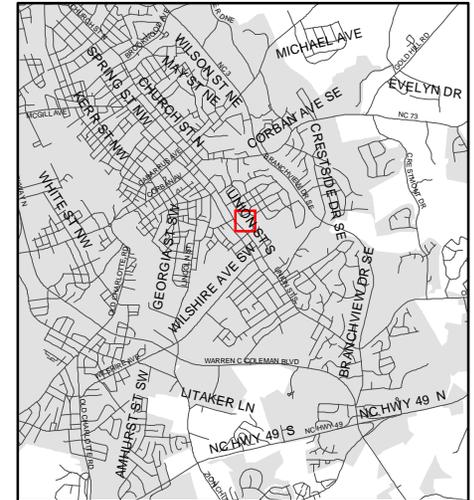
If the Commission votes to approve the special use permit, staff recommends the Commission consider adopting the following condition:

- 1) Zoning compliance permits shall be required prior to construction of the proposed parking spaces.

# SUP-05-13 Amendment AERIAL

**Request to amend  
a previously approved  
SUP for Banquet Home in a  
Residential Medium Density  
(RM-2) Zoning District  
to address guest parking  
and occupancy**

391 Union St S  
5630-24-0630



Source: City of Concord  
Planning Department

### Disclaimer

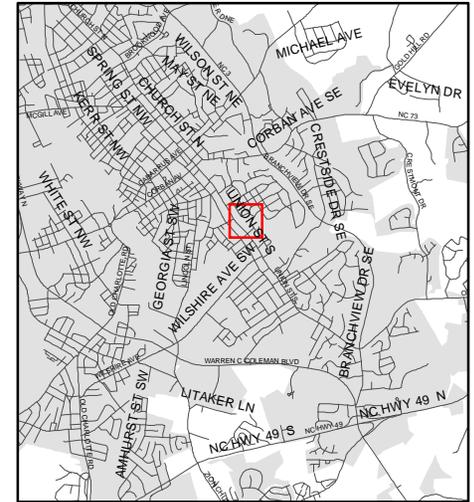
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# SUP-05-13 Amendment LAND USE PLAN

**Request to amend  
a previously approved  
SUP for Banquet Home in a  
Residential Medium Density  
(RM-2) Zoning District  
to address guest parking  
and occupancy**

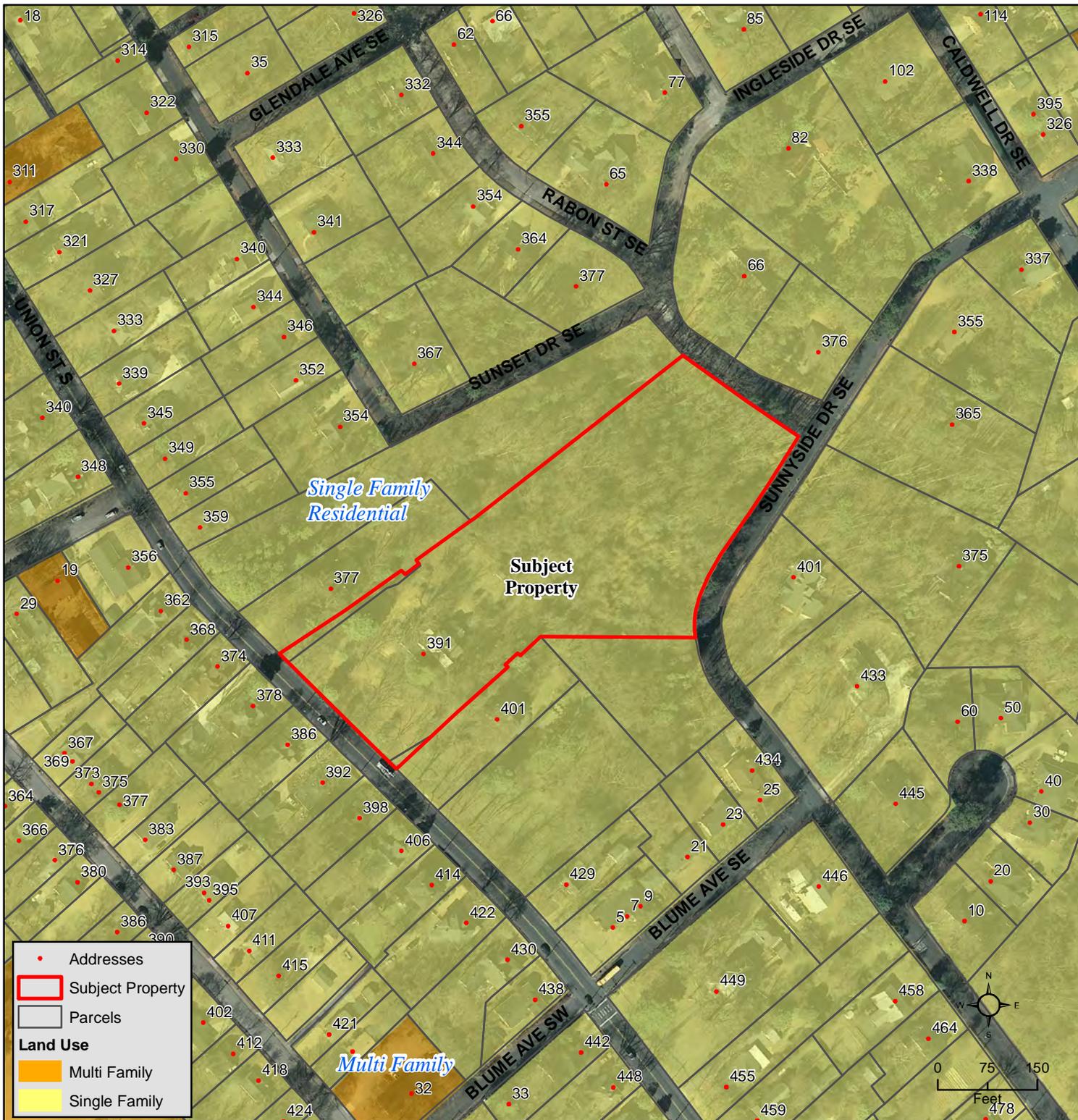
391 Union St S  
5630-24-0630



Source: City of Concord  
Planning Department

### Disclaimer

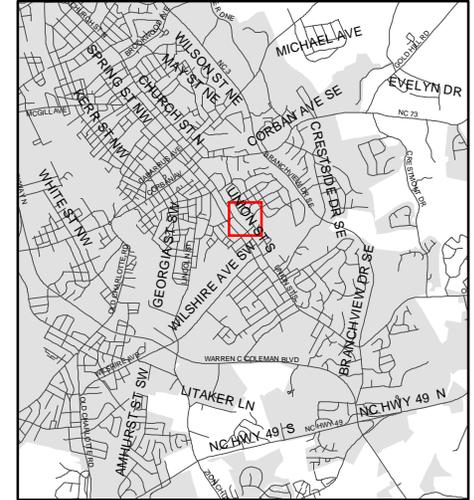
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# SUP-05-13 Amendment ZONING

**Request to amend  
a previously approved  
SUP for Banquet Home in a  
Residential Medium Density  
(RM-2) Zoning District  
to address guest parking  
and occupancy**

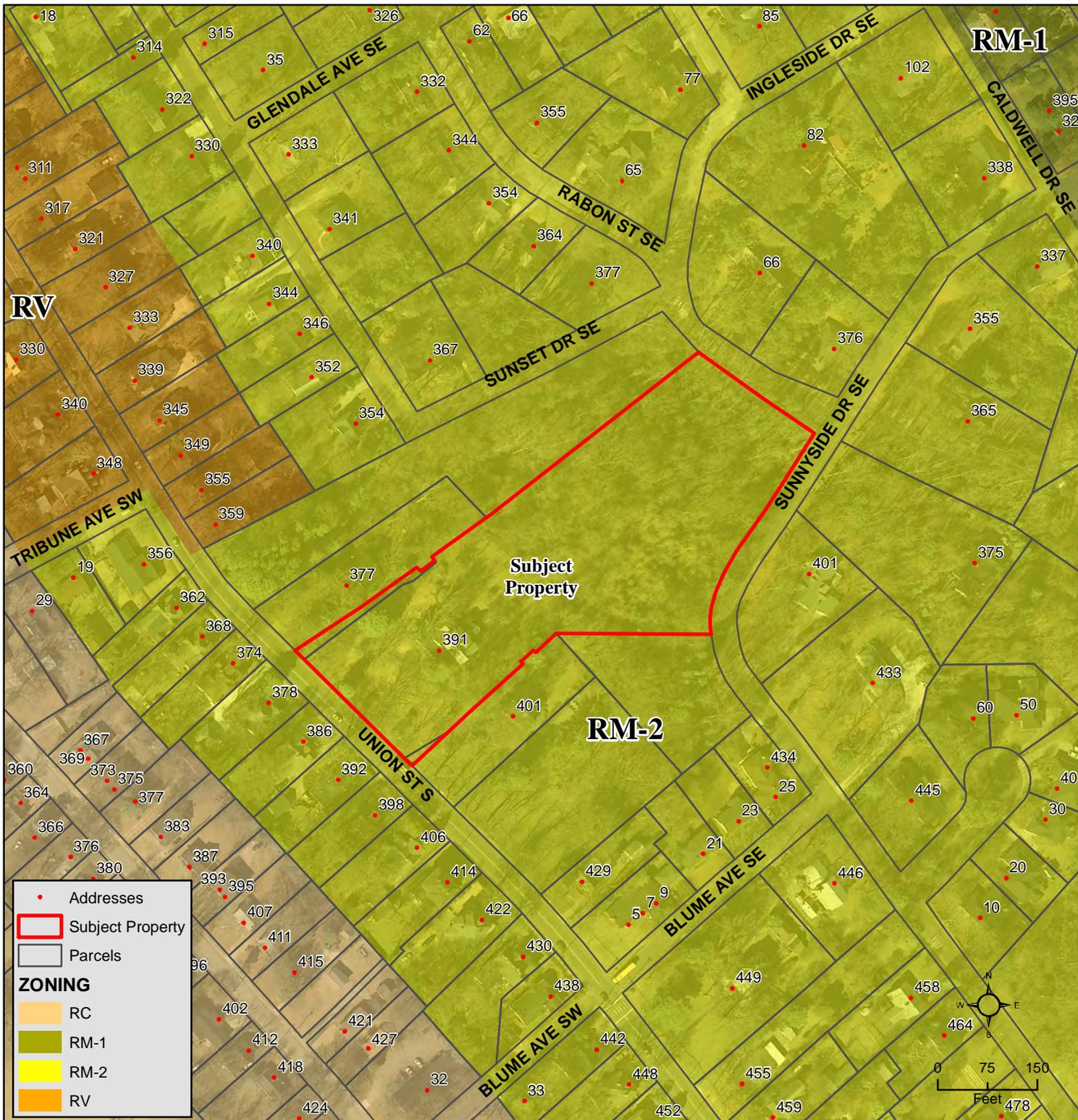
391 Union St S  
5630-24-0630



Source: City of Concord  
Planning Department

### Disclaimer

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NORTH CAROLINA

High Performance Living



Application for  
Special Use Permit

Date 5-18-15

APPLICANT NAME: Robert Ritchie COMPANY NAME: Ritchie Hill

APPLCANT ADDRESS: 406 Union St South

CITY: Concord STATE NC ZIP 28026

PHONE NUMBER OF APPLICANT: 980-621-3175

OWNER OF PROPERTY (if different from applicant) Ritchie and Alm Famly

OWNER ADDRESS: Same as applicant CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PROJECT ADDRESS (if an address exist): 391 Union St South

P.I.N.: 5630-24-0612

Area of Subject Property (in acres, or square feet): 4.34

Lot Width: varies Lot Depth: varies

Current Zoning Classification: RM-2

Existing Land Use: Banquet Home

Description of Use Requested: Same use, modify parking and guest number allowances

**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: 5-18-15 Applicant 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."  
See attached- add additional on site parking to help reduce on street parking

---

- (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."  
see attached

---

- (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."  
See attached- add additional on site parking to help reduce on street parking

---

- (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."  
see attached

---

- (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."  
see attached

---

**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):  
existing banquet home - increase on-site parking and clarify guest numbers

---

- (2) Accessory uses (if any):  
N/A

---

- (3) Setback provisions:  
N/A

---

- (4) Height provisions:

---



NORTH CAROLINA  
High Performance Living



Application for  
Special Use Permit

N/A

(5) Off-street parking and loading provisions:

Increase on site parking to help reduce on street parking

(6) Sign provisions:

N/A

(7) Provisions for screening, landscaping and buffering:

No landscaping will be removed

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

Existing - no changes

(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:

See attached

(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:

All parking is in the rear and not visible from the street

(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

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:

See attached

APPLICATION TO AMEND THE SPECIAL USE PERMIT  
FOR PROPERTY LOCATED AT 391 UNION STREET SOUTH  
TO INCREASE THE NUMBER OF PARKING SPACES  
[5] OFF-STREET PARKING AND LOADING PROVISIONS  
[15] PARKING AREAS

[5] The request to modify parking areas originally approved, in order to provide additional parking spaces, makes more efficient use of the areas previously approved. No trees or shrubs will be removed in areas proposed for the additional spaces. We are preserving currently wooded areas as well as maintaining the required 20' Class C Buffer shown in the original application. Some additional gravel may be used, but no additional areas will be disturbed or rendered impervious.

The fifteen [15] permanent parking spaces identified on the revised plan are adjacent to the spaces previously approved. Two areas have been designated for overflow parking for a total of 13 spaces. These areas are accessed from the existing parking and driveway areas and will continue to have a grass surface, which was the surface originally approved for all spaces other than the ADA parking. The overflow parking areas have already been graded sufficiently to permit access for parking.

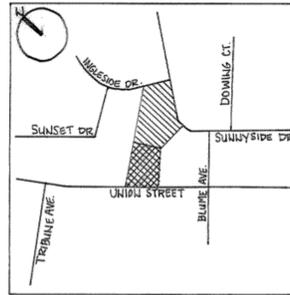
To reduce the impact of increased traffic for events, we have taken the following steps:

- 1- An off-duty officer will be present to direct guests from the street to the parking areas and also to direct traffic onto Union Street following the event. This may be waived for smaller events.
- 2- An attendant can be available to assist with unloading of passengers and directing drivers to available parking spaces.
- 3- A temporary sign will be placed near the curb prior to an event, with arrows directing traffic to "Guest Parking". This sign will be removed and stored immediately after the event.
- 4- Individuals or organizations leasing the facility for events will be provided with detailed information on the off-street parking areas. They will be asked to distribute this information to their guests and encourage the use of these parking areas.
- 5- For events which may approach the maximum capacity for the building, we will encourage the use of high occupancy transportation. This may include hotel/motel van service or the use of 15-passenger vans or smaller, "trolley type" shuttle buses from area churches and/or downtown public parking lots that are available during the event. Car-pooling will be strongly encouraged.

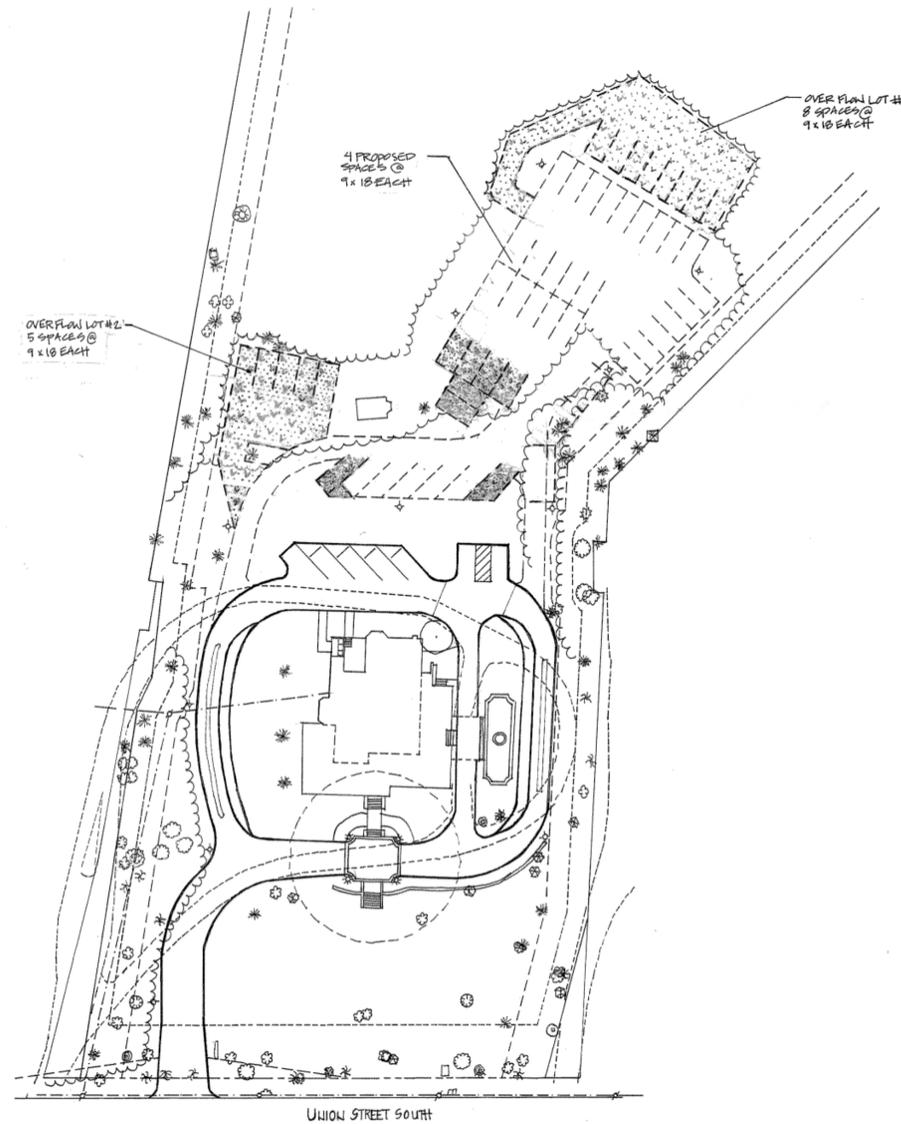
Areas of occupancy for events may include porches, porte-cochere, and interior rooms. Maximum limits have been established by the Fire Marshal for standing, seated, and dining configurations in these areas. Maximum number of guests expected to be 200 or less.

APPLICATION TO AMEND THE SPECIAL USE PERMIT  
FOR PROPERTY LOCATED AT 391 UNION STREET SOUTH  
TO INCREASE THE NUMBER OF PARKING SPACES  
[5] OFF-STREET PARKING AND LOADING PROVISIONS  
[15] PARKING AREAS

[15] All permanent and overflow parking spaces continue to be located to the rear of the structure and screened from public view from the thoroughfare.



VICINITY MAP  
(NOT TO SCALE)



**BASIC SITE PLAN**  
SCALE 1:40

**NOTES:**

EXISTING EVENT CENTER WITH SPECIAL USE PERMIT  
 AREA = 4386 AC  
 ZONING = RM-2 WITH SUP  
 USE = SAME - UNCHANGED  
 SETBACKS = 25' = F  
 = 10' = S  
 = 25' = R

PARKINGS = 1 SPACE/ 3 GUESTS  
 83 SPACES REQUIRED + EXISTING  
 ADDING 15 SPACES IN GRAVEL  
 - PARTIALLY IN EXISTING GRAVEL  
 (NEW IMPERVIOUS SURFACE = 1332 SF)  
 ADDING 13 OVERFLOW SPACES IN GRASSED AREAS  
 THEREFORE 15+13 = 28 PROPOSED SPACES  
 REQUESTED  
 28x3 = 84 GUESTS

Occupancy limit of structure per  
 Fire Code - 166 (based on porch  
 and interior of home). Additional  
 areas of occupancy (if any) will be  
 in yard areas.

NOTICE:  
 ALL FEDERAL, STATE, LOCAL, CODES, ORDINANCES AND REGULATIONS SHALL BE CONSIDERED AS PART OF PLANS AND SPECIFICATIONS FOR THIS DESIGN AND SHALL TAKE PRECEDENCE OVER ANYTHING SHOWN, DESCRIBED OR IMPLIED HEREIN UNLESS OTHERWISE SPECIFIED.  
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**Carlos Moore** EST. 1987  
 ARCHITECT PA  
 222 CHURCH ST. N. CONCORD, NC 28025  
 T-704.788.8939 F-704.782.0487  
 WWW.CMOOREARCH.COM

PROJECT TITLE: BANQUET HOME SITE PLAN  
 RITCHIE HILL  
 391 UNION STREET SOUTH CONCORD, NC  
 SHEET TITLE: BASIC SITE PLAN

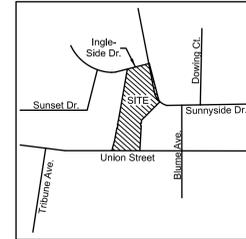
TODAY'S DATE: 05.16.2015  
 SCHEMATIC DESIGN APPR: XXX  
 ORIGINAL SEAL DATE: XXXXXXXX

REVISIONS:

DRAWING #: 150501 SPI  
 DRAWN BY: XXX  
 PROJECT MGR: XXX  
 CHECKED BY: V. MOORE

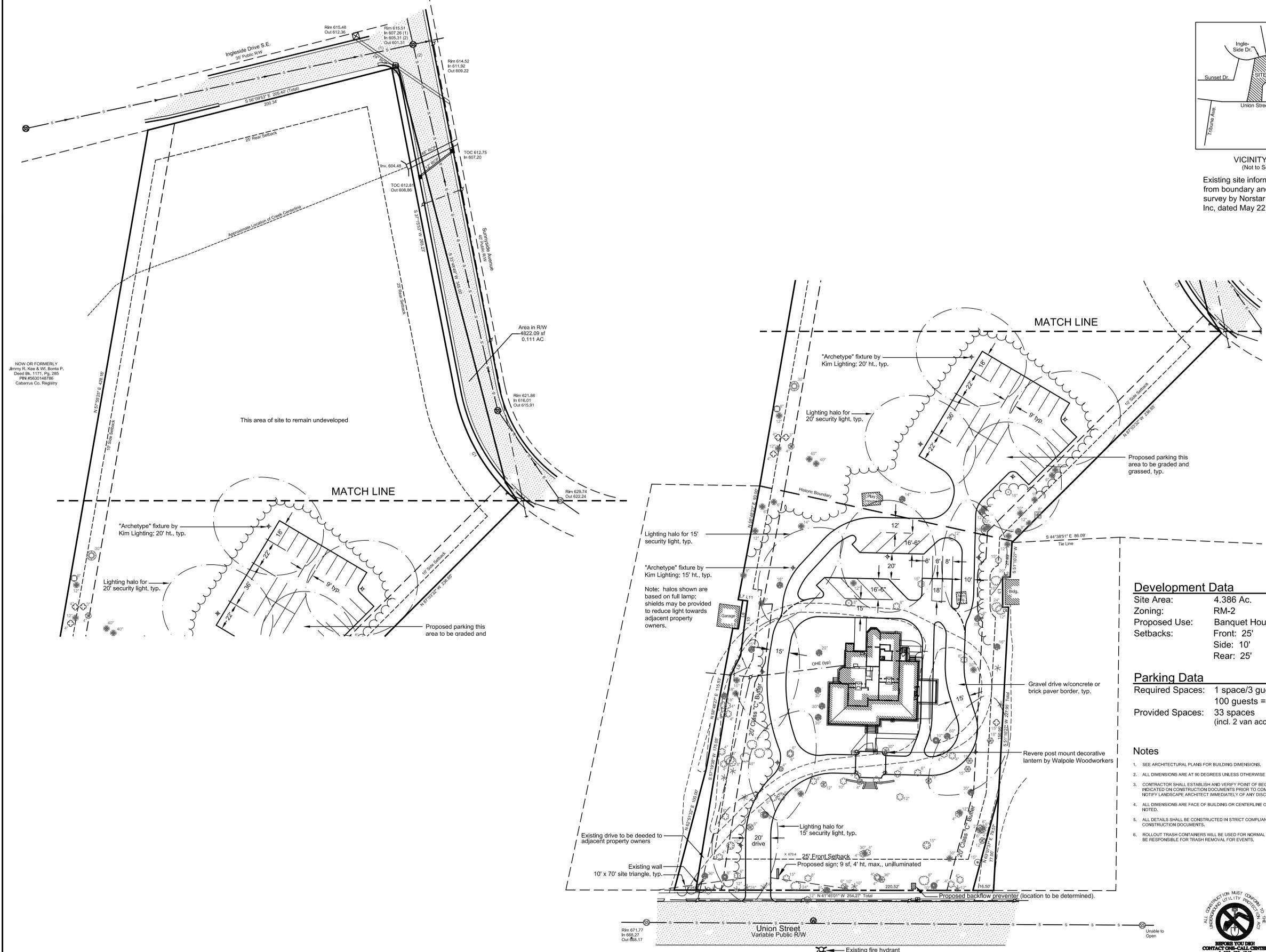
SHEET  
**SP-1**  
 TOTAL # OF SHEETS: 1  
 OF 1

NOTES:  
 1. USE MOISTURE RESISTANT GMB IN ALL TOILET ROOMS AND IN ANY PET AREAS.  
 2. ALL HARDWARE SHALL BE ADA COMPLIANT # LEVER TYPE HANDLES.



VICINITY MAP  
(Not to Scale)

Existing site information obtained from boundary and topographical survey by Norstar Land Surveying, Inc, dated May 22, 2013.



NOW OR FORMERLY  
Jimmy R. Kee & W. Bonta P.  
Deed Bk. 1171, Pg. 285  
PIN #5630148786  
Catawba Co. Registry

This area of site to remain undeveloped

Area in R/W  
4822.09 sf  
0.111 AC

Note: halos shown are based on full lamp; shields may be provided to reduce light towards adjacent property owners.

**Development Data**

Site Area:	4.386 Ac.
Zoning:	RM-2
Proposed Use:	Banquet House
Setbacks:	Front: 25' Side: 10' Rear: 25'

**Parking Data**

Required Spaces:	1 space/3 guests; 100 guests = 33 spaces required
Provided Spaces:	33 spaces (incl. 2 van accessible HC spaces)

- Notes**
- SEE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS.
  - ALL DIMENSIONS ARE AT 90 DEGREES UNLESS OTHERWISE NOTED.
  - CONTRACTOR SHALL ESTABLISH AND VERIFY POINT OF BEGINNING (P.O.B.) AND STAKE SITE AS INDICATED ON CONSTRUCTION DOCUMENTS PRIOR TO COMMENCEMENT OF CONSTRUCTION. NOTIFY LANDSCAPE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES.
  - ALL DIMENSIONS ARE FACE OF BUILDING OR CENTERLINE OF BUILDING UNLESS OTHERWISE NOTED.
  - ALL DETAILS SHALL BE CONSTRUCTED IN STRICT COMPLIANCE WITH SPECIFICATIONS AND CONSTRUCTION DOCUMENTS.
  - ROLLOUT TRASH CONTAINERS WILL BE USED FOR NORMAL TRASH COLLECTION; CATERERS WILL BE RESPONSIBLE FOR TRASH REMOVAL FOR EVENTS.

# Ritchie Hill

391 Union Street South  
Concord, North Carolina 28025

PROJECT NUMBER: 13-RH  
DRAWN BY: SFC  
DESIGNED BY: AWM  
ISSUE DATE: 6.17.13  
NO. DATE: BY: REVISIONS:

## Staking & Materials Plan Special Use Permit Review



- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN, ETC. AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
- ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND CHARLOTTE-MECKLENBURG UTILITIES SPECIFICATIONS.
- SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART P, OR AS AMENDED.



**DATE:** June 16, 2015

**CASE #:** Z -07-15

**DESCRIPTION:** Zoning Map Amendment  
Residential Compact (RC) to General Commercial (C-2)

**APPLICANT/OWNERS:** Christopher Loukos

**LOCATION:** 44 Willowbrook Drive NW (southwest quadrant of Willowbrook and Marietta Place NW)

**PIN#s:** PINs: 5621-09-3012

**AREA:** 0.65 +/- acres

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

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

**BACKGROUND**

The subject property consists of approximately 0.65 acres on the southwest quadrant of Willowbrook Drive NW and Marietta Place, NW. The property has approximately 200 feet of frontage on Willowbrook and approximately 257 feet on Marietta Place.

**HISTORY**

The subject property was annexed as part of a large involuntary annexation in June 1986. The property was zoned R-3 Medium Density Residential upon annexation and was rezoned to RC (its general equivalent) with the adoption of the Unified Development Ordinance (now known as the CDO) in 2000. According to Cabarrus County Property Appraiser data, a single family home was on the property but it has been demolished.

**SUMMARY OF REQUEST**

The petitioner proposes to rezone the property to C-2 General Commercial. The property is in an area of proposed construction for NCCOT's I-85/US 29 and 601 interchange project. When construction is completed, the property will be adjacent to the southbound connector road from I-85 to US 29 and Mall Drive.

The petitioner has provided evidence to staff that he has noticed adjacent property owners about a neighborhood meeting, in accordance with the provisions of the CDO.

Property to the north is zoned Commercial General (C-2) and is vacant land. Land to the east is zoned C-2 and is developed with single family residences. Land to the south is zoned Residential Compact (RC) and is developed with a single family residence. Property to the west is also zoned RC and is developed with a multifamily use. Additionally, an area of Limited Industrial (I-1) lies to the southeast of the subject property, on the east side of Marietta Place.

<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>	
Residential Compact (RC)	<b>North</b>	C-2	Vacant land	<b>North</b>	Vacant
	<b>South</b>	RC		<b>South</b>	Single family
	<b>East</b>	C-2		<b>East</b>	Single family
	<b>West</b>	RC and C-2		<b>West</b>	Multifamily and vacant

**COMPLIANCE WITH 2015 LAND USE PLAN**

The 2015 Land Use Plan (LUP) designates the subject property as “mixed use node”. This geographic area encompasses the area of Carolina Mall, the I-85 interchange and Northeast Medical Center. The plan states that the area has some opportunity for infill development as much of the area is built out. The plan states that C-2 zoning may be appropriate if sited appropriately and used as a buffer between single family and higher intensity commercial uses. It is likely that the vacant land to the north (fronting Kannapolis Highway) will develop with a higher intensity commercial use, and that the relatively small scale of this parcel will lend itself to a small scale commercial or office development. Given that C-2 zoning is established on adjacent property and that the request is an extension of an existing zoning pattern, the staff’s opinion is that the request is consistent with the LUP.

**SUGGESTED STATEMENT OF CONSISTENCY**

The subject property is approximately 0.65 acres, is zoned Residential Compact (RC) and is vacant land.

- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because the size and configuration lends itself to small scale commercial or office uses which would provide a buffer between the residential zoning to the south and the more intense future commercial development to the north fronting Kannapolis Highway.
- The zoning amendment is reasonable and in the public interest because the petition expands an existing C-2 district and provides for infill development which is encouraged by the LUP.

**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.

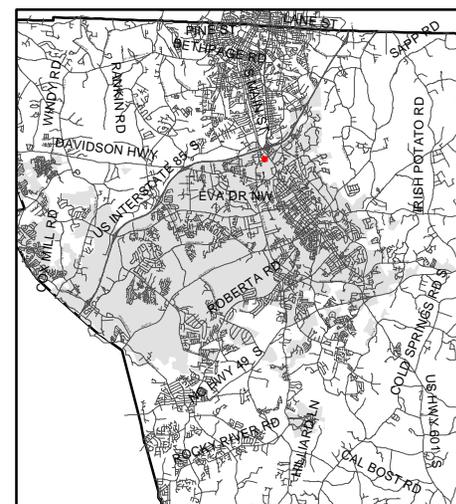
**PROCEDURAL CONSIDERATIONS**

This particular case is a rezoning to a conventional zoning 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-07-15 AERIAL

## Zoning Map Amendment application Residential Compact (RC) to Commercial General (C-2)

44 Willowbrook Dr NW  
PIN: 5621-09-3012



Source: City of Concord  
Planning Department

### Disclaimer

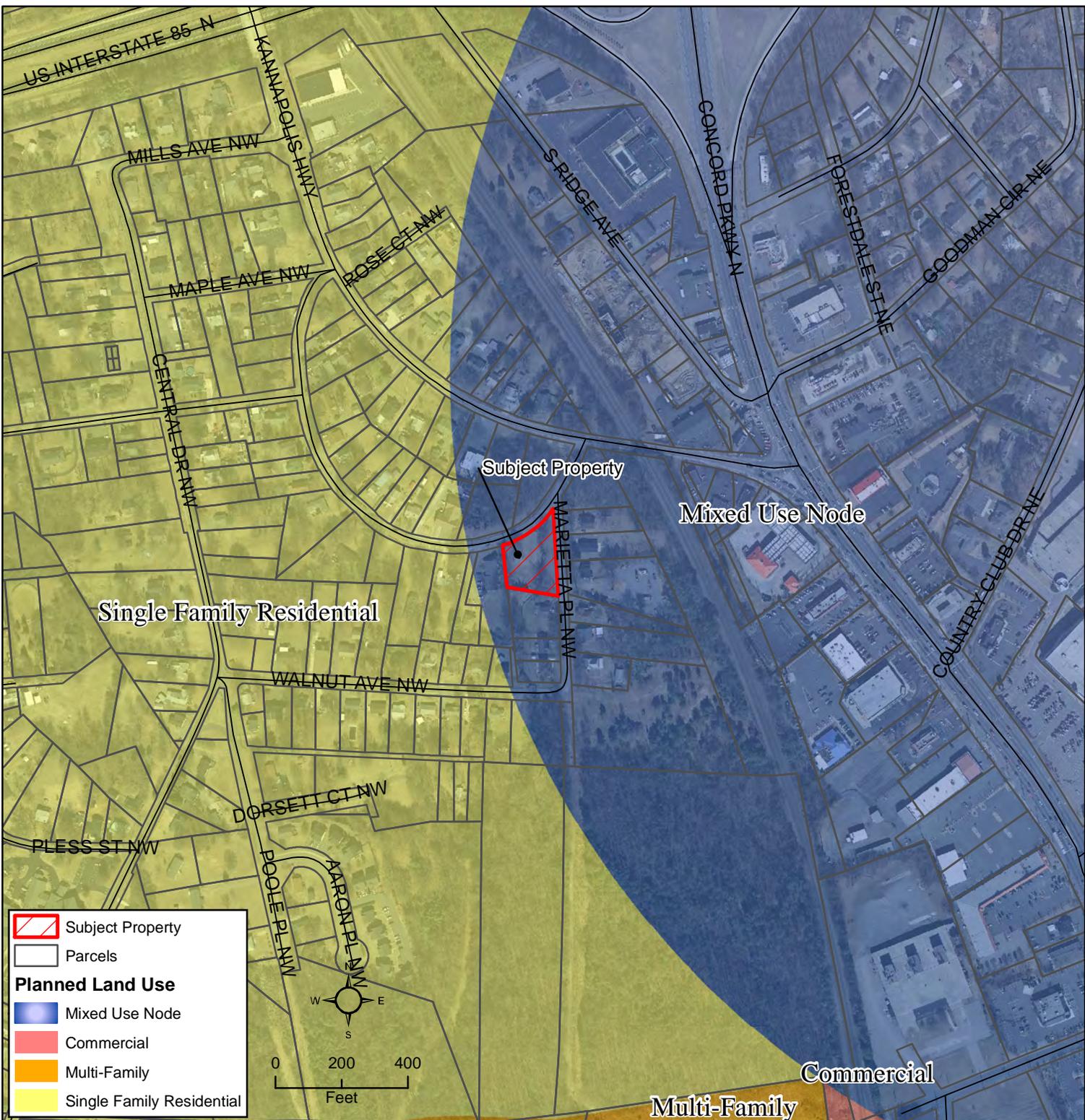
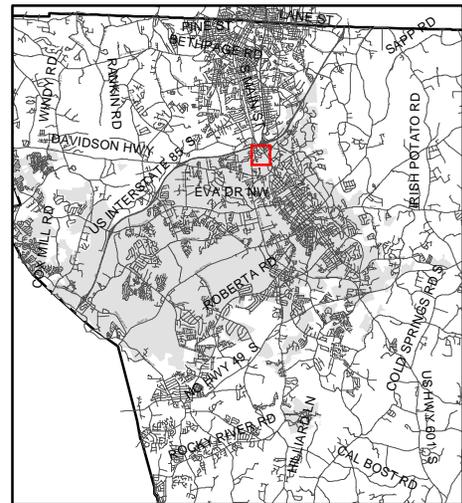
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**Z-07-15  
LAND USE PLAN**

**Zoning Map  
Amendment application  
Residential Compact (RC)  
to Commercial General (C-2)**

44 Willowbrook Dr NW  
PIN: 5621-09-3012



	Subject Property
	Parcels
<b>Planned Land Use</b>	
	Mixed Use Node
	Commercial
	Multi-Family
	Single Family Residential



Source: City of Concord  
Planning Department

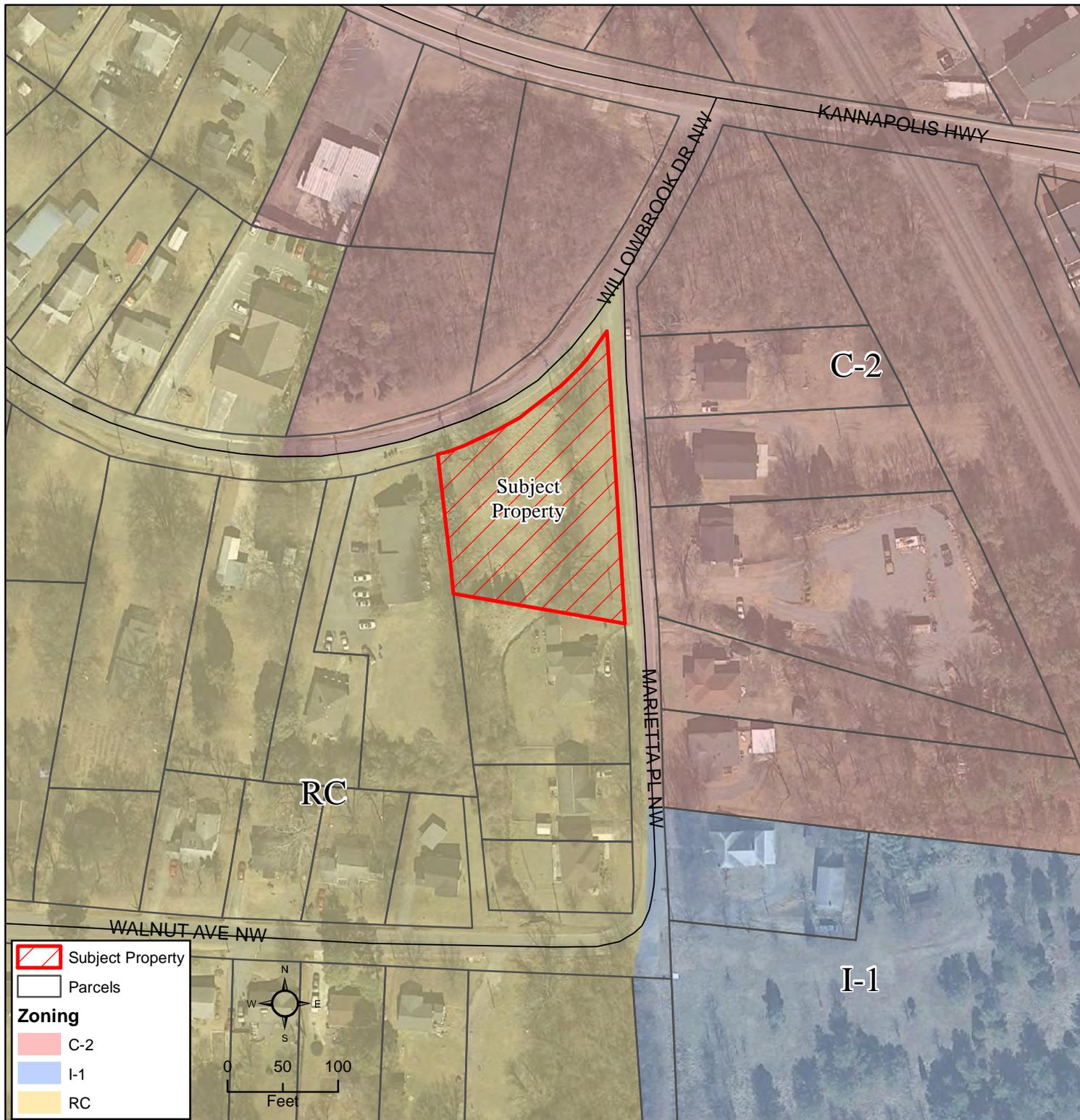
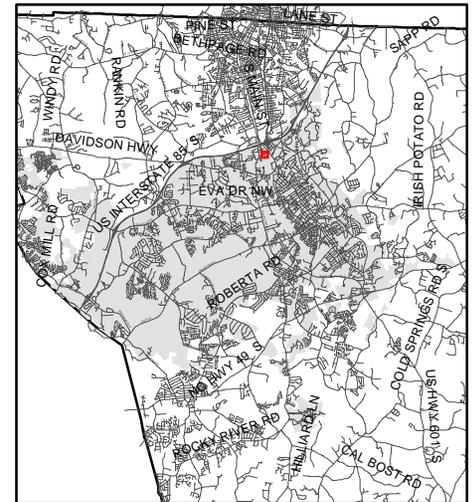
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# Z-07-15 ZONING

## Zoning Map Amendment application Residential Compact (RC) to Commercial General (C-2)

44 Willowbrook Dr NW  
PIN: 5621-09-3012



Source: City of Concord  
Planning Department

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NORTH CAROLINA

High Performance Living



Application for  
Zoning Map Amendment

(Please type or print)

Applicant Name, Address, Telephone Number: Christopher Loukos  
P.O. Box 12661  
Charlotte, N.C. 28220 (704) 605-8276

Owner Name, Address, Telephone Number: Same

Project Location/Address: 44 Willowbrook Drive Concord, NC

P.I.N.: 56 210 930 120000

Area of Subject Property (acres or square feet): .65 acre

Lot Width: 155' Lot Depth: 180'

Current Zoning Classification: RC

Proposed Zoning Classification: C-2

Existing Land Use: Vacant

Surrounding Land Use: North Commercial South Res.

East Commercial West Res.

Reason for request: Commercial development

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

Staff member signature: KEA Date: 3/3/15

**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: *C. J. Miller* Date: *3-3-15*

Owner Signature: *Same* *C. J. Miller* Date: *3-2-15*

# Memo

To: Planning and Zoning Commission Members  
From: Margaret Pearson, Director of Planning and Community Development  
Date: June 12, 2015  
Re: Indoor Recreation Go Karting

---

The Planning Department has received an inquiry for an indoor go karting track. The Ordinance does not specifically list go karting under the indoor recreation category (See Attached Use Table Indoor Recreation) It does list indoor extreme sports such as: paintball, BMX facility or skateboarding facility. (See Attached Article 8.2.6 A) However, the use Table does not list the allowed zoning districts for such facilities. The Ordinance does allow racetracks and spectator sports, including racing test track in zoning districts I-1 and I-2 as outdoor recreation. (See Attached Use Table Outdoor Recreation)

Staff is asking for the Commission’s consensus on whether go karting is in essence an extreme sport. If so, would the consensus be if outdoor racing is allowed in I-1 and I-2 then indoor racing would be allowed in the same zoning districts. Staff further asks if this is the consensus that conditions be added to the Ordinance that would limit such uses (indoor recreation) within the industrial zoning districts. Such as fronting on collector streets and limited to one in a combined development.

In the alternative, if go karting is not listed as a permitted use in accordance with the Ordinance if a use is not specifically listed it is not allowed. (See Attached Article 8.1.2) Any change to allow the use would require a text amendment that needs approval by the City Council.

Article 8. Use Regulations  
Section 8.1 Use Table

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL					COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1		I-2
Indoor Recreation [see 8.2.6.A]	Amusement Arcade, indoors only (less than 4 pool tables)												P			
	Auditorium or Assembly Hall, up to 350 seats								P	P	P	P	P			
	Auditorium or Assembly Hall, more than 350 seats								PS	PS	SS	PS	P			
	Bowling Center												P			
	Firing & Archery Range, indoors												P	P		
	Health Club, Fitness Center, Dance Studio								P	P	P	P	P	S		
	Martial Arts Studio								P	P	P	P	P	S	S	
	Motion Picture Theater, indoor										P	P	P			
	Performing Arts Company,								P	P	P	P	P			
	Pool Hall, Billiard Parlor (4-16 pool tables)										PS		PS			8.3.5.A & City Code Chapter 6, Article II
	Sexually-Oriented Business												SS	SS	SS	8.3.5.B
Skating Rink, indoor												P	S			
Office [see 8.2.6.B]	All Offices, except as listed below								P	P	P	P	P	P		
	Advertising & Related Services								P	P	P	P	P	P		
	Bail Bonding Office											P	P			
	Collections Agency								P	P	P	P	P			
	Counseling Office								P	P	P	P	P			
	Credit Bureau									P	P	P	P			
	Data Processing, News Service									P	P	P	P			
	Detective Agency								P	P	P	P	P			
	Electric, Heating, Air Conditioning, Ventilating, Plumbing Sales, Service, and Contractor's Office Without Outdoor Storage										P		P	P	P	
	Engineering, Architect or Surveying Office								P	P	P	P	P			

Article 8. Use Regulations  
 Section 8.2 Use Categories

8.2.6. COMMERCIAL USE CATEGORIES

**A. Indoor Recreation**

<b>Characteristics:</b> Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Adult entertainment Auditorium / Assembly Hall, up to 350 seats Auditorium/ Assembly Hall, more than 350 seats Convention center Extreme sports such as paintball, BMX facility or skateboarding facility (indoor) Gymnastic facility, indoor sports academy Health Club & Fitness Center Amusement Arcade (indoor only) including less than 4 pool tables, bowling alleys, game/ amusement arcade Indoor firing range Pool/ Billiard Hall or Parlor (4 to 16 tables) Membership club or lodge Movie or other theater Performing Arts Company & Artist Sexually-Oriented Business Skating Rink, indoor	Ancillary indoor storage Associated office Concession Food preparation and dining area Off-street parking Pro shop or sales of goods related to the on-site activities of the specific use	Community recreational facility, non-profit (see Community Service) Dance, martial arts, music, art or photographic studio or classroom (see Retail Sales and Service) Outdoor entertainment (see Outdoor Recreation)

Article 8. Use Regulations  
Section 8.1 Use Table

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
	Financial Institution								P	P	P	P	P			
	Industrial Design Service									P	P	P	P	P		
	Insurance Agency								P	P	P	P	P			
	Legal Service								P	P	P	P	P			
	Motion Picture and Sound Recording Studio								P	P	P	P	P			
	Scientific Research & Development Service											S	P	P		
	Stock or Security Brokerage Firm								P	P	P	P	P			
	Telemarketing, Call Centers								P	P	P	P	P	P		
	Photography, Television, Radio and Film Studio								P	P	P	P	P	P		
	Bank Teller Machine, outdoor (principal or accessory use)							P	P	P	P	P	P	P	P	
Outdoor Recreation [see 8.2.6.C]	Amusement Park	P											P	P	P	
	Baseball Hitting Range												P			
	Country Club	P	P	P	P	P	P					P	P			
	Equestrian Boarding, Riding Arena, commercial	P														
	Golf Driving Range	P										P	P			
	Miniature Golf Course												P			
	Motion Picture Theater, drive-in	S											S	P		
	Racetrack and Spectator Sports, including racing test track														P	P
	Recreational Instruction and Camps, Indoor or Outdoor	P								P	P	P	P	P	P	
	Zoo, public or private	S												S	S	
Hotel, Motel, Inn, etc [see 8.2.6.D]		PS							P	P	P		P			

Article 8. Use Regulations  
 Section 8.2 Use Categories

**C. Outdoor Recreation**

<b>Characteristics:</b> Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Such activities may take place wholly outdoors or within a number of outdoor structures.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Circus ground Drive-in theater Equestrian Boarding & Riding Arenas, commercial Executive par three golf course Extreme sports such as paintball, BMX facility or skateboarding facility (outdoor) Farmers market or flea market (outdoor) Golf course, country club Outdoor recreation activity such as archery range, baseball hitting range, golf driving range, mini-amusement park, miniature golf facility, outdoor firing range, swimming pool, tennis court water park, riding academy or public stable Recreational vehicle (RV) park, campground, commercial hunting or fishing camp, dude ranch Sports academy for active recreational or competitive sports Stadium or arena, dog or horse track, motor vehicle racing track or facility, commercial amphitheater, ballfield Tourist attraction Winter quarters or training quarters Zoo, public or private	Ancillary indoor storage Associated office Caretaker or security person housing Classroom Clubhouse Concession Day care facility Dock or pier Dormitory Equipment storage Food preparation or dining area Jogging, hiking, fitness and other types of trails. Maintenance facility Off-street parking Pro shop or sales of goods related to the on-site activities of the specific use Rain shelter Restaurant	Athletic, tennis, swim or health club (see Retail Sales and Service) Botanical garden, nature preserve (see Parks and Open Areas) Indoor recreational facility (see Indoor Recreation)

## ARTICLE 8. USE REGULATIONS

### 8.1 USE TABLE

#### 8.1.1. GENERAL

- 8.1.2. No use shall be permitted pursuant to this Ordinance, and no Development Permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless all applicable permits and approvals have been issued by the agency or official with final decision-making authority. Those uses permitted as Primary Uses or Buildings within each zoning district shall be those uses listed in the Use Table 8.1.8
- 8.1.3. Permitted Accessory Uses are set forth in § 8.4 while permitted Temporary Uses are set forth in § 8.7. If a Primary use is listed as prohibited in a Zoning District, but is permitted as an Accessory Use in § 8.4, the use is permitted only as an Accessory Use to a Principal Use or Principal Building on the same lot, tract or parcel. Such uses cannot be established unless and until there is a Principal Use or Principal Building on the same lot, tract or parcel to which that use is accessory.
- 8.1.4. Notwithstanding any provision of this Article to the contrary, uses which are preempted by state statute may not be listed in the Use Table, and may be permitted in accordance with state law.
- 8.1.5. Uses in the PUD, PRD, TND, MXD, HPOD and PID districts shall be governed by their respective Sections in this Ordinance and are not included in the Use Table.
- 8.1.6. The names of uses in the permitted use table and section 8.2.2. are generic and based on common meanings, not on what a use may be called by the public, applicant or owner. The Administrator shall define suggested uses to fit into the definitions found in this Ordinance.

#### 8.1.7. USE TABLE KEY

##### A. Types of Use

##### 1. USES PERMITTED BY RIGHT (P)

The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of this Ordinance.

##### 2. PERMITTED USES WITH SUPPLEMENTAL REGULATIONS (PS)

The letters "PS" indicates that the listed use is a use permitted by right within the zoning district. However, the use is also subject to specific design regulations as prescribed in § 8.3. The specific reference is indicated in the "Standards" column of the use table.