



DATE: June 18, 2019

REZONING CASE #: Z(CD)-09-19

ACCELA CN-RZZ-2019-00005

DESCRIPTION: Zoning Map Amendment
Residential Medium Density (RM-2) to Residential Village
Conditional District (RV-CD)

APPLICANT/OWNER: Brian Burton

LOCATION: 95 Brumley Ave. NE

PIN#s: 5620-99-4134

AREA: +/- .5962 acre

ZONING: City of Concord Residential Medium Density (RM-2)

PREPARED BY: Scott Sherrill, Sr. Planner

BACKGROUND

The subject property consists of one parcel, comprising approximately .5962 acres at the intersection of Brumley Ave. NE and Creswell Dr. NE. The property is currently has one single family residential structure. The applicant seeks to rezone the property from Residential Medium Density (RM-2) to Residential Village Conditional District (RV-CD) to carve out one additional single family lot.

HISTORY

The property was annexed into the City prior to 1932.

SUMMARY OF REQUEST

The request is to rezone the subject properties from Residential Medium Density (RM-2) to Residential Village Conditional District (RV-CD). According to the applicant, the purpose for the rezoning is to subdivide out a previously existing lot for future building of residential property that would conform to all RV standards. A lot layout schematic, submitted by the applicant, is included in the Commission's packets showing the proposed two (2) lots. Lots in the RV district are required to have dimensional standards of: 7,500sf of area, 50ft lot width and 100ft lot depth. The lots shown on the site plan reflect an approximately 60' lot width and 187.50 feet in depth. Per the conditions of the rezoning request, if approved, one additional single-family detached residence would be permitted on the property—two (2) total.

Properties to the north are generally zoned RM-2 (Residential Medium Density) and are developed with single-family detached dwellings; properties to the south are generally zoned CC (Center City). The resulting two lots will generally be of a compatible lot size with other properties in the area. The applicant has also submitted a rendering and floor plan for the proposed new residence.

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	
RM-2 (Residential Medium Density)	North	RM-2 (Residential Medium Density)	Single Family Residential	North	Single Family Detached
	South	CC (Center City)		South	Commercial and Single Family Detached
	East	RM-2 (Residential Medium Density) and CC (Center City)		East	Single Family Detached
	West	RM-2 (Residential Medium Density) and CC (Center City)		West	Single Family Detached and Masonic Lodge

COMPLIANCE WITH 2030 LAND USE PLAN

The 2030 Land Use Plan (LUP) designates the subject property as “Suburban Neighborhood” for which RV is listed as a compatible zoning district. The compatibility of this rezoning request is enhanced by the limitation to single family detached at a density and lot size comparable to surrounding properties.

From the 2030 Land Use Plan – “Suburban Neighborhood”: Guidance specific to the Urban Neighborhood specifies that RV (including conditional district) is a corresponding zoning classification.

The Suburban Neighborhood Future Land Use category includes single-family areas that are formed as subdivisions or communities, with a relatively uniform housing type and density throughout. They may support a variety of single-family detached residential types, from low-density single-family homes to denser formats of smaller single-family homes. In areas designated Suburban Neighborhood, homes are typically oriented interior to the neighborhood and are typically buffered from surrounding development by transitional uses or landscaped areas.

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

Maintaining the community's character. Concord' premium quality of life continues to attract new residents. The resulting increases in housing demand, commercial development, traffic congestion and new faces continue to change the community. Changes such as downtown revitalization, greenfield development and redevelopment of commercial and industrial sites have improved the quality of life in Concord. Residents want to ensure that future changes protect or enhance the quality of their neighborhoods and strengthen Concord's identity and sense of place.

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.

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately .5962 acres and is zoned RM-2 (Residential Medium Density).
- The subject property was annexed prior to 1932 and is currently the site of a single family detached residence.
- The proposed zoning amendment is consistent with the 2030 Land Use Plan (LUP) because RV (Residential Compact) and conditional district variations are corresponding zoning classifications to the "Suburban Neighborhood" Land Use Category.
- The zoning amendment is reasonable and in the public interest because it would allow housing consistent with the existing, adjacent, single-family neighborhood, but also encourage infill in the vicinity of the Center City (CC) zoning district.

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 two (2) single-family detached lots are permitted.
3. All dimensional standards of the RV zoning district shall be met upon plat

- submittal.
4. The resulting lots will adhere to the site plan submitted with the application for rezoning.

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: BRIAN BURTON
95 BRUMLEY AVE. CONCORD, NC 28025
(704) 526-9019 brianburtondrummer@gmail.com
Owner Name, Address, Telephone Number: Same as above

Project Location/Address: 95 Brumley Ave. Concord
P.I.N.: 12-26-128 5620-99-4134

Area of Subject Property (acres or square feet): 0.65 Acres

Lot Width: 200' Lot Depth: 155'

Current Zoning Classification: Rm2

Proposed Zoning Classification: RV-CD

Existing Land Use: Residential

Future Land Use Designation: Residential

Surrounding Land Use: North Residential South Residential

East Residential West Residential

Reason for request: TO MAKE BETTER USE OF THE PROPERTY
BY SUBDIVIDING THE PREVIOUS LOT 7.

Has a pre-application meeting been held with a staff member? Yes w/ Scott Sherrill

Staff member signature: [Signature] Date: 4/24/19

THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

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

We are proposing to rezone RV-CD in order to subdivide the former LOT 7 for future building of Residential property that would conform to all RV standards.

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):

The condition would be that the property would be used exclusively for the development of an approx 1529 ft² SFR.

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.

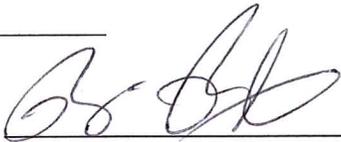

 Signature of Applicant Date

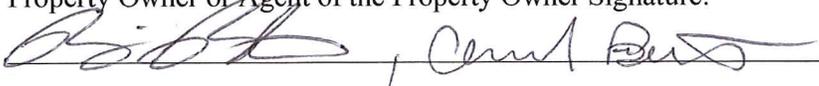

 Signature of Owner(s) Date

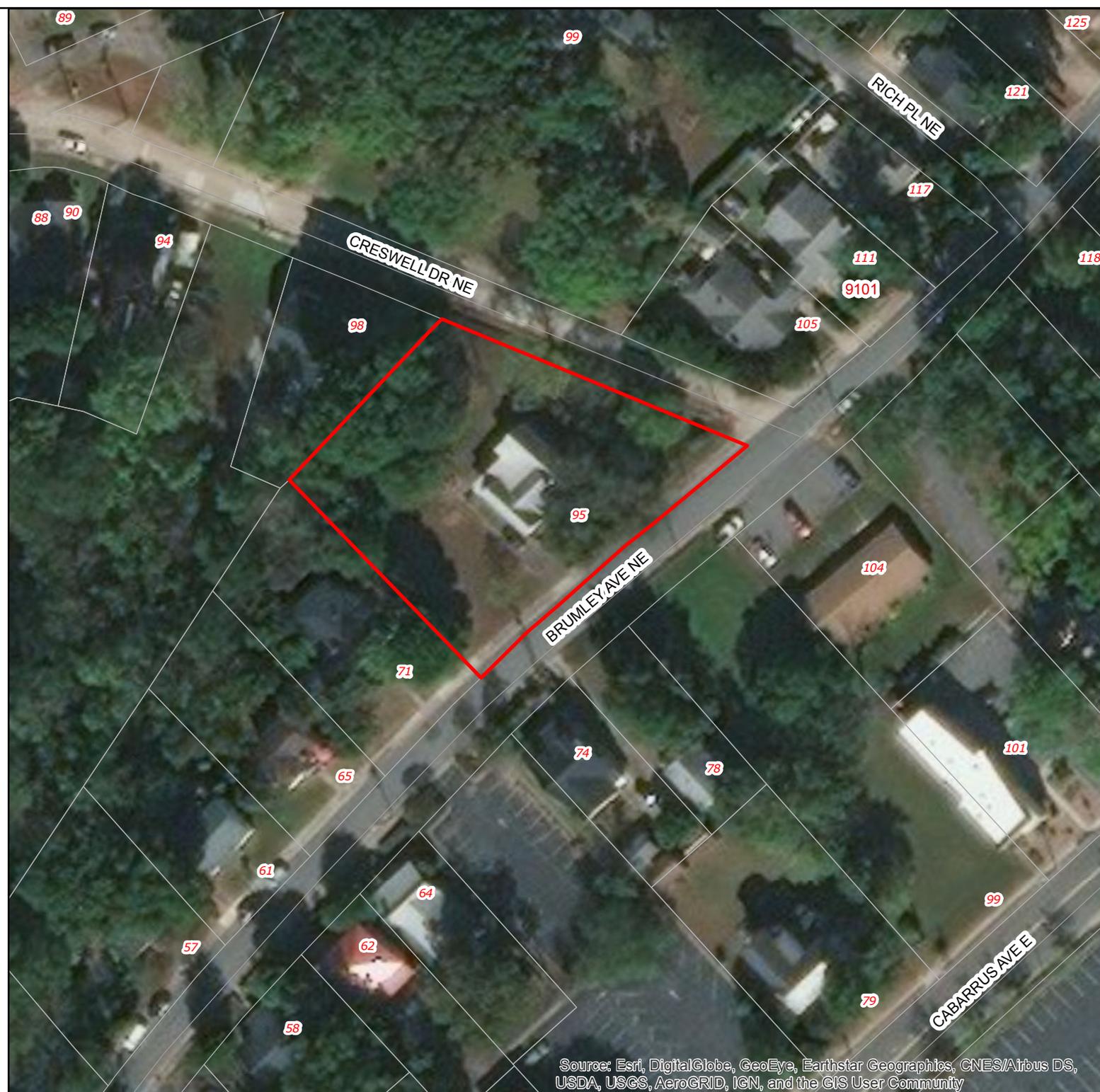
Certification

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: 4/24/09

Applicant Signature: 

Property Owner or Agent of the Property Owner Signature:




Subject Property Map

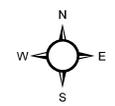
Z(CD)-09-19

Brian Burton

95 Brumley Ave.

RM-2 (Residential Medium Density)
to
RV-CD (Residential Village Conditional District)

PIN 5620-99-4134



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



Subject Property Map

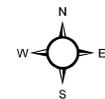
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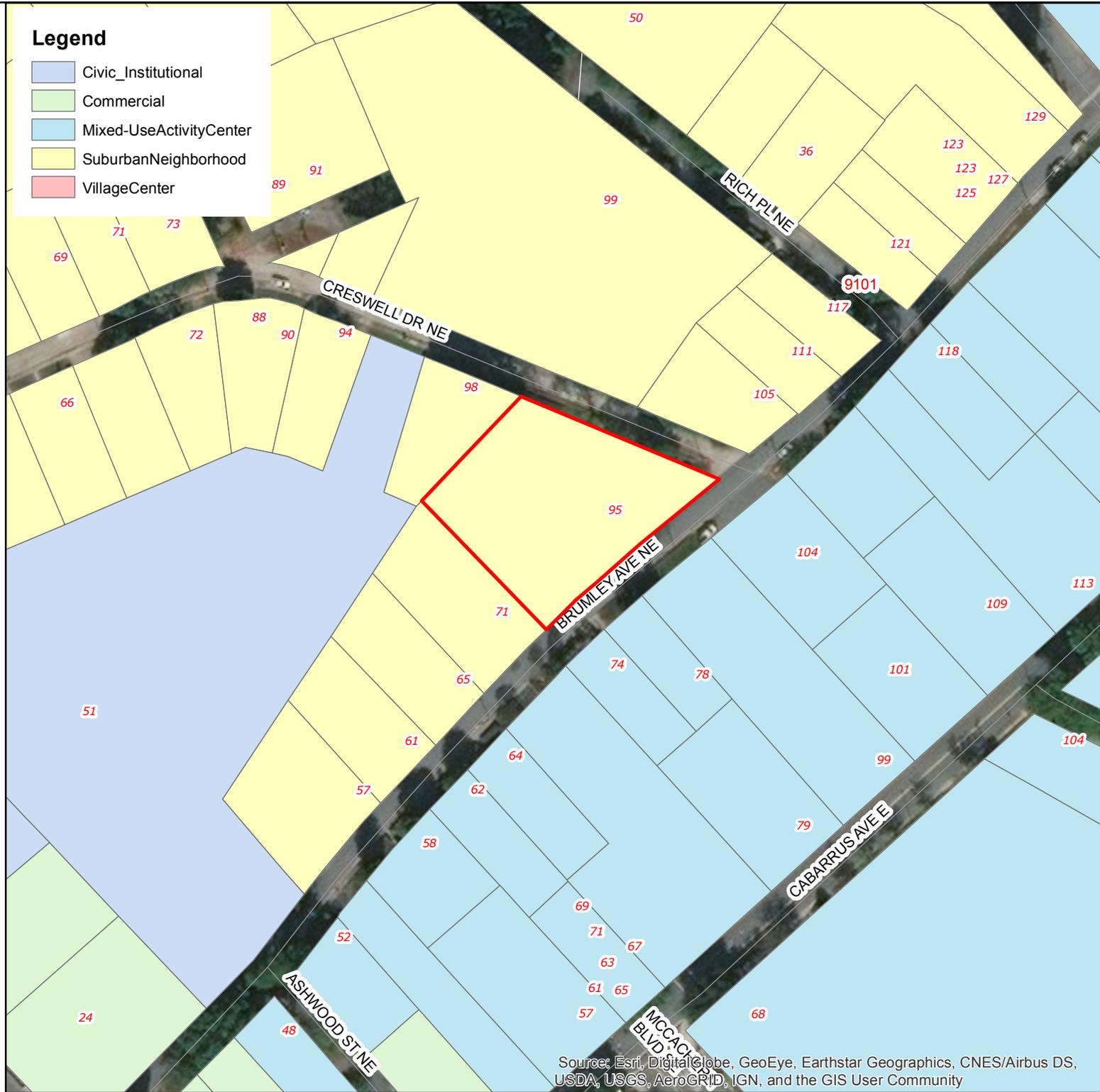
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Legend

- Civic_Institutional
- Commercial
- Mixed-UseActivityCenter
- SuburbanNeighborhood
- VillageCenter



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



Subject Property Map

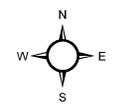
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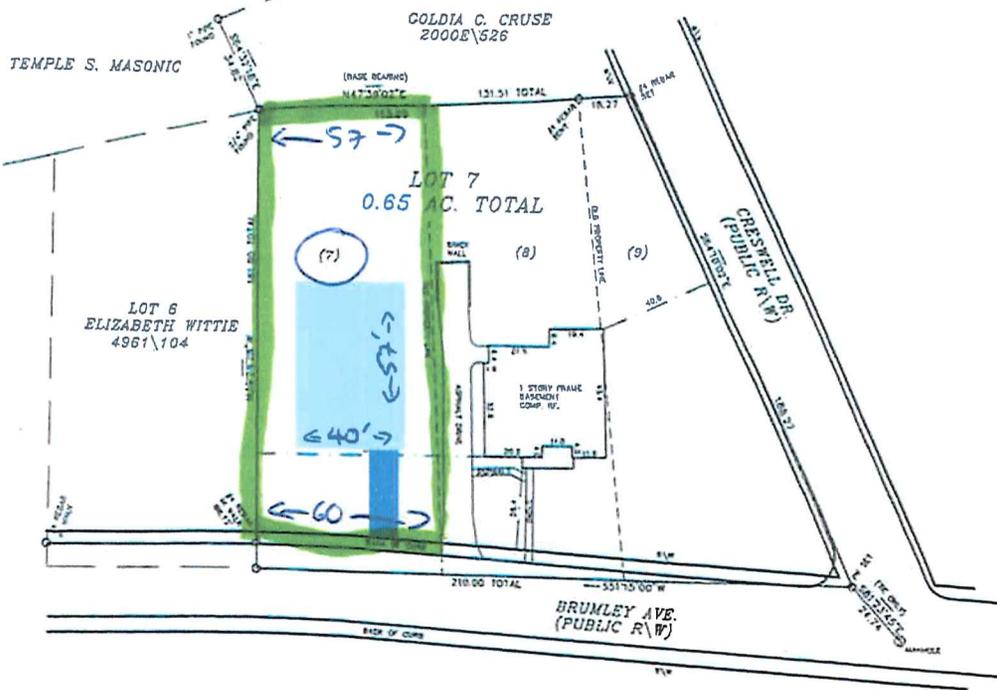
W.L.A. 9/95



THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

W.L.A.
PROFESSIONAL LAND SURVEYOR

SURVEYORS CERTIFICATION
I, WILLIAM M. ALLEN CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION DEED DESCRIPTION RECORDED IN BOOK _____ PAGE _____ THAT THE BASIS OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10000. (THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS DASHED LINES PLOTTED FROM INFORMATION FOUND IN BOOK _____ PAGE _____); THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 82-20, AS AMENDED.
I HAVE REVIEWED AND SEAL THIS 10 DAY OF _____ 2014.
W.L.A.
PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER 1-3499



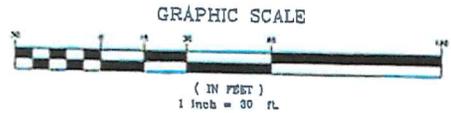
Exception Plat Certificate:
It is hereby certified that this map is exempt from City of Concord approval as a subdivision plat and is in compliance with the City of Concord Development Ordinance regulation.
Date: 9/11/14
Morgan J. Pearson (Signature)
Development Services Director

Plat Review Officer Certificate
State of North Carolina
County of Cabarrus
I, *Cora Bell* Review Officer of Cabarrus County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.
Cora Bell (Signature)
Review Officer
Date: 9/11/14

- NOTES**
- 1) THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.
 - 2) AREA IS COMPUTED BY THE COORDINATE METHOD.
 - 3) OVERHEAD POWER
 - 4) NO GRID MONUMENT FOUND WITHIN 2000 FEET.
 - 5) PIN #S : 5520 99 4100
PIN #S : 5520 99 4108
PIN #S : 5520 99 4145
 - 6) DEED REF. DEED BK. 4901 PG. 104
 - 7) PLAT BOOK 5 PG. 46

- LEGEND**
- = P.P. - POWER POLE
 - = DUKE POWER TRANS.
 - = EXISTING IRON FOUND
 - I.P.S. = #4 REBAR SET
 - R/W = RIGHT-OF-WAY

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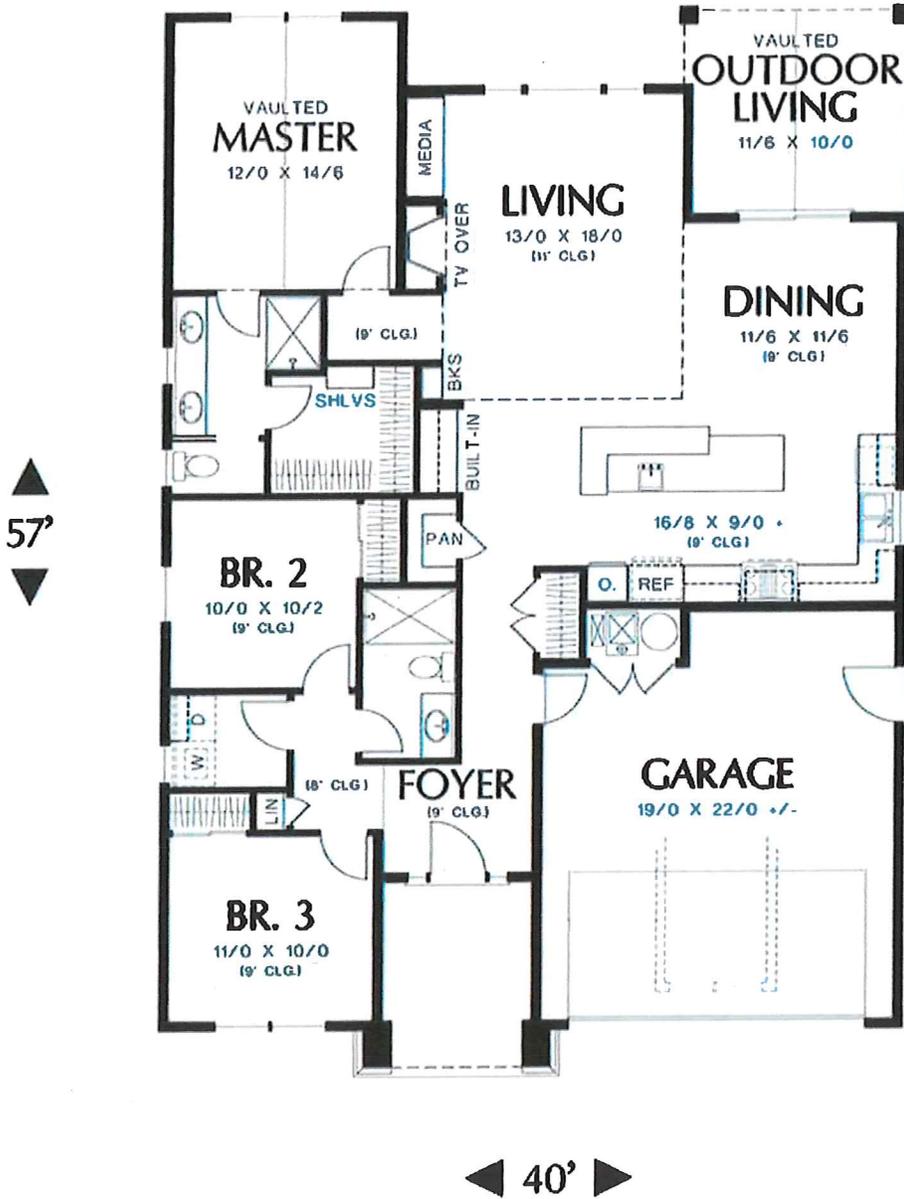
FILED Sep 11, 2014 11:32 am
BOOK 00066
PAGE 0055 THRU 0055
INSTRUMENT # 19624
EXCISE TAX \$0.00
FILED CABARRUS COUNTY NC
WAYNE NIXON REGISTER OF DEEDS

EXCEPTION PLAT
OF
LOTS 7-9 J.F. REID PROPERTY
PLAT BK. 5 PG. 46
CITY OF CONCORD, CABARRUS CO., N.C.
SCALE: 1" = 30' DATE: SEPTEMBER 10, 2014
OWNER: ELIZABETH W. BOULUS
100 MERCY DRIVE
BELMONT, NC 28012
OWNER: ELIZABETH W. BOULUS



FLOOR PLANS

Floor Plan - Main Floor Plan



FULL SPECS & FEATURES

DIMENSION

Depth : 57'
Height : 23' 5"
Width : 40'

AREA

First Floor: 1529 sq/ft
Garage: 419 sq/ft

CEILING

Main Ceiling : 9'

ROOF