

Staff Report Planning and Zoning Commission

DATE:	June 18, 2019
DESCRIPTION:	Zoning Map Amendment from Cabarrus County LI (Limited Industrial) and OI (Office Institutional) to City PUD (Planned Unit Development)
CASE NUMBER:	Z (CD)-04-19
Applicants	Samuel Switzenbaum
LOCATION:	Southwest corner of Cox Mill Rd and Christenbury Parkway (9101 Edenbury)
PARCEL PIN:	p/o 4589-37-8441
AREA:	46.055 Acres +/-
ZONING:	PUD
REPORT PREPARED BY:	Starla Rogers, Planning and Development Manager

BACKGROUND

The subject property is a portion of a larger parcel that is split by Christenbury Parkway, located on the Southwest corner of Cox Mill Rd and Christenbury Parkway (9101 Edenbury) and is +/-46.055 acres. The property has frontage on Christenbury Parkway, Cox Mill Road, Derita Road and Edenbury Drive. The property is currently structurally vacant.

HISTORY

The subject property was voluntary annexed into the City on April 11th and now requires a City zoning of record.

SUMMARY OF REQUEST

The applicants proposed Planned Unit Development (PUD) zoning for approval of a mixed use development consisting of multi-family (apartments), single-family attached (townhomes), and commercial/office uses.

Commercial

As indicated on the site plan, commercial/office uses shall be limited to those permitted within the C-1 (Light Commercial) and B-1 (Neighborhood Commercial), with the exclusion the following uses: Adult entertainment establishments, automobile repair (major), automobile wash (car wash) including detailing service, vehicle sales, pawnshops, bail bonding, restaurant (carryout/delivery/no seating), and restaurant (fast food/drive-thru/drive-in).

The site plan shows the commercial/office component as a corner framing structure at the intersection of Christenbury Parkway and Cox Mill Road. Elevations indicate a modern designed building consisting of reflective glass and metal exterior walls, and a gray masonry foundation/stem wall. The structure is shown to multi-story and would contain a maximum of 35,000 square feet of commercial office space between all floors. Parking for the commercial/office structure is predominantly located towards the inside of the site. Provided parking does meet the CDO standards for the use.

Multi-Family

Five (5) multi-family structures are proposed, with two (2) abutting Cox Mill Road, and three (3) interior to the site. Each of these structures are four (4) story's tall. These structures feature a unique butterfly footprint design as detailed on the site plan. This allows for windows throughout a large number of rooms and units as well as balconies for each unit. The buildings also have a hip roofed corner tower features. Building materials for the multi-family structures include beige windows, grey modular brick, grey CMU, at least two (2) colors of exterior hardiboard, gunmetal grey power coated aluminum handrails and balconies, white aluminum gutters/downspouts/trim, and charcoal asphalt shingles. If the rezoning is approved, substantial deviation from these elevations would require rehearing before the Planning and Zoning Commission. 275 total multi-family residential units are proposed for the site.

An amenity center, which includes a pool, is proposed adjacent to Cox Mill Road between the commercial/office use and the multi-family units. The structure's indicates a complimentary design transitioning between the office/commercial and multi-family units by means of material, color, and architectural design. Materials include a large window façade on the front, beige windows, grey modular brick, grey CMU, hardiboard, gunmetal aluminum for any handrails, white metal gutters, and charcoal shingles.

A recycling/compactor is also provided for the overall site and is located on the south side of the property.

Townhomes

The applicant has also proposed a total of 75 single-family attached (townhome) units, divided between 18 buildings, on the northeast side of the property bordering Cox Mill Road and Edenbury Drive. Color elevations for the front of the townhomes have been provided, as have black and white renderings of the rear and side facades. According to the submitted documents, building materials for the townhomes include brick, stone, vinyl siding, and hardiboard. The roof design of the townhomes is predominantly gable style with gabled accents and dormers. Additional shed style roofs are shown as well.

Future Development

The easternmost portion of the site, at the corner of Edenbury Drive and Derita Road is labeled as "Future Devleopment." No specific plans have been requested for this section of the property. Therefore, until another rezoning petition is submitted to modify the PUD zoning for that specific section of the development, it will remain vacant of any structures or permanent uses.

Overall Site

The project is designed as a PUD (Planned Unit Development) so there is connectivity within the development between all uses. The site has three (3) external access points. Each access point is located on a different road (Christenbury Parkway, Cox Mill Road, and Edenbury Drive). Access to the commercial/office component of the site as well as the amenity center can be achieved entirely through the internal street network.

Adequate parking is also provided for each individual use component on the site. Therefore the proposal meets the CDO (Concord Development Ordinance) standards for parking requirements. A twenty-five (25) foot wide perimeter buffer is proposed along all street frontages of this project. The southern property line has a natural buffer by means of a existing stream and a required undisturbed stream buffer.

Sheet RZ-3 of the site plan indicates open space design and location. Of the +/- 42.843 acres outside the right-of-ways, 23.47 acres are proposed in undeveloped open space. Illustrative examples of open space have been provided and each location indicated numerically on the site plan. Open space uses include, a planned 10 multi-use trail along Cox Mill Road, along with other walking trails throughout the site that would eventually connect with the City's future greenway. If the rezoning is approved, property will be dedicated for a greenway connection. Openspace also includes the amenity area, passive greens, natural areas, and seating, tree save sections, and the BMPs will be enhanced with additional planting features to provide aesthetics above traditional open water collection facilities.

A project arrival features, including a sign is proposed at the corner of Cox Mill Road and Christenbury Parkway. The exact size and design have not yet been selected but that applicant has proposed that staff level approval be granted for entryway feature signage as shown on sheet RZ-3.

Existing Zoning and Land Uses					
Zoning of			Land Uses(s)		
Subject	Zoning Within 500 Feet		of Subject	Land Uses Within 500 Feet	
Property			Property		
		PUD (Planned Unit			Single family
	North	Development)		North	residential (attached and
Cabarrus					detached)
County	East	PUD (Planned Unit		East	
Office-		Development) and			Piedmont Natural Gas
Institutional		LI (Light	Residential		Fleumont Natural Gas
(OI) and		Industrial)			
Cabarrus	South	County LI (Limited	and vacant land		
County		Industrial) and	Tano		Vecent and
Limited		MX-CC2 (Mixed		South	Vacant and
Industrial (LI)		Use Commercial			Christenbury Corners
		Center Large)			
	West	County O-I (Office		West	Vacant
		Institutional)		west	vacant

COMPLIANCE WITH 2030 LAND USE PLAN

The 2030 LUP designates the subject property as a "*Mixed-Use Activity Center*" for which the PUD zoning classification is considered **appropriate**.

This land use category allows for a variety of development types stating:

"The intent of the Mixed-Use Activity Center (MUAC) Future Land Use category is to identify areas that serve broader economic, entertainment, and community activities as compared to mixed-use neighborhoods. Uses and buildings are located on small blocks with streets designed to encourage pedestrian activities. Buildings in the core of the mixed-use center may stand three or more stories. Residential units or office space may be found above storefronts. Parking is satisfied by using on-street parking, structured parking, and shared rear-lot parking strategies. Structured parking should be encouraged to be incorporated into the principal structure.

A large-scale mixed use activity center may be surrounded by one or more neighborhoods that encourage active living, with a comprehensive and interconnected network of walkable streets.

Areas designated as Mixed-Use Activity Centers Future Land Use category are large geographic areas located at key intersections of major transportation corridors, that have high growth potential, where the infrastructure can support denser development. Mixed Use Activity Centers are located along major corridors where transit facilities are currently planned or envisioned in the future. Mixed-Use Activity Centers may not necessarily be constructed as a single development at one time. The very nature of these areas allows them to be approved in phases and to evolve over time into an area made up of a mix of land uses, usually centered on some type of public transit facility, which affords people the opportunity to live, work, shop and, in some cases, have immediate access to recreation facilities in one general area. It is also the goal of these districts to reduce vehicle trips by making them single destination points for multiple consumer needs.

The intent of the Mixed-Use Activity Center designation is to encourage the development of a mixture of complementary uses that will function as an integrated center allowing for pedestrian connections between developments and uses. Each of the eleven proposed Mixed-Use Activity Center locations identified on the Land Use Plan have different characteristics and will develop uniquely. The size of these areas is relatively large, with the intent that mixed use development should occur within a one-half mile radius of a transit stop (an estimated ten minute walking distance). Due to the fact that each area designated as a MUAC, applying one development solution to each is not practical. The key is to coordinate development of each parcel within the context of the larger District. Coordinating connectivity and planning for future uses will be critical in this process."

Guidance specific to the Mixed Use Activity Centers states that PUD (Planned Unit Development) is a corresponding zoning classification and advises that development should include:

- Whenever possible, it is recommended that developers utilize one of the mixed use zoning districts when developing in an area designated MUAC.
- The interconnectivity of the public realm (streets, walk/bike infrastructure) is an essential element of MUAC areas.

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 2: Enhance mobility for all modes of transportation between the places where people live, work, shop and play (refer to Part 7 for additional policy guidance relating to mobility).

Objective 2.1: Ensure that new development is designed to provide users with mobility choices, including driving, walking, bicycling and riding transit.

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 46.055 Acres +/-.
- The 2015 Land Use Plan designates the subject property as "Mixed Use Activity Center."
- The subject property consists of one (1) parcel of record which consists of vacant land.
- The subject property was annexed with an effective date of April 11, 2019.
- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because the proposed zoning of Planned Unit Development (PUD) is deemed to be a consistent zoning district within the "mixed use activity center" designation. Additionally, the PUD zoning allows for the development of a mixture of residential and nonresidential uses, neither of which would likely be developed on the entirety of the subject property.
- The zoning amendment is reasonable and in the public interest because the petition proposes a mixture of residential land use types and limited commercial uses, along with common open space. Furthermore, the development proposes amenities and site design elements in excess of the minimum CDO standards and sets forth a land use mix which promotes pedestrian activity and reduces vehicle trips, as compared to a conventional zoning configuration.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the request consistent with the 2030 Land Use Plan and the requirements of the Concord Development Ordinance. The staff (and Development Review Committee) has no objections to the petition. Because this petition is a 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."

The petitioner has consented to the following conditions:

- 1. Compliance with the "Christenbury Commons Rezoning Site Plan" sheets RZ 1-3 (three pages, dated 5/31/19) and the plans entitled "24" x 40' townhome" and "28" x 50' townhome" (dated 3/5/19);
- 2. Compliance with all minimum requirements relative to stormwater and Fire protection; and
- **3.** Technical site plan shall be required.

PROCEDURAL CONSIDERATIONS

This particular case is a rezoning to a 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: Sam@switzenbaum.com 215-917-1861 Samuel Switzenbaum 255 S. 17th Street 20th floor Philadelphia, PA 19103 Christenbury Farms Inc. Owner Name, Address, Telephone Number: 704-547-0063 3801 Beard Road, Concord NC 28027 Kenneth Christenbury - President 9109 Edenbury Drive, Concord NC 28027 Project Location/Address: 4589-37-8441 P.I.N.: 46.055 acres Area of Subject Property (acres or square feet): N/A N/A Lot Width: Lot Depth: OI & LI Current Zoning Classification: PUD Proposed Zoning Classification: Farm Crop Land Existing Land Use: Mix-Use Community Future Land Use Designation: Residential Vacant & Commercial Surrounding Land Use: North South East Industrial Farm Crop Land West To allow the development of a mix use community Reason for request: Multi-Family, Single-Family Attached, Office Use

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

 Staff member signature:

 Date:

Planning & Neighborhood Development 66 Union St S • P. O. Box 308 • Concord, NC 28025 Phone (704) 920-5152 • Fax (704) 786-1212 • www.concordnc.gov Page 2 of 6



Application for Zoning Map Amendment

THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

 List the Use(s) Proposed in the Project: Office, Multi-Family, Single-Family Attached, Commercial Outparcel

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):

Sidewalks, community recreation area, open space and tree save

preservation. Outdoor Picnic areas in greenway. Resort style swimming pool Yoga & Fitness Center. Golf putting green Outdoor exercise stationin open greenway Private garages for multi-family development

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). <u>All affected property owners (or agents) must sign</u>

the application. dry Signature of Applican Date

2-14-2019 Christenbury Date Signature of Owner(s)

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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.

<u>13/19</u> Date: 2 Applicant Signature: ___ Jam Aur

Property Owner or Agent of the Property Owner Signature:





Subject Property Map

Z(CD)-04-19 Samuel Switzenbaum

9101 Edenbury Dr.

Rezoning: Cabarrus County OI (Office Institutional) & LI (Limited Industrial) to City of Concord PUD (Planned Unit Development)

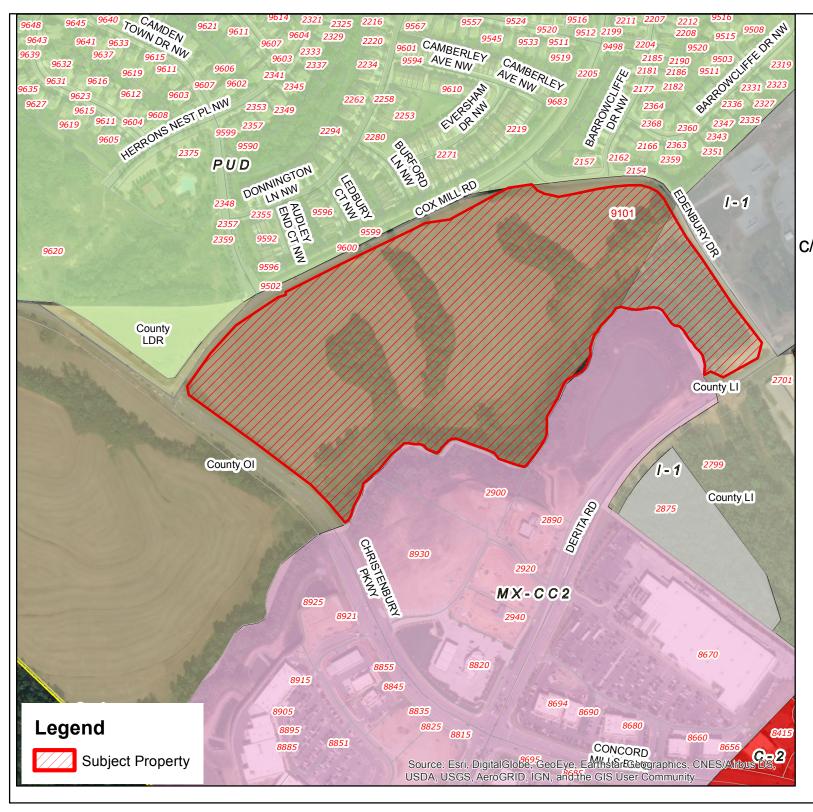
p/o PIN 4589-37-8441



Source: City of Concord Planning Department

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Zoning Map Z(CD)-04-19 (Christenbury Farms Inc.) c/o Samuel Switzenbaum 9101 Edenbury Dr. County OI (Office Institutional) & LI (Limited Industrial) to City PUD (Planned Unit **Development**) p/o PIN 4589-37-8441

> ♥ s Source: City of Concord

Planning Department

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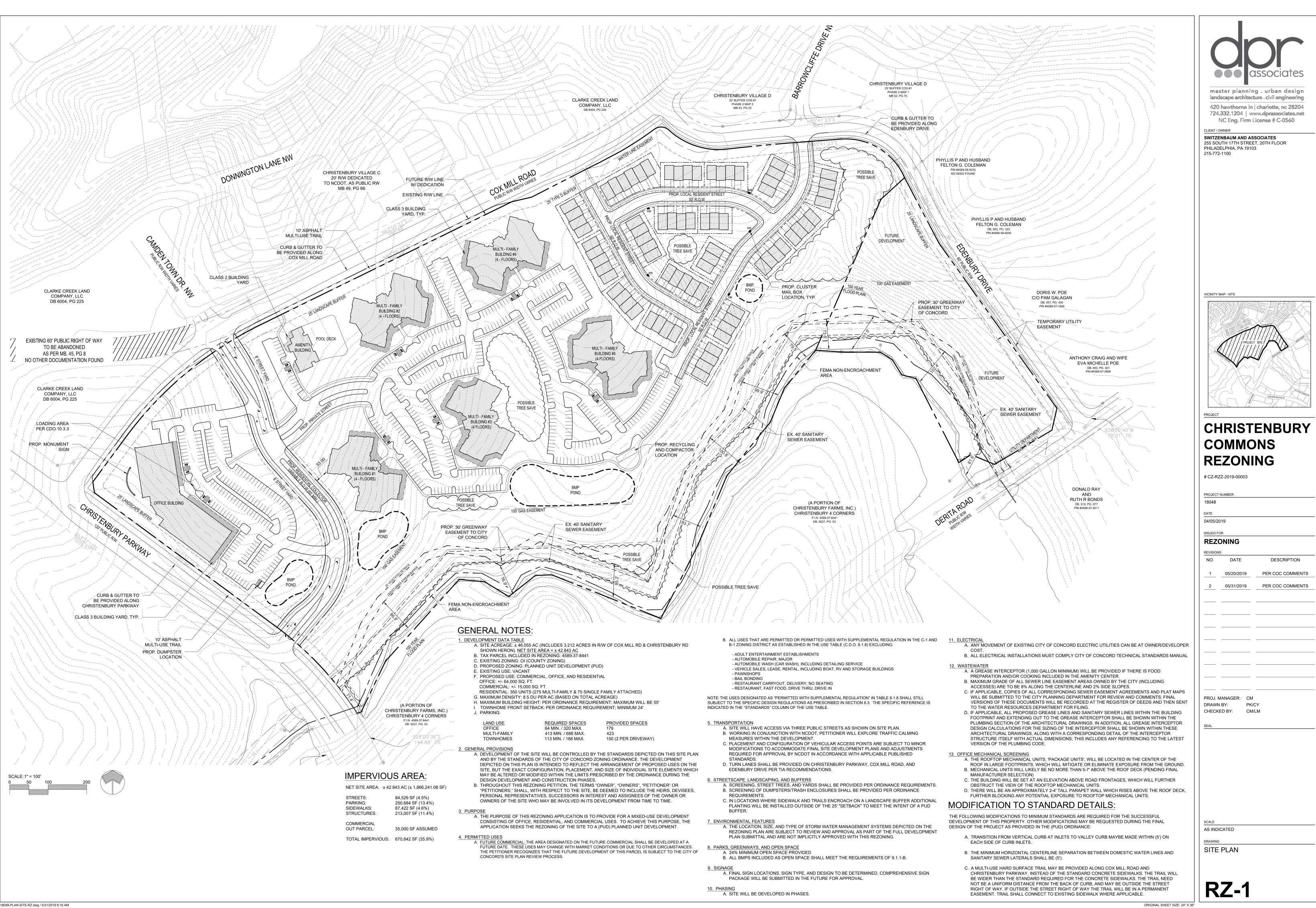


LUP Map Z(CD)-04-19 (Christenbury Farms Inc.) c/o Samuel Switzenbaum 9101 Edenbury Dr. County OI (Office Institutional) & LI (Limited Industrial) City PUD (Planned Unit Development) p/o PIN 4589-37-8441

Source: City of Concord Planning Department

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1A OFFICE / COMMERCIAL CONCEPTUAL ELEVATION



2 MULTI-FAMILY UNITS CONCEPTUAL ELEVATION



OFFICE/COMMERCIAL EXTERIOR MATERIALS

- SILVER REFLECTIVE VISION GLASS
- SILVER REFLECTIVE SPANDREL GLASS AT INTERSTITIAL SPACE
- GREY LARGE UNIT MASONRY STEM WALLS AND EXPOSED FOUNDATION



1B OFFICE / COMMERCIAL

MULTI-FAMILY EXTERIOR MATERIALS

- BEIGE WINDOW FRAMES, MULLIONS
- STANDARD GREY MODULAR BRICK
- GREY CMU
- 2 COLORS OF CEMENTIOUS EXTERIOR ('HARDIE') BOARD, BOARD & BATTEN, AND CLAPBOARD SIDING
- GUNMETAL GREY POWDER COATED ALUMINUM HANDRAILS AT BALCONIES
- WHITE ALUMINUM GUTTERS/DOWNSPOUTS
- WHITE METAL TRIM/COPING TO MATCH
- GUTTERS/DOWNSPOUTS • CHARCOAL 20 YEAR ASPHALT SHINGLES



3 TOWNHOMES (SINGLE FAMILY ATTACHED) CONCEPTUAL ELEVATION

AMENITY CENTER EXTERIOR MATERIALS

- BEIGE WINDOW FRAMES, MULLIONS
- STANDARD GREY MODULAR BRICK
- GREY CMU
- 2 COLORS OF CEMENTIOUS EXTERIOR ('HARDIE') BOARD, BOARD & BATTEN, AND CLAPBOARD SIDING
- GUNMETAL GREY POWDER COATED ALUMINUM HANDRAILS AT BALCONIES
- WHITE ALUMINUM GUTTERS/DOWNSPOUTS
- WHITE METAL TRIM/COPING TO MATCH GUTTERS/DOWNSPOUTS
- CHARCOAL 20 YEAR ASPHALT SHINGLES

OFFICE/COMMERCIAL EXTERIOR MATERIALS

- SILVER REFLECTIVE VISION GLASS
- SILVER REFLECTIVE SPANDREL GLASS AT
 INTERSTITIAL SPACE GREY LARGE UNIT MASONRY STEM WALLS AND EXPOSED FOUNDATION



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SWITZENBAUM AND ASSOCIATES 255 SOUTH 17TH STREET, 20TH FLOOR PHILADELPHIA, PA 19103 215-772-1100

CLIENT / OWNER

VICINITY MAP - NTS

CHRISTENBURY

DESCRIPTION

PER COC COMMENTS

PER COC COMMENTS

COMMONS

REZONING

CZ-RZZ-2019-00003

PROJECT NUMBER

18048

ISSUED FOR REZONING

REVISIONS

NO. DATE

1 05/20/2019

2 05/31/2019

PROJ. MANAGER: CM

DRAWN BY: PK/CY

CHECKED BY: CM/LM

SCALE

DRAWING

NOT TO SCALE

ELEVATIONS

RZ-2

DATE 04/05/2019

TOWNHOME EXTERIOR MATERIALS

- BRICK/STONE VINYL SIDING
- CEMENTIOUS EXTERIOR ('HARDIE') BOARD SIDING

ALL EXTERIOR BUILDING MATERIALS LISTED ARE
PRELIMINARY AND SUBJECT TO CHANGE/MODIFICATION
WITH FINAL ARCHITECTURAL DESIGN



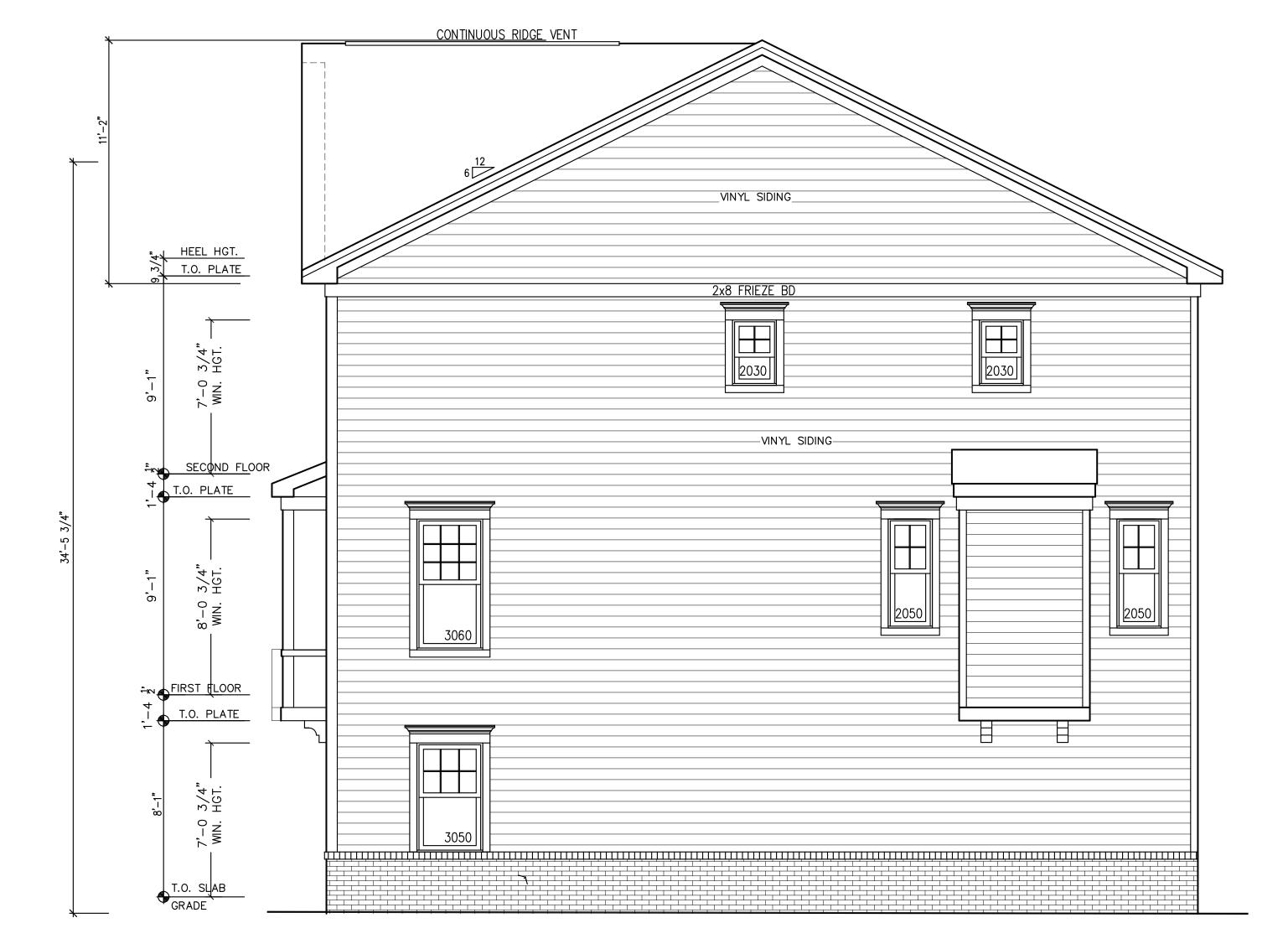
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		g . urban design
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	AP - NTS	BITE BURNING
		CONCORD MILS BLVD
		ENBURY
	OMMO	N S
	ZONI	NG
	Z-2019-00003	NG
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RZ-3

24' X 40' TOWNHOME

TYPICAL SIDE ELEVATION



CHRISTENBURY



JPOrleans

REAR ELEVATION

2868 FR DR

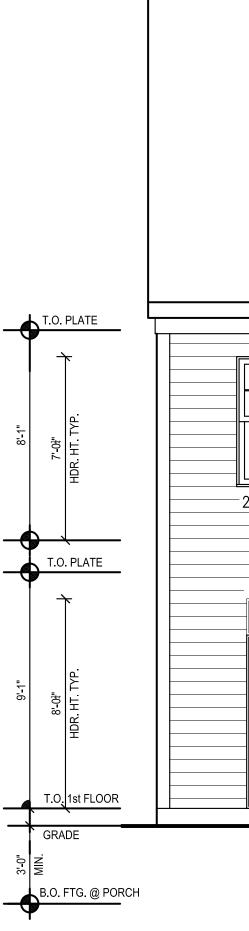
3050 TEMP 3050*

CONTINUOUS RIDGE VENT

28' X 50' TOWNHOME

TYPICAL SIDE ELEVATION





CHRISTENBURY



REAR ELEVATION

	SHINGLES
2650*	
OPT. 6016_TRANS	

6068 SD

03.05.19