



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

**February 20, 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:** November 14, 2023, and December 12, 2023
- 5. Public Hearing**
  - a) Zoning Map Amendment – Z-2024-02 – 3060 Placid Rd.**

Public Hearing to consider a request to assign City of Kannapolis zoning to recently annexed property located at 3060 Placid Road. The subject property is currently zoned Cabarrus County Countryside Residential (CR), and the request is to assign City of Kannapolis Residential 4 (R4) zoning district. The subject property is approximately 1.06 +/- acres and further identified as Cabarrus County Parcel Identification Number 46727521520000.
  - b) Conditional Zoning Map Amendment – CZ-2024-03 – Dale Earnhardt Blvd. and Laundry St.**

Public Hearing to consider a request to rezone properties located at 1411, 1431 and 1375 Dale Earnhardt Blvd., as well as 601 Laundry Street from City of Kannapolis Office Institutional (OI) zoning district to City of Kannapolis General Commercial – Conditional Zoning (GC-CZ) zoning district to allow for utilization of the existing building to be used for general wholesale, accessory office uses or other uses allowed by right in the GC zoning district. The subject properties are approximately 3.3 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 56138549450000, 56138548910000, 56138630070000, and 56138559600000, respectively.
  - c) Conditional Zoning Map Amendment – CZ-2024-01 - 9700 Davidson Highway**

Public Hearing to consider an amendment to the previously approved rezoning conditions for property located at 9700 Davidson Hwy., zoned General Commercial-Conditional Zoning (GC-CZ) and further identified as Cabarrus County Parcel Identification Number 46821065980000. The subject property is approximately 10.22 +/- acres and the request is to allow a Contractor's Yard.
- 6. Cannon Boulevard Corridor Recommendations / Sign Amortization Discussion**
- 7. Planning Director Update**
- 8. Other Business**
- 9. Adjourn**



**Planning and Zoning Commission  
February 20, 2024, Meeting**

**Staff Report**

**TO:** Planning and Zoning Commission  
**FROM:** Kathryn Stapleton, Planner  
**SUBJECT:** Case #Z-2024-02: 3060 Placid Road  
Applicant: Marilyn P. Stark

Applicant is requesting to apply City of Kannapolis zoning to a recently annexed property located at 3060 Placid Road from Cabarrus County Countryside Residential (CR) to City of Kannapolis Residential 4 (R4) 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 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 & Project Overview**

The applicant and property owner, Marilyn P. Stark, is requesting to apply City of Kannapolis Residential 4 (R4) zoning district to approximately 1.06 +/- acres of property located at 3060 Placid Road, further identified as Cabarrus County Parcel Identification Number 46727521520000, which is currently zoned Cabarrus County Countryside Residential (CR). This property was voluntarily annexed on November 27, 2023.

Per the North Carolina General Statutes, an initial City of Kannapolis zoning designation must be applied to the property following annexation.

**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 the 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 of the City's future growth area is identified as "Complete Neighborhood 2" Character Area. This Character Area identifies single family detached residential and single family attached as primary uses.

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

No, the R4 zoning designation is appropriate for this area. There is existing R4 zoning on nearby properties.

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

No, the subject property was recently annexed into the City of Kannapolis. The proximity to other R4 zoning and the Comprehensive Plan Character Area makes the requested R4 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 existing use of the property is residential and is also adjacent to residential land uses.

**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. Both water and sewer connections are available through the adjacent Waterford at Rocky River Homeowners Association open space easement.

**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 uses 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. Further, this property was voluntarily annexed into the City as a result of a septic tank failure.

**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 “*Complete Neighborhood 2*” Character Area of the *2030 Plan*. Staff finds the request for rezoning compatible with the surrounding zoning and are 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 *Move Kannapolis Forward 2030 Comprehensive Plan*, staff recommends approval for Zoning Map Amendment Case #Z-2024-02**

**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-2024-02, 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 “Complete Neighborhood 2” Character Area in the *2030 Plan*. Staff finds the request for rezoning compatible with the surrounding zoning and are 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-2024-02, 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-2024-02, 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-2024-02 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-2024-02, 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. Notice of Public Hearing
6. List of Notified Properties
7. Letter to Adjacent Property Owners
8. Posted Public Notice Sign
9. Resolution to Adopt a Statement of Consistency
10. Resolution to Zone

**J. Issue Reviewed By:**

- Planning Director
- Assistant City Manager
- City Attorney



## 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](mailto: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: 3060 Placid Rd., Davidson NC 28036

Applicant: Marilyn P. Stark

Proposed development: \_\_\_\_\_

### SUBMITTAL CHECKLIST

- Pre-Application Meeting
- Zoning Map Amendment Checklist and Application – Complete with all required signatures
- Fee: \$825.00 (\$500 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 (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. All items listed above on the submittal checklist must be received at least one month prior to the next scheduled public hearing.

**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.**

Applicant's Signature: Marilyn P. Stark

Date: 1-16-2024



## ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

### Applicant Contact Information

Name: Marilyn P. Stark  
Address: 3060 Placid Rd.  
Davidson NC 28036  
Phone: 704-305-0400  
Email: mapstark@gmail.com

### Property Owner Contact Information same as applicant

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

### Project Information

Project Address: 3060 Placid Rd., Davidson NC 28036  
Parcel: \_\_\_\_\_ # of parcels: 1 Approx. size of parcels: 1.06  
*(attach separate list if necessary)*  
Current Zoning Designation: R4  Requested Zoning Designation: R4   
Reason for map amendment: Request for city sewer

**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.**

Marilyn P. Stark  
Applicant Signature

1-16-2024  
Date

Marilyn P. Stark  
Property Owner Signature

1-16-2024  
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.*

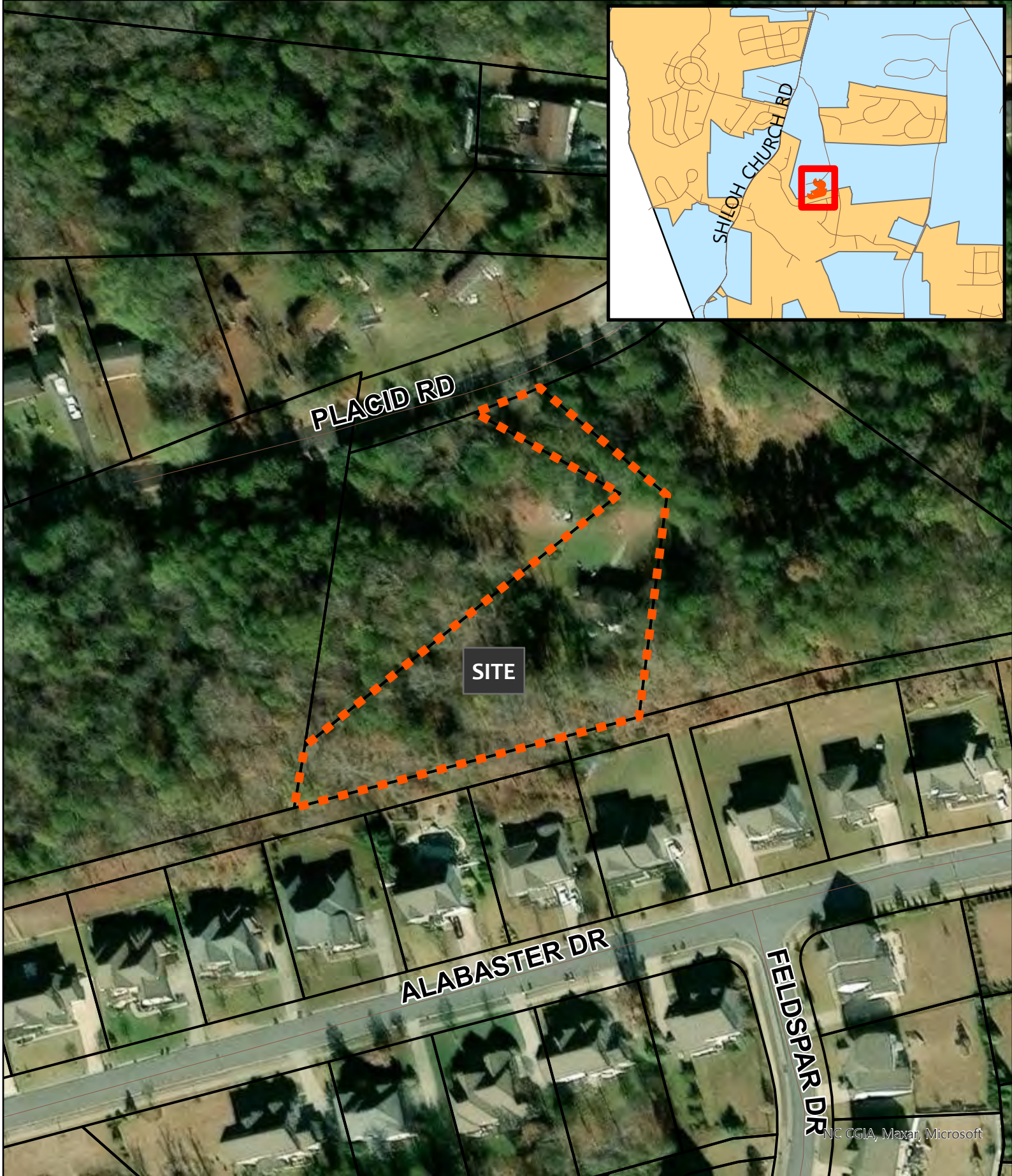


# Vicinity Map

Case Number: Z-2024-02

Applicant: Marilyn Stark

3060 Placid Rd



PLACID RD

SITE

SHILOH CHURCH RD

ALABASTER DR

FELDSPAR DR



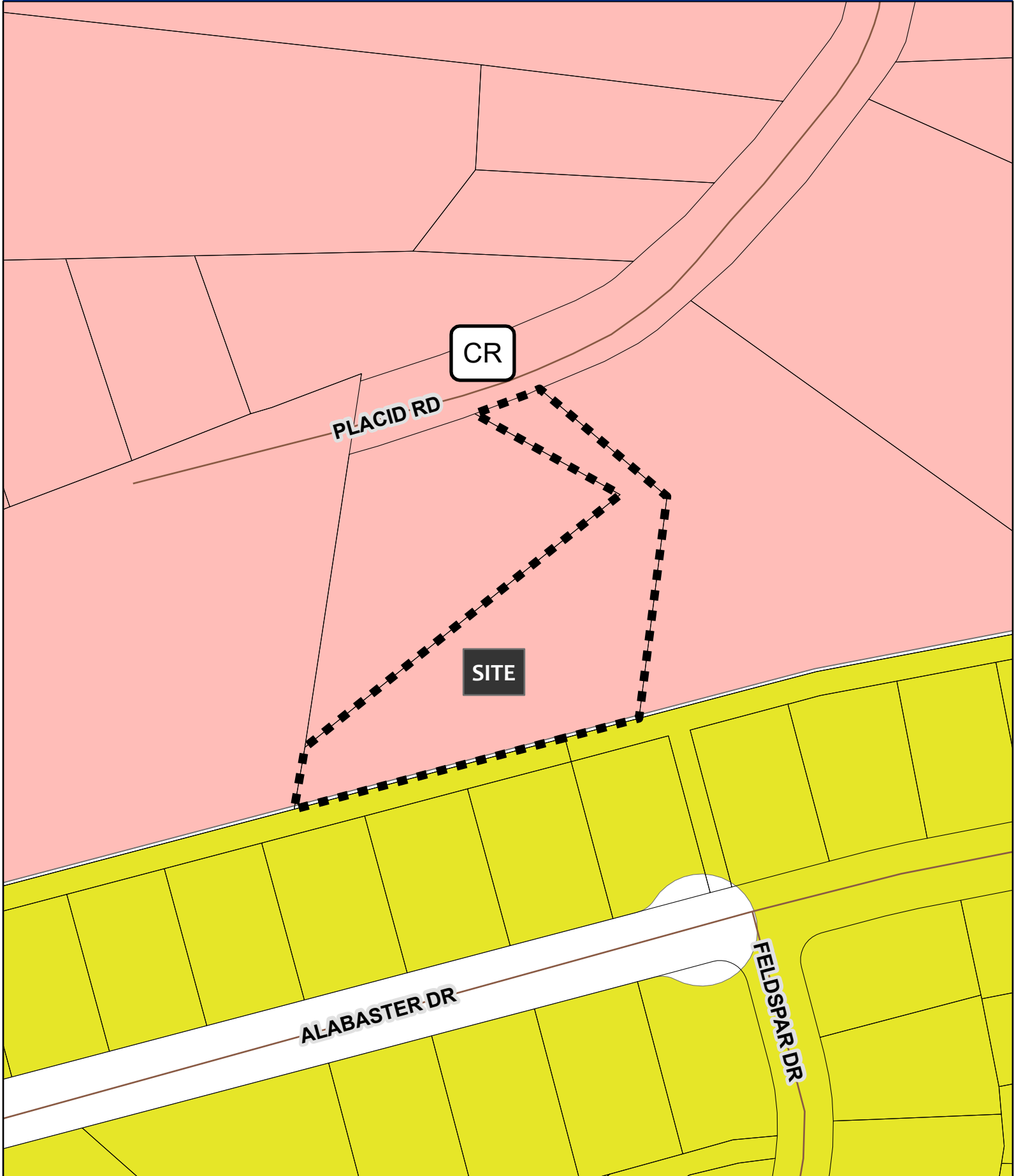


# Kannapolis Current Zoning

Case Number: Z-2024-02

Applicant: Marilyn Stark

3060 Placid Rd



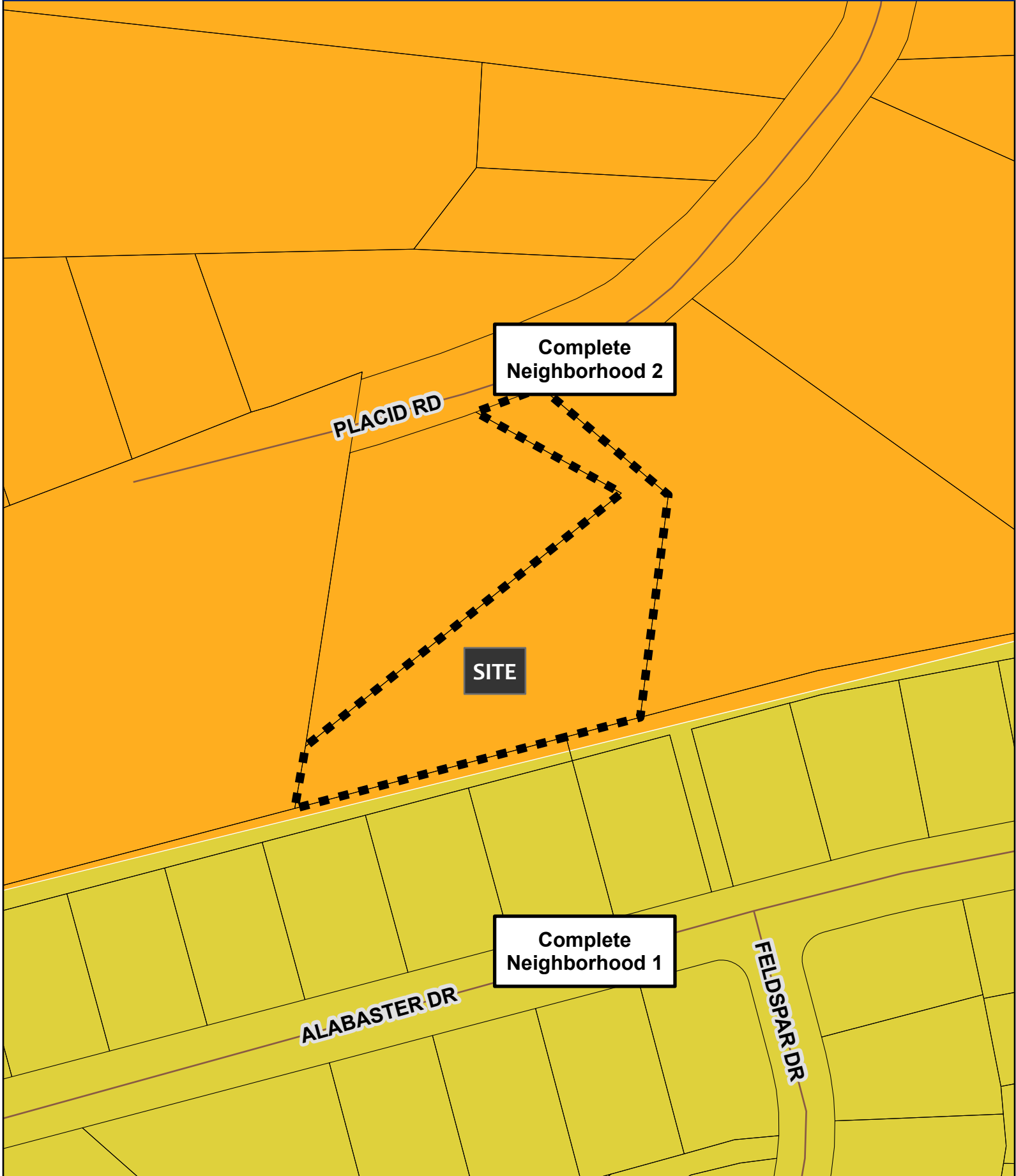


# Kannapolis 2030 Future Land Use Map

Case Number: Z-2024-02

Applicant: Marilyn Stark

3060 Placid Rd





PO Box 27283  
Richmond, VA 23261-7283

# Order Confirmation

Order# 0000861192

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              aboan              Pam

Fax: 7049337463  
EMAIL: ap@kannapolisnc.gov

Total Amount              \$865.55  
Payment Amount              \$865.55

Amount Due              \$0.00

Tax Amount:              0.00

Payment Meth:      Credit - Debit Card

Tear Sheets              Proofs              Affidavits              PO Number:  
0                              0                              1

Ad Number              Ad Type              Ad Size              Color  
0000861192-01              CLS Display              2 X 5.00"              \$0.00

Production Method  
Creative (In-House)


### Production Notes

Product and Zone              Placement  
CON Independent Trib              C-Legal Ads

Position                              # Inserts  
Legal Display Ads                              2

Run Dates              2/ 9/2024, 2/16/2024

TagLine: NOTICE OF PUBLIC HEARING



**NOTICE OF PUBLIC HEARING**  
Planning and Zoning Commission Meeting  
Tuesday, February 20, 2024, at 6:00 pm

**Conditional Zoning Map Amendment – CZ-2024-01 – 9700 Davidson Hwy – Public Hearing** to consider an amendment to the previously approved rezoning conditions for property located at 9700 Davidson Hwy., zoned GC-CZ (General Commercial-Conditional Zoning) and further identified as Cabarrus County Parcel Identification Number 46821056980000. The requested change is to allow for a Contractor's Yard.

**Conditional Zoning Map Amendment – CZ-2024-02 – 304-320 Irish Glen Dr., three (3) unaddressed parcels on W C St., and one unaddressed parcel on Glenn Ave. – Public Hearing** to consider a request to rezone properties located at 304, 308, 312, 316 and 320 Irish Glen Drive, as well as three (3) unaddressed parcels on W C Street and one unaddressed parcel on Glenn Avenue from City of Kannapolis Office Institutional (OI) zoning district to City of Kannapolis Residential 8 – Conditional Zoning (R8-CZ) zoning district to allow for a 233-unit townhome development. The subject properties are approximately 47.96 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 142 174, 142 175, 142 176, 142 177, 142 178, 142 180, 142 179, 142 173, and 142 186, respectively.

**Conditional Zoning Map Amendment – CZ-2024-03 – Dale Earnhardt Blvd. & Laundry St. – Public Hearing** to consider a request to rezone properties located at 1411, 1431 and 1375 Dale Earnhardt Blvd., as well as 601 Laundry Street from City of Kannapolis Office Institutional (OI) zoning district to City of Kannapolis General Commercial – Conditional Zoning (GC-CZ) zoning district to allow for utilization of the existing building for general wholesale, accessory office uses or other uses allowed by right in the GC zoning district. The subject properties are approximately 3.3 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 56138549450000, 56138548910000, 56138630070000, and 56138559600000, respectively.

**Zoning Map Amendment – Z-2024-02 – 3060 Placid Rd. – Public Hearing** to consider a request to assign City of Kannapolis zoning to recently annexed property located at 3060 Placid Road. The subject property is currently zoned Cabarrus County Countryside Residential (CR), and the request is to assign City of Kannapolis Residential 4 (R4) zoning district. The subject property is approximately 1.06 +/- acres and further identified as Cabarrus County Parcel Identification Number 46727521520000.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email at [tccline@kannapolisnc.gov](mailto:tccline@kannapolisnc.gov) as soon as possible but no later than 48 hours before the scheduled event.



AcctName1	MailAddr1	MailCity	MailState	MailZipCod
AKEEBA RIVENS	1112 TANGLE RIDGE DR SE	CONCORD	NC	28025
ALAN & MARLENA TRAVERS	10101 ALABASTER DR	DAVIDSON	NC	28036
ANIBAL MONTALVO				
TIFFANY MONTALVO	160 ASHLYN RIDGE DR	GARNER	NC	27529
ANITA GAYLE RIVENS				
DORIS RIVENS	3100 PLACID RD	DAVIDSON	NC	28036
ANTHONY & PAULA LAUHER	10275 ALABASTER DR	DAVIDSON	NC	28036
ANTONIO & ILEANA GONZALEZ	10100 ALABASTER DR	DAVIDSON	NC	28036
CHRISTOPHER & WHITNEY WOOD	10151 ALABASTER DR	DAVIDSON	NC	28036
CRAIG & KRISTY SHAFER	10913 ANGLER CT	DAVIDSON	NC	28036
HELEN RICCIARDI	10300 ALABASTER DR	DAVIDSON	NC	28036
IVOR J SIMPSON TR	10022 ALABASTER DR	DAVIDSON	NC	28036
JONATHAN RIVENS				
MARTIN RIVENS	16016 BUSHNELL CT	HUNTERSVILLE	NC	28078
JOSEPH & LIESL CHIARA	10044 ALABASTER DR	DAVIDSON	NC	28036
KIRK ROWAN				
RENEE BOTTONE	10150 ALABASTER DR	DAVIDSON	NC	28036
MARCUS M RIVENS	4947 HAMILTON CIR	CHARLOTTE	NC	28216
MARILYN P STARK	3060 PLACID DR	DAVIDSON	NC	28036
MARK & MOLLY LENHART	10250 ALABASTER DR	DAVIDSON	NC	28036
MATTIE EAVES	3075 PLACID DR	DAVIDSON	NC	28036
OYAFUNSE O RIVENS	3123 PLACID DR	DAVIDSON	NC	28036
PHILIP & MELISSA BARRY	2094 FELDSPAR DR	DAVIDSON	NC	28036
ROBERT & JULIANA ANGIE	10004 ALABASTER DR	DAVIDSON	NC	28036
ROLAND LAU &				
HIU-TAN WONG	10035 ALABASTER DR	DAVIDSON	NC	28036
RUSH & LINDA RIVENS	3051 PLACID DR	DAVIDSON	NC	28036
SCHMIDT LIVING TRUST				
DATED OCTOBER 11 2018	10200 ALABASTER DR	DAVIDSON	NC	28036
TIMOTHY & DEBORAH O'BRYANT	10350 ALABASTER DR	DAVIDSON	NC	28036
VICTOR & KATHERINE CLARK	10201 ALABASTER DRIVE	DAVIDSON	NC	28036
WATERFORD ON THE ROCKY RIVER HOMEOWNERS ASSN INC.				
C/O KUESTER MANAGEMENT GROUP	PO BOX 3340	FORT MILL	SC	29716
WILLIAM & KILEY DONNELL	9990 ALABASTER DR	DAVIDSON	NC	28036



February 8, 2024

Dear Property Owner:

**Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, February 20, 2024 at 6:00 PM, for the following case:**

**Z-2024-02 – Zoning Map Amendment – 3060 Placid Road**

The purpose of this Public Hearing is to consider a request to assign City of Kannapolis zoning to recently annexed property located at 3060 Placid Road. The subject property is currently zoned Cabarrus County Countryside Residential (CR), and the request is to assign City of Kannapolis Residential 4 (R4) zoning district. The subject property is approximately 1.06 +/- acres and further identified as Cabarrus County Parcel Identification Number 46727521520000 (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 [kstapleton@kannapolisnc.gov](mailto:kstapleton@kannapolisnc.gov).

Sincerely,

Kathryn Stapleton  
Planner

Enclosure

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Heather James, Human Resource Director, by phone at 704-920-4322 or by email at [hjames@kannapolisnc.gov](mailto:hjames@kannapolisnc.gov) as soon as possible but no later than 48 hours before the scheduled event.

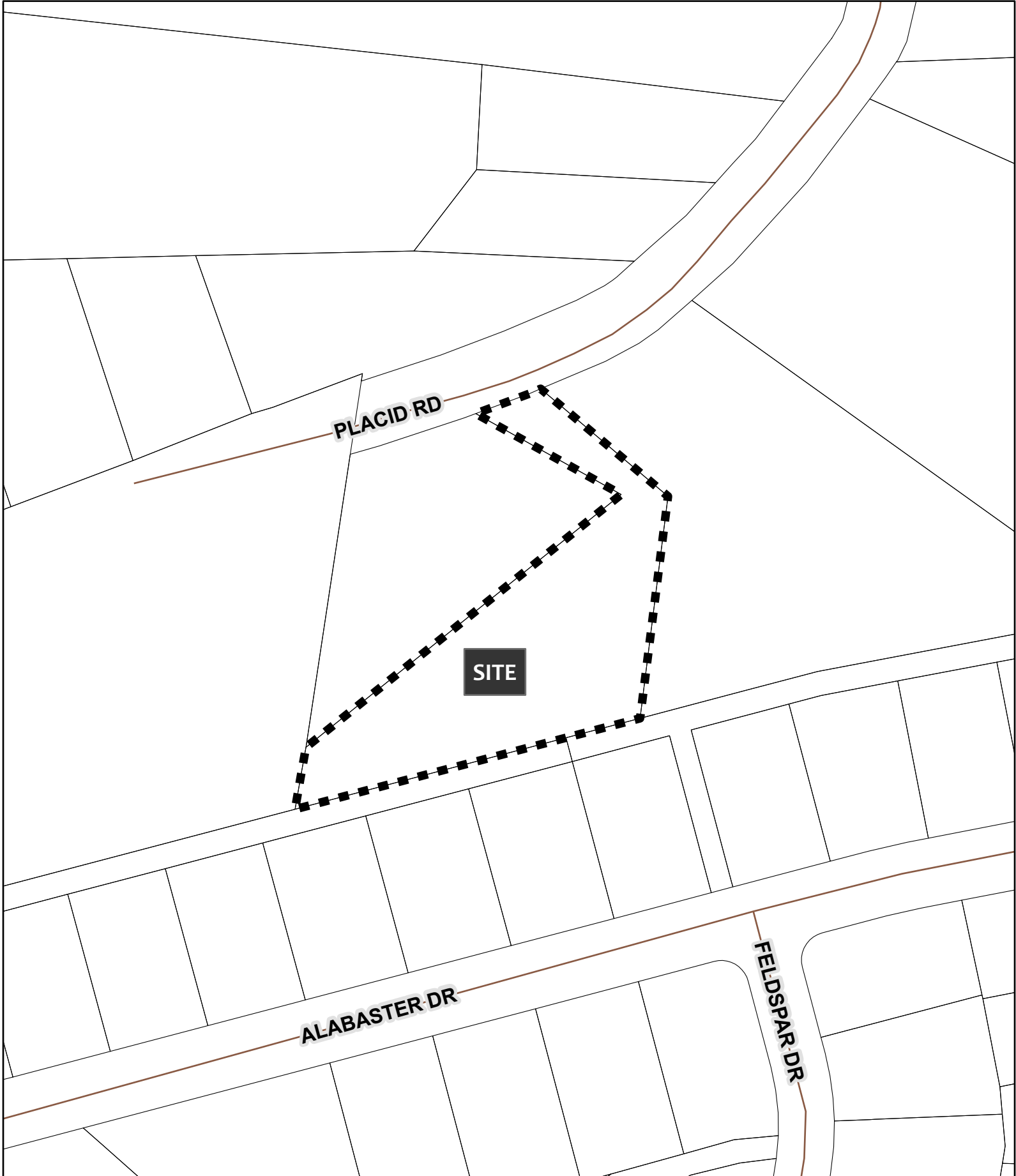


# Rezoning

Case Number: Z-2024-02

Applicant: Marilyn Stark

3060 Placid Rd





**PLANNING**

**ZONING**

**COMMISSION**

**PUBLIC HEARING INFORMATION**  
CALL 704-920-4350 CASE # Z-2024-02





**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY  
WITH REGARD TO CASE #Z-2024-02**

**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 February 20, 2024, the Planning and Zoning Commission conducted a public hearing to consider a request to rezone approximately 1.06 +/- acres of property located at 3060 Placid Road, (Cabarrus County Parcel Identification Number 46727521520000) owned by Marily P. Stark, from Cabarrus County Countryside Residential (CR) to City of Kannapolis Residential 4 (R4) 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 property as located within the “Complete Neighborhood 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 20th day of February 2024:**

\_\_\_\_\_  
Chris Puckett, Chairman  
Planning and Zoning Commission

**Attest:**

\_\_\_\_\_  
Pam Scaggs, Recording Secretary  
Planning and Zoning Commission



## **RESOLUTION TO ZONE**

**Case #Z-2024-02  
(3060 Placid Road)**

### **From Cabarrus County Countryside Residential (CR) to City of Kannapolis Residential 4 (R4) 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 February 20, 2024 for consideration of rezoning petition Case #Z-2024-02 as submitted to the City of Kannapolis Planning Department; and

**WHEREAS**, the request was to apply City of Kannapolis zoning to approximately 1.06 +/- acres of property located at 3060 Placid Road, (Cabarrus County Parcel Identification Number 46727521520000) owned by Marily P. Stark, from Cabarrus County Countryside Residential (CR) to City of Kannapolis Residential 4 (R4) 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?**

Yes. This area of the City's future growth area is identified as "Complete Neighborhood 2" Character Area. This Character Area identifies single family detached residential and single family attached as primary uses.

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

No, the R4 zoning designation is appropriate for this area. There is existing R4 zoning on nearby properties.

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

No, the subject property was recently annexed into the City of Kannapolis. The proximity to other R4 zoning and the Comprehensive Plan Character Area makes the requested R4 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 existing use of the property is residential and is also adjacent to residential land uses.

**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. Both water and sewer are available through the adjacent Waterford at Rocky River Homeowners Association open space easement.

**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 uses 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. Further, this property was voluntarily annexed into the City as a result of a septic tank failure.

**NOW, THEREFORE BE IT RESOLVED** by the City of Kannapolis Planning and Zoning Commission that the above referenced property be assigned the City of Kannapolis Residential 4 (R4) Zoning Designation.

**Adopted this the 20th day of February 2024:**

---

Chris Puckett, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary  
Planning and Zoning Commission



**Planning and Zoning Commission  
February 20, 2024, Meeting**

**Staff Report**

**TO:** Planning and Zoning Commission  
**FROM:** Elizabeth McCarty, Assistant Planning Director  
**SUBJECT: Case #CZ-2024-03: Conditional Zoning Map Amendment  
Applicant: Eden Property Holdings, LLC**

Request to conditionally rezone four properties located along Dale Earnhardt Boulevard and Laundry Street to allow for the use of an existing building for general wholesale and accessory offices.

**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 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 & Project Overview**

The applicant, Eden Property Holdings, LLC., is proposing to rezone approximately 3.3 +/- combined acres of property located at 1375, 1411, and 1431 Dale Earnhardt Boulevard and 601 Laundry Street from City of Kannapolis Office-Institutional (O-I) zoning district to City of Kannapolis General Commercial-Conditional Zoning (GC-CZ) zoning district. The properties are further identified as Cabarrus County Parcel Identification Numbers 56138630070000, 56138549450000, 56138548910000, and 56138559600000, respectively.

The applicant is proposing to use the existing building, currently vacant, for general wholesale and accessory office uses or for other uses allowed in the GC zoning district. General wholesale is not a permitted use in the O-I District, but it is within the GC District. The applicant's rezoning plan does not indicate any expansion of the existing building or parking area.

The site previously was used for automotive headlight warehousing and wholesale. The automotive business operated under a Certificate of Nonconformity Adjustment (CONA) which was granted by the Board of Adjustment in 2017 (Case #BOA-2017-03). At that time, the parking lot, sidewalk, and street trees were installed. The CONA issued in 2017 has expired. Prior to the automotive warehouse, the site was used as a furniture warehouse and was considered a legal non-conforming use.

The applicant conducted the required neighborhood meeting for conditional rezonings on January 23, 2024, at 6:30 p.m. The meeting was held at the Trinity United Methodist Church on Martin Luther King, Jr. Avenue.

#### **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 the 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 three properties along Dale Earnhardt Boulevard are in the “Urban Corridor” Character Area. The property fronting Laundry Street is within the “Urban Residential” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Primary uses in the “Urban Corridor” include retail, office, and multifamily residential. Secondary uses are institutional/civic, light manufacturing, and single family attached residential. The “Urban Residential” promotes primary uses of single family detached and single family attached residential as well as civic uses. Secondary uses include multifamily residential, small format retail and office, and live-work units. With most of the site within the “Urban Corridor” Character Area, the proposed reuse of the existing building for general wholesale and accessory offices is compatible with 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?**

The existing building was previously used for warehousing, a use not permitted in the O-I District. The past furniture warehouse was established before the adoption of the UDO which made it a legal nonconforming use. The prior automotive warehouse was granted a Certificate of Nonconformity Adjustment, which has now expired. The

applicant intends to reuse the existing building for general wholesale and accessory offices. With the proposed rezoning, this would be a conforming use.

**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 four subject properties are surrounded by both residential and commercial uses. The applicant has indicated that the existing parking area on the site will be sufficient; no expansion is anticipated. There are trees at the rear of 1375 and 1411 Dale Earnhardt Boulevard that serve as a buffer to adjacent R8 zoned properties. Additionally, the applicant owns the parcel at 607 Laundry Street which is vacant with trees. This parcel is not part of the proposed conditional rezoning request yet provides a buffer from neighboring residential uses.

The rezoning allows for conditions to exclude uses not deemed suitable for the area. City staff recommends excluding the following uses: Vehicle sales and services uses, Eating or drinking establishments uses, Recreation/entertainment uses, Contractor's yard, Fleet terminal, Prefabricated building sales, Self-service storage, Outdoor storage, Commercial parking as a principal use, Passenger terminal, surface transportation, Recycling collection center, Crematory, Animal shelter, Kennel. The applicant concurs with this proposed condition.

**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. The properties have access to water and sewer service.

During the neighborhood meeting, attendees raised concerns about trucks driving onto neighboring properties and the ability of trucks to maneuver within the site's loading area. The applicant has indicated that the loading and parking areas are adequate for trucks to load and unload without driving onto adjacent properties. The applicant is expected to present this information during the public hearing.

**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 the reuse of an existing building. The development is compatible with existing adjacent 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. No new development is proposed on the Rezoning Plan.

## **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 properties as located within the “Urban Corridor” and “Urban Residential” Character Areas 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-2024-03 with the following conditions:**

1. The permitted uses allowed by this rezoning shall exclude the following uses: Vehicle sales and services uses, Eating or drinking establishments uses, Recreation/entertainment uses, Contractor’s yard, Fleet terminal, Prefabricated building sales, Self-service storage, Outdoor storage, Commercial parking as a principal use, Passenger terminal, surface transportation, Recycling collection center, Crematory, Animal shelter, Kennel.
2. Future development on the parcel identified as 1375 Dale Earnhardt Boulevard (PIN 56138630070000) shall relate to the principal use established in the existing building located at 1411 Dale Earnhardt Boulevard (PIN 56138549450000). If a separate and unrelated use is proposed, application shall be made for further review and reconsideration of the conditions imposed by approval of this Zoning Map Amendment.

### **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-2024-03, 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 properties as located within the “Urban Corridor” and “Urban Residential” Character Areas 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-2024-03, 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 #CZ-2024-03, 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 #CZ-2024-03 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-2024-03, 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. One or more of the required documents may be waived due to the size of the parcel, the proposed use or the adequacy of existing infrastructure servicing the location. Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

### CONDITIONAL REZONING REQUEST

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

*Approval authority – Planning and Zoning Commission.*

Requested Rezoning Property Address: 1375, 1411, and 1431 Dale Earnhardt Blvd, 601 Laundry Street (the "Si

Applicant: Eden Property Holdings LLC

Proposed development: Re-use of existing building for general wholesale and incidental office use,  
plus certain other uses as allowed by the Kannapolis Development Ordinance and subject to the proposed conditions attached hereto.

### SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to [planreviewappointment@kannapolisnc.gov](mailto:planreviewappointment@kannapolisnc.gov)
- Neighborhood Meeting (if required)
- Zoning Map Amendment Checklist and Application – Complete with all required signatures
- Preliminary Major Site Plan
- PDF format on disc containing all documents rotated and formatted in sequential order based upon cover page
- Fee: \$ 925.00 (\$ 600 Application Fee, \$ 300 Legal Notices and notification fee, # of property owners notified [see Fee Schedule])

### PROCESS INFORMATION

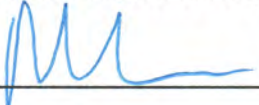
**Public Notification:** This is a legislative process that requires a public hearing and public notification including newspaper notice, first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Table 2.4.F(2) of the Kannapolis Development Ordinance [KDO]).

**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 application and all fees must be paid prior to scheduling the public hearing.

**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: 1/19/24



## CONDITIONAL ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

### Applicant Contact Information

Name: Eden Property Holdings LLC by Johnston, Allison & Hord, P.A.  
Address: 1065 East Morehead Street  
Charlotte, NC 28204  
Phone: 704-998-2306  
Email: stodd@jahlaw.com/myoung@jahlaw.com

### Property Owner Contact Information same as applicant

Name: Eden Property Holdings LLC  
Address: 50 Forest St  
Windermere, FL 34786  
Phone: 704-998-2306  
Email: stodd@jahlaw.com/myoung@jahlaw.com

### Project Information

Project Address: 1375, 1411, and 1431 Dale Earnhardt Blvd, 601 Laundry Street  
Parcel: See attached exhibit A # of parcels: 4 Approx. size of parcels: 3.3ac  
*(attach separate list if necessary)*

Current Zoning Designation: O-I Requested Zoning Designation: GC(CZ)

Reason for map amendment: Allow for re-use of existing building and ancillary improvements for general wholesale and incidental office use, and certain other uses as allowed by the Kannapolis Development Ordinance, subject to the proposed conditions attached hereto.

Condition(s) proposed by the applicant (attach separate sheet if necessary): See attached exhibit A

**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

1/19/24  
Date

  
Property Owner Signature

1/19/24  
Date

EXHIBIT A to Conditional Rezoning Application  
Eden Property Holdings, LLC

PARCELS:

1431* DALE EARNHARDT BLVD KANNAPOLIS	56138548910000
601 LAUNDRY ST KANNAPOLIS	56138559600000
1411 DALE EARNHARDT BLVD KANNAPOLIS	56138549450000
1375 DALE EARNHARDT BLVD KANNAPOLIS	56138630070000

\*1431 Dale Earnhardt Blvd. includes former address 1435 Dale Earnhardt Blvd.

PROPOSED CONDITIONS:

A. Permitted Uses:

The Site may be devoted to one or more of the following uses, along with any incidental or accessory uses thereto:

All uses as allowed in the Office/Institutional (O/I) Zoning District, plus Wholesale, General use; Wholesale, Florist and nursery supply use; Contractors yard use; Fleet terminal use; Microbrewery use; Restaurant use; Personal or Household Goods Repair use; Personal Grooming or Well-being Service use; and Consumer Goods Establishment use as allowed in the General Commercial Zoning District.

B. Existing building and site improvements, including loading docks, located on the Site shall remain.



# Vicinity Map

Case Number: CZ-2024-03

Applicant: Eden Property Holdings LLC

1375, 1411, and 1431 Dale Earnhardt Blvd and 601 Laundry St





# Kannapolis Current Zoning

Case Number: CZ-2024-03

Applicant: Eden Property Holdings LLC

1375, 1411, and 1431 Dale Earnhardt Blvd and 601 Laundry St





# Kannapolis 2030 Future Land Use Map

Case Number: CZ-2024-03

Applicant: Eden Property Holdings LLC

1375, 1411, and 1431 Dale Earnhardt Blvd and 601 Laundry St





**NEIGHBORHOOD MEETING REPORT**  
**APPLICANT: Eden Property Holdings, LLC**  
**REZONING APPLICATION NO. KN-CZ-2024-00011**

This Neighborhood Meeting Report is being filed with the Kannapolis Planning Department pursuant to the provisions of the Kannapolis Development Ordinance.

**PERSONS AND ORGANIZATIONS CONTACTED WITH DATE AND EXPLANATION OF HOW CONTACTED:**

A representative of the Applicant mailed a written notice of the date, time and location of the Neighborhood Meeting to the individuals and organizations set out on Exhibit A attached hereto by depositing such notice in the U.S. mail on January 16, 2024. A copy of the written notice is attached hereto as Exhibit B.

**DATE, TIME AND LOCATION OF MEETING:**

The Neighborhood Meeting was held on Tuesday, January 23, 2024 at 6:30PM at Trinity United Methodist Church, 416 Martin Luther King Jr. Ave, Kannapolis, NC 28083.

**PERSONS IN ATTENDANCE AT MEETING (see attached copy of sign-in sheet):**

The Neighborhood Meeting was attended by the persons identified on the sign-in sheet attached hereto as Exhibit C. Applicant, Eden Property Holdings, LLC, was represented at the Neighborhood Meeting by Stewart Hasty, broker with Piedmont Properties of the Carolinas, Inc., and by R. Susanne Todd and Mathias A. Young, attorneys with Johnston, Allison & Hord, P.A.

**SUMMARY OF PRESENTATION/DISCUSSION:**

The Applicant's agent, R. Susanne Todd, welcomed the attendees and introduced the Applicant's team. Ms. Todd indicated that the Applicant proposed to rezone an approximately 3.3 acre site (the "Site") located at 1375, 1411, and 1431 Dale Earnhardt Blvd and 601 Laundry Street from the Office/Institutional (O-I) zoning district to the General Commercial – Conditional Zoning (GC-CZ) zoning district. Ms. Todd explained that the purpose of the meeting was to discuss the rezoning request with nearby property owners and community leaders, address questions, and receive comments. Ms. Todd showed the PowerPoint presentation attached as Exhibit D to address attendees' questions.

The Site is improved with a warehouse, loading docks and parking. The Site has historically been used for warehousing of furniture, and after 2017, for wholesale storage and distribution. Neither of these uses is currently allowed in O-I zoning. The Site is currently vacant, but there is a potential buyer for the Site that would like to continue General Wholesale use.



Attendee Questions and Answers:

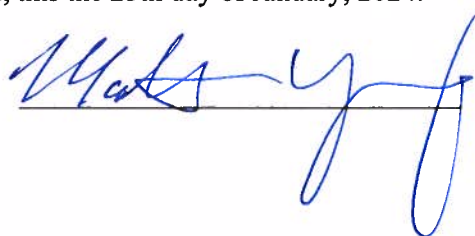
- Q. Will the parking at the Site be adequate for the proposed use?
- A. The Applicant believes that existing parking at the Site will be sufficient for continued use of the Site for General Wholesale use.
- Q. How many trucks will be at the Site?
- A. According to the potential buyer of the property, between five and eight deliveries will be made to the Site each week, comprised of a mix of 53' and LTL trucks.
- Q. Why can't the Applicant put parking along Dale Earnhardt Boulevard as opposed to Laundry Street?
- A. The Applicant is unsure why additional parking or a truck turnaround has not been allowed along Dale Earnhardt Boulevard, but there are two curb cuts already in place.
- Q. When did the Applicant buy the property?
- A. The Applicant purchased the property in 2016.
- Q. Who will be purchasing the property?
- A. The Applicant is currently in negotiations with the tooling division of Equipmentshare, a national equipment and tool supplier, to purchase the property.

There was significant discussion as to whether the existing loading dock and parking arrangement at the Site allowed for 53' trucks to adequately maneuver into the Site's loading dock without driving onto neighboring properties. The Applicant indicated that the loading docks and parking did allow for 53' trucks to enter the Site, load, unload, and leave without driving onto neighboring property. The Applicant indicated that previous issues with trucks were primarily due to contract drivers, and that the proposed buyer's truck drivers would all work at the location and be accountable to the new property owner. Obviously, the Applicant cannot guarantee that there will be no problems if purchased by Equipmentshare. However Applicant believes there would be additional accountability and opportunities for neighbors to voice concerns regarding any issues with trucks that did arise.

When the attendees had no further questions, the Neighborhood Meeting was adjourned at 8:00 PM.

Respectfully submitted, this the 25th day of January, 2024.

By:

A handwritten signature in blue ink, appearing to read "Matsy", written over a horizontal line.

PIN	LegalDesc	AcctName1	AcctName2	MailAddr1	MailAddr2	MailCity	MailState	MailZipCod
5613864157.00000000	LT 17 CENTERVIEW	DURHAM EDDIE B ESTATE	DURHAM CONNIE G WF	1311 LOWRANCE AVE		KANNAPO NC	NC	28081
5613854945.00000000	711 CENTERGROVE RD	EDEN PROPERTY HOLDINGS LLC		50 FOREST ST		WINDERM FL	FL	34786
5613855999.00000000	607 LAUNDRY ST	EDEN PROPERTY HOLDINGS LLC		50 FOREST ST		KANNAPO NC	NC	28083
5613867270.00000000	LTS 32-34 CENTERVIEW	ALLISON CLAUDE JR & WIFE		C/O TRENTON MEADOWS	608 WALTER STREET	KANNAPO NC	NC	28083
5613857729.00000000	P/O LOTS 2-12 C B PETHEL PROPERTY	WILLIFORD C TODD	WILLIFORD RITA C WF	1461 DALE EARNHARDT BLVD		KANNAPO NC	NC	28081
5613850948.00000000	S/E INT FORD ST & DALE EARNHARDT BLVD	MCINTOSH JANIE A		1380 DALE EARNHARDT BLVD		KANNAPO NC	NC	28083
5613850991.00000000	CENTERGROVE RD	MCINTOSH WILLIE		1380 DALE EARNHARDT BLVD		KANNAPO NC	NC	28083
5613856704.00000000	P/O LOTS 6-9 CARL PETHEL PROP	WILLIFORD C TODD	WILLIFORD RITA C WF	1461 DALE EARNHARDT BLVD		KANNAPO NC	NC	28083
5613865393.00000000	PT LOT 53 BL B CENTERVIEW #2	WILLIFORD C TODD		C/O TRENTON MEADOWS		KANNAPO NC	NC	28081
5613866210.00000000	611 PARK ST	CRAYTON MATTHEW RALPH JR	CRAYTON VALERIE	611 PARK ST	608 WALTER ST	KANNAPO NC	NC	28081
5613853722.00000000	800 CENTERGROVE RD	SHIVE LARRY W	SHIVE KAYE H WF	PO BOX 60		KANNAPO NC	NC	28082
5613853722.00000000	800 CENTERGROVE RD	SHIVE LARRY W	SHIVE KAYE H WF	PO BOX 60		KANNAPO NC	NC	28082
5613851866.00000000	WEST SIDE DALE EARNHARDT BLVD	MCINTOSH JANIE A		1380 DALE EARNHARDT BLVD		KANNAPO NC	NC	28081
5613851765.00000000	LT 1 CHARLES WILSON JORDAN	GRIMES MATTHEW RYAN		3884 MEADOW RIDGE CT NW		CONCORD NC	NC	28027
5613864342.00000000	LTS 45-52 CENTERVIEW EXT BLK B	HAMPTON HAZEL G		607 PARK ST		KANNAPO NC	NC	28083
5613857972.00000000	LTS 15-17 PETHEL	DOBSON CHRISTIAN B		606 LAUNDRY ST		KANNAPO NC	NC	28083
5613856678.00000000	P/O LTS 2-5 CARL PETHEL	GLICK PROPERTIES LLC		2326 S CHURCH ST STE C		BURLINGT NC	NC	27215
5613854891.00000000	NORTH WEST INTER CENTERGROVE/LAUNDRY	EDEN PROPERTY HOLDINGS LLC		50 FOREST ST		WINDERM FL	FL	34786
5613857836.00000000	LOTS 13-14 P/O 12 CARL B PETHEL	WILLIFORD C TODD	WILLIFORD RITA C WF	1461 DALE EARNHARDT BLVD		KANNAPO NC	NC	28083
5613865254.00000000	609 PARK ST	PEELER SHEILA B		609 PARK ST		KANNAPO NC	NC	28083
5613853695.00000000	806 CENTERGROVE RD	SHIVE LARRY W	SHIVE KAYE H WF	PO BOX 60		KANNAPO NC	NC	28082
5613868030.00000000	LTS 18-22 & P/O 23 C B PETHEL	LINDSAY WALLACE L		610 LAUNDRY ST		KANNAPO NC	NC	28083
5613867102.00000000	LTS 35-38 BLK B CENTERVIEW	CRAYTON MATTHEW RALPH JR	CRAYTON VALERIE	611 PARK ST		KANNAPO NC	NC	28081
5613855960.00000000	WEST SIDE LAUNDRY ST	EDEN PROPERTY HOLDINGS LLC		50 FOREST ST		WINDERM FL	FL	34786
5613853668.00000000	CENTERGROVE RD	SHIVE LARRY W	SHIVE KAYE H WF	PO BOX 60		KANNAPO NC	NC	28082
5613854670.00000000	LTS 49-52 PT42-48 BL "A" BARNHDT	BENTLEY HOLDINGS LLC		10659 RIPPLING STREAM DR NW		CONCORD NC	NC	28027
5613855544.00000000	P/O LTS 47-48 AMANDA S BARNHARDT BLK A	SMITH JOSEPH DANIEL		2141 KISER RD SW		CONCORD NC	NC	28025
5613869192.00000000	LT 1 LAUNDRY ST EXT	NEW LIFE DEVELOPERS LLC		PO BOX 1096		CONCORD NC	NC	28026
5613866033.00000000	NW INTERSECT LAUNDRY ST & PARK ST	DODDS INC		5025 SAPP RD		KANNAPO NC	NC	28083
5613863007.00000000	EAST SIDE CENTERGROVE RD	EDEN PROPERTY HOLDINGS LLC		50 FOREST ST		WINDERM FL	FL	34786



**R. Susanne Todd**  
**Partner**

**WRITER'S E-MAIL ADDRESS:**  
stodd@johnstonhord.com

**WRITER'S DIRECT DIAL:**  
704-998-2306

**INVITATION TO NEIGHBORHOOD MEETING**

**Subject:** Neighborhood Meeting – Proposed Rezoning Application by Eden Property Holdings, LLC to rezone approximately 3.3 acres located at the corner of Dale Earnhardt Boulevard and Laundry Street, Kannapolis, NC from Office-Institutional (OI) to General Commercial-Conditional Zoning (GC-CZ).

**Date and Time of Meeting:** **Tuesday, January 23<sup>rd</sup> at 6:30PM**

**Place of Meeting:** Trinity United Methodist Church, 416 Martin Luther King Jr. Ave, Kannapolis, NC 28083

**Applicant:** Eden Property Holdings, LLC

**Dear Kannapolis Neighbor:**

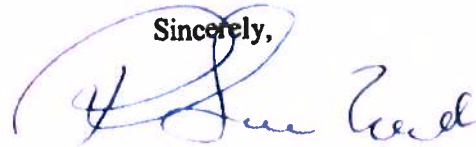
Our firm represents Eden Property Holdings, LLC (the "Applicant") in its proposal to rezone approximately 3.3 acres located on the corner of Dale Earnhardt Boulevard and Laundry Street (the "Site") to allow use of the existing building for general wholesale and accessory office use. The parcels to be rezoned are located at 1411, 1431, and 1375 Dale Earnhardt Boulevard and 601 Laundry Street, and bear parcel numbers of 56138549450000, 56138548910000, 56138630070000, and 56138559600000, respectively. A Site map is included for your reference.

Applicant intends to ask the City of Kannapolis to approve the rezoning of the Site from OI (Office-Institutional) to GC-CZ (General Commercial – Conditional Zoning). The proposed rezoning would also allow the existing building to be used for other uses allowed by right or subject to prescribed conditions within the General Commercial zoning district. The purpose of this neighborhood meeting is to educate owners and residents of nearby lands about the proposed application to be reviewed under the Kannapolis Development Ordinance, and provide an opportunity to discuss comments and concerns before formally submitting an application.

If you would like to learn more about the rezoning and Applicant's plans for the Site, please attend our neighborhood meeting on the above-referenced date, time and location. The meeting will begin with a presentation regarding the plans for the Site, and conclude with a Question and Answer session.

Should you have any questions or are unable to attend, please feel free to call me at (704) 998-2306 or email me at [stodd@jahlaw.com](mailto:stodd@jahlaw.com).

Sincerely,



R. Susanne Todd

cc: Richard Smith, Director of Planning (via email)

Date Mailed: January 16, 2024

Eden Property Holdings, LLC  
Invitation to Neighborhood Meeting  
Site Map





# Dale Earnhardt Boulevard GC (CZ) Rezoning

1375, 1411, & 1431 Dale Earnhardt Blvd  
601 Laundry Street  
Kannapolis

KN-CZ-2024-00011  
Official Neighborhood Meeting  
January 23, 2024

# Team Introductions

- ▶ Property Owner and Applicant: Eden Property Holdings, LLC
- ▶ Owner Representative: Piedmont Properties of the Carolinas, Inc.
  - ▶ Stewart Hasty
- ▶ Applicant's Agent: Johnston, Allison & Hord, P.A.
  - ▶ Susanne Todd
  - ▶ Mathias Young



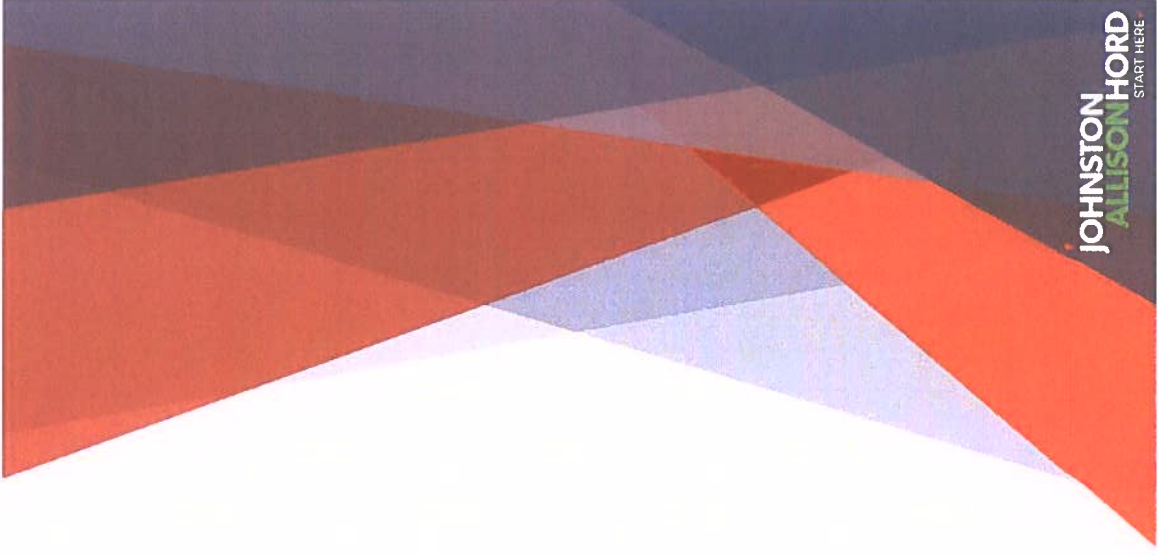


# Meeting Agenda

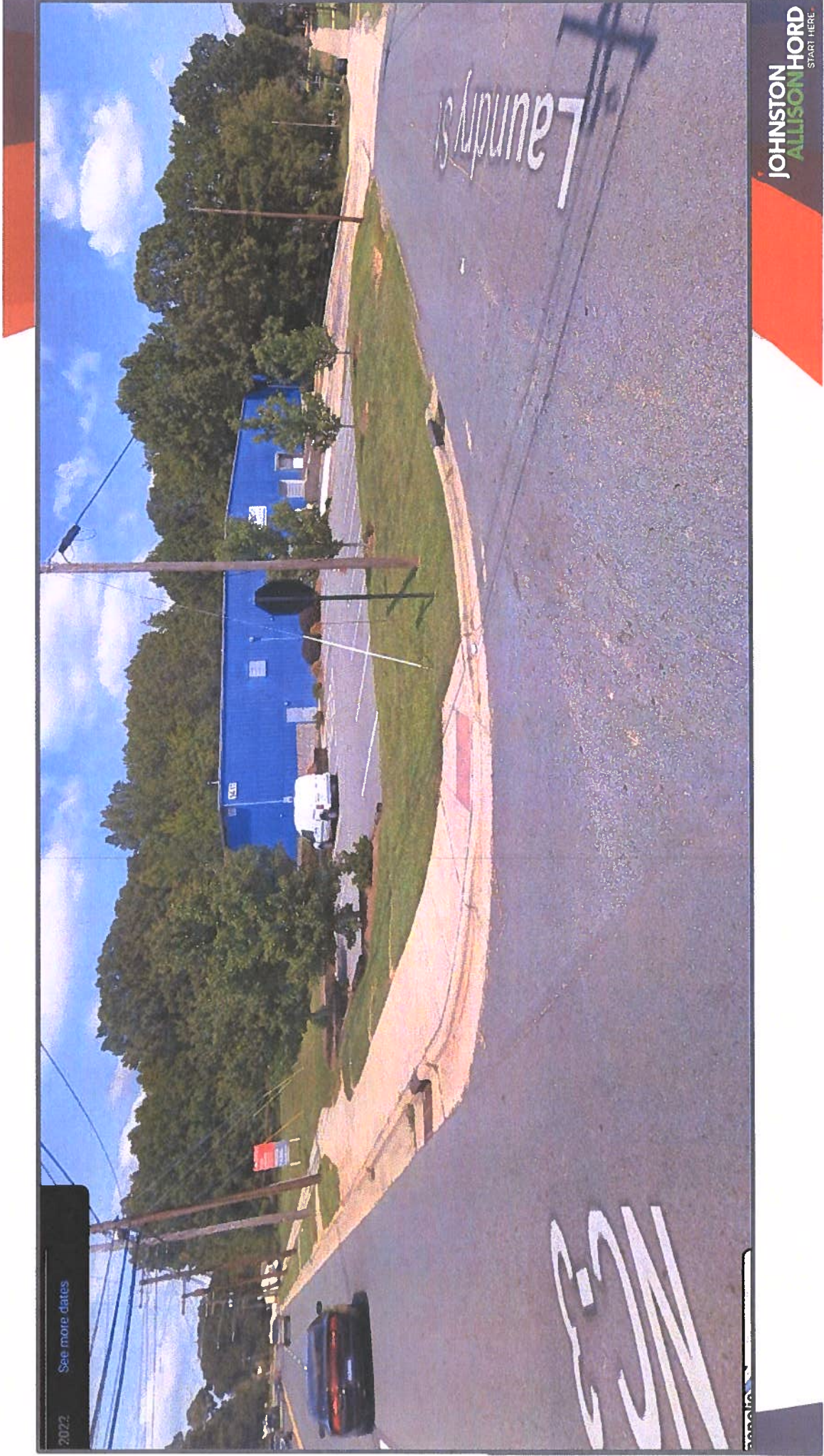
- ▶ Introductions
- ▶ Property Location
- ▶ Current Uses & Zoning
- ▶ Proposed Uses & Zoning
- ▶ Site Plan
- ▶ Land Use Plan
- ▶ Anticipated Rezoning Schedule
- ▶ Questions/Discussion



# Property Location







2022 See more dates

JOHNSTON  
ALLISONHORD  
START HERE



# Current Use & Zoning

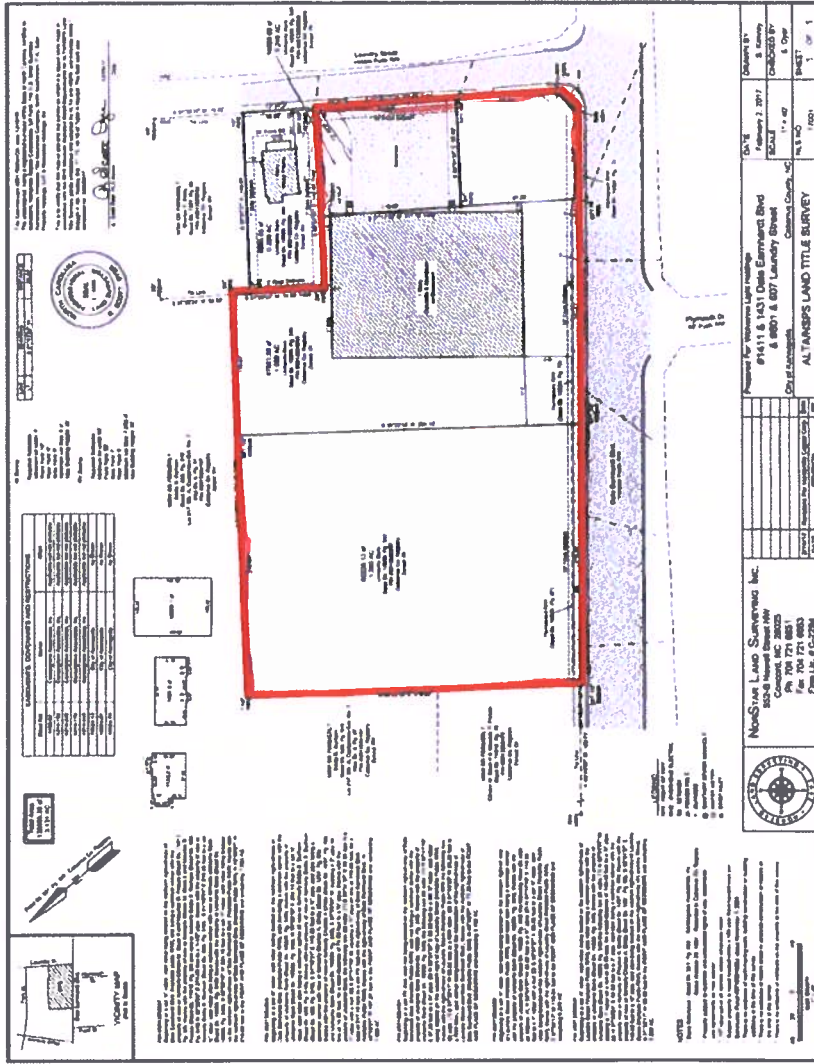
- ▶ Current Use
  - ▶ Former All Star Auto Parts Distributor
  - ▶ Former Furniture Warehousing & Distribution
  - ▶ Currently Vacant
- ▶ Current Zoning
  - ▶ (O-1) Office - Institutional



- ▶ General Commercial
- ▶ Office - Institutional
- ▶ Mixed Use Neighborhood



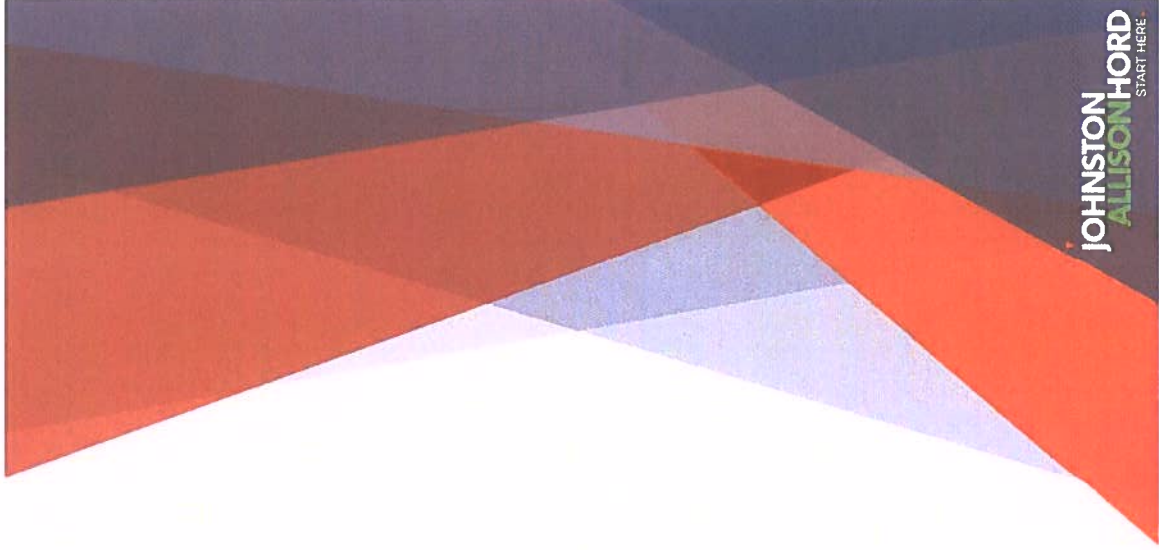
# Site Plan



- ▶ Adaptive Reuse
  - ▶ No planned additional construction
  - ▶ Existing building to remain
- ▶ Proposed Uses allow for future development within O-I standards
- ▶ Productive interim use of existing assets



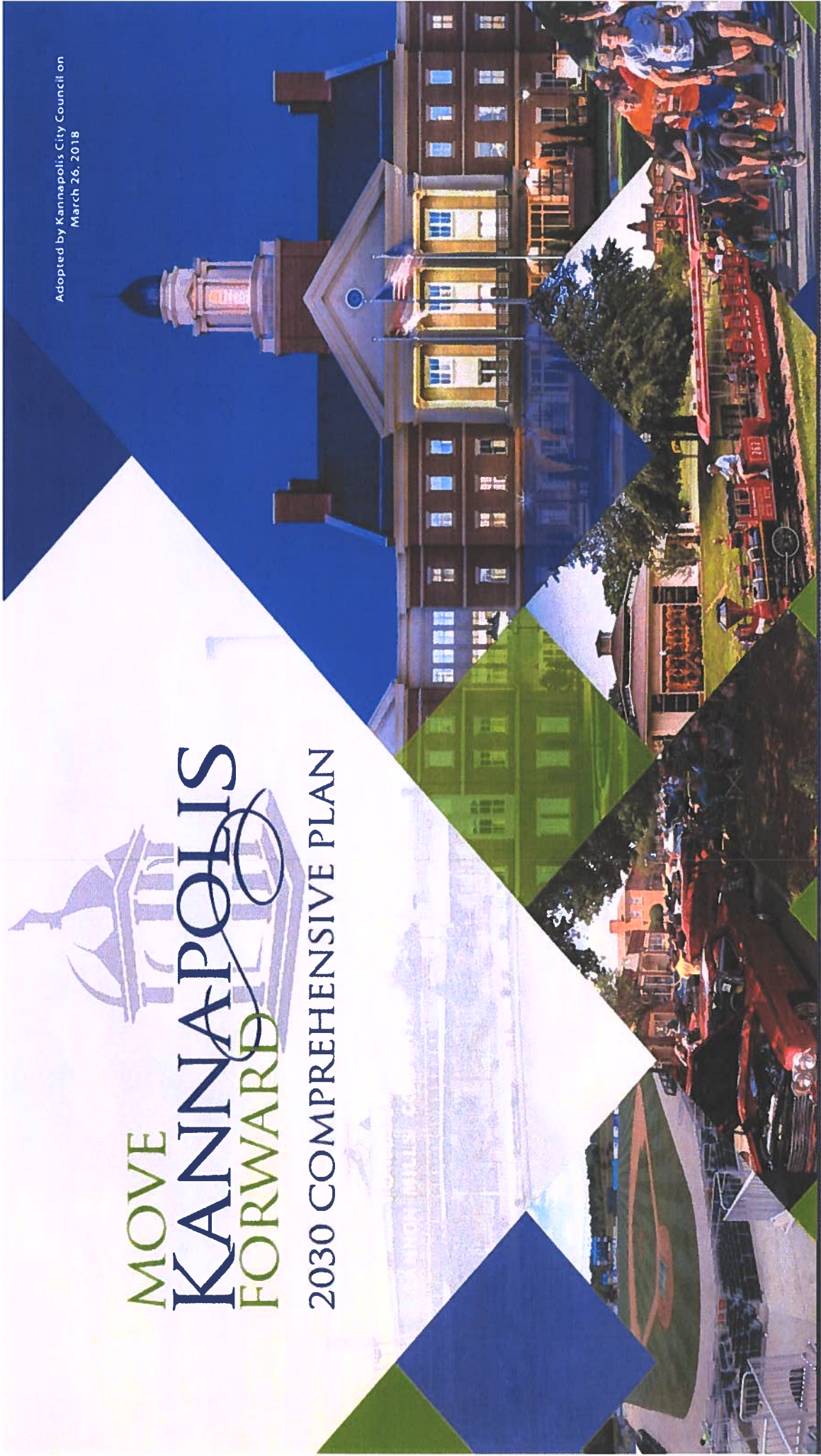
# Land Use Plan Recommendations

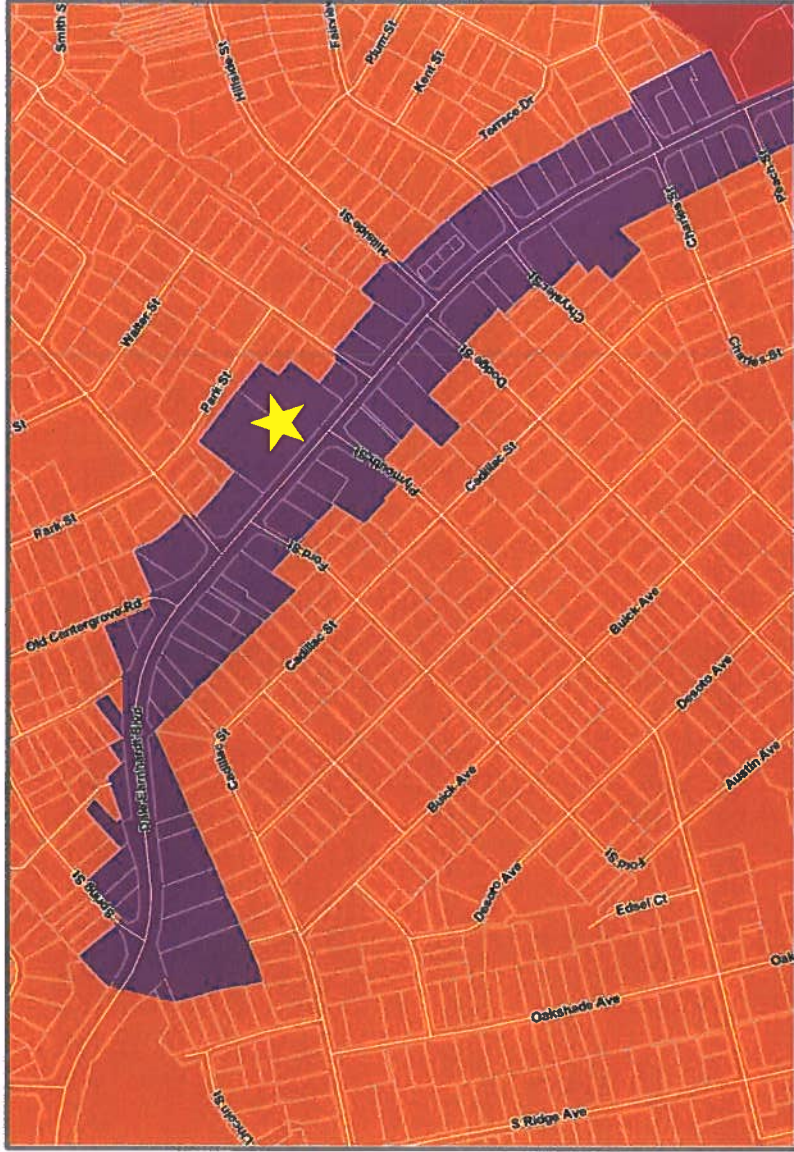


MOVE  
KANNAPOLIS  
FORWARD

2030 COMPREHENSIVE PLAN

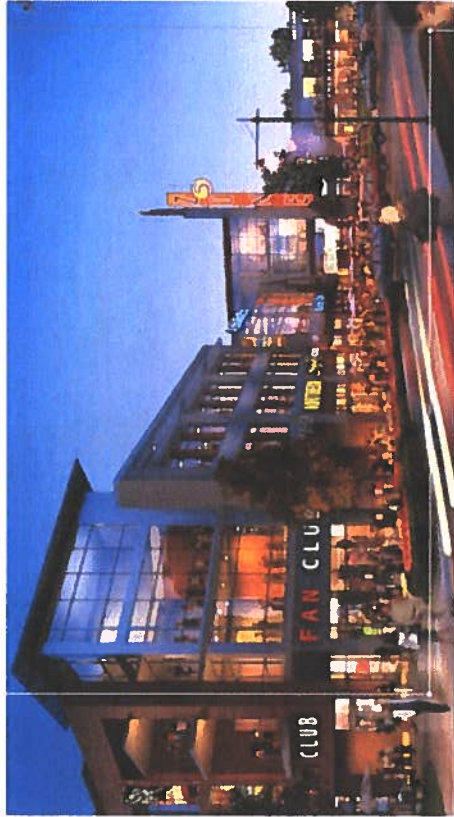
Adopted by Kannapolis City Council on  
March 26, 2018





- ▲ Urban Corridor and Residential
- ▲ Proposed Uses align with City's vision for future development
- ▲ Continued use of existing building
- ▲ Productive interim use until market supports future re-development

## Urban Corridor



### Character Intent

The Urban Corridor Character Area includes activity corridors with places to live, work, and shop in a walkable configuration. The Area may include both vertically and horizontally mixed uses, however infill development will be vertically mixed, with ground floor retail and offices and housing on upper floors. These developments are located close together and near the street, providing connections to surrounding development.

### Retrofit Opportunities

- Mixed-use infill and redevelopment
- Multi-modal street redevelopment
- Sidewalks and street trees
- Additional connections to reduce block sizes

- Crosswalks and pedestrian amenities
- Protected bike lanes

### Primary Uses

- Retail
- Office
- Multi-family residential

### Secondary Uses

- Institutional / Civic
- Light manufacturing
- Single family attached residential

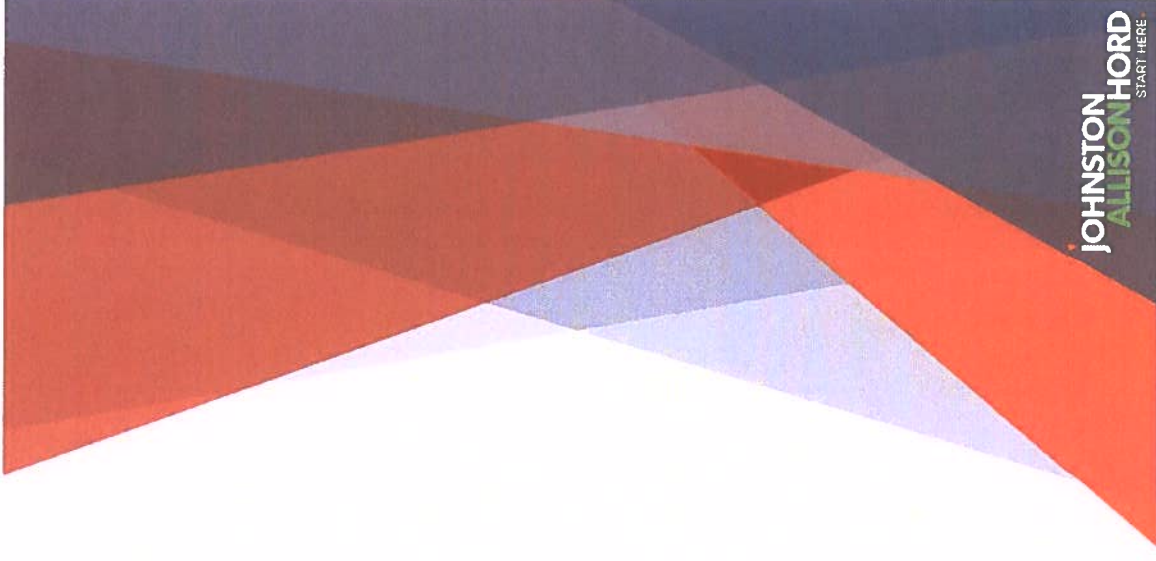


### Characteristics of Urban Form

	Existing	Desired
<b>Building Heights</b>	1 - 3 Stories	2 - 5 Stories
<b>Setbacks</b>	0 - 30 ft	0 - 30 ft
<b>Block Length</b>	400 - 800 ft	400 - 600 ft.
<b>Street Character</b>	Gridded	Gridded Walkable
<b>Parking</b>	Front, Rear, Side, On-street	Behind buildings, On-street, Mid-block structured parking
<b>Residential Density</b>	n/a	6 - 20 units/acre

# Anticipated Rezoning Schedule

- ▶ Neighborhood Meeting and Application Submitted
  - ▶ Today, January 23rd
- ▶ Earliest Public Hearing and Decision by Planning and Zoning Commission
  - ▶ February 20th
- ▶ Earliest City Council Consideration
  - ▶ March 25th



# Questions and Discussion





PO Box 27283  
Richmond, VA 23261-7283

# Order Confirmation

Order# 0000861192

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              aboan              Pam

Fax: 7049337463  
EMAIL: ap@kannapolisnc.gov

Total Amount                      \$865.55  
Payment Amount                    \$865.55

Amount Due                        \$0.00

Tax Amount:                        0.00

Payment Meth:      Credit - Debit Card

Tear Sheets              Proofs              Affidavits              PO Number:  
0                              0                              1

Ad Number                      Ad Type                      Ad Size                      Color  
0000861192-01                      CLS Display                      2 X 5.00"                      \$0.00

Production Method  
Creative (In-House)


### Production Notes

Product and Zone                      Placement  
CON Independent Trib                      C-Legal Ads

Position                                      # Inserts  
Legal Display Ads                                      2

Run Dates                      2/ 9/2024, 2/16/2024

TagLine: NOTICE OF PUBLIC HEARING



**NOTICE OF PUBLIC HEARING**  
Planning and Zoning Commission Meeting  
Tuesday, February 20, 2024, at 6:00 pm

**Conditional Zoning Map Amendment – CZ-2024-01 – 9700 Davidson Hwy – Public Hearing** to consider an amendment to the previously approved rezoning conditions for property located at 9700 Davidson Hwy., zoned GC-CZ (General Commercial-Conditional Zoning) and further identified as Cabarrus County Parcel Identification Number 46821056980000. The requested change is to allow for a Contractor's Yard.

**Conditional Zoning Map Amendment – CZ-2024-02 – 304-320 Irish Glen Dr., three (3) unaddressed parcels on W C St., and one unaddressed parcel on Glenn Ave. – Public Hearing** to consider a request to rezone properties located at 304, 308, 312, 316 and 320 Irish Glen Drive, as well as three (3) unaddressed parcels on W C Street and one unaddressed parcel on Glenn Avenue from City of Kannapolis Office Institutional (OI) zoning district to City of Kannapolis Residential 8 – Conditional Zoning (R8-CZ) zoning district to allow for a 233-unit townhome development. The subject properties are approximately 47.96 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 142 174, 142 175, 142 176, 142 177, 142 178, 142 180, 142 179, 142 173, and 142 186, respectively.

**Conditional Zoning Map Amendment – CZ-2024-03 – Dale Earnhardt Blvd. & Laundry St. – Public Hearing** to consider a request to rezone properties located at 1411, 1431 and 1375 Dale Earnhardt Blvd., as well as 601 Laundry Street from City of Kannapolis Office Institutional (OI) zoning district to City of Kannapolis General Commercial – Conditional Zoning (GC-CZ) zoning district to allow for utilization of the existing building for general wholesale, accessory office uses or other uses allowed by right in the GC zoning district. The subject properties are approximately 3.3 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 56138549450000, 56138548910000, 56138630070000, and 56138559600000, respectively.

**Zoning Map Amendment – Z-2024-02 – 3060 Placid Rd. – Public Hearing** to consider a request to assign City of Kannapolis zoning to recently annexed property located at 3060 Placid Road. The subject property is currently zoned Cabarrus County Countryside Residential (CR), and the request is to assign City of Kannapolis Residential 4 (R4) zoning district. The subject property is approximately 1.06 +/- acres and further identified as Cabarrus County Parcel Identification Number 46727521520000.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email at [tccline@kannapolisnc.gov](mailto:tccline@kannapolisnc.gov) as soon as possible but no later than 48 hours before the scheduled event.





AcctName1	MailAddr1	MailCity	MailState	MailZipCod
JAMES ABERNATHY	465 PARKS FIELD DR	KANNAPOLIS	NC	28081
EDWIN ALEMAN				
ANA ALAS	455 WOOD AVE	KANNAPOLIS	NC	28083
CLAUDE ALLISON JR				
KATHLEEN MEADOWS				
C/O TRENTON MEADOWS	608 WALTER STREET	KANNAPOLIS	NC	28083
ZACHARY & BRITTANY BARDSLEY	468 WOOD AVE	KANNAPOLIS	NC	28083
BENTLEY HOLDINGS LLC	10659 RIPPLING STREAM DR NW	CONCORD	NC	28027
CORNERSTONE APARTMENTS LLC	P O BOX 1962	CONCORD	NC	28026
MATTHEW R CRAYTON JR				
VALERIE CRAYTON	611 PARK ST	KANNAPOLIS	NC	28081
JACKIE BRAWLEY CROSS TRUSTEE				
REID CARLTON CROSS TRUSTEE	1325 ROGERS RD	CHINA GROVE	NC	28023
CHRISTIAN B DOBSON	606 LAUNDRY ST	KANNAPOLIS	NC	28083
DODDS INC	5025 SAPP RD	KANNAPOLIS	NC	28083
NANCY DOSS ESTATE				
C/O CLYDE L DICKENSON	604 WALTER ST	KANNAPOLIS	NC	28083
EDDIE B & CONNIE G DURHAM ESTATE	1311 LOWRANCE AVE	KANNAPOLIS	NC	28081
EDEN PROPERTY HOLDINGS LLC	50 FOREST ST	WINDERMERE	FL	34786
MICHAEL K EDWARDS	604 PLYMOUTH STREET	KANNAPOLIS	NC	28083
RANDY FRAZIER	417 WOOD AVE	KANNAPOLIS	NC	28083
GLICK PROPERTIES LLC	2326 S CHURCH ST STE C	BURLINGTON	NC	27215
MATTHEW GRIMES	3884 MEADOW RIDGE CT NW	CONCORD	NC	28027
TERRY & KATHY HALL	609 HILLSIDE ST	KANNAPOLIS	NC	28083
HAZEL G HAMPTON	607 PARK ST	KANNAPOLIS	NC	28083
OWEN & JUDITH HILL	803 ISABELLE ST	KANNAPOLIS	NC	28083
KANNAPOLIS 528 CRE 061 LLC	13190 SW 68TH PKWY STE 110	TIGARD	OR	97223
WALLACE L LINDSAY	610 LAUNDRY ST	KANNAPOLIS	NC	28083
JANIE A MCINTOSH	1380 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28081
WILLIE MCINTOSH	1380 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
SCOTT MCNEILLY	2826 HAMPTON GLEN CT	MATTHEWS	NC	28105
KATHLEEN MEADOWS				
C/O TRENTON MEADOWS	608 WALTER ST	KANNAPOLIS	NC	28081
NEW LIFE DEVELOPERS LLC	PO BOX 1096	CONCORD	NC	28026
OLD TOWNE DEVELOPMENT CORPORATION	8312 CALDWELL RD	HARRISBURG	NC	28075
SHEILA B PEELER	609 PARK ST	KANNAPOLIS	NC	28083
KENNEDY PHILLIPS	456 WOOD AVE	KANNAPOLIS	NC	28083
ANA MARIA QUIRINO-GODINEZ				
CAMERINO GONZALEZ-REZA	463 WOOD AVE	KANNAPOLIS	NC	28083
REICHENBACH CHRISTOPHER JAMES	607 HILLSIDE ST	KANNAPOLIS	NC	28083
REID CROSS FAMILY LLC	1288 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
RESIDENTIAL HOME BUYER CHARLOTTE LLC	PO BOX 4090	SCOTTSDALE	AZ	85261
LARRY & KAYE SHIVE	PO BOX 60	KANNAPOLIS	NC	28082
SMITH JOSEPH DANIEL	2141 KISER RD SW	CONCORD	NC	28025
TURNER WAYNE GEORGE JR	471 WOOD AVE	KANNAPOLIS	NC	28083
VILLALTA ANAVELI FERMINA CASTRO LF EST	516 LANDIS OAK WAY	LANDIS	NC	28088
C TODD & RITA WILLIFORD	1461 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
WOLVERINE PROPERTY HOLDINGS LLC	50 FOREST ST	WINDERMERE	FL	34786



February 9, 2024

Dear Property Owner:

**Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, February 20, 2024, at 6:00 PM, at 401 Laureate Way, Kannapolis, NC for the following case:**

**CZ-2024-03 – Conditional Zoning Map Amendment – 1411, 1431 and 1375 Dale Earnhardt Blvd., as well as 601 Laundry Street**

The purpose of this Public Hearing is to consider a request to rezone properties located at 1411, 1431 and 1375 Dale Earnhardt Blvd., as well as 601 Laundry Street from City of Kannapolis Office Institutional (OI) zoning district to City of Kannapolis General Commercial – Conditional Zoning (GC-CZ) zoning district to allow for utilization of the existing building for general wholesale, accessory office uses or other uses allowed by right in the GC zoning district. The subject properties are approximately 3.3 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 56138549450000, 56138548910000, 56138630070000, and 56138559600000, respectively (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 704.920.4362 or [emccarty@kannapolisnc.gov](mailto:emccarty@kannapolisnc.gov).

Sincerely,

Elizabeth L. McCarty, AICP  
Assistant Planning Director

Enclosure

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email at [tccline@kannapolisnc.gov](mailto:tccline@kannapolisnc.gov) as soon as possible but no later than 48 hours before the scheduled event.

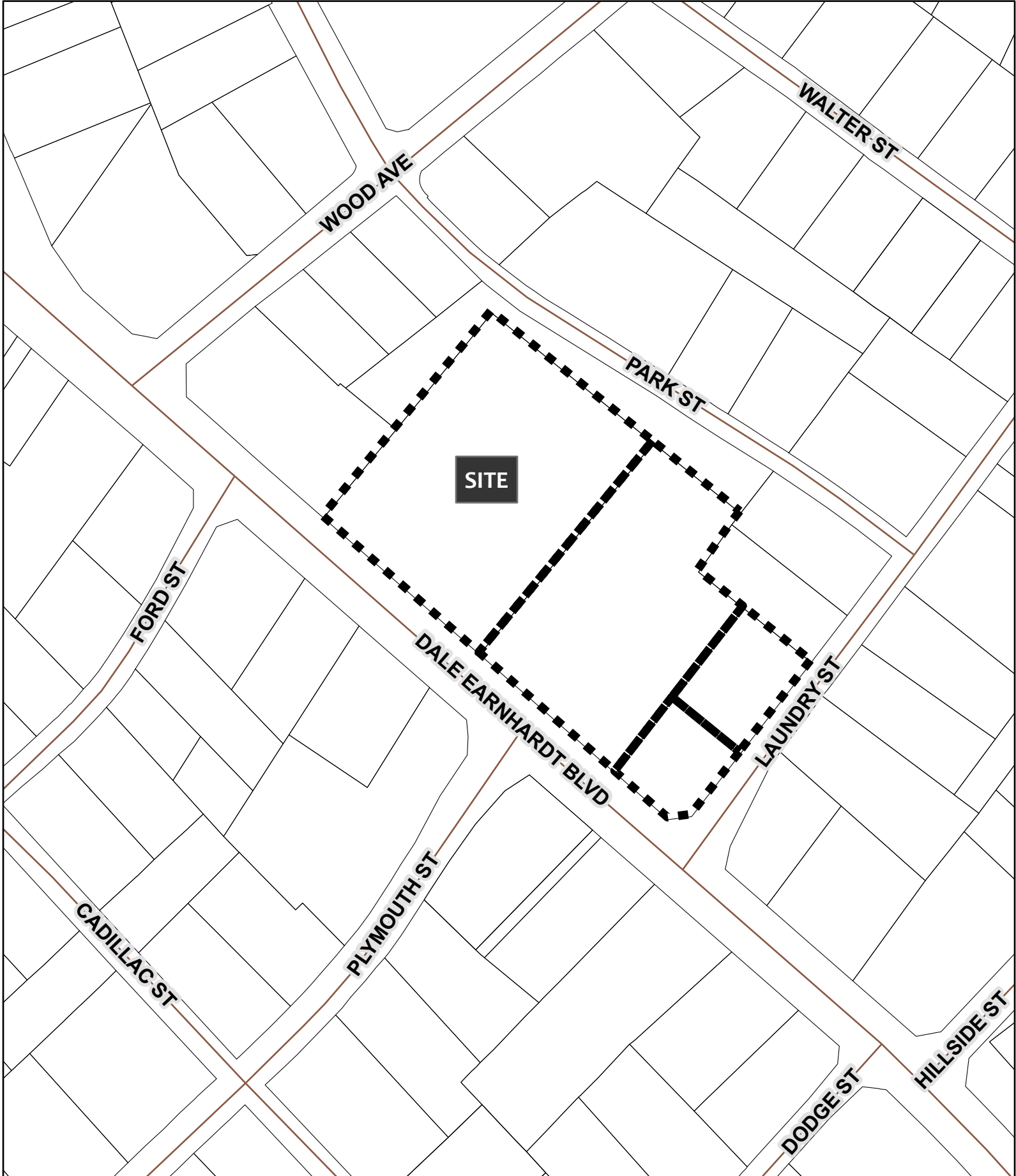


# Special Use Permit

Case Number: CZ-2024-03

Applicant: Eden Property Holdings LLC

1375, 1411, and 1431 Dale Earnhardt Blvd and 601 Laundry St





  
KANNAPOLIS  
**PLANNING**  
**ZONING**  
**COMMISSION**  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE CZ-2024-03





**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY  
WITH REGARD TO CASE #CZ-2024-03**

**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 February 20, 2024 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone approximately 3.3 +/- combined acres of properties located at 1375, 1411 and 1431 Dale Earnhardt Boulevard, and 601 Laundry Street, (Cabarrus County Parcel Identification Numbers 56138630070000, 56138549450000, 56138548910000, and 56138559600000, respectively) owned by Eden Property Holds, LLC, from City of Kannapolis Office Institutional (OI) to City of Kannapolis General Commercial – Conditional Zoning (GC-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 “Urban Corridor” and “Urban Residential” Character Areas 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 20th day of February 2024:**

---

Chris Puckett, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary  
Planning and Zoning Commission



## RESOLUTION TO ZONE

**Case #CZ-2024-03**  
**(1375, 1411, and 1431 Dale Earnhardt Boulevard and**  
**601 Laundry Street)**

**From City of Kannapolis Office Institutional (OI) to**  
**City of Kannapolis General Commercial – Conditional Zoning (GC-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 February 20, 2024 for consideration of rezoning petition Case #CZ-2024-03 as submitted to the City of Kannapolis Planning Department; and

**WHEREAS**, the request was to rezone approximately 3.3 +/- combined acres of properties located at 1375, 1411 and 1431 Dale Earnhardt Boulevard, and 601 Laundry Street, (Cabarrus County Parcel Identification Numbers 56138630070000, 56138549450000, 56138548910000, and 56138559600000, respectively) owned by Eden Property Holds, LLC, from City of Kannapolis Office Institutional (OI) to City of Kannapolis General Commercial – Conditional Zoning (GC-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 three properties along Dale Earnhardt Boulevard are in the “Urban Corridor” Character Area. The property fronting Laundry Street is within the “Urban Residential” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Primary uses in the “Urban Corridor” include retail, office, and multifamily residential. Secondary uses are institutional/civic, light manufacturing, and single family attached residential. The “Urban Residential” promotes primary uses of single family detached and single family attached residential as well as civic uses. Secondary uses include multifamily residential, small format retail and office, and live-work units. With most of the site within the “Urban Corridor” Character Area, the proposed reuse of the existing building for general wholesale and accessory offices is compatible with 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?**

The existing building was previously used for warehousing, a use not permitted in the O-I District. The past furniture warehouse was established before the adoption of the UDO which made it a legal nonconforming use. The prior automotive warehouse was granted a Certificate of Nonconformity Adjustment, which has now expired. The applicant intends to reuse the existing building for general wholesale and accessory offices. With the proposed rezoning, this would be a conforming use.

**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 four subject properties are surrounded by both residential and commercial uses. The applicant has indicated that the existing parking area on the site will be sufficient; no expansion is anticipated. There are trees at the rear of 1375 and 1411 Dale Earnhardt Boulevard that serve as a buffer to adjacent R8 zoned properties. Additionally, the applicant owns the parcel at 607 Laundry Street which is vacant with trees. This parcel is not part of the proposed conditional rezoning request yet provides a buffer from neighboring residential uses.

The rezoning allows for conditions to exclude uses not deemed suitable for the area. City staff recommends excluding the following uses: Vehicle sales and services uses, Eating or drinking establishments uses, Recreation/entertainment uses, Contractor's yard, Fleet terminal, Prefabricated building sales, Self-service storage, Outdoor storage, Commercial parking as a principal use, Passenger terminal, surface transportation, Recycling collection center, Crematory, Animal shelter, Kennel. The applicant concurs with this proposed condition.

**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. The properties have access to water and sewer service.

During the neighborhood meeting, attendees raised concerns about trucks driving onto neighboring properties and the ability of trucks to maneuver within the site's loading area. The applicant has indicated that the loading and parking areas are adequate for trucks to load and unload without driving onto adjacent properties. The applicant is expected to present this information during the public hearing.

**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 the reuse of an existing building. The development is compatible with existing adjacent 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. No new development is proposed on the Rezoning Plan.

**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 Office Institutional (OI) Zoning Designation to City of Kannapolis General Commercial – Conditional Zoning (GC-CZ) Zoning Designation, subject to the following conditions:

1. The permitted uses allowed by this rezoning shall exclude the following uses: Vehicle sales and services uses, Eating or drinking establishments uses, Recreation/entertainment uses, Contractor’s yard, Fleet terminal, Prefabricated building sales, Self-service storage, Outdoor storage, Commercial parking as a principal use, Passenger terminal, surface transportation, Recycling collection center, Crematory, Animal shelter, Kennel.
2. Future development on the parcel identified as 1375 Dale Earnhardt Boulevard (PIN 56138630070000) shall relate to the principal use established in the existing building located at 1411 Dale Earnhardt Boulevard (PIN 56138549450000). If a separate and unrelated use is proposed, application shall be made for further review and reconsideration of the conditions imposed by approval of this Zoning Map Amendment.

**Adopted this the 20th day of February 2024:**

\_\_\_\_\_  
Chris Puckett, Chairman  
Planning and Zoning Commission

**Attest:**

\_\_\_\_\_  
Pam Scaggs, Recording Secretary  
Planning and Zoning Commission





**Planning and Zoning Commission  
February 20, 2024, Meeting**

**Staff Report**

**TO:** Planning and Zoning Commission  
**FROM:** Elizabeth McCarty, Assistant Planning Director  
**SUBJECT:** Case #CZ-2024-01: Amendment to Conditions of Rezoning Approval  
Applicant: German Ronquillo

Request to amend conditions of approval for property located at 9700 Davidson Highway to allow for a Contractor's Yard.

**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 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 & Project Overview**

The applicant and property owner, German Ronquillo, is proposing an amendment to conditions previously approved under Case #Z-12-02 on approximately 10.22 +/- acres of property located at 9700 Davidson Highway. The property is further identified as Cabarrus County Parcel Identification Number 46821065980000.

The property currently has approval for a commercial project with an associated site plan and specific conditions under Case #Z-12-02. This previous rezoning was administered under the Unified Development Ordinance (UDO). The current request to rezone or amend is being reviewed under the KDO. This amendment request is to modify the Conditions of approval to allow for a Contractor's Yard. The applicant intends to construct a 1,512 square foot building on the site. Four (4) existing storage trailers are proposed to remain. Five (5) parking spaces are provided including one (1) handicapped space.

The subject property has been rezoned previously, most recently in 2012 when it was rezoned from General Commercial-Conditional Zoning (C-2-CZ) for a multi-family and retail/office project

identified as “Old Towne Shoppes and Amphitheater” to General Commercial-Conditional Zoning (C-2-CZ) to allow for a project identified as “Pappy’s Place” which consisted of approximately 28,000 sq. ft. of office/retail, 8,000 sq. ft. of office/distribution, and 56,000 sq. ft. of mini-warehouse/self-storage leasing units.

In December 2013, the subject property was donated to the Davidson Lands Conservancy (DLC). DLC holds a conservation easement on the property which allows for commercial use and development within a 2-acre envelope. The Contractor’s Yard use would be located within this envelope.

The applicant conducted the required neighborhood meeting for a conditional rezoning on February 5, 2024. The meeting was held outside at the subject property.

Note: A Contractor’s yard is defined by the KDO as “A use involving the outdoor storage of materials, supplies, and equipment by building, heating/air conditioning, plumbing, electrical or other development contractors as the principal use on a lot. Accessory uses may include offices.”

#### **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 the 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 property is in the “Suburban Activity 1” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Suburban Activity 1 Character Area lists retail and office as primary uses. Light manufacturing is a secondary use along with multifamily and single family attached residential. Therefore, the proposed commercial use is generally 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 amendment is not in conflict with any ordinances. A Contractor’s Yard is a permitted use in the GC General Commercial District. The commercial zoning designation existed on this property under the UDO and prior to the adoption of the current comprehensive plan.

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

This proposed amendment intends to modify the conditions of approval associated with the 2012 rezoning. Presently, the use of the property as a Contractor’s Yard does not meet the conditions of the 2012 rezoning approval. This amendment, if approved, would allow the property to be used as a Contractor’s Yard.

**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?**

Surrounding zoning districts are residential. City of Kannapolis Residential 8 (R8) is to the north and east. The zoning to the west is Cabarrus County Countryside Residential (CR). The zoning to the south is City of Concord RC-CD Residential Compact-Conditional District (RC-CD) and Cabarrus County Low Density Residential (LDR).

An opaque landscaping buffer is shown on the site plan to provide a separation with neighboring residential properties. A fence is proposed along a portion of the eastern lot line. Further, there is existing vegetation and landscaping on the property that can be enhanced in order to achieve the necessary buffering along the perimeter of the property.

**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 proposed amendment provides for efficient development. The applicant will be required to comply with the City's and NCDOT's regulations for driveways. NCDOT currently does not have a permit on record for the existing driveway.

The subject property is within the Coddle Creek Subdistrict of the Thoroughfare Protection Overlay District and will need to meet the requirements for properties along Davidson Highway. Currently, there is no public sewer or water service to the site. The development is proposed to be served by on-site septic.

**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 property is within a future growth area for the City of Kannapolis. The use is setback from Davidson Highway and a landscaped opaque buffer is proposed along the site's perimeter to screen it from surrounding 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 significant negative environmental impacts are anticipated. There is an unnamed tributary in the northeast corner of the property. Measured from the top of the streambank, a thirty foot (30') undisturbed buffer and a ten foot (10') vegetated setback is shown on the site plan. The proposed use will be required to conform to all applicable local, state, and federal environmental regulations.

The Davidson Lands Conservancy holds the conservation easement on the property and is responsible for monitoring compliance with the requirements of the Deed of Conservation Easement.

**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 1” 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 *Move Kannapolis Forward 2030 Comprehensive Plan*, staff recommends approval with the following conditions for Zoning Map Amendment Case #CZ-2024-01:**

1. The conditions and conceptual site plan applicable to the previous conditional rezoning approval, Case #Z-12-02, are removed and replaced with conditions 2-10, below.
2. The intent of this amendment submittal is to allow for a Contractor’s Yard. Prior to the development of the property over and beyond its use as a Contractor’s Yard, a conditional rezoning application shall be made for the City of Kannapolis to further review and reconsider the conditions imposed by approval of this amendment.
3. The site is subject to and will in the future be developed in accordance with the development restrictions set forth in the Assignment of Deed of Conservation Easement which among other restrictions limits the developable area of the site within a defined two (2) acre envelope generally located in the center of the site.
4. The site will be developed in accordance with the Coddle Creek Subdistrict Thoroughfare Protection Overlay District of the KDO.
5. The development shall be limited to one (1) vehicular access point on Davidson Highway and shall be subject to NCDOT approval. A driveway permit is required.
6. The site will be developed consistent with the buffer and landscaping requirements of the KDO for a Type D, Opaque Buffer.
7. No site lighting will be directed toward adjacent properties assuring no glare of lighting on adjacent residential lots.
8. Development of the site will adhere to all applicable NCDEQ soil and erosion control requirements.
9. Certain improvements to the site shall be completed no later than six (6) months from the date of the Resolution to Zone, to include removing the existing single-wide manufactured home from the site; acquiring a NCDOT driveway permit; paving the driveway entrance and parking area; installing required landscaping and fencing; and, installing the gravel parking area.
10. The exact location of the proposed building and parking spaces will be determined during the site plan review process by the City of Kannapolis.

### **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-2024-01, 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 1” 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-2024-01, 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-2024-01, 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-2024-01 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-2024-01, 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. Z-12-02 Approved Conditions
7. Neighborhood Meeting Details
8. Notice of Public Hearing
9. List of Notified Properties
10. Letter to Adjacent Property Owners
11. Posted Public Notice Sign
12. Resolution to Adopt a Statement of Consistency
13. 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. One or more of the required documents may be waived due to the size of the parcel, the proposed use or the adequacy of existing infrastructure servicing the location. Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

### CONDITIONAL REZONING REQUEST

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

*Approval authority – Planning and Zoning Commission.*

Requested Rezoning Property Address: 9700 Davidson Highway

Applicant: Big Green Tree Lawn Care Service, Inc

Proposed development: Contractor Lot

### SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to [planreviewappointment@kannapolisnc.gov](mailto:planreviewappointment@kannapolisnc.gov)
- Neighborhood Meeting (if required)
- Zoning Map Amendment Checklist and Application – Complete with all required signatures
- Preliminary Major Site Plan
- PDF format on disc containing all documents rotated and formatted in sequential order based upon cover page
- 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 application and all fees must be paid prior to scheduling the public hearing.

**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: \_\_\_\_\_

*German Cerón R.*

Date: \_\_\_\_\_

*11-17-23*



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

Name: German Ronquillo  
Address: 19205 Carter Circle  
Cornelius, NC 28031  
Phone: 704-210-2774  
Email: big.greentree@yahoo.com

#### Property Owner Contact Information same as applicant

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

#### Project Information

Project Address: 9700 Davidson Highway

Parcel: 46821065980000 # of parcels: 1 Approx. size of parcels: 10.22 acres  
*(attach separate list if necessary)*

Current Zoning Designation: GC Requested Zoning Designation: GC-CZ

Reason for map amendment: To eliminate any potential conflict with the illustrative site plan and the conservation easement compliant site plan conditions.

Condition(s) proposed by the applicant (attach separate sheet if necessary): All development must be in with the existing permanent Conservation Easement, and as described on the attached list of conditions

**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.**

German Cerón R.  
Applicant Signature

11-17-23  
Date

German Cerón R.  
Property Owner Signature

11-17-23  
Date

**REVISED CONDITIONS**  
**Parcel Identification No. 4682-10-6598**

Current zoning is GC-CZ (General Commercial – Conditional Zoning); zoning conditions are revised as follows:

1. The current use as a Contractor's Yard is a permitted use.
2. Any conditions previously listed in the conditions applicable to the site in the prior conditional rezoning but not appearing in this list are deleted and removed.
3. The Conceptual Site Plan which was attached to the prior zoning conditions is hereby removed and shall no longer be applicable to the site.
4. The site is subject to and will in the future be developed in accordance with the strict development restrictions set forth in that Deed of Conservation Easement recorded at Deed Book 11103, Page 274, Cabarrus County Registry, which among other restrictions limits the developable area of the site to a maximum of 2 acres located in the center of the site.
5. Development of the site as a whole in the future over and above the current use as a Contractor's Yard will adhere to the principles of any existing small area plan adopted by the City applicable to the area in which the site is located.
6. Development of the site as a whole in the future over and above the current use as a Contractor's Yard will adhere to the principals of any overlay district applicable to the area in which the site is located.
7. The site will be developed consistent with applicable buffer requirements.
8. No site lighting will be directed toward adjacent properties assuring no glare of lighting on the adjacent platted residential lots.
9. Development of the site will adhere to all applicable NCDEQ soil and erosion control requirements.
10. The development shall be limited to one (1) vehicular access point on NC Hwy 73, which shall be subject to NC DOT approval. No additional access points to NC Hwy 73 will be provided for out parcels.
11. To the extent that the site as a whole is developed in the future for larger-scale commercial or residential development over and above the current use as a Contractor's Yard and the small office/shop building currently planned to be constructed in connection with that use, any such future commercial or residential development shall provide vehicular and pedestrian connectivity to the adjacent parcels along NC Hwy 73.





# Vicinity Map

Case Number: CZ-2024-01

Applicant: Big Green Tree Lawn Care Service, INC  
9700 Davidson Hwy

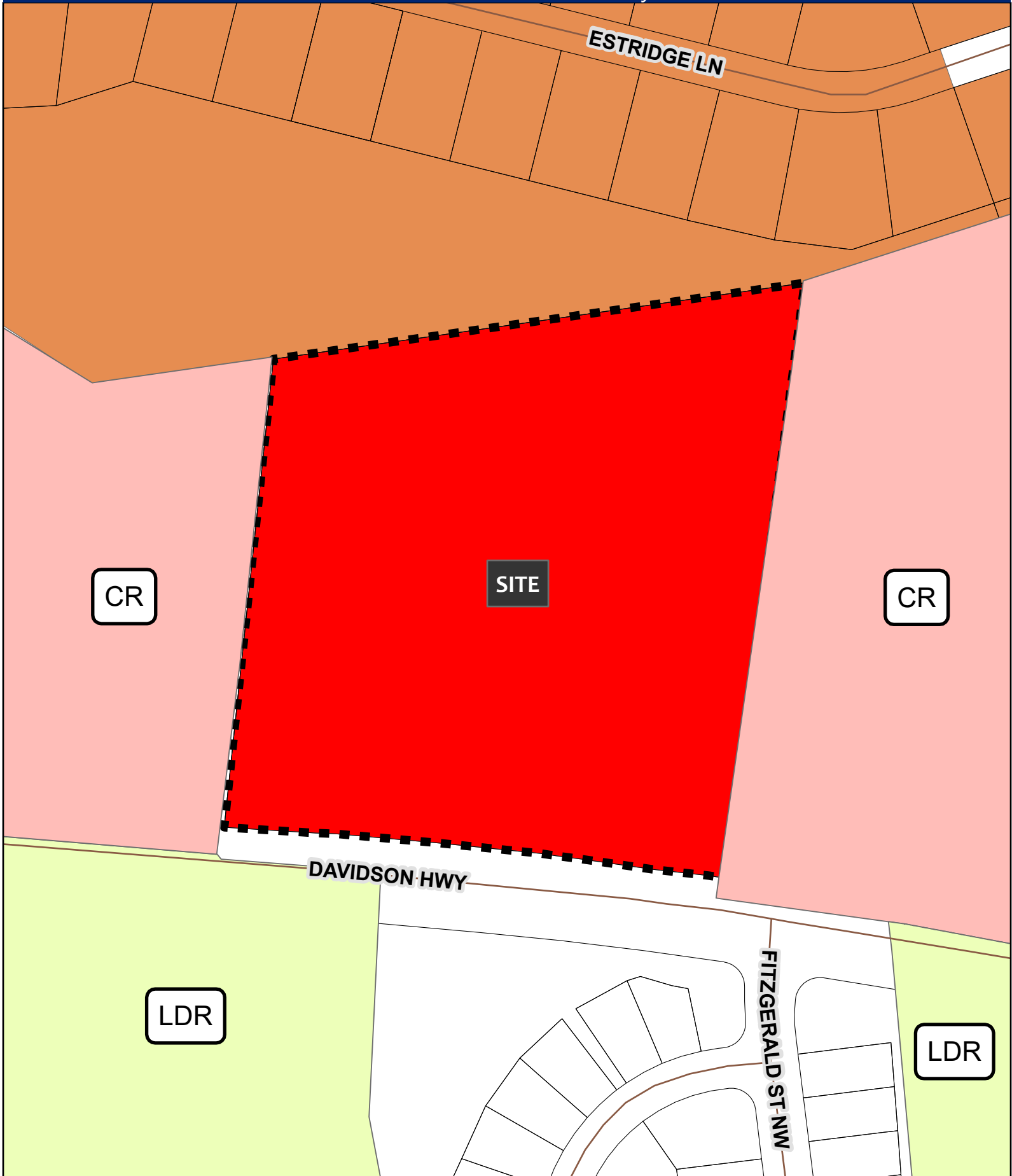




# Kannapolis Current Zoning

Case Number: CZ-2024-01

Applicant: Big Green Tree Lawn Care Service, INC  
9700 Davidson Hwy



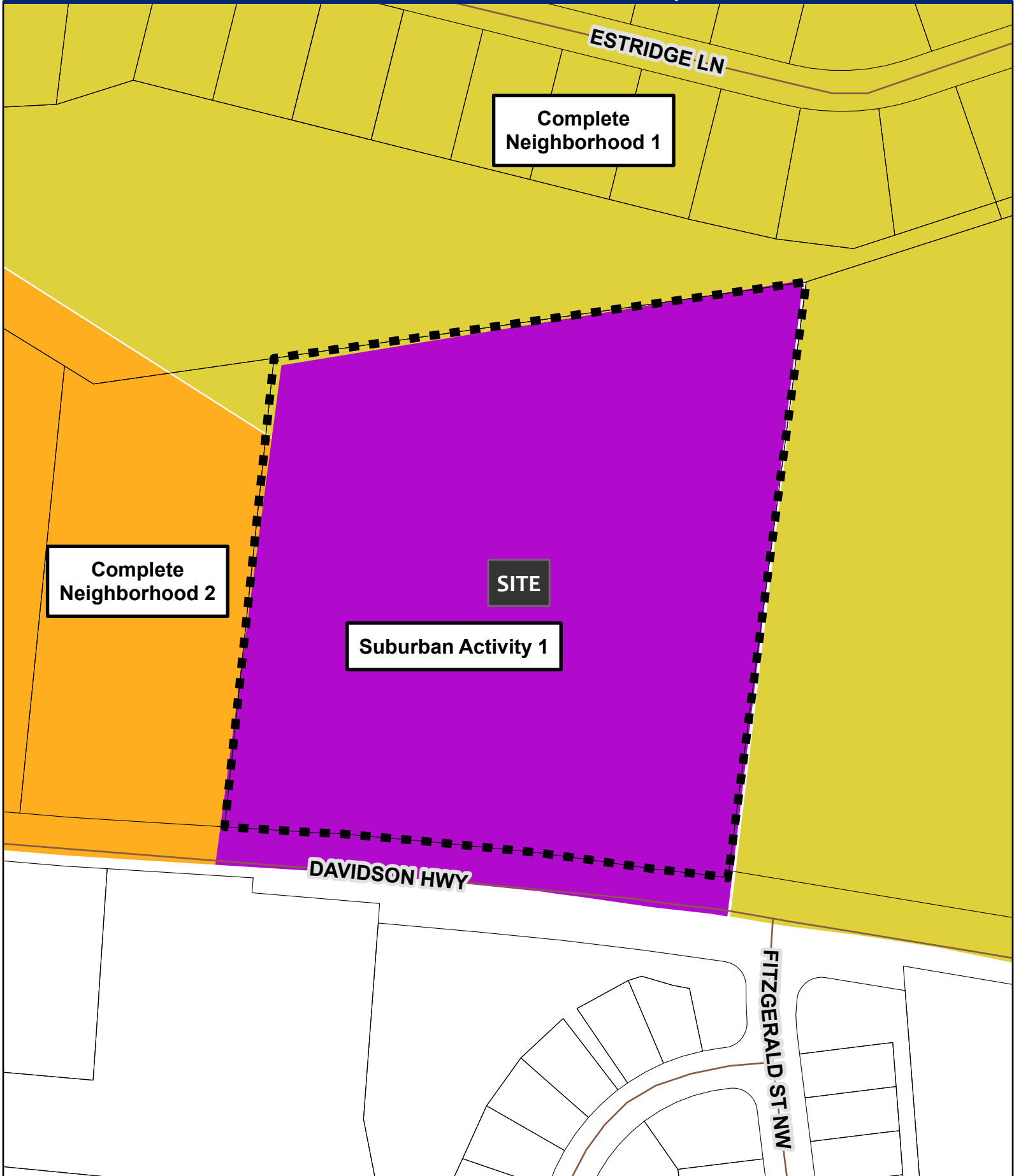


# Kannapolis 2030 Future Land Use Map

Case Number: CZ-2024-01

Applicant: Big Green Tree Lawn Care Service, INC

9700 Davidson Hwy



### SITE LEGEND

PROPOSED CURB & GUTTER	
REVERSED PITCH CURB & GUTTER	
PROPERTY LINE	
LOT LINES	
DECORATIVE FENCING	
PAVEMENT STRIPING	
PAVEMENT	
CONCRETE	
TRAFFIC FLOW	
PARKING BAY COUNT	
SPOT ELEVATION	
HANDICAP RAMP	

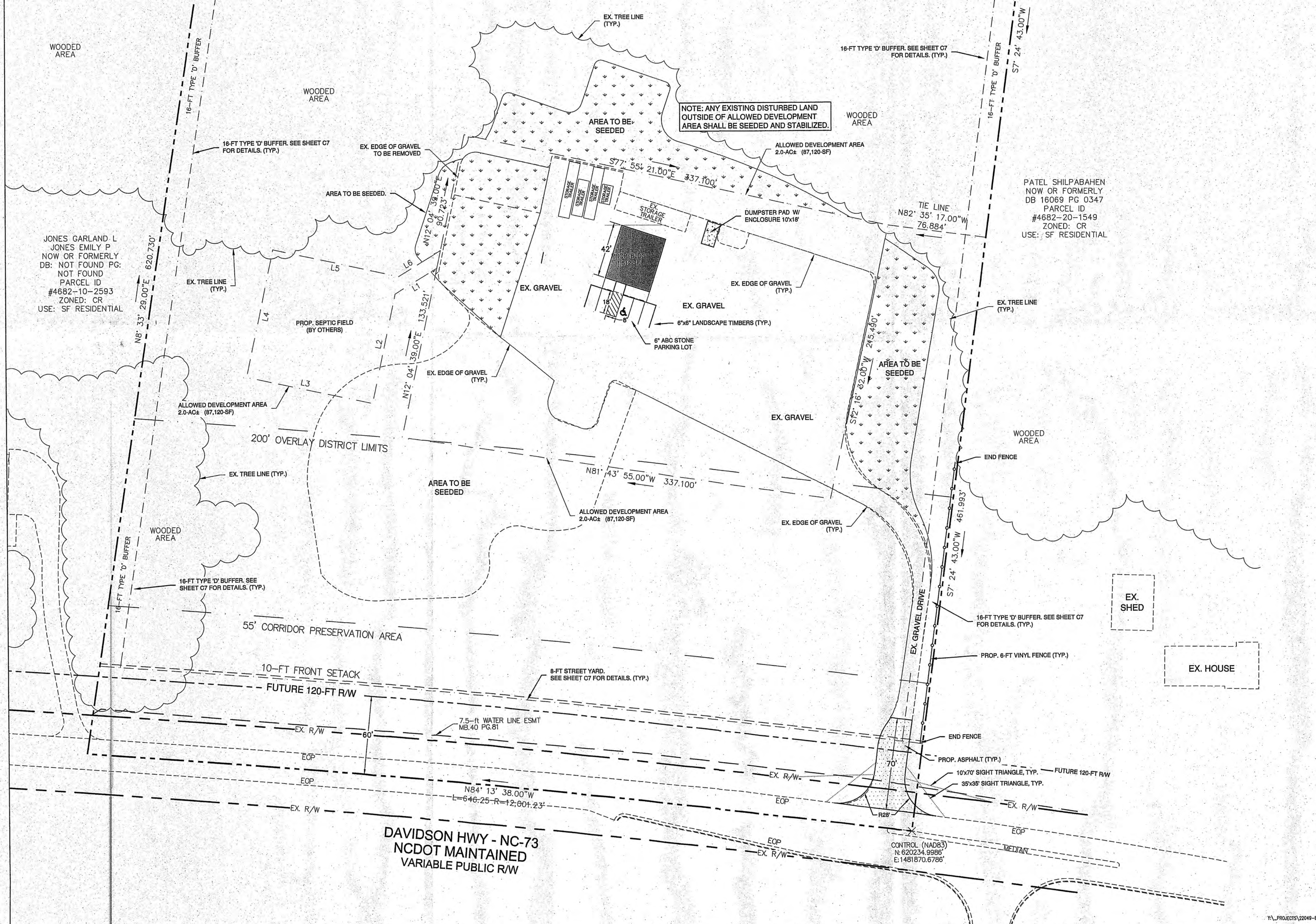
### LEGEND

PROPOSED 5' CONTOURS	
PROPOSED 1' CONTOURS	
SANITARY SEWER	
STORM SEWER	
SANITARY SEWER MANHOLE	
STORM SEWER MANHOLE	
GRATE INLET	
SPOT ELEVATION	
EXISTING 5' CONTOURS	
EXISTING 1' CONTOURS	
SANITARY SEWER	
STORM SEWER	
SANITARY SEWER MANHOLE (MH)	
STORM SEWER MANHOLE (MH)	
CURB INLET (CI)	
GRATE INLET (GI)	
GRATE INLET (GI) YARD INLET (GI/Y)	

SEE SHEET CA7 FOR LANDSCAPE PLAN.

### LINE TABLE

L1	S59° 14' 48.38" W	37.996'
L2	S12° 04' 39.00" W	86.364'
L3	N77° 55' 21.00" W	100.000'
L4	N12° 04' 39.00" E	100.000'
L5	S77° 55' 21.00" E	100.000'
L6	N59° 14' 48.38" E	37.996'



### IMPERVIOUS AREA DATA

MAX. ALLOWABLE IMPERVIOUS:	52,252-sf/1.199-ac	SQ. FT./ACRES
PROPOSED BUILDING:	1,512-sf/0.305-ac	SQ. FT./ACRES
PROPOSED GRAVEL:	45,195-sf/1.037-ac	SQ. FT./ACRES
PROPOSED PAVEMENT:	2,000-sf/0.046-ac	SQ. FT./ACRES
TOTAL IMPERVIOUS:	48,607-sf/1.115-ac	SQ. FT./ACRES

### LANDSCAPE NOTES

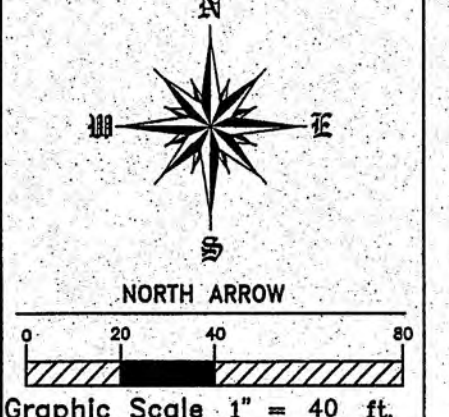
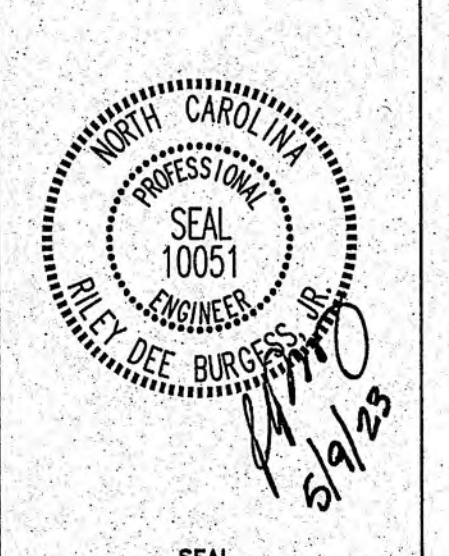
- ALL BUFFER AND SCREENING LANDSCAPING SHALL ADHERE TO SECTION 5.3 OF KANNAPOLIS DEVELOPMENT ORDINANCE. STABILIZATION AND OTHER PLANTINGS SHALL BE IN ACCORDANCE WITH THE CONSERVATION EASEMENT REQUIREMENTS.
  - NO PLANTINGS SHALL BE PERMITTED WITH SIGHT TRIANGLES OR UTILITY EASEMENTS.
- SEE LANDSCAPE PLAN SHEET C7 FOR REQUIRED PLANTINGS.



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Woodbine Design, P.C.  
Land planning & civil engineering  
www.woodbinedesign.com  
800-722-2869 20816 N. Main Street, Suite 204  
Kannapolis, NC 28051  
woodb@woodbinedesign.com



Project: BIG GREEN TREE & LAWN CARE SERVICES, INC  
Location: 9700 DAVIDSON HWY, KANNAPOLIS, CABARRUS CO, NC  
Sheet Title: CONSERVATION SITE PLAN

DEVELOPER/OWNER  
BIG GREEN TREE LAWN CARE SERVICE, INC.  
9700 DAVIDSON HWY, KANNAPOLIS, NC

Designed By: WOODBINE DESIGN  
Drawn By: NA  
Date: 5/8/23  
Revisions: 5/9/23-1st EDITION

WELLINGTON CHASE  
 HOMEOWN ASSOC.  
 NOW OR FORMERLY  
 DB 8512 PG 00054  
 PARCEL ID  
 #4682-02-9012  
 ZONED: R8  
 USE: SF RESIDENTIAL

### ZONING LANDSCAPE NOTES

**YARD REQUIREMENTS:**  
 SETBACK (FRONT): 10 FT. SIDE YARD (L): 0 FT.  
 CORNER YARD: N/A FT. SIDE YARD (R): 0 FT.  
 REAR YARD: 0 FT. GARAGE SETBACK: N/A FT.  
 (FROM BACK OF CURB/SIDEWALK)

**BUFFER YARD REQUIREMENTS:**  
 FRONT: (NO) / YES REAR: NO / (YES) 16' TYPE D  
 SIDE (EAST): NO / (YES) 16' TYPE D SIDE (WEST): NO / (YES) 16' TYPE D

REAR BUFFER = EXISTING WOODED AREA TO MEET BUFFER REQUIREMENTS  
 BUFFER YARD REQUIRED: 18' TYPE D

SIDE (EAST) BUFFER = 218'-FT (MEASURED FROM STREET YARD TO EX. TREE LINE)  
 BUFFER YARD REQUIRED: 18' TYPE D (OPTION 2)  
 REQUIREMENTS : 6'-FT FENCE & 12 ACI OF CANOPY TREE PER 100-LF

CANOPY REQUIRED: 28 ACI CANOPY PROPOSED: 27.5 ACI (15 EXISTING)  
 UNDERSTORY REQ'D: NOT REQUIRED UNDERSTORY PROP: NOT REQUIRED  
 SHRUBS REQUIRED: NOT REQUIRED SHRUBS PROPOSED: NOT REQUIRED

SIDE (WEST) BUFFER = 100'-FT (MEASURED FROM EX. TREE LINE TO EX. TREE LINE)  
 BUFFER YARD REQUIRED: 18' TYPE D (OPTION 1)  
 REQUIREMENTS : 18 ACI CANOPY TREE, 20 ACI UNDERSTORY TREE & (35) SHRUBS/100-LF

CANOPY REQUIRED: 18 ACI CANOPY PROPOSED: 12.5 ACI (7.5 EXISTING)  
 UNDERSTORY REQ'D: 20 ACI UNDERSTORY PROP: 20 ACI  
 SHRUBS REQUIRED: 35 SHRUBS PROPOSED: 35

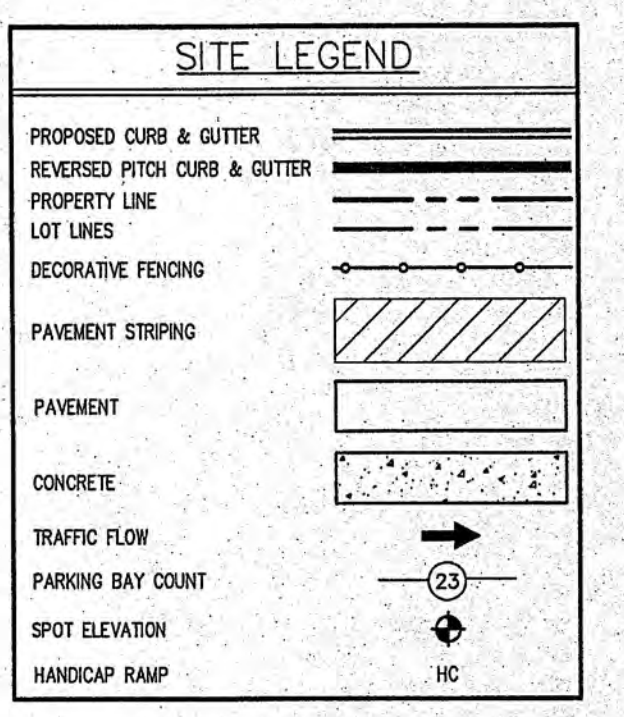
**BUILDING YARD REQUIREMENTS:**  
 FRONT: 5' TYPE 1 SIDE (L): NOT REQUIRED  
 REAR: NOT REQUIRED SIDE (R): NOT REQUIRED

TYPE 1 = (1) ORNAMENTAL TREE /30-LF & (1) SHRUBS/3-LF

FRONT = 28-LF (EXCLUDES ENTRYWAY) PROVIDED: N/A  
 SHADE TREES REQUIRED: N/A PROVIDED: 1  
 ORNAMENTAL TREES REQ'D: 28/30 = 1 PROVIDED: 1  
 SHRUBS REQUIRED: (28/3) = 9 PROVIDED: 9

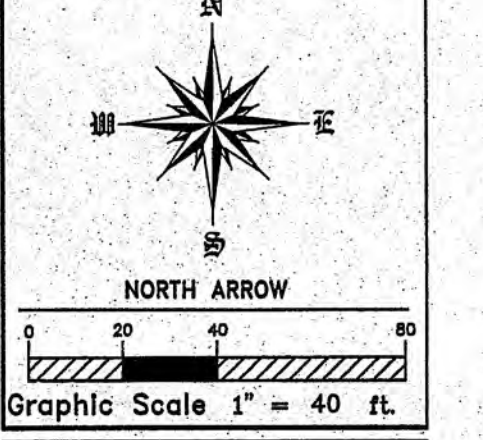
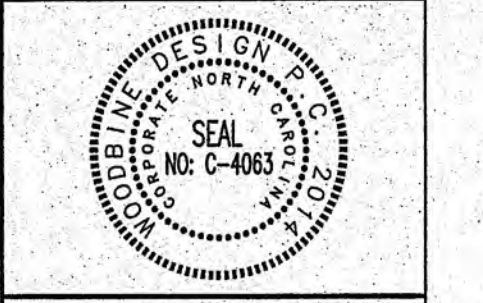
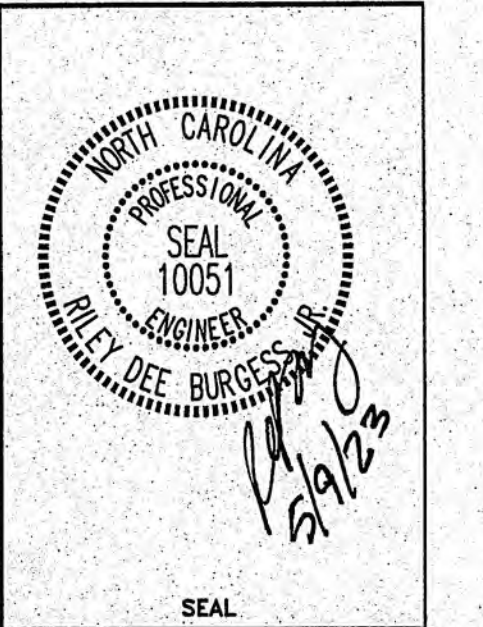
**PARKING LOT YARD REQUIREMENTS:**  
 MIN. CRITERIA: LESS THAN 5-SPACES PROPOSED. EXEMPT PER KDO SECTION 5.3.H(2)b

**STREET YARD REQUIREMENTS:**  
 DAVIDSON HWY = 550'-FT (EXCLUDES DRIVEWAY & WOODED AREA)  
 STREET YARD REQUIRED: 8'-FT  
 PLANTINGS REQUIRED: (1) SHADE OR ORNAMENTAL TREE PER 35-LF  
 TREES REQUIRED: 16  
 TREES PROPOSED: 16



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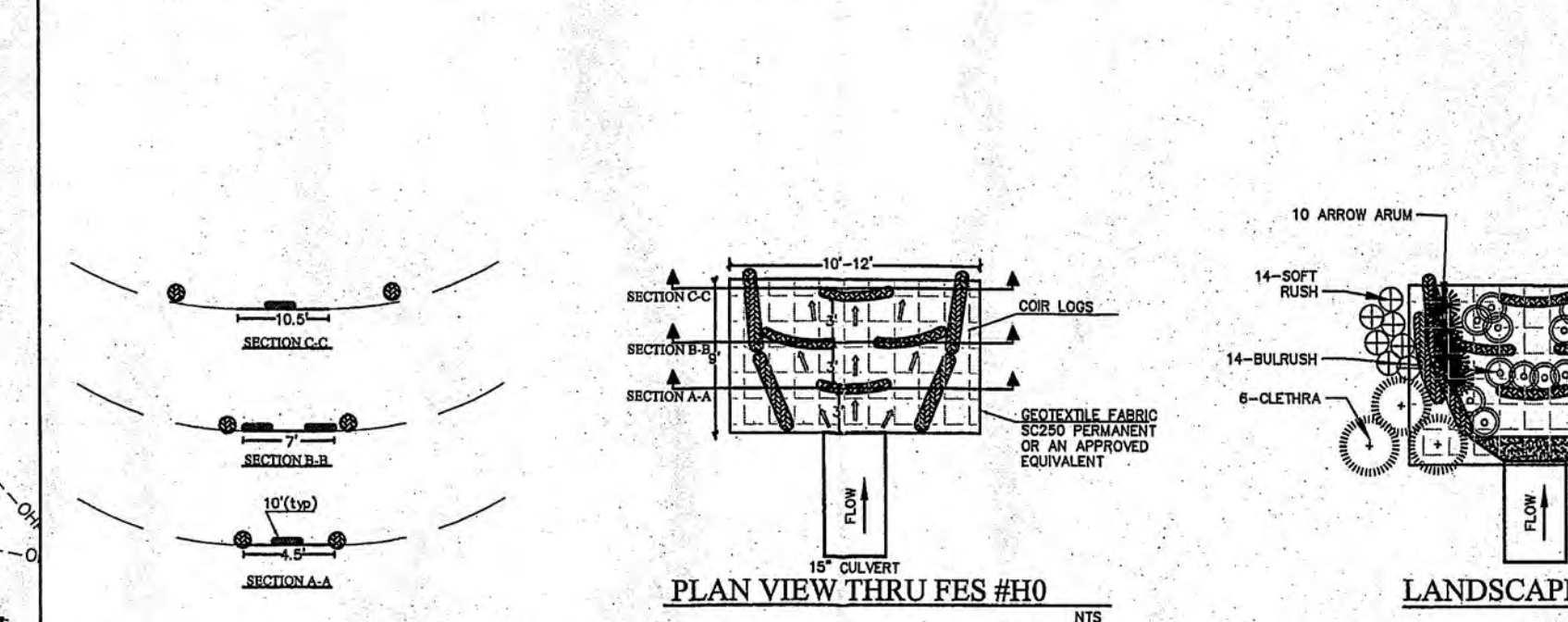


### CONSERVATION EASEMENT LANDSCAPE NOTES

- FOR AREAS SHOWN AS "AREA TO BE SEEDDED" WHICH RECEIVED PROPER TREATMENT PRIOR TO THIS PLAN, AND WHICH ALREADY HAVE SOME TURF ESTABLISHED, DO NOT DISTURB THOSE AREAS UNTIL THE AUTUMN SEASON. FOR THOSE AREAS, TREAT THEM WITH THE USUAL AUTUMN AERATION, STARTER FERTILIZER AND SEEDING APPLICATIONS.
- FOR THE AREAS LOCATED ON THE SOUTH SLOPE FROM THE GRAVEL DRIVE AND PARKING AREAS, WHICH HAVE LITTLE TO NO ESTABLISHED TURF, THOSE AREAS SHALL BE SCRIPPED, WITH RECOMMENDED APPLICATIONS OF STARTER FERTILIZER SUCH AS LESCO 18-24-12 STARTER, AND SEEDDED WITH LESCO ALL PRO TRANSITION TALL FESCUE SEED BLEND, OR APPROVED EQUAL, AT STARTER RATES. ALL OF THESE AREAS ARE TO BE PROPERLY AND UNIFORMLY MULCHED WITH BLOWN WHEAT STRAW, AND MOVABLE IRRIGATION SET UP TO KEEP ALL AREAS WETTED SUFFICIENTLY FOR GERMINATION AND GROWTH SUPPORT THROUGH THE SUMMER MONTHS.
- THE EXISTING SMALL WET POND AT THE LOWER END OF THE SEEDDED AREA IS TO REMAIN AND CARE TAKEN TO PREVENT THAT AREA FROM BEING SILED IN DURING THE SCRIPPING AND SEEDING PROCESS OF THE LAND ABOVE. THIS PROTECTION CAN BE VIA SILT FENCE OR COIR LOGS PLACED OUTBOARD OF THE UPPER REACHES OF THE POND.
- THE EXISTING SMALL CULVERT BELOW THE WET POND IS TO REMAIN. THE DOWNSTREAM END OF THAT CULVERT APPEARS STABLE, BUT TO ENHANCE THE CAPABILITIES, A COIR FABRIC MAT WITH COIR LOGS IS TO BE PLACED PER THE DETAIL ON THIS SHEET.
- THERE IS NO EVIDENCE OF SEDIMENTATION IN THE GRASSY VEGETATION BELOW THE CULVERT OR AT THE INLET TO THE CROSS-ROAD CULVERT AT THE PUBLIC ROAD. THIS AREA IS TO BE INSPECTED ON A ROUTINE BASIS EVERY WEEK DURING IRRIGATION PERIODS, AND AFTER EVERY RAINFALL EVENT OF 0.25 INCHES OR MORE. IF EVIDENCE OF SEDIMENTATION IS FOUND IT IS TO BE NOTED IN A LOG BOOK AND THE ENGINEER IS TO BE NOTIFIED.
- SEEDING IN THIS PERIOD OF THE YEAR IS NOT NORMALLY ADVISED, AND EXTRA CARE IS TO BE MAINTAINED IN ORDER TO NOT EXPEL SIGNIFICANT QUANTITIES OF SEDIMENT DURING THIS PERIOD.

### PLANT SCHEDULE

SYMBOL	COMMON NAME	#	BOTANICAL NAME	SIZE	ROOT	SPAC'G	NOTES
	SHUMARD OAK	10	Quercus shumardii	2.5" 10'-12" TALL	B&B	AS SHOWN	EVERGREEN SHADE
	CAROLINA CHERRYLAUREL	14	Prunus caroliniana	2" 6'-8" TALL	B&B	AS SHOWN	EVERGREEN UNDERSTORY
	AMERICAN HOLLY	11	Ilex opaca	2" 6'-8" TALL	B&B	AS SHOWN	EVERGREEN UNDERSTORY
	DWARF BURFORD HOLLY	40	Ilex cornuta 'dwarf Burford'	3 GAL 18" TALL	B&B	AS SHOWN	EVERGREEN SHRUB
	'COMPACTA' COMPACT HOLLY	4	Ilex crenata	3 GAL 18" TALL	B&B	AS SHOWN	EVERGREEN SHRUB

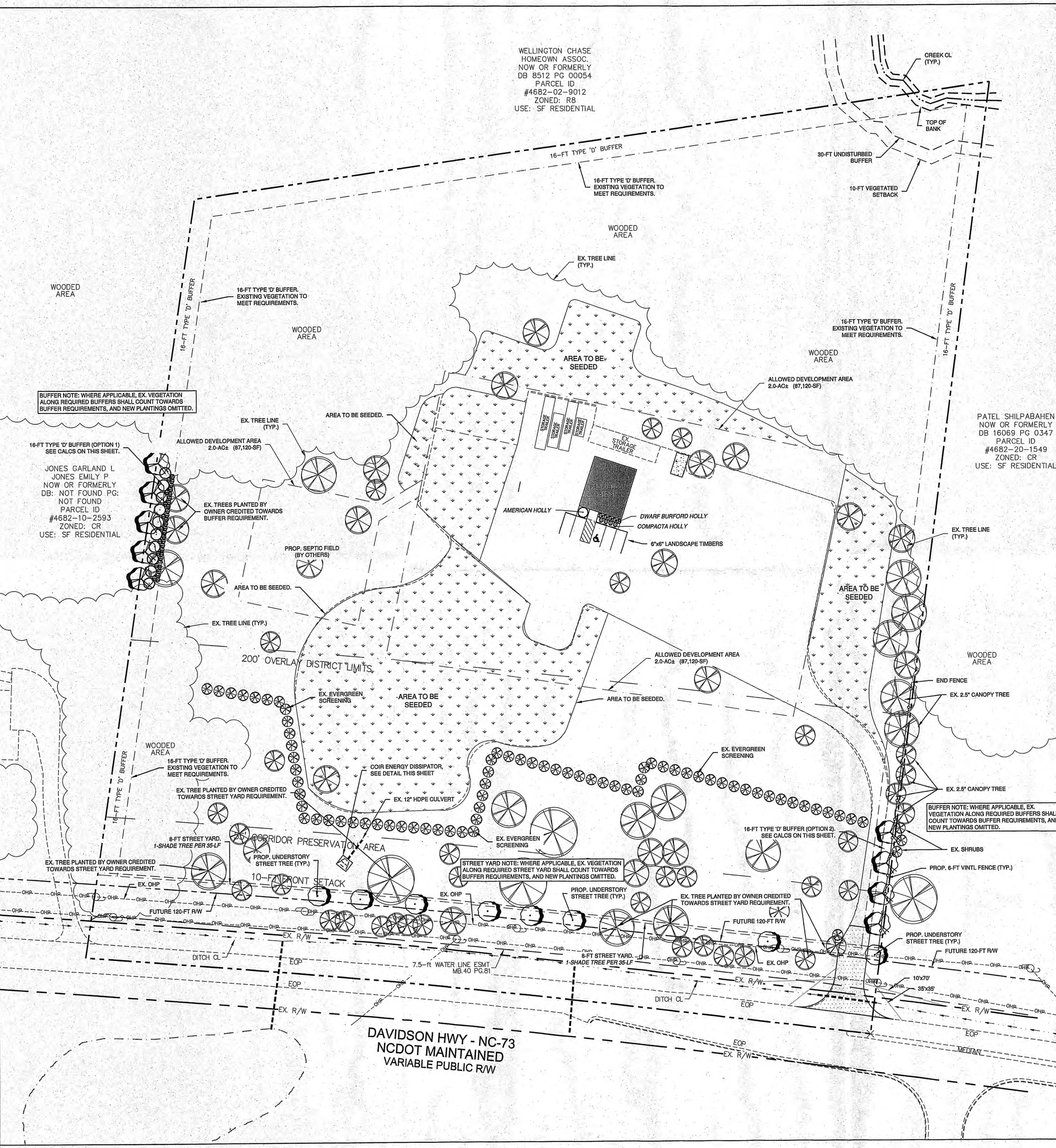


### COIR ENERGY DISSIPATOR

NOT TO SCALE

IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR THE FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.

PLOTTED: 5/9/2023  
 Y:\PROJECTS\22049-BIG TREE LANDSCAPE\DWG\01A-BASE-BIG TREE.DWG



**BUFFER NOTE:** WHERE APPLICABLE, EX. VEGETATION ALONG REQUIRED BUFFERS SHALL COUNT TOWARDS BUFFER REQUIREMENTS, AND NEW PLANTINGS OMITTED.

JONES GARLAND L  
 JONES EMILY D  
 NOW OR FORMERLY  
 DB: NOT FOUND PG:  
 NOT FOUND  
 PARCEL ID  
 #4682-10-2593  
 ZONED: CR  
 USE: SF RESIDENTIAL

PATEL SHILPABAHEN  
 NOW OR FORMERLY  
 DB 16069 PG 0347  
 PARCEL ID  
 #4682-20-1549  
 ZONED: CR  
 USE: SF RESIDENTIAL

**STREET YARD NOTE:** WHERE APPLICABLE, EX. VEGETATION ALONG REQUIRED STREET YARD SHALL COUNT TOWARDS BUFFER REQUIREMENTS, AND NEW PLANTINGS OMITTED.

**BUFFER NOTE:** WHERE APPLICABLE, EX. VEGETATION ALONG REQUIRED BUFFERS SHALL COUNT TOWARDS BUFFER REQUIREMENTS, AND NEW PLANTINGS OMITTED.

DAVIDSON HWY - NC-73  
 NCDOT MAINTAINED  
 VARIABLE PUBLIC R/W

Project: **BIG GREEN TREE & LAWN CARE SERVICES, INC**  
 9700 DAVIDSON HWY  
 KANNAPOLIS, CABARRUS CO, NC  
 Location  
 Sheet Title  
**CONSERVATION LANDSCAPE PLAN**

DEVELOPER/OWNER  
**BIG GREEN TREE LAWN CARE SERVICE, INC.**  
 9700 DAVIDSON HWY,  
 KANNAPOLIS, NC

Designed By: **WOODBINE DESIGN**  
 Drawn By: NA  
 Date: 5/8/23  
 Revisions: 5/9/23-1st EDITION

Sheet: **CA7** of 9  
 Project Number: 22049

**Pappy's Place Conditions – Case# R-12-02**  
**Approved on 8/1/2012 by the City of Kannapolis Planning and Zoning Board**  
Rezoning of 10.22 acres C-2-CZ (General Commercial – Conditional Zoning) with  
associated site plan and conditions listed below

1. The site will be developed to adhere to the principals of the ***“NC 73 Small Area Land Use & Economic Development Plan”***.
2. The site will be developed in accordance with the Coddle Creek Thoroughfare Protection Overlay District as described in Article 15.1 of the City of Kannapolis UDO.
3. The Conceptual Site Plan is for illustrative purposes only. The exact location of buildings, parking, uses, and detention areas will be determined during the site plan review process by the City of Kannapolis. In no event shall the total square footage exceed the total proposed square footage on each parcel unless specifically approved by the City of Kannapolis Planning Department.
4. The property lines adjacent to platted lots in existing single-family residential developments shall be buffered and screened with a berm and/or fence or landscaping that is solid and is 6 foot minimum in height. Screening shall provide 100% visual screening for adjacent residential properties of surface parking to a minimum height of 6 vertical feet.
5. No site lighting will be directed toward adjacent properties assuring no glare of lighting on the adjacent platted residential lots.
6. The developer will make every effort to save all trees outside of grading limits and will institute tree protection measures. Specifically across the front of the property adjacent to NC Hwy 73.
7. During construction periods of dry weather, the developer will wet down the site to control dust during construction.
8. The developer will adhere to all NCDENR soil and erosion control requirements.
9. In order to provide interesting and aesthetically attractive retail developments and to avoid monotony in design, the following standards shall apply:
  - Facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses to create an interesting and attractive architectural design which is comprised of more than flat walls with minimal features.
  - Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length.
10. The following standards are intended to foster variations in roof lines to soften and reduce the massive scale of large buildings. Roofs shall have the following features:

- Parapets concealing flat roofs and rooftop equipment, such as HVAC units from public view. The height of such parapets shall not exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatments and shall not be of a constant height for a distance of greater than 150 feet.
  - Three or more roof slope planes.
11. Predominant exterior buildings materials shall be high quality materials, including but not limited to brick, wood, stucco, sandstone, other native stone, or tinted, textured, or concrete masonry units.
  12. Facade colors shall be low reflectance, subtle, neutral or Earth Tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
  13. Building trim and accent areas may feature brighter colors, including primary colors.
  14. No more than 50% of exterior building materials facing public streets shall include smooth-faced concrete block, smooth-faced tilt-up concrete panels or pre-fabricated steel panels.
  15. Distinctive architectural features such as parapet walls, covered entries, door and window details, etc. will be provided on each principle structure.
  16. The developer will submit architectural renderings for the development to the Planning Department as part of the site plan review process. The plans will illustrate the building massing, materials, height and other design features. The Planning Department shall approve or deny site plans based on acceptance of architectural designs.
  17. The development shall be limited to one (1) vehicular access point on NC Hwy 73, which shall be subject to NCDOT approval. No additional access points to NC Hwy 73 will be provided for out parcels.
  18. The site shall be designed to connect to adjacent parcels parallel to NC Hwy 73. The grade of the road being shown at the stub locations will need to be mutually agreed upon at the time of site design and review.

January 29, 2024

Subject: Conditional Rezoning for 9700 Davidson Highway

Neighbor,

You may have received an earlier invitation for a neighbor meeting, and this invitation is for another such meeting at a time and date that is perhaps more amenable for everyone.

The property at 9700 Davidson Highway has petitioned for a Conditional Rezoning with the City of Kannapolis. This action is not to introduce any new or otherwise disallowed use, but to simply clean up some language from the previous Conditional Rezoning that happened many years ago. Of particular change is that the property now has a rather limiting Conservation Easement in place which restricts the scope of use and limits the areas which can be developed.

The current use is and will continue to be allowed and compatible with the zoning.

We invite you to an informal Neighborhood Meeting to be held on Monday, February 5th, on the site, from 6 PM until around 8:00 pm. This will happen rain or shine, and will be up at the main parking area. If you cannot attend this meeting and have questions, please do not hesitate to contact me via email at: [rburgess@woodbinedesign.com](mailto:rburgess@woodbinedesign.com)

The actual hearing before the Kannapolis Planning and Zoning Board will take place at 6pm on Tuesday, February 20, 2024.

We look forward to meeting you at this neighborhood meeting, and answering any questions you may have.



February 6, 2024

## Neighborhood Meeting Summary

**February 5, 2024**

The roster of attendees, on the property owner/applicant behalf were:

German Ronquillo and Edgar Ronquillo, owners of Big Green Tree and Lawn Service.  
Riley Burgess, PE, Woodbine Design, P.C., consultant to Big Green Tree.

The roster of neighbor attendees:

Mr. Rob Harkey of 9745 Davidson Highway, Concord, NC

The Neighborhood Meeting was held on the site, in a parking area central to the Big Green Tree designated use area. The property is subject to a conservation easement via the Davidson Land Conservancy, with a designated zone in the central portion of the site being the only portion of the land for which any development and business activity may occur. The meeting was held from 6 PM until 8 PM per the letter of invitation and City of Kannapolis guidelines and requirements. It should be noted that a prior neighborhood meeting was held on Friday, January 5<sup>th</sup> from noon until 2 PM, but that meeting date and time of day did not fully comply with City requirements. At that meeting one neighbor from the subdivision north of the site came by, but he was confused and thought this site was the site of the proposed multi-family project that is actually on the adjacent property to the east. When he found out otherwise, he left with no questions.

A few minutes past 6 PM Mr. Harkey arrived with two questions. His first question was, “Why have this so late in the day?” Mr. Burgess responded that the time of day was a City requirement so as to afford working people an opportunity to attend. Mr. Harkey then asked, “Why are you asking for a rezoning?” The invitation letter had stated the purpose, and the desire to update the previous rezoning conditions to include the conservation easement restrictions, but Mr. Harkey then questioned the real cause as being some other issue. No one on the Big Green Tree side was

aware of the issue that Mr. Harkey suggested, and the conversation moved on to other none zoning related topics such as the availability of gravity sewer, the adjacent multi-family project, etc. Mr. Harkey seemed confrontational and agitated, and attempts to steer the conversation to the topic of the rezoning application, and the plan, were unsuccessful. He made a point to compare the runoff from the properties that were essentially undeveloped against the property to the east of his property, a large single family home project, and he never seemed to grasp the concept of the SCM devices required of such new development. After some discussion on those issues, Mr. Harkey left shortly after 6:30 pm.

There were no other neighbors in attendance, and a few minutes before 8 pm the meeting was adjourned and the property vacated. In the invitation letter there was an invitation for anyone that could not make the meeting, or had other questions, they were welcome to contact Mr. Burgess directly, with his contact information included in that letter. As of this writing there have been no other inquires.

*L. Burgess*  
2/6/24



PO Box 27283  
Richmond, VA 23261-7283

# Order Confirmation

Order# 0000861192

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              aboan              Pam

Fax: 7049337463  
EMAIL: ap@kannapolisnc.gov

Total Amount                      \$865.55  
Payment Amount                    \$865.55

Amount Due                        \$0.00

Tax Amount:                        0.00

Payment Meth:      Credit - Debit Card

Tear Sheets              Proofs              Affidavits              PO Number:  
0                              0                              1

Ad Number                      Ad Type                      Ad Size                      Color  
0000861192-01                  CLS Display                  2 X 5.00"                  \$0.00

Production Method  
Creative (In-House)


### Production Notes

Product and Zone              Placement  
CON Independent Trib              C-Legal Ads

Position                              # Inserts  
Legal Display Ads                      2

Run Dates                      2/ 9/2024, 2/16/2024

TagLine: NOTICE OF PUBLIC HEARING



**NOTICE OF PUBLIC HEARING**  
Planning and Zoning Commission Meeting  
**Tuesday, February 20, 2024, at 6:00 pm**

**Conditional Zoning Map Amendment – CZ-2024-01 – 9700 Davidson Hwy – Public Hearing** to consider an amendment to the previously approved rezoning conditions for property located at 9700 Davidson Hwy., zoned GC-CZ (General Commercial-Conditional Zoning) and further identified as Cabarrus County Parcel Identification Number 46821056980000. The requested change is to allow for a Contractor's Yard.

**Conditional Zoning Map Amendment – CZ-2024-02 – 304-320 Irish Glen Dr., three (3) unaddressed parcels on W C St., and one unaddressed parcel on Glenn Ave. – Public Hearing** to consider a request to rezone properties located at 304, 308, 312, 316 and 320 Irish Glen Drive, as well as three (3) unaddressed parcels on W C Street and one unaddressed parcel on Glenn Avenue from City of Kannapolis Office Institutional (OI) zoning district to City of Kannapolis Residential 8 – Conditional Zoning (R8-CZ) zoning district to allow for a 233-unit townhome development. The subject properties are approximately 47.96 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 142 174, 142 175, 142 176, 142 177, 142 178, 142 180, 142 179, 142 173, and 142 186, respectively.

**Conditional Zoning Map Amendment – CZ-2024-03 – Dale Earnhardt Blvd. & Laundry St. – Public Hearing** to consider a request to rezone properties located at 1411, 1431 and 1375 Dale Earnhardt Blvd., as well as 601 Laundry Street from City of Kannapolis Office Institutional (OI) zoning district to City of Kannapolis General Commercial – Conditional Zoning (GC-CZ) zoning district to allow for utilization of the existing building for general wholesale, accessory office uses or other uses allowed by right in the GC zoning district. The subject properties are approximately 3.3 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 56138549450000, 56138548910000, 56138630070000, and 56138559600000, respectively.

**Zoning Map Amendment – Z-2024-02 – 3060 Placid Rd. – Public Hearing** to consider a request to assign City of Kannapolis zoning to recently annexed property located at 3060 Placid Road. The subject property is currently zoned Cabarrus County Countryside Residential (CR), and the request is to assign City of Kannapolis Residential 4 (R4) zoning district. The subject property is approximately 1.06 +/- acres and further identified as Cabarrus County Parcel Identification Number 46727521520000.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email at [tccline@kannapolisnc.gov](mailto:tccline@kannapolisnc.gov) as soon as possible but no later than 48 hours before the scheduled event.



AcctName1	MailAddr1	MailCity	MailState	MailZipCod
SHIRISH BAIRISHETTY				
BINDU PRIYA GOPISHETTY RAM	9619 ESTRIDGE LN	CONCORD	NC	28027
BIG GREEN TREE LAWN CARE SERVICE INC				
C/O GERMAN RONQUILLO	19205 CARTER CIR	CORNELIUS	NC	28031
WALTER FITZPATRICK	9521 DAVIDSON HWY	CONCORD	NC	28027
FORESTAR (USA) REAL ESTATE GROUP INC.				
C/O REAL ESTATE TAX DEPT	2221 E LAMAR BLVD	ARLINGTON	TX	76006
SUMANA GADDE				
SATISH KOLLIPARA	9611 ESTRIDGE LN	CONCORD	NC	28027
ANJU HARIHARAN				
SARIN RATHEESH KUMAR	1670 FITZGERALD ST NW	CONCORD	NC	28027
HARKEY FARM LLC	9745 DAVIDSON HWY	CONCORD	NC	28027
HERITAGE RIDGE COMMUNITY ASSOC INC.	2221 E LAMAR BLVD STE 790	ARLINGTON	TX	76006
GARLAND & EMILY JONES	9730 DAVIDSON HWY	CONCORD	NC	28027
VENKATA & SRILAKSHMI KALLURI	9631 ESTRIDGE LN	CONCORD	NC	28027
SANDEEP KOLIKAPUDI				
STREISAND MUNGALCHETTY	1665 FITZGERALD ST NW	CONCORD	NC	28027
SATISH KRISHNAN				
MEGHA MURALEEDHARAN	9642 WHITE CHAPEL DR NW	CONCORD	NC	28027
JASON & ASHLEY LIST	9639 ESTRIDGE LN	CONCORD	NC	28027
CHRISTOPHER & ARLENE MOORE	9635 ESTRIDGE LN	CONCORD	NC	28027
SURESH NALLAMILI	9650 WHITE CHAPEL DR NW	CONCORD	NC	28027
PATRICK & BROOKE NELSON	9623 ESTRIDGE LN	CONCORD	NC	28027
DANIEL & PETRA O'SULLIVAN	592 W WALKER WOODS LN	CLAYTON	NC	27527
VENKATA & NARMADA PALADUGU	9627 ESTRIDGE LN	CONCORD	NC	28027
SHILPABAHEN PATEL	1483 COFFEETREE DR NW	CONCORD	NC	28027
STEVEN PRICE	151 SCALYBARK TRL	CONCORD	NC	28027
KARTHIKEYAN REDDI	9638 WHITE CHAPEL DR NW	CONCORD	NC	28027
NARENDAR SURAM	9646 WHITE CHAPEL DR NW	CONCORD	NC	28027
WELLINGTON CHASE HOMEOWN ASSOC				
C/O CUSICK COMMUNITY MGMT	8008 CORPORATE CENTER DR STE 10	CHARLOTTE	NC	28226
JASON & JESSICA WORKMAN	9643 ESTRIDGE LN	CONCORD	NC	28027



February 8, 2024

Dear Property Owner:

**Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, February 20, 2024, at 6:00 PM, at City Hall, located at 401 Laureate Way, for the following case:**

**CZ-2024-01 – Conditional Zoning Map Amendment – 9700 Davidson Highway**

The purpose of the Public Hearing is to consider an amendment to the previously approved rezoning conditions for property located at 9700 Davidson Hwy., zoned GC-CZ (General Commercial-Conditional Zoning) and further identified as Cabarrus County Parcel Identification Number 46821056980000. The requested change is to allow for a Contractor's Yard. (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.**

Should you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4362 or [emccarty@kannapolisnc.gov](mailto:emccarty@kannapolisnc.gov).

Sincerely,

Elizabeth L. McCarty, AICP  
Assistant Planning Director

Enclosure

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email at [tccline@kannapolisnc.gov](mailto:tccline@kannapolisnc.gov) as soon as possible but no later than 48 hours before the scheduled event.

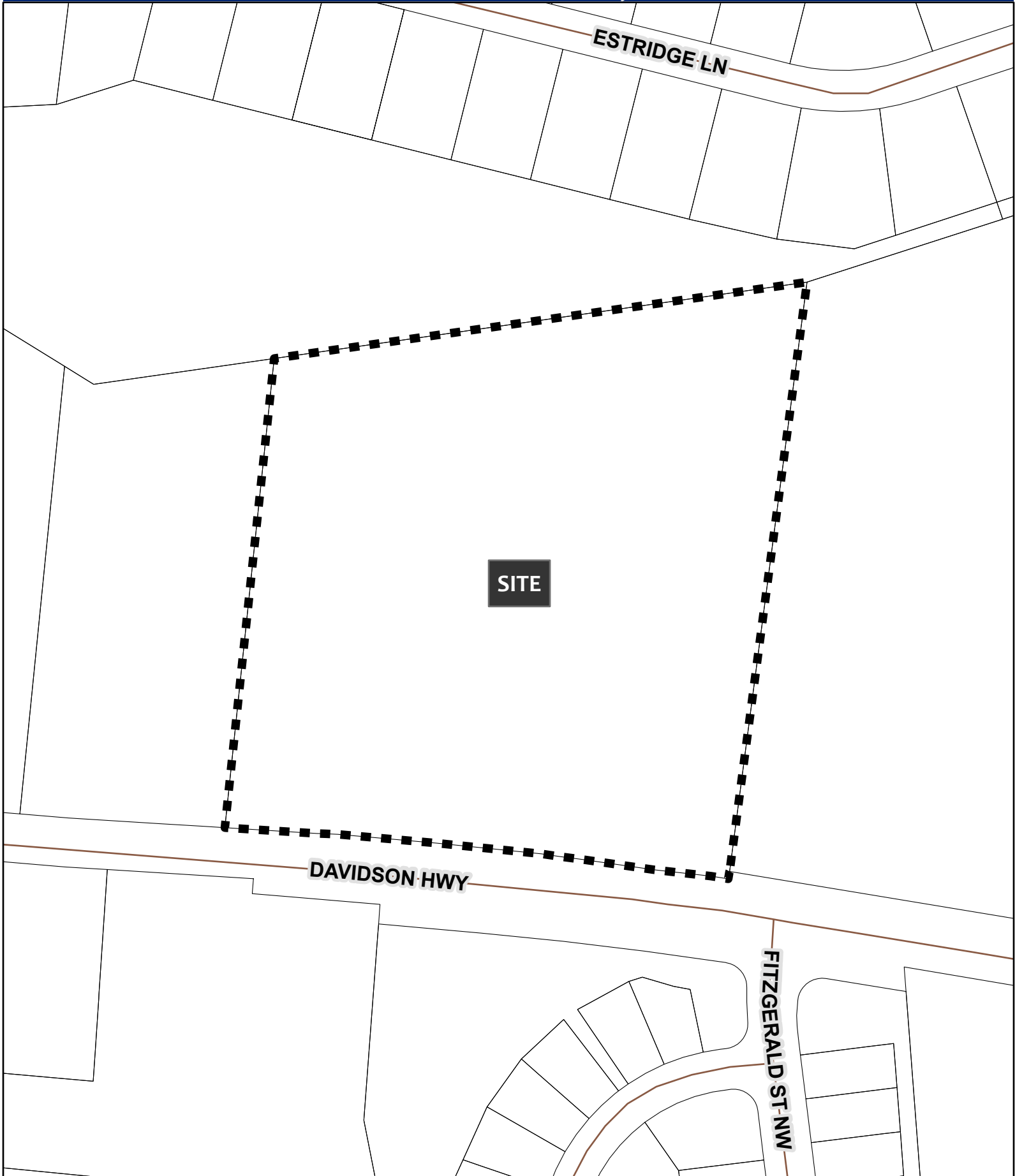


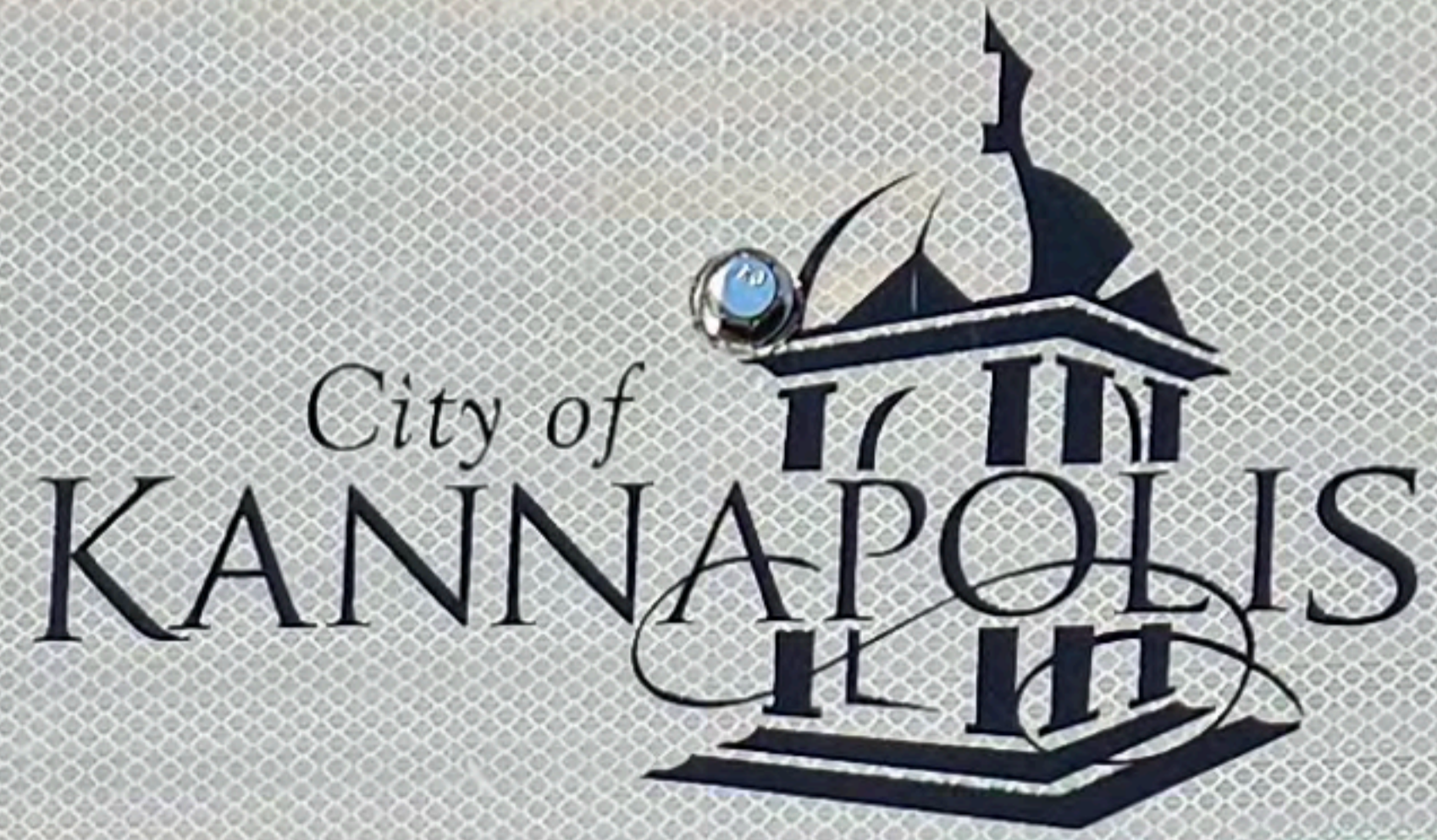
# Conditional Rezoning

Case Number: CZ-2024-01

Applicant: Big Green Tree Lawn Care Service, INC

9700 Davidson Hwy





**PLANNING**

**ZONING**

**COMMISSION**

**PUBLIC HEARING  
INFORMATION**

**CALL 704-920-4350**

**CASE # CZ-2024-01**





**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY  
WITH REGARD TO CASE #CZ-2024-01**

**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 February 20, 2024 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone approximately 10.22 +/- acres of property located at 9700 Davidson Highway, (Cabarrus County Parcel Identification Number 46821065980000) owned by Big Green Tree Lawn Care Service, Inc., from City of Kannapolis General Commercial – Conditional Zoning (GC-CZ) to City of Kannapolis General Commercial – Conditional Zoning (GC-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 property as located within the “Complete Neighborhood 1” 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 20th day of February 2024:**

\_\_\_\_\_  
Chris Puckett, Chairman  
Planning and Zoning Commission

**Attest:**

\_\_\_\_\_  
Pam Scaggs, Recording Secretary  
Planning and Zoning Commission



## RESOLUTION TO ZONE

Case #CZ-2024-01  
(9700 Davidson Highway)

### Amendment to previously approved conditions under Case No. Z-12-02

**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 February 20, 2024 for consideration of rezoning petition Case #CZ-2023-07 as submitted to the City of Kannapolis Planning Department; and

**WHEREAS**, the request was to amend conditions of approval previously approved under Case No. Z-12-02 on property located at 9700 Davidson Highway, (Cabarrus County Parcel Identification Number 46821065980000) owned by Big Green Tree Lawn Care Service, Inc., from City of Kannapolis Agricultural (AG) to City of Kannapolis Light Industrial-Conditional Zoning (LI-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 property is in the "Suburban Activity 1" Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Suburban Activity 1 Character Area lists retail and office as primary uses. Light manufacturing is a secondary use along with multifamily and single family attached residential. Therefore, the proposed commercial use is generally 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 amendment is not in conflict with any ordinances. A Contractor's Yard is a permitted use in the GC General Commercial District. The commercial zoning designation existed on this property under the UDO and prior to the adoption of the current comprehensive plan.

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

This proposed amendment intends to modify the conditions of approval associated with the 2012 rezoning. Presently, the use of the property as a Contractor's Yard does not meet the conditions of

the 2012 rezoning approval. This amendment, if approved, would allow the property to be used as a Contractor's Yard.

**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?**

Surrounding zoning districts are residential. City of Kannapolis Residential 8 (R8) is to the north and east. The zoning to the west is Cabarrus County Countryside Residential (CR). The zoning to the south is City of Concord RC-CD Residential Compact-Conditional District (RC-CD) and Cabarrus County Low Density Residential (LDR).

An opaque landscaping buffer is shown on the site plan to provide a separation with neighboring residential properties. A fence is proposed along a portion of the eastern lot line. Further, there is existing vegetation and landscaping on the property that can be enhanced in order to achieve the necessary buffering along the perimeter of the property.

**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 proposed amendment provides for efficient development. The applicant will be required to comply with the City's and NCDOT's regulations for driveways. NCDOT currently does not have a permit on record for the existing driveway.

The subject property is within the Coddle Creek Subdistrict of the Thoroughfare Protection Overlay District and will need to meet the requirements for properties along Davidson Highway. Currently, there is no public sewer or water service to the site. The development is proposed to be served by on-site septic.

**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 property is within a future growth area for the City of Kannapolis. The use is setback from Davidson Highway and a landscaped opaque buffer is proposed along the site's perimeter to screen it from surrounding 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 significant negative environmental impacts are anticipated. There is an unnamed tributary in the northeast corner of the property. Measured from the top of the streambank, a thirty foot (30') undisturbed buffer and a ten foot (10') vegetated setback is shown on the site plan. The proposed use will be required to conform to all applicable local, state, and federal environmental regulations.

The Davidson Lands Conservancy holds the conservation easement on the property and is responsible for monitoring compliance with the requirements of the Deed of Conservation Easement

**NOW, THEREFORE BE IT RESOLVED** by the City of Kannapolis Planning and Zoning Commission that the conditions for the above referenced property be amended, subject to the following conditions:

1. The conditions and conceptual site plan applicable to the previous conditional rezoning approval, Case #Z-12-02, are removed and replaced with conditions 2-10, below.
2. The intent of this amendment submittal is to allow for a Contractor’s Yard. Prior to the development of the property over and beyond its use as a Contractor’s Yard, a conditional rezoning application shall be made for the City of Kannapolis to further review and reconsider the conditions imposed by approval of this amendment.
3. The site is subject to and will in the future be developed in accordance with the development restrictions set forth in the Assignment of Deed of Conservation Easement which among other restrictions limits the developable area of the site within a defined two (2) acre envelope generally located in the center of the site.
4. The site will be developed in accordance with the Coddle Creek Subdistrict Thoroughfare Protection Overlay District of the KDO.
5. The development shall be limited to one (1) vehicular access point on Davidson Highway and shall be subject to NCDOT approval. A driveway permit is required.
6. The site will be developed consistent with the buffer and landscaping requirements of the KDO for a Type D, Opaque Buffer.
7. No site lighting will be directed toward adjacent properties assuring no glare of lighting on adjacent residential lots.
8. Development of the site will adhere to all applicable NCDEQ soil and erosion control requirements.
9. Certain improvements to the site shall be completed no later than six (6) months from the date of the Resolution to Zone, to include removing the existing single-wide manufactured home from the site; acquiring a NCDOT driveway permit; paving the driveway entrance and parking area; installing required landscaping and fencing; and, installing the gravel parking area.
10. The exact location of the proposed building and parking spaces will be determined during the site plan review process by the City of Kannapolis.

**Adopted this the 20th day of February 2024:**

---

Chris Puckett, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary  
Planning and Zoning Commission