

CITY OF CONCORD PLANNING & ZONING COMMISSION
Meeting Agenda
Tuesday, March 21, 2023 at 6:00 PM
City Hall Council Chambers - 35 Cabarrus Avenue West

- I. CALL TO ORDER - *Chair***
- II. CHANGES TO THE AGENDA**
- III. APPROVAL OF THE MINUTES - *Motion, second, and vote needed.***
- IV. OLD BUSINESS**
- V. NEW BUSINESS**

1. Z-01-23

Jacob Jordan has submitted a Zoning Map Amendment application for +/- 0.23 acres of property located at 1089 Gaither Pl NW. from RC (Residential Compact) to C-2 (General Commercial District). PIN 5611-75-1678.

- a. Open Public Hearing by Motion - *Motion, second, and vote needed.*
- b. Staff Presentation
- c. Staff Recommendation
- d. Applicant's/Proponent's Testimony
- e. Opponent's Testimony
- f. Close Public Hearing by Motion - *Motion, second, and vote needed.*
- g. Approve Statement of Consistency by Motion - *Motion, second, and vote needed.*
- h. Recommend Zoning and LUP Amendment by Motion - *Motion, second, and vote needed.*

2. Z-02-23

Kate Underwood has submitted a Zoning Map Amendment application for +/- 0.081 acres of property located at 117 McGill Ave NW. from C-2 (General Commercial District) to RC (Residential Compact). PIN 5621-50-3310.

- a. Open Public Hearing by Motion - *Motion, second, and vote needed.*
- b. Staff Presentation
- c. Staff Recommendation
- d. Applicant's/Proponent's Testimony
- e. Opponent's Testimony
- f. Close Public Hearing by Motion - *Motion, second, and vote needed.*
- g. Approve Statement of Consistency by Motion - *Motion, second, and vote needed.*
- h. Approve/Deny Zoning Amendment by Motion - *Motion, second, and vote needed.*

3. Z-03-23

Michael D. Rizzo has submitted a Zoning Map Amendment application for +/- 0.17 acres of property located at 239 Brookwood Ave NW. from C-2 (General Commercial District) to RV (Residential Village). p/o PIN 5621-30-1719.

- a. Open Public Hearing by Motion - *Motion, second, and vote needed.*
- b. Staff Presentation
- c. Staff Recommendation
- d. Applicant's/Proponent's Testimony
- e. Opponent's Testimony
- f. Close Public Hearing by Motion - *Motion, second, and vote needed.*
- g. Approve Statement of Consistency by Motion - *Motion, second, and vote needed.*
- h. Recommend Zoning and LUP Amendment by Motion - *Motion, second, and vote needed.*

4. TA-02-23 Consider a text amendment to CDO Table 7.6.2-A to amend the maximum impervious surface coverage for multi-unit projects in the RC district.

a. Staff Presentation

b. Commission Guidance-- *Motion, second, and vote needed*

VI. RECOGNITION OF PERSONS REQUESTING TO BE HEARD

VII. MATTERS NOT ON THE AGENDA

VIII. ADJOURNMENT



DATE: March 21, 2023

REZONING CASE #: Z-01-23

ACCELA: CN-RZZ-2023-00002

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

APPLICANT/OWNER: Jacob Jordan

LOCATION: 1089 Gaither Pl NW

PIN#: 5611-75-1678

AREA: +/- 0.23 acres

ZONING: RC (Residential Compact)

PREPARED BY: Autumn C. James, Senior Planner

BACKGROUND

The subject property consists of one (1) parcel comprising +/- 0.23 acres on the south side of Davidson Hwy near the intersection of Central Dr NW. The property currently has one single-family residential building.

To the north of the property the zoning is RC (Residential Compact) and I-1 (Light Industrial) and the properties are vacant or single-family residential. The adjacent properties to the south and east are RC (residential compact) with single-family residences. To the west, the properties are zoned C-2 (General Commercial) and RC (Residential Compact) and contain auto sales and single family residences.

HISTORY

The property was annexed into the City effective June 30, 1992, as part of an involuntary annexation spanning from Davidson Hwy to Interstate 85. Jacob Jordan acquired the property by deed recorded in the Cabarrus County Register of Deeds Book 15564 Page 0331 on October 11, 2021.

SUMMARY OF REQUEST

The applicant is requesting to rezone the subject property from RC (Residential Compact) to C-2 (General Commercial) for an in-home daycare serving children with special needs.

Because the request is for straight zoning of C-2 (General Commercial) and not a conditional district, all permitted uses with the C-2 (General Commercial) zoning classification would be allowed on the site.

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	
RC (Residential Compact)	North	RC (Residential Compact) and I-1 (Light Industrial)	Residential	North	Vacant and Industrial
	South	RC (Residential Compact)		South	Single-family residential
	East	RC (Residential Compact)		East	Single-family residential
	West	C-2 (General Commercial) and RC (Residential Compact)		West	Commercial

COMPLIANCE WITH 2030 LAND USE PLAN

The 2030 Land Use Plan (LUP) designates the subject property as “Urban Neighborhoods (UN).” C-2 (General Commercial) is *not listed* a corresponding zoning district to the “Urban Neighborhoods” land use category, and therefore is not consistent with the land use plan. Approval of the rezoning would require a Land Use Plan amendment by City Council.

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 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 1.3: 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.*

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately +/- 0.23 acres and currently zoned RC (Residential Compact).
- The subject property was annexed into the City effective June 30, 1992.
- The proposed zoning is not consistent with the 2030 Land Use Plan (LUP) as C-2 (General Commercial) is not a corresponding zoning classification to the Urban Neighborhood Land Use Category. However, the subject property is located adjacent to other properties zoned commercial and industrial, and is located within close proximity to major thoroughfares. The zoning would be compatible with the adjacent C-2 (General Commercial) zoning to the west.
- The zoning amendment is reasonable and in the public interest as it is consistent with the existing zoning adjacent to the subject property and the adjacent commercial uses. The proposed zoning will allow for commercial uses to locate in the vicinity of the I-85 corridor.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the zoning map amendment will also need a Land Use Plan Amendment to 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. As the request is not a Conditional District no conditions may be applied.



Application for
Zoning Map Amendment

(Please type or print)

Applicant Name, Address, Telephone Number and email address:

Jacob Jordan, 1089 Gaither PI NW, Concord, NC 28027, 304-888-9430, jacobajordan98@gmail.com

Owner Name, Address, Telephone Number:

Jacob Jordan, 1089 Gaither PI NW, Concord, NC 28027, 304-888-9430

Project Location/Address: 1089 Gaither PI NW, Concord, NC 28027

Parcel Identification Number (PIN): 56117516780000

Area of Subject Property (acres or square feet): 0.23 Acres

Lot Width: 50 Lot Depth: 270.8

Current Zoning Classification: RC

Proposed Zoning Classification: C-2

Existing Land Use: Residential

Future Land Use Designation: Commercial

Surrounding Land Use: North I-1 South RC

East RC West C-2

Reason for request: The property is currently zoned residential which allows for an in-home daycare but with significant restrictions. I would like to make make this change to expand and better serve the community including special needs children through the CDSA.

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

Staff member signature: _____ Date: _____

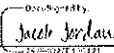


Application for
Zoning Map Amendment

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: 1/4/2023

Applicant Signature: 

Property Owner or Agent of the Property Owner Signature:



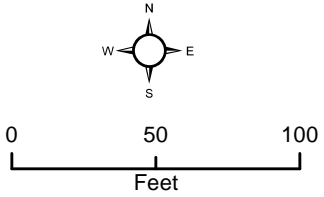
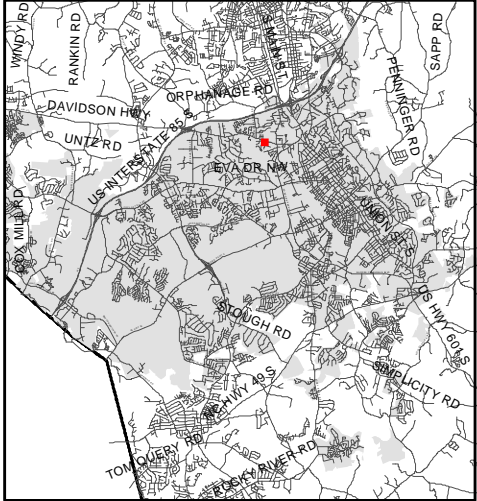


 Subject Property
 Parcels

**Z-01-23
 AERIAL**

**Rezoning application
 RC (Residential Compact)
 to
 C-2 (General Commercial)**

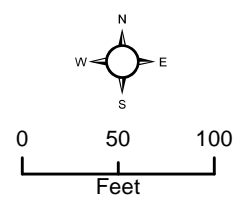
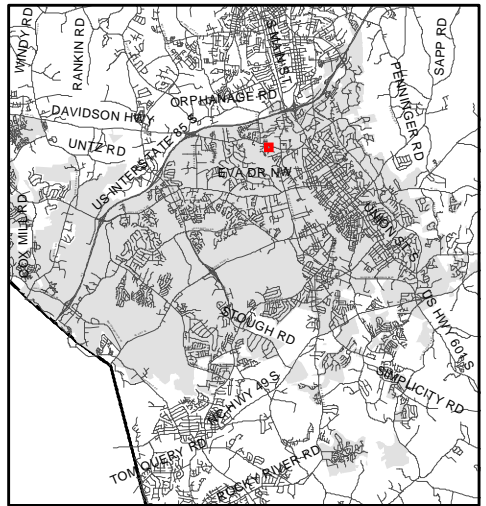
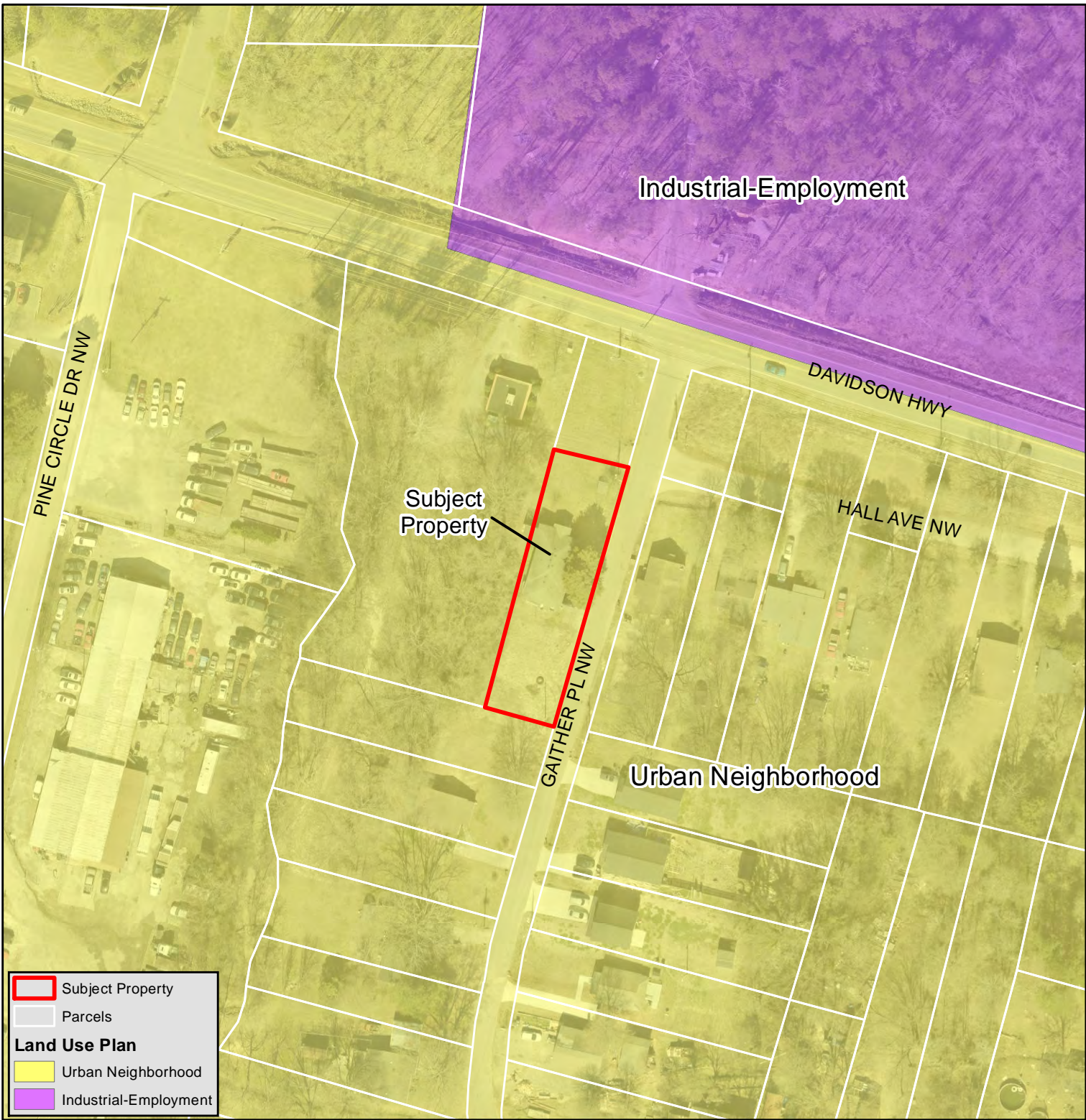
1089 Gaither Pl NW
 PIN: 5611-75-1678



**Z-01-23
LAND USE PLAN**

**Rezoning application
RC (Residential Compact)
to
C-2 (General Commercial)**

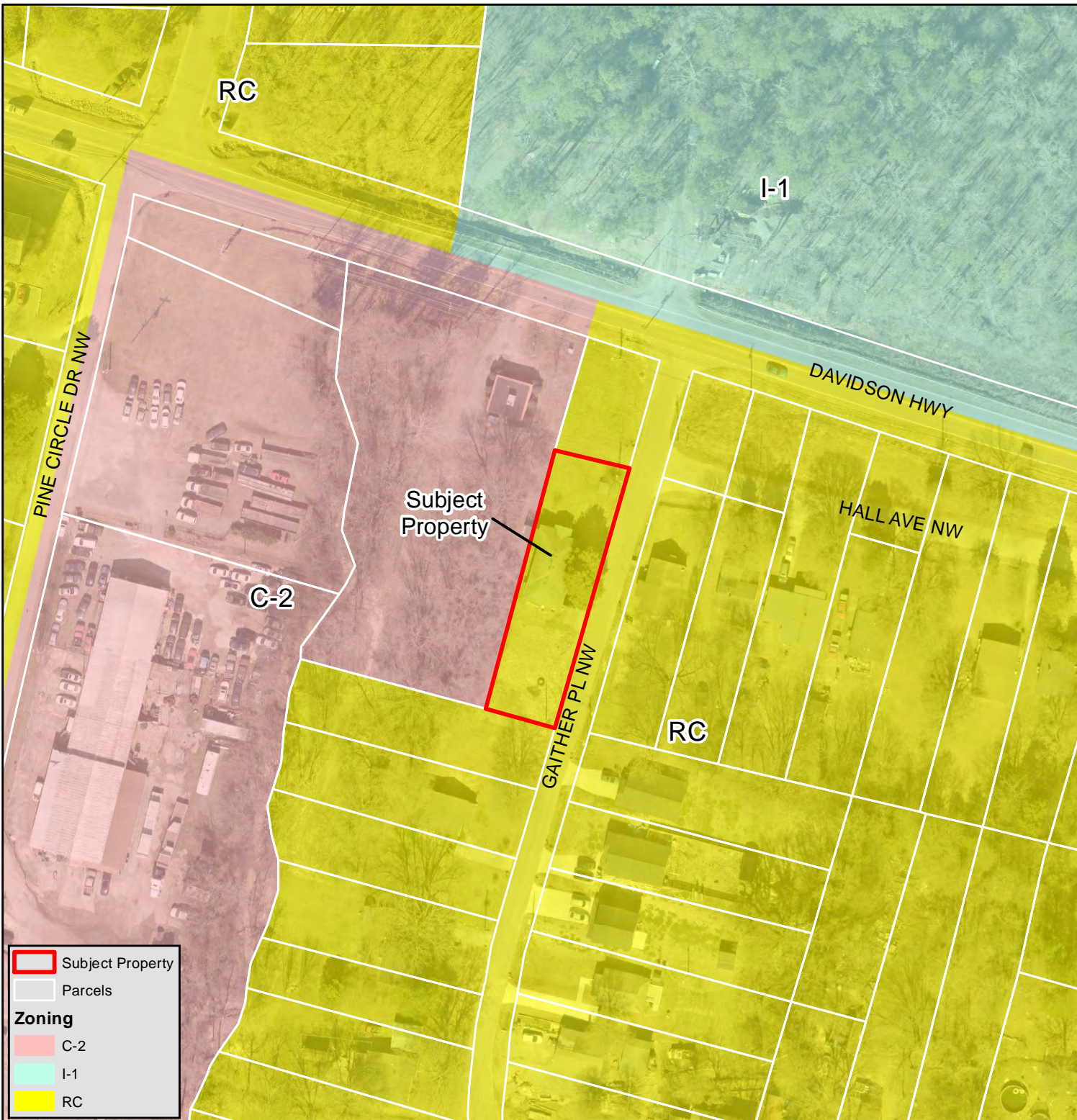
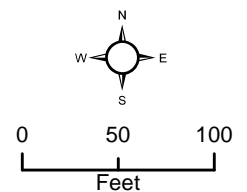
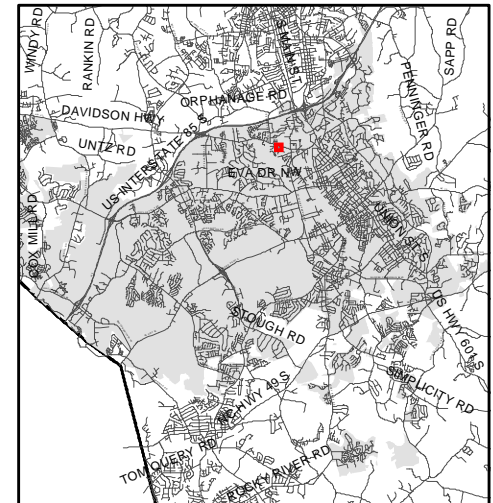
1089 Gaither Pl NW
PIN: 5611-75-1678



**Z-01-23
ZONING**

**Rezoning application
RC (Residential Compact)
to
C-2 (General Commercial)**

1089 Gaither Pl NW
PIN: 5611-75-1678





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

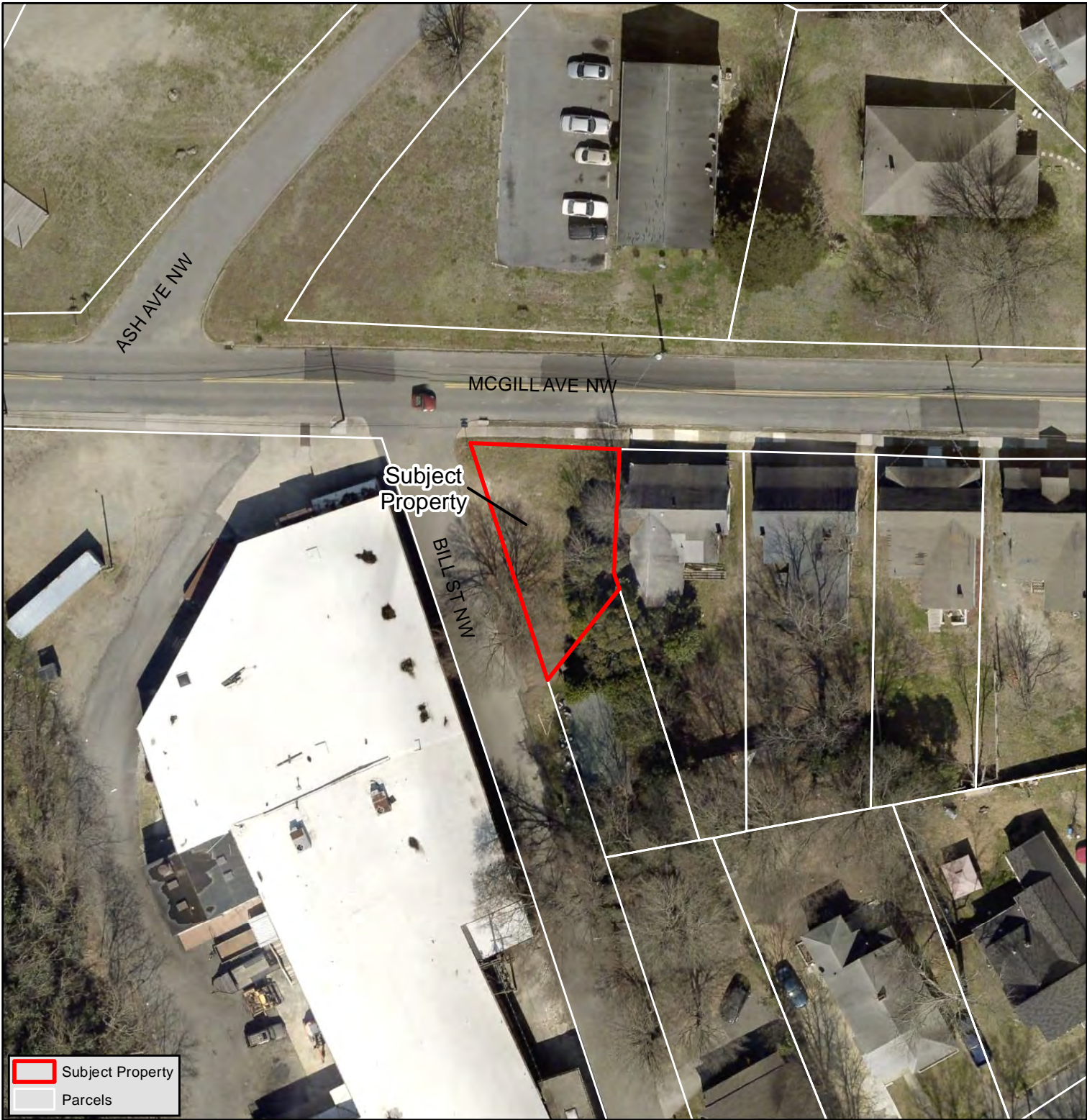
I hereby acknowledge and say that the information contained herein and herewith is true, and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department.

Date: 01/11/2023

Applicant Signature:  01/11/2023

Property Owner or Agent of the Property Owner Signature:

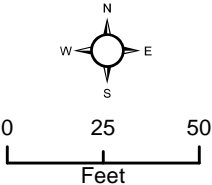
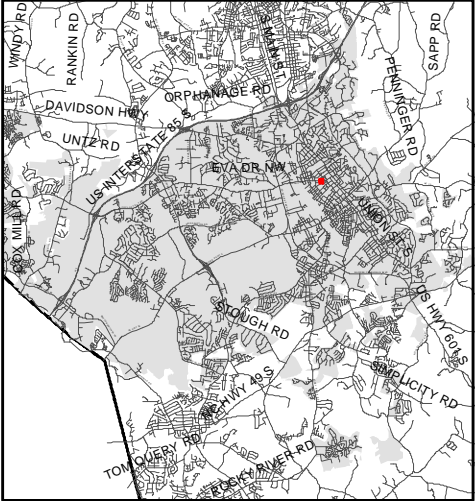
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**Z-02-23
AERIAL**

**Rezoning application
C-2 (General Commercial)
to
RC (Residential Compact)**

117 McGill Ave NW
PIN: 5621-50-3310

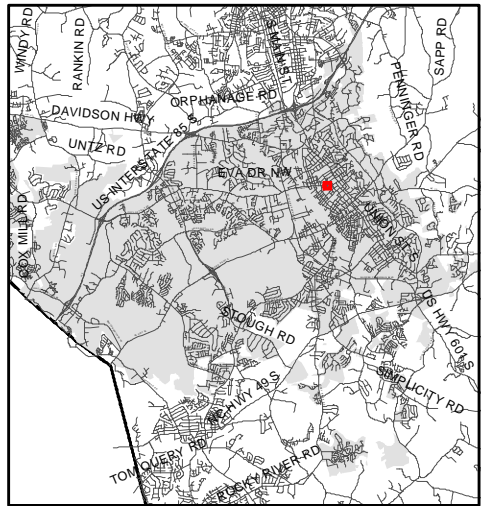
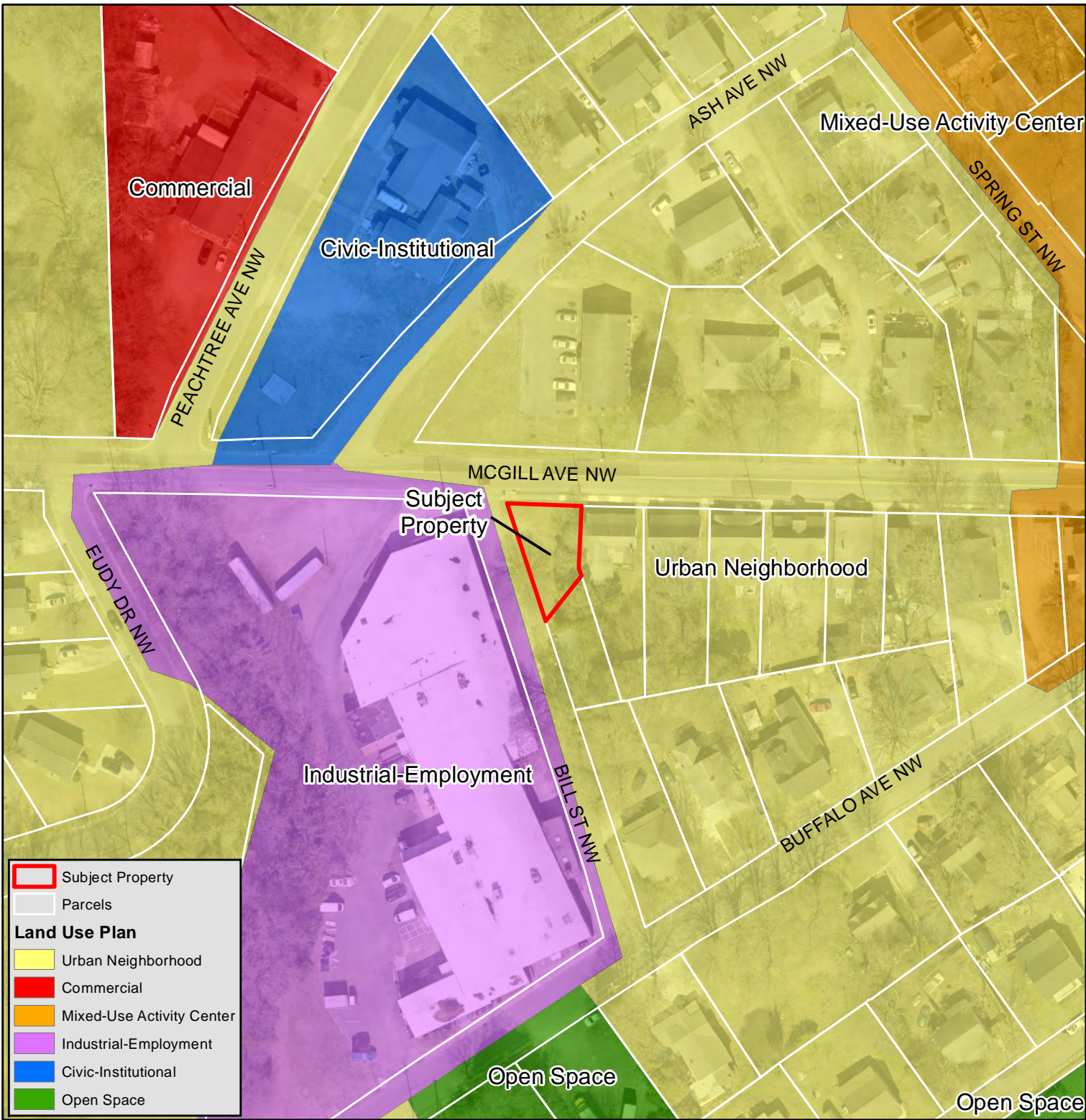


 Subject Property
 Parcels

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

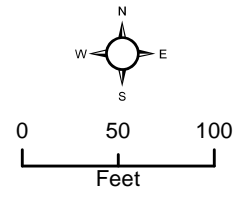
**Rezoning application
C-2 (General Commercial)
to
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117 McGill Ave NW
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Legend

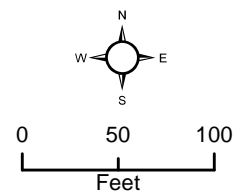
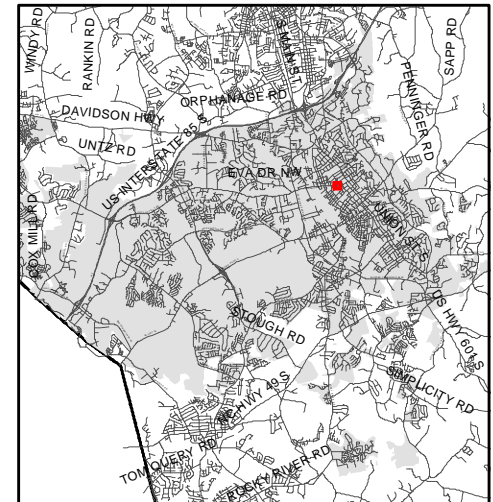
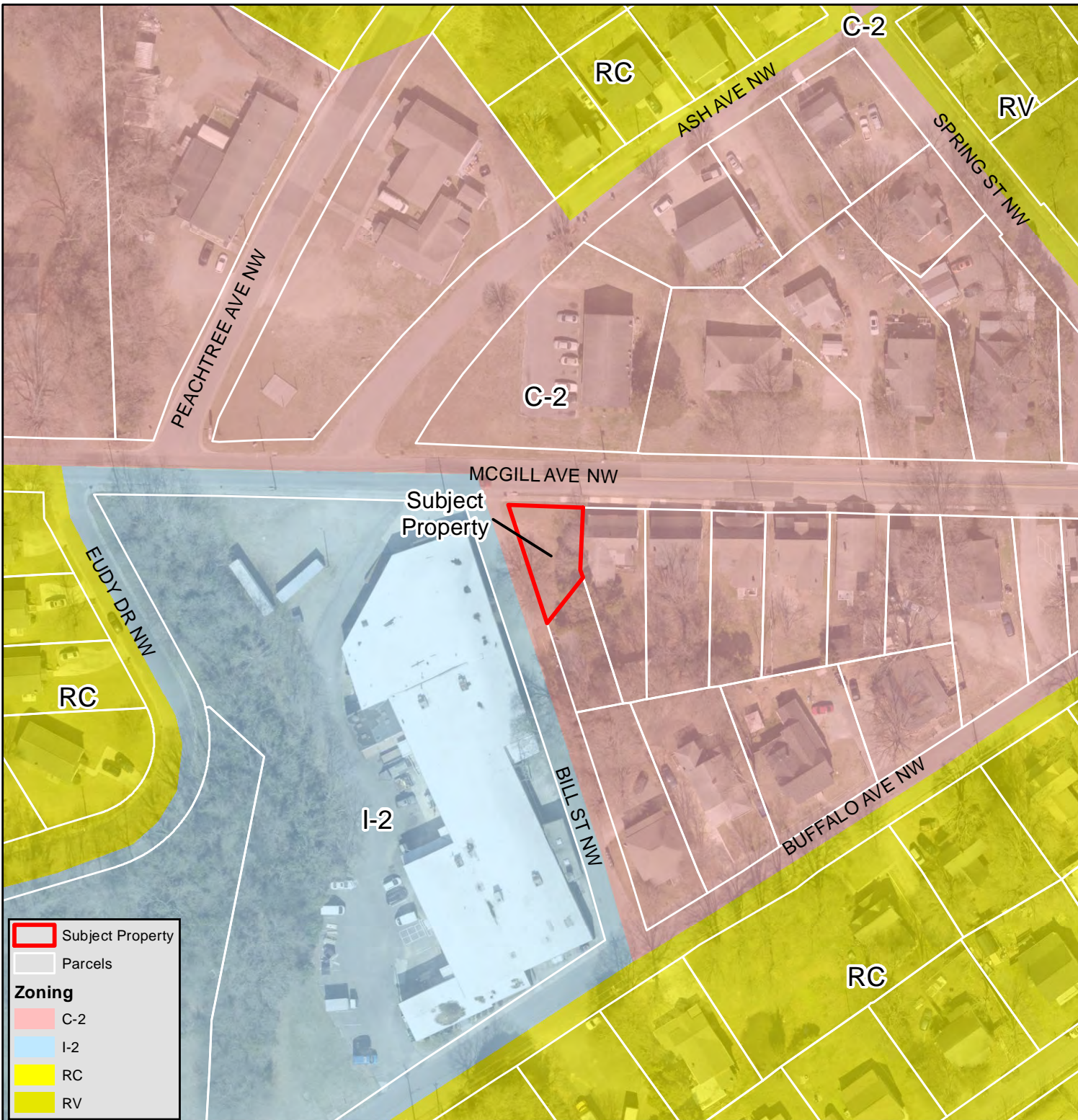
- Subject Property
- Parcels
- Land Use Plan**
- Urban Neighborhood
- Commercial
- Mixed-Use Activity Center
- Industrial-Employment
- Civic-Institutional
- Open Space



**Z-02-23
ZONING**

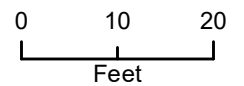
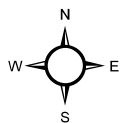
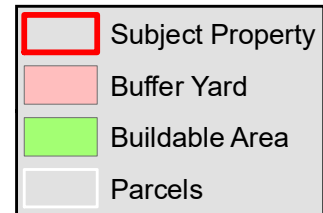
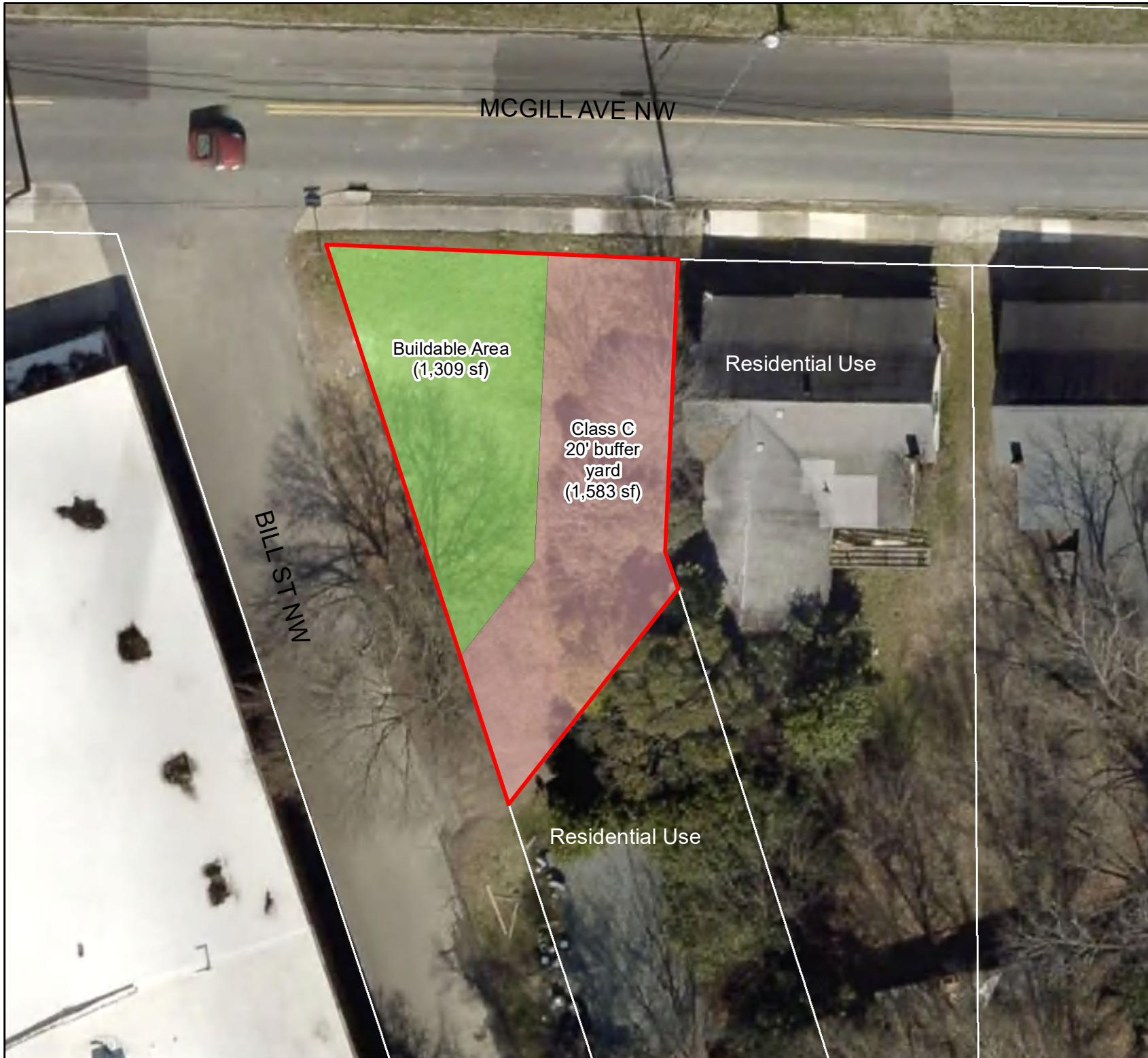
**Rezoning application
C-2 (General Commercial)
to
RC (Residential Compact)**

117 McGill Ave NW
PIN: 5621-50-3310



Z-02-23

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



1 in = 20 ft



DATE: March 21, 2023

CASE: TA-02-23 Text Amendment to Address Maximum Impervious Surface Cover In the RC Zoning District

PREPARED BY: Kevin Ashley, AICP –Deputy Planning Director

BACKGROUND

As the Commission is aware, the staff has been examining ways to facilitate infill development through such changes to the CDO as the townhome revisions and the tiny home/cottage home amendments. In the course of examining some of these changes, it appears that the maximum impervious surface cover requirements may be too restrictive for the development of some multi-unit developments.

For example, the development of a more desirable rear-load townhome product would likely have a higher impervious surface ratio than a front load product due to the alley/parking lot and the higher unit yield.

Staff is proposing a slight amendment to the Ordinance to allow an increase in the maximum impervious surface in the RC zoning district from 50% to 60% for multi-unit projects, provided that the project meets the definition of “infill” in Article 14. “Infill” is defined as “the development of new housing or other buildings on scattered vacant sites surrounded by developed areas.” This higher ratio would not be permissible for single family homes, and any subsequent project would still be required to meet minimum stormwater requirements for retention and/or treatment if applicable.

The amendment is in approval form for referral to Council.

DENSITY AND DIMENSIONAL STANDARDS
TABLE 7.6.2 A - DIMENSIONAL STANDARDS

Zoning District	A	B	C	D	E	F	G
	Min. Lot Size (sq. ft.)	Max. Density (per acre)	Impervious Surface Ratio (2)	Min. Public Street Frontage (feet)	Min. Lot Width (feet)	Min. Lot Depth (feet)	Max. Building Height (feet)
AG**	43,560	1	-	30^	200	200	35
RE **	43,560	1	-	30^	150	150	35
RL**	20,000	2	-	15^	100	125	35
RM-1**	15,000	3	-	15^	75	125	35
RM-2**	10,000	4	-	15^	75	100	35
RV***	7,500	8	0.5	15^	50	100	35 (5)
RC***	5,000	15	0.5(6)	15^	50	100	35 (5)
R-CO ³	3,000	15	0.5	15	35	85	40
O-I	-	-	0.7	-	-	-	35
B-1	-	-	0.65	30^	50	100	50
CC	-	-	-	-	-	-	75 (4)
C-1	-	-	0.7	-	-	-	48
C-2	-	-	0.8	30^	50	100	48 (1)
I-1	-	-	0.8	30^	50	100	72
I-2	-	-	0.9	30^	50	100	72

NOTES:

* Residences permitted in nonresidential districts shall conform to the density and dimensional standards of the RC district, except that height restrictions may follow (1) below. Residences in the CC district are not subject to maximum density or dimensional limitations.

** See Section 7.7.4-F for duplex lots and Sections 7.7.3 and 7.7.4 for alternative single-family lot patterns that allow smaller minimum lot sizes under certain conditions.

*** In the districts where permitted, and subject to Section 7.8 multi-family and/or single-family attached developments shall only be subject to Columns B, C, D, and G in Table 7.6.2-A. Setbacks for multi-family and single-family attached developments are set forth in Section 7.8. of this Ordinance. Height in the RC district is subject to the transition provisions of Section 7.6.2.G.

^ See Section 5.5.

(1) Height may be increased by one foot for each one foot of additional building setback up to a maximum height of 200 feet. Setbacks for Mixed Use, PUD, PRD or similar type projects shall be measured from the overall project boundaries.

(2) Developments following the low-density option (see §4.4.2-A) may not develop at a total impervious surface ratio greater than 0.24.

(3) Dimensional requirements only applicable if not indicated on recorded final plat. See also Section 9.12.

(4) Measured from the lowest level of the Fire Department vehicle access to the tallest finished floor level of the building.

(5) In the districts where permitted, multi-family has a height limit of four (4) stories. When residential units are included in upper floors in C-2 zoning, the maximum C-2 height limits shall govern.

(6) May be increased to 0.6 for multi-unit projects that meet the definition of “infill” as specified in Article 14.