



DATE: January 19, 2016

DESCRIPTION: Administrative Zoning Map Amendment
Cabarrus County General Industrial – Special Use
(GI-SU) to City of Concord Heavy Industrial
Conditional District (I-2)

CASE NUMBER: Z-29-15

OWNERS SL 100 Derita Road LLC c/o Silverman Group

LOCATION: West side of Derita Road, south of Poplar Tent Road

PARCEL PIN: 4680-73-2568

AREA: +/- 136.60 acres

ZONING: Cabarrus County General Industrial – Special Use
(GI-SU)

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

BACKGROUND

The subject property is located on the west side of Derita Road south of Poplar Tent Road. The subject property was annexed on a voluntary basis with an effective date of October 8. As a result, the City must place its zoning on the property. The application of the zoning has been delayed to allow the applicant fashion a site plan to reflect the conditions of the current County zoning.

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. An excerpt from the County Commission meeting, which details this zoning approval, is included in the staff report materials.

As the Commission will recall, the parcel directly to the north was annexed and subsequently assembled into the parcel at fronting Poplar Tent Road, and rezoned to Conditional District I-2 in 2014. At the May meeting, the Commission rezoned these properties (Z (CD)-12-15) to Light Industrial Conditional District (I-1CD). This property is currently being developed as the River Oaks Industrial Park.

SUMMARY OF REQUEST

The site plan indicates the development of four structures, totaling approximately 1.6 million square feet. The petitioner has included a condition on the site plan that would allow the layout to change in such a manner as to allow a greater number of buildings (in which case the overall square footage would be reduced.) The plan indicates that the total number of buildings on the site would not exceed eight (8).

The DRC has reviewed the site plan and the proposal meets the minimum requirements of the CDO. Transportation staff has indicated that a traffic study will be required to technical site plan approval, and that there is no objection to the project proceeding to the rezoning process. The site plan indicates two access points on Derita Road and the forthcoming NCDOT roadway improvements are indicated on the site plan.

The site plan includes numerous uses that will be prohibited under the proposed rezoning, and those prohibited uses are substantially similar to those that were approved under the County’s GI-SU zoning. Uses prohibited on the site include:

- Concrete batching and asphalt processing and manufacture;
- Primary metal processing and manufacturing;
- Sawmill;
- Livestock or poultry slaughtering;
- Truck terminal;
- Junkyards/salvage yards;
- Airport;
- Stadium or arena;
- Resource extraction;
- Landfill;
- Dog or horse track; and
- Motor vehicle racing track.

The applicant has proposed this list of uses based upon the current definitions contained in the CDO. Furthermore the applicant has indicated that the architecture of the structures on the site will be consistent with the other developments constructed by the same developer in the vicinity. These developments include properties in the Airport Business Park as well as the Amazon distribution facility on the east side of Derita Road. A representative architectural rendering is included in the staff report materials. Detailed architectural plans will be reviewed at the time of technical site plan approval.

The subject property has approximately 3,000 linear feet of frontage along Derita Road. The western most portion of the subject property is subject to the floodplain of Rocky River.

The property is contiguous to Heavy Industrial (Conditional Use) to the south (new S&D Coffee development), and to Light Industrial conditional district (River Oaks) to the north.

Land to the east is zoned Cabarrus County Low Density Residential (LDR) and is developed with the Misty Woods and Twin Creeks subdivision. LDR and single family property is also located to the south. Cox Mill High is located to the west, across Rocky River. The Cox Mill High school site is zoned Residential Low (RL).

Existing Zoning and Land Uses					
Zoning of Subject Property	Zoning Within 500 Feet		Land Uses(s) of Subject Property	Land Uses Within 500 Feet	
Cabarrus County General Industrial Special Use (GI-SU)	North	Light Industrial Conditional District and Conditional Use (I-1CD & I-1CU)	Vacant	North	Industrial Park (under development)
	East	Cabarrus County Low Density Residential (LDR)		East	Vacant and single family residential
	South	Heavy Industrial Conditional Use (I-2-CU) and Cabarrus County Low Density Residential (LDR)		South	Industrial and single family residential
	West	Residential Low (RL) and Cabarrus County Low Density Residential (LDR)		West	High school and single family residential

COMPLIANCE WITH 2015 LAND USE PLAN

The 2015 Land Use Plan (LUP) designates the subject property as “industrial.” The LUP designates the entire area south of Poplar Tent Road and in the vicinity of Concord Regional Airport as “industrial”. I-2 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 136.6 acres.
- The 2015 Land Use Plan designates the subject property as “industrial.”

- The subject property is vacant land and is zoned Cabarrus County General Industrial Special Use (GI-SU), and was annexed on a voluntary basis with an effective date of October 8.
- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because the proposed zoning of Heavy Industrial-Conditional District (I-2CD) is equivalent to the zoning approved in Cabarrus County.
- The zoning amendment is reasonable and in the public interest because the petition assigns a comparable zoning district to the existing county zoning, which has been in place since 1997. Furthermore, the amendment provides flexibility to allow the development of the site in a manner similar to that of the other industrial properties along Derita Road.

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 “Conceptual Site Plan for 1000 Derita Road” dated 12/15/15.

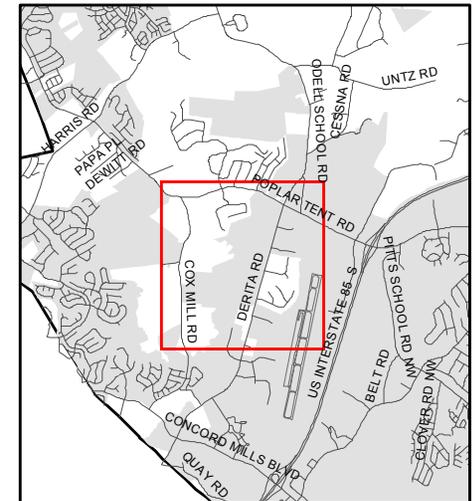
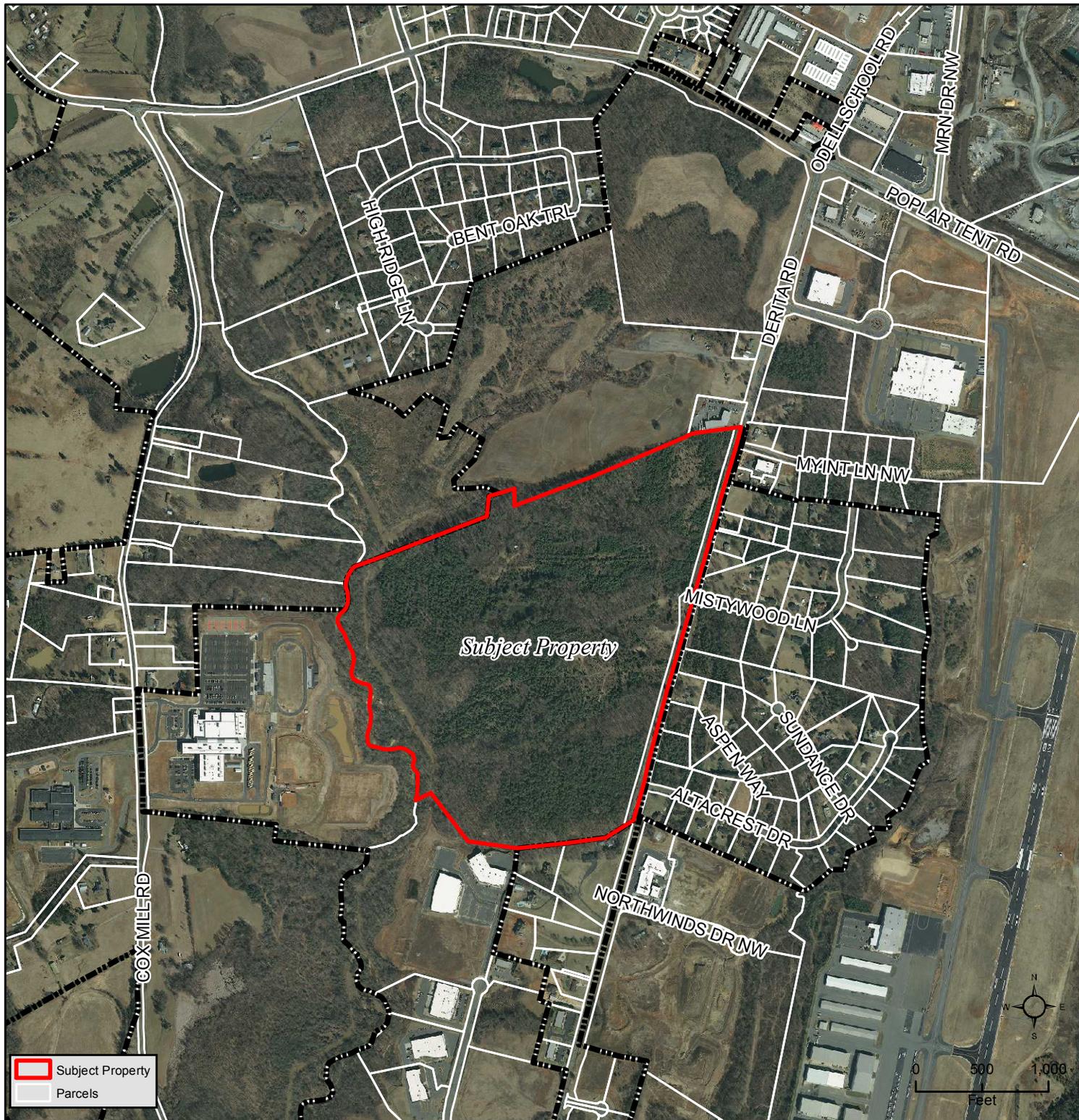
PROCEDURAL CONSIDERATIONS

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-29-15
ZONING MAP**

**Zoning Map
Amendment
Cabarrus County General
Industrial Special Use (GI-SU)
to City of Concord
Heavy Industrial
Conditional District (I-2CD)**

Derita Road
PIN: 480-73-2568



Source: City of Concord
Planning Department

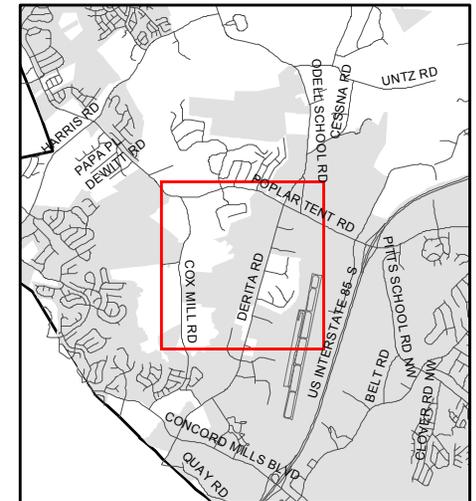
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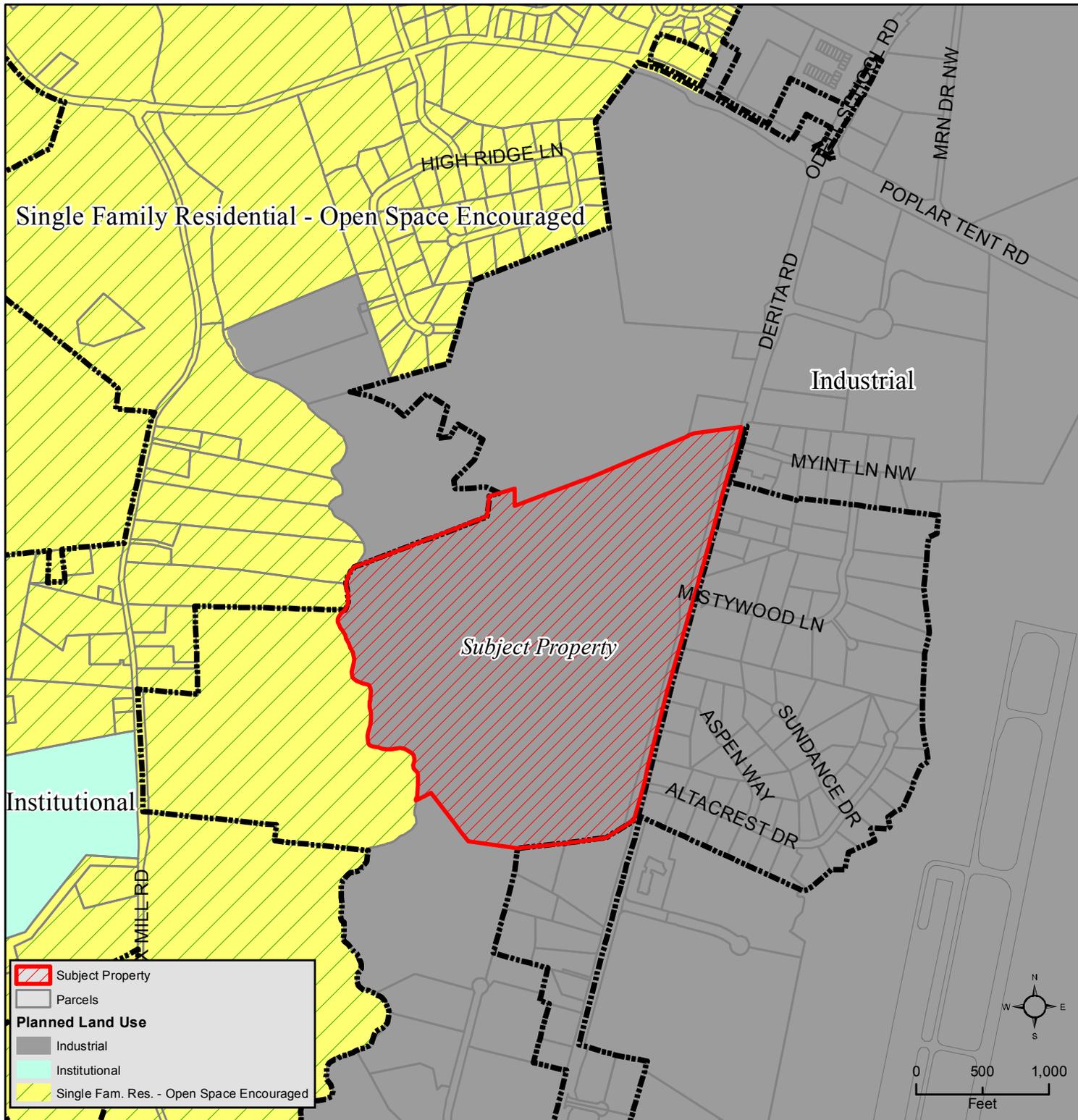
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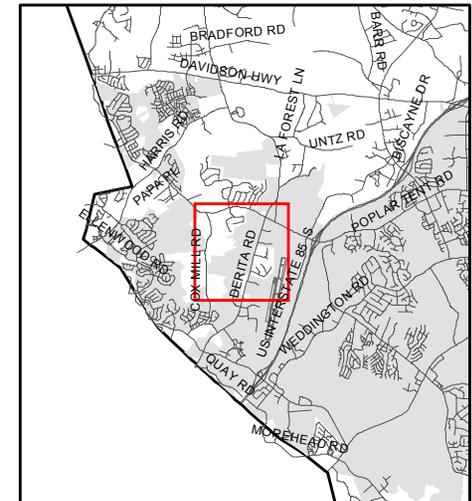
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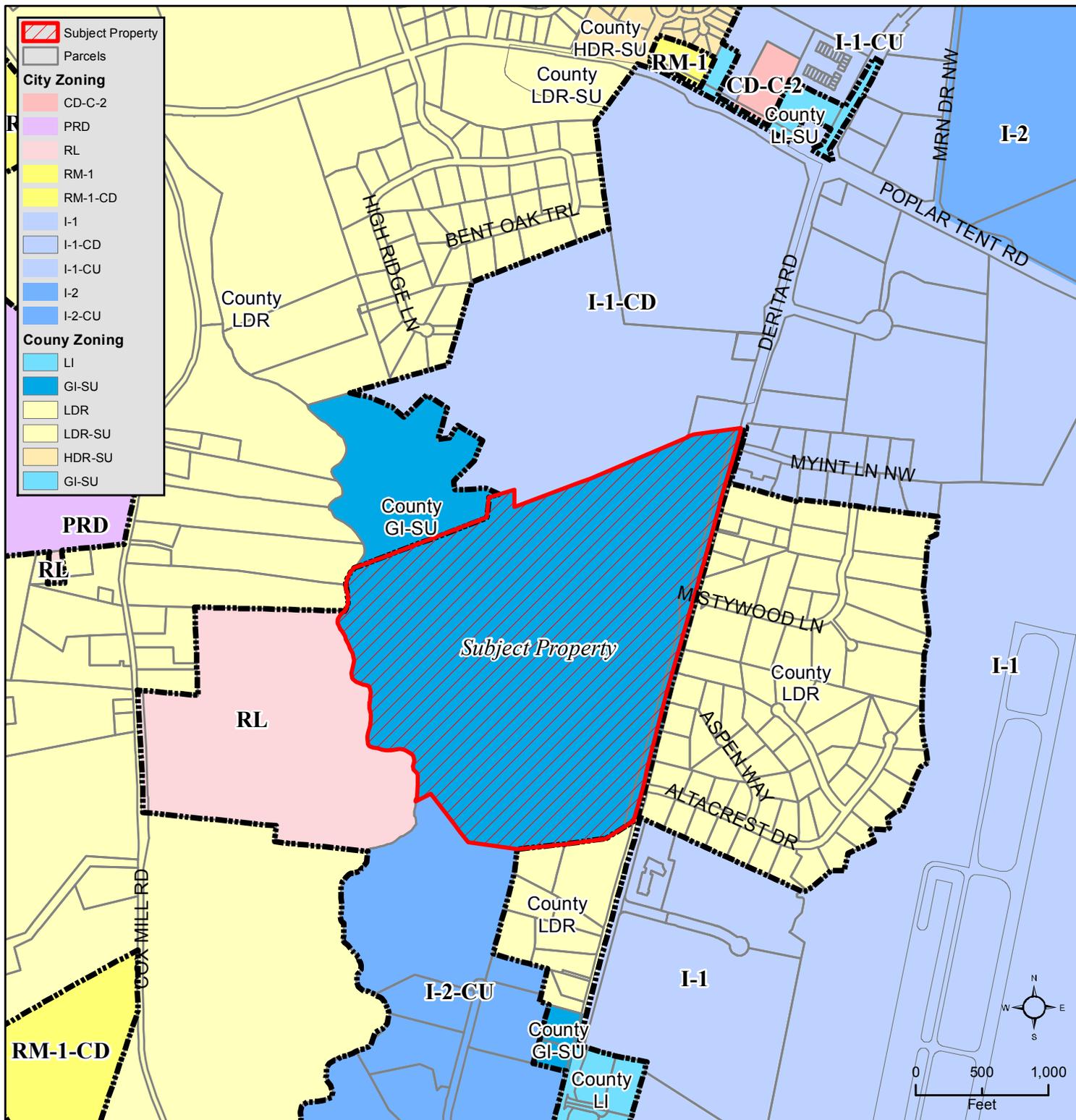
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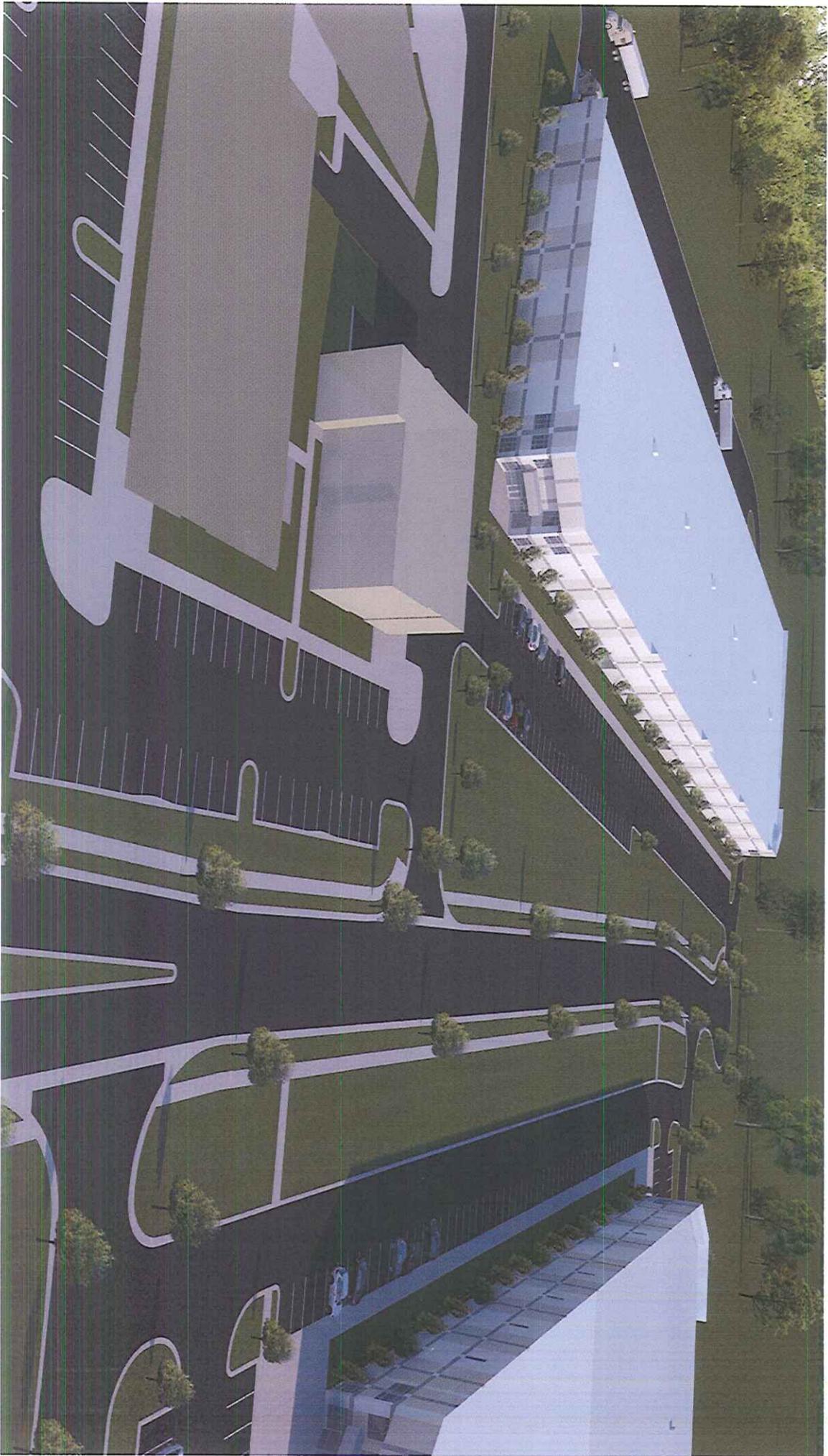
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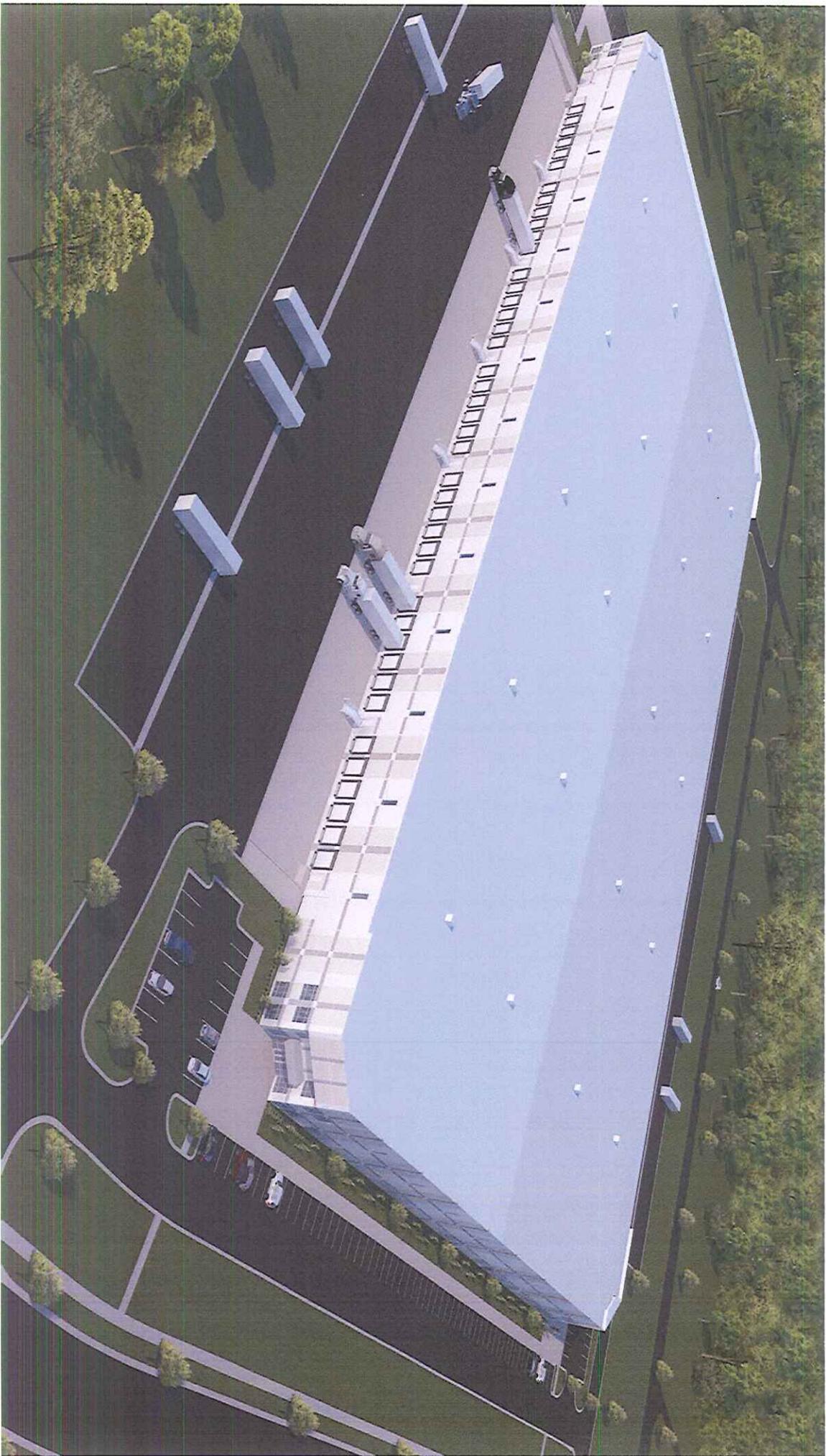
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Commission shall review each subdivision, multi-family development, and mobile home park to determine if public facilities are adequate to serve that development.

The public facilities to be considered include, but are not limited to schools, fire and rescue, law enforcement and other county facilities. Applicable state standards and guidelines shall be followed for determining whether facilities are adequate. Facilities must be in place or programmed to be in place within two years of the preliminary approval to be considered adequate. The Planning and Zoning Commission may grant partial approval of developments based on limited adequacy.

Adopted this the 20th day of January, 1998 by the Cabarrus County Board of Commissioners.

/s/ Sue B. Casper, Chairman
Sue B. Casper, Chairman
Board of Commissioners

ATTEST

/s/ Frankie F. Bonds
Frankie F. Bonds, Clerk to the Board

There was discussion regarding the need for a second reading of the Ordinance. Mr. Hartsell will review the issue, and the Ordinance will be placed on the next agenda if it is determined a second reading is needed.

Zoning Atlas Amendment - Petition 97-19 to Rezone 440± Acres on the West Side of Derita Road from Medium Density Residential to General Industrial - Special Use (Proposed Amendments to Western Area Plan) - Public Hearing - 7:00 P.M.

Mr. Jonathan Marshall, Planning Services Director, presented Petition 97-19 to rezone property located on the west side of Derita Road between Polar Tent Road and the southern boundary of the Motley property from Medium Density Residential and Limited Industrial to General Industrial Special Use. The purpose of the rezoning was to create an industrial park adjacent to the Concord Regional Airport. The petitioners were as follows: First Union National Bank, Trustee; Hoyle R. Motley; Jennifer Rene Motley; Michael & Suzanne Motley; Ralph and Margie Bonds; Hoyle and Nancy Holland; Edwin and Edna Starnes; and Buran Efrid. The property PIN numbers were as follows: 4680-73-2568, 4680-61-7495, 4680-71-5336, 4680-87-4394, 4680-75-4923, 4680-86-9149, 4680-72-3343, 4680-85-7589, 4680-85-8723, 4680-85-6647.

Mr. Marshall reviewed the information contained in the Agenda, including the Planning Staff Report, requested excluded uses within the GI-SU district, a Comparison of Allowable Land uses in the GI-SU District and the Limited Industrial zone, the Staff Analysis, proposed changes to the Western Area Plan and the request for vested rights by Hoyle Motley for six residential units as a condition of the rezoning. He reviewed the location of the property on the map and reviewed area relationships, surrounding zoning patterns as they exist and as they have changed. Further, Mr. Marshall discussed factors affecting zoning in the area including water and sewer improvements since 1992 and transportation issues such as the projected traffic count of 55,000 vehicles per day, the development of I-485, the redevelopment of that portion of Kings Grant Boulevard between I-85 and Derita Road, and the continued growth of the Concord Regional Airport. He advised that the conditions as currently agreed to by the petitioners are outlined in a letter from Mr. Glen Bardymon, Attorney representing the First Union National Bank Trust. In conclusion, Mr. Marshall recommended approval of the recommended changes to the Western Area Plan as set forth in the agenda in conjunction with the approval of the rezoning request. Also, he outlined the Findings of Fact as contained in the agenda package in support of the rezoning.

Mr. Hartsell and the Clerk affirmed those persons who indicated they wished to speak during the public hearing, including the petitioners or persons representing the petitioners who were present for the meeting.

Chairman Casper opened the public hearing on Petition 97-19.

Mr. Ed Hill, Chairman of the Planning and Zoning Commission, reported the Commission voted to deny the petition by a 5 to 4 vote at its meeting on December 18, 1997. He advised the majority had reservations due to buffering adjoining Beech Bluff subdivision, traffic impact and the Western Area Plan which calls for residential development. Mr. Hill stated those in the minority considered the assessment of traffic impact in the area, the type of growth the airport and

other projects have brought to the area and the need to update the Western Area Plan. He advised that additional buffering was considered; however, the petitioners declined such.

Chairman Casper asked that those persons addressing the Board limit their comments to two minutes.

Mr. Maurice Ewing, President of the Economic Development Corporation, introduced the presentation in support of the rezoning. He discussed the need for additional industrial land in Cabarrus County, specifically along the I-85 corridor. Mr. Ewing cited the loss of 1,400 industrial acres in King's Grant and pointed out that only 250 industrial acres remain available in the International Business Park. Further, he stated that many of the industrial acres across the county are not marketable as industrial property. Mr. Ewing advised that the proposed industrial development schedule would spread the infrastructure over a ten-year period while residential development would occur much faster. In conclusion, he stated the real issue is revenue or expense.

Mr. Alex Rankin of Concord Engineering and Surveying presented the new concept plan for the development of approximately 500 acres with eight property owners. Stating the site is a desirable project for a high quality development comparable to the International Business Park, he listed the following factors in support of the rezoning: proximity to I-85 and the Concord Regional Airport; accessibility to I-77 by Highway 73; direct accessibility to I-485 when it is constructed; available water service from Derita Road; and current construction of sewer along Rocky River. Mr. Rankin reviewed the proposed buffers, including the use of Rocky River as a buffer and the 100-foot land buffer that would protect the adjacent property owners to the north. In response to concerns raised at the Planning and Zoning Commission meeting, he advised that the petitioners had made several modifications to the concept plan. Although the proposed development will not be the sole cause of increased traffic in the area, the petitioners have agreed to reserve 50 feet from the center line of Derita Road and Poplar Tent Road for future road improvements. Further, the petitioners will limit future driveway connections to one connection for parcels of 50 acres or less, two for parcels of 100 to 150 acres and three for parcels over 150 acres. Also, Mr. Rankin stated the concept plan had been changed to an open plan to accommodate quality large scale industrial users. If the property remains residential, Mr. Rankin pointed out that 1,024 lots could be developed under current density regulations. In conclusion, he stated the property owners had agreed to exclude the following uses: 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; race tracks/animal and mechanical; and tire recapping.

Chairman Casper asked the petitioners if they were in agreement to the excluded uses as listed by Mr. Rankin. They answered in the affirmative.

Mr. David Holland supported the rezoning, stating the flight pattern for the Concord Regional Airport is over the property. He presented photographs of residential areas near the airport in Charlotte and expressed concern about the negative impact of airport expansions and traffic increases on residential developments.

Mr. Jerry Newton, spokesman for several adjoining property owners, spoke in opposition to the rezoning. He referenced material that was included in the agenda packet, including information presented at the Planning and Zoning Commission and the petition from residents of Beech Bluff in opposition to the rezoning. Mr. Newton outlined the following objections to the rezoning: (1) Availability of other industrial sites in the county, including property at King's Grant and a site less than one-eighth of a mile from the proposed project; (2) Rezoning violates the spirit and intent of the Western Area Plan; (3) Present zoning does not deny the property owners a reasonable use of their land; (4) Traffic will overload Derita Road having a carrying capacity of 7,000 to 10,000 trips per day with projections for the development at 50,000 trips per day; (5) Proposed development is too large, too intrusive and too intensive for the area; (6) Petitioners seek approval of uses that should not be included, i.e. volatile materials warehouse; (7) Proposed rezoning does not meet the intent of the Zoning Ordinance nor the General Industrial zoning district; (8) Applicants have withdrawn previously submitted concept plan with the residents having no opportunity to review the new plan presented at this meeting; (9) Petitioners are not willing to dedicate land for road improvements; (10) All public facilities, specifically road service, are not in place; and (11) the Plan provides only

minimal buffering required by the Zoning Ordinance. Mr. Newton stated in his opinion the revised plan was not responsible and disregarded the effects on neighbors, the future Concord Mills Mall and anyone traveling in the area. In conclusion, he pointed out that the Poplar Tent Beautification District Advisory Board had not reviewed nor made recommendations regarding the proposed changes to the Western Area Plan although a portion of the site lies within the District.

Mr. Don Stafford, resident of Beech Bluff Subdivision, asked that the Board protect the residents and give a reasonable transition between the proposed industrial park and the residents of Beech Bluff.

Dr. David Hartgen, resident of Beech Bluff and Professor of Transportation Studies at the University of North Carolina at Charlotte, addressed transportation concerns. He stated the proposal puts more traffic on a two-lane rural road (10,000 vehicles per day) than is capable of being carried by a four-lane urban arterial (40,000 to 45,000 vehicles per day). He stated in his opinion there is no way the proposal if built can be served by the road system as planned now or likely to be proposed or improved in the future by the Department of Transportation. Dr. Hartgen stressed the need to have a plan to put the infrastructure in place prior to allowing that kind of development.

Mr. John McNeill, resident of Derita Road, expressed concern about the proposed development. He questioned notification to the residents of Twin Creeks and Mistywood Subdivisions and asked what happens to those families and investments when they are surrounded by industrial property.

Mr. Mark Oden, resident of Beech Bluff, opposed the rezoning. He expressed concerns about increased traffic in the area and possible construction in the flood plain.

Mr. Khan Masud, fourth grade student at Odell Elementary and resident of adjoining subdivision, opposed the rezoning and the development of an industrial park. Stating he and his friends play in the woods along the river, Khan expressed concern that the proposed park will destroy the homes of the deer, rabbits and birds in the area.

Mr. Tim Masud, resident of Beech Bluff, opposed the rezoning. He stated in his opinion it is wrong to develop industrial park adjacent to a residential area. Also, he expressed concern about the use of Rocky River as a buffer and the amount of waste and run off that will go into the river. Mr. Masud stated the area is not ready for a project of that magnitude and questioned the need for the rezoning as there are 150 acres of adjacent undeveloped industrial land.

Ms. Vivian Lord stated understanding of the need for industrial development and for owners to be able to sell their land. However, she stated the need for a transition area to protect her family as well as the other families in the area.

Mr. Leo Berube, resident of Beech Bluff, commented on the inappropriateness of mixing general industrial uses with residential uses. He addressed existing traffic and infrastructure problems in the area and asked that the Board revisit the Western Area Plan. Mr. Berube stated he would not be opposed to the rezoning if the two parcels adjacent to Beech Bluff remain residential.

Mr. Fred Campbell stated his support for planned orderly growth and development. He asked the Board to revisit the Western Area Plan before taking action on the proposed rezoning.

Mr. Cecil Wilkie, resident of Twin Creeks and Derita Road land owner, supported the rezoning and the proposed business park.

Mr. Dwayne Jordan, Assistant Aviation Director for Concord Regional Airport, addressed the rapid growth of the airport and the need to protect the airport overlay zone. He advised that the required flight pattern is over the property and stated in his opinion it would be better to have business and industrial development at that site rather than residential.

Ms. Grace Mynatt, Chair of the Cabarrus County Board of Education, provided school impact information regarding the Derita Road property. Using the County formula of .6 children per household and four houses per acre, she stated the residential development of the property would yield 1020 children. Ms. Mynatt gave the following current information regarding nearby schools: Northwest High School will be over capacity next year and 46 percent over capacity by 2005; Northwest Middle School will be at capacity next year and 42 percent over

capacity by 2005; Odell Elementary is currently at capacity and is anticipated to be 42 percent over capacity in 2005.

Mr. Ralph Bonds, petitioner and owner of 56 acres in the proposed business park, spoke in support of the rezoning. He stated the property is not suitable for housing due to the location of the airport and Vulcan Materials.

Mr. Hoyle Holland, petitioner and property owner on Derita Road, supported the rezoning. He stated the location of I-85, the airport, Vulcan Materials and other industrial uses have changed the desirability of this land for agriculture or residential use. According to Mr. Holland, the proposed park will have little impact on neighboring properties.

Mr. Glen Hardymon, attorney with Kennedy Covington Lobdell & Hickman and representing the trust administered by First Union National Bank, spoke in support of the rezoning. He stated the trust property is located in the center of the area requested for rezoning and does not abut directly to the subdivision. According to Mr. Hardymon, the land is no longer suitable for residential development and rezoning request by the multiple property owners is in the best interest of the County.

Mr. Hartsell questioned the conditions that are proposed for the development in addition to the restriction of uses as identified.

Mr. Hardymon stated the conditions were outlined in a letter dated January 15, 1998 and were included on the concept plan as presented by Mr. Alex Rankin on this date. These conditions included the grandfathering of curb cuts on driveways on the existing residential property, a vesting of specific residential parcels, one curb cut for tracts with 50 acres or less, two curb cuts for tracts with 50 to 150 acres, three curb cuts for tracts over 150 acres, the reservation of 50 feet from the center line of Derita Road and where applicable Poplar Tent Road; and buffers as indicated on the map.

Mr. Hardymon and Mr. Rankin reiterated that the conditions set forth in Mr. Hardymon's letter were represented on the concept plan currently before the board.

Chairman Casper asked all petitioners and persons representing petitioners to stand. It was determined that all petitioners were present except Jennifer Rene Motley who owns one of the residential parcels for vesting purposes.

Mr. Hartsell presented the following question to the petitioners: Do you and each of you agree that those are the conditions as outlined on this concept plan and as you previously identified the restriction of uses that you agree to with regard to this rezoning matter before the Board this evening? All petitioners answered in the affirmative.

Mr. Hartsell affirmed Mr. Clifford Hurndon and Ms. Jennie Bridges.

Mr. Clifford Hurndon discussed the need for development as well as the need to protect current residents. He confirmed that the western part of the property is not suitable for residential development but stressed the need to plan an additional buffer zone to protect the residents of Beech Bluff.

Mr. Henry Norton of Beech Bluff spoke in support of a transitional area between the industrial park and the subdivision.

Mr. Buren Eford of 840 Derita Road and a petitioner supported approval of the rezoning. He stated he is satisfied with the required buffer zones and stated his home will be surrounded on three sides by the development.

Ms. Jennie Bridges of Twin Creeks Subdivision complained that residents of her subdivision did not know about the proposed rezoning. Stating it was unfair for those residents to have the airport in their backyard as well as the proposed industrial park, she asked the County to give those residents the replacement values for their homes so they may live elsewhere.

There was no one else who wished to address the Board and Chairman Casper closed the public hearing at 10:10 P.M.

Mr. Clifton raised the following issues for the Board's consideration: existing buffer requirements, transitory zones, dedication of right of ways, purpose of the Poplar Tent Beautification District, and transportation and road improvements.

There was discussion regarding the review of all Area Plans and specifically the Western Area Plan. It was noted that any changes to the Plan would be subject to the approval of the Concord City Council. Board members questioned the permitted use of volatile materials warehouse and the restriction of building along the flood plain.

Mr. Rankin advised that the area shown in green on the map was in the flood way of Rocky River and therefore cannot be developed under federal statutes.

UPON MOTION of Chairman Casper, seconded by Commissioner Niblock and unanimously carried, the Board approved the changes to the Western Area Plan as presented with the condition that the City of Concord approves these changes, accepted the findings of fact as presented by the staff and approved the rezoning of Petition 97-19 with the following conditions as identified and stipulated to by the landowners.

The amendments to the Western Area Plan as approved by the Board were as follows:

- (1) The area referred to as King's Grant should be changed to more accurately represent the retail and service emphasis of the development around and extending from the interchange. The map should also be altered to reflect the new alignment of the King's Grant Parkway between I-85 and Derita Road as that will surely change traffic patterns in the area.
- (2) Areas rezoned since 1992 that have varied from planned recommendations should be corrected on the land use map. These areas represent policy decisions by the elected boards based upon specific analyses of properties (as opposed to the general analysis of an area plan).
- (3) The residential area along the westside of Derita Road over to the Rocky River should be changed to Future Employment. This recommended change is the result of the specific analyses done to analyze a rezoning request and reflective of the other changes in the area.

The Findings of Fact as approved by the Board were as follows:

- (1) Development trends, infrastructure improvements, and other rezoning activity in this area have been non-residential, or supportive of non-residential uses.
- (2) The increasing activity at the Concord Regional Airport negatively affects residential development of the petitioned property.
- (3) Cabarrus County has identified a need for appropriate non-residential property to be identified and protected.
- (4) The Rocky River provides a physical separation between residential and non-residential property. The County's screening and buffering standards will be employed where that natural buffer does not exist.
- (5) The re-alignment of King's Grant Boulevard and development of an outerbelt interchange off Odell School Road in Mecklenburg County will increase access to this area.
- (6) The Western Area Plan previously identified part of this property for non-residential use, and clearly recognized the need to re-assess the dividing line between residential and non-residential property.

The Concept Plan is on file in the Planning Services Office and hereby included by reference as a part of the minutes. The Conditions as listed in the letter dated January 15, 1998 by Mr. Glen Hardyman, accepted by the Petitioners and approved by the Board were as follows:

- (1) A 100-foot buffer along the existing Derita Road and Poplar Tent Road;
- (2) A 100-foot buffer along the border of Beech Bluff subdivision and the property line along Rocky River;
- (3) A 50-foot buffer along the outer boundary of the Edna Riley property (existing light industrial land);
- (4) Four parcels that are presently used for residential purposes would be rezoned general industrial/special use but with residential rights vested including a vesting of existing driveway connections to Derita Road and with 50-foot buffers between such vested residential property and the balance of the industrial property (buffers to be removed if the residential property is developed for other than residential use);
- (5) The aggregate approximately 446 acres would be limited to buildings containing a maximum of 5,000,000 square feet;
- (6) Driveway connections to Derita Road would be limited as follows: a land owner with less than 50 acres--one connection; a land owner with 50 acres

- or more but less than 150 acres--two connections; and a land owner with more than 150 acres--three driveway connections;
- (7) The land owners would reserve land (but not dedicate) sufficient for a 50-foot right-of-way from the center of existing Derita Road and Poplar Tent Road in order to permit a widening of Derita Road and Poplar Tent Road by the North Carolina Department of Transportation should the NCDOT so elect;
 - (8) Certain classifications of general industrial use would be excluded.
 - (9) Except as noted in #4 above there would be no internal buffers between tracts owned by differing land owners (i.e., no buffer between, for example, the FUNB property and the Holland property even if developed as "separate" developments); and
 - (10) The actual size of individual sites will vary and will not be limited to seven (7) acres (actual size will be determined by actual use and may be more than or less than seven (7) acres).

The Excluded Uses for the General Industrial-Special Use as agreed to by the Petitioners and approved by the Board were as follows:

Asphalt and concrete plants; foundries/iron, steel mills; railroad stations 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; race tracks/animal and mechanical; and tire recapping.

Also included as a condition of the approval of Petition 97-19 was the approval of the request by one of the petitioners, Hoyle Motley, that his rights to permit up to six (6) residential units be vested for two years. His parcel was identified as PIN 4680-61-7495.

Welfare Reform / County Work First Block Grant Plan - Mr. Jim Cook

Mr. Jim Cook, Social Services Director, reported the proposed Welfare Reform/County Work First Block Grant Plan was placed on display throughout the county for public comment on January 12 - 17. He recommended the following modifications to the Plan in response to comments from Legal Services of the Southern Piedmont and the American Civil Liberties Union:

- 1) Delete the existing item VII.C.4. on page 15, and add new wording to the effect that "Individuals who are not exempt from work registration must register with 1st Stop before being approved for Work First Assistance."
- 2) Delete the existing item VII.G. on page 19 and add new wording to the effect that "The State appeals system will be used in all instances except those arising from policies unique to the county. For those issues, a system identical to the State system will be used, except that the second level appeal will be heard by a local attorney or other impartial person engaged by the County to serve as Hearings Officer."

UPON MOTION of Commissioner Mills, seconded by Commissioner Barnhart and unanimously carried, the Board took the following action: (1) thanked the Welfare Reform Planning Committee for its work; (2) approved the submission of the County Work First Block Grant Plan with the modifications as presented by Mr. Cook and with the stipulations and understandings as set forth below; (3) agreed to request the County's legislative delegation to seek an extension of the Work Over Welfare Program, an addition of pay for performance provisions and a broadening of coverage to all Work First Program recipients; (4) agreed to request the County's delegation support measures which would remove the risks and costs associated with electing status; and (5) agreed to schedule a review of the County's requested status prior to the General Assembly's action on the State Work First Program Block Grant Plan this summer.

Stipulations:

- 1) Assistance Payments: To protect them from an unfair financial risk, electing counties must be permitted to draw funding for assistance payments from the same pool of funding used by standard counties if their funding requirements for assistance payments exceed their block grants. This should be the case except where the excessive costs have resulted from the county's having set eligibility or payment policies more liberal than the policies for standard counties.
- 2) Community Work Experience Requirement. As it would be prohibitively expensive and perhaps impossible for electing counties to meet the requirement that they provide community work experience for all able-bodied adults who cannot find work, this program component must be made optional for electing counties as it is for standard counties.



(Please type or print)

Applicant Name, Address, Telephone Number and email address: _____
Kenneth Silverman, manager; SL 1000 Derita Road, LLC c/o The Silverman Group
788 Morris Turnpike; Short Hills, NJ 07078 973-765-0100

Owner Name, Address, Telephone Number: _____
same

Project Location/Address: 1000 Derita Road

P.I.N.: 46807339350000

Area of Subject Property (acres or square feet): 136.6

Lot Width: 3100' Lot Depth: 2300'

Current Zoning Classification: GI-SU

Proposed Zoning Classification: CD I-2

Existing Land Use: vacant

Future Land Use Designation: Heavy Industrial District

Surrounding Land Use: North Light Industrial South industrial & residential
East Residential West school

Reason for request: annexation into Concord city limits

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:

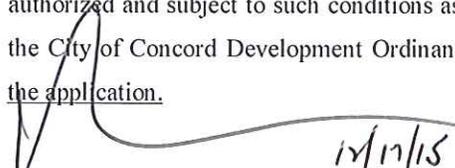
general and heavy industrial and warehousing

2. List the Condition(s) you are offering as part of this project. Be specific with each description.

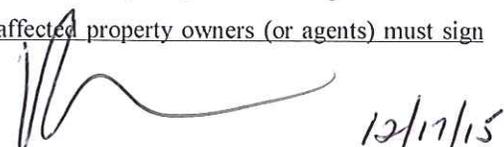
(You may attach other sheets of paper as needed to supplement the information):

see attached sheet

I make this request for Conditional district zoning voluntarily. The uses and conditions described above are offered of my own free will. I understand and acknowledge that if the property in question is rezoned as requested to a Conditional District the property will be perpetually bound to the use(s) specifically authorized and subject to such conditions as are imposed, unless subsequently amended as provided under the City of Concord Development Ordinance (CDO). All affected property owners (or agents) must sign the application.



Signature of Applicant Date



Signature of Owner(s) Date

Certification

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

Date: 12/17/15

Applicant Signature: 

Property Owner or Agent of the Property Owner Signature:
