



**City of Kannapolis
Planning and Zoning Commission Meeting**

October 15, 2024 at 6:00 pm

Agenda

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes:** August 20, 2024
- 5. Public Hearing**
 - a. CZ-2024-06 – Zoning Map Amendment – 1011 Kansas Street and an Unaddressed parcel located on Coliseum Avenue**

Public Hearing to consider a request to conditionally rezone property located at 1011 Kansas Street and an unaddressed parcel located on Coliseum Avenue from City of Kannapolis General Commercial (GC) zoning district to City of Kannapolis Residential 8–Conditional Zoning (R8-CZ) zoning district to allow for a six (6) unit townhome development. The subject property is approximately 0.93 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 56221964360000 and 56221965680000.
- 6. Recommendation to City Council**
 - a. Text Amendment – TA-2024-03 – Stormwater Escrow Accounts**

Consider a recommendation to City Council regarding amendments to the Kannapolis Development Ordinance regarding Stormwater Escrow Accounts
- 7. Tree Canopy Discussion**
- 8. Planning Director Update**
- 9. Other Business**
- 9. Adjourn**



**Planning and Zoning Commission
October 15, 2024, Meeting**

Staff Report

TO: Planning and Zoning Commission

FROM: Elizabeth McCarty, Assistant Planning Director

SUBJECT: **Case #CZ-2024-06: Conditional Zoning Map Amendment**
Applicant: Todd Meckley

Request to conditionally rezone property located at 1011 Kansas Street and an unaddressed parcel located on Coliseum Avenue to allow for a five (5) unit development.

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, Todd Meckley, is proposing to conditionally rezone approximately 0.93 +/- combined acres of property from City of Kannapolis General Commercial (GC) zoning district to City of Kannapolis Residential 8 - Conditional Zoning (R8-CZ) zoning district. The subject property is located at 1011 Kansas Street and an unaddressed parcel located on Coliseum Avenue and further identified as Cabarrus County Parcel Identification Numbers (PINs) 56221964360000 and 56221965680000. The intent of this rezoning request is to construct a five (5) dwelling unit development, which is not a permitted use in the GC zoning district. The applicant is proposing two (2) single-family attached structures, each with two (2) units as well as a single-family detached dwelling. Additionally, the applicant is proposing to dedicate right-of-way, fifty (50) feet in width, for the future extension of Coliseum Avenue.

The applicant held the required neighborhood meeting on August 19, 2024, at 6:30 p.m. at the Bethel Baptist Church Enrichment Center located at 1209 Opal Street. One person attended the meeting.

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?

The subject properties are in the “Suburban Activity 2” Character Area as designated in the *Move Knapolis Forward 2030 Comprehensive Plan*. Single family attached residential is a secondary use. Therefore, the proposed use is consistent with the goals and objectives of the Plan.

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

No, the proposed rezoning is not in conflict with any ordinances.

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

No. Because of the proximity to other properties zoned R8, this rezoning request is appropriate for the area.

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 requested R8 zoning designation is appropriate for this area. The subject properties are adjacent to other R8 zoning districts and residential uses. The properties on the south side of Kansas Street, primarily single-family detached dwellings, are zoned R8 Residential. The adjoining property to the east is also residential.

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. The requested zoning allows for uses that are compatible with existing adjacent residential uses. The applicant has agreed to dedicate a 50-foot-wide right-of-way, as

shown on the site plan submitted with the rezoning request, for the future extension of Coliseum Avenue to Kansas Street.

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 uses that are 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. The 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 Suburban Activity 2 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 #CZ-2024-06 with the following condition:

1. The permitted use allowed by this rezoning shall be limited to five (5) dwelling units as shown on the Rezoning Plan.
2. Dedication of a fifty-foot (50') right-of-way for the future extension of Coliseum Avenue.
3. A final site plan, in compliance with the applicable Kannapolis Development Ordinance standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance permit.

4. The final site plan shall comply with the current Kannapolis Land Development Standards Manual.

Alternative Courses of Action

Motion to Approve (2 votes)

1. **Should the Commission choose to approve the request for rezoning as presented in Case #CZ-2024-06, 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 Suburban Activity 2 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 #CZ-2024-06, 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 #CZ-2024-06, 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 #CZ-2024-06 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 #CZ-2024-06, 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. Site Plan
6. Neighborhood Meeting Information
7. Notice of Public Hearing
8. List of Notified Properties
9. Letter to Adjacent Property Owners
10. Posted Public Notice Sign

11. Resolution to Adopt a Statement of Consistency
12. Resolution to Zone

J. Issue Reviewed By:

- Planning Director
- Assistant City Manager
- City Attorney



Conditional 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.

CONDITIONAL REZONING REQUEST

Conditional Rezoning – Request for an amendment to the Kannapolis Zoning Map.

Approval authority – Planning and Zoning Commission.

Requested Rezoning Property Address: 1011 KANSAS STREET, LTS 24-28 COLISEUM AVENUE, KANNAPOLIS, NC 28081

Applicant: TODD MECKLEY

Proposed development: REZONING PROPERTY FROM GC ZONING TO R8 ZONING TO BUILD SIX (6) SINGLE-FAMILY ATTACHED HOMES

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting
- ☒ Neighborhood Meeting
- ☒ Zoning Map Amendment Checklist and Application – Complete with all required signatures
- ☒ Plot/Site Plan
- ☒ Please mark this box to authorize aerial drone photography of the site
- ☒ Fee: \$925.00 (\$600 Application Fee, \$300 Legal Notices and notification fee, # of property owners notified [see Fee Schedule])

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 (Table 2.4.F(2) of the Kannapolis Development Ordinance [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 3rd Tuesday at 6:00pm in City Hall Laureate Center. **The pre-application meeting, neighborhood meeting, submittal of application and site plan, 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 with conditions.

Scope of Approval: An affirmative vote of three-fourths of the members present and not excused from voting, shall be necessary to approve a conditional 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.

Applicant's Signature: _____

Date: 9-3-24



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

CONDITIONAL ZONING MAP AMENDMENT APPLICATION
Approval authority – Planning and Zoning Commission

Applicant Contact Information	Property Owner Contact Information <input type="checkbox"/> same as applicant
Name: <u>G8RDEV1 LLC (TODD MECKLEY)</u>	Name: <u>BM REALTY INVESTMENTS LLC (REY BENITEZ)</u>
Address: <u>2803 DONEGAL DRIVE</u>	Address: <u>500 ROGERS LAKE ROAD</u>
<u>KANNAPOLIS, NC 28081</u>	<u>KANNAPOLIS, NC 28081</u>
Phone: <u>(704) 953-6294</u>	Phone: <u>(704) 699-4212</u>
Email: <u>TMECKLEY@VISIONARYCONSULTINGPLLC.COM</u>	Email: <u>MATABENITEZREY@GMAIL.COM</u>

Project Information

Project Address: 1011 KANSAS STREET, LTS 24-28 COLISEUM AVENUE, KANNAPOLIS, NC 28083



Parcel: 56221964360000 and 56221965680000 # of parcels: 2 Approx. size of parcels: 28,258 SF/11,926 SF
(attach separate list if necessary)

Current Zoning Designation: GC Requested Zoning Designation: R8 (RESIDENTIAL

Reason for map amendment: PROPERTY IS SURROUNDED BY RESIDENTIAL AND WANT
TO BUILD ATTAINABLE HOMES TO ADDRESS GROWING HOUSING NEED

Condition(s) proposed by the applicant (attach separate sheet if necessary): APPLICANT AGREES TO
DEDICATE IDENTIFIED RIGHT OF WAY PER SITE PLAN, TO ALLOW CITY OF KANNAPOLIS TO
EXTEND/CONNECT COLISEUM AVE TO KANSAS STREET IN THE FUTURE.

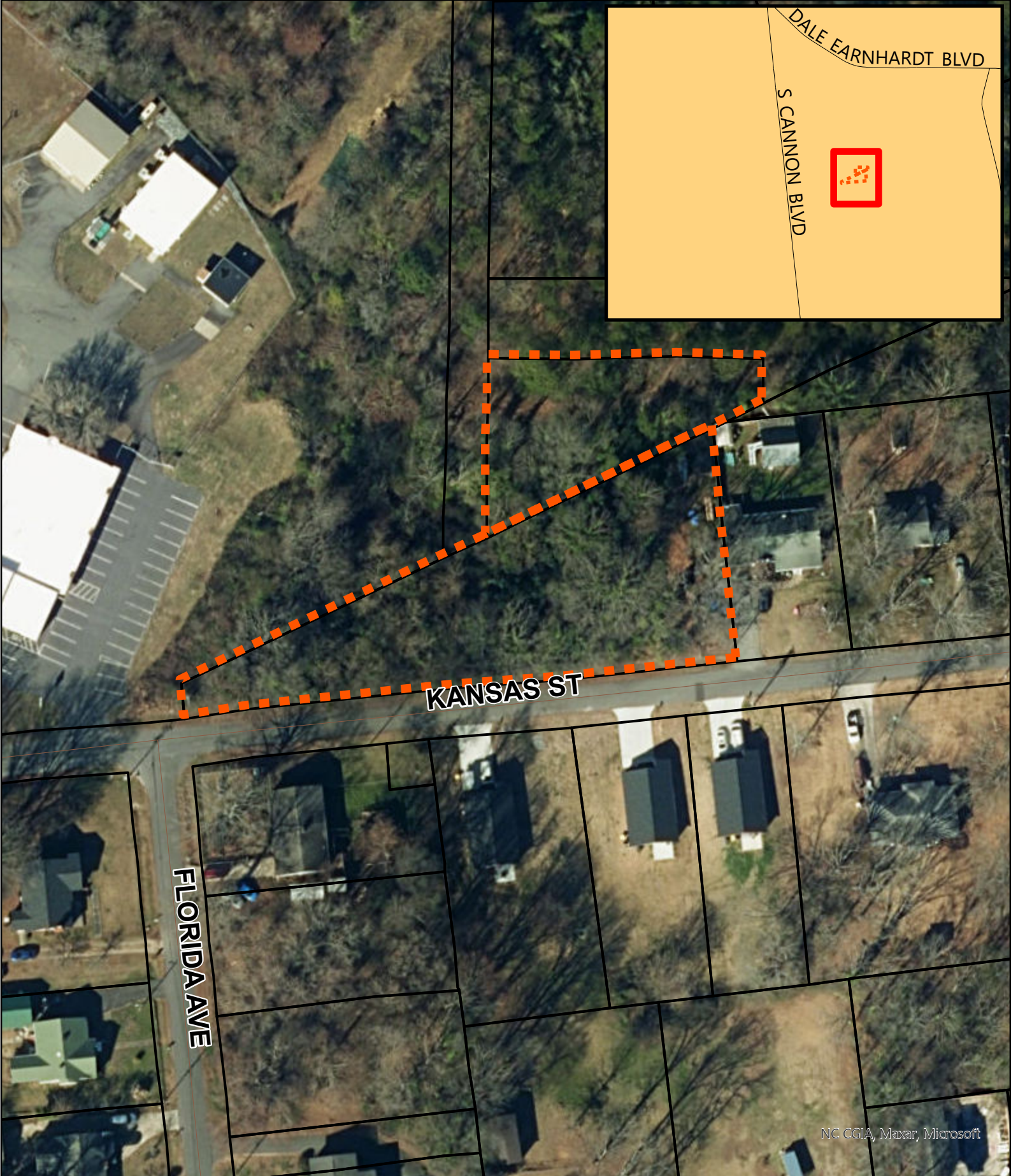
By signing below, it is understood and acknowledged that if the property is conditionally rezoned as requested, the property involved in this request will be perpetually bound to the use(s) authorized and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for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

 Applicant Signature <small>Signed by:</small>	<u>08/24/24</u> Date
 Property Owner Signature	<u>8/23/2024 11:57 PDT</u> Date



Vicinity Map

Case Number: CZ-2024-06
Applicant: Todd Meckley
1011 Kansas St





Kannapolis Current Zoning

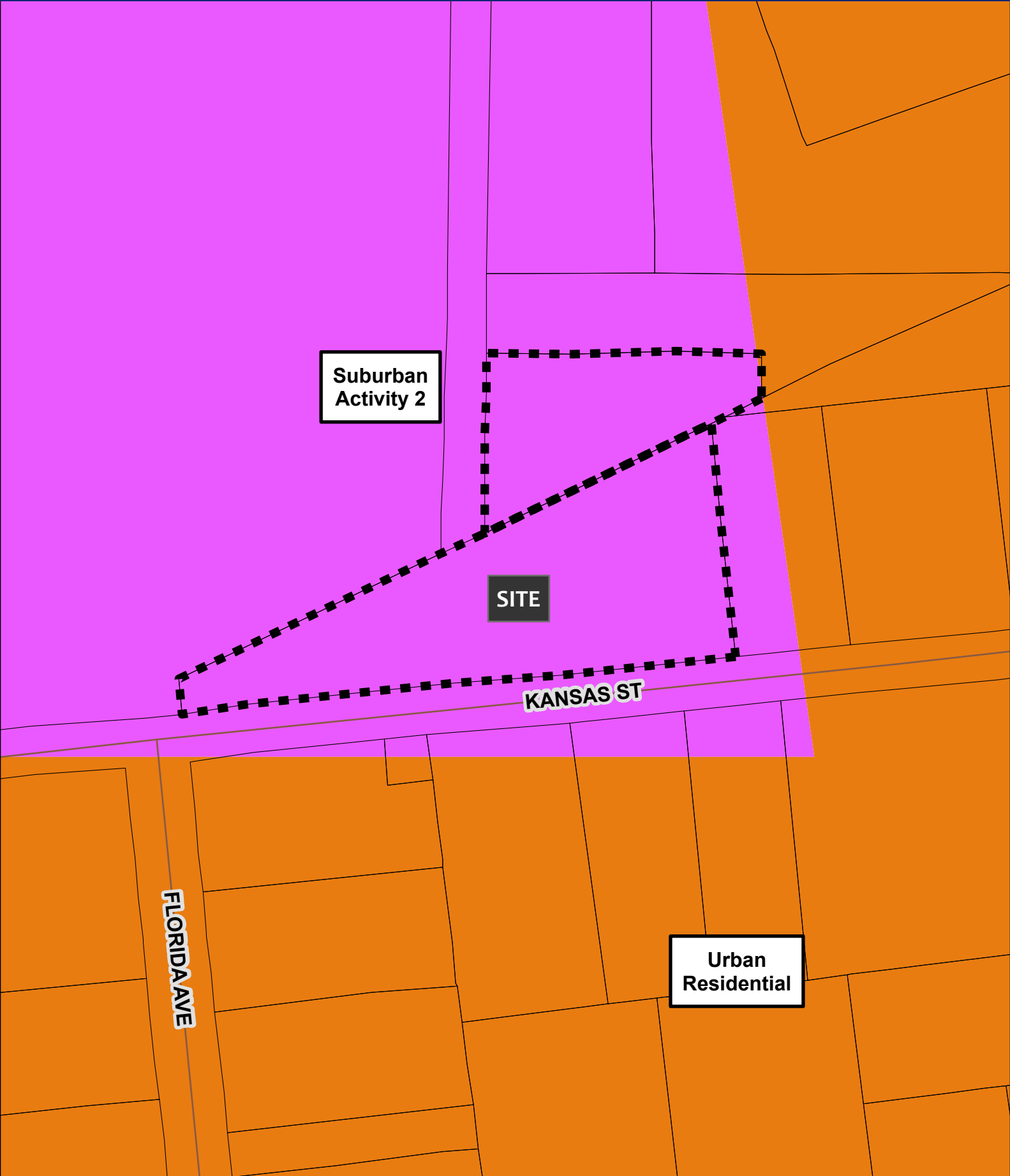
Case Number: CZ-2024-06
Applicant: Todd Meckley
1011 Kansas St





Kannapolis 2030 Future Land Use Map

Case Number: CZ-2024-06
Applicant: Todd Meckley
1011 Kansas St



SITE & DEVELOPMENT DATA

AREA STANDARDS
TOTAL SITE AREA: 32,938 SF : 0.756 AC.

EXISTING IMPERVIOUS: NONE

PROPOSED IMPERVIOUS:
RESIDENCES: 3,300 SF : 0.076 AC
DRIVES: 5,413 SF : 0.124 AC
PATIO: 835 SF : 0.019 AC

TOTAL: 9,548 SF : 0.219 AC

TOTAL BUILT UPON AREA: 0.219 AC

IMPERVIOUS % : 29 %

LOT DIMENSIONAL STANDARDS KANNAPOLIS: R8 SINGLE FAMILY ATTACHED OR TOWNHOUSE

MINIMUM LOT WIDTH: 18 FT
FRONT SETBACK MINIMUM: 10 FT
CORNER SETBACK: 7.50 FT
SIDE YARD SETBACK: 5 FT
REAR SETBACK MINIMUM: 5 FT

MAX BUILDING HEIGHT: 35 FT

DENSITY MAX: 8 UNITS PER ACRE
DENSITY PROPOSED: 8.6 UNITS PER ACRE

WATERSHED & ENVIRONMENTAL STANDARDS

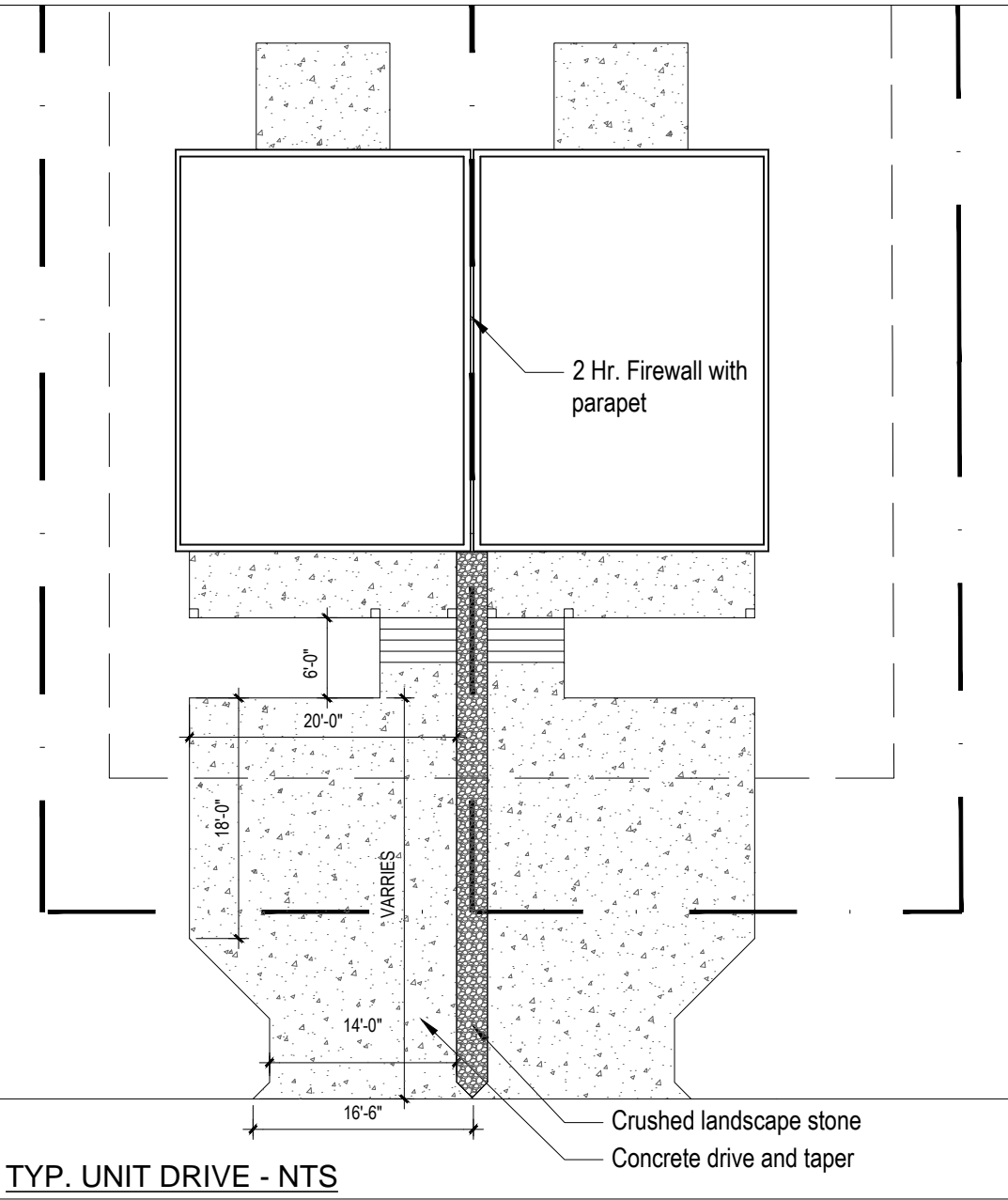
THIS PROJECT DOES NOT LIE WITHIN A FLOOD PLAIN HAZARD AREA

THIS PROJECT IS NOT LOCATED WITHIN A WATER SUPPLY WATERSHED:

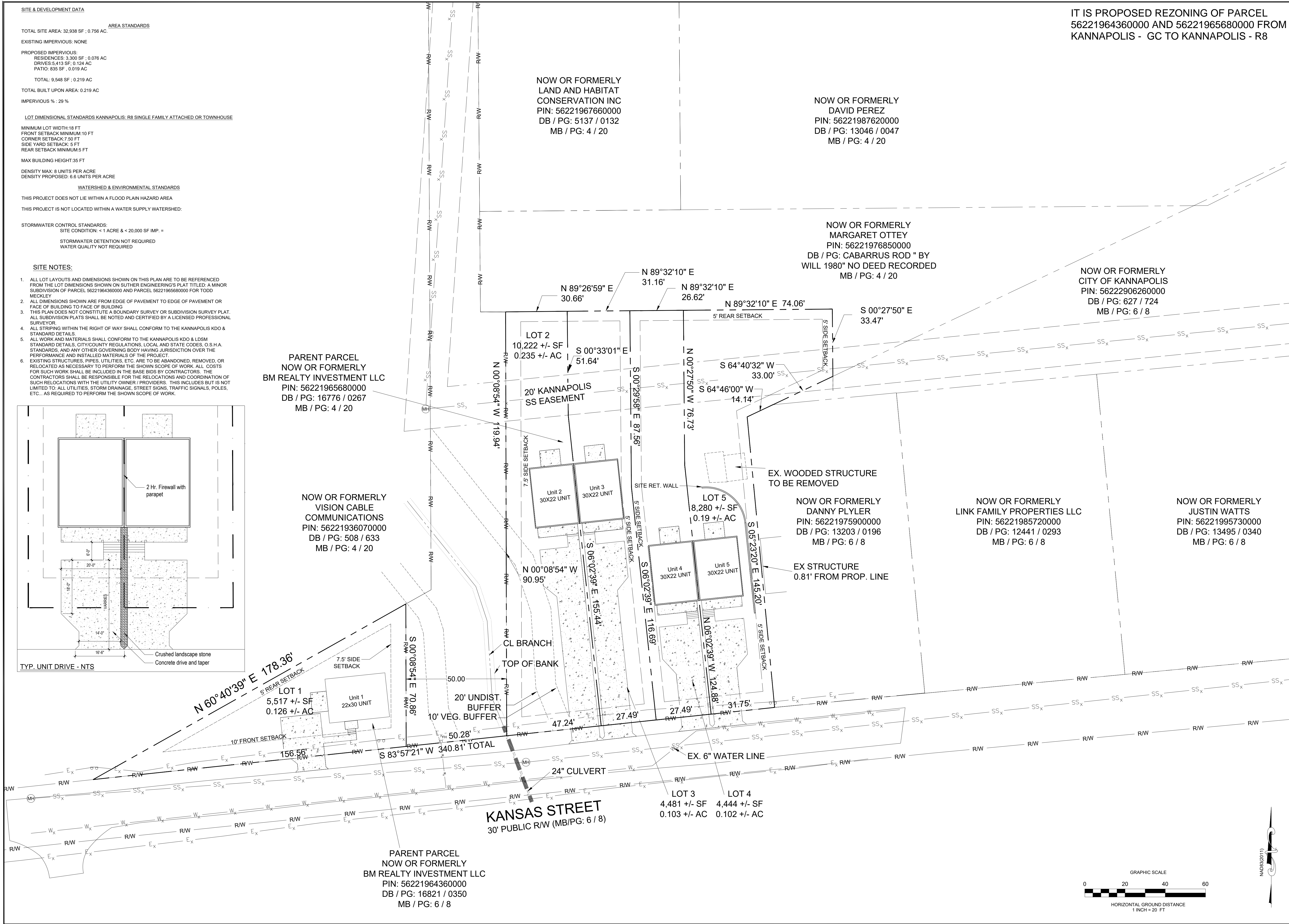
STORMWATER CONTROL STANDARDS:
SITE CONDITION: < 1 ACRE & < 20,000 SF IMP. =
STORMWATER DETENTION NOT REQUIRED
WATER QUALITY NOT REQUIRED

SITE NOTES:

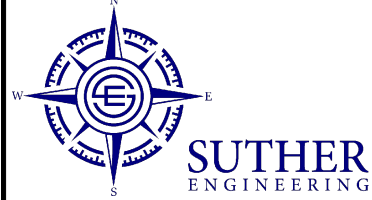
- ALL LOT LAYOUTS AND DIMENSIONS SHOWN ON THIS PLAN ARE TO BE REFERENCED FROM THE LOT DIMENSIONS SHOWN ON SUTHER ENGINEERING'S PLAT TITLED: A MINOR SUBDIVISION OF PARCEL 56221964360000 AND PARCEL 56221965680000 FOR TODD MECKLEY
- ALL DIMENSIONS SHOWN ARE FROM EDGE OF PAVEMENT TO EDGE OF PAVEMENT OR FACE OF BUILDING TO FACE OF BUILDING
- THIS PLAN DOES NOT CONSTITUTE A BOUNDARY SURVEY OR SUBDIVISION SURVEY PLAT. ALL SUBDIVISION PLATS SHALL BE NOTED AND CERTIFIED BY A LICENSED PROFESSIONAL SURVEYOR.
- ALL STRIPING WITHIN THE RIGHT OF WAY SHALL CONFORM TO THE KANNAPOLIS KDO & STANDARD DETAILS
- ALL WORK AND MATERIALS SHALL CONFORM TO THE KANNAPOLIS KDO & LDSM STANDARD DETAILS, CITY/COUNTY REGULATIONS, LOCAL AND STATE CODES, O.S.H.A. STANDARDS, AND ANY OTHER GOVERNING BODY HAVING JURISDICTION OVER THE PERFORMANCE AND INSTALLED MATERIALS OF THE PROJECT.
- EXISTING STRUCTURES, PIPES, UTILITIES, ETC. ARE TO BE ABANDONED, REMOVED, OR RELOCATED AS NECESSARY TO PERFORM THE SHOWN SCOPE OF WORK. ALL COSTS FOR SUCH WORK SHALL BE INCLUDED IN THE BASE BIDS BY CONTRACTORS. THE CONTRACTORS SHALL BE RESPONSIBLE FOR THE RELOCATIONS AND COORDINATION OF SUCH RELOCATIONS WITH THE UTILITY OWNER / PROVIDERS. THIS INCLUDES BUT IS NOT LIMITED TO: ALL UTILITIES, STORM DRAINAGE, STREET SIGNS, TRAFFIC SIGNALS, POLES, ETC., AS REQUIRED TO PERFORM THE SHOWN SCOPE OF WORK.



TYP. UNIT DRIVE - NTS



IT IS PROPOSED REZONING OF PARCEL
56221964360000 AND 56221965680000 FROM
KANNAPOLIS - GC TO KANNAPOLIS - R8



1310 S. MAIN ST. STE D
KANNAPOLIS, NC 28081

PRELIMINARY
NOT FOR
CONSTRUCTION

SUBJECT PROPERTY INFO:

PARCEL ID(S):
56221964360000
56221965680000

DEED BOOK & PAGE:
DB: 16821 PG: 0350
DB: 16766 PG: 0267

CURRENT ZONING:
GC - CURRENT
R8 - PENDING

PROPERTY LOCATION:
#4 TOWNSHIP
CITY OF KANNAPOLIS
CABARRUS COUNTY
NORTH CAROLINA

OWNER INFORMATION:
BM REALTY INVESTMENT LLC
500 ROGERS LAKE RD.
KANNAPOLIS, NC 28081

PLAN NOTES:

- PLAN NORTH IS BASED ON NAD83(2011)
- GEODETIC MONUMENTS WERE SURVEYED AS SHOWN
- ALL DISTANCES ARE GROUND HORIZONTAL, UNLESS OTHERWISE NOTED
- PROPERTY MAY BE SUBJECT TO BURDENS OR BENEFITS NOT SHOWN ON MAP
- NO UNDERGROUND UTILITIES WERE LOCATED WITH THIS PLAN. BEFORE DIGGING CALL NO ONE-CALL (1-800-632-4949)
- ZONING DISTRICTS NOTED ARE PER GIS INFORMATION AVAILABLE TO THE PUBLIC
- THE SUBJECT PARCEL(S) AND ANY ADJOINING PROPERTY OWNERS NAMES, DEEDS OF RECORD, AND TAX PARCEL IDENTIFICATIONS REFLECT THOSE AVAILABLE TO THIS ENGINEER AS OF THE DATE OF THE PLAN SHOWN
- SURVEY INFORMATION FOR THIS PLAN SHOWN WAS PROVIDED BY: SUTHER ENGINEERING, PLLC

REVISION ISSUE

NO	KANSAS	09.03.24

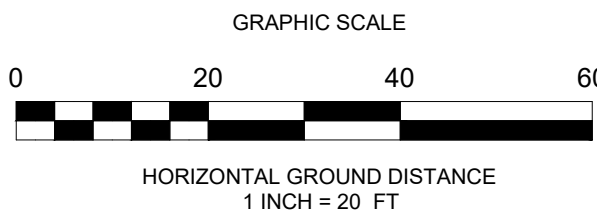
1011 KANSAS
REZONING

SHEET TITLE:

SITE REZONING PLAN

SHEET NUMBER:

RZ-2.0



Neighborhood Meeting Notice

Dear Neighbors,

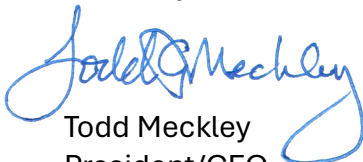
You are invited to attend a neighborhood meeting to discuss the proposed rezoning of a small vacant property at 1011 Kansas Street from General Commercial zoning to R8 Residential zoning. I am proposing six (6) single family attached homes all of which will be designed and built for sale, not rentals. As a local Kannapolis resident for the past 16 years, I have seen the city, and surrounding areas grow and prosper. While there are a lot of new rental properties coming to the market, I am proposing housing options for long-term owners, as opposed to transitional tenants, on Kansas Street. This meeting will provide an opportunity for community input and discussion on this matter.

Date: August 19, 2024
Time: 6:30 PM – 7:30PM
Location: Bethel Baptist Church Enrichment Center (building to right of church)
1209 Opal Street
Kannapolis, NC 28083

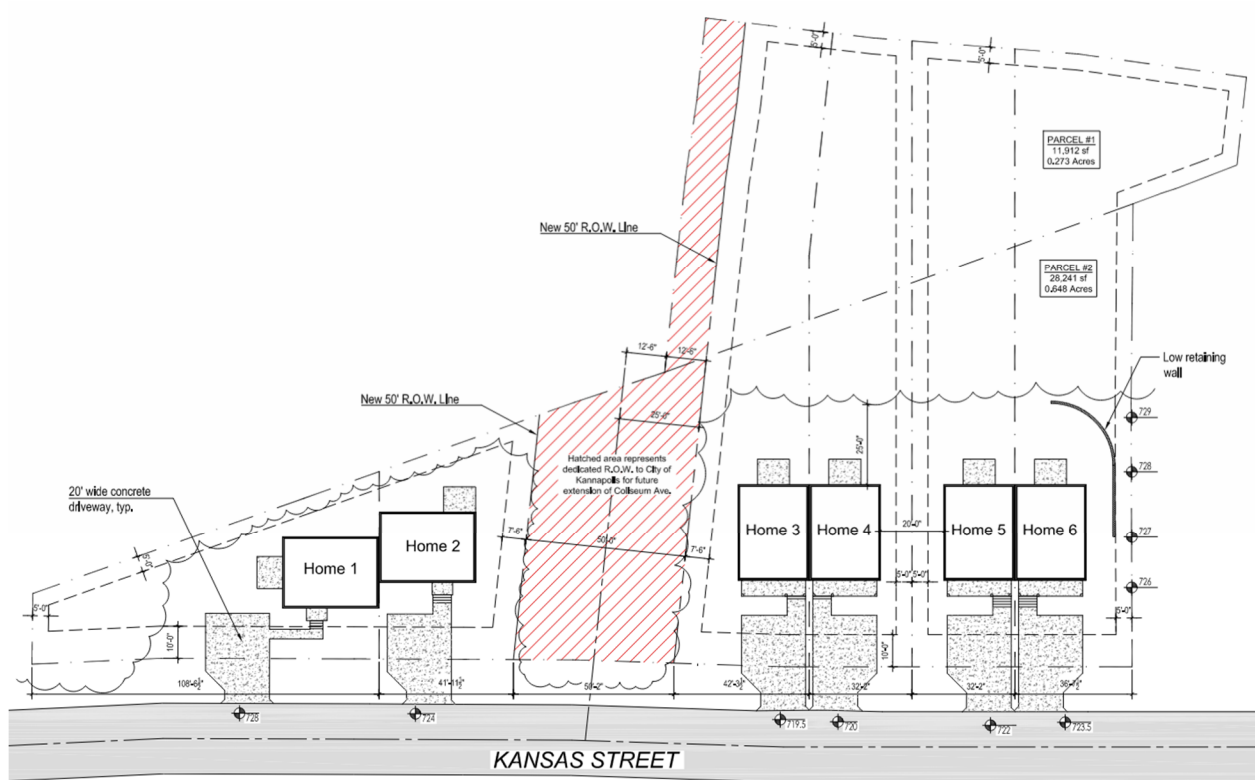
I encourage all residents to participate and share their thoughts on this rezoning proposal. Your input is valuable to ensure that our neighborhood's needs and concerns are addressed. See reverse side for the site concept as presented to the City of Kannapolis TRC and a color rendering to help illustrate the addition to the Kansas Street community.

I look forward to seeing you there.

Sincerely,



Todd Meckley
President/CEO
G8RDev1, LLC



Neighborhood meeting minutes

Project: 1011 Kansas Street Rezoning
Location: Bethel Baptist Church
Meeting Date: 08-19-24 | 6:30p-7:30p

MEETING ATTENDEES

Developer:

- Todd Meckley

Neighbors:

- Marie Dellinger

Notes/Comments:

- Only one notified neighbor showed up at the meeting. Her name is Marie Dellinger (see above and sign-in sheet below). She avidly supported the development, location and floor plan designs of the proposed homes as she is a GC and developer as well. Her one concern was not about our development, but rather her current drainage issue she is experiencing following the three (3) new homes built on the south side of Kansas Street. Her backyard floods and even Dakota Street floods in hard rains (she shared various pictures with me). She claims the culvert on the south side of Kansas Street is not connected to the storm pipe installed underground bypassing the new homes and through her rear yard. She also claimed to have spoken to the City of Kannapolis about her issue with no direct resolution.

End of meeting minutes.

NEIGHBORHOOD MEETING

PROJECT: 1011 Kansas Street Rezoning

MEETING DATE: 8/19/2024

FACILITATOR: Todd Meckley

LOCATION: Bethel Baptist Church

[illegible]



Order Confirmation

Order# 0000878181

PO Box 27283
Richmond, VA 23261-7283

Client: CITY OF KANNAPOLIS
Phone: 7049204300

Pavor : CITY OF KANNAPOLIS
Phone: 7049204300

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

Sales Rep Accnt Rep Ordered By
aboan hdrclifr Pam

Fax: 7049337463
Email: ap@kannapolisnc.gov

Total Amount \$385.96

Payment Amount \$385.96

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>
0000878181-01	CLS Legal	2 X 39 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-Legal Ads	Legal Notices	2

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

Run Dates 10/ 8/2024, 10/10/2024

<u>Product and Zone</u>	<u>Placement</u>	<u>Position</u>	<u># Inserts</u>
NCC Online	C-Legal Ads	Legal Notices	3

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

Run Dates 10/ 8/2024, 10/ 9/2024, 10/10/2024

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETINGTUESDAYOCTOBER152024AT
600PMCONDITIONALZONINGMAPAMENDMENTCZ2024061011K



NOTICE OF PUBLIC HEARING Planning and Zoning Commission Meeting

Tuesday, October 15, 2024, at 6:00 pm

Conditional Zoning Map Amendment - CZ-2024-06 - 1011 Kansas Street and an Unaddressed Parcel located on Coliseum Avenue - Public Hearing to consider a request to conditionally rezone property located at 1011 Kansas Street and an unaddressed parcel located on Coliseum Avenue from City of Kannapolis General Commercial (GC) zoning district to City of Kannapolis Residential 8-Conditional Zoning (R8-CZ) zoning district to allow for a five (5) unit townhome development. The subject property is approximately 0.93 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 56221964360000 and 56221965680000.

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.

Publish: October 8, 10, 2024.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
DAVID SUASTEGUI-PEREZ				
PAOLA RODRIGUEZ NAVARRET	1715 COLISEUM AVE	KANNAPOLIS	NC	28083
VISION CABLE COMMUNICATIONS				
C/O TIME WARNER CABLE-TAX	P O BOX 7467	CHARLOTTE	NC	28241
FKH SFR PROPCO K L P	600 GALLERIA PKWY SE STE 300	ATLANTA	GA	30339
PROGRESS RESIDENTIAL BORROWER 25 LLC	PO BOX 4090	SCOTTSDALE	AZ	85261
ROYAL OAKS UNITED METH CH INC	1020 KANSAS ST	KANNAPOLIS	NC	28083
SHARON A WOODWARD	1003 DAKOTA STREET	KANNAPOLIS	NC	28083
BM REALTY INVESTMENT LLC	500 ROGERS LAKE RD	KANNAPOLIS	NC	28081
LINK FAMILY PROPERTIES LLC	1195 DAYBROOK DR	KANNAPOLIS	NC	28081
DANNY & ENID PLYLER	1017 KANSAS ST	KANNAPOLIS	NC	28083
JUSTIN WATTS	1021 KANSAS ST	KANNAPOLIS	NC	28083
PURSER INVESTMENTS LLC	416 BRIEF RD E	MIDLAND	NC	28107
MATTHEW A STEEN	1902 FLORIDA AVE	KANNAPOLIS	NC	28083
ROYAL OAKS UNITED METH CH INC	1020 KANSAS ST	KANNAPOLIS	NC	28083
DEREK J TAYLOR	1018 KANSAS ST	KANNAPOLIS	NC	28083
TODD FREEMAN	1900 FLORIDA AVE	KANNAPOLIS	NC	28083
MARIE DELLINGER	1005 DAKOTA ST	KANNAPOLIS	NC	28083
JOEL & MINTA STOFFORD	913 BRIGHTON DR	KANNAPOLIS	NC	28081
DONALDLITAKER				
MALANA BAILEY	1901 FLORIDA AVE	KANNAPOLIS	NC	28083
CHARLIE & HELEN MEDLIN	1907 FLORIDA AVE	KANNAPOLIS	NC	28081
PRINCESS M TAYLOR	1014 KANSAS ST	KANNAPOLIS	NC	28083
KANNAPOLIS 1701 CRE 062 LLC	13190 SW 68TH PKWY STE 110	TIGARD	OR	97223
BM REALTY INVESTMENT LLC	500 ROGERS LAKE RD	KANNAPOLIS	NC	28081
LAND AND HABITAT CONSERVATION INC	105 N ROBINSON ST	CHAPEL HILL	NC	27514
G8RDEV1 LLC				
ATTN: TODD MECKLEY	2803 DONEGAL DR	KANNAPOLIS	NC	28081



KANNAPOLIS

Planning

October 3, 2024

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, October 15, 2024, at 6:00 PM, at 401 Laureate Way, Kannapolis, NC for the following case:

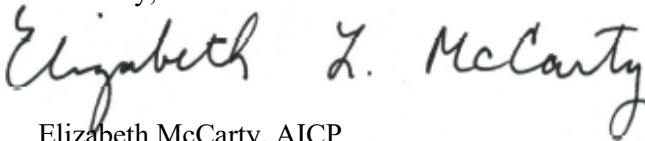
CZ-2024-06 – Conditional Zoning Map Amendment – 1011 Kansas Street and Unaddressed parcel located on Coliseum Avenue

The purpose of this Public Hearing is to consider a request to conditionally rezone property located at 1011 Kansas Street and an unaddressed parcel located on Coliseum Avenue from City of Kannapolis General Commercial (GC) zoning district to City of Kannapolis Residential 8–Conditional Zoning (R8-CZ) district to allow for a five (5) unit development. The subject property is approximately 0.93 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 56221964360000 and 56221965680000 (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, please do not hesitate to call the Planning Department at 704.920.4362 or emccarty@kannapolisnc.gov.

Sincerely,



Elizabeth McCarty, AICP
Assistant Planning Director

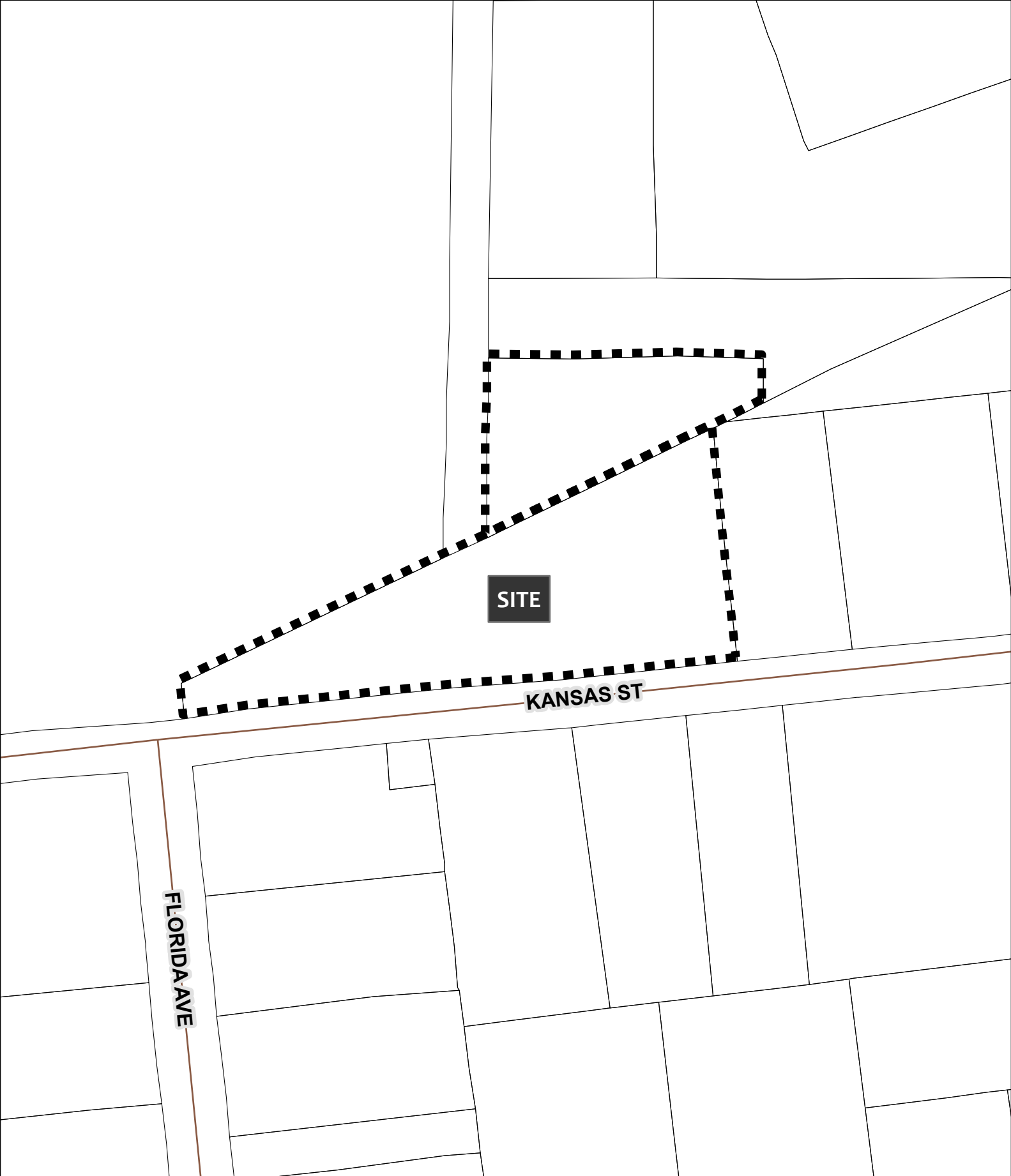
Enclosure

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.



Conditional Rezoning

Case Number: CZ-2024-06
Applicant: Todd Meckley
1011 Kansas St



KANNAPOLIS

PLANNING

ZONING

COMMISSION

PUBLIC HEARING INFORMATION
CALL 704-920-4350 CASE # CZ-2024-06



RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO CASE #CZ-2024-06

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 October 15, 2024 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone approximately 0.93 +/- acres of property located at 1011 Kansas Street and an unaddressed parcel located on Coliseum Avenue, (Cabarrus County Parcel Identification Numbers 56221964360000 and 56221965680000) owned by BM Realty Investments LLC., from City of Kannapolis General Commercial (GC) to City of Kannapolis Residential 8–Conditional Zoning (R8-CZ) Zoning Designation.

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 properties as located within the Suburban Activity 2 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 October 2024:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case #CZ-2024-06

(1011 Kansas Street and an Unaddressed parcel on Coliseum Avenue)

From City of Kannapolis General Commercial (GC) to City of Kannapolis Residential 8–Conditional Zoning (R8-CZ) 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 October 15, 2024 for consideration of rezoning petition Case #CZ-2024-06 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone approximately 0.93 +/- acres of property located at 1011 Kansas Street and an unaddressed parcel located on Coliseum Avenue, (Cabarrus County Parcel Identification Numbers 56221964360000 and 56221965680000) owned by BM Realty Investments LLC., from City of Kannapolis General Commercial (GC) to City of Kannapolis Residential 8–Conditional Zoning (R8-CZ) 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 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?

The subject properties are in the “Suburban Activity 2” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Single family attached residential is a secondary use. Therefore, the proposed use is consistent with the goals and objectives of the Plan.

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

No, the proposed rezoning is not in conflict with any ordinances.

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

No. Because of the proximity to other properties zoned R8, this rezoning request is appropriate for the area.

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 requested R8 zoning designation is appropriate for this area. The subject properties are adjacent to other R8 zoning districts and residential uses. The properties on the south side of Kansas Street, primarily single-family detached dwellings, are zoned R8 Residential. The adjoining property to the east is also residential.

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. The requested zoning allows for uses that are compatible with existing adjacent residential uses. The applicant has agreed to dedicate a 50-foot-wide right-of-way, as shown on the site plan submitted with the rezoning request, for the future extension of Coliseum Avenue to Kansas Street.

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 uses that are 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. The 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, as shown on the site plan submitted to the City, be rezoned from City of Kannapolis General Commercial (GC) Zoning Designation to City of Kannapolis Residential 8- Conditional Zoning (R8-CZ) Zoning Designation, subject to the following conditions:

1. The permitted use allowed by this rezoning shall be limited to five (5) dwelling units as shown on the Rezoning Plan.
2. Dedication of a fifty-foot (50') right-of-way for the future extension of Coliseum Avenue.
3. A final site plan, in compliance with the applicable Kannapolis Development Ordinance standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance permit.
4. The final site plan shall comply with the current Kannapolis Land Development Standards Manual.

Adopted this the 15th day of October 2024:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



**Planning and Zoning Commission
October 15, 2024 Meeting
Staff Report**

TO: Planning and Zoning Commission Members

FROM: Richard Smith, Planning Director

SUBJECT: Case: TA-2024-03: Text Amendment

Consideration of text amendments to Article 5, Section 5.10.F.(2)a.3(b) and Section 5.10.F.(2)b.2.: Stormwater Management Standards, Operation and Maintenance.

A. Actions Requested by Planning and Zoning Commission Members

1. Consider Resolution to Adopt a Statement of Consistency for TA-2024-03
2. Consider motion to recommend approval of proposed text amendments by City Council

B. Decision and Required Votes to Pass Requested Action

Article 2, Section 2.5.A of the KDO addresses the procedures for processing amendments to the text of the ordinance. These proposed text amendments were initiated by staff and the necessity to ensure a more efficient process.

C. Background

Staff is proposing the following text amendments to Section 5.10.F(2)a.3(b) and to section 5.10.F(2)b.2.: Stormwater Management Standards, Operation and Maintenance. We have standards in place to help ensure that proper stormwater control measures (SCMs) are constructed in order to properly mitigate the impacts from new development. The purpose of these amendments is to establish a more efficient system for the maintenance and management of storm control measures (SCM) facilities. The proposed amendments are in line with practices permitted by state statutes.

The proposed text amendments to the KDO are attached as Exhibit A **bold, red-text** for deletions and **bold, green text** for additions.

D. Fiscal Considerations

None

E. Policy Issues

The proposed text amendments to the KDO are **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 recommends **approval** of the proposed text amendment to the Kannapolis Development Ordinance, as shown per staff edits on Appendix A.

The following actions are required to recommend approval of TA-2024-03:

1. Consider Resolution to Adopt a Statement of Consistency for TA 2024-03
2. Consider motion to recommend approval of proposed text amendments by City Council.

The following actions are required to recommend denial of TA-2024-03

1. Consider Resolution to not Adopt a Statement of Consistency for TA 2024-03
2. Consider motion to recommend denial of proposed text amendments by City Council.

H. Attachments

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

I. Issue Reviewed By:

- City Manager
- Assistant City Manager
- City Attorney

EXHIBIT A

ARTICLE 5. DEVELOPMENT STANDARDS; SECTION 5.10.F(2)a.3(b)

F. OPERATION AND MAINTENANCE

(2) OPERATION AND MAINTENANCE AGREEMENT

a. GENERAL REQUIREMENTS

3. An operation and maintenance plan or manual, together with a budget, shall be provided by the initial developer. The plan or manual shall indicate what operation and maintenance actions are needed, and what specific quantitative criteria will be used to determine when those actions are to be undertaken. The plan or manual must indicate the steps that will be taken to restore a stormwater system to design specifications if a failure occurs. The budget shall include the following:
 - (a) Annual costs such as routine maintenance, periodic sediment removal and replenishment of rip-rap, insurance premiums, taxes, mowing and reseeding, and required inspections (common costs include (i) maintenance of the SCM, (ii) premiums for liability insurance in an amount of not less than \$1,000,000.00 covering all occurrences commonly insured against for death, bodily injury and property damage arising out of or in connection with the use, ownership, or maintenance of common areas, including the SCM, and (iii) premiums of hazard insurance on the common area(s) insuring against all risk of loss commonly insured against, including fire and extended coverage of peril); and
 - (b) ~~A sinking fund for structural, biological, or vegetative replacement of the SCM; major repair and replacement repair of the SCM; and other cost of the stormwater control facilities. These required documents shall be attached to the property association declaration as an exhibit~~
The operation and maintenance agreement shall include the establishment of an escrow account created by the Owner or Developer.
 - (c) If structural SCMs are not performing adequately or as intended, or are not properly maintained, the City, in its sole discretion, may remedy the situation and in such instances the City shall be fully reimbursed from the escrow account.
 - (d) The Owner or Developer shall fund the escrow account as follows:
 1. Prior to plat recordation or issuance of construction permits, whichever first occurs, the Owner or Developer shall establish and maintain a separate escrow account to establish, collect or retain funds for maintenance, repair, replacement and reconstruction costs for the stormwater control project's original cost of construction and shall be managed by the Owner or Developer.
 2. The amount of the escrow account shall not exceed ten percent (10%) of the original cost to construct the SCM as estimated by the sealed engineers.
 3. The Owner or Developer shall deposit into the escrow account no less than two percent (2%) of the engineer's estimated costs.
 4. The Owner or Developer shall have a period of five (5) years from the acceptance of the SCM to fully deposit the required escrow amount.
 5. The Owner or Developer shall annually by January 30 of each year verify to the City Engineer the amount held in the escrow account.
4. Each SCM shall be maintained by the landowner, homeowners' association, property owners' association, or commercial lot owner(s) designated in the approved stormwater operations and maintenance manual and budget. An association may be delegated responsibilities in subsection 2 above only if:

ARTICLE 5. DEVELOPMENT STANDARDS; SECTION 5.10.F(2)b.2

F. OPERATION AND MAINTENANCE

(2) OPERATION AND MAINTENANCE AGREEMENT

b. SPECIAL REQUIREMENTS FOR HOMEOWNERS' AND OTHER ASSOCIATIONS

For all structural SCMs required by this section that are or are to be owned and maintained by a homeowners' association, property owners' association, or similar entity, ("Association") the operation and maintenance agreement ("Agreement") required by subsection a above, shall comply with the following requirements, in addition to those in subsection a above.

1. Continuous Operation and Maintenance

The Agreement shall include acknowledgment that the Association shall continuously operate and maintain the stormwater control and management facilities.

2. Escrow Account

- (a) The Agreement shall include the establishment of an escrow account created and maintained by the ~~City~~ Developer and Association and then maintained by the Association.
- (b) If structural SCMs are not performing adequately or as intended, or are not properly maintained, the City, in its sole discretion, may remedy the situation, and in such instances the City shall be fully reimbursed from the escrow account.
- (c) ~~Both Both developer contribution and annual sinking funds~~ Developer and Association shall fund the escrow account, as follows:
 - 1. Prior to plat recordation or issuance of construction permits, whichever first occurs ~~first~~, the ~~developer~~ Developer or the Association shall establish and maintain a separate escrow account to establish, collect or retain funds for maintenance, repair, replacement and reconstruction costs for the stormwater control project's original cost of construction and shall be managed by the Association. pay into the escrow account an amount equal to 15 percent of the initial construction cost of the structural SCMs.
 - 2. The amount of the escrow account shall not exceed ten percent (10%) of the original cost to construct the SCM as estimated by the sealed engineers. The remaining 85 percent of the sinking fund shall be deposited into the escrow account annually for 24 years in and equal amount.
 - 3. The Developer shall deposit into the escrow account no less than two percent (2%) of the engineer's estimated costs.
 - 4. The Association shall have a period of five (5) years from the acceptance of the SCM to fully deposit the required escrow amount.
 - 5. The Association shall annually by January 30 of each year verify to the City Engineer the amount held in the escrow account.

3. City's Right of Entry

The Agreement shall grant the City a right of entry to inspect, monitor, maintain, repair, and reconstruct structural SCMs.



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO
TEXT AMENDMENT TA-2024-03**

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 amendments to **Article 5, Section 5.10.F.(2)a.3(b) and Section 5.10.F.(2)b.2: Stormwater Management Standards, Operation and Maintenance**, is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*; and

WHEREAS, the Planning and Zoning Commission conducted a Public Hearing on October 15, 2024 for consideration of text amendment Case# TA-2024-03 as submitted by the Planning Department staff 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-2024-03 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 at the Public Hearing, and the recommendation provided by Staff.

Adopted this the 15th Day of October 2024:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission