



DATE: October 21, 2014

CASE #: Z-15-14

DESCRIPTION: Administrative Zoning Map Amendment
Cabarrus County Low Density Residential (LDR) to City of
Concord Residential Medium Density (RM-1)

OWNERS: Carl M. and Linda S. Swett

LOCATION: 5901 Rocky River Road, at the southeast corner of Rocky River
Road and Archibald Road

PIN#s: PIN: 5528-40-5821

AREA: 0.97 +/- acres

ZONING: Cabarrus County Low Density Residential (LDR)

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

BACKGROUND

The subject property consists of approximately 0.96 acres, and is located on the east side of Rocky River Road, just south of Archibald Road. The property consists of one parcel and is improved with a single family home.

HISTORY

The properties were annexed into the City through the voluntary annexation process, with an effective date of September 11, 2014. The single family home on site was constructed in 1956, according to Cabarrus County Tax Records.

SUMMARY OF REQUEST

As the property is now within the City limits, City zoning must be applied to the properties. The property has approximately 200 feet of frontage on Archibald Road and approximately 215 feet of frontage on Rocky River Road.

The staff examined the potential of rezoning the property to Residential Low Density (RL) as the property would be compliant with its development standards, but staff feels that RM-1 would be the better option as "animal support and production" is permissible in RL. Furthermore, County

development regulations would allow a 15,000 square foot lot with the provision of public water and sewer. The RM-1 district minimum lot size is 15,000 square feet and is the most similar to the RL development standards.

Property to the north, south and east is zoned Cabarrus County LDR. Land to the west is coned Conditional Use Residential Village (CURV) and is developed with the Boulder Creek Subdivision. Surrounding properties on the east side of Rocky River Road are generally the same size as the subject property, and are a combination of single family residential and 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	
Cabarrus County LDR	North	Cabarrus County LDR	Single Family Residential	North	Single family residential and vacant
	South	Cabarrus County LDR		South	Single family residential and vacant
	East	Cabarrus County LDR		East	Single family residential and vacant
	West	Conditional Use Residential Village (CURV)		West	Single family residential

COMPLIANCE WITH 2015 LAND USE PLAN

The 2015 Land Use Plan (LUP) designates the subject property as a “Village Center.” The Village Center designation permits a wide variety of land uses. O-I zoning is appropriate in the subject land use designation and the request is therefore consistent with the LUP.

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 0.97 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 a “single family residential.” The proposed RM-1 zoning is in consistent with the provisions of the 2015 Land Use Plan.

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 compatible with the development pattern in the vicinity of the Rocky River/Archibald Road intersection. The property is a developed single family residence, similar to adjacent single family uses.

- **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 residential in nature and the existing use has been established on the site for many years. This zoning is intended to apply the most similar City zoning and to recognize the established land use.

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

Surrounding land uses are a combination of single family and residential. Zoning is Cabarrus County LDR on the east side of Rocky River Road and City CURV on the west side of Rocky River Road.

- **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 an existing condition and applies similar zoning to the established county zoning.

- **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 zoned land in the subject area; however, this request serves to recognize and existing, established land use.

SUGGESTED STATEMENT OF CONSISTENCY

- . The subject property is approximately 0.97 acres.
- The subject property is improved with a single family residence.
- 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), and City of Concord Conditional Use Residential Village (CURV).
- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because the LUP allows RM-1 (Residential Medium Density) as a corresponding zoning district within the “residential” land use designation.
- 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.

Furthermore, the request serves to apply the most similar City zoning to 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 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). Because the proposal is a conventional zoning request, conditions may not be imposed on the zoning action.

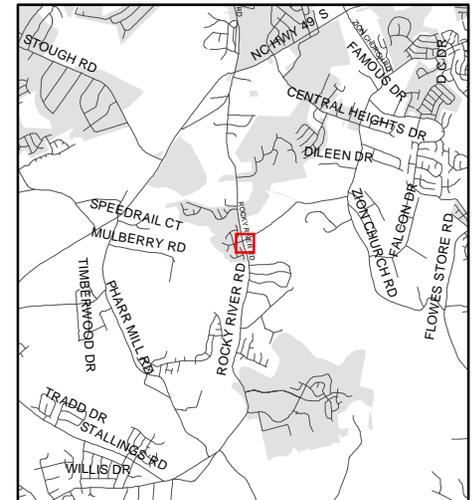
PROCEDURAL CONSIDERATIONS

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-15-14
Aerial

**Administrative Zoning Amendment
from County Low Density Residential
(LDR) to Concord Residential
Medium Density (RM-1)**

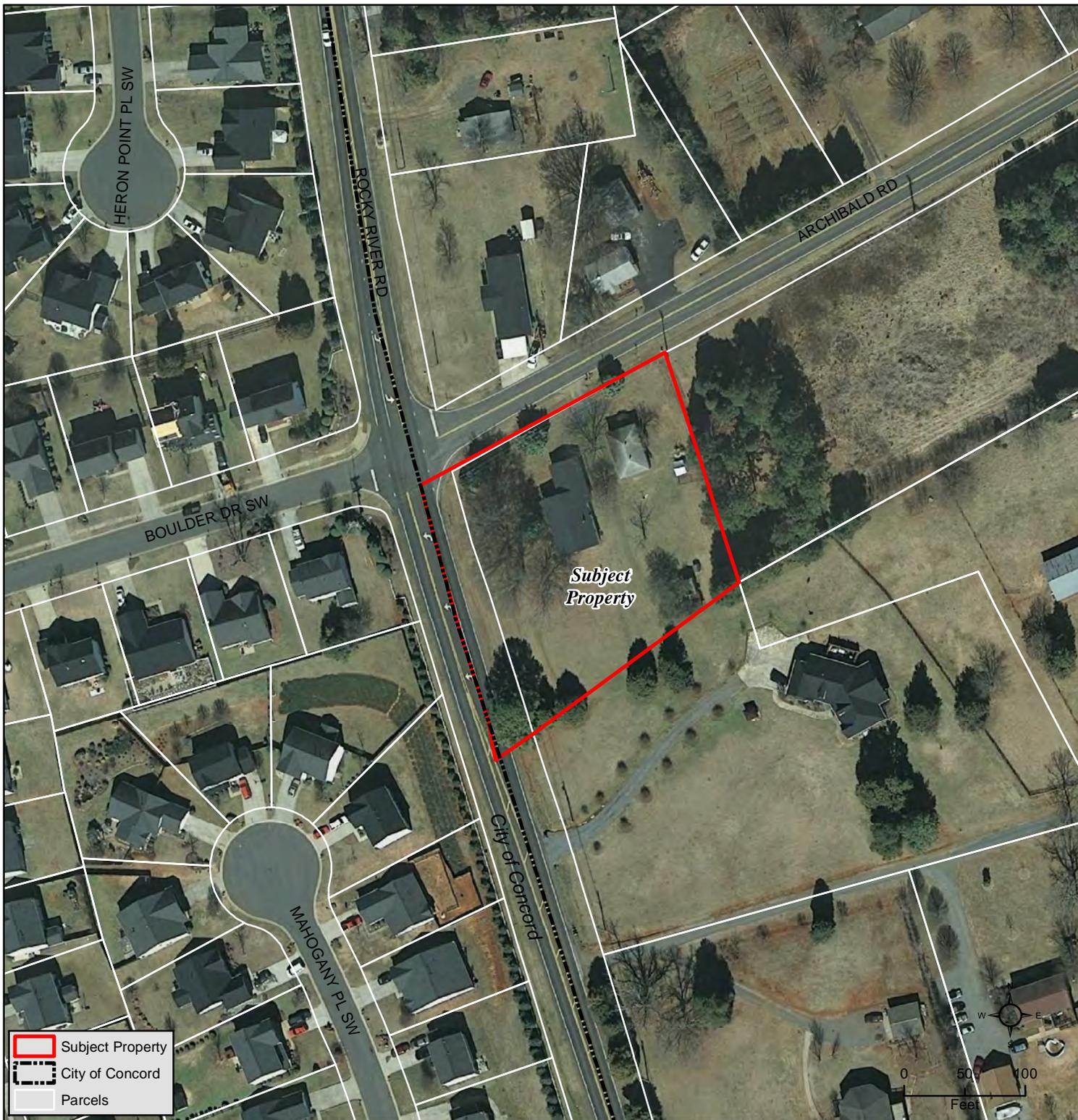
5901 Rocky River Rd
PIN: 5528-40-5821



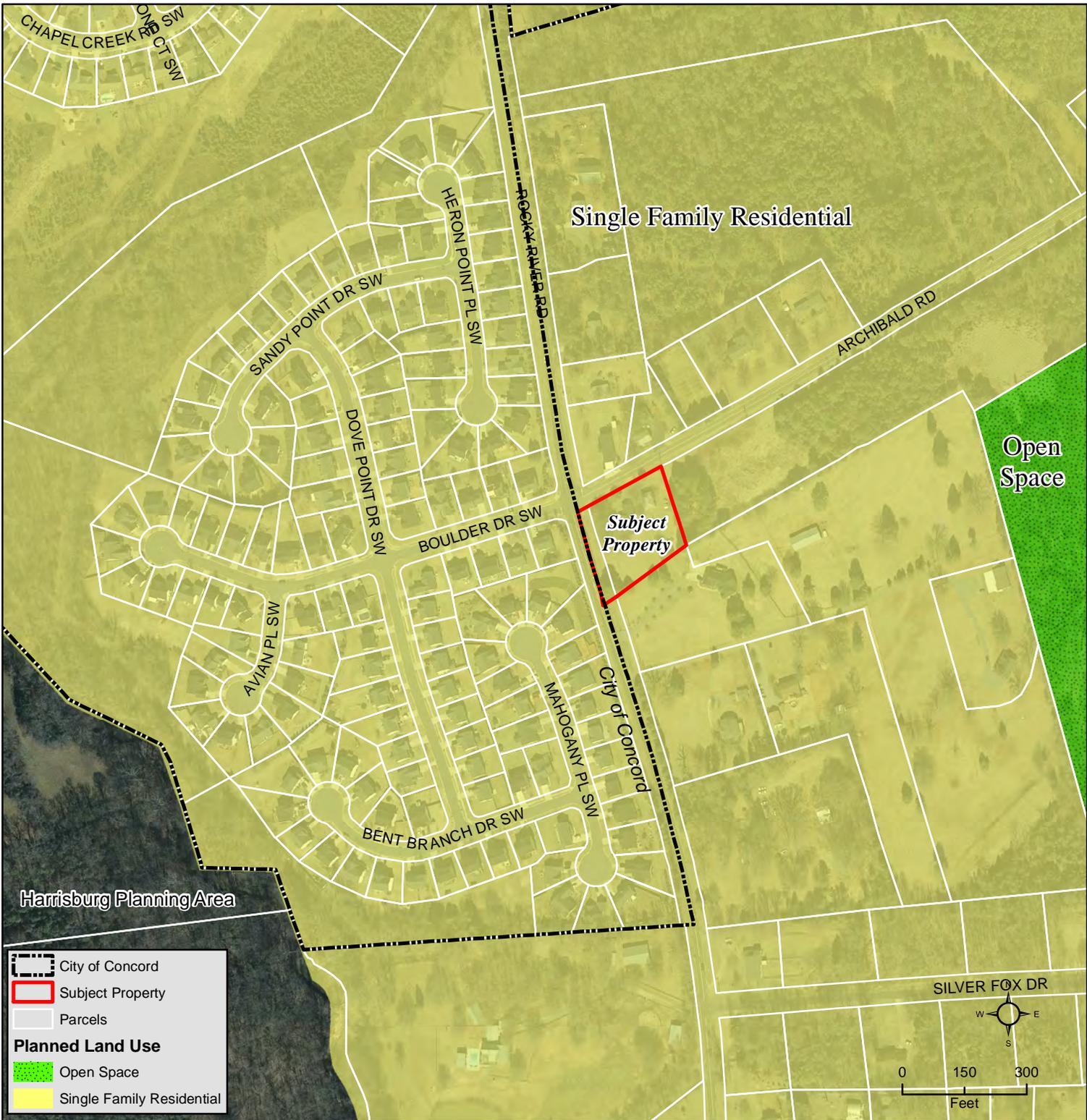
Source: City of Concord
Planning Department

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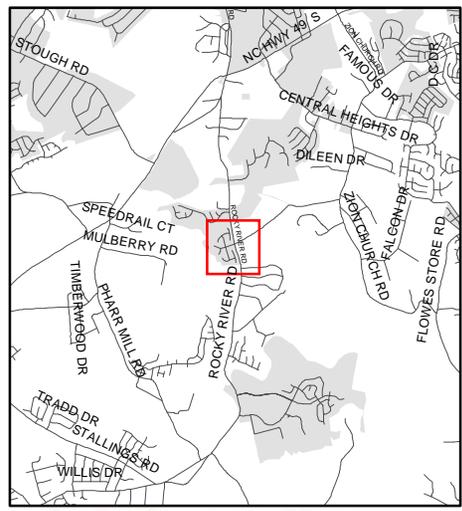
-  Subject Property
-  City of Concord
-  Parcels



**Z-15-14
Land Use Plan**

**Administrative Zoning Amendment
from County Low Density Residential
(LDR) to Concord Residential
Medium Density (RM-1)**

5901 Rocky River Rd
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Planning Department

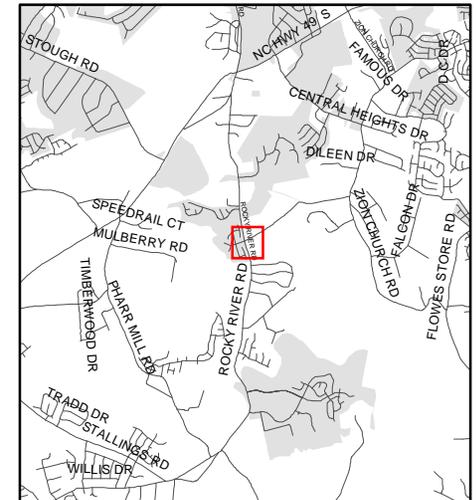
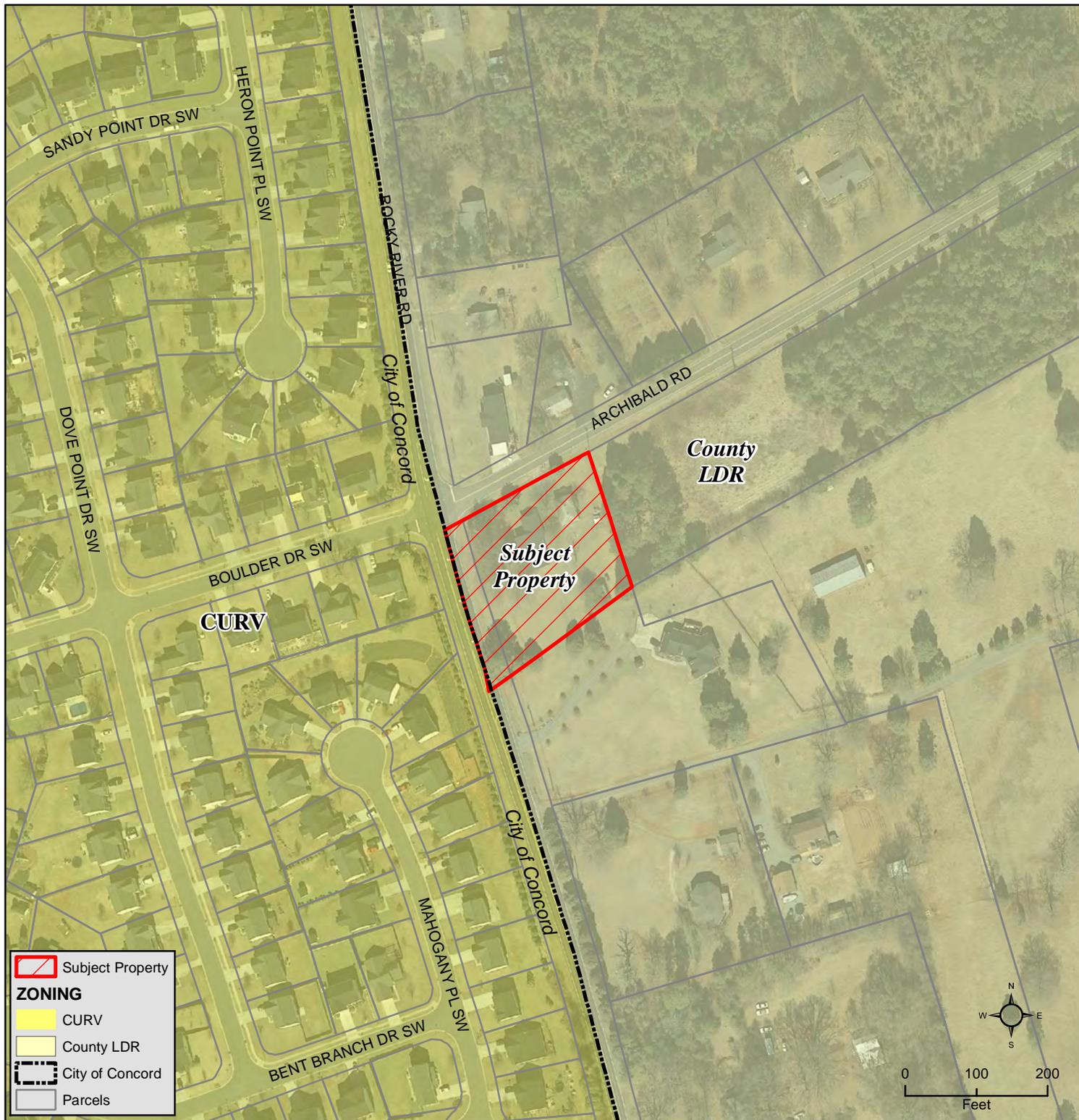
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Zoning**

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