



DATE: May 17, 2016

CASE #: Z -09-16

DESCRIPTION: Zoning Map Amendment
Residential Medium Density (RM-1) and Light Industrial (I-1) to
Residential Compact (RC)

APPLICANT/OWNERS: Darren Lucas, Copperfield Apartments LLC/William Chalfant,
III

LOCATION: East side of Crosspointe Drive, NE west of Coldwater Creek

PIN#s: PINs: 5632-05-4525 (Part of)

AREA: 25.4 +/- acres

ZONING: Residential Medium Density (RM-1) and Light Industrial (I-1)

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

BACKGROUND

The subject property consists of approximately 25.4 acres on the east side of Crosspointe Drive, NE generally between Dickens Place and Coldwater Creek. The subject property is a portion of a larger parcel of approximately 95.7 acres which lies along the west bank of Coldwater Creek. The same petitioner has filed a Special Use Permit application (SUP-02-16) for the development of multifamily on property directly to the south. Approximately 0.36 acres of the land proposed for rezoning is I-1 and the remainder is RM-1.

HISTORY

The subject property is located within the City's extraterritorial zoning jurisdiction (ETJ), which is an area outside the corporate limits in which a City may exercise its zoning. The City's ETJ was established sometime in the 1970s, prior to the adoption of County zoning. During the development of Copperfield and the interstate interchange in the late 1980s, this area was rezoned to a combination of industrial, commercial and residential (including I-1 and R-1). With the adoption of the Unified Development Ordinance (now known as the CDO), the zoning on the subject property became the equivalent zoning (I-1 and RM-1) in 2000.

It should be noted that annexation of the parcel will be required prior to development, in order to access City utilities.

SUMMARY OF REQUEST

The petitioner proposes to rezone the property to Residential Compact (RC), which would yield a maximum of fifteen (15) dwelling units per acre. Whereas the proposed rezoning represents an increase in density, it is predominately surrounded by Commercial General (C-2) as approximately 71% of the overall property boundary is contiguous, on the north and south sides. From a planning perspective, it is unlikely that the subject property would develop with single family uses under the RM-1 scenario given the presence of adjacent C-2 zoning on both the north and south.

Property to the north and south is zoned Commercial General (C-2). The land to the north is developed with the Crosspointe Church and the land to the south is vacant land and professional office. Note that the land to the south is subject to the previously discussed special use permit (SUP-02-16) for multifamily development. Land to the east is zoned Cabarrus County Agricultural Open (AO) and is developed with large lot single family residences. Land to the west is zoned RM-1 and I-1 and is vacant land.

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	
Residential Medium Density (RM-1) and Light Industrial (I-1)	North	C-2	Vacant land	North	Church campus
	South	C-2		South	Vacant land and professional office
	East	Cabarrus Agricultural Open (AO)		East	Single family
	West	RM-1 and I-1		West	Vacant land

COMPLIANCE WITH 2015 LAND USE PLAN

The 2015 Land Use Plan (LUP) designates the majority of 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. Mixed use districts are “large geographic areas located around key intersections of major transportation corridors.” 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.” A portion of the subject property along the Coldwater Creek floodplain is designated “single family residential.”

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.”

The LUP also specifically states that RC zoning may be considered within this mixed use area. It should be noted that this petition is a conventional rezoning request and the petitioner would not be bound to develop multi-family on the site as RC also permits single-family.

It is the staff’s opinion that the proposed petition is consistent with the LUP.

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately 25.4 acres, is zoned a combination of Residential Medium Density (RM-1) and Light Industrial (I-1) and is vacant land.
- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because the proposed zoning will allow for the land use specifically called for within “Mixed Use District 8.” Furthermore, RC zoning is specifically listed as being an appropriate zoning district in the area.
- The zoning amendment is reasonable and in the public interest because the petition provides for the development of a use specifically recommended in the Land Use Plan.

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 has no objections to the request. Because this petition is conventional district request, sworn testimony and findings of fact are not required, and the Commission may not impose conditions on the approval.

PROCEDURAL CONSIDERATIONS

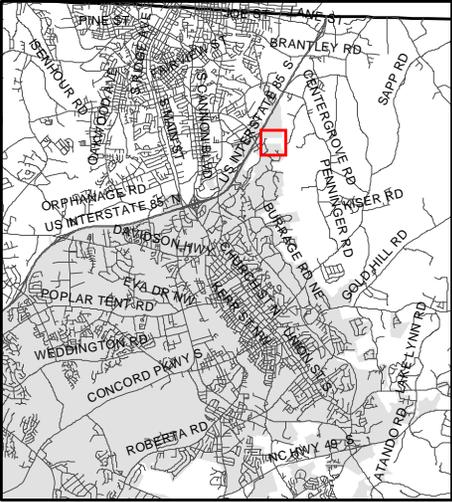
This particular case is a rezoning to a conventional zoning district, which under the CDO, is “legislative” in nature. Legislative hearings DO NOT require the swearing or affirming of witnesses prior to testimony at the public hearing.



**Z-09-16
AERIAL**

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Crosspointe Dr NE
PIN: 5632-05-4525 (P/O)



Source: City of Concord
Planning Department

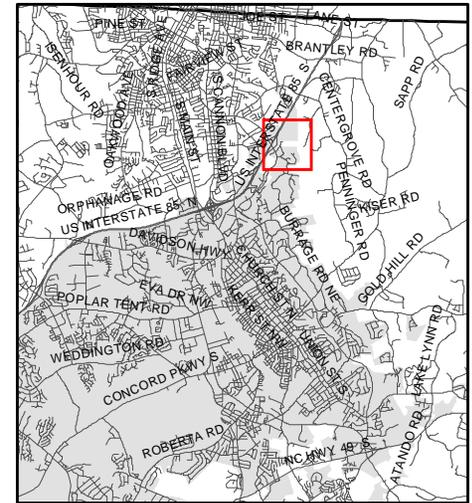
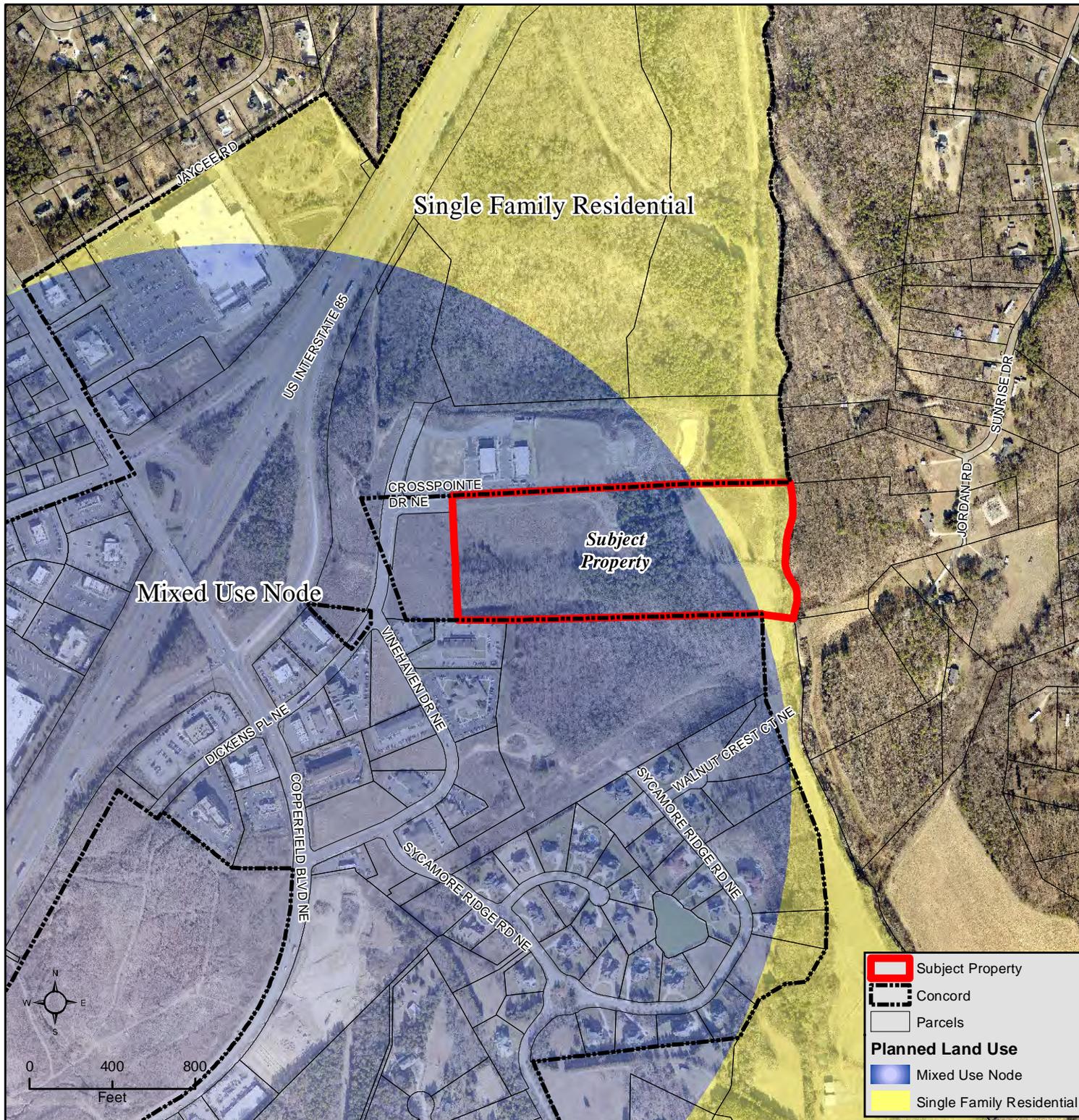
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**Z-09-16
LAND USE PLAN**

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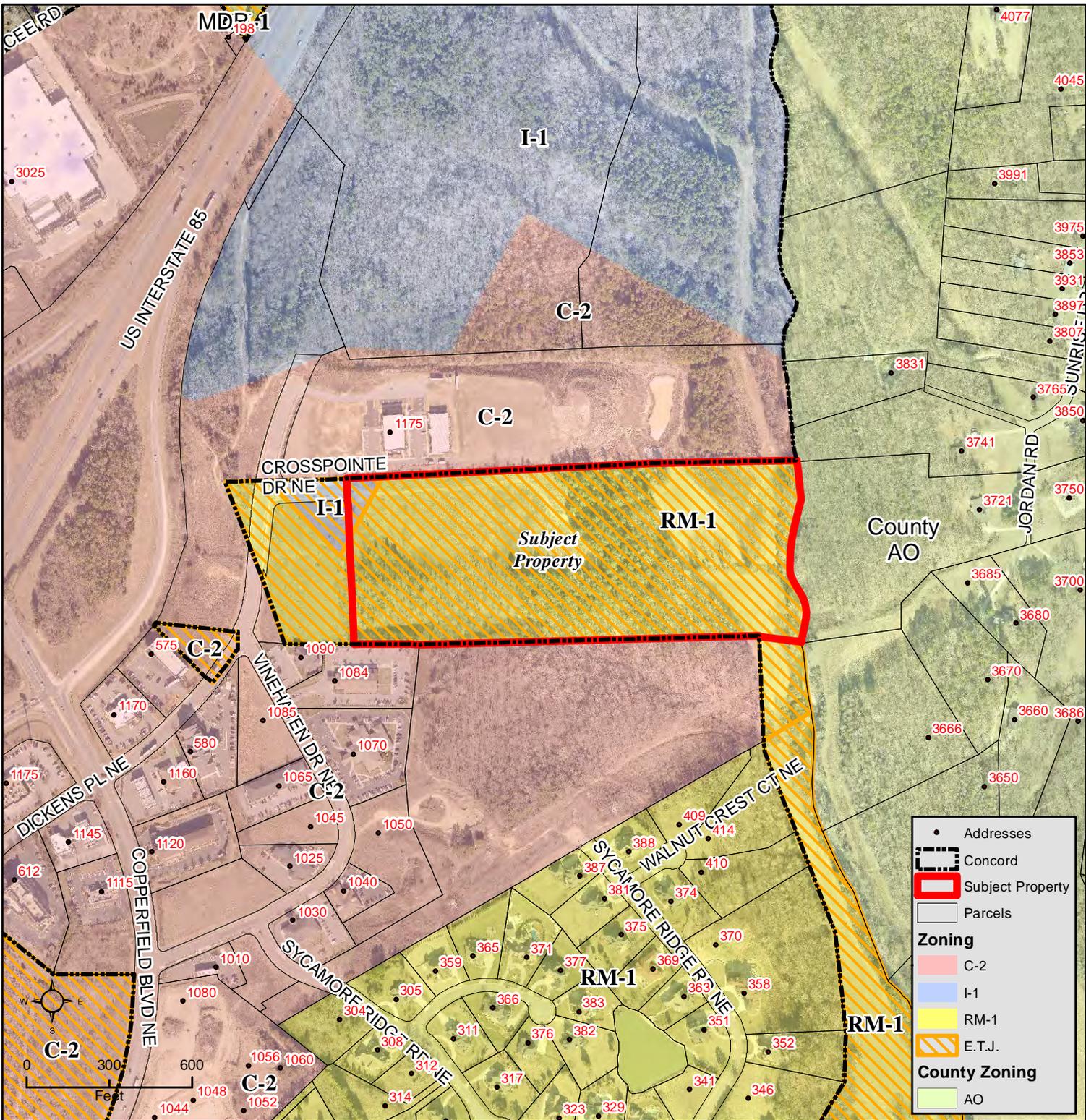
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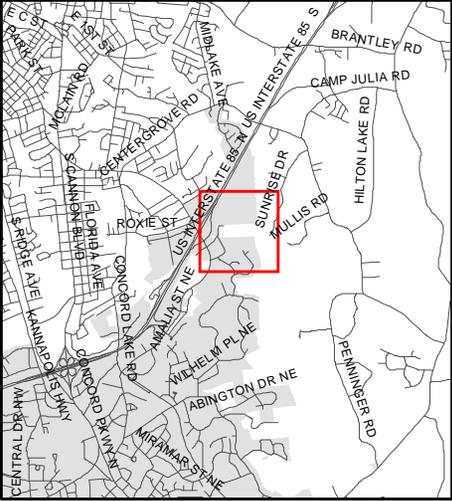
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**Z-09-16
ZONING**

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•	Addresses
	Concord
	Subject Property
	Parcels
Zoning	
	C-2
	I-1
	RM-1
	E.T.J.
County Zoning	
	AO

(Please type or print)

Applicant Name, Address, Telephone Number and email address: Darren Lucas
Copperfield Apts, LLC 323 NC Hwy 49, South
Asheboro, NC 28209 336-669-7683 darren_lucas@yahoo.com

Owner Name, Address, Telephone Number: William Chalfant, III
200 Overbrook Drive, NE Concord NC 28025

Project Location/Address: 05-4525 P10
5632-~~54~~-~~5250~~ AT CROSSPOINTE Drive

P.I.N.: 5632-~~54~~-~~5250~~ 05-4525

Area of Subject Property (acres or square feet): 25.4

Lot Width: ± 700 Lot Depth: ± 1600

Current Zoning Classification: Rm1(cc) + I-1

Proposed Zoning Classification: RC

Existing Land Use: VACANT

Future Land Use Designation: MULTIFAMILY

Surrounding Land Use: North Religious South VACANT
East Residential West Commercial

Reason for request: MULTIFAMILY Development

Has a pre-application meeting been held with a staff member? YES

Staff member signature: KEA Date: 3/24/16

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: 3/28/14

Applicant Signature: *Daniel Lucas*

Property Owner or Agent of the Property Owner Signature:
William P. Beallant III