



DATE: July 19, 2016

CASE #: Z -14-16

DESCRIPTION: Zoning Map Amendment
General Commercial (C-2) to Residential Compact (RC)

APPLICANT/OWNERS: Gary W. Laton/Tri-Star Cabarrus, LLC

LOCATION: 240 Cabarrus Avenue, East

PIN#s: PIN: 5630-09-9946

AREA: 0.67 +/- acres

ZONING: General Commercial (C-2)

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

BACKGROUND

The subject property consists of approximately 0.67 acres on the south side of Cabarrus Avenue, East between Wilson and Adams Streets. The subject property has approximately 206 linear feet of frontage on Cabarrus Avenue, and the property is vacant land.

HISTORY

The staff cannot determine when the property was annexed as records indicate that the property was in the City limits in the early 1980s. Under the previous zoning ordinance the subject property was zoned General Commercial (B-3). With the adoption of the Unified Development Ordinance (now known as the CDO), the zoning on the subject property became the equivalent C-2 zoning in 2000.

SUMMARY OF REQUEST

The petitioner proposes to rezone the property to Residential Compact (RC). A small triangular portion of the property along the south property line is zoned RC and the request represents an extension of the existing RC zoning. Approximately 50% of the total boundary of the subject property is adjacent to RC zoning on both the south and west property lines. RC zoning would permit the development of fifteen (15) multifamily units per acre, or single family residences on 5,000 square foot minimum lots.

From a planning perspective, development of commercial uses on the site is unlikely given the relatively small area of the property and the necessity to provide contemporary site improvements such as parking, landscaping and stormwater.

Property to the north and east is zoned Residential Medium Density (RM-2) and Commercial General (C-2) and is a combination of single family residences, vacant land and commercial uses. Land to the west and south is RC and is a combination of single family residential, vacant land and a church.

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	
General Commercial (C-2)	North	RM-2 and C-2	Vacant land	North	Commercial and single family
	South	RC		South	Vacant, single family and church
	East	C-2		East	Commercial and vacant
	West	C-2		West	Commercial

COMPLIANCE WITH 2015 LAND USE PLAN

The 2015 Land Use Plan (LUP) designates the subject property as a combination of “village center” and “commercial”. The village center designation is meant to be a general area, and not necessarily parcel specific. Neither RC zoning (or the existing C-2 zoning) are listed as being consistent within the village center designation, However, the request represents a small adjustment to the existing zoning pattern and will provide for the development of uses (single and potentially multifamily) that are encouraged in the village center designation. It is the opinion of staff that the request is consistent with the LUP.

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately 0.67 acres, is General Commercial (C-2) and is vacant land.
- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because the proposed zoning will encourage development of uses that are encouraged within the village center land use designation.
- The zoning amendment is reasonable and in the public interest because the petition represents an extension of an established zoning district, and development of commercial uses are not likely on the subject property.

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.



(Please type or print)

Applicant Name, Address, Telephone Number and email address: _____

GARY W. LATON • P.O. BOX 1129 CONCORD, NC 28026
704-791-6692 garywlatonllc@gmail.com

Owner Name, Address, Telephone Number: _____

TRI-STAR CABARRUS, LLC • PO BOX 1129 CONCORD, NC 28026
704-791-6692 garywlatonllc@gmail.com

Project Location/Address: 240 CABARRUS AVE. CONCORD, NC 28025

P.I.N.: 5630-09-9946

Area of Subject Property (acres or square feet): .67 AC.

Lot Width: 200 Lot Depth: 120

Current Zoning Classification: C-2

Proposed Zoning Classification: RC

Existing Land Use: Vacant

Future Land Use Designation: Village Center

Surrounding Land Use: North BUSINESS South CHURCH

East GARAGE West RESIDENTIAL

Reason for request: REALIZE WE CANT SELL PROPERTY AS COMMERCIAL,
AND WITH BOTH OWNERS BEING CONTRACTORS, CAN GET QUICKER RETURN.

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

Staff member signature: KEA

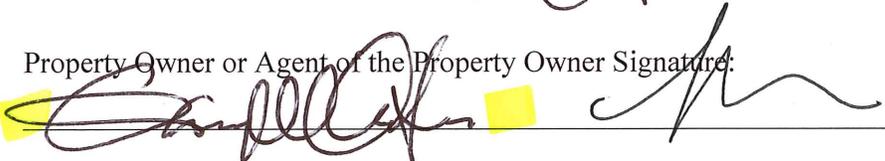
Date: 6/27/16

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: 6-23-16

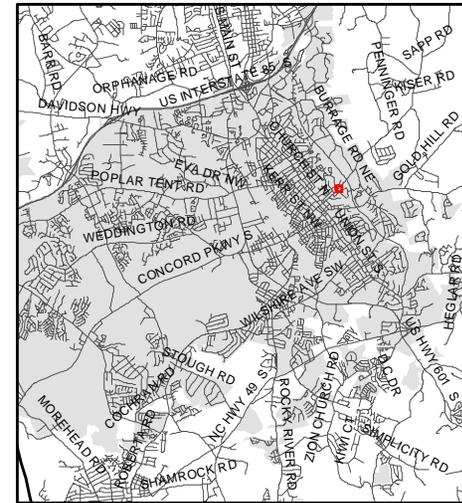
Applicant Signature: 

Property Owner or Agent of the Property Owner Signature: 

**Z-14-16
AERIAL**

**Zoning Map Amendment
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240 Cabarrus Ave E
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Source: City of Concord
Planning Department

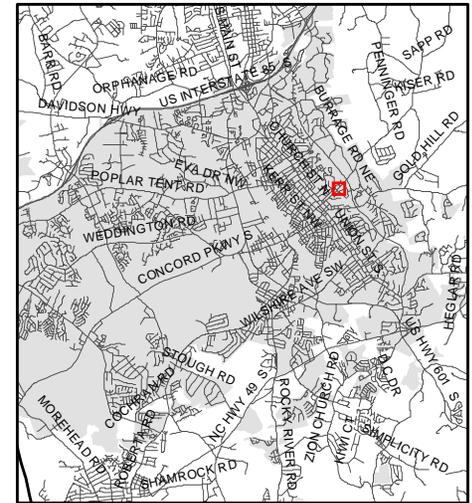
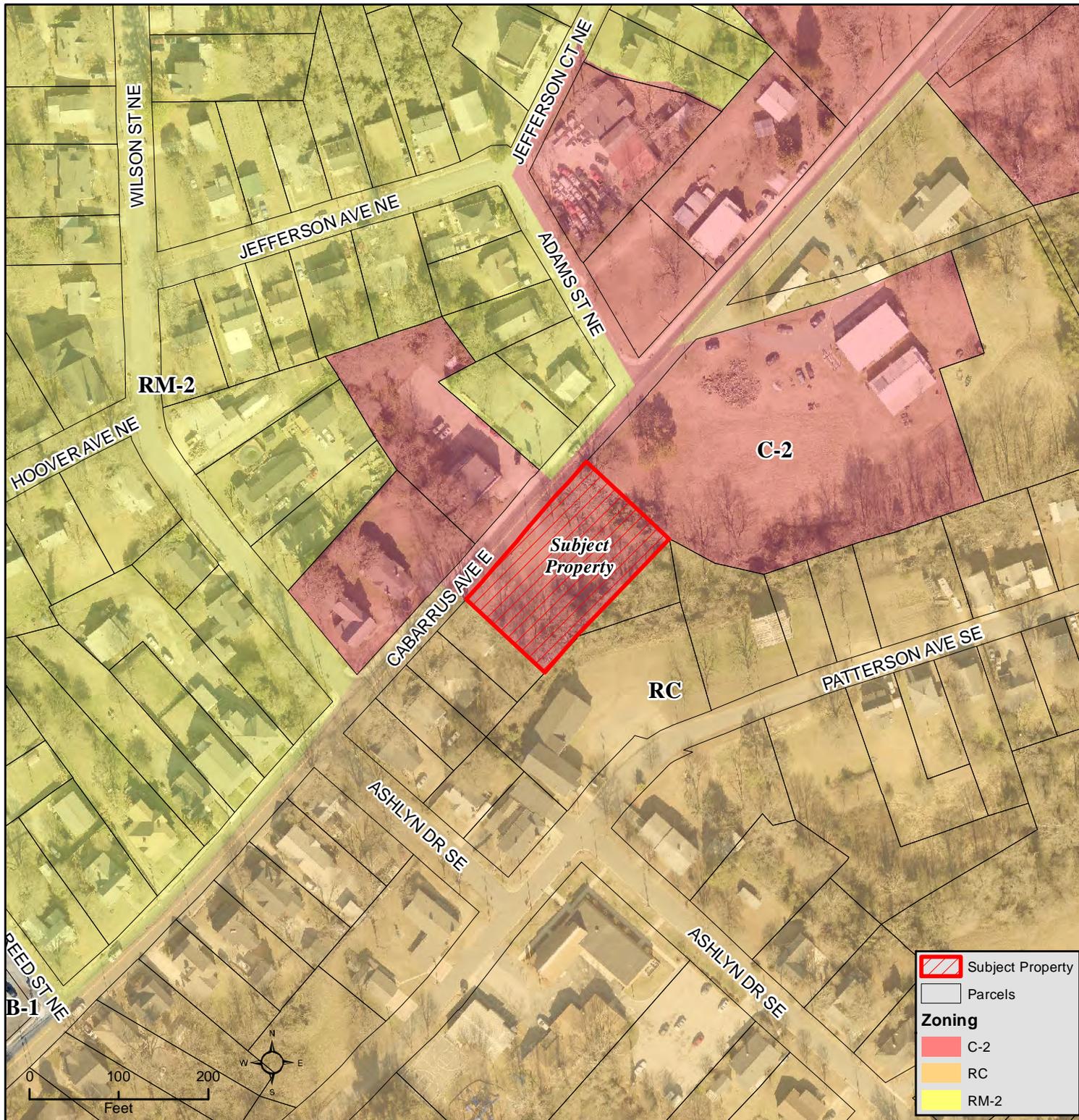
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**Z-14-16
ZONING**

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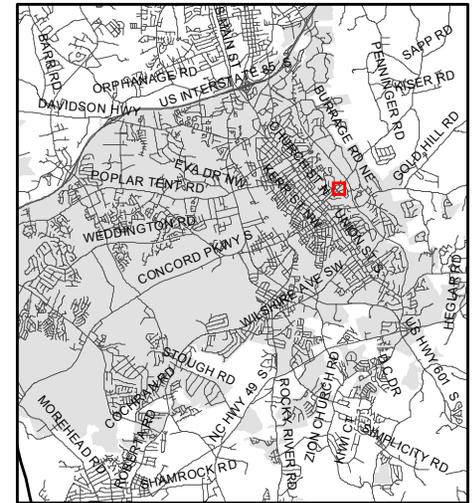
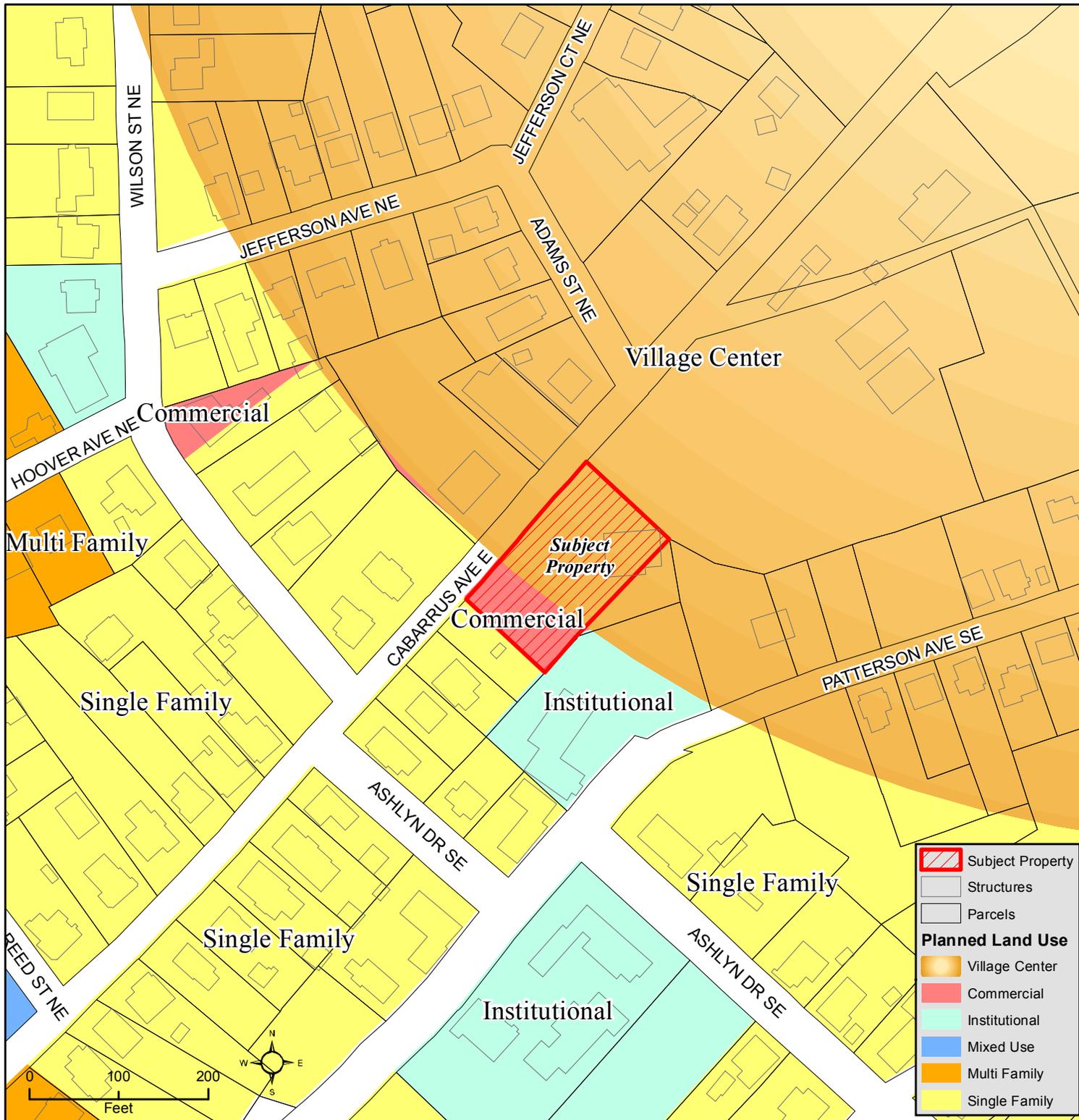
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**Z-14-16
LAND USE PLAN**

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