



DATE: December 16, 2014

CASE #: Z-16-14

DESCRIPTION: Administrative Zoning Map Amendment
Cabarrus County Medium Density Residential (MDR) to
Residential – County Originated (R-CO)

OWNER: Vicky Dinkins Clowers

LOCATION: 649 Shellbark Drive, within the Hallstead Subdivision, generally
on the north side of Zion Church Road, East

PIN#s: 5539-30-0826

AREA: .15+/- acres (6,500+/- square feet)

ZONING: Cabarrus County Medium Density Residential (MDR)

PREPARED BY: Kevin E. Ashley, AICP Planning and Development Manager

BACKGROUND

The subject property consists of one single family residence located within the Hallstead subdivision. This parcel was annexed by petition, at the request of the property owner.

HISTORY

The property was annexed into the City through the voluntary annexation process, with an effective date of November 13, 2014. As part of an original annexation agreement for this subdivision, the previous developer of Hallstead was required to submit an annexation petition to the City, prior to recording subdivision plats, in order to obtain City utilities. The initial phase was annexed into the City limits following this procedure. In error, the developer did not follow this procedure with the second map of the first phase, and as a result, this second map was recorded, and numerous homes were constructed and sold without submission of an annexation petition.

Subsequently, the original developer ceased work in the subdivision, and their property (both raw land and individual lots) were purchased by NW Southeast Holdings, LLC. In 2012 the majority of this phase was annexed by voluntary petition, less 53 individual developed lots. A number of those individually owned lots have been annexed on a voluntary basis within the last two years in order to receive City of Concord services.

SUMMARY OF REQUEST

As the properties are now within the corporate limits, the appropriate City zoning must be applied. The portions of Hallstead that are currently within the City limits, were zoned Residential-County Originated (R-CO) upon annexation. This district allows properties that are developed under County zoning to develop dimensionally, in accordance with the subdivision plats, in order to insure that no dimensional nonconformities are created.

All surrounding properties are zoned R-CO or Cabarrus County Medium Density Residential (MDR) and are improved with single family homes, or are vacant parcels.

Existing Zoning and Land Uses					
Current Zoning of Subject Property	Zoning Within 500 Feet		Land Uses(s) of Subject Property	Land Uses within 500 Feet	
MDR	North	RC-O and Cabarrus County MDR	Single family residential	North	Vacant land and single family residence
	South	RC-O and Cabarrus County MDR		South	Vacant land and single family residence
	East	RC-O and Cabarrus County MDR		East	Vacant land and single family residence
	West	RC-O and Cabarrus County MDR		West	Vacant land and single family residence

COMPLIANCE WITH 2015 LAND USE PLAN

The 2015 Land Use Plan (LUP) designates the subject property as “single family residential.” RC-O zoning is not specifically listed either in the text or in the Land Use Compatibility Matrix as an acceptable district. However, it is our interpretation that the absence is an oversight and that the request is consistent with the plan because R-CO is clearly a residential district.

APPROVAL CRITERIA in accordance with the Concord Development Ordinance the Commission shall consider the following questions.

1.The size of the tract in question.

The size of the tract is approximately .015 acres.

2.Whether the proposal conforms with and furthers the goals and policies of the Comprehensive Plan, other adopted plans, and the goals, objectives, and policies of this Ordinance.

The 2015 Land Use Plan designates the property as “residential”. The proposed R-CO zoning is in conformance with the provisions of the 2015 Land Use Plan.

3.The relationship of the uses envisioned under the new zoning and the uses currently present in adjacent tracts, as follows:

- **Whether 1) the proposed rezoning is compatible with the surrounding area, or 2) there will be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning, or 3) parking problems, or 4) environmental impacts that the new use will generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances.**

The proposed zoning is compatible with the residential development pattern within the Hallstead subdivision as R-CO zoning is already established on the developed portion of the subdivision, and this request represents an extension to an existing R-CO district. No adverse impacts are expected relative to the street network as access to the property will occur through the established subdivision, and development will occur in accordance with the approved preliminary plat. No parking problems will occur as each home will be required to meet minimum CDO requirements for off-street parking. Environmental impacts will be addressed through any technical review processes by both County and City staff.

- **Any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development.**

The proposed map amendment will not impact the character of the area as the general neighborhood is predominately single family residential in nature, and the proposed R-CO zoning represents an extension of the established R-CO zoning.

- **The zoning districts and existing land uses of the surrounding properties.**

All surrounding properties are either vacant land or are developed with single family residences. All surrounding properties are also either zoned R-CO or Cabarrus County MDR.

- **Whether the rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability and character.**

The proposed rezoning is compatible with the adjacent neighborhood, as all adjacent properties are zoned R-CO.

- **The length of time the subject property has remained vacant as zoned.**

The property consists of one individually platted lot (with a single family home) that was voluntarily annexed by the City.

- **Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs.**

There appears to be an adequate supply of R-CO zoned land in the subject area; however, this request will create zoning consistency within Hallstead Subdivision.

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately .15 acres.
- The subject property was annexed, on a voluntary basis, with an effective date of November 13, 2014.

- The proposed zoning amendment is consistent with the e2015 Land Use Plan because the plan designates the property as residential and the R-CO zoning district is considered an acceptable district in the residential land use designation.
- The zoning amendment is reasonable and in the public interest because the land use is existing and no substantial changes in character would occur to the surrounding area. Furthermore, the request serves to apply the most appropriate City zoning to the subject property.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the request consistent with the 2015 Land Use Plan and the requirements of the Concord Development Ordinance and therefore recommends approval of the zoning amendment. However, the Commission should consider the evidence presented, and should decide whether to amend the subject property's zoning classification to R-CO (Residential-County Originated). Because the proposal is a conventional zoning request, conditions may not be imposed on the zoning action.

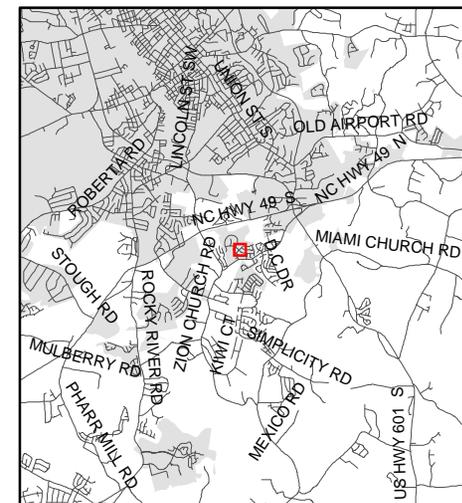
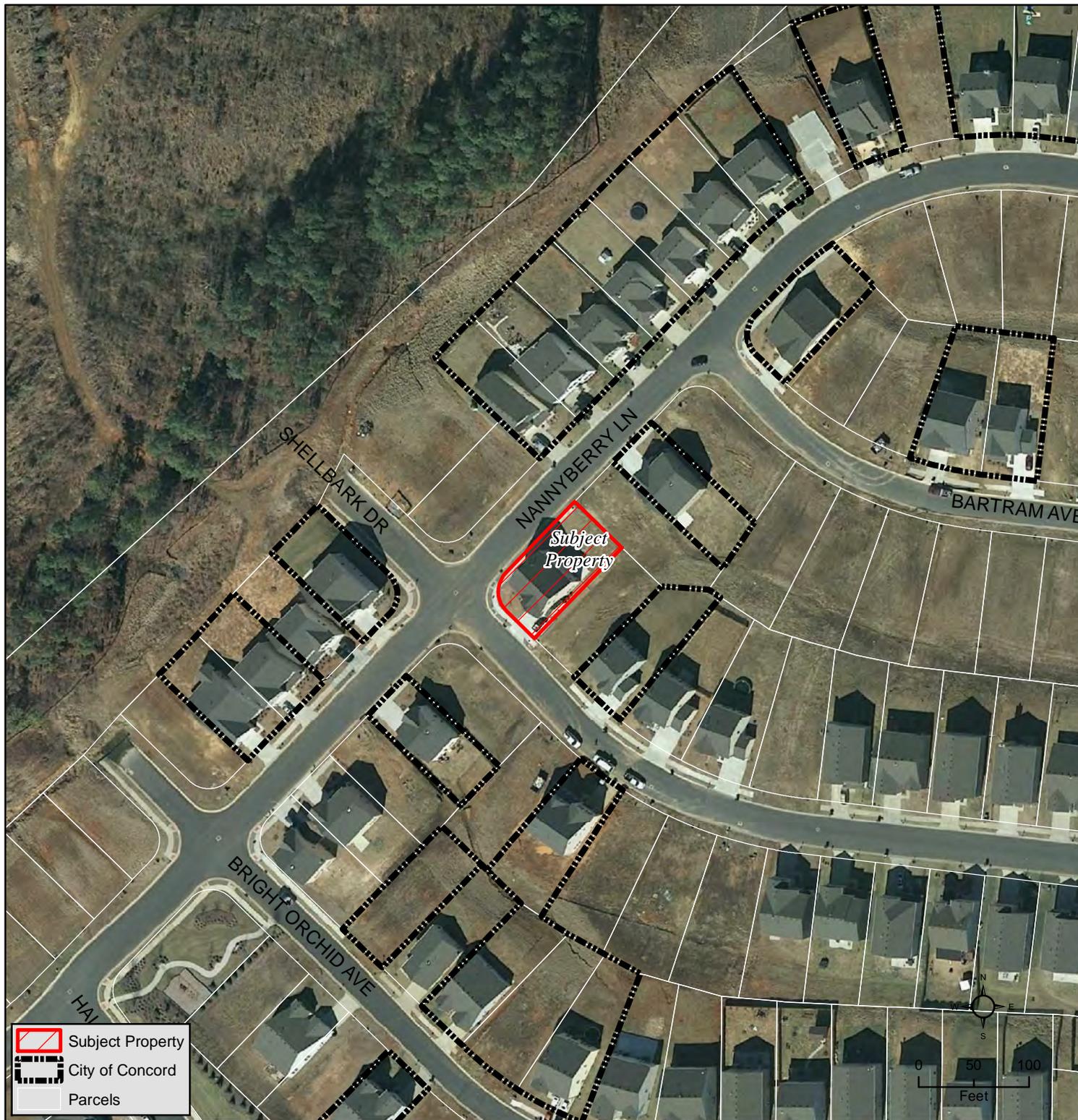
PROCEDURAL CONSIDERATIONS

This particular case is a conventional rezoning, which under the current provisions of the CDO, is "legislative" in nature. Legislative hearings DO NOT require the swearing or affirming of witnesses prior to testimony at the public hearing.

**Z-16-14
AERIAL**

**Administrative Zoning Map
Amendment
Cabarrus County MDR
(Medium Density Residential)
to City of Concord R-CO
(Residential – County Originated)**

649 Shellbark Dr
PIN: 5539-30-0826



Source: City of Concord
Planning Department

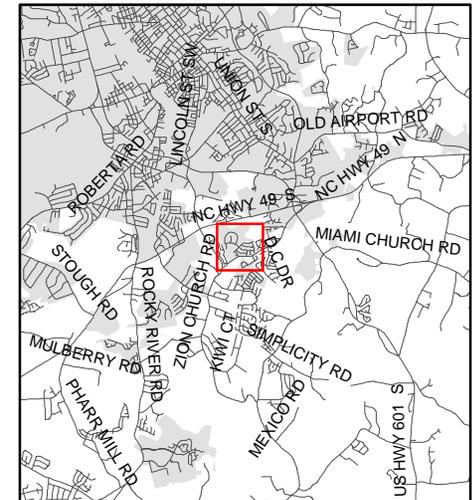
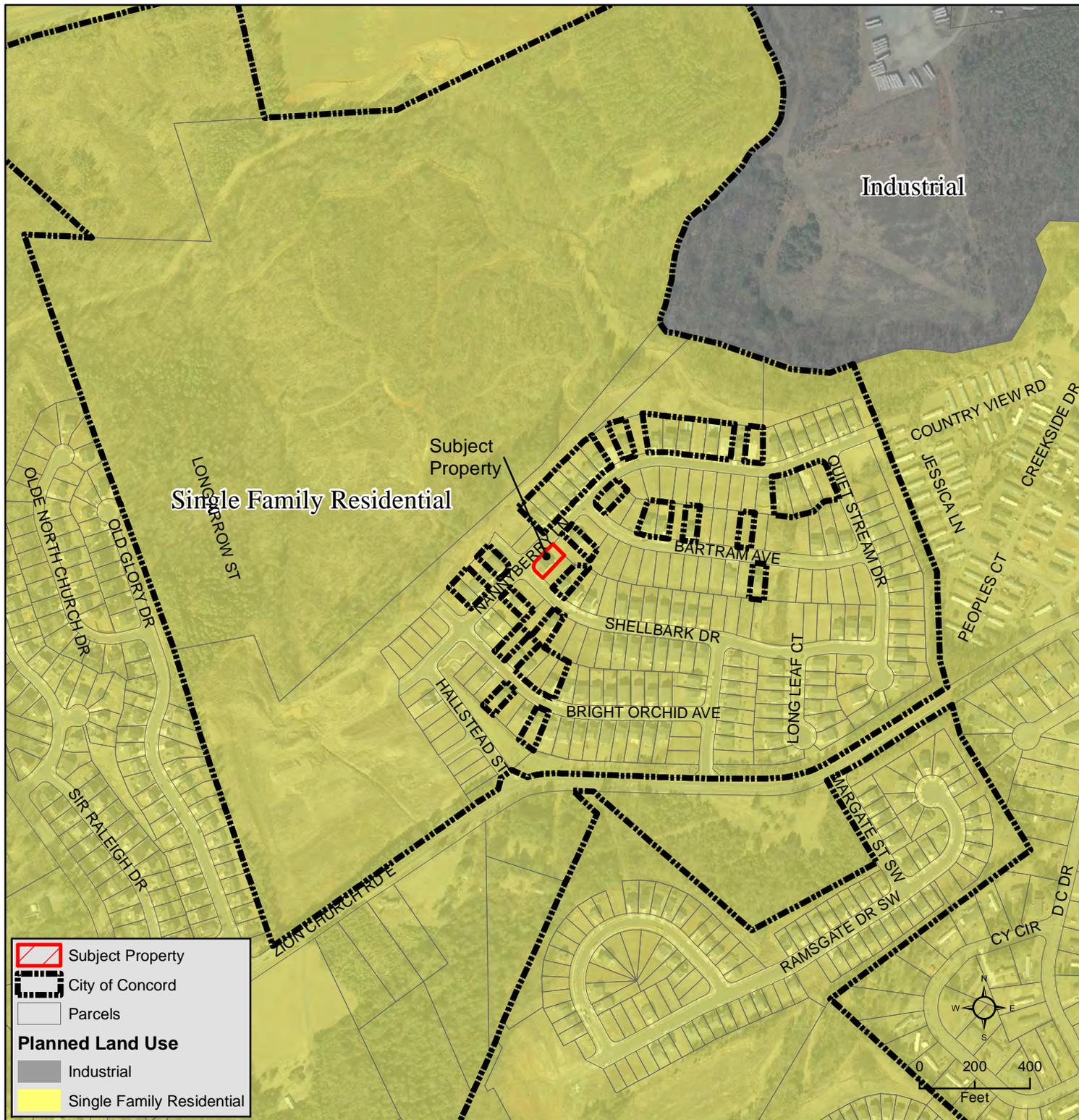
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**Z-16-14
LAND USE PLAN**

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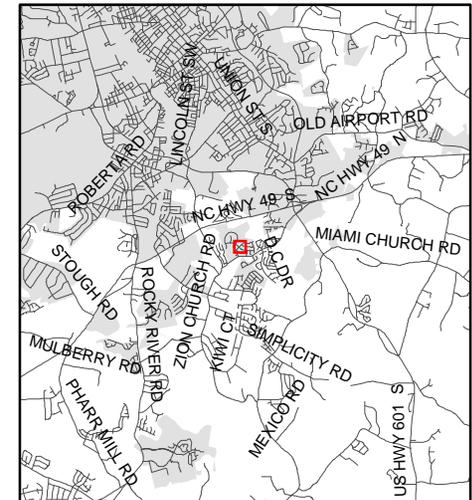
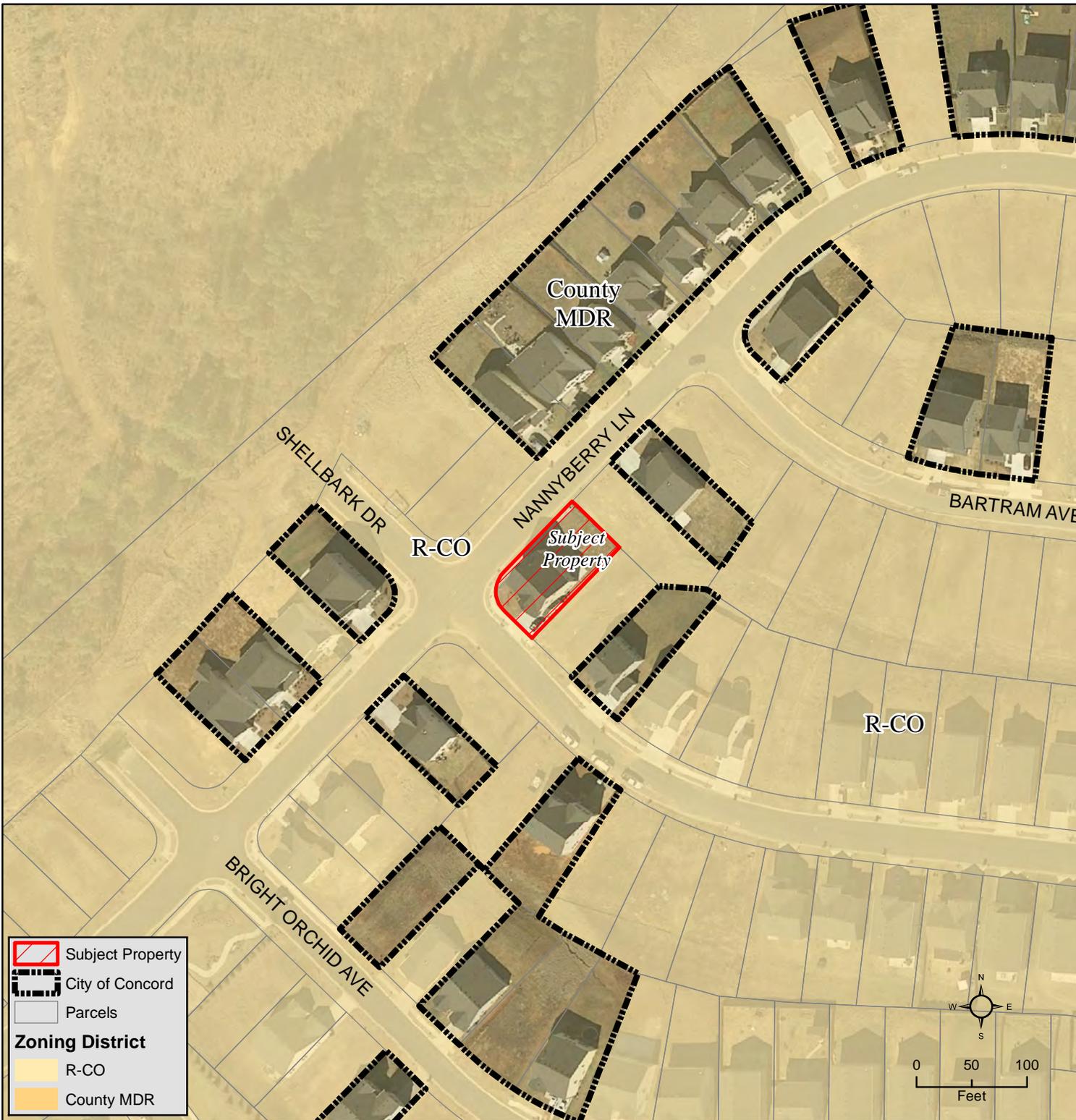
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**Z-16-14
ZONING MAP**

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