



DATE: April 16, 2019

REZONING CASE #: Z(CD)-03-19

ACCELA CN-RZZ-2019-00004

DESCRIPTION: Zoning Map Amendment
Heavy Industrial (I-2) to Residential Compact Conditional District (RC-CD)

APPLICANT/OWNER: Sarfi Bukhari/Shifa1 LLC

LOCATION: Northeast of the NC Railroad right-of-way, between Elm Ave. NW and Odell Dr. NW.

PIN#s: 5620-47-2731 and 5620-47-1854

AREA: +/- 1.07 acre

ZONING: City of Concord Heavy Industrial (I-2)

PREPARED BY: Starla Rogers, Planning & Development Manager

BACKGROUND

The subject property consists of two (2) parcels, comprising approximately 1.07 acres to northeast of the NC Railroad right-of-way, between Elm Ave. NW and Odell Dr. NW. The property is undeveloped but has been used as storage for many years. The applicant seeks a downzoning from I-2 (Heavy Industrial) to RC-CD (Residential Compact Conditional District).

HISTORY

The property was annexed into the City prior to 1932.

SUMMARY OF REQUEST

The request is to rezone the subject properties from I-2 (Heavy Industrial) to RC-CD (Residential Compact Conditional District). According to the applicant, the purpose for the rezoning is to develop the subject two (2) parcels into four (4) single-family detached residential lots. A general lot layout schematic, submitted by the applicant, is included in the Commission's packets showing the proposed four (4) lots. Lots in the RC district are required to have dimensional standards of: 5,000sf of area, 50ft lot width and 100ft lot depth. The lots shown on the site plan appear to meet the dimensional requirements of the proposed zoning district. A formal survey would need to be conducted to ensure compliance. Per the conditions of the rezoning request, if approved, only single-family detached residences would be permitted on the property with a maximum of four (4) units.

As can be seen on the zoning map, properties to the east, northeast, and southeast, which are a part of the Gibson Village neighborhood, are zoned RC (Residential Compact) and are developed with single-family detached dwellings. The lots in the general vicinity vary dimensionally but are similar in size to the proposed zoning.

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	
I-2 (Heavy Industrial)	North	I-2 (Heavy Industrial) and RC (Residential Compact)	Structurally Vacant	North	Vacant and Single-family detached
	South	I-2 (Heavy Industrial)		South	Railroad and Vacant
	East	RC (Residential Compact)		East	Single-family detached
	West	I-2 (Heavy Industrial)		West	Railroad and Vacant

COMPLIANCE WITH 2030 LAND USE PLAN

The 2030 Land Use Plan (LUP) designates the subject property as “Industrial Employment” for which RC is **not** listed as a compatible zoning district. If the rezoning request is approved, the 2030 Land Use Plan would need to be modified to correspond with the new zoning district of RC-CD (Residential Compact Conditional District). If the rezoning is approved, staff recommends modifying the Land Use Plan for these two parcels to “Urban Neighborhood,” to be consistent with the land use category on the adjacent residential neighborhood and to be consistent with the proposed zoning district of RC-CD (Residential Compact Conditional District). Staff has no opposition to the proposed rezoning or modification of the Land Use Plan from “Industrial Employment” to “Urban Neighborhood.” The parcel is small for industrial development and its orientation poses challenges for industrial development. From a planning perspective, residential development for these two (2) parcels is more likely than industrial.

From the 2030 Land Use Plan – “Industrial/Employment”:

The intent of the Industrial/Employment (IE) Future Land Use category is to identify those areas that have either already developed as industrial or are suited for additional industrial development due to the presence of infrastructure and access to transportation routes, such as major highways and railroads. These industrial areas should be preserved for employment uses to generate jobs for the community.

Industrial uses have already developed in several areas throughout the community, most of which are light industrial in function and impact. The 2030 Plan identifies the need to protect industrial lands, and to encourage additional growth in industrial/employment uses in designated areas, particularly around Concord Regional Airport, and along I-85 between Pitts School Road and Rocky River. Additionally, some light industrial/employment uses are encouraged to locate in Mixed-Use Districts, depending upon their intensity, as identified earlier in this section.

Objective 1.4: **Protect existing and future industrial sites from encroachment of development that would limit their intended uses.**

Policy Guidance for Objective 1.4:

- **Adjacent Development:** *Ensure that adjacent development and street networks are designed to safely and compatibly accommodate planned industrial uses and resulting traffic.*
- **Site Development:** *Limit non-industrial uses to those that are accessory to existing uses or uses to be developed concurrently with the accessory uses.*
- **Zoning:** *Update the zoning map to place enough proposed industrial land into appropriate zoning districts to meet long-term needs.*

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.*

Objective 4.2: *Ensure that industrial and commercial developments are designed to limit encroachment of incompatible traffic, noise, odors and lighting into nearby residential areas.*

Objective 4.3: *Discourage the location of incompatible uses near intensive existing uses such as the Concord Regional Airport and racing facilities.*

From the 2030 Land Use Plan – “Urban Neighborhood”: Guidance specific to the Urban Neighborhood specifies that RC (including conditional district) is a corresponding zoning classification and advises that development should include:

- *Internal/external pedestrian connectivity is important in Urban Neighborhoods.*
- *Architecture and building scale/massing should fit within the surrounding context. This is particularly important for infill sites.*

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

Fostering infill and redevelopment: *A key element of the City’s character is the combination of traditional neighborhood development patterns and newer, more suburban development patterns. Where compatible, infill and redevelopment should be targeted in key areas that have the infrastructure and community facilities in place to absorb the additional intensity. Infill is most desirable within identified Mixed-Use Activity Centers, Village Centers and Urban Neighborhoods.*

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.*

Capitalizing on the unique areas of Concord: *As Concord has grown, sub-sections of the community have taken shape with unique characteristics. In addition to addressing Concord's overall character, it is important to look at how these areas contribute to the vitality of Concord as a whole and ensure that new development and redevelopment preserve and enhance the character-defining qualities of each area. The City's implementation of existing and new small area plans provides an adaptable platform for the design qualities, needs and opportunities in each of the areas.*

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.*

Objective 4.2: *Ensure that industrial and commercial developments are designed to limit encroachment of incompatible traffic, noise, odors and lighting into nearby residential areas.*

Objective 4.3: *Discourage the location of incompatible uses near intensive existing uses such as the Concord Regional Airport and racing facilities.*

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately 1.07 acres and is zoned I-2 (Heavy Industrial).
- The subject property was annexed prior to 1932 and is currently structurally vacant. It has been used as outdoor storage in the past.
- The proposed zoning amendment is inconsistent with the 2030 Land Use Plan (LUP) because RC (Residential Compact) and conditional district variations are not corresponding zoning classifications to the "Industrial/Employment" Land Use Category. However, the subject property is at the end of two established residential streets and the proposal would be consistent with the Gibson Village neighborhood. It would allow a less intensive uses than the existing I-2 (Heavy Industrial) zoning, and be less impactful on the adjacent residential than the potential permitted uses of the I-2 district. If approved, the Land Use Category should be modified to "Urban Neighborhood" to be an extension of the Land Use Category to the east, northeast, and southeast (Gibson Village).
- The zoning amendment is reasonable and in the public interest because it would allow housing consistent with the existing, adjacent, single-family neighborhood (Gibson Village) and would be considered an extension of the adjacent RC (Residential Compact) zoning district. The proposed rezoning would eliminate more intense industrial uses currently permitted under the existing I-2 (Heavy Industrial) zoning, which could potentially conflict with the long established nearby residential. Additionally, the size and configuration of the parcels pose challenges for industrial development, making residential uses more likely.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the consistent 2030 Land Use Plan and staff has no objections to the petition.

1. Only single-family detached dwellings are permitted.
2. A maximum of four (4) single-family detached lots are permitted.

3. All dimensional standards of the RC zoning district shall be met upon plat submittal.

PROCEDURAL CONSIDERATIONS

This particular case is a rezoning, 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: SARFI BUKHARI
158 LECLINE DR NE CONCORD NC 28025 CELL PHONE: 607-725-9884
BUKSAR@GMAIL.COM

Owner Name, Address, Telephone Number: SHIFA1 LLC
SAME AS APPLICANT

Project Location/Address: LOTS OPPOSITE TO 326 ODELL DR NW CONCORD NC 28025

P.I.N.: PARCEL # 56204727310000 & PARCEL 56204718540000

Area of Subject Property (acres or square feet): APPROX 1 ACRE

Lot Width: 118 & 113 Lot Depth: 198 & 198

Current Zoning Classification: I-2 Heavy Industrial District

Proposed Zoning Classification: RC- RESIDENTIAL COMPACT

Existing Land Use: EMPTY LOT

Future Land Use Designation: 4 SINGLE FAMILY HOMES

Surrounding Land Use: North RESIDENTIAL/INDUSTRIAL South RAILROAD TRACK

East RESIDENTIAL West RESIDENTIAL

Reason for request: _____

REQUEST TO CHANGE IT TO RESIDENTIAL COMPACT TO BUILD 4 NEW SINGLE FAMILY HOMES CONSISTENT WITH NEIGHBORHOOD

Has a pre-application meeting been held with a staff member? EMAIL ATTACHED OF CORRESPONDENCE

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:

4 SINGLE FAMILY HOMES IS WHAT WE ARE LOOKING AT TO BUILD _____
 RESIDENTIAL ONLY _____

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):

NOT APPLICABLE _____

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.

Sarfi Buthari _____ 2/24/19
 Signature of Applicant Date

Sarfi Buthari _____ 2/24/19
 Signature of Owner(s) Date

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: 2/24/19

Applicant Signature: Sarfi Bukhari

Property Owner or Agent of the Property Owner Signature:

Sarfi Bukhari



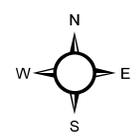
Aerial Map

Z(CD)-03-19

Sarfi Bukhari

Northeast of NC
Railroad right-of-way,
between Elm Ave. NW
& Odell Dr. NW

I-2 (Heavy Industrial)
to
RC-CD (Residential
Compact Conditional
District)
PINs 5620-47-2731 &
5620-47-1854



Source: City of Concord
Planning Department

Disclaimer

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



Zoning Map

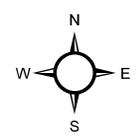
Z-03-19

Sarfi Bukhari

Northeast of NC
 Railroad right-of-way,
 between Elm Ave. NW
 & Odell Dr. NW

I-2 (Heavy Industrial)
 to
 RC-CD (Residential
 Compact Conditional
 District)

5620-47-1854
 PINs 5620-47-2731



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LUP Map

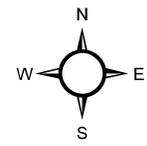
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Railroad right-of-way,
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Legend

-  Industrial_Employment
-  UrbanNeighborhood

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



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35°24'34.91" N 80°35'50.13" W elev 631 ft eye alt 1094 ft

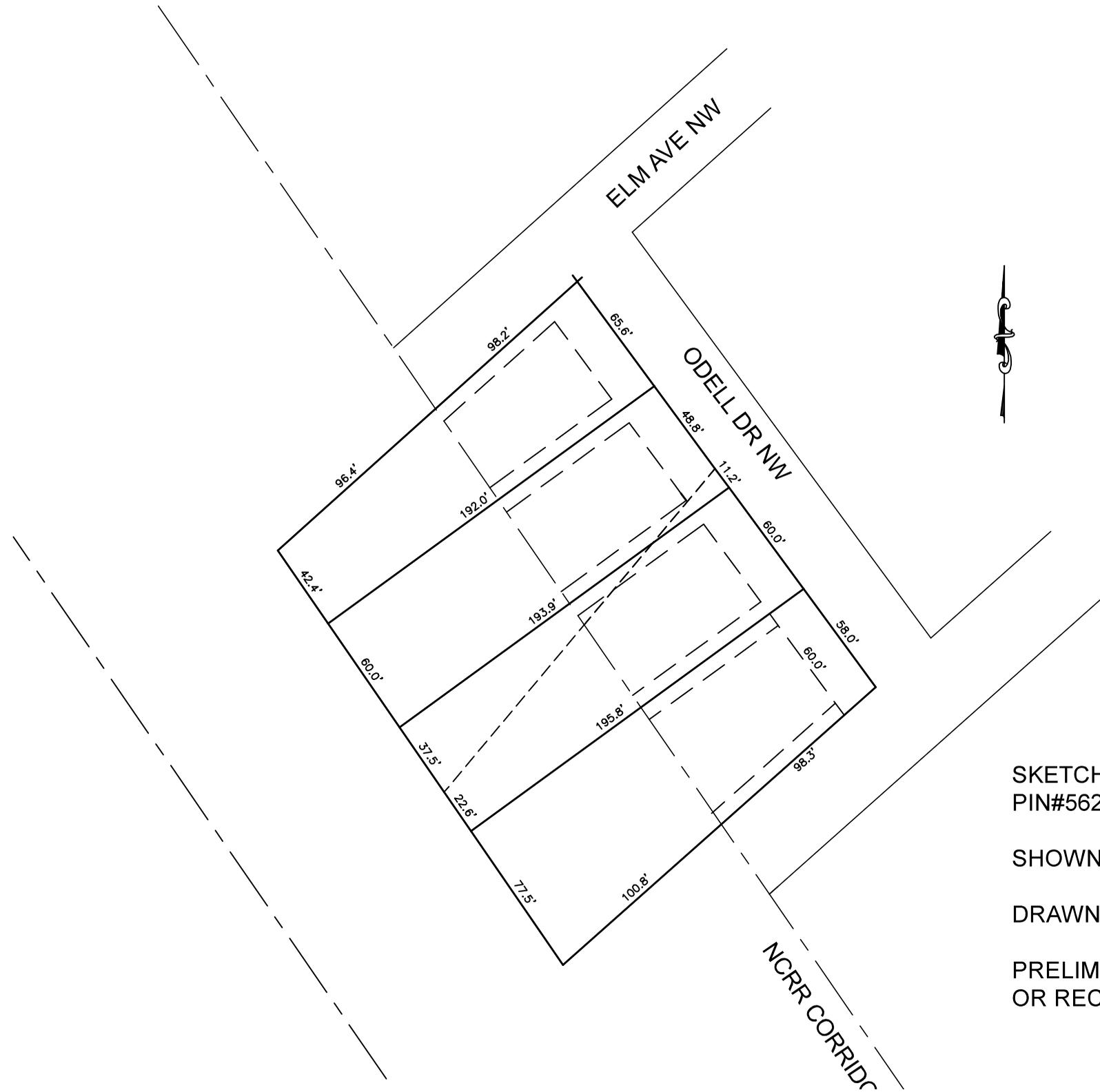


Odell St



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SKETCH
PIN#5620471854

SHOWN WITH RC ZONING

DRAWN BY DEED ONLY

PRELIMINARY: NOT FOR SALES, CONVEYANCES
OR RECORDATION