



Planning Department

Planning & Zoning Commission June 1, 2016 Meeting

Staff Report

DATE: May 27, 2016
TO: Planning & Zoning Commission
FROM: Zachary D. Gordon, AICP, Planning Director
SUBJECT: **Case #Z-2016-02 (Zoning Map Amendment)**
Applicant: Nichole Frambach

Public hearing to consider a request to rezone property at 2060 Kingsway Road (Cabarrus County Parcel Identification Number 4672-50-5364) owned by Diana L. Allen from Cabarrus County CR – Countryside Residential to City of Kannapolis Zoning Designation C-2 – General Commercial.

A. Actions Requested by Planning & Zoning Commission

1. Hold Public Hearing
2. Motion to adopt Resolution to Approve Rezoning and Adopt a Statement of Consistency
3. Motion to approve Resolution to Zone

B. Decision and Required Votes to Pass Requested Actions

Section 3.3.4.2.2 of the UDO allows the Planning and Zoning Commission to render a final decision on the rezoning request; subject to an affirmative vote of three-fourths of the Commission members present and not excused from voting, or if there is no appeal of the decision. If there is a denial, an approval by a vote of less than three-fourths, or an appeal of the decision, then only the City Council shall have final decision making authority. Any

final decision rendered by the Commission may be appealed within fifteen (15) days to the City Council.

C. Background

The property proposed to be rezoned was annexed into the City of Kannapolis from unincorporated Cabarrus County on March 28, 2016. The annexation of those properties becomes effective on June 30, 2016.

The property proposed to be rezoned measures approximately 1.035 +/- acres and is located within the City's Western Growth Area at the corner of NC Highway 73 and Kingsway Road.

Pursuant to N.C. General Statutes, following the annexation of property, the City is required to assign a zoning designation to the property within 60 days. Prior to annexation, this property was located in unincorporated Cabarrus County and zoned CR – Countryside Residential. The property is located in the “Western Growth Area” of the 2015 Land Use Plan, which is recommended for future growth and development. The Land Use Plan recommends a “Neighborhood Center” land use designation for the area where this property is located.

The applicant is requesting that a zoning designation of C2 – General Commercial be assigned to the subject property.

The C-2 district is established to provide areas for general commercial activities designed to serve the community such as shopping centers, repair shops, wholesale businesses, and retail sales with limited outdoor display of goods and limited outdoor operations. According the UDO, Rezoning to the C-2 zone should be avoided adjacent to any Single Family Residential Zoning District (RE, RL, RM-1 or RM-2). C-2 zones should also be located on or within proximity to major thoroughfares. This shall not apply where an existing building or structure used as permitted within the C-2 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

D. Fiscal Considerations

None

E. Policy Issues

Section 3.3.5 of the UDO states that the Planning and Zoning Commission may consider the following questions, at a minimum, in reviewing an application for rezoning:

1. The size of the tract in question.

The size of the subject tract is approximately 1.035 +/- acres.

2. Does the proposal conform with and further the goals and policies of the Land Use Plan, other adopted plans, and the goals, objectives, and policies of this Ordinance?

This property is located in the “Western Growth Area” (located outside the City’s corporate limits) as designated in the City of Kannapolis 2015 Land Use Plan, which calls for “Neighborhood Center” uses. The C-2 zoning designation would allow uses consistent with the recommended Neighborhood Center land use for this property.

3. Is the proposed rezoning compatible with the surrounding area?

Yes. The property proposed to be rezoned is surrounded by property with a City of Kannapolis C-2 zoning designation. Immediately adjacent to the property to the west and north are existing single-family residential uses, which are also designated to transition to Neighborhood Center land uses. To the west of these residential uses is the Renaissance Square shopping center, with Christ the King High School located immediately east of the property.

4. Will there be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning?

At this time, no specific use is proposed for the property to be rezoned. However, NC 73 is a major thoroughfare and should be able to accommodate the traffic to be generated from future commercial use of this site. A traffic impact analysis may be required by NCDOT in order to assess the need for any improvements to accommodate future development of the site. Any improvements required would need to be made prior to the development of the site and may be a condition imposed by NCDOT before a driveway permit may be issued.

5. Will there be parking problems?

No parking problems are anticipated. Site plan approval is required prior to any development of the site and plans are required to comply with all applicable parking standards of the UDO.

6. Will there be 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?

There are no anticipated environmental impacts such as water, air, or noise pollution, or excessive lighting issues associated with the rezoning request. In addition, all future development will be required to address storm-water runoff through best management practices (BMPs) as required by the Unified Development Ordinance. Future development will also be required to conform to all applicable local state and federal environmental regulations.

7. Has there been any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development?

Yes. The Western Growth Area comprises a largely unincorporated area in the northwest corner of Cabarrus County. While this area has historically been dominated

by rural, low intensity development, in the past decade this area has seen significant residential growth, along with development of the Renaissance Square Shopping Center, located west of the subject property. This growth was made possible by installation of a sewer line along Rocky River to serve this area. The planned Shiloh Church Sewer extension project to the west of the property will also open up additional opportunity for growth within this area.

8. Is there compliance with the adequate public facilities criteria?

There are currently no water and sewer facilities extended to the subject property. Such facilities will need to be extended by the property owner to serve future development of the site.

9. What are the zoning districts and existing land uses of the surrounding properties?

Existing zoning to the north, west and south of the property is Cabarrus County CR – Countryside Residential, with single family land uses to the north and west and NC 73 to the south. Current zoning to the east is a City of Kannapolis C-2 General Commercial zoning district. Existing land use east of the property is Christ the King High School. The property has frontage on both NC 73, to the south and Kingsway Road, to the west.

10. Is the subject property suitable for the uses to which it has been restricted under the existing zoning classification?

The subject property is not suitable for development as low density residential development as called for by the current CR – Countryside Residential land use designation, due to its frontage on NC 73, a major thoroughfare which is proposed to be widened from its current 2 lane cross section to a 4 lane median divided boulevard.

11. Is the zoning compatible with the adjacent neighborhood, especially residential neighborhood stability and character?

The neighborhood adjacent to the subject property is located along NC 73 and consists of a mix of both commercial and institutional land uses, along with several single family residences. Over time, it is expected that the remaining single family residential properties (in addition to the subject property) will transition to commercial uses, consistent with the surrounding C-2 zoning. Therefore, the existing zoning is considered compatible with the adjacent neighborhood.

12. What length of time has the subject property remained vacant as zoned?

The subject property has been vacant for an undetermined amount of time.

13. Is there an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs?

The subject property as well as the area surrounding this property is zoned CR – Countryside Residential (Cabarrus County) will not accommodate additional commercial uses.

14. Was the existing zoning in error at the time of adoption?

No.

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

Staff finds this rezoning consistent with the *2015 City of Kannapolis Land Use Plan*, adopted by City Council, which calls for Neighborhood Center uses on this property. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it allows for future commercial development of the subject property in support of the demand for commercial services.

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

The Planning and Zoning Commission may choose to approve or deny the petition as presented.

Based on the request being consistent with the 2015 Land Use Plan, staff recommends approval of Zoning Map Amendment Case #Z-2016-02.

Alternative Courses of Action

Motion to Approve (2 votes)

1. Should the Commission choose to **approve** the request for rezoning as presented in Case #Z-2016-02, a motion should be made to **adopt** the following Statement of Consistency:

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #Z-2016-02 to be consistent with the 2015 City of Kannapolis Land Use Plan, adopted by City Council, which calls for neighborhood center use, reasonable and in the public interest because it allows for future commercial development of the subject property in support of the demand for commercial services and is therefore approved based on the criteria listed in Section 3.3.5 of the UDO for evaluating zoning requests, consideration of the application materials, information presented at the Public Hearing, and recommendations provided by Staff.*

2. Should the Commission choose to **approve** Case #Z-2016-02, a motion should be made to **adopt** the Resolution to Zone.

Motion to Deny (2 votes)

1. Should the Commission choose to recommend **denial** of Case #Z-2016-02, a motion should be made to adopt the following Statement of Consistency:

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment, as represented in Case Z-2016-02, to be inconsistent with the 2015 City of Kannapolis Land Use Plan, adopted by City Council, because (state reason) and is neither reasonable nor in the public interest because (state reason) and is therefore denied based on the criteria listed in Section 3.3.5 of the UDO for evaluating zoning requests, consideration of the application materials and information presented at the Public Hearing.*

2. Should the Commission choose to **deny** Case #Z-2016-02, a motion should be made to **deny** the Resolution to Zone.

I. Attachments

1. Vicinity Map
2. Cabarrus County Current Zoning
3. Kannapolis Current Zoning
4. Kannapolis 2015 Future Land Use Plan
5. Notice of Public Hearing
6. List of Properties Notified
7. Letter to Adjacent Property Owners
8. Posted sign for rezoning
9. Resolution to Approve Rezoning and Adopt a Statement of Consistency
10. Resolution to Zone

J. Issue Reviewed By:

- City Manager
- City Attorney
- Planning Director



Vicinity Map

Case Number: Z-2016-02

Applicant: Nicole Frambach

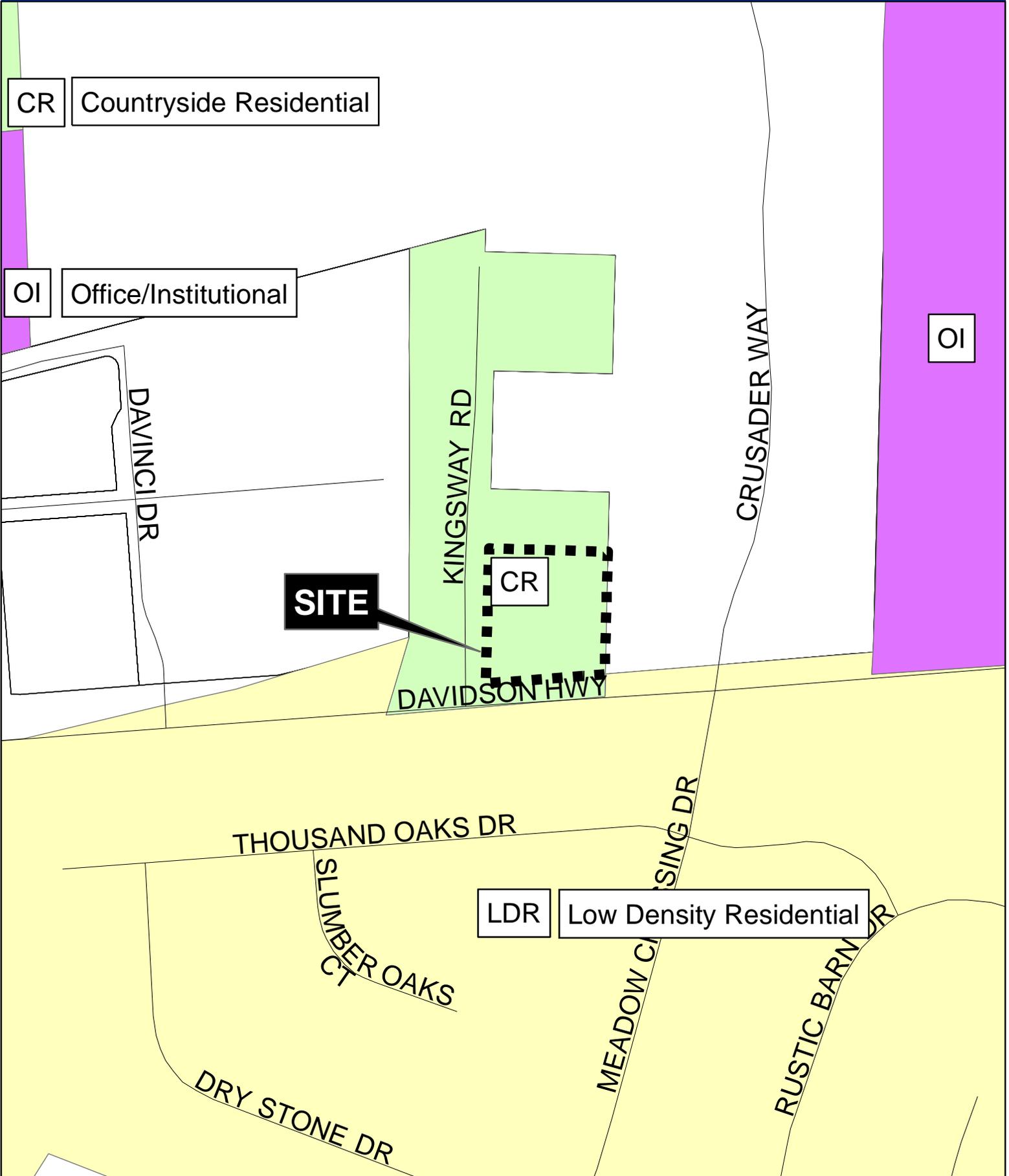




Cabarrus County Current Zoning

Case Number: Z-2016-02

Applicant: Nicole Frambach

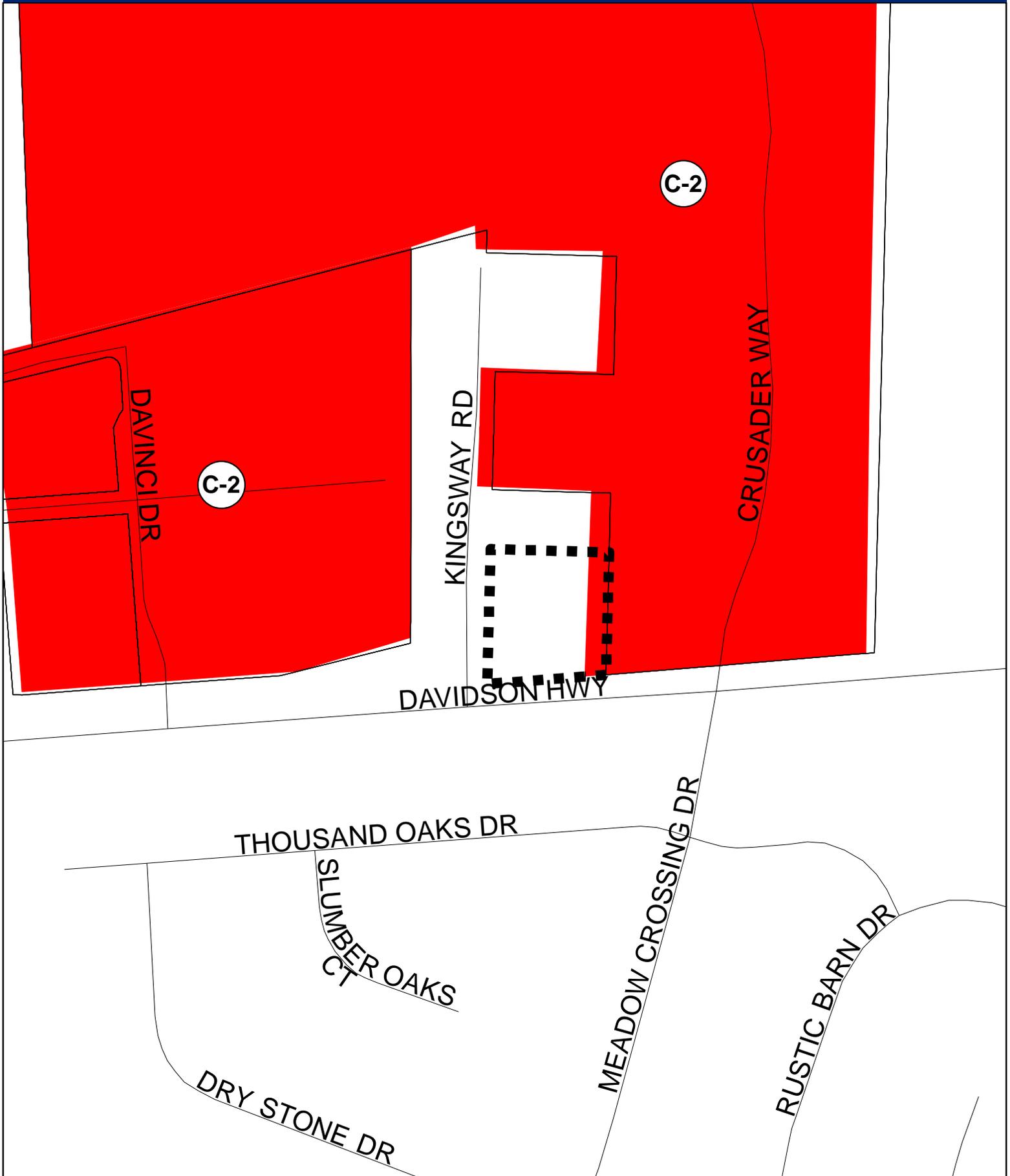




Kannapolis Current Zoning

Case Number: Z-2016-02

Applicant: Nicole Frambach

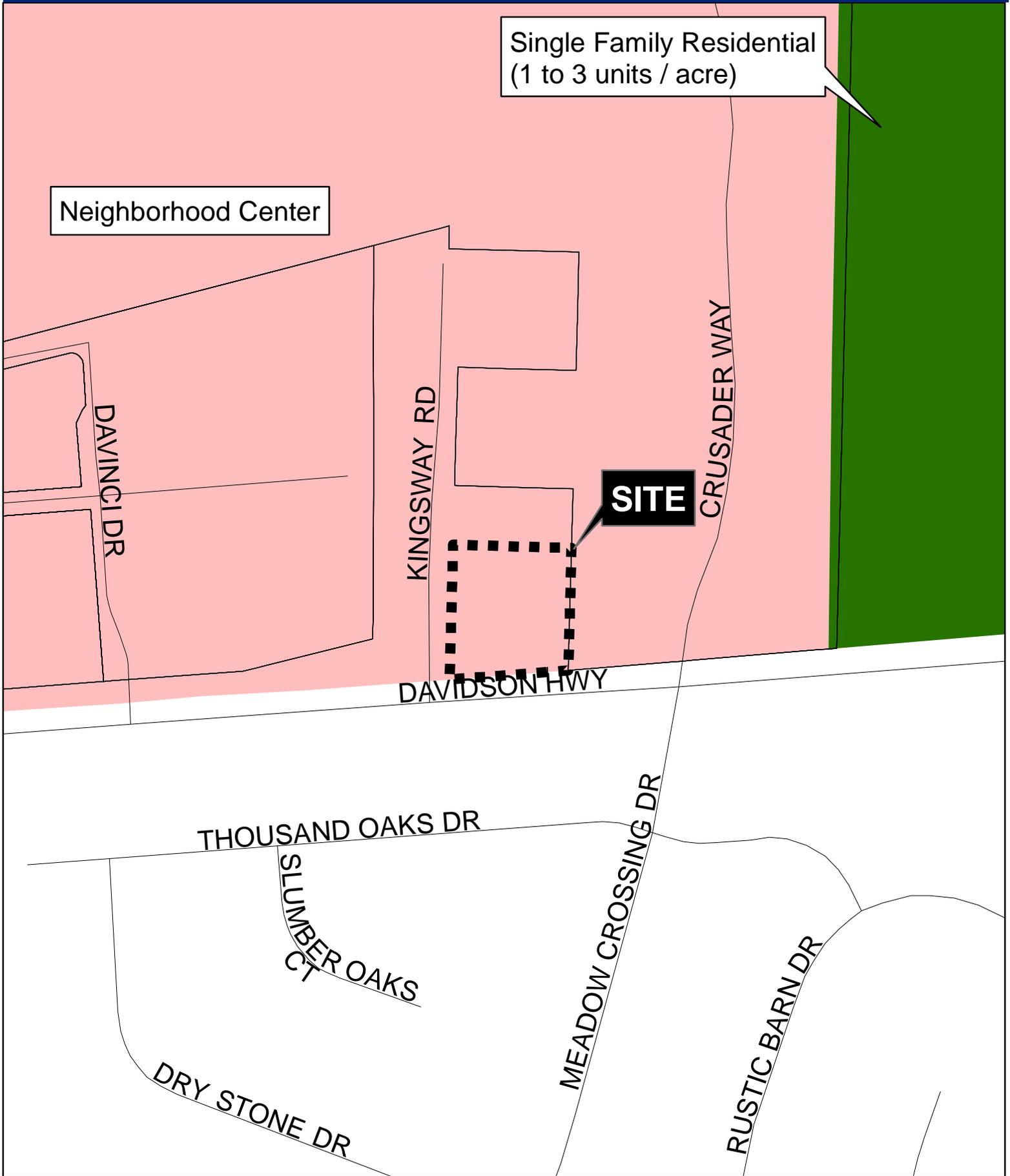




Kannapolis 2015 Future Land Use Plan

Case Number: Z-2016-02

Applicant: Nicole Frambach



Single Family Residential
(1 to 3 units / acre)

Neighborhood Center

SITE

DAVINCI DR

KINGSWAY RD

CRUSADER WAY

DAVIDSON HWY

THOUSAND OAKS DR

SLUMBER OAKS CT

DRY STONE DR

MEADOW CROSSING DR

RUSTIC BARN DR



PO Box 968, Hickory, NC 28603 Order Confirmation for Ad #0000221097-01



NOTICE OF PUBLIC HEARING
 City Hall - Laureate Room
 401 Laureate Way, Kannapolis, NC
 Planning and Zoning Commission Meeting
 Wednesday, June 1, 2016 6:00 pm

Public Hearing Notice

Public Hearing Notice - Zoning Map Amendment - Z-2016-03 - Public Hearing to consider an amendment to the Official Zoning Map to modify the location of the Lake Concord Watershed Critical Area boundary on property identified as Cabarrus County PIN #5622-69-3764, located at 901 Brentwood Court.

Public Hearing Notice - Zoning Map Amendment - Z-2016-02 - Public Hearing to consider a request to apply a City of Kannapolis Zoning Designation of C-2 - General Commercial to recently annexed property zoned Cabarrus County CR - Countryside Residential. The property is identified by Cabarrus County PIN # 4672-50-5364 and comprises approximately 1.035 +/- acres. The property is located at the corner of NC Highway 73 and Kingsway Road.

If you have questions or concerns regarding this case, please contact the City of Kannapolis Planning Department at 704-920-4350.

Hearing impaired persons desiring additional information or having questions regarding this subject should call the North Carolina Relay Number for the Deaf (1-800-735-8262). The meeting facility is accessible to people with disabilities. To request special accommodations in advance, contact the City's ADA Coordinator at 704-920-4302 or tdline@kannapolisnc.gov

Publish: Friday, May 20, 2016, Friday, May 27, 2016

Client KANNAPOLIS,CITY OF **Payor Customer** KANNAPOLIS,CITY OF **Acct Exec** aboan
Client Phone 704-920-4300 **Payor Phone** 704-920-4300
Account# 3143368 **Payor Account** 3143368
Address ACTS PAYABLEWANDATEARSHEETS,4 **Payor Address** ACTS PAYABLEWANDATEARSHEETS, KANNAPOLIS NC 28081 **Ordered By** Pam
Fax 704-933-7463 **Materials**
Email byow@kannapolisnc.gov

Total Amount \$551.32 **Status**
Payment Amt \$0.00

Amount Due \$551.32 **Tear Sheets** 0 **Proofs** 0 **Affidavits** 1 **PO Number**

Payment Method **Production Color**

Text: **Color** <NONE> **Production Notes**

Order Notes: **Ad Type** CLS Liner **Production Method** AdBooker (liner) **Position** **# Inserts** **Cost**

Ad Number 0000221097-01 **Ad Size** 2.0 X 4.3 LI **Placement/Class**

Pick Up Number **Run Schedule Invoice Text**

Product **Run Dates**

Run Line

CON Independent Trib: C-Announcements - Classified General-Spec Notice-Ann-Clas 2 \$536.32

NOTICE OF PUBLIC HEARING City Hall Laureate Room 401 Laureate Way, Kannapolis, NC Planning and Zoning Commission Meeting We

5/20/2016, 5/27/2016

NOTICE OF PUBLIC HEARING CITY HALL LAUREATE ROOM 401 LAUREATE WAY KANNAPOLIS NC PLANNING AND ZONING COMMISSION ME

NCC Online: C-Announcements - Classified General-Spec Notice-Ann-Clas 7 \$15.00

NOTICE OF PUBLIC HEARING City Hall Laureate Room 401 Laureate Way, Kannapolis, NC Planning and Zoning Commission Meeting We

5/20/2016, 5/21/2016, 5/22/2016, 5/23/2016, 5/24/2016, 5/25/2016, 5/26/2016

NOTICE OF PUBLIC HEARING CITY HALL LAUREATE ROOM 401 LAUREATE WAY KANNAPOLIS NC PLANNING AND ZONING COMMISSION ME



May 20, 2016

Re: Zoning Map Amendment Z-2016-02 (Kingsway Drive)

Request to apply a City of Kannapolis Zoning Designation of C-2 – General Commercial to property zoned Cabarrus County CR – Countryside Residential (Cabarrus County PIN: 4672-50-5364)

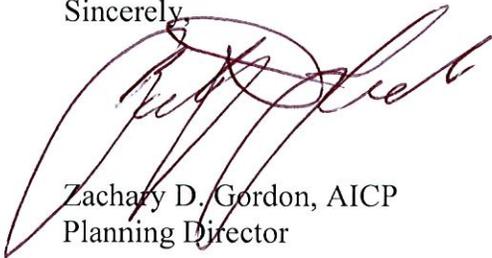
Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on **Wednesday, June 1, 2016 at 6:00 PM** at City Hall, located at 401 Laureate Way, Kannapolis, NC 28081.

The purpose of the Public Hearing is to consider a request by Nichole Frambach to rezone property owned by Diana L. Allen, located at 2060 Kingsway Drive (Cabarrus County PIN: 4672-50-5364) from a Cabarrus County zoning designation of CR – Countryside Residential to a City of Kannapolis zoning district designation of C2 – General Commercial (**see reverse side of this letter for vicinity map showing the location of this property**).

As an adjacent property owner, you are invited to attend the Public Hearing and present testimony to the Planning & Zoning Commission regarding this request, should you wish. If you have any questions about Zoning Map Amendment– Z-2016-02, please do not hesitate to contact the City of Kannapolis Planning Department at 704-920-4350.

Sincerely,



Zachary D. Gordon, AICP
Planning Director

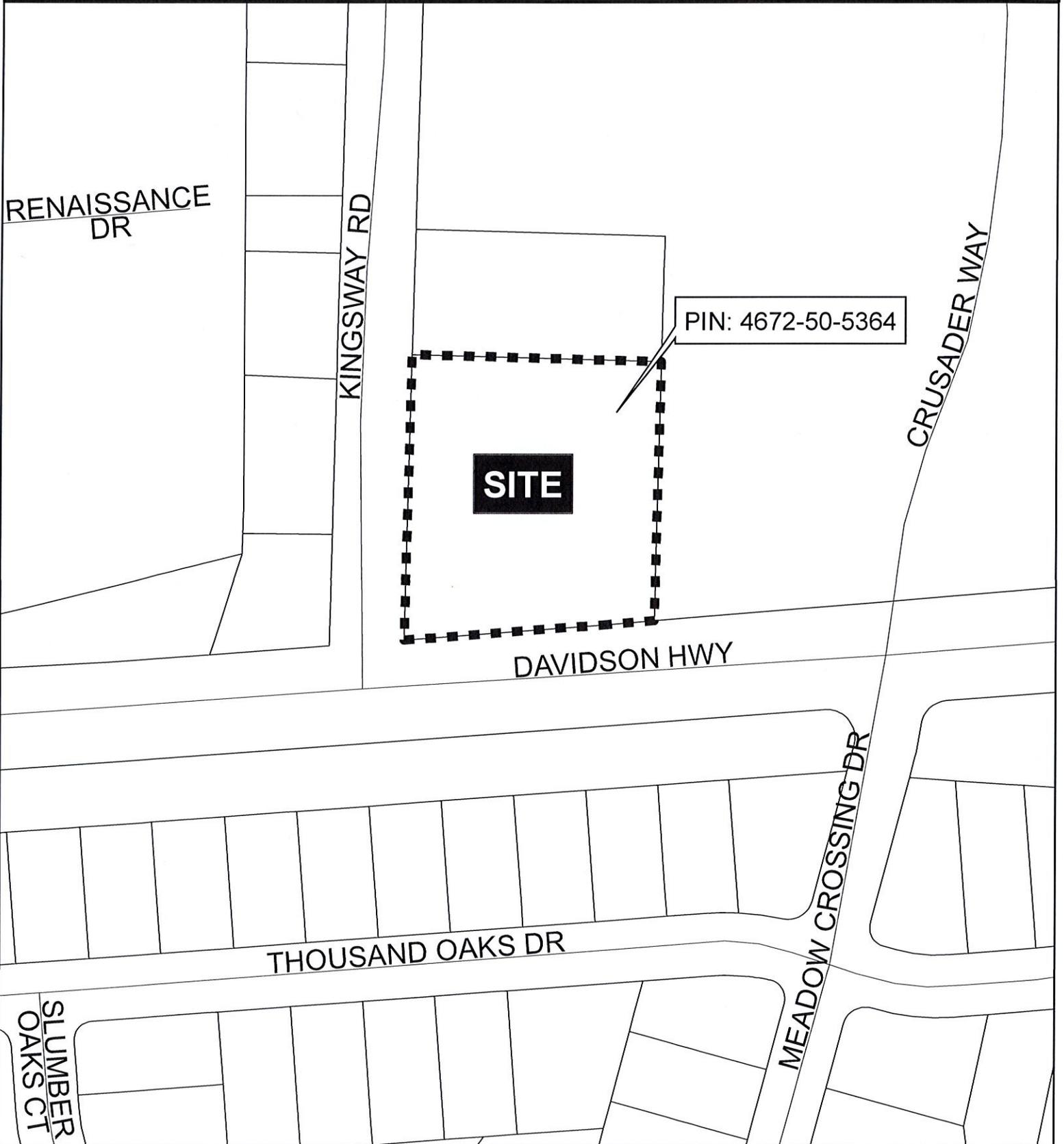
Enclosure

The meeting facility is accessible to people with disabilities. To request special accommodation in advance, contact the City's ADA Coordinator at 704-920-4302 or e-mail to tcline@kannapolisnc.gov .



Rezoning

Case Number: Z-2016-02
Applicant: Nicole Frambach
Address: 2060 Kingsway Dr.
PIN: 4672-50-5364



PIN14	AcctName1	AcctName2	MailAddr1	MailAddr2	MailCity	MailState	MailZipCod
46725060660000	PROGRESS RESIDENTIAL 2015-1 BORROWER LLC	A DE LLC	201 N FRANKLIN ST STE 1750		TAMPA	FL	33602
46725070260000	AMH 2014-3 BORROWER LLC		C/O AMERICAN HOMES 4 RENT	30601 AGOURA RD STE 200	AGOURA HILLS	CA	91301
46725060150000	PINTO BEATRIZ	RODRIGUEZ GERARD/HUSBAND	11016 THOUSAND OAKS DRIVE		HUNTERSVILLE	NC	28078
46725044070000	CARSON SHIRLEY		2071 KINGSWAY DR		HUNTERSVILLE	NC	28078
46725198160000	JUGIS PETER J - BISHOP	ROMAN CATHOLIC DIOCESE OF	CHARLOTTE & HIS SUCCESSORS	1123 S CHURCH ST	CHARLOTTE	NC	28203
46725040340000	AH4R PROPERTIES LLC		30601 AGOURA RD STE 200		AGOURA HILLS	CA	91301
46725053640000	ALLEN DIANA L		2060 KINGSWAY DRIVE		HUNTERSVILLE	NC	28078
46725040940000	SOLOMON MARLENE K		11024 THOUSAND OAKS DRIVE		HUNTERSVILLE	NC	28078
46725054680000	JACKSON ALBERT		2094 KINGSWAY ROAD		HUNTERSVILLE	NC	28078
46725032950000	HENDERSON DONALD & MINNIE J		2055 KINGSWAY ROAD		HUNTERSVILLE	NC	28078
46725050550000	THARP TOMMY L	THARP NATALIE J/WIFE	11020 THOUSAND OAKS DRIVE		HUNTERSVILLE	NC	28078
46725043070000	HENDERSON DONALD & MINNIE J		2055 KINGSWAY ROAD		HUNTERSVILLE	NC	28078
46725040940000	SOLOMON MARLENE K		11024 THOUSAND OAKS DRIVE		HUNTERSVILLE	NC	28078


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CASE # Z-2015-02





**RESOLUTION TO APPROVE REZONING AND ADOPT A STATEMENT OF
CONSISTENCY WITH REGARD TO CASE #Z-2016-02**

WHEREAS, Section 160A-383 (2013) of the North Carolina General Statutes specifies that when adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable and explain why the action taken is reasonable and in the public interest; and

WHEREAS, Section 3.3.4.2.2 of the Unified Development Ordinance delegates final authority to the Planning and Zoning Commission on zoning map amendments subject to an affirmative vote of three-fourths of the Commission members present and not excused from voting, or if there is no appeal of the decision; and

WHEREAS, on June 1, 2016 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone property at 2060 Kingsway Road (Cabarrus County Parcel Identification Number 4672-50-5364) owned by Diana L. Allen from Cabarrus County CR – Countryside Residential to City of Kannapolis Zoning Designation C-2 – General Commercial.

NOW, THEREFORE BE IT RESOLVED *that the Planning and Zoning Commission finds this zoning map amendment as presented in Case #Z-2016-02 to be consistent with the 2015 City of Kannapolis Land Use Plan, adopted by City Council, which calls for neighborhood center use, reasonable and in the public interest because it allows for future commercial development of the subject property in support of the demand for commercial services and is therefore approved based on the criteria listed in Section 3.3.5 of the UDO for evaluating zoning requests, consideration of the application materials, information presented at the Public Hearing, and recommendations provided by Staff.*

Adopted this the 1st day of June 2016;

David Baucom, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



**RESOLUTION TO ZONE
Case #Z-2016-02 (2060 Kingsway Road)**

**Cabarrus County Countryside Residential (CR) to
City of Kannapolis General Commercial (C-2) Zoning District**

WHEREAS, Section 3.3.4.1 of the City of Kannapolis Unified Development Ordinance specifically delegates authority from the City Council to the Planning and Zoning Commission to take final action on a rezoning petition; and

WHEREAS, Section 3.3.4.2.2 of the City of Kannapolis Unified Development Ordinance subjects this authority to an affirmative vote of three-fourths of the Commission members present and not excused from voting, or if there is no appeal of the decision; and

WHEREAS, the Commission conducted a public hearing on June 1, 2016 for consideration of rezoning petition Case #Z-2016-02 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone property at 2060 Kingsway Road (Cabarrus County Parcel Identification Number 4672-50-5364) owned by Diana L. Allen from Cabarrus County CR – Countryside Residential to City of Kannapolis Zoning Designation C-2 – General Commercial.

WHEREAS, the Commission has approved the request for rezoning and found it to be consistent with the City of Kannapolis 2015 Land Use Plan, reasonable and in the public interest; and

WHEREAS, per Section 3.3.5 of the Kannapolis UDO, the Planning and Zoning Commission makes the following findings in support of and in analysis of the rezoning:

1. The size of the tract in question.

The size of the subject tract is approximately 1.035 +/- acres.

2. Does the proposal conform with and further the goals and policies of the Land Use Plan, other adopted plans, and the goals, objectives, and policies of this Ordinance?

This property is located in the “Western Growth Area” (located outside the City’s corporate limits) as designated in the City of Kannapolis 2015 Land Use Plan, which calls for “Neighborhood Center” uses. The C-2 zoning designation would allow uses consistent with the recommended Neighborhood Center land use for this property.

3. Is the proposed rezoning compatible with the surrounding area?

Yes. The property proposed to be rezoned is surrounded by property with a City of Kannapolis C-2 zoning designation. Immediately adjacent to the property to the west and north are existing single-family residential uses, which are also designated to transition to Neighborhood Center land uses. To the west of these residential uses is the Renaissance Square shopping center, with Christ the King High School located immediately east of the property.

4. Will there be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning?

At this time, no specific use is proposed for the property to be rezoned. However, NC 73 is a major thoroughfare and should be able to accommodate the traffic to be generated from future commercial use of this site. A traffic impact analysis may be required by NCDOT in order to assess the need for any improvements to accommodate future development of the site. Any improvements required would need to be made prior to the development of the site and may be a condition imposed by NCDOT before a driveway permit may be issued.

5. Will there be parking problems?

No parking problems are anticipated. Site plan approval is required prior to any development of the site and plans are required to comply with all applicable parking standards of the UDO.

6. Will there be 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?

There are no anticipated environmental impacts such as water, air, or noise pollution, or excessive lighting issues associated with the rezoning request. In addition, all future development will be required to address storm-water runoff through best management practices (BMPs) as required by the Unified Development Ordinance. Future development will also be required to conform to all applicable local state and federal environmental regulations.

7. Has there been any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development?

Yes. The Western Growth Area comprises a largely unincorporated area in the northwest corner of Cabarrus County. While this area has historically been dominated by rural, low intensity development, in the past decade this area has seen significant residential growth, along with development of the Renaissance Square Shopping Center, located west of the subject property. This growth was made possible by installation of a sewer line along Rocky River to serve this area. The planned Shiloh Church Sewer extension project to the west of the property will also open up additional opportunity for growth within this area.

8. Is there compliance with the adequate public facilities criteria?

There are currently no water and sewer facilities extended to the subject property. Such facilities will need to be extended by the property owner to serve future development of the site.

9. What are the zoning districts and existing land uses of the surrounding properties?

Existing zoning to the north, west and south of the property is Cabarrus County CR – Countryside Residential, with single family land uses to the north and west and NC 73 to the south. Current zoning to the east is a City of Kannapolis C-2 General Commercial zoning district. Existing land use east of the property is Christ the King High School. The property has frontage on both NC 73, to the south and Kingsway Road, to the west.

10. Is the subject property suitable for the uses to which it has been restricted under the existing zoning classification?

The subject property is not suitable for development as low density residential development as called for by the current CR – Countryside Residential land use designation, due to its frontage on NC 73, a major thoroughfare which is proposed to be widened from its current 2 lane cross section to a 4 lane median divided boulevard.

11. What length of time has the subject property remained vacant as zoned?

The subject property has been vacant for an undetermined amount of time.

12. Is there an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs?

The subject property as well as the area surrounding this property is zoned CR – Countryside Residential (Cabarrus County) will not accommodate additional commercial uses.

13. Was the existing zoning in error at the time of adoption?

No.

NOW, THEREFORE BE IT RESOLVED by the City of Kannapolis Planning and Zoning Commission that the above referenced property be rezoned C-2– General Commercial Zoning District.

Adopted this the 1st day of June 2016

David Baucom, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



Planning Department

Planning & Zoning Commission June 1, 2016 Meeting

Staff Report

DATE: May 26, 2016

TO: Planning & Zoning Commission

FROM: Joshua Langen, Senior Planner, AICP

SUBJECT: **Z-2016-03 – Official Zoning Map Amendment (Lake Concord Critical Area WS-IV CA)**
Applicant: Bohler Engineering NC, PLLC

Public Hearing to amend the City of Kannapolis Official Zoning Map to incorporate recent modifications to the Watershed Protection Overlay District for the Lake Concord Critical Area WS-IV CA on property located at 901 Brentwood Court, owned by Steve Smith (Cabarrus County Parcel Identification Number 5622-69-3764).

A. Actions Requested by Planning & Zoning Commission

1. Hold Public Hearing
2. Motion to adopt Resolution to Approve Rezoning and Adopt a Statement of Consistency
3. Motion to approve Resolution to Zone

B. Decision and Required Votes to Pass Requested Actions

Section 3.3.4.2.2 of the UDO allows the Planning and Zoning Commission to render a final decision on the rezoning request; subject to an affirmative vote of three-fourths of the Commission members present and not excused from voting, or if there is no appeal of the decision. If there is a denial, an approval by a vote of less than three-fourths, or an appeal of the decision, then only the City Council shall have final decision making authority. Any

final decision rendered by the Commission may be appealed within fifteen (15) days to the City Council.

C. Background

Purpose and Process:

The purpose of Zoning Map Amendment Z-2016-03 is to amend the City of Kannapolis Official Zoning Map to incorporate a recent modification to the location of the Watershed Protection Overlay District as approved by the Board of Adjustment in case BOA-2016-03, as applied for by Bohler Engineering NC, PLLC.

The purpose of the Watershed Protection Overlay Districts is to implement the Water Supply Watershed Protection Act (NCGS § 143-214.5 & NCGS § 143-214.6). The Water Supply Watershed Protection Rules adopted by the North Carolina Environmental Management Commission (the “EMC”) requires that all local governments having land use jurisdiction within water supply watersheds adopt and implement water supply watershed protection ordinances, and maps. The provisions contained in the Individual Watershed Overlay Districts are designed to protect the water quality of the Water Supply Watersheds that lie within the jurisdiction of the UDO and to implement the rules adopted by the EMC for the classified watersheds pursuant to NCGS § 143-214.5

Watershed is defined in Appendix A of the UDO as “*A natural area of drainage, including all tributaries contributing to the supply of at least one major waterway within the State, the specific limits of each separate watershed to be designated by the North Carolina Environmental Management Commission.*” (Source: NCGS § 143-213)

All development on properties located within a respective Watershed Protection Overlay District shall, to the maximum extent practical, minimize built-upon surface area, direct storm-water runoff away from surface waters and incorporate best management practices to minimize water quality impacts. Development of certain uses, typically commercial and industrial uses, are limited and/or prohibited in certain watersheds. Residential development densities are significantly lower within a watershed, thus requiring larger lot sizes and restrictions being placed on the maximum built upon area (impervious surface) allowed to be constructed.

If a property owner contends that all or a part of their property lies outside the drainage area of the watershed the property lies within, they have the right to Appeal to the Board of Adjustment to modify the Watershed Protection Overlay District, provided they can produce relevant expert testimony and exhibits, proving the actual field conditions of the property as determined by topographical conditions.

The applicant, Bohler Engineering NC, PLLC, filed an appeal, BOA-2016-03, of the location, resulting from proposed grading, of the Watershed Protection Overlay District boundary for the Lake Concord Critical Area (WS-IV CA) on their property, as identified on the City of Kannapolis Official Zoning Map and as defined in the Unified Development

Ordinance (UDO) Article 4.16, Watershed Protection Overlay Districts. A Public Hearing was held on April 19, 2016 and the appeal was considered and approved by the Board of Adjustment.

Upon approval of the Appeal, the Planning and Zoning Commission must approve and adopt a revised Official Zoning Map reflecting the modified Watershed Protection Overlay District boundary as part of the modification process. Once the Official Zoning Map is revised and approved, the new map must then be forwarded to Julie Ventaloro with the Stormwater Permitting Program of the NC Division of Energy, Mineral, and Land Resources (NCDEMLR) for “official approval”, thereby finalizing the Watershed Protection Overlay District boundary modification process.

A summary of the requested modification of the Watershed Protection Overlay District boundary for the Lake Concord Critical Area (WS-IV CA) is outlined below:

Watershed Area to be Removed	1.376 acres
Watershed Area to be Added	.207 acres
Net Decrease in Watershed Area	1.169 acres
Preliminary Approval by NCDEMLR	Preliminarily Approved on April 6, 2016
Board of Adjustment – Date of Appeal Approval	April 19, 2016

BOA-2016-03 - Bohler Engineering NC, PLLC - Watershed Protection Overlay District - Appeal Request:

The applicant, Bohler Engineering NC, PLLC, requested a modification to the location of the Lake Concord Watershed Critical Area boundary, as identified on the Official Zoning Map of the City of Kannapolis and as defined in Article 4.16, Watershed Protection Overlay Districts. The subject areas under consideration for modification of the Lake Concord Watershed Critical Area encompasses 4.09 acres total, with 2.82 acres located within the Critical Area. The property is zoned C2-CZ, General Commercial – Conditional Zoning, and is further identified as Cabarrus County Parcel Identification Number 5622-69-3764.

The Exhibit for Watershed Boundary Realignment, prepared by Bohler Engineering NC, PLLC, dated April 1, 2016, shows the area that is proposed to be shifted as a result of proposed grading. There will be .207 acres added to and 1.376 acres removed from the Coddle Creek Reservoir Watershed Critical Area, resulting in a net decrease of 1.169 acres from the Lake Concord Watershed Critical Area.

Julie Ventaloro with the Stormwater Permitting Program of the NC Division of Energy, Mineral, and Land Resources has reviewed the modification request, materials and evidence presented by the Applicant and “preliminarily” approved the modification to the Watershed Protection Overlay District on April 6, 2016. The official approval from the NC Division of Energy, Mineral, and Land Resources cannot take place until the Board of Adjustment renders a decision to approve the request and the Planning and Zoning Commission subsequently modifies the City of Kannapolis Official Zoning Map through a Zoning Map Amendment.

Wesley Webb, P.E. with the City of Kannapolis Engineering Department, has reviewed the Watershed Protection Overlay District Appeal request and the materials and evidence presented by the Applicant, and is in agreement with the analysis and map. The map completed by Bohler Engineering NC, PLLC, depicts 1.169 acres being removed from the Lake Concord Watershed Critical Area. This area will no longer be located within a Watershed Protection Overlay Zone. (See attached memo from Mr. Webb, P.E.)

Final Procedure:

Upon approval of Zoning Map Amendment Z-2016-03 by the Planning and Zoning Commission, the revised Official Zoning Map will be forwarded to Julie Ventaloro at the NC Division of Energy, Mineral, and Land Resources for “official approval”, thereby completing the process of modifying the Watershed Protection Overlay District for the subject properties included in this petition.

D. Fiscal Considerations

None

E. Policy Issues

Section 3.3.5 of the UDO states that the Planning and Zoning Commission may consider the following questions, at a minimum, in reviewing an application for rezoning:

1. The size of the tract in question.

The subject properties are approximately 4.09 acres in size. The Watershed Protection Overlay District appeal removes 1.169 acres from the drainage area of the Lake Concord Watershed Protection Overlay District.

2. Does the proposal conform with and further the goals and policies of the Land Use Plan, other adopted plans, and the goals, objectives, and policies of this Ordinance?

These properties are located in the “South Kannapolis Planning Area” as designated in the City of Kannapolis 2015 Land Use Plan. This area is recommended for Light Commercial land uses. The parcel is proposed to be developed as a Grocery store, with grading which will alter topographic conditions as specified in BOA-2016-03. In addition, this request is in keeping with the goals, objectives and policies of Article 4.16 of the Unified Development Ordinance which outlines the purpose, jurisdiction and establishment of the Watershed Protection Overlay Districts, while also providing property owners with a means to present evidence to modify the watershed boundary provided there is a documented discrepancy or change in topographical conditions.

3. Is the proposed rezoning compatible with the surrounding area?

The Watershed Protection Overlay District boundary modifications being considered under this Zoning Map Amendment do not have any effect on the surrounding zoning of adjacent properties.

4. Will there be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning?

There will be no effect on the capacity or safety of any portion of the street network resulting from the Watershed Protection Overlay District boundary modification and subsequent Zoning Map Amendment incorporating the watershed boundary changes.

5. Will there be parking problems?

There is no parking associated with this modification to the Official Zoning Map, therefore staff expects no problems associated with parking.

6. Will there be 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?

There are no anticipated environmental impacts such as water, air, noise pollution, or excessive lighting issues associated with the Zoning Map Amendment. Future development will be required to conform to all local, state and federal environmental regulations.

7. Has there been any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development?

Dale Earnhardt Boulevard was re-aligned prior to the initial 2003 rezoning of this property for commercial use, but since then no major public facilities have been installed. In addition, since 2003, while there have been some minor access improvements and limited commercial development, the character of the area has remained essentially the same.

8. Is there compliance with the adequate public facilities criteria?

Water and sewer facilities and capacity to serve the project have been confirmed by the Department of Public Works and site plan details are currently being reviewed. The applicant will be required to comply with recommendations of the Technical Review Committee as well as with the recommendation outlined in the Traffic Impact Study (TIS) for this site.

9. What are the zoning districts and existing land uses of the surrounding properties?

Properties to the North are zoned RE (Residential Estate) and host residential land uses. Properties to the South are zoned C-2 (General Commercial) and host various commercial land uses. Properties to the East are zoned C-2 and host a bank and other commercial land uses. Property to the West is Zoned O-I (Office-Institutional) and is occupied by residential land uses.

10. Is the subject property suitable for the uses to which it has been restricted under the existing zoning classification?

The proposed development of this site for a grocery store could not occur within the current Watershed Protection Overlay District boundary, which does not reflect proposed changes in topographic conditions.

11. Is the zoning compatible with the adjacent neighborhood, especially residential neighborhood stability and character?

The property is currently zoned C-2-CZ General Commercial and is surrounded by a mix of commercial, institutional, and residential uses, which will all be adequately buffered and screened to mitigate adverse impacts. In addition, building layout, architectural design and site orientation are all intended to mitigate any potential impact on surrounding uses. Therefore, the existing zoning is considered compatible.

12. What length of time has the subject property remained vacant as zoned?

The subject property has been vacant since the Z-2015-05 rezoning, as adopted in January, 2016.

13. Is there an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs?

There is a limited supply of land in this area not included within the Lake Concord Watershed Overlay Critical Area District. Of this limited supply, there could be further topographical limitations which would compromise the potential for modifying the Overlay boundary to accommodate the proposed use.

14. Was the existing zoning in error at the time of adoption?

No.

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

Staff finds this rezoning consistent with the *2015 City of Kannapolis Land Use Plan*, adopted by City Council, which calls for light commercial use of the subject property, is reasonable and in the public interest, as the applicant has submitted a preliminarily approved grading plan which indicates a need to modify the Lake Concord Watershed Overlay Critical Area District boundary in response to changed topographic conditions.

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

The Planning and Zoning Commission may choose to approve or deny the petition as presented.

Based on the request being consistent with the 2015 Land Use Plan and due to proposed changes to topographic conditions in compliance with submitted engineering plans, staff recommends approval of Zoning Map Amendment Case #Z-2016-03.

Alternative Courses of Action

Motion to Approve (2 votes)

1. Should the Commission choose to **approve** the request for rezoning as presented in Case #Z-2016-03, a motion should be made to **adopt** the following Statement of Consistency:

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment, as represented in Case Z-2016-03, to be consistent with the 2015 City of Kannapolis Land Use Plan, adopted by City Council, which calls for light commercial use of the subject property, is reasonable and in the public interest as the applicant has submitted a preliminarily approved grading plan which would indicate a need to modify the Lake Concord Watershed Overlay Critical Area District boundary in response to changed topographic conditions, and is therefore approved based on the criteria listed in Section 3.3.5 of the UDO for evaluating zoning requests, consideration of the application materials, information presented at the Public Hearing, and recommendations provided by Staff.*

2. Should the Commission choose to **approve** Z-2016-03, a motion should be made to **adopt** the Resolution to Zone.

Motion to Deny (2 votes)

1. Should the Commission choose to recommend **denial** of Case #Z-2016-03, a motion should be made to **adopt** the following Statement of Consistency:

Statement of Consistency: *The Planning and Zoning Commission does not find this zoning map amendment, as represented in Case Z-2016-03, to be consistent with the 2015 City of Kannapolis Land Use Plan, adopted by City Council, as the applicant has submitted a preliminarily approved grading plan which would not indicate a need to modify the Lake Concord Watershed Overlay Critical Area District boundary in response to changed topographic conditions, and is therefore not approved based on consideration of the application materials and information presented at the Public Hearing.*

2. Should the Commission choose to **deny** Z-2016-03, a motion should be made to **deny** the Resolution to Zone.

I. Attachments

1. Rezoning Map Amendment Application
2. Watershed Realignment Exhibit – Submitted by Bohler Engineering NC, PLLC
3. Watershed Revision (Preliminary) – City of Kannapolis
4. Memo from Wesley Webb, P.E. – City of Kannapolis Engineering Department
5. Vicinity Map
6. Kannapolis Current Zoning Map
7. Kannapolis 2015 Future Land Use Map
8. Notice of Public Hearing
9. List of Properties Notified
10. Letter to Adjacent Property Owners
11. Posted sign for rezoning
12. Resolution to Approve Rezoning and Adopt a Statement of Consistency
13. Resolution to Zone

J. Issue Reviewed By:

- City Manager
- City Attorney
- Planning Director



Planning and Zoning Commission and Board of Adjustment
General Application Form
(Not for Site Plan Review Submittals)

Type of Action Requested (Check One):

- Variance
- Conditional Use Permit
- Subdivision Exception
- Zoning Text Amendment
- Appeal
- SIA Application
- Nonconformity Adjustment
- Watershed Boundary Modification
- Zoning Map Amendment
- Conditional Zoning Map Amendment

Applicant: Bohler Engineering NC, PLLC Owner: Steve Smith
 Address: 800 West Hill Street, Suite 101 Address: P.O. Box 116
Charlotte, NC 28208 Kannapolis, NC 28083
 Telephone: (908) 272-3400 Telephone: 704-933-2181
 Email: blanzillotta@bohlereng.com Email: ssmith@sscdcpa.com

Legal relationship of applicant to property owner: Developer

Property Location/Address: 2825 Dale Earnhardt Blvd, Kannapolis, NC 28083 / 901 Brentwood Ct.

Tax Parcel Number: 5622693764 Zoning District: C-2 CZ Acreage of Site: 4.09

Ben Lanzillotta Steve Smith
 Applicant Name (Print) Property Owner Name (Print)
[Signature] 2/10/2016 [Signature] 2/19/2016
 Applicant Signature & Date Property Owner Signature & Date

The agenda deadline is the first day of the month preceding the month of the meeting. To be considered for placement on the next meeting agenda, the signed application, application fee, and five (5) copies of any required site plans for staff review must be submitted by the deadline. However, to remain on the next meeting agenda, fifteen (15) copies of such plans, determined by staff to conform to all ordinance standards, must be submitted at least ten (10) days before the meeting date. All fees are nonrefundable and help to cover administrative and notification costs.

For Staff Use Only:

Filing Fee: \$ 325.00 Receipt # M-10802
 Application No.: BOA-2016-03 Date Submitted (Complete): 3/17/2016



CITY OF KANNAPOLIS PLANNING DEPARTMENT

APPEAL FROM AN ACTION OF THE PLANNING ADMINISTRATOR and/or PETITION FOR AN INTERPRETATION OF THE ZONING ORDINANCE APPLICATION

I BEN LANZILLOTTA ON BEHALF OF BOHLER ENGINEERING, hereby appeal to the Board of Adjustment from an adverse decision or interpretation of a Planning Administrator.

The adverse decision/interpretation was made with respect to property described in the attached General Application Form.

I hereby request the following:

- an interpretation of a zoning district boundary on the official Zoning Map _____
- an interpretation of the following section(s) of the Unified Development Ordinance:
SECTION 4.16.5 WITHIN THE DEVELOPMENT ORDINANCE

In the space provided below, or on the back of this form, present your interpretation of the Zoning Map/Ordinance provisions in question and state what reasons you have for believing that your interpretation is the correct one.

BOHLER ENGINEERING PROPOSES TO REVISE AN EXISTING WATERSHED BOUNDARY LINE WHICH CURRENTLY SPLITS THE PROPERTY IN HALF. BASED ON THE ORDINANCE, THE WATERSHED BOUNDARY MODIFICATION REQUIRES A DETAILED REVIEW BY THE CITY AS WELL AS NCDEQ AND ULTIMATELY A DECISION BY THE BOARD OF ADJUSTMENTS. THIS REVIEW PROCESS IS IMPORTANT TO CONCLUDE THAT NO NEGATIVE AFFECTS WILL OCCUR AS A RESULT OF THE PROPOSED GRADING.

I certify that all the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

B. Lanzilotta
Signature of Applicant

4-12-16
Date

Required as part of Appeal/Interpretation Submittal:

- Fee: Please refer to fee schedule to determine applicable fees.
Fees are nonrefundable and help to cover administrative and notification costs.

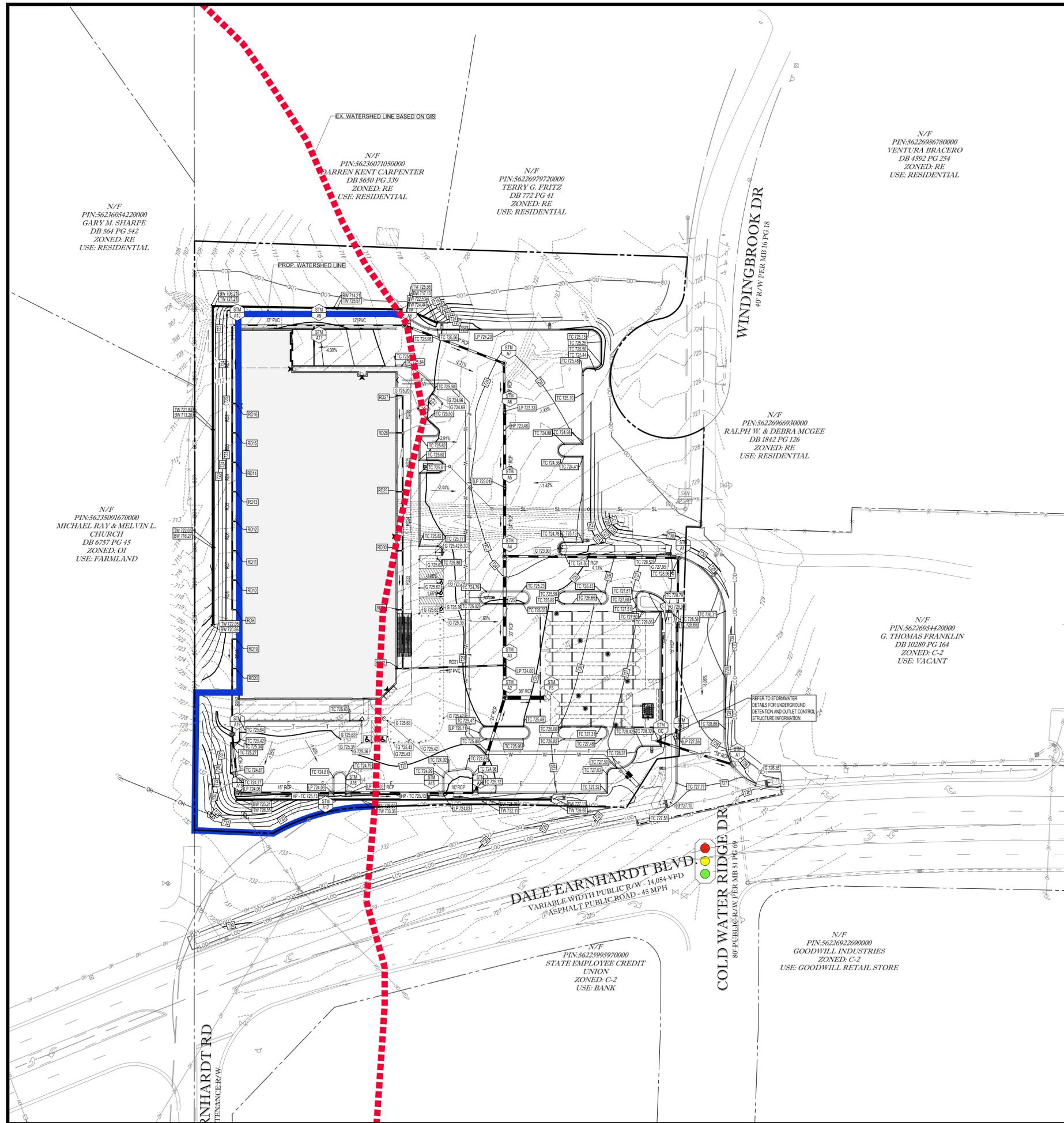
STAFF USE ONLY

Scheduled meeting date: _____
Dates advertised in newspaper: _____ and _____
Date written notices mailed: _____
Date PH sign was posted: _____

Board decision: _____

Conditions: _____

Date written notice of decision sent to applicant: _____



NOTES:

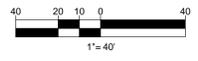
1. EXISTING WATERSHED BOUNDARY APPROXIMATED USING CABARRUS COUNTY GIS DATA.
2. REFER TO COVER LETTER FOR WATERSHED INFORMATION
3. REFER TO STORMWATER REPORT FOR SIZING CALCULATIONS.

LEGEND

TITLE	SYMBOL
EXISTING WATERSHED BOUNDARY	Red dashed line
PROPOSED WATERSHED BOUNDARY	Blue solid line

REFERENCES

- GEOTECHNICAL REPORT:
 - ECS
 - "REPORT OF SUBSURFACE EXPLORATION KANNAPOLIS, NORTH CAROLINA"
 - PROJECT NO.: 08-10694
 - DATED: 03/24/2015
- ENVIRONMENTAL ASSESSMENT:
 - ECS
 - "PHASE I ENVIRONMENTAL SITE ASSESSMENT MGP KANNAPOLIS SITE 2825 DALE EARNHARDT BOULEVARD KANNAPOLIS, CABARRUS COUNTY, NORTH CAROLINA"
 - PROJECT NO.: 08-10694-A
 - DATED: 03/25/2015
- SURVEY:
 - LS&I, INC.
 - 508 W. 5TH ST., SUITE 125
 - CHARLOTTE, NC 28202
 - LICENSE NO.: C-1925
 - TELEPHONE (866) 661-1277



BOHLER ENGINEERING

REGISTERED PROFESSIONAL ENGINEERS

LAND SURVEYING • CIVIL ENGINEERING • TRANSPORTATION SERVICES
 SUSTAINABLE DESIGN • PROGRAM MANAGERIES • PERMITTING SERVICES

NORTHERN VIRGINIA
 LEHIGH VALLEY, PA
 CHARLOTTE, NC
 RICHMOND, VA
 BALTIMORE, MD
 PHILADELPHIA, PA
 WASHINGTON, DC

REVISIONS

REV	DATE	COMMENT	BY

CALL BEFORE YOU DIG
 811
 NORTH CAROLINA
 IT'S THE LAW

PROJECT No.: NCC151018
 DRAWN BY: BBM/DJR
 CHECKED BY: BILL
 DATE: 02/15/16
 SCALE: 1"=30'
 CAD I.D.: EX

EXHIBIT FOR WATERSHED BOUNDARY REALIGNMENT

LOCATION OF SITE
 2825 DALE EARNHARDT BLVD.
 CITY OF KANNAPOLIS
 CABARRUS COUNTY NC, 28083

BOHLER ENGINEERING
 NC, PLLC, NCBELS P-1132
 800 WEST HILL STREET, SUITE 101
 CHARLOTTE, NC 28208
 Phone: (980) 272-3400
 Fax: (980) 272-3401
 NC@BohlerEng.com

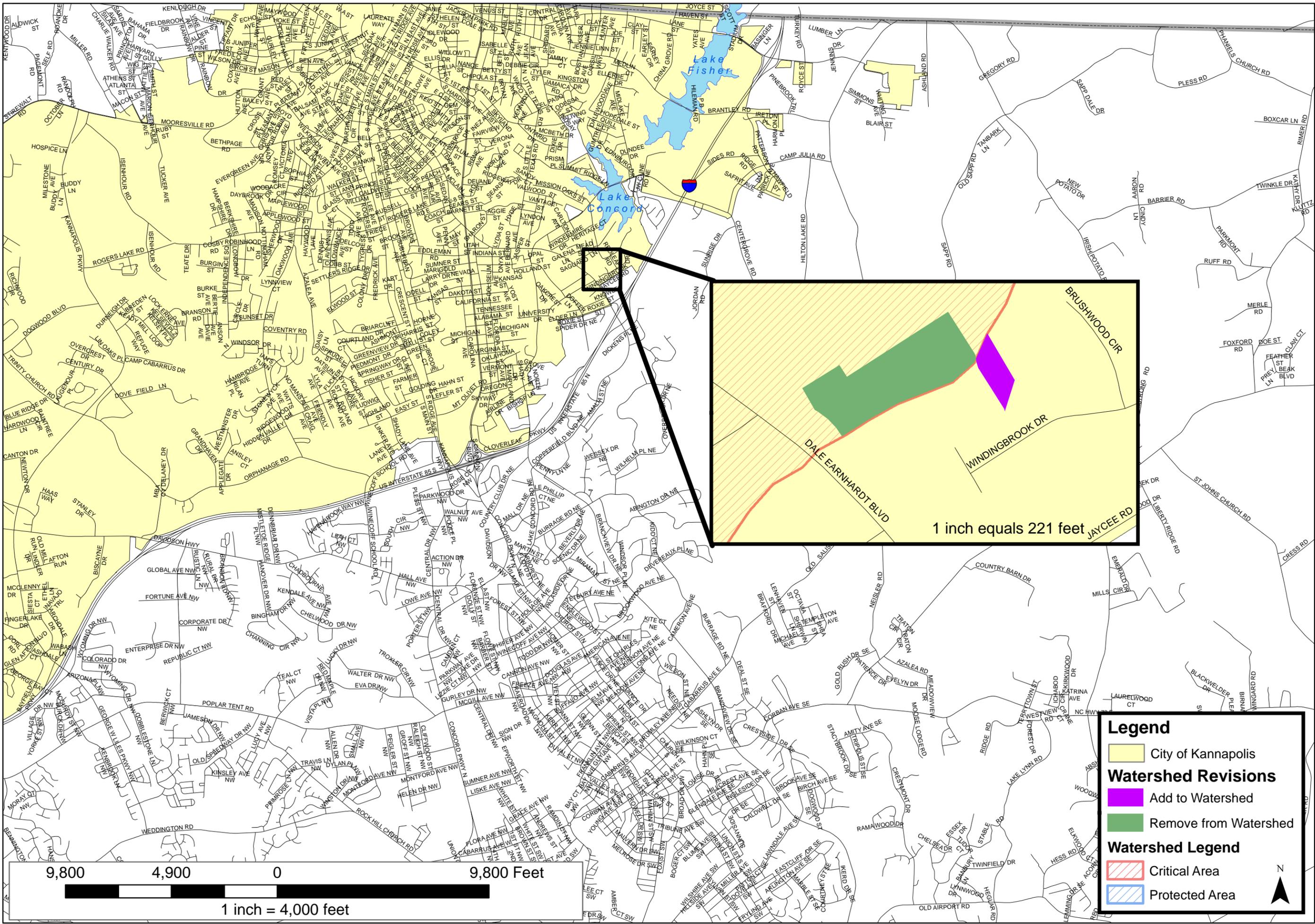
WATERSHED REALIGNMENT EXHIBIT

SHEET NUMBER:
1
 OF 1

City of Kannapolis

Watershed Revision

BOA-2016-03 - Lidl Property



Legend

- City of Kannapolis
- Watershed Revisions**
- Add to Watershed
- Remove from Watershed
- Watershed Legend**
- Critical Area
- Protected Area

N
▲

1 inch equals 221 feet

9,800 4,900 0 9,800 Feet

1 inch = 4,000 feet



Memorandum

To: Josh Langen – Senior Planner City of Kannapolis Planning

From: Wesley Webb, PE City of Kannapolis Engineering

DATE: April 4, 2016

RE: Watershed Boundary Appeal
Critical Area Delineation for 2825 Dale Earnhardt Boulevard
Parcel #56226937640000

History:

The Water Supply Watershed Protection Rules adopted by the State of NC Environmental Management Commission in 1992 required that all local governments having land use jurisdiction within water supply watersheds adopt and implement water supply watershed protection ordinances, watershed maps, and a management plan. The City of Kannapolis has incorporated protection of the watershed in the Section 4.16 of the City of Kannapolis Unified Development Ordinance (UDO), which defines the Watershed Protection Overlay District. This section of the ordinance defines the activities that can occur in the Watershed Districts, the method to be used to make adjustments to the Critical Area Boundary, how to interpret the location of the watershed boundaries, and the method used to issue variances to the development requirements listed in the ordinance.

The boundaries of Watershed Overlay District were developed by the City of Kannapolis, the City of Concord, Cabarrus County, Rowan County, and other municipalities within the region using the best available data at the time the boundaries were delineated and approved by the State. These boundaries were based on topographical maps developed in the late 1960's and early 1970's by the United States Geological Survey with photo revisions made in the late 1980's. This information is shown on the Cabarrus County Geographic Information Systems maps that can be accessed on the Cabarrus County

website. The information can also be seen on maps maintained by NC Department of Environmental Quality.

Current Conditions

A comparison of a topographical survey for the property on Dale Earnhardt Boulevard with an overlay of the GIS boundary line for the Lake Concord Watershed indicate that the watershed boundary shown on GIS maps does not match the current topography for the location of the Lake Concord Critical Area watershed on the northeastern side of Coldwater Ridge Drive. This can be attributed to several possible items:

- The delineation of the original watershed boundary was based on maps with a scale of 1"=2000'. The accuracy of the boundary limits was limited by the scale of the map.
- Grading for the development of Forestbrook Subdivision, grading for the construction of Dale Earnhardt Boulevard, and the demolition of existing pavement and structures on the site in late 1990's and early 2000's made minor changes in the limits of the watershed that were not reflected on the USGS topo maps.
- The topographical map provided for the site is based on field collected survey data rather than lines created by viewing a stereoscope. The topographical lines created with field collected data is more accurate than the aerial data used to create the USGS topographical map.
- The watershed boundaries based on USGS maps may have shifted slightly when the data was converted from a paper map to a digital outline.

Based on the existing topographical data, additional area on the site flows into the Lake Concord watershed basin.

Proposed Conditions

A review of the proposed grading plan for the Lidl Grocery Store indicates that the runoff from the impervious surfaces on the site will be diverted away from the Lake Concord watershed. The runoff will be diverted to the south east into a drainage structure located along Dale Earnhardt Boulevard and into unnamed tributary that flows into Royal Oaks Branch and will not be located within a Watershed Overlay Zone. The developer is proposing to mitigate the drainage area diversion by constructing an underground detention system that will reduce the peak runoff rate to the level of the predevelopment peak flows from the original drainage basin to this area. The system will also provide treatment to improve the water quality of the runoff.

Based on the proposed grading plan, which reflects the site conditions after the site grading is completed, the acreage within the existing site flowing into the mapped watershed will be reduced and a portion of the site that is outside of the mapped boundary will continue to flow into the Lake Concord watershed. The

completed site will increase the existing watershed boundary size by 0.207 acres and reduce the existing watershed boundary size by 1.376 acres. The proposed grading and map revisions will create a net decrease of 1.169 acres in the size of the Lake Concord Watershed basin.

Conclusion:

Based on the survey data provided for the existing site conditions, the Lake Concord Critical Area Watershed Boundary is not correctly located on Parcel #56226937640000 and additional area outside of the mapped watershed boundary flows back into the watershed basin. Based on the proposed grading plan, the impervious areas created for the building and parking lot will be diverted from the Lake Concord Watershed Basin and transferred into the Royal Oaks Branch basin which flows back into the Cold Water Creek basin downstream of the dam for Lake Concord. The diverted runoff will not be flowing into a City of Kannapolis Watershed Overlay Zone

Should the Board of Adjustment determination agree with the analysis and map 1.376 acres will be removed from the mapped Critical Area of the Lake Concord Watershed and 0.207 acres will be added to the mapped Critical Area of the Lake Concord Watershed for a net decrease of 1.169 acres in the size of the Lake Concord Watershed.

Since this project requires substantial grading and drainage improvements to divert the runoff away from the critical watershed, the following conditions should be placed on the site.

1. Construction of impervious areas within the area currently mapped as being within the Lake Concord Watershed Boundary cannot begin until survey documentation has been provided to show the drainage area within the site has been diverted to flow away from the Lake Concord drainage basin. This restriction should not apply to the construction of retaining walls or sediment and erosion control devices.
2. An as-built topographical survey of the completed site should be provided to the Planning Department to document that the final site grading matches the proposed grading plans.
3. The change in the location of the watershed boundary should be coordinated with the North Carolina Department of Environmental Quality to ensure that Local and State watershed boundary maps reflect the revised conditions.

If you have any additional questions, please let me know.



Wesley Webb
4-4-16



Vicinity Map

Case Number: Z-2016-03

Applicant: Bohler Engineering



Subject Property

DALE EARNHARDT BLVD

COLD WATER RIDGE DR

BRENTWOOD CT

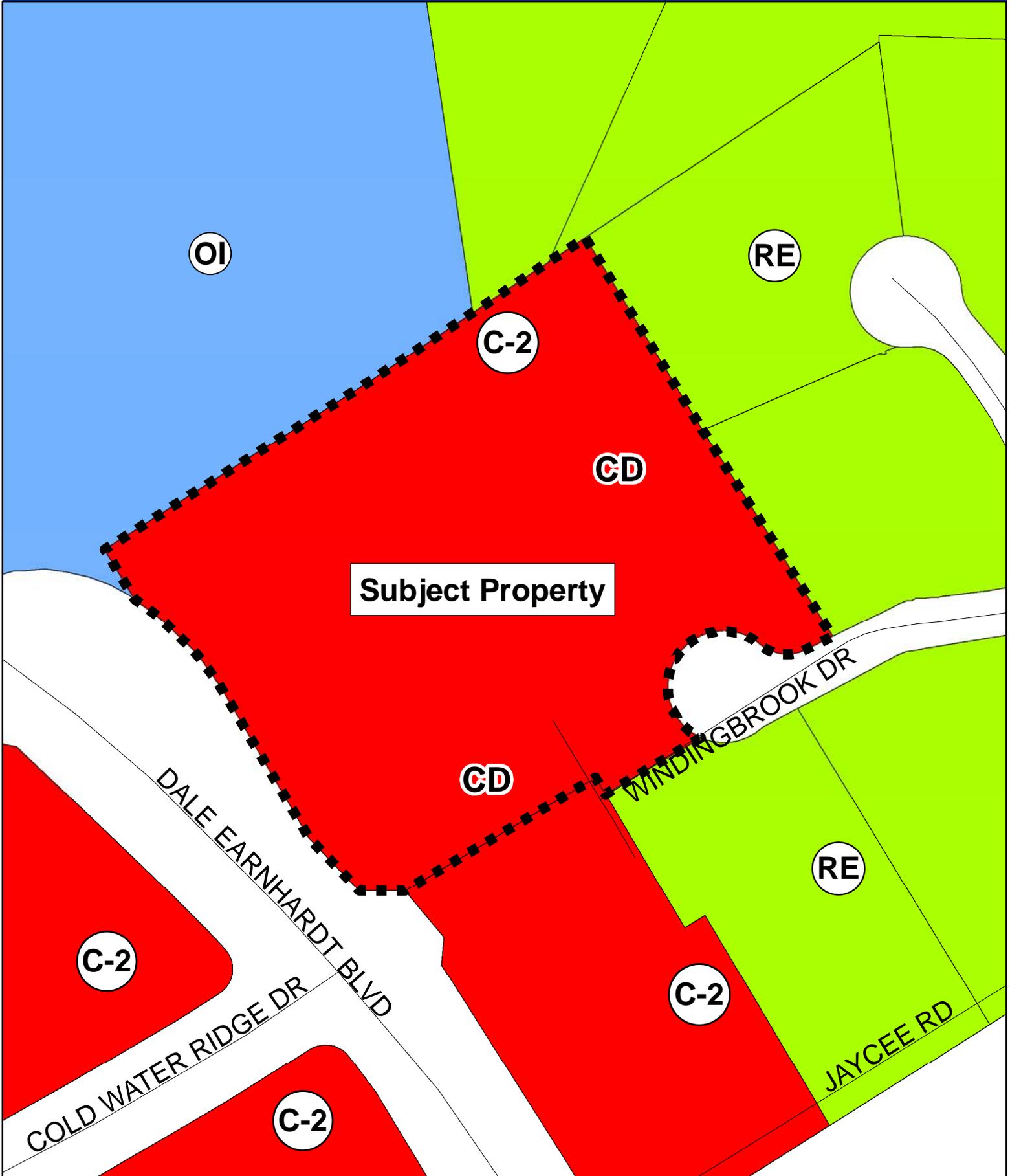
WINDINGBROOK DR



Kannapolis Current Zoning

Case Number: Z-2016-03

Applicant: Bohler Engineering





Kannapolis 2015 Future Land Use Plan

Case Number: Z-2016-03

Applicant: Bohler Engineering

Light Commercial

Single Family Residential
(3 units / acre)

Subject Property

Heavy Commercial

DALE EARNHARDT BLVD

BRENTWOOD CT

WINDINGBROOK DR

COLD WATER RIDGE DR

JAYCEE RD



PO Box 968, Hickory, NC 28603 Order Confirmation for Ad #0000221097-01



NOTICE OF PUBLIC HEARING
 City Hall - Laureate Room
 401 Laureate Way, Kannapolis, NC
 Planning and Zoning Commission Meeting
 Wednesday, June 1, 2016 6:00 pm

Public Hearing Notice

Public Hearing Notice - Zoning Map Amendment - Z-2016-03 - Public Hearing to consider an amendment to the Official Zoning Map to modify the location of the Lake Concord Watershed Critical Area boundary on property identified as Cabarrus County PIN #5622-69-3764, located at 901 Brentwood Court.

Public Hearing Notice - Zoning Map Amendment - Z-2016-02 - Public Hearing to consider a request to apply a City of Kannapolis Zoning Designation of C-2 - General Commercial to recently annexed property zoned Cabarrus County CR - Countryside Residential. The property is identified by Cabarrus County PIN # 4672-50-5364 and comprises approximately 1.035 +/- acres. The property is located at the corner of NC Highway 73 and Kingsway Road.

If you have questions or concerns regarding this case, please contact the City of Kannapolis Planning Department at 704-920-4350.

Hearing impaired persons desiring additional information or having questions regarding this subject should call the North Carolina Relay Number for the Deaf (1-800-735-8262). The meeting facility is accessible to people with disabilities. To request special accommodations in advance, contact the City's ADA Coordinator at 704-920-4302 or tdline@kannapolisnc.gov

Publish: Friday, May 20, 2016, Friday, May 27, 2016

Client KANNAPOLIS,CITY OF **Payor Customer** KANNAPOLIS,CITY OF **Acct Exec** aboan
Client Phone 704-920-4300 **Payor Phone** 704-920-4300
Account# 3143368 **Payor Account** 3143368
Address ACTS PAYABLEWANDATEARSHEETS,4 **Payor Address** ACTS PAYABLEWANDATEARSHEETS, KANNAPOLIS NC 28081 **Ordered By** Pam
Fax 704-933-7463 **Material**
Email byow@kannapolisnc.gov

Total Amount \$551.32 **Status**
Payment Amt \$0.00

Amount Due \$551.32

Payment Method Tear Sheets Proofs Affidavits PO Number

Text: 0 0 1

Order Notes:

Ad Number 0000221097-01 **Ad Type** CLS Liner **Color** <NONE> **Production Color**

Pick Up Number **Ad Size** 2.0 X 4.3 LI **Production Method** AdBooker (liner) **Production Notes**

Product **Placement/Class** **Position** **# Inserts** **Cost**

Run Dates **Run Schedule Invoice Text**

Tag Line

CON Independent Trib: C-Announcements - Classified General-Spec Notice-Ann-Clas 2 \$536.32

NOTICE OF PUBLIC HEARING City Hall Laureate Room 401 Laureate Way, Kannapolis, NC Planning and Zoning Commission Meeting We

NOTICE OF PUBLIC HEARING City Hall Laureate Room 401 Laureate Way, Kannapolis, NC Planning and Zoning Commission Meeting We

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NOTICE OF PUBLIC HEARING City Hall Laureate Room 401 Laureate Way, Kannapolis, NC Planning and Zoning Commission Meeting We

PIN14	AcctName1	AcctName2	MailAddr1	MailAddr2	MailCity	MailState	MailZipCod
56235091670000	MICHAEL CHURCH and	CHURCH MELVIN L &	PATRICIA M CHURCH RULE	2767 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
56236054220000	SHARPE GARY M		2422 FORRESTBROOK DR		KANNAPOLIS	NC	28083
56226979720000	FRITZ TERRY G	FRITZ TERRI B WF	2411 WINDINGBROOK DR		KANNAPOLIS	NC	28083
56226986780000	BRACERO VENTURA	BRACERO LYDIA /WIFE	2428 WINDINGBROOK DRIVE		KANNAPOLIS	NC	28083
56226966930000	MCGEE RALPH W	MCGEE DEBRA M/WIFE	764 COURTNEY ST SE		CONCORD	NC	28025
56236074500000	JOHNSON JEFFERSON G &	WIFE ETHEL A	2420 FORRESTBROOK DRIVE		KANNAPOLIS	NC	28083
56236071050000	CARPENTER DARREN KENT		913 BRUSHWOOD CR		KANNAPOLIS	NC	28083
56226954420000	FRANKLIN G THOMAS		766 COURTNEY ST SE		CONCORD	NC	28025
56226922690000	GOODWILL INDUSTRIES OF		NORTHWEST NC INC	2701 UNIVERSITY PARKWAY	WINSTON-SALEM	NC	27105
56226986780000	BRACERO VENTURA	BRACERO LYDIA /WIFE	2428 WINDINGBROOK DRIVE		KANNAPOLIS	NC	28083
56225995970000	STATE EMPLOYEES'CREDIT UNION		DALE EARNHARDT BLVD BRANCH	P O BOX 26807	RALEIGH	NC	27611
56226986780000	BRACERO VENTURA	BRACERO LYDIA /WIFE	2428 WINDINGBROOK DRIVE		KANNAPOLIS	NC	28083

PIN14	AcctName1	MailAddr1
	MICHAEL CHURCH and MELVIN CHURCH	
56235091670000	C/O PATRICIA M CHURCH	2767 DALE EARNHARDT BLVD
56236054220000	SHARPE GARY M	2422 FORRESTBROOK DR
56226979720000	TERRY & TERRI FRITZ	2411 WINDINGBROOK DR
56226986780000	VENTURA & LYDIA BRACERO	2428 WINDINGBROOK DRIVE
56226966930000	RALPH & DEBRA MCGEE	764 COURTNEY ST SE
56236074500000	JEFFERSON & ETHEL JOHNSON	2420 FORRESTBROOK DRIVE
56236071050000	CARPENTER DARREN KENT	913 BRUSHWOOD CR
56226954420000	FRANKLIN G THOMAS	766 COURTNEY ST SE
56226922690000	GOODWILL INDUSTRIES OF NORTHWEST I	2701 UNIVERSITY PARKWAY
	STATE EMPLOYEES'CREDIT UNION	
56225995970000	DALE EARNHARDT BLVD BRANCH	P O BOX 26807

MailCity	MailState	MailZipCod
KANNAPOLIS	NC	28083
CONCORD	NC	28025
KANNAPOLIS	NC	28083
KANNAPOLIS	NC	28083
CONCORD	NC	28025
WINSTON-SALEM	NC	27105
RALEIGH	NC	27611



May 20, 2016

Re: Official Zoning Map Amendment Z-2016-03 (Lidl)

Request to amend the City of Kannapolis Official Zoning Map to incorporate recent modifications to the Watershed Protection Overlay District for the Lake Concord Critical Area WS-IV CA

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on **Wednesday, June 1, 2016 at 6:00 PM** at City Hall, located at 401 Laureate Way, Kannapolis, NC 28081.

The purpose of the Public Hearing is to consider a request by Bohler Engineering NC, PLLC to amend the City of Kannapolis Official Zoning Map to incorporate recent modifications to the Watershed Protection Overlay District for the Lake Concord Critical Area WS-IV CA for property located at 901 Brentwood Court and is further identified as Cabarrus County Parcel Identification Number 5622-69-3764 (**see reverse side of this letter for vicinity map showing the location of this property**).

As an adjacent property owner, you are invited to attend the Public Hearing and present testimony to the Planning & Zoning Commission regarding this request, should you wish. If you have any questions about Zoning Map Amendment– Z-2016-03, please do not hesitate to contact the City of Kannapolis Planning Department at 704-920-4350.

Sincerely,

Joshua Langen, AICP
Senior Planner

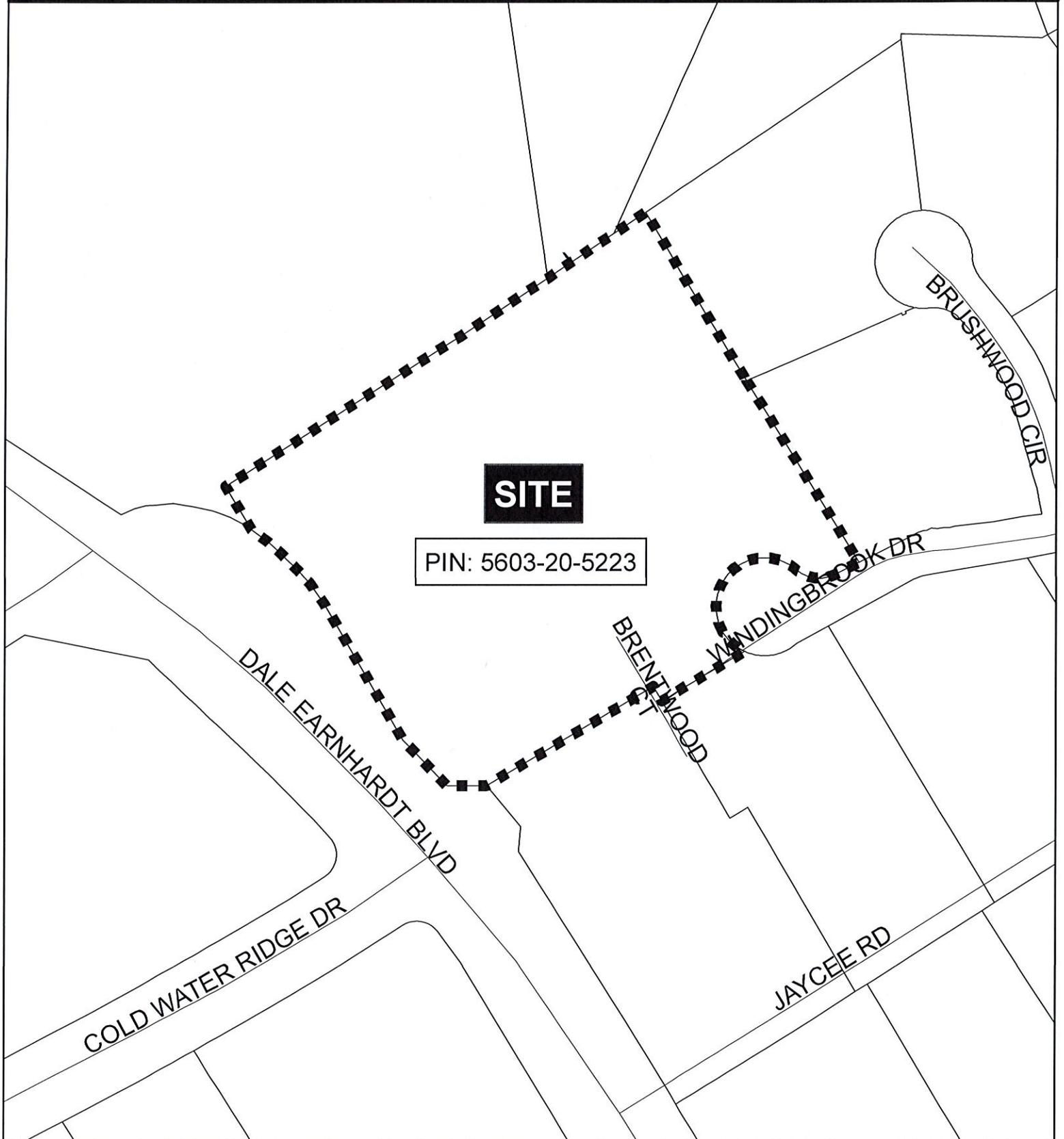
Enclosure

The meeting facility is accessible to people with disabilities. To request special accommodation in advance, contact the City's ADA Coordinator at 704-920-4302 or e-mail to tcline@kannapolisnc.gov.



Zoning Map Amendment

Case Number: Z-2016-03
Applicant: Bohler Engineering
Address: 901 Brentwood Ct.
PIN: 5622-69-3764





COVERS BARRIERS
SMALL BUSINESS COMPLEXITY



STATE
Z
SPECIAL USE ZONING
SMALL BUSINESS COMPLEXITY



**RESOLUTION TO APPROVE REZONING AND ADOPT A STATEMENT OF
CONSISTENCY WITH REGARD TO CASE #Z-2016-03**

WHEREAS, Section 160A-383 (2013) of the North Carolina General Statutes specifies that when adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable and explain why the action taken is reasonable and in the public interest; and

WHEREAS, Section 3.3.4.2.2 of the Unified Development Ordinance delegates final authority to the Planning and Zoning Commission on zoning map amendments subject to an affirmative vote of three-fourths of the Commission members present and not excused from voting, or if there is no appeal of the decision; and

WHEREAS, the Board of Adjustments approved a modification to the location of the Lake Concord Watershed Critical Area boundary on April 19, 2016 (Case BOA-2016-03) as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the Planning and Zoning Commission conducted a Public Hearing on June 1, 2016, for consideration of rezoning petition Case #Z-2016-03 to adopt a revision to the Official Zoning Map for the City of Kannapolis for property owned by Steve Smith, further identified as Cabarrus County Parcel Identification Number 5622-69-3764 at 901 Brentwood Court; and

NOW, THEREFORE BE IT RESOLVED that the Planning and Zoning Commission finds this zoning map amendment, as represented in Case Z-2016-03, to be consistent with the 2015 City of Kannapolis Land Use Plan, adopted by City Council, which calls for light commercial use of the subject property, is reasonable and in the public interest as the applicant has submitted a preliminarily approved grading plan which would indicate a need to modify the Lake Concord Watershed Overlay Critical Area District boundary in response to changed topographic conditions, and is therefore approved based on the criteria listed in Section 3.3.5 of the UDO for evaluating zoning requests, consideration of the application materials, information presented at the Public Hearing, and recommendations provided by Staff.

Adopted this the 1st day of June, 2016;

David Baucom, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE
Case #Z-2016-03 (901 Brentwood Court)

**Amendment to the City of Kannapolis Official Zoning Map incorporating
Modifications to the Watershed Protection Overlay District Boundaries**

WHEREAS, Section 3.3.4.1 of the City of Kannapolis Unified Development Ordinance specifically delegates authority from the City Council to the Planning and Zoning Commission to take final action on a rezoning petition; and

WHEREAS, Section 3.3.4.2.2 of the City of Kannapolis Unified Development Ordinance subjects this authority to an affirmative vote of three-fourths of the Commission members present and not excused from voting, or if there is no appeal of the decision; and

WHEREAS, the Board of Adjustments approved a modification to the location of the Lake Concord Watershed Critical Area boundary on April 19, 2016 (Case BOA-2016-03) as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the Commission conducted a Public Hearing on June 1, 2016 for consideration of a Zoning Map Amendment (Case Z-2016-03) as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to amend the City of Kannapolis Official Zoning Map to incorporate recent modifications to the Watershed Protection Overlay District for the Lake Concord Critical Area WS-IV CA on property located at 901 Brentwood Court and is further identified as Cabarrus County PIN #5622-69-3764; and

WHEREAS, the Commission has approved the request for rezoning and found it to be consistent with the City of Kannapolis 2015 Land Use Plan, reasonable and in the public interest; and

WHEREAS, per Section 3.3.5 of the Kannapolis UDO, the Planning and Zoning Commission makes the following findings in support of the request for rezoning:

1. The size of the tract in question.

The subject properties are approximately 4.09 acres in size. The Watershed Protection Overlay District appeal removes 1.169 acres from the drainage area of the Lake Concord Watershed Protection Overlay District.

RESOLUTION TO ZONE
Amendment to Official Zoning Map
Z-2016-03 Lidl

2. Does the proposal conform with and further the goals and policies of the Land Use Plan, other adopted plans, and the goals, objectives, and policies of this Ordinance?

These properties are located in the “South Kannapolis Planning Area” as designated in the City of Kannapolis 2015 Land Use Plan. This area is recommended for Light Commercial land uses. The parcel is proposed to be developed as a Grocery store, with grading which will alter topographic conditions as specified in BOA-2016-03. In addition, this request is in keeping with the goals, objectives and policies of Article 4.16 of the Unified Development Ordinance which outlines the purpose, jurisdiction and establishment of the Watershed Protection Overlay Districts, while also providing property owners with a means to present evidence to modify the watershed boundary provided there is a documented discrepancy or change in topographical conditions.

3. Is the proposed rezoning compatible with the surrounding area?

The Watershed Protection Overlay District boundary modifications being considered under this Zoning Map Amendment do not have any effect on the surrounding zoning of adjacent properties.

4. Will there be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning?

There will be no effect on the capacity or safety of any portion of the street network resulting from the Watershed Protection Overlay District boundary modification and subsequent Zoning Map Amendment incorporating the watershed boundary changes.

5. Will there be parking problems?

There is no parking associated with this modification to the Official Zoning Map, therefore staff expects no problems associated with parking.

6. Will there be 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?

There are no anticipated environmental impacts such as water, air, noise pollution, or excessive lighting issues associated with the Zoning Map Amendment. Future development will be required to conform to all local, state and federal environmental regulations.

7. Has there been any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development?

Dale Earnhardt Boulevard was re-aligned prior to the initial 2003 rezoning of this property for commercial use, but since then no major public facilities have been installed. In addition, since 2003, while there have been some minor access improvements and limited commercial development, the character of the area has remained essentially the same.

8. Is there compliance with the adequate public facilities criteria?

Water and sewer facilities and capacity to serve the project have been confirmed by the Department of Public Works and site plan details are currently being reviewed. The applicant will be required to comply with recommendations of the Technical Review Committee as well as with the recommendation outlined in the Traffic Impact Study (TIS) for this site.

9. What are the zoning districts and existing land uses of the surrounding properties?

Properties to the North are zoned RE (Residential Estate) and host residential land uses. Properties to the South are zoned C-2 (General Commercial) and host various commercial land uses. Properties to the East are zoned C-2 and host a bank and other commercial land uses. Property to the West is Zoned O-I (Office-Institutional) and is occupied by residential land uses.

10. Is the subject property suitable for the uses to which it has been restricted under the existing zoning classification?

The proposed development of this site for a grocery store could not occur within the current Watershed Protection Overlay District boundary, which does not reflect proposed changes in topographic conditions.

11. Is the zoning compatible with the adjacent neighborhood, especially residential neighborhood stability and character?

The property is currently zoned C-2-CZ General Commercial and is surrounded by a mix of commercial, institutional, and residential uses, which will all be adequately buffered and screened to mitigate adverse impacts. In addition, building layout, architectural design and site orientation are all intended to mitigate any potential impact on surrounding uses. Therefore, the existing zoning is considered compatible with the adjacent neighborhood.

12. What length of time has the subject property remained vacant as zoned?

The subject property has been vacant since the Z-2015-05 rezoning, as adopted in January, 2016.

13. Is there an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs?

There is a limited supply of land in this area not included within the Lake Concord Watershed Overlay Critical Area District. Of this limited supply, there could be further topographical limitations which would compromise the potential for modifying the Overlay boundary to accommodate the proposed use.

14. Was the existing zoning in error at the time of adoption?

No.

RESOLUTION TO ZONE
Amendment to Official Zoning Map
Z-2016-03 Lidl

NOW, THEREFORE BE IT RESOLVED by the City of Kannapolis Planning and Zoning Commission that the above referenced property, located at 901 Brentwood Court, be modified on the Official Zoning Map to incorporate the modifications to the Watershed Protection Overlay District for the Lake Concord Critical Area WS-IV CA.

Adopted this the 1st day of June, 2016

David Baucom, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission