



DATE: March 15, 2016

CASE #: Z (CD)-34-16

DESCRIPTION: Zoning Map Amendment from RM-2 (Residential Medium Density) to CC-CD (Center City Conditional District)

OWNER/APPLICANT: City of Concord

LOCATION: 74, 76, and 78 Cabarrus Ave. West

PIN#: 5620-87-0418

AREA: .33 +/- acres

ZONING: RM-2 (Residential Medium Density)

PREPARED BY: Starla Rogers – Sr. Planner

BACKGROUND

This case came before the Planning and Zoning Commission on January 19th 2016. Several neighbors spoke at the public hearing in opposition to the request. The primary concerns were: Parking on Yorktown St., vehicular traffic congestion on Yorktown St., zoning classification of Center City, townhome use, number of townhome units, small front yard setback, and rental versus owner occupied units. The Planning and Zoning Commission tabled the case to allow the City and the neighbors to further discuss the project and possible methods of compromise.

After the meeting, City Staff contacted the potential buyer and he confirmed that he would not be in favor of modifying the request to single family homes or to reduce the number of townhome units. With that in mind, staff revised the townhome site plan to incorporate varied front setbacks for the units by incorporating both a front courtyard and stoop entry. Additionally, the site plan was modified to allow an exit only access point on Cabarrus Avenue. This new point of egress minimizes the need for residents of the townhomes to exit onto Yorktown Street.

After speaking with the potential buyer of the property, City staff held several meetings with surrounding neighbors and members of the community. A detailed description of each meeting and the resulting outcome is attached for the Commission's review. The result of each meeting varied. Some citizens with whom the meetings were held are now in support of the project or have decided to be neutral. However, there are still individuals in opposition as well. With an active offer to purchase, conditioned on the rezoning and four (4) townhomes, the request must be carried through the rezoning process as presented.

HISTORY

The subject property is approximately .33 acres in a RM-2 (Residential Medium Density) zoning district, abutting the CC (Center City) zoning district. Cabarrus Avenue separates the subject property and other properties within the CC district. The property is also located within the City's Historic Preservation Overlay district.

Previously, the property was occupied by an approximately 3,500sf nonconforming commercial multi-tenant building and was held by a private party owner. The subject property was the site of various nuisance complaints through Concord Police Department. In November of 2014 the City purchased the property with intentions of more compatible redevelopment in the future. The structure was demolished in January 2015 and the site is now vacant.

The City met and discussed the project with individuals in the surrounding neighborhood. A formal neighborhood meeting was held on March 10th, 2015 in order to allow residents/property owners/tenants to have input on the future use/development of the site. The City presented several options including single-family detached residential dwellings, a commercial structure, and single-family residential attached units (townhomes). The result of the meeting was a preference of residential to commercial. Single-family residential was the overall neighborhood preference resulting from the meeting. After sending out an RFP, the only returned interest in redevelopment of the property was an offer to purchase for townhome development. Preliminary site designs indicate the site can accommodate four (4) two-story townhome units with rear detached garages, rear parking, two-way access off of Yorktown Street and one-way exit to Cabarrus Avenue.

Typically when requests must appear before both the Planning and Zoning Commission and the Historic Preservation Commission (HPC), the applicant first appears before HPC. This process is used so that the Planning and Zoning Commission has assurance that the HPC has approved site design and elevations as compatible with the Historic District prior to approval of any conditional zoning modification. This limits the need for multiple meetings/re-reviews. However, in this instance, the City has a prospective buyer for the property and the sale is dependent upon zoning approval. Therefore, there are no formal site plans, elevations, or material descriptions to accompany this conditional rezoning. Instead there are preliminary designs as to what the site could accommodate if rezoning were approved. Should the Commission approve the request to rezone the property to CC-CD, the following conditions are proposed:

1. Use limited to no more than (4) +/- 1700sf two-story townhome units
2. Rear parking
3. Detached rear loaded garages
4. Two front courtyards and two front stoops along with rear courtyards
5. Shared access driveway off of Yorktown Street, NW
6. Exit only access onto Cabarrus Avenue, West.
7. 6ft tall privacy fences along the adjoining property lines if approved by HPC

City staff made a presentation to the HPC on December 30th explaining the project, proposed uses, and need for modification to the public hearings order. The Commission had no objections and was informed of the upcoming Planning and Zoning meeting should they care to attend as private citizens or elect a representative to speak.

Site Plan and elevations are submitted as potential designs corresponding with the conditions proposed above. Should the Commission approve the rezoning subject to those conditions, the project would be required to meet the enhanced Center City design standards as well as those imposed by the Historic Preservation Overlay district and the Historic Preservation Commission.

Existing Zoning and Land Uses				
Zoning of Subject Property	Direction	Zoning Within 500 Feet	Land Uses(s) of Subject Property	Land Uses Within 500 Feet
RM-2	North	RM-2 Residential Medium Density and C-1 (Light Commercial)	Vacant	Single-Family Residential, and Institutional (Old Courthouse Theatre/
	East	RM-2 (Residential Medium Density), C-1 (Light Commercial) and CC (Center City)		Single-Family Residential, Commercial, Office and Institutional
	South	CC (Center City), C-1 (Light Commercial), and RC (Residential Compact)		Single-Family Residential, Commercial, and Institutional
	West	RM-2 (Residential Medium Density) and C-2 (General Commercial)		Single-Family Residential and Commercial

COMPLIANCE WITH THE CENTER CITY PLAN AND 2015 LAND USE PLAN

The subject property is located within the Center City Plan, incorporated into the 2015 Land Use Plan, and is designated as “Commercial.” During the update of the Center City Plan, many already developed properties were designated with land use categories that paralleled their existing uses. The subject property was occupied by a longstanding commercial building and was thus designated as such. The existing RM-2 zoning classification is not consistent with the land use classification. However, the proposed CC (and conditional district variations) is considered consistent and a corresponding zoning classification to the commercial land use designation and is therefore appropriate.

SUGGESTED STATEMENT OF ZONING CONSISTENCY

- The subject property is approximately .33 acres, is zoned RM-2 (Residential Medium Density) and is located within the Historic Preservation Overlay District.
- The subject property is a vacant lot.
- The proposed zoning amendment is consistent with the Center City Plan and thus the 2015 Land Use Plan (LUP) as the subject property is designated “commercial” and CC (Center City) is a corresponding zoning classification.
- The zoning amendment is reasonable and in the public interest because the petition allows for compatible single-family residential uses and is an extension of the existing CC (Center City) zoning across Cabarrus Avenue, West.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the request consistent with the Center City Plan and 2015 Land Use Plan and the

requirements of the Concord Development Ordinance. The petition meets the minimum requirements of the CDO. It is a parallel conditional district request, the Commission, should they decide to approve the request, may, according to Section 3.2.8.E of the CDO, suggest **“reasonable additional conditions or augment those already provided with the petition, but only those conditions mutually agreed upon by the petitioner and the Commission or Council may be incorporated into the approval. Any such condition should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space and other matters that the Commission or Council may find appropriate.”**

The petitioner has consented to the following conditions:

1. Use limited to no more than (4) +/- 1700sf two-story townhome units
2. Rear parking
3. Detached rear loaded garages
4. Two front courtyards and two front stoops along with rear courtyards
5. Shared access driveway off of Yorktown Street, NW
6. Exit only access onto Cabarrus Avenue, West.
7. 6ft tall privacy fences along the adjoining property lines if approved by HPC

PROCEDURAL CONSIDERATIONS

This particular rezoning case is considered “legislative” in nature as stated in Section 3.2.7 of the CDO. Legislative hearings DO NOT require sworn testimony or findings of fact for approval or denial.