



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

November 14, 2023 at 6:00 pm

Agenda

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes – October 17, 2023**
- 5. Public Hearing**
 - a. CZ-2023-05 – Conditional Zoning Map Amendment – Fairview Street**

Rescheduled from October 17, 2023, Public Hearing to consider a request to rezone four (4) properties located at 819, 821, and a portion of 823 Fairview Street and an unaddressed parcel on Fairview Street from City of Kannapolis Residential 8 (R8) zoning district to City of Kannapolis General Commercial-Conditional Zoning (GC-CZ) zoning district. The subject properties are approximately 2.58 +/- acres and further identified as Cabarrus County Parcel Identification Numbers 56230692880000, 56231602860000 and a portion of 56231612260000 and 56231622390000.
 - b. CZ-2023-07 – Conditional Zoning Map Amendment – 2937 Lane Street**

Rescheduled from October 17, 2023, Public Hearing to consider a request to rezone property located at 2937 Lane Street from City of Kannapolis Agricultural (AG) zoning district to City of Kannapolis Light Industrial-Conditional Zoning (LI-CZ) zoning district to allow a towing business. The subject property is approximately 3.29 +/- acres and further identified as Cabarrus County Parcel Identification Number 56347012520000.
- 6. Cannon Boulevard Corridor Overview**
- 7. Planning Director Update**
- 8. Other Business**
- 9. Adjourn**



**Planning and Zoning Commission
November 14, 2023 Meeting**

Staff Report

TO: Planning and Zoning Commission
FROM: Ben Barcroft, Senior Planner
SUBJECT: **Case #CZ-2023-05: Conditional Zoning Map Amendment**
Applicant: Thomas Propst

Request to conditionally rezone four (4) properties located at 819, 821, and a portion of 823 Fairview Street and an unaddressed parcel on Fairview Street.

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

This rezoning request was rescheduled from the Tuesday, October 17, 2023 Planning and Zoning Commission Meeting.

The applicant, Thomas Propst, acting behalf of the property owners, is proposing to rezone approximately 2.58 +/- acres of property located at 819, 821, and a portion of 823 Fairview Street and an unaddressed parcel on Fairview Street, further identified as Cabarrus County Parcel Identification Numbers 56230692880000, 56231602860000 and a portion of 56231612260000 and 56231622390000, from City of Kannapolis Residential 8 (R8) zoning district to City of Kannapolis General Commercial-Conditional Zoning (GC-CZ) zoning district.

All four (4) properties are owned by Vicky Eudy and are the site of an existing lumber and building supply business. The intention of the proposed rezoning is to realign the existing general business zoning district to fit the current commercial site. The conditional rezoning will allow for other compatible uses while excluding some uses that may not be deemed suitable for the neighborhood.

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 properties are in the “Suburban Activity 2” and the “Urban Residential” Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Suburban Activity 2 Character Area lists retail, office, multifamily as primary uses and Institutional, light manufacturing, and single family attached residential are listed as secondary uses. The Urban Residential Character Area does not match the character of the area; however, the boundaries of the character areas are not intended to be exact. Therefore, the existing uses are consistent with the goals and objectives of the Plan.

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

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

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

Yes, the site has been used as a lumber yard however, it is zoned for residential uses.

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, rezoning shall allow compatible uses, and conditions may be added to exclude uses not deemed suitable for the neighborhood. The applicant has suggested excluding the following uses: Shooting range, Tattoo or body-piercing establishment, Pawnshop, Liquor Sales (ABC Store), Tobacco and vape products store, Towing service, and Personal vehicle sales and rentals. Staff agree 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. This existing site is already connected to city services.

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, this proposed rezoning allows for continued use of an existing commercial building.

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

No, there are no anticipated significant environmental impacts from rezoning this property. The new uses would be less intense than the current use.

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 “Suburban Activity 2” and the “Urban Residential” Character Areas in the *Move Kannapolis Forward 2030 Comprehensive 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 for Zoning Map Amendment Case #CZ-2023-05 with the following conditions:

1. The permitted uses allowed by this rezoning shall exclude the following uses: Shooting range, Tattoo or body-piercing establishment, Pawnshop, Liquor Sales (ABC Store), Tobacco and vape products store, Towing service, and Personal vehicle sales and rentals.

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-2023-05, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which designates the subject property as located within the “Suburban Activity 2” and the “Urban Residential” Character Areas in the *Move Kannapolis Forward 2030 Comprehensive 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-2023-05, 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-2023-05, 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-2023-05 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-2023-05, 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. Neighborhood Meeting Details
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: 819,821,823 Fairview St., Kannapolis NC 28023 plus 5623161226000

Applicant: Thomas Propst

Proposed development: This request is to clean up the current zoning and make it consistent with the rest of the property.

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

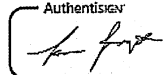
Public Notification: This is a legislative process that requires a public hearing and public notification including newspaper notice, first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Table 2.4.F(2) of the Kannapolis Development Ordinance [KDO]).

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: Authentisign
 _____ Date: 08/29/23



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: Thomas Propst

Address: 845 Church St. N. Suite 307
Concord, NC 28025

Phone: 704 782 7777

Email: thomas@nparealestate.com

Property Owner Contact Information same as applicant

Name: Vickie Eudy

Address: 106 Evandale Rd
Kannapolis, NC 28081

Phone: 704 796 3930

Email: janesnana@windstream.net

Project Information

Project Address: 819 Fairview St., Kannapolis NC

Parcel: See Exhibit A # of parcels: 4 Approx. size of parcels: 2.58
(attach separate list if necessary)

Current Zoning Designation: R8 Requested Zoning Designation: GC-CZ

Reason for map amendment: A portion of Gulledge Building Supply is already zoned GC.
We would like to clean up the zoning for the entire commercial property.

Condition(s) proposed by the applicant (attach separate sheet if necessary): The property owner will prohibit the following uses:
Shooting range, auto sales, tattoo, body piercing, electronic gaming, pawnshop, ABC, tobacco and vapor cigarettes,
no towing service and no vehicle fueling station.

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.

Authentisign
[Signature]

Applicant Signature

08/29/23

Date

Authentisign
Vickie Eudy

Property Owner Signature

08/29/23

Date



Vicinity Map

Case Number: CZ-2023-05

Applicant: Vickey Eudy and April Paxton

Unaddressed Parcel, 819, 821, and 823 Fairview St



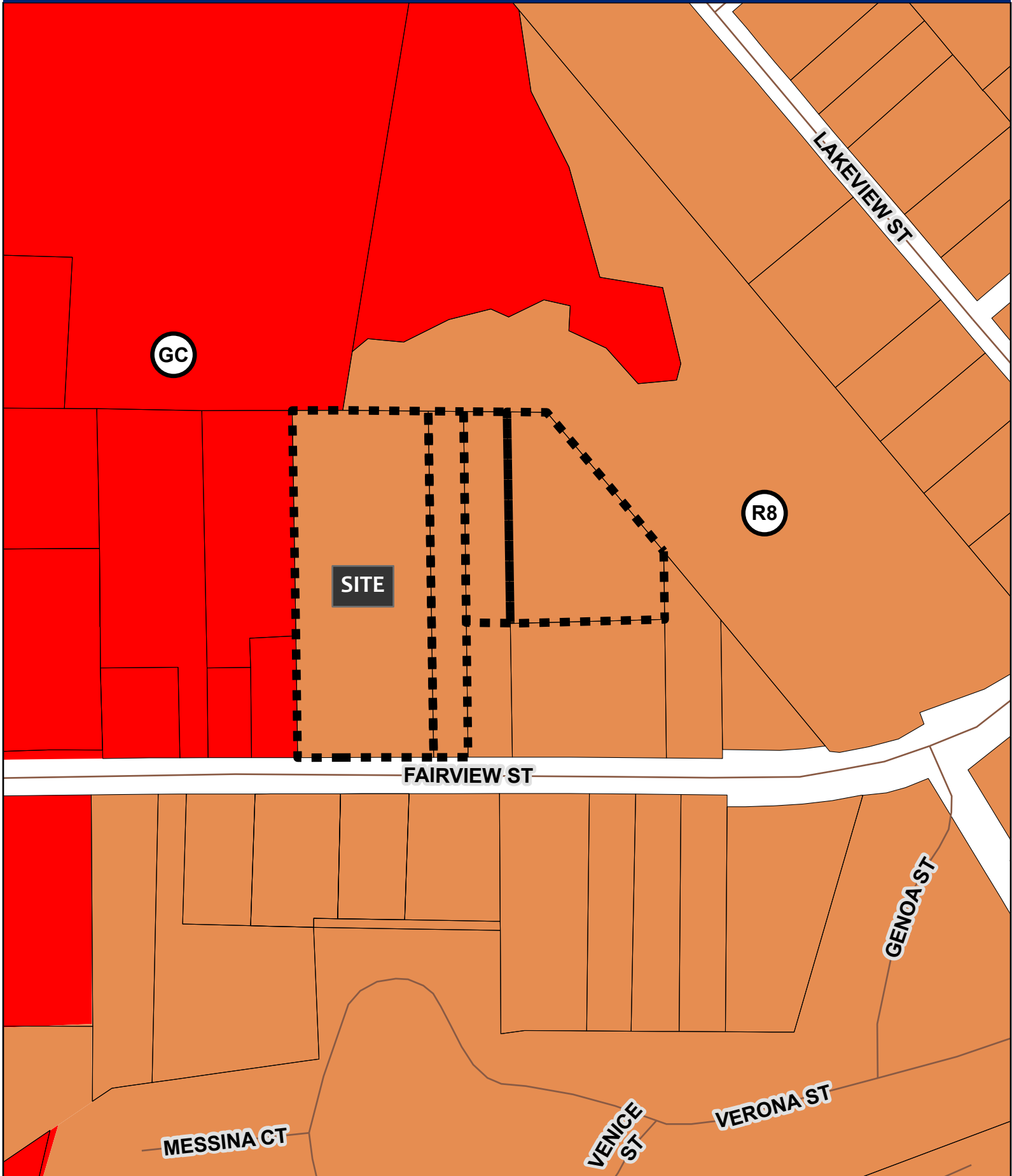


Kannapolis Current Zoning

Case Number: CZ-2023-05

Applicant: Vickey Eudy and April Paxton

Unaddressed Parcel, 819, 821, and 823 Fairview St



Kannapolis 2030 Future Land Use Map

Case Number: CZ-2023-05

Applicant: Vickey Eudy and April Paxton

Unaddressed Parcel, 819, 821, and 823 Fairview St

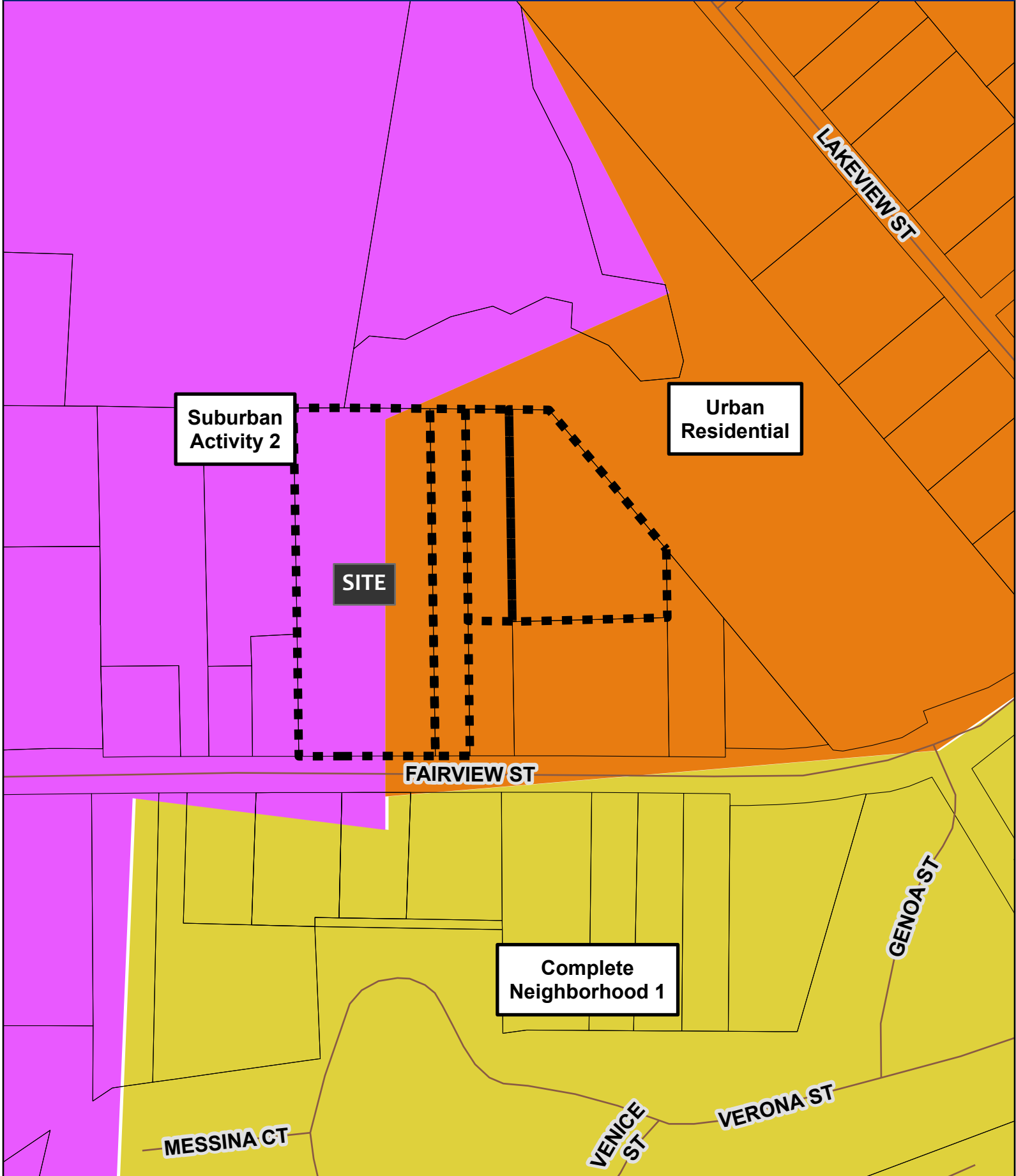
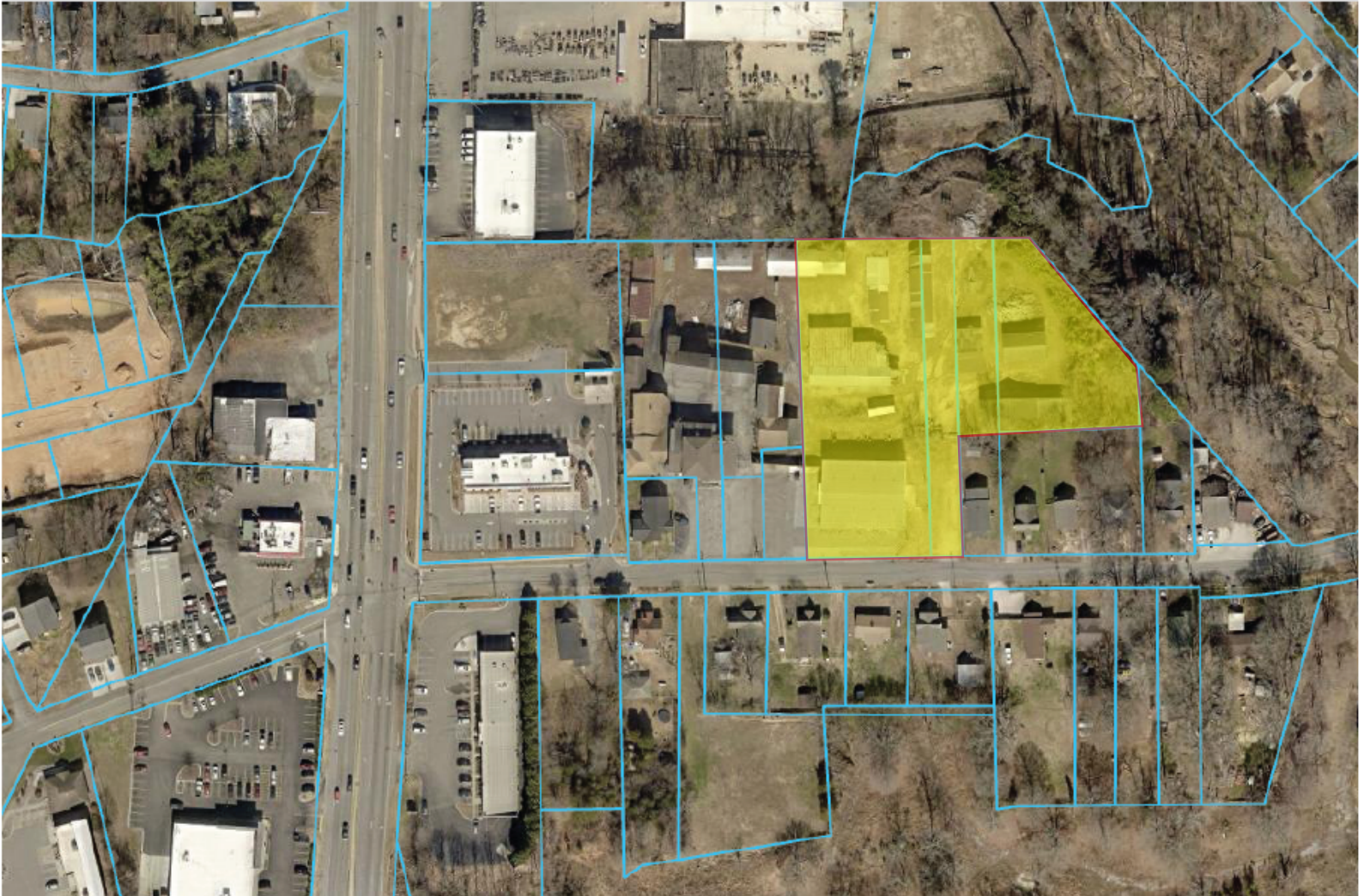


EXHIBIT A



August 28, 2023

Rezoning of Cabarrus County, NC PIN #'s: 56230692880000, 56231602860000, a portion of 56231612260000 and 56231622390000

To the adjoining property owners:

In accordance with the procedures of the City of Kannapolis, we have been directed to invite you to discuss this proposal before an application can be filed. This will be an informal meeting to give you the opportunity to review proposed rezoning areas and discuss the proposal with the applicant and the property owners. This meeting will be held in addition to the established public meeting procedures of the Planning and Zoning Commission of Kannapolis, NC.

Gulledge Building Supply was established in 1951 and has always been a family-owned operation. The current zoning on the property is a combination of commercial zoned (GC) and residential zoned (R8). The property owners would like to establish a consistent zoning across all the properties that are currently being used as commercial.

The meeting to discuss this rezoning:

Date: September 6, 2023

Time: 5:00 PM

Location: 819 Fairview St., Kannapolis, NC

From: t.propst@southcentralproperties.com <t.propst@southcentralproperties.com>

Sent: Thursday, September 7, 2023 8:45 AM

To: Ben Barcroft <bbarcroft@kannapolisnc.gov>

Cc: Richard Smith <rsmith@kannapolisnc.gov>

Subject: RE: Gulledge Rezoning - Fairview

CAUTION: This email originated from outside the City of Kannapolis email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I wanted to let you guys know that no neighbors showed up yesterday afternoon for the community meeting.

I arrived at 819 Fairview St, Kannapolis, NC at 4:48PM.

I waiting on the property until 5:20 PM. The meeting was scheduled for 9/6/2023 at 5pm.

Thanks,
Thomas



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000852580

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 **Acct Rep** **Ordered By**
aboan aboan Pam

Fax: 7049337463
EMail: ap@kannapolisnc.gov

Total Amount \$459.08

Payment Amount \$459.08

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**
0000852580-01 CLS Legal 2 X 47 li \$0.00

Production Method
AdBooker (liner)

Production Notes

Product and Zone **Placement** **Position** **# Inserts**
CON Independent Trib C-Legal Ads Legal Notices 2

Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING 401 Laureate Way,

Run Dates 11/ 3/2023, 11/10/2023

Product and Zone **Placement** **Position** **# Inserts**
NCC Online C-Legal Ads Legal Notices 7

Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING 401 Laureate Way,

Run Dates 11/ 3/2023, 11/ 4/2023, 11/ 5/2023, 11/ 6/2023, 11/ 7/2023, 11/ 8/2023, 11/ 9/2023

TagLine: NOTICEOFPUBLICHEARING401LAUREATEWAYKANNAPOLISNCPLANNINGZONINGCOMMISSIONTUESD
AYNOVEMBER142023AT600PMCONDITIONALZONINGMAPAMENDME



NOTICE OF PUBLIC HEARING
401 Laureate Way, Kannapolis, NC

Planning & Zoning Commission
Tuesday November 14, 2023 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2023-05 - Public Hearing re-scheduled from October 17, 2023 to consider a request to rezone four (4) properties located at 819, 821, and a portion of 823 Fairview Street and an unaddressed parcel on Fairview Street from City of Kannapolis Residential 8 (R8) zoning district to City of Kannapolis General Commercial-Conditional Zoning (GC-CZ) zoning district. The subject properties are approximately 2.58 +/- acres and further identified as Cabarrus County Parcel Identification Numbers 56230692880000, 56231602860000 and a portion of 56231612260000 and 56231622390000.

Conditional Zoning Map Amendment - CZ-2023-07 - Public Hearing re-scheduled from October 17, 2023 to consider a request to rezone property located at 2937 Lane Street from City of Kannapolis Agricultural (AG) zoning district to City of Kannapolis Light Industrial-Conditional Zoning (LI-CZ) zoning district to allow a towing business. The subject property is approximately 3.29 +/- acres and further identified as Cabarrus County Parcel Identification Numbers 56347012520000.

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: November 3, 10, 2023.

AcctName	MailAddr1	MailCity	MailState	MailZipCod
MICHAEL ADAMSKI	808 FAIRVIEW ST	KANNAPOLIS	NC	28083
SCOTT & TINA BYRNE	1050 LAKE WRIGHT RD	CHINA GROVE	NC	28023
G & M ALLEN PROPERTIES LLC	8918 CHERRYS FORD CT	HARRISBURG	NC	28075
GABRIEL GONZALEZ				
SOPHIE GUERRERO	824 FAIRVIEW ST	KANNAPOLIS	NC	28083
A B JR GULLEDGE ESTATE				
DOROTHY GULLEDGE	106 EVANDALE RD	KANNAPOLIS	NC	28081
MARY ROSEMAN JONES				
MARY ROSEMAN JONES ESTATE	8199 TERRACE GARDEN DR N UNIT 306	ST PETERSBURG	FL	33709
MITCHELL LUNSFORD	831 FAIRVIEW ST	KANNAPOLIS	NC	28083
MANUEL GERMAN BARRERA MARTINEZ	1500 KINGSTON DR	KANNAPOLIS	NC	28083
ANGELA MONTGOMERY	820 FAIRVIEW ST	KANNAPOLIS	NC	28083
R S BRASWELL CO INC A NC CORP	521 S CANNON BLVD	KANNAPOLIS	NC	28083
RUBEN ROMERO	2491 WILLOW POND LN SE	CONCORD	NC	28025
RAY G JR & MARIE P SIMS	816 FAIRVIEW STREET	KANNAPOLIS	NC	28083
SRT PROPERTIES LLC	7299 THREE SISTERS LN	CONCORD	NC	28027
BRUCE L WOODARD	846 FAIRVIEW ST	KANNAPOLIS	NC	28083
NORTHSTATE PROPERTY ADVISORS				
ATTN: THOMAS PROBST	845 CHURCH ST N STE 307	CONCORD	NC	28025
VICKIE EUDY	106 EVANDALE RD	KANNAPOLIS	NC	28081



KANNAPOLIS
Planning

October 31, 2023

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday November 14, 2023 at 6:00 PM, at 401 Laureate Way, Kannapolis, NC for the following case:

CZ-2023-05 – Conditional Zoning Map Amendment – Four (4) parcels on Fairview Street.

This case was rescheduled at the Tuesday October 17, 2023, Commission meeting. The purpose of this Public Hearing is to consider a request to rezone four (4) properties located at 819, 821, and a portion of 823 Fairview Street and an unaddressed parcel on Fairview Street from City of Kannapolis Residential 8 (R8) zoning district to City of Kannapolis General Commercial-Conditional Zoning (GC-CZ) zoning district. The subject properties are approximately 2.58 +/- acres and further identified as Cabarrus County Parcel Identification Numbers 56230692880000, 56231602860000 and a portion of 56231612260000 and 56231622390000 (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 704.920.4355 or bbarcroft@kannapolisnc.gov.

Sincerely,



Ben Barcroft
Senior 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 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.



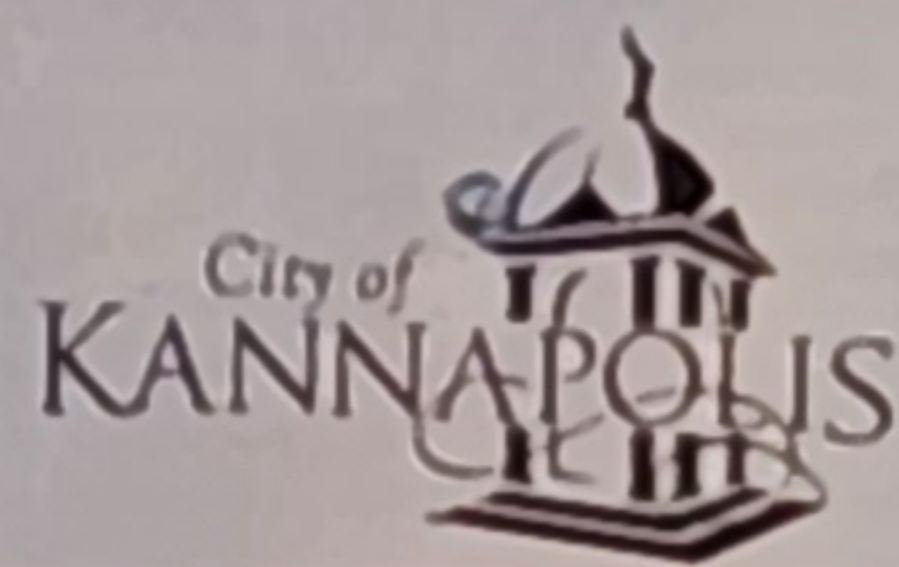
Conditional Rezoning

Case Number: CZ-2023-05

Applicant: Vickey Eudy and April Paxton

Unaddressed Parcel, 819, 821, and 823 Fairview St





PLANNING

ZONING

COMMISSION

PUBLIC HEARING

INFORMATION

CALL 704-920-4350

CASE # CZ-2023-05





**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #CZ-2023-05**

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

WHEREAS, Section 2.3.B(1).a. of the Kannapolis Development Ordinance delegates final authority to the Planning and Zoning Commission on zoning map amendments subject to an affirmative vote of three-fourths of the Commission members present and not excused from voting, or if there is no appeal of the decision; and

WHEREAS, on November 14, 2023 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone approximately 2.58 +/- acres of property located at 819, 821, and a portion of 823 Fairview Street and an unaddressed parcel on Fairview Street, (Cabarrus County Parcel Identification Numbers 56230692880000, 56231602860000 and a portion of 56231612260000 and 56231622390000) owned by Vickie Eudy, from City of Kannapolis Residential 8 (R8) 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, adopted by City Council, which designates the subject property as located within the “Suburban Activity 2” and the “Urban Residential” Character Areas in the Move Kannapolis Forward 2030 Comprehensive 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 14th day of November 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case #CZ-2023-05

(819, 821, and a portion of 823 Fairview Street and an unaddressed parcel on Fairview Street)

From City of Kannapolis Residential 8 (R8) 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 November 14, 2023 for consideration of rezoning petition Case #CZ-2023-05 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone approximately 2.58 +/- acres of property located at 819, 821, and a portion of 823 Fairview Street and an unaddressed parcel on Fairview Street, (Cabarrus County Parcel Identification Numbers 56230692880000, 56231602860000 and a portion of 56231612260000 and 56231622390000) owned by Vickie Eudy, from City of Kannapolis Residential 8 (R8) 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 properties are in the "Suburban Activity 2" and the "Urban Residential" Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Suburban Activity 2 Character Area lists retail, office, multifamily as primary uses and Institutional, light manufacturing, and single family attached residential are listed as secondary uses. The Urban Residential Character Area does not match the character of the area; however, the boundaries of the character areas are not intended to be exact. Therefore, the existing uses are consistent with the goals and objectives of the Plan.

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

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

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

Yes, the site has been used as a lumber yard however, it is zoned for residential uses.

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, rezoning shall allow compatible uses, and conditions may be added to exclude uses not deemed suitable for the neighborhood. The applicant has suggested excluding the following uses: Shooting range, Tattoo or body-piercing establishment, Pawnshop, Liquor Sales (ABC Store), Tobacco and vape products store, Towing service, and Personal vehicle sales and rentals. Staff agrees 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. This existing site is already connected to city services.

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, this proposed rezoning allows for continued use of an existing commercial building.

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

No, there are no anticipated significant environmental impacts from rezoning this property. The new uses would be less intense than the current use.

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 8 (R8) 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: Shooting range, Tattoo or body-piercing establishment, Pawnshop, Liquor Sales (ABC Store), Tobacco and vape products store, Towing service, and Personal vehicle sales and rentals.

Adopted this the 14th day of November 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



**Planning and Zoning Commission
November 14, 2023 Meeting**

Staff Report

TO: Planning and Zoning Commission
FROM: Ben Barcroft, Senior Planner
SUBJECT: Case #CZ-2023-07: Conditional Zoning Map Amendment
Applicant: Robert Mueller

Request to conditionally rezone property located at 2937 Lane Street to allow for a towing service.

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

This rezoning request was rescheduled from the Tuesday, October 17, 2023 Planning and Zoning Commission Meeting.

The applicant and property owner, Robert Mueller, is proposing to rezone approximately 3.29 +/- acres of property located at 2937 Lane Street from City of Kannapolis Agricultural (AG) zoning district to City of Kannapolis Light Industrial – Conditional Zoning (LI-CZ) zoning district. The property is further identified as Cabarrus County Parcel Identification Number 56347012520000 and the applicant intends to utilize the property for a towing service business.

The subject property was voluntarily annexed into the City on September 12, 2022, and assigned the AG zoning district by the Planning and Zoning Commission on November 15, 2022 as a “holding” zoning until development plans are submitted.

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 “Employment Center” Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. While not a listed use, this use is compatible with the character area.

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

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

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

No, the subject property was recently annexed into the City of Kannapolis.

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, rezoning shall allow compatible uses and conditions may be added to exclude uses not deemed suitable for the neighborhood. Staff is requesting that the applicant also agree that uses in the following categories not be permitted: Manufacturing, Assembly, or Fabrication, Waste-Related Uses, Industrial Services, Warehousing, Freight Movement, and Wholesale Sales.

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

Yes, this property is located adjacent to roads with adequate capacity and safety, and is a suitable use allowed under the requested zoning. Public water and sewer are not available to this site.

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

Yes, the requested zoning allows uses compatible with existing adjacent commercial sites.

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

No, there are no anticipated significant environmental impacts from rezoning this property. The applicant, however, will need a completed site plan indicating that this project does not encroach on neighboring properties, the stream buffer, nor will any further tree clearing be completed on this site. The site plan must also indicate the percentage of impervious surface (max 80%).

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 “Employment Center” Character Area in the *Move Kannapolis Forward 2030 Comprehensive 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 for Zoning Map Amendment Case #CZ-2023-07 with the following conditions:

1. The permitted uses allowed by this rezoning shall exclude the following uses: Manufacturing, Assembly, or Fabrication, Waste-Related Uses, Industrial Services, Warehousing, Freight Movement, and Wholesale Sales.

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-2023-07, 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*, adopted by City Council, which designates the subject property as located within the “Employment Center” Character Area in the *Move Kannapolis Forward 2030 Comprehensive 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-2023-07, 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-2023-07, 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-2023-07 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-2023-07, 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. Notice of Public Hearing
7. List of Notified Properties
8. Letter to Adjacent Property Owners
9. Posted Public Notice Sign
10. Resolution to Adopt a Statement of Consistency
11. 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: 2937 LANE ST. KANNAPOLIS, NC 28083

Applicant: ROBERT MOELLEN

Proposed development: TOWING COMPANY OFFICE

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 (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: 8-29-23



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: Robert Mueller
Address: 1254 Carolyn Ave
Kannapolis NC 28083
Phone: 704-707-5417
Email: Mueller1717@windstream.net

Property Owner Contact Information same as applicant

Name: _____
Address: _____
Phone: _____
Email: _____

Project Information

Project Address: 2937 Lane St Kannapolis, NC 28083

Parcel: 56347012520000 # of parcels: _____ Approx. size of parcels: 3.29
(attach separate list if necessary)

Current Zoning Designation: AG Requested Zoning Designation: LF

Reason for map amendment: REZONING BECAUSE OF ANNEXATION.
TO A TOWNSHIP COMPANY.

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.

Robert Mueller
Applicant Signature

8-29-23
Date

Robert Mueller
Property Owner Signature

8-29-23
Date

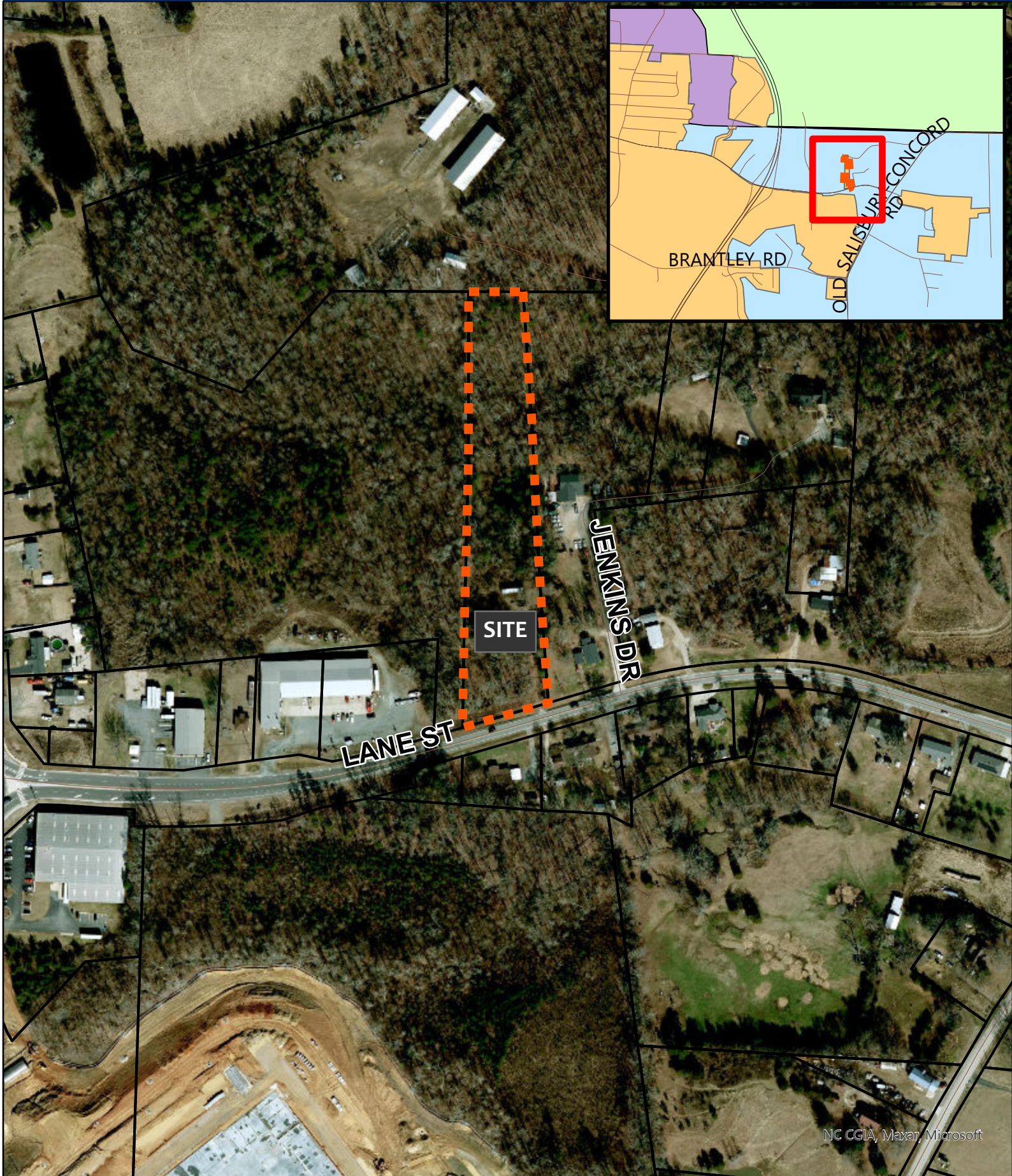


Vicinity Map

Case Number: CZ-2023-07

Applicant: Robert Mueller

2937 Lane St



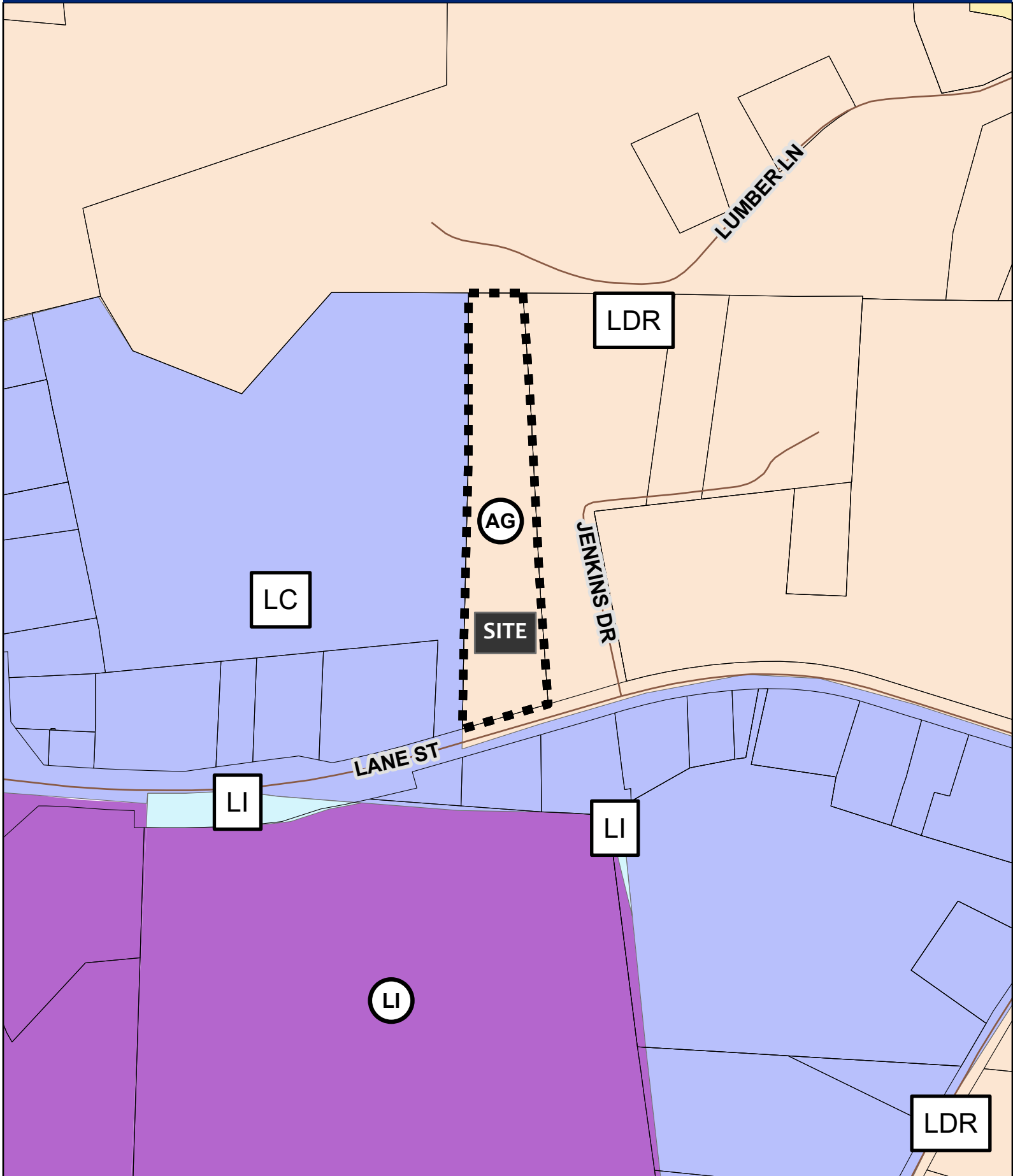


Kannapolis Current Zoning

Case Number: CZ-2023-07

Applicant: Robert Mueller

2937 Lane St



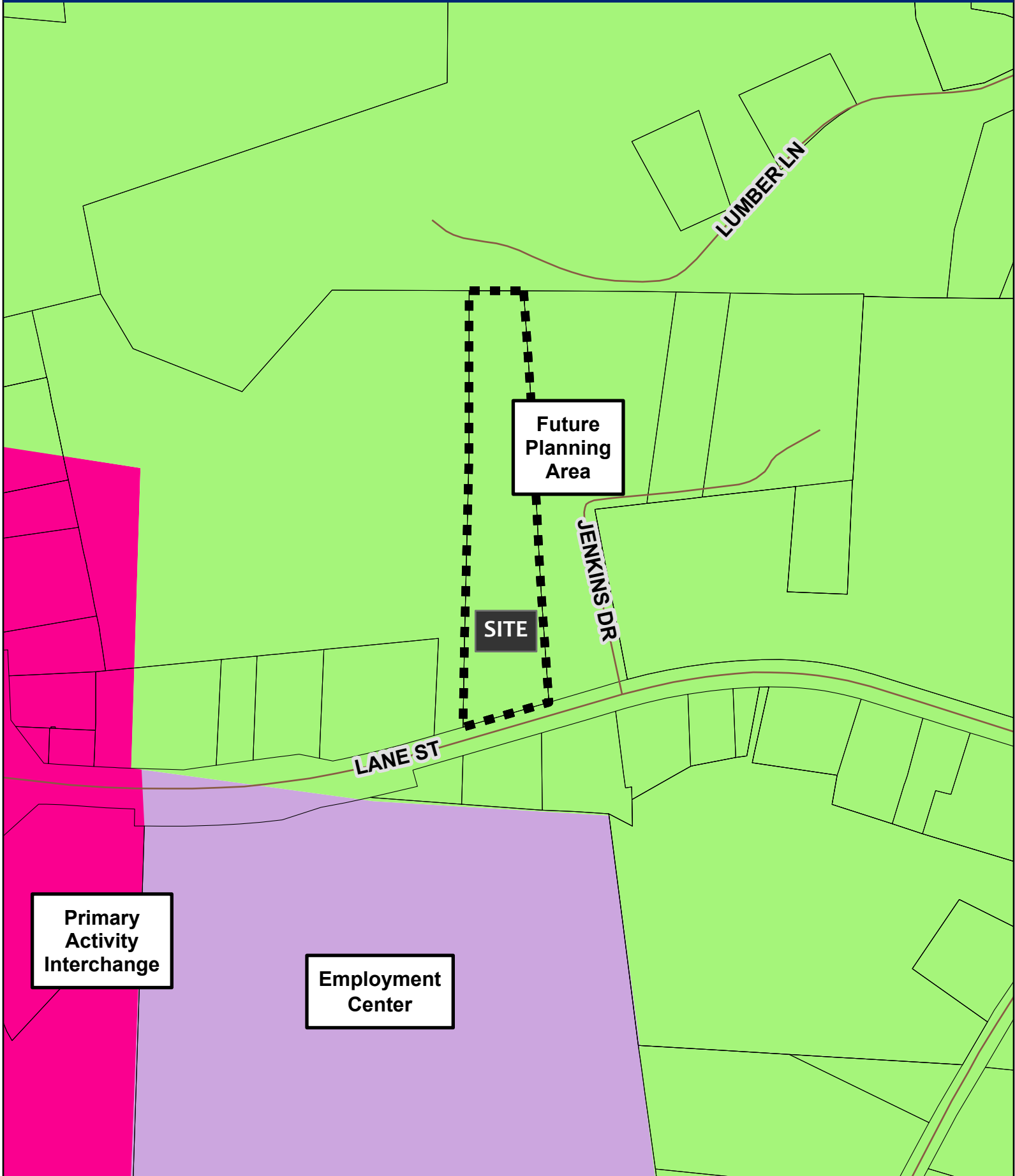


Kannapolis 2030 Future Land Use Map

Case Number: CZ-2023-07

Applicant: Robert Mueller

2937 Lane St





PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000852580

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 **Acct Rep** **Ordered By**
aboan aboan Pam

Fax: 7049337463
EMail: ap@kannapolisnc.gov

Total Amount \$459.08

Payment Amount \$459.08

Amount Due \$0.00

Tax Amount: 0.00

Payment Meth: Credit - Debit Card

Tear Sheets **Proofs** **Affidavits** **PO Number:**
0 0 1

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>	<u>Color</u>
0000852580-01	CLS Legal	2 X 47 li	\$0.00

Production Method
AdBooker (liner)

Production Notes

<u>Product and Zone</u>	<u>Placement</u>	<u>Position</u>	<u># Inserts</u>
CON Independent Trib	C-Legal Ads	Legal Notices	2

Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING 401 Laureate Way,


Run Dates 11/ 3/2023, 11/10/2023

<u>Product and Zone</u>	<u>Placement</u>	<u>Position</u>	<u># Inserts</u>
NCC Online	C-Legal Ads	Legal Notices	7

Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING 401 Laureate Way,

Run Dates 11/ 3/2023, 11/ 4/2023, 11/ 5/2023, 11/ 6/2023, 11/ 7/2023, 11/ 8/2023, 11/ 9/2023

TagLine: NOTICEOFPUBLICHEARING401LAUREATEWAYKANNAPOLISNCPLANNINGZONINGCOMMISSIONTUESDAYNOVEMBER142023AT600PMCONDITIONALZONINGMAPAMENDME



KANNAPOLIS

NOTICE OF PUBLIC HEARING
401 Laureate Way, Kannapolis, NC

Planning & Zoning Commission
Tuesday November 14, 2023 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2023-05 - Public Hearing re-scheduled from October 17, 2023 to consider a request to rezone four (4) properties located at 819, 821, and a portion of 823 Fairview Street and an unaddressed parcel on Fairview Street from City of Kannapolis Residential 8 (R8) zoning district to City of Kannapolis General Commercial-Conditional Zoning (GC-CZ) zoning district. The subject properties are approximately 2.58 +/- acres and further identified as Cabarrus County Parcel Identification Numbers 56230692880000, 56231602860000 and a portion of 56231612260000 and 56231622390000.

Conditional Zoning Map Amendment - CZ-2023-07 - Public Hearing re-scheduled from October 17, 2023 to consider a request to rezone property located at 2937 Lane Street from City of Kannapolis Agricultural (AG) zoning district to City of Kannapolis Light Industrial-Conditional Zoning (LI-CZ) zoning district to allow a towing business. The subject property is approximately 3.29 +/- acres and further identified as Cabarrus County Parcel Identification Numbers 56347012520000.

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: November 3, 10, 2023.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
BRADY COOK LF EST	4951 LAKE FISHER RD	KANNAPOLIS	NC	28083
CRP/TCC METRO 63 LOGISTICS OWNER LLC				
C/O TC MIDATLANTIC DEVELOPMENT	1055 THOMAS JEFFERSON ST NW STE 600	WASHINGTON	DC	20007
MICHAEL & DOLLY HARTSELL	2960 LANE STREET	KANNAPOLIS	NC	28081
JAMES & KAREN JENKINS	6035 JENKINS DR	KANNAPOLIS	NC	28083
ROBERT & BERNADETTE MUELLER	1254 CAROLYN AVE	KANNAPOLIS	NC	28083
NORMAN & PENNY NEGRE	4731 MT PLEASANT RD	ROCKWELL	NC	28138
THOMAS & PATRICIA PRICE	6690 GOLDFISH RD	KANNAPOLIS	NC	28083
REGENCY HOLDINGS INC	6000 LUMBER LANE	KANNAPOLIS	NC	28081



October 31, 2023

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday November 14, 2023 at 6:00 PM, at 401 Laureate Way, Kannapolis, NC for the following case:

CZ-2023-07 – Conditional Zoning Map Amendment – 2937 Lane Street

This case was rescheduled at the October 17, 2023 Planning and Zoning Commission meeting. The purpose of this Public Hearing is to consider a request to rezone property located at 2937 Lane Street from City of Kannapolis Agricultural (AG) zoning district to City of Kannapolis Light Industrial-Conditional Zoning (LI-CZ) zoning district to allow a towing business. The subject property is approximately 3.29 +/- acres and further identified as Cabarrus County Parcel Identification Number 56347012520000 (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 704.920.4355 or bbarcroft@kannapolisnc.gov.

Sincerely,

Ben Barcroft
Senior 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 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.

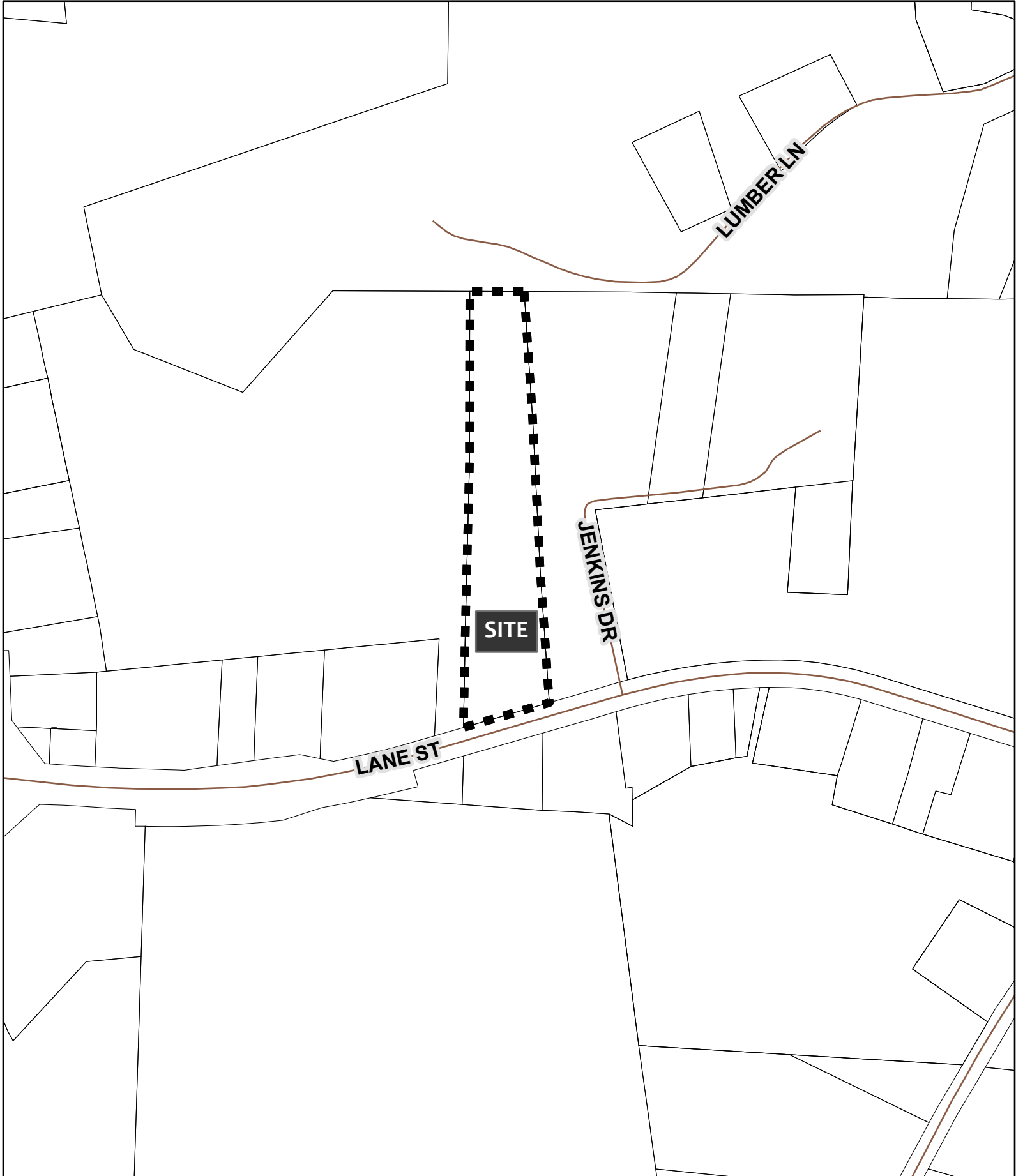


Conditional Rezoning

Case Number: CZ-2023-07

Applicant: Robert Mueller

2937 Lane St





PLANNING

ZONING

COMMISSION

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # CZ-2023-07



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #CZ-2023-07**

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 November 14, 2023 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone approximately 3.29 +/- acres of property located at 2937 Lane Street, (Cabarrus County Parcel Identification Number 56347012520000) owned by Robert and Bernadette Mueller, from City of Kannapolis Agricultural (AG) to City of Kannapolis Light Industrial-Conditional Zoning (LI-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, adopted by City Council, which designates the subject property as located within the “Employment Center” Character Area in the Move Kannapolis Forward 2030 Comprehensive 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 14th day of November 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

**Case #CZ-2023-07
(2937 Lane St)**

From City of Kannapolis Agricultural (AG) to City of Kannapolis Light Industrial-Conditional Zoning (LI-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 November 14, 2023 for consideration of rezoning petition Case #CZ-2023-07 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone a 3.29 +/- acres of property located at 2937 Lane Street, (Cabarrus County Parcel Identification Number 56347012520000) owned by Robert and Bernadette Mueller, 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 "Employment Center" Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. While not a listed use, this use is compatible with the character area.

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

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

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

No, the subject property was recently annexed into the City of Kannapolis.

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, rezoning shall allow compatible uses and conditions may be added to exclude uses not deemed suitable for the neighborhood. Staff is requesting that the applicant also agree that uses in the following categories not be permitted: Manufacturing, Assembly, or Fabrication, Waste-Related Uses, Industrial Services, Warehousing, Freight Movement, and Wholesale Sales.

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

Yes, this property is located adjacent to roads with adequate capacity and safety, and is a suitable use allowed under the requested zoning. Public water and sewer are not available to this site.

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

Yes, the requested zoning allows uses compatible with existing adjacent commercial sites.

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

No, there are no anticipated significant environmental impacts from rezoning this property. The applicant, however, will need a completed site plan indicating that this project does not encroach on neighboring properties, the stream buffer, nor will any further tree clearing be completed on this site. The site plan must also indicate the percentage of impervious surface (max 80%).

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 Agricultural (AG) Zoning Designation to City of Kannapolis Light Industrial-Conditional Zoning (LI-CZ) Zoning Designation, subject to the following conditions:

1. The permitted uses allowed by this rezoning shall exclude the following uses: Manufacturing, Assembly, or Fabrication, Waste-Related Uses, Industrial Services, Warehousing, Freight Movement, and Wholesale Sales.

Adopted this the 14th day of November 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission