

PLANNING & ZONING COMMISSION
Meeting Agenda
Tuesday, April 21, 2015 at 6:00 P.M.
City Hall
26 Union Street, 2nd Floor

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

1. Case Z (CD)-05-15 (LEGISLATIVE HEARING)

Walton North Carolina, LLC has submitted a zoning map amendment application for property generally located on the west side of Odell School Road from Residential Low Density (RL) to Residential Compact Conditional District (RC-CD) for the development of a single family subdivision. PINs 4681-94-6153, 71-4316, 91-304, 72-7234, 4691-03-0484.

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

2. Case Z (CD)-04-15/LUP-01-15 (LEGISLATIVE HEARING)

Gardner Development, LLC has submitted a zoning map amendment application and a land use plan amendment application for property generally located on the west side of Burrage Road between Old Salisbury Concord Road and Cameron Avenue. The land use plan proposes changing the land use designation from single family residential to multifamily residential, and the zoning map amendment proposes changing from Residential Medium Density (RM-1) to Residential Compact Conditional District (RC-CD) for a multifamily development. PIN 5631-13-0290 (P/O)

- a. Open Public Hearing by Motion
- b. Staff Presentation
- c. Staff Recommendation: No objection – referral to Council for final decision
- 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

3. Case Z (CD)-06-15 (LEGISLATIVE HEARING) PETITIONER HAS WITHDRAWN PETITION

Jack Chopic has submitted a zoning map amendment application for property located at 166 Union Street, North from Conditional Use Office Institutional (CUO-I) to Residential Village Conditional District (RV-CD) for the conversion of an office structure to a two family dwelling. 5620-79-5720

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

4. Case SUP-04-15 (QUASI-JUDICIAL HEARING)

Tribute Investment and Development, Inc. has submitted a Special Use Permit application for property generally located on the northeast quadrant of Pitts School Road and Hedgemore Court for the development of multifamily housing in a General Commercial (C-2) district. PIN 5509-53-4345, 43-9830.

- 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

5. Case SUP-05-15 PETITIONER HAS WITHDRAWN PETITION

Rea Ventures Group, LLC has submitted a Special Use Permit application for property generally located on the southeast quadrant of US 601, South and NC Highway 49 for the development of multifamily housing in a General Commercial (C-2) district. PIN 5539-94-4060 (P/O).

6. Case Z (CD)-08-15 (LEGISLATIVE HEARING)

Matthew and Kathryn Scott have submitted a zoning map amendment application for property located at 155 Division Street (RC) Residential Compact to (CDRL) Conditional

District Residential Low Density in order to allow the keeping of horses. PINs 529-56-7391 and 5529-66-1149

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

VI. PETITIONS AND REQUESTS –NO PUBLIC HEARINGS REQUIRED

7. Case S-02-15 Ridges at Concord (Phases 1-3)

Walton North Carolina, LLC has submitted an application for a preliminary plat for property generally located on the west side of Odell School Road PINs 4681-94-6153, 71-4316, 91-304, 72-7234, 4691-03-0484.

8. Consideration of a text amendment to Article 8 of the CDO to permit brew pubs in certain zoning districts.

VII. PRESENTATIONS AND DISCUSSION

VIII. RECOGNITION OF PERSONS REQUESTING TO BE HEARD

IX. MATTERS NOT ON THE AGENDA



DATE: April 21, 2015

CASE #: Z (CD)-05-15

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

OWNERS: Walton North Carolina, LLC

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

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

AREA: 275.60 +/- acres

ZONING: Residential Low Density (RL)

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

BACKGROUND

The subject property consists of approximately 275.6 acres, and is located on the west side of Odell School Road, generally south of Untz Road. The proposed area of rezoning consists of approximately 1,900 linear feet of total frontage on Odell School Road. The petitioner seeks approval of the rezoning for the development of a single family residential subdivision.

HISTORY

The subject property was annexed on a voluntary basis with an effective date of September 30, 2005. The Planning and Zoning Commission applied Residential Low (RL) zoning to the subject property on November 15, 2005. In 2006, the property owners (Magland Development) applied for a rezoning to Conditional Use Medium Density Residential (CURM-2) with a concurrent Conditional Use Permit (Z-04-06 & CUP-03-06) for the development of 684 homes, and this request was denied by the Planning and Zoning Commission in February, 2006. The developers resubmitted a subdivision plat request for the development of 563 dwelling units (S-02-06) and this plat was approved by the Planning Commission on April 18, 2006. (See attached staff report and approved preliminary plat).

The developers proceeded with preparation, submission and approval of subdivision construction plan documents, and the City processed those plans and approved them in 2007. No fees were

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

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

SUMMARY OF REQUEST

The petitioner proposes to rezone the subject property for the development of 551 single family homes. As required with a conditional district rezoning, the petitioner has submitted a development plan. The plan illustrates a mixture of 50, 60 and 70 foot wide lots. The blend shown on the development plan indicates 155 fifty foot wide lots, 196 sixty foot wide lots, and 200 seventy foot wide lots. The development proposes five (5) separate parks, an amenity center and a system of walking trails. Approximately 110 acres, or 39% open space is provided, whereas the CDO would require 8% open space. Furthermore, the development is proposed as a “low-density” project under the federal and state stormwater requirements and the total impervious (built-upon) area will not exceed 24%.

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

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

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

The petitioner has submitted a traffic impact analysis (TIA) for the development. The analysis has been under review since early in the development review process and the City’s Transportation Department has coordinated review with NCDOT and the traffic study is currently under final review for adequacy.

The study has identified several improvements that are necessary for the development. These improvements include 1) the installation of a traffic signal at Harris and Odell School when conditions warrant, 2) construction of a left turn lane and a three (3) lane section between Untz Road and the northernmost Odell School Road access, 3) construction of a three (3) lane section between the two site accesses on Odell School Road, and 4) construction of turn lanes for both access roads on Odell School Road.

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

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

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

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

The site plan has been reviewed by all City Departments and there are no objections to the petition. There have been discussions, however, relative to the "stubs" to the northern properties in the westernmost part of the development, and how they relate to compliance with the minimum access for Fire Code. Ultimate adequacy of these access points will depend upon the physical availability of those access points when development actually occurs in those areas. The developers are also seeking approval of a preliminary plat (S-02-15) for the eastern portion of the subject property (phases 1-3) as the required access points for that part of the development are physically available.

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

| Existing Zoning and Land Uses | | | | | |
|------------------------------------|------------------------------|--|----------------------------------|--|-------------|
| Current Zoning of Subject Property | Zoning Within 500 Feet | | Land Uses(s) of Subject Property | Land Uses within 500 Feet | |
| | Residential Low Density (RL) | North | | Cabarrus County LDR and AO | Vacant land |
| South | | Cabarrus County HDR-SU and LDR and City of Concord I-1 | South | Single family and residential industrial | |
| East | | Cabarrus County CR and LDR | East | Single family residential | |
| West | | Cabarrus County LDR | West | Single family residential | |

COMPLIANCE WITH 2015 LAND USE PLAN

The 2015 Land Use Plan (LUP) designates the subject property as “Single-family, open space encouraged.” The LUP does not specifically list RC zoning as being compatible within this land use designation, but it does not list the existing zoning of RL as being compatible either within the text of the plan (but is within the compatibility matrix). A further examination of the plan shows that Traditional Neighborhood Development (TND), Planned Unit Development (PUD) and Planned Residential Development (PRD), all of which would allow greater density than the proposed zoning, are listed as compatible districts. The proposed development proposes 39% open space whereas the minimum open space requirement for the PRD and PUD districts is 16% and the TND is 5% and includes more parks than required in any of these zoning districts. It appears that RC was not listed as being compatible with the residential land use designation due to the fact that it permits multi-family development up to 15 units per acre. It is the staff’s opinion that this development is designed to an almost identical standard to a PRD development and that the request is therefore consistent with the LUP.

SUGGESTED STATEMENT OF CONSISTENCY

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

SUGGESTED RECOMMENDATION AND CONDITIONS

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

The petitioner has consented to the following conditions:

1. Compliance with the “Ridges at Concord Illustrative Master Plan” as submitted with the zoning application;
2. The uses on the site shall be limited to the following:
 - Streets
 - Storm water management facilities
 - Single family residential
 - Amenity center
 - Neighborhood parks
 - Mini-parks
 - Parkways

3. Street connection issues for the four (4) “future street connections” shall be resolved prior to filing preliminary subdivision plats for that portion of the subject property.

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.



(Please type or print)

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

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

Project Location/Address: Odell School Road

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

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

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

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

Proposed Zoning Classification: Residential Compact (RC)

Existing Land Use: Vacant

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

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

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

Staff member signature: KEA Date: 01/15/2015

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



(Please type or print)

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

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

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

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

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

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

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

Please see attached signature page

Signature of Applicant Date

Please see attached signature page

Signature of Owner(s) Date

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

Date: 2/24/15

Applicant and Property Owner Signature:

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

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

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

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

*Signature page to the Concord, North Carolina Application
for Zoning Map Amendment (Conditional District)*



Certification

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

Date: _____

Applicant Signature: [Please see attached signature page](#)

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

Certification

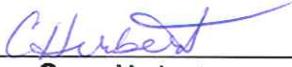
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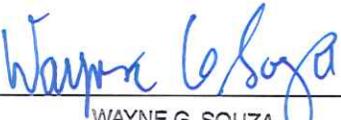
Date: 2/24/15

Applicant and Property Owner Signature:

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

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

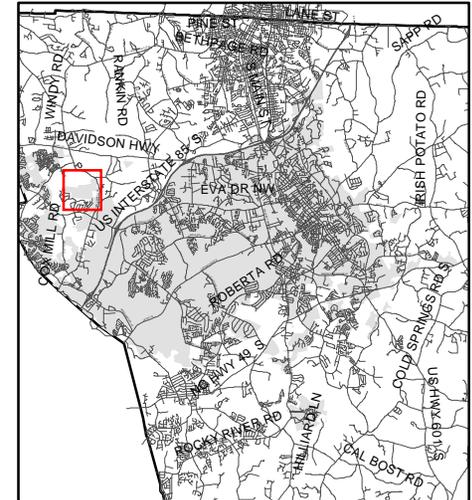
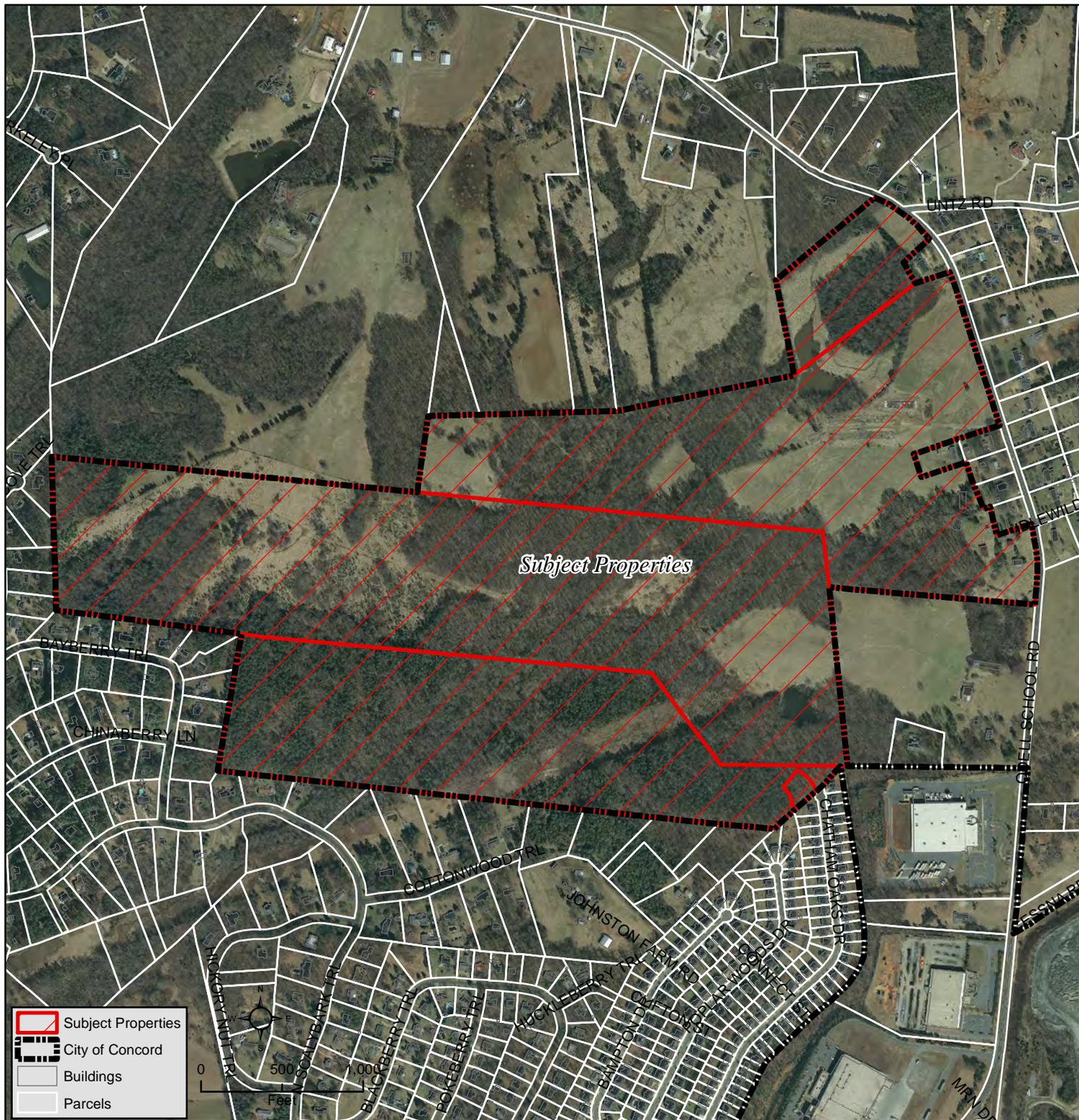
By: 
Name: Carey Herbert
Title: Authorized Signatory

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

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

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

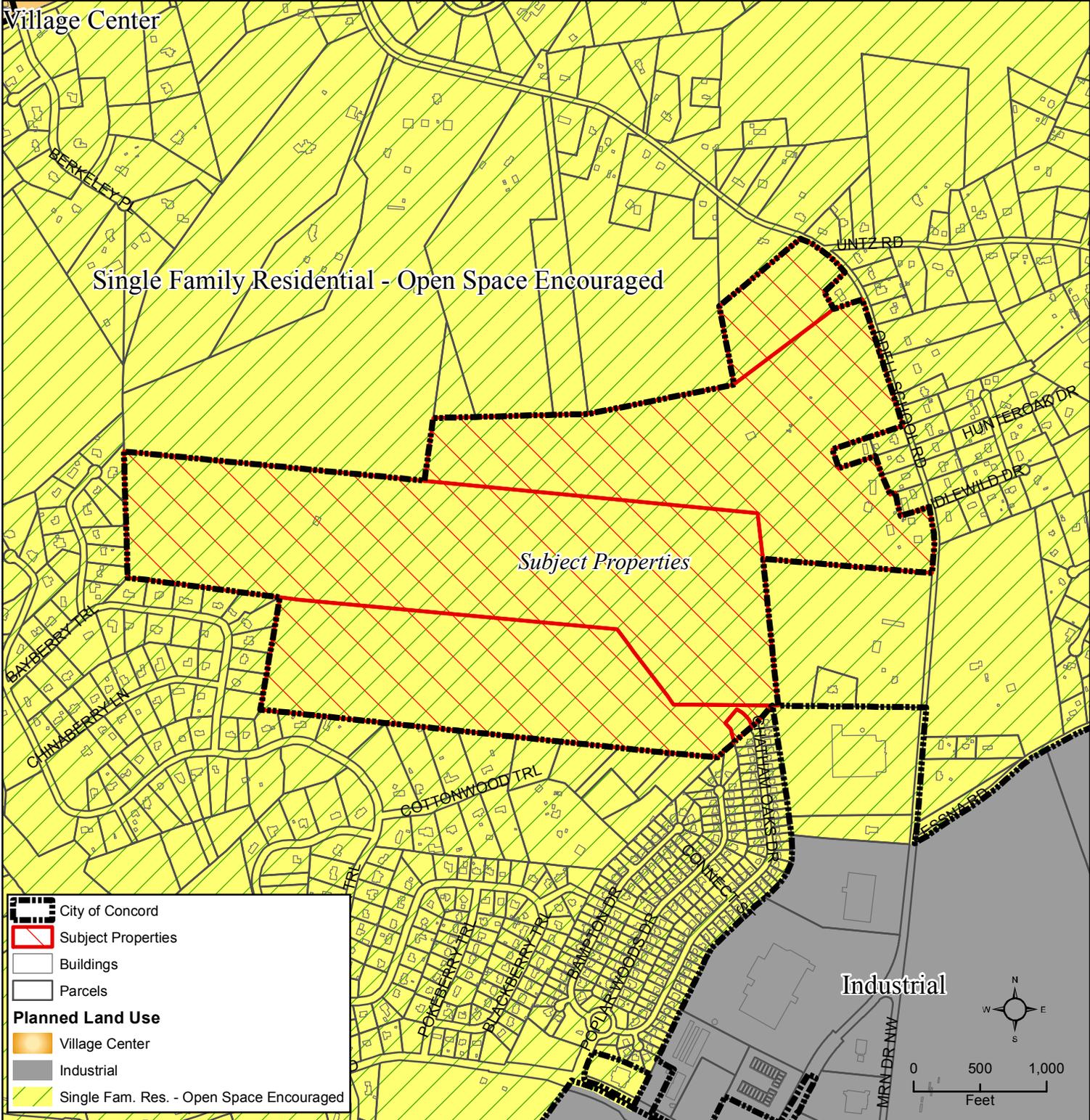
Odell School Rd
PINs 4681-94-6153,
71-4316, 91-3041,
72-7234, 4691-03-0484.



Source: City of Concord
Planning Department

Disclaimer

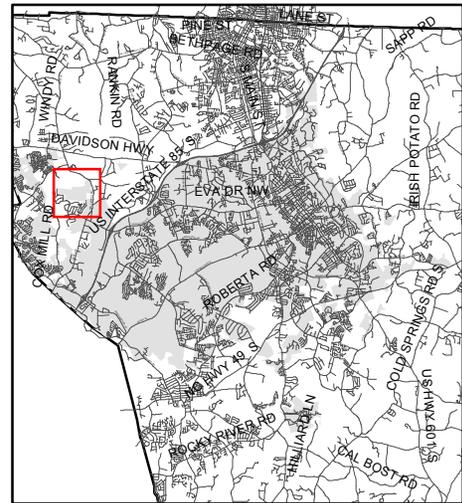
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**Z(CD)-05-15
LAND USE PLAN**

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

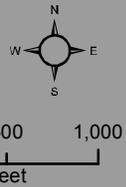
Odell School Rd
PINs 4681-94-6153,
71-4316, 91-3041,
72-7234, 4691-03-0484.



Source: City of Concord
Planning Department

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FUTURE STREET CONNECTION

FUTURE STREET CONNECTION

PARK

FUTURE STREET CONNECTION

PARK

FUTURE STREET CONNECTION

TRAIL

MINI-PARK

FUTURE STREET CONNECTION

AMENITY SITE

MINI-PARK

PRIMARY NEIGHBORHOOD ENTRY

ODELL SCHOOL RD

SECONDARY NEIGHBORHOOD ENTRY

PARK

DUKE ENERGY R/W

TRAIL

PARK

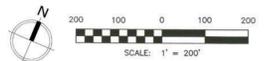
STREET CONNECTION

| SITE DATA | |
|------------------------|--------------------|
| TOTAL SITE AREA | 275.6 AC +/- |
| 50' SINGLE FAMILY LOTS | 155 |
| 60' SINGLE FAMILY LOTS | 196 |
| 70' SINGLE FAMILY LOTS | 200 |
| TOTAL OPEN SPACE | 110.1 AC +/- (39%) |
| DENSITY | 2.0 DU/AC |

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

RIDGES AT CONCORD
ILLUSTRATIVE MASTER PLAN

Walton
APPRECIATE THE LAND



Prospective Building Styles



FILED
CABARRUS COUNTY NC
WAYNE NIXON
REGISTER OF DEEDS

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

MWN

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

DEVELOPMENT AGREEMENT

BY AND AMONG

WALTON NORTH CAROLINA, LLC

AND

CITY OF CONCORD, A NORTH CAROLINA CITY AND MUNICIPAL CORPORATION

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

2711

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STATE OF NORTH CAROLINA

DEVELOPMENT AGREEMENT

COUNTY OF CABARRUS

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

STATUTORY FRAMEWORK

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

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

RECITALS

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

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

TERMS

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

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

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

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

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

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

A.

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

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

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

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

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

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

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

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

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

9. Public Sewer and Water.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15. Periodic Review.

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

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

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

16. Default.

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

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

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

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

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

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

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

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

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

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

20. Assignment. After notice to the City, Walton may assign its rights and responsibilities hereunder to subsequent landowners or successors-in-interest of all or any portion of the relevant parcels of land, provided that no assignment as to a portion of the relevant parcel of land shall relieve the assigning party of responsibility with respect to the remaining portion of the relevant parcel or parcels of land owned by the assigning party without the written consent of the City, which consent shall not be unreasonably withheld. Subject to the provisions of N.C.G.S. § 39-23.4, in the event that Walton sells all of its relevant parcel or parcels of land and assigns its respective rights and responsibilities to a subsequent landowner or other successor in interest, then such selling or assigning party shall be relieved of all of its covenants, commitments and obligations hereunder.
21. Governing Law. This Agreement shall be governed by the laws of the State of North Carolina.
22. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute one and the same instrument.
23. Relationship of Parties. The contractual relationship between Walton and the City arising out of this Agreement is one of independent contractor and not agency. It is specifically understood by the parties that: (1) the Project is a private development; (2) the City has no interest in or responsibilities for or duty to third parties concerning any improvements to the Property unless the City accepts the improvements pursuant to the provisions of this Agreement or in connection with any applicable subdivision map approval; and (3) as between the City and Walton, Walton shall have full power and exclusive control of the Property subject to obligations of Walton set forth in this Agreement.
24. Agreements to Run with the Land. This Agreement shall be recorded in the Cabarrus County Registry. The Agreements contained herein shall be deemed to be alien upon, binding upon and run with the land and shall be binding upon and an obligation of all successors in the ownership of the relevant parcels of land.
25. No Pledge of Taxing Power or Governmental Authority. No provision of this Agreement shall be construed or interpreted as (1) creating a pledge of faith and credit of the City within the meaning of any constitutional debt limitation, (2) delegating governmental powers, or (3) a donation or a lending of the credit of the City within the meaning of the Constitution of the State of North Carolina. No provision of this Agreement shall be construed to pledge or to create a lien on any class or source of City monies, or operate beyond its intended scope so as to restrict, to any extent prohibited by law, any future action or right of action on the part of the Concord City Council. To the extent of any conflict between this section and any other provision of this Agreement, this section shall take priority. The City has pre-audited this Agreement and the

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

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

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

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

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

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

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

CITY OF CONCORD

W. Brian Hiatt

W. Brian Hiatt, City Manager

ATTEST:

Kim Deason

Kim Deason, City Clerk

APPROVED AS TO FORM:

Dana Clemons Cuberson

~~Valerie Koleczynski, City Attorney~~

Dana Clemons Cuberson, Assistant City Attorney

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

Pam Hinson, Finance Director

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

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

By: *Wayne G. Souza*

Name: WAYNE G. SOUZA
AUTHORIZED SIGNATORY

Its: _____

Date: 10/14/14

By: *Gordon A. Price*

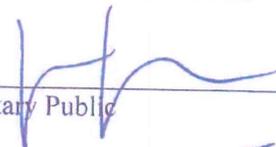
Name: GORDON A. PRICE
AUTHORIZED SIGNATORY

Its: _____

Date: 10/14/14

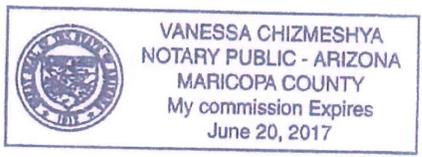
State of Arizona
County of Maricopa

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



Notary Public

My commission expires: June 20, 2017



State of Arizona
County of Maricopa

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



Notary Public

My commission expires: June 20, 2017

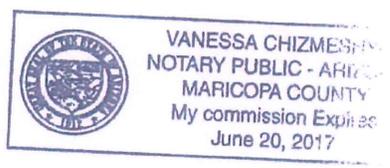


EXHIBIT A

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

TRACT 1:

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

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

TRACT 2:

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

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

TRACT 3:

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

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

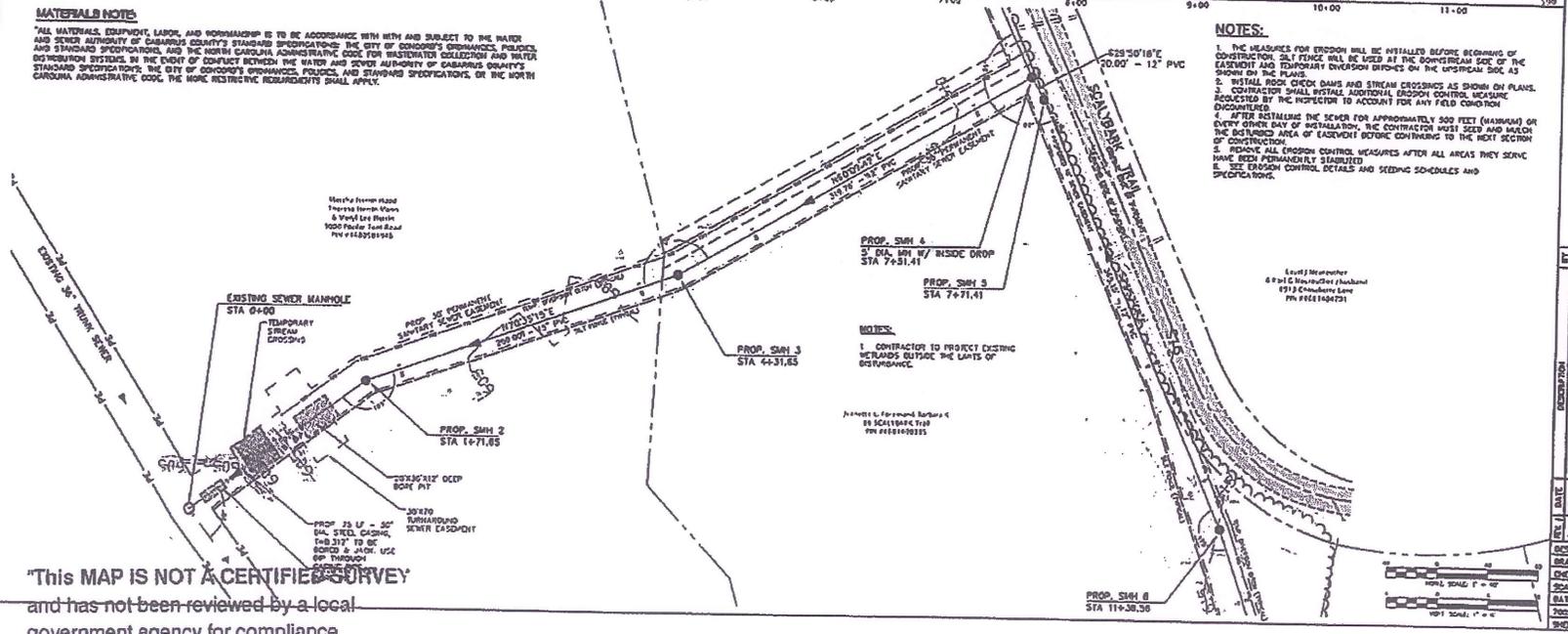
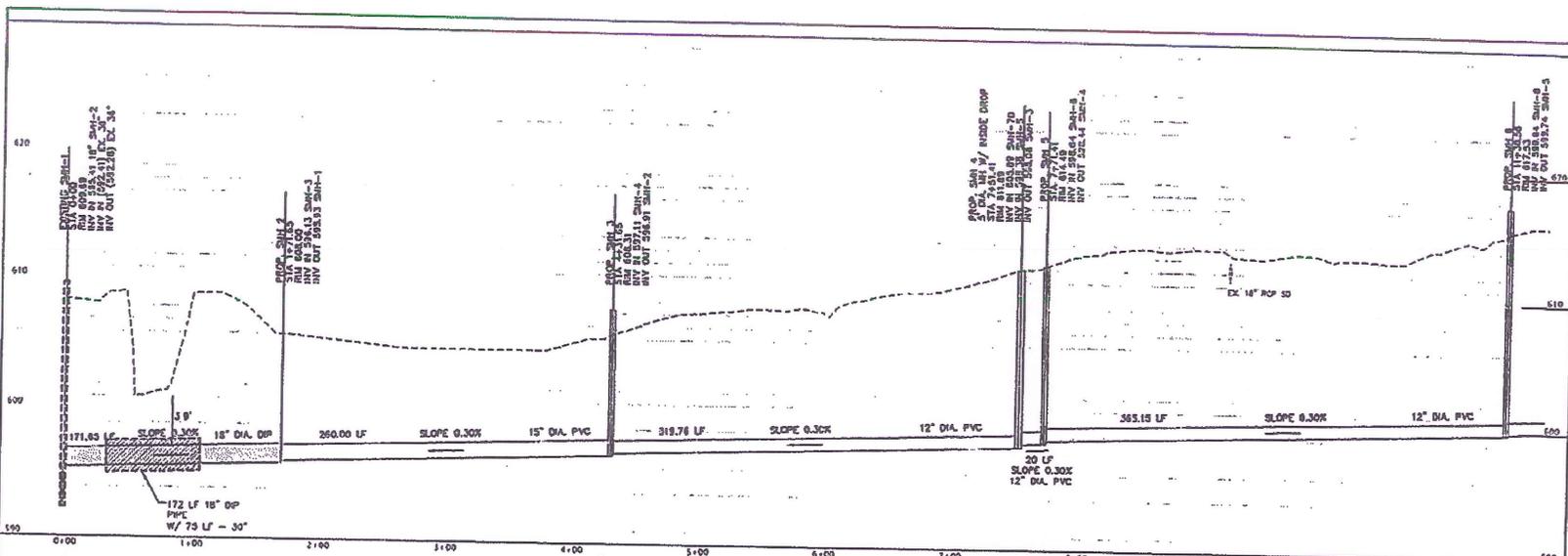
TRACT 4:

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

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

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

**QUAL HAVEN
UTILITY SERVICE EXTENSION
SANITARY SEWER MANHOLE 1-6
PLAN AND PROFILE**



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

NOTES:
1. THE MEASURES FOR EROSION WILL BE INSTALLED BEFORE BEGINNING OF CONSTRUCTION. Silt FENCE WILL BE USED AT THE DOWNSTREAM SIDE OF THE EASEMENT AND TEMPORARY EROSION BARRIERS ON THE UPSTREAM SIDE AS SHOWN ON THE PLANS.
2. INSTALL ROCK CHECK DAMS AND STREAM CROSSINGS AS SHOWN ON PLANS.
3. CONTRACTOR SHALL INSTALL ADDITIONAL EROSION CONTROL MEASURES REQUESTED BY THE INSPECTOR TO ACCOUNT FOR ANY FIELD CONDITION DISCOVERED.
4. AFTER INSTALLING THE SEWER FOR APPROXIMATELY 500 FEET (MAXIMUM) ON EVERY OTHER DAY OF INSTALLATION, THE CONTRACTOR SHALL STOP AND MAINTAIN THE DOWNSTREAM AREA OF EASEMENT BEFORE CONTINUING TO THE NEXT SECTION OF CONSTRUCTION.
5. REMOVE ALL EROSION CONTROL MEASURES AFTER ALL AREAS THEY SERVE HAVE BEEN PERMANENTLY STABILIZED.
6. SEE EROSION CONTROL DETAILS AND SEEDING SCHEDULES AND SPECIFICATIONS.

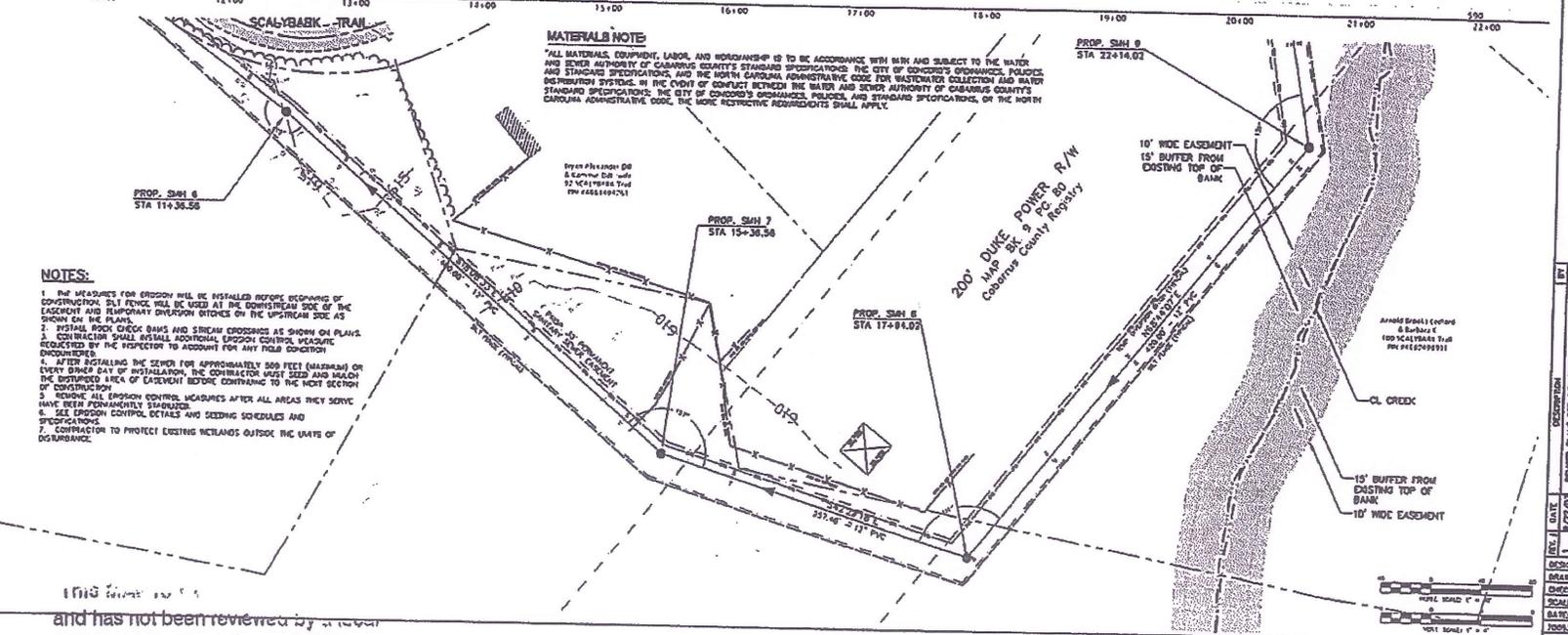
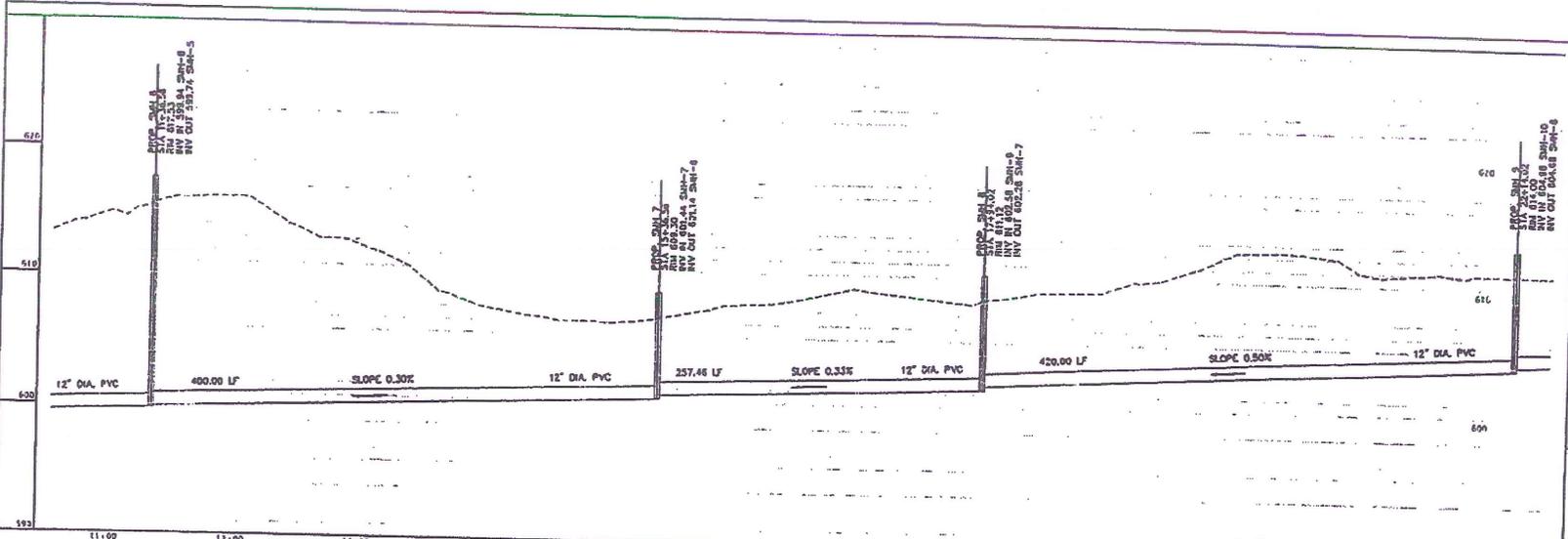
NOTES:
1. CONTRACTOR TO PROTECT EXISTING WETLANDS OUTSIDE THE LIMITS OF EASEMENT.

| REV. | DATE | DESCRIPTION | BY |
|------|---------|--------------------------------|----|
| 1 | 1/27/20 | ISSUED PLANS FOR CITY COMMENTS | JK |
| 2 | 3/13/20 | ISSUED PLANS FOR CITY COMMENTS | JK |
| 3 | 3/13/20 | ISSUED PLANS FOR CITY COMMENTS | JK |
| 4 | 3/13/20 | ISSUED PLANS FOR CITY COMMENTS | JK |
| 5 | 3/13/20 | ISSUED PLANS FOR CITY COMMENTS | JK |

DESIGNED BY: JES
DRAWN BY: JES
CHECKED BY: JES
SCALE: AS SHOWN
DATE: 2/27/20
PROJECT NO.: 20053-00-00
SHEET: 1 OF 22

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

QUAIL HAVEN
UTILITY SERVICE EXTENSION
 SANITARY SEWER MANHOLE 6 - 9
 PLAN AND PROFILE



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

NOTES:

1. EROSION CONTROL MEASURES SHALL BE INSTALLED BEFORE BEGINNING OF CONSTRUCTION. Silt FENCE SHALL BE USED AT THE DOWNSTREAM SIDE OF THE EASEMENT AND TEMPORARY DIVERSION DIVICES ON THE UPSTREAM SIDE AS SHOWN ON THE PLANS.
2. INSTALL ROCK CHECK DAMS AND STREAM CROSSINGS AS SHOWN ON PLANS.
3. CONTRACTOR SHALL INSTALL ADDITIONAL EROSION CONTROL MEASURES REQUESTED BY THE INSPECTOR TO ACCOMMODATE ANY FIELD CONDITIONS ENCOUNTERED.
4. AFTER INSTALLING THE SEWER FOR APPROXIMATELY 500 FEET (MAXIMUM) ON EVERY OTHER DAY OF INSTALLATION, THE CONTRACTOR MUST SEED AND MAINTAIN THE DISTURBED AREA OF EASEMENT BEFORE CONTINUING TO THE NEXT SECTION OF CONSTRUCTION.
5. REMOVE ALL EROSION CONTROL MEASURES AFTER ALL AREAS THEY SERVE HAVE BEEN PERMANENTLY STABILIZED.
6. SEE EROSION CONTROL DETAILS AND SEEDING SCHEDULES AND SPECIFICATIONS.
7. CONSTRUCTION TO PROTECT EXISTING WETLANDS OUTSIDE THE LIMITS OF DISTURBANCE.

| REV. | DATE | DESCRIPTION |
|------|----------|--------------------------------|
| 1 | 12/20/20 | ISSUED PLANS FOR CITY COMMENTS |
| 2 | 12/20/20 | ISSUED PLANS FOR CITY COMMENTS |
| 3 | 12/20/20 | ISSUED PLANS FOR CITY COMMENTS |
| 4 | 12/20/20 | ISSUED PLANS FOR CITY COMMENTS |
| 5 | 12/20/20 | ISSUED PLANS FOR CITY COMMENTS |
| 6 | 12/20/20 | ISSUED PLANS FOR CITY COMMENTS |

CHECKED BY: BRS
 DRAWN BY: BRS
 CHECKED BY: BRS
 SCALE: AS SHOWN
 DATE: 3/21/21
 JDS:JL
 SHEET: 3 OF 32

and has not been reviewed by a relevant government agency for compliance with any applicable land development regulations."

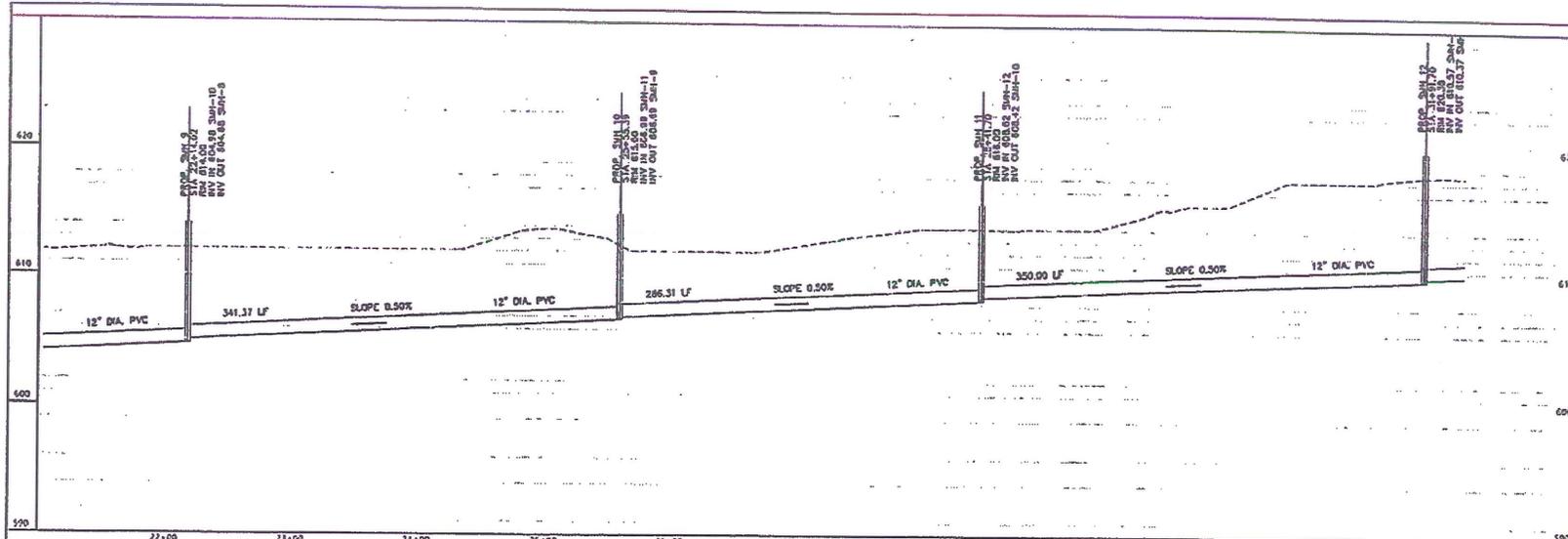


616 Old Branch Road
 South Hill, NC 27902
 (704) 331-1244

Office Location: South Carolina
 Georgia
 Florida

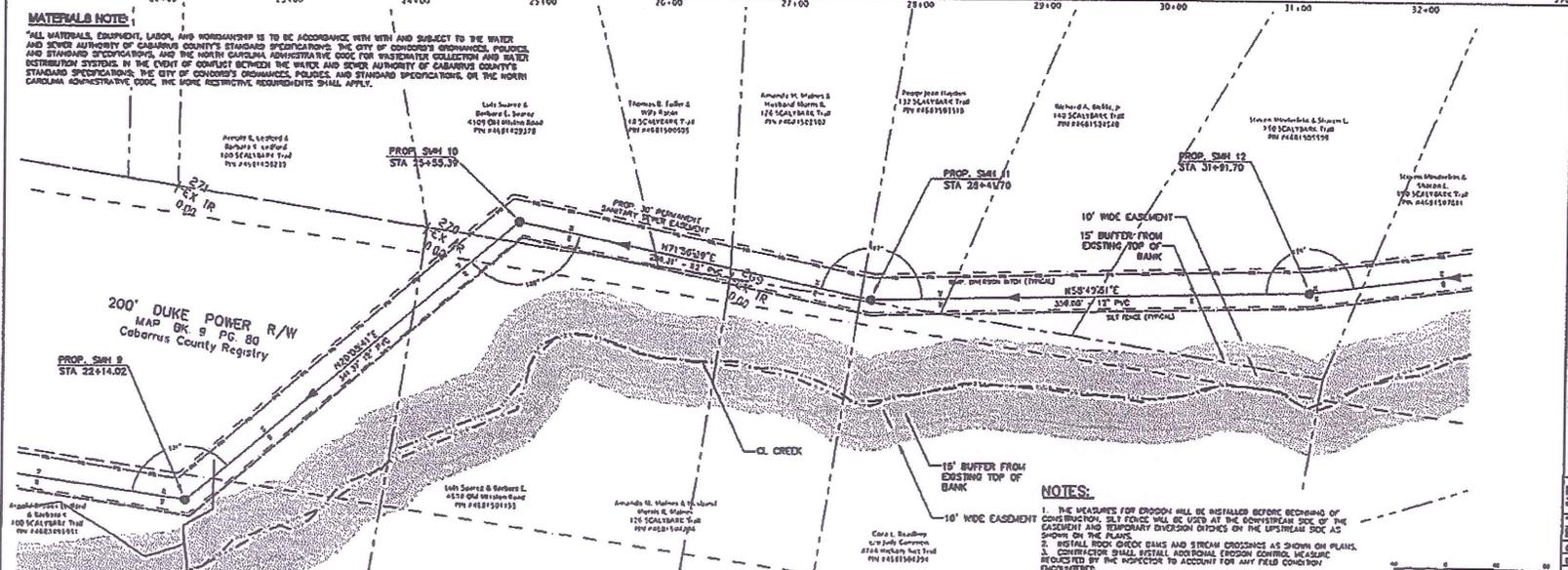
Figure 1-5a

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



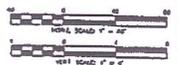
MATERIALS NOTE:

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



NOTES:

1. THE MEASURES FOR EROSION WILL BE INSTALLED BEFORE BEGINNING OF CONSTRUCTION. SILT FENCE WILL BE LOCATED AT THE DOWNSTREAM SIDE OF THE EASEMENT AND TEMPORARY DIVERSION DITCHES ON THE UPSTREAM SIDE AS SHOWN ON THE PLANS.
2. INSTALL ROCK GRIPE BARRIERS AND STREAM CROSSINGS AS SHOWN ON PLANS.
3. CONTRACTOR SHALL INSTALL ADDITIONAL EROSION CONTROL MEASURES REQUESTED BY THE INSPECTOR TO ACCOUNT FOR ANY FIELD CONDITION DISCREPANCIES.
4. AFTER INSTALLING THE SEWER FOR APPROXIMATELY 500 FEET (MAXIMUM) ON EVERY OTHER DAY OF INSTALLATION, THE CONTRACTOR MUST TEST AND MONITOR THE DISTURBED AREA OF EASEMENT BEFORE CONTINUING TO THE NEXT SECTION OF CONSTRUCTION.
5. PROVIDE ALL EROSION CONTROL MEASURES AFTER ALL AREAS THEY SERVE HAVE BEEN RE-VEGETATED OR STABILIZED.
6. SEE EROSION CONTROL DETAILS AND SCHEDULING SCHEDULES AND



"This MAP IS NOT A CERTIFIED SURVEY

and has not been reviewed by a local government agency for compliance with any applicable land development regulations."

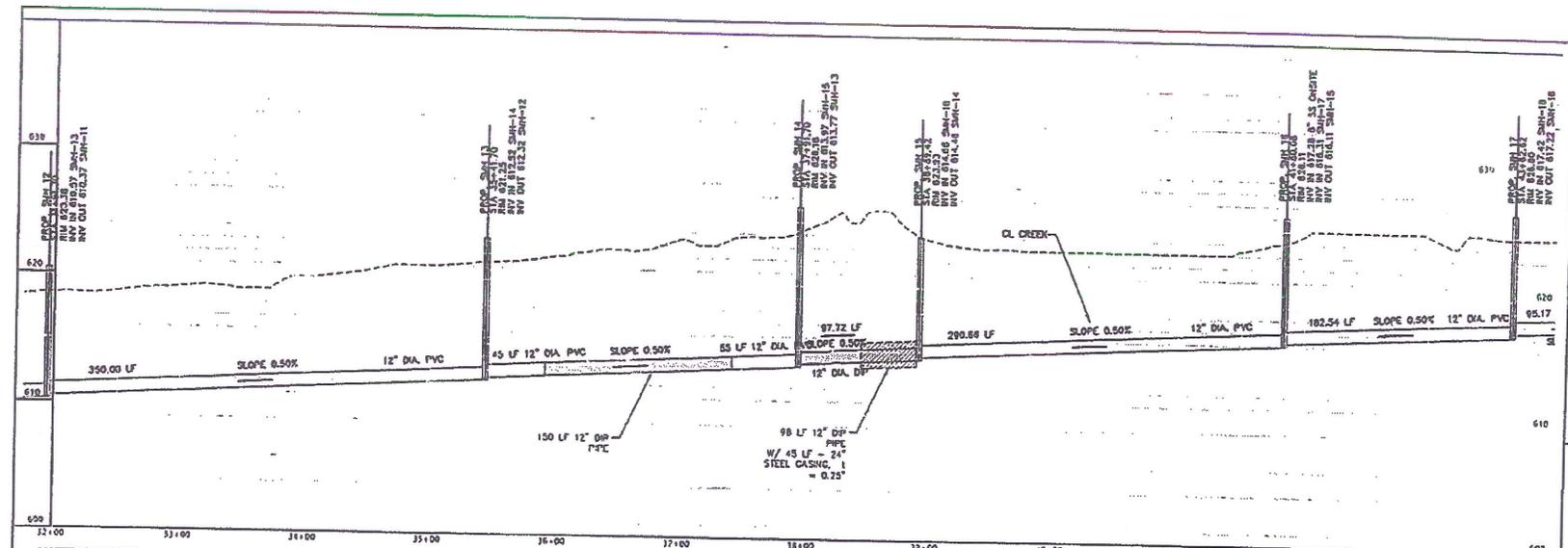
| REV. | DATE | DESCRIPTION | BY | CHKD. |
|------|---------|----------------------------------|-----|-------|
| 1 | 1/2/24 | REVISED PLANS FOR CITY COMMENTS. | SPS | SPS |
| 2 | 1/17/24 | REVISED PLANS FOR CITY COMMENTS. | SPS | SPS |
| 3 | 1/23/24 | REVISED PLANS FOR CITY COMMENTS. | SPS | SPS |
| 4 | 1/23/24 | REVISED PLANS FOR CITY COMMENTS. | SPS | SPS |

DESIGNED BY: SPS
 DRAWN BY: SPS
 CHECKED BY: SPS
 SCALE: AS SHOWN
 DATE: 1/23/24
 PROJECT NO.:
 SHEET: 3 OF 23

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

| REV. | DATE | DESCRIPTION |
|------|----------|---------------------------------|
| 1 | 12/10/21 | ISSUED PLANS FOR CITY COMMENTS |
| 2 | 12/10/21 | REVISED PLANS FOR CITY COMMENTS |
| 3 | 12/10/21 | REVISED PLANS FOR CITY COMMENTS |
| 4 | 12/10/21 | REVISED PLANS FOR CITY COMMENTS |
| 5 | 12/10/21 | REVISED PLANS FOR CITY COMMENTS |

DESIGNED BY: KES
 DRAWN BY: KES
 CHECKED BY: JLR
 SEALING AS SHOWN
 DATE: 5/21/22
 TOWN: P.O.D.
 SHEET: 4 of 22

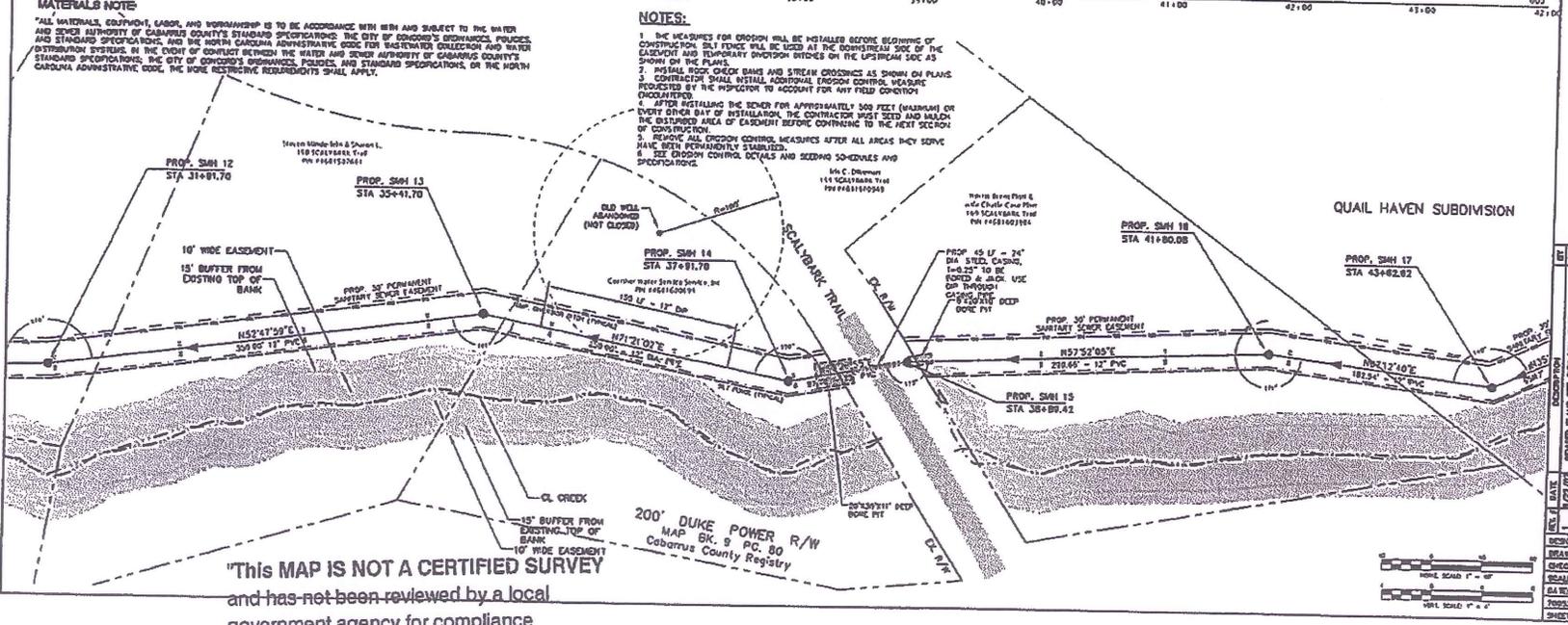


MATERIALS NOTE

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

NOTES:

1. THE MEASURES FOR EROSION WILL BE INSTALLED BEFORE BEGINNING OF CONSTRUCTION. SILT FENCE WILL BE USED AT THE DOWNSTREAM SIDE OF THE EASEMENT AND TEMPORARY EROSION BARRIERS ON THE UPSTREAM SIDE AS SHOWN ON THE PLANS.
2. FURROW ROCK CHECK DAMS AND STREAM CROSSINGS AS SHOWN ON PLANS PROVIDED BY THE INSPECTOR TO ACCOUNT FOR ANY FIELD CONDITIONS.
3. CONTRACTOR SHALL INSTALL ADDITIONAL EROSION CONTROL MEASURES PROPOSED BY THE INSPECTOR TO ACCOUNT FOR ANY FIELD CONDITIONS.
4. AFTER INSTALLING THE SODS FOR APPROXIMATELY 500 FEET (MAXIMUM) OR EVERY OTHER BAY OF INSTALLATION, THE CONTRACTOR MUST TEST AND MARK THE DISTURBED AREA OF EASEMENT BEFORE CONTINUING TO THE NEXT SECTION OF CONSTRUCTION.
5. REMOVE ALL EROSION CONTROL MEASURES AFTER ALL AREAS THEY SERVE HAVE BEEN PERMANENTLY STABILIZED.
6. SEE EROSION CONTROL DETAILS AND SODDING SCHEDULES AND SPECIFICATIONS.



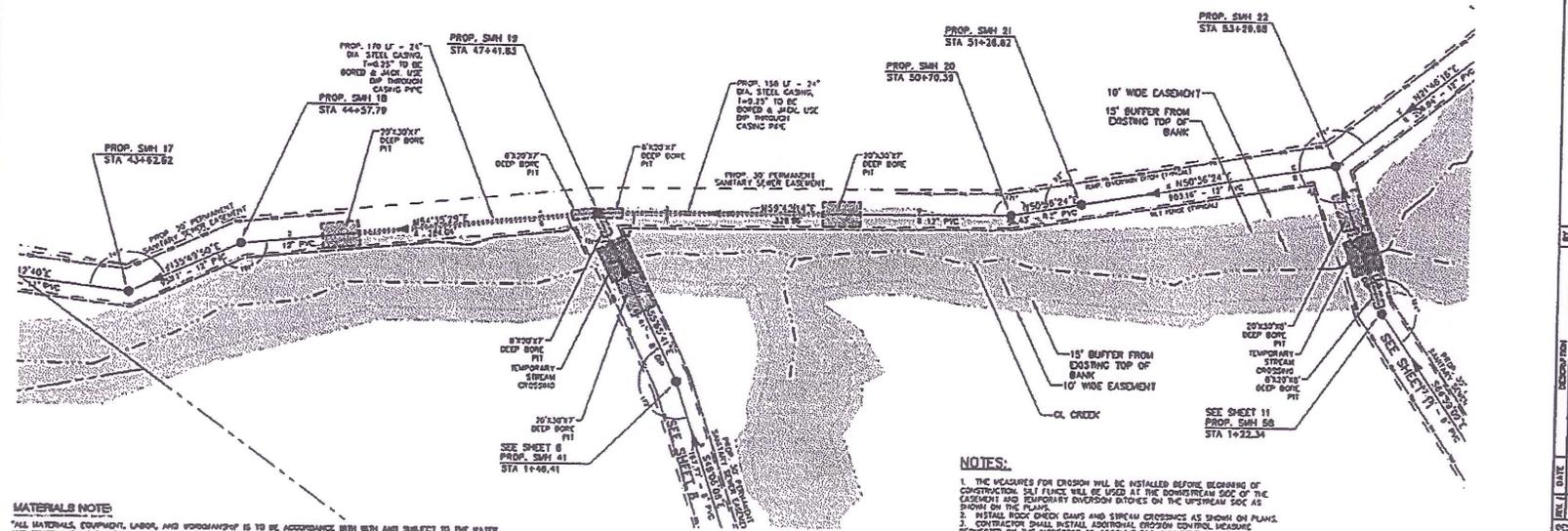
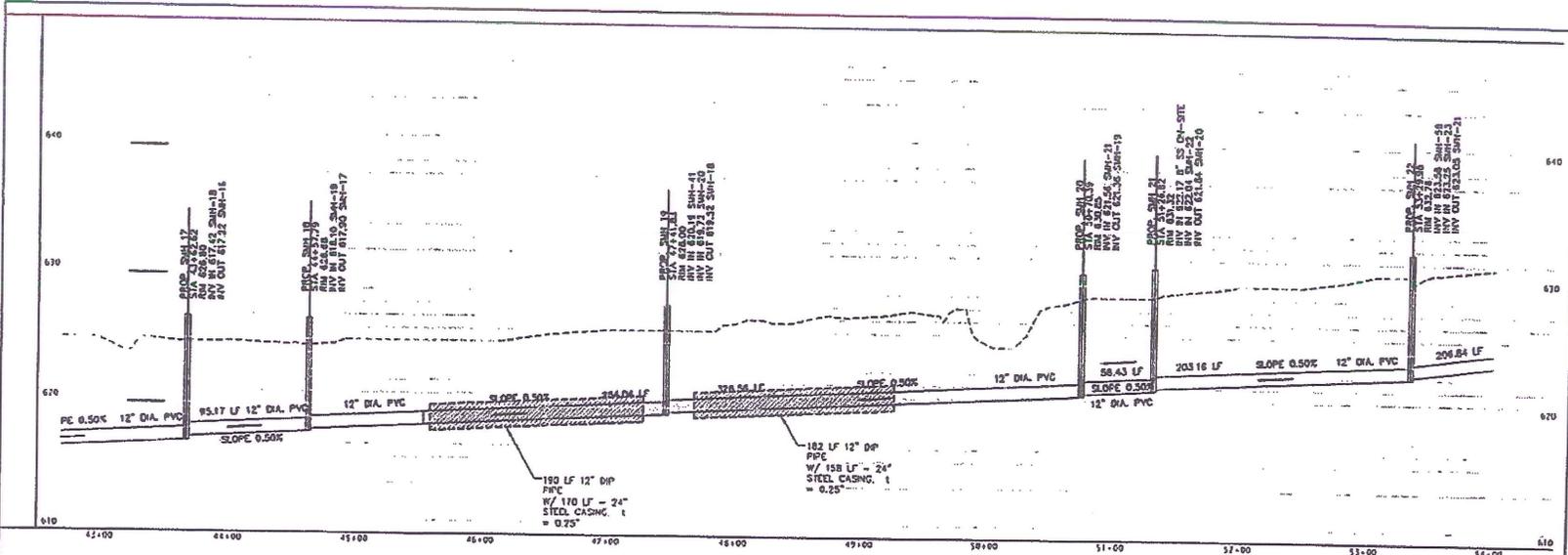
"This MAP IS NOT A CERTIFIED SURVEY
 and has not been reviewed by a local
 government agency for compliance
 with any applicable land development
 regulations."



148 COLONIAL BLVD
 CHARLOTTE, NC 27226
 (704) 334-1334

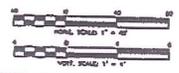
DTM Locations
 High Elevation
 Spot Elevation

Design Date
 1/20/20



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

NOTES:
 1. THE WEATHER FOR EROSION WILL BE INSTALLED BEFORE BEGINNING OF CONSTRUCTION. Silt FENCE WILL BE USED AT THE DOWNSTREAM END OF THE CASASHEM AND TEMPORARY DIVERSION DITCHES ON THE UPSTREAM END AS SHOWN ON THE PLANS.
 2. TEMPORARY ROCK CHECK DAMS AND STREAM CROSSINGS AS SHOWN ON PLANS.
 3. CONTRACTOR SHALL INSTALL ADDITIONAL EROSION CONTROL MEASURES REQUESTED BY THE INSPECTOR TO ACCOUNT FOR ANY FIELD CONDITIONS ENCOUNTERED.
 4. AFTER INSTALLING THE SEWER FOR APPROXIMATELY 500 FEET (MAXIMUM) ON EITHER END OF INSTALLATION, THE CONTRACTOR MUST STOP AND MAINTAIN THE EXISTING AREA OF CASASHEM BEFORE CONTINUING TO THE NEXT SECTION OF CONSTRUCTION.
 5. REMOVE ALL EROSION CONTROL MEASURES AFTER ALL AREAS THEY SERVE HAVE BEEN PERMANENTLY STABILIZED.
 6. SEE CITY OF CONCORD SPECIFICATIONS FOR EROSION CONTROL MEASURES AND SPECIFICATIONS.



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

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

| DATE | DESCRIPTION |
|---------|---------------------------------|
| 1/21/20 | ISSUED PLANS FOR CITY COMMENTS |
| 1/21/20 | REVISED PLANS FOR CITY COMMENTS |
| 1/21/20 | ISSUED PLANS FOR CITY COMMENTS |
| 1/21/20 | REVISED PLANS FOR CITY COMMENTS |
| 1/21/20 | ISSUED PLANS FOR CITY COMMENTS |
| 1/21/20 | REVISED PLANS FOR CITY COMMENTS |

| |
|-------------------|
| DESIGNED BY: BCS |
| DRAWN BY: BCS |
| CHECKED BY: BCS |
| SCALE: AS SHOWN |
| DATE: 2/21/20 |
| PROJECT NO. 17-22 |
| SHEET: 2 OF 22 |



RIGHTS-OF-WAY DATA

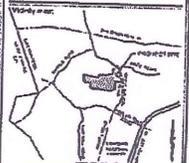
| PROPERTY OWNER | TRAC | LOT # | ADDRESS | BLDG AREA |
|----------------------------------|--------------|-------|--|----------------|
| CONSUMER WATER SERVICE, INC | 4681-40-0039 | 32 | PO BOX 7, LANDS, NC 28366 | 8,600.85 S.F. |
| WINDERLEM, STEVEN & SHARON L. | 4681-40-7001 | 33 | 193 SCALYBARK TRAIL, CONCORD, NC 28027 | 5,700.59 S.F. |
| WINDERLEM, STEVEN & SHARON L. | 4681-40-0029 | 34 | 158 SCALYBARK TRAIL, CONCORD, NC 28027 | 5,344.59 S.F. |
| LEDYFORD, ARNOLD B. & BARBARA K. | 4680-41-0031 | | 198 SCALYBARK TRAIL, CONCORD, NC 28027 | 10,726.48 S.F. |
| FOREMAN, JENNIFER L. | 4681-40-0019 | 153 | 86 SCALYBARK TRAIL, CONCORD, NC 28027 | 31,873.87 S.F. |
| LTC JOHN PARK & KATHYNE | 4680-38-0101 | | 1997 PARK CEDAR DRIVE, CHARLOTTE, NC 28210 | 2,275.00 S.F. |



Clark Water Development and Management (CWM)
10135 Savelle Park Drive, Suite 100
Charlotte, North Carolina 28262



RIDGES AT CONCORD



PLANNING DOCUMENTS

| No. | Date | Description |
|-----|------|-------------|
| | | |
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Scale: 1" = 200'

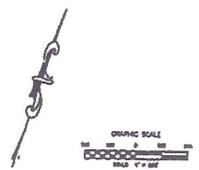
ACQUISITION OF RIGHTS-OF-WAY EXHIBIT D

Project Number: 2017-001-000 Sheet:
 Date: 06/16/2017
 Drawn by: JAC
 Approved by: JAC
1 OF 1

This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations.

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

DATE PLOTTED: 06/16/2017 10:00:00 AM
 PLOTTER: HP DesignJet 2500C
 PLOT SCALE: 1" = 200'



DATE: April 18, 2006

SUBJECT: Cedar Crest - Preliminary Plat

Preliminary Subdivision Plat Case Number: S-02-06

Owner/ Developer: Bost-Untz

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

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

BACKGROUND:

Area: 281.5 acres

Zoning: RL

Staff Report Prepared by: Ben Leatherland, Planning Services Manager

DISCUSSION:

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

APPROVAL CRITERIA:

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

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

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

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

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

RECOMMENDATION:

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

COMMISSION RECOMMENDATION:

Do you:

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

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

Staff Use Only

COMMISSION MOTION:

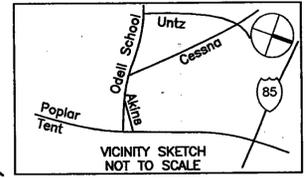
(Record Motion) _____

COMMISSION VOTE:

| Member Name | Vote |
|--------------------|-------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

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

Recorded by: _____



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

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

CEDAR CREST
 PLANNED RESIDENTIAL COMMUNITY
 PRELIMINARY PLAN
 CONCORD, NORTH CAROLINA

| BY | REVISION | DATE | # |
|----|----------|---------|---|
| | 1 | 2/20/06 | 1 |
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SCALE: 1" = 200'

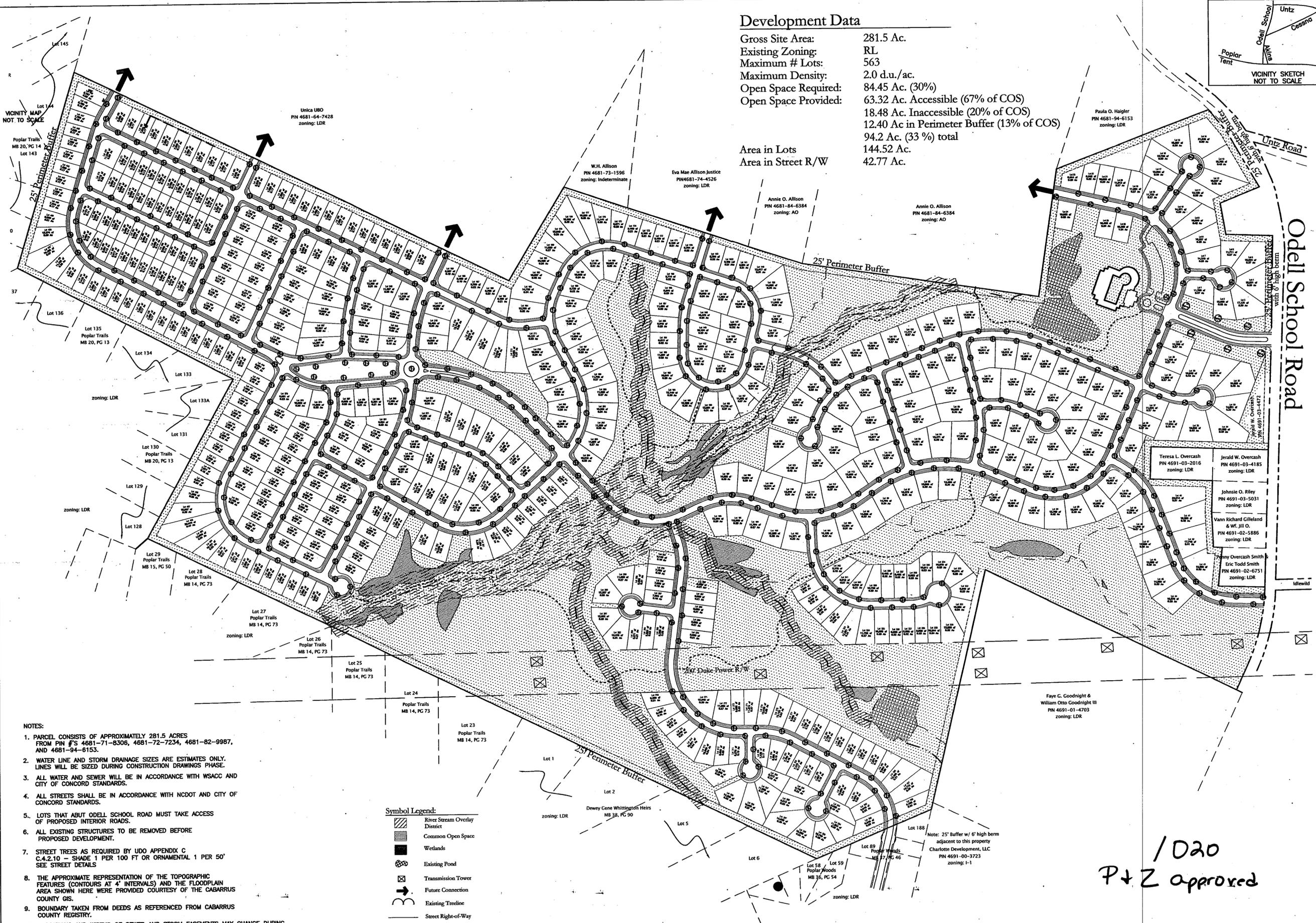
DATE: 4/11/06

JOB # 2005-032

SHEET 1 OF 5

Development Data

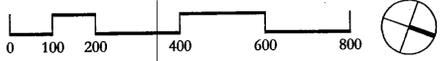
Gross Site Area: 281.5 Ac.
 Existing Zoning: RL
 Maximum # Lots: 563
 Maximum Density: 2.0 d.u./ac.
 Open Space Required: 84.45 Ac. (30%)
 Open Space Provided: 63.32 Ac. Accessible (67% of COS)
 18.48 Ac. Inaccessible (20% of COS)
 12.40 Ac. in Perimeter Buffer (13% of COS)
 94.2 Ac. (33%) total
 144.52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



- NOTES:**
1. PARCEL CONSISTS OF APPROXIMATELY 281.5 ACRES FROM PIN #'S 4681-71-8306, 4681-72-7234, 4681-82-9987, AND 4681-94-6153.
 2. WATER LINE AND STORM DRAINAGE SIZES ARE ESTIMATES ONLY. LINES WILL BE SIZED DURING CONSTRUCTION DRAWINGS PHASE.
 3. ALL WATER AND SEWER WILL BE IN ACCORDANCE WITH WSACC AND CITY OF CONCORD STANDARDS.
 4. ALL STREETS SHALL BE IN ACCORDANCE WITH NCDOT AND CITY OF CONCORD STANDARDS.
 5. LOTS THAT ABUT ODELL SCHOOL ROAD MUST TAKE ACCESS OF PROPOSED INTERIOR ROADS.
 6. ALL EXISTING STRUCTURES TO BE REMOVED BEFORE PROPOSED DEVELOPMENT.
 7. STREET TREES AS REQUIRED BY UDO APPENDIX C C.4.2.10 - SHADE 1 PER 100 FT OR ORNAMENTAL 1 PER 50' SEE STREET DETAILS
 8. THE APPROXIMATE REPRESENTATION OF THE TOPOGRAPHIC FEATURES (CONTOURS AT 4' INTERVALS) AND THE FLOODPLAIN AREA SHOWN HERE WERE PROVIDED COURTESY OF THE CABARRUS COUNTY GIS.
 9. BOUNDARY TAKEN FROM DEEDS AS REFERENCED FROM CABARRUS COUNTY REGISTRY.
 10. LOCATIONS AND WIDTHS OF SEWER AND STORM EASEMENTS MAY CHANGE DURING CONSTRUCTION DRAWING PHASE AND ADDITIONAL EASEMENTS MAY BE REQUIRED AT THAT TIME.
 11. WETLANDS AS SHOWN, TAKEN FROM NORSTAR LAND SURVEYING, INC., 192-A CHURCH STREET, CONCORD, NC 28025, 704-721-8651.



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



1020
 P+Z approved



DATE: April 21, 2015

CASE #: Z (CD)-04-15/LUP-01-15

DESCRIPTION: Concurrent Land Use Plan Amendment and Zoning Map Amendment
Single Family Residential to Multifamily Residential (LUP) and Residential Medium Density (RM-1) to Residential Compact Conditional District (RC-CD).

OWNERS: Troutman Land Investments and Blue Pure Life, LLC

APPLICANT: Gardner Development, LLC

LOCATION: West side of Burrage Road, generally between Old Salisbury Concord Road and Cameron Avenue, NE.

PIN#s: PIN: 5631-13-0290 (part of)

AREA: 7.0+/- acres

ZONING: Residential Medium Density (RM-1)

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

BACKGROUND

The subject property consists of approximately seven (7) acres of a larger 27 acre parcel, and is located on the west side of Burrage Road, west of Old Salisbury Concord Road. The site is bounded on the west by Wilkinson Funeral Home, which is oriented towards Branchview Drive (NC3). Surrounding properties are vacant land and single family residential.

HISTORY

There are no indications in City records about previous zoning actions on the subject property and no records as to when the property was annexed. County records indicate that Troutman Land Investments acquired the property in 1985.

SUMMARY OF REQUEST

The petitioner proposes to rezone the subject property to Conditional District Residential Compact (RC-CD) for the development of an eighty (80) unit multifamily development. The property is designated "single family residential" by the Future Land Use Plan (LUP) and the

development of multifamily 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 RC-CD. 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.

LAND USE PLAN AMENDMENT

Approval of the plan amendment to designate a portion of the subject property to “multifamily” would result in an isolated area of multifamily within the single family designated property east of Branchview Drive. The nearest multifamily designated land lies approximately 1,300 feet to the west, at Hatley Circle. However, the subject property lies in very close proximity (approximately 150 feet) to the “village center designation” at the Branchview/Old Salisbury Concord Road intersection, and multifamily is permissible in that designation. The property is also directly adjacent to Wilkinson’s Funeral Home and lies within approximately 400 feet from the Crescent Heights multifamily project to the northwest.

ZONING MAP AMENDMENT

The zoning map amendment proposes Residential Compact-Conditional District (RC-CD) for the development of eighty (80) multi-family units within eight (8) separate structures. The proposed density is 11.4 units per acre, which is less than the allowable density of 15 units per acre for RC zoning. All of the structures are proposed to be two-story and a community building and playground area is planned generally near the center of the property. The application has been reviewed by all City departments and there are no objections to the proposed zoning amendment. There are several transportation improvements that will be required during technical site plan approval. These include:

- Installation of curb and gutter and sidewalk along Burrage Road;
- Reservation of a 40’ wide strip from the centerline of Burrage Road to accommodate widening; and
- Construction of a full turn lane with 150 feet of storage.

The applicant has also submitted renderings which illustrate compliance with the multifamily design requirements of Article 8. Should the rezoning and land plan amendment be approved by Council, the project would still need to obtain full technical site plan approval from the staff.

Property to the north and east is zoned Medium Density Residential (RM-1) and these properties are a combination of vacant land and single family residential. Land to the south is zoned a combination of RM-1 and Light Commercial (C-1). The RM-1 property is vacant land and the C-1 land is the site of Wilkinson’s Funeral Home. The Food Lion shopping center lies further to the

south and is zoned General Commercial (C-2). Land to the west is also zoned RM-1 and C-1. The Crescent Heights Multifamily project lies within the C-1 zoning area.

| Existing Zoning and Land Uses | | | | | |
|------------------------------------|------------------------|--------------|----------------------------------|---------------------------|-------------|
| Current Zoning of Subject Property | Zoning Within 500 Feet | | Land Uses(s) of Subject Property | Land Uses within 500 Feet | |
| | RM-1 | North | | RM-1 | Vacant land |
| South | | RM-1 and C-1 | South | Funeral home and vacant | |
| East | | RM-1 | East | Single family and vacant | |
| West | | RM-1 and C-1 | West | Vacant and multifamily | |

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

- The subject property is approximately 7.0 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 multi-family uses which are permissible in the multifamily land use designation.
- The zoning amendment is reasonable and in the public interest because the petition proposes multi-family development in the proximity of a mixed use node and a commercial area where multi-family development is appropriate.

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 for consideration at their May 12 meeting.

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 eighty (80) multifamily dwelling units as depicted on the attached site plan, dated January 28, 2015.

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.

(Please type or print)

Applicant Name, Address, Telephone Number: GARDNER Development, LLC
1414 E. PRIMROSE STREET SUITE 100 SPRINGFIELD,
MISSOURI 65804 704-707-8591 - (ISRAEL PADGETT)

Owner Name, Address, Telephone Number: TRAUTMAN LAND INVESTMENTS/
BLUE PURE LIFE, LLC P.O. Box 507 CONCORD, NC

Project Location/Address: BURRAGE ROAD 100 BLOCK

P.I.N.: 563113029000

Area of Subject Property (acres or square feet): 7⁺ AC OF A 27⁺ AC TRACT

Lot Width: _____ Lot Depth: _____

Current Zoning Classification: SINGLE FAMILY (RM-1)

Proposed Zoning Classification: MULTIFAMILY (RC-UD)

Existing Land Use: VACATE

Surrounding Land Use: North VACATE South VACATE

East SINGLE FAMILY West VACATE

Reason for request: DEVELOPER WOULD LIKE TO PLACE 80
APARTMENTS ON PROPERTY

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

Staff member signature: HEA Date: 2/17/15

(Please type or print)

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

MULTIFAMILY 2 BEDROOM UNITS & 3 BEDROOM UNITS

2. List the Condition(s) you are offering as part of this project. Be specific with each description.
 (You may attach other sheets of paper as needed to supplement the information):

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

Franc Pappas Agent
 Signature of Applicant Date
 02/17/15

Keesh Rodma 2/17/15
 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: 2/17/15

Applicant Signature: Isaac Puff, agent

Property Owner or Agent of the Property Owner Signature:
Keith Goodman



City Staff to complete this section

Case Number: _____

PETITION FOR AMENDING THE LAND USE/SMALL AREA PLAN

Date of Application: 02/17/15

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

RM-1 to RC
SINGLE FAMILY to MULTIFAMILY GARDNER DEVELOPMENT, LLC

Name of Applicant or Agent (Print): ISAAC PADGETT, AGENT Phone: 704-707-8591

Address: 2918 DEEP COVE DRIVE NW CONCORD, NC 28027

FAX: 704-707-9643 E-mail (optional): irvmedicap@gmail.com

Record Property Owner (Print): TROUTMAN LAND INVESTMENTS Phone: 704-782-3105

Property Address(s): BURRAGE ROAD 27+ AC SITE WITH 7 AC BEING

Zip Code: 28025 City CONCORD County: CABARRUS DEVELOPED OUT.

County Parcel/Tax ID Number(s): A PORTION OF 5631130290000

Tract Acreage: 7+ General Location: BURRAGE RD IN THE 100 BLOCK

Existing Land Use: VACATE Proposed Land Use: APARTMENTS Existing Zoning/Use: RM-1 MEDIUM DENS. 2+

Proposed Zoning/Use: RC-MULTIFAMILY FEMA Flood Zone: N/A Per identified

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.): THIS PROPERTY IS VACATE AND HAS NEVER BEEN DEVELOPED.

- Current and future traffic counts and patterns: PER NC-DOT 2012 TRAFFIC COUNTS SHEET 7 FOR CABARRUS COUNTY THE COUNTS ON BURRAGE ROAD JUST W. OF CABARRUS AVE. TOTALS 2700/DAY. WE FEEL OUR DEVELOPMENT WOULD ADD APPROX. 150-160 TRIPS PER DAY.

- Utility/Infrastructure Changes: NO SIGNIFICANT UTILITY CHANGES WILL BE MADE DUE TO ALL UTILITIES BEING IN PLACE.

- Status of Floodplain/Hydrology: There is no flood plain on this property, water flows from Burner Road to rear of property
- Changes in Surrounding Land Uses: NO KNOWN LAND USE CHANGES IN SURROUNDING PROPERTY AT THIS TIME.

• Other (Please explain) _____

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

THERE IS NO OTHER OTHER PROPERTY FOR MULTIFAMILY USE WITHIN A HALF-MILE OF THIS SITE.

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

Does the proposed change involve a single use/one lot development? NO

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] ^{CARD NOTE} Development, US Date: _____

* SIGNATURE OF PROPERTY OWNER: [Signature] Date: 2/10/15

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: _____

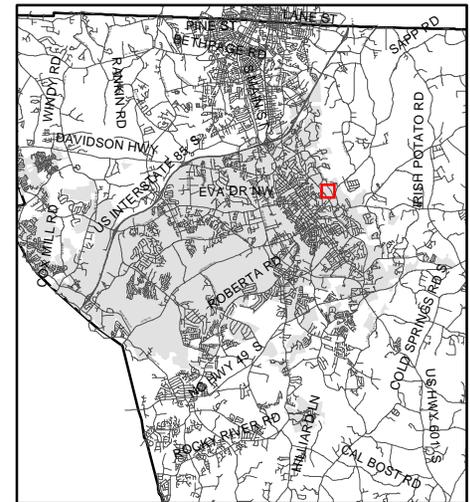
**Z(CD)-04-15
LUP-01-15
AERIAL**

**Zoning Map &
Land Use Plan Amendment
Application**

**Residential Medium Density
(RM-1) to Residential Compact
Conditional District (RC-CD) for
a multifamily development.**

**Land use designation from
Single Family Residential to
Multifamily Residential**

Burrage Rd NE
PIN: 5631-13-0290 (part of)



Source: City of Concord
Planning Department

Disclaimer

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

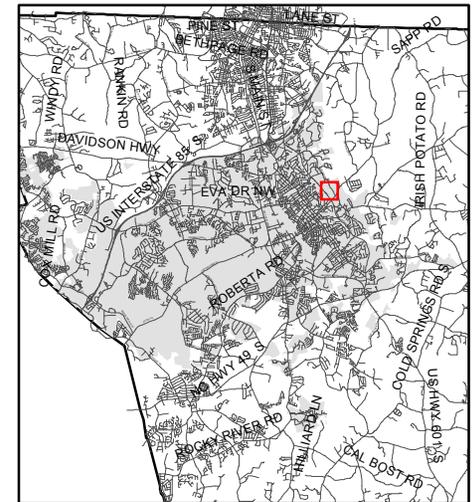
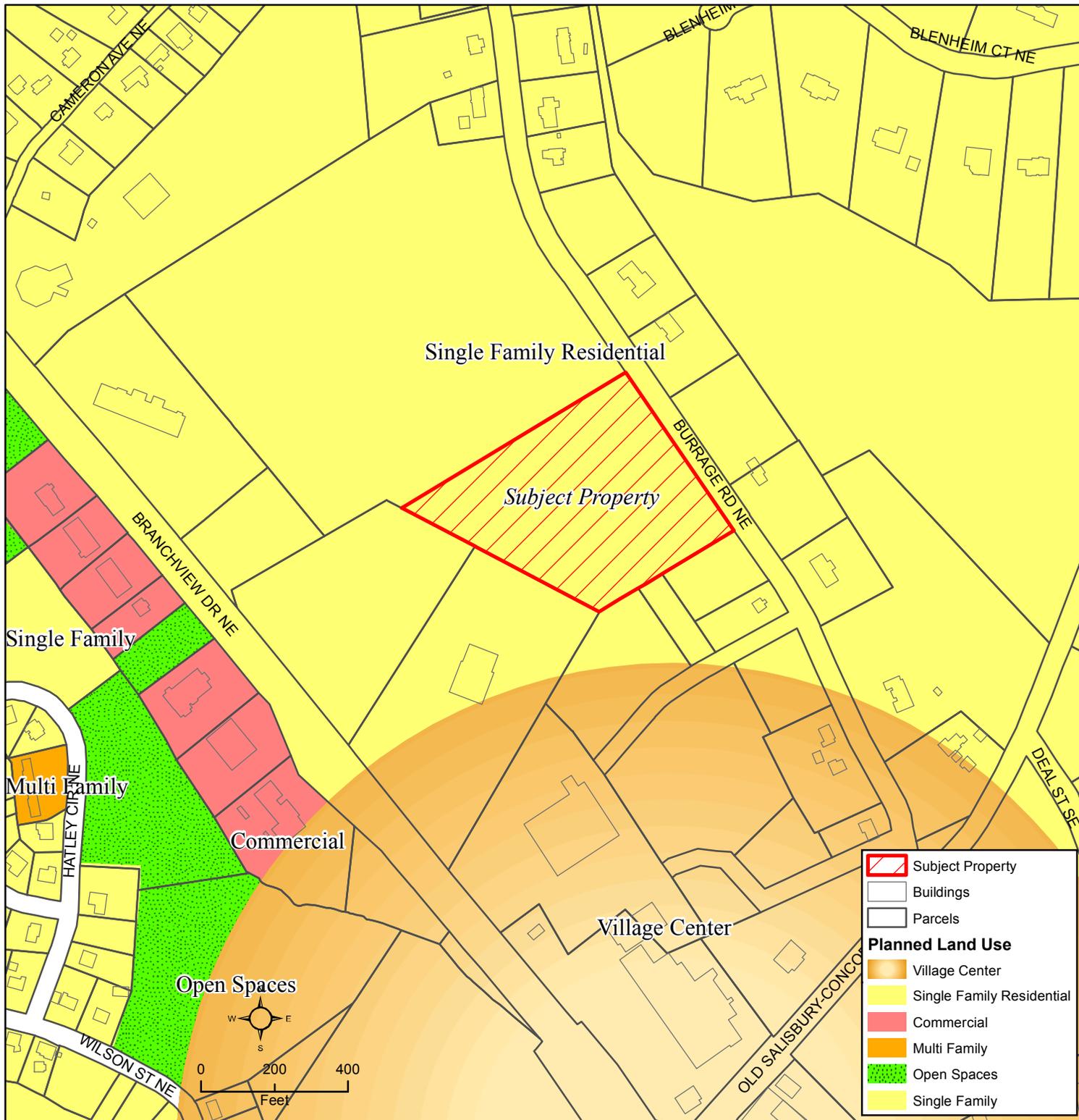
**Z(CD)-04-15
LUP-01-15
LAND USE PLAN**

**Zoning Map &
Land Use Plan Amendment
Application**

**Residential Medium Density
(RM-1) to Residential Compact
Conditional District (RC-CD) for
a multifamily development.**

**Land use designation from
Single Family Residential to
Multifamily Residential**

Burrage Rd NE
PIN: 5631-13-0290 (part of)



Source: City of Concord
Planning Department

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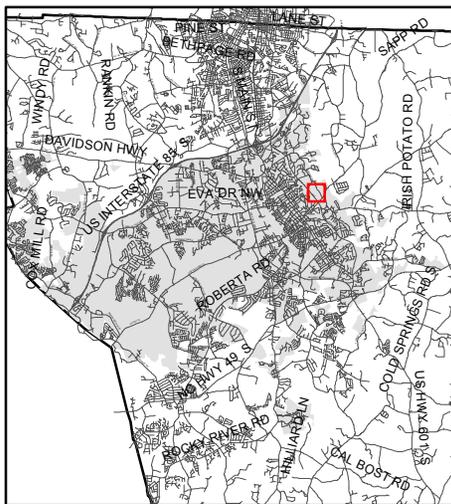
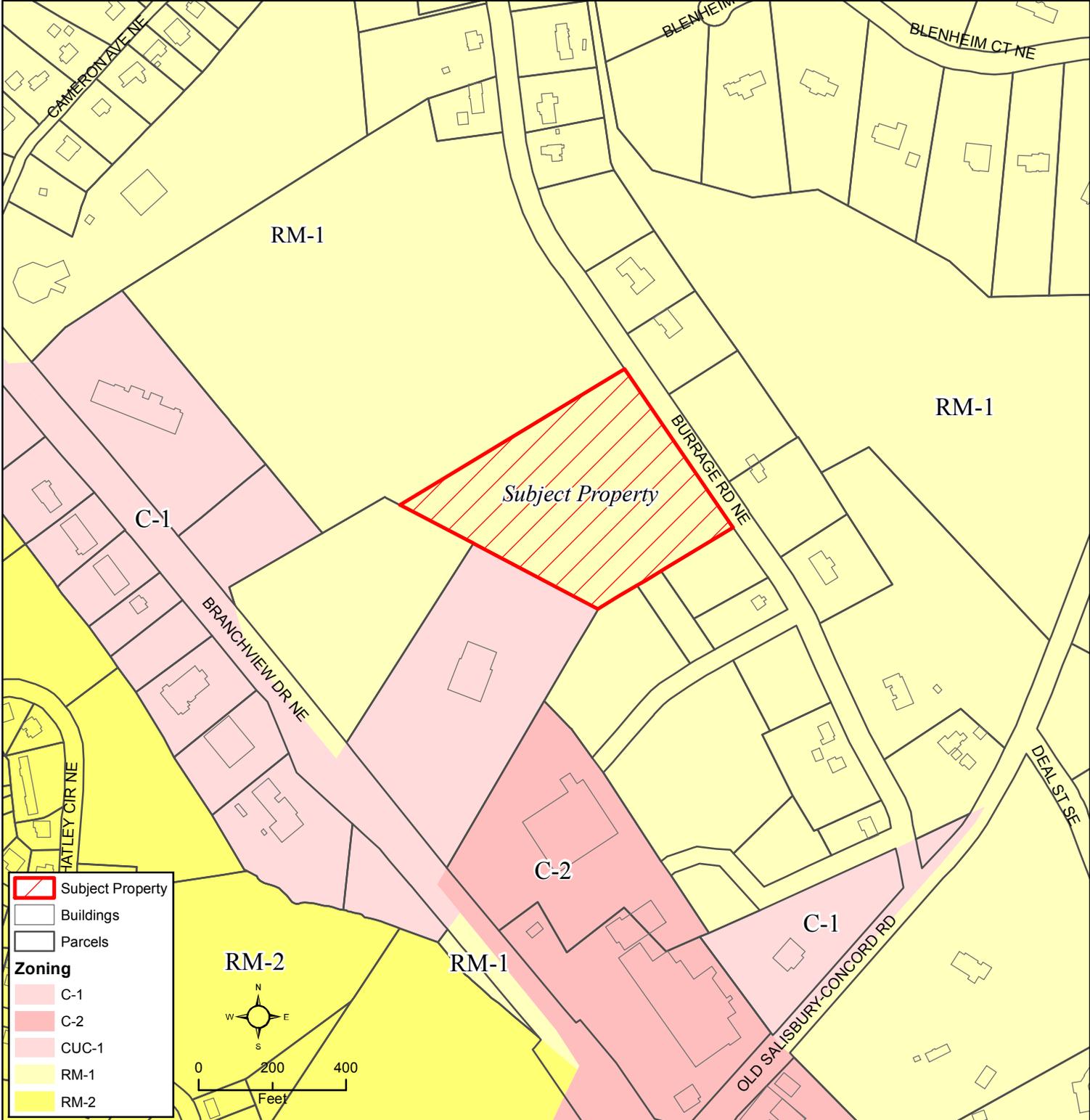
**Z(CD)-04-15
LUP-01-15
ZONING MAP**

**Zoning Map &
Land Use Plan Amendment
Application**

**Residential Medium Density
(RM-1) to Residential Compact
Conditional District (RC-CD) for
a multifamily development.**

**Land use designation from
Single Family Residential to
Multifamily Residential**

Burrage Rd NE
PIN: 5631-13-0290 (part of)



Source: City of Concord
Planning Department

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Chestnut Grove Apartments

4278/1

Concord, North Carolina

Gardner Development, LLC



THIS PROJECT, IN ITS ENTIRETY, TO
COMPLY WITH 2015 QAP, APPENDIX B,
DESIGN QUALITY STANDARDS.



PROJECT
Chestnut Grove
Apartments
Concord,
North Carolina

15-07100

DATE: January 23, 2015
ISSUED FOR: NCEM Application

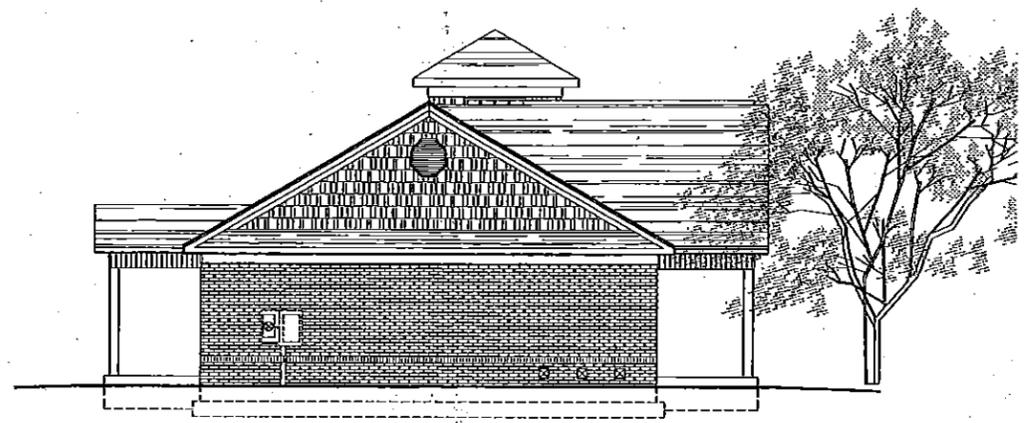
SHEET
Tile Sheet

TS 1.1

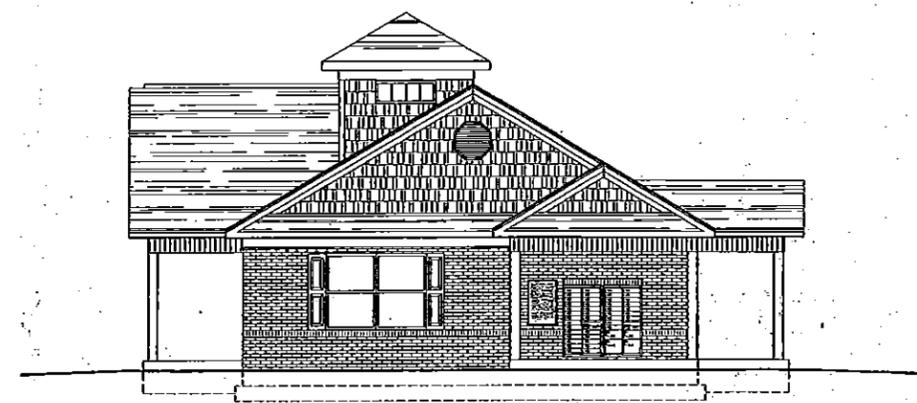


1 Front Elevation
Scale: 3/32" = 1'-0"

| ELEVATION KEY | |
|---------------|--|
| | ROOF 0C WEATHERED WOOD COLOR (OR SIMILAR) 30-YEAR WARRANTY ASPHALT SHINGLES, ON ONE LAYER OF 15# BUILDING FELT ON 1/2" OSB TYP. |
| | METAL ROOF STANDING SEAM METAL ROOF - COPPER COLOR |
| | VINYL SIDING - MIN. .044MM HEAVY GAUGE DOUBLE 5 PATTERN |
| | VINYL SIDING - MIN. .044MM HEAVY GAUGE CEDAR SHAKE PATTERN |
| | VINYL SIDING - MIN. .044MM HEAVY GAUGE BOARD AND BATTEN STYLE |
| | BRICK/ROWLOCK COURSE WIRECUT COMMON RED BRICK BRICK VENEER W/ MASONRY TIES @1'-4" O.C. BOTH DIRECTIONS |



3 Left Side Elevation
Scale: 3/32" = 1'-0"

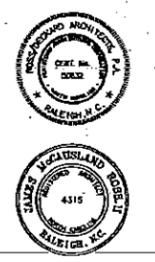


2 Right Side Elevation
Scale: 3/32" = 1'-0"



4 Rear Elevation
Scale: 3/32" = 1'-0"

- | ELEVATION NOTES | |
|-----------------|--|
| 1. | NO OR VERY LOW MAINTENANCE MATERIALS ARE USE FOR EXTERIOR BUILDING COVERINGS. INCLUDE HIGH QUALITY VINYL SIDING, BRICK, OR FIBER CEMENT SIDING. VINYL SIDING MUST HAVE A .044" THICKNESS OR GREATER AND A LIMITED LIFETIME WARRANTY. |
| 2. | ALL BUILDINGS TO HAVE SEAMLESS GUTTERS AND ALUMINUM DRIP EDGE ON ALL GABLE RAKES AND FASCIA BOARDS. |
| 3. | ALL BUILDING FOUNDATIONS MUST HAVE A MINIMUM OF 12 INCHES EXPOSED BRICK VENEER ABOVE FINISHED GRADE LEVEL (AFTER LANDSCAPING). |
| 4. | BUILDINGS AND UNITS TO BE IDENTIFIED USING CLEARLY VISIBLE SIGNAGE AND NUMBERS. BUILDING AND UNIT IDENTIFICATION SIGNAGE TO BE WELL LIT FROM DUSK TILL DAWN. |
| 5. | EXTERIOR RAILINGS SHALL BE MADE OF VINYL, ALUMINUM, OR STEEL. |
| 6. | MAILBOXES PROVIDED ON A SITE SHALL NOT BE INSTALLED HIGHER THAN 48 INCHES ABOVE FINISHED FLOOR. |



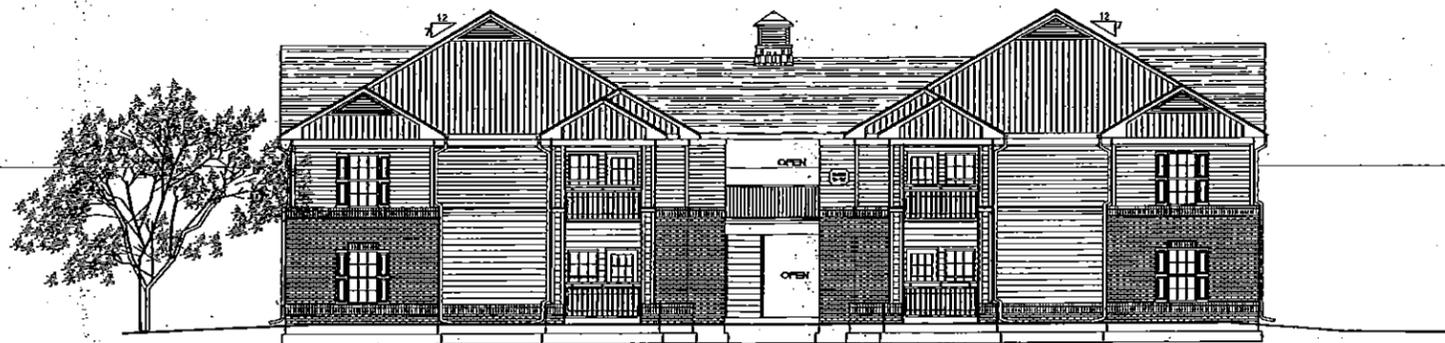
Chestnut Grove Apartments
Concord, North Carolina

15-50.00

DATE: January 23, 2015
ISSUED FOR: NC/FPA Application

Community Building
Exterior Elevations

A 31



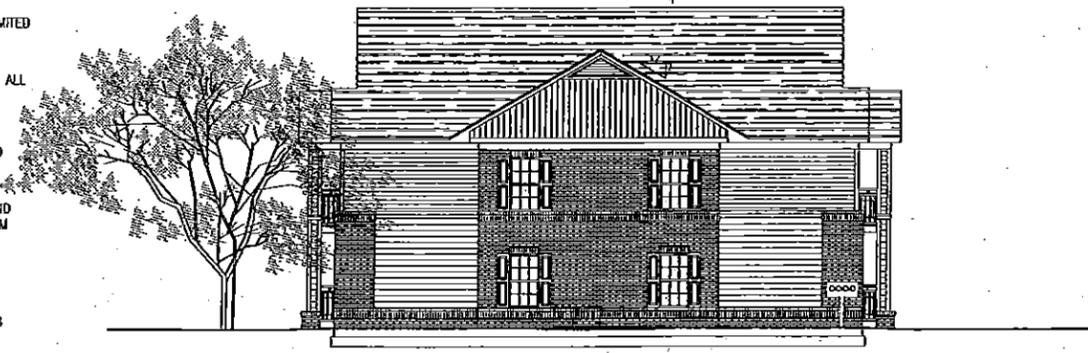
1 Front Elevation
Scale: 1/16" = 1'-0"



2 Rear Elevation
Scale: 1/16" = 1'-0"

ELEVATION NOTES

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3 Left/Right Side Elevation
Scale: 1/16" = 1'-0"

Building C

ELEVATION KEY

-  ROOF
OC WEATHERED WOOD COLOR (OR SIMILAR)
30-YEAR WARRANTY ASPHALT SHINGLES, ON ONE LAYER OF 15# BUILDING FELT ON 1/2" OSB TYP.
-  METAL ROOF
STANDING SEAM METAL ROOF - COPPER COLOR
-  VINYL SIDING - MIN. .044MM HEAVY GAUGE
DOUBLE 5 PATTERN
-  VINYL SIDING - MIN. .044MM HEAVY GAUGE
CEDAR SHAKE PATTERN
-  VINYL SIDING - MIN. .044MM HEAVY GAUGE
BOARD AND BATTEN STYLE
-  BRICK/ROWLOCK COURSE
WIRECUT COMMON RED BRICK
BRICK VENEER W/ MASONRY TIES
@ 1'-4" O.C. BOTH DIRECTIONS



Chestrut Grove
Apartments
Concord,
North Carolina

15-510,00

DATE: January 23, 2015
ISSUED FOR: NCEM Application

Exterior Elevations
Building C
2 BR Bldg

A 3.2



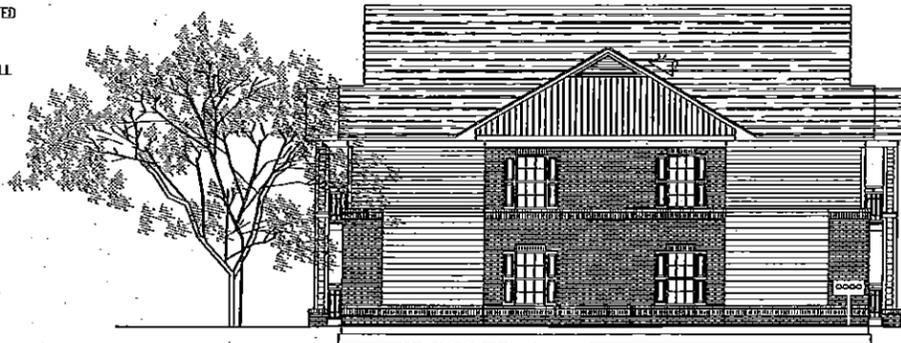
1 Front Elevation
Scale: 1/16" = 1'-0"



2 Rear Elevation
Scale: 1/16" = 1'-0"

ELEVATION NOTES

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CEDAR SHAKE PATTERN
-  VINYL SIDING - MIN. .044MM HEAVY GAUGE
BOARD AND BATTEN STYLE
-  BRICK/ROWLOCK COURSE
WIRECUT COMMON RED BRICK
BRICK VENEER W/ MASONRY TIES
Ø1'-4" O.C. BOTH DIRECTIONS

Buildings A + H



PROJECT
Chestnut Grove
Apartments
Concord,
North Carolina

15-00.00

DATE: January 23, 2015
ISSUED FOR: NCEFA Application

EXTERIOR ELEVATIONS
BUILDINGS A + H
2 BR Bkg

A 3.3



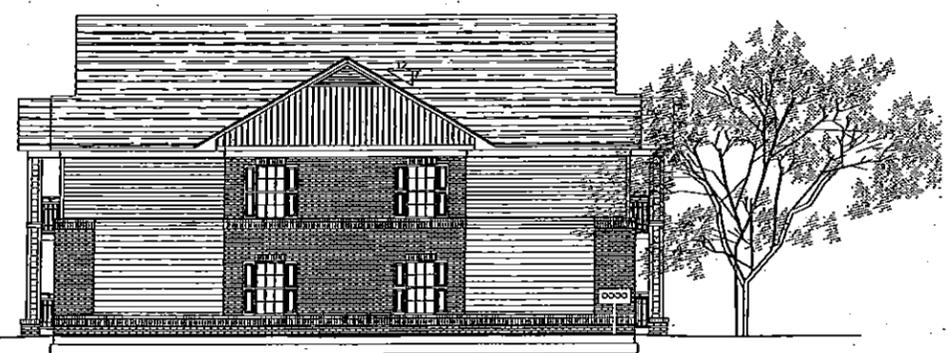
1 Front Elevation Scale: 1/16" = 1'-0"



2 Rear Elevation Scale: 1/16" = 1'-0"

ELEVATION NOTES

1. NO OR VERY LOW MAINTENANCE MATERIALS ARE USE FOR EXTERIOR BUILDING COVERINGS, INCLUDE HIGH QUALITY VINYL SIDING, BRICK, OR FIBER CEMENT SIDING. VINYL SIDING MUST HAVE A .044" THICKNESS OR GREATER AND A LIMITED LIFETIME WARRANTY.
2. ALL BUILDINGS TO HAVE SEAMLESS CUTTERS AND ALUMINUM DRIP EDGE ON ALL GABLE RAKES AND FASCIA BOARDS.
3. ALL BUILDING FOUNDATIONS MUST HAVE A MINIMUM OF 12 INCHES EXPOSED BRICK VENEER ABOVE FINISHED GRADE LEVEL (AFTER LANDSCAPING).
4. BUILDINGS AND UNITS TO BE IDENTIFIED USING CLEARLY VISIBLE SIGNAGE AND NUMBERS. BUILDING AND UNIT IDENTIFICATION SIGNAGE TO BE WELL LIT FROM DUSK THRU DAWN.
5. EXTERIOR RAILINGS SHALL BE MADE OF VINYL, ALUMINUM, OR STEEL.
6. MAILBOXES PROVIDED ON A SITE SHALL NOT BE INSTALLED HIGHER THAN 48 INCHES ABOVE FINISHED FLOOR.



3 Left/Right Side Elevation Scale: 1/16" = 1'-0" Buildings B, D, E, F + G

ELEVATION KEY

-  ROOF
0C WEATHERED WOOD COLOR (OR SIMILAR)
30-YEAR WARRANTY ASPHALT SHINGLES, ON ONE LAYER OF 15# BUILDING FELT ON 1/2" OSB TYP.
-  METAL ROOF
STANDING SEAM METAL ROOF - COPPER COLOR
-  VINYL SIDING - MIN. .044MM HEAVY GAUGE
DOUBLE 5 PATTERN
-  VINYL SIDING - MIN. .044MM HEAVY GAUGE
CEDAR SHAKE PATTERN
-  VINYL SIDING - MIN. .044MM HEAVY GAUGE
BOARD AND BATTEN STYLE
-  BRICK/ROWLOCK COURSE
WIRECUT COMMON RED BRICK
BRICK VENEER W/ MASONRY TIES
@1'-4" O.C. BOTH DIRECTIONS



Chestnut Grove Apartments
Concord, North Carolina

15-590,00

DATE: January 23, 2015
ISSUED FOR: NCA-PA Application

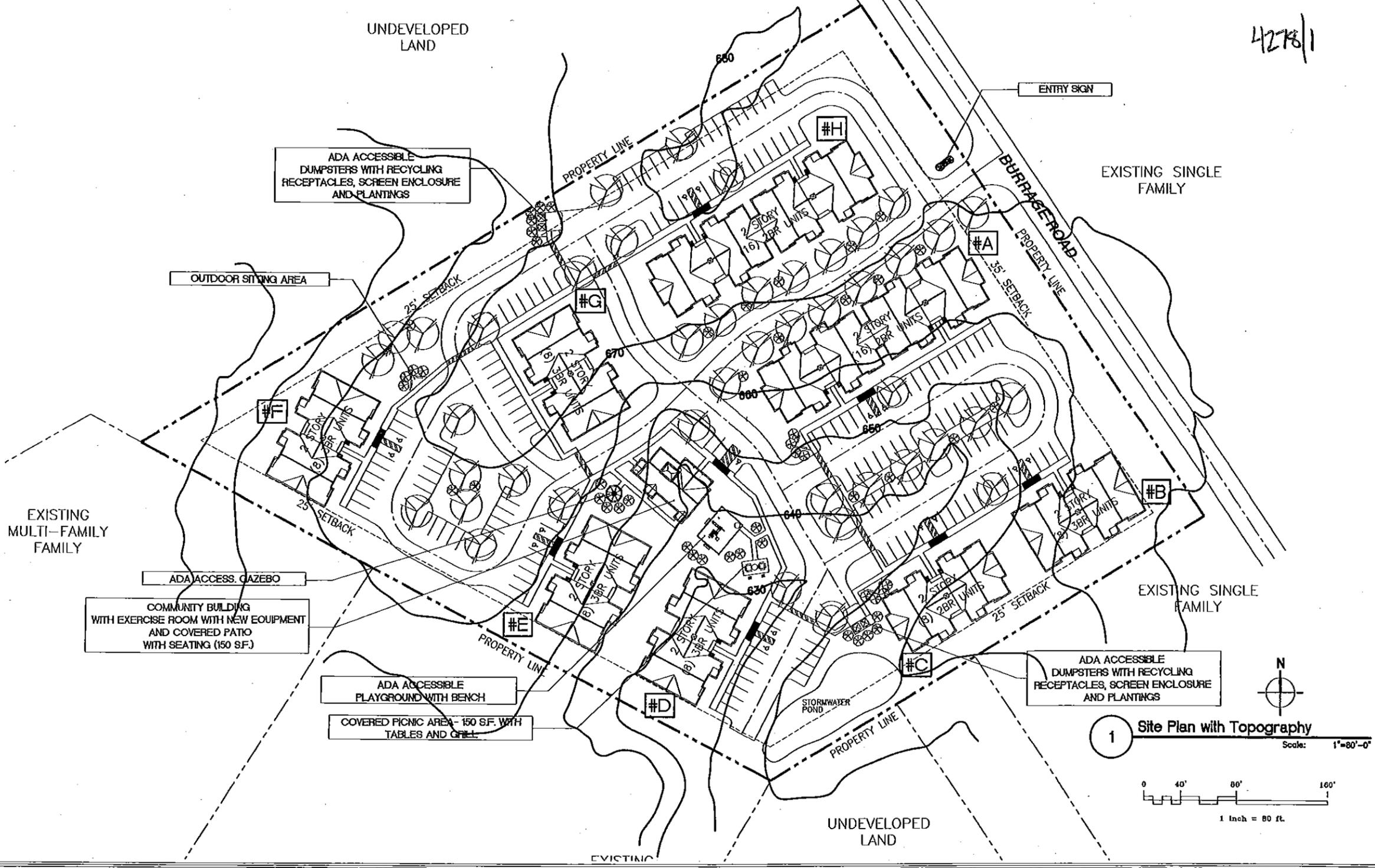
Exterior Elevations
Buildings B, D, E, F + G
2 BR Bldg

A 3.4

SITE INFORMATION:
 SITE ADDRESS: (4/-) 7.00 ACRES
 SITE ADDRESS: FROM BURRAGE ROAD
 TOTAL PARKING SPACES PROVIDED = 123 SPACES
 TOTAL NUMBER OF BUILDINGS: (8) RESIDENTIAL BUILDINGS + (1) COMMUNITY BUILDING
 FLOOD PLANE: NONE
 RETAINING WALLS EXISTING/PLANNED: NONE/NONE

BUILDING NUMBER
 #A

4278/1



1 Site Plan with Topography
 Scale: 1"=80'-0"
 0 40' 80' 160'
 1 inch = 80 ft.

Chestnut Grove Apartments
 Concord, North Carolina

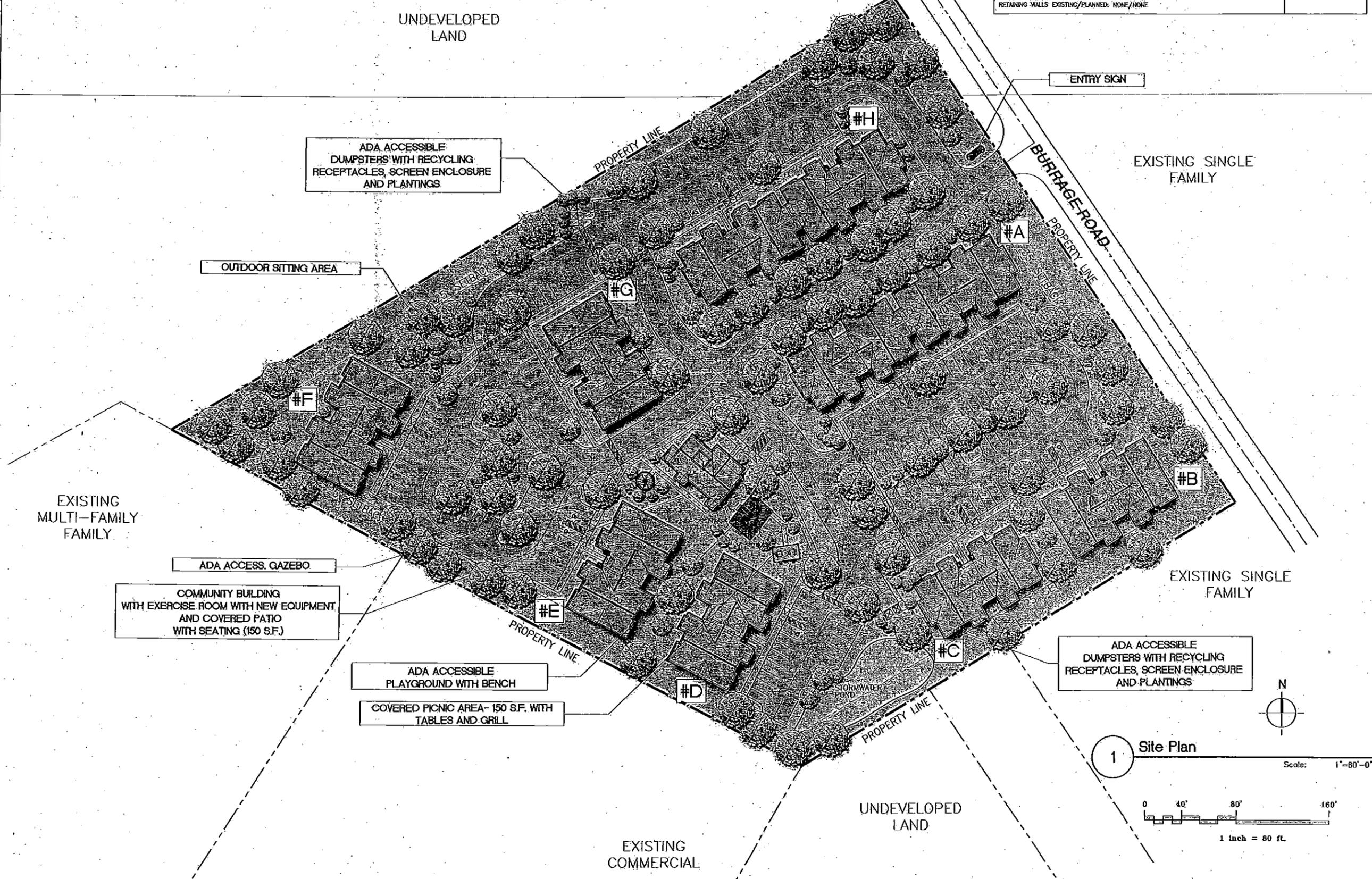
15-010.00

DATE: January 28, 2014
 ISSUED FOR: NEPA Application

Site Plan with Topography

Site 1.2

| | | |
|---|--|-----------------|
| SITE INFORMATION: | | BUILDING NUMBER |
| SITE ACREAGE: (+/-) 7.00 ACRES | | #A |
| SITE ACCESS: FROM BURRAGE ROAD | | |
| TOTAL PARKING SPACES PROVIDED = 123 SPACES | | |
| TOTAL NUMBER OF BUILDINGS: (8) RESIDENTIAL BUILDINGS + (1) COMMUNITY BUILDING | | |
| FLOOD-PLAIN: NONE | | |
| RETAINING WALLS EXISTING/PLANNED: NONE/NONE | | |



ENTRY SIGN

ADA ACCESSIBLE DUMPSTERS WITH RECYCLING RECEPTACLES, SCREEN ENCLOSURE AND PLANTINGS

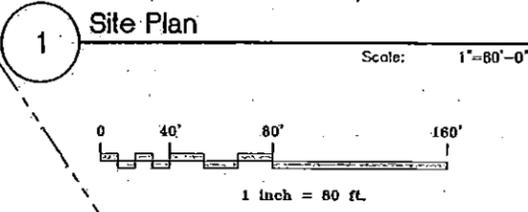
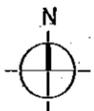
OUTDOOR SITTING AREA

ADA ACCESS. GAZEBO
COMMUNITY BUILDING WITH EXERCISE ROOM WITH NEW EQUIPMENT AND COVERED PATIO WITH SEATING (150 S.F.)

ADA ACCESSIBLE PLAYGROUND WITH BENCH

COVERED PICNIC AREA- 150 S.F. WITH TABLES AND GRILL

ADA ACCESSIBLE DUMPSTERS WITH RECYCLING RECEPTACLES, SCREEN-ENCLOSURE AND PLANTINGS



PROJECT: Chestnut Grove Apartments
 Location: Concord, North Carolina
 15-573.00
 DATE: January 23, 2015
 ISSUED FOR: NCIFA Application
 SHEET: Site Plan
 Title: Site 1.1



DATE: April 21, 2015

SUBJECT: Special Use Permit
Multi-family residential in the C-2 (General Commercial) Zoning District

CASE: SUP-04-15

APPLICANT: Tribute Investment and Development

LOCATION: Northeast quadrant of Pitts School Road and Hedgemore Court
PIN 5509-53-4345, 43-9830

AREA: 26.66 +/- Acres

EXISTING LAND USE: Vacant Land

EXISTING ZONING: C-2 (General Commercial)

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

BACKGROUND

The applicant proposes to develop 336 multifamily units on approximately 26.6 acres within the Settler's Landing (fka Jacobs Landing) development. The development is proposed to be located generally on the northeast quadrant of Pitts School Road, SW and Hedgemore Ct. The development is proposed to have direct vehicular connections to Halton Crossing Dr., Robins Way, Cambridge Commons and Coventry Crossing, all of which are streets within the Settlers Landing development. The development is a mixed use project which contains a mixture of commercial and residential uses. Townhome lots have been platted to the south of the subject property and 116 townhome lots are proposed within the Settler's Landing development.

The proposed development consists of fourteen (14) three story structures with 24 units in each building. The applicant also proposes a clubhouse within an amenity area, generally in the center of the site. The applicant has also submitted architectural renderings and product photographs, which demonstrate compliance with the multifamily design standards of Article 8. The development has a density of 12.6 units per acre, which falls within the maximum density of 15 units per acre for the C-2 district.

City staff has reviewed the proposed site plan and it meets the minimum standards of the Concord Development Ordinance (CDO) and none of the reviewing agencies have objections to the Special Use Permit. Should the request be approved, the applicant would still need to obtain

technical site plan approval for the development, and more detailed site and architectural plans would be required.

The subject property is zoned General Commercial (C-2) and consists of approximately 26.6 acres within the Settler's Landing Development. The property was part of a large, City-initiated annexation effective in December, 1995. This property was initially zoned B-3 General Commercial upon annexation. With the adoption of the Unified Development Ordinance (now known as the CDO) and their corresponding new districts in 2000, the areas zoned B-3 became C-2 zoning. The property has had numerous preliminary plats approved throughout its history.

The Future Land Use Plan (LUP) designates the subject property as part of the "Mixed Use Node" at the Pitts School Road/Concord Parkway intersection. This designation allows multiple uses including single and multifamily, retail and office. Therefore, it is the staff's opinion that the project is consistent with the LUP.

APPROVAL CRITERIA

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

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

The proposed multi-family development is permitted in C-2 as a special use. The development meets the minimum requirements of the CDO relative to density, design, height and screening.

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 public streets within the Settlers Landing Development, which will in turn; provide access to both Pitts School Road and Hedgemore. The access is a right-in/right-out access only. The proposed use meets the minimum parking standards of the ordinance.

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

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

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

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

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

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

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

The proposed project complies with CDO requirements with respect to zoning. If the requested SUP is approved, the applicant must obtain technical site plan review prior to permit issuance.

PROPOSED FINDINGS OF FACT

1. The applicant is Tribute Investment and Development, Inc. and the subject property is located at the northeast quadrant of Poplar Tent Road and Hedgemore Court.
2. The property is owned by Brian G. Edenfield and Settlers Landing Development, LLC (DB 11243 PG 90).
3. The subject property is zoned C-2 (General Commercial).
4. The property consists of 26.66 acres and is vacant land.
5. The adopted Land Use Plan designates the property as a portion of a “Mixed Use Node.”
6. The request is for a Special Use Permit to construct a 336 unit, multifamily development, consisting of fourteen apartment structures and one clubhouse/amenity center with a pool.
7. The submitted site plan and supplemental materials indicate that the proposal meets the minimum requirements of Section 8.3.6.E of the Concord Development Ordinance (Supplemental Regulations for Certain Uses).

RECOMMENDATION AND SUGGESTED CONDITIONS

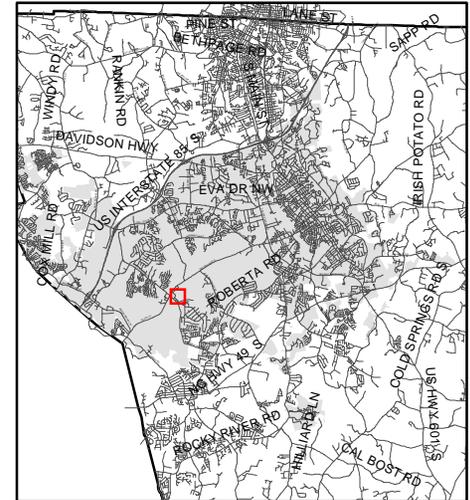
If the Commission votes to approve the special use permit, staff recommends the Commission consider adopting of the following conditions:

- 1) Technical site plan approval shall be required prior to issuance of zoning compliance permits.

**SUP-04-15
AERIAL**

**Special Use Permit Application
for the development of
multifamily housing in a
General Commercial (C-2) district**

Robins Way SW &
Halton Crossing Dr SW
PIN: 5509-53-4345 (part of)
& 5509-43-9830



Source: City of Concord
Planning Department

Disclaimer

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

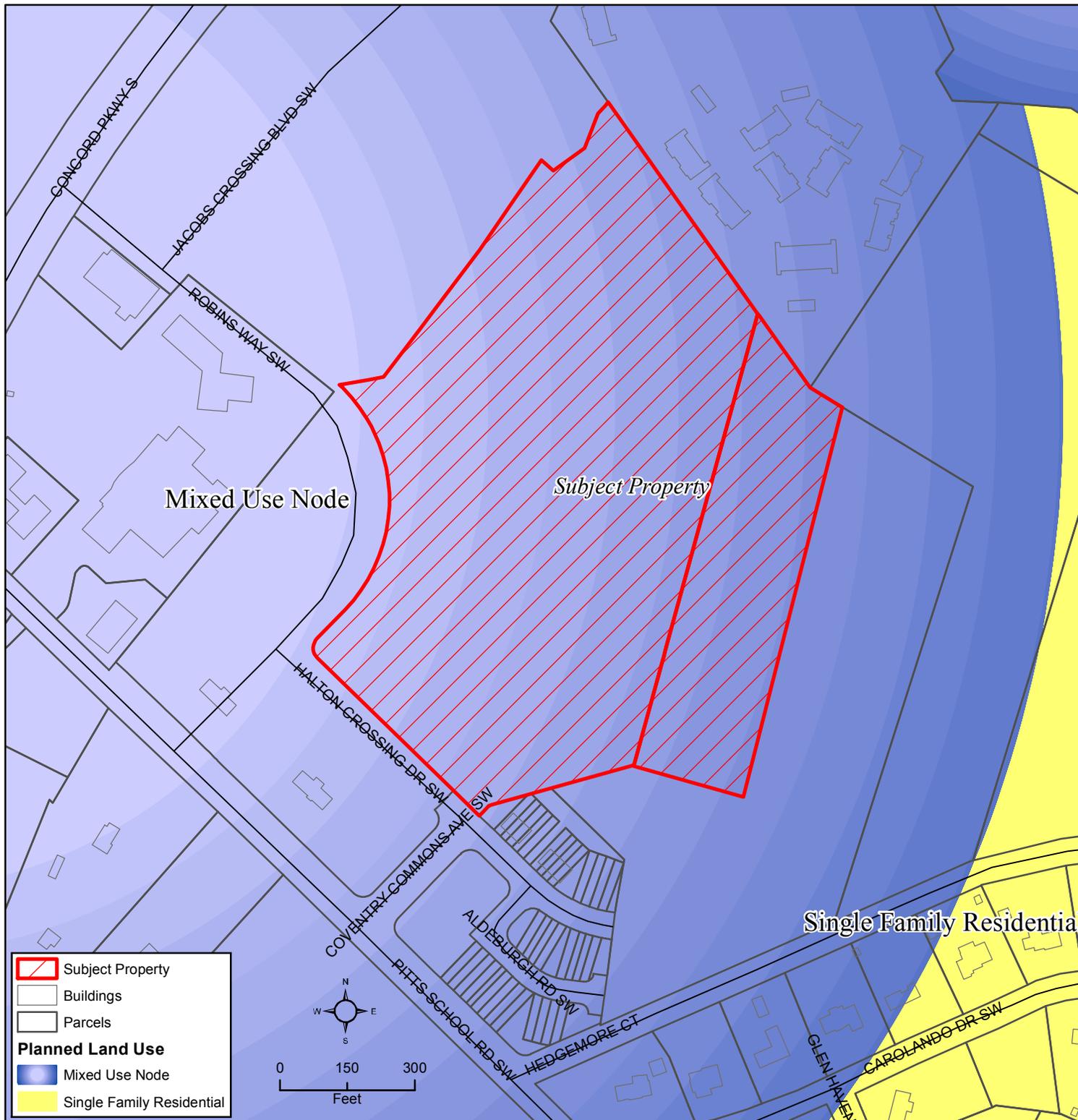
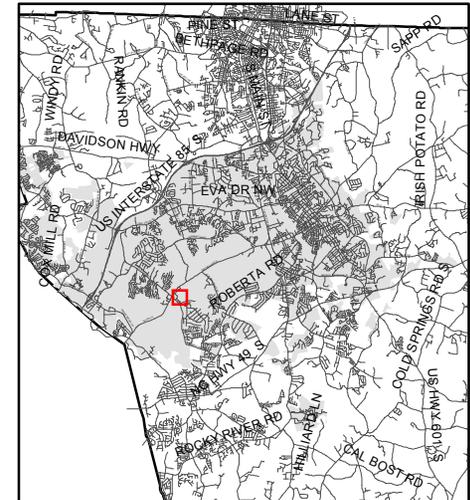


Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**SUP-04-15
LAND USE PLAN**

**Special Use Permit Application
for the development of
multifamily housing in a
General Commercial (C-2) district**

Robins Way SW &
Halton Crossing Dr SW
PIN: 5509-53-4345 (part of)
& 5509-43-9830



Single Family Residential



Source: City of Concord
Planning Department

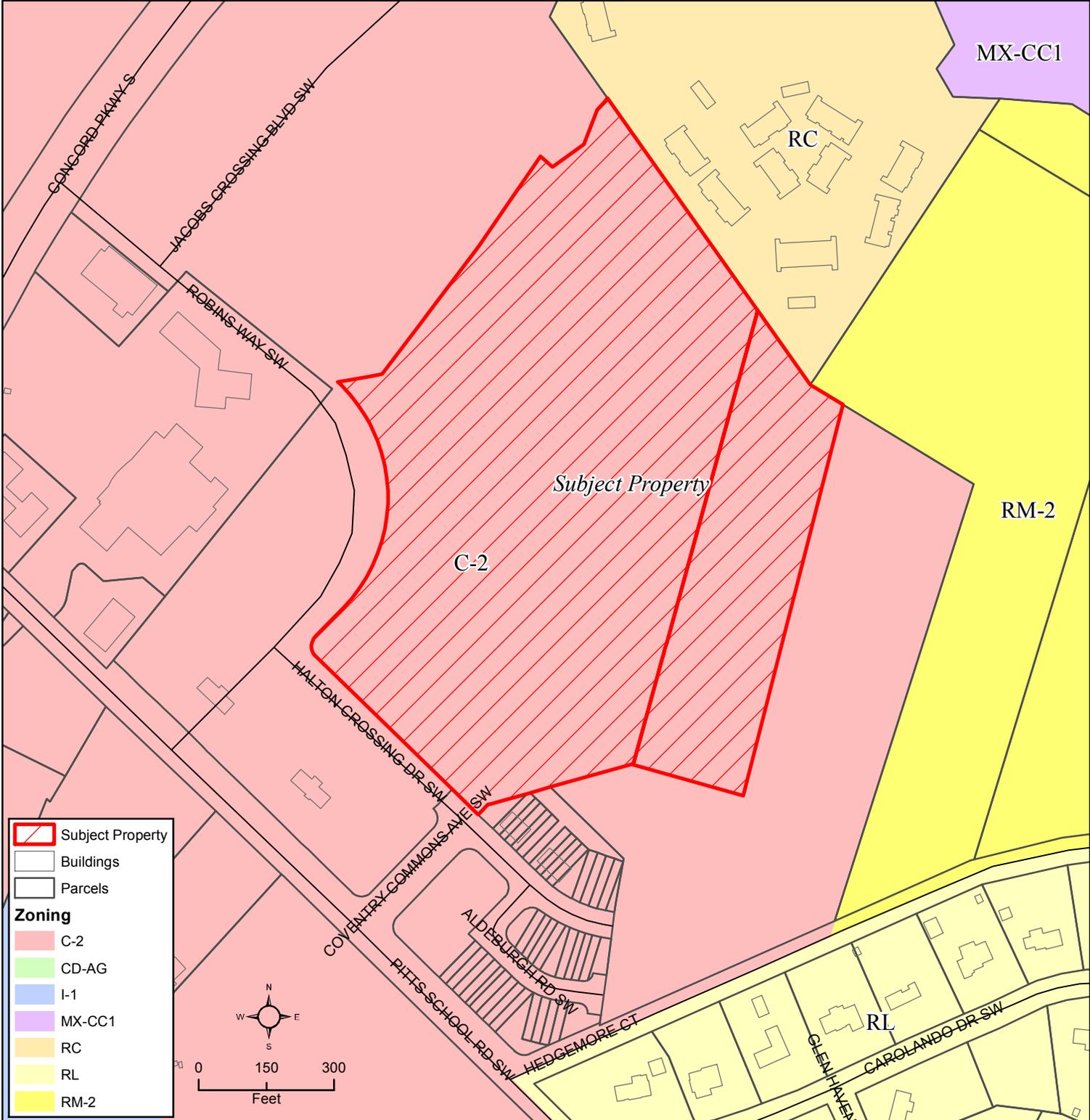
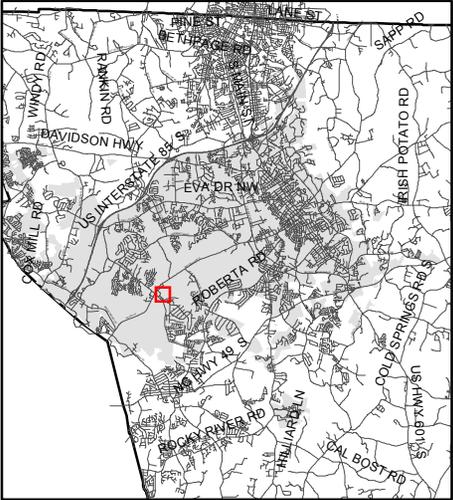
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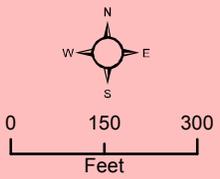
**SUP-04-15
ZONING MAP**

**Special Use Permit Application
for the development of
multifamily housing in a
General Commercial (C-2) district**

Robins Way SW &
Halton Crossing Dr SW
PIN: 5509-53-4345 (part of)
& 5509-43-9830



| | |
|---------------|------------------|
| | Subject Property |
| | Buildings |
| | Parcels |
| Zoning | |
| | C-2 |
| | CD-AG |
| | I-1 |
| | MX-CC1 |
| | RC |
| | RL |
| | RM-2 |



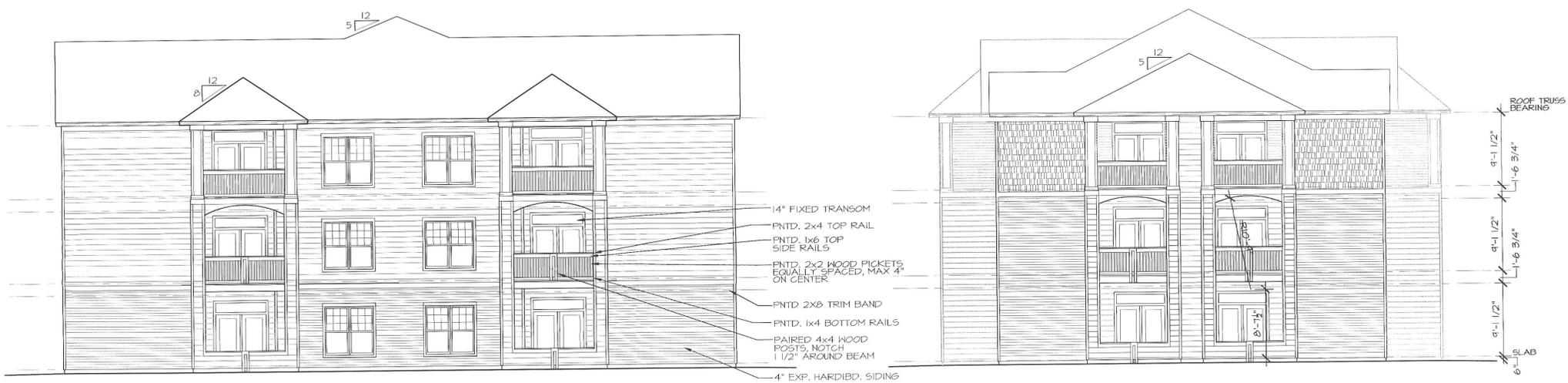
Source: City of Concord
Planning Department

Disclaimer

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4 BUILDING TYPE "B" - FRONT OR REAR ELEVATION
 A5.1 BUILDING #'s 3, 4, 5, 6, 7 & 11
 1/8"=1'-0"



3 BUILDING TYPE "B" - SIDE ELEVATION
 A5.1 BUILDING #'s 2, 9 & 11
 1/8"=1'-0"

2 BUILDING TYPE "A" - SIDE ELEVATION
 A5.1 BUILDING #'s 1, 2, 8, 9, 10 & 12
 1/8"=1'-0"



1 BUILDING TYPE "A" - FRONT OR REAR ELEVATION
 A5.1 BUILDING #'s 1, 3, 4, 5, 6, 7, 8, 10, 12, 13 & 14
 1/8"=1'-0"

| | |
|-----------------------------------|----------|
| PROJECT | 150 |
| DATE | 03/11/11 |
| DRAWN BY | WJL |
| CHECKED BY | CM |
| EXTERIOR APT. BUILDING ELEVATIONS | |
| A5.1 | |



Application for
Special Use Permit

Date 3/6/15

APPLICANT NAME: TRIQUITE INVESTMENT AND DEVELOPMENT, INC.
COMPANY
NAME (SETTLERS LANDING DEVELOPMENT, LLC)

APPLICANT ADDRESS:
10 S. CARDINAL DR

CITY: WILMINGTON STATE NC ZIP 28403 PHONE NUMBER OF
APPLICANT: 910-612-3933

OWNER OF PROPERTY (if different from applicant)
Settlers Landing Development LLC

OWNER ADDRESS:
101 Pitt School Rd CITY Concord STATE NC ZIP 28027

PROJECT ADDRESS (if an address exist):
US Hwy 79 & Pitts School Rd (part of Settlers Landing/Jacob Ridge development)

P.I.N.: 5509-53-4345

Area of Subject Property (in acres, or square feet): 26.66 acres

Lot Width: _____ Lot Depth: _____

Current Zoning Classification: C-2

Existing Land Use: Vacant

Description of Use Requested: Multifamily Apartments

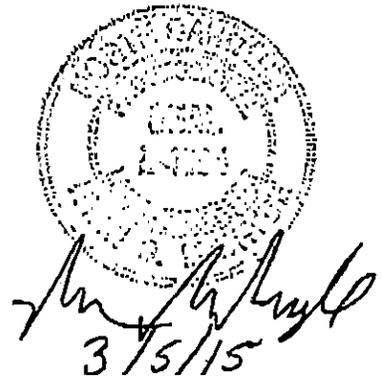
Certification

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: 3/6/2015 Applicant Signature: [Signature] Managing Director

Legal Description

Beginning at an iron rod in the northern 60 foot right of way of Halton Crossing and being the west corner of the "Common Open Space" 3,134 square feet tract recorded in Plat Book 62, Page 100-101 in the Cabarrus County Register of Deeds; thence from the Beginning with the northern 60 foot right of way of Halton Crossing North 45 degrees 47 minutes 29 seconds West 503.85 feet to an point at the intersection of Halton Crossing and Robins Way; thence with the eastern 60 foot right of way of Robins Way a curve to the right having a radius of 30.00 feet, a chord bearing of North 00 degrees 45 minutes 57 seconds West, a chord distance of 42.43 feet and a curve length of 47.12 feet to a point; thence continuing with the eastern 60 foot right of way of Robins Way North 44 degrees 14 minutes 03 seconds East 89.27 feet to a point; thence continuing with the eastern 60 foot right of way of Robins Way a curve to the left having a radius of 351.38 feet, a chord bearing of North 01 degrees 23 minutes 21 seconds West, a chord distance of 501.49 feet and a curve length of 558.43 feet to a point; thence leaving Robins Way crossing a 30' sewer easement North 80 degrees 07 minutes 24 seconds East 99.26 feet to a point in the south line of 30' sewer easement; thence with the south line of the 30' sewer easement North 37 degrees 14 minutes 58 seconds East 135.71 feet a point; thence continuing with the south line of the 30' sewer easement North 37 degrees 10 minutes 07 seconds East 220.11 feet to a point; thence continuing with the south line of the 30' sewer easement North 34 degrees 26 minutes 43 seconds East 242.20 feet to a point; thence leaving the south line of the 30' sewer easement South 48 degrees 48 minutes 52 seconds East 35.38 feet to a point; thence North 54 degrees 35 minutes 14 seconds East 85.81 feet to a point; thence North 20 degrees 43 minutes 01 seconds East 81.85 feet to a point; thence North 42 degrees 11 minutes 53 seconds East 34.59 feet to a point in the west line of the Concord Five Portfolio, LLC tract recorded in Book 7131, Page 153 in the Cabarrus County Register of Deeds; thence with the west line of the Concord Five Portfolio, LLC tract South 35 degrees 16 minutes 16 seconds East 576.72 feet to a point; thence South 35 degrees 15 minutes 19 seconds East 201.80 feet to a point being the west corner of the CS Cooke, LLC tract recorded in Book 3524, Page 66 in the Cabarrus County Register of Deeds; thence with the west line of the CS Cooke, LLC tract South 58 degrees 47 minutes 51 seconds East 103.00 feet to a point; thence leaving the CS Cooke, LLC tract South 15 degrees 20 minutes 11 seconds West 885.51 feet to a point; thence North 74 degrees 39 minutes 49 seconds West 255.00 feet to a point; thence South 74 degrees 22 minutes 32 seconds West 335.59 feet to an iron rod being the north corner of the "Common Open Space" 3,134 square feet tract recorded in Cabinet 62, Page 100-101 in the Cabarrus County Register of Deeds; thence South 44 degrees 14 minutes 03 seconds West 30.60 feet to the Point of Beginning containing 26.66 acres +/-.



[Signature]
3/5/15



High Performance Living

Application for
Special Use Permit

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."
Site designed per current City ordinances.
- (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."
site designed per current City ordinances
- (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."
site designed per current City ordinances
- (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."
site designed per current City ordinances
- (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."
site designed per current City ordinances

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):
336 multifamily apartment units
- (2) Accessory uses (if any):
N/A
- (3) Setback provisions:
site designed per current City ordinances.
- (4) Height provisions:



NORTH CAROLINA
High Performance Living

Application for
Special Use Permit

- site designed per current City ordinances
- (5) Off-street parking and loading provisions:
Spaces > 1.5 x # of units
- (6) Sign provisions:
site designed per City ordinance
- (7) Provisions for screening, landscaping and buffering:
site designed per City ordinance
- (8) Provisions for vehicular circulation and access to streets:
site designed per City ordinance
- (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:
site designed per City ordinance
- (10) Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces, facilities for waste disposal, and illumination:
site designed per City ordinance
- (11) An adequate amount, and safe location of, play areas for children and other recreational uses, according to the concentration of residential occupancy:
site designed per City ordinance
- (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):
site designed per City ordinance
- (13) Open space (including flood hazard area):
site designed per City ordinance
- (14) Improvements within the common open space:
clubhouse / pool
- (15) Parking Areas:
site designed per city ordinance
- (16) Sidewalks, trails and bikeways:
site designed per City ordinance
- (17) Lighting and utilities:
site designed per City ordinance
- (18) Site furnishings:
site designed per City ordinance
- (19) Adequate fire, police, water and sewer services:



NORTH CAROLINA

High Performance Living



Application for
Special Use Permit

site designated per City ordinance

(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:

site designated per City ordinance



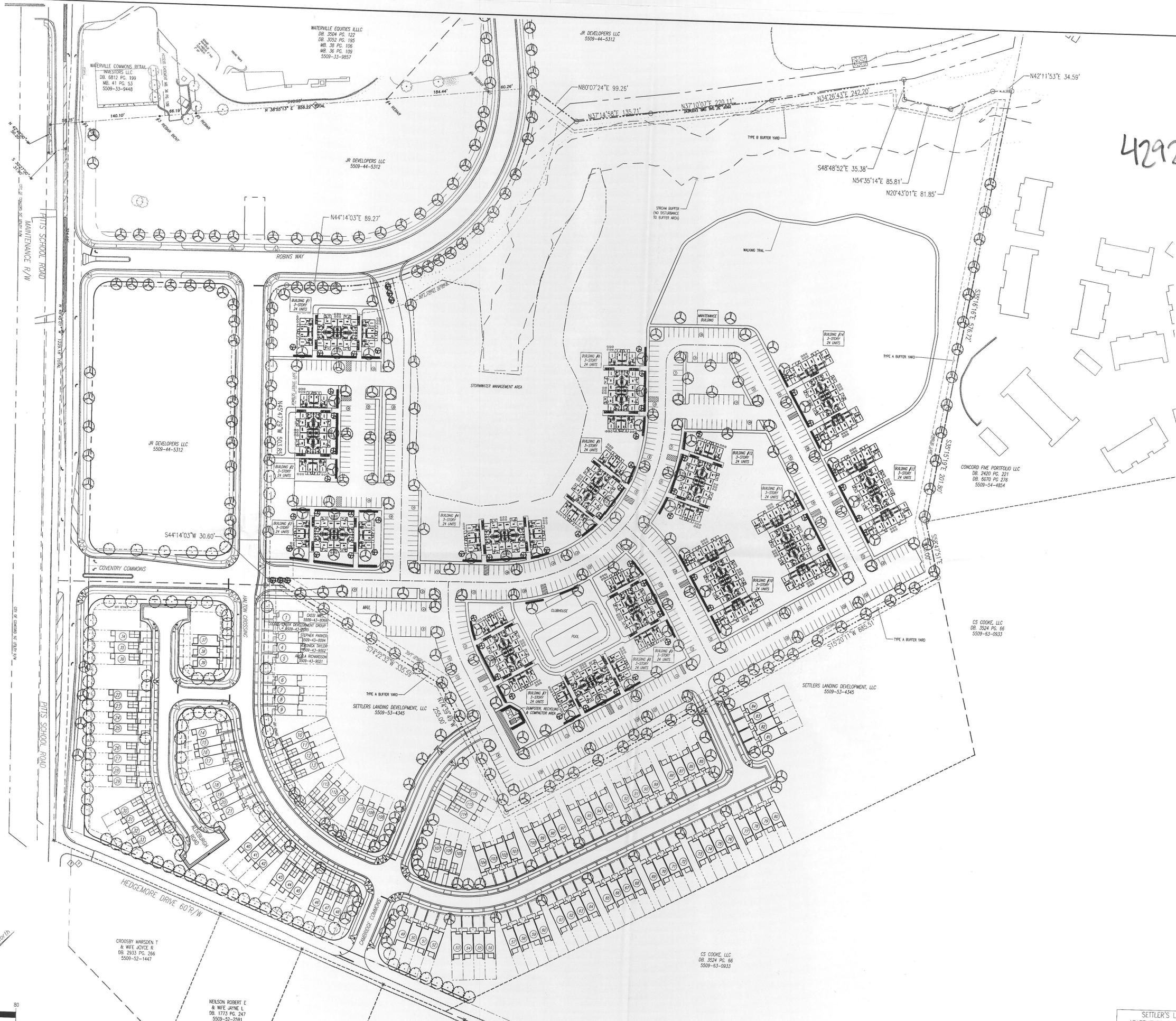




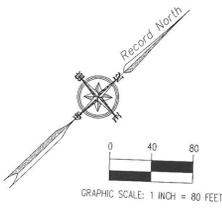


VAN
ACCESSIBLE
RESERVED
PARKING
MAXIMUM
RESERVED
PARKING





4292/1



| CURVE TABLE | | | | | |
|-------------|--------|--------|-------------|-------------|-------------|
| Curve | Length | Radius | Chord Dist. | Chord Dist. | Delta Angle |
| C1 | 47.12 | 30.00 | S02°45'57"E | 42.43 | 87°02'00" |
| C2 | 58.43 | 351.38 | N01°23'21"W | 501.46 | 81°03'27" |

| SETTLER'S LANDING APARTMENTS & TOWNHOMES | |
|--|------------|
| APARTMENT ADDRESS: | 26.66 AC |
| NUMBER OF APARTMENT UNITS: | 336 |
| NUMBER OF PARKING SPACES: | 600 SPACES |
| NUMBER OF TOWNHOME UNITS: | 116 |

ENGINEER:

TRIANGLE SITE DESIGN, PLLC
4006 BARRETT DR, STE 203
RALEIGH, NC 27609
(919) 553-6570
NC LICENSE P-0619
mlowder@trianglesitedesign.com

SEAL:

PRELIMINARY
DO NOT USE FOR CONSTRUCTION
(SPECIAL USE PERMIT REVIEW ONLY)

REVISIONS:

OWNER/DEVELOPER:

Settlers Landing Development, LLC
Attn: Ben Eldenfield
101 Pitts School Road
Concord, NC 28027

Tribute Investment & Development, Inc.
Attn: Mark Maxfield, Jr.
10 South Cardinal Drive
Wilmington, NC 28408
910-612-3633
Attn: Tim Niewald
Uniewald@tributync.net

PROJECT NAME:

SETTLERS LANDING
US Highway 29 & Pitts School Road
Concord, NC
Cabarrus County

LAYOUT COORD: MEL

PLANNING MGR: MEL

DRAWING BY: MEL

This document, together with the concepts and designs presented herein, as an instrument of services, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Triangle Site Design, PLLC shall be without liability to Triangle Site Design, PLLC.

TITLE: **SITE PLAN**
SPECIAL USE PERMIT

SHEET NUMBER:
C1.0

DATE: **March 6, 2015**

Memo

To: Planning and Zoning Commission Members
From: Kevin E. Ashley, AICP Planning and Development Manager
Date: 4/17/2015
Re: Case SUP-05-15 Rea Ventures (US Highway 601, South)

The Planning Department has received a request from the petitioner (Rea Ventures), requesting withdrawal of the above-referenced petition. The email requesting withdrawal is attached.

Kevin Ashley

From: Sean Brady <seanbrady@reaventures.com>
Sent: Thursday, April 09, 2015 9:37 AM
To: Kevin Ashley
Cc: Starla Rogers; Karen Perry; Stephen Brock; Bill Rea; Eric Buffenbarger; Trey Coogle
Subject: Re: Case #4306 Abbington Village (First Submittal)

Kevin,

I am not sure if Karen has confirmed with you earlier, but we've decided to withdraw our SUP application for Abbington Village of Concord. NCHFA will not allow us to submit the site plan you have under consideration and the waters you've identified on our site pose additional design challenges to the current design. We appreciate all your assistance and look forward to hopefully working with you again next year.



Sean M. Brady
Rea Ventures Group, LLC
2964 Peachtree Road NW, Suite 640
Atlanta, GA 30305
E-mail: seanbrady@reaventures.com
Direct: (404) 250-4093, ext. 704
Cell: (678) 591-7002
Fax: (404) 250-4091
www.reaventures.com

From: Kevin Ashley
Date: Wednesday, April 1, 2015 at 10:22 AM
To: Sean Brady
Cc: Starla Rogers
Subject: RE: FW: Case #4306 Abbington Village (First Submittal)

Sean
Here's the map we discussed.

Kevin E. Ashley, AICP
Planning and Development Manager
City of Concord Planning and Neighborhood Development
PO Box 308
Concord, NC 28026-0308
704-920-5149
ashleyk@concordnc.gov
<http://www.concordnc.gov>

From: Sean Brady [<mailto:seanbrady@reaventures.com>]
Sent: Wednesday, April 01, 2015 9:17 AM
To: 'karenperry' (kp144@att.net); Kevin Ashley



DATE: April 21, 2015

CASE #: Z (CD)-08-15

DESCRIPTION: Zoning Map Amendment – RC (Residential Compact) to CDR-L (Conditional District Residential Low Density)

OWNER: Wesley and Janet Seeley

Applicant: Matthew and Kathryn Scott

LOCATION: 155 Division St. NW

PIN#s: 5529-66-1149 and 5529-56-7391

AREA: 10.87 +/- acres

ZONING: RC (Residential Compact)

PREPARED BY: Starla Rogers, Sr. Planner

BACKGROUND

The subject properties consist of two separate parcels totaling approximately 10.87 acres. The smaller parcel totaling 2.8 acres is currently vacant and the larger parcel totaling approximately 8.07 acres is improved with a single story brick residence and a detached storage building/garage.

SUMMARY OF REQUEST

The petitioner proposes to rezone the subject parcels in order to allow the potential future property owner’s personal horses to be maintained on the site. Although the property is large enough, per Concord Development Ordinance standards, to permit horses, it is not zoned appropriately. Properties must be zoned, AG (Agricultural), RE (Residential Estate) or RL (Residential Low Density) and be larger than 2 acres to keep livestock on site. The applicant has proposed to limit the allowable livestock to only horses, allow no more than five (5) horses on site, and to specify that the property could only be utilized as single-family residential and could not be used for any type of commercial equine business. The applicants are requesting five (5) horses for resale purposes but would require a minimum of four (4) in order for the property to suit their future needs. The applicant has also proposed to fence the perimeter of the property with 5 ft tall no-climb mesh fencing on wooden posts. The pasture fencing is proposed to as well and depending on the location would include wooden post, electric strands and flex fencing “boards.” The proposed pasture area totals approximately 2.19 acres. An aerial photograph has

been submitted indicating the proposed pastures. The rear side of an existing outbuilding/garage is proposed to be converted into a barn area to shelter the horse(s). The remainder of the property is proposed to remain wooded.

| Existing Zoning and Land Uses | | | | | |
|------------------------------------|------------------------|------------|----------------------------------|---------------------------|------------------------------------|
| Current Zoning of Subject Property | Zoning Within 500 Feet | | Land Uses(s) of Subject Property | Land Uses within 500 Feet | |
| RC and C-2 | North | RV | Commercial and vacant | North | Single-family |
| | South | RC | | South | Single-family |
| | East | RC and I-2 | | East | Single-family |
| | West | RC and RV | | West | Single-family and heavy industrial |

COMPLIANCE WITH 2015 LAND USE PLAN

The 2015 Land Use Plan (LUP) designates the subject property as “single-family residential.” CDR-L (Conditional District Residential Low Density) is a corresponding zoning classification to the single-family residential land use category.

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately 10.87 acres and is zoned RC (Residential Compact)
- The subject property is the site of a single family dwelling and vacant adjoining parcel.
- The existing primary structure on the site is approximately 2,353 square feet in size, and according to Cabarrus County tax records, was constructed in 1980.
- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because it proposes a lower density residential zoning classification and strictly limits the type, number, and location of any equine activity as not to impact the adjoining neighborhoods.
- The zoning amendment is reasonable and in the public interest because the petition reduces the intensity of zoning Division Street, SW and the adjoining neighborhood streets.

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 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. Limiting the livestock to horses: only horses will be allowed on the land. No additional live stock (sheep, cattle, goats, chickens) will be permitted.
2. Limiting the number of horses to five (5).
3. Limiting the use of the land to single-family residential.
4. Site plan indicating pasture location.

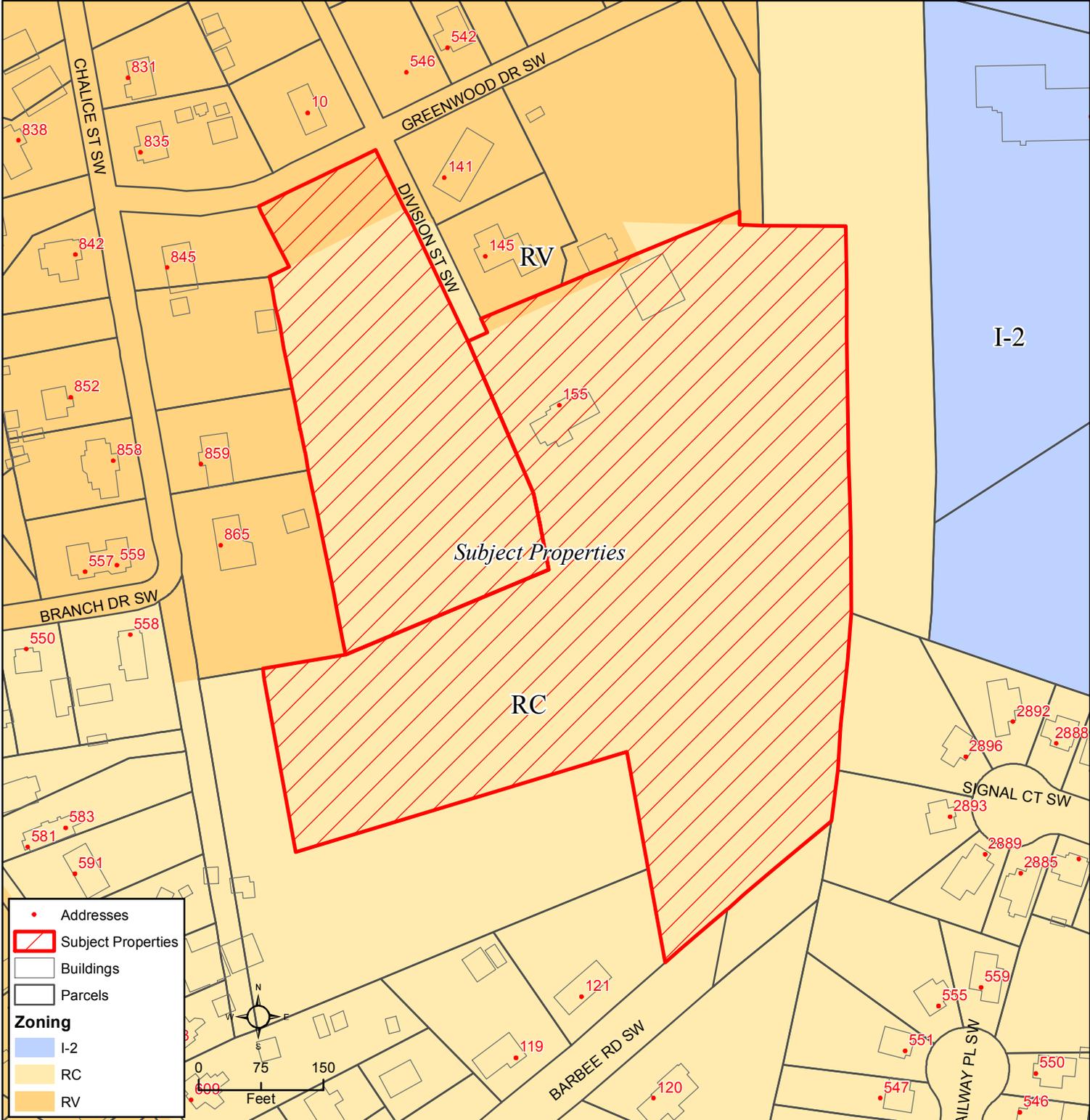
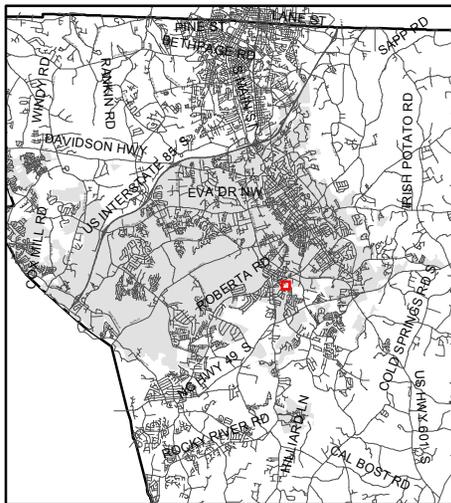
PROCEDURAL CONSIDERATIONS

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)-08-15
ZONING MAP**

**Zoning Map
Amendment Application
Residential Compact (RC) to
Conditional District Residential
Low Density (CDRL) in order
to allow the keeping of horses**

155 Division St SW
PINs: 5529-56-7391, 5529-66-1149



Source: City of Concord
Planning Department

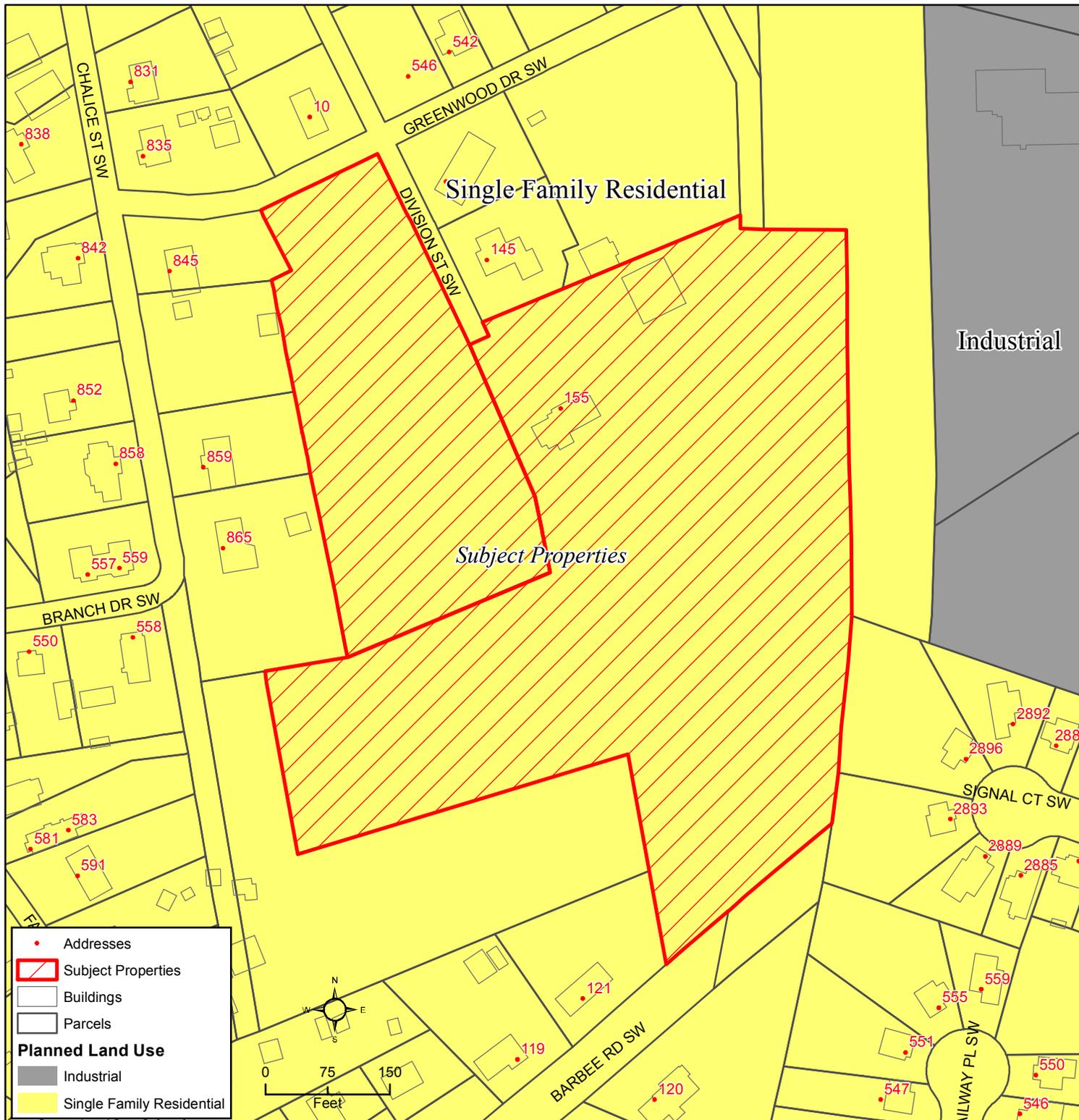
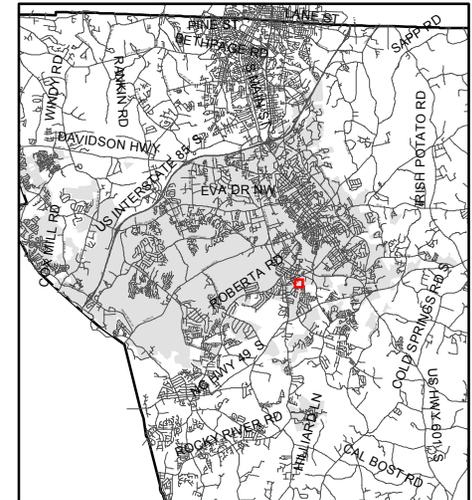
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Z(CD)-08-15 LAND USE PLAN

Zoning Map Amendment Application Residential Compact (RC) to Conditional District Residential Low Density (CDRL) in order to allow the keeping of horses

155 Division St SW
PINs: 5529-56-7391, 5529-66-1149



Source: City of Concord
Planning Department

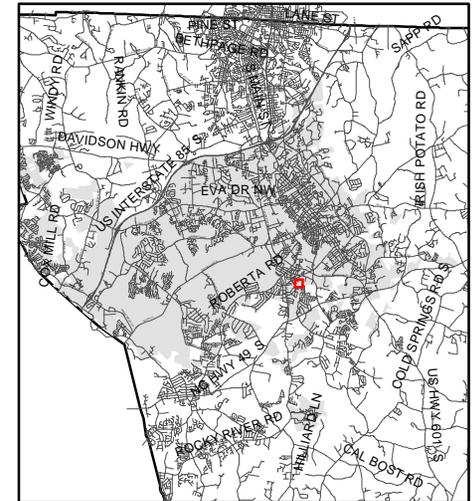
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Z(CD)-08-15 AERIAL

Zoning Map Amendment Application Residential Compact (RC) to Conditional District Residential Low Density (CDRL) in order to allow the keeping of horses

155 Division St SW
PINs: 5529-56-7391, 5529-66-1149



Source: City of Concord
Planning Department

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550 Division St., Concord, NC 28027

NORTH CAROLINA

Application for

High Performance Living

Zoning Map Amendment (Conditional District)

Project Location/Address: 1550 Division St. Concord, NC 28027

P.I.N.: 55295673910000 & 55296611490000

Area of Subject Property (acres or square feet): 10.87 acres

Lot Width: Irregular

Lot Depth: Irregular

Current Zoning Classification: RC

Proposed Zoning Classification: CDRL

Existing Land Use: Residential

Surrounding Land Use: North Residential

South Residential

East Residential

West Residential

Reason for request: We are requesting that the applicants' horses be allowed on the property.

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

Staff member signature: 

Date: 3-31-15

Planning & Neighborhood Development

66 Union St S • P. O. Box 308 • Concord, NC 28025

Phone (704) 920-5152 • Fax (704) 786-1212 • www.concordnc.gov



NORTH CAROLINA

High Performance Living

(Please type or print)

Application for

Zoning Map Amendment (Conditional District)

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

We are asking that horses be allowed on the property. The horses will only be the applicants' personal horses and the land will not be used for any commercial or business purposes.

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):

- A) Limiting the livestock to horses: only horses will be allowed on the land. No additional livestock (sheep, cattle, goats, chickens) will be permitted.
B) Limiting the number of horses to 5.
C) Limiting the use of the land to single residential.

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] 3/27/15
Signature of Applicant Date

[Signature] 3/27/15
Signature of Owner(s) Date

(Please type or print)

General Requirements

The CDO imposes the following general requirements as part of the Conditional District approval process. The Planning and Zoning Commission must consider the following when reviewing a Conditional District

Planning & Neighborhood Development
66 Union St S • P. O. Box 308 • Concord, NC 28025
Phone (704) 920-5152 • Fax (704) 786-1212 • www.concordnc.gov



Other provisions as may be requested from the applicant by the City Council for protection of the public health, safety, welfare and convenience:

NORTH CAROLINA
High Performance Living
* * * * *

Certification

Application for

Zoning Map Amendment (Conditional District)

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: 3/27/15

Applicant Signature: *Mark Scott*

Property Owner or Agent of the Property Owner Signature:
Jan Dealy Weedy Dealy

Starla Rogers

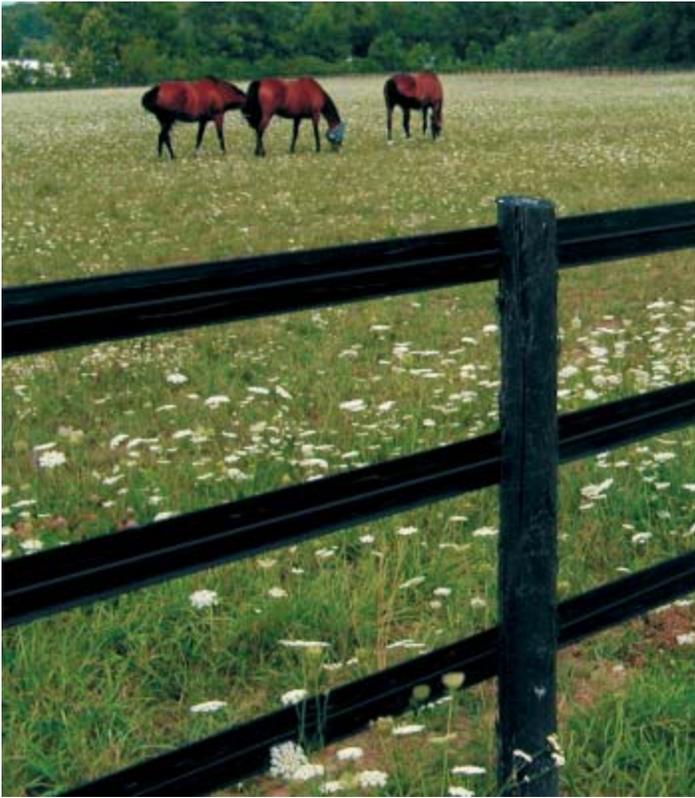
From: KC Scott <kcscott85@yahoo.com>
Sent: Tuesday, April 14, 2015 11:28 AM
To: Starla Rogers
Subject: Re: Fence

Hi Starla,

For the perimeter we were planning on mesh no-climb installed on wood posts with the top being a Ramm Flex Fence. It should be about 5' high. Similar to this, but the top rail is the Flex Fence.



I think for the front of the house (separating our front yard from the neighbor and the parcel that runs along the street) we're going to forego the no-climb and go with 3 rails of the Flex Fence since it looks nicer but is still really sturdy.



For the pastures we are pricing out the following options:

1) 4 strands of Ramm Electrobraid on wood posts with the top being Ramm Flex Fence



2) 4 strands of Horseguard on wood posts



We would really prefer to do electric for the pastures since my horse is kept in that type of fencing right now and I know he definitely respects it. The perimeter fencing is mainly to keep unwanted animals/people out and to serve as a secondary boundary in case my horse somehow gets out of the pasture.

The fence height for all will be 5'.

If there are any other questions, please let me know? Thanks!

KC

Sent from my iPad

On Apr 14, 2015, at 11:06 AM, Starla Rogers <rogers@concordnc.gov> wrote:

Good Morning KC!

Can you please refresh my memory on the type of fencing you intend to install for the pasture areas and property perimeter? I couldn't remember if it was wood, vinyl, electric and how many strands/boards/height.

Thanks!
Starla Rogers

Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review by anyone at any time.



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2



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Proposed pasture locations





DATE: April 21, 2015

SUBJECT: Preliminary Plat - Ridges at Concord (Phases 1-3 only)

CASE NUMBER: # S-02-15

OWNER/DEVELOPER: Walton Development of NC, LLC

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

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

AREA: 275.6+/- acres

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

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

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

The proposed plat approval includes Phases 1-3 only. (The phase lines are located along the stream that generally bisects the property in a southwest to northeast direction). The proposed plat indicates numerous interconnections to surrounding properties and the phased request is to allow the developer to resolve fire access issues relative to design and platting in the future phases of the development. Should the rezoning and the preliminary plat be approved, the developer will be required to resubmit a preliminary plat to the Commission for the eventual approval of phases 4-6.

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

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

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

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

SUGGESTED RECOMMENDATION AND CONDITIONS

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

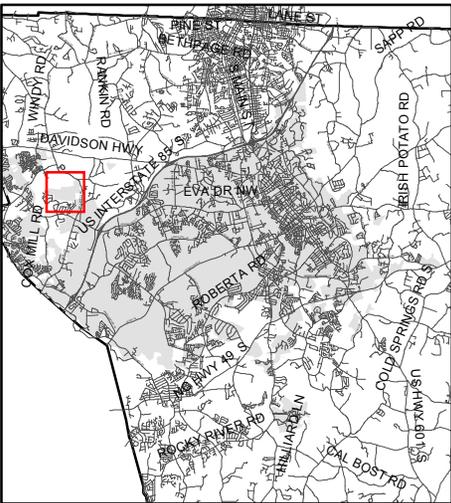
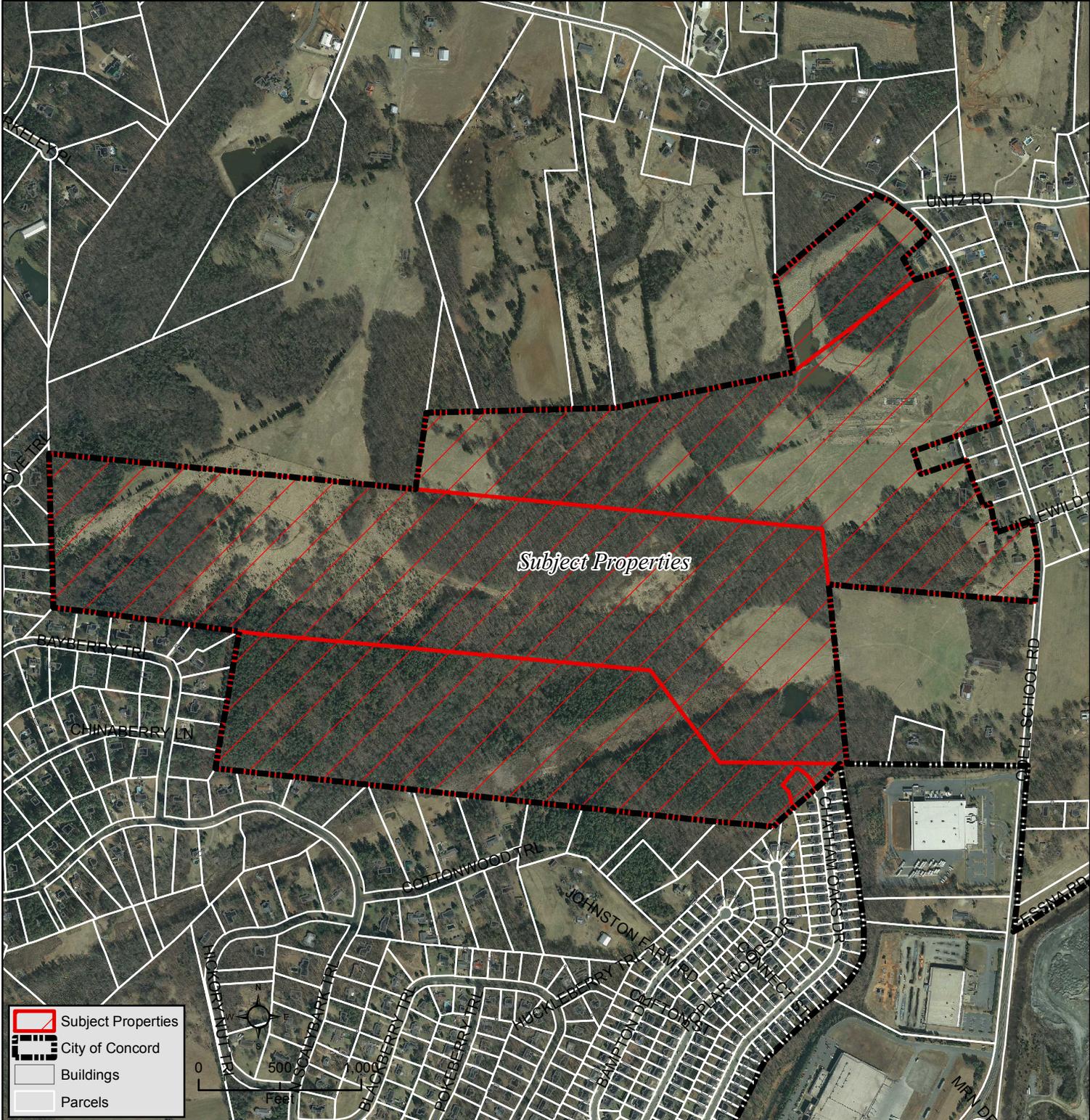
- The applicant must submit a mylar copy of the approved preliminary plat, after addressing any additional comments added by the Commission.
- Required traffic improvements along Odell School Road will be determined by the approved traffic impact study. NCDOT driveway permit will be required prior to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

**S-02-15
AERIAL**

**Preliminary
Plat**

**Ridges at Concord
(Phases 1 - 3)**

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



Source: City of Concord
Planning Department

Disclaimer

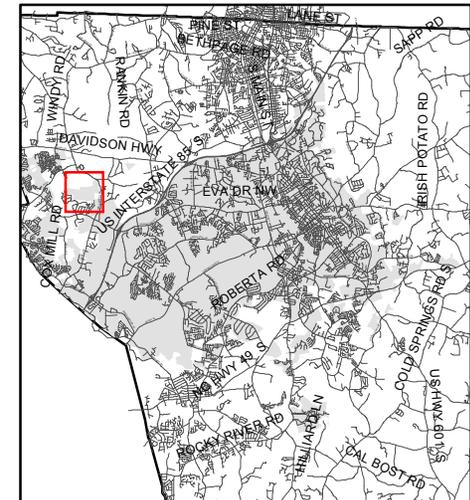
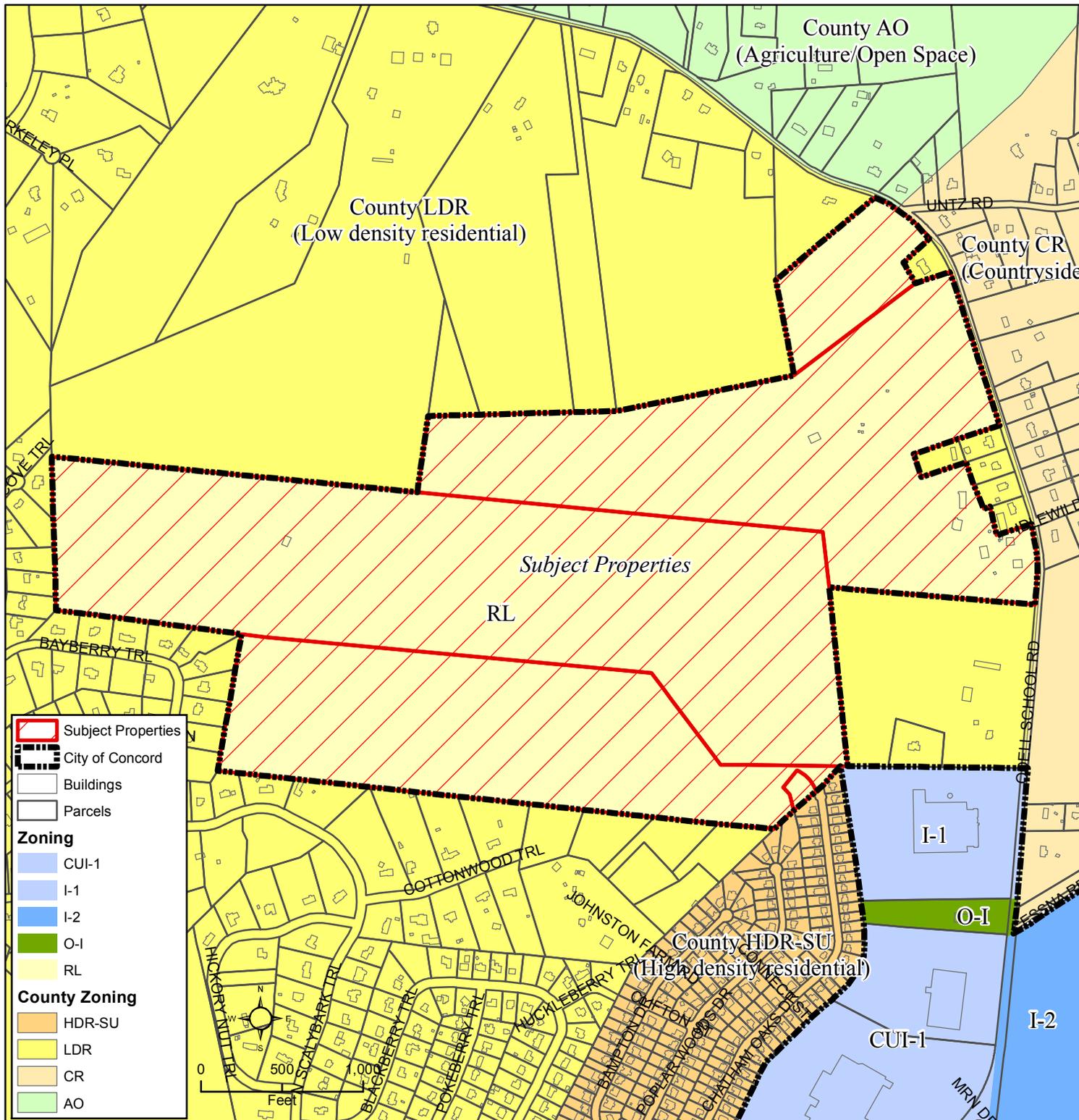
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**S-02-15
Zoning Map**

**Preliminary
Plat**

**Ridges at Concord
(Phases 1 - 3)**

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



Source: City of Concord
Planning Department

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

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

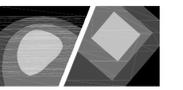
REQUIRED ATTACHMENTS/SUBMITTALS
1. A fee of \$100.00 for land less than 2 acres, \$200.00 2-10 acres, \$300.00 10-25 acres, \$ 400.00 for more than 25 acres shall accompany the preliminary plat.
2. Legal deed description of the property.
3. Six (6) FOLDED black/blue line copies of the plat are required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

12/19/2014 Date Signature of Owner/Agent

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

Staff Use Only:

Fee: Received by: Date:



STEWART

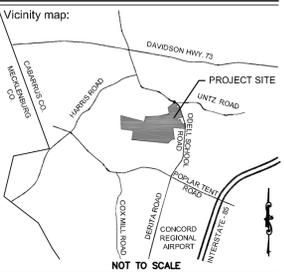
200 S. COLLEGE ST. STE 720
CHARLOTTE, NC 28202
7704.334.7925

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

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

Walton
APPRECIATE THE LAND

Project:
RIDGES AT CONCORD
A RESIDENTIAL NEIGHBORHOOD



Issued for:
PRELIMINARY PLAT

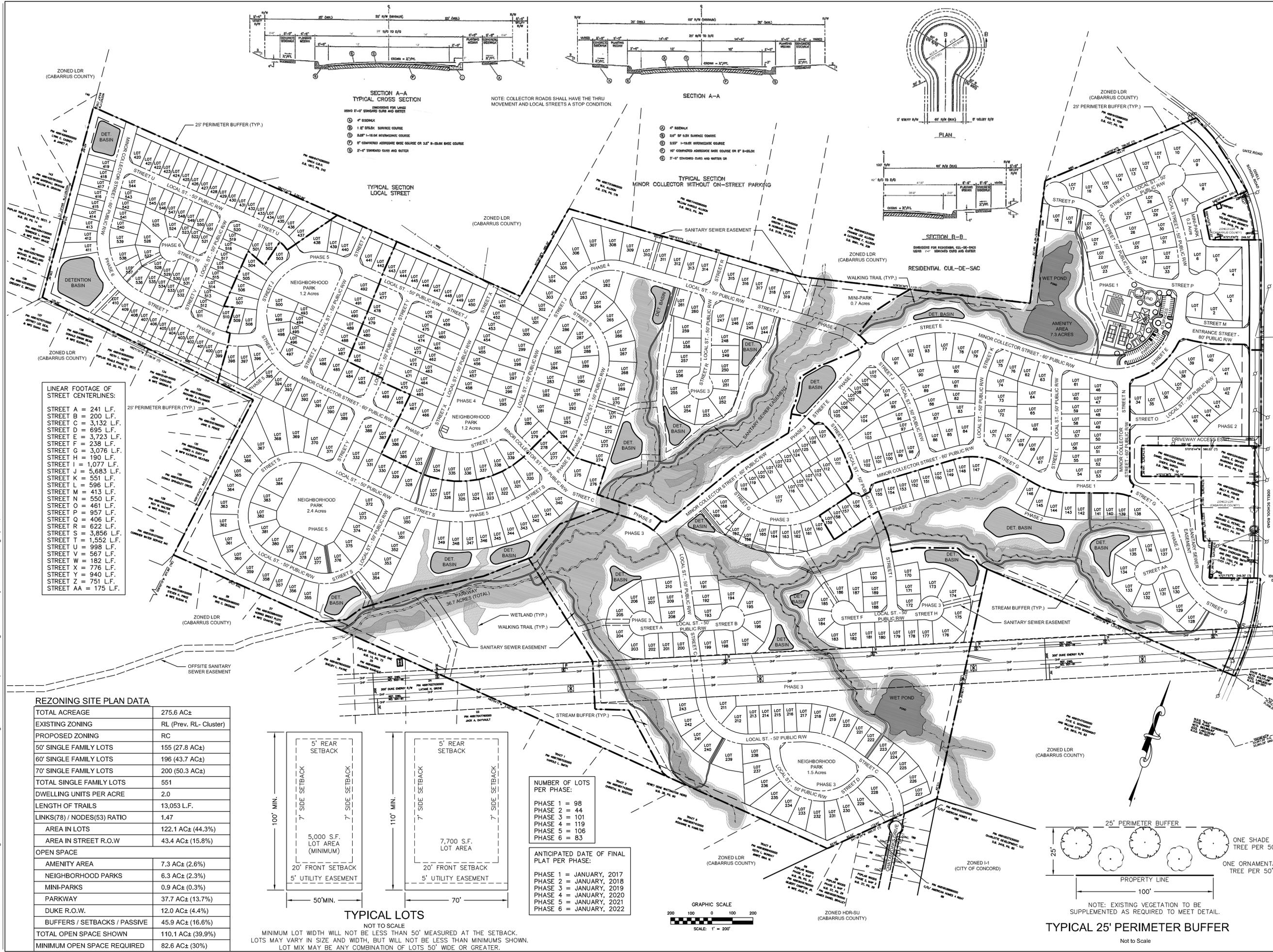
Table with 3 columns: No., Date, Description. The table is currently empty.

Scale: 1" = 200'

Title:
OVERALL SITE PLAN

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

C300

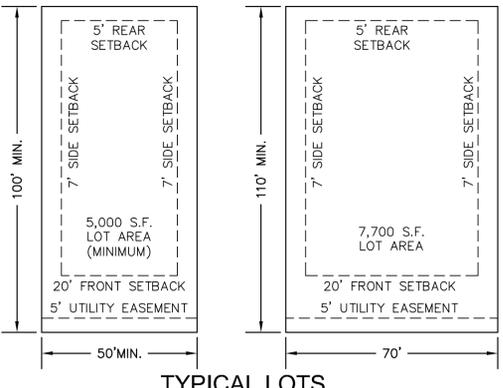


LINEAR FOOTAGE OF STREET CENTERLINES:

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

REZONING SITE PLAN DATA

| | |
|------------------------------|------------------------|
| TOTAL ACREAGE | 275.6 AC± |
| EXISTING ZONING | RL (Prev. RL- Cluster) |
| PROPOSED ZONING | RC |
| 50' SINGLE FAMILY LOTS | 155 (27.8 AC±) |
| 60' SINGLE FAMILY LOTS | 196 (43.7 AC±) |
| 70' SINGLE FAMILY LOTS | 200 (50.3 AC±) |
| TOTAL SINGLE FAMILY LOTS | 551 |
| DWELLING UNITS PER ACRE | 2.0 |
| LENGTH OF TRAILS | 13,053 L.F. |
| LINKS(78) / NODES(53) RATIO | 1.47 |
| AREA IN LOTS | 122.1 AC± (44.3%) |
| AREA IN STREET R.O.W | 43.4 AC± (15.8%) |
| OPEN SPACE | |
| AMENITY AREA | 7.3 AC± (2.6%) |
| NEIGHBORHOOD PARKS | 6.3 AC± (2.3%) |
| MINI-PARKS | 0.9 AC± (0.3%) |
| PARKWAY | 37.7 AC± (13.7%) |
| DUKE R.O.W. | 12.0 AC± (4.4%) |
| BUFFERS / SETBACKS / PASSIVE | 45.9 AC± (16.6%) |
| TOTAL OPEN SPACE SHOWN | 110.1 AC± (39.9%) |
| MINIMUM OPEN SPACE REQUIRED | 82.6 AC± (30%) |

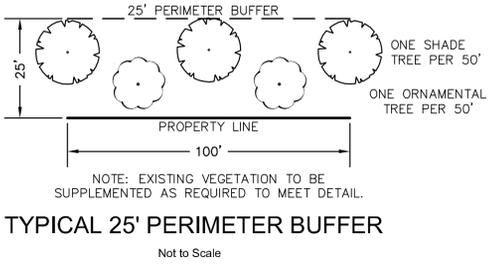
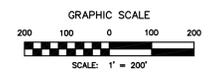


NUMBER OF LOTS PER PHASE:

| | |
|---------|-------|
| PHASE 1 | = 98 |
| PHASE 2 | = 44 |
| PHASE 3 | = 101 |
| PHASE 4 | = 119 |
| PHASE 5 | = 106 |
| PHASE 6 | = 83 |

ANTICIPATED DATE OF FINAL PLAT PER PHASE:

| | |
|---------|-----------------|
| PHASE 1 | = JANUARY, 2017 |
| PHASE 2 | = JANUARY, 2018 |
| PHASE 3 | = JANUARY, 2019 |
| PHASE 4 | = JANUARY, 2020 |
| PHASE 5 | = JANUARY, 2021 |
| PHASE 6 | = JANUARY, 2022 |



NOT TO SCALE
MINIMUM LOT WIDTH WILL NOT BE LESS THAN 50' MEASURED AT THE SETBACK.
LOTS MAY VARY IN SIZE AND WIDTH, BUT WILL NOT BE LESS THAN MINIMUMS SHOWN.
LOT MIX MAY BE ANY COMBINATION OF LOTS 50' WIDE OR GREATER.

G:\PROJECTS\2013\X13007.00 The Ridges at Concord Subdivision\DWGS\1-Planning\X13007-site Concept G1 - Rezoning Plan - Preliminary Plat Comments.dwg Apr 16, 2015 - 11:46am

Memo

To: Planning and Zoning Commission Members
From: Margaret Pearson, Planning and Community Development Director
Date: 4/17/2015
Re: Breweries/Wineries distilleries

The Planning Department has received a number of inquiries for locations where breweries brewpubs and wineries are allowed. Staff has thoroughly researched and though the Ordinance currently has language that addresses the manufacturing of alcohol, it does not clearly address smaller operations such as breweries with tap rooms and brewpubs and wineries with tasting rooms. The purpose of this text amendment is to define breweries/wineries and their related uses and indicate what zoning districts such uses should be allowed. The proposed text amendment has been reviewed with the Legal Department as well as the ABC officer and is compliant with all state and local ABC rules. The attached amendment is for your discussion (and potential revisions) and may be forwarded to the Council for consideration in May.

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-I | B-1 | CC | C-1 | C-2 | I-1 | I-2 | | |
| Parking, Commercial [see 8.2.6.E] | Parking Lot , principal use | | | | | | | | | | P | P | P | P | | | |
| | Parking Deck | | | | | | | | PS | | P | P | P | | | | 8.3.5.E |
| Restaurants [see 8.2.6.F] | All restaurants, except as listed below | | | | | | | | P | P | P | P | P | | | | |
| | Banquet Home | SS | SS | SS | SS | SS | | | | | | | | | | | 8.3.5.N |
| | Private Clubs | | | | | | | | | | SS | | SS | | | | 8.3.5.F |
| | Restaurant, carryout, delivery, no seating | | | | | | | | | P | P | P | P | | | | |
| | Restaurant, fast food, drive-thru, drive-in | | | | | | | | | | | P | P | | | | |
| Alcoholic Beverage Production [see 8.2.6.J] | <u>Brewpubs / Brewery-Micro</u> | | | | | | | | | | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | | <u>8.3.5.O</u> |
| | <u>Brewery - Large</u> | | | | | | | | | | | | | P | P | | |
| | <u>Winery/Cidery</u> | | | | | | | | | | | | | P | P | | <u>8.3.5.O</u> |
| | <u>Winery/Cidery-Micro</u> | | | | | | | | | | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | | <u>8.3.5.O</u> |
| | <u>Distillery</u> | | | | | | | | | | | | | P | P | | |
| Retail Sales and Service [see 8.2.6.G] | All retail sales and service, except as listed below | | | | | | | | | P | P | P | P | | | | |
| | ABC Store | | | | | | | | | | | P | P | | | | |
| | Animal Clinic / Hospital | PS | | | | | | | | | PS | PS | PS | PS | PS | | 8.3.4.B |
| | Animal Grooming Establishment, no overnight boarding | | | | | | | | | P | P | P | P | P | | | |
| | Animal Kennel | PS | | | | | | | | | | | PS | PS | PS | | 8.3.4.B |
| | Animal Obedience School | SS | | | | | | | | | | | PS | PS | PS | | 8.3.4.B |
| | Animal and/or Feed Supply Store | | | | | | | | | | | PS | PS | | | | 8.3.5.J |
| | Appliance Sales, Rental and Repair | | | | | | | | | | P | P | P | P | | | |
| | Auction Sales Establishment | | | | | | | | | | | | P | | | | |
| | Blueprinting and Drafting Service | | | | | | | | P | P | P | P | P | P | | | |
| | Building Material Supply, no outdoor storage | | | | | | | | | | | P | P | P | | | |
| | Building Material Supply, with outdoor storage | | | | | | | | | | | | PS | P | P | | 8.3.5.G |
| | Cemetery Monument Dealer | | | | | | | | | | | | P | P | | | |

Article 8. Use Regulations
 Section 8.2 Use Categories

D. Overnight Accommodations

| Characteristics: Residential units arranged for short term stays of less than 30 days for rent or lease. | | |
|--|--|---|
| Principal Uses | Accessory Uses | Uses Not Included |
| Hotel, motel, inn, extended-stay facility, bed and breakfast establishment Campground | Ancillary indoor storage Associated office Restaurants with or without a bar 5.3.4.M Food preparation and dining facility Laundry facility Meeting facility Off-street parking Restaurant Swimming pool, other recreational facility | Campground, private, hunting/fishing camp, dude ranch, recreational vehicle (RV) park (see Outdoor Recreation) Convention center (see Indoor Recreation) Patient Transient accommodations (see Medical Facilities) Short Term rental (see Household Living) Transient lodging, shelter for the homeless (see Social Service Institutions) |

E. Parking, Commercial

| Characteristics: Facilities that provide parking not accessory to a principal use, for which a fee may or may not be charged. | | |
|---|--|--|
| Principal Uses | Accessory Uses | Uses Not Included |
| Parking Lot & Decks, principal use Mixed parking lot (partially accessory to a specific use, partly to rent for others), short- and long-term fee parking facility Park-and-ride facility | Structure intended to shield parking attendants from the weather | Bus barn (see Warehouse and Freight Movement) Sale or servicing of vehicles (see Vehicle Sales and Service) |

F. Restaurants

| Characteristics: Establishments that prepare and sell food for on- or off-premise consumption. | | |
|---|--|---|
| Principal Uses | Accessory Uses | Uses Not Included |
| Banquet Home Restaurant, fast-food restaurant, pizza delivery facility, drive-in, take-out, yogurt or ice cream shop Micro Brewery (less than 5,000 sq.ft.) Private Clubs Small-scale catering establishment | Ancillary indoor storage Associated office Deck, patio for outdoor seating or dining Drive-through facility Off-street customer and employee parking Brewery/Winery/Cidery - Micro or Brewpub Valet parking facility Bar (as an accessory use to a restaurant and/or private club) | Bar, tavern (see Indoor Recreation) Recyclable construction material storage (see Waste-Related Service) |

Article 8. Use Regulations
 Section 8.2 Use Categories

J. Alcoholic Beverage Production

| | | |
|--|-----------------------|--------------------------|
| Characteristics: Production and/or distribution of alcoholic beverages such as wine, beer and liquor to include onsite consumption. | | |
| Principal Uses | Accessory Uses | Uses Not Included |
| Winery/Cidery Winery/Cidery -Micro Distillery Brewery/Brewery-Micro | Restaurant Taproom | Bar Private Club |

8.2.7. INDUSTRIAL USE CATEGORIES

A. Light Industrial Service

| | | |
|--|--|--|
| Characteristics: Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. | | |
| Principal Uses | Accessory Uses | Uses Not Included |
| Advertising & related services Blueprinting & design services Building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site Catering establishment, large-scale Cleaning/maintenance services Clothing or textile manufacturing, manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, electrical items, printing, publishing, and lithography, production of artwork and toys, sign-making Crematorium Engineering, Architect, Surveying office Health club, fitness & dance studio HVAC, electrical, plumbing, contractor's office Industrial design services Janitorial and building maintenance service, exterminator, maintenance yard or facility Laundry, dry-cleaning, and carpet cleaning plants Movie production facility Pest control service Photo-finishing laboratory Race cars and parts manufacturing Repair of scientific or professional instruments, electric motors Research, testing, and development laboratory | Accessory medical clinic Ancillary indoor storage Associated office Cafeteria Day care Dwelling units for short-term use by owners and/or employees, customers or franchisees, provided that units shall not be rented or leased to the public and are located completely within the principal structure. Employee recreational facility Off-street parking On-site repair facility Residential unit for security purposes (single unit) Retail or wholesale sales of goods manufactured on-site | Borrow pit, mining (see Resource Extraction) Manufacture and production of goods from composting organic material (see Waste-Related Service) Outdoor storage yard (see Warehousing and Freight Movement) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade) Small-scale catering establishments (see Restaurants) |

Article 8. Use Regulations
Section 8.3 Supplemental Regulations for Certain Uses

property.

4. SEPARATION

Banquet homes shall be separated by at least five hundred (500) feet from any existing banquet home. This measurement shall be calculated from property line to property line. Additionally, the minimum separation from the banquet home structure and any adjacent single family residence shall be at least fifty (50) feet.

O. BREWPUBS AND BREWERIES-MICRO

1. Brewpubs are allowed in C-1, C-2, CC, MX, PUD, I-1 and I-2 districts with the following prescribed conditions:

A. In the CC, PUD and MX districts, a brewpub and shall comply with the regulations for the CC district Section 7.9. and any supplemental regulations associated with a PUD or MX district approval.

B. No outdoor amplified sound will be permitted after 11:00 pm. All activities shall comply with the City of Concord Noise Ordinance.

2. Breweries-Micro are allowed in C-1, C-2, CC, MX, PUD, I-1 and I-2 districts with the following prescribed conditions:

A. In the CC district a brewerie-micro shall comply with the regulations for the CC district Section 7.9

B. In the C-1, C-2, CC, MX, and PUD districts brewerie-micro shall have a tap room that is oriented to the street or main pedestrian entrance of the building. A minimum of 500 square feet shall be provided for the tap room and this area shall be open for business at least one quarter of the time each week the business facility is operating.

C. No loading or distribution activities shall take place outside of the enclosed building between the hours of 9:00 pm and 7:00 am when the brewerie-micro is located within 200 feet of any residential or institutional use.

8.3.6 OUTDOOR STORAGE AND STORAGE FACILITIES

A. Outdoor Storage and Solid Waste Storage Standards in Residential Zoning Districts

1. GENERAL PROVISIONS

In the RE, RL, RM-1, RM-2, RV, RC, TND, PID, PUD, PRD, CC districts, open storage of junk, salvage or equipment including but not limited

BREWERY-MICRO - An establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (a barrel is approximately 31 gallons) of beer per year. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer. The establishment may include uses permitted in the district, in accordance with state and local laws.

BREW PUB - An establishment where beer and malt beverages are made on the premises in conjunction with a restaurant. Where allowed by law, brewpubs may sell beer "to go" and /or distribute to offsite accounts. The establishment may include uses permitted in the district, in accordance with state and local laws.

BREWERY-LARGE - An establishment where beer and malt beverages are made on the premises at an annual beer production rate of over 15,000 barrels of beer per year. The establishment may include uses permitted in the district, in accordance with state and local laws.

BREWERY-TAP ROOM - A room that is ancillary to the production of beer at a microbrewery, brewpub , or large brewery where the public can purchase and/or consume beer on site. The establishment may include uses permitted in the district, in accordance with state and local laws.

BROWNSTONE – A row house built of brownstone or sandstone; reddish brown in color.

BUFFERYARD - A strip of land established to protect one type of land use from another land use or to provide screening. Normally, a bufferyard is landscaped and developed in open space areas. See Article 7 of this Ordinance.

BUFFER, EXTERNAL - A Bufferyard along the exterior boundaries of a development which is maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

BUILDABLE AREA - The portion of a lot which is within the envelope formed by the required yards. See "Yard, Required."

BUILDING - Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a fire wall shall be considered as a separate building. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

BUILDING AREA - The total areas taken on a horizontal plane at the mean grade level of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhangs, and balconies.

BUILDING ENVELOPE - The three dimensional space occupied by a building, including all eaves, covered porches, breezeways and other portions of the building, but excluding attached decorative walls which are less than or equal to three feet in height.

DEVELOPMENT RIGHT- The potential for the improvement of a parcel of real property, measured in dwelling units for residential uses or equivalent dwelling units for non-residential uses, which exists because of the zoning classification of the parcel.

DEVELOPMENT SERVICES DEPARTMENT - The Cabarrus County Development Services Department.

DIAGNOSTIC CENTER - A freestanding facility, program, or provider, including but not limited to, physicians' offices, clinical laboratories, radiology centers, and mobile diagnostic programs.

DIMENSIONAL REGULATIONS - See § 4.7 of this Ordinance.

DISPOSAL - As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

DISPOSITION - A transfer of all or part of a title or equitable interest in land; a lease or an assignment of an interest in land; or any other transfer or conveyance of an interest in land.

DISTILLERY - An establishment engaged in the production and distribution of spirituous beverages. The establishment may include uses permitted in the district, in accordance with state and local laws.

DORMITORY - A space in a building where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses, military barracks and ski lodges. (Source: North Carolina State Building Code, Vol. 1, § 201.3).

DRAGSTRIP- A dragstrip is a straight, purpose-built racetrack, typically an eighth or a quarter mile long, for the exclusive purpose of two (2) motorized vehicles racing against one another for paid admission by the public, with an additional shutdown area to allow vehicles time to stop after crossing the finish line and which could include necessary accessory structures for parking, garages, staging, concessions, control and seating.

DRAINAGE AREA OR WATERSHED - The entire area contributing surface runoff to a single point. (Source: 15A NCAC 2H.1002).

DRIVE-THROUGH COMMERCIAL ESTABLISHMENT - A commercial retail or personal service establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person outside the motor vehicle. Such establishments include, but are not necessarily limited to branch banks and fast-food restaurants.

DRIVEWAY - A private, vehicular access connecting a house, carport, parking area, garage, or

accordance with the Corps of Engineers Wetlands Delineation Manual (United States Department of Commerce, National Technical Information Service, January 1987). Copies of the Wetland Delineation Manual may be obtained by contacting the National Technical Information Service.

WIND-DRIVEN SIGN - Consists of one (1) or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or materials designed or intended to move when subject to pressure by wind or breeze and by that movement attract attention and function as a sign (see definition of SIGN).

WINDOW SIGN - A sign which is applied to the building glass area located such that the identifying/advertising message, symbol, insignia, visual representation, logotype or any other form which communicates information can be read from off-premise.

WINERY/CIDERY - An establishment engaged in the production and distribution of wine, cider, and other fermented fruit beverages. The establishment may include uses permitted in the district in accordance with state and local laws.

WINERY/CIDERY-MICRO - An establishment engaged in the production and distribution of wine, cider, and other fermented fruit beverages with a capacity not to exceed 1000 gallons per year. The establishment may include areas for demonstration, education, tasting, and other uses permitted in the district, in accordance with state and local laws.

WOODLAND - All forest areas, both timer and cut-over land, and all second-growth stands on areas that have at one time been cultivated. (Source: NCGS § 113-57).

YARD - An open unoccupied space, other than a Court, unobstructed from the ground to the sky, on the Lot on which a Building is situated. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII. § 202).

YARD, FRONT - A yard extending across the front width of a lot and being the minimum horizontal distance between the street line and the principal building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.

YARD, REAR - A yard extending between the side yards of a lot or between the side lot lines in the absence of side yards, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots and interior lots the rear yard is in all cases at the opposite end of the lot from the front yard.

YARD, REQUIRED - The minimum open space as specified by the regulations of this Ordinance for front, rear and side yards, as distinguished from any yard area in excess of the minimum required. See "Buildable Area."

YARD, SIDE - A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building. This side yard definition may apply for three