CITY OF KANNPOLIS, NC
PLANNING AND ZONING COMMISSION

Minutes of Regular Meeting
March 4, 2020

The Kannapolis Planning and Zoning Commission met on Wednesday, March 4, 2020 at 6:00 PM at City Hall, 401 Laureate Way, Kannapolis, North Carolina.

Commission Members Present: David Steele, Chairman
Alan Overcash
Jeff Parker
Scott Trott
William Cranford

Commission Members Absent: Chris Puckett, Vice-Chairman
Larry Ensley
Paula Severt
William Cranford

Visitors:

Nancy Demency	Martha Foster-Johnson
Satish Vankineni	Terry Stancil
Shelly Arledge	Ashley Hines
Tom Darling	Lewis Reid
Aaron Hatley	Priscilla Hatley

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

CALL TO ORDER
Chairman Steele called the meeting to order at 6:00 P.M.

ROLL CALL AND RECOGNITION OF QUORUM
Recording Secretary Pam Scaggs called the roll. The presence of a quorum was recognized.

APPROVAL OF AGENDA
Chairman Steele indicated that case #CZ-2020-02 – 715 Kannapolis Parkway has been withdrawn by the applicant and asked for a motion to approve the revised Agenda which was made by Mr. Parker, seconded by Mr. Overcash and the motion was unanimously approved.

APPROVAL/CORRECTION OF MINUTES
Chairman Steele indicated that he was present at the February 5, 2020 meeting and should be listed as calling the meeting to Order instead of Vice-Chairman Puckett as is

shown. He asked for a motion to approve the revised February 5, 2020 minutes which was made by Mr. Trott, seconded by Mr. Parker and the motion was unanimously approved.

PUBLIC HEARING

CZ-2020-01 – Conditional Zoning Map Amendment – 715 Kannapolis Parkway

Assistant Planning Director, Gretchen Coperine, stated that the applicant for case #CZ-2020-01 has withdrawn their rezoning request. Chairman Steele reiterated, for those in the audience, that the case has been withdrawn.

Z-2020-02 – Zoning Map Amendment – 406 E D Street

Assistant Planning Director, Gretchen Coperine, gave a PowerPoint presentation regarding case Z-2020-02 (Exhibit 1), identifying the applicant, property owner, parcel identification numbers and noted that proper notification had been made by mail and newspaper, and that signage was posted on the property. Ms. Coperine stated that the request is to rezone property located at 406 E. D St. from B-1 (Neighborhood Commercial) to RV (Residential Village). She noted that the address shown in the staff report is incorrect but that the PIN number is correctly shown.

Ms. Coperine directed the Commission's attention to the Vicinity, Zoning, and Future Land Use maps as well as aerial and street view photos of the subject property. She indicated that since the request is for a straight rezoning, any uses permitted in the RV zoning district would be permitted, if approved. Ms. Coperine added that a site plan was not submitted but that the applicant is proposing to build a single-family residence. She reviewed policy issues for the Commission and advised that staff is recommending approval of the rezoning request. Ms. Coperine reminded the Commission of the actions requested of them and made herself available for questions.

Mr. Parker asked if there were plans to eliminate the streets surrounding the subject property? Ms. Coperine responded that the City is not looking to close any streets but that the applicant could request the City to abandon any existing Right-of-Way (ROW). Mr. Parker expressed concern regarding lack of a site plan. Ms. Coperine responded that since the request is a straight rezoning request without conditions, any use permitted in the requested zoning district would be permitted. She added that permits and review by the Technical Review Committee would still be required before development of the property could begin.

Mr. Trott asked if the City removed the building that previously existed on the property? Ms. Coperine deferred to the applicant.

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

David Miller, 1640 Dale Earnhardt Boulevard, stated that the City did remove the building and that it had been abandoned.

Mr. Parker asked why he decided to develop that property? Mr. Miller responded that infill development in the Kannapolis area is becoming scarce and so developers have had to get creative. He indicated that he is excited to invest in the area.

Mr. Parker asked if it will be for a sale or rental property? Mr. Miller indicated that he will sell the property but that the market dictates who the buyer will be.

Mr. Parker asked if fencing will be installed regarding safety for children? Mr. Miller responded that the rear yard will be fenced.

Mr. Overcash asked how many homes will be built? Mr. Miller responded that he would like to construct two homes but will work with the City to determine if that is possible.

Terry Stancil, 511 Old Centergrove Road stated that she owns a former daycare center on Old Centergrove Road and indicated that she had heard the soil was contaminated and asked the number of houses that would be built? She expressed concern regarding traffic and high-speed drivers as well as the area having crime and drug issues.

Chairman Steele asked staff if they could address Ms. Stancil's concerns regarding the contaminated soil and the number of houses to be built? Mr. Gordon responded that the request is a straight rezoning and is not conditional. He indicated that if a development plan is submitted, it will need to meet all Unified Development Ordinance (UDO) requirements.

Mr. Parker expressed concern that there is no knowledge of what will be developed stating that it makes it difficult to determine if the property should be rezoned. Mr. Gordon responded that rezoning should be aligned with the Comprehensive Plan based on what would be allowed under that zoning. He added that state law dictates that there can be no connection between the development and the rezoning. Mr. Gordon stated that if the rezoning request were to be approved, single-family residential is a permitted use in the RV zoning district and that the applicant has indicated a desire to construct single-family homes. He added that if the applicant submits a development plan, that it would be reviewed the same as would all applications for development with regards to public safety.

Louis Reid, 712 Long St., stated that building additional houses would be a disgrace to the neighboring church which has been there for many years. Mr. Reid asked if the City is looking to purchase surrounding property? Chairman Steele responded that the applicant has only purchased the subject property.

There being no further questions or comments for staff, Chairman Steele closed the Public Hearing.

Chairman Steele asked for a motion to adopt or deny the Statement of Consistency for case Z-2020-02. Mr. Overcash made the motion to approve which was seconded by Chairman Steele and the motion was approved 3-1 with Mr. Parker casting the dissenting vote.

Chairman Steele asked for a motion to adopt a Resolution to Zone for case Z-2020-02 which was made by Mr. Overcash seconded by Chairman Steele and the motion was approved 3-1 with Mr. Parker casting the dissenting vote.

PLANNING DIRECTOR UPDATE

Planning Director, Zac Gordon, provided details regarding the first draft of Module 1 of the Kannapolis Development Ordinance indicating that it is available on the City's website for public comment. He talked about the Cannon Boulevard Corridor Plan kickoff which was held in February and provided highlights from that meeting.

OTHER BUSINESS

Mr. Gordon talked about the January and February permit reports and the expected trends for the remainder of the year. He provided an overview of progress for development requests that the Commission approved within the last 6 months as well as submitted rezoning requests that will be scheduled for future Commission meetings. He talked about meeting with outside developers and learned that Harrisburg and Kannapolis are two of the fastest growing communities.

Mr. Gordon responded to questions from the Commission regarding other projects.

ADJOURN

There being no further business, questions or comments, Mr. Parker made the motion to adjourn which was seconded by Mr. Overcash and the motion was una.

The meeting adjourned at 6:43 PM on Wednesday March 4, 2020.

David Steele, Chairman
Planning and Zoning Commission

Pam Scaggs, Recording Secretary

EXHIBIT 1

Planning & Zoning Commission
March 4, 2020 Meeting

Staff Report

DATE: February 26. 2020

TO: Planning & Zoning Commission

FROM*:* Gretchen Coperine, AICP

SUBJECT: **Case #Z-2020-02: 406 E D Street**
Zoning Map Amendment
Applicant: David Miller Realty & Investment Inc.

The applicant is requesting to rezone approximately 0.40 +/- total acres located at 406 E D Street from B-1 (Neighborhood 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 applicant, David Miller Realty & Investment Inc. is proposing to rezone the subject property, further identified as Cabarrus County PIN# 5613-77-2592. This is a map amendment request without any conditions as the intent is to rezone the property from B-1 (Neighborhood Commercial) to RV

(Residential Village). If rezoned, any of the permitted uses in the RV zoning district would be allowed on the property.

D. Fiscal Considerations

None

E. Policy Issues

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

1. **The size of the tract in question.**
   The size of the subject area is approximately 0.40 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 "Urban Residential" Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Urban Residential Character Area calls for primary uses of single-family attached and detached residential. Secondary uses are intended to be multi-family residential, small format retail, small format office and Live-work. 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 Urban Residential 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 north, south, east and west are zoned RV.

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 B-1. 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.

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 "Urban Residential" 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 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-2020-02

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-2020-02, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency*:* *The Planning and Zoning Commission finds this zoning map* ***consistent*** *with the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which places the subject property in the "Urban Residential" 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 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-2020-02, a motion should be made to adopt the Resolution to Zone.**

Motion to Deny (2 votes)

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

Statement of Consistency*:* *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #Z-2020-02 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-2020-02 a motion should be made to deny the Resolution to Zone.**

I. Attachments

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

J. Issue Reviewed By:

- City Manager
- City Attorney
- Planning Director