



DATE: May 17, 2016

CASE #: Z-11-16

DESCRIPTION: Zoning Map Amendment
Office Institutional (O-I) and to Residential Compact (RC)

APPLICANT/OWNERS: Micah and Kelly Vanderburg

LOCATION: 820 Old Charlotte Rd, SW

PIN#s: PIN: 5529-49-3025

AREA: 2.89 +/- acres

ZONING: Office Institutional (O-I)

PREPARED BY: Starla Rogers, Senior Planner

BACKGROUND

The subject property consists of approximately 2.89 acres on northwest side of Old Charlotte Rd, across from Splicewood Dr. SW. The subject property is improved with an approximately 3,900sf single-family residential structure, built around 1920.

HISTORY

The subject parcel was annexed in 1986 as part of a large scale annexation with the property zoned Office Institutional (O-I) prior to and since annexation. According to the applicant/current property owner, the home has always been a residence, with the additional use of a family care home in the late 1980's and early 1990's. The use remained single-family until two years ago when the previous homeowner suffered a stroke, the property became vacant, and it was purchased by the current owner's real-estate company. The home has been on the market for the last year.

SUMMARY OF REQUEST

According to the applicant, the property is now under contract for purchase. However, the potential buyers require the rezoning to residential in order to secure financing as the mortgage company will not finance the property under the current office zoning classification.

The petitioner proposes to rezone the property to RC (Residential Compact) which would allow single-family detached, single-family attached, and multifamily. RC (Residential Compact) may yield a maximum of fifteen (15) dwelling units per acre if ever developed as multi-family. The existing zoning classification of O-I (Office Institutional) also allows the same residential uses at the same density, by right. However, the existing zoning classification also allows for nonresidential uses of a higher intensity than residential. Furthermore the proposed rezoning would be an extension of the existing RC (Residential Compact) zoning to the north and west.

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	
O-I (Office Institutional)	North	RC (Residential Compact) and B-1 (Neighborhood Commercial)	Single-Family Residential	North	Church campus, convenience store with gasoline sales, and vacant land
	South	RV (Residential Village), O-I (Office Institutional), and C-2 (General Commercial)		South	Child care center, church campus, hair salon, and single-family residential
	East	RV (Residential Village) and C-2 (General Commercial)		East	Single-family residential and vacant
	West	RC (Residential Compact)		West	Vacant land and single-family

COMPLIANCE WITH 2015 LAND USE PLAN

The 2015 Land Use Plan (LUP) designates the subject property as “single-family residential.” RC (Residential Compact) is the only non-conditional residential zoning district that is not listed as a corresponding zoning classification to the single-family land use category. Furthermore, the subject parcel is adjacent to a large expansion of RC (Residential Compact) zoning to the west and north, A substantial portion of these properties are also located within the single-family land use category. Additionally, single-family residences are permitted by right in the RC (Residential Compact) zoning district. The requested zoning district is more consistent with the existing single-family use, which has been present for decades, than the O-I (Office Institutional) zoning classification. Therefore, the proposed petition is not entirely consistent with portions of the Land Use Plan but consistent with the existing use, surrounding uses and surrounding zoning classifications. Staff therefore feels that the request meets the intent of the Land Use Plan and is therefore consistent in this case.

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately 2.89 acres, is zoned O-I (Office Institutional) and is the site of a single-family structure.
- The proposed zoning amendment is not entirely consistent with portions of the 2015 Land Use Plan (LUP) as RC (Residential Compact) zoning is not listed as being a corresponding zoning district. However, the requested zoning district is more consistent with the existing single-family use, which has been present for decades, than the O-I (Office Institutional) zoning classification and it is staff’s opinion that the request meets the intent of the LUP and is therefore consistent.
- The zoning amendment is reasonable and in the public interest because the petition provides for the development/use of the property as specifically recommended in the Land Use Plan. The petition also creates a zoning classification that is consistent with the use.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the request consistent with the 2015 LUP as the request meets the intent of the plan based on adjacent zoning, surrounding land uses, and existing land use on the subject property. Staff also finds that the request meets 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.

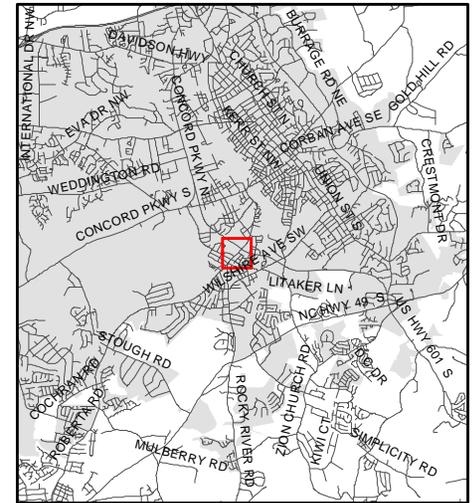
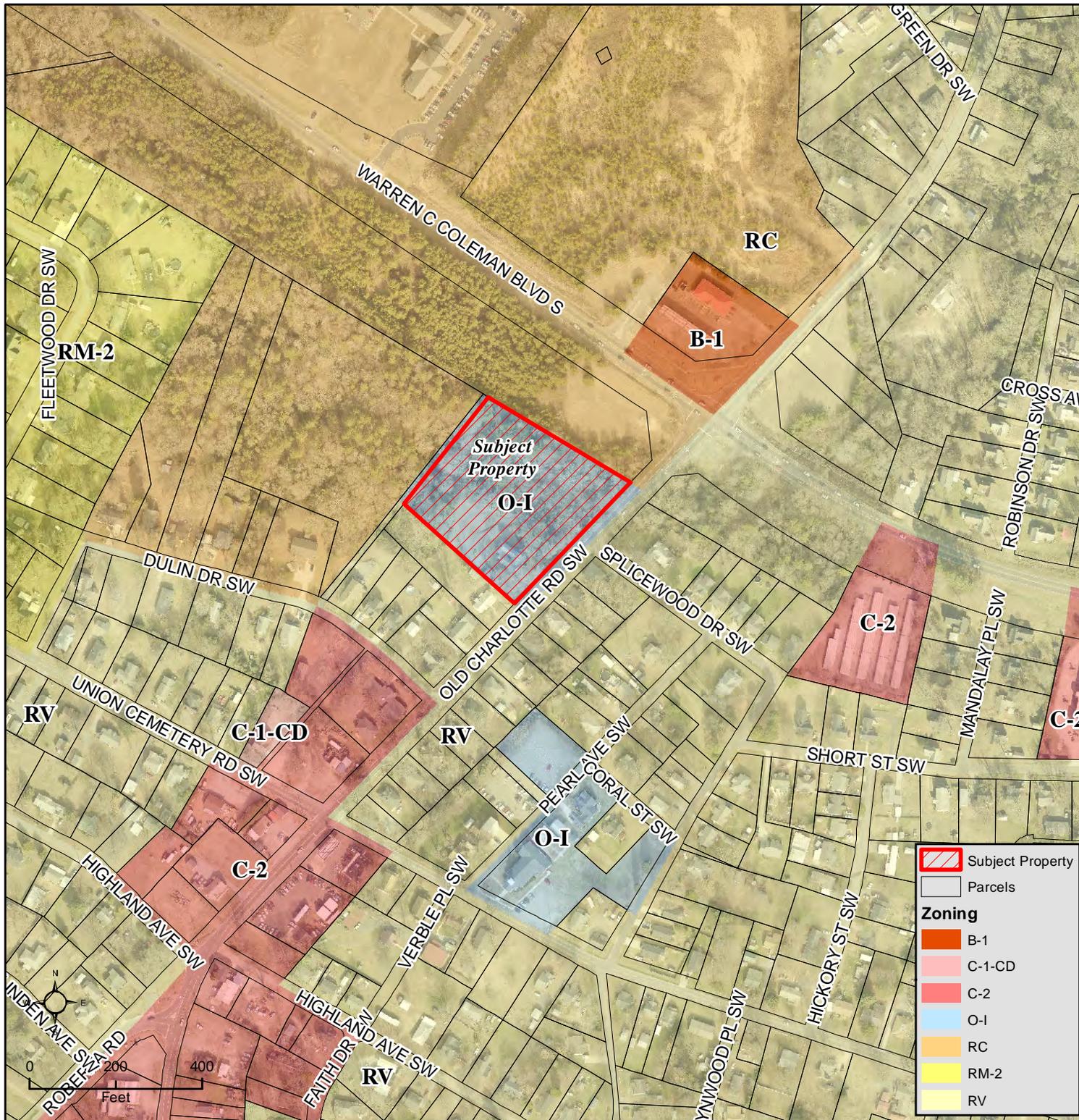
PROCEDURAL CONSIDERATIONS

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-11-16
ZONING**

**Zoning Map Amendment
from Office Institutional (O-I) to
Residential Compact (RC)**

820 Old Charlotte Rd SW
PIN: 5529-49-3025



Source: City of Concord
Planning Department

Disclaimer

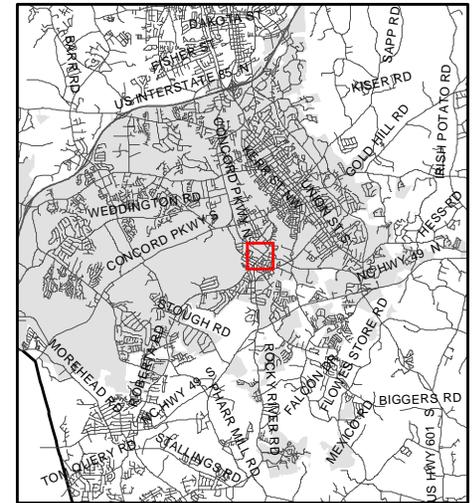
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	Subject Property
	Parcels
Zoning	
	B-1
	C-1-CD
	C-2
	O-I
	RC
	RM-2
	RV

**Z-11-16
LAND USE PLAN**

**Zoning Map Amendment
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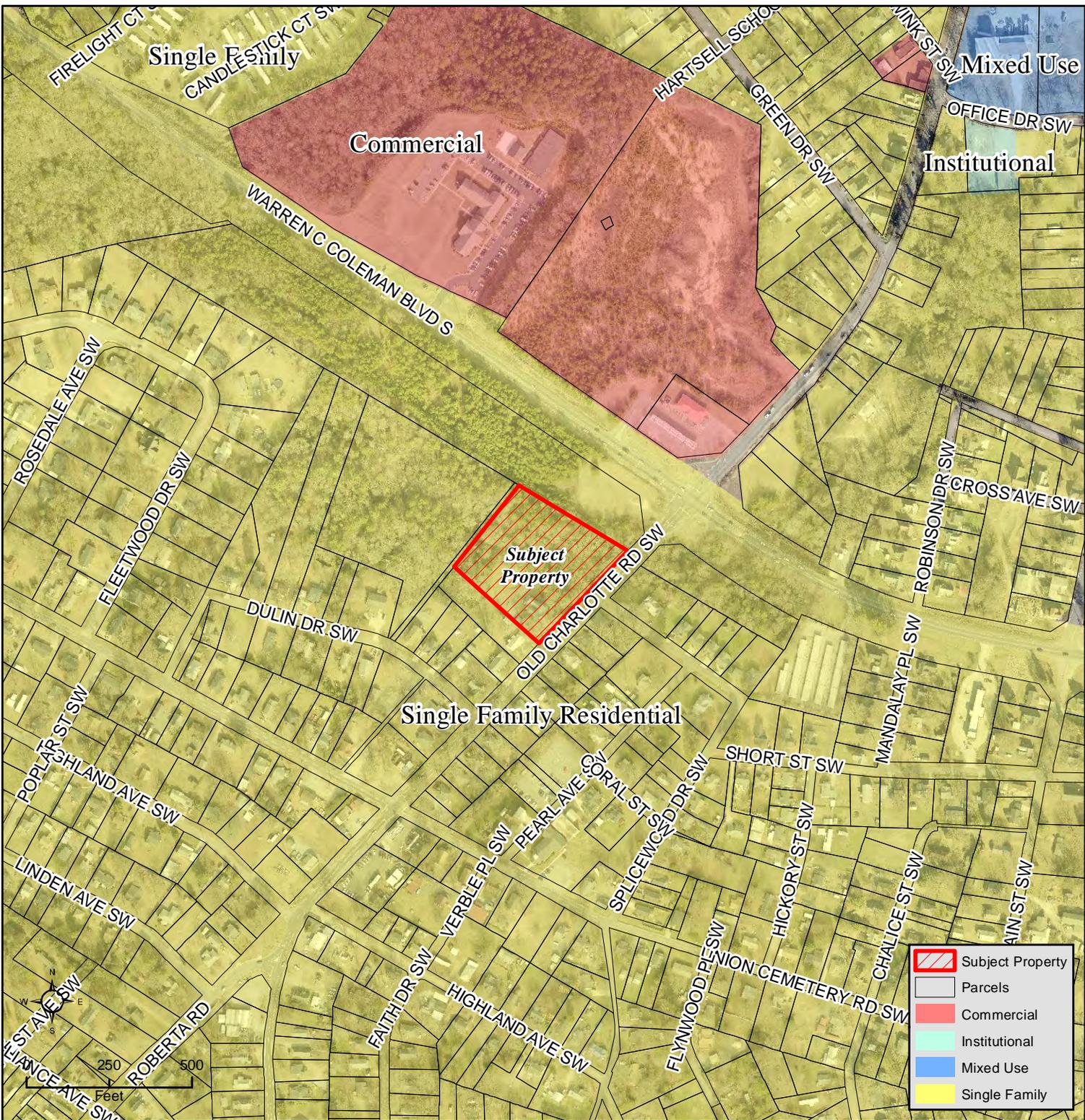
820 Old Charlotte Rd SW
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Planning Department

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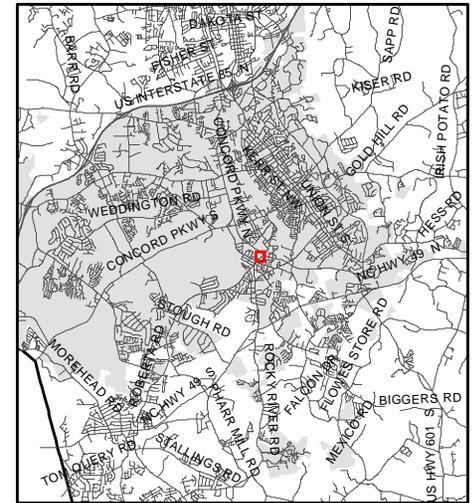
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**Z-11-16
AERIAL**

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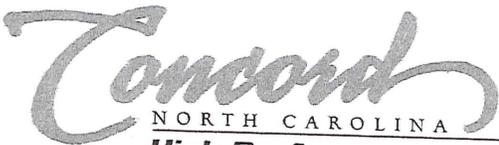


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NORTH CAROLINA
High Performance Living

Application for
Zoning Map Amendment

(Please type or print)

Applicant Name, Address, Telephone Number and email address: ~~704-796-4661~~ ~~6820~~ ~~Timberwood Dr. Harrisburg NC~~
+ Meghann Hasty
Kelly Vanderburg 4283 Kiser Woods Dr. Concord NC 28025
704-796-4661 Vanderburginstgrpa@gmail.com, Micah Vanderburg

Owner Name, Address, Telephone Number: 704-796-4661
Same as above

Project Location/Address: 820 Old Charlotte Rd Concord, NC

P.I.N.: 5529-49-3025

Area of Subject Property (acres or square feet): 2.89 acres

Lot Width: _____ Lot Depth: _____

Current Zoning Classification: OT

Proposed Zoning Classification: RC

Existing Land Use: Residential

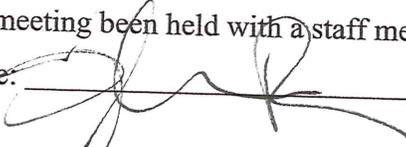
Future Land Use Designation: Residential

Surrounding Land Use: North Residential South " "

East " " West " "

Reason for request: House under contract to sell as residential

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

Staff member signature:  Date: _____

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: 4-7-16

Applicant Signature: *Kelly Vandenberg* *Mica Vandenberg*

Property Owner or Agent of the Property Owner Signature:
