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

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

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

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

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Commission Members Absent: Alan Overcash

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Visitors:

Fred Matrulli	Doug Wilson
Mary Dillinger	Julie Atkins
Jermaine Fuller	Steve Atkins
Frank Cantrell	Kilee Palumbo
Wayne Janick	Satish Vankihemi
Saya Kotha	

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Staff Present: Zac Gordon, AICP, Planning Director
Gretchen Coperine, AICP, Assistant Planning Director
Wilmer Melton; Assistant City Manager
David Hancock, IT
Tony Eury, IT Director

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CALL TO ORDER

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

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ROLL CALL AND RECOGNITION OF QUORUM

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

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APPROVAL OF AGENDA

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

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PUBLIC HEARING

CZ-2020-03 – Conditional Zoning Map Amendment – Pulte Home Company Jim Johnson

Assistant Planning Director, Gretchen Coperine, gave a PowerPoint presentation regarding case CZ-2020-03, attached to and made part of these minutes as Exhibit 1. She stated that the property

1 was annexed into the City on June 22, 2020 and requires that zoning be applied within sixty (60)
2 days of annexation.

3
4 Ms. Coperine responded to questions from the Commission regarding utilities, school impacts, the
5 use of cul-de-sacs, future widening of HWY 73 and street connection requirements.

6
7 There being no further questions or comments for staff, Chairman Steele opened the Public
8 Hearing.

9
10 Frank Cantrell, CESO Engineering, identified himself as the engineer for the developer and
11 addressed the question regarding the use of cul-de-sacs. He responded to questions from the
12 Commission regarding the build-out schedule, open space, amenities, and location of stormwater
13 ponds.

14
15 Six (6) Kannapolis residents spoke and expressed concerns regarding safety, traffic, the proposed
16 connection to Waterford, increased buffers, street widths, preservation of trees, and access
17 requirements. Several residents requested that the connection to Waterford be designated as
18 emergency access only. There was additional discussion between the Commission, staff and Mr.
19 Cantrell regarding buffer size.

20
21 There being no further questions or comments for staff, Chairman Steele closed the Public
22 Hearing.

23
24 Ms. Coperine responded to additional questions from the Commission regarding measures to slow
25 drivers at the connection to Waterford. Assistant City Manager, Wilmer Melton, provided
26 additional feedback from an engineering standpoint regarding speed bumps. There was additional
27 discussion regarding the connection point to Waterford.

28
29 Chairman Steele made a motion to adopt the Statement of Consistency for case CZ-2020-03 which
30 was seconded by Mr. Trott and the motion was denied 2-4 with Vice-Chairman Puckett, Mr.
31 Parker, Mr. Ensley and Ms. Severt casting the dissenting votes.

32
33 There was discussion regarding the access point to Waterford. Planning Director, Zac Gordon,
34 advised that the rezoning could still be approved and that the Commission could designate the
35 connection to Waterford as emergency access and it would be gated. He cautioned that both the
36 Engineering and Fire Department would need to approve the access as an emergency access. The
37 Public Hearing was reopened, and Chairman Steele asked if the applicant was willing to work with
38 the City to ensure that the connection to Waterford be designated as an emergency access. Mr.
39 Cantrell indicated that if the emergency access is approved by the City, that they will comply as
40 well. There was additional discussion between the Commission and staff regarding the UDO
41 connection requirements. Chairman Steele closed the Public Hearing.

42
43 Since Commission members indicated that their vote would change regarding the Statement of
44 Consistency, Chairman Steele made another motion to approve the Statement of Consistency,
45 which was seconded by Mr. Trott and approved 4-2 with Mr. Puckett and Mr. Parker casting the
46 dissenting votes.

1
2 Chairman Steele made the motion to adopt a Resolution to Zone for case CZ-2020-03 but the
3 motion failed due to the lack of a second. No further motions were made. Ms. Coperine explained
4 that since the motion failed, the case will move to City Council for decision.
5

6 **Z-2020-04 – Zoning Map Amendment – 100 N Ridge. Ave**

7 Assistant Planning Director, Gretchen Coperine, gave a PowerPoint presentation regarding case
8 Z-2020-04, attached to and made part of these minutes as Exhibit 2. She stated that the request is
9 a straight rezoning from existing O-I to RV.
10

11 There being no questions or comments for staff, Chairman Steele opened the Public Hearing which
12 was then closed with no public comment made.
13

14 Chairman Steele asked for a motion to adopt or deny the Statement of Consistency for case Z-
15 2020-02. Mr. Trott made the motion to approve which was seconded by Mr. Ensley and the motion
16 was unanimously approved.
17

18 Chairman Steele asked for a motion to adopt a Resolution to Zone for case Z-2020-02 which was
19 made by Mr. Parker seconded by Mr. Ensley and the motion was unanimously approved.
20

21 **TA-2020-01 – Text Amendment – Watershed Regulations**

22 Assistant Planning Director, Gretchen Coperine, gave a PowerPoint presentation regarding case
23 TA-2020-01, attached to and made part of these minutes as Exhibit 3. Ms. Coperine explained that
24 the text amendment was needed to align the UDO with State Statutes which allows the use of a
25 high-density development option within watershed areas for an increase in the maximum build-
26 upon area.
27

28 Chairman Steele asked for a motion to adopt a Statement of Consistency which was made by Mr.
29 Ensley, seconded by Mr. Trott and the motion was unanimously approved.
30

31 Chairman Steele asked for a motion to recommend approval by City Council which was made by
32 Mr. Parker, seconded by Mr. Ensley and the motion was unanimously approved.
33

34 **CPA-2020-01 – Comprehensive Plan Amendment – Future Land Use and Character Map**

35 Assistant Planning Director, Gretchen Coperine, gave a PowerPoint presentation regarding case
36 CPA-2020-01, attached to and made part of these minutes as Exhibit 4. Ms. Coperine stated that
37 the amendment will affect the Future Land Use and Character Map to add property at North
38 Avenue Extension and to assign a Character Area of Suburban Activity 1.
39

40 Chairman Steele asked for a motion to adopt a Statement of Consistency which was made by Mr.
41 Ensley, seconded by Mr. Trott and the motion was unanimously approved.
42

43 Chairman Steele made a motion to recommend approval by City Council which was seconded by
44 Mr. Puckett and the motion was unanimously approved.
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46

1 **PLANNING DIRECTOR UPDATE**

2 Planning Director, Zac Gordon, updated the Commission regarding the monthly Permit Report;
3 active development projects and progress of the UDO rewrite and Cannon Boulevard Corridor
4 Plan.

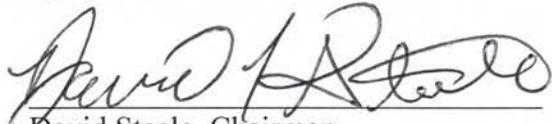
5
6 **OTHER BUSINESS**

7 Mr. Gordon responded to questions from the Commission regarding NCDOT projects and
8 discussed moving the Planning and Zoning Commission date from the first Wednesday to the third
9 Tuesday of the month.

10
11 **ADJOURN**

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

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15 The meeting adjourned at 8:04 PM on Wednesday July 8, 2020.

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19 David Steele, Chairman
20 Planning and Zoning Commission

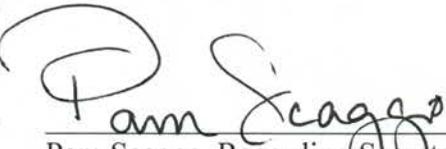
21 
22 Pam Scaggs, Recording Secretary
23
24

EXHIBIT 1

Planning and Zoning Minutes July 8, 2020



Planning and Zoning Commission July 8, 2020 Meeting

Staff Report

DATE: June 26, 2020
TO: Planning and Zoning Commission
FROM: Gretchen Coperine, AICP, Assistant Planning Director
SUBJECT: Case #CZ-2020-03
Conditional Zoning Map Amendment
Applicant: Pulte Home Company, LLC

Request to conditionally rezone property, located at 2845 & 2975 Jim Johnson Rd. from Cabarrus County CR (Countryside Residential) to RC-CZ (Residential Compact-Conditional Zoning), to allow for the development of 74 single-family detached homes.

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, Pulte Home Company, LLC., is proposing to rezone the subject property Cabarrus County CR (Countryside Residential) to CZ-RC (Residential Compact Conditional Zoning District). The proposed use is a residential development of 74 single-family detached homes.

The subject property was annexed into the City on June 22, 2020 by City Council and must therefore be assigned a zoning designation within 60 days in accordance with state statute.

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 34.8 +/- combined 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 single-family attached and detached, multi-family, as well as civic and small format retail as primary uses along with small-format office and live-work development as secondary uses. In addition, the 2030 Plan calls for residential densities of between 4 and 18 dwelling units/acre in a “Complete Neighborhood 2” Character Area, while the proposed density for this development is just over 2 units/acre. The proposed single-family detached residential development is therefore in conformance with the goals and policies of the 2030 Plan.

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

The property is located on the west side of Jim Johnson Road, north of Travertine Trail. It abuts the Waterford subdivision along a portion of the southern property line, which is in the City limits. The Waterford subdivision is zoned RM-2 (Residential Medium Density). Property to the north, south and east is zoned CR (Countryside Residential) and is within unincorporated Cabarrus County. The proposed single-family detached residential development is compatible with the adjacent residential subdivision to the south as well as with the Castlebrooke Subdivision (also within City limits) approximately ¼ mile north of the subject development. Castlebrooke subdivision is

zoned RV (Residential Village). Therefore, the proposed rezoning is considered compatible with the surrounding area

It is important to note that the subject development is surrounded largely by unincorporated Cabarrus County. The unincorporated area is part of the Kannapolis Growth Area (as designated by the annexation agreement between the City of Concord and Kannapolis) and may be annexed into the City in the future.

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

The subject property is accessed from Jim Johnson Road, which is an NCDOT road. The project did not require a traffic impact analysis per NCDOT's or the City's requirements, however improvements to Jim Johnson will be necessary, including turn lanes and appropriate tapers. 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?

Along the western portion of the site, running north/south, there is flood plain which measure approximately 100 feet from the western property line into the site. The preliminary plan submitted with this rezoning preserves the floodplain and does not show any development within that area. The plan also shows a stream running east/west within the site, for which the appropriate stream buffers have been provided. Most important, the 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 residential character of the area has remained stable. However, as mentioned previously, it is located within the City's growth area and may be annexed and developed in the future under City zoning.

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

There are adequate public facilities available to the property or within proximity, which will be extended to serve the development.

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

The property is located on the west side of Jim Johnson Road, north of Travertine Trail. It abuts the Waterford subdivision along a portion of the southern property line, which

is in the City limits. The Waterford subdivision is zoned RM-2 (Residential Medium Density). Property to the north, south and east is zoned CR (Countryside Residential) and is within unincorporated Cabarrus County. The proposed single-family detached residential development is compatible with the adjacent residential subdivision to the south as well as with the Castlebrooke Subdivision (also within City limits), located approximately ¼ mile north of the subject development. Castlebrooke is zoned RV (Residential Village).

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

The property is currently zoned CR (Countryside Residential - Cabarrus County zoning district). State law requires that the City assigns a zoning designation within 60 days of the date of annexation, otherwise the parcel remains “unzoned”. As previously noted, the City Council annexed the subject property into the City limits on June 22, 2020.

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

The proposed residential use is compatible with the adjacent residential neighborhood.

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?

Jim Johnson Road is predominately a residential corridor. There are vacant parcels as well as underutilized parcels along Jim Johnson Road sufficient to accommodate future development and community needs.

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 single-family detached development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide residential development 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-2020-03:

1. The permitted uses allowed by this rezoning shall only include 74 single-family detached units 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. Driveway location off Jim Johnson Road shall be approved by the City in conjunction with NCDOT.
4. 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).
5. 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 storm control measures.
6. The project developer shall be responsible for extension of all water and sewer infrastructure needed to serve the project.
7. Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.

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-2020-03, 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 single-family detached development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide residential development 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-2020-03, 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 #CZ-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 #CZ-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 #CZ-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. 2030 Future Land Use and Character Map
5. Site Plan
6. Notice of Public Hearing
7. List of Properties Notified
8. Letter to Adjacent Property Owners
9. Posted Public Notice Sign
10. Resolution to Adopt a Statement of Consistency
11. Resolution to Zone

J. Issue Reviewed By:

- City Manager
- City Attorney
- Planning Director

EXHIBIT 2

Planning & Zoning Minutes July 8, 2020



Planning and Zoning Commission July 8, 2020 Meeting

Staff Report

DATE: July 1, 2020
TO: Planning & Zoning Commission
FROM: Ryan Lipp, Senior Planner
SUBJECT: **Case #Z-2020-04: 100 N Ridge Ave.
Zoning Map Amendment
Applicant: Edward Wright**

Request to rezone approximately .45 +/- acres located at 100 N. Ridge Ave. from O-I (Office-Institutional) to RV (Residential Village).

A. Actions Requested by Planning and 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, Edward Wright is proposing to rezone the subject property, further identified as Cabarrus County PIN# 5613-79-1905. This is a map amendment request without any conditions as the intent is to rezone the property from O-I (Office-Institutional) 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 .45 +/- 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 detached/attached residential, along with civic uses. The RV zoning district proposed with this rezoning would allow for the residential and other uses designated in the Urban Residential character area and the density of the lot mirrors what is described for this character area.
- 3. Is the proposed rezoning compatible with the surrounding area?**
The surrounding area consists of predominantly single-family detached residences. 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 is anticipated to experience development in the near future due to its proximity to the adjacent downtown 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 and south are zoned RV. Properties to the east are zoned RV. Properties across Ridge Ave to the west are zoned CC (Center City) and 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 OI. 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?

The property is currently being utilized as a single-family dwelling.

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-2020-04

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-2020-04, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map **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-2020-04, 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-2020-04 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-2020-04 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-2020-04 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. 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

EXHIBIT 3

Planning and Zoning Minutes July 8, 2020



Planning and Zoning Commission July 8, 2020 Meeting Staff Report

DATE: June 26, 2020

TO: Planning and Zoning Commission Members

FROM: Gretchen Coperine, AICP, Assistant Planning Director

SUBJECT: **Text Amendment – TA-2020-01 Article 4.16, Watershed Protection Overlay District, Table 4.16-3 Maximum Development Intensity**

Public Hearing to consider a text amendment to Table 4.16-3 of the Unified Development Ordinance (UDO) to allow use of high-density development option within watershed areas as allowed by State statute.

A. Actions Requested by Planning and Zoning Commission Members

1. Consider Resolution to Adopt a Statement of Consistency for TA-2020-01
2. Consider motion to recommend approval of proposed text amendments by City Council

B. Decision and Required Votes to Pass Requested Action

Article 3.8 of the UDO addresses the procedures for processing amendments to the text of the ordinance. Per Section 3.8.2, "*Any person, board, department, or commission may apply for a change in zoning ordinance text*". The proposed text amendment was initiated by the Planning Department.

Per Sections 3.8.3.2 and 3.8.3.3 of the UDO, a majority vote of the Planning and Zoning Commission is required to recommend approval of a text amendment. A recommendation to approve is then forwarded to City Council who shall, either approve or deny the text amendment by a majority vote.

C. Background

Staff is proposing to amend Article 4.16, to allow us of high-density development option within watershed areas as allowed by State statute to allow for an increase in the maximum built-upon area.

The State of North Carolina allows development within watersheds under a low-density development option (which our UDO currently allows) and a high-density option (which our UDO does not currently allow). Staff is of the opinion that by aligning our current regulations with the State's regulations, development within watershed areas will:

- 1) not be unduly limited as long as all local and state regulations and requirements are met;
- 2) be to the benefit of property owners and the general public as land may be allowed to be developed in a sustainable and environmentally conscious manner.

D. Fiscal Considerations

None.

E. Policy Issues

The proposed text amendment to the UDO is **attached** as **additions and deletions**:

F. Legal Issues

None

G. Alternative Courses of Action and Staff Recommendation

The Planning and Zoning Commission may choose to recommend approval or denial of the text amendment as presented. The Commission may also add, delete, or change any of the language as proposed.

Based on the foregoing analysis, staff recommends **approval** of the proposed text amendments to **Article 4.16, Table 4.16-3** of the Unified Development Ordinance.

The following actions are required to recommend approval of TA 2020-01

1. Consider Resolution to Adopt a Statement of Consistency for TA 2020-01
2. Consider motion to recommend approval of proposed text amendments by City Council.

The following actions are required to recommend denial of TA 2020-01

1. Consider Resolution to not Adopt a Statement of Consistency for TA 2020-01
2. Consider motion to recommend denial of proposed text amendments by City Council.

H. Attachments

1. Application for Text Amendment to the Unified Development Ordinance
2. Proposed UDO changes
3. Resolution to Adopt a Statement of Consistency

I. Issue Reviewed By:

City Manager
City Attorney
City Engineer
Planning Director

Table 4.16-3: Maximum Development Intensity

(A) DISTRICT	(B) MINIMUM LOT SIZE	<u>LOW DENSITY</u>			<u>HIGH DENSITY</u> * -
		(C) MINIMUM LAND REQUIRED PER DWELLING UNIT	(D) MAXIMUM DENSITY (DWELLING UNITS/ACRE)	(E) MAXIMUM BUILT- UPON AREA	<u>ALL TYPES</u>
Coddle Creek Reservoir WS-II CA	Determined by underlying zoning district, provided the limitations of Column C or D of this Table are complied with.	3 acres	0.33	6% ⁽¹⁾	<u>6% to 24%</u>
Coddle Creek Reservoir WS-II BW		1 acre	1.0	12%	<u>12% to 30%</u>
Dutch Buffalo Creek WS-II CA		2 acres	0.5	6% ⁽¹⁾	<u>6% to 24%</u>
Dutch Buffalo Creek WS-II BW		1 acre	1.0	12%	<u>12% to 30%</u>
Lake Concord WS-IV CA		20,000 sf	2.0	24%	<u>24% to 50%</u>
Lake Concord WS-IV PA		20,000 sf	2.0	24%	<u>24% to 70%</u>
Lake Fisher WS-IV CA		20,000 sf	2.0	24%	<u>24% to 50%</u>
Lake Fisher WS-IV PA		20,000 sf	2.0	24%	<u>24% to 70%</u>
Kannapolis Lake WS-III CA		40,000 sf	1.0	12%	<u>12% to 30%</u>
Kannapolis Lake WS-III BW		20,000 sf	2.0	24%	<u>24% to 50%</u>
Tuckertown Reservoir WS-IV CA		20,000 sf	2.0	24%	<u>24% to 50%</u>

Notes: ⁽¹⁾ Applicable to non-residential development only.

*** In accordance with 15A NCAC 02B .0624**

EXHIBIT 4

Planning & Zoning Minutes July 8, 2020



Planning Department

Staff Report

July 8, 2020

Planning & Zoning Commission Meeting

DATE: June 25, 2020
TO: Planning & Zoning Commission
FROM: Gretchen Coperine, AICP, Assistant Planning Director
SUBJECT: CPA-2020-20 Move Kannapolis Forward 2030 Future Land Use and Character Map Amendment – Addition of approximately 26 acres on North Avenue Extension, and assignment of “Suburban Activity 1” Character Area

A. Actions Requested by Planning & Zoning Commission

1. Motion to recommend approval of the proposed Future Land Use and Character Map amendment by City Council.

B. Decision and Required Votes to Pass Requested Actions

A simple majority vote of the Planning & Zoning Commission will be required to recommend approval/denial. City Council has final decision making authority to approve or deny the amendment.

C. Background

The City Council in 2018 adopted the 2030 Move Kannapolis Forward Comprehensive Plan. At the time, the subject parcel was inadvertently not included in the Future Land Use and Character Map.

Staff is proposing that the area be added to the Future Land Use and Character Map, and a Future Land Use and Character Area designation of “Suburban Activity 1” be applied to the subject area (see attached map). The Suburban Activity – 1 Character Area allows for a

mixture of uses including but not limited to retail, office, light manufacturing, as well as a mix of residential product types. This same Character Area exists to the north and west of the subject parcel.

D. Fiscal Considerations

None

E. Policy Issues

The 2030 Move Kannapolis Forward Comprehensive, Future Land Use and Character Area Map will be amended as a result of Council's direction.

F. Legal Issues

None

G. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

Staff is proposing that the subject parcels be added to the Move Kannapolis Forward 2030 Comprehensive Plan, and that a Future Land Use and Character Area designation of "Suburban Activity 1" be applied to the subject area (see attached map).

Course of Action

In accordance with Section 2.3.2. Powers and Duties, of the UDO, the Planning and Zoning Commission shall provide an advisory function to assist in making decisions pertaining to amendments to the Comprehensive Plan. The Commission shall have the powers and duties including, but not limited to, the preparation of a comprehensive plan and amendments to the plan and its elements and to submit the amendments to the City Council. In accordance with Section 2.4.1. Powers and Duties, of the UDO, the City Council shall render final decisions pertaining to amendments to the Comprehensive Plan. The City Council shall have the powers and duties to initiate, adopt, and amend a Comprehensive Plan and map.

Based on the foregoing analysis, staff recommends approval of the proposed Land Use Plan amendment, as presented.

APPROVAL

The following action is required to recommend approval of proposed Land Use Plan amendment

1. Consider motion to recommend approval of proposed Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use and Character Map amendment by City Council.

DENIAL

The following actions are required to recommend denial of proposed Land Use Plan amendment

1. Consider motion to recommend denial of proposed Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use and Character Map amendment by City Council.

I. Attachments

1. Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use and Character Map (Proposed)

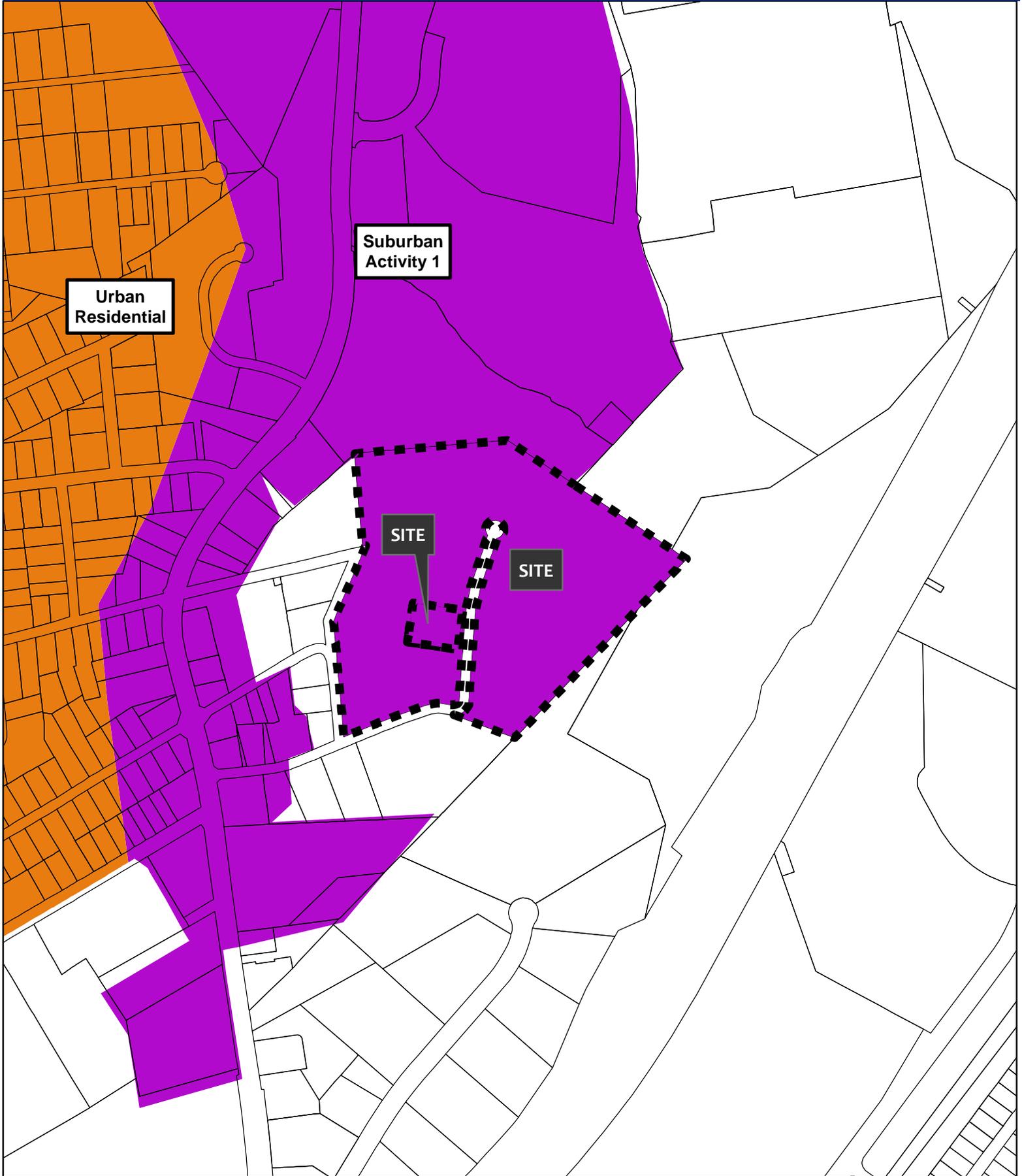
J. Issue Reviewed By:

- City Manager
- Deputy City Manager
- City Attorney
- Planning Director
- Economic & Community Development Director
- Communications Director



Kannapolis 2030 Future Land Use Map

Case Number: CPA-2020-01
Applicant: City of Kannapolis



Urban Residential

Suburban Activity 1

SITE

SITE