

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

October 18, 2022 at 6:00 pm

Agenda

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes** (July 19, 2022, August 16, 2022 & September 20, 2022)
- 5. Public Hearing**
 - a. CZ-2022-05 – Conditional Zoning Map Amendment – 401 Gay Street (formally 601 J. Ave.)**

Continued from September 20, 2022, Public Hearing to consider a request to rezone properties located at 401 Gay Street from Residential Village (RV) to General Commercial-Conditional Zoning (C2-CZ) district to allow for a six-unit townhome development. The subject property is approximately 0.44 +/- acres and further identified as Cabarrus County Parcel Identification Number 56134732130000
- 7. Planning Director Update**
- 8. Other Business**
- 9. Adjourn**

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**CITY OF KANNPOLIS, NC
PLANNING AND ZONING COMMISSION**

**Minutes of Meeting
July 19, 2022**

The Kannapolis Planning and Zoning Commission met on Tuesday July 19, 2022, at 6:00 PM. This meeting was held in accordance with the attached notice (Appendix A), as well as notice published on the City's website.

Commission Members Present: Jeff Parker, Vice-Chair
James Litaker
Larry Ensley
Scott Trott
Travis Gingras
Robert Severt, ETJ Representative

Commission Members Absent: Chris Puckett, Chairman
Daniel O'Kelly
Shelly Stein

Visitors:

John V. Smith	Joe Hatley
Page Castrodale	Massie Flippin
Jordan Quinn	Steve Schmitt
Carlton Burton	Wallace Wyatt
Ken Jonmaire	Terrence Llewellyn

Staff Present: Richard Smith, Planning Director
Boyd Stanley, Assistant Planning Director
Pam Scaggs, Recording Secretary
Wilmer Melton, Assistant City Manager

CALL TO ORDER

Chair Puckett called the meeting to order at 6:00 P.M.

ROLL CALL AND RECOGNITION OF QUORUM

Recording Secretary, Pam Scaggs called the roll. The presence of a quorum was recognized.

APPROVAL OF AGENDA

Vice-Chair Parker noted that the agenda required an amendment to add the Oath of Office for reappointed Commission Member Scott Trott. Dr. Litaker made the motion to approve the amended agenda, second by Mr. Ensley and the motion was unanimously approved.

OATH OF OFFICE

Reappointed Commission Member, Scott Trott was administered the Oath of Office by Recording Secretary, Pam Scaggs.

1
2 **CONTINUED FROM JUNE 21, 2022**

3 **CZ-2022-03 – Conditional Rezoning for property located at 6441 Davidson Highway.**

4 Planning Director, Richard Smith noted that Case No. CZ-2022-03 was continued at the
5 Commission’s June 21, 2022 Meeting and reminded the Commission that they asked staff to provide
6 an overview of industrial products within the City of Kannapolis as well as for the applicant to
7 provide elevation renderings of the proposed project. Mr. Smith stated that the Economic
8 Development Corporation (EDC) for Cabarrus County will be providing a presentation regarding
9 the number of industrial products for all of Cabarrus County and that the applicant has provided
10 elevation renderings. He provided an overview of the conditional rezoning request for case CZ-
11 2022-03, attached to and made part of these minutes as Exhibit 1 and noted that the Commission did
12 open and close the Public Hearing at their June 21, 2022 meeting so an additional Public Hearing
13 was not necessary.

14
15 Mr. Smith directed the Commission’s attention to Vicinity, Zoning, and Future Land Use Plan maps
16 and provided the surrounding zoning districts and their current uses as well as future land uses. He
17 stated that a recent Comprehensive Plan amendment was approved by the Commission to revise the
18 recommended future land uses [CPA-2022-01). Mr. Smith reminded the Commission that the
19 applicant is resubmitting the rezoning because staff advised that their current plan would not receive
20 wastewater allocation in the near future as previously proposed.

21
22 Mr. Smith directed the Commission’s attention to the City’s Development Map and provided an
23 overview of residential, industrial, commercial and mixed-use projects that are in some stage of the
24 approval process. He concluded stating that there are 46 residential (6,593 units), 8 mixed-use, 5
25 commercial, 5 industrial and 4 institutional projects.

26
27 Mr. Gingras asked if the residential numbers included both multi-family and single-family
28 structures. Mr. Smith confirmed that it does. Mr. Gingras asked if there is a total number of industrial
29 square footage space. Mr. Smith responded that there are two structures each with 1 million and the
30 other with 1.5 million square feet, as well as a 700,000 square foot spec building at Kannapolis
31 Crossing. Assistant City Manager, Wilmer Melton, provided additional information regarding
32 Kannapolis Crossing and Gateway Business Park which is a large building but broken down to fit
33 the need for the end users. Mr. Melton stated that the company, Zip Line, moved their offices to
34 Concord because Kannapolis did not have any available space.

35
36 Mr. Ensley asked about sewer allocation for the projects shown on the Development Map. Mr. Smith
37 responded that all of the projects discussed have either been approved for sewer allocation or are
38 going through the allocation process. Mr. Ensley asked the amount of square footage that is currently
39 available for businesses looking to establish within the City. Mr. Smith deferred to the EDC and
40 introduced Paige Castrodale to make presentation. He noted that North Carolina was ranked as being
41 the No. 1 state for business friendliness and that Ms. Castrodale’s presentation will show the number
42 of missed opportunities for Kannapolis.

43
44 EDC Executive Director, Paige Castrodale introduced Samantha Grass, Project Manager, and
45 provided an overview of the work that EDC completes, stating that their main focus is identifying
46 businesses that will increase quality of life by providing high skill and high wage jobs as well as to

1 increase and diversifying tax investments in the county. Ms. Castrodale stated that while individual
2 families pay property taxes, industrial and commercial developments also pay taxes which help to
3 fund amenities that citizen's enjoy such as schools, transportation, safety, and trash collection which
4 help to "balance the scales" and alleviates the tax burden from the citizen. Ms. Castrodale talked
5 about project activity and included project announcements such as Red Bull, Eli Lilly, company
6 expansions such as Core Choice and Zip Line, and the number of added jobs and the average wage.
7 Ms. Castrodale stated that in Fiscal Year 2021, 166 Request For Information (RFI's) were received
8 and explained that an RFI is a company expressing interest in the area and requesting information
9 regarding available space in Cabarrus County. Ms. Castrodale directed the Commission's attention
10 to a graph illustrating the number of RFI's that they could not respond to because there is no available
11 space meeting their specific criteria. She noted that some were looking for sites with rail access but
12 that most are looking for existing buildings so that they can move quickly, but that there is not an
13 inventory of existing buildings/space in the county. Ms. Castrodale directed attention to another
14 graph showing the number of RFI's that they were able to respond to and that Concord has the most
15 product availability. She added that most companies are looking for workforce, transportation,
16 infrastructure, available buildings and sites. Ms. Castrodale concluded her presentation stating that
17 they are finalizing their strategic action plan for the next three years and have included the quote:
18 "no product, no projects".
19

20 Mr. Parker asked if the presentation is available? Mr. Smith responded that staff will send a copy to
21 the Commission.
22

23 Mr. Gingras asked what types of products or industry has been missed due to the lack of space. Ms.
24 Castrodale responded that most inquiries are manufacturing, automotive and pharmaceutical.
25

26 Dr. Litaker asked if any of the inquiries include companies that are willing to wait for a building to
27 be constructed. Ms. Castrodale stated that companies are considering available space when building
28 out their timeline for project completion and it depends on the project.
29

30 Mr. Trott asked if they were considering rail expansions. Ms. Castrodale responded that the county
31 is lacking rail availability and that Midland is likely the best option for rail access but that they do
32 not have the utility infrastructure to support projects at this time.
33

34 Mr. Ensley asked about the vacancy rate on current industrial warehousing. Ms. Castrodale stated
35 that there is no vacant space in Kannapolis. Mr. Smith added that the only available current space
36 Kannapolis has is the old Walmart located on North Cannon Boulevard.
37

38 Ms. Castrodale responded to additional questions regarding available space and workforce. She
39 stated that inventory of both land and existing space is very scarce around the county and explained
40 the RFI response process. Ms. Castrodale added that Cabarrus County is very well positioned for
41 many reasons but also due to access points to the interstate and to both Concord and Charlotte
42 airports.
43

44 Building designer for the project, Steve Schmidt, talked about the architectural design of the
45 proposed project, noting that they have designed the Stewart Haas, Metro 63, and Kannapolis
46 Crossing projects. Mr. Schmidt addressed the Commission's elevation concerns by directing their

1 attention to illustrations of previously completed projects and their attention to landscape and
2 buffering; signage; unity throughout the park, and historical markers. He stated that they work with
3 developers to ensure that their buildings offer flexibility for multi-tenant demands as well as access.
4 Mr. Schmidt concluded stating that his firm’s goal is to produce a product that will “stand the test
5 of time” and be a beautiful building.

6
7 Massie Flippin (Trinity Capital Partners) stated that their goal is to be thoughtful about the current
8 environment in order to offer a modern industrial product that attracts high caliber tenants that will
9 provide higher wages for potential employees. Mr. Flippin added that they partner with EDC to
10 ensure that they are matching the size and height of buildings that are in demand.

11
12 Mr. Gingras stated that Kannapolis Parkway is one of the main thoroughfares into the downtown
13 area and expressed concern that constructing industrial products along this road will detract from the
14 “old town feel” of Kannapolis. He asked if they could push the building back off the Parkway and
15 incorporate more brick with enhanced landscaping. Mr. Gingras added that he understands the
16 demand for more industrial space but doesn’t feel that Kannapolis Parkway is the right location. Mr.
17 Flippin stated that there are ways to achieve what Mr. Gingras is looking for by incorporating colors
18 and different textures. Mr. Schmidt cautioned that end users are looking for more “cutting edge”
19 designed buildings that offer more height and natural light, and while they could incorporate more
20 brick into their design, they don’t want the building to look like a mill building. He used downtown
21 Charleston, SC as an example stating that they have very strict ordinances but do not restrict on the
22 types of materials that can be used and have been successful with modern interpretation of buildings
23 without conflicting with their history.

24
25 Dr. Litaker disagreed with Mr. Gingras stating that he served on the Commission when Kannapolis
26 Parkway was created and indicated that it was intended to be an industrial corridor. He expressed
27 concern regarding parking of tractor trailers along Kannapolis Parkway and ingress/egress to
28 Kannapolis Parkway.

29
30 Engineer, Randy Goddard discussed the scoping approval for the traffic study. Mr. Goddard stated
31 that their will be a full-movement traffic signal opposite Amazon on Highway 73 and another traffic
32 signal on Kannapolis Parkway at the main entrance with a right-in/right-out and a left-in.

33
34 Mr. Gingras noted a future connection to Highway 73 on the site plan and asked when that would
35 be completed. Mr. Goddard responded that they are unsure of the end design or connection because
36 it is dependent on NCDOT’s plans to update that intersection. Mr. Ensley expressed concern
37 regarding adding three full movement access points onto Kannapolis Parkway. Mr. Goddard
38 responded that the intersection further north [closer to Highway 73] will be a right-in/right out with
39 a signalized left-turn, one full-movement access to the south, and two more access points located at
40 the residential portion of the project but that only one would be full-movement per NCDOT.

41
42 Dr. Litaker asked why residential is even being added to this project? Bridgette Grant with Moore
43 & Van Allan responded that the portion of the project being used for residential is not efficient for
44 industrial uses due to existing wetlands, and that they needed to provide a transition from the existing
45 residential uses.

1 Mr. Ensley asked if it was possible to prevent left-turns during peak hours. Mr. Goddard cautioned
2 that this could cause an enforcement issue creating more safety issues.

3
4 Vice-Chair Parker asked for a motion to approve the Statement of Consistency which was made by
5 Mr. Trott, second by Mr. Ensley and the motion was unanimously approved.

6
7 Vice-Chair Parker asked for a motion regarding the Resolution to Zone. Dr. Litaker made the motion
8 to approve, second by Mr. Ensley and approved by vote 5-1 with Mr. Gingras casting the dissenting
9 vote.

10
11 **PUBLIC HEARING**

12 **CZ-2022-04 – Conditional Rezoning for property located at 6253 Mooresville Road**

13 Assistant Planning Director, Boyd Stanley gave a PowerPoint presentation regarding Case No. CZ-
14 2022-04, attached to and made part of these minutes as Exhibit 2. Mr. Stanley stated that the property
15 was recently annexed and that they are requesting a General Commercial-Conditional Zoning (GC-
16 CZ) zoning district to allow for a contractor’s shop/office and general office uses.

17
18 Mr. Stanley directed the Commission’s attention to Vicinity, Zoning, and Future Land Use Plan-
19 maps and provided the surrounding zoning districts and their current uses as well as future land uses
20 and site photos. He noted that there is an existing wood fence screening but that additional
21 landscaping along Mooresville and Stirewalt will be required. Mr. Stanley utilized the site plan to
22 illustrate the existing access drives and stated that the property is located in a watershed and that the
23 applicant will not be expanding due to the restriction on amount of impervious surface.

24
25 Mr. Stanley stated that staff is recommending approval of the rezoning request with conditions and
26 read those conditions into the record:

- 27
- 28 1. The permitted uses allowed by this rezoning shall only include a contractor’s shop/office and
29 general office uses.
 - 30 2. Prior to the occupancy of the property, a Change of Use Permit shall be obtained from the
31 City of Kannapolis.
 - 32 3. Any proposed uses(s) shall be in compliance with existing and modified NCDOT driveway
33 permits.
 - 34 4. Additional streetscape landscape buffer plantings shall be provided along street frontages per
35 the KDO landscaping requirements. Since there is some existing screening in place, staff will
36 work with the applicant to develop a minor planting plan prior to occupancy.
- 37

38 Mr. Stanley concluded his presentation and made himself available for questions.

39
40 Mr. Trott asked about sewer allocation. Mr. Stanley responded that they have an existing septic
41 system and do not plan to connect to City sewer.

42
43 Mr. Ensley asked if there will be any upfit to the building. Mr. Stanley responded that the only
44 proposed upfit is paving and striping of the existing parking lot.

1 The applicant, John Smith, stated that he purchased property in October and tried working with the
2 County but decided to annex into the City of Kannapolis. Mr. Smith stated that the requesting
3 rezoning is to allow a trade shop.

4
5 There being no additional questions or comments, Vice-Chair Parker opened the Public Hearing
6 which was then closed with no public comment made.

7
8 Mr. Gingras noted that the building is sitting in the front setback. Mr. Stanley responded that the
9 setback's shown are the county's setback.

10
11 Vice-Chair Parker asked for a motion regarding the Statement of Consistency. Mr. Ensley made the
12 motion to approve, second by Dr. Litaker and the motion was unanimously approved.

13
14 Vice-Chair Parker asked for a motion regarding the Resolution to Zoning. Mr. Trott made the motion
15 to approve with conditions, second by Dr. Litaker and the motion was unanimously approved.

16
17 **PLANNING DIRECTOR UPDATE**

18 Mr. Smith stated that the strategic planning process has been ongoing for the past six months and
19 the City Council has created focus groups as a result of that process and thanked those Commission
20 members who have volunteered to be on those focus groups. He added that applications for those
21 groups are being reviewed and anticipates that City Council will make appointments to those focus
22 groups at their next meeting.

23
24 Mr. Smith offered to review the projects map with the Commission in more detail or he could create
25 a "deep dive" into the map by adding price points to the residential projects and hold a work session
26 at a future meeting. The Commission agreed to have a work session during their August meeting.

27
28 Mr. Smith stated that he requested, and City Council approved, an increase in pay for the
29 Commission that was consistent with other jurisdictions.

30
31 **OTHER BUSINESS**

32 Mr. Smith responded to questions from the Commission regarding the project map, affordable
33 housing, and the KDO. Mr. Severt asked whether the Mill house neighborhood will be listed as a
34 historical district. Mr. Smith responded that it may come as a recommendation from one of the focus
35 groups.

36
37 **ADJOURN**

38 There being no further business, questions or comments, Mr. Ensley made the motion to adjourn,
39 second by Mr. Gingras. Vice-Chair Parker adjourned the meeting at 7:31 PM on Tuesday July 19,
40 2022.

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44 _____
45 Jeff Parker, Vice-Chair
46 Planning and Zoning Commission

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2 Pam Scaggs, Recording Secretary

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**CITY OF KANNPOLIS, NC
PLANNING AND ZONING COMMISSION**

**Minutes of Meeting
August 16, 2022**

The Kannapolis Planning and Zoning Commission met on Tuesday August 16, 2022, at 6:00 PM.
This meeting was held in accordance with notice published on the City's website.

Commission Members Present: Chris Puckett, Chair
Jeff Parker, Vice-Chair
Daniel O'Kelly
James Litaker
Larry Ensley
Scott Trott
Shelly Stein
Travis Gingras
Robert Severt, ETJ Representative

Commission Members Absent: None

Visitors: Alan Overcash
Joe Hatley
Lin Leslie

Staff Present: Richard Smith, Planning Director
Boyd Stanley, Assistant Planning Director
Ben Barcroft, Senior Planner
Rayvon Walker, Planner
Alana Sweatt, GIS Specialist
Kathryn Stapleton, Planning Technician
Barry Hower, Code Enforcement Officer
Josh Campbell, Code Enforcement Officer
Pam Scaggs, Recording Secretary
Eddie Smith, Deputy City Manager
Kristin Jones, Assistant to the City Manager
Wilmer Melton, Assistant City Manager

CALL TO ORDER

Chair Puckett called the meeting to order at 6:00 P.M.

OATH OF OFFICE

Reappointed Commission Member, Daniel O'Kelly was administered the Oath of Office by
Recording Secretary, Pam Scaggs.

1 **ROLL CALL AND RECOGNITION OF QUORUM**

2 Ms. Scaggs called the roll, and the presence of a quorum was recognized.

3
4 **APPROVAL OF AGENDA**

5 Chair Puckett asked for approval of the Agenda which was unanimously approved.

6
7 **APPROVAL OF MINUTES**

8 Chair Puckett asked for approval of the June 21, 2022 minutes which were unanimously approved.

9
10 Planning Director, Richard Smith stated that the Planning Department is fully staffed with ten (10)
11 staff members and will be adding one (1) additional GIS position. He introduced Planning staff, each
12 of whom gave a brief background as well as their current job responsibilities. Present for introduction
13 were Kathryn Stapleton, Planning Technician; Josh Campbell, Code Enforcement Officer; Boyd
14 Stanley, Assistant Planning Director; Ben Barcroft, Senior Planner; Barry Hower, Code
15 Enforcement Officer; Alana Sweatt, GIS Specialist; Rayvon Walker, Planner; and Pam Scaggs,
16 Administrative Assistant. Mr. Smith added that Senior Code Enforcement Officer, Tony Cline is out
17 of town attending a conference.

18
19 **WATERSHED REVIEW BOARD (Planning and Zoning Commission Serving as the**
20 **Watershed Review Board)**

21
22 **SIA-2022-01 – Special Intensity Allocation Permit.**

23 Assistant Planning Director, Boyd Stanley gave a PowerPoint presentation regarding a Special
24 Intensity Allocation (SIA) for Case No. SIA-2022-01, attached to and made part of these minutes
25 as Exhibit 1. Mr. Stanley stated that the applicant received a Special Use Permit (SUP) from the
26 Board of Adjustment [BOA-2022-09] to construct a Mini Warehousing/Self-Storage Leasing
27 facility, but that because the property is located in a watershed, will also require a SIA. He provided
28 the case details and stated that the Lake Concord WS-IV Watershed Protected Area is impacting
29 the built upon area of the property. Mr. Stanley stated that there are four watershed area's that
30 affect the built upon area within the City of Kannapolis and identified them as Lake Fisher, Lake
31 Concord, Coddle Creek and Kannapolis Lake. He added that the maximum built upon area for
32 Lake Concord is 24% new impervious area.

33
34 Mr. Stanley directed the Commission's attention to the Vicinity, Zoning, Future Land Use maps,
35 and the proposed site plan. He provided the details of the approved SUP (attached as Appendix A)
36 and talked about the conditions of that approval. Mr. Stanley stated that the applicant could request
37 the maximum impervious area of 70% but is requesting 60% impervious area. He reviewed and
38 discussed the six (6) criteria used to evaluate the merits of an SIA request, communicating the
39 points that staff has allocated to the request. He reminded the Commission that they may allocate
40 points to Community Value and that the applicant will require 200 points for a SIA approval.

41
42 Mr. Stanley reminded the Commission of the actions requested and made himself available for
43 questions.

44
45 Mr. Gingras expressed concern that a sidewalk is only proposed along Cannon Boulevard and not
46 along East 13th Street. Mr. Stanley responded that there is not an existing sidewalk along East 13th

1 Street and that staff did not feel that a sidewalk would be added anytime in the future. Mr. Smith
2 added that City Council will also be making recommendation regarding the Cannon Boulevard
3 Corridor Update and that sidewalks along Cannon Boulevard will be required.

4
5 Mr. Ensley asked if the applicant will be able to develop the site without SIA approval. Mr. Stanley
6 responded that without the SIA, the applicant would have to significantly reduce the size of the
7 facility and assumed that it would not be developed.

8
9 Chair Puckett asked if there is a “bank” of SIA points. Mr. Stanley talked about the “bank” stating
10 that there is an existing balance of 184 acres in the Lake Concord watershed.

11
12 Mr. Stanley provided additional detail regarding the City properties that are impacted by the Lake
13 Concord watershed.

14
15 The applicant, Alan Overcash, stated that he owns three other mini warehousing/self-storage
16 leasing facilities in Kannapolis and sees the need for additional facilities. Mr. Overcash stated that
17 he is asking for the additional points to allow development of the proposed use. He added that six
18 (6) parking spaces are required per City standards, but that the proposed use does not typically
19 generate a lot of traffic. Mr. Overcash talked about the topography challenges of the site, the
20 proposed storm water retention area, the proposed exterior elevation and stated that the office will
21 front Cannon Boulevard.

22
23 Ms. Stein noted that the storage facility located on Dale Earnhardt Boulevard (DEB) utilizes solar
24 panels and asked if Mr. Overcash proposes to utilize solar panels on the subject facility. Mr.
25 Overcash responded that he probably will not and indicated that the DEB facility generates more
26 power than he can use.

27
28 Mr. Gingras expressed concern regarding stormwater retention. Mr. Overcash stated that the
29 required departments have reviewed and approved the retention plan.

30
31 Chair Puckett suggested that the Commission should approve the requested points and talked about
32 revitalization of the site. Mr. Trott made the motion to award, second by Dr. Litaker and the motion
33 was unanimously approved.

34
35 Chairman Puckett asked for a motion to approve the SIA permit which was made by Mr. Litaker,
36 second by Mr. Ensley and the motion was unanimously approved.

37
38 **CANNON BOULEVARD CORRIDOR PLAN DISCUSSION**

39 Mr. Smith provided an update regarding the Cannon Boulevard Corridor Update and asked the
40 Commission to drive Cannon Boulevard from the Cloverleaf shopping center near Interstate 85 to
41 the Landis town limits and make note of changes the Commission would like implemented. He
42 introduced Senior Planner, Ben Barcroft, who provided a PowerPoint presentation regarding the
43 inventory of existing businesses, key intersections, signage, bike lanes, sidewalks and future road
44 improvements.

1 Mr. Smith and Mr. Barcroft responded to questions from the Commission regarding lighting,
2 electronic gaming establishments, streetscape, parking of tractor trailers, and pedestrian
3 connectivity.

4

5 **PLANNING DIRECTOR UPDATE**

6 None

7

8 **OTHER BUSINESS**

9 Mr. Smith noted that with the new fiscal year, the Commission should elect Chair and Vice-Chair.

10 Mr. Gingras made the motion to appoint Mr. Puckett as Chairman, second by Mr. Trott and the
11 motion was unanimously approved.

12

13 Mr. Gingras made the motion to appoint Mr. Parker as Vice-Chair, second by Mr. Trott and the
14 motion was unanimously approved.

15

16 **ADJOURN**

17 There being no further business, questions or comments, Chair Puckett asked for a motion to adjourn
18 which was made by Mr. Ensley, second by Mr. Gingras and the motion was unanimously approved.

19 The meeting adjourned at 7:19 PM on Tuesday August 16, 2022.

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Chris Puckett, Chair
Planning and Zoning Commission

Pam Scaggs, Recording Secretary

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**CITY OF KANNPOLIS, NC
PLANNING AND ZONING COMMISSION**

**Minutes of Meeting
September 20, 2022**

The Kannapolis Planning and Zoning Commission met on Tuesday September 20, 2022, at 6:00 PM. This meeting was held in accordance with notice published on the City’s website.

Commission Members Present: Chris Puckett, Chair
Jeff Parker, Vice-Chair
Daniel O’Kelly
James Litaker
Larry Ensley
Scott Trott
Shelly Stein
Travis Gingras

Commission Members Absent: Robert Severt, ETJ Representative

Visitors: None

Staff Present: Richard Smith, Planning Director
Boyd Stanley, Assistant Planning Director
Ben Barcroft, Senior Planner
Rayvon Walker, Planner
Pam Scaggs, Recording Secretary
Wilmer Melton, Assistant City Manager

CALL TO ORDER

Chair Puckett called the meeting to order at 6:00 P.M.

ROLL CALL AND RECOGNITION OF QUORUM

Recording Secretary, Pam Scaggs called the roll. The presence of a quorum was recognized.

APPROVAL OF AGENDA

Chair Puckett noted that Case No. CZ-2022-05 will need to be continued to the October 18, 2022 Commission Meeting and that the Minutes for the July and August meetings were not made available. He asked for a show of hands to approve the revised Agenda as well as to continue Case No. CZ-2022-05 to October 18, 2022, which was unanimously approved.

PUBLIC HEARING

CZ-2022-07 – Conditional Rezoning for Property Subject to a Legislative “Land Swap” between the City of Kannapolis and the Town of Landis

Planning Director Richard Smith gave a PowerPoint presentation regarding Case No. CZ-2022-07, attached to and made part of these minutes as Exhibit 1. Mr. Smith directed the Commission’s attention to maps illustrating the properties that were subject to a legislative “land swap” with the Town of Landis, stating that the two parcels require assignment of a City of Kannapolis zoning designation. He added that staff is

1 recommending the Planned Unit Development-Conditional Zoning (PUD-CZ) since the surrounding parcels
2 were previously rezoned as part of the Irish Creek development.

3
4 Mr. Smith concluded his presentation and made himself available for questions.

5
6 Mr. Smith responded to questions from Mr. Gingras, Dr. Litaker and Mr. Ensley regarding further
7 clarification of the “land swap” and whether the property will be developed. He responded that the City of
8 Kannapolis transferred property to the Town of Landis and the Town of Landis transferred property to the
9 City of Kannapolis and that it included part of the golf course and the maintenance building for the golf
10 course.

11
12 There being no additional questions or comments, Chair Puckett opened the Public Hearing which was then
13 closed with no public comment being made.

14
15 Chair Puckett asked for a motion regarding the Statement of Consistency. Mr. Trott made the motion to
16 approve, second by Vice-Chair Parker and unanimously approved.

17
18 Chair Puckett asked for a motion regarding the Resolution to Zone. Dr. Litaker made the motion to approve
19 with conditions as proposed by staff, second by Mr. Ensley and unanimously approved.

20 21 **RECOMMENDATION TO CITY COUNCIL**

22 23 **CPA-2022-03 – Comprehensive Plan Amendment – Unaddressed “Land Swap” Rowan County Parcels**

24 Mr. Smith stated that the same parcels in the previous case are also subject of case No. CPA-2022-03 (attached
25 to and made part of these minutes as Exhibit 2) and that the Comprehensive Plan will need to be amended to
26 show the addition of the Rowan County Parcel Identification Numbers 132 0130000001 and 141 0010000001.
27 He added that staff is recommending a “Complete Neighborhood 2” Character Area to remain consistent with
28 the rest of the Irish Creek neighborhood.

29
30 Mr. Smith asked the Commission to consider a recommendation to City Council regarding an amendment to
31 the Move Kannapolis Forward 2030 Comprehensive Plan “Future Land Use and Character Map” designation
32 of the area as it relates to the Legislative “land swap”.

33
34 Dr. Litaker made the motion to recommend approval, second by Ms. Stein and the motion was unanimously
35 approved.

36 37 **TA-2022-02 – Text Amendment – Article 4, Table 4.2.B(5): Principal Use Table; Table 4.3.B(3):** 38 **Accessory Use/Structure Table; and Article 10, Definitions**

39 Mr. Smith and Senior Planner, Ben Barcroft, provided a PowerPoint presentation regarding Case No. TA-
40 2022-02, recommended amendments to the Kannapolis Development Ordinance (KDO) attached to and made
41 part of these minutes as Exhibit 3.

42
43 Mr. Smith stated staff realized that single family residential dwellings in the R8, R18, Mixed-Use
44 Neighborhood (MU-N) and Center City (CC) zoning districts, as well as accessory use structures were
45 inadvertently either left off the permitted use table or shown as a Special Use. He introduced Ben Barcroft to
46 discuss all of the recommended text amendments in further detail.

47
48 As a result of the Zip-Line [company that utilizes drones to make medical deliveries] project that was initially
49 permitted as a temporary use, Mr. Barcroft stated that he reviewed ordinances in other municipalities for
50 guidance regarding drone deliveries because staff recognized the need to allow the use on a permanent basis.
51 He added that while drones are high regulated by the FAA (Federal Aviation Administration), staff felt that

1 they should only be permitted in both the Campus Development (CD) and Heavy Industrial (HI) zoning
2 districts by a Special Use Permit (S) so that the Board of Adjustment could review the use in further detail.
3 Mr. Barcroft stated that in addition to adding drone deliveries, a definition for *Small-Scale Aerial Distribution*
4 was also required to be added to Article 10, Definitions. He noted that the size and weight are included in the
5 definition and reminded the Commission that they are highly regulated by the FAA.
6

7 Mr. Barcroft reiterated that single-family residential uses is being added back to the Principal Use Table as a
8 permitted use (P) in both the R8 and MU-N zoning districts and as a special use (S) in both the R18 and CC
9 zoning districts. He further noted that the R18 and CC zoning districts are higher density zoning districts and
10 should allow residential uses but are more for multi-family and attached residential uses to allow for that
11 higher density.
12

13 Mr. Barcroft stated that storage buildings (accessory structures) was not shown as a permitted use in most of
14 the City’s zoning districts and staff felt that it should be included as a permitted use in all of the zoning
15 districts. He added that there are ordinances in other areas of the KDO that regulate the size and location of
16 accessory structure and for consistency, accessory structures should be permitted on the Accessory
17 structure/Use table.
18

19 Mr. Smith reminded the Commission that Case No. TA-2022-02 does not require a Public Hearing and that
20 the Commission will make recommendation to City Council on the proposed amendments.
21

22 Mr. Ensley expressed concern that size of an accessory structure hasn’t been defined in the text amendment.
23 Mr. Smith responded that the size is addressed in other areas of the KDO.
24

25 Mr. Gingras stated that the definition of storage building in the KDO is shown as a “storage of goods” and
26 questioned why this would be allowed by right in residential zoning districts. Mr. Smith responded that a
27 storage building is the same as an accessory structure and a storage building in a residential zoning district
28 would have to be used for residential use and not commercial use and that the zoning district itself would
29 regulate the use. He added that in residential districts, the storage building will be ancillary and smaller than
30 the primary structure.
31

32 Vice-Chair Parker asked if there is a designated size for storage buildings. Mr. Smith responded that a storage
33 building in residential districts has to be less than the size of the primary structure. Mr. Barcroft added that
34 the KDO regulates size of any structure in residential zoning districts.
35

36 Dr. Litaker asked if a permit is required for a shelter cover such as for an RV (recreational vehicle). Mr. Smith
37 responded that any accessory structure requires a permit.
38

39 Mr. Trott expressed concern that a resident could use a storage building as a business. Mr. Smith responded
40 that code enforcement would get involved in those types of incidents.
41

42 Mr. Gingras asked whether the definition of small-scale aerial distribution should not include the number of
43 trips a drone could complete. There was discussion among the Commission and staff regarding the regulation
44 of drones by the FAA.
45

46 There being no additional comments or questions, Chair Puckett asked for a motion regarding the Statement
47 of Consistency. Vice-Chair Parker made motion to approve, second by Mr. Trott and unanimously approved.
48

49 Chair Puckett asked for a motion regarding recommendation to City Council. Dr. Litaker made the motion to
50 recommend approval to City Council, second by Mr. Trott and unanimously approved.
51

1 **PLANNING DIRECTOR UPDATE**

2 Mr. Smith directed the Commission’s attention to a development map and provided an overview of both
3 residential and commercial projects occurring within the City of Kannapolis. He introduced Planner Rayvon
4 Walker to discuss price points for the residential projects. Mr. Smith responded to questions from the
5 Commission regarding affordable housing and sewer allocation.
6

7 Mr. Smith reviewed data Ms. Stein had provided that gave statistics from MLS (Multiple Listing Service,
8 used for real estate) regarding the average selling price per square foot, the number of days homes are on the
9 market and the average selling price over the last 10 years.
10

11 There was discussion among staff and the Commission regarding industrial space, the need for additional
12 grocery stores, sewer capacity, and affordable housing. Mr. Smith noted that he is staff liaison for a
13 neighborhood focus group, and they have been addressing affordable housing as well. He noted that they are
14 trying to determine the future of existing manufactured home parks.
15

16 Vice-Chair Parker asked if the development map is available online. Mr. Smith responded that he would send
17 the link to the Commission and that after the development map has been updated, will also be made available
18 on the City’s website
19

20 **OTHER BUSINESS**

21 None
22

23 **ADJOURN**

24 There being no further business, questions or comments, Vice-Chair Parker made the motion to adjourn,
25 second by Mr. Ensley and unanimously approve. The meeting adjourned at 7:18 PM on Tuesday, September
26 20, 2022.
27
28
29

30 _____
31 Chris Puckett, Chair
32 Planning and Zoning Commission
33

34 _____
35 Pam Scaggs, Recording Secretary



**Planning and Zoning Commission
October 18, 2022 Meeting**

Staff Report

TO: Planning and Zoning Commission
FROM: Boyd Stanley, Assistant Planning Director
SUBJECT: Case #CZ-2022-05
Applicant: Jesse Robinson

Request to conditionally rezone property located at 401 Gay Street to allow for a six-unit townhome development. **The application was submitted prior to the adoption of the KDO and will be reviewed under the UDO requirements.**

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 3.3.4.2 of the UDO allows the Planning and Zoning Commission to render a final decision on a rezoning request subject to an affirmative vote of three-fourths of the Commission members present and not excused from voting, or if there is no appeal of the decision. If there is a denial, an approval by a vote of less than three-fourths, or an appeal of the decision, then only City Council shall have final decision-making authority. Any final decision rendered by the Commission may be appealed within fifteen (15) days to City Council.

C. Background & Project Overview

The applicant, Jesse Robinson, is proposing to rezone approximately 0.44 +/- acres of property located at 401 Gay Street, further identified as Cabarrus County Parcel Identification Number 56134732130000, from Residential Village (RV) to General Commercial-Conditional Zoning (C2-CZ) district to allow for a six-unit townhome development. With the recent adoption of the KDO and Zoning Map, the districts are now shown as Residential 8 Units Per Acre (R-8) and GC (General Commercial).

As depicted on the preliminary site plan, the proposed development will consist of 2 buildings, with each containing 3 attached townhome units on individual lots. Individual driveways for each dwelling are proposed off Gay Street with a garage option. Additionally, a 20-foot wide, paved fire access easement is proposed along the rear of all units with access onto J. Avenue. Architectural renderings have also been included for the Commission's review.

As required by the UDO, multi-family residential development is permitted in the C-2 (General Commercial) zoning designation with the issuance of a Special Use Permit (SUP). Townhomes are defined as multi-family development under the UDO. Therefore, if the proposed conditional rezoning is approved, it will require an SUP approval by the Board of Adjustment. Furthermore, the C-2 designation was recommended for this property based on surrounding zoning and proximity to the Center City zoning designation.

D. Fiscal Considerations

None

E. Policy Issues

Section 3.3.5 of the UDO states that the Planning and Zoning Commission may consider the following questions, at a minimum, in reviewing an application for rezoning:

1. The size of the tract in question.

The size of the subject tract is approximately .44 +/- acres.

2. Does the proposal conform with and further the goals and policies of the Land Use Plan, other adopted plans, and the goals, objectives, and policies of this Ordinance?

The subject property is located within the "Urban Residential" Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area designation allows for multi-family townhome development consistent with the proposed use(s) and site plan.

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

The subject property is in an area surrounded by a mix of vacant properties, residential, and commercial uses. The proposed use of townhomes is consistent with the surrounding area uses.

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

A Traffic Impact Analysis was not required for this rezoning.

5. Will there be parking problems?

The site plan submitted with this request for rezoning includes adequate parking for the proposed uses.

6. Will there be environmental impacts that the new use will generate, such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances?

There are no anticipated environmental impacts such as water, air, or noise pollution, or excessive lighting issues associated with the rezoning request. The development will be required to conform to all applicable local, state, and federal environmental regulations.

7. Has there been any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development?

The character of the area has remained the same for many years but will continue to experience a mix of residential and commercial growth with the build-out of Downtown Kannapolis.

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

There are public facilities available to the property or within close proximity, which will be extended to serve the development. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.

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

All surrounding properties are zoned General Commercial (GC) and Residential-8 (R8). These are the newly adopted KDO designations. Previously, these properties were zoned RV (Residential Village) and C-2 (General Commercial) under the UDO. The surrounding land uses are a mix of vacant, residential, and non-residential uses.

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

A conditional rezoning is required to accommodate the desired site plan and uses.

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

The proposed use is compatible with the existing and proposed land uses in the area.

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

N/A

13. Is there an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs?

There are parcels in the surrounding area that would be sufficient to accommodate future zoning and community needs.

14. Was the existing zoning in error at the time of adoption?

No

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*, adopted by City Council, which designates the subject property as located within the “Urban Residential” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area designation allows for multi-family townhome development consistent with the proposed use(s) and site plan. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The proposed use is also compatible with the surrounding zoning and 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. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.

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-2022-05:

1. The permitted uses allowed by this rezoning shall only include six townhome units as generally depicted on the site plan submitted with this rezoning.
2. The proposed townhomes will be required to meet the architectural standards of the provided renderings.
3. A Final Site Plan, in compliance with all applicable City UDO standards shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.
4. Must comply with the current Land Development Standards Manual (LDSM).

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-2022-05, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this rezoning **consistent** with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates the subject property as located within the “Urban Residential” Character Area as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. This Character Area designation allows for multi-family townhome development consistent with the proposed use(s) and site plan. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The proposed use is also compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor is it anticipated to generate parking problems or any adverse impact on the environment. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.*

- 2. Should the Commission choose to approve Case #CZ-2022-05, a motion should be made to adopt the Resolution to Zone.**

Motion to Deny (2 votes)

- 1. Should the Commission choose to recommend denial of Case #CZ-2022-05, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #CZ-2022-05 to be **inconsistent** with the goals and policies of the **Move Kannapolis Forward 2030 Comprehensive Plan**, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

- 2. Should the Commission choose to deny Case #CZ-2022-05, a motion should be made to deny the Resolution to Zone.**

I. Attachments

1. Rezoning Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use and Character Map
5. Site Plan
6. Architectural Renderings
7. Neighborhood Meeting Information
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: 602 J Avenue Kannapolis, NC 28081

Applicant: Jesse Robinson

Proposed development: _____
8 townhouse units

SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to 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 (Section 3.1.5.1 of the UDO).

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: Jesse Robinson

Date: 6-30-22



CONDITIONAL ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: Jesse Robinson
Address: 1505 S. Ridge Ave
Kannapolis NC 28083
Phone: 704-728-6960
Email: Home Works.us@gmail.com

Property Owner Contact Information same as applicant

Name: Beant ones, LLC
Address: 6012 Bayfield Plzwy #312
Concord NC 28027
Phone: 704-464-8424
Email: JDollum@gmail.com

Project Information

Project Address: 602 J Avenue Kannapolis, Nc 28081

Parcel: 5613-47-3250+3204+2278 # of parcels: 3 Approx. size of parcels: 0.97
(attach separate list if necessary)

Current Zoning Designation: RV - Residential Village Requested Zoning Designation: C-2-CZ - General Commercial

Reason for map amendment: _____

Condition(s) proposed by the applicant (attach separate sheet if necessary): _____

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.

Jesse Robinson
Applicant Signature

6-30-22
Date

Jesse Robinson
Property Owner Signature

6-30-22
Date

For Staff Use Only:

Filing Fee: _____

Receipt #: _____

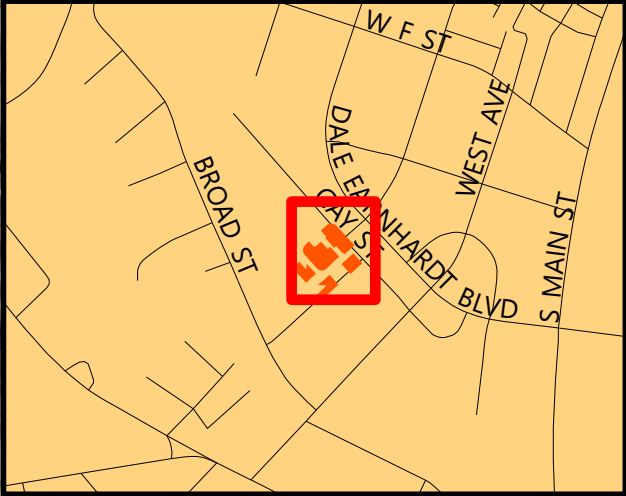
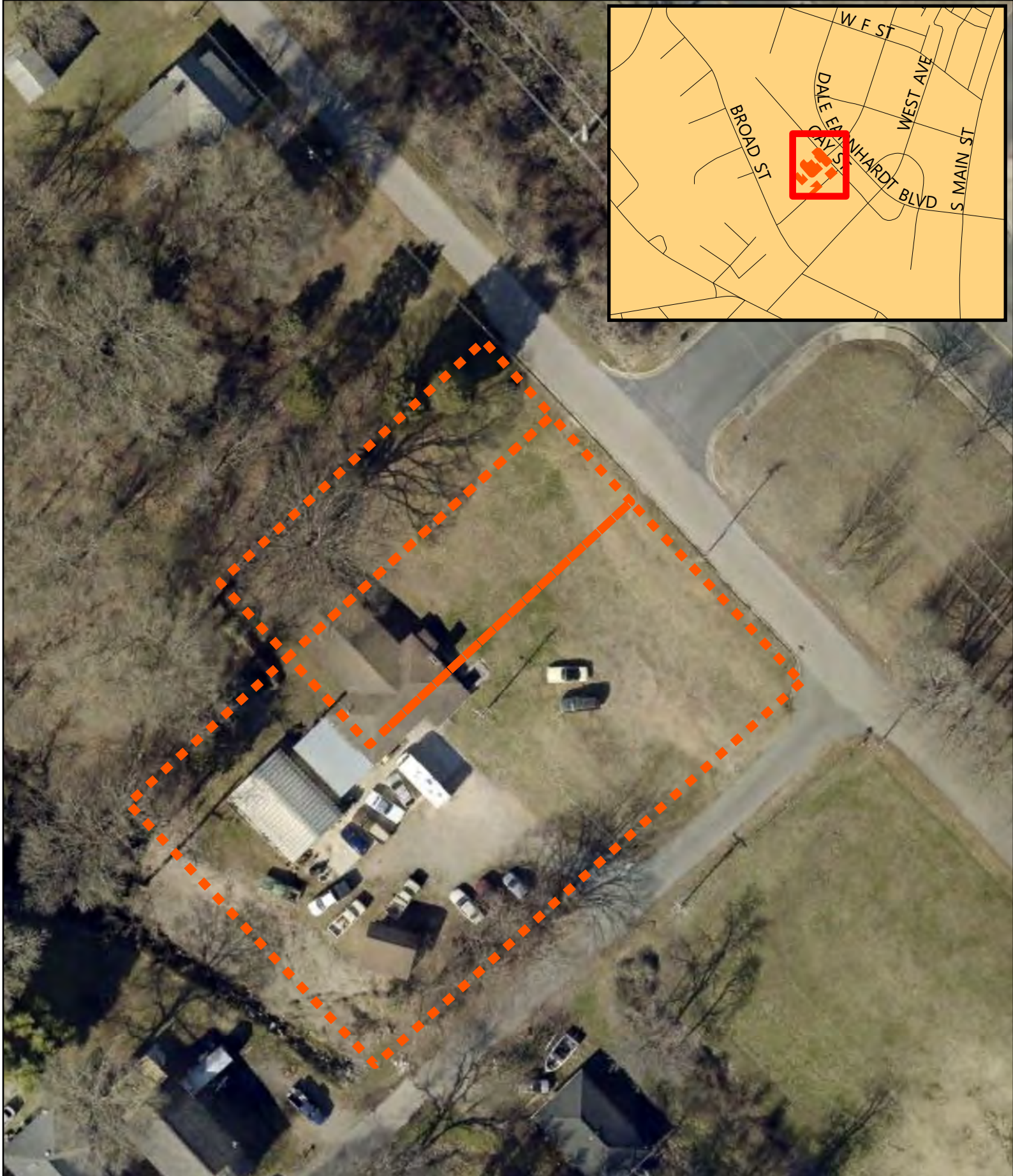
Case #: _____

Date Received: _____



Vicinity Map

Case Number: CZ-2022-05
Applicant: Jesse Robinson
401 Gay St.



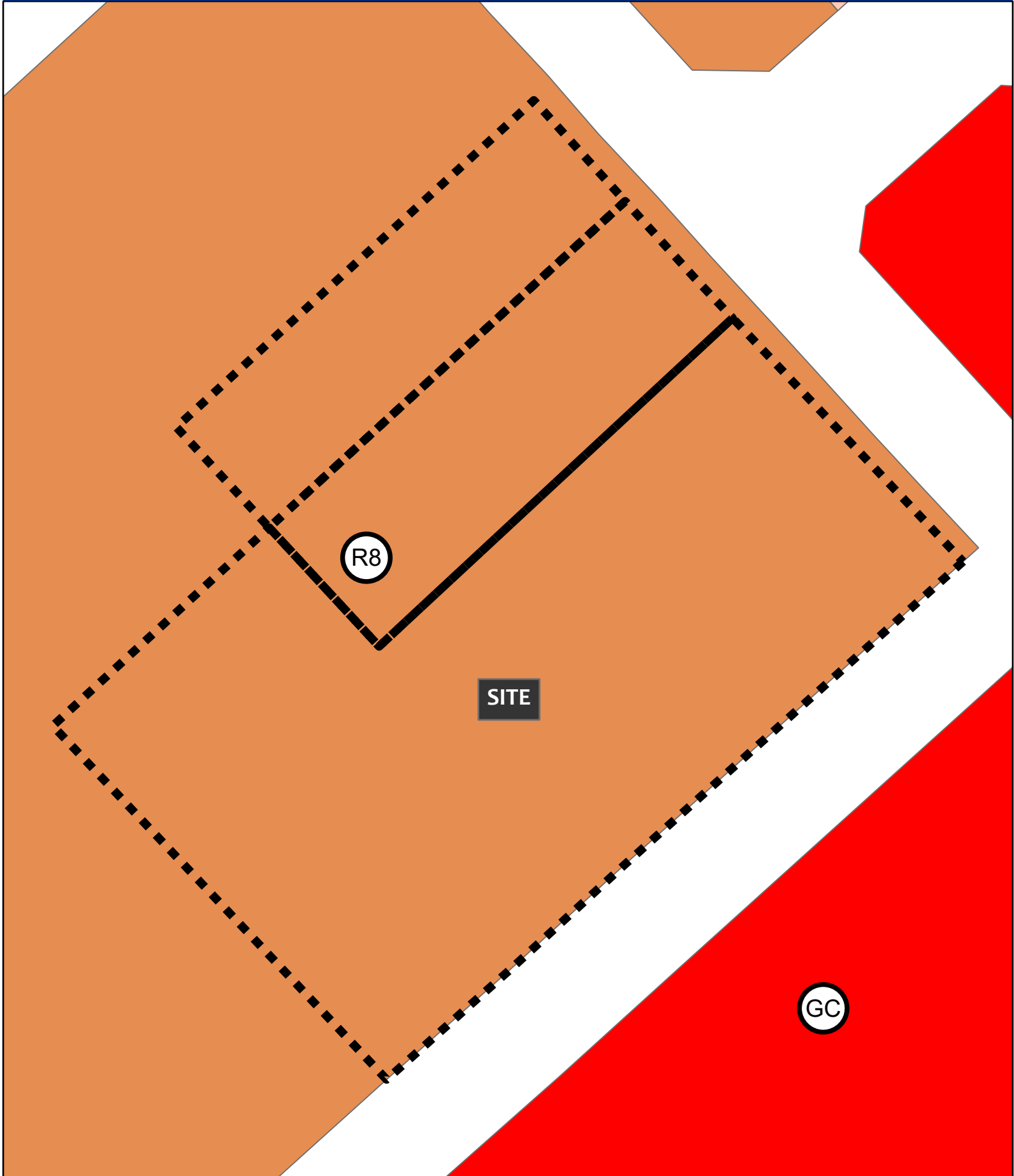


Kannapolis Current Zoning

Case Number: CZ-2022-05

Applicant: Jesse Robinson

401 Gay St.



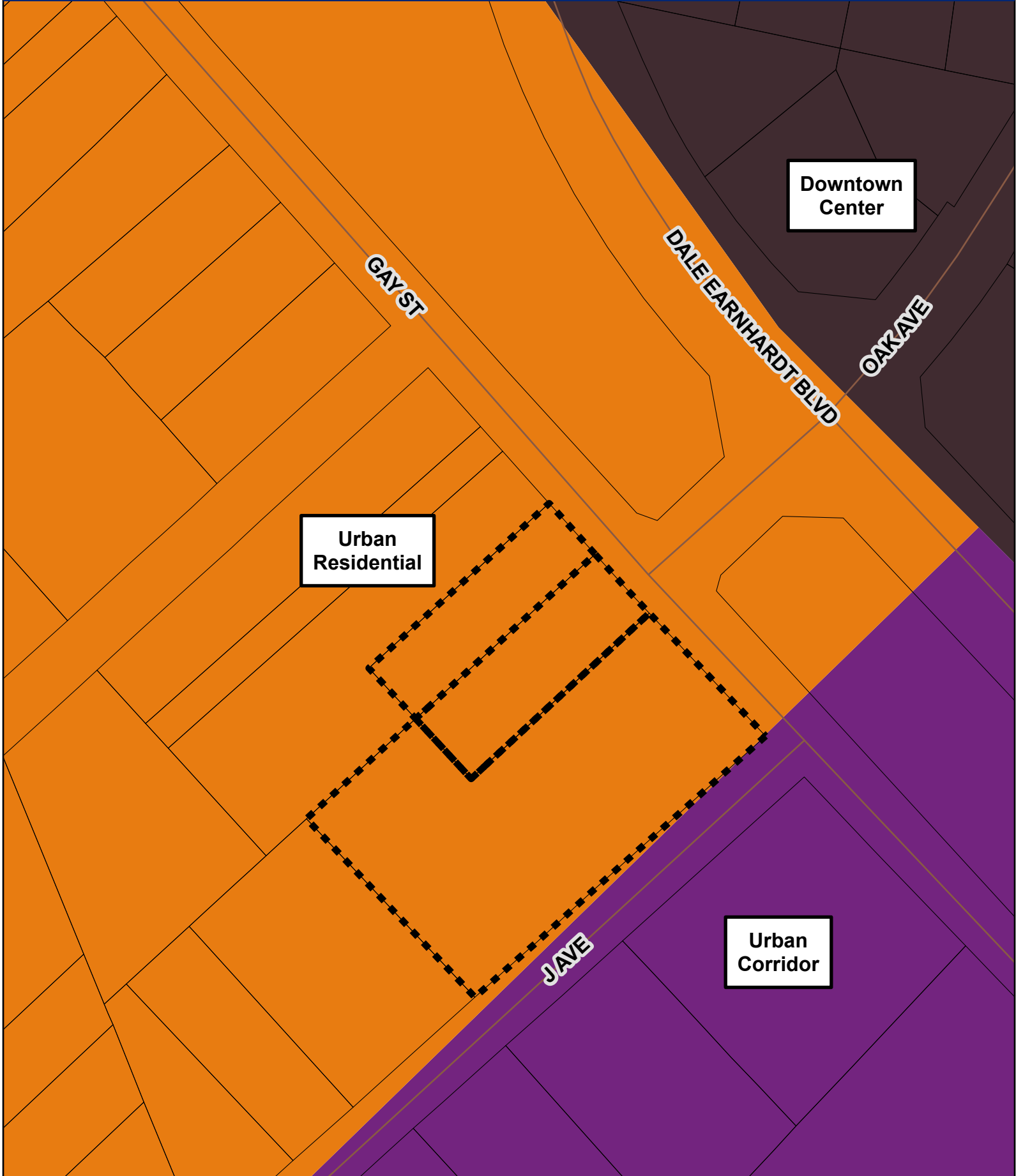


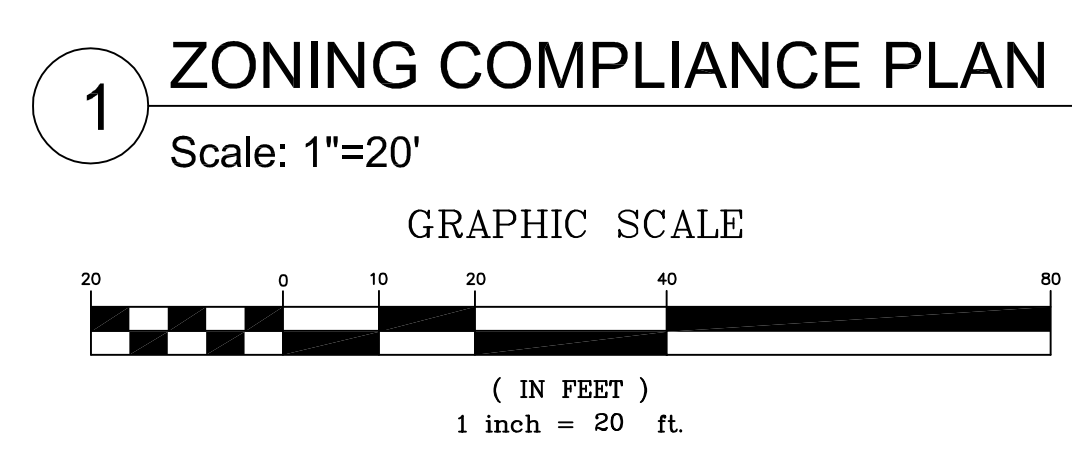
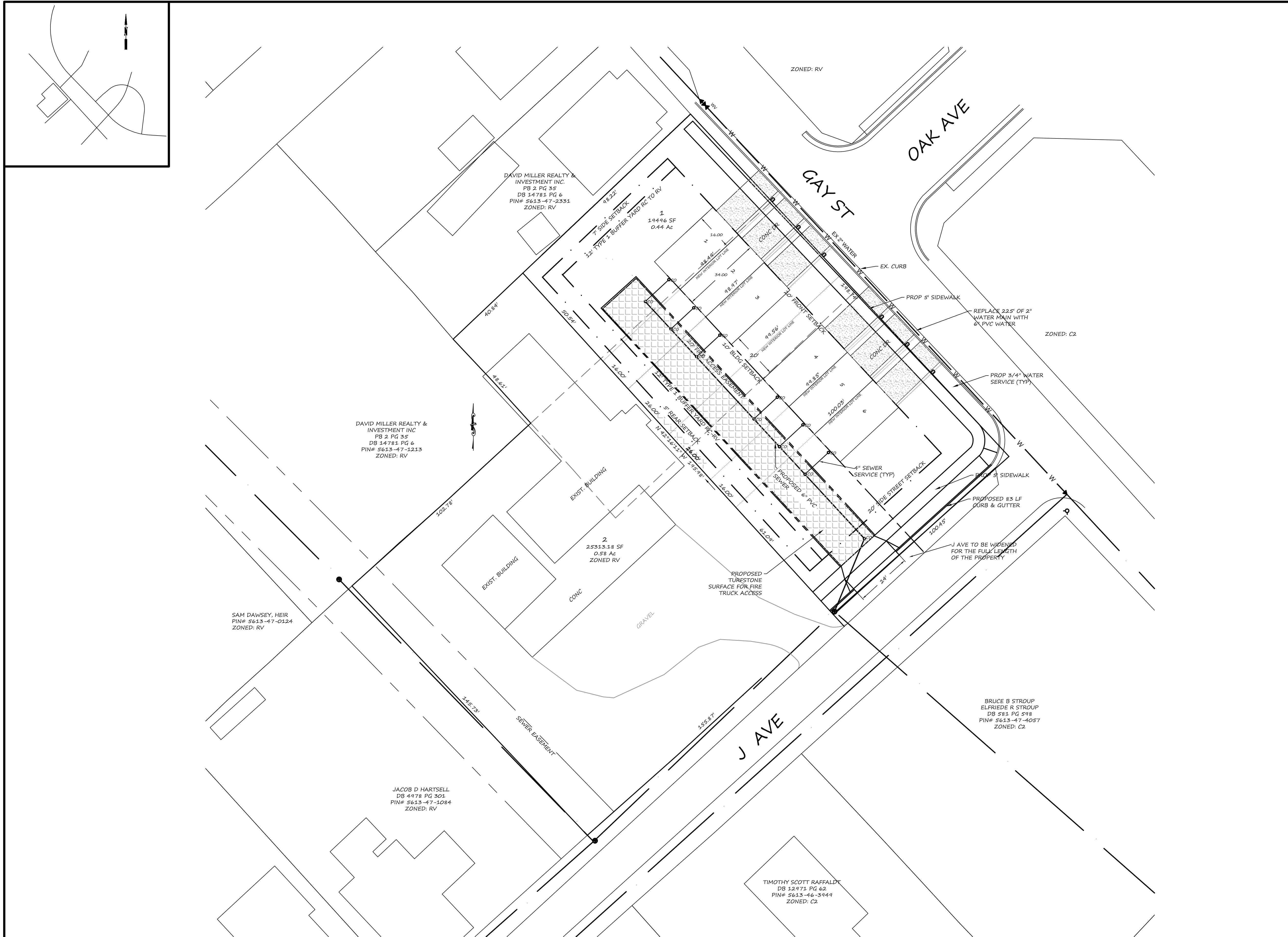
Kannapolis 2030 Future Land Use Map

Case Number: CZ-2022-05

Applicant: Jesse Robinson

401 Gay St.





PLAN NOTES

- A. ALL WORK TO BE DONE IN ACCORDANCE WITH CITY OF KANNAPOLIS' UDO AND LDSM, WSACC, NCCDT, NCE&NR STANDARD SPECIFICATIONS AND PROJECT SPECIFICATIONS. WHEN SPECIFICATIONS ARE IN CONFLICT THE STRICTER SHALL BE HELD.
- B. EXISTING UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS ONLY. ANY DAMAGE DONE TO EXISTING UTILITIES, WHETHER SHOWN OR NOT ON THIS PLAN, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES, SHOWN OR NOT SHOWN ON THE PLAN, PRIOR TO BEGINNING CONSTRUCTION. TO ENSURE PROPER LOCATION OF UTILITIES, THE CONTRACTOR SHALL CONTACT NCOCC (NC ONE CALL CENTER) AT 1-800-632-4949 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION.
- C. DIMENSIONS AS SHOWN, ARE TO FACE OF CURB, FACE OF BUILDING, AND EDGE OF PAVEMENT UNLESS OTHERWISE NOTES.
- D. THE ENGINEER HAS MADE NO EXAMINATION TO DETERMINE WHETHER ANY HAZARDOUS OR TOXIC MATERIALS ARE PRESENT OR CONTAINED IN, UNDER, OR ON THE SUBJECT PROPERTY OR ITS WATERS; OR IF ANY HAZARDOUS OR TOXIC MATERIALS HAVE CONTAMINATED THIS OR OTHER PROPERTIES OR ITS WATERS IN ANY WAY WHATSOEVER. NO SUBSURFACE EXAMINATION OF ANY TYPE HAS BEEN MADE BY THE ENGINEER AND ACCORDINGLY, NO OPINION EXPRESSED OR INFERRED ON ALL SUCH MATTERS. FURTHER, NO OPINION IS RENDERED AS TO ANY VIOLATION OF ANY ENVIRONMENTAL LAWS OR REGULATIONS, EITHER FEDERAL, STATE OR LOCAL, RELATED TO THE INFORMATION SHOWN ON THIS PLAN AND THE ENGINEER IS IN NO WAY LIABLE FOR ANY VIOLATION OF SUCH ENVIRONMENTAL LAWS SHOULD THEY EXIST.
- E. BOUNDARY, PHYSICAL, AND TOPOGRAPHIC INFORMATION AS SHOWN TAKEN FROM THE AVAILABLE INFORMATION PROVIDED BY THE CITY OF KANNAPOLIS, CABARRUS COUNTY, AND THE NCCDT. THE EXISTING INFORMATION SHOWN ON THIS PLAN DOES NOT REPRESENT ANY FIELD RUN SURVEYS BY AWCK, INC.

alley, williams, carmen & king, inc.
 CONSULTING ENGINEERS, SURVEYING & INSPECTION
 Firm License No. F-0203
 120 S. MAIN STREET
 PO BOX 1248
 KANNAPOLIS, NC 28081
 704.938.1515
 www.awck.com

6/30/22

This drawing is the property of Alley, Williams, Carmen & King, Inc. It is not to be reproduced, copied, or used on any other project without written permission.

Prepared for:
 BENT OAKS, LLC.
 6012 BAYFIELD PARKWAY #312
 CONCORD, NC 28027

SITE NOTES

OWNER: BENT OAKS, LLC.
 6012 BAYFIELD PARKWAY #312
 CONCORD, NC 28027

IDENTIFICATION:
 5613-47-3213

DB 16114 PG 005

ACREAGE = 0.44 ACRES

EXISTING ZONING RV
 PROPOSED ZONING C-2
 PROPOSED USE IS MULTIFAMILY
 PER UDO ARTICLE 11.2.8.1 USE RC
 DIMENSIONAL AND DENSITY STANDARDS

SETBACKS
 FRONT - 20'
 SIDE - 7'
 REAR - 5'
 MAX. BUILDING HEIGHT - 35'

DENSITY - 15 UNITS PER ACRE
 0.46 ACRES x 15 = 6.9 UNITS = 6

IMPERVIOUS AREA - 0.5 (9809 SF) ALLOW.
 PROPOSED - 0.34 (6734 SF)

OPEN SPACE - 12% (2354 SF)
 PROVIDED - 18% (3576)

PERIMETER BUFFER YARDS
 RC TO RV - TYPE 1-12' IN WIDTH

BUILDING YARDS
 CATEGORY 1 - 6' IN WIDTH

STREET YARDS
 CLASS 2 REQUIRED - 6' WIDE

PARKING SPACES:
 MINIMUM 2/UNIT = 12 SPACES

NOTE: A 20' FIRE ACCESS HAS BEEN PROVIDED WHICH WOULD ALLOW TEMPORARY OVERFLOW PARKING

SOLID WASTE AND RECYCLING CONTAINERS SHALL BE ASSIGNED INDIVIDUALLY FOR EACH TOWNHOME

WASTEWATER ALLOCATION

8-3 BEDROOM UNITS AT 80 GPD/BDRM
 EQUALS 1920 GPD TOTAL

8 UNITS x 3 BDRM/UNIT x 80 GPD/BDRM



GAY STREET TOWNHOMES
 401 GAY AVENUE
 Kannapolis, North Carolina
 ZONING COMPLIANCE PLAN

BY	REVISION	DATE	#
RDE <td>Planning Dept. Review <td>10/12/22</td> <td>1</td> </td>	Planning Dept. Review <td>10/12/22</td> <td>1</td>	10/12/22	1

SCALE: 1" = 20'
 DATE: 5-17-22
 JOB # 22545
 C - 1.0





Bent Oaks LLC

Notification of Neighborhood Meeting for Rezone Conditional Use

Dear Property Owner:

Please be advised that a formal application has been submitted to City of Kannapolis seeking approval for rezoning for the following described property:

602 J Ave, Kannapolis, NC 28081-4725

5613-47-3204.0000

5613-47-3250.0000

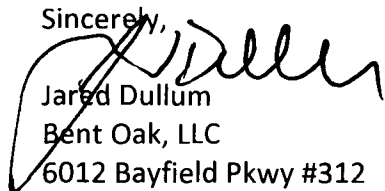
5613-47-2278.0000

The petitioner is asking the City to approve this application to allow development of townhouses on the described property.

In compliance with the Land Development Code requirements, a Neighborhood Information Meeting will be held to provide you an opportunity to become fully aware of our development intentions and to give you an opportunity to influence the form of development. The Neighborhood Information Meeting will be held on 9/14/22 at 6 pm at 602 J Ave, Kannapolis, NC 28081

At this meeting the petitioner will make every effort to illustrate how the property will be developed and to answer any questions. Should you have questions prior to the meeting, please contact me.

Sincerely,



Jared Dullum
Bent Oak, LLC
6012 Bayfield Pkwy #312
Concord, NC 28027
704-464-8424

SIGN IN SHEET

NEIGHBORHOOD MEETING

SEPTEMBER 14, 2022

Name

Address

JAREID IDIUM

5736 WOODRIDGE CT NW
CONCORD, NC 28027

Jesse Robinson

1505 S RIDGE AVE
KANNAPOLIS, NC 28083





PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000805841

Client: CITY OF KANNAPOLIS
Phone: 7049204300

Payor : 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 \$422.16

Payment Amount \$422.16

Amount Due \$0.00 **Tear Sheets** **Proofs** **Affidavits** **PO Number:**

Tax Amount: 0.00 0 0 1

Payment Meth: Credit - Debit Card

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>	<u>Color</u>
0000805841-01	CLS Liner	2 X 34 li	\$0.00

Production Method

AdBooker (liner)


Production Notes

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

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

Run Dates 10/ 7/2022, 10/14/2022

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETINGTUESDAYOCTOBER182022AT 600PMCONDITIONALZONINGMAPAMENDMENTCZ202205PUBLICH



KANNAPOLIS

NOTICE OF PUBLIC HEARING
Planning and Zoning Commission Meeting

Tuesday, October 18, 2022 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2022-05 - Public Hearing to consider a request to rezone properties located at 401 Gay St. from Residential Village (RV) zoning district to General Commercial-Conditional Zoning (C2-CZ) zoning district to allow a nine-unit townhome development. Note, this application was made under the provision of the City's former UDO. The subject properties are approximately 0.6 +/- acres and further identified as Cabarrus County Parcel Identification Numbers 56134732130000.

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 as soon as possible but no later than 48 hours before the scheduled event.

Publish: October 7, 14, 2022.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
BENT OAKS LLC	6012 BAYFIELD PKWY # 312	CONCORD	NC	28027
D & E LIMITED LLC	3140 CHELWOOD DR NW	CONCORD	NC	28027
DAVID MILLER REALTY & INVESTMENT INC	1640 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
SAM DAWSEY HEIR				
C/O DEBRA ALLMAN	9555 ARCHER RD	DAVIDSON	NC	28036
JACOB D HARTSELL	6248 CHARLIE WALKER ROAD	KANNAPOLIS	NC	28081
KACEY JACK	611 J AVE	KANNAPOLIS	NC	28081
KAM HOLDINGS LLC	202 OAK AVE	KANNAPOLIS	NC	28081
EVERETTE JAMES LINK ESTATE				
MARGARET RABON C/O DEBBIE CAMPBELL	2007 WOODLAWN ST	KANNAPOLIS	NC	28083
DAVID & AMY B MILLER	1640 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
MICHAEL & VENUS MILLER	315 S MYRTLE AVE	CHINA GROVE	NC	28023
OMG INVESTMENTS LLC	4311 SCHOOL HOUSE CMNS # 213	HARRISBURG	NC	28075
TIMOTHY RAFFALDT	1086 OPEN ST	CHINA GROVE	NC	28023
KAYLERICHARDSON	608 J AVE	KANNAPOLIS	NC	28081
SOM & LONG SIHARATH	2428 WINDINGBROOK DR	KANNAPOLIS	NC	28083
BRUCE & ELFRIEDE STROUP	308 COOK ST	KANNAPOLIS	NC	28081
TAMARA WILSON	607 J AVE	KANNAPOLIS	NC	28081
JACKIE WINSTEAD	201 PORTIS ST	UNION	MS	39365
JESSIE ROBINSON	1505 S RIDGE AVE	KANNAPOLIS	NC	28083



October 7, 2022

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, October 18, 2022 at 6:00 PM, for the following case:

CZ-2022-05 – Conditional Zoning Map Amendment – 401 Gay Street

The purpose of the Public Hearing is to consider a request to rezone properties located at 401 Gay Street from Residential Village (RV) zoning district to General Commercial-Conditional Zoning (C2-CZ) zoning district to allow a nine-unit townhome development. Note, this application was made under the provision of the City's former UDO. The subject properties are approximately 0.6 +/- acres and further identified as Cabarrus County Parcel Identification Number 56134732130000 (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 Unified Development Ordinance; and are invited to attend the public hearing and present testimony, should you desire, to the Planning and Zoning Commission.

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 bstanley@kannapolisnc.gov.

Sincerely,

Boyd Stanley, 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 as soon as possible but no later than 48 hours before the scheduled event.

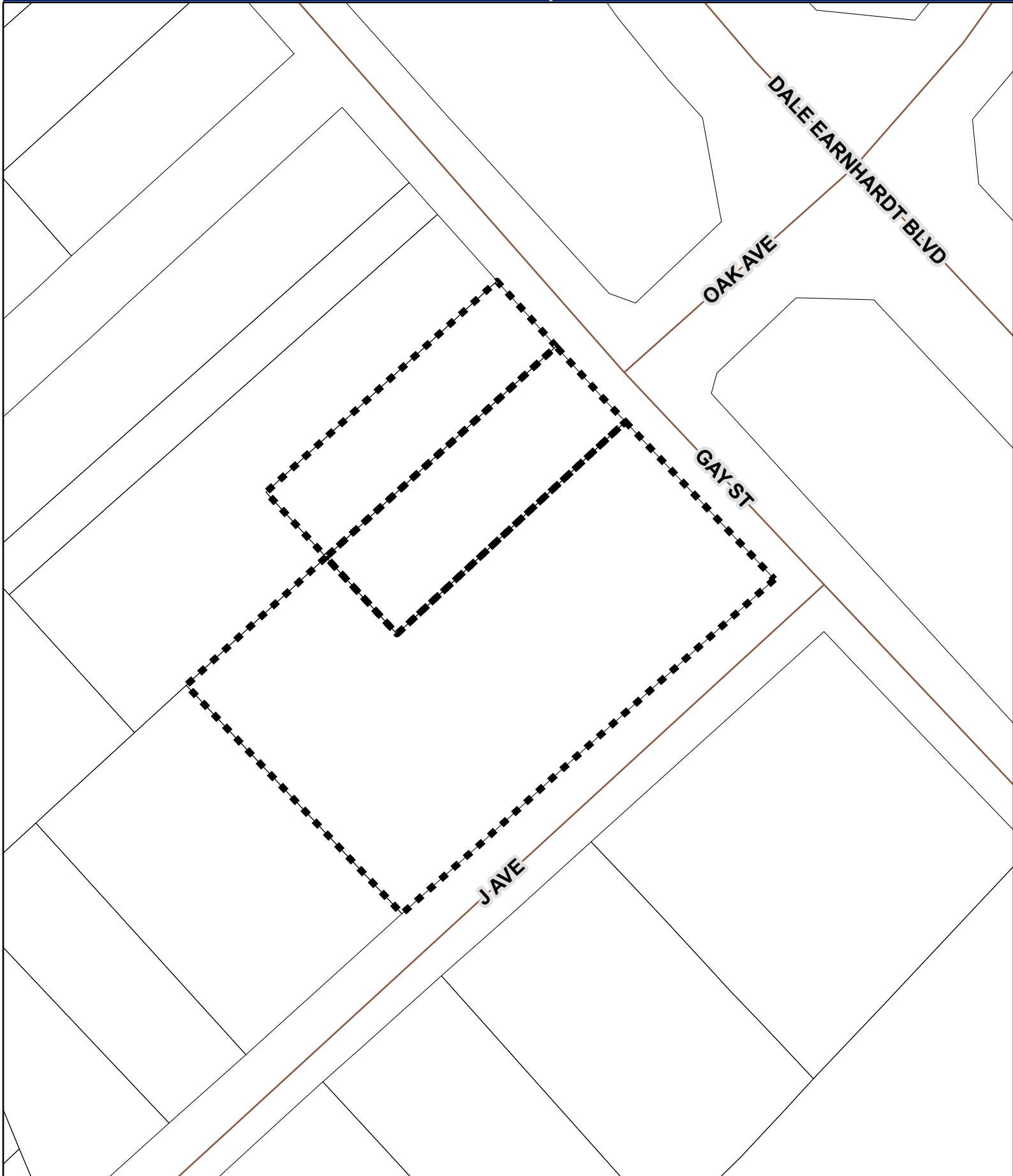


Conditional Rezoning

Case Number: CZ-2022-05

Applicant: Jesse Robinson

401 Gay St.





PLANNING

ZONING

COMMISSION

PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # CZ - 2022 - 5





**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #CZ-2022-05**

WHEREAS, Sections 160D-604 and 160D-605 of the North Carolina General Statutes specify that when adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable and explain why the action taken is reasonable and in the public interest; and

WHEREAS, application for this request was made under the City of Kannapolis Unified Development Ordinance and review commenced prior to adoption of the Kannapolis Development Ordinance; and

WHEREAS, Section 3.3.4.2 of the City of Kannapolis Unified Development Ordinance (UDO) delegates final authority to the Planning and Zoning Commission on zoning map amendments subject to an affirmative vote of three-fourths of the Commission members present and not excused from voting, or if there is no appeal of the decision; and

WHEREAS, on October 18, 2022 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone property located at 401 Gay Street, (Cabarrus County Parcel Identification Number 56134732130000) owned by Bent Oaks, LLC, from a City of Kannapolis Residential Village (RV) Zoning Designation 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 this property as being located in the “Urban Residential” Character Area as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. This Character Area designation allows for multi-family townhome development consistent with the proposed use(s) and site plan. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The proposed use is also compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor is it anticipated to generate parking problems or any adverse impact on the environment. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.*

Adopted this the 18th day of October 2022:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

**Case #CZ-2022-05
(401 Gay Street)**

From City of Kannapolis Residential Village (RV) to City of Kannapolis General Commercial-Conditional Zoning (GC-CZ) Zoning Designation

WHEREAS, application for this request was made under the City of Kannapolis Unified Development Ordinance and review commenced prior to adoption of the Kannapolis Development Ordinance; and

WHEREAS, Section 3.3.4.2 of the City of Kannapolis Unified Development Ordinance (UDO) specifically delegates authority to the Planning and Zoning Commission to take final action on a rezoning application provided, if the application is approved by less than a three quarters majority of voting members or denied, or if the Planning and Zoning Commission's decision is appealed, the City Council shall make the final decision on the application; and

WHEREAS, the Commission conducted a public hearing on October 18, 2022 for consideration of rezoning petition Case #CZ-2022-05 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone property located at 401 Gay Street, (Cabarrus County Parcel Identification Number 56134732130000) owned by Bent Oaks, LLC, from a City of Kannapolis Residential Village (RV) Zoning Designation 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 3.3.5. of the Unified Development Ordinance, the Planning and Zoning Commission makes the following findings in support of and in analysis of the rezoning:

1. The size of the tract in question?

The size of the subject tract is approximately .44 +/- acres.

2. Does the proposal conform with and further the goals and policies of the Land Use Plan, other adopted plans, and the goals, objectives, and policies of this Ordinance?

The subject property is located within the "Urban Residential" Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area designation allows for multi-family townhome development consistent with the proposed use(s) and site plan.

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

The subject property is in an area surrounded by a mix of vacant properties, residential, and commercial uses. The proposed use of townhomes is consistent with the surrounding area uses.

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

A Traffic Impact Analysis was not required for this rezoning.

5. Will there be parking problems?

The site plan submitted with this request for rezoning includes adequate parking for the proposed uses.

6. Will there be environmental impacts that the new use will generate, such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances?

There are no anticipated environmental impacts such as water, air, or noise pollution, or excessive lighting issues associated with the rezoning request. The development will be required to conform to all applicable local, state, and federal environmental regulations.

7. Has there been any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development?

The character of the area has remained the same for many years but will continue to experience a mix of residential and commercial growth with the build-out of Downtown Kannapolis.

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

There are public facilities available to the property or within close proximity, which will be extended to serve the development. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.

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

All surrounding properties are zoned General Commercial (GC) and Residential-8 (R8). These are the newly adopted KDO designations. Previously, these properties were zoned RV (Residential Village) and C-2 (General Commercial) under the UDO. The surrounding land uses are a mix of vacant, residential, and non-residential uses.

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

A conditional rezoning is required to accommodate the desired site plan and uses.

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

The proposed use is compatible with the existing and proposed land uses in the area.

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

N/A

13. Is there an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs?

There are parcels in the surrounding area that would be sufficient to accommodate future zoning and community needs.

14. Was the existing zoning in error at the time of adoption?

No.

NOW, THEREFORE BE IT RESOLVED by the City of Kannapolis Planning and Zoning Commission that the above referenced property, as shown on the site plan submitted to the City, be rezoned from City of Kannapolis Residential Village (RV) 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 only include six townhome units as generally depicted on the site plan submitted with this rezoning.
2. The proposed townhomes will be required to meet the architectural standards of the provided renderings.
3. A Final Site Plan, in compliance with all applicable City UDO standards shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.
4. Must comply with the current Land Development Standards Manual (LDSM). .

Adopted this the 18th day of October 2022:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission