



DATE: April 17, 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 request was heard and subsequently tabled at the March 20, 2018 Planning and Zoning Commission meeting. The applicant has since had further discussion with the residents in the Carolando neighborhood and has agreed to the following changes/additional developer offered conditions per the attached "Pitts School Rd Rezoning Application Resubmittal 4-4-2018" comment sheet:

1. Reduced total allowable lot number from 48 to 47. Proposed density: 2.85 DUA.
2. Increase buffer adjacent to Carolando from 8ft to 16ft.
3. Pitts school Rd improvements, median and turn lanes.
4. Adding a swale (where necessary) for stormwater mitigation.

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 detached residential 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 lots designed to the RV zoning district standards with a minimum of 7,500 square feet. 2.12 acres of open space is provided, totaling +/- 12.8%. 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 BMP areas are shown. Swales/drainage pipes, shown by arrows, will be added (where necessary) to direct the stormwater flow to the appropriate BMP and eliminate associated runoff to the new homes and adjacent Carolando neighborhood. 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.*

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 2030 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 submitted and agreed upon by the developer:

1. **Site Plan** limiting the development to 47 homes at 2.85 dwelling units per acre.
2. **Open Space** will include a playground and picnic area.
3. **Increased open space.** (1.64 acres (10%) required under RM-1, 2.12 acres (12.8%) provided under CD-RV).
4. **Larger BMP facilities than required** to assist with neighbors current flooding issues.
5. **Increased buffer.** 16ft buffer adjacent to Carolando as shown on the site plan.
6. **Swale** installed where necessary per site plan to mitigate and direct stormwater to BMP.
7. **Pitts school Rd improvements**, median and turn lanes.

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.

(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 PITTS 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:

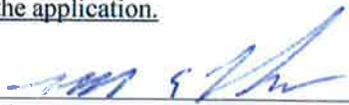
PROPOSED PROJECT IS A 49 UNIT SINGLE FAMILY SUB DIV.
 W/ INFRASTRUCTURE IMPROVEMENTS
 PROPOSED RV ZONING
 GREEN / OPEN SPACE

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 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

GT 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

Pitts School Road Rezoning Application Resubmittal 4-4-2018

Comments from Planning and Zoning Board Meeting

The following are comments received at the Planning and Zoning Board Public meeting. Comments were based on input from the adjoining neighbors expressed at the meeting. These were noted at the meeting, not submitted to us in writing so these are our notes from the meeting.

1. Request to reduce density and increase lot sizes, closer to that of the adjoining neighborhood.

Adjoining neighborhood was developed long ago with 1+ acre lots. The current cost of land and infrastructure precludes that scale of development in most conditions. Overall density for this development was planned at 49 homes or 2.98 DUA. Density on final plan has been reduced to 47 homes or 2.85 DUA. (current zoning allows for 3 DUA)

2. Reverse layout, moving open space adjacent to neighborhood.

A study was done to review this option. Given the size of the open space, it would only benefit 2-3 lots in the adjoining neighborhood and expose 13 rear yards of lots directly to Pitts School Road. That would also result in a loss of 4 lots and make at least the 13 lots very difficult to market. It is not good planning or design.

3. Add a row of evergreen shrubs along the border.

The east and north borders are wooded which would require some level of clearing of that border in order to plant the shrubs and ensure survival. We considered a better solution would be to increase the required buffer to 16', doubling the buffer. To the extent that trees exist, they would be retained. Another benefit realized is the additional 8' is added to the lot depth, moving the homes farther away from the Adjoining neighbors and increasing those lot sizes.

4. Traffic on Pitts School Road is a concern.

Pitts School Road is a busy street. We spoke with the NCDOT District office in Albemarle. We discussed the driveway connections with Leah Wagner and confirmed their requirements. We will be adding a left turn and right turn lane into the southern driveway. The location across from the School driveway is acceptable. We will add a concrete median in Pitts School Road at the northern driveway, creating a right in, right out only entrance. We will also widen sufficient for the median and add a right turn lane into the site at that entrance as well.

A traffic study and a traffic light were both mentioned. A traffic study is not warranted based on the size of the development. At 15K ADV of traffic, these 47 homes will have very little impact. Brookwood also has a target buyer that is older and less likely to impact peak travel. If able prior to the meeting, we can determine a trip generation from our site. In terms of the traffic signal, that is not at our discretion. It is solely determined by the NCDOT.

5. Drainage from the site is a problem for many of the adjoining neighbors. We would like a swale added to capture or divert the runoff.

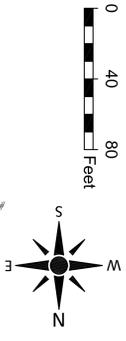
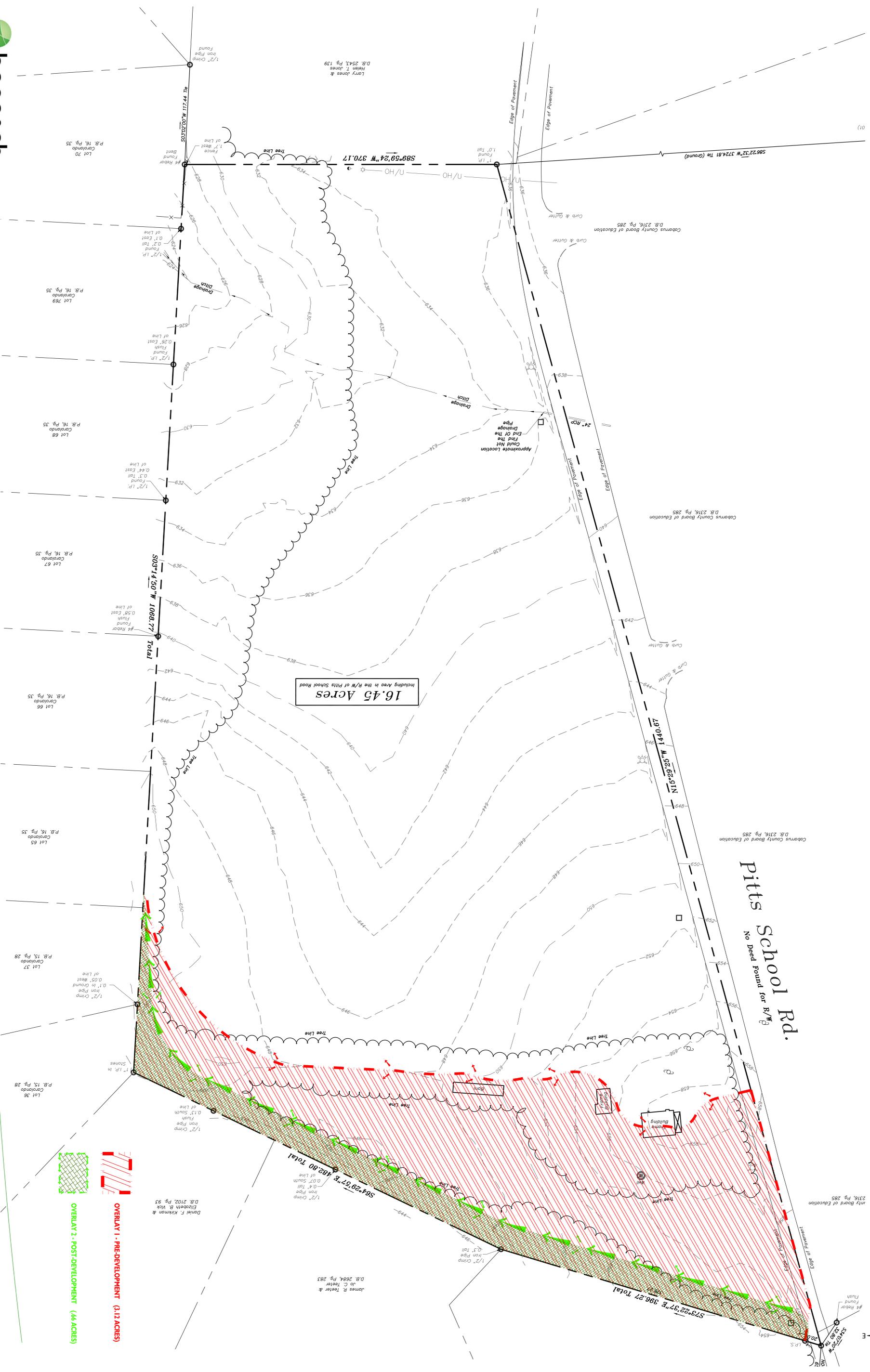
We have secured a field run topo, analyzed the existing grades and reviewed the site in the field to confirm drainage patterns and issues. Currently, the undeveloped site discharges approximately 3.12 acres of land onto mostly the northern adjoining lots. That drainage is uncontrolled and at times runs off bare soil. In the developed condition, the swale requested would be incorporated and the majority of the developed discharge would be captured and treated for quality and quantity in an on site Stormwater Treatment Facility. The resulting discharge remaining beyond the swale is approximately 0.66 acres, mostly wooded, sheet flow. Most of the surface flow onto the Adjoining lots to the North will be eliminated.

6. Request was made for all brick homes.

Siding materials are market driven. Brookwood has a first obligation to deliver homes with amenities desired by buyers at an affordable price. All brick exteriors changes that equation significantly. Brookwood is doing some market analysis to confirm those values. Additional info may be provided. It is unlikely that all brick homes could be developed and remain within the market.

Pitts School Road Subdivision | Drainage Overlay Exhibit

Concord, NC



- ▨ **OVERLAY 1 - PRE-DEVELOPMENT (3.12 ACRES)**
- ▨ **OVERLAY 2 - POST-DEVELOPMENT (.66 ACRES)**

16.45 Acres
Including Area in the R/W of Pitts School Road

Pitts School Rd.
No Deed Found for R/W





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Google Earth

201

  Exit Street View

 N



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Google Earth

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

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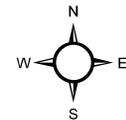
**Aerial
Map
Case: Z(CD)-01-18**

**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

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Legend

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



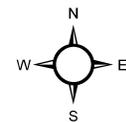
**Zoning
Map
Case: Z(CD)-01-18**

**Randy Nassar
Brookwood Homes**

241 Pitts School Rd

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

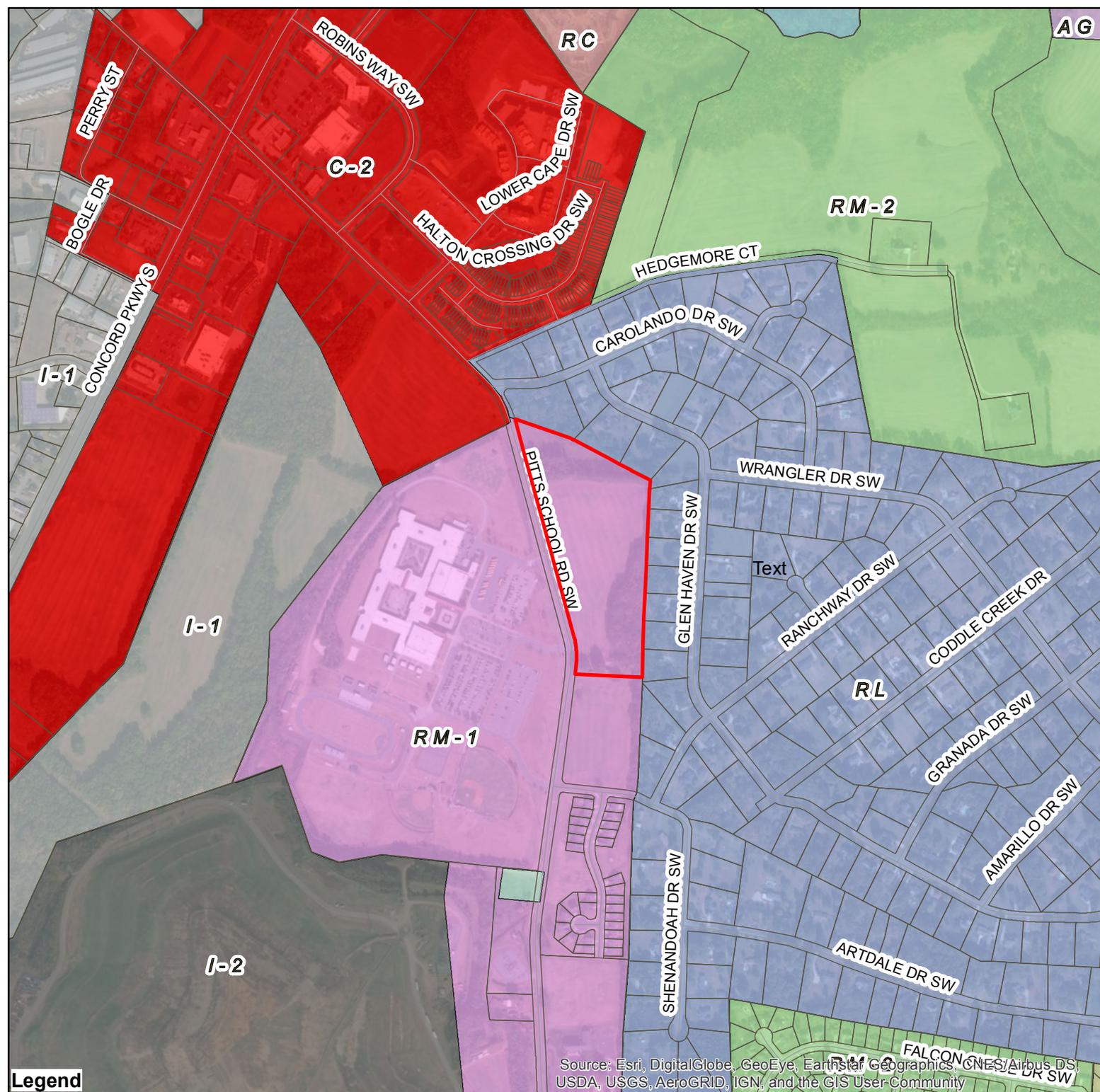
PIN 5509-51-6333



Source: City of Concord
Planning Department

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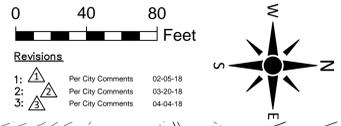


Legend

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

Pitts School Road Subdivison | Conceptual Site Plan with Survey

Concord, NC

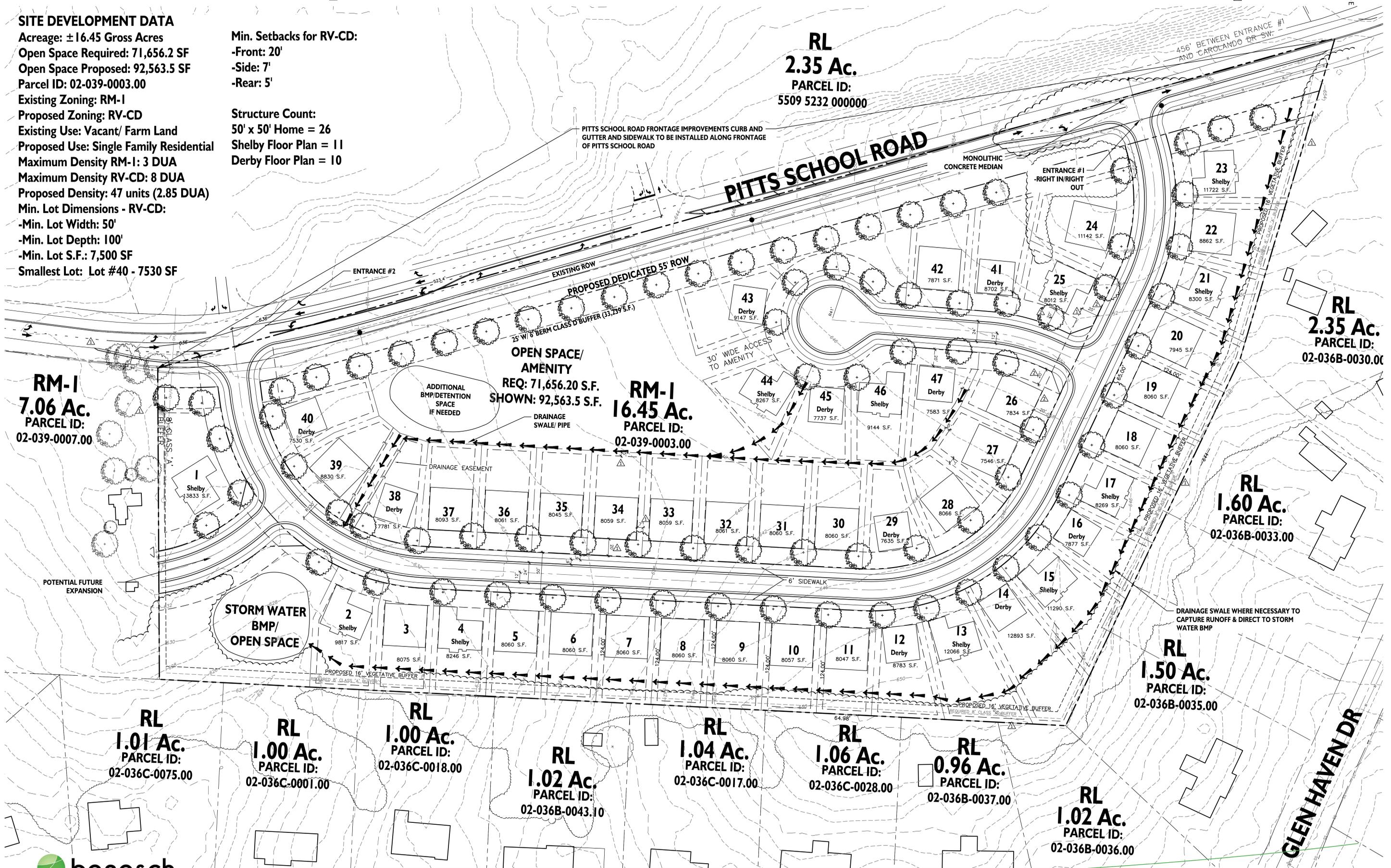


SITE DEVELOPMENT DATA

Acreage: ±16.45 Gross Acres
Open Space Required: 71,656.2 SF
Open Space Proposed: 92,563.5 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-CD: 8 DUA
Proposed Density: 47 units (2.85 DUA)
Min. Lot Dimensions - RV-CD:
 -Min. Lot Width: 50'
 -Min. Lot Depth: 100'
 -Min. Lot S.F.: 7,500 SF
Smallest Lot: Lot #40 - 7530 SF

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

Structure Count:
 50' x 50' Home = 26
 Shelby Floor Plan = 11
 Derby Floor Plan = 10



POTENTIAL FUTURE EXPANSION

STORM WATER BMP/ OPEN SPACE

OPEN SPACE/ AMENITY
 REQ: 71,656.20 S.F.
 SHOWN: 92,563.5 S.F.

PITTS SCHOOL ROAD FRONTAGE IMPROVEMENTS CURB AND GUTTER AND SIDEWALK TO BE INSTALLED ALONG FRONTAGE OF PITTS SCHOOL ROAD

DRAINAGE SWALE WHERE NECESSARY TO CAPTURE RUNOFF & DIRECT TO STORM WATER BMP

