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

**Minutes of Virtual Regular Meeting
May 6, 2020**

The Kannapolis Planning and Zoning Commission met virtually on Wednesday, May 6, 2020 at 6:00 PM at City Hall, 401 Laureate Way, Kannapolis, North Carolina. This meeting was held via Zoom and in accordance with the notice attached to and made part of these minutes as Appendix 1.

Commission Members Present: David Steele, Chairman (virtually)
Chris Puckett, Vice-Chairman
Alan Overcash
Jeff Parker
Larry Ensley
Scott Trott
William Cranford
Paula Severt, ETJ Representative (virtually)

Commission Members Absent: None

Visitors (virtually):

Catherine Davis	Peter Macomber
Richard Hege	Brandy Sellers
Sue Bower	Dorothy Bower
Jan Dunn	

Staff Present: Zac Gordon, AICP, Planning Director (virtually)
Gretchen Coperine, AICP, Assistant Planning Director
Tony Eury, IT Director (virtually)
David Jordon, IT (virtually)

CALL TO ORDER

Chairman Steele called the meeting to order at 6:00 P.M. and explained that the meeting is being held virtually in compliance with COVID-19 social distancing requirements. He provided a brief overview of procedure for the meeting.

ROLL CALL AND RECOGNITION OF QUORUM

Assistant Planning Director, Gretchen Coperine called the roll. The presence of a quorum was recognized.

APPROVAL OF AGENDA

Chairman Steele indicated that case #CZ-2020-05 – 3575 Kannapolis Parkway will be moved to item 5a and asked for an approval of the agenda. Mr. Parker made a motion to approve the agenda as amended which was seconded by Mr. Ensley and the motion was unanimously approved.

1 **APPROVAL/CORRECTION OF MINUTES**

2 Chairman Steele asked for a motion to approve the March 4, 2020 minutes which was made by
3 Mr. Trott, seconded by Mr. Overcash and the motion was unanimously approved.
4

5 **PUBLIC HEARING**

6 **CZ-2020-05 – Conditional Zoning Map Amendment – 3575 Kannapolis Parkway**

7 Assistant Planning Director, Gretchen Coperine, gave a PowerPoint presentation regarding case
8 CZ-2020-05, attached to and made part of these minutes as Exhibit 1. Ms. Coperine noted that a
9 corrected notice was mailed on April 23, 2020 which properly described the intended use as a
10 design and engineering office facility.
11

12 Catherine Davis identified herself as the applicant and indicated that the existing structure on the
13 property will not be changed and that it is currently set-up as a small office with storage. Ms. Davis
14 responded to Commission member questions regarding heavy equipment storage.
15

16 Chairman Steele asked for a motion to adopt or deny the Statement of Consistency for case CZ-
17 2020-05. Mr. Parker made the motion to approve which was seconded by Mr. Ensley and the
18 motion was unanimously approved.
19

20 Chairman Steele asked for a motion to adopt a Resolution to Zone for case CZ-2020-05 which was
21 made by Mr. Ensley, seconded by Mr. Overcash and the motion was unanimously approved.
22

23 **CZ-2020-02 – Conditional Zoning Map Amendment – Marriott Kannapolis Pkwy**

24 Assistant Planning Director, Gretchen Coperine, gave a PowerPoint presentation regarding case
25 CZ-2020-02, attached to and made part of these minutes as Exhibit 2. Ms. Coperine indicated that
26 the requested rezoning to C-2-CZ (General Commercial-Conditional Zoning) will allow
27 development of a hotel. She responded to Commission member questions regarding updates to
28 Archdale and access issues.
29

30 Peter Macomber and Richard Hege identified themselves as a property owner and representative
31 for the buyer and the sellers. Mr. Hege addressed the members concerns indicating that they are
32 working with NCDOT to ensure connectivity and safety of the street network.
33

34 One (1) resident asked about connection to Wabash Ln.
35

36 Chairman Steele asked for a motion to adopt or deny the Statement of Consistency for case CZ-
37 2020-02 which was made by Mr. Overcash, seconded by Mr. Cranford and the motion was
38 unanimously approved.
39

40 Chairman Steele asked for a motion to adopt a Resolution to Zone for case CZ-2020-02 which was
41 made by Mr. Parker, seconded by Mr. Ensley and the motion was unanimously approved.
42

43 **Z-2020-03 – Zoning Map Amendment – 3948 Trinity Church Rd.**

44 Assistant Planning Director, Gretchen Coperine, gave a PowerPoint presentation regarding case
45 Z-2020-03, attached to and made part of these minutes as Exhibit 3. Ms. Coperine stated that the
46 request is for a straight rezoning from AG (Agricultural) to RL (Residential Low Density). She

1 responded to Commission member questions regarding access points, public utilities, the proposed
2 subdivision, and lot size.

3
4 Chairman Steele asked for a motion to adopt or deny the Statement of Consistency for case Z-
5 2020-03. Mr. Trott made the motion to approve which was seconded by Mr. Parker and the motion
6 was approved 7-1 with Mr. Cranford casting the dissenting vote.

7
8 Chairman Steele made a motion to adopt a Resolution to Zone for case Z-2020-03 which seconded
9 by Mr. Overcash and the motion was unanimously approved.

10
11 **PLANNING DIRECTOR UPDATE**

12 Planning Director, Zac Gordon, provided updates regarding the first module of Unified
13 Development Update and the Cannon Boulevard Corridor Plan kickoff.

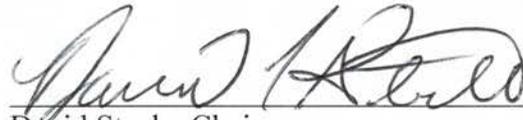
14
15 **OTHER BUSINESS**

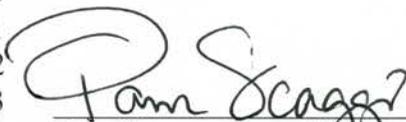
16 Mr. Gordon provided an overview of progress for active projects. He indicated that he would like
17 to move the Commission meeting to the first Tuesday of the month, but that action would be
18 delayed a couple months. Mr. Gordon responded to questions from the Commission regarding
19 other projects. Mr. Cranford thanked staff and other Commission members for the opportunity to
20 serve.

21
22 **ADJOURN**

23 There being no further business, questions or comments, Mr. Ensley made the motion to adjourn
24 which was seconded by Mr. Overcash and the motion was unanimously approved.

25
26 The meeting adjourned at 7:18 PM on Wednesday May 6, 2020.

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David Steele, Chairman
Planning and Zoning Commission

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34 Pam Scaggs, Recording Secretary
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Planning and Zoning

May 6, 2020

APPENDIX 1



NOTICE OF PUBLIC HEARING
Planning and Zoning Commission
Virtual Meeting

Wednesday May 6, 2020 at 6:00 pm

Conditional Zoning Map Amendment – CZ-2020-02 – Public hearing to consider a request to rezone approximately 1.945 +/- acres located at 5741 & 5791 Wabash Ave. and 413 Archdale Dr. from RE (Rural Estate) to C-2-CZ (General Commercial-Conditional Zoning), further identified as Cabarrus County PINs #5601-12-3347, 5601-12-4384, 5601-12-4168 to allow for development of a hotel.

Conditional Zoning Map Amendment – CZ-2020-05 – Public hearing to consider a request to rezone approximately 6.82 +/- acres located at 3575 Kannapolis Parkway from RE (Rural Estate) to C-2-CZ (General Commercial-Conditional Zoning), further identified as Cabarrus County PIN #5602-37-3785 to allow for development of an automotive engineering office and storage facility. Contact the Planning Department at 704-920-4350 with any questions.

Zoning Map Amendment – Z-2020-03 – Public hearing to consider a request to rezone approximately 3.63 +/- acres located at 3948 Trinity Church Rd. from AG (Agricultural) to RL (Residential Low Density), further identified as Cabarrus County PIN #4693-70-2086

IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, PUBLIC PARTICIPATION IN THIS MEETING WILL BE EXCLUSIVELY BY REMOTE TECHNOLOGY. IF YOU WOULD LIKE TO PARTICIPATE (EITHER BY MONITORING THE MEETING OR OFFERING COMMENTS), PLEASE VISIT THE CITY OF KANNAPOLIS WEBSITE AT <https://www.kannapolisnc.gov/Government-Departments/Planning/Planning-Zoning-Commission-Board-of-Adjustment> FOR FURTHER INSTRUCTIONS.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email at tccline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

Publish: April 24, May 1, 2020.

Exhibit 1

Planning & Zoning Minutes May 6, 2020



Planning & Zoning Commission May 6, 2020 Meeting

Staff Report

DATE: April 20, 2020
TO: Planning & Zoning Commission
FROM: Gretchen Coperine, AICP, Assistant Planning Director
SUBJECT: **Case #CZ-2020-05**
Conditional Zoning Map Amendment
Applicant: Catherine Davis

Request to conditionally rezone property, located at 3575 Kannapolis Parkway, from RE (Rural Estate) to C2-CZ (General Commercial-Conditional Zoning), to allow property to be developed for a design and engineering office and services facility.

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 & Project Overview

The applicant, Catherine Davis, is proposing to rezone the subject property from RE (Rural Estate) to CZ-C2 (General Commercial Conditional Zoning District). The proposed use is a design and engineering office and services facility. The property lies within the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District).

The attached survey shows an existing single-family detached home which will be upfitted for the proposed office use. Should the use be approved by Planning and Zoning Commission, the site will need to come into compliance with all applicable Unified Development Ordinance requirements during the site plan approval phase, particularly as it relates to parking and landscaping.

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 6.82 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 a “Complete Neighborhood 2” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 2 Character Area includes office as primary uses along. The proposed design and engineering office and services facility fits within the primary uses allowed.

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

The property is located on the west side of Kannapolis Parkway, south of Dogwood Blvd. Property to the north, south and west is zoned RE (Rural Estates), and property to the east across Kannapolis Parkway is zoned TND (Traditional Neighborhood Development) and C-2 (General Commercial). 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.

The existing surrounding uses are mostly residential with a commercial node at the southeast corner of Kannapolis Pkwy. and Rogers Lake Road planned for future development.

The proposed design and engineering office and services facility provides small scale office use that is compatible with the adjacent residential 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 will be accessed from Kannapolis Pkwy. Currently, the site access on Kannapolis Pkwy. is through a private right-of-way through the residential parcel to the north. Final access location will need to be finalized with the City and NCDOT through the site plan review process.

5. Will there be parking problems?

Should the rezoning be approved, the site plan will have to meet parking requirements within Article 8 of the Unified Development Ordinance to provide 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?

Parcels south of the site located on Kannapolis Parkway and Glen Afton Blvd., known as Kannapolis Small Shops, were rezoned to CZ-C2 in 2016 and 2020, and construction of the retail shops was completed in 2018. Recently, a Conditional Use Permit was issued approving 150 townhomes across the subject site on Kannapolis Pkwy. 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 or within proximity, including water, sewer and access to Kannapolis Parkway.

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

The property is located on the west side of Kannapolis Parkway, south of Dogwood Blvd. Property to the north, south and west is zoned RE (Rural Estates), and property to the east across Kannapolis Parkway is zoned TND (Traditional Neighborhood Development) and C-2 (General Commercial). The subject property is located within the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District) and will require adherence to use and architectural regulations for this area.

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 residential neighborhood, based on the low intensity of the proposed office use.

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

N/A

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 underutilized 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 a “*Complete Neighborhood 2*” Character Area, which allows for office development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide lower intensity 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 or ability to extend 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-2020-05:

1. The permitted uses allowed by this rezoning shall only include design and engineering office and service facility.
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 additional 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.
5. Driveway locations shall be approved by the City in conjunction with NCDOT.
6. 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 (similar to a ladder truck).
7. The project developer shall be responsible for extension of all water and sewer infrastructure needed to serve the project.
8. Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.
9. 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-2020-05, 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 goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates this property as being located in a “Complete Neighborhood 2” Character Area, which allows for office development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide lower intensity 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 or ability to extend to public facilities.*

2. **Should the Commission choose to approve Case #CZ-2020-05, 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-2020-05, 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-2020-05 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-2020-05, 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. Survey
6. Neighborhood Meeting Information
7. Notice of Public Hearing
8. List of Properties Notified
9. Letter to Adjacent Property Owners
10. Posted Public Notice Sign
11. Resolution to Adopt a Statement of Consistency
12. Resolution to Zone

J. Issue Reviewed By:

- City Manager
- City Attorney
- Planning Director

EXHIBIT 2

Planning & Zoning Minutes May 6, 2020



Planning & Zoning Commission May 6, 2020 Meeting

Staff Report

DATE: April 24, 2020

TO: Planning & Zoning Commission

FROM: Gretchen Coperine, AICP
Assistant Planning Director

SUBJECT: **Case #CZ-2020-02**
Conditional Zoning Map Amendment
Applicant: Emory Investment Corporation

Request to conditionally rezone property, located at 5741 & 5791 Wabash Ave. & 413 Archdale Dr. from RE (Rural Estate) to C2-CZ (General Commercial-Conditional Zoning), to allow property to be developed for a hotel.

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 & Project Overview

The applicant, Emory Investment Corporation, is proposing to rezone the subject property from RE (Rural Estate) to CZ-C2 (General Commercial Conditional Zoning District). The proposed use shown on the attached plan is a hotel. The property is within the Farm Hill Small Area Plan.

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 1.94 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 includes land with opportunities for large format commercial as primary uses and multifamily residential as secondary uses. The Suburban Activity 1 Character District includes primarily regional-scale commercial development that can accommodate large format commercial development as primary uses and multifamily residential development as secondary uses.

The subject property is located within the *Farm Hill Small Area Plan Study Area*. This plan recommends a mix of commercial, hotel, office, and residential uses for the study area, including a hotel use on this property (see attached Farm Hill Small Area Plan Recommended Land Uses Map).

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

The property is located across Sportsman Drive, to the south of Kannapolis Small Shops, a retail development consisting of a Dunkin Donuts (with drive-thru) and several small retailers. That property is zoned CZ-C2. On the east side of the subject property is existing residential property, zoned RE, with single family detached residential development. Property located immediately adjacent to the west is zoned CZ-C2.

The subject property is located east of the Afton Ridge shopping center, which is zoned CD (Campus Development) and contains a range of commercial uses, including national retailers and major anchors Target, Dick’s Sporting Goods, Best Buy, Ashley Furniture, Stein Mart, and Party City. 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 Wabash Lane. The proposed development did not meet the threshold for a full Traffic Impact Analysis, however, turn lanes on Kannapolis Parkway will need to be provided to allow proper deceleration turning right onto Sportsman Drive when driving north on Kannapolis Parkway. Review and approval from NCDOT and the City will be needed in that regard.

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 north of the site known as Kannapolis Small Shops was rezoned to CZ-C2 in 2016, and construction of the retail shops was completed in late 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 or within close proximity, including water and sewer along Kannapolis Parkway.

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

Property to the south is zoned RE (Rural Estates) and is vacant. Property to the north (across Sportsman Drive) is zoned CZ-C2 and is currently developed with the Kannapolis Small Shops retail center. Property to the east is zoned RE (Rural Estates) and is developed with a single family detached residence. Property to the west across Kannapolis Parkway is zoned CD (Campus Development) and is developed with a mix of commercial and residential uses at Afton Ridge.

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 hotel use is compatible with the adjacent area, which includes commercial development along Kannapolis Parkway, and the adjacent residential neighborhood to the east and south sides of the property, based on the medium intensity of the proposed use and subject to compliance with site development requirements of the UDO.

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 underutilized 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 allows for commercial development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it is consistent with the recommended land uses for this property, as specified in the Farm Hill Small Area Plan. The proposed use is compatible with the surrounding zoning and commercial development land use pattern, 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-2020-02:

1. The permitted uses allowed by this rezoning shall only include a hotel as generally depicted on the site plan submitted with this rezoning.
2. A Site Plan 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 adjacent residential land to the west and south of the subject parcel.
5. Driveway locations shall be reviewed and approved by the City.
6. 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).
7. Appropriate access and deceleration turn lanes from Kannapolis Parkway shall be reviewed and approved by NCDOT with input from the City.
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

Motion to Approve (2 votes)

1. **Should the Commission choose to approve the request for rezoning as presented in Case #CZ-2020-02, 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 1” Character District, which allows for commercial development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it is consistent with the recommended land uses for this property, as specified in the Farm Hill Small Area Plan. The proposed use is compatible with the surrounding zoning and commercial development land use pattern, 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-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 #CZ-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 #CZ-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 #CZ-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. 2030 Future Land Use and Character Map
5. Small Hill Farm Area Plan Recommended Land Use Map
6. Site Plan
7. Notice of Public Hearing
8. List of Properties Notified
9. Letter to Adjacent Property Owners
10. Public Notice Sign
11. Resolution to Adopt a Statement of Consistency
12. Resolution to Zone

J. Issue Reviewed By:

- Planning Director (Z. Gordon)
- Assistant City Manager (W. Melton)
- City Attorney (W. Safrit, II)

EXHIBIT 3

Planning & Zoning Minutes May 6, 2020



Planning & Zoning Commission May 6, 2020 Meeting

Staff Report

DATE: April 23, 2020
TO: Planning & Zoning Commission
FROM: Gretchen Coperine, AICP Assistant Planning Director
SUBJECT: **Case #Z-2020-03: 3948 Trinity Church Rd.
Zoning Map Amendment
Applicant: Brandy Sellers**

Request to rezone approximately 3.63 +/- acres located at 3948 Trinity Church Rd. from AG (Agricultural) to RL (Residential Low Density).

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, Brandy Sellers is proposing to rezone the subject property, further identified as Cabarrus County PIN# 4693-70-2086. This is a map amendment request without any conditions as the intent is to rezone the property from AG (Agricultural) to RL (Residential Low Density). If rezoned, any of the permitted uses in the RL 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 3.63+/- 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 “Neighborhood Transition 1” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Neighborhood Transition 1 Character Area calls for primary uses of single-family detached residential (on lots averaging 15,000 sf), along with agricultural uses. The RL zoning district proposed with this rezoning would allow for the residential and other uses designated in the Neighborhood Transition 1 character area and the 20,000 sf minimum lot size for the RL district exceeds the average lot sizes called for by the *Move Kannapolis Forward 2030 Comprehensive Plan*.

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

The surrounding area consists of predominantly single-family detached residence. The proposed RL 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 is anticipated to experience development in the near future, namely single family residential subdivisions.

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 and south are zoned AG. Properties to the north and east are zoned RL. Properties across Trinity Church Rd. to the west are zoned AO (Agricultural) and are in unincorporated Cabarrus County.

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 AG. 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 RL 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 “Neighborhood Transition 1” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The RL zoning district proposed with this rezoning is consistent with the residential primary uses of the Neighborhood Transition 1 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-2020-03

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-2020-03, 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 “Neighborhood Transition 1” Character Area as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. The RL zoning district proposed with this rezoning is consistent with the residential primary uses of the Neighborhood Transition 1 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-2020-03, 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-2020-03 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-2020-03 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-2020-03 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