



**Planning & Zoning Commission  
May 1, 2019 Meeting**

**Staff Report**

**DATE:** April 17, 2019  
**TO:** Planning & Zoning Commission  
**FROM:** Gretchen Coperine, AICP, Senior Planner  
**SUBJECT:** Case #SIA-2019-01, The Split  
**Applicant: William R. Cook**

Consider a request for a Special Intensity Allocation (SIA) for a property located at 267 N. Cannon Blvd. The property is identified as Cabarrus County Parcel Identification Numbers 5623-09-6794 and is approximately 1.95 +/- acres. **This request does not require a public hearing.**

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

Consistent with Section 4.16.10.1 of the Unified Development Ordinance (UDO) the Planning and Zoning Commission is appointed to serve as the Watershed Review Board.

1. Motion to approve (deny) Special Intensity Allocation Request.
2. Motion to approve (deny) the Special Intensity Allocation Permit.

**B. Required Votes to Pass Requested Actions**

Majority present at meeting.

**C. Background**

William Cook is requesting a Special Intensity Allocation (SIA) in order to develop property along N. Cannon Blvd. as approved in case CZ-2018-01 for a restaurant and mini-golf. The property is located in the Lake Concord WS-IV Protected Area Watershed and currently zoned C-2-CZ (General Commercial-Conditional Zoning). There is no proposed changes to the zoning.

The applicant is requesting a SIA to exceed the 24% maximum new impervious (built upon) area permitted in the watershed, up to 40%. The maximum permitted is 70% with an SIA. The requested additional acreage for development is 0.43 acres.

Stormwater control is required for all SIA requests in accordance with Section 4.16.9.2.3 of the UDO which states: *“Projects must be presented in the form of a SIA site plan, prepared by a Professional Engineer, and must minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices (BMPs) to minimize water quality impacts.”* Any BMPs proposed will need to be approved by the City Engineer during full site plan review.

With approval of a SIA, an applicant may develop a property with more than 24% impervious surface area, up to a maximum 70% impervious surface area, provided proper stormwater control measures are implemented. The UDO employs a point system, outlining six (6) criteria that are used to evaluate the merits of each SIA request. The potential increase in allowable impervious area is based upon the point ratings for each of these criteria.

The applicant is requesting an increase of 0.43 acres of impervious area, for a total of 13,180 square feet of new impervious.

Prior to development of the property, the project will be required to obtain final site plan approval.

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

None

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

Per Section 4.16.9.2.5 of the UDO, the percentage of built upon area for a SIA shall be determined by the Special Intensity Allocation Point System (Table 4.16-4). The accumulation of points is based on six categories. **Based on staff’s analysis of the request, the following points are recommended for the proposed project:**

- Tax Base Increase of \$1,000,000 to \$1,999,999: 50 points
- Full time jobs Created of 26 or more: 50 points
- Community Value: To be determined by Watershed Review Board
- Retail Trade Type of Industry: 10 points
- Revitalization of Existing Development: 50 points
- Energy Reduction/Conservation Measures: 0 points

#### **Total Points Recommended by Staff: 160**

Scoring between 150-199 Special Intensity Allocation points allows for the potential impervious (built upon) area to be increased from 24% to up to 50% of the undeveloped pervious surface area within the property. As proposed, the applicant is requesting approval to develop a total of 40% of the undeveloped pervious area, which is equal to 0.43 acres. Based on the staff recommended allocation of points, the applicant would be able to increase the allowed impervious coverage for this site from 24% up to the requested total of 40% as requested.

If the SIA is approved, the developer will be allowed an increase of 0.43 acres of impervious area. The UDO caps the total amount that can be allocated by SIA in the Lake Concord WS-IV Protected Area Watershed to 185.32 acres (based on available acreage). Should this SIA be approved, the additional 0.43 acres of impervious area would be allocated from the allowed acreage to be developed in the Lake Concord WS-IV Protected Area Watershed leaving a balance of 184.89 acres.

**F. Legal Issues**

None

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

The Planning and Zoning Commission may choose to approve or deny the Special Intensity Allocation as presented.

The request and attached site plan meet the criteria of approval for a Special Intensity Allocation. The grading of the site and the installation of an approved filter system will treat stormwater before it is discharged from the site.

Staff recommends approval of a Special Intensity Allocation of 0.43 acres in the Lake Concord WS-IV Protected Area Watershed for the property located at 267 N Canon Blvd.

**The following actions are required to approve the requested SIA for Case # SIA 2019-01:**

1. Per Table 4.16-4, assign sufficient points to allow for the requested increase in impervious coverage from 24% to 40%.
2. Motion to approve Special Intensity Allocation request
3. Motion to approve the Special Intensity Allocation Permit

Should the Commission not assign sufficient points to allow for the requested increase in impervious coverage from 24% to 40%, motions to deny the SIA request and permit should be adopted.

**I. Attachments**

1. SIA Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Preliminary Site Plan
6. SIA Permit (If Approved)

**J. Issue Reviewed By:**

- City Manager
- City Attorney
- Planning Director
- City Engineer

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

Applicant: William R. Cook Owner: Wisdom Realty, LLC

Address: 24163 Endy Rd. Address: 405 Shaping Mill Rd.  
Albemarle, N.C. 28001 Salisbury, NC 28146

Telephone: 704-791-5148 Telephone: 704-965-0039

Email: rcook@ctc.net Email: brianfreemanpharmd@gmail.com

Legal relationship of applicant to property owner: Contractor

Property Location/Address: 267 N. Cannon Blvd

Tax Parcel Number: 56230967941000 Zoning District: C-2 Acreage of Site: 1.95

William R. Cook  
Applicant Name (Print)

Brian Freeman  
Property Owner Name (Print)

William R. Cook 3/28/19  
Applicant Signature & Date

Brian Freeman 3/28/2019  
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, and five (5) copies of any required site plans for staff review must be submitted by the deadline. However, to remain on the next meeting agenda, fifteen (15) copies of such plans, determined by staff to conform to all ordinance standards, must be submitted at least ten (10) days before the meeting date. All fees are nonrefundable and help to cover administrative and notification costs.**

For Staff Use Only:

Filing Fee: \$325.00

Receipt # M-11184

Application No.: SIA 2019-01

Date Submitted (Complete): 3/28/2019

Plans  
 SIA calcs.



## SPECIAL INTENSITY ALLOCATION APPLICATION

The Planning Commission acting as the Watershed Review Board is authorized to approve Special Intensity Allocations (SIAs). The Board may grant a SIA of up to 70% (seventy percent) built-upon area on all or part of the land area of a project based on the criteria for approval. A SIA must minimize built-upon surface area, direct stormwater away from the surface waters, and incorporate best management practices (BMPs) to minimize water quality impacts. A plan must be submitted in the form of a SIA site plan, and must be prepared by a Professional Engineer.

Applicant: Synergy Resources, LLC Roger Cook  
 Applicant's Address: 24163 Endy Rd. Albemarle, N.C. 28001  
 Applicant's Phone: 704-791-5148  
 Applicant's Email: rccook@ctc.net  
 Property Owner: Wisdom Realty, LLC  
 Address or Location of Property seeking SIA: 267 N. Cannon Blvd.  
 Parcel ID #(s): 56230967940000  
 Deed Book/Page: 04-023-0067.00 County: Cabarrus  
 Area of Property: 1.95 Current Zoning: Conditional

### Select Watershed Location

- Lake Fisher WS-IV Protected Area
- Lake Concord WS-IV Protected Area
- Kannapolis Lake WS-III Balance of Watershed

Percent of Built-Upon Area Requested for SIA: 40% of undeveloped

Acreage of Built-Upon Area Requested for SIA: .43 of undeveloped

### CRITERIA FOR APPROVAL

The Watershed Review Board will determine the criteria for approval based on Table 4.16-4 of the Kannapolis Unified Development Ordinance. Planning staff will work with the applicant to determine the total points for a project. The table is a point based system and is as follows:





# Vicinity Map

Case Number: SIA-2019-01  
Applicant: William Cook





# Current Zoning

Case Number: SIA-2019-01  
Applicant: William Cook





# Future Land Use Plan

Case Number: SIA-2019-01

Applicant: William Cook







**SPECIAL INTENSITY ALLOCATION PERMIT  
SIA-2019-01 – 267 North Cannon Boulevard**

**May 1, 2019**

The Kannapolis Watershed Review Board, pursuant to Section 4.16.9 of the City of Kannapolis Unified Development Ordinance, approved a Special Intensity Allocation (SIA) for the following use, subject to the following condition(s):

**Use:** Restaurant with mini-golf

**Description of Property:** Located at 267 N. Cannon Boulevard and further identified as Cabarrus County Parcel Identification Number(s) 5623-09-6794

**Watershed District:** Lake Concord WS-IV Protected Area

**Acreege Allocated for Development:** 0.43 acres

The Watershed Review Board has found the subject parcels to meet the criteria as described in Table 4.16-4 of the Kannapolis Unified Development Ordinance (UDO):

- Tax Base Increase of \$1,000,000 to \$1,999,999: 50 points
- Full time jobs Created of 26 or more: 50 points
- Community Value: To be determined by Watershed Review Board
- Retail Trade Type of Industry: 10 points
- Revitalization of Existing Development: 50 points
- Energy Reduction/Conservation Measures: 0 points

**Total Points Awarded: 160**

The SIA Permit is perpetually binding upon the property described above.

The right to develop an SIA shall terminate with the loss of the right to develop due to the expiration of a Zoning Compliance Permit or Building Permit.

The SIA Permit was approved by the Watershed Review Board of the City of Kannapolis, North Carolina on the 1<sup>st</sup> day of May 2019.

---

Scott Trott, Chairman  
Planning & Zoning Commission

---

Pam Scaggs, Recording Secretary  
Planning & Zoning Commission