



Planning Department

Planning & Zoning Commission October 7, 2020 Meeting

Staff Report – Case # CZ-2020-09

DATE: September 28, 2020
TO: Planning & Zoning Commission
FROM: Gretchen Coperine, AICP, Assistant Planning Director
SUBJECT: **Case #CZ-2020-09 Hawthorne at the Glen Apartments (Zoning Map Amendment)**
Applicant: Hawthorne Glen Afton Apartments, LLC

The applicant is requesting an amendment to the previously approved rezoning plan for the Hawthorne at the Glen Apartments, located at 6533 Willowbrook Lane. The request is to sub-divide and remove two (2) lots totaling 4.27 acres from the approved site plan. The areas are reflected on the attached plan and labeled Parcel 1: 4.02 acres and Parcel 2: 0.25 acres.

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

C. Background

The subject property was previously rezoned under Case #Z-2016-08 and Case #Z-2018-13 to allow a total of 254 apartments on 21.89 acres.

This amendment proposes to remove 4.27 acres from the original approved plan of 21.89 acres. The acreage proposed to be removed is intended for future development and would have to be rezoned accordingly. The remaining acreage and site plan meet all of the requirements of the UDO and prior Planning and Zoning Commission rezoning approval.

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 21.89 +/- acres. The property being removed is approximately 4.27 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 such large format commercial uses as Afton Ridge 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.

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

The subject property is located north of the Afton Ridge Shopping Center, (south of Glen Afton Boulevard), which is zoned CD (Campus Development) and contains a range of commercial uses. The Century Afton Ridge apartment complex is located in the southern portion of Afton Ridge. The property will be combined with the previously approved multi-family project to the north, east and west, and gain access from Kannapolis Parkway and from Glen Afton Boulevard via Ashdale Court. That said, the proposed amendment does not change the zoning of the original plan. 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?

Access to Hawthorne is not changing with this amendment.

The subject property will continue to be accessed from Kannapolis Parkway, which is controlled by NCDOT, and Glen Afton Boulevard via Ashdale Court, which was specifically designed to connect to this property so that Glen Afton Boulevard could remain limited access

and the intervening property could share this access when developed. Therefore, no adverse effects on the capacity or safety of this portion of the street network is anticipated.

5. Will there be parking problems?

No parking problems are anticipated with this amendment.

6. Will there be environmental impacts that the new use will generate, such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances?

There are no anticipated environmental impacts such as water, air, or noise pollution, or excessive lighting issues associated with the amendment.

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 Afton Ridge Shopping Center has been developing over the past decade. Glen Afton Boulevard and Ashdale Court were built in conjunction with development of Afton Ridge and now provide access to the subject property. The *Farm Hill Small Area Plan* has been completed for the area east of the property and provides a guide to future re-development of this area. It is anticipated that the area surrounding the subject property will continue to experience development pressures in the future.

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

There are adequate public facilities available to the property, including water, sewer and access along Kannapolis Parkway and Glen Afton Boulevard.

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

Property to the south is zoned CD (Campus Development) with the parcel further south including the Afton Ridge Shopping Center (CD-CZ). Property to the north, east and west is CD-R-CZ (Campus Development – Residential – Conditional Zoning) and is part of the previously approved Hawthorne multi-family development. The area east of Kannapolis Parkway is zoned RE (Rural Estate) and includes residential uses, although the *Farm Hill Small Area Plan* is recommending that this area transition to a mix of non-residential and multi-family residential uses over time.

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

N/A

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

The CD-R zoning is established for residential uses and the proposed amendment does not affect the adjacent zoning districts.

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?

The majority of the land along Kannapolis Parkway is zoned CD or PUD, with single-family residential and agricultural zoning further north. There are very few parcels located along Kannapolis Parkway zoned to accommodate multi-family (apartments).

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 multifamily residential development. Furthermore, staff finds the request for amendment reasonable and in the public interest. The proposed is compatible with the surrounding zoning, yet not anticipated to have an adverse effect on the capacity and 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 of Zoning Map Amendment Case #CZ-2020-09, subject to the following conditions:

1. All conditions from the previously approved rezoning (Z-2016-08 and Z-2018-13 shall remain effective with this amendment for Hawthorne Apartments.
2. The preliminary plat, construction documents and final plats for the existing Hawthorne Apartments must be amended to reflect the new boundaries of the development.
3. Future development of Parcels 1 and 2 proposed with this amendment must be brought back before Planning and Zoning Commission for assignment of entitlements.

Alternative Courses of Action

APPROVAL

Motion 1 – Statement of Consistency

Should the Commission choose to approve the request for rezoning as presented in Case # CZ-2020-09, 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-2020-09 to be consistent with the City of Kannapolis Move Kannapolis Forward, 2030 Comprehensive Plan, adopted by City Council, which designated this property as being located in a Regional Commercial Center within a Suburban Activity 1 Character District, and allows for multifamily residential development. In addition, the Commission finds the request for rezoning reasonable and in the public interest because it allows for additional multi-family housing and provides a transition between surrounding commercial and rural residential*

uses. Furthermore, the proposed use of the property will be in conformance with all applicable provisions of the UDO as well as provide adequate buffers and protection for the environment and surrounding uses.

Motion 2 – Approval to rezone - Resolution to Zone

Should the Commission choose to approve the rezoning request, a motion should be made to adopt the Resolution to Zone (see attached).

DENIAL

Motion 1 – Statement of Consistency

Should the Commission choose to deny the request for rezoning as presented in Case # CZ-2020-09, 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 represented in Case CZ-2020-09, to be inconsistent with the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, because (state reason) and is neither reasonable nor in the public interest because (state reason) and is therefore denied based on the criteria listed in Section 3.3.5 of the UDO for evaluating zoning requests, consideration of the application materials and information presented at the Public Hearing.*

Motion 2 – Denial of Rezoning

Should the Commission choose to deny the rezoning request, a motion should be made to not adopt the Resolution to Zone.

I. Attachments

1. Conditional Zoning Application
2. Vicinity Map
3. Zoning Map
4. Move Kannapolis Forward 2030 Comprehensive Plan Land Use Map
5. Preliminary Site Plan
6. Neighborhood Meeting Report
7. Notice of Public Hearing
8. List of Notified Properties
9. Notice to Adjacent Property Owners
10. Posted Public Notice
11. Resolution to Zone
12. Resolution to Adopt a Statement of Consistency

J. Issue Reviewed By:

- City Manager
- City Attorney
- Planning Director



Conditional Zoning Map Amendment Checklist

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the size of the parcel, the proposed use or the adequacy of existing infrastructure servicing the location. Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

CONDITIONAL REZONING REQUEST

Conditional Rezoning – Request for an amendment to the Kannapolis Zoning Map. *Approval authority – Planning and Zoning Commission.*

Requested Rezoning Property Address: 6533 Willowbrook LN, Concord NC 28027

Applicant: Hawthorne Glen Afton Apartments, LLC

Proposed development: Site Plan Amendment to approved Hawthorne at Glen Afton Apartments

SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to planreviewappointment@kannapolisnc.gov
- Neighborhood Meeting (if required)
- Zoning Map Amendment Checklist and Application – Complete with all required signatures
- Preliminary Major Site Plan
- PDF format on disc containing all documents rotated and formatted in sequential order based upon cover page
- Fee: \$925.00 (\$600 Application Fee, \$300 Legal Notices and notification fee, # of property owners notified [see Fee Schedule])

By signing below I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Applicant's Signature: _____

Date: _____

8-27-2020



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

CONDITIONAL ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: Philip Payonk - Hawthorne Residential Partners

Phone: (336) 553-1700 Email: ppayonk@hrpliving.com

Property Owner Information same as applicant

Name: _____

Phone: _____

Email: _____

Project Information

Project Address: 6533 Willowbrook LN, Concord, NC 28027

Parcel: PIN 46919247850000 # of parcels: 1 Approx. size of parcels: 21.877
(attach separate list if necessary)

Current Zoning Designation: CD-R Requested Zoning Designation: no change

Reason for map amendment: _____

Site Plan Amendment to subdivide two parcels from the overall approved site plan.

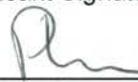
Condition(s) proposed by the applicant (attach separate sheet if necessary): _____

No change to original approved conditions

By signed below, 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.


Applicant Signature

8-24-2020
Date


Property Owner Signature

8-24-2020
Date

For Staff Use Only:

Filing Fee: _____

Receipt #: _____

Case #: _____

Date Received: _____

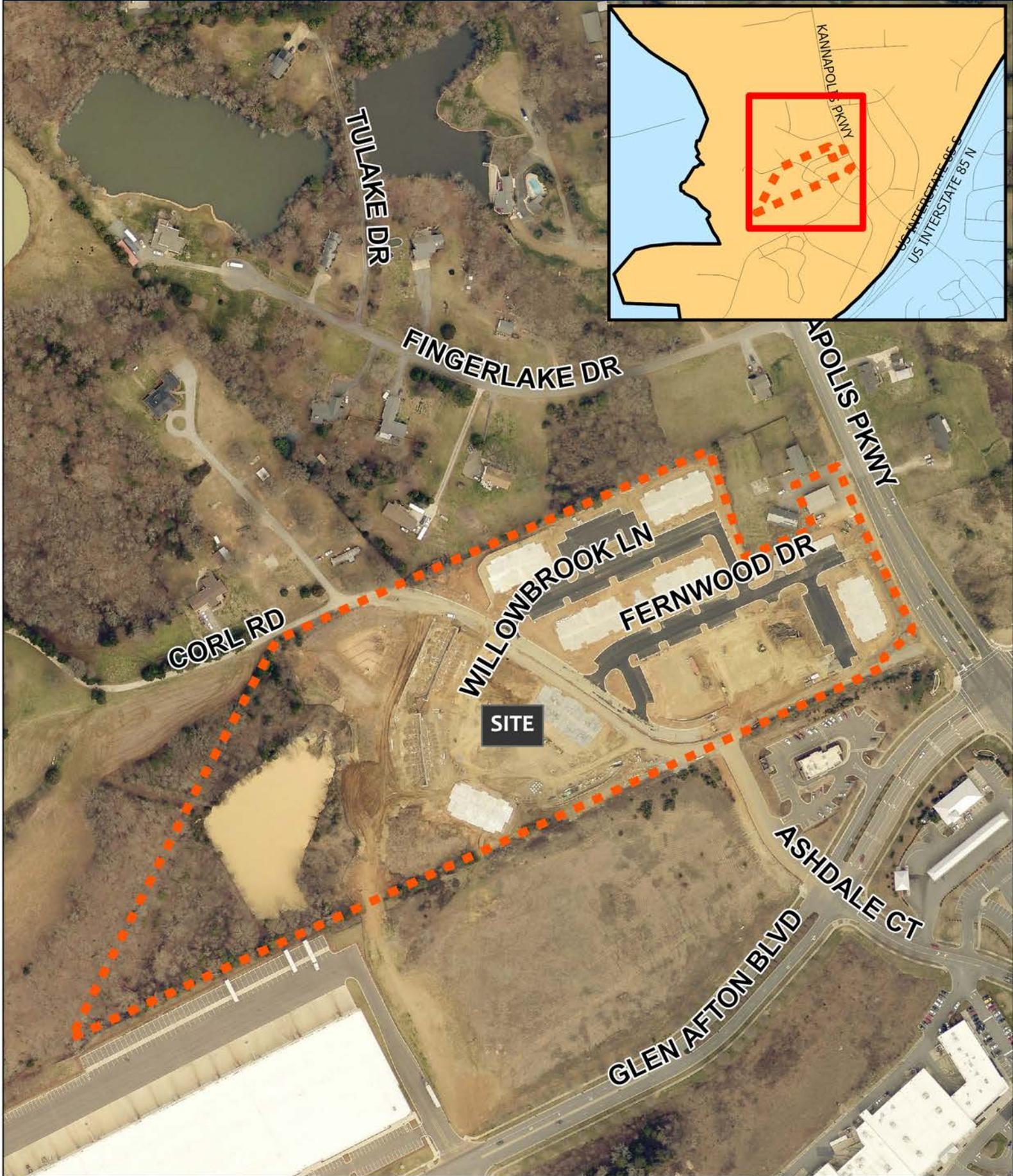


Vicinity Map

Case Number: CZ-2020-09

Applicant: BRD Land & Investment 1 LP

6533 Willowbrook Ln



CORL RD

TULAKE DR

FINGERLAKE DR

WILLOWBROOK LN

FERNWOOD DR

SITE

APOLIS PKWY

GLEN AFTON BLVD

ASHDALE CT

KANNAPOLIS PKWY

US INTERSTATE 85 S
US INTERSTATE 85 N

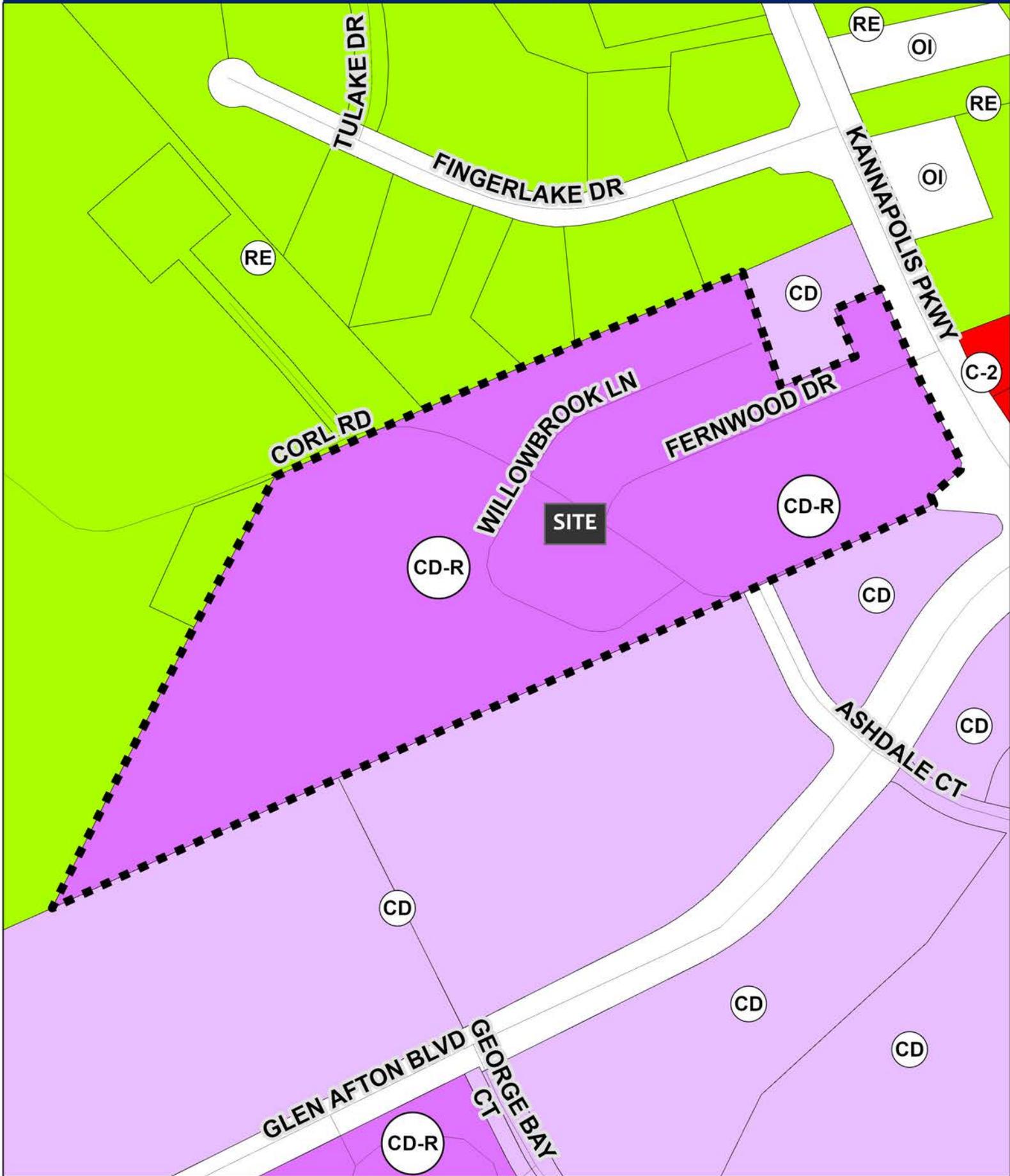


Kannapolis Current Zoning

Case Number: CZ-2020-09

Applicant: BRD Land & Investment 1 LP

6533 Willowbrook Ln

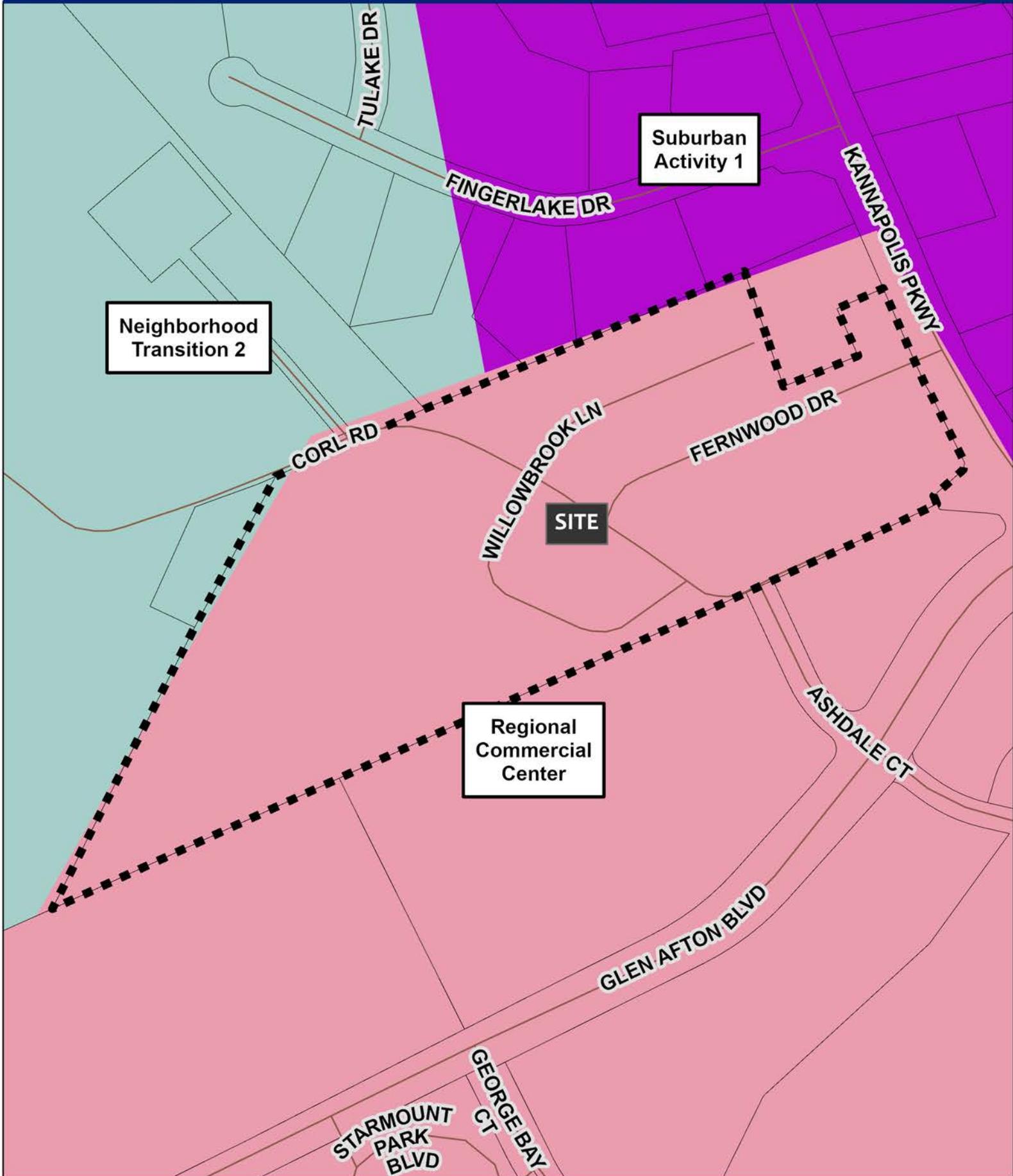


Kannapolis 2030 Future Land Use Map

Case Number: CZ-2020-09

Applicant: BRD Land & Investment 1 LP

6533 Willowbrook Ln



Hawthorne at the Glen Apartments Neighborhood Meeting Report

Held August 27, 2020 from 5:30 pm to 6:00 pm

The neighborhood meeting was held virtually using Zoom. A notification letter was mailed August 18, 2020 to fourteen (14) property owners located in close proximity to the property. Addresses were provided by the Kannapolis Planning Staff. *(Please refer to the invitation attached as Exhibit A and property owner invitee list attached as Exhibit B.)* Two individuals attended the meeting.

- 1) Priscilla Henley – 6555 Fingerlake Drive
- 2) Angela Argeta – 6495 Fingerlake Drive

The meeting was facilitated by representatives from Stimmel Associates, project land planners; and Hawthorne Residential Partners, owner representative.

Stimmel Associates
Luke Dickey

Hawthorne Residential Partners
Phil Payonk

A copy of the site plan was shared with the attendees to facilitate the discussion. It was noted that the site plan exhibit provided in the invitation had changed, but the overall intent remained the same. *(Please refer to Exhibit C):*

An overview of the proposed Site Plan Amendment was provided to the attendees to discuss the proposed subdivision of two parcels from the overall site. It was shared that there would be no changes to the apartment project. If the subdivided parcels were to be developed, then they would have to be rezoned and brought to the city for review and approval.

Questions from the attendees related to gaining an understanding of what was being proposed and if there were any impacts to their property. The neighbors did not express any concerns regarding the proposed plan and were supportive.

Prior to the meeting, Stimmel Associates was contacted by the property owners (Z & T Real Estate, LLC) of 637 Kannapolis Parkway by phone. Stimmel provided them an overview of the request and they did not have any concerns.

Respectfully submitted,



Luke A. Dickey, PLA
Vice President
Stimmel Associates, P.A.



LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
LAND PLANNING

601 N Trade Street, Suite 200
Winston-Salem, NC 27101
www.stimmelpa.com 336.723.1067

08/18/2020

Dear Neighbor,

The Hawthorne at Glen Afton Apartments is proposing to subdivide two portions from the overall apartment site. Please refer to attached site plan for more information. No additional changes are being proposed to the apartment site. As part of approval process, the City of Kannapolis is requiring the request to subdivide the parcel to be reviewed as a Site Plan Amendment through the Planning and Zoning Commission.

A neighborhood meeting is required as part of the plan submittal and the City of Kannapolis provided your address as you are a listed property owner within close proximity to the property.

Due to the COVID-19 pandemic, you are invited to attend a virtual meeting online via Zoom.

Date: Thursday, August 27

Time: 5:30 pm to 6:30 pm

To join the Zoom Meeting please go to the following website address:

<https://zoom.us/j/97515342297?pwd=YXVnUVpLbE9ienU3S3BqTkIDZWI1dz09>

Meeting ID: 975 1534 2297

Passcode: 7hGbD9

If you are unable to attend the meeting or if you have any questions, you can contact Luke Dickey with Stimmel Associates who is assisting the property owner through the plan approval process.

Luke can be reached by phone or email:

Phone: (336) 723-1067

Email: ldickey@stimmelpa.com



Carbajal German Gonzalez &
Argeta Angela Spouse
6495 Fingerlake Dr
Concord, NC 28027

CK Waitt Industrial LLC
301 S College St, Suite 2800
Charlotte, NC 28202

Mcgaha-Yow & Company LLP
963 Odell School Rd
Concord, NC 28027

The Charlotte-Mecklenburg Hospital
Authority C/O Bennett Thompson
9401 Arrowpoint Blvd
Charlotte, NC 28273

MBM Investment Properties, LLC
P.O. Box 5328
Concord, NC 28026

Z & T Real Estate LLC
9122 Dylan Ridge Ct
Concord, NC 28027

Motley Fred Penn
6331 Corl Rd
Concord, NC 28027

M & L Property Development, LLC
C/O Ricky Meeks
313 S Main St, Suite 100
Kannapolis, NC 28081

Diep Michael & Diep Tuyen Kim
2708 Kendallwood Ct
Kannapolis, NC 28081

Hawthorne Glen Afton Apartments LLC
806 Green Valley Rd, Suite 311
Greensboro, NC 27408

SHWE Investments LLC A NC LLC
9122 Dylan Ridge Ct
Concord, NC 28027

Miller Cavell R
6485 Fingerlake Dr
Concord, NC 28027

Moss Michael S & Moss Cassandra
6475 Fingerlake Dr
Concord, NC 28027

Outparcel Holdings LLC
1040 Founders Blvd, Suite 100
Athens, GA 30606



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000674970

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 \$448.14

Payment Amount \$448.14

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**
0000674970-01 CLS Liner 2 X 36 li \$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 9/25/2020, 10/ 2/2020

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETING401LAUREATEWAYKANNAPOLISNCWEDNESDAYOCTOBER72020AT600PMSITEPLANAMENDMENT



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

Wednesday October 7, 2020 at 6:00 pm

Site Plan Amendment - CZ-2020-09 - Public hearing to consider a request for a site plan amendment to approximately 21.877 acres of property located at 6533 Willowbrook Ln., further identified as Cabarrus County PIN # 4691-92-4785 to allow for subdivision of two parcels from the overall approved site plan.

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: September 25, October 2, 2020.

AcctName1	MailAddr1	City	State	ZipCod
AARON & GERMAIN HENLEY	6555 FINGERLAKE DR	CONCORD	NC	28027
CAVELL R MILLER	6485 FINGERLAKE DR	CONCORD	NC	28027
CK WAITT INDUSTRIAL LLC				
	301 S COLLEGE ST STE 2800	CHARLOTTE	NC	28202
FRED MOTLEY	6331 CORL ROAD	CONCORD	NC	28027
GERMAN GONZALEZ CARBAJAL	6495 FINGERLAKE DR	CONCORD	NC	28027
HAWTHORNE RESIDENTIAL PARTNERS ATTN: PHILIP PAYONK	806 GREEN VALLEY RD STE 311	GREENSBORO	NC	27408
MBM INVESTMENT PROPERTIES,LLC	P O BOX 5328	CONCORD	NC	28026
MICHAEL & CASSANDRA MOSS	6475 FINGERLAKE DRIVE	CONCORD	NC	28027
OUT PARCEL HOLDINGS LLC	1040 FOUNDERS BLVD STE 100	ATHENS	GA	30606
SHWE INVESTMENT LLC A NC LLC	318 MARLOW DR	CONCORD	NC	28027
THE CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY C/O BENNETT THOMPSON	PO BOX 38261	CHARLOTTE	NC	28273
Z & T REAL ESTATE LLC	318 MARLOW DR	CONCORD	NC	28027
MCGAHA-YOW & COMPANY LLP	963 ODELL SCHOOL RD	CONCORD	NC	28027
C/O RICKY MEEKS	630 KANNAPOLIS PKWY	CONCORD	NC	28027
MICHAEL & TUYEN DIEP	2708 KENDALLWOOD CT	KANNAPOLIS	NC	28081



September 25, 2020

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Wednesday, October 7, 2020 at 6:00 PM, for the following case:

CZ-2020-09 – Conditional Zoning Map Amendment – Hawthorne at the Glen Apartments

The purpose of the Public Hearing is to consider a request by Hawthorne Residential Partners for a site plan amendment to property located at 6533 Willowbrook Ln. which will allow subdivision of two parcels from the overall approved site plan. The subject property is approximately 21.877 +/- acres and further identified as Cabarrus County Parcel Identification Number 4691-92-4785 (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.

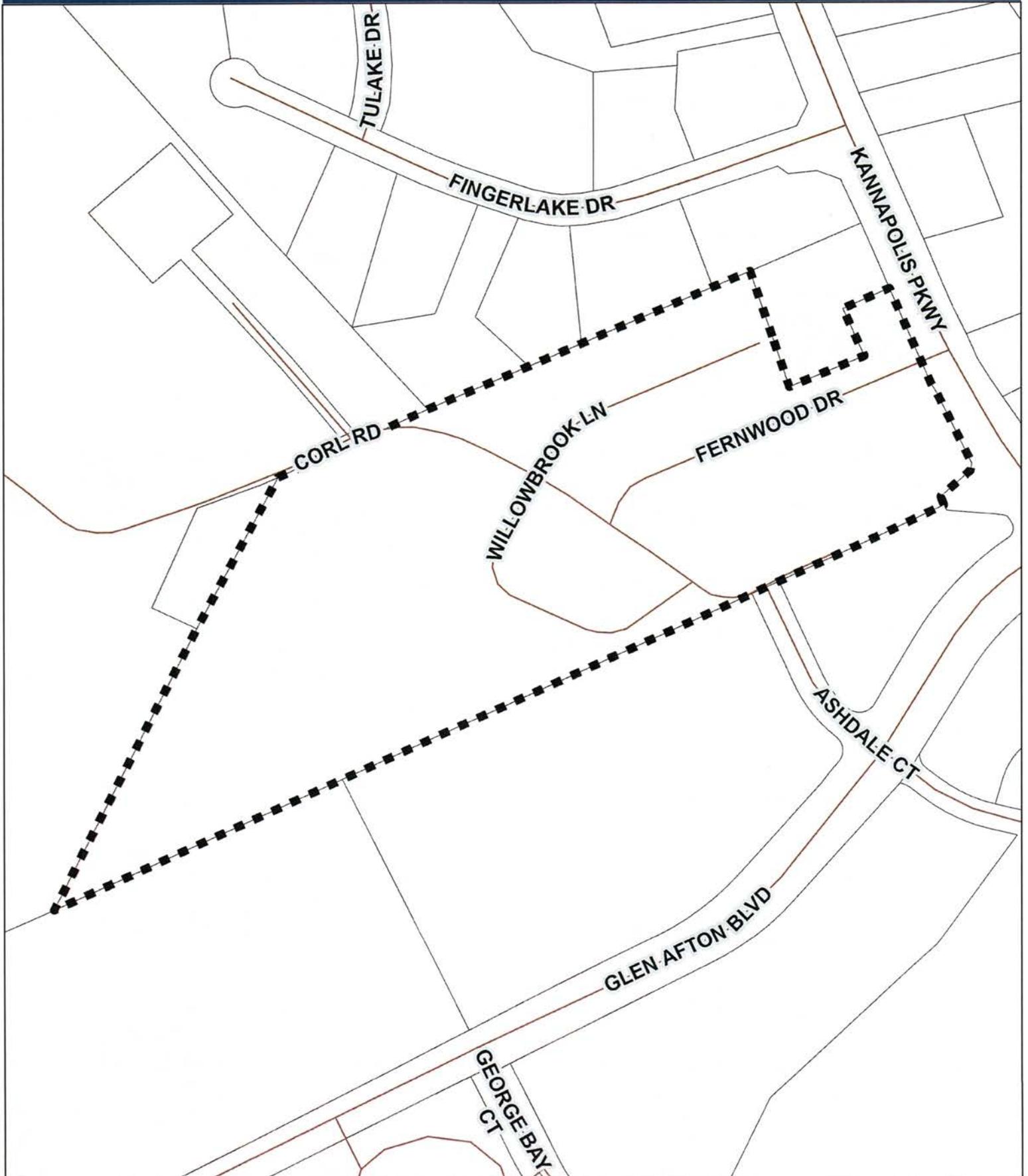


Zoning Map Amendment

Case Number: CZ-2020-09

Applicant: BRD Land & Investment 1 LP

6533 Willowbrook Ln




PLANNING
ZONING
COMMISSION
PUBLIC HEARING
INFORMATION
CALL 704-829-4339
CASE # 02-3709-19





PLANNING
ZONING
COMMISSION
PUBLIC HEARING
INFORMATION
CALL 704-620-4350
CASE # CZ - 2020 - 69





**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #CZ-2020-09**

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 October 7, 2020 the Planning and Zoning Commission conducted a public hearing to consider a zoning map amendment for property located at 6533 Willowbrook Lane, (Cabarrus County Parcel Identification Number 4691-92-4785) owned by Hawthorn Glen Afton Apartments, LLC., to sub-divide and remove two (2) lots totaling 4.27 acres from the approved site plan.

NOW, THEREFORE BE IT RESOLVED *that the Planning and Zoning Commission finds this zoning map amendment as presented in Case #CZ-2020-09 to be consistent with the City of Kannapolis Move Kannapolis Forward, 2030 Comprehensive Plan, adopted by City Council, which designated this property as being located in a Regional Commercial Center within a Suburban Activity 1 Character District, and allows for multifamily residential development. In addition, the Commission finds the request for rezoning reasonable and in the public interest because it allows for additional multi-family housing and provides a transition between surrounding commercial and rural residential uses. Furthermore, the proposed use of the property will be in conformance with all applicable provisions of the UDO as well as provide adequate buffers and protection for the environment and surrounding uses.*

Adopted this the 7th day of October 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE
Case #CZ-2020-09 (6533 Willowbrook Lan)

Hawthorne at the Glen Zoning Map Amendment

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.B. 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 October 7, 2020 for consideration of an amendment to a previously approved rezoning plan for Hawthorne at the Glen Apartments petition Case #CZ-2020-09 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the subject property was previously rezoned under petition Case #Z-2016-08, approved on December 12, 2016 and Case #Z-2018-13, approved on July 11, 2018; and

WHEREAS, the request was to amend the previously approved rezoning plan for property located at 6533 Willowbrook Lane, (Cabarrus County Parcel Identification Number(s) 4691-92-4785) owned by Hawthorne Glen Afton Apartments, LLC., to sub-divide and remove two (2) lots totaling 4.27 +/- acres from the approved site plan; 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 21.89 +/- acres. The property being removed is approximately 4.27 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 such large format commercial uses as Afton Ridge 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.

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

The subject property is located north of the Afton Ridge Shopping Center, (south of Glen Afton Boulevard), which is zoned CD (Campus Development) and contains a range of commercial uses. The Century Afton Ridge apartment complex is located in the southern portion of Afton Ridge. The property will be combined with the previously approved multi-family project to the north, east and west, and gain access from Kannapolis Parkway and from Glen Afton Boulevard via Ashdale Court. That said, the proposed amendment does not change the zoning of the original plan. 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?

Access to Hawthorne is not changing with this amendment.

The subject property will continue to be accessed from Kannapolis Parkway, which is controlled by NCDOT, and Glen Afton Boulevard via Ashdale Court, which was specifically designed to connect to this property so that Glen Afton Boulevard could remain limited access and the intervening property could share this access when developed. Therefore, no adverse effects on the capacity or safety of this portion of the street network is anticipated.

5. Will there be parking problems?

No parking problems are anticipated with this amendment.

6. Will there be environmental impacts that the new use will generate, such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances?

There are no anticipated environmental impacts such as water, air, or noise pollution, or excessive lighting issues associated with the amendment.

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 Afton Ridge Shopping Center has been developing over the past decade. Glen Afton Boulevard and Ashdale Court were built in conjunction with development of Afton Ridge and now provide access to the subject property. The *Farm Hill Small Area Plan* has been completed for the area east of the property and provides a guide to future re-development of this area. It is anticipated that the area surrounding the subject property will continue to experience development pressures in the future.

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

There are adequate public facilities available to the property, including water, sewer and access along Kannapolis Parkway and Glen Afton Boulevard.

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

Property to the south is zoned CD (Campus Development) with the parcel further south including the Afton Ridge Shopping Center (CD-CZ). Property to the north, east and west is CD-R-CZ (Campus Development – Residential – Conditional Zoning) and is part of the previously approved Hawthorne multi-family development. The area east of Kannapolis Parkway is zoned RE (Rural Estate) and includes residential uses, although the *Farm Hill Small Area Plan* is recommending that this area transition to a mix of non-residential and multi-family residential uses over time.

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

N/A.

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

The CD-R zoning is established for residential uses and the proposed amendment does not affect the adjacent zoning districts.

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?

The majority of the land along Kannapolis Parkway is zoned CD or PUD, with single-family residential and agricultural zoning further north. There are very few parcels located along Kannapolis Parkway zoned to accommodate multi-family (apartments).

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 amended subject to the following conditions:

1. All conditions from the previously approved rezoning (Z-2016-08 and Z-2018-13 shall remain effective with this amendment for Hawthorne Apartments.
2. The preliminary plat, construction documents and final plats for the existing Hawthorne Apartments must be amended to reflect the new boundaries of the development.
3. Future development of Parcels 1 and 2 proposed with this amendment must be brought back before Planning and Zoning Commission for assignment of entitlements.

Adopted this the 7th day of October 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission