



**Planning & Zoning Commission
June 5, 2019 Meeting**

Staff Report

DATE: May 21, 2019

TO: Planning and Zoning Commission

FROM: Gretchen Coperine, AICP – Senior Planner

SUBJECT: **Case #Z-2019-03: Assignment of Zoning for various parcels north of Old Beatty Ford Rd., on the east and west sides of Interstate 85, Initial Zoning**
Applicant: City of Kannapolis

The purpose of the public hearing is to consider a request to apply a City of Kannapolis Zoning Designation of AG (Agricultural) to various parcels for which legislation was recently passed extending the City's Extraterritorial Jurisdiction to the subject parcels, with an effective date of annexation of June 30, 2020. The unaddressed properties are zoned Rowan County RA (Rural Agricultural), are located north of Old Beatty Ford Rd., on the east and west sides of Interstate 85 and further identified as Rowan County Parcel Identification Numbers 147-028, 147-068, 147-029, 147-070, 147-047, 147-069, 147-025, 139-077, 147-031, 135-068, 147-088, 135-090 and 135-091. The total acreage is approximately 334 acres.

A. Action Requested by Planning and Zoning Commission

1. Hold a 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 subject properties are owned by Highbridge Development LLC. On December 17, 2018, City Council passed Resolution #2018-56 requesting from the General Assembly of North Carolina special local legislation to annex into the City of Kannapolis various properties adjacent to Interstate 85 in Rowan County. On April 29, 2019, the General Assembly of North Carolina passed Session Law 2019-12 (Senate Bill 63) extending the City's Extraterritorial Jurisdiction to the subject parcels, with an effective date of annexation of June 30, 2020.

The properties proposed to be rezoned measure approximately 334 +/- acres and are located north of Old Beatty Ford Rd., on the east and west sides of Interstate 85 (see attached Vicinity Map).

Pursuant to N.C. General Statutes, following legislation for annexation of property, the City is required to assign a zoning designation to the properties within 60 days. Prior to legislation being passed, these properties were located in unincorporated Rowan County and zoned RA – Rural Agricultural.

A concurrent comprehensive plan amendment (CPA-2019-01) of the Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use and Character Area map is being proposed. That amendment proposes to assign a Future Land Use and Character Area of "Primary Activity Center – Interchange" to the subject parcels. The Primary Activity Center - Interchange allows for a mixture of uses including but not limited to retail, office, light manufacturing, as well as a mix of residential product types. This amendment is subject to final approval by City Council of the comprehensive plan amendment CPA-2019-01 to assign the "Primary Activity Center – Interchange" Character Area to the subject parcels.

A developer has indicated interest in developing a mixed-use development on a portion of the subject parcels. The City is proposing an interim zoning designation of AG (Agricultural) until a rezoning application is submitted.

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 tracts is approximately 334 +/- 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?

A concurrent comprehensive plan amendment (CPA-2019-01) of the Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use and Character Area map is being proposed. That amendment proposes to assign a Future Land Use and Character Area of "Primary Activity Center – Interchange" to the subject parcels. These parcels are located adjacent or in close proximity to the future Interstate-85 Exit 65 (Old Beatty Ford Rd.) currently under construction. The Primary Activity Center - Interchange allows for a mixture of uses including but not limited to retail, office, light manufacturing, as well as a mix of residential product types. The subject parcels are within Area Three of Rowan County's Land Use Plan

(adopted in 2012). That plan recommends a mixture of uses and consideration for the Lake Fisher Watershed. This amendment is subject to final approval by City Council of the comprehensive plan amendment CPA-219-01 to assign the “Primary Activity Center – Interchange” Character Area to the subject parcels. This same Character Area has also been assigned to the area adjacent to Exit 58 (Cannon Blvd.), Exit 60 (Dale Earnhardt Blvd.), and Exit 63.

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

The subject properties are surrounded predominantly residential uses with a mixture of larger rural style lots and smaller neighborhood lots, with some commercial and institutional uses.

4. Will there be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning?

No adverse effects are anticipated with this rezoning as it is an interim zoning designation until such time that a development plan is proposed. Any development will require a Traffic Impact Analysis.

5. Will there be parking problems?

No parking problems are anticipated. Site plan approval is required prior to any development of the site and plans are 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. In addition, all future development will be required to conform to all applicable local, state, and federal environmental regulations.

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 area will have a new interchange (Exit 65) off Interstate 85. It is anticipated that the interchange improvement will foster redevelopment of the area.

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

Extensions of utilities in the area are being planned for the near future.

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

Properties to the north, south, east and west of the subject property are zoned Rowan County RA (Rural Agricultural). Properties to the north are also zoned Rowan County CBI (Commercial, Business, Industrial). The surrounding land uses are predominantly residential with some commercial and institutional uses.

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

The property is currently zoned RA (Rowan County zoning district). State law requires that the City assigns a zoning designation within 60 days of the date of legislation being passed for annexation, otherwise the parcel remains “unzoned”. The City’s AG zoning district is intended to be primarily a holding zone until utilities are extended and development is proposed.

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

The AG zoning district proposed will maintain the current level of development on the property.

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

Records show the majority of land being vacant as far back as the early 1990s, and perhaps earlier.

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 vacant 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 Consistency with Comprehensive Plan

A concurrent comprehensive plan amendment (CPA-2019-01) to the Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use and Character Area map is being proposed. That amendment proposes to assign a Future Land Use and Character Area of “Primary Activity Center – Interchange” to the subject parcels. The Primary Activity Center - Interchange allows for a mixture of uses including but not limited to retail, office, light manufacturing, as well as a mix of residential product types. This amendment is subject to final approval by City Council of the comprehensive plan amendment to assign the “Primary Activity Center – Interchange” Character Area to the subject parcels.

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.

Subject to CPA-2019-01 being adopted by City Council, this Z-2019-03 amendment is consistent with the Move Kannapolis Forward 2030 Comprehensive Plan, and staff recommends approval of Zoning Map Amendment Case #Z-2019-03

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-2019-03, 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-2019-03 to be consistent with the Move Kannapolis Forward 2030 Comprehensive Plan which places the subject properties in a Primary Activity Center – Interchange Character Area which allows for a mixture of uses including but not limited to retail, office, light manufacturing, as well as a mix of residential product types. The AG zoning district serves as a holding zone for properties until utilities are extended and development is proposed.*

2. **Should the Commission choose to approve Case #Z-2019-03, 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-2019-03, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment, as represented in Case Z-2019-03, to be inconsistent with the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, because (state reason) and is neither reasonable nor in the public interest because (state reason) and is therefore denied based on the criteria listed in Section 3.3.5 of the UDO for evaluating zoning requests, consideration of the application materials and information presented at the Public Hearing.*

2. **Should the Commission choose to deny Case #Z-2019-03, a motion should be made to deny the Resolution to Zone.**

I. Attachments:

1. Application for rezoning
2. General Assembly of North Carolina Legislation Session Law 2019-12 (Senate Bill 63)
3. Vicinity Map
4. Zoning Map
5. Future Land Use Map
6. Primary Activity Center - Interchange Character Sheet
7. Notice of Public Hearing
8. List of Properties Notified
9. Letter to Adjacent Property Owners
10. Posted sign for rezoning
11. Resolution to Adopt a Statement of Consistency
12. 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: City of Kannapolis Owner: City of Kannapolis
 Address: 401 Laureate Way Address: 401 Laureate Way
 Kannapolis, NC 28081 Kannapolis, NC 28081
 Telephone: 704-920-4350 Telephone: 704-920-4350
 Email: zgordon@kannapolisnc.gov Email: zgordon@kannapolisnc.gov

Legal relationship of applicant to property owner: _____
 Unaddressed parcels to the north of Old Beatty Ford Rd on the east
 Property Location/Address: and west side of Interstate 85
147-028, 147-068, 147-029, 147-070, 147-047, 147-069, 147-025, 139-077, 147-031, 135-068,
 Tax Parcel Number: 147-088, 135-090 and 135-091 Zoning District: Rowan County BA Acreage of Site: 334 +/-

Zachary D. Gordon, Planning Director _____
 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): _____



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

Property Identification Number(s): 147-028, 147-068, 147-029, 147-070, 147-047, 147-069, 147-025, 139-077, 147-031,
135-068, 147-088, 135-090 and 135-091
(attach separate list if necessary)

Present zoning classification: Rowan County RA - Rural Agricultural

Requested zoning classification: City of Kannapolis AG - Agricultural

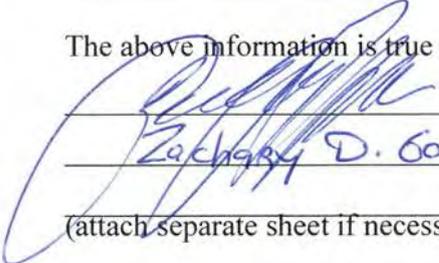
Number of parcels: 13 Approximate size of area: 334 +/- acres

Physical location of area: Unaddressed parcels north of Old Beatty Ford Rd on the east and west side of Interstate 85

Are public utilities available? Extension of utilities are being planned for near future

Reason for map amendment On April 9, 2019 the General Assembly of North Carolina passed Session Law 2019-12 (SB 63)
extending the City's Extraterritorial Jurisdiction to the subject parcels with an effective date of June 30, 2020

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


Zachary D. Gordon
(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.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SENATE BILL 63
RATIFIED BILL**

AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF
THE CITY OF KANNAPOLIS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The following described property is added to the corporate limits of the City of Kannapolis:

Tract 1

Being that certain parcel of land lying and being situate in Rowan County, North Carolina and being more particularly described as follows: Beginning at a rebar located at the northwest corner of Jane Elizabeth and Michael Lance Casey, recorded in Book 1261, Page 618, said point being on the southern right of way line of Backwoods Lane, said point having North Carolina state plane coordinates (NAD83/2011) of N: 653,986.54 feet and E: 1,537,405.46 feet, said point being the POINT OF BEGINNING; thence with the western line of said Casey South 09°39'03" West 562.18 feet to an iron pipe located on the northern right of way line of Beatty Ford Road (NCDOT Project: W-5516), a variable width public right of way; thence along the northern right of way line of said Beatty Ford Road South 89°46'14" West 120.46 feet to an iron pipe on the northern line of Mark Alvin and Joy Lane Roberts, recorded in Book 1259, Page 768; thence following the northern line of said Roberts North 86°38'01" West 275.35 feet to an iron pipe; thence South 08°16'21" West 17.46 feet to an iron pipe on the northern right of way line of Beatty Ford Road; thence along the northern right of way line of said Beatty Ford Road the following twenty-six calls: South 89°46'14" West 102.31 feet to a right of way monument; North 78°16'33" West 194.21 feet to a right of way monument; South 89°45'18" West 219.89 feet to a right of way monument; South 84°24'31" West 160.81 feet to a point; South 78°48'27" West 132.46 feet to a right of way monument; South 89°47'42" West 255.04 feet to a right of way monument; North 83°54'05" West 316.93 feet to a right of way monument; South 76°49'15" West 133.16 feet to a right of way monument; North 82°39'13" West 191.45 feet to a right of way monument; South 79°05'32" West 137.66 feet to a right of way monument; North 78°02'56" West 214.82 feet to a right of way monument; South 81°19'36" West 101.20 feet to a right of way monument; North 82°38'28" West 150.80 feet to a right of way monument; South 89°43'16" West 265.51 feet to a right of way monument; South 73°12'14" West 192.85 feet to a right of way monument; North 89°52'49" West 55.10 feet to a right of way monument; North 70°21'37" West 117.05 feet to a point; South 73°32'58" West 143.63 feet to a right of way monument; South 89°45'17" West 71.93 feet to a right of way monument; North 79°48'00" West 249.13 feet to a right of way monument; North 89°49'34" West 27.99 feet to a right of way monument; South 76°43'29" West 202.22 feet to a right of way monument; North 89°50'55" West 75.16 feet to a point; North 00°13'44" West 70.00 feet to a point; North 88°19'45" West 603.34 feet to a point; South 89°46'16" West 591.99 feet to a point on the eastern right of way line of Interstate 85; thence along the eastern right of way line of said Interstate 85 North 20°59'51" West 314.11 feet to a point; thence with a curve to the right having an arc length of 542.18 feet, a radius of 11,378.98 feet, and a chord bearing and distance of North 04°00'03" East 542.13 feet to a point at the southwest corner of Jamie Lee and Deborah Helms Morris, recorded in Book 830, Page



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668; thence leaving the right of way of Interstate 85 and with the southern line of said Morris South 87°47'21" East 1.92 feet to an iron pipe; thence South 87°47'21" East 155.50 feet to a rebar at the southwest corner of Jamie Lee and Deborah Helms Morris, recorded in Book 729, Page 915; thence with the southern line of said Morris South 87°49'20" East 836.49 feet to a rebar at the southwest corner of Joshua L and Alisha G. Vanover, recorded in Book 1122, Page 761; thence with the southern line of said Vanover South 87°28'13" East 262.83 feet to a rebar at the southwest corner of Cecil G. and Betty G. Keller, recorded in Book 566, Page 340; thence with the southern line of said Keller the South 87°27'14" East 272.32 feet to a rebar at the southwest corner of Stephen M. and Cathy Jo Garmon, recorded in Book 562, Page 646; thence with the southern line of said Garmon South 87°24'28" East 272.17 feet to a rebar at the southwest corner of Stephen M. and Cathy Jo Garmon, recorded in Book 625, Page 878; thence South 87°27'09" East 273.24 feet to a rebar at the southwest corner of Stephen M. and Cathy Jo Garmon, recorded in Book 612, Page 967; thence with the line of said Garmon South 87°27'47" East 476.63 feet to a pipe found planted in stone; thence North 02°29'49" East 318.00 feet to a rebar at the southwest corner of Barbara Rainwater Lentz, recorded in Book 1034, Page 820; thence South 85°45'30" East 1,442.85 feet to a rebar on the western line of Tammy L. Efird, recorded in Book 1117, Page 961; thence with the western line of said Efird South 03°53'01" West 197.16 feet to a rebar; thence South 79°51'08" East 1,453.95 feet to the POINT OF BEGINNING, containing 4,513,597 Square Feet, 103.618 Acres, more or less.

Tract 2

Being that certain parcel of land lying and being situate in Rowan County, North Carolina and being more particularly described as follows: Beginning at an iron pipe located on the western line of Mark Alvin and Joy Lane Roberts, recorded in Book 1259, Page 768, said point being on the southern right of way line of Beatty Ford Road (NCDOT Project: W-5516), said point having North Carolina state plane coordinates (NAD83/2011) of N: 653,370.91 feet and E: 1,536,904.69 feet, said point being the POINT OF BEGINNING; thence leaving the right of way of Beatty Ford Road and with the western line of said Roberts South 08°14'15" West 71.30 feet to an iron pipe at the northwest corner of Terry O. Basinger, recorded in Book 1258, Page 10; thence with the western line of said Basinger South 08°16'21" West 156.53 feet to an iron pipe at the northwestern corner of Larry Wayne and Barbara Beaver Basinger, recorded in Book 1256, Page 787; thence with the western line of said Basinger South 08°10'18" West 155.84 feet to an iron pipe at the northwest corner of Norman R. Basinger, recorded in Book 1258, Page 318; thence with the line of said Basinger South 08°16'09" West 148.73 feet to an iron pipe; thence South 86°39'37" East 696.71 feet to an iron pipe at the northwest corner of Julius Ray and Phillis Diane Nesbit Rivers, recorded in Book 1162, Page 436; thence with the line of said Rivers South 02°53'05" West 605.29 feet to a rebar at the southwest corner of Galen L and Patricia Burris, recorded in Book 566, Page 885 and being the common with the northwest corner of Justin Michael Sr. and Tracey Morrison, recorded in Book 1068, Page 720, said point being in the right of way of Bruner Sloop Road; thence crossing Bruner Sloop Road and following the western line of said Morrison South 02°08'20" West 21.70 feet to an iron pipe; thence South 02°14'02" West 513.89 feet to a rebar on the eastern line of Ernest Lester and Evelyn B. Cole, recorded in Book 1115, Page 743; thence with the northern line of said Cole North 84°26'06" West 1,345.98 feet to a rebar; thence South 04°03'36" West 324.86 feet to a rebar on the northern line of Earlene Honbarrier Wallace, recorded in Book DC#78, Page 447; thence with the northern line of said Honbarrier North 84°20'22" West 1,354.84 feet to a rebar at the northeastern corner of Thomas Franklin Corl, recorded in Book 1216, Page 4; thence with the northern line of said Corl North 83°54'31" West 285.75 feet to an iron pipe; thence North 05°08'31" East 10.15 feet to a rebar; thence North 84°51'29" West 505.27 feet to an iron pipe; thence North 14°41'40" East 89.75 feet to a rebar; thence North 84°54'48" West 80.00 feet to a rebar; thence South 14°41'43" West 99.86 feet to an iron pipe, recorded Paul Jeffrey and Donna Richardson Fritts, recorded in Book 987, Page 101; thence with the northern line of said Fritts North 84°51'29" West 122.06

feet to a stone on the eastern line of Floyd W and Frances J Propst, recorded in Book 1249, Page 426; thence with the line of said Propst North 06°01'59" East 546.59 feet to an iron pipe; thence North 85°54'04" West 1,010.54 feet to an iron pipe; thence South 02°02'05" East 287.08 feet to an iron pipe at the northeast corner of Ralph E. Archie Trustee, recorded in Book 1058, Page 582; thence with the northern line of said Archie Trustee North 87°56'32" West 399.89 feet to an iron pipe at the northeast corner of David and Linda Leonard, recorded in Book 1304, Page 445; thence with the northern line of said Leonard North 88°04'29" West 324.40 feet to a point on the eastern right of way line of Interstate 85 (NCDOT TIP Project I-3802B); thence with the eastern right of way line of said Interstate 85 the following 4 calls: with a curve to the right having an arc length of 236.25 feet, a radius of 1,080.00 feet, and a chord bearing and distance of North 17°11'54" East 235.78 feet to a point; North 32°28'49" East 470.08 feet to a point; North 17°09'26" East 241.87 feet to a point; North 01°55'53" East 323.82 feet to a point on the southern right of way line of the aforementioned Beatty Ford Road; thence with the southern right of way line of said Beatty Ford Road the following twenty-seven calls: North 76°21'18" East 236.62 feet to a point; North 89°46'16" East 515.00 feet to a point; North 00°13'44" West 70.00 feet to a point; North 89°48'04" East 65.11 feet to a right of way monument; South 77°52'00" East 209.91 feet to a right of way monument; North 86°20'13" East 29.35 feet to a right of way monument; North 80°10'04" East 259.29 feet to a right of way monument; North 89°46'58" East 90.00 feet to a right of way monument; South 77°27'35" East 46.14 feet to a right of way monument; North 85°30'09" East 140.51 feet to a right of way monument; South 53°46'57" East 93.10 feet to a right of way monument; North 86°54'08" East 200.23 feet to a right of way monument; North 73°05'27" East 104.38 feet to a right of way monument; South 60°11'28" East 109.78 feet to a right of way monument; North 70°06'41" East 58.33 feet to a right of way monument; South 84°53'47" East 50.22 feet to a right of way monument; North 86°52'14" East 200.14 feet to a right of way monument; North 77°04'23" East 159.05 feet to a right of way monument; South 83°18'22" East 249.83 feet to a right of way monument; North 76°15'29" East 151.07 feet to a right of way monument; South 69°05'05" East 111.45 feet to a right of way monument; North 82°19'31" East 348.77 feet to a right of way monument; North 89°48'26" East 250.15 feet to a right of way monument; South 82°38'16" East 302.74 feet to a right of way monument; North 89°48'06" East 149.98 feet to a point; North 74°50'05" East 155.24 feet to a right of way monument; North 89°46'35" East 193.31 feet to the POINT OF BEGINNING, containing 7,532,704 Square Feet, 172.927 Acres, more or less.

Tract 3

Being that certain parcel of land lying and being situate in Rowan County, North Carolina and being more particularly described as follows: Beginning at a rebar located at the northeast corner of Gladys Beaver Tate, recorded in Book 1053, Page 117, said point being on the southern line of Oscar Eugene and Irene Moose, recorded in Book 1258, Page 316, said point having North Carolina state plane coordinates (NAD83/2011) of N: 653,045.35' and E: 1,530,500.33 feet, said point being the POINT OF BEGINNING; thence with said southern line of Moose South 89°22'52" East 1,146.92 feet to an iron pipe; thence South 89°22'52" East 0.42 feet to a point on the western right of way line of Interstate 85; thence with the western right of way line of Interstate 85 with a curve to the left having an arc length of 728.25 feet, a radius of 11,662.84 feet, and a chord bearing and distance of South 02°57'30" East 728.13 feet to a point; thence along a spiral having the following six (6) chords: (1) South 04°48'01" East 23.01 feet; (2) South 04°53'56" East 24.47 feet; (3) South 04°59'05" East 26.46 feet; (4) South 05°03'05" East 26.40 feet; (5) South 05°05'43" East 26.34 feet; and (6) South 05°06'58" East 24.26 feet; thence with a curve to the left having an arc length of 90.32 feet, a radius of 23,026.00 feet, and a chord bearing and distance of South 05°13'55" East 90.32 feet to the northeast corner of Charles Ray Ryner, recorded in Book 753, Page 434; thence leaving the right of way of Interstate 85 and following the northern line of said Ryner North 88°04'29" West 19.68 feet to an iron pipe; thence North 87°52'54" West 485.52 feet to an iron pipe at the northeast corner of Vaughn H. and Nancy

A. Wilhelm; North 87°27'06" West 907.72 feet to an iron pipe; thence North 13°01'11" East 9.30 feet to an axle on the eastern line of Deborah Beaver Brown, recorded in Book 884, Page 774; thence with the eastern line of said Brown North 13°01'11" East 501.70 feet to an iron pipe on the southern line of Linda S. Brooks, recorded in Book 1245, Page 953; thence North 76°06'05" East 120.88 feet to an iron rod; thence North 03°55'04" West 368.99 feet to a rebar; thence North 03°59'32" West 25.94 feet; to the POINT OF BEGINNING, containing 1,178,923 square feet, or 27.06 acres, more or less.

Additional tracts:

The following territory described by Rowan County Property Identification Number:

1. 147 068 (North of and immediately adjacent to the new Old Beatty Ford Road right-of-way; West and immediately adjacent to the I-85 right-of-way)
2. 147 028 (Northwest of and immediately adjacent to property 147-068; immediately adjacent and to the East of China Grove Road)
3. 147 070 (South of and immediately adjacent to the new Old Beatty Ford Road right-of-way; West and immediately adjacent to the I-85 right-of-way)
4. 147 029 (South of and immediately adjacent to the new Old Beatty Ford Road right-of-way; immediately adjacent and to the East of China Grove Road)
5. 135 091 (West of and immediately adjacent to the property 135 068 which is part of Tract 2, as described in this act, south of the new Old Beatty Ford Road right-of-way)
6. 135 090 (West of and immediately adjacent to the property 135 068 which is part of Tract 2, as described in this act, south of the new Old Beatty Ford Road right-of-way)

SECTION 1.(b) This section becomes effective June 30, 2020. Property in the territory described in this section as of January 1, 2020, is subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2020.

SECTION 2. The City of Kannapolis may exercise extraterritorial jurisdiction in the territory described in Section 1 of this act.

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 29th day of April, 2019.

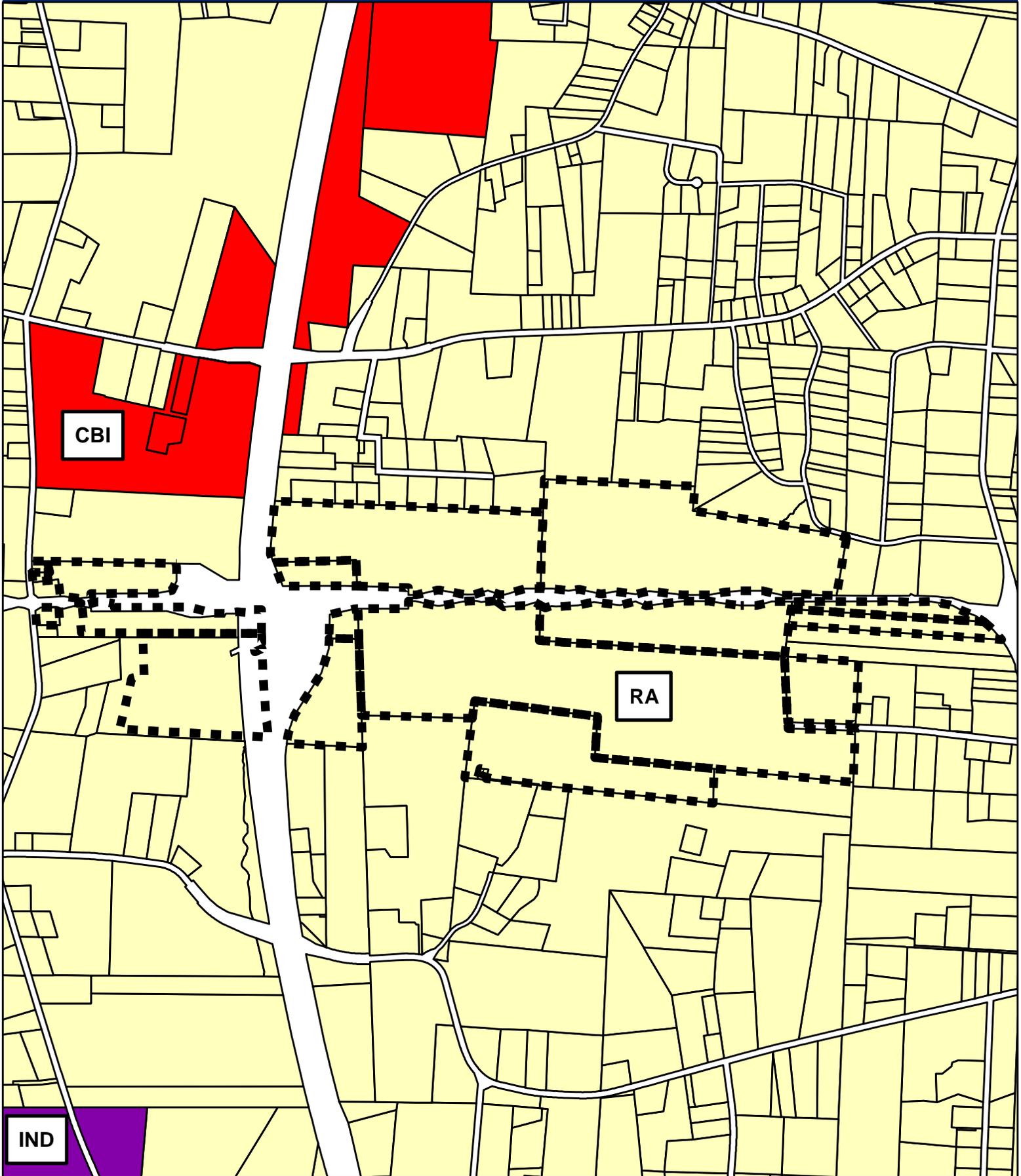
s/ Philip E. Berger
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives



Rowan County Zoning

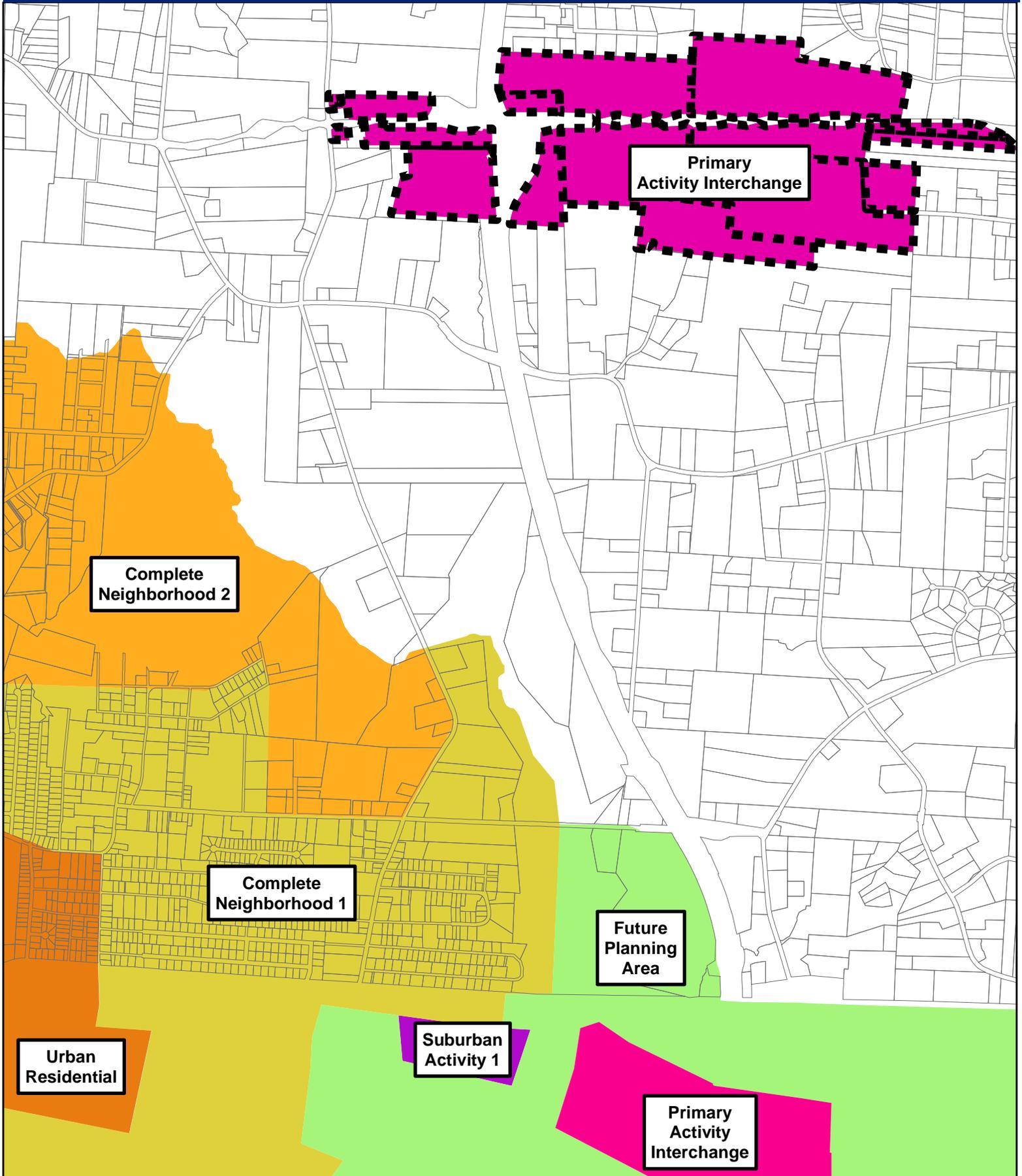
Case Number: Z-2019-03
Applicant: City of Kannapolis





Kannapolis 2030 Future Land Use Map

Case Number: Z-2019-03
Applicant: City of Kannapolis





Primary Activity Center - Interchange

Character Intent

The Primary Activity Center - Interchange Character Areas are located adjacent to I-85 interchanges. Lighting, landscaping, and fully connected sidewalks and roads should line blocks and provide safe vehicular and pedestrian access within and between developments. In some locations buildings placed close to the street create a comfortable pedestrian environment while shared parking strategies reduce overall impervious surface area.

Development Opportunities

- Building upgrades
- Sidewalk and greenway connections
- Infill development
- Low impact development retrofits
- Pedestrian connections
- Landscaping
- Crosswalks and pedestrian amenities
- Renewable energy generation

Primary Uses

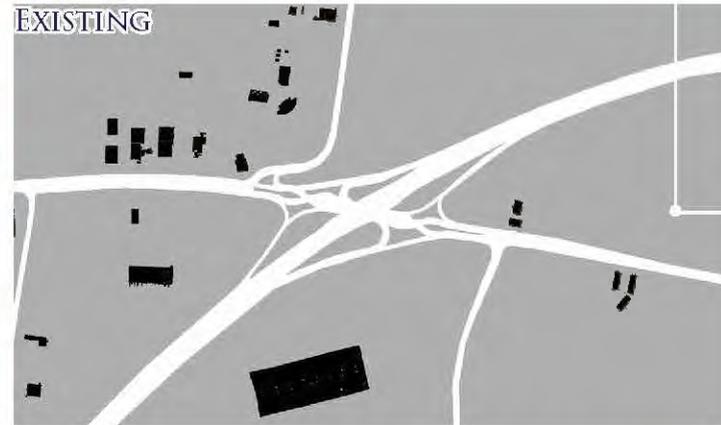
- Retail
- Office

Secondary Uses

- Light manufacturing
- Multifamily residential
- Single family attached residential

Characteristics of Urban Form

	Existing	Desired
Building Heights	1 - 3 Stories	1 - 4 Stories
Setbacks	0 - 30 ft.	5 - 30 ft.
Block Length	400 - 800 ft.	600 - 800 ft.
Street Character	Gridded	Enhanced Network
Parking	Front, Rear, Side, On-street	Behind buildings, On-street, Mid-block structured parking
Residential Density	n/a	6 - 20 units/acre





PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000568363

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 \$696.44
Payment Amount \$696.44

Amount Due \$0.00

Tax Amount: 0.00

Payment Meth: Credit - Debit Card

Tear Sheets Proofs Affidavits PO Number:
0 0 1

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>	<u>Color</u>
0000568363-01	CLS Liner	2 X 55 li	\$0.00

Production Method
AdBooker (liner)

Production Notes

<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 Laureate Center 401

Run Dates: 5/24/2019, 5/31/2019

TagLine: NOTICEOFPUBLICHEARINGLAUREATECENTER401LAUREATEWAYKANNAPOLISNC28081PLANNINGAN
DZONINGCOMMISSIONMEETINGWEDNESDAYJUNE52019AT600PMZON



NOTICE OF PUBLIC HEARING

Laureate Center
401 Laureate Way, Kannapolis, NC 28081

Planning and Zoning Commission Meeting
Wednesday June 5, 2019 at 6:00 pm

Zoning Map Amendment - Z-2019-02 - Public hearing to consider a request to rezone approximately .25 +/- acres located at 1013 W C St from B-1 (Neighborhood Commercial) to RV (Residential Village), further identified as Cabarrus County PIN #5614-22-6299 to allow for single-family home.

Comprehensive Plan Amendment - CPA-2019-01 - Public hearing to consider a request to amend the 2030 Move Kannapolis Forward Comprehensive Future Land Use and Character Map to add 334 +/- acres located north of Old Beatty Ford Road, on the east and west side of Interstate 85, and assign a Character Area designation of Primary Activity Center - Interchange, further identified as Rowan County PINs #147-028, 147-068, 147-029, 147-070, 147-047, 147-069, 147-025, 139-077, 147-031, 135-068, 147-088, 135-090 and 135-091.

Zoning Map Amendment - Z-2019-03 - Public hearing to consider a request to rezone approximately 334 +/- acres located north of Old Beatty Ford Road, on the east and west side of Interstate 85 from Rowan County Zoning designation of RA (Rural Agricultural) to City of Kannapolis Zoning designation AG (Agricultural), further identified as Rowan County PINs #147-028, 147-068, 147-029, 147-070, 147-047, 147-069, 147-025, 139-077, 147-031, 135-068, 147-088, 135-090 and 135-091.

Call 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 tccline@kannapolisnc.gov.

Publish: May 24, 31, 2019.

OWNNAME	ADDRESS	CITY	STATE	ZIP
NORMAN R BASINGER	1003 MARIE AVE	KANNAPOLIS	NC	28083-2946
CECIL & BETTY KELLER	107 LANDMARK DR	KANNAPOLIS	NC	28083-6064
GARY & SYLVIA RITCHIE	1200 CHINA GROVE RD	CHINA GROVE	NC	28023-8692
TAMMY L EFIRD	1226 CIRCLE DR	CHINA GROVE	NC	28023-5633
RANDAL MORRIS	125 MORRIS HILL DR	CHINA GROVE	NC	28023-6634
MICHAEL EFIRD	1288 CIRCLE DR	CHINA GROVE	NC	28023-0000
DAVID & MARY MOOSE	1315 CHINA GROVE RD	CHINA GROVE	NC	28023-6614
JOHN GREENLAND	1355 CHINA GROVE RD	CHINA GROVE	NC	28023-6614
EUGENE & IRENE MOOSE	1415 CHINA GROVE RD	CHINA GROVE	NC	28023-6615
PATTI BLALOCK	1419 CHINA GROVE RD	CHINA GROVE	NC	28023-6614
RICKIE & LAMONDA BROOKS	1445 CHINA GROVE RD	CHINA GROVE	NC	28023-0000
DAVID & LINDA LEONARD	145 SLOOP ST	CHINA GROVE	NC	28023-8506
DEPARTMENT OF TRANSPORTATION	1546 MAIL SERVICE CENTER	RALEIGH	NC	27611-0000
CHARLES RYMER	1810 OLD BEATTY FORD RD	CHINA GROVE	NC	28023-7639
GLADYS TATE	1918 CRESTMONT ST	KANNAPOLIS	NC	28081-0000
JOSHUA L & ALISHA VANOVER	206 ENGLISH OAK LN	LANDIS	NC	28088-1468
FLOYD & FRANCES PROPST	2185 OLD BEATTY FORD RD	CHINA GROVE	NC	28023-7641
JAMIE & DEBORAH MORRIS	250 MORRIS HILL DR	CHINA GROVE	NC	28023-6635
JOHN & FAITH LIGHTFOOT	2506 KIMBOLTON DR	COLLEGE STATION	TX	77845-1204
BARBARA LENTZ	2570 LENTZ RD	CHINA GROVE	NC	28023-8420
GREER & CAROLYN DAUGHERTY	2920 DAUGHERTY RD	CHINA GROVE	NC	28023-9680
HIGH BRIDGE LLC				
ATTN: GARY MORTON	306 LAUREL VALLEY WAY	SALISBURY	NC	28144-0000
MARK & JOY ROBERTS	3126 FERNCLIFF RD	CHARLOTTE	NC	28211-3257
JULIUS & PHYLLIS RIVERS	320 BRUNER SLOOP RD	CHINA GROVE	NC	28023-8680
LANCE & ELIZABETH CASEY	330 BACKWOODS LN	CHINA GROVE	NC	28023-0000
GALEN & PATRICIA BURRIS	340 BRUNER SLOOP RD	CHINA GROVE	NC	28023-8680
THOMAS CORL	342 SERENITY RIDGE RD	CHINA GROVE	NC	28023-5626
MICHAEL & TRACEY MORRISON	345 BRUNER SLOOP RD	CHINA GROVE	NC	28023-8680
JEFFREY & DONNA FRITTS	347 SERENITY RIDGE RD	CHINA GROVE	NC	28023-5626
SCOTT & ASHLEIGH KIRKPATRICK	3525 LENTZ RD	CHINA GROVE	NC	28023-8661
TERRY BASINGER	3566 WESTERHAM DR	CLERMONT	FL	34711-5944
LARRY & BARBARA BASINGER	3570 LENTZ RD	CHINA GROVE	NC	28023-8661
ERNEST & EVELYN COLE	430 EVERGREEN LN	CHINA GROVE	NC	28023-6632
DONALD & ROLANDEE EFIRD	455 BACKWOODS LN	CHINA GROVE	NC	28023-5640
EARLENE WALLACE	470 CHERISH LN	CHINA GROVE	NC	28023-7697
STEPHEN & CATHY GARMON	520 GARMON RD	CHINA GROVE	NC	28023-8615
ALLEN BRITT	580 EASTSIDE DR	CHINA GROVE	NC	28023-8677
JOHN & DEBBIE GARMON	585 GARMON RD	CHINA GROVE	NC	28023-8615
TRUSTEE RALPH E ARCHIE	610 ROCK GROVE CHURCH RD	SALISBURY	NC	28146-0320
GARYS BAR-B-Q INC	620 N US 29 HWY	CHINA GROVE	NC	28023-2616
GALEN BURRIS	885 FRED LN	CHINA GROVE	NC	28023-5691
LINDA TADLOCK	PO BOX 133	LANDIS	NC	28088-0133
MARGARET MCCORA-LAWSON	PO BOX 715	CHINA GROVE	NC	28023-0715



May 22, 2019

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Wednesday, June 5, 2019 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

Z-2019-03 – Zoning Map Amendment – Highbridge

The purpose of the Public Hearing is to consider a request to apply a City of Kannapolis zoning designation of AG (Agricultural) to property located north of Old Beatty Ford Road, on the east and west side of Interstate 85 with a current Rowan County Zoning designation of RA (Rural Agricultural). The property is approximately 334 +/- acres in size and further identified as Rowan County Parcel Identification Numbers 147-028, 147-068, 147-029, 147-070, 147-047, 147-069, 147-025, 139-077, 147-031, 135-068, 147-088, 135-090 and 135-091 (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 & 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
Senior Planner

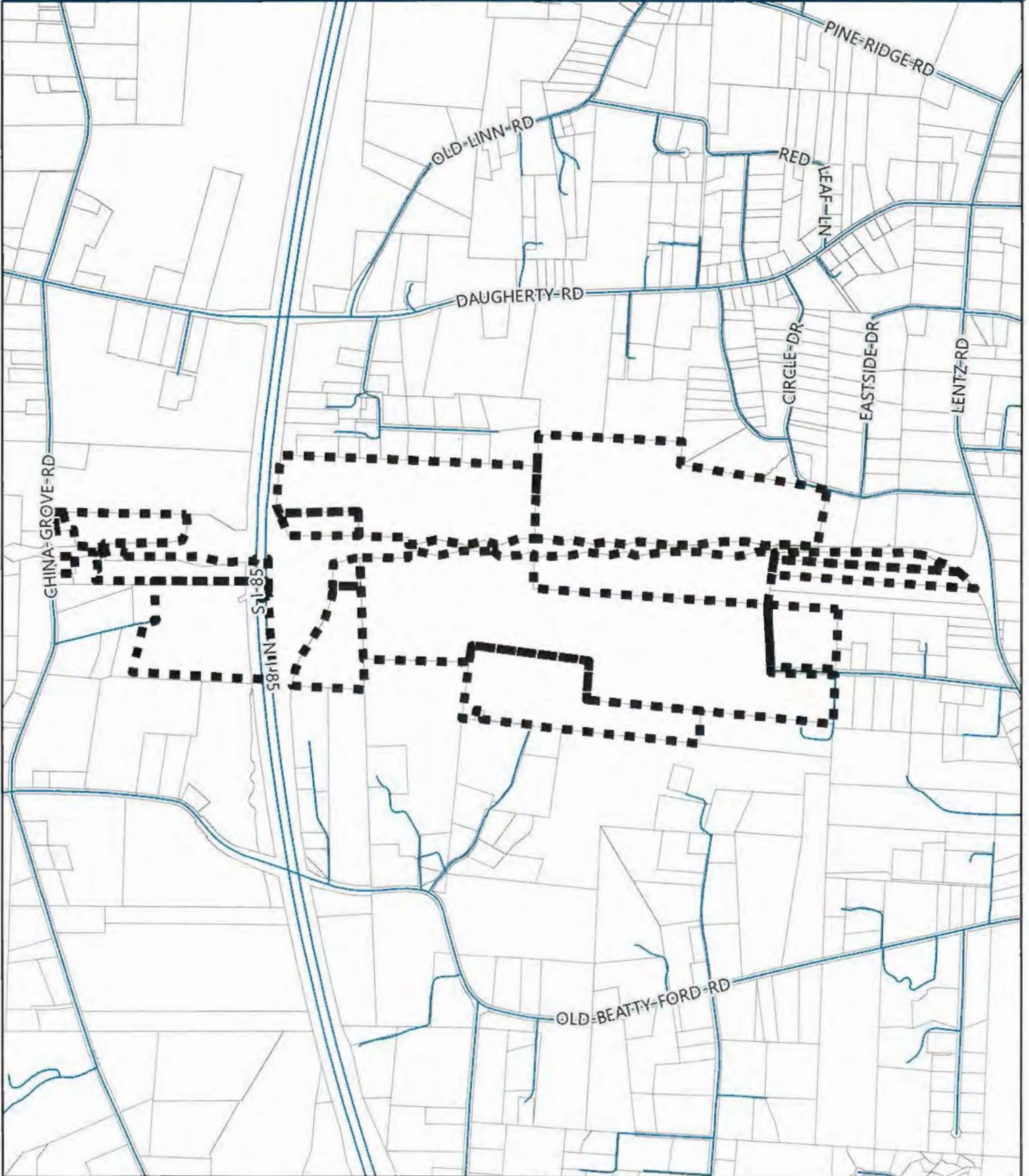
Enclosure

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.



Conditional Rezoning

Case Number: Z-2019-03
Applicant: High Bridge Dev. LLC





KANNAPLUS
PLANNING
ZONING
COMMISSION
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # Z-2019-03

KANNAPLIS
PLANNING
ZONING
COMMISSION
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # Z-2019-03





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dkins
Equipment
Charlotte N.C.

KANNAPOLIS
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INFORMATION
CALL 704-920-4350
CASE # Z - 2019 -03



KANNON
PLANNING
ZONING
COMMISSION
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # Z-2019-03



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #Z-2019-03**

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 June 5, 2019 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone properties located north of Old Beatty Ford Road on the east and west side on Interstate 85, (Rowan County Parcel Identification Number(s) 147-028, 147-068, 147-029, 147-070, 147-047, 147-069, 147-025, 139-077, 147-031, 135-068, 147-088, 135-090 and 135-091), owned by Highbridge Development, LLC., from Rowan County Rural Agricultural (RA) Zoning Designation to City of Kannapolis AG (Agricultural) Zoning Designation.

NOW, THEREFORE BE IT RESOLVED *that the Planning and Zoning Commission finds this zoning map amendment as presented in Case #Z-2019-03 to be consistent with the Move Kannapolis Forward 2030 Comprehensive Plan which places the subject properties in a Primary Activity Center – Interchange Character Area which allows for a mixture of uses including but not limited to retail, office, light manufacturing, as well as a mix of residential product types. The AG zoning district serves as a holding zone for properties until utilities are extended and development is proposed.*

Adopted this the 5th day of June 2019:

Scott Trott, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case #Z-2019-03 (Highbridge)

Rowan County Rural Agricultural (RA) Zoning District to City of Kannapolis Agricultural (AG) 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. 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 June 5, 2019 for consideration of rezoning petition Case #Z-2019-03 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone properties located north of Old Beatty Ford Road on the east and west side on Interstate 85, (Rowan County Parcel Identification Number(s) 147-028, 147-068, 147-029, 147-070, 147-047, 147-069, 147-025, 139-077, 147-031, 135-068, 147-088, 135-090 and 135-091), owned by Highbridge Development LLC., from Rowan County Rural Agricultural (RA) Zoning Designation to City of Kannapolis AG (Agricultural) 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 tracts is approximately 334 +/- 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?

A concurrent comprehensive plan amendment (CPA-2019-01) of the Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use and Character Area map is being proposed. That amendment proposes to assign a Future Land Use and Character Area of "Primary Activity Center – Interchange" to the subject parcels. These parcels are located adjacent or in close proximity to the future Interstate-85 Exit 65 (Old Beatty Ford Rd.)

currently under construction. The Primary Activity Center - Interchange allows for a mixture of uses including but not limited to retail, office, light manufacturing, as well as a mix of residential product types. The subject parcels are within Area Three of Rowan County's Land Use Plan (adopted in 2012). That plan recommends a mixture of uses and consideration for the Lake Fisher Watershed. This amendment is subject to final approval by City Council of the comprehensive plan amendment CPA-219-01 to assign the "Primary Activity Center – Interchange" Character Area to the subject parcels. This same Character Area has also been assigned to the area adjacent to Exit 58 (Cannon Blvd.), Exit 60 (Dale Earnhardt Blvd.), and Exit 63.

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

The subject properties are surrounded predominantly residential uses with a mixture of larger rural style lots and smaller neighborhood lots, with some commercial and institutional uses.

4. Will there be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning?

No adverse effects are anticipated with this rezoning as it is an interim zoning designation until such time that a development plan is proposed. Any development will require a Traffic Impact Analysis.

5. Will there be parking problems?

No parking problems are anticipated. Site plan approval is required prior to any development of the site and plans are 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. In addition, all future development will be required to conform to all applicable local, state, and federal environmental regulations.

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 area will have a new interchange (Exit 65) off Interstate 85. It is anticipated that the interchange improvement will foster redevelopment of the area.

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

Extensions of utilities in the area are being planned for the near future.

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

Properties to the north, south, east and west of the subject property are zoned Rowan County RA (Rural Agricultural). Properties to the north are also zoned Rowan County CBI (Commercial, Business, Industrial). The surrounding land uses are predominantly residential with some commercial and institutional uses.

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

The property is currently zoned RA (Rowan County zoning district). State law requires that the City assigns a zoning designation within 60 days of the date of legislation being passed for annexation, otherwise the parcel remains “unzoned”. The City’s AG zoning district is intended to be primarily a holding zone until utilities are extended and development is proposed.

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

The AG zoning district proposed will maintain the current level of development on the property.

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

Records show the majority of land being vacant as far back as the early 1990s, and perhaps earlier.

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 vacant 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 AG – Agricultural Zoning District

Adopted this the 5th day of June 2019:

Scott Trott, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission