



DATE:

CASE #: Z-02-16/LUP-01-16

DESCRIPTION: Administrative Concurrent Land Use Plan Amendment and Zoning Map Amendment
Single Family Residential – Open Space Encouraged to Industrial (LUP)
Cabarrus County Office/Institutional (OI) & Cabarrus County Countryside Residential (CR) to City of Concord Heavy Industrial District (I-2)

OWNER/APPLICANT: Richard Roper, Vulcan Lands, Inc. & Andrews/Graham Family

LOCATION: 7369 & 7355 Trail Road, Concord, NC

PIN#s: PIN: 4691-31-0055 & 4691-31-9145 (part of)

AREA: 66.875 acres

ZONING: Cabarrus County Office/Institutions (OI)

PREPARED BY: Joseph Beasley, Economic Development Coordinator

BACKGROUND

The subject property consists of two parcels that total approximately 66.875 acres. Vulcan Lands, Inc owns the smaller of the two parcels and is in the process of acquiring the larger parcel from the Andrews/Graham family. The parcels are located adjacent to Vulcan’s existing quarry on the east side of Trail Road, northwest of Goodman Road.

HISTORY

The property owners petitioned the City of Concord for annexation. City Council issued an annexation ordinance effectively annexing the subject property on December 10, 2015. City Council was informed of the petitioner’s desired zoning and proposed use of the property during the annexation process. The City must now apply a zoning to the recently annexed area. The petitioner’s desired zoning would first require a land use plan amendment.

SUMMARY OF REQUEST

The smaller parcel (~1.857 acres) is currently zoned Cabarrus County Countryside Residential (CR). The larger parcel (~65.108 acres) is zoned Cabarrus County Office-Institutional District

(OI). The petitioners would like the City to designate the area as Heavy Industrial District (I-2) for the purpose of expansion of Vulcan’s quarry and dirt storage. The property is designated “Single Family Residential – Open Space Encouraged” by the Future Land Use Plan (LUP). Vulcan’s intended use of the property is not allowed under the current land use designation. Therefore, the applicant is required to petition for Land Use Map amendment in order for the Planning and Zoning Commission to consider rezoning the property. 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 a land use plan amendment that designates the subject property as “industrial” would be consistent with the existing land use already assigned to the adjacent parcels to the south. Approximately 44% of the perimeter of the subject area has some form of industrial zoning and land use assigned to it. The subject area is not conducive to residential development for the following reasons:

- ~ 44% of the surrounding perimeter is either developed industrial or calls for industrial development
- Subject area has limited road access for residential development
- Subject area’s current county zoning is Office/Institutional (OI) – Equivalent City of Concord zoning is Office-Institutional District (O-I), which highly limits residential uses (other than those supporting institutional uses).

ZONING MAP AMENDMENT

The zoning map amendment proposes Heavy Industrial District (I-2) for the eventual expansion of Vulcan’s existing quarry and dirt storage. The expansion of the quarry and associated mining activity on the property will be subject to a special use permit, which will require submission of a site plan. The applicant has indicated that eventual access to this property will be through the existing quarry.

From a planning perspective, the zoning pattern of the area lends itself to industrial zoning on the subject property. The presence of adjacent industrial and O-I County zoning, as well as City of Kannapolis Campus Development (CD) zoning in the vicinity supports establishment of the I-2 zoning boundary as proposed.

In accordance with the CDO, the applicant has either met with in person, phone, or writing with each adjacent property owner to provide an update on the existing quarry and plans for the subject area. Neither Vulcan nor city staff are aware of any objections from adjacent property owners.

Existing Zoning and Land Uses					
Current Zoning of Subject Property	Zoning Within 500 Feet		Land Uses(s) of Subject Property	Land Uses within 500 Feet	
	Cabarrus County OI and Cabarrus County CR	North		Cabarrus County OI and Cabarrus County CR	Vacant Land
South		I-2 & I-2-CU	South	Industrial	
East		Cabarrus County LI & Cabarrus County OI	East	Industrial & Single Family Residential	
West		Cabarrus County CR & I-2	West	Industrial & Single Family Residential	

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

- The subject property is approximately 66.875 acres and is zoned Cabarrus County Countryside Residential (CR) and Cabarrus County Office/Institutional (O/I).
- The proposed land use amendment is reasonable and in the public interest because of the proximity of Vulcan’s existing quarry to the to the subject area and the economic benefit that Vulcan’s expansion would bring to the community
- The zoning amendment is reasonable and in the public interest because it will align with the proposed land use amendment

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. 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 its April 14th meeting, or next available hearing. The Commission should act first upon the amendment of the land use plan as that decision would support either approval or denial of the rezoning.

Because this petition is conventional district request, sworn testimony and findings of fact are not required, and the Commission may not impose conditions on the approval.

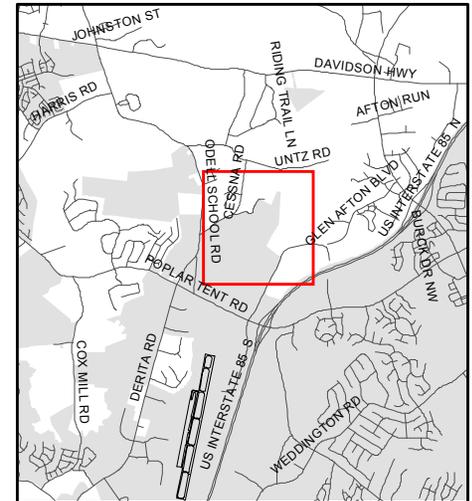
PROCEDURAL CONSIDERATIONS

This particular case is a land use plan amendment and rezoning to a conventional 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-02-16 & LUP-01-16
ZONING MAP**

**Administrative Zoning Map &
Land Use Plan Amendment**
The land use plan amendment
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Residential-Open Space Encouraged
to **Industrial** and the zoning proposes
a change from Cabarrus County
**Office Institutional (OI) and
Countryside Residential (CR) to
Heavy Industrial (I-2)**

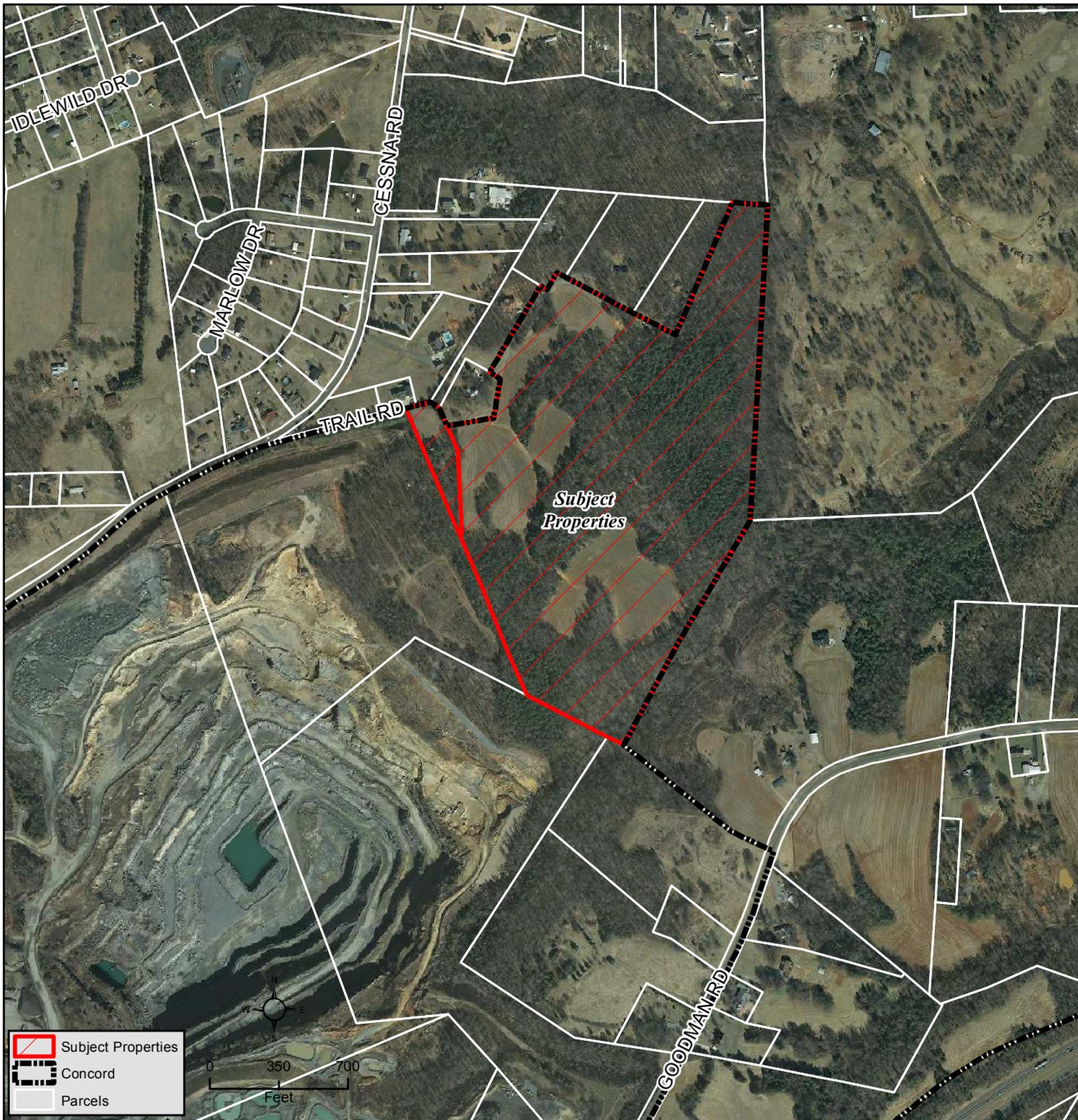
Goodman Rd & Untz Rd
PINs 4691-31-9145, 0055

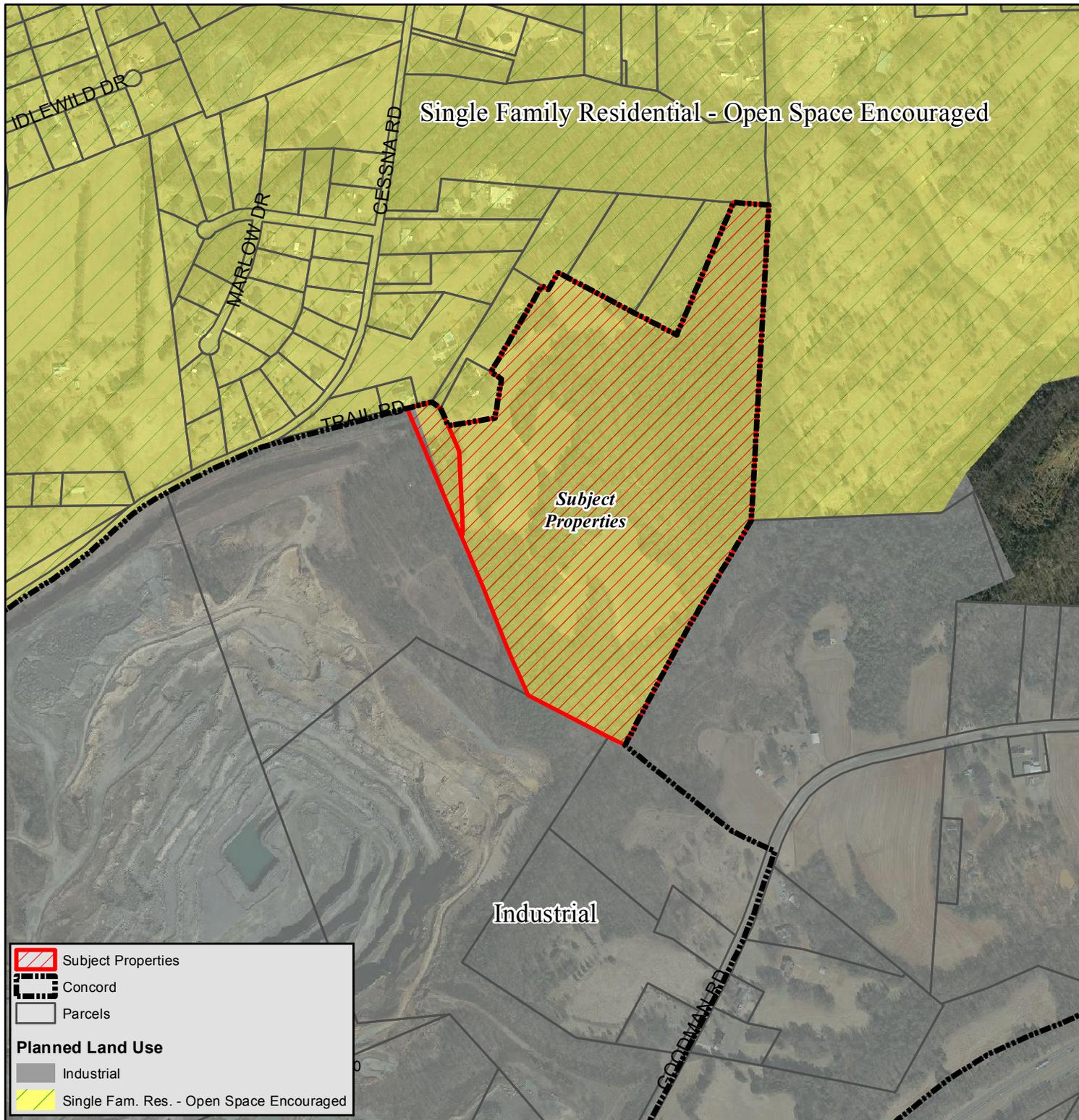


Source: City of Concord
Planning Department

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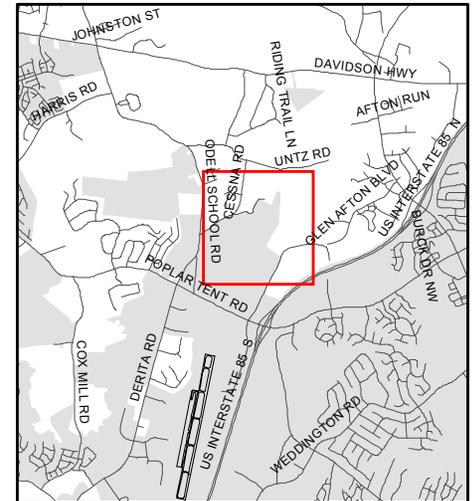




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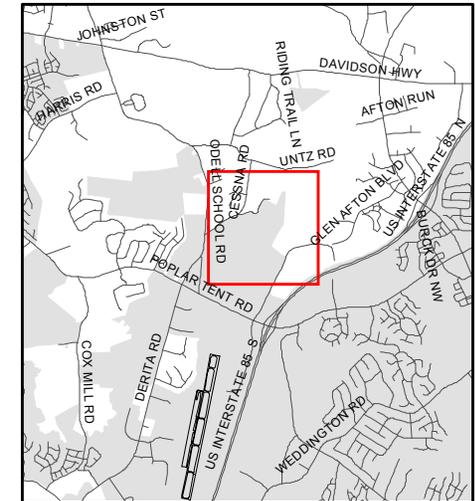
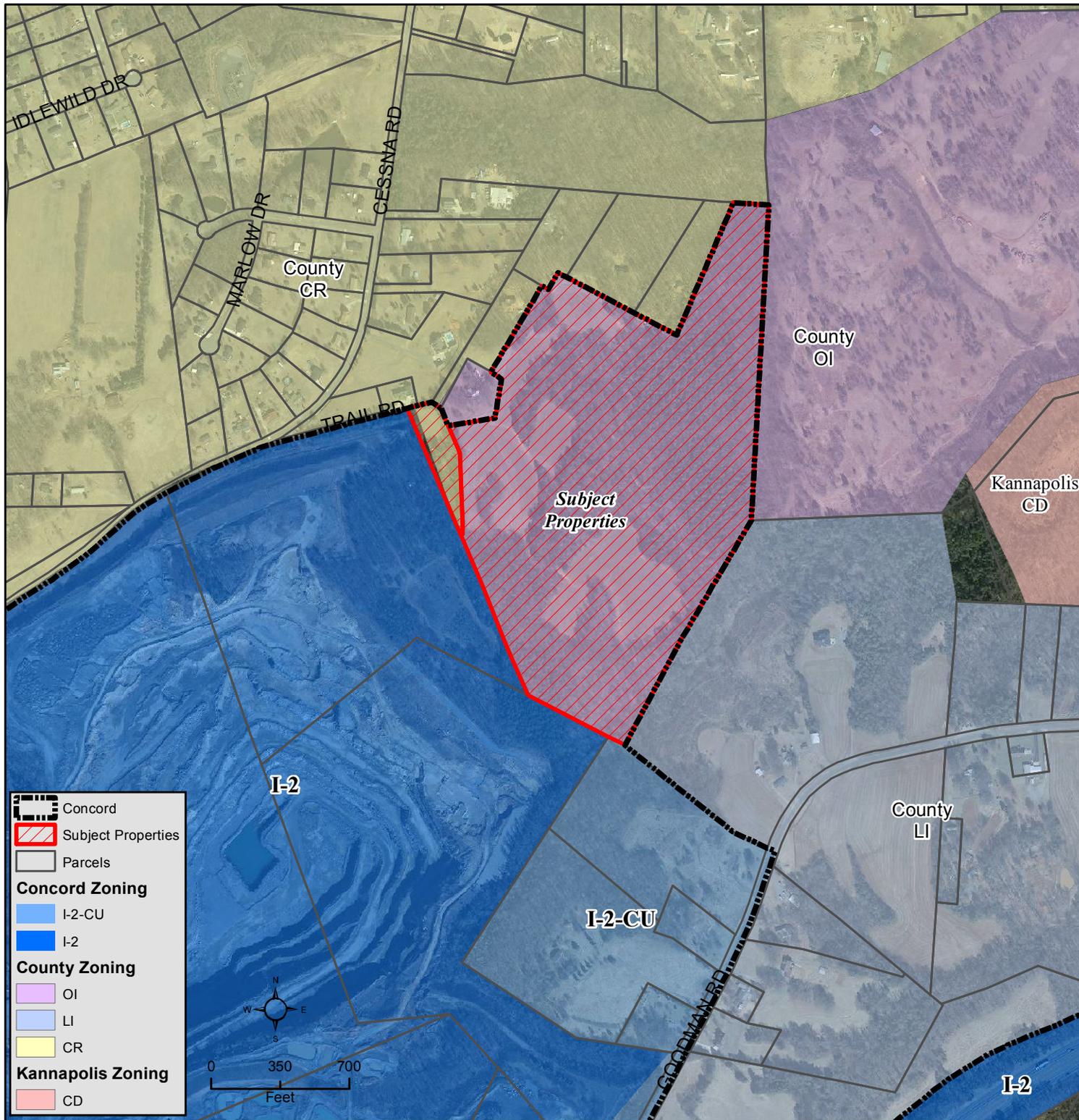
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