

Planning and Zoning Commission



DATE: November 21, 2023

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

ACCELA: CN-RZC-2022-00012

DESCRIPTION: Zoning Map Amendment

Zoning from PUD (Planned Unit Development) and RM-1 (Residential Medium Density) to RV-CD (Residential Village

Conditional District)

APPLICANT/OWNER: Niblock Homes, LLC

LOCATION: 3303 NC HWY 49 N (Heglar Rd & NC HWY 49)

PIN#s: 5549-69-0093, 5549-59-2272, 5549-49-9161, 5640-70-5379

AREA: +/- 93.23 acres

ZONING: PUD (Planned Unit Development) and RM-1 (Residential

Medium Density)

PREPARED BY: Autumn C. James, Planning & Development Manager

Kevin Ashley, AICP - Deputy Planning Director

BACKGROUND

The subject property consists of +/- 93.23 acres generally at the northeast quadrant of NC Highway 49 North and Heglar Road. The property is most commonly known as the Buffalo Ranch property. The majority of the property is currently zoned Planned Unit Development (PUD) and Residential Medium Density (RM-1).

HISTORY

The subject property is the site of the former Buffalo Ranch tourist attraction and the subject property previously contained various agricultural support uses associated with this former land use. A lake is located generally in the center of the property. The larger portion of the property was annexed on a voluntary basis in 2006 and was zoned to PUD for the development of 190 single family homes, along with a supporting neighborhood commercial area. At the time of approval of the accompanying subdivision plat, two (2) parcels, encompassing approximately 1.41 acres were included within the area of the plat, but were never annexed. These two parcels were annexed with an effective date of May, 2017. The entire PUD zoning was subsequently amended to include these parcels.

SUMMARY OF REQUEST

Niblock Homes, LLC proposes to rezone +/-93.23 acres at the northeast quadrant of NC HWY 49 North and Heglar Rd. in Concord for the development of a residential single family detached subdivision. The developer has acquired RM-1 Zoned land along Heglar Road to assemble into the boundary of the 2017 subdivision. This project is proposed to have 135 single family residential lots with 1.47 dwelling units per acre (DUA). There will be three (3) phases to this subdivision. The average lot size will be approximately 7,590 square feet (55'x138').

The commercial area anticipated with the initial PUD zoning is proposed to be eliminated with this zoning petition as the developer contends that the site is no longer conducive to commercial development.

The proposed development has one entrance on NC Highway 49, two entrances on Heglar Road and street "stubs" to undeveloped land to the north and to the east in order to facilitate extension of the street network in the event that those properties develop. The approved 2017 plan included an entrance on Old Airport Road, which necessitated crossing an environmentally sensitive area. This access point has been eliminated but the development meets all minimum CDO connectivity requirements and all Fire Code requirements for access.

The proposed development has phase one (57 lots) and phase two (24 lots) located on the east side of the lake and phase three (54 lots) is located on the west side of the lake. An amenity center is proposed generally on the northeast side of the lake. The lake is proposed to be utilized as an amenity, with a trail around the perimeter and the construction of a wooden dock. Seven (7) storm water retention facilities are dispersed throughout the development.

The developer has completed a Transportation Impact Analysis (TIA) which identifies several improvements to help mitigate the impact of the development. These improvements include the installation of a right turn lane on NC 49 at the main access (in phase 1) and restriping the southbound approach of Heglar Road at NC 49 to allow for a right turn lane and a shared throughleft lane. This TIA has been accepted by both NCDOT and the City's Transportation Department.

The site plan has been reviewed by the Development Review Committee (DRC) and the plan meets the minimum requirements of the CDO.

Property to the north is zoned Cabarrus County Low Density Residential (LDR) and is residential and agricultural land. Land to the south is zoned Cabarrus County Countryside Residential (CR) and is single family residential, agricultural and vacant land. Property to the east is zoned PUD (Planned Unit Development) and Cabarrus County LDR (Low Density Residential), and property to the west is zoned City of Concord PUD and is predominately single family residential.

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.

Existing Zonin	g and La	and Uses (Subject Pa	arcel)		
Current Zoning of Subject Property	Zoning Within 500 Feet		Land Uses(s) of Subject Property	Land Uses within 500 Feet	
	North	Cabarrus County LDR (Low Density Residential)		North	Residential, agricultural
PUD (Planned Unit	South	Cabarrus County CR (Countryside Residential)		South	Residential, agricultural, vacant
Development) and RM-1 (Residential Medium Density)	East	PUD (Planned Unit Development) and Cabarrus County LDR (Low Density Residential)	Vacant & Residential	East	Residential, agricultural
	West	PUD (Planned Unit Development)		West	Vacant, Residential

COMPLIANCE WITH 2030 LAND USE PLAN

The 2030 LUP designates the subject properties as "Village Center (VC)" and "Suburban Neighborhood (SN). RV (Residential Village) *is listed* as a corresponding zoning district to both the "Village Center (VC)" and "Suburban Neighborhood (SN) land use categories, and therefore is consistent with the land use plan.

The corresponding zoning districts for the "Village Center" land use category are RV (Residential Village), O-I (Office Institutional), MX-NC (Mixed Use-Neighborhood Center), MX-CC1 (Mixed Use-Commercial Center Small) , PRD (Planned Residential Development), C-1 (Light Commercial), C-2 (General Commercial District), PUD (Planned Unit Development), RC (Residential Compact), R-CO (Residential – County Originated)

The corresponding zoning districts for the "Suburban Neighborhood" land use category are RE (Rural Estate), RM-1 (Residential Medium Density), RM-2 (Residential Medium Density), PRD (Planned Residential Development), C-1 (Light Commercial), PUD (Planned Unit Development), RV (Residential Village), TND (Traditional Neighborhood Development), B-1 (Neighborhood Commercial/Office District), RL (Residential Low Density), O-I (Office Institutional), R-CO (Residential – County Originated)

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.

From the 2030 Land Use Plan - "Suburban Neighborhood (SN)"

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. Single family attached dwellings are an option for infill development within the suburban neighborhood future land use category. These neighborhoods are often found in close proximity to suburban commercial, office, and industrial centers, and help provide the consumers and employment base needed to support these centers. Lots at intersections of collector and arterial streets within or at the edges of suburban neighborhoods may support small-scale, neighborhood serving, pedestrian-oriented commercial or service uses such as coffee shops, cafes, beauty salons and light retail. Pedestrian oriented uses exclude uses with drive-in, drive-through or automobile related services.

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.

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.

- 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-used activity centers and village centers.

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately +/- 93.23 acres and currently zoned PUD (Planned Unit Development) and RM-1 (Residential Medium Density).
- The proposed zoning amendment is consistent with the 2030 Land Use Plan (LUP) as RV-CD (Residential Village Conditional District) is a corresponding zoning district to the Village Center (VC) and Suburban Neighborhood (SN) land use categories and the proposed uses are 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 density with the adjacent residential land uses. Furthermore the RVCD zoning is reasonable as the site is no longer conducive for the commercial uses required
 with PUD zoning.

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 "Rezoning Plan Lakeside Reserve," sheet number RZ-2, dated 8/14/2023.
- 2. At each of the three (3) subdivision entries (Heglar Rd., Heglar Rd. and Old Farm Rd., NC Hwy 49) the divided roadway will also include a landscaped median island with a stamped roadway that resembles brick.
- 3. Any roadway improvements or easements requested by the City of Concord or NCDOT, at site plan review, shall not limit the width of perimeter buffers.
- 4. The existing lake must be buffered in accordance with Article 4 of the Concord Development Ordinance (CDO) due to the direct connection of the lake to a jurisdictional stream.
- 5. All buffers must be in compliance with Article 4 of the Concord Development Ordinance (CDO) and cannot be located in lot lines
- 6. Technical site plan review and approval is required including all approvals from outside local, state and federal agencies.
- 7. 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.

Planning and Zoning Commission Case # Z(CD)-22-22



APPLICATIONS NOT COMPLETED BY THE PUBLISHED APPLICATION DEADLINE WILL NOT BE CONSIDERED.

Required Attachments / Submittals:

X	1.	Typed metes and bounds description of the property (or portion of property) in a Word
		document format.
х	2.	Cabarrus County Land Records printout of names and addresses of all immediately
		adjacent landowners, including any directly across the street.
х	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:
704-788-4818, wniblock@niblockhomes.com
Owner Name, Address, Telephone Number:
Niblock Homes, LLC., 759 Concord Parkway North, Suite 20, Concord, NC 28027
704-788-4818
Project Location/Address: <u>Heglar Rd. & Hwy 49</u> P.I.N.: <u>5549-69-0093</u> , 5549-59-2272, 5549-49-9161, 5640-70-5379
Area of Subject Property (acres or square feet): Total: 93.23 Ac. or Net: 91.75 Ac. Lot Width: 55' & 49' Lot Depth: 138' & 105'
Current Zoning Classification: PUD & RM-1
Proposed Zoning Classification: RV-CD
Existing Land Use: Vacant & Residential
Future Land Use Designation: Development
Surrounding Land Use: North Vacant/Residential South Vacant/Residential
East <u>Vacant/Residential</u> West <u>Vacant/Residential</u>
Reason for request: Residential single-family detached subdivision
Has a pre-application meeting been held with a staff member?
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.

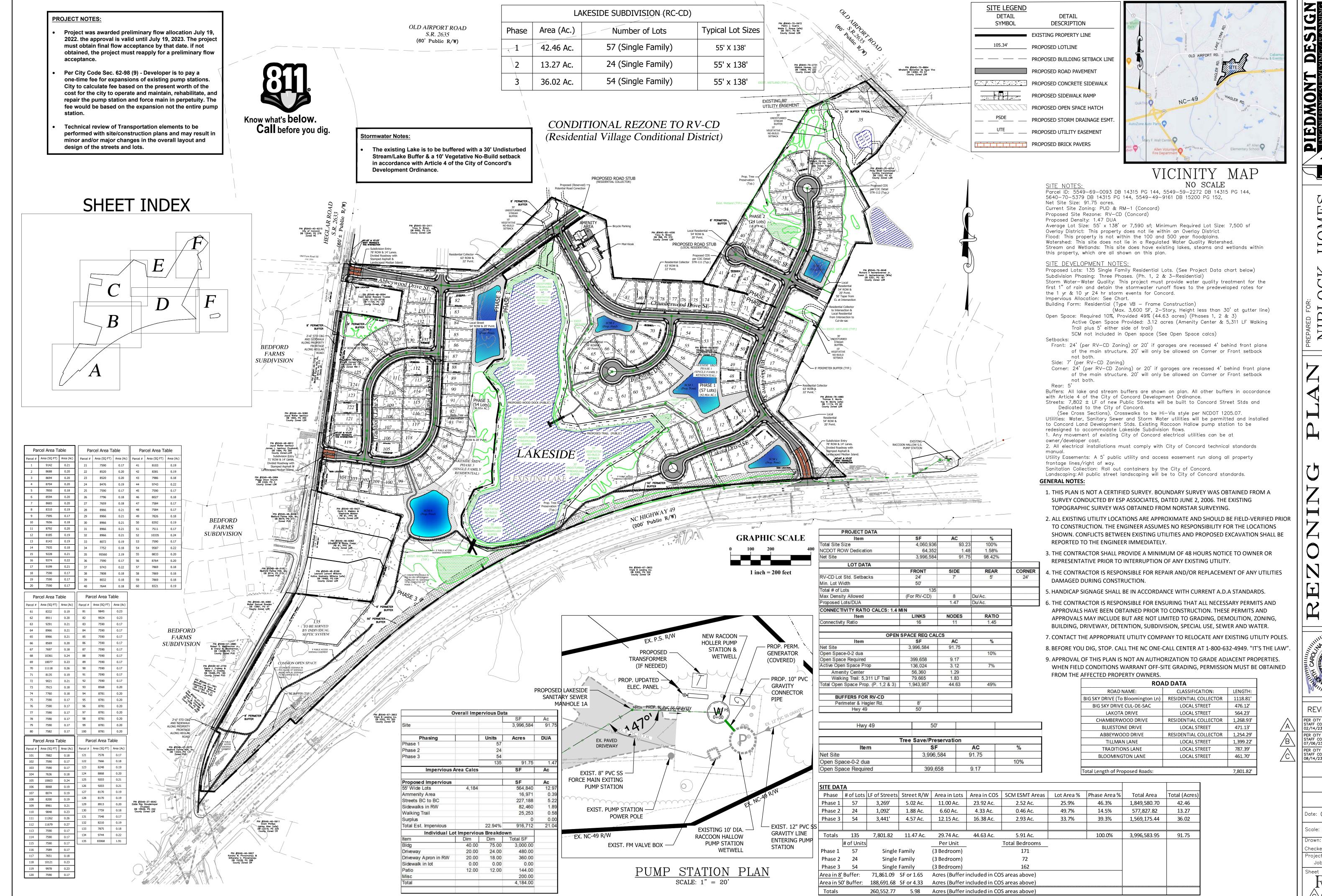
Date: 10 /14/22	
Applicant Signature:	
Property Owner or Agent of the Property Owner Signature:	



THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

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):	ption
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2.		ptior
	(You may attach other sheets of paper as needed to supplement the information):	
	See Attached plans	
	ake this request for Conditional district zoning voluntarily. The uses and conditions described about	
offe	ered of my own free will. I understand and acknowledge that if the property in question is rezo	ned
requ	uested to a Conditional District the property will be perpetually bound to the use(s) speci	ifical
autl	horized and subject to such conditions as are imposed, unless subsequently amended as provided	l und
the	City of Concord Development Ordinance (CDO). All affected property owners (or agents) mu	st si
the	application.	
./	1100	
_	nature of Applicant Date Signature of Owner(s) Date	114.



PUBLICATION OR REUSE OF THESE DRAWINGS OR ANY DETAILS WITHIN MUST BE WITH THE WRITTEN CONSENT OF PIEDMONT DESIGN ASSOCIATES, P.A.

Location:

KESIDE RESERVE

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PER CITY OF CONCORD STAFF COMMENTS 02/14/23

PER CITY OF CONCORD STAFF COMMENTS 07/06/23

PER CITY OF CONCORD STAFF COMMENTS 08/14/23

CLF

Date: 07/29/2022

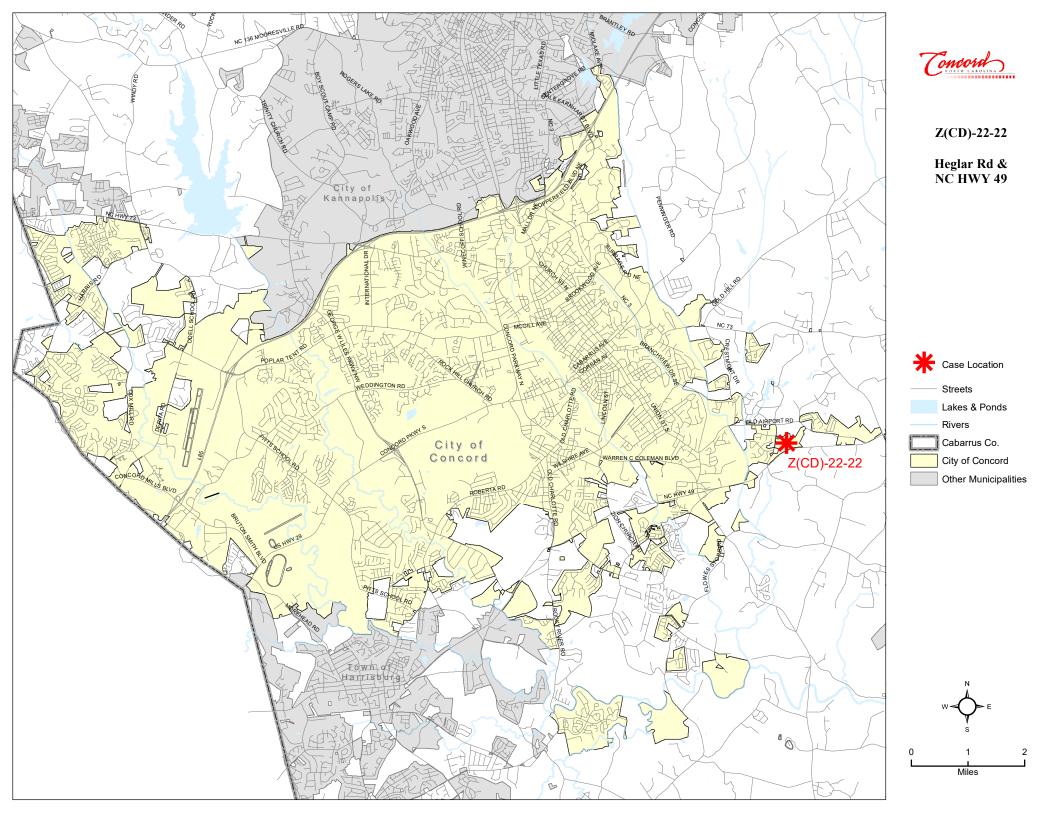
Scale: As Noted

Drawn: CLF
Checked: DLM
Project: 2020-04-02
Job:

Date of Issue:

Approved:

Owner:

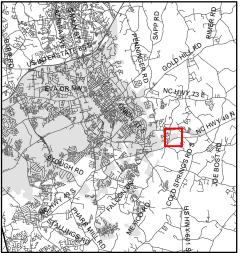


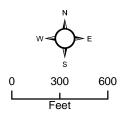


Z(CD)-22-22 AERIAL

Rezoning application
RM-1 (Residential Medium Density)
& PUD (Planned Unit Development)
to
RV-CD (Residential Village Conditional District)

Heglar Rd & NC Hwy 49 PINs: 5549-69-0093, 5549-59-2272, 5549-49-9161 & 5640-70-5379



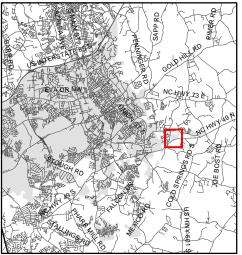


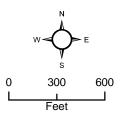
OLD AIRPORT RD RM-1 County LDR RE OLD FARM RD SE RM-2 County LDR RPORTORSE RM-1 Subject Properties County LDR PUD SLEY DR SE Subject Properties Parcels Zoning PUD County CR RC RE RM-1 RM-2 **County Zoning** County LDR CR LDR Concord

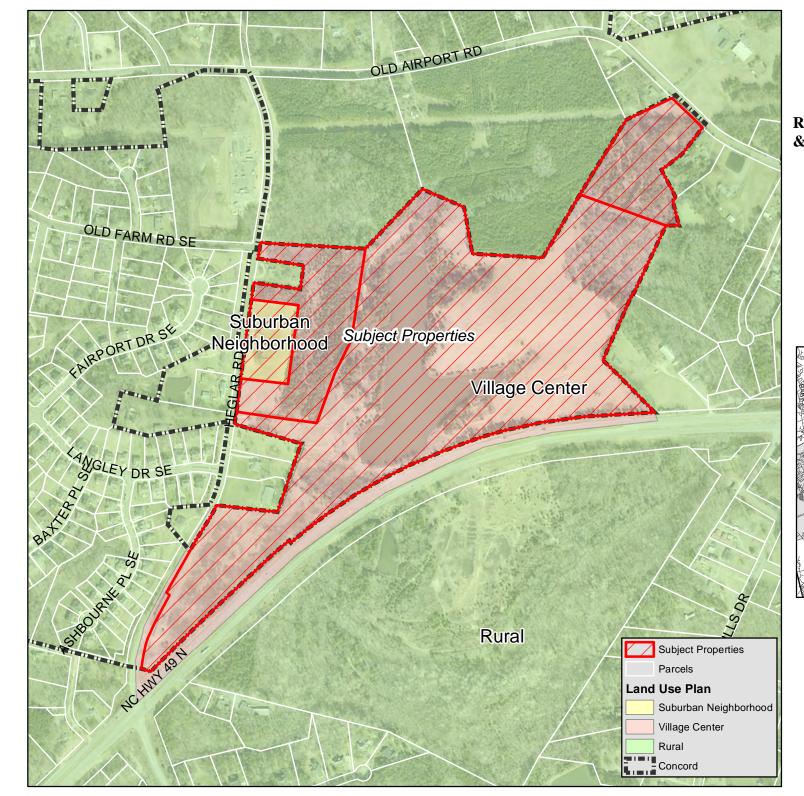
Z(CD)-22-22 ZONING

Rezoning application
RM-1 (Residential Medium Density)
& PUD (Planned Unit Development)
to
RV-CD (Residential Village Conditional District)

Heglar Rd & NC Hwy 49 PINs: 5549-69-0093, 5549-59-2272, 5549-49-9161 & 5640-70-5379







Z(CD)-22-22 LAND USE PLAN

Rezoning application
RM-1 (Residential Medium Density)
& PUD (Planned Unit Development)
to
RV-CD (Residential Village Conditional District)

Heglar Rd & NC Hwy 49 PINs: 5549-69-0093, 5549-59-2272, 5549-49-9161 & 5640-70-5379

