



**Planning & Zoning Commission
March 4, 2020 Meeting**

Staff Report

DATE: February 26, 2020
TO: Planning & Zoning Commission
FROM: Gretchen Coperine, AICP
SUBJECT: **Case #Z-2020-02: 406 E D Street
Zoning Map Amendment
Applicant: David Miller Realty & Investment Inc.**

The applicant is requesting to rezone approximately 0.40 +/- total acres located at 406 E D Street from B-1 (Neighborhood 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 applicant, David Miller Realty & Investment Inc. is proposing to rezone the subject property, further identified as Cabarrus County PIN# 5613-77-2592. This is a map amendment request without any conditions as the intent is to rezone the property from B-1 (Neighborhood Commercial) to RV

(Residential Village). If rezoned, any of the permitted uses in the RV zoning district would be allowed on the 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 0.40 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 “Urban Residential” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Urban Residential Character Area calls for primary uses of single-family attached and detached residential. Secondary uses are intended to be multi-family residential, small format retail, small format office and Live-work. 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 Urban Residential 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 north, south, east and west are zoned RV.

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 B-1. 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.

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 “Urban Residential” 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 primary uses of the Urban Residential 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-2020-02

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-2020-02, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map **consistent** with the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which places the subject property in the "Urban Residential" 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 primary uses of the Urban Residential 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-2020-02, a motion should be made to adopt the Resolution to Zone.**

Motion to Deny (2 votes)

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

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #Z-2020-02 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-2020-02 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. Posted 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: David Miller Realty Investment Inc Owner: Same

Address: 1640 Dale Fernhardt Blvd Address: _____
Kennapolis NC 28083

Telephone: 704-791-5845 Telephone: _____

Email: David@APMrentals.net Email: _____

Legal relationship of applicant to property owner: Same

Property Location/Address: 409 E. D St, Kennapolis NC 28083

Tax Parcel Number: 5613772592000 Zoning District: B1 to RU Acreage of Site: .384

<u>David Miller</u>	<u>Same</u>
Applicant Name (Print)	Property Owner Name (Print)
<u>[Signature]</u> <u>2-5-20</u>	<u>[Signature]</u> <u>2-5-20</u>
Applicant Signature & Date	Property Owner Signature & Date

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

For Staff Use Only:

Filing Fee: 625.00

Receipt # M-11319

Application No.: _____

Date Submitted (Complete): 2/5/2020



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

Property Identification Number(s): 56137725920000
(attach separate list if necessary)

Present zoning classification: B1

Requested zoning classification: RV

Number of parcels: 1 Approximate size of area: .384

Physical location of area: 406 E. D St, Kannapolis NC 28083

Are public utilities available? yes

Reason for map amendment I intend to build a single family home on this site.

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

(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-2020-02
David Miller Realty & Investment Inc.
406 E. D St.



SITE

HURON ST
E D ST

HURON ST

CENTERVIEW ST

OLD CENTERGROVE RD

FRONT ST

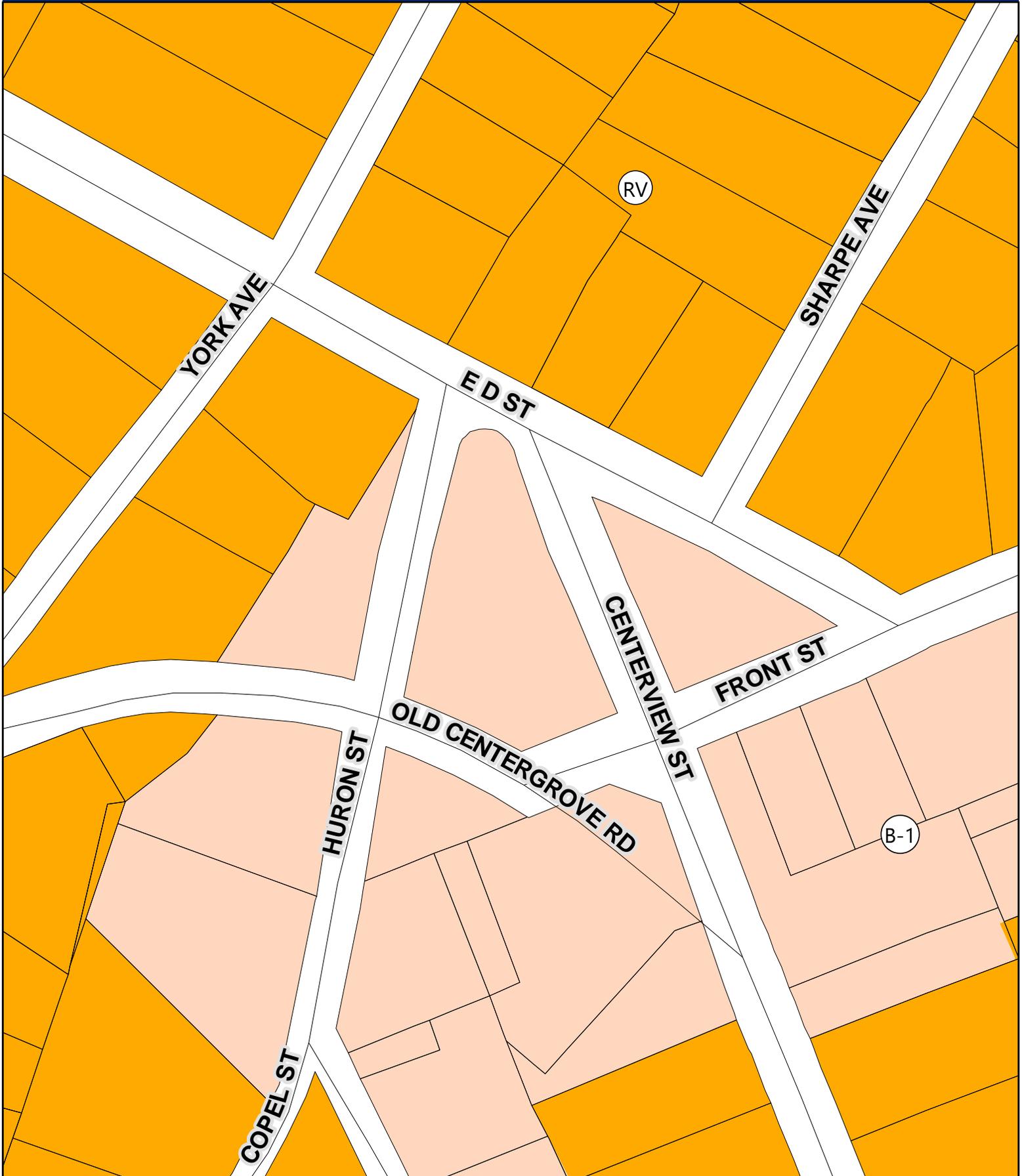
S ROSE AVE
E D ST
YORK AVE
WALTER ST
OLD CENTERGROVE RD
HURON ST

SHARPE A



Kannapolis Current Zoning

Case Number: Z-2020-02
David Miller Realty & Investment Inc.
406 E. D St.



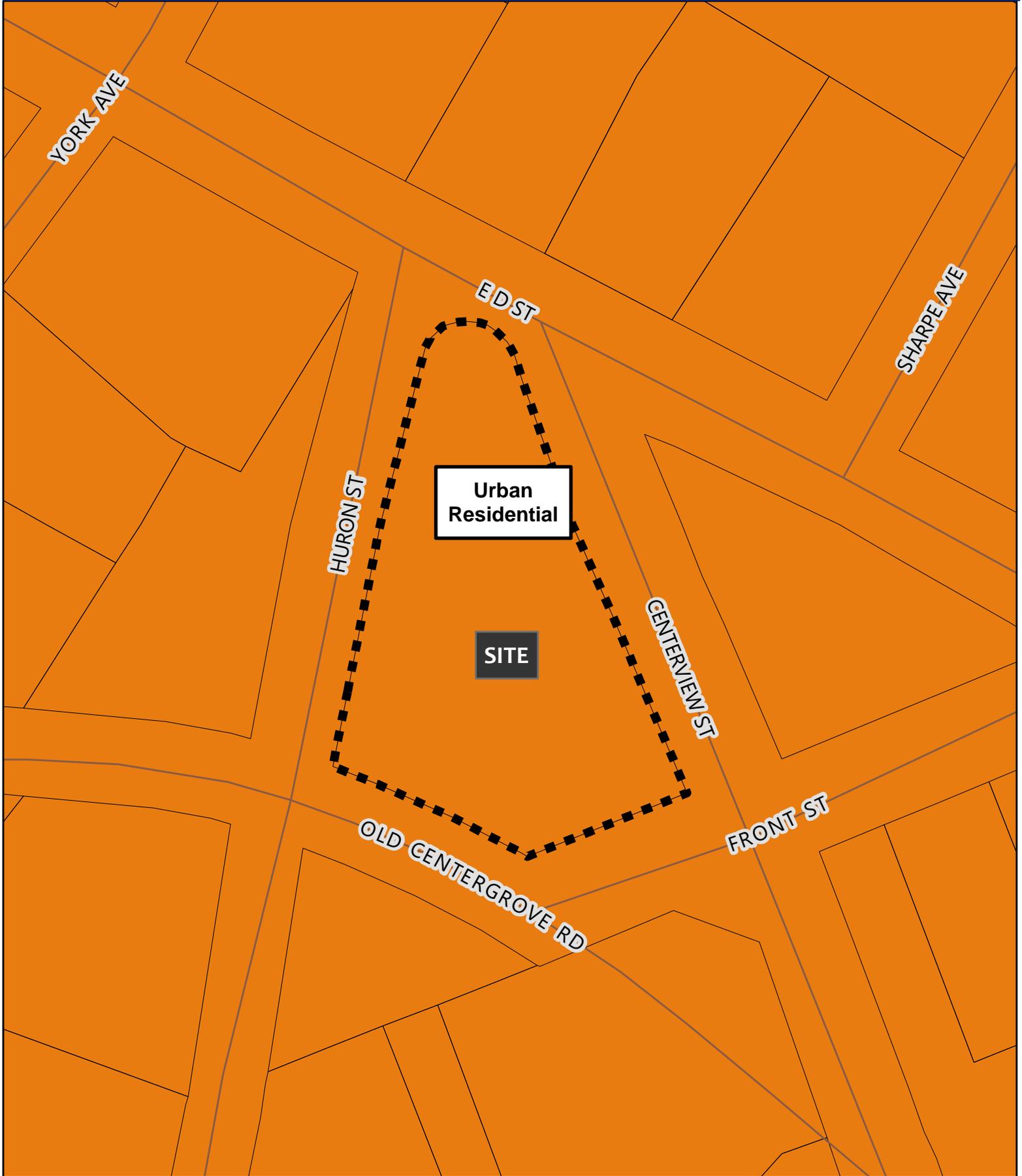


Kannapolis 2030 Future Land Use Map

Case Number: Z-2020-02

David Miller Realty & Investment Inc.

406 E. D St.





PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000634530

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 \$509.84
Payment Amount \$509.84

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

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>	<u>Color</u>
0000634530-01	CLS Liner	2 X 41 li	\$0.00

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

<u>Product and Zone</u>	<u>Placement</u>	<u>Position</u>	<u># Inserts</u>
CON Independent Trib	C-Announcements	General-Spec Notice	2

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

Run Dates 2/21/2020, 2/28/2020

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETING401LAUREATEWAYKANNAPOLISNCWEDNESDAYMARCH42020AT600PMCONDITIONALZONINGMAPA



KANNAPOLIS

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

Wednesday March 4, 2020 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2020-01 - Public hearing to consider a request to rezone approximately 1.07 +/- acres located at 715 Kannapolis Parkway from RE (Rural Estate) to C-2-CZ (General Commercial-- Conditional Zoning), further identified as Cabarrus County PIN #4691-93-9618 to allow for development of a veterinarian hospital.

Zoning Map Amendment - Z-2020-02 - Public hearing to consider a request to rezone approximately .40 +/- acres located at 406 E D Street from B-1 (Neighborhood Commercial) to RV (Residential Village), further identified as Cabarrus County PINs #5613-77-2592.

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 February 21, 2020 & Friday February 28, 2020

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
OPERATION HOMELESS INC	412 V-8 ST	KANNAPOLIS	NC	28083
JAMNIE LAWS & SHEA LAWS	5212 NORWOOD DRIVE	CONCORD	NC	28027
JOYCE P WILKERSON LF EST	220 SHARP AVE	KANNAPOLIS	NC	28083
CABARRUS COUNTY	PO BOX 707	CONCORD	NC	28026
JAMES & NANCY DEMENY	226 YORK AVENUE	KANNAPOLIS	NC	28081
SOUTH MILLS PROPERTIES LLC	3119 LAKE SHORE RD S	DENVER	NC	28037
JOSE & DINA FLORES	3131 KAYLA LN	CHARLOTTE	NC	28215
SEAN SZAKEL	223 YORK AVE	KANNAPOLIS	NC	28083
LAURA R FISHER ESTATE	3713 WOODPARK DR	JAMESTOWN	NC	27282
SOUTH MILLS PROPERTIES LLC	3119 LAKE SHORE RD S	DENVER	NC	28037
MARTHA F JOHNSON TRUST	1600 EASTWOOD DR	KANNAPOLIS	NC	28083
LOUIE & LEIGH HUNTER	134 SPRINGWAY DR	KANNAPOLIS	NC	28081
MATTHEW C ERICH	2728 S RIDGE AVE	CONCORD	NC	28025
ALL GOODNESS ENTERPRISES LLC	PO BOX 1944	CONCORD	NC	28026
LARRY & JUDY COX	405 E D ST	KANNAPOLIS	NC	28083
MARABLE MEMORIAL AME ZION CHURCH OF KANNAPOLIS	P O BOX 607	KANNAPOLIS	NC	28082
MARION WARD	413 E D ST	KANNAPOLIS	NC	28083
BRADFORD WYRICK	1200 WYRICK LN	KANNAPOLIS	NC	28083
CASAG YORK AVE PROPERTIES LLC	406 E 4TH ST	KANNAPOLIS	NC	28083
BOOKER T WASHINGTON	411 EAST D STREET	KANNAPOLIS	NC	28083
CLARENCE BANKS	305 YORK AVE	KANNAPOLIS	NC	28083
MURDOCK HOLDINGS LLC	210 OAK AVE	KANNAPOLIS	NC	28081
LEWIS REID				
THELMA MINGO REID ESTATE	712 LONG ST	KANNAPOLIS	NC	28083
DAVID MILLER REALTY & INVESTMENT INC	1640 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
GROVER PLOTT JR	311 HICKORY WOOD DR	KANNAPOLIS	NC	28083
SHANE M LANGLEY	300 YORK AVE	KANNAPOLIS	NC	28083
MARABLE MEMORIAL AME	P O BOX 607	KANNAPOLIS	NC	28082



February 19, 2020

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Wednesday March 4, 2020 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

Z-2020-02 – Zoning Map Amendment – 406 E D. St.

The purpose of this Public Hearing is to consider a request by David Miller Realty & Investment Inc. to rezone property located at 406 E D. Street from B-1 (Neighborhood Commercial) to RV (Residential Village). The property is approximately .40 +/- acres and is further identified as Cabarrus County Parcel Identification Number 5613-77-2592 (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,

Gretchen Coperine, AICP
Assistant Planning Director

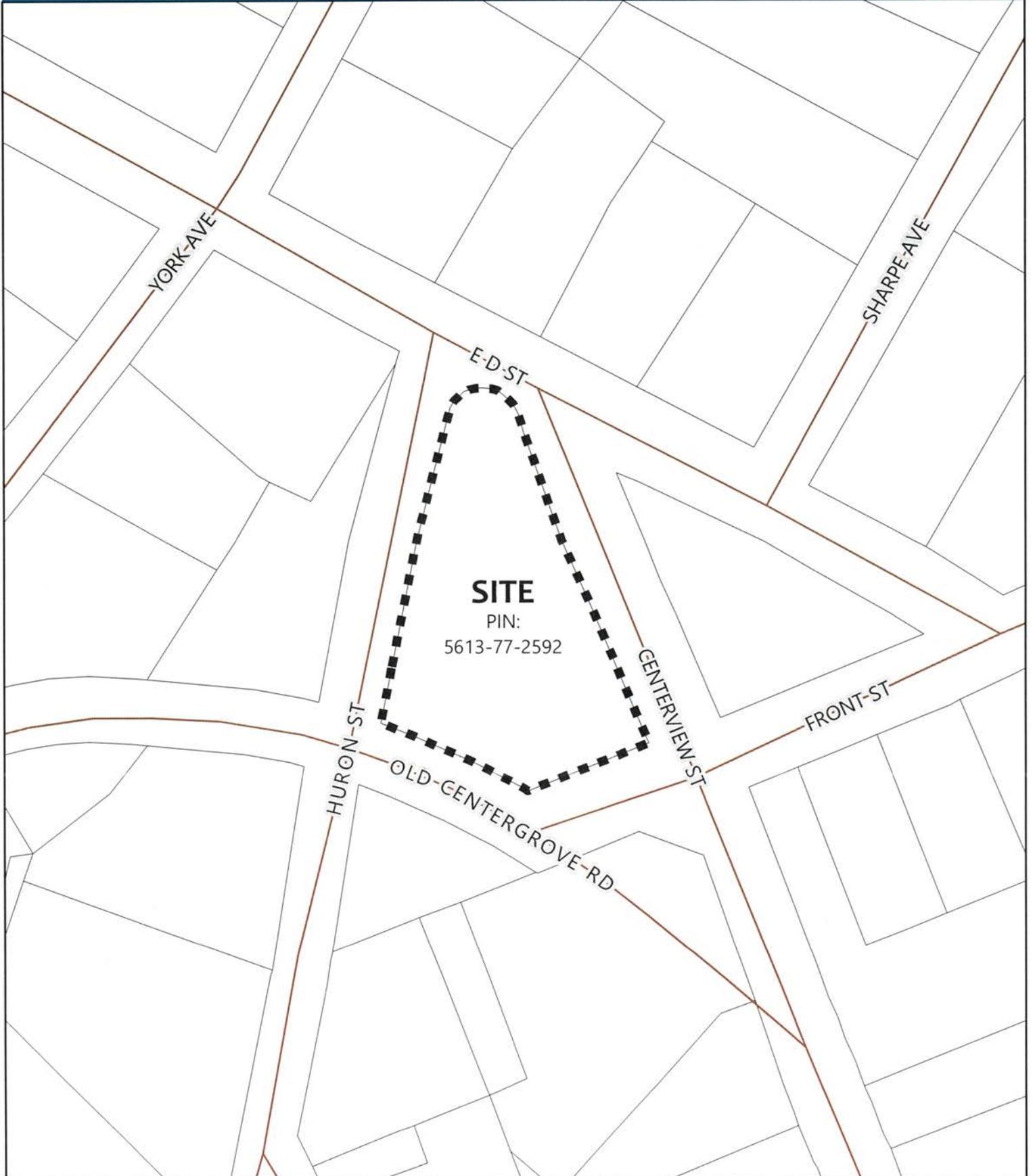
Enclosure

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-2020-02
David Miller Realty & Investment Inc.
406 E. D St.





PLANNING

ZONING

COMMISSION

**PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # Z - 2020 - 02**

INTERVIEW
EAST D

YAYA MINI MARKET

405



Centerview St

Old Centergrove Rd 500


KANNAPOLIS
PLANNING
ZONING
COMMISSION
 PUBLIC HEARING
 INFORMATION
 CALL **704-920-4350**
 CASE # Z-2020-02

STOP





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

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

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

WHEREAS, on March 4, 2020 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone a property located at 406 E D Street owned by David Miller Realty & Investment Inc., from City of Kannapolis Neighborhood Commercial (B-1) 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 “Urban Residential” 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 primary uses of the Urban Residential 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 generate parking problems or any adverse impact on the environment. Finally, there is access to adequate public facilities.*

Adopted this the 4th day of March 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case #Z-2020-02 (406 E D Street)

City of Kannapolis Neighborhood Commercial (B-1) 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 March 4, 2020 for consideration of rezoning petition Case #Z-2020-02 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone property located at 406 E D Street, (Cabarrus County Parcel Identification Number(s) 5613-77-2592) owned by David Miller Realty & Investment Inc., from City of Kannapolis Neighborhood Commercial (B-1) 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 0.40 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 “Urban Residential” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Urban Residential Character Area calls for primary uses of single-family attached and detached residential. Secondary uses are intended to be multi-family residential, small format retail, small format office and Live-work. 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 Urban Residential 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 north, south, east and west are zoned RV.

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 B-1. 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.

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 4th day of March 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission