



**Planning & Zoning Commission
May 1, 2019 Meeting**

Staff Report

DATE: April 19, 2019
TO: Planning & Zoning Commission
FROM: Gretchen Coperine, AICP, Senior Planner
SUBJECT: **Case #CZ-2019-02: Unaddressed parcel on Fredrick Avenue
Conditional Zoning Map Amendment
Applicant: Evan Development, LLC**

The applicant is requesting to rezone the property located on an unaddressed parcel at the end of Fredrick Avenue, from RM-2 (Residential Medium Density) to RV-CZ (Residential Village – Conditional Zoning District).

A. Actions Requested by Planning & Zoning Commission

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

B. Decision and Required Votes to Pass Requested Actions

Section 3.3.4.2 of the UDO allows the Planning and Zoning Commission to render a final decision on a rezoning request; subject to an affirmative vote of three-fourths of the Commission members present and not excused from voting, or if there is no appeal of the decision. If there is a denial, an approval by a vote of less than three-fourths, or an appeal of the decision, then only the City Council shall have final decision-making authority. Any final decision rendered by the Commission may be appealed within fifteen (15) days to the City Council.

C. Background

The applicant is proposing to rezone the subject property from RM-2 (Residential Medium Density) to RV-CZ (General Commercial Conditional Zoning District). The attached plan shows a 26-unit townhome development.

A neighborhood meeting in addition to the required community was held April 11, 2019 at 401 Laureate Way from 6:30pm to 8pm to address neighbor concerns (see attached 4.11.19 Sign-In Sheet). The topics that were discussed were: use compatibility with the residential area, screening for the adjacent properties, property values and environmental concerns. To address the topics, the applicant has taken measures including: providing an environmental study, designing the proposed product to fit within the existing area, and proposing additional buffering to the adjacent properties.

D. Fiscal Considerations

None

E. Policy Issues

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

- 1. The size of the tract in question.**
The size of the subject tract is approximately 3.9 +/- acres.
- 2. Does the proposal conform with and further the goals and policies of the Land Use Plan, other adopted plans, and the goals, objectives, and policies of this Ordinance?**
This property is located in the “Complete Neighborhood 1” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 1 Character Area calls for primary uses of single-family detached and attached residential and civic uses. Secondary uses are intended to be a mixture of multifamily residential, small retail and office, and live-work units. The RV-CZ conditional zoning district with this rezoning proposes a 26-unit townhome development, which fit with the secondary uses of the Complete Neighborhood 1 Character Area.
- 3. Is the proposed rezoning compatible with the surrounding area?**
The subject property is located at the end of Fredrick Avenue, and is adjacent to detached single-family residences on the north and west, and partially on the east and south. South Main Street is located on to the east of the property. Parcels to the east along South Main Street are zoned C-2 (General Commercial), including parcels with existing single-family homes. The parcels to the north, south and west are zoned RM-2 (Residential Medium). The subject site is situated between commercial use along South Main Street and single-family detached uses to the north and west. The requested rezoning proposes a townhome development of a scale that represents an appropriate transition between the commercial uses on South Main Street and the residential area surrounding the subject property.
- 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 accessed from Fredrick Avenue, which is a City-owned street. The street will need to be extended and brought to City standards in order to access the property as shown on the proposed plan. A full site plan submittal will be required should the rezoning be approved. Appropriate roadway design will be required at that time per City roadway and safety standards.
- 5. Will there be parking problems?**
The site plan submitted with this request for rezoning includes adequate parking for the listed uses.

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

There are no anticipated environmental impacts such as water, air, or noise pollution issues associated with the rezoning request. In addition, all development will be required to conform to all applicable local, state, and federal environmental regulations.

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

An environmental study (see attached) has been done on the property where it was determined there is a single jurisdictional stream and wetland seep identified on parcel 56125995920000. The stream is an unnamed tributary to Irish Buffalo Creek. Both features are depicted in the attached Figure 1. The stream is depicted as a blue line feature and would be classified as a perennial stream. The wetland seep is depicted as a purple polygon and is less than .005 acre in size.

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 character of the area in immediate proximity to the proposed use has remained relatively stable over the recent past.

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

Utilities will need to be extended to serve the proposed use.

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

Parcels to the east along South Main Street are zoned C-2 (General Commercial), including parcels with existing single-family homes and commercial uses. The parcels to the north, south and west are zoned RM-2 (Residential Medium) and are used as residential parcels.

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

The subject property is currently zone RM-2, which does not permit townhomes, therefore the applicant seeks a rezoning to RV-CZ to be able to develop 26 townhomes. Single-family detached is also a suitable use for the property.

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

The requested rezoning proposes a townhome development of a scale that represents an appropriate transition between the commercial uses on South Main Street and the residential area surrounding the subject property.

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

The subject property has a shed and building on site.

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 different 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 rezoning **consistent** with the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which locates this property within the Complete Neighborhood 1 Character Area, which calls for multifamily residential as secondary uses. Staff finds the request for rezoning reasonable and in the public interest because it provides for residential uses of a scale appropriate for transitioning between the more intense commercial uses to the east along South Main Street and the lower intensity single family residential neighborhood to the north, south and west of the subject parcel. 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, utilities will be extended to provide 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 of Zoning Map Amendment Case #CZ-2019-02:

1. The uses permitted with this rezoning shall only include 26 townhomes and amenity building, in general conformance with the plan submitted with this rezoning.
2. The concept plan is illustrative. Final Design of the project as reviewed by the Technical Review Committee shall be subject to meeting all city standards.
3. The developer, its successors or assigns shall adhere to the Multi-Family Residential Design Standards detailed in Article 11.2. of the UDO.
4. A minimum 12-foot buffer shall be provided along the western portion of the subject property. Where necessary, supplemental evergreen plantings shall be installed to achieve opaque screening to the adjacent residential single-family homes along the west property boundary. The vegetation density will be measured by standing adjacent to the multi-family homes on the west side of the Frederick Avenue Extension looking to the west to the adjacent single-family homes. The City of Kannapolis Planner or his/her designee will make the determination on opacity for conformance with this stipulation.
5. Any lighting installed on the subject property shall be full cut-off fixtures with all lighting directed downward and away from adjacent properties.
6. Streams and wetlands shall be identified by a qualified person and all buffers shown in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with RSOD Buffer requirements or be relocated.
7. 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. Stormwater BMP's cannot be constructed in the undisturbed buffer.
8. Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.

Alternative Courses of Action

APPROVAL

Motion 1 – Statement of Consistency

Should the Commission choose to approve the request for rezoning as presented in Case #CZ-2019-02, 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 Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which locates this property within the Complete Neighborhood 1 Character Area, which calls for multifamily residential as secondary uses. Staff finds the request for rezoning reasonable and in the public interest because it provides for residential uses of a scale appropriate for transitioning between the more intense commercial uses to the east along South Main Street and the lower intensity single family residential neighborhood to the north, south and west of the subject parcel. 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, utilities will be extended to provide adequate access to public facilities.*

Motion 2 – Approval to rezone – Resolution to Zone

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

DENIAL

Motion 1 – Statement of Consistency

Should the Commission choose to deny the rezoning request as presented in Case #CZ-2019-02, 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-2019-02 to be inconsistent with the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, because (state reason(s) and is neither reasonable nor in the public interest because (state reason(s) and is therefore denied based on the criteria in Section 3.3.5 of the UDO for evaluating zoning requests, consideration of the application materials and information presented at the Public Hearing..*

Motion 2 – Denial of Rezoning

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

I. Attachments

1. Conditional Rezoning Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Site Plan
6. Elevation Plan
7. Environmental Study
8. Community Meetings and Sign-In Sheets
9. March 29, 2019 Request for Continuance

10. Notice of Public Hearing
11. List of Properties Notified
12. Letters to Adjacent Property Owners
13. Posted Public Notice
14. Resolution to Adopt a Statement of Consistency
15. Resolution to Zone

J. Issue Reviewed By:

- City Manager
- City Attorney
- Planning Director



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

Type of Action Requested (Check One):

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

Applicant: Evan Development, LLC
Address: PO Box 5286, Concord, NC, 28027
Telephone: 704-363-0643
Email: teresa@hartwallandpavers.com

Legal relationship of applicant to property owner: Same

Property Location/Address: At end of Fredrick Ave. cul de sac

Tax Parcel Number: 5612-69-5185 Zoning District: RV-CZ Acreage of Site: 3.927 acres

Evan Development, LLC - Teresa Chastain
Applicant Name (Print)
Evan Development, LLC - Teresa Chastain
Property Owner Name (Print)

Teresa H. Chastain 3/1/2019
Teresa H. Chastain 3/1/2019
Applicant Signature & Date
Property Owner Signature & Date

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

For Staff Use Only:

Filing Fee:
Receipt #
Application No.:
Date Submitted (Complete):

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

I, Teresa Chastain, Evan Development, LLC, hereby petition for a Conditional Zoning District for the following exact land use(s), subject to the following condition(s):

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

26-unit Multifamily / townhome development, see site plan attached.

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

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



Signature of Property Owner

Evan Development, LLC

PO Box 5286 Concord, NC, 28027

Address

704-363-0643

Telephone #

Signature of Property Owner

Address

Telephone #

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



Vicinity Map

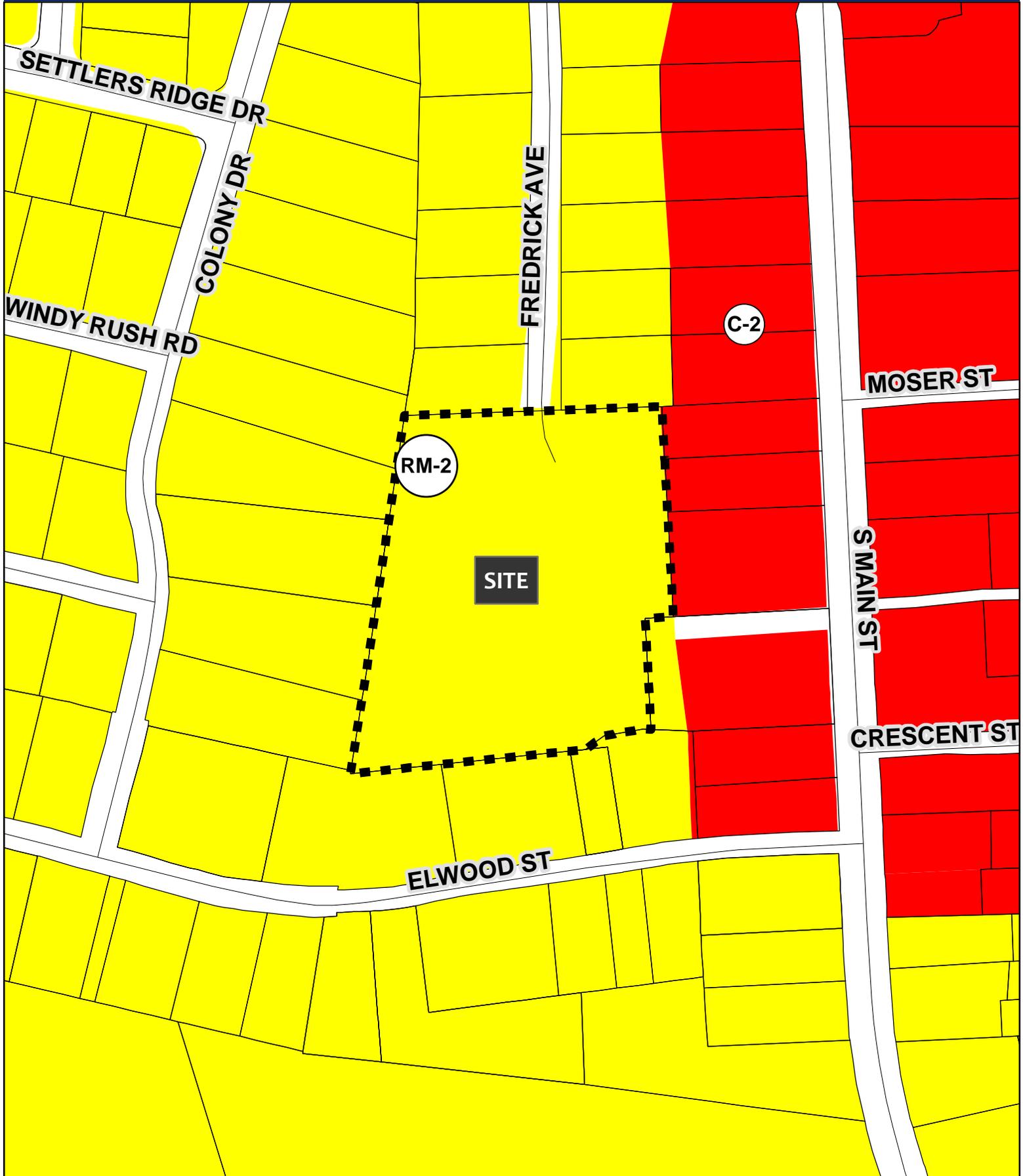
Case Number: CZ-2019-02
Applicant: Evans Development, LLC
Fredrick Ave.





Kannapolis Current Zoning

Case Number: CZ-2019-02
Applicant: Evans Development, LLC
Fredrick Ave.



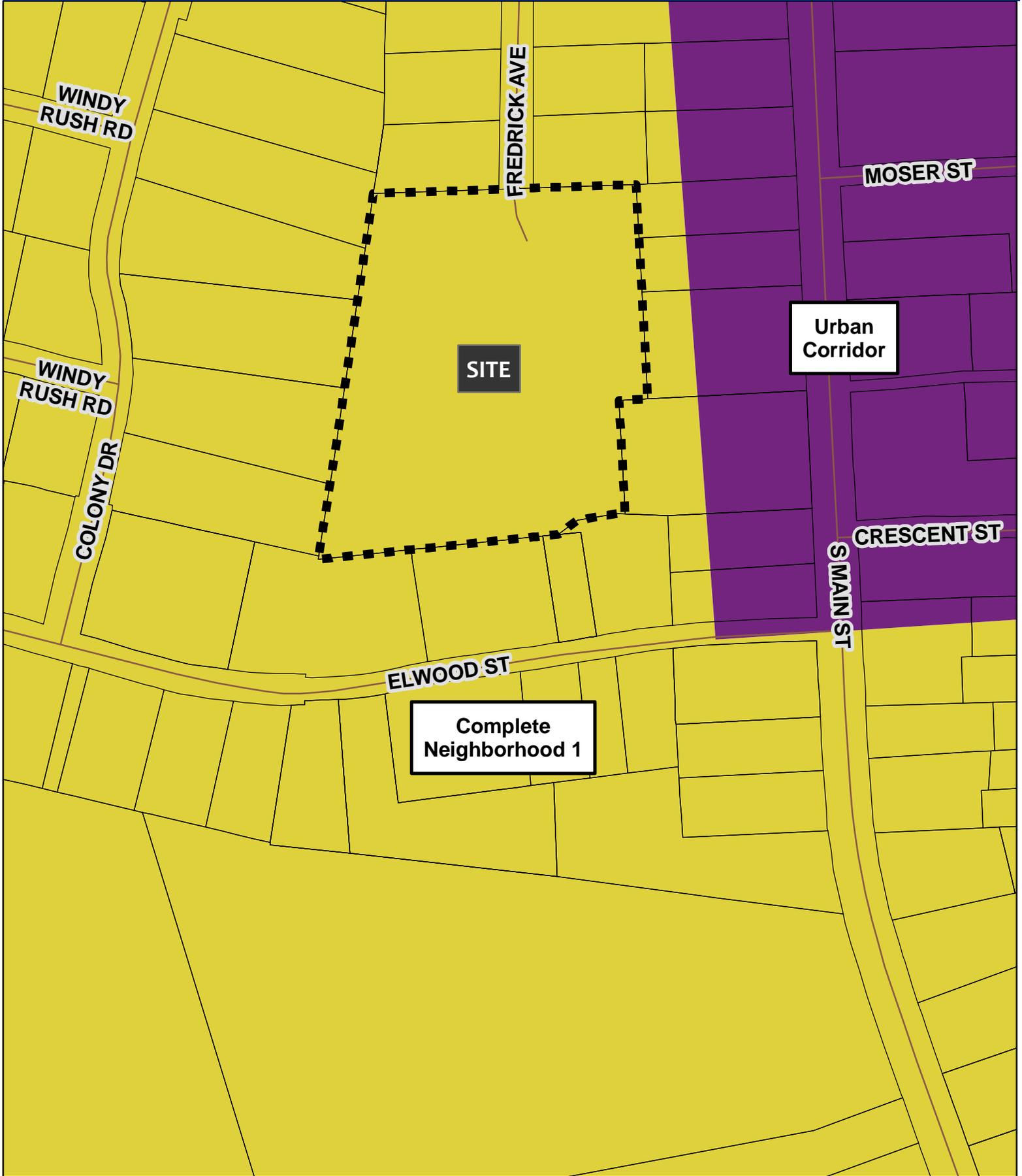


Kannapolis 2030 Future Land Use Map

Case Number: CZ-2019-02

Applicant: Evans Development, LLC

Fredrick Ave.



NORTH



NOTE:
TOPOGRAPHY AS SHOWN IS SOURCED FROM THE NCDOT PUBLICLY AVAILABLE LIDAR DATA AND MAY BE DIFFERENT FROM FIELD-RUN SURVEY DATA - NOT FOR DESIGN PURPOSES

NOTE:
EXISTING CONDITIONS PLAN CREATED FROM A BOUNDARY SURVEY BY CESI AND SEALED BY DAVID L. HAYWOOD, JR. PLS LIC. NO. L-4822 ON 10/30/17.

North Carolina One-Call Center
800 E. Washington Blvd., Suite 207
Greensboro, North Carolina 27407
(311) 444-4444

2 DAYS BEFORE DIGGING IN NORTH CAROLINA
CALL 1-800-632-4949

UNDERGROUND LOCATORS CONTRACTOR SHALL CONTACT THE UNDERGROUND LOCATORS EVERY 10 DAYS FOR AN UPDATE TO UTILITY LOCATIONS.

Call BEFORE you DIG!
It's The Law!

EVAN CONDITIONAL REZONING
EXISTING CONDITIONS PLAN
1620 FREDRICK AVE, KANNAPOLIS
EVAN DEVELOPMENT, LLC

CESI PROJECT NO. 180237.000
DRAWN BY: KWU
CHECKED BY: KWU

PROJECT MANAGER: KWU
APPROVED BY: KWU
PROJECT START: 08/01/2018

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CONCORD, NC 28026-0268
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REVISION	DATE	DESCRIPTION
1	3.22.19	Per City Comments Dated 3.18.19

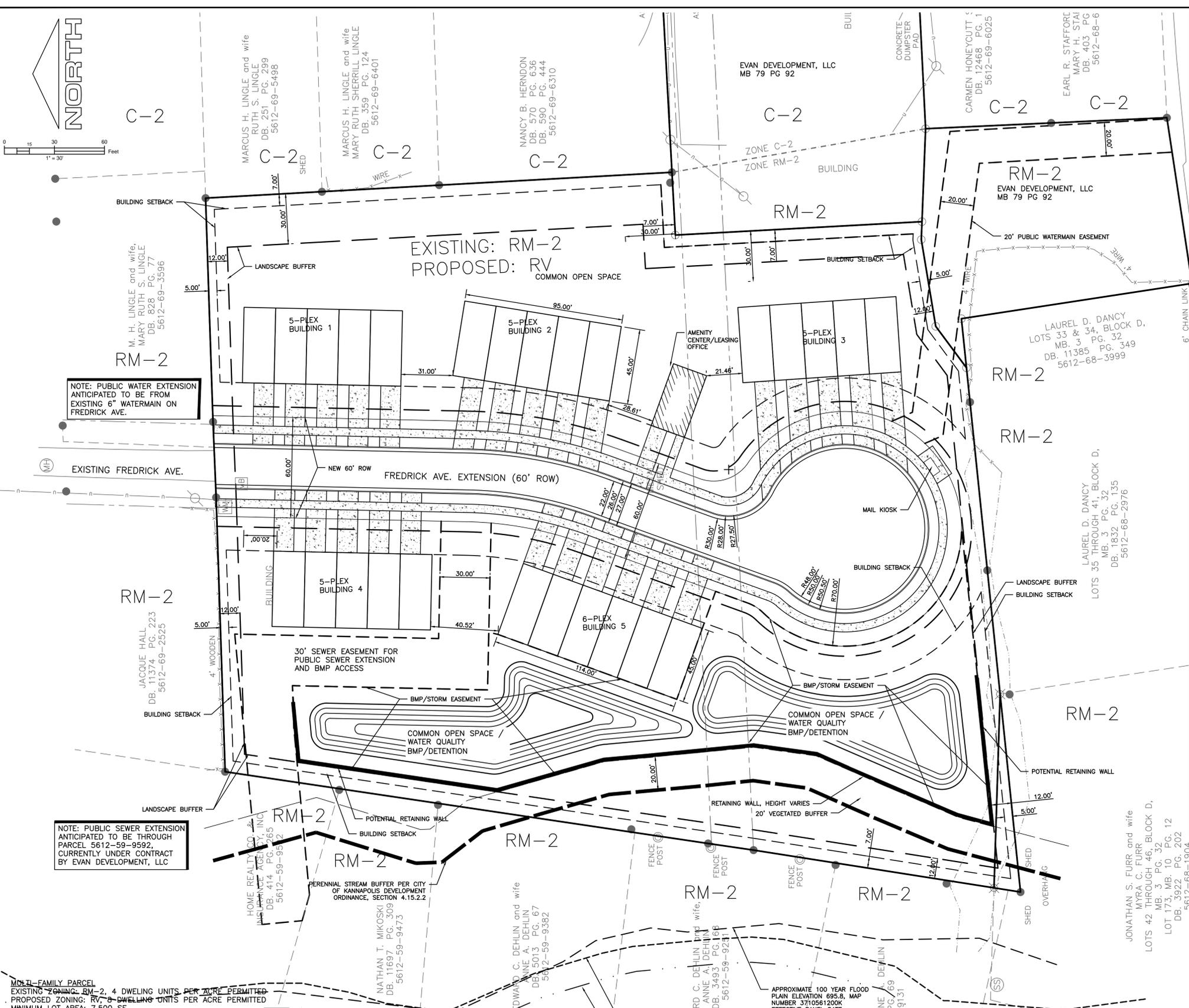
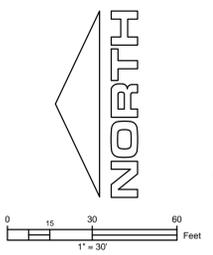
ENGINEERS SEAL
DAVID L. HAYWOOD, JR.
PROFESSIONAL SURVEYOR
SEAL 033470
CITY OF WASHINGTON
03/22/2019



APPROXIMATE TOP OF BANK, ESTIMATED @ 15' FROM STREAM CENTERLINE

EXISTING PERENNIAL STREAM FIELD LOCATED BY THOMPSON ENVIRONMENTAL SERVICES. LOCATION DETERMINED BY HANDHELD GPS.

APPROXIMATE 100 YEAR FLOOD PLAIN ELEVATION 695.8; MAP NUMBER 3710561200K EFFECTIVE PANEL DATE NOVEMBER 16, 2018 ZONE AE ELEVATION 695.8



NOTE: PUBLIC WATER EXTENSION ANTICIPATED TO BE FROM EXISTING 6" WATERMAIN ON FREDRICK AVE.

NOTE: PUBLIC SEWER EXTENSION ANTICIPATED TO BE THROUGH PARCEL 5612-59-9592, CURRENTLY UNDER CONTRACT BY EVAN DEVELOPMENT, LLC

MULTI-FAMILY PARCEL
 EXISTING ZONING: RM-2, 4 DWELING UNITS PER ACRE PERMITTED
 PROPOSED ZONING: RV, 8 DWELING UNITS PER ACRE PERMITTED
 MINIMUM LOT AREA: 7,500 SF
 MINIMUM WIDTH: 60'
 MINIMUM DEPTH: 100'
 OPEN SPACE REQUIRED: 12%
 MAXIMUM DENSITY PER ACRE: 8*3.271 ACRES = 26 TOTAL UNITS/PERMITTED
 AS SHOWN DENSITY: 26 UNITS PROPOSED
 MAXIMUM IMPERVIOUS AREA RATIO: 0.5

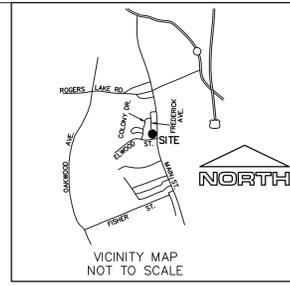
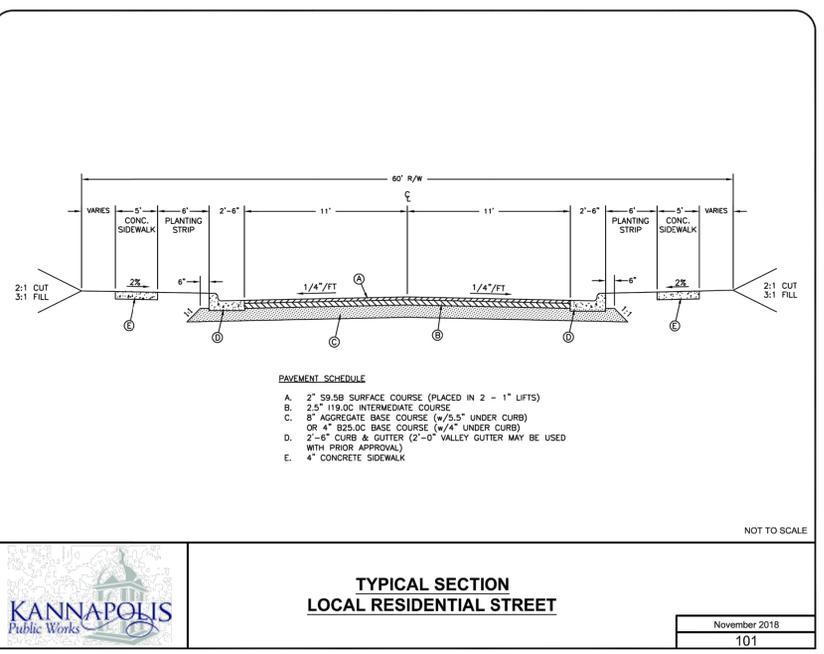
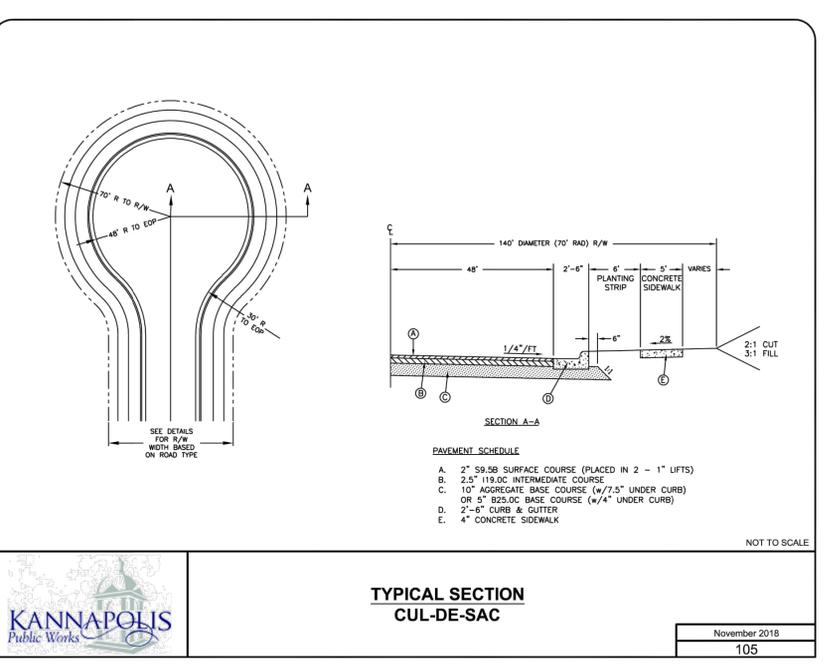
ROW AS SHOWN 60' WIDE
 MINIMUM FRONT SETBACK: 20'
 MINIMUM SIDE SETBACK: 7'
 MINIMUM REAR SETBACK: 5'

IMPERVIOUS AREA CALCULATION:
 BUILDINGS: 23,056 SF
 DRIVEWAYS: 11,347 SF
 SIDEWALKS: 5,163 SF
 TOTAL IMPERVIOUS AREA: 39,566 SF
 TOTAL SITE AREA: 142,485 SF
 PERCENT IMPERVIOUS: 27.8%

PERENNIAL STREAM, FIELD LOCATED BY THOMPSON ENVIRONMENTAL CONSULTANTS

APPROXIMATE 100 YEAR FLOOD PLAIN ELEVATION 695.8, MAP NUMBER 3710561200K EFFECTIVE PANEL DATE NOVEMBER 16, 2018 ZONE AE, ELEVATION 695.8

REVISION	DATE	DESCRIPTION
1	3.22.19	Per City Comments Dated 3.18.19



EVAN CONDITIONAL REZONING
 REZONING SITE LAYOUT PLAN
 1620 FREDRICK AVE, KANNAPOLIS
 EVAN DEVELOPMENT, LLC

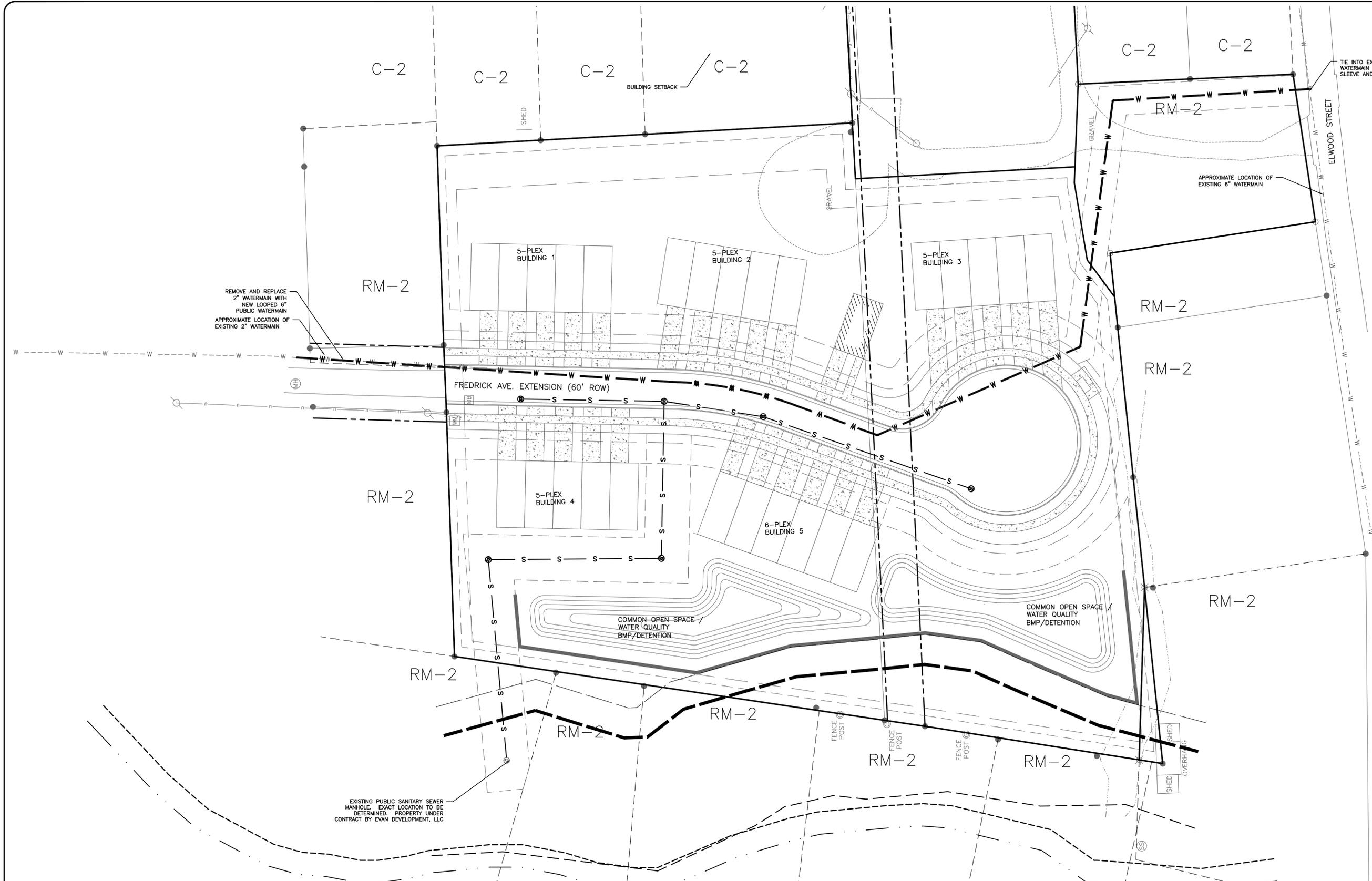
CESI PROJECT NO. 180237.000
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 CHECKED BY: KWU

PROJECT MANAGER: KWU
 APPROVED BY: KWU
 PROJECT START: 08/01/2018

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C200 RV-CZ



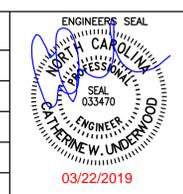
REMOVE AND REPLACE
2" WATERMAIN WITH
NEW LOOPED 6"
PUBLIC WATERMAIN
APPROXIMATE LOCATION OF
EXISTING 2" WATERMAIN

TIE INTO EXISTING 6"
WATERMAIN WITH TAPPING
SLEEVE AND VALVE.

APPROXIMATE LOCATION OF
EXISTING 6" WATERMAIN

EXISTING PUBLIC SANITARY SEWER
MANHOLE. EXACT LOCATION TO BE
DETERMINED. PROPERTY UNDER
CONTRACT BY EVAN DEVELOPMENT, LLC

REVISION	DATE	DESCRIPTION
1	3.22.19	Per City Comments Dated 3.18.19



EVAN CONDITIONAL REZONING
REZONING UTILITY PLAN
1620 FREDRICK AVE, KANNAPOLIS
EVAN DEVELOPMENT, LLC

CESI PROJECT NO. 180237.000 PROJECT MANAGER: KWU
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C600 RV-CZ

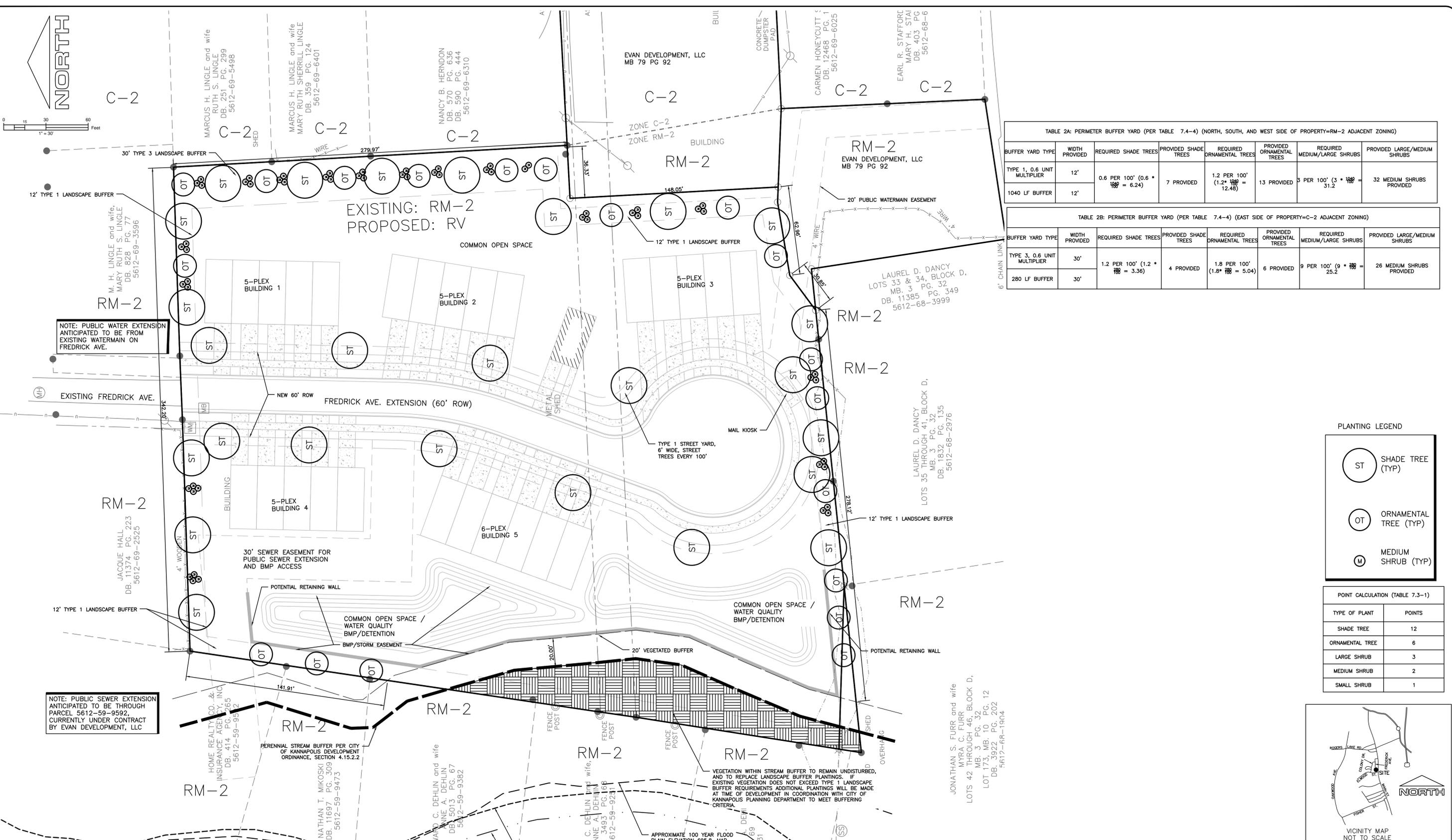
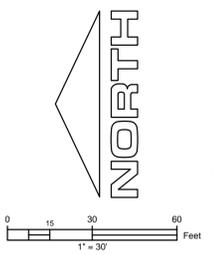


TABLE 2A: PERIMETER BUFFER YARD (PER TABLE 7.4-4) (NORTH, SOUTH, AND WEST SIDE OF PROPERTY=RM-2 ADJACENT ZONING)

BUFFER YARD TYPE	WIDTH PROVIDED	REQUIRED SHADE TREES	PROVIDED SHADE TREES	REQUIRED ORNAMENTAL TREES	PROVIDED ORNAMENTAL TREES	REQUIRED MEDIUM/LARGE SHRUBS	PROVIDED LARGE/MEDIUM SHRUBS
TYPE 1, 0.6 UNIT MULTIPLIER	12'	0.6 PER 100' (0.6 * 100 = 6.24)	7 PROVIDED	1.2 PER 100' (1.2 * 100 = 12.48)	13 PROVIDED	3 PER 100' (3 * 100 = 31.2)	32 MEDIUM SHRUBS PROVIDED
1040 LF BUFFER	12'						

TABLE 2B: PERIMETER BUFFER YARD (PER TABLE 7.4-4) (EAST SIDE OF PROPERTY=C-2 ADJACENT ZONING)

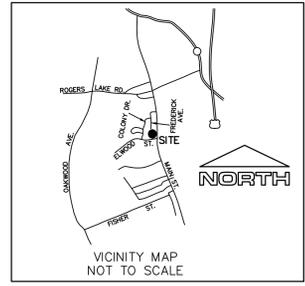
BUFFER YARD TYPE	WIDTH PROVIDED	REQUIRED SHADE TREES	PROVIDED SHADE TREES	REQUIRED ORNAMENTAL TREES	PROVIDED ORNAMENTAL TREES	REQUIRED MEDIUM/LARGE SHRUBS	PROVIDED LARGE/MEDIUM SHRUBS
TYPE 3, 0.6 UNIT MULTIPLIER	30'	1.2 PER 100' (1.2 * 100 = 3.36)	4 PROVIDED	1.8 PER 100' (1.8 * 100 = 5.04)	6 PROVIDED	9 PER 100' (9 * 100 = 25.2)	26 MEDIUM SHRUBS PROVIDED
280 LF BUFFER	30'						

PLANTING LEGEND

- ST SHADE TREE (TYP)
- OT ORNAMENTAL TREE (TYP)
- M MEDIUM SHRUB (TYP)

POINT CALCULATION (TABLE 7.3-1)

TYPE OF PLANT	POINTS
SHADE TREE	12
ORNAMENTAL TREE	6
LARGE SHRUB	3
MEDIUM SHRUB	2
SMALL SHRUB	1



REVISION	DATE	DESCRIPTION
1	3.22.19	Per City Comments Dated 3.18.19



**EVAN CONDITIONAL REZONING
REZONING LANDSCAPE PLAN
1620 FREDRICK AVE, KANNAPOLIS
EVAN DEVELOPMENT, LLC**

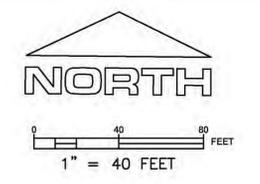
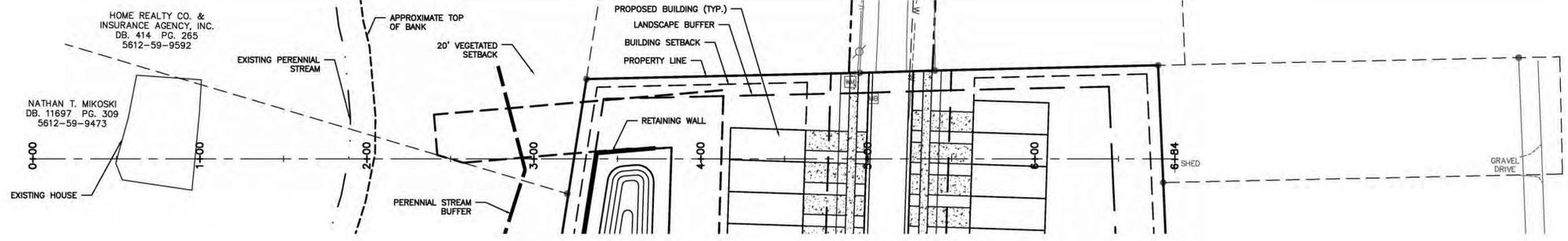
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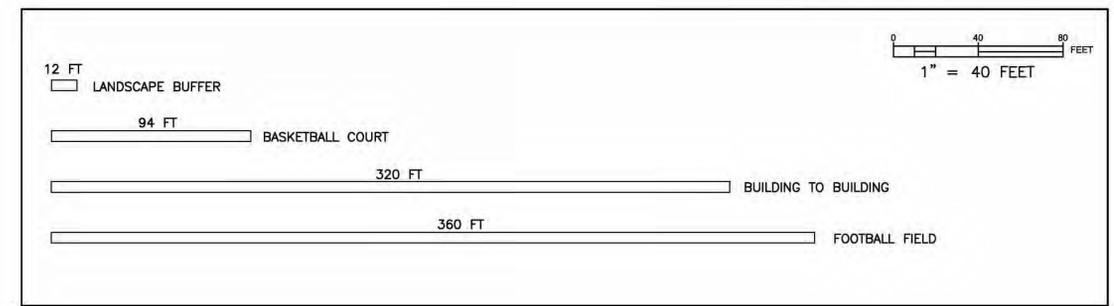
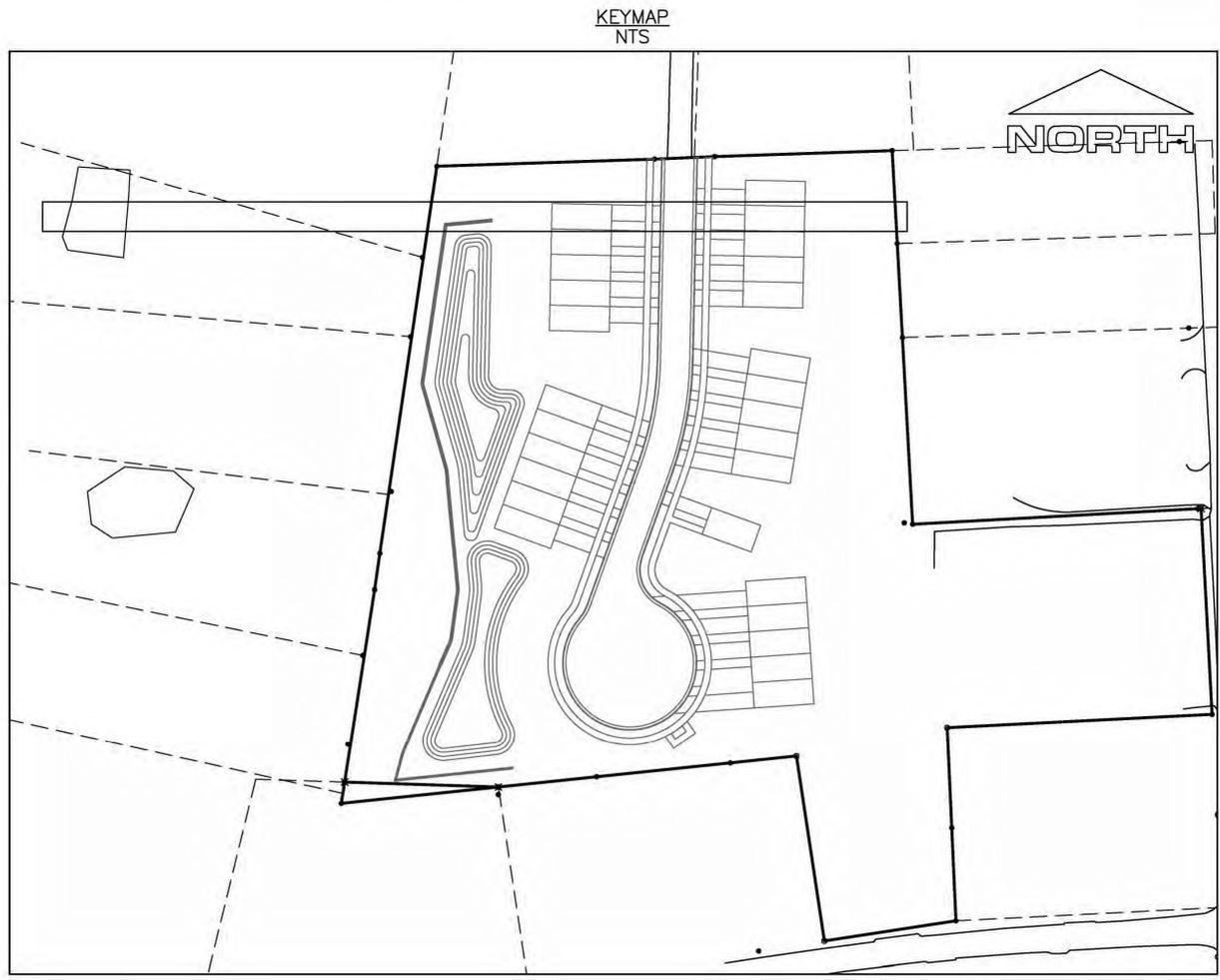
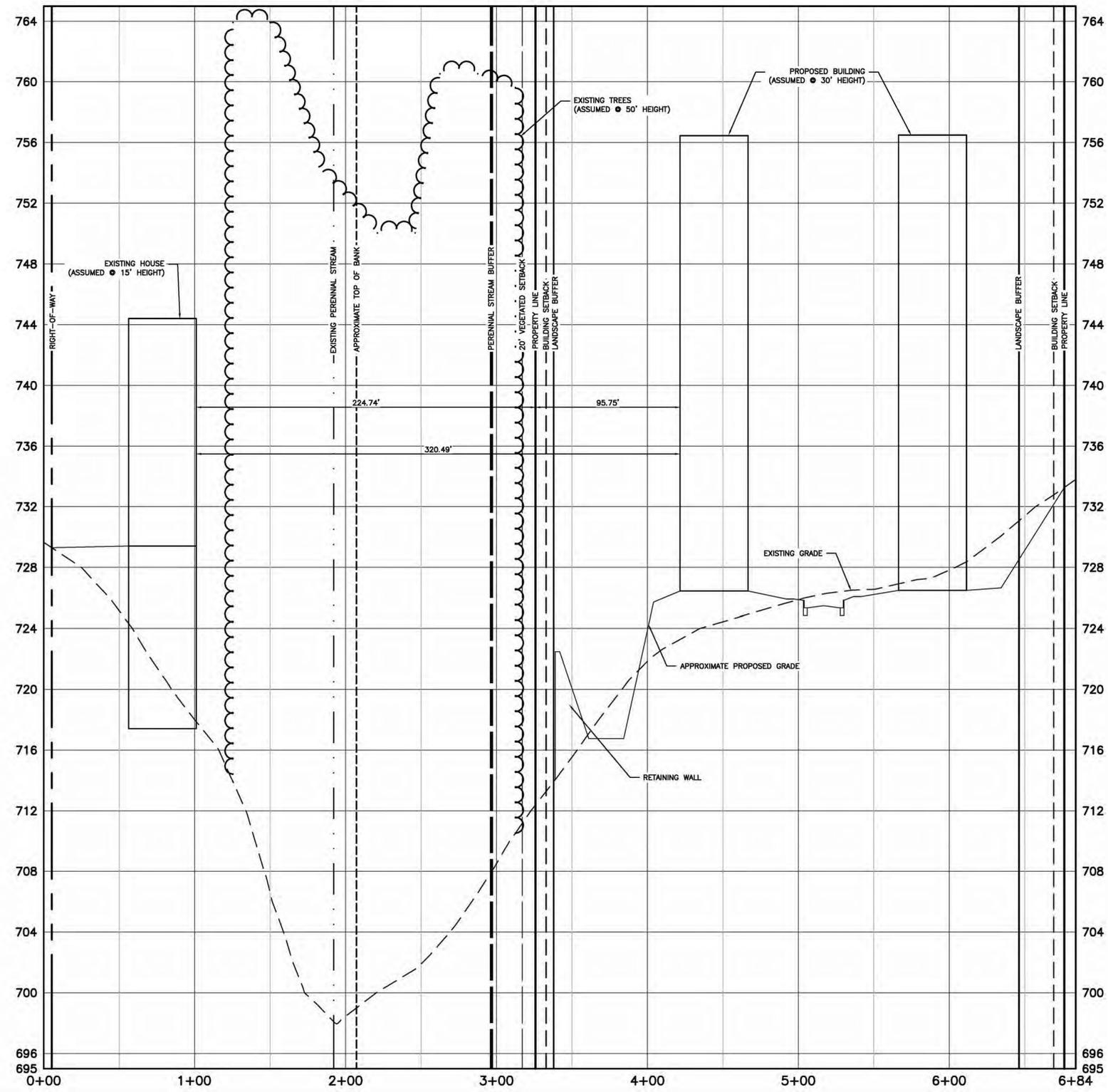
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L100 RV-CZ



ALIGNMENT - 1

PROFILE SCALE
 HORIZONTAL 1" = 40'
 VERTICAL 1" = 4'



REVISION	DATE	DESCRIPTION
1.	3.22.19	REVISED PER CITY COMMENTS DATED 3.18.19

ENGINEERS SEAL
**PRELIMINARY
 PLAN
 DO NOT USE
 FOR
 CONSTRUCTION**

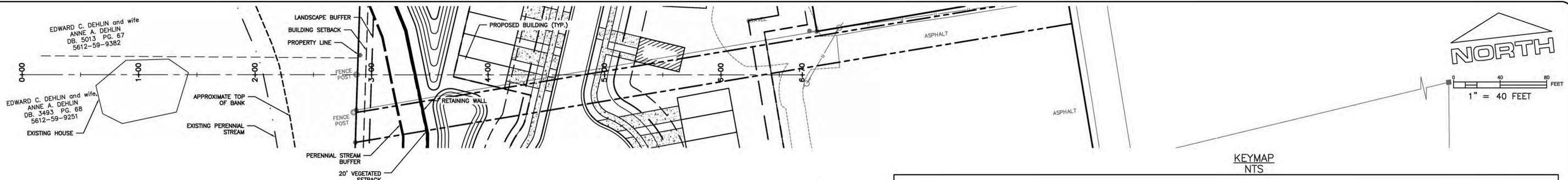
**EVAN CONDITIONAL REZONING
 REZONING PROFILE VIEWS
 1620 FREDERICK AVE, KANNAPOLIS
 EVAN DEVELOPMENT, LLC**

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 CHECKED BY: KWU PROJECT START: 08/01/2018

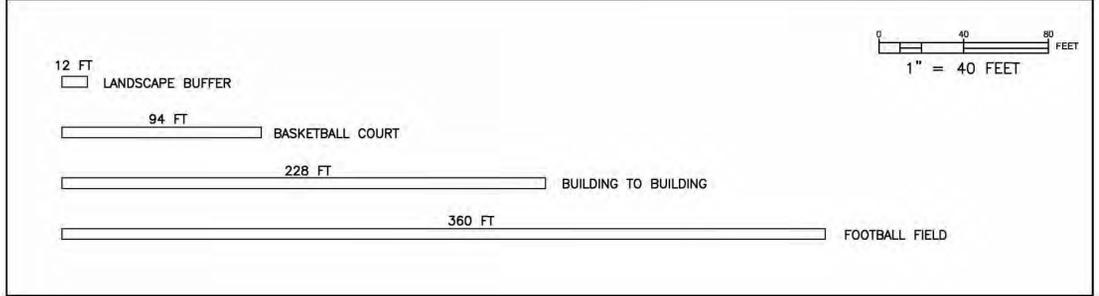
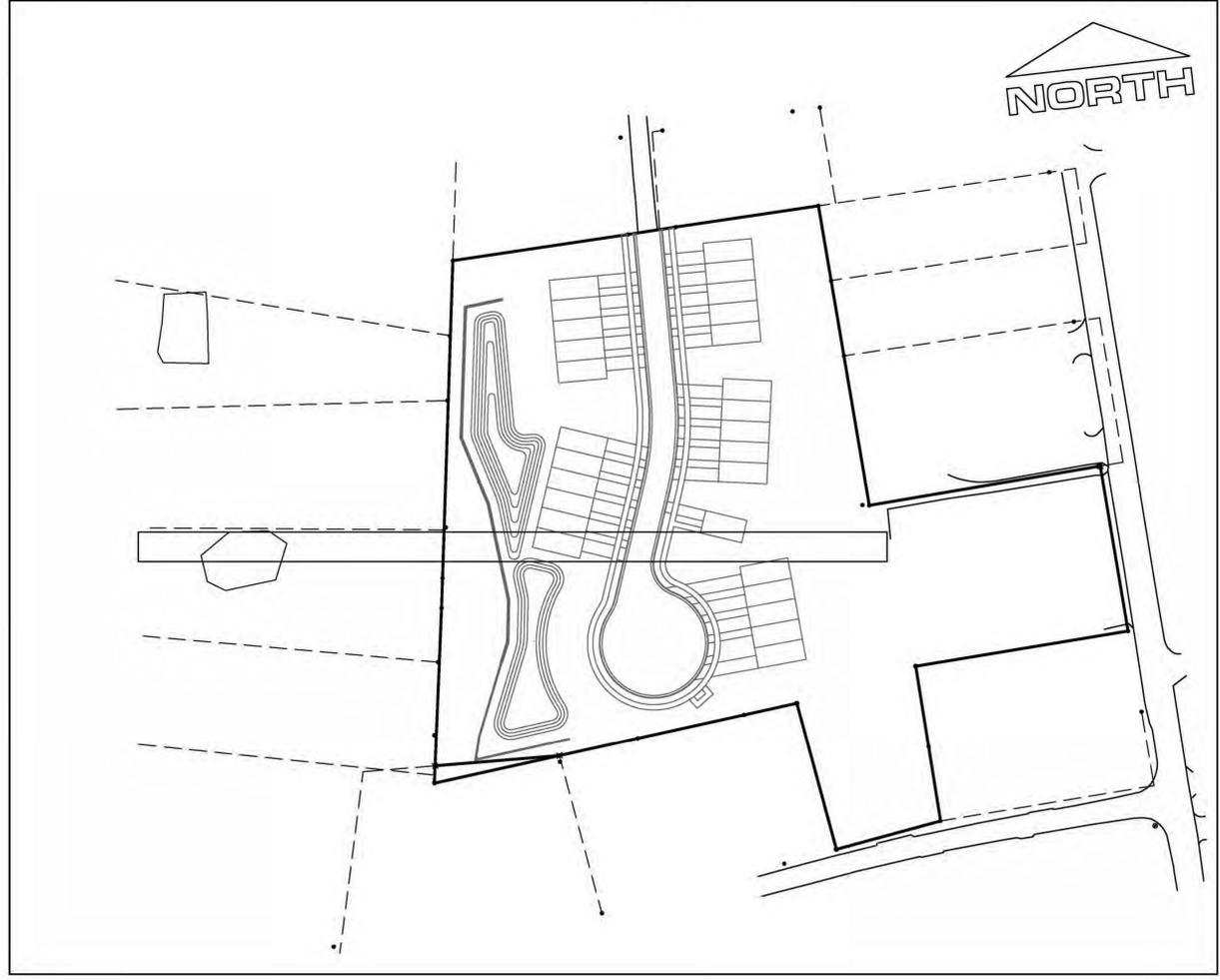
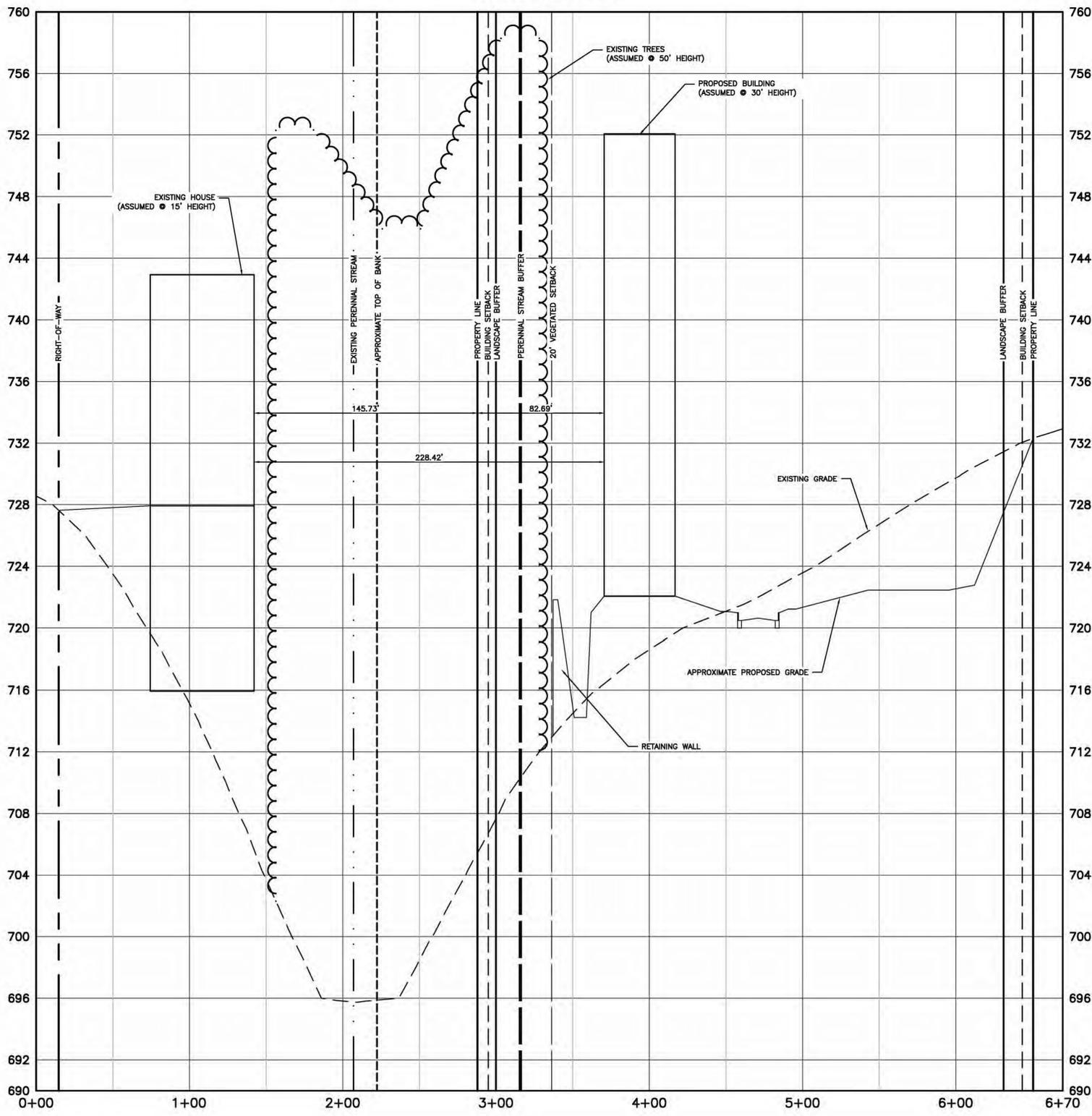
CESI
 CIVIL GEOTECHNICAL
 SURVEYING

PO BOX 268
 CONCORD, NC 28026-0268
 P. 704.786.5404
 F. 704.786.7454
 www.cesigs.com
 NCBELS CORP. NO. C-0263
 ©COPY RIGHT 2012

C310 RV-CZ



ALIGNMENT - 2



REVISION	DATE	DESCRIPTION
1.	3.22.19	REVISED PER CITY COMMENTS DATED 3.18.19

ENGINEERS SEAL
**PRELIMINARY
PLAN
DO NOT USE
FOR
CONSTRUCTION**

EVAN CONDITIONAL REZONING
REZONING PROFILE VIEWS
1620 FREDERICK AVE, KANNAPOLIS
EVAN DEVELOPMENT, LLC

CESI PROJECT NO. 180237.000
DRAWN BY: KWU
CHECKED BY: KWU

PROJECT MANAGER: KWU
APPROVED BY: KWU
PROJECT START: 08/01/2018

CESI
CIVIL GEOTECHNICAL
SURVEYING

PO BOX 268
CONCORD, NC 28026-0268
P. 704-786-5404
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C311 RV-CZ

THOMPSON ENVIRONMENTAL CONSULTING, INC.
WATER ♦ WASTEWATER ♦ WETLANDS

March 4, 2019

Jay Eaves, PE
CESI Land Development Services
P.O. Box 268
Concord, NC 28026

RE: Jurisdictional Feature Determination
Lots 1 and 3 Elwood Street
1811 Colony Drive
Kannapolis, NC 28081

Dear Mr. Eaves:

Thank you for contacting Thompson Environmental Consulting, Inc. (TEC) regarding the above referenced project. At your request, we have conducted a survey for the presence or absence of jurisdictional features on Lots 1 and 3 of Elwood Street and 1811 Colony Drive, Kannapolis, North Carolina (Cabarrus County Tax Parcels: 56125695185000 and 56125995920000). The combined three parcels are 5.082 acres in size and are currently undeveloped. Approximately 4.3 acres of the property has been previously cleared, a roadway pipe installed, and is vegetated with maintained fescue. Uncleared areas are vegetated by a mixed deciduous forest. The project study area lies within the Yadkin River Basin (Hydrologic Unit 03040105).

Prior to the initiation of field efforts, available resources were reviewed, including the appropriate U. S. Geological Survey (USGS) 7.5-minute topographic quadrangle, Natural Resource Conservation Service (NRCS) soil survey (Cabarrus County), and the National Wetlands Inventory Areas (NWI) database.

A field review was conducted on February 28, 2019 to determine the presence or absence of jurisdictional features; a three-parameter approach was used for the determination of wetlands (presence of hydric soils, hydrophytic vegetation, and evidence of jurisdictional hydrology) as outlined by the U.S. Army Corps of Engineers (USACE) and the *Methodology for Identification of Intermittent and Perennial Streams and Their Origins* (V.4.10, 2010), as developed by the North Carolina Division of Water Quality, was used to determine the presence or absence of jurisdictional streams.

A single jurisdictional stream and wetland seep was identified on parcel 56125995920000. The stream is an unnamed tributary to Irish Buffalo Creek. Both features are depicted in the attached Figure 1. The stream is depicted as a blue line feature and would be classified as a perennial stream. The wetland seep is depicted as a purple polygon and is less than .005 acre in size.

Thompson Environmental Consulting, Inc. appreciates the opportunity to provide you with our professional services. If you have any questions or comments regarding the content of this letter, please feel free to contact me at 704-301-4881.

Sincerely,

Thompson Environmental Consulting, Inc.

A handwritten signature in black ink, appearing to read "L. B. Thompson, Jr.", is written over a light gray rectangular background.

Larry B. Thompson, Jr., LSS, PWS
President

Attachment (Figure 1)

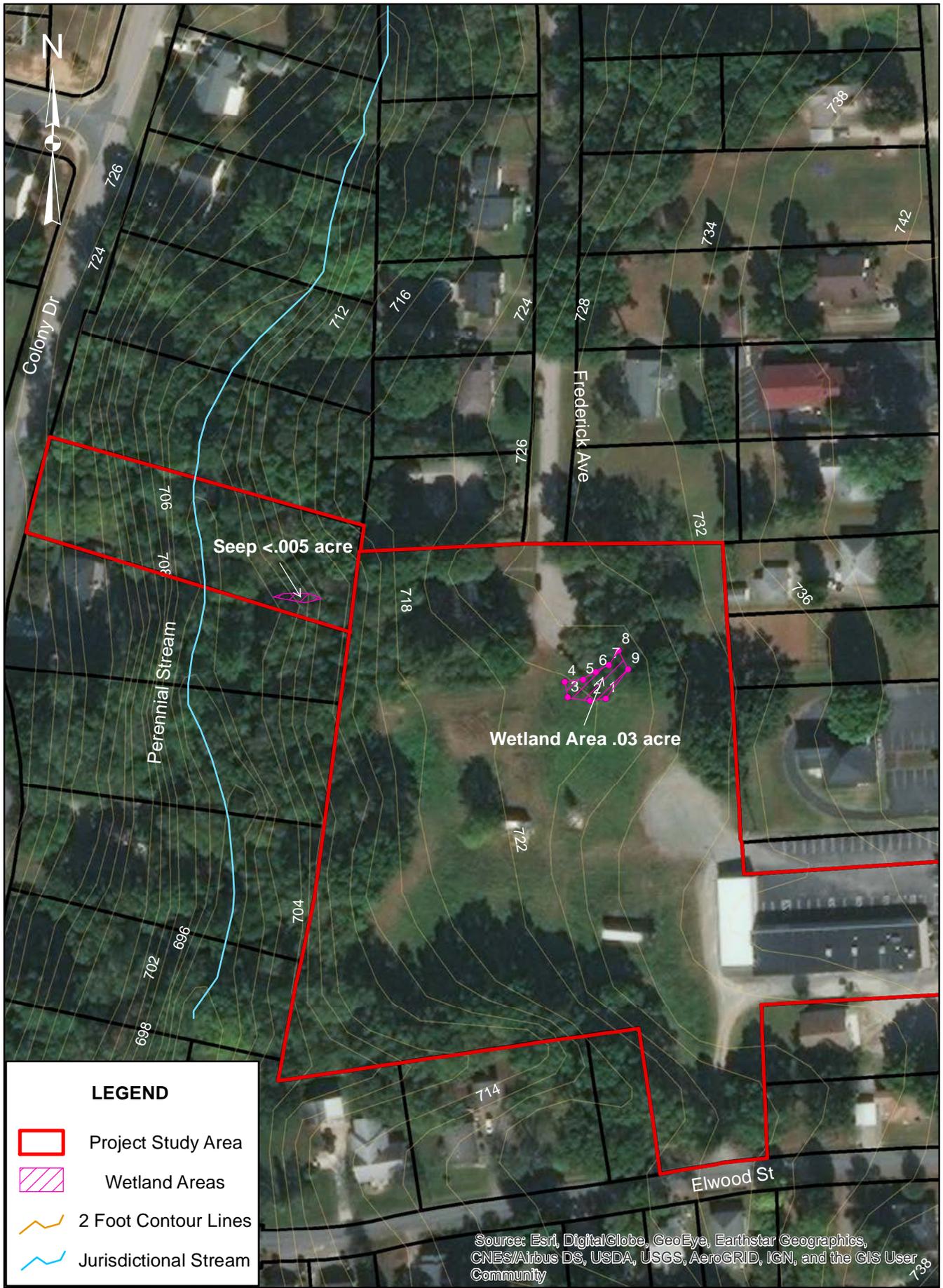
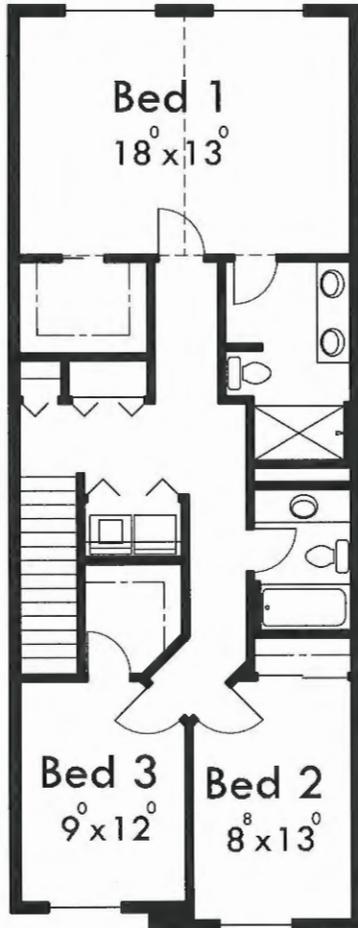


Figure 1

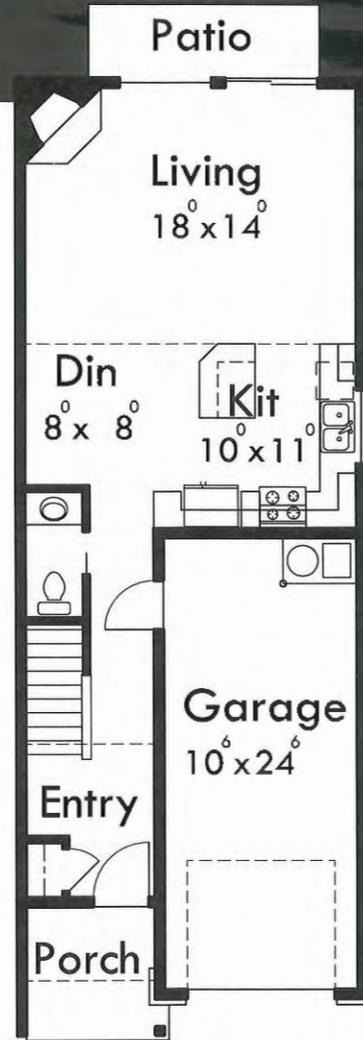


PLAN #SV-726-MIR

MAIN FLR. 635 SQ. FT.
 UPPER FLR. 905 SQ. FT.
 TOTAL 1540 SQ. FT.



2nd Floor



19'-0"

1st Floor



Civil - Geotechnical - Surveying

March 1, 2019

Attn: City of Kannapolis Planning

Re: Evan Conditional Rezoning
1620 Fredrick Ave.

Enclosed, please find our application for a conditional re-zoning of the newly-created Evan parcel from RM-2 to RV. The parcel was created through the recordation of the minor subdivision plat, Map Book 79, Page 92 on February 22, 2019.

A neighborhood meeting was held in support of this application for re-zoning on June 20, 2019. The meeting was well attended by local residents, and although there were some concerns raised regarding buffering of the project from adjoining neighbors, the meeting was generally positive.

1. Five (5) Conditional Re-Zoning Exhibits @ 24" X 36", signed and sealed
2. One (1) signed application
3. One (1) application fee in the amount of \$600

Very Respectfully,

A handwritten signature in black ink, appearing to read 'Kate Underwood', written over a horizontal line.

Kate Underwood, PE
Vice President Civil Engineering



Civil - Geotechnical - Surveying



CZ-2019-02 EVANS REZONE
SIGN IN SHEET

DATE: 4.11.19

Kimmy Fisher
BS A YAHOO.COM
j.scott.furr@gmail.com

SIGN OR PRINT NAME LEGIBLE	PLEASE PRINT ADDRESS/ORGANIZATION
BRACK FISHER	200 Elwood ST. Kann. NC 28081
Scott Furr	112 Elwood St. Kannapolis NC 28081
Carmen L. Steen	Townhouse II 1870 S. Main St.
Scott Steen	Townhouse II 1870 S. Main St.
Ed Dehlin	1819 Colony Dr. Kann, NC.
Laurel Dancy	110 Elwood St Kann
Adam & Casey Cox	Evan Development
Kasey Brown	Evan Development
Jersey Chastin	Evan Development
KATE UNDERWOOD	45 SPRING ST SW, CONCORD, NC, 28025 CEST
NATHAN MIKOSKI	1815 COLONY DR. KANN. nate@mikoskiconstruction.com

From: [Kate Underwood](#)
To: [Gretchen Coperine](#)
Cc: [Teresa Chastain](#); [Adam Cox](#)
Subject: Evan Re-zoning Continuance
Date: Friday, March 29, 2019 2:14:12 PM

Gretchen,

We would like to formally request a continuance for the Evan Development Re-zoning so that we can continue to work with the neighbors to address their concerns in advance of the public hearing.

Thank you,

Kate Underwood, PE, LEED AP

Vice President, Civil Engineering

CESI

PO Box 268

Concord, NC, 28026-0268

p. 704.786.5404 x 2007

f. 704.786.7454

m. 980.234.7500

kateunderwood@cesicgs.com

www.cesicgs.com



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000551883

Client: KANNAPOLIS,CITY OF
Phone: 7049204300

Payor : 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
E-Mail: byow@kannapolisnc.gov

Total Amount \$571.54
Payment Amount \$571.54

Amount Due \$0.00

Tax Amount: 0.00

Payment Meth: Credit - Debit Card

Tear Sheets Proofs Affidavits PO Number:
0 0 1

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>	<u>Color</u>
0000551883-01	CLS Liner	2 X 45 li	\$0.00

Production Method
AdBooker (liner)

Production Notes

<u>Product and Zone</u>	<u>Placement</u>	<u>Position</u>	<u># Inserts</u>
CON Independent Trib	C-Announcements	General-Spec Notice	2

Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING Kannapolis City Hall

Run Dates 3/22/2019, 3/29/2019

TagLine: NOTICEOFPUBLICHEARINGKANNAPOLISCITYHALLLAUREATECENTER401LAUREATEWAYKANNAPOLI
SNC28081PLANNINGANDZONINGCOMMISSIONMEETINGWEDNESDAYAPRIL3



NOTICE OF PUBLIC HEARING
Kannapolis City Hall
Laureate Center
401 Laureate Way, Kannapolis, NC 28081

Planning and Zoning Commission Meeting
Wednesday April 3, 2019 at 6:00 pm

Public Hearing Notice

Public Hearing Notice - Zoning Map Amendment - CZ-2019-02 - Public hearing to consider a request to rezone approximately 3.927 +/- acres located on unaddressed property at the end of Fredrick Avenue from RM-2 (Residential Medium Density) to RV-CZ (Residential Village-Conditional Zoning), further identified as Cabarrus County PIN #5612-69-5185 to allow for a 26-unit townhome development.

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

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

Publish: Friday, March 22, 2019, Friday, March 29, 2019

Name	Address	City	State	Zip
HOME REALTY CO & INSURANCE AGENCY	PO BOX 27	KANNAPOLIS	NC	28082
GEORGE FISHER III	200 ELWOOD ST	KANNAPOLIS	NC	28081
LITTLE KINGDOM PROPERTIES LLC	1706 S MAIN ST	KANNAPOLIS	NC	28081
JEREMY & ANGELA BROWN	1540 MOUNT HOPE CHURCH RD	SALISBURY	NC	28146
DANIEL MRAZ	3215 LONDON RD	GREENSBORO	NC	27405
ESTATE OF NORA CROWLEY	4110 FRINGEWOOD DR	CONCORD	NC	28025
C/O LINDA SIDES				
AMOS WESTMORELAND	175 FESCUE DR	BERMUDA RUN	NC	27006
JACQUE HALL	1612 FREDRICK AVE	KANNAPOLIS	NC	28081
JONATHAN & MYRA FURR	112 ELWOOD STREET	KANNAPOLIS	NC	28081
ZEBBIE & MICHELE SIMPSON	1900 S MAIN ST	KANNAPOLIS	NC	28081
PAUL JR & LUCY HILL	544 WILHELM PL NE	CONCORD	NC	28025
RICKY CASEY	568 PINE LINKS DR	TEGA CAY	SC	29708
MORGAN HAYNES	1608 FREDERICK AVE	KANNAPOLIS	NC	28081
ESTATE OF MARY STAFFORD	1888 S MAIN ST	KANNAPOLIS	NC	28081
C/O PAMELA BACHLE				
EDWARD & ANNE DEHLIN	1819 COLONY DRIVE	KANNAPOLIS	NC	28081
CARMEN STEEN	800 EBENEZER RD	KANNAPOLIS	NC	28083
LAUREL DANCY	110 ELWOOD STREET	KANNAPOLIS	NC	28081
HARRY & CHARLEE SMITH	9403 GILPATRICK LANE	HUNTERSVILLE	NC	28078
NANCY HERNDON	112 CHIPPEWA TRAIL	CHINA GROVE	NC	28023
EVAN DEVELOPMENT LLC	PO BOX 5286	CONCORD	NC	28027
MARCUS LINGLE	1800 S MAIN ST	KANNAPOLIS	NC	28081
NATHAN T MIKOSKI	1815 COLONY DR	KANNAPOLIS	NC	28081
CLAUDE J MOSS TRUSTEE	1281 MADISON AVE	KANNAPOLIS	NC	28081
MONTINE M MOSS TRUSTEE				
ETHAN D OVERCASH	1609 FREDRICK AVE	KANNAPOLIS	NC	28081
BROCK & KIMMY FISHER	200 ELWOOD ST	KANNAPOLIS	NC	28081
SCOTT FURR	112 ELWOOD STREET	KANNAPOLIS	NC	28081
SCOTT & CARMEN STEEN	1870 S MAIN STREET	KANNAPOLIS	NC	28081
KATE UNDERWOOD	45 SPRING ST. SW	CONCORD	NC	28025



March 20, 2019

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Wednesday, April 3, 2019 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

CZ-2019-02 – Zoning Map Amendment – Evan Townhomes

The purpose of the Public Hearing is to consider a request by Evan Development, LLC to rezone property located at an unaddressed parcel at the end of Fredrick Avenue from RM-2 (Residential Medium Density) to RV-CZ (Residential Village-Conditional Zoning) to allow for the development of a 26-unit townhome development. The subject property is approximately 3.927 +/- acres in size and further identified as Cabarrus County Parcel Identification Number(s) 5612-69-5185 (see reverse side of this letter for vicinity map showing the location of this property).

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

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

Sincerely,

Gretchen Coperine, AICP
Senior Planner

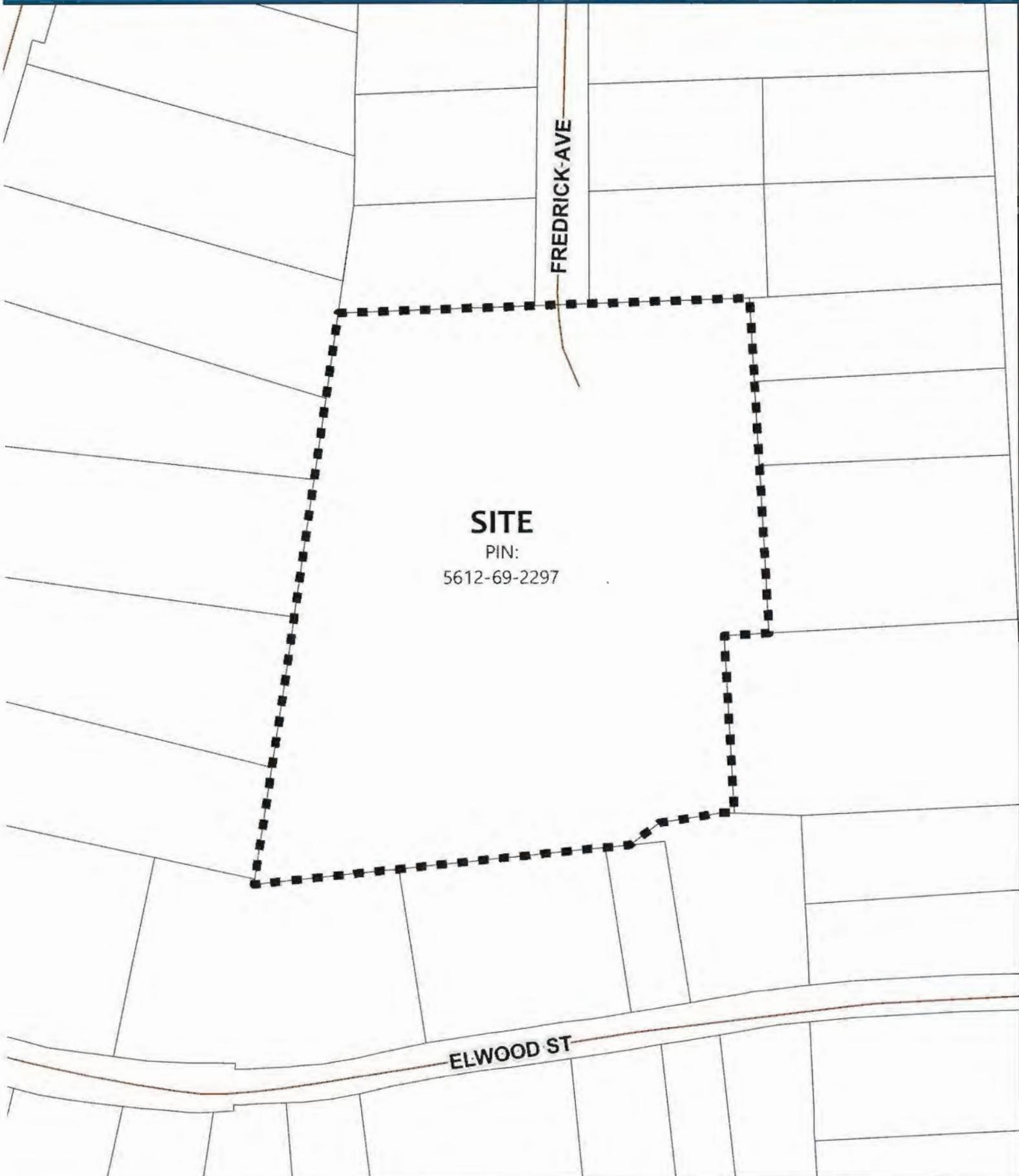
Enclosure

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



Conditional Rezoning- Fredrick Ave.

Case Number: CZ-2019-02
Applicant: Evans Development, LLC
Fredrick Ave.





April 17, 2019

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Wednesday, May 1, 2019 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

CZ-2019-02 – Zoning Map Amendment – Evan Townhomes

This Public Hearing was continued from the April 3, 2019 Planning and Zoning meeting and is to consider a request by Evan Development, LLC to rezone property located at an unaddressed parcel at the end of Fredrick Avenue from RM-2 (Residential Medium Density) to RV-CZ (Residential Village-Conditional Zoning) to allow for the development of a 26-unit townhome development. The subject property is approximately 3.927 +/- acres in size and further identified as Cabarrus County Parcel Identification Number(s) 5612-69-5185 (see reverse side of this letter for vicinity map showing the location of this property).

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

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

Sincerely,

Gretchen Coperine, AICP
Senior Planner

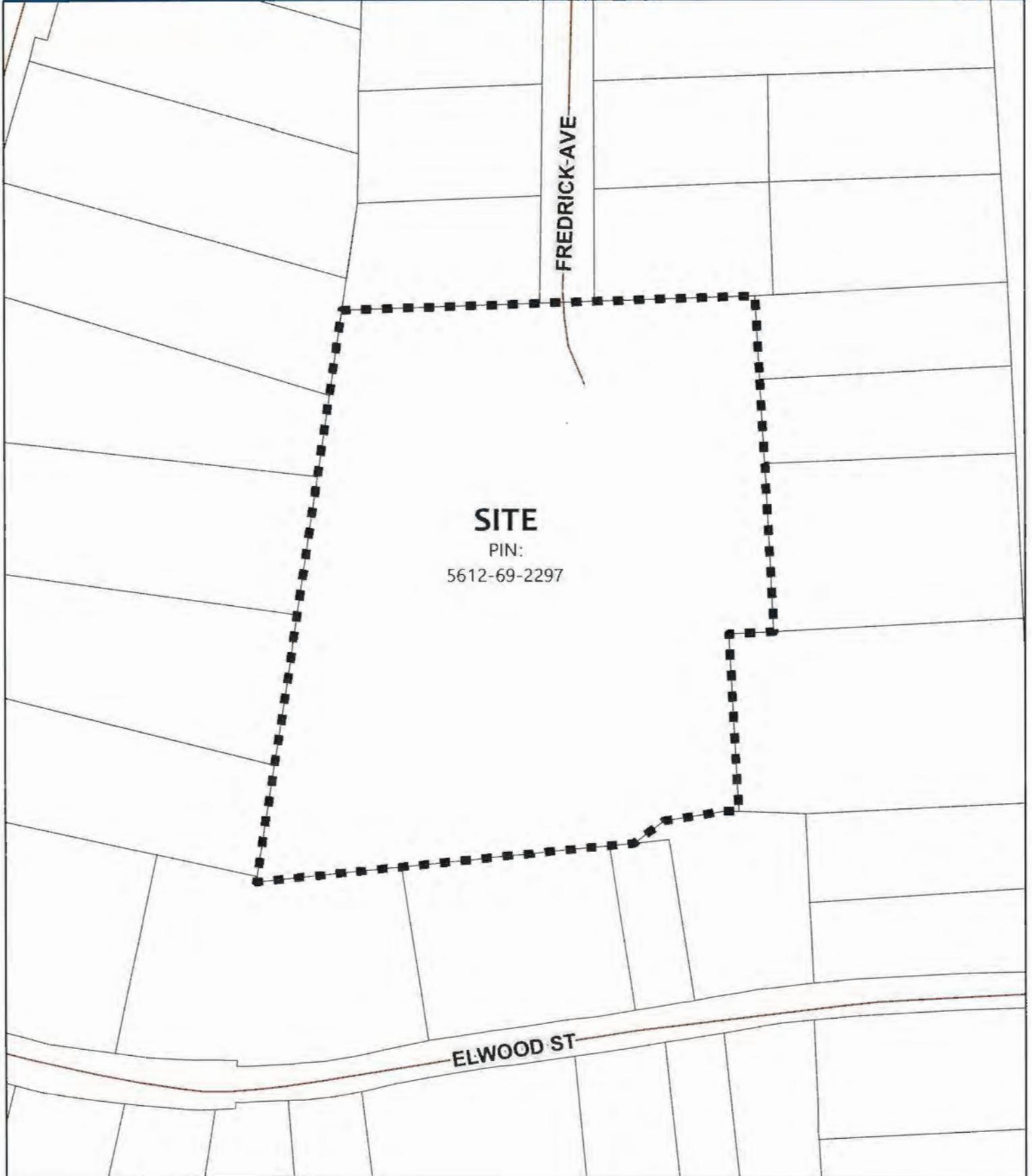
Enclosure

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



Conditional Rezoning- Fredrick Ave.

Case Number: CZ-2019-02
Applicant: Evans Development, LLC
Fredrick Ave.



KANNAPLIS
PLANNING
ZONING
COMMISSION
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # CZ - 2019 - 02

Ti-Gi
Lingerie
From Prim to Provocative
TOWNHOUSE
II
RESTAURANT
BREAKFAST
& ALL DAY





**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE # CZ-2019-02**

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 1, 2019 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone property located on an unaddressed parcel at the end of Fredrick Avenue (Cabarrus County Parcel Identification Number(s) 5612-69-5185) owned by Evan Development, LLC., from City of Kannapolis Residential Medium Density (RM-2) Zoning Designation to City of Kannapolis Residential Village-Conditional Zoning (RV-CZ) Zoning Designation.

NOW, THEREFORE BE IT RESOLVED *that the Planning and Zoning Commission finds this rezoning consistent with the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which locates this property within the Complete Neighborhood 1 Character Area, which calls for multifamily residential as secondary uses. Staff finds the request for rezoning reasonable and in the public interest because it provides for residential uses of a scale appropriate for transitioning between the more intense commercial uses to the east along South Main Street and the lower intensity single family residential neighborhood to the north, south and west of the subject parcel. 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, utilities will be extended to provide adequate access to public facilities.*

Adopted this the 1st day of May 2019:

Scott Trott, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case # CZ-2019-02

(Unaddressed parcel at the end of Fredrick Avenue)

City of Kannapolis Residential Medium Density (RM-2) Zoning District to City of Kannapolis Residential Village-Conditional Zoning (RV-CZ)

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

WHEREAS, Section 3.3.4.2 of the City of Kannapolis Unified Development Ordinance subjects this authority to an affirmative vote of three-fourths of the Commission members present and not excused from voting, or if there is no appeal of the decision; and

WHEREAS, the Commission conducted a public hearing on May 1, 2019 for consideration of rezoning petition Case #CZ-2019-02 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone property located on an unaddressed parcel at the end of Fredrick Avenue (Cabarrus County Parcel Identification Number(s) 5612-69-5185) owned by Evan Development, LLC., from City of Kannapolis Zoning Designation RM-2 – Residential Medium Density to City of Kannapolis Zoning Designation RV-CZ – Residential Village-Conditional Zoning; and

WHEREAS, the Commission has approved the request for rezoning and found it to be consistent with the *Move Kannapolis Forward: 2030 Comprehensive Plan*, reasonable and in the public interest; and

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

1. The size of the tract in question.

The size of the subject tract is approximately 3.9 +/- acres.

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

This property is located in the “Complete Neighborhood 1” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 1 Character Area calls for primary uses of single-family detached and attached residential and civic uses. Secondary uses are intended to be a mixture of multifamily residential, small retail and office, and live-work units. The RV-CZ conditional zoning district with this rezoning proposes a 26-unit townhome development, which fit with the secondary uses of the Complete Neighborhood 1 Character Area.

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

The subject property is located at the end of Fredrick Avenue, and is adjacent to detached single-family residences on the north and west, and partially on the east and south. South Main Street is located on to the east of the property. Parcels to the east along South Main Street are zoned C-2 (General Commercial), including parcels with existing single-family homes. The parcels to the north, south and west are zoned RM-2 (Residential Medium). The subject site is situated between

commercial use along South Main Street and single-family detached uses to the north and west. The requested rezoning proposes a townhome development of a scale that represents an appropriate transition between the commercial uses on South Main Street and the residential area surrounding the subject property.

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 accessed from Fredrick Avenue, which is a City-owned street. The street will need to be extended and brought to City standards in order to access the property as shown on the proposed plan. A full site plan submittal will be required should the rezoning be approved. Appropriate roadway design will be required at that time per City roadway and safety standards.

5. Will there be parking problems?

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

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

There are no anticipated environmental impacts such as water, air, or noise pollution issues associated with the rezoning request. In addition, all development will be required to conform to all applicable local, state, and federal environmental regulations.

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

An environmental study (see attached) has been done on the property where it was determined there is a single jurisdictional stream and wetland seep identified on parcel 56125995920000. The stream is an unnamed tributary to Irish Buffalo Creek. Both features are depicted in the attached Figure 1. The stream is depicted as a blue line feature and would be classified as a perennial stream. The wetland seep is depicted as a purple polygon and is less than .005 acre in size.

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 character of the area in immediate proximity to the proposed use has remained relatively stable over the recent past.

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

Utilities will need to be extended to serve the proposed use.

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

Parcels to the east along South Main Street are zoned C-2 (General Commercial), including parcels with existing single-family homes and commercial uses. The parcels to the north, south and west are zoned RM-2 (Residential Medium) and are used as residential parcels.

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

The subject property is currently zone RM-2, which does not permit townhomes, therefore the applicant seeks a rezoning to RV-CZ to be able to develop 26 townhomes. Single-family detached is also a suitable use for the property.

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

The requested rezoning proposes a townhome development of a scale that represents an appropriate transition between the commercial uses on South Main Street and the residential area surrounding the subject property.

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

The subject property has a shed and building on site.

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 different 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 City of Kannapolis RV-CZ – Residential Village Conditional Zoning District, subject to the following conditions:

1. **The uses permitted with this rezoning shall only include 26 townhomes and amenity building, in general conformance with the plan submitted with this rezoning.**
2. **The concept plan is illustrative. Final Design of the project as reviewed by the Technical Review Committee shall be subject to meeting all city standards.**
3. **The developer, its successors or assigns shall adhere to the Multi-Family Residential Design Standards detailed in Article 11.2. of the UDO.**
4. **A minimum 12-foot buffer shall be provided along the western portion of the subject property. Where necessary, supplemental evergreen plantings shall be installed to achieve opaque screening to the adjacent residential single-family homes along the west property boundary. The vegetation density will be measured by standing adjacent to the multi-family homes on the west side of the Frederick Avenue Extension looking to the west to the adjacent single-family homes. The City of Kannapolis Planner or his/her designee will make the determination on opacity for conformance with this stipulation.**
5. **Any lighting installed on the subject property shall be full cut-off fixtures with all lighting directed downward and away from adjacent properties.**
6. **Streams and wetlands shall be identified by a qualified person and all buffers shown in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with RSOD Buffer requirements or be relocated.**
7. **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. Stormwater BMP's cannot be constructed in the undisturbed buffer.**
8. **Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.**

Adopted this the 1st day of May 2019:

Scott Trott, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission