DATE: January 19, 2016
CASE #: Z (CD)-32-15/LUP-02-15
DESCRIPTION: Concurrent Land Use Plan Amendment and Zoning Map Amendment
Single Family Residential to Commercial (LUP) and Residential Medium Density (RM-1) to General Commercial Conditional District (C-2CD)
OWNER/APPLICANT: Allen K. Craven
LOCATION: 590 Pitts School Road SW (south side of Pitts School Road)
PIN#: PIN: 5508-65-3104 (part of)
AREA: 5.0 acres
ZONING: Residential Medium Density (RM-1)
PREPARED BY: Kevin E Ashley, AICP Planning and Development Manager

BACKGROUND
The subject property consists of approximately five (5) acres of a larger 7.21 acre parcel, and is located on the south side of Pitts School Road. The property is bounded generally on the west and south by the Charlotte Motor Speedway (CMS) landfill, and to the north by the Morris Glen subdivision. The subject property is a heavily wooded, undeveloped tract.

HISTORY
The subject property was part of a City-initiated annexation in February, 1990 and was subsequently rezoned to R-1. Upon adoption of the Unified Development Ordinance (now known as the CDO), the zoning on the property became RM-1, which is the most similar district.

SUMMARY OF REQUEST
The petitioner proposes to rezone the subject property to General Commercial Conditional District (C-2CD) for the development of a self-service storage facility, or mini-warehouses. The property is designated “single family residential” by the Future Land Use Plan (LUP) and the development of self-service storage is not permissible in this land use designation. Therefore, the applicant is required to amend the Land Use Map in order to obtain the zoning of C-2CD. Per
Section 1.2.4.3 of the CDO, the land use plan amendment and the rezoning may be processed concurrently. Section 1.2.4.3 states: “A petition for zoning map amendment in contradiction to the Land Use Plan shall require a Land Use Plan amendment before the zoning map amendment may be approved. A petition for zoning map amendment in contradiction to the Land Use Plan shall be treated as a petition for amendment to the Land Use Plan as well as an amendment to the Zoning Map.”

The CDO further specifies (in Section 1.2.4.B.3) that if “a zoning map amendment is requested with the Land Use Plan Amendment, the City Council shall hold one public hearing for both requests.” Furthermore, the CDO states that the Commission shall provide a recommendation to City Council for their consideration of approval of the rezoning and plan amendment.

The subject property is part of an overall parcel of approximately 7.21 acres. The applicant proposes to zone approximately 5.0 acres to C-2CD and the leave the remaining 2.21 +/- acres with RM-1 zoning. Within the boundaries of the remaining RM-1 parcel is 0.7+/-. acre parcel, which was previously utilized as a utility pump station for the Morris Glen subdivision. This parcel is owned by the Morris Glen Neighborhood Association.

**LAND USE PLAN AMENDMENT**

Approval of the plan amendment to designate a portion of the subject property to “commercial” would result in one parcel of commercially designated property on the south side of Pitts School Road. The land to the west and south is designated “open space” but is developed with the Charlotte Motor Speedway landfill. The land use and zoning maps indicate that the “open space” designation and Heavy Industrial (I-2) zoning classification boundary lines of the CMS landfill property surround the subject property. The I-2 zoning classification is not deemed to be consistent with the “open space” land use designation as it appears that the “open space” designation was applied to this property to reflect the ultimate use of the land after the landfill use has ceased. An examination of the future land use map indicates the presence of a stream to the east of the subject property, which could have served as a natural boundary for a land use designation.

**ZONING MAP AMENDMENT**

The zoning map amendment proposes General Commercial – Conditional District (C-2CD) for the development of a self-service storage facility. The site plan indicates fourteen (14) separate buildings totaling 45,840 square feet of floor area, and indicates development of 356 rental units. Two of the structures (buildings F&N) are proposed for climate controlled storage. Also included within building F is the rental office for the development, along with an area to sell boxes and packing supplies. The plan illustrates retention of existing vegetation on the boundary of the property. The applicant states that the structures facing Pitts School Road will be faced with masonry accordance with the requirements of the CDO. The proposed development has a driveway which is offset from Morris Glen Drive by approximately 200 feet.

The site plan has been reviewed by the Development Review Committee and the project meets the minimum requirements of the ordinance. Most notably, the comments include the requirement of curb and gutter/sidewalk along Pitts School Road and the possibility that a turn lane and roadway improvements could be required as part of the NCDOT driveway permit.

The application states that the exterior of the structure facing Pitts School Road will be faced with masonry materials to meet the requirements to meet the requirements of the CDO. The applicant

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has also submitted an aerial photograph of a similarly situated storage facility on Poplar Tent Road for consideration by the Commission.

Furthermore, because the proposed use (self-service storage) is a special use in the C-2 zoning district, a special use permit will also be required should the plan amendment and zoning change be approved by Council. Note that the special use permit cannot be granted concurrently as all zoning changes are now legislative and special use permits are quasi-judicial. In the event that a special use permit is ultimately approved, full technical site plan approval by the staff will be required.

The applicant did conduct a meeting with adjacent property owners in accordance with the CDO, as the petition proposes in increase in intensity.

Property to the north (across Pitts School Road) is zoned Medium Density Residential (RM-1) and is developed with single family residences (the Morris Glen subdivision). Land to the east is zoned RM-1 and Cabarrus County Medium Density Residential (MDR) and is developed with single family residences. Land to the south and west is zoned Heavy Industrial (I-2) and is developed with the CMS landfill.

<table>
<thead>
<tr>
<th>Current Zoning of Subject Property</th>
<th>Zoning Within 500 Feet</th>
<th>Land Uses(s) of Subject Property</th>
<th>Land Uses within 500 Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>RM-1</td>
<td>North: RM-1</td>
<td>Vacant land</td>
<td>North: Single family</td>
</tr>
<tr>
<td></td>
<td>South: I-2</td>
<td></td>
<td>South: CMS landfill</td>
</tr>
<tr>
<td></td>
<td>East: RM-1 and County MDR</td>
<td></td>
<td>East: Single family and vacant</td>
</tr>
<tr>
<td></td>
<td>West: I-2</td>
<td></td>
<td>West: CMS Landfill</td>
</tr>
</tbody>
</table>

**SUGGESTED STATEMENT OF CONSISTENCY (FOR ZONING AMENDMENT IN THE EVENT THAT THE LAND USE PLAN AMENDMENT IS APPROVED)**

- The subject property is approximately 5.0 acres and is zoned Residential Medium Density (RM-1).
- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because it proposes a self-service storage facility which is permissible in the commercial land use designation.
- The zoning amendment is reasonable and in the public interest because the petition proposes a use that will support adjacent residential uses and the development of residential uses on the site is unlikely.

**SUGGESTED RECOMMENDATION AND CONDITIONS**

Per the CDO, the Concord City Council is the approval authority for both the land use plan and a concurrently processed zoning amendment. Therefore the Planning and Zoning Commission should make a recommendation to the City Council as to whether the land use plan amendment and concurrent zoning petition be approved and said recommendation will be forwarded to City Council.

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Council for consideration at their February 11 meeting, or their next available hearing.

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 condition:

- Development of self-service storage facility and supporting office use as indicated on the attached site plan.

**PROCEDURAL CONSIDERATIONS**

This particular case is a rezoning to a parallel conditional district, which under the CDO, is “legislative” in nature. Legislative hearings DO NOT require the swearing or affirming of witnesses prior to testimony at the public hearing.
Z(CD)-32-15 & LUP-01-15
AERIAL

Zoning Map Amendment from Residential Medium Density (RM-1) to General Commercial Conditional District (C-2CD) for development of a self service storage facility

The land use plan proposes changing the land use designation from single family residential to commercial.

Pitts School Rd SW
PIN 508-65-3104 (P/O)

Disclaimer
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Z(CD)-32-15 & LUP-01-15
LAND USE PLAN

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Z(CD)-32-15 & LUP-01-15
ZONING MAP

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Source: City of Concord Planning Department

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CONDITIONAL USE REZONING REQUEST

CONCEPTUAL SITE PLAN - 1" = 100'-0"
This particular mini-warehouse site is zoned CUI-2. It is surrounded by I-2, AG, O-1, RC, RV, RL, & RM-2.
Application for Zoning Map Amendment

(Please type or print)

Applicant Name, Address, Telephone Number and email address:

Allen K. Craven; PO Box 924 Concord NC 28024
010 vmoore@cmoorearch.com / allencraven@gmail.com /jon@mrstoragenc.com

Owner Name, Address, Telephone Number: Allen K. Craven
PO Box 924 Concord NC 28024

Project Location/Address: Pitts School Rd across from Morris Glen

P.I.N.: Part of 5508-65-3104

Area of Subject Property (acres or square feet): 5.0 ac (part of whole site = 6.6 ac)

Lot Width: 855'-/ Lot Depth: 580'- +/- Deepest

Current Zoning Classification: RM-1

Proposed Zoning Classification: C-2 (CD) & UMP amendment

Existing Land Use: Vacant

Future Land Use Designation: Residential

Surrounding Land Use: North RM-1 South I-2

East I-2 West MDR

Reason for request: to construct mini-warehouse/office development

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

Staff member signature: [Signature] Date: 11/13/15
THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

1. List the Use(s) Proposed in the Project:
   - Mini-Warehouse Storage Units - indoor & outdoor
   - Office/ light commercial
   - Conditioned indoor storage

   

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):
   - Additional security measures such as landscaping
   - All exterior facades directly facing Pitts School Rd
   - To have masonry or finish that meets supplemental regulations in CDO
   - Adequate storm drain length per recommendation of City
   - DOT

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: 10.07.2015

Applicant Signature: [Signature]

Property Owner or Agent of the Property Owner Signature: [Signature]
PETITION FOR AMENDING THE LAND USE/SMALL AREA PLAN

Date of Application: 11/13/15

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

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

Name of Applicant or Agent (Print): Carlos Moore Architecture for Allen Craven  Phone: 704-788-8333
Address: 222 Church St N Concord NC 28025
FAX: 704-782-0487  E-mail (optional): cmoore@cmoorearch.com
Record Property Owner (Print): Allen K Craven  Phone: 704-886-1450
Property Address(s): Pitts School Road
Zip Code: 28027  City: Concord  County: Cabarrus
County Parcel/Tax ID Number(s): 5508-65-3104
Tract Acreage: 4.124
General Location: adjacent to landfill across from Main's Glen
Existing Land Use: Vacant  Proposed Land Use: Mini Warehouse  Existing Zoning/Use: RM-2 / vacant
Proposed Zoning/Use: C-2 (CD) / Mini Warehouse  FEMA Flood Zone:

WHAT HAS CHANGED OR NEEDS CONSIDERATION SINCE THE LAND USE PLAN AND/OR SMALL AREA PLAN WAS ADOPTED THAT WARRANTS THIS REQUEST?
(You may attach one additional sheet to explain these items if necessary)

- Provide some general information about the property (current use, natural features, history, etc.): See attached

- Current and future traffic counts and patterns: See attached

- Utility/Infrastructure Changes: See attached
- Status of Floodplain/Hydrology: see attached

- Changes in Surrounding Land Uses: see attached

- Other (Please explain): see attached

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

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

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

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

SIGNATURE OF APPLICANT: [Signature] Date: 10-27-2014

SIGNATURE OF PROPERTY OWNER: [Signature] Date: 10-27-2014

DO NOT WRITE BELOW THIS LINE

Date Received: ______________________ Received By: ______________________

Total Fee: ___________ Receipt #: ___________

Staff Action (Check One): ☐ Continued ☐ Approved ☐ Denied ☐ Modified

Planning Zoning Commission Action (Check One): ☐ Continued ☐ Approved ☐ Denied ☐ Modified

City Council Action (Check One): ☐ Continued ☐ Approved ☐ Denied ☐ Modified

Ordinance Number: ______________________