



DATE: September 17, 2024

REZONING CASE #: Z(CD)-09-24

ACCELA: CN-RZC-2024-00010

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

APPLICANT/OWNER: Steven Ross

LOCATION: 4349 Roberta Rd.

PIN#s: p/o 5518-28-2295

AREA: +/- 1.81 acres

ZONING: RM-2 (Residential Medium Density)

PREPARED BY: Fred Womble, Senior Planner

BACKGROUND

The subject property consists of +/- 1.81 acres generally located along the east side of the Roberta Rd. right-of-way. The petitioner is proposing to rezone the parcel to Residential Village Conditional District (RV-CD) to take advantage of the smaller minimum lot width and lot size permitted. There is an existing single-family detached home on the parcel that would remain. The developer previously subdivided off Lots 2 & 3 shown on the applicant’s site plan and is in the process of subdividing off Lot 4. Only Lots 1, 5, and 6 shown on the site plan are proposed to be rezoned with this application.

HISTORY

The subject property was previously located in Cabarrus County and annexed into the City of Concord on June 30, 2001. Upon annexation, the parcel was zoned RM-2. The parcel has historically been utilized residentially and possibly as a small farm a number of years ago.

SUMMARY OF REQUEST

The petitioner is proposing to rezone a portion of the parcel to Residential Village Conditional District (RV-CD) to take advantage of the smaller minimum lot width and lot size permitted for the construction of two (2) single-family detached homes. There is an existing single-family detached home on the parcel that would remain. The developer previously subdivided off Lots 2 & 3 shown on the applicant’s site plan and is in the process of subdividing off lot 4. Only Lots 1, 5, and 6 shown on the site plan are proposed to be rezoned. Vehicular access to these lots will be

achieved via an existing curb cut on Roberta Road leading to an existing gravel drive leading up to the existing dwelling on Lot 1. The applicant proposes to improve this access by pouring a 24' x 110' portion of new driveway that will be used as paved shared access to both Lot 5 and Lot 6.

The conditional zoning process allows particular uses to be established on case-by-case basis on a specific property. 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. If a petition for conditional district zoning is approved, the conditions of approval shall become binding upon the property. Only those uses and structures indicated in the approved petition and site plan may be developed on the site. The plan has also been reviewed by the Development Review Committee and there are no objections to the petition.



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	RC (Residential Compact) and RM-2 (Residential Medium Density)	Residential & Vacant	North	Residential
	South	RM-2 (Residential Medium Density)		South	Residential
	East	RM-2 (Residential Medium Density)		East	Residential
	West	RC (Residential Compact) and RM-2 (Residential Medium Density)		West	Residential

COMPLIANCE WITH 2030 LAND USE PLAN

The 2030 LUP designates the subject property as “Suburban Neighborhood (SN). RV (Residential Village) is listed as a corresponding zoning district in the “Suburban Neighborhood (SN) land use category, and therefore is consistent with the land use plan.

The corresponding zoning districts for the “Suburban Neighborhood” land use category are RE (Rural Estate) , RM-1 (Residential Medium Density), RM-2 (Residential Medium Density), PRD (Planned Residential Development), C-1 (Light Commercial), PUD (Planned Unit Development), RV (Residential Village), TND (Traditional Neighborhood Development), B-1 (Neighborhood Commercial/Office District), RL (Residential Low Density), O-I (Office Institutional), R-CO (Residential – County Originated)

From the 2030 Land Use Plan – “Suburban Neighborhood (SN)”

The Suburban Neighborhood (SN) 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. Single family attached dwellings are an option for infill development within the suburban neighborhood future land use category. These neighborhoods are often found in close proximity to suburban commercial, office, and industrial centers, and help provide the consumers and employment base needed to support these centers. Lots at intersections of collector and arterial streets within or at the edges of suburban neighborhoods may support small-scale, neighborhood serving, pedestrian-oriented commercial or service uses such as coffee shops, cafes, beauty salons and light retail. Pedestrian oriented uses exclude uses with drive-in, drive-through or automobile related services.

The following goals, objectives and policy guidance relate to the proposed zoning amendment:

Goal 1: Maintain a sustainable balance of residential, commercial and industrial land uses.

Objective 1.3: Ensure that the Future Land Use Map allows sufficient development opportunities to meet existing and projected needs for residential, commercial, industrial and other land uses.

Objective 1.6: Provide a diverse mix and range of housing options throughout the City that will accommodate the current and future needs of the citizens of Concord.

- *Housing Balance: Ensure that zoning allows for a mix of housing types at a variety of prices to meet the demands of existing and future residents.*

The following goals from the recently adopted Strategic Plan also relate to the proposed zoning amendment:

*Goal 2: Create Economic Opportunities for Individuals and Businesses
Expand Housing Choices.*

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately +/- 1.81 acres and currently zoned RM-2 (Residential Medium Density).
- The subject property was voluntarily annexed on July 13, 2023.
- The proposed zoning amendment is consistent with the 2030 Land Use Plan (LUP) as RV-CD (Residential Village – Conditional District) is a corresponding zoning district to the Suburban Neighborhood (SN) land use category and the proposed use is compatible with those existing in the surrounding area.
- The zoning amendment is reasonable and in the public interest as it is complementary to the use, design and density with the adjacent residential land uses.

OR

- The zoning amendment is not reasonable and in the public interest as the design is not compatible with the surrounding residential area.

SUGGESTED RECOMMENDATION AND CONDITIONS

1. An 8-foot-wide undisturbed Type A buffer shall be installed outside of the side yard setbacks.
2. All lots shall meet the 50' minimum lot width requirement for the RV district at the front setback line, per Article 14 definitions of lot width.
3. Compliance with "4349 Roberta Road Sketch Plan," dated July 2024.
4. Technical site plan review and approval is required including all approvals from outside local, state and federal agencies.
5. Future modifications/additions to the approved site plan may require further approval from the Planning and Zoning Commission.

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.

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

Required Attachments / Submittals:

- 1. Typed metes and bounds description of the property (or portion of property) in a Word document format.

- 2. Cabarrus County Land Records printout of names and addresses of all immediately adjacent landowners, including any directly across the street.

- 3. **FOR CONDITIONAL DISTRICT APPLICATIONS ONLY**, a plan drawn to scale (conditional district plan), and elevations if applicable submitted digitally.

- 4. 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.

- 5. Money Received by _____ Date: _____
Check # _____ 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:

Steven Ross, 210 Oak Ave Kannapolis NC 28081, 704-305-3794,
premiersr77@gmail.com

Owner Name, Address, Telephone Number:

Ross Brother Properties, LLC, 210 Oak Ave Kannapolis NC 28081,
704-305-3794

Project Location/Address: 4349 Roberta Rd, Concord NC 28027

Parcel Identification Number (PIN): 55182822950000 **PO**

Area of Subject Property (acres or square feet): 2.34 Acres

Lot Width: 210+/- Lot Depth: 500+/-

Current Zoning Classification: RM-2

Proposed Zoning Classification: RV-CD

Existing Land Use: RM-2

Future Land Use Designation: Residential

Surrounding Land Use: North Residential South Residential
East Residential West Residential

Reason for request:

Has a pre-application meeting been held with a staff member? Yes No

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:

Add 3 homes fronting on Roberta Road and give access to additional homes.

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):

N / A

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: 6/11/2024

Applicant Signature: 

Property Owner or Agent of the Property Owner Signature:


BEING A 1.80 ACRE PARCEL ON THE WEST SIDE OF ROBERTA ROAD, (SR#1304) LYING AND BEING IN THE CITY OF CONCORD, MECKLENBURG COUNTY, NORTH CAROLINA BEING DESCRIBED AS PART OF LOT 1 SHOWN ON MAP BOOK (MB) 96 PAGE (PG) 20 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:


POINT OF BEGINNING BEING A #4 REBAR ON THE EASTERN EDGE OF THE MAINTAINED R/W FOR ROBERTA ROAD SR#1304 HAVING NC GRID COORDINATES OF *N:588,247.94FT-E:1,512,039.16FT NAD 83 (2011)*; THENCE FROM SAID REBAR WITH SAID R/W **N 18-09-27 E – 208.70'** TO #4 REBAR ON SAID R/W AND BEING THE SOUTH EASTERN CORNER OF JC KISER, DB 13225 PG 164; THENCE WITH SAID KISER **S 75-45-23 E – 150.06'** TO A REBAR, BEING THE SOUTH WESTERN CORNER OF LOT 8, GLENGROVE SUBD, MB 51 PG 77; THENCE WITH SAID SUBDIVISION **S 75-28-35 E – 207.19'** (CROSSING A REBAR AT 164.11') TO A REBAR, BEING THE NORTH WESTERN CORNER OF LOT 2, "4349 ROBERTA RD", MB 96 PG 20, THENCE **S 15-28-26 W – 290.74'** (CROSSING A REBAR AT 74.87' AND 149.88') TO A REBAR IN THE LINE OF LOT 127, GLENGROVE SUBD, MB 44 PG 73; THENCE WITH SAID SUBDIVISION **N 87-48-47 W – 93.15'** TO A REBAR, THE NORTH EAST CORNER OF WA FURR, DB 492 PG 520 AND THE SOUTH EAST CORNER OF WA FURR, DB 470 PG 499; THENCE TWO CALLS WITH SAID FURR 1) **N 14-09-23 E – 100.06'** TO A REBAR 2) **N 75-09-29 W – 274.03'** TO THE POINT OF BEGINNING. CONTAINING 1.80 ACRES OF LAND AND SHOWN ON A SURVEY BY HARRISBURG SURVEYING.

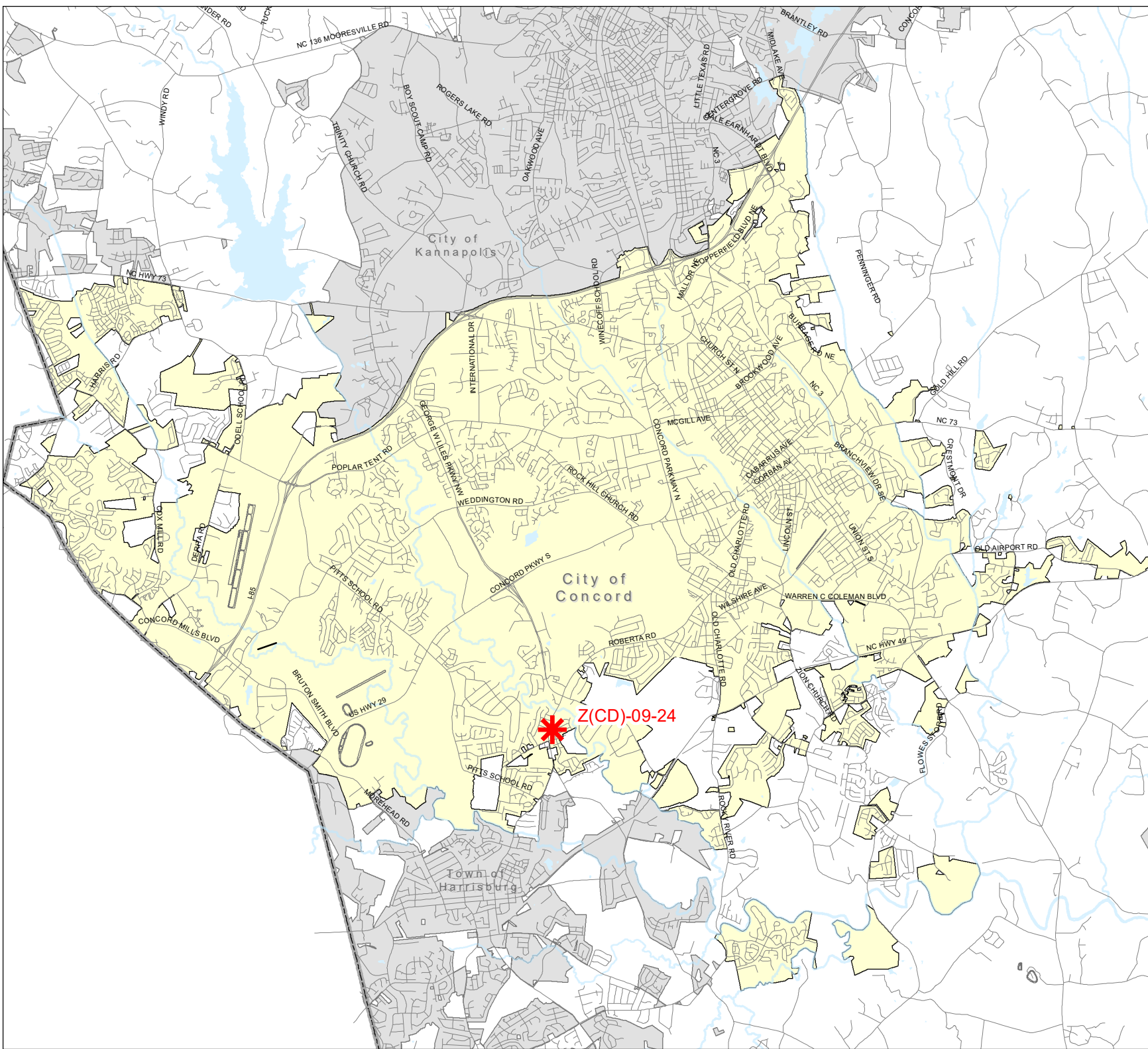
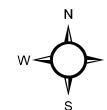
**Property Owners Adjacent &
Across Street From: 4349
ROBERTA RD CONCORD NC
28027**

Address	Owner
4323 ROBERTA RD CONCORD NC 28027	Jessica Kiser & Justin Kiser
3611 COURAGE CT SW CONCORD NC 28027	BELSIAN GEORGE ANCELEM RAJA JAGTAP TRAPTI
3607 COURAGE CT SW CONCORD NC 28027	CARDOZA SILVANY LF EST
4444 TRIUMPH DR SW CONCORD NC 28027	ROSS BROTHER PROPERTIES LLC
4448 TRIUMPH DR SW CONCORD NC 28027	ROSS BROTHER PROPERTIES LLC
4381 ROBERTA RD CONCORD NC 28027	FURR WILLIAM R FURR MARLA A
4458 TRIUMPH DR SW CONCORD NC 28027	NIESSNER ZACHARY NIESSNER RANDY
4453 TRIUMPH DR SW CONCORD NC 28027	ZAD JOSEPH DAVID
4394 GREYGATE CT SW CONCORD NC 28027	OGILVIE TAMMY TRUSTEE
4398 GREYGATE CT SW CONCORD NC 28027	WELLS KIM R

Z(CD)-09-24

4349 Roberta Rd

-  Case Location
-  Streets
-  Lakes & Ponds
-  Rivers
-  Cabarrus Co.
-  City of Concord
-  Other Municipalities



NUM	DISTANCE	BEARING	NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
L1	30.85'	S69°37'45"W	C1	7°28'05"	121.22'	930.00'	S11°46'19"W	121.13'
L2	15.22'	S15°31'42"W						
L3	8.01'	N82°28'43"W						

SITE CALCULATION:

TOTAL LOT AREA: 1.81AC
 TOTAL NUMBER OF LOTS BEFORE DIVISION: 1
 TOTAL NUMBER OF LOTS IN SUBDIVISION: 3
 NET ACREAGE INCLUDED IN LOTS: 1.81AC
 NO OPEN SPACE REQUIRED
 5,000 SF MINIMUM LOT AREA

ZONED : RM-2 CONCORD PRESENT
 SETBACKS:

FRONT: ROBERTA RD 25'
 REAR: 25'
 SIDE: 10'
 MAXIMUM BUILDING HEIGHT: 35'

ACCESSORY STRUCTURE SETBACKS:
 REAR: 5'
 SIDE: 5'

ZONED : RV-CD CONCORD PROPOSED
 SETBACKS:

FRONT: ROBERTA RD-NEW R/W 24'
 REAR: 5'
 SIDE: 7'
 MAXIMUM BUILDING HEIGHT: 35'

ACCESSORY STRUCTURE SETBACKS:
 REAR: 5'
 SIDE: 5'

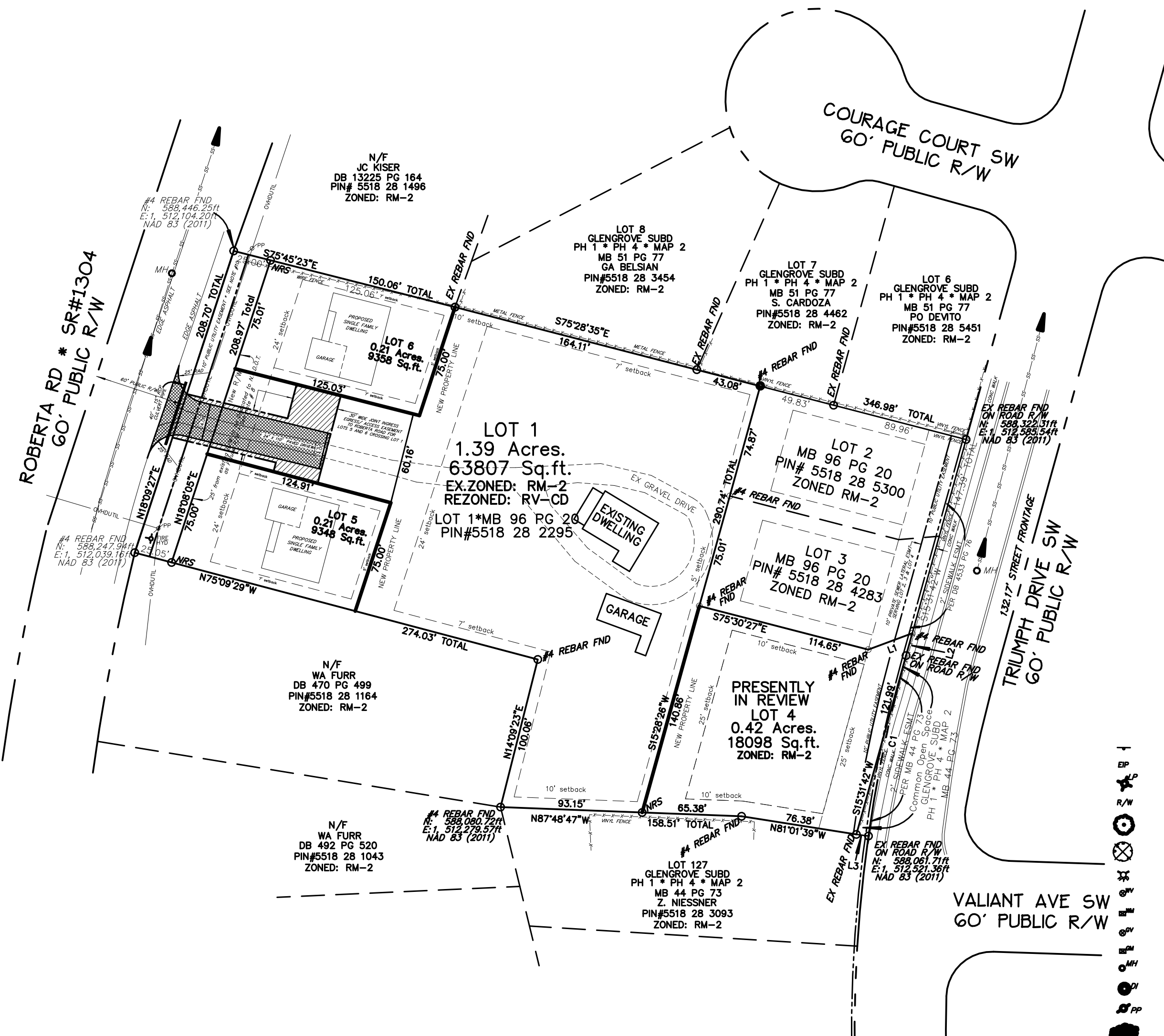
EXISTING STRUCTURES: 1
 PROPOSED STRUCTURES: 2
 TOTAL STRUCTURES: 3

USE: SINGLE FAMILY RESIDENTIAL

TOTAL UNITS PER ACRE (UPA)
 ALLOWED IN RV ZONING: 8
 TOTAL UNITS PER ACRE (UPA)
 CALCULATED AS FOLLOWS:
 TOTAL UNITS: 3
 TOTAL AREA: 1.81AC
 PROPOSED SITE: 1.66 UPA

NOTES:

- PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS-OF-WAY OR EASEMENTS NOT OBSERVED.
- LOT 1 HAS ACCESS TO ROBERTA ROAD. LOTS 2,3 & 4 HAVE ACCESS TO TRIUMPH DRIVE ONLY.
- IRON PINS ARE AT ALL CORNERS UNLESS OTHERWISE NOTED
- BOUNDARY PREDICATED BY MONUMENTS FOUND AND RECORD INFORMATION AS SHOWN.
- AREAS DETERMINED BY THE COGO CALCULATION METHOD.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT THEREFORE OTHER EASEMENTS OR ENCUMBRANCES MAY EXIST THAT WERE NOT OBSERVED BY THIS SURVEYOR.
- THE BEARING AND DISTANCES SHOWN HEREON ARE GROUND, NAD 83 (2011 ADJUSTMENT) BASED UPON THE NORTH CAROLINA GEODETIC STATE PLANE COORDINATE SYSTEM. THIS INFORMATION WAS TAKEN FROM A GPS OBSERVATION ON SEPTEMBER 21, 2022 USING A SP 80 IN CONJUNCTION WITH THE N.C.G.S., V.R.S. AND BASED ON THE C.O.R.S.
- THE FUTURE R/W ALONG THIS SECTION OF ROBERTA ROAD IS 110'. THE EXISTING R/W WIDTH IS 60' (30' FROM CENTERLINE) THEREFORE HALF THE DIFFERENCE BETWEEN EXISTING AND FUTURE R/W, WHICH IS 25' IS BEING DEDICATED AS FUTURE R/W BY THIS PLAT.
- NO PART OF THIS PROPERTY IS LOCATED IN A ZONE "AE" SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION: F.I.R.MAP:3701551800K, EFFECTIVE DATE: 11/16/2018
- THE 10' UTILITY EASEMENT SHOWN ALONG ROBERTA ROAD AND TRIUMPH DRIVE SW ARE FOR FUTURE UTILITIES AS NEEDED.
- THE PUPPOSE OF THIS PLAT IS TO SHOW PROPOSED LAY OUT FOR NEW DEVELOPMENT AFTER REZONING TO RC



LEGEND

- | | | |
|-----------------------------|---------------------------------|-------------------------------------|
| EXISTING SIGN | EXISTING PROPERTY LINE | PROPOSED PROPERTY LINE |
| EXISTING IRON PIN | EXISTING PROPERTY LINE SURVEYED | EXISTING PROPERTY LINE NOT SURVEYED |
| EXISTING LIGHT POLE | EXISTING CURB AND GUTTER | EXISTING FENCE |
| RIGHT-OF-WAY | EXISTING TREE | EXISTING UNDERGROUND ELECTRIC LINE |
| EXISTING TREE | EXISTING TREE TO BE REMOVED | EXISTING OVERHEAD POWER LINE |
| EXISTING TREE TO BE REMOVED | EXISTING FIRE HYDRANT | EXISTING UNDERGROUND TELEPHONE LINE |
| EXISTING FIRE HYDRANT | EXISTING WATER VALVE | EXISTING SANITARY SEWER LINE |
| EXISTING WATER VALVE | EXISTING WATER METER | EXISTING WATER LINE |
| EXISTING WATER METER | EXISTING GAS VALVE | EXISTING GAS LINE |
| EXISTING GAS VALVE | EXISTING GAS METER | SETBACK LINE |
| EXISTING GAS METER | EXISTING SEWER MANHOLE | EXISTING SPOT ELEVATION |
| EXISTING SEWER MANHOLE | EXISTING STORM MANHOLE | EXISTING CROSS WALK POLE |
| EXISTING STORM MANHOLE | EXISTING UTILITY POLE | EXISTING SIGNAL POLE |
| EXISTING UTILITY POLE | EXISTING RIP RAP | EXISTING CLEANOUT |
| EXISTING RIP RAP | | EXISTING TELEPHONE PED. |

PROPOSED DEVELOPMENT SKETCH FOR REZONING
4349 ROBERTA ROAD
 DB 16212 PG 157 * PIN# 5518 28 2295
 LOT 1 * MB 96 PG 20
 SURVEY FOR & OWNED BY:
ROSS BROTHERS PROPERTIES, LLC
 210 OAK AVE, KANNAPOLIS, NC 28081



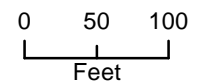
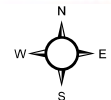
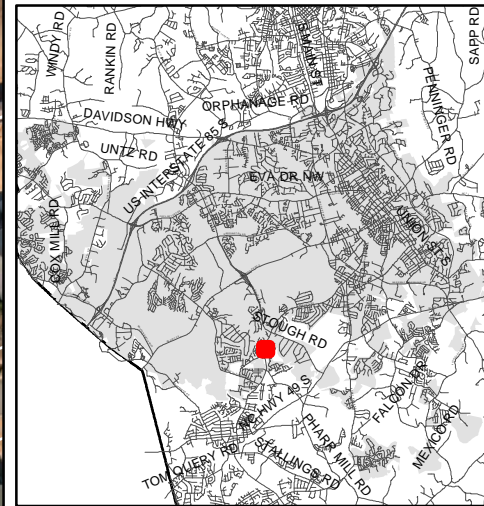
DEVELOPERS CONTACT:
 ROSS BROTHERS PROPERTIES LLC
 210 OAK AVENUE
 KANNAPOLIS NC 28081
 704 415-7037

DATE: JULY 2024	HARRISBURG SURVEYING	DRAWN BY: SDG
SCALE: 1" = 60'		COMP BY: JTW
TOWNSHIP NO. 2: CITY OF CONCORD	HARRISBURG SURVEYING	REVISION #1: 7/18/2024 CHANGED PROP. ZONING TO RV-CD
COUNTY: CABARRUS		DEUT. V: 27-17/PROV. V: 22-28 115 Plaza Dr Harrisburg, N.C. (704)-455-9553 PHONE http://www.harrisburgsurveying.com
STATE: NORTH CAROLINA		MSCAD3.1: 220901 JULY 2024 REZONING

**Z(CD)-09-24
AERIAL**

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

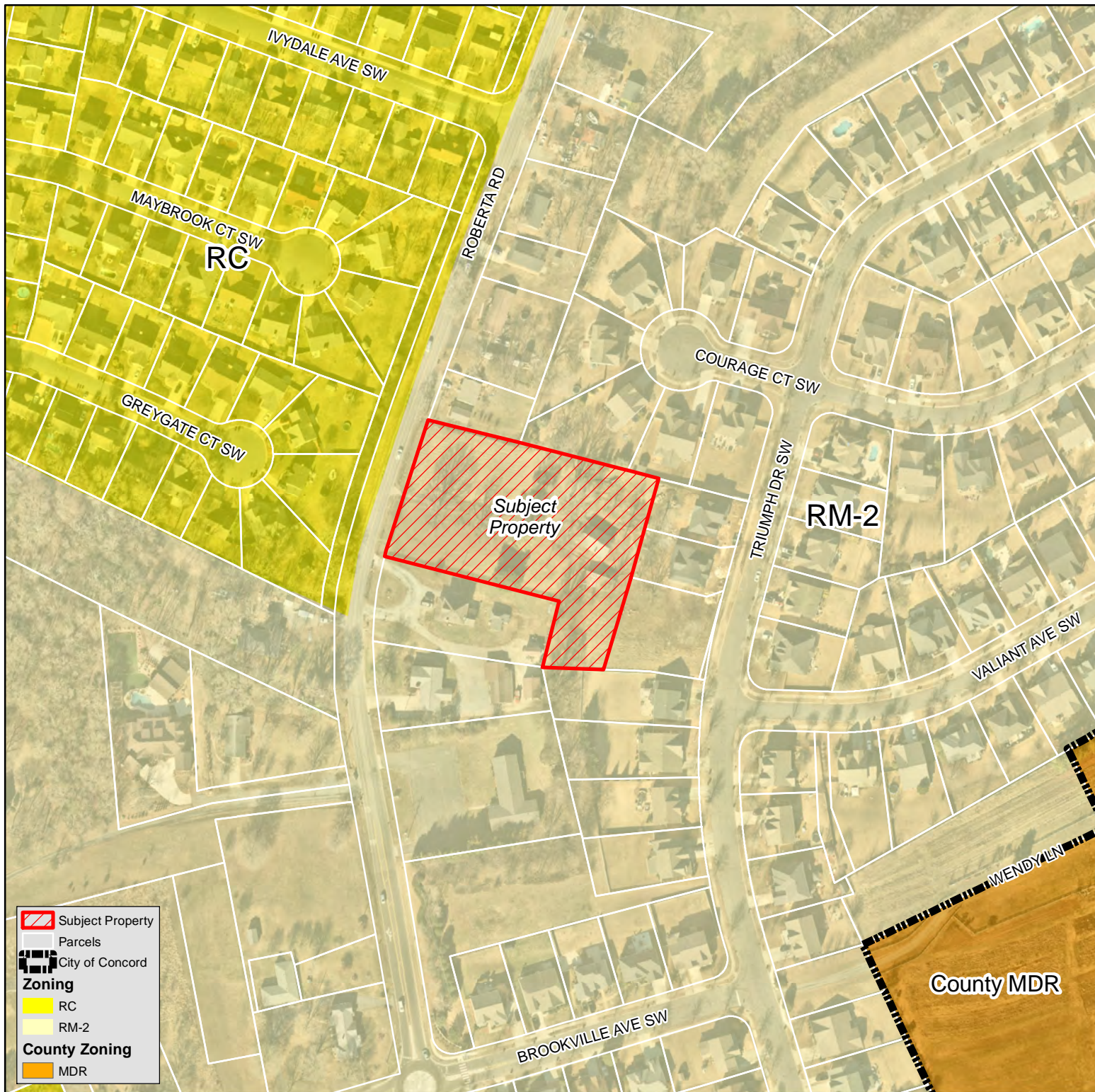
4349 Roberta Rd
PIN: 5518-28-2295 (part of)





**Z(CD)-09-24
ZONING**


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

4349 Roberta Rd
PIN: 5518-28-2295 (part of)





 Subject Property

 Parcels


 City of Concord

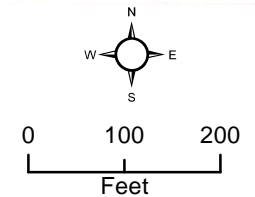
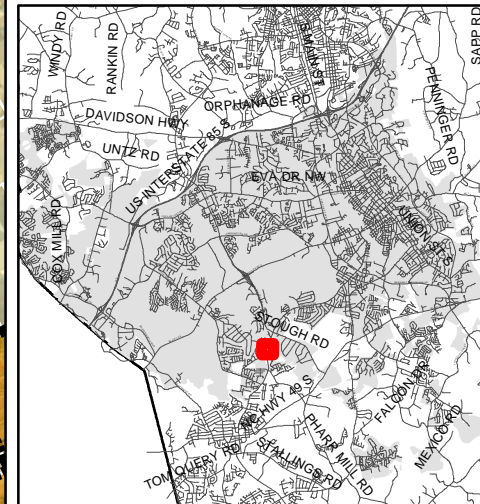
Zoning

 RC

 RM-2

County Zoning

 MDR



**Z(CD)-09-24
LAND USE PLAN**

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

4349 Roberta Rd
PIN: 5518-28-2295 (part of)

