



**Planning & Zoning Commission
January 8, 2020 Meeting**

Staff Report

DATE: December 18, 2019
TO: Planning & Zoning Commission
FROM: Gretchen Coperine, AICP, Senior Planner
SUBJECT: **Case #CZ-2019-05: Parcels on the north side of Mooresville Rd (NC 3), west of Rainbow Drive
Conditional Zoning Map Amendment
Applicant: Lennar Carolinas, LLC**

The applicant is requesting to rezone parcels, including 4800 Mooresville Road and unaddressed parcels on the north side of Mooresville Road (NC 3), west of Rainbow Drive, from CD (Campus Development) to PUD-CZ (Planned Unit Development – Conditional Zoning District).

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 rezoning proposes a total of 372 units, including 220 single-family detached homes and 152 townhome units. The proposed density is 2.8 units/acre. There is considerable amount of floodplain, which will remain undisturbed outside of any necessary utilities. The plan also proposes a pocket park and amenity area.

Mooresville Road (NC 3) is currently being widened under NCDOT project U-3440 to a 4-lane divided with sidewalks and bike lanes on both sides.

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 133.4 +/- 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 the “Complete Neighborhood 2” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 2 Character Area calls for primary uses of single-family detached and attached residential, multi-family residential, small format retail, and civic uses. Secondary uses are intended to be a small format office, and live-work units. The PUD-CZ conditional zoning district with this rezoning proposes a 372 mixed-unit-type development, which fits with the primary uses of the Complete Neighborhood 2 Character Area.

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

The subject properties are located on the north side of Mooresville Road, west of Rainbow Dr. Parcels to the north are zoned LDR (Low Density Residential) in Cabarrus County. Parcels to the south are zoned LDR in Cabarrus County, AG (Agricultural) in the City of Kannapolis and RV (Residential Village) in the City of Kannapolis. Parcels to the east are zoned LRD in Cabarrus County, and RV (Residential Village) and RC (Residential Compact) in the City of Kannapolis. Parcels to the west are zoned LDR in Cabarrus County. The requested rezoning proposes a mixture of single-family and townhome development of a scale that represents compatible development considering the redevelopment potential for the surrounding 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 will be accessed from Mooresville Road (NC 3) and Rainbow Drive. Both Mooresville Road and Rainbow Drive are NCDOT owned and maintained roads, and as such any access off these two roads will require NCDOT approval with City input.

The project required a traffic impact analysis (TIA) which identified following improvements as necessary to address the impacts of the proposed development:

NC 3 (Mooresville Road) and Kannapolis Parkway

- Per NCDOT by the buildout of the site, restripe northbound approach of Kannapolis Parkway to include an additional right turn lane with 250’ of storage and the appropriate taper. Modify traffic signal as necessary.

NC 3 (Mooresville Road) and Tucker Avenue/Access A

- Construct Access A with one ingress lane and one egress lane (1 right).

- Construct a NC 3 (Mooresville Road) westbound right turn lane with a 100' feet of storage and the appropriate taper.

Rainbow Drive and Access B

- Construct Access B with one ingress lane and one egress lane (1 shared left-right).
- Per NCDOT, provide 6' offset between Access B and C along Rainbow Drive that will accommodate future widening.

Rainbow Drive and Access C

- Construct Access C with one ingress lane and one egress lane (1 shared left-right).
- Per NCDOT, provide 6' offset between Access B and C along Rainbow Drive that will accommodate future widening.

A full site plan submittal will be required should the rezoning be approved. Appropriate roadway design will be required at that time per City and NCDOT roadway and safety standards.

5. Will there be parking problems?

The site plan submitted with this request for rezoning includes adequate parking for the listed uses.

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.

There is a large amount of floodplain within the site, which will not be impacted by development as depicted in the proposed plan.

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?

Mooresville Road (NC 3) is currently under construction, being widened to a 4-lane divided road with sidewalks and bike lanes on both sides (NCDOT project U-3440). The widening project is anticipated to be completed in early 2021.

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

Utilities will need to be extended to serve the proposed use and improvements will be required to the existing street network surrounding the development as noted above.

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

The subject properties are located on the north side of Mooresville Road, west of Rainbow Dr. Parcels to the north are zoned LDR (Low Density Residential) in Cabarrus County. Parcels to the south are zoned LDR in Cabarrus County, AG (Agricultural) in the City of Kannapolis and RV (Residential Village) in the City of Kannapolis. Parcels to the east are zoned LRD in Cabarrus County, and RV (Residential Village) and RC (Residential Compact) in the City of Kannapolis. Parcels to the west are zoned LDR in Cabarrus County. The majority of the

surrounding area to the subject site is existing single-family development with a small parcel along Mooresville Road to the west of the subject site developed with a gas station.

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 zoned CD. In order to develop the product mix being proposed, the applicant seeks a rezoning to PUD-CZ. Single-family detached and townhomes are suitable uses for the subject site.

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

The subject site is situated in an area that is mostly residential. The requested rezoning proposes a mixture of single-family and townhome development of a scale that represents compatible development for the area considering the potential for redevelopment.

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

The subject property has been vacant since at least 1993, according to aerial photography.

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 redevelopment in the area.

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 Complete Neighborhood 2 Character Area and calls for primary uses of single-family detached and attached residential, multi-family residential, small format retail, and civic uses. Staff finds the request for rezoning reasonable and in the public interest because it provides for residential uses of an appropriate scale. 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 it anticipated to generate parking problems or any adverse impact on the environment. Finally, adequate public facilities will be provided to the proposed development through the extension of utilities and improvements to the adjoining street network.

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-2019-05:

1. The uses permitted with this rezoning shall only include 372 units (220 single-family detached and 152 townhomes) and amenity building, in general conformance with the plan submitted with this rezoning.
2. The concept plan is illustrative. Final Design and approval of the project, as reviewed by the City of Kannapolis, shall be subject to meeting all city standards.
3. All road intersections and improvements on Mooresville Rd and Rainbow Dr shall be approved by NCDOT and the City.
4. The developer shall construct curb and gutter and sidewalk along the entire road frontage of Mooresville Rd, Rainbow Dr, and where required by NCDOT. The improvements will be constructed to NCDOT and City standards.
5. The lane widths, sidewalks, pavement structure, road alignment, and road grades shall be constructed to current City standards.
6. Roads and parking lots shall comply with all Fire Codes and Autoturn shall be run for an SU-30.
7. 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.
8. A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO to include an escrow agreement & account, initially established by the developer.
9. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and SCMs.
10. Stormwater SCMs shall not be constructed in the undisturbed buffer.
11. 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.
12. All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement.
13. The water and sewer mains shall be located in the roadway under the pavement per the City's Typical Section Utility Layout.
14. Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-feet wide.
15. 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%.
16. The Fire Department shall approve locations of all hydrants.
17. Prior to platting the 31st parcel/lot, an emergency access road is required. Emergency access shall remain open at all times.
18. Prior to platting the 100th parcel/lot, a permanent second access (built to City standards) is required.

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-2019-05, 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 Complete Neighborhood 2 Character Area and calls for primary uses of single-family detached and attached residential, multi-family residential, small format retail, and civic uses. Staff finds the request for rezoning reasonable and in the public interest because it provides for residential uses of an appropriate scale. 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 it anticipated to generate parking problems or any adverse impact on the environment. Finally, adequate public facilities will be provided to the proposed development through the extension of utilities and improvements to the adjoining street network.*

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-2019-05, 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 #CZ-2019-05 to be inconsistent with the Move Kannapolis 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. Site Plan
6. Proposed Elevation
7. Neighborhood Meeting Information
8. Notice of Public Hearing
9. List of Properties Notified
10. Letter to Adjacent Property Owners
11. Posted Public Notice
12. Resolution to Adopt a Statement of Consistency
13. 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 | _____ |
| Appeal | _____ | Conditional Zoning Map Amendment | <input checked="" type="checkbox"/> |

Applicant: <u>LENNAR CAROLINAS, LLC</u>	Owner: <u>ATLANTIC AMERICAN PROPERTIES, INC.</u>
Address: <u>6701 CARMEL RD, STE. 425</u>	Address: <u>210 OAK AVENUE</u>
<u>CHARLOTTE, NC 28226</u>	<u>KANNAPOLIS, NC 28081</u>
Telephone: <u>704.309.3288</u>	Telephone: <u>704.938.5400</u>
Email: <u>matt.pannell@lennar.com</u>	Email: _____

Legal relationship of applicant to property owner: LAND ACQUISITION APPLICANT

Property Location/Address: 4800 MOORESVILLE ROAD, KANNAPOLIS, NC

Tax Parcel Number: 5603661917 Zoning District: CD (EXISTING) Acreage of Site: 133.04
5603699568 PUD (PROPOSED)

MATT PANSELL A. THOMAS D. SWICKS
 Applicant Name (Print) Property Owner Name (Print)

Matt Pannell 8-16-19 Thomas Swicks 8-16-19
 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, 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: _____ Receipt # _____

Application No.: _____ Date Submitted (Complete): _____

CITY OF KANNAPOLIS
APPLICATION FOR A CONDITIONAL ZONING DISTRICT
(to be attached to the Rezoning Application)

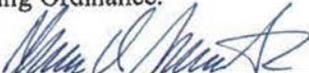
I, LENNAR CAROLINAS, LLC, hereby petition for a Conditional Zoning District for the following exact land use(s), subject to the following condition(s):

The following use(s) is/are permitted by right or conditional in the general zoning district upon which the "CZ" district is based:

REFER TO CONDITIONS AS OUTLINED IN THE REZONING PETITION SUBMITTAL PACKAGE

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

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.


Signature of Property Owner

Signature of Property Owner

210 OAK AVENUE

Kannapolis NC 28081
Address

Address

704-938-5400
Telephone #

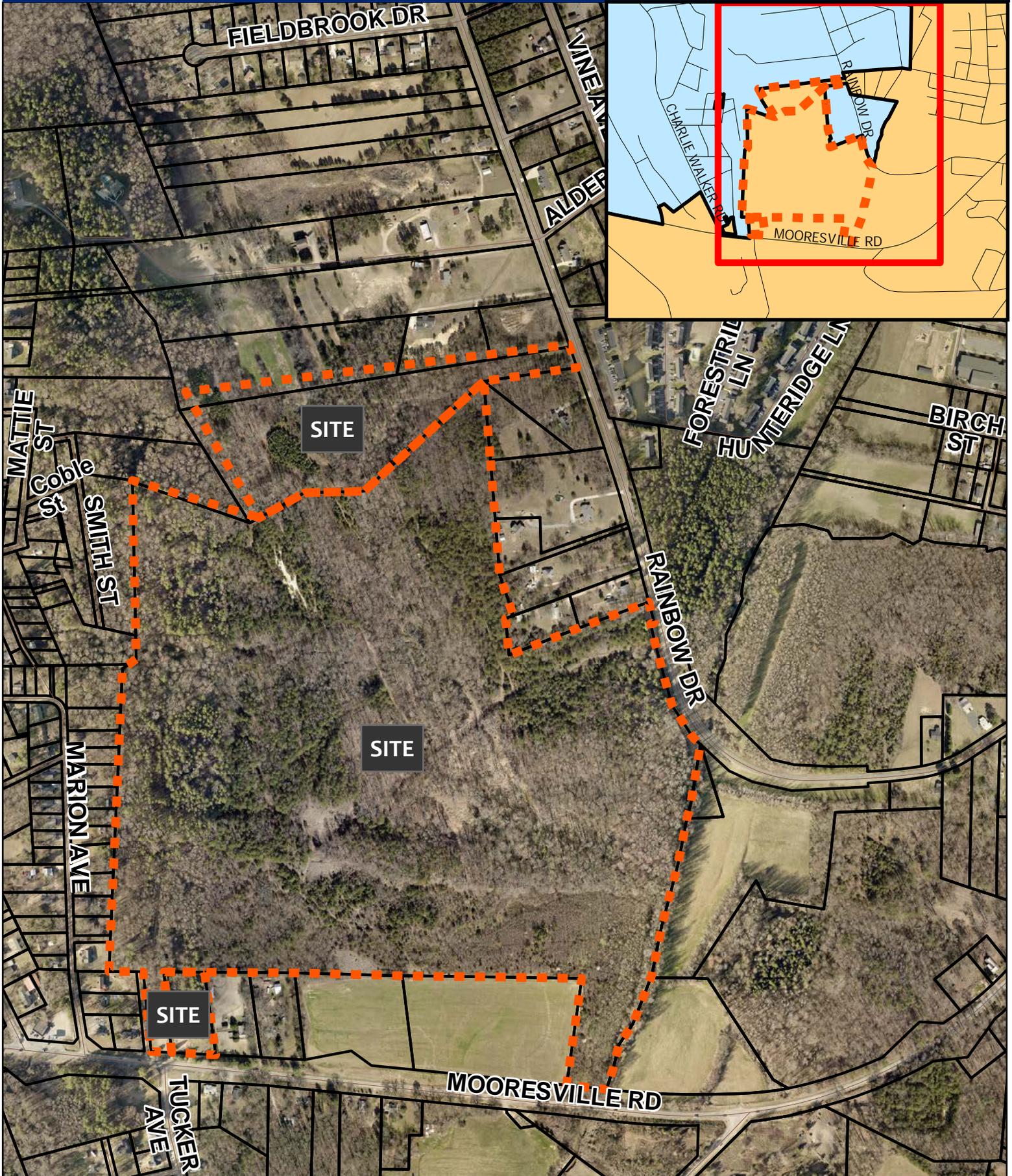
Telephone #

Please refer to fee schedule to determine applicable fees.
Fees are nonrefundable and help to cover administrative and notification costs.



Vicinity Map

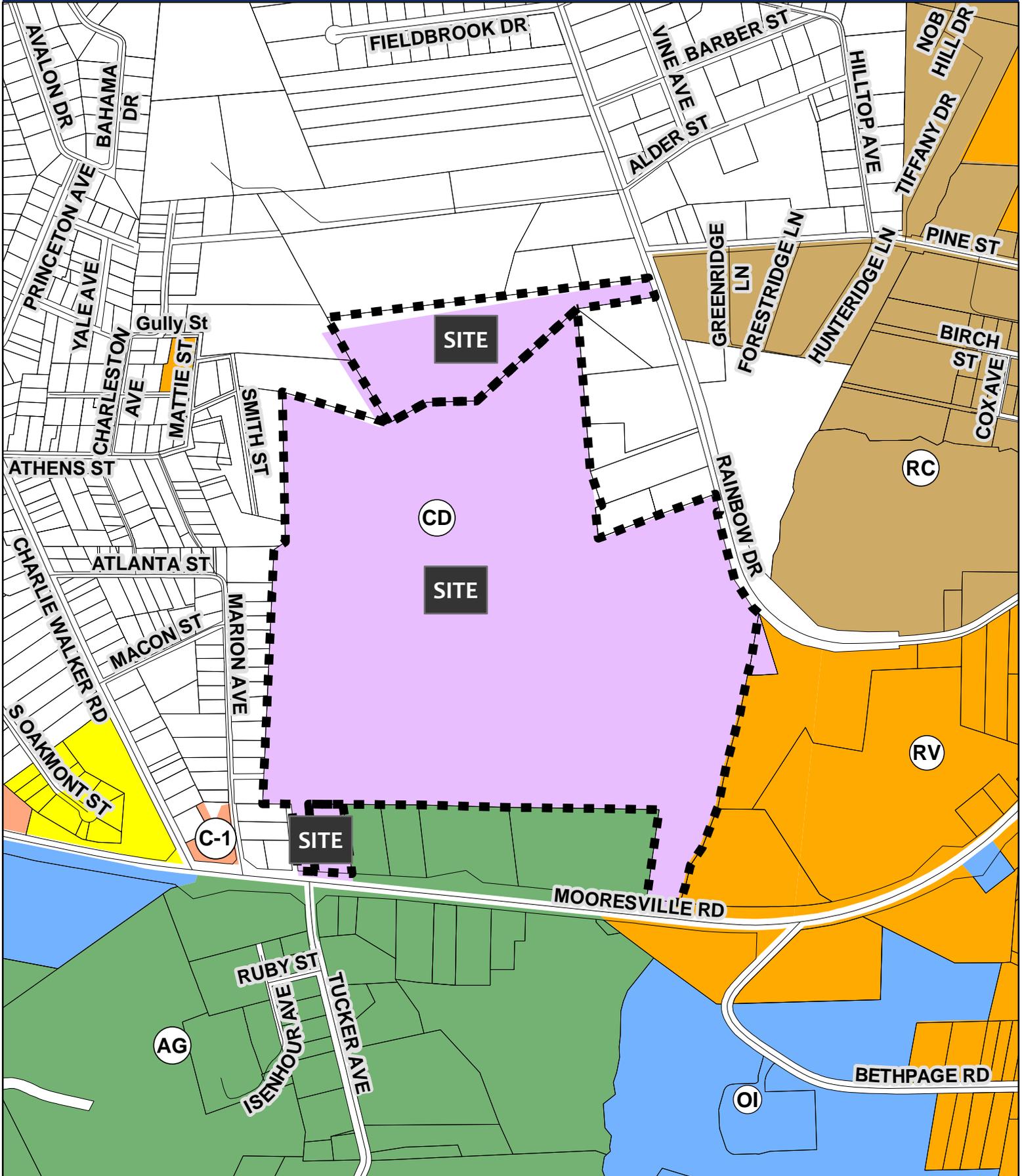
Case Number: CZ-2019-05
Applicant: Lennar Carolinas, LLC
4800 Mooresville Rd





Kannapolis Current Zoning

Case Number: CZ-2019-05
Applicant: Lennar Carolinas, LLC
4800 Mooresville Rd



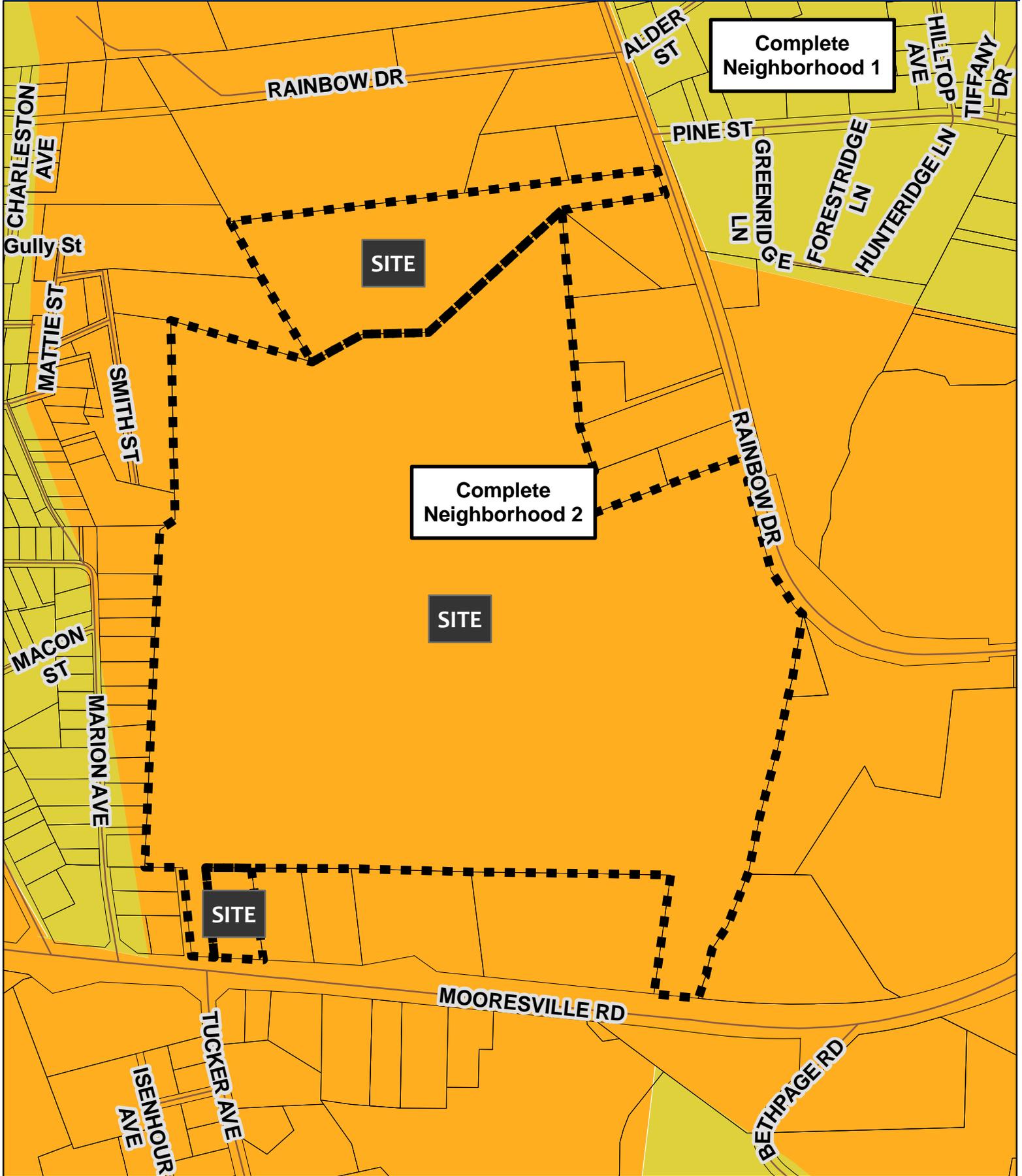


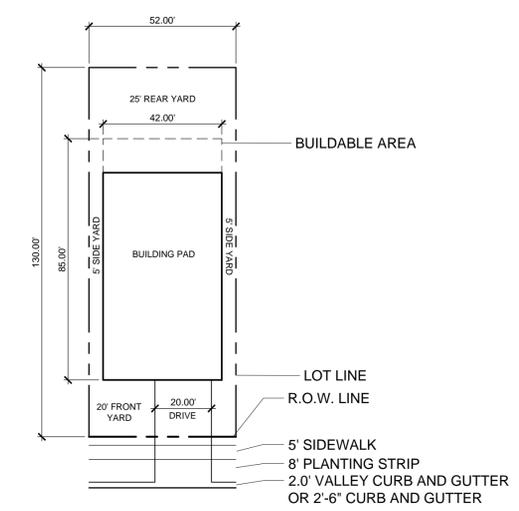
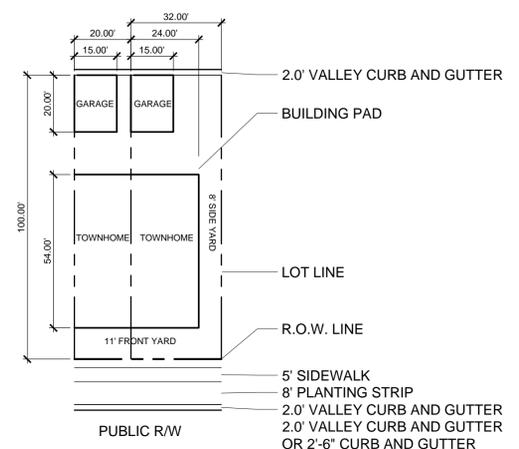
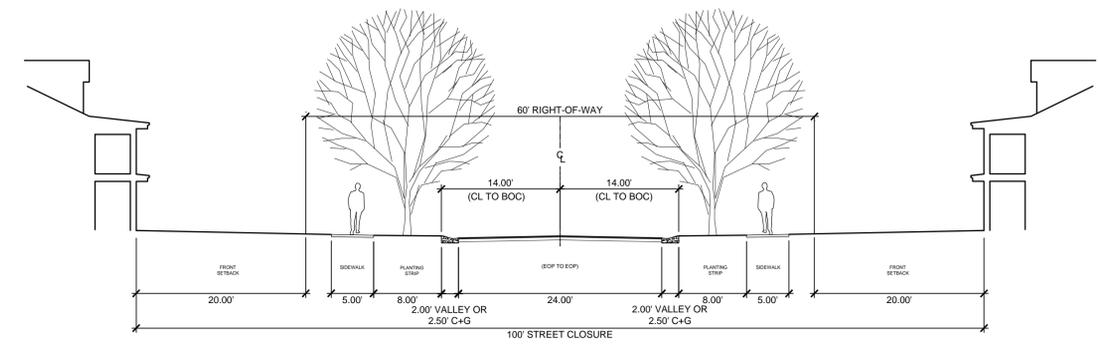
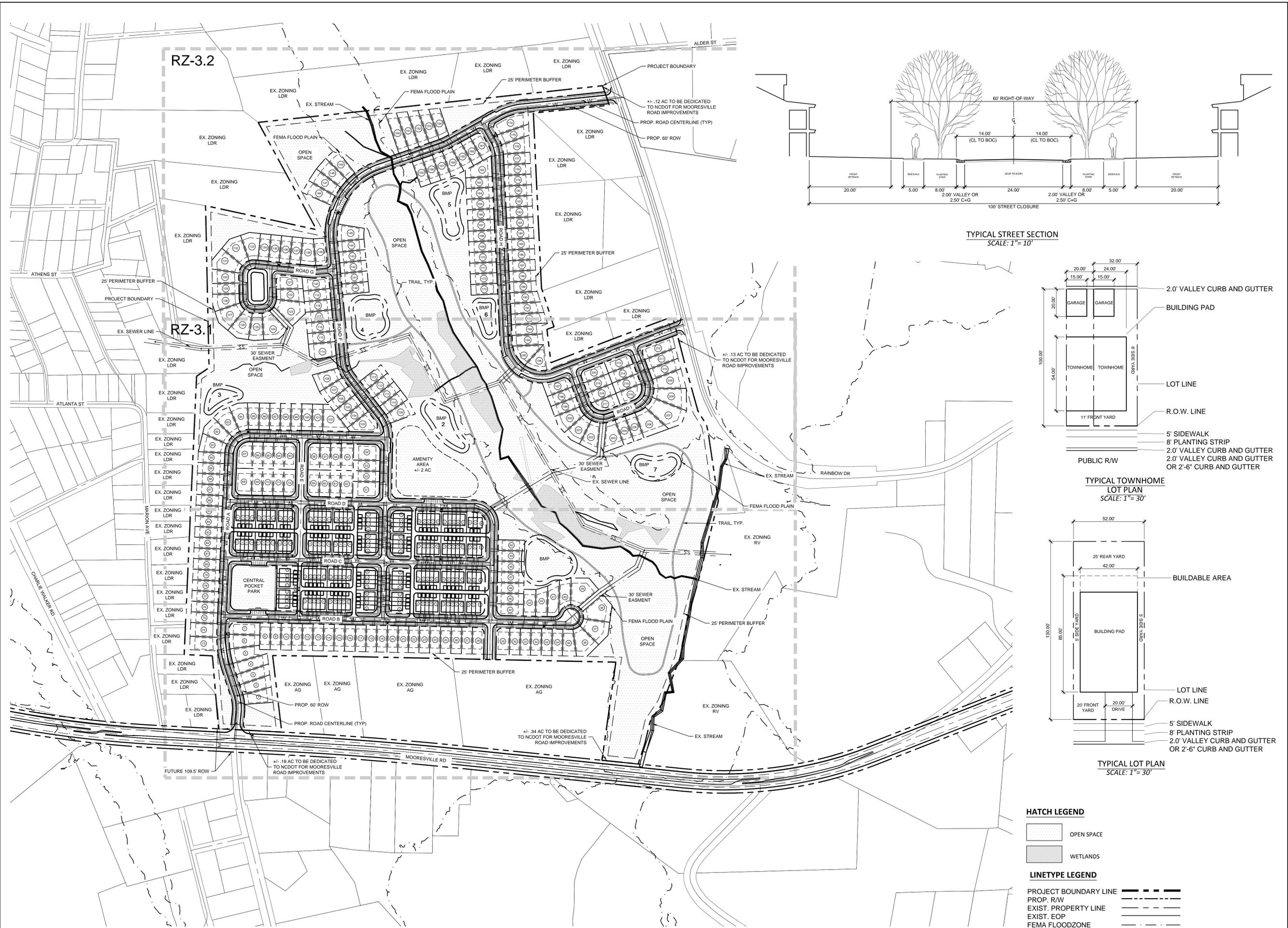
Kannapolis 2030 Future Land Use Map

Case Number: CZ-2019-05

Applicant: Lennar Carolinas, LLC

4800 Mooresville Rd



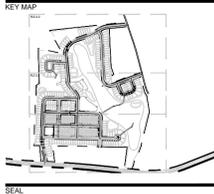


HATCH LEGEND

- OPEN SPACE
- WETLANDS

LINETYPE LEGEND

- PROJECT BOUNDARY LINE
- PROP. R/W
- EXIST. PROPERTY LINE
- EXIST. EOP
- FEMA FLOODZONE



NOT FOR CONSTRUCTION

SUMMERLYN VILLAGE

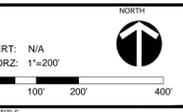
LENNAR CAROLINAS, LLC
6701 CARMEL ROAD, STE. 425
CHARLOTTE, NC 28226

LANDDESIGN PROJ.# 1019187

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REZONING PETITION	08.16.19
2	REZONING PETITION	10.11.19

DESIGNED BY: MEK
DRAWN BY: JAL
CHECKED BY: LDI



SITE PLAN

SHEET NUMBER

RZ-3.0



KEY MAP

SEAL

**NOT FOR
CONSTRUCTION**

PROJECT

**SUMMERLYN
VILLAGE**

LENNAR CAROLINAS, LLC
6701 CARMEL ROAD, STE. 425
CHARLOTTE, NC 28226

LANDESIGN PROJ.# 1019187

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REZONING PETITION	08.16.19
2	REZONING PETITION	10.11.19
3	REZONING PETITION	12.10.19

DESIGNED BY: MEK
DRAWN BY: JAL
CHECKED BY: LDI

SCALE: NORTH
VERT: N/A
HORZ: 1"=200'

SHEET TITLE

ARCHITECTURAL
PRECEDENTS

SHEET NUMBER

RZ-5.0

MEETING NOTES

DATE:

PROJECT #:

PROJECT NAME:

MEETING LOCATION:

PURPOSE:

SUBMITTED BY:

ATTENDEES:

MEETING NOTES:

These notes reflect the author's interpretation of the events at the referenced meeting. Any changes or additions required should be submitted to the author in writing.

Updated on 8.18.2017



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000619732

Client: KANNAPOLIS,CITY OF
Phone: 7049204300
Account: 3143368
Address: ACTS PAYABLE/WANDA/TEARSHEETS
KANNAPOLIS NC 28081

Payer : KANNAPOLIS,CITY OF
Phone: 7049204300
Account: 3143368
Address: ACTS PAYABLE/WANDA/TEARSHEETS
KANNAPOLIS NC 28081

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

Fax: 7049337463
EMail: byow@kannapolisnc.gov

Total Amount \$682.70
Payment Amount \$682.70
Amount Due \$0.00

Tear Sheets 0 **Proofs** 0 **Affidavits** 1 **PO Number:**

Tax Amount: 0.00
Payment Meth: Credit - Debit Card

Ad Number **Ad Type** **Ad Size** **Color**
0000619732-01 CLS Liner 2 X 54 li \$0.00

Production Method **Production Notes**
AdBooker (liner)

Product and Zone **Placement** **Position** **# Inserts**
CON Independent Trib C-Announcements General-Spec Notice 2

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

Run Dates 12/20/2019, 12/27/2019

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETI
OLISNCWEDNESDAYJANUARY82019AT600PMCONDITIONALZONINGM/



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

Wednesday January 8, 2019 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2019-05 - Public hearing to consider a request to rezone approximately 133.04 +/- acres located at 4782 Mooresville Road, 4325 Rainbow Drive and an unaddressed parcel on Rainbow Drive from CD (Campus Development) to PUD-CZ (Planned Unit Development-Conditional Zoning), further identified as Cabarrus County PIN #5603-66-1917, 5603-78-0189 and 5603-69-9568 to allow for a mixture of single-family (220 units) and townhome (152 units) residential development with a total of 372 units.

Conditional Zoning Map Amendment - CZ-2019-09 - Public hearing to consider a request to rezone approximately 3.41 +/- acres located at 630 Kannapolis Parkway and an unaddressed parcel on Kannapolis Parkway from RE (Rural Estate) to C-2-CZ (General Commercial-Conditional Zoning), further identified as Cabarrus County PINs #5601036233 & 5601037028 to allow for a 26,600-sf shopping center.

Zoning Map Amendment - Z-2019-04 - Public hearing to consider a request to rezone approximately .43 +/- acres located at 610 E 12th Street from C-2 (General Commercial) to RV (Residential Village), further identified as Rowan County PIN #150-0630001.

Zoning Map Amendment - Z-2020-01 - Public hearing to consider a request to rezone approximately .73 +/- acres located at 601 E 13th Street from C-2 (General Commercial) to RV (Residential Village), further identified as Rowan County PIN #159-318.

Contact the Planning Department at 704-920-4350 with any questions.

Hearing impaired persons desiring additional information or having questions regarding this subject should call the North Carolina Relay Number for the Deaf (1-800-735-8262). The meeting facility is accessible to people with disabilities. To request special accommodations in advance, contact the City's ADA Coordinator at 704-920-4302 or email tcline@kannapolisnc.gov.

Publish: Friday December 20, 2019, Friday December 27, 2019

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
HUGH A HAYNIE				
RAY L HAYNIE	PO BOX 609	KANNAPOLIS	NC	28082
EVERGREEN LAND COMPANY LP	1049 QUAIL WOODS COURT	KANNAPOLIS	NC	28081
EVERETTE E CRANFORD	1119 DEVONSHIRE RD	SN BERNRDNO	CA	92404
ELLEN T KNOX	11812 231ST ST	CAMBRIA HEIGHTS	NY	11411
IDA L KNOX DAVIS	118-12 231ST ST	CAMBRIA HEIGHTS	NY	11411
RICHARD RUSSELL JR	201 WINONA AVE	KANNAPOLIS	NC	28081
ATLANTIC AMERICAN PROPERTIES INC	210 OAK AVE	KANNAPOLIS	NC	28081
PAMELA B STAMEY	425 ORBISON RD	MOORESVILLE	NC	28115
JEREMY & ERICA WILSON	4329 RAINBOW DR	KANNAPOLIS	NC	28081
JOHNATHAN & AURELIA MYERS	4333 RAINBOW DR	KANNAPOLIS	NC	28081
CAROLYN R HELMS	4339 RAINBOW DRIVE	KANNAPOLIS	NC	28081
STEVEN & CHALEY HOPSON	4345 RAINBOW DR	KANNAPOLIS	NC	28081
LESTER WILKINSON	439 PATTERSON FARM RD	MOORESVILLE	NC	28115
LYNN & SHAYNE FESPERMAN	4407 RAINBOW DRIVE	KANNAPOLIS	NC	28081
LADD & DIAMELEN PARTRIDGE	4507 RAINBOW DR	KANNAPOLIS	NC	28081
JUDY D ALMOND	4770 MOORESVILLE RD	KANNAPOLIS	NC	28081
PATRICK & KACEY MCVAY	4820 MOORESVILLE RD	KANNAPOLIS	NC	28081
SYLVESTER & SARA FLEMING	5029 ATLANTA STREET	KANNAPOLIS	NC	28081
JOHN JR & LYNN CAUBLE	5200 ISENHOUR AVE	KANNAPOLIS	NC	28081
ARGIE JOHNSON	5201 S CORNELL AVE APT 26-E	CHICAGO	IL	60615
SHANNON RILEY	5440 MARION AVE	KANNAPOLIS	NC	28081
PAUL K BARR	5450 MARION AVE	KANNAPOLIS	NC	28081
KENNETH & MELANIE LIPSCOMB	5460 MARION STREET	KANNAPOLIS	NC	28081
CHARLES WAMPLER	5470 MARION AVE	KANNAPOLIS	NC	28081
WARREN & MARY YOUNG	5477 MARION AVENUE	KANNAPOLIS	NC	28081
MARGIE L ISENHOUR	5480 MARION AVE	KANNAPOLIS	NC	28081
SENGKEO SAYNORATH	5481 MARION AVE	KANNAPOLIS	NC	28081
RAMON & ROSALBA CHELA	5523 MARION AVENUE	KANNAPOLIS	NC	28081
DONALD WHITE	5644 MARION AVE	KANNAPOLIS	NC	28081
GLEND A D SMITH	713 NORTHEAST DR UNIT 63	DAVIDSON	NC	28036
PARKS CORNELL EST				
C/O GLENDA SMITH	705 FALLS LN	KANNAPOLIS	NC	28081
DANNY G BOST LLC	783 WILLIAMSBURG DR NE	CONCORD	NC	28025
JOE & BETTIE OVERCASH TRUSTEE	815 EVERGREEN AVE	KANNAPOLIS	NC	28081
MARK GOODNIGHT				
RALPH GOODNIGHT III	909 MAIN ST N	KANNAPOLIS	NC	28081
JIMMY & GILDA WILKINSON	9403 MOORESVILLE RD	CONCORD	NC	28027
ALICE BAILEY				
C/O DONNA ANSLEY	9040 LITTLE HAMPTON PLACE	CHARLOTTE	NC	28215
MATTIE WILSON				
C/O HORACE WILSON	91 TUNKHANNOCK DR	ALBRIGHTSVLLE	PA	18210
THE RIDGES AT KANNAPOLIS NC LLC				
C/O READ PROPERTY GROUP	4706 18TH AVE	BROOKLYN	NY	11204
VSP BUSINESS LLC				
C/O SHAILESH V PANARA	1534 COPPERPLATE RD	CHARLOTTE	NC	28262
TIMOTHY J & SHERRY ANDERTON	PO BOX 1507	HUNTERSVILLE	NC	28078
JERRY & CASSANDRA BAKER	PO BOX 249	MACON	NC	27551
BRYAN K BELK	PO BOX 400	KANNAPOLIS	NC	28082
TTO PARTNERS LLC	PO BOX 5030	CONCORD	NC	28027
LENNAR CAROLINAS, LLC	6701 CARMEL RD STE 425	CHARLOTTE	NC	28226



December 19, 2019

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Wednesday, January 8, 2019 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

CZ-2019-05 – Zoning Map Amendment – Summerlyn Village

The purpose of the Public Hearing is to consider a request by Lennar Carolinas, LLC to rezone properties located at 4782 Mooresville Road, 4325 Rainbow Drive and an unaddressed parcel on Rainbow Drive from CD (Campus Development) to PUD-CZ (Planned Unit Development-Conditional Zoning) to allow for a mixture of single-family (220 units) and townhome (152 units) residential development with a total of 372 units. The subject properties are approximately 133.04 +/- acres in size and further identified as Cabarrus County Parcel Identification Number(s) 5603-66-1917, 5603-78-0189 and 5603-69-9568 (see reverse side of this letter for vicinity map showing the location of this property).

As an abutting property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis Unified Development Ordinance; and are invited to attend the public hearing and present testimony, should you desire, to the Planning and Zoning Commission.

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
Senior Planner

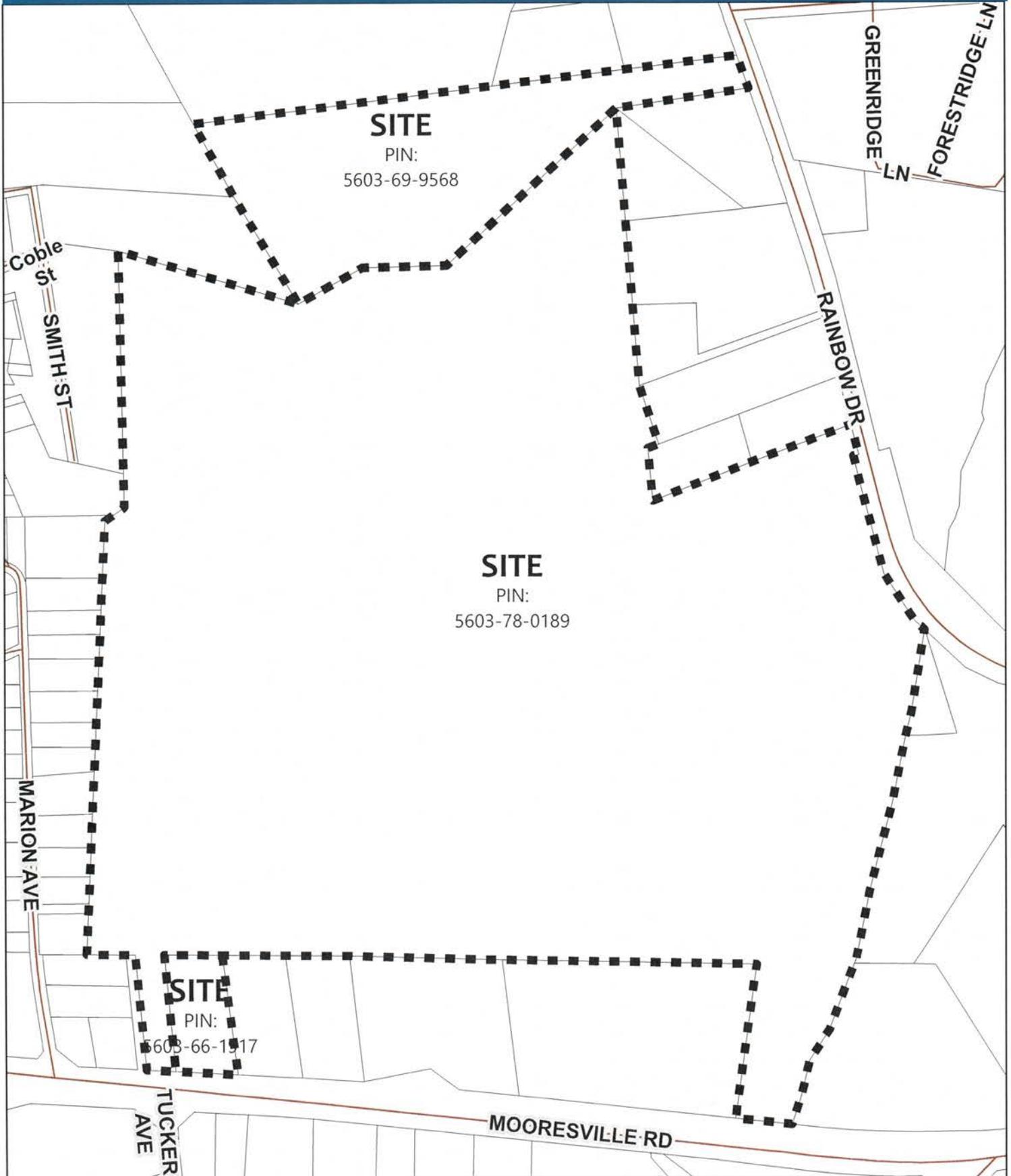
Enclosure

The meeting facility is accessible to people with disabilities. To request special accommodation in advance, contact the City's ADA Coordinator at 704-920-4302 or e-mail to tcline@kannapolisnc.gov.



Conditonal Rezoning

Case Number: CZ-2019-05
Applicant: Lennar Carolinas, LLC
4800 Mooresville Rd



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PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # CZ-2019-05





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CALL 704-920-4350
CASE #CZ - 2019 - 05



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE # CZ-2019-05**

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 January 8, 2020 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone properties located at 4800 Mooresville Road and unaddressed parcels on the north side of Mooresville Road (NC 3), west of Rainbow Drive (Cabarrus County Parcel Identification Number(s) 5603-66-1917, 5603-78-0189 and 5603-69-9568) owned by Atlantic American Properties, Inc., from City of Kannapolis Campus Development (CD) Designation to City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) Designation.

NOW, THEREFORE BE IT RESOLVED *that 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 Complete Neighborhood 2 Character Area and calls for primary uses of single-family detached and attached residential, multi-family residential, small format retail, and civic uses. Staff finds the request for rezoning reasonable and in the public interest because it provides for residential uses of an appropriate scale. 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 it anticipated to generate parking problems or any adverse impact on the environment. Finally, adequate public facilities will be provided to the proposed development through the extension of utilities and improvements to the adjoining street network.*

Adopted this the 8th day of January 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case # CZ-2019-05

(4800 Mooresville Road and unaddressed parcels on the north side of Mooresville Road (NC 3), west of Rainbow Drive)

City of Kannapolis Campus Development (CD) Zoning District to City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) 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 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 January 8, 2020 for consideration of rezoning petition Case #CZ-2019-05 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone properties located at 4800 Mooresville Road and unaddressed parcels on the north side of Mooresville Road (NC 3), west of Rainbow Drive (Cabarrus County Parcel Identification Number(s) 5603-66-1917, 5603-78-0189 and 5603-69-9568) owned by Atlantic American Properties, Inc., from City of Kannapolis Zoning Designation CD – Campus Development Zoning to City of Kannapolis Zoning Designation PUD-CZ – Planned Unit Development-Conditional Zoning; and

WHEREAS, the Commission has approved the request for rezoning and found it to be consistent with the *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 tracts to be rezoned is 133.04 ± 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 the “Complete Neighborhood 2” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 2 Character Area calls for primary uses of single-family detached and attached residential, multi-family residential, small format retail, and civic uses.

Secondary uses are intended to be a small format office, and live-work units. The PUD-CZ conditional zoning district with this rezoning proposes a 372 mixed-unit-type development, which fits with the primary uses of the Complete Neighborhood 2 Character Area.

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

The subject properties are located on the north side of Mooresville Road, west of Rainbow Dr. Parcels to the north are zoned LDR (Low Density Residential) in Cabarrus County. Parcels to the south are zoned LDR in Cabarrus County, AG (Agricultural) in the City of Kannapolis and RV (Residential Village) in the City of Kannapolis. Parcels to the east are zoned LRD in Cabarrus County, and RV (Residential Village) and RC (Residential Compact) in the City of Kannapolis. Parcels to the west are zoned LDR in Cabarrus County. The requested rezoning proposes a mixture of single-family and townhome development of a scale that represents compatible development considering the redevelopment potential for the surrounding 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 will be accessed from Mooresville Road (NC 3) and Rainbow Drive. Both Mooresville Road and Rainbow Drive are NCDOT owned and maintained roads, and as such any access off these two roads will require NCDOT approval with City input.

The project required a traffic impact analysis (TIA) which identified following improvements as necessary to address the impacts of the proposed development:

NC 3 (Mooresville Road) and Kannapolis Parkway

- Per NCDOT by the buildout of the site, restripe northbound approach of Kannapolis Parkway to include an additional right turn lane with 250' of storage and the appropriate taper. Modify traffic signal as necessary.

NC 3 (Mooresville Road) and Tucker Avenue/Access A

- Construct Access A with one ingress lane and one egress lane (1 right).
- Construct a NC 3 (Mooresville Road) westbound right turn lane with a 100' feet of storage and the appropriate taper.

Rainbow Drive and Access B

- Construct Access B with one ingress lane and one egress lane (1 shared left-right).
- Per NCDOT, provide 6' offset between Access B and C along Rainbow Drive that will accommodate future widening.

Rainbow Drive and Access C

- Construct Access C with one ingress lane and one egress lane (1 shared left-right).
- Per NCDOT, provide 6' offset between Access B and C along Rainbow Drive that will accommodate future widening.

A full site plan submittal will be required should the rezoning be approved. Appropriate roadway design will be required at that time per City and NCDOT roadway and safety standards.

5. Will there be parking problems?

The site plan submitted with this request for rezoning includes adequate parking for the listed uses.

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.

There is a large amount of floodplain within the site, which will not be impacted by development as depicted in the proposed plan.

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?

Mooresville Road (NC 3) is currently under construction, being widened to a 4-lane divided road with sidewalks and bike lanes on both sides (NCDOT project U-3440). The widening project is anticipated to be completed in early 2021.

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

Utilities will need to be extended to serve the proposed use and improvements will be required to the existing street network surrounding the development as noted above.

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

The subject properties are located on the north side of Mooresville Road, west of Rainbow Dr. Parcels to the north are zoned LDR (Low Density Residential) in Cabarrus County. Parcels to the south are zoned LDR in Cabarrus County, AG (Agricultural) in the City of Kannapolis and RV (Residential Village) in the City of Kannapolis. Parcels to the east are zoned LRD in Cabarrus County, and RV (Residential Village) and RC (Residential Compact) in the City of Kannapolis. Parcels to the west are zoned LDR in Cabarrus County. The majority of the surrounding area to the subject site is existing single-family development with a small parcel along Mooresville Road to the west of the subject site developed with a gas station.

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 zoned RV. In order to develop the product mix being proposed, the applicant seeks a rezoning to PUD-CZ. Single-family detached and townhomes are suitable uses for the subject site.

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

The subject site is situated in an area that is mostly residential. The requested rezoning proposes a mixture of single-family and townhome development of a scale that represents compatible development for the area considering the potential for redevelopment.

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

The subject property has been vacant since at least 1993, according to aerial photography.

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 redevelopment in the area.

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 PUD-CZ – Planned Unit Development-Conditional Zoning District, subject to the following conditions:

1. **The uses permitted with this rezoning shall only include 372 units (220 single-family detached and 152 townhomes) and amenity building, in general conformance with the plan submitted with this rezoning.**
2. **The concept plan is illustrative. Final Design and approval of the project, as reviewed by the City of Kannapolis, shall be subject to meeting all city standards.**
3. **All road intersections and improvements on Mooresville Rd and Rainbow Dr shall be approved by NCDOT and the City.**
4. **The developer shall construct curb and gutter and sidewalk along the entire road frontage of Mooresville Rd, Rainbow Dr, and where required by NCDOT. The improvements will be constructed to NCDOT and City standards.**
5. **The lane widths, sidewalks, pavement structure, road alignment, and road grades shall be constructed to current City standards.**
6. **Roads and parking lots shall comply with all Fire Codes and Autoturn shall be run for an SU-30.**
7. **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.**
8. **A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO to include an escrow agreement & account, initially established by the developer.**
9. **Easements, maintenance agreements and viable access shall be provided for all stormwater structures and SCMs.**
10. **Stormwater SCMs shall not be constructed in the undisturbed buffer.**

11. **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.**
12. **All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement.**
13. **The water and sewer mains shall be located in the roadway under the pavement per the City's Typical Section Utility Layout.**
14. **Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-feet wide.**
15. **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%.**
16. **The Fire Department shall approve locations of all hydrants.**
17. **Prior to platting the 31st parcel/lot, an emergency access road is required. Emergency access shall remain open at all times.**
18. **Prior to platting the 100th parcel/lot, a permanent second access (built to City standards) is required.**

Adopted this the 8th day of January 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission