



**City of Kannapolis
Planning and Zoning Commission**

**401 Laureate Way, Kannapolis, NC
October 7, 2020 at 6:00 pm**

Agenda

1. **Call to Order**
2. **Roll Call and Recognition of Quorum**
3. **Approval of Agenda**
4. **Correction/Approval of Minutes – September 2, 2020**
5. **Public Hearing**
 - a. **CZ-2020-09 – Site Plan Amendment – Hawthorne at the Glen**
Public hearing to consider a request for a site plan amendment to approximately 21.877 acres of property located at 6533 Willowbrook Ln., further identified as Cabarrus County PIN # 4691-92-4785 to allow for subdivision of two parcels from the overall approved site plan.
 - b. **CPA-2020-02 - Comprehensive Plan Amendment for Property on Lane Street and Brantley Road**
Amend Move Kannapolis Forward 2030 Comprehensive Plan “Future Land Use and Character Map” designation of approximately 86 +/- acres located on Lane Street (Cabarrus County PINs 56336990190000 and 56336777140000) and Brantley Road (PIN 56336772400000) from “Future Planning Area” to “Employment Center”
 - c. **TA-2020-03 – Text Amendment to Article 4, Table 4.6-1 and Article 5, Sections 5.22 and 5.38 of UDO regulating Mobile Food Vending**
Amend the Unified Development Ordinance (UDO), to remove Mobile Food Vending (MFV) as a principal permitted use in the C-C, C-1 and C-2 Zoning Districts and allow as a Temporary Use in the C-1 and C-2 Zoning Districts, subject to specific standards.
6. **Planning Director Update**
 - a. Unified Development Ordinance (UDO) Rewrite Update – Clarion Associates
7. **Other Business**
 - a. Election of FY 2021 Officers (Chair and Vice-Chair)
 - b. Meeting date change for 2021
8. **Adjourn**

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**CITY OF KANNPOLIS, NC
PLANNING AND ZONING COMMISSION**

**Minutes of Regular Meeting
September 2, 2020**

The Kannapolis Planning and Zoning Commission met on Wednesday, September 2, 2020 at 6:00 PM at City Hall, 401 Laureate Way, Kannapolis, North Carolina. This meeting was held in accordance with the notice attached to and made part of these minutes as Appendix 1.

Commission Members Present: David Steele, Chairman
Chris Puckett, Vice-Chairman
Alan Overcash
Jeff Parker
Larry Ensley
Travis Gingras

Commission Members Absent: Paula Severt (ETJ Representative)
Scott Trott

Visitors:

Margot Crisman	Elton Crisman
Joe Hatley	Gary McCoy
Kara Strickland	Mike Byron
Joshua Masters	Macenzie Publilover
Matt Edwards	John Feather
David Miller	

Staff Present: Gretchen Coperine, AICP, Assistant Planning Director
Tony Eury, IT Director
Wilmer Melton, Assistant City Manager

CALL TO ORDER

Chairman Steele called the meeting to order at 6:00 P.M.

ROLL CALL AND RECOGNITION OF QUORUM

Recording Secretary Pam Scaggs called the roll. The presence of a quorum was recognized.

APPROVAL OF AGENDA

Chairman Steele asked for a motion to approve the Agenda which was made by Mr. Parker, seconded by Mr. Puckett and the motion was unanimously approved.

APPROVAL OF MINUTES

Chairman Steele asked for a motion to approve the August 5, 2020 Meeting Minutes which was made by Mr. Ensley, seconded by Mr. Puckett the motion was unanimously approved.

1 **PUBLIC HEARING**

2 **CZ-2020-07 – Conditional Zoning Map Amendment – North Ave. Extension**

3 Assistant Planning Director, Gretchen Coperine, gave a PowerPoint presentation regarding case
4 CZ-2020-07, attached to and made part of these minutes as Exhibit 1. Ms. Coperine noted that the
5 subject properties were recently annexed, and that zoning needs to be applied within sixty (60)
6 days. She responded to questions from the Commission regarding plans for North Ave Extension,
7 Charter school, Concord Lake being a NCDOT road, who pays for street improvements, and the
8 discrepancy on acreage.

9
10 Mike Byron identified himself as the applicant and talked about other developments in nearby
11 municipalities, proposed amenities, and construction material that will be used. Mr. Byron noted
12 that this will be built and managed by the same company and has committed to managing the
13 property for 30 years. He made himself available for questions. He responded to questions
14 regarding target resident, elevators, subsidized or affordable housing, and connectivity.

15
16 Mackenzie Publilover, P.E. for the applicant responded to questions regarding the North Avenue
17 Extension abandonment. Ms. Publilover indicated that North Ave. Extension will be used as
18 emergency access.

19
20 Ms. Coperine responded to a question regarding parking and school impacts.

21
22 One (1) resident voiced concern regarding North Ave Extension being used as parking and
23 requested some type of a barrier.

24
25 Chairman Steele requested a motion to either adopt or deny the Statement of Consistency for case
26 CZ-2020-07. Mr. Gingras made the motion to approve, which was seconded by Mr. Parker and
27 the motion unanimously approved.

28
29 Chairman Steele asked for a motion to either approve or deny the Resolution to Zone for case CZ-
30 2020-07. Mr. Overcash made the motion to approve the Resolution to Zone which was seconded
31 by Mr. Ensley and the motion was unanimously approved.

32
33 **Z-2020-05 – Zoning Map Amendment – 675 Winecoff School Rd.**

34 Assistant Planning Director, Gretchen Coperine, gave a PowerPoint presentation regarding case
35 Z-2020-05, attached to and made part of these minutes as Exhibit 2. Ms. Coperine indicated that
36 the subject property received a Certificate of Nonconformity Adjustment (CONA) in 2017 to allow
37 for an upgrade to an existing billboard and that a commercial zoning designation is required by the
38 state. She responded to questions from the Commission regarding the CONA.

39
40 Gary McCoy identified himself as the applicant, stating that he and his brothers have owned the
41 property since 1984 and have maintained the billboard on that property since that time. Mr. McCoy
42 made himself available for questions.

43
44 Chairman Steele asked for a motion to adopt or deny the Statement of Consistency for case Z-
45 2020-05. Mr. Ensley made the motion to a which adopt which was seconded by Mr. Parker and
46 the motion was unanimously approved.

1 Chairman Steele asked for a motion to adopt a Resolution to Zone for case Z-2020-05 which was
2 made by Mr. Ensley seconded by Mr. Gingras and the motion was unanimously approved.

3
4 **Z-2020-06 – Zoning Map Amendment – West F St. and Sycamore Ave.**

5 Assistant Planning Director, Gretchen Coperine, gave a PowerPoint presentation regarding case
6 Z-2020-06, attached to and made part of these minutes as Exhibit 3. Ms. Coperine responded to
7 questions from the Commission regarding future re-zonings for surrounding properties.

8
9 Joshua Masters identified himself as the applicant and indicated that he will be building
10 townhomes. He responded to questions from the Commission regarding installation of sidewalks,
11 construction materials, whether the units will be offered for rent or sale, and parking.

12
13 One (1) resident voiced concern regarding street safety, design and parking.

14
15 Chairman Steele asked for a motion to adopt or deny the Statement of Consistency for case Z-
16 2020-06. Mr. Parker made the motion to approve which was seconded by Mr. Gingras and the
17 motion was unanimously approved.

18
19 Chairman Steele asked for a motion to adopt a Resolution to Zone for case Z-2020-06 which was
20 made by Mr. Ensley seconded by Mr. Parker and the motion was unanimously approved.

21
22 **PLANNING DIRECTOR UPDATE**

23 None

24
25 **OTHER BUSINESS**

26 None

27
28 **ADJOURN**

29 There being no further business, questions or comments, Mr. Ensley made the motion to adjourn
30 which was seconded by Mr. Puckett and the motion was unanimously approved.

31
32 The meeting adjourned at 6:56 PM on Wednesday September 2, 2020.

33
34
35
36 _____
37 David Steele, Chairman
38 Planning and Zoning Commission

39 _____
40 Pam Scaggs, Recording Secretary



Planning Department

Planning & Zoning Commission October 7, 2020 Meeting

Staff Report – Case # CZ-2020-09

DATE: September 28, 2020
TO: Planning & Zoning Commission
FROM: Gretchen Coperine, AICP, Assistant Planning Director
SUBJECT: **Case #CZ-2020-09 Hawthorne at the Glen Apartments (Zoning Map Amendment)**
Applicant: Hawthorne Glen Afton Apartments, LLC

The applicant is requesting an amendment to the previously approved rezoning plan for the Hawthorne at the Glen Apartments, located at 6533 Willowbrook Lane. The request is to sub-divide and remove two (2) lots totaling 4.27 acres from the approved site plan. The areas are reflected on the attached plan and labeled Parcel 1: 4.02 acres and Parcel 2: 0.25 acres.

A. Actions Requested by Planning & Zoning Commission

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

B. Decision and Required Votes to Pass Requested Actions

Section 3.3.4.2.B 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

The subject property was previously rezoned under Case #Z-2016-08 and Case #Z-2018-13 to allow a total of 254 apartments on 21.89 acres.

This amendment proposes to remove 4.27 acres from the original approved plan of 21.89 acres. The acreage proposed to be removed is intended for future development and would have to be rezoned accordingly. The remaining acreage and site plan meet all of the requirements of the UDO and prior Planning and Zoning Commission rezoning approval.

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 21.89 +/- acres. The property being removed is approximately 4.27 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 includes land with opportunities for such large format commercial uses as Afton Ridge as primary uses and multifamily residential as secondary uses. The Suburban Activity 1 Character District includes primarily regional-scale commercial development that can accommodate large format commercial development as primary uses and multifamily residential development as secondary uses.

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

The subject property is located north of the Afton Ridge Shopping Center, (south of Glen Afton Boulevard), which is zoned CD (Campus Development) and contains a range of commercial uses. The Century Afton Ridge apartment complex is located in the southern portion of Afton Ridge. The property will be combined with the previously approved multi-family project to the north, east and west, and gain access from Kannapolis Parkway and from Glen Afton Boulevard via Ashdale Court. That said, the proposed amendment does not change the zoning of the original plan. 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?

Access to Hawthorne is not changing with this amendment.

The subject property will continue to be accessed from Kannapolis Parkway, which is controlled by NCDOT, and Glen Afton Boulevard via Ashdale Court, which was specifically designed to connect to this property so that Glen Afton Boulevard could remain limited access

and the intervening property could share this access when developed. Therefore, no adverse effects on the capacity or safety of this portion of the street network is anticipated.

5. Will there be parking problems?

No parking problems are anticipated with this amendment.

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 amendment.

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 Afton Ridge Shopping Center has been developing over the past decade. Glen Afton Boulevard and Ashdale Court were built in conjunction with development of Afton Ridge and now provide access to the subject property. The *Farm Hill Small Area Plan* has been completed for the area east of the property and provides a guide to future re-development of this area. It is anticipated that the area surrounding the subject property will continue to experience development pressures in the 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 along Kannapolis Parkway and Glen Afton Boulevard.

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

Property to the south is zoned CD (Campus Development) with the parcel further south including the Afton Ridge Shopping Center (CD-CZ). Property to the north, east and west is CD-R-CZ (Campus Development – Residential – Conditional Zoning) and is part of the previously approved Hawthorne multi-family development. The area east of Kannapolis Parkway is zoned RE (Rural Estate) and includes residential uses, although the *Farm Hill Small Area Plan* is recommending that this area transition to a mix of non-residential and multi-family residential uses over time.

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

N/A

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

The CD-R zoning is established for residential uses and the proposed amendment does not affect the adjacent zoning districts.

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

N/A

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 majority of the land along Kannapolis Parkway is zoned CD or PUD, with single-family residential and agricultural zoning further north. There are very few parcels located along Kannapolis Parkway zoned to accommodate multi-family (apartments).

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 allows for multifamily residential development. Furthermore, staff finds the request for amendment reasonable and in the public interest. The proposed is compatible with the surrounding zoning, yet not anticipated to have an adverse effect on the capacity and 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 of Zoning Map Amendment Case #CZ-2020-09, subject to the following conditions:

1. All conditions from the previously approved rezoning (Z-2016-08 and Z-2018-13 shall remain effective with this amendment for Hawthorne Apartments.
2. The preliminary plat, construction documents and final plats for the existing Hawthorne Apartments must be amended to reflect the new boundaries of the development.
3. Future development of Parcels 1 and 2 proposed with this amendment must be brought back before Planning and Zoning Commission for assignment of entitlements.

Alternative Courses of Action

APPROVAL

Motion 1 – Statement of Consistency

Should the Commission choose to approve the request for rezoning as presented in Case # CZ-2020-09, 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-2020-09 to be consistent with the City of Kannapolis Move Kannapolis Forward, 2030 Comprehensive Plan, adopted by City Council, which designated this property as being located in a Regional Commercial Center within a Suburban Activity 1 Character District, and allows for multifamily residential development. In addition, the Commission finds the request for rezoning reasonable and in the public interest because it allows for additional multi-family housing and provides a transition between surrounding commercial and rural residential*

uses. Furthermore, the proposed use of the property will be in conformance with all applicable provisions of the UDO as well as provide adequate buffers and protection for the environment and surrounding uses.

Motion 2 – Approval to rezone - Resolution to Zone

Should the Commission choose to approve the rezoning request, a motion should be made to adopt the Resolution to Zone (see attached).

DENIAL

Motion 1 – Statement of Consistency

Should the Commission choose to deny the request for rezoning as presented in Case # CZ-2020-09, 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 represented in Case CZ-2020-09, to be inconsistent with the Move Kannapolis Forward 2030 Comprehensive 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.*

Motion 2 – Denial of Rezoning

Should the Commission choose to deny the rezoning request, a motion should be made to not adopt the Resolution to Zone.

I. Attachments

1. Conditional Zoning Application
2. Vicinity Map
3. Zoning Map
4. Move Kannapolis Forward 2030 Comprehensive Plan Land Use Map
5. Preliminary Site Plan
6. Neighborhood Meeting Report
7. Notice of Public Hearing
8. List of Notified Properties
9. Notice to Adjacent Property Owners
10. Posted Public Notice
11. Resolution to Zone
12. Resolution to Adopt a Statement of Consistency

J. Issue Reviewed By:

- City Manager
- City Attorney
- Planning Director



Conditional Zoning Map Amendment Checklist

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the size of the parcel, the proposed use or the adequacy of existing infrastructure servicing the location. Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

CONDITIONAL REZONING REQUEST

Conditional Rezoning – Request for an amendment to the Kannapolis Zoning Map. *Approval authority – Planning and Zoning Commission.*

Requested Rezoning Property Address: 6533 Willowbrook LN, Concord NC 28027

Applicant: Hawthorne Glen Afton Apartments, LLC

Proposed development: Site Plan Amendment to approved Hawthorne at Glen Afton Apartments

SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to planreviewappointment@kannapolisnc.gov
- Neighborhood Meeting (if required)
- Zoning Map Amendment Checklist and Application – Complete with all required signatures
- Preliminary Major Site Plan
- PDF format on disc containing all documents rotated and formatted in sequential order based upon cover page
- Fee: \$925.00 (\$600 Application Fee, \$300 Legal Notices and notification fee, # of property owners notified [see Fee Schedule])

By signing below I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Applicant's Signature: _____

Date: _____

8-27-2020



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

CONDITIONAL ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: Philip Payonk - Hawthorne Residential Partners

Phone: (336) 553-1700 Email: ppayonk@hrpliving.com

Property Owner Information same as applicant

Name: _____

Phone: _____

Email: _____

Project Information

Project Address: 6533 Willowbrook LN, Concord, NC 28027

Parcel: PIN 46919247850000 # of parcels: 1 Approx. size of parcels: 21.877
(attach separate list if necessary)

Current Zoning Designation: CD-R Requested Zoning Designation: no change

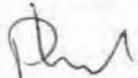
Reason for map amendment: _____

Site Plan Amendment to subdivide two parcels from the overall approved site plan.

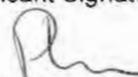
Condition(s) proposed by the applicant (attach separate sheet if necessary): _____

No change to original approved conditions

By signed below, 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.


Applicant Signature

8-24-2020
Date


Property Owner Signature

8-24-2020
Date

For Staff Use Only:

Filing Fee: _____

Receipt #: _____

Case #: _____

Date Received: _____

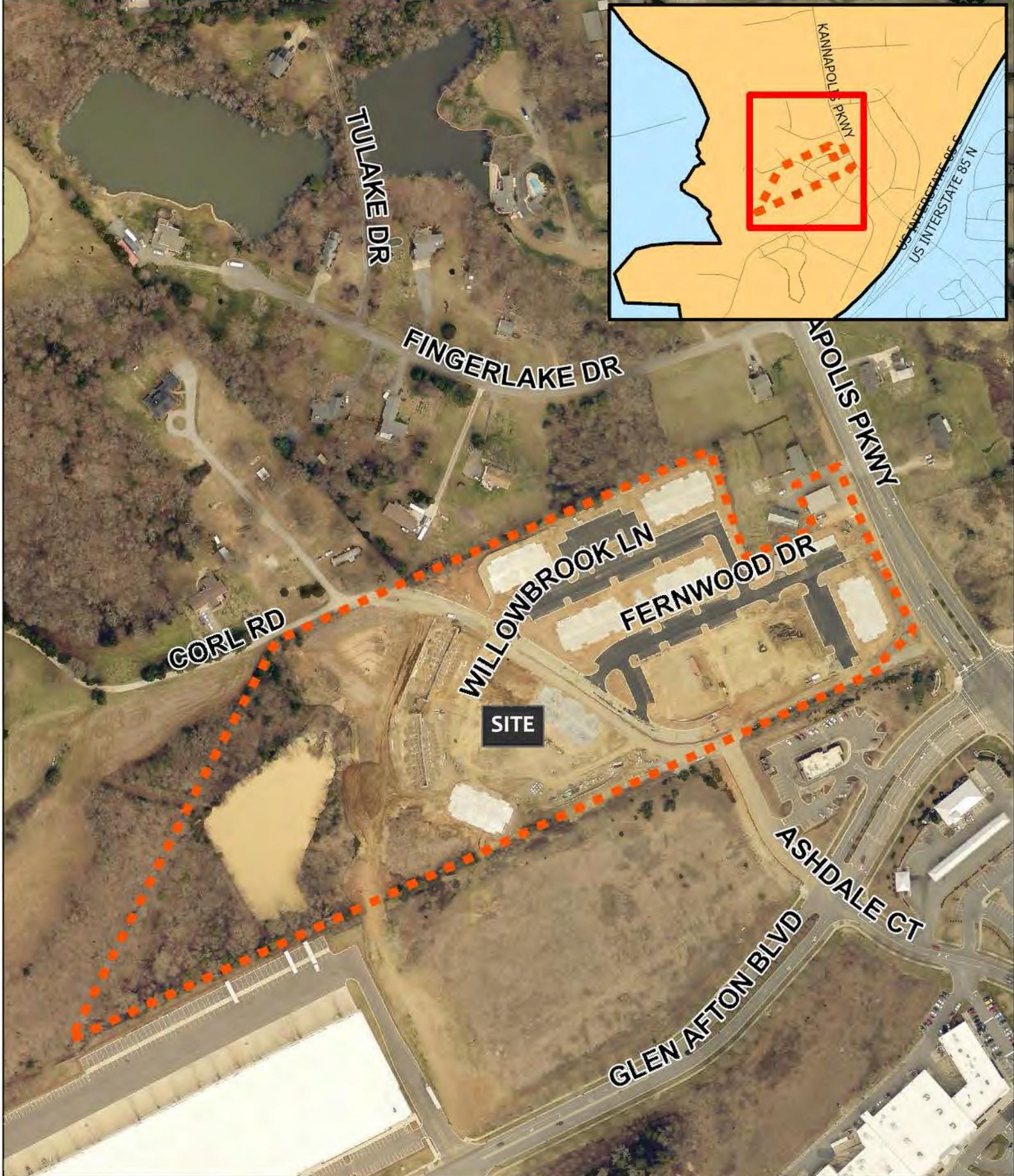


Vicinity Map

Case Number: CZ-2020-09

Applicant: BRD Land & Investment 1 LP

6533 Willowbrook Ln



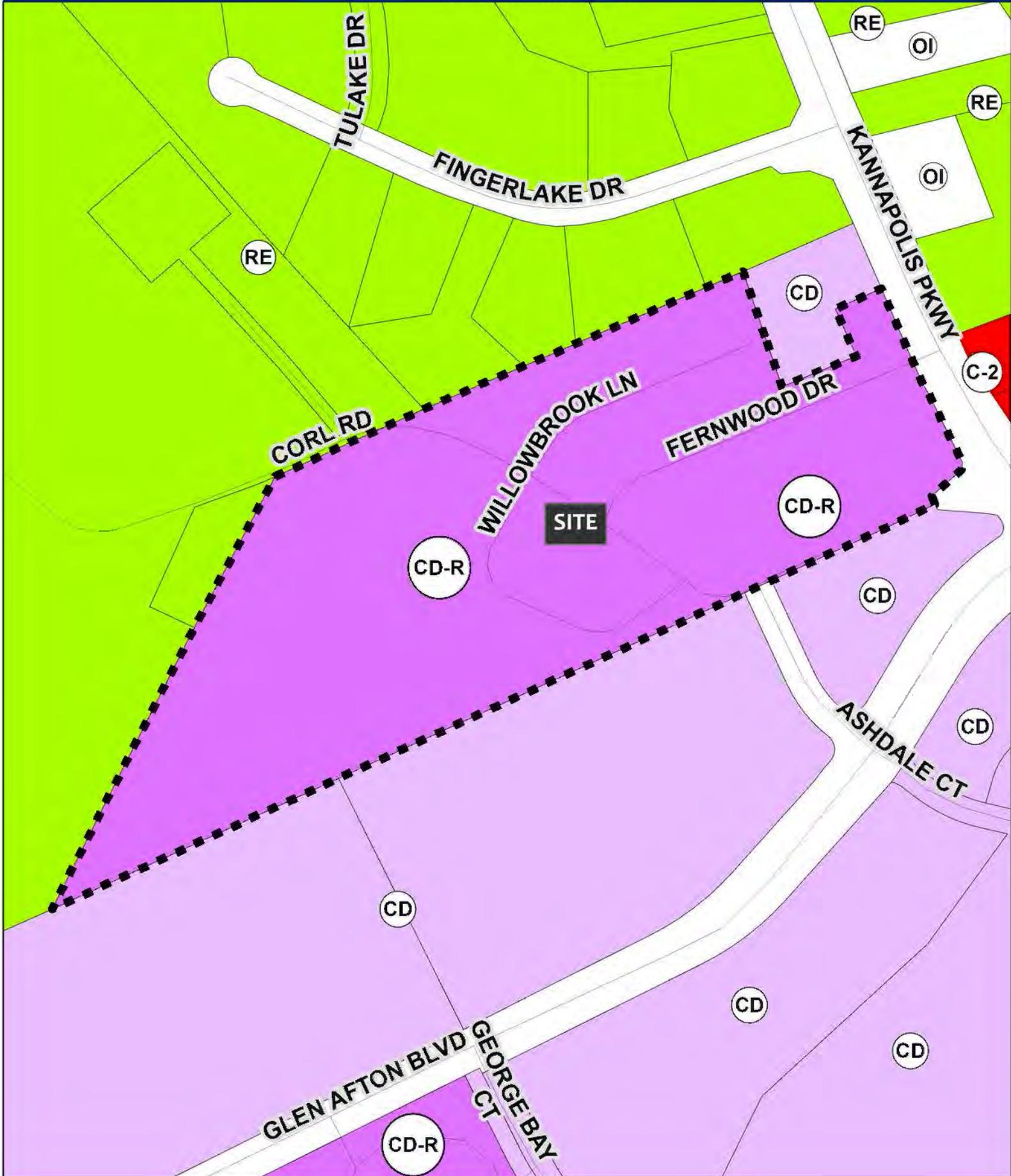


Kannapolis Current Zoning

Case Number: CZ-2020-09

Applicant: BRD Land & Investment 1 LP

6533 Willowbrook Ln

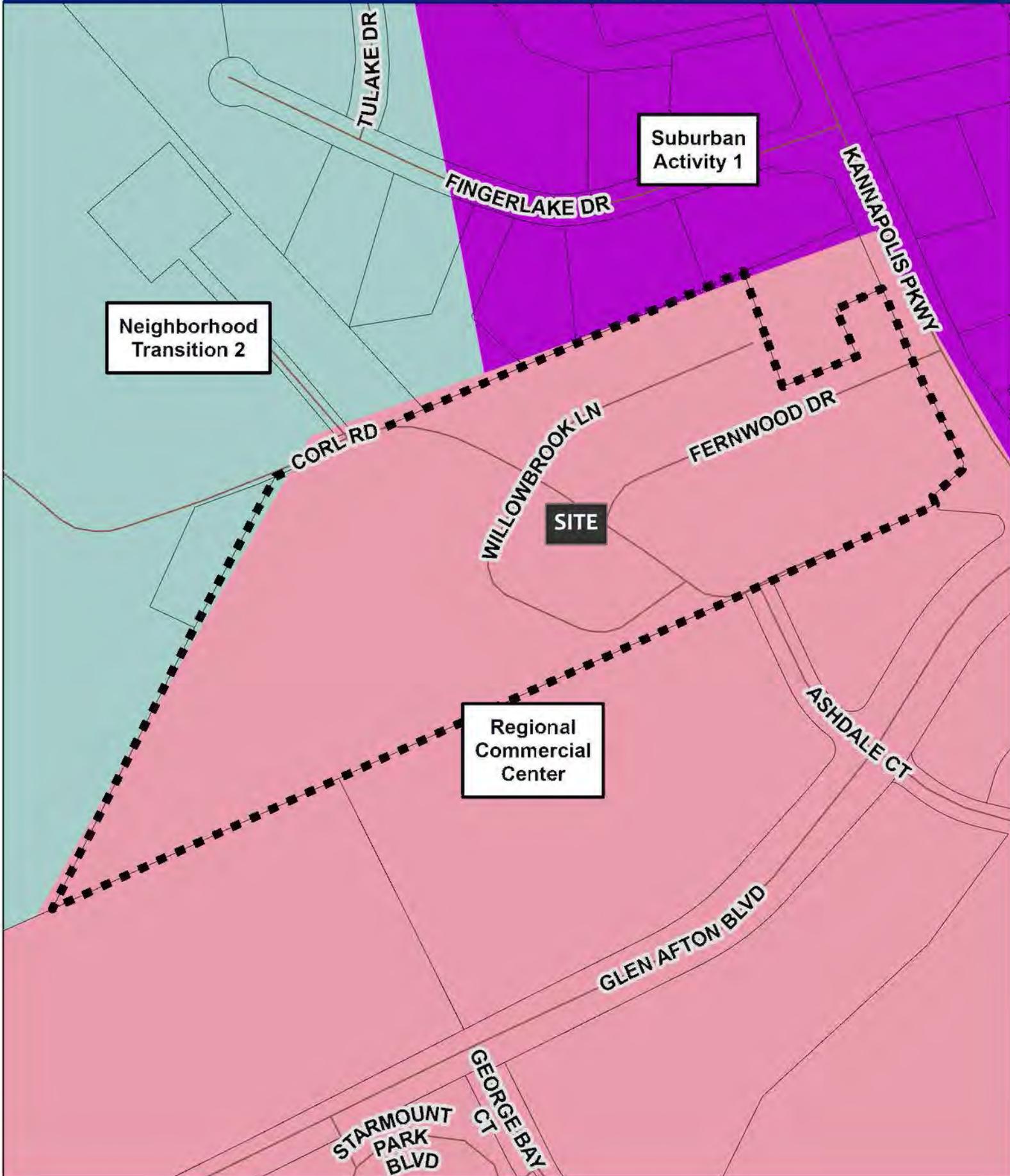


Kannapolis 2030 Future Land Use Map

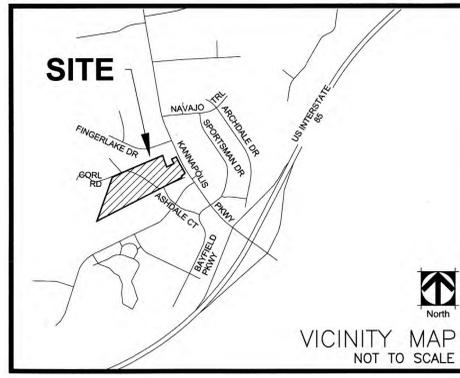
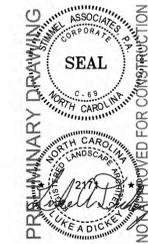
Case Number: CZ-2020-09

Applicant: BRD Land & Investment 1 LP

6533 Willowbrook Ln



SEALS:



VICINITY MAP
NOT TO SCALE

SITE DATA

Jurisdiction: Kannapolis, NC
Purpose Statement: The purpose of this request is for a site plan amendment to the approved site plan for the subdivision of two parcels from the overall site
Zoning: Existing Zoning: CD-R
 Proposed Uses: Multi-Family Dwellings - 4 Or More Dwelling Units
Site Acreage: Original Parcel: 21.88 Acres +/-
 Parcel 1: 4.02 Acres +/-
 Parcel 2: 0.25 Acres +/-
 Right-Of-Way Dedication: 0.02 Acres +/-
 Total Site Acreage: 17.61 Acres +/-
Building Data: Max. Building Height: 72'
 Proposed Building Height: 37'-0" (BT 1, 3, & 5) / 43'-6" (BT 2 & 4)
 Building Type 1 (3 Stories): 98,937 SF +/- (32,979 SF X 3 Buildings / 24 Units)
 Building Type 2 Split (3-4 Stories): 38,476 SF +/- (38,476 SF X 1 Building / 28 Units)
 Building Type 3 (3 Stories): 118,788 SF +/- (29,697 SF X 4 Buildings / 24 Units)
 Building Type 4 Split (3-4 Stories): 34,647 SF +/- (34,647 SF X 1 Building / 28 Units)
 Building Type 5 (3 Stories): 48,579 SF +/- (48,579 SF X 1 Building / 30 Units)
 Club House: 5000 SF +/-
 Garages (1,900 SF X 3 Buildings): 9,750 SF +/-
 Total Building Size: 354,177 SF +/-
 Total Units: 254.0 Units
 Max Density: 22.0 Units / AC
 Unit Density: 14.42 Units / AC +/-
Watershed Data: Site is Not Located Within A Water Supply Watershed District
Site Coverage: Maximum Impervious Area Permitted: 50.00%
 Total Open Space: 9.80 Acres +/- 55.71%
 Total Impervious: 7.80 Acres 44.29%
Common Open Space Required: (6% min. per Kannapolis Code) 1.41 Acres +/-
Common Open Space Provided: 1.41 Acres +/-
Accessible Open Space Required: (75% min. of open space per Kannapolis code) 1.06 Acres +/-
Accessible Open Space Provided: 1.06 Acres +/-
Infrastructure: Water: Public, Sewer: Public, Road: Private
Parking Calculations: Building Type 1 & Type 2 Split: 114 Spaces (76: 1-2 Bedroom Units @ 1.5 Sp. Per Unit) / 48 Spaces (24: 3+ Bedroom Units @ 2+ Sp. Per Unit)
 Building Type 3 & Type 4: 186 Spaces (124: 1-2 Bedroom Units @ 1.5 Sp. Per Unit)
 Building Type 5: 45 Spaces (30: 1-2 Bedroom Units @ 1.5 Sp. Per Unit)
 Parking Required: 393 Spaces
 Parking Provided: 420 Spaces (Off Street Parking: 399 Spaces (23 HC) / Garage Parking: 21 Spaces)
Building Setbacks: Front: 30', Rear: 20', Side: 20', Street: 50'
Bufferyards: Type Required: 12' Type I Adjacent to CD / 25' Type III Adjacent to RE
Streetyards: 8' Streetyard Minimum Along Kannapolis Parkway
Building Yards: 8' Category I Building Yard Provided Along Building Frontage Adjacent To Off-Street Parking / 8' Category II Building Yard Provided Along The Clubhouse Frontage Adjacent To Off-Street Parking
Parking Lot Yards: Parking Lot Yards Provided Where Off-Street Parking Is Adjacent To The Property Boundary (6"O.C. Evergreen Planting Typ.)

PROJECT:

**HAWTHORNE AT THE GLEN
 APARTMENTS**
 KANNAPOLIS, NORTH CAROLINA

CLIENT:
 MIKE WINSTEAD, JR.
 Evolve Construction, Inc.
 2918-A Martinsville Road
 Greensboro, NC 27408
 (336) 389-9992

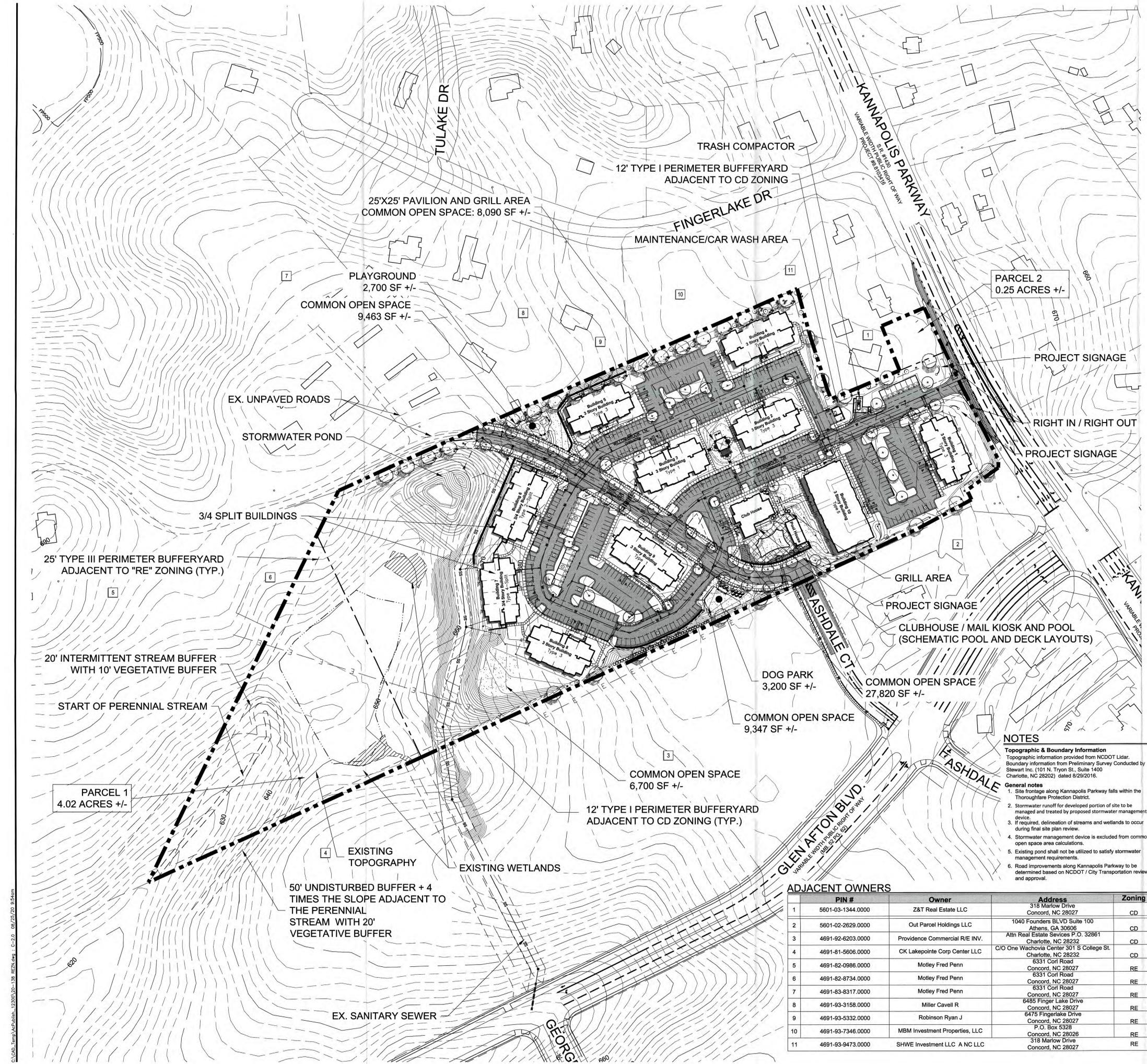
DRAWN: WGH
 DATE: 08/24/2020
 REVISIONS:

JOB NO.: 20-138
 SHEET TITLE:

**SITE
 PLAN
 AMENDMENT**

SCALE:
 SHEET NO.:

SP-1
 © STIMMEL ASSOCIATES, P.A.



NOTES

- Topographic & Boundary Information**
 Topographic information provided from NCDOT Lidar. Boundary information from Preliminary Survey Conducted by Stewart Inc. (101 N. Tryon St., Suite 1400 Charlotte, NC 28202) dated 8/29/2016.
General notes
 1. Site frontage along Kannapolis Parkway falls within the Thoroughfare Protection District.
 2. Stormwater runoff for developed portion of site to be managed and treated by proposed stormwater management device.
 3. If required, delineation of streams and wetlands to occur during final site plan review.
 4. Stormwater management device is excluded from common open space area calculations.
 5. Existing pond shall not be utilized to satisfy stormwater management requirements.
 6. Road improvements along Kannapolis Parkway to be determined based on NCDOT / City Transportation review and approval.

ADJACENT OWNERS

	PIN #	Owner	Address	Zoning
1	5601-03-1344.0000	Z&T Real Estate LLC	318 Marlow Drive Concord, NC 28027	CD
2	5601-02-2829.0000	Out Parcel Holdings LLC	1040 Founders BLVD Suite 100 Athens, GA 30606	CD
3	4691-92-6203.0000	Providence Commercial R/E INV.	Attn Real Estate Services P.O. 32861 Charlotte, NC 28232	CD
4	4691-81-5606.0000	CK Lakepointe Corp Center LLC	C/O One Wachovia Center 301 S College St. Charlotte, NC 28232	CD
5	4691-82-0986.0000	Motley Fred Penn	6331 Cori Road Concord, NC 28027	RE
6	4691-82-8734.0000	Motley Fred Penn	6331 Cori Road Concord, NC 28027	RE
7	4691-83-8317.0000	Motley Fred Penn	6331 Cori Road Concord, NC 28027	RE
8	4691-93-3158.0000	Miller Cavell R	6485 Finger Lake Drive Concord, NC 28027	RE
9	4691-93-5332.0000	Robinson Ryan J	6475 Fingerlake Drive Concord, NC 28027	RE
10	4691-93-7346.0000	MBM Investment Properties, LLC	P.O. Box 5328 Concord, NC 28026	RE
11	4691-93-9473.0000	SHWE Investment LLC A NC LLC	318 Marlow Drive Concord, NC 28027	RE

CLAD_Temp_McPublish_12/20/20_120-138_REVISED.dwg - C-2.0 08/23/20 9:54am

Hawthorne at the Glen Apartments Neighborhood Meeting Report

Held August 27, 2020 from 5:30 pm to 6:00 pm

The neighborhood meeting was held virtually using Zoom. A notification letter was mailed August 18, 2020 to fourteen (14) property owners located in close proximity to the property. Addresses were provided by the Kannapolis Planning Staff. *(Please refer to the invitation attached as Exhibit A and property owner invitee list attached as Exhibit B.)* Two individuals attended the meeting.

- 1) Priscilla Henley – 6555 Fingerlake Drive
- 2) Angela Argeta – 6495 Fingerlake Drive

The meeting was facilitated by representatives from Stimmel Associates, project land planners; and Hawthorne Residential Partners, owner representative.

<u>Stimmel Associates</u>	<u>Hawthorne Residential Partners</u>
Luke Dickey	Phil Payonk

A copy of the site plan was shared with the attendees to facilitate the discussion. It was noted that the site plan exhibit provided in the invitation had changed, but the overall intent remained the same. *(Please refer to Exhibit C):*

An overview of the proposed Site Plan Amendment was provided to the attendees to discuss the proposed subdivision of two parcels from the overall site. It was shared that there would be no changes to the apartment project. If the subdivided parcels were to be developed, then they would have to be rezoned and brought to the city for review and approval.

Questions from the attendees related to gaining an understanding of what was being proposed and if there were any impacts to their property. The neighbors did not express any concerns regarding the proposed plan and were supportive.

Prior to the meeting, Stimmel Associates was contacted by the property owners (Z & T Real Estate, LLC) of 637 Kannapolis Parkway by phone. Stimmel provided them an overview of the request and they did not have any concerns.

Respectfully submitted,



Luke A. Dickey, PLA
Vice President
Stimmel Associates, P.A.



LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
LAND PLANNING
601 N Trade Street, Suite 200
Winston-Salem, NC 27101
www.stimmelpa.com 336.723.1067

08/18/2020

Dear Neighbor,

The Hawthorne at Glen Afton Apartments is proposing to subdivide two portions from the overall apartment site. Please refer to attached site plan for more information. No additional changes are being proposed to the apartment site. As part of approval process, the City of Kannapolis is requiring the request to subdivide the parcel to be reviewed as a Site Plan Amendment through the Planning and Zoning Commission.

A neighborhood meeting is required as part of the plan submittal and the City of Kannapolis provided your address as you are a listed property owner within close proximity to the property.

Due to the COVID-19 pandemic, you are invited to attend a virtual meeting online via Zoom.

Date: Thursday, August 27

Time: 5:30 pm to 6:30 pm

To join the Zoom Meeting please go to the following website address:

<https://zoom.us/j/97515342297?pwd=YXVnUVpLbE9ienU3S3BqTkIDZWl1dz09>

Meeting ID: 975 1534 2297

Passcode: 7hGbD9

If you are unable to attend the meeting or if you have any questions, you can contact Luke Dickey with Stimmel Associates who is assisting the property owner through the plan approval process.

Luke can be reached by phone or email:

Phone: (336) 723-1067

Email: ldickey@stimmelpa.com



Carbajal German Gonzalez &
Argeta Angela Spouse
6495 Fingerlake Dr
Concord, NC 28027

CK Waitt Industrial LLC
301 S College St, Suite 2800
Charlotte, NC 28202

Mcgaha-Yow & Company LLP
963 Odeil School Rd
Concord, NC 28027

The Charlotte-Mecklenburg Hospital
Authority C/O Bennett Thompson
9401 Arrowpoint Blvd
Charlotte, NC 28273

MBM Investment Properties, LLC
P.O. Box 5328
Concord, NC 28026

Z & T Real Estate LLC
9122 Dylan Ridge Ct
Concord, NC 28027

Motley Fred Penn
6331 Corl Rd
Concord, NC 28027

M & L Property Development, LLC
C/O Ricky Meeks
313 S Main St, Suite 100
Kannapolis, NC 28081

Diep Michael & Diep Tuyen Kim
2708 Kendallwood Ct
Kannapolis, NC 28081

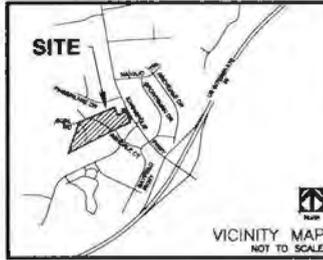
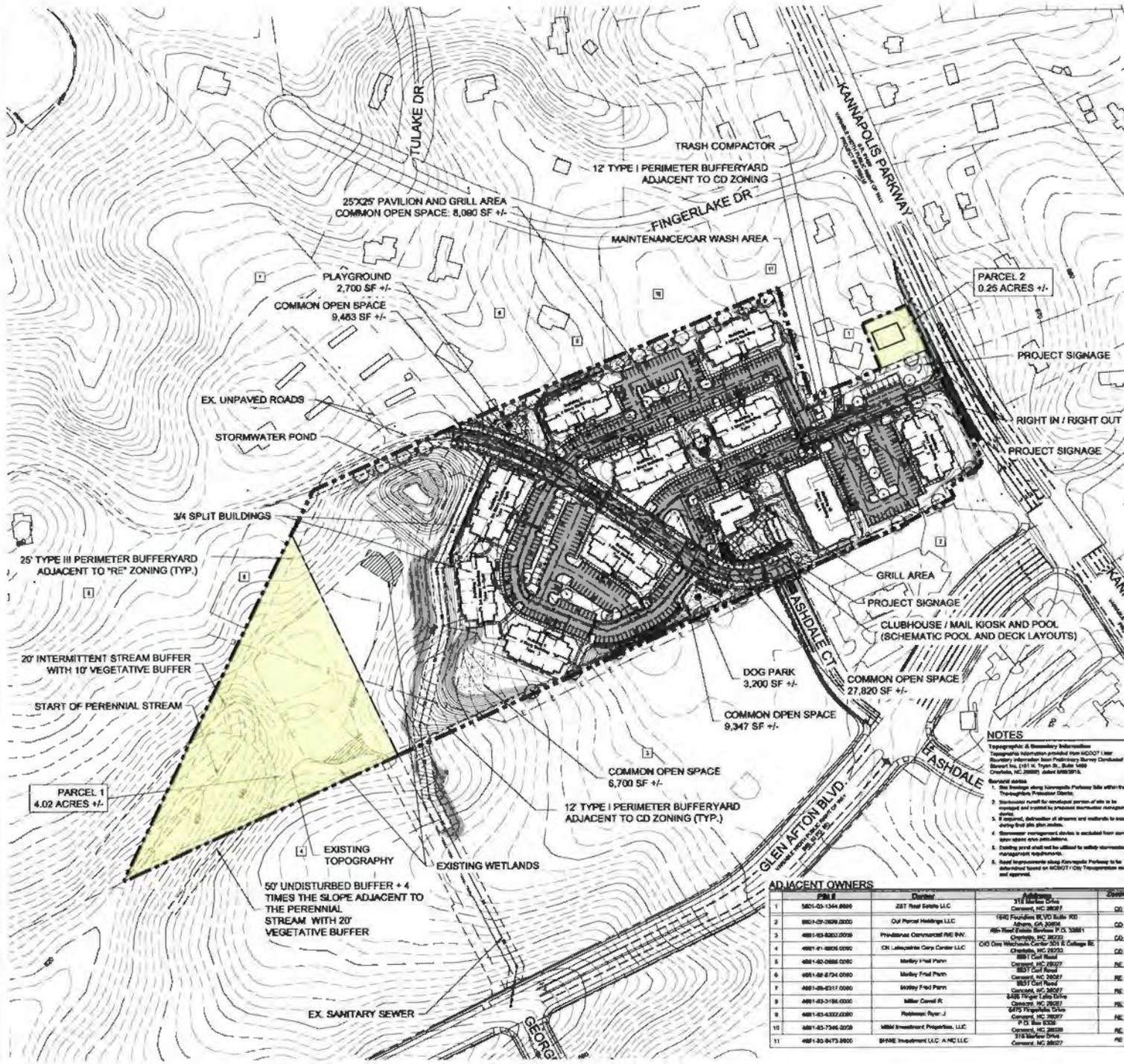
Hawthorne Glen Afton Apartments LLC
806 Green Valley Rd, Suite 311
Greensboro, NC 27408

SHWE investments LLC A NC LLC
9122 Dylan Ridge Ct
Concord, NC 28027

Miller Cavell R
6485 Fingerlake Dr
Concord, NC 28027

Moss Michael S & Moss Cassandra
6475 Fingerlake Dr
Concord, NC 28027

Outparcel Holdings LLC
1040 Founders Blvd, Suite 100
Athens, GA 30606



SITE DATA

Approximation
Kannapolis, NC

Purpose Statement
The purpose of this record is for a site plan amendment to the approved site plan for the subdivision of ten parcels from the overall site.

Zoning
Existing Zoning: CD-1
Proposed Zoning: CD-1

Proposed Uses
Multi-Family, Detached - 07 Units, Detached Units

Site Averages
Original Parcel: 4.25 Acres +/-
Parcel 1: 4.02 Acres +/-
Parcel 2: 0.25 Acres +/-
Total Site Averages: 17.81 Acres +/-

Building Data
Site Building Height: 10'
Proposed Building Height: 21'-0" / 21'-0" / 13'-0"
BT 1, 2, 4, 5
BT 2 & 4

Building Type 1 (3 Stories)
20,000 SF +/-

Building Type 2 (4 Stories)
26,176 SF +/-

Building Type 3 (3 Stories)
116,700 SF +/-

Building Type 4 (4 Stories)
34,647 SF +/-

Building Type 5 (3 Stories)
48,879 SF +/-

Club House
888 SF +/-

Garages
3,198 SF +/-

Total Building Area
200,000 SF +/-

Tract Area
38.8 Acres

Net Density
38.8 Units / AC

Lot Density
14.0 Units / AC +/-

Waterfront Area
Site to be located within 4' water depth waterfront channel

Site Coverage
Maximum Impervious Area Permitted: 38.8%

Total Open Space
6,800 SF +/- 36.1%

Total Impervious
7,800 SF +/- 42.8%

Common Open Space Required
Site to be located on: 1.41 Acres +/-

Common Open Space Provided
1.41 Acres +/-

Assessable Open Space Required
1.88 Acres +/-

Assessable Open Space Provided
1.88 Acres +/-

Infrastructure
Water: Public
Sewer: Public
Power: Private

Parking Calculations
Building Type 1 & Type 2: 114 Spaces
Site to be located within 1/4 mile of: All Spaces
Building Type 3 & Type 4: 148 Spaces
Site to be located within 1/4 mile of: All Spaces
Building Type 5: 48 Spaces
Site to be located within 1/4 mile of: All Spaces

Parking Provided
Minimum Required: 438 Spaces
Prop. Parking: 71 Spaces

Building Schedule
Phase: 30'
Phase: 30'
Phase: 30'
Phase: 30'

Site Elevation
Type: Proposed
12' Type I Adjacent to CD
10' Type II Adjacent to NC

Geography
If Situated Adjacent Along Kannapolis Parkway
Building Type 1
If Category 1 Building Yield Provided Along Building Frontage Adjacent To CD Zone
If Category 2 Building Yield Provided Along Building Frontage Adjacent To CD Zone
If Category 3 Building Yield Provided Along Building Frontage Adjacent To CD Zone
If Category 4 Building Yield Provided Along Building Frontage Adjacent To CD Zone

Building Lot Width
Building Lot Width Provided Where On-Site Parking is Adjacent To The Property Boundary (B.G. - Designated Parking Top)

stimmel
LANDSCAPE ARCHITECTURE
CITY ENGINEERING
LMB #145086
619 S. CLARK STREET, SUITE 101
KANNAPOLIS, NC 28142
P: 704.727.1047 | F: 704.727.1045
www.stimmel.com

SEAL
PROFESSIONAL SEAL
REGISTERED PROFESSIONAL ENGINEER
2011
NOT APPROVED FOR CONSTRUCTION

**HAWTHORNE AT THE GLEN
APARTMENTS**
KANNAPOLIS, NORTH CAROLINA

CLIENT:
MICHE WINSTEAD, JR.
Evolve Construction, Inc.
2916-A Marsdenville Road
Greensboro, NC 27408
(336) 389-9992

DRAWN: WGH
DATE: 08/24/2020
REVISIONS:

JOB NO: 20-138
SHEET TITLE:
SITE PLAN AMENDMENT

SCALE:
SHEET NO:
SP-1
© STIMMEL ASSOCIATES, P.A.

NOTES

Topographic & Boundary Information
Topographic Information provided from 2007 LIDAR
Boundary Information from Professional Survey Conducted by
Survey Inc. 1111 N. Tryon St., Suite 1000
Charlotte, NC 28203. Job# 0802015.

Boundary Notes

1. Site boundary along Kannapolis Parkway shall adhere to the Professional Topographic Data.
2. Structures shown for residential portion of site to be removed and replaced by proposed structure management plan.
3. If required, delineation of driveway and walkways to be shown on site plan.
4. Stormwater management details to be included from approved stormwater management plan.
5. Final improvements along Kannapolis Parkway to be determined based on 2007 City Transportation Study and approved.

ADJACENT OWNERS

PARCEL	OWNER	ADDRESS	ZONING
1	287 Real Estate LLC	318 Marlowe Blvd Charlotte, NC 28207	CD
2	Old Parcel Holdings LLC	1642 Founders Blvd Suite 300 Charlotte, NC 28208	CD
3	Provisional Commercial RE BN	166 West Third Street P.O. Box 33861 Charlotte, NC 28202	CD
4	OK Lessor/lessor Corp Center LLC	610 One Westbank Center 201 & College Bldg Charlotte, NC 28203	CD
5	Melley Fred Park	883 Carol Road Charlotte, NC 28207	RE
6	Melley Fred Park	883 Carol Road Charlotte, NC 28207	RE
7	Melley Fred Park	883 Carol Road Charlotte, NC 28207	RE
8	Melley Fred Park	883 Carol Road Charlotte, NC 28207	RE
9	Miller Carol R	6405 Finger Lakes Drive Charlotte, NC 28202	RE
10	Redmond Ryan J	6475 Yonkers Drive Charlotte, NC 28202	RE
11	1888 Investment Properties, LLC	P.O. Box 8228 Charlotte, NC 28208	RE
12	1888 Investment Properties, LLC	318 Marlowe Drive Charlotte, NC 28207	RE





PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000674970

Client: KANNAPOLIS,CITY OF
Phone: 7049204300

Pavor : KANNAPOLIS,CITY OF
Phone: 7049204300

Account: 3143368
Address: ACTS PAYABLE/WANDA/TEARSHEETS
KANNAPOLIS NC 28081

Account: 3143368
Address: ACTS PAYABLE/WANDA/TEARSHEET
KANNAPOLIS NC 28081

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

Fax: 7049337463
EMail: byow@kannapolisnc.gov

Total Amount \$448.14

Payment Amount \$448.14

Amount Due \$0.00

Tax Amount: 0.00

Payment Meth: Credit - Debit Card

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

0 0 1

Ad Number **Ad Type** **Ad Size** **Color**
0000674970-01 CLS Liner 2 X 36 li \$0.00

Production Method
AdBooker (liner)

Production Notes

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 9/25/2020, 10/ 2/2020

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETING401LAUREATEWAYKANNAPOLISNCWEDNESDAYOCTOBER72020AT600PMSITEPLANAMENDMENT



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

Wednesday October 7, 2020 at 6:00 pm

Site Plan Amendment - CZ-2020-09 - Public hearing to consider a request for a site plan amendment to approximately 21.877 acres of property located at 6533 Willowbrook Ln., further identified as Cabarrus County PIN # 4691-92-4785 to allow for subdivision of two parcels from the overall approved site plan.

IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, SOCIAL DISTANCING PRACTICES WILL BE OBSERVED DURING THIS MEETING.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email at tccline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

Publish: September 25, October 2, 2020.

AcctName1	MailAddr1	City	State	ZipCod
AARON & GERMAIN HENLEY	6555 FINGERLAKE DR	CONCORD	NC	28027
CAVELL R MILLER	6485 FINGERLAKE DR	CONCORD	NC	28027
CK WAITT INDUSTRIAL LLC				
	301 S COLLEGE ST STE 2800	CHARLOTTE	NC	28202
FRED MOTLEY	6331 CORL ROAD	CONCORD	NC	28027
GERMAN GONZALEZ CARBAJAL	6495 FINGERLAKE DR	CONCORD	NC	28027
HAWTHORNE RESIDENTIAL PARTNERS ATTN: PHILIP PAYONK	806 GREEN VALLEY RD STE 311	GREENSBORO	NC	27408
MBM INVESTMENT PROPERTIES,LLC	P O BOX 5328	CONCORD	NC	28026
MICHAEL & CASSANDRA MOSS	6475 FINGERLAKE DRIVE	CONCORD	NC	28027
OUT PARCEL HOLDINGS LLC	1040 FOUNDERS BLVD STE 100	ATHENS	GA	30606
SHWE INVESTMENT LLC A NC LLC	318 MARLOW DR	CONCORD	NC	28027
THE CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY C/O BENNETT THOMPSON	PO BOX 38261	CHARLOTTE	NC	28273
Z & T REAL ESTATE LLC	318 MARLOW DR	CONCORD	NC	28027
MCGAHA-YOW & COMPANY LLP	963 ODELL SCHOOL RD	CONCORD	NC	28027
C/O RICKY MEEKS	630 KANNAPOLIS PKWY	CONCORD	NC	28027
MICHAEL & TUYEN DIEP	2708 KENDALLWOOD CT	KANNAPOLIS	NC	28081



September 25, 2020

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Wednesday, October 7, 2020 at 6:00 PM, for the following case:

CZ-2020-09 – Conditional Zoning Map Amendment – Hawthorne at the Glen Apartments

The purpose of the Public Hearing is to consider a request by Hawthorne Residential Partners for a site plan amendment to property located at 6533 Willowbrook Ln. which will allow subdivision of two parcels from the overall approved site plan. The subject property is approximately 21.877 +/- acres and further identified as Cabarrus County Parcel Identification Number 4691-92-4785 (see reverse side of this letter for a map showing the location of this property).

You are being notified because you are an abutting property owner.

NOTE: IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, SOCIAL DISTANCING PRACTICES WILL BE OBSERVED DURING THIS MEETING.

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
Assistant Planning Director

Enclosure

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email at tccline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

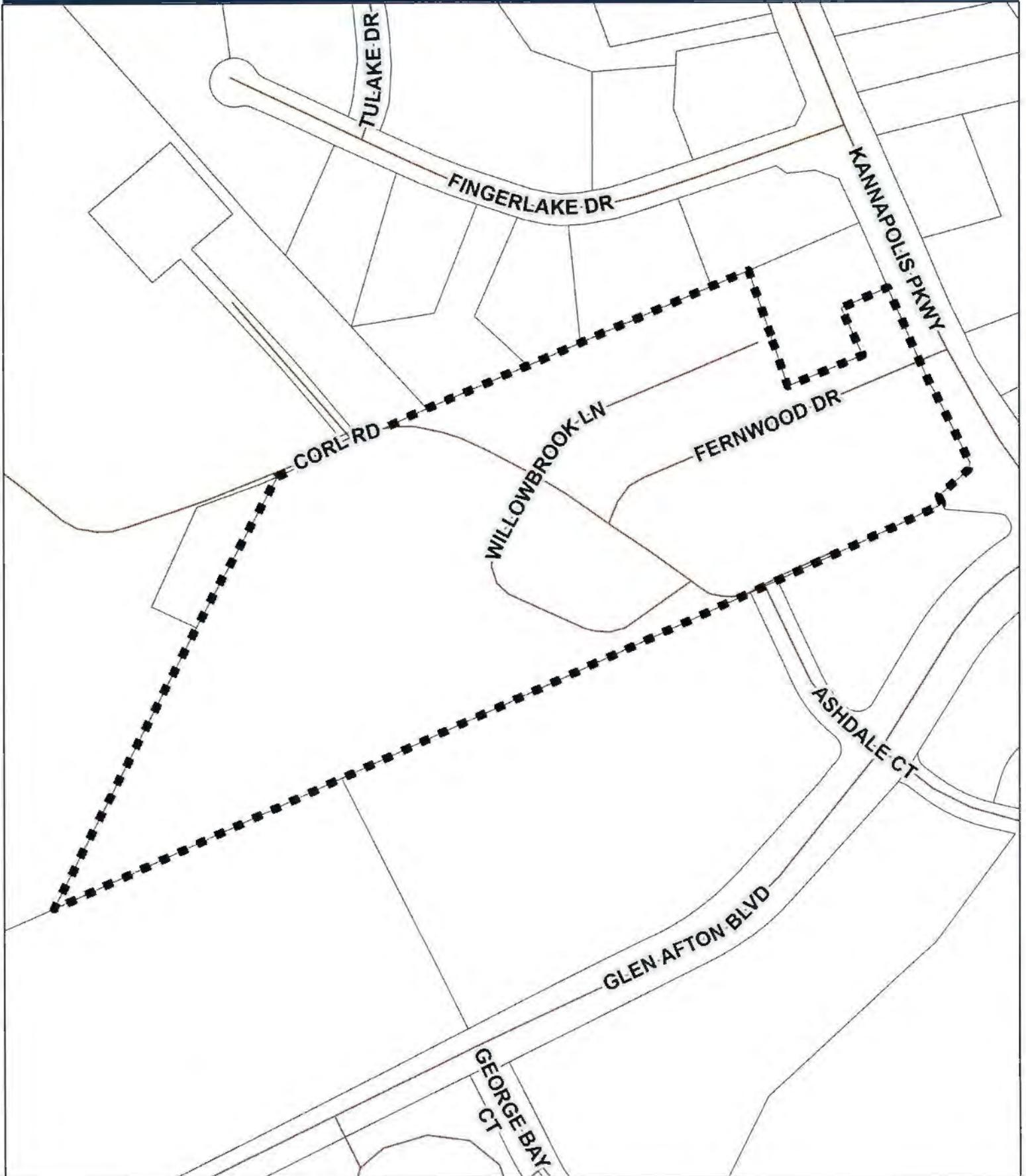


Zoning Map Amendment

Case Number: CZ-2020-09

Applicant: BRD Land & Investment 1 LP

6533 Willowbrook Ln




PLANNING
ZONING
COMMISSION
PUBLIC HEARING
INFORMATION
CALL 704-829-4339
CASE # CZ-3209-19





PLANNING
COMMISSION
PUBLIC HEARING
INFORMATION
CALL 704-620-4350
CASE # CZ - 2020 - 69





**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #CZ-2020-09**

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 October 7, 2020 the Planning and Zoning Commission conducted a public hearing to consider a zoning map amendment for property located at 6533 Willowbrook Lane, (Cabarrus County Parcel Identification Number 4691-92-4785) owned by Hawthorn Glen Afton Apartments, LLC., to sub-divide and remove two (2) lots totaling 4.27 acres from the approved site plan.

NOW, THEREFORE BE IT RESOLVED *that the Planning and Zoning Commission finds this zoning map amendment as presented in Case #CZ-2020-09 to be consistent with the City of Kannapolis Move Kannapolis Forward, 2030 Comprehensive Plan, adopted by City Council, which designated this property as being located in a Regional Commercial Center within a Suburban Activity 1 Character District, and allows for multifamily residential development. In addition, the Commission finds the request for rezoning reasonable and in the public interest because it allows for additional multi-family housing and provides a transition between surrounding commercial and rural residential uses. Furthermore, the proposed use of the property will be in conformance with all applicable provisions of the UDO as well as provide adequate buffers and protection for the environment and surrounding uses.*

Adopted this the 7th day of October 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE
Case #CZ-2020-09 (6533 Willowbrook Lan)

Hawthorne at the Glen Zoning Map Amendment

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.B. 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 October 7, 2020 for consideration of an amendment to a previously approved rezoning plan for Hawthorne at the Glen Apartments petition Case #CZ-2020-09 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the subject property was previously rezoned under petition Case #Z-2016-08, approved on December 12, 2016 and Case #Z-2018-13, approved on July 11, 2018; and

WHEREAS, the request was to amend the previously approved rezoning plan for property located at 6533 Willowbrook Lane, (Cabarrus County Parcel Identification Number(s) 4691-92-4785) owned by Hawthorne Glen Afton Apartments, LLC., to sub-divide and remove two (2) lots totaling 4.27 +/- acres from the approved site plan; 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 21.89 +/- acres. The property being removed is approximately 4.27 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 includes land with opportunities for such large format commercial uses as Afton Ridge as primary uses and multifamily residential as secondary uses. The Suburban Activity 1 Character District includes primarily regional-scale commercial development that can accommodate large format commercial development as primary uses and multifamily residential development as secondary uses.

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

The subject property is located north of the Afton Ridge Shopping Center, (south of Glen Afton Boulevard), which is zoned CD (Campus Development) and contains a range of commercial uses. The Century Afton Ridge apartment complex is located in the southern portion of Afton Ridge. The property will be combined with the previously approved multi-family project to the north, east and west, and gain access from Kannapolis Parkway and from Glen Afton Boulevard via Ashdale Court. That said, the proposed amendment does not change the zoning of the original plan. 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?

Access to Hawthorne is not changing with this amendment.

The subject property will continue to be accessed from Kannapolis Parkway, which is controlled by NCDOT, and Glen Afton Boulevard via Ashdale Court, which was specifically designed to connect to this property so that Glen Afton Boulevard could remain limited access and the intervening property could share this access when developed. Therefore, no adverse effects on the capacity or safety of this portion of the street network is anticipated.

5. Will there be parking problems?

No parking problems are anticipated with this amendment.

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 amendment.

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 Afton Ridge Shopping Center has been developing over the past decade. Glen Afton Boulevard and Ashdale Court were built in conjunction with development of Afton Ridge and now provide access to the subject property. The *Farm Hill Small Area Plan* has been completed for the area east of the property and provides a guide to future re-development of this area. It is anticipated that the area surrounding the subject property will continue to experience development pressures in the 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 along Kannapolis Parkway and Glen Afton Boulevard.

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

Property to the south is zoned CD (Campus Development) with the parcel further south including the Afton Ridge Shopping Center (CD-CZ). Property to the north, east and west is CD-R-CZ (Campus Development – Residential – Conditional Zoning) and is part of the previously approved Hawthorne multi-family development. The area east of Kannapolis Parkway is zoned RE (Rural Estate) and includes residential uses, although the *Farm Hill Small Area Plan* is recommending that this area transition to a mix of non-residential and multi-family residential uses over time.

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

N/A.

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

The CD-R zoning is established for residential uses and the proposed amendment does not affect the adjacent zoning districts.

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

N/A.

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 majority of the land along Kannapolis Parkway is zoned CD or PUD, with single-family residential and agricultural zoning further north. There are very few parcels located along Kannapolis Parkway zoned to accommodate multi-family (apartments).

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 amended subject to the following conditions:

1. All conditions from the previously approved rezoning (Z-2016-08 and Z-2018-13 shall remain effective with this amendment for Hawthorne Apartments.
2. The preliminary plat, construction documents and final plats for the existing Hawthorne Apartments must be amended to reflect the new boundaries of the development.
3. Future development of Parcels 1 and 2 proposed with this amendment must be brought back before Planning and Zoning Commission for assignment of entitlements.

Adopted this the 7th day of October 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



Planning Department

Staff Report

October 7, 2020

Planning & Zoning Commission Meeting

DATE: September 29, 2020

TO: Planning & Zoning Commission

FROM: Zachary D. Gordon, AICP, Planning Director

SUBJECT: **CPA-2020-02** – Amend *Move Kannapolis Forward 2030 Comprehensive Plan* “Future Land Use and Character Map” designation of approximately 86 +/- acres located on Lane Street (Cabarrus County PINs 56336990190000 and 56336777140000) and Brantley Road (PIN 56336772400000) from “Future Planning Area” to “Employment Center”

A. Actions Requested by Planning & Zoning Commission

Motion to recommend to City Council approval of the proposed amendment to the *Move Kannapolis Forward 2030 Comprehensive Plan* Future Land Use and Character Map.

B. Decision and Required Votes to Pass Requested Actions

A simple majority vote of the Planning & Zoning Commission will be required to recommend approval/denial. City Council has final decision making authority to approve or deny the amendment.

C. Background

In March 2018, the City Council adopted the *Move Kannapolis Forward 2030 Comprehensive Plan*. This plan includes a “Future Land Use and Character Map”, which provides guidance for future land development in the City of Kannapolis.

At its September 28, 2020 meeting, the City Council adopted a “Resolution of Intent to Annex” the above referenced property and has scheduled a public hearing on annexation for its October 12, 2020 meeting. These parcels are currently designated on the “Future Land Use and Character Map” in the 2030 Plan as being located in a “Future Planning Area”. Staff is proposing that the Future Land Use Character designation for these parcels be changed from “Future Planning Area” to “Employment Center”. The proposed change in designation is in response to a request by the property owners to development this site for a logistics/warehouse facility. A request for rezoning of these parcels has been submitted to the Planning Department and will be placed on the Commission’s agenda when all submittal requirements have been met.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.3.2.1 of the UDO states that “*The Commission shall provide an advisory function to assist in making decisions pertaining to amendments to the Comprehensive Plan*”, and further “*To prepare amendments to the plan and its elements and to submit the amendments to the City Council*”. In accordance with Section 2.4.1 of the UDO, the City Council has final authority to amend the 2030 Plan.

F. Legal Issues

None

G. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

Staff is proposing that the Future Land Use and Character Map of the Move Kannapolis Forward 2030 Comprehensive Plan be amended to change the current designation for the above referenced parcels from “Future Planning Area” to “Employment Center”. (See attached map)

Courses of Action

Based on the foregoing analysis, staff recommends approval of the proposed Land Use Plan amendment, as presented.

APPROVAL

The following action is required for the Planning and Zoning Commission to recommend approval of the proposed amendment to the 2030 Plan “Future Land Use and Character Map”:

1. Consider motion to recommend approval of proposed Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use and Character Map amendment by City Council.

DENIAL

The following actions are required to recommend denial of the proposed amendment to the 2030 Plan “Future Land Use and Character Map”:

1. Consider motion to recommend denial of proposed Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use and Character Map amendment by City Council.

H. Attachments

1. Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use and Character Map (Current)
2. Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use and Character Map (Proposed)

I. Issue Reviewed By:

- City Manager (M. Legg)
- Deputy City Manager (E. Smith)
- Assistant City Manager (W. Melton)
- Assistant City Manager (E. Davis)
- City Attorney (W. Safrit)
- Economic & Community Development Director (I. Sacks)
- Communications Director (A. Privette-Keller)

Kannapolis 2030 Future Land Use Map

Case Number: CPA-2020-02

Applicant: Richard Locklear & Marie Ramseur

2989 Brantley Rd

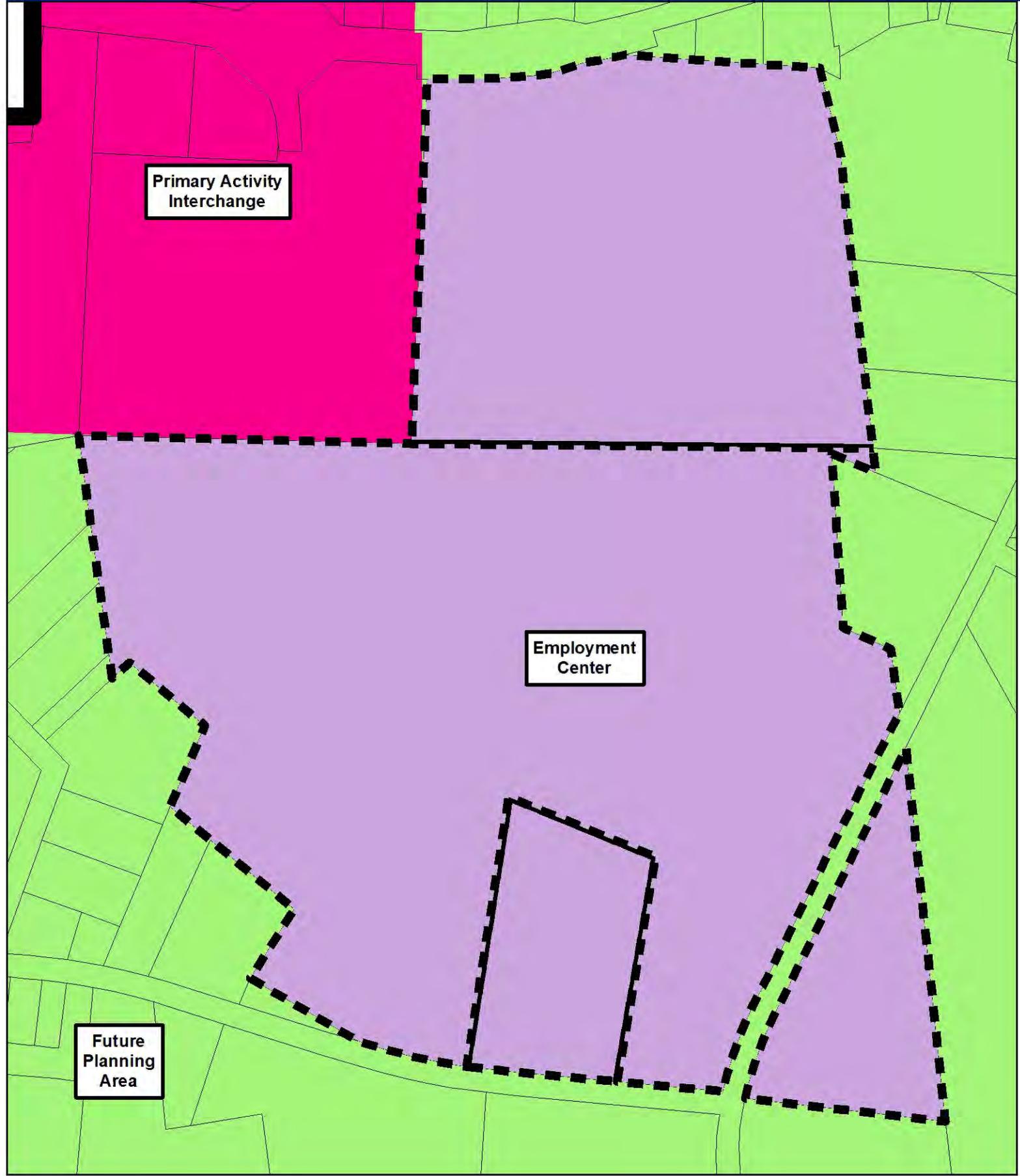




Kannapolis 2030 Future Land Use Map

Case Number: CPA-2020-02

Applicant: Richard Locklear & Marie Ramseur



Primary Activity Interchange

Employment Center

Future Planning Area



**Planning and Zoning Commission
October 7, 2020 Meeting**

Staff Report

DATE: September 30, 2020
TO: Planning and Zoning Commission Members
FROM: Zachary D. Gordon, AICP, Planning Director

SUBJECT: Text Amendment – TA-2020-03 -Article 4, Zoning Districts and Dimensional Regulation, Table 4.6-1, Principal Uses Permitted in Zoning Districts, Article 5, Supplemental Use Regulations – Public Hearing to consider a text amendment to Article 4, Table 4.6-1 and Article 5, Section 5.22 and 5.38 of the Unified Development Ordinance (UDO), to remove Mobile Food Vending (MFV) as a principal permitted use in the C-C, C-1 and C-2 Zoning Districts and allow as a Temporary Use in the C-1 and C-2 Zoning Districts, subject to specific standards.

A. Actions Requested by Planning and Zoning Commission Members

1. Consider Resolution to Adopt a Statement of Consistency for TA-2020-03
2. Consider motion to recommend approval of proposed text amendments by City Council

B. Decision and Required Votes to Pass Requested Action

Article 3.8 of the UDO addresses the procedures for processing amendments to the text of the ordinance. Per Section 3.8.2, “*Any person, board, department, or commission may apply for a change in zoning ordinance text*”. The proposed text amendment was initiated by the Planning Department.

Per Sections 3.8.3.2 and 3.8.3.3 of the UDO, a majority vote of the Planning and Zoning Commission is required to recommend approval of a text amendment. A recommendation to approve is then forwarded to City Council who shall, either approve or deny the text amendment by a majority vote.

C. Background

Staff is proposing to amend Article 4, Table 4.6-1 and Article 5, Section 5.22 and 5.38 of the Unified Development Ordinance (UDO), to remove Mobile Food Vending (MFV) as a principal permitted use in the C-C, C-1 and C-2 Zoning Districts and allow as a Temporary Use in the C-1 and C-2 Zoning Districts, subject to specific standards.

This text amendment proposes to:

1. Remove MFV as a principal permitted use in the CC, C-1, and C-2 districts;
2. Add MFV as a Temporary Use Type to Section 5.22.2.8;
3. Delete Section 5.38;
4. Amend Section 5.22.3.4 to include MFV as a temporary use, with standards

D. Fiscal Considerations

None

E. Policy Issues

The proposed text amendment to the UDO is **attached** and shown as **additions and deletions**.

F. Legal Issues

None

G. Alternative Courses of Action and Staff Recommendation

The Planning and Zoning Commission may choose to recommend approval or denial of the text amendment as presented. The Commission may also add, delete, or change any of the language as proposed.

Based on the foregoing analysis, staff recommends **approval** of the proposed text amendments to **Article 4, Table 4.6-1, Article 5, and Appendix A** of the Unified Development Ordinance.

The following actions are required to recommend approval of TA-2020-03:

1. Consider Resolution to Adopt a Statement of Consistency for TA 2020-03
2. Consider motion to recommend approval of proposed text amendments by City Council.

The following actions are required to recommend denial of TA-2020-03

1. Consider Resolution to not Adopt a Statement of Consistency for TA 2020-03
2. Consider motion to recommend denial of proposed text amendments by City Council.

H. Attachments

1. Application for Text Amendment to the Unified Development Ordinance
2. Proposed UDO changes: Article 4, Article 5
3. Resolution to Adopt a Statement of Consistency

I. Issue Reviewed By:

City Manager
City Attorney
Assistant City Manager



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 (checked)
Appeal
SIA Application
Nonconformity Adjustment
Watershed Boundary Modification
Zoning Map Amendment
Conditional Zoning Map Amendment

Applicant: Zachary D. Gordon, AICP Planning Director
Owner:

Address: 401 Laureate Way
Address:

Kannapolis, NC 28081

Telephone: 704-920-4355
Telephone:

Email: zgordon@kannapolisnc.gov
Email:

Legal relationship of applicant to property owner: N/A

Property Location/Address: N/A

Tax Parcel Number: N/A
Zoning District: N/A
Acreage of Site: N/A

Zachary D. Gordon
Applicant Name (Print)
Property Owner Name (Print)

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:
Receipt #

Application No.:
Date Submitted (Complete):



CITY OF KANNAPOLIS

**AN APPLICATION TO AMEND THE TEXT OF
THE UNIFIED DEVELOPMENT ORDINANCE**

I Zachary D. Gordon, AICP, hereby make application for an amendment to the following section(s) of the Unified Development Ordinance:

Article 4, Table 4.6-1 and Article 5, Section 5.22 and 5.38

In the space provided below, or on a separate sheet, present your requested text for the Ordinance provisions in question:

See attached Staff Report

State your reasons for amending the text of the Ordinance:

See attached Staff Report



Signature of applicant

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

TABLE 4.6-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS

* All uses permitted in the CC, CD, and I-1 Districts are subject to supplemental design regulations in Article 11 of this Ordinance.

P - Permitted Use

S - Permitted Use with Supplemental Regulations in Article 5 and/or Article 11 (see "§ 0.00" for reference)

C - Conditional Use

(-) Prohibited Use

ZONING DISTRICTS

USE	NAICS	AG	RE	RL	RM-1	RM-2	RV	RC	B-1	O-I	CC*	C-1	C-2	CD-R^	CD*	I-1*	I-2
Equestrian Boarding & Riding Arenas, Commercial	81291, 71131	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Equipment Rental & Leasing (with indoor storage)	53321, 5324	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-
Equipment Rental & Leasing (with outdoor storage)(§ 11.1)	53231, 5324	-	-	-	-	-	-	-	-	-	-	-	P/S	-	(24)P/S	P/S	-
Electronics & Appliance Rental	53221	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-
Electronics, Camera & Appliance Stores	443	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-
Electronic Gaming Operations (§ 5.31) ⁽²³⁾	-	-	-	-	-	-	-	-	-	-	-	-	C/S	-	-	P/S	P/S
Farmer's Market	44523	P	-	-	-	-	-	-	P	-	P	-	P	-	-	-	-
Fitness & Recreational Sports Centers ⁽²⁾	713490	-	-	-	-	-	-	-	C	-	P	P	P	-	P	P	-
Florist	4531	-	-	-	-	-	-	-	P	-	P	P	P	-	P	-	-
Formal Wear & Costume Rental	53222	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-
Furniture & Home Furnishings	442	-	-	-	-	-	-	-	-	-	P	-	P	-	P	-	-
Furniture/Party Supply/Sporting Goods Rental	53229	-	-	-	-	-	-	-	-	-	P	-	P	-	P	-	-
Game Preserves	7114	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
General Merchandise Stores (less than 25,000 sq. ft.)	452	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-
Gift, Novelty & Souvenir Stores	45322	-	-	-	-	-	-	-	P	-	P	P	P	-	P	-	-
Grocery/Food Stores (excl. convenience stores)	4451, 4452	-	-	-	-	-	-	-	C	-	P	P	P	-	P	-	-
Heavy Truck, RV, and Semi-Trailer Leasing ⁽¹⁾	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Hobby, Toy & Game Stores	45112	-	-	-	-	-	-	-	P	-	P	P	P	-	P	-	-
Hotel, Motels & Extended Stay Lodging Facilities	72111	-	-	-	-	-	-	-	-	-	P	-	P	-	P	-	-
Ice Vending Operations	-	-	-	-	-	-	-	-	-	-	-	-	P/S	-	-	P/S	P/S
Jewelry, Luggage and Leather Goods	4483	-	-	-	-	-	-	-	P	-	P	P	P	-	P	-	-
Lawn & Garden Supply (with outdoor storage) (§ 11.1)	4442	-	-	-	-	-	-	-	-	-	-	-	P/S	-	P/S	P/S	-
Lawn & Garden Supply (with no outdoor storage)	4442	-	-	-	-	-	-	-	P	-	P	P	P	-	P	P	-
Liquor Sales (ABC stores)	4453	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-
LP Gas & Heating Oil Dealers	45431	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-
Manufactured Home Sales (§ 5.23)	45393	-	-	-	-	-	-	-	-	-	-	-	P/S	-	-	-	-
²⁵ Micro-brewery (§5.37)	-	-	-	-	-	-	-	-	-	-	P/S	-	P/S	-	-	-	-
Miniature Golf course	713990	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Mini-warehousing/Self-storage Leasing (§ 5.15) ⁽¹⁵⁾	53113	-	-	-	-	-	-	-	-	-	-	-	C/S	-	-	C/S	C/S
⁽²⁷⁾Mobile Food Vending (§5.38)		-	-	-	-	-	-	-	-	-	P/S	P/S	P/S	-	-	-	-
Motion Picture Theaters (excl. drive-in)	512131	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Motion Picture Theaters, drive-in	512132	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-
Motorcycle, Boat & RV Dealers, New & Used	4412	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-
Musical Instrument & Supplies	45114	-	-	-	-	-	-	-	P	-	P	P	P	-	P	-	-
Nurseries	44422	P	-	-	-	-	-	-	-	-	-	C	P	-	P	-	-
Office Supplies & Stationery Stores	45321	-	-	-	-	-	-	-	P	-	P	P	P	-	P	-	-
Parking Lots & Structures, Commercial	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Pawnshops (subject to NCGS, Chapter 91A)	522298	-	-	-	-	-	-	-	-	-	C	C	P	-	-	-	-
Pet & Pet Supply Stores	45391	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-
Pharmacies, Health & Personal Care Stores	446	-	-	-	-	-	-	-	P	-	P	P	P	-	P	-	-

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5.22.2.8. PERIOD OF TIME BETWEEN PERMITS.

Temporary Use Type	Per Location				Section of UDO
	Min. Permit Length	Time Between Expiration	Max. Time Allowed Per year	Permit Required	
Agriculture Products, Non-Residential	180 days	NA	180 days**	Yes	5.22.3.2
Agriculture Products, Residential	7 days	NA	180 days**	Yes	5.22.3.2
Amusement Enterprises	21 days	90 days *	21 days**	Yes	5.22.5
Fireworks Stands	45 days	90 days *	45 days**	Yes	5.22.3.1
Mobile Food Vending	30 days	Renewable	12 months	Yes	5.22.3.4
Promotional Activities	7 days	1 day*	21 days	Yes	5.22.7
Contractors Office, Equipment, Sheds	30 days	NA	12 months	Yes	5.22.4.1
Real Estate Office, Trailer	6 months	Renewable	12 months	Yes	5.22.4.2
Real Estate Office, Model Home	6 months	Renewable	12 months	Yes	5.22.4.3
Single Family, Temporary Structure	12 months	NA	12 months**	Yes	5.22.4.4
Religious Events, Offsite	30 days	Renewable	60 days	Yes	5.22.6
Religious Events, Onsite	NA	NA	NA	No	5.22.9.1
Sidewalk Vendors	90 days	90 days *	90 days**	Yes	5.22.3.4
Special Events and Activities	NA	NA	NA	No	5.22.9.2
Yard Sales	2 days	Renewable	8 days	Yes	5.22.8

*The period of time between an expired Temporary Use Permit on a parcel and application for another Temporary Use Permit on the same parcel per fiscal year (July 1st to June 30th).

**Even if at any time the temporary use does not occupy the permitted site, the noted day/month limit shall not be extended

5.22.3. TEMPORARY RETAIL SALES USES.

5.22.3.1. Fireworks Stand. Limited to only non-residential zones ⁽²⁾. A maximum of one (1) structure, not to exceed 120 square feet in area, shall be allowed. The structure must be portable and completely removed at the end of the permit period.

5.22.3.2 Seasonal Sale of Agricultural Products. (including Christmas Trees). ⁽²⁾A maximum of one (1) building/display booth shall be allowed and may cover a maximum of 400 square feet in non-residential districts. The ⁽¹⁾building/display booth must be portable and completely removed at the end of the period. A maximum display area of 100 square feet shall be allowed in residential districts. Such residential sales are limited to selling excess vegetables and fruits incidental to the residence. Residential seasonal sales shall be limited to the daylight hours.

5.22.3.3. Sidewalk Vendors ⁽²⁾Limited non-residential outdoor sales (sidewalk vendors) may receive a temporary use permit if the sales activities are incidental to the primary use, the sales activity is conducted with property owner permission and the display area is located in the C-1 or C-2 zoning districts. The display area shall not extend beyond the sidewalk or concrete apron entrance of the building, nor encroach into a public right-of-way. If the private sidewalk or pedestrian way in front of the building is used for display of merchandise, a minimum width of four (4) feet must remain unobstructed for pedestrian use. ⁽²⁾Temporary sales activities are prohibited on vacant property and from vehicles.

5.22.3.4 MOBILE FOOD VENDING**5.22.3.4.1. Applicability**

The provisions of this Section shall apply to any mobile food vending as defined in Appendix A, subject to the provisions below. The sale of food or beverages from a mobile food vending unit shall only be permitted in the C-1 or C-2 zoning districts on occupied lots. Mobile food vending services are prohibited on vacant properties.

5.22.3.4.2. Permit Requirements

5.22.3.4.2.1. A mobile food vendor, or the

property owner on which mobile food vending will be placed shall obtain a zoning clearance permit. Permits must be posted in a visible location on the mobile food vending unit.

5.22.3.4.2.2. The property owner will be issued a notice of violation if no permit has been issued for the location. However, the mobile food vendor will be cited if located on a property without property owner approval.

5.22.3.4.2.3. A permit shall be valid for up to one calendar year and must be renewed on an annual basis.

5.22.3.4.2.4. All applicable local and state regulations, including, but not limited to, Health Department, Environmental Health, and Environmental Protection, shall be met.

5.22.3.4.3. Site Criteria

5.22.3.4.3.1 No mobile food vending unit shall be located within any required setback, sight distance triangle, or required buffer, nor shall any drive aisle, loading/service area, pedestrian walkway, emergency access, or fire lane be impeded.

5.22.3.4.3.2. Trash receptacles must be provided by the property owner, or designee, for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. Such trash receptacles shall be located no more than 10 feet from the mobile food vending unit. The property owner, or designee, is responsible for removing all trash, litter, and refuse from the site at the end of each business day.

5.22.3.4.3. No mobile food vending unit shall operate as a drive-thru service.

5.22.3.4.4. In all districts where food trucks are allowed, the mobile food vending unit shall provide one (1) parking space per 250 square feet of the mobile food vending unit. The mobile food vending service shall not be located in any minimum required parking spaces for other businesses on the site.

5.22.3.4.5. The hours of operation shall be between 8:00am and 9:00pm.

5.22.3.4.6. Any sidewalk encroachment shall require permit approval from the Public Works Department.

5.22.3.4.7. Mobile food vending units are required to return to their associated commissary at the end of each business day.

5.22.3.4.8. These restrictions shall not be applicable to special events recognized by the City where mobile food vending is permitted or non-profit events of five (5) days or less.

5.22.4. REAL ESTATE DEVELOPMENT AND CONSTRUCTION-RELATED TEMPORARY USES.

5.22.4.1. ⁽¹⁾Contractors Office and Equipment / Storage Sheds. Accessory to a Construction Project (Residential and/or non-residential) Placement of such a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one (1) year as and if approved by the Administrator. A construction trailer may be used for a contractor’s office and/or for the contractor’s storage of equipment and/or materials. All temporary buildings and trailers shall be completely removed from the site within thirty (30) days of issuance of either a Certificate of Occupancy on the last permitted Residential unit and/or completion of the Non-Residential construction project which has been issued a Certificate of Occupancy.

5.22.4.2. ⁽¹⁾Real Estate Office in a Construction or a Temporary Modular Unit. Temporary structures, such as a construction trailer(s) and/or temporary modular unit(s) may be used as a real estate sales office, promotion and management office in any new construction project for the sale and promotion of properties within that project and/or its future phases only. Such a temporary use shall be allowed in all zoning districts, ⁽²⁾if approved by the Administrator. A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.

5.22.4.3. Real Estate Office in a Model Home. Accessory to Construction of a New Residential Development, ⁽²⁾if approved by the Administrator.

The number of employees utilizing the office at any one time may not exceed five (5). A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.

5.22.4.4. Single Family Dwelling in Temporary Structure.

During the active construction period (after a building or grading permit has been issued) of a construction project involving a non-residential use or a residential development with building permit(s) for more than 50 units at any one time, one (1) mobile home or trailer may be allowed on the same property to be used as a temporary residence by a night watchman for a period not to exceed 12 months or the active construction period, whichever is less. The temporary home shall be removed from the site within 14 days of issuance of the Certificate of Zoning Compliance for a non-residential structure or the first residential unit if within a residential development.

5.22.4.5. No Recreational Vehicles.

No Recreational Vehicles shall be permitted as a Temporary Use or Structure.

5.22.5. AMUSEMENT ENTERPRISES.

Carnivals, circuses, fairs, and amusement rides may be allowed in any non-residential zoning district⁽²⁾. This classification excludes events conducted in a permanent entertainment facility.

5.22.6. RELIGIOUS EVENTS, OFFSITE.

Religious events in a tent or other temporary structure may be allowed in any non-residential zoning district with the issuance of a temporary use permit.⁽¹⁾

5.22.7. PROMOTIONAL ACTIVITIES IN BUSINESS AND COMMERCIAL ZONES INVOLVING THE DISPLAY OF GOODS AND MERCHANDISE (OUTDOOR COMMERCIAL SALES).

A temporary use permit may be issued for limited non-residential outdoor sales for permanent retail establishments, if the sales activities are incidental to the primary use and the sales activity is conducted by an onsite tenant or merchant who sells similar or related merchandise in the C-1 or C-2 zoning districts. ⁽¹⁾The outdoor display of items for sale at permanent retail establishments shall not extend beyond the sidewalk or concrete apron entrance of the building. If

~~5.38. (1) MOBILE FOOD VENDING~~

~~5.38.1. APPLICABILITY.~~

~~The provisions of this Section shall apply to any mobile food vending as defined in Appendix A and allowed in Table 4.6-1 (See Article 4) subject to the provisions below.~~

~~5.38.2. Permit Requirement~~

~~5.38.2.1. A mobile food vendor, or the property owner on which mobile food vending will be placed shall obtain a zoning clearance permit. Permits must be posted in a visible location on the mobile food vending unit.~~

~~5.38.2.2. The property owner will be issued a notice of violation if no permit has been issued for the location. However, the mobile food vendor will be cited if located on a property without property owner approval.~~

~~5.38.2.3. A permit shall be valid for one calendar year and must be renewed on an annual basis.~~

~~5.38.2.4. All applicable local and state regulations, including, but not limited to, Health Department, Environmental Health, and Environmental Protection, shall be met.~~

~~5.38.3. Site Criteria~~

~~5.38.3.1. No mobile food vending unit shall be located within any required setback, sight distance triangle, or required buffer, nor shall any drive aisle, loading/service area, pedestrian walkway, emergency access, or fire lane be impeded.~~

~~5.38.3.2. Trash receptacles must be provided by the property owner, or designee, for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. Such trash receptacles shall be located no more than 10 feet from the mobile food vending unit. The property owner, or designee, is responsible for removing all trash, litter, and refuse from the site at the end of each business day.~~

~~5.38.3.3. No mobile food vending unit shall operate as a drive thru service.~~

~~5.38.3.4. In all districts where food trucks are allowed, the mobile food vending unit shall provide one (1) parking space per 250 square feet of the mobile food vending unit. Mobile food vending units located in the Center City (CC) district are exempt from this regulation.~~

~~5.38.3.5. Any sidewalk encroachment shall require permit approval from the Public Works Department.~~

~~5.38.3.6. Mobile food vending units are required to return to their associated commissary at the end of each business day.~~

~~5.38.3.7. These restrictions shall not be applicable to special events recognized by the City where mobile food vending is permitted or non-profit events of five (5) days or less.~~



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO
TEXT AMENDMENT CASE # TA-2020-03**

WHEREAS, Section 160A-383 (2013) of the North Carolina General Statutes specifies that the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive and any other officially adopted plan that is applicable; and

WHEREAS, the text amendment to **Article 4, Zoning Districts and Dimensional Regulation, Table 4.6-1, Principal Uses Permitted in Zoning Districts and Article 5, Supplemental Use Regulations, Section 5.22 and 5.38 of the Unified Development Ordinance (UDO)** to remove Mobile Food Vending as a principal permitted use in the C-C, C-1 and C-2 Zoning Districts and allow as a Temporary Use in the C-1 and C-2 Zoning Districts, subject to specific standards, is consistent with policy 5.1.4 Support Small Businesses and policy 5.6.1 Facilitate Development of Urban Centers, of the *Move Kannapolis Forward 2030 Comprehensive Plan*, because it helps foster small business investment and economic development in mixed-use corridors and centers; and

WHEREAS, the Planning and Zoning Commission conducted a Public Hearing on October 7, 2020 for consideration of text amendment Case# TA-2020-03 as submitted by the Planning Department staff;

NOW, THEREFORE BE IT RESOLVED that the Planning and Zoning Commission finds the text amendment as represented in Case TA-2020-03 consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, as well as state statutes, reasonable, and in the public interest, and is recommended for approval by the City Council based on consideration of the application materials, information presented at the Public Hearing, and the recommendation provided by Planning Department Staff.

Adopted this the 7th Day of October 2020;

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission