



**Planning & Zoning Commission
September 2, 2020 Meeting**

Staff Report

TO: Planning & Zoning Commission
FROM: Gretchen Coperine, AICP, Assistant Planning Director
SUBJECT: **Case #Z-2020-05: 675 Winecoff School Road
Zoning Map Amendment
Applicant: Gary McCoy**

Request to rezone approximately 0.25 +/- acres located at 675 Winecoff School Road.
from RC (Residential Compact) to C-2 (General Commercial).

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, Gary McCoy, is proposing to rezone the subject property, further identified as Cabarrus County PIN# 5611-59-8729. This is a map amendment request without any conditions as the intent is to rezone the property from RC (Residential Compact) to C-2 (General Commercial). If rezoned, any of the permitted uses in the C-2 zoning district would be allowed on the property. The property is currently improved with a billboard, which was granted a "Certificate of Non-conformity Adjustment (CONA)" by the Board of Adjustment on September 19, 2017 to allow the conversion of the existing single-sided static billboard to a double-sided digital billboard.

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 0.25 +/- 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 “Suburban Activity 1” Character Area as designated in the *Move Knapolis Forward 2030 Comprehensive Plan*. The Suburban Activity 1 Character Area calls for commercial uses. Therefore, the proposed C-2 district is consistent with the *Move Knapolis Forward 2030 Comprehensive Plan*.

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

The surrounding area consists of predominantly commercial development on the east side of Winecoff School Road. The proposed C-2 designation 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 is anticipated to experience development or redevelopment in the near future.

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

Any 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?

The surrounding area consists of predominantly commercial development on the east side of Winecoff School Road. The proposed C-2 designation is therefore compatible with the surrounding area.

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

Given the size and location, the property is not be suitable for single family use permitted under the current RC zoning designation.

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

The C-2 zoning is compatible with the existing commercial 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 “Suburban Activity 1” Character Area. The C-2 zoning district proposed with this rezoning is consistent with the commercial uses of the Suburban Activity 1 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-2020-05

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-2020-05, 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 “Suburban Activity 1” Character Area. The C-2 zoning district proposed with this rezoning is consistent with the commercial uses of the Suburban Activity 1 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-2020-05, 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-2020-05 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-2020-05 to be **inconsistent** with the goals and policies of the Move Knapolis 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-2020-05 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

KANNAPOLIS

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: Gary McCoy Owner: Obelisk Outdoor Advertising, LLC
 Address: 6420 Rea Rd. Ste A1, Box 307 Address: 6420 Rea Rd. Ste A1, Box 307
Charlotte, NC 28277 Charlotte, NC 28277
 Telephone: 704-517-7821 Telephone: 704-517-7821
 Email: garymccoy@mindspring.com Email: garymccoy@mindspring.com

Legal relationship of applicant to property owner: Partner/Manager

Property Location/Address: 675 Winecoff School Rd., Kannapolis

Tax Parcel Number: 5611 59 8729 0000 Zoning District: RC Acreage of Site: 1/4 acre +/-

Requesting Zoning (if applicable): C-2

Gary McCoy
Applicant Name (Print)

Obelisk Outdoor Advertising, LLC
Property Owner Name (Print)

Gary W. McCoy 8/7/20
Applicant Signature & Date

Gary W. McCoy 8/7/20
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(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 AMENDMENT TO THE
KANNAPOLIS ZONING MAP**

Property Address: 675 Winecoff School Rd., Kannapolis

Property Identification Number(s): 5611 59 8729 0000
(attach separate list if necessary)

Present zoning classification: R-3 Requested zoning classification: C-2

Number of parcels: 1 Approximate size of parcels: 1/4 acre+/-

Are public utilities available? No

Reason for map amendment: To bring parcel zoning into agreement with Move Kannapolis

Forward: 2030 Comprehensive Plan and in conformance with the commercial and industrial nature of the parcel and surrounding areas. Since 1984 the property is solely used for the commercial purpose of an outdoor advertising sign, and the neighboring parcels are likewise increasingly commercial and industrial in nature.

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

Gary McCoy
Applicant Name (Print)

Obelisk Outdoor Advertising LLC
Property Owner Name (Print)

Gary W. McCoy 8-7-20
Applicant Signature & Date

Gary W. McCoy 8-7-20
Property Owner Signature & Date

Required as part of Zoning Map Amendment Submittal:

☞ **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: Z-2020-05

Applicant: Gary McCoy

675 Winecoff School Rd.



WINECOFF SCHOOL RD

SITE

US INTERSTATE 85 S



Kannapolis Current Zoning

Case Number: Z-2020-05

Applicant: Gary McCoy

675 Winecoff School Rd.





Kannapolis Current Zoning

Case Number: Z-2020-05

Applicant: Gary McCoy
675 Winecoff School Rd.





PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000668468

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 \$620.50
Payment Amount \$620.50

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>
0000668468-01	CLS Liner	2 X 49 li	\$0.00

<u>Production Method</u>	<u>Production Notes</u>
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 8/21/2020, 8/28/2020

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONM
LISNCWEDNESDAYSEPTEMBER22020AT600PMCONDITIONALZON



KANNAPOLIS

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

Wednesday September 2, 2020 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2020-07 - Public hearing to consider a request to rezone approximately 25.05 acres of property located at 319 & 320 North Ave. Extension from Cabarrus County MDR (Medium Density Residential) to City of Kannapolis RC-CZ (Residential Compact-Conditional Zoning), further identified as Cabarrus County PINs # 5622-45-0020 and 5622-35-7092 to allow for a 270-unit multi-family residential development.

ZoningMap Amendment - Z-2020-05 - Public hearing to consider a request to rezone approximately .25 +/- acres located at 675 Winecoff School Rd. from RC (Residential Compact) to C-2 (General Commercial), further identified as Cabarrus County PIN #5611-59-8729.

ZoningMap Amendment - Z-2020-06 - Public hearing to consider a request to rezone approximately .65 +/- combined acres located at 405 West F St., 421 Sycamore Ave. and 417 Sycamore Ave. from RV (Residential Village) to CC (Center City), further identified as Cabarrus County PIN #5613-48-1369, 5613-48-0472 and 5613-48-1552.

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: August 21, 28, 2020.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
OBELISK OUTDOOR ADVERTISING, LLC	6420 REA RD UNIT 307	CHARLOTTE	NC	28277
WINECOFF COMMONS LLC	711 CENTRAL AVE	CHARLOTTE	NC	28204
WINECOFF SP LLC	PO BOX 35193	CHARLOTTE	NC	28235
FRANK LITAKER	200 W MINNEHAHA PKWY	MINNEAPOLIS	MN	55419
FRANCES TRIECE	734 ORPHANAGE RD	CONCORD	NC	28027
GARY MCCOY	6420 REA RD ST A1 BOX 307	CHARLOTTE	NC	28277



KANNAPOLIS
Planning

August 20, 2020

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Wednesday, September 2, 2020 at 6:00 PM, for the following case:

Z-2020-05 – Zoning Map Amendment – 675 Winecoff School Rd.

The purpose of the Public Hearing is to consider a request by Gary McCoy to rezone property located at 675 Winecoff School Rd. from RC (Residential Compact) to C-2 (General Commercial). The subject property is approximately .25 +/- acres and further identified as Cabarrus County Parcel Identification Number(s) 5611-59-8729 (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

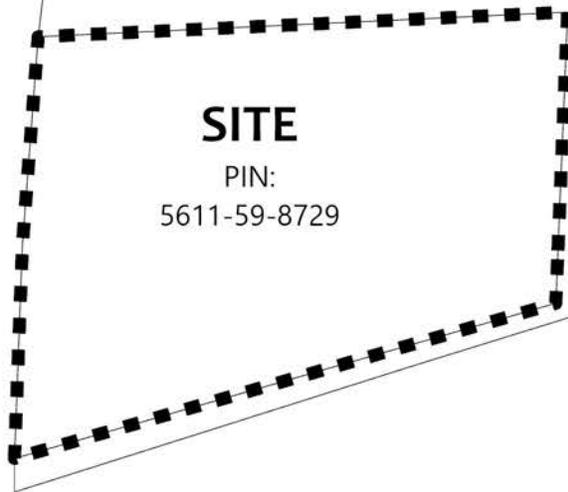
Case Number: Z-2020-05

Applicant: Gary McCoy

675 Winecoff School Rd.



WINECOFF SCHOOL RD



SITE

PIN:

5611-59-8729

US INTERSTATE 85 S

US INTERSTATE 85 N

SPEED
LIMIT
35

CITYWIDE
SPEED LIMIT 35
UNLESS
OTHERWISE POSTED

KANNAPOLIS
PLANNING
ZONING
COMMISSION
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # Z-2020-05



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #Z-2020-05**

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 September 2, 2020 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone a property located at 675 Winecoff School Rd. (Cabarrus County Parcel Identification Number 5611-59-8729) owned by Obelisk Outdoor Advertising, LLC, from City of Kannapolis Residential Compact (RC) Zoning Designation to a City of Kannapolis General Commercial (C-2) Zoning 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 “Suburban Activity 1” Character Area. The C-2 zoning district proposed with this rezoning is consistent with the commercial uses of the Suburban Activity 1 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 2nd day of September 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE
Case #Z-2020-05 (675 Winecoff School Rd.)

**City of Kannapolis Residential Compact (RC) Zoning District to
City of Kannapolis General Commercial (C-2) 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 September 2, 2020 for consideration of rezoning petition Case #Z-2020-05 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone property located at 675 Winecoff School Rd., (Cabarrus County Parcel Identification Number 5611-59-8729) owned by Obelisk Outdoor Advertising, LLC, from City of Kannapolis Residential Compact (RC) Zoning Designation to a City of Kannapolis General Commercial (C-2) 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 .25 +/- 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 "Suburban Activity 1" Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Suburban Activity 1 Character Area calls for commercial uses. Therefore, the proposed C-2 district is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*.

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

The surrounding area consists of predominantly commercial development on the east side of Winecoff School Road. The proposed C-2 designation 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 is anticipated to experience development in the near future.

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

Any 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?

The surrounding area consists of predominantly commercial development on the east side of Winecoff School Road. The proposed C-2 designation is therefore compatible with the surrounding area.

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

Given the size and location, the property is not be suitable for single family use permitted under the current RC zoning designation.

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

The C-2 zoning is compatible with the existing commercial 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 C-2 – General Commercial Zoning District

Adopted this the 2nd day of September 2020:

David Steele, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission