



DATE: February 20, 2024

REZONING CASE #: Z(CD)-17-23

ACCELA: CN-RZC-2023-00011

DESCRIPTION: Zoning Map Amendment from RM-1 (Residential Medium Density) to RC-CD (Residential Compact Conditional District)

APPLICANT/OWNER: Cascades, LLC

LOCATION: 3770 Roberta Church Road

PIN#: 5519-21-3491

AREA: +/- 3.34 Acres

ZONING: RM-1 (Residential Medium Density)

PREPARED BY: Fred Womble, Planner

BACKGROUND

The subject property consists of +/- 3.34 acres on Roberta Church Road. The property is currently zoned RM-1 (Residential Medium Density) and is owned by Cascades, LLC.

To the north of the property the zoning is RC (Residential Compact), and the properties are multifamily residential (Concord Pointe Apartment Homes). The property to the east is zoned RM-2 (Residential Medium Density) and is used principally as individual single-family residences along the western ROW of Roberta Road. The properties to the south are zoned RC-CD (Residential Compact Conditional District) and RC (Residential Compact) and are vacant and multifamily residential (Tower Place Apartments). The properties to the west are zoned RM-2 and are single family residential in nature (Roberta Woods Subdivision).

HISTORY

The subject property was annexed into the City of Concord as part of a large-area voluntary annexation on May 10, 1990. The property was previously zoned R-1 then converted to RM-1 (Residential Medium Density) with the adoption of the UDO in 2000.

SUMMARY OF REQUEST

The applicant is requesting to rezone the subject property from RM-1 (Residential Medium Density) to RC-CD (Residential Compact Conditional District) to construct a 28-unit condominium development. The proposed development will consist of two (2) units and include a 5-foot-wide natural surface walking trail along the southern property line.

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.

In accordance with the Concord Development Ordinance (CDO), all reviewing departments of the DRC (Development Review Committee) have reviewed and approved the proposed site plan.

| 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-1 (Residential Medium Density) | North | RC (Residential Compact) | Vacant | North | Multifamily |
| | South | RC-CD (Residential Compact Conditional District) RC (Residential Compact) | | South | NCDOT ROW, Multifamily |
| | East | RM-2 (Residential Medium Density) | | East | Single Family Residential, Vacant |
| | West | RC-CD (Residential Compact Conditional District), RM-2 (Residential Medium Density) | | West | Vacant, NCDOT ROW |

COMPLIANCE WITH 2030 LAND USE PLAN

The 2030 Land Use Plan (LUP) designates the subject property as “Village Center”. RC-CD (Residential Compact Conditional) *is listed* as a corresponding zoning district to the “Village Center” land use category, and therefore is consistent with the land use plan.

The corresponding zoning districts for the “Village Center” land use categories are RV (Residential Village); O-I (Office-Institutional); TND (Traditional Neighborhood Development); MX-NC (Mixed Use–Neighborhood Center); MX-CC1 (Mixed Use–Commercial Center Small); PRD (Planned Residential Development); C-1 (Light Commercial and Office); C-2 (General Commercial); and PUD (Planned Unit Development).

From the 2030 Land Use Plan – “Village Center” (VC)

Village Center areas are typically located at key intersections of minor transportation corridors. These centers are often located in areas with FLU categories that are residential and/or rural in focus with limited non-residential development nearby. Oftentimes areas designated as Village Centers already contain some non-residential development, usually highway oriented retail, office, or light industrial, with supportive zoning. Village Centers represent opportunities to create small/mid-size commercial and mixed-use centers and limit strip commercial in areas that are predominantly residential in character.

As with the larger Mixed-Use Activity Centers, the smaller Village Center creates an alternative to strip commercial development by concentrating non-residential uses in areas where infrastructure and residential demand support them. Consequently, none of the designated Village Centers proposed would develop without residential growth preceding it, thus creating the demand. Similarly, Village Centers would not develop if there was inadequate infrastructure, such as roads, water and sewer service.

The characteristics of developed Village Centers will vary greatly depending on the surrounding land use pattern and existing development intensity. The types of uses within Village Centers will vary, but encouragement should be given to mixed uses and those uses that are neighborhood serving (i.e. restaurants/diners, gas stations, small convenience stores, hardware stores, etc.) which reduce the need for residents to travel long distances in a car to meet basic needs. Additionally, emphasis should be given to pedestrian oriented development and interconnectivity between uses within the Village Center and out to the surrounding residential areas.

Policy Guidance:

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.*

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately +/- 3.34 acres and currently zoned RM-2 (Residential Medium Density).
- The proposed zoning is consistent with the 2030 Land Use Plan (LUP) as RC-CD (Residential Compact Conditional District) is a corresponding zoning classification to the Village Center (VC) Future Land Use Category and meets the policy guidance to encourage

the development of a mixture of complementary uses that will function as an integrated center allowing for pedestrian connections between developments and uses.

- The zoning amendment is reasonable and in the public interest as it is complementary to the use, design and density with the adjacent land uses.

OR

- The zoning amendment is not reasonable and in the public interest as the design is not compatible with the adjacent land uses.

SUGGESTED CONDITIONS

If approval is desired, staff recommends the following conditions:

1. Compliance with “The Cascades” Rezoning Site Plan,” sheet number RZ1.0, dated 1/12/2024.
2. Compliance with design standards as stated in “Section 7.8 Standards for Multi-Family Developments” in the Concord Development Ordinance.
3. Technical site plan review and approval is required including all approvals from outside local, state and federal agencies.
4. 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). A recorded deed is sufficient, if the deed contains a separate description of the property to be rezoned. If the property contains multiple tracts, deeds shall be provided describing each tract or multiple tracts.



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**, 6 copies of a plan drawn to scale (conditional district plan) for the initial submittal to be reviewed by Development Review Committee. Staff will advise of additional submission requirements for the Planning Commission hearing after the initial review.



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: or \$600 (Conventional)

Cash: _____

The application fee is nonrefundable.

(Please type or print)

Applicant Name, Address, Telephone Number and email address: _____
Cascades, LLC (Sam Habbal), 6865 Fairview Road, Ste. C, Charlotte, NC 28210
704-366-4144, doital@bellsouth.net

Owner Name, Address, Telephone Number: Same as applicant

Project Location/Address: _____

P.I.N.: 55192134910000

Area of Subject Property (acres or square feet): 3.339

Lot Width: 406.25 l.f. Lot Depth: approx. 290 l.f.

Current Zoning Classification: RM-1

Proposed Zoning Classification: RC

Existing Land Use: Vacant

Future Land Use Designation: Condominiums for Sale

Surrounding Land Use: North MF Residential South NCDOT R/W

East SF Residential/Vacant West NCDOT R/W

Reason for request: Rezoning request is to allow 36 condominium units in two buildings.

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

Staff member signature: _____ Date: 5/24/2023

THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

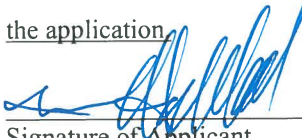
1. List the Use(s) Proposed in the Project:

1. Condominium living units

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

June 30, 2023
Date


Signature of Owner(s)

June 30, 2023
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: June 30th, 2023

Applicant Signature: 

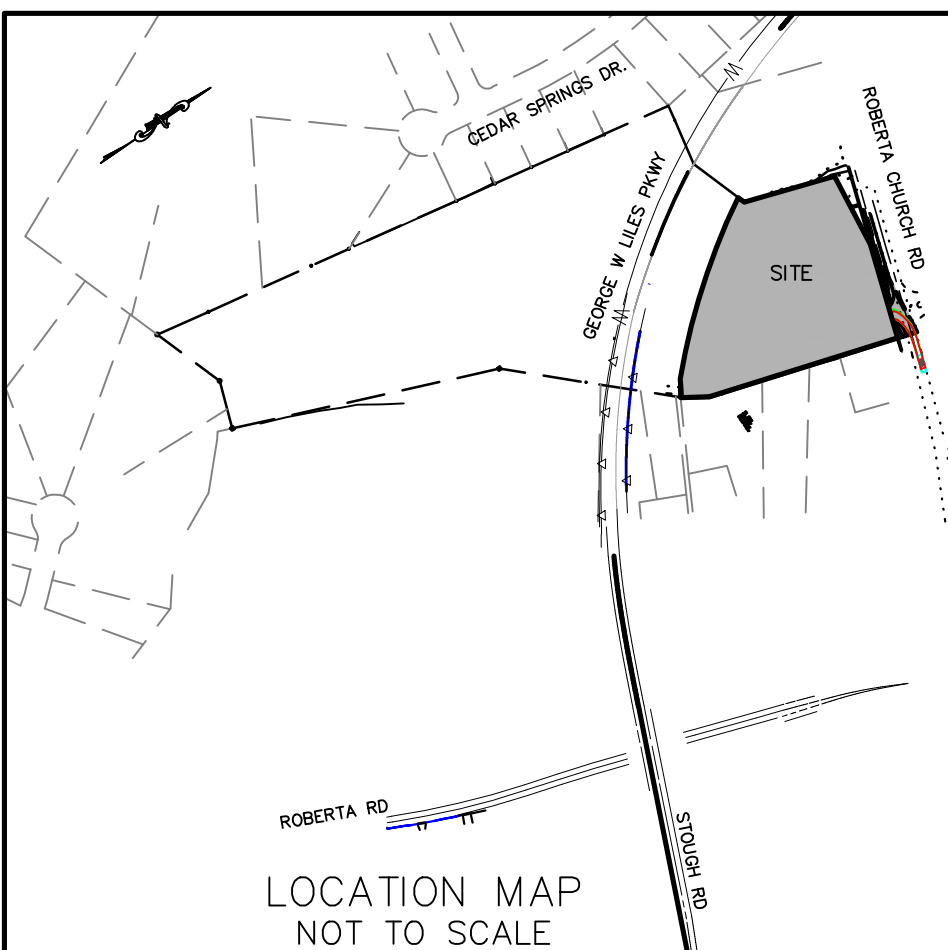
Property Owner or Agent of the Property Owner Signature: 

Staff Use Only:

1. Scheduled for Planning and Zoning Commission consideration:
 Date: _____ Time: _____ Location: _____
2. Date advertised, written notice(s) sent, and property posted: _____
3. Record of decision: Motion to: ___ Approve ___ Deny
 _____ ___ Yea ___ Nay
 _____ ___ Yea ___ Nay
 _____ ___ Yea ___ Nay
 _____ ___ Yea ___ Nay
 _____ ___ Yea ___ Nay
 _____ ___ Yea ___ Nay
4. Planning and Zoning Commission recommendation: ___ Approved ___ Denied
 If denied, was an appeal filed? _____
5. Date applicant notified of Planning and Zoning Commission action: _____
6. Scheduled for City Council consideration:
 Date: _____ Time: _____ Location: _____
7. Dates advertised: (a) First notice: _____ (b) Second notice: _____
8. City Council recommendation: ___ Approved ___ Denied
9. Date applicant notified of City Council action: _____
10. Comments: *(see minutes for details)*

THE CASCADES

A PROPOSED CONDOMINIUMS DEVELOPMENT



LOCATION MAP
NOT TO SCALE

FLOOD CERTIFICATION

THIS IS TO CERTIFY THAT A PORTION OF THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, COMMUNITY NUMBER 3710551900K, DATED NOVEMBER 16, 2018.

ZONING CODE SUMMARY

PROJECT NAME: THE CASCADES CONDOMINIUMS DEVELOPMENT
 OWNER/AGENT: CASCADES, LLC PHONE #: 704-554-1620
 OWNER ADDRESS: 6865 FAIRVIEW ROAD, STE. C CHARLOTTE, NC 28210
 PLANS PREPARED BY: THE ISAACS GROUP PHONE #: 704-527-3440
 DESIGNER ADDRESS: 8720 RED OAK BLVD, STE 420 CHARLOTTE, NC 28217
 TAX PARCEL #: 55192134910000 JURISDICTION: CITY OF CONCORD
 EXIST. ZONING: RM-1 PROP. ZONING: RC (CONDOMINIUMS FOR SALE)
 PROPOSED USE: CONDOMINIUMS UNITS FOR SALE
 PROP. MIN LOT SIZE: N/A
 LOT SIZE: 145,463/3,339 SQ. FEET/ACRES
 LOT SIZE: 141,095/3,239 SQ. FEET/ACRES (EXCLUDE ROBERTA CHURCH RD R/W AREA)

IMPERVIOUS AREAS:
 SIDEWALKS: 4,966 SQ. FEET
 BUILDINGS: 16,324 SQ. FEET
 PARKING: 21,666 SQ. FEET

APPROX. TOTAL IMPERVIOUS AREA: 42,956 S.F.

RC DENSITY AND DIMENSIONAL STANDARDS

MAXIMUM IMPERVIOUS AREA: 50% = 141,095(0.50) = 70,548 S.F.
 MIN. PUBLIC STREET FRONTAGE: 15 FT.
 MIN. LOT WIDTH: 50 FT.
 MIN. LOT DEPTH: 100 FT.
 MAX. BUILDING HEIGHT: 4 STORIES
 MIN. FRONT SETBACK: 24 FT
 MIN. SIDE SETBACK: 20 FT
 MIN. REAR SETBACK: 20 FT
 MIN. INTERIOR SIDE SETBACK: 20 FT

BUILDING DATA

BUILDING TYPE I: 2 STORY, 1BR/2BR/3BR MIXED, 12 UNITS PER BLDG.
 BUILDING TYPE II: 2 STORY, 1 BR/2BR/3BR MIXED, 16 UNITS PER BLDG.
 TOTAL NUMBER OF UNITS: 28 UNITS=28/3.29 AC.=8.511 UNITS PER ACRE
 MAXIMUM DENSITY: 15 UNITS PER ACRE
 MAXIMUM BUILDING LENGTH: 180 FT
 CONSTRUCTION TYPE: VB
 GROSS BUILDING FLOOR AREA: (BLDG. TYPE I ±7,307 S.F.) (BLDG. TYPE II ±9,017 S.F.)
 MAX. BUILDING HEIGHT: (BLDG. 1 LESS THAN 30 FT) (BLDG. 2 LESS THAN 30 FT)

OPEN SPACE AND PARKING CALCULATIONS

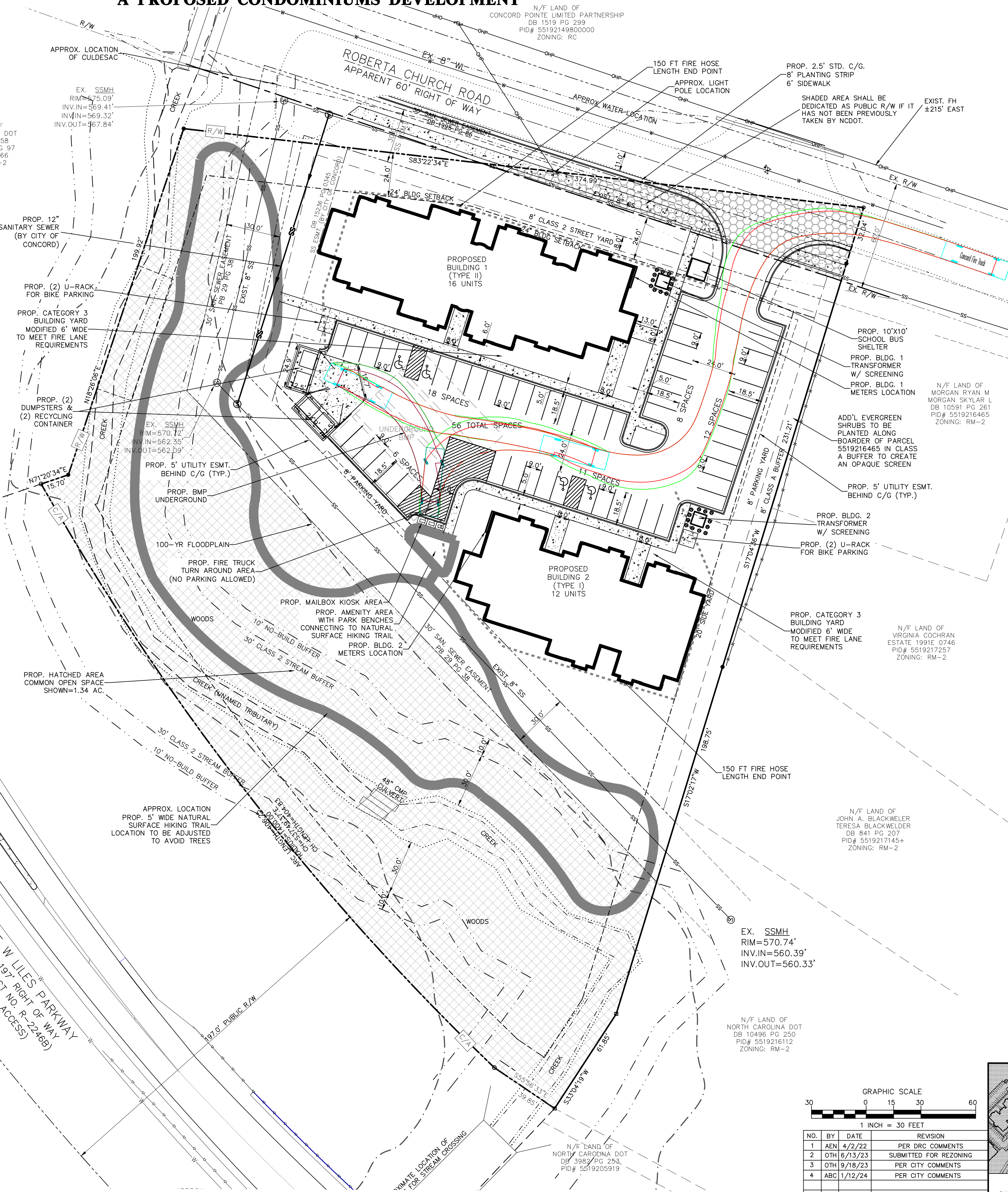
PARKING: (PER SEC. 10 CONCORD DEVELOPMENT ORDINANCE)
 EXIST. ZONING: RM-1
 PROP. ZONING: RC (CONDOMINIUMS FOR SALE)
 COS REQUIREMENT: 20% (GREATER THAN 4 UNITS PER ACRE) 3.29 AC X 20% = 0.658 AC.
 PROPOSED COS SHOWN: 58,474 SF / 1.34 AC. (40.13%)
 TOTAL NUMBER OF UNITS: 28 UNITS=28/3.29 AC.=8.511 UNITS PER ACRE
 APARTMENT PARKING DATA: (SPECIFIC REQUIREMENT, ZONING ORDINANCE AND SECTION NUMBER)
 REFERENCE ZONING CODE ARTICLE (CITY OF CONCORD ZONING ORDINANCE)
 MULTI FAMILY: 1.5 SPACES PER UNIT (MIN); 2.5 SPACES PER UNIT (MAX);
 TOTAL NUMBER OF UNITS = 28
 REQUIRED: 42 (MIN.) SURFACE PARKING PROVIDED: 55 GARAGE SPACES PROVIDED: 0
 TOTAL SPACES: 55/28=2 SPACES PER UNIT

BICYCLE PARKING DATA:

MULTI FAMILY: 1 SPACE PER 5 UNITS
 REQ. SPACES: 28/5 = 6 SPACES
 PROVIDED: SPACES: 4 RACKS (8 SPACES)

N/F LAND OF
TOWER PLACE COC LLC
DB 12663 PG 204
PID# 55191098700000
ZONING: RC

GEORGE W LILES PARKWAY
APPARENT 197' RIGHT OF WAY
(NCDOT PROJECT NO. R-2246B)
(CONTROLLED ACCESS)



GENERAL NOTES:

- STORMWATER:**
 1. THE DEVELOPMENT MUST MEET ARTICLE 4 OF THE CONCORD DEVELOPMENT ORDINANCE FOR STORMWATER MANAGEMENT.
 2. ANY DEVELOPMENT OF THE FLOODPLAIN (INCLUDING THE PROPOSED HIKING TRAIL) MUST MEET ARTICLE 4- SECTION 4.7 OF THE CONCORD DEVELOPMENT ORDINANCE FOR FLOODPLAIN DEVELOPMENT.
- ELECTRIC:**
 1. THIS PARCEL FALL UNDER A CUSTOMER CHOICE AREA BETWEEN CITY OF CONCORD ELECTRIC AND DUKE ENERGY.
 2. IF CITY OF CONCORD ELECTRIC IS CHOSEN, PLEASE SUBMIT FILLED OUT CITY OF CONCORD LOAD DATA SHEETS FOR BLANK SHEETS, PLEASE CONTACT: BRANDON BURKS BURKSBB@CONCORDNC.GOV, 704-920-6301 WE USE THE INFORMATION ON THESE SHEETS TO SIZE/ ORDER TRANSFORMERS.
- PLANNING:**
 1. ALL MECHANICAL EQUIPMENTS SHALL BE SCREENED
 2. DUMPSTER MATERIALS MUST BE CONGRUENT WITH THE BUILDING MATERIAL (12X12 WITH DOOR SWINGING OUTWARD)
 3. PER ARTICLE 7.8.7 ALL OPEN SPACE SHALL BE ACTIVE
- SEWER:**
 1. PRELIMINARY SEWER ALLOCATION WILL BE REQUIRED. SEE [HTTPS://CONCORDNC.GOV/DEPARTMENTS/ENGINEERING/DEVELOPMENT-STANDARDS#65762-SEWER-ALLOCATION](https://CONCORDNC.GOV/DEPARTMENTS/ENGINEERING/DEVELOPMENT-STANDARDS#65762-SEWER-ALLOCATION) FOR MORE INFORMATION.

LEGEND

- SS EXISTING SANITARY SEWER LINE
- W EXISTING WATER LINE
- - - BUILDING SETBACK
- - - LANDSCAPE BUFFER
- PROPOSED COMMON OPEN SPACE
- DEDICATED PUBLIC R/W
- PROP. NATURAL WALKING TRAIL
- FLOODPLAIN
- STREAM BUFFER
- SEWER EASEMENT

SHEET LEGEND:

- RZ1.0 REZONING SITE PLAN
- RZ2.0 SIGHT DISTANCE PLAN
- RZ3.0 EXISTING ROADWAY PLAN

PRELIMINARY
DO NOT USE FOR CONSTRUCTION

Project: **THE CASCADES CONDOMINIUMS PROJECT**
 ROBERTA CHURCH ROAD, CONCORD, NORTH CAROLINA

Title: **REZONING SITE PLAN**

File #: 16230-R24.DWG Date: 11/15/2021 Project Egr: ABC

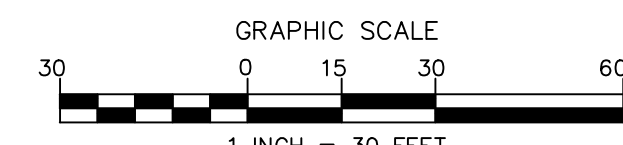
ISAACS GROUP
 CIVIL ENGINEERING DESIGN AND SURVEYING

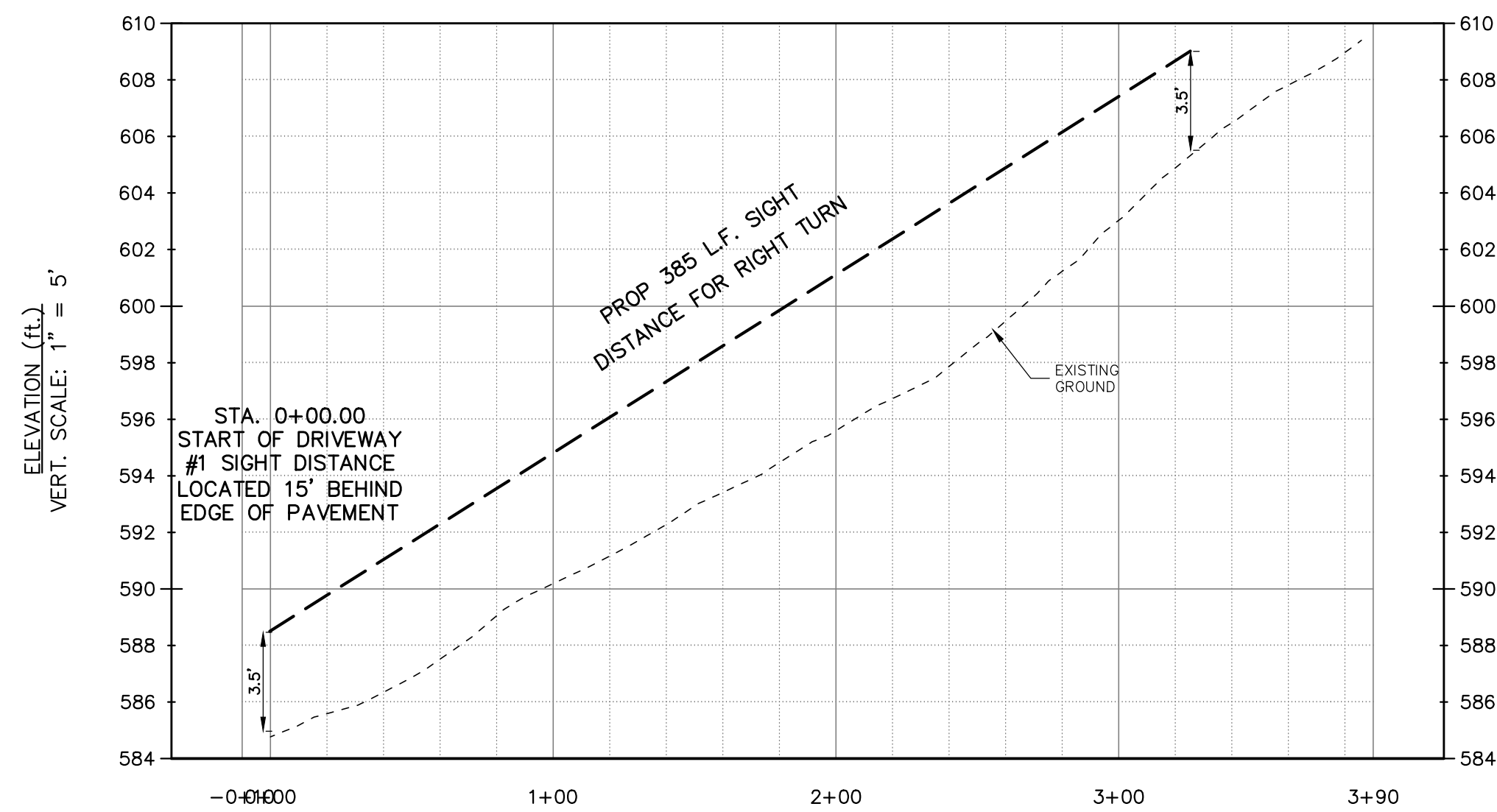
8720 RED OAK BOULEVARD, SUITE 420
 CHARLOTTE, N.C. 28217
 PHONE (704) 527-3440 FAX (704) 527-8335

Scale: 1"=30'

RZ1.0

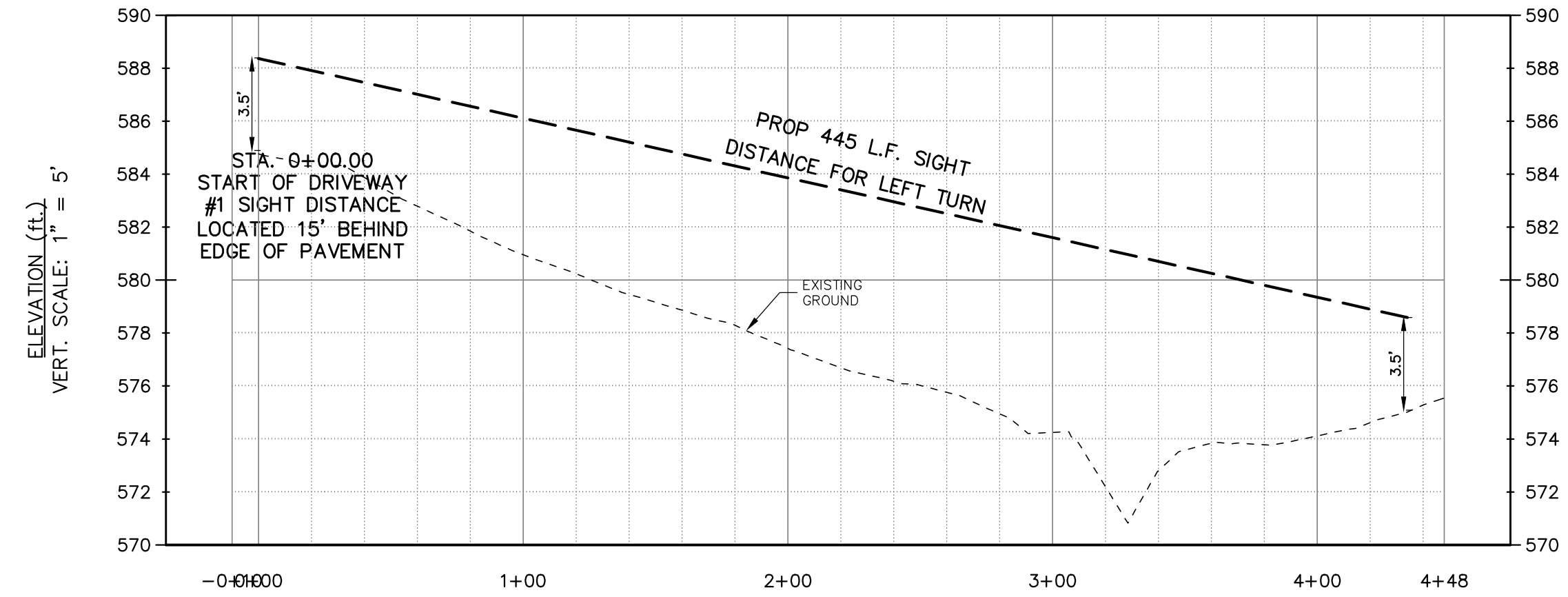
| NO. | BY | DATE | REVISION |
|-----|-----|---------|------------------------|
| 1 | AEN | 4/2/22 | PER DRC COMMENTS |
| 2 | OTH | 6/13/23 | SUBMITTED FOR REZONING |
| 3 | OTH | 9/18/23 | PER CITY COMMENTS |
| 4 | ABC | 1/12/24 | PER CITY COMMENTS |





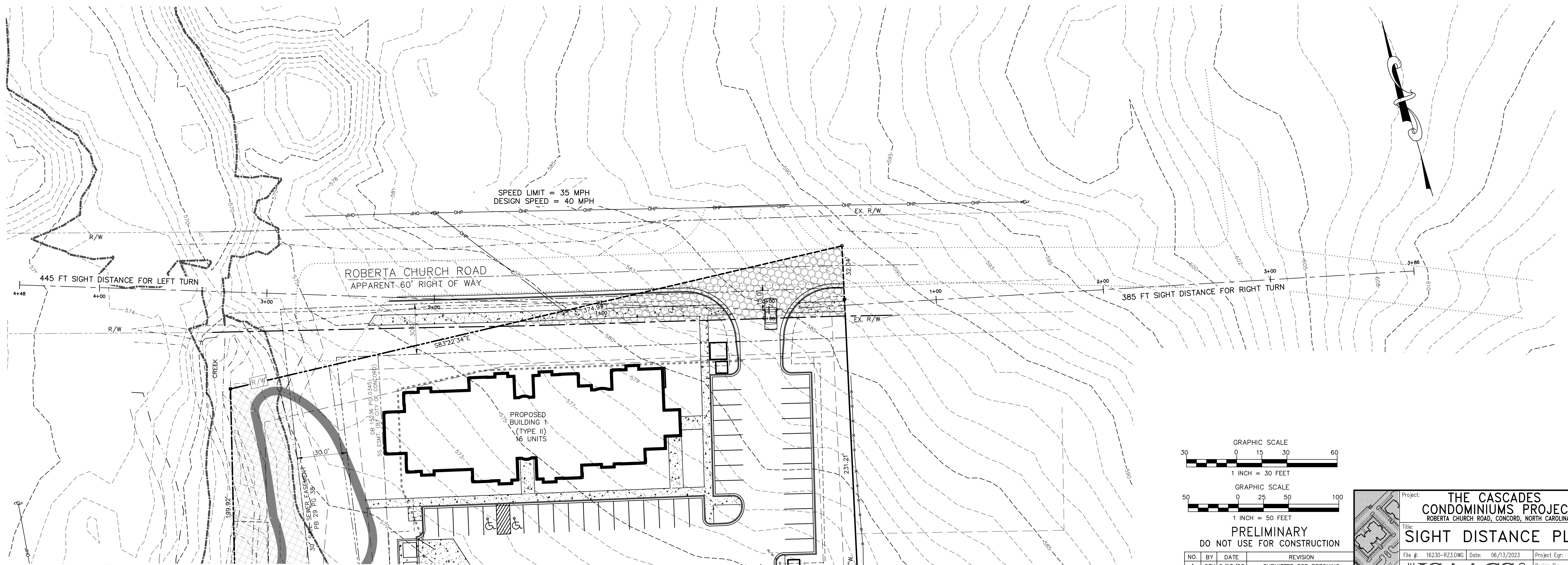
RIGHT TURN SD - STA. -0+10.00 TO 3+90.00 (ft.)

HORIZONTAL SCALE: 1" = 50'

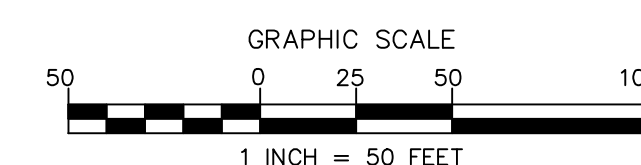
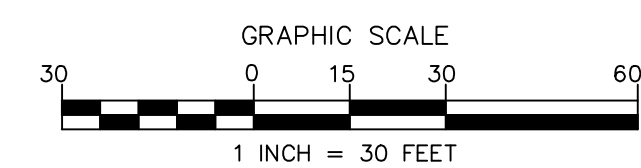


LEFT TURN SD - STA. -0+10.00 TO 4+48.00 (ft.)

HORIZONTAL SCALE: 1" = 50'



PLAN VIEW SCALE 1" = 30'



PRELIMINARY
DO NOT USE FOR CONSTRUCTION

| NO. | BY | DATE | REVISION |
|-----|-----|---------|------------------------|
| 1 | OTH | 6/13/23 | SUBMITTED FOR REZONING |
| 2 | OTH | 9/18/23 | PER CITY COMMENTS |

Project: **THE CASCADES CONDOMINIUMS PROJECT**
ROBERTA CHURCH ROAD, CONCORD, NORTH CAROLINA

Title: **SIGHT DISTANCE PLAN**

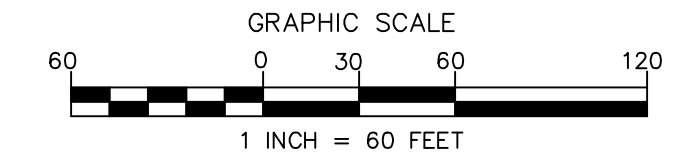
File #: 16230-RZ3DWG Date: 06/13/2023 Project Egr: ABC

THE ISAACS GROUP
CIVIL ENGINEERING DESIGN AND SURVEYING

Design By: AEN
Drawn By: AEN
Scale: AS SHOWN

8720 RED OAK BOULEVARD, SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

RZ2.0



PRELIMINARY
DO NOT USE FOR CONSTRUCTION

| NO. | BY | DATE | REVISION |
|-----|-----|---------|----------------------|
| 1 | OTH | 6/13/23 | SUBMITTED FOR ZONING |
| | | | |
| | | | |

Project: **THE CASCADES CONDOMINIUMS PROJECT**
ROBERTA CHURCH ROAD, CONCORD, NORTH CAROLINA

Title: **EXIST. ROADWAYS PLAN**

File #: 16230-RZ3DWG Date: 06/13/2023 Project Egr: ABC

Design By: AEN

Drawn By: AEN



Scale: 1"=30'

THE ISAACS GROUP
CIVIL ENGINEERING DESIGN AND SURVEYING

8720 RED OAK BOULEVARD, SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

RZ3.0

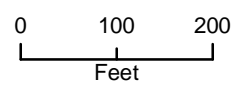
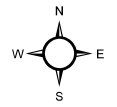
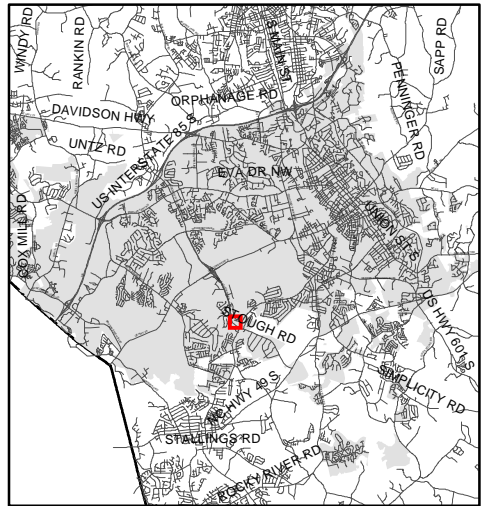


 Subject Properties
 Parcels

**Z(CD)-17-23
AERIAL**

**Rezoning application
RM-1 (Residential Medium
Density)
to
RC (Residential Compact)**

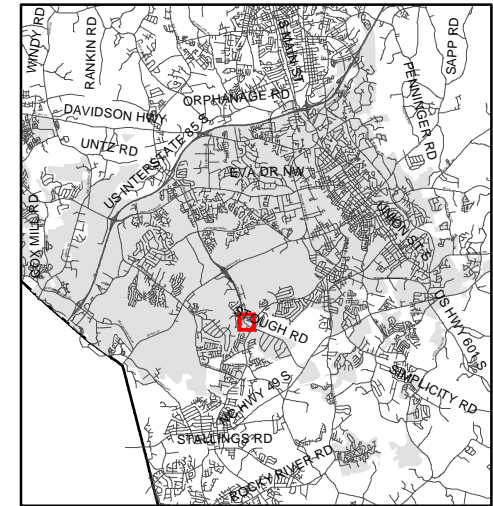
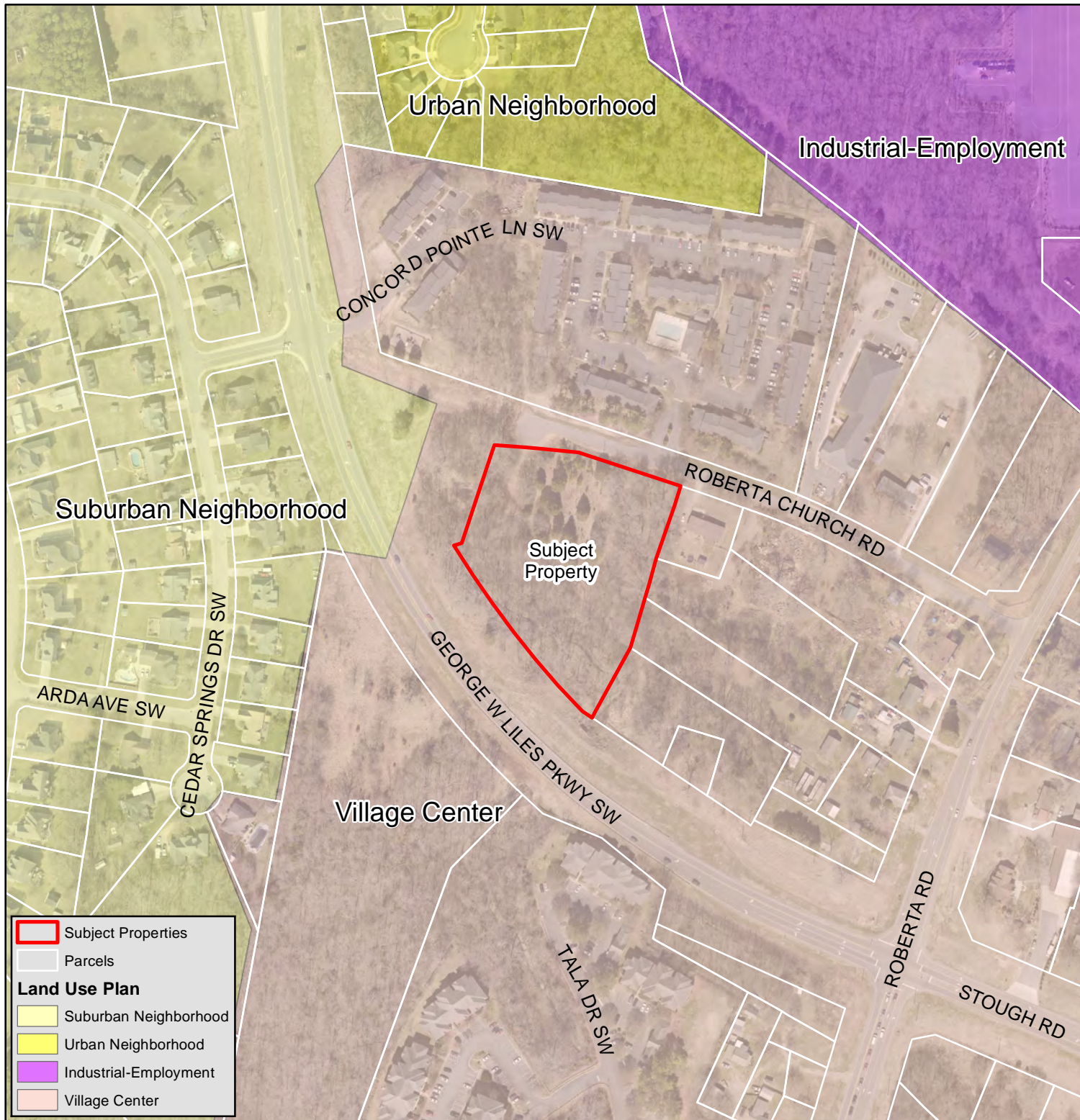
3770 Roberta Church Rd
PIN: 5519-21-3491



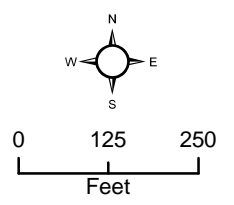
**Z(CD)-17-23
LAND USE PLAN**

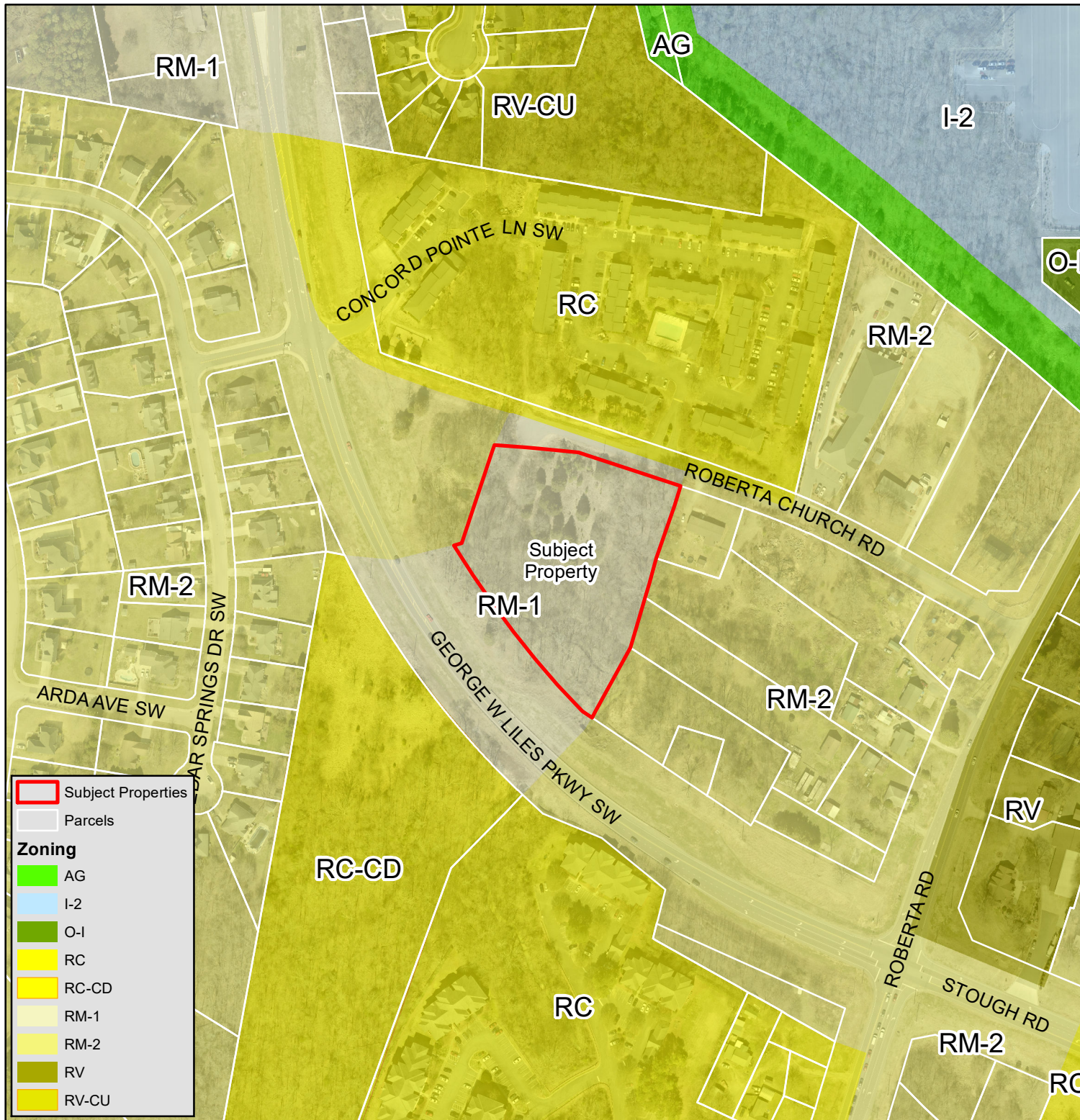
**Rezoning application
RM-1 (Residential Medium
Density)
to
RC (Residential Compact)**

3770 Roberta Church Rd
PIN: 5519-21-3491



| | |
|----------------------|-----------------------|
| | Subject Properties |
| | Parcels |
| Land Use Plan | |
| | Suburban Neighborhood |
| | Urban Neighborhood |
| | Industrial-Employment |
| | Village Center |

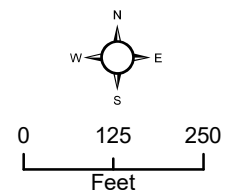
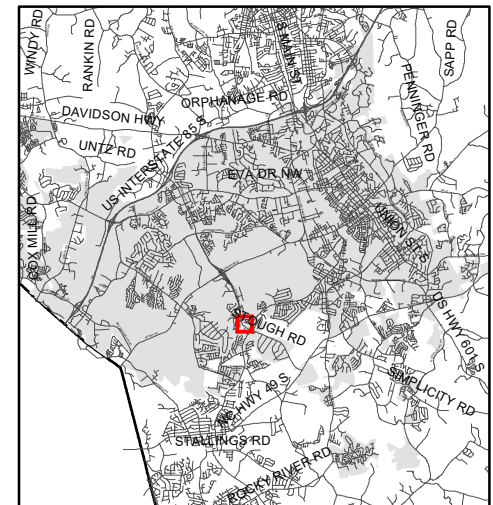




**Z(CD)-17-23
ZONING**

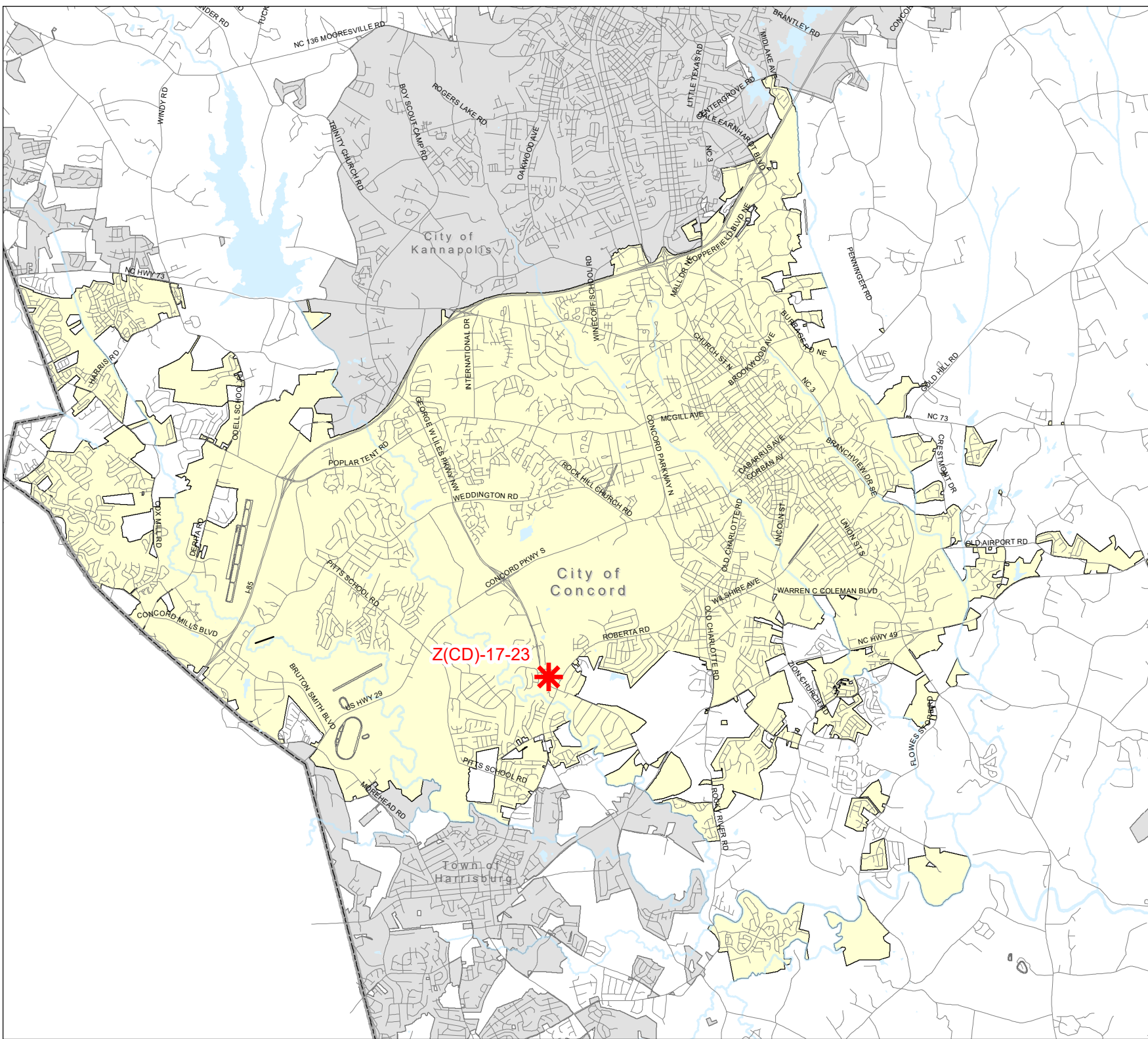
**Rezoning application
RM-1 (Residential Medium
Density)
to
RC (Residential Compact)**

3770 Roberta Church Rd
PIN: 5519-21-3491



Z(CD)-17-23

3770 Roberta Church Rd



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

