



**CITY OF KANNAPOLIS
PLANNING & ZONING COMMISSION MEETING**

July 15, 2025, at 6:00 pm

Agenda

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes:** June 17, 2025
- 5. Public Hearing**
 - a. **Z-2025-05 – Zoning Map Amendment – 310 N. Little Texas Road**
Public Hearing to consider a request to rezone property located at 310 N. Little Texas Road from City of Kannapolis Residential 4 (R4) to City of Kannapolis Residential 6 (R6) for a proposed duplex. The subject property is approximately 0.36 +/- acres and furthered identified as Cabarrus County Parcel Identification Number 56233813740000.
- 6. Recommendation to City Council**
 - a. **Text Amendment – TA-2025-05 – Vehicle sales and services uses in the Dale Earnhardt Boulevard Subdistrict of the Thoroughfare Protection Overlay (TPO) District**
Consider a recommendation to City Council on an amendment to Section 3.8.F(4)b.3 of the Kannapolis Development Ordinance regarding allowing Vehicle Sales and Service uses within the Dale Earnhardt Boulevard Subdistrict of the Thoroughfare Protection Overlay (TPO) District if the site has frontage on an arterial highway and is within 500 feet of an intersection of two or more major arterial highways, provided that no vehicles shall be stored on site.
- 7. Planning Director Update**
- 8. Other Business**
- 9. Adjourn**



**Planning and Zoning Commission
July 15, 2025 Meeting**

Staff Report

TO: Planning and Zoning Commission

FROM: Kathryn Stapleton, Planner

SUBJECT: **Case #Z-2025-05: Zoning Map Amendment – 310 N. Little Texas Rd.**
Applicant: Joseph Roche

Request to rezone property located at 310 N. Little Texas Rd. from City of Kannapolis Residential 4 (R4) to City of Kannapolis Residential 6 (R6) zoning district.

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 2.3.B.(1)a of the Kannapolis Development Ordinance (KDO) allows the Planning and Zoning Commission to render a final decision on a rezoning request. If there is a denial, an approval by a vote of less than three-fourths, or an appeal of the decision, then only City Council shall have final decision-making authority. Any final decision rendered by the Commission may be appealed within fifteen (15) days to City Council.

C. Background & Project Overview

The applicant, Joseph Roche, is requesting to rezone property located at 310 N. Little Texas Rd. from City of Kannapolis Residential 4 (R4) to City of Kannapolis Residential 6 (R6) zoning district. The subject property is further identified as Cabarrus County Parcel Identification Number 56233813740000 and is approximately 0.36 +/- acres.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.5.A.(2).c. of the KDO states that Amending the Zoning Map is a matter committed to the legislative discretion of the Planning and Zoning Commission or of the City Council, as authorized by this section. In determining whether to adopt or deny the proposed amendment, the Planning and Zoning Commission or City Council, as applicable, may consider and weigh the relevance of, whether and to what extent the proposed Zoning Map amendment:

1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?

Yes. This area is located within the “Urban Residential” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The “Urban Residential” Character Area promotes single-family attached residential as primary uses and multi-family residential as secondary uses.

2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?

No. The R6 zoning designation is appropriate for this area.

3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?

No. The proximity to Residential 8 (R8) zoning and consistency with the Comprehensive Plan Character Area make the requested R6 zoning district an appropriate change.

4. Does the proposed rezoning allow uses that are compatible with existing and allowed uses on surrounding land and with the stability and character of any adjacent residential neighborhoods?

Yes. The R6 zoning designation is compatible with existing and allowed uses on surrounding land. Surrounding uses are primarily single-family detached dwellings.

5. Does the proposed rezoning ensure efficient development within the City, taking into consideration the capacity and safety of the street network, the adequacy of public facilities, the suitability of the land for the uses allowed under the existing zoning, and other relevant considerations?

Yes. This property is located adjacent to roads with adequate capacity and safety, and is a suitable use allowed under the requested zoning. Public water and sewer services are accessible to this site.

6. Does the proposed rezoning result in a logical and orderly development pattern, taking into consideration the size of the subject lands and the zoning and existing and proposed development on surrounding lands?

Yes. The requested zoning allows for a use that is compatible with existing adjacent residential uses.

7. Does the proposed rezoning result in significant adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment?

No. There are no anticipated significant environmental impacts from rezoning this property. This property is located in the Coldwater Creek (Lake Fisher) WS-IV Protected Watershed. Any development will be required to conform to all applicable local, state, and federal environmental regulations.

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan* (“2030 Plan”), adopted by City Council, which designates the subject property as located within the “Urban Residential” Character Area in the *2030 Plan*. Staff finds the request for rezoning compatible with the surrounding zoning and it is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

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 2030 Plan, staff recommends approval for Zoning Map Amendment Case #Z-2025-05.

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-2025-05, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan* (“2030 Plan”), adopted by City Council, which designates the subject property as located within the “Urban Residential” Character Area in the *2030 Plan*. Staff finds the request for rezoning compatible with the surrounding zoning and it is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

2. Should the Commission choose to approve Case #Z-2025-05, 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-2025-05, 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-2025-05 to be **inconsistent** with the goals and policies of the **Move Kannapolis Forward 2030 Comprehensive Plan**, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

2. Should the Commission choose to deny Case #Z-2025-05, a motion should be made to deny the Resolution to Zone.

I. Attachments

1. Rezoning Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use and Character Map
5. List of Notified Properties
6. Letter to Adjacent Property Owners
7. Resolution to Adopt a Statement of Consistency
8. Resolution to Zone

J. Issue Reviewed By:

- Planning Director
- Assistant City Manager



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

Zoning Map Amendment Checklist

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. Please either bring this application to the address above or email to bbarcroft@kannapolisnc.gov. The fees may also be paid online with a link provided by staff.

REZONING REQUEST

Rezoning – Request for an amendment to the Kannapolis Zoning Map. Approval authority – Planning and Zoning Commission.

Requested Rezoning Property Address: 310 N Little Texas Rd, Kannapolis, NC 28083

Applicant: Joseph Roche/ EJR RENTALS LLC

Proposed development: I am seeking to rezone this property to R6 to build a duplex

I am seeking to rezone this property to R6 to build a duplex on the parcel.

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting
- ☒ Zoning Map Amendment Checklist and Application – Complete with all required signatures
- ☒ Fee: \$850.00 (\$500 Application Fee, \$300 Legal Notices and notification fee, & \$50 letter/sign public notice [see Fee Schedule])
- ☒ Please mark this box to authorize aerial drone photography of the site

PROCESS INFORMATION

Public Notification: This is a legislative process that requires a public hearing and public notification including newspaper notice, first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Section 2.4.F of the KDO).

Review Process: All applications will be reviewed for compliance and then forwarded to the Planning and Zoning Commission for consideration at a public hearing which is held monthly on the third Tuesday at 6:00pm in City Hall Laureate Center. **The pre-application meeting, submittal of application, and payment of fees, must be completed prior to scheduling the public hearing. Please review Section 2.4.D. of the KDO.**

Action by Planning and Zoning Commission: After conducting a public hearing, the Commission may: deny the application; conduct an additional public hearing on the application; or approve the application.

Scope of Approval: An affirmative vote of three-fourths of the members present and not excused from voting, shall be necessary to approve a rezoning request. The approval of a rezoning does not authorize development activity, but does authorize the application to apply for a final major site plan. Any final decision rendered by the Commission may be appealed within fifteen (15) days to the City Council.

By signing below I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Signed by:
Applicant's Signature: Joseph Roche

Date: 03/19/2025



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: Joseph Roche

Address: 951 Aberdeen CT NW, Concord, NC 28027

Phone: 980-521-9359

Email: [REDACTED]

Property Owner Contact Information ☒ same as applicant

Name: _____

Address: _____

Phone: _____

Email: _____

Project Information

Project Address: 310 N Little Texas Rd, Kannapolis, NC 28083

Parcel: 5623-38-1374-0000 # of parcels: 1 Approx. size of parcels: 0.36

(attach separate list if necessary)

Current Zoning Designation: R4 Requested Zoning Designation: _____

Reason for map amendment: _____

I am requesting to rezone this property from R4 to R6 to allow for the construction of a duplex

which will optimize the use of the parcel and align with the area's housing needs.

By signing below, it is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound to the use(s) authorized unless subsequently changed or amended as provided for in the Zoning Ordinance.

Signed by:

Joseph Roche

03/19/2024

Applicant Signature

Date

Property Owner Signature

Date

Note: This is not a permit to occupy a structure. Owner and/or applicant are responsible for the location of utility lines and easements. Zoning Map Amendment does not guarantee the availability of water and/or sewer.



Vicinity Map

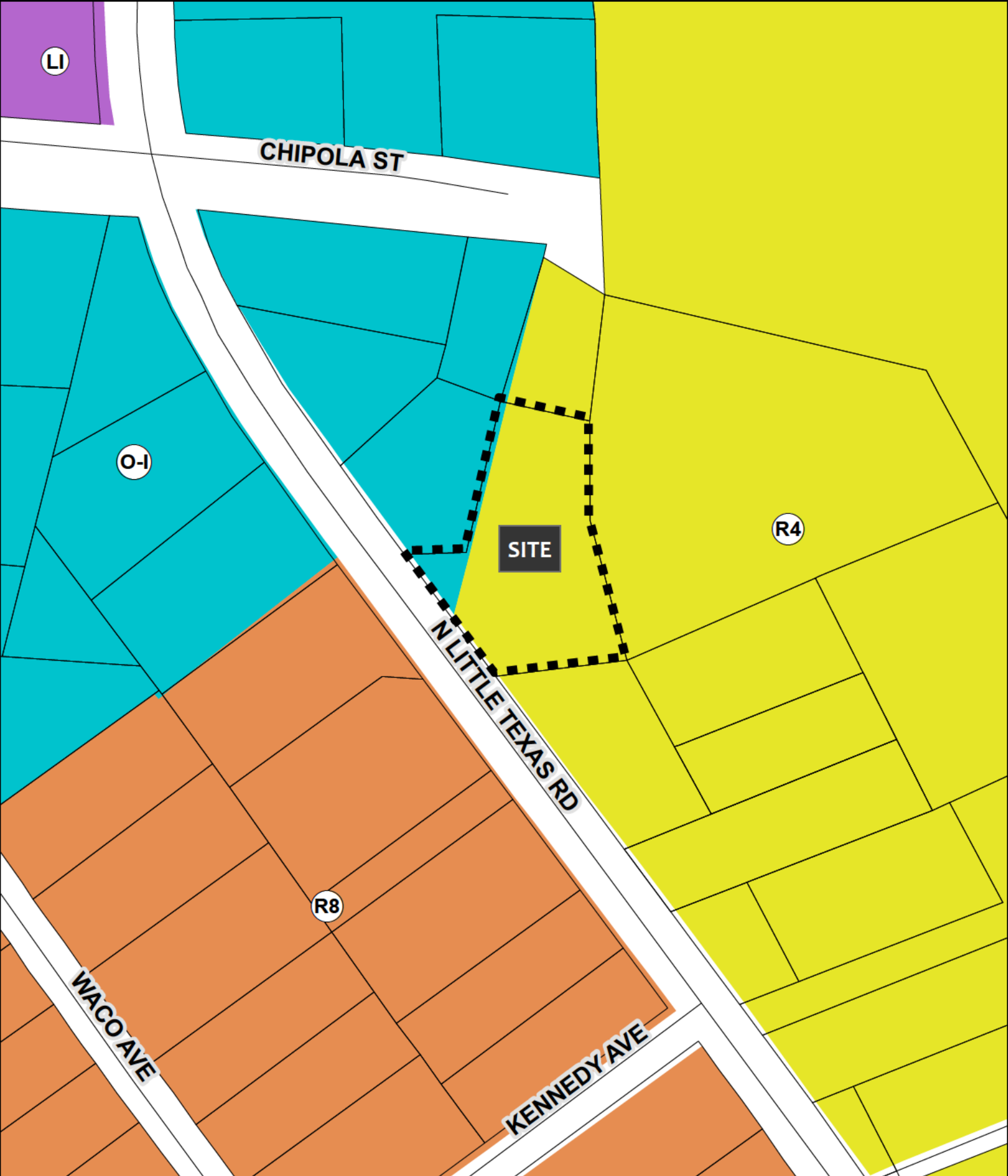
Case Number: Z-2025-05
Applicant: Joseph Roche
310 N Little Texas Rd





Kannapolis Current Zoning

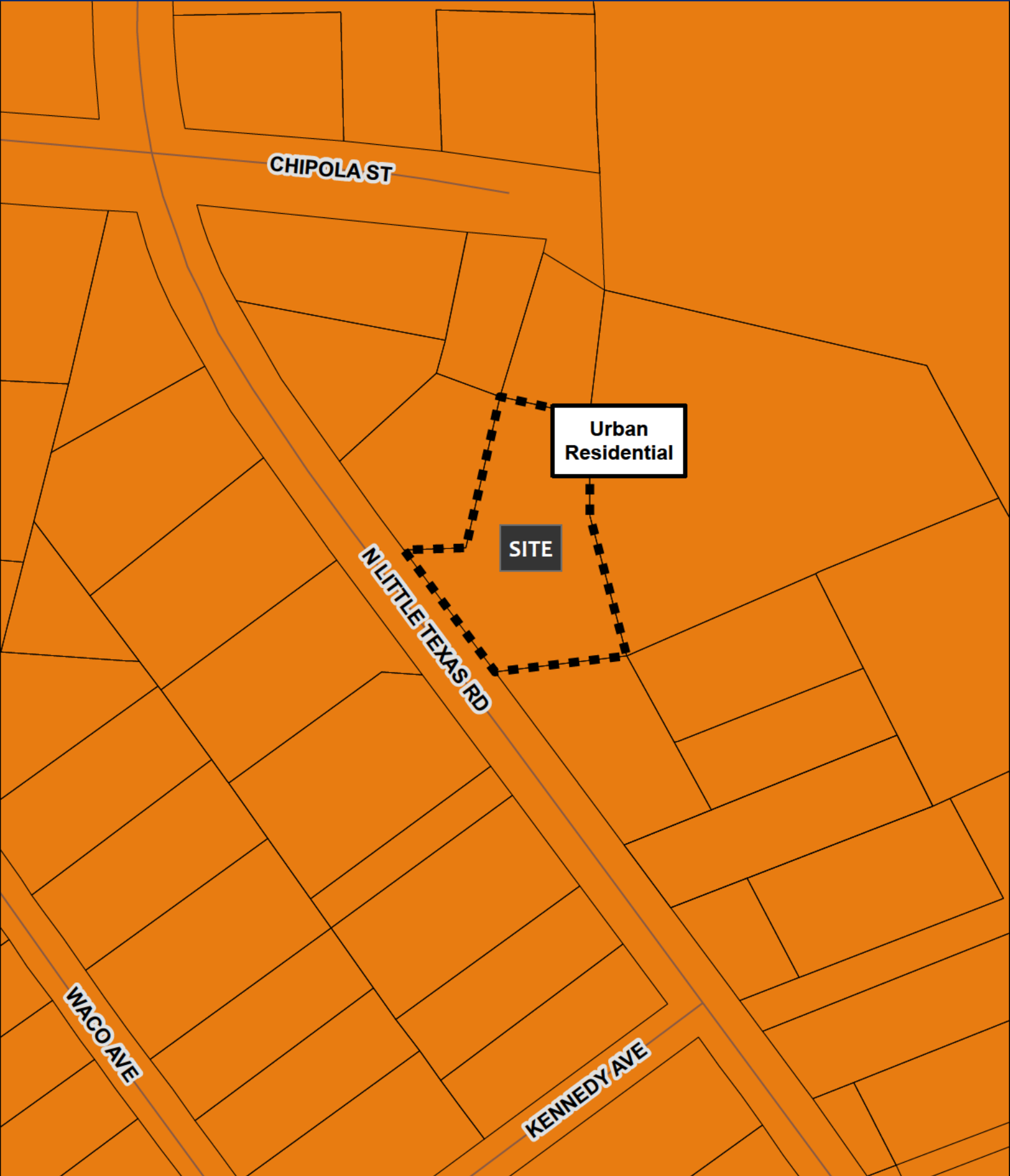
Case Number: Z-2025-05
Applicant: Joseph Roche
310 N Little Texas Rd





Kannapolis 2030 Future Land Use Map

Case Number: Z-2025-05
Applicant: Joseph Roche
310 N Little Texas Rd



CITY OF KANNAPOLIS

MEMORANDUM

TO: Amanda Boan
The Independent Tribune
FROM: Kathryn Stapleton, Planner
DATE: June 27, 2025
SUBJECT: Display Ad

Please publish this Notice of Public Hearing as a **display ad** in the non-legal section of *The Independent Tribune*.

Publish dates: Thursday, July 3, 2025
Thursday, July 10, 2025

Send invoice of publication to: gwilkins@kannapolisnc.gov

Call me at 704-920-4361 if you have any questions.

Thank you.
Kathryn Stapleton
kstapleton@kannapolisnc.gov



**NOTICE OF PUBLIC HEARING
Planning and Zoning Commission Meeting**

Tuesday, July 15, 2025, at 6:00 pm

Zoning Map Amendment – Z-2025-05 – 310 N. Little Texas Road – Public Hearing to consider a request to rezone property located at 310 N. Little Texas Road from City of Kannapolis Residential 4 (R4) to City of Kannapolis Residential 6 (R6). The subject property is approximately 0.36 +/- acres and furthered identified as Cabarrus County Parcel Identification Number 56233813740000.

In accordance with Title II of the Americans with Disabilities Act (AD), any person requiring an accommodation to participate in a function or program of the City of Kannapolis, should contact Daniel Jenkins, Assistant Human Resource Director & ADA Coordinator, by phone at 704-920-4312, email adaordinator@kannapolisnc.gov, or in person at Kannapolis City Hall as soon as possible but not later than 48 hours before the scheduled event.

ALEXANDER EARNEST W	ALEXANDER VANESSA D	134 WACO AVE	KANNAPOLIS	NC	28083 ALEXANDER EARNEST W & ALEXANDER VANESSA D 134 WACO AVE KANNAPOLIS, NC 28083
BANKHEAD CHALMERS C JR		300 N LITTLE TEXAS RD	KANNAPOLIS	NC	28083 BANKHEAD CHALMERS C JR & 300 N LITTLE TEXAS RD KANNAPOLIS, NC 28083
BANKHEAD CHALMERS JR	BANKHEAD PATRICIA MILLER	300 N LITTLE TEXAS RD	KANNAPOLIS	NC	28083 BANKHEAD CHALMERS JR & BANKHEAD PATRICIA MILLER 300 N LITTLE TEXAS RD KANNAPOLIS, NC 28083
BANKHEAD ESTELLA P		301 N LITTLE TEXAS RD	KANNAPOLIS	NC	28083 BANKHEAD ESTELLA P & 301 N LITTLE TEXAS RD KANNAPOLIS, NC 28083
BANKHEAD PATRICIA MILLER		300 N LITTLE TEXAS RD	KANNAPOLIS	NC	28083 BANKHEAD PATRICIA MILLER & 300 N LITTLE TEXAS RD KANNAPOLIS, NC 28083
CHAVEZ GUILLERINO G	BOLANOS FRANCISCA C	428 STATESVILLE BLVD	SALISBURY	NC	28144 CHAVEZ GUILLERINO G & BOLANOS FRANCISCA C 428 STATESVILLE BLVD SALISBURY, NC 28144
CHERRY SYBIL S	NEELY DWIGHT O HSB	195 GLADIOLA AVE	SPRING LAKE	NC	28390 CHERRY SYBIL S & NEELY DWIGHT O HSB 195 GLADIOLA AVE SPRING LAKE, NC 28390
CHURCH OF GOD OF PROPHECY		PO BOX 387	KANNAPOLIS	NC	28082 CHURCH OF GOD OF PROPHECY & PO BOX 387 KANNAPOLIS, NC 28082
EJR RENTALS LLC		951 ABERDEEN CT NW	CONCORD	NC	28027 EJR RENTALS LLC & 951 ABERDEEN CT NW CONCORD, NC 28027
GIBSON HERMAN L		313 BARBOUR ST APT D	SALISBURY	NC	28144 GIBSON HERMAN L & 313 BARBOUR ST APT D SALISBURY, NC 28144
GRAEBER CORA HEIR		C/O DEWEY WILSON	CHARLOTTE	NC	28269 GRAEBER CORA HEIR & C/O DEWEY WILSON 6731 SUMMERGOLD WAY CHARLOTTE, NC 28269
GRAEBER MARVIN BENJAMIN		FAMILY TRUST	GREENSBORO	NC	27406 GRAEBER MARVIN BENJAMIN & FAMILY TRUST 1903 CURRY ST GREENSBORO, NC 27406
GRANT KEITH BERNARD		735 FOREST ST NW	CONCORD	NC	28025 GRANT KEITH BERNARD & 735 FOREST ST NW CONCORD, NC 28025
GRIFFIN BESSIE ESTATE		503 BLUFF SCHOOL RD	KERNERSVILLE	NC	27284 GRIFFIN BESSIE ESTATE & 503 BLUFF SCHOOL RD KERNERSVILLE, NC 27284
GRIFFIN ORIS TAMARA		3475 DAWN DR	ROCKINGHAM	VA	22801 GRIFFIN ORIS TAMARA & 3475 DAWN DR ROCKINGHAM, VA 22801
HODGE MELANIE EAVES		258 SUMMIT PARK CT	KANNAPOLIS	NC	28083 HODGE MELANIE EAVES & 258 SUMMIT PARK CT KANNAPOLIS, NC 28083
KLUTZ PEARLIE MAE		313 N LITTLE TEXAS RD	KANNAPOLIS	NC	28083 KLUTZ PEARLIE MAE & 313 N LITTLE TEXAS RD KANNAPOLIS, NC 28083
KLUTZ PEARLIE MAE		313 N LITTLE TEXAS RD	KANNAPOLIS	NC	28083 KLUTZ PEARLIE MAE & 313 N LITTLE TEXAS RD KANNAPOLIS, NC 28083
LEFLORE GLENDA		6616 CEDAR CLIFF DR	CHARLOTTE	NC	28216 LEFLORE GLENDA & 6616 CEDAR CLIFF DR CHARLOTTE, NC 28216
LIPSCOMB LOTTIE ESTATE		C/O LETHER LIPSCOMB BARFIELD	KANNAPOLIS	NC	28083 LIPSCOMB LOTTIE ESTATE & C/O LETHER LIPSCOMB BARFIELD 125 WACO AVE KANNAPOLIS, NC 28083
MADISON CHERYLE	STEELE TRONIQUEA	311 N LITTLE TEXAS RD	KANNAPOLIS	NC	28083 MADISON CHERYLE & STEELE TRONIQUEA 311 N LITTLE TEXAS RD KANNAPOLIS, NC 28083
NELSON FREDDIE		PO BOX 6358	STATESVILLE	NC	28687 NELSON FREDDIE & PO BOX 6358 STATESVILLE, NC 28687
OPTIMISTIC INVESTMENTS LLC		PO BOX 33306	CHARLOTTE	NC	28233 OPTIMISTIC INVESTMENTS LLC & PO BOX 33306 CHARLOTTE, NC 28233
PORE WILLIE MALCOM &	TERESA	140 WACO ST	KANNAPOLIS	NC	28081 PORE WILLIE MALCOM & & TERESA 140 WACO ST KANNAPOLIS, NC 28081
RC AND RS REAL ESTATE LLC		PO BOX 1294	KANNAPOLIS	NC	28082 RC AND RS REAL ESTATE LLC & PO BOX 1294 KANNAPOLIS, NC 28082
RICE TIANTE MARQUISE	HANCOCK SONJA RICE	108 ROYAL KINGS CT	WINSTON SALEM	NC	27127 RICE TIANTE MARQUISE & HANCOCK SONJA RICE 108 ROYAL KINGS CT WINSTON SALEM, NC 27127
ROSEBOROUGH KIMBERLY RENEE		1308 CHIPOLA ST	KANNAPOLIS	NC	28083 ROSEBOROUGH KIMBERLY RENEE & 1308 CHIPOLA ST KANNAPOLIS, NC 28083
ROSEMAN ELBERT W	DOUGLAS MARGARET	3310 ROCK HILL CHURCH RD	CONCORD	NC	28027 ROSEMAN ELBERT W & DOUGLAS MARGARET 3310 ROCK HILL CHURCH RD CONCORD, NC 28027
ROSEMAN ELBERT W	DOUGLAS MARGARET	3310 ROCK HILL CHURCH RD	CONCORD	NC	28027 ROSEMAN ELBERT W & DOUGLAS MARGARET 3310 ROCK HILL CHURCH RD CONCORD, NC 28027
STOFFORD WALTER L	STOFFORD APRIL S	125 COTTONTAIL LN SE	CONCORD	NC	28025 STOFFORD WALTER L & STOFFORD APRIL S 125 COTTONTAIL LN SE CONCORD, NC 28025
WEAKS MICHAEL	WEAKS CRYSTAL B	467 RACHEL DR	EVANS	GA	30809 WEAKS MICHAEL & WEAKS CRYSTAL B 467 RACHEL DR EVANS, GA 30809
ZALDIVAR ITZEL LINETH		150 WACO AVE	KANNAPOLIS	NC	28083 ZALDIVAR ITZEL LINETH & 150 WACO AVE KANNAPOLIS, NC 28083
ZAVARGAS LLC		PO BOX 112	CONCORD	NC	28026 ZAVARGAS LLC & PO BOX 112 CONCORD, NC 28026
ZH INVESTMENTS LLC		PO BOX 112	CONCORD	NC	28026 ZH INVESTMENTS LLC & PO BOX 112 CONCORD, NC 28026



June 30, 2025

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, July 15, 2025, at 6:00 PM, at 401 Laureate Way, Kannapolis, NC for the following case:

Z-2025-05 – Zoning Map Amendment – 310 N. Little Texas Road

The purpose of this Public Hearing is to consider a request to rezone property located at 310 N. Little Texas Road from City of Kannapolis Residential 4 (R4) to City of Kannapolis Residential 6 (R6) zoning district. The subject property is approximately 0.36 +/- acres and further identified as Cabarrus County Parcel Identification Number 56233813740000 (see reverse side of this letter for a 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 Development Ordinance. You are invited to attend the public hearing and will be provided an opportunity to speak to the Planning and Zoning Commission, if you believe it to be necessary for their decision making on this matter.

If you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4361 or email kstapleton@kannapolisnc.gov.

Sincerely,

Kathryn Stapleton, CZO
Planner

Enclosure

In accordance with Title II of the Americans with Disabilities Act (AD), any person requiring an accommodation to participate in a function or program of the City of Kannapolis, should contact Daniel Jenkins, Assistant Human Resource Director & ADA Coordinator, by phone at 704-920-4312, email adacoordinator@kannapolisnc.gov, or in person at Kannapolis City Hall as soon as possible but not later than 48 hours before the scheduled event.

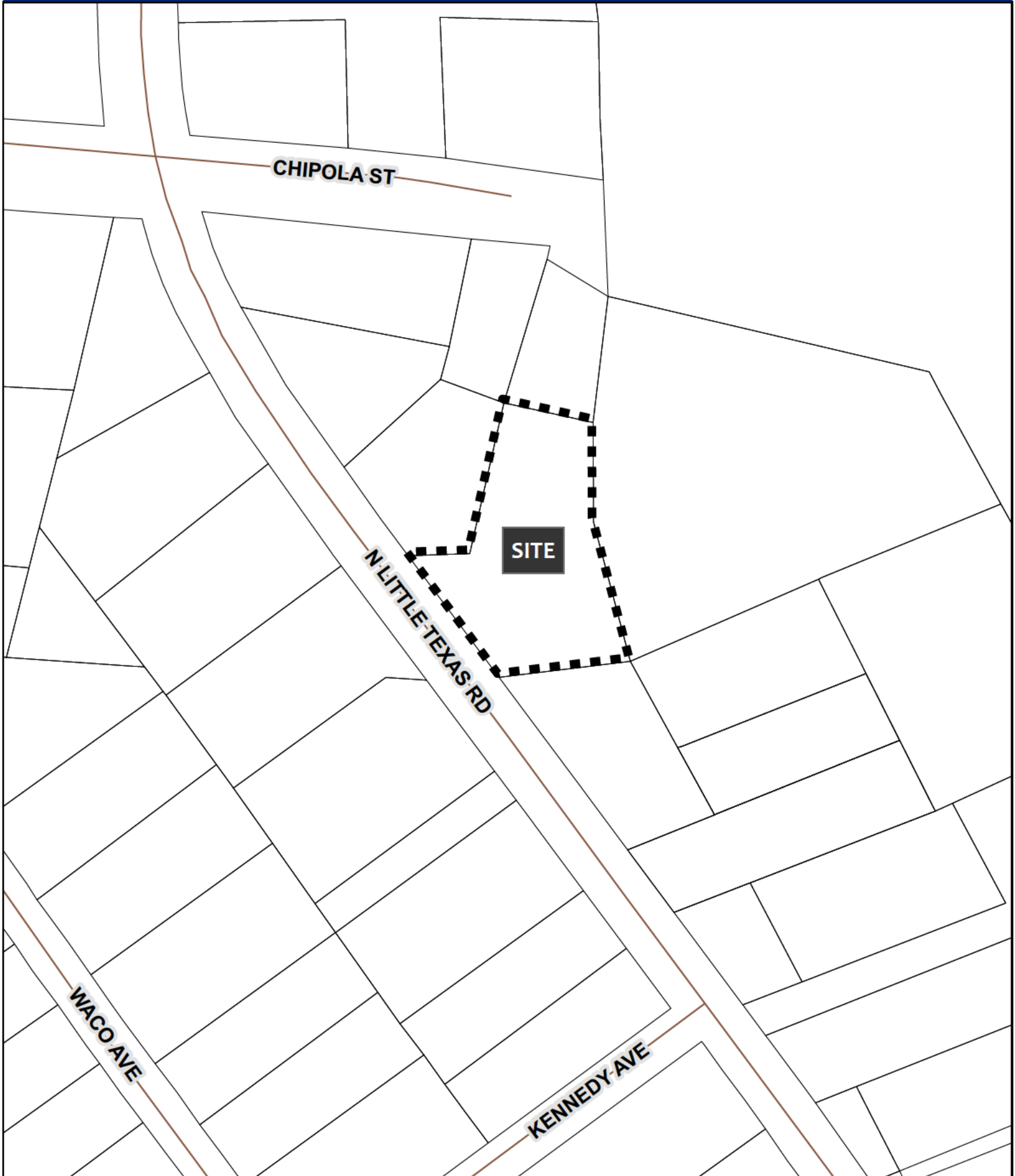


Rezoning

Case Number: Z-2025-05

Applicant: Joseph Roche

310 N Little Texas Rd



Adkins
Truck Equipment
Charlotte N.C.

KANNAPOLIS

PLANNING

ZONING

COMMISSION

PUBLIC HEARING INFORMATION
CALL 704-920-4350 CASE # Z-2025-05



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #Z-2025-05**

WHEREAS, Sections 160D-604 and 160D-605 of the North Carolina General Statutes specify 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 2.3.B(1).a. of the Kannapolis 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 July 15, 2025 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone approximately 0.36 +/- acres of property located at 310 N. Little Texas Rd. (Cabarrus County Parcel Identification Number 56233813740000), owned by Joseph Roche, from City of Kannapolis Residential 4 (R4) to City of Kannapolis Residential 6 (R6)) zoning district.

NOW, THEREFORE BE IT RESOLVED *The Planning and Zoning Commission finds this rezoning consistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan ("2030 Plan"), adopted by City Council, which designates the subject property as located within the "Urban Residential" Character Area in the 2030 Plan. Staff finds the request for rezoning compatible with the surrounding zoning and it is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.*

Adopted this the 15th day of July, 2025:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Gabriela Wilkins, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

**Case #Z-2025-05
(310 N. Little Texas Rd.)**

**From City of Kannapolis Residential 4 (R4) to
City of Kannapolis Residential 6 (R6) Zoning Designation**

WHEREAS, Section 2.3.B.(1).a of the Kannapolis Development Ordinance (KDO) specifically delegates authority to the Planning and Zoning Commission to take final action on a rezoning application provided, if the application is approved by less than a three quarters majority of voting members or denied, or if the Planning and Zoning Commission's decision is appealed, the City Council shall make the final decision on the application; and

WHEREAS, the Commission conducted a public hearing on July 15, 2025, for consideration of rezoning petition Case #Z-2025-05 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone 0.36 +/- acres of property located at 310 N. Little Texas Rd., (Cabarrus County Parcel Identification Number 56233813740000) owned by Joseph Roche, from City of Kannapolis Residential 4 (R4) to City of Kannapolis Residential 6 (R6) zoning district

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 2.5.A.(2).c of the Kannapolis Development Ordinance, the Planning and Zoning Commission makes the following findings in support of and in analysis of the rezoning:

1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?

Yes. This area is located within the "Urban Residential" Character Area as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. The "Urban Residential" Character Area promotes single-family attached residential as primary uses and multi-family residential as secondary uses.

2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?

No. The R6 zoning designation is appropriate for this area.

3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?

No. The proximity to Residential 8 (R8) zoning and consistency with the Comprehensive Plan Character Area make the requested R6 zoning district an appropriate change.

4. Does the proposed rezoning allow uses that are compatible with existing and allowed uses on surrounding land and with the stability and character of any adjacent residential neighborhoods?

Yes. The R6 zoning designation is compatible with existing and allowed uses on surrounding land. Surrounding uses are primarily single-family detached dwellings.

5. Does the proposed rezoning ensure efficient development within the City, taking into consideration the capacity and safety of the street network, the adequacy of public facilities, the suitability of the land for the uses allowed under the existing zoning, and other relevant considerations?

Yes. This property is located adjacent to roads with adequate capacity and safety, and is a suitable use allowed under the requested zoning. Public water and sewer services are accessible to this site.

6. Does the proposed rezoning result in a logical and orderly development pattern, taking into consideration the size of the subject lands and the zoning and existing and proposed development on surrounding lands?

Yes. The requested zoning allows for a use that is compatible with existing adjacent residential uses.

7. Does the proposed rezoning result in significant adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment?

No. There are no anticipated significant environmental impacts from rezoning this property. This property is located in the Coldwater Creek (Lake Fisher) WS-IV Protected Watershed. Any development will be required to conform to all applicable local, state, and federal environmental regulations.

NOW, THEREFORE BE IT RESOLVED by the City of Kannapolis Planning and Zoning Commission that the above referenced properties be rezoned from City of Kannapolis Residential 4 (R4) to City of Kannapolis Residential 6 (R6) Zoning Designation.

Adopted this the 15th day of July, 2025:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Gabriela Wilkins, Recording Secretary
Planning and Zoning Commission



**Planning and Zoning Commission
July 15, 2025, Meeting
Staff Report**

TO: Planning and Zoning Commission Members

FROM: Elizabeth McCarty, Assistant Planning Director

SUBJECT: Case: TA-2025-05: Text Amendment

Consideration of a text amendment to Section 3.8.F(4)b.3 to allow Vehicle Sales and Service uses within the Dale Earnhardt Boulevard Subdistrict of the Thoroughfare Protection Overlay (TPO) District if the site has frontage on an arterial highway and is within 500 feet of an intersection of two or more major arterial highways, provided that no vehicles shall be stored on site. The proposed text amendment request was submitted by Eagle Engineering, Inc.

A. Actions Requested by Planning and Zoning Commission Members

1. Consider Resolution to Adopt a Statement of Consistency for TA-2025-05
2. Consider motion to recommend approval of proposed text amendment by City Council

B. Decision and Required Votes to Pass Requested Action

Article 2, Section 2.5.A of the Kannapolis Development Ordinance (KDO) addresses the procedures for processing amendments to the text of the ordinance. The Planning and Zoning Commission shall review and make a recommendation to City Council on zoning text amendments. Per Section 2.5.A(1)b(5) of the KDO, the Commission's recommendation shall address whether the proposed amendment is consistent with the Comprehensive Plan and any other applicable plans and policies.

C. Background

The applicant, Eagle Engineering, Inc., is requesting a text amendment to allow Vehicle Sales and Services uses within the Dale Earnhardt Boulevard Subdistrict of the Thoroughfare Protection Overlay (TPO) District provided that the site has frontage on an arterial highway, is within 500 feet of an intersection of two or more major arterial highways, and that no vehicles shall be stored on site. This text amendment request is associated with a proposal by the applicant for a vehicle fueling station. Convenience stores that provide fueling services would be considered vehicle fueling stations.

The Dale Earnhardt Boulevard Subdistrict, shown on the Zoning Map, includes properties parallel to both sides of the Dale Earnhardt Boulevard rights-of-way to a maximum depth of 300 feet. Certain uses are prohibited within the

Dale Earnhardt Boulevard Subdistrict including kennels, amusement parks, prefabricated building sales, self-service storage, motor freight facilities, outdoor storage areas (as an accessory use) as well as uses in the vehicle sales and services category. The applicant is requesting a text amendment to allow vehicle sales and service uses within the Dale Earnhardt Boulevard Subdistrict when it is located on an arterial road and in proximity to the intersection of other arterial roads.

The Vehicle Sales and Services category includes use types involving the direct sales and servicing of motor vehicles, both personal and commercial vehicles. Per the Principal Use Table, Table 4.2.B(5), the following uses are included in the Vehicle Sales and Service category:

- Car wash
- Commercial fuel depot
- Commercial vehicle sales and rentals
- Commercial vehicle service and repair
- Personal vehicle sales and rentals
- Personal vehicle service and repair
- Towing service
- Vehicle fueling station

This text amendment request for the Dale Earnhardt Boulevard Subdistrict follows an identical text amendment that was approved in August 2023 for the Coddle Creek Subdistrict of the TPO (Case TA-2023-02).

The proposed text amendment to the KDO for the Dale Earnhardt Boulevard Subdistrict is attached as Exhibit A. Proposed additions are shown as **bold, green text**.

D. Fiscal Considerations

None

E. Policy Issues

The proposed text amendment to the KDO is **attached**.

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 amendments as presented. The Commission may also add, delete, or change any of the language as proposed.

Based on the foregoing analysis, staff supports **approval** of the proposed text amendment to the Kannapolis Development Ordinance.

The following actions are required to recommend approval of TA-2025-05:

1. Consider Resolution to Adopt a Statement of Consistency for TA 2025-05.
2. Consider motion to recommend approval of proposed text amendments by City Council.

The following actions are required to recommend denial of TA-2025-05

1. Consider Resolution to not Adopt a Statement of Consistency for TA-2025-05.
2. Consider motion to recommend denial of proposed text amendments by City Council.

H. Attachments

1. Proposed KDO change: Exhibit A
2. Resolution to Adopt a Statement of Consistency

I. Issue Reviewed By:

- Assistant City Manager
- Planning Director



Zoning Text Amendment Checklist

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. Please either bring this application to the address above or email to bstanley@kannapolisnc.gov. The fees may also be paid online with a link provided by staff.

APPLICANT

Applicant: Eagle Engineering, Inc.

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting
- ☒ Zoning Text Amendment Checklist and Application – Complete with all required signatures
- ☒ Fee: \$400.00

PROCESS INFORMATION

Public Notification: This is a legislative process that requires a public hearing and public notification including newspaper notice, first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Section 2.4.F of the KDO).

Review Process: All applications will be reviewed for compliance and then forwarded to the Planning and Zoning Commission for consideration at a public hearing which is held monthly on the third Tuesday at 6:00pm in City Hall Laureate Center. **The pre-application meeting, submittal of application, and payment of fees, must be completed prior to scheduling the public hearing. Please review Section 2.4.D. of the KDO.**

Action by Planning and Zoning Commission: The Commission shall consider the text amendment request and make a recommendation to City Council in accordance with Section 2.4.G. of the KDO.

Scope of Approval: City Council may approve or deny the request in accordance with Section 2.5.A(1).

By signing below I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Applicant's Signature: _____

Digitally signed by Demian Matysuk
Date: 2025.06.10 08:41:10 -04'00'

Date: 06-10-2025



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

ZONING TEXT AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: Demian Matysuk (Eagle Engineering, Inc.)

Phone: 704-302-1719 ext 226

Address: 2013 Van Buren Ave, Suite A
Indian Trail, NC 28079

Email: [REDACTED]

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

Article 3. Zoning Districts, Thoroughfare Protection Overlay (TPO) District, section 3.8.F(4)b.3

(a) Sites that have frontage on an arterial highway and within 500 feet of an intersection of two or more major arterial highways shall be permitted if no vehicles are stored on site.

State your reasons for amending the text of the Ordinance:

We would like to amend the ordinance to allow uses in the vehicle sales and services category within the Dale Earnhardt overlay district.

This would allow a fuel station to be developed in the area.

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

Digitally signed by Demian Matysuk
Date: 2025.06.10 08:39:38 -04'00'

Applicant Signature

06-10-2025

Date

Property Owner Signature

Date

EXHIBIT A
PROPOSED TEXT AMENDMENT
TA-2025-05

Kannapolis Development Ordinance

Article 3, Section 3.8.F(4)b.3, Thoroughfare Protection Overlay (TPO) District, Modification of Underlying Use Permissions

Section 3.8.F (4)

(4) MODIFICATION OF UNDERLYING USE PERMISSIONS

Within the TPO District, use permissions shall be those that apply in the underlying zoning district, except as follows:

- a. Within the Coddle Creek Subdistrict, the following uses are prohibited:
 1. Kennels;
 2. Amusement parks;
 3. Uses in the Vehicle Sales and Services category;
 - (a) Sites that have frontage on an arterial highway and within 500 feet of an intersection of two or more major arterial highways shall be permitted if no vehicles are stored on site.
 4. Prefabricated building sales;
 5. Self-service storage;
 6. Motor freight facilities; and
 7. Outdoor storage areas (as an accessory use).
- b. Within the Dale Earnhardt Boulevard Subdistrict, the following uses are prohibited:
 1. Kennels;
 2. Amusement parks;
 3. Uses in the Vehicle Sales and Services category;
 - (a) Sites that have frontage on an arterial highway and within 500 feet of an intersection of two or more major arterial highways shall be permitted if no vehicles are stored on site.
 4. Prefabricated building sales;
 5. Self-service storage;
 6. Motor freight facilities; and
 7. Outdoor storage areas (as an accessory use).



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO
TEXT AMENDMENT TA-2025-05**

WHEREAS, Section 160A-383 (2013), of the North Carolina General Statutes, modified in Section 160D-605, 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 3, 3.8.F(4)b.3 Modification of Underlying Use Permissions of the Thoroughfare Protection Overlay (TPO) District**, is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*; and

WHEREAS, the Planning and Zoning Commission met on July 15, 2025, to consider text amendment Case# TA-2025-05 as submitted by Eagle Engineering, Inc. and shown on Exhibit A (attached);

NOW, THEREFORE BE IT RESOLVED that the Planning and Zoning Commission finds the text amendment as represented in Case TA-2025-05 is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, as well as state statutes, reasonable, and in the public interest, and is recommended for approval by the City Council based on consideration of the application materials, information presented, and the recommendation provided by Staff.

Adopted this the 15th Day of July 2025:

Chris Puckett, Chair
Planning and Zoning Commission

Attest:

Gabriela Wilkins, Recording Secretary
Planning and Zoning Commission