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

**Minutes of Regular Meeting
October 2, 2019**

The Kannapolis Planning and Zoning Commission met on Wednesday, October 2, 2019 at 6:00 PM at City Hall, 401 Laureate Way, Kannapolis, North Carolina.

Commission Members Present: David Steele, Chairman
Alan Overcash
Jeff Parker
Larry Ensley
Scott Trott

Commission Members Absent: Chris Puckett
Paula Severt
William Cranford

Visitors:

Wilma Blackburn	Larry Blackburn	Robert Hudspeth
David Marlow Sr.	Reid Anderson	Bob Dyer
Todd Fouly	Diane Chappelle	Jerald Chappelle
Lonnie Hatley	Ray Holt	Mark Carpenter
Mike Chisholm	Judy Warlick	Allen Warlick
Brian Bain	David Plyler	Gary Crawford
Janet Crawford	Iris Walker	Kayla Simoneaux
Will Simoneaux	Kathi Brooks	Tracy Little
Tim Brouillette	Alicia Brouillette	Bill Mullis
Janet Mullis	Ryan Kruse	Terry Arnold
Regina Guyer	Robert Grant	

Staff Present: Zac Gordon, AICP, Planning Director
Gretchen Coperine, AICP, Senior Planner
Ryan Lipp, Senior Planner
David Hancock, IT

CALL TO ORDER

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

ROLL CALL AND RECOGNITION OF QUORUM

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

APPROVAL OF AGENDA

Chairman Steele indicated that a request to move case CZ-2019-07 to the November 6, 2019 Planning and Zoning meeting was received and asked for a motion to approve that change. Mr. Trott made the motion to approve the requested change which was seconded by Mr. Parker and the motion was unanimously approved. Chairman Steele asked to approve the amended Agenda which was made by Mr. Ensley, seconded by Mr. Overcash and the motion was unanimously approved.

1
2 **APPROVAL/CORRECTION OF MINUTES**

3 Chairman Steele asked for a motion to approve the September 4, 2019 minutes which was made by
4 Mr. Ensley, seconded by Mr. Parker and the motion was unanimously approved.
5

6 **PUBLIC HEARING**

7 **CZ-2019-06 – Conditional Zoning Map Amendment – 4301 Kannapolis Parkway**

8 Senior Planner, Gretchen Coperine gave a PowerPoint presentation regarding case CZ-2019-06
9 (Exhibit 1), identifying the applicant and parcel identification number. Ms. Coperine stated that the
10 request is for a conditional rezoning for property located at 4301 Kannapolis Parkway from AG
11 (Agricultural) to RC-CZ (Residential Compact-Conditional Zoning) to allow for a 166, single-level
12 apartment development. She directed the Commission's attention to the Vicinity, Zoning, Future Land
13 Use maps and street views providing background and request details for the subject property. Ms.
14 Coperine directed the Commission's attention to the site plan as well as renderings of the proposed units
15 and talked about proposed future connectivity as well as floodplain and buffer areas.
16

17 Ms. Coperine reviewed policy issues for the Commission and advised that staff is recommending
18 approval of the rezoning request with conditions and directed the Commission to the Staff Report for
19 those conditions (Exhibit 1). She reminded the Commission of the actions requested of them and made
20 herself available for questions.
21

22 There being no questions or comments for staff, Chairman Steele opened the Public Hearing.
23

24 Bob Dyer, 7510 East Pleasant Valley Road, Independence, OH, introduced himself as the Director of
25 Acquisitions for Redwood USA, LLC. He introduced Todd Foley, Landscape Architect and Daniel
26 Rankins, P.E. with Bohler Engineering. Mr. Dyer directed the Commission's attention to a PowerPoint
27 and talked about the Redwood company as well as additional details regarding the proposed
28 development. He talked about the projected demographics, rental price, layout of both the units as well
29 as the property and that Redwood will be maintaining ownership of the development. Mr. Dyer stated
30 that the streets within the development will be privately maintained and talked about other Redwood
31 properties in surrounding communities. He thanked the Commission for their time and made himself
32 available for questions.
33

34 Mr. Parker asked about recreational amenities, sidewalks, sprinkler systems, whether gas or electric
35 utilities will be offered and if the development will be a gated community or offer an HOA? Mr. Dyer
36 responded that walking trails will be installed but that other amenities such as a swimming pool, gym
37 or club house are underutilized facilities and that most of Redwood renters prefer larger homes with
38 interior amenities. He added that sidewalks will be installed in addition to the walking and that the
39 development will be constructed to standards as required by the Unified Development Ordinance. Mr.
40 Dyer continued that if the fire department requires installation of sprinkler systems, they will be
41 installed and that all units will be equipped with electric versus gas utilities and that it will not be a
42 gated nor an HOA property.
43

44 Mr. Trott asked about school bus pick-up and drop-off locations? Mr. Dyer responded that they would
45 work with the school systems to determine bus pick-up and drop-off locations.
46

47 Chairman Steele indicated that the proposed gravel drives shown on the site plan for emergency
48 vehicles and connectivity with future development should be paved versus gravel and asked if those

1 drives will be paved at some point? Mr. Dyer admitted that he hadn't thought of paving those roads
2 but that it made sense that they should be paved rather than gravel.

3
4 Mr. Parker asked if Redwood would be extending utilities or would the City be responsible for
5 extending? Mr. Dyer responded that Redwood will be providing utility connectivity.

6 Mr. Ensley asked if a traffic signal will be added at either entrance of the development? Mr. Dyer
7 replied that a trip generation analysis was requested by both NCDOT and the City and that based upon
8 that analysis, a traffic signal isn't warranted.

9
10 Brian Bain, 4251 Glenhaven Drive, Concord, NC, stated that he is with Keller Williams Realty working
11 with Redwood and that Redwood has been very professional, pleasant and respectful. Mr. Bain asked
12 the Planning and Zoning Commission to approve the rezoning application.

13
14 There being no further questions or comments, Chairman Steele closed the public hearing.

15
16 Mr. Parker asked for clarification on the location of Rogers Lake Road in relation to the proposed
17 development which was identified by Ms. Coperine.

18
19 Chairman Steele asked for a motion to adopt or deny the Statement of Consistency for case CZ-2019-
20 06. Mr. Overcash made the motion to approve which was seconded by Mr. Trott and the motion was
21 unanimously approved.

22
23 Chairman Steele asked for a motion to adopt a Resolution to Zone for case CZ-2019-06. Mr. Parker
24 made the motion to approve the rezoning request with conditions as presented by staff which was
25 seconded by Mr. Overcash and the motion was unanimously approved.

26
27 Chairman Steele recognized that several audience members arrived after the meeting started and
28 reiterated that case CZ-2019-07 was moved to the November 6, 2019 meeting.

29
30 **PLANNING DIRECTOR UPDATE**

31 Planning Director, Zac Gordon stated that work on the Unified Development Ordinance (UDO) rewrite
32 is continuing and that as soon as edits to the first draft have been completed, a copy will be provided
33 to the Commission for their review. Mr. Gordon talked about the Cannon Boulevard improvement
34 project and described the process on selecting a contractor as well as projected completion dates for
35 each phase of that process.

36
37 **OTHER BUSINESS**

38 Mr. Gordon stated that City Council declared October as Community Planning Month and that the
39 ceremonial opening of West Ave will be held on October 10, 2019. He provided September
40 development stats and indicated that September's report will be provided to the Commission.

41
42 Mr. Parker asked if 1st Street will be re-opened when West Avenue opens? Mr. Gordon responded
43 that 1st Street will be open and talked about the continued work on the baseball stadium adding that the
44 new name for the baseball team will be revealed on October 23, 2019 at the Gem theater for those who
45 are interested in attending.

46
47 Chairman Steele asked for a motion to approve the 2020 meeting schedule which was made by Mr.
48 Ensley, seconded by Mr. Trott and the motion was unanimously approved.

1 **ADJOURN**

2 There being no further business, questions or comments, Chairman Steele asked for a motion to adjourn
3 which was made by Mr. Ensley, seconded by Mr. Overcash and the meeting was adjourned by
4 unanimous vote at 6:50 PM on Wednesday October 2, 2019.
5

6
7 *Chris Puckett*

8 ~~David Steele, Chairman~~ *Chris Puckett, Vice-Chairman*
9 Planning and Zoning Commission

10 *Pam Scaggs*

11
12 Pam Scaggs, Recording Secretary
13 Planning and Zoning Commission

EXHIBIT 1



Planning & Zoning Commission October 2, 2019 Meeting

Staff Report

DATE: September 25, 2019
TO: Planning & Zoning Commission
FROM: Gretchen Coperine, AICP, Senior Planner
SUBJECT: Case #CZ-2019-06: 4301 Kannapolis Parkway
Conditional Zoning Map Amendment
Applicant: Redwood USA, LLC

The applicant is requesting to rezone property located at 4301 Kannapolis Parkway from Agricultural (AG) to Residential Compact-Conditional Zoning (RC-CZ).

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 AG (Agricultural) to RC-CZ (Residential Compact-Conditional Zoning). The attached plan shows a 166-unit residential development. The units are intended to be single-level, attached rental units.

The property owner is Julia Hatley, who also owned property abutting the subject parcel and fronting Kannapolis Parkway. In 2008 under rezoning case Z-08-17, parcels 1 and 15 of the then-Hatley

property were rezoned for commercial use. (See attached Z-08-17 plan for reference). At the time, various connection points were established to adjacent properties, to which the subject rezoning plan proposes to connect.

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 37 +/- 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 largely within the “Complete Neighborhood 2” Character Area, with a small portion within the “Neighborhood Transition 1” and “Primary Activity Center” Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*.

The Complete Neighborhood 2 Character Area calls for primary uses of single-family detached and attached residential, multi-family residential, small format retail and civic uses. Secondary uses are intended to be small format office and live-work units.

The Neighborhood Transition 1 Character Area calls for primary uses of single-family detached and attached residential and civic uses. Secondary uses are intended to be multifamily residential, small retail and office, and live-work units.

The Primary Activity Center Character Area calls for primary uses of retail, office and multi-family. Secondary uses are intended to be institutional, light manufacturing and single-family attached residential.

The RV-CZ conditional zoning district with this rezoning proposes a 166-unit single-level attached residential apartment development, which fits with the Character Areas within which the property is situated.

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

The subject property is located on the west side of Kannapolis Parkway. Parcels to the north and east are zoned Agricultural (AG) and could be developed in the future. Parcels to the east and south along Kannapolis Parkway are zoned C-2 (General Commercial). Parcels to the south are also zoned Residential Low Density (RL) and Office-Institutional (O-I). Parcels to the west are zoned Residential Medium Density (RM-1).

The requested rezoning proposes a residential development of a scale that represents an appropriate transition between the commercial uses on Kannapolis Parkway and the medium - density residential zoning to the west of 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 Kannapolis Parkway, which is a State-owned road. As such, NCDOT and the City will need to review and approve the location of access from Kannapolis Parkway. A full site plan submittal will be required should the rezoning be

approved. Improvements along Kannapolis Parkway shall be determined at final site plan review, and would typically include turn lanes into the development.

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.

At the time of final site plan approval, appropriate City, County and State reviews will ensure there are no negative impacts to the existing floodplain on this site.

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 area along Kannapolis Parkway is continuing to develop/redevelop as a major residential, office and commercial corridor. Adequate utilities exist or will be extended as development/redevelopment occurs along the Parkway.

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?

The subject property is located on the west side of Kannapolis Parkway. Parcels to the north and east are vacant and zoned Agricultural (AG) and could be developed in the future. Parcels to the east and south along Kannapolis Parkway are also vacant and zoned C-2 (General Commercial). Parcels to the south are vacant and zoned Residential Low Density (RL) and Office-Institutional (O-I). Parcels to the west are zoned Residential Medium Density (RM-1) and developed with single-family homes.

Most parcels adjacent to the subject property are vacant. The exceptions are the medical use to the east of the property along Kannapolis Parkway and an existing single-family home to the south along Kannapolis Parkway.

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

The subject property is currently zoned AG, which does not permit single-family attached residences. Therefore, the applicant is seeking to rezone to RV-CZ to be able to develop a 166-unit, single-level attached residential apartment development. Townhome development 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 single-family attached development of a scale that represents an appropriate transition between the commercial uses on Kannapolis Parkway and the residential zoned land surrounding the subject property.

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

The subject property has a structure on the 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 largely within the “Complete Neighborhood 2” Character Area, with a small portion within the “Neighborhood Transition 1” and “Primary Activity Center” Character Areas. Staff finds the request for rezoning reasonable and in the public interest because it allows for residential land use of a scale appropriate for transitioning between the more intense commercial uses to the east along Kannapolis Parkway and the medium-density single-family residential zoned uses to the west of the subject parcel. The proposed rezoning is compatible with surrounding zoning and is not anticipated to have an adverse effect on the capacity and safety of the adjacent street network, nor is anticipated to generate parking problems or any adverse impact on the environment. Finally, the proposed development will be adequately served by public water and sewer service.

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-2019-06:

1. **The uses permitted with this rezoning shall only include 166-unit single-level attached residential units, in general conformance with the site plan and architectural elevations 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 applicable UDO and other city standards.**
3. **Final roadway design shall be determined during site plan review.**
4. **Final site access shall be approved by NCDOT and the City.**
5. **All lighting installed on the subject property shall utilize full cut-off fixtures with all lighting directed downward and away from adjacent properties.**
6. **Streams and wetlands shall be identified by a qualified professional 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.**

7. **A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO. Easements, maintenance agreements and adequate access shall be provided for all stormwater structures and BMP's. Stormwater BMP's cannot be constructed in the undisturbed buffer.**
8. **Fire hydrants and fire protection equipment shall comply with Appendix C.3 of the UDO and all applicable 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-2019-06, 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 largely within the “Complete Neighborhood 2” Character Area, with a small portion within the “Neighborhood Transition 1” and “Primary Activity Center” Character Areas. Staff finds the request for rezoning reasonable and in the public interest because it allows for residential land use of a scale appropriate for transitioning between the more intense commercial uses to the east along Kannapolis Parkway and the medium-density single-family residential zoned uses to the west of the subject parcel. The proposed rezoning is compatible with surrounding zoning and is not anticipated to have an adverse effect on the capacity and safety of the adjacent street network, nor is anticipated to generate parking problems or any adverse impact on the environment. Finally, the proposed development will be adequately served by public water and sewer service.

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-2019-06, 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-2019-06 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 not to adopt the Resolution to Zone.

I. Attachments

1. Conditional Rezoning Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Z-08-17 Plan for Reference
6. Site Plan
7. Proposed Elevation
8. Neighborhood Meeting and Information
9. Notice of Public Hearing
10. List of Notified Properties
11. Letters to Adjacent Property Owners
12. Posted Public Notice
13. Resolution to Adopt a Statement of Consistency
14. Resolution to Zone

J. Issue Reviewed By:

- City Manager
- City Attorney
- Planning Director