



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

**Staff Report**

**DATE:** December 18, 2019  
**TO:** Planning & Zoning Commission  
**FROM:** Gretchen Coperine, AICP, Senior Planner  
**SUBJECT:** **Case #CZ-2019-05: Parcels on the north side of Mooresville Rd (NC 3), west of Rainbow Drive  
Conditional Zoning Map Amendment  
Applicant: Lennar Carolinas, LLC**

The applicant is requesting to rezone parcels, including 4800 Mooresville Road and unaddressed parcels on the north side of Mooresville Road (NC 3), west of Rainbow Drive, from CD (Campus Development) to PUD-CZ (Planned Unit Development – Conditional Zoning District).

**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**

The subject rezoning proposes a total of 372 units, including 220 single-family detached homes and 152 townhome units. The proposed density is 2.8 units/acre. There is considerable amount of floodplain, which will remain undisturbed outside of any necessary utilities. The plan also proposes a pocket park and amenity area.

Mooresville Road (NC 3) is currently being widened under NCDOT project U-3440 to a 4-lane divided with sidewalks and bike lanes on both sides.

#### **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 133.4 +/- 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 “Complete Neighborhood 2” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 2 Character Area calls for primary uses of single-family detached and attached residential, multi-family residential, small format retail, and civic uses. Secondary uses are intended to be a small format office, and live-work units. The PUD-CZ conditional zoning district with this rezoning proposes a 372 mixed-unit-type development, which fits with the primary uses of the Complete Neighborhood 2 Character Area.

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

The subject properties are located on the north side of Mooresville Road, west of Rainbow Dr. Parcels to the north are zoned LDR (Low Density Residential) in Cabarrus County. Parcels to the south are zoned LDR in Cabarrus County, AG (Agricultural) in the City of Kannapolis and RV (Residential Village) in the City of Kannapolis. Parcels to the east are zoned LRD in Cabarrus County, and RV (Residential Village) and RC (Residential Compact) in the City of Kannapolis. Parcels to the west are zoned LDR in Cabarrus County. The requested rezoning proposes a mixture of single-family and townhome development of a scale that represents compatible development considering the redevelopment potential for 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 proposed project will be accessed from Mooresville Road (NC 3) and Rainbow Drive. Both Mooresville Road and Rainbow Drive are NCDOT owned and maintained roads, and as such any access off these two roads will require NCDOT approval with City input.

The project required a traffic impact analysis (TIA) which identified following improvements as necessary to address the impacts of the proposed development:

**NC 3 (Mooresville Road) and Kannapolis Parkway**

- Per NCDOT by the buildout of the site, restripe northbound approach of Kannapolis Parkway to include an additional right turn lane with 250’ of storage and the appropriate taper. Modify traffic signal as necessary.

**NC 3 (Mooresville Road) and Tucker Avenue/Access A**

- Construct Access A with one ingress lane and one egress lane (1 right).

- Construct a NC 3 (Mooresville Road) westbound right turn lane with a 100' feet of storage and the appropriate taper.

**Rainbow Drive and Access B**

- Construct Access B with one ingress lane and one egress lane (1 shared left-right).
- Per NCDOT, provide 6' offset between Access B and C along Rainbow Drive that will accommodate future widening.

**Rainbow Drive and Access C**

- Construct Access C with one ingress lane and one egress lane (1 shared left-right).
- Per NCDOT, provide 6' offset between Access B and C along Rainbow Drive that will accommodate future widening.

A full site plan submittal will be required should the rezoning be approved. Appropriate roadway design will be required at that time per City and NCDOT roadway and safety standards.

**5. Will there be parking problems?**

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

**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 issues associated with the rezoning request. In addition, all development will be required to conform to all applicable local, state, and federal environmental regulations.

The required site plan will also be reviewed by City staff to ensure the development meets all stormwater requirements.

There is a large amount of floodplain within the site, which will not be impacted by development as depicted in the proposed plan.

**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?**

Mooresville Road (NC 3) is currently under construction, being widened to a 4-lane divided road with sidewalks and bike lanes on both sides (NCDOT project U-3440). The widening project is anticipated to be completed in early 2021.

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

Utilities will need to be extended to serve the proposed use and improvements will be required to the existing street network surrounding the development as noted above.

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

The subject properties are located on the north side of Mooresville Road, west of Rainbow Dr. Parcels to the north are zoned LDR (Low Density Residential) in Cabarrus County. Parcels to the south are zoned LDR in Cabarrus County, AG (Agricultural) in the City of Kannapolis and RV (Residential Village) in the City of Kannapolis. Parcels to the east are zoned LRD in Cabarrus County, and RV (Residential Village) and RC (Residential Compact) in the City of Kannapolis. Parcels to the west are zoned LDR in Cabarrus County. The majority of the

surrounding area to the subject site is existing single-family development with a small parcel along Mooresville Road to the west of the subject site developed with a gas station.

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

The subject property is currently zoned CD. In order to develop the product mix being proposed, the applicant seeks a rezoning to PUD-CZ. Single-family detached and townhomes are suitable uses for the subject site.

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

The subject site is situated in an area that is mostly residential. The requested rezoning proposes a mixture of single-family and townhome development of a scale that represents compatible development for the area considering the potential for redevelopment.

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

The subject property has been vacant since at least 1993, according to aerial photography.

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

There is an adequate supply of parcels in the subject area to accommodate redevelopment in the area.

**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 *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which locates this property within the Complete Neighborhood 2 Character Area and calls for primary uses of single-family detached and attached residential, multi-family residential, small format retail, and civic uses. Staff finds the request for rezoning reasonable and in the public interest because it provides for residential uses of an appropriate scale. The proposed rezoning is compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity and safety of the surrounding street network, nor is it anticipated to generate parking problems or any adverse impact on the environment. Finally, adequate public facilities will be provided to the proposed development through the extension of utilities and improvements to the adjoining street network.

**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 of Zoning Map Amendment Case #CZ-2019-05:**

1. The uses permitted with this rezoning shall only include 372 units (220 single-family detached and 152 townhomes) and amenity building, in general conformance with the plan submitted with this rezoning.
2. The concept plan is illustrative. Final Design and approval of the project, as reviewed by the City of Kannapolis, shall be subject to meeting all city standards.
3. All road intersections and improvements on Mooresville Rd and Rainbow Dr shall be approved by NCDOT and the City.
4. The developer shall construct curb and gutter and sidewalk along the entire road frontage of Mooresville Rd, Rainbow Dr, and where required by NCDOT. The improvements will be constructed to NCDOT and City standards.
5. The lane widths, sidewalks, pavement structure, road alignment, and road grades shall be constructed to current City standards.
6. Roads and parking lots shall comply with all Fire Codes and Autoturn shall be run for an SU-30.
7. Streams and wetlands shall be identified by a qualified person and all buffers shown in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with AE Zone & RSOD Buffer requirements or be relocated.
8. A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO to include an escrow agreement & account, initially established by the developer.
9. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and SCMs.
10. Stormwater SCMs shall not be constructed in the undisturbed buffer.
11. Water and sewer main extensions will be required for this project. The developer shall be responsible for designing, permitting and constructing water and sewer mains in accordance with City and WSACC standards.
12. All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement.
13. The water and sewer mains shall be located in the roadway under the pavement per the City's Typical Section Utility Layout.
14. Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-feet wide.
15. Additional width may be required depending on the depth of the line. Sanitary sewer lines and storm sewer lines shall be located within Common Open Space (easements centered on property lines shall not be permitted). Viable access shall be provided along all easements with a grade no greater than 15% for maintenance vehicles and cross slopes shall not exceed 5%.
16. The Fire Department shall approve locations of all hydrants.
17. Prior to platting the 31st parcel/lot, an emergency access road is required. Emergency access shall remain open at all times.
18. Prior to platting the 100th parcel/lot, a permanent second access (built to City standards) is required.

### **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-2019-05, 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 Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which locates this property within the Complete Neighborhood 2 Character Area and calls for primary uses of single-family detached and attached residential, multi-family residential, small format retail, and civic uses. Staff finds the request for rezoning reasonable and in the public interest because it provides for residential uses of an appropriate scale. The proposed rezoning is compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity and safety of the surrounding street network, nor is it anticipated to generate parking problems or any adverse impact on the environment. Finally, adequate public facilities will be provided to the proposed development through the extension of utilities and improvements to the adjoining street network.*

**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 rezoning request as presented in Case #CZ-2019-05, 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-2019-05 to be inconsistent with the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, because (state reason(s) and is neither reasonable nor in the public interest because (state reason(s) and is therefore denied based on the criteria 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 Rezoning Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Site Plan
6. Proposed Elevation
7. Neighborhood Meeting Information
8. Notice of Public Hearing
9. List of Properties Notified
10. Letter to Adjacent Property Owners
11. Posted Public Notice
12. Resolution to Adopt a Statement of Consistency
13. Resolution to Zone

**J. Issue Reviewed By:**

- City Manager

- City Attorney
- Planning Director



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

Type of Action Requested (Check One):

- |                        |       |                                  |                                     |
|------------------------|-------|----------------------------------|-------------------------------------|
| Variance               | _____ | 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: <u>LENNAR CAROLINAS, LLC</u>	Owner: <u>ATLANTIC AMERICAN PROPERTIES, INC.</u>
Address: <u>6701 CARMEL RD, STE. 425</u>	Address: <u>210 OAK AVENUE</u>
<u>CHARLOTTE, NC 28226</u>	<u>KANNAPOLIS, NC 28081</u>
Telephone: <u>704.309.3288</u>	Telephone: <u>704.938.5400</u>
Email: <u>matt.pannell@lennar.com</u>	Email: _____

Legal relationship of applicant to property owner: LAND ACQUISITION APPLICANT

Property Location/Address: 4800 MOORESVILLE ROAD, KANNAPOLIS, NC

Tax Parcel Number: 5603661917      Zoning District: CD (EXISTING)      Acreage of Site: 133.04  
5603699568      PUD (PROPOSED)

MATT PANNELL      A. THOMAS D. SWICKS  
 Applicant Name (Print)      Property Owner Name (Print)

Matt Pannell 8-16-19      Thomas D. Swicks 8-16-19  
 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**  
**APPLICATION FOR A CONDITIONAL ZONING DISTRICT**  
(to be attached to the Rezoning Application)

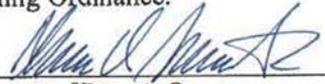
I, LENNAR CAROLINAS, LLC, hereby petition for a Conditional Zoning District for the following exact land use(s), subject to the following condition(s):

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

REFER TO CONDITIONS AS OUTLINED IN THE REZONING PETITION SUBMITTAL PACKAGE

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

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

210 OAK AVENUE

Kannapolis NC 28081  
Address

\_\_\_\_\_  
Address

704-938-5400  
Telephone #

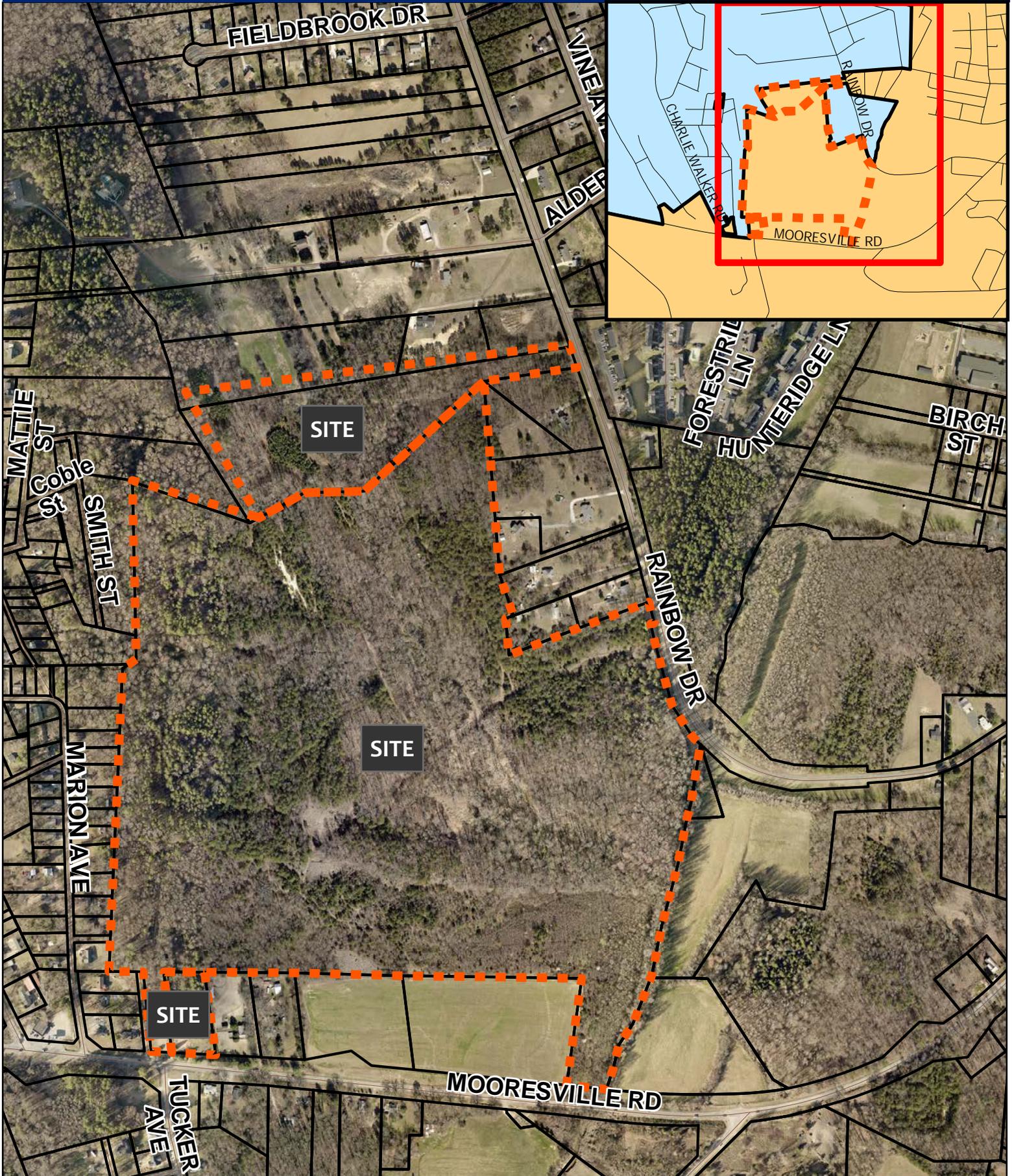
\_\_\_\_\_  
Telephone #

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



# Vicinity Map

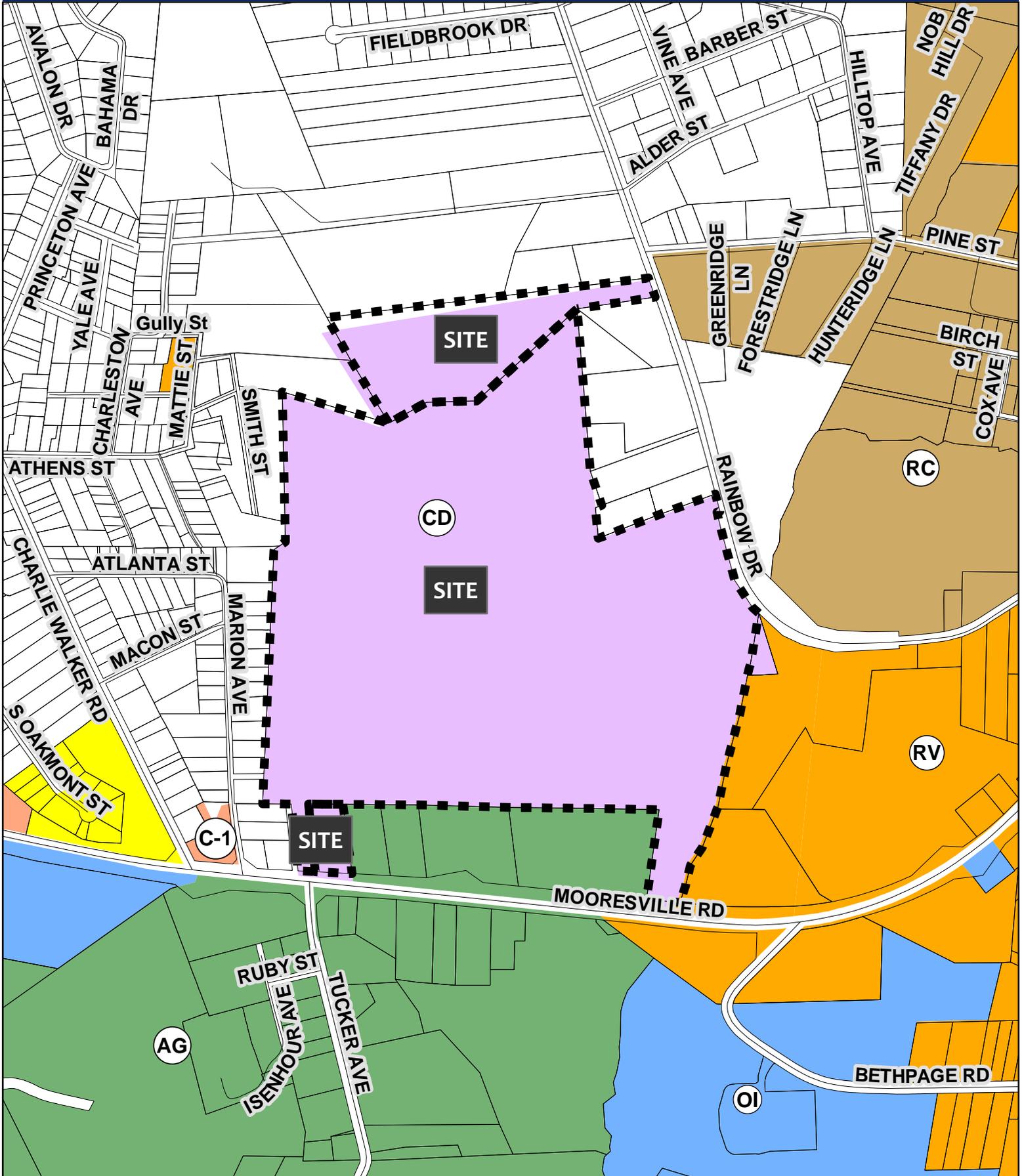
Case Number: CZ-2019-05  
Applicant: Lennar Carolinas, LLC  
4800 Mooresville Rd





# Kannapolis Current Zoning

Case Number: CZ-2019-05  
Applicant: Lennar Carolinas, LLC  
4800 Mooresville Rd



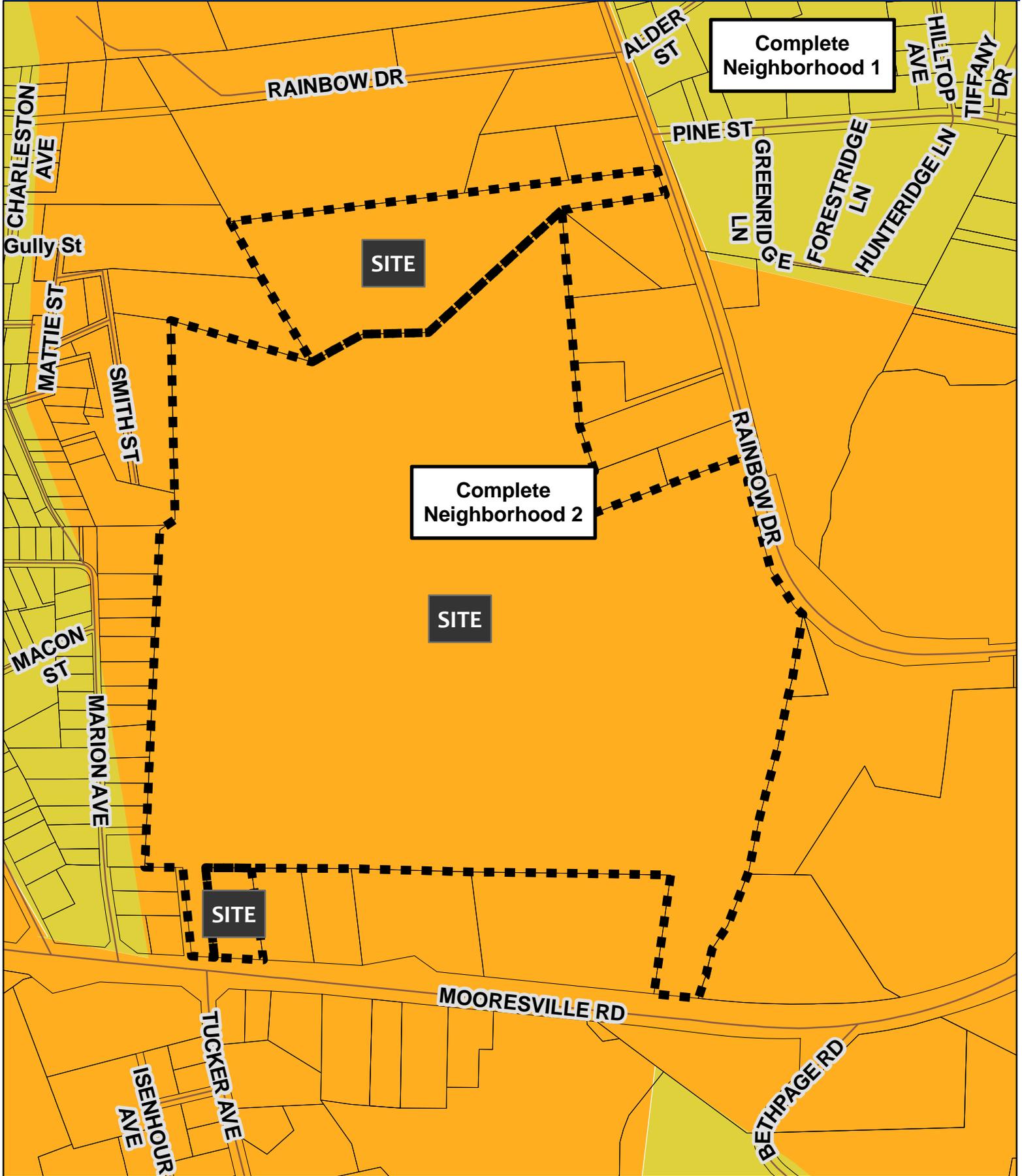


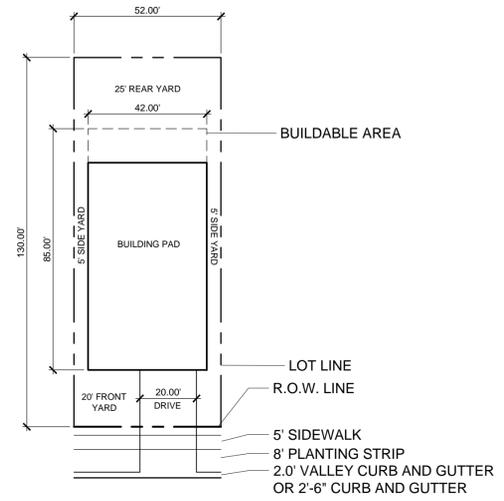
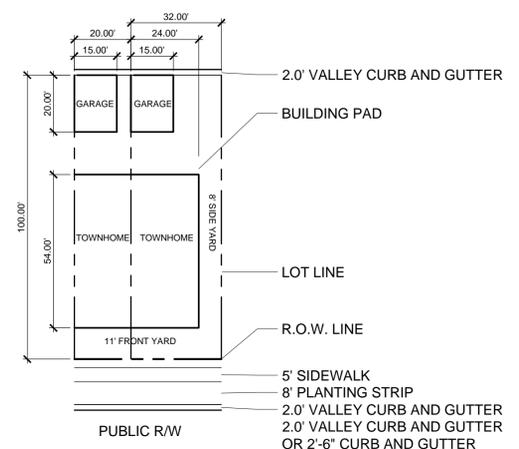
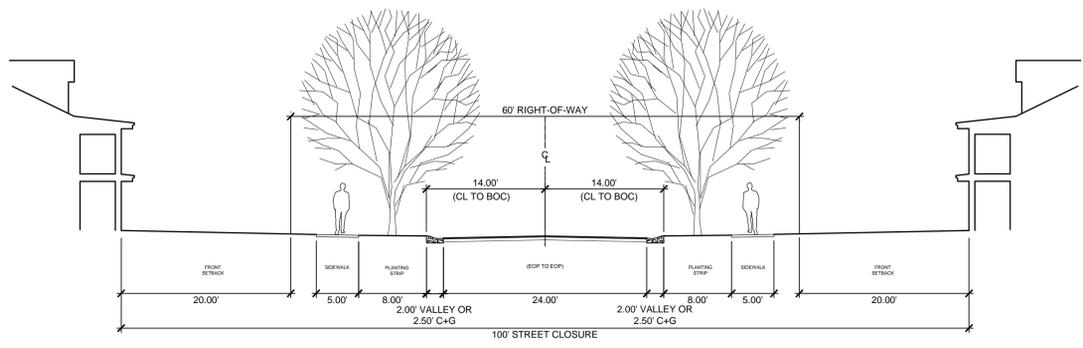
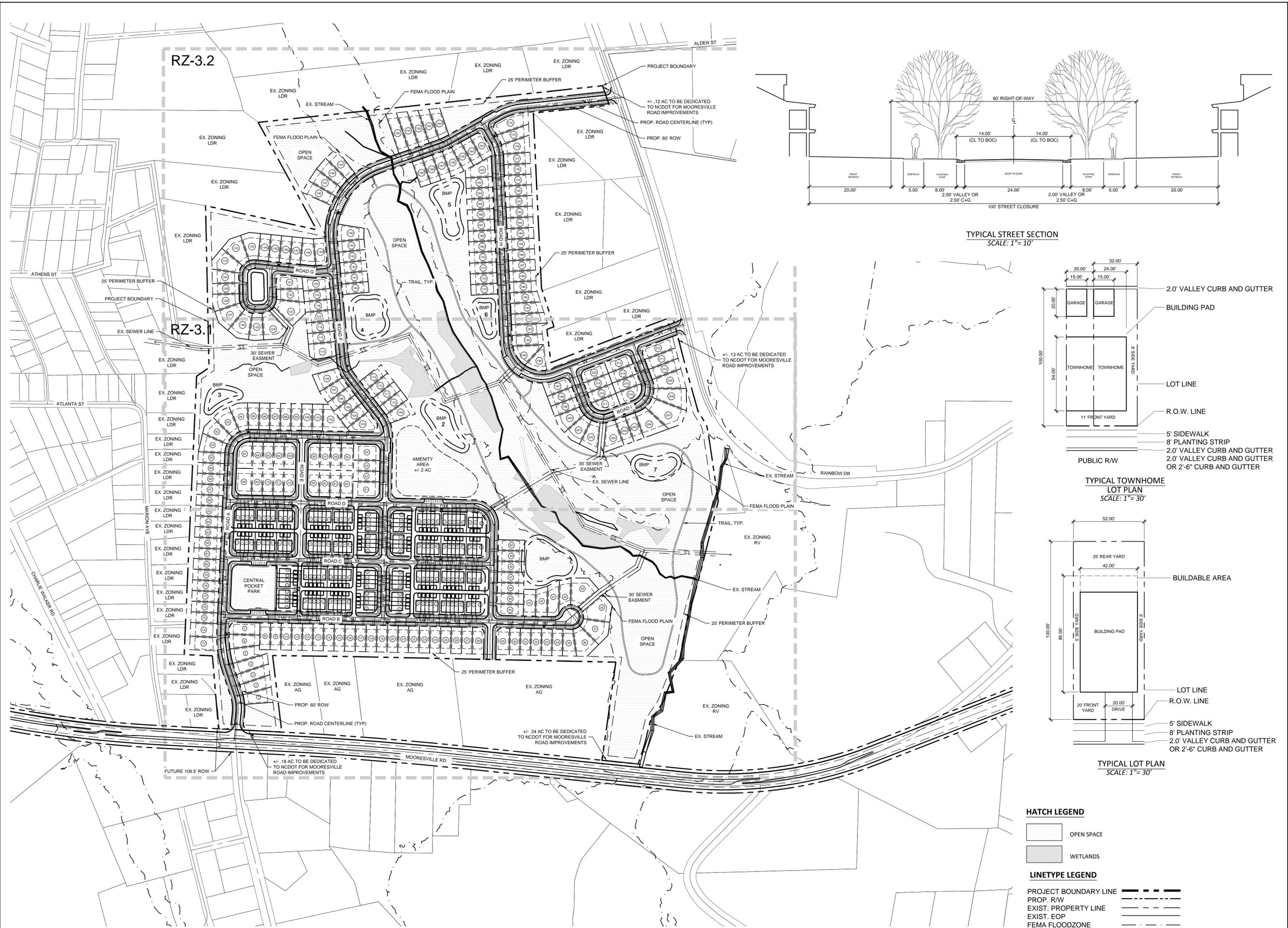
# Kannapolis 2030 Future Land Use Map

Case Number: CZ-2019-05

Applicant: Lennar Carolinas, LLC

4800 Mooresville Rd



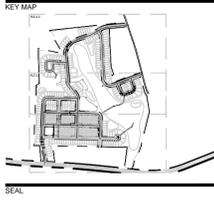


**HATCH LEGEND**

- OPEN SPACE
- WETLANDS

**LINETYPE LEGEND**

- PROJECT BOUNDARY LINE
- PROP. R/W
- EXIST. PROPERTY LINE
- EXIST. EOP
- FEMA FLOODZONE



**NOT FOR CONSTRUCTION**

**SUMMERLYN VILLAGE**

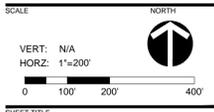
LENNAR CAROLINAS, LLC  
6701 CARMEL ROAD, STE. 425  
CHARLOTTE, NC 28226

LANDDESIGN PROJ.# 1019187

**REVISION / ISSUANCE**

NO.	DESCRIPTION	DATE
1	REZONING PETITION	08.16.19
2	REZONING PETITION	10.11.19

DESIGNED BY: MEK  
DRAWN BY: JAL  
CHECKED BY: LDI



SITE PLAN

SHEET NUMBER

**RZ-3.0**



THATCHER E    MORGAN D    JORDAN F    MORGAN E    CHADWICK F

KEY MAP

SEAL

**NOT FOR  
CONSTRUCTION**

PROJECT

**SUMMERLYN  
VILLAGE**

LENNAR CAROLINAS, LLC  
6701 CARMEL ROAD, STE. 425  
CHARLOTTE, NC 28226

LANDESIGN PROJ.# 1019187

**REVISION / ISSUANCE**

NO.	DESCRIPTION	DATE
1	REZONING PETITION	08.16.19
2	REZONING PETITION	10.11.19
3	REZONING PETITION	12.10.19

DESIGNED BY: MEK  
DRAWN BY: JAL  
CHECKED BY: LDI

SCALE: NORTH  
VERT: N/A  
HORZ: 1"=200'

SHEET TITLE  
**ARCHITECTURAL  
PRECEDENTS**

SHEET NUMBER  
**RZ-5.0**

# MEETING NOTES

**DATE:**

**PROJECT #:**

**PROJECT NAME:**

**MEETING LOCATION:**

**PURPOSE:**

**SUBMITTED BY:**

**ATTENDEES:**

**MEETING NOTES:**

*These notes reflect the author's interpretation of the events at the referenced meeting. Any changes or additions required should be submitted to the author in writing.*

Updated on 8.18.2017







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  
**EEmail:** 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](mailto:tcline@kannapolisnc.gov).

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

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
HUGH A HAYNIE				
RAY L HAYNIE	PO BOX 609	KANNAPOLIS	NC	28082
EVERGREEN LAND COMPANY LP	1049 QUAIL WOODS COURT	KANNAPOLIS	NC	28081
EVERETTE E CRANFORD	1119 DEVONSHIRE RD	SN BERNRDNO	CA	92404
ELLEN T KNOX	11812 231ST ST	CAMBRIA HEIGHTS	NY	11411
IDA L KNOX DAVIS	118-12 231ST ST	CAMBRIA HEIGHTS	NY	11411
RICHARD RUSSELL JR	201 WINONA AVE	KANNAPOLIS	NC	28081
ATLANTIC AMERICAN PROPERTIES INC	210 OAK AVE	KANNAPOLIS	NC	28081
PAMELA B STAMEY	425 ORBISON RD	MOORESVILLE	NC	28115
JEREMY & ERICA WILSON	4329 RAINBOW DR	KANNAPOLIS	NC	28081
JOHNATHAN & AURELIA MYERS	4333 RAINBOW DR	KANNAPOLIS	NC	28081
CAROLYN R HELMS	4339 RAINBOW DRIVE	KANNAPOLIS	NC	28081
STEVEN & CHALEY HOPSON	4345 RAINBOW DR	KANNAPOLIS	NC	28081
LESTER WILKINSON	439 PATTERSON FARM RD	MOORESVILLE	NC	28115
LYNN & SHAYNE FESPERMAN	4407 RAINBOW DRIVE	KANNAPOLIS	NC	28081
LADD & DIAMELEN PARTRIDGE	4507 RAINBOW DR	KANNAPOLIS	NC	28081
JUDY D ALMOND	4770 MOORESVILLE RD	KANNAPOLIS	NC	28081
PATRICK & KACEY MCVAY	4820 MOORESVILLE RD	KANNAPOLIS	NC	28081
SYLVESTER & SARA FLEMING	5029 ATLANTA STREET	KANNAPOLIS	NC	28081
JOHN JR & LYNN CAUBLE	5200 ISENHOUR AVE	KANNAPOLIS	NC	28081
ARGIE JOHNSON	5201 S CORNELL AVE APT 26-E	CHICAGO	IL	60615
SHANNON RILEY	5440 MARION AVE	KANNAPOLIS	NC	28081
PAUL K BARR	5450 MARION AVE	KANNAPOLIS	NC	28081
KENNETH & MELANIE LIPSCOMB	5460 MARION STREET	KANNAPOLIS	NC	28081
CHARLES WAMPLER	5470 MARION AVE	KANNAPOLIS	NC	28081
WARREN & MARY YOUNG	5477 MARION AVENUE	KANNAPOLIS	NC	28081
MARGIE L ISENHOUR	5480 MARION AVE	KANNAPOLIS	NC	28081
SENGKEO SAYNORATH	5481 MARION AVE	KANNAPOLIS	NC	28081
RAMON & ROSALBA CHELA	5523 MARION AVENUE	KANNAPOLIS	NC	28081
DONALD WHITE	5644 MARION AVE	KANNAPOLIS	NC	28081
GLEND A D SMITH	713 NORTHEAST DR UNIT 63	DAVIDSON	NC	28036
PARKS CORNELL EST				
C/O GLEND A SMITH	705 FALLS LN	KANNAPOLIS	NC	28081
DANNY G BOST LLC	783 WILLIAMSBURG DR NE	CONCORD	NC	28025
JOE & BETTIE OVERCASH TRUSTEE	815 EVERGREEN AVE	KANNAPOLIS	NC	28081
MARK GOODNIGHT				
RALPH GOODNIGHT III	909 MAIN ST N	KANNAPOLIS	NC	28081
JIMMY & GILDA WILKINSON	9403 MOORESVILLE RD	CONCORD	NC	28027
ALICE BAILEY				
C/O DONNA ANSLEY	9040 LITTLE HAMPTON PLACE	CHARLOTTE	NC	28215
MATTIE WILSON				
C/O HORACE WILSON	91 TUNKHANNOCK DR	ALBRIGHTSVLLE	PA	18210
THE RIDGES AT KANNAPOLIS NC LLC				
C/O READ PROPERTY GROUP	4706 18TH AVE	BROOKLYN	NY	11204
VSP BUSINESS LLC				
C/O SHAILESH V PANARA	1534 COPPERPLATE RD	CHARLOTTE	NC	28262
TIMOTHY J & SHERRY ANDERTON	PO BOX 1507	HUNTERSVILLE	NC	28078
JERRY & CASSANDRA BAKER	PO BOX 249	MACON	NC	27551
BRYAN K BELK	PO BOX 400	KANNAPOLIS	NC	28082
TTO PARTNERS LLC	PO BOX 5030	CONCORD	NC	28027
LENNAR CAROLINAS, LLC	6701 CARMEL RD STE 425	CHARLOTTE	NC	28226



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, 2019 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:**

**CZ-2019-05 – Zoning Map Amendment – Summerlyn Village**

The purpose of the Public Hearing is to consider a request by Lennar Carolinas, LLC to rezone properties 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) to allow for a mixture of single-family (220 units) and townhome (152 units) residential development with a total of 372 units. The subject properties are approximately 133.04 +/- acres in size and further identified as Cabarrus County Parcel Identification Number(s) 5603-66-1917, 5603-78-0189 and 5603-69-9568 (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

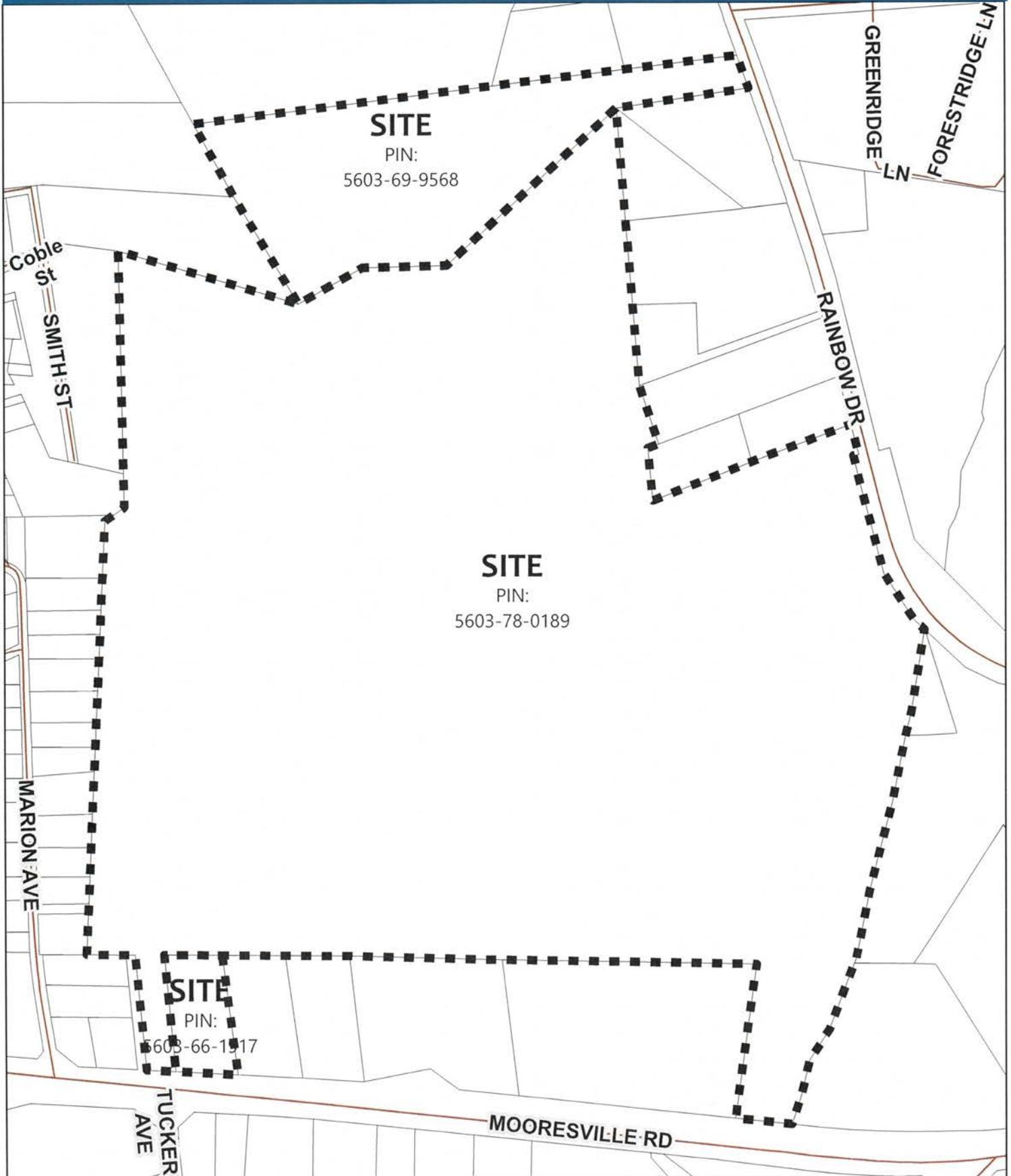
Enclosure

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](mailto:tcline@kannapolisnc.gov).



# Conditonal Rezoning

Case Number: CZ-2019-05  
Applicant: Lennar Carolinas, LLC  
4800 Mooresville Rd



KANNAPOLIS  
**PLANNING**  
**ZONING**  
**COMMISSION**  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE # CZ-2019-05





KANNAPAS  
**PLANNING**  
**ZONING**  
**COMMISSION**  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE #CZ - 2019 - 05



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY  
WITH REGARD TO CASE # CZ-2019-05**

**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 properties located at 4800 Mooresville Road and unaddressed parcels on the north side of Mooresville Road (NC 3), west of Rainbow Drive (Cabarrus County Parcel Identification Number(s) 5603-66-1917, 5603-78-0189 and 5603-69-9568) owned by Atlantic American Properties, Inc., from City of Kannapolis Campus Development (CD) Designation to City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) Designation.

**NOW, THEREFORE BE IT RESOLVED** *that the Planning and Zoning Commission finds this rezoning consistent with the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which locates this property within the Complete Neighborhood 2 Character Area and calls for primary uses of single-family detached and attached residential, multi-family residential, small format retail, and civic uses. Staff finds the request for rezoning reasonable and in the public interest because it provides for residential uses of an appropriate scale. The proposed rezoning is compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity and safety of the surrounding street network, nor is it anticipated to generate parking problems or any adverse impact on the environment. Finally, adequate public facilities will be provided to the proposed development through the extension of utilities and improvements to the adjoining street network.*

**Adopted this the 8<sup>th</sup> 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-2019-05

(4800 Mooresville Road and unaddressed parcels on the north side of Mooresville Road (NC 3), west of Rainbow Drive)

City of Kannapolis Campus Development (CD) Zoning District to  
City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) 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 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-2019-05 as submitted to the City of Kannapolis Planning Department; and

**WHEREAS**, the request was to rezone properties located at 4800 Mooresville Road and unaddressed parcels on the north side of Mooresville Road (NC 3), west of Rainbow Drive (Cabarrus County Parcel Identification Number(s) 5603-66-1917, 5603-78-0189 and 5603-69-9568) owned by Atlantic American Properties, Inc., from City of Kannapolis Zoning Designation CD – Campus Development Zoning to City of Kannapolis Zoning Designation PUD-CZ – Planned Unit Development-Conditional Zoning; and

**WHEREAS**, the Commission has approved the request for rezoning and found it to be consistent with the *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 tracts to be rezoned is 133.04 ± 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 “Complete Neighborhood 2” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 2 Character Area calls for primary uses of single-family detached and attached residential, multi-family residential, small format retail, and civic uses.

Secondary uses are intended to be a small format office, and live-work units. The PUD-CZ conditional zoning district with this rezoning proposes a 372 mixed-unit-type development, which fits with the primary uses of the Complete Neighborhood 2 Character Area.

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

The subject properties are located on the north side of Mooresville Road, west of Rainbow Dr. Parcels to the north are zoned LDR (Low Density Residential) in Cabarrus County. Parcels to the south are zoned LDR in Cabarrus County, AG (Agricultural) in the City of Kannapolis and RV (Residential Village) in the City of Kannapolis. Parcels to the east are zoned LRD in Cabarrus County, and RV (Residential Village) and RC (Residential Compact) in the City of Kannapolis. Parcels to the west are zoned LDR in Cabarrus County. The requested rezoning proposes a mixture of single-family and townhome development of a scale that represents compatible development considering the redevelopment potential for 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 proposed project will be accessed from Mooresville Road (NC 3) and Rainbow Drive. Both Mooresville Road and Rainbow Drive are NCDOT owned and maintained roads, and as such any access off these two roads will require NCDOT approval with City input.

The project required a traffic impact analysis (TIA) which identified following improvements as necessary to address the impacts of the proposed development:

**NC 3 (Mooresville Road) and Kannapolis Parkway**

- Per NCDOT by the buildout of the site, restripe northbound approach of Kannapolis Parkway to include an additional right turn lane with 250' of storage and the appropriate taper. Modify traffic signal as necessary.

**NC 3 (Mooresville Road) and Tucker Avenue/Access A**

- Construct Access A with one ingress lane and one egress lane (1 right).
- Construct a NC 3 (Mooresville Road) westbound right turn lane with a 100' feet of storage and the appropriate taper.

**Rainbow Drive and Access B**

- Construct Access B with one ingress lane and one egress lane (1 shared left-right).
- Per NCDOT, provide 6' offset between Access B and C along Rainbow Drive that will accommodate future widening.

**Rainbow Drive and Access C**

- Construct Access C with one ingress lane and one egress lane (1 shared left-right).
- Per NCDOT, provide 6' offset between Access B and C along Rainbow Drive that will accommodate future widening.

A full site plan submittal will be required should the rezoning be approved. Appropriate roadway design will be required at that time per City and NCDOT roadway and safety standards.

**5. Will there be parking problems?**

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

**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 issues associated with the rezoning request. In addition, all development will be required to conform to all applicable local, state, and federal environmental regulations.

The required site plan will also be reviewed by City staff to ensure the development meets all stormwater requirements.

There is a large amount of floodplain within the site, which will not be impacted by development as depicted in the proposed plan.

**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?**

Mooresville Road (NC 3) is currently under construction, being widened to a 4-lane divided road with sidewalks and bike lanes on both sides (NCDOT project U-3440). The widening project is anticipated to be completed in early 2021.

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

Utilities will need to be extended to serve the proposed use and improvements will be required to the existing street network surrounding the development as noted above.

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

The subject properties are located on the north side of Mooresville Road, west of Rainbow Dr. Parcels to the north are zoned LDR (Low Density Residential) in Cabarrus County. Parcels to the south are zoned LDR in Cabarrus County, AG (Agricultural) in the City of Kannapolis and RV (Residential Village) in the City of Kannapolis. Parcels to the east are zoned LRD in Cabarrus County, and RV (Residential Village) and RC (Residential Compact) in the City of Kannapolis. Parcels to the west are zoned LDR in Cabarrus County. The majority of the surrounding area to the subject site is existing single-family development with a small parcel along Mooresville Road to the west of the subject site developed with a gas station.

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

The subject property is currently zoned RV. In order to develop the product mix being proposed, the applicant seeks a rezoning to PUD-CZ. Single-family detached and townhomes are suitable uses for the subject site.

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

The subject site is situated in an area that is mostly residential. The requested rezoning proposes a mixture of single-family and townhome development of a scale that represents compatible development for the area considering the potential for redevelopment.

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

The subject property has been vacant since at least 1993, according to aerial photography.

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

There is an adequate supply of parcels in the subject area to accommodate redevelopment in the area.

**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 PUD-CZ – Planned Unit Development-Conditional Zoning District, subject to the following conditions:

1. **The uses permitted with this rezoning shall only include 372 units (220 single-family detached and 152 townhomes) and amenity building, in general conformance with the plan submitted with this rezoning.**
2. **The concept plan is illustrative. Final Design and approval of the project, as reviewed by the City of Kannapolis, shall be subject to meeting all city standards.**
3. **All road intersections and improvements on Mooresville Rd and Rainbow Dr shall be approved by NCDOT and the City.**
4. **The developer shall construct curb and gutter and sidewalk along the entire road frontage of Mooresville Rd, Rainbow Dr, and where required by NCDOT. The improvements will be constructed to NCDOT and City standards.**
5. **The lane widths, sidewalks, pavement structure, road alignment, and road grades shall be constructed to current City standards.**
6. **Roads and parking lots shall comply with all Fire Codes and Autoturn shall be run for an SU-30.**
7. **Streams and wetlands shall be identified by a qualified person and all buffers shown in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with AE Zone & RSOD Buffer requirements or be relocated.**
8. **A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO to include an escrow agreement & account, initially established by the developer.**
9. **Easements, maintenance agreements and viable access shall be provided for all stormwater structures and SCMs.**
10. **Stormwater SCMs shall not be constructed in the undisturbed buffer.**

11. **Water and sewer main extensions will be required for this project. The developer shall be responsible for designing, permitting and constructing water and sewer mains in accordance with City and WSACC standards.**
12. **All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement.**
13. **The water and sewer mains shall be located in the roadway under the pavement per the City's Typical Section Utility Layout.**
14. **Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-feet wide.**
15. **Additional width may be required depending on the depth of the line. Sanitary sewer lines and storm sewer lines shall be located within Common Open Space (easements centered on property lines shall not be permitted). Viable access shall be provided along all easements with a grade no greater than 15% for maintenance vehicles and cross slopes shall not exceed 5%.**
16. **The Fire Department shall approve locations of all hydrants.**
17. **Prior to platting the 31st parcel/lot, an emergency access road is required. Emergency access shall remain open at all times.**
18. **Prior to platting the 100th parcel/lot, a permanent second access (built to City standards) is required.**

**Adopted this the 8<sup>th</sup> day of January 2020:**

---

David Steele, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary  
Planning and Zoning Commission



**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

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

56010371750000  
Rick Meeks  
Applicant Name (Print)

M&L Property Development  
Property Owner Name (Print)

[Signature]  
Applicant Signature & Date

[Signature]  
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*

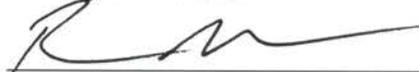
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Condition(s) proposed by the applicant (attach separate sheet if necessary):

*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 #

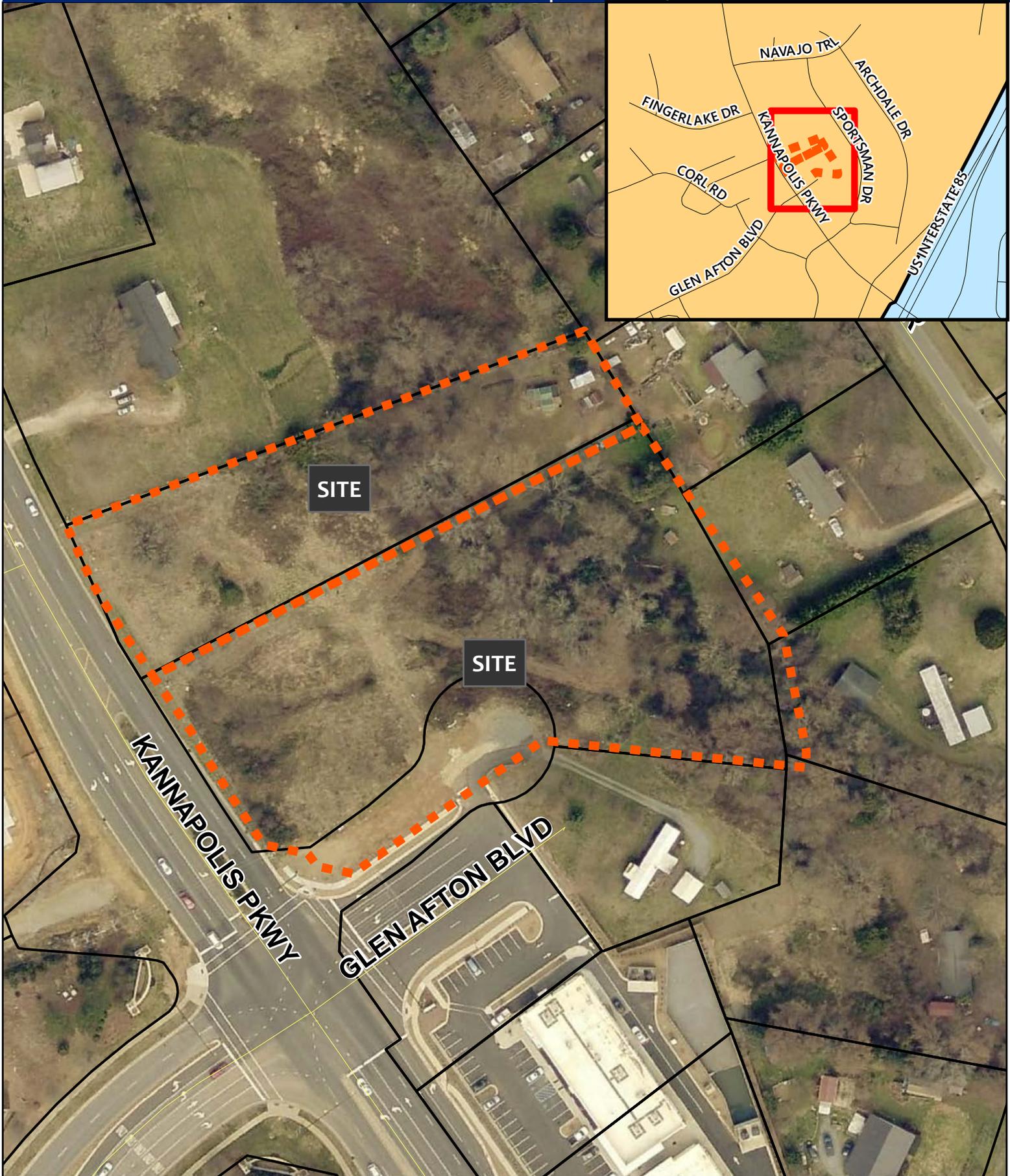
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Telephone #

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

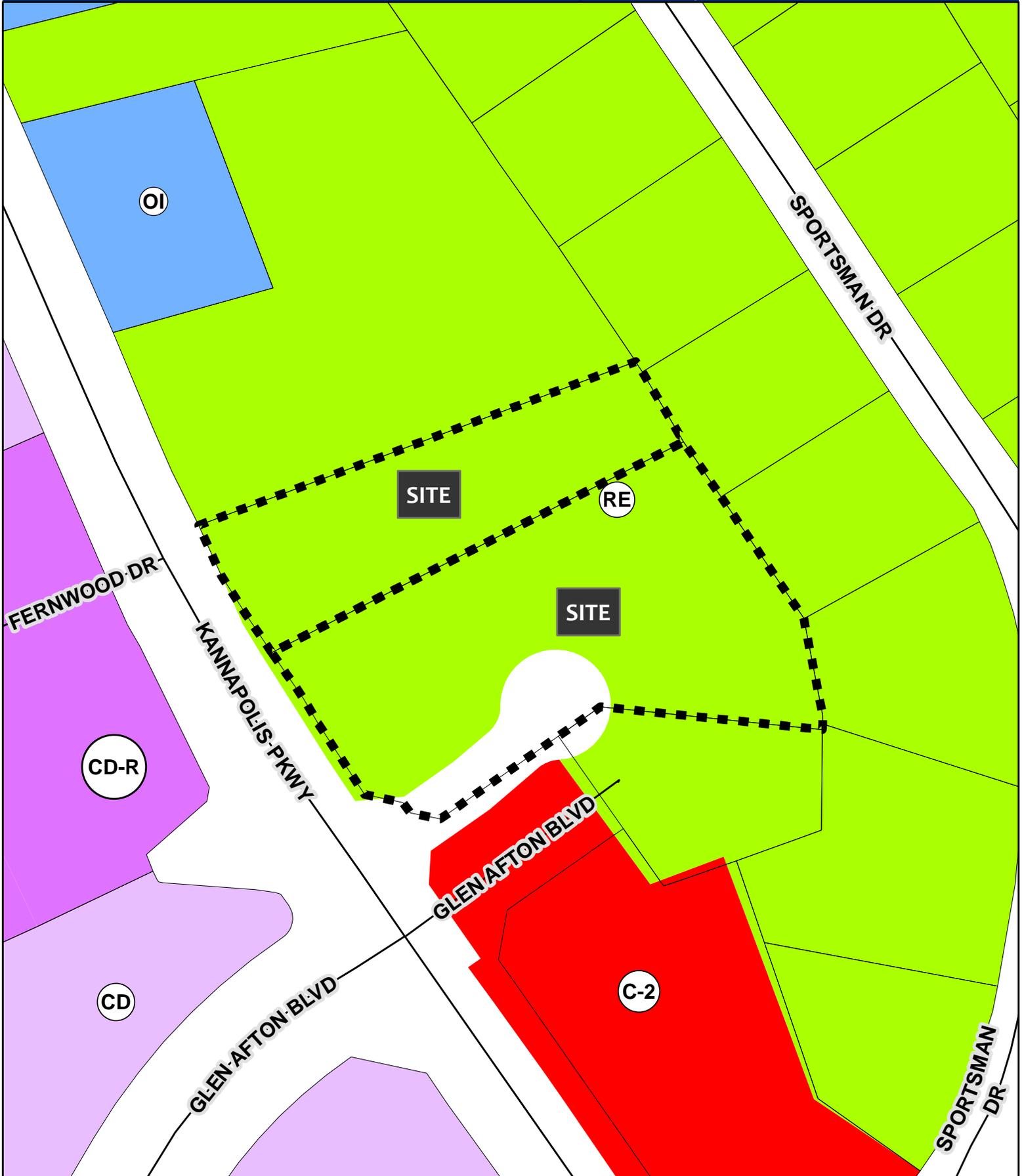




# Kannapolis Current Zoning

Case Number: CZ-2019-09

Applicant: Rick Meeks  
630 Kannapolis Pkwy





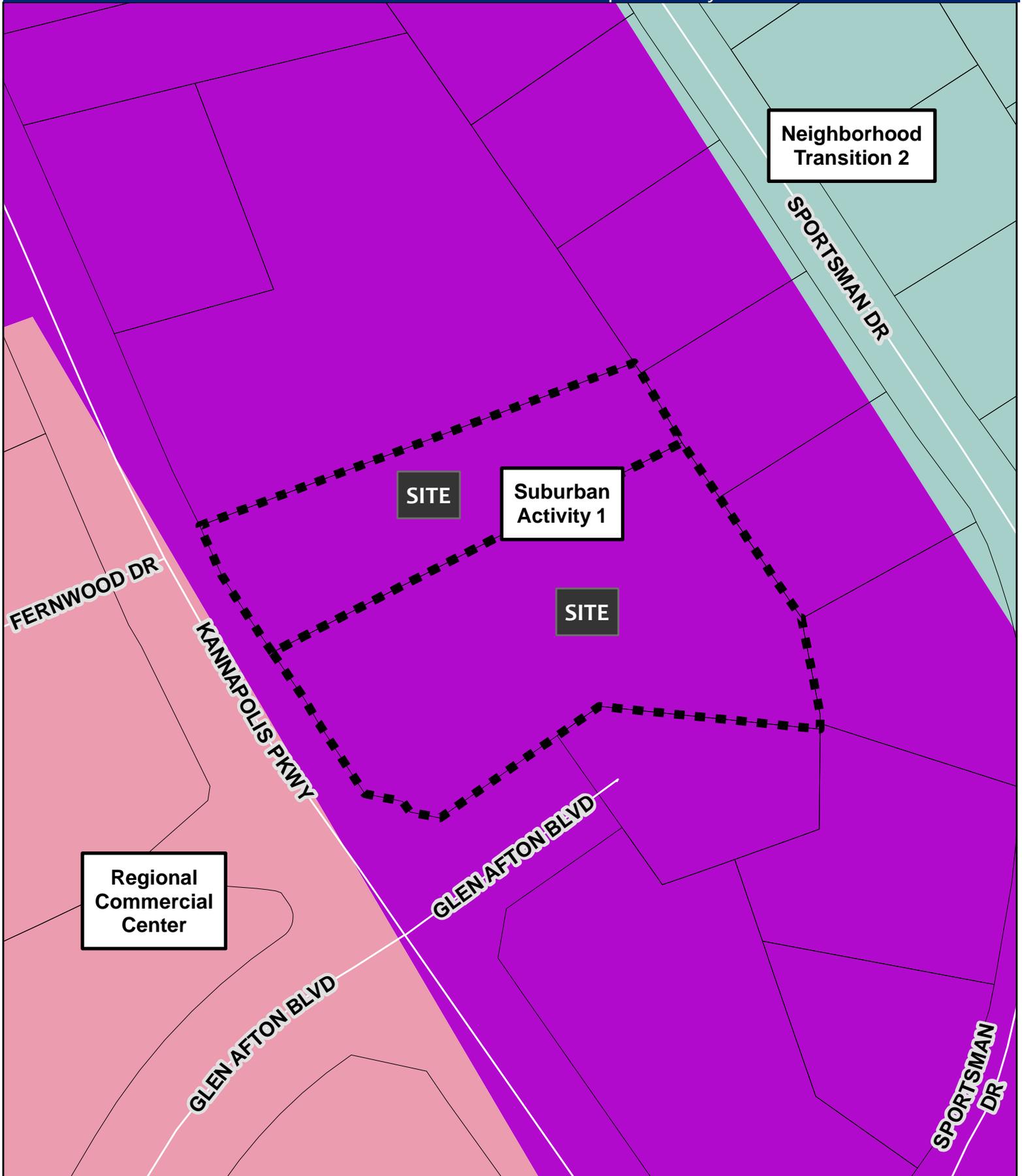
# Kannapolis 2030 Future Land Use Map

Case Number: CZ-2019-09

Applicant: Rick Meeks

630 Kannapolis Pkwy

N



# Future Land Use

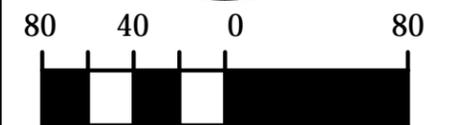
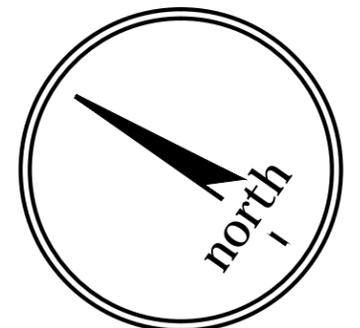


Map 9 - Recommended Land Uses

**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

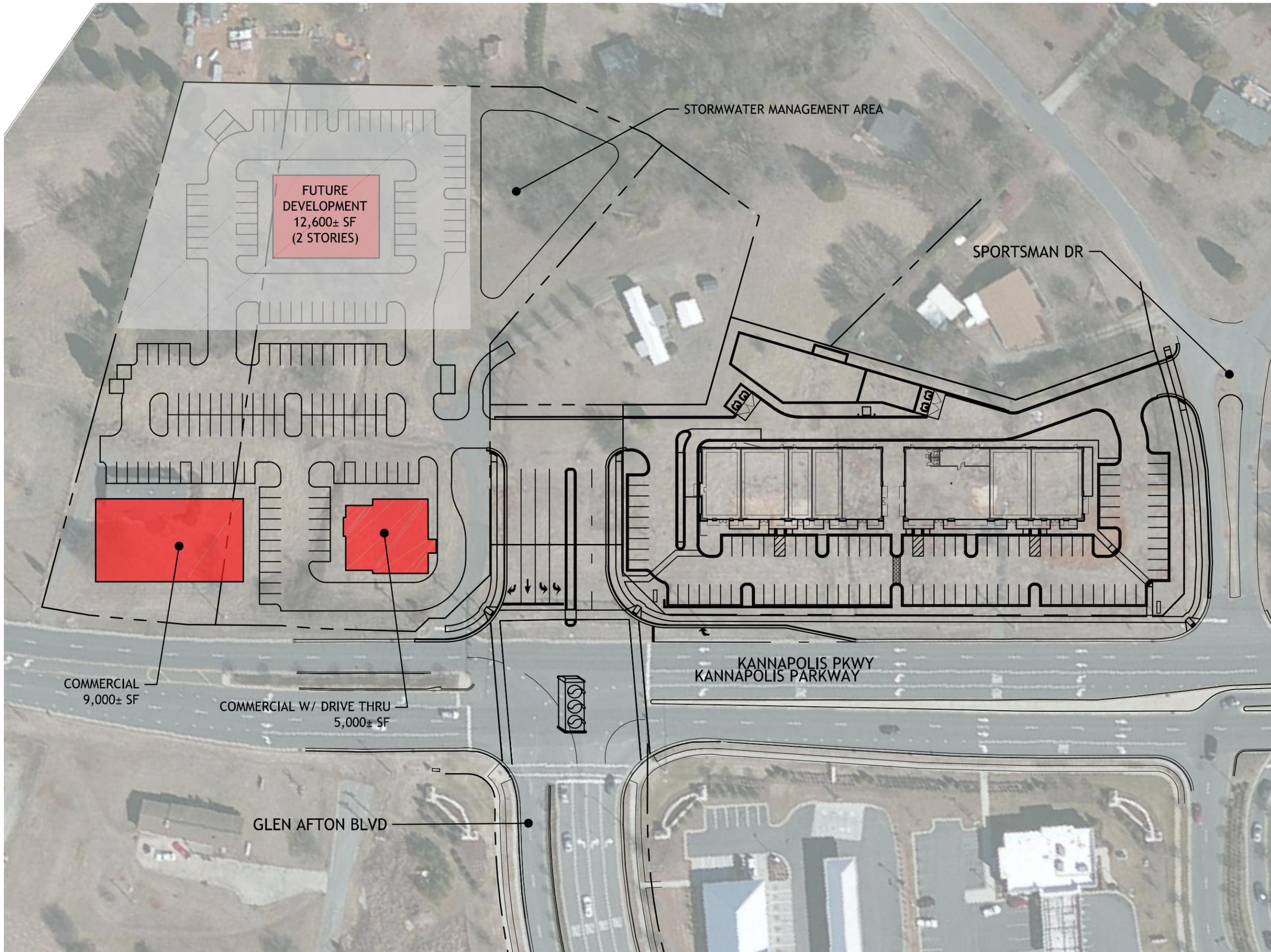


scale: 1" = 80'

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 aboan
Accnt Rep aboan
Ordered By Pam

Fax: 7049337463
EMail: byow@kannapolisnc.gov

Total Amount \$682.70
Payment Amount \$682.70
Amount Due \$0.00
Tax Amount: 0.00
Payment Meth: Credit - Debit Card

Tear Sheets 0
Proofs 0
Affidavits 1
PO Number:

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

Production Method AdBooker (liner)
Production Notes

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

<b>AcctName1</b>	<b>MailAddr1</b>	<b>MailCity</b>	<b>MailState</b>	<b>MailZipCod</b>
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](mailto:tcline@kannapolisnc.gov).



# Conditional Rezoning

Case Number: CZ-2019-09

Applicant: Rick Meeks  
630 Kannapolis Pkwy

N



SPORTSMAN  
DR

**SITE**

PIN:  
5601-03-6233

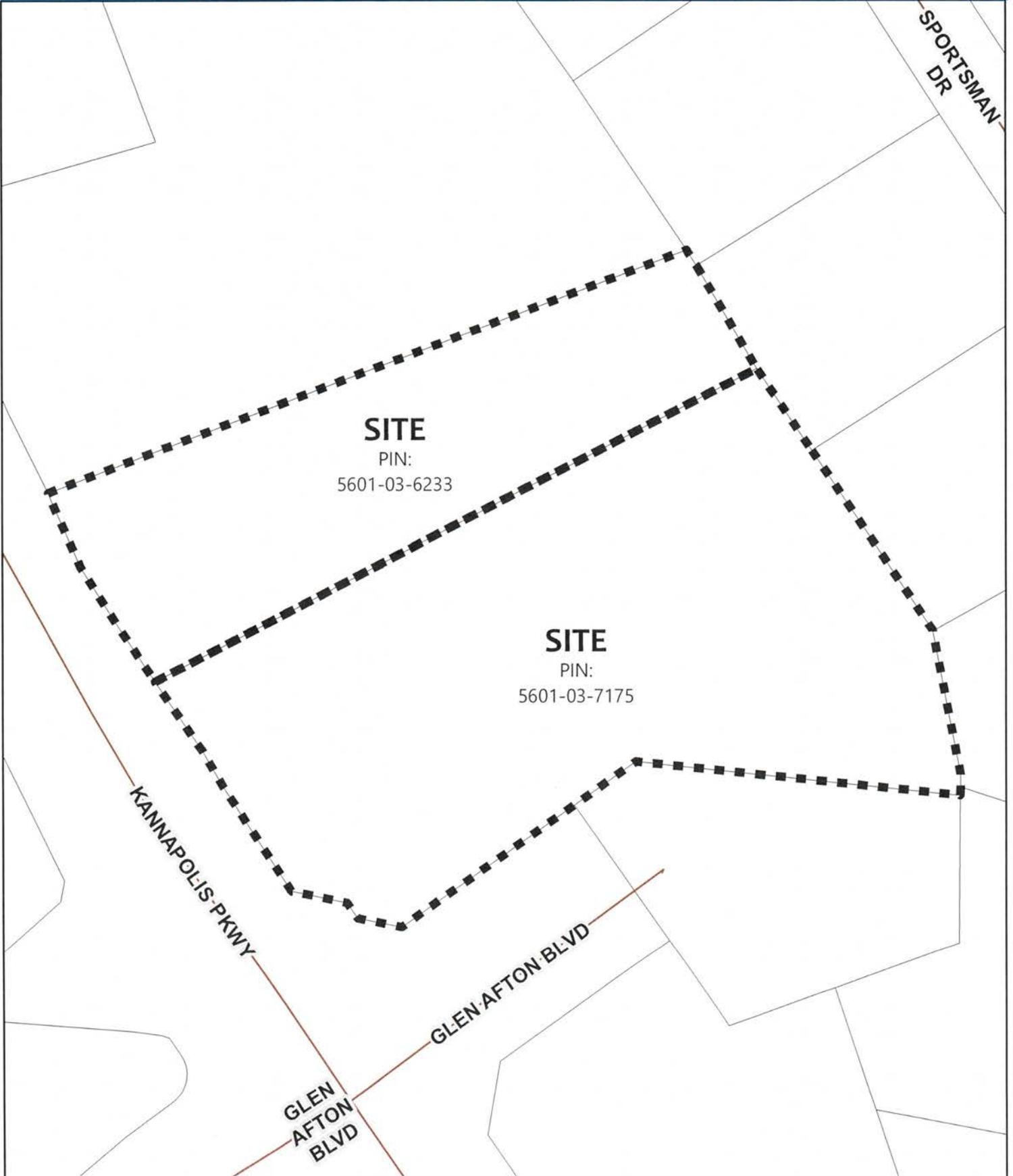
**SITE**

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

WYOMING  
COUNTY  
SEWER  
DISTRICT





**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 8<sup>th</sup> 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 8<sup>th</sup> day of January 2020:**

---

David Steele, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary  
Planning and Zoning Commission



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

**Staff Report**

**DATE:** December 30, 2019  
**TO:** Planning & Zoning Commission  
**FROM:** Gretchen Coperine, Senior Planner  
**SUBJECT:** **Case #Z-2019-04: 610 E 12<sup>th</sup> Street**  
**Zoning Map Amendment**  
**Applicant: Res-NC Restoration**

The applicant is requesting to rezone approximately 0.43 +/- total acres located at 610 E 12<sup>th</sup> Street from C-2 (General Commercial) to RV (Residential Village).

**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 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 owner, Res-NC Restoration is proposing to rezone the subject property, further identified as Rowan County PIN# 150 0630001. This is a map amendment request without any conditions as the intent is to develop a single-family home on the subject property.

**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 area is approximately 0.43 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 “Secondary Activity Center” and “Urban Residential” Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Secondary Activity Center Character Area calls for primary uses of retail, office and multi-family residential. Secondary uses are intended to be single-family attached residential, institutional/civic and light manufacturing. This character area also calls for development opportunities in the areas of infill development. The Urban Residential Character Area calls for primary uses of single-family detached and attached residential and civic uses. Secondary uses are intended to be multi-family residential, small format retail, small format office and live-work. The RV zoning district proposed with this rezoning is consistent with the primary and secondary uses of the Urban Residential Character Area and secondary uses of the Secondary Activity Center Character Area.

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

The surrounding area consists of predominantly single-family detached residences with various small retail and office uses to the east. The proposed RV designation is primarily a single-family zoning designation and is therefore 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?**

There is no anticipated adverse impact on the street network as a result of this rezoning.

**5. Will there be parking problems?**

No parking problems are anticipated. At the time of permitting, any proposed development is required to comply with all applicable parking standards of the UDO.

**6. Will there be environmental impacts that the new use will generate, such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances?**

There are no anticipated environmental impacts such as water, air, or noise pollution, or excessive lighting issues associated with the rezoning request.

**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 surrounding area has been relatively stable with regard to development.

- 8. Is there compliance with the adequate public facilities criteria?**  
Utility improvements or connections will be reviewed during permitting and will be the responsibility of the developer.
- 9. What are the zoning districts and existing land uses of the surrounding properties?**  
Properties to the north, south, and west are zoned RV. Properties to the east are zoned C-2.
- 10. Is the subject property suitable for the uses to which it has been restricted under the existing zoning classification?**  
The subject parcel is zoned C-2. The area is primarily single-family residential. Given the size and location, the property is most suitable for single-family use.
- 11. Is the zoning compatible with the adjacent neighborhood, especially residential neighborhood stability and character?**  
The RV zoning is compatible with the existing single-family uses in the surrounding area.
- 12. What length of time has the subject property remained vacant as zoned?**  
There is currently a single-family detached home on the parcel.
- 13. Is there an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs?**  
There is an adequate supply of parcels in the subject area to accommodate a wide variety of development types.
- 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 zoning map amendment **consistent** with the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which places the subject property in the “Urban Residential” and “Secondary Activity Center” Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Secondary Activity Center Character Area calls for secondary uses of single-family attached residential, institutional/civic and light manufacturing. This character area also calls for development opportunities in the areas of infill development. The Urban Residential Character Area calls for primary uses of single-family detached and attached residential and civic uses. The RV zoning district proposed with this rezoning is consistent with the secondary uses of the Secondary Activity Center Character Area and with the primary uses of the Urban Residential Character Area. The proposed rezoning is compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity and safety of the surrounding street network, nor is anticipated to generate parking problems or any adverse impact on the environment. Finally, there is access to adequate 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 #Z-2019-04**

#### **Alternative Courses of Action**

##### **Motion to Approve (2 votes)**

- 1. Should the Commission choose to approve the request for rezoning as presented in Case #Z-2019-04, 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 **consistent** with the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which places the subject property in the “Urban Residential” and “Secondary Activity Center” Character Areas as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. The Secondary Activity Center Character Area calls for secondary uses of single-family attached residential, institutional/civic and light manufacturing. This character area also calls for development opportunities in the areas of infill development. The Urban Residential Character Area calls for primary uses of single-family detached and attached residential and civic uses. The RV zoning district proposed with this rezoning is consistent with the secondary uses of the Secondary Activity Center Character Area and with the primary uses of the Urban Residential Character Area. The proposed rezoning is compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity and safety of the surrounding street network, nor is anticipated to generate parking problems or any adverse impact on the environment. Finally, there is access to adequate public facilities.*

- 2. Should the Commission choose to approve Case #Z-2019-04, a motion should be made to adopt the Resolution to Zone.**

##### **Motion to Deny (2 votes)**

- 1. Should the Commission choose to recommend denial of Case #Z-2019-04 a motion should be made to adopt the following Statement of Consistency:**

**Statement of Consistency:** *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #Z-2019-04 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 #Z-2019-04 a motion should be made to deny the Resolution to Zone.**

#### **I. Attachments**

1. Rezoning Application
2. Vicinity Map
3. Zoning Map

4. Future Land Use Map
5. Notice of Public Hearing
6. List of Properties Notified
7. Letter to Adjacent Property Owners
8. Public Notice Sign
9. Resolution to Adopt a Statement of Consistency
10. Resolution to Zone

**J. Issue Reviewed By:**

- City Manager
- City Attorney
- Planning Director



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

Type of Action Requested (Check One):

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

Applicant: RES-NC RESTORATION Owner: RES-NC RESTORATION

Address: 6179 FOUR WOOD DR Address: MATTHEWS NC 28104

Telephone: 704-400-4784 Telephone: 704-400-4784

Email: DAN@RES-NC.COM Email: \_\_\_\_\_

Legal relationship of applicant to property owner: VICE PRESIDENT / OWNER IN LLC

Property Location/Address: 610-12 ST KANNAPOLIS

Tax Parcel Number: 150 063 0001 Zoning District: G2 Acreage of Site: 1872 SQFT

DAN DUNHAM  
Applicant Name (Print)

DAN DUNHAM  
Property Owner Name (Print)

[Signature]  
Applicant Signature & Date

[Signature]  
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: \$575.00

Receipt # M-11273 SDWH

Application No.: \_\_\_\_\_

Date Submitted (Complete): 12/2/2019



**APPLICATION FOR AMENDMENT TO THE  
KANNAPOLIS ZONING MAP**

Property Identification Number(s): 150063 0001  
*(attach separate list if necessary)*

Present zoning classification: C2

Requested zoning classification: RV

Number of parcels: 1 Approximate size of area: 1872 sq ft

Physical location of area: 610 E 12 ST

Are public utilities available? YES

Reason for map amendment RE-ZONE FROM COMMERCIAL (C2)  
TO RESIDENTIAL (RV) FOR A NEW CONSTRUCTION ON A  
SINGLE FAMILY BUILD ON SEPERATED LOT FROM ORIGINAL

The above information is true and accurate to the best of my knowledge. Signature of Applicant(s):

Don Duke / RES-NC RESTORATION

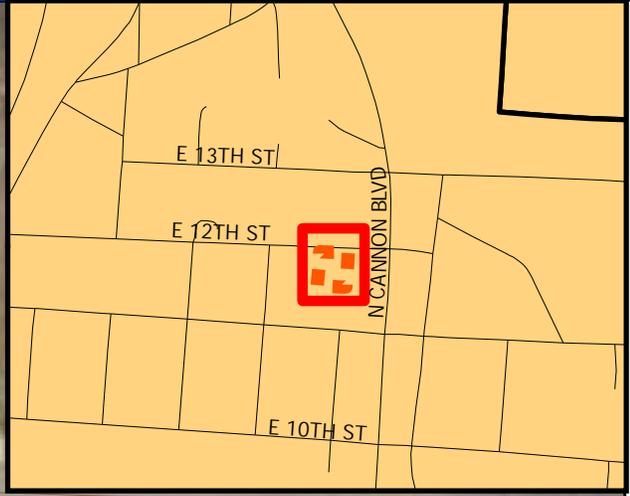
*(attach separate sheet if necessary)*

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



# Vicinity Map

Case Number: Z-2019-04  
Applicant: Res-NC Restoration  
610 12th St.





# Kannapolis Current Zoning

Case Number: Z-2019-04  
Applicant: Res-NC Restoration  
610 12th St.





# Kannapolis 2030 Future Land Use Map

Case Number: Z-2019-04  
Applicant: Res-NC Restoration  
610 12th St.





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  
**EEmail:** 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](mailto:tcline@kannapolisnc.gov).

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

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
DAVID M O'BRYAN	8030 MCCARRON WAY	CHARLOTTE	NC	28215-8712
NIKOLAOS GEORGIU ETAL	604 E 13TH ST	KANNAPOLIS	NC	28083-0000
JEFFREY & ANGELA BROCK	608 E 13TH ST	KANNAPOLIS	NC	28083-2879
JESSE JR & ALMA FRYE	1790 CHINA GROVE RD	CHINA GROVE	NC	28023-6618
PHILLIP & CHRISTINE DELLINGER	609 E 12TH ST	KANNAPOLIS	NC	28083-2717
MARSHALL EUBANKS	904 CUB ST	KANNAPOLIS	NC	28081-9340
NATHANIEL & WILLIE JORDAN	601 E 12TH ST	KANNAPOLIS	NC	28083-2717
CHARLES & PAMELA GOFORTH	2168 MALLARD POINTE DR	KANNAPOLIS	NC	28083-6204
BRANDON LITTLE & STEPHEN WASSERMAN	4409 LAZY DR	CHARLOTTE	NC	28215-9708
BECKY PLUMMER	604 E 12TH ST	KANNAPOLIS	NC	28083-2716
JAMES DANIELS	230 CYNTHIA ST	STATESVILLE	NC	28677-4209
LANNY NUNN	515 GENEVA DR	ROCKWELL	NC	28138-8618
VANCE A THOMAS JR	1107 N CANNON BLVD	KANNPOLIS	NC	28083-0000
ARTHUR SR & GEORGIANNA THOMAS	PO BOX 1507	SALISBURY	NC	28145-1507
LARRY W PALMER	6625 GOLDFISH RD	KANNAPOLIS	NC	28083-8119
MARGARITA GEORGIU & HUMBERTO AMAYA	902 NANCE ST	KANNAPOLIS	NC	28083-3851
FRANCES J GAINEY	607 E 11TH ST	KANNAPOLIS	NC	28083-2771
BERNARD II & JENNIFER WALKER	609 E 11TH ST	KANNAPOLIS	NC	28083-0000
RONNIE & ROSALLA HEILIG	603 E 11TH ST	KANNAPOLIS	NC	28083-2771
EMMA & DAVID MOORE	601 E 11TH ST	KANNAPOLIS	NC	28083-0000
RES-NC RESTORATION	6179 FOUR WOOD DR	MATTHEWS	NC	28104



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:**

**Z-2019-04 – Zoning Map Amendment – 610 E. 12<sup>th</sup> Street**

The purpose of this Public Hearing is to consider a request by Res-NC Restoration to rezone property located at 610 E. 12<sup>th</sup> Street from C-2 (General Commercial) to RV (Residential Village) to allow for the construction of a single-family residential structure. The property is approximately .43 +/- acres and is further identified as Rowan County Parcel Identification Number 150 0630001 (**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,

Ryan Lipp  
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](mailto:tcline@kannapolisnc.gov).



# Rezoning

Case Number: Z-2019-04  
Applicant: Res-NC Restoration  
610 12th St.





KANNAPLIS  
**PLANNING**  
**ZONING**  
**COMMISSION**  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE # Z - 2019 -04





**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY  
WITH REGARD TO CASE #Z-2019-04**

**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 a property located at 610 E 12<sup>th</sup> Street owned by Res-NC Restoration, from City of Kannapolis General Commercial (C-2) Zoning Designation to a City of Kannapolis Residential Village (RV) Designation.

**NOW, THEREFORE BE IT RESOLVED** *that the Planning and Zoning Commission finds this zoning map **consistent** with the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which places the subject property in the “Urban Residential” and “Secondary Activity Center” Character Areas as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. The Secondary Activity Center Character Area calls for secondary uses of single-family attached residential, institutional/civic and light manufacturing. This character area also calls for development opportunities in the areas of infill development. The Urban Residential Character Area calls for primary uses of single-family detached and attached residential and civic uses. The RV zoning district proposed with this rezoning is consistent with the secondary uses of the Secondary Activity Center Character Area and with the primary uses of the Urban Residential Character Area. The proposed rezoning is compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity and safety of the surrounding street network, nor is anticipated to generate parking problems or any adverse impact on the environment. Finally, there is access to adequate public facilities.*

**Adopted this the 8<sup>th</sup> day of January 2020:**

---

David Steele, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary  
Planning and Zoning Commission



**RESOLUTION TO ZONE**  
**Case #Z-2019-04 (610 E 12<sup>th</sup> Street)**

**City of Kannapolis General Commercial (C-2) Zoning District to  
City of Kannapolis Residential Village (RV) 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 #Z-2019-04 as submitted to the City of Kannapolis Planning Department; and

**WHEREAS**, the request was to rezone property located at 610 E 12<sup>th</sup> Street, (Rowan County Parcel Identification Number(s) 150 0630001) owned by Res-NC Restoration, from City of Kannapolis General Commercial (C-2) Zoning Designation to City of Kannapolis Residential Village (RV) 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 area is approximately 0.43 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 “Secondary Activity Center” and “Urban Residential” Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Secondary Activity Center Character Area calls for primary uses of retail, office and multi-family residential. Secondary uses are intended to be single-family attached residential, institutional/civic and light manufacturing. This character area also calls for development opportunities in the areas of infill development. The Urban Residential Character Area calls for primary uses of single-family detached and attached

residential and civic uses. Secondary uses are intended to be multi-family residential, small format retail, small format office and live-work. The RV zoning district proposed with this rezoning is consistent with the primary and secondary uses of the Urban Residential Character Area and secondary uses of the Secondary Activity Center Character Area.

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

The surrounding area consists of predominantly single-family detached residences with various small retail and office uses to the east. The proposed RV designation is primarily a single-family zoning designation and is therefore 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?**

There is no anticipated adverse impact on the street network as a result of this rezoning.

**5. Will there be parking problems?**

No parking problems are anticipated. At the time of permitting, any proposed development is required to comply with all applicable parking standards of the UDO.

**6. Will there be environmental impacts that the new use will generate, such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances?**

There are no anticipated environmental impacts such as water, air, or noise pollution, or excessive lighting issues associated with the rezoning request.

**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 surrounding area has been relatively stable with regard to development.

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

Utility improvements or connections will be reviewed during permitting and will be the responsibility of the developer.

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

Properties to the north, south, and west are zoned RV. Properties to the east are zoned C-2.

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

The subject parcel is zoned C-2. The area is primarily single-family residential. Given the size and location, the property is most suitable for single-family use.

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

The RV zoning is compatible with the existing single-family uses in the surrounding area.

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

There is currently a single-family detached home on the parcel.

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

There is an adequate supply of parcels in the subject area to accommodate a wide variety of development types.

**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 RV – Residential Village Zoning District

**Adopted this the 8<sup>th</sup> day of January 2020:**

---

David Steele, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary  
Planning and Zoning Commission



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

**Staff Report**

**DATE:** December 30, 2019  
**TO:** Planning & Zoning Commission  
**FROM:** Ryan Lipp, Senior Planner  
**SUBJECT:** **Case #Z-2020-01: 601 E 13<sup>th</sup> Street**  
**Zoning Map Amendment**  
**Applicant: Matthew Linker**

The applicant is requesting to rezone approximately 0.73 +/- total acres located at 601 E 13<sup>th</sup> Street from C-2 (General Commercial) to RV (Residential Village).

**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 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 owner, Matthew Linker is proposing to rezone the subject property, further identified as Rowan County PIN# 159 318. This is a map amendment request without any conditions as the intent is to rezone the property from C-2 (General Commercial) to RV (Residential Village) and develop a single-family detached home on the subject property.

**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 area is approximately 0.73 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 within the “Secondary Activity Center” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Secondary Activity Center character area calls for primary uses of retail, office and multi-family residential. Secondary uses are intended to be single family attached residential, institutional/civic and light manufacturing. This character area also calls for development opportunities in the areas of infill development. The RV zoning district proposed with this rezoning would allow for the residential uses designated in the Secondary Activity Center character area.
- 3. Is the proposed rezoning compatible with the surrounding area?**  
The surrounding area consists of predominantly single-family detached residence. The proposed RV designation is primarily a single-family zoning designation and is therefore 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?**  
There is no anticipated adverse impact on the street network as a result of this rezoning.
- 5. Will there be parking problems?**  
No parking problems are anticipated. At the time of permitting, any proposed development is required to comply with all applicable parking standards of the UDO.
- 6. Will there be environmental impacts that the new use will generate, such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances?**  
There are no anticipated environmental impacts such as water, air, or noise pollution, or excessive lighting issues associated with the rezoning request.
- 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 surrounding area has been relatively stable with regard to development.
- 8. Is there compliance with the adequate public facilities criteria?**  
Utility improvements or connections will be reviewed during permitting and will be the responsibility of the developer.
- 9. What are the zoning districts and existing land uses of the surrounding properties?**

Properties to the south and west are zoned RV. Properties to the north and east are zoned C-2.

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

The subject parcel is zoned C-2. The area is primarily single family residential. Given the size and location, the property is most suitable for single family use.

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

The RV zoning is compatible with the existing single family uses in the surrounding area.

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

An exact length of time is not known. Based on aerial images, there was a mobile home that existed on the property that was removed after 2010 and prior to 2014.

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

There is an adequate supply of parcels in the subject area to accommodate a wide variety of development types.

**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 zoning map **consistent** with the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which places the subject property in the “Secondary Activity Center” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The RV zoning district proposed with this rezoning is consistent with the residential secondary uses of the Second Activity Center character area. The proposed rezoning is compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity and safety of the surrounding street network, nor is anticipated to generate parking problems or any adverse impact on the environment. Finally, there is access to adequate 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 #Z-2020-01**

**Alternative Courses of Action**

**Motion to Approve (2 votes)**

1. **Should the Commission choose to approve the request for rezoning as presented in Case #Z-2020-01, a motion should be made to adopt the following Statement of Consistency:**

**Statement of Consistency:** *Staff finds this zoning map consistent with the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which places the subject property in the "Secondary Activity Center" Character Area as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. The RV zoning district proposed with this rezoning is consistent with the residential secondary uses of the Second Activity Center character area. The proposed rezoning is compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity and safety of the surrounding street network, nor is anticipated to generate parking problems or any adverse impact on the environment. Finally, there is access to adequate public facilities.*

2. **Should the Commission choose to approve Case #Z-2020-01, a motion should be made to adopt the Resolution to Zone.**

**Motion to Deny (2 votes)**

1. **Should the Commission choose to recommend denial of Case #Z-2020-01 a motion should be made to adopt the following Statement of Consistency:**

**Statement of Consistency:** *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #Z-2020-01 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 #Z-2020-01 a motion should be made to deny the Resolution to Zone.**

**I. Attachments**

1. Rezoning Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Notice of Public Hearing
6. List of Properties Notified
7. Letter to Adjacent Property Owners
8. Public Notice Sign
9. Resolution to Adopt a Statement of Consistency
10. Resolution to Zone

**J. Issue Reviewed By:**

- City Manager
- City Attorney
- Planning Director



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

Type of Action Requested (Check One):

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

Applicant: Matthew Linker Owner: Same

Address: 281 Barr-link rd Address: \_\_\_\_\_  
mt Pleasant NC 28124

Telephone: 980 255 9454 Telephone: \_\_\_\_\_

Email: hlinker@live.com Email: \_\_\_\_\_

Legal relationship of applicant to property owner: SAME

Property Location/Address: 601 E. 13th st

Tax Parcel Number: 159 318 Zoning District: C-2 Acreage of Site: .72

Matthew Linker \_\_\_\_\_  
Applicant Name (Print) Property Owner Name (Print)

Matthew Linker 12-5-19 \_\_\_\_\_  
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: \$525.00

Receipt # M-11276

Application No.: Z-2020-01

Date Submitted (Complete): 12/6/2019



**APPLICATION FOR AMENDMENT TO THE  
KANNAPOLIS ZONING MAP**

Property Identification Number(s): 159-318  
(attach separate list if necessary)

Present zoning classification: C-2

Requested zoning classification: RV

Number of parcels: 1 Approximate size of area: \_\_\_\_\_

Physical location of area: \_\_\_\_\_

Are public utilities available? yes

Reason for map amendment SINGLE Family Residence

\_\_\_\_\_  
\_\_\_\_\_

The above information is true and accurate to the best of my knowledge. Signature of Applicant(s):

Matthew J. Lips \_\_\_\_\_

\_\_\_\_\_

(attach separate sheet if necessary)

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



# Vicinity Map

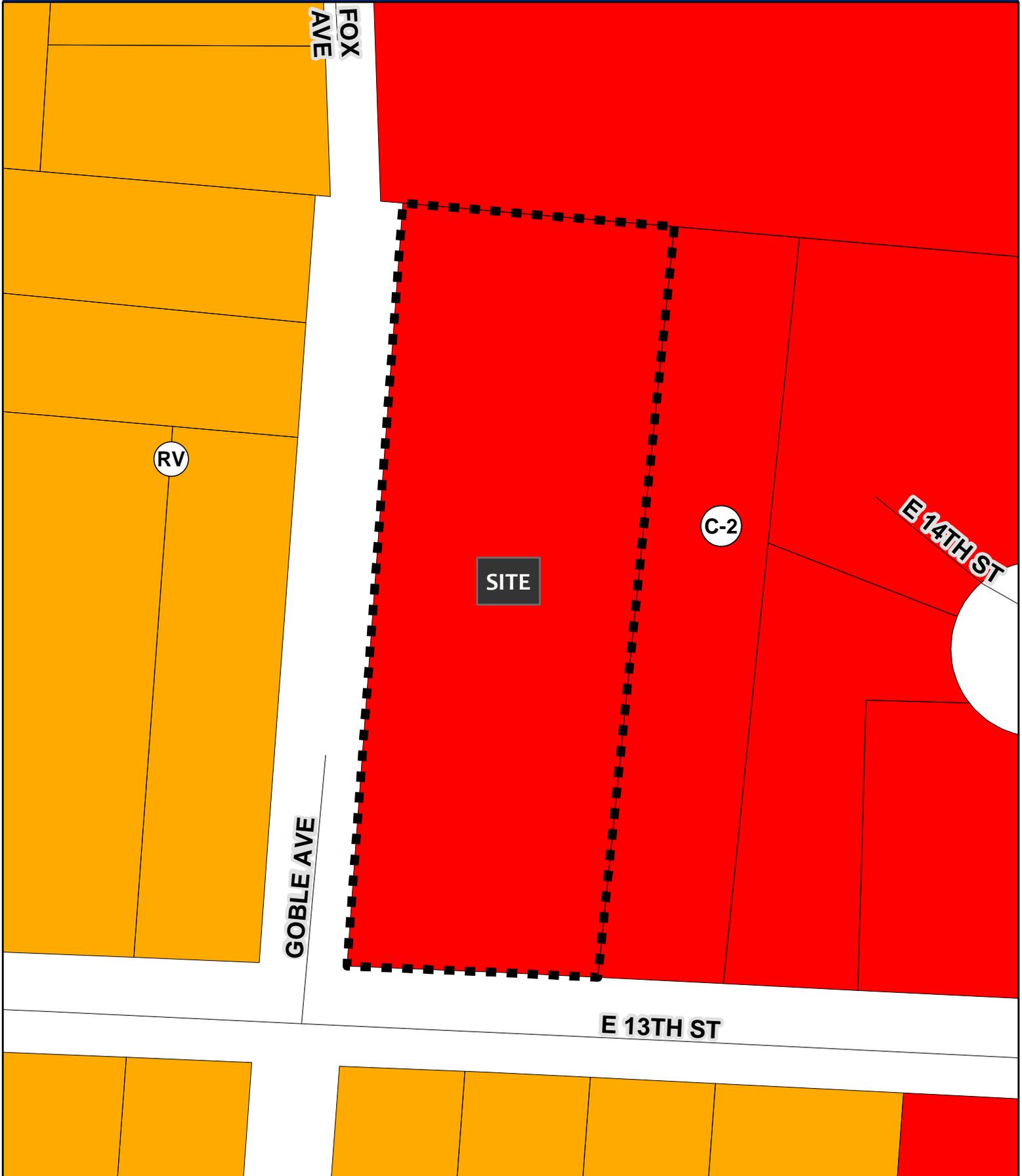
Case Number: Z-2020-01  
Applicant: Matthew Linker  
601 E. 13th St.





# Kannapolis Current Zoning

Case Number: Z-2020-01  
Applicant: Matthew Linker  
601 E. 13th St.





# Kannapolis 2030 Future Land Use Map

Case Number: Z-2020-01  
Applicant: Matthew Linker  
601 E. 13th St.





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  
**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**  
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](mailto:tcline@kannapolisnc.gov).

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

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
KRISTIN & DELORIS WEAVER	6330 IRISH POTATO RD	KANNAPOLIS	NC	28083-9674
JUAN & ALMADELIA GALVAN	10602 BARVAS ST	CHARLOTTE	NC	28260-0000
MATT & MIRANDA LAUFFER	506 E 13TH ST	KANNAPOLIS	NC	28083-2883
ANNIE THOMAS	508 E 13TH ST	KANNAPOLIS	NC	28083-2883
RUSSELL & LINDA DAVIS	600 E 13TH ST	KANNAPOLIS	NC	28083-2879
DAVID O'BRYAN	8030 MCCARRON WAY	CHARLOTTE	NC	28215-8712
NIKOLAOS GEORGIU ETAL	604 E 13TH ST	KANNAPOLIS	NC	28083-0000
JEFFREY & ANGELA BROCK	608 E 13TH ST	KANNAPOLIS	NC	28083-2879
MARSHALL EUBANKS	904 CUB ST	KANNAPOLIS	NC	28081-9340
NATHANIEL & WILLIE JORDAN	601 E 12TH ST	KANNAPOLIS	NC	28083-2717
PAUL H BARNHARDT	1294 DEERFIELD DR	SPARTANBURG	SC	29302-0000
RUSSELL & LINDA DAVIS	600 E 13TH ST	KANNAPOLIS	NC	28083-2879
MARGARITA GEORGIU & HUMBERTO AMAYA	902 NANCE ST	KANNAPOLIS	NC	28083-3851
MARGARET ADERHOLD C/O LORNIE SNOW	2210 BILLY ST	KANNAPOLIS	NC	28083-9145
MICHAEL & SHERRY SHOE JAIME GALARZA & JOSE MATA	1315 FOX AVE	KANNAPOLIS	NC	28083-2731
RICKY OLIVER	603 E RYDER AVE	LANDIS	NC	28088-1523
CHARLES DAYVAULT ETAL	1311 FOX AVE	KANNAPOLIS	NC	28083-2731
ROBERT & GAIL PHILLIPS ET AL	1322 N CANNON BLVD	KANNAPOLIS	NC	28083-0000
JOHNNY HORNE	627 S CHAPEL ST	LANDIS	NC	28088-1825
BRYANT & JUDY FOSTER	603 E 13TH ST	KANNAPOLIS	NC	28083-2886
CATHY ROSE	507 E 13TH ST	KANNAPOLIS	NC	28083-2884
JILL NESTER	620 PEARL POINT CT	MILLERVILLE	MD	21108-0000
SUSAN BARNETTE	22262 SHADOW RDG	MISSION VIEJO	CA	92692-4817
ERNEST E MONTGOMERY TRUSTEE	1304 CRAVEN AVE	KANNAPOLIS	NC	28083-0000
JESSICA L MUSGROVE	20201 RIVER CHASE DR	CORNELIUS	NC	28031-7177
PHILIP & DIANE HARTIS	509 E 13TH ST	KANNAPOLIS	NC	28083-0000
MATTHEW LINKER	1306 CRAVEN AVE	KANNAPOLIS	NC	28083-2727
	281 BARR-LINK RD	MT PLEASANT	NC	28124



December 23, 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:**

**Z-2020-01 – Zoning Map Amendment – 601 E. 13<sup>th</sup> Street**

The purpose of this Public Hearing is to consider a request by Matthew Linker to rezone property located at 601 E. 13<sup>th</sup> Street from C-2 (General Commercial) to RV (Residential Village) to allow for the construction of a single-family residential structure. The property is approximately .73 +/- acres and is further identified as Rowan County Parcel Identification Number 159 318 (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,

Ryan Lipp  
Senior Planner

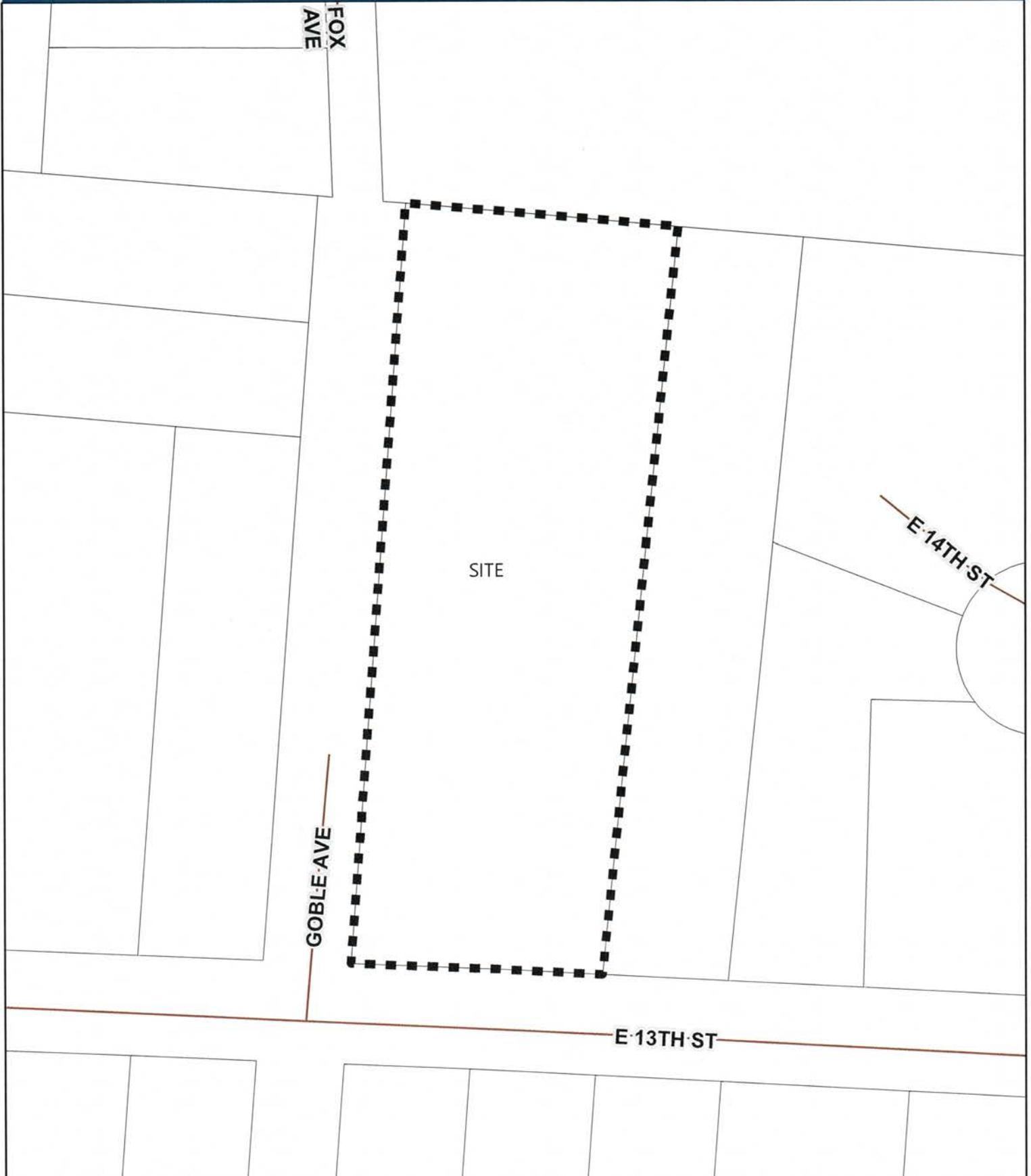
Enclosure

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](mailto:tcline@kannapolisnc.gov).



# Rezoning

Case Number: Z-2020-01  
Applicant: Matthew Linker  
601 E. 13th St.





KANNAPOLIS  
**PLANNING  
ZONING  
COMMISSION**  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE # 7-2020-01

SPEED  
LIMIT  
**35**

Goble  
Ave



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY  
WITH REGARD TO CASE #Z-2020-01**

**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 a property located at 601 E 13<sup>th</sup> Street owned by Matthew Linker, from City of Kannapolis General Commercial (C-2) Zoning Designation to a City of Kannapolis Residential Village (RV) Designation.

**NOW, THEREFORE BE IT RESOLVED** *that the Planning and Zoning Commission finds this zoning map **consistent** with the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which places the subject property in the “Secondary Activity Center” Character Area as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. The RV zoning district proposed with this rezoning is consistent with the residential secondary uses of the Second Activity Center character area. The proposed rezoning is compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity and safety of the surrounding street network, nor is anticipated to generate parking problems or any adverse impact on the environment. Finally, there is access to adequate public facilities.*

**Adopted this the 8<sup>th</sup> day of January 2020:**

---

David Steele, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary  
Planning and Zoning Commission



**RESOLUTION TO ZONE**  
**Case #Z-2020-01 (601 E 13<sup>th</sup> Street)**

**City of Kannapolis General Commercial (C-2) Zoning District to  
City of Kannapolis Residential Village (RV) 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 #Z-2020-01 as submitted to the City of Kannapolis Planning Department; and

**WHEREAS**, the request was to rezone property located at 601 E 13<sup>th</sup> Street, (Rowan County Parcel Identification Number(s) 159 318) owned by Matthew Linker, from City of Kannapolis General Commercial (C-2) Zoning Designation to City of Kannapolis Residential Village (RV) 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 area is approximately 0.73 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 within the “Secondary Activity Center” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Secondary Activity Center character area calls for primary uses of retail, office and multi-family residential. Secondary uses are intended to be single family attached residential, institutional/civic and light manufacturing. This character area also calls for development opportunities in the areas of infill development. The RV zoning district proposed with

this rezoning would allow for the residential uses designated in the Secondary Activity Center character area.

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

The surrounding area consists of predominantly single-family detached residence. The proposed RV designation is primarily a single-family zoning designation and is therefore 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?**

There is no anticipated adverse impact on the street network as a result of this rezoning.

**5. Will there be parking problems?**

No parking problems are anticipated. At the time of permitting, any proposed development is required to comply with all applicable parking standards of the UDO.

**6. Will there be environmental impacts that the new use will generate, such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances?**

There are no anticipated environmental impacts such as water, air, or noise pollution, or excessive lighting issues associated with the rezoning request.

**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 surrounding area has been relatively stable with regard to development.

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

Utility improvements or connections will be reviewed during permitting and will be the responsibility of the developer.

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

Properties to the south and west are zoned RV. Properties to the north and east are zoned C-2.

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

The subject parcel is zoned C-2. The area is primarily single family residential. Given the size and location, the property is most suitable for single family use.

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

The RV zoning is compatible with the existing single family uses in the surrounding area.

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

An exact length of time is not known. Based on aerial images, there was a mobile home that existed on the property that was removed after 2010 and prior to 2014.

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

There is an adequate supply of parcels in the subject area to accommodate a wide variety of development types.

**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 RV – Residential Village Zoning District

**Adopted this the 8<sup>th</sup> day of January 2020:**

---

David Steele, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary  
Planning and Zoning Commission