



DATE: August 19, 2014

CASE #: Z-11-14

DESCRIPTION: Administrative Zoning Map Amendment
Cabarrus County LDR (Low Density Residential) to City of
Concord Office C-2 (General Commercial) and RM-1
(Residential Medium Density)

OWNERS: 4330 Old Airport Rd

LOCATION: South of Old Airport Road and North of NC HWY 49 N

PIN#s: PINs: 5559-09-7228

AREA: 4.41 +/- acres

ZONING: Cabarrus County LDR (Low Density Residential)

PREPARED BY: Starla Rogers, Sr. Planner

BACKGROUND

The subject property totals approximately 4.41 acres, and is located to the south of the Old Airport Road and north of NC Hwy 49 N. The property has approximately 244 linear feet of frontage on Old Airport Road and approximately 246 linear feet of frontage on NC Hwy 49 N. The property is improved with a small commercial building with access on Hwy 49 and two residences with access on Old Airport Road.

HISTORY

The properties were annexed into the City through the voluntary annexation process, with an effective date of June 12, 2014. The voluntary annexation procedure was initiated in order for the site to obtain commercial zoning on a portion of the property. According to Cabarrus County land records, the commercial building was built in 1967 and one of the residences was constructed in 1957. The construction date of the second home (which is either a mobile or modular home) is not available.

SUMMARY OF REQUEST

As the property is now within the City limits, City zoning must be applied to the properties. The property has approximately 244 feet of frontage on Old Airport Road and 246 feet on Hwy 49 N. The property is zoned Cabarrus County LDR (Low Density Residential). The property owner has requested to split zone the property C-2 (General Commercial) and RM-1 (Residential Medium Density). Approximately one acre on the Hwy 49 frontage is proposed to be zoned C-2 (General Commercial) for the intention of maintaining conformity of the existing commercial building and for potential future development. The presence of a pond near the NC 49 frontage creates challenges for development. RM-1 (Residential Medium Density) is proposed for the residential portion of the property in order to accommodate larger, yet flexible lot sizes, while keeping the property consistent with surrounding property as it relates to uses.

Approximately 3.41 acres is proposed to be zoned to RM-1 and approximately 1.0 acre is proposed to be C-2.

Property to the west is zoned Cabarrus County LDR (Low Density Residential) and either vacant or developed with single family residences, property to the south is zoned Cabarrus County CR (Countryside Residential) and improved with single family residences or remains vacant. Property to the east property is zoned City C-2 (General Commercial) and County LDR (Low Density Residential). It is either developed as single family residential or remains vacant. Property to the north is zoned PID (Public Interest District) is developed with the Cabarrus County school administrative offices and part of the larger PID district including the convention center.

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	
	North			North	
Cabarrus County O-I and LC	North	PID	Institutional Volunteer Fire Station	North	Institutional
	South	County CR		South	Vacant and residential
	East	City C-2 and County LDR		East	Vacant and residential
	West	Count LDR		West	Vacant and residential

COMPLIANCE WITH 2015 LAND USE PLAN

The 2015 Land Use Plan (LUP) designates the subject property as “Open Space Preservation.” The Open Space Preservation designation recommends a wide variety of consistent residential and mixed use zoning classifications. RM-1 is listed as a corresponding zoning district. C-2 is not listed as a corresponding zoning district but would be acceptable in this circumstance due to the request being a limited expansion of the adjoining C-2 property to the east.

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 4.41 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 “Open Space Preservation.” RM-1 is listed as a corresponding zoning district and is therefore consistent with the Land Use Plan. C-2 is not listed as a corresponding zoning district but would be acceptable in this circumstance due to the small size, development limitations, and adjoining C-2 property to the east. C-2 zoning is somewhat consistent.

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 consistent with the use of the property and the development patterns on Old Airport Road. Furthermore, the proposed C-2 zoning is a minor extension of the C-2 zoning to the east. No impacts are expected on the capacity or safety of the street network as the request recognizes existing land uses. Parking and environmental impacts would be reviewed at the time of technical site plan approval, when plans are submitted and development is proposed.

- **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 low to medium density residential and a mix of commercial and institutional uses. The relatively small size of the site and presence of the pond somewhat limits development on the proposed commercial portion of the property.

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

Surrounding properties are a combination of residential, office, and commercial.

- **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 it essentially recognizes the existing conditions and applies similar zoning to the established uses approved and existing in the County.

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

The property consists of property 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 residentially and commercially zoned land in the subject area; however, this request serves to recognize the existing, established land uses.

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately 4.41 acres.
- The subject property is improved with a commercial building and two residences.
- The property is zoned Cabarrus County LDR (Low Density Residential) and the Land Use Plan designates the property as “Open Space Preservation.”
- The surrounding properties are zoned Cabarrus County LDR (Low Density Residential), Cabarrus County CR (Countryside Residential), City C-2 (General Commercial), and County LDR (Low Density Residential and City PID (Public Interest District)
- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because the LUP allows designates RM-1 (Residential Medium Density) as a corresponding zoning district and C-2 (General Commercial) could be considered an extension of the C-2 (General Commercial) zoning to the east.
- 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.

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 RM-1 (Residential Medium Density) and C-2 (General Commercial). Because the proposal is a conventional zoning request, conditions may not be imposed on the zoning action.

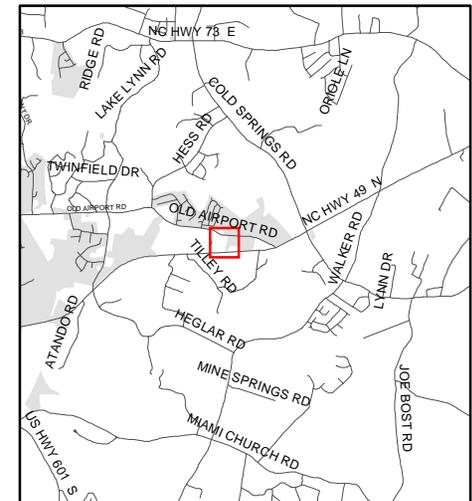
PROCEDURAL CONSIDERATIONS

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-11-14
AERIAL**

**Administrative Zoning
Amendment from
Cabarrus County Low
Density Residential (LDR)
to City of Concord
General Commercial (C-2)
and Residential Medium
Density (RM-1)**

4330 Old Airport Rd
PIN: 5559-09-7228



Source: City of Concord
Planning Department

Disclaimer

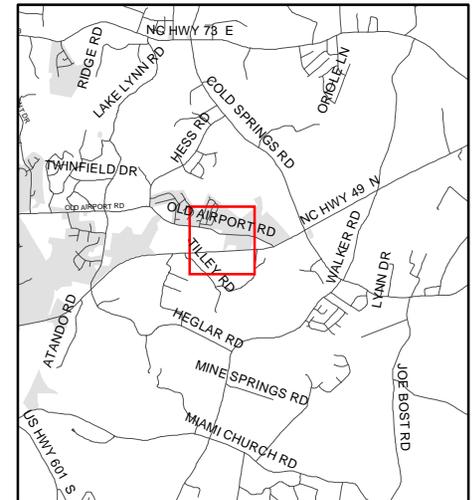
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**Z-11-14
LAND USE PLAN**

**Administrative Zoning
Amendment from
Cabarrus County Low
Density Residential (LDR)
to City of Concord
General Commercial (C-2)
and Residential Medium
Density (RM-1)**

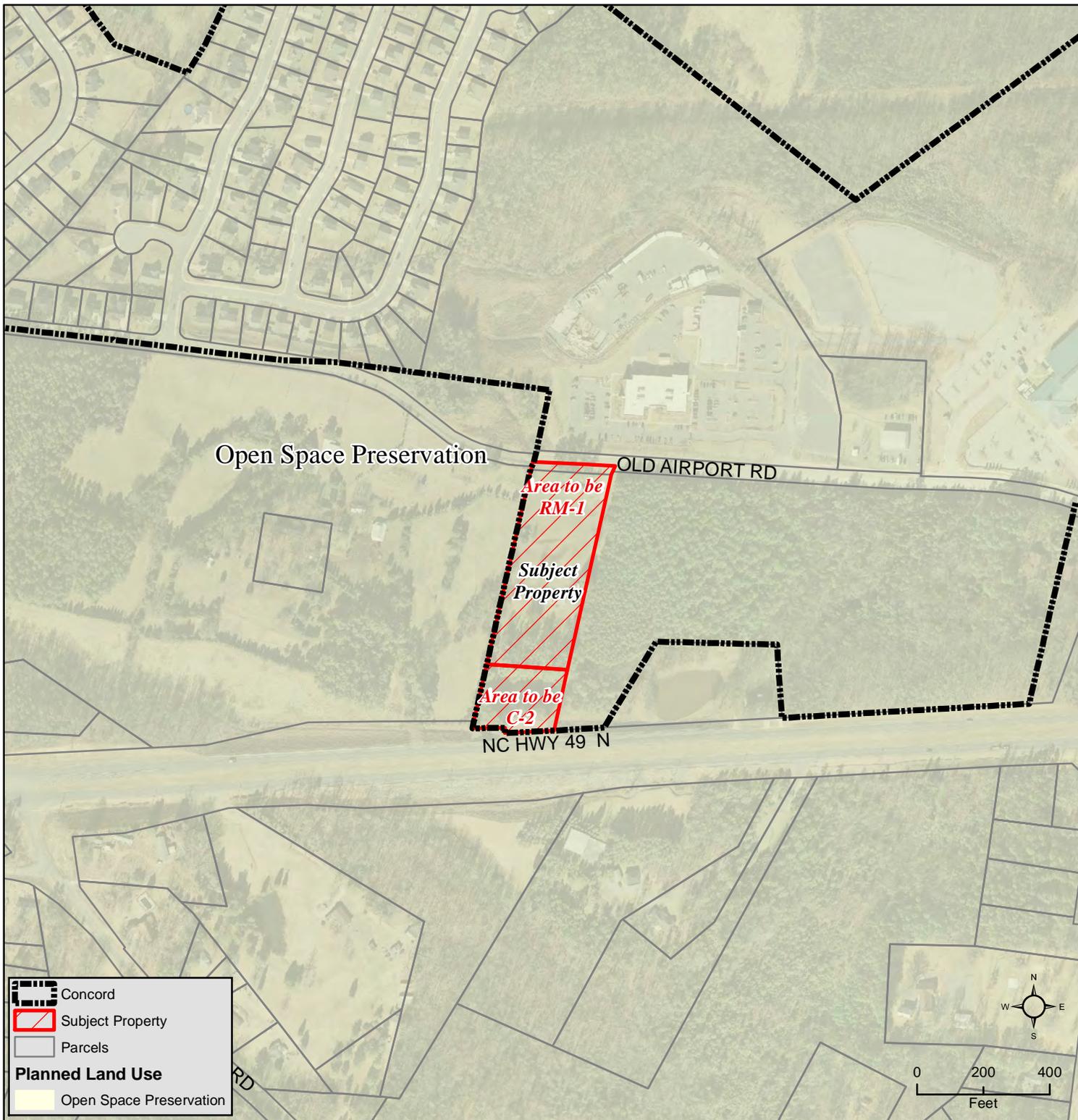
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Planning Department

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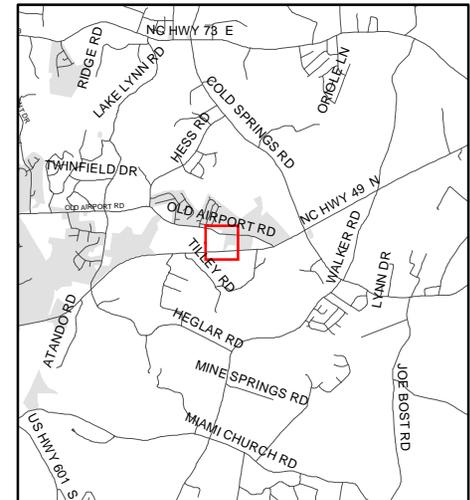
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**Z-11-14
ZONING MAP**

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to City of Concord
General Commercial (C-2)
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Density (RM-1)**

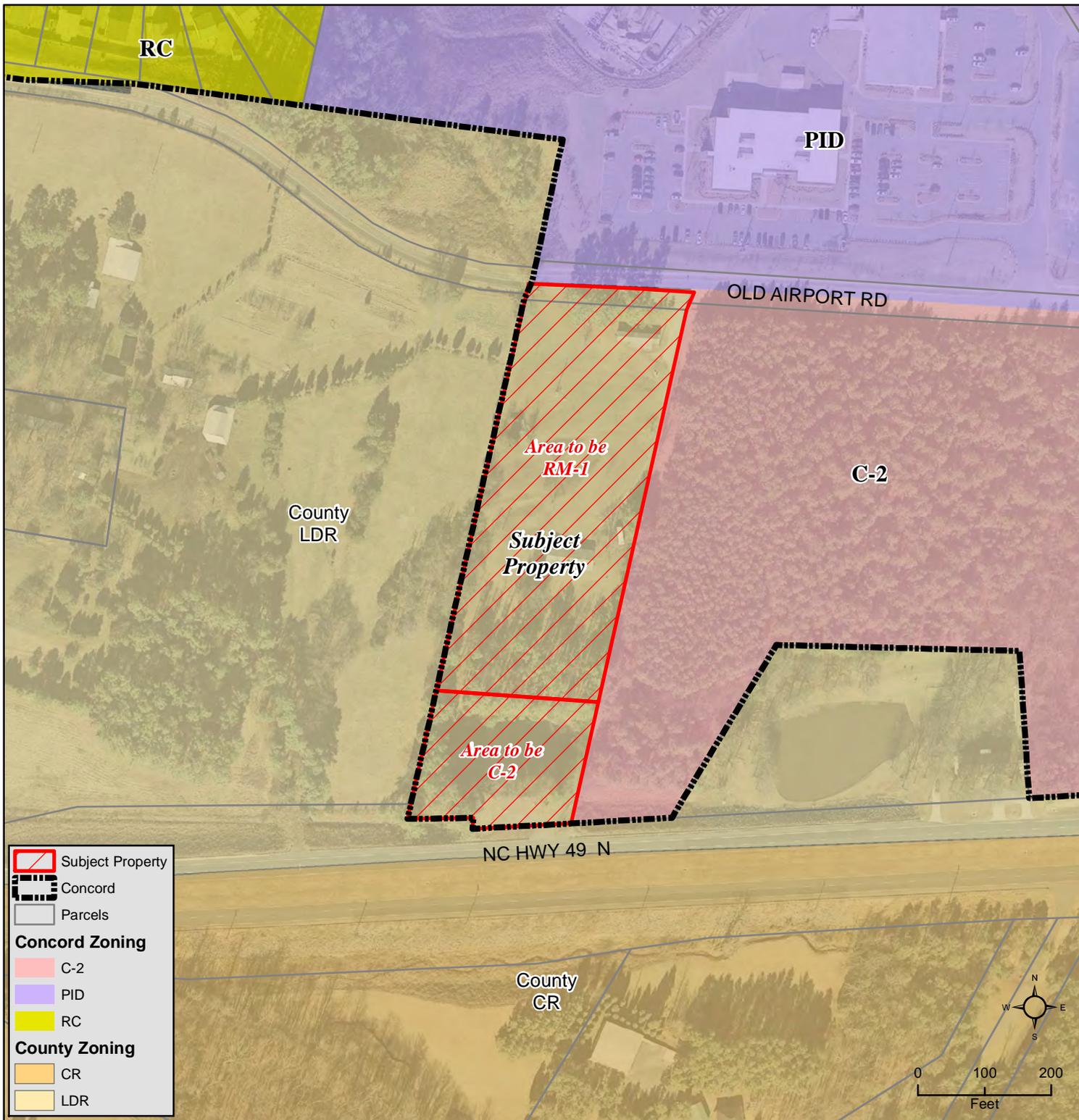
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	Subject Property
	Concord
	Parcels
Concord Zoning	
	C-2
	PID
	RC
County Zoning	
	CR
	LDR

