



DATE: March 15, 2016

SUBJECT: Special Use Permit
Bed and Breakfast Inn in a RM-1 district

CASE: SUP-01-16

APPLICANT: Carlos Moore Architect

LOCATION: 65 Union Street, North
PIN 5620-88-2600

AREA: 1.1+/- Acres

EXISTING LAND USE: Vacant single-family residential

EXISTING ZONING: RM-1 (Residential Medium Density)

REPORT PREPARED BY: Starla Rogers, Senior Planner

BACKGROUND

The applicant requests approval of a Special Use Permit for a bed and breakfast inn at the subject property in addition to the existing single-family residential use. Bed and breakfast inns are permitted with the issuance of a Special Use Permit in the RM-1 zoning district, provided that the property is located in the Historic Preservation Overlay District, a PUD, or has frontage on a major or minor thoroughfare. As the subject property is in the Historic District, it meets the ordinance standards to request a Special Use Permit. The use also has supplemental regulations set for in CDO Article 8.3.5-C. (Attached)

The existing structure consists of approximately 9,955 heated square feet with a rear yard garage totaling approximately 1,541 square feet. The structure was constructed in 1899-1900. According to the City's Historic Inventory, the property is designated as "Pivotal" to the architectural integrity of the historic district. It is further described as a "highly significant" property. In 1969 the site transformed into the location of Cabarrus Academy (now known as Cannon School) and operated as such until 1994. After 1994 the structure was again used as a single-family residence by various Cannon family decedents but was vacated in 2011. Since that time, the property has remained vacant and on the market.

The CDO mandates that bed and breakfast inns should not be altered in a manner to change the residential character. The applicant appeared before the Historic Preservation Commission in February for approval of minor exterior modifications. These modifications include the installation of a handicap porch lift and parking area. The modifications were unanimously approved by the Historic Preservation Commission.

The petitioner has submitted an application, site plan, bed and breakfast description and renderings as conditions to the Special Use Permit. The site plan shows six (6) new parking spaces in the rear yard in addition to a parking space under the porte-cochere. Five (5) of those spaces have been approved as concrete grass pavers to minimize the visual impact and maintain the residential character. The 6th parking space is reserved as handicap and was approved to be concrete in accordance with ADA standards. The proposed parking area would be screened by existing trees and vegetation along Grove Avenue as shown on the attached photographs. The applicant also worked with the adjoining property owner at 71 Union St. N and the Historic Preservation Commission to create a full visual buffer along the shared property line. The applicant was approved to install Nellie Stevens evergreen holly trees that provide both a visual and physical buffer between properties.

The Historic Preservation Commission also approved the addition of a handicap lift to the porte-cochere side of the wrap around porch. An image of the handicap lift approved by the Historic Preservation Commission is attached. The porch would not be obviously or permanently modified to accommodate the new lift. Current vegetation and proposed landscaping would strongly limit any visibility of the lift from Grove Avenue.

According to the application and project description, in addition to utilizing the structure as a primary residence, the future owners would like to offer four (4) guest rooms as part of the bed and breakfast. The ordinance limits bed and breakfast inns to a maximum of five (5) guest rooms unless it can be proven that the home still or at one time hosted more bedrooms. The subject structure may have had up to seven (7) bedrooms at one time. The requested four (4) guest rooms are within the limitations imposed by the ordinance.

The zoning ordinance states that “No receptions, private parties or similar activities shall be permitted unless expressly approved as part of the Special Use Permit or Site Plan application.” The applicant has indicated on the application as well as the use description that events and private parties for persons who are not bed and breakfast guests are prohibited. Therefore, such activities would be a violation of the Special Use Permit making is subject to revocation. Other activities prohibited as part of a bed and breakfast are long term room rental and public restaurant/dining services.

APPROVAL CRITERIA

In accordance with CDO Article 6.2, the Commission shall permit only those uses that are part of the Special Use Permit. The following criteria shall be issued by the Commission as the basis for review and approval of the project:

1) The proposed conditional use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on the site.

The proposed bed and breakfast conforms to the character of the neighborhood in that the structure and site are not proposed to be modified in a manner to alter the residential character. Additionally, existing and new landscaping shown on the site plan screen the proposed parking area and handicap lift from both street view and from the adjacent property owner. The proposed use of a bed and breakfast with a maximum of four (4) guest rooms is a low intensity use, similar to the adjacent single-family uses and less intense than other adjacent uses such as the church, law office, nonprofit institution, and nearby bank.

2) Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

The subject property has access off of Grove Avenue with adequate usable land to ensure ingress/egress and onsite parking standards are met.

3) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

The proposed use of a single-family residence as a bed and breakfast with a maximum of four (4) guest rooms is a low intensity use, similar to the adjacent single-family uses. Day to day operations should function similarly to that of other single-family residences. The proposed use is also less intense than other adjacent uses including the Cannon Foundation nonprofit organization abutting the rear yard, First Presbyterian Church of Concord directly across Union Street, and the law office directly across Grove Avenue, NW.

4) The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

The issuance of a Special Use Permit does not modify the underlying zoning of the property. Therefore, the structure could resume use as solely a single-family residence at any time, abandoning the bed and breakfast use. Other surrounding uses should not be impacted by the approval of the bed and breakfast use.

5) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

The proposed use should not be detrimental to or endanger public health safety, or general welfare.

6) Compliance with any other applicable Sections of this Ordinance.

The proposed project complies with CDO requirements with respect to zoning. If the requested SUP is approved, the applicant must also apply for a Certificate of Compliance (COC) and comply with CDO signage requirements.

PROPOSED FINDINGS OF FACT

1. The applicant is Carlos Moore Architect, P.A.
2. The property is owned by the C.A. Cannon Trust c/o Wells Fargo.
3. The subject property is zoned RM-1 (Residential Medium Density).
4. The petitioner proposes to a bed & breakfast inn at the subject property in addition to the existing single-family residential use. Bed and breakfast inns are permitted with the issuance of a Special Use Permit in the RM-1 zoning districts contingent on supplemental regulations.
5. The petitioner proposes to limit the bed and breakfast guest rooms to four (4) and to prohibit private parties and events for persons who are not bed and breakfast guests.
6. Six (6) parking spaces are required for the proposed use. The applicant has provided six (6) new parking spaces in addition to an existing parking space under the porte-cochere for a total of seven (spaces).
7. The adopted Land Use Plan designates the property as single-family.
8. The applicant shall be required to meet the standards of the Concord Development Ordinance (CDO) including article 8.3.5-C, supplemental regulations for bed and breakfast inns.
9. The applicant shall be required to comply with all applicable regulatory requirements for operation of the proposed bed and breakfast facility.

RECOMMENDATION AND SUGGESTED CONDITIONS

Should the Commission votes to approve the Special Use Permit Application, staff recommends the Commission consider adopting of the following conditions:

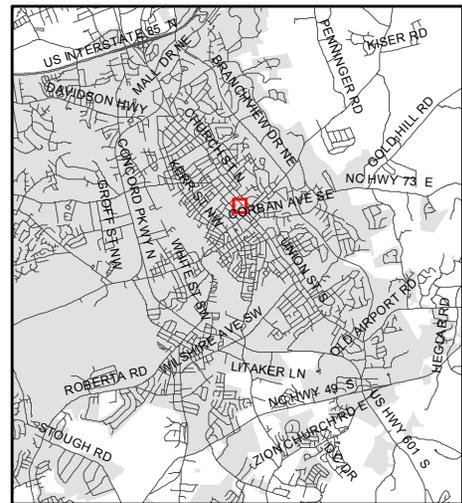
- 1) Prior to occupying the structure as a bed and breakfast inn, a Certificate of Compliance (COC) shall be obtained from the City of Concord.
- 2) If the use vacates the tenant space for a period longer than 180 days, the Special Use Permit will expire.



SUP-01-16
Aerial

**Special Use Permit
 application to establish
 a bed and breakfast
 in a Residential Medium
 Density (RM-1) District**

65 Union St N
 PIN: 5620-88-2600



Source: City of Concord
 Planning Department

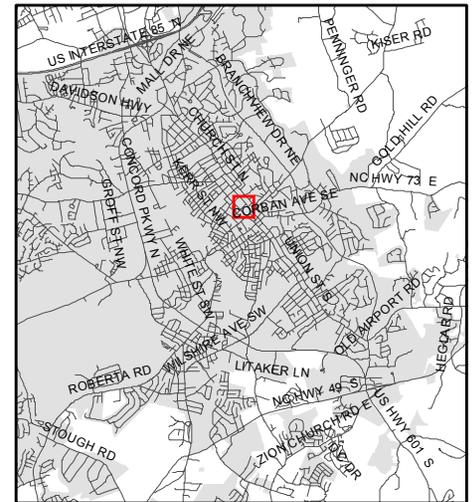
Disclaimer

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SUP-01-16 Zoning

Special Use Permit
application to establish
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Density (RM-1) District

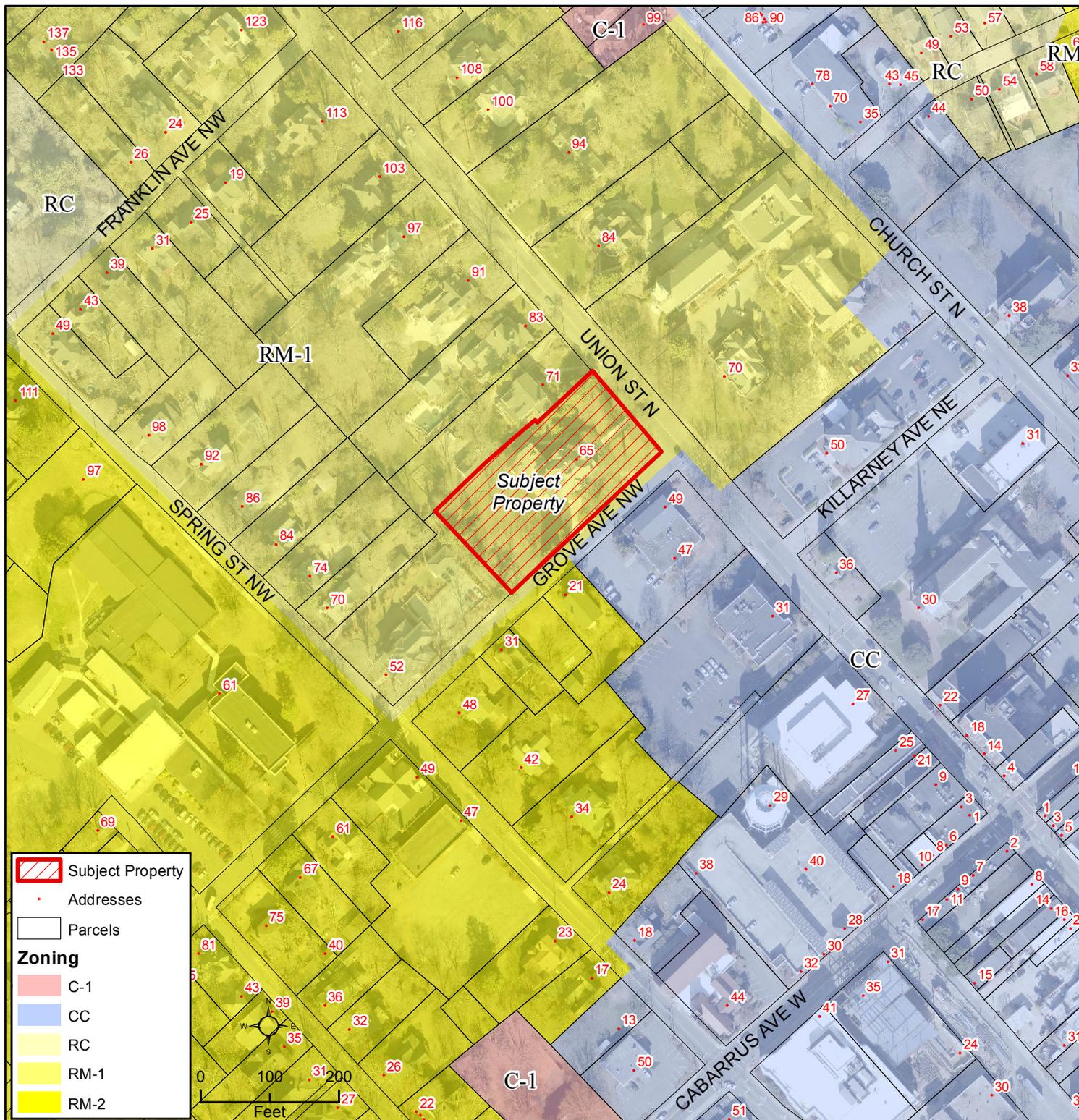
65 Union St N
PIN: 5620-88-2600



Source: City of Concord
Planning Department

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January 28, 2016

The City of Concord Planning and Zoning Department
PO Box 308
Concord, NC 28026-0308

Attn: Kevin Ashley
Starla Rogers

Re: Cannon House
65 Union Street North

Dear Kevin and Starla,

Please accept the attached application for a Certificate of Appropriateness for 65 Union Street North.

1. Project or Type of Work to be done:

The intent is for the structure to remain as a primary residence as well as the potential use of functioning as a Bed & Breakfast. The intent is to have a maximum of 4 guest rooms / suites. The exterior renovations are minimal. If the residence has guest rooms a handicap lift is proposed on the side of the porch near the existing porte cochere. Attached is an example of a parking lot schematic showing the location of proposed parking spaces if the residence becomes a Bed & Breakfast. The ordinance requires 1 space per guest room and 2 spaces for the owner / operator. A handicap space is required.

2. Detailed specifications of the project (type of siding, windows, doors, height/style of fence, color, etc)

An exterior chair lift is being proposed screened from view and shall not distract from the historic character property.

A proposed parking lot is show on a concept diagram situated in such a manner that it is screened from public view by an existing wooden fence and vegetation. The proposed parking (only if the structure becomes a Bed & Breakfast) shall be constructed with materials generally consistent with the historic nature of the neighborhood such as brick pavers, flagstone, grass / paver mix, however the handicap parking space shall be concrete or pervious pavers for an accessible route. In no manner are we suggesting asphalt or a full concrete lot.

Please let us know if any further information is required for this request.

Thank you,



Virginia L. Moore
Carlos Moore Architect PA

65 Union Street North, Concord NC

Schematic Site Plan for a Bed and Breakfast Use



PARKING:

4 Guest Rooms with 1 space per bedroom = 4 spaces
 2 spaces per Owner's Room = 2 spaces
 Therefore = 6 spaces required + handicap space
 6 spaces shown + one space under the porte cochere (7 total)

USES:

Primary Residential / Bed & Breakfast
 Actual site plan to be submitted to City for approval. No other uses are proposed at this time.

65 Union Street North



Suggested location of future handicap chair lift



Existing Parking lot screening from street.

65 Union Street North. Concord NC
Schematic Site Plan for a Bed and Breakfast Use



NELLIE R STEVENS FAST GROWING TREES TO BE PLANTED ALONG WEST PROPERTY LINE (MONGOLD LINE)

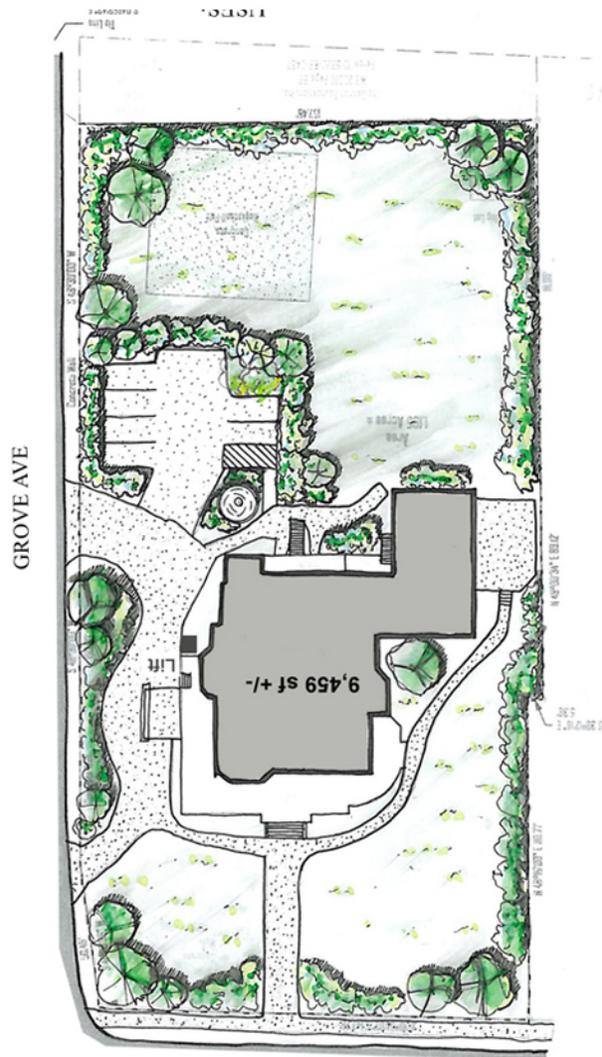


CONCRETE / GRASS PAVERS EXAMPLE

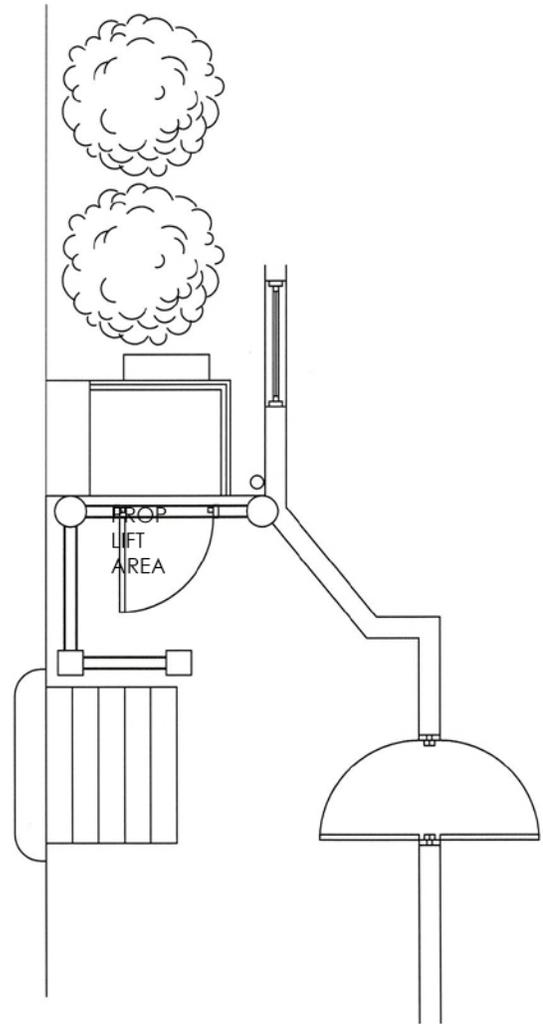


LIFT EXAMPLE POWDER COATED TO MATCH EXISTING FOUNDATION





UNION STREET NORTH



WE PROPOSE TO INSTALL A REPLICA WOOD RAIL WITH MATCHING GATE. ORIGINAL RAIL TO BE KEPT SAFE FOR RE-INSTALL WHEN LIFT IS REMOVED.



Click to switch between Street View and ground-level view



Exit Street View



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[Report a problem](#)

35°24'41.93" N 80°35'00.45" W elev 713 ft eye alt 714 ft



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[Report a problem](#)

Required Attachments/ Submittals:

- 1. Typed metes and bounds description of the property (or portion of property). A recorded deed is sufficient, if the deed describes only the subject property.
- 2. Cabarrus County Land Records printout of names and addresses of all immediately adjacent landowners, including any directly across the street.
- 3. 6 copies of a plan drawn to scale (conditional district plan) for the initial submittal to be reviewed by internal City Staff. 16 folded copies, with all plan review comments address, are required to be submitted for Planning and Zoning Commission meetings. (Check with staff for final submittal dates)
- 4. Money Received by _____ Date: _____
Check # _____ Amount: \$ 600.00 Cash: _____

The application fee is nonrefundable.



Date 01.06.2016

APPLICANT NAME: West Trust / co of Carlos Moore Arch. COMPANY NAME: Carlos Moore Architect PA

APPLICANT ADDRESS: 222 Church St N

CITY: Concord STATE Nc ZIP 28025

PHONE NUMBER OF APPLICANT: 704-788-8333

OWNER OF PROPERTY (if different from applicant) CA Cannon Trust c/o Wells Fargo

OWNER ADDRESS: 268 Church St N, 2nd FL CITY Concord STATE Nc ZIP 28025

PROJECT ADDRESS (if an address exist): 65 Union St N

P.I.N.: 5620-88-2600

Area of Subject Property (in acres, or square feet): 1.11 AC

Lot Width: 147.79' +/- Lot Depth: 305.93' +/-

Current Zoning Classification: RM-1

Existing Land Use: vacant residential.

Description of Use Requested:

Bed + Breakfast use in addition to single family residential

Certification

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

Date: 01.06.2016 Applicant Signature: [Signature]

Umoore@cmoorearch.com

Note: We are NOT requesting event use.

General Requirements

The Concord Development Ordinance (CDO) imposes the following general requirements. Under each requirement, the applicant should explain, with reference to the attached plans (when applicable) how the proposed use satisfies these requirements.

- (a) The Planning and Zoning Commission must find that "the establishment, maintenance, or operation of the proposed use shall not be detrimental to, or endanger, the public health, safety or general welfare."
Bed + Breakfast is not detrimental

- (b) The Planning and Zoning Commission must find that the proposed use "conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures, and the type and extent of landscaping and screening on the site."
Only exterior modification is the addition of a handicap lift. Additional screening is proposed.

- (c) The Planning and Zoning Commission must find that the proposed use "provides ingress and egress so designed as to minimize traffic hazards and to minimize congestion on the public roads."
existing drives are in place for adequate access

- (d) The Planning and Zoning Commission must find that the proposed use "shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas."
None expected

- (e) The Planning and Zoning Commission must find that "the establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district."
Bed + Breakfast use does NOT impede residential nature of area

Specific Requirements

The Concord Development Ordinance also imposes SPECIFIC REQUIREMENTS on the proposed use(s) requested by the applicant. The applicant should be prepared to demonstrate that, if the land is used in a manner consistent with the plans, specifications, and other information presented to the Planning and Zoning Commission, the proposed use(s) will comply with specific requirements concerning the following:

- (1) Nature of use(s) (type, number of units, and/or area):
4 guest rooms + owners suite

- (2) Accessory uses (if any):
none other than Bed + Breakfast

- (3) Setback provisions:
existing structure

- (4) Height provisions:



Application for
Special Use Permit

(20) Other requirements as may be requested by the applicant or specified by the City Council for protection of the public health, safety, welfare and convenience:

None proposed.



Staff Use Only:

1. Scheduled for Planning and Zoning Commission consideration:
Date: _____ Time: _____ Location: _____
2. Date advertised, written notice(s) sent, and property posted: _____
3. Record of decision: Motion to: Approve Deny

_____	<input type="checkbox"/> Yea	<input type="checkbox"/> Nay
_____	<input type="checkbox"/> Yea	<input type="checkbox"/> Nay
_____	<input type="checkbox"/> Yea	<input type="checkbox"/> Nay
_____	<input type="checkbox"/> Yea	<input type="checkbox"/> Nay
_____	<input type="checkbox"/> Yea	<input type="checkbox"/> Nay
_____	<input type="checkbox"/> Yea	<input type="checkbox"/> Nay
_____	<input type="checkbox"/> Yea	<input type="checkbox"/> Nay
4. Planning and Zoning Commission recommendation: Approved Denied
If denied, was an appeal filed? _____
5. Date applicant notified of Planning and Zoning Commission action: _____
6. Scheduled for City Council consideration:
Date: _____ Time: _____ Location: _____
7. Dates advertised: (a) First notice: _____ (b) Second notice: _____
8. City Council recommendation: Approved Denied
9. Date applicant notified of City Council action: _____
10. Comments: *(see minutes for details)*
