



**Planning & Zoning Commission
January 8, 2020 Meeting**

Staff Report

DATE: December 20, 2019
TO: Planning & Zoning Commission
FROM: Gretchen Coperine, AICP, Senior Planner
SUBJECT: **Case #CZ-2019-09 – Zoning Map Amendment (Shops on the Parkway – 26,600 sq. ft. Shopping Center)**
Applicant: Rick Meeks

This is a request to rezone property, located on the east side of Kannapolis Parkway, north of Glen Afton Blvd. (see Vicinity Map), from RE (Rural Estate) to C2-CZ (General Commercial-Conditional Zoning), to allow property to be developed for a 26,600 square foot shopping center.

A. Actions Requested by Planning & Zoning Commission

1. Hold Public Hearing
2. Motion to adopt Resolution to Zone
3. Motion to adopt Statement of Consistency

B. Decision and Required Votes to Pass Requested Actions

Section 3.3.4.2 of the UDO allows the Planning and Zoning Commission to render a final decision on a 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 & Project Overview

The applicant, Rick Meeks, is proposing to rezone the subject property from RE (Rural Estates) to CZ-C2 (General Commercial Conditional Zoning District). The proposed use shown on the attached plan is a shopping center of approximately 26,600 square feet combined with a drive-thru. The property is

within the Farm Hill Small Area Plan, and it also lies within the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District) for a distance of 200' from the Kannapolis Parkway right-of-way.

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 3.41 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 "Regional Commercial Center" within a "Suburban Activity 1" Character District in the *Move Kannapolis Forward 2030 Comprehensive Plan*.

The Regional Commercial Center calls for retail and office as primary uses and multifamily and single-family residential as secondary uses. The Suburban Activity 1 Character District also includes retail and office as primary uses along with light manufacturing, multi-family and single-family residential development as secondary uses.

The subject property is also located within the *Farm Hill Small Area Plan* study area, which recommends retail land uses for the subject property (see attached Farm Hill Small Area Plan Map).

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

The property is located on the north side of Glen Afton Blvd., to the north of Kannapolis Small Shops, a retail development consisting of a Dunkin Donuts (with drive-thru) and several small retailers. That property was zoned CZ-C2 in 2016. On the east side of the subject property is existing residential property, zoned RE, with single family detached residential development.

The subject property is located east of the Afton Ridge shopping center (across Kannapolis Parkway), which is zoned CD (Campus Development) and contains a range of commercial use, including national retailers and major anchors Target, Dick's Sporting Goods, Ashley Furniture, Stein Mart, and Party City. The property is also located within the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District) and will require adherence to use and architectural regulations for this area. Therefore, the proposed rezoning is considered compatible with the surrounding area.

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

The subject property is and will continue to be accessed from Glen Afton Blvd. This access point is preferred over access from Kannapolis Parkway because it avoids conflicting movements from the subject site directly onto Kannapolis Parkway. Access to the site will need to be approved by NCDOT and the City.

5. Will there be parking problems?

The site plan submitted with this request for rezoning includes adequate parking for the listed use.

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 adverse environmental impacts such as water, air, or noise pollution issues associated with the rezoning request. In addition, development will 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?

The parcel to the south of the site known as Kannapolis Small Shops was rezoned to CZ-C2 in 2016, and construction of the retail shops was completed in 2018. Commercial development is anticipated to continue along Kannapolis Parkway in the near future.

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

There are adequate public facilities available to the property, including water, sewer and access to Kannapolis Parkway.

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

Properties to the north, south and east are zoned RE (Rural Estate) and include low density residential uses, manufactured homes and vacant lots. Property to the south is also zoned C-2-CZ and is developed with shopping center uses (i.e., Kannapolis Small Shops). The Afton Ridge shopping center is located to the west and is zoned CD-CZ (Campus Development-Conditional Zoning). Property to the west, north of Afton Ridge shopping center is zoned CD-R-CZ and is currently under construction for 264 apartment units. The Farm Hill Small Area Plan (FHSAP) is recommending that the project area transition to a "Retail" land use.

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

The current zoning of RE (Rural Estates) does not allow commercial development.

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

The proposed commercial use is compatible with the adjacent neighborhood which includes commercial development along Kannapolis Parkway, and the adjacent residential neighborhood to the east of the property, based on the medium intensity of the proposed use.

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?

Kannapolis Parkway is predominately a commercial corridor. There are vacant parcels as well as underused parcels along the parkway.

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 goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which designates this property as being located in the “*Regional Commercial Center*” and within a “*Suburban Activity 1*” Character District, which allow for retail development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide commercial development along Kannapolis Parkway that is appropriate for the area. The proposed use is compatible with the surrounding zoning, yet not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment. Finally, there is adequate access to public facilities.

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 Move Kannapolis Forward 2030 Comprehensive Plan, staff recommends approval with the following conditions for Zoning Map Amendment Case #CZ-2019-09:

1. The permitted uses allowed by this rezoning shall only include a restaurant with a drive thru as generally depicted on the site plan submitted with this rezoning.
2. A Site Plan, in compliance with all applicable City standards, shall be submitted and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Any lighting installed on the subject property shall be full cut-off fixtures with all lighting directed downward and away from adjacent residential property.
4. A Type 3 Perimeter buffer yard shall be provided to buffer the adjacent single-family development to the north and east.
5. The property shall be subject to the restrictions and guidelines of the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District).
6. Driveway locations shall be approved by NCDOT and the City.
7. Driveways and parking lots shall comply with all Fire Codes and Autoturn (a traffic engineering program which specifies the required turning radii for vehicles including delivery trucks and emergency vehicles) shall be run for an SU-30 and Bus-45 (mimics ladder truck).
8. A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and BMP's.
9. The project developer shall be responsible for extension of all water and sewer infrastructure needed to serve the project.
10. Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.
11. The property shall be subject to the restrictions and guidelines of the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District).

Alternative Courses of Action

Alternative Courses of Action

Motion to Approve (2 votes)

1. **Should the Commission choose to approve the request for rezoning as presented in Case #CZ-2018-02, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this rezoning **consistent** with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates this property as being located in the “Regional Commercial Center” and within a “Suburban Activity I” Character District, which allow for retail development. Furthermore, the Commission finds the request for rezoning reasonable and in the public interest because it will provide commercial development along Kannapolis Parkway that is appropriate for the area. The proposed use is compatible with the surrounding zoning, yet not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment. Finally, there is adequate access to public facilities.*

2. **Should the Commission choose to approve Case #CZ-2019-09, 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 #CZ-2019-09, 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 #CZ-2019-09 to be inconsistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

2. **Should the Commission choose to deny Case #CZ-2019-09, a motion should be made to deny the Resolution to Zone.**

I. Attachments

1. Rezoning Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use and Character Map
5. Small Hill Farm Area Plan Recommended Land Use Map
6. Site Plan and Elevations
7. Notice of Public Hearing
8. List of Properties Notified
9. Letter to Adjacent Property Owners
10. Public Notice Sign
11. Resolution to Zone
12. Resolution to Adopt a Statement of Consistency

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 | _____ | SIA Application | _____ |
| Conditional Use Permit | _____ | Nonconformity Adjustment | _____ |
| Subdivision Exception | _____ | Watershed Boundary Modification | _____ |
| Zoning Text Amendment | _____ | Zoning Map Amendment | _____ |
| Appeal | _____ | Conditional Zoning Map Amendment | <input checked="" type="checkbox"/> |

Applicant: Rick Meeks Owner: M&L Property Development, LLC

Address: 313 S. Main St, Ste. 100 Address: 313 S. Main St., Ste. 100
Kannapolis, NC 28081 Kannapolis, NC 28081

Telephone: 704-796-9125 Telephone: 704-796-8125

Email: rmeeks34@gmail.com Email: rmeeks34@gmail.com

Legal relationship of applicant to property owner: Member/Mgr

Property Location/Address: 630 Kannapolis Pkwy

Tax Parcel Number: 56010362330000 Zoning District: RE Acreage of Site: 3.41 ac

Rick Meeks M&L Property Development
Applicant Name (Print) Property Owner Name (Print)

[Signature] [Signature]
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: 625.00

Receipt # M-11267

Application No.: CZ-2019-09

Date Submitted (Complete): 11/18 SDWH

CITY OF KANNAPOLIS
APPLICATION FOR A CONDITIONAL ZONING DISTRICT
(to be attached to the Rezoning Application)

I, Rick Meeks, hereby petition for a Conditional Zoning District for the following exact land use(s), subject to the following condition(s):

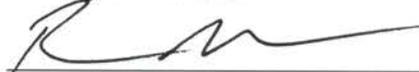
The following use(s) is/are permitted by right or conditional in the general zoning district upon which the "CZ" district is based:

*C-2 General Commercial
Requested*

Condition(s) proposed by the applicant (attach separate sheet if necessary):

Retail, Restaurant, C-store, Office

It is understood and acknowledged that if the property is conditionally rezoned as requested, the property involved in this request will be perpetually bound to the use(s) authorized and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.



Signature of Property Owner

Signature of Property Owner

313 S. Main St., Suite 100

Kannapolis, NC 28081

Address
704-796-8125

Telephone #

Address

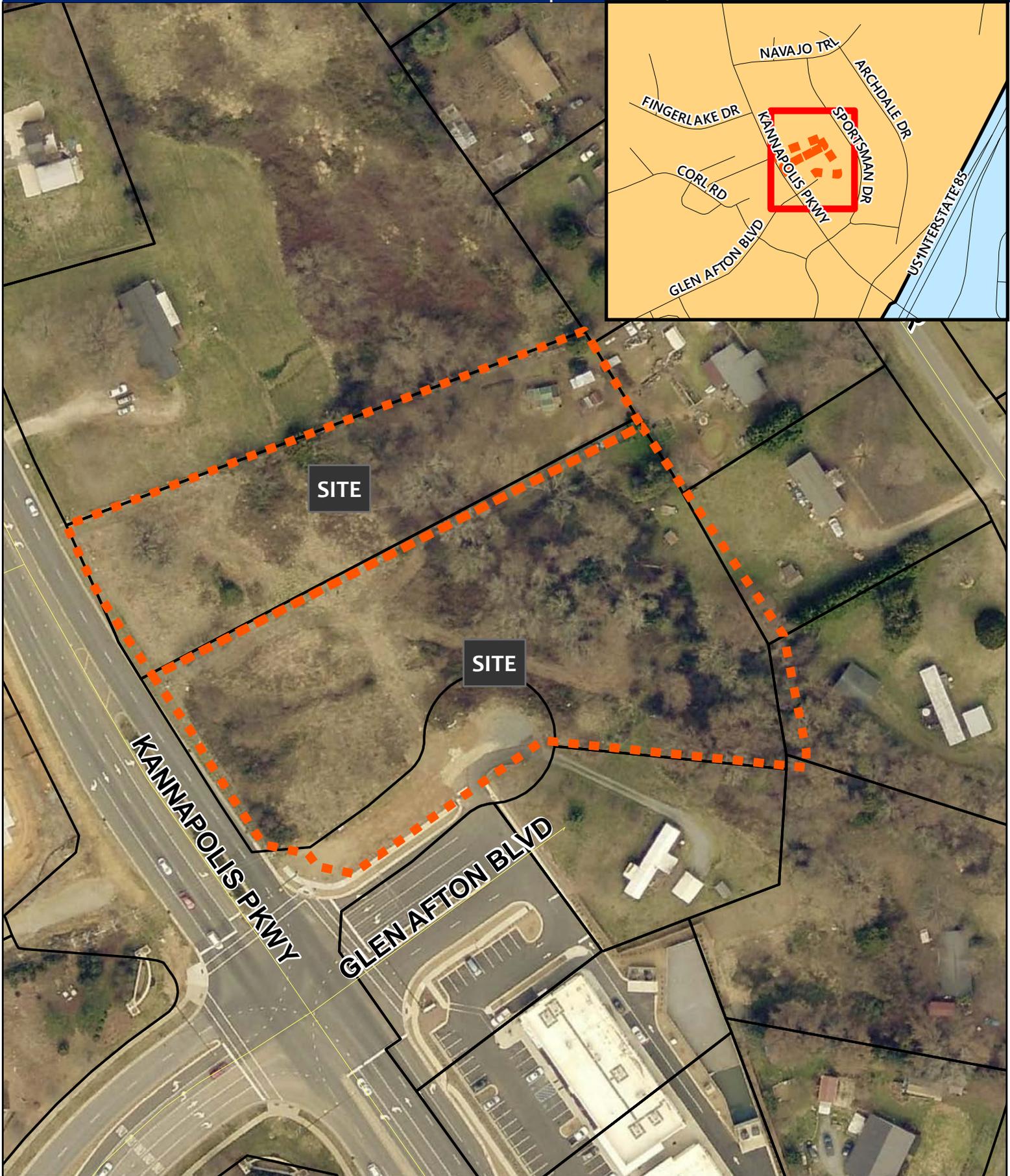
Telephone #

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



Vicinity Map

Case Number: CZ-2019-09
Applicant: Rick Meeks
630 Kannapolis Pkwy

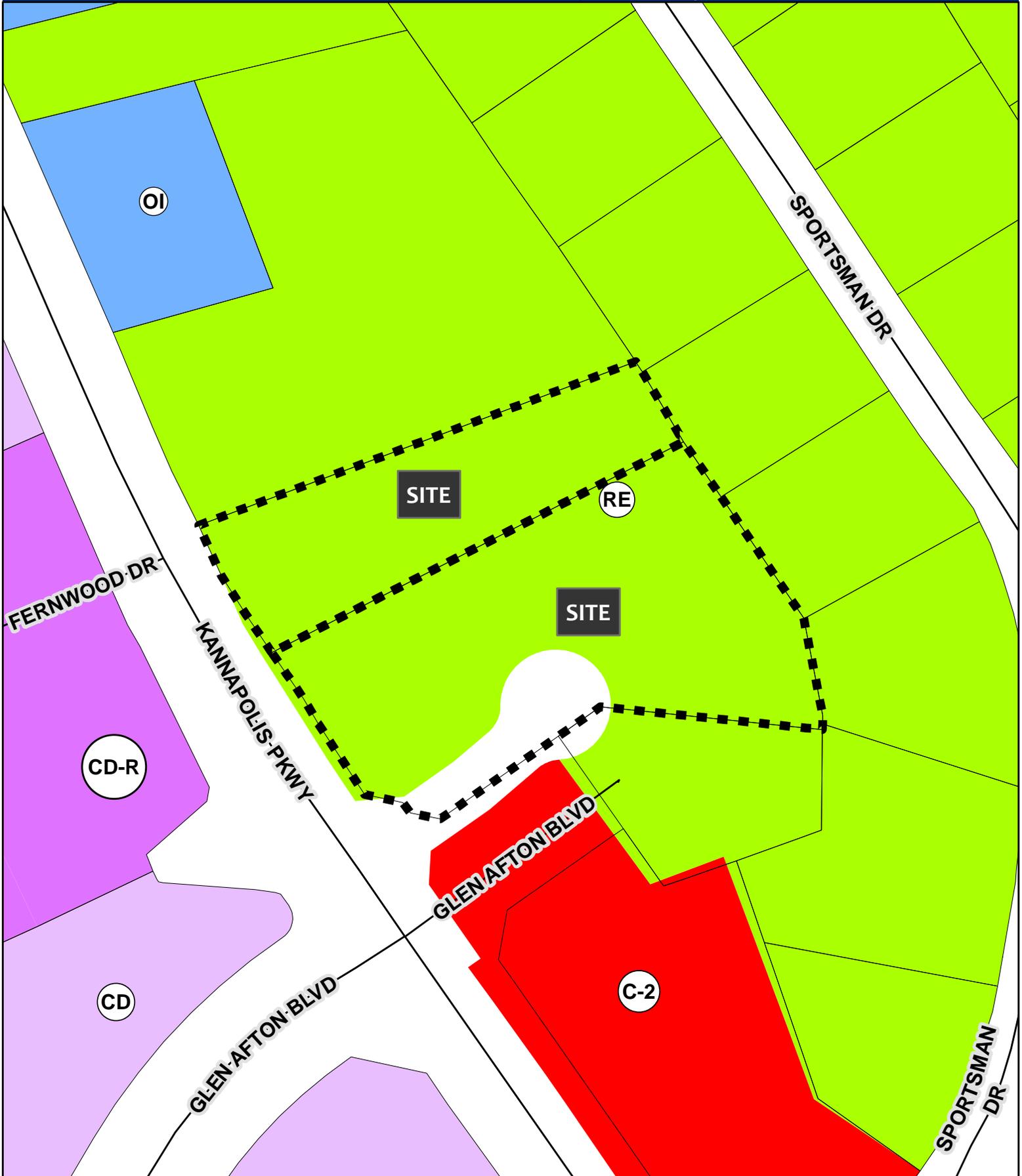




Kannapolis Current Zoning

Case Number: CZ-2019-09

Applicant: Rick Meeks
630 Kannapolis Pkwy





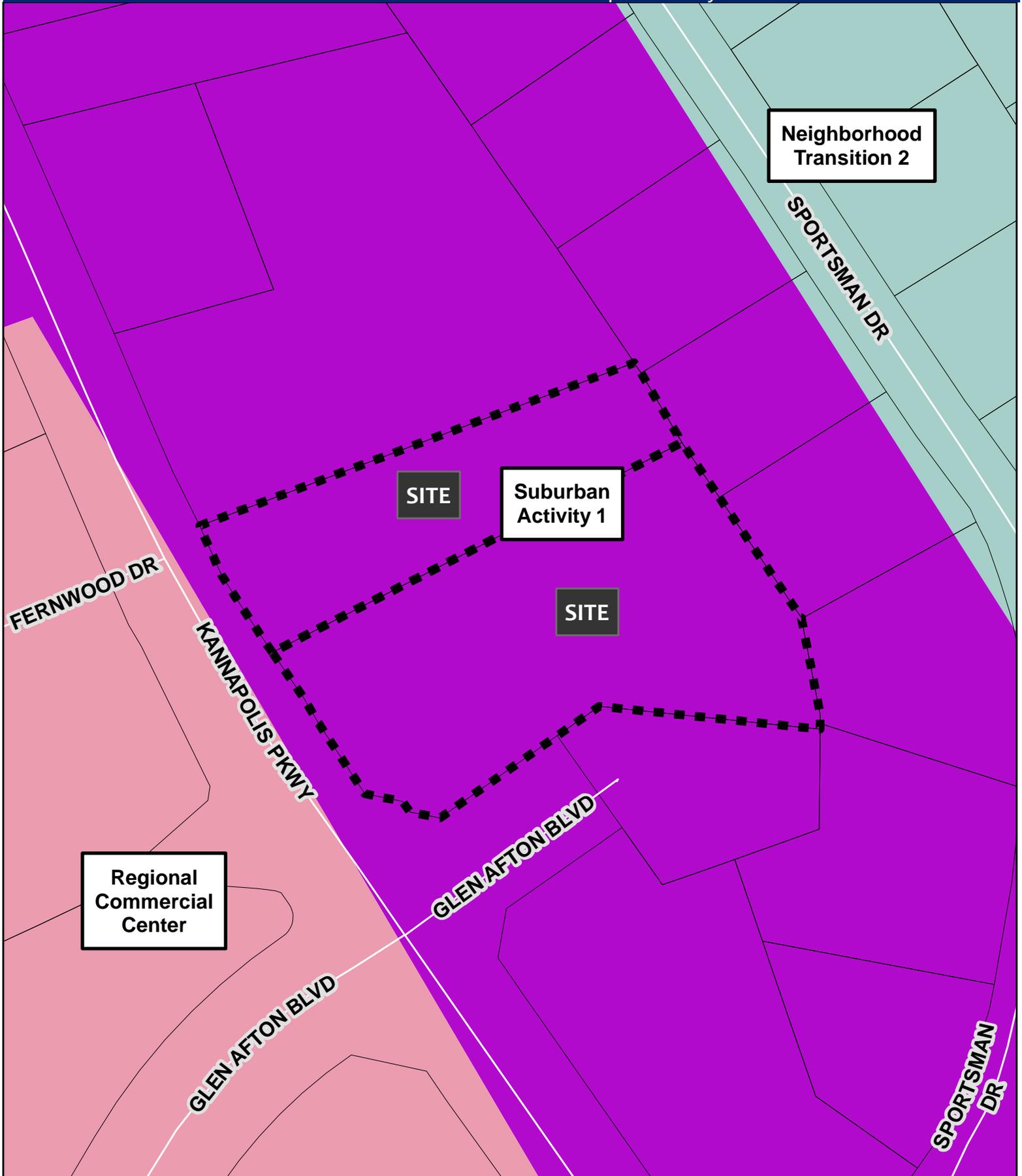
Kannapolis 2030 Future Land Use Map

Case Number: CZ-2019-09

Applicant: Rick Meeks

630 Kannapolis Pkwy

N



Future Land Use

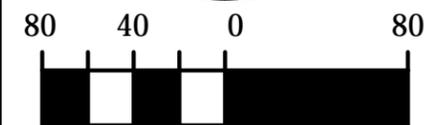
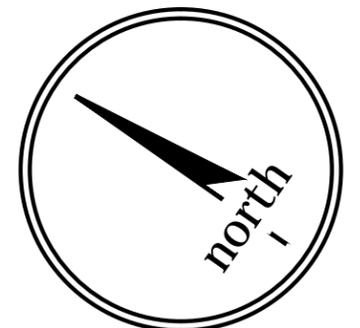


Map 9 - Recommended Land Uses

Note: This plan is intended to be illustrative. The exact location, type and composition of future land use will be determined by market conditions.

site data

jurisdiction: City of Kannapolis
tax map no.: 56010370280000
56010362330000

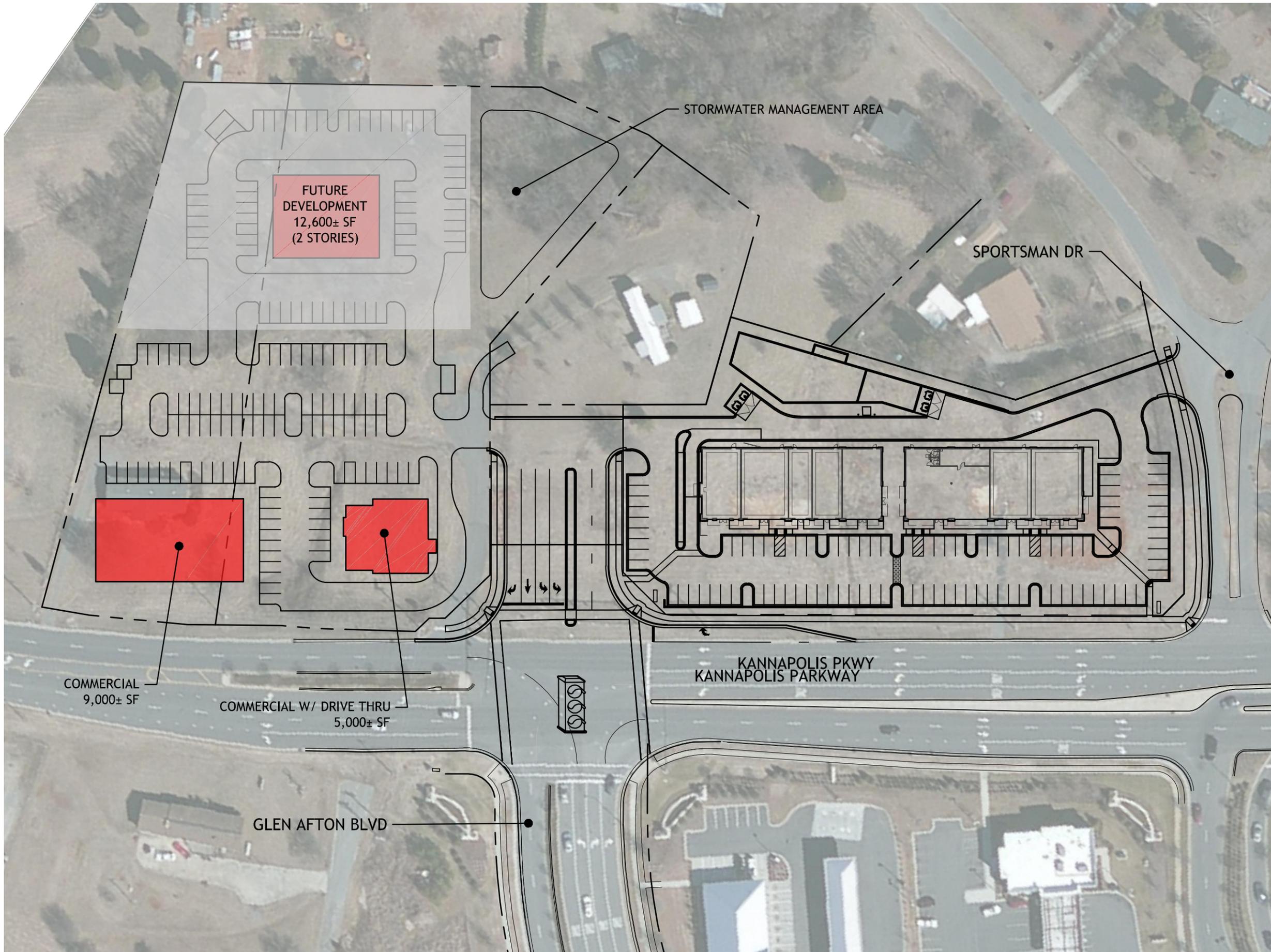


scale: 1" = 80'

RETAIL
KANNAPOLIS, NC

STUDY PLAN

SP - 7





PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000619732

Client: KANNAPOLIS,CITY OF
Phone: 7049204300
Account: 3143368
Address: ACTS PAYABLE/WANDA/TEARSHEETS
KANNAPOLIS NC 28081

Payer : KANNAPOLIS,CITY OF
Phone: 7049204300
Account: 3143368
Address: ACTS PAYABLE/WANDA/TEARSHEETS
KANNAPOLIS NC 28081

Sales Rep **Accnt Rep** **Ordered By**
aboan aboan Pam

Fax: 7049337463
EMail: byow@kannapolisnc.gov

Total Amount \$682.70
Payment Amount \$682.70
Amount Due \$0.00

Tear Sheets **Proofs** **Affidavits** **PO Number:**
0 0 1

Tax Amount: 0.00
Payment Meth: Credit - Debit Card

Ad Number **Ad Type** **Ad Size** **Color**
0000619732-01 CLS Liner 2 X 54 li \$0.00

Production Method **Production Notes**
AdBooker (liner)

Product and Zone **Placement** **Position** **# Inserts**
CON Independent Trib C-Announcements General-Spec Notice 2

Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING Planning and Zoning

Run Dates 12/20/2019, 12/27/2019

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETI
OLISNCWEDNESDAYJANUARY82019AT600PMCONDITIONALZONINGM/



NOTICE OF PUBLIC HEARING
Planning and Zoning Commission Meeting
401 Laureate Way, Kannapolis, NC

Wednesday January 8, 2019 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2019-05 - Public hearing to consider a request to rezone approximately 133.04 +/- acres located at 4782 Mooresville Road, 4325 Rainbow Drive and an unaddressed parcel on Rainbow Drive from CD (Campus Development) to PUD-CZ (Planned Unit Development-Conditional Zoning), further identified as Cabarrus County PIN #5603-66-1917, 5603-78-0189 and 5603-69-9568 to allow for a mixture of single-family (220 units) and townhome (152 units) residential development with a total of 372 units.

Conditional Zoning Map Amendment - CZ-2019-09 - Public hearing to consider a request to rezone approximately 3.41 +/- acres located at 630 Kannapolis Parkway and an unaddressed parcel on Kannapolis Parkway from RE (Rural Estate) to C-2-CZ (General Commercial-Conditional Zoning), further identified as Cabarrus County PINs #5601036233 & 5601037028 to allow for a 26,600-sf shopping center.

Zoning Map Amendment - Z-2019-04 - Public hearing to consider a request to rezone approximately .43 +/- acres located at 610 E 12th Street from C-2 (General Commercial) to RV (Residential Village), further identified as Rowan County PIN #150-0630001.

Zoning Map Amendment - Z-2020-01 - Public hearing to consider a request to rezone approximately .73 +/- acres located at 601 E 13th Street from C-2 (General Commercial) to RV (Residential Village), further identified as Rowan County PIN #159-318.

Contact the Planning Department at 704-920-4350 with any questions.

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 email tcline@kannapolisnc.gov.

Publish: Friday December 20, 2019, Friday December 27, 2019

| AcctName1 | MailAddr1 | MailCity | MailState | MailZipCod |
|--|-----------------------------|-------------|-----------|------------|
| TONY & LISA HURLOCKER | 355 TROUTMAN RD | ROCKWELL | NC | 28138 |
| HAWTHORNE GLEN AFTON APARTMENTS LLC | 806 GREEN VALLEY RD STE 311 | GREENSBORO | NC | 27408 |
| BRENDA YOW & PATRICIA MCGAHA | 963 ODELL SCHOOL RD | CONCORD | NC | 28027 |
| RICKY & TRINA GODWIN | 711 SPORTSMAN DRIVE | CONCORD | NC | 28025 |
| MICHAEL & TUYEN KIM DIEP | 2708 KENDALLWOOD CT | KANNAPOLIS | NC | 28081 |
| OUT PARCEL HOLDINGS LLC | 1040 FOUNDERS BLVD STE 100 | ATHENS | GA | 30606 |
| Z & T REAL ESTATE LLC | 9122 DYLAN RIDGE CT | CONCORD | NC | 28027 |
| CHARLES & ELLEN BRADSHAW | 671 SPORTSMAN DRIVE | CONCORD | NC | 28027 |
| TOMMY SNYDER | 5979 GLEN AFTON BLVD | CONCORD | NC | 28027 |
| GRADY SR & DEBORAH LOVE | 4482 ODELL SCHOOL RD | CONCORD | NC | 28027 |
| CHARLES & DIANNA HARTSHORN | 286 WELLINGTON DR | SANTA MARIA | CA | 93455 |
| ESTHER TUCKER & JEREMY BRYANT | 7033 BREEDERS CUP CIR | CHARLOTTE | NC | 28215 |
| BULLPEN PROPERTIES LLC | 9131 ANSON WAY STE 305 | RALEIGH | NC | 27615 |
| M & L PROPERTY DEVELOPMENT LLC C/O RICK MEEKS | 313 S MAIN ST STE 100 | KANNAPOLIS | NC | 28081 |



December 19, 2019

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Wednesday, January 8, 2020 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

CZ-2019-09 – Zoning Map Amendment – Small Shops 2 Kannapolis Parkway

The purpose of the Public Hearing is to consider a request by Rick Meeks to rezone properties located at 630 Kannapolis Parkway and an unaddressed parcel on Kannapolis Parkway from RE (Rural Estate) to C-2-CZ (General Commercial-Conditional Zoning) to allow for development of a 26,000-sf retail shopping center. The subject properties are approximately 3.41 +/- acres in size and further identified as Cabarrus County Parcel Identification Number(s) 5601-03-6233, and 5601-03-7028 (see reverse side of this letter for vicinity map showing the location of this property).

As an abutting property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis Unified Development Ordinance; and are invited to attend the public hearing and present testimony, should you desire, to the Planning and Zoning Commission.

Should you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4350.

Sincerely,

Gretchen Coperine, 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.



Conditional Rezoning

Case Number: CZ-2019-09

Applicant: Rick Meeks
630 Kannapolis Pkwy

N



SPORTSMAN
DR

SITE

PIN:
5601-03-6233

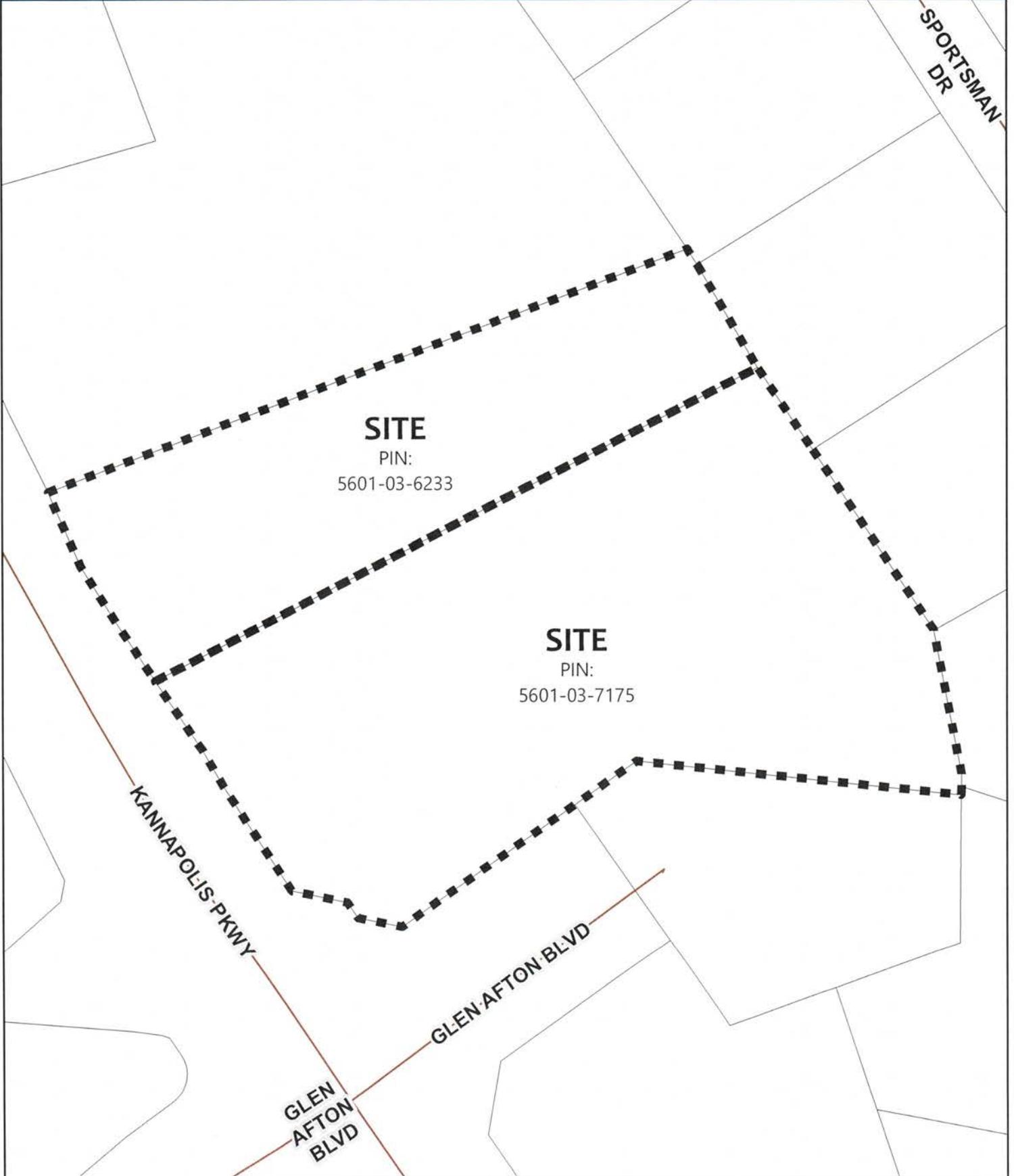
SITE

PIN:
5601-03-7175

KANNAPOLIS-PKWAY

GLEN AFTON BLVD

GLEN
AFTON
BLVD





PLANNING
ZONING
COMMISSION
PUBLIC HEARING
INFORMATION
CALL 764-939-4159
CASE #CZ-2019-01

WATER
TREATMENT
PLANT

White tent structure



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE # CZ-2019-09**

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 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 January 8, 2020 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone property located at 630 Kannapolis Parkway & an unaddressed parcel on Kannapolis Parkway, (Cabarrus County Parcel Identification Number(s) 5601-03-6233, and 5601-03-7028) owned by M&L Property Development, LLC, from City of Kannapolis Rural Estate (RE) Zoning Designation to City of Kannapolis General Commercial-Conditional Zoning (C-2-CZ) Zoning Designation;

NOW, THEREFORE BE IT RESOLVED *that the Planning and Zoning Commission finds this rezoning consistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates this property as being located in the “Regional Commercial Center” and within a “Suburban Activity I” Character District, which allow for retail development. Furthermore, the Commission finds the request for rezoning reasonable and in the public interest because it will provide commercial development along Kannapolis Parkway that is appropriate for the area. The proposed use is compatible with the surrounding zoning, yet not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment. Finally, there is adequate access to public facilities.*

Adopted this the 8th day of January 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case #CZ-2019-09 (630 Kannapolis Parkway & Unaddressed Parcel on Kannapolis Parkway)

**City of Kannapolis Rural Estate (RE) Zoning District to
City of Kannapolis General Commercial-Conditional Zoning (C-2-CZ) 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 January 8, 2020 for consideration of rezoning petition Case #CZ-2019-09 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone property located at 630 Kannapolis Parkway & an unaddressed parcel on Kannapolis Parkway, (Cabarrus County Parcel Identification Number(s) 5601-03-6233, and 5601-03-7028) owned by M&L Property Development, LLC, from City of Kannapolis Rural Estate (RE) Zoning Designation to City of Kannapolis General Commercial-Conditional Zoning (C-2-CZ) Zoning Designation; and

WHEREAS, the Commission has approved the request for rezoning and found it to be consistent with the City of Kannapolis *Move Kannapolis Forward, 2030 Comprehensive 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 3.41 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 “Regional Commercial Center” within a “Suburban Activity 1” Character District in the *Move Kannapolis Forward 2030 Comprehensive Plan*.

The Regional Commercial Center calls for retail and office as primary uses and multifamily and single-family residential as secondary uses. The Suburban Activity 1 Character District also includes retail and office as primary uses along with light

manufacturing, multi-family and single-family residential development as secondary uses.

The subject property is also located within the *Farm Hill Small Area Plan* study area, which recommends retail land uses for the subject property (see attached Farm Hill Small Area Plan Map).

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

The property is located on the north side of Glen Afton Blvd., to the north of Kannapolis Small Shops, a retail development consisting of a Dunkin Donuts (with drive-thru) and several small retailers. That property was zoned CZ-C2 in 2016. On the east side of the subject property is existing residential property, zoned RE, with single family detached residential development.

The subject property is located east of the Afton Ridge shopping center (across Kannapolis Parkway), which is zoned CD (Campus Development) and contains a range of commercial use, including national retailers and major anchors Target, Dick's Sporting Goods, Ashley Furniture, Stein Mart, and Party City. The property is also located within the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District) and will require adherence to use and architectural regulations for this area. Therefore, the proposed rezoning is considered compatible with the surrounding area.

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

The subject property is and will continue to be accessed from Glen Afton Blvd. This access point is preferred over access from Kannapolis Parkway because it avoids conflicting movements from the subject site directly onto Kannapolis Parkway. Access to the site will need to be approved by NCDOT and the City.

5. Will there be parking problems?

The site plan submitted with this request for rezoning includes adequate parking for the listed use.

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 adverse environmental impacts such as water, air, or noise pollution issues associated with the rezoning request. In addition, development will 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?

The parcel to the south of the site known as Kannapolis Small Shops was rezoned to CZ-C2 in 2016, and construction of the retail shops was completed in 2018. Commercial development is anticipated to continue along Kannapolis Parkway in the near future.

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

There are adequate public facilities available to the property, including water, sewer and access to Kannapolis Parkway.

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

Properties to the north, south and east are zoned RE (Rural Estate) and include low density residential uses, manufactured homes and vacant lots. Property to the south is also zoned C-2-CZ and is developed with shopping center uses (i.e., Kannapolis Small Shops). The Afton Ridge shopping center is located to the west and is zoned CD-CZ (Campus Development-Conditional Zoning). Property to the west, north of Afton Ridge shopping center is zoned CD-R-CZ and is currently under construction for 264 apartment units. The Farm Hill Small Area Plan (FHSAP) is recommending that the project area transition to a “Retail” land use.

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

The current zoning of RE (Rural Estates) does not allow commercial development.

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

The proposed commercial use is compatible with the adjacent neighborhood which includes commercial development along Kannapolis Parkway, and the adjacent residential neighborhood to the east of the property, based on the medium intensity of the proposed use.

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?

Kannapolis Parkway is predominately a commercial corridor. There are vacant parcels as well as underused parcels along the parkway.

14. 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 City of Kannapolis C-2-CZ – General Commercial-Conditional Zoning District, subject to the following conditions:

1. The permitted uses allowed by this rezoning shall only include a restaurant with a drive thru as generally depicted on the site plan submitted with this rezoning.
2. A Site Plan, in compliance with all applicable City standards, shall be submitted and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Any lighting installed on the subject property shall be full cut-off fixtures with all lighting directed downward and away from adjacent residential property.
4. A Type 3 Perimeter buffer yard shall be provided to buffer the adjacent single-family development to the north and east.
5. The property shall be subject to the restrictions and guidelines of the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District).
6. Driveway locations shall be approved by NCDOT and the City.
7. Driveways and parking lots shall comply with all Fire Codes and Autoturn (a traffic

engineering program which specifies the required turning radii for vehicles including delivery trucks and emergency vehicles) shall be run for an SU-30 and Bus-45 (mimics ladder truck).

8. A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and BMP's.
9. The project developer shall be responsible for extension of all water and sewer infrastructure needed to serve the project.
10. Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.
11. The property shall be subject to the restrictions and guidelines of the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District).

Adopted this the 8th day of January 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission