



**Planning & Zoning Commission
August 5, 2020 Meeting**

Staff Report

DATE: July 29, 2020
TO: Planning & Zoning Commission
FROM: Gretchen Coperine, AICP, Assistant Planning Director
SUBJECT: **Case #CZ-2020-06**
Conditional Zoning Map Amendment
Applicant: TAG Ventures, LLC

Request to conditionally rezone property, located between Sears St. and Barnett St., from C-2 (General Commercial) and RV (Residential Village) to C2-CZ (General Commercial-Conditional Zoning), to allow for a restaurant with a drive-thru

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, TAG Ventures, LLC., is proposing to rezone the subject property from C-2 (General Commercial) and RV (Residential Village) to CZ-C2 (General Commercial-Conditional Zoning District). The proposed use is a restaurant with a drive-thru. The subject property consists of 3 parcels and are further identified as 5623-02-4805, 5623-02-4711 and a portion of 5623-02-7920.

If approved for rezoning, the portion of property currently zoned residential will need to be combined with the two (2) parcels currently zoned commercial and the property developed as one parcel.

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 parcels are approximately 1.5 acres combined.

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?

The properties are located in the “Secondary Activity Center” and partly in the “Complete Neighborhood 1” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Both the Secondary Activity Center and Complete Neighborhood 1 Character Areas include neighborhood serving retail as primary and secondary uses, respectively. The proposed restaurant with drive thru fits within the uses allowed.

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

The property is located on the east side of S. Cannon Blvd., between Sears St. and Barnett St. Property to the north, south and west is zoned C-2 (General Commercial), and property to the north and east is zoned RV (Residential Village). The property is also within the Lake Concord Watershed Protected Area, which restricts the impervious coverage to a maximum of 24%. There is existing development on the site, for which impervious credit is granted.

The existing surrounding uses are primarily commercial.

The proposed restaurant with drive thru is compatible with the surrounding area, based on the scale of the proposed retail use.

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

The subject property will be accessed from Sears St. and Barnett St. Final access locations will need to be finalized with the City and NCDOT through the site plan review process.

5. Will there be parking problems?

Should the rezoning be approved, the site plan will be required to meet all parking requirements within Article 8 of the Unified Development Ordinance (UDO).

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 Cannon Boulevard corridor has been and is anticipated to continue to be primarily a commercial corridor. Commercial development is anticipated to continue along the corridor 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 proximity.

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

Property to the north, south and west is zoned C-2 (General Commercial), and property to the north and east is zoned RV (Residential Village). The property is also within the Lake Concord Watershed Protected Area, which restricts the impervious coverage to a maximum of 24%. There is existing development on the site, for which impervious credit is granted.

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

The current zoning on the portion of property zoned RV (Residential Village) does not allow commercial development. The portion zoned C-2 does allow the proposed development, however, the project will require that the parcels be combined and therefore rezoned under one conditional rezoning plan.

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

The proposed commercial use, designed in accordance with all applicable UDO requirements, is compatible with the adjacent residential neighborhood.

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

N/A

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

Cannon Boulevard is predominately a commercial corridor. There are vacant parcels as well as underutilized parcels along the corridor available for future development.

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 "Secondary Activity Center" and partly in the "Complete Neighborhood 1" Character Area, which allow for retail development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide commercial development along Cannon Boulevard 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 the 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-2020-06:

1. The permitted uses allowed by this rezoning shall only include a restaurant with drive thru.
2. A Site Plan, in compliance with all applicable UDO and City standards, shall be submitted and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Any additional 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 buffer the adjacent single-family development.
5. Driveway locations shall be approved by the City in conjunction with NCDOT.
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 (similar to a ladder truck).
7. The project developer shall be responsible for extension of all water and sewer infrastructure needed to serve the project.
8. 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-2020-06, 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 “Secondary Activity Center” and partly in the “Complete Neighborhood I” Character Area, which allow for retail development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide commercial development along Cannon Boulevard 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-2020-06, 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-2020-06, 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-2020-06 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-2020-06, 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. Survey and Site Sketch
6. Neighborhood Meeting Information
7. Notice of Public Hearing
8. List of Properties Notified
9. Letter to Adjacent Property Owners
10. Posted Public Notice Sign
11. Resolution to Adopt a Statement of Consistency
12. 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: TAG Ventures LLC and/or assigns
 Address: 800 East Blvd. Suite 210 Charlotte, N.C. 28203
 Telephone: 704-376-7484
 Email: hatkinsjr@atkinsproperties.com

Owner: Estate of Gene S. Holbrooks eto Rodney G. Holbrooks
 Address: 1204 Woodacres Circle Kannapolis, N.C. 28081
 Telephone: 704-467-7980
 Email: holbrooks@carolina.rr.com

Legal relationship of applicant to property owner: Purchaser

Property Location/Address: 40 Sears Street, Kannapolis, N.C.
 Tax Parcel Number: 04074-0012 Zoning District: RV Acreage of Site: 9357 sq. ft.

Requesting Zoning (if applicable): C-2

<u>W. Henry Atkins, Manager</u> Applicant Name (Print)	<u>ESTATE of GENE S Holbrooks RODNEY G HOLBROOKS Trustee</u> Property Owner Name (Print)
<u>W. Henry Atkins 7/1/2020</u> Applicant Signature & Date	<u>Rodney G Holbrooks Trustee</u> Property Owner Signature & Date <u>7/1/20</u>

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(s), and one (1) copy of any required site plan for staff review must be submitted by the deadline. All fees are nonrefundable and help to cover administrative and notification costs.

For Staff Use Only:

Filing Fee: _____ Receipt # _____
 Application No.: _____ Date Submitted (Complete): _____

APPLICATION FOR A CONDITIONAL ZONING DISTRICT

1. TAG Ventures, LLC and/or assigns 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:

<u>Restaurant limited service (drive thru)</u>	<u>Hotels</u>
<u>Restaurant dine in</u>	<u>Car Wash</u>
<u>Convenience store / gas (P/S)</u>	<u>Auto Parts tires</u>
<u>Grocery Stores</u>	<u>Liquor Stores</u>

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

Quick Service Restaurant with drive-thru

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.

I certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

W. Henry Atkins, Manager
Applicant Name (Print)

W. H. Atkins 7/1/2020
Applicant Signature & Date

ESTATE of GENE S. HOLBROOKS
RODNEY G HOLBROOKS trustee
Property Owner Name (Print)

ESTATE of GENE S. HOLBROOKS
Rodney G Holbrooks trustee
Property Owner Signature & Date

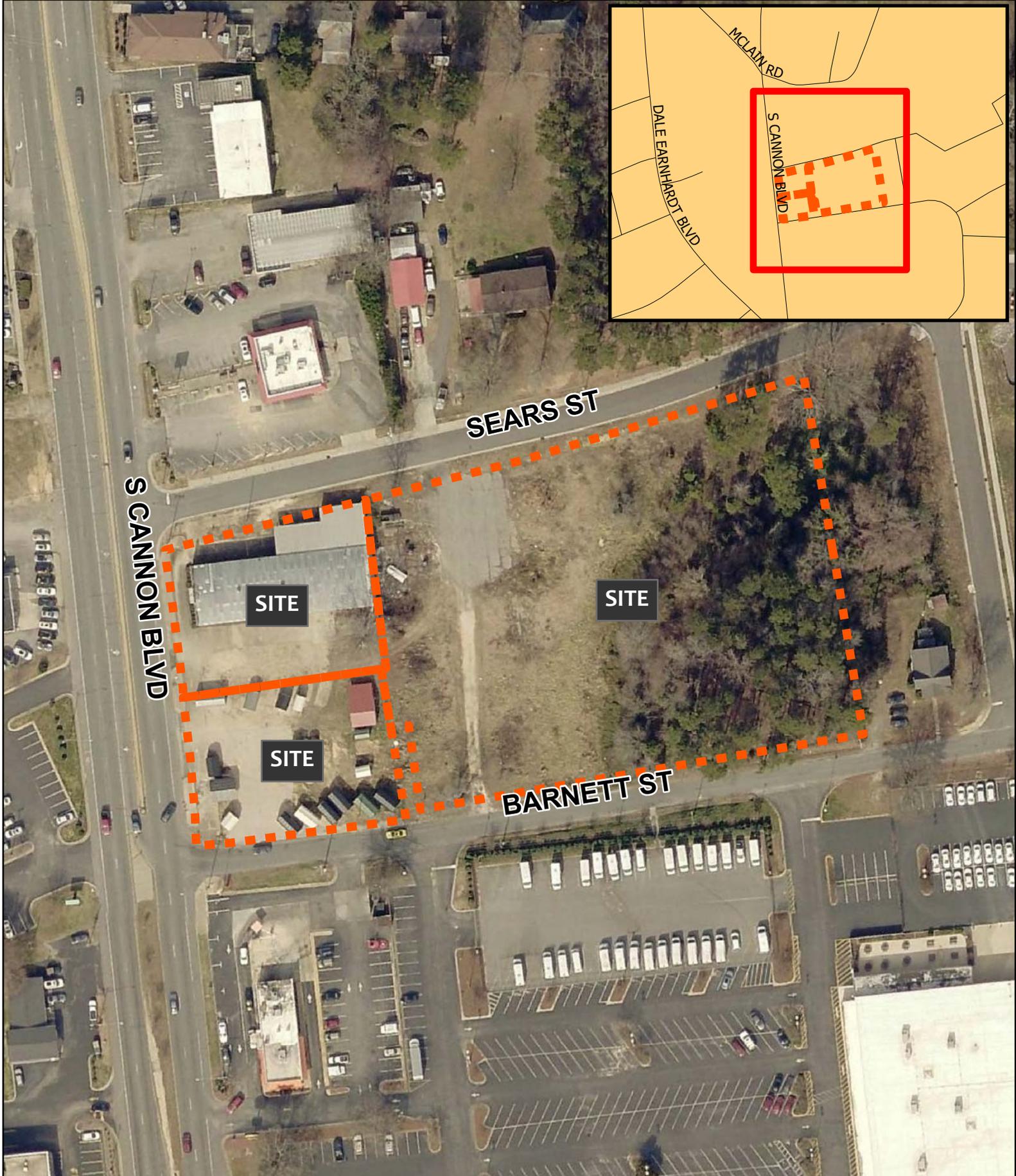
Required as part of Conditional Zoning Submittal:

- Pre-Application Meeting (See Development Guidebook)
- Fee: Please refer to fee schedule on the City's website to determine applicable fees. Fees are nonrefundable and help to cover administrative and notification costs.



Vicinity Map

Case Number: CZ-2020-06
Applicant: TAG Ventures LLC
1205 N Cannon Blvd.



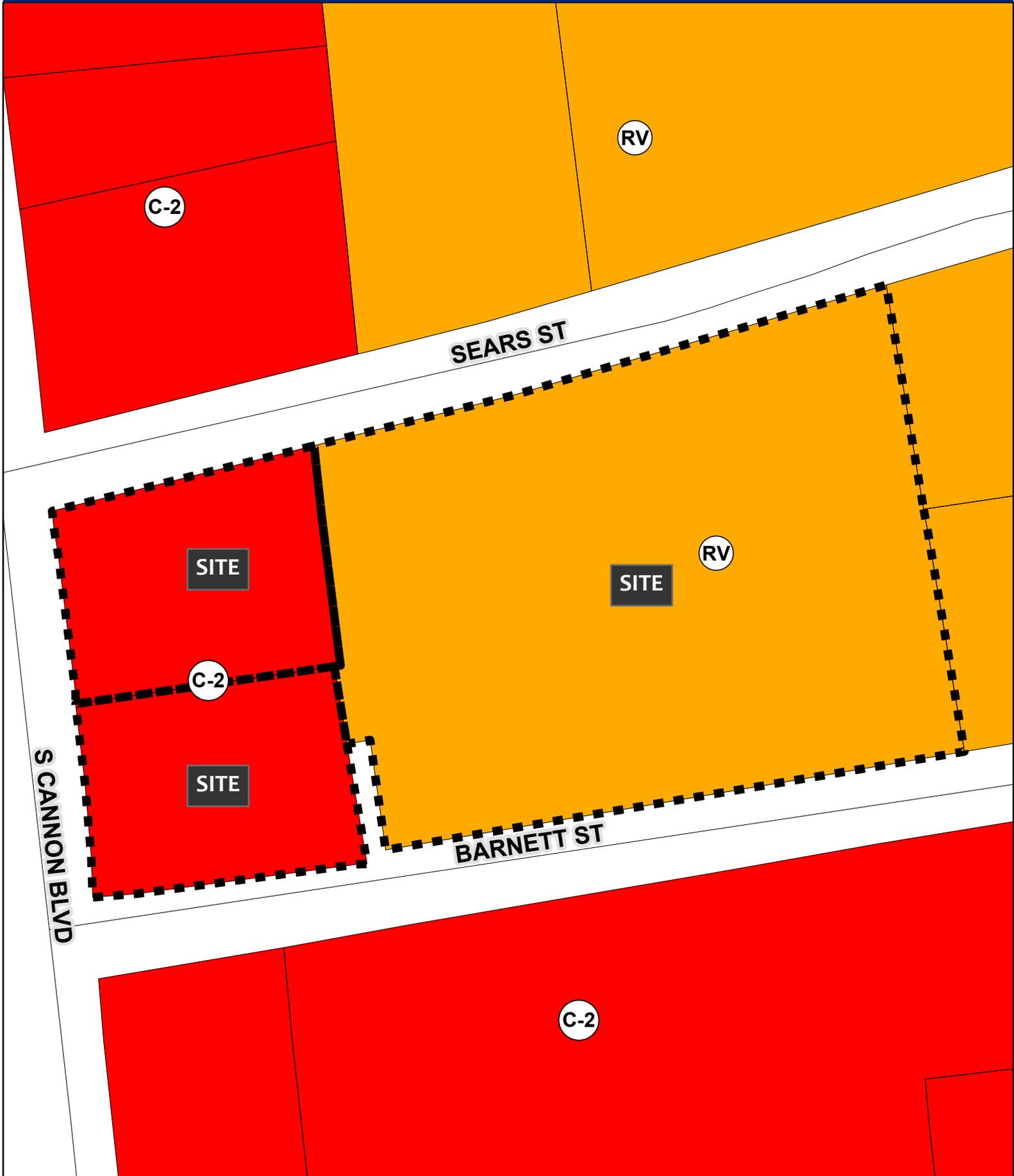


Kannapolis Current Zoning

Case Number: CZ-2020-06

Applicant: TAG Ventures LLC

1205 N Cannon Blvd.



Kannapolis 2030 Future Land Use Map

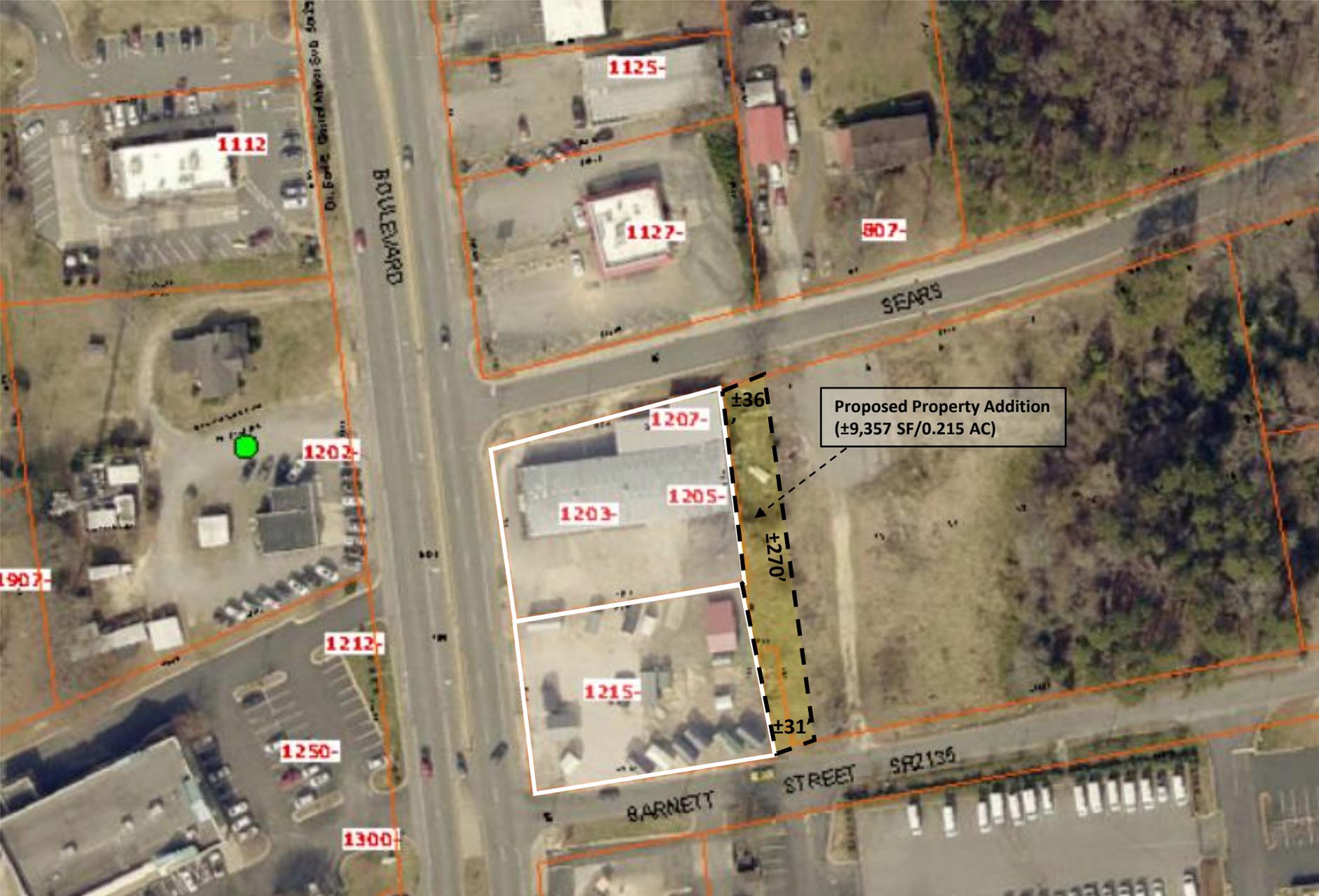


Case Number: CZ-2020-06
Applicant: TAG Ventures LLC
1205 N Cannon Blvd.



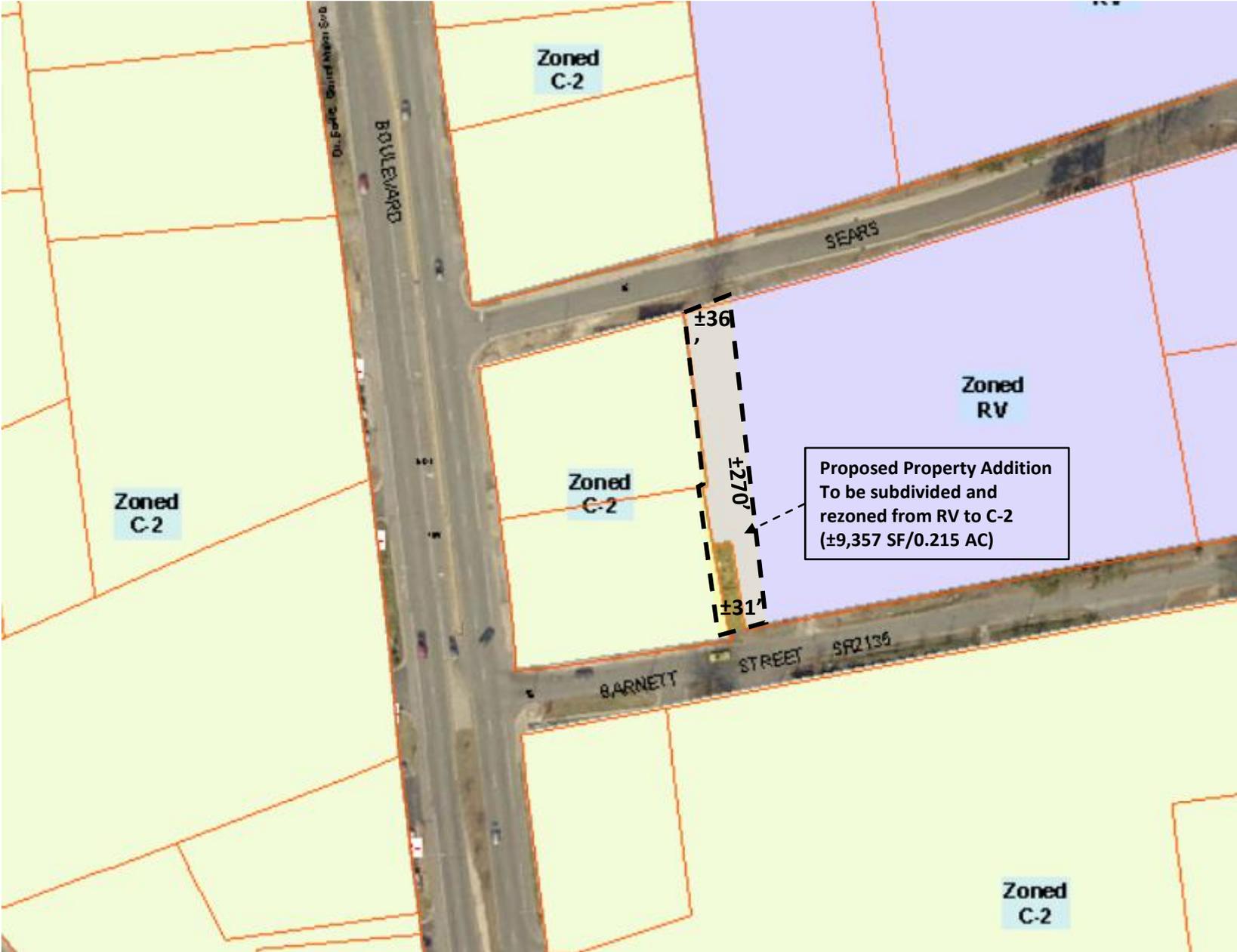
Aerial

Subject Property:
40 Sears St
Kannapolis, NC



Zoning Map

Subject Property:
40 Sears St
Kannapolis, NC



AREA TO BE DEDICATED TO NCDOT

TEMPORARY CONSTRUCTION ESMT

S CANNON BLVD

SEARS ST

±168'
8' STREET YARD

10' SETBACK

7 SPACES

30.0'

22.0'

±36'

PROP. PROPERTY ADDITION
±9,357 S.F./0.215 AC

18 SPACES

PROP. QSR
3,144 S.F.

15' TYPE 3 BUFFER W/FENCE
PROP. PROPERTY LINE ±270'

15 SPACES

12.0'

22.0'

21.5'

21.5'

22.0'

12.0'

6 SPACES

22.0'

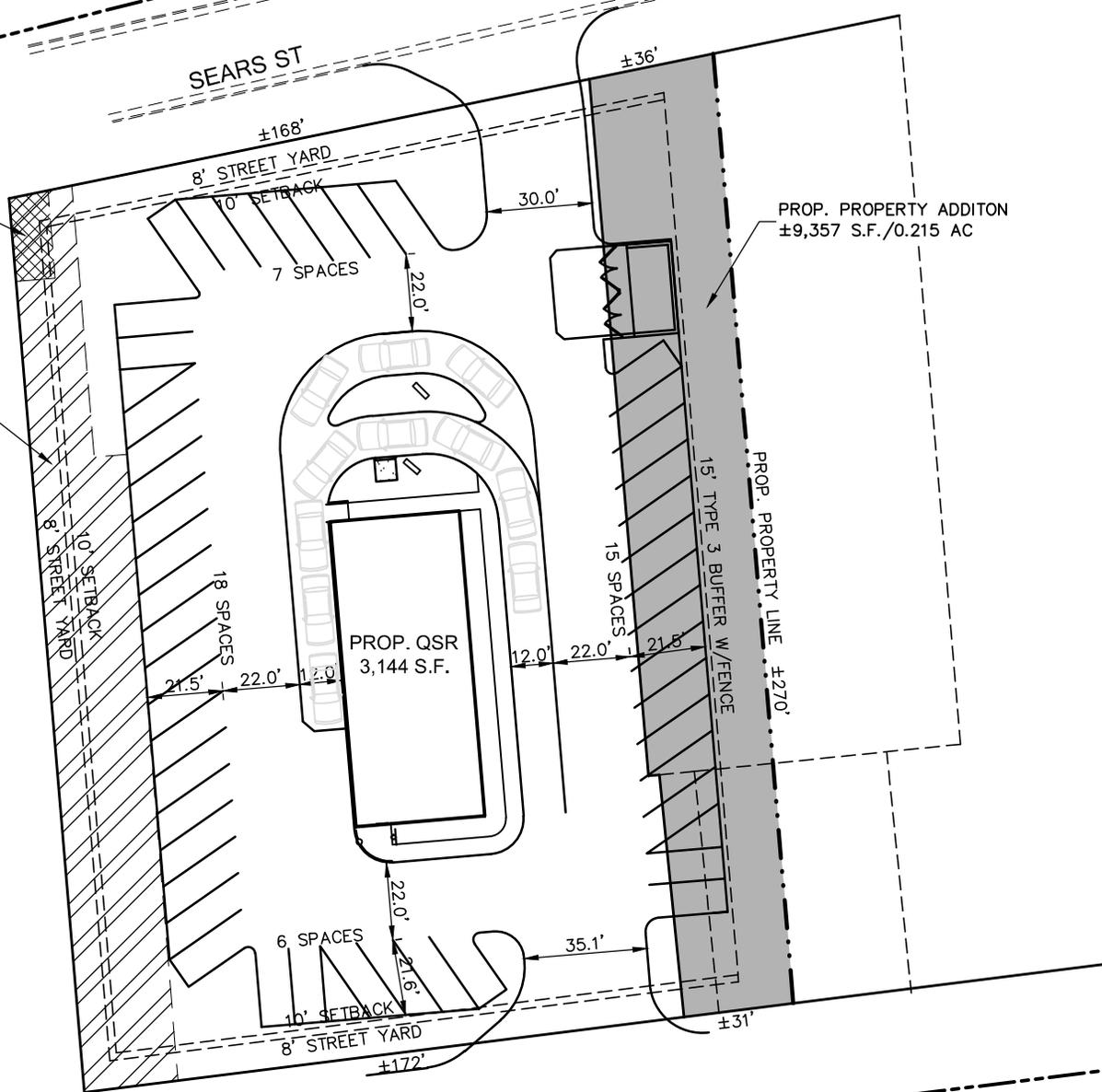
21.5'

35.1'

8' STREET YARD
±172'

BARNETT ST

±31'



Virtual Public Hearing
Friday, July 3, 2020
9:00 AM EST
Hosted by TAG Ventures, LLC

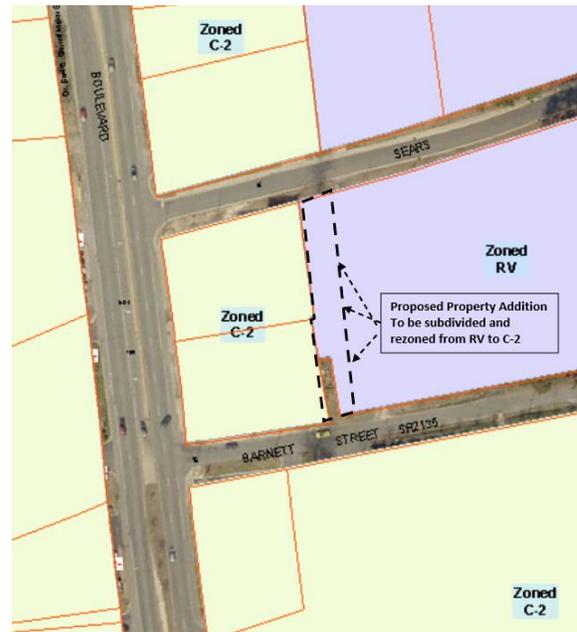
Gretchen,

On behalf of TAG Ventures, LLC and/or its assigns, we are writing to inform you that we had a virtual meeting today, Friday July 3, 2020 at 9:00 AM to discuss our rezoning application with nearby property owners that would like to participate.

We had one neighbor call in, Mark Helms of Papillion, LLC. He did not voice any objections or concerns regarding our proposed rezoning. We have provided confirmation of the call below.

Sincerely,

Atkins Properties, LLC
800 East Blvd
Suite 210
Charlotte, NC 28203



Date: July 3, 2020 8:54:50 AM
Dial-in number:  (712) 770-5211
Access code: 948470
Account: #s9660566

Audio

Caller	Service Type	Start Time	End Time	Duration
+1 704 502 0491 - WIRELESS CALLER	 	8:54:50 AM	9:12:15 AM	18m
+1 704 975 5503 - WILLIAM ATKINS	 	9:00:25 AM	9:05:34 AM	6m
+1 704 975 5503 - WILLIAM ATKINS	 	9:06:48 AM	9:12:24 AM	6m

Number of attendees: 3
Toll minutes: 30m

Note: All times in Eastern Time



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000663207

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 aboan
Acctn Rep aboan
Ordered By Pam

Fax: 7049337463
EMail: byow@kannapolisnc.gov

Total Amount \$460.88

Payment Amount \$460.88

Amount Due \$0.00

Tax Amount: 0.00

Payment Meth: Credit - Debit Card

Tear Sheets Proofs Affidavits PO Number:

0 0 1

Ad Number 0000663207-01
Ad Type CLS Liner
Ad Size 2 X 36 li
Color \$0.00

Production Method
AdBooker (liner)

Production Notes

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 7/24/2020, 7/31/2020

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETING401LAUREATEWAYKANNAPOLISNCWEDNESDAYAUGUST52020AT600PMCONDITIONALZONINGMAPA

Ad Content Proof

Note: Ad size does not reflect actual ad

Advertisement content including KANNAPOLIS logo, NOTICE OF PUBLIC HEARING Planning and Zoning Commission Meeting, date Wednesday August 5, 2020 at 6:00 pm, and details about Conditional Zoning Map Amendment - CZ-2020-06.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
PATRICIA ANN REID HOOVER REVOC TRUST U/A DTD 9/30/11 KPNC LLC	PO BOX 11077	CHARLOTTE	NC	28220
C/O ALVIN COUCH TARA C RHOADES TRUSTEE	PO BOX 824 590 COLLINS RD	ROSWELL CHINA GROVE	GA NC	30077 28023
GENE S HOLBROOKS ESTATE C/O PAMELA PERKINS	1017 SPRUCEWOOD ST	KANNAPOLIS	NC	28081
GENE S HOLBROOKS ESTATE C/O RODNEY G HOLBROOKS	1204 WOODACRES CIR	KANNAPOLIS	NC	28081
WILLARD & DEBORAH SANSOM PAPBIS ENTERPRISES LLC	807 SEARS ST 2042 ROCKY HOLLOW DR	KANNAPOLIS MARVIN	NC NC	28083 28173
KANNAPOLIS LAND INC EDDIE & CONNIE DURHAM	PO BOX 1177 1311 LOWRANCE AVE	GREENVILLE KANNAPOLIS	SC NC	29602 28081
ROY & JESSIE BROWN PAPILLION LLC	3106 SIMMONS ST	KANNAPOLIS	NC	28083
C/O TAX DEPARTMENT BRANFUL LLC/A NC LLC	5112 GOLD CREST DR 104 MULL STREET	INDIAN TRAIL MORGANTON	NC NC	28079 28655
C E SMITH RENTALS INC TAG VENTURES, LLC	PO BOX 211 800 EAST BLVD	PAGELAND	SC	29728
ATTN: W. HENRY ATKINS	STE 210	CHARLOTTE	NC	28203



KANNAPOLIS
Planning

July 24, 2020

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Wednesday, August 5, 2020 at 6:00 PM, for the following case:

CZ-2020-06 – Conditional Zoning Map Amendment – Sears St.

The purpose of the Public Hearing is to consider a request by TAG Ventures, LLC to rezone property located between Sears and Barnett St. from C-2 (General Commercial) and RV (Residential Village) to C-2-CZ (General Commercial-Conditional Zoning) to allow for a restaurant with a drive-thru. The subject properties are approximately 1.5 +/- combined acres and further identified as Cabarrus County Parcel Identification Number(s) 5623-02-4805, 5623-02-4711 and a portion of 5623-02-7920 (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

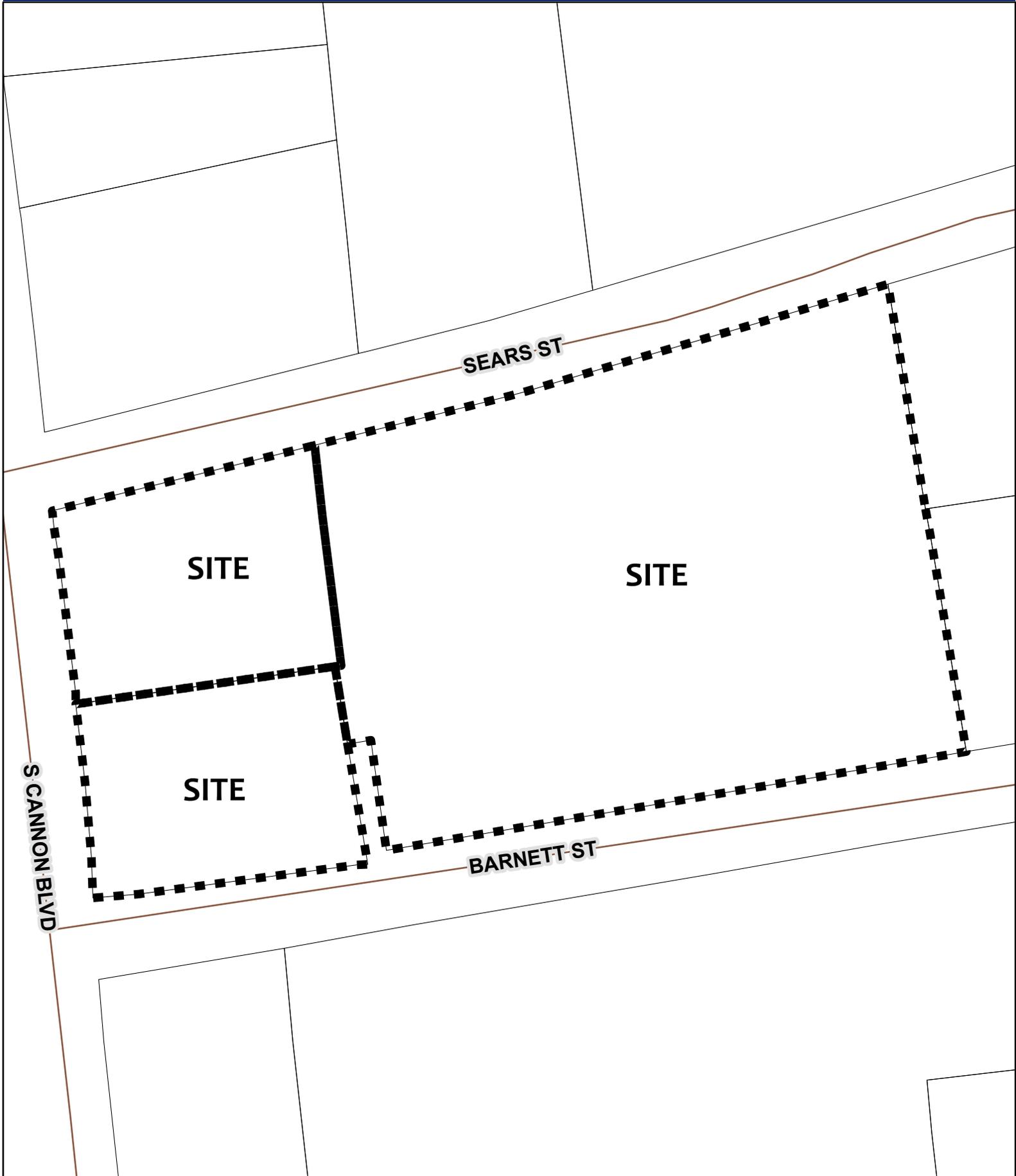
Enclosure

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 Zoning Map Amendment

Case Number: CZ-2020-06
Applicant: TAG Ventures LLC
1205 N Cannon Blvd.



KANNADOLLS

PLANNING

ZONING

COMMISSION

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE #CZ - 2020 - 06



Sears

Waffle House



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE # CZ-2020-06**

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 August 5, 2020 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone property located between Sears and Barnett Streets, (Cabarrus County Parcel Identification Number(s) 5623-02-4805, 5623-02-4711 and a portion of 5623-02-7920) owned by Roy & Jessie Brown, KPNC, LLC., and Gene Holbrooks, from City of Kannapolis General Commercial (C-2) and Residential Village (RV) 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 “Secondary Activity Center” and partly in the “Complete Neighborhood 1” Character Area, which allow for retail development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide commercial development along Cannon Boulevard 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 5th day of August 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case #CZ-2020-06 (Sears and Barnett Streets)

City of Kannapolis General Commercial (C-2) and Residential Village (RV) 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 August 5, 2020 for consideration of rezoning petition Case #CZ-2020-06 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone property located between Sears and Barnett Streets, (Cabarrus County Parcel Identification Number(s) 5623-02-4805, 5623-02-4711 and a portion of 5623-02-7920) owned by Roy & Jessie Brown, KPNC, LLC., and Gene Holbrooks, from City of Kannapolis General Commercial (C-2) and Residential Village (RV) 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 1.5 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?

The properties are located in the “Secondary Activity Center” and partly in the “Complete Neighborhood 1” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Both the Secondary Activity Center and Complete Neighborhood 1 Character Areas include neighborhood serving retail as primary and secondary uses, respectively. The proposed restaurant with drive thru fits within the uses allowed.

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

The property is located on the east side of S. Cannon Blvd., between Sears St. and Barnett St. Property to the north, south and west is zoned C-2 (General Commercial), and property to the north and east is zoned RV (Residential Village). The property is also within the Lake Concord

Watershed Protected Area, which restricts the impervious coverage to a maximum of 24%. There is existing development on the site, for which impervious credit is granted.

The existing surrounding uses are primarily commercial.

The proposed restaurant with drive thru is compatible with the surrounding area, based on the scale of the proposed retail use

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

The subject property will be accessed from Sears St. and Barnett St. Final access locations will need to be finalized with the City and NCDOT through the site plan review process.

5. Will there be parking problems?

Should the rezoning be approved, the site plan will be required to meet all parking requirements within Article 8 of the Unified Development Ordinance (UDO).

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 Cannon Boulevard corridor has been and is anticipated to continue to be primarily a commercial corridor. Commercial development is anticipated to continue along the corridor 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 proximity.

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

Property to the north, south and west is zoned C-2 (General Commercial), and property to the north and east is zoned RV (Residential Village). The property is also within the Lake Concord Watershed Protected Area, which restricts the impervious coverage to a maximum of 24%. There is existing development on the site, for which impervious credit is granted.

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

The current zoning on the portion of property zoned RV (Residential Village) does not allow commercial development. The portion zoned C-2 does allow the proposed development, however, the project will require that the parcels be combined and therefore rezoned under one conditional rezoning plan.

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

The proposed commercial use, designed in accordance with all applicable UDO requirements, is compatible with the adjacent residential neighborhood.

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

N/A.

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

Cannon Boulevard is predominately a commercial corridor. There are vacant parcels as well as underutilized parcels along the corridor available for future development.

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 restaurant with drive thru.
2. A Site Plan, in compliance with all applicable UDO and City standards, shall be submitted and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Any additional 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 buffer the adjacent single-family development.
5. Driveway locations shall be approved by the City in conjunction with NCDOT.
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 (similar to a ladder truck).
7. The project developer shall be responsible for extension of all water and sewer infrastructure needed to serve the project.
8. Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.

Adopted this the 5th day of August 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission