



**Planning & Zoning Commission
May 6, 2020 Meeting**

Staff Report

DATE: April 24, 2020
TO: Planning & Zoning Commission
FROM: Gretchen Coperine, AICP
Assistant Planning Director
SUBJECT: **Case #CZ-2020-02**
Conditional Zoning Map Amendment
Applicant: Emory Investment Corporation

Request to conditionally rezone property, located at 5741 & 5791 Wabash Ave. & 413 Archdale Dr. from RE (Rural Estate) to C2-CZ (General Commercial-Conditional Zoning), to allow property to be developed for a hotel.

A. Actions Requested by Planning & Zoning Commission

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

B. Decision and Required Votes to Pass Requested Actions

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

C. Background & Project Overview

The applicant, Emory Investment Corporation, is proposing to rezone the subject property from RE (Rural Estate) to CZ-C2 (General Commercial Conditional Zoning District). The proposed use shown on the attached plan is a hotel. The property is within the Farm Hill Small Area Plan.

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 1.94 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 “Regional Commercial Center” within a “Suburban Activity 1” Character District in the *Move Kannapolis Forward 2030 Comprehensive Plan*.

The Regional Commercial Center includes land with opportunities for large format commercial as primary uses and multifamily residential as secondary uses. The Suburban Activity 1 Character District includes primarily regional-scale commercial development that can accommodate large format commercial development as primary uses and multifamily residential development as secondary uses.

The subject property is located within the *Farm Hill Small Area Plan Study Area*. This plan recommends a mix of commercial, hotel, office, and residential uses for the study area, including a hotel use on this property (see attached Farm Hill Small Area Plan Recommended Land Uses Map).

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

The property is located across Sportsman Drive, to the south of Kannapolis Small Shops, a retail development consisting of a Dunkin Donuts (with drive-thru) and several small retailers. That property is zoned CZ-C2. On the east side of the subject property is existing residential property, zoned RE, with single family detached residential development. Property located immediately adjacent to the west is zoned CZ-C2.

The subject property is located east of the Afton Ridge shopping center, which is zoned CD (Campus Development) and contains a range of commercial uses, including national retailers and major anchors Target, Dick’s Sporting Goods, Best Buy, Ashley Furniture, Stein Mart, and Party City. Therefore, the proposed rezoning is considered compatible with the surrounding area.

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

The subject property is and will continue to be accessed from Wabash Lane. The proposed development did not meet the threshold for a full Traffic Impact Analysis, however, turn lanes on Kannapolis Parkway will need to be provided to allow proper deceleration turning right onto Sportsman Drive when driving north on Kannapolis Parkway. Review and approval from NCDOT and the City will be needed in that regard.

5. Will there be parking problems?

The site plan submitted with this request for rezoning includes adequate parking for the listed 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 adverse environmental impacts such as water, air, or noise pollution issues associated with the rezoning request. In addition, development will be required to conform to all applicable local, state, and federal environmental regulations.

7. Has there been any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development?

The parcel to the north of the site known as Kannapolis Small Shops was rezoned to CZ-C2 in 2016, and construction of the retail shops was completed in late 2018. Commercial development is anticipated to continue along Kannapolis Parkway in the near future.

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

There are adequate public facilities available to the property or within close proximity, including water and sewer along Kannapolis Parkway.

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

Property to the south is zoned RE (Rural Estates) and is vacant. Property to the north (across Sportsman Drive) is zoned CZ-C2 and is currently developed with the Kannapolis Small Shops retail center. Property to the east is zoned RE (Rural Estates) and is developed with a single family detached residence. Property to the west across Kannapolis Parkway is zoned CD (Campus Development) and is developed with a mix of commercial and residential uses at Afton Ridge.

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

The current zoning of RE (Rural Estates) does not allow commercial development.

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

The proposed hotel use is compatible with the adjacent area, which includes commercial development along Kannapolis Parkway, and the adjacent residential neighborhood to the east and south sides of the property, based on the medium intensity of the proposed use and subject to compliance with site development requirements of the UDO.

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

The subject property has been vacant for an undetermined amount of time.

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

Kannapolis Parkway is predominately a commercial corridor. There are vacant parcels as well as underutilized parcels along the parkway.

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

No.

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which designates this property as being located in the “*Regional Commercial Center*” and within a “*Suburban Activity 1*” Character District, which allows for commercial development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it is consistent with the recommended land uses for this property, as specified in the Farm Hill Small Area Plan. The proposed use is compatible with the surrounding zoning and commercial development land use pattern, yet not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment. Finally, there is adequate access to public facilities.

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

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

Based on the request being consistent with the Move Kannapolis Forward 2030 Comprehensive Plan, staff recommends approval with the following conditions for Zoning Map Amendment Case #CZ-2020-02:

1. The permitted uses allowed by this rezoning shall only include a hotel as generally depicted on the site plan submitted with this rezoning.
2. A Site Plan shall be submitted and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Any lighting installed on the subject property shall be full cut-off fixtures with all lighting directed downward and away from adjacent residential property.
4. A Type 3 Perimeter buffer yard shall be provided to adjacent residential land to the west and south of the subject parcel.
5. Driveway locations shall be reviewed and approved by the City.
6. Driveways and parking lots shall comply with all Fire Codes and Autoturn (a traffic engineering program which specifies the required turning radii for vehicles including delivery trucks and emergency vehicles) shall be run for an SU-30 and Bus-45 (mimics ladder truck).
7. Appropriate access and deceleration turn lanes from Kannapolis Parkway shall be reviewed and approved by NCDOT with input from the City.
8. 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 BMP's.
9. The project developer shall be responsible for extension of all water and sewer infrastructure needed to serve the project.
10. Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.
11. The property shall be subject to the restrictions and guidelines of the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District).

Alternative Courses of Action

Motion to Approve (2 votes)

1. **Should the Commission choose to approve the request for rezoning as presented in Case #CZ-2020-02, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this rezoning **consistent** with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates this property as being located in the “Regional Commercial Center” and within a “Suburban Activity 1” Character District, which allows for commercial development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it is consistent with the recommended land uses for this property, as specified in the Farm Hill Small Area Plan. The proposed use is compatible with the surrounding zoning and commercial development land use pattern, yet not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment. Finally, there is adequate access to public facilities.*

2. **Should the Commission choose to approve Case #CZ-2020-02, a motion should be made to adopt the Resolution to Zone.**

Motion to Deny (2 votes)

1. **Should the Commission choose to recommend denial of Case #CZ-2020-02, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #CZ-2020-01 to be inconsistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

2. **Should the Commission choose to deny Case #CZ-2020-02, a motion should be made to deny the Resolution to Zone.**

I. Attachments

1. Rezoning Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use and Character Map
5. Small Hill Farm Area Plan Recommended Land Use Map
6. Site Plan
7. Notice of Public Hearing
8. List of Properties Notified
9. Letter to Adjacent Property Owners
10. Public Notice Sign
11. Resolution to Adopt a Statement of Consistency
12. Resolution to Zone

J. Issue Reviewed By:

- Planning Director (Z. Gordon)
- Assistant City Manager (W. Melton)
- City Attorney (W. Safrit, II)



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

Type of Action Requested (Check One):

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

Applicant: Emory Investment Corporation Owner: Peter Macomber, June Sylvester, Paul Salisbury, Kimberly Salisbury
 Address: 6200 Glynmoor Lakes Dr. Charlotte, NC 28277 Address: 5741 & 5791 Wabash Ave. & 413 Archdale Dr. Concord, NC 28027

Telephone: 704-577-0005 or 704-907-6767 Telephone: 704-791-7139; 704-405-2550; 704-309-6472; 704-784-4650, 704-699-2113
 Email: richard@lionheartproperties.com Email: peteman44@hotmail.com; junesylvester@ymail.com; chksaleh@gmail.com Email: pabli2@gmail.com; 66kimmie@gmail.com

Legal relationship of applicant to property owner: Buyer/Developer

Property Location/Address: 5741 & 5791 Wabash Ave. & 413 Archdale Dr. Concord, NC 28027
 5601-12-3347-0000; 5601-12-4384-0000; 5601-12-4168-0000 Farm Hill Small Area Plan (Rural Estate Dist-Re)
 Tax Parcel Number: _____ Zoning District: _____ Acreage of Site: 1.945

Charles Saleh Peter Macomber, June Sylvester, Paul Salisbury, Kimberly Salisbury
 Applicant Name (Print) Property Owner Name (Print)
DocuSigned by: DocuSigned by:
Charles K. Saleh 9/5/2019 | 12:47 PM EDT Peter Macomber, June Sylvester, Paul Salisbury 9/5/2019 | 3:15 PM EDT
 Applicant Signature & Date Property Owner Signature & Date

DocuSigned by:
Paul Salisbury
 9/5/2019 9:50 AM PDT

DocuSigned by:
Kimberly Sa
 9/5/2019 7:41:11

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: 625 Receipt # M-11309
 Application No.: _____ Date Submitted (Complete): 1/28/2020

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

I, Peter Macomber, June Sylvester, Paul Salisbury & Kimberly Salisbury, 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:

Current Zoning: RE - Rural Estate District
Current Land Use - Universal: Mobile Home Lots
Current Land Use - County: Mobile Homesite

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

We are requesting Conditional Rezoning of these combined parcels for development of a hotel (see attached concept plan for a Marriott Fairfield Inn).

Please note, the development of a hotel on this combined site is keeping with the FHSAP - Farm Hill Small Area Plan that has been adopted by the city of Kannapolis, NC.

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.

DocuSigned by: 8/28/2019 | 6:40 PM EDT
Peter Macomber
Signature of Property Owner
E68D15F3CADA4AE...

Peter Macomber & June Sylvester

5791 Wabash Ln. Concord, NC 28027

Address **704-791-7139 & 704-405-2550**

Telephone #

DocuSigned by: 8/28/2019 | 7:53 AM PDT | 8/28/2019 | 6:36 PM EDT | 6:42 PM EDT
Paul Salisbury
Signature of Property Owner
D7A15C70228CA1F...
FA20BE1BA7674A1...

Paul Salisbury & Kimberly Salisbury

5741 Wabash Ln. & 413 Archdale Dr. Concord, NC 28027

Address **704-309-6472**

Telephone #

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



Vicinity Map

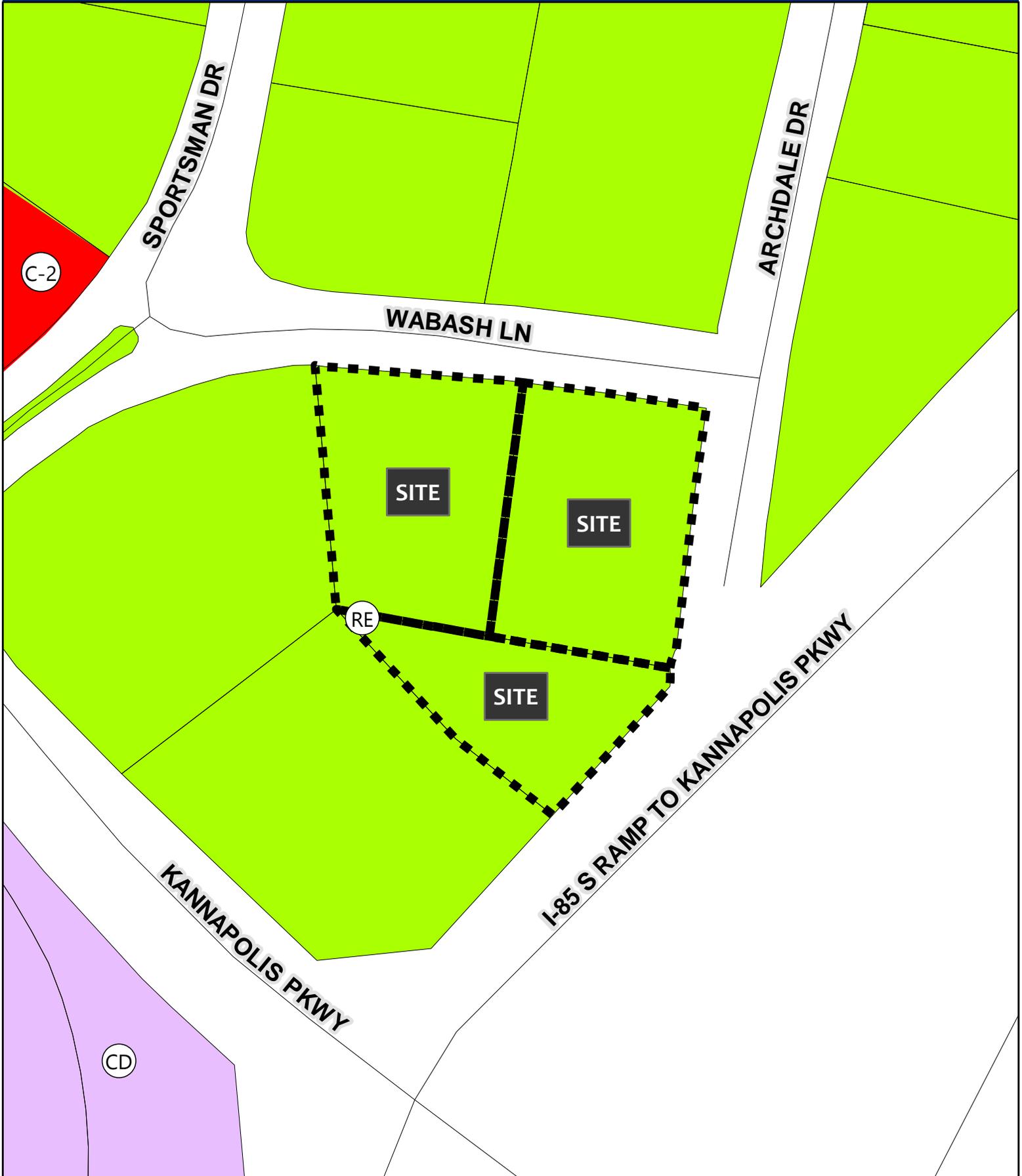
Case Number: CZ-2020-02
Emory Investment Corporation
5741 & 5791 Wabash Ave. & 413 Archdale Dr.





Kannapolis Current Zoning

Case Number: CZ-2020-02
Emory Investment Corporation
5741 & 5791 Wabash Ave. & 413 Archdale Dr.





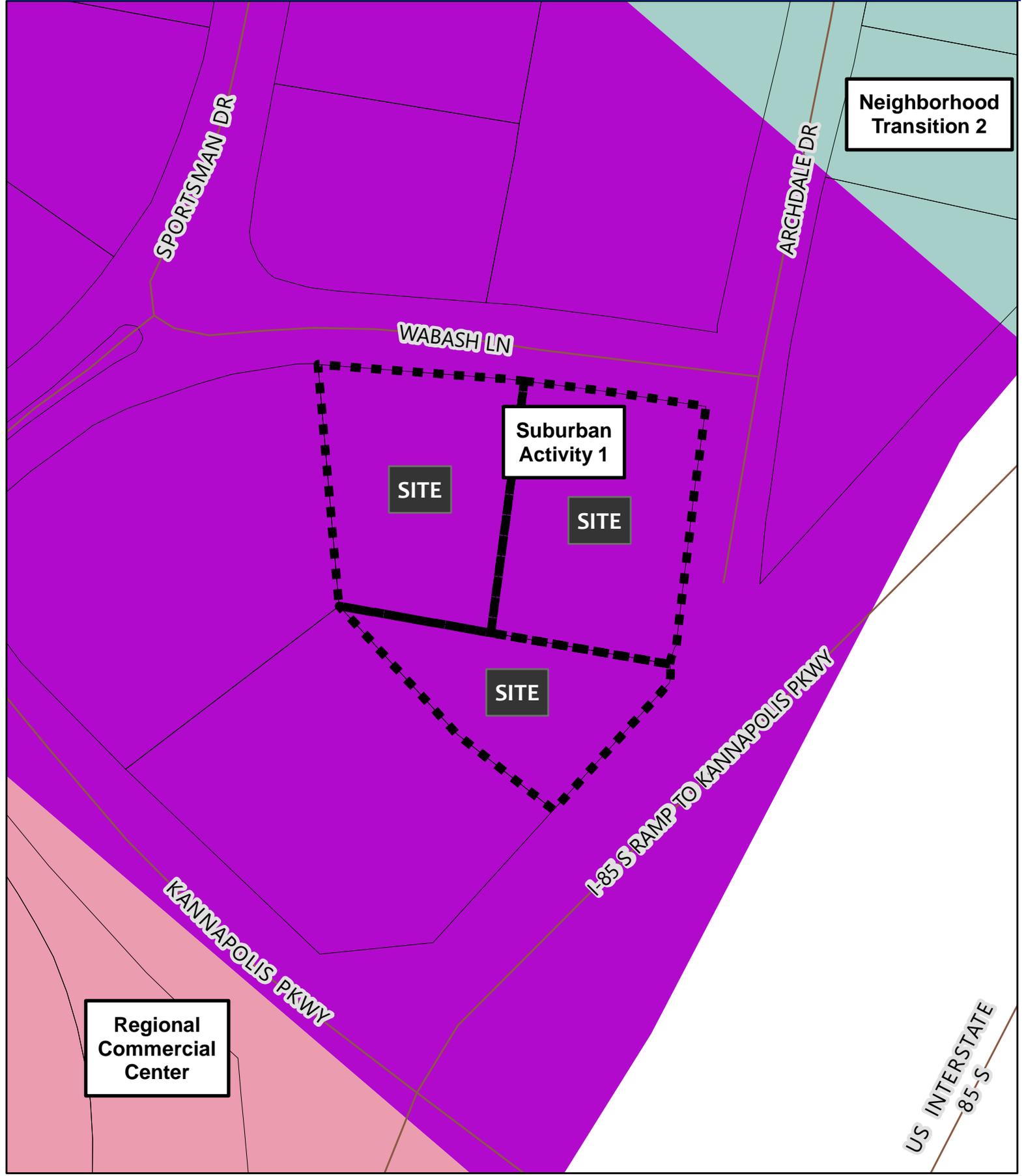
Kannapolis 2030 Future Land Use Map

Case Number: CZ-2020-02

Emory Investment Corporation

5741 & 5791 Wabash Ave. & 413 Archdale Dr.

N



**Neighborhood
Transition 2**

**Suburban
Activity 1**

SITE

SITE

SITE

**Regional
Commercial
Center**

**US INTERSTATE
85-S**

Future Land Use



Map 9 - Recommended Land Uses

Note: This plan is intended to be illustrative. The exact location, type and composition of future land use will be determined by market conditions.



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000646331

Client: KANNAPOLIS,CITY OF
Phone: 7049204300

Pavor : KANNAPOLIS,CITY OF
Phone: 7049204300

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

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

Sales Rep **Acct Rep** **Ordered By**
aboan aboan Pam

Fax: 7049337463
EMail: byow@kannapolisnc.gov

Total Amount \$711.44
Payment Amount \$711.44

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

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>	<u>Color</u>
0000646331-01	CLS Liner	2 X 55 li	\$0.00

Production Method
AdBooker (liner)

Production Notes

<u>Product and Zone</u>	<u>Placement</u>	<u>Position</u>	<u># Inserts</u>
CON Independent Trib	C-Announcements	General-Spec Notice	2
Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING Planning and Zoning			
<u>Run Dates</u> 4/24/2020, 5/ 1/2020			

<u>Product and Zone</u>	<u>Placement</u>	<u>Position</u>
NCC Online	C-Announcements	General-Spec Notice
Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING Planning and Zoning		
<u>Run Dates</u> 4/24/2020, 5/ 1/2020		

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONVIRTUA
020AT600PMCONDITIONALZONINGMAPAMENDMENTCZ202002PUBLI



NOTICE OF PUBLIC HEARING
Planning and Zoning Commission
Virtual Meeting

Wednesday May 6, 2020 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2020-02 - Public hearing to consider a request to rezone approximately 1.945 +/- acres located at 5741 & 5791 Wabash Ave. and 413 Archdale Dr. from RE (Rural Estate) to C-2-CZ (General Commercial-Conditional Zoning), further identified as Cabarrus County PINs #5601-12-3347, 5601-12-4384, 5601-12-4168 to allow for development of a hotel.

Conditional Zoning Map Amendment - CZ-2020-05 - Public hearing to consider a request to rezone approximately 6.82 +/- acres located at 3575 Kannapolis Parkway from RE (Rural Estate) to C-2-CZ (General Commercial-Conditional Zoning), further identified as Cabarrus County PIN #5602-37-3785 to allow for development of an automotive engineering office and storage facility Contact the Planning Department at 704-920-4350 with any questions.

Zoning Map Amendment - Z-2020-03 - Public hearing to consider a request to rezone approximately 3.63 +/- acres located at 3948 Trinity Church Rd. from AG (Agricultural) to RL (Residential Low Density), further identified as Cabarrus County PIN #4693-70-2086

IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, PUBLIC PARTICIPATION IN THIS MEETING WILL BE EXCLUSIVELY BY REMOTE TECHNOLOGY. IF YOU WOULD LIKE TO PARTICIPATE (EITHER BY MONITORING THE MEETING OR OFFERING COMMENTS), PLEASE VISIT THE CITY OF KANNAPOLIS WEBSITE AT <https://www.kannapolisnc.gov/Government-Departments/Planning/Planning-Zoning-Commission-Board-of-Adjustment> FOR FURTHER INSTRUCTIONS.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email at tccline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

Publish: April 24, May 1, 2020.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
RALPH H HARTSELL TRUSTEE	1902 OLD GREYLYN CT NW	CONCORD	NC	28027
PAUL & KIMBERLY SALISBURY	5741 WABASH LN	CONCORD	NC	28027
ESTATE OF THERESA MACOMBER C/O JUNE SYLVESTA	12583 BARRIER STORE RD	LOCUST	NC	28097
TERRY & JANICE HEDGEPEETH	511 SPORTSMAN DRIVE	CONCORD	NC	28027
THOMAS & MARILYN BARNHARDT	P O BOX 26339	CHARLOTTE	NC	28221
NELSON PROPERTIES LLC NC LTD	842 KINGS CROSSING DRIVE NW	CONCORD	NC	28027
CHARLOTTE AREA MFG HOUSING INC BULLPEN PROPERTIES LLC	PO BOX 561595	CHARLOTTE	NC	28256
C-NET PROPERTIES LLC	9131 ANSON WAY STE 305	RALEIGH	NC	27615
NELSON PROPERTIES LLC NC LTD	842 KINGS CROSSING DRIVE NW	CONCORD	NC	28027
EMORY INVESTMENT CORPORATION ATTN: CHARLES SALEH	6200 GLYNMOOR LAKES DR	CHARLOTTE	NC	28277
DOROTHY BOWER	530 ARCHDALE DR	CONCORD	NC	28027



April 23, 2020

Dear Property Owner:

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

CZ-2020-02 – Conditional Zoning Map Amendment – Marriott Kannapolis Parkway

The purpose of the Public Hearing is to consider a request by Emory Investment Corporation to rezone property located at 5741 & 5791 Wabash Ave. and 413 Archdale Dr. from RE (Rural Estate) to C-2-CZ (General Commercial-Conditional Zoning) to allow for development of a hotel. The subject properties are approximately 1.945 +/- combined acres and further identified as Cabarrus County Parcel Identification Number(s) 5601-12-3347, 5601-12-4384, 5601-12-4168 (see reverse side of this letter for a map showing the location of this property).

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

NOTE: IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, PUBLIC PARTICIPATION IN THIS MEETING WILL BE EXCLUSIVELY BY REMOTE TECHNOLOGY. IF YOU WOULD LIKE TO PARTICIPATE (EITHER BY MONITORING THE MEETING OR OFFERING COMMENTS), PLEASE VISIT THE CITY OF KANNAPOLIS PLANNING WEBSITE <https://www.kannapolisnc.gov/Government-Departments/Planning/Planning-Zoning-Commission-Board-of-Adjustment> FOR FURTHER INSTRUCTIONS.

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

Sincerely,

Gretchen Coperine, AICP
Assistant Planning Director

Enclosure

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email at tccline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

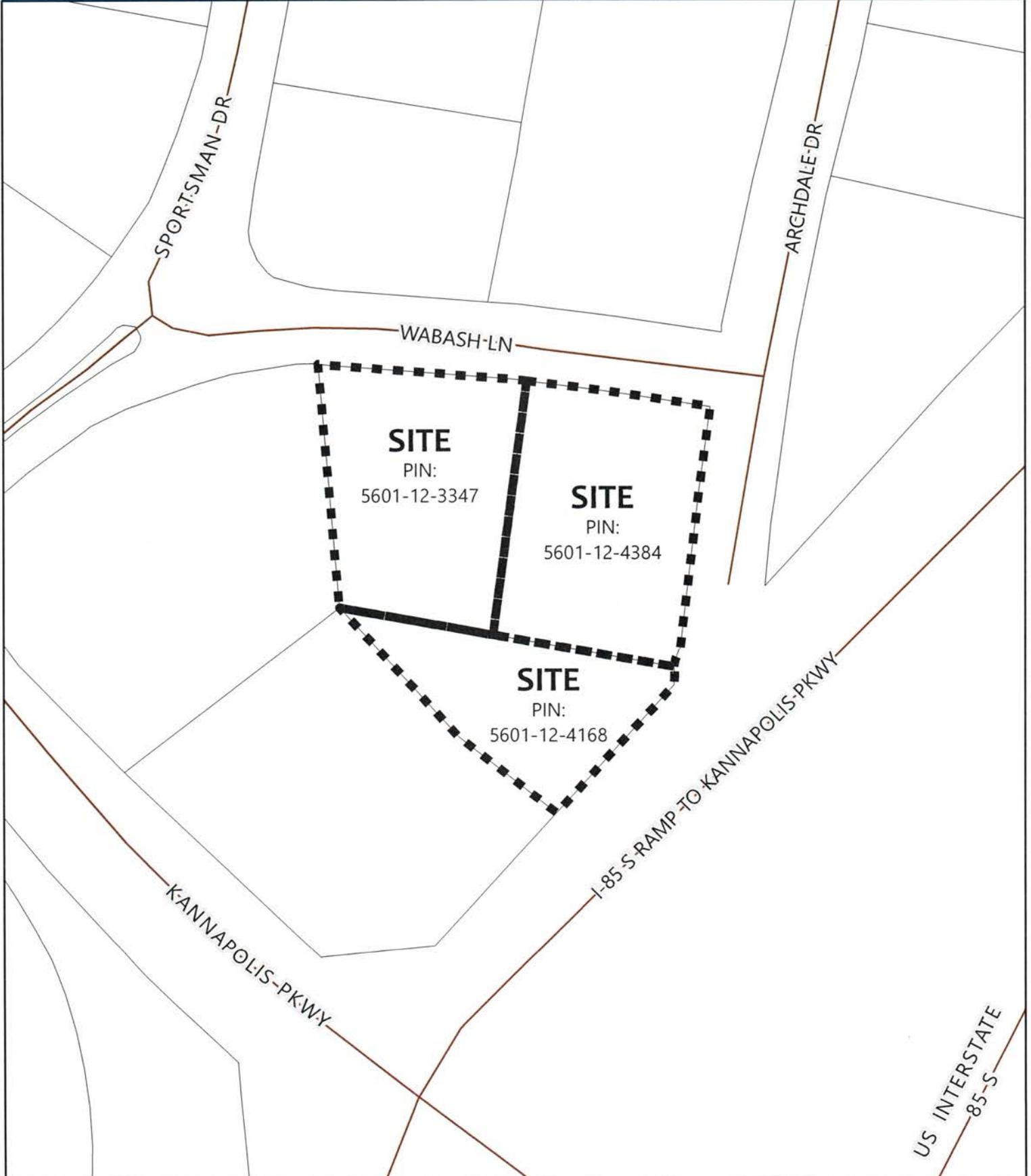


Conditional Rezoning

Case Number: CZ-2020-02

Emory Investment Corporation

5741 & 5791 Wabash Ave. & 413 Archdale Dr.





PLANNING

ZONING

COMMISSION

PUBLIC HEARING

INFORMATION

CALL 704-920-4350

CASE #CZ - 2020 - 02



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE # CZ-2020-02**

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 May 6, 2020 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone property located at 5741 & 5791 Wabash Avenue and 413 Archdale Drive, (Cabarrus County Parcel Identification Number(s) 5601-12-3347, 5601-12-4384, 5601-12-4168) owned by Peter Macomber, June Sylvester and Paul & Kimberly Salisbury, from City of Kannapolis Rural Estate (RE) Zoning Designation to City of Kannapolis General Commercial-Conditional Zoning (C-2-CZ) Zoning Designation;

NOW, THEREFORE BE IT RESOLVED *that the Planning and Zoning Commission finds this rezoning **consistent** with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates this property as being located in the “Regional Commercial Center” and within a “Suburban Activity I” Character District, which allows for commercial development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it is consistent with the recommended land uses for this property, as specified in the Farm Hill Small Area Plan. The proposed use is compatible with the surrounding zoning and commercial development land use pattern, yet not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment. Finally, there is adequate access to public facilities.*

Adopted this the 6th day of May 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case #CZ-2020-02 (5741 & 5791 Wabash Ave. and 413 Archdale Dr.)

City of Kannapolis Rural Estate (RE) Zoning District to City of Kannapolis General Commercial-Conditional Zoning (C-2-CZ) Zoning District

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

WHEREAS, Section 3.3.4.2.2 of the City of Kannapolis Unified Development Ordinance subjects this authority to an affirmative vote of three-fourths of the Commission members present and not excused from voting, or if there is no appeal of the decision; and

WHEREAS, the Commission conducted a public hearing on May 6, 2020 for consideration of rezoning petition Case #CZ-2020-02 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone property located at 5741 & 5791 Wabash Avenue and 413 Archdale Drive, (Cabarrus County Parcel Identification Number(s) 5601-12-3347, 5601-12-4384, 5601-12-4168) owned by Peter Macomber, June Sylvester and Paul & Kimberly Salisbury, from City of Kannapolis Rural Estate (RE) Zoning Designation to City of Kannapolis General Commercial-Conditional Zoning (C-2-CZ) Zoning Designation; and

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

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

1. The size of the tract in question.

The size of the subject tract is approximately 1.94 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 “Regional Commercial Center” within a “Suburban Activity 1” Character District in the *Move Kannapolis Forward 2030 Comprehensive Plan*.

The Regional Commercial Center includes land with opportunities for large format commercial as primary uses and multifamily residential as secondary uses. The Suburban Activity 1 Character District includes primarily regional-scale commercial development that can accommodate large format commercial development as primary uses and multifamily residential development as secondary uses.

The subject property is located within the *Farm Hill Small Area Plan Study Area*. This plan recommends a mix of commercial, hotel, office, and residential uses for the study area, including a hotel use on this property (see attached Farm Hill Small Area Plan Recommended Land Uses Map).

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

The property is located across Sportsman Drive, to the south of Kannapolis Small Shops, a retail development consisting of a Dunkin Donuts (with drive-thru) and several small retailers. That property is zoned CZ-C2. On the east side of the subject property is existing residential property, zoned RE, with single family detached residential development. Property located immediately adjacent to the west is zoned CZ-C2.

The subject property is located east of the Afton Ridge shopping center, which is zoned CD (Campus Development) and contains a range of commercial uses, including national retailers and major anchors Target, Dick's Sporting Goods, Best Buy, Ashley Furniture, Stein Mart, and Party City. Therefore, the proposed rezoning is considered compatible with the surrounding area

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

The subject property is and will continue to be accessed from Wabash Lane. The proposed development did not meet the threshold for a full Traffic Impact Analysis, however, turn lanes on Kannapolis Parkway will need to be provided to allow proper deceleration turning right onto Sportsman Drive when driving north on Kannapolis Parkway. Review and approval from NCDOT and the City will be needed in that regard.

5. Will there be parking problems?

The site plan submitted with this request for rezoning includes adequate parking for the listed 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 adverse environmental impacts such as water, air, or noise pollution issues associated with the rezoning request. In addition, development will be required to conform to all applicable local, state, and federal environmental regulations.

7. Has there been any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development?

The parcel to the north of the site known as Kannapolis Small Shops was rezoned to CZ-C2 in 2016, and construction of the retail shops was completed in late 2018. Commercial development is anticipated to continue along Kannapolis Parkway in the near future.

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

There are adequate public facilities available to the property or within close proximity, including water and sewer along Kannapolis Parkway.

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

Property to the south is zoned RE (Rural Estates) and is vacant. Property to the north (across Sportsman Drive) is zoned CZ-C2 and is currently developed with the Kannapolis Small Shops retail center. Property to the east is zoned RE (Rural Estates) and is developed with a single family detached residence. Property to the west across Kannapolis Parkway is zoned CD (Campus Development) and is developed with a mix of commercial and residential uses at Afton Ridge.

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

The current zoning of RE (Rural Estates) does not allow commercial development.

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

The proposed hotel use is compatible with the adjacent area, which includes commercial development along Kannapolis Parkway, and the adjacent residential neighborhood to the east and south sides of the property, based on the medium intensity of the proposed use and subject to compliance with site development requirements of the UDO.

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

The subject property has been vacant for an undetermined amount of time.

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

Kannapolis Parkway is predominately a commercial corridor. There are vacant parcels as well as underutilized parcels along the parkway.

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 C-2-CZ – General Commercial-Conditional Zoning District, subject to the following conditions:

1. The permitted uses allowed by this rezoning shall only include a hotel as generally depicted on the site plan submitted with this rezoning.
2. A Site Plan shall be submitted and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Any lighting installed on the subject property shall be full cut-off fixtures with all lighting directed downward and away from adjacent residential property.
4. A Type 3 Perimeter buffer yard shall be provided to adjacent residential land to the west and south of the subject parcel.
5. Driveway locations shall be reviewed and approved by the City.
6. Driveways and parking lots shall comply with all Fire Codes and Autoturn (a traffic engineering program which specifies the required turning radii for vehicles including delivery trucks and emergency vehicles) shall be run for an SU-30 and Bus-45 (mimics ladder truck).
7. Appropriate access and deceleration turn lanes from Kannapolis Parkway shall be reviewed and approved by NCDOT with input from the City.
8. 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 BMP's.
9. The project developer shall be responsible for extension of all water and sewer infrastructure needed to serve the project.
10. Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.
11. The property shall be subject to the restrictions and guidelines of the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District).

RESOLUTION TO ZONE (Case #CZ-2020-02)
City of Kannapolis Rural Estate (RE) Zoning District to
City of Kannapolis General Commercial-Conditional Zoning (C-2-CZ) Zoning District

Adopted this the 6th day of May 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission