



**DATE:** October 17, 2023

**REZONING CASE #:** Z(CD)-20-23

**ACCELA:** CN-RZC-2023-00015

**DESCRIPTION:** Zoning Map Amendment  
TND (Traditional Neighborhood Development – Infill) to RC-  
CD (Residential Compact – Conditional District)

**APPLICANT/OWNER:** Charles and Stephanie Stapleton

**LOCATION:** 164 Wilkinson Ct SE

**PIN#s:** 5630-18-0096, 5630-18-2009

**AREA:** +/- 0.92 acres

**PREPARED BY:** Frederick Womble, Planner/George Daniels, Senior Planner

**BACKGROUND**

The subject property consists of two (2) parcels comprising approximately +/- 0.92 acres on the south side of Wilkinson Ct SE. The property is currently undeveloped. At the January 2023 Planning and Zoning Commission meeting the Commission voted to amend the zoning from RC (Residential Compact) to TND (Traditional Neighborhood Development – Infill) for the purpose of building an eight (8) unit single family development. The TND zoning district allowed for smaller lot sizes than those permitted in the RC zoning district.

**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), until the zoning map amendment in January 2023 to TND zoning district. The property is vacant and does not appear to have ever been developed in the past.

**SUMMARY OF REQUEST**

The applicant is requesting to rezone the subject property from TND (Traditional Neighborhood Development – Infill) to RC-CD (Residential Compact – Conditional District) in order to construct four (4) single family infill homes on the site. The site plan also shows lots 5 and 6 that are going to be recombined into two existing lots with street frontage on Corban Ave SE.

The surrounding zoning on all sides of the subject properties is RC (Residential Compact). The surrounding land uses are primarily residential apartment (multi-family) buildings. Directly to the east are the Colonial Heights apartment buildings containing twenty (20) housing units, and 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.

The adjacent property to the west contains a duplex residential structure and across Hopkins St SE there is a two-story apartment building with sixteen (16) units. To the south the subject property backs up to a recently closed right-of-way and several single-family homes and a single-story apartment building that contains four (4) housing units.

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 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 use and structures indicated in the approved petition and site plan may be developed on the site.

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

<b>Existing Zoning and Land Uses (Subject Parcel)</b>					
<b>Current Zoning of Subject Property</b>	<b>Zoning Within 500 Feet</b>		<b>Land Uses(s) of Subject Property</b>	<b>Land Uses within 500 Feet</b>	
RC (Residential Compact)	<b>North</b>	RC (Residential Compact)	Vacant land	<b>North</b>	Multi-family and single family residential
	<b>South</b>	RC (Residential Compact) & RM-1 (Residential Medium Density)		<b>South</b>	Multi-family and single family residential
	<b>East</b>	RC (Residential Compact)		<b>East</b>	Multi-family residential
	<b>West</b>	RC (Residential Compact)		<b>West</b>	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 RC (Residential Compact) is listed as a corresponding zoning district.

The corresponding zoning districts for the “Mixed Use Activity Center” land use category are RV (Residential Village), RC (Residential Compact), O-I (Office-Institutional), CC (City Center), TND (Traditional Neighborhood Development), MX-NC (Mixed Use-Neighborhood Center), MX-CC1 (MixedUse-Commercial Center Small, MX-CC2 (Mixed Use-Commercial Center Large), MX-IB (Mixed Use-Industrial/Business Center), PRD (Planned Residential Development), C-1 (Light Commercial), C-2 (General Commercial), PUD (Planned Unit Development), I-1 (Light Industrial)

**From the 2030 Land Use Plan – “Mixed-Use Activity Center” (MUAC):**

*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 +/- 0.92 acres and is zoned City of Concord TND (Traditional Neighborhood Development).
- 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) and amended to TND (Traditional Neighborhood Development) in January 2023.
- The proposed zoning is consistent with the 2030 Land Use Plan (LUP) as RC (Residential Compact) is a corresponding zoning classification to the Mixed-Use Activity Center classification.

- 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 Rezone Plan” document, dated 9/22/2023.
2. 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 # 88032 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:

Charles and Stephanie Stapleton, 4779 Rocky River Rd., Concord, NC 28027  
(704) 791-5244 , charles@hercenterprises.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) 5630-18-0096, 5630-18-2009

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

Lot Width: 224' Lot Depth: 186'

Current Zoning Classification: TND

Proposed Zoning Classification: RC-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 TND to RC-CD

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:

Infill single family residential development.

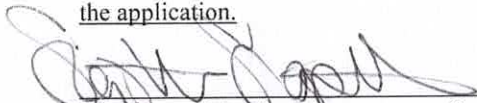
---


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                      Date

  
\_\_\_\_\_  
Signature of Owner(s)                      Date

***Certification***

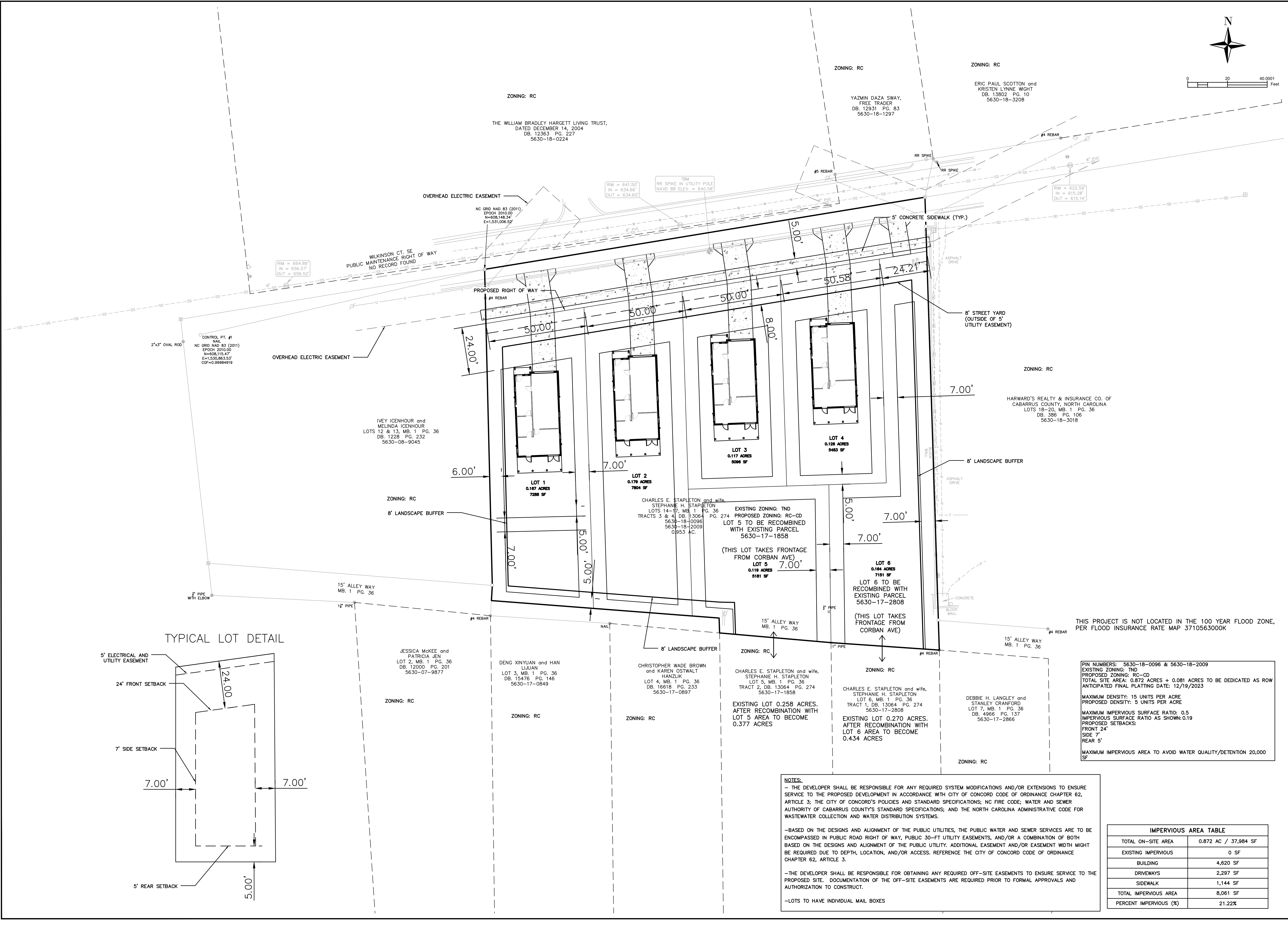
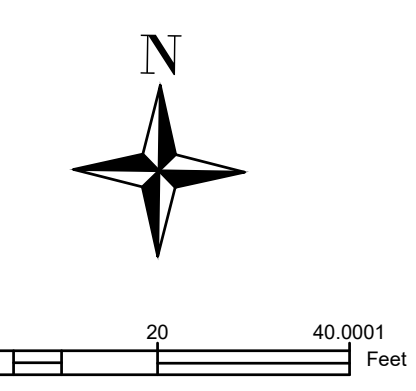
*I hereby acknowledge and say that the information contained herein and herewith is true, and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department.*

Date: 8/18/23

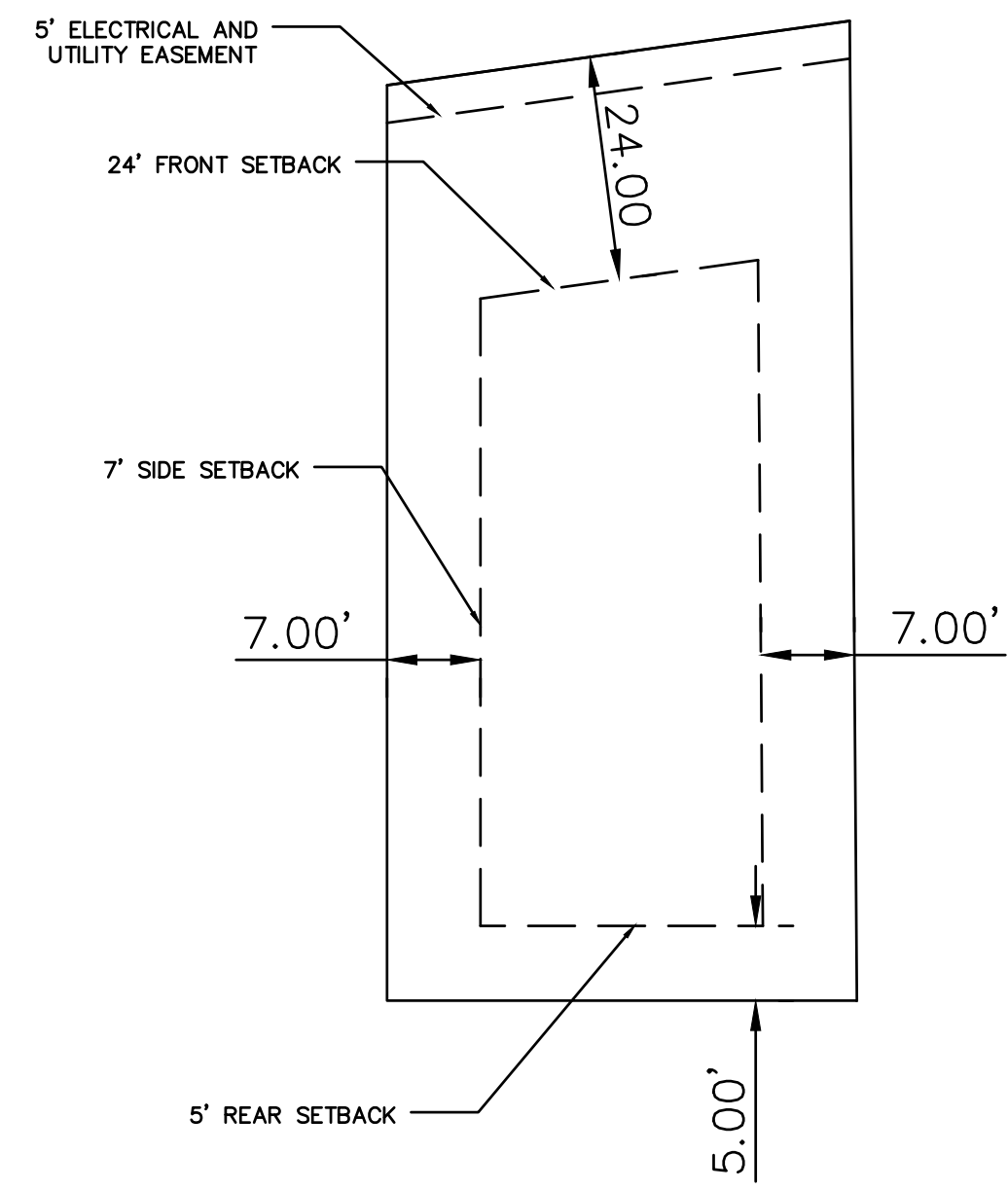
Applicant Signature: *Sherlock H. Hester*

Property Owner or Agent of the Property Owner Signature: *Sherlock H. Hester*





TYPICAL LOT DETAIL



THIS PROJECT IS NOT LOCATED IN THE 100 YEAR FLOOD ZONE, PER FLOOD INSURANCE RATE MAP 3710563000K

PIN NUMBERS: 5630-18-0096 & 5630-18-2009  
EXISTING ZONING: TND  
PROPOSED ZONING: RC-CD  
TOTAL SITE AREA: 0.872 ACRES + 0.081 ACRES TO BE DEDICATED AS ROW  
ANTICIPATED FINAL PLATTING DATE: 12/19/2023

MAXIMUM DENSITY: 15 UNITS PER ACRE  
PROPOSED DENSITY: 5 UNITS PER ACRE

MAXIMUM IMPERVIOUS SURFACE RATIO: 0.5  
IMPERVIOUS SURFACE RATIO AS SHOWN: 0.19  
PROPOSED SETBACKS:  
FRONT 24'  
SIDE 7'  
REAR 5'

MAXIMUM IMPERVIOUS AREA TO AVOID WATER QUALITY/RETENTION 20,000 SF

**NOTES:**

- THE DEVELOPER SHALL BE RESPONSIBLE FOR ANY REQUIRED SYSTEM MODIFICATIONS AND/OR EXTENSIONS TO ENSURE SERVICE TO THE PROPOSED DEVELOPMENT IN ACCORDANCE WITH CITY OF CONCORD CODE OF ORDINANCE CHAPTER 62, ARTICLE 3; THE CITY OF CONCORD'S POLICIES AND STANDARD SPECIFICATIONS; NC FIRE CODE; WATER AND SEWER AUTHORITY OF CABARRUS COUNTY'S STANDARD SPECIFICATIONS; AND THE NORTH CAROLINA ADMINISTRATIVE CODE FOR WASTEWATER COLLECTION AND WATER DISTRIBUTION SYSTEMS.
- BASED ON THE DESIGNS AND ALIGNMENT OF THE PUBLIC UTILITIES, THE PUBLIC WATER AND SEWER SERVICES ARE TO BE ENCOMPASSED IN PUBLIC ROAD RIGHT OF WAY, PUBLIC 30-FT UTILITY EASEMENTS, AND/OR A COMBINATION OF BOTH BASED ON THE DESIGNS AND ALIGNMENT OF THE PUBLIC UTILITY. ADDITIONAL EASEMENT AND/OR EASEMENT WIDTH MIGHT BE REQUIRED DUE TO DEPTH, LOCATION, AND/OR ACCESS. REFERENCE THE CITY OF CONCORD CODE OF ORDINANCE CHAPTER 62, ARTICLE 3.
- THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ANY REQUIRED OFF-SITE EASEMENTS TO ENSURE SERVICE TO THE PROPOSED SITE. DOCUMENTATION OF THE OFF-SITE EASEMENTS ARE REQUIRED PRIOR TO FORMAL APPROVALS AND AUTHORIZATION TO CONSTRUCT.
- LOTS TO HAVE INDIVIDUAL MAIL BOXES

IMPERVIOUS AREA TABLE	
TOTAL ON-SITE AREA	0.872 AC / 37,984 SF
EXISTING IMPERVIOUS	0 SF
BUILDING	4,620 SF
DRIVEWAYS	2,297 SF
SIDEWALK	1,144 SF
TOTAL IMPERVIOUS AREA	8,061 SF
PERCENT IMPERVIOUS (%)	21.22%

DESCRIPTION	REVISED PER CITY COMMENTS DATED 9/20/23
DATE	08-22-23
REVISION	1

**GREENWAY VILLAGE PARK REZONE**  
SITE LAYOUT PLAN

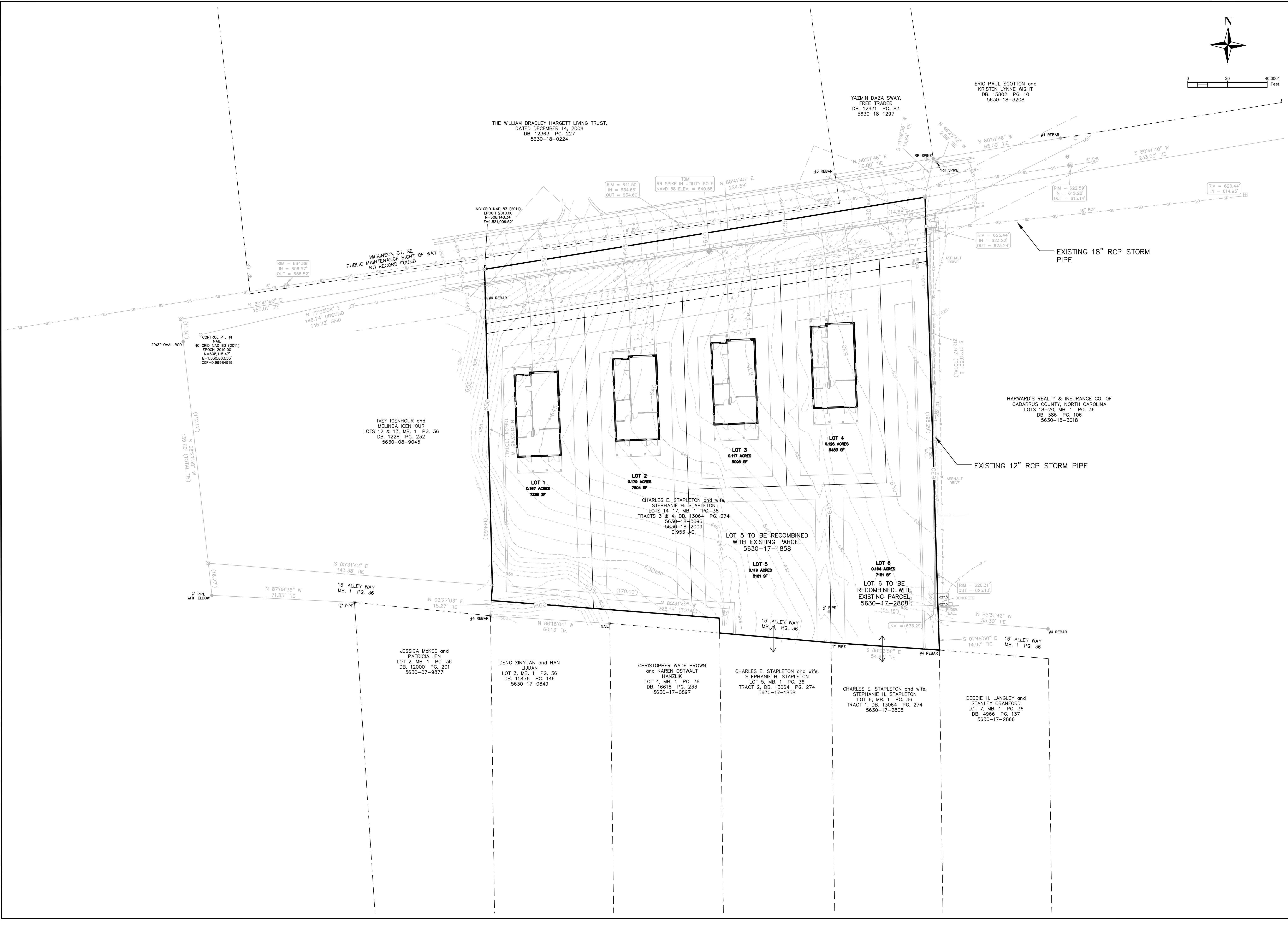
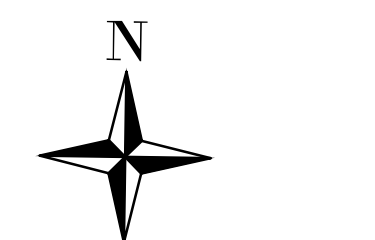
WILKINSON COURT SE., CONCORD, NC, 28025  
CHARLES STAPLETON, 4779 ROCKY RIVER RD., CONCORD, NC, 28027  
PROJECT NO. 23019  
PROJECT MANAGER: KNU

**DAYLIGHT ENGINEERING**

NCBELS LICENSE: P-2772  
57 UNION STREET SOUTH, CONCORD, NC 28023 · (980) 234-7500 · WWW.DAYLIGHTENG.COM

ENGINEER'S SEAL  
NORTH CAROLINA  
Professional Seal  
03470  
09/26/2023  
DAYLIGHT ENGINEERING  
CHARLES STAPLETON

**C200**



REVISION	DATE	DESCRIPTION
1	08-22-23	REVISED PER CITY COMMENTS DATED 9/20/23

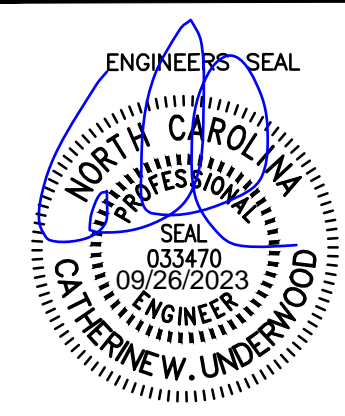
**GREENWAY VILLAGE PARK REZONE  
GRADING AND DRAINAGE PLAN**

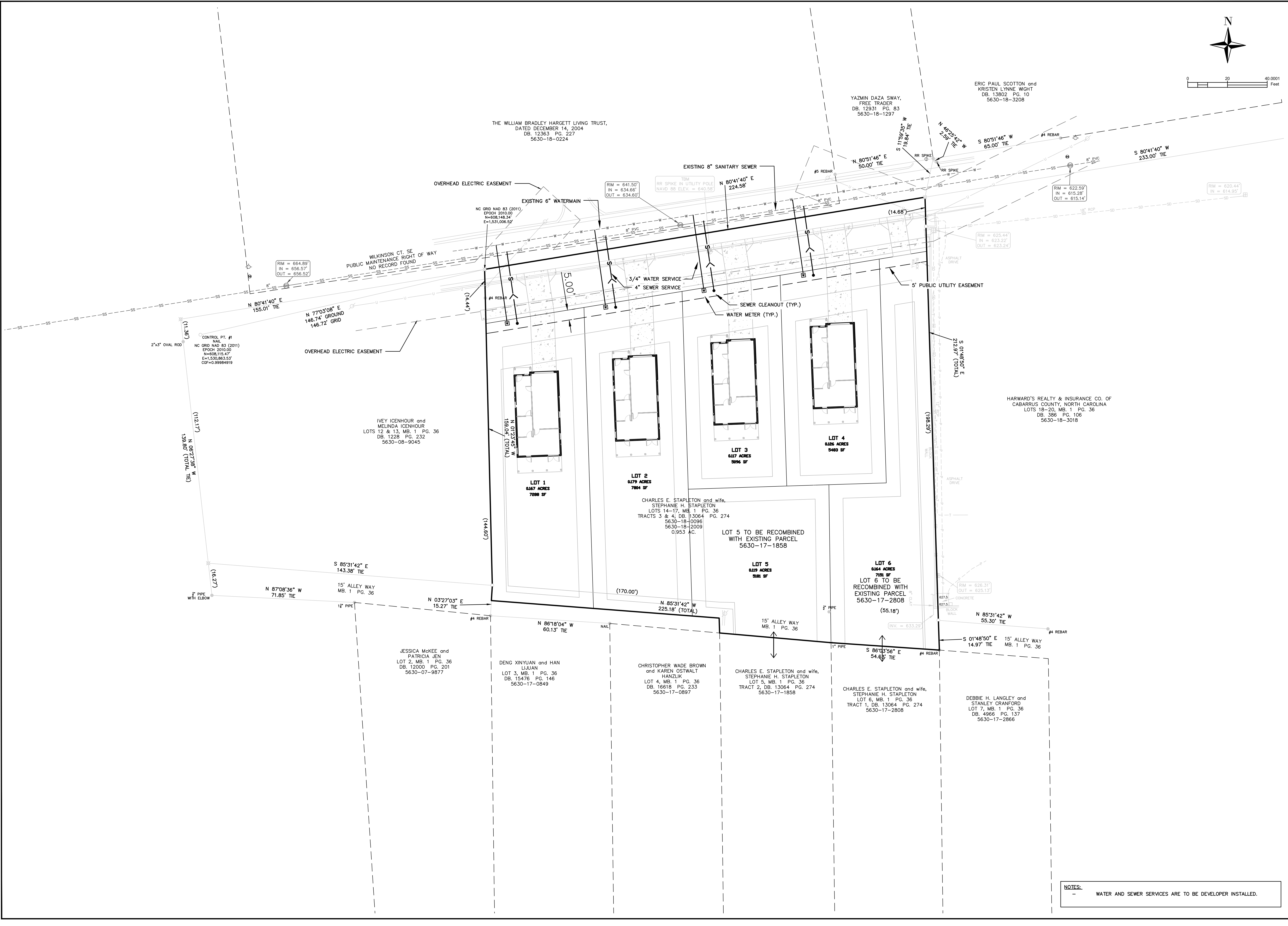
WILKINSON COURT SE., CONCORD, NC 28025  
CHARLES STAPLETON, 4779 ROCKY RIVER RD., CONCORD, NC 28027  
PROJECT NO. 23019  
PROJECT MANAGER: KNU

DAYLIGHT  
ENGINEERING

NCBELS LICENSE: P-2772  
57 UNION STREET SOUTH, CONCORD, NC 28023 • (980) 234-7500 • WWW.DAYLIGHTENG.COM

**C300**





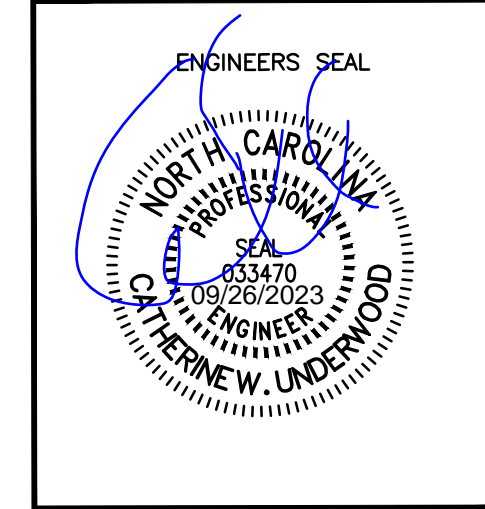
REVISION	DATE	DESCRIPTION
1	08-22-23	REVISED PER CITY COMMENTS DATED 8/20/23

**GREENWAY VILLAGE PARK REZONE**  
**UTILITY PLAN**

WILKINSON COURT SE., CONCORD, NC, 28025  
 CHARLES STAPLETON, 4779 ROCKY RIVER RD., CONCORD, NC, 28027  
 PROJECT NO. 23019  
 PROJECT MANAGER: KNU

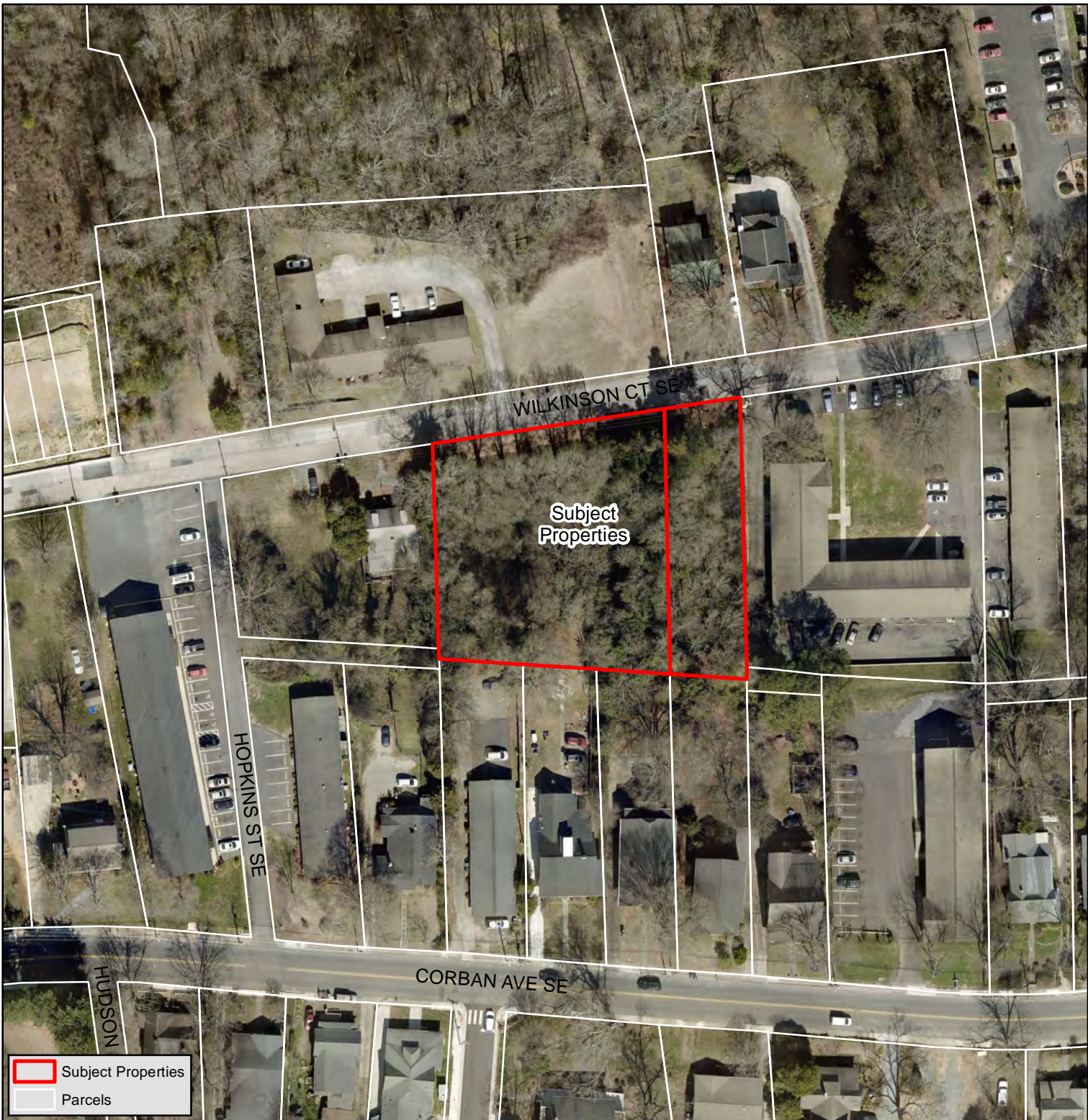
**DAYLIGHT ENGINEERING**

NCBELS LICENSE: P-2772  
 57 UNION STREET SOUTH, CONCORD, NC 28023 • (980) 234-1500 • WWW.DAYLIGHTENG.COM



**NOTES:**  
 - WATER AND SEWER SERVICES ARE TO BE DEVELOPER INSTALLED.

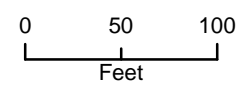
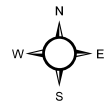
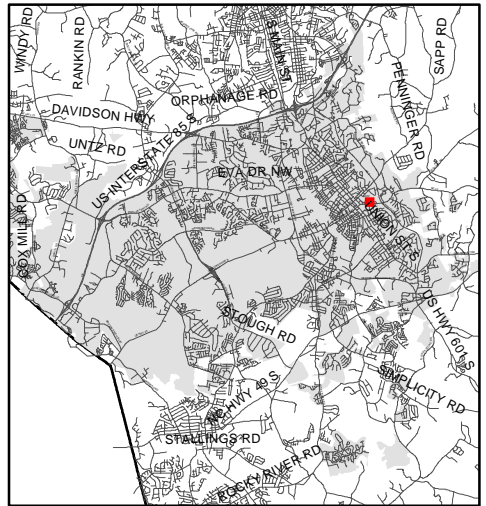
**C600**

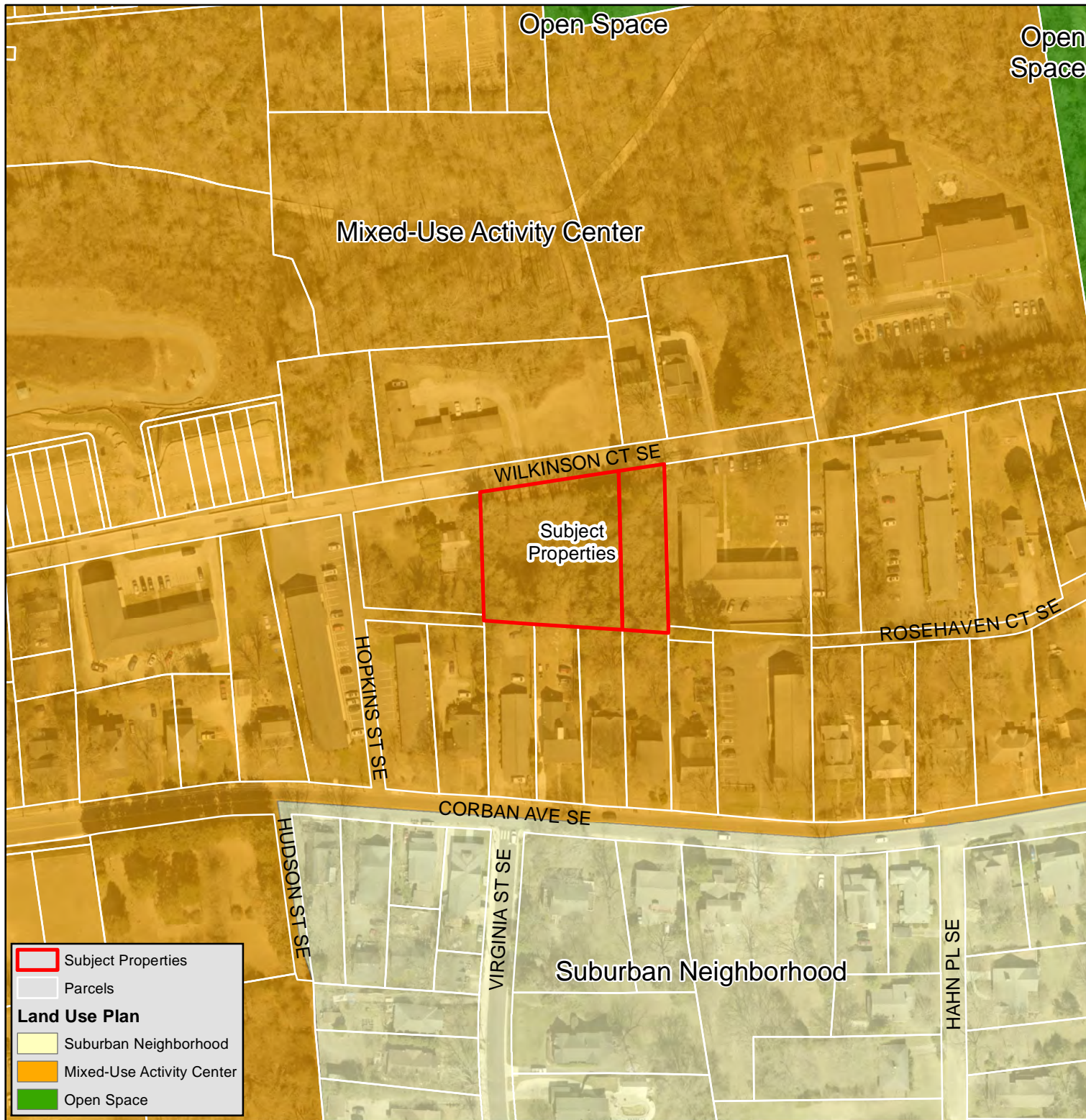


**Z(CD)-20-23  
AERIAL**

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

164 Wilkinson Ct SE  
PIN: 5630-18-0096, 5630-18-2009

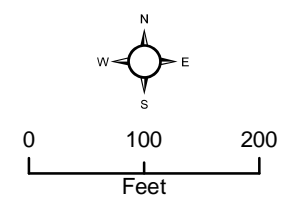
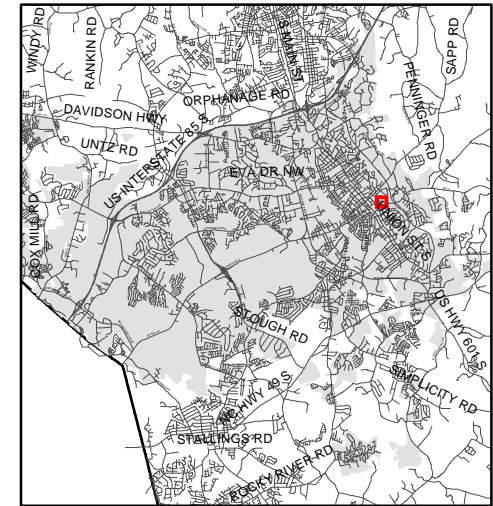




**Z(CD)-20-23  
LAND USE PLAN**

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

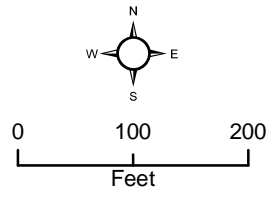
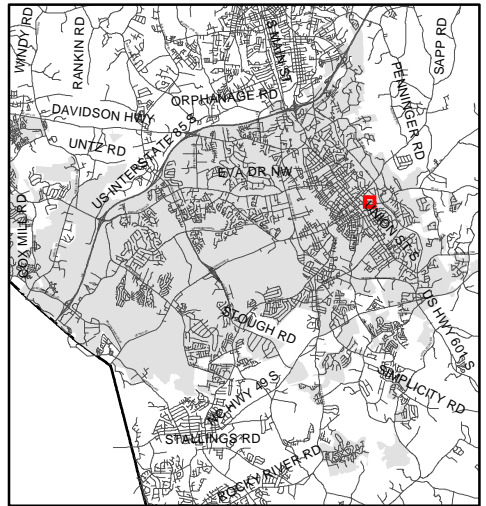
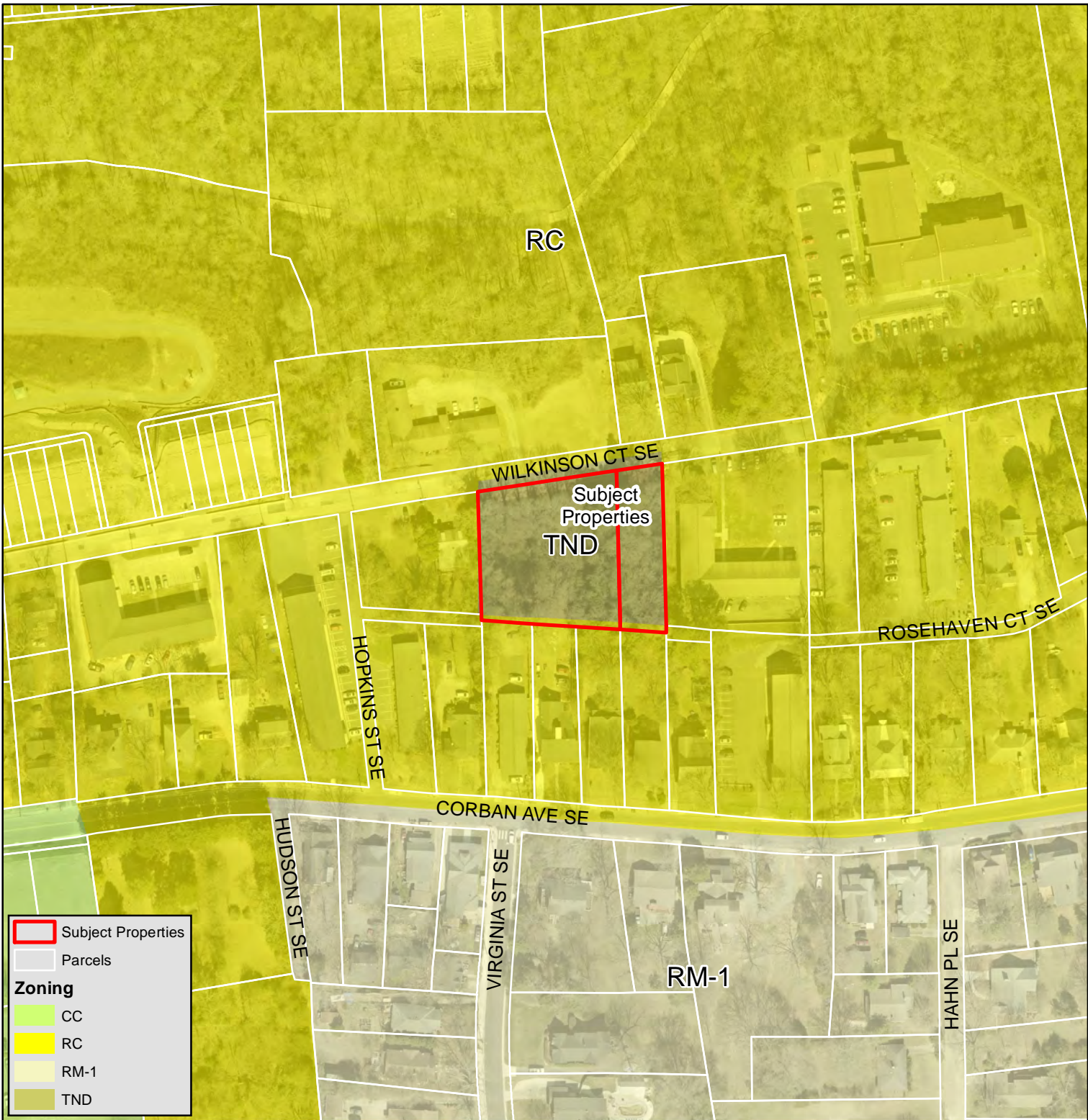
164 Wilkinson Ct SE  
PIN: 5630-18-0096, 5630-18-2009



**Z(CD)-20-23  
ZONING**

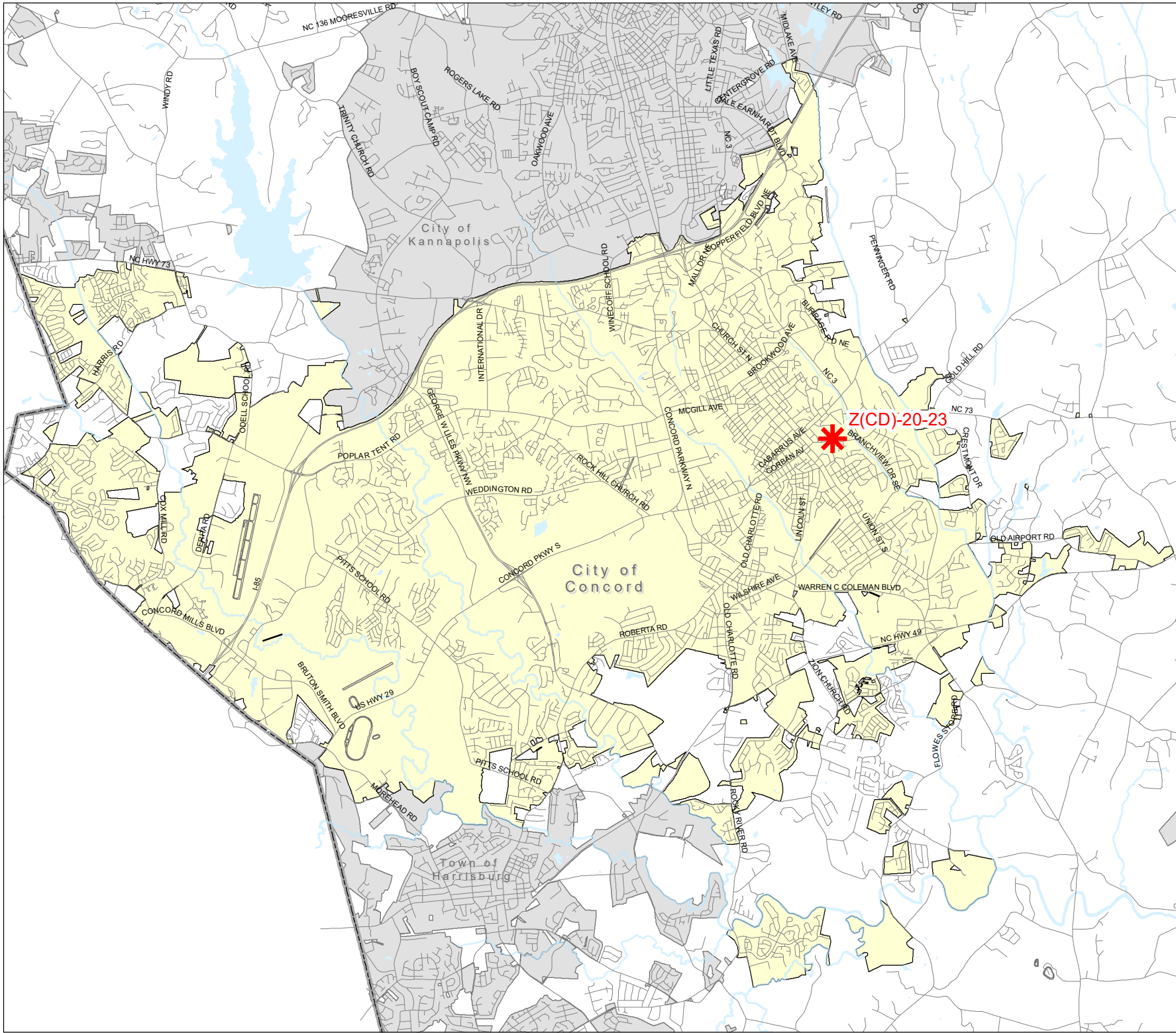
**Rezoning application  
TND (Traditional  
Neighborhood District)  
to  
RC-CD (Residential Compact  
Conditional District)**

164 Wilkinson Ct SE  
PIN: 5630-18-0096, 5630-18-2009



Z(CD)-20-23

164 Wilkinson Ct SE



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

