

Staff Report

Planning and Zoning Commission

DATE: July 19, 2022

CASE #: Z(CD)-34-21 (B)

ACCELA CASE #: CN-RZC-2022-00003

DESCRIPTION: Zoning Map Amendment from Huntersville ETJ Rural (R) to

City RV- CD (Residential Village Conditional District)

APPLICANT: Skybrook, LLC

OWNER: Skybrook, LLC

LOCATION: p/o 10435 Poplar Tent Rd

PIN#: p/o 4671-73-1211

AREA: +/- .507 acres

ZONING: Huntersville ETJ Rural (R)

PREPARED BY: Scott Sherrill, AICP, Planning & Development Manager

Note: Because this rezoning request is pertaining to a recently annexed property, a City zoning classification must be adopted.

BACKGROUND

The subject property consists of a portion of (1) parcel, comprising approximately +/-.507 acres located at p/o 10435 Poplar Tent Rd on the southwest side of the Poplar Tent Rd and Huntersville-Concord Rd intersection. The subject property is located in Mecklenburg County, and was previously within the Town of Huntersville's ETJ: the Town of Huntersville waived its right to annexation of the property on February 21, 2022, and the property was annexed into the City of Concord on June 9, 2022. The property is owned Skybrook, LLC and is currently vacant. The applicant seeks a rezoning to RV-CD (Residential Village Conditional District) for the purpose of constructing up to 3 townhomes.

HISTORY

The owner of the subject property is also the developer of the various Skybrook neighborhoods within both Cabarrus County and Mecklenburg. The property extends west from the 2.387 acres of Residential Village-Conditional District (RV-CD) that was approved as part A of Z(CD)34-21 zoning case for the development of 11 units on April 19, 2022. The projects together close the gap between the +/- 6.6-acre property directly to the north is also owned by Skybrook LLC and is currently under development for a 52-unit townhome community named Skybrook Corners. The project was developed by-right under the RV (Residential Village) zoning classification and was

granted sewer/wastewater flow acceptance by City Council in March. On November 10th, 2020, Skybrook LLC was granted annexation of a 50ft wide and +/- 188ft long strip of the parent parcel (4671-73-1211) in order to establish a future City street connecting the forthcoming Skybrook Corners development to the north with the stub street within the Parkside at Skybrook neighborhood to the south. The annexation was approved and the 50ft strip was subsequently rezoned to RV (Residential Village) in December of 2020. This is the final piece of a two-part annexation/rezoning request.

Because this rezoning request is pertaining to a recently annexed property, a City zoning classification must be adopted. Should the Planning and Zoning Commission decide to deny the rezoning request, an alternative zoning designation must be applied, considering Land Use Plan consistency.

SUMMARY OF REQUEST

The subject property is proposed to be rezoned in order to develop it as an expansion of the Skybrook Corners townhome project to the northeast and east. As can be seen on the submitted site plan, 11 townhome units are proposed on the Cabarrus County side of the parcel. Up to three (3) additional townhomes are proposed as part of the project on area of the parcel within Mecklenburg County's jurisdiction: buildings cannot generally cross county lines, so it is unclear if all three units will be able to fit as shown on the site plan, and some small adjustments are possible. It should be noted that the site data provided on the site plan includes both information regarding the anticipated overall site data, includes the portions in Mecklenburg County and Cabarrus County. All transportation and access improvements association with connection to the future street will be required to meet City Standards. There is no access to the site possible from the Mecklenburg County side.

The subject property under consideration is +/- .507 acres, with up to 3 units at 5.26 dwelling units per acre (du/a). The maximum density for the RV zoning district is 8 du/a. The applicant has indicated that .27 acres (53.25%) of open space is provided with .55 acres provided on the Cabarrus County portion of the site for a total of .82 acres across both portions of the site. No specific detail has been provided as to how the open space will be utilized. Standards for density and open space have been met.

The section of the development under consideration does not present concerns with internal setback requirements, and the 8' buffer yard can be accommodated around the subject property.

The property is surrounded by the Parkside at Skybrook North neighborhood on three sides and the other components of the Skybrook Corners Expansion to the east. Properties to the north, south, and west are all developed with single-family detached dwelling and zoned RV-CU (Residential Village Conditional Use), RM-2 (Residential Medium Density), County LDR (Low Density Residential) or Huntersville residential. Skybrook LLC, is the owner/developer of the subject site and is responsible for the other developments to the north, south, east, and west.

In accordance with the CDO, all reviewing departments of the DRC (Development Review Committee) have signed off on the rezoning plan. Should rezoning be approved, the next step would be for the applicant to apply for preliminary plat approval. It should be noted that the subject plan is not designed to preliminary plat standards and therefore, any intended or perceived deviation from technical standards resulting from the somewhat conceptual nature of the plan shall not constitute approval to deviate from, or negate, technical standards within the Concord Development Ordinance, Technical Standards Manual, or any other regulatory document. Due to sewer capacity limitations at the Rocky River Wastewater Treatment Plant, it is now a

requirement that projects obtain Preliminary Sewer allocation from City Council prior to the submittal of construction drawings. Sewer allocation will be required for this project prior to being able to submit for construction drawings; a preliminary plat has been submitted and is currently in review.

The applicant held a required neighborhood meeting on Tuesday, June 28th, 2022 via Zoom. According to the summary, no neighbors attended. A summary provided by the applicant has been included in the Commission's packets.

Existing Zoning and Land Uses (Subject Parcel)									
Current Zoning of Subject Property	Zonin	g Within 500 Feet	Land Uses(s) of Subject Property	Land Uses within 500 Feet					
Huntersville ETJ R (Rural)	North	RV (Residential Village)		North	Single Family Detached (Parkside at Skybrook North)				
	South	RV-CU (Residential Village Conditional Use)	Single-Family Detached	South	Single Family Detached (Parkside at Skybrook North)				
	East	Huntersville R (Single Family Detached)	Detached	East	Single Family Detached (Future Skybrook Corners Expansion)				
	West	Cabarrus County LDR (Low Density Residential)		West	Single Family Detached (Parkside at Skybrook North)				

COMPLIANCE WITH 2030 LAND USE PLAN

The 2030 Land Use Plan (LUP) does not contain a land use designation for the property because it was not previously within the annexation boundary for the City of Concord.

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately +/- .507 acres and is currently zoned Town of Huntersville ETJ R (Rural).
- The subject property was annexed on June 9th, 2022, and is currently vacant.
- The proposed zoning amendment is not addressed by the City of Concord's 2030 Land Use Plan; however, the property is adjacent to areas designated Suburban Neighborhood. In the Town of Huntersville 2040 Community Plan, the area is designated as Rural Conservation, which would recommend density no greater than .9 units per acre. The proposed zoning amendment would not be consistent with the Town of Huntersville Rural Conservation area, but would be more consistent with the City of Concord's Suburban Neighborhood designation as RV (Residential Village) and conditional district variations are considered corresponding zoning classifications to the "Suburban Neighborhood" Land Use Category. The proposed zoning is a comparable extension of RV-CU (Residential Village Conditional Use) zoning to the east. Access to the property

is provided from Concord only and not through land designated Rural by the Town of Huntersville. Rezoning the subject property to RV-CD (Residential Village Conditional District) would permit an expansion of an infill single-family attached housing option not found within the general vicinity, implementing guidance detailed in Objective 1.6 of the 2030 Land Use Plan related to providing a variety of housing options.

• The zoning amendment is reasonable and in the public interest as it would permit infill development of single-family attached dwellings with similar dimensional standards to the developing adjacent townhome development to the east and northeast. No access is proposed or possible from the Huntersville jurisdiction. The townhome housing type is not currently found within the general vicinity and thus the proposal would increase housing type options. Property to the south is zoned for moderate density single-family detached. While the residential uses are classified differently, the conditional nature of the proposed zoning would limit the construction of buildings higher than two-stories ensuring visual compatibility between the single and two-story single-family homes to the south. The proposal permits the development of a piece of land that would otherwise not be accessible or developable.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff has no objections to the petition. Because this is the initial assignment of a Concord Land Use designation, a Land Use Plan amendment will be needed for this request, which is subject to City Council approval: Staff is seeking a recommendation to City Council on the rezoning from Huntersville Rural (R) and land use plan amendment from Town of Huntersville 2040 Rural Conservation to City of Concord 2030 Suburban Neighborhood.

PROCEDURAL CONSIDERATIONS

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the consistent 2030 Land Use Plan and staff has no objections to the petition. If approval is desired, staff recommends the following conditions agreed upon by the applicant:

- 1. Compliance with Sheets RZ-1 and RZ-2 of the "Rezoning Case # Z(CD)-34-21(A) Skybrook Corners Expansion," with revision date of 4/12/22.
- 2. The subject plan is not designed to preliminary plat standards and therefore, any intended or perceived deviation from technical standards resulting from the somewhat conceptual nature of the plan shall not constitute approval to deviate from, or negate, technical standards within the Concord Development Ordinance, Technical Standards Manual, or any other regulatory document.
- 3. Driveway separation shall be a minimum of 10ft and all required Transportation improvements shall be adhered to in accordance with the TSM.
- 4. No more than 3 units shall be developed as part of the current phase of the project.
- 5. The .507 acres indicated in Mecklenburg County is the only property included within this portion of the rezoning approval.
- 6. 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.

Staff note: 2 part rezoning due to pending annexation of .507 acres



Application for Zoning Map Amendment

Owner Name, Address, Telephone Number: Skybrook,	, LLC
PO Box 38, Holly Springs, N	
Staff note: Z(CD)-34-21(A) to include Cabarrus County property only - 2.387 Z(CD)-34-21(B) to include .507 acres in Mecklenburg IF annexed by City Co	
Project Location/Address: 10515 and 10435 Poplar	Tent Road, Huntersville, NC 28078
P.I.N.: 4671-73-1211 Staff note: 2 part rezoning will require p.	/o PIN and not full PIN - See Metes & Bounds
Area of Subject Property (acres or square feet):2.894	4 AC (.507 Meck. Co. & 2.387 Cab. Co) Staff Note: does not include 0.214
Lot Width: 193' Lot Depth: 715'	
Current Zoning Classification: LDR (Cabarrus Cour	
Proposed Zoning Classification: RV-CD	
Existing Land Use: residential - vacant	
Future Land Use Designation: <u>suburban neighborho</u>	bood
Surrounding Land Use: North _townhomes	South single family
East single family	West single family
Reason for request: To develop the site with townho	omes in the same fashion as
the adjacent site Skybrook Corners	
Has a pre-application meeting been held with a staff me	ember? <u>Held on 12/16 DRC</u>
Staff member signature:	Date:



THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

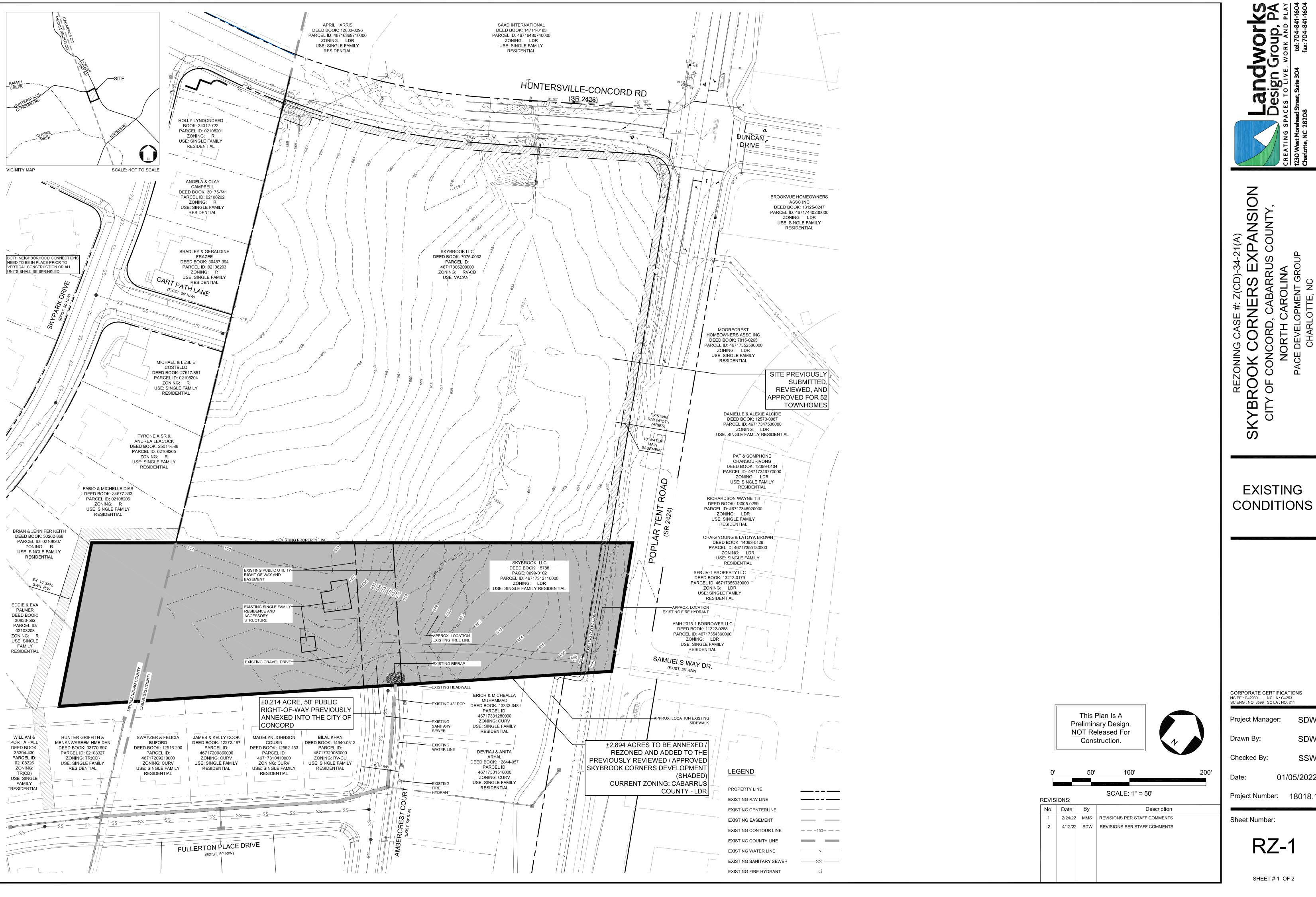
(You may attach other sheets of paper as needed to supplement the information): See Sheets RZ-1 and RZ-2 for Skybrook Corners Expansion. No more than 14 townhome lots. Staff note: 2 part rezoning. No more than 11 townhomes in Phase 1. See applicant's site plan dated 4/12/22 Staff note: no more than 3 townhomes in Phase 2 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.	1. List the Use(s) Proposed in the Project:
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Signature of Applicant Date Signature of Owner(s) Date	Signature of Applicant Date Signature of Owner(s) Date
Signature of Applicant Date Signature of Owner(s) Date Signature of Owner(s) Date	for Skybrook UC



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: 1.24-22	_			
Applicant Signature:	JuE	Colo I'	+or Slayba	<u> </u>
Property Owner or Agent o	f the Property (Owner Signa	ature:	
Jun E.	Crest			
		11-1	1110	





YB

CORPORATE CERTIFICATIONS
NC PE : C-2930 NC LA : C-253
SC ENG : NO. 3599 SC LA : NO. 211

Project Manager

SDW SSW

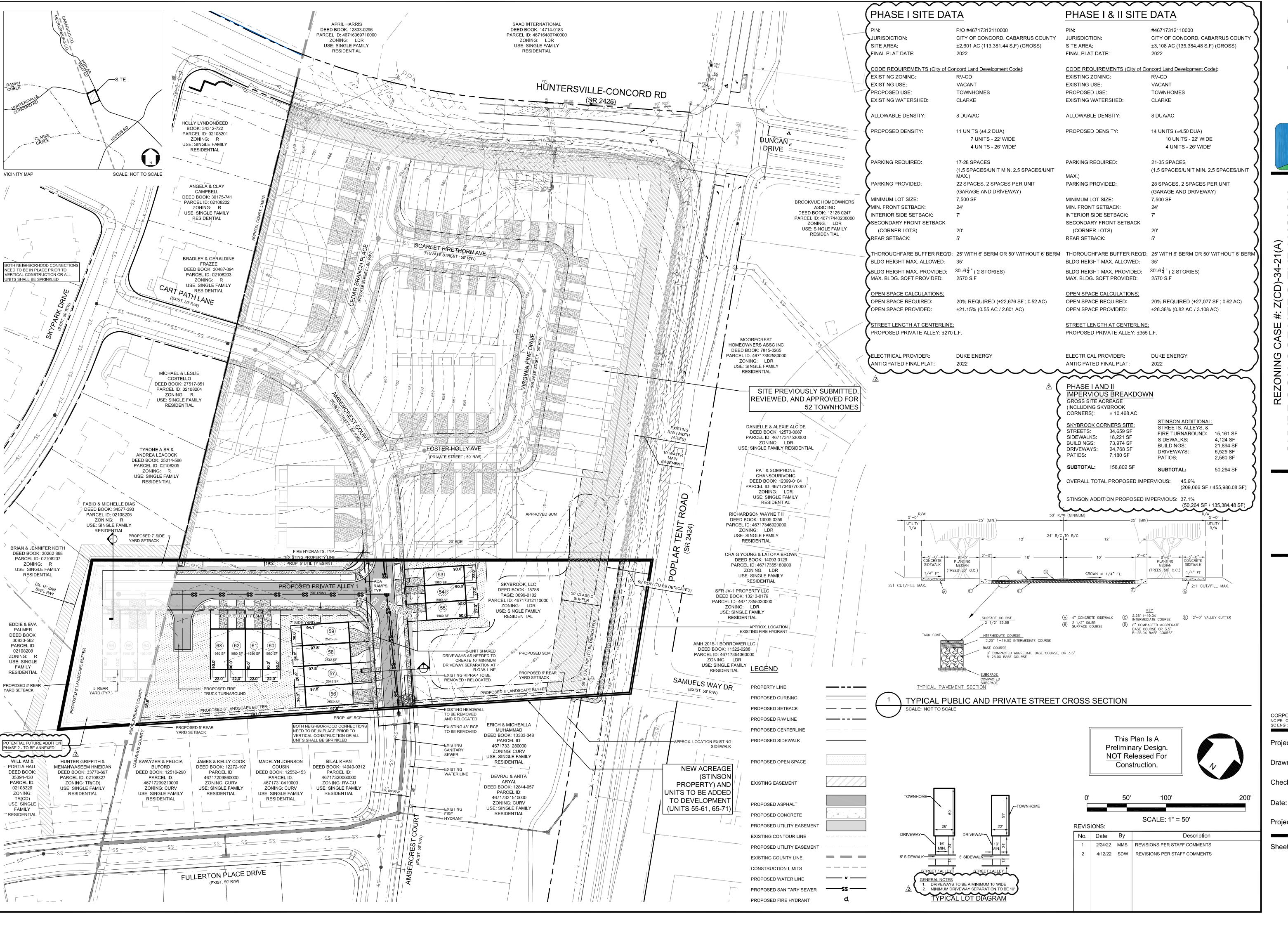
01/05/2022

Project Number: 18018 1

Sheet Number:

RZ-1

SHEET#1 OF2



 \Box

PLAN

CORPORATE CERTIFICATIONS NC PE : C-2930 NC LA : C-253 SC ENG: NO. 3599 SC LA: NO. 211

Project Manager:

SDW Drawn By: SSW Checked By:

01/05/2022

Project Number: 18018 1

Sheet Number:

RZ-2

SHEET#2 OF 2



June 30, 2022

To: Scott Sherrill, City of Concord

From: Scott Moore, Skybrook Project Manager

RE: Community Meeting Minutes for Z(CD) 34-21 "Stinson Phase II"

The Z(CD)-34-21 "Stinson Phase II" community meeting was held virtually on Zoom, Tuesday, June 28, 2022 and was opened at 5:30 PM.

In attendance, representing the Petitioners:

Scott Moore – Skybrook Project Manager
Matt Langston – Landworks Design Group, PA.

Representing the Adjacent Property Owners:

No one in attendance.

Scott Moore created the following notes for the meeting which accounted for the review processes of the Stinson's property with the following highlights:

- On January 18, 2022, we held a community meeting for an annexation and rezoning for the Stinson Property for 3.11 AC (2.61 AC in Cabarrus County & .5 AC within Mecklenburg County). Our direction at that time was to bring all of the property in both counties together under one site plan and show how we intended to develop the entire parcel.
- o Following this meeting, we received word from Concord Planning Staff that we could not include the .5 AC tract within this annexation and rezoning process since the Town of Huntersville had not formally waived its right to annex the property. We agreed to remove the .5 AC parcel from the original request.
- On February 10, 2022, the Concord City Council approved the annexation of the 2.61 AC and on April 19th the Planning and Zoning Commission approved the 2.61 AC rezoning for 11 lots all within the City of Concord.
- On February 21, 2022, the Town of Huntersville officially waived its right to annex the .5 AC parcel. After approval was issued for the 2.61 AC on April 19, 2022, our team came back and applied for annexation and rezoning of the .5 AC parcel. As a part of the rezoning process, we are required to hold another community meeting which is the purpose for tonight's meeting.
- The site plan that is presented tonight is the same plan that was proposed with the original request back on January 18, 2022. We are not proposing any changes or revisions to this plan. The .5 AC previously and continues to show a 3-unit town home building and private road to serve it.
- On June 9, 2022, the Concord City Council reviewed and approved the annexation to bring the .5 AC tract into the City of Concord and on July 19, 2022, the Planning and Zoning Commission will review the .5 AC tract for rezoning.

With there being no participation from the adjacent property owners, the meeting adjourned at 5:42 pm. We also have not received any phone calls or emails to date regarding this request.

All neighborhood meeting notifications, materials, and minutes were delivered to Concord Planning Staff on 6/30/2022.



June 6, 2022

Stinson Property .5 Acres on Poplar Tent Road within Cabarrus County Cabarrus County GIS Parcel IDs# 46717312110000

Dear Property Owner,

Skybrook, LLC has submitted an annexation and rezoning petition to the City of Concord for .5 acres located at 10515 Poplar Tent Road Huntersville, NC 28078. The petitioner is requesting annexation and rezoning of this property for the purpose of extending the approved Skybrook Corner Townhomes which is located at the corner of Poplar Tent Road and Huntersville-Concord Road. Attached to this notice is a map showing the location of the subject property and a draft site plan representing the proposed layout.

On behalf of the applicants, we would like to invite you to attend a Neighborhood Meeting scheduled for June 28, 2022 at 5:30 PM hosted by the developer via Zoom. If you would like a digital invitation or would like to RSVP, please email me at scott@bpropnc.com. Information concerning how to access the meeting is below:

Join Zoom Meeting

https://us06web.zoom.us/j/83832213419?pwd=cWJPczFVMThDN1NrZEpKb2NWd0pOUT09

Meeting ID: 838 3221 3419

Passcode: 249556

One tap mobile

- +13126266799,,83832213419#,,,,*249556# US (Chicago)
- +16468769923,,83832213419#,,,,*249556# US (New York)

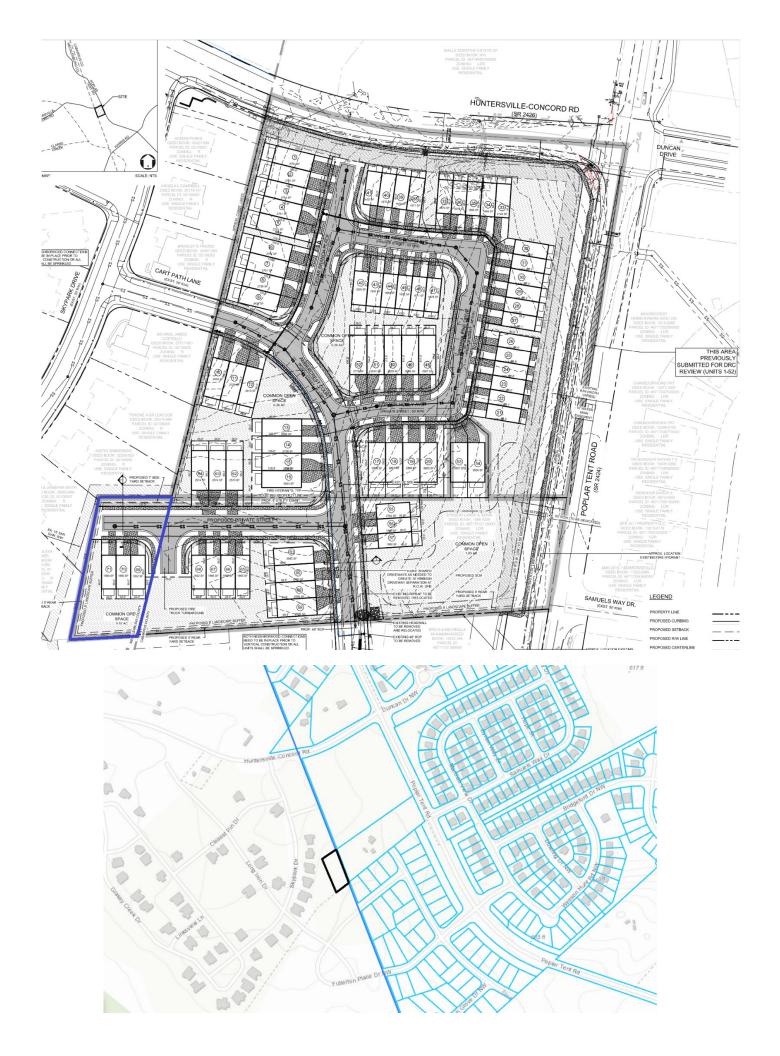
The anticipated and tentatively scheduled dates of our public hearings for annexation and rezoning are as follows:

- Consideration for annexation by City Council: June 9, 2022
- (If annexed) Consideration of rezoning by the Planning & Zoning Commission: <u>July 19</u>, <u>2022</u>

If you have any questions or need additional information, please call me at 704.995.2507 or email me at scott@bpropnc.com. We look forward to seeing you at the meeting.

Respectfully,

Scott Moore Project Manager Skybrook Subdivision



Z(CD) 34-21 "Stinson Phase II" Neighborhood Meeting- Mailout List (Mailed USPS: 6/7/22) (List provided by Concord Planning Staff)

BROOKVUE HOMEOWNERS ASSN INC C/O CUSICK COMMUNITY MGMT LLC 8008 CORPORATE CENTER DR STE 100 CHARLOTTE, NC 28226

FULLERTON PLACE HOA PO BOX 481349 CHARLOTTE, NC 28269 MOORECREST HOA C/O SUPERIOR ASSOC MANAGEMENT P O BOX 2427 HUNTERSVILLE, NC 28070

PARKSIDE AT SKYBROOK NORTH COMM ASSC 6719 FAIRVIEW RD STE C CHARLOTTE. NC 28210 SKYBROOK LLC PO BOX 38 HOLLY SPRINGS, NC 27540 BUFORD SWAYZER III BUFORD FELICIA 11417 FULLERTON PL NW HUNTERSVILLE, NC 28078

FABIO DIAS MICHELLE DIAS 15126 SKYPARK DR HUNTERSVILLE, NC 28078 HUNTER GRIFFITH
MENAN WASEEM HMEIDAN
11413 FULLERTON PLACE DR
HUNTERSVILLE, NC 28078

BRIAN KEITH JENNIFER KEITH 15120 SKYPARK DR HUNTERSVILLE, NC 28078

EDDIE C PALMER EVA M PALMER 15114 SYKPARK DR HUNTERSVILLE, NC 28078 SREEDHAR PANDELLAPALLI BROOKVUE PRESIDENT 1353 SANDY BOTTOM DR NW CONCORD, NC 28027

THE VILLAGES AT SKYBROOK NORTH COMMUNITY ASSOC 1201 STALLINGS RD MATTHEWS, NC 28104

SKYBROOK HOA PO BOX 481349 CHARLOTTE, NC 28269 COOK JAMES COOK KELLY 11421 FULLERTON PL DR NW HUNTERSVILLE, NC 28078

COUSIN JOHNSON MADELYN 11425 FULLERTON PL DR NW HUNTERSVILLE, NC 28078

KHAN BALIL CROCCO KATHERINE 11429 FULLERTON PL DR NW HUNTERSVILLE, NC 28078 MUHAMMAD ERICH MUHAMMAD MICHEALLA 10436 AMBERCREST CT NW HUNTERSVILLE, NC 28078 VILLAGES AT SKYBROOK NORTH COMMUNITY ASSOC 6719 FAIRVIEW RD STE C CHARLOTTE, NC 28210



Z(CD)-34-21 PHASE II - B

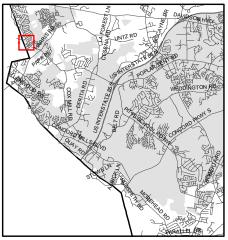
Rezoning Application

Stinson Property

Skybrook Corners Expansion

West of Poplar Tent Rd

PIN: 4671-73-1211 p/o

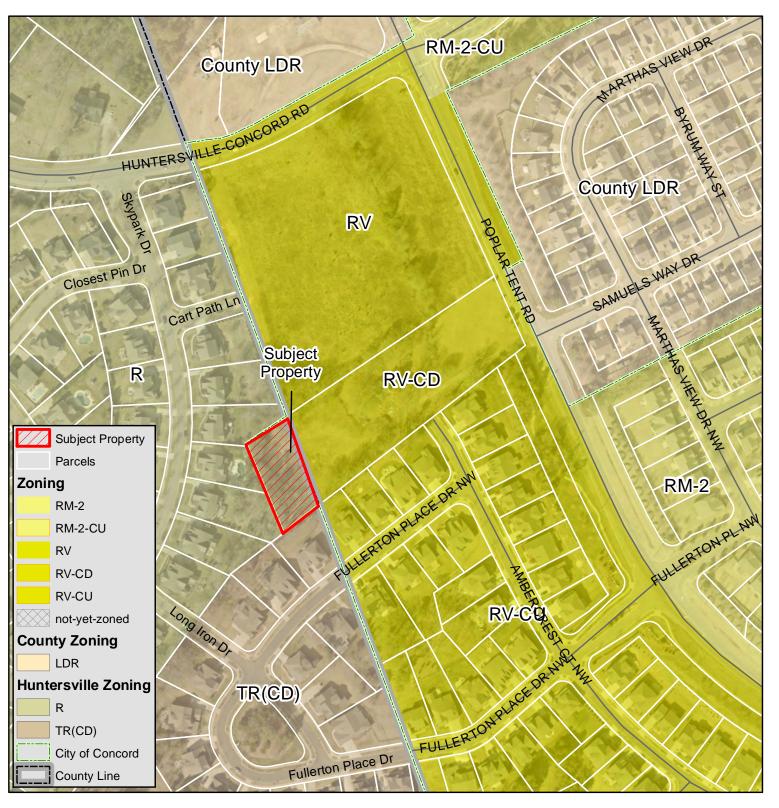




Source: City of Concord Planning Department

Disclaimer

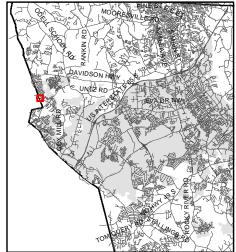
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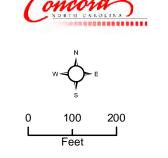


Z(CD)-34-21 (B) ZONING

Rezoning application from Cabarrus County LDR (Low Density Residential) to RV-CD (Residential Village - Conditional District)

10515 Poplar Tent Rd PIN: 4671-73-1211 (part of)







Z(CD)-34-21 (B) LAND USE PLAN

Rezoning application from
Cabarrus County LDR
(Low Density Residential)
to
RV-CD (Residential Village
- Conditional District)

10515 Poplar Tent Rd PIN: 4671-73-1211 (part of)

