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

**Minutes of Regular Meeting
January 8, 2020**

The Kannapolis Planning and Zoning Commission met on Wednesday, January 8, 2020 at 6:00 PM at City Hall, 401 Laureate Way, Kannapolis, North Carolina.

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

Commission Members Absent: David Steele, Chairman
William Cranford

Visitors:

Matt Pannell	Linnea Horne	Johnny Horne
Shailesh Punara	Doug Conner	Ricky Godwin
Trina Godwin	Charles Beardman	Roberta Crawford
Don Totter	Tony Hurlocker	Lisia Hurlocker
Robb Klauk	Mark Goodnight	Lynn Fesperman
Shayne Fesperman	Dan Dunham	George Foulas
Glenda Smith	Shelly Arledge	Ashley Hines
Rick Meeks	Matthew Linker	

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

CALL TO ORDER

Vice-Chairman Puckett 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

Vice-Chairman Puckett asked for a motion to amend the Agenda to reflect moving Public Hearing item B to be the first hearing. Mr. Parker made the motion to approve the amended Agenda which was seconded by Mr. Trott and the motion was unanimously approved.

APPROVAL/CORRECTION OF MINUTES

Vice-Chairman Puckett asked for a motion to approve the December 4, 2019 minutes which was made by Mr. Trott, seconded by Ms. Severt and the motion was unanimously approved.

1 **PUBLIC HEARING**

2 **CZ-2019-09 – Conditional Zoning Map Amendment – Shops on the Parkway 2**

3 Senior Planner, Gretchen Coperine gave a PowerPoint presentation regarding case CZ-2019-09 (Exhibit 1),
4 identifying the applicant, property owner, parcel identification numbers and noted that proper notification
5 had been made by mail and newspaper, and that signage was posted on the property. Ms. Coperine stated
6 that the conditional rezoning request includes property located on the east side of Kannapolis Pkwy, north
7 of Glen Afton Blvd. from RE (Rural Estate) to C-2-CZ (General Commercial-Conditional Zoning) to allow
8 for a shopping center with a restaurant and drive-thru.
9

10 Ms. Coperine directed the Commission’s attention to the Vicinity, Zoning, and Future Land Use maps, and
11 provided details of the proposed shopping center. She noted that the subject property is located in the Farm
12 Hill Small Area Plan which recommends transition to retail along Kannapolis Parkway. Ms. Coperine
13 directed the Commissions attention to the site plan as well as street and aerial views of the subject property,
14 providing additional details on the requested rezoning.
15

16 Ms. Coperine reviewed policy issues for the Commission and reiterated details regarding connectivity to
17 and from the proposed shopping center. 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 Rick Meeks, 317 Sycamore Ridge Rd NE, Concord, NC, identified himself as the applicant for the proposed
23 project and indicated that the proposed shopping center is “Phase 2” of the Small Shops on the Parkway.
24 Mr. Meeks indicated that the shopping center will essentially mirror the shopping center across Glen Afton
25 Blvd. He noted that a medical tenant is interested in occupying space in the proposed shopping center as
26 well as a national restaurant chain.
27

28 Mr. Parker asked if the building will be a single-story building? Mr. Meeks replied that it will be single-
29 story.
30

31 There being no additional questions or comments for staff, Vice-Chairman Puckett opened the Public
32 Hearing.
33

34 Roberta Crawford, 780 Archdale Drive, stated that she lives on the backside of the proposed development
35 and talked about the initial plan that was presented as the Farm Hill Small Area Plan versus the development
36 that is taking place, particularly the development of a 4-lane highway [Glen Afton Blvd.]. Ms. Crawford
37 expressed concern regarding existing traffic issues as well as access for emergency vehicles. She asked if
38 there were any plans to build a 4-lane highway [Glen Afton Blvd] to alleviate traffic congestion? Ms.
39 Coperine responded that the proposed development is fronting Kannapolis Parkway and that the Ordinance
40 does not require a developer to extend roadways beyond the subject property. Mr. Puckett asked Ms.
41 Coperine to also address Ms. Crawford’s concerns regarding access for emergency vehicles. Ms. Coperine
42 responded that the existing development is accessible through Sportsman Drive.
43

44 Charles Bradshaw, 671 Sportsman Drive, indicated that he lives directly behind the subject property. Mr.
45 Bradshaw stated that a stream runs behind his property as well as neighboring properties which have flooded
46 in the past and expressed concern regarding future flooding as well as construction having negative impacts
47 on his well and quality of the well water. Ms. Coperine responded that if the rezoning request were to be
48 approved, an engineered survey will be completed which would identify any environmental issues. She
49 added that the survey will be reviewed by the City, County and State, and if any impacts are identified,
50 additional buffer requirements would be placed upon the subject property as part of the approval process.

1 Mr. Parker asked if there were any plans to extend water utilities into the area or to the neighborhood located
2 behind the subject property? Ms. Coperine responded that she does not know where utilities are currently
3 located but that utilities will be extended along Kannapolis Parkway but not down into the neighborhood.
4

5 Mr. Bradshaw indicated that he is not interested in connecting to City utilities and wants to keep his well
6 but is concerned that construction will negatively impact his well and the quality of the well water.
7

8 Mr. Meeks addressed Mr. Bradshaw's concerns stating that there will not be any blasting to the subject site,
9 so he does not anticipate any negative impacts to surrounding property owners or well systems. He noted
10 that he was not made aware of any negative impacts during the construction of Phase 1 of the Small Shops.
11

12 There being no further questions or comments, Vice-Chairman Puckett closed the public hearing.
13

14 Vice-Chairman Puckett asked for a motion to adopt or deny the Statement of Consistency for case CZ-
15 2019-09. Mr. Trott made the motion to approve which was seconded by Mr. Ensley and the motion was
16 unanimously approved.
17

18 Vice-Chairman Puckett asked for a motion to adopt a Resolution to Zone for case CZ-2019-09. Mr. Parker
19 made the motion to approve the rezoning request with conditions as presented by staff which was seconded
20 by Mr. Overcash and the motion was unanimously approved.
21

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

23 Senior Planner, Gretchen Coperine gave a PowerPoint presentation regarding case CZ-2019-05 (Exhibit 2),
24 identifying the applicant, property owner, parcel identification numbers and noted that proper notification
25 had been made by mail and newspaper, and that signage was posted on the property. Ms. Coperine stated
26 that the conditional rezoning request includes 4800 Mooresville Rd. as well as unaddressed parcels located
27 on the north side of Mooresville Rd (NC 3), west of Rainbow Dr. from CD (Campus Development) to PUD-
28 CZ (Planned Unit Development-Conditional Zoning) to allow for a mixture of a single-family and
29 townhome residential development with a maximum of 372 proposed units.
30

31 Ms. Coperine directed the Commission's attention to the Vicinity, Zoning, and Future Land Use maps,
32 providing details of the proposed development plan. She directed the Commission's attention to the site
33 plan, aerial and street view photos of the subject property and talked about access points as well as specific
34 unit counts for the development.
35

36 Ms. Coperine reviewed policy issues for the Commission and provided details regarding street network
37 improvements as required by NCDOT (Traffic Impact Study-TIA) as well as the existing NCDOT widening
38 project of Hwy 3 (Mooresville Road). She advised that staff is recommending approval of the rezoning
39 request with conditions and directed the Commission to the Staff Report for a list of those conditions
40 (Exhibit 2). She reminded the Commission of the actions requested of them and made herself available for
41 questions.
42

43 Mr. Parker directed Staff's attention to Condition #6 of the Staff Report (Exhibit 2) and asked for an
44 explanation of the term "SU30". Ms. Coperine responded that SU30 is a fire truck standard that requires
45 minimum road width and radii to allow for adequate emergency response and protection.
46

47 Mr. Parker directed staff's attention to Condition #17 of the Staff Report (Exhibit 2) and asked if the
48 required emergency access road will be a public or private road? Ms. Coperine responded that the Ordinance
49 requires that any development over 30 lots must have a remote emergency access road which typically
50 remains private until the development reaches 100 lots, at which point the access road would become a

1 public access road. She added that the fire department reviews location of the emergency access road to
2 ensure that they always have access to a development.

3
4 Vice-Chairman Puckett expressed concern for vehicles on Hwy 3 traveling Mooresville Rd. from
5 Kannapolis Parkway who may encounter a vehicle attempting to make a left turn into the development and
6 asked if a turn lane will be required? Ms. Coperine deferred to the developer.

7
8 Mr. Ensley asked if there will be any road improvements to Rainbow Dr.? Ms. Coperine responded that
9 with regards to the proposed development, NCDOT is not requiring road improvements to Rainbow Dr.
10 except for ingress/egress to the development.

11
12 Matt Pannell, 6701 Carmel Road, Charlotte, NC, applicant, and Robb Klauk, Engineer with Land Design,
13 made themselves available for questions.

14
15 Mr. Parker asked if the development will be phased and when development should expect to be completed?
16 Mr. Pannell responded that they anticipate a 2-phased project without gaps in the construction and expect
17 to begin closing on properties approximately November or December of 2021 with final closing in 2026.

18
19 Mr. Trott asked if the development will have a homeowner's association (HOA) and if there will be any
20 amenities included? Mr. Pannell responded that an HOA will be established and that approximately 2-1/2
21 acres will be dedicated for a clubhouse, pool and playground area.

22
23 Mr. Ensley directed attention to the neighborhood meeting notes from September 16, 2019 and asked if a
24 school impact study had been conducted? Mr. Pannell responded that a study had not been conducted
25 because it was not required. Mr. Ensley asked staff what schools will be impacted by the development.
26 Planning Director, Zac Gordon indicated that he does know the percentage of capacity for each of the
27 schools but noted that the elementary school may be impacted. Mr. Gordon noted that he understands school
28 impacts are a concern, but schools are not a factor when determining adequacy issues as they are funded by
29 other entities.

30
31 Mr. Ensley asked the location of parking for the townhomes? Mr. Pannell responded that the townhomes
32 will have detached garages.

33
34 Mr. Parker asked if guests of the townhomes will be parking on the street? Mr. Klauk responded that on-
35 street parking will be provided for the townhome portion of the development.

36
37 There being no further questions or comments, Vice-Chairman Puckett opened the Public Hearing.

38
39 Mark Goodnight, 909 N. Main St., asked for confirmation that drivers traveling on Mooresville Rd from
40 Kannapolis Parkway wanting access to the development will have to utilize Rainbow Rd? Mr. Klauk
41 responded that a median will be constructed to prevent a left turn from Mooresville Rd into the development
42 but that a U-turn lane will be constructed before reaching Rainbow Dr. He added that access to the
43 development from Mooresville Rd will be right-in, right-out. Mr. Goodnight expressed concern regarding
44 increased traffic on Rainbow Rd.

45
46 Lynn Fesperman, 4407 Rainbow Dr, expressed concern that the site plan shown at the neighborhood
47 meeting showed less houses than what is being proposed. He also expressed concern that townhomes will
48 be built instead of all single-family homes. Mr. Fesperman asked how the developer will obtain the property
49 to create turn lanes on Rainbow Drive into the development? Mr. Gordon responded that Right-of-Way
50 (ROW) acquisitions may have to take place but deferred to the applicant. Mr. Pannell responded that they
51 will not be acquiring ROW and that NCDOT is requiring a 6' offset for future road improvements.

1 Mr. Parker and Mr. Ensley asked the selling price point and target customer? Mr. Pannell responded that
2 the average selling price for the single-family homes will be \$295,000 and the townhomes at \$260,000. He
3 indicated that the target customer is everyone but that the townhomes attract mostly young, working
4 professionals.

5
6 There being no further questions or comments, Vice-Chairman Puckett closed the public hearing.

7
8 Mr. Trott asked staff the buffer requirements along Rainbow Drive? Ms. Coperine responded that the plan
9 shows a 20' perimeter buffer which is standard for all subdivisions.

10
11 Mr. Parker asked if there were any plans to extend the greenway to Bethpage Road? Mr. Gordon responded
12 that the first phase of the greenway is currently under construction and will connect Vietnam Veterans Park
13 to Rogers Lake Road, the 2nd phase will connect Rogers Lake Road to Mooresville Road, and third and
14 final phase will connect Mooresville Road to Bakers Creek Park. Mr. Parker asked if the proposed
15 development will dedicate land to the greenway? Mr. Gordon responded that the proposed development
16 will not, but that road improvements to Hwy 3 (Mooresville Road) will include sidewalks and bike lanes
17 which will allow access to the greenway.

18
19 Vice-Chairman Puckett asked for a motion to adopt or deny the Statement of Consistency for case CZ-
20 2019-05. Mr. Overcash made the motion to approve which was seconded by Mr. Parker and the motion was
21 unanimously approved.

22
23 Vice-Chairman Puckett asked for a motion to adopt a Resolution to Zone for case CZ-2019-05. Mr. Trott
24 made the motion to approve the rezoning request with conditions as presented by staff which was seconded
25 by Mr. Ensley and the motion was unanimously approved.

26
27 **Z-2019-04 – Zoning Map Amendment – 610 E. 12th Street**

28 Senior Planner, Ryan Lipp gave a PowerPoint presentation regarding case Z-2019-04 (Exhibit 3),
29 identifying the applicant, property owner, parcel identification numbers and noted that proper notification
30 had been made by mail and newspaper, and that signage was posted on the property. Mr. Lipp stated that
31 the request is to rezone property located at 610 E. 12th St. from C-2 (General Commercial) to RV
32 (Residential Village).

33
34 Mr. Lipp directed the Commission's attention to the Vicinity, Zoning, and Future Land Use maps as well
35 as aerial and street view photos. He reviewed policy issues for the Commission and advised that staff is
36 recommending approval of the rezoning request. Mr. Lipp reminded the Commission of the actions
37 requested of them and made himself available for questions.

38
39 Mr. Overcash expressed concern regarding setback requirements for properties adjacent to the subject
40 properties fronting N. Cannon Blvd. Ms. Coperine explained rules regarding existing homes in C-2 zoning.

41
42 George Fountas identified himself as the applicant and responded to questions regarding the number of lots
43 he is proposing.

44
45 There being no questions or comments for staff, Vice-Chairman Puckett opened the Public Hearing which
46 was then closed with no comment being made.

47
48 Vice-Chairman Puckett asked for a motion to adopt or deny the Statement of Consistency for case Z-2019-
49 04. Mr. Ensley made the motion to approve which was seconded by Ms. Severt and the motion was
50 unanimously approved.

1 Vice-Chairman Puckett asked for a motion to adopt a Resolution to Zone for case Z-2019-04. Mr. Ensley
2 made the motion to approve which was seconded by Ms. Severt and the motion was unanimously approved.
3

4 **Z-2020-01 – Zoning Map Amendment – 601 E. 13th Street**

5 Senior Planner, Ryan Lipp gave a PowerPoint presentation regarding case Z-2020-01 (Exhibit 4),
6 identifying the applicant, property owner, parcel identification numbers and noted that proper notification
7 had been made by mail and newspaper, and that signage was posted on the property. Mr. Lipp stated that
8 the request is to rezone property located at 601 E. 13th St. from C-2 (General Commercial) to RV
9 (Residential Village).
10

11 Mr. Lipp directed the Commission’s attention to the Vicinity, Zoning, and Future Land Use maps as well
12 as aerial and street view photos of the subject property. He reviewed policy issues for the Commission and
13 advised that staff is recommending approval of the rezoning request. Mr. Lipp reminded the Commission
14 of the actions requested of them and made himself available for questions.
15

16 Mr. Parker asked the plans for the property? Mr. Lipp responded that the applicant is proposing to build
17 one (1) single-family home.
18

19 There being no questions or comments for staff, Vice-Chairman Puckett opened the Public Hearing.
20

21 Johnny Horne, 603 E 13th Street, expressed concerns regarding existing water issues on the property. Mr.
22 Lipp responded that although the applicant is proposing to build a single-family home, the rezoning request
23 is a straight rezoning meaning that it is not tied to a site plan but that any development requires review prior
24 to issuance of the permit. Mr. Parker asked location of the water issue? Mr. Horne indicated that it begins
25 at Sides Ave. and runs down toward N. Cannon Blvd. and that the issue gets worse at Global Ave. Mr.
26 Ensley asked that if Global Ave. is a City maintained road, notification of the issue be made to Public
27 Works. Mr. Lipp indicated that he will advise Public Works.
28

29 There being no further questions or comments for staff, Vice-Chairman Puckett closed the Public Hearing.
30

31 Vice-Chairman Puckett asked for a motion to adopt or deny the Statement of Consistency for case Z-2019-
32 04. Mr. Trott made the motion to approve which was seconded by Mr. Overcash and the motion was
33 unanimously approved.
34

35 Vice-Chairman Puckett asked for a motion to adopt a Resolution to Zone for case Z-2019-04. Mr. Parker
36 asked if a condition can be placed on the rezoning? Mr. Lipp explained that it is a “by-right” rezoning so
37 no conditions can be placed on the approval. Mr. Ensley made the motion to approve which was seconded
38 by Mr. Parker and the motion was unanimously approved.
39

40 **PLANNING DIRECTOR UPDATE**

41 Planning Director, Zac Gordon, provided updates regarding the Unified Development Ordinance rewrite as
42 well as a kickoff for the Cannon Boulevard improvement project which will occur sometime in February
43 and provided an estimated timeline for that project. Mr. Gordon talked about the December permit report,
44 which included total permits issued in 2019 and anticipates that 2020 will be just as busy. He also talked
45 about the proposed development at Kannapolis Crossing (formerly Highbridge) and provided updates on
46 other development projects in the City.
47

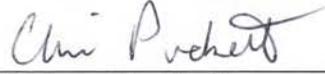
48 **OTHER BUSINESS**

49 Mr. Gordon responded to questions from the Commission regarding the US Olympic training center, the
50 proposed townhomes located at the corner of Kannapolis Parkway and Rogers Lake Road, review of
51 building permits, and the current condition of Main Street.

1 **ADJOURN**

2 There being no further business, questions or comments, Vice-Chairman Puckett adjourned the meeting at
3 7:38 PM on Wednesday January 8, 2020.
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Chris Puckett, Vice-Chairman
Planning and Zoning Commission



Pam Scaggs, Recording Secretary

EXHIBIT 1

Planning and Zoning Commission Minutes January 8, 2020



Planning & Zoning Commission January 8, 2020 Meeting

Staff Report

DATE: December 20, 2019

TO: Planning & Zoning Commission

FROM: Gretchen Coperine, AICP, Senior Planner

SUBJECT: **Case #CZ-2019-09 – Zoning Map Amendment (Shops on the Parkway – 26,600 sq. ft. Shopping Center)**
Applicant: Rick Meeks

This is a request to rezone property, located on the east side of Kannapolis Parkway, north of Glen Afton Blvd. (see Vicinity Map), from RE (Rural Estate) to C2-CZ (General Commercial-Conditional Zoning), to allow property to be developed for a 26,600 square foot shopping center.

A. Actions Requested by Planning & Zoning Commission

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

B. Decision and Required Votes to Pass Requested Actions

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

C. Background & Project Overview

The applicant, Rick Meeks, is proposing to rezone the subject property from RE (Rural Estates) to CZ-C2 (General Commercial Conditional Zoning District). The proposed use shown on the attached plan is a shopping center of approximately 26,600 square feet combined with a drive-thru. The property is

within the Farm Hill Small Area Plan, and it also lies within the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District) for a distance of 200' from the Kannapolis Parkway right-of-way.

D. Fiscal Considerations

None

E. Policy Issues

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

1. The size of the tract in question.

The size of the subject tract is approximately 3.41 acres.

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

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

The Regional Commercial Center calls for retail and office as primary uses and multifamily and single-family residential as secondary uses. The Suburban Activity 1 Character District also includes retail and office as primary uses along with light manufacturing, multi-family and single-family residential development as secondary uses.

The subject property is also located within the *Farm Hill Small Area Plan* study area, which recommends retail land uses for the subject property (see attached Farm Hill Small Area Plan Map).

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

The property is located on the north side of Glen Afton Blvd., to the north of Kannapolis Small Shops, a retail development consisting of a Dunkin Donuts (with drive-thru) and several small retailers. That property was zoned CZ-C2 in 2016. On the east side of the subject property is existing residential property, zoned RE, with single family detached residential development.

The subject property is located east of the Afton Ridge shopping center (across Kannapolis Parkway), which is zoned CD (Campus Development) and contains a range of commercial use, including national retailers and major anchors Target, Dick's Sporting Goods, Ashley Furniture, Stein Mart, and Party City. The property is also located within the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District) and will require adherence to use and architectural regulations for this area. Therefore, the proposed rezoning is considered compatible with the surrounding area.

4. Will there be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning?

The subject property is and will continue to be accessed from Glen Afton Blvd. This access point is preferred over access from Kannapolis Parkway because it avoids conflicting movements from the subject site directly onto Kannapolis Parkway. Access to the site will need to be approved by NCDOT and the City.

5. Will there be parking problems?

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

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

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

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

The parcel to the south of the site known as Kannapolis Small Shops was rezoned to CZ-C2 in 2016, and construction of the retail shops was completed in 2018. Commercial development is anticipated to continue along Kannapolis Parkway in the near future.

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

There are adequate public facilities available to the property, including water, sewer and access to Kannapolis Parkway.

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

Properties to the north, south and east are zoned RE (Rural Estate) and include low density residential uses, manufactured homes and vacant lots. Property to the south is also zoned C-2-CZ and is developed with shopping center uses (i.e., Kannapolis Small Shops). The Afton Ridge shopping center is located to the west and is zoned CD-CZ (Campus Development-Conditional Zoning). Property to the west, north of Afton Ridge shopping center is zoned CD-R-CZ and is currently under construction for 264 apartment units. The Farm Hill Small Area Plan (FHSAP) is recommending that the project area transition to a "Retail" land use.

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

The current zoning of RE (Rural Estates) does not allow commercial development.

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

The proposed commercial use is compatible with the adjacent neighborhood which includes commercial development along Kannapolis Parkway, and the adjacent residential neighborhood to the east of the property, based on the medium intensity of the proposed use.

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

The subject property has been vacant for an undetermined amount of time.

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

Kannapolis Parkway is predominately a commercial corridor. There are vacant parcels as well as underused parcels along the parkway.

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

No.

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which designates this property as being located in the “*Regional Commercial Center*” and within a “*Suburban Activity 1*” Character District, which allow for retail development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide commercial development along Kannapolis Parkway that is appropriate for the area. The proposed use is compatible with the surrounding zoning, yet not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment. Finally, there is adequate access to public facilities.

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

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

Based on the request being consistent with the Move Kannapolis Forward 2030 Comprehensive Plan, staff recommends approval with the following conditions for Zoning Map Amendment Case #CZ-2019-09:

1. The permitted uses allowed by this rezoning shall only include a restaurant with a drive thru as generally depicted on the site plan submitted with this rezoning.
2. A Site Plan, in compliance with all applicable City standards, shall be submitted and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Any lighting installed on the subject property shall be full cut-off fixtures with all lighting directed downward and away from adjacent residential property.
4. A Type 3 Perimeter buffer yard shall be provided to buffer the adjacent single-family development to the north and east.
5. The property shall be subject to the restrictions and guidelines of the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District).
6. Driveway locations shall be approved by NCDOT and the City.
7. Driveways and parking lots shall comply with all Fire Codes and Autoturn (a traffic engineering program which specifies the required turning radii for vehicles including delivery trucks and emergency vehicles) shall be run for an SU-30 and Bus-45 (mimics ladder truck).
8. A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and BMP's.
9. The project developer shall be responsible for extension of all water and sewer infrastructure needed to serve the project.
10. Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.
11. The property shall be subject to the restrictions and guidelines of the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District).

Alternative Courses of Action

Alternative Courses of Action

Motion to Approve (2 votes)

1. **Should the Commission choose to approve the request for rezoning as presented in Case #CZ-2018-02, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this rezoning **consistent** with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates this property as being located in the “Regional Commercial Center” and within a “Suburban Activity I” Character District, which allow for retail development. Furthermore, the Commission finds the request for rezoning reasonable and in the public interest because it will provide commercial development along Kannapolis Parkway that is appropriate for the area. The proposed use is compatible with the surrounding zoning, yet not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment. Finally, there is adequate access to public facilities.*

2. **Should the Commission choose to approve Case #CZ-2019-09, a motion should be made to adopt the Resolution to Zone.**

Motion to Deny (2 votes)

1. **Should the Commission choose to recommend denial of Case #CZ-2019-09, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #CZ-2019-09 to be inconsistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

2. **Should the Commission choose to deny Case #CZ-2019-09, a motion should be made to deny the Resolution to Zone.**

I. Attachments

1. Rezoning Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use and Character Map
5. Small Hill Farm Area Plan Recommended Land Use Map
6. Site Plan and Elevations
7. Notice of Public Hearing
8. List of Properties Notified
9. Letter to Adjacent Property Owners
10. Public Notice Sign
11. Resolution to Zone
12. Resolution to Adopt a Statement of Consistency

J. Issue Reviewed By:

- City Manager
- City Attorney
- Planning Director

EXHIBIT 2

Planning and Zoning Commission Minutes January 8, 2020



Planning & Zoning Commission January 8, 2020 Meeting

Staff Report

DATE: December 18, 2019

TO: Planning & Zoning Commission

FROM: Gretchen Coperine, AICP, Senior Planner

SUBJECT: **Case #CZ-2019-05: Parcels on the north side of Mooresville Rd (NC 3), west of Rainbow Drive**
Conditional Zoning Map Amendment
Applicant: Lennar Carolinas, LLC

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

A. Actions Requested by Planning & Zoning Commission

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

B. Decision and Required Votes to Pass Requested Actions

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

C. Background

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

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

D. Fiscal Considerations

None

E. Policy Issues

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

1. The size of the tract in question.

The size of the subject tract is approximately 133.4 +/- acres.

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

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

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

The subject properties are located on the north side of Mooresville Road, west of Rainbow Dr. Parcels to the north are zoned LDR (Low Density Residential) in Cabarrus County. Parcels to the south are zoned LDR in Cabarrus County, AG (Agricultural) in the City of Kannapolis and RV (Residential Village) in the City of Kannapolis. Parcels to the east are zoned LRD in Cabarrus County, and RV (Residential Village) and RC (Residential Compact) in the City of Kannapolis. Parcels to the west are zoned LDR in Cabarrus County. The requested rezoning proposes a mixture of single-family and townhome development of a scale that represents compatible development considering the redevelopment potential for the surrounding area.

4. Will there be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning?

The proposed project will be accessed from Mooresville Road (NC 3) and Rainbow Drive. Both Mooresville Road and Rainbow Drive are NCDOT owned and maintained roads, and as such any access off these two roads will require NCDOT approval with City input.

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

NC 3 (Mooresville Road) and Kannapolis Parkway

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

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

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

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

Rainbow Drive and Access B

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

Rainbow Drive and Access C

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

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

5. Will there be parking problems?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No.

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

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

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

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

Based on the request being consistent with the Move Kannapolis Forward 2030 Comprehensive Plan, staff recommends approval with the following conditions of Zoning Map Amendment Case #CZ-2019-05:

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

Alternative Courses of Action

APPROVAL

Motion 1 – Statement of Consistency

Should the Commission choose to approve the request for rezoning as presented in Case #CZ-2019-05, a motion should be made to adopt the following Statement of Consistency:

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

Motion 2 – Approval to rezone – Resolution to Zone

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

DENIAL

Motion 1 – Statement of Consistency

Should the Commission choose to deny the rezoning request as presented in Case #CZ-2019-05, a motion should be made to adopt the following Statement of Consistency:

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #CZ-2019-05 to be inconsistent with the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, because (state reason(s) and is neither reasonable nor in the public interest because (state reason(s) and is therefore denied based on the criteria in Section 3.3.5 of the UDO for evaluating zoning requests, consideration of the application materials and information presented at the Public Hearing..*

Motion 2 – Denial of Rezoning

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

I. Attachments

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

J. Issue Reviewed By:

- City Manager

- City Attorney
- Planning Director

EXHIBIT 3

Planning and Zoning Commission Minutes January 8, 2020



Planning & Zoning Commission January 8, 2020 Meeting

Staff Report

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

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

A. Actions Requested by Planning & Zoning Commission

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

B. Decision and Required Votes to Pass Requested Actions

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

C. Background

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

D. Fiscal Considerations

None

E. Policy Issues

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

1. The size of the tract in question.

The size of the subject area is approximately 0.43 acres.

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

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

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

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

4. Will there be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning?

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

5. Will there be parking problems?

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

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

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

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

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

- 8. Is there compliance with the adequate public facilities criteria?**
Utility improvements or connections will be reviewed during permitting and will be the responsibility of the developer.
- 9. What are the zoning districts and existing land uses of the surrounding properties?**
Properties to the north, south, and west are zoned RV. Properties to the east are zoned C-2.
- 10. Is the subject property suitable for the uses to which it has been restricted under the existing zoning classification?**
The subject parcel is zoned C-2. The area is primarily single-family residential. Given the size and location, the property is most suitable for single-family use.
- 11. Is the zoning compatible with the adjacent neighborhood, especially residential neighborhood stability and character?**
The RV zoning is compatible with the existing single-family uses in the surrounding area.
- 12. What length of time has the subject property remained vacant as zoned?**
There is currently a single-family detached home on the parcel.
- 13. Is there an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs?**
There is an adequate supply of parcels in the subject area to accommodate a wide variety of development types.
- 14. Was the existing zoning in error at the time of adoption?**
No.

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

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

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

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

Based on the request being consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, staff recommends approval of Zoning Map Amendment Case #Z-2019-04

Alternative Courses of Action

Motion to Approve (2 votes)

- 1. Should the Commission choose to approve the request for rezoning as presented in Case #Z-2019-04, a motion should be made to adopt the following Statement of Consistency:**

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

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

Motion to Deny (2 votes)

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

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #Z-2019-04 to be inconsistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

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

I. Attachments

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

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

J. Issue Reviewed By:

- City Manager
- City Attorney
- Planning Director

EXHIBIT 4

Planning and Zoning Commission Minutes January 8, 2020



Planning & Zoning Commission January 8, 2020 Meeting

Staff Report

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

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

A. Actions Requested by Planning & Zoning Commission

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

B. Decision and Required Votes to Pass Requested Actions

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

C. Background

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

D. Fiscal Considerations

None

E. Policy Issues

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

1. The size of the tract in question.

The size of the subject area is approximately 0.73 acres.

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

This property is located within the “Secondary Activity Center” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Secondary Activity Center character area calls for primary uses of retail, office and multi-family residential. Secondary uses are intended to be single family attached residential, institutional/civic and light manufacturing. This character area also calls for development opportunities in the areas of infill development. The RV zoning district proposed with this rezoning would allow for the residential uses designated in the Secondary Activity Center character area.

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

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

4. Will there be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning?

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

5. Will there be parking problems?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No.

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

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

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

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

Based on the request being consistent with the Move Kannapolis Forward 2030 Comprehensive Plan, staff recommends approval of Zoning Map Amendment Case #Z-2020-01

Alternative Courses of Action

Motion to Approve (2 votes)

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

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

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

Motion to Deny (2 votes)

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

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #Z-2020-01 to be inconsistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

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

I. Attachments

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

J. Issue Reviewed By:

- City Manager
- City Attorney
- Planning Director