



DATE: March 20, 2018

CASE #: Z (CD)-01-18

DESCRIPTION: Zoning Map Amendment
RM-1 (Residential Medium Density) to RV-CD (Residential Village)

APPLICANT: Randy Nassar, Brookwood Homes

OWNER: Mary Lou Allred Estate

LOCATION: 241 Pitts School Rd. SW

PIN#s: PIN: 5509-51-6333

AREA: 16.45 +/- acres

ZONING: RM-1 (Residential Medium Density)

PREPARED BY: Starla Rogers, Sr. Planner

BACKGROUND

The subject property consists of an individual parcel, on the west side of Pitts School Rd. It is located across from the JM Robinson High School, west of the Carolando Subdivision, and approximately 2,250 feet southeast of the Pitts School Rd. and Concord Pkway S. intersection. The property is currently vacant and predominantly open field area.

HISTORY

The subject parcel, along with various other properties, was involuntarily annexed into the City of Concord on May 10, 1990 as part of a larger annexation area. After annexation, the property was administratively zoned to R-1 (Single Family Residential). With the adoption of the Unified Development Ordinance (now known as the CDO) the R-1 zoning became RM-1.

SUMMARY OF REQUEST

The applicant has requested to rezone the subject parcel from RM-1 (Residential Medium Density) to RV-CD (Residential Village Conditional District) for the purpose of developing a single-family residential detached subdivision.

RM-1 zoning permits, by right, the development of single-family detached residential at a density of three (3) dwelling units per acre. The minimum lot size is 15,000 square feet with minimum

dimensions of 75ft X 100ft. Hypothetically, under the current zoning classification, the property could accommodate a gross density of 49 lots. However, due to streets, sidewalks, required open space, and the irregular shape of the property, it is unlikely that 49 lots could be platted by right. Without seeing a scaled site plan under the current zoning standards, it is unclear of the actual achievable density. 10% open space would be required under the RM-1 zoning classification, totaling 1.65 acres.

The applicant's petition proposes to amend the zoning classification to RV-CD (Residential Village Conditional District.) The site plan depicts the subdivision with lots designed to the RV zoning district standards with a minimum of 7,500 square feet. 2.7 acres of open space is provided, totaling +/- 13%. The open space is shown to be accessible through two (2) pedestrian access easements along the internal streets.

The submitted site plan includes two access points to Pitts School Rd, one internal cul-de-sac, and a 'stub' road to a 7.06 acre parcel directly to the south. Two potential BMP areas are shown. The primary BMP location is on the southern portion of the property, adjacent to the proposed stub road. Additional BMP space (if needed) is shown within the open space area along Pitts School Rd. Should the BMP be located in the area of open space, it will need to be designed in the following manner as required by the ordinance:

10.5.4. Use of Stormwater Detention Basins

Retention areas or detention basins, which may be required as part of Article 4 shall not qualify as open space for residential developments unless:

- A. *Fifty percent (50%) or more of the active and usable area is above the area submerged during a ten (10) year storm, and*
- B. *The detention basin is designed for multiple uses and the usable areas conform to all of the requirements of this Subsection, (d).*
 - 1. *Retention or detention areas may meander through the development rather than exist as a single basin. Retention areas shall be improved so as to be usable and accessible. Detention areas shall not be permanently inundated so as to be unusable for their designated recreational purposes.*
 - 2. *Retention or detention areas shall be given a natural character and shall be constructed of natural materials. Terracing, berming, and contouring are required in order to naturalize and enhance the aesthetics of the basin. Basin slopes shall not exceed a 3:1 slope.*

Conditions offered by the developer:

- 1. **Site Plan** limiting the development to 49 homes at 2.9 dwelling units per acre.
- 2. **Open Space will include a playground and picnic area.** *(Staff recommends asking the applicant for further clarification of what this amenity would include for enforceability during the platting and development phase. Ex: Size of playground area, picnic shelters, number of picnic tables. etc)*
- 3. **Increased open space.** (1.64 acres (10%) required under RM-1, 2.1 acres (13%) provided under CD-RV).
- 4. **Larger BMP facilities than required** to assist with neighbors current flooding issues.

Property directly to the north and east is zoned RL (Residential Low Density) and is part of the established Carolando single-family residential subdivision. Lot sizes in the Carolando subdivision range from ¾ acre to the largest lot at +/- 7.69 acres. Typical lot size is around 1.3 to 1.5 acres per parcel. Property further north is zoned C-2 (General Commercial) and developed with the Settler's Landing mixed used project, including townhomes. Property to the west is

zoned RM-1 (Residential Medium Density) and is improved with the JM Robinson High School campus. Property to the south is also zoned RM-1. One parcel contains a single family home and the next parcel to the south contains the Savannah Commons cluster development, approved with a SUP in 2004. Density in Savannah Commons is approximately 2.4 dwelling units per acre, with +/- 26% open space, and varying lot sizes of 5,200 square feet to 9,900 square feet.

Existing Zoning and Land Uses (Subject Parcel)					
Current Zoning of Subject Property	Zoning Within 500 Feet		Land Uses(s) of Subject Property	Land Uses within 500 Feet	
	Cabarrus County High Density Residential Special Use (HDR-SU)	North		RM-1 & C-2	Vacant
South		RM-1	South	Residential	
East		RL	East	Residential	
West		RM-1	West	Institutional (School)	

COMPLIANCE WITH 2030 LAND USE PLAN

The 2015 Land Use Plan (LUP) designates the subject property as “Suburban Neighborhood.” The RV (Residential Village) zoning district is listed as a potentially consistent zoning district. Further details from the 2030 LUP are detailed below to provide greater guidance in determining whether the proposed design of the subdivision is consistent with the surrounding development patterns. Aside from zoning classifications, the LUP notes that infill development is encouraged, with higher densities most compatible in the Mixed-Use Activity Centers, Village Centers, and Urban Neighborhoods. Furthermore, the LUP notes that consideration should be taken when looking at new developments as it relates to design, scale, orientation, appropriate buffering and intensity when transitioning between existing developed land uses. Therefore, the zoning classification may be compatible with the 2030 Land Use Plan, but the proposed design and intensity is somewhat in conflict with the established Carolando neighborhood, specifically in that the proposed RV lots are directly adjacent to the larger RL zoned lots. For example, 23 lots are now directly adjacent to eleven (11) RL zoned lots, and only a modest increase in the amount of open space from a standard RV neighborhood is proposed. The petition does not demonstrate how compatibly between the proposed development and the existing lower density neighborhood will occur.

The following general land use challenges and opportunities in Section 5.2 relate to the proposed amendment.

Ensuring compatibility between neighboring land uses: As the diversity of uses and housing types increases, the potential for incompatibility increases. To maintain compatibility between adjacent uses, the City will need to ensure that there are seamless transitions between uses which will require a combination of separating certain uses, buffering between uses, and addressing the design, scale, height, orientation and intensity of development as appropriate to the land use transition and the site.

The following goals, objectives and policy guidance relate to the proposed zoning amendment.

Goal 4: Ensure compatibility between neighboring land uses

Objective 4.1: Use a combination of land use transitions, intensity gradients, buffering, and design to ensure that land use transitions are compatible.

Policy Guidance for Objectives 4.1 to 4.3:

- **Land Use and Intensity Transitions:** Zoning use and site development standards should promote a gradient in the type and intensity of uses. For instance, higher density residential development can provide a compatible transition between medium-density residences and neighborhood commercial centers.
- **Buffers:** Buffers should be used to screen uses and activities that may detract from the enjoyment of adjacent land uses. Where large buffers are not necessary, the landscape design should soften land use transitions;
- **Building and Site Design Standards:** Where land use transitions are necessary to support a walkable mix of uses or housing types, a variety of development standards should ensure that the location, scale, height and orientation of buildings and site improvements provide for compatible transitions.

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately 16.45 acres.
- The property was annexed with an effective date of May 10th, 1990 as part of a large scale annexation that included the adjacent (County approved) Carolando neighborhood.
- The proposed zoning amendment is not entirely consistent with the 2030 Land Use Plan (LUP) because it does not demonstrate consistency with Goal 4 and Objective 4.1 relative to land use transitions.
- The zoning amendment is not entirely reasonable and in the public interest because it does not demonstrate compatibility with the 2030 Land Use Plan as it relates to compatibility and transition of uses with existing neighborhoods.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the request inconsistent with the 2030 Land Use Plan. The plan does however; meet the requirements of the Concord Development Ordinance. 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.”**

In the event that the Commission approve the petition, staff recommends the following conditions:

1. **Site Plan** limiting the development to 49 homes at 2.9 dwelling units per acre.
2. **Open Space will include a playground and picnic area.** *(Staff recommends asking the applicant for further clarification of what this amenity would include for enforceability during the platting and development phase. Ex: Size of playground area, picnic shelters, number of picnic tables. etc)*
3. **Increased open space.** (1.64 acres (10%) required under RM-1, 2.1 acres (13%) provided under CD-RV).
4. **Larger BMP facilities than required** to assist with neighbors current flooding issues.

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.

**APPLICATIONS NOT COMPLETED BY THE PUBLISHED APPLICATION
DEADLINE WILL NOT BE CONSIDERED.**

Required Attachments / Submittals:

- 1. Typed metes and bounds description of the property (or portion of property). A recorded deed is sufficient, if the deed contains a separate description of the property to be rezoned. If the property contains multiple tracts, deeds shall be provided describing each tract or multiple tracts.
- 2. Cabarrus County Land Records printout of names and addresses of all immediately adjacent landowners, including any directly across the street.
- 3. **FOR CONDITIONAL DISTRICT APPLICATIONS ONLY**, 6 copies of a plan drawn to scale (conditional district plan) for the initial submittal to be reviewed by Development Review Committee. Staff will advise of additional submission requirements for the Planning Commission hearing after the initial review.
- 4. If applicable, proof of a neighborhood meeting (signature page) or receipt from certified letters mailed to adjoining property owners if project increases density or intensity (See Section 3.2.3). Staff will provide further information on this requirement during the required pre-application meeting.
- 5. Money Received by _____ Date: _____
Check # _____ Amount: \$ 800.00 (Conditional) or \$600 (Conventional)
Cash: _____

The application fee is nonrefundable.

(Please type or print)

Applicant Name, Address, Telephone Number and email address: RANDY NASSAR

BROOKWOOD HOMES Building 10100 PARK CEDAR, Suite 130
Pineville, NC 28120 T: 704-502-3508 E: RNASSAR@Brookwoodhomesbuilding.com

Owner Name, Address, Telephone Number: Mary Lou Allred, 305 Arlington St.
Mt. Airy, NC 27030 mlabsnrvn@gmail.com

Project Location/Address: 241 PITS SCHOOL RD

P.I.N.: 5509-51-6333

Area of Subject Property (acres or square feet): ± 16.45 Ac

Lot Width: ± 1297 FT Lot Depth: ± 593 FT

Current Zoning Classification: RM-1 (RESIDENTIAL MEDIUM DENSITY)

Proposed Zoning Classification: RV (RESIDENTIAL VILLAGE)

Existing Land Use: VACANT

Future Land Use Designation: SINGLE FAMILY DEVELOPMENT

Surrounding Land Use: North Single Family Residential South SFR

East SFR

West CIVIC/ INSTITUTIONAL

Reason for request: PROPOSED PROJECT IS TO BE DEVELOPED AS A
SINGLE FAMILY RESIDENTIAL SUBDIVISION

Has a pre-application meeting been held with a staff member? NO (Scheduled for 1-4-18)

Staff member signature: _____

Date: _____

THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

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

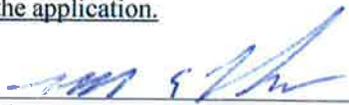
PROPOSED PROJECT IS A 49 UNIT SINGLE FAMILY SUB DIV.
 W/ INFRASTRUCTURE IMPROVEMENTS
 PROPOSED RV ZONING
 GREEN / OPEN SPACE

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):

PROPOSED COMMUNITY OPEN SPACE W/ PLAYGROUND +
 PIKNIC AREA.
 2.9 ACRES DEDICATED AS GREEN / OPEN SPACE (1.6 ACRES REQ.)
 DETENTION SPACE IN ~~EXCESS~~ EXCESS OF REQ
 RM-1 ZONING = MAX 4 UNITS / ACRE → PROPOSED (RV ZONING)
 SINGLE FAMILY DEV. = 3 UNITS / ACRE.

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.

 12-23-17
 Signature of Applicant Date

PLEASE SEE ATTACHED PG.
 FOR AGENT SIGNATURE
 Signature of Owner(s) Date

THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

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

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.

Signature of Applicant

Date

GTZ 1/3/18
Signature of Owner(s) Date

Glen Tucker Sellers'
Agent - Re/Max

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: _____

Property Owner or Agent of the Property Owner Signature:

GT, Sellers' Agent - Re/Max
Glen Tucker

Staff Use Only:

1. Scheduled for Planning and Zoning Commission consideration:
 Date: _____ Time: _____ Location: _____
2. Date advertised, written notice(s) sent, and property posted: _____
3. Record of decision: Motion to: ___ Approve ___ Deny
 _____ ___ Yea ___ Nay
 _____ ___ Yea ___ Nay
4. Planning and Zoning Commission recommendation: ___ Approved ___ Denied
 If denied, was an appeal filed? _____
5. Date applicant notified of Planning and Zoning Commission action: _____
6. Scheduled for City Council consideration:
 Date: _____ Time: _____ Location: _____
7. Dates advertised: (a) First notice: _____ (b) Second notice: _____
8. City Council recommendation: ___ Approved ___ Denied
9. Date applicant notified of City Council action: _____
10. Comments: *(see minutes for details)*

Additional Requirements for Conditional District Amendments Only
(SEE SECTION 3.2.8)

A petition for conditional zoning must include a site plan, drawn to scale, with supporting information and text that specifies the actual use or uses intended for the property and any proposed conditions that will govern development and use of the property. The following information shall be provided, if applicable:

1. A boundary survey and vicinity map showing the property's total acreage, zoning classification(s), location in relationship to major streets, railroads, the date, and a north arrow;
2. All existing easements, reservations and rights-of-way;
3. Areas in which structures are proposed;
4. Proposed use of all land and structures including the number of residential units and square footage of nonresidential development;
5. Proposed and required screening and landscaping as specified in Article 11;
6. Existing and proposed points of access to public streets and to adjacent property;
7. Location of 100 year floodplains and location of proposed stream buffers as specified in Article 4;
8. General parking and circulation plans;
9. Additional data and information as specified in Article 9, if applicable.

In the course of evaluating the application, the Administrator, Planning and Zoning Commission or City Council may request additional information from the petitioner. This information may include the following;

1. The exterior features of the proposed development including height and exterior finish;
2. Existing and general topography of the site;
3. Existing vegetation and tree cover; and
4. Location and number of proposed signs.

The site plan and all supporting materials and text shall constitute part of the petition for all purposes under this Chapter.

For conditional district rezonings, after receipt of the petition, the staff shall forward the petition including the site plan to the Development Review Committee (DRC) for review and comments prior to the hearing. The DRC shall concur that the site plan sufficiently meets minimum requirements prior to the item proceeding to the Planning Commission for public hearing. Comments from the DRC may necessitate changes to the rezoning plan prior to the public hearing.



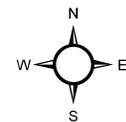
**Aerial
Map
Case: Z(CD)-01-18**

**Randy Nassar
Brookwood Homes**

241 Pitts School Rd

**RM-1
(Residential
Medium Density)
to
RV-CD
(Residential Village
Conditional District)**

PIN 5509-51-6333



Source: City of Concord
Planning Department

Disclaimer

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Legend

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



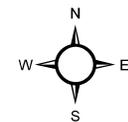
**Zoning
Map
Case: Z(CD)-01-18**

**Randy Nassar
Brookwood Homes**

241 Pitts School Rd

**RM-1
(Residential
Medium Density)
to
RV-CD
(Residential Village
Conditional District)**

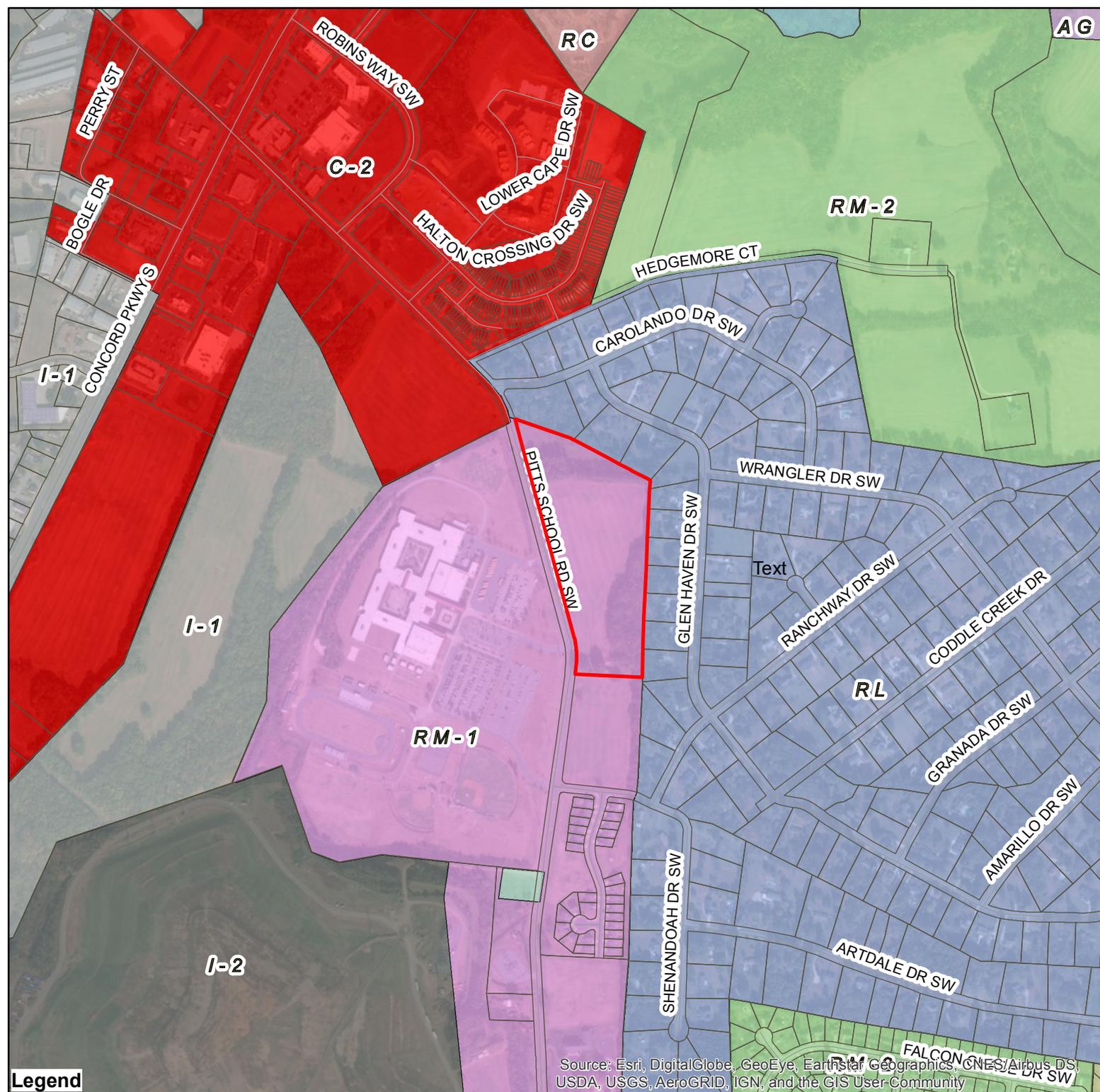
PIN 5509-51-6333



Source: City of Concord
Planning Department

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201

  Exit Street View



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35°21'52.67" N 80°39'34.75" W elev 676 ft eye alt 662 ft

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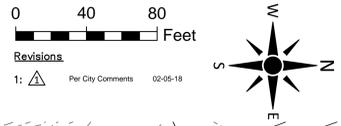
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Pitts School Road Subdivison | Conceptual Site Plan with Survey

Concord, NC

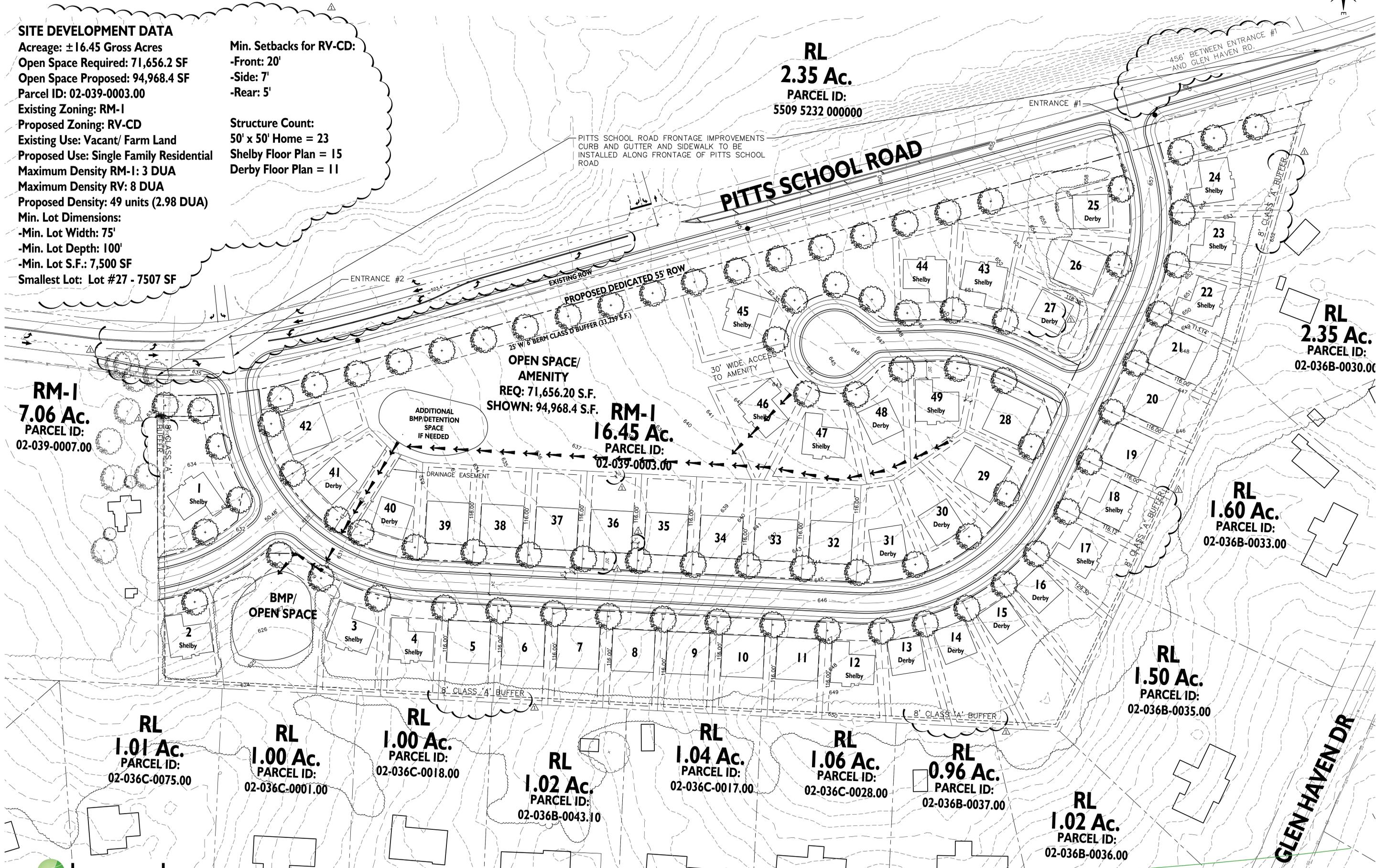


SITE DEVELOPMENT DATA

Acreage: ±16.45 Gross Acres
Open Space Required: 71,656.2 SF
Open Space Proposed: 94,968.4 SF
Parcel ID: 02-039-0003.00
Existing Zoning: RM-1
Proposed Zoning: RV-CD
Existing Use: Vacant/ Farm Land
Proposed Use: Single Family Residential
Maximum Density RM-1: 3 DUA
Maximum Density RV: 8 DUA
Proposed Density: 49 units (2.98 DUA)
Min. Lot Dimensions:
 -Min. Lot Width: 75'
 -Min. Lot Depth: 100'
 -Min. Lot S.F.: 7,500 SF
Smallest Lot: Lot #27 - 7507 SF

Min. Setbacks for RV-CD:
 -Front: 20'
 -Side: 7'
 -Rear: 5'

Structure Count:
 50' x 50' Home = 23
 Shelby Floor Plan = 15
 Derby Floor Plan = 11



RM-1
7.06 Ac.
PARCEL ID:
 02-039-0007.00

RL
2.35 Ac.
PARCEL ID:
 5509 5232 000000

RL
2.35 Ac.
PARCEL ID:
 02-036B-0030.00

OPEN SPACE/ AMENITY
REQ: 71,656.20 S.F.
SHOWN: 94,968.4 S.F.

RM-1
16.45 Ac.
PARCEL ID:
 02-039-0003.00

RL
1.60 Ac.
PARCEL ID:
 02-036B-0033.00

RL
1.50 Ac.
PARCEL ID:
 02-036B-0035.00

RL
1.01 Ac.
PARCEL ID:
 02-036C-0075.00

RL
1.00 Ac.
PARCEL ID:
 02-036C-0001.00

RL
1.00 Ac.
PARCEL ID:
 02-036C-0018.00

RL
1.02 Ac.
PARCEL ID:
 02-036B-0043.10

RL
1.04 Ac.
PARCEL ID:
 02-036C-0017.00

RL
1.06 Ac.
PARCEL ID:
 02-036C-0028.00

RL
0.96 Ac.
PARCEL ID:
 02-036B-0037.00

RL
1.02 Ac.
PARCEL ID:
 02-036B-0036.00

