

RESOLUTION OF CONCORD CITY COUNCIL
FOR APPLICATION OF SEC. 160D-203 & 204 SPLIT JURISDICTION AUTHORITY

WHEREAS, Childress Klein Properties/affiliate owns a 48.21 acre parcel in the vicinity of Concord Mills Mall with 11.54 acres of such parcel being located on the south side of Quay Road (8847, 8755 and 8699 Quay Road /PINs 4589-62-4465, 52-8820) and 36.67 acres within Charlotte ETJ and zoned in December of 2021 by Pet. #2021-028 for multi-family uses;

WHEREAS, the 11.54 acre Concord portion is zoned C-2 Commercial General, which allows multi-family uses but with different land use/development regulations than Charlotte resulting in different, conflicting regulations that hinder a preferred unified development of the overall 48.21 acre parcel;

WHEREAS, the 11.54 acre Concord portion is located directly behind Concord Mills Mall with a site location orientation that is directed more seamlessly with the Charlotte 36.67 acre portion, thereby constituting an “orphan” portion of the overall 48.21 acre parcel better suited to be governed by Charlotte for planning and development regulations without affecting taxation or other non-regulatory matters which shall stay within Concord;

WHEREAS, in December of 2021, Charlotte City Council unanimously approved the rezoning of the 36.67 Charlotte ETJ portion for multi-family uses per Rez. Pet. #2021-028, and this rezoning referenced the possible development of the Concord portion for multi-family uses and in fact accounted for a total of 700 units for the overall 48.21-acre parcel for transportation commitments purposes, and furthermore, Charlotte Water plans to provide water and sewer service to the overall 48.21-acre parcel;

WHEREAS, NC General Statutes Sections 160D-203 & 204 allow Concord and Charlotte by mutual agreement pursuant to Article 20 of Chapter 160A and with the consent of the landowner (which consent has been provided and requested) to assign exclusive planning/development regulation jurisdiction for the entire 48.21 acre parcel (to include the 11.54 acre Concord portion) to Charlotte provided that such mutual agreement shall not affect taxation or other non-regulatory matters; and

WHEREAS, pursuant to Section 160D-203 & 204, adoption of resolutions by Concord City Council and then Charlotte City Council allow a recently filed Charlotte rezoning over the overall 48.21-acre portion now to include the 11.54 acre Concord portion (Rez. Pet. #2023-028) to move through the normal rezoning process whereby Charlotte planning/development jurisdiction would vest in Charlotte upon approval of the rezoning (but not before and if not approved, Concord planning/development regulations will still apply);

NOW THEREFORE, by authority of Sections 160D-203 & 204, Concord City Council hereby adopts this resolution to allow Charlotte planning/ development regulations to apply to the 11.54 Concord portion of the overall 48.21-acre parcel in the manner and pursuant to the statements of purposes set forth above.

Adopted this 8th day of June, 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch Mayor

ATTEST:

Kim Deason, Clerk