



DATE: January 17, 2023 (Continued from December 20, 2022)

REZONING CASE #: Z(CD)-16-22

ACCELA: CN-RZZ-2022-00009

DESCRIPTION: Zoning Map Amendment
RC (Residential Compact) to TND (Traditional Neighborhood Development – Infill)

APPLICANT/OWNER: Charles and Stephanie Stapleton

LOCATION: 164 Wilkinson Ct SE

PIN#s: 5630-18-0077, 5630-18-2007

AREA: +/- 0.953 acres

PREPARED BY: George Daniels, Senior Planner

BACKGROUND

The subject property consists of two (2) parcels comprising approximately 0.953 acres on the south side of Wilkinson Ct SE. The property is currently undeveloped.

HISTORY

The property was annexed into the City before 1932 and the earliest recorded zoning was R-4 Residential. The zoning was converted to RC (Residential Compact) with the adoption of the Unified Development Ordinance (UDO) and remained with the conversion to the Concord Development Ordinance (CDO). The property is vacant and does not appear to have ever been developed in the past. This case was previously considered on December 20, 2022, but was tabled to January to get greater clarity on revised elevations to include the garages and increased height and trash collection.

SUMMARY OF REQUEST

The applicant is requesting to rezone the subject property from RC (Residential Compact) to TND (Traditional Neighborhood Development – Infill) in order to construct eight (8) single family homes on the site. The TND zoning would allow for smaller lot sized than permitted in the RC (Residential Compact) zoning district.

The TND option is designed to permit the development of land in a manner consistent with traditional neighborhoods. Its provisions adapt the urban conventions which were normal in the United States from colonial times until the 1940's.

The TND zoning allows development either as a “greenfield” for larger parcels of raw land, or “infill” for smaller parcels in urbanized areas, such as the subject property. In October, 2016 a similar TND-infill zoning was approved on the west side of Marsh Avenue NW between Union Street North and Church Street. This zoning permitted the development of four (4) single family residences which equated to a density of 18 dwelling units per acre. The proposed density of the subject property is eight (8) units per acre. The Mixed Use Activity Center (MUAC) land use designation permits up to thirty (30) dwelling units per acre.

The surrounding zoning on all sides of the subject properties is RC (Residential Compact). The surrounding land uses are primarily residential apartments (multi-family) buildings. Directly to the east are the Colonial Heights apartment buildings which contains twenty (20) housing units. Across the street to the north is a single-story apartment building with four (4) units and two single family homes on individual lots. To the northwest further up on Wilkinson Ct SE there are twelve (12) newly constructed townhomes that back up to the downtown greenway. Directly to the west the adjacent property contains a duplex residential structure and then across Hopkins St SE there is a two-story apartment building that contains sixteen (18) units. To the south the subject property backs up to an unopened right-of-way and then to several single-family homes and a single-story apartment building that contains four (4) housing units.

The CDO specifies that TND zoning is processed as a conditional district and a site plan is required. The development will be required to match the submitted site plan, building elevations and specified conditions. A TND (Traditional Neighborhood District) is also required to have a set of restrictive covenants and a property owners association once developed.

The site plan has been reviewed by the Development Review Committee (DRC) and there are no objections to the proposed rezoning.

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)	Vacant land	North	Multi-family and single family residential
	South	RC (Residential Compact) & RM-1 (Residential Medium Density)		South	Multi-family and single family residential
	East	RC (Residential Compact)		East	Multi-family residential
	West	RC (Residential Compact)		West	Multi-family residential & single family attached

COMPLIANCE WITH 2030 LAND USE PLAN

The 2030 Land Use Plan (LUP) designates the subject property as “Mixed-Use Activity Center” for which TND (Traditional Neighborhood District) is listed as a corresponding zoning district.

From the 2030 Land Use Plan – “Mixed-Use Activity Center”:

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.

Policy Guidance:

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.

Policy guidance for Objective 1.6:

Infill Housing: Promote a variety of compatible infill housing types in areas with access to adequate facilities and services.

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.

Mixed-Density Housing: Foster a compatible mix of higher density housing types at different densities within mixed-use activity centers and village centers.

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately +/- 0.953 acres and is zoned City of Concord RC (Residential Compact)
- The subject property was annexed into the City before 1932 and the earliest recorded zoning was R-4 (Residential), later converted to RC (Residential Compact)
- The proposed zoning is consistent with the 2030 Land Use Plan (LUP) as TND (Traditional Neighborhood Development) is a corresponding zoning classification to the Mixed-Use Activity Center classification and meets the policy guidance to promote infill housing development and a mix of higher density housing types.
- 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 CONDITIONS

If approval is desired, staff recommends the following conditions:

1. Compliance with “Greenway Village Park Conditional Rezoning Plan” sheets C200CZ and C201CZ dated 1/11/2023.
2. Building elevations to be consistent in appearance and materials to the elevations submitted in the “House Scheme” document drawn by Objectechne Studio dated 1/6/2023. No exterior vinyl materials with the exception of soffit, fascia and windows. Maximum building height 39’-6”.
3. Adoption of the “Restrictive Covenants for the Greenway Village Park” document as required for TND (Traditional Neighborhood District).
4. Technical site plan review and approval is required including all approvals from outside local, state and federal agencies.

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:

Kate Underwood, 45 Spring St. SW, Concord, NC 28025
980-234-7500, kateunderwood@cesicgs.com

Owner Name, Address, Telephone Number:

Charles Stapleton and Stephanie Stapleton, 4779 Rocky River Rd., Concord,
NC 28027

Project Location/Address: 164 Wilkinson Ct. SE, Concord, NC 28025

Parcel Identification Number (PIN): 5630-18-0077, 5630-18-2007

Area of Subject Property (acres or square feet): 0.953 Acres

Lot Width: 224' Lot Depth: 186'

Current Zoning Classification: RC

Proposed Zoning Classification: TND-CD

Existing Land Use: Vacant

Future Land Use Designation: Residential

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

Reason for request:

Rezoning from RC to TND-CD

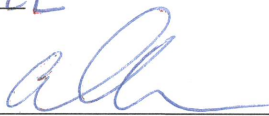
Has a pre-application meeting been held with a staff member? ___ Yes ___ No

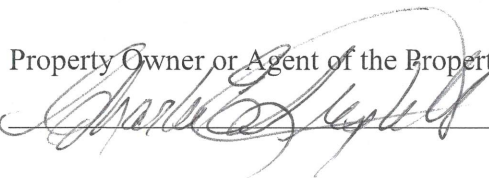
Staff member signature: _____ Date: _____

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: 14 July 2022

Applicant Signature: 

Property Owner or Agent of the Property Owner Signature: 

THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

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


Infill single family residential development

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.

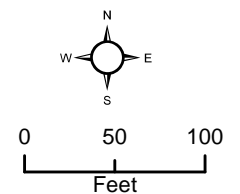
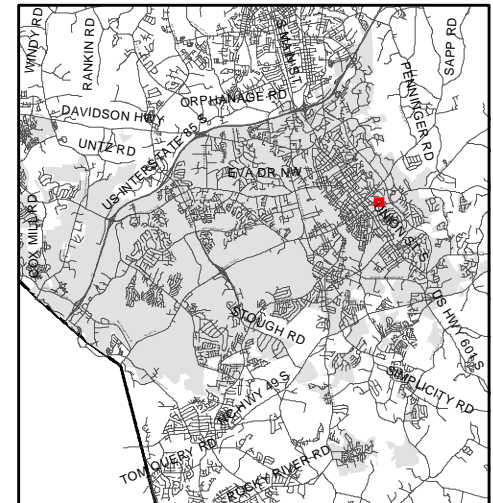

Signature of Applicant 7/14/22
Date


Signature of Owner(s) 7/14/22
Date

Z(CD)-16-22
AERIAL

Rezoning application
RC (Residential Compact)
to TND (Traditional
Neighborhood District)

164 Wilkinson Ct SE
PIN: 5630-18-0077, 5630-18-2007

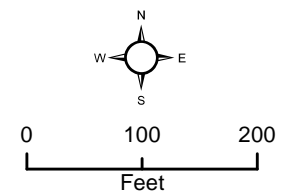
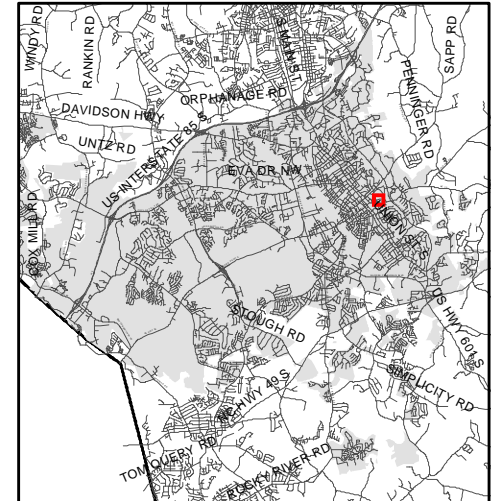
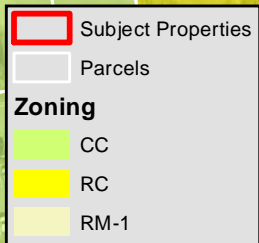
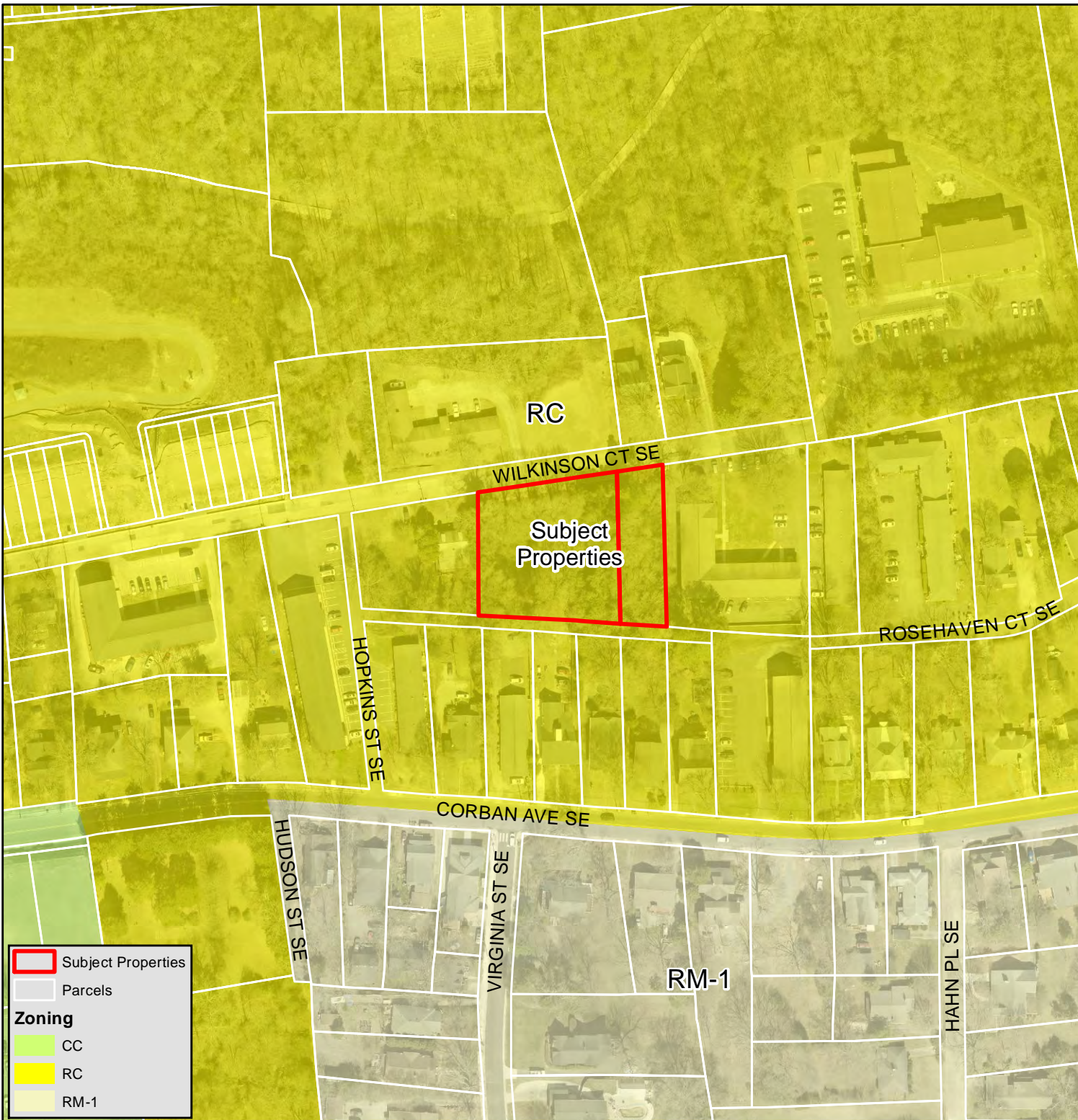


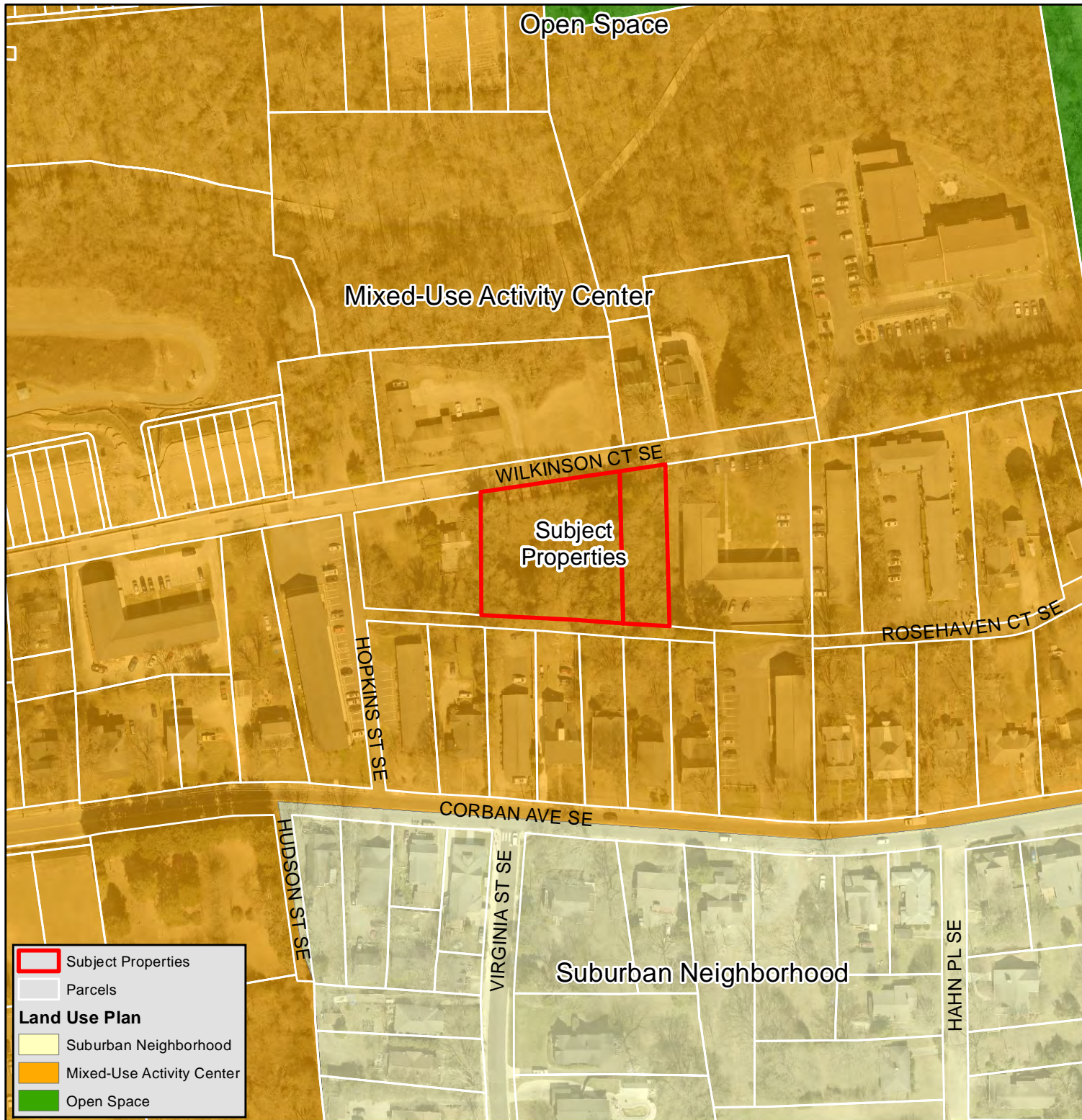
- Addresses
- ▭ Subject Properties
- ▭ Parcels

**Z(CD)-16-22
ZONING**

**Rezoning application
RC (Residential Compact)
to TND (Traditional
Neighborhood District)**

164 Wilkinson Ct SE
PIN: 5630-18-0077, 5630-18-2007

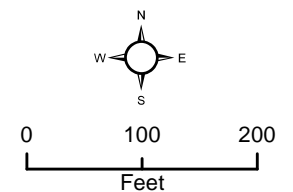
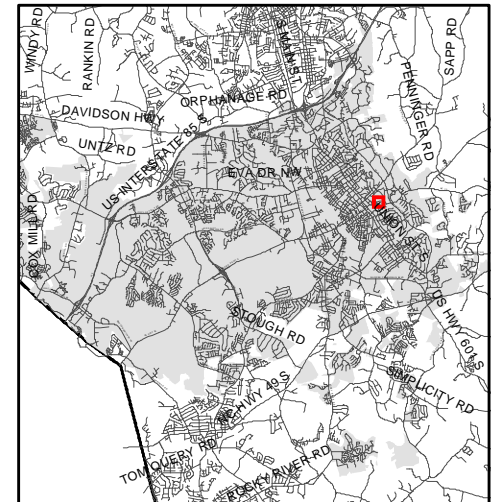


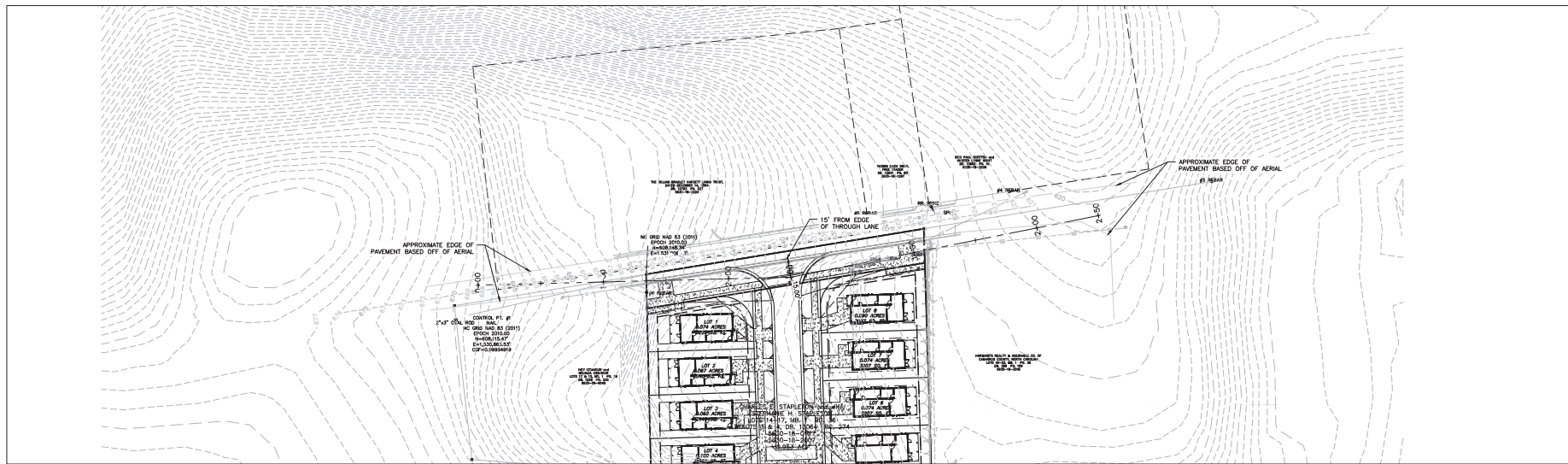


**Z(CD)-16-22
LAND USE PLAN**

**Rezoning application
RC (Residential Compact)
to TND (Traditional
Neighborhood District)**

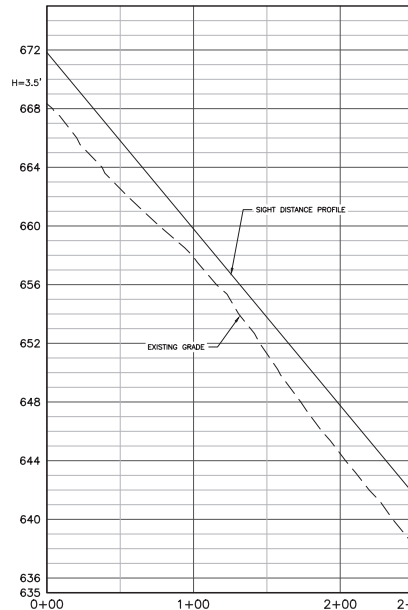
164 Wilkinson Ct SE
PIN: 5630-18-0077, 5630-18-2007



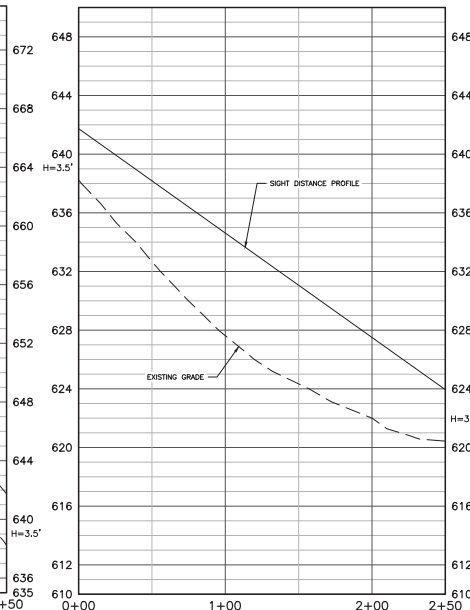


SIGHT DISTANCE CALCULATION:
 PASSENGER VEHICLE: 100 FT PER 10 MPH
 WILKINSON COURT SPEED LIMIT: 20 MPH
 DESIGN SPEED = 20 MPH + 5 MPH = 25 MPH
 SIGHT DISTANCE REQUIRED = 100 FT * 2.5 = 250 FT

ALIGNMENT - SD LEFT



ALIGNMENT - SD RIGHT



PROFILE SCALE
 VERTICAL SCALE: 1" = 4'
 HORIZONTAL SCALE: 1" = 40'

North Carolina One-Call Center
 CALL 1-800-4-A- Dig
 Call BEFORE you Dig!
 "It's The Law"

REVISION	DATE	DESCRIPTION
1.	10.27.2022	ADDRESS CHANGE COMMENTS DATED 10.26.2022
2.	11.14.2022	REVISED TO ADDRESS TRASH PICK-UP CONCERN
3.	1.11.2023	REVISED TO INCORPORATE CHANGES

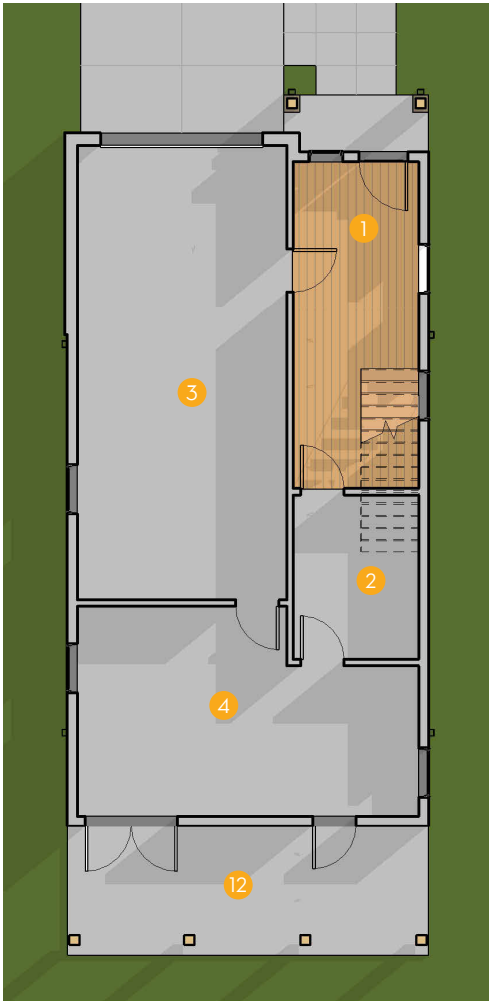
GREENWAY VILLAGE PARK
 SIGHT DISTANCE PROFILES
 WILKINSON COURT SE, CONCORD, NC
 CHARLES STANLTON
 PROJECT NUMBER: 18U
 APPROVED BY: NCB
 CHECKED BY: NCB
 PROJECT START: 8.15.21

CESI CIVIL GEOTECHNICAL SURVEYING
 PO BOX 268
 CONCORD, NC 28026-0268
 P. 704.786.5404
 F. 704.786.7454
 WWW.CESI-NC.COM
 NCBELS CORP. NO. C-0263
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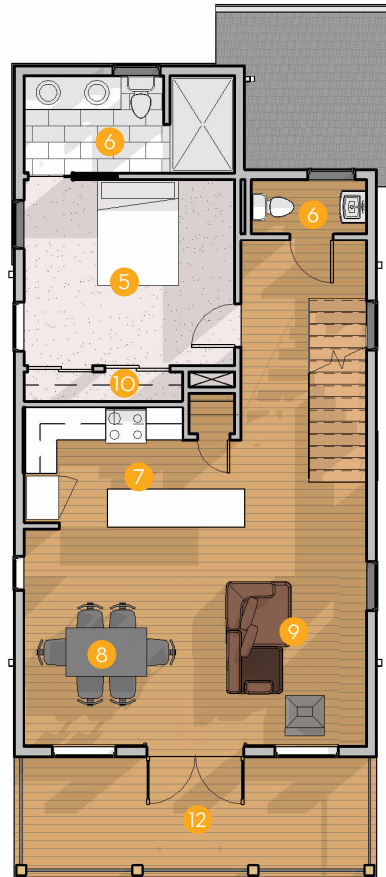
ENGINEERS SEAL
 PRELIMINARY
 NOT FOR
 CONSTRUCTION

01/11/2023

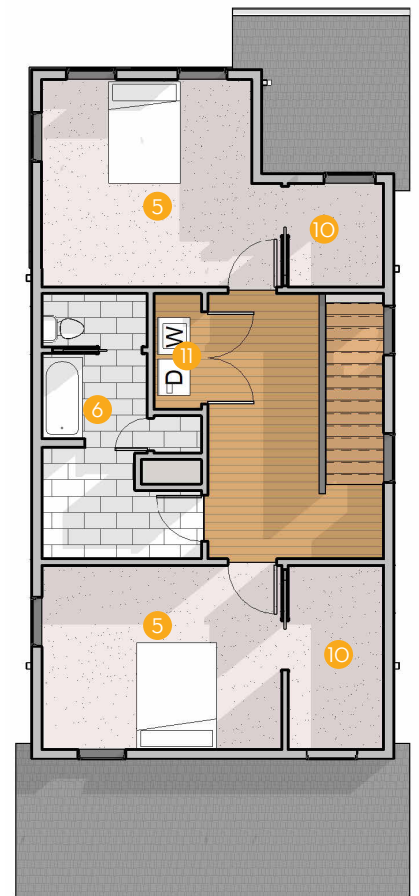
C201CZ



1st Level



2nd Level



3rd Level

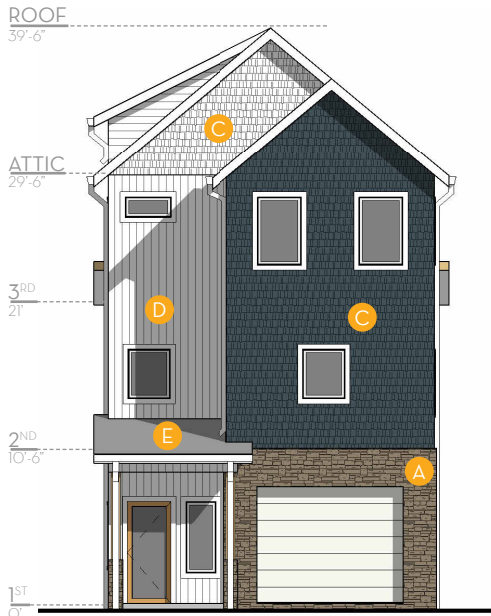
Rooms

- | | |
|--------------|------------|
| 1 ENTRY | 7 KITCHEN |
| 2 MECHANICAL | 8 DINING |
| 3 GARAGE | 9 LIVING |
| 4 STORAGE | 10 CLOSET |
| 5 BEDROOM | 11 LAUNDRY |
| 6 BATHROOM | 12 PORCH |

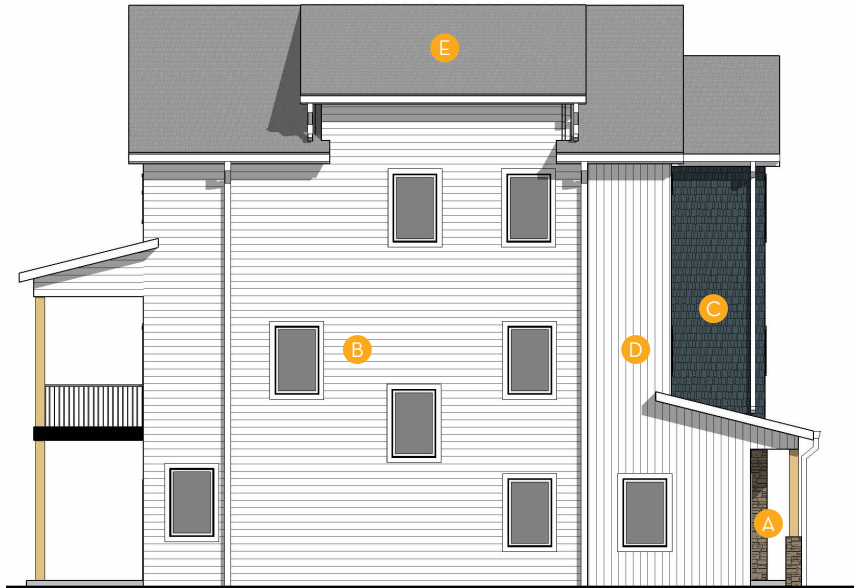
House Scheme



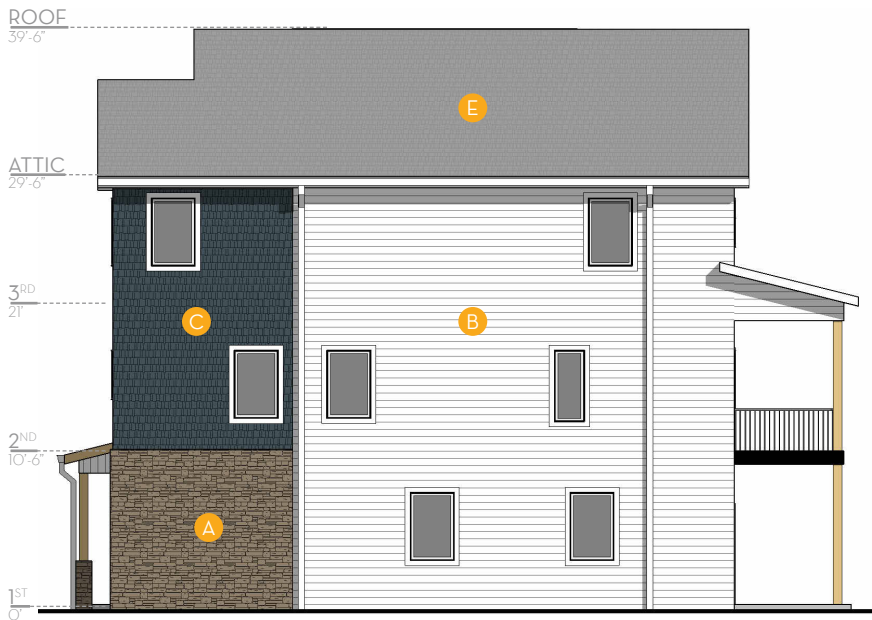
1/06/2023



Front Elevations



Side Elevation



Side Elevation



Rear Elevation

Materials

- A STONE
- B HORIZONTAL SIDING
- C SHAKE SIDING
- D VERTICAL SIDING
- E ROOF SHINGLES

House Scheme



1/06/2023



Retaining Wall Materials

Proposed stacked block retaining wall material palette to be similar to the stone veneer of the homes. If stacked block wall can not be achieved a veneer of similar appearance will be added to the engineered block wall.

OUTLINE OF RESTRICTIVE COVENANTS

- ARTICLE I Definitions: Owner; Lot; Declarant
- ARTICLE II Membership Rights:
1. Right to Approve Additional Covenants
- ARTICLE III General Provisions:
1. Amendment
- ARTICLE IV Use Restrictions:
1. Land use Building Type: Single family detached house
2. Setback; See Plat
3. No mobile or modular homes or temporary residences
4. No Nuisances
5. Garbage, clothesline, woodpiles screened
6. Damaged Property
7. Guns Restricted
8. All Terrain or other Off Road Vehicles

RESTRICTIVE COVENANTS

FOR THE GREENWAY VILLAGE PARK

STATE OF NORTH CAROLINA COUNTY OF CABARRUS

Lots 1-8

This declaration was made on the date hereinafter set forth by Charles Stapleton hereinafter referred to as "Declarant."

**ARTICLE I
DEFINITIONS**

Section 1. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any lot which is a part of the properties, including contract sellers, but excluding those having such interest merely as security for performance of an obligation.

Section 2. "Unit/Lot" shall mean and refer to a portion of the Properties, whether improved or unimproved, which may be independently owned and is intended for development use and occupancy as an attached or detached residence for a single family. The term shall refer to the land, if any, which is part of the Unit as well as any improvements thereon.

In the case of a parcel of vacant land or land on which improvements are under construction, the parcel shall be deemed to be a single Unit until such time as a subdivision plat is filed of record on all or a portion of the parcel. Thereafter the portion encompassed by such plat shall contain the number of Units determined as set forth in the preceding paragraph and any portion not encompassed by such plat shall continue to be treated in accordance with this paragraph.

Section 3. "The Community and Properties" shall mean and refer to that certain real property herein before described, and such additions thereto as may hereafter be brought within the jurisdiction of the Community

Section 4. "Declarant" shall mean and refer to Charles Stapleton, its successors and assigns if such successors or assigns should acquire more than one undeveloped Lot from the Declarant for the purpose of development.

Section 5. "Builders" shall mean a licensed general contractor constructing a dwelling or other structure on a Lot.

**ARTICLE II
MEMBERSHIP RIGHTS**

Section 1. Right to Approve Additional Covenants. No person shall record any declaration of covenants, conditions, and restrictions or similar instrument affecting any portion of the Community without Declarant's review and written consent. Any attempted recordation without such consent shall result in such instrument being void and of no force and effect unless subsequently approved by written consent signed by Declarant and recorded in the public records.

**ARTICLE III
GENERAL PROVISIONS**

Section 1. Amendment. This Declaration may be amended as provided in this section. Amendments to this Declaration shall become effective upon recordation, unless a later effective date is specified therein.

(a) By Declarant. So long as Declarant owns any property described on Exhibits "A" or "B", it may unilaterally amend this Declaration to (a) bring any provision hereof into compliance with any applicable governmental statute, rule, regulation, or judicial determination; (b) enable any title insurance company to issue title insurance coverage; (c) if such amendment is required by an institutional or governmental lender or purchaser of mortgage loans; or (d) if such amendment is necessary to enable any governmental agency or private insurance company to insure or guarantee Mortgage loans. However, any such amendment shall not adversely affect the title to any Owners Unit unless any such Unit Owner shall consent thereto in writing. Further, so long as Declarant has the right unilaterally to subject additional property to this Declaration, Declarant may unilaterally amend this Declaration for any other purpose; provided, however, any such amendment shall not materially adversely affect the substantive rights of any Unit

Any amendment shall become effective upon recording in the Public Records, unless a later effective date is specified in the amendment. Any procedural challenge to an amendment must be made within one (1) year of its recordation or such amendment shall be presumed to have been validly adopted. In no event shall a change of conditions or circumstances operate to amend any provisions of this Declaration.

ARTICLE IV USE RESTRICTIONS

Section 1. Land Use and Building Type. No Lot shall be used except for residential purposes and for single family houses.

Section 2. The building setback distances from property line shall be as shown on the recorded plat.

Section 3. Character of Structures. No trailer, basement, tent, shack, garage, barn, or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently, nor shall any structure of temporary character be used as a residence on the property. No mobile homes or modular homes shall be permanently or temporarily located on a Lot.

Section 4. Nuisances. No noxious or offensive activity shall be carried on upon any Unit nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

Section 5. Garbage, Clotheslines and Woodpiles. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

Section 6. Damaged property. Any dwelling or outbuilding on any Lot which may be destroyed in whole or in part by fire, windstorm or for any other cause or act of God must be rebuilt or all debris removed and the Lot restored to a slightly condition with reasonable promptness.

Section 7. Guns. The use of firearms on the Properties or in the Community is prohibited. This includes "BB" guns, pellet guns and small firearms of all types.

Section 8. All Terrain or Other Off-road Vehicles. All terrain or other off-road vehicles are prohibited from all Common Areas.