



DATE:

CASE #: Z-15-16/LUP-03-16

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 Light Industrial District (I-1)

OWNER/APPLICANT: Ronald Gold Overcash Trust, (Donald Whitaker, Trustee)/Childress Klein Properties, Inc.

LOCATION: South of Untz Road, north of Goodman Road

PIN#s: PIN: 4691-52-9158

AREA: 138+/- acres

ZONING: Cabarrus County Office Institutional (O-I) and Countryside Residential (CR)

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

BACKGROUND

The subject property consists of approximately 138 acres located on the south side of Untz Road, generally north of Goodman Road. The subject property is vacant land.

HISTORY

The subject property was annexed on a voluntary basis with an effective date of June 30. The City must now apply zoning. The petitioner’s desired zoning would first require a land use plan amendment.

SUMMARY OF REQUEST

The property is currently zoned a combination Cabarrus County Office Institutional (O-I) and Countryside Residential (CR) and the land use plan (LUP) designates the property as “single family open space encouraged.” The applicant is seeking Light Industrial (I-1) zoning and an amendment of the land use plan to “industrial.” 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 land use designation on properties to the south and west within the City of Concord. If the Commission will recall, Vulcan properties petitioned for concurrent rezoning and plan amendment on property located directly to the west and Council approved those petitions in April 2016. Additionally, land to the east, across the floodplain of Coddle Creek is designated Campus Development by the City of Kannapolis. Given the presence of future industrial adjacent to the property, its development as either residential or office-institutional uses is unlikely from a planning perspective and industrial land use is more realistic.

ZONING MAP AMENDMENT

The zoning map amendment proposes Light Industrial (I-1) for the eventual development of light industrial uses. According to a GIS calculation, approximately 4.7 acres of the land is zoned CR and the remaining 133.3+/- acres is zoned O-I. Again, development of the site as either residential uses or office-institutional uses under the current zoning scenario is unlikely given the surrounding land use patterns and the limitations of those zoning districts.

The property is adjacent to City of Concord I-2 zoning on the west, Cabarrus County Limited Industrial (LI) and Kannapolis Campus Development (CD) to the south. While the property does not have physical frontage on a public street, it would be necessary, prior to the development approval, for the development to obtain access through one of these parcels and not through residential land. It would appear that most of the access scenarios would involve crossing either designated floodplain or an existing stream. The presence of Coddle Creek floodplain and floodway along the south and east property lies would result in the provision of substantial undisturbed buffers adjacent to these properties.

Adjacent land uses include the Vulcan Quarry to the west and Industrial Development in the City of Kannapolis to the south. The subject property is adjacent to industrial development, zoning, or future land use on approximately 50% of its overall property boundary.

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 CR	Vacant Land
South		Cabarrus County LI and Kannapolis CD	South	Industrial	
East		Kannapolis CD and RE (Residential Estate)	East	Industrial & Single Family Residential	
West		Cabarrus County CR & City of Concord I-2	West	Industrial (Vulcan Quarry) Vacant land & 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 138 acres and is zoned Cabarrus County Countryside Residential (CR) and Cabarrus County Office/Institutional (O/I).
- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because the proposed zoning follows logical boundary lines given the adjacent land use designations and development patterns.
- The zoning amendment is reasonable and in the public interest because it highly unlikely that the property would develop either residentially or with office-institutional uses under the current zoning scenarios and industrial is more likely given the surrounding land use pattern.

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 August 11th 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

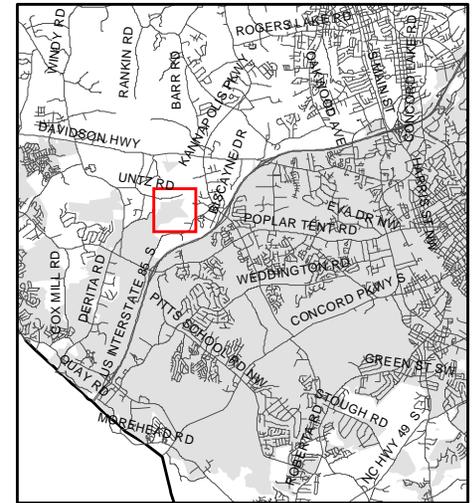
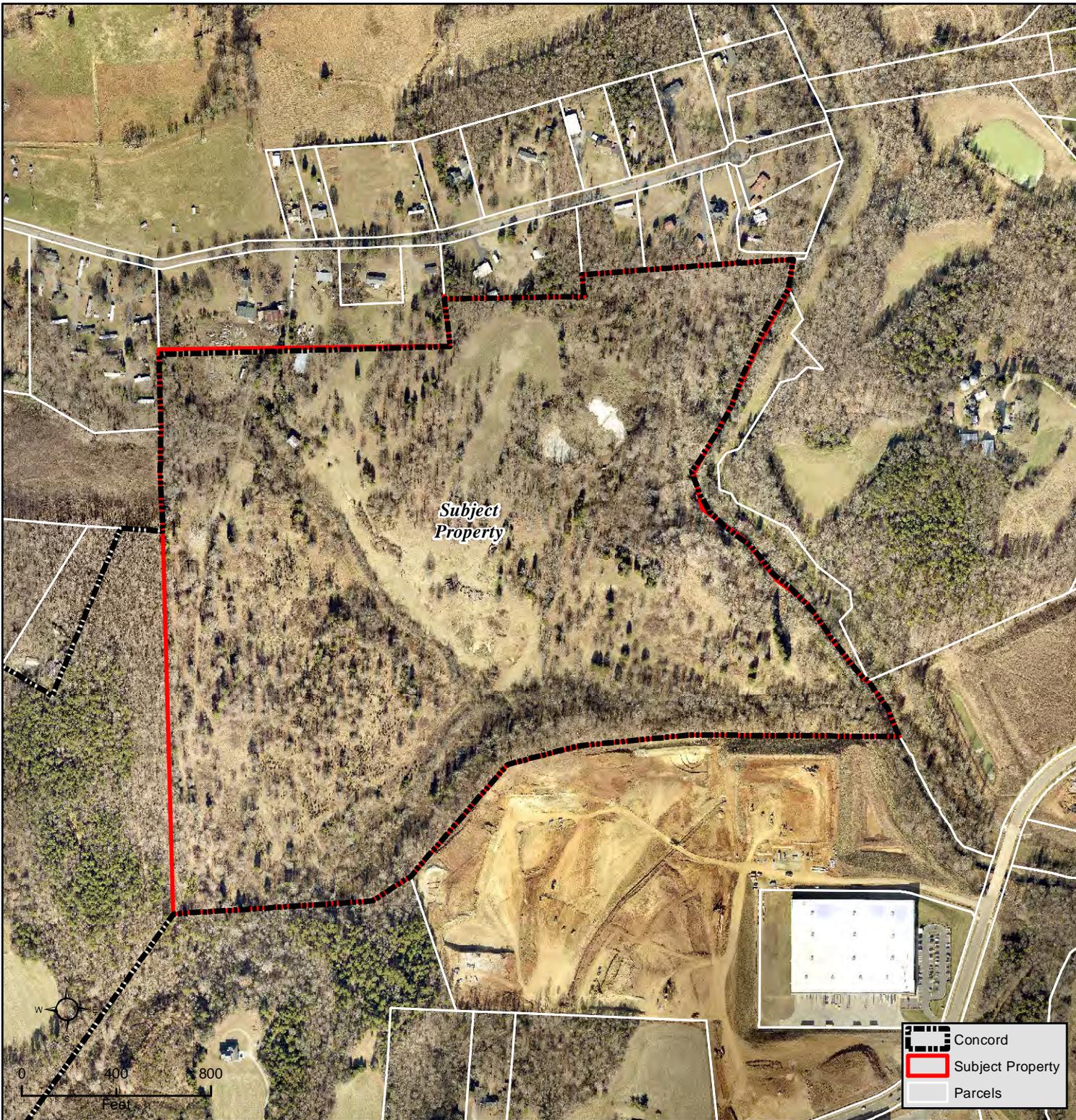
This particular case is a land use plan amendment and rezoning to a conventional district, which under the CDO, is “legislative” in nature. Legislative hearings DO NOT require the swearing or affirming of witnesses prior to testimony at the public hearing.

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AERIAL

**Administrative Zoning Map and
Land Use Plan Amendment
land use plan amendment proposes
a change from Residential-Open
Space Encouraged to Industrial &
zoning proposes a change from
Cabarrus County Office
Institutional (OI) and Countryside
Residential (CR) to Light Industrial (I-1)**

Between Goodman Rd and Untz Rd
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Source: City of Concord
Planning Department

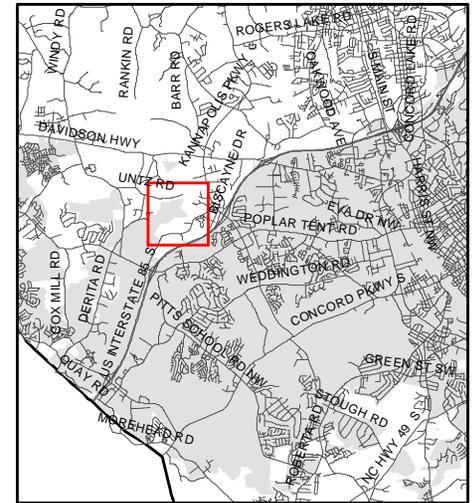
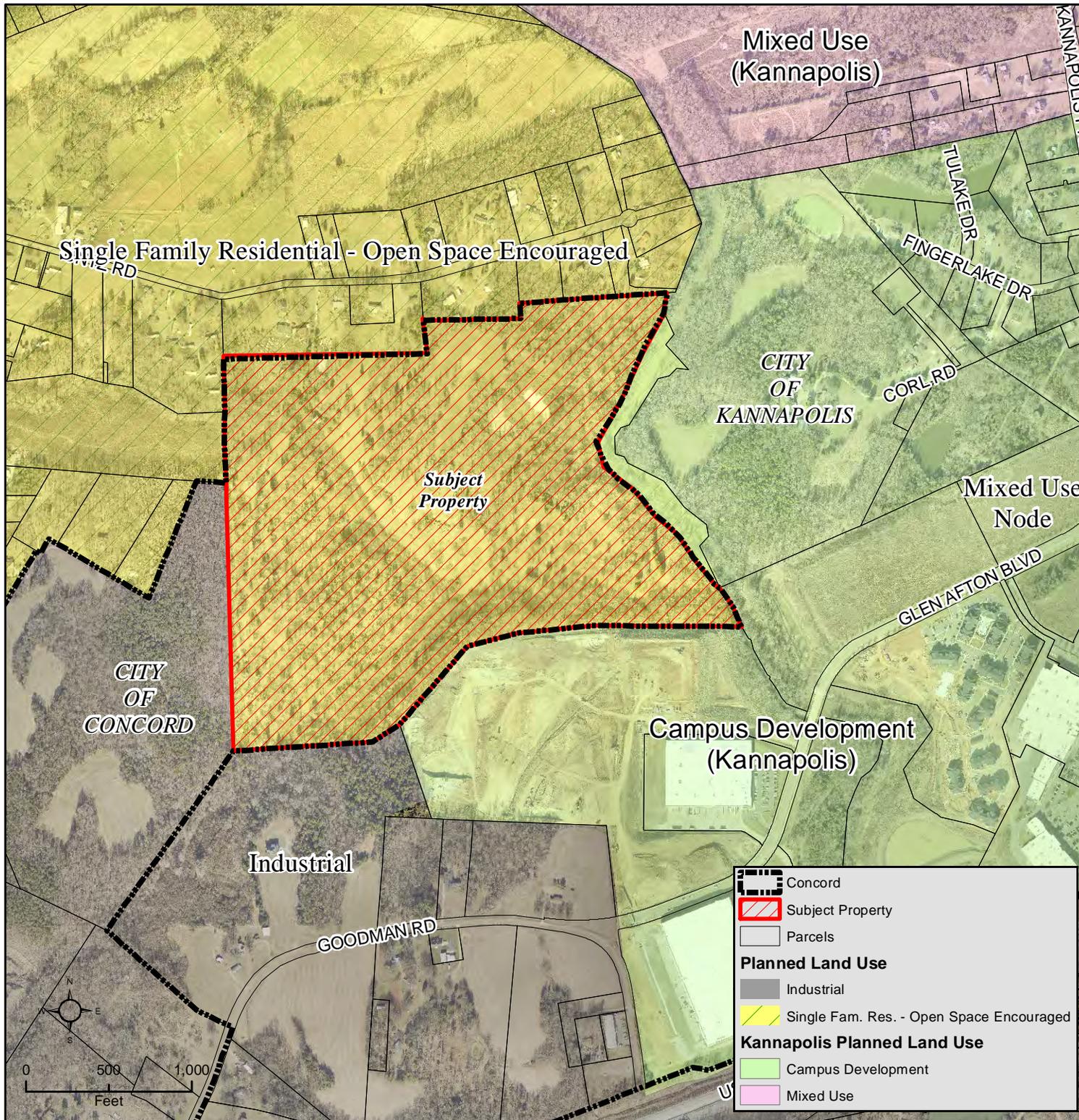
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	Concord
	Subject Property
	Parcels
Planned Land Use	
	Industrial
	Single Fam. Res. - Open Space Encouraged
Kannapolis Planned Land Use	
	Campus Development
	Mixed Use



Source: City of Concord
Planning Department

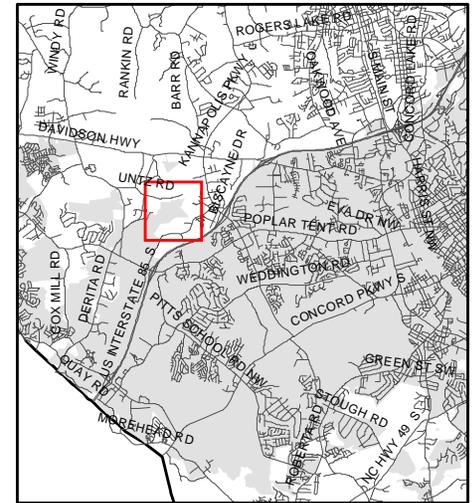
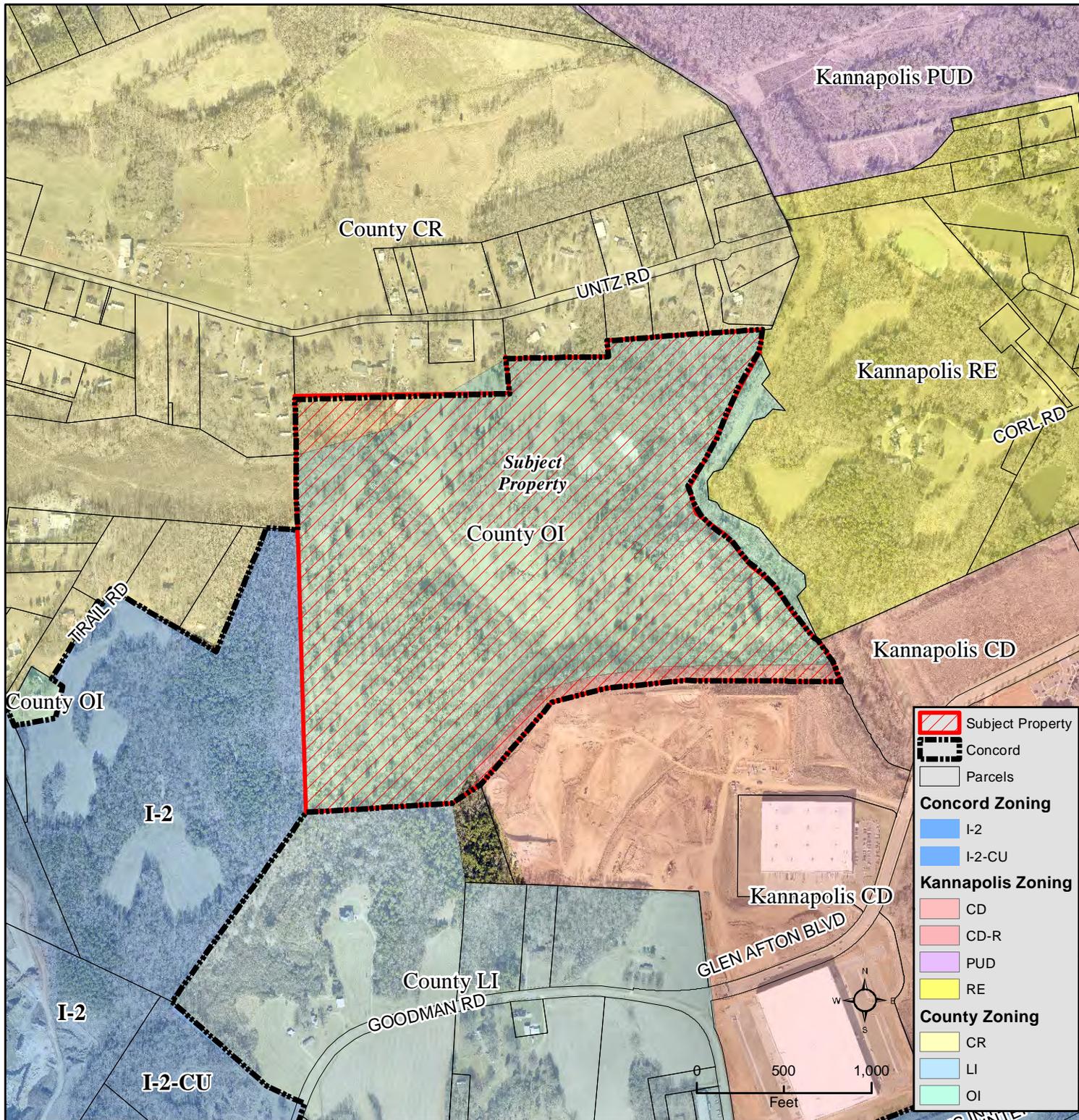
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ZONING**

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