



DATE: May 17, 2016

SUBJECT: Special Use Permit
Multifamily Development in a General Commercial (C-2) District

CASE: SUP-02-16

APPLICANT: Darren Lucas/Copperfield Apartments, LLC

LOCATION: East side of Vinehaven Drive NE and Sycamore Ridge Rd, NE
PINs 5622-97-3269 & 86-8932 (portion of)

AREA: 21.81+/- acres

EXISTING LAND USE: Vacant land

EXISTING ZONING: General Commercial (C-2)

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

BACKGROUND

The applicant proposes to develop multi-family housing on approximately 21.81 acres generally east of Vinehaven Drive, NE. The property is owned by Sycamore Development, LLC and is vacant land.

HISTORY

The subject properties were annexed on a voluntary basis on October 12, 2001 (Ordinance #01-11). During the development of Copperfield and the interstate interchange in 1987, this area was in the extraterritorial zoning jurisdiction (ETJ) and rezoned to a combination of industrial, commercial and residential (including B-3 General Commercial). With the adoption of the Unified Development Ordinance (now known as the CDO), the zoning on the subject property became the equivalent zoning of C-2 in 2000.

SUMMARY OF REQUEST

The applicant has submitted a site plan and supporting materials relative to the development proposal. The proposed site plan indicates 216 dwelling units within the area of C-2 zoning, equating to approximately 9.90 units per acre, well within the maximum density of fifteen (15) units per acre. The property has a vehicular connection to Vinehaven Drive, NE as well as potential connection adjacent land to the north (which will be necessary to meet minimum Fire protection requirements). The petitioners also have a concurrent zoning petition for Residential Medium Density (RM-1) to Residential Compact (RC) on this land directly to the north.

While the property has frontage on Sycamore Ridge Drive, NE, no connection is proposed to that street. A 200 foot wide Duke Power right-of-way lies along the southern boundary of the subject property, adjacent to the Sycamore Ridge development.

The site plan indicates nine (9) three story structures within the C-2 zoning area. Each building is proposed to have 24 units, with eight (8) units on each floor. Each structure is proposed to have a maximum height of 37 feet. An amenity area, with a pool and clubhouse, is proposed near the entrance to the development.

Common open space equates to approximately 8.25 acres, or 37.8% of the site, whereas 12% is required by the CDO. This open space includes area within the common green, the Duke Power right-of-way, and the stormwater BMP area.

The applicant has submitted photographs of a similar product, which does illustrate preliminary compliance with the minimum residential design standards of Article 7. Should the Special Use Permit be approved, the petitioner will be required, at the time of technical site plan review, to submit architectural renderings specific to this project.

The site plan has been reviewed by various City departments, however, based upon the supporting materials it is not possible for staff to determine how the development completely complies with all requirements. Transportation has stated that a traffic study will be required during technical site plan review, should the special use permit be approved. Additionally, a traffic signal may be necessary at the Vinehaven/Copperfield intersection when the Interstate 85 improvements are completed, and a joint driveway should be considered with the medical office on Vinehaven.

The 2015 Land Use Plan (LUP) designates the subject property as part of a “mixed use node”, and specifically refers to the area as “Mixed Use District 8”, which is the general area around the Copperfield interchange. The LUP states that “there is very little high density housing in the District, with most of the housing being low-density single family style homes.” The LUP also states that “There are few remaining parcels that would make good commercial uses. Most of the ones that have good access and high visibility have been developed,”

The recommendation portion of the LUP for this area offers the following statements:

- “If residential were to develop on the remaining parcels, it would likely have to be high density. Land values have reached a point where density would need to occur to achieve a return.”
- “Some of the vacant parcels behind the existing commercial areas could potentially be redeveloped with higher density residential or mixed uses such as town homes or apartments. This type of development would also serve as a transition between single-family residential and more intense commercial uses.”

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, however, based upon the nature of the supporting materials

submitted; it is not possible for staff to determine how this particular development may meet these criteria.

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 development is located in on a parcel that has historically been zoned commercial. While, from a planning perspective, some of these uses would be unlikely to develop given the characteristics of the site, the following are examples of what would be legally permissible without a rezoning: hotels, automobile sales, shopping centers, and restaurants. The applicant has provided information that indicates that the height of the structures will meet the maximum height requirements of the CDO. The applicant has indicated that this item will be further addressed at the hearing.

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 direct access to Vinehaven Drive, NE and no vehicular connection is proposed into the Sycamore Ridge development. The Transportation Department has indicated that a traffic study will be required at the time of technical site plan review, should the petition be approved. The applicant has indicated that traffic issues will be further addressed at the hearing.

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

The proposed development will consist of 216 multifamily units. It is acknowledged that, under the current zoning, commercial uses that generate noise or vibration could be established on the site. There is no indication in the application as to how the proposed development would compare to an allowable use under the current zoning. The applicant has indicated that this item will be further addressed at the hearing.

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.

Given the current zoning of C-2, and the potential for the development of a range of commercial uses on the site, it would not appear that this use would impede the orderly development of surrounding properties. The applicant has stated that this item will be addressed at the hearing.

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

Again, it is not clear with the submitted materials as to whether the petition meets this criterion. The applicant states that further information will be presented at the hearing relative to this item.

PROPOSED FINDINGS OF FACT

1. The applicant is Darren Lucas/Copperfield Apartments LLC.
2. The property is owned by Sycamore Development, LLC (DB 2581 PG 009.)
3. The subject properties were annexed in April, 2001 (Ordinance 01-11).
4. The property was zoned to B-3 General Commercial in the late 1980s, and the zoning became C-2 General Commercial with the adoption of the UDO (now known as the CDO) in 2000.
5. The property consists of approximately 21.81 acres.
6. The adopted Land Use Plan designates the property as “mixed use node”.

RECOMMENDATION AND SUGGESTED CONDITIONS

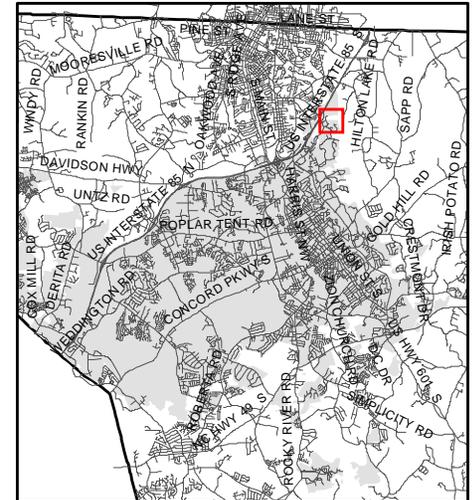
If the Commission votes to approve the special use permit, staff recommends the Commission consider adopting of the following conditions:

- 1) Technical site plan approval shall be required prior to issuance of zoning compliance permits.
- 2) A traffic study is required during technical site plan approval.

**SUP-02-16
AERIAL**

**Special Use Permit
for a multifamily
development**

Vinehaven Dr NE
PIN: 5622-97-3269 & 86-8932 (P/O)



Source: City of Concord
Planning Department

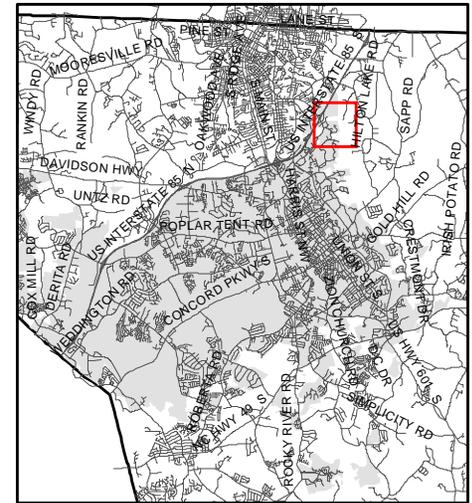
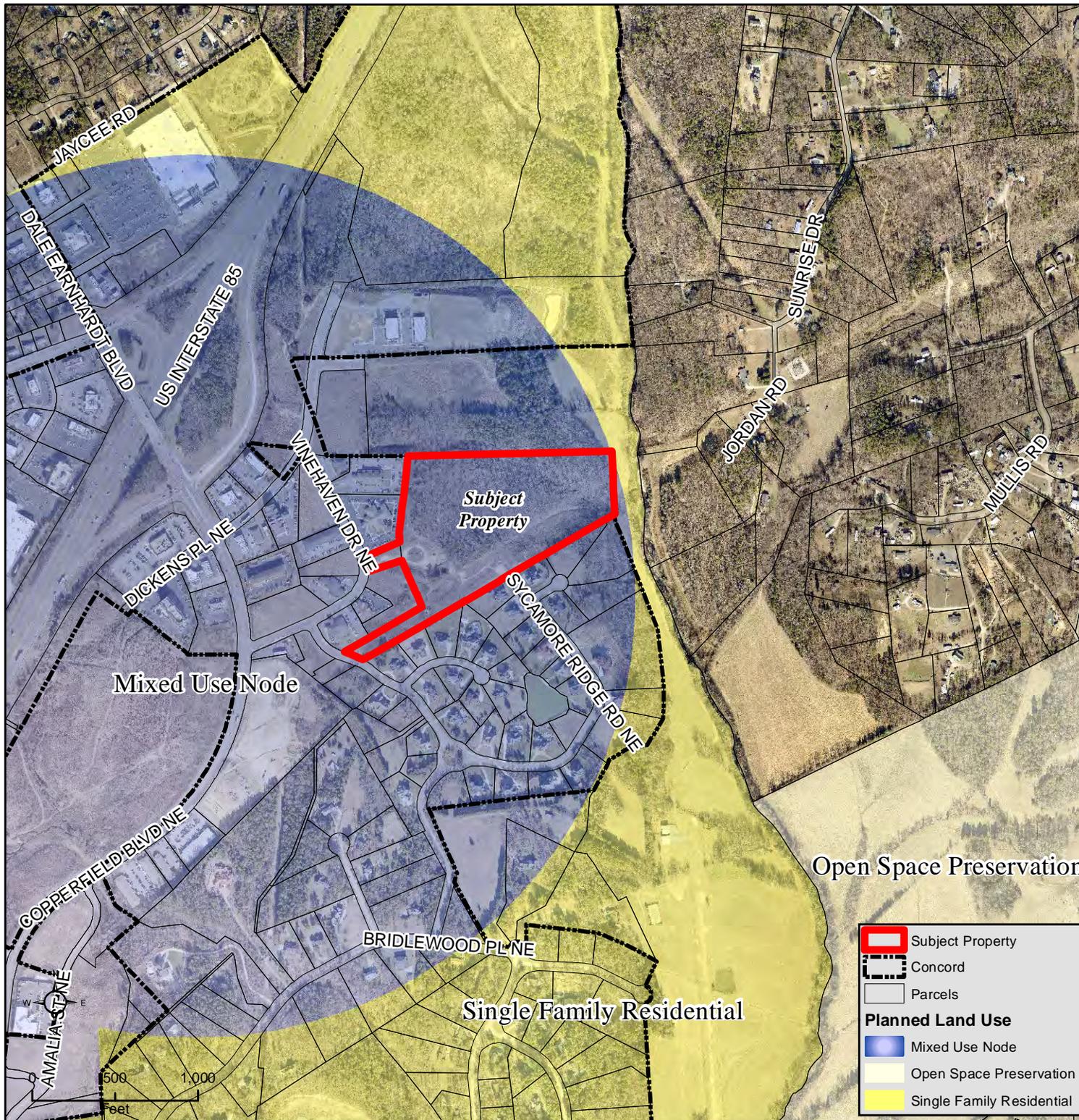
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**SUP-02-16
LAND USE PLAN**

**Special Use Permit
for a multifamily
development**

Vinehaven Dr NE
PIN: 5622-97-3269 & 86-8932 (P/O)



Source: City of Concord
Planning Department

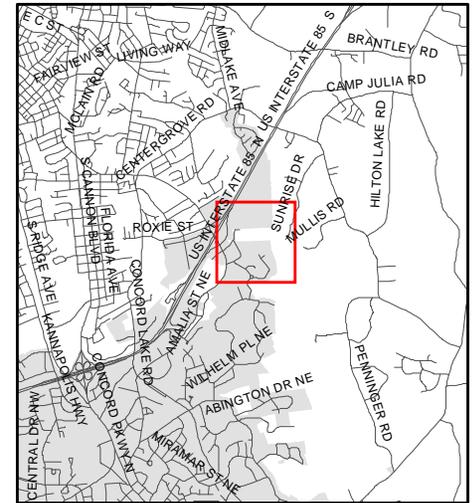
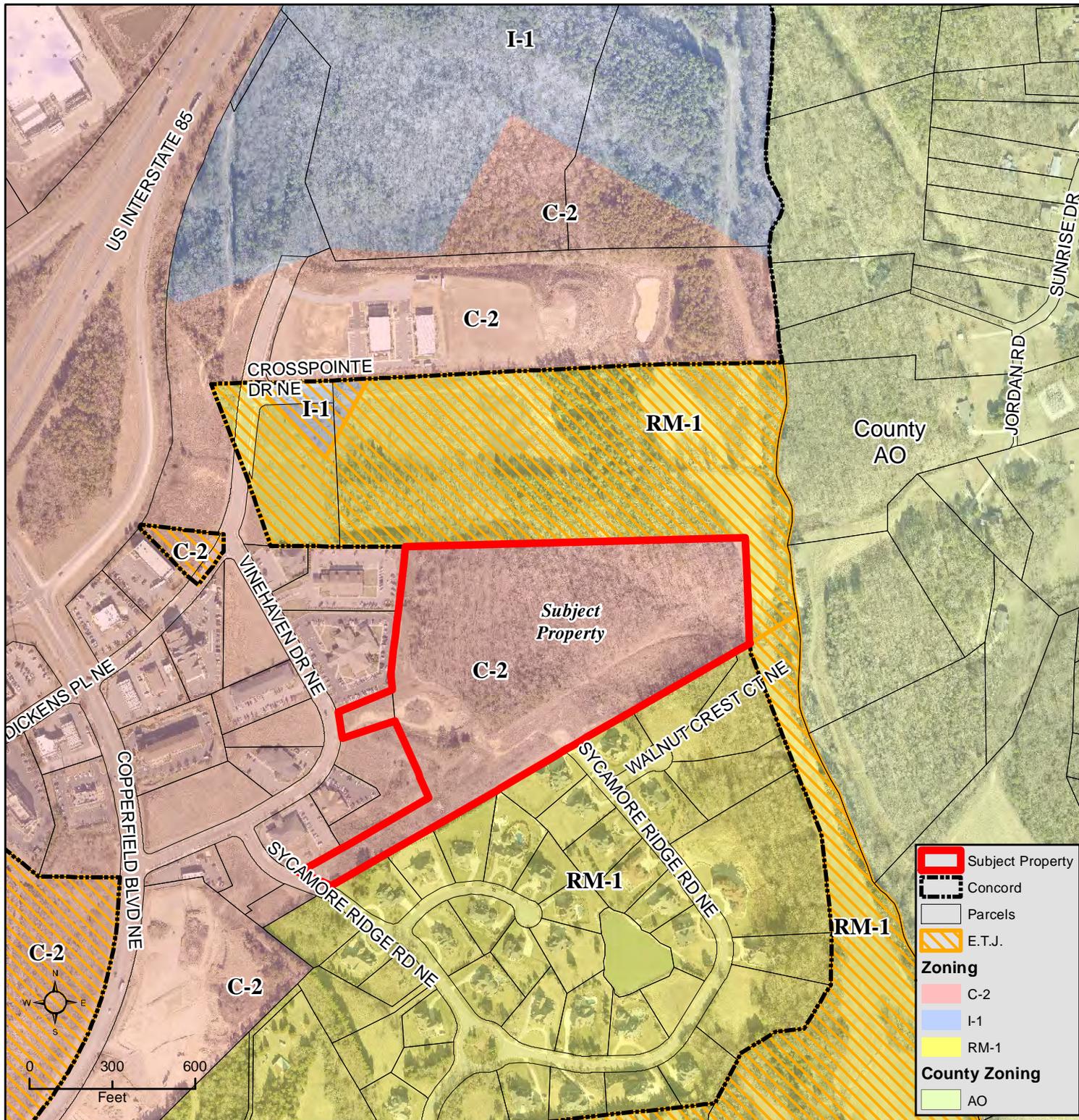
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SUP-02-16 ZONING

Special Use Permit for a multifamily development

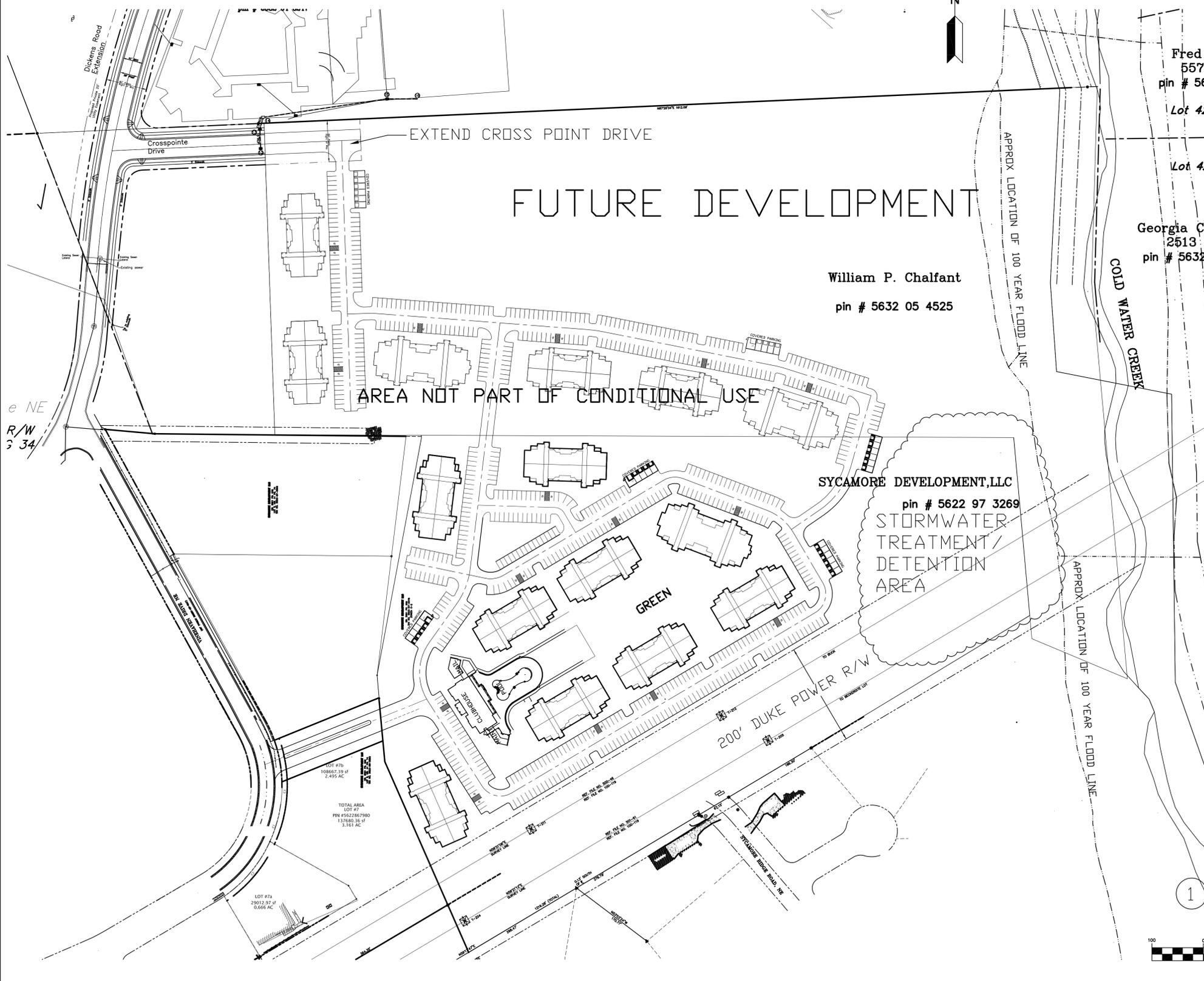
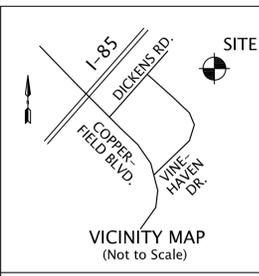
Vinehaven Dr NE
PIN: 5622-97-3269 & 86-8932 (P/O)



Source: City of Concord
Planning Department

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SITE DATA
 NORTHERN TRACT
 CURRENTLY ZONED RM-1
 FUTURE ZONING RC
 PROPERTY IS WITHIN CONCORD ETJ
 PIN 5632-05-4525
 OWNER WILLIAM CHALFANT
 APPROXIMATE ACREAGE 25.4 AC

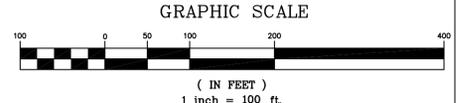
SOUTHERN TRACT
 CURRENTLY ZONED C2
 PROPERTY IS WITHIN CONCORD
 PIN 5622 97 3269
 OWNER SYCAMORE DEV. LLC
 APPROXIMATE ACREAGE 21.81

TOTAL SITE
 ACREAGE +/- 37.2
 15 APARTMENT BUILDINGS
 AT 24 UNITS EACH BUILDING
 360 UNITS PROPOSED

CONDITIONAL USE AREA
 9 APARTMENT BUILDINGS
 AT 24 UNITS EACH BUILDING
 216 UNITS PROPOSED

PARKING DATA
 1.5/UNIT MIN = 540 SPACES MINIMUM
 2.5/UNIT MAX = 900 SPACES MAXIMUM
 712 SPACES PROVIDED INCLUDING
 30 HANDICAP AND 33 COVERED

1 SITE PLAN
 Scale: 1"=100'



GENERAL NOTES

- A. ALL WORK TO BE DONE IN ACCORDANCE WITH CITY OF CONCORD, WSACC, NCDOT, NCDDE&NR STANDARD SPECIFICATIONS AND PROJECT SPECIFICATIONS. WHEN SPECIFICATIONS ARE IN CONFLICT THE STRICTER SHALL BE HELD.
- B. ALL BENCHMARK LOCATIONS AND ELEVATIONS ARE TO BE VERIFIED BY THE CONTRACTOR PRIOR TO BEGINNING CONSTRUCTION.
- C. EXISTING UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS ONLY. ANY DAMAGE DONE TO EXISTING UTILITIES, WHETHER SHOWN OR NOT ON THIS PLAN, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES SHOWN OR NOT SHOWN ON THE PLAN, PRIOR TO BEGINNING CONSTRUCTION. TO ENSURE PROPER LOCATION OF UTILITIES, THE CONTRACTOR SHALL CONTACT NCOCC (NC ONE CALL CENTER) AT 1-800-632-4949 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION.
- D. THE CONTRACTOR SHALL PROVIDE THE APPROPRIATE BARRICADES, WARNING LIGHTS AND SIGNS TO ENSURE THE SAFETY OF THE PUBLIC AT ALL TIMES.
- E. CONTRACTOR SHALL VERIFY ALL SITE CONDITIONS PRIOR TO CONSTRUCTION. ANY SIGNIFICANT VARIATIONS SHALL BE REPORTED IMMEDIATELY TO THE ENGINEER.
- F. DIMENSIONS AS SHOWN, ARE TO FACE OF CURB, FACE OF BUILDING, AND EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
- G. LANDSCAPE CONTRACTOR SHALL HAVE UNDERGROUND UTILITY CONTRACTOR LOCATE LINES PRIOR TO INSTALLATION OF TREES AND SHRUBS.
- H. SEWER SERVICE LATERALS AND WATER SERVICE CONNECTIONS AND MAINS, ARE SUBJECT TO THE MINIMUM CLEARANCE REQUIREMENTS OF TEN (10) FEET HORIZONTAL AND TWENTY FOUR (24) INCHES VERTICAL FROM THE MAIN. WHEN ONE LINE IS ABOVE OR BELOW BUT LESS THAN TWENTY FOUR (24) INCHES CLEARANCE, BOTH LINES SHALL BE CONSTRUCTED TO CLASS 50 D.I.P. WITH MECHANICAL JOINTS EQUIVALENT TO WATER MAIN STANDARDS FOR A DISTANCE OF TEN (10) FEET MEASURED AT RIGHT ANGLES ON EACH SIDE OF SAID LINES.
- I. WHENEVER A WATER MAIN CROSSES OVER A BURIED UTILITY DITCH, EITHER OVER OR UNDER WITH LESS THAN TWP (2) FEET OF VERTICAL CLEARANCE, THE UTILITY DITCH SHALL BE SPANNED WITH D.I.P. FOR A DISTANCE OF TEN (10) FEET EACH SIDE OF SAID LINE.
- J. THREE (3) FEET MINIMUM COVER SHALL BE PROVIDED FOR ALL WATER AND SEWER LINES UNLESS FERROUS MATERIAL PIPE IS SPECIFIED. FERROUS MATERIAL PIPE OR OTHER PIPE WITH THE PROPER BEDDING TO DEVELOP THE REQUIRED DESIGN SUPPORTING STRENGTH SHALL BE PROVIDED WHERE WATER AND SEWER LINES ARE SUBJECT TO TRAFFIC BEARING LOADS.
- K. THE EXISTING UTILITIES SHALL REMAIN IN SERVICE UNTIL NEW LINES ARE IN PLACE AND ACTIVATED. THE CONTRACTOR SHALL COORDINATE REMOVAL OF SERVICES WITH THE APPROPRIATE UTILITY COMPANY AND THE OWNER.
- L. THE ENGINEER HAS MADE NO EXAMINATION TO DETERMINE WHETHER ANY HAZARDOUS OR TOXIC MATERIALS ARE PRESENT OR CONTAINED IN, UNDER, OR ON THE SUBJECT PROPERTY OR ITS WATERS; OR IF ANY HAZARDOUS OR TOXIC MATERIALS HAVE CONTAMINATED THIS OR OTHER PROPERTIES OR ITS WATERS IN ANY WAY WHATSOEVER. NO SUBSURFACE EXAMINATION OF ANY TYPE HAS BEEN MADE BY THE ENGINEER AND ACCORDINGLY, NO OPINION EXPRESSED OR INFERRED ON ALL SUCH MATTERS. FURTHER, NO OPINION IS RENDERED AS TO ANY VIOLATION OF ANY ENVIRONMENTAL LAWS OR REGULATIONS, EITHER FEDERAL, STATE OR LOCAL, RELATED TO THE INFORMATION SHOWN ON THIS PLAN AND THE ENGINEER IS IN NO WAY LIABLE FOR ANY VIOLATION OF SUCH ENVIRONMENTAL LAWS SHOULD THEY EXIST.
- M. THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY KIND OF LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OR ANY WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.
- N. AT ALL TIMES, THE CONTRACTOR SHALL PERFORM PROJECT DEMOLITION WITH MINIMAL DISTURBANCE TO THE ADJACENT PROPERTIES. ALL DEBRIS GENERATED DURING THE DEMOLITION PHASE OF THE PROJECT, SHALL BE DISPOSED OF IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS.

41 Edgewood Avenue, NE
 Concord, NC 28025
 P 704.788.6372
 F 704.786.4750
 www.nee-pa.com

PRELIMINARY
 NOT FOR
 CONSTRUCTION

This drawing is the property of NorthEast Engineering, P.A. It is not to be reproduced, copied, or used on any other project without written permission.

Prepared for:
 Copperfield Apartments, LLC
 323 NC Hwy 49, South
 Asheboro, NC 28205
 Darren Lucas
 336-669-7683

COPPERFIELD APARTMENTS
 CONCORD, NORTH CAROLINA
SPECIAL USE PERMIT
SITE PLAN

#	DATE	REVISION	BY
1	1/5/16	CONDITIONAL USE AREA	

SCALE: 1" = 100'
 DATE: 3/29/16
 JOB # 2016-014
 C - 1.0
 SHEET 1 OF 1













141 Grand Summit Blvd
141 Grand Summit Blvd #1999

STOP

Date 3/29/16

APPLICANT NAME: Darren Lucas COMPANY NAME: Copperfield Apts, LLC

APPLICANT ADDRESS: 323 NC Hwy 49, South

CITY: Asheboro STATE NC ZIP 28205

PHONE NUMBER OF APPLICANT: 336-669-7683

OWNER OF PROPERTY (if different from applicant) ~~William Chaffant + Sycamore Dev, LLC~~

OWNER ADDRESS: ~~200 Oakbrook~~ CITY Concord STATE NC ZIP 28025

PROJECT ADDRESS (if an address exist): N/A

P.I.N.: 5622-97-3269

Area of Subject Property (in acres, or square feet): 21.81

Lot Width: ± 700' Lot Depth: ± 1600'

Current Zoning Classification: CONDORA C2

Existing Land Use: VACANT

Description of Use Requested:
Multi family Apartments

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: 3/28/2014 Applicant Signature: Darren Lucas

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."

Apartment are not detrimental to either the residential or Commercial Area in the Area

(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."

The use mixes well with adjacent commercial and has 200' Duke Power RTW as Buffer to Residential.

(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."

Ingress or Egress is all Existing Streets + Stubs

(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."

The site will not produce anythly offensive.

(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."

This site is land + River locked and will not impede development

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):

15 - 24 unit Apartment Bldg in this Phase

(2) Accessory uses (if any):

Covered Parking (see Attached Site Plan)

(3) Setback provisions:

Per Zoning

(4) Height provisions:

