

Unofficial guide to Concord Development Ordinance & Information Regarding Niblock Homes' Poplar Tent Subdivision Development

Dear Zemosa Acres Residents and Affected Parties,

I have compiled this document as a resource to help access and disseminate knowledge regarding the development ordinances, etc. that are available from the city. Additionally I have included a brief synopsis of what I through my research have gleaned from the available information in terms of what is proposed/planned for the development on the Niblock Farm and relevant details (I cannot speak to the finality and accuracy of the plans we have seen). Hopefully it will allow you to be able to voice an informed opinion or perhaps even develop a position regarding the looming development and the requested rezoning for the land. I have selected and commented on ordinance contents that seem to be relevant to this situation and our ability to ascertain the most desirable outcomes for ourselves the affected owners of adjacent properties. Please understand that this document is meant as an informal guide and has not been distributed by any official body. Individual research should be done into ordinance contents to verify their accurate representation herein. I have posted links to the city website for your convenience. Please feel free to distribute this to any other neighbors or individuals affected by the development.

The item of discussion for the Quasi-judicial hearing Case Z (CD)-12-14, to be held by the Planning and Zoning Commission on August 19, 2014 at 6:00p.m., is the request for rezoning (zoning amendment application) within the area of proposed development on the Niblock Farm. **Currently the property is zoned RM-2 which designates a Residential Medium Density District. The application is to convert this to RV zoning which designates Residential Village District. Specifically, the application is for a conditional (RV-CD) district.** The only apparent conditional restriction of this rezoning is that the lots per acre density, for the average of the entire property, remain below 3.33 lots/acre. **Most of Zemosa Acres including its properties adjacent to the proposed new development are zoned RL which designates a Low Density District.** Below are excerpts from the Concord Zoning Ordinance describing the purpose and character of these designations. I have also included the description for I-2 (General Industrial District) which the International Business Park bordering the proposed development is zoned.

7.5.5. RESIDENTIAL MEDIUM DENSITY (RM-2) DISTRICT *(Current Farm Zoning)*

The RM-2 District is established to provide areas for medium density, single-family residential uses, **with a maximum of four dwelling units per acre**, where facilities and services exist with capacity to serve development. RM-2 provides flexible minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

7.5.6. RESIDENTIAL VILLAGE (RV) DISTRICT *(What they are asking for the Development Property)*

The RV District is established to provide areas for detached and attached single-family homes, with a maximum of eight dwelling units per acre, in areas where large-lot development is discouraged and facilities and services are available. RV supports the principles of concentrating urban growth and reinforcing existing community centers.

7.5.3. RESIDENTIAL LOW DENSITY (RL) DISTRICT *(Zoning in Zemoso Acres)*

The RL District is established to provide areas for low-density singlefamily uses, **with a maximum of two dwelling units per acre**, which may provide buffers between the AG and RE classifications and the higher density areas of the City. It includes flexible density and minimum lot size requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

7.5.14. GENERAL INDUSTRIAL (I-2) DISTRICT *(Majority of International Business Park)*

The I-2 District is established to provide for areas of heavy and concentrated fabrication, manufacturing and industrial uses which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. I-2 Districts should be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. The I-2 District is established in order to provide sites for activities which involve major transportation terminals, and manufacturing facilities that have a greater impact on the surrounding area than industries found in the I-1 District. **I-2 Districts should not be located adjacent to any property that is zoned for residential use, including mixed-use developments with an adjacent residential designation.** I-2 Districts should be restricted so as to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the I-2 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

Beyond these descriptions, the Development Ordinance provides extensive information regarding the allowable uses for different zones, including technical guidelines and dimensional regulations. I have

condensed what information I have combed through to provide **the relevant and important differences in the table below. Of great importance for our interests are dwelling unit/acre density and setback distances from property lines for the principal structure.** My table uses color coded checks and x's. The real ordinance tables uses P, S, PS, and SS codes.



P: Uses Permitted By Right in Zone (not shown here, all checks here are PS or SS



PS: Permitted with "specific design regulations" (CDO)



SS: "the listed use is a special use within the zoning district. However, the use is also subject to specific design regulations as prescribed in § 8.3." (CDO) i.e. the most restrictive



Not Permitted

Use	RL (Zemosa Acres)	RM-2 (Current Zoning)	RV (Proposed rezoning)
Single Family Attached Dwelling	✗	✗	✓
Multi Family Dwelling (Apartment)	✗	✗	✓
Religious Institution/ House of Worship more than 350 seats	✗	✗	✓
Animal Production and Support Facilities	✓	✗	✗
Minimum Front Setback	35 Feet	25 Feet	20 Feet
Minimum Rear Setback	30 Feet	25 Feet	5 Feet
Minimum Interior Side Setback	15 Feet	10 Feet	7 Feet
Maximum Dwellings/Acre	2	4	8

Of great concern for residents of adjacent properties is the rear setback distance (under proposed RV zoning) as these homes will be facing away from our property lines. **Therefore, it is allowable that these new houses could be built 5 feet from the back lot line—quite close to our own property lines.** Moreover, further allowance is made for overhanging structures like roofs and bay windows extending an

additional 2-3 feet, so part of the house could be allowable within 2 feet of the back lot line. **There is a stark difference between RM-2 (current property zoning) which requires 25 foot minimum setbacks.**

Currently I believe there is much confusion as to what the real density of lots will be in the vicinity of the Zemosa Acres abutting lots. As I discussed with some of you, the 3.33 lot/acre density is an average over the whole development. That is to say that clustering of higher density would be allowable (e.g. in lots abutting Zemosa Acres) so long as other areas remain open (e.g. amenity spaces, BMP ponds, etc.) to obtain the average density requirement. The Poplar Tent Subdivision Lot Yield Plan, which is available through the county and shows the preliminary plat divisions and development schematic (available through the county and circulating the neighborhood but not the one distributed in the mail by Concord Planning Department) shows 117.82 acres at an overall density of 3.23 lots/acre. The included property lines do not seem to include the remainder of the Niblock Farm, so speculation that the average included this area may have been in error. Nonetheless, the majority of that property, as shown on the Zoning Amendment Map distributed by the city, is included in the rezoning consideration. So it is unclear as to what the extent of the development will entail and how that will affect lot densities within our area of concern. **What I can ballpark from investigation on Cabarrus County GIS and the given lot sizes and scale, the density where these homes are located will be on the range of 5-8 lots per acre. At 50 feet wide, and estimating, if the scale is accurate, the lots to be about 120 feet deep, creates a lot size of about 0.14 acres, and about 0.17 acres for the 60 foot lots.**

As I discussed with some of you, of particular interest and apparent conflict is the placement of the proposed development adjacent to an I-2 (heavy industry) zoned district (International Business Park). This zone is highlighted in blue on the map distributed by Concord and can also be seen by selecting the zoning overlay layer on Cabarrus County GIS Data Explorer. **As I bolded in its district descriptor, residential zones and I-2 zones are not desired to border one another. It seems very peculiar given that one of the proposed two entrances travels through this I-2 district from International Drive. As some of you noted, the noise from this zone is already very apparent from our properties in Zemosa Acres, especially during the winter. This noise is already present given the large buffer of current forest on the Niblock Farm. As development replaces that forested insulator, noise pollution should be expected to increase.**

Another concern that came up in discussions was that of **water drainage and runoff**. Given that properties on the creek in Channing Circle have witnessed yard flooding, blown culverts and fences, this would seem to be a potential issue given that forested land (a rainfall sink), is proposed to be replaced by impermeable surface, resulting in increased runoff from the farm. To address these issues, new developments like this one often utilize features like retention ponds for stormwater management. **A BMP (Best Management Practice) pond has been included in the preliminary development plan adjacent to the Channing Circle properties.** While some new developments are planned as LID's (Low Impact Development) for purposes of stormwater management, meaning that post-development storm water metrics (e.g. runoff, infiltration, evapotranspiration) must closely model that of pre-development metrics, I am unclear as to whether this project is considered an LID. If not, runoff and stormwater effects should be expected to increase, especially given the pond's is placed adjacent a ravine that empties downhill into the Channing Circle properties of Zemosa Acres and the neighborhood creek.

Other elements worth considering are the proposed development's addition to traffic volume on Poplar Tent (where one of the entrances is located) and the volume of new students for local schools (Boger Elementary, Northwest Cabarrus Middle School, Northwest Cabarrus High School correspond to this district). While this does not necessarily affect Zemosa Acres residents in particular, it extends the breadth of those affected by the project considerably.

For all of the adjacent property owners, property values and their potential to change represents one of the most tangible uncertainties from a bottom line perspective. As most of the homeowners with property adjacent to the Niblock farm have bought and maintained their properties motivated by its unique blend of urban and pastoral aesthetics and environmental characteristics, I think it is safe to say that a movement away from the natural aesthetics and services inherent to the Niblock farm's current status including wildlife viewing, noise buffering, shading, stormwater management, viewshed, and privacy to name a few, would ultimately cause a reduction in home value. This value is further affected by the quality of adjacent homes and neighborhoods. As a new development of this scale contains investment risks, particularly in this economy, it should be understood that many future scenarios regarding the quality and density of homes bordering Zemosa Acres could be foreseen. Ultimately I do not know whether RV or RM-2 zoning would be most desirable for the ends of adjacent property owners affected by the new development. I tend to think that if a reasonable timber buffer could be established then RV zoning could work. If not than RM-2 density probably provides the closest semblance to a buffer and reasonable zoning transition, as well as security from changing plans as RM-2 districts have less flexibility toward allowing urbanizing character.

I hope this information is of some help. I encourage all and any affected property owners and stakeholders to please attend the Planning and Zoning Commission Meeting **on August 19, 2014, at 6:00 at the Municipal Building Council Room, 26 Union Street, South.** This is your opportunity to voice your opinions and concerns regarding the project. As I understand the docket for that meeting is very full and this item toward the latter part of the agenda, it is possible that the commission might not get to it on that night. If that is the case I understand that a new letter will be sent out with a new meeting time to address the item of discussion.

Link to Concord Development Ordinance: <http://www.concordnc.gov/Departments/Planning/Zoning-Services/Development-Ordinance>

Article 7 Base Zoning Districts (Including Dimensional Regulations Table)

Web Link: <http://www.concordnc.gov/LinkClick.aspx?fileticket=FQAR5FIVdsA%3d&tabid=251&mid=692>

Article 8 Use Regulations (Including Use Table)

Web Link: <http://www.concordnc.gov/LinkClick.aspx?fileticket=ZhW-l TDZg8%3d&tabid=251&mid=692>

Also a valuable tool is the Cabarrus County GIS Data Explorer:

<http://gis.cabarruscounty.us/gisdataexplorer/>