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

**Minutes of Regular Meeting  
September 2, 2020**

The Kannapolis Planning and Zoning Commission met on Wednesday, September 2, 2020 at 6:00 PM at City Hall, 401 Laureate Way, Kannapolis, North Carolina. This meeting was held in accordance with the notice attached to and made part of these minutes as Appendix 1.

**Commission Members Present:** David Steele, Chairman  
Chris Puckett, Vice-Chairman  
Alan Overcash  
Jeff Parker  
Larry Ensley  
Travis Gingras

**Commission Members Absent:** Paula Severt (ETJ Representative)  
Scott Trott

**Visitors:**

Margot Crisman	Elton Crisman
Joe Hatley	Gary McCoy
Kara Strickland	Mike Byron
Joshua Masters	Macenzie Publilover
Matt Edwards	John Feather
David Miller	

**Staff Present:** Gretchen Coperine, AICP, Assistant Planning Director  
Tony Eury, IT Director  
Wilmer Melton, Assistant City Manager

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

**APPROVAL OF MINUTES**

Chairman Steele asked for a motion to approve the August 5, 2020 Meeting Minutes which was made by Mr. Ensley, seconded by Mr. Puckett the motion was unanimously approved.

1 **PUBLIC HEARING**

2 **CZ-2020-07 – Conditional Zoning Map Amendment – North Ave. Extension**

3 Assistant Planning Director, Gretchen Coperine, gave a PowerPoint presentation regarding case  
4 CZ-2020-07, attached to and made part of these minutes as Exhibit 1. Ms. Coperine noted that the  
5 subject properties were recently annexed, and that zoning needs to be applied within sixty (60)  
6 days. She responded to questions from the Commission regarding plans for North Ave Extension,  
7 Charter school, Concord Lake being a NCDOT road, who pays for street improvements, and the  
8 discrepancy on acreage.

9  
10 Mike Byron identified himself as the applicant and talked about other developments in nearby  
11 municipalities, proposed amenities, and construction material that will be used. Mr. Byron noted  
12 that this will be built and managed by the same company and has committed to managing the  
13 property for 30 years. He made himself available for questions. He responded to questions  
14 regarding target resident, elevators, subsidized or affordable housing, and connectivity.

15  
16 Mackenzie Publilover, P.E. for the applicant responded to questions regarding the North Avenue  
17 Extension abandonment. Ms. Publilover indicated that North Ave. Extension will be used as  
18 emergency access.

19  
20 Ms. Coperine responded to a question regarding parking and school impacts.

21  
22 One (1) resident voiced concern regarding North Ave Extension being used as parking and  
23 requested some type of a barrier.

24  
25 Chairman Steele requested a motion to either adopt or deny the Statement of Consistency for case  
26 CZ-2020-07. Mr. Gingras made the motion to approve, which was seconded by Mr. Parker and  
27 the motion unanimously approved.

28  
29 Chairman Steele asked for a motion to either approve or deny the Resolution to Zone for case CZ-  
30 2020-07. Mr. Overcash made the motion to approve the Resolution to Zone which was seconded  
31 by Mr. Ensley and the motion was unanimously approved.

32  
33 **Z-2020-05 – Zoning Map Amendment – 675 Winecoff School Rd.**

34 Assistant Planning Director, Gretchen Coperine, gave a PowerPoint presentation regarding case  
35 Z-2020-05, attached to and made part of these minutes as Exhibit 2. Ms. Coperine indicated that  
36 the subject property received a Certificate of Nonconformity Adjustment (CONA) in 2017 to allow  
37 for an upgrade to an existing billboard and that a commercial zoning designation is required by the  
38 state. She responded to questions from the Commission regarding the CONA.

39  
40 Gary McCoy identified himself as the applicant, stating that he and his brothers have owned the  
41 property since 1984 and have maintained the billboard on that property since that time. Mr. McCoy  
42 made himself available for questions.

43  
44 Chairman Steele asked for a motion to adopt or deny the Statement of Consistency for case Z-  
45 2020-05. Mr. Ensley made the motion to a which adopt which was seconded by Mr. Parker and  
46 the motion was unanimously approved.

1 Chairman Steele asked for a motion to adopt a Resolution to Zone for case Z-2020-05 which was  
2 made by Mr. Ensley seconded by Mr. Gingras and the motion was unanimously approved.  
3

4 **Z-2020-06 – Zoning Map Amendment – West F St. and Sycamore Ave.**

5 Assistant Planning Director, Gretchen Coperine, gave a PowerPoint presentation regarding case  
6 Z-2020-06, attached to and made part of these minutes as Exhibit 3. Ms. Coperine responded to  
7 questions from the Commission regarding future re-zonings for surrounding properties.  
8

9 Joshua Masters identified himself as the applicant and indicated that he will be building  
10 townhomes. He responded to questions from the Commission regarding installation of sidewalks,  
11 construction materials, whether the units will be offered for rent or sale, and parking.  
12

13 One (1) resident voiced concern regarding street safety, design and parking.  
14

15 Chairman Steele asked for a motion to adopt or deny the Statement of Consistency for case Z-  
16 2020-06. Mr. Parker made the motion to approve which was seconded by Mr. Gingras and the  
17 motion was unanimously approved.  
18

19 Chairman Steele asked for a motion to adopt a Resolution to Zone for case Z-2020-06 which was  
20 made by Mr. Ensley seconded by Mr. Parker and the motion was unanimously approved.  
21

22 **PLANNING DIRECTOR UPDATE**

23 None  
24

25 **OTHER BUSINESS**

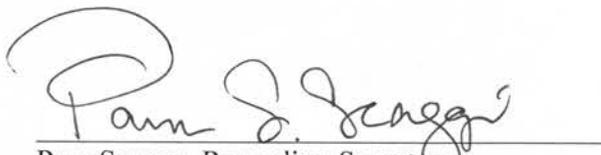
26 None  
27

28 **ADJOURN**

29 There being no further business, questions or comments, Mr. Ensley made the motion to adjourn  
30 which was seconded by Mr. Puckett and the motion was unanimously approved.  
31

32 The meeting adjourned at 6:56 PM on Wednesday September 2, 2020.  
33

34   
35 \_\_\_\_\_  
36 David Steele, Chairman  
37 Planning and Zoning Commission

38   
39 \_\_\_\_\_  
40 Pam Scaggs, Recording Secretary  
41



PO Box 27283  
Richmond, VA 23261-7283

# Order Confirmation

Order# 0000668468

# APPENDIX 1

Planning & Zoning  
Commission Minutes  
September 2, 2020

**Client:** KANNAPOLIS,CITY OF  
**Phone:** 7049204300

**Pavor :** KANNAPOLIS,CITY OF  
**Phone:** 7049204300

**Account:** 3143368  
**Address:** ACTS PAYABLE/WANDA/TEARSHEETS  
KANNAPOLIS NC 28081

**Account:** 3143368  
**Address:** ACTS PAYABLE/WANDA/TEARSHEET  
KANNAPOLIS NC 28081

**Sales Rep**      **Accnt Rep**      **Ordered By**  
aboan              aboan              Pam

**Fax:** 7049337463  
**EMail:** byow@kannapolisnc.gov

**Total Amount**                      \$620.50  
**Payment Amount**                 \$620.50

<b>Amount Due</b>	<b>\$0.00</b>	<b><u>Tear Sheets</u></b>	<b><u>Proofs</u></b>	<b><u>Affidavits</u></b>	<b><u>PO Number:</u></b>
<b>Tax Amount:</b>	0.00	0	0	1	
<b>Payment Meth:</b>	Credit - Debit Card				

<b><u>Ad Number</u></b>	<b><u>Ad Type</u></b>	<b><u>Ad Size</u></b>	<b><u>Color</u></b>
0000668468-01	CLS Liner	2 X 49 li	\$0.00

<b><u>Production Method</u></b>	<b><u>Production Notes</u></b>
AdBooker (liner)	

<b><u>Product and Zone</u></b>	<b><u>Placement</u></b>	<b><u>Position</u></b>	<b><u># Inserts</u></b>
CON Independent Trib	C-Announcements	General-Spec Notice	2

**Run Schedule Invoice Text:** NOTICE OF PUBLIC HEARING Planning and Zoning

**Run Dates** 8/21/2020, 8/28/2020

**TagLine:** NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONM  
LISNCWEDNESDAYSEPTEMBER2020AT600PMCONDITIONALZON



**KANNAPOLIS**

**NOTICE OF PUBLIC HEARING**  
**Planning and Zoning Commission Meeting**  
**401 Laureate Way, Kannapolis, NC**

**Wednesday September 2, 2020 at 6:00 pm**

**Conditional Zoning Map Amendment - CZ-2020-07** - Public hearing to consider a request to rezone approximately 25.05 acres of property located at 319 & 320 North Ave. Extension from Cabarrus County MDR (Medium Density Residential) to City of Kannapolis RC-CZ (Residential Compact-Conditional Zoning), further identified as Cabarrus County PINs # 5622-45-0020 and 5622-35-7092 to allow for a 270-unit multi-family residential development.

**ZoningMap Amendment - Z-2020-05** - Public hearing to consider a request to rezone approximately .25 +/- acres located at 675 Winecoff School Rd. from RC (Residential Compact) to C-2 (General Commercial), further identified as Cabarrus County PIN #5611-59-8729.

**ZoningMap Amendment - Z-2020-06** - Public hearing to consider a request to rezone approximately .65 +/- combined acres located at 405 West F St., 421 Sycamore Ave. and 417 Sycamore Ave. from RV (Residential Village) to CC (Center City), further identified as Cabarrus County PIN #5613-48-1369, 5613-48-0472 and 5613-48-1552.

**IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, SOCIAL DISTANCING PRACTICES WILL BE OBSERVED DURING THIS MEETING.**

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 tcline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

**Publish: August 21, 28, 2020.**

# EXHIBIT 1

Planning and Zoning  
Commission Minutes  
September 2, 2020



## Planning and Zoning Commission September 2, 2020 Meeting

### Staff Report

**TO:** Planning and Zoning Commission

**FROM:** Gretchen Coperine, AICP, Assistant Planning Director

**SUBJECT:** Case #CZ-2020-07  
Conditional Zoning Map Amendment  
Applicant: Pedcor Investments, LLC

Request to conditionally rezone property located at 319 & 320 North Ave. Extension from Cabarrus County MDR (Medium Density Residential) to City of Kannapolis RC-CZ (Residential Compact-Conditional Zoning), further identified as Cabarrus County PINs # 5622-45-0020 and 5622-35-7092 to allow for a 270-unit multi-family residential development.

#### 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, Pedcor Investments, LLC., is proposing to rezone the subject property from the current Cabarrus County MDR (Medium Density Residential) zoning district designation to City of Kannapolis RC-CZ (Residential Compact-Conditional Zoning), to allow for a 270-unit multi-family residential development.

The subject property was annexed into the City on August 24, 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 25.05 +/- 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 “Suburban Activity 1” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Suburban Activity 1 Character Area includes multi-family residential development as a primary use. The proposed use 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 north of Interstate 85, just southwest of the Northlite Commons Shopping Center. Property to the north is zoned C-2 and is located within the City of Kannapolis city limits. Property to the immediate east, west and south is zoned MDR and is located in unincorporated Cabarrus County. Property to the north and south is within the City of Concord, and zoned C-2 and I-1, respectively. Uses within the surrounding area include commercial, single-family residential, and institutional uses. The proposed multi-family residential development is compatible with the surrounding mix of uses and provides an appropriate transition between the residential and commercial uses in the area.

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

The proposed project was required to provide a Traffic Impact Analysis. That analysis recommended and NCDOT and the City have agreed to the improvements below. These improvements are intended to mitigate any impacts on the roadway network

from the proposed development. In addition, the developer will be responsible for making the necessary improvements to the access roadways into the development.

**Concord Lake Road and Mt.Olivet Road/ Access A**

- Construction of the westbound approach with one ingress lane and two egress lanes: one left-turn lane with 100' of storage and one through/right shared lane
- Conversion of the existing right-turn lane on Mt. Olivet Road to a through/right shared lane
- Construction of a southbound left-turn lane on Concord Lake Road with 150' of storage
- Construction of intersection geometry such that left turns on northbound/southbound and eastbound/westbound approaches can be made concurrently
- Modification of the traffic signal to provide permitted-only left turns on the westbound approach and permitted-protected left turns (with flashing yellow arrow) on all other approaches
- Construction of pedestrian crosswalk, appropriate accessible ramps, and pedestrian signals across Concord Lake Road on the northbound approach and across Access A on the westbound approach

**North Avenue Extension and Access B (Gated Emergency Access Only)**

- Construction of the southbound approach with one ingress lane and one egress lane and an internal protected stem length of 100'

**5. Will there be parking problems?**

The site plan submitted with this request for rezoning includes adequate parking for the proposed 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?**

No environmental impacts are anticipated. More 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 character of the area has remained stable.

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

There are adequate public facilities available to the property or within close 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 north of Interstate 85, just southwest of the Northlite Commons Shopping Center. Property to the north is zoned C-2 and is within City of Kannapolis city limits. Property to the immediate east, west and south is zoned MDR and is located in unincorporated Cabarrus County. Property to the north and south is within the City of Concord, and zoned C-2 and I-1, respectively. Uses within the surrounding area include commercial, single-family residential, and institutional uses. The proposed multi-family residential development is compatible with the surrounding mix of uses and provides an appropriate transition between the residential and commercial uses in the area.

**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 MDR (Medium Density 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 August 24, 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 commercial and residential neighborhoods.

**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?**

There are parcels in the surrounding area that would be sufficient to accommodate future zoning 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 “Suburban Activity 1” Character Area, which allows for multi-family 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-2020-07:**

1. The permitted uses allowed by this rezoning shall only include 270 multi-family units as generally depicted on the site plan submitted with this rezoning.
2. A Final Site Plan, in compliance with all applicable City standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Compliance with the current Land Development Standards Manual (LDSM).
4. Final design of all road intersections on which development has access to and/or street frontage on shall be approved by NCDOT and the City.
5. The developer will construct curb and gutter and sidewalk along the entire road frontage where development has access and/or street frontage. The improvements will be constructed to NCDOT and City standards.
6. The lane widths, sidewalks, pavement structure, road alignment, and road grades shall be constructed in compliance with current City standards.
7. Roads and parking lots shall comply with all Fire Codes and Autoturn shall be run for an SU-30 and Bus-45 (mimics ladder truck).
8. Streams and wetlands shall be identified by a qualified person and all buffers shown in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with AE Zone & RSOD Buffer requirements or be relocated.
9. A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and SCM's. Stormwater SCM's cannot be constructed in the undisturbed buffer. Additional requirements are necessary to verify design of SCM within AE Zone see attached comments on sketch plan.
10. Water and sewer main extensions will be required for this project. The developer shall be responsible for designing, permitting and constructing water and sewer mains in accordance with City and WSACC standards.
11. All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement. The water and sewer mains shall be located in the roadway under the pavement per the City's Typical Section Utility Layout, LDSM Detail 301.

12. Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-feet wide. Additional width may be required depending on the depth of the line. Sanitary sewer lines and storm sewer lines shall be located within Common Open Space (easements centered on property lines shall not be permitted). Viable access shall be provided along all easements with a grade no greater than 15% for maintenance vehicles and cross slopes shall not exceed 5%.
13. The Fire Department shall approve locations of all hydrants.
14. Fire apparatus access roads shall remain open at all times.

### **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-2020-07, 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 “Suburban Activity 1” Character Area, which allows for multi-family development. Furthermore, the Commission 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.*

**Should the Commission choose to approve Case #CZ-2020-07, 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-2020-07, 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-2020-07 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-2020-07, 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 Notified Properties
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



Planning Department  
401 Laureate Way  
Kannapolis, NC 28081  
704.920.4350

## Conditional Zoning Map Amendment Checklist

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the size of the parcel, the proposed use or the adequacy of existing infrastructure servicing the location. Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

### CONDITIONAL REZONING REQUEST

**Conditional Rezoning** – Request for an amendment to the Kannapolis Zoning Map. *Approval authority – Planning and Zoning Commission.*

Requested Rezoning Property Address: 319 North Avenue Extension, Kannapolis, NC

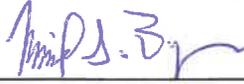
Applicant: Pedcor Investments, A Limited Liability Company

Proposed development: Emerson Hills Apartment Homes, a 270-unit multifamily apartment development

### SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to [planreviewappointment@kannapolisnc.gov](mailto:planreviewappointment@kannapolisnc.gov)
- Neighborhood Meeting (if required)
- Zoning Map Amendment Checklist and Application – Complete with all required signatures
- Preliminary Major Site Plan
- PDF format on disc containing all documents rotated and formatted in sequential order based upon cover page
- Fee: \$925.00 (\$600 Application Fee, \$300 Legal Notices and notification fee, # of property owners notified [see Fee Schedule])

**By signing below I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.**

Applicant's Signature: 

Date: 7/31/2020



Planning Department  
401 Laureate Way  
Kannapolis, NC 28081  
704.920.4350

### CONDITIONAL ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

#### Applicant Contact Information

Name: Michael Byron - Pedcor Investments, A Limited Liability Company  
Phone: 317-218-2702 Email: mbyron@pedcor.net

#### Property Owner Information same as applicant

Name: L W Maulden, care of Ashlynn Sides; William L. Sides  
Phone: 704-791-8512 Email: janistuckerhomes@yahoo.com

#### Project Information

Project Address: 319 and 320 North Avenue Extension, Kannapolis, NC 28083  
Parcel: 04-080-004.10; 04-080-004.00 # of parcels: 2 Approx. size of parcels: 25.05  
*(attach separate list if necessary)*  
Current Zoning Designation: MDR Requested Zoning Designation: RC  
Reason for map amendment: RC zoning will allow the planned 270 multifamily apartment units.

Condition(s) proposed by the applicant (attach separate sheet if necessary): See attached.

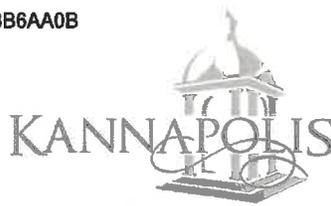
**By signed below, it is understood and acknowledged that if the property is conditionally rezoned as requested, the property involved in this request will be perpetually bound to the use(s) authorized and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.**

Michael J. Byron 7/31/2020  
Applicant Signature Date

DocuSigned by:  
Ashlynn M Sides 7/31/2020  
Property Owner Signature Date

Ashlynn M Sides for William L Sides 7/31/2020  
Date

Sara & Sides 7/31/2020  
1849A12BA06D425... For Staff Use Only: Filing Fee: \_\_\_\_\_ Receipt #: \_\_\_\_\_  
Case #: \_\_\_\_\_ Date Received: \_\_\_\_\_



## Conditional Zoning Map Amendment Checklist

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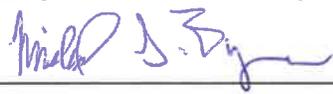
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Proposed development: Emerson Hills Apartment Homes, a 270-unit multifamily apartment development

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- PDF format on disc containing all documents rotated and formatted in sequential order based upon cover page
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**By signing below I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.**

Applicant's Signature: 

Date: 7/31/2020



Planning Department  
401 Laureate Way  
Kannapolis, NC 28081  
704.920.4350

### CONDITIONAL ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

#### Applicant Contact Information

Name: Michael Byron - Pedcor Investments, A Limited Liability Company  
Phone: 317-218-2702 Email: mbyron@pedcor.net

#### Property Owner Information same as applicant

Name: L W Maulden, care of Ashlynn Sides; William L. Sides  
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#### Project Information

Project Address: 319 and 320 North Avenue Extension, Kannapolis, NC 28083

Parcel: 04-080-004.10; 04-080-004.00 # of parcels: 2 Approx. size of parcels: 25.05  
(attach separate list if necessary)

Current Zoning Designation: MDR Requested Zoning Designation: RC

Reason for map amendment: RC zoning will allow the planned 270 multifamily apartment units.

Condition(s) proposed by the applicant (attach separate sheet if necessary): See attached.

**By signed below, it is understood and acknowledged that if the property is conditionally rezoned as requested, the property involved in this request will be perpetually bound to the use(s) authorized and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.**

Applicant Signature: [Signature] Date: 7/31/2020

DocuSigned by: Philip Magaldi 7/30/2020

Proprietary Owner Signature: [Signature] Date: 7/30/2020

24BB05FAA563435...

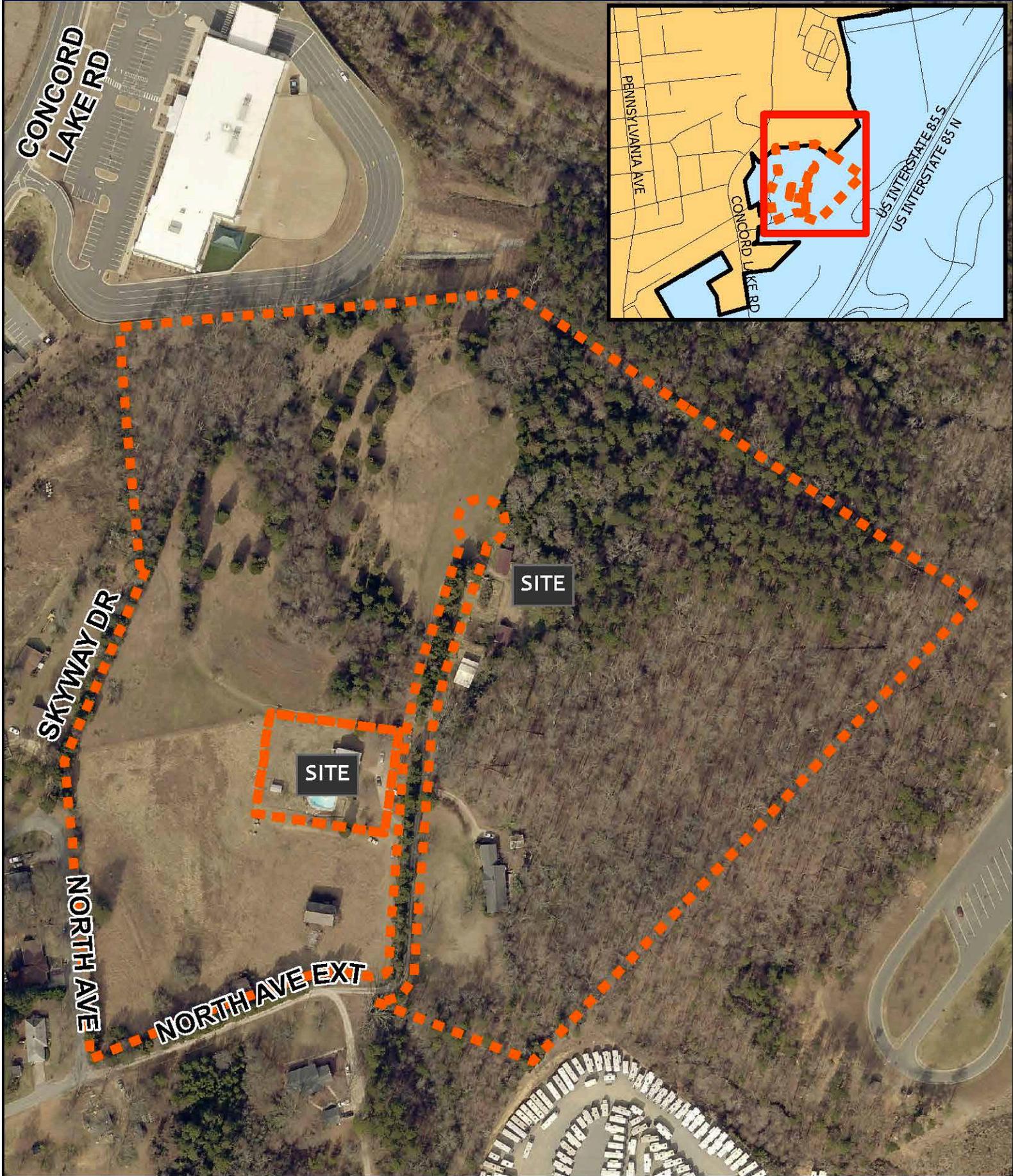
#### For Staff Use Only:

Filing Fee: \_\_\_\_\_ Receipt #: \_\_\_\_\_  
Case #: \_\_\_\_\_ Date Received: \_\_\_\_\_



# Vicinity Map

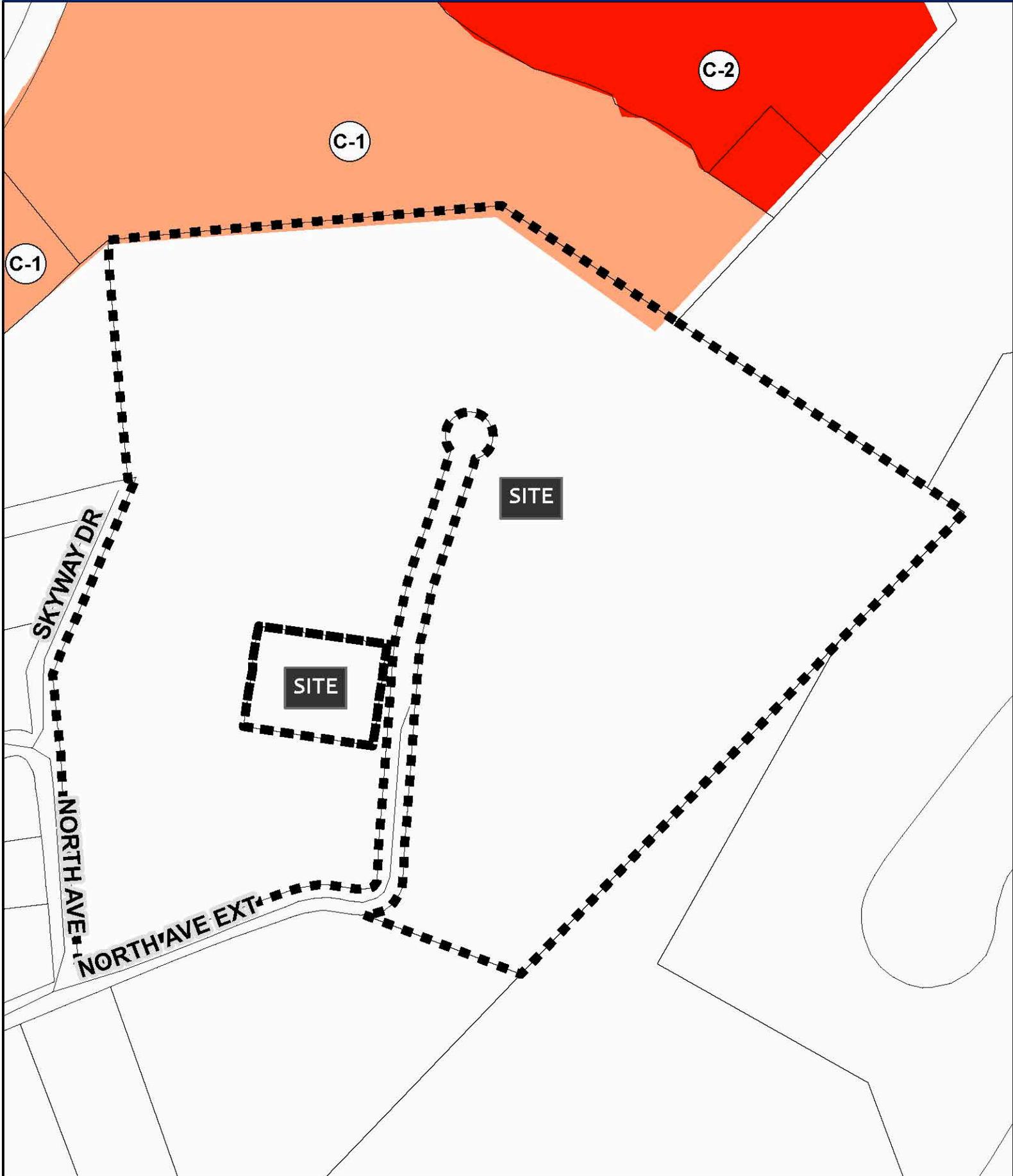
Case Number: CZ-2020-07  
Applicant: Pedcor Investments LLC  
319 & 320 North Ave. Ext.





# Kannapolis Current Zoning

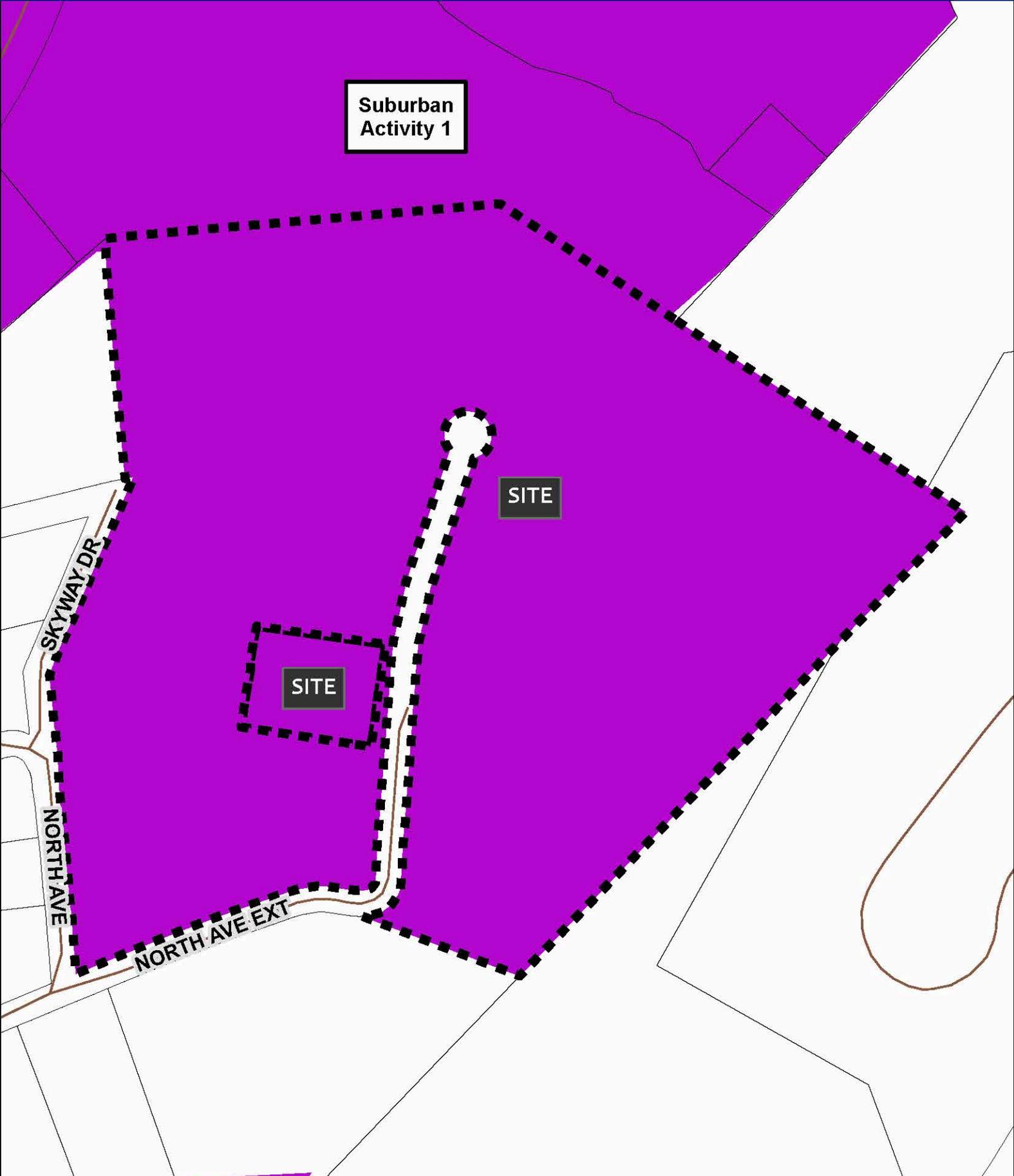
Case Number: CZ-2020-07  
Applicant: Pedcor Investments LLC  
319 & 320 North Ave. Ext.



# Kannapolis 2030 Future Land Use Map



Case Number: CZ-2020-07  
Applicant: Pedcor Investments LLC  
319 & 320 North Ave. Ext.











PO Box 27283  
Richmond, VA 23261-7283

# Order Confirmation

Order# 0000668468

**Client:** KANNAPOLIS,CITY OF  
**Phone:** 7049204300

**Pavor :** KANNAPOLIS,CITY OF  
**Phone:** 7049204300

**Account:** 3143368  
**Address:** ACTS PAYABLE/WANDA/TEARSHEETS  
KANNAPOLIS NC 28081

**Account:** 3143368  
**Address:** ACTS PAYABLE/WANDA/TEARSHEET  
KANNAPOLIS NC 28081

**Sales Rep**      **Accnt Rep**      **Ordered By**  
aboan              aboan              Pam

**Fax:** 7049337463  
**EMail:** byow@kannapolisnc.gov

**Total Amount**                      \$620.50  
**Payment Amount**                 \$620.50

<b>Amount Due</b>	<b>\$0.00</b>	<b><u>Tear Sheets</u></b>	<b><u>Proofs</u></b>	<b><u>Affidavits</u></b>	<b><u>PO Number:</u></b>
<b>Tax Amount:</b>	0.00	0	0	1	
<b>Payment Meth:</b>	Credit - Debit Card				

<b><u>Ad Number</u></b>	<b><u>Ad Type</u></b>	<b><u>Ad Size</u></b>	<b><u>Color</u></b>
0000668468-01	CLS Liner	2 X 49 li	\$0.00

<b><u>Production Method</u></b>	<b><u>Production Notes</u></b>
AdBooker (liner)	

<b><u>Product and Zone</u></b>	<b><u>Placement</u></b>	<b><u>Position</u></b>	<b><u># Inserts</u></b>
CON Independent Trib	C-Announcements	General-Spec Notice	2

**Run Schedule Invoice Text:** NOTICE OF PUBLIC HEARING Planning and Zoning

**Run Dates** 8/21/2020, 8/28/2020

**TagLine:** NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONM  
LISNCWEDNESDAYSEPTEMBER22020AT600PMCONDITIONALZON



**KANNAPOLIS**

**NOTICE OF PUBLIC HEARING**  
**Planning and Zoning Commission Meeting**  
**401 Laureate Way, Kannapolis, NC**

**Wednesday September 2, 2020 at 6:00 pm**

**Conditional Zoning Map Amendment - CZ-2020-07** - Public hearing to consider a request to rezone approximately 25.05 acres of property located at 319 & 320 North Ave. Extension from Cabarrus County MDR (Medium Density Residential) to City of Kannapolis RC-CZ (Residential Compact-Conditional Zoning), further identified as Cabarrus County PINs # 5622-45-0020 and 5622-35-7092 to allow for a 270-unit multi-family residential development.

**ZoningMap Amendment - Z-2020-05** - Public hearing to consider a request to rezone approximately .25 +/- acres located at 675 Winecoff School Rd. from RC (Residential Compact) to C-2 (General Commercial), further identified as Cabarrus County PIN #5611-59-8729.

**ZoningMap Amendment - Z-2020-06** - Public hearing to consider a request to rezone approximately .65 +/- combined acres located at 405 West F St., 421 Sycamore Ave. and 417 Sycamore Ave. from RV (Residential Village) to CC (Center City), further identified as Cabarrus County PIN #5613-48-1369, 5613-48-0472 and 5613-48-1552.

**IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, SOCIAL DISTANCING PRACTICES WILL BE OBSERVED DURING THIS MEETING.**

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 tcline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

**Publish: August 21, 28, 2020.**

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
PATSY HURST				
DONALD ROBERTS	PO BOX 782	ALBEMARLE	NC	28002
KIMBERLY ADKINS	533 BIRD FARM ED	COVINGTON	VA	24426
ERIC FLAKE	409 NORTH AVENUE	KANNAPOLIS	NC	28083
BARRY & ANGELA LEIGH	415 NORTH AVE	KANNAPOLIS	NC	28083
RICHARD & MARGIE KISER	1109 SKYWAY DR	KANNAPOLIS	NC	28083
ELLA RICHARDSON	301 NORTH AVE	KANNAPOLIS	NC	28083
JAMES MARSHALL	401 NORTH AVE	KANNAPOLIS	NC	28083
WILLIAM SIDES	319 NORTH AVE EXT	KANNAPOLIS	NC	28083
BROADWELL INVESTMENTS LLC	1921 CONCORD LAKE RD	KANNAPOLIS	NC	28083
L W MAULDEN				
C/O ASHLYNN SIDES	319 NORTH AVENUE EXT	KANNAPOLIS	NC	28083
EARNHARDT INTERCHANGE PROPERTY OWNERS ASSOCIATION	14021 CONLAN CIR	CHARLOTTE	NC	28277
N C DEPT OF TRANSPORTATION	206 CHARTER ST	ALBEMARLE	NC	28001
RV RETAILER CAROLINAS REAL ESTATE LLC	100 SE 3RD AVE STE 1850	FT LAUDERDALE	FL	33394
JOHN & LORI FEATHER	314 N AVENUE EXT	KANNAPOLIS	NC	28083
NORTH CAROLINA CHARTER EDUCATIONAL FOUNDATION INC.	800 CORPORATE DR STE 700	FT LAUDERDALE	FL	33334
PEDCORE INVESTMENTS				
ATTN: MICHAEL BYRON	770 3RD AVE SW	CARMEL	IN	46032



August 20, 2020

Dear Property Owner:

**Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Wednesday, September 2, 2020 at 6:00 PM, for the following case:**

**CZ-2020-07 – Conditional Zoning Map Amendment – North Ave. Extension**

The purpose of the Public Hearing is to consider a request by Pedcor Investments, LLC to rezone property located at 319 & 320 North Ave. Extension from Cabarrus County MDR (Medium Density Residential) to City of Kannapolis RC-CZ (Residential Compact-Conditional Zoning) to allow for a 270-unit multi-family residential development. The subject properties are approximately 25.05 +/- combined acres and further identified as Cabarrus County Parcel Identification Number(s) 5622-45-0020 and 5622-35-7092 (see reverse side of this letter for a map showing the location of this property).

You are being notified because you are an abutting property owner.

**NOTE: IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, SOCIAL DISTANCING PRACTICES WILL BE OBSERVED DURING THIS MEETING.**

Should you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4350.

Sincerely,

Gretchen Coperine, AICP  
Assistant Planning Director

Enclosure

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](mailto:tccline@kannapolisnc.gov) as soon as possible but no later than 48 hours before the scheduled event.

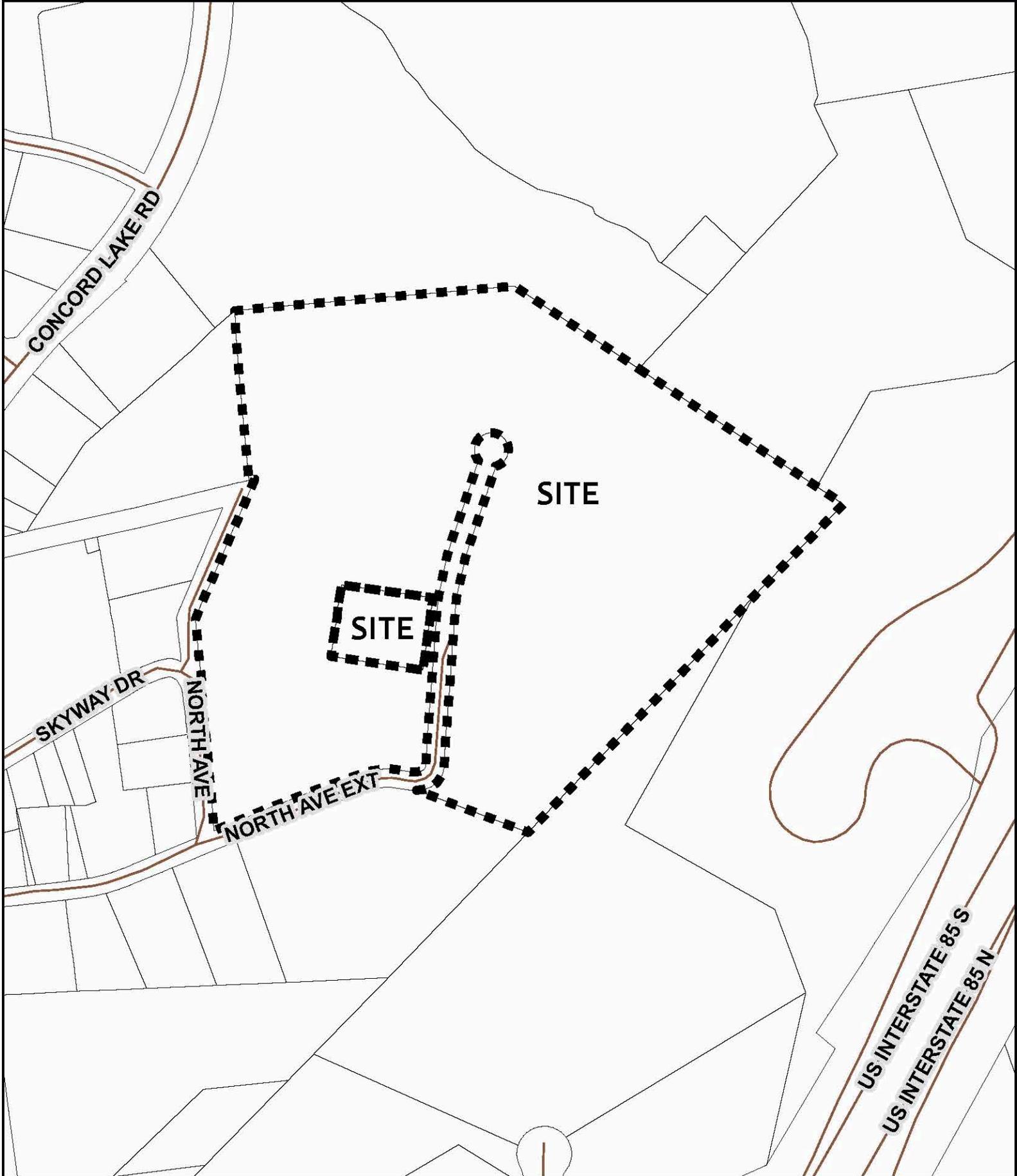


# Zoning Map Amendment

Case Number: CZ-2020-07

Applicant: Pedcor Investments LLC

319 & 320 North Ave. Ext.





KANNAPLUS  
**PLANNING**  
**ZONING**  
**COMMISSION**  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE #CZ - 2020 - 07

NORTH  
NORTH





**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY  
WITH REGARD TO CASE #CZ-2020-07**

**WHEREAS**, Section 160A-383 (2013) of the North Carolina General Statutes specifies that when adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable and explain why the action taken is reasonable and in the public interest; and

**WHEREAS**, Section 3.3.4.2 of the Unified Development Ordinance delegates final authority to the Planning and Zoning Commission on zoning map amendments 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; and

**WHEREAS**, on September 2, 2020 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone a properties located at 319 and 320 North Ave. Extension, (Cabarrus County Parcel Identification Number(s) 5622-45-0020 and 5622-35-7092) owned by L. W. Maulden, from Cabarrus County Medium Density Residential (MDR) Zoning Designation to City of Kannapolis Residential Compact-Conditional Zoning (RC-CZ) Zoning Designation.

**NOW, THEREFORE BE IT RESOLVED** *that 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 "Suburban Activity 1" Character Area, which allows for multi-family development. Furthermore, the Commission 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.*

**Adopted this the 2<sup>nd</sup> day of September 2020:**

---

David Steele, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary  
Planning and Zoning Commission



## **RESOLUTION TO ZONE**

**Case #CZ-2020-07 (319 & 320 North Ave. Extension)**

### **Cabarrus County Medium Density Residential (MDR) to City of Kannapolis Residential Compact-Conditional Zoning (RC-CZ) Zoning District**

**WHEREAS**, Section 3.3.4.1 of the City of Kannapolis Unified Development Ordinance specifically delegates authority from the City Council to the Planning and Zoning Commission to take final action on a rezoning petition; and

**WHEREAS**, Section 3.3.4.2.2 of the City of Kannapolis Unified Development Ordinance subjects this authority 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; and

**WHEREAS**, the Commission conducted a public hearing on September 2, 2020 for consideration of rezoning petition Case #CZ-2020-07 as submitted to the City of Kannapolis Planning Department; and

**WHEREAS**, the request was to rezone property located at 319 and 320 North Ave. Extension, (Cabarrus County Parcel Identification Number(s) 5622-45-0020 and 5622-35-7092) owned by L W Maulden, from Cabarrus County Medium Density Residential (MDR) Zoning Designation to City of Kannapolis Residential Compact-Conditional Zoning (RC-CZ) Zoning Designation; and

**WHEREAS**, the Commission has approved the request for rezoning and found it to be consistent with the City of Kannapolis *Move Kannapolis Forward, 2030 Comprehensive Plan*, reasonable and in the public interest; and

**WHEREAS**, per Section 3.3.5 of the Kannapolis UDO, the Planning and Zoning Commission makes the following findings in support of and in analysis of the rezoning:

**1. The size of the tract in question.**

The size of the subject tracts is approximately 25.05 +/- 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 "Suburban Activity 1" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Suburban Activity 1 Character Area includes multi-family residential development as a primary use. The proposed use 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 north of Interstate 85, just southwest of the Northlite Commons Shopping Center. Property to the north is zoned C-2 and is located within the City of Kannapolis city limits. Property to the immediate east, west and south is zoned MDR and is located in unincorporated Cabarrus County. Property to the north and south is within the City of Concord, and zoned C-2 and I-1, respectively. Uses within the surrounding area include commercial, single-family residential, and institutional uses. The proposed multi-family residential

development is compatible with the surrounding mix of uses and provides an appropriate transition between the residential and commercial uses in the area.

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

The proposed project was required to provide a Traffic Impact Analysis. That analysis recommended and NCDOT and the City have agreed to the improvements below. These improvements are intended to mitigate any impacts on the roadway network from the proposed development. In addition, the developer will be responsible for making the necessary improvements to the access roadways into the development.

**Concord Lake Road and Mt.Olivet Road/ Access A**

- Construction of the westbound approach with one ingress lane and two egress lanes: one left-turn lane with 100' of storage and one through/right shared lane
- Conversion of the existing right-turn lane on Mt. Olivet Road to a through/right shared lane
- Construction of a southbound left-turn lane on Concord Lake Road with 150' of storage
- Construction of intersection geometry such that left turns on northbound/southbound and eastbound/westbound approaches can be made concurrently
- Modification of the traffic signal to provide permitted-only left turns on the westbound approach and permitted-protected left turns (with flashing yellow arrow) on all other approaches
- Construction of pedestrian crosswalk, appropriate accessible ramps, and pedestrian signals across Concord Lake Road on the northbound approach and across Access A on the westbound approach

**North Avenue Extension and Access B (Gated Emergency Access Only)**

- Construction of the southbound approach with one ingress lane and one egress lane and an internal protected stem length of 100'

**5. Will there be parking problems?**

The site plan submitted with this request for rezoning includes adequate parking for the proposed 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?**

No environmental impacts are anticipated. More 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 character of the area has remained stable.

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

There are adequate public facilities available to the property or within close 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 north of Interstate 85, just southwest of the Northlite Commons Shopping Center. Property to the north is zoned C-2 and is within City of Kannapolis city limits. Property to the immediate east, west and south is zoned MDR and is located in unincorporated Cabarrus

County. Property to the north and south is within the City of Concord, and zoned C-2 and I-1, respectively. Uses within the surrounding area include commercial, single-family residential, and institutional uses. The proposed multi-family residential development is compatible with the surrounding mix of uses and provides an appropriate transition between the residential and commercial uses in the area.

**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 MDR (Medium Density 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 August 24, 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 commercial and residential neighborhoods.

**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?**

There are parcels in the surrounding area that would be sufficient to accommodate future zoning and community needs.

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

No.

**NOW, THEREFORE BE IT RESOLVED** by the City of Kannapolis Planning and Zoning Commission that the above referenced property be rezoned City of Kannapolis RC-CZ – Residential Compact-Conditional Zoning District, subject to the following conditions:

1. The permitted uses allowed by this rezoning shall only include 270 multi-family units as generally depicted on the site plan submitted with this rezoning.
2. A Final Site Plan, in compliance with all applicable City standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Compliance with the current Land Development Standards Manual (LDSM).
4. Final design of all road intersections on which development has access to and/or street frontage on shall be approved by NCDOT and the City.
5. The developer will construct curb and gutter and sidewalk along the entire road frontage where development has access and/or street frontage. The improvements will be constructed to NCDOT and City standards.
6. The lane widths, sidewalks, pavement structure, road alignment, and road grades shall be constructed in compliance with current City standards.
7. Roads and parking lots shall comply with all Fire Codes and Autoturn shall be run for an SU-30 and Bus-45 (mimics ladder truck).
8. Streams and wetlands shall be identified by a qualified person and all buffers shown in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with AE Zone & RSOD Buffer requirements or be relocated.

9. A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and SCM's. Stormwater SCM's cannot be constructed in the undisturbed buffer. Additional requirements are necessary to verify design of SCM within AE Zone see attached comments on sketch plan.
10. Water and sewer main extensions will be required for this project. The developer shall be responsible for designing, permitting and constructing water and sewer mains in accordance with City and WSACC standards.
11. All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement. The water and sewer mains shall be located in the roadway under the pavement per the City's Typical Section Utility Layout, LDSM Detail 301.
12. Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-foot wide. Additional width may be required depending on the depth of the line. Sanitary sewer lines and storm sewer lines shall be located within Common Open Space (easements centered on property lines shall not be permitted). Viable access shall be provided along all easements with a grade no greater than 15% for maintenance vehicles and cross slopes shall not exceed 5%.
13. The Fire Department shall approve locations of all hydrants.
14. Fire apparatus access roads shall remain open at all times..

**Adopted this the 2<sup>nd</sup> day of September 2020:**

---

David Steele, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary  
Planning and Zoning Commission

# EXHIBIT 2

Planning and Zoning  
Commission Minutes  
September 2, 2020



## Planning & Zoning Commission September 2, 2020 Meeting

### Staff Report

**TO:** Planning & Zoning Commission

**FROM:** Gretchen Coperine, AICP, Assistant Planning Director

**SUBJECT:** **Case #Z-2020-05: 675 Winecoff School Road  
Zoning Map Amendment  
Applicant: Gary McCoy**

Request to rezone approximately 0.25 +/- acres located at 675 Winecoff School Road.  
from RC (Residential Compact) to C-2 (General Commercial).

#### 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, Gary McCoy, is proposing to rezone the subject property, further identified as Cabarrus County PIN# 5611-59-8729. This is a map amendment request without any conditions as the intent is to rezone the property from RC (Residential Compact) to C-2 (General Commercial). If rezoned, any of the permitted uses in the C-2 zoning district would be allowed on the property. The property is currently improved with a billboard, which was granted a "Certificate of Non-conformity Adjustment (CONA)" by the Board of Adjustment on September 19, 2017 to allow the conversion of the existing single-sided static billboard to a double-sided digital billboard.

#### **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 0.25 +/- 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 “Suburban Activity 1” Character Area as designated in the *Move Knapolis Forward 2030 Comprehensive Plan*. The Suburban Activity 1 Character Area calls for commercial uses. Therefore, the proposed C-2 district is consistent with the *Move Knapolis Forward 2030 Comprehensive Plan*.

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

The surrounding area consists of predominantly commercial development on the east side of Winecoff School Road. The proposed C-2 designation 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 or redevelopment in the near future.

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

Any 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?**

The surrounding area consists of predominantly commercial development on the east side of Winecoff School Road. The proposed C-2 designation is therefore compatible with the surrounding area.

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

Given the size and location, the property is not be suitable for single family use permitted under the current RC zoning designation.

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

The C-2 zoning is compatible with the existing commercial 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 “Suburban Activity 1” Character Area. The C-2 zoning district proposed with this rezoning is consistent with the commercial uses of the Suburban Activity 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-2020-05**

**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-2020-05, a motion should be made to adopt the following Statement of Consistency:**

**Statement of Consistency:** *The Planning and Zoning Commission finds this zoning map **consistent** with the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which places*

*the subject property in the “Suburban Activity 1” Character Area. The C-2 zoning district proposed with this rezoning is consistent with the commercial uses of the Suburban Activity 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-2020-05, 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 #Z-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 #Z-2020-05 to be **inconsistent** with the goals and policies of the Move Knapolis 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-2020-05 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

# KANNAPOLIS

## Planning and Zoning Commission and Board of Adjustment General Application Form (Not for Site Plan Review Submittals)

Type of Action Requested (Check One):

- |                        |       |                                  |                                     |
|------------------------|-------|----------------------------------|-------------------------------------|
| Variance               | _____ | SIA Application                  | _____                               |
| Conditional Use Permit | _____ | Nonconformity Adjustment         | _____                               |
| Subdivision Exception  | _____ | Watershed Boundary Modification  | _____                               |
| Zoning Text Amendment  | _____ | Zoning Map Amendment             | <input checked="" type="checkbox"/> |
| Appeal                 | _____ | Conditional Zoning Map Amendment | _____                               |

Applicant: Gary McCoy Owner: Obelisk Outdoor Advertising, LLC

Address: 6420 Rea Rd. Ste A1, Box 307 Address: 6420 Rea Rd. Ste A1, Box 307  
Charlotte, NC 28277 Charlotte, NC 28277

Telephone: 704-517-7821 Telephone: 704-517-7821

Email: garymccoy@mindspring.com Email: garymccoy@mindspring.com

Legal relationship of applicant to property owner: Partner/Manager

Property Location/Address: 675 Winecoff School Rd., Kannapolis

Tax Parcel Number: 5611 59 8729 0000 Zoning District: RC Acreage of Site: 1/4 acre +/-

Requesting Zoning (if applicable): C-2

Gary McCoy  
Applicant Name (Print)

Obelisk Outdoor Advertising, LLC  
Property Owner Name (Print)

Gary W. McCoy 8/7/20  
Applicant Signature & Date

Gary W. McCoy 8/7/20  
Property Owner Signature & Date

*The agenda deadline is the first day of the month preceding the month of the meeting. To be considered for placement on the next meeting agenda, the signed application, application fee(s), and one (1) copy of any required site plan for staff review must be submitted by the deadline. All fees are nonrefundable and help to cover administrative and notification costs.*

### For Staff Use Only:

Filing Fee: \_\_\_\_\_

Receipt # \_\_\_\_\_

Application No.: \_\_\_\_\_

Date Submitted (Complete): \_\_\_\_\_



**APPLICATION FOR AMENDMENT TO THE  
KANNAPOLIS ZONING MAP**

Property Address: 675 Winecoff School Rd., Kannapolis

Property Identification Number(s): 5611 59 8729 0000  
*(attach separate list if necessary)*

Present zoning classification: R-3 Requested zoning classification: C-2

Number of parcels: 1 Approximate size of parcels: 1/4 acre+/-

Are public utilities available? No

Reason for map amendment: To bring parcel zoning into agreement with Move Kannapolis

Forward: 2030 Comprehensive Plan and in conformance with the commercial and industrial nature of the parcel and surrounding areas. Since 1984 the property is solely used for the commercial purpose of an outdoor advertising sign, and the neighboring parcels are likewise increasingly commercial and industrial in nature.

*I certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.*

Gary McCoy  
Applicant Name (Print)

Obelisk Outdoor Advertising LLC  
Property Owner Name (Print)

Gary McCoy 8-7-20  
Applicant Signature & Date

Gary McCoy 8-7-20  
Property Owner Signature & Date

**Required as part of Zoning Map Amendment Submittal:**

☞ **Fee:** Please refer to fee schedule on the City's website to determine applicable fees. Fees are nonrefundable and help to cover administrative and notification costs.



# Vicinity Map

Case Number: Z-2020-05

Applicant: Gary McCoy

675 Winecoff School Rd.



WINECOFF SCHOOL RD

SITE

US INTERSTATE 85 S





# Kannapolis Current Zoning

Case Number: Z-2020-05

Applicant: Gary McCoy  
675 Winecoff School Rd.





# Kannapolis Current Zoning

Case Number: Z-2020-05

Applicant: Gary McCoy

675 Winecoff School Rd.





PO Box 27283  
Richmond, VA 23261-7283

# Order Confirmation

Order# 0000668468

**Client:** KANNAPOLIS,CITY OF  
**Phone:** 7049204300

**Pavor :** KANNAPOLIS,CITY OF  
**Phone:** 7049204300

**Account:** 3143368  
**Address:** ACTS PAYABLE/WANDA/TEARSHEETS  
KANNAPOLIS NC 28081

**Account:** 3143368  
**Address:** ACTS PAYABLE/WANDA/TEARSHEET  
KANNAPOLIS NC 28081

**Sales Rep**      **Accnt Rep**      **Ordered By**  
aboan              aboan              Pam

**Fax:** 7049337463  
**EMail:** byow@kannapolisnc.gov

**Total Amount**                      \$620.50  
**Payment Amount**                 \$620.50

<b>Amount Due</b>	<b>\$0.00</b>	<b><u>Tear Sheets</u></b>	<b><u>Proofs</u></b>	<b><u>Affidavits</u></b>	<b><u>PO Number:</u></b>
<b>Tax Amount:</b>	0.00	0	0	1	
<b>Payment Meth:</b>	Credit - Debit Card				

<b><u>Ad Number</u></b>	<b><u>Ad Type</u></b>	<b><u>Ad Size</u></b>	<b><u>Color</u></b>
0000668468-01	CLS Liner	2 X 49 li	\$0.00

<b><u>Production Method</u></b>	<b><u>Production Notes</u></b>
AdBooker (liner)	

<b><u>Product and Zone</u></b>	<b><u>Placement</u></b>	<b><u>Position</u></b>	<b><u># Inserts</u></b>
CON Independent Trib	C-Announcements	General-Spec Notice	2

**Run Schedule Invoice Text:** NOTICE OF PUBLIC HEARING Planning and Zoning

**Run Dates** 8/21/2020, 8/28/2020

**TagLine:** NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONM  
LISNCWEDNESDAYSEPTEMBER22020AT600PMCONDITIONALZON



**KANNAPOLIS**

**NOTICE OF PUBLIC HEARING**  
**Planning and Zoning Commission Meeting**  
**401 Laureate Way, Kannapolis, NC**

**Wednesday September 2, 2020 at 6:00 pm**

**Conditional Zoning Map Amendment - CZ-2020-07** - Public hearing to consider a request to rezone approximately 25.05 acres of property located at 319 & 320 North Ave. Extension from Cabarrus County MDR (Medium Density Residential) to City of Kannapolis RC-CZ (Residential Compact-Conditional Zoning), further identified as Cabarrus County PINs # 5622-45-0020 and 5622-35-7092 to allow for a 270-unit multi-family residential development.

**ZoningMap Amendment - Z-2020-05** - Public hearing to consider a request to rezone approximately .25 +/- acres located at 675 Winecoff School Rd. from RC (Residential Compact) to C-2 (General Commercial), further identified as Cabarrus County PIN #5611-59-8729.

**ZoningMap Amendment - Z-2020-06** - Public hearing to consider a request to rezone approximately .65 +/- combined acres located at 405 West F St., 421 Sycamore Ave. and 417 Sycamore Ave. from RV (Residential Village) to CC (Center City), further identified as Cabarrus County PIN #5613-48-1369, 5613-48-0472 and 5613-48-1552.

**IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, SOCIAL DISTANCING PRACTICES WILL BE OBSERVED DURING THIS MEETING.**

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 tcline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

**Publish: August 21, 28, 2020.**

<b>AcctName1</b>	<b>MailAddr1</b>	<b>MailCity</b>	<b>MailState</b>	<b>MailZipCod</b>
OBELISK OUTDOOR ADVERTISING, LLC	6420 REA RD UNIT 307	CHARLOTTE	NC	28277
WINECOFF COMMONS LLC	711 CENTRAL AVE	CHARLOTTE	NC	28204
WINECOFF SP LLC	PO BOX 35193	CHARLOTTE	NC	28235
FRANK LITAKER	200 W MINNEHAHA PKWY	MINNEAPOLIS	MN	55419
FRANCES TRIECE	734 ORPHANAGE RD	CONCORD	NC	28027
GARY MCCOY	6420 REA RD ST A1 BOX 307	CHARLOTTE	NC	28277



August 20, 2020

Dear Property Owner:

**Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Wednesday, September 2, 2020 at 6:00 PM, for the following case:**

**Z-2020-05 – Zoning Map Amendment – 675 Winecoff School Rd.**

The purpose of the Public Hearing is to consider a request by Gary McCoy to rezone property located at 675 Winecoff School Rd. from RC (Residential Compact) to C-2 (General Commercial). The subject property is approximately .25 +/- acres and further identified as Cabarrus County Parcel Identification Number(s) 5611-59-8729 (see reverse side of this letter for a map showing the location of this property).

You are being notified because you are an abutting property owner.

**NOTE: IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, SOCIAL DISTANCING PRACTICES WILL BE OBSERVED DURING THIS MEETING.**

Should you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4350.

Sincerely,

Gretchen Coperine, AICP  
Assistant Planning Director

Enclosure

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](mailto:tccline@kannapolisnc.gov) as soon as possible but no later than 48 hours before the scheduled event.



# Zoning Map Amendment

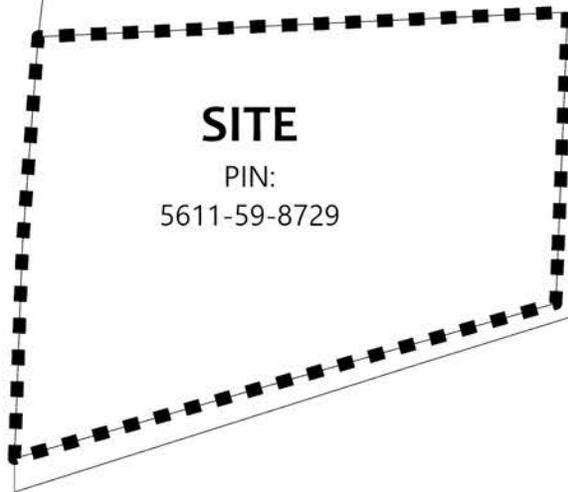
Case Number: Z-2020-05

Applicant: Gary McCoy

675 Winecoff School Rd.



WINECOFF SCHOOL RD



**SITE**

PIN:  
5611-59-8729

US INTERSTATE 85 S

US INTERSTATE 85 N

SPEED  
LIMIT  
35

CITYWIDE  
SPEED LIMIT 35  
UNLESS  
OTHERWISE POSTED

KANNAPOLIS  
**PLANNING**  
**ZONING**  
**COMMISSION**  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE # Z-2020-05



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY  
WITH REGARD TO CASE #Z-2020-05**

**WHEREAS**, Section 160A-383 (2013) of the North Carolina General Statutes specifies that when adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable and explain why the action taken is reasonable and in the public interest; and

**WHEREAS**, Section 3.3.4.2 of the Unified Development Ordinance delegates final authority to the Planning and Zoning Commission on zoning map amendments 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; and

**WHEREAS**, on September 2, 2020 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone a property located at 675 Winecoff School Rd. (Cabarrus County Parcel Identification Number 5611-59-8729) owned by Obelisk Outdoor Advertising, LLC, from City of Kannapolis Residential Compact (RC) Zoning Designation to a City of Kannapolis General Commercial (C-2) Zoning Designation.

**NOW, THEREFORE BE IT RESOLVED** *that 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 “Suburban Activity 1” Character Area. The C-2 zoning district proposed with this rezoning is consistent with the commercial uses of the Suburban Activity 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.*

**Adopted this the 2<sup>nd</sup> day of September 2020:**

---

David Steele, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary  
Planning and Zoning Commission



**RESOLUTION TO ZONE**  
Case #Z-2020-05 (675 Winecoff School Rd.)

**City of Kannapolis Residential Compact (RC) Zoning District to  
City of Kannapolis General Commercial (C-2) Zoning District**

**WHEREAS**, Section 3.3.4.1 of the City of Kannapolis Unified Development Ordinance specifically delegates authority from the City Council to the Planning and Zoning Commission to take final action on a rezoning petition; and

**WHEREAS**, Section 3.3.4.2.2 of the City of Kannapolis Unified Development Ordinance subjects this authority 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; and

**WHEREAS**, the Commission conducted a public hearing on September 2, 2020 for consideration of rezoning petition Case #Z-2020-05 as submitted to the City of Kannapolis Planning Department; and

**WHEREAS**, the request was to rezone property located at 675 Winecoff School Rd., (Cabarrus County Parcel Identification Number 5611-59-8729) owned by Obelisk Outdoor Advertising, LLC, from City of Kannapolis Residential Compact (RC) Zoning Designation to a City of Kannapolis General Commercial (C-2) Zoning Designation; and

**WHEREAS**, the Commission has approved the request for rezoning and found it to be consistent with the City of Kannapolis *Move Kannapolis Forward, 2030 Comprehensive Plan*, reasonable and in the public interest; and

**WHEREAS**, per Section 3.3.5 of the Kannapolis UDO, the Planning and Zoning Commission makes the following findings in support of and in analysis of the rezoning:

**1. The size of the tract in question.**

The size of the subject area is approximately .25 +/- 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 "Suburban Activity 1" Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Suburban Activity 1 Character Area calls for commercial uses. Therefore, the proposed C-2 district is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*.

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

The surrounding area consists of predominantly commercial development on the east side of Winecoff School Road. The proposed C-2 designation 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.

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

Any 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?**

The surrounding area consists of predominantly commercial development on the east side of Winecoff School Road. The proposed C-2 designation is therefore compatible with the surrounding area.

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

Given the size and location, the property is not be suitable for single family use permitted under the current RC zoning designation.

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

The C-2 zoning is compatible with the existing commercial 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.

**NOW, THEREFORE BE IT RESOLVED** by the City of Kannapolis Planning and Zoning Commission that the above referenced property be rezoned C-2 – General Commercial Zoning District

**Adopted this the 2<sup>nd</sup> day of September 2020:**

---

David Steele, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary  
Planning and Zoning Commission

# EXHIBIT 3

Planning & Zoning  
Commission Minutes  
September 2, 2020



## Planning and Zoning Commission September 2, 2020 Meeting

### Staff Report

**TO:** Planning & Zoning Commission

**FROM:** Gretchen Coperine, Assistant Planning Director

**SUBJECT:** **Case #Z-2020-06: West F St. and Sycamore Ave.  
Zoning Map Amendment  
Applicant: Long Ridge Development**

Request to rezone approximately .65 +/- combined acres located at 405 West F St., 421 Sycamore Ave. and 417 Sycamore Ave. from RV (Residential Village) to CC (Center City).

#### 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, Long Ridge Development is proposing to rezone the subject properties, further identified as Cabarrus County PINs# 5613-48-1369, 5613-48-0472 and 5613-48-1552. This is a map amendment request without any conditions as the intent is to rezone the property from RV (Residential Village) to CC (Center City). If rezoned, any of the permitted uses in the CC 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 .65 +/- 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 within the “Urban Residential” and “City Center” Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Both Character Areas call for various uses, including residential, commercial, retail and office, to name a few.
- 3. Is the proposed rezoning compatible with the surrounding area?**  
The surrounding area consists of single-family detached residences as well as planned multi-family and commercial uses. The proposed CC designation allows a mixture of uses 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.
- 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?**  
It is anticipated that the surrounding area will experience new development in the near future due to its proximity to the adjacent downtown development.
- 8. Is there compliance with the adequate public facilities criteria?**  
Public facilities are available and will be the responsibility of the developer.
- 9. What are the zoning districts and existing land uses of the surrounding properties?**  
Properties to the north, south and west are zoned RV. Properties to the east are zoned CC.
- 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 RV and would allow single family detached homes.

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

The surrounding area consists of single-family detached residences as well as planned future multi-family and commercial uses. The proposed CC designation allows a mixture of uses and is therefore compatible with the surrounding area.

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

One of the parcels is currently vacant. The other parcels are developed with single-family detached homes.

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

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

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

No.

**F. Legal Issues**

None

**G. Finding of Consistency with Comprehensive Plan**

Staff finds this zoning map amendment consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which places the subject property in the “Urban Residential” and “City Center” Character Areas. The CC zoning district proposed with this rezoning is consistent with both of these Character Areas. The proposed rezoning is also 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-2020-06**

**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-2020-06, a motion should be made to adopt the following Statement of Consistency:**

**Statement of Consistency:** *The Planning and Zoning Commission finds this zoning map amendment consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which places the subject property in the “Urban Residential” and “City Center” Character Areas. The*

*CC zoning district proposed with this rezoning is consistent with both Character Areas. 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-2020-06, 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-2020-06 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-2020-06 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-2020-06 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



**Planning and Zoning Commission and Board of Adjustment  
General Application Form  
(Not for Site Plan Review Submittals)**

Type of Action Requested (Check One):

- |                        |       |                                  |                                     |
|------------------------|-------|----------------------------------|-------------------------------------|
| Variance               | _____ | SIA Application                  | _____                               |
| Conditional Use Permit | _____ | Nonconformity Adjustment         | _____                               |
| Subdivision Exception  | _____ | Watershed Boundary Modification  | _____                               |
| Zoning Text Amendment  | _____ | Zoning Map Amendment             | <input checked="" type="checkbox"/> |
| Appeal                 | _____ | Conditional Zoning Map Amendment | _____                               |

Applicant: LONG RIDGE DEVELOPMENT Owner: DAVID MILLER REALTY & INVESTMENT INC  
 Address: 202 ONE AVE Address: 1640 PAUL KARNHART BLVD  
KANNAPOLIS NC 28081 KANNAPOLIS NC 28083  
 Telephone: (704) 937-7076 Telephone: (704) 791-5845  
 Email: JOS.HUBBLE@LONGRIDGEDEVELOPMENT.COM Email: DAVID@APPLYRENTAL.NET  
WS

Legal relationship of applicant to property owner: CLIENT

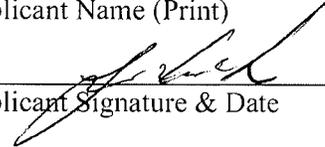
Property Location/Address: 405 W F, 421 SPACEMORE AVE, 417 SPACEMORE AVE

Tax Parcel Number: \_\_\_\_\_ Zoning District: RU Acreage of Site: .65

Requesting Zoning (if applicable): CC

JOS HUBBLE M.A.S.P.E.M.  
Applicant Name (Print)

DAVID MILLER  
Property Owner Name (Print)

  
Applicant Signature & Date

\_\_\_\_\_  
Property Owner Signature & Date

*The agenda deadline is the first day of the month preceding the month of the meeting. To be considered for placement on the next meeting agenda, the signed application, application fee(s), and one (1) copy of any required site plan for staff review must be submitted by the deadline. All fees are nonrefundable and help to cover administrative and notification costs.*

**For Staff Use Only:**

Filing Fee: \_\_\_\_\_

Receipt # \_\_\_\_\_

Application No.: \_\_\_\_\_

Date Submitted (Complete): \_\_\_\_\_



**APPLICATION FOR AMENDMENT TO THE  
KANNAPOLIS ZONING MAP**

Property Address: 405 W F, 421 SPACEMORE AVE  
417 SPACEMORE AVE

Property Identification Number(s): 5613481552000 5613480472000 ~~5613481369000~~  
*(attach separate list if necessary)*

Present zoning classification: R2 Requested zoning classification: CC

Number of parcels: 3 Approximate size of parcels: .65

Are public utilities available? YES

Reason for map amendment: INCREASE IN DENSITY

*I certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.*

DAVID MILLER  
Applicant Name (Print)

DAVID MILLER  
Property Owner Name (Print)

[Signature] 8/3/2020  
Applicant Signature & Date

[Signature]  
Property Owner Signature & Date

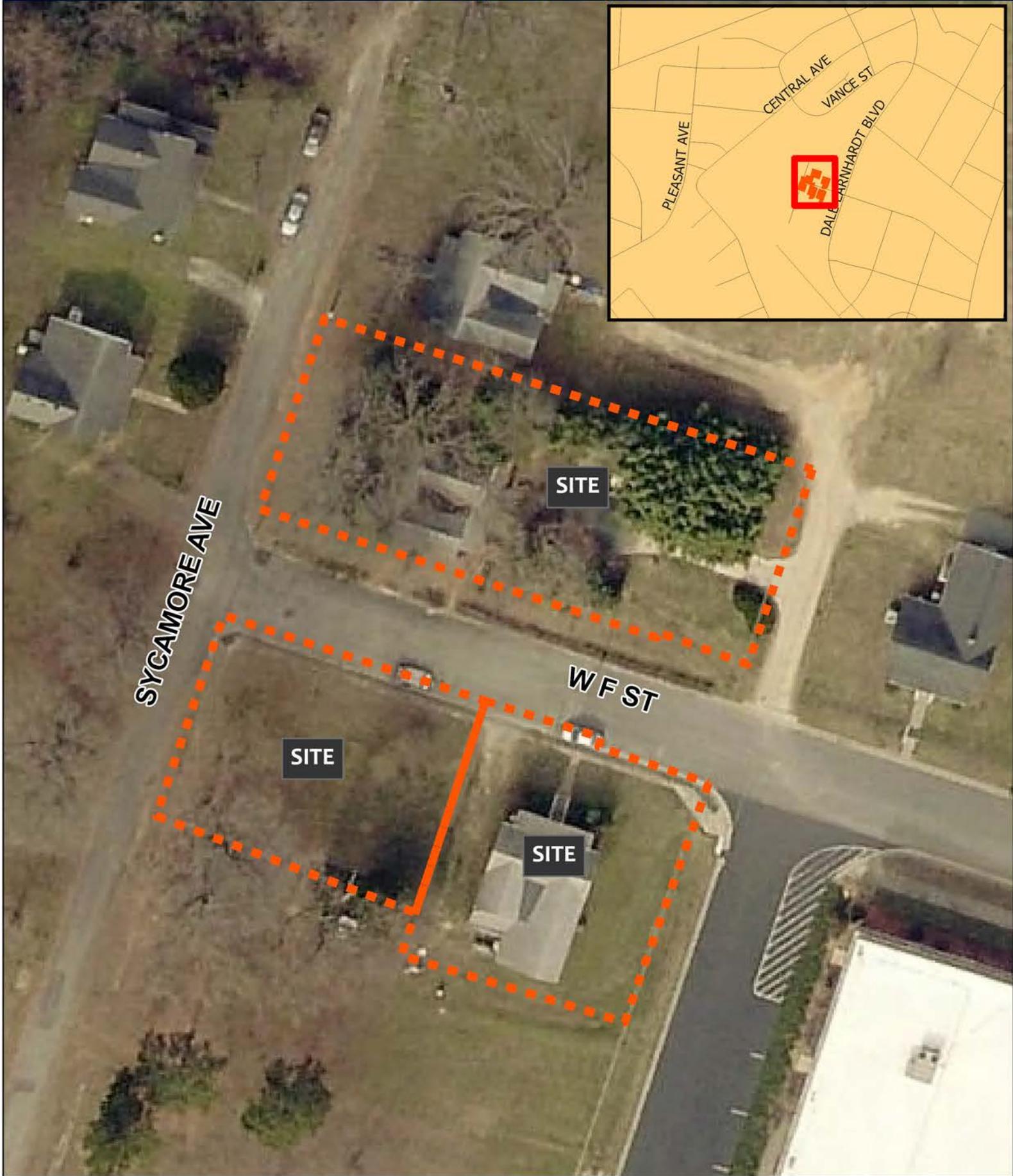
**Required as part of Zoning Map Amendment Submittal:**

- ☞ Fee: Please refer to fee schedule on the City's website to determine applicable fees. Fees are nonrefundable and help to cover administrative and notification costs.



# Vicinity Map

Case Number: Z-2020-06  
Applicant: Long Ridge Development  
405 W. F St., 421 & 417 Sycamore Ave.



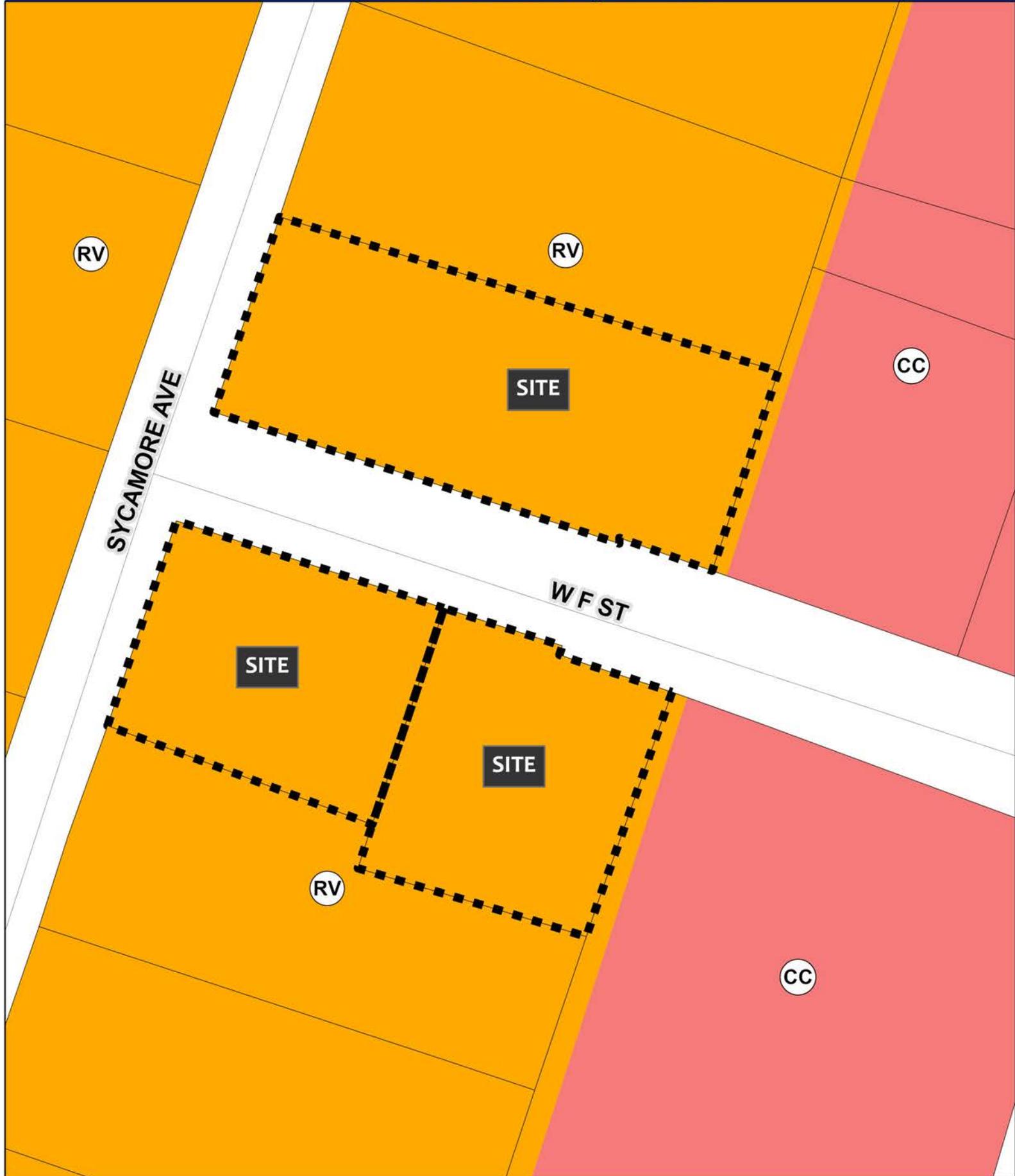


# Kannapolis Current Zoning

Case Number: Z-2020-06

Applicant: Long Ridge Development

405 W. F St., 421 & 417 Sycamore Ave.



# Kannapolis 2030 Future Land Use Map



Case Number: Z-2020-06

Applicant: Long Ridge Development  
405 W. F St., 421 & 417 Sycamore Ave.





PO Box 27283  
Richmond, VA 23261-7283

# Order Confirmation

Order# 0000668468

**Client:** KANNAPOLIS,CITY OF  
**Phone:** 7049204300

**Pavor :** KANNAPOLIS,CITY OF  
**Phone:** 7049204300

**Account:** 3143368  
**Address:** ACTS PAYABLE/WANDA/TEARSHEETS  
KANNAPOLIS NC 28081

**Account:** 3143368  
**Address:** ACTS PAYABLE/WANDA/TEARSHEET  
KANNAPOLIS NC 28081

**Sales Rep**      **Accnt Rep**      **Ordered By**  
aboan              aboan              Pam

**Fax:** 7049337463  
**EMail:** byow@kannapolisnc.gov

**Total Amount**                      \$620.50  
**Payment Amount**                  \$620.50

<b>Amount Due</b>	<b>\$0.00</b>	<b><u>Tear Sheets</u></b>	<b><u>Proofs</u></b>	<b><u>Affidavits</u></b>	<b><u>PO Number:</u></b>
<b>Tax Amount:</b>	0.00	0	0	1	
<b>Payment Meth:</b>	Credit - Debit Card				

<b><u>Ad Number</u></b>	<b><u>Ad Type</u></b>	<b><u>Ad Size</u></b>	<b><u>Color</u></b>
0000668468-01	CLS Liner	2 X 49 li	\$0.00

<b><u>Production Method</u></b>	<b><u>Production Notes</u></b>
AdBooker (liner)	

<b><u>Product and Zone</u></b>	<b><u>Placement</u></b>	<b><u>Position</u></b>	<b><u># Inserts</u></b>
CON Independent Trib	C-Announcements	General-Spec Notice	2

**Run Schedule Invoice Text:** NOTICE OF PUBLIC HEARING Planning and Zoning

**Run Dates** 8/21/2020, 8/28/2020

**TagLine:** NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONM  
LISNCWEDNESDAYSEPTEMBER22020AT600PMCONDITIONALZON



**KANNAPOLIS**

**NOTICE OF PUBLIC HEARING**  
**Planning and Zoning Commission Meeting**  
**401 Laureate Way, Kannapolis, NC**

**Wednesday September 2, 2020 at 6:00 pm**

**Conditional Zoning Map Amendment - CZ-2020-07** - Public hearing to consider a request to rezone approximately 25.05 acres of property located at 319 & 320 North Ave. Extension from Cabarrus County MDR (Medium Density Residential) to City of Kannapolis RC-CZ (Residential Compact-Conditional Zoning), further identified as Cabarrus County PINs # 5622-45-0020 and 5622-35-7092 to allow for a 270-unit multi-family residential development.

**ZoningMap Amendment - Z-2020-05** - Public hearing to consider a request to rezone approximately .25 +/- acres located at 675 Winecoff School Rd. from RC (Residential Compact) to C-2 (General Commercial), further identified as Cabarrus County PIN #5611-59-8729.

**ZoningMap Amendment - Z-2020-06** - Public hearing to consider a request to rezone approximately .65 +/- combined acres located at 405 West F St., 421 Sycamore Ave. and 417 Sycamore Ave. from RV (Residential Village) to CC (Center City), further identified as Cabarrus County PIN #5613-48-1369, 5613-48-0472 and 5613-48-1552.

**IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, SOCIAL DISTANCING PRACTICES WILL BE OBSERVED DURING THIS MEETING.**

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 tcline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

**Publish: August 21, 28, 2020.**

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
ADALBERTO & ROSA SANTIAGOPELAEZ	515 GIBSON DR NW	CONCORD	NC	28025
DAVID MILLER REALTY & INVESTMENT INC.	1640 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
ELTON & MARGOT CRISMAN	427 SYCAMORE AVENUE	KANNAPOLIS	NC	28081
ATLANTIC AMERICAN PROPERTIES INC.	226 OAK AVE	KANNAPOLIS	NC	28081
MARK & JANE MCPIKE	708 BROAD STREET	KANNAPOLIS	NC	28081
MURDOCK HOLDINGS LLC	210 OAK AVE	KANNAPOLIS	NC	28081
GAIL KARRIKER	2240 FLAT ROCK RD	CHINA GROVE	NC	28023
RUBEN INVESTMENT LLC	705 BROAD ST	KANNAPOLIS	NC	28081
GREATHORN DEVELOPMENT CORP	PO BOX 518	CORNELIUS	NC	28031
CURB REALTY INC				
C/O MICHAEL HUDDLESTON	48 MUSIC SQUARE E	NASHVILLE	TN	37203
LONG RIDGE DEVELOPMENT				
ATTN: JOSHUA MASTERS	204 OAK AVE	KANNAPOLIS	NC	28081



August 20, 2020

Dear Property Owner:

**Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Wednesday, September 2, 2020 at 6:00 PM, for the following case:**

**Z-2020-06 – Zoning Map Amendment – West F St. and Sycamore Ave.**

The purpose of the Public Hearing is to consider a request by Long Ridge Development to rezone property located at 405 West F St., 421 Sycamore Ave. and 417 Sycamore Ave. from RV (Residential Village) to CC (Center City). The subject properties are approximately .65 +/- combined acres and further identified as Cabarrus County Parcel Identification Number(s) 5613-48-1369, 5613-48-0472 and 5613-48-1552 (see reverse side of this letter for a map showing the location of this property).

You are being notified because you are an abutting property owner.

**NOTE: IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, SOCIAL DISTANCING PRACTICES WILL BE OBSERVED DURING THIS MEETING.**

Should you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4350.

Sincerely,

Gretchen Coperine, AICP  
Assistant Planning Director

Enclosure

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](mailto:tccline@kannapolisnc.gov) as soon as possible but no later than 48 hours before the scheduled event.



# Zoning Map Amendment

Case Number: Z-2020-06

Applicant: Long Ridge Development  
405 W. F St., 421 & 417 Sycamore Ave.



SYCAMORE AVE

**SITE**

PIN:  
56134815520000

WF ST

**SITE**

PIN:  
56134804720000

**SITE**

PIN:  
56134813690000



  
**PLANNING**  
**ZONING**  
**COMMISSION**  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE # 7-2020-09



KANNAS  
**PLANNING**  
**ZONING**  
**COMMISSION**  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE # Z - 2020 - 06



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY  
WITH REGARD TO CASE #Z-2020-06**

**WHEREAS**, Section 160A-383 (2013) of the North Carolina General Statutes specifies that when adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable and explain why the action taken is reasonable and in the public interest; and

**WHEREAS**, Section 3.3.4.2 of the Unified Development Ordinance delegates final authority to the Planning and Zoning Commission on zoning map amendments 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; and

**WHEREAS**, on September 2, 2020 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone properties located at 405 West F St., 421 Sycamore Ave. and 417 Sycamore Ave., (Cabarrus County Parcel Identification Numbers 5613-48-1369, 5613-48-0472 and 5613-48-1552) owned by David Miller Realty & Investments, Inc. from City of Kannapolis Residential Village (RV) Zoning Designation to a City of Kannapolis Center City (CC) Zoning Designation.

**NOW, THEREFORE BE IT RESOLVED** *that 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” and “City Center” Character Areas. The CC zoning district proposed with this rezoning is consistent with both Character Areas. 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.*

**Adopted this the 2<sup>nd</sup> day of September 2020:**

\_\_\_\_\_  
David Steele, Chairman  
Planning and Zoning Commission

**Attest:**

\_\_\_\_\_  
Pam Scaggs, Recording Secretary  
Planning and Zoning Commission



## **RESOLUTION TO ZONE**

**Case #Z-2020-06 (West F St. and Sycamore Ave.)**

### **City of Kannapolis Residential Village (RV) Zoning District to City of Kannapolis Center City (CC) Zoning District**

**WHEREAS**, Section 3.3.4.1 of the City of Kannapolis Unified Development Ordinance specifically delegates authority from the City Council to the Planning and Zoning Commission to take final action on a rezoning petition; and

**WHEREAS**, Section 3.3.4.2.2 of the City of Kannapolis Unified Development Ordinance subjects this authority 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; and

**WHEREAS**, the Commission conducted a public hearing on September 2, 2020 for consideration of rezoning petition Case #Z-2020-06 as submitted to the City of Kannapolis Planning Department; and

**WHEREAS**, the request was to rezone property located at 405 West F St., 421 Sycamore Ave. and 417 Sycamore Ave., (Cabarrus County Parcel Identification Numbers 5613-48-1369, 5613-48-0472 and 5613-48-1552) owned by David Miller Realty & Investments, Inc. from City of Kannapolis Residential Village (RV) Zoning Designation to a City of Kannapolis Center City (CC) Zoning Designation; and

**WHEREAS**, the Commission has approved the request for rezoning and found it to be consistent with the City of Kannapolis *Move Kannapolis Forward, 2030 Comprehensive Plan*, reasonable and in the public interest; and

**WHEREAS**, per Section 3.3.5 of the Kannapolis UDO, the Planning and Zoning Commission makes the following findings in support of and in analysis of the rezoning:

**1. The size of the tract in question.**

The size of the subject area is approximately .65 +/- 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 within the “Urban Residential” and “City Center” Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Both Character Areas call for various uses, including residential, commercial, retail and office to name a few.

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

The surrounding area consists of single-family detached residences as well as future multi-family and commercial uses. The proposed CC designation allows a mixture of uses 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.

**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?**

Public facilities will be the responsibility of the developer.

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

Properties to the north, south and west are zoned RV. Properties to the east are zoned CC.

**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 RV and would allow single family detached homes.

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

The surrounding area consists of single-family detached residences as well as future multi-family and commercial uses. The proposed CC designation allows a mixture of uses and is therefore compatible with the surrounding area.

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

One of the parcels is currently vacant. The other parcels are developed with single-family detached homes.

**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.

**NOW, THEREFORE BE IT RESOLVED** by the City of Kannapolis Planning and Zoning Commission that the above referenced property be rezoned CC – Center City Zoning District

**Adopted this the 2<sup>nd</sup> day of September 2020:**

---

David Steele, Chairman  
Planning and Zoning Commission

**Attest:**

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Pam Scaggs, Recording Secretary  
Planning and Zoning Commission