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

**Minutes of Regular Meeting  
September 4, 2019**

The Kannapolis Planning and Zoning Commission met on Wednesday, September 4, 2019 at 6:00 PM at City Hall, 401 Laureate Way, Kannapolis, North Carolina.

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

**Commission Members Absent:** None

**Visitors:** Vickie Carpenter            Kent Carpenter  
Terry Fritz                        Shelly Avledge  
Ralph McGee                      Rich Martin  
Amy Martin                        Larry Luensman  
Cindy Luensman                  Steve Smith  
Wes Hall                            Chris Bostic  
Sink Kimmel

**Staff Present:** Zac Gordon, AICP, Planning Director  
Gretchen Coperine, AICP, Senior Planner  
Ryan Lipp, Senior Planner  
David Hancock, IT

**CALL TO ORDER**

Chairman David 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. Cranford and the motion was unanimously approved.

**APPROVAL/CORRECTION OF MINUTES**

Chairman Steele asked for a motion to approve the July 10, 2019 minutes which was made by Mr. Trott, seconded by Mr. Ensley and the motion was unanimously approved.

1 **PUBLIC HEARING**

2 **CZ-2019-04 – Conditional Zoning Map Amendment – Unaddressed parcel on Dale Earnhardt Blvd**

3 Senior Planner, Gretchen Coperine gave a PowerPoint presentation regarding case CZ-2019-04 (Exhibit  
4 1) for a request to rezone unaddressed property on Dale Earnhardt Blvd from C-2-CZ (General  
5 Commercial-Conditional Zoning) to C-2-CZ (General Commercial-Conditional Zoning) to remove a  
6 previous rezoning (Z-219) condition that prohibits a drive-thru restaurant. She directed the Commission's  
7 attention to the Vicinity and Zoning maps, providing background details on the subject and adjacent  
8 property which were also the subject of a previous rezoning request and included a condition on the  
9 property that would not permit a restaurant with a drive-thru. Ms. Coperine referred to the 2030  
10 *Comprehensive Plan* Future Land Use Map as well as street-views of the subject property and talked  
11 about permitted uses for the subject property.  
12

13 Ms. Coperine reviewed policy issues from the Staff Report and advised that staff is recommending  
14 approval of the rezoning request, subject to the following conditions:  
15

- 16 1. All Conditions of Approval previously approved under Z-219 remain applicable unless  
17 otherwise amended herein.
- 18 2. The permitted uses allowed by this rezoning shall only include a restaurant with a drive thru as  
19 generally depicted on the site plan submitted with this rezoning.
- 20 3. A Site Plan shall be submitted and approved by City Staff prior to issuance of a Zoning  
21 Clearance Permit.
- 22 4. Building materials shall be generally consistent with the building elevations provided for this  
23 rezoning, dated 7.30.19. Color variations are acceptable.
- 24 5. Any lighting installed on the subject property shall be full cut-off fixtures with all lighting  
25 directed downward and away from adjacent residential property.
- 26 6. Driveway locations shall be approved by NCDOT and the City.
- 27 7. Driveways and parking lots shall comply with all Fire Codes.
- 28 8. Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.
- 29 9. A Stormwater Management Permit will be required for this Development in accordance with  
30 Article 9 of the Kannapolis UDO. Easements, maintenance agreements and viable access shall  
31 be provided for all stormwater structures and Stormwater Control Measures.
- 32 10. The project developer shall be responsible for extension of all water and sewer infrastructure  
33 needed to serve the project.
- 34 11. The property shall be subject to the restrictions and guidelines of Article 15.2 DEB  
35 Thoroughfare Protection Overlay District.
- 36 12. The fence located along the east boundary of the site shall conform with requirements of the  
37 UDO per Article 7, Table 7.4-6.  
38

39 Ms. Coperine reminded the Commission of the actions requested of them and made herself available for  
40 questions.  
41

42 There being no questions or comments for staff, Chairman Steele opened the Public Hearing.  
43

44 Larry Luensman, 520 Nottingham Dr, Troy, IL, stated that he is representing the property business of the  
45 project to create a franchise opportunity for Culver's restaurant. He indicated that Rich Martin, the  
46 franchisee, is also available for questions and provided information regarding the Culver restaurant  
47 model.  
48

1 Wes Hall, 119 Motley Drive, Cary, NC, with Kimley-Horn and Associates indicated that he is working  
2 as the Civil Engineer on behalf of the applicant and that the project is consistent with the Comprehensive  
3 Plan for the City and made himself available for questions. Mr. Parker asked for details regarding Culver's  
4 restaurant. Mr. Luensman responded that Carver's is a fast food family style restaurant specializing in  
5 butter burgers and frozen custard but also serves a variety of other food items. He provided further detail  
6 regarding the layout of the restaurant including the drive-thru component.  
7

8 Chairman Steele referred to the submitted site plan, noting that an existing fence will remain on the rear  
9 of the site and asked what type of buffers are required or will be provided? Ms. Gretchen responded that  
10 a Type 3 buffer is required and is shown on the site plan.  
11

12 Mr. Trott asked the number of employees that would be hired as well as the normal operating hours? Mr.  
13 Luensman responded that they anticipate hiring up to 40 employees and that the restaurant will be open  
14 for business from 10:30a-10:00p. He added that operating hours for employees would begin around 8:30a  
15 until approximately 11:00p. Mr. Trott asked the number of Culver's restaurants within a 50-mile radius  
16 of Kannapolis. Rich Martin, owner/operator for the proposed site, responded that two (2) other franchised  
17 locations are located nearby with one in Fort Mill, SC and the other in the University area of Charlotte.  
18 He indicated that restaurants in both Indian Trail and Salisbury will be opening soon and that there is a  
19 location in Asheville as well as three (3) other locations in the Raleigh area with another two (2) proposed  
20 for the next year.  
21

22 Vicky Carpenter, 913 Brushwood Circle, stated that the restrictions previously placed on the property  
23 were to protect adjacent residential properties. Ms. Carpenter expressed concern regarding buffering and  
24 lack of notification to other residents of the adjacent neighborhood as well as noise and lighting.  
25

26 Chairman Steele provided clarification regarding the notification policy.  
27

28 Ms. Carpenter asked the Commission to approve plans that already comply with existing restrictions.  
29

30 Ralph McGee, 2420 Windingbrook Drive, stated that his property directly abuts the proposed project. He  
31 indicated that he is concerned regarding lighting and noise and asked the Commission to protect existing  
32 property owners. Mr. McGee indicated that he is not opposed to development but that requests should be  
33 compatible with the existing neighborhood.  
34

35 Chairman Steele asked the applicant if there will be full shut-off lighting? Mr. Luensman responded  
36 "yes".  
37

38 Terry Fritz, 2411 Windingbrook Drive, stated that he lives across the street from Mr. McGee. Mr. Fritz  
39 indicated that the existing fence that is proposed to remain, should be replaced since it is rotting.  
40

41 There being no further questions or comments, Chairman Steele closed the public hearing.  
42

43 Chairman Steele, asked staff if there could be a condition added to require replacement of the fence? Ms.  
44 Coperine responded that buffering standards will have to meet City code and if it is determined that the  
45 fence needs to be brought up to code, then it will become a requirement. She reminded the Commission  
46 that the addition of conditions to the rezoning request will require that the applicant agree to those  
47 conditions.  
48

49 Chairman Steele asked the applicant if they agree with adding a condition that may require replacement  
50 of the existing fence? Mr. Hall responded that they are agreeable with adding that condition.  
51

1 Mr. Overcash asked if the UDO addresses the type of fence that should be installed? Ms. Coperine  
2 referred to the UDO and read that the required materials could include: brick, stone, concrete, pressure  
3 treated wood and vinyl. She added that metal (chain link, sheet metal, barbed and razor wire) fences are  
4 prohibited. Chairman Steele then asked the applicant to confirm for the record, that they are agreeable to  
5 replacing the existing fence to meet the standards of the UDO and they agreed.  
6

7 Chairman Steele asked for a motion to adopt or deny the Statement of Consistency for case CZ-2019-04.  
8 Mr. Trott made the motion to approve which was seconded by Mr. Overcash and the motion was approved  
9 7-1 with Mr. Cranford casting the dissenting vote.  
10

11 Chairman Steele asked for a motion to adopt a Resolution to Zone for case CZ-2019-04. Mr. Parker made  
12 the motion to approve with conditions as presented by staff as well as the added condition to replace the  
13 fence which was seconded by Mr. Overcash and the motion was unanimously approved.  
14

#### 15 **RECOMMEND FOR APPROVAL TO CITY COUNCIL**

##### 16 **TA-2019-06 – Text Amendment – Mobile Food Vending**

17 Senior Planner, Ryan Lipp, gave a PowerPoint presentation regarding TA-2019-06 (Exhibit 2) for a text  
18 amendment to Article 4, Table 4.6-1, Article 5 and Appendix A of the Unified Development Ordinance  
19 (UDO) to allow mobile food vending in the Center City (CC), Light Commercial and Office (C-1) and  
20 General Commercial (C-2) zoning districts and to amend the definition for “Mobile Food Vending”. Mr.  
21 Lipp indicated that the proposed text amendments will help to foster small business investment and  
22 economic development in mixed-use corridors and the urban core as well as to establish a time-line for  
23 the issuance of permits. He provided background details regarding the text amendment and directed the  
24 Commissions attention to the proposed text amendments which are shown on the attached (Exhibit 3) as  
25 additions and deletions.  
26

27 Mr. Lipp reminded the Commission of the actions requested of them and made himself available for  
28 questions. He responded to questions regarding mobile ice cream trucks, the specific definition for a food  
29 truck, whether health permits are required and displayed, the department responsible for enforcement, the  
30 length of a permit and whether it should be displayed, whether food trucks can sell beer and wine, limits  
31 to the size of the food truck, and the addition of a requirement to offer recycling receptacles.  
32

33 Planning Director, Zac Gordon, stated that with the development of downtown Kannapolis, there has  
34 been several requests for food trucks and that the proposed text amendment will allow food trucks in the  
35 downtown area. Mr. Gordon responded to questions from Mr. Cranford regarding the text amendment  
36 process as well as enforcement of the proposed text amendment.  
37

38 There being no further questions or comments, Chairman Steele asked for a motion to Adopt a Statement  
39 of Consistency for TA-2019-06 which was made by Mr. Ensley seconded by Mr. Trott, and the motion  
40 was approved. 7-1, with Mr. Cranford casting the dissenting vote.  
41

42 Chairman Steele asked for a motion to recommend approval of the proposed text amendment by City  
43 Council which was made by Mr. Overcash seconded by Mr. Puckett and the motion was approved 7-1,  
44 with Mr. Cranford casting the dissenting vote.  
45

#### 46 **PLANNING DIRECTOR UPDATE**

47 Mr. Gordon stated that the rewrite of the Unified Development Ordinance (UDO) include changing the  
48 name of the document to the Kannapolis Development Ordinance (KDO). He noted that a draft of the first  
49 module of the KDO has been reviewed by staff and sent back to the consultant for revisions. He indicated  
50 that a draft will be provided to the Commission at the October or November Commission meeting for their

1 review. Mr. Gordon talked about the Request for Qualifications (RFQ) for preparation of the "Cannon  
2 Boulevard Corridor Plan" and provided background details on that project as well as the newly implemented  
3 electronic permitting system (Accela).

4  
5 **OTHER BUSINESS**

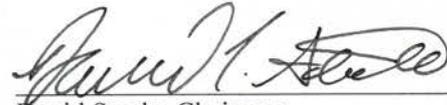
6 Mr. Gordon talked about current development projects including the Irish Buffalo Creek greenway which  
7 is expected to be completed by next summer. He responded to questions from the Commission regarding  
8 the grand opening of West Avenue, the Cannon Boulevard project, and the UDO rewrite.

9  
10 Chairman Steele asked for a motion to approve the 2020 meeting schedule. Mr. Ensley suggesting changing  
11 the July 1, 2020 meeting to July 8, 2020. Ms. Scaggs indicated she would determine room availability and  
12 confirm this date at the October 2, 2019 Commission meeting.

13  
14 Chairman Steele noted that Mr. Gordon sent an email regarding attendance at Commission meetings to  
15 previous Commission members and wanted to ensure that current Commission members also received the  
16 email.

17  
18 **ADJOURN**

19 There being no further business, questions or comments, Chairman Steele asked for a motion to adjourn  
20 which was made by Mr. Ensley, seconded by Mr. Cranford and the meeting was adjourned by unanimous  
21 vote at 7:25 PM on Wednesday September 4, 2019.

22  
23  
24 

25 David Steele, Chairman  
26 Planning and Zoning Commission

27 

28 Pam Scaggs, Recording Secretary  
29 Planning and Zoning Commission  
30

# EXHIBIT 1

PZ 9/4/2019 Minutes



## Planning & Zoning Commission September 4, 2019 Meeting

### Staff Report

**DATE:** August 21, 2019

**TO:** Planning & Zoning Commission

**FROM:** Gretchen Coperine, AICP, Senior Planner

**SUBJECT:** **Case #CZ-2019-04: Unaddressed parcel on Dale Earnhardt Boulevard  
Conditional Zoning Map Amendment  
Applicant: Cognati Enterprises, LLC**

The applicant is requesting to rezone the property located on an unaddressed parcel on Dale Earnhardt Boulevard, from C-2-CZ (General Commercial–Conditional Zoning) to C-2-CZ (General Commercial–Conditional Zoning District) in order to construct a restaurant with a drive-through. As of the date of this report, the applicant has indicated the restaurant user will be Culver's.

#### **A. Actions Requested by Planning & Zoning Commission**

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

#### **B. Decision and Required Votes to Pass Requested Actions**

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

#### **C. Background**

The subject property constitutes a portion of property which was rezoned from a residential district to Conditional Use Office and Institutional (CU-O&I) in April 1998, and from CU-O&I to

Conditional Use General Commercial (CU C-2) in 2003. The rezoning was approved with a number of conditions, one of which prohibits restaurants with a drive-through. The purpose of this rezoning is to amend said condition to allow restaurant with drive-through on the site. All other conditions from the 2003 approval would continue to apply. For reference, the current Conditions of Approval on the site are as follows:

**2003 Use restrictions:**

1. As per Table 4.6-1 of the UDO, all uses shown as permitted (“P”) in the O&I Office and Institutional District shall be allowed for the entire site, except as prohibited below.
2. As per Table 4.6-1 of the UDO, all uses (except as prohibited below) shown as permitted (“P”) in the C-2 General Commercial District in excess of 3,000 square feet of Gross Floor Area (GFA) shall be allowed only along the Dale Earnhardt Blvd. frontage of the site for a maximum depth of 275 feet.
3. As per Table 4.6-1 of the UDO, all uses shown as permitted (“P”) in the C-2 General Commercial District below 3,000 square feet of Gross Floor Area (GFA) shall be allowed for the entire site, except as prohibited below. Beyond the 275’ depth from Dale Earnhardt Blvd., small-scale retail (below 3,000 sq. ft.) shall be limited to the first floor and shall be oriented toward the Dale Earnhardt Blvd. and/or sides of the subject property. No retail uses may be oriented towards the rear (the Forestbrook neighborhood) beyond the 275’ depth.
4. The following uses shall not be allowed:
  - Automobile sales, new and used
  - Automotive repair
  - Racecar shops
  - Animal kennels
  - Beach Bingo
  - Building Materials Supply
  - Consignment/Used Merchandise Sales
  - Convenience Store
  - Outdoor Equipment Rental and Leasing
  - Manufactured Home Sales
  - Mini-warehousing
  - Motorcycle, Boat and RV sales, new and used
  - Pawnshops
  - Pool hall/Billiard Parlor
  - Private Clubs
  - **Drive-thru/Fastfood Restaurants (subject of this rezoning)**
  - Sexually-oriented businesses
  - Shooting Ranges/Gun Clubs
  - Tattoo Parlors/Body Piercing
  - Truck Stop/Travel Plaza
  - Any use as listed in the *Wholesale Trade* Group of the UDO
  - Multi-family dwellings
  - Animal shelter
  - Auditorium/Indoor Public Assembly, more than 350 seats
  - Cemeteries, Crematories, Mausoleums
  - Recreational Sports Clubs

- Residential Care Facilities
- School – Boarding
- Zoo, public or private
- Building, Chimney, Pool Cleaning Services
- Dry Cleaning and laundry services
- Funeral Home & Services
- Janitorial services
- Pest Control Services
- Sports and Recreation Instruction/Camps
- Veterinarian Offices/Animal Hospitals
- Accessory Dwellings
- Auction House
- Automotive Parts, Tires, Accessories
- Bed & Breakfast Inns
- Equipment Rental & Leasing (with indoor storage)
- General Merchandise Stores (less than 25,000sf)
- Hotels, Motels & Extended Stay Lodging Facilities
- Lawn & Garden Supply (with outdoor storage)
- LP Gas & Heating Oil Dealers
- Micro-brewery (defined as less than 5,000 s.f.) - not permitted unless associated with a restaurant
- Motion Picture theaters, drive-in
- Parking lots & structures, commercial
- Racetracks/Spectator Sports
- Restaurant, limited service (delivery/carryout)
- Shopping Centers, less than 25,000sf – except that structures in excess of 25,000 square feet shall be allowed which may include a mix of retail and office uses
- Shopping Centers, 25-100,000sf
- Shopping Centers, over 100,000sf
- Sign Lettering & Painting
- Swimming Pool, Hot Tub Supply Stores
- Landfill – Demolition & Inert Debris
- Electric Power Transmission and Distribution
- Natural gas Distribution Facilities/Equipment
- Pipeline Transportation of Petroleum & Natural Gas
- Public Urban, Interurban and Rural Transit Systems
- Sewage Treatment Facility
- Wireless Telecommunications (WTS) Tower
- WTS Co-location of equipment on existing to

**2003 Development condition:**

1. The building setback off of the rear property line where abutting Lots 39 and 40 of the Forestbrook Subdivision shall be increased from five feet to 50 feet within which no parking shall be permitted. In addition to the standard Class C<sup>1</sup> buffer<sup>1</sup> as required under Section 7.4 of the UDO, the applicant also commits to installation of a six-foot high berm (minimum 3:1 slope). Additionally, a six-foot high solid, opaque wood-screening fence shall be installed along the top of the berm. The easternmost base of the berm shall not be located closer than seven (7) feet from the common property line of the subject property and Lots 39 and 40.
2. The cul-de-sac is constructed at the end of Windingbrook Drive in accordance with the public street closing of Brentwood Court and a portion of Windingbrook Drive, which occurred in October of 1998. Additionally, there will be no access of any kind from the commercial area through to Windingbrook.
3. Within the Class C<sup>1</sup> buffer required along the McGee property line, a fence is required to provide visual separation (C<sup>1</sup> buffer requires visual separation within three years of planting either by vegetation or a 6' wood/masonry fence). This fence should be continued around the proposed cul-de-sac to the northeast property corner (Fritz) and designed in a way to aesthetically blend with the proposed screening fence (see note #1).
4. The building setback off Windingbrook Drive shall be increased from 25 feet to 50 feet.
5. The site will be developed under a comprehensive master plan with entrance(s) permitted only from Dale Earnhardt Boulevard.
6. The maximum height for all principal buildings shall be 30 feet, to be measured at the highest-grade elevation on the site.
7. For the rear portion of the site, the portion that is restricted to O&I and small-scale retail uses only; the hours of operation for businesses shall be limited to between 7:00am and 8:00pm. There shall be no limitation on hours of operation for the frontage area (depth of 275') along Dale Earnhardt Blvd.
8. All rear entrances to buildings constructed within the rear portion of the site, the portion that is restricted to O&I and small-scale retail uses only, shall be restricted to employees and/or deliveries only.
9. Exterior lighting for the site shall be directed so as to provide illumination for the subject property and not promote unnecessary glare or nuisance to adjoining residential properties along the rear. Additionally, the applicant will install "no trespassing" warning signage for the portions of the site, especially the rear parking areas, to assist in preventing loitering and/or unwanted persons on-site after hours.

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<sup>1</sup> C1 buffers are now Type 3 buffers under Article 7.

#### **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 tracts to be rezoned is 1.63± acres. This parcel is a portion of the 2 parcels previously subject of rezoning application Z-219.

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

This property is located in the “Primary Activity Center - Interchange” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Primary Activity Center - Interchange Character Area calls for primary uses of retail and office. Secondary uses are intended to be a mixture of single family and multifamily residential, and light manufacturing. The CZ-C2 conditional zoning district with this rezoning proposes a restaurant with drive-through, which fits with the primary uses of the Primary Activity Center - Interchange Character Area.

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

The subject property is located along Dale Earnhardt Blvd., which is primarily a commercial corridor. The property abuts residentially zoned land used for single family residential homes, however adequate buffering is provided to screen between the commercial and residential uses. The site will not have access through the residential area. The requested rezoning proposes a restaurant with drive-through of a scale that is appropriate for the location.

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

The subject property is accessed from Dale Earnhardt Blvd., which is an NCDOT street. A full site plan submittal will be required should the rezoning be approved. Appropriate access and roadway design will be required at that time per NCDOT and City access, roadway and safety standards.

**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?**

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

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

**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 in immediate proximity to the proposed use has remained relatively stable over the recent past.

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

Utilities are available to serve the proposed use.

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

Parcels to the north and west along Dale Earnhardt Blvd. are zoned C-2 (General Commercial). The parcel directly north is vacant and is the subject of the 1998 and 2003 rezoning. The parcels to the west are used for retail purposes. The parcels to the east are zoned RE (Rural Estate) and are used as residential parcels. The parcel to the south of Jaycee Rd. is in the City of Concord and is used for retail purposes.

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

The subject property is currently zone CZ-C2, but due to previous restrictions placed on the property, does not permit restaurants with drive-through. The applicant is seeking to remove that restriction.

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

The requested rezoning proposes restaurant development of a scale that is appropriate along Dale Earnhardt Blvd., with adequate buffering along the eastern property line to screen the existing residential area.

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

The subject property has been vacant since at least 2008.

**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 different 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 rezoning **consistent** with the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which locates this property within the Primary Activity Center - Interchange Character Area, which calls for retail as a primary use. Staff finds the request for rezoning reasonable and in the public interest because it provides for a commercial use of a scale appropriate along Dale Earnhardt Blvd., and includes adequate screening along the eastern property line to buffer the existing residential 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, utilities are available to serve the proposed use.

## **H. Staff Recommendation and Alternative Courses of Action**

### **Staff Recommendation**

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

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

1. All Conditions of Approval previously approved under Z-219 remain applicable unless otherwise amended herein.
2. The permitted uses allowed by this rezoning shall only include a restaurant with a drive thru as generally depicted on the site plan submitted with this rezoning.
3. A Site Plan shall be submitted and approved by City Staff prior to issuance of a Zoning Clearance Permit.
4. Building materials shall be generally consistent with the building elevations provided for this rezoning, dated 7.30.19. Color variations are acceptable.
5. Any lighting installed on the subject property shall be full cut-off fixtures with all lighting directed downward and away from adjacent residential property.
6. Driveway locations shall be approved by NCDOT and the City.
7. Driveways and parking lots shall comply with all Fire Codes.
8. Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.
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 Stormwater Control Measures.
10. The project developer shall be responsible for extension of all water and sewer infrastructure needed to serve the project.
11. The property shall be subject to the restrictions and guidelines of Article 15.2 DEB Thoroughfare Protection Overlay District.

### **Alternative Courses of Action**

#### **APPROVAL**

#### **Motion 1 – Statement of Consistency**

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

**Statement of Consistency:** The Planning and Zoning Commission finds this rezoning **consistent** with the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which locates this property within the Primary Activity Center - Interchange Character Area, which calls for retail as a primary use. Staff finds the request for rezoning reasonable and in the public interest because it provides for a commercial use of a scale appropriate along Dale Earnhardt Blvd., and includes adequate screening along the eastern property line to buffer the existing residential 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, utilities are available to serve the proposed use.

**Motion 2 – Approval to rezone – Resolution to Zone**

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

**DENIAL**

**Motion 1 – Statement of Consistency**

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

*Statement of Consistency: The Planning and Zoning Commission finds this zoning map amendment as presented in Case #CZ-2019-04 to be inconsistent with the Move Knapolis Forward 2030 Comprehensive Plan, adopted by City Council, because (state reason(s) and is neither reasonable nor in the public interest because (state reason(s) and is therefore denied based on the criteria in Section 3.3.5 of the UDO for evaluating zoning requests, consideration of the application materials and information presented at the Public Hearing).*

**Motion 2 – Denial of Rezoning**

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

**I. Attachments**

1. Conditional Rezoning Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Z-219 Map (Previously 2003 Approved Rezoning)
6. Site Plan
7. Proposed Elevation
8. Community Meetings and Sign-In Sheets
9. Notice of Public Hearing
10. List of Properties Notified
11. Letters to Adjacent Property Owners
12. Posted Public Notice
13. Resolution to Adopt a Statement of Consistency
14. Resolution to Zone

**J. Issue Reviewed By:**

- City Manager
- City Attorney
- Planning Director

# EXHIBIT 2

## PZ 9/2/2019 Minutes



### Planning and Zoning Commission September 4, 2019 Meeting

#### Staff Report

**DATE:** August 27, 2019  
**TO:** Planning and Zoning Commission Members  
**FROM:** Ryan Lipp, Senior Planner

**SUBJECT:** Text Amendment – TA-2019-06 Article 4, Zoning Districts and Dimensional Regulation, Table 4.6-1, Principal Uses Permitted in Zoning Districts, Article 5, Supplemental Use Regulations and Appendix A, – Public Hearing to consider a text amendment to Article 4, Table 4.6-1, Article 5 of the Unified Development Ordinance (UDO), and Appendix A to allow mobile food vending within the CC (Center City), C-1 (Light Commercial and Office), and the C-2 (General Commercial) districts with specific standards.

#### A. Actions Requested by Planning and Zoning Commission Members

1. Hold Public Hearing
2. Consider Resolution to Adopt a Statement of Consistency for TA-2019-06
3. Consider motion to recommend approval of proposed text amendments by City Council

#### B. Decision and Required Votes to Pass Requested Action

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

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

#### C. Background

Staff is proposing to amend Article 4, Table 4.6-1, Article 5, Supplemental Use Regulation, and Appendix A to allow for mobile food vending as a permitted use in the CC (Center City), C-1 (Light

Commercial and Office), and C-2 (General Business) zoning districts with standards. This text amendment proposes to:

1. Delete Mobile Food Vending Service from 5.22.2.8, delete Section 5.22.3.4 and add standards in Article 5.38 of the UDO (see attached for reference)
2. Permit the use within the CC, C-1, and C-2 districts
3. Amend the definition for mobile food vending in Appendix A

#### **D. Fiscal Considerations**

The proposed text amendment helps foster small business investment and economic development in mixed-use corridors and the urban core.

#### **E. Policy Issues**

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

#### **F. Legal Issues**

None

#### **G. Alternative Courses of Action and Staff Recommendation**

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

Based on the foregoing analysis, staff recommends **approval** of the proposed text amendments to **Article 4, Table 4.6-1, and Article 5, Appendix A** of the Unified Development Ordinance.

#### **The following actions are required to recommend approval of TA-2019-06**

1. Consider Resolution to Adopt a Statement of Consistency for TA 2019-06
2. Consider motion to recommend approval of proposed text amendments by City Council.

#### **The following actions are required to recommend denial of TA-2019-06**

1. Consider Resolution to not Adopt a Statement of Consistency for TA 2019-06
2. Consider motion to recommend denial of proposed text amendments by City Council.

#### **H. Attachments**

1. Application for Text Amendment to the Unified Development Ordinance
2. Proposed UDO changes: Article 4, Article 5, and Appendix A
3. Resolution to Adopt a Statement of Consistency

#### **I. Issue Reviewed By:**

City Manager  
City Attorney  
City Engineer  
Planning Director

# EXHIBIT 3

TABLE 4.6-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS

\* All uses permitted in the CC, CD, and I-1 Districts are subject to supplemental design regulations in Article 11 of this Ordinance.

P - Permitted Use S - Permitted Use with Supplemental Regulations in Article 5 and/or Article 11 (see "§ 0.00" for reference)

C - Conditional Use (-) Prohibited Use

USE	NAICS	ZONING DISTRICTS																
		AG	RE	RL	RM-1	RM-2	RV	RC	B-1	O-I	CC*	C-1	C-2	CD-R <sup>A</sup>	CD*	I-1*	I-2	
Equestrian Boarding & Riding Arenas, Commercial	81291, 71131	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Equipment Rental & Leasing (with indoor storage)	53321, 5324	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	
Equipment Rental & Leasing (with outdoor storage)(§ 11.1)	53231, 5324	-	-	-	-	-	-	-	-	-	-	-	P/S	-	(24)P/S	P/S	-	
Electronics & Appliance Rental	53221	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	
Electronics, Camera & Appliance Stores	443	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	
Electronic Gaming Operations (§ 5.31) <sup>(23)</sup>	-	-	-	-	-	-	-	-	-	-	-	-	C/S	-	-	P/S	P/S	
Farmer's Market	44523	P	-	-	-	-	-	-	P	-	P	-	P	-	-	-	-	
Fitness & Recreational Sports Centers <sup>(2)</sup>	713490	-	-	-	-	-	-	-	C	-	P	P	P	-	P	P	-	
Florist	4531	-	-	-	-	-	-	-	P	-	P	P	P	-	P	-	-	
Formal Wear & Costume Rental	53222	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	
Furniture & Home Furnishings	442	-	-	-	-	-	-	-	-	-	P	-	P	-	P	-	-	
Furniture/Party Supply/Sporting Goods Rental	53229	-	-	-	-	-	-	-	-	-	P	-	P	-	P	-	-	
Game Preserves	7114	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
General Merchandise Stores (less than 25,000 sq. ft.)	452	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	
Gift, Novelty & Souvenir Stores	45322	-	-	-	-	-	-	-	P	-	P	P	P	-	P	-	-	
Grocery/Food Stores (excl. convenience stores)	4451, 4452	-	-	-	-	-	-	-	C	-	P	P	P	-	P	-	-	
Heavy Truck, RV, and Semi-Trailer Leasing <sup>(1)</sup>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	
Hobby, Toy & Game Stores	45112	-	-	-	-	-	-	-	P	-	P	P	P	-	P	-	-	
Hotel, Motels & Extended Stay Lodging Facilities	72111	-	-	-	-	-	-	-	-	-	P	-	P	-	P	-	-	
Ice Vending Operations	-	-	-	-	-	-	-	-	-	-	-	-	P/S	-	-	P/S	P/S	
Jewelry, Luggage and Leather Goods	4483	-	-	-	-	-	-	-	P	-	P	P	P	-	P	-	-	
Lawn & Garden Supply (with outdoor storage) (§ 11.1)	4442	-	-	-	-	-	-	-	-	-	-	-	P/S	-	P/S	P/S	-	
Lawn & Garden Supply (with no outdoor storage)	4442	-	-	-	-	-	-	-	P	-	P	P	P	-	P	P	-	
Liquor Sales (ABC stores)	4453	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	
LP Gas & Heating Oil Dealers	45431	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	
Manufactured Home Sales (§ 5.23)	45393	-	-	-	-	-	-	-	-	-	-	-	P/S	-	-	-	-	
Micro-brewery ( <sup>25</sup> §5.37)	-	-	-	-	-	-	-	-	-	-	P/S	-	P/S	-	-	-	-	
Miniature Golf course	713990	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	
Mini-warehousing/Self-storage Leasing (§ 5.15) <sup>(15)</sup>	53113	-	-	-	-	-	-	-	-	-	-	-	C/S	-	-	C/S	C/S	
<b>Mobile Food Vending (§ 5.38)</b>		-	-	-	-	-	-	-	-	-	P/S	P/S	P/S	-	-	-	-	
Motion Picture Theaters (excl. drive-in)	512131	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	
Motion Picture Theaters, drive-in	512132	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	
Motorcycle, Boat & RV Dealers, New & Used	4412	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	
Musical Instrument & Supplies	45114	-	-	-	-	-	-	-	P	-	P	P	P	-	P	-	-	
Nurseries	44422	P	-	-	-	-	-	-	-	-	-	C	P	-	P	-	-	
Office Supplies & Stationery Stores	45321	-	-	-	-	-	-	-	P	-	P	P	P	-	P	-	-	
Parking Lots & Structures, Commercial	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	
Pawnshops (subject to NCGS, Chapter 91A)	522298	-	-	-	-	-	-	-	-	-	C	C	P	-	-	-	-	
Pet & Pet Supply Stores	45391	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	
Pharmacies, Health & Personal Care Stores	446	-	-	-	-	-	-	-	P	-	P	P	P	-	P	-	-	

5.22.2.8. PERIOD OF TIME BETWEEN PERMITS.

Temporary Use Type	Per Location				Section of UDO
	Min. Permit Length	Time Between Expiration	Max. Time Allowed Per year	Permit Required	
Agriculture Products, Non-Residential	180 days	NA	180 days**	Yes	5.22.3.2
Agriculture Products, Residential	7 days	NA	180 days**	Yes	5.22.3.2
Amusement Enterprises	21 days	90 days *	21 days**	Yes	5.22.5
Fireworks Stands	45 days	90 days *	45 days**	Yes	5.22.3.1
<del>Mobile Food Vending Service</del>	<del>30 days</del>	<del>Renewable</del>	<del>90 days</del>	<del>Yes</del>	<del>5.22.3.5</del>
Promotional Activities	7 days	1 day*	21 days	Yes	5.22.7
Contractors Office, Equipment, Sheds	30 days	NA	12 months	Yes	5.22.4.1
Real Estate Office, Trailer	6 months	Renewable	12 months	Yes	5.22.4.2
Real Estate Office, Model Home	6 months	Renewable	12 months	Yes	5.22.4.3
Single Family, Temporary Structure	12 months	NA	12 months**	Yes	5.22.4.4
Religious Events, Offsite	30 days	Renewable	60 days	Yes	5.22.6
Religious Events, Onsite	NA	NA	NA	No	5.22.9.1
Sidewalk Vendors	90 days	90 days *	90 days**	Yes	5.22.3.4
Special Events and Activities	NA	NA	NA	No	5.22.9.2
Yard Sales	2 days	Renewable	8 days	Yes	5.22.8

\*The period of time between an expired Temporary Use Permit on a parcel and application for another Temporary Use Permit on the same parcel per fiscal year (July 1st to June 30th).

\*\*Even if at any time the temporary use does not occupy the permitted site, the noted day/month limit shall not be extended

**5.22.3. TEMPORARY RETAIL SALES USES.**

**5.22.3.1. Fireworks Stand.** Limited to only non-residential zones <sup>(2)</sup>. A maximum of one (1) structure, not to exceed 120 square feet in area, shall be allowed. The structure must be portable and completely removed at the end of the permit period.

**5.22.3.2 Seasonal Sale of Agricultural Products.** (including Christmas Trees). <sup>(2)</sup>A maximum of one (1) building/display booth shall be allowed and may cover a maximum of 400 square feet in non-residential districts. The <sup>(1)</sup>building/display booth must be portable and completely removed at the end of the period. A maximum display area of 100 square feet shall be allowed in residential districts. Such residential sales are limited to selling excess vegetables and fruits incidental to the residence. Residential seasonal sales shall be limited to the daylight hours.

**5.22.3.3. Sidewalk Vendors** <sup>(2)</sup>Limited non-residential outdoor sales (sidewalk vendors) may receive a temporary use permit if the sales activities are incidental to the primary use, the sales activity is conducted with property owner permission and the display area is located in the C-1 or C-2 zoning districts. The display area shall not extend beyond the sidewalk or concrete apron entrance of the building, nor encroach into a public right-of-way. If the private sidewalk or pedestrian way in front of the building is used for display of merchandise, a minimum width of four (4) feet must remain unobstructed for pedestrian use. <sup>(2)</sup>Temporary sales activities are prohibited on vacant property and from vehicles.

~~**5.22.3.4 <sup>(2)</sup>Mobile Food Vending Service.** The sale of food or beverages from a mobile food vending unit shall only be permitted in the C-1 or C-2 zoning districts on occupied lots. Mobile food vending services are prohibited on vacant properties. The mobile food vending service shall not be located in any required setback, any sight distance triangle, or required buffer. Trash receptacles must be provided for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food, and other such waste. Such receptacle shall be located no more than 10 feet from the mobile food vendor. The vendor is responsible for removing all trash, litter, and refuse from the site at the end of each business day. The hours of operation shall be between 8:00am and~~

~~9:00pm. The mobile food vending service shall provide one (1) parking space per 250 square feet of the mobile food vending unit. The mobile food vending service shall not be located in any minimum required parking spaces for other businesses on the site. There shall be a minimum of 400 feet of separation from any other mobile food vending service. These restrictions shall not be applicable to special events recognized by the City where mobile food vendors are permitted or non-profit fundraising events of five (5) days or less. <sup>(2)</sup>A zoning compliance permit must be placed in the front window of the mobile food vendor vehicle or trailer while in use.~~

**5.22.4. REAL ESTATE DEVELOPMENT AND CONSTRUCTION-RELATED TEMPORARY USES.**

**5.22.4.1. <sup>(1)</sup>Contractors Office and Equipment / Storage Sheds.** Accessory to a Construction Project (Residential and/or non-residential) Placement of such a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one (1) year as and if approved by the Administrator. A construction trailer may be used for a contractor's office and/or for the contractor's storage of equipment and/or materials. All temporary buildings and trailers shall be completely removed from the site within thirty (30) days of issuance of either a Certificate of Occupancy on the last permitted Residential unit and/or completion of the Non-Residential construction project which has been issued a Certificate of Occupancy.

**5.22.4.2. <sup>(1)</sup>Real Estate Office in a Construction or a Temporary Modular Unit.**

Temporary structures, such as a construction trailer(s) and/or temporary modular unit(s) may be used as a real estate sales office, promotion and management office in any new construction project for the sale and promotion of properties within that project and/or its future phases only. Such a temporary use shall be allowed in all zoning districts, <sup>(2)</sup>if approved by the Administrator. A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.

**5.22.4.3. Real Estate Office in a Model Home.**

Accessory to Construction of a New Residential Development, <sup>(2)</sup>if approved by the Administrator.

(1) City Council approved 12/12/2005

(2) TA-2009-02 - City Council approved /5/11/2009

## 5.38 MOBILE FOOD VENDING

### 5.38.1 APPLICABILITY.

The provisions of this Section shall apply to any mobile food vending as defined in Appendix A and allowed in Table 4.6-1 (See Article 4) subject to the provisions below.

### 5.38.2 Permit Requirement.

**5.38.2.1** A mobile food vendor, or the property owner, on which mobile food vending will be placed shall obtain a zoning clearance permit. Permits must be posted in a visible location on the mobile food vending unit.

**5.38.2.2** The property owner will be issued a notice of violation if no permit has been issued for the location. However, the mobile food vendor will be cited if located on a property without property owner approval.

**5.38.2.3** A permit shall be valid for one calendar year and must be renewed on an annual basis.

**5.38.2.4** All applicable local and state regulations, including, but not limited to, Health Department, Environmental Health, and Environmental Protection, shall be met.

### 5.38.3 Site Criteria

**5.38.3.1** No mobile food vending unit shall be located in any required setback, sight distance triangle, or required buffer, nor shall any drive aisle, loading/service area, pedestrian walkway, emergency access, or fire lane be impeded.

**5.38.3.2** Trash receptacles must be provided by the property owner, or designee, for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. Such trash receptacles shall be located no more than 10 feet from the mobile food vending unit. The property owner, or designee, is responsible for removing all trash, litter, and refuse from the site at the end of each business day.

**5.38.3.3** No mobile food vending unit shall operate as a drive-thru service.

**5.38.3.4** In all districts where food trucks are allowed, the mobile food vending unit shall provide one (1) parking space per 250 square feet of the mobile food vending unit. Mobile food vending units located in the Center City (CC) district are exempt from this regulation.

**5.38.3.5** Any sidewalk encroachment shall require permit approval from the Public Works Department.

**5.38.3.6** Mobile food vending units are required to returned to their associated commissary at the end of each business day.

**5.38.3.7** These restrictions shall not be applicable to special events recognized by the City where mobile food vending is permitted or non-profit events of five (5) days or less.

MINOR THOROUGHFARE - A Minor Thoroughfare as designated on the Cabarrus-South Rowan MPO Thoroughfare Plan.

MITIGATION - The minimization of impacts to existing vegetation and wildlife habitat as a result of development in the resource area, and that lost vegetation and wildlife habitat are restored or recreated.

MIXED USE DWELLING - See BUILDING, MIXED USE

MIXED USE DEVELOPMENT OR MIXED-USE PROJECT - A proposed development that includes primary non-residential and primary residential uses on the same development site.

**MOBILE FOOD VENDING SERVICE** – A service establishment operated from a licensed and moveable vehicle (with or without an attached trailer), a portable vending cart, or mobile food stand that sells food and/or drink processed or prepared on-site to walk-up customers.

MOBILE HOME - A single-family dwelling, factory built and factory-assembled residence which does not comply with the National Manufactured Homes Construction Safety and Standards Act (42 U.S.C. § 5401, 1978, as amended) or the State Building Code.

MODERATE INCOME HOUSING - Housing reserved for occupancy or ownership by persons or households whose annual gross income does not exceed one hundred percent (100%) of the area median household gross income for households of the same size in the Charlotte metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

MODULAR HOME - A dwelling unit constructed in accordance with the standards set forth in the State Building Code applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home may consist of one or more sections transported to the site in a manner similar to a mobile home or manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

MOTEL - A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.

MOTOR HOME - A vehicular-designed unit built on, or permanently attached to, a self-propelled vehicle chassis, van, or chassis cab, which is an integral part of the complete vehicle, to provide temporary living quarters for recreational, camping, or travel use.

MOTOR VEHICLE - See VEHICLE, MOTOR

MOTOR VEHICLE REPAIR SHOP - See AUTOMOBILE REPAIR SHOP

MOTORSPORTS COMPLEX - A facility consisting of a racetrack, seating, concession areas, suites, and parking facilities, with accessory offices, residences, and/or retail facilities, and which is utilized primarily for the hosting of automobile racing events.

MULTI-FAMILY DWELLING - A structure arranged, designed, and intended to be the residence of more than one family, with each family having independent cooking and bathing facilities.

MULTIPLE DWELLING - See APARTMENT HOUSE

MUNICIPALITY - An incorporated city or town.

MUNICIPAL STREET - A street or highway accepted by the City and which is not a State Highway. (Source: 19A NCAC § 20.0404).