

DATE: January 21, 2025

REZONING CASE #: Z-03-24

ACCELA: CN-RZZ-2024-00002

DESCRIPTION: Zoning Map Amendment
C-2 (General Commercial) to RV (Residential Village)

APPLICANT/OWNER: Leonard Newsome

LOCATION: 1870 Warren C. Coleman Blvd S

PIN #: 5539-74-4912, 5539-74-2852

AREA: +/- 0.51 acres

ZONING: C-2 (General Commercial)

PREPARED BY: Fred Womble, Senior Planner

BACKGROUND

The subject property consists of two (2) parcels comprising +/- 0.51 acres on the west side of Warren C. Coleman Blvd S near the intersection of the NC Hwy. 49 S Ramp. There is an existing single-family residential building on the northernmost property (PIN 5539-74-4912) and vacant land nearest the onramp. The house has vehicular access via a private driveway off of Eugene Pl SW.

To the north and west of the properties the zoning is C-2 (General Commercial), RM-1 (Residential Medium Density), and RV (Residential Village) and the properties are commercial or single-family residential. The adjacent properties to the east and across the Warren C. Coleman Blvd. right-of-way are C-2 (General Commercial). The parcels to the south are zoned C-2 (General Commercial) and are vacant lands within highway ROWs.

HISTORY

The property was annexed into the City effective September 30, 1989, as part of a small area voluntary annexation. Prior to the enactment of the UDO-CDO, the parcels were zoned B-3 and later changed to C-2 (General Commercial). The NC Department of Transportation (NCDOT) purchased the properties in 2001 and used the single family residence as their office during the construction of the new onramp and intersection improvements for NC Hwy. 49. The applicant, Leonard Newsome, acquired the properties in 2016.

SUMMARY OF REQUEST

The applicant is requesting to rezone the subject property from C-2 (General Commercial) to RV (Residential Village) to utilize the properties residentially.

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) and RM-1 (Residential Medium Density)	Residential/Vacant	North	Commercial and Residential
	South	C-2 (General Commercial)		South	Vacant and NCDOT ROW
	East	C-2 (General Commercial)		East	Commercial
	West	RM-1 (Residential Medium Density), C-2 (General Commercial) and RV (Residential Village)		West	Residential

COMPLIANCE WITH 2030 LAND USE PLAN

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

The corresponding zoning districts for the “Mixed-Use Activity Center” land use category are RV (Residential Village), RC (Residential Compact), O-I (Office and Institutional), CC (City Center), TND (Traditional Neighborhood Development), MX-NC (Mixed Use-Neighborhood Center), MX-CC1 (Mixed Use-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 and Office), 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.

A large-scale mixed use activity center may be surrounded by one or more neighborhoods that encourage active living, with a comprehensive and interconnected network of walkable streets. Areas designated as Mixed-Use Activity Centers Future Land Use category are large geographic areas located at key intersections of major transportation corridors, that have high growth potential, where the infrastructure can support denser development. Mixed Use Activity Centers are located along major corridors where transit facilities are currently planned or envisioned in the future. Mixed-Use Activity Centers may not necessarily be constructed as a single development at one time. The very nature of these areas allows them to be approved in phases and to evolve over time into an area made up of a mix of land uses, usually centered on some type of public transit facility, which affords people the opportunity to live, work, shop and, in some cases, have immediate access to recreation facilities in one general area. It is also the goal of these districts to reduce vehicle trips by making them single destination points for multiple consumer needs.

The intent of the Mixed-Use Activity Center designation is 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. Each of the eleven proposed Mixed-Use Activity Center locations identified on the Land Use Plan have different characteristics and will develop uniquely. The size of these areas is relatively large, with the intent that mixed use development should occur within a one-half mile radius of a transit stop (an estimated ten minute walking distance). Due to the fact that each area designated as a MUAC, applying one development solution to each is not practical. The key is to coordinate development of each parcel within the context of the larger District. Coordinating connectivity and planning for future uses will be critical in this process.

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.

- 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.*

The following goals from the recently adopted Strategic Plan also relate to the proposed zoning amendment:

Goal 2: Create Economic Opportunities for Individuals and Businesses
Strategy: Expand housing choices

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately +/- 0.51 acres and currently zoned C-2 (General Commercial).
- The subject property was annexed into the City effective September 30, 1989.
- The proposed zoning is consistent with the 2030 Land Use Plan (LUP) as RV (Residential Village) is a corresponding zoning classification to the Mixed Use Activity Center Land Use Category and the proposed use is compatible with those existing in the surrounding area.
- The zoning amendment is reasonable and in the public interest as it is consistent with the existing zoning adjacent to the subject property.

OR

- The zoning amendment is not reasonable and in the public interest as it is not consistent with the existing residential zoning adjacent to the subject property.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the zoning map amendment to be consistent with the 2030 Land Use Plan and staff has no objections to the petition.

No conditions may be applied as the request is not for a "Conditional District."

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 # _____ 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:

Leonard Newsome 1791 Simplicity Rd Concord NC 28095

Owner Name, Address, Telephone Number: 704-791-2080
LWN@windstream.net

Leonard Wayne Newsome Trust / Elaine Christenbury Newsome Trust

Project Location/Address: 1870 Warren Coleman Blvd S Concord NC 28095

Parcel Identification Number (PIN): 5539-74-4912-0000 5539-74-2852-0000

Area of Subject Property (acres or square feet): .51

Lot Width: 104 / 95 Lot Depth: 144 / 227

Current Zoning Classification: C2

Proposed Zoning Classification: BV

Existing Land Use: Residential

Future Land Use Designation: Residential

Surrounding Land Use: North Commercial South DOT Land

East Commercial West Residential

Reason for request:

To Be able to sell the property for Current Use

Has a pre-application meeting been held with a staff member? Yes No

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: 3-1-24

Applicant Signature: Leonard W Newsome

Property Owner or Agent of the Property Owner Signature:

Leonard W Newsome Dawn C Newsome

LEGAL DESCRIPTION PARCEL 5539-74-2852

Being all of a 0.151 acre parcel of land situated in The City of Concord, Number Eleven Township, Cabarrus County, North Carolina, being part of Lots 1 and 7 of "Edgewood Hills" as described in Map Book 8 Page 44, Cabarrus County Register of Deeds and more particularly described by metes and bounds as follows:

BEGINNING at a found 1" pipe on the easterly right of way line of Eugene Place SW, the southwesterly corner of the A. P. Honeycutt tract as recorded in Deed Book 2188 Page 244, Cabarrus County Register of Deeds.

Thence, with the southerly line of said Honeycutt tract, N 86°16'12" E, 196.03 feet to a found iron in a 6" PVC, the southwesterly corner of Lot 2 as recorded in Map Book 62, Page 93, Cabarrus County Register of Deeds.

Thence, with said Lot 2 N 84°07'12" E, 38.07 feet to a found #4 rebar on the northerly controlled access line of Ramp "B" NC Highway 49 project no. 8.1661003 R-2533B.

Thence, with said controlled access line and with the arc of a circular curve to the left having a radius of 603.74 feet, an arc length of 152.29 feet, and a chord which bears S 63°03'04" W, 151.89 feet to a found #6 rebar on the northeasterly right of way line of Eugene Place SW.

Thence, with the northeasterly right of way line of said Eugene Place SW the following two courses:

1. N 64°52'01" W, 107.89 feet to a found right of way disc.
2. N 03°42'15" W, 6.37 feet to THE POINT OF BEGINNING, and containing within these metes and bounds 6,583 Square Feet, or 0.151 Acres of Land, more or less, as shown on that "Physical Survey for Leonard Wayne Newsome" by Scott Alan Tierney, PLS, dated November 23, 2024 to which reference is hereby made.

LEGAL DESCRIPTION PARCEL 5539-74-4912

Being all of a 0.311 acre parcel of land situated in The City of Concord, Number Eleven Township, Cabarrus County, North Carolina, being all of Lot 2 of "Recombination Plat Leonard W. and Elaine C. Newsome Property - Map 1" as recorded in Map Book 62 Page 93, Cabarrus County Register of Deeds and more particularly described by metes and bounds as follows:

BEGINNING at a found #5 rebar on the westerly controlled access line of Warren C. Coleman Boulevard, NC Highway 49 project no. 8.1661003 R-2533B said iron also being the southeasterly corner of the QuickTrip Corporation tract as recorded in Deed Book 10433 Page 229, Cabarrus County Register of Deeds.

Thence, with the westerly controlled access line of said Warren C. Coleman Boulevard, the following two courses:

1. S 08°41'50" E, 59.87 feet to a found masonry nail in the base of a fence post.
2. S 41°37'15" W, 44.06 feet to set iron pin on the northerly controlled access line of Ramp "B" of said NC Highway 49 project no. 8.1661003 R-2533B.

Thence, with the northerly controlled access line of said Ramp "B", the following two courses:

1. S 75°57'20" W, 45.37 feet to a found #4 rebar.
2. S 70°16'39" W, 32.88 feet to a found #4 rebar the westerly most corner of part of Lots 1 and 7, Map Book 8 Page 44, Cabarrus County Register of Deeds.

Thence, with the northerly line of said Lots 1 and 7, S 84°07'12" W, 38.07 feet to a found iron in a 6" PVC the southeasterly corner of the A. P. Honeycutt tract as recorded in Deed Book 2188 Page 244, Cabarrus County Register of Deeds.

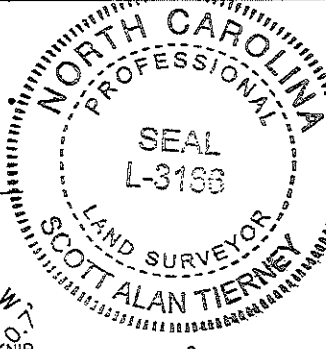
Thence, with the easterly line of said Honeycutt tract N 05°24'30" W, passing a found #5 rebar at 75.01 feet, a total distance of 102.99 feet to a found 1 ¼" pipe on the southerly line of the said QuickTrip Corporation tract.

Thence, with said QuickTrip Corporation tract N 83°45'54" E, 143.60 feet to THE POINT OF BEGINNING, and containing within these metes and bounds 13,541 Square Feet, or 0.311 Acres of Land, more or less, as shown on that "Physical Survey for Leonard Wayne Newsome" by Scott Alan Tierney, PLS, dated November 23, 2024 to which reference is hereby made.

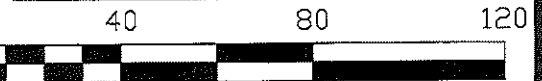
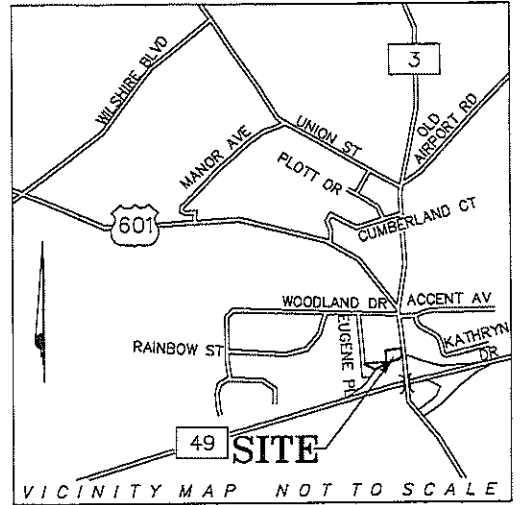
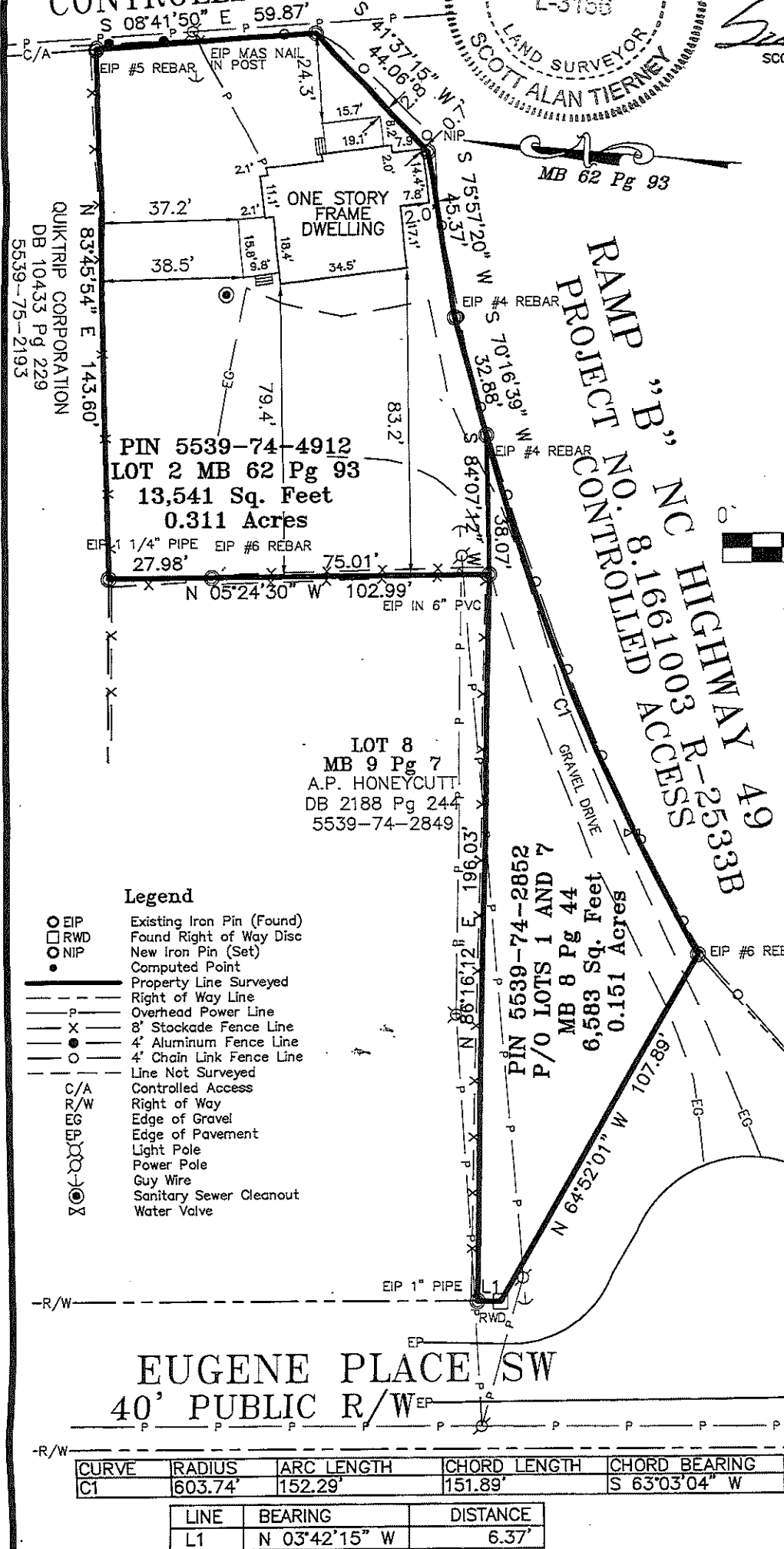
North Carolina

I, SCOTT ALAN TIERNEY, certify that this plat was drawn under my supervision from an actual survey made under my supervision and this map and the survey upon which it is based conform to the standards of practice for land surveying in North Carolina (section .1600 of board rules).

Scott Alan Tierney 11-23-24
SCOTT ALAN TIERNEY REGISTRATION No. L-3166



WARREN C. COLEMAN BLVD. S CONTROLLED ACCESS



NOTES:

- 1. This map was prepared from a field survey performed on November 19, 2024, the basis of bearings is field tie to found monumentation as per survey reference number three.
- 2. All distances shown are surface horizontal distances unless otherwise noted.
- 3. This map was prepared without benefit of title report or opinion and does not purport to show all matters of record of which the surveyor has no knowledge.
- 4. Subject tract is Cabarrus County tax parcels 5539-74-4912 & 5539-74-2852.

REFERENCES:

- 1. Deed Book 11982, Page 349, Cabarrus County Register of Deeds. (apparent source of title)
- 2. Plat: "Edgewood Hills", by Brown Engineering Co., dated November 20, 1947, and recorded in Map Book 8 Page 44, Cabarrus County Register of Deeds.
- 3. Plat: "Recombination Plat Leonard W. and Elaine C. Newsome Property - Map 1", by A. G. Zoutewelle Surveyors, dated February 8, 2013, and recorded in Map Book 62 Page 93, Cabarrus County Register of Deeds.

Legend

- EIP Existing Iron Pin (Found)
- RWD Found Right of Way Disc
- NIP New Iron Pin (Set)
- Computed Point
- Property Line Surveyed
- - - Right of Way Line
- - - Overhead Power Line
- X 8' Stockade Fence Line
- 4' Aluminum Fence Line
- 4' Chain Link Fence Line
- - - Line Not Surveyed
- C/A Controlled Access
- R/W Right of Way
- ES Edge of Gravel
- EP Edge of Pavement
- Light Pole
- Power Pole
- Guy Wire
- Sanitary Sewer Cleanout
- Water Valve

EUGENE PLACE SW
40' PUBLIC R/W

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	603.74'	152.29'	151.89'	S 63°03'04" W	14°27'09"

LINE	BEARING	DISTANCE
L1	N 03°42'15" W	6.37'

PHYSICAL SURVEY FOR LEONARD WAYNE NEWSOME

PART OF LOTS 1, 2, 3, & 7 "EDGEWOOD HILLS" MAP BOOK 8 PAGE 44

CITY OF CONCORD, NUMBER ELEVEN TOWNSHIP CABARRUS COUNTY, NORTH CAROLINA

20,124 Square Feet
0.462 Acres

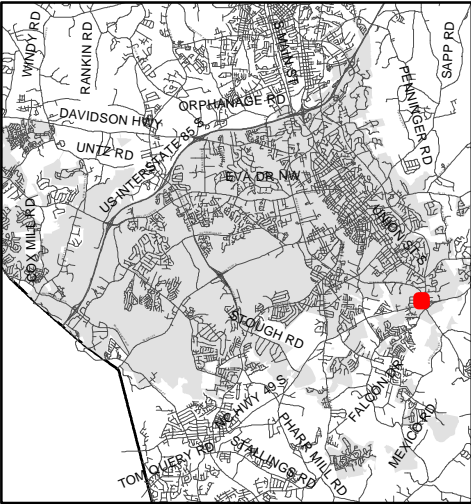
BEING PART OF LOTS 1, 2, 3, & 7 "EDGEWOOD HILLS" AS RECORDED IN MAP BOOK 8 PAGE 44 CABARRUS COUNTY REGISTRY

SURVEY BY: SCOTT A. TIERNEY, PLS
2740 FOWLER ROAD
CONCORD, NC 28025
(704) 796-3415
TAX ID 5539-74-4912
TAX ID 5539-74-2852
DEED BOOK 11982 PAGE 349
DATE: NOVEMBER 23, 2024
SCALE: 1" = 40'
CADD FILE: QT.DWG

**Z-03-24
AERIAL**

**Rezoning application
C-2 (General Commercial)
to
RV (Residential Village)**

1870 Warren C Coleman Blvd S
PINs: 5539-74-4912 & 5539-74-2852



Concord
NORTH CAROLINA



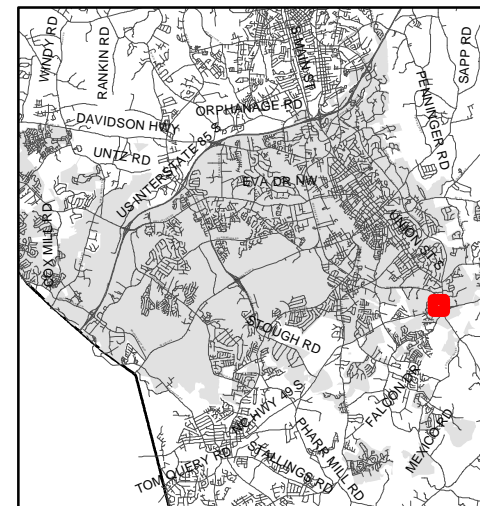
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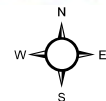
**Z-03-24
ZONING**

**Rezoning application
C-2 (General Commercial)
to
RV (Residential Village)**

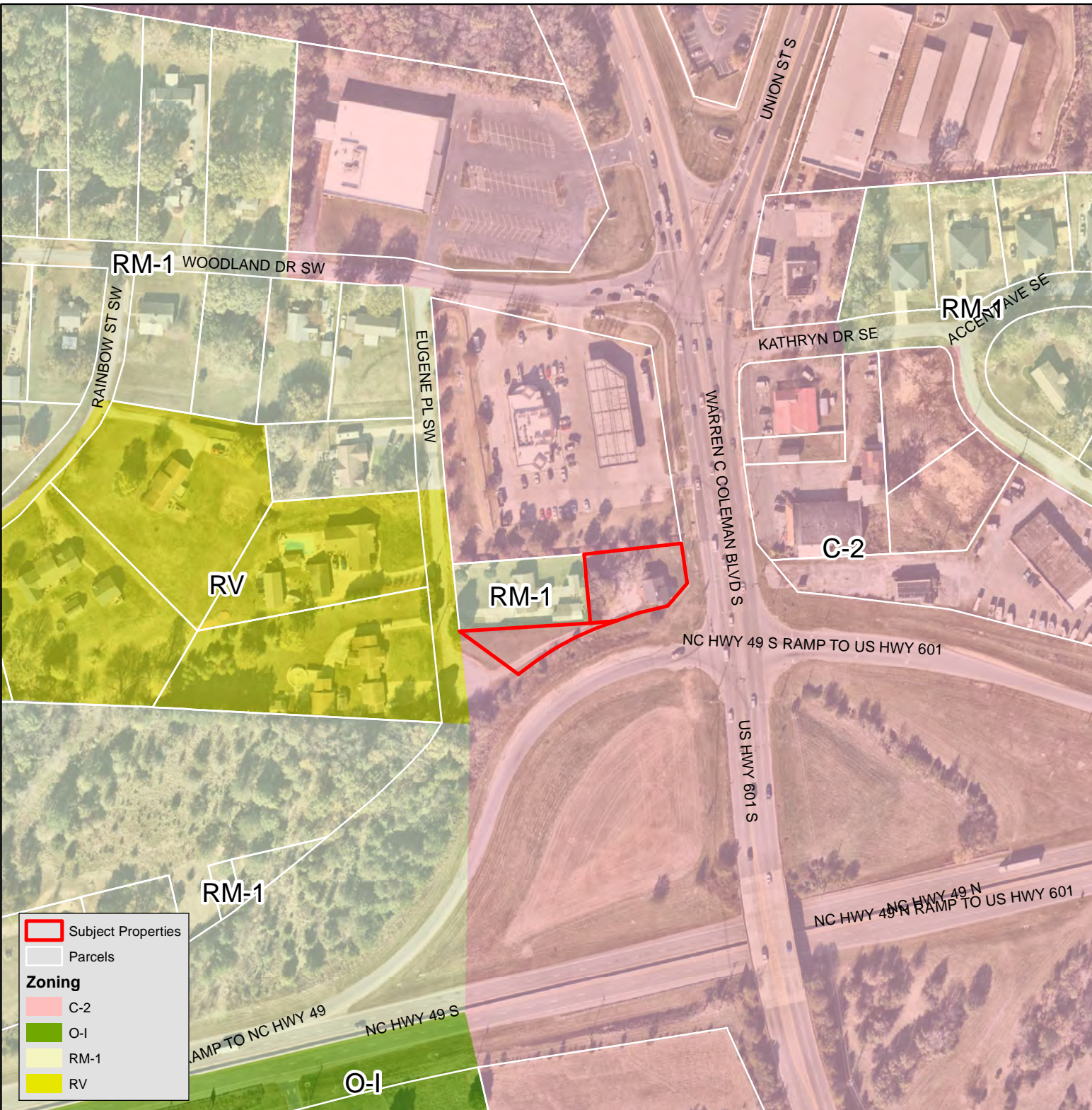
1870 Warren C Coleman Blvd S
PINs: 5539-74-4912 & 5539-74-2852



Concord
NORTH CAROLINA



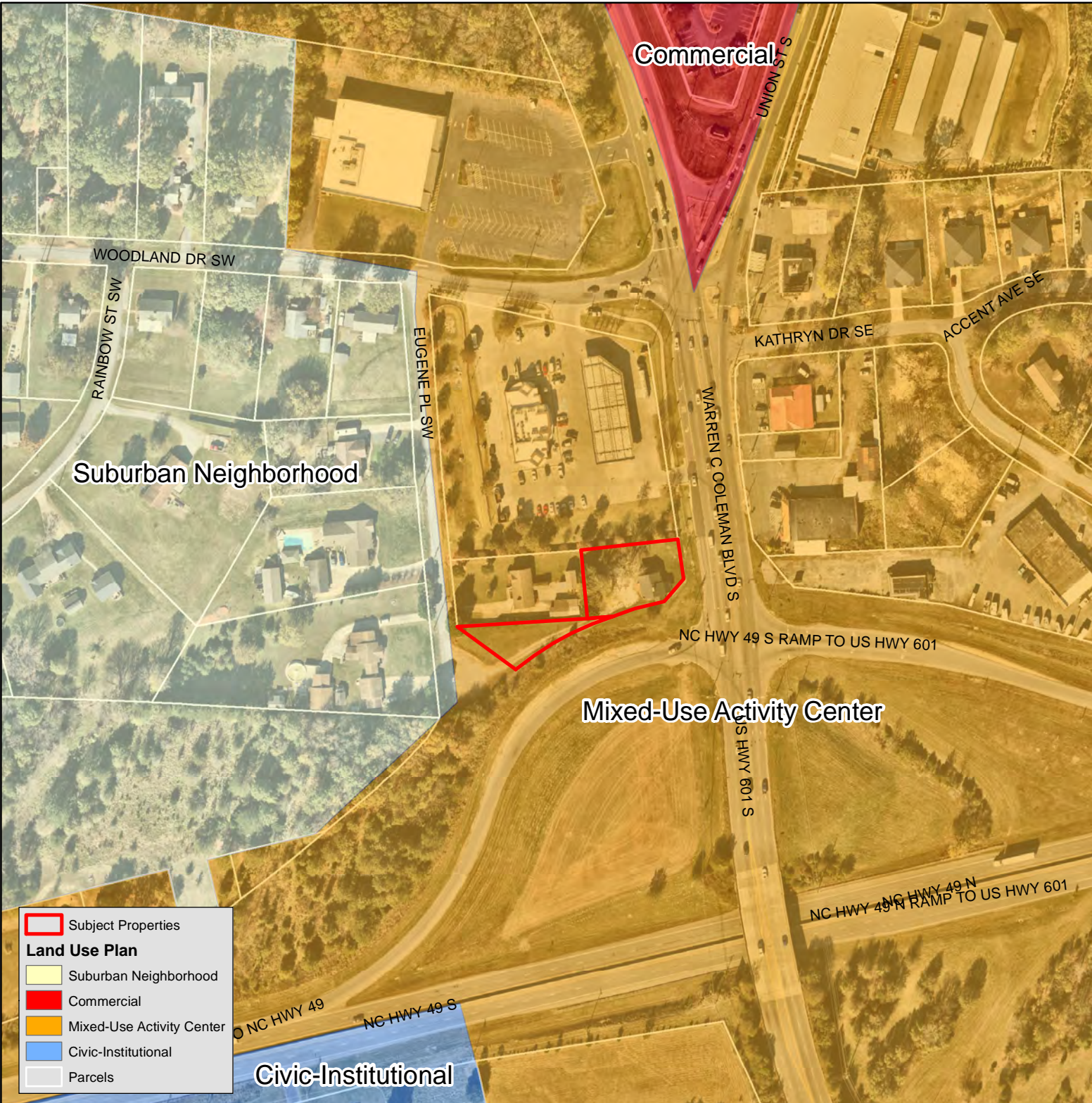
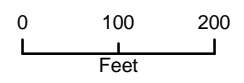
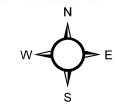
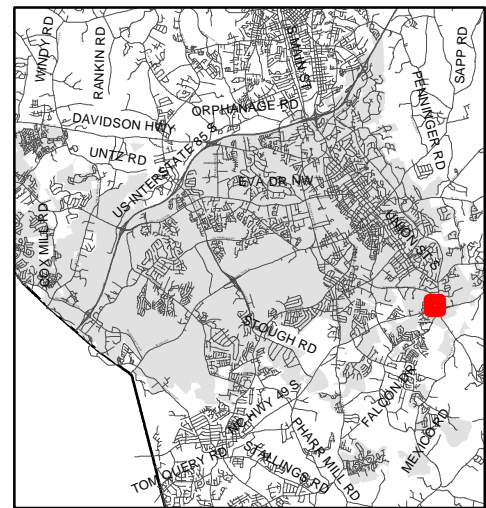
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**Z-03-24
LAND USE PLAN**

**Rezoning application
C-2 (General Commercial)
to
RV (Residential Village)**

1870 Warren C Coleman Blvd S
PINs: 5539-74-4912 & 5539-74-2852



	Subject Properties
Land Use Plan	
	Suburban Neighborhood
	Commercial
	Mixed-Use Activity Center
	Civic-Institutional
	Parcels

Z-03-24

1870 Warren C. Coleman Blvd S

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

