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

**Minutes of Regular Meeting
June 5, 2019**

The Kannapolis Planning and Zoning Commission met on Wednesday, June 5, 2019 at 6:00 PM at City Hall, 401 Laureate Way, Kannapolis, North Carolina.

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

Commission Members Absent: Alan Overcash
William Cranford

Visitors: June Moose Tom Lentz David Miller
Parks Brooks LaMonda Brooks Jonathan Moore
Alisha Vanover John Garmon Jim Lane
Joy Lane Stephen Garmon Greer Daugherty

Staff Present: Zac Gordon, AICP, Planning Director
Gretchen Coperine, AICP, Senior Planner
Ryan Lipp, Senior Planner
Tim Drumm, City Engineer
David Hancock, IT

CALL TO ORDER

Chairman Scott Trott 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 Trott asked for a motion to approve the Agenda. Mr. Steele stated that since items B & C will be presented by Planning Director Zac Gordon, who is currently not present, made the motion to move cases B & C to the end of the Agenda which was seconded by Mr. Parker and the motion was unanimously approved.

APPROVAL/CORRECTION OF MINUTES

Chairman Trott asked for a motion to approve the May 1, 2019 minutes which was made by Mr. Ensley, seconded by Mr. Puckett and the motion was unanimously approved.

1 **PUBLIC HEARING**

2
3 **Z-2019-02 – Zoning Map Amendment – 1013 West C Street**

4 Senior Planner, Gretchen Coperine, introduced Ryan Lipp, new Senior Planner for the City. Ms.
5 Coperine gave a PowerPoint presentation regarding case Z-2019-02 (Exhibit 1) for a request to
6 rezone property located at 1013 West C Street from B-1 (Neighborhood Commercial) to RV
7 (Residential Village) to allow for a single-family home. She provided the property details and
8 background on the request and directed the Commission’s attention to the Vicinity, Zoning and
9 Future Land Use maps as well as street-views of the subject property.

10
11 Ms. Coperine reviewed policy issues for the Commission and advised that staff is recommending
12 approval of the rezoning request. She reminded the Commission of the actions requested of
13 them and made herself available for questions.

14
15 There being no questions or comments for staff, Chairman Trott opened the Public Hearing
16 which was then closed with no comment being made.

17
18 Chairman Trott asked for a motion to adopt or deny the Statement of Consistency for case Z-
19 2019-02. Mr. Parker made the motion to approve which was seconded by Mr. Steele and the
20 motion was unanimously approved.

21
22 Chairman Trott asked for a motion to adopt a Resolution to Zone for case Z-2019-02. Mr. Steele
23 made the motion to approve which was seconded by Mr. Ensley and the motion was unanimously
24 approved.

25
26 Chairman Trott acknowledged that Mr. Gordon had arrived and explained to him that cases B &
27 C had been moved to the end of Agenda but gave Mr. Gordon the opportunity to present those
28 cases in the order originally shown on the Agenda. Mr. Gordon thanked Chairman Trott and
29 proceeded to explain that cases B & C are part of a legislative annexation for property located in
30 Rowan County over which the City has been granted Extra Territorial Jurisdiction (ETJ)
31 authority. He further explained that formal annexation locating the properties within the City’s
32 corporate limits will not occur until June 30, 2020.

33
34 **CPA-2019-01 – Comprehensive Plan Amendment – Future Land Use and Character Map**

35 Planning Director, Zac Gordon gave a PowerPoint presentation regarding case CPA-2019-01
36 (Exhibit 2) for a request to recommend approval of an amendment to the *Move Kannapolis*
37 *Forward 2030 Comprehensive Plan* (“2030 Plan”) to include properties recently placed within
38 the City’s ETJ. Mr. Gordon explained that in December 2018, City Council requested the
39 General Assembly of North Carolina approve special local legislation to annex various parcels
40 located in Rowan County into the City of Kannapolis. He further explained that the General
41 Assembly passed Session Law 2019-12 (SB 63) which extended the City’s ETJ jurisdiction to
42 the subject parcels and that the subject properties were not part of the *2030 Plan* at time of its
43 adoption and will need to be included and assigned a Future Land Use Character Area.

44
45 Mr. Gordon provided an explanation as to why staff is recommending a Character Area of
46 “Primary Activity Center – Interchange” and the uses permitted in that character area, noting

1 that this recommended Character Area was the same as the areas surrounding Exits 58 (Cannon
2 Boulevard), 60 (Dale Earnhardt Boulevard) and 63 (Lane Street). He reminded the Commission
3 of the actions requested of them and made himself available for questions.
4

5 Mr. Parker asked if extension of public utilities and improvements to the road will be made? Mr.
6 Gordon responded that public utilities will be extended but that without a formal submittal from
7 a developer, he can't definitively state that there will be improvements to the road. He indicated
8 that Traffic Impact Studies (TIA) are typically required and surmised that road improvements
9 would be inevitable.
10

11 Mr. Trott asked if a Public Hearing is required? Mr. Gordon stated that a Public Hearing is not
12 required since the Commission is only recommending approval of a change to the *2030 Plan* by
13 City Council.
14

15 There being no additional questions or comments for staff, Chairman Trott asked for a motion
16 to recommend approval of the proposed amendments to the *2030 Plan* by City Council. Mr.
17 Puckett made the motion to recommend approval which was seconded by Mr. Parker and the
18 motion was unanimously approved.
19

20 Mr. Gordon stated that the recommendation will go before City Council at their June 24, 2019
21 meeting for action.
22

23 **Z-2019-03 – Zoning Map Amendment – Highbridge**

24 Planning Director, Zac Gordon, stated that the second component regarding the legislative
25 annexation of the previously mentioned subject properties is to assign zoning within sixty (60)
26 days of annexation. Mr. Gordon advised that staff is requesting a zoning designation of AG
27 (Agricultural) which is a "holding zone" until a development plan is submitted, and zoning
28 determined. He gave a PowerPoint presentation for case Z-2019-03 (Exhibit 3) further detailing
29 the property details and background on the request. Mr. Gordon directed the Commission's
30 attention to the Vicinity, Current Rowan County Zoning, Recommended City Zoning and Future
31 Land Use Maps (providing that City Council approves the recommended changes to the *2030*
32 *Plan*). He provided an aerial view of the subject properties and reminded the Commission of
33 actions taken by the General Assembly of North Carolina to include those properties into the
34 ETJ of the City and the requirement to assign zoning within sixty (60) days.
35

36 Mr. Gordon stated that unlike the previous case, the rezoning does require a Public Hearing. He
37 reviewed policy issues for the Commission and advised that staff is recommending approval of
38 the rezoning request. Mr. Gordon reminded the Commission of the actions requested of them
39 and made himself available for questions.
40

41 The Commission had several questions regarding future zoning, impacts of a watershed
42 restriction, the possible interchange configuration, the estimated economic impacts by future
43 development, and the number of developers involved? Mr. Gordon responded that zoning will
44 most likely consist of mixed-use zoning, but without a submitted site plan, does not know what
45 zoning will be requested. He reminded the Commission that future zoning requests will have to
46 be approved by the Commission. With regard to watershed restrictions and interchange design,

1 Mr. Gordon stated that development will be limited due to the subject property being located
2 within the Lake Fisher Watershed Protected Area, but since formal plans have not been
3 submitted, there is no way of knowing what those restrictions will be and that NCDOT will
4 determine the interchange design. Mr. Gordon reiterated that formal development plans have
5 not been submitted which makes it difficult to determine the economic impacts but surmised that
6 the impact will be sizable and that at this point, staff has had discussions with one (1) developer
7 but that the developer has had discussions with multiple interested parties.
8

9 There being no further questions or comments for staff, Chairman Trott opened the Public
10 Hearing.
11

12 John Moore, 2905 Meridian Parkway, Durham, NC, stated that he is representing the
13 development team and that field work is being completed in order to prepare a submittal for a
14 rezoning request. He indicated that plans have been submitted to the state for approval of an
15 erosion and sediment control permit so that they can begin grading.
16

17 Joy Lane 21201 Island Forest Drive, Cornelius, NC stated that she owns property adjacent to the
18 subject property and asked if the property has already been purchased? Mr. Moore responded
19 that while there has not been a Purchase Agreement completed, a Letter of Intent to purchase the
20 properties has been submitted.
21

22 John Garmon, 585 Garmon Road, China Grove, NC stated that his property abuts the subject
23 property and asked if his property will be affected? Mr. Gordon directed attention back to the
24 aerial view of the subject properties and stated that only those properties shown on the map will
25 be affected by the annexation, and that no other property will be affected unless a property owner
26 wants to voluntarily annex into the City. He stated that in terms of impacts to the surrounding
27 neighbors, the subject property is currently a low-density area but will be changing to include a
28 dense activity center. Mr. Gordon noted that the Unified Development Ordinance (UDO) has
29 regulations to mitigate impacts such as noise, light, etc.
30

31 Parks Brooks, 1445 China Grove Road, China Grove, NC, stated that his property also abuts the
32 subject property and shares in Mr. Garmon's concerns regarding impacts to his property. He
33 indicated that he hasn't been able to attend a lot of the meetings regarding the proposed project
34 and is concerned regarding effects of additional light and noise.
35

36 Mr. Steele responded that it is difficult for the Commission to assess the impacts that a
37 development may or may not have on surrounding property owners until an actual development
38 plan is submitted. He reminded the audience that the decision pending the Commission's
39 approval is to assign zoning since the property was just annexed. Mr. Steele continued that once
40 a development plan is submitted, impacts to surrounding property owners will be more evident.
41 Mr. Ensley added that once a developer submits a rezoning request, a Public Hearing will be
42 scheduled, and property owners will be notified via letter, signage on the property and an ad in
43 the local newspaper.
44

45 There being no further questions or comments, Chairman Trott closed the Public Hearing.
46

1 Chairman Trott asked for a motion to adopt or deny the Statement of Consistency for case Z-
2 2019-03 which was made by Mr. Puckett, seconded by Ms. Severt and the motion was
3 unanimously approved. Chairman Trott asked the recording secretary to include the Statement
4 of Consistency into the Meeting Minutes:
5

6 *The Planning and Zoning Commission finds this zoning map amendment as*
7 *presented in Case #Z-2019-03 to be consistent with the Move Kannapolis Forward*
8 *2030 Comprehensive Plan which places the subject properties in a Primary Activity*
9 *Center – Interchange Character Area which allows for a mixture of uses including*
10 *but not limited to retail, office, light manufacturing, as well as a mix of residential*
11 *product types. The AG zoning district serves as a holding zone for properties until*
12 *utilities are extended and development is proposed.*
13

14 Chairman Trott asked for a motion to adopt a Resolution to Zone for case Z-2019-03. Mr. Parker
15 made the motion to approve the Resolution to Zone which was seconded by Mr. Puckett and the
16 motion was unanimously approved.
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18 **TA-2019-03 – Text Amendment – Medical Waste Facilities**

19 Senior Planner, Gretchen Coperine, gave a PowerPoint presentation regarding TA-2019-03
20 (Exhibit 4) for a text amendment to Article 4, Table 4.6-1 and Appendix A of the Unified
21 Development Ordinance (UDO) to allow Medical Waste Facilities in the Light Industrial (I-1)
22 zoning district and to add definitions for “Medical Waste” and “Medical Waste (Disposal)
23 Facility”. Ms. Coperine provided background details regarding the text amendment and directed
24 the Commissions attention to the proposed text amendments which are shown on the attachment
25 (Exhibit 4) as **additions and deletions**.
26

27 Ms. Coperine reminded the Commission of the actions requested of them and made herself
28 available for questions. She responded to questions regarding the differences between medical
29 waste versus hazardous waste, the differences between I-1 and I-2 zoning districts, the process
30 by which medical waste is disposed, and whether a medical waste facility is governed by federal
31 guidelines.
32

33 There being no further questions or comments, Chairman Trott asked for a motion to Adopt a
34 Statement of Consistency for TA-2019-03 which was made by Mr. Parker, seconded by Mr.
35 Steele, and the motion was unanimously approved.
36

37 Chairman Trott asked for a motion to recommend approval of the proposed text amendment by
38 City Council which was made by Mr. Steele, seconded by Mr. Ensley and the motion was
39 unanimously approved.
40

41 **TA-2019-04 – Text Amendment – Micro-breweries**

42 Senior Planner, Ryan Lipp, gave a PowerPoint presentation regarding Case #TA-2019-04
43 (Exhibit 5) for a text amendment to Article 4, Table 4.6-1, Article 5 and Appendix A of the UDO
44 to allow micro-breweries with on-premise consumption in the CC (Center City) and C-2
45 (General Commercial) zoning districts. Mr. Lipp provided background details regarding the text

1 amendment and directed the Commissions attention to those amendments which are shown on
2 the attachment (Exhibit 5) as additions and deletions.

3
4 Mr. Lipp reminded the Commission of the actions requested of them and made himself available
5 for questions. He responded to questions regarding the differences between a micro-brewery
6 and a craft brewery, size and seating, and the inclusion of “religious institutions” in the 200’
7 distance requirement.

8
9 There being no further questions or comments, Chairman Trott asked for a motion to Adopt a
10 Statement of Consistency for TA-2019-04 which was made by Mr. Steele, seconded by Mr.
11 Puckett, and the motion was unanimously approved.

12
13 Chairman Trott asked for a motion to recommend approval of the proposed text amendment by
14 City Council which was made by Mr. Steele, seconded by Ms. Severt and the motion was
15 unanimously approved.

16
17 **TA-2019-05 – Text Amendment – LDSM as Addendum to UDO**

18 Senior Planner, Gretchen Coperine reminded the Commission that during the February 6, 2019
19 Planning and Zoning Commission meeting, text amendment TA-2019-01, which was an
20 amendment to remove land development standards from the UDO and create a separate manual,
21 was unanimously recommended for approval by City Council. Ms. Coperine stated that after
22 City Council reviewed the proposed text amendment, they had concerns regarding the approval
23 process for any future changes to the manual and directed staff to add it back to the UDO as an
24 addendum. She provided further detail on proposed text amendment TA-2019-05 (Exhibit 6),
25 reminded the Commission of the actions requested of them and made herself available for
26 questions.

27
28 Ms. Coperine responded to questions regarding whether the manual would be available on-line
29 and why City Council wanted the Commission to undo decisions that they previously made.

30
31 There being no further questions or comments, Chairman Trott asked for a motion to Adopt a
32 Statement of Consistency for TA-2019-05 which was made by Mr. Parker, seconded by Mr.
33 Ensley, and the motion was approved 5-1 with Mr. Puckett casting the dissenting vote.

34
35 Chairman Trott asked for a motion to recommend approval of the proposed text amendment by
36 City Council which was made by Mr. Ensley, seconded by Mr. Steele and the motion was
37 approved, 5-1 with Mr. Puckett casting the dissenting vote.

38
39 **PLANNING DIRECTOR UPDATE**

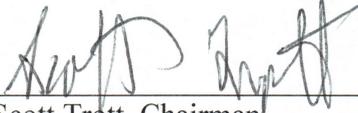
40 Planning Director, Zac Gordon, made himself available to the Commission for any questions or
41 concerns that they may have. Mr. Gordon responded to questions regarding the Kannapolis
42 Development Ordinance update, whether other municipalities were updating their ordinances,
43 updating watershed restrictions, and plans for the existing ballfield

1 **OTHER BUSINESS**

2 Mr. Gordon advised the Commission that they will be receiving a copy of the May Permit report
3 and stated that election of new chairman should be an annual process and will be conducted at the
4 July meeting.
5

6 **ADJOURN**

7 There being no further business, questions or comments, Chairman Trott asked for a motion to
8 adjourn which was made by Mr. Ensley, seconded by Mr. Steele and the meeting was adjourned
9 by unanimous vote at 7:25 PM on Wednesday June 5, 2019.

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Scott Trott, Chairman
Planning and Zoning Commission

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Pam Scaggs, Recording Secretary
Planning and Zoning Commission