



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

April 18, 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:** March 21, 2023
- 5. Public Hearing:**
 - a. Conditional Zoning Map Amendment – CZ-2023-02 – 1200 West A St.:** Public Hearing to consider a request to rezone property a portion of property located at 1200 West A Ave. from a Residential 8 (R8) zoning district to a Mixed-Use Neighborhood zoning district (MU-N). The subject property is approximately a 7,300-sf portion of approximately 3.85 +/- acres and further identified as Rowan County Parcel Identification Number 153 057.
- 7. Planning Director Update**
 - a. Training Module
- 8. Other Business**
- 9. Adjourn**



**Planning and Zoning Commission
April 18, 2023, Meeting
Staff Report**

TO: Planning and Zoning Commission
FROM: Boyd Stanley, Assistant Planning Director
SUBJECT: Case #CZ-2023-02
Conditional Zoning Map Amendment
Applicant: Donna Grimaldi

Request to conditionally rezone a portion of the property located at 1200 West A. Street to allow for a retail establishment.

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 City Council shall have final decision-making authority. Any final decision rendered by the Commission may be appealed within fifteen (15) days to City Council.

C. Background & Project Overview

The applicant, Donna Grimaldi, is proposing to rezone an approximately 7,300 square foot portion of the existing approximately 3.85 acres property located at 1200 West A. Street. The property is further identified as Rowan County Parcel Identification Number 153 057 from R-8 (Residential 8-Units Per Acre) to CZ-MU-N (Mixed-Use Neighborhood Conditional Zoning District) to accommodate a retail store in the existing approximately 2,100 square foot non-residential structure.

As shown on the rezoning plan, the site consists of an existing non-residential structure along with paved parking totaling eight spaces. One of the parking spaces is shown to be reserved as handicap. The applicant intends to open a retail "Home Goods" use at this location, which is permitted within the MU-N District. Two-way, 24-foot wide access is being provided via West A. Street.

This site is adjacent to a single-family home, mobile home park and a small undeveloped property to the south, which are all owned by the applicant. Bakers Creek Park is located across the street from

the subject property. The 8th Street/Bakers Creek Greenway are located to the south and across the street as well.

D. Fiscal Considerations

None

E. Policy Issues

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

- 1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?**
The property is in the “Complete Neighborhood 2” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character area lists small format retail as a primary use. Therefore, the proposed use(s) is consistent with the goals and objectives of the Plan.
- 2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?**
No. The property is currently occupied by a non-residential structure.
- 3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?**
No, this area is a portion of a larger parcel of land, which contains the existing mobile home park and has always been zoned residential.
- 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 proposed use of the structure as a small-scale retail establishment is consistent with existing land uses and character of the neighborhood.
- 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, there are no anticipated traffic concerns. There is one point of 2-way ingress/egress onto West A. Street being proposed.
- 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 proposed use provides a balance between the surrounding residential and area commercial uses.

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?

There are no negative environmental impacts anticipated. The proposed 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*, adopted by City Council, which designates this property as being in the “Complete Neighborhood 2” Character Area as designated in the Move Forward 2030 Comprehensive Plan. This Character area includes residential and commercial uses. The proposed use(s) of a retail store is consistent with the goals and objectives of the Plan. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The proposed use is also compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

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

Based on the request being consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, staff recommends approval with the following conditions for Conditional Zoning Map Amendment Case #CZ-2023-02:

1. The permitted uses allowed by this rezoning shall only include small-format retail use as shown on the conceptual site plan approved with this rezoning.
2. NCDOT driveway permits shall be obtained for the proposed access.
3. A Final Site Plan, in compliance with all applicable KDO standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.
4. Comply with current Land Development Standards Manual.

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-2023-02, 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 this property as being in the “Complete Neighborhood 2” Character Area as designated in the Move Forward 2030 Comprehensive Plan. This Character area includes residential and commercial uses. The proposed use(s) of a retail shop is consistent with the goals and*

objectives of the Plan. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The proposed use is also compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

2. **Should the Commission choose to approve Case #CZ-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 #CZ-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 #CZ-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 #CZ-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. Site Plan
6. Neighborhood Meeting Information
7. Structural Inspection Letter
8. Notice of Public Hearing
9. List of Notified Properties
10. Letter to Adjacent Property Owners
11. Posted Public Notice Sign
12. Resolution to Adopt a Statement of Consistency
13. Resolution to Zone

J. Issue Reviewed By:

- City Attorney
- Planning Director



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: 1200 West A ST, Kannapolis NC 28081

Applicant: Donna Grimaldi

Proposed development: Rezoning from residential to commercial. Requesting for building to be rezoned for retail store.

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: Donna Grimaldi

Date: _____



CONDITIONAL ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: Donna Grimaldi

Address: 1200 West A St, Kannapolis, NC 28081

Phone: 704-762-5039

Email: Donnakay041@yahoo.com

Property Owner Contact Information same as applicant

Name: _____

Address: _____

Phone: -

Email: _____

Project Information

Project Address: 1200 West A St, Kannapolis NC 28081

Parcel: 153 057 # of parcels: _____ Approx. size of parcels: _____
(attach separate list if necessary)

Current Zoning Designation: R8 Requested Zoning Designation: MU-N

Reason for map amendment: Retail store. Existing structure on property.

Condition(s) proposed by the applicant (attach separate sheet if necessary): Parking lot will be striped
per city requirements. Will obey Zoning Ordinances.

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.

Donna Grimaldi

Applicant Signature

_____ Date

Donna Grimaldi

Property Owner Signature

_____ Date

For Staff Use Only:

Filing Fee: \$925.00

Receipt #: KN-CZ-2023-00012

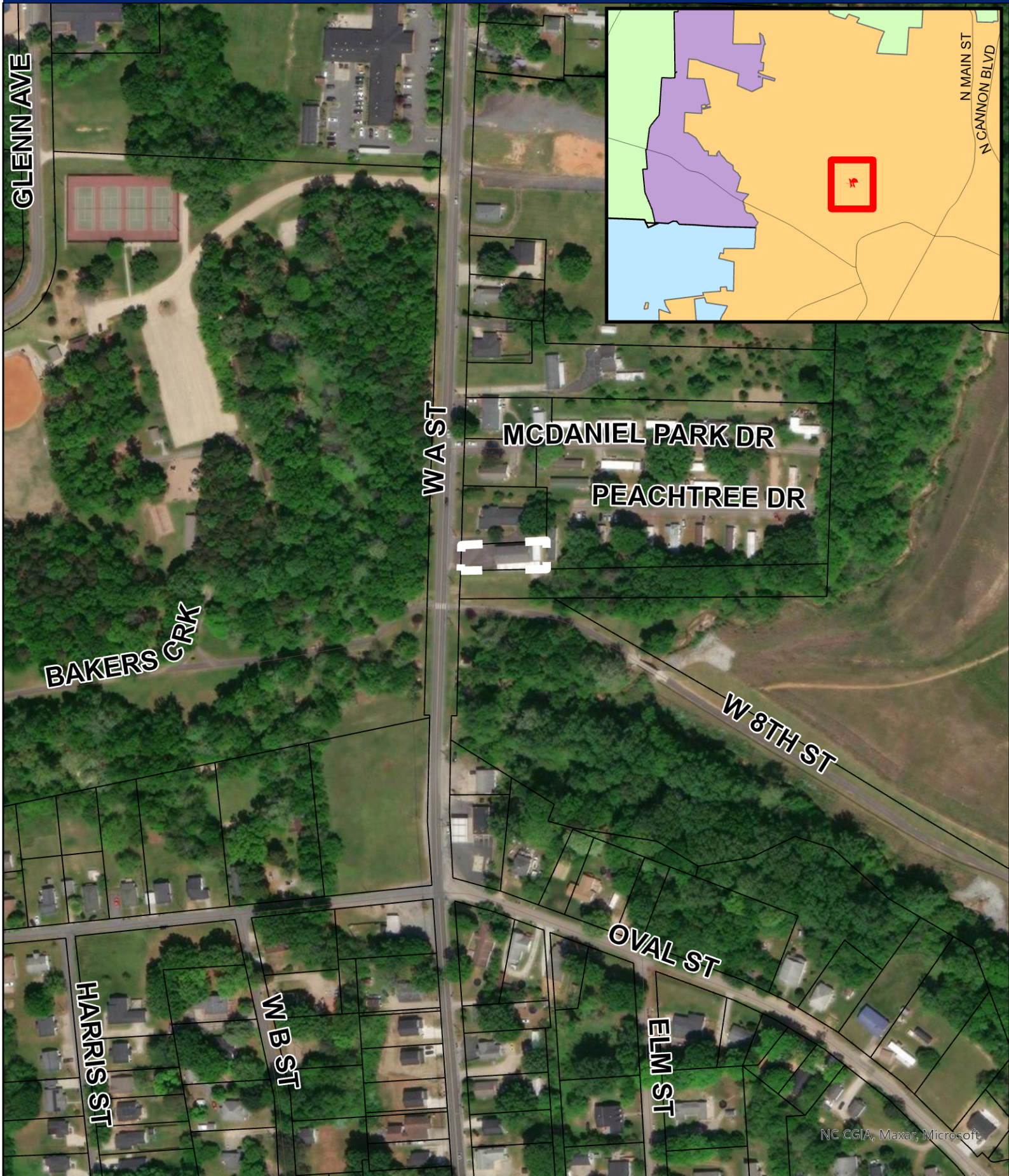
Case #: CZ-2023-02

Date Received: 2/23/2023



Vicinity Map

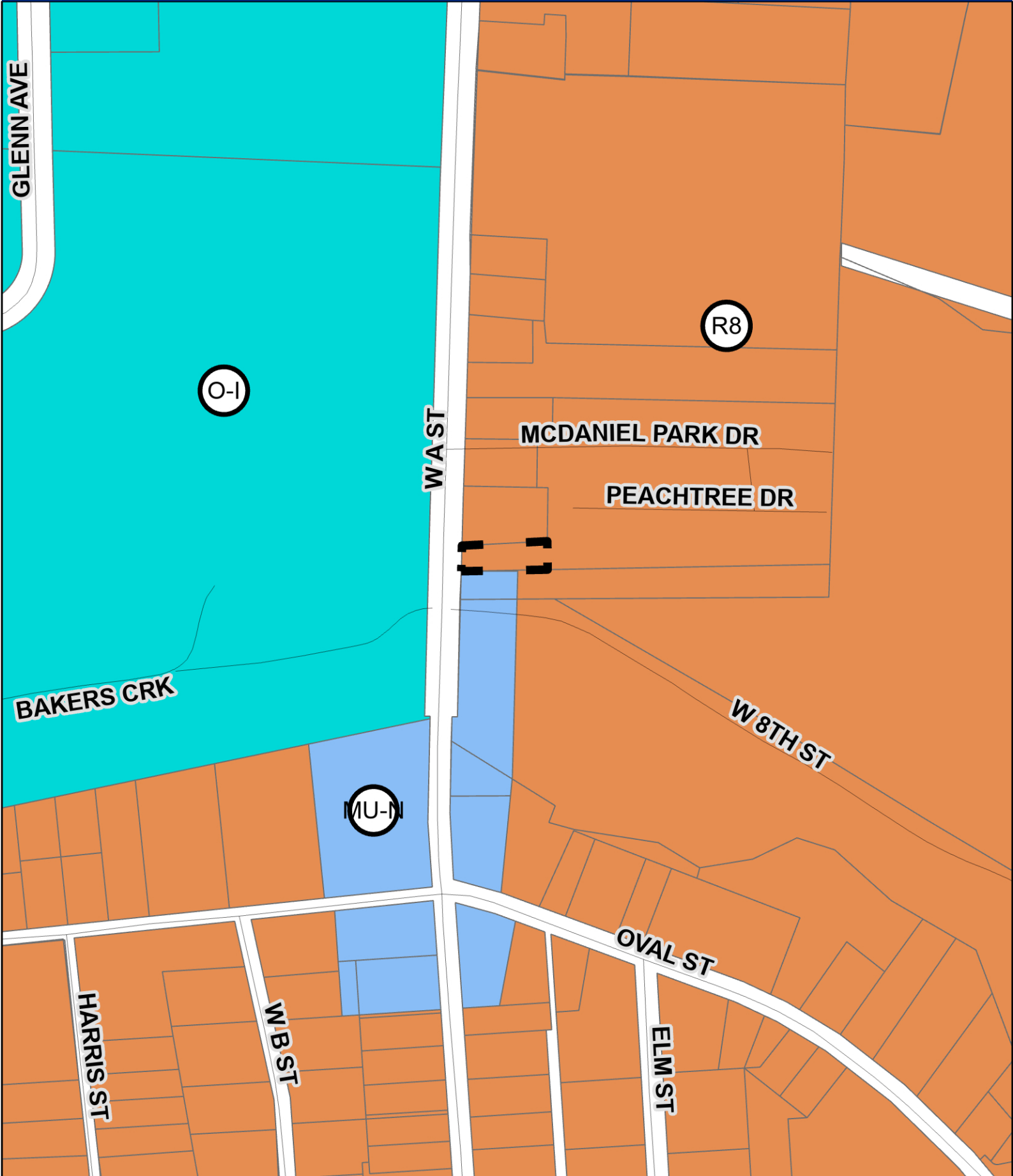
Case Number: CZ-2023-02
Applicant: Donna Grimaldi
1200 W A St





Kannapolis Current Zoning

Case Number: CZ-2023-02
Applicant: Donna Grimaldi
1200 W A St

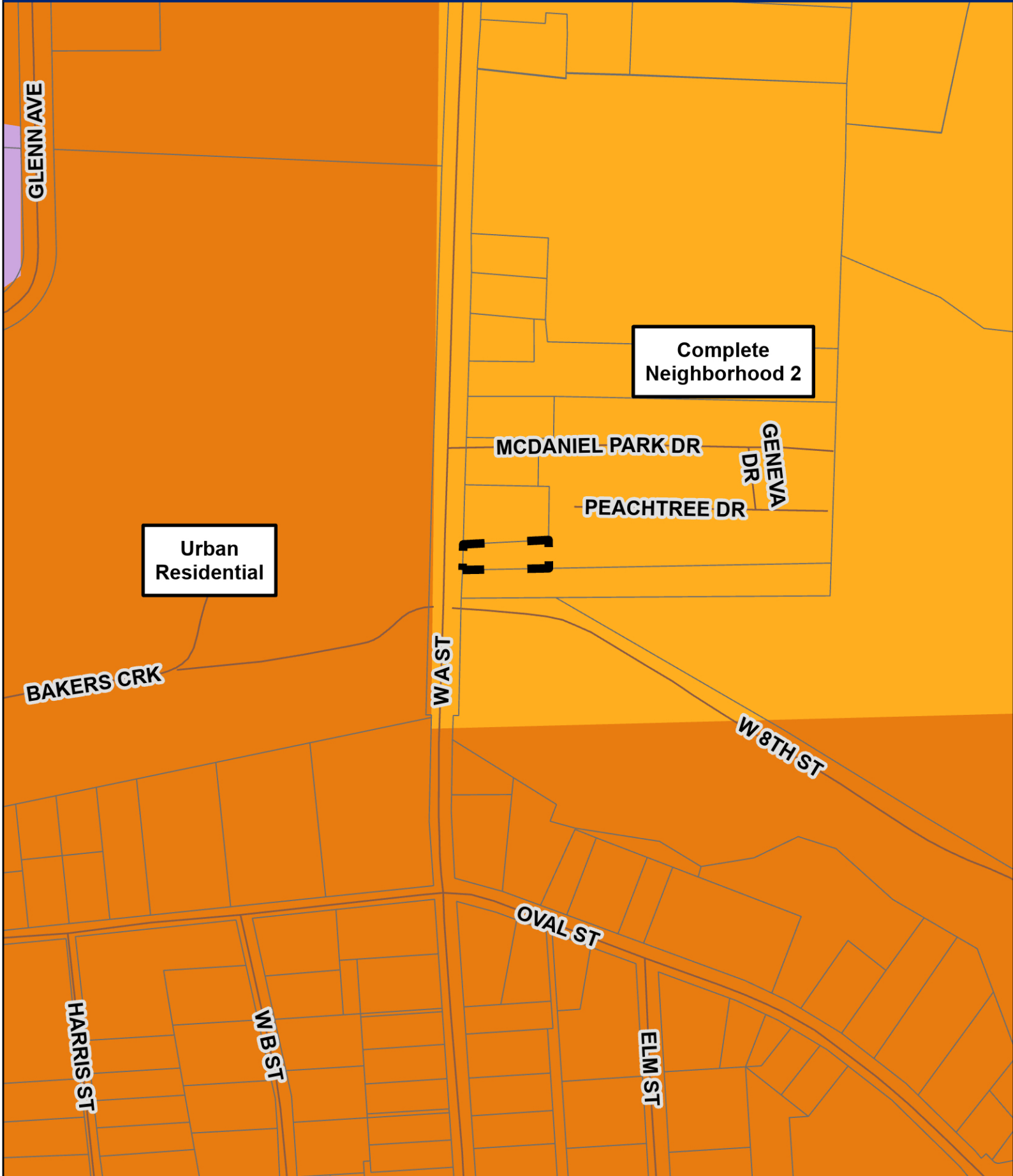




Kannapolis 2030 Future Land Use Map



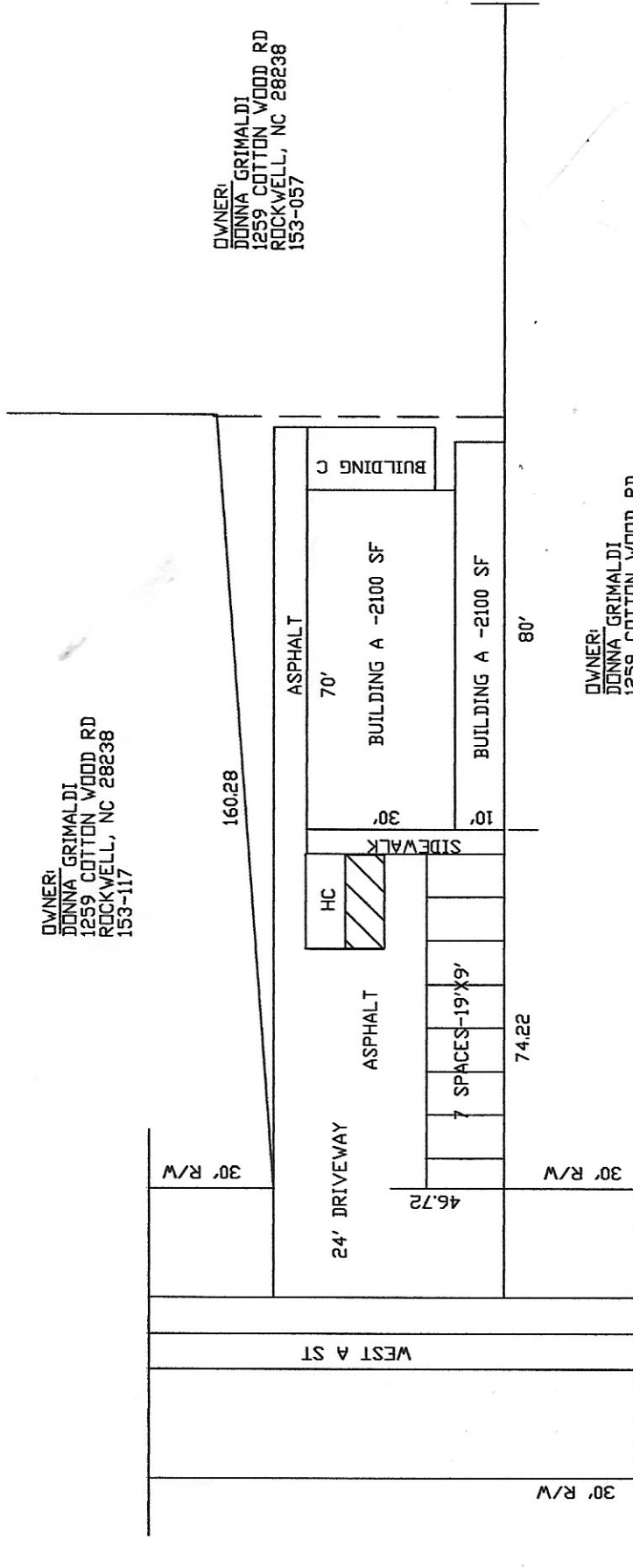
Case Number: CZ-2023-02
Applicant: Donna Grimaldi
1200 W A St



OWNER:
 DONNA GRIMALDI
 1259 COTTON WOOD RD
 ROCKWELL, NC 28238
 153-117

OWNER:
 DONNA GRIMALDI
 1259 COTTON WOOD RD
 ROCKWELL, NC 28238
 153-057

OWNER:
 DONNA GRIMALDI
 1259 COTTON WOOD RD
 ROCKWELL, NC 28238
 148-234



RAYMOND H. CATHEY
 PROFESSIONAL ENGINEER

P.O. BOX 23569
 CHARLOTTE, N.C. 28227
 (704) 201-8873

DONNA GRIMALDI
 1200 WEST A ST - KANNAPOLIS, NC
 PARCEL 153-118

REZONING SKETCH PLAN

Tippy's Treasures

Notification of Neighborhood Meeting for Rezone Conditional Use

Dear Property Owner:

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

1200 West A Street, Kannapolis, NC 28081

The petitioner is asking the City to approve this application to allow the opening of a business on the described property.

In compliance with the Land Development Code Requirements, a Neighborhood Meeting will be held at 6 pm on 4/11/23, at 1200 West A Street, Kannapolis, NC 28081.

Any questions will be answered at this meeting.

Sincerely,



Tiffany Price

Tippy's Treasures

1200 West A Street

Kannapolis NC 28081

SIGN IN SHEET
NEIGHBORHOOD MEETING
APRIL 11, 2022

Name

Address

• Donna Cortmaldi 1204 West A St. Kannapolis NC

• _____

• _____

• _____

• _____

• _____

• _____

Raymond Cathey

Professional Engineer

PO. BOX 23569
Telephone - 704-201-8873
Charlotte, N.C. 28227
EMAIL-raycatheyeng@gmail.com

February 21, 2023

Boyd Stanley, Assistant Planning Director
City of Kannapolis
401 Laureate Way
Kannapolis, NC 28081

Re: Structural Inspection and Report – 1200 West A Street

A structural inspection was performed at 1200 West A Street in Kannapolis, North Carolina on February 16, 2023. The purpose of the inspection was to evaluate the structural condition of the buildings for rezoning of the property. The results of the inspection are as follows:

Building Description

There are three(3) existing buildings located on the Rowan County Parcel Number 153-057 owned by Donna Grimoldi. The buildings include a masonry structure on the left side and two(2) attached structures located on the right side and rear of the main structure. For the purpose of evaluating the structural condition of the three(3) buildings, the Foundations; Exterior Walls; Interior Walls; and Roof Systems were inspected.

Foundation Inspection

The foundation of the main building located on the left side of the three(3) buildings is a masonry stemwall constructed on a concrete footing. Based on the results of the foundation inspection, there were no structural cracks observed in the concrete footing or CMU stemwall. There were no indicators of foundation settlement. The floor system of the main building was a new four(4) inch thick reinforced concrete slab. There were no structural cracks in the floor slab or indicators of foundation settlement. The foundation of the main building was determined to be in good structural condition.

The foundation of the attached building located on the right side of the main building is a masonry stemwall constructed on a concrete footing. Based on the results of the foundation inspection, there were no structural cracks observed in the concrete footing or the CMU stemwall. There were no indicators of foundation settlement. The floor system of the attached building was a new four(4) inch thick reinforced concrete slab. There were no structural cracks in the floor slab or indicators of foundation settlement. The foundation of the right-side attached building was determined to be in good structural condition.

The foundation of the attached building located to the rear of the main building is slab-on-grade pad with a concrete footing and concrete floor slab.. Based on the results of the foundation inspection, there were no structural cracks observed in the concrete footing or the concrete floor slab. There were no indicators of foundation settlement. The foundation of the right-side attached building was determined to be in good structural condition.

Exterior Wall Inspection

The exterior walls of the main building located on the left side of the three(3) buildings are eight(8)-inch masonry walls constructed on a masonry stemwall. Based on the results of the foundation inspection, there were no structural cracks observed in the CMU exterior walls. The exterior walls of the main building were determined to be in good structural condition.

The exterior walls of the attached building located on the right side of the main building are wood-framed walls constructed on a masonry stemwall. Based on the results of the exterior wall inspection, the walls have been constructed to the requirements of the 2018 North Carolina Building Code. The exterior walls of the right-side building addition were determined to be in good structural condition.

The exterior walls of the attached building located on the rear of the main building are wood-framed walls constructed on a slab-on grade concrete foundation. Based on the results of the exterior wall inspection, the walls have been constructed to the requirements of the 2018 North Carolina Building Code. The exterior walls of the rear building addition were determined to be in good structural condition.

Interior Wall Inspection

The interior walls of the main building located on the left side of the three(3) buildings are eight(8)-inch masonry walls constructed on a concrete thickened slab.. Based on the results of the interior wall inspection, there were no structural cracks observed in the CMU interior walls. The interior walls of the main building were determined to be in good structural condition.

The interior walls of the attached building located on the right side of the main building are wood-framed walls constructed on a concrete floor slab.. Based on the results of the interior wall inspection, the walls have been constructed to the requirements of the 2018 North Carolina Building Code. The interior walls of the right-side building addition were determined to be in good structural condition.

Roof Inspection

The roof system of the main building located on the left side of the three(3) buildings is a new wood framed structure with a 2x10 ridge beam, 2x8 rafters, 2x4 collar ties, and galvanized rafter ties attached to top plate of the exterior walls.. Based on the results of the roof inspection, there were no signs of structural distress in the wood members. The roof structural framing system of the main building were determined to be in good structural condition.

The roof system of the building addition located on the right side of the main building is a single-sloped framed structure with 2x6 rafters, and galvanized rafter ties attached to the top plate of the exterior walls. The attachment of the roof structure to the main building meets the requirements of the 2018 North Carolina Building Code. Based on the results of the roof inspection, there were no signs of structural distress in the wood members. The roof structural framing system of the attached building were determined to be in good structural condition.

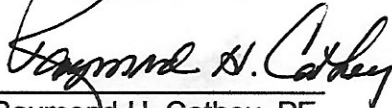
The roof system of the building addition located to the rear of the main building is a single-sloped framed structure with 2x6 rafters, and galvanized rafter ties attached to the top plate of the exterior walls. The attachment of the roof structure to the main building meets the requirements of the 2018 North Carolina Building Code. Based on the results of the roof inspection, there were no signs of structural distress in the wood members. The roof structural framing system of the attached building was determined to be in good structural condition.

Summary

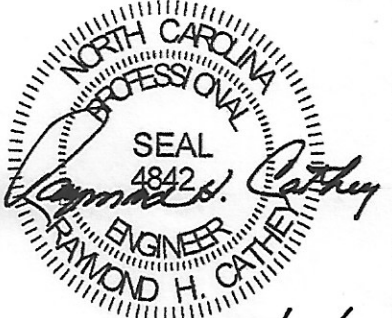
Based on the results of the structural inspection, the foundation, exterior walls, interior walls, and roof framing system are in good structural condition. This letter is intended as certification of the good structural condition of the three(3) buildings located at 1200 West A Street in Kannapolis, North Carolina.

Submitted:

Raymond Cathey
Professional Engineer



Raymond H. Cathey, PE
N.C. License #4842



2/21/23

RAYMOND H CATHEY, PE
PO BOX 23569
CHARLOTTE, NC 28227
704-201-8873
raycatheyeng@gmail.com



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000830686

Client: CITY OF KANNAPOLIS
Phone: 7049204300

Payor : CITY OF KANNAPOLIS
Phone: 7049204300

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

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

Fax: 7049337463
EEmail: ap@kannapolisnc.gov

Total Amount \$410.92

Payment Amount \$410.92

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**
0000830686-01 CLS Liner 2 X 32 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 4/ 7/2023, 4/14/2023

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETINGTUESDAYAPRIL18AT600PMC
ONDITIONALZONINGMAPAMENDMENTCZ2023021200WESTAST



NOTICE OF PUBLIC HEARING
Planning and Zoning Commission Meeting

Tuesday, April 18 at 6:00 pm

Conditional Zoning Map Amendment – CZ-2023-02 – 1200 West A. St.: Public Hearing to consider a request to rezone a portion of the property located at 1200 West A St. from a Residential 8 (R8) zoning district to a Mixed-Use Neighborhood zoning district (MU-N). The subject property is an approximately +/- 7,300 square foot portion of an approximately +/- 3.85 acre parcel and further identified as Rowan County Parcel Identification Number 153 057.

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

Publish: April 7, 14, 2023.

OWNNAME	TAXADD1	CITY	STATE	ZIPCODE
CHRISTOPHER R & ASHLEA EAKIN	1210 W A ST	KANNAPOLIS	NC	28081
DONNA A GRIMALDI & VICKIE WALDROUP	1259 COTTONWOOD RD	ROCKWELL	NC	28138-6526
HERNANDEZ KEBBIN	1212 WEST A ST	KANNAPOLIS	NC	28083-9501
KANNAPOLIS CITY OF	401 LAUREATE WAY	KANNAPOLIS	NC	28081
HENRY & VICKIE WALDROUP	1206 W A ST	KANNAPOLIS	NC	28081-9501
WEST A TABERNACLE MISSIONARY BAPTIST CHURCH	1218 W A ST	KANNAPOLIS	NC	28081



KANNAPOLIS
Planning

April 6, 2023

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, April 18, 2023 at 6:00 PM, at 401 Laureate Way, Kannapolis, NC for the following case:

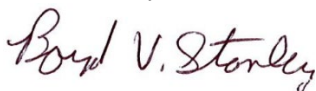
CZ-2023-02 – Conditional Zoning Map Amendment – 1200 West A Street

The purpose of this Public Hearing is to consider a request to rezone a portion of the property located at 1200 West A St. from a Residential 8 (R8) zoning district to a Mixed-Use Neighborhood (MU-N) zoning district. The subject property is an approximately 7,300 square foot portion of an approximately 3.85 acre parcel and further identified as Rowan County Parcel Identification Number 153 057 (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,



Boyd Stanley, AICP
Assistant Planning Director

Enclosure

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



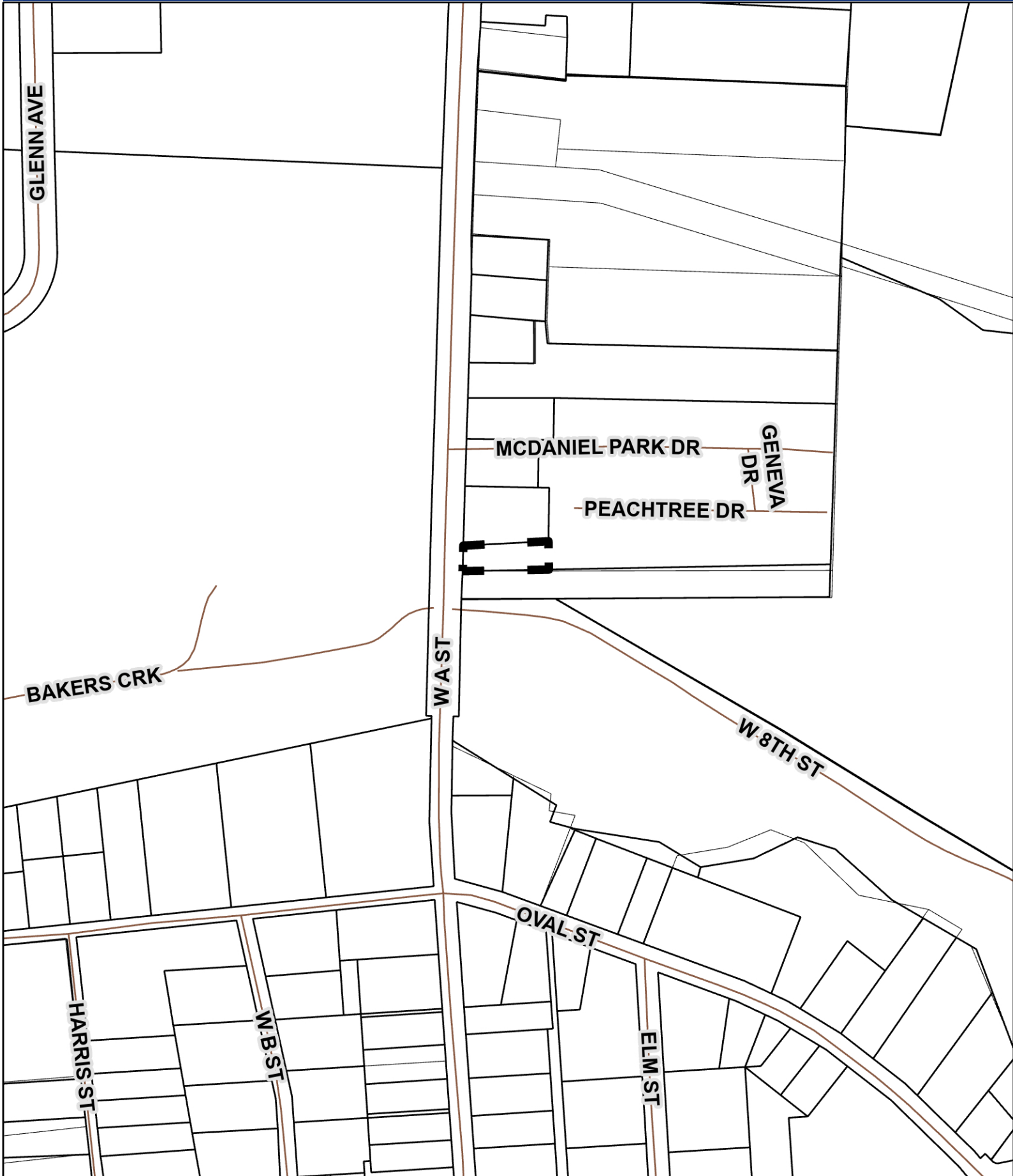
Conditional Rezoning



Case Number: CZ-2023-02

Applicant: Donna Grimaldi

1200 W A St





PLANNING

ZONING

COMMISSION

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # CZ-2023-02



PLANNING

ZONING

COMMISSION

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE CZ-2023-02



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #CZ-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 April 18, 2023 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone an approximately 7,300 square foot portion of approximately 3.85 +/- acres of property located at 1200 West A Street, (Rowan County Parcel Identification Number 153 057) owned by Donna Grimaldi, from City of Kannapolis Residential 8 (R8) to a City of Kannapolis Mixed-Use Neighborhood (MU-N) 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 this property as being in the "Complete Neighborhood 2" Character Area as designated in the Move Forward 2030 Comprehensive Plan. This Character area includes residential and commercial uses. The proposed use(s) of a retail shop is consistent with the goals and objectives of the Plan. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The proposed use is also compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.*

Adopted this the 18th day of April 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case #CZ-2023-02

(7,300 square-foot portion of property located at 1200 West A Street)

From City of Kannapolis Residential 8 (R8) to City of Kannapolis Mixed-Use Neighborhood (MU-N) 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 April 18, 2023 for consideration of rezoning petition Case #CZ-2023-02 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone an approximately 7,300 square foot portion of approximately 3.85 +/- acres of property located at 1200 West A Street, (Rowan County Parcel Identification Number 153 057) owned by Donna Grimaldi, from City of Kannapolis Residential 8 (R8) to a City of Kannapolis Mixed-Use Neighborhood (MU-N) Zoning Designation; and

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

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

1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?

The property is in the "Complete Neighborhood 2" Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character area lists small format retail as a primary use. Therefore, the proposed use(s) is consistent with the goals and objectives of the Plan.

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

No. The property is currently occupied by a non-residential structure.

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

No, this area is a portion of a larger parcel of land, which contains the existing mobile home park and has always been zoned residential.

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 proposed use of the structure as a small-scale retail establishment is consistent with existing land uses and character of the neighborhood.

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, there are no anticipated traffic concerns. There is one point of 2-way ingress/egress onto West A. Street being proposed.

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 proposed use provides a balance between the surrounding residential and area commercial uses.

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?

There are no negative environmental impacts anticipated. The proposed 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 City of Kannapolis Residential 8 (R8) Zoning Designation to a City of Kannapolis Mixed-Use Neighborhood (MU-N) Zoning Designation, subject to the following conditions:

1. The permitted uses allowed by this rezoning shall only include small-format retail use as shown on the conceptual site plan approved with this rezoning.
2. NCDOT driveway permits shall be obtained for the proposed access.
3. A Final Site Plan, in compliance with all applicable KDO standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.
4. Comply with current Land Development Standards Manual.

Adopted this the 18th day of April 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission