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

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**Minutes of Regular Meeting
December 4, 2019**

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The Kannapolis Planning and Zoning Commission met on Wednesday, December 4, 2019 at 6:00 PM at City Hall, 401 Laureate Way, Kannapolis, North Carolina.

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Commission Members Present: David Steele, Chairman
Chris Puckett, Vice-Chairman
Alan Overcash
Jeff Parker
Paula Severt
Scott Trott

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Commission Members Absent: Larry Ensley
William Cranford

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Visitors: Peter Tatge Casey Warner Dan Brewer
Andrew Eagle Scarlet White Jason Fisher
Tammy Freetag Ralph Deal Juventino Marquez
Sedora Garrett Brenda King

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

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CALL TO ORDER

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

APPROVAL/CORRECTION OF MINUTES

Chairman Steele asked for a motion to approve the November 6, 2019 minutes which was made by Vice-Chairman Puckett, seconded by Mr. Overcash and the motion was unanimously approved.

PUBLIC HEARING

CZ-2019-08 – Conditional Zoning Map Amendment – Various Parcels west of N. Main Street, south of West 21st Street

Senior Planner, Gretchen Coperine gave a PowerPoint presentation regarding case CZ-2019-08 (Exhibit 1), identifying the applicant, property owner, parcel identification numbers and noted that proper notification had been made by mail, newspaper and signage posted on the property. Ms. Coperine stated that the conditional rezoning request includes various parcels located west of North Main Street and south of West

1 21st Street from RV (Residential Village) to PUD-CZ (Planned Unit Development-Conditional Zoning) to
2 allow for a mixture of a single-family and townhome residential development with a maximum of 375
3 proposed units. She indicated that a previous rezoning request for the same parcels was approved in 2007
4 (Z-2007-10 – Exhibit 2) that was much denser than what is being proposed and provided the background
5 details and differences between the two cases.
6

7 Ms. Coperine directed the Commission's attention to the Vicinity, Zoning, and Future Land Use maps,
8 providing details of the proposed development plan for the subject property as well as access points to the
9 development. She directed the Commission's attention to the site plan as well as renderings of the proposed
10 units and talked about the floodplain, buffering, and an additional gated access for emergency response
11 vehicles to be located at W 19th Street. Ms. Coperine noted that a condition of approval has been added to
12 mitigate concerns with an adjacent property owner located on the west side of Harkey Avenue and read
13 condition #17 regarding fencing aloud for the Commission. She directed the Commission's attention to
14 street and aerial views of the subject property, providing additional details on the requested rezoning.
15

16 Ms. Coperine reviewed policy issues for the Commission and reiterated details regarding street network
17 improvements as required by NCDOT. She advised that staff is recommending approval of the rezoning
18 request with conditions and directed the Commission to the Staff Report for a list of those conditions
19 (Exhibit 1). She reminded the Commission of the actions requested of them and made herself available for
20 questions.
21

22 Peter Tatge, ESP Associates, identified himself as representing the applicant and introduced Casey Warner,
23 Director of Land Development, Dan Brewer, Engineer, Andrew Eagle, Traffic Engineer and Scarlet White,
24 Landscape Architect. Mr. Tatge gave a PowerPoint presentation, providing additional details regarding the
25 requested rezoning and proposed development. He talked about neighborhood meetings, as well as
26 amenities such as streetscapes, walking trails, "pocket parks" and an amenity center which would include
27 a swimming pool. Mr. Tatge noted further details regarding street improvements and sidewalks and asked
28 the Commission to consider that the request is less dense than what was previously approved.
29

30 Mr. Steele asked if the applicant agrees to Condition #17 as was read into the record by Ms. Coperine? Mr.
31 Tatge responded yes and that they agree with all conditions presented by staff.
32

33 Mr. Tatge responded to questions from Mr. Parker, Vice-Chairman Puckett and Mr. Trott regarding whether
34 the project will be phased; how the applicant intends to ensure that the homes will be for sale versus rent;
35 whether the street improvement at Bakers Creek will include a bridge and sidewalks; and the number of
36 water retention ponds? Mr. Tatge responded that the project will be phased and expects the build-out to last
37 approximately 5 years. He indicated that the applicant is working with developers who are known to be
38 owner occupied developers but after a home is purchased, can't control whether the property owner sells
39 or rents their home. Mr. Tatge stated that the Bakers Creek street improvement will have sidewalks but
40 does not know if a bridge will be required. With regard to water retention ponds, he stated that 6 (six)
41 retention ponds are shown on the site plan but that there could be more or less depending on what is
42 recommended or required as development progresses.
43

44 There being no questions or comments for staff, Chairman Steele opened the Public Hearing.
45

46 Sedora Garrett, 407 W 21st Street, asked for clarification on whether street improvements would be made
47 to Harkey Avenue or to W 21st Street and expressed concern that W 19th Street will be used for emergency
48 vehicle access versus regular access for the development. Ms. Garrett also expressed concern regarding
49 buffering. Ms. Coperine responded that Harkey Avenue will be widened to provide access to the
50 development and reiterated the buffering requirements. She stated that right-of-way acquisitions on W 19th

1 Street would create too much negative impact for property owners along W 19th Street and cited that as
2 being the determining factor to not include W 19th Street as a full-access point to the proposed development.
3

4 Mr. Steele asked Mr. Tatge if mature trees will be removed to plant new trees as part of the buffering
5 requirement? Mr. Tatge responded that mature vegetation will remain as much as possible but that new
6 vegetation could also be added to meet the buffer requirements of the Unified Development Ordinance
7 (UDO).
8

9 Tammy Freetag, 201 W 18th Street, expressed concern regarding removal of existing homes along W 18th
10 Street as well as traffic impacts.
11

12 Brenda King, 2005 Plaza Avenue, expressed concern regarding traffic and school impacts.
13

14 There being no further questions or comments, Chairman Steele closed the public hearing.
15

16 Ms. Coperine asked the Commission to consider that under the current RV (Residential Village) zoning, 8
17 (eight) units per acre would be permitted without any street improvements. She added that the requested
18 rezoning is much less than the current permitted density and that street improvements will be required if
19 approved.
20

21 Chairman Steele asked for a motion to adopt or deny the Statement of Consistency for case CZ-2019-08.
22 Vice-Chairman Puckett made the motion to approve which was seconded by Mr. Overcash and the motion
23 was unanimously approved.
24

25 Chairman Steele asked for a motion to adopt a Resolution to Zone for case CZ-2019-08. Mr. Trott made
26 the motion to approve the rezoning request with conditions as presented by staff which was seconded by
27 Mr. Steele and the motion was unanimously approved.
28

29 **PLANNING DIRECTOR UPDATE**

30 Planning Director, Zac Gordon, provided updates regarding the Cannon Boulevard improvement project,
31 the Unified Development Ordinance rewrite, and various development projects in the City.
32

33 **OTHER BUSINESS**

34 Mr. Gordon responded to questions from the Commission regarding construction of a new high school to
35 be located at the end of Rogers Lake Road and Kannapolis Parkway, the proposed townhomes located
36 downtown on W D Street, and the City Council decision regarding the requested Orphanage Road rezoning
37 request (CZ-2019-07). Mr. Gordon also provided an update on the widening of Hwy 3 (Mooresville Road)
38 and the annexation of property located at the new I-85 exit #65.
39

40 **ADJOURN**

41 There being no further business, questions or comments, Chairman Steele asked for a motion to adjourn
42 which was made by Vice-Chairman Puckett, seconded by Mr. Overcash and the meeting was adjourned by
43 unanimous vote at 7:00 PM on Wednesday December 4, 2019.
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51 Pam Scaggs, Recording Secretary

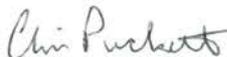

~~David Steele, Chairman~~ Chris Puckett, Vice-Chairman
Planning and Zoning Commission

EXHIBIT 1

Planning Minutes - 12/4/2019



Planning & Zoning Commission December 4, 2019 Meeting

Staff Report

DATE: November 19, 2019

TO: Planning & Zoning Commission

FROM: Gretchen Coperine, AICP, Senior Planner

SUBJECT: **Case #CZ-2019-08: Various Parcels west of N. Main Street, south of West 21st Street**
Conditional Zoning Map Amendment
Applicant: Suncrest Real Estate & Land, LLC

The applicant is requesting to rezone various unaddressed parcels west of North Main Street, and south of West 21st Street, from RV (Residential Village) to PUD-CZ (Planned Unit Development – Conditional Zoning District). These parcels were previously rezoned to RV-CZ under case Z-07-10, which expired due to inactivity of development on the site.

A. Actions Requested by Planning & Zoning Commission

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

B. Decision and Required Votes to Pass Requested Actions

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

C. Background

The subject rezoning proposes a total of 375 units, including 275 single-family detached homes and 100 townhome units. The proposed density is 3.5 units/acre. The current plan provides a perimeter buffer of 30 feet as shown on the attached site plan. This property was previously approved for rezoning in 2010 under case Z-07-10 for a total of 588 units, including 240 apartments, 88 townhomes, and 260

single-family units. The effective density of that proposal was 5.65 units/acre and the plan did not provide perimeter buffers. (See attached Z-07-10 site plan).

Two neighborhood meetings were held on July 18, 2019 and November 21, 2019. At the second community meeting, an updated version of the originally proposed plan was presented and is the version of the plan that is being proposed with this rezoning.

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 106.232 +/- acres.

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

This property is located in the "Complete Neighborhood 2" Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 2 Character Area calls for primary uses of single-family detached and attached residential, multi-family residential, small format retail, and civic uses. Secondary uses are intended to be a small format office, and live-work units. The PUD-CZ conditional zoning district with this rezoning proposes a 375 mixed-unit-type development, which fits with the primary uses of the Complete Neighborhood 2 Character Area.

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

The subject properties are located west of North Main Street, south of West 21st Street. Parcels to the north, south and east are zoned RV (Residential Village) and are developed with existing single-family homes and commercial uses. The parcels to the north and south are zoned C-2 (General Commercial) and developed with both single-family homes and commercial development. Parcels to the west are zoned RC (Residential Compact) and are the site of The Falls subdivision. The subject site is situated between commercial uses along North Main Street and single-family detached to the north, south, east and west. The requested rezoning proposes a mixture of single-family and townhome development of a scale that represents an appropriate transition between the commercial uses on North 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 proposed project will be accessed from West 18th Street off North Main Street and Harkey Ave., off West 21st Street. West 18th Street, West 21st Street and Harkey Ave. are City owned and maintained roads. North Main Street is an NCDOT owned and maintained road.

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

- **West 21st Street and Harkey Ave./Access A:**
Construct Access A with one ingress lane and one egress lane (1 left-through-right).

- **North Main Street and West 18th Street/Access B:**
Construct Access B with one ingress lane and one egress lane.
Construct a 100-foot southbound right turn taper off North Main Street.

A full site plan submittal will be required should the rezoning be approved. Appropriate roadway design will be required at that time per City and NCDOT roadway and safety standards, including upgrades to the existing conditions of West 18th Street and Harkey Ave. accessing 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.

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

7. Has there been any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development?

The character of the area in immediate proximity to the proposed use has remained relatively stable over the recent past. However, some redevelopment is occurring in the area.

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

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

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

The subject properties are located west of North Main Street, south of West 21st Street. Parcels to the north, south and east are zoned RV (Residential Village) and are developed with existing single-family homes and commercial uses. The parcels to the north and south are zoned C-2 (General Commercial) and developed with both single-family homes and commercial development. Parcels to the west are zoned RC (Residential Compact) and are the site of The Falls subdivision.

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

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

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

The subject site is situated between commercial uses along North Main Street and single-family detached uses to the north, south, east and west. The requested rezoning proposes a mixture of single-family and townhome development of a scale that represents an appropriate transition between the commercial uses on North 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 been vacant since at least 1993, according to aerial photography.

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

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

14. Was the existing zoning in error at the time of adoption?

No.

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

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

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

The Planning and Zoning Commission may choose to approve or deny the petition as presented.

Based on the request being consistent with the Move Kannapolis Forward 2030 Comprehensive Plan, staff recommends approval with the following conditions of Zoning Map Amendment Case #CZ-2019-08:

1. The uses permitted with this rezoning shall only include 375 units (275 single-family detached and 100 townhomes) and amenity building, in general conformance with the plan submitted with this rezoning.
2. The concept plan is illustrative. Final Design and approval of the project, as reviewed by the Technical Review Committee, shall be subject to meeting all city standards.

3. All road intersections, where development has access and/or street frontage, shall be approved by NCDOT and the City.
4. The developer will construct curb and gutter and sidewalk along the entire road frontage where development has access and/or street frontage. The improvements will be constructed to NCDOT and City standards.
5. The lane widths, sidewalks, pavement structure, road alignment, and road grades shall be constructed to current City standards.
6. Any lighting installed on the subject property shall be full cut-off fixtures with all lighting directed downward and away from adjacent properties.
7. The developer shall comply with current Land Development Standards Manual.
8. Roads and parking lots shall comply with all Fire Codes and Autoturn shall be run for an SU-30 and Bus-45 (mimics ladder truck).
9. Streams and wetlands shall be identified by a qualified person and all buffers shown in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with AE Zone & RSOD Buffer requirements or be relocated.
10. 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 SCM's. Stormwater SCM's cannot be constructed in the undisturbed buffer. Additional requirements are necessary to verify design of SCM within AE Zone (see attached comments on sketch plan).
11. Water and sewer main extensions will be required for this project. The developer shall be responsible for designing, permitting and constructing water and sewer mains in accordance with City and WSACC standards.
12. All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement. The water and sewer mains shall be located in the roadway under the pavement per the City's Typical Utility Layout.
13. Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-feet wide. Additional width may be required depending on the depth of the line. Sanitary sewer lines and storm sewer lines shall be located within Common Open Space. (Easements centered on property lines shall not be permitted.) Viable access shall be provided along all easements with a grade no greater than 15% for maintenance vehicles and cross slopes shall not exceed 5%.
14. The Fire Department shall approve locations of all hydrants.
15. Prior to platting the 31st parcel/lot, an emergency access road is required. Emergency access shall remain open at all times. Prior to platting the 100th parcel/lot, a permanent second access (built to City standards) is required.
16. 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-2019-08, a motion should be made to adopt the following Statement of Consistency:

Statement of Consistency: *The Planning and Zoning Commission finds this rezoning consistent Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which locates this property within the Complete Neighborhood 2 Character Area and calls for primary uses of single-family detached and attached residential, multi-family residential, small format retail, and civic uses.*

Staff finds the request for rezoning reasonable and in the public interest because it provides for residential uses of a scale appropriate for transitioning between the more intense commercial uses to the east along North 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 it anticipated to generate parking problems or any adverse impact on the environment. Finally, adequate public facilities will be provided to the proposed development through the extension of utilities and improvements to the adjoining street network.

Motion 2 – Approval to rezone – Resolution to Zone

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

DENIAL

Motion 1 – Statement of Consistency

Should the Commission choose to deny the rezoning request as presented in Case #CZ-2019-08, 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-2019-08 to be inconsistent with the Move Knapolis Forward 2030 Comprehensive Plan, adopted by City Council, because (state reason(s) and is neither reasonable nor in the public interest because (state reason(s) and is therefore denied based on the criteria in Section 3.3.5 of the UDO for evaluating zoning requests, consideration of the application materials and information presented at the Public Hearing..

Motion 2 – Denial of Rezoning

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

I. Attachments

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

J. Issue Reviewed By:

- City Manager
- City Attorney
- Planning Director