

City of Kannapolis Planning and Zoning Commission Meeting

March 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: February 21, 2023

5. Public Hearing:

a. <u>Z-2023-07 – Zoning Map Amendment – Mooresville Rd., Chestnut & Central Ave.</u>

Public Hearing to consider a request to rezone seventeen (17) properties located at 317, 321, 331 & 341 Mooresville Road; 306-313 Chestnut Avenue and 304, 306, 308, 310 and 312 Central Avenue from a Residential 8 (R8) zoning district to a Center City (CC) zoning district. The subject properties are approximately 3.5 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 56144052880000, 56144052150000, 56144042410000, 56144031870000, 56144061680000, 56144070540000, 56134959230000, 56134959230000, 56134959230000, 56134959230000, 56134978590000, 56134978070000, 56134968440000 and 56134958820000.

7. Planning Director Update

- a. Robert's Rule of Order
- 8. Other Business
- 9. Adjourn



Planning and Zoning Commission March 21, 2023 Meeting

Staff Report

TO: Planning and Zoning Commission

- **FROM:** Richard Smith, Planning Director Boyd Stanley, Assistant Planning Director
- **SUBJECT:** Case #Z-2023-07: Mooresville Rd., Chestnut & Central Ave. Applicant: Kannapolis Land Partners, LLC

Applicant is requesting to rezone seventeen (17) properties located on Mooresville Road, Chestnut Ave. and Central Ave. from Residential 8 (R8) to Center City (CC) 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, Kannapolis Land Partners, LLC is proposing to rezone approximately $3.5 \pm -$ combined acres of property located at 317, 321, 331 & 341 Mooresville Road; 306-313 Chestnut Avenue and 304, 306, 308, 310 and 312 Central Avenue, further identified as Cabarrus County Parcel Identification Numbers 56144052880000, 56144052150000, 56144042410000, 56144031870000, 56144061680000, 56144070540000, 56144051860000, 56144060700000, 56144051100000, 56134959960000, 56144040470000, 56134959230000, 56134989120000, 56134978590000, 56134978070000, 56134968440000 and 56134958820000, from Residential 8 (R8) zoning district to a Center City (CC) zoning district.

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, a portion of the properties are already located within the Downtown Center Character Area, with the remainder within the Urban Residential designation.

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

No, the Center City zoning designation is appropriate for this area.

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

No, but due to proximity to the Center City and Comprehensive Plan Character Areas, the zoning change is appropriate for this area.

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 adjacent to residential and nonresidential land uses.

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

Yes, this request is located adjacent to roads with adequate capacity and in close proximity to the downtown core area of the City. Further, the suitability of future projects on this site will be further ensured by the necessity of a development agreement with the City as part of established wastewater allocation provisions.

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 proximity of this site with the core downtown area and the newly expanded Highway 3/Mooresville Road sets this location apart as a marquis entryway into the City.

7. Does the proposed rezoning result in significant adverse impacts on the natural environment, including but not limited to water, air, noise, storm water

management, wildlife, vegetation, wetlands, and the natural functioning of the environment?

No, there are no anticipated significant environmental impacts from developing this property.

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

Staff finds this rezoning <u>consistent</u> with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which designates the subject properties as located within the "Urban Residential" and "Downtown Center" Character Areas in the *Move Kannapolis Forward 2030 Comprehensive Plan*. These Character Area designations encourage a mix of residential and nonresidential uses that would be appropriate for these parcels. 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 CC permitted uses would also be compatible with the surrounding zoning and are not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

The Planning and Zoning Commission may choose to approve or deny the petition as presented.

Based on the request being consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, staff recommends approval for Zoning Map Amendment Case #Z-2023-07

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-2023-07, a motion should be made to adopt the following Statement of Consistency:

Statement of Consistency: The Planning and Zoning Commission finds this rezoning <u>consistent</u> with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates the subject properties as located within the "Urban Residential" and "Downtown Center" Character Areas in the Move Kannapolis Forward 2030 Comprehensive Plan. These Character Area designations encourage a mix of residential and nonresidential uses that would be appropriate for these parcels. 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 Center City permitted uses would also be

compatible with the surrounding zoning and are not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

2. Should the Commission choose to approve Case #Z-2023-07, a motion should be made to adopt the Resolution to Zone.

Motion to Deny (2 votes)

1. Should the Commission choose to recommend denial of Case #Z-2023-07, a motion should be made to adopt the following Statement of Consistency:

Statement of Consistency: The Planning and Zoning Commission finds this zoning map amendment as presented in Case #Z-2023-07 to be <u>inconsistent</u> 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-2023-07, a motion should be made to deny the Resolution to Zone.

I. Attachments

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

J. Issue Reviewed By:

- Planning Director
- Assistant City Manager
- City Attorney



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: West D Street & Chestnut/Central Avenue

Applicant: Kannapolis Land Partners, LLC

Proposed development: mixed use

mixed use

-

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 legistlative 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 <u>must</u> 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: 2 1 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: Bart Murr	Property Owner Contact Information I same as applicant Name:
1213 West Marchard Street	Address:
Suite 150	
Phone: 704-344-8086	
murrainsitopropa	Email:
Project Information	
Project Address: see separate sheet	17
Parcel: see separate sneet (attach separate list if necessary)	# of parcels: Approx. size of parcels:
Current Zoning Designation: R8	Requested Zoning Designation: CC
Reason for map amendment: align all parcels	with CC zoning

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.

BoyAMn	2/1/2023
Applicant Signature Bart A Mu	2 1 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:

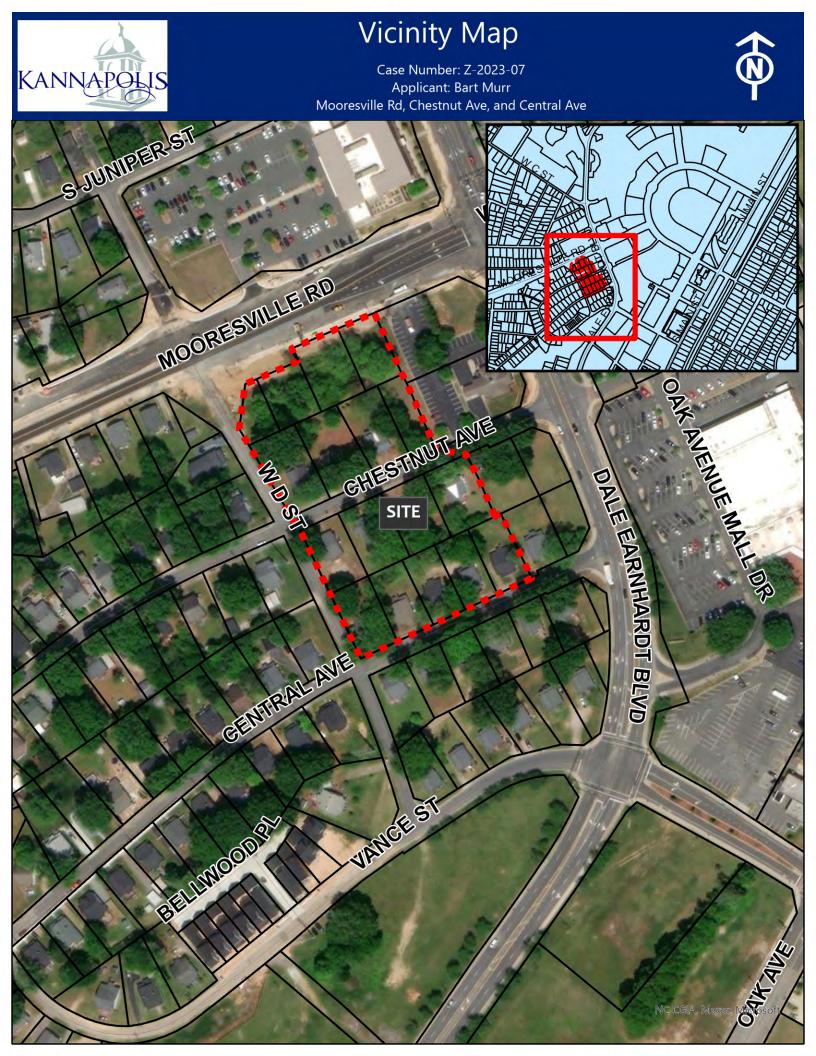
Receipt #: ____

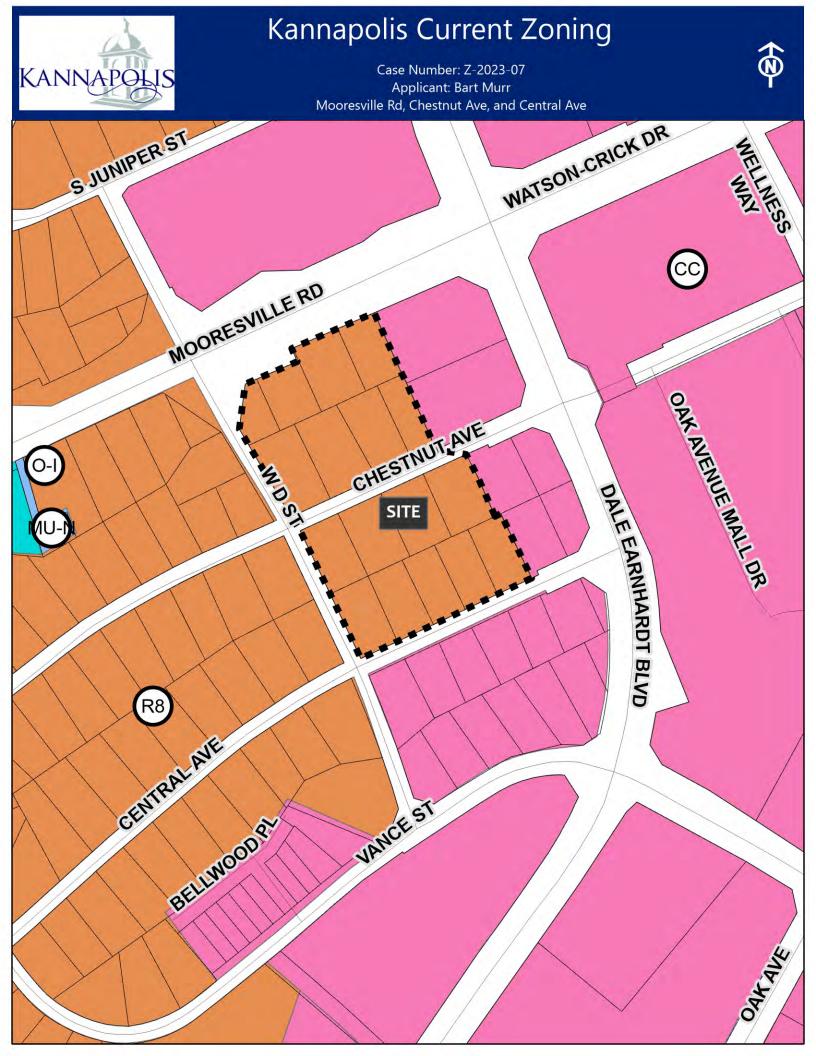
Case #: _____

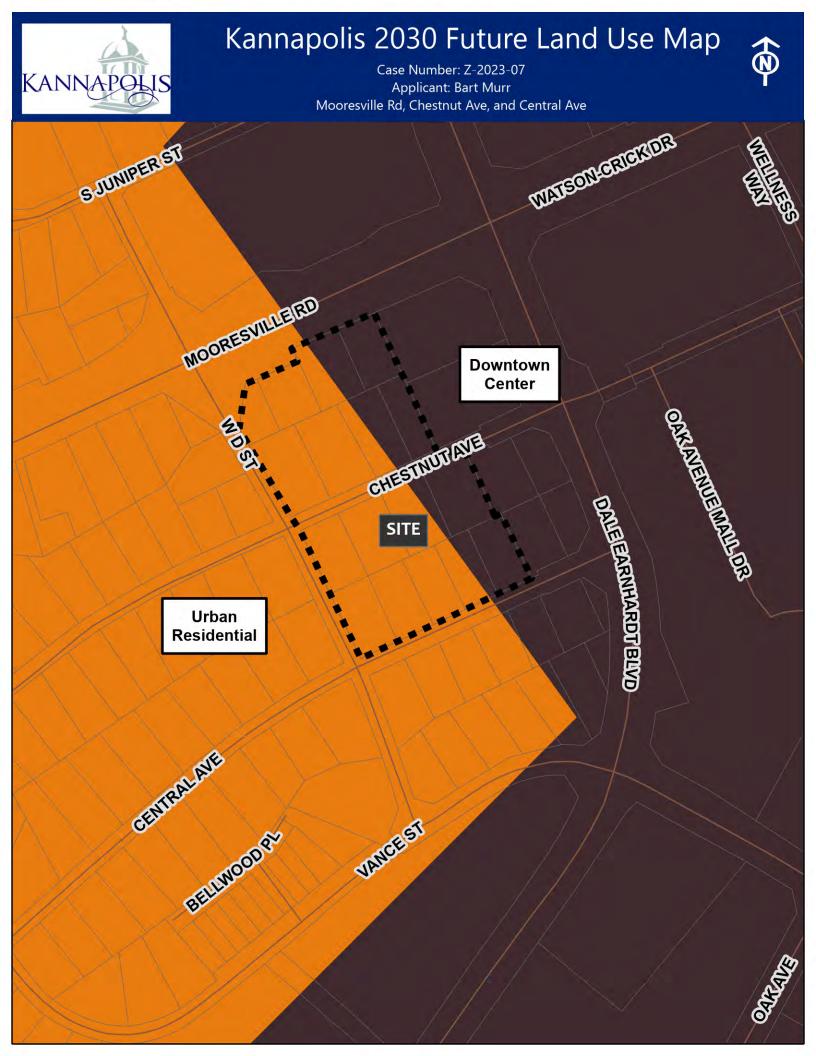
Date Received:

Parcel #	
614405288	317 Mooresville Road
14405215	321 Mooresville Road
14404241	331 Mooresville Road
14403187	341 Mooresville Road
14404047	312 Chestnut Avenue
614405110	310 Chestnut Avenue
614405186	308 Chestnut Avenue
614406168	306 Chestnut Avenue
613495923	313 Chestnut Avenue
13495996	311 Chestnut Avenue
14406070	309 Chestnut Avenue
614407054	307 Chestnut Avenue
13495882	312 Central Avenue
613496844	310 Central Avenue
13497807	308 Central Avenue
13497859	306 Central Avenue
13498912	304 Central Avenue

 $\gamma \to 0$







NOTICE TO INTERESTED PARTIES OF A KANNAPOLIS REZONING WEST D STREET & CHESTNUT / CENTRAL AVENUE

Subject:Rezoning West D Street & Chestnut / Central AvenuePetitioner/Developer:INSITE PropertiesCurrent Land Use:R-8

Meeting date and location(s):

<u>Thursday, March 16th from 6:00 p.m. to 7:00 p.m.</u> Kannapolis City Hall – EOC 3rd Floor 401 Laureate Way Kannapolis, NC 28081

Date of Notice

March 10, 2023

We are assisting Insite Properties, LLC (the "Petitioner") on a Rezoning Petition recently filed to allow the development of a site generally located West D Street & Chestnut / Central Avenue (the "Site"). We take this opportunity to furnish you with basic information concerning the Petition and to invite you to attend a Neighborhood Meeting to discuss it.

Background and Summary of Request:

This Petition involves a request to rezone the \pm 3.57 Acres in Cabarrus County portion of the Site from R-8 zoning district to CC (Center City District) to allow the development of a mixed-use development.

During the meeting the Petitioner will be available to answer questions regarding the proposed development.

Neighborhood Meeting Date and Location:

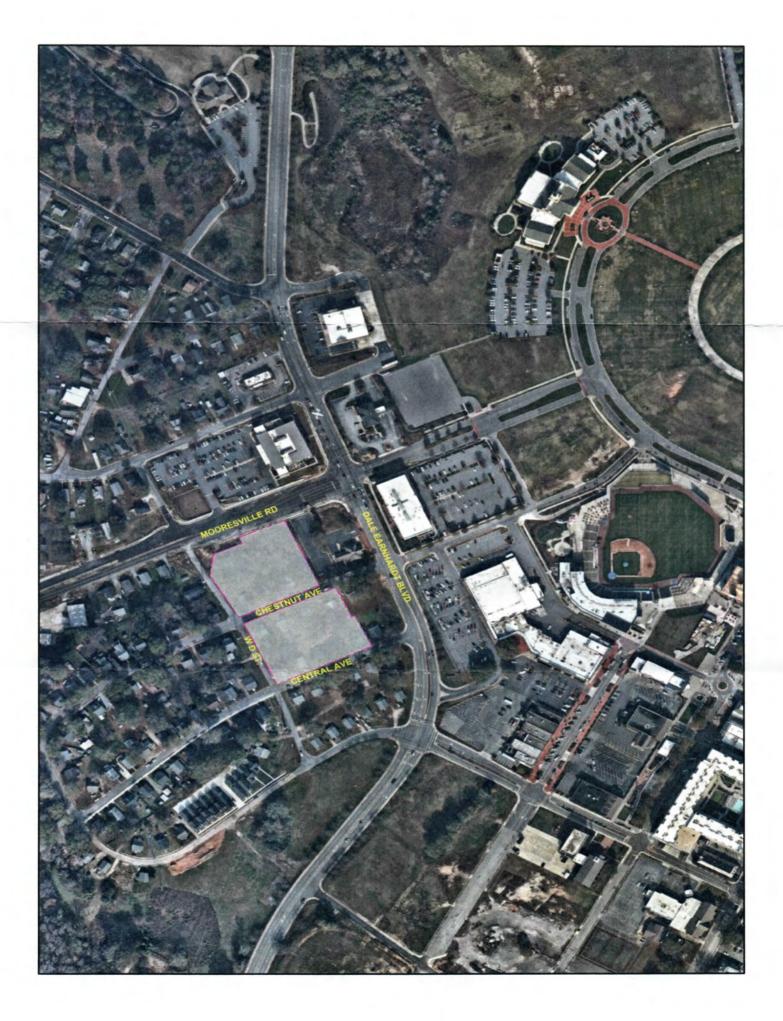
The Cabarrus County Tax records indicate that you are an owner of property near the Site. Accordingly, we are extending an invitation to attend the upcoming Neighborhood Meeting to be held on:

Thursday, March 16, 2023 at 6pm Kannapolis City Hall – EOC 3rd Floor 401 Laureate Way Kannapolis, NC 28081

Representatives of the Petitioner look forward to discussing this rezoning proposal with you at the Neighborhood Meeting.

In the meantime, should you have questions about this matter, you may call Richard Smith (704.920.4325) or Boyd Stanley at (704.920.4362) Thank you.

cc: City of Kannapolis Planning Department



Kannapolis Rezoning West D Street & Chestnut / Central Avenue Neighborhood Meeting

Neighborhood Meeting				
Date & Time	Descriptio	n/Outline and Name of Project		
03.16.23	1022330 Kannapol	is Rezoning West D Street & Chestn	ut / Central Avenue Neighborhood	
	Name	Company	Signature	
Lan Robinso	0	NA - Pesiduat	Jun Robins	
JONY Robi	NSON		the selection	
Kendyll	onoman	Visident	KindysBernan	
AARON W	AGONER	LANDDESIGN	an Unr	
BART N	JURR	INSITE PROPERTILS	BatANN	
			5 1	
	-			

- d

LandDesign, urban design planning civil engineering branding landscape architecture

MEETING NOTES

DATE:	March 16, 2023
NAME:	Rezoning West D Street & Chestnut / Central Avenue Neighborhood Meeting
MEETING LOCATION:	Kannapolis City Hall – 401 Laureate Way
PURPOSE:	Neighborhood Meeting for Re-zoning

Attendees:

Leah Robinson – Neighborhood Resident Tony Robinson – Neighborhood Resident Kendyl Brigman – Neighborhood Resident Aaron Wagoner – LandDesign (LDI) Bart Murr – Insite Properties

Minutes:

- Aaron Wagoner (LDI) began the meeting with an overview of the zoning map showing the area proposed to be re-zoned to CC (currently zoned R-8).
- Aaron explained the allowable types of development within the CC zoning as stated in the Kannapolis UDO. Aaron also explained that the maximum building height has not yet been confirmed by the City of Kannapolis.
- Tony Robinson asked what impact this development would have on his home taxes and tax value. Aaron and Bart stated that the City of Kannapolis would need to confirm this.
- Leah Robinson voiced concerns of increased traffic volumes within this area. Aaron explained that traffic
 access would be considered off Mooresville Road to keep traffic volumes down along West D St.
- Aaron explained that a Traffic Impact Study will not be required and there are currently roadway improvements in construction along Mooresville Road/Dale Earnhardt Blvd (NC-3).
- Leah Robinson voiced concerns about a high rise building potentially blocking sunlight.
- It was asked if the construction schedule was known. Bart explained that at this point, it is unknown what will be developed here and the construction schedule will be determined at a later date.
- Bart explained the intent of the re-zoning is to provide consistency within the downtown district.

These notes reflect the author's interpretation of the events at the referenced meeting. Any changes or additions required should be submitted to the author in writing.

			0	rder Co	onfirmati	on	
North Carolii Medi Grou	a Richmo	x 27283 ond, VA 23261-7283	1	Order#	0000827350		
Client:	CITY OF KANNAPC	DLIS		Payor :	CITY OF KAN	NAPOLIS	
Phone:	7049204300			Phone:	7049204300		
Account:	3143368			Account:	3143368		
Address:	BRIDGETTE BELL			Address:	BRIDGETTE B	BELL	
	KANNAPOLIS NC 2	8081			KANNAPOLIS	NC 28081	
Sales Rep	Accnt Rep	Ordered By	Fax:	704933746	3		
aboan	aboan	Pam	EMail:	ap@kanna	polisnc.gov		
Total Amo	unt	\$508.34					
Payment A	mount	\$508.34					
Amount De	le	\$0.00	Tear She	ets	Proofs	Affidavits	PO Number:
Tax Amoun Payment M	Contraction and the second	0.00 t Card	0		0	1	
<u>Ad Nur</u> 000082	<u>nber</u> 7350-01	Ad Type CLS Liner	Ad Size 2 X 40 li		<u>Color</u> \$0.00		
	duction Method sooker (liner)		Productio	on Notes			
	duct and Zone N Independent Trib	Placement C-Announcer	ments	Position General	Spec Notice	<u># Inser</u> 2	ts
	Schedule InvoiceDates3/10/20	Text: NOTICE 23, 3/17/2023	OF PUBLIC	HEARING F	Planning and Z	Coning	

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETINGTUESDAYMARCH21AT600PM ZONINGMAPAMENDMENTZ202207WESTDCHESTNUTANDCENTRA

	KANNA	POLIS	
	NOTICE OF PUB	LIC HEARING	
Pla	nning and Zoning C	commission Meeting	
	Tuesday, March	1 21 at 6:00 pm	
Public Hearing to located at 317, 32 nue and 304, 306, (R8) zoning distric catics are approxil Cabarrus County 56144052150000, 56134959960000, 56134978590000, 56134978590000, Anyone who requition, or a modific gram, service, or fice of Tina H. Cli to the catil at fic	consider a request 1, 331 & 341 Moor 308, 310 and 312 t to a Center City (nately 3.5 +/- com Parcel Identifi 56144042410000, 5614404470000, 6134978070000, 56 irres an auxiliary ai ation of policies c activity of the City	- West D, Chestnut to rezone sevented resville Road; 306-3 Central Avenue fra (CC) zoning district. bined acres and fu ication Numbers 56144050700000, 5613495230000, 56134952000, 56134952000, 56134952000, 56134952000, 56134952000, 5613495200, 56134952000, 5613495200, 56134952000, 5613495200, 5613495200, 5613495200, 5613495200, 5613495200, 5613495200, 5613495200, 5613495200, 5613495200, 5613495200, 5613495200, 5613495200, 5613495200, 5613495200, 5613495200, 5613495200, 5613495200, 5613495200, 5613495200, 56134000000000000000000000000000000000000	113 Chestnut Ave m a Residential The subject prop rither identified a 561440512880000 56144051100000 56134958820000. ective communici articipate in a pr juld contact the c ne at 704-920-433

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
DANIEL G COE	PO BOX 758	KANNAPOLIS	NC	28082
JASON COLEMAN	316 CHESTNUT AVE	KANNAPOLIS	NC	28081
LOTTIE ANN DAVIS	501 W D ST	KANNAPOLIS	NC	28081
ISAIAH FRYE				
KENDYL BRIGMAN	317 CHESTNUT AVE	KANNAPOLIS	NC	28081
WILLIAM & RITA HENDLEY	409 TURNER ST	LANDIS	NC	28088
KANNAPOLIS LAND PARTNERS LLC				
ATTN: BART MURR	1213 W MOREHEAD ST STE 150	CHARLOTTE	NC	28208
ADAM KELLER	4581 HILTON LAKE RD	KANNAPOLIS	NC	28083
KENNETH KRATCHMAN				
MEGAN LOGUE	316 CENTRAL AVE	KANNAPOLIS	NC	28081
CARL LOWERY	315 CHESTNUT AVE	KANNAPOLIS	NC	28081
MICHAEL RABON	110 MITCHELL ST	LOCUST	NC	28097
MICHAEL RABON	PO BOX 1350	KANNAPOLIS	NC	28082
LEAH ROBINSON	318 CHESTNUT AVE	KANNAPOLIS	NC	28081
PATRICIA SMITH	318 VANCE AVE	KANNAPOLIS	NC	28081
SOUTHERN MAGNOLIA HOMES INC	6814 HIGHGROVE PLACE	CONCORD	NC	28027
THREE DOG LLC	3637 RICHWOOD CIR	KANNAPOLIS	NC	28081
GRADEN & KENNETTE YATES	280 S CANNON BLVD	KANNAPOLIS	NC	28083



March 10, 2023

Dear Property Owner:

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

Z-2023-07 – Zoning Map Amendment – Mooresville Rd., Chestnut and Central Ave.

The purpose of this Public Hearing is to consider a request to rezone seventeen (17) properties located at 317, 321, 331 & 341 Mooresville Road; 306-313 Chestnut Avenue and 304, 306, 308, 310 and 312 Central Avenue from a Residential 8 (R8) zoning district to a Center City (CC) zoning district. The subject properties are approximately 3.5 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 56144052880000, 56144052150000, 56144042410000, 56144031870000, 56144061680000. 56144070540000, 56144051860000, 56144060700000. 56144051100000. 56134959960000. 56144040470000, 56134959230000, 56134989120000, 56134978590000, 56134978070000, 56134968440000 and 56134958820000 (see reverse side of this letter for a map showing the location of this property).

As an abutting property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis Development Ordinance. You are invited to attend the public hearing and will be provided an opportunity to speak to the Planning and Zoning Commission, if you believe it to be necessary for their decision making on this matter.

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

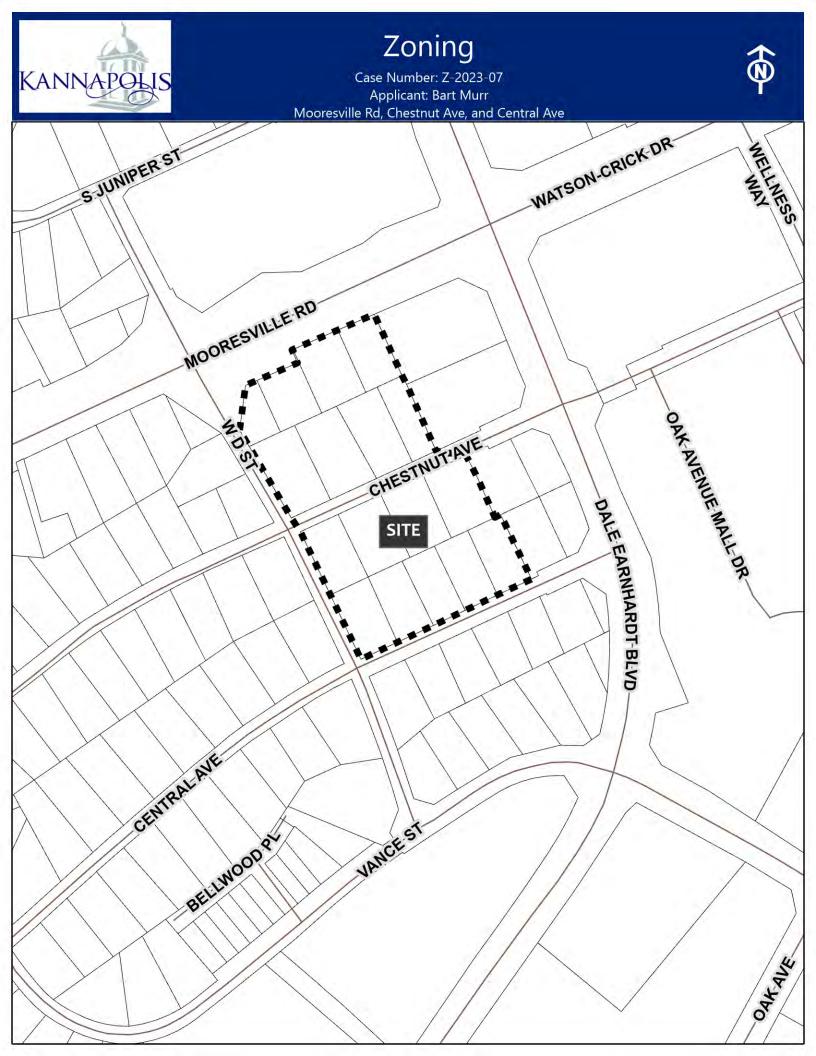
Sincerely,

V. Stonly

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 <u>tcline@kannapolisnc.gov</u> as soon as possible but no later than 48 hours before the scheduled event.

















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

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

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

WHEREAS, on March 21, 2023 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone properties located at 317, 321, 331 & 341 Mooresville Road; 306-313 Chestnut Avenue and 304, 306, 308, 310 and 312 Central Avenue, (Cabarrus County Parcel Identification Numbers 56144031870000, 56144052880000, 56144052150000, 56144042410000, 56144061680000, 56144070540000, 56144051860000, 56144060700000, 56144051100000, 56134959960000, 56134989120000, 56134978590000. 56144040470000, 56134959230000, 56134978070000, 56134968440000 and 56134958820000) owned by Kannapolis Land Partners, LLC, from Residential 8 (R8) Zoning Designation to Center City (CC) Zoning Designation,

NOW, THEREFORE BE IT RESOLVED The Planning and Zoning Commission finds this rezoning <u>consistent</u> 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" and "Downtown Center" Character Areas in the Move Kannapolis Forward 2030 Comprehensive Plan. These Character Area designations encourage a mix of residential and nonresidential uses that would be appropriate for these parcels. Furthermore, the Commission finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The Center City permitted uses would also be compatible with the surrounding zoning and are not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

Adopted this the 21st day of March 2023:

Chris Puckett, Chairman Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary Planning and Zoning Commission



RESOLUTION TO ZONE Case #Z-2023-07 (Mooresville Road, Chestnut Avenue & Central Avenue)

From City of Kannapolis Residential 8 (R8) Zoning Designation to City of Kannapolis Center City (CC) 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 March 21, 2023 for consideration of rezoning petition Case #Z-2023-07 submitted by Kannapolis Land Partners, LLC; and

WHEREAS, the request was to rezone properties located at 317, 321, 331 & 341 Mooresville Road; 306-313 Chestnut Avenue and 304, 306, 308, 310 and 312 Central Avenue (Cabarrus County Parcel Identification Numbers 56144052880000, 56144052150000, 56144042410000, 56144031870000, 56144061680000, 56144070540000, 56144051860000, 56144060700000, 56144051100000, 56134959960000, 56144040470000, 56134959230000, 56134989120000, 56134978590000, 56134978070000, 56134968440000 and 56134958820000) owned by Kannapolis Land Partners, LLC, from City of Kannapolis Residential 8 (R8) Zoning Designation to City of Kannapolis Center City (CC) 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, a portion of the properties are already located within the Downtown Center Character Area, with the remainder within the Urban Residential designation.

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

No, the Center City zoning designation is appropriate for this area.

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

No, but due to proximity to the Center City and Comprehensive Plan Character Areas, the zoning change is appropriate for this area.

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 adjacent to residential and nonresidential land uses.

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

Yes, this request is located adjacent to roads with adequate capacity and in close proximity to the downtown core area of the City. Further, the suitability of future projects on this site will be further ensured by the necessity of a development agreement with the City as part of established wastewater allocation provisions.

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 proximity of this site with the core downtown area and the newly expanded Highway 3/Mooresville Road sets this location apart as a marquis entryway into the City.

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

No, there are no anticipated significant environmental impacts from developing this property.

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

Adopted this the 21st day of March 2023:

Chris Puckett, Chairman Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary Planning and Zoning Commission