



**Planning and Zoning Commission
July 8, 2020 Meeting**

Staff Report

DATE: June 26, 2020
TO: Planning and Zoning Commission
FROM: Gretchen Coperine, AICP, Assistant Planning Director
SUBJECT: **Case #CZ-2020-03**
Conditional Zoning Map Amendment
Applicant: Pulte Home Company, LLC

Request to conditionally rezone property, located at 2845 & 2975 Jim Johnson Rd. from Cabarrus County CR (Countryside Residential) to RC-CZ (Residential Compact-Conditional Zoning), to allow for the development of 74 single-family detached homes.

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 & Project Overview

The applicant, Pulte Home Company, LLC., is proposing to rezone the subject property Cabarrus County CR (Countryside Residential) to CZ-RC (Residential Compact Conditional Zoning District). The proposed use is a residential development of 74 single-family detached homes.

The subject property was annexed into the City on June 22, 2020 by City Council and must therefore be assigned a zoning designation within 60 days in accordance with state statute.

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 34.8 +/- combined 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 a “Complete Neighborhood 2” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 2 Character Area includes single-family attached and detached, multi-family, as well as civic and small format retail as primary uses along with small-format office and live-work development as secondary uses. In addition, the 2030 Plan calls for residential densities of between 4 and 18 dwelling units/acre in a “Complete Neighborhood 2” Character Area, while the proposed density for this development is just over 2 units/acre. The proposed single-family detached residential development is therefore in conformance with the goals and policies of the 2030 Plan.

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

The property is located on the west side of Jim Johnson Road, north of Travertine Trail. It abuts the Waterford subdivision along a portion of the southern property line, which is in the City limits. The Waterford subdivision is zoned RM-2 (Residential Medium Density). Property to the north, south and east is zoned CR (Countryside Residential) and is within unincorporated Cabarrus County. The proposed single-family detached residential development is compatible with the adjacent residential subdivision to the south as well as with the Castlebrooke Subdivision (also within City limits) approximately ¼ mile north of the subject development. Castlebrooke subdivision is

zoned RV (Residential Village). Therefore, the proposed rezoning is considered compatible with the surrounding area

It is important to note that the subject development is surrounded largely by unincorporated Cabarrus County. The unincorporated area is part of the Kannapolis Growth Area (as designated by the annexation agreement between the City of Concord and Kannapolis) and may be annexed into the City in the future.

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

The subject property is accessed from Jim Johnson Road, which is an NCDOT road. The project did not require a traffic impact analysis per NCDOT's or the City's requirements, however improvements to Jim Johnson will be necessary, including turn lanes and appropriate tapers. Access to the site will need to be approved by NCDOT and the City.

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?

Along the western portion of the site, running north/south, there is flood plain which measure approximately 100 feet from the western property line into the site. The preliminary plan submitted with this rezoning preserves the floodplain and does not show any development within that area. The plan also shows a stream running east/west within the site, for which the appropriate stream buffers have been provided. Most important, the 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 residential character of the area has remained stable. However, as mentioned previously, it is located within the City's growth area and may be annexed and developed in the future under City zoning.

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

There are adequate public facilities available to the property or within proximity, which will be extended to serve the development.

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

The property is located on the west side of Jim Johnson Road, north of Travertine Trail. It abuts the Waterford subdivision along a portion of the southern property line, which

is in the City limits. The Waterford subdivision is zoned RM-2 (Residential Medium Density). Property to the north, south and east is zoned CR (Countryside Residential) and is within unincorporated Cabarrus County. The proposed single-family detached residential development is compatible with the adjacent residential subdivision to the south as well as with the Castlebrooke Subdivision (also within City limits), located approximately ¼ mile north of the subject development. Castlebrooke is zoned RV (Residential Village).

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

The property is currently zoned CR (Countryside Residential - Cabarrus County zoning district). State law requires that the City assigns a zoning designation within 60 days of the date of annexation, otherwise the parcel remains “unzoned”. As previously noted, the City Council annexed the subject property into the City limits on June 22, 2020.

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

The proposed residential use is compatible with the adjacent residential neighborhood.

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?

Jim Johnson Road is predominately a residential corridor. There are vacant parcels as well as underutilized parcels along Jim Johnson Road sufficient to accommodate future development and community needs.

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 a “Complete Neighborhood 2” Character Area, which allows for single-family detached development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide residential development that is appropriate for the area. The proposed use is compatible with the surrounding zoning, 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 or ability to extend 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-2020-03:

1. The permitted uses allowed by this rezoning shall only include 74 single-family detached units as generally depicted on the site plan submitted with this rezoning.
2. A Site Plan, in compliance with all applicable City standards, shall be submitted and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Driveway location off Jim Johnson Road shall be approved by the City in conjunction with NCDOT.
4. 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 (similar to a ladder truck).
5. 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 storm control measures.
6. The project developer shall be responsible for extension of all water and sewer infrastructure needed to serve the project.
7. Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.

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-2020-03, 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 a "Complete Neighborhood 2" Character Area, which allows for single-family detached development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide residential development that is appropriate for the area. The proposed use is compatible with the surrounding zoning, 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 or ability to extend to public facilities.

2. **Should the Commission choose to approve Case #CZ-2020-03, 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-2020-03, 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-2020-03 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-2020-03, 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. Site Plan
6. Notice of Public Hearing
7. List of Properties Notified
8. Letter to Adjacent Property Owners
9. Posted Public Notice Sign
10. Resolution to Adopt a Statement of Consistency
11. 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 | _____ |

Applicant: Pulte Home Company, LLC Owner: Luisa C. Beard

Address: 11121 Carmel Commons Blvd, Ste450 Address: 2975 Jim Johnson Rd
Charlotte, NC 28226 Concord, NC 28027

Telephone: _____ Telephone: _____

Email: Fred.Matrulli@pultegroup.com Email: _____

Legal relationship of applicant to property owner: Applicant and Owner

Property Location/Address: 2975 Jim Johnson Road, Concord, NC 28027

Tax Parcel Number: 46729440442, 4672948282 Zoning District: Complete Neighborhood 2 Acreage of Site: 34.8±

<u>Fred Matrulli</u>	<u>Luisa C. Beard</u>
Applicant Name (Print)	Property Owner Name (Print)
_____	<u><i>Luisa C. Beard</i></u> <u>11/3/2020</u>
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): _____



**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"/> |

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Fred Matrulli Luisa C. Beard
Applicant Name (Print) Property Owner Name (Print)

DocuSigned by:
Fred Matrulli 1/24/2020
Applicant Signature & Date Property Owner Signature & Date

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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, Luisa C. Beard, hereby petition for a Conditional Zoning District for the following exact land use(s), subject to the following condition(s):

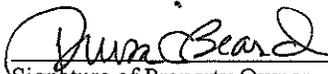
The following use(s) is/are permitted by right or conditional in the general zoning district upon which the "CZ" district is based:

The RC district is established to provide a high density residential district allowing compact development consisting of the full spectrum of residential unit types where adequate public facilities and services are available. Unit types may include single family attached dwellings, townhouses, duplexes and apartments, with a maximum of fifteen (15) dwelling units per acre except as otherwise provided in this Ordinance. RC may serve as a transitional district between lower density residential and low intensity commercial uses. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility. Design controls are required for multi-family and/or single-family attached projects as set forth in Article 11.

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

Reduced density. We would like to developed this site with less than 3 units per acre. Due to the existing site constraints with topography and streams we feel this is the best use use of the land.

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

Luisa C. Beard

Signature of Property Owner

2975 Jim Johnson Rd, Concord, NC 28027

Signature of Property Owner

Address

Address

Telephone # 704-796-1959

Address

Telephone #

Telephone #

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

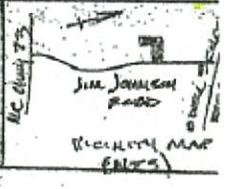
PROPERTY SUBJECT TO RECORDED OR UNRECORDED R/W'S, EASEMENTS, ENCUMBRANCES, COVENANTS.

THIS SURVEY IS A RECOMBINATION OF EXISTING PARCELS OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

BOUNDARY PREDICATED ON MONUMENTS FOUND IN FIELD. AREA BY COORDINATES RATIO OF PRECISION = 1:10,000+

BIR-EXIST. 1/2" IRON ROD EIP-EXIST. 1" IRON PIPE SIR-1/2" IRON ROD SET CP-COMPUTED POINT IN ROAD

BOUNDARY SURVEYED STATE HIGHWAY R/W BOUNDARY BY DEED

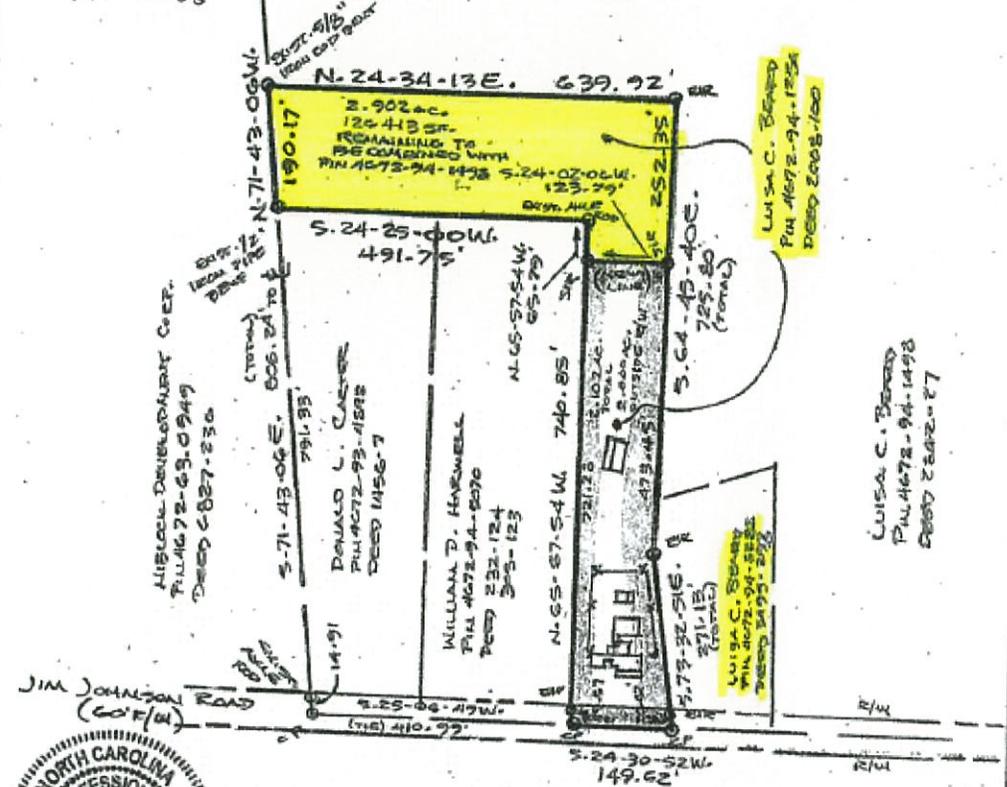


SUBJECT PROPERTY: OWNER = LUISA C. BEARD
PIN 4672-94-1254
DEED 2008-100
ZONE CR

CR ZONE: MIN. SOFT. = 1 acre
FRONT SETBACK = LOCAL ROAD = 50' / MINOR COLL. = 75'
SIDE SETBACK = 20'
REAR SETBACK = 30'

N-71-43-00W
DEED 2008-27
2-16-09

REVIEW OFFICER CERTIFICATIONS: Jonathan Marshall, REVIEW OFFICER OF CABARRUS COUNTY, NC CERTIFY THAT THE MAP OR PLAT WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
Jonathan Marshall REVIEW OFFICER) 1/15/08 (DATE)



CONVEYANCE PLAT:
PROPERTY OF
LUIA C. BEARD
PHYSICAL SURVEY OF

LOCATED IN WARD NO. _____ CITY OF _____ NO. 3 TOWNSHIP: CABARRUS COUNTY, NC

Scale 1" = 200' Deed Recorded in Book No. 2008 Page 100 Map Recorded in Map Book No. _____ Page _____

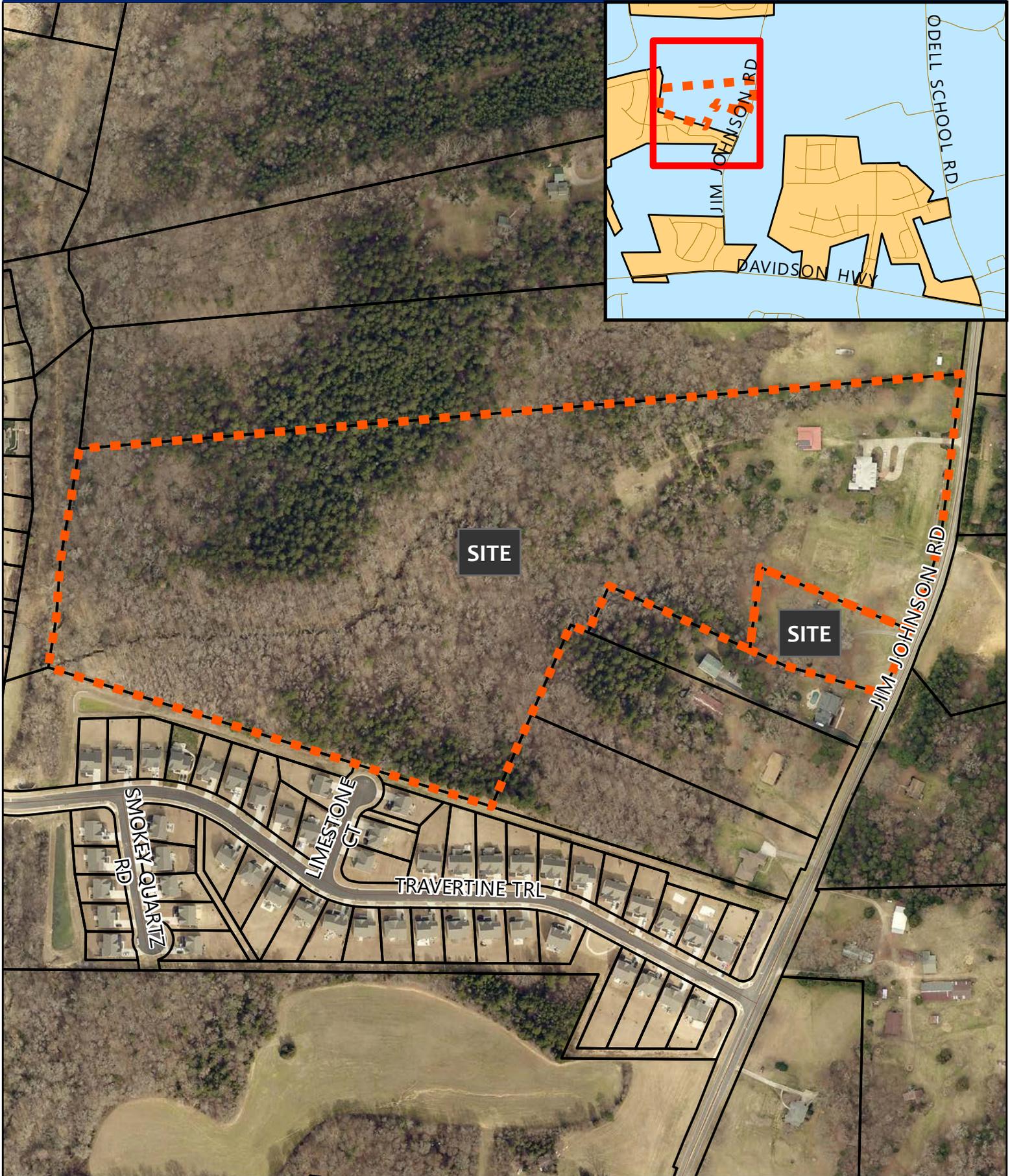
This is to certify that on Nov-27 20 07 (surveyed) the property shown on this plat and that the property lines, wells and Buildings are as shown hereon: and that there are no encroachments on or from adjoining properties except as shown above.

BILLY B. LONG, JR. • PLB-L4178 • 1515 OLD HARMONY DRIVE NW • CONCORD, NC 28027
Property shown above does not lie in a flood hazard zone
By Billy B Long
Professional Land Surveyor License Number L4178



Vicinity Map

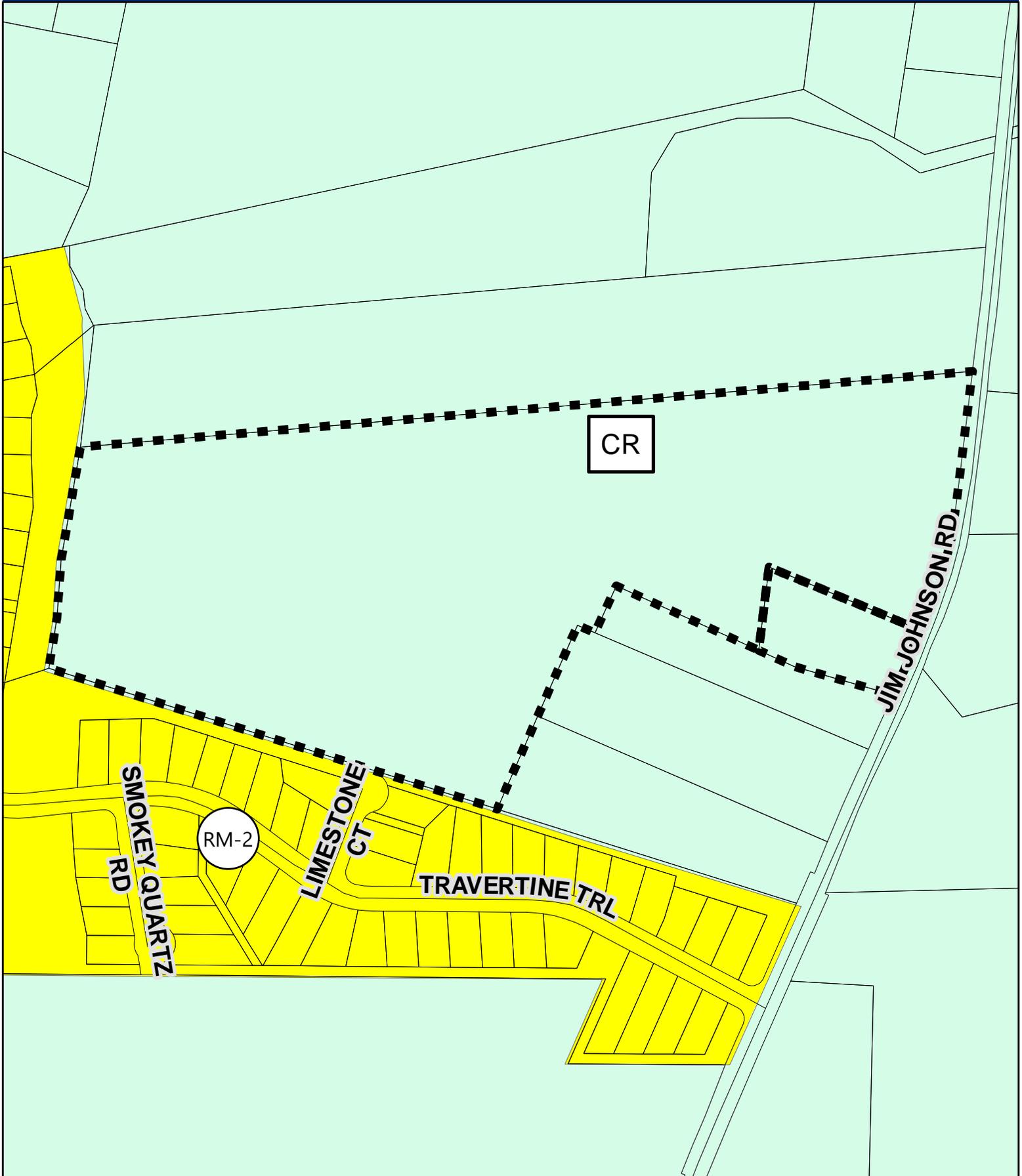
Case Number: CZ-2020-03
Applicant: Pulte Home Company, LLC
2975 Jim Johnson Rd





Kannapolis Current Zoning

Case Number: CZ-2020-03
Applicant: Pulte Home Company, LLC
2975 Jim Johnson Rd



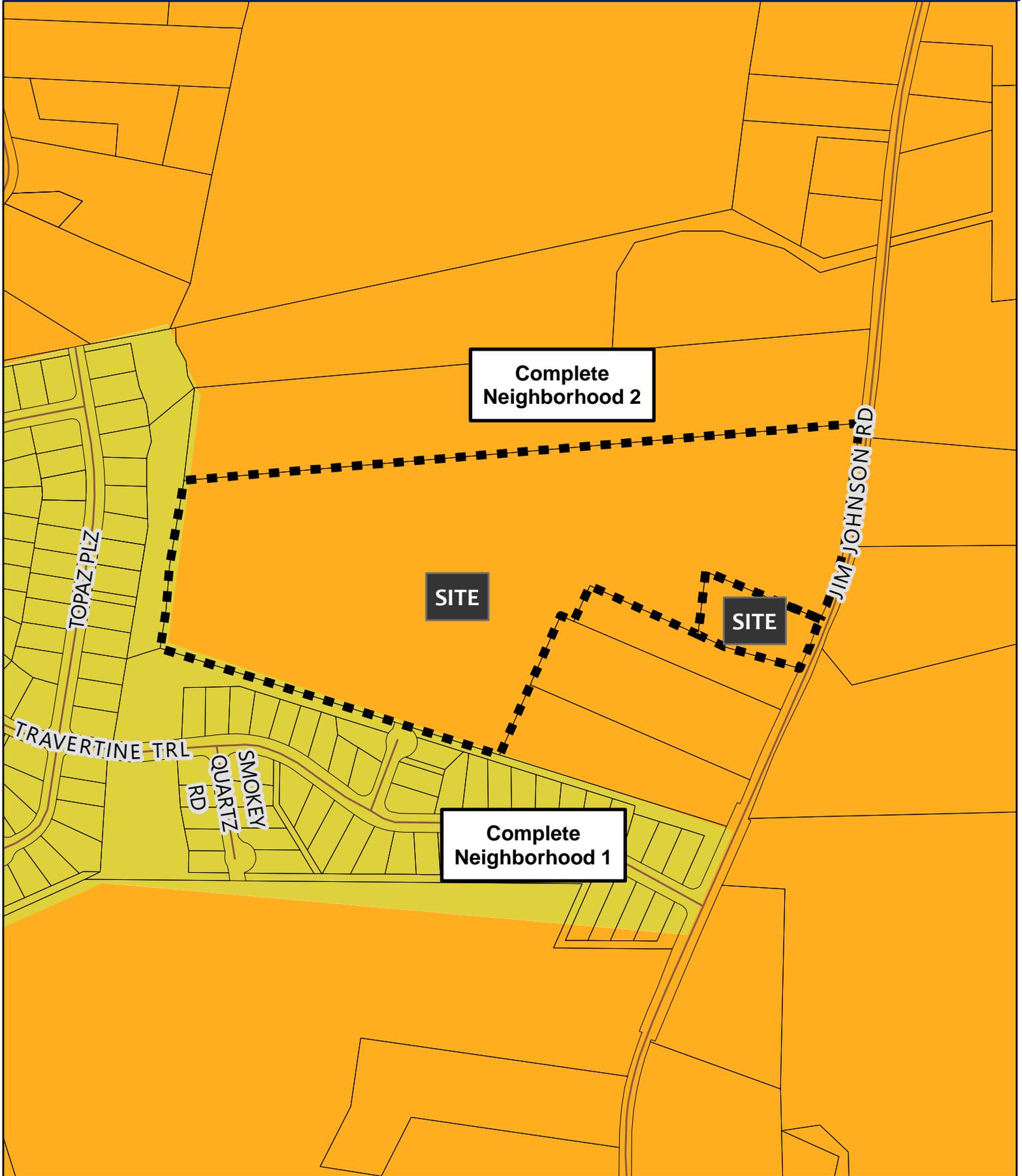


Kannapolis 2030 Future Land Use Map

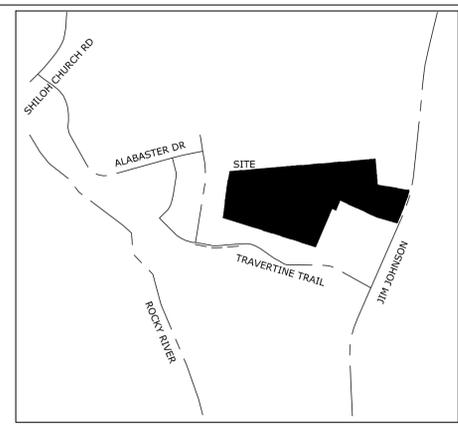
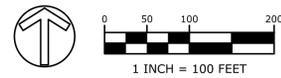
Case Number: CZ-2020-03

Applicant: Pulte Home Company, LLC

2975 Jim Johnson Rd



Plot Stamp: 1/16/2020 8:13:21 AM - Frank Cantrell
 File: W:\PULTE CHA\PU-L-Jim Johnson Road\DWG\01_Base\Annexation-zoning\2020-01-15_Base.dwg, Tab: C-500 GRADING SHEETS



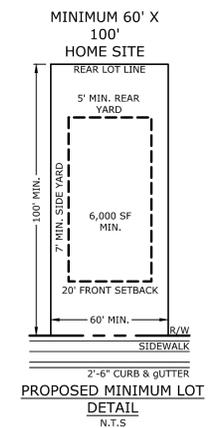
VICINITY MAP
Not to Scale

SITE DATA TABLE

EXISTING TAX PARCEL NO.	4672940442
JURISDICTION	CONCORD, CABARRUS COUNTY
SITE ACREAGE	33.2 ± AC
TREE SAVE AREA	

IMPERVIOUS CALCULATIONS - SEE TABLE THIS SHEET
 NOT WITHIN A DESIGNATED WATER SHED DISTRICT

ZONING	
EXISTING:	CR
PROPOSED:	RC
BUILDING DATA	
PROPOSED NUMBER OF LOTS	74 LOTS
DENSITY	
ALLOWABLE:	2.23 DUA = 74 LOTS
PROPOSED:	
SETBACKS/YARDS REQUIRED	
BUFFERS	
REQUIRED:	AS SHOWN
PROVIDED:	AS SHOWN
OPEN SPACE	
REQUIRED:	33.2 AC X XX% = 6.64 AC
PROVIDED:	7.0+ AC
INTERNAL STREET CONNECTIVITY	
LINKS:	
NODES:	1.7
CONNECTIVITY:	



NOT FOR CONSTRUCTION

SKETCH PLAN
 Jim Johnson Rd Development
 PULTE HOMES
 CABARRUS COUNTY, NORTH CAROLINA

DATE	DESCRIPTION



DATE	10/07/2019
DRAWN	FC
DESIGNED	FC
CHECKED	FC
PROJECT #	REAL190002
SHEET TITLE	

Cardno
 CHARLOTTE
 5800 SOUTHERN PINE BOULEVARD, SUITE 1
 CHARLOTTE, NORTH CAROLINA 28273
 TEL: (704) 927-9700 FAX: (980) 422-0938
 www.cardno.com

Pulte
 The way it should be



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000657631

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

Fax: 7049337463
EMail: byow@kannapolisnc.gov

Total Amount \$546.56

Payment Amount \$546.56

Amount Due \$0.00

Tax Amount: 0.00

Payment Meth: Credit - Debit Card

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

0 0 1

Ad Number **Ad Type** **Ad Size** **Color**
0000657631-01 CLS Liner 2 X 43 li \$0.00

Production Method
AdBooker (liner)

Production Notes

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

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

Run Dates 6/26/2020, 7/ 3/2020

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONME
OLISNCWEDNESDAYJULY82020AT600PMCONDITIONALZONINGMAF



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

Wednesday July 8, 2020 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2020-03 - Public hearing to consider a request to rezone approximately 34.8 +/- acres located at 2845 & 2975 Jim Johnson Rd from Cabarrus County Zoning Designation of CR (Countryside Residential) to City of Kannapolis RC-CZ (Residential Compact-Conditional Zoning), further identified as Cabarrus County PINs #4672-94-8282 & 4672-94-0442 to allow for a 74-unit single-family detached residential development.

Zoning Map Amendment - Z-2020-04 - Public hearing to consider a request to rezone approximately .45 +/- acres located at 100 N. Ridge Ave. from O-I (Office-Institutional) to RV (Residential Village), further identified as Cabarrus County PIN #5613-79-1905

IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, SOCIAL DISTANCING PRACTICES WILL BE OBSERVED DURING THIS MEETING.

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: Friday June 26, 2020, Friday July 3, 2020

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
ROBERT & IVORY BLAKLEY	2940 JIM JOHNSON RD	CONCORD	NC	28027
LUISA C BEARD				
C/O GAIL C CHU	2975 JIM JOHNSON RD	CONCORD	NC	28027
WILLIAM DWIGHT HARWELL LF EST	2755 JIM JOHNSON RD	CONCORD	NC	28027
CHARLES & JEANETTE TREXLER	3030 JIM JOHNSON RD	CONCORD	NC	28027
JOSE BAUTISTA	2864 JIM JOHNSON RD	CONCORD	NC	28027
JACK W LAIL	3001 JIM JOHNSON RD	CONCORD	NC	28025
WATERFORD ON THE ROCKY RIVER HOMEOWNERS ASSOC				
C/O BRAESAEL MGMT CO	PO BOX 3070	MATTHEWS	NC	28106
BONSWA D BANKS TRUSTEE				
AVIE D BANKS TRUSTEE	2054 TOPAZ PLZ	DAVIDSON	NC	28036
SCOTT & BRITTANY SIEGEL	2036 TOPAZ PLZ	DAVIDSON	NC	28036
JOSHUA & RHIANNON ENGLEKA	2006 LIMESTONE CT	DAVIDSON	NC	28036
STEVEN & TRACY GOODE	9894 TRAVERTINE TRL	DAVIDSON	NC	28036
DWAYNE & KELIA KEELING	9958 TRAVERTINE TRL	DAVIDSON	NC	28036
EMMANUEL & VIDA SOWAH	9942 TRAVERTINE TRL	DAVIDSON	NC	28036
PAUL OYARO	9978 TRAVERTINE TRL	DAVIDSON	NC	28036
OSCAR & DILCIA MOLINA	1718 CABARRUS CROSSING DR	HUNTERSVILLE	NC	28078
TAEHOON KOO &				
LANHEE KIM	2010 LIMESTONE CT	DAVIDSON	NC	28036
STEPHEN & CHESETTA TUCKER	2024 TOPAZ PLZ	DAVIDSON	NC	28036
MARILYN BANKS	2030 TOPAZ PLZ	DAVIDSON	NC	28036
VIRAJ MYNEEDU &				
NAGA NARRA	9984 TRAVERTINE TRL	DAVIDSON	NC	28036
RYAN & MARINA HAEBERLE	2048 TOPAZ PLZ	DAVIDSON	NC	28036
ULRICH & EULOGIA BABSAA	9972 TRAVERTINE TRL	DAVIDSON	NC	28036
MATTHEW & BRIENNE WYLLIE	9966 TRAVERTINE TRL	DAVIDSON	NC	28036
KEVIN & SHANNON SHANUS	2733 JIM JOHNSON RD	CONCORD	NC	28027
JERMAINE & LASHREEE FULLER	9908 TRAVERTINE TRL	DAVIDSON	NC	28036
ALEXANDR & VERONIKA GALITSKIY	9890 TRAVERTINE TRL	DAVIDSON	NC	28036
SIRISHA TUMMALAPENTA	2002 LIMESTONE CT	DAVIDSON	NC	28036
THOMAS & LINDA ROBERTS	2042 TOPAZ PLZ	DAVIDSON	NC	28036
CEBERUS SFR HOLDINGS LP	1850 PARKWAY PL SE STE 900	MARIETTA	GA	30067
DANIEL & KIMBERLY CROWE	2811 JIM JOHNSON ROAD	CONCORD	NC	28027
ADITYA VINNAKOTA &				
GEETHALAKSHMI GUDDANTI	2078 TOPAZ PLZ	DAVIDSON	NC	28036
JAMES SR & KATHERINE WILLIAMS	9930 TRAVERTINE TRL	DAVIDSON	NC	28036
DAVID ZEHACKER	9900 TRAVERTINE TRL	DAVIDSON	NC	28036
NOEL & ROSE HITE	2060 TOPAZ PLZ	DAVIDSON	NC	28036
STEPHEN R ATKINS	2009 LIMESTONE CT	DAVIDSON	NC	28036
THOMAS JR & KIESHA PRIDE	2072 TOPAZ PLZ	DAVIDSON	NC	28036
KIRSCHAN & DAWN BLYDEN	2066 TOPAZ PLZ	DAVIDSON	NC	28036
ANDREW & LYNDISI GREENE	9904 TRAVERTINE TRL	DAVIDSON	NC	28036
WAYNE JANICK	9927 TRAVERTINE TRL	DAVIDSON	NC	28036
PULTE HOME COMPANY, LLC	11121 CARMEL COMMONS BLVD			
ATTN: FRED MATRULLI	STE 450	CHARLOTTE	NC	28226



KANNAPOLIS
Planning

June 25, 2020

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Wednesday, July 8, 2020 at 6:00 PM, for the following case:

CZ-2020-03 – Conditional Zoning Map Amendment – 2845 & 2975 Jim Johnson Rd.

The purpose of the Public Hearing is to consider a request by Pulte Home Company, LLC to rezone property located at 2845 & 2975 Jim Johnson Rd. from Cabarrus County CR (Countryside Residential) to RC-CZ (Residential Compact-Conditional Zoning) to allow for a 74-unit single-family detached residential development. The subject properties are approximately 34.8 +/- combined acres in size and further identified as Cabarrus County Parcel Identification Number(s) 4672-94-8282 & 4672-94-0442 (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, SOCIAL DISTANCING PRACTICES WILL BE OBSERVED DURING THIS MEETING.

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
Assistant Planning Director

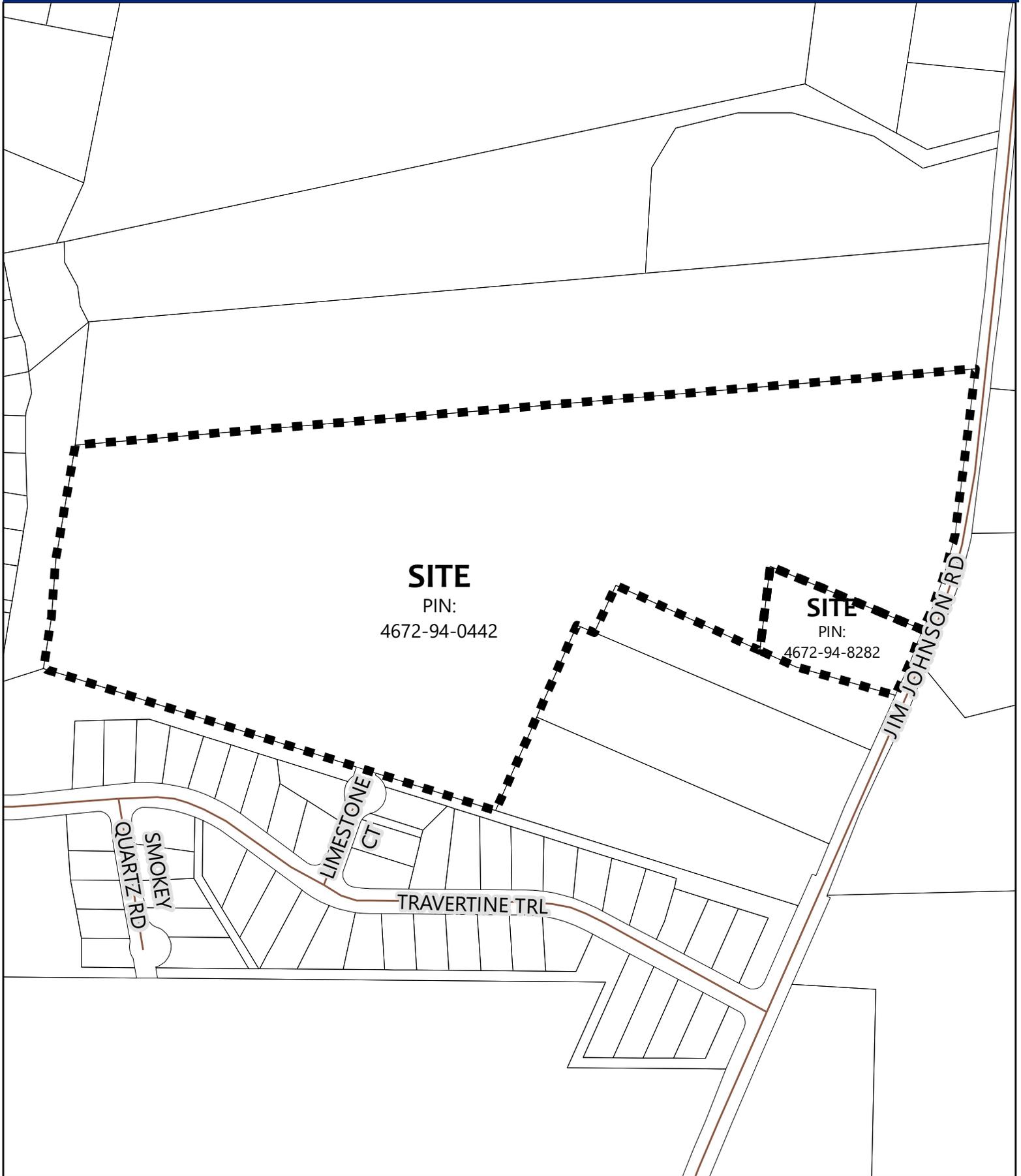
Enclosure

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-2020-03
Applicant: Pulte Home Company, LLC
2975 Jim Johnson Rd





PLANNING

ZONING

COMMISSION

PUBLIC HEARING

INFORMATION

CALL 704-920-4350

CASE # CZ - 2020 - 03



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE # CZ-2020-03**

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 July 8, 2020 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone property located at 2845 & 2975 Jim Johnson Road, (Cabarrus County Parcel Identification Number(s) 4672-94-8282 & 4672-94-0442) owned by Luisa Beard, 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 a "Complete Neighborhood 2" Character Area, which allows for single-family detached development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide residential development that is appropriate for the area. The proposed use is compatible with the surrounding zoning, 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 or ability to extend to public facilities.*

Adopted this the 8th day of July 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case #CZ-2020-03 (2845 & 2975 Jim Johnson Rd.)

Cabarrus County Countryside Residential (CR) 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 July 8, 2020 for consideration of rezoning petition Case #CZ-2020-03 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone property located at 2845 & 2975 Jim Johnson Road, (Cabarrus County Parcel Identification Number(s) 4672-94-8282 & 4672-94-0442) owned by Luisa Beard, from Cabarrus County Countryside Residential (CR) 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 34.8 +/- combined 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 a "Complete Neighborhood 2" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 2 Character Area includes single-family attached and detached, multi-family, as well as civic and small format retail as primary uses along with small-format office and live-work development as secondary uses. In addition, the 2030 Plan calls for residential densities of between 4 and 18 dwelling units/acre in a "Complete Neighborhood 2" Character Area, while the proposed density for this development is just over 2 units/acre. The proposed single-family detached residential development is therefore in conformance with the goals and policies of the 2030 Plan.

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

The property is located on the west side of Jim Johnson Road, north of Travertine Trail. It abuts the Waterford subdivision along a portion of the southern property line, which is in the City limits. The Waterford subdivision is zoned RM-2 (Residential Medium Density). Property to the north, south and east is zoned CR (Countryside Residential) and is within unincorporated Cabarrus County. The proposed single-family detached residential development is compatible with the adjacent residential subdivision to the south as well as with the Castlebrooke Subdivision (also within City limits) approximately ¼ mile north of the subject development. Castlebrooke subdivision is zoned RV (Residential Village). Therefore, the proposed rezoning is considered compatible with the surrounding area.

It is important to note that the subject development is surrounded largely by unincorporated Cabarrus County. The unincorporated area is part of the Kannapolis Growth Area (as designated by the annexation agreement between the City of Concord and Kannapolis) and may be annexed into the City in the future

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

The subject property is accessed from Jim Johnson Road, which is an NCDOT road. The project did not require a traffic impact analysis per NCDOT's or the City's requirements, however improvements to Jim Johnson will be necessary, including turn lanes and appropriate tapers. Access to the site will need to be approved by NCDOT and the City.

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?

Along the western portion of the site, running north/south, there is flood plain which measure approximately 100 feet from the western property line into the site. The preliminary plan submitted with this rezoning preserves the floodplain and does not show any development within that area. The plan also shows a stream running east/west within the site, for which the appropriate stream buffers have been provided. Most important, the 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 residential character of the area has remained stable. However, as mentioned previously, it is located within the City's growth area and may be annexed and developed in the future under City zoning.

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

There are adequate public facilities available to the property or within proximity, which will be extended to serve the development.

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

The property is located on the west side of Jim Johnson Road, north of Travertine Trail. It abuts the Waterford subdivision along a portion of the southern property line, which is in the City limits. The Waterford subdivision is zoned RM-2 (Residential Medium Density). Property to the north, south and east is zoned CR (Countryside Residential) and is within unincorporated Cabarrus County. The proposed single-family detached residential development is compatible with the adjacent residential subdivision to the south as well as with the Castlebrooke Subdivision (also within City limits), located approximately ¼ mile north of the subject development. Castlebrooke is zoned RV (Residential Village).

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

The property is currently zoned CR (Countryside Residential - Cabarrus County zoning district). State law requires that the City assigns a zoning designation within 60 days of the date of annexation, otherwise the parcel remains “unzoned”. As previously noted, the City Council annexed the subject property into the City limits on June 22, 2020.

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

The proposed residential use is compatible with the adjacent residential neighborhood.

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?

Jim Johnson Road is predominately a residential corridor. There are vacant parcels as well as underutilized parcels along Jim Johnson Road sufficient to accommodate future development and community needs.

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 74 single-family detached units as generally depicted on the site plan submitted with this rezoning.
2. A Site Plan, in compliance with all applicable City standards, shall be submitted and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Driveway location off Jim Johnson Road shall be approved by the City in conjunction with NCDOT.
4. 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 (similar

to a ladder truck).

5. 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 storm control measures.
6. The project developer shall be responsible for extension of all water and sewer infrastructure needed to serve the project.
7. Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.

Adopted this the 8th day of July 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission