



Staff Report

Planning and Zoning Commission

DATE: November 19, 2024

REZONING CASE #: Z(CD)-13-24

ACCELA: CN-RZC-2024-00009

DESCRIPTION: Zoning Map Amendment
RC (Residential Compact) to C-1-CD (Light Commercial and Office Conditional District)

APPLICANT/OWNER: Jacob Jordan

LOCATION: 1089 Gaither Pl NW

PIN#: 5611-75-1678

AREA: +/- 0.23 acres

ZONING: RC (Residential Compact)

PREPARED BY: Fred Womble, Senior Planner

BACKGROUND

The subject property consists of one (1) parcel comprising +/- 0.23 acres on the south side of Davidson Hwy near the intersection of Central Dr NW. The property currently has one single-family residential building.

To the north of the property the zoning is RC (Residential Compact) and I-1 (Light Industrial) and the properties are vacant or single-family residential. The adjacent properties to the south and east are RC (residential compact) with single-family residences. To the west, the properties are zoned C-2 (General Commercial) and RC (Residential Compact) and contain auto sales and single family residences.

HISTORY

The property was annexed into the City effective June 30, 1992, as part of an involuntary annexation spanning from Davidson Hwy to Interstate 85. Jacob Jordan acquired the property by deed recorded in the Cabarrus County Register of Deeds Book 15564 Page 0331 on October 11, 2021. The petitioner applied to rezone the property to C-2 (conventional) but that petition was denied by Council in April 2023, citing concerns relative to potential future uses.

SUMMARY OF REQUEST

The applicant is requesting to rezone the subject property from RC (Residential Compact) to C-1-CD (Light Commercial and Office – Conditional District) for a small office space. No retail uses are proposed with this petition.

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	
RC (Residential Compact)	North	RC (Residential Compact) and I-1 (Light Industrial)	Residential	North	Vacant and Industrial
	South	RC (Residential Compact)		South	Single-family residential
	East	RC (Residential Compact)		East	Single-family residential
	West	C-2 (General Commercial) and RC (Residential Compact)		West	Commercial

COMPLIANCE WITH 2030 LAND USE PLAN

The 2030 Land Use Plan (LUP) designates the subject property as “Urban Neighborhoods (UN).” C-1 (Light Commercial and Office) is *listed* as a corresponding zoning district to the “Urban Neighborhoods” land use category, and therefore is consistent with the land use plan.

The corresponding zoning districts for the “Urban Neighborhoods” land use category are RM-1 (Residential Medium Density), RM-2 (Residential Medium Denisty), RV (Residential Village), RC (Residential Compact), PRD (Planned Residential Development District), C-1 (Light Commercial and Office), PUD (Planned Unit Development), TND (Traditional Neighborhood Development), and O-I (Office-Institutional), and R-CO (Residential County Originated)

From the 2030 Land Use Plan – “Urban Neighborhoods” (UN)

The Urban Neighborhood (UN) Future Land Use category includes a mix of moderate- to high-density 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. Drive-through 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.

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.

- *Monitor Land Use: Monitor existing, approved and planned land uses and compare development capacities with projected demands for all types of residential and non-residential development. The Future Land Use Map should provide adequate land to meet projected demands and provide market flexibility throughout the City.*

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

Support business expansion and job creation initiatives.

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately +/- 0.23 acres and currently zoned RC (Residential Compact).
- The subject property was annexed into the City effective June 30, 1992.
- The proposed zoning is consistent with the 2030 Land Use Plan (LUP) as C-1 (Light Commercial and Office) is a corresponding zoning classification to the Urban

Neighborhood 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 character of the surrounding land uses.

OR

- The zoning amendment is not reasonable and in the public interest as it is not complementary to the use, design and character of the surrounding land uses.

SUGGESTED RECOMMENDATION AND CONDITIONS

1. Compliance with “Rezoning Site Plan,” sheet number RZP-001, dated 8/27/24.
2. Applicant to provide a 2-foot sidewalk easement behind sidewalk on Gaither Pl NW for City maintenance.
3. Use shall be limited to general office purposes only.
4. If signage is desired, applicant shall apply for a sign permit separately from this approval.
5. Technical site plan review and approval is required including all approvals from outside local, state and federal agencies.
6. 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.

 N/A

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.



Application for
Zoning Map Amendment

(Please type or print)

Applicant Name, Address, Telephone Number and email address: _____

JACOB JORDAN, 1089 GAITHER PL NW, CONCORD, NC 28027

304-888-9430; JACOBJORDAN98@GMAIL.COM

Owner Name, Address, Telephone Number: _____

JACOB JORDAN, 1089 GAITHER PL NW, CONCORD, NC 28027

304-888-9430; JACOBJORDAN98@GMAIL.COM

Project Location/Address: 1089 GAITHER PL NW, CONCORD, NC 28027

P.I.N.: 5611751678000

Area of Subject Property (acres or square feet): 0.23 AC

Lot Width: 50 Lot Depth: 270.8

Current Zoning Classification: RC

Proposed Zoning Classification: C1-CD

Existing Land Use: RESIDENTIAL

Future Land Use Designation: URBAN NEIGHBORHOOD

Surrounding Land Use: North C-2 South RC

East RC West C-2

Reason for request: _____

Has a pre-application meeting been held with a staff member? DRC MEETING ON 6/20/24

Staff member signature: _____ Date: _____



THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

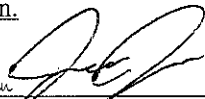
(Please type or print)


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

THE EXISTING RESIDENTIAL STRUCTURE WILL BE CONVERTED INTO A SMALL OFFICE SPACE.

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.

Signed by:  8/24/2024
 Signature of Applicant Date

Signed by:  8/24/2024
 Signature of Owner(s) Date




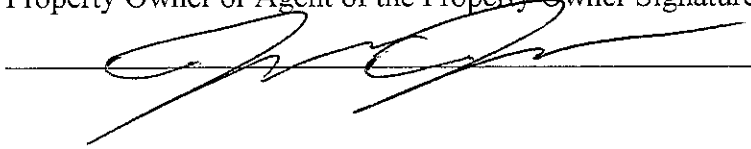
Application for
Zoning Map Amendment

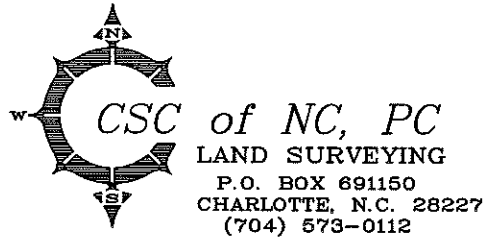
Certification

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: 8/24/2024

Applicant Signature: Signed by: *Jacob Jordan* 

Property Owner or Agent of the Property Owner Signature:  Signed by: *Jacob Jordan*



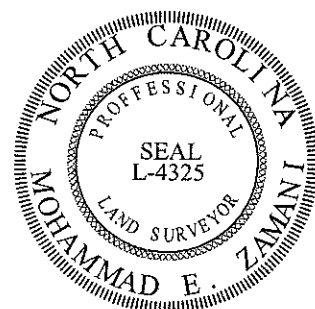
MARCH 8, 2023

All that certain portion of, parcel or lot of land, lying and being in city of Concord, Cabarrus County, State of North Carolina, being more fully shown as designated on a boundary survey by CSC of NC, PC surveyors, dated March 8, 2023, and having the following metes and bounds, to wit:

BEGINNING AT IRON PIN SETTING ON PUBLIC RIGHT-OF-WAY OF GAITHER PLACE NW COMMON CORNER WITH N/F FRANCES M FORNEY AND BEEING 106.0' FROM INTERSECTION OF DAVIDSON HWY AND RUNNING ALONG RIGHT-OF-WAY OF GAITHER PL NW S 20°01'15"W FOR A DISTANCE OF 200.00' TO A IRON PIN , THENCE TURNING ALONG PROPERTY LINE OF N/F FRANCES M FORNEY N72°30'00"W FOR A DISTANCE OF 50.00' TO A IRON PIN AND THENCE TURNING ALONG PROPERTY OF N/F CSL N.C.SYSTME LP N20°01'15"E FOR A DISTANCE OF 200.00' TO A IRON PIN THENCE, TURNING ALONG THE PROPERTY LINE OF N/F FRANCES M FORNEY S72°30'00"E FOR A DISTANCE OF 50.00' TO POINT OF BEGINNING AND CONTAINING 0.23 ACRES. SAID PROPERTY AS DESCRIBED MAY BE SUBJECT TO ANY EASEMENT OR RIGHT-OF-WAYS.

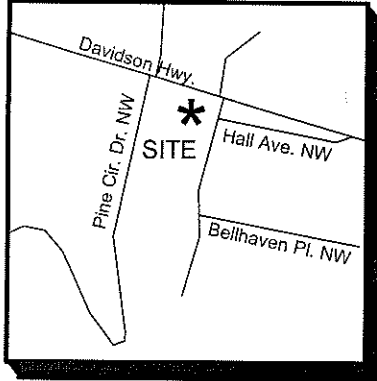
Mohammad E. Zamani PRLS L-4325

FIRM LICENSE NO. C-2350

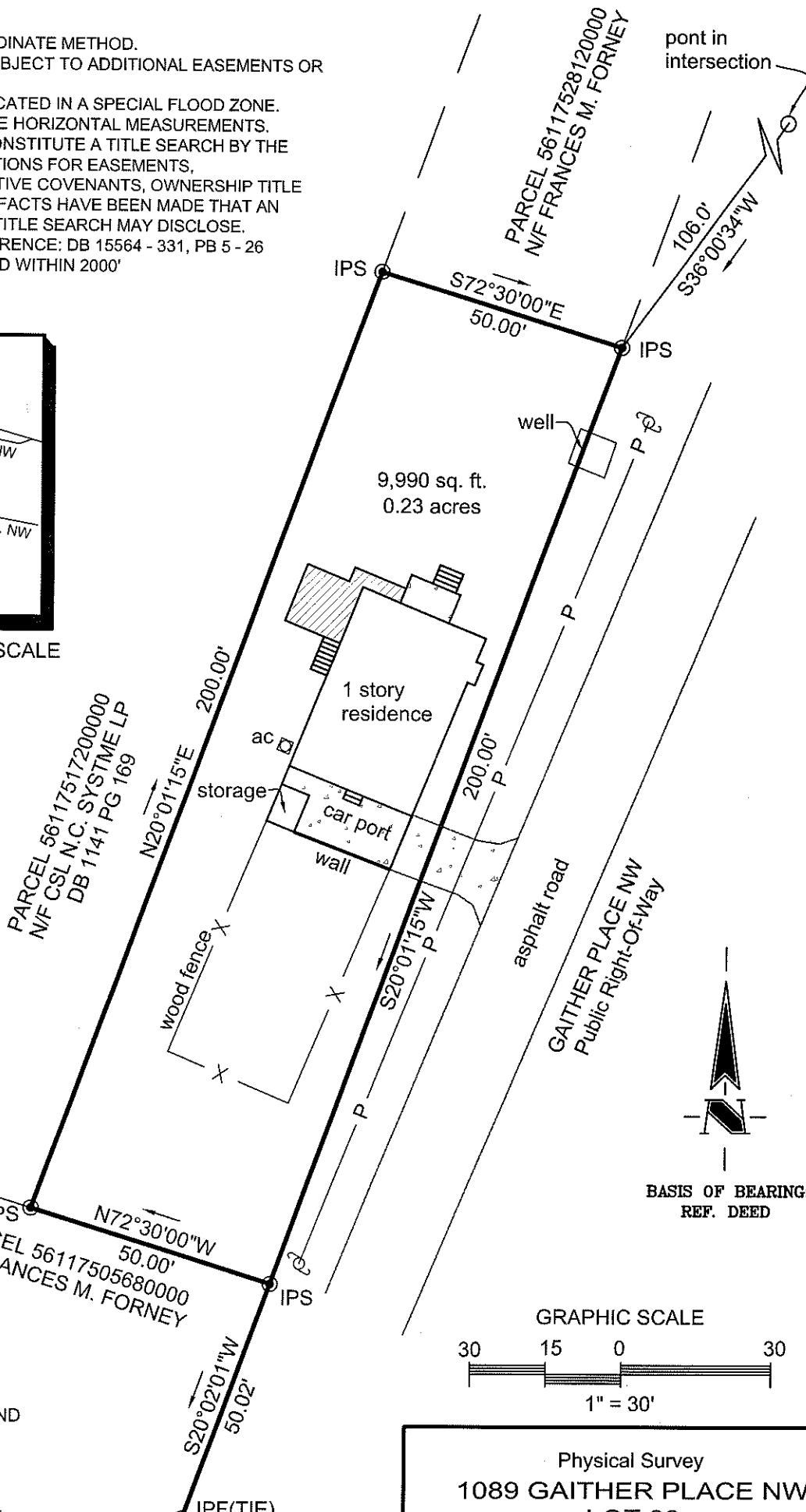


NOTES:

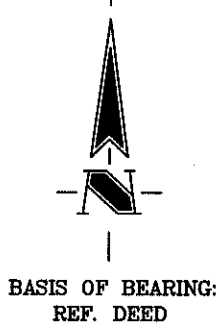
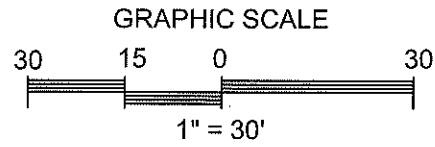
1. AREA COMPUTED BY COORDINATE METHOD.
2. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS OR RIGHT-OF-WAYS.
3. SUBJECT TRACT IS NOT LOCATED IN A SPECIAL FLOOD ZONE.
4. ALL DISTANCES SHOWN ARE HORIZONTAL MEASUREMENTS.
5. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. NO INVESTIGATIONS FOR EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS HAVE BEEN MADE THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
6. PARCEL: 041100006.00, REFERENCE: DB 15564 - 331, PB 5 - 26
7. NO NCGS MONUMENT FOUND WITHIN 2000'



VICINITY MAP NOT TO SCALE



- LEGEND
- IPF IRON PIN FOUND
 - IPS IRON PIN SET
 - ⊙ POWER POLE
 - P- POWER LINE
 - ⚡ NOT TO SCALE



I, MOHAMMAD E. ZAMANI, certify that this plat was drawn under my supervision from an actual survey made under my supervision; that the ratio of precision as calculated is 1:10,000. Witness my original signature, registration number and seal this 8 day of MARCH, A.D., 2023

(Signature)
 Surveyor Registration Number L-4325

Physical Survey
 1089 GAITHER PLACE NW
 LOT 30
 MR. B.L. UMBERGER ESTATE
 No. 4 TOWNSHIP,
 CABARRUS COUNTY, NORTH CAROLINA

PREPARED FOR:
 JACOB ANDREW JORDAN

CSC of NC, PC
 P.O. BOX 691150
 CHARLOTTE, N.C. 28227
 (704) 573-0112
 FIRM LICENSE No. C-2350

DATE: MARCH 8, 2023	JOB No.: CH2599-03-23	DRAWN BY: MS
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SITE PLAN NOTES

1. THIS SITE PLAN WAS PREPARED BASED UPON INFORMATION INCLUDING GIS, PUBLICLY AVAILABLE DATA, AND FIELD SURVEYING.
2. THIS SITE PLAN IS NOT INTENDED TO AND SHOULD NOT BE UTILIZED AS A CONSTRUCTION DOCUMENT.
3. NO PERSONS WILL RESIDE AT THE SITE. THE SITE WILL BE USED FOR COMMERCIAL PURPOSES ONLY.

PERMITTED USES:

- IF PERMITTED THE FOLLOWING USES WOULD BE PERMITTED UNDER THE NEW APPROVAL.
- GENERAL OFFICE
 - RESIDENTIAL
 - RETAIL SALES AND SERVICES
 - RESTAURANTS

OWNER INFORMATION

NAME	JACOB A. JORDAN
EMAIL	JACOB@JORDAN88@GMAIL.COM
PHONE	(919) 888-9430

SITE DATA TABLE

ADDRESS	1089 GATHER PL NW, CONCORD NC, 28027
JURISDICTION	CITY OF CONCORD
COUNTY	CABARRUS
PARCEL NUMBER	561115-1679-0000
EXISTING ZONING	RC
PROPOSED ZONING	C-(M)D
SITE AREA	40,2401 AC
EXISTING BUILDING AREA (GFA)	4888 GFA
MAXIMUM IMPERVIOUS (%/IN)	47.261 SF
EXISTING IMPERVIOUS AREA (TO REMAIN)	43,000 SF
MAX BUILDING HEIGHT - 48'	EXISTING BUILDING HEIGHT IS APPROXIMATELY 14' 11"

STRUCTURE SETBACK

FRONT	10'-0"
SIDE	N/A
REAR	N/A

BUFFER YARD

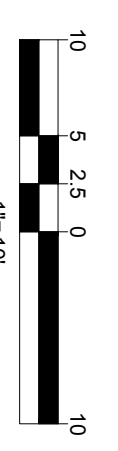
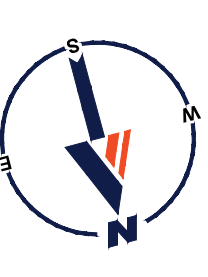
BUFFER TYPE-ADJACENT TO RESIDENTIAL (631 LF)	15' TYPE B
2 ORNAMENTAL TREES PROVIDED DUE TO OVERHEAD UTILITY LINE CONFLICTS	8' LEVEL 3
STREET YARD	EXISTING TREES TO SATISFY REQUIREMENT
REAR	2 EXISTING TREES TO REMAIN TO OVERHEAD UTILITY LINE CONFLICTS

PARKING REQUIREMENTS

MINI PARKING REQUIREMENT	1 SPACE PER 1,000 SF
PARKING PROVIDED	4888 SF / 1,000 = 48 OR 1 PARKING SPACE
BI-CYCLE PARKING (TWO INVERTED U BIKE RACKS @ 2 SPACES PER RACK)	5 SPACES INCLUDING 1 ADA SPACE
4 SPACES PLUS 115,000SF GFA PER 10,417	4 BI-CYCLE PARKING SPACES PROVIDED (TWO INVERTED U BIKE RACKS @ 2 SPACES PER RACK)

PLANT SCHEDULE

CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
4		CERISES ORNAMENTAL TREES (EASTERN REDBUD)		2" CAL.	BB8



BOHLER

BOHLER ENGINEERING NC, PLLC

SITE CIVIL AND CONSULTING ENGINEERING

PROGRAM MANAGEMENT
 LAND SURVEYING
 LANDSCAPE ARCHITECTURE
 SUSTAINABLE DESIGN
 PERMITTING SERVICES
 TRANSPORTATION SERVICES

THE INFORMATION, DESIGN AND CONTENT OF THIS PLAN ARE PROPRIETARY AND SHALL NOT BE COPIED OR USED FOR ANY PURPOSE WITHOUT PROOF WRITTEN AUTHORIZATION FROM BOHLER. ONLY APPROVED REVISED AND SCALED PLANS SHALL BE UTILIZED FOR CONSTRUCTION PURPOSES.
 © BOHLER

REVISIONS

REV	DATE	COMMENT	STATUS
1	10/24	PER DRC COMMENTS	AF
2	10/24	PER STAFF COMMENTS	AF
3	10/17/24	COMMENTS	AF

811
 Know before you dig.
 Call before you dig.
 ALWAYS CALL 811
 It's fast. It's free. It's the law.

ISSUED FOR MUNICIPAL & AGENCY REVIEW & APPROVAL

PROJECT NO.: NCA230056
 DRAWN BY: AF
 CHECKED BY: AF
 CADD: P-CIVL-8220

REZONING SITE PLAN DOCUMENTS

FOR _____
JACOB A JORDAN
 OFFICE

1089 GATHER PL NW
 CONCORD, NC 28027

BOHLER

BOHLER ENGINEERING NC, PLLC

1927 S. TRYON STREET, SUITE 310
 CHARLOTTE, NC 28203
 Phone: (980) 272-3400
 Fax: (980) 272-3401
 NC@BohlerEng.com

SHEET TITLE:
REZONING SITE PLAN

SHEET NUMBER:
RZP-001

ORG. DATE - 8/27/24

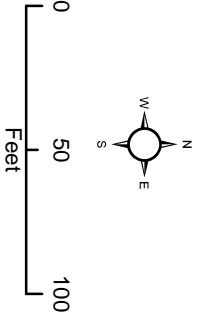


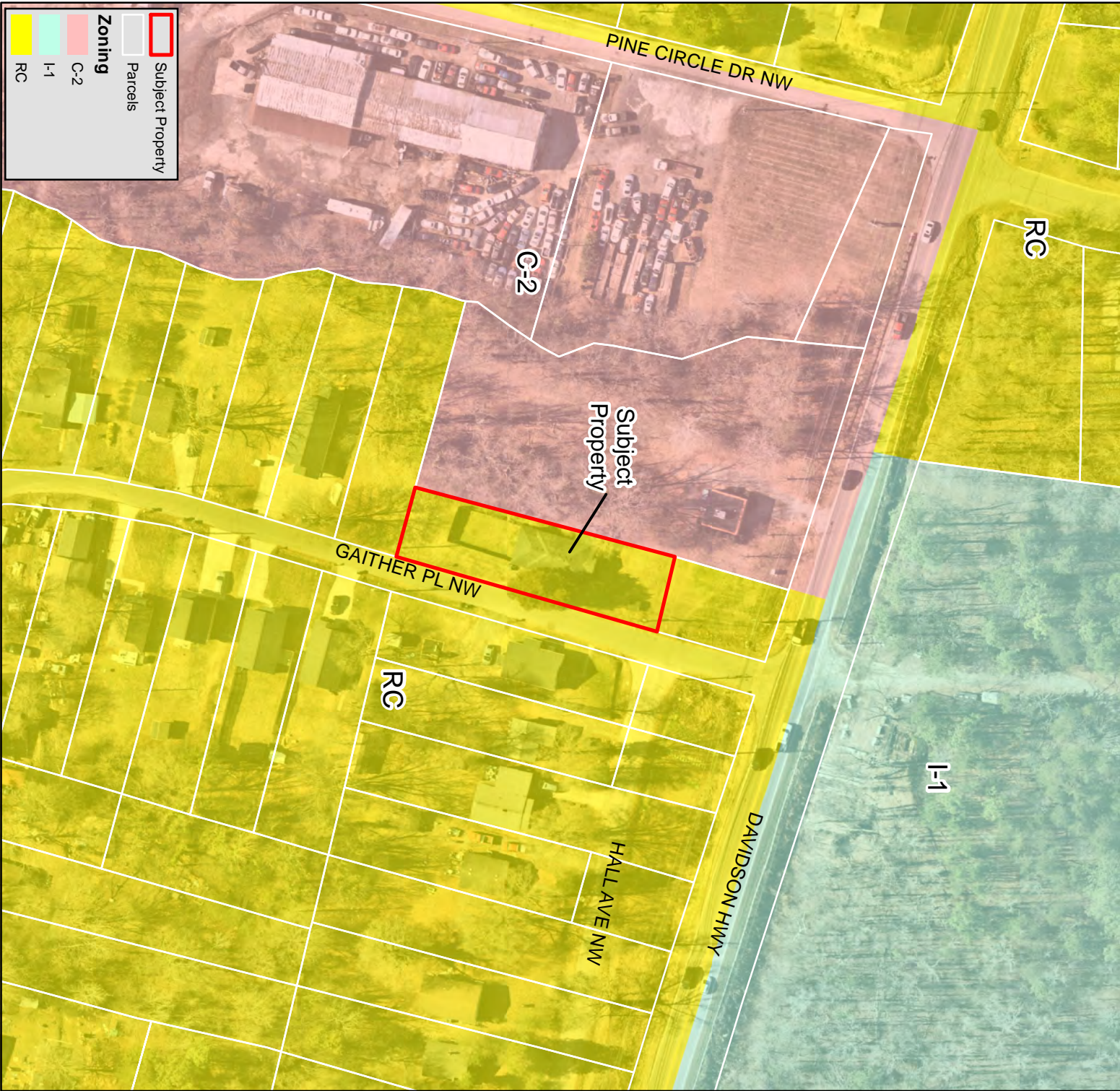
Subject Property
 Parcels

Z/CD)-13-24
AERIAL

Rezoning application
 RC (Residential Compact)
 to
 C-1-CD (General Commercial -
 Conditional District)

1089 Gaither Pl NW
 PIN: 5611-75-1678

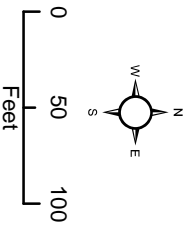


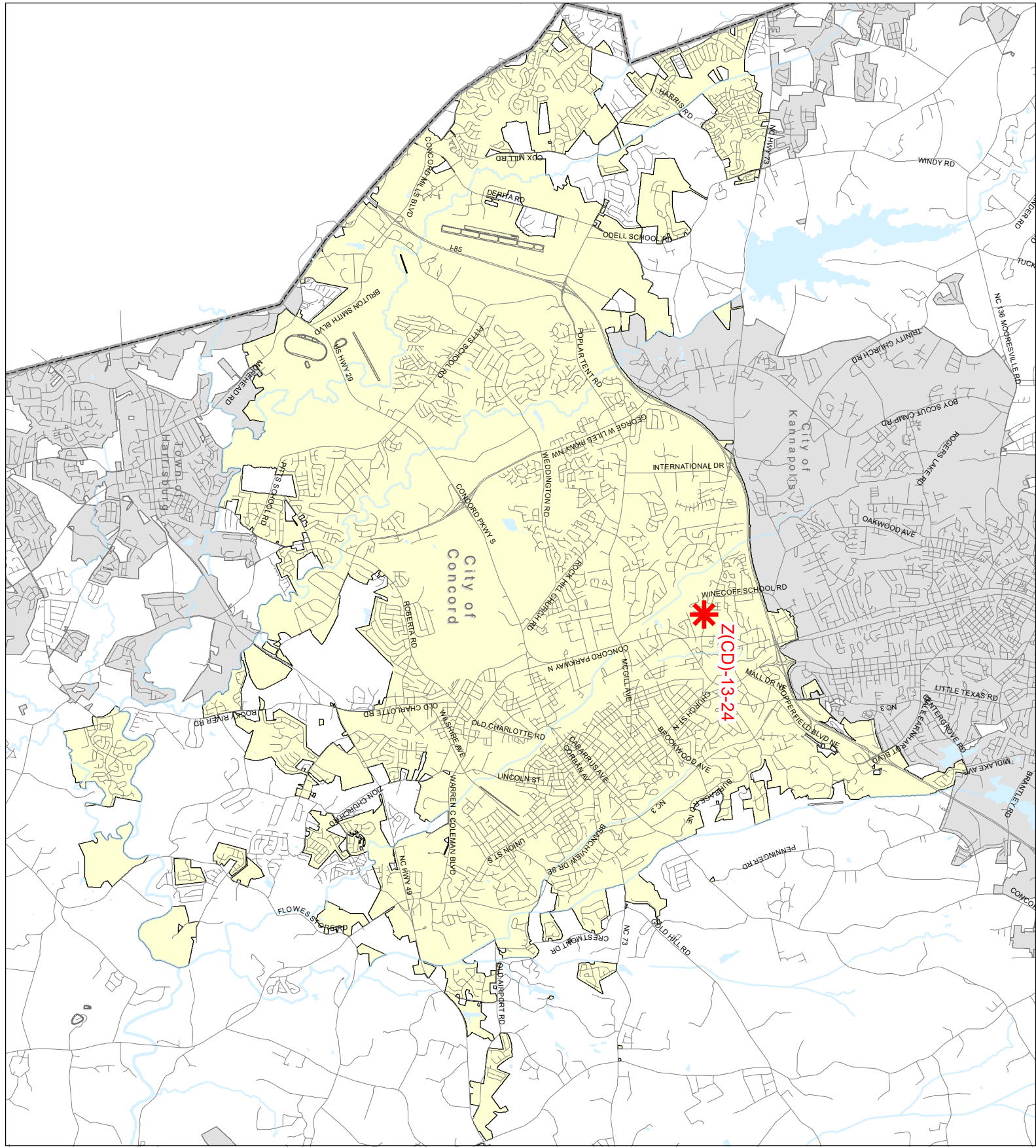


Z/CD)-13-24
ZONING

Rezoning application
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







Z(CD)-13-24

1089 Gather Pl NW

 Case Location

-  Streets
-  Lakes & Ponds
-  Rivers
-  City of Concord
-  Other Municipalities

