

Meeting Date

November 10, 2020

Background

The subject property consists of +/- 56.83 acres on the northeast corner of Rocky River Road and Lower Rocky River Road. The property is also adjacent to the southwest corner of the Mills at Rocky River project, and west of CC Griffin Middle School. The subject petition is a resubmittal for a previously considered site. The 2019 petition was submitted prior to the adoption of the Conservation Subdivision standards and the request was tabled until the ordinance could be adopted. After the Conservation Subdivision Ordinance was adopted, the petitioner provided details on the intended use of the property, which included 113 homes on the +/- 56.83 acres. Council held a public hearing on March 12th, 2020 and voted to decline annexation. Subsequently, the applicant submitted a petition for annexation for the same property, demonstrating 106 homes. Council declined the annexation on July 9th, 2020. The current petitioner, who worked in coordination with the petitioner from the previous annexation requests, is proposing annexation for the purpose of developing the property with 106 homes on the site as previously designed. The petitioner is willing, if annexed, to add a condition to the rezoning request, stating that the neighborhood would be age restricted by deed.

As with all annexations, staff contacts both internal City departments and external agencies for input. Previously, the Concord Fire Department stated that due to the location of the site in comparison to the primary corporate limits and the distance to nearest fire station, it would be necessary to contract out fire services for the site if annexation were approved. Fire has recalculated the distance and believes they can serve the site without outside contracts. However, the Police Department maintains that annexation would “stretch out the boundaries of Baker District and dilute resources further away from the more populated areas of that district,” and that if annexed, consideration should be given to future resource needs. City Staff also recognizes the sizeable distance between the furthest point of the subject property to the City’s primary contiguous corporate limits. Annexation of the subject property would extend the furthest point of the City’s satellite corporate limits (The Mills at Rocky River) further south, expanding the required municipal service area. Cabarrus County Schools has stated that if the development is age restricted, it will have little impact on enrollment numbers.

Should annexation be adopted, the petitioner plans to request a rezoning to the CS (Conservation Subdivision) zoning classification. Although site plans are not required for annexation hearings, the petitioner has provided a preliminary site schematic which is attached to Council’s packet materials, indicating a maximum of 106 lots at 1.87 du/a. A preliminary review indicates that the plan can meet the minimum standards set forth for the CS zoning district. If annexation is adopted, the plan will be required to go through technical site plan review prior to rezoning. The City is required to place a zoning classification on all annexed property within 60 days of municipal incorporation. Should this or any property be annexed and the plan be insufficient for review by the Planning & Zoning Commission by that the required 60 days, City Staff will prepare an

administrative zoning request. In this instance, staff would recommend the RE (Residential Estate) zoning district.

The property is currently zoned CR (Countryside Residential) in Cabarrus County which permits a density of up to one (1) dwelling unit per acre. The subject property is also located within the Central Area Plan's Very Low-Density development guide allowing density up to 1 unit per two acres or 2 units per acre with additional development standards. Furthermore, the subject property is also within the 2030 Land Use Plan's Suburban Neighborhood Land Use Category and Conservation District Character Area, also requiring enhanced development standards.

CS (Conservation Subdivision Standard Highlights)

1. Inventory and mapping of existing resources (including but not limited to):
 - soil type locations
 - hydrologic characteristics
 - trees with a caliper of more than thirty-two (32) inches
 - known critical habitat areas
 - views of the site
 - primary conservation areas
 - secondary conservation areas
 - existing forests of at least one contiguous acre, containing five trees or more per acre measuring 32"DBH
 - at least 80 percent of residential lots shall abut common open space
 - heritage tree preservation
 - scenic view protection