



DATE: March 21, 2023

REZONING CASE #: Z-02-23

ACCELA: CN-RZC-2023-00001

DESCRIPTION: Zoning Map Amendment
C-2 (General Commercial) to RC (Residential Compact)

APPLICANT/OWNER: ZH Investments, LLC

LOCATION: 117 McGill Ave NW

PIN#s: 5621-50-3310

AREA: +/- 0.081 acres

PREPARED BY: George Daniels, Senior Planner

BACKGROUND

The subject property consists of one (1) vacant parcel comprising approximately 0.081 acres (2,892 sf) on the south side of McGill Ave NW at the intersection with Bill St NW.

The property was annexed into the City before 1932. The earliest found zoning for the property was B-3 (Business) in 1980. The zoning was converted to C-2 (General Commercial) with the adoption of the Unified Development Ordinance (UDO) and remained with the conversion to the Concord Development Ordinance (CDO).

The property was purchased by the applicant in July 2022.

SUMMARY OF REQUEST

The applicant is requesting to rezone the subject property from C-2 (General Commercial) to RC (Residential Compact) in order to construct a single-family home on the property.

The adjacent properties to the east and south (in the block between McGill Ave NW and Buffalo Ave NW) are currently also zoned C-2 (General Commercial), however they are all developed and in use as single family residential homes.

Further to the south below Buffalo Ave NW, the zoning is RC (Residential Compact) and the lots are developed with single family houses.

To the west across Bill St NW, the zoning is I-2 (General Industrial) and is the site of an older mill building that is being utilized as a countertop business.

To the north across McGill Ave NW the zoning is also C-2 (General Commercial) but the properties are developed as residential, with several single-family houses and a 4-unit apartment building directly across the street.

The subject property is extremely limited in its development potential because of its small size. If developed as a commercial lot it would also be subject to a Class C 20-foot buffer yard abutting the residential uses directly to the east and south. The buffer yard would leave only approximately 1,309 square feet of buildable area (37 feet wide at McGill Ave NW and narrowing south on Bill St NW). It would certainly be a challenge to develop a viable commercial structure and fulfill the associated parking requirements on the buildable lot area.

RC (Residential Compact) is the densest residential zoning classification in the CDO. The minimum lot size for a lot in this zoning category is 5,000 square feet. The subject property is approximately 2,892 square feet, so this lot is well below the minimum area. The minimum lot width in RC (Residential Compact) is 50 feet and lot depth is 100 feet. The subject property lot width is 57 feet and the lot depth is only 87 feet. If this zoning amendment was approved the lot would be non-conforming in lot area and depth but the ordinance would permit it to be used for a single-family structure. Because of the small size of the lot it would not be possible to be the site of a duplex or multifamily development, as this would require a lot size at least 1.5 times the minimum requirements.

Minimum setbacks for RC (Residential Compact) zoning are 24 feet from each street frontage and 7 feet for interior side and 5 feet for rear. However, as this is an infill lot, it would be eligible for reduced front (street) setbacks. The CDO allows for front setbacks to be reduced to the average setback of the houses within 300' along the street frontage. The existing houses within this distance on McGill Ave NW and Bill St NW have front setbacks of approximately 5 feet. If the reduced setback option was utilized, there would potentially be enough buildable area on the lot for a single-family home with small footprint. Staff would require the setbacks to be verified at the time of permitting and shown on the plot 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	
C-2 (General Commercial)	North	C-2 (General Commercial) RC (Residential Compact)	Vacant	North	Single-family & multifamily residential
	South	C-2 (General Commercial) RC (Residential Compact)		South	Single-family residential
	East	C-2 (General Commercial)		East	Single-family residential, Commercial
	West	I-2 (General Industrial) RC (Residential Compact)		West	Industrial, Single-family residential

COMPLIANCE WITH 2030 LAND USE PLAN

The 2030 Land Use Plan (LUP) designates the subject property as “Urban Neighborhood” for which RC (Residential Compact) is as a corresponding zoning district.

From the 2030 Land Use Plan – “Urban Neighborhood”:

The Urban Neighborhood (UN) Future Land Use category includes a mix of moderate- to high-density housing options. These neighborhoods are relatively compact, and may contain one or more of the following housing types: small lot, single family detached, townhomes, condominiums, or apartments. The design and scale of development in an urban neighborhood encourages active living with a complete a comprehensive network of walkable streets. Cul-de-sacs are restricted to areas where topography, environment, or existing development makes other connections prohibitive. Lots at intersections of collector and arterial streets within or at the edges of urban neighborhoods may support neighborhood- and community-serving, pedestrian-oriented commercial or service uses such as coffee shops, cafes, beauty salons and light retail. Drive-through uses may be appropriate if designed and located so they access side streets and do not compromise pedestrian safety. Non-residential and multi-family uses are typically developed with minimal street setbacks in the urban neighborhood future land use category.

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.

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately +/- 0.081 acres and is zoned City of Concord C-2 (General Commercial)
- The subject property was annexed into the City before 1932 and was previously zoned B-3 (Business). The zoning was later converted to C-2 (General Commercial)
- The proposed zoning is consistent with the 2030 Land Use Plan as RC (Residential Compact) is a corresponding zoning classification to the Urban Neighborhood land use category.
- The zoning amendment is reasonable and in the public interest as it is consistent with the existing surrounding residential development. Due to the small size of the lot, a commercial development is not a viable option, a single-family residential structure could be built as an infill development.

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. As the request is not a Conditional District no conditions may be applied.



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.

Note: George Daniels from Concord to provide

- 2. Cabarrus County Land Records printout of names and addresses of all immediately adjacent landowners, including any directly across the street.

- N/A 3. **FOR CONDITIONAL DISTRICT APPLICATIONS ONLY**, a plan drawn to scale (conditional district plan), and elevations if applicable submitted digitally.

- N/A 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.



Application for
Zoning Map Amendment

(Please type or print)

Applicant Name, Address, Telephone Number and email address: _____

Kate Underwood, PhD, P.E, 45 Spring St. SW, Concord, NC

28025, (980) 234-7500, kateunderwood@cesicgs.com

Owner Name, Address, Telephone Number: _____

ZH Investments LLC, PO Box 112, Concord, NC

28026, 919-599-2074

Project Location/Address: 117 McGill Ave NW

P.I.N.: 56215033100000

Area of Subject Property (acres or square feet): 0.081 AC

Lot Width: 57 feet Lot Depth: 87 feet

Current Zoning Classification: C-2

Proposed Zoning Classification: RC

Existing Land Use: None

Future Land Use Designation: Single Family Residential

Surrounding Land Use: North C-2 South C-2

East C-2 West I-2

Reason for request: Rezoning from C-2 to RC for a new single family residency

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

Staff member signature: _____ Date: _____

Planning & Neighborhood Development

35 Cabarrus Ave W • P. O. Box 308 • Concord, NC 28025
Phone 704-920-5152 • Fax 704-920-6962 • www.concordnc.gov



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.

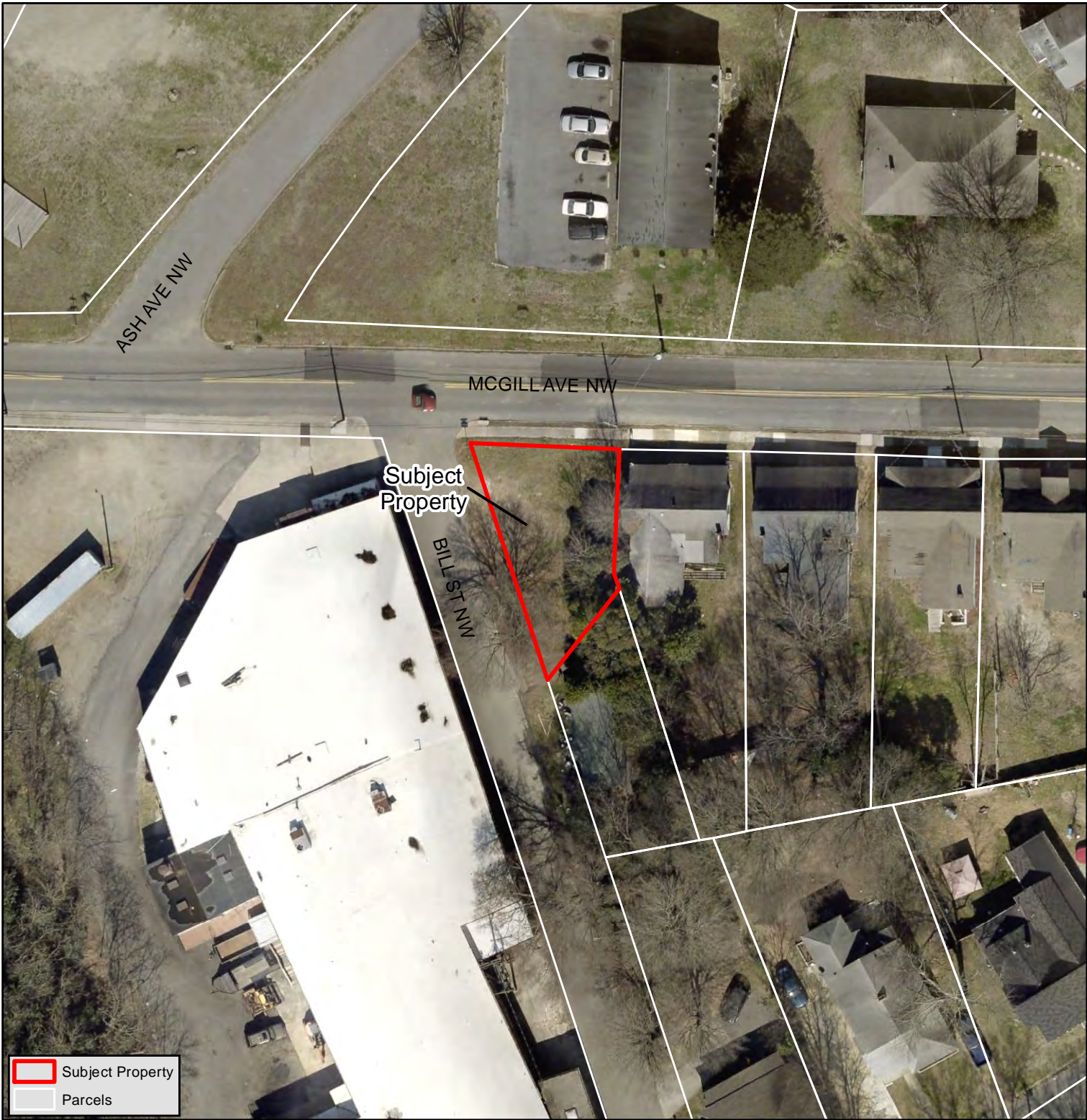
Date: 01/11/2023

Applicant Signature:  01/11/2023

Property Owner or Agent of the Property Owner Signature:

Anabel Hernandez

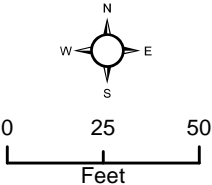
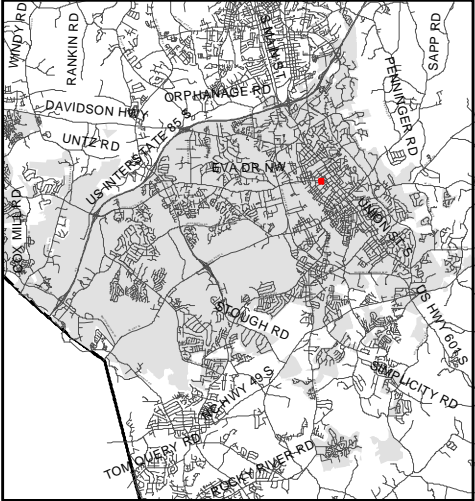
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01/11/23 10:42 AM
EST
UIZB-BLJI-VIZK-RQCK





**Z-02-23
AERIAL**

**Rezoning application
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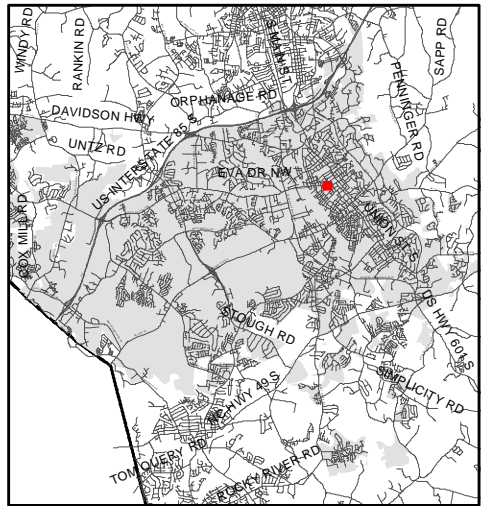
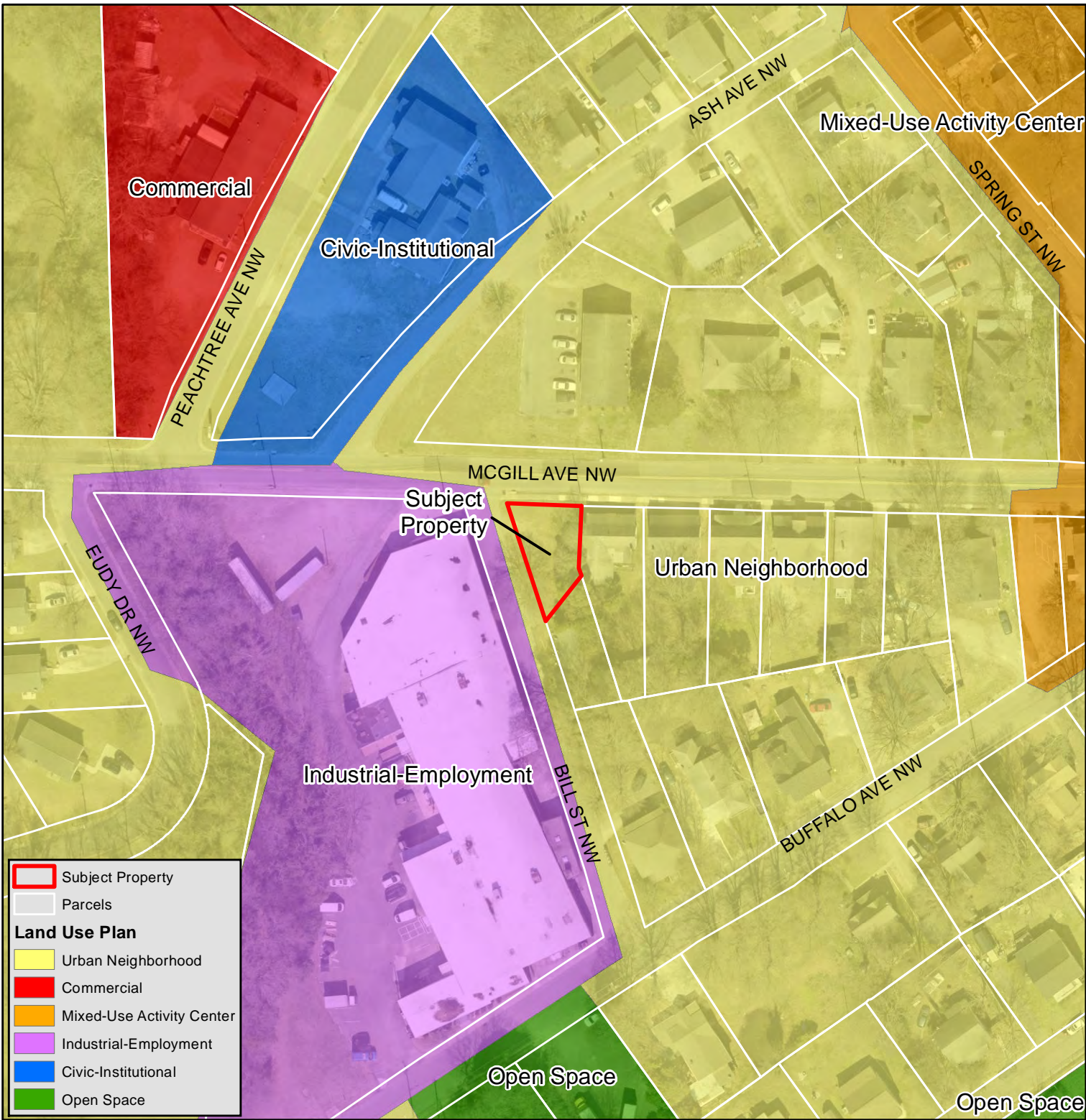


 Subject Property
 Parcels

**Z-02-23
LAND USE PLAN**

**Rezoning application
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to
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Subject Property

Parcels

Land Use Plan

Urban Neighborhood

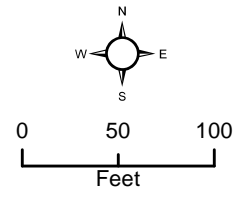
Commercial

Mixed-Use Activity Center

Industrial-Employment

Civic-Institutional

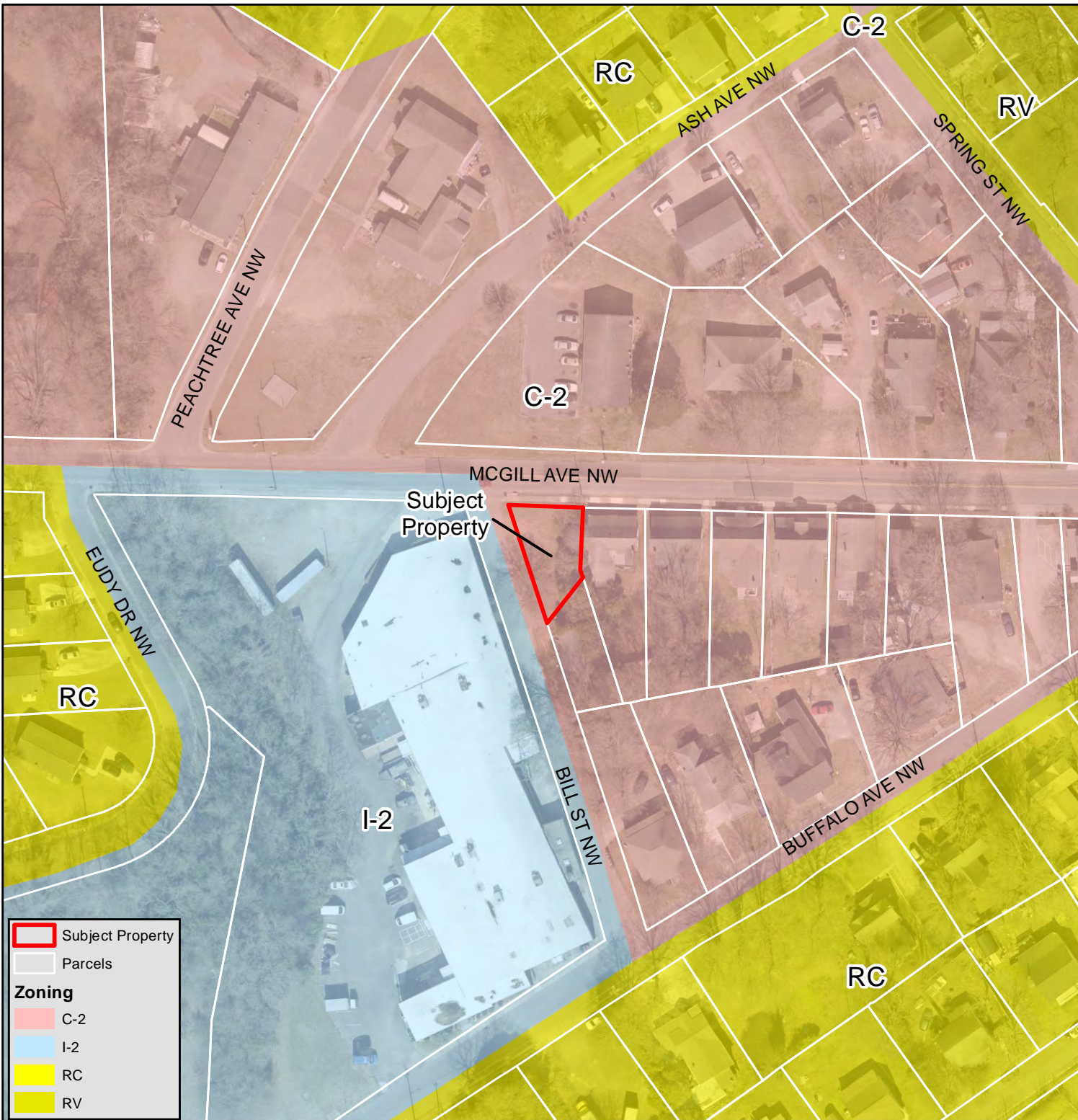
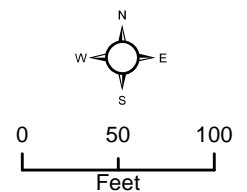
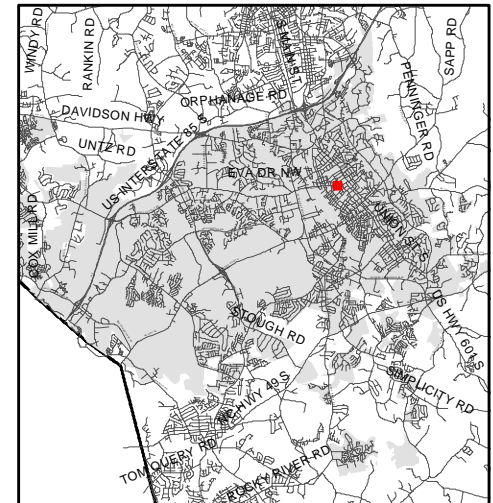
Open Space



**Z-02-23
ZONING**

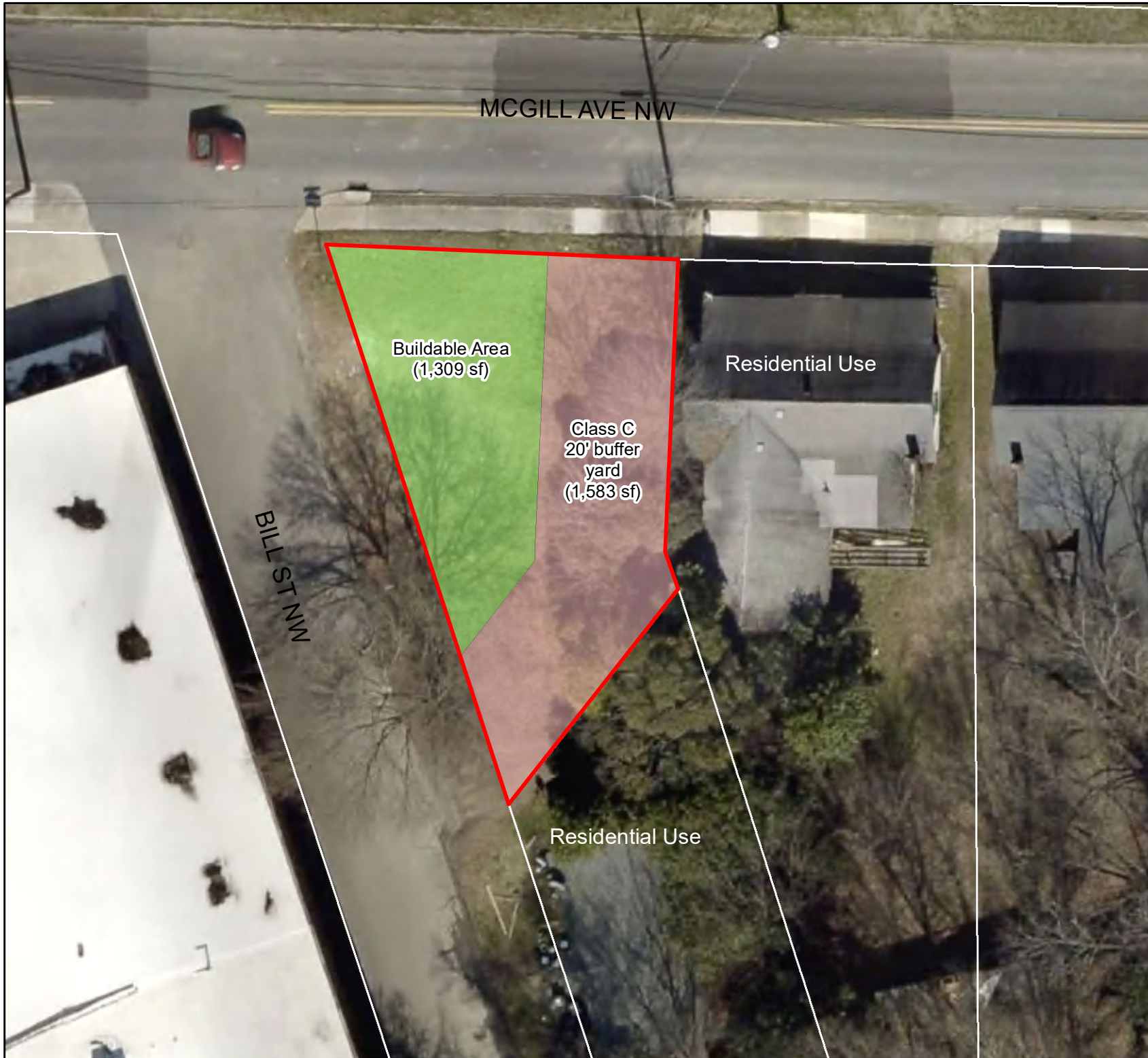
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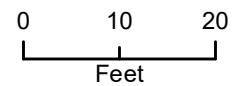
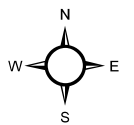


Z-02-23

**Buildable area of
property under current
zoning of C-2
(General Commercial)**



-  Subject Property
-  Buffer Yard
-  Buildable Area
-  Parcels



1 in = 20 ft