



**City of Kannapolis
Planning and Zoning Commission**

**Virtual Meeting
May 6, 2020 at 6:00 pm**

Agenda

1. **Call to Order**
2. **Roll Call and Recognition of Quorum**
3. **Approval of Agenda**
4. **Correction/Approval of Minutes – March 4, 2019**
5. **Public Hearing**
 - a. **CZ-2020-02 – Conditional Zoning Map Amendment – Marriott Kannapolis Pkwy**
Public hearing to consider a request to rezone approximately 1.945 +/- acres located at 5741 & 5791 Wabash Ave. and 413 Archdale Dr. from RE (Rural Estate) to C-2-CZ (General Commercial-Conditional Zoning), further identified as Cabarrus County PINs #5601-12-3347, 5601-12-4384, 5601-12-4168 to allow for development of a hotel.
 - b. **CZ-2020-05 – Zoning Map Amendment – 3575 Kannapolis Pkwy**
Public hearing to consider a request to rezone approximately 6.82 +/- acres located at 3575 Kannapolis Parkway from RE (Rural Estate) to C-2-CZ (General Commercial-Conditional Zoning), further identified as Cabarrus County PIN #5602-37-3785 to allow for development of a design and engineering office facility.
 - c. **Z-2020-03 – Zoning Map Amendment – 3948 Trinity Church Rd.**
Public hearing to consider a request to rezone approximately 3.63 +/- acres located at 3948 Trinity Church Rd. from AG (Agricultural) to RL (Residential Low Density), further identified as Cabarrus County PIN #4693-70-2086.
6. **Planning Director Update**
7. **Other Business**
8. **Adjourn**



**Planning & Zoning Commission
May 6, 2020 Meeting**

Staff Report

DATE: April 24, 2020
TO: Planning & Zoning Commission
FROM: Gretchen Coperine, AICP
Assistant Planning Director
SUBJECT: **Case #CZ-2020-02**
Conditional Zoning Map Amendment
Applicant: Emory Investment Corporation

Request to conditionally rezone property, located at 5741 & 5791 Wabash Ave. & 413 Archdale Dr. from RE (Rural Estate) to C2-CZ (General Commercial-Conditional Zoning), to allow property to be developed for a hotel.

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 & Project Overview

The applicant, Emory Investment Corporation, is proposing to rezone the subject property from RE (Rural Estate) to CZ-C2 (General Commercial Conditional Zoning District). The proposed use shown on the attached plan is a hotel. The property is within the Farm Hill Small Area Plan.

D. Fiscal Considerations

None

E. Policy Issues

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

1. The size of the tract in question.

The size of the subject tract is approximately 1.94 acres.

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

This property is located in the “Regional Commercial Center” within a “Suburban Activity 1” Character District in the *Move Kannapolis Forward 2030 Comprehensive Plan*.

The Regional Commercial Center includes land with opportunities for large format commercial as primary uses and multifamily residential as secondary uses. The Suburban Activity 1 Character District includes primarily regional-scale commercial development that can accommodate large format commercial development as primary uses and multifamily residential development as secondary uses.

The subject property is located within the *Farm Hill Small Area Plan Study Area*. This plan recommends a mix of commercial, hotel, office, and residential uses for the study area, including a hotel use on this property (see attached Farm Hill Small Area Plan Recommended Land Uses Map).

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

The property is located across Sportsman Drive, to the south of Kannapolis Small Shops, a retail development consisting of a Dunkin Donuts (with drive-thru) and several small retailers. That property is zoned CZ-C2. On the east side of the subject property is existing residential property, zoned RE, with single family detached residential development. Property located immediately adjacent to the west is zoned CZ-C2.

The subject property is located east of the Afton Ridge shopping center, which is zoned CD (Campus Development) and contains a range of commercial uses, including national retailers and major anchors Target, Dick’s Sporting Goods, Best Buy, Ashley Furniture, Stein Mart, and Party City. 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 Wabash Lane. The proposed development did not meet the threshold for a full Traffic Impact Analysis, however, turn lanes on Kannapolis Parkway will need to be provided to allow proper deceleration turning right onto Sportsman Drive when driving north on Kannapolis Parkway. Review and approval from NCDOT and the City will be needed in that regard.

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 north of the site known as Kannapolis Small Shops was rezoned to CZ-C2 in 2016, and construction of the retail shops was completed in late 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 or within close proximity, including water and sewer along Kannapolis Parkway.

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

Property to the south is zoned RE (Rural Estates) and is vacant. Property to the north (across Sportsman Drive) is zoned CZ-C2 and is currently developed with the Kannapolis Small Shops retail center. Property to the east is zoned RE (Rural Estates) and is developed with a single family detached residence. Property to the west across Kannapolis Parkway is zoned CD (Campus Development) and is developed with a mix of commercial and residential uses at Afton Ridge.

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 hotel use is compatible with the adjacent area, which includes commercial development along Kannapolis Parkway, and the adjacent residential neighborhood to the east and south sides of the property, based on the medium intensity of the proposed use and subject to compliance with site development requirements of the UDO.

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 underutilized 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 allows for commercial development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it is consistent with the recommended land uses for this property, as specified in the Farm Hill Small Area Plan. The proposed use is compatible with the surrounding zoning and commercial development land use pattern, 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-2020-02:

1. The permitted uses allowed by this rezoning shall only include a hotel as generally depicted on the site plan submitted with this rezoning.
2. A Site Plan 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 adjacent residential land to the west and south of the subject parcel.
5. Driveway locations shall be reviewed and approved by the City.
6. 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).
7. Appropriate access and deceleration turn lanes from Kannapolis Parkway shall be reviewed and approved by NCDOT with input from the City.
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

Motion to Approve (2 votes)

1. **Should the Commission choose to approve the request for rezoning as presented in Case #CZ-2020-02, 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 1” Character District, which allows for commercial development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it is consistent with the recommended land uses for this property, as specified in the Farm Hill Small Area Plan. The proposed use is compatible with the surrounding zoning and commercial development land use pattern, 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-2020-02, a motion should be made to adopt the Resolution to Zone.**

Motion to Deny (2 votes)

1. **Should the Commission choose to recommend denial of Case #CZ-2020-02, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #CZ-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 #CZ-2020-02, 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
7. Notice of Public Hearing
8. List of Properties Notified
9. Letter to Adjacent Property Owners
10. Public Notice Sign
11. Resolution to Adopt a Statement of Consistency
12. Resolution to Zone

J. Issue Reviewed By:

- Planning Director (Z. Gordon)
- Assistant City Manager (W. Melton)
- City Attorney (W. Safrit, II)



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: Emory Investment Corporation

Owner: Peter Macomber, June Sylvester, Paul Salisbury, Kimberly Salisbury

Address: 6200 Glynmoor Lakes Dr. Charlotte, NC 28277

Address: 5741 & 5791 Wabash Ave. & 413 Archdale Dr. Concord, NC 28027

Telephone: 704-577-0005 or 704-907-6767

Telephone: 704-791-7139; 704-405-2550; 704-309-6472; 704-784-4650, 704-699-2113

Email: richard@lionheartproperties.com chksaleh@gmail.com

Email: peteman44@hotmail.com; junesylvester@ymail.com; pabli2@gmail.com; 66kimmie@gmail.com

Legal relationship of applicant to property owner: Buyer/Developer

Property Location/Address: 5741 & 5791 Wabash Ave. & 413 Archdale Dr. Concord, NC 28027

5601-12-3347-0000; 5601-12-4384-0000; 5601-12-4168-0000 Farm Hill Small Area Plan (Rural Estate Dist-Re)
Tax Parcel Number: Zoning District: Acreage of Site: 1.945

Charles Saleh

Peter Macomber, June Sylvester, Paul Salisbury, Kimberly Salisbury

Applicant Name (Print)
DocuSigned by: Charles K. Saleh

Property Owner Name (Print)
DocuSigned by: Peter Macomber, June Sylvester, Paul Salisbury, Kimberly Salisbury

Applicant Signature & Date: Charles K. Saleh 9/5/2019 | 12:47 PM EDT

Property Owner Signature & Date: Peter Macomber, June Sylvester, Paul Salisbury, Kimberly Salisbury 9/5/2019 | 3:15 PM EDT

DocuSigned by: Paul Salisbury 9/5/2019 9:50 AM PDT

DocuSigned by: Kimberly Sa 9/5/2019 7:41 AM PDT

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

Receipt #: M-11309

Application No.:

Date Submitted (Complete): 1/28/2020

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

I, Peter Macomber, June Sylvester, Paul Salisbury & Kimberly Salisbury, 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:

Current Zoning: RE - Rural Estate District
Current Land Use - Universal: Mobile Home Lots
Current Land Use - County: Mobile Homesite

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

We are requesting Conditional Rezoning of these combined parcels for development of a hotel (see attached concept plan for a Marriott Fairfield Inn).

Please note, the development of a hotel on this combined site is keeping with the FHSAP - Farm Hill Small Area Plan that has been adopted by the city of Kannapolis, NC.

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.

DocuSigned by: 8/28/2019 | 6:40 PM EDT
Peter Macomber
Signature of Property Owner
E68D15F3CA0A4AE

Peter Macomber & June Sylvester

5791 Wabash Ln. Concord, NC 28027

Address **704-791-7139 & 704-405-2550**

Telephone #

DocuSigned by: 8/28/2019 | 7:53 AM PDT | 8/28/2019 | 6:36 PM EDT | 8/28/2019 | 6:42 PM EDT
Paul Salisbury
Signature of Property Owner
D7A15C7022B041F

Paul Salisbury & Kimberly Salisbury

5741 Wabash Ln. & 413 Archdale Dr. Concord, NC 28027

Address **704-309-6472**

Telephone #

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



Vicinity Map

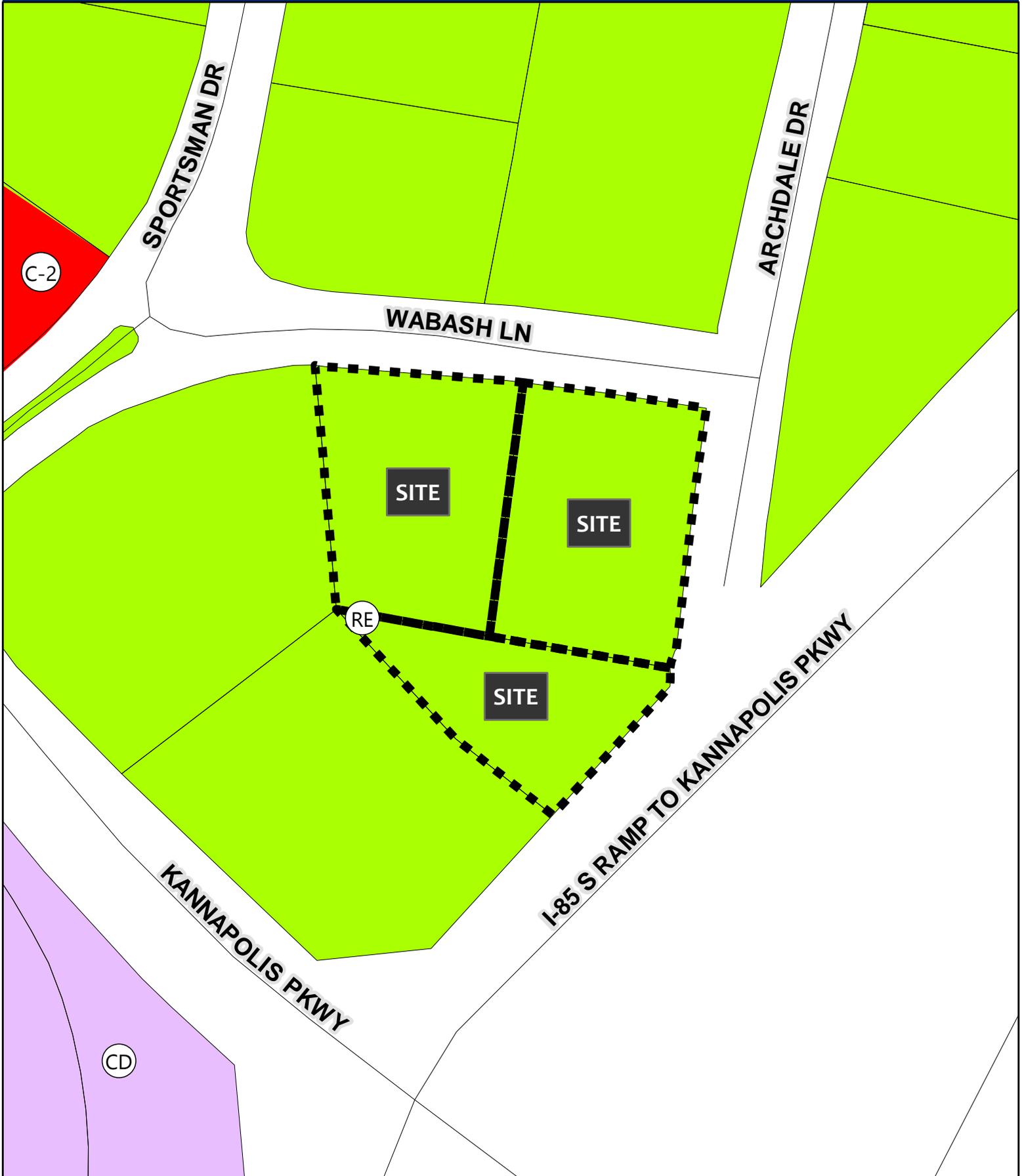
Case Number: CZ-2020-02
Emory Investment Corporation
5741 & 5791 Wabash Ave. & 413 Archdale Dr.





Kannapolis Current Zoning

Case Number: CZ-2020-02
Emory Investment Corporation
5741 & 5791 Wabash Ave. & 413 Archdale Dr.





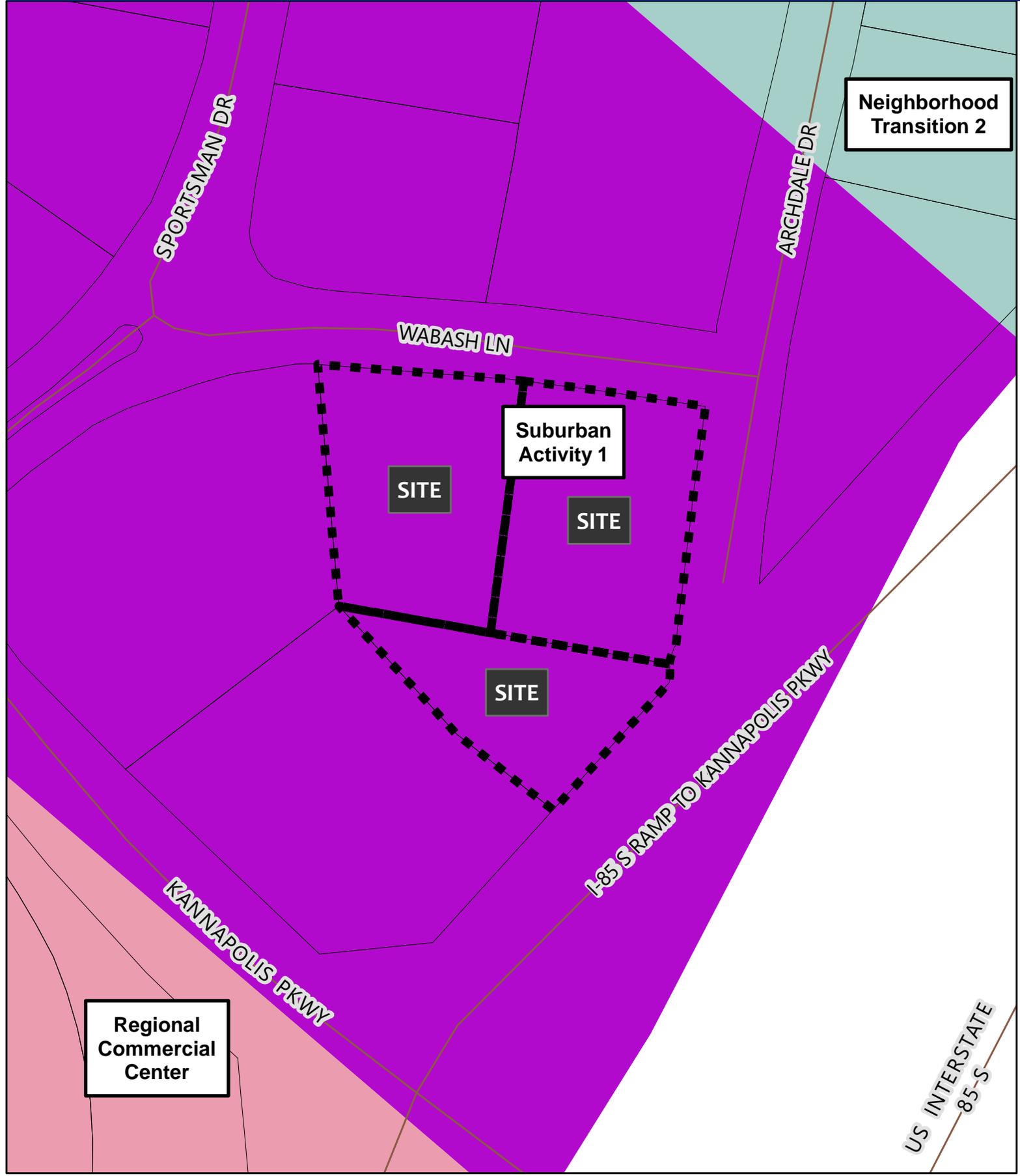
Kannapolis 2030 Future Land Use Map

Case Number: CZ-2020-02

Emory Investment Corporation

5741 & 5791 Wabash Ave. & 413 Archdale Dr.

N



Neighborhood
Transition 2

Suburban
Activity 1

SITE

SITE

SITE

Regional
Commercial
Center

US INTERSTATE
85-S

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.



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000646331

Client: KANNAPOLIS,CITY OF
Phone: 7049204300

Payer : KANNAPOLIS.CITY OF
Phone: 7049204300

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

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

Sales Rep **Acct Rep** **Ordered By**
aboan aboan Pam

Fax: 7049337463
EMAIL: byow@kannapolisnc.gov

Total Amount \$711.44
Payment Amount \$711.44

Amount Due	\$0.00	Tear Sheets	Proofs	Affidavits	PO Number:
Tax Amount:	0.00	0	0	1	
Payment Meth:	Credit - Debit Card				

Ad Number	Ad Type	Ad Size	Color
0000646331-01	CLS Liner	2 X 55 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 4/24/2020, 5/ 1/2020			

Product and Zone	Placement	Position
NCC Online	C-Announcements	General-Spec Notice
Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING Planning and Zoning		
Run Dates 4/24/2020, 5/ 1/2020		

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONVIRTUA
020AT600PMCONDITIONALZONINGMAPAMENDMENTCZ202002PUBLI



KANNAPOLIS

NOTICE OF PUBLIC HEARING
Planning and Zoning Commission
Virtual Meeting

Wednesday May 6, 2020 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2020-02 - Public hearing to consider a request to rezone approximately 1.945 +/- acres located at 5741 & 5791 Wabash Ave. and 413 Archdale Dr. from RE (Rural Estate) to C-2-CZ (General Commercial-Conditional Zoning), further identified as Cabarrus County PINs #5601-12-3347, 5601-12-4384, 5601-12-4168 to allow for development of a hotel.

Conditional Zoning Map Amendment - CZ-2020-05 - Public hearing to consider a request to rezone approximately 6.82 +/- acres located at 3575 Kannapolis Parkway from RE (Rural Estate) to C-2-CZ (General Commercial-Conditional Zoning), further identified as Cabarrus County PIN #5602-37-3785 to allow for development of an automotive engineering office and storage facility Contact the Planning Department at 704-920-4350 with any questions.

Zoning Map Amendment - Z-2020-03 - Public hearing to consider a request to rezone approximately 3.63 +/- acres located at 3948 Trinity Church Rd. from AG (Agricultural) to RL (Residential Low Density), further identified as Cabarrus County PIN #4693-70-2086

IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, PUBLIC PARTICIPATION IN THIS MEETING WILL BE EXCLUSIVELY BY REMOTE TECHNOLOGY. IF YOU WOULD LIKE TO PARTICIPATE (EITHER BY MONITORING THE MEETING OR OFFERING COMMENTS), PLEASE VISIT THE CITY OF KANNAPOLIS WEBSITE AT <https://www.kannapolisnc.gov/Government-Departments/Planning/Planning-Zoning-Commission-Board-of-Adjustment> FOR FURTHER INSTRUCTIONS.

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

Publish: April 24, May 1, 2020.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
RALPH H HARTSELL TRUSTEE	1902 OLD GREYLYN CT NW	CONCORD	NC	28027
PAUL & KIMBERLY SALISBURY	5741 WABASH LN	CONCORD	NC	28027
ESTATE OF THERESA MACOMBER C/O JUNE SYLVESTA	12583 BARRIER STORE RD	LOCUST	NC	28097
TERRY & JANICE HEDGEPEETH	511 SPORTSMAN DRIVE	CONCORD	NC	28027
THOMAS & MARILYN BARNHARDT	P O BOX 26339	CHARLOTTE	NC	28221
NELSON PROPERTIES LLC NC LTD	842 KINGS CROSSING DRIVE NW	CONCORD	NC	28027
CHARLOTTE AREA MFG HOUSING INC BULLPEN PROPERTIES LLC	PO BOX 561595	CHARLOTTE	NC	28256
C-NET PROPERTIES LLC	9131 ANSON WAY STE 305	RALEIGH	NC	27615
NELSON PROPERTIES LLC NC LTD	842 KINGS CROSSING DRIVE NW	CONCORD	NC	28027
EMORY INVESTMENT CORPORATION ATTN: CHARLES SALEH	6200 GLYNMOOR LAKES DR	CHARLOTTE	NC	28277
DOROTHY BOWER	530 ARCHDALE DR	CONCORD	NC	28027



April 23, 2020

Dear Property Owner:

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

CZ-2020-02 – Conditional Zoning Map Amendment – Marriott Kannapolis Parkway

The purpose of the Public Hearing is to consider a request by Emory Investment Corporation to rezone property located at 5741 & 5791 Wabash Ave. and 413 Archdale Dr. from RE (Rural Estate) to C-2-CZ (General Commercial-Conditional Zoning) to allow for development of a hotel. The subject properties are approximately 1.945 +/- combined acres and further identified as Cabarrus County Parcel Identification Number(s) 5601-12-3347, 5601-12-4384, 5601-12-4168 (see reverse side of this letter for a map showing the location of this property).

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

NOTE: IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, PUBLIC PARTICIPATION IN THIS MEETING WILL BE EXCLUSIVELY BY REMOTE TECHNOLOGY. IF YOU WOULD LIKE TO PARTICIPATE (EITHER BY MONITORING THE MEETING OR OFFERING COMMENTS), PLEASE VISIT THE CITY OF KANNAPOLIS PLANNING WEBSITE <https://www.kannapolisnc.gov/Government-Departments/Planning/Planning-Zoning-Commission-Board-of-Adjustment> FOR FURTHER INSTRUCTIONS.

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

Sincerely,

Gretchen Coperine, AICP
Assistant Planning Director

Enclosure

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

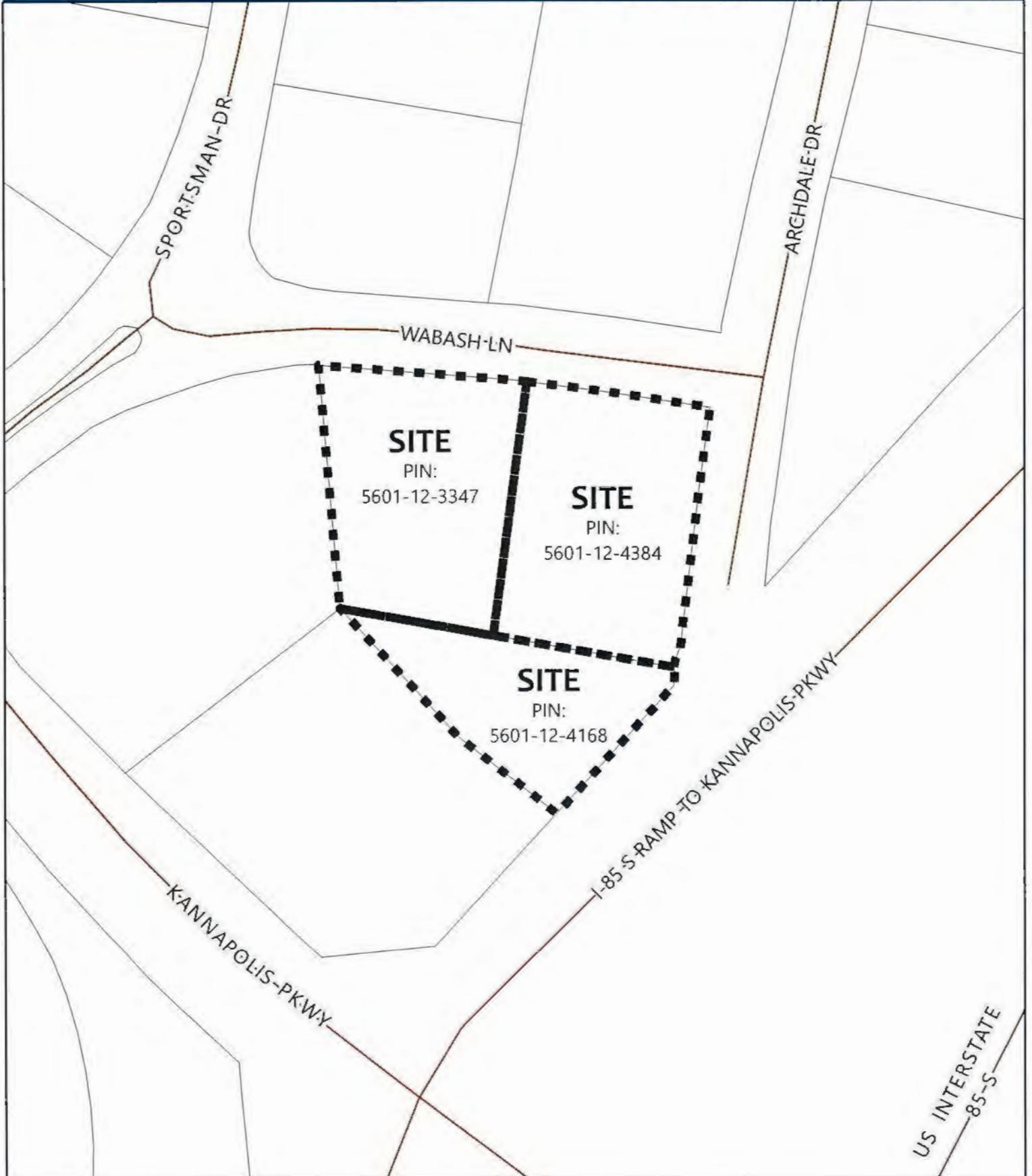


Conditional Rezoning

Case Number: CZ-2020-02

Emory Investment Corporation

5741 & 5791 Wabash Ave. & 413 Archdale Dr.





PLANNING

ZONING

COMMISSION

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE #CZ - 2020 - 02



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE # CZ-2020-02**

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

WHEREAS, Section 3.3.4.2 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 May 6, 2020 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone property located at 5741 & 5791 Wabash Avenue and 413 Archdale Drive, (Cabarrus County Parcel Identification Number(s) 5601-12-3347, 5601-12-4384, 5601-12-4168) owned by Peter Macomber, June Sylvester and Paul & Kimberly Salisbury, 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 allows for commercial development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it is consistent with the recommended land uses for this property, as specified in the Farm Hill Small Area Plan. The proposed use is compatible with the surrounding zoning and commercial development land use pattern, 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 6th day of May 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case #CZ-2020-02 (5741 & 5791 Wabash Ave. and 413 Archdale Dr.)

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 May 6, 2020 for consideration of rezoning petition Case #CZ-2020-02 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone property located at 5741 & 5791 Wabash Avenue and 413 Archdale Drive, (Cabarrus County Parcel Identification Number(s) 5601-12-3347, 5601-12-4384, 5601-12-4168) owned by Peter Macomber, June Sylvester and Paul & Kimberly Salisbury, 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 1.94 acres.

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

This property is located in the “Regional Commercial Center” within a “Suburban Activity 1” Character District in the *Move Kannapolis Forward 2030 Comprehensive Plan*.

The Regional Commercial Center includes land with opportunities for large format commercial as primary uses and multifamily residential as secondary uses. The Suburban Activity 1 Character District includes primarily regional-scale commercial development that can accommodate large format commercial development as primary uses and multifamily residential development as secondary uses.

The subject property is located within the *Farm Hill Small Area Plan Study Area*. This plan recommends a mix of commercial, hotel, office, and residential uses for the study area, including a hotel use on this property (see attached Farm Hill Small Area Plan Recommended Land Uses Map).

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

The property is located across Sportsman Drive, to the south of Kannapolis Small Shops, a retail development consisting of a Dunkin Donuts (with drive-thru) and several small retailers. That property is zoned CZ-C2. On the east side of the subject property is existing residential property, zoned RE, with single family detached residential development. Property located immediately adjacent to the west is zoned CZ-C2.

The subject property is located east of the Afton Ridge shopping center, which is zoned CD (Campus Development) and contains a range of commercial uses, including national retailers and major anchors Target, Dick's Sporting Goods, Best Buy, Ashley Furniture, Stein Mart, and Party City. 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 Wabash Lane. The proposed development did not meet the threshold for a full Traffic Impact Analysis, however, turn lanes on Kannapolis Parkway will need to be provided to allow proper deceleration turning right onto Sportsman Drive when driving north on Kannapolis Parkway. Review and approval from NCDOT and the City will be needed in that regard.

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 north of the site known as Kannapolis Small Shops was rezoned to CZ-C2 in 2016, and construction of the retail shops was completed in late 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 or within close proximity, including water and sewer along Kannapolis Parkway.

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

Property to the south is zoned RE (Rural Estates) and is vacant. Property to the north (across Sportsman Drive) is zoned CZ-C2 and is currently developed with the Kannapolis Small Shops retail center. Property to the east is zoned RE (Rural Estates) and is developed with a single family detached residence. Property to the west across Kannapolis Parkway is zoned CD (Campus Development) and is developed with a mix of commercial and residential uses at Afton Ridge.

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 hotel use is compatible with the adjacent area, which includes commercial development along Kannapolis Parkway, and the adjacent residential neighborhood to the east and south sides of the property, based on the medium intensity of the proposed use and subject to compliance with site development requirements of the UDO.

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 underutilized 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 hotel as generally depicted on the site plan submitted with this rezoning.
2. A Site Plan 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 adjacent residential land to the west and south of the subject parcel.
5. Driveway locations shall be reviewed and approved by the City.
6. 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).
7. Appropriate access and deceleration turn lanes from Kannapolis Parkway shall be reviewed and approved by NCDOT with input from the City.
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).

RESOLUTION TO ZONE (Case #CZ-2020-02)
City of Kannapolis Rural Estate (RE) Zoning District to
City of Kannapolis General Commercial-Conditional Zoning (C-2-CZ) Zoning District

Adopted this the 6th day of May 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



**Planning & Zoning Commission
May 6, 2020 Meeting**

Staff Report

DATE: April 20, 2020
TO: Planning & Zoning Commission
FROM: Gretchen Coperine, AICP, Senior Planner
SUBJECT: **Case #CZ-2020-05**
Conditional Zoning Map Amendment
Applicant: Catherine Davis

Request to conditionally rezone property, located at 3575 Kannapolis Parkway, from RE (Rural Estate) to C2-CZ (General Commercial-Conditional Zoning), to allow property to be developed for a design and engineering office and services facility.

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 & Project Overview

The applicant, Catherine Davis, is proposing to rezone the subject property from RE (Rural Estate) to CZ-C2 (General Commercial Conditional Zoning District). The proposed use is a design and engineering office and services facility. The property lies within the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District).

The attached survey shows an existing single-family detached home which will be upfitted for the proposed office use. Should the use be approved by Planning and Zoning Commission, the site will need to come into compliance with all applicable Unified Development Ordinance requirements during the site plan approval phase, particularly as it relates to parking and landscaping.

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 6.82 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 a “Complete Neighborhood 2” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 2 Character Area includes office as primary uses along. The proposed design and engineering office and services facility fits within the primary uses allowed.

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

The property is located on the west side of Kannapolis Parkway, south of Dogwood Blvd. Property to the north, south and west is zoned RE (Rural Estates), and property to the east across Kannapolis Parkway is zoned TND (Traditional Neighborhood Development) and C-2 (General Commercial). 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.

The existing surrounding uses are mostly residential with a commercial node at the southeast corner of Kannapolis Pkwy. and Rogers Lake Road planned for future development.

The proposed design and engineering office and services facility provides small scale office use that is compatible with the adjacent residential 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 will be accessed from Kannapolis Pkwy. Currently, the sire access on Kannapolis Pkwy. is through a private right-of-way through the residential parcel to the north. Final access location will need to be finalized with the City and NCDOT through the site plan review process.

5. Will there be parking problems?

Should the rezoning be approved, the site plan will have to meet parking requirements within Article 8 of the Unified Development Ordinance to provide 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?

Parcels south of the site located on Kannapolis Parkway and Glen Afton Blvd., known as Kannapolis Small Shops, were rezoned to CZ-C2 in 2016 and 2020, and construction of the retail shops was completed in 2018. Recently, a Conditional Use Permit was issued approving 150 townhomes across the subject site on Kannapolis Pkwy. 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 or within proximity, including water, sewer and access to Kannapolis Parkway.

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

The property is located on the west side of Kannapolis Parkway, south of Dogwood Blvd. Property to the north, south and west is zoned RE (Rural Estates), and property to the east across Kannapolis Parkway is zoned TND (Traditional Neighborhood Development) and C-2 (General Commercial). The subject property is located within the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District) and will require adherence to use and architectural regulations for this area.

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 residential neighborhood, based on the low intensity of the proposed office use.

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

N/A

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

Kannapolis Parkway is predominately a commercial corridor. There are vacant parcels as well as underutilized 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 a “*Complete Neighborhood 2*” Character Area, which allows for office development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide lower intensity 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 or ability to extend 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-2020-05:

1. The permitted uses allowed by this rezoning shall only include design and engineering office and service facility.
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 additional 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.
5. Driveway locations shall be approved by the City in conjunction with NCDOT.
6. 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 (similar to a ladder truck).
7. The project developer shall be responsible for extension of all water and sewer infrastructure needed to serve the project.
8. Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.
9. 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-2020-05, 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 goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates this property as being located in a “Complete Neighborhood 2” Character Area, which allows for office development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide lower intensity 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 or ability to extend to public facilities.*

2. **Should the Commission choose to approve Case #CZ-2020-05, 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-2020-05, 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-2020-05 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-2020-05, 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. Survey
6. Neighborhood Meeting Information
7. Notice of Public Hearing
8. List of Properties Notified
9. Letter to Adjacent Property Owners
10. Posted Public Notice Sign
11. Resolution to Adopt a Statement of Consistency
12. Resolution to Zone

J. Issue Reviewed By:

- City Manager
- City Attorney
- Planning Director

KANNAPOLIS



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>Catherine Davis</u>	Owner: <u>Cathleen Craven, CG Craven Leasing LLC</u>
Address: <u>805 Trade Street NW, Suite 102</u> <u>Concord, NC 28087</u>	Address: <u>3589 Kannapolis Parkway</u> <u>Kannapolis, NC 28081</u>
Telephone: <u>704-786-8888 x1111</u>	Telephone: <u>704-425-5144</u>
Email: <u>cated@newbranchre.com</u>	Email: <u>cgrottoncraven@gmail.com</u>

Legal relationship of applicant to property owner: real estate broker

Property Location/Address: 3515 Kannapolis Parkway, Kannapolis, NC 28081

Tax Parcel Number: 56023737850000 Zoning District: RE Acreage of Site: 6.823

Catherine Davis
Applicant Name (Print)

Cathleen Craven
Property Owner Name (Print)

Catherine Davis 2-14-20
Applicant Signature & Date

Cathleen Craven 2-14-20
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, Cathleen Craven, 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: I seek a conditional commercial use for the property

and existing structure to be utilized in a commercial operations as:

- Design and Engineering Services (NAICS 5413)
- Industrial Design Services (NAICS 54142)
- Office Administration (NCAIS 5611)

These all fall under permitted uses within O-1, C-1 and C-2 zoning districts.

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

Conditional rezoning to allow for the above mentioned uses will allow a local Automotive Firm to conduct business in the existing office space at 3575 Kannapolis Parkway. The entity is Irish Gold Automation. The business already holds a local presence in Kannapolis and seeks to use the office and storage space at 3575 Kannapolis Parkway for executive offices and storage of small equipment. The executive of the company will work from this location, along with an administrator. No impact to traffic or property intensity/density will be made. No alterations to existing structure or property will be made.

See attachment (page 3) of this application form for business information about Irish Gold Automation.

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.

Cathleen Craven
Signature of Property Owner

Signature of Property Owner

3589 Kannapolis Parkway

Kannapolis, NC 28081

Address 704-425-5144

Address _____

Telephone # _____

Telephone # _____

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

Irish Gold Automation:

Industrial Automation Programming and Engineering Services

Turn to IGA for industrial automation programming and engineering services. We specialize in providing a variety of services to meet our clients' needs, budgets, and timeframes. With our more than 40 years of industry experience, you can rely on us to deliver a quality service on time and within budget.

2.13.2020

Meeting Minutes/Responses

Community Re-Zoning Meeting for:

Parcel: 5602 37 3785 0000
Address: 3575 Kannapolis Parkway
Kannapolis, NC 28081

Meeting Held: Thursday, February 13, 2020
5 pm
3589 Kannapolis Parkway
Kannapolis, NC 28081

Attendees: (2)
Kay Craven, property owner/applicant
Cate Davis, Real Estate Broker

Goal: To notify and address questions/concerns with the leasing of property at 3575 Kannapolis Parkway to an automotive engineering firm for general office and storage facility.

Invitees: Adjacent parcel owners, as identified by The City of Kannapolis. The neighbors were notified per letter via first-class mail on February 3, 2020:

1. Mr. Adam Brake
2. Mr. and Mrs. Joseph Brooks
3. Rooster Holdings, LLC

STAFF USE ONLY

Neighborhood Meeting Date: _____

Planning Commission Meeting Date: _____

Dates advertised in newspaper: _____ and _____

Date written notices mailed: _____

Date rezoning sign requested: _____

Planning Commission Decision: _____

Added Conditions: _____

Appeal? _____

City Council Meeting Date: _____

Dates advertised in newspaper: _____ and _____

Date written notices mailed: _____

City Council Decision: _____

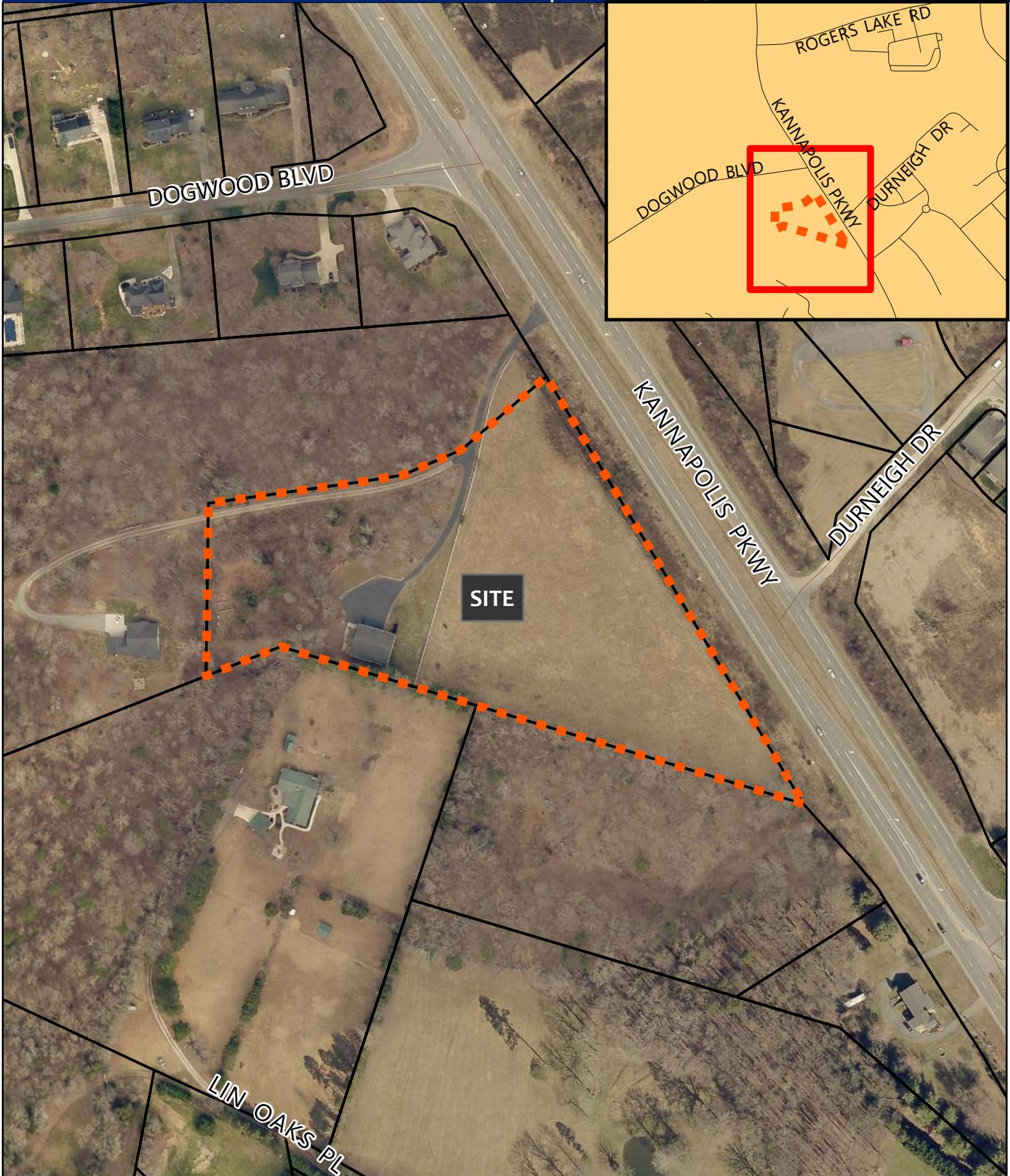
Added Conditions: _____

Date applicant notified of final decision: _____



Vicinity Map

Case Number: CZ-2020-05
Catherine Davis
3575 Kannapolis Parkway





Kannapolis Current Zoning

Case Number: CZ-2020-05
Catherine Davis
3575 Kannapolis Parkway





Kannapolis 2030 Future Land Use Map

Case Number: CZ-2020-05

Catherine Davis

3575 Kannapolis Parkway

N



Primary
Activity
Center

DOGWOOD BLVD

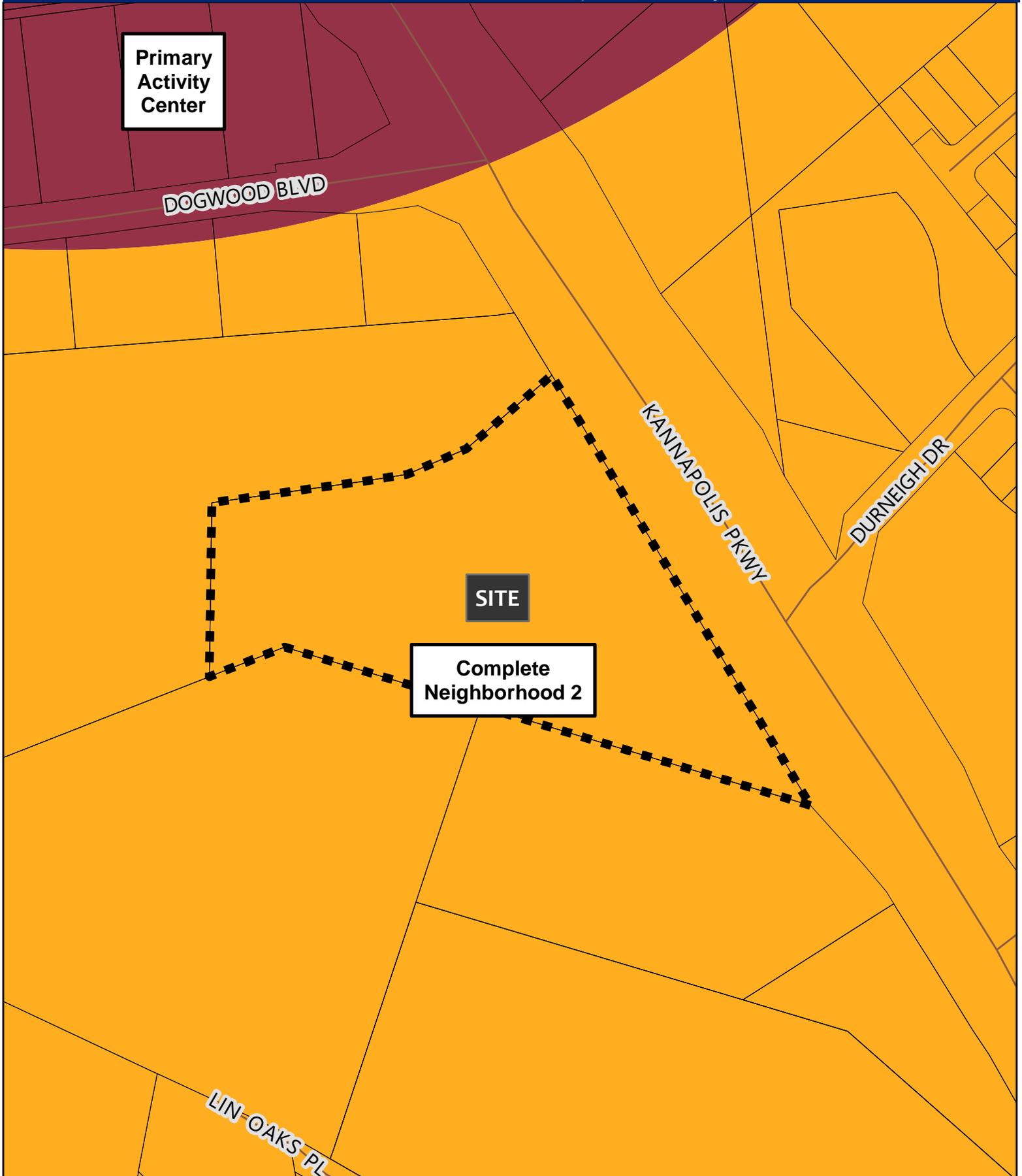
KANNAPOLIS PKWY

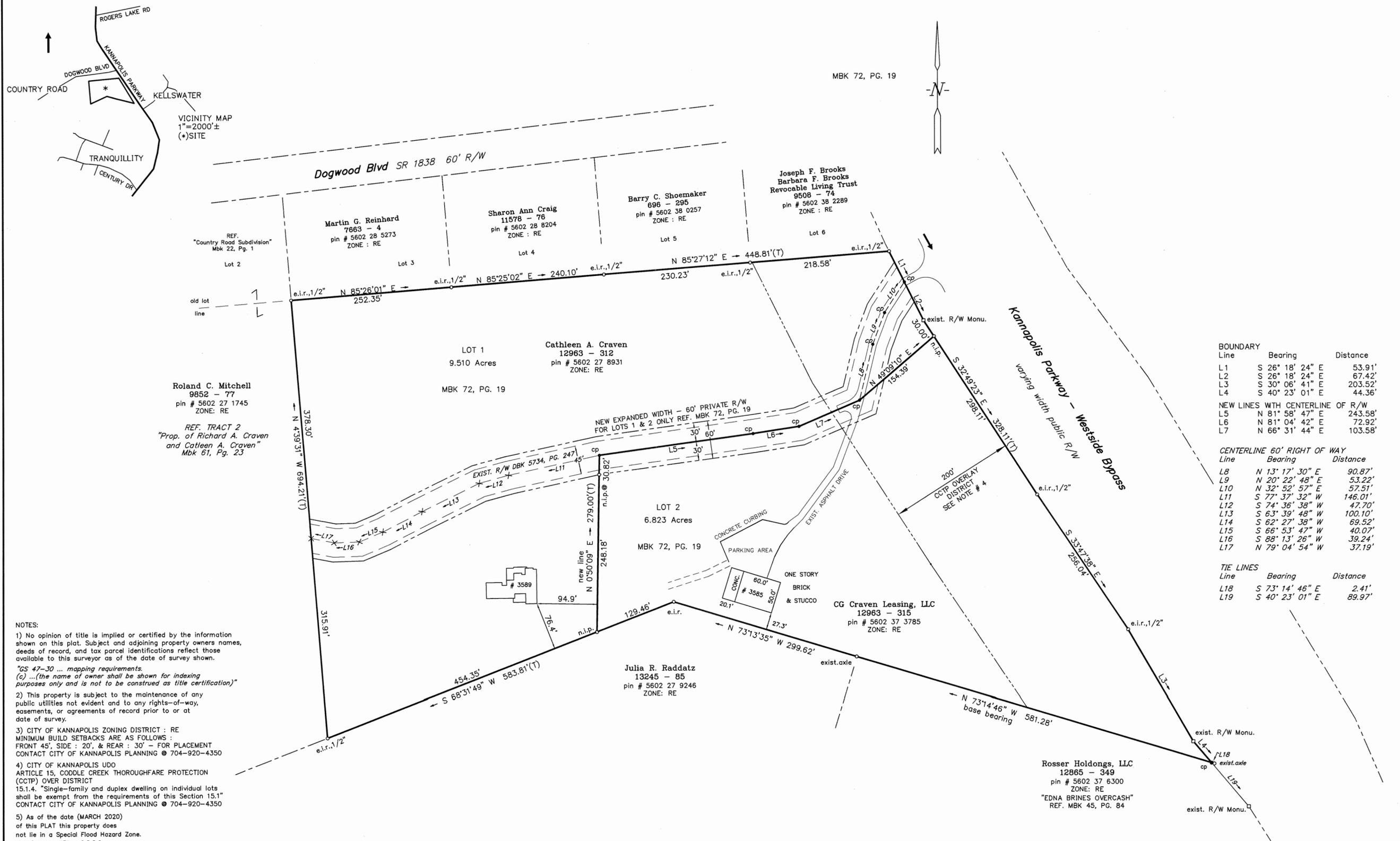
DURNEIGH DR

SITE

Complete
Neighborhood 2

LIN OAKS PL





BOUNDARY Line	Bearing	Distance
L1	S 26° 18' 24" E	53.91'
L2	S 26° 18' 24" E	67.42'
L3	S 30° 06' 41" E	203.52'
L4	S 40° 23' 01" E	44.36'

NEW LINES WITH CENTERLINE OF R/W	Bearing	Distance
L5	N 81° 58' 47" E	243.58'
L6	N 81° 04' 42" E	72.92'
L7	N 66° 31' 44" E	103.58'

CENTERLINE 60' RIGHT OF WAY	Bearing	Distance
L8	N 13° 17' 30" E	90.87'
L9	N 20° 22' 48" E	53.22'
L10	N 32° 52' 57" E	57.51'
L11	S 77° 37' 32" W	146.01'
L12	S 74° 36' 38" W	47.70'
L13	S 63° 39' 48" W	100.10'
L14	S 62° 27' 38" W	69.52'
L15	S 66° 53' 47" W	40.07'
L16	S 88° 13' 26" W	39.24'
L17	N 79° 04' 54" W	37.19'

TIE LINES	Bearing	Distance
L18	S 73° 14' 46" E	2.41'
L19	S 40° 23' 01" E	89.97'

NOTES:

- No opinion of title is implied or certified by the information shown on this plat. Subject and adjoining property owners names, deeds of record, and tax parcel identifications reflect those available to this surveyor as of the date of survey shown.
 *GS 47-30 ... mapping requirements.
 (c) ... (the name of owner shall be shown for indexing purposes only and is not to be construed as title certification)
- This property is subject to the maintenance of any public utilities not evident and to any rights-of-way, easements, or agreements of record prior to or at date of survey.
- CITY OF KANNAPOLIS ZONING DISTRICT : RE MINIMUM BUILD SETBACKS ARE AS FOLLOWS : FRONT 45', SIDE : 20', & REAR : 30' - FOR PLACEMENT CONTACT CITY OF KANNAPOLIS PLANNING @ 704-920-4350
- CITY OF KANNAPOLIS UDO ARTICLE 15, CODDLE CREEK THOROUGHFARE PROTECTION (CCTP) OVER DISTRICT 15.1.4. "Single-family and duplex dwelling on individual lots shall be exempt from the requirements of this Section 15.1" CONTACT CITY OF KANNAPOLIS PLANNING @ 704-920-4350
- As of the date (MARCH 2020) of this PLAT this property does not lie in a Special Flood Hazard Zone.
 VERSION NUMBER : 2.3.3.2
 MAP NUMBER : 3710560200K
 MAP REVISED : NOVEMBER 16, 2018
 Published by : Federal Emergency Management Agency

LEGEND:
 n.i.p. = New Iron Pin, (SET)
 e.i.p. = Existing Iron Pipe, as described (FOUND)
 e.i.r. = Existing Iron Rod, as described (FOUND)
 cp = Computed Point / No Physical Monu.
 --- = SURVEYED LINES - SOLID
 --- = ROAD RIGHT OF WAY
 --- = EASEMENTS LINES
 --- = LOT/TRACT/DEED LINES
 --- = ADJOINING PROPERTY LINES

Mel G. Thompson & Associates, PA
 PROFESSIONAL LAND SURVEYORS
 303 South Main Street
 Kannapolis, N.C. 28081
 Telephone (704) 938-4661
 Corporate License # (C-0686)

Ruby A. Goodwin
 RUBY A. GOODWIN, P.L.S. (L-3485)
 ASBUILT SKETCH - MARCH 2020



3/10/2020

ASBUILT SKETCH
 "LOT 2" MBK 72, PG. 19
 PREPARED FOR:
Cathleen A. Craven
 Twp # 4, Cabarrus Co., Kannapolis, N.C.
 ORIGINAL BOUNDARY SURVEY : 9/12/2002
 REVISED : 11/8/2004
 MBK 61, PG. 23 PREPARED : 1/16/2012
 MBK 72, PG. 19 PREPARED : AUG./2016
 ASBUILT SKETCH : MARCH, 2020
 Scale : 1" = 100' Job # 16 06 03



Meeting Minutes/Responses
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1. Mr. Adam Brake
2. Mr. and Mrs. Joseph Brooks
3. Rooster Holdings, LLC



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000646331

Client: KANNAPOLIS,CITY OF
Phone: 7049204300

Pavor : KANNAPOLIS.CITY OF
Phone: 7049204300

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

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

Sales Rep **Acct Rep** **Ordered By**
aboan aboan Pam

Fax: 7049337463
EMAIL: byow@kannapolisnc.gov

Total Amount \$711.44
Payment Amount \$711.44

Amount Due	\$0.00	Tear Sheets	Proofs	Affidavits	PO Number:
Tax Amount:	0.00	0	0	1	
Payment Meth:	Credit - Debit Card				

Ad Number	Ad Type	Ad Size	Color
0000646331-01	CLS Liner	2 X 55 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 4/24/2020, 5/ 1/2020			

Product and Zone	Placement	Position
NCC Online	C-Announcements	General-Spec Notice
Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING Planning and Zoning		
Run Dates 4/24/2020, 5/ 1/2020		

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONVIRTUA
020AT600PMCONDITIONALZONINGMAPAMENDMENTCZ202002PUBLI



KANNAPOLIS

NOTICE OF PUBLIC HEARING
Planning and Zoning Commission
Virtual Meeting

Wednesday May 6, 2020 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2020-02 - Public hearing to consider a request to rezone approximately 1.945 +/- acres located at 5741 & 5791 Wabash Ave. and 413 Archdale Dr. from RE (Rural Estate) to C-2-CZ (General Commercial-Conditional Zoning), further identified as Cabarrus County PINs #5601-12-3347, 5601-12-4384, 5601-12-4168 to allow for development of a hotel.

Conditional Zoning Map Amendment - CZ-2020-05 - Public hearing to consider a request to rezone approximately 6.82 +/- acres located at 3575 Kannapolis Parkway from RE (Rural Estate) to C-2-CZ (General Commercial-Conditional Zoning), further identified as Cabarrus County PIN #5602-37-3785 to allow for development of an automotive engineering office and storage facility Contact the Planning Department at 704-920-4350 with any questions.

Zoning Map Amendment - Z-2020-03 - Public hearing to consider a request to rezone approximately 3.63 +/- acres located at 3948 Trinity Church Rd. from AG (Agricultural) to RL (Residential Low Density), further identified as Cabarrus County PIN #4693-70-2086

IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, PUBLIC PARTICIPATION IN THIS MEETING WILL BE EXCLUSIVELY BY REMOTE TECHNOLOGY. IF YOU WOULD LIKE TO PARTICIPATE (EITHER BY MONITORING THE MEETING OR OFFERING COMMENTS), PLEASE VISIT THE CITY OF KANNAPOLIS WEBSITE AT <https://www.kannapolisnc.gov/Government-Departments/Planning/Planning-Zoning-Commission-Board-of-Adjustment> FOR FURTHER INSTRUCTIONS.

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

Publish: April 24, May 1, 2020.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
JOSEPH F & BARBARA BROOKS	5501 DOGWOOD BLVD	KANNAPOLIS	NC	28081
ROSSER HOLDINGS LLC	6100 MOORESVILLE RD	KANNAPOLIS	NC	28081
CG CRAVEN LEASING LLC	3589 KANNAPOLIS PKWY	KANNAPOLIS	NC	28081
JULIA R RADDATZ & ADAM BRAKE	3093 LIN OAKS PL	KANNAPOLIS	NC	28081
CATHERINE DAVIS	805 TRADE ST. NW STE 102	CONCORD	NC	28087



April 23, 2020

Dear Property Owner:

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

CZ-2020-05 – Conditional Zoning Map Amendment – 3575 Kannapolis Parkway

The purpose of the Public Hearing is to consider a request by Catherine Davis to rezone property located at 3575 Kannapolis Pkwy. from RE (Rural Estate) to C-2-CZ (General Commercial-Conditional Zoning) to allow development of an automotive engineering office and storage facility. The subject property is approximately 6.82 +/- acres and further identified as Cabarrus County Parcel Identification Number(s) 5602-37-3785 (see reverse side of this letter for vicinity map showing the location of this property).

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

NOTE: IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, PUBLIC PARTICIPATION IN THIS MEETING WILL BE EXCLUSIVELY BY REMOTE TECHNOLOGY. IF YOU WOULD LIKE TO PARTICIPATE (EITHER BY MONITORING THE MEETING OR OFFERING COMMENTS), PLEASE VISIT THE CITY OF KANNAPOLIS PLANNING WEBSITE <https://www.kannapolisnc.gov/Government-Departments/Planning/Planning-Zoning-Commission-Board-of-Adjustment> FOR FURTHER INSTRUCTIONS.

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

Sincerely,

Gretchen Coperine, AICP
Assistant Planning Director

Enclosure

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

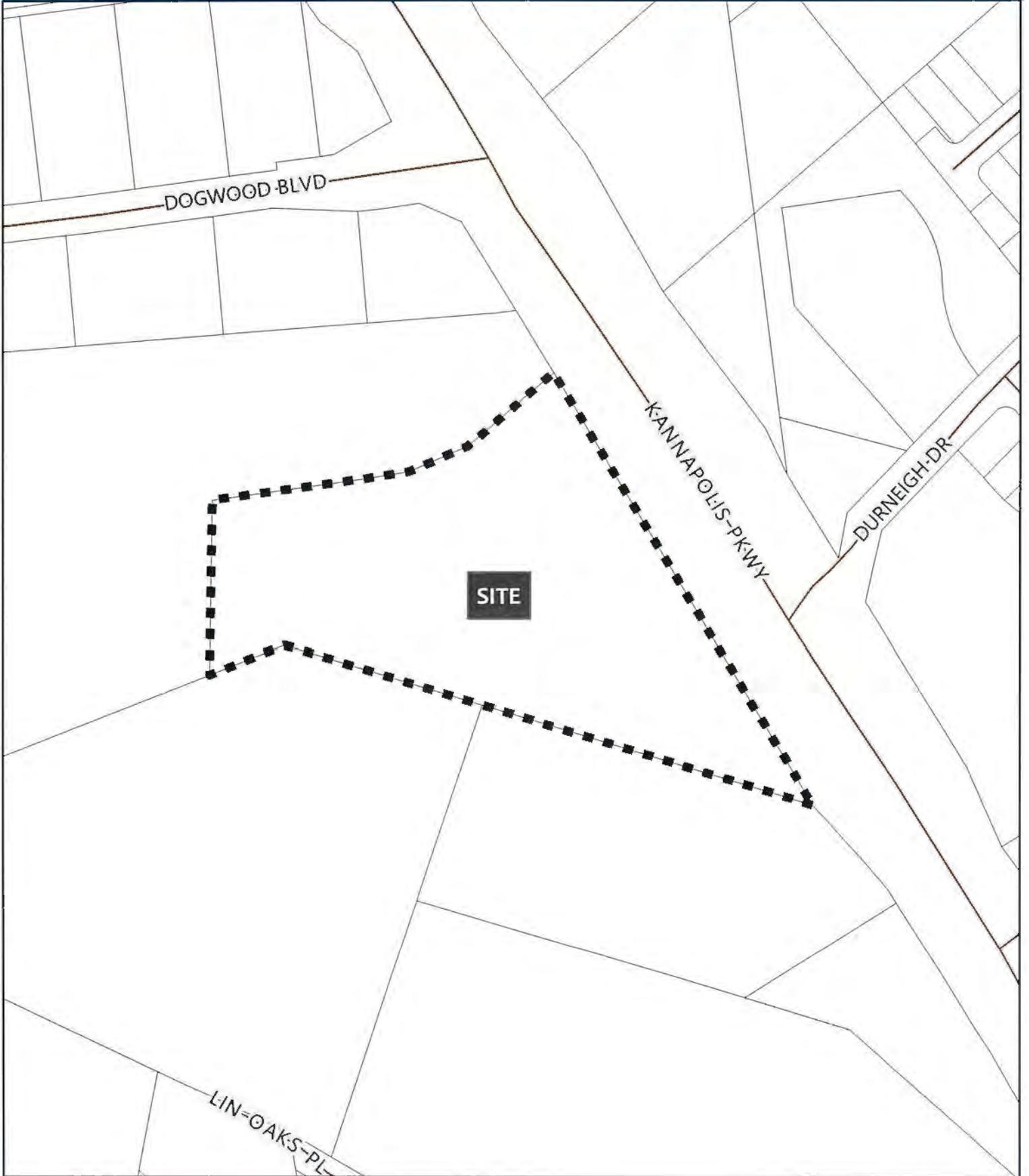


Conditional Rezoning

Case Number: CZ-2020-05

Catherine Davis

3575 Kannapolis Parkway



SPEED
LIMIT
55

KANNAPOLIS
PLANNING
ZONING
COMMISSION
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # CZ-2020-05





**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE # CZ-2020-05**

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 May 6, 2020 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone property located at 3575 Kannapolis Parkway, (Cabarrus County Parcel Identification Number(s) 5602-37-3785) owned by CG Craven Leasing 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 a "Complete Neighborhood 2" Character Area, which allows for office development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide lower intensity 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 or ability to extend to public facilities.*

Adopted this the 6th day of May 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case #CZ-2020-05 (3575 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 May 6, 2020 for consideration of rezoning petition Case #CZ-2020-05 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone property located at 3575 Kannapolis Parkway, (Cabarrus County Parcel Identification Number(s) 5602-37-3785) owned by CG Craven Leasing 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 6.82 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 a "Complete Neighborhood 2" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 2 Character Area includes office as primary uses along. The proposed design and engineering office and services facility fits within the primary uses allowed.

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

The property is located on the west side of Kannapolis Parkway, south of Dogwood Blvd. Property to the north, south and west is zoned RE (Rural Estates), and property to the east across Kannapolis Parkway is zoned TND (Traditional Neighborhood Development) and C-2 (General Commercial). 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.

The existing surrounding uses are mostly residential with a commercial node at the southeast corner of Kannapolis Pkwy. and Rogers Lake Road planned for future development

The proposed design and engineering office and services facility provides small scale office use that is compatible with the adjacent residential 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 will be accessed from Kannapolis Pkwy. Currently, the site access on Kannapolis Pkwy. is through a private right-of-way through the residential parcel to the north. Final access location will need to be finalized with the City and NCDOT through the site plan review process.

5. Will there be parking problems?

Should the rezoning be approved, the site plan will have to meet parking requirements within Article 8 of the Unified Development Ordinance to provide 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?

Parcels south of the site located on Kannapolis Parkway and Glen Afton Blvd., known as Kannapolis Small Shops, were rezoned to CZ-C2 in 2016 and 2020, and construction of the retail shops was completed in 2018. Recently, a Conditional Use Permit was issued approving 150 townhomes across the subject site on Kannapolis Pkwy. 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 or within proximity, including water, sewer and access to Kannapolis Parkway.

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

The property is located on the west side of Kannapolis Parkway, south of Dogwood Blvd. Property to the north, south and west is zoned RE (Rural Estates), and property to the east across Kannapolis Parkway is zoned TND (Traditional Neighborhood Development) and C-2 (General Commercial). The subject property is located within the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District) and will require adherence to use and architectural regulations for this area.

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 residential neighborhood, based on the low intensity of the proposed office use.

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

N/A.

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

Kannapolis Parkway is predominately a commercial corridor. There are vacant parcels as well as underutilized 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 design and engineering office and service facility.
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 additional 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.
5. Driveway locations shall be approved by the City in conjunction with NCDOT.
6. 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 (similar to a ladder truck).
7. The project developer shall be responsible for extension of all water and sewer infrastructure needed to serve the project.
8. Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.
9. The property shall be subject to the restrictions and guidelines of the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District).

Adopted this the 6th day of May 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



**Planning & Zoning Commission
May 6, 2020 Meeting**

Staff Report

DATE: April 23, 2020
TO: Planning & Zoning Commission
FROM: Gretchen Coperine, AICP
SUBJECT: **Case #Z-2020-03: 3948 Trinity Church Rd.
Zoning Map Amendment
Applicant: Brandy Sellers**

Request to rezone approximately 3.63 +/- acres located at 3948 Trinity Church Rd. from AG (Agricultural) to RL (Residential Low Density).

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 applicant, Brandy Sellers is proposing to rezone the subject property, further identified as Cabarrus County PIN# 4693-70-2086. This is a map amendment request without any conditions as the intent is to rezone the property from AG (Agricultural) to RL (Residential Low Density). If rezoned, any of the permitted uses in the RL zoning district would be allowed on the 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 3.63+/- 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 “Neighborhood Transition 1” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Neighborhood Transition 1 Character Area calls for primary uses of single-family detached residential (on lots averaging 15,000 sf), along with agricultural uses. The RL zoning district proposed with this rezoning would allow for the residential and other uses designated in the Neighborhood Transition 1 character area and the 20,000 sf minimum lot size for the RL district exceeds the average lot sizes called for by the *Move Kannapolis Forward 2030 Comprehensive Plan*.

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

The surrounding area consists of predominantly single-family detached residence. The proposed RL 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 is anticipated to experience development in the near future, namely single family residential subdivisions.

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 and south are zoned AG. Properties to the north and east are zoned RL. Properties across Trinity Church Rd. to the west are zoned AO (Agricultural) and are in unincorporated Cabarrus County.

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 AG. 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 RL 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.

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 “Neighborhood Transition 1” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The RL zoning district proposed with this rezoning is consistent with the residential primary uses of the Neighborhood Transition 1 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-2020-03

Alternative Courses of Action

Motion to Approve (2 votes)

1. **Should the Commission choose to approve the request for rezoning as presented in Case #Z-2020-03, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map **consistent** with the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which places the subject property in the “Neighborhood Transition 1” Character Area as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. The RL zoning district proposed with this rezoning is consistent with the residential primary uses of the Neighborhood Transition 1 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-2020-03, a motion should be made to adopt the Resolution to Zone.**

Motion to Deny (2 votes)

1. **Should the Commission choose to recommend denial of Case #Z-2020-03 a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #Z-2020-03 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-2020-03 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. Posted 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

KANNAPOLIS

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: Brandy Sellers

Owner: David and Beverly Dye

Address: 3390 Keady Mill Loop
Kannapolis NC 28081

Address: 1114 Asheford Green Ave NW
Concord NC 28027

Telephone: 704-791-9822

Telephone: _____

Email: brandy.sellersusa@yahoo.com

Email: _____

Legal relationship of applicant to property owner: applicant is the purchaser

Property Location/Address: 3948 Trinity Church Road

Tax Parcel Number: 41A3702086 Zoning District: AG Acreage of Site: 3.46

Brandy Sellers
Applicant Name (Print)

Property Owner Name (Print)

[Signature] 2-4-2020
Applicant Signature & Date

Property Owner Signature & Date

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

For Staff Use Only:

Filing Fee: \$625.00

Receipt # _____

Application No.: M-11317

Date Submitted (Complete): 2/5/2020

KANNAPOLIS

APPLICATION FOR AMENDMENT TO THE KANNAPOLIS ZONING MAP

Property Identification Number(s): 4693-70-2086-0000
(attach separate list if necessary)

Present zoning classification: AG

Requested zoning classification: RL

Number of parcels: 1 Approximate size of area: 5.6 acres

Physical location of area: 3948 Trinity Church Road Concord NC 28027

Are public utilities available? City water is available

Reason for map amendment to be able to divide lot into multiple lots
to build houses

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

[Signature]

(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.

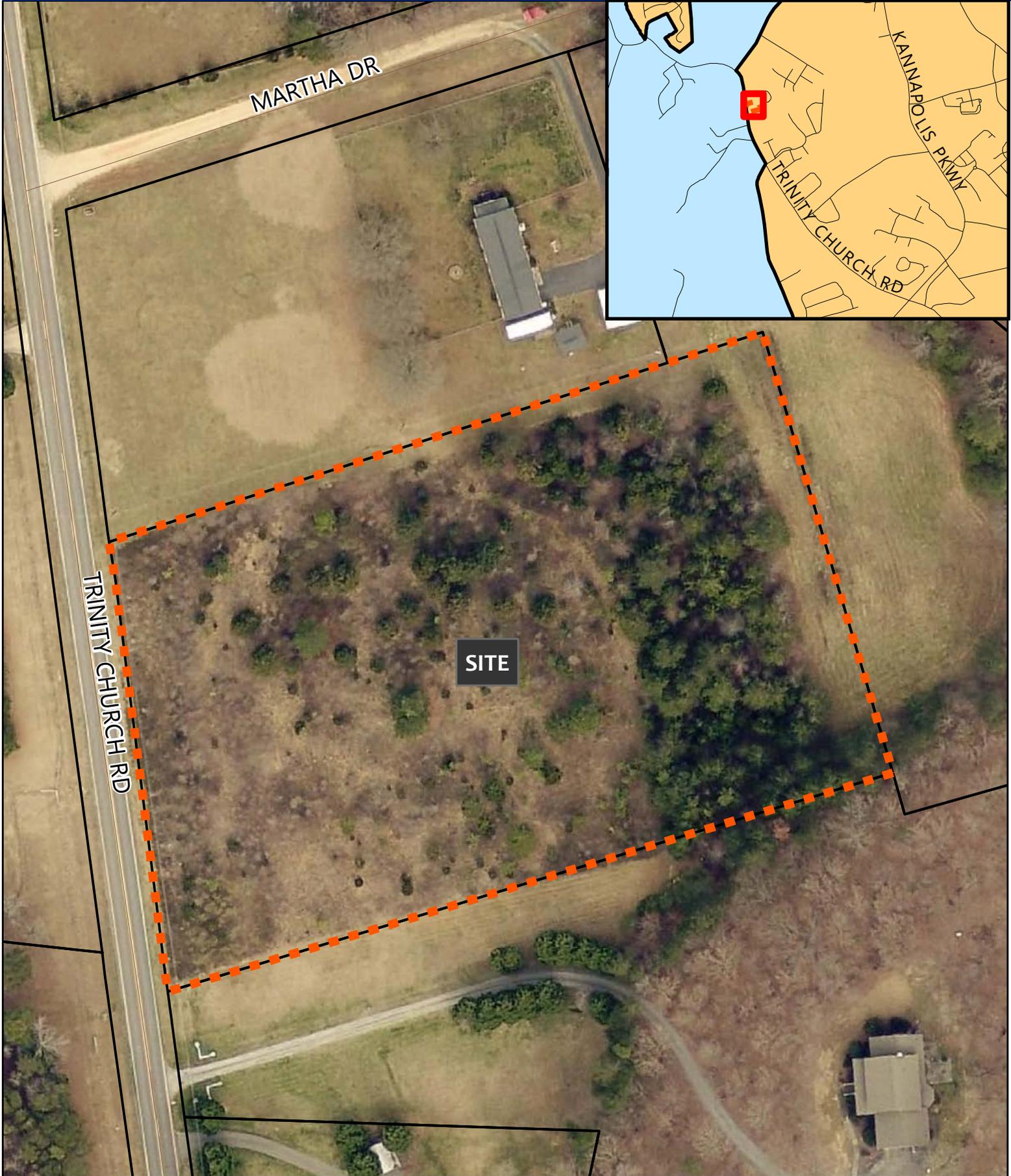


Physical Address:	3948 TRINITY CHURCH RD CONCORD NC 28027	PIN14:	46937020860000
Account Name 1:	DYE DAVID B	Account Name 2:	DYE BEVERLY STRATMAN
Mailing Address:	1114 ASHEFORD GREEN AVENUE NW	Mailing City:	CONCORD
Mailing State:	NC	Mailing Zip Code:	28027
Property Real ID:	04-050 -0006.20	Plat Book:	
Plat Page:		Land Units:	3.63
Units Type:	AC	Land Value:	AC
Building Value:	0	OBXF Value:	0
Assessed Value:	98890	Market Value:	98890



Vicinity Map

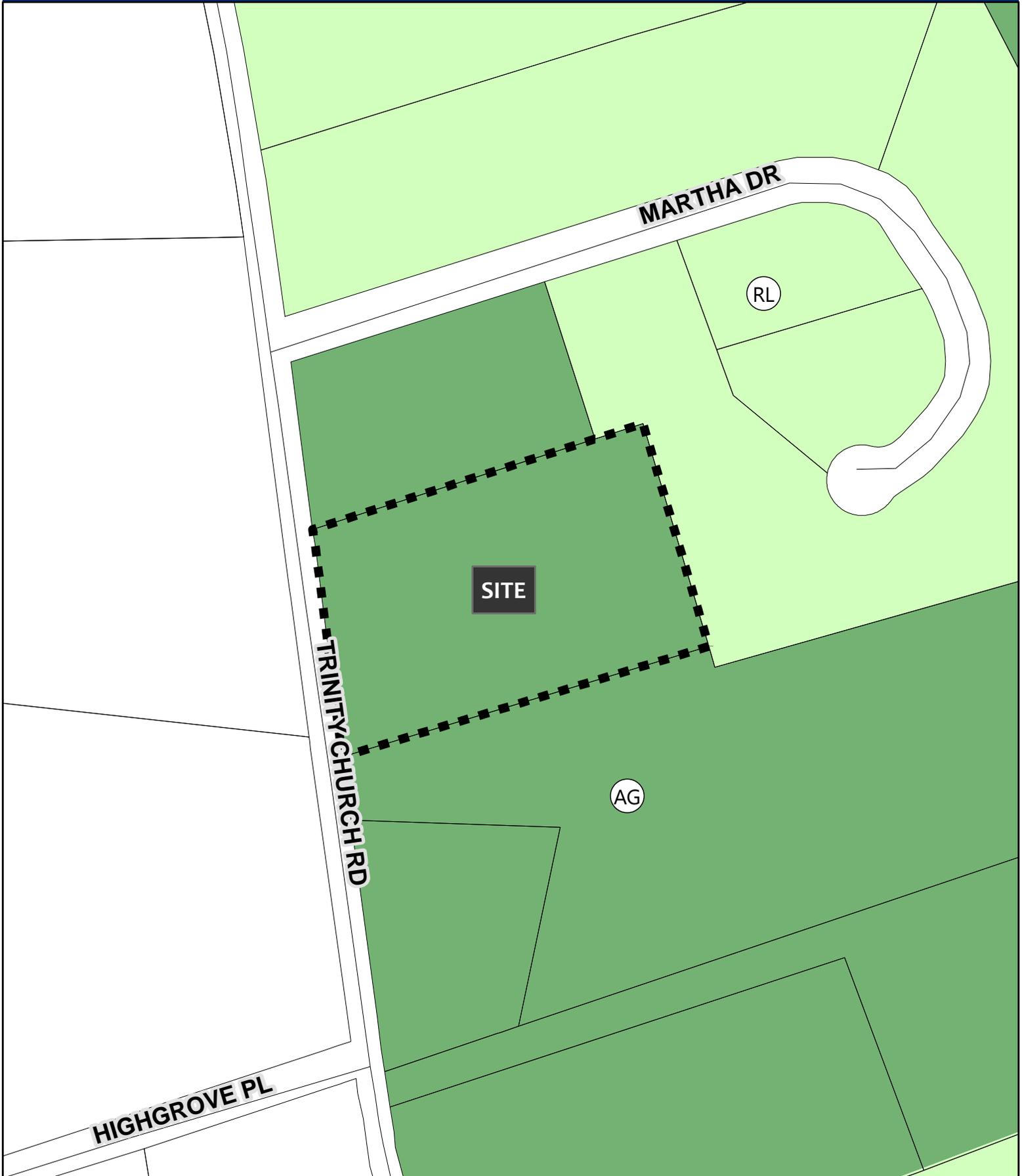
Case Number: Z-2020-03
Brandy Sellers
3948 Trintiy Church Rd





Kannapolis Current Zoning

Case Number: Z-2020-03
Brandy Sellers
3948 Trintiy Church Rd





Kannapolis 2030 Future Land Use Map

Case Number: Z-2020-03

Brandy Sellers

3948 Trintiy Church Rd



**Cluster
Residential**

SITE

**Neighborhood
Transition 1**

TRINITY CHURCH RD

MARTHA DR

HIGHGROVE PL



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000646331

Client: KANNAPOLIS,CITY OF
Phone: 7049204300

Payer : KANNAPOLIS.CITY OF
Phone: 7049204300

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

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

Sales Rep **Acct Rep** **Ordered By**
aboan aboan Pam

Fax: 7049337463
EMAIL: byow@kannapolisnc.gov

Total Amount \$711.44
Payment Amount \$711.44

Amount Due	\$0.00	Tear Sheets	Proofs	Affidavits	PO Number:
Tax Amount:	0.00	0	0	1	
Payment Meth:	Credit - Debit Card				

Ad Number	Ad Type	Ad Size	Color
0000646331-01	CLS Liner	2 X 55 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 4/24/2020, 5/ 1/2020			

Product and Zone	Placement	Position
NCC Online	C-Announcements	General-Spec Notice
Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING Planning and Zoning		
Run Dates 4/24/2020, 5/ 1/2020		

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONVIRTUA
020AT600PMCONDITIONALZONINGMAPAMENDMENTCZ202002PUBLI



KANNAPOLIS

NOTICE OF PUBLIC HEARING
Planning and Zoning Commission
Virtual Meeting

Wednesday May 6, 2020 at 6:00 pm

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Publish: April 24, May 1, 2020.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
EDWARD HARTSELL	3943 TRINITY CHURCH RD	CONCORD	NC	28027
VICTOR & CHRISTIE KHOURI	4020 TRINITY CHURCH RD	CONCORD	NC	28027
TODD PERKINS	3900 TRINITY CHURCH RD	CONCORD	NC	28027
DAVID & BEVERLY DYE	1114 ASHEFORD GREEN AVENUE NW	CONCORD	NC	28027
TIMOTHY & DEBORAH ROBSON	5316 RANDOLPH RD	KANNAPOLIS	NC	28081
JERRY MARLOWE	3833 TRINITY CHURCH RD	CONCORD	NC	28027
MARCUS & SARAH PATTERSON	3910 TRINITY CHURCH RD	CONCORD	NC	28027
JOEL & REBEKAH JOHNSON	1205 WINECOFF SCHOOL RD	CONCORD	NC	28027
JAMES & LINDA CARROWAY	4011 TRINITY CHURCH RD	CONCORD	NC	28027
BRANDY SELLERS	3390 KEADY MILL LOOP	KANNAPOLIS	NC	28081
JOELY POWALS	3250 BARR RD	CONCORD	NC	28027



KANNAPOLIS
Planning

April 23, 2020

Dear Property Owner:

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

Z-2020-03 – Zoning Map Amendment – 3948 Trinity Church Rd

The purpose of this Public Hearing is to consider a request by Brandy Sellers to rezone property located at 3498 Trinity Church Rd. from AG (Agricultural) to RL (Residential Low Density) to allow for subdivision and construction of single-family residential structures. The property is approximately 3.63 +/- acres and is further identified as Cabarrus County Parcel Identification Number 4693-70-2086 (see reverse side of this letter for a map showing the location of this property).

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

NOTE: IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, PUBLIC PARTICIPATION IN THIS MEETING WILL BE EXCLUSIVELY BY REMOTE TECHNOLOGY. IF YOU WOULD LIKE TO PARTICIPATE (EITHER BY MONITORING THE MEETING OR OFFERING COMMENTS), PLEASE VISIT THE CITY OF KANNAPOLIS PLANNING WEBSITE <https://www.kannapolisnc.gov/Government-Departments/Planning/Planning-Zoning-Commission-Board-of-Adjustment> FOR FURTHER INSTRUCTIONS.

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

Sincerely,



Gretchen Coperine, AICP
Assistant Planning Director

Enclosure

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



Rezoning

Case Number: Z-2020-04
Brandy Sellers
3948 Trintiy Church Rd



PLANNING
ZONING
COMMISSION
PUBLIC HEARING
INFORMATION
CALL 704-820-4360
CASE # 2-2022-03

LAND FOR SALE
UNDER CONTRACT



3.6 Acres
704-756-1670
Robert E. Brooks
www.rebrooks.com



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #Z-2020-03**

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

WHEREAS, Section 3.3.4.2 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 May 6, 2020 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone a property located at 3948 Trinity Church Road (Cabarrus County Parcel Identification Number 4693-70-2086) owned by David & Beverly Dye, from City of Kannapolis Agricultural (AG) Zoning Designation to a City of Kannapolis Residential Low Density (RL) 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 “Neighborhood Transition 1” Character Area as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. The RL zoning district proposed with this rezoning is consistent with the residential primary uses of the Neighborhood Transition 1 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 6th day of May 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE
Case #Z-2020-03 (3948 Trinity Church Rd)

**City of Kannapolis Agricultural (AG) Zoning District to
City of Kannapolis Residential Low Density (RL) 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 May 6, 2020 for consideration of rezoning petition Case #Z-2020-03 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone property located at 3948 Trinity Church Road, (Cabarrus County Parcel Identification Number(s) 4693-70-2086) owned by David & Beverly Dye, from City of Kannapolis Agricultural (AG) Zoning Designation to a City of Kannapolis Residential Low Density (RL) 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 3.63+/- 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 “Neighborhood Transition 1” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Neighborhood Transition 1 Character Area calls for primary uses of single-family detached residential (on lots averaging 15,000 sf), along with agricultural uses. The RL zoning district proposed with this rezoning would allow for the residential and other uses designated in the Neighborhood Transition 1 character area and the 20,000 sf minimum

lot size for the RL district exceeds the average lot sizes called for by the *Move Kannapolis Forward 2030 Comprehensive Plan*.

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

The surrounding area consists of predominantly single-family detached residence. The proposed RL 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 is anticipated to experience development in the near future, namely single family residential subdivisions.

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 and south are zoned AG. Properties to the north and east are zoned RL. Properties across Trinity Church Rd. to the west are zoned AO (Agricultural) and are in unincorporated Cabarrus County.

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 AG. 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 RL 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.

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 RL – Residential Low Density Zoning District

Adopted this the 6th day of May 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission