



DATE: June 18, 2019

CASE #: Z (CD)-10-19

ACCELA #: CN-RZZ-2019-0006

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

APPLICANT: William Niblock

OWNER: William Niblock

LOCATION: 3330 Eva Drive

PIN#s: PINs: 5611-21-5289 and 5611-21-7209

AREA: +/- 19.38 acres

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

PREPARED BY: Kristen Boyd-Sullivan, Senior Planner

BACKGROUND

The subject property consists of two (2) parcels, totaling approximately 19.38 acres on the north side of Eva Drive, northeast of the intersection of Poplar Tent Road and Eva Drive NW. The subject property was annexed on December 31, 1995 and is currently zoned RM-2 (Medium Density Residential). The owner of the property, Niblock Homes LLC, previously submitted a preliminary plat to develop a 30 lot single-family subdivision by right (Kensley Subdivision) which was approved by the Planning and Zoning Commission on May 15, 2018 (S-01-18). The owner has now submitted an application to rezone the property to RV-CD (Residential Village-Conditional District) for the sole purpose of setback reduction. The registered agent for Niblock Homes, LLC is William T. Niblock.

SUMMARY OF REQUEST

Following the approval of the Kensley Subdivision preliminary plat, the developer expressed concerns regarding the width of the proposed homes meeting the required 10 foot side yard setbacks as required within RM-2 zoning. The applicant seeks to amend the zoning to Residential Village Conditional District (RV-CD) to allow for a reduction in the side setbacks from 10 feet (RM-2 standard) to 7 feet (RV standard). Additionally, RV zoning standards require a 24 foot front setback (may be reduced to 20 feet if the garage is recessed by 4 feet) versus a 25 foot front

setback as required in RM-2 . Therefore, amending the zoning from RM-2 to RV-CD will allow for the desired setbacks. As a condition, the applicant has agreed to keep the density consistent with RM-2 zoning (4 units per acre versus 8 units per acre which is allowable within RZ zoning), and to keep the subdivision layout, lot size, open space, landscape buffers and utilities consistent with the previously submitted preliminary plat. Lot sizes and dimensions will remain consistent with RM-2 zoning standards; only the setbacks will be consistent with RV zoning standards.

The Kensley Subdivision is located within an area of single-family detached residential neighborhoods ranging from 10,000 square foot lots in the Hidden Pond Subdivision to the west RM-2 (Residential Medium Density Residential), to two (2) acre lots to the north in the Zemosa Acres Subdivision RL (Residential Low Density Residential). There is a 22.34 acre vacant parcel directly to the north of the subject property as well as one (1) +/- five (5) acre vacant parcel to the east. A +/- five (5) acre parcel to the east contains one (1) single-family detached home.

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	
Residential Medium Density (RM-2)	North	Residential Medium Density (RM-2), Residential Low Density (RL)	Four (4) Single-Family detached homes, outbuilding, Vacant	North	Vacant, Single-Family
	South	Residential Medium Density (RM-2)		South	Single-Family
	East	Residential Medium Density (RM-2)		East	Vacant, Single-Family
	West	Residential Medium Density (RM-2), Residential Village (RV-CD)		West	Single-Family

COMPLIANCE WITH 2030 LAND USE PLAN

The 2030 LUP designates the subject property as “Suburban Neighborhood.” This land use category allows for a variety of housing types stating, “*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*”.

Guidance specific to the Suburban Neighborhood specifies that the RV (Residential Village) is a corresponding zoning classification and advises that development should include:

- *Internal/external pedestrian connectivity is important in Suburban Neighborhoods.*
- *Houses are typically oriented internally to the neighborhood and are often buffered from surrounding development.*
- *Uses tend to be more auto-oriented, though bicycle/pedestrian connectivity between neighborhoods and to nearby neighborhood commercial areas are important.*

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 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.*

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately 19.38 acres.
- The subject property was voluntarily annexed on December 31, 1995.
- The proposed zoning amendment is consistent with the 2030 Land Use Plan (LUP) as RV (Residential Village) and conditional district variations are considered corresponding zoning districts to the land use category. Single family areas that are formed as subdivisions or communities with a relatively uniform housing type and density, similar to the subject request, are already present in this area. The approved preliminary plat and the proposed site plan associated with this rezoning are visibly consistent with the lot sizes and dimensional standards of the existing surrounding neighborhoods.
- The zoning amendment is reasonable and in the public interest as it does not change the underlying dimensional standards and density of the RM-2 zoning district other than setbacks. As the proposed subdivision could be developed in the same configuration by right, the request will not modify the general character of the area.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the request consistent with the 2030 Land Use Plan. The plan also meets the requirements of the Concord Development Ordinance. 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.”

In the event that the Commission approves the petition, staff recommends the following conditions:

1. Substantial compliance with the “Kensley Subdivision” Preliminary Plat administratively approved May 15, 2018.
2. Revised Preliminary Plat and technical site plan approval shall be required demonstrating compliance with the original Plat including the revised setbacks.

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: William Niblack
759 Concord Parkway N Suite 20 Concord NC 28027
wniblack@niblackhomes.com 704-634-9756

Owner Name, Address, Telephone Number: Eva Drive Development LLC
759 Concord Parkway N Suite 20 Concord NC 28027
wniblack@niblackhomes.com 704-634-9756

Project Location/Address: Eva Drive

P.I.N.: 5611-21-3389 (5611-21-5289 & 5611-21-7209)

Area of Subject Property (acres or square feet): 19.38 ac

Lot Width: 514' Lot Depth: 1286'

Current Zoning Classification: RM-2

Proposed Zoning Classification: RV CD

Existing Land Use: Single Family Residential

Future Land Use Designation: Single Family Residential

Surrounding Land Use: North RM-2 South RM-2

East RM-2 West RM-2

Reason for request: Reduction of side setbacks from
10' to 7'

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

Staff member signature: [Signature] Date: 5/8/19

THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

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

Single Family Residential

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 sole reason for this rezoning request is to reduce the side set backs from 10' to 7' to enable Nibloch Homes to build wider floor plans. Applicant agrees to abide by all other requirements of the current RM-2 Zoning.

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] *5/5/19*
 Signature of Applicant Date

Eva Avine Development LLC
[Signature] *5/5/19*
 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: 5/15/19

Applicant Signature: [Signature]

Property Owner or Agent of the Property Owner Signature:
Era Wine Development LLC by [Signature]



Subject Property Map

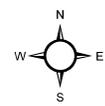
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(PINs 5611-21-5289 and 5611-21-7209)



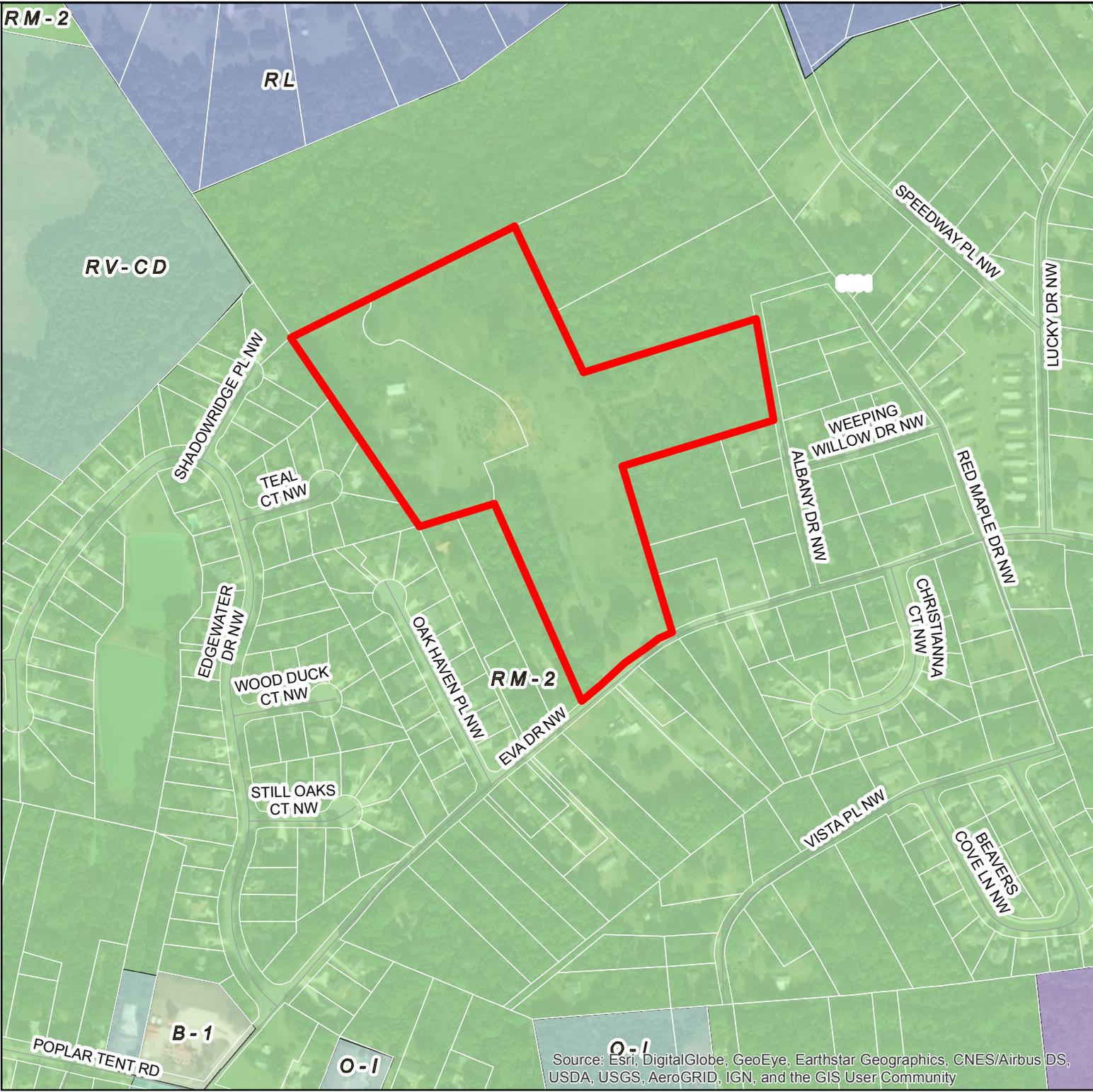
Source: City of Concord Planning Department

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



Zoning Property Map

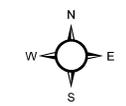
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Land Use Map

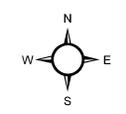
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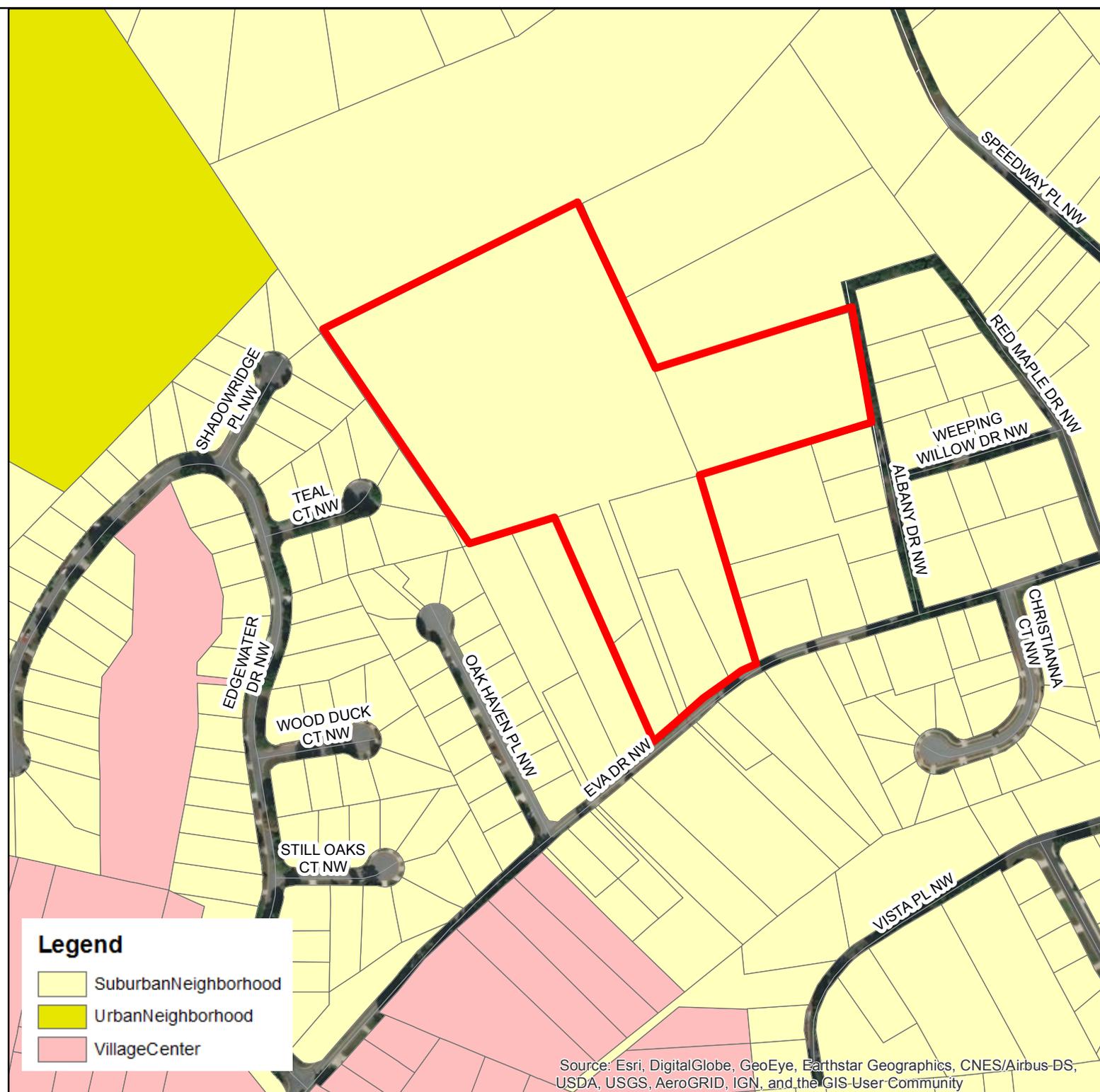
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Legend

- SuburbanNeighborhood
- UrbanNeighborhood
- VillageCenter

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

