



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

**November 15, 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:** October 18, 2022
- 5. Public Hearing**
  - a. Z-2022-02 – Zoning Map Amendment – 2937 Lane Street**

Public Hearing to consider a staff initiated rezoning request on property located at 2937 Lane Street from Cabarrus County Low Density Residential (LDR) zoning designation to City of Kannapolis Agricultural (AG) zoning designation. The subject property was recently annexed into the City of Kannapolis and must be assigned City of Kannapolis zoning. The property is approximately 3.29 +/- acres and is further identified as Cabarrus County Parcel Identification Number 56347012520000.
- 7. Planning Director Update**
- 8. Other Business**
- 9. Adjourn**

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

**Minutes of Meeting  
October 18, 2022**

The Kannapolis Planning and Zoning Commission met on Tuesday October 18, 2022, at 6:02 PM. This meeting was held in accordance with notice published in the Independent Tribune (Appendix A) as well as on the City’s website.

**Commission Members Present:** Chris Puckett, Chair  
Jeff Parker, Vice-Chair  
Daniel O’Kelly  
James Litaker  
Larry Ensley  
Travis Gingras  
Robert Severt, ETJ Representative

**Commission Members Absent:** Scott Trott  
Shelly Stein

**Visitors:** Jared Dullum Joe Hatley  
Jake Wilson Tamara Wilson  
Jesse Robinson

**Staff Present:** Richard Stanley, 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 6:02 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 asked for a motion regarding the Agenda. Motion to approve by Dr. Litaker, second by Mr. Ensley and unanimously approved

**APPROVAL OF MINUTES**

Chair Puckett asked for a motion regarding the July 19, August 16 and September 20, 2022 Minutes. Mr. Ensley made the motion to approve, second by Dr. Litaker and unanimously approved.

**PUBLIC HEARING**

Mr. O’Kelly asked to recuse himself from Case No. CZ-2022-05. Dr. Litaker made the motion to approve, second by Mr. Parker and unanimously approved.

1 **CZ-2022-05 – Conditional Rezoning for Property located at 401 Gay St.**

2 Assistant Planning Director, Boyd Stanley gave a PowerPoint presentation regarding Case No. CZ-2022-05,  
3 attached to and made part of these minutes as Exhibit 1. Mr. Stanley noted the applicant, address, and size  
4 of the subject property and stated that since the applicant made application for the rezoning under the Unified  
5 Development Ordinance (UDO) instead of the Kannapolis Development Ordinance (KDO), decision of the  
6 rezoning request will be made under the UDO provisions.  
7

8 Mr. Stanley directed the Commission’s attention to Vicinity, Zoning, and Future Land Use Plan- maps and  
9 provided the surrounding zoning districts and their current uses as well as future land uses. He utilized the  
10 site plan to illustrate location of the proposed six (6) townhome units, with access drives from Gay Street as  
11 well as a proposed 20-foot paved fire access drive from J Avenue. Mr. Stanley directed the Commissions  
12 attention to a 0.44 +/- acre portion of the property that has been subdivided from the subject property by a  
13 recorded exemption plat, that is not subject of the rezoning request. He indicated that there is an existing  
14 building on that portion of property that was previously used as a mechanics shop, and that there are no plans  
15 for this property at this time.  
16

17 Mr. Stanley stated that staff is recommending approval of the rezoning request with conditions as stated in  
18 the staff report. He concluded his presentation and made himself available for questions.  
19

20 Mr. Gingras noted the new property lines on the recorded exemption plat and expressed concern regarding  
21 the setback requirements. Mr. Stanley responded that the applicant is required to meet the minimum setback  
22 requirement which is 5-feet off rear property lines.  
23

24 The applicant, Jesse Robinson, confirmed that the submitted site plan does meet setback requirements on all  
25 four sides of the subject property.  
26

27 Vice-Chair Parker asked why the rezoning request is from a residential zoning district to a commercial zoning  
28 district. Mr. Stanley responded that the applicant is requesting greater density than what is permitted under  
29 the current Residential 8-units per acre (R8)/Residential Village (RV) zoning. He added that since the  
30 property is adjacent to existing commercially zoned properties, staff recommended a General Commercial-  
31 Conditional Zoning (C-2-CZ) zoning designation which would allow for the desired residential density while  
32 remaining consistent with surrounding zoning and uses. Mr. Stanley stated that the townhomes will be sold  
33 on individual lots and that Mr. Robinson accepted staff’s recommendation regarding the General Commercial  
34 zoning district.  
35

36 Mr. Ensley expressed concern regarding on-street parking. Mr. Stanley deferred to the applicant but indicated  
37 that each unit is proposed to have a garage with a parking pad.  
38

39 Mr. Gingras asked if the applicant gave any thought to having a rear loaded garage and expressed concern  
40 that the driveway is too close to the intersection. Mr. Robinson responded that the units were originally  
41 proposed as rear-loading garages but that they compromised in order to meet both setback and fire access  
42 requirements. He noted that the proposed units have been designed so that they will integrate into the existing  
43 and future development of the downtown area.  
44

45 Mr. Stanley added that residential uses in the General Commercial zoning district require approval for a  
46 Special Use Permit from the Board of Adjustment and noted that if the Planning and Zoning Commission  
47 approves the rezoning request, Mr. Robinson will need to apply for a Special Use Permit. Mr. Gingras referred  
48 to his concern regarding access drives off Gay Street and asked if the Board of Adjustment could consider a  
49 variance to rectify that issue. Mr. Stanley responded that while he understands Mr. Gingras concern, the site  
50 plan has been vetted with City staff, that it is a low traffic area and that if approved, the site plan will still  
51 require review by the Technical Review Committee (TRC).

1  
2 Chair Puckett asked if the property between Gay Street and Dale Earnhardt Boulevard is available to be  
3 developed. Mr. Robinson responded that there are power lines across that property that prevent development  
4 and suggested that the lots are probably too small to allow development.  
5

6 There being no additional questions or comments, Chair Puckett opened the Public Hearing which was then  
7 closed with no public comment being made.  
8

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

12 Chair Puckett asked for a motion regarding the Resolution to Zone. Mr. Ensley made the motion to approve  
13 with conditions as proposed by staff, second by Mr. Gingras and unanimously approved.  
14

15 Mr. O’Kelly rejoined the Commission.  
16

17 **PLANNING DIRECTOR UPDATE**

18 Planning Director, Richard Smith, directed the Commission’s attention regarding key intersections of the  
19 Cannon Boulevard Corridor Project (the “Corridor”) and illustrated the proposed changes to Dale Earnhardt  
20 Boulevard (projected for 2024), the Martin Luther King Boulevard bridge replacement (projected for 2023),  
21 and the completed improvements on Lane Street. Mr. Smith talked about improvements to pedestrian safety,  
22 sidewalks, landscaping, signage, transit shelters, painting guard rails to blend with background, and  
23 crosswalks. He provided examples of an improved intersection, various ways to soften median islands, and  
24 updating storm drains. Mr. Smith also discussed enforcing signage provisions for existing businesses and  
25 those that are no longer in business. He provided further detail regarding softening the Corridor by discussing  
26 incentives for existing businesses to make building façade improvements and not allowing parking within the  
27 right-of-way (ROW). Mr. Smith indicated that the neighborhood focus group, created by City Council, has  
28 recommended the incentive to encourage business owners to improve the aesthetics and discussed the  
29 possibility of a matching funds program. He further detailed the need for infrastructure improvements, the  
30 addition of bike lanes, accent lighting and consolidation of properties (used the example of strip malls with  
31 individual businesses). Mr. Smith talked about the possibility of another restaurant next to Kentucky Fried  
32 Chicken (KFC) which is on the corner of Fairview Avenue and South Cannon Boulevard.  
33

34 Mr. Smith concluded his presentation and asked the Commission if they had any suggestions to improve the  
35 Corridor.  
36

37 Mr. Severt provided several examples of short-term improvements offering that crepe myrtles be planted  
38 within the medians and suggested that overgrowth of weeds and grass is an “eye sore”. He added that the  
39 bright lights on the electronic gaming business are “eye sores” as well. Mr. Smith responded that there are  
40 new regulations for gaming facilities and that the Police Department is monitoring those business along with  
41 Code Enforcement. He agreed that the lights are obtrusive, and that Code Enforcement is addressing that  
42 issue. Mr. Smith stated that there are some areas along the corridor that the City maintains and mows.  
43

44 Mr. Gingras asked if the City has a main objective for the Corridor. Mr. Smith responded that one goal would  
45 be to focus on target areas and then fine tune those areas with City Council to develop a plan. He added that  
46 there will be long-term and short-term goals but that the short-term goals can be immediately addressed.  
47

48 Assistant City Manager, Wilmer Melton, addressed Mr. Severt’s concern regarding the overgrowth stating  
49 that the City supplements NCDOT with mowing along all of the City streets. He added that there are budget  
50 constraints with NCDOT, but that the City does depend on them to complete their responsibilities. Mr. Melton

1 noted that prime mowing season adds additional constraints but that he will discuss the issue with the  
2 transportation team.

3  
4 Mr. Ensley asked if Mr. Melton knew the timeframe for adding bus shelters. Mr. Melton responded that he  
5 does participate in the meeting conducted by the transportation focus group (also created by City Council)  
6 and that the challenge is that NCDOT has different requirements depending on the location. He added that  
7 they are also working to purchase property from private landowners for a few of the proposed locations but  
8 does not know the timeframe for installation of the shelters. Mr. Melton noted that some proposed locations  
9 are dependent on completion of new developments.

10  
11 Chair Puckett noted an auto sales business located across from Food Lion on the Corridor and asked if it  
12 would be condemned. Mr. Smith responded that in order to condemn a commercial building, it would have  
13 to have building code issues. Chair Puckett asked how the City finds the structures that require condemnation.  
14 Mr. Smith replied that the City's Code Enforcement team constantly monitors the City but sometimes issues  
15 are complaint driven. He added that there is a minimum housing case that will be on the November City  
16 Council meeting that was complaint driven.

17  
18 Mr. Ensley suggested that short-term improvements could include large planters in front of car dealers and in  
19 medians, condemn and demolish minimum housing issues, and to add streetlights along all City  
20 thoroughfares. He noted that long-term improvements could address the need for sidewalks, business signage,  
21 enforcement of the minimum setback off the Corridor for car sales inventory, and to reduce the amount of  
22 pavement that meets the Corridor.

23  
24 Chair Puckett indicated that he would like more information on how other municipalities have addressed the  
25 same issues. Mr. Smith agreed and responded that staff will complete research to determine if and how other  
26 municipalities made similar improvements. He added that staff will consolidate the Commission's  
27 recommendations and address at their November meeting.

28  
29 **OTHER BUSINESS**

30 Mr. Smith responded to questions from Mr. Ensley regarding the sale of the Research Campus. He stated that  
31 with the exception of the Core Lab building, the sale on the property closed a couple weeks ago and noted  
32 that the first development as part of that sale will most likely be a multi-family development. Mr. Smith  
33 added that he hopes to provide additional development details to the Commission at their November meeting.  
34 He noted that as part of the sale, the City will gain possession of the parking deck, the parking lot across from  
35 Veteran's Park and the Central Energy Plant. Mr. Ensley asked if the City could encourage the development  
36 to offer affordable housing. Mr. Smith indicated that this location is probably not feasible for affordable  
37 housing options but that the Neighborhood Focus Group has suggested that existing manufactured mobile  
38 home parks could transition to affordable housing instead of mobile homes or possibly provide both.

39 Mr. Smith responded to additional questions from Chair Puckett, Vice-Chair Parker and Mr. Severt regarding  
40 future land use for the City owned land on Glen Avenue, the possibility of an Atrium nursing school, the  
41 proposed skate park and whether the Olympic training facilities are still interested in locating to Kannapolis.  
42 He stated that the City is not certain on whether the Glen Avenue property will be developed in the near  
43 future, and that the nursing school may be added onto the campus later in the development process. Mr. Smith  
44 stated that the City is still discussing locating Olympic training facilities on the Old Plant 4 site (old post  
45 office). He added that the City is still discussing the best location of a skate park and is under contract with  
46 the UNC Development Finance Institute (DFI) who is preparing a study on developing the North Main Street  
47 and Midway areas of the City.

48  
49 On another topic, Mr. Smith indicated that some of the Commission members voiced concern that the Wabash  
50 Lane storage facility was approved by City Council after it was denied by the Commission. He communicated

1 that he heard their concerns and offered to convey any additional concerns to Council, but that state statute  
2 and City ordinance requires any cases that is denied or fails to pass by a supermajority of votes, automatically  
3 proceeds to City Council and that they have final decision-making authority. Dr. Litaker commented that the  
4 Commission and City Council should be “like minded” and that it may help to have the two Boards meet.  
5 Chair Puckett stated that it can be frustrating to deny a request only to have the Council approve it. Mr. Ensley  
6 noted that City Council members are elected officials and should have the City’s best interest in mind.  
7

8 Mr. Melton added that there are times when there is strategic decisions or competition with another state when  
9 information is subject to confidentiality. Dr. Litaker responded that he understood those instances but  
10 suggested that an explanation on why Council overturns a Commission decision is warranted. Chair Puckett  
11 agreed with Dr. Litaker, adding that he was shocked the Council approved the Wabash Lane storage facility.  
12 Mr. Gingras added that it would be ideal if the Council and the Commission could share the same vision and  
13 stated that there seems to be a disconnect.  
14

15 Both Mr. Smith and Mr. Melton agreed that it was a great suggestion for a strategic meeting between City  
16 Council and the Planning and Zoning Commission and would relay the message.  
17

18 **ADJOURN**

19 There being no further business, questions or comments, Mr. Ensley made the motion to adjourn which was  
20 unanimously approved. The meeting adjourned at 6:57 PM on Tuesday, October 18, 2022.  
21  
22  
23

24 \_\_\_\_\_  
Chris Puckett, Chair  
25 Planning and Zoning Commission  
26

27 \_\_\_\_\_  
28 Pam Scaggs, Recording Secretary  
29



**Planning and Zoning Commission  
November 15, 2022 Meeting**

**Staff Report**

**TO:** Planning and Zoning Commission  
**FROM:** Boyd Stanley, Assistant Planning Director  
**SUBJECT:** Case #Z-2022-02: 2937 Lane Street  
Applicant: City of Kannapolis

Staff request to apply the City of Kannapolis Agricultural (AG) zoning designation to recently annexed property located at 2937 Lane 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**

On September 12, 2022, the City of Kannapolis annexed approximately 3.29 +/- acres of property located at 2937 Lane Street and further identified as Cabarrus County Parcel Identification Number 56347012520000 after a request for voluntary annexation was received from Robert Mueller.

Per the North Carolina General Statutes, an initial City of Kannapolis zoning designation must be applied to the property by the Planning and Zoning Commission within 60 days of the effective date of the annexation. At this time, the AG designation will serve as a place holder until the owner submits the required site plan and application for a Conditional District (CZ) zoning designation to accommodate their intended commercial use of a towing service and a commercial vehicle repair facility.

**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 requested rezoning is a “holding” zoning district until plans are submitted by the applicant.

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

No. The requested AG zoning district is equivalent to the previous LDR zoning district in Cabarrus County.

- 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?**

N/A

- 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?**

N/A

- 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?**

N/A

- 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?**

N/A



## **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*. This Character Area designation allows for light-industrial and non-residential uses consistent with the intended use of the property. 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 intended 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 for Zoning Map Amendment Case #Z-2022-02**

### **Alternative Courses of Action**

#### **Motion to Approve (2 votes)**

- 1. Should the Commission choose to approve the request for rezoning as presented in Case #Z-2022-02, a motion should be made to adopt the following Statement of Consistency:**

**Statement of Consistency:** *Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, 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*. This Character Area designation allows for light-industrial and non-residential uses consistent with the intended use of the property. 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 intended 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.*

2. **Should the Commission choose to approve Case #Z-2022-02, a motion should be made to adopt the Resolution to Zone.**

**Motion to Deny (2 votes)**

1. **Should the Commission choose to recommend denial of Case #Z-2022-02, a motion should be made to adopt the following Statement of Consistency:**

**Statement of Consistency:** *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #Z-2022-02 to be **inconsistent** with the goals and policies of the **Move Kannapolis Forward 2030 Comprehensive Plan**, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

2. **Should the Commission choose to deny Case #Z-2022-02, a motion should be made to deny the Resolution to Zone.**

**I. Attachments**

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

**J. Issue Reviewed By:**

- Planning Director
- Assistant City Manager
- City Attorney



## Zoning Map Amendment Checklist

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. 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.

### REZONING REQUEST

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

Requested Rezoning Property Address: \_\_\_\_\_

Applicant: \_\_\_\_\_

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

### SUBMITTAL CHECKLIST

N/A Pre-Application Meeting – send an email to [planreviewappointment@kannapolisnc.gov](mailto:planreviewappointment@kannapolisnc.gov)

Zoning Map Amendment Checklist and Application – Complete with all required signatures

Fee: \$825.00 (\$500 Application Fee, \$300 Legal Notices and notification fee, # of property owners notified [see Fee Schedule])

### PROCESS INFORMATION

**Public Notification:** This is a legislative process that requires a public hearing and public notification including newspaper notice, first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Section 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 third Tuesday at 6:00pm in City Hall Laureate Center. All items listed above on the submittal checklist must be received at least one month prior to the next scheduled public hearing.

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

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

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

Applicant's Signature: Richard B. Smith

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



## ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

### Applicant Contact Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### Property Owner Contact Information same as applicant

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### Project Information

Project Address: \_\_\_\_\_

Parcel: \_\_\_\_\_ # of parcels: \_\_\_\_\_ Approx. size of parcels: \_\_\_\_\_  
(attach separate list if necessary)

Current Zoning Designation: \_\_\_\_\_ Requested Zoning Designation: \_\_\_\_\_

Reason for map amendment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

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

### For Staff Use Only:

Filing Fee: \_\_\_\_\_

Receipt #: \_\_\_\_\_

Case #: \_\_\_\_\_

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



PO Box 27283  
Richmond, VA 23261-7283

# Order Confirmation

Order# 0000810042

**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**                      \$471.62

**Payment Amount**                      \$0.00

**Amount Due**                      \$471.62

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

**Tax Amount:**                      0.00

0                      0                      1

**Payment Meth:**      Credit - Debit Card

**Ad Number**                      **Ad Type**                      **Ad Size**                      **Color**  
0000810042-01                      CLS Liner                      2 X 38 li                      \$0.00

**Production Method**  
AdBooker (liner)

**Production Notes**

**Product and Zone**                      **Placement**                      **Position**                      **# Inserts**  
CON Independent Trib                      C-Announcements                      General-Spec Notice                      2


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

**Run Dates**                      11/ 4/2022, 11/11/2022

**TagLine:** NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETINGTUESDAYNOVEMBER152022  
AT600PMCONDITIONALZONINGMAPAMENDMENTCZ202209PUBLIC

**Ad Content Proof**

Note: Ad size does not reflect actual ad



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

**Tuesday, November 15, 2022 at 6:00 pm**

**Conditional Zoning Map Amendment - CZ-2022-09** – Public Hearing to consider a staff initiated request to rezone property located at 2937 Lane Street from Cabarrus County Low Density Residential (LDR) zoning district to City of Kannapolis Agricultural (AG). The subject property was recently annexed into the City of Kannapolis and must be assigned City of Kannapolis zoning. The property is approximately 3.29 +/- acres and further identified as Cabarrus County Parcel Identification Number 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](mailto:tccline@kannapolisnc.gov) as soon as possible but no later than 48 hours before the scheduled event.

**Publish: November 4, 11, 2022.**

<b>AcctName1</b>	<b>MailAddr1</b>	<b>MailCity</b>	<b>MailState</b>	<b>MailZipCod</b>
THOMAS & PATRICIA PRICE	6690 GOLDFISH RD	KANNAPOLIS	NC	28083
NORMAN & PENNY NEGRE	4731 MT PLEASANT RD	ROCKWELL	NC	28138
MICHAEL & DOLLY HARTSELL	2960 LANE STREET	KANNAPOLIS	NC	28081
JAMES & KAREN JENKINS	6035 JENKINS DR	KANNAPOLIS	NC	28083
BRADY BERNARD COOK LF EST	4951 LAKE FISHER RD	KANNAPOLIS	NC	28083
REGENCY HOLDINGS INC	6000 LUMBER LANE	KANNAPOLIS	NC	28081
BETTY CAUBLE	7221 GOLD HILL RD	CONCORD	NC	28025
ROBERT & BERNADETTE MUELLER	1254 CAROLYN AVE	KANNAPOLIS	NC	28083



**KANNAPOLIS**  
Planning

November 1, 2022

Dear Property Owner:

**Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, November 15, 2022 at 6:00 PM, for the following case:**

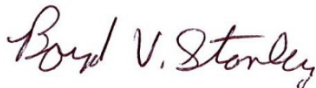
**CZ-2022-09 – Conditional Zoning Map Amendment – 2937 Lane Street**

The purpose of the Public Hearing is to consider a staff initiated request to rezone property located at 2937 Lane Street from Cabarrus County Low Density Residential (LDR) zoning district to City of Kannapolis Agricultural (AG). The subject property was recently annexed into the City of Kannapolis and must be assigned City of Kannapolis zoning. The 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 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](mailto:bstanley@kannapolisnc.gov).

Sincerely,



Boyd Stanley, AICP  
Assistant Planning Director

Enclosure

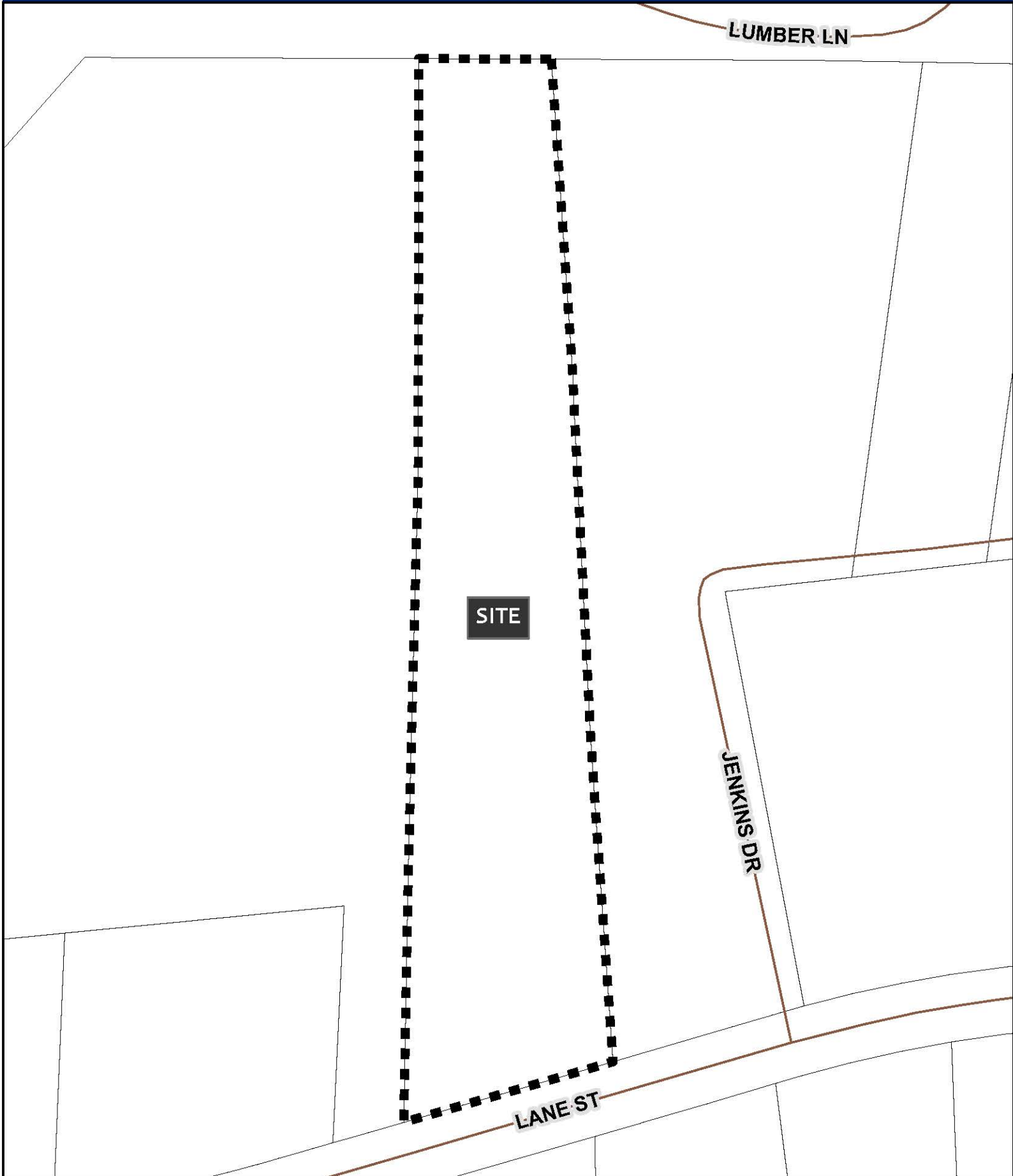
Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email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



# Conditional Rezoning



Case Number: CZ-2022-09  
Applicant: Mueller Automotive/Rober Mueller  
2937 Lane St







**PLANNING**

**ZONING**

**COMMISSION**

**PUBLIC HEARING  
INFORMATION**

**CALL 704-920-4350**

**CASE # CZ - 2022 - 09**



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY  
WITH REGARD TO CASE #Z-2022-02**

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

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

**WHEREAS**, on November 15, 2022 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone property located at 2937 Lane Street (Cabarrus County Parcel Identification Number 56347012520000 owned by Robert and Bernadette Mueller, from Cabarrus County Low Density Residential (LDR) Zoning Designation to a City of Kannapolis Agricultural (AG) 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. This Character Area designation allows for light-industrial and non-residential uses consistent with the intended use of the property. 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 intended 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*

**Adopted this the 15th day of November 2022:**

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

**Attest:**

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



## **RESOLUTION TO ZONE**

**Case #Z-2022-02  
(2937 Lane Street)**

### **From Cabarrus County Low Density Residential (LDR) to City of Kannapolis Agricultural (AG) 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 15, 2022 for consideration of rezoning petition Case #Z-2022-02 as submitted to the City of Kannapolis Planning Department; and

**WHEREAS**, the request was to rezone property located on 2937 Lane Street, (Cabarrus County Parcel Identification Number 56347012520000) owned by Robert and Bernadette Mueller, from Cabarrus County Low Density Residential (LDR) Zoning Designation to a City of Kannapolis Agricultural (AG) 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 requested rezoning is a “holding” zoning district until plans are submitted by the applicant.

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

No. The requested AG zoning district is equivalent to the previous LDR zoning district in Cabarrus County.

**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?**

N/A.

- 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?**

N/A.

- 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?**

N/A.

- 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?**

N/A.

**NOW, THEREFORE BE IT RESOLVED** by the City of Kannapolis Planning and Zoning Commission that the above referenced property be rezoned from Cabarrus County Low Density Residential (LDR) to City of Kannapolis Agricultural (AG) Zoning Designation.

**Adopted this the 15th day of November 2022:**

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Chris Puckett, Chairman  
Planning and Zoning Commission

**Attest:**

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Pam Scaggs, Recording Secretary  
Planning and Zoning Commission