



DATE: September 17, 2024

REZONING CASE #: Z-11-24

ACCELA: CN-RZZ-2024-00009

DESCRIPTION: Zoning Map Amendment
O-I-CU (Office-Institutional-Conditional Use and C-1
(Light Commercial & Office) to RC (Residential Compact)
and C-1 (Light Commercial & Office)

APPLICANT/OWNER: Straight Path Real Estate Solutions, LLC

LOCATION: 2308 Kannapolis Hwy & 3 Mills Ave NW

PIN#: 5612-90-4158, 5612-90-5040

AREA: +/- 1.55 acres

ZONING: O-I-CU (Office-Institutional-Conditional Use) & C-1 (Light
Commercial & Office)

PREPARED BY: George Daniels, Senior Planner

BACKGROUND

The rezoning request consists of two (2) parcels comprising +/- 1.55 acres located on the west side of Kannapolis Hwy between the intersections of Maple Ave NW and Mills Ave NW. The parcel to the north (3 Mills Ave NW) is owned by The Collaborative Wellness and Medicine Project PA, and is currently zoned C-1 (Light Commercial & Office). This property contains a single-family dwelling and a duplex unit. The second parcel located at 2308 Kannapolis Hwy is owned by Dakota West, LLC and is currently zoned O-I-CU (Office-Institutional-Conditional Use). This site contains an unoccupied office building and parking lot.

HISTORY

This area was annexed into the City of Concord sometime before 1984. Both properties at this time were zoned R-3 (Residential). With the conversion to the UDO in 2000 the zoning was converted to RC (Residential Compact). In December of 2003 the Planning and Zoning Commission amended the zoning of the northern parcel, 3 Mills Ave NW, to C-1. The applicant at that time requested the rezoning to convert the property to office use, however that change of use did not take place and the property still contains a single-family house and duplex unit. The zoning for the southern property, 2308 Kannapolis

Hwy, was amended in January of 2003 to O-I-CU (Office-Institutional-Conditional Use) with the condition the property would be used for a physician’s office only.

SUMMARY OF REQUEST

The applicant is requesting that the property located at 3 Mills Ave NW and currently zoned C-1 (Light Commercial & Office), be amended to RC (Residential Compact) zoning. This is to align the zoning with the current residential use. The surrounding residential properties are all zoned RC so this would match the surrounding area and revert the property to previous zoning before the change in 2003.

The second property located at 2308 Kannapolis Hwy is currently zoned O-I-CU (Office-Institutional-Conditional Use), with the only permitted use as a physician’s office. The applicant wishes to amend the zoning to C-1 (Light Commercial & Office) and use the existing building as a real estate office.

Because the request is not a conditional rezoning, if the request were to be approved, all permitted uses within the C-1 (Light Commercial & Office) & RC (Residential Compact) districts would be allowed. Some of the main uses permitted in C-1 zoning are office uses, retail sales, health clubs, indoor recreation, restaurants and places of worship. C-1 is intended to be for smaller scale commercial uses and is more limited to what is permitted in C-2 (General Commercial) zoning. For example, taxidermists, tobacco and hemp stores, shopping centers over 25,000 sf, major auto mobile repair, car washes, machine shops, small engine repair are not allowed.

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-1 (Light Commercial & Office) & O-I-CU (Office-Institutional-Conditional Use)	North	RC (Residential Compact), C-2 (General Commercial)	Residential and Physicians office (Unoccupied)	North	Residential
	South	RC (Residential Compact), C-1 (Light Commercial and Office)		South	Office. Residential
	East	RC (Residential Compact), C-2 (General Commercial)		East	Office. Residential
	West	RC (Residential Compact)		West	Residential

COMPLIANCE WITH 2030 LAND USE PLAN

The 2030 Land Use Plan (LUP) designates the subject properties as “Urban Neighborhood” (UN). O-I (Office Institutional) *is listed* as a corresponding zoning district to the “Urban Neighborhood” land use category, and therefore is consistent with the land use plan.

The corresponding zoning districts for the “Urban Neighborhoods” land use category are RM-1 (Residential Medium Density), RM-2 (Residential Medium Density), RV (Residential Village), RC (Residential Compact), PRD (Planned Residential Development District), C-1 (Light Commercial and Office), PUD (Planned Unit Development), TND (Traditional Neighborhood Development), and O-I (Office-Institutional), and R-CO (Residential County Originated)

From the 2030 Land Use Plan – “Urban Neighborhoods” (UN)

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 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.

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
Expand Housing Choices.*

SUGGESTED STATEMENT OF CONSISTENCY

- The subject properties for the rezoning petition are approximately +/- 1.55 acres and are currently zoned C-1 (Light Commercial & Office) & O-I-CU (Office-Institutional-Conditional Use)
- The subject properties were annexed into the City prior to 1984.
- The proposed zoning is consistent with the 2030 Land Use Plan (LUP) as C-1 (Light Commercial & Office), and RC (Residential Compact) are corresponding zoning classifications to the Urban Neighborhood Land Use Category.

- The zoning amendment is reasonable and in the public interest as it is consistent with the existing zoning and land use adjacent to the subject property and will allow for an expanded use of the existing unoccupied office building.

OR

- The zoning amendment is not reasonable and in the public interest as the request is not compatible with the surrounding residential area.

SUGGESTED RECOMMENDATION AND CONDITIONS

City staff does not have any issues with the proposal. 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 Monterai Adams Date: 7/17/24
Check # 4166 Amount: \$ 1000.00 (Conditional) or \$800 (Conventional)
Cash: _____

The application fee is nonrefundable.

(Please type or print)

Applicant Name, Address, Telephone Number and email address:

Straight Path Real Estate Solutions LLC
 246 Church st N Concord, Nc 28025 704-397-4855 swart.josh@gmail.com

Owner Name, Address, Telephone Number:

DAKOTA WEST LLC & THE COLLABORATIVE WELLNESS AND MEDICINE
 PROJECT P A - 5650 Irish Potato Rd Kannapolis, NC 28083

Project Location/Address: 2308 Kannapolis Highway & 3 Mills Ave NW Concord, NC

Parcel Identification Number (PIN): 56129041580000 & 56129050400000

Area of Subject Property (acres or square feet): .73 & .82

Lot Width: 169 Lot Depth: 211

Current Zoning Classification: O-I-CU & C-1

Proposed Zoning Classification: C-1 and RC

Existing Land Use: Residential & Medical

Future Land Use Designation: _____

Surrounding Land Use: North Residential South Residential
 East Residential West Residential

Reason for request:

Rezoning for office use (2308 Kannapolis) and residential (3 Mills)

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:

3 Mills Ave NW is currently C-1 zoned but has two existing residential properties on it. A single-family home (3 Mills Ave NW, occupied) and a duplex (2306 Kannapolis Highway, unoccupied). We want to re-zone this property to RC to go along with its current use and the surrounding properties.

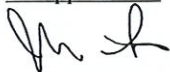
2308 Kannapolis Highway is currently zoned O-I-CU and was used as a physician's office. We want to re-zone this property to C-1 to allow us to use the property as our real estate office.

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):

N/A

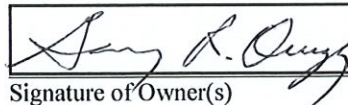
I make this request for Conditional district zoning voluntarily. The uses and conditions described above are offered of my own free will. I understand and acknowledge that if the property in question is rezoned as requested to a Conditional District the property will be perpetually bound to the use(s) 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

7-17-24

Date



Signature of Owner(s)

7-17-24

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: 7-17-24

Applicant Signature: *[Signature]*

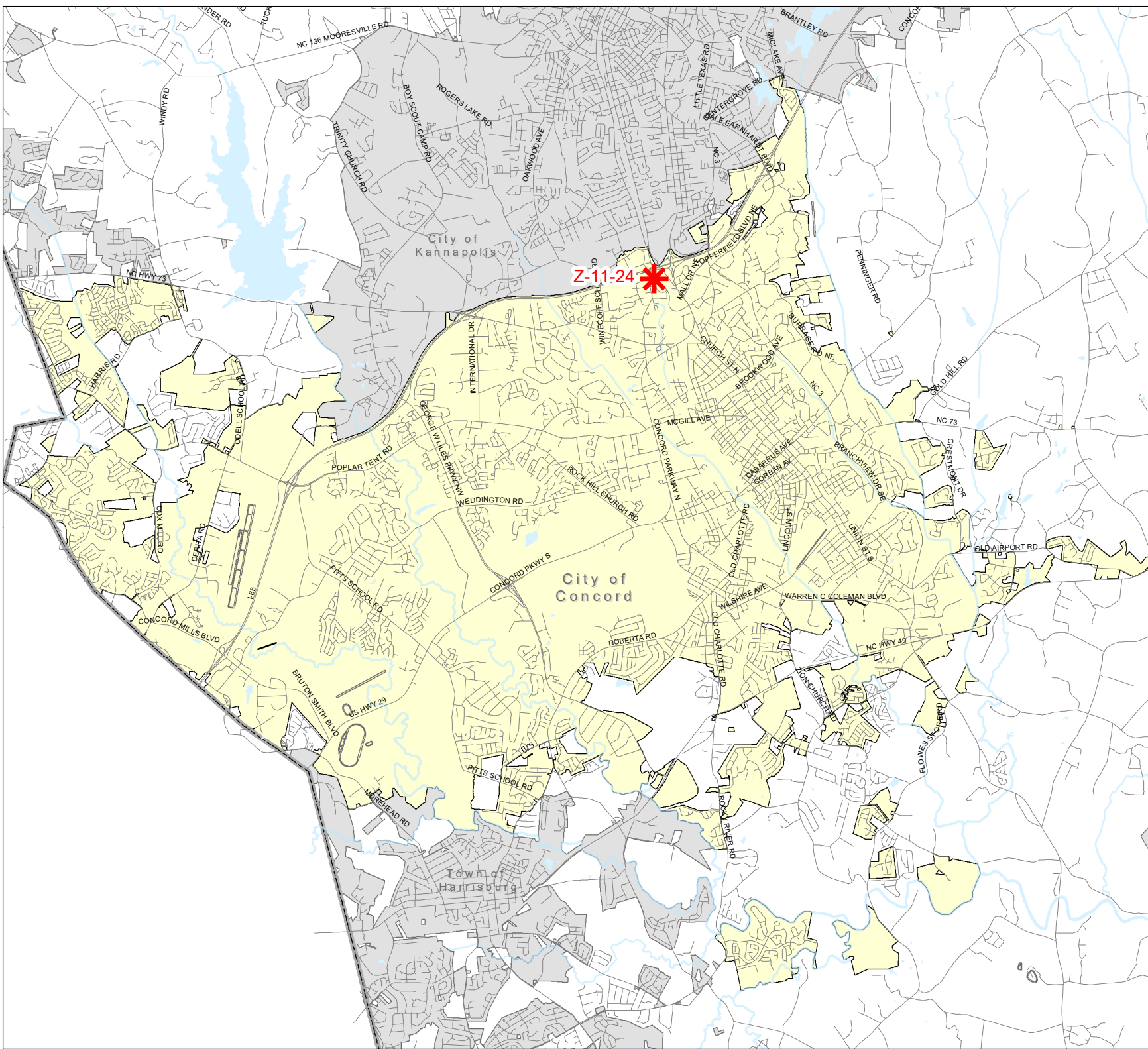
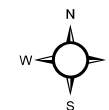
Property Owner or Agent of the Property Owner Signature:

[Signature]

Z-11-24

2308 Kannapolis Hwy
& 3 Mills Ave NW

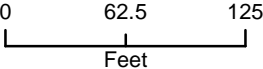
-  Case Location
-  Streets
-  Lakes & Ponds
-  Rivers
-  Cabarrus Co.
-  City of Concord
-  Other Municipalities





**Z-11-24
AERIAL**

**Rezoning application
O-I-CU (Office-Institutional
-Conditional Use & C-1
(Light Commercial & Office)
to
C-1 (Light Commercial & Office)
& RC (Residential Compact)**

2308 Kannapolis Hwy &
3 Mills Ave NW
PIN: 5612-90-4158 &
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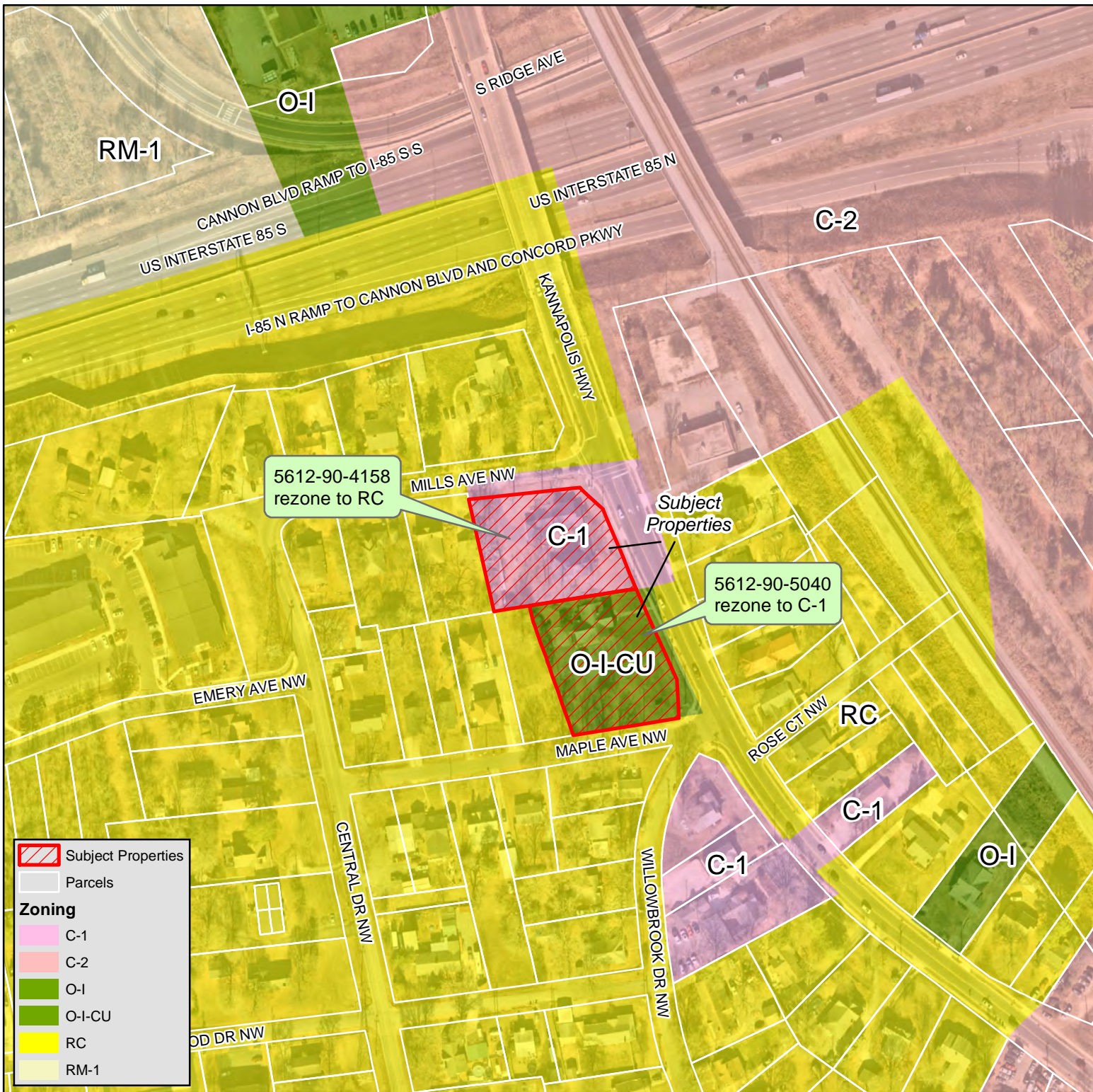
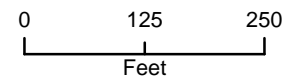
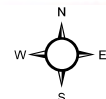
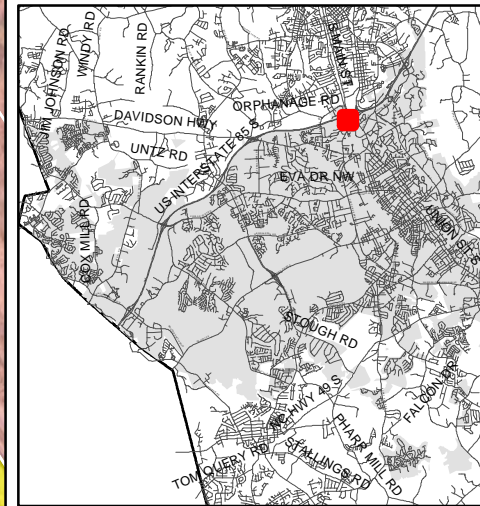


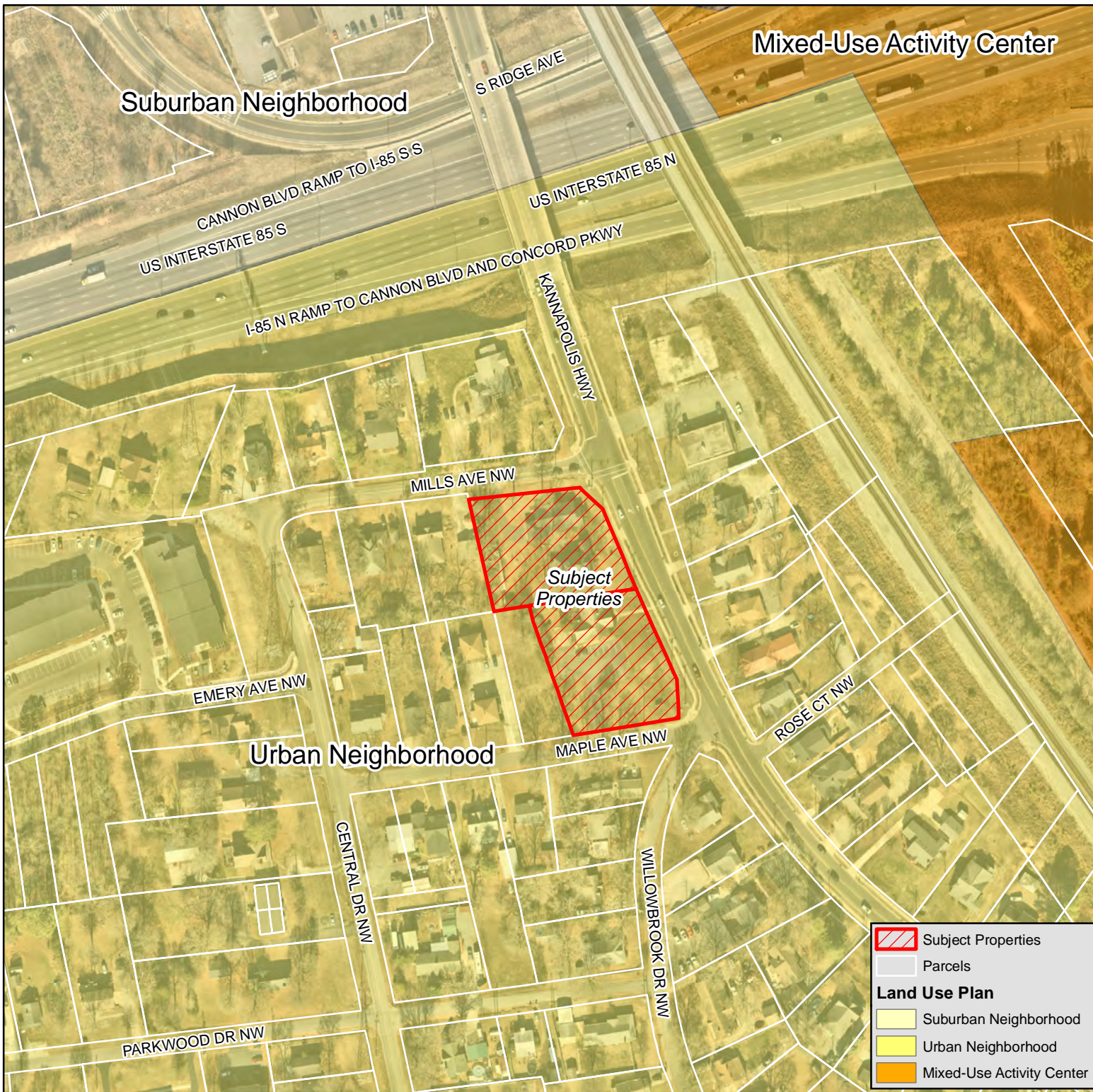
 Subject Properties
 Parcels

Z-11-24 ZONING

**Rezoning application
O-I-CU (Office-Institutional
-Conditional Use & C-1
(Light Commercial & Office)
to
C-1 (Light Commercial & Office)
& RC (Residential Compact)**

2308 Kannapolis Hwy &
3 Mills Ave NW
PIN: 5612-90-4158 &
5612-90-5040





Mixed-Use Activity Center

Suburban Neighborhood

CANNON BLVD RAMP TO I-85 S S
US INTERSTATE 85 S

US INTERSTATE 85 N

I-85 N RAMP TO CANNON BLVD AND CONCORD PKWY
KANNAPOLIS HWY

MILLS AVE NW

Subject Properties

EMERY AVE NW

Urban Neighborhood






MAPLE AVE NW

ROSE CT NW

CENTRAL DR NW

WILLOWROOK DR NW

PARKWOOD DR NW

 Subject Properties
 Parcels
Land Use Plan
 Suburban Neighborhood
 Urban Neighborhood
 Mixed-Use Activity Center

**Z-11-24
LAND USE PLAN**

**Rezoning application
O-I-CU (Office-Institutional
-Conditional Use & C-1
(Light Commercial & Office)
to
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2308 Kannapolis Hwy &
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