



KANNAPOLIS

Planning

City of Kannapolis Planning and Zoning Commission Meeting

February 21, 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:** January 17, 2023
5. **Public Hearing:**
 - a. Z-2023-01 – Zoning Map Amendment – 2850 S. Ridge Avenue
Public Hearing to consider a request to rezone properties located at 2850 S. Ridge Avenue and two unaddressed parcels located on S Ridge Ave. from an Office-Institutional (O-I) zoning district to a Residential 18 (R18) zoning district. The subject properties are approximately 2.5 +/- combined acres and further identified as Cabarrus County Parcel Identification Number 56128297890000, 56128390350000 and 56128391220000.
 - b. Z-2023-02 – Zoning Map Amendment – 200 Martin Luther King Jr. Avenue
Public Hearing to consider a request to rezone property located at 200 Martin Luther King Jr. Avenue from an Office-Institutional (O-I) zoning district to a Residential 8 (R8) zoning district. The subject property is approximately 0.20 +/- acres and further identified as Cabarrus County Parcel Identification Number 56137908810000.
 - c. Z-2023-03 – Zoning Map Amendment – 1445 Old Beatty Ford Road
Public Hearing to consider a request to rezone property located at 1445 Old Beatty Ford Road from a Rowan County Rural Agricultural (RA) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject property was recently annexed into the City of Kannapolis and must be assigned City Zoning. The property is approximately 5.8 +/- acres and further identified as Rowan County Parcel Identification Number 147 015.
 - d. Z-2023-04 – Zoning Map Amendment – Western Growth Area
Public Hearing to consider a staff-initiated request to rezone properties located at 10444 & 10450 Davidson Highway and an unaddressed parcel on Davidson Highway from unincorporated Cabarrus County Countryside Residential (CR) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject properties were recently annexed into the City of Kannapolis and must be assigned City zoning. The properties are approximately 38.256 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 46727233480000, 46727152030000, and 46727202450000.

e. Z-2023-05 – Zoning Map Amendment – Stadium Drive

Public Hearing to consider a staff-initiated request to rezone unaddressed properties located on Stadium Drive from a Cabarrus County Limited Commercial (LC) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject properties were recently annexed into the City of Kannapolis and must be assigned City zoning. The properties are approximately 3.91 +/- combined acres and further identified as Cabarrus County Parcel Identification Number 56331866540000 and a portion of Rowan County Parcel Identification Number 145 005.

f. Z-2023-06 – Zoning Map Amendment – 101 Rice Street

Public Hearing to consider a request to rezone property located at 101 Rice Street from a General Commercial (GC) zoning district to a Residential 8 (R8) zoning district. The subject property is approximately 0.11 +/- acres and further identified as Rowan County Parcel Identification Number 156 131A.

g. CZ-2023-01 – Conditional Zoning Map Amendment – Old Beatty Ford Road and Lentz Road Area

Public Hearing to consider a request to rezone unaddressed properties located on Old Beatty Ford Road from a City of Kannapolis Agricultural (AG) zoning district and a Rowan County Rural Agricultural (RA) zoning district to City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) zoning district to be combined with the existing PUD Kannapolis Crossing mixed-use development. The subject properties are approximately 24.33 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 135 091, 135 090, 135 04702 and 135 080.

7. Planning Director Update

- a. Training Module

8. Other Business

9. Adjourn



**Planning and Zoning Commission
February 21, 2023 Meeting**

Staff Report

TO: Planning and Zoning Commission
FROM: Boyd Stanley, Assistant Planning Director
SUBJECT: Case #Z-2023-01: 2850 S. Ridge Ave
Applicant: David Miller

Applicant is requesting to rezone property located at 2850 S. Ridge Avenue from Office-Institutional (O-I) to Residential 18 (R18) zoning district.

A. Actions Requested by Planning & Zoning Commission

1. Hold Public Hearing
2. Motion to adopt Statement of Consistency
3. Motion to adopt Resolution to Zone

B. Decision and Required Votes to Pass Requested Actions

Section 2.3.B.(1).a of the Kannapolis Development Ordinance (KDO) allows the Planning and Zoning Commission to render a final decision on a rezoning request. If there is a denial, an approval by a vote of less than three-fourths, or an appeal of the decision, then only the City Council shall have final decision-making authority. Any final decision rendered by the Commission may be appealed within fifteen (15) days to the City Council.

C. Background & Project Overview

The applicant, David Miller Realty & Investment Inc. is proposing to rezone approximately 2.5 +/- combined acres of property located at 2850 S. Ridge Avenue and two unaddressed parcels located on S Ridge Ave., further identified as Cabarrus County Parcel Identification Numbers 56128297890000, 56128390350000 and 56128391220000, from an Office-Institutional (O-I) zoning district to a Residential 18 (R18) zoning district. The applicant intends to subdivide the property for residential usage. As a result of the adoption of the KDO, residential uses are no longer permitted in the O-I zoning district.

The area mainly consists of residential and vacant properties along the North Carolina Railroad right-of-way. As shown on the proposed subdivision plat, all the future houses will be required to be located outside of the existing 200-foot railroad right-of-way.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.5.A.(2).c of the KDO states that Amending the Zoning Map is a matter committed to the legislative discretion of the Planning and Zoning Commission or of the City Council, as authorized by this section. In determining whether to adopt or deny the proposed amendment, the Planning and Zoning Commission or the City Council, as applicable, may consider, and weigh the relevance of, whether and to what extent the proposed Zoning Map amendment:

- 1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?**
Yes, residential uses are appropriate as secondary uses in the Suburban Activity 1 Character Area.
- 2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?**
No. Single-family residential development is being proposed.
- 3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?**
Yes, residential zoning is consistent with area development trends.
- 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, all surrounding properties are occupied by single-family homes or are vacant.
- 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.
- 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. There is an adequate supply of parcels in the subject area to accommodate a wide variety of development types.
- 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.

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 1” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area designation allows for 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-2023-01

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-2023-01, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which designates the subject property as located within the “Suburban Activity 1” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area designation allows for 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-2023-01, a motion should be made to adopt the Resolution to Zone.**

Motion to Deny (2 votes)

1. **Should the Commission choose to recommend denial of Case #Z-2023-01, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #Z-2023-01 to be inconsistent with the goals and policies of the **Move Kannapolis Forward 2030 Comprehensive Plan**, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

2. **Should the Commission choose to deny Case #Z-2023-01, a motion should be made to deny the Resolution to Zone.**

I. Attachments

1. Rezoning Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use and Character Map
5. 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 APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: David Miller
Address: 1640 Dale Earnhardt Blvd
Kannapolis NC 28083
Phone: 704-791-5845
Email: david@apmrentals.net

Property Owner Contact Information same as applicant

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

Project Information

Project Address: 2850 S Ridge Ave, Concord NC 28025
Parcel: 56128299560000 # of parcels: 1 Approx. size of parcels: 2.5
(attach separate list if necessary)

Current Zoning Designation: O1 Requested Zoning Designation: R18

Reason for map amendment: Planning to build 3 single family homes

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

1-12-23

Date

Property Owner Signature

1-12-23

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: _____

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: 2850 S Ridge Ave, Concord NC 28025

Applicant: David Miller Realty & Investment Inc

Proposed development: Single family residential

SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to 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.

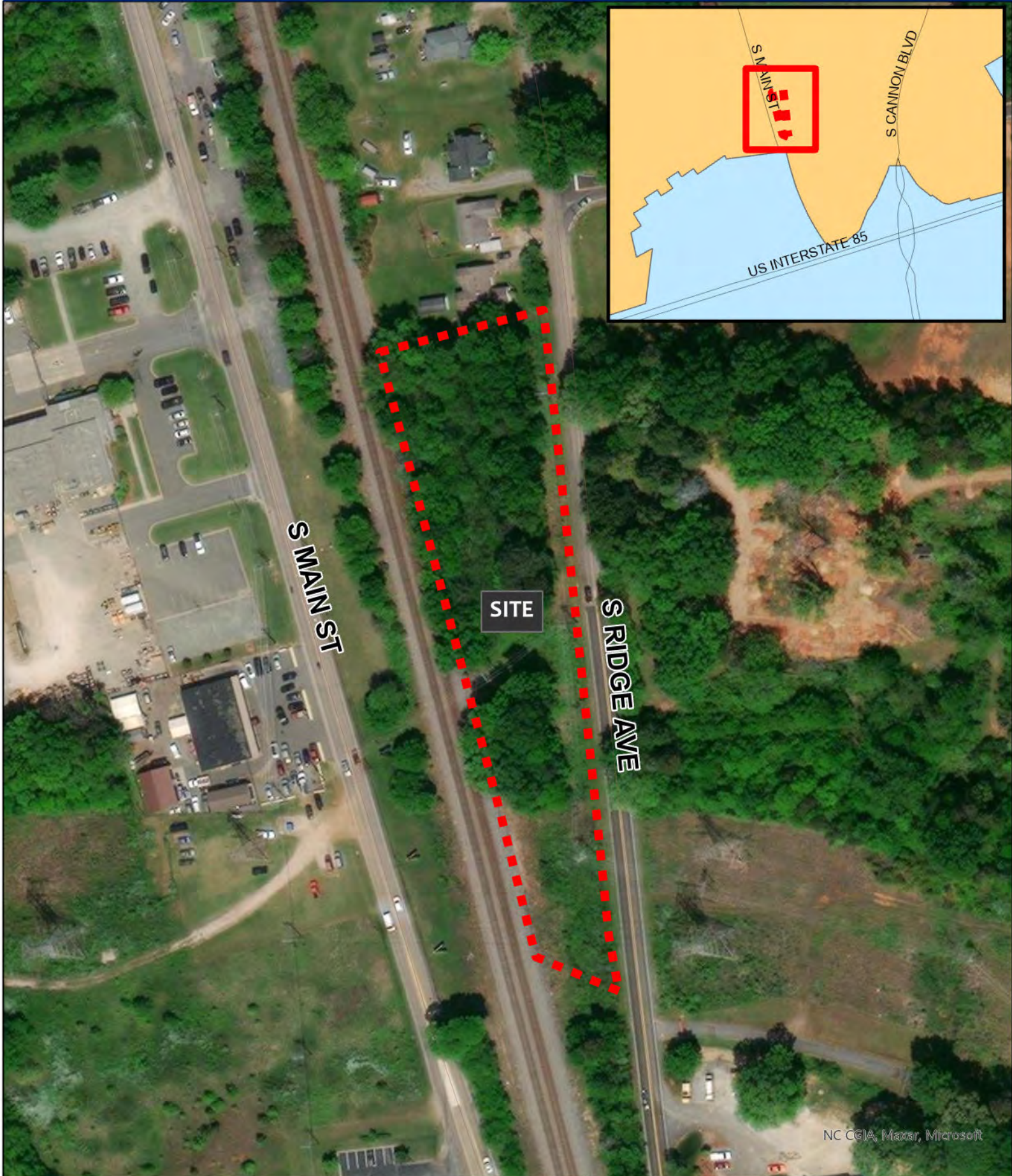
Applicant's Signature: 

Date: 1-12-23



Vicinity Map

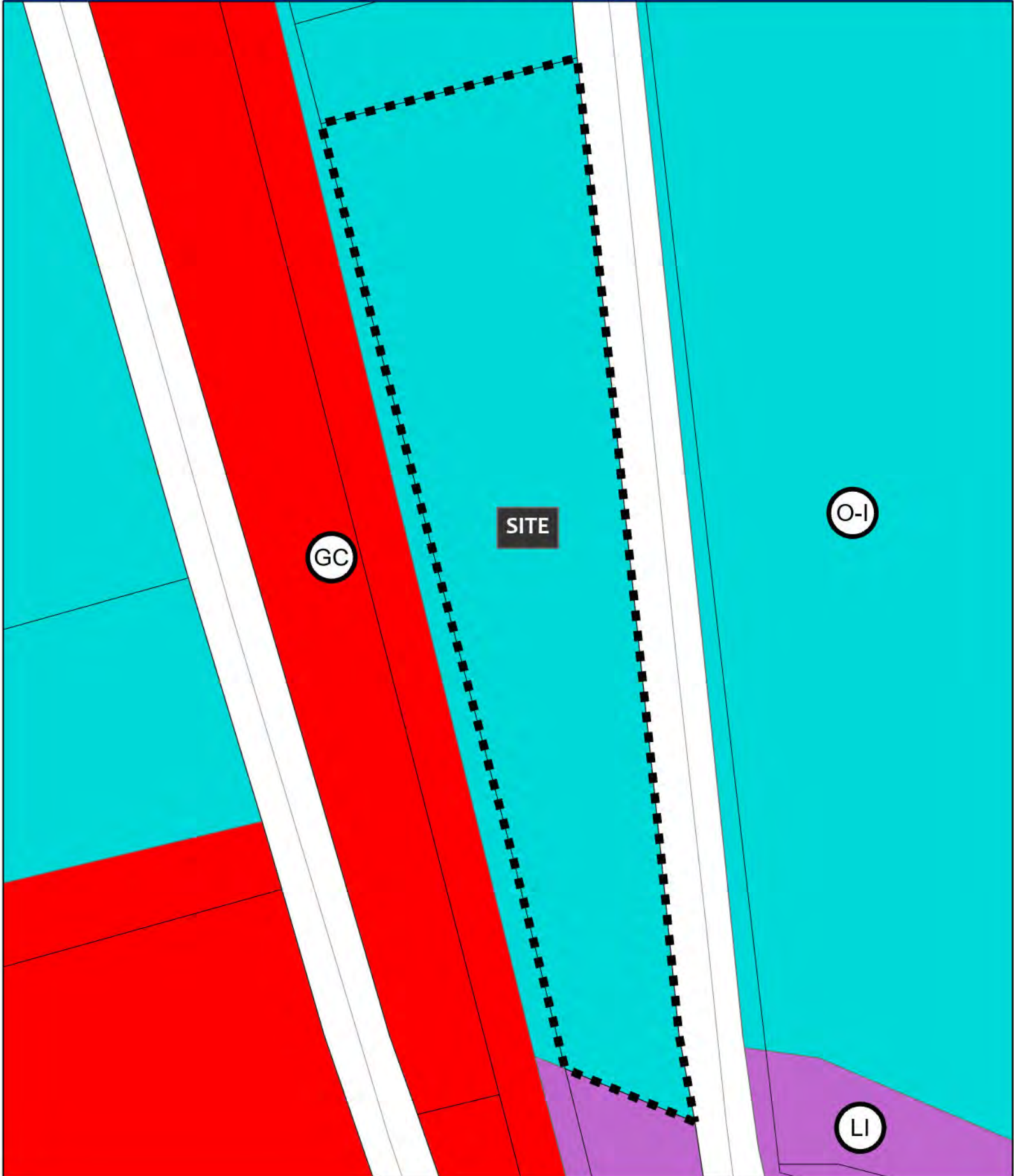
Case Number: Z-2023-01
Applicant: David Miller
2850 S Ridge Ave, Concord





Kannapolis Current Zoning

Case Number: Z-2023-01
Applicant: David Miller
2850 S Ridge Ave, Concord

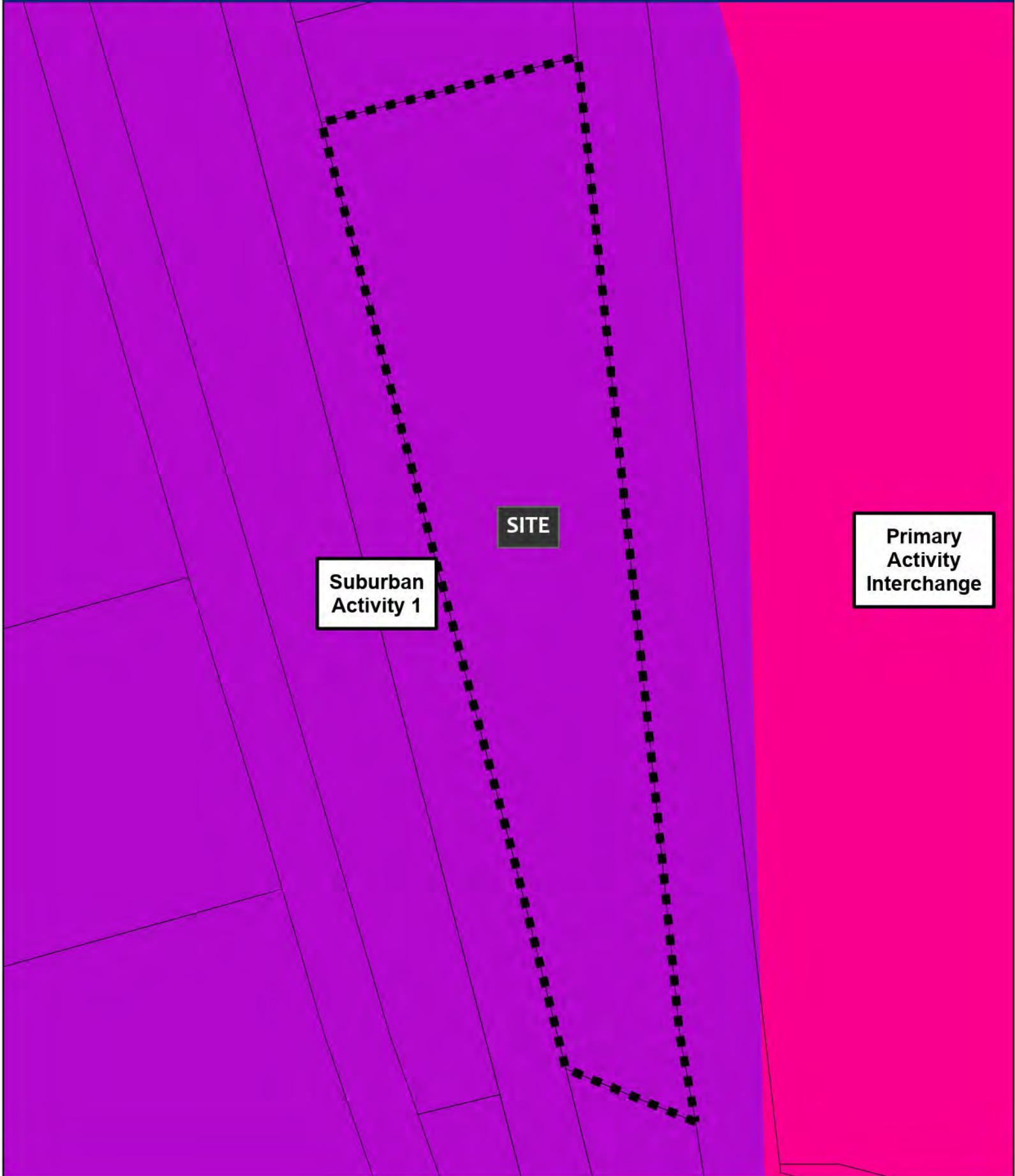




Kannapolis 2030 Future Land Use Map



Case Number: Z-2023-01
Applicant: David Miller
2850 S Ridge Ave, Concord



Suburban
Activity 1

SITE

Primary
Activity
Interchange



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000823901

Client: CITY OF KANNAPOLIS
Phone: 7049204300

Payer: 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
E-Mail: ap@kannapolisnc.gov

Total Amount \$1,235.50
Payment Amount \$1,235.50

Amount Due \$0.00

Tax Amount: 0.00

Payment Meth: Credit - Debit Card

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

Ad Number **Ad Type** **Ad Size** **Color**
0000823901-01 CLS Liner 2 X 99 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 2/10/2023, 2/17/2023

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETINGTUESDAYFEBRUARY172023
PMCONDITIONALZONINGMAPAMENDMENTCZ202201KANNAPOLIS

NOTICE OF PUBLIC HEARING
Planning and Zoning Commission Meeting
Tuesday, February 21 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2022-01 - Kannapolis Crossings: Public Hearing to consider a request to rezone unaddressed properties located on Old Beatty Ford Road from a City of Kannapolis Agricultural (AG) zoning district and a Rowan County Rural Agricultural (RA) zoning district to City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) zoning district to be combined with the existing PUD Kannapolis Crossing mixed-use development. The subject properties are approximately 24.33 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 135 091, 135 090, 135 04702 and 135 080.

Zoning Map Amendment - Z-2022-01 - 2850 S Ridge Ave and unaddressed parcels on S Ridge Ave: Public Hearing to consider a request to rezone properties located at 2850 S. Ridge Avenue and two unaddressed parcels located on S Ridge Ave. from an Office-Institutional (O-I) zoning district to a Residential 18 (R18) zoning district. The subject properties are approximately 2.5 +/- combined acres and further identified as Cabarrus County Parcel Identification Number 56128297890000, 56128390350000 and 56128391120000.

Zoning Map Amendment - Z-2022-02 - 200 Martin Luther King Jr. Ave: Public Hearing to consider a request to rezone property located at 200 Martin Luther King Jr. Avenue from an Office-Institutional (O-I) zoning district to a Residential 8 (R8) zoning district. The subject property is approximately 0.20 +/- acres and further identified as Cabarrus County Parcel Identification Number 56137908810000.

Zoning Map Amendment - Z-2022-03 - 1445 China Grove Rd: Public Hearing to consider a request to rezone property located at 1445 Old Beatty Ford Road from a Rowan County Rural Agricultural (RA) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject property was recently annexed into the City of Kannapolis and must be assigned City Zoning. The property is approximately 5.8 +/- acres and further identified as Rowan County Parcel Identification Number 147 015.

Zoning Map Amendment - Z-2022-04 - Western Growth Area: Public Hearing to consider a staff-initiated request to rezone properties located at 10444 & 10450 Davidson Highway and an unaddressed parcel on Davidson Highway from unincorporated Cabarrus County Countryside Residential (CR) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject properties were recently annexed into the City of Kannapolis and must be assigned City zoning. The properties are approximately 38.256 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 4672723480000, 46727152030000, and 46727202450000.

Zoning Map Amendment - Z-2022-05 - Stadium Dr: Public Hearing to consider a staff-initiated request to rezone unaddressed properties located on Stadium Drive from a Cabarrus County Limited Commercial (LC) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject properties were recently annexed into the City of Kannapolis and must be assigned City zoning. The properties are approximately 3.91 +/- combined acres and further identified as Cabarrus County Parcel Identification Number 56331866540000 and a portion of Rowan County Parcel Identification Number 145 005.

Zoning Map Amendment - Z-2022-06 - 101 Rice St: Public Hearing to consider a request to rezone property located at 101 Rice Street from a General Commercial (GC) zoning district to a Residential 8 (R8) zoning district. The subject property is approximately 0.11 +/- acres and further identified as Rowan County Parcel Identification Number 156 131A.

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 704-920-4502 or by email at tccline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

Publish: February 10, February 17, 2023.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
DENNIS & TAMMY CABLE	3904 OLD CONCORD RD	SALISBURY	NC	28146
CAROLINA CEMETERY PARK	PO BOX 3257	CONCORD	NC	28025
DAVID MILLER REALTY & INVESTMENT INC	1640 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
DUKE POWER COMPANY	400 S. TRYON ST ST22M	CHARLOTTE	NC	28201
ZACHARY & DILAINE GLOEGE	2824 S RIDGE AVE	CONCORD	NC	28025
RICHARD & VICKI JORDAN	1711 HIGHWAY 17 S UNIT 1024	SURFSIDE BCH	SC	29575
KEITH HOOGLAND PARTNERSHIP	2701 W LAWRENCE AVE STE A	SPRINGFIELD	IL	62704
MIGUEL LUCERO & JUAN LUCERO	2831 S MAIN ST	CONCORD	NC	28027
ROY D MILLS TRUSTEE				
ROY D MILLS REVOC TRST 3/13/97	983 ROY HARTLEY RD	LEXINGTON	NC	27295
NORTH CAROLINA RAILROAD CO	2809 HIGHWOODS BLVD STE 100	RALEIGH	NC	27604
PBD HOLDINGS LLC	2941 S RIDGE AVE	CONCORD	NC	28025
RESEARCH CITY LLC	341 BECKWICK LN	CONCORD	NC	28025
CHARLESUMBERGER JR	2823 S RIDGE AVE	CONCORD	NC	28025
CATHY WINGLER	2826 S RIDGE AVE	CONCORD	NC	28025



February 9, 2023

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, February 21, 2023 at 6:00 PM, for the following case:

Z-2023-01 – Zoning Map Amendment – 2850 S. Ridge Avenue and unaddressed parcels

The purpose of this Public Hearing is to consider a request to rezone properties located at 2850 S. Ridge Avenue and two unaddressed parcels located on S Ridge Ave. from an Office-Institutional (O-I) zoning district to a Residential 18 (R18) zoning district. The subject properties are approximately 2.5 +/- combined acres and further identified as Cabarrus County Parcel Identification Number 56128297890000, 56128390350000 and 56128391220000 (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; and are invited to attend the public hearing and present testimony, should you desire, to the Planning and Zoning Commission.

If you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4362 or bstanley@kannapolisnc.gov.

Sincerely,

Boyd Stanley, AICP
Assistant Planning Director

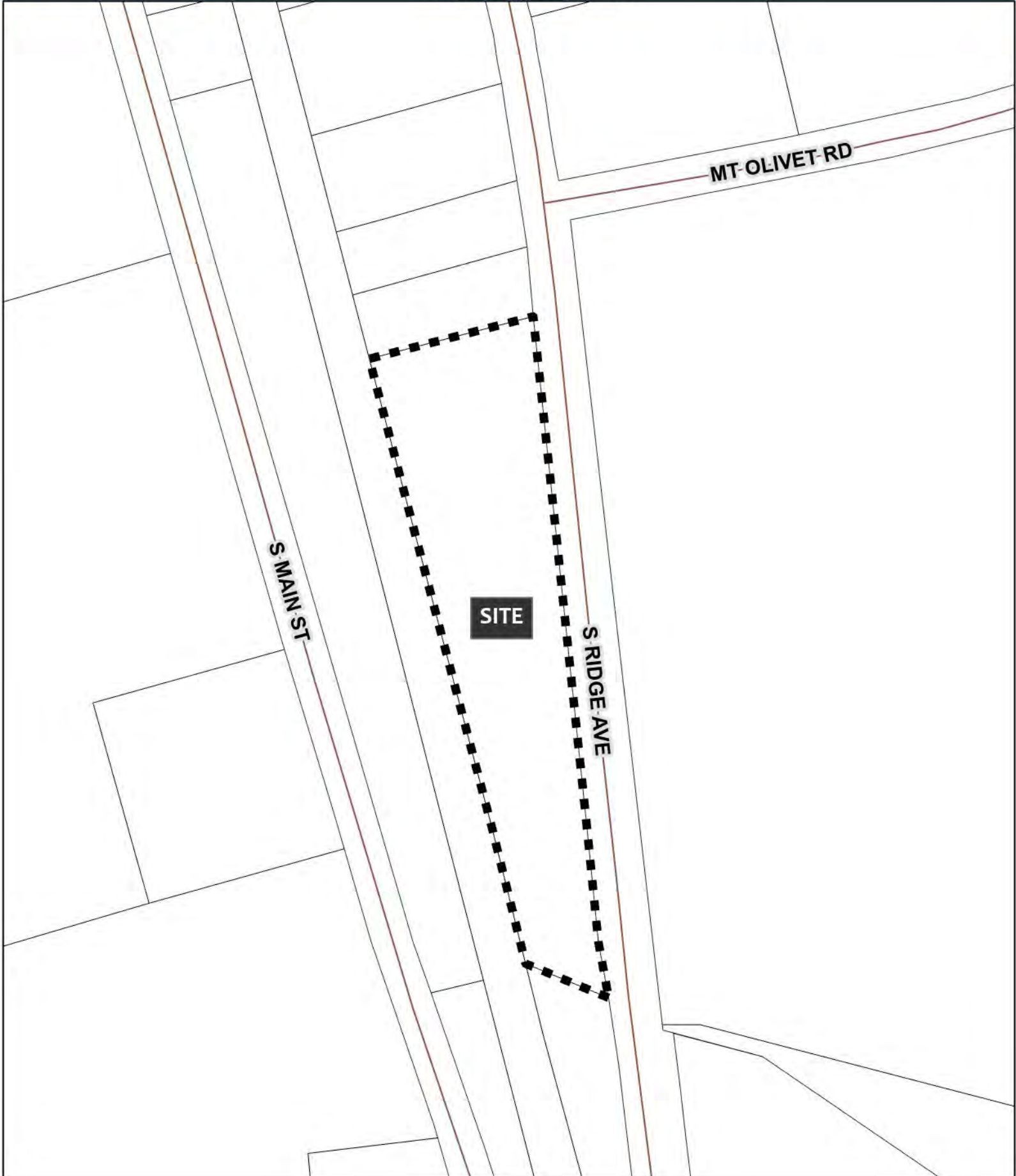
Enclosure

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



Zoning

Case Number: Z-2023-01
Applicant: David Miller
2850 S Ridge Ave, Concord





PLANNING

ZONING

COMMISSION

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # Z-2023-01



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #Z-2023-01**

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

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

WHEREAS, on February 21, 2023 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone unaddressed properties located at 2850 S. Ridge Avenue and two unaddressed parcels on S Ridge Avenue, (Cabarrus County Parcel Identification Numbers 56128297890000, 56128390350000 and 56128391220000) owned by David Miller Realty and Investment Inc., from City of Kannapolis Office-Institutional (O-I) Zoning Designation to City of Kannapolis Residential 18 (R18) 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 1” Character Area in the Move Kannapolis Forward 2030 Comprehensive Plan. This Character Area designation allows for 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 21st day of February 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case #Z-2023-01

(2850 South Ridge Avenue and two unaddressed parcels on South Ridge Avenue)

From City of Kannapolis Office-Institutional (O-I) to City of Kannapolis Residential 18 (R18) Zoning Designation

WHEREAS, Section 2.3.B.(1).a of the Kannapolis Development Ordinance (KDO) specifically delegates authority to the Planning and Zoning Commission to take final action on a rezoning application provided, if the application is approved by less than a three quarters majority of voting members or denied, or if the Planning and Zoning Commission's decision is appealed, the City Council shall make the final decision on the application; and

WHEREAS, the Commission conducted a public hearing on February 21, 2023 for consideration of rezoning petition Case #Z-2023-01 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone 2850 S. Ridge Avenue and two unaddressed parcels located on S Ridge Ave. (Cabarrus County Parcel Identification Numbers 56128297890000, 56128390350000 and 56128391220000) owned by David Miller Realty and Investment Inc., from an Office-Institutional (O-I) Zoning Designation to a Residential 18 (R18) Zoning Designation; and

WHEREAS, the Commission has approved the request for rezoning and found it to be consistent with the City of Kannapolis *Move Kannapolis Forward, 2030 Comprehensive Plan*, reasonable and in the public interest; and

WHEREAS, per Section 2.5.A.(2).c of the Kannapolis Development Ordinance, the Planning and Zoning Commission makes the following findings in support of and in analysis of the rezoning:

- 1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?**
Yes, residential uses are appropriate as secondary uses in the Secondary Activity 1 Character Area.
- 2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?**
No. Single-family residential development is being proposed.
- 3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?**
Yes, residential zoning is consistent with area development trends.
- 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, all surrounding properties are occupied by single-family homes or are vacant.

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.

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. There is an adequate supply of parcels in the subject area to accommodate a wide variety of development types.

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.

NOW, THEREFORE BE IT RESOLVED by the City of Kannapolis Planning and Zoning Commission, that the above referenced property be rezoned from Office-Institutional (O-I) Zoning Designation to Residential 18 (R18) Zoning Designation.

Adopted this the 21st day of February 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary Planning and
Zoning Commission



**Planning and Zoning Commission
February 21, 2023 Meeting**

Staff Report

TO: Planning and Zoning Commission
FROM: Boyd Stanley, Assistant Planning Director
SUBJECT: Case #Z-2023-02: 200 Martin Luther King Jr. Ave.
Applicant: Lisa Hedrick

Applicant is requesting to rezone property located at 200 Martin Luther King Jr. Avenue from Office-Institutional (O-I) to Residential 8 (R8) zoning district.

A. Actions Requested by Planning & Zoning Commission

1. Hold Public Hearing
2. Motion to adopt Statement of Consistency
3. Motion to adopt Resolution to Zone

B. Decision and Required Votes to Pass Requested Actions

Section 2.3.B.(1).a of the Kannapolis Development Ordinance (KDO) allows the Planning and Zoning Commission to render a final decision on a rezoning request. If there is a denial, an approval by a vote of less than three-fourths, or an appeal of the decision, then only the City Council shall have final decision-making authority. Any final decision rendered by the Commission may be appealed within fifteen (15) days to the City Council.

C. Background & Project Overview

The applicant, Lisa Hedrick is proposing to rezone approximately 0.20 +/- acres of property located at 200 Martin Luther King Jr. Ave., further identified as Cabarrus County Parcel Identification Number 56137908810000, from an Office-Institutional (O-I) zoning district to a Residential 8 (R8) zoning district. The property is currently occupied by a single-family residence and the applicant is requesting the rezoning in order to be in compliance with the KDO since the O-I district does not permit single-family residential.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.5.A.(2).c of the KDO states that Amending the Zoning Map is a matter committed to the legislative discretion of the Planning and Zoning Commission or of the City Council, as authorized by this section. In determining whether to adopt or deny the proposed amendment, the Planning and Zoning Commission or the City Council, as applicable, may consider, and weigh the relevance of, whether and to what extent the proposed Zoning Map amendment:

- 1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?**
Yes, the property is designated as Urban Residential with single-family detached residences being a desired primary use.
- 2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?**
No. The property is occupied by a single-family home.
- 3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?**
Yes, the O-I zoning district no longer permits single-family homes.
- 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 “Urban Residential” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area designation allows for single-family detached residential uses consistent with the existing 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.

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-2023-02

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-2023-02, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: The Planning and Zoning Commission finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which designates the subject property as located within the “Urban Residential” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area designation allows for single-family detached residential uses consistent with the existing 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.

- 2. Should the Commission choose to approve Case #Z-2023-02, 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-2023-02, 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-2023-02 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-2023-02, 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: 200 Martin Luther King Jr Ave Kann
Applicant: Lisa Hedrick
Proposed development: none

SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to 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: Lisa Hedrick

Date: 4 Jan 2023



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: Lisa Hedrick
Address: 200 Martin Luther King Jr Ave
Kann NC
Phone: 704-724-8283
Email: badinlake9@gmail.com

Property Owner Contact Information

same as applicant

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

Project Information

Project Address: 200 Martin Luther King Jr Ave Kann NC

Parcel: 5613 79 0881 0000 # of parcels: 1 Approx. size of parcels: _____
(attach separate list if necessary)

Current Zoning Designation: RV Residential Village Requested Zoning Designation: Res/RV Residential Village

Reason for map amendment: has been family since 1935 - "6nbbles"

township / map / parcel 04 020 0026.000000
ct 200 Kann BLK A

I bought 2020

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.

Lisa Hedrick
Applicant Signature

4 Jan 2023
Date

Lisa Hedrick
Property Owner Signature

4 Jan 2023
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 #: _____

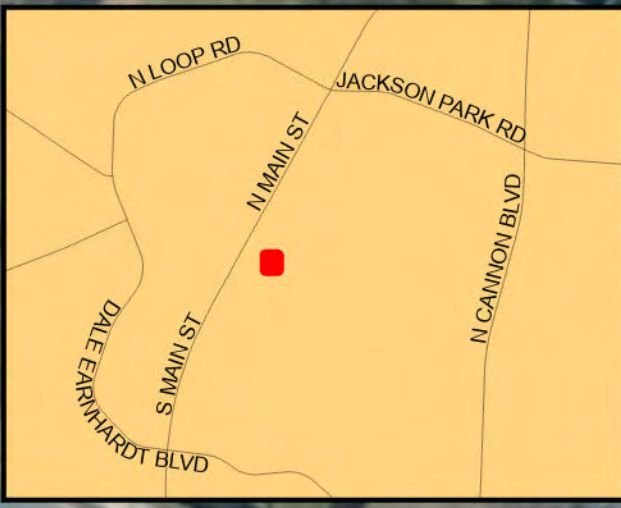
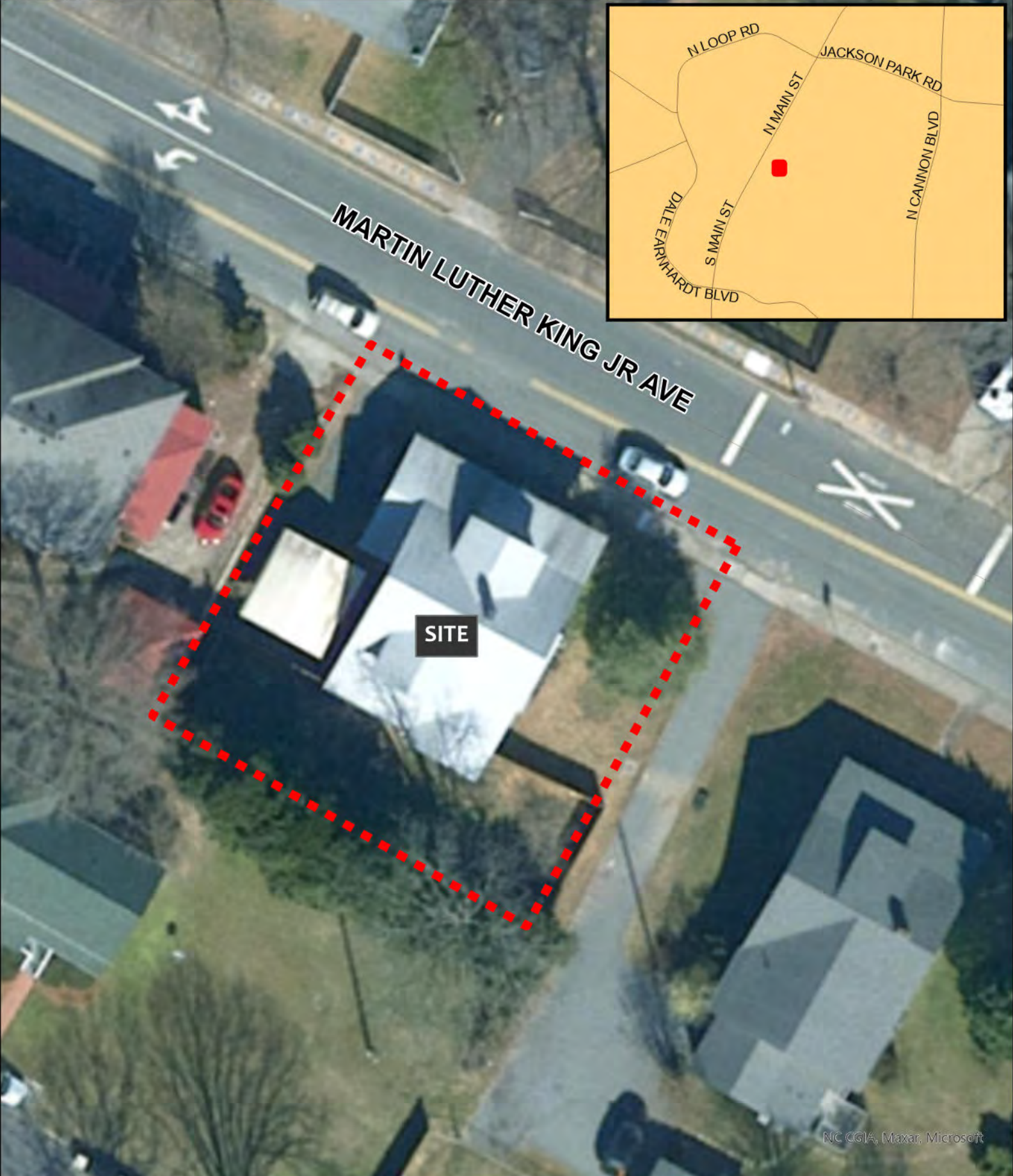
Case #: _____

Date Received: _____



Vicinity Map

Case Number: Z-2023-02
Applicant: Lisa Hendrick
200 Martin Luther King Jr Ave

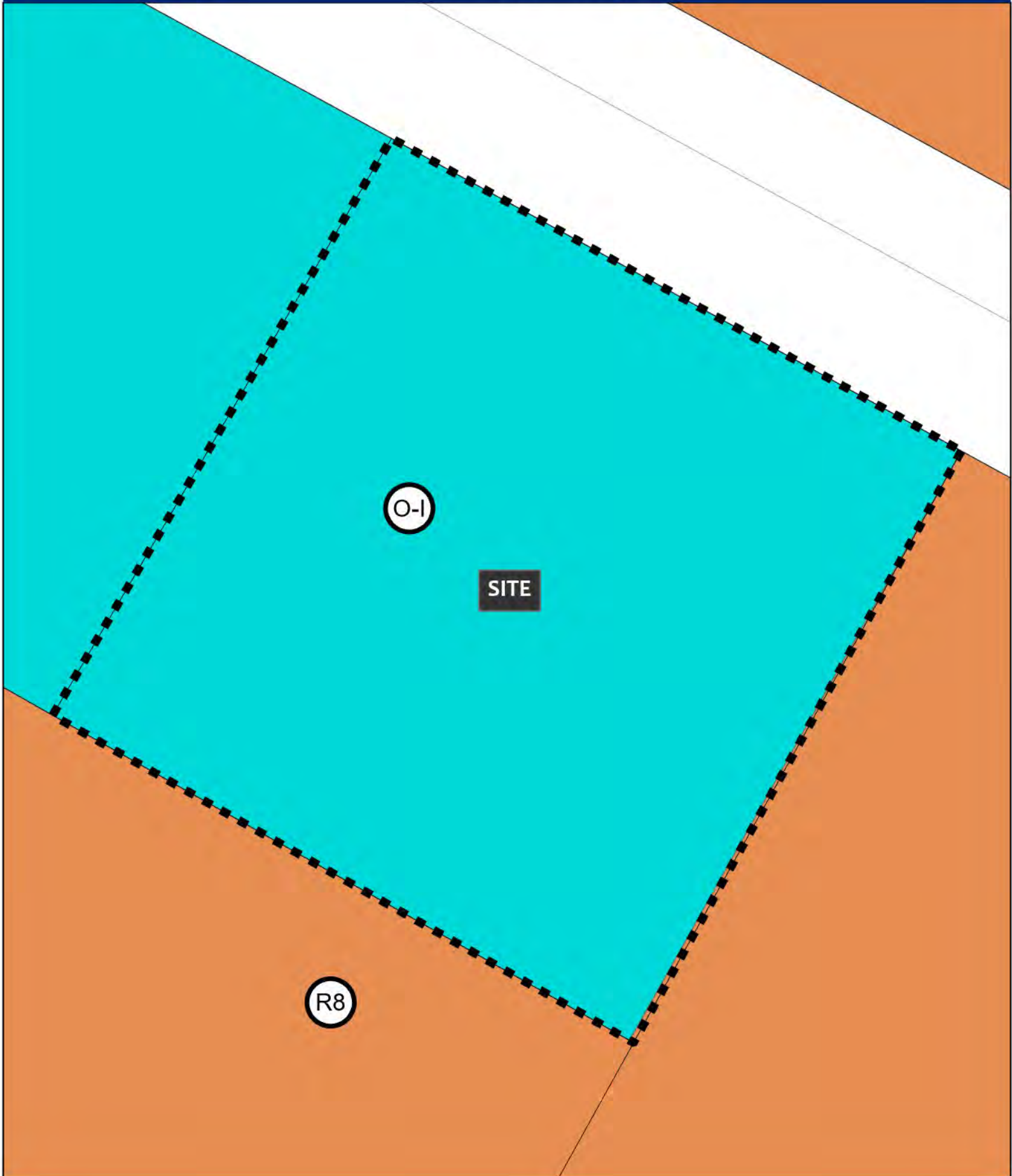




Kannapolis Current Zoning



Case Number: Z-2023-02
Applicant: Lisa Hendrick
200 Martin Luther King Jr Ave





Kannapolis 2030 Future Land Use Map



Case Number: Z-2023-02
Applicant: Lisa Hendrick
200 Martin Luther King Jr Ave





PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000823901

Client: CITY OF KANNAPOLIS
Phone: 7049204300

Payer: 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 \$1,235.50
Payment Amount \$1,235.50

Amount Due \$0.00

Tax Amount: 0.00

Payment Meth: Credit - Debit Card

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

Ad Number **Ad Type** **Ad Size** **Color**
0000823901-01 CLS Liner 2 X 99 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 2/10/2023, 2/17/2023

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETINGTUESDAYFEBRUARY172023
PMCONDITIONALZONINGMAPAMENDMENTCZ202201KANNAPOLIS

NOTICE OF PUBLIC HEARING
Planning and Zoning Commission Meeting
Tuesday, February 21 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2022-01 - Kannapolis Crossings: Public Hearing to consider a request to rezone unaddressed properties located on Old Beatty Ford Road from a City of Kannapolis Agricultural (AG) zoning district and a Rowan County Rural Agricultural (RA) zoning district to City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) zoning district to be combined with the existing PUD Kannapolis Crossing mixed-use development. The subject properties are approximately 24.33 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 135 091, 135 090, 135 04702 and 135 080.

Zoning Map Amendment - Z-2022-01 - 2850 S Ridge Ave and unaddressed parcels on S Ridge Ave: Public Hearing to consider a request to rezone properties located at 2850 S. Ridge Avenue and two unaddressed parcels located on S Ridge Ave. from an Office-Institutional (O-I) zoning district to a Residential 18 (R18) zoning district. The subject properties are approximately 2.5 +/- combined acres and further identified as Cabarrus County Parcel Identification Number 56128297890000, 56128390350000 and 56128391120000.

Zoning Map Amendment - Z-2022-02 - 200 Martin Luther King Jr. Ave: Public Hearing to consider a request to rezone property located at 200 Martin Luther King Jr. Avenue from an Office-Institutional (O-I) zoning district to a Residential 8 (R8) zoning district. The subject property is approximately 0.20 +/- acres and further identified as Cabarrus County Parcel Identification Number 56137908810000.

Zoning Map Amendment - Z-2022-03 - 1445 China Grove Rd: Public Hearing to consider a request to rezone property located at 1445 Old Beatty Ford Road from a Rowan County Rural Agricultural (RA) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject property was recently annexed into the City of Kannapolis and must be assigned City Zoning. The property is approximately 5.8 +/- acres and further identified as Rowan County Parcel Identification Number 147 015.

Zoning Map Amendment - Z-2022-04 - Western Growth Area: Public Hearing to consider a staff-initiated request to rezone properties located at 10444 & 10450 Davidson Highway and an unaddressed parcel on Davidson Highway from unincorporated Cabarrus County Countryside Residential (CR) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject properties were recently annexed into the City of Kannapolis and must be assigned City zoning. The properties are approximately 38.256 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 4672723480000, 46727152030000, and 46727202450000.

Zoning Map Amendment - Z-2022-05 - Stadium Dr: Public Hearing to consider a staff-initiated request to rezone unaddressed properties located on Stadium Drive from a Cabarrus County Limited Commercial (LC) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject properties were recently annexed into the City of Kannapolis and must be assigned City zoning. The properties are approximately 3.91 +/- combined acres and further identified as Cabarrus County Parcel Identification Number 56331866540000 and a portion of Rowan County Parcel Identification Number 145 005.

Zoning Map Amendment - Z-2022-06 - 101 Rice St: Public Hearing to consider a request to rezone property located at 101 Rice Street from a General Commercial (GC) zoning district to a Residential 8 (R8) zoning district. The subject property is approximately 0.11 +/- acres and further identified as Rowan County Parcel Identification Number 156 131A.

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 704-920-4502 or by email at tccline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

Publish: February 10, February 17, 2023.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
JERRY & DEBBI BYNUM	204 E 1ST ST	KANNAPOLIS	NC	28083
CASAG S EAST AVE PROPERTIES LLC	406 E 4TH ST	KANNAPOLIS	NC	28083
HARVEY W III & CLAIRE GOUCH	103 N EAST AVE	KANNAPOLIS	NC	28083
MARY HALL	105 N EAST AVE	KANNAPOLIS	NC	28083
BARRY G HEDRICK ESTATE				
LISA W HEDRICK	200 MARTIN LUTHER KING JR AVE	KANNAPOLIS	NC	28083
MARK & JANET HILL	101 N EAST AVE	KANNAPOLIS	NC	28083
J SCOTT PROPERTIES LLC/A LLC	PO BOX 1009	KANNAPOLIS	NC	28082
KANNAPOLIS PROPERTY OWNER LLC	1213 W MOREHEAD ST STE 150	CHARLOTTE	NC	28208
ROBERT PENINGER & CYNTHIA SPRY	104 N RIDGE AVE	KANNAPOLIS	NC	28083
PENSCO TRUST COMPANY				
CUSTD FBO TONY L ABERNATHY IRA	426 31ST ST	SUNSET BEACH	NC	28468
MYRTLE KETCHIE ROBERTS LF EST	102 N RIDGE AVE	KANNAPOLIS	NC	28083
STATE OF NORTH CAROLINA				
C/O STATE PROPERTY OFFICE	1321 MAIL SERVICE CENTER	RALEIGH	NC	27699
STEPHANIE TROUTMAN	104 SOUTH EAST AVENUE	KANNAPOLIS	NC	28081
EDWARD WRIGHT & ROSLYN PEREZ	100 N RIDGE AVE	KANNAPOLIS	NC	28083



February 9, 2023

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, February 21, 2023 at 6:00 PM, for the following case:

Z-2023-02 – Zoning Map Amendment – 200 Martin Luther King Jr. Avenue

The purpose of this Public Hearing is to consider a request to rezone property located at 200 Martin Luther King Jr. Avenue from an Office-Institutional (O-I) zoning district to a Residential 8 (R8) zoning district. The subject property is approximately 0.20 +/- acres and further identified as Cabarrus County Parcel Identification Number 56137908810000 (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; and are invited to attend the public hearing and present testimony, should you desire, to the Planning and Zoning Commission.

If you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4362 or bstanley@kannapolisnc.gov.

Sincerely,

Boyd Stanley, AICP
Assistant Planning Director

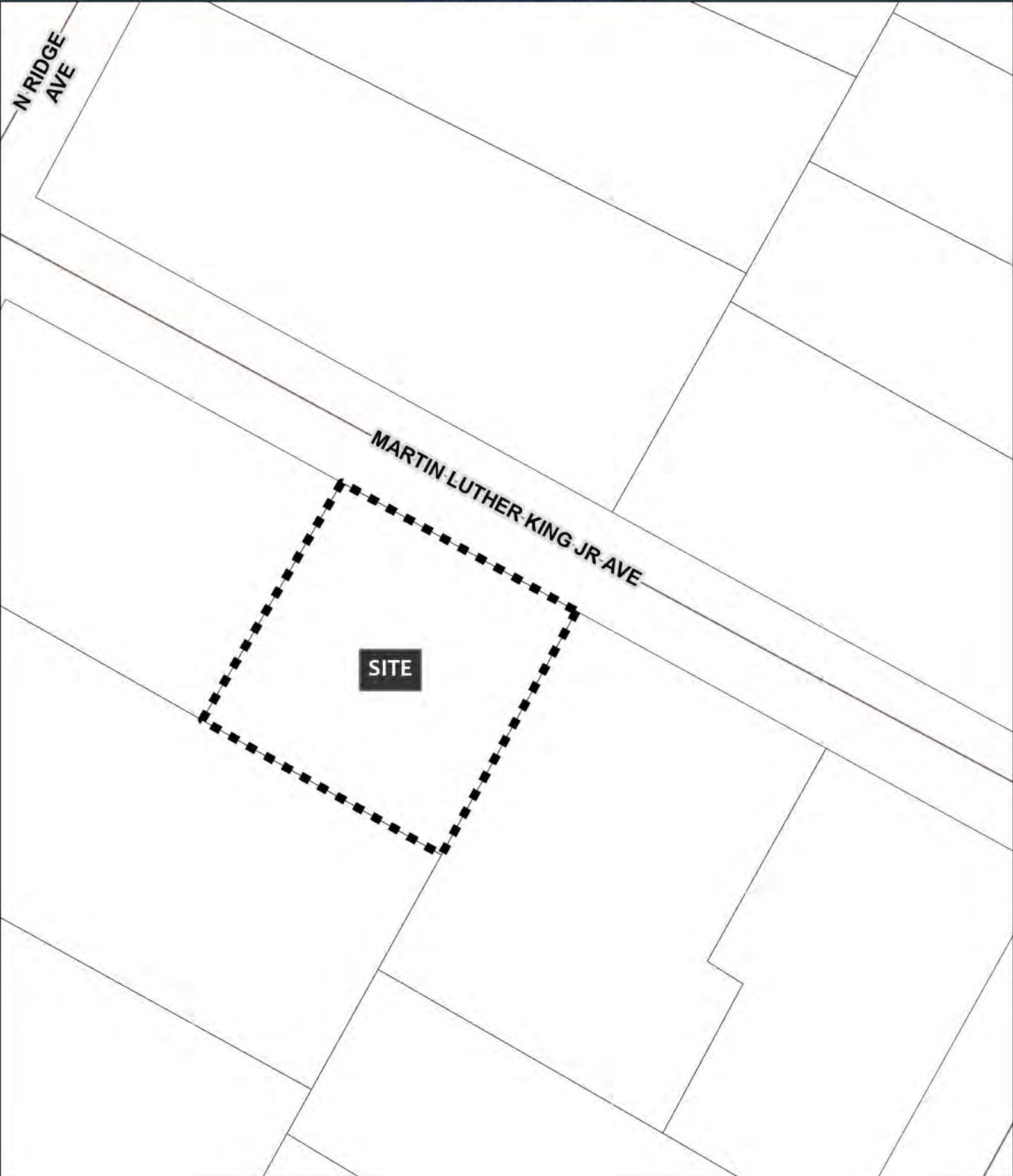
Enclosure

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



Zoning

Case Number: Z-2023-02
Applicant: Lisa Hendrick
200 Martin Luther King Jr Ave





PLANNING

ZONING

COMMISSION

PUBLIC HEARING

INFORMATION

CALL 704-920-4350

CASE # Z-2023-02



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #Z-2023-02**

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

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

WHEREAS, on February 21, 2023 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone property located at 200 Martin Luther King Jr. Avenue (Cabarrus County Parcel Identification Number 56137908810000) owned by Barry G. Hedrick Estate and Lisa W. Hedrick, from City of Kannapolis Office-Institutional (O-I) Zoning Designation to City of Kannapolis Residential 8 (R8) Zoning Designation,

NOW, THEREFORE BE IT RESOLVED that the *Planning and Zoning Commission finds this rezoning consistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates the subject property as located within the “Urban Residential” Character Area in the Move Kannapolis Forward 2030 Comprehensive Plan. This Character Area designation allows for single-family detached residential uses consistent with the existing 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.*

Adopted this the 21st day of February 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE
Case #Z-2023-02
(200 Martin Luther King Jr. Avenue)

**From City of Kannapolis Office-Institutional (O-I) to
City of Kannapolis Residential 8 (R8) Zoning Designation**

WHEREAS, Section 2.3.B.(1).a of the Kannapolis Development Ordinance (KDO) specifically delegates authority to the Planning and Zoning Commission to take final action on a rezoning application provided, if the application is approved by less than a three quarters majority of voting members or denied, or if the Planning and Zoning Commission’s decision is appealed, the City Council shall make the final decision on the application; and

WHEREAS, the Commission conducted a public hearing on February 21, 2023 for consideration of rezoning petition Case #Z-2023-02 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone property located at 200 Martin Luther King Jr. Avenue (Cabarrus County Parcel Identification Number 56137908810000) owned by Barry G. Hedrick Estate and Lisa W. Hedrick, from City of Kannapolis Office-Institutional (O-I) Zoning Designation to City of Kannapolis Residential 8 (R8) Zoning Designation; and

WHEREAS, the Commission has approved the request for rezoning and found it to be consistent with the City of Kannapolis *Move Kannapolis Forward, 2030 Comprehensive Plan*, reasonable and in the public interest; and

WHEREAS, per Section 2.5.A.(2).c of the Kannapolis Development Ordinance, the Planning and Zoning Commission makes the following findings in support of and in analysis of the rezoning:

- 1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?**
Yes, the property is designated as Urban Residential with single-family detached residences being a desired primary use.
- 2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?**
No. The property is occupied by a single-family home.
- 3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?**
Yes, the O-I zoning district no longer permits single-family homes.
- 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 a Office-Institutional (O-I) Zoning Designation to a Residential 8 (R8) Zoning Designation.

Adopted this the 21st day of February 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary Planning and
Zoning Commission



**Planning and Zoning Commission
February 21, 2023 Meeting**

Staff Report

TO: Planning and Zoning Commission
FROM: Richard Smith, Planning Director
SUBJECT: Case #Z-2023-03: 1445 China Grove Road
Applicant: City of Kannapolis

Staff request to apply the City of Kannapolis Agricultural (AG) zoning designation to recently annexed property located at 1445 China Grove Road.

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 January 23, 2023, the City of Kannapolis annexed approximately 5.8 +/- acres of property located at 1445 China Grove Road, further identified as Rowan County Parcel Identification Number 147 015.

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 zoning designation will serve as a place holder until development plans are submitted for this site. It is anticipated that an application will be made for a conditional zoning and site plans to incorporate this and other adjacent properties into the Kannapolis Crossing Planned Unit Development at a future date.

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 development plans are submitted. This area of the City’s future growth area is identified as “Primary Activity Interchange”.

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 RA zoning district in Rowan 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 (“2030 Plan”), adopted by City Council, which designates adjoining properties within the “Primary Activity Interchange” Character Area in the 2030 Plan. Currently, this property is not assigned an “official” designation in the Comprehensive Plan, but an amendment to adopt this property into the plan under the Primary Activity Interchange designation is underway. 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-2023-03

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-2023-03, a motion should be made to adopt the following Statement of Consistency:**

***Statement of Consistency:** The Planning and Zoning Commission finds this rezoning **consistent** with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates adjoining properties within the “Primary Activity Interchange” Character Area in the Move Kannapolis Forward 2030 Comprehensive Plan. Currently, this property is not assigned an “official” designation in the Comprehensive Plan, but an amendment to adopt this property into the plan under the Primary Activity Interchange designation is underway. These areas 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-2023-03, a motion should be made to adopt the Resolution to Zone.**

Motion to Deny (2 votes)

1. **Should the Commission choose to recommend denial of Case #Z-2023-03, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #Z-2023-03 to be **inconsistent** with the goals and policies of the **Move Kannapolis Forward 2030 Comprehensive Plan**, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

2. **Should the Commission choose to deny Case #Z-2023-03, a motion should be made to deny the Resolution to Zone.**

I. Attachments

1. Rezoning Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use and Character Map
5. 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

Pre-Application Meeting – send an email to 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: Boyd V. Stanley

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 #: _____

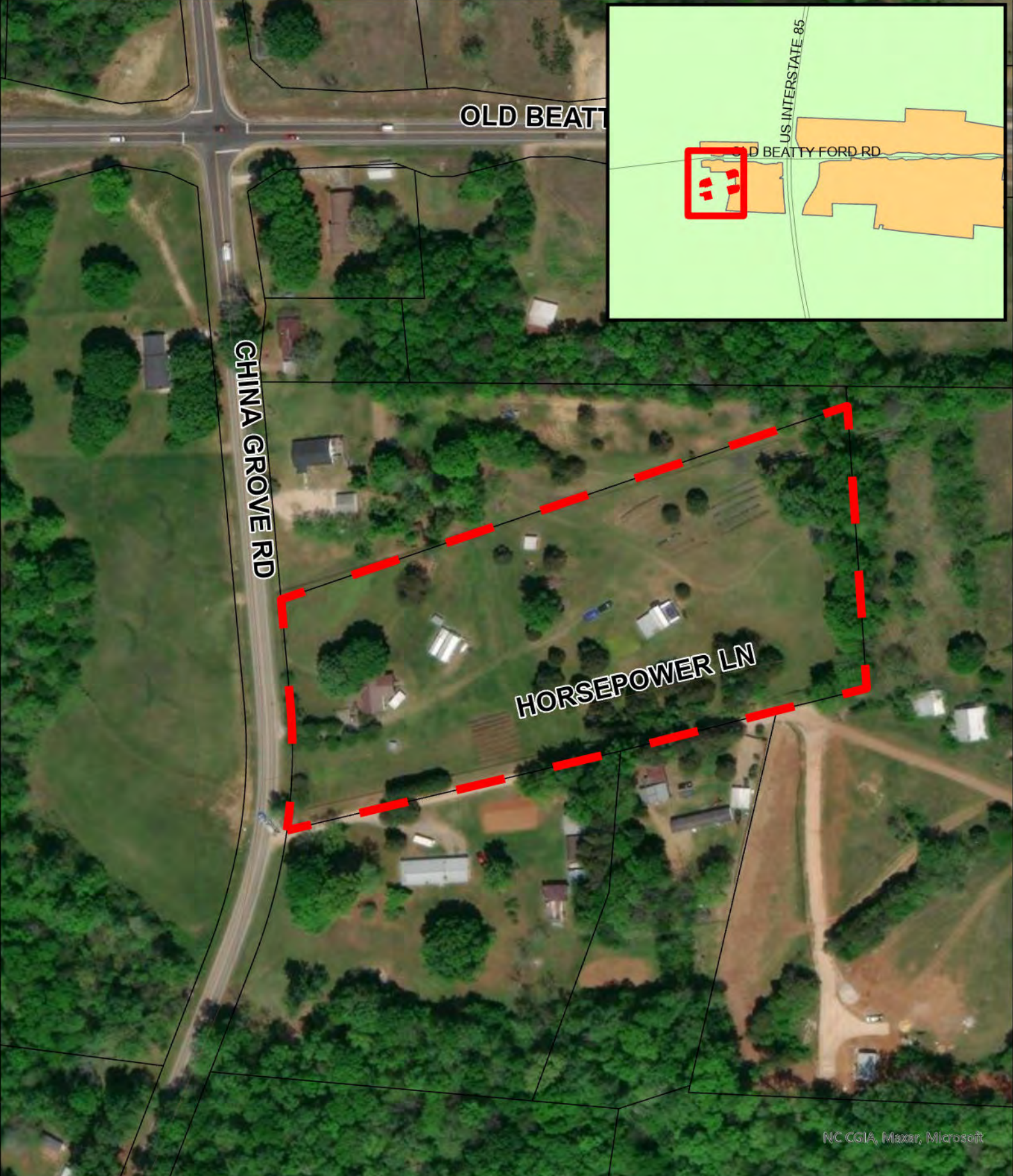
Case #: _____

Date Received: _____



Vicinity Map

Case Number: Z-2023-03
Applicant: City of Kannapolis-Boyd Stanley
1445 China Grove Rd

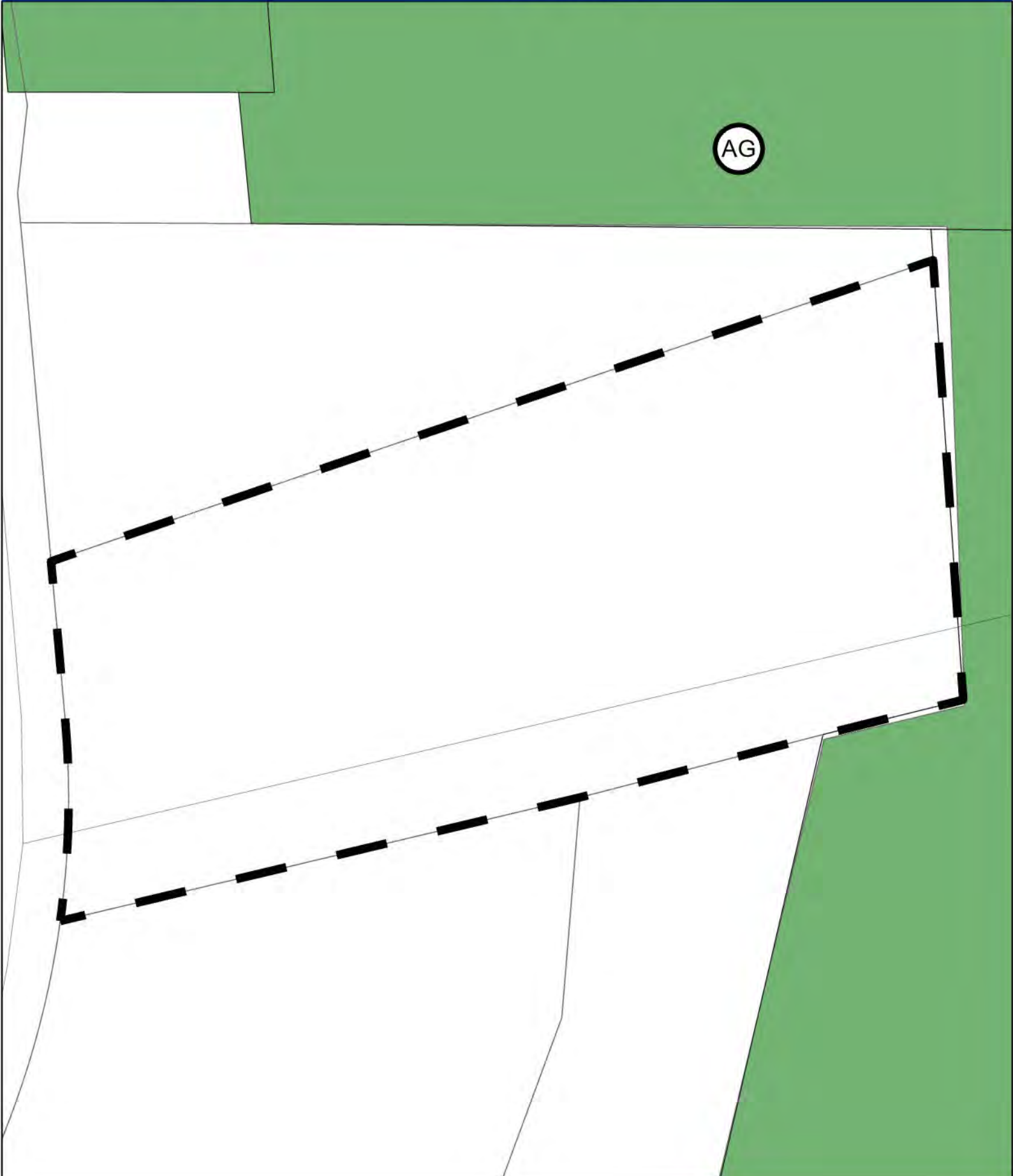




Kannapolis Current Zoning



Case Number: Z-2023-03
Applicant: City of Kannapolis-Boyd Stanley
1445 China Grove Rd

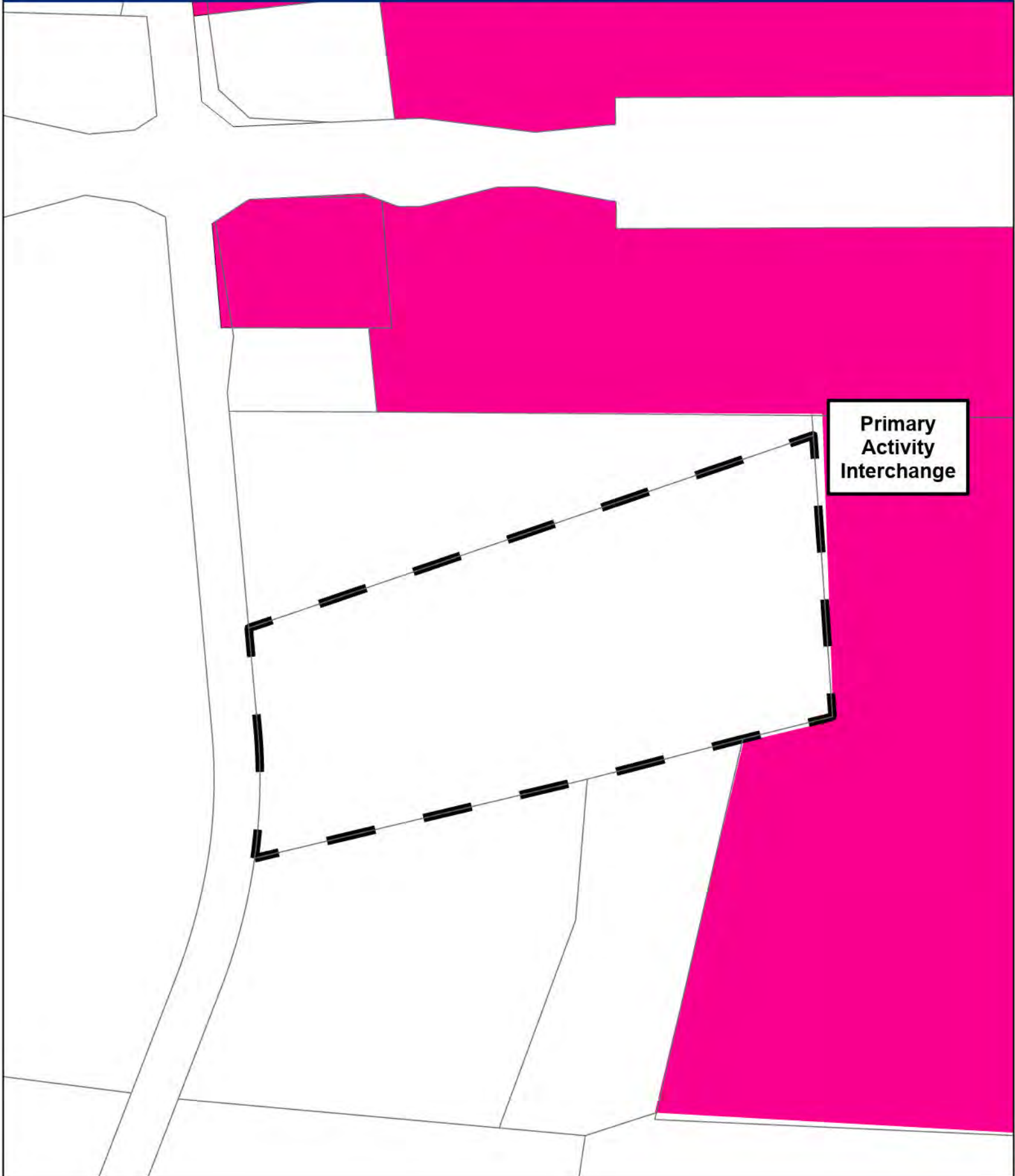




Kannapolis 2030 Future Land Use Map



Case Number: Z-2023-03
Applicant: City of Kannapolis-Boyd Stanley
1445 China Grove Rd



**Primary
Activity
Interchange**



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000823901

Client: CITY OF KANNAPOLIS
Phone: 7049204300

Payer: 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 \$1,235.50
Payment Amount \$1,235.50

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**
0000823901-01 CLS Liner 2 X 99 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 2/10/2023, 2/17/2023

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETINGTUESDAYFEBRUARY172023
PMCONDITIONALZONINGMAPAMENDMENTCZ202201KANNAPOLIS

NOTICE OF PUBLIC HEARING
Planning and Zoning Commission Meeting
Tuesday, February 21 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2022-01 - Kannapolis Crossings: Public Hearing to consider a request to rezone unaddressed properties located on Old Beatty Ford Road from a City of Kannapolis Agricultural (AG) zoning district and a Rowan County Rural Agricultural (RA) zoning district to City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) zoning district to be combined with the existing PUD Kannapolis Crossing mixed-use development. The subject properties are approximately 24.33 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 135 091, 135 090, 135 04702 and 135 080.

Zoning Map Amendment - Z-2022-01 - 2850 S Ridge Ave and unaddressed parcels on S Ridge Ave: Public Hearing to consider a request to rezone properties located at 2850 S. Ridge Avenue and two unaddressed parcels located on S Ridge Ave. from an Office-Institutional (O-I) zoning district to a Residential 18 (R18) zoning district. The subject properties are approximately 2.5 +/- combined acres and further identified as Cabarrus County Parcel Identification Number 56128297890000, 56128390350000 and 56128391120000.

Zoning Map Amendment - Z-2022-02 - 200 Martin Luther King Jr. Ave: Public Hearing to consider a request to rezone property located at 200 Martin Luther King Jr. Avenue from an Office-Institutional (O-I) zoning district to a Residential 8 (R8) zoning district. The subject property is approximately 0.20 +/- acres and further identified as Cabarrus County Parcel Identification Number 56137908810000.

Zoning Map Amendment - Z-2022-03 - 1445 China Grove Rd: Public Hearing to consider a request to rezone property located at 1445 Old Beatty Ford Road from a Rowan County Rural Agricultural (RA) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject property was recently annexed into the City of Kannapolis and must be assigned City Zoning. The property is approximately 5.8 +/- acres and further identified as Rowan County Parcel Identification Number 147 015.

Zoning Map Amendment - Z-2022-04 - Western Growth Area: Public Hearing to consider a staff-initiated request to rezone properties located at 10444 & 10450 Davidson Highway and an unaddressed parcel on Davidson Highway from unincorporated Cabarrus County Countryside Residential (CR) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject properties were recently annexed into the City of Kannapolis and must be assigned City zoning. The properties are approximately 38.256 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 4672723480000, 46727152030000, and 46727202450000.

Zoning Map Amendment - Z-2022-05 - Stadium Dr: Public Hearing to consider a staff-initiated request to rezone unaddressed properties located on Stadium Drive from a Cabarrus County Limited Commercial (LC) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject properties were recently annexed into the City of Kannapolis and must be assigned City zoning. The properties are approximately 3.91 +/- combined acres and further identified as Cabarrus County Parcel Identification Number 56331866540000 and a portion of Rowan County Parcel Identification Number 145 005.

Zoning Map Amendment - Z-2022-06 - 101 Rice St: Public Hearing to consider a request to rezone property located at 101 Rice Street from a General Commercial (GC) zoning district to a Residential 8 (R8) zoning district. The subject property is approximately 0.11 +/- acres and further identified as Rowan County Parcel Identification Number 156 131A.

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 704-920-4502 or by email at tccline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

Publish: February 10, February 17, 2023.

OWNNAME	TAXADD1	CITY	STATE	ZIPCODE
GARYS BAR-B-Q INC	620 N US 29 HWY	CHINA GROVE	NC	28023-2616
EUGENE & IRENE MOOSE	3541 COUNTRY DOWN AVE	KANNAPOLIS	NC	28081-6439
KANNAPOLIS CROSSING LP	450 MAIN ST	BATON ROUGE	LA	70801-1906
FRED F II & TENA STEEN	1425 CHINA GROVE RD	CHINA GROVE	NC	28023-6615
WAYNE BEAVER	130 HORSEPOWER LN	CHINA GROVE	NC	28023-3604
	210 HORSEPOWER LN			
DEBORAH BROWN	PO BOX 382	LANDIS	NC	28088



February 9, 2023

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, February 21, 2023 at 6:00 PM, for the following case:

Z-2023-03 – Zoning Map Amendment – 1445 Old Beatty Ford Road

The purpose of this Public Hearing is to consider a request to rezone property located at 1445 Old Beatty Ford Road from a Rowan County Rural Agricultural (RA) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject property was recently annexed into the City of Kannapolis and must be assigned City Zoning. The property is approximately 5.8 +/- acres and further identified as Rowan County Parcel Identification Number 147 015 (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; and are invited to attend the public hearing and present testimony, should you desire, to the Planning and Zoning Commission.

If you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4362 or bstanley@kannapolisnc.gov.

Sincerely,

Boyd Stanley, AICP
Assistant Planning Director

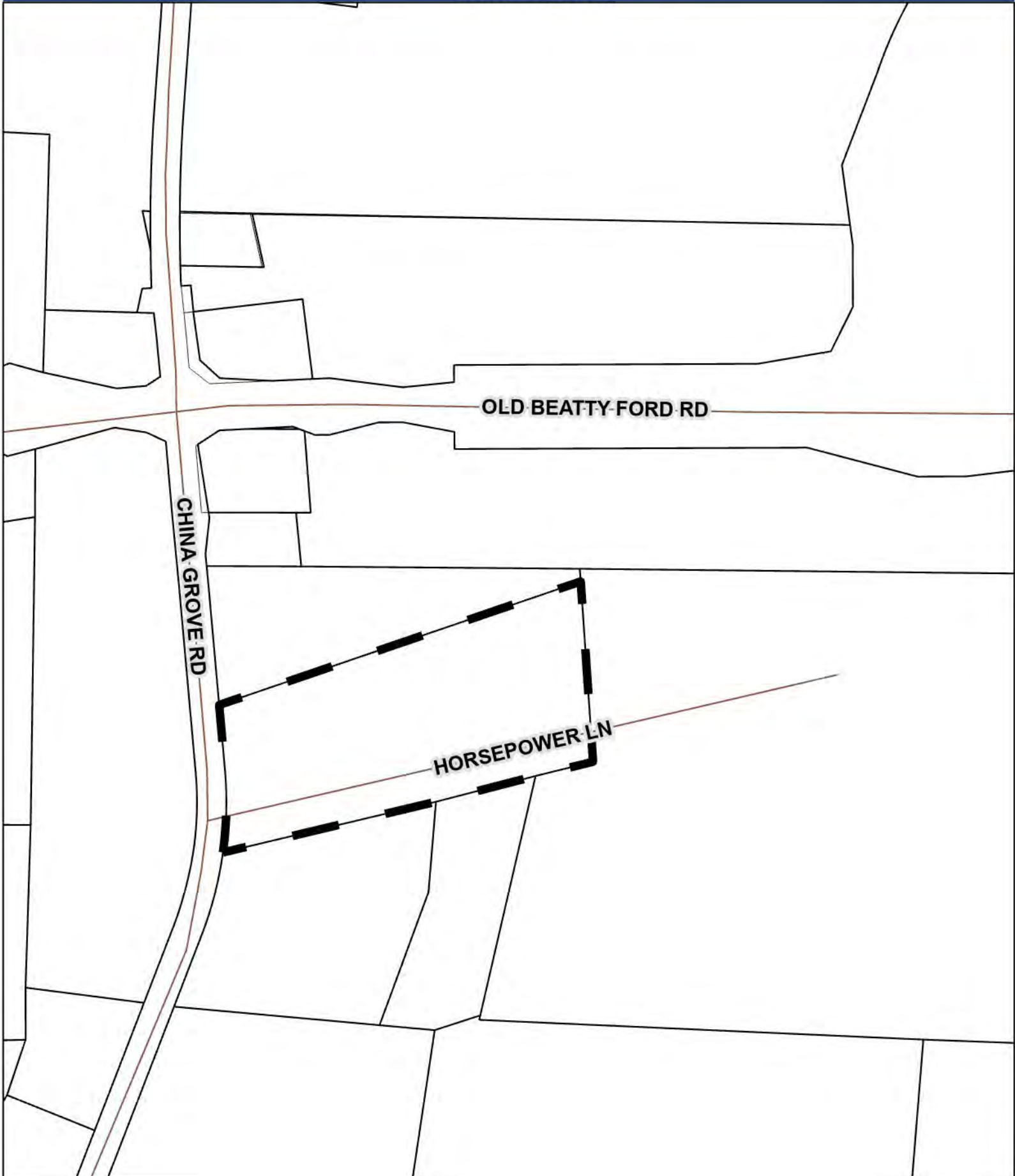
Enclosure

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



Zoning

Case Number: Z-2023-03
Applicant: City of Kannapolis-Boyd Stanley
1445 China Grove Rd





PLANNING

ZONING

COMMISSION

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # **Z-2023-03**



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #Z-2023-03**

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

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

WHEREAS, on February 21, 2023 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone property located at 1445 China Grove Road, (Rowan County Parcel Identification Number 147 015) owned by Kannapolis Crossing Development, LLC, from Rowan County Rural Agricultural (RA) Zoning Designation to 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 adjoining properties within the “Primary Activity Interchange” Character Area in the Move Kannapolis Forward 2030 Comprehensive Plan. Currently, this property is not assigned an “official” designation in the Comprehensive Plan, but an amendment to adopt this property into the plan under the Primary Activity Interchange designation is underway. 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 21st day of February 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

**Case #Z-2023-03
(1445 China Grove Road)**

From Rowan County Rural Agricultural (RA) Zoning Designation 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 February 21, 2023 for consideration of rezoning petition Case #Z-2023-05 submitted by the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone unaddressed property located at 1445 China Grove Road, (Rowan County Parcel Identification Number 147 015) owned by Kannapolis Crossing Development, LLC, from Rowan County Rural Agricultural (RA) Zoning Designation to 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 development plans are submitted. This area of the City's future growth area is identified as "Primary Activity Interchange".

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 RA zoning district in Rowan 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 Rowan County Rural Agricultural (RA) Zoning Designation to City of Kannapolis Agricultural (AG) Zoning Designation.

Adopted this the 21st day of February 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary Planning and
Zoning Commission



**Planning and Zoning Commission
February 21, 2023 Meeting**

Staff Report

TO: Planning and Zoning Commission
FROM: Boyd Stanley, Assistant Planning Director
SUBJECT: Case #Z-2023-04: 10444 & 10450 Davidson Highway and an unaddressed parcel on Davidson Highway
Applicant: City of Kannapolis

Staff request to apply the City of Kannapolis Agricultural (AG) zoning designation to recently annexed property located at 10444 & 10450 Davidson Highway and an unaddressed parcel on Davidson Highway.

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 January 23, 2023, the City of Kannapolis annexed approximately 38.256 +/- combined acres of City owned property located at 10444 & 10450 Davidson Highway and an unaddressed parcel on Davidson Highway, further identified as Cabarrus County Parcel Identification Numbers 46727233480000, 46727152030000, and 46727202450000.

Per the North Carolina General Statutes, a 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. Parks are a permitted use in the AG zoning district under the KDO. Previously, the properties were zoned CR (Countryside Residential) in Cabarrus County.

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 consistent with the Comprehensive Plan and the intent of the Complete Neighborhood 2 designation in that it preserves an environmentally sensitive area mostly located within a regulated floodplain for a future City Park.

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 CR (Countryside Residential) 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 properties were 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. The properties are currently open space.

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?

Yes. The properties are currently open space.

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?

Yes. The properties will be preserved as open-active park space.

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 “Complete Neighborhood 2” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area designation allows for preservation of open space for parks and environmentally sensitive areas which is 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.

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-2023-04

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-2023-04, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan* (“2030 Plan”), adopted by City Council, which designates the subject property as located within the “Complete Neighborhood 2” Character Area in the 2030 Plan. This Character Area designation allows for preservation of open space for parks and environmentally sensitive areas which is 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.*

- 2. Should the Commission choose to approve Case #Z-2023-04, 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-2023-04, 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-2023-04 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-2023-04, 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: 10444, 10450 and an unaddressed parcel on Davidson Hwy

Applicant: City of Kannapolis, Boyd Stanley - Assistant Planning Director

Proposed development: Future use as a park

SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to 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: Boyd V. Stanley

Date: 1/24/2023



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: City of Kannapolis - Boyd Stanley
Address: 401 Laureate Way
Kannapolis, NC 28081
Phone: 704-920-4325
Email: bstanley@kannapolisnc.gov

Property Owner Contact Information same as applicant

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

Project Information

Project Address: 10444, 10450 and an unaddressed parcel on Davidson HWY
Parcel: 4672723348, 4672715203, 4672720245 # of parcels: 3 Approx. size of parcels: 38.256
(attach separate list if necessary)
Current Zoning Designation: CabCo CR Requested Zoning Designation: COK AG
Reason for map amendment: Properties recently annexed into City of Kannapolis and require assignment of City zoning. The City intends to utilize the property for a future park.

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.

Boyd V. Stanley
Applicant Signature

1/24/2023
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: _____



Vicinity Map

Case Number: Z-2023-04

Applicant: City of Kannapolis

10444 Davidson Hwy, 10450 Davidson Hwy, Unaddressed Davidson Hwy





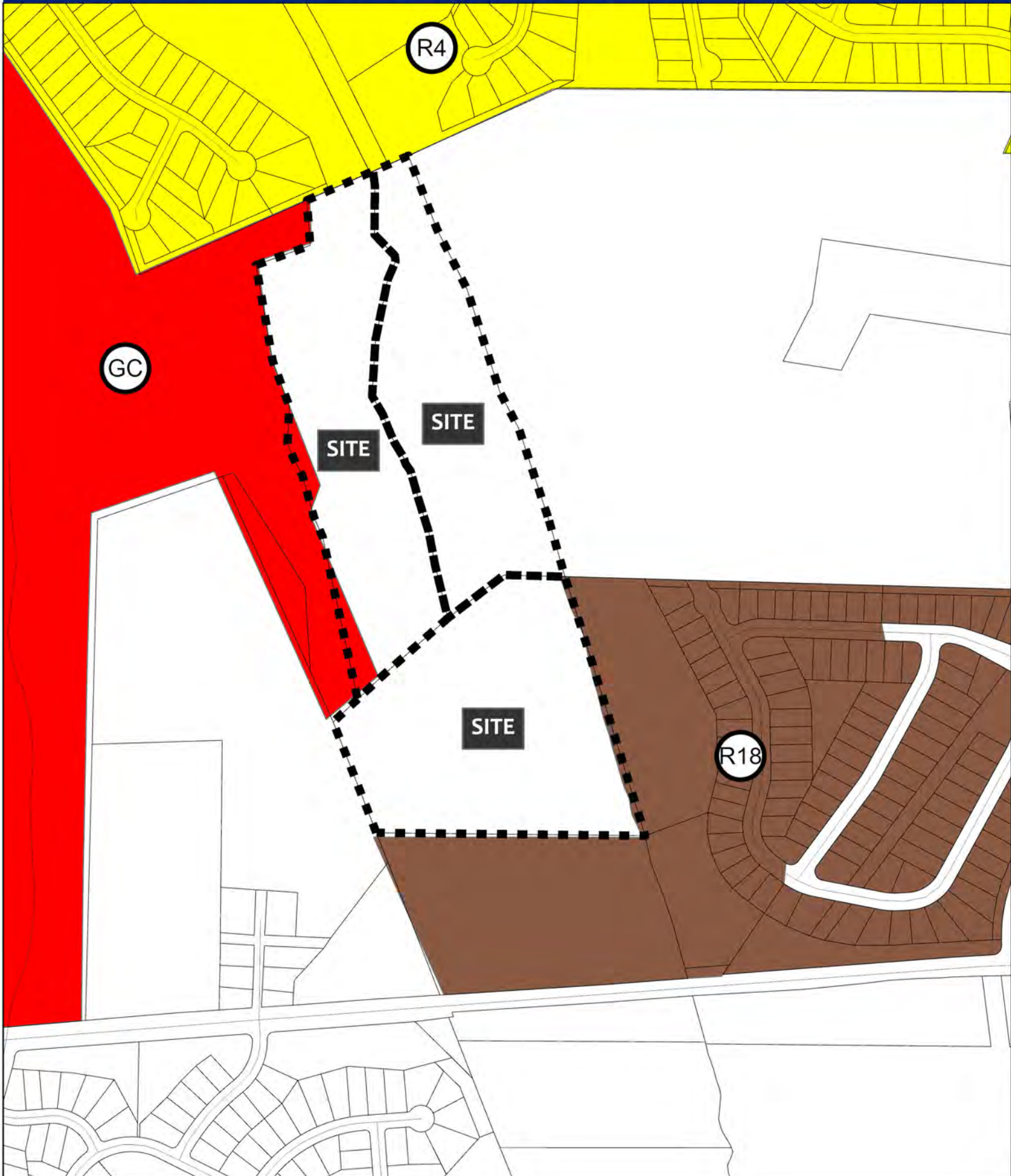
Kannapolis Current Zoning



Case Number: Z-2023-04

Applicant: City of Kannapolis

10444 Davidson Hwy, 10450 Davidson Hwy, Unaddressed Davidson Hwy



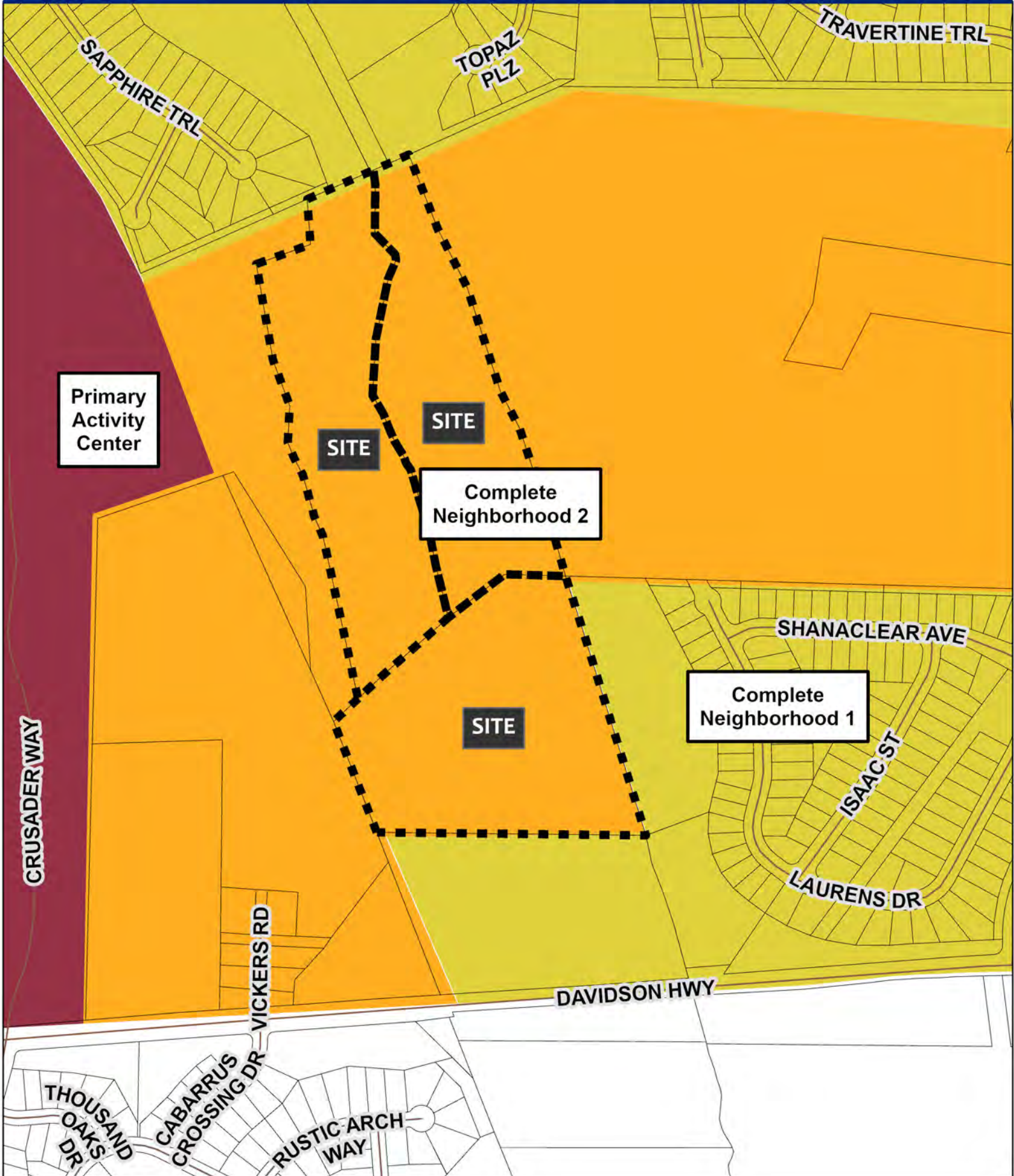
Kannapolis 2030 Future Land Use Map



Case Number: Z-2023-04

Applicant: City of Kannapolis

10444 Davidson Hwy, 10450 Davidson Hwy, Unaddressed Davidson Hwy





PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000823901

Client: CITY OF KANNAPOLIS
Phone: 7049204300

Payer: 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
E-Mail: ap@kannapolisnc.gov

Total Amount \$1,235.50
Payment Amount \$1,235.50

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**
0000823901-01 CLS Liner 2 X 99 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 2/10/2023, 2/17/2023

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETINGTUESDAYFEBRUARY172023
PMCONDITIONALZONINGMAPAMENDMENTCZ202201KANNAPOLISNC

NOTICE OF PUBLIC HEARING
Planning and Zoning Commission Meeting
Tuesday, February 21 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2022-01 - Kannapolis Crossings: Public Hearing to consider a request to rezone unaddressed properties located on Old Beatty Ford Road from a City of Kannapolis Agricultural (AG) zoning district and a Rowan County Rural Agricultural (RA) zoning district to City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) zoning district to be combined with the existing PUD Kannapolis Crossing mixed-use development. The subject properties are approximately 24.33 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 135 091, 135 090, 135 04702 and 135 080.

Zoning Map Amendment - Z-2022-01 - 2850 S Ridge Ave and unaddressed parcels on S Ridge Ave: Public Hearing to consider a request to rezone properties located at 2850 S. Ridge Avenue and two unaddressed parcels located on S Ridge Ave. from an Office-Institutional (O-I) zoning district to a Residential 18 (R18) zoning district. The subject properties are approximately 2.5 +/- combined acres and further identified as Cabarrus County Parcel Identification Number 56128297890000, 56128390350000 and 56128391120000.

Zoning Map Amendment - Z-2022-02 - 200 Martin Luther King Jr. Ave: Public Hearing to consider a request to rezone property located at 200 Martin Luther King Jr. Avenue from an Office-Institutional (O-I) zoning district to a Residential 8 (R8) zoning district. The subject property is approximately 0.20 +/- acres and further identified as Cabarrus County Parcel Identification Number 56137908810000.

Zoning Map Amendment - Z-2022-03 - 1445 China Grove Rd: Public Hearing to consider a request to rezone property located at 1445 Old Beatty Ford Road from a Rowan County Rural Agricultural (RA) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject property was recently annexed into the City of Kannapolis and must be assigned City Zoning. The property is approximately 5.8 +/- acres and further identified as Rowan County Parcel Identification Number 147 015.

Zoning Map Amendment - Z-2022-04 - Western Growth Area: Public Hearing to consider a staff-initiated request to rezone properties located at 10444 & 10450 Davidson Highway and an unaddressed parcel on Davidson Highway from unincorporated Cabarrus County Countryside Residential (CR) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject properties were recently annexed into the City of Kannapolis and must be assigned City zoning. The properties are approximately 38.256 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 4672723480000, 46727152030000, and 46727202450000.

Zoning Map Amendment - Z-2022-05 - Stadium Dr: Public Hearing to consider a staff-initiated request to rezone unaddressed properties located on Stadium Drive from a Cabarrus County Limited Commercial (LC) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject properties were recently annexed into the City of Kannapolis and must be assigned City zoning. The properties are approximately 3.91 +/- combined acres and further identified as Cabarrus County Parcel Identification Number 56331866540000 and a portion of Rowan County Parcel Identification Number 145 005.

Zoning Map Amendment - Z-2022-06 - 101 Rice St: Public Hearing to consider a request to rezone property located at 101 Rice Street from a General Commercial (GC) zoning district to a Residential 8 (R8) zoning district. The subject property is approximately 0.11 +/- acres and further identified as Rowan County Parcel Identification Number 156 131A.

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 704-920-4502 or by email at tccline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

Publish: February 10, February 17, 2023.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
REUBEN & LINDSAY BASSETT MATTHEW D BELTZ TRUSTEE	10642 SAPPHIRE TRL	DAVIDSON	NC	28036
ELLEN T BELTZ TRUSTEE	500 E OLD ELM RD	LAKE FOREST	IL	28036
JUSTIN COBB & KAITLYN SISSON	2819 GILBRALTAR ST	DAVIDSON	NC	28027
JEFFERY & CYNTHIA HOLLENBACH	10650 SAPPHIRE TRL	DAVIDSON	NC	28081
WILLIAM & ANITA IRVIN ROMAN CATHOLIC DIOCES OF CHARLOTTE & HIS SUCCESSORS	2575 JIM JOHNSON RD	CONCORD	NC	28036
ATTN: BISHOP PETER J JUGIS	1123 S CHURCH ST	CHARLOTTE	NC	28203
KRISTY R MILLER TRUSTEE				
BRADFORD W MILLER TRUSTEE	10655 SAPPHIRE TRL	DAVIDSON	NC	28027
GEORGE H MOORE	10600 DAVIDSON HWY	HUNTERSVILLE	NC	28036
	11111 CARMEL COMMONS BLVD			
PELHAM POINTE HOMEOWNERS ASSOCIATION INC	STE 410	CHARLOTTE	NC	28081
LUIS & KELLY ROSALES	10646 SAPPHIRE TRL	DAVIDSON	NC	28078
KIRSTIN A SIDDAL				
ELIZABETH A WALTEMADE	10651 SAPPHIRE TRL	DAVIDSON	NC	28036
TTO PARTNERS LLC	PO BOX 5030	CONCORD	NC	28226
WATERFORD ON THE ROCKY RIVER HOMEOWNERS ASSN INC.				
C/O KUESTER MANAGEMENT GROUP	PO BOX 3340	FORT MILL	SC	29716



KANNAPOLIS
Planning

February 9, 2023

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, February 21, 2023 at 6:00 PM, for the following case:

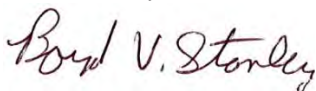
Z-2023-04 – Zoning Map Amendment – Western Growth Area

The purpose of this Public Hearing is to consider a staff-initiated request to rezone properties located at 10444 & 10450 Davidson Highway and an unaddressed parcel on Davidson Highway from unincorporated Cabarrus County Countryside Residential (CR) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject properties were recently annexed into the City of Kannapolis and must be assigned City zoning. The properties are approximately 38.256 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 46727233480000, 46727152030000, and 46727202450000 (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; and are invited to attend the public hearing and present testimony, should you desire, to the Planning and Zoning Commission.

If you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4362 or bstanley@kannapolisnc.gov.

Sincerely,



Boyd Stanley, AICP
Assistant Planning Director

Enclosure

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

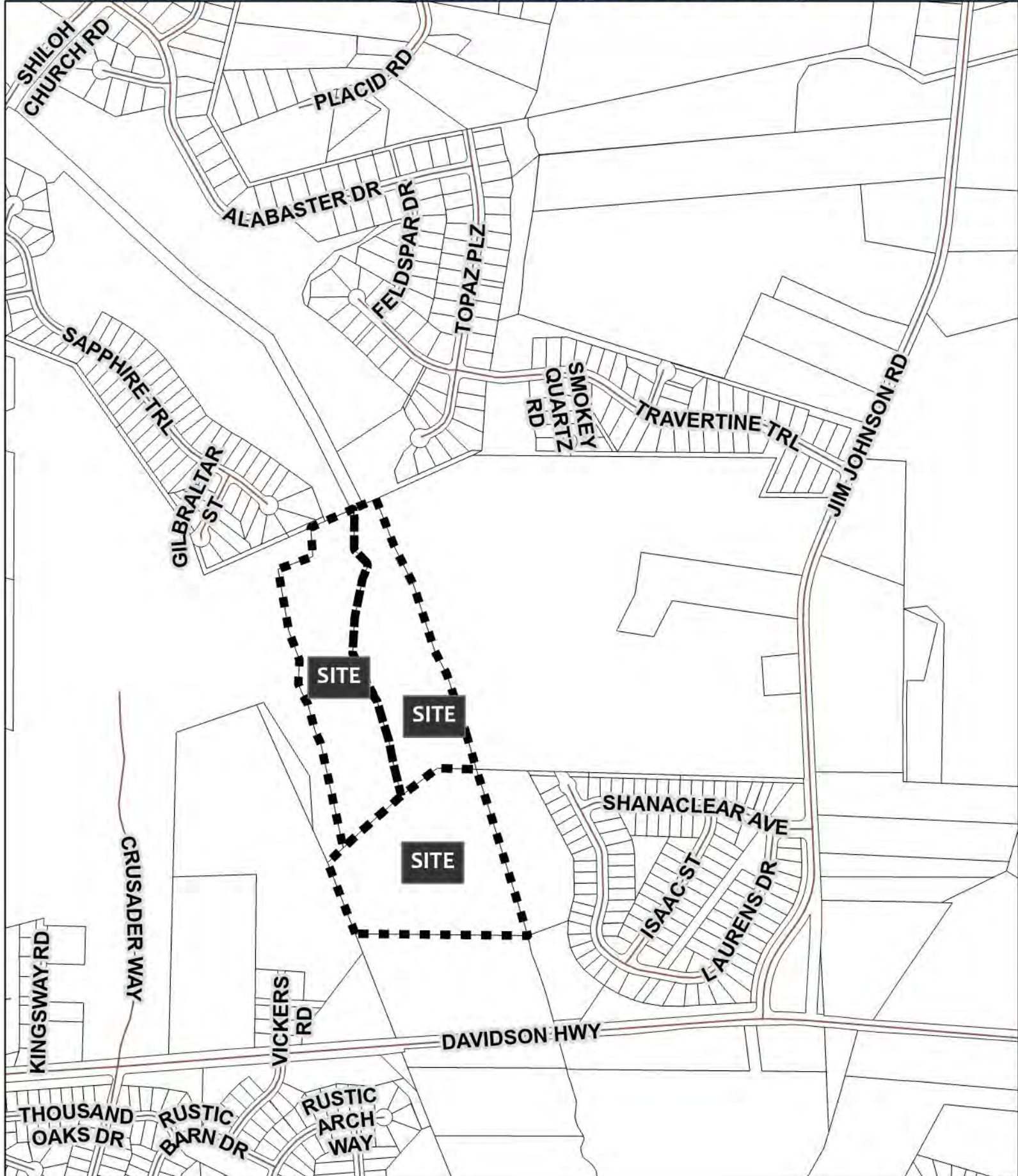


Zoning

Case Number: Z-2023-04

Applicant: City of Kannapolis

10444 Davidson Hwy, 10450 Davidson Hwy, Unaddressed Davidson Hwy





PLANNING

ZONING

COMMISSION

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # Z-2023-04



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #Z-2023-04**

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

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

WHEREAS, on February 21, 2023 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone properties located at 10444 & 10450 Davidson Highway and an unaddressed parcel on Davidson Highway, (Cabarrus County Parcel Identification Numbers 46727233480000, 46727152030000, and 46727202450000) owned by the City of Kannapolis, from Cabarrus County Countryside Residential (CR) Zoning Designation to 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 (“2030 Plan”), adopted by City Council, which designates the subject property as located within the “Complete Neighborhood 2” Character Area in the 2030 Plan. This Character Area designation allows for preservation of open space for parks and environmentally sensitive areas which is 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.*

Adopted this the 21st day of February 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case #Z-2023-04

(10444 & 10450 Davidson Highway and an unaddressed parcel on Davidson Highway)

From Cabarrus County Countryside Residential (CR) Zoning Designation 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 February 21, 2023 for consideration of rezoning petition Case #Z-2023-04 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone property located at 10444 & 10450 Davidson Highway and an unaddressed parcel on Davidson Highway (Cabarrus County Parcel Identification Numbers 46727233480000, 46727152030000, and 46727202450000) owned by the City of Kannapolis, from Cabarrus County Countryside Residential (CR) Zoning Designation to 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 consistent with the Comprehensive Plan and the intent of the Complete Neighborhood 2 designation in that it preserves an environmentally sensitive area mostly located within a regulated floodplain for a future City Park.

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 CR (Countryside Residential) 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 properties were 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. The properties are currently open space.

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?

Yes. The properties are currently open space.

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?

Yes. The properties will be preserved as open-active park space.

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

Adopted this the 21st day of February 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary Planning and
Zoning Commission



**Planning and Zoning Commission
February 21, 2023 Meeting**

Staff Report

TO: Planning and Zoning Commission
FROM: Boyd Stanley, Assistant Planning Director
SUBJECT: Case #Z-2023-05: Unaddressed parcels on Stadium Drive
Applicant: City of Kannapolis

Staff request to apply the City of Kannapolis Agricultural (AG) zoning designation to recently annexed unaddressed property located on Stadium Drive.

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 January 23, 2023, the City of Kannapolis annexed approximately 3.91 +/- combined acres of unaddressed property located on Stadium Drive, further identified as Cabarrus County Parcel Identification Number 56331866540000 and a portion of Rowan County Parcel Identification Number 145 005.

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. Since this is simply a roadway area, the AG (Agricultural) zoning designation is an appropriate designation. The city will be maintaining Stadium Drive.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.5.A.(2).c of the KDO states that Amending the Zoning Map is a matter committed to the legislative discretion of the Planning and Zoning Commission or of the City Council, as authorized by this section. In determining whether to adopt or deny the proposed amendment, the Planning and Zoning Commission or the City Council, as applicable, may consider, and weigh the relevance of, whether and to what extent the proposed Zoning Map amendment:

- 1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?**
Yes. The requested rezoning is simply applying City zoning to the recently annexed right-of-way for Stadium Drive which will only be developed as a city street.
- 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 an appropriate zoning designation for the street right-of-way.
- 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 “Primary Activity Interchange” and the “Future Planning” Character Areas in the *Move Kannapolis Forward 2030 Comprehensive Plan*. These Character Area designations are 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.

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-2023-05

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

Statement of Consistency: *The Planning and Zoning Commission finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan* (“2030 Plan”), adopted by City Council, which designates the subject property as located within the “Primary Activity Interchange” and the “Future Planning” Character Areas in the 2030 Plan. These Character Area designations are 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.*

- 2. Should the Commission choose to approve Case #Z-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 #Z-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 #Z-2023-05 to be inconsistent with the goals and policies of the **Move Knapolis 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-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. 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



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

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: Unaddressed property on Stadium Dr

Applicant: City of Kannapolis - Boyd Stanley, Assistant Planning Director

Proposed development: N/A - Street maintenance

N/A - Street maintenance

SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to 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: Boyd V. Stanley

Date: 1/24/2023



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: City of Kannapolis - Boyd Stanley
Address: 401 Laureate Way
Kannapolis, NC 28081
Phone: 704-920-4325
Email: bstanley@kannapolisnc.gov

Property Owner Contact Information same as applicant

Name: City of Concord - Lloyd Payne, City Manager
Address: 35 Cabarrus Ave. W
Concord, NC 28025
Phone: _____
Email: paynel@concordnc.gov

Project Information

Project Address: Unaddressed parcels on Stadium Dr

Parcel: 56331866540000 & portion of 145 005 # of parcels: 2 Approx. size of parcels: 3.91
(attach separate list if necessary)

Current Zoning Designation: CabCo LC Requested Zoning Designation: COK AG

Reason for map amendment: Property recently annexed into the City of Kannapolis; state statutes require assignment of zoning within 60 days of annexation. The City will be maintaining Stadium Dr.

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.

Boyd V. Stanley 1/24/2023
Applicant Signature Date

Lloyd Wm. Payne, Jr., ICMA-CM 2/11/2023
Property Owner Signature Date
Digitally signed by Lloyd Wm. Payne, Jr., ICMA-CM
Date: 2023.02.11 07:20:42 -05'00'

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: _____



Vicinity Map

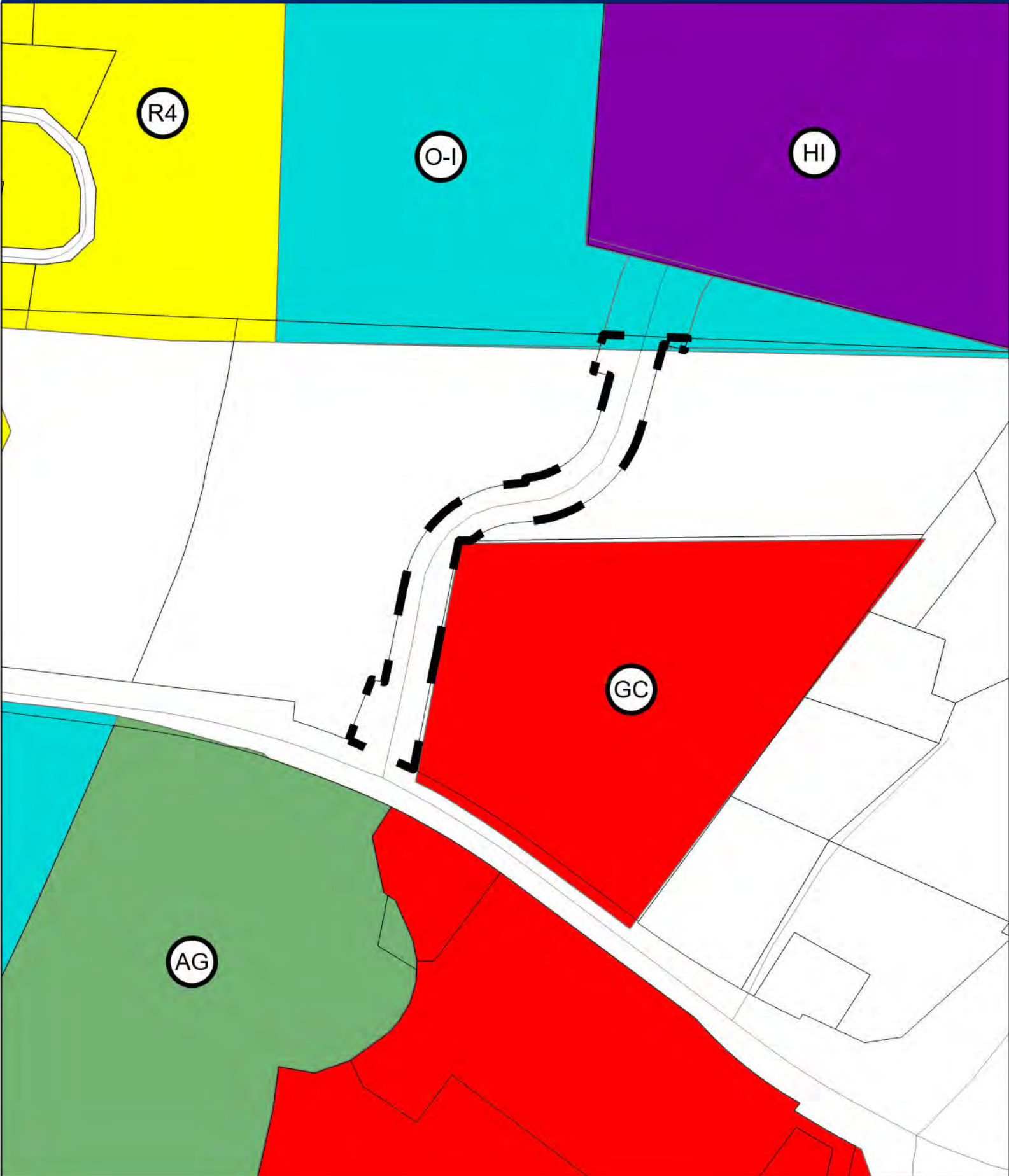
Case Number: Z-2023-05
Applicant: City of Kannapolis
Stadium Drive





Kannapolis Current Zoning

Case Number: Z-2023-05
Applicant: City of Kannapolis
Stadium Drive

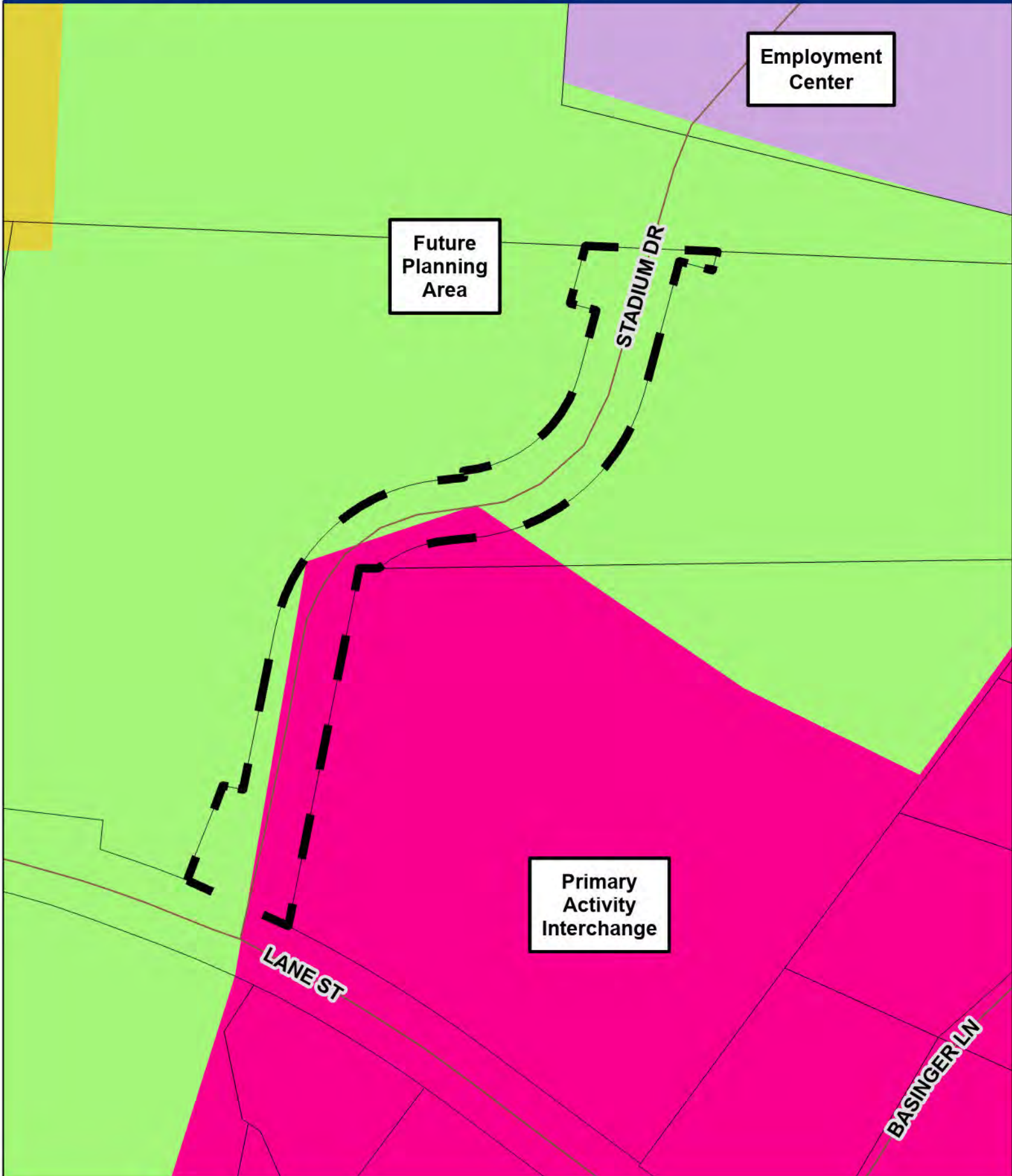




Kannapolis 2030 Future Land Use Map



Case Number: Z-2023-05
Applicant: City of Kannapolis
Stadium Drive



Employment Center

Future Planning Area

Primary Activity Interchange

STADIUM DR

LANE ST

BASINGER LN



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000823901

Client: CITY OF KANNAPOLIS
Phone: 7049204300

Payer: CITY OF KANNAPOLIS
Phone: 7049204300

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

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KANNAPOLIS NC 28081

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

Fax: 7049337463
EMail: ap@kannapolisnc.gov

Total Amount \$1,235.50
Payment Amount \$1,235.50

Amount Due \$0.00

Tax Amount: 0.00

Payment Meth: Credit - Debit Card

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

Ad Number **Ad Type** **Ad Size** **Color**
0000823901-01 CLS Liner 2 X 99 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 2/10/2023, 2/17/2023

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETINGTUESDAYFEBRUARY10
PMCONDITIONALZONINGMAPAMENDMENTCZ202201KANNAPOLIS

NOTICE OF PUBLIC HEARING
Planning and Zoning Commission Meeting
Tuesday, February 21 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2022-01 - Kannapolis Crossings: Public Hearing to consider a request to rezone unaddressed properties located on Old Beatty Ford Road from a City of Kannapolis Agricultural (AG) zoning district and a Rowan County Rural Agricultural (RA) zoning district to City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) zoning district to be combined with the existing PUD Kannapolis Crossing mixed-use development. The subject properties are approximately 24.33 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 135 091, 135 090, 135 04702 and 135 080.

Zoning Map Amendment - Z-2022-01 - 2850 S Ridge Ave and unaddressed parcels on S Ridge Ave: Public Hearing to consider a request to rezone properties located at 2850 S. Ridge Avenue and two unaddressed parcels located on S Ridge Ave. from an Office-Institutional (O-I) zoning district to a Residential 18 (R18) zoning district. The subject properties are approximately 2.5 +/- combined acres and further identified as Cabarrus County Parcel Identification Number 56128297890000, 56128390350000 and 56128391120000.

Zoning Map Amendment - Z-2022-02 - 200 Martin Luther King Jr. Ave: Public Hearing to consider a request to rezone property located at 200 Martin Luther King Jr. Avenue from an Office-Institutional (O-I) zoning district to a Residential 8 (R8) zoning district. The subject property is approximately 0.20 +/- acres and further identified as Cabarrus County Parcel Identification Number 56137908810000.

Zoning Map Amendment - Z-2022-03 - 1445 China Grove Rd: Public Hearing to consider a request to rezone property located at 1445 Old Beatty Ford Road from a Rowan County Rural Agricultural (RA) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject property was recently annexed into the City of Kannapolis and must be assigned City Zoning. The property is approximately 5.8 +/- acres and further identified as Rowan County Parcel Identification Number 147 015.

Zoning Map Amendment - Z-2022-04 - Western Growth Area: Public Hearing to consider a staff-initiated request to rezone properties located at 10444 & 10450 Davidson Highway and an unaddressed parcel on Davidson Highway from unincorporated Cabarrus County Countryside Residential (CR) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject properties were recently annexed into the City of Kannapolis and must be assigned City zoning. The properties are approximately 38.256 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 46727152030000, 467271520450000, and 46727202450000.

Zoning Map Amendment - Z-2022-05 - Stadium Dr: Public Hearing to consider a staff-initiated request to rezone unaddressed properties located on Stadium Drive from a Cabarrus County Limited Commercial (LC) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject properties were recently annexed into the City of Kannapolis and must be assigned City zoning. The properties are approximately 3.91 +/- combined acres and further identified as Cabarrus County Parcel Identification Number 56331866540000 and a portion of Rowan County Parcel Identification Number 145 005.

Zoning Map Amendment - Z-2022-06 - 101 Rice St: Public Hearing to consider a request to rezone property located at 101 Rice Street from a General Commercial (GC) zoning district to a Residential 8 (R8) zoning district. The subject property is approximately 0.11 +/- acres and further identified as Rowan County Parcel Identification Number 156 131A.

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 704-920-4502 or by email at tccline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

Publish: February 10, February 17, 2023.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
561 LOWCOUNTRY LLC	800 EAST BLVD STE 210	CHARLOTTE	NC	28203
BOARD OF LIGHT&WATER COMMISSON	P O BOX 308	CONCORD	NC	28026
CHARLOTTE-MECKLENB HOSP AUTHOR				
CAROLINAS HEATHCARE SYSTEM				
ATTN: MARY BETH KUZMANOVICH	PO BOX 36022	CHARLOTTE	NC	28236
LAKESHORE CORPORATE PARK LLC	805 TRADE ST NW STE 102	CONCORD	NC	28027-9648



February 9, 2023

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, February 21, 2023 at 6:00 PM, for the following case:

Z-2023-05 – Zoning Map Amendment – unaddressed property on Stadium Drive

The purpose of this Public Hearing is to consider a staff-initiated request to rezone unaddressed properties located on Stadium Drive from a Cabarrus County Limited Commercial (LC) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject properties were recently annexed into the City of Kannapolis and must be assigned City zoning. The properties are approximately 3.91 +/- combined acres and further identified as Cabarrus County Parcel Identification Number 56331866540000 and a portion of Rowan County Parcel Identification Number 145 005 (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; and are invited to attend the public hearing and present testimony, should you desire, to the Planning and Zoning Commission.

If you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4362 or bstanley@kannapolisnc.gov.

Sincerely,

Boyd Stanley, AICP
Assistant Planning Director

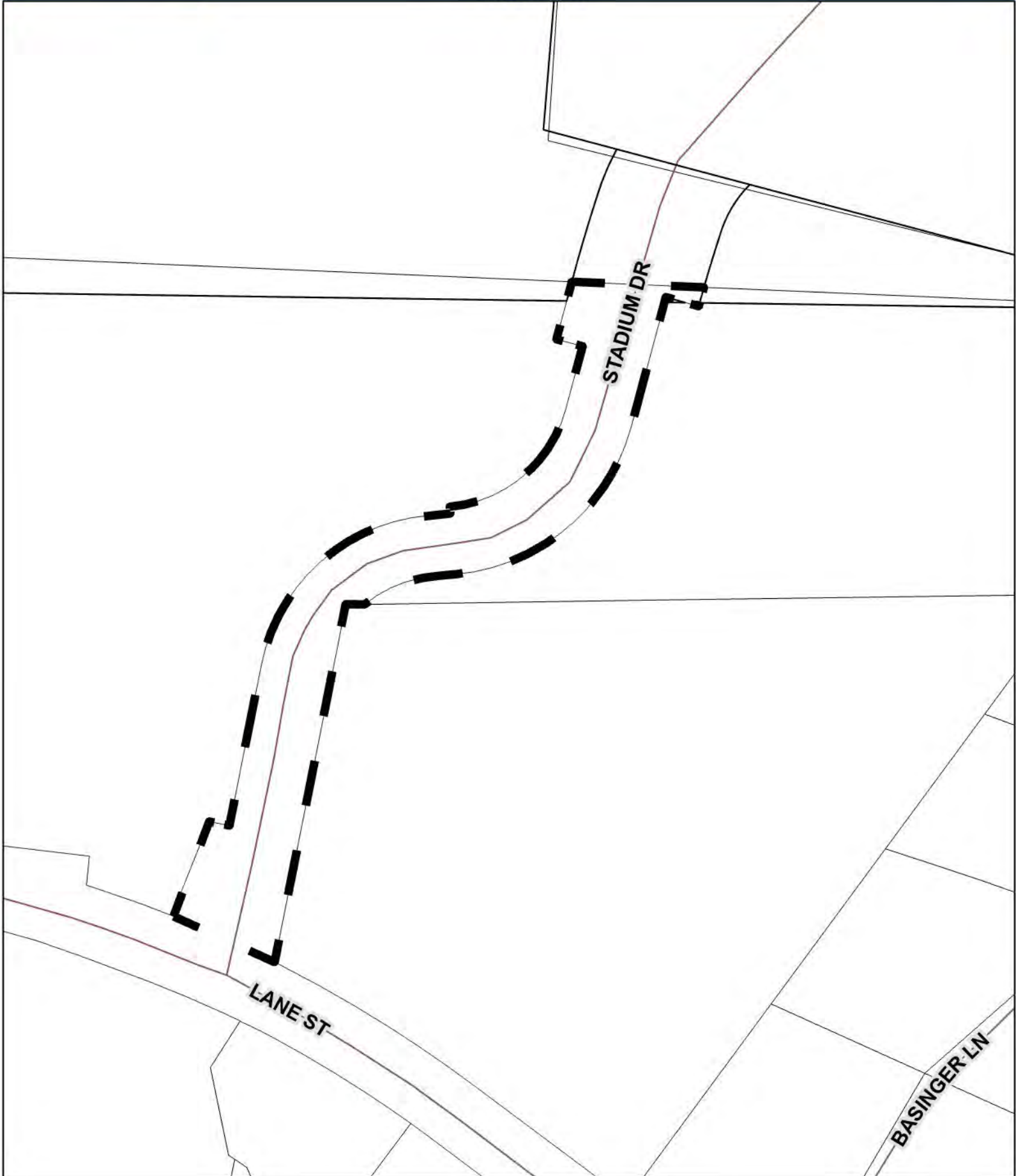
Enclosure

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



Zoning

Case Number: Z-2023-05
Applicant: City of Kannapolis
Stadium Drive





PLANNING

ZONING

COMMISSION

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE Z-2023-05

CITY OF KANNAPOLIS
YOUTH SOCCER & BASEBALL/SOFTBALL
REGISTRATION NOW OPEN!



KANNAPOLIS
Parks & Recreation

FOR MORE INFORMATION, CONTACT 704-920-4343 OR
VISIT WWW.KANNAPOLISNC.GOV



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #Z-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 February 21, 2023 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone unaddressed property located on Stadium Drive, (Cabarrus County Parcel Identification Number 56331866540000 and a portion of Rowan County Parcel Identification Number 145 005) owned by the Board of Light & Water Commission, from Cabarrus County Limited Commercial (LC) Zoning Designation to 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 (“2030 Plan”), adopted by City Council, which designates the subject property as located within the “Primary Activity Interchange” and the “Future Planning” Character Areas in the 2030 Plan. These Character Area designations are 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.*

Adopted this the 21st day of February 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE
Case #Z-2023-05
(Unaddressed parcels on Stadium Drive)

**From Cabarrus County Limited Commercial (LC) Zoning Designation 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 February 21, 2023 for consideration of rezoning petition Case #Z-2023-05 submitted by the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone unaddressed property located on Stadium Drive (Cabarrus County Parcel Identification Number 56331866540000 and a portion of Rowan County Parcel Identification Number 145 005) owned by the Board of Light & Water Commission, from Cabarrus County Limited Commercial (LC) Zoning Designation to 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?

Yes. The requested rezoning is simply applying City zoning to the recently annexed right-of-way for Stadium Drive which will only be developed as a city street.

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 an appropriate zoning designation for the street right-of-way.

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 Limited Commercial (LC) Zoning Designation to City of Kannapolis Agricultural (AG) Zoning Designation.

Adopted this the 21st day of February 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary Planning and
Zoning Commission



**Planning and Zoning Commission
February 21, 2023 Meeting**

Staff Report

TO: Planning and Zoning Commission
FROM: Boyd Stanley, Assistant Planning Director
SUBJECT: Case #Z-2023-06: 101 Rice Street
Applicant: John Sanders-Homes 2 Cash Now, LLC

Applicant is requesting to rezone property located at 101 Rice Street from General Commercial (GC) to Residential 8 (R8) zoning district.

A. Actions Requested by Planning & Zoning Commission

1. Hold Public Hearing
2. Motion to adopt Statement of Consistency
3. Motion to adopt Resolution to Zone

B. Decision and Required Votes to Pass Requested Actions

Section 2.3.B.(1).a of the Kannapolis Development Ordinance (KDO) allows the Planning and Zoning Commission to render a final decision on a rezoning request. If there is a denial, an approval by a vote of less than three-fourths, or an appeal of the decision, then only the City Council shall have final decision-making authority. Any final decision rendered by the Commission may be appealed within fifteen (15) days to the City Council.

C. Background & Project Overview

The applicant, John Sanders is proposing to rezone approximately 0.10 +/- acres of property located on Rice Street., near the intersection with N Main Street, further identified as Rowan County Parcel Identification Number 156 131A, from General Commercial (GC) zoning district to a Residential 8 (R8) zoning district. The property is currently vacant and the applicant intends to construct 1 single-family home on the property if rezoned.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.5.A.(2).c of the KDO states that Amending the Zoning Map is a matter committed to the legislative discretion of the Planning and Zoning Commission or of the City Council, as authorized by this section. In determining whether to adopt or deny the proposed amendment, the Planning and Zoning Commission or the City Council, as applicable, may consider, and weigh the relevance of, whether and to what extent the proposed Zoning Map amendment:

- 1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?**
Yes, the property is on the fringes of the Urban Corridor and adjacent to the Urban Residential Corridor, which designates residential as an appropriate use.
- 2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?**
No. The property will be occupied by a single-family home.
- 3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?**
No, but due to its size and location on Rice Street off of N. Main, it does not lend itself to commercial development.
- 4. Does the proposed rezoning allow uses that are compatible with existing and allowed uses on surrounding land and with the stability and character of any adjacent residential neighborhoods?**
Yes, the property is surrounded by single-family residential uses.
- 5. Does the proposed rezoning ensure efficient development within the City, taking into consideration the capacity and safety of the street network, the adequacy of public facilities, the suitability of the land for the uses allowed under the existing zoning, and other relevant considerations?**
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?**
Yes.
- 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.

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which designates the subject property as located within the “Urban Corridor” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area designation encourages multi-family and single-family attached residential uses but given the single-family character of the existing neighborhood and the property’s adjacency to the Urban Residential Character Area, single-family detached residential uses would be appropriate for this parcel. 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.

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-2023-06

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-2023-06, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan* (“2030 Plan”), adopted by City Council, which designates the subject property as located within the “Urban Corridor” Character Area in the 2030 Plan. This Character Area designation encourages multi-family and single-family attached residential uses but given the single-family character of the existing neighborhood and the property’s adjacency to the Urban Residential Character Area, single-family detached residential uses would be appropriate for this parcel. 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.*

2. **Should the Commission choose to approve Case #Z-2023-06, a motion should be made to adopt the Resolution to Zone.**

Motion to Deny (2 votes)

1. **Should the Commission choose to recommend denial of Case #Z-2023-06, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #Z-2023-06 to be **inconsistent** with the goals and policies of the **Move Kannapolis Forward 2030 Comprehensive Plan**, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

2. **Should the Commission choose to deny Case #Z-2023-06, a motion should be made to deny the Resolution to Zone.**

I. Attachments

1. Rezoning Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use and Character Map
5. 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: 0 Rice St (Parcel 156 131A) Kannapolis, NC 28081

Applicant: Homes 2 Cash Now, LLC

Proposed development: _____

SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to 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: 

Date: 1/20/2023



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: Homes 2 Cash Now, LLC (John Sanders)
Address: 426 Woodcrest Ln
Albemarle, NC 28001
Phone: 704-290-4620
Email: john@homes2cashnow.com

Property Owner Contact Information same as applicant

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

Project Information

Project Address: 0 Rice St Kannapolis, NC 28081
Parcel: 156 131A # of parcels: 1 Approx. size of parcels: .11 acres
(attach separate list if necessary)
Current Zoning Designation: C-2 Requested Zoning Designation: R-8
Reason for map amendment: Zone from commercial to residential to match surrounding lots and allow for single family residential home to be built.

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.

[Signature] 1/20/2023
Applicant Signature Date
[Signature] 1/20/2023
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: _____

Type: CONSOLIDATED REAL PROPERTY
Recorded: 1/10/2023 9:04:33 AM
Fee Amt: \$98.00 Page 1 of 3
Revenue Tax: \$72.00
Rowan, NC
J. E. Brindle Register of Deeds

MAP	S/M	PAR	S/P	U/IN	L/IN	C/C	PART	INT
156		131	A					33

Rowan County Assessor's Office

BK 1416 PG 451

This instrument prepared by, Costner Law Office, PLLC, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceedings.

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$72.00

File No. NC-22-15553

Parcel Identifier No. 156 131A

Title Insurance: Attorneys Title

Mail/Box to: Costner Law Office, PLLC, 180 Church Street NE, Concord, NC 28025

This instrument was prepared by: Costner Law Office, PLLC, 180 Church Street NE, Concord, NC 28025

Brief description for the Index: Lot 5, PROPERTY FOR MRS. D.F. ROSE Subdivision, Metes and Bounds

THIS DEED made this 30 day of December, 2022, by and between

GRANTOR

Joyce R. Bennett, an unmarried woman

Forwarding Address:
265 Orchard View Drive
Effort, PA 18330-7982

GRANTEE

Homes 2 Cash Now, LLC, a North Carolina Limited Liability Company

Property Address:
0 Rice Street
Kannapolis, NC 28081

Mailing Address:
426 Woodcrest Lane
Albemarle, NC 28001

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of Kannapolis, Rowan County, North Carolina and more particularly described as follows:

Lying in China Grove Township and BEING One Lot or small tract of land lying on the south side of Rice Street and adjoining the property of Bruner and Mattie Rose; Bruner and Mattie Road Property, BEING Lot No. 5 as shown on a plat in Book of Maps at Page 492 of the Register of Deeds Office for Rowan County, N.C. and more particularly described as follows:

BEGINNING at an iron stake in the southern edge of Rice Street, this BEGINNING point being North 78 west 150 feet from the intersection of Rice Street and N.C. Highway 29-A, an old rear corner of L.L. Rose and runs thence with the southern edge of Rice Street, North 78 West for 63 feet to an iron stake, the northeast front corner of Mattie Rose; thence with line of Mattie Rose (Lot No. 5), South 1-0 West for 75 feet to an iron stake in the line of Mattie Rose; thence South 78 East for 67 feet to an iron stake, an old corner of L.L. Rose; thence North 75 feet to the BEGINNING point.

submitted electronically by "Costner Law Office, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Rowan County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 538 page 12.

If initialed, the property includes the primary residence of at least one of the Grantors. _____ (N.C.G.S. §105-317.2)

A map showing the above described property is recorded in Plat Book 9995 page 492.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

There is excepted from these warranties all easements, conditions, rights of way and restrictions as may appear on public record; and the lien of ad valorem taxes for the current year which taxes have been prorated as to the date of closing between the Grantor and Grantee.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Joyce R. Bennett by agent Jonathan Bennett Jr.
Joyce R. Bennett, By Agent Jonathan Bennett, Jr.

State of New York

County of Rockland

I, Stephanie Jordan, a Notary Public in and for said County and State, do hereby certify that **Jonathan Bennett, Jr.**, Agent for Joyce R. Bennett, personally appeared before me this day, and being by me duly sworn, says that (s)he executed the foregoing and annexed instrument for and in behalf of Joyce R. Bennett and that his/her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and in Book 538, Page 12 in the Office of the Register of Deeds for ROWAN County, North Carolina and that this instrument was executed under and by virtue of the authority given by said instrument granting his/her power of attorney; that the said **Jonathan Bennett, Jr.**, Agent, acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said Joyce R. Bennett. Therefore, let the said instrument, together with this certificate, be registered.

WITNESS my hand and official stamp or seal, this the 30 day of December, 2022

Stephanie Jordan
Notary Public:
My Commission Expires: 1/9/2025

(SEAL)

STEPHANIE JORDAN
Notary Public, State of New York
No. 01JO6352843
Qualified in Rockland County 25
Commission Expires January 9, 2021

**AGENT'S CERTIFICATION AS TO THE VALIDITY OF POWER OF ATTORNEY
AND AGENT'S AUTHORITY
(G.S. 32C-3-302)**

I, Jonathan Bennett, Jr. (*Name of Agent*), do hereby state and affirm the following under penalty of perjury:

(1) Joyce R. Bennett (*Name of Principal*) granted me authority as an agent or successor agent in a power of attorney dated October 28, 2020.

(2) The powers and authority granted to me in the power of attorney are currently exercisable by me.

(3) I have no actual knowledge of any of the following:

- (a) The principal is deceased.
- (b) The power of attorney or my authority as agent under the power of attorney has been revoked or terminated, partially or otherwise.
- (c) The principal lacked the understanding and capacity to make and communicate decisions regarding his estate and person at the time the power of attorney was executed.
- (d) The power of attorney was not properly executed and is not a legal, valid power of attorney.
- (e) (*Insert other relevant statements*)

(4) I agree not to exercise any powers granted under the power of attorney if I become aware that the principal is deceased, that the power of attorney has been revoked or terminated, or that my authority as agent under the power of attorney has been revoked or terminated.

SIGNATURE AND ACKNOWLEDGMENT

Jonathan Bennett Jr.
Agent's Signature

12/30/2022
Date

Agent's Name Printed: Jonathan Bennett, Jr.

Agent's Address: 265 Orchard View Rd. Effort, PA 18330

Agent's Telephone Number: 570 236 8883

COUNTY OF Rockland, STATE OF New York

Sworn to or affirmed and subscribed before me this day by Jonathan Bennett, Jr.

Date: 12/30/2022

Stephanie Jordan
Signature of Notary Public

(Official Seal)
STEPHANIE JORDAN
Notary Public, State of New York
No. 01JO6352843
Qualified in Rockland County 25
Commission Expires January 9, 2021

Stephanie Jordan, Notary Public
Print or Type Notary's Name

My commission expires: 1/9/2025



Vicinity Map

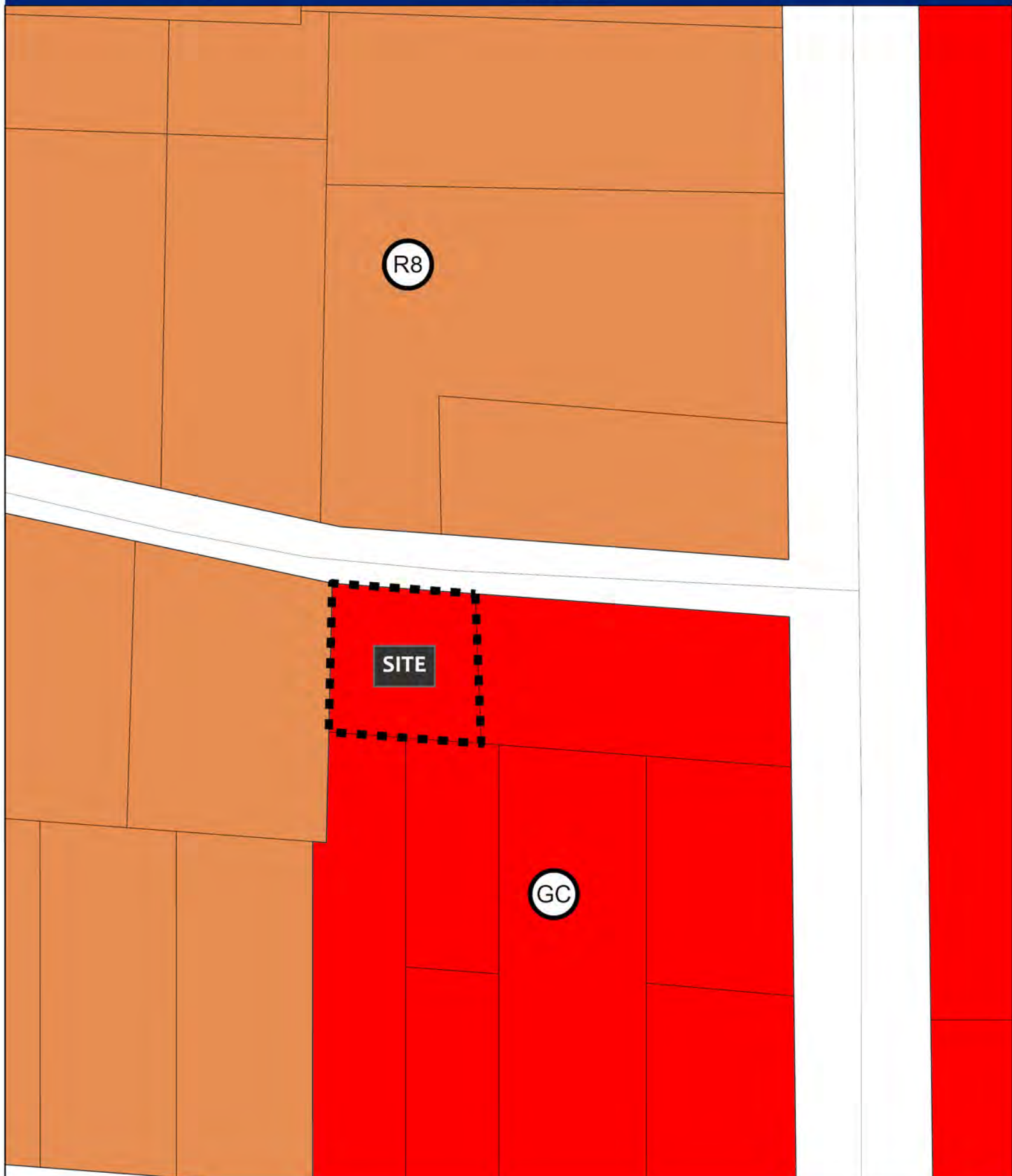
Case Number: Z-2023-06
Applicant: Homes 2 Cash Now, LLC
101 Rice St





Kannapolis Current Zoning

Case Number: Z-2023-06
Applicant: Homes 2 Cash Now, LLC
101 Rice St





Kannapolis 2030 Future Land Use Map



Case Number: Z-2023-06
Applicant: Homes 2 Cash Now, LLC
101 Rice St





PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000823901

Client: CITY OF KANNAPOLIS
Phone: 7049204300

Payer: 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
E-Mail: ap@kannapolisnc.gov

Total Amount \$1,235.50
Payment Amount \$1,235.50

Amount Due \$0.00

Tax Amount: 0.00

Payment Meth: Credit - Debit Card

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

Ad Number **Ad Type** **Ad Size** **Color**
0000823901-01 CLS Liner 2 X 99 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 2/10/2023, 2/17/2023

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETINGTUESDAYFEBRUARY172023
PMCONDITIONALZONINGMAPAMENDMENTCZ202201KANNAPOLIS

NOTICE OF PUBLIC HEARING
Planning and Zoning Commission Meeting
Tuesday, February 21 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2022-01 - Kannapolis Crossings: Public Hearing to consider a request to rezone unaddressed properties located on Old Beatty Ford Road from a City of Kannapolis Agricultural (AG) zoning district and a Rowan County Rural Agricultural (RA) zoning district to City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) zoning district to be combined with the existing PUD Kannapolis Crossing mixed-use development. The subject properties are approximately 24.33 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 135 091, 135 090, 135 04702 and 135 080.

Zoning Map Amendment - Z-2022-01 - 2850 S Ridge Ave and unaddressed parcels on S Ridge Ave: Public Hearing to consider a request to rezone properties located at 2850 S. Ridge Avenue and two unaddressed parcels located on S Ridge Ave. from an Office-Institutional (O-I) zoning district to a Residential 18 (R18) zoning district. The subject properties are approximately 2.5 +/- combined acres and further identified as Cabarrus County Parcel Identification Number 56128297890000, 56128390350000 and 56128391120000.

Zoning Map Amendment - Z-2022-02 - 200 Martin Luther King Jr. Ave: Public Hearing to consider a request to rezone property located at 200 Martin Luther King Jr. Avenue from an Office-Institutional (O-I) zoning district to a Residential 8 (R8) zoning district. The subject property is approximately 0.20 +/- acres and further identified as Cabarrus County Parcel Identification Number 56137908810000.

Zoning Map Amendment - Z-2022-03 - 1445 China Grove Rd: Public Hearing to consider a request to rezone property located at 1445 Old Beatty Ford Road from a Rowan County Rural Agricultural (RA) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject property was recently annexed into the City of Kannapolis and must be assigned City Zoning. The property is approximately 5.8 +/- acres and further identified as Rowan County Parcel Identification Number 147 015.

Zoning Map Amendment - Z-2022-04 - Western Growth Area: Public Hearing to consider a staff-initiated request to rezone properties located at 10444 & 10450 Davidson Highway and an unaddressed parcel on Davidson Highway from unincorporated Cabarrus County Countryside Residential (CR) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject properties were recently annexed into the City of Kannapolis and must be assigned City zoning. The properties are approximately 38.256 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 4672723480000, 46727152030000, and 46727202450000.

Zoning Map Amendment - Z-2022-05 - Stadium Dr: Public Hearing to consider a staff-initiated request to rezone unaddressed properties located on Stadium Drive from a Cabarrus County Limited Commercial (LC) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject properties were recently annexed into the City of Kannapolis and must be assigned City zoning. The properties are approximately 3.91 +/- combined acres and further identified as Cabarrus County Parcel Identification Number 56331866540000 and a portion of Rowan County Parcel Identification Number 145 005.

Zoning Map Amendment - Z-2022-06 - 101 Rice St: Public Hearing to consider a request to rezone property located at 101 Rice Street from a General Commercial (GC) zoning district to a Residential 8 (R8) zoning district. The subject property is approximately 0.11 +/- acres and further identified as Rowan County Parcel Identification Number 156 131A.

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 704-920-4502 or by email at tccline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

Publish: February 10, February 17, 2023.

OWNNAME	TAXADD1	CITY	STATE	ZIPCODE
WILLIAM G ALEXANDER ETAL	3901 CAMPBELL RD	RALEIGH	NC	27606-4439
BENHAM ASSET COMPANY LLC	8410 PIT STOP CT STE 140	CONCORD	NC	28027-8259
JOYCE R BENNETT	265 ORCHARD VIEW DR	EFFORT	PA	18330-7982
CID MARIANA GISSEL DAVID DEL & CRUZ MARIELENA MOSQUEDA SANTA SARAH M CRUSE	100 RICE ST	KANNAPOLIS	NC	28081-0000
EMILY P CRUSE	904 SLOOP AVE	KANNAPOLIS	NC	28083
ALI DARWICH	PO BOX 562059	CHARLOTTE	NC	28256-2059
MARIAN GASS	8 OAKBROOK ROAD	FLETCHER	NC	28732-9645
GWINNETT HOLDINGS LLC	9438 PEPPERRIDGE AVE	CONCORD	NC	28027-3524
COREY D HEDRICK	112 BLACKWELDER ST	KANNAPOLIS	NC	28081
STEVEN BHICKS & DONNA HICKS CO-TRUSTEES	335 CHESTERFIELD AV	NASHVILLE	TN	37212
J & J LEGACY VENTURES LLC	5925 EASTRIDGE CT	CONCORD	NC	28025-9116
EMMA JORDAN				
C/O JAMEL JORDAN	875 MELROSE AVE APT 4C	BRONX	NY	10451
HENRY MASON	102 BLACKWELDER ST	KANNAPOLIS	NC	28081
PEARL A MELCHOR	2705 N MAIN ST	KANNAPOLIS	NC	28081-2561
MICHAEL & DARLENE MISHKIN LEONARD & GUELA MISHKIN	2258 ISAAC DR	CONCORD	NC	28027
LEVONIA ROSE				
C/O DONALD ROSE	875 MORRISON AVE APT 6H	BRONX	NY	10473
JOSH SHERRILL	2508 CELOSIA DR	CHARLOTTE	NC	28262
TAYLOR C WILSON	104 BLACKWELDER ST	KANNAPOLIS	NC	28081-2504
HOMES 2 CASH NOW, LLC ATTN: JOSH SANDERS	426 WOODCREST LN	ALBEMARLE	NC	28001



February 9, 2023

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, February 21, 2023 at 6:00 PM, for the following case:

Z-2023-06 – Zoning Map Amendment – 101 Rice Street

The purpose of this Public Hearing is to consider a request to rezone property located at 101 Rice Street from a General Commercial (GC) zoning district to a Residential 8 (R8) zoning district. The subject property is approximately 0.11 +/- acres and further identified as Rowan County Parcel Identification Number 156 131A (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; and are invited to attend the public hearing and present testimony, should you desire, to the Planning and Zoning Commission.

If you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4362 or bstanley@kannapolisnc.gov.

Sincerely,

Boyd Stanley, AICP
Assistant Planning Director

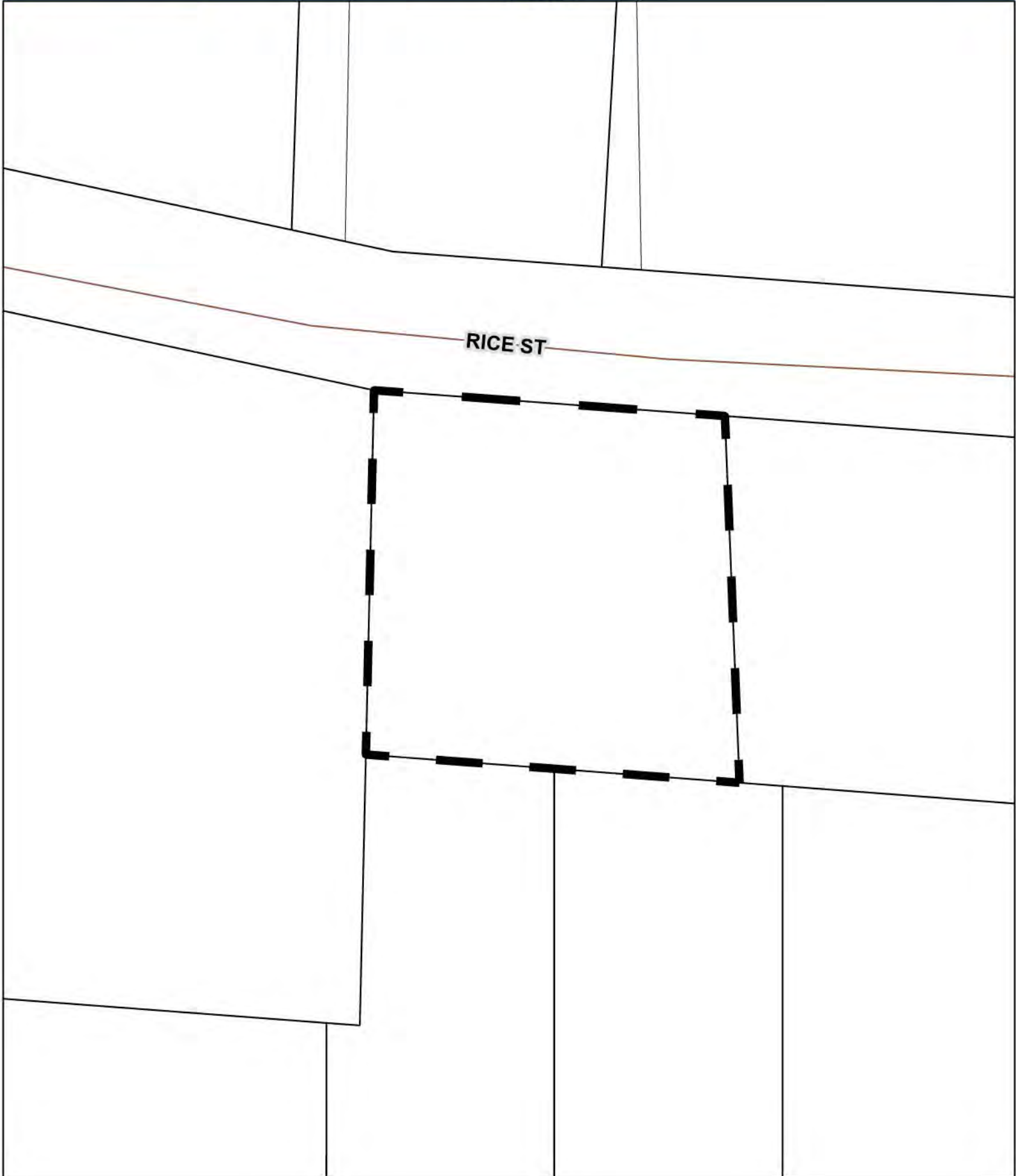
Enclosure

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



Zoning

Case Number: Z-2023-06
Applicant: Homes 2 Cash Now, LLC
101 Rice St





PLANNING

ZONING

COMMISSION

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # Z-2023-06



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #Z-2023-06**

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

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

WHEREAS, on February 21, 2023 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone property located at 101 Rice Street, (Rowan County Parcel Identification Number 156 131A) owned by Homes 2 Cash Now, LLC, from General Commercial (GC) Zoning Designation to Residential 8 (R8) Zoning Designation,

NOW, THEREFORE BE IT RESOLVED *The Planning and Zoning Commission finds this rezoning consistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan (“2030 Plan”), adopted by City Council, which designates the subject property as located within the “Urban Corridor” Character Area in the 2030 Plan. This Character Area designation encourages multi-family and single-family attached residential uses but given the single-family character of the existing neighborhood and the property’s adjacency to the Urban Residential Character Area, single-family detached residential uses would be appropriate for this parcel. 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.*

Adopted this the 21st day of February 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

**Case #Z-2023-06
(101 Rice Street)**

From City of Kannapolis General Commercial (GC) Zoning Designation to City of Kannapolis Residential 8 (R8) Zoning Designation

WHEREAS, Section 2.3.B.(1).a of the Kannapolis Development Ordinance (KDO) specifically delegates authority to the Planning and Zoning Commission to take final action on a rezoning application provided, if the application is approved by less than a three quarters majority of voting members or denied, or if the Planning and Zoning Commission's decision is appealed, the City Council shall make the final decision on the application; and

WHEREAS, the Commission conducted a public hearing on February 21, 2023 for consideration of rezoning petition Case #Z-2023-06 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone property located at 101 Rice Street (Rowan County Parcel Identification Numbers 156 131A) owned by Homes 2 Cash Now, LLC, from General Commercial (GC) Zoning Designation to Residential 8 (R8) Zoning Designation; and

WHEREAS, the Commission has approved the request for rezoning and found it to be consistent with the City of Kannapolis *Move Kannapolis Forward, 2030 Comprehensive Plan*, reasonable and in the public interest; and

WHEREAS, per Section 2.5.A.(2).c of the Kannapolis Development Ordinance, the Planning and Zoning Commission makes the following findings in support of and in analysis of the rezoning:

- 1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?**
Yes, the property is on the fringes of the Urban Corridor and adjacent to the Urban Residential Corridor, which designates residential as an appropriate use.
- 2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?**
No. The property will be occupied by a single-family home.
- 3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?**
No, but due to its size and location on Rice Street off of N. Main, it does not lend itself to commercial development.
- 4. Does the proposed rezoning allow uses that are compatible with existing and allowed uses on surrounding land and with the stability and character of any adjacent residential neighborhoods?**
Yes, the property is surrounded by single-family residential uses.

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

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?

Yes.

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.

NOW, THEREFORE BE IT RESOLVED by the City of Kannapolis Planning and Zoning Commission, that the above referenced property be rezoned from General Commercial (GC) Zoning Designation to Residential 8 (R8) Zoning Designation.

Adopted this the 21st day of February 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary Planning and
Zoning Commission



**Planning and Zoning Commission
February 21, 2023 Meeting**

Staff Report

TO: Planning and Zoning Commission
FROM: Richard Smith, Planning Director
SUBJECT: Case #CZ-2023-01: Old Beatty Ford Road-Lentz Road Area
Applicant: Kannapolis Crossing Development, LLC

Request to conditionally rezone properties located off Old Beatty Ford Road near the intersection of Lentz Road. Rowan County PIN #'s 135 091, 135 090, 135 04702 and 135 080.

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 May 18, 2021, The Planning and Zoning Commission approved the rezoning for the Kannapolis Crossing Master Plan (CZ-2021-08) after the property was legislatively annexed into the City of Kannapolis. At that time, there were 2 properties on the eastern edge of the project (PIN # 135 091 and 135 090), which totaled +/- 11.7 acres that were not included in the overall PUD (Planned Unit Development) rezoning request and assigned an AG (Agricultural) zoning designation until two additional properties to the south were acquired and annexed into the City.

On January 23, 2023, the two additional properties, (PIN # 135 04702 and 135 080), which total +/- 14.68 acres, were annexed into the City. Therefore, all 4 properties, which total +/- 26.4 acres are the subject of this rezoning request to be incorporated into the PUD and overall master plan for the Kannapolis Crossing Development.

As shown on the preliminary site plan, this additional area will be designated as part of the single-family residential portion of the development, which will not exceed the previously approved residential density for the entire project of 300 single family attached and detached units.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.5.A.(2).c of the KDO states that Amending the Zoning Map is a matter committed to the legislative discretion of the Planning and Zoning Commission or of the City Council, as authorized by this section. In determining whether to adopt or deny the proposed amendment, the Planning and Zoning Commission or the City Council, as applicable, may consider, and weigh the relevance of, whether and to what extent the proposed Zoning Map amendment:

- 1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?**
Yes, the properties will be included into the master plan for the previously approved development. This area of the City's future growth area is identified as "Primary Activity Interchange".
- 2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?**
No. The requested PUD zoning designation is consistent with surrounding properties.
- 3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?**
No, the subject properties were 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, the area is zoned for a mix of uses.
- 5. Does the proposed rezoning ensure efficient development within the City, taking into consideration the capacity and safety of the street network, the adequacy of public facilities, the suitability of the land for the uses allowed under the existing zoning, and other relevant considerations?**
Yes.
- 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 area is designated as a Primary Activity Interchange.

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. All environmentally sensitive areas will be protected and stormwater will be detained and treated onsite. The proposed project lies within the Lake Fisher Watershed Critical Area. The maximum impervious for the critical area shall not exceed 50%. The development will be required to conform to all applicable local, state, and federal environmental regulations.

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

Staff finds this rezoning **consistent** with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan (“2030 Plan”), adopted by City Council, which designates adjoining properties within the “Primary Activity Interchange” Character Area in the 2030 Plan. Currently, the recently annexed properties are not assigned an “official” designation in the Comprehensive Plan, but an amendment to adopt these properties into the plan under the Primary Activity Interchange designation is underway. 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 #CZ-2023-01

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-2023-01, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this rezoning consistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan (“2030 Plan”), adopted by City Council, which designates adjoining properties within the “Primary Activity Interchange” Character Area in the 2030 Plan. Currently, the recently annexed properties are not assigned an “official” designation in the Comprehensive Plan, but an amendment to adopt these properties into the plan under the Primary Activity Interchange designation is underway. 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 #CZ-2023-01, a motion should be made to adopt the Resolution to Zone.**

Motion to Deny (2 votes)

- 1. Should the Commission choose to recommend denial of Case #CZ-2023-01, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #CZ-2023-01 to be inconsistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

- 2. Should the Commission choose to deny Case #CZ-2023-01, a motion should be made to deny the Resolution to Zone.**

I. Attachments

1. Rezoning Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use and Character Map
5. Conceptual Site Plan
6. Informal Meeting Summary
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



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

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: Lentz Road (no address yet given)

Applicant: Kannapolis Crossing Development, LLC 450 Main Street Baton Rouge, LA 70801

Proposed development: Addition to Pod 4(residential) of Kannapolis Crossing development

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

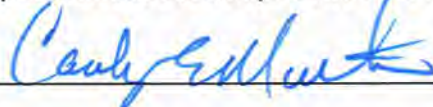
Public Notification: This is a legislative process that requires a public hearing and public notification including newspaper notice, first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Table 2.4.F(2) of the Kannapolis Development Ordinance [KDO]).

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: 12.2.22



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: Kannapolis Crossing Development, LLC
Address: 450 Main St
Baton Rouge, LA 70801
Phone: 225 709 1701
Email: cmartin@cprt.com

Property Owner Contact Information same as applicant

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

Project Information

Project Address: Lentz Road (no address yet given)

Parcel: 135-091,090,04702,080 # of parcels: 4 Approx. size of parcels: 26.3 ac
(attach separate list if necessary)

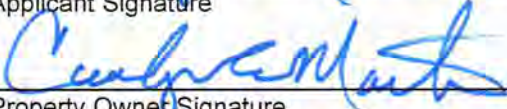
Current Zoning Designation: AG Requested Zoning Designation: PUD-CZ

Reason for map amendment: for lots to be included into the Kannapolis Crossing Development.
These lots are contiguous to the Kannapolis Crossing original rezoning and will be included
in that development.

Condition(s) proposed by the applicant (attach separate sheet if necessary): All conditions proposed in
the original PUD-CZ rezoning, including not exceeding 300 residential lots in Node 4.

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.

 12.2.22
Applicant Signature Date

 12.2.22
Property Owner Signature Date

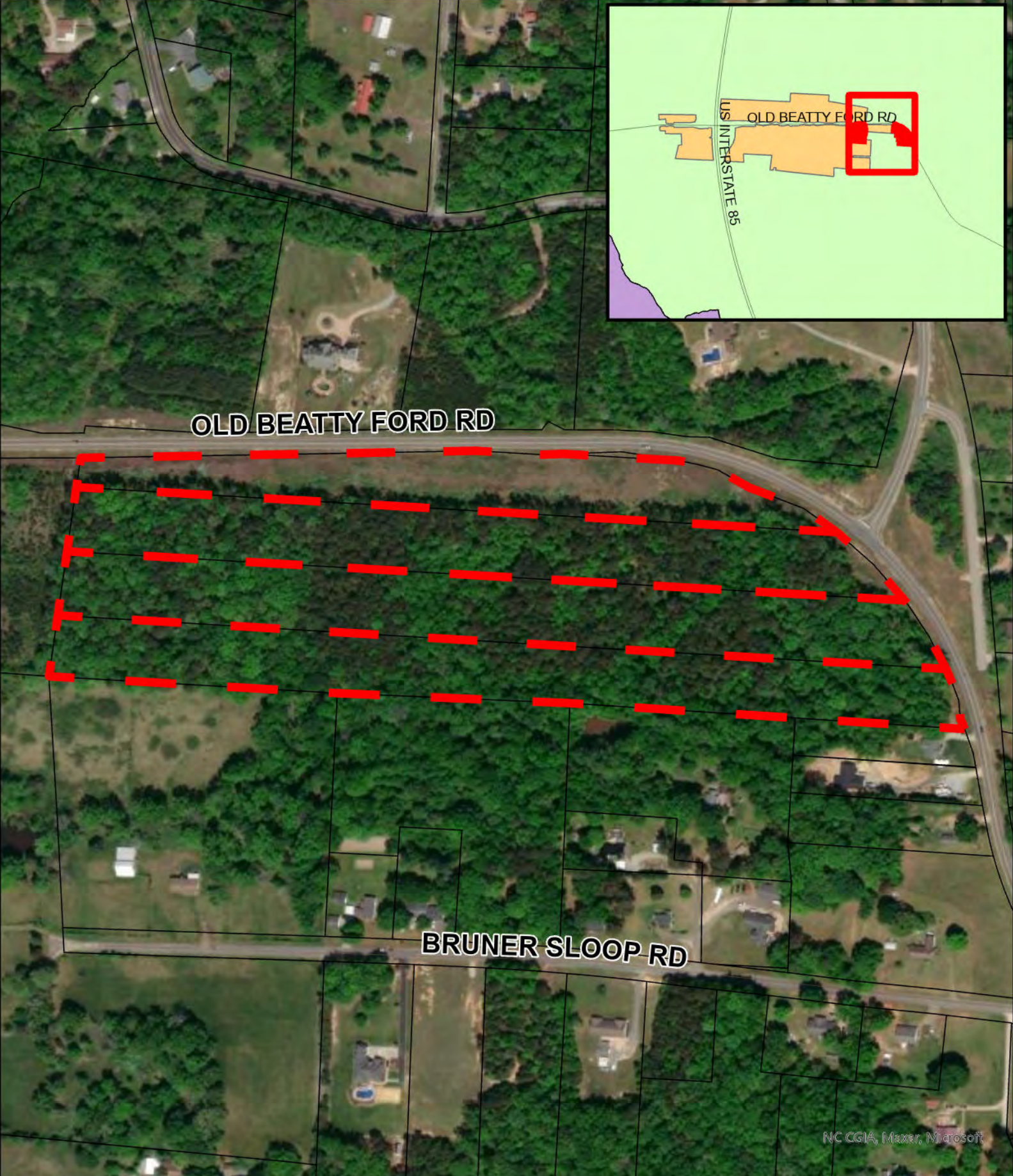
For Staff Use Only:

Filing Fee: _____ Receipt #: _____
Case #: _____ Date Received: _____



Vicinity Map

Case Number: CZ-2023-01
Applicant: Kannapolis Crossing Development, LLC
Unaddressed Old Beatty Ford Rd



OLD BEATTY FORD RD

BRUNER SLOOP RD



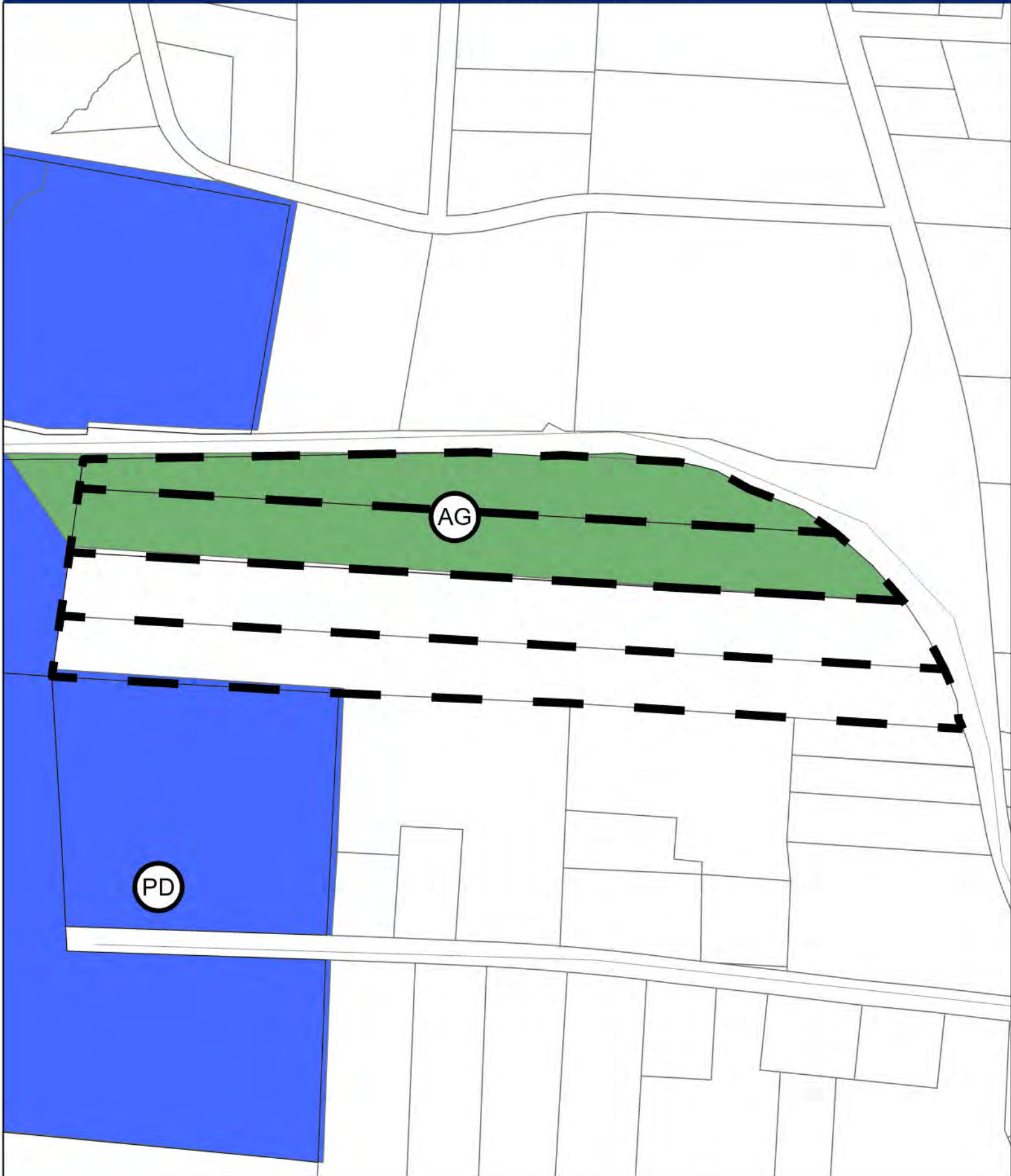


Kannapolis Current Zoning



Case Number: CZ-2023-01

Applicant: Kannapolis Crossing Development, LLC
Unaddressed Old Beatty Ford Rd



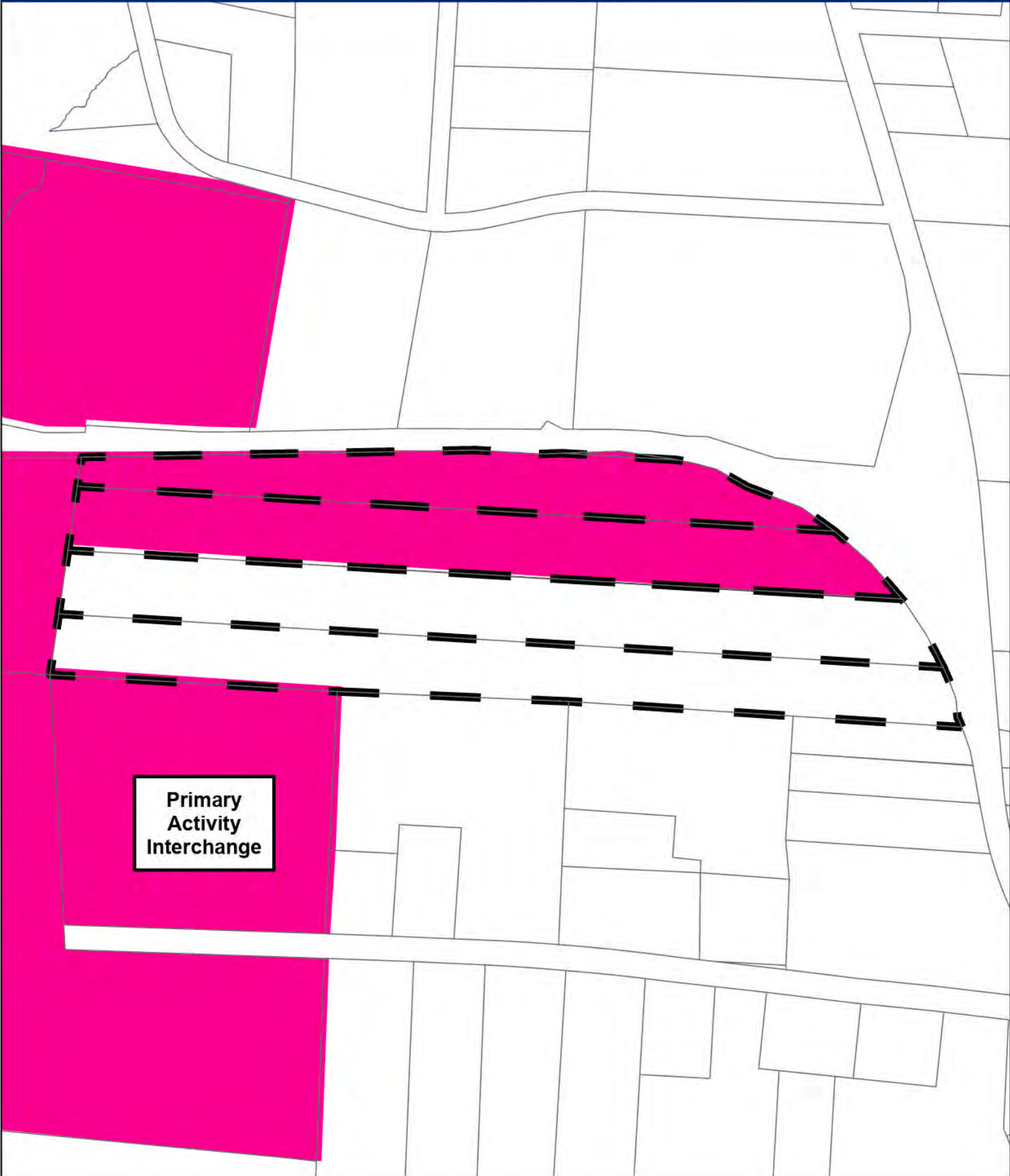


Kannapolis 2030 Future Land Use Map



Case Number: CZ-2023-01

Applicant: Kannapolis Crossing Development, LLC
Unaddressed Old Beatty Ford Rd





February 17th, 2023

21530

Mr. Boyd Stanley
Assistant Planning Director
City of Kannapolis-Planning Department
401 Laureate Way, Kannapolis NC 28081

Re: Kannapolis Crossing Development, LLC
Informal Neighborhood Rezoning Meeting
February 16th, 2023

Dear Mr. Stanley;

An informal neighborhood rezoning meeting was held on February 16th, 2023. The meeting was held to inform adjacent property owners that Kannapolis Crossing Development, LLC requested the rezoning of four parcels (PINs: 5635-04-73-8331, 5635-04-83-3183, 5635-04-82-4957, and 5635-04-82-4882) from AG and RA to PUD. Adjacent property owners were notified of the meeting by registered mail. The addresses used to inform adjacent owners as well as the letter sent are attached. The adjacent property owners notified by letter were:

Julius Rivers and Phyllis Rivers
Elizabeth Weiss and David Miller
James Carter and Tera Carter
Wesley Hoyle and Kimberly Hoyle
Larmad, INC.
Laura Wiegand, Lawrence Wiegand, Kimberlee Fowler, and Adrian Fowler
Jerry Barringer and Tonya Barringer
Barbara Basinger
David Basinger
Corey Hamilton
William Love
Lance Casey

On February 13th Paul Campbell was contacted by William Love to discuss the rezoning by phone.


The meeting took place at Kannapolis Loyal Order of Moose Lodge located at 1860 Bostian Rd, China Grove, NC 28023, and was held from 6:00 pm to 7:00 pm. Five neighbors attended the meeting as well as Paul Campbell, P.E. and Graham Lamb from AWCK. There was a general discussion of what was proposed and the process moving forward should the rezoning be approved as requested. Attached is the sign in sheet made available at the meeting.

Kannapolis Crossing Development, LLC
Informal Neighborhood Rezoning Meeting
February 17th, 2023
Page 2

Please contact me at 704-938-1515 if you have any questions.

Alley, Williams, Carmen and King, Inc.

Paul Campbell, P.E.

DocuSigned by:

0F4BA51FD00042E...

Attachments:

Contacted Adjacent Owners and Addresses
Letter Sent to Adjacent Owners Informing of Meeting
Sign in Sheet for Meeting



alley, williams, carmen & king, inc.

Engineering • Land Surveying • Construction Inspection

Jan 26, 2023

Subject: Rezoning Informal Neighborhood

Dear Neighbor,

Kannapolis Crossing Development, LLC, is requesting the rezoning of a property located southwest of the intersection of Old Beatty Ford Road and Lentz Road, Kannapolis, NC from AG and RA to PUD to allow the development of a single-family residential subdivision. Attached is the rezoning site plan.

The property being rezoned is made up of four parcels. The four parcels' PINs are 5635-04-73-8331, 5635-04-83-3183, 5635-04-82-4957, and 5635-04-82-4882.

City of Kannapolis zoning regulations requires an applicant for rezoning to conduct a neighborhood meeting to inform neighbors about the proposed rezoning.

We are sending this letter as an invitation for you to attend the neighborhood meeting on February 16th at 6:00 pm at Kannapolis Loyal Order of Moose Lodge located at 990 Old Beatty Ford Rd, China Grove, NC 28023.

If you cannot attend the meeting, feel free to contact Paul Campbell.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Campbell', with a stylized flourish at the end.

Alley, Williams, Carmen and King, Inc.

Paul Campbell, P.E.

pcampbell@awck.com

704 938 1515

Index	Parcel ID	Name and Address
1	135 049	Julius Rivers and Phyllis Rivers 320 Bruner Sloop Road China Grove, NC 28023
2	135 050	Elizabeth Weiss and David Miller 225 Sandfield Drive China Grove, NC 28023-868
3	135 133	James Carter and Tera Carter 3615 Old Beatty Ford Road China Grove, NC 28023
4	135 134	Wesley Hoyle and Kimberly Hoyle 3625 Old Beatty Ford Road China Grove, NC 28023-7655
5	135 065	Larmad, INC. 9500 Millen Drive Harrisburg, NC 28075
6	136C034	Laura Wiegand, Lawrence Wiegand, Kimberlee Fowler and Adrian Fowler 1207 Dublin Court China Grove, NC 28023-8814
7	135 129	Jerry Barringer and Tonya Barringer 205 Basinger Farm Road China Grove, NC 28023-8821
8	135 047	Barbara Basinger 145 Basinger Farm Road China Grove, NC 28023-8820
9	135 046	David Basinger 115 Basinger Farm Road China Grove, NC 28023-8820
10	135 103	Corey Hamilton 155 Backwoods Lane China Grove, NC 28023-5637
11	135 132	William Love 127 Fisher Farm Court China Grove, NC 28023-5738
12	135 131	Lance Casey 330 Backwoods Lane China Grove, NC 28023-5639
13		Boyd Stanley Kannapolis Planning Dept. 401 Laureate Way, Kannapolis NC 28081

INFORMAL NEIGHBORHOOD REZONING MEETING

MEETING SIGN IN SHEET

Kannapolis Crossing Development, LLC		Febuary 16th, 2023	Alley, Williams, Carmen and King, Inc.
	Name	Phone Number	Address
1	Lance Casey	704 361 0583	330 Backwoods LN China Grove 28023
2	Dave Miller	704.857.0018	225 Sandfield Dr. CG NC 28023
3	Elizabeth Weiss	704-857-0018	" " "
4	Danya & Jeff Brewer	980-622-3604	217 Jandale Ct. China Grove NC
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PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000823901

Client: CITY OF KANNAPOLIS
Phone: 7049204300

Payer: 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 \$1,235.50
Payment Amount \$1,235.50

Amount Due \$0.00

Tax Amount: 0.00

Payment Meth: Credit - Debit Card

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

Ad Number **Ad Type** **Ad Size** **Color**
0000823901-01 CLS Liner 2 X 99 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 2/10/2023, 2/17/2023

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETINGTUESDAYFEBRUARY172023
PMCONDITIONALZONINGMAPAMENDMENTCZ202201KANNAPOLISNC



NOTICE OF PUBLIC HEARING
Planning and Zoning Commission Meeting
Tuesday, February 21 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2022-01 - Kannapolis Crossings: Public Hearing to consider a request to rezone unaddressed properties located on Old Beatty Ford Road from a City of Kannapolis Agricultural (AG) zoning district and a Rowan County Rural Agricultural (RA) zoning district to City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) zoning district to be combined with the existing PUD Kannapolis Crossing mixed-use development. The subject properties are approximately 24.33 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 135 091, 135 090, 135 04702 and 135 080.

Zoning Map Amendment - Z-2022-01 - 2850 S Ridge Ave and unaddressed parcels on S Ridge Ave: Public Hearing to consider a request to rezone properties located at 2850 S. Ridge Avenue and two unaddressed parcels located on S Ridge Ave. from an Office-Institutional (O-I) zoning district to a Residential 18 (R18) zoning district. The subject properties are approximately 2.5 +/- combined acres and further identified as Cabarrus County Parcel Identification Number 56128297890000, 56128390350000 and 56128391120000.

Zoning Map Amendment - Z-2022-02 - 200 Martin Luther King Jr. Ave: Public Hearing to consider a request to rezone property located at 200 Martin Luther King Jr. Avenue from an Office-Institutional (O-I) zoning district to a Residential 8 (R8) zoning district. The subject property is approximately 0.20 +/- acres and further identified as Cabarrus County Parcel Identification Number 56137908810000.

Zoning Map Amendment - Z-2022-03 - 1445 China Grove Rd: Public Hearing to consider a request to rezone property located at 1445 Old Beatty Ford Road from a Rowan County Rural Agricultural (RA) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject property was recently annexed into the City of Kannapolis and must be assigned City Zoning. The property is approximately 5.8 +/- acres and further identified as Rowan County Parcel Identification Number 147 015.

Zoning Map Amendment - Z-2022-04 - Western Growth Area: Public Hearing to consider a staff-initiated request to rezone properties located at 10444 & 10450 Davidson Highway and an unaddressed parcel on Davidson Highway from unincorporated Cabarrus County Countryside Residential (CR) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject properties were recently annexed into the City of Kannapolis and must be assigned City zoning. The properties are approximately 38.256 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 46727152030000, 467271520450000, and 46727202450000.

Zoning Map Amendment - Z-2022-05 - Stadium Dr: Public Hearing to consider a staff-initiated request to rezone unaddressed properties located on Stadium Drive from a Cabarrus County Limited Commercial (LC) zoning district to a City of Kannapolis Agricultural (AG) zoning district. The subject properties were recently annexed into the City of Kannapolis and must be assigned City zoning. The properties are approximately 3.91 +/- combined acres and further identified as Cabarrus County Parcel Identification Number 56331866540000 and a portion of Rowan County Parcel Identification Number 145 005.

Zoning Map Amendment - Z-2022-06 - 101 Rice St: Public Hearing to consider a request to rezone property located at 101 Rice Street from a General Commercial (GC) zoning district to a Residential 8 (R8) zoning district. The subject property is approximately 0.11 +/- acres and further identified as Rowan County Parcel Identification Number 156 131A.

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 704-920-4502 or by email at tccline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

Publish: February 10, February 17, 2023.

OWNNAME	TAXADD1	CITY	STATE	ZIPCODE
BARBARA BASINGER	145 BASINGER FARM RD	CHINA GROVE	NC	28023-8820
JERRY & TONYA BARRINGER	205 BASINGER FARM RD	CHINA GROVE	NC	28023-8821
JAMES & TERA CARTER	3615 OLD BEATTY FORD RD	CHINA GROVE	NC	28023
ELIZABETH WEISS & DAVID MILLER	225 SANDFIELD DR	CHINA GROVE	NC	28023-8683
COREY HAMILTON	155 BACKWOODS LN	CHINA GROVE	NC	28023-5637
WESLEY D & KIMBERLY HOYLE	3625 OLD BEATTY FORD RD	CHINA GROVE	NC	28023-7655
JULIUS & PHYLLIS RIVERS	320 BRUNER SLOOP RD	CHINA GROVE	NC	28023
KANNAPOLIS CROSSING DEVELOPMENT LLC	450 MAIN ST	BATON ROUGE	LA	70801-1906
CASEY LANCE	330 BACKWOODS LN	CHINA GROVE	NC	28023-5639
LARMAD INC	9500 MILLEN DR	HARRISBURG	NC	28075
LAWRENCE & LAURA WIEGAND	1207 DUBLIN CT	CHINA GROVE	NC	28023-8814
WILLIAM LOVE	127 FISHER FARM CT	CHINA GROVE	NC	28023-5738



February 9, 2023

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, February 21, 2023 at 6:00 PM, for the following case:

CZ-2023-01 – Conditional Zoning Map Amendment – Unaddressed parcels on Old Beatty Ford Road

The purpose of this Public Hearing is to consider a request to rezone unaddressed properties located on Old Beatty Ford Road from a City of Kannapolis Agricultural (AG) zoning district and a Rowan County Rural Agricultural (RA) zoning district to City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) zoning district to be combined with the existing PUD Kannapolis Crossing mixed-use development. The subject properties are approximately 24.33 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 135 091, 135 090, 135 04702 and 135 080 (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; and are invited to attend the public hearing and present testimony, should you desire, to the Planning and Zoning Commission.

If you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4362 or bstanley@kannapolisnc.gov.

Sincerely,

Boyd Stanley, AICP
Assistant Planning Director

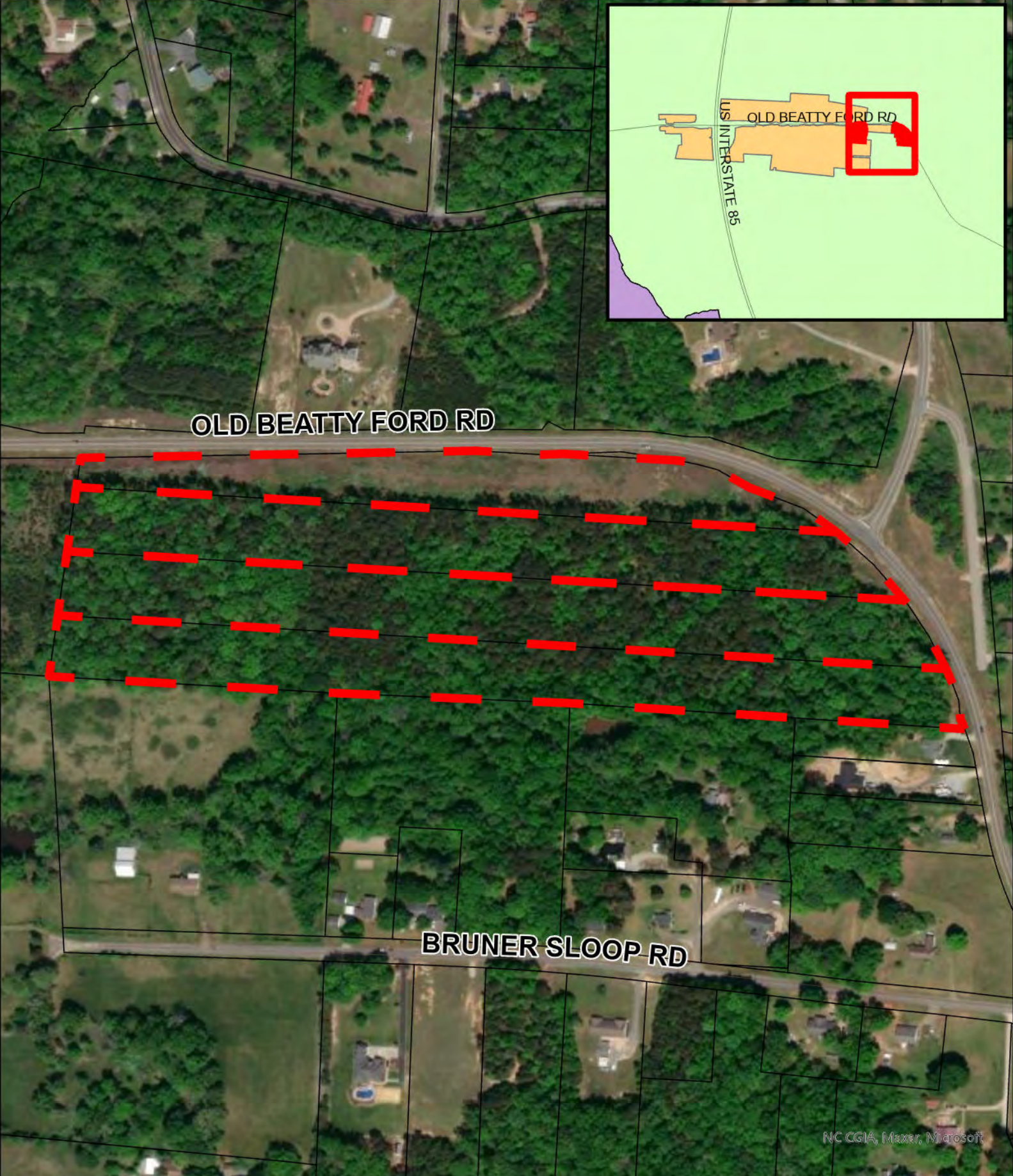
Enclosure

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



Vicinity Map

Case Number: CZ-2023-01
Applicant: Kannapolis Crossing Development, LLC
Unaddressed Old Beatty Ford Rd



OLD BEATTY FORD RD

BRUNER SLOOP RD







**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #CZ-2023-01**

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

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

WHEREAS, on February 21, 2023 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone unaddressed properties located on Old Beatty Ford Road-Lentz Road Area, (Rowan County Parcel Identification Number 135 091, 135 090, 135 04702 and 135 080) owned by Kannapolis Crossing Development, LLC, from Rowan County Rural Agricultural (AG) and City of Kannapolis Agricultural (AG) to a City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) Zoning Designation.

NOW, THEREFORE BE IT RESOLVED *The Planning and Zoning Commission finds this rezoning consistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan (“2030 Plan”), adopted by City Council, which designates adjoining properties within the “Primary Activity Interchange” Character Area in the 2030 Plan. Currently, the recently annexed properties are not assigned an “official” designation in the Comprehensive Plan, but an amendment to adopt these properties into the plan under the Primary Activity Interchange designation is underway. 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 21st day of February 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case #CZ-2023-01

(Unaddressed parcels at Old Beatty Ford Road-Lentz Road Area)

**From Rowan County Rural Agricultural (RA) and City of Kannapolis Agricultural (AG) to
City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) Zoning Designation**

WHEREAS, Section 2.3.B.(1).a of the Kannapolis Development Ordinance (KDO) specifically delegates authority to the Planning and Zoning Commission to take final action on a rezoning application provided, if the application is approved by less than a three quarters majority of voting members or denied, or if the Planning and Zoning Commission's decision is appealed, the City Council shall make the final decision on the application; and

WHEREAS, the Commission conducted a public hearing on February 21, 2023 for consideration of rezoning petition Case #CZ-2023-01 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone unaddressed properties located on Old Beatty Ford Road-Lentz Road Area, (Rowan County Parcel Identification Number 135 091, 135 090, 135 04702 and 135 080) owned by Kannapolis Crossing Development, LLC, from Rowan County Rural Agricultural (AG) and City of Kannapolis Agricultural (AG) to a City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-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?

Yes, the properties will be included into the master plan for the previously approved development. This area of the City's future growth area is identified as "Primary Activity Interchange".

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

No. The requested PUD zoning designation is consistent with surrounding properties.

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

No, the subject properties were 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, the area is zoned for a mix of uses.

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

Yes.

- 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 area is designated as a Primary Activity Interchange.

- 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. All environmentally sensitive areas will be protected and stormwater will be detained and treated onsite. The proposed project lies within the Lake Fisher Watershed Critical Area. The maximum impervious for the critical area shall not exceed 50%. The development will be required to conform to all applicable local, state, and federal environmental regulations.

NOW, THEREFORE BE IT RESOLVED by the City of Kannapolis Planning and Zoning Commission, that the above referenced property, as shown on the site plan submitted to the City, be rezoned from Rowan County Rural Agricultural (AG) and City of Kannapolis Agricultural (AG) to a City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) Zoning Designation.

Adopted this the 21st day of February 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary Planning and
Zoning Commission