

CITY OF CONCORD PLANNING & ZONING COMMISSION
Meeting Agenda
Tuesday, April 16, 2024, 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(CD)-05-24 (Legislative Hearing)

Streetscape TW, LLC has submitted a Zoning Map Amendment application for +/- 26.6 acres of property located at the southwest corner of Poplar Tent Road and Harris Road from PUD (Planned Unit Development) to PUD (Planned Unit Development) p/o PIN 4671-80-8363.

- 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 with Conditions by Motion - *Motion, second, and vote needed.*

VI. PETITIONS AND REQUESTS – NO PUBLIC HEARING REQUIRED/PRESENTATIONS AND DISCUSSIONS

1. TA-02-24

Consider a text amendment to Concord Development Ordinance (CDO) Article 8 to address the keeping of chickens.

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

VII. RECOGNITION OF PERSONS REQUESTING TO BE HEARD

VIII. MATTERS NOT ON THE AGENDA

IX. ADJOURNMENT



DATE: April 16, 2024

REZONING CASE #: Z(CD)-05-24

ACCELA: CN-RZC-2024-00006

DESCRIPTION: PUD (Planned Unit Development) Amendment

APPLICANT/OWNER: Streetscape TW, LLC

LOCATION: Tuckers Walk Subdivision, Poplar Tent Rd & Harris Rd

AREA: +/- 26 acres

ZONING: PUD (Planned Unit Development)

PREPARED BY: George Daniels, Senior Planner

BACKGROUND

The subject property is the Tuckers Walk subdivision located southwest of the intersection Harris Rd and Poplar Tent Rd. It is currently under development as a mixed-use commercial and townhome neighborhood. Currently the project is in Phase III of development.

SUMMARY OF REQUEST

The applicant is requesting a modification to the existing plan to replace a cul-de sac at the end of Rainier Trail Dr NW with a hammerhead design street ending. Also, the new plan proposes removing two housing units adjacent to the street ending.

HISTORY

The subject property was annexed in two phases. The +/-7.22 acres closest to the intersection of Harris Rd and Poplar Tent Rd were annexed in 2005. In 2018, the remaining +/- 18.8 acres further to the west were annexed bringing the cumulative total to +/- 26 acres. After the 2018 annexation, case Z(CD)-06-18 established the zoning as PUD (Planned Unit Development), in order to construct a mixed-use neighborhood consisting of commercial and townhome uses. The PUD (Planned Unit Development) was revised in October of 2020 with case Z(CD)-14-20. Changes were made at this time to the southern buffer between Tuckers Walk and the Northchase neighborhood, a proposed berm was replaced with a fence and 30' landscape buffer due to grading limitations. In addition, a small change was made to the commercial area parking.

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	
PUD (Planned Unit Development)	North	Cabarrus County LDR (Low Density Residential) & C-2 (General Commercial)	Townhomes & Commercial	North	Single Family Residential & Vacant
	South	Cabarrus County LDR (Low Density Residential)		South	Single Family Residential
	East	RV (Residential village, C-2-CU (General Commercial – Conditional Use)		East	Townhomes & Commercial
	West	Cabarrus County LDR (Low Density Residential)		West	Vacant

COMPLIANCE WITH THE 2030 LAND USE PLAN

The 2030 Land Use Plan (LUP) designates the subject property as “Village Center” and “Suburban Neighborhood.” PUD is considered a consistent zoning classification to both land use categories because it provides a mixture of integrated uses which encourage pedestrian activity and reduce vehicular trips as multiple uses are contained on the site.

Suburban Neighborhood:

The Suburban Neighborhood (SN) Future Land Use category includes single-family areas that are formed as subdivisions or communities, with a relatively uniform housing type and density throughout. They may support a variety of single-family detached residential types, from low-density single-family homes to denser formats of smaller single-family homes. In areas designated Suburban Neighborhood, homes are typically oriented interior to the neighborhood and are typically buffered from surrounding development by transitional uses or landscaped areas. Single-family attached dwellings are an option for infill development within the suburban neighborhood future land use category. These neighborhoods are often found in close proximity to suburban commercial, office, and industrial centers, and help provide the consumers and employment base needed to support these centers. Lots at intersections of collector and arterial streets within or at the edges of suburban neighborhoods may support small-scale, neighborhood serving, pedestrian-oriented commercial or service uses such as coffee shops, cafes, beauty salons and light retail. Pedestrian oriented uses exclude uses with drive-in, drive-through or automobile related services.

Village Center:

Village Center areas are typically located at key intersections of minor transportation corridors. These centers are often located in areas with FLU categories that are residential and/or rural in focus with limited non-residential development nearby. Oftentimes areas designated as Village Centers already contain some non-residential development, usually highway oriented retail, office, or light industrial, with supportive zoning. Village Centers represent opportunities to create small/mid-size commercial and mixed-use centers and limit strip commercial in areas that are predominantly residential in character.

The characteristics of developed Village Centers will vary greatly depending on the surrounding land use pattern and existing development intensity. The types of uses within Village Centers will vary, but encouragement should be given to mixed uses and those uses that are neighborhood serving (i.e. restaurants/diners, gas stations, small convenience stores, hardware stores, etc.) which reduce the need for residents to travel long distances in a car to meet basic needs. Additionally, emphasis should be given to pedestrian oriented development and interconnectivity between uses within the Village Center and out to the surrounding residential areas

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately +/- 26 Acres
- The subject property was annexed in two parts, the first in 2005 and second in 2018. The property is zoned PUD for the construction of a commercial and townhome development.
- The proposed zoning amendment is consistent with the 2030 Land Use Plan (LUP) as the zoning of Planned Unit Development (PUD) is deemed to be a consistent zoning district within the “Suburban Neighborhood” and “Village Center” land use designations.
- The zoning amendment is reasonable and in the public interest as it does not change the underlying dimensional standards and provides a small decrease in density to the existing PUD (Planned Unit Development) zoning district.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the request consistent with the 2030 Land Use Plan and the requirements of the Concord Development Ordinance. The plan has also been reviewed by the Development Review Committee and has no objections to the petition.

The petitioner has agreed to the following conditions:

1. Compliance with the Tuckers Walk Phase 3 Overall Site Plan, sheet C-300 dated 04-12-24.
2. The City of Concord Transportation Department requires the acceptance by the Planning & Zoning Commission to allow a hammerhead design street ending.
3. Previous conditions apply from case Z(CD)-14-20 except for the overall site plan sheet.

Previous conditions that apply:

1. Compliance the “Tuckers Walk at Hensley Phase A Landscape Exhibit C-3.0” dated 9/24/20, and the “Tuckers Walk Southern Quadrant Technical Data Sheet and General Notes” dated 8/01/20.
2. Approved fire access roads shall reach to within 300’ of all exterior portions or exterior of each building. Fire hydrant shall be shown with a travel

distance of 400' or less. Needed fire flow shall be provided and verified by hydraulic calculation at 1,500 gpm @ 20 psi.

- 3 The southern property line will include a minimum 30ft wide landscape buffer to include an 8ft tall wooden fence, matching the existing wooden fence along the southern property line. The fence shall be installed no closer than 2ft from the property line.
- 4 The applicant may build a community building adjacent to the community garden, not to exceed 2,500 sf. Decks and patios shall not be counted towards this maximum square footage. The building may be constructed at a zero setback from the right-of-way line as long as it does not interfere with public utilities.
- 5 Evergreen shrubs shall be installed along the street frontage in front of commercial "Building 3" to screen the dumpsters and parking.
- 6 Existing trees may be utilized to meet required landscaping points in lieu of removal and replacement if agreed upon between the applicant and City Arborist.

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:

Streetscape TW, LLC, 10815 Sikes Place, Suite 300 Charlotte NC 28277:
704-321-1000: david@raleymiller.com

Owner Name, Address, Telephone Number:

Streetscape TW, LLC 10815 Sikes Place, Suite 300, Charlotte, NC 28277
704-321-1000

Project Location/Address: Southwest Corner of Poplar Tent & Harris Rd.

Parcel Identification Number (PIN): 4671901741; 4671918487; 4671911097; 4671914382; 4671913271; 4671804108

Area of Subject Property (acres or square feet): +/- 26 Acres

Lot Width: Varies Lot Depth: Varies

Current Zoning Classification: PUD

Proposed Zoning Classification: PUD Amendment

Existing Land Use: Mixed use and

Future Land Use Designation: Mixed Use

Surrounding Land Use: North Vacant Land South Single Family Residential

East Shopping Center West Vacant land

Reason for request:

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:

No change to previously approved and permitted uses of Residential, Retail, Office, Service, Restaurant and Medical 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):

See revised site plan for phase 3 of the Tucker's Walk residential community to incorporate a hammehead design at the end of Ranier Drive.

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.

David S. Miller 3/20/2024
 Signature of Applicant *CEO* Date
Streetscape Tw LLC
 By: *Raley Miller Properties, Manager*
 By: *David S. Miller, CEO*

David S. Miller 3/20/2024
 Signature of Owner(s) *CEO* Date
Streetscape Tw LLC
 By: *Raley Miller Properties, Manager*
 By: *David S. Miller, CEO*

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.

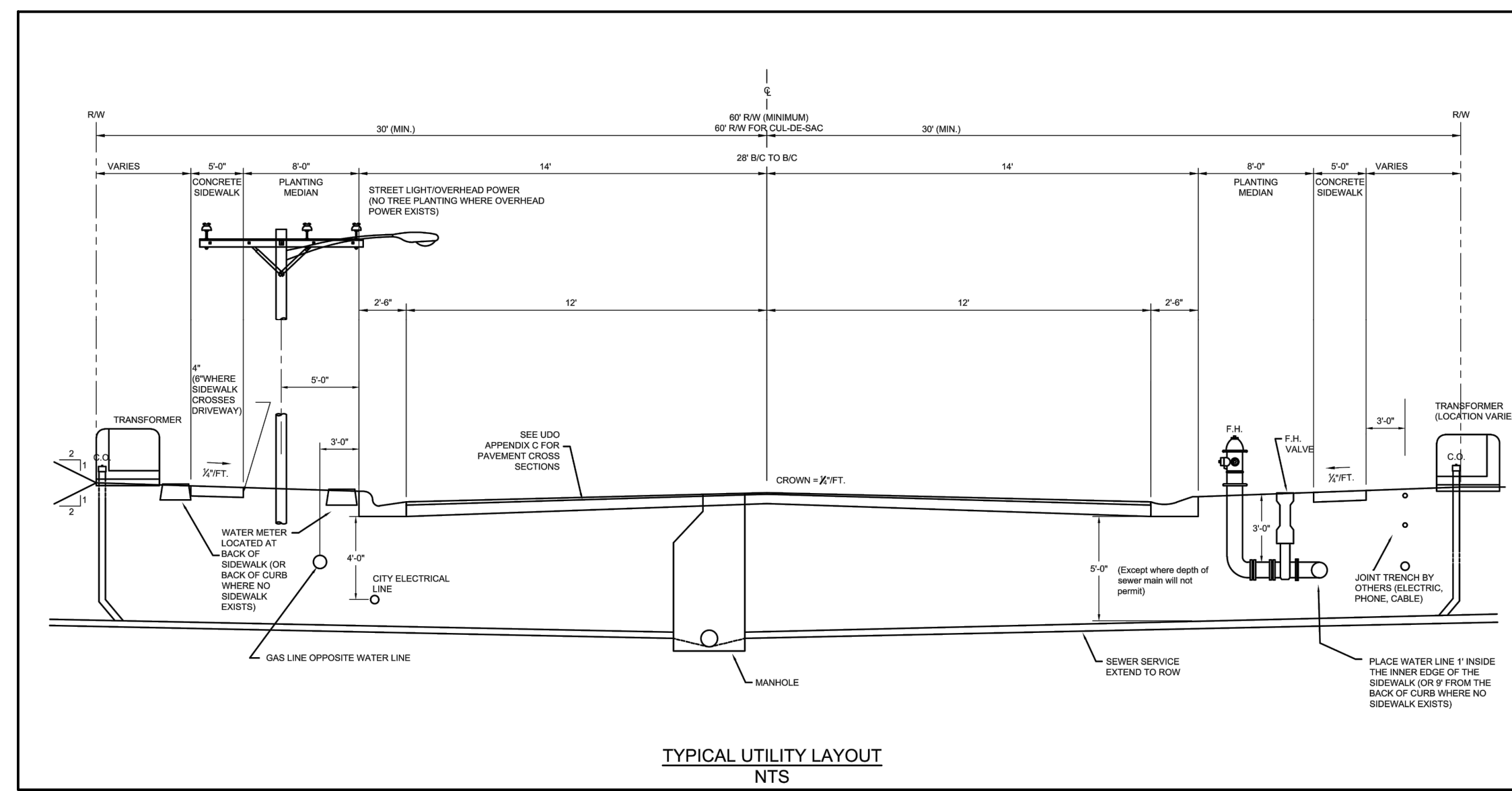
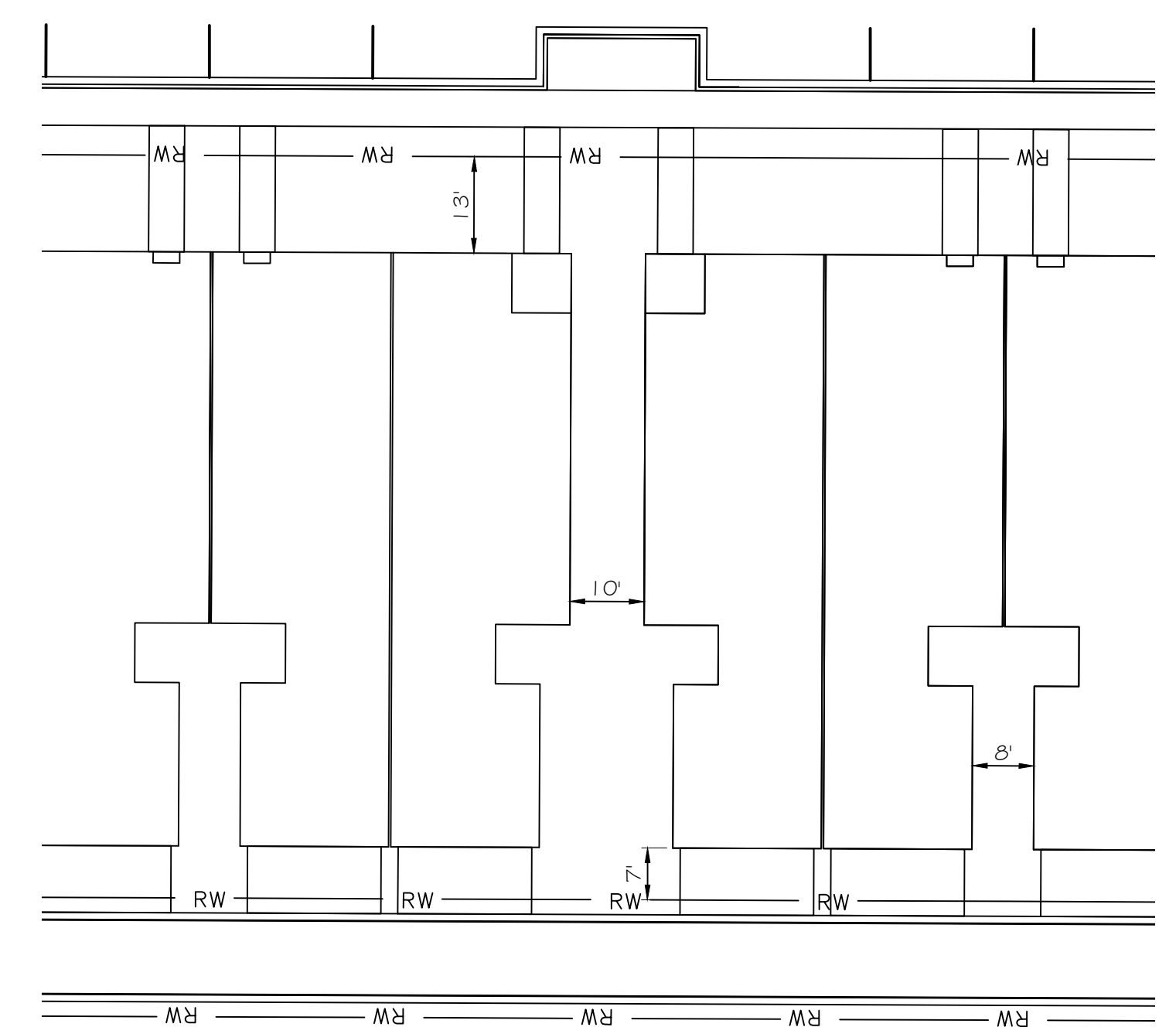
Date: March 20, 2024

Applicant Signature: David S. Miller, CEO

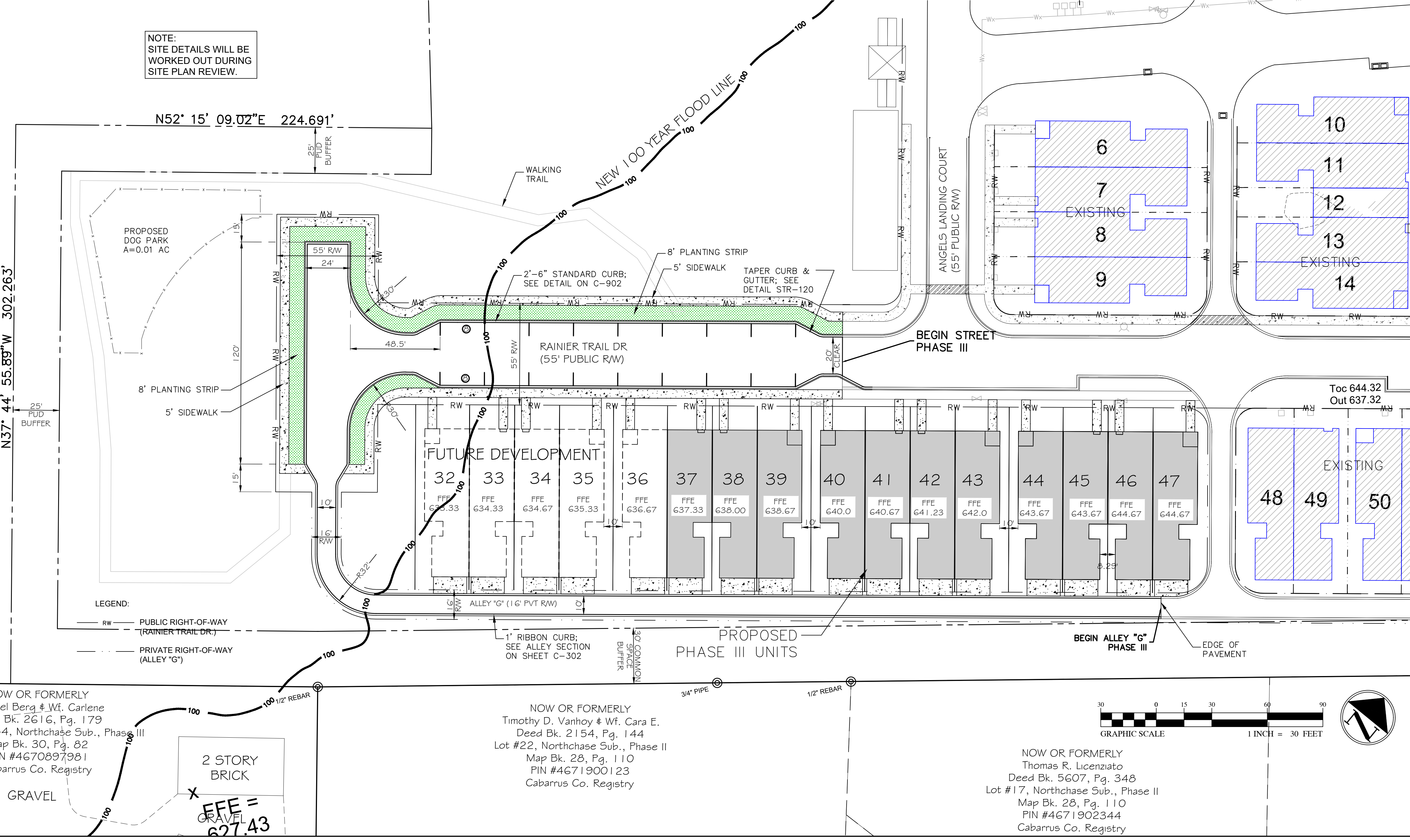
By: Streetscape TW LLC
By: Raley Miller Properties Inc. Manager
By: David S. Miller, CEO
Property Owner or Agent of the Property Owner Signature:

CITY OF CONCORD GENERAL NOTES
 THIS JURISDICTION ABIDES BY AND ENFORCES THE REQUIREMENTS OF NFPA 241 FOR CONSTRUCTION PROJECTS. A DOCUMENT WE REFER TO AS AN NFPA 241 LETTER IS REQUIRED VERIFYING THAT ALL PARTIES INVOLVED IN THIS PROJECT KNOW OF AND AGREE TO ABIDE BY THE PROVISIONS REGARDING WATER, HYDRANTS, AND ACCESS ROADS BE IN OPERATION PRIOR TO VERTICAL COMBUSTIBLE CONSTRUCTION.

- WHERE FIRE APPARATUS ACCESS ROADS OR A WATER SUPPLY FOR FIRE PROTECTION ARE REQUIRED TO BE INSTALLED, SUCH PROTECTION SHALL BE INSTALLED AND MADE SERVICEABLE PRIOR TO AND DURING THE TIME OF CONSTRUCTION EXCEPT WHEN APPROVED ALTERNATIVE METHODS OF PROTECTION ARE PROVIDED. TEMPORARY STREET SIGNS SHALL BE INSTALLED AT EACH STREET INTERSECTION WHERE CONSTRUCTION OF NEW ROADWAYS ALLOWS PASSAGE BY VEHICLES IN ACCORDANCE WITH SECTION 505.2. (NCF 501.4)
- APPROVED FIRE APPARATUS ACCESS ROADS SHALL BE PROVIDED FOR EVERY FACILITY, BUILDING OR PORTION OF A BUILDING HEREFTER CONSTRUCTED OR MOVED INTO OR WITHIN THE JURISDICTION. THE FIRE APPARATUS ACCESS ROAD SHALL COMPLY WITH THE REQUIREMENTS OF THIS SECTION AND SHALL EXTEND TO WITHIN 150 FEET (45 720 MM) OF ALL PORTIONS OF THE FACILITY AND ALL PORTIONS OF THE EXTERIOR WALLS OF THE FIRST STORY OF THE BUILDING AS MEASURED BY AN APPROVED ROUTE AROUND THE EXTERIOR OF THE BUILDING OR FACILITY.
 - EXCEPTIONS:
 - THE FIRE CODE OFFICIAL IS AUTHORIZED TO INCREASE THE DIMENSION OF 150 FEET (45 720 MM) WHERE ANY OF THE FOLLOWING CONDITIONS OCCUR:
 - WHEN THE BUILDING IS EQUIPPED THROUGHOUT WITH AN APPROVED AUTOMATIC SPRINKLER SYSTEM INSTALLED IN ACCORDANCE WITH SECTION 903.3.1.1 OR 903.3.1.2, THE DIMENSION SHALL INCREASE TO A MINIMUM OF 200 FEET (60 960 MM).
 - FIRE APPARATUS ACCESS ROADS CANNOT BE INSTALLED BECAUSE OF LOCATION ON PROPERTY, TOPOGRAPHY, WATERWAYS, NONNEGOTIABLE GRADES OR OTHER SIMILAR CONDITIONS, AND AN APPROVED ALTERNATIVE MEANS OF FIRE PROTECTION IS PROVIDED.
 - THERE ARE NOT MORE THAN TWO GROUP R-3 OR GROUP U OCCUPANCIES.
- THE FIRE CODE OFFICIAL IS AUTHORIZED TO MODIFY OR EXEMPT FIRE APPARATUS ACCESS ROADS FOR SOLAR PHOTOVOLTAIC POWER GENERATION FACILITIES. (NCF 503.1.1)
- FIRE APPARATUS ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED WIDTH OF NOT LESS THAN 20 FEET (6096 MM), EXCLUSIVE OF SHOULDERS, EXCEPT FOR APPROVED SECURITY GATES IN ACCORDANCE WITH SECTION 503.6, AND AN UNOBSTRUCTED VERTICAL CLEARANCE OF NOT LESS THAN 13 FEET 6 INCHES (4115 MM).
 - EXCEPTION: FIRE APPARATUS ACCESS ROADS CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH NORTH CAROLINA DOT MINIMUM CONSTRUCTION STANDARDS FOR SUBDIVISION ROADS, WHEN APPROVED BY THE FIRE CODE OFFICIAL. (NCF 503.2.1)
- DEAD-END FIRE APPARATUS ACCESS ROADS IN EXCESS OF 150 FEET (45 720 MM) IN LENGTH SHALL BE PROVIDED WITH AN APPROVED AREA FOR TURNING AROUND FIRE APPARATUS.
- NEW AND EXISTING BUILDINGS SHALL BE PROVIDED WITH APPROVED ADDRESS IDENTIFICATION. THE ADDRESS IDENTIFICATION SHALL BE LEGIBLE AND PLACED IN A POSITION THAT IS VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. ADDRESS IDENTIFICATION CHARACTERS SHALL CONTRAST WITH THEIR BACKGROUND. ADDRESS NUMBERS SHALL BE ARABIC NUMBERS OR ALPHABETICAL LETTERS. NUMBERS SHALL NOT BE SPOILED OUT. EACH CHARACTER SHALL BE NOT LESS THAN 6 INCHES (153 MM) HIGH WITH A MINIMUM STROKE WIDTH OF 3/4 INCH (20 MM), WHERE REQUIRED BY THE FIRE CODE OFFICIAL. ADDRESS IDENTIFICATION SHALL BE PROVIDED IN ADDITIONAL APPROVED LOCATIONS TO FACILITATE EMERGENCY RESPONSE. WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD AND THE BUILDING CANNOT BE VIEWED FROM THE PUBLIC WAY, A MONUMENT, POLE OR OTHER SIGN OR MEANS SHALL BE USED TO IDENTIFY THE STRUCTURE. ADDRESS IDENTIFICATION SHALL BE MAINTAINED. (NCF 505.1)
- WHERE REQUIRED BY THE FIRE CODE OFFICIAL, APPROVED SIGNS OR OTHER APPROVED NOTICES OR MARKINGS THAT INCLUDE THE WORDS NO PARKING-FIRE LANE SHALL BE PROVIDED FOR FIRE APPARATUS ACCESS ROADS TO IDENTIFY SUCH ROADS OR PROHIBIT THE OBSTRUCTION THEREOF. THE MEANS BY WHICH FIRE LANES ARE DESIGNATED SHALL BE MAINTAINED IN A CLEAN AND LEGIBLE CONDITION AT ALL TIMES AND BE REPLACED OR REPAIRED WHEN NECESSARY TO PROVIDE ADEQUATE VISIBILITY.
- WHERE A PORTION OF THE FACILITY OR BUILDING HEREFTER CONSTRUCTED OR MOVED INTO OR WITHIN THE JURISDICTION IS MORE THAN 400 FEET (122 M) FROM A HYDRANT ON A FIRE APPARATUS ACCESS ROAD, AS MEASURED BY AN APPROVED ROUTE AROUND THE EXTERIOR OF THE FACILITY OR BUILDING, ON-SITE FIRE HYDRANTS AND MAINS SHALL BE PROVIDED WHERE REQUIRED BY THE FIRE CODE OFFICIAL.
 - EXCEPTIONS:
 - FOR GROUP R-3 AND GROUP U OCCUPANCIES, THE DISTANCE REQUIREMENT SHALL BE 600 FEET (183 M).
 - FOR BUILDINGS EQUIPPED THROUGHOUT WITH AN APPROVED AUTOMATIC SPRINKLER SYSTEM INSTALLED IN ACCORDANCE WITH SECTION 903.3.1.1 OR 903.3.1.2, THE DISTANCE REQUIREMENT SHALL BE 600 FEET (183 M). (NCF 507.5.1)
- FIRE DEPARTMENT CONNECTIONS SHALL BE INSTALLED IN ACCORDANCE WITH THE NFPA STANDARD APPLICABLE TO THE SYSTEM DESIGN AND SHALL COMPLY WITH SECTIONS 912.1 THROUGH 912.7. (NCF 912.1)
- WITH RESPECT TO HYDRANTS, DRIVEWAYS, BUILDINGS AND LANDSCAPING, FIRE DEPARTMENT CONNECTIONS SHALL BE SO LOCATED THAT FIRE APPARATUS AND HOSE CONNECTED TO SUPPLY THE SYSTEM WILL NOT OBSTRUCT ACCESS TO THE BUILDINGS FOR OTHER FIRE APPARATUS. THE LOCATION OF FIRE DEPARTMENT CONNECTIONS SHALL BE APPROVED BY THE FIRE CHIEF. (NCF 912.2)
- FIRE DEPARTMENT CONNECTIONS SHALL BE LOCATED ON THE STREET SIDE OF BUILDINGS, FULLY VISIBLE AND RECOGNIZABLE FROM THE STREET OR NEAREST POINT OF FIRE DEPARTMENT VEHICLE ACCESS OR AS OTHERWISE APPROVED BY THE FIRE CHIEF. (NCF 912.2.1)
- ON EXISTING BUILDINGS, WHEREVER THE FIRE DEPARTMENT CONNECTION IS NOT VISIBLE TO APPROACHING FIRE APPARATUS, THE FIRE DEPARTMENT CONNECTION SHALL BE INDICATED BY AN APPROVED SIGN MOUNTED ON THE STREET FRONT OR ON THE SIDE OF THE BUILDING. SUCH SIGN SHALL HAVE THE LETTERS "FDC" NOT LESS THAN 6 INCHES (152 MM) HIGH AND WORDS IN LETTERS NOT LESS THAN 2 INCHES (51 MM) HIGH OR AN ARROW TO INDICATE THE LOCATION. SUCH SIGNS SHALL BE SUBJECT TO THE APPROVAL OF THE FIRE CODE OFFICIAL. (NCF 912.2.2)
- FIRE APPARATUS ACCESS ROADS SHALL NOT EXCEED 10 PERCENT IN GRADE (UNLESS APPROVED BY THE FIRE CHIEF). (NCF D103.2)
- BUILDINGS OR FACILITIES HAVING A GROSS BUILDING AREA OF MORE THAN 62,000 SQUARE FEET (5760 M²) SHALL BE PROVIDED WITH TWO SEPARATE AND APPROVED FIRE APPARATUS ACCESS ROADS.
 - EXCEPTION: PROJECTS HAVING A GROSS BUILDING AREA OF UP TO 124,000 SQUARE FEET (11 520 M²) THAT HAVE A SINGLE APPROVED FIRE APPARATUS ACCESS ROAD WHEN ALL BUILDINGS ARE EQUIPPED THROUGHOUT WITH APPROVED AUTOMATIC SPRINKLER SYSTEMS. (NCF D104.3)
- BUILDINGS OR PORTIONS OF BUILDINGS OR FACILITIES EXCEEDING 30 FEET (9144 MM) IN HEIGHT ABOVE THE LOWEST LEVEL OF FIRE DEPARTMENT VEHICLE ACCESS SHALL BE PROVIDED WITH APPROVED FIRE APPARATUS ACCESS ROADS CAPABLE OF ACCOMMODATING FIRE DEPARTMENT AERIAL APPARATUS. OVERHEAD UTILITY AND POWER LINES SHALL NOT BE LOCATED WITHIN THE AERIAL FIRE APPARATUS ACCESS ROADWAY. (NCF D105.1)
- AERIAL FIRE APPARATUS ACCESS ROADS SHALL HAVE A MINIMUM UNOBSTRUCTED WIDTH OF 26 FEET (7925 MM), EXCLUSIVE OF SHOULDERS, IN THE IMMEDIATE VICINITY OF ANY BUILDING OR PORTION OF BUILDING MORE THAN 30 FEET (9144 MM) IN HEIGHT. (NCF D105.2)
- MULTIPLE-FAMILY RESIDENTIAL PROJECTS HAVING MORE THAN 100 DWELLING UNITS SHALL BE EQUIPPED THROUGHOUT WITH TWO SEPARATE AND APPROVED FIRE APPARATUS ACCESS ROADS.
 - EXCEPTION: PROJECTS HAVING UP TO 200 DWELLING UNITS MAY HAVE A SINGLE APPROVED FIRE APPARATUS ACCESS ROAD WHEN ALL BUILDINGS, INCLUDING NONRESIDENTIAL OCCUPANCIES, ARE EQUIPPED THROUGHOUT WITH APPROVED AUTOMATIC SPRINKLER SYSTEMS INSTALLED IN ACCORDANCE WITH SECTION 903.3.1.1 OR 903.3.1.2. (D106.2)
- DEVELOPMENTS OF ONE- OR TWO-FAMILY DWELLINGS WHERE THE NUMBER OF DWELLING UNITS EXCEEDS 30 SHALL BE PROVIDED WITH SEPARATE AND APPROVED FIRE APPARATUS ACCESS ROADS AND SHALL MEET THE REQUIREMENTS OF SECTION D104.3.
 - EXCEPTIONS:
 - WHERE THERE ARE MORE THAN 30 DWELLING UNITS ON A SINGLE PUBLIC OR PRIVATE FIRE APPARATUS ACCESS ROAD AND ALL DWELLING UNITS ARE EQUIPPED THROUGHOUT WITH AN APPROVED AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH SECTION 903.3.1.1, 903.3.1.2 OR 903.3.1.3 OF THE INTERNATIONAL FIRE CODE, ACCESS FROM TWO DIRECTIONS SHALL NOT BE REQUIRED.
 - THE NUMBER OF DWELLING UNITS ON A SINGLE FIRE APPARATUS ACCESS ROAD SHALL NOT BE INCREASED UNLESS FIRE APPARATUS ACCESS ROADS WILL CONNECT WITH FUTURE DEVELOPMENT, AS DETERMINED BY THE FIRE CODE OFFICIAL. (D107.1)



TYP. RESIDENTIAL LOT



ZONING CODE SUMMARY
 PROJECT NAME: TUCKERS WALK PHASE 3
 PROPERTY OWNER: NOW OR FORMERLY RMP CANNON,
 DWAYNE N HENSLEY, ALAN M HENSLEY, GLENNA T HENSLEY
 PARCEL P.I.N. FORMERLY: 4671918485, 4671916023, 4671915322,
 4671914210, 4671815515, 4671804108
 PH III: 4671808425, 4671804207
 TOTAL NUMBER OF LOTS: 73 LOTS
 PRE DEVELOPMENT: 73 LOTS
 PHASE 3 : 11 RESIDENTIAL

TOTAL AREA OF SITE: 25.13 AC ±
 TOTAL ACREAGE FOR PHASE 3: 5.28 AC 100%
 PIN 03-018-0001.40 3.665 AC
 PART OF PIN 03-18-0020.20 1.615 AC (PARTIAL AREA ONLY)

CIVIL PLANS PREPARED BY: ODOM ENGINEERING, PLLC
 PHONE: 828-247-4493

ZONING: PUD JURISDICTION: CITY OF CONCORD
 FLOOD MAP NUMBER AND DATE: 3710467100L 1/11/2018
 SETBACK (FRONT): 5 FT
 MIN. SIDE YARD (L): 0 FT MIN. SIDE YARD (R): 0 FT
 MIN. REAR BUFFER YARD: 4 FT
 BUILDING SEPARATION = LOFT

OCCUPANCY TYPES: RESIDENTIAL
 CONSTRUCTION TYPE: V-B
 SPRINKLER SYSTEM: NO
 FIRE ALARM: YES
 NUMBER OF STORIES: 2
 HEIGHT OF BUILDING: <30FT
 LARGEST UNIT AREA: 2,000SF/1ST FLR

JOB NUMBER:
 20178

REV	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF NORTH CAROLINA AS SIGNIFIED BY MY HAND AND SEAL.



PLANS FOR
TUCKERS WALK PHASE 3
 HARRIS RD., CONCORD, NORTH CAROLINA
OVERALL SITE PLAN

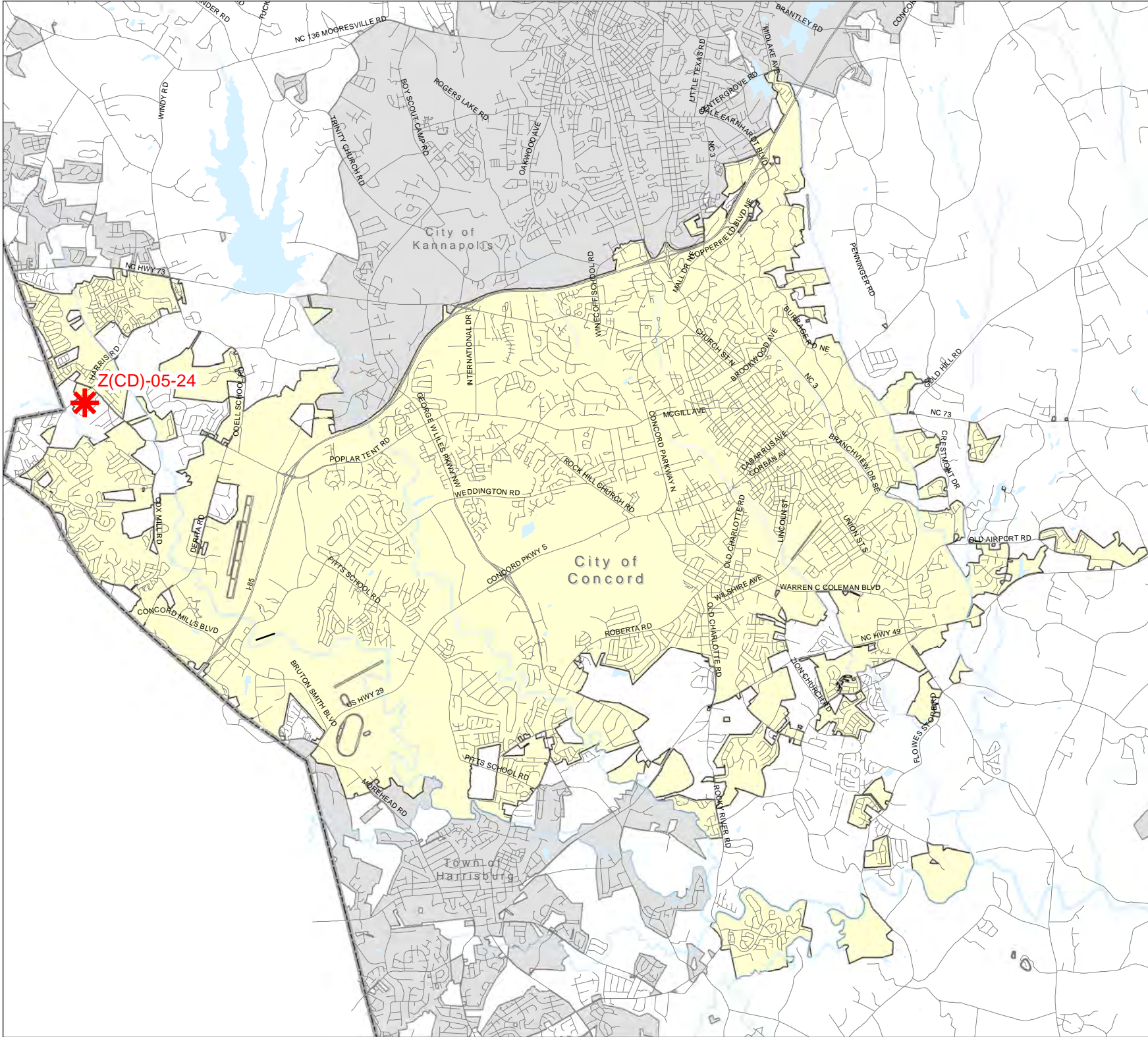
Odom Engineering PLLC
 100 Oak Street, Forest City, N.C. 28043
 PH: 828.247.4496 FAX: 828.247.4498
 NC License # 4806

SCALE: 1" = 30'
 DATE: 04-12-24
 DRAWN BY: ESB
 CHECKED BY: LMC
 PROJECT MGR: LMC
 SHEET:
 C-300

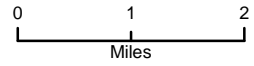
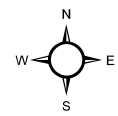
Drawing name: Z:\2020\20178 - TUCKERS WALK (DWG)\20178 - TUCKERS WALK PHASE 3 SITE - PROPOSED NEW LAYOUT APR2024.dwg
 Plotted on: Apr 12, 2024 - 12:01pm

Z(CD)-05-24

Tucker's Walk Poplar Tent & Harris Rd



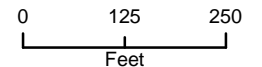
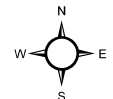
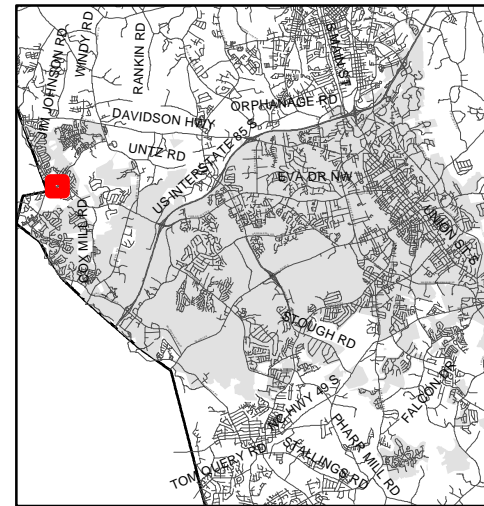
- Case Location
- Streets
- Lakes & Ponds
- Rivers
- Cabarrus Co.
- City of Concord
- Other Municipalities







**Z(CD)-05-24
AERIAL**

**Rezoning application
Amendment to PUD
(Planned Unit Development
District)
Tuckers Walk Subdivision
To incorporate hammerhead
street design at end of
Rainier Trail Dr NW**

Poplar Tent & Harris Rd
PIN: 4671-80-8363

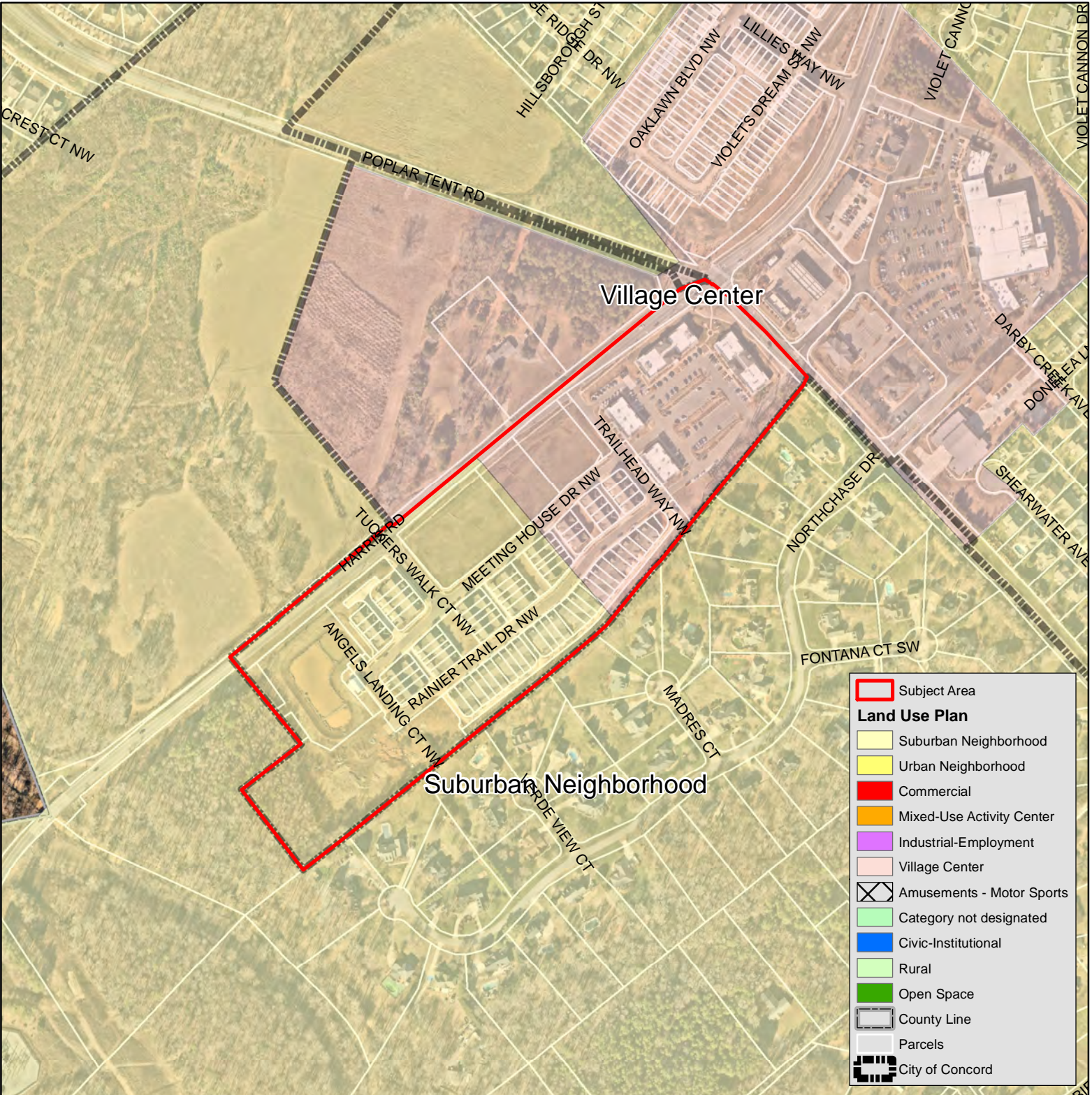


	Subject Area
	County Line
	Parcels
	City of Concord

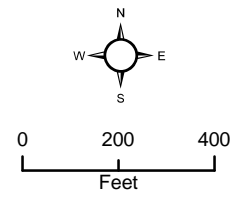
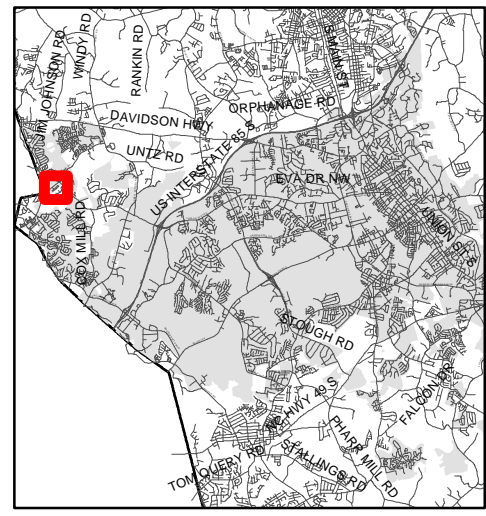
**Z(CD)-05-24
LAND USE PLAN**

**Rezoning application
Amendment to PUD
(Planned Unit Development
District)
Tuckers Walk Subdivision
To incorporate hammerhead
street design at end of
Rainier Trail Dr NW**

Poplar Tent & Harris Rd
PIN: 4671-80-8363



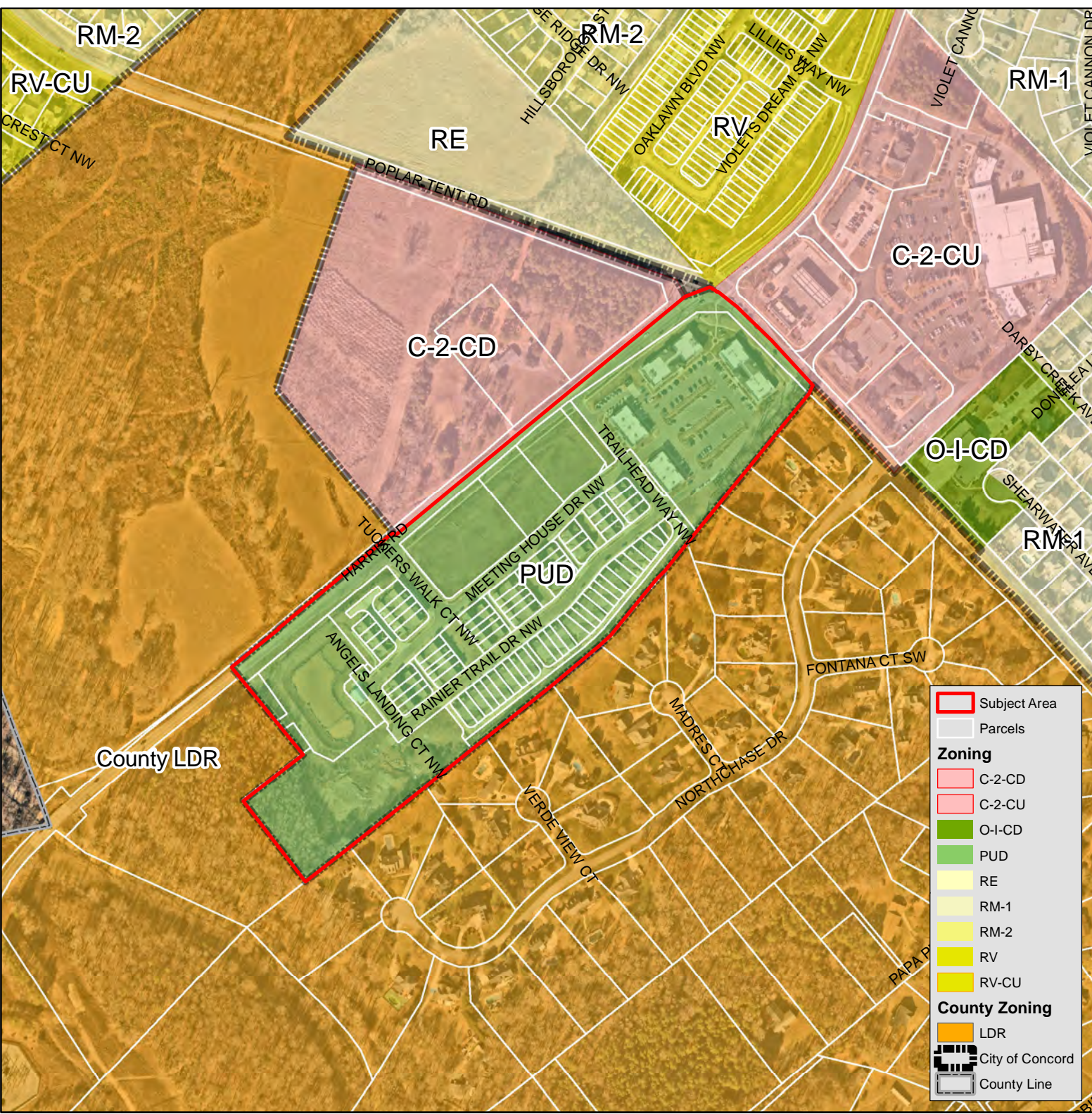
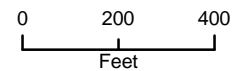
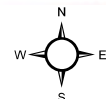
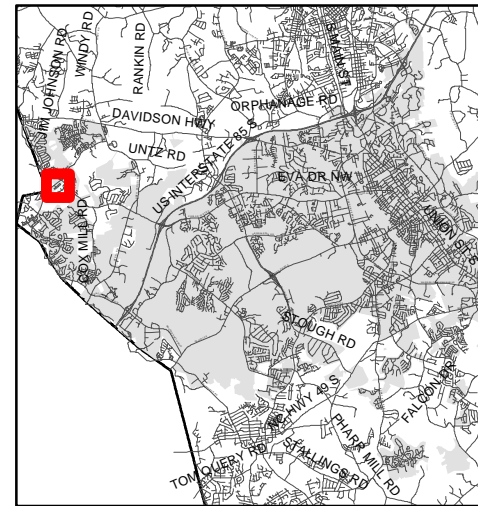
	Subject Area
Land Use Plan	
	Suburban Neighborhood
	Urban Neighborhood
	Commercial
	Mixed-Use Activity Center
	Industrial-Employment
	Village Center
	Amusements - Motor Sports
	Category not designated
	Civic-Institutional
	Rural
	Open Space
	County Line
	Parcels
	City of Concord



**Z(CD)-05-24
ZONING**

**Rezoning application
Amendment to PUD
(Planned Unit Development
District)
Tuckers Walk Subdivision
To incorporate hammerhead
street design at end of
Rainier Trail Dr NW**

Poplar Tent & Harris Rd
PIN: 4671-80-8363



	Subject Area
	Parcels
Zoning	
	C-2-CD
	C-2-CU
	O-I-CD
	PUD
	RE
	RM-1
	RM-2
	RV
	RV-CU
County Zoning	
	LDR
	City of Concord
	County Line



DATE: April 16, 2024

CASE #: TA-02-24 Text Amendment (Keeping of Chickens)

PREPARED BY: Autumn C. James, Ph.D., AICP | Planning & Development Manager

SUMMARY

Staff is providing the Commission with a proposed text amendment to Article 8 of the Concord Development Ordinance (CDO). This amendment is coming to the Commission upon direction of the City Council. Council has been approached by interested citizens who wish to explore reconsideration of the keeping of domestic chickens. This ordinance was considered by the City Council in 2012 and 2017, but was ultimately denied.

The proposed amendment allows for the keeping of domestic female chickens on single-family detached or manufactured home residential lots, as an accessory use. Up to five (5) total chickens may be kept on a lot that is between one-half acre (0.50 ac) and one acre (1.0 ac) in area; up to ten (10) total chickens may be kept on a lot that is at least one acre (1.0 ac); and, up to twenty (20) chicken may be kept on a lot that is at least two acres (2.0 ac) or more in area. The maximum number of chickens allowed is twenty (20) per lot, regardless of number of dwelling units on the lot.

Additionally, this amendment includes requirements to limit impacts on neighboring properties and to ensure that the hens are kept in safe and sanitary conditions.

The amendment is in approval form and may be forwarded to City Council for public hearing and their consideration at their May meeting.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF CONCORD, NORTH CAROLINA**

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by the North Carolina General Statute §160A-364 enacted an Official Zoning Ordinance for the City of Concord, North Carolina and the Area of Extraterritorial Jurisdiction on July 28, 1977; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute §160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951, may from time to time as necessary amend, supplement, change, modify or repeal certain of its zoning regulations and restrictions and zone boundaries; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute 160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951 does hereby recognize a need to amend the text of certain articles of the City of Concord Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina:

SECTION 1: That the following use be added to the Concord Development Ordinance (CDO) Article 8 “Use Regulations,” Table 8.1.8:

Table 8.1.8

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2		
RESIDENTIAL USES (See 8.3.3)																	
Household Living	Mixed Use Dwelling/Live-Work Unit								P	P	P	P	P				
	Single Family Detached Dwelling, Single-Family Modular Home	P	P	P	P	P	P	P	PS								7.7
	Single Family Attached Dwelling,							PS	PS	PS							7.7 & 7.7.4.I
	Multifamily Dwelling/Apartment Duplex/Triplex							SS	PS	PS	PS	PS	SS				7.8
	Accessory Dwelling	PS	PS	PS	PS	PS	PS	PS									Tables 7.6.2.A & 7.6.2.B
	<u>Keeping of Chickens (Gallus gallus domesticus)</u>	P	PS	PS	PS	PS	PS	PS									

SECTION 2: That the following accessory use be added to the Concord Development Ordinance (CDO) Article 8 “Use Regulations,” Section 8.2.4 “Residential Use Categories,” Table A: Household Living :

8.2.4. RESIDENTIAL USE CATEGORIES
A. Household Living

Characteristics: Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units, including kitchens.		
Principal Uses	Accessory Uses	Uses Not Included
Assisted living facility with self-contained individual units that meet the definition of a dwelling unit Guest house Retirement center apartment Short-term rental Single-family detached house, lot line house, traditional house, patio house, villa house, atrium house, two-family house, semi-attached townhouse, townhouse or rowhouse, roof-deck townhouse, stacked townhouse, multiplex, apartment, manufactured home park or subdivision, modular home, upper-story residential	Accessory dwelling unit Accessory structure that does not involve the conduct of business on the premises Ancillary indoor storage Dish antenna under 3 meters Dock or pier (noncommercial) Children’s play area or equipment Greenhouse or nursery, Personal (no sales) Home occupation In-home care for six or less persons Off-street parking of occupants’ registered vehicles Family day care homes Adult day care homes (As licensed by the State of NC) Private community center Public community center affiliated with a public housing agency or department Private garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool Raising of pets Residential leasing office Storage structure, storage garage or open storage area for RV’s or boats (manufactured home park or subdivision only) <u>Keeping of Chickens</u>	Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Transient Accommodations) Family care homes (see Social Service Institution) Nursing or convalescent home (see Group Living) Residential assisted living facility not having individual dwelling units (see Group Living)

SECTION 3: That the following section be added to the Concord Development Ordinance (CDO) Article 8 “Use Regulations,” Section 8.3.3 “Residential Uses”:

G. KEEPING OF CHICKENS

1. APPLICABILITY

Lots that are zoned for and utilized as single family detached or manufactured home dwellings may be permitted a maximum of twenty (20) domestic female (hen) chickens (*Gallus gallus domesticus*), as an accessory use (See § 8.4 of this Ordinance.), contingent on the following requirements:

- a. The maximum number of chickens allowed is twenty (20) per lot, regardless of number of dwelling units on the lot.
 - i. Up to five (5) total chickens may be kept on a lot that is between one-half acre (0.50 ac) and one acre (1.0 ac) in area.
 - ii. Up to ten (10) total chickens may be kept on a lot that is at least one acre (1.0 ac).
 - iii. Up to twenty (20) chicken may be kept on a lot that is at least two acres (2.0 ac) or more in area.

- b. Male chickens (roosters) are prohibited.
- c. Hens are utilized for personal egg production or as pets; Chicks and adult chickens shall not be sold; Chicken manure and compost using chicken manure shall not be sold or otherwise distributed; Produce on which chicken manure from the permitted chickens has been used as fertilizer, or on which compost made with such manure has been used, shall not be sold.
- d. Hens shall not be slaughtered within the City limits.
- e. A chicken coop and chicken pen shall be provided and all necessary action should be taken to reduce the attraction of predators.
 - i. Chickens shall be secured in the chicken coop during non-daylight hours. During daylight hours chickens can be located in the chicken pen and can be located outside of the pen in a securely fenced yard.
 - ii. Chicken coops shall be located in the rear yard of the principal dwelling and shall be set back at least 50 feet any adjacent residences, or rights-of-way and shall be enclosed with solid material on all sides and have a solid roof and door(s). An existing shed or rear garage can be used for a coop.
 - iii. Chicken pens shall be located in the rear yard of the principal dwelling and shall be set back at least 5 feet from lot lines or rights-of-way and shall be constructed of wood or metal posts and wire fencing material. The fence shall measure at least five (5) feet in height.
 - iv. Chicken coops, chicken pens, and surrounding areas shall be kept in a sanitary condition at all times.
- f. All manure, uneaten feed and other items associated with the keeping of chickens shall be removed and disposed of in a timely and sanitary manner.
 - i. No more than two cubic feet of chicken manure shall be stored for use as unprocessed fertilizer. All other manure shall be disposed of or composted. All stored manure shall be completely contained in a waterproof container.
 - ii. Any compost using chicken manure shall be produced in an enclosed backyard composter.
- g. The requirements set forth in Articles 4.3 which note that no person shall perform land-disturbing activities that cause or contribute to a violation of water quality standards. Class 1 and Class 2 streams shall be protected by an undisturbed buffer and vegetated setback.
- h. A Zoning Clearance Permit is required for residents wishing to keep chickens on their property.

SECTION 4: That the following accessory use be added to the Concord Development Ordinance (CDO) Article 8 "Use Regulations," Section 8.4 "Accessory Uses," Table 8.4.1: Permitted Accessory Uses:

8.1 Accessory Uses

8.4.1 PERMITTED ACCESSORY USES

- A. The uses listed in Column A, below, shall be permitted by right (unless noted otherwise) in any of the zoning districts set forth in Column B, below:

(A) Accessory Use	(B) Zoning Districts
Accessory Dwellings (subject to § 8.3.3.C)	See Use Table (Section 8.1.8)
Adult Day Care Home (up to 6 residents)	All Residential Zoning Districts
Family Day Care Home (up to 12 children, including both customers and family members)	All Residential Zoning Districts
Garages or Carports (noncommercial)	All Zoning Districts
Greenhouses (noncommercial)	All Residential Zoning Districts
Home Occupations (subject to § 8.5)	All Residential Zoning Districts
Off-Street Parking and Driveways	All Zoning Districts
Wireless Telecommunications Antennas or Tower (subject to § 8.7)	All Zoning Districts
Other Telecommunication Antennas or Tower	See Use Table (Article 8)
Satellite Dishes	All Zoning Districts
Signs (see Article 12)	All Zoning Districts
Storage Buildings (Residential)	All Zoning Districts
Swimming Pools (subject to § 8.4.4)	All Residential Zoning Districts
Stables/Private (see § 8.3.2.A)	AG, RE, RL
Tennis Courts (subject to the provisions of this Section)	All Zoning Districts
Any other Building or Use customarily incidental to the permitted Primary Use or Building (subject to § 8.4.2)	All Zoning Districts
<u>Keeping of Chickens</u>	<u>See Use Table (Article 8)</u>

SECTION 5: That Article 14 “Definitions” be amended to include the following definitions:

CHICKEN - Female poultry or fowl of the species *Gallus gallus/G. gallus domesticus*. Male chickens (roosters) are excluded.

CHICKEN COOP - A structure for the sheltering of chickens.

CHICKEN PEN - An enclosure that is connected to and/or surrounding a chicken coop for the purpose of allowing chickens to leave the coop while remaining in a predator-safe environment.

SECTION 6: That this Ordinance be effective immediately upon adoption.

Adopted in this DAY of MONTH 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

ATTEST:

William C. Dusch, Mayor

Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney