



**Planning and Zoning Commission  
February 6, 2019 Meeting  
Staff Report**

**DATE:** January 17, 2019  
**TO:** Planning and Zoning Commission Members  
**FROM:** Gretchen Coperine, AICP, Senior Planner

**SUBJECT: Text Amendment – TA-2019-02 Article 6, Subdivision Regulations, Section 6.1 General Standards** – Public Hearing to consider a text amendment to Section 6.1, Table 6-1.1 of the Unified Development Ordinance (UDO) to amend the time limit for processing development review applications. The standards have been incorporated into a separate document from the UDO, titled Development Guidebook: Commercial and Residential Land Development.

**A. Actions Requested by Planning and Zoning Commission Members**

1. Hold Public Hearing
2. Consider Resolution to Adopt a Statement of Consistency for TA-2019-02
3. Consider motion to recommend approval of proposed text amendments by City Council

**B. Decision and Required Votes to Pass Requested Action**

Article 3.8 of the UDO addresses the procedures for processing amendments to the text of the ordinance. Per Section 3.8.2, “*Any person, board, department, or commission may apply for a change in zoning ordinance text*”. The proposed text amendment was initiated by the Planning Department.

Per Sections 3.8.3.2 and 3.8.3.3 of the UDO, a majority vote of the Planning and Zoning Commission is required to recommend approval of a text amendment. A recommendation to approve is then forwarded to City Council who shall, either approve or deny the text amendment by a majority vote.

**C. Background**

Staff is proposing to amend Article 6.1 by deleting Table 6-1.1, which includes the designated city official/department and time limits for processing subdivision plans. This information will be incorporated in the following document: Development Guidebook: Commercial and Residential

Land Development. This guidebook will include requirements for the submission, review and approval of all land development proposals in the city.

**D. Fiscal Considerations**

None.

**E. Policy Issues**

The proposed text amendment to the UDO is **attached** as **additions and deletions**:

**F. Legal Issues**

None

**G. Alternative Courses of Action and Staff Recommendation**

The Planning and Zoning Commission may choose to recommend approval or denial of the text amendment as presented. The Commission may also add, delete, or change any of the language as proposed.

Based on the foregoing analysis, staff recommends **approval** of the proposed text amendments to **Section 6.1, Table 6-1.1** of the Unified Development Ordinance.

**The following actions are required to recommend approval of TA 2019-02**

1. Consider Resolution to Adopt a Statement of Consistency for TA 2019-02
2. Consider motion to recommend approval of proposed text amendments by City Council.

**The following actions are required to recommend denial of TA 2019-02**

1. Consider Resolution to not Adopt a Statement of Consistency for TA 2019-02
2. Consider motion to recommend denial of proposed text amendments by City Council.

**H. Attachments**

1. Application for Text Amendment to the Unified Development Ordinance
2. Proposed UDO changes
3. Newspaper Advertisement Notification
4. Resolution to Adopt a Statement of Consistency

**I. Issue Reviewed By:**

City Manager  
City Attorney  
City Engineer  
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
Conditional Use Permit
Subdivision Exception
Zoning Text Amendment
Appeal
SIA Application
Nonconformity Adjustment
Watershed Boundary Modification
Zoning Map Amendment
Conditional Zoning Map Amendment

Applicant: Zachary D. Gordon, AICP Planning Director
Owner:
Address: 401 Laureate Way Kannapolis, NC 28081
Telephone: 704-920-4355
Email: zgordon@kannapolisnc.gov

Legal relationship of applicant to property owner: N/A
Property Location/Address: N/A
Tax Parcel Number: N/A Zoning District: N/A Acreage of Site: N/A

Zachary D. Gordon
Applicant Name (Print)
Property Owner Name (Print)
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: Receipt #
Application No.: Date Submitted (Complete):



**CITY OF KANNAPOLIS**

**AN APPLICATION TO AMEND THE TEXT OF  
THE UNIFIED DEVELOPMENT ORDINANCE**

I Zachary D. Gordon, AICP, hereby make application for an amendment to the following section(s) of the Unified Development Ordinance:

Article 6, Subdivision Regulations

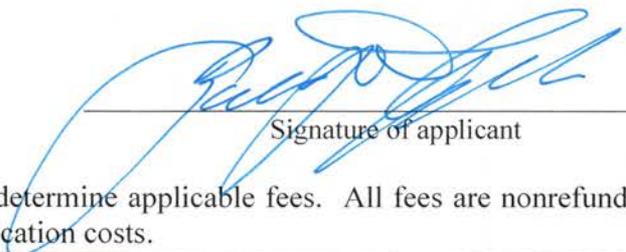
In the space provided below, or on a separate sheet, present your requested text for the Ordinance provisions in question:

**See attached Staff Report**

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State your reasons for amending the text of the Ordinance:

**See attached Staff Report**



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Signature of applicant

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

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**Table 6-1.1 Classification of Subdivisions**

<b>(A)</b>		<b>(B) DESIGNATED AGENCY (DECISION-MAKER)</b>	<b>(C) TIME LIMIT FOR PROCESSING</b>
<b>CLASSIFICATION</b>	<b>STAGE</b>		
Minor Subdivision	Sketch Plat	Administrator	15 working days
Minor Subdivision	Final Plat	Administrator	15 working days
Major Subdivision	Sketch Plat	Administrator	15 working days
Major Subdivision	Preliminary Plat	<sup>(1)</sup> Technical Review Committee	30-60 days
Major Subdivision	Final Plat	Administrator	15 working days
Construction Plans	-	Public Works Director, as delegated by this Ordinance	30 days
Exception from Subdivision Ordinance (see § 6.4.16)	-	Planning & Zoning Commission	Reasonable period of time, depending on circumstances and scope of application

(1) City Council approved 7/24/2006

**6.4.8.9.** The final subdivision plat application shall be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as set forth in Appendix B.

**6.4.8.10.** In addition to the criteria as set forth in § 6.2 of this Ordinance, the Administrator shall not approve a final plat unless and until satisfactory evidence is filed that the final plat is in a form acceptable for recording with the Register of Deeds, and that all improvements have been satisfactorily installed or Subdivision Improvement Agreements have been signed by the applicant. The subdivider will also be required to submit a final subdivision plat fee, payment of all design costs for improvements, and appropriate performance surety.

**6.4.8.11.** The final plat shall comply with any staging or sequence plan set forth in the preliminary plat.

**6.4.8.12.** The applicant shall place reference monuments in the subdivision as required by NCGS § 47-30.

**6.4.9. PHASING OF A PRELIMINARY PLAT.** Whenever a subdivider applies for approval of a final plat which contains only a portion of the land encompassed in the approved preliminary plat, the final plat shall coincide with phase lines as established on the preliminary plat. Phasing of a preliminary plat shall not be permitted unless the phase lines are established and approved under the action of the Planning and Zoning Commission.

**6.4.10. RECORDING A FINAL PLAT.**

**6.4.10.1.** Within the time period prescribed by Table 6.4-1 of this Ordinance, after final plat approval, the applicant shall file the plat with the Register of Deeds as provided by law. The final plat approval shall expire within the above-referenced time period, unless the Administrator has granted an extension. Failure to record the final plat within the time frame noted shall cause the final plat approval to be void, and shall require a new application.

**6.4.10.2.** The applicant shall return a reproducible (mylar) copy of the recorded plat to the office of the Administrator.

**6.4.10.3. Plat Review Officer.** Final plats for major subdivisions shall be reviewed by a Review Officer in the same manner as set forth in § 6.3.7.4 of this Ordinance.

**6.4.11. SCOPE OF APPROVAL FOR FINAL PLAT.**

**6.4.11.1.** Approval of the final plat for a subdivision or section thereof shall not be deemed to be acceptance by the city or state of any street, alley, public space, utility or other physical improvements shown on the final plat and engineering plans for the maintenance, repair or operation thereof. (See § 6.4.13 for acceptance).

**6.4.11.2.** No zoning clearance permit or building permit shall be issued or approved until the expiration of ten (10) business days after a final plat has been recorded. The purpose of this time period is to permit the assignment of addresses and P.I.N.s (Parcel Identification Numbers) in the Land Records office of Cabarrus (or Rowan) County.

**6.4.12. CONSTRUCTION PLANS.**

**6.4.12.1.** Following approval of the Preliminary Plat, the applicant shall have prepared, by a professional engineer or professional landscape architect, registered in the State of North Carolina, construction plans, consisting of complete construction drawings and specifications of all easements, streets, traffic control devices, street lights, sanitary sewers, storm water facilities, water system facilities, sidewalks and other improvements required by Appendix C and the [Land Development Standards Manual \(LDSM\)](#) of this Ordinance and any additional technical manuals as adopted by the City. Construction plans shall be submitted to the Public Works Director for review and approval as an administrative permit. All improvements required pursuant to these regulations shall be constructed in accordance with the applicable requirements of this Ordinance, and, where applicable, the requirements and authorization of the appropriate state agency, utility company or local franchisee.

**6.4.12.2.** The Administrator shall delegate the authority to review and approve all construction plan applications to the Public Works Director.

**6.4.12.3.** All installations of improvements shall

conform to the approved construction plans. If the applicant chooses to make modifications in design and/or specifications prior to construction, such changes shall be subject to review and approval by the Public Works Director. It shall be the responsibility of the applicant to notify the Administrator in advance of any changes to be made from the approved drawings. In the event that actual construction work deviates from that shown on the approved construction plans, such unapproved work shall constitute a violation of this Ordinance and shall be remedied in accordance with Section 1.6. The applicant shall be required to correct the installed improvements to conform to the approved construction plans. In addition, the Administrator may take such other actions as may be deemed appropriate including, but not limited to, revocation of permits already issued and/or withholding of future approvals and permits until the violation is corrected.

#### **6.4.12.4. As-Built Drawings.**

Prior to final inspection of the required improvements, the applicant shall submit to the Administrator, per the Land Development Standards Manual (LDSM), one (1) reproducible copy and two (2) prints of as-built engineering drawings for each of the required improvements that have been completed. Each set of drawings shall be re-certified by the applicant's engineer indicating the date when the as-built survey was made.

**6.4.12.4.1.** As-built drawings shall show the constructed vertical elevation, horizontal location and size of all sanitary and storm sewers, manholes, inlets, junction boxes, detention basins and other appurtenances or elements of the sewerage and storm drainage systems constructed to serve the subdivision. In conjunction with the submittal of engineering plans and specifications, the subdivider shall be required to demonstrate compliance with the Sedimentation Control Standards of the overall area proposed to be developed. The subdivider shall cause all grading, excavations, open cutting and similar land surface disturbances to be mulched, seeded, sodded or otherwise protected to ensure compliance with the City's Sedimentation Control Standards. No work shall be initiated relative to the preparation of land or the installation of general improvements until such time as all aspects of the subdivider's engineering plans and sedimentation control proposals have

received approval.

**6.4.12.4.2.** As-built drawings shall depict water lines, valves, fire hydrants and other appurtenances or elements of the water distribution system constructed to serve the project. Such information shall include the horizontal location and size of water lines and location and description of valves with dimensional ties.

**6.4.12.4.3.** As-built drawings shall depict the location of all street rights-of-way, alignments, widths and vertical elevations.

**6.4.12.4.4.** As-built drawings shall show all control points and monumentation.

#### **6.4.13. INSPECTION OF IMPROVEMENTS.**

**6.4.13.1.** During the preparation of land and the installation of general improvements, periodic inspections shall be made to ensure conformity with the approved plans, specifications and standards. Appropriate agencies of the city and state may make inspections at any time during the progress of work.

**6.4.13.2.** All improvements required by these regulations shall be inspected prior to acceptance by the City. Where inspections are made by individuals or agencies, other than the Public Works Director, (or his/her designee), the applicant shall provide the Public Works Director with written reports of each final inspection.

**6.4.13.3.** Prior to beginning construction, the applicant shall arrange with the Public Works Director a pre-construction meeting for the purpose of coordinating construction activities.

**6.4.13.4.** It shall be the responsibility of the applicant to notify the Public Works Director (or his/her designee) of the commencement of construction of improvements one (1) full working day prior thereto. Inspections shall be required at each of the following stages of construction or as otherwise determined through and owner contract or development improvement agreement:

- Site grading/erosion control completion
- Underground utility installation
- Subgrade preparation prior to aggregate base installation
- Aggregate base compaction

**Table 6.6-2. Maximum Number of Flag Lots**

<b>Size of Subdivision</b>	<b>Maximum Number or Percentage (%) of Flag Lots</b>
2 – 20 lots	1 lot
Over 20 lots	1 per every 20 lots

- This table does not apply to the AG District. The AG district does not have a limit on the number of flag lots.
- The Administrator may approve additional flag lots if evidence is presented that physical hardships prevent development of land using conventional lot design.

**6.6.9. INFRASTRUCTURE STANDARDS.**

**6.6.9.1. Standards for Street Design.**

Public and/or private streets shall be designed in accordance with Article 10 of this Ordinance and the Land Development Standards Manual (LDSM).

**6.6.9.2. Standards for Utilities.**

Standards for the design and installation of public utilities shall be in accordance with Appendix C of this Ordinance and the Land Development Standards Manual (LDSM).

# NORTH CAROLINA COMMUNITY NEWSPAPERS

## Order Confirmation

Order# 0000536365

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

Payor Customer: KANNAPOLIS,CITY OF  
 Payor Phone: 7049204300  
 Payor Account: 3143368  
 Payor Address: ACTS PAYABLE/WANDA/TEARSHI  
 KANNAPOLIS NC 28081

Fax: 7049337463  
 Email: byow@kannapolisnc.gov

Sales Rep: aboan  
 Ordered By: Pam

Total Amount \$621.50  
 Payment Amount \$621.50

Amount Due \$0.00  
 Tax Amount: 0.00  
 Payment Method: Credit - Debit Card  
 PO Number:

Order Notes:

Invoice Text:

Ad Number	Ad Type	Ad Size	Color
0000536365-01	CLS Liner	2 X 49 li	\$0.00

Pick Up Number  
 Production Method  
 AdBooker (liner)

Production Color

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

Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING Kannapolis City Hall

Run Dates 1/25/2019, 2/1/2019

TacLine: NOTICE OF PUBLIC HEARING KANNAPOLIS CITY HALL LAUREATE CENTER 401  
 LAUREATE WAY KANNAPOLIS NC 28081 PLANNING AND ZONING COMMISSION MEETING WEDNESDAY FEBRUAR

Ad Content Proof

Note: Ad size does not reflect actual ad



**NOTICE OF PUBLIC HEARING**

Kannapolis City Hall  
 Laureate Center  
 401 Laureate Way, Kannapolis, NC 28081

**Planning and Zoning Commission Meeting**  
**Wednesday February 6, 2019 at 6:00 pm**

**Public Hearing Notice**

**Public Hearing Notice - Text Amendment - TA-2019-01** - Public hearing to consider a text amendment to Articles 3, 4, 6, 8, 9, 10 and 11, and Appendices A, B, C and D of the Unified Development Ordinance amending the required land development standards for all development projects within the City of Kannapolis.

**Public Hearing Notice - Text Amendment - TA-2019-02** - Public hearing to consider a text amendment to Article 6 of the Unified Development Ordinance amending the time limit for processing the different classification of applications related to subdivisions and construction plans.

If you have questions or concerns regarding these cases, please contact the City of Kannapolis Planning Department at 704-920-4350.

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 [tcaine@kannapolisnc.gov](mailto:tcaine@kannapolisnc.gov).

**Publish: Friday January 25, 2019, Friday February 1, 2019**



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO  
TEXT AMENDMENT TA-2019-02**

**WHEREAS**, Section 160A-383 (2013) of the North Carolina General Statutes specifies that the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive and any other officially adopted plan that is applicable; and

**WHEREAS**, the text amendment to **Article 6, Subdivision Regulations, Table 6-1.1, Classification of Subdivisions** to amend the time limit for processing development review applications. This text amendment is consistent with Outcome 6.4 Transparent, Innovative and Responsive Government, of the *Move Kannapolis Forward 2030 Comprehensive Plan*, because it fosters a government system that is responsive to the needs of citizens; and

**WHEREAS**, the Planning and Zoning Commission conducted a Public Hearing on February 6, 2019 for consideration of text amendment Case# TA-2019-02 as submitted by the Planning Department staff;

**NOW, THEREFORE BE IT RESOLVED** that the Planning and Zoning Commission finds the text amendment as represented in Case# TA-2019-02 is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, which will simplify and enhance the development plan review process for owners and developers of property within the City, and recommends approval to the City Council based on consideration of the application materials, information presented at the Public Hearing, and the recommendation provided by Staff.

**Adopted this the 6<sup>th</sup> Day of February 2019;**

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Scott Trott, Chairman  
Planning and Zoning Commission

Attest:

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Pam Scaggs, Recording Secretary  
Planning and Zoning Commission