

Staff Report Planning and Zoning Commission

DATE:	August 16, 2022
REZONING CASE #:	Z(CD)-03-22
ACCELA:	CN-RZC-2022-00004
DESCRIPTION:	Zoning Map Amendment C-2 (General Commercial) to RC-CD (Residential Compact-Conditional District)
APPLICANT/OWNER:	Vamsheedhar Devarishati/Joe M. Calloway
LOCATION:	4145 Davidson Hwy
PIN#s:	5601-86-5796, 5601-86-7834, 5601-86-8679, 5601-86-4583, and 5601-86-6204
AREA:	+/- 7.66 acres
ZONING:	C-2 (General Commercial)
PREPARED BY:	George Daniels, Senior Planner

Background

The subject property consists of five (5) parcels, comprising approximately +/-7.66 acres located at 4145 Davidson Hwy (NC Hwy 73) and is about 1/3 of a mile east of Interstate 85 and exit 55. Three (3) of the parcels front Davidson Hwy and the remaining two (2) parcels are on Rural Dr NW. The properties along Davidson Hwy currently contain a single-family home and a small commercial garage building. The properties on Rural Dr NW contain 11 mobile homes.

History

The property was annexed into the City on June 30, 1992 as part of a larger involuntary annexation that also included Interstate 85 and an area northeast up to Interstate 85 and Central Dr and southeast along Irish Buffalo Creek to US Hwy 29. The subject properties were zoned B-3 (General Commercial) and converted to C-2 (General Commercial) with the adoption of the Unified Development Ordinance (UDO) in 2000.

Summary of Request

The applicant seeks a rezoning to RC-CD (Residential Compact-Conditional District) for the purpose of developing 117 apartments and 6,000 square feet of commercial space.

The RC (Residential Compact) zoning district allows commercial uses (limited to convenience retail, O-I, B-1, and C-1 uses, and restaurants) as an accessory to a multi-family development up to 5% of the gross floor area development. The proposed site plan meets this requirement with 120,000 total square feet for the project of which 6,000 square feet is shown as commercial space.

The subject property is \pm 7.66 acres, the site plan shows 117 units at 14.9 dwelling units per acre (du/a). The maximum density for the RC zoning district is 15 du/a. The required open space is 20% and the applicant is showing 1.39 acres (20%) of open space provided. The open space will consist of a club house and pool area and a mini park. There is also some passive open space and a picnic area along the east side of the site. Standards for density and open space have been met.

The site plan will be subject to City of Concord Multi-family regulations as set forth in CDO Article 7.8. Elevations have been provided for the multi-family buildings and single commercial building, and the elevations will follow development standards

In accordance with the CDO, all reviewing departments of the DRC (Development Review Committee) have reviewed the rezoning plan. However, the Transportation Department has stated that the provided Transportation Impact Analysis (TIA) identified a lack of capacity along the section of NC Hwy 73 between International Dr and Central Dr, and does not propose mitigations to address this inadequacy. Transportation has stated that a 1.0 volume/capacity ratio is the theoretical capacity of this section of NC Hwy 73. Currently there is a volume/capacity ratio of 1.73 and this project would increase to approximately 1.86.

To the north of the property across Davidson Hwy the zoning is MX-CC2 (Mixed Use) and the land is vacant. This parcel is pending a City Council decision on amending the zoning to I-1 (Light Industrial). To the east the zoning is PUD (Planned Unit Development) and the site of the Oak Park Townhomes which has 18 single-family attached dwellings. Also, to the east and to the south is the Oak Park single-family subdivision which is zoned RV (Residential Village). On the southwest side of the site across from Rural Dr NW there are two single family homes with RV (Residential Village) zoning. Directly adjacent to the site on the west the zoning is RC-CU (Residential Compact-Conditional Use) and this is the 20-unit Kenton Glen townhome development. Across the Rural Dr NW from Kenton Glen there is a C-2-CD (General Commercial – Conditional District) zoning area that was approved for a convenience store and retail office space, however this project was not developed. An application has recently been submitted for these properties to revise the conditional zoning.

Existing Zoning and Land Uses (Subject Parcels)							
Current Zoning of Subject Property	Zoning within 500 Feet		Land Uses(s) of Subject Property	Land Uses within 500 Feet			
C-2 (General Commercial)	North	MX-CC2 (Mixed Use)	Single-Family, commercial, Mobile Homes	North	Vacant		
	South	RV (Residential Village)		South	Residential		
	East	PUD (Planned Unit Development) & RV (Residential Village)		East	Residential		
	West	RV (Residential Village) & C-2-CD (General Commercial – Conditional District)		West	Residential		

Compliance with 2030 Land Use Plan

The 2030 Land Use Plan (LUP) designates the subject property as "Industrial Employment" for which RC (Residential Compact) is not listed as a corresponding zoning district. Rezoning to RC-CD (Residential Compact – Conditional District) will therefore also require a Land Use Plan Amendment to be approved by City Council. The land use recommendation by staff is "Urban Neighborhood" as this would be compatible with the surrounding land use.

Industrial Employment Land Use Category Details

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.

Urban Neighborhoods Land Use Category Details

The Urban Neighborhood (UN) Future Land Use category includes a mix of moderate- to highdensity housing options. These neighborhoods are relatively compact, and may contain one or more of the following housing types: small lot, single family detached, townhomes, condominiums, or apartments. The design and scale of development in an urban neighborhood encourages active living with a complete a comprehensive network of walkable streets. Cul-de-sacs are restricted to areas where topography, environment, or existing development makes other connections prohibitive. Lots at intersections of collector and arterial streets within or at the edges of urban neighborhoods may support neighborhood- and community-serving, pedestrian-oriented commercial or service uses such as coffee shops, cafes, beauty salons and light retail. Drivethrough uses may be appropriate if designed and located so they access side streets and do not compromise pedestrian safety. Non-residential and multi-family uses are typically developed with minimal street setbacks in the urban neighborhood future land use category.

Suggested Statement of Consistency

- The subject property is approximately +/- 7.66 acres and is currently zoned C-2 (General Commercial).
- The subject property was annexed on June 30, 1992, and is currently occupied by a single-family home, a garage building and 11 mobile homes
- The proposed zoning amendment is not consistent with the City of Concord's 2030 Land Use Plan; however, the property is adjacent to areas developing as single-family attached and single-family detached. The proposed development would be consistent with the City of Concord's Urban Neighborhood designation as RC (Residential Compact) and conditional district variations are considered corresponding zoning classifications to the Urban Neighborhood Land Use Category. The proposed zoning is comparable to existing and proposed surrounding land uses.
- The zoning amendment is reasonable and in the public interest as it would add an additional housing type to the area, along with limited retail. Multi-family housing is not currently found within the general vicinity and thus the proposal would increase housing type options.

OR

• The zoning amendment is not reasonable and not in the public interest due to the existing and proposed vehicular capacity along Davidson Hwy (NC Hwy 73) between International Dr and Central Dr. Furthermore, the proposed site plan demonstrates maximum allowable density with minimum required open space.

Suggested Recommendation and Conditions

A Land Use Plan amendment will be needed for this request, which is subject to City Council approval. <u>Staff is seeking a recommendation to City Council on the rezoning and land use plan amendment</u>

If approval is desired, staff recommends the following conditions agreed upon by the applicant:

- 1. Compliance with Sheets RZ-1.0 and RZ-2.0 of the "Zoning Plan Amendment" with revision date of 6/17/22.
- 2. The subject plan is not designed to construction drawing standards and therefore, any intended or perceived deviation from technical standards of the plan shall not constitute approval to deviate from, or negate, technical standards within the

Concord Development Ordinance, Technical Standards Manual, or any other regulatory document.

- 3. No more than 117 multi-family units shall be developed.
- 4. The commercial uses are limited to convenience retail, O-I, B-1, and C-1 uses, and restaurants as an accessory to the multi-family development up to 5% of the gross floor area development.
- 5. Technical site plan review and approval is required including all approvals from outside local, state and federal agencies
- 6. To accommodate the Fire Department aerial apparatus requirement, a building yard width reduction to 6 feet is allowed where it is necessary to remain below the 30-foot maximum distance between building edge and parking spot ends. Remaining landscaping not practical to be placed in reduced building yards to be relocated to common open space or perimeter buffers.
- 7. NCDOT required improvements or site plan revisions shall not reduce the minimum width or planting densities of required landscape, except as stated for the building yards in item #6.
- 8. City of Concord Transportation Department approval on the condition that Concord City Council approves the traffic impacts which have been shown in the TIA.



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

Required Attachments / Submittals:

- 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. 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.
- 4. Money Received by <u>Husten Bryd Sullibrate</u>: <u>01/31/22</u> Check # <u>1134</u> 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:

Planning & Neighborhood Development 35 Cabarrus Ave W * P. O. Box 308 * Concord, NC 28025 Phone 704-920-5152 * Fax 704-920-6962 * www.concord.c.gov Page 1 of 6



Vamsheedhar Devarishati , 712 Copper Tree LN Waxhaw NC 28173 , 7047064851

vdevarishati@gmail.com

Owner Name, Address, Telephone Number:

Joe M. Calloway 4145 & 4121 & 4137 Davidson Highway, Concord NC

Project Location/Address:

P.I.N.: 5601-86-5796, 5601-86-78634, 5601-86-8679, 5601-86-4853, and 5601-86-6204

 Area of Subject Property (acres or square feet):
 7.66
 AC

 Lot Width:

 Lot Depth:

Current Zoning Classification: _____C-2____

Proposed Zoning Classification: <u>RC-CD</u> Existing Land Use: <u>Industrial Employment</u>

Future Land Use Designation: Mixed use land Use Amendment

 Surrounding Land Use: North
 South

 East
 West

Reason for request: _____ Mixed use development - 114 Apartments with 10,101 SF retail

Has a pre-application meeting been held with a staff member?	Yes
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:

Mixed use - 114 Multifamily Apartments with 10,101 SF retail

 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):

Units : 114 Retail : 10,101 SF

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.

-25-2022 Signature of Applicant Date

<u>/ 24</u> P.X Date <u>(/SC, M (2)</u> Signature of Owner(s)

Planning & Neighborhood Development 35 Cabarrus Ave W @ P. O. Box 308 @ Concord, NC 28025 Phone 704-920-5152 @ Fax 704-920-6962 @ www.concord.nc.gov Page 3 of 6



Cettification

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.

1-25-2022 Date: Applicant Signature:

Property Owner or Agent of the Property Owner Signature:

Joe M. Colla

Planning & Neighborhood Development 35 Cabarrus Ave W * P. O. Box 308 * Concord, NC 28025 Phone 704-920-5152 * Fax 704-920-6962 * www.concord.c.gov Page 4 of 6



3. Record of decision: Motion to:ApproveDeny	
Date: Time: Location: 2. Date advertised, written noticc(s) sent, and property posted:	
2. Date advertised, written notice(s) sent, and property posted:	
 3. Record of decision: Motion to:ApproveDeny YeaNay YeaNay YeaNay YeaNay YeaNay YeaNay YeaNay YeaNay YeaNay 4. Planning and Zoning Commission recommendation:ApprovedDenied 1f denied, was an appeal filed? 5. Date applicant notified of Planning and Zoning Commission action: 6. Scheduled for City Council consideration:	
 YeaNay Solution of the second s	
YeaNay YeaNay	
Yea Nay Yea Dany Scheduled for City Council consideration: Planeing Date: Time: Location: The second notice: Planeing Scity Council recommendation: Approved Denied <td></td>	
 YeaNay YeaNay YeaNay YeaNay YeaNay Planning and Zoning Commission recommendation:ApprovedDenied If denied, was an appeal filed? Date applicant notified of Planning and Zoning Commission action: Scheduled for City Council consideration: Date: Time: Location: Dates advertised: (a) First notice: (b) Second notice: City Council recommendation: Denied 	
 YeaNay YeaNay YeaNay Planning and Zoning Commission recommendation:ApprovedDenied If denied, was an appeal filed? Date applicant notified of Planning and Zoning Commission action: Scheduled for City Council consideration: Date: Time: Location:	
Yea Nay 4. Planning and Zoning Commission recommendation: Denied If denied, was an appeal filed?	
 4. Planning and Zoning Commission recommendation:ApprovedDenied	
If denied, was an appeal filed? 5. Date applicant notified of Planning and Zoning Commission action: 6. Scheduled for City Council consideration: Date:	
 6. Scheduled for City Council consideration: Date: Time: Location:	
Date: Time: Location: 7. Dates advertised: (a) First notice: (b) Second notice: 8. City Council recommendation: Approved Denied	
 Dates advertised: (a) First notice: (b) Second notice: City Council recommendation:ApprovedDenied 	
 Dates advertised: (a) First notice: (b) Second notice: City Council recommendation:ApprovedDenied 	
8. City Council recommendation:ApprovedDenied	
9. Date applicant notified of City Council action:	
10. Comments: (see minutes for details)	
·	

Planning & Neighborhood Development 35 Cabarrus Ave W © P. O. Box 308 © Concord, NC 28025 Phone 704-920-5152 © Fax 704-920-6962 © www.concordnc.gov Page 5 of 6



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.

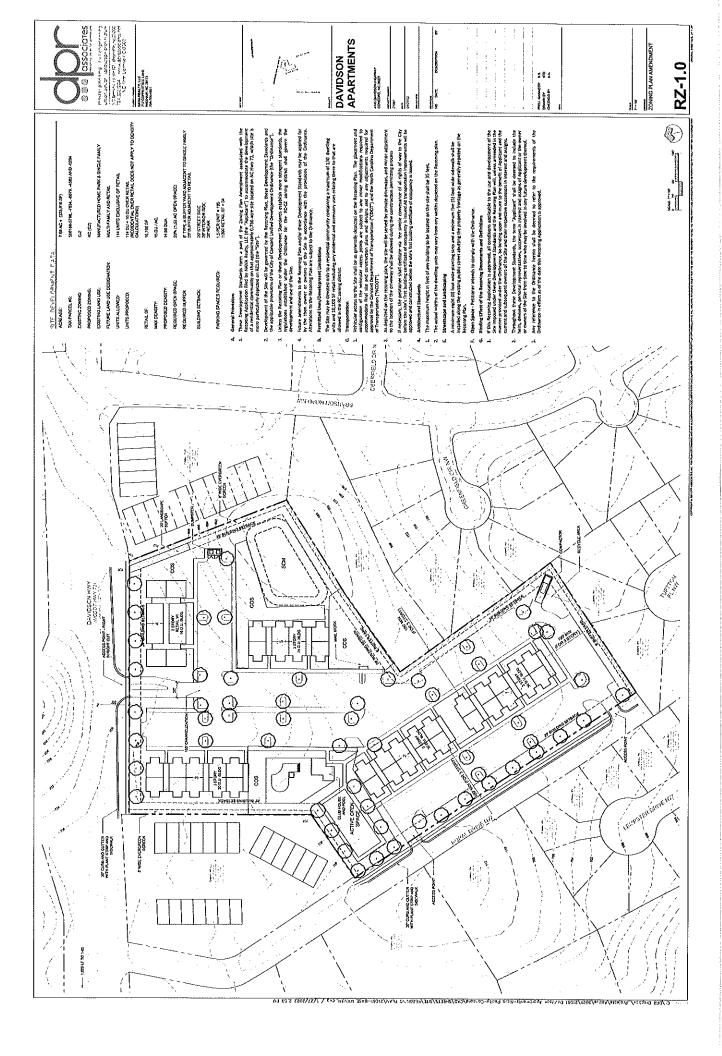
In the course of evaluating the application, the Administrator, Planning and Zoning Commission or City Council may request additional information from the petitioner. This information may include the following;

- 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.

> Planning & Neighborhood Development 35 Cabarrus Ave W & P. O. Box 308 & Concord, NC 28025 Phone 704-920-5152 & Fax 704-920-6962 & www.concordne.gov Page 6 of 6





THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

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

20 Court we Bal 100 90 m with SA 500-6700 de Commp

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

Signature of Owner(s)

Date

ς.

Planning & Neighborhood Development 35 Cabarrus Ave W • P. O. Box 308 • Concord, NC 28025 Phone 704-920-5152 • Fax 704-920-6962 • www.concordnc.gov Page 3 of 6



Cettification

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.

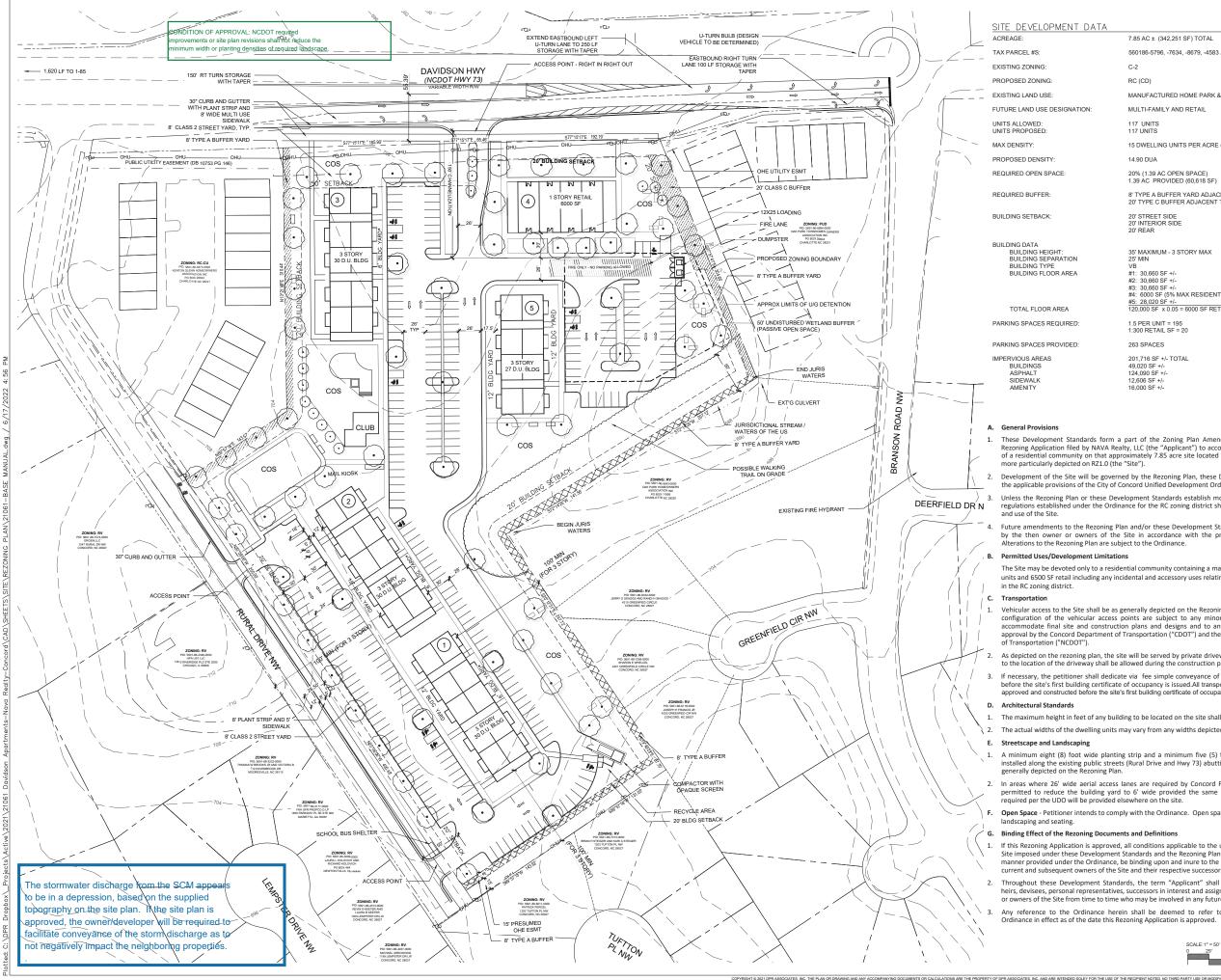
Date:

Applicant Signature:

Property Owner or Agent of the Property Owner Signature:

Processed By Monterai Adams 4/20/22

Planning & Neighborhood Development 35 Cabarrus Ave W • P. O. Box 308 • Concord, NC 28025 Phone 704-920-5152 • Fax 704-920-6962 • www.concordnc.gov Page 4 of 6



560186-5796, -7634, -8679, -4583 AND -6204
C-2
RC (CD)
MANUFACTURED HOME PARK & SINGLE FAMILY
MULTI-FAMILY AND RETAIL
117 UNITS 117 UNITS
15 DWELLING UNITS PER ACRE (DUA)
14.90 DUA
20% (1.39 AC OPEN SPACE) 1.39 AC PROVIDED (60,618 SF)
8' TYPE A BUFFER YARD ADJACENT TO SINGLE FAMILY (RC) 20' TYPE C BUFFER ADJACENT TO RETAIL (C-2)
20' STREET SIDE 20' INTERIOR SIDE 20' REAR
35' MAXIMUM - 3 STORY MAX 25' MIN VB #1: 30,660 SF +/- #2: 30,660 SF +/- #3: 30,660 SF +/- #4: 6000 SF (5% MAX RESIDENTIAL BLDG FLOOR AREA) #5: 28,020 SF +/- #5: 28,020 SF +/- #5: 20,000 SF x 0.05 = 6000 SF RETAIL
1.5 PER UNIT = 195 1:300 RETAIL SF = 20
263 SPACES
201,716 SF +/- TOTAL 49,020 SF +/- 124,090 SF +/- 12,606 SF +/- 16,000 SF +/-

7.85 AC ± (342,251 SF) TOTAL

560186-5796 -7634 -8679 -4583 AND -6204

These Development Standards form a part of the Zoning Plan Amendment associated with the Rezoning Application filed by NAVA Realty, LLC (the "Applicant") to accommodate the developmen nately 7.85 acre site located on NC Hwy 73, which site is

Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Concord Unified Development Ordinance (the "Ordinance").

Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the RC zoning district shall govern the development

Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of the Ordinance.

The Site may be devoted only to a residential community containing a maximum of 117 dwelling units and 6500 SF retail including any incidental and accessory uses relating there to that are allowed

Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Concord Department of Transportation ("CDOT") and the North Carolina Department

As depicted on the rezoning plan, the site will be served by private driveways, and minor adjustment to the location of the driveway shall be allowed during the construction permitting process

If necessary, the petitioner shall dedicate via fee simple conveyance of all rights of way to the City before the site's first building certificate of occupancy is issued.All transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued.

The maximum height in feet of any building to be located on the site shall be 35 feet.

The actual widths of the dwelling units may vary from any widths depicted on the Rezoning plan.

A minimum eight (8) foot wide planting strip and a minimum five (5) foot wide sidewalk shall be installed along the existing public streets (Rural Drive and Hwy 73) abutting the property frontage as

In areas where 26' wide aerial access lanes are required by Concord Fire, the Developer shall be permitted to reduce the building yard to 6' wide provided the same number of plants normally required per the UDO will be provided elsewhere on the site.

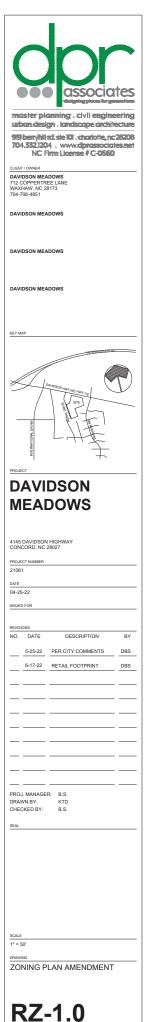
Open Space - Petitioner intends to comply with the Ordinance. Open space shall be improved with

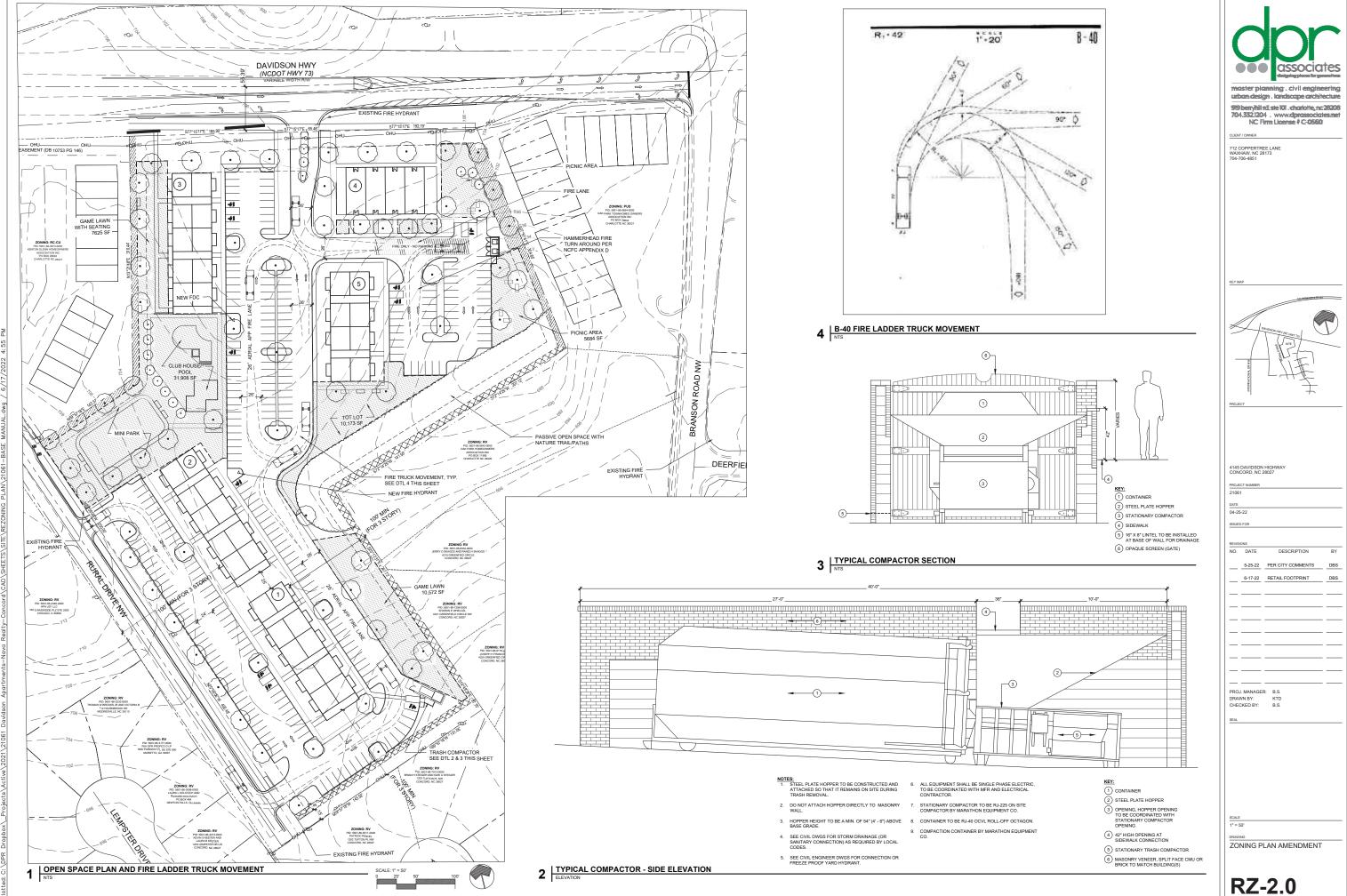
1. If this Rezoning Application is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Recomp Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Applicant and the current and subsequent owners of the Site and their respective successors in interest and assigns.

Throughout these Development Standards, the term "Applicant" shall be deemed to include the heirs, devises, personal representatives, successors in interest and assigns of Applicant or the owner or owners of the Site from time to time who may be involved in any future development thereof.

Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Application is approved.







COPYRIGHT @ 2021 DPR ASSOCIATES, INC. THE PLAN OR DRAWING AND ANY ACCOMPANYING DOCUMENTS OR CALCULATIONS ARE THE PROPERTY OF DPR ASSOCIATES, INC. AND ARE INTENDED SOLEY FOR THE USE OF THE RECIPIENT NOTED. NO THIRD PARTY USE OR MODIFICATION IS PERMITTED WIT





DAVIDSON APARTMENTS Concord, NC



DAVIDSON APARTMENTS CONCORD, NC 5-23-22









DAVIDSON APARTMENTS CONCORD, NC 5-23-22



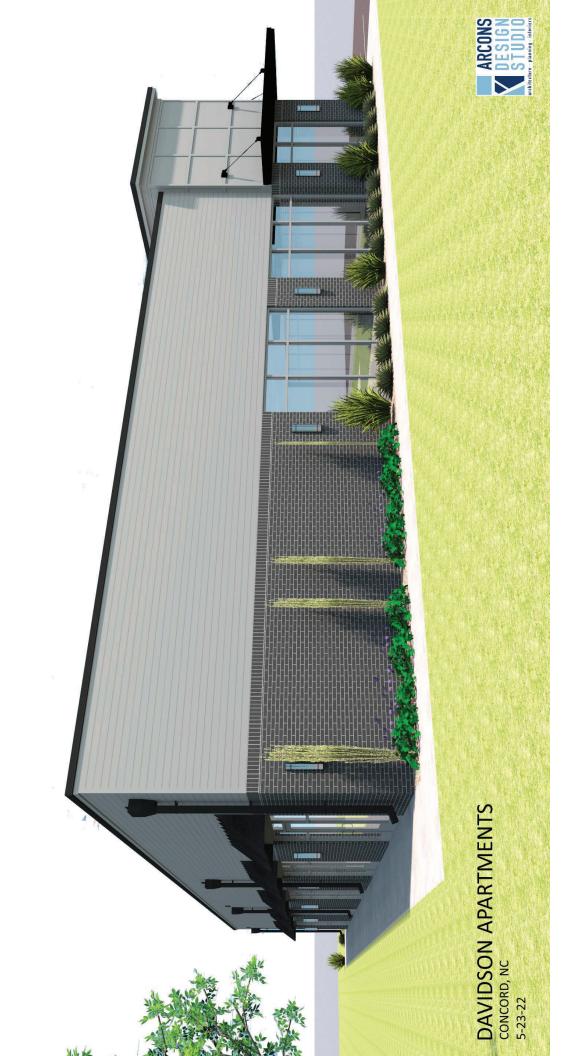




ARCONS DESIGN STUDIO

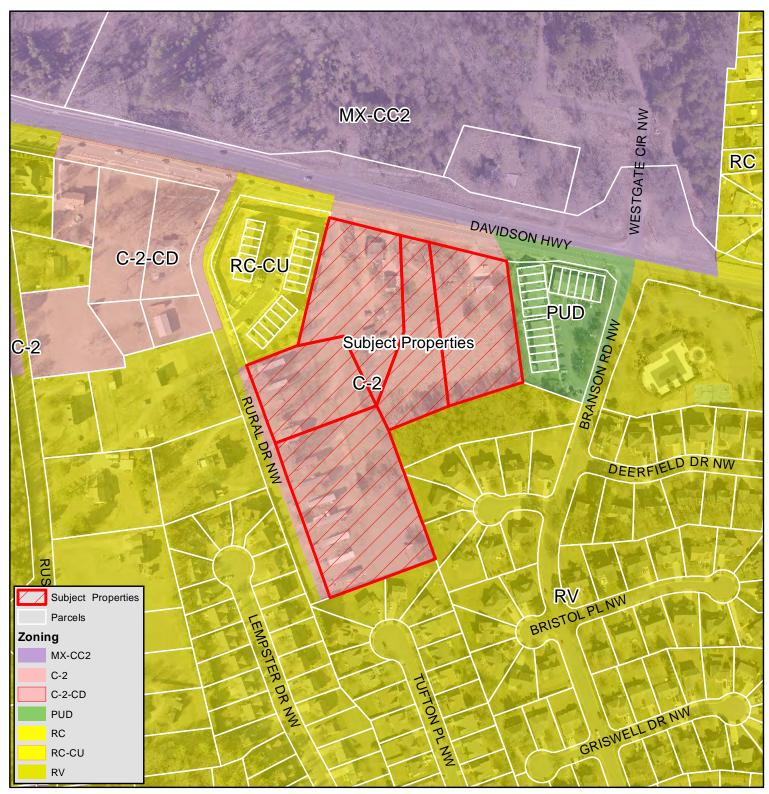
DAVIDSON APARTMENTS CONCORD, NC 5-23-22







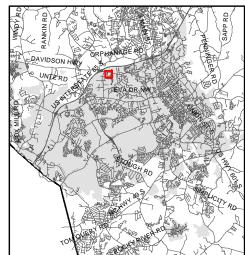




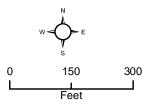
Z(CD)-03-22 ZONING

Rezoning application C-2 (General Commercial) to RC-CD (Residential Compact - Conditional District)

4145 Davidson Hwy PINs: 5601-86-5796, 5601-86-7834, 5601-86-8679, 5601-86-4583, 5601-86-6204





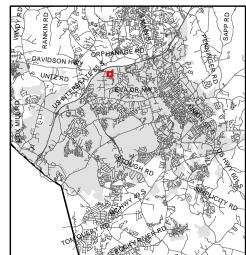




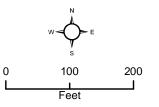
Z(CD)-03-22 AERIAL

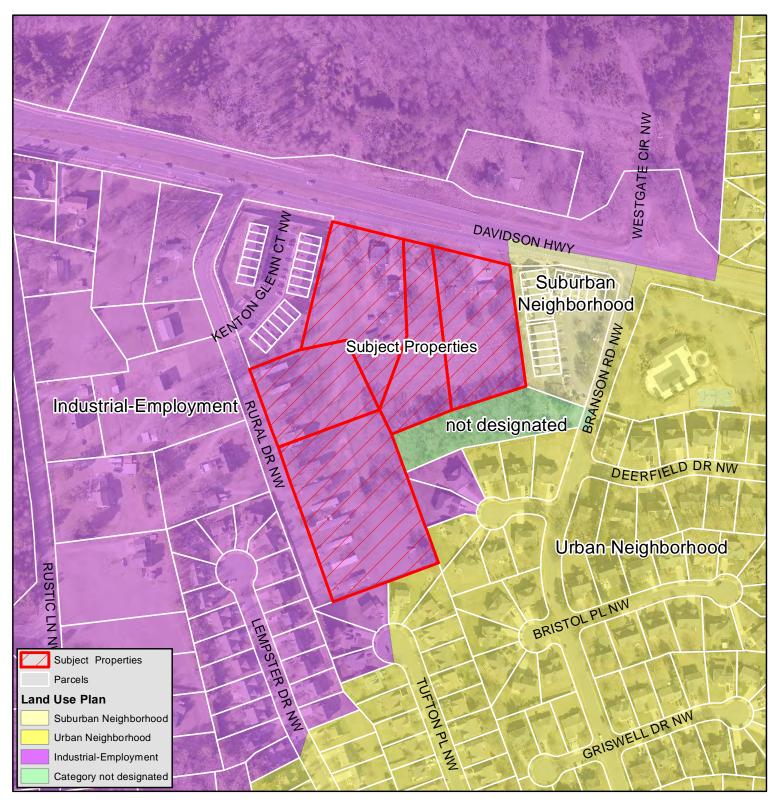
Rezoning application C-2 (General Commercial) to RC-CD (Residential Compact - Conditional District)

4145 Davidson Hwy PINs: 5601-86-5796, 5601-86-7834, 5601-86-8679, 5601-86-4583, 5601-86-6204









Z(CD)-03-22 LAND USE PLAN

Rezoning application C-2 (General Commercial) to RC-CD (Residential Compact - Conditional District)

4145 Davidson Hwy PINs: 5601-86-5796, 5601-86-7834, 5601-86-8679, 5601-86-4583, 5601-86-6204

