



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

Staff Report

DATE: December 30, 2019
TO: Planning & Zoning Commission
FROM: Ryan Lipp, Senior Planner
SUBJECT: **Case #Z-2020-01: 601 E 13th Street**
Zoning Map Amendment
Applicant: Matthew Linker

The applicant is requesting to rezone approximately 0.73 +/- total acres located at 601 E 13th Street from C-2 (General Commercial) to RV (Residential Village).

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

The owner, Matthew Linker is proposing to rezone the subject property, further identified as Rowan County PIN# 159 318. This is a map amendment request without any conditions as the intent is to rezone the property from C-2 (General Commercial) to RV (Residential Village) and develop a single-family detached home on the subject property.

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 area is approximately 0.73 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 within the “Secondary Activity Center” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Secondary Activity Center character area calls for primary uses of retail, office and multi-family residential. Secondary uses are intended to be single family attached residential, institutional/civic and light manufacturing. This character area also calls for development opportunities in the areas of infill development. The RV zoning district proposed with this rezoning would allow for the residential uses designated in the Secondary Activity Center character area.
- 3. Is the proposed rezoning compatible with the surrounding area?**
The surrounding area consists of predominantly single-family detached residence. The proposed RV designation is primarily a single-family zoning designation and is therefore 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?**
There is no anticipated adverse impact on the street network as a result of this rezoning.
- 5. Will there be parking problems?**
No parking problems are anticipated. At the time of permitting, any proposed development is required to comply with all applicable parking standards of the 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 environmental impacts such as water, air, or noise pollution, or excessive lighting issues associated with the rezoning request.
- 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 surrounding area has been relatively stable with regard to development.
- 8. Is there compliance with the adequate public facilities criteria?**
Utility improvements or connections will be reviewed during permitting and will be the responsibility of the developer.
- 9. What are the zoning districts and existing land uses of the surrounding properties?**

Properties to the south and west are zoned RV. Properties to the north and east are zoned C-2.

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

The subject parcel is zoned C-2. The area is primarily single family residential. Given the size and location, the property is most suitable for single family use.

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

The RV zoning is compatible with the existing single family uses in the surrounding area.

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

An exact length of time is not known. Based on aerial images, there was a mobile home that existed on the property that was removed after 2010 and prior to 2014.

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

There is an adequate supply of parcels in the subject area to accommodate a wide variety of development types.

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 zoning map **consistent** with the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which places the subject property in the “Secondary Activity Center” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The RV zoning district proposed with this rezoning is consistent with the residential secondary uses of the Second Activity Center character area. The proposed rezoning is compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity and safety of the surrounding street network, nor is anticipated to generate parking problems or any adverse impact on the environment. Finally, there is access to adequate 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 #Z-2020-01

Alternative Courses of Action

Motion to Approve (2 votes)

1. **Should the Commission choose to approve the request for rezoning as presented in Case #Z-2020-01, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *Staff finds this zoning map consistent with the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which places the subject property in the "Secondary Activity Center" Character Area as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. The RV zoning district proposed with this rezoning is consistent with the residential secondary uses of the Second Activity Center character area. The proposed rezoning is compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity and safety of the surrounding street network, nor is anticipated to generate parking problems or any adverse impact on the environment. Finally, there is access to adequate public facilities.*

2. **Should the Commission choose to approve Case #Z-2020-01, 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 #Z-2020-01 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 #Z-2020-01 to be inconsistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

2. **Should the Commission choose to deny Case #Z-2020-01 a motion should be made to deny the Resolution to Zone.**

I. Attachments

1. Rezoning Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Notice of Public Hearing
6. List of Properties Notified
7. Letter to Adjacent Property Owners
8. Public Notice Sign
9. Resolution to Adopt a Statement of Consistency
10. 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 | <input checked="" type="checkbox"/> |
| Appeal | _____ | Conditional Zoning Map Amendment | _____ |

Applicant: Matthew Linker Owner: Same

Address: 281 Barr-link rd Address: _____
mt Pleasant NC 28124

Telephone: 980 255 9454 Telephone: _____

Email: hlinker@live.com Email: _____

Legal relationship of applicant to property owner: SAME

Property Location/Address: 601 E. 13th st

Tax Parcel Number: 159 318 Zoning District: C-2 Acreage of Site: .72

Matthew Linker
Applicant Name (Print) Property Owner Name (Print)

Matthew Linker 12-5-19
Applicant Signature & Date Property Owner Signature & Date

The agenda deadline is the first day of the month preceding the month of the meeting. To be considered for placement on the next meeting agenda, the signed application, application fee, and five (5) copies of any required site plans for staff review must be submitted by the deadline. However, to remain on the next meeting agenda, fifteen (15) copies of such plans, determined by staff to conform to all ordinance standards, must be submitted at least ten (10) days before the meeting date. All fees are nonrefundable and help to cover administrative and notification costs.

For Staff Use Only:

Filing Fee: \$525.00

Receipt # M-11276

Application No.: Z-2020-01

Date Submitted (Complete): 12/6/2019



**APPLICATION FOR AMENDMENT TO THE
KANNAPOLIS ZONING MAP**

Property Identification Number(s): 159-318
(attach separate list if necessary)

Present zoning classification: C-2

Requested zoning classification: RV

Number of parcels: 1 Approximate size of area: _____

Physical location of area: _____

Are public utilities available? yes

Reason for map amendment SINGLE Family Residence

The above information is true and accurate to the best of my knowledge. Signature of Applicant(s):

Matthew J. Lips _____

(attach separate sheet if necessary)

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



Vicinity Map

Case Number: Z-2020-01
Applicant: Matthew Linker
601 E. 13th St.





Kannapolis Current Zoning

Case Number: Z-2020-01
Applicant: Matthew Linker
601 E. 13th St.





Kannapolis 2030 Future Land Use Map

Case Number: Z-2020-01
Applicant: Matthew Linker
601 E. 13th St.





PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000619732

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

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

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

Fax: 7049337463
EEmail: byow@kannapolisnc.gov

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

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

Tax Amount: 0.00
Payment Meth: Credit - Debit Card

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

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

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

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

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

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETI
OLISNCWEDNESDAYJANUARY82019AT600PMCONDITIONALZONINGM/



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

Wednesday January 8, 2019 at 6:00 pm

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

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

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

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

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

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

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

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
KRISTIN & DELORIS WEAVER	6330 IRISH POTATO RD	KANNAPOLIS	NC	28083-9674
JUAN & ALMADELIA GALVAN	10602 BARVAS ST	CHARLOTTE	NC	28260-0000
MATT & MIRANDA LAUFFER	506 E 13TH ST	KANNAPOLIS	NC	28083-2883
ANNIE THOMAS	508 E 13TH ST	KANNAPOLIS	NC	28083-2883
RUSSELL & LINDA DAVIS	600 E 13TH ST	KANNAPOLIS	NC	28083-2879
DAVID O'BRYAN	8030 MCCARRON WAY	CHARLOTTE	NC	28215-8712
NIKOLAOS GEORGIU ETAL	604 E 13TH ST	KANNAPOLIS	NC	28083-0000
JEFFREY & ANGELA BROCK	608 E 13TH ST	KANNAPOLIS	NC	28083-2879
MARSHALL EUBANKS	904 CUB ST	KANNAPOLIS	NC	28081-9340
NATHANIEL & WILLIE JORDAN	601 E 12TH ST	KANNAPOLIS	NC	28083-2717
PAUL H BARNHARDT	1294 DEERFIELD DR	SPARTANBURG	SC	29302-0000
RUSSELL & LINDA DAVIS	600 E 13TH ST	KANNAPOLIS	NC	28083-2879
MARGARITA GEORGIU & HUMBERTO AMAYA	902 NANCE ST	KANNAPOLIS	NC	28083-3851
MARGARET ADERHOLD C/O LORNIE SNOW	2210 BILLY ST	KANNAPOLIS	NC	28083-9145
MICHAEL & SHERRY SHOE JAIME GALARZA & JOSE MATA	1315 FOX AVE 603 E RYDER AVE	KANNAPOLIS LANDIS	NC	28083-2731 28088-1523
RICKY OLIVER	1311 FOX AVE	KANNAPOLIS	NC	28083-2731
CHARLES DAYVAULT ETAL	1322 N CANNON BLVD	KANNAPOLIS	NC	28083-0000
ROBERT & GAIL PHILLIPS ET AL	627 S CHAPEL ST	LANDIS	NC	28088-1825
JOHNNY HORNE	603 E 13TH ST	KANNAPOLIS	NC	28083-2886
BRYANT & JUDY FOSTER	507 E 13TH ST	KANNAPOLIS	NC	28083-2884
CATHY ROSE	620 PEARL POINT CT	MILLERVILLE	MD	21108-0000
JILL NESTER	22262 SHADOW RDG	MISSION VIEJO	CA	92692-4817
SUSAN BARNETTE	1304 CRAVEN AVE	KANNAPOLIS	NC	28083-0000
ERNEST E MONTGOMERY TRUSTEE	20201 RIVER CHASE DR	CORNELIUS	NC	28031-7177
JESSICA L MUSGROVE	509 E 13TH ST	KANNAPOLIS	NC	28083-0000
PHILIP & DIANE HARTIS	1306 CRAVEN AVE	KANNAPOLIS	NC	28083-2727
MATTHEW LINKER	281 BARR-LINK RD	MT PLEASANT	NC	28124



December 23, 2019

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Wednesday January 8, 2020 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

Z-2020-01 – Zoning Map Amendment – 601 E. 13th Street

The purpose of this Public Hearing is to consider a request by Matthew Linker to rezone property located at 601 E. 13th Street from C-2 (General Commercial) to RV (Residential Village) to allow for the construction of a single-family residential structure. The property is approximately .73 +/- acres and is further identified as Rowan County Parcel Identification Number 159 318 (see reverse side of this letter for vicinity map showing the location of this property).

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

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

Sincerely,

Ryan Lipp
Senior Planner

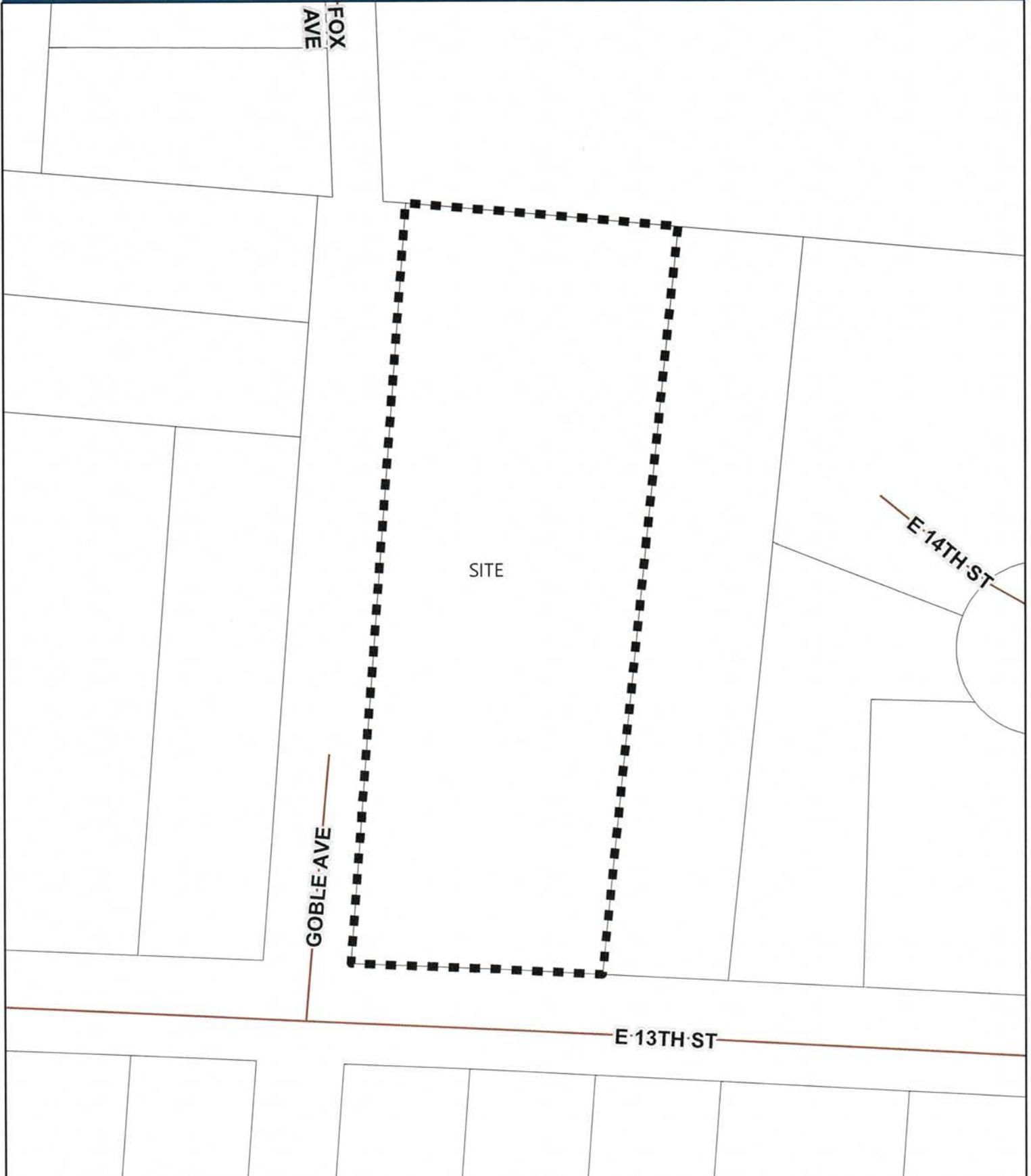
Enclosure

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



Rezoning

Case Number: Z-2020-01
Applicant: Matthew Linker
601 E. 13th St.





KANNAPOLIS
**PLANNING
ZONING**
COMMISSION
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # 7-2020-01

SPEED
LIMIT
35

Goble



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #Z-2020-01**

WHEREAS, Section 160A-383 (2013) of the North Carolina General Statutes specifies that when adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable and explain why the action taken is reasonable and in the public interest; and

WHEREAS, Section 3.3.4.2 of the Unified Development Ordinance delegates final authority to the Planning and Zoning Commission on zoning map amendments subject to an affirmative vote of three-fourths of the Commission members present and not excused from voting, or if there is no appeal of the decision; and

WHEREAS, on January 8, 2020 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone a property located at 601 E 13th Street owned by Matthew Linker, from City of Kannapolis General Commercial (C-2) Zoning Designation to a City of Kannapolis Residential Village (RV) Designation.

NOW, THEREFORE BE IT RESOLVED *that the Planning and Zoning Commission finds this zoning map **consistent** with the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which places the subject property in the “Secondary Activity Center” Character Area as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. The RV zoning district proposed with this rezoning is consistent with the residential secondary uses of the Second Activity Center character area. The proposed rezoning is compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity and safety of the surrounding street network, nor is anticipated to generate parking problems or any adverse impact on the environment. Finally, there is access to adequate public facilities.*

Adopted this the 8th day of January 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE
Case #Z-2020-01 (601 E 13th Street)

**City of Kannapolis General Commercial (C-2) Zoning District to
City of Kannapolis Residential Village (RV) 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 January 8, 2020 for consideration of rezoning petition Case #Z-2020-01 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone property located at 601 E 13th Street, (Rowan County Parcel Identification Number(s) 159 318) owned by Matthew Linker, from City of Kannapolis General Commercial (C-2) Zoning Designation to City of Kannapolis Residential Village (RV) 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 area is approximately 0.73 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 within the “Secondary Activity Center” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Secondary Activity Center character area calls for primary uses of retail, office and multi-family residential. Secondary uses are intended to be single family attached residential, institutional/civic and light manufacturing. This character area also calls for development opportunities in the areas of infill development. The RV zoning district proposed with

this rezoning would allow for the residential uses designated in the Secondary Activity Center character area.

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

The surrounding area consists of predominantly single-family detached residence. The proposed RV designation is primarily a single-family zoning designation and is therefore 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?

There is no anticipated adverse impact on the street network as a result of this rezoning.

5. Will there be parking problems?

No parking problems are anticipated. At the time of permitting, any proposed development is required to comply with all applicable parking standards of the 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 environmental impacts such as water, air, or noise pollution, or excessive lighting issues associated with the rezoning request.

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 surrounding area has been relatively stable with regard to development.

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

Utility improvements or connections will be reviewed during permitting and will be the responsibility of the developer.

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

Properties to the south and west are zoned RV. Properties to the north and east are zoned C-2.

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

The subject parcel is zoned C-2. The area is primarily single family residential. Given the size and location, the property is most suitable for single family use.

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

The RV zoning is compatible with the existing single family uses in the surrounding area.

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

An exact length of time is not known. Based on aerial images, there was a mobile home that existed on the property that was removed after 2010 and prior to 2014.

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

There is an adequate supply of parcels in the subject area to accommodate a wide variety of development types.

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 RV – Residential Village Zoning District

Adopted this the 8th day of January 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission