



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

May 21, 2024 at 6:00 pm

Agenda

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes:** April 16, 2024
- 5. Public Hearing**
 - a) Conditional Zoning Map Amendment – CZ-2024-05 – 2280 Dale Earnhardt Blvd.**

Public Hearing to consider a request to rezone property located at 2280 Dale Earnhardt Blvd. from City of Kannapolis Office General Commercial (GC) zoning district to City of Kannapolis Residential 8 – Conditional Zoning (R8-CZ) zoning district to allow for a single-family residential structure. The subject property is approximately 0.2692 +/- acres and further identified as Cabarrus County Parcel Identification Number 56231079810000.
- 6. Recommendation to City Council**
 - a. Text Amendment – TA-2024-02 – Apiary and Self-service storage**

Consider a recommendation to City Council regarding amendments to the Kannapolis Development Ordinance regarding Apiaries and Self-service storage facilities.
- 7. Planning Director Update**
- 8. Other Business**
- 9. Adjourn**



**Planning and Zoning Commission
May 21, 2024, Meeting**

Staff Report

TO: Planning and Zoning Commission
FROM: Kathryn Stapleton, Planner
SUBJECT: Case #CZ-2024-05: Conditional Zoning Map Amendment
Applicant: Reginald Todd

Request to conditionally rezone property located at 2280 Dale Earnhardt Boulevard to allow for a single-family detached residential home.

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, Reginald Todd, is proposing to conditionally rezone approximately 0.2692 +/- acres of property from City of Kannapolis General Commercial (GC) zoning district to City of Kannapolis Residential 8 - Conditional Zoning (R8-CZ) zoning district. The subject property is located at 2280 Dale Earnhardt Boulevard and further identified as Cabarrus County Parcel Identification Number (PIN) 56231079810000. The intent of this rezoning request is to construct a single family detached dwelling, which is not a permitted use in the GC 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 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 subject property is within a Secondary Activity Center Character Area and abutting the Urban Residential Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. While a single family detached residential use is not specifically listed as a primary or secondary use in the Secondary Activity Center Character Area, the use is compatible at this location. The subject property is a logical extension of the adjacent Urban Residential Character Area in which single family detached residential is a primary use. Further, many of the nearby properties are presently being used for residential purposes.

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

No. The R8 zoning designation is appropriate for this area. The property abuts other residential uses.

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

No. Because of the proximity to the Urban Residential Character Area and properties zoned R8, this rezoning request is appropriate for the 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 intent of the rezoning request is to construct a single family detached dwelling on the property. This use is consistent with surrounding 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?

Yes. This property is located adjacent to roads with adequate capacity and safety, and is a suitable use allowed under the requested zoning. Public water and sewer services are accessible to this site.

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

Yes. The requested zoning allows for a use that is compatible with existing adjacent residential 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?

No. There are no anticipated significant environmental impacts from rezoning this property. The intent of this rezoning request is to construct a single family detached dwelling, which is not a permitted use in the GC zoning district. Development of a single family detached dwelling is a less intensive use than uses permitted within the GC District. Single family residential fits the character of the surrounding residential uses.

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 the subject property as located within the Secondary Activity Center Character Area and abutting the Urban Residential Character Area in the *2030 Plan*. Staff finds the request for rezoning compatible with the surrounding zoning and it is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

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

Based on the request being consistent with the 2030 Plan, staff recommends approval for Zoning Map Amendment Case #CZ-2024-05 with the following condition:

The permitted use allowed by this rezoning shall be limited to a single-family detached residential unit and may include accessory structures.

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-2024-05, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan* (“2030 Plan”), adopted by City Council, which designates the subject property as located within the Secondary Activity Center Character Area and abutting the Urban Residential Character Area in the *2030 Plan*. Staff finds the request for rezoning compatible with the surrounding zoning and it is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

2. **Should the Commission choose to approve Case #CZ-2024-05, a motion should be made to adopt the Resolution to Zone.**

Motion to Deny (2 votes)

1. **Should the Commission choose to recommend denial of Case #CZ-2024-05, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #CZ-2024-05 to be **inconsistent** with the goals and policies of the **Move Kannapolis Forward 2030 Comprehensive Plan**, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

2. **Should the Commission choose to deny Case #CZ-2024-05, a motion should be made to deny the Resolution to Zone.**

I. Attachments

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

J. Issue Reviewed By:

- Planning Director
- Assistant City Manager
- City Attorney



Conditional Zoning Map Amendment Checklist

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the size of the parcel, the proposed use or the adequacy of existing infrastructure servicing the location. Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

CONDITIONAL REZONING REQUEST

Conditional Rezoning – Request for an amendment to the Kannapolis Zoning Map.

Approval authority – Planning and Zoning Commission.

Requested Rezoning Property Address: 2280 Dale Earnhardt Blvd. Kannapolis, NC 28083

Applicant: Reginald R. Todd / Toddco Builders, Inc

Proposed development: Construction of a single family detached structure

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

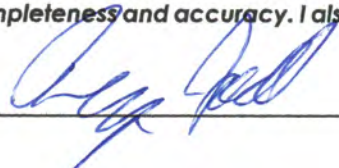
Public Notification: This is a legislative process that requires a public hearing and public notification including newspaper notice, first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Table 2.4.F(2) of the Kannapolis Development Ordinance [KDO]).

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: 3-19-24



CONDITIONAL ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: Roginald R. Todd / Toddco Builders, Inc.
Address: 253 Charter Ct.
Concord, NC 28025
Phone: 704-277-6338
Email: Toddcobuildersnc@gmail.com

Property Owner Contact Information same as applicant

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

Project Information

Project Address: 2280 Dale Earnhardt Blvd Kannapolis, NC 28083
Parcel: 55491418820000 # of parcels: 1 Approx. size of parcels: 66.67 x 175
(attach separate list if necessary) 2692 acres

Current Zoning Designation: General Commercial (GC) Requested Zoning Designation: RB

Reason for map amendment: GC - General Commercial does not allow for the building of a single family detached dwelling. We are proposing to build a single family detached dwelling which RB zoning would satisfy.

Condition(s) proposed by the applicant (attach separate sheet if necessary):

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

Roginald R. Todd _____ Date: 3-19-24
Applicant Signature Date

Roginald R. Todd / Toddco Builders Inc. _____ Date: 3-19-24
Property Owner Signature Date



Vicinity Map

Case Number: CZ-2024-05

Applicant: Reginald R Todd/Toddco Builders Inc

2280 Dale Earnhardt Blvd



COLISEUM AVE

DALE EARNHARDT BLVD

SITE

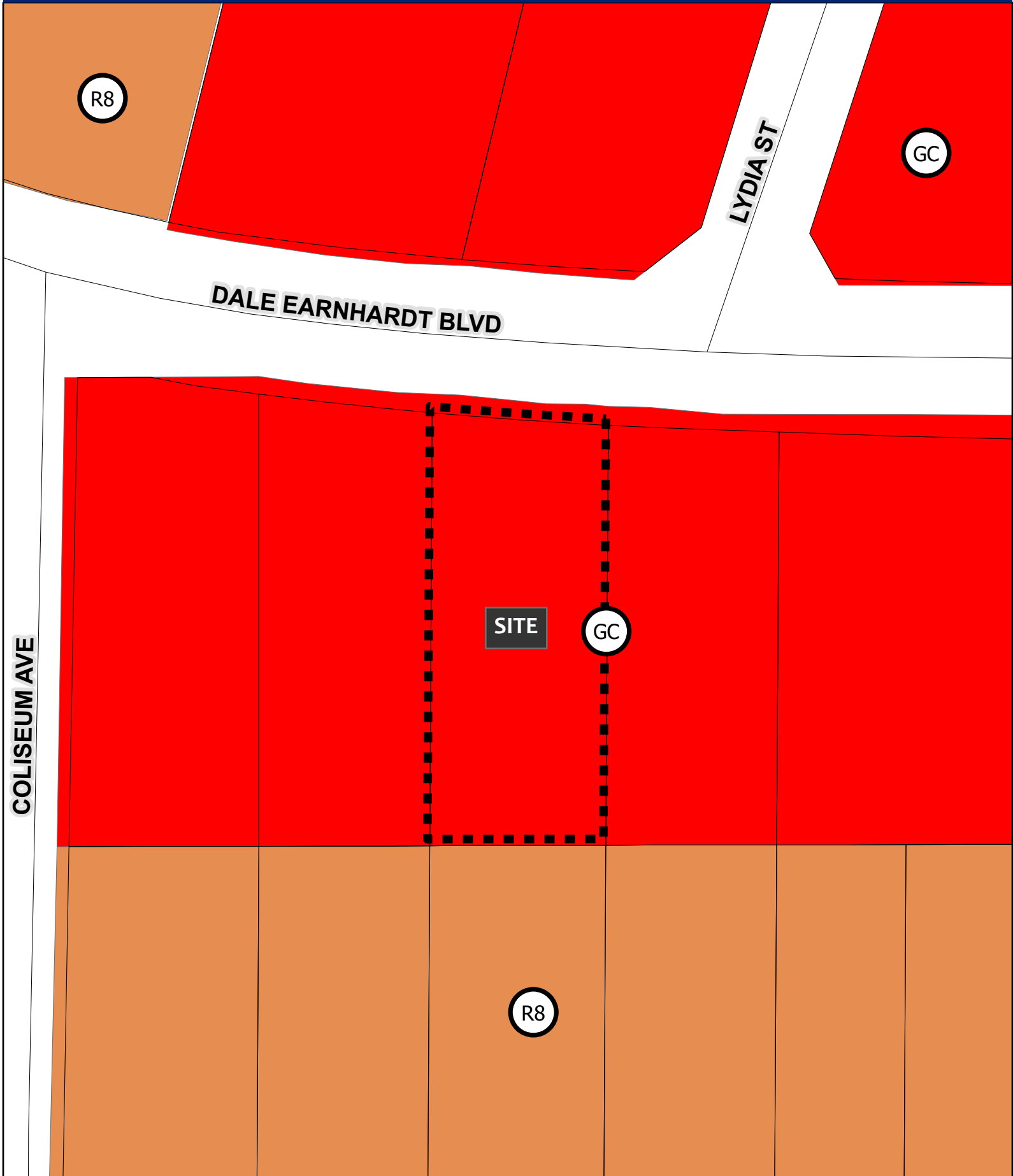
DALE EARNHARDT BLVD
S MAIN ST
US INTERSTATE 85
US INTERSTATE 85



Kannapolis Current Zoning

Case Number: CZ-2024-05

Applicant: Reginald R Todd/Toddco Builders Inc
2280 Dale Earnhardt Blvd





Kannapolis 2030 Future Land Use Map

Case Number: CZ-2024-05

Applicant: Reginald R Todd/Toddco Builders Inc
2280 Dale Earnhardt Blvd



NOTES :

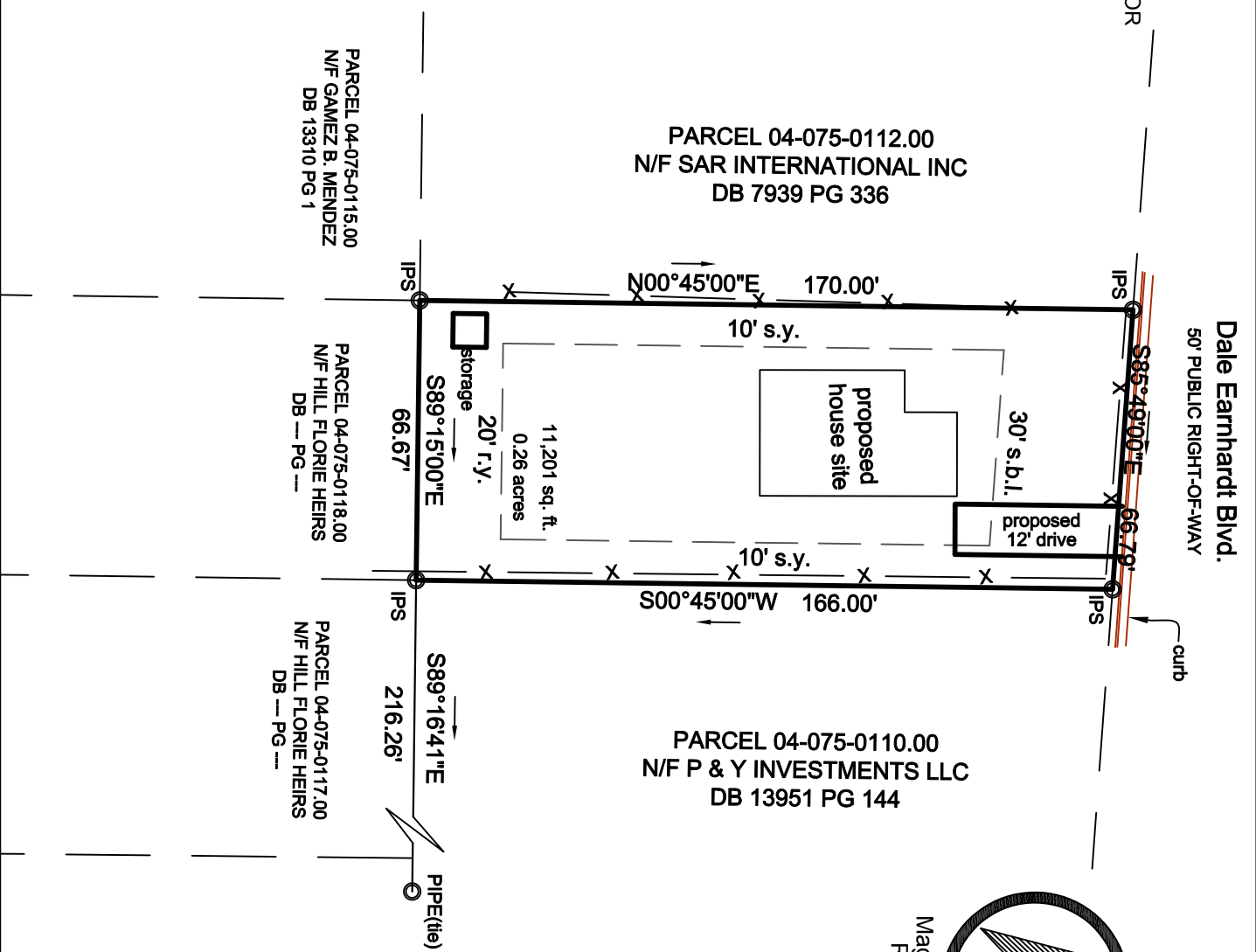
1. PARCEL ID 04-015-0111.00, REFERENCE: DB221-239
2. AREA COMPUTED BY COORDINATE METHOD.
3. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS OR RIGHT-OF-WAYS.
4. SUBJECT TRACT IS NOT LOCATED IN A SPECIAL FLOOD ZONE.
5. ALL DISTANCES SHOWN ARE HORIZONTAL MEASUREMENTS.
6. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. NO INVESTIGATIONS FOR EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS HAVE BEEN MADE THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
7. NO NCGS CONTROL STATION WITHIN 2000'.

LEGEND:
 IPF IRON PIN FOUND
 IPS IRON PIN SET
 —X— FENCE

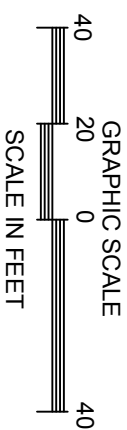
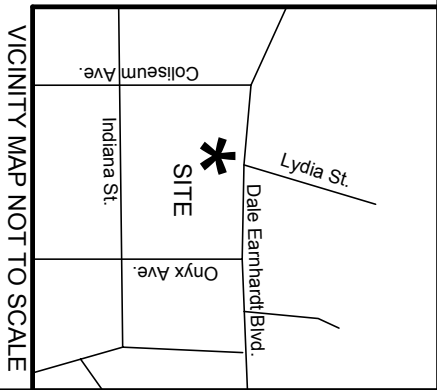
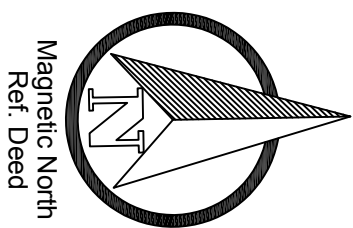
I, MOHAMMAD E. ZAMANI, certify that this plat was drawn under my supervision from an actual survey made under my supervision; that the ratio of precision as calculated is 1:10,000. Witness my original signature, registration number and seal this 9 day of DEC., A.D., 2023



Surveyor Registration Number L-4325

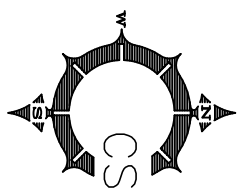


Dale Earnhardt Blvd.
 50' PUBLIC RIGHT-OF-WAY



Boundary Surveying/Site Plan
 2280 Dale Earnhardt Blvd.
 LOT 7, 8
 CARTERSVILLE
 No. 4 TOWNSHIP,
 CABARRUS COUNTY, NORTH CAROLINA

PREPARED FOR:
TODD BUILDER



CSC of NC PC
 P.O. BOX 691150
 CHARLOTTE, N.C. 28227
 (704) 573-0112

DATE: DEC. 9, 2023
 JOB No.: CH2693-12-23
 FIRM LICENSE No. C-2350
 DRAWN BY: MS



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000868594

Client: CITY OF KANNAPOLIS
Phone: 7049204300

Pavor : CITY OF KANNAPOLIS
Phone: 7049204300

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

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

Fax: 7049337463
EMail: ap@kannapolisnc.gov

Total Amount \$375.32

Payment Amount \$375.32

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**
0000868594-01 CLS Legal 2 X 38 li \$0.00

Production Method
AdBooker (liner)

Production Notes

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

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

Run Dates 5/10/2024, 5/17/2024

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

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

Run Dates 5/10/2024, 5/11/2024, 5/12/2024, 5/13/2024, 5/14/2024, 5/15/2024, 5/16/2024

TagLine: NOTICEOFPUBLICHEARING401LAUREATEWAYKANNAPOLISNCPLANNINGANDZONINGCOMMISSIONME
ETINGTUESDAYMAY212024AT600PMCONDITIONALZONINGMAPA



NOTICE OF PUBLIC HEARING
401 Laureate Way, Kannapolis, NC

Planning and Zoning Commission Meeting
Tuesday, May 21, 2024, at 6:00 pm

Conditional Zoning Map Amendment - CZ-2024-05 - 2280 Dale Earnhardt Boulevard - Public Hearing to consider a request to rezone property located at 2280 Dale Earnhardt Boulevard from City of Kannapolis General Commercial (GC) zoning district to City of Kannapolis Residential 8-Conditional Zoning (R8-CZ) zoning district to allow for a single-family detached residential structure. The subject property is approximately 0.2692 +/- acres and further identified as Cabarrus County Parcel Identification Number 56231079810000.

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 Heather James, Human Resource Director, by phone at 704-920-4322 or by email at hjames@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

Publish: May 10, 17, 2024.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
AMANDA ANTHONY HEIR				
C/O MARY P MITCHELL	635 TROY AVE	BROOKLYN	NY	11203
BETHEL A M E ZION CHURCH	P O BOX 143	KANNAPOLIS	NC	28082
BRANDON BARKER				
BRENT BARKER	1615 COLISEUM AVE	KANNAPOLIS	NC	28083
BROWN RUSSELL ENTERPRISES LLC				
C/O TALMADGE BROWN	6406 ROANOKE DR	KANNAPOLIS	NC	28081
BROWN RUSSELL ENTERPRISES LLC				
MARIE CALDWELL & CARLA WELCH	6406 ROANOKE DRIVE	KANNAPOLIS	NC	28081
CARL & CRYSTAL NESBIT	1217 OPAL ST	KANNAPOLIS	NC	28083
SYDNEE J CHEADLE	1015 INDIANA ST	KANNAPOLIS	NC	28083
CLARK FUNERAL HOMES INC	PO BOX 804	KANNAPOLIS	NC	28082
JOHN & CHARLOTTE ELLIOTTE	10148 BLAIR RD	MINT HILL	NC	28227
ESTATE OF MARY HARPER				
C/O MARY P MITCHELL	635 TROY AVENUE	BROOKLYN	NY	11203
FLORIE HILL HEIRS				
C/O RICHARD BROWN JR	5622 BURLESON DR	CHARLOTTE	NC	28215
JONATHAN M HUTTON				
SILVIA C OTTINGER	1008 INDIANA ST	KANNAPOLIS	NC	28083
JOSE MATA	400 SAINT JOSEPH ST	KANNAPOLIS	NC	28083
HAZEL MCCREE	1217 OPAL STREET	KANNAPOLIS	NC	28083
BRATH MENDEZ-GAMEZ	1007 INDIANA ST	KANNAPOLIS	NC	28083
P&Y INVESTMENTS LLC	9122 DYLAN RIDGE CT	CONCORD	NC	28027
C M & MARLENE PRINCE	2100 GREEN GATE CIR W	PALMVIEW	TX	78572
SAR INTERNATIONAL INC				
C/O RAKESH PATEL	106 CLEMENTS DR	MORRISVILLE	NC	27560
TENTH GATE LLC	4600 NC HIGHWAY 49 S	HARRISBURG	NC	28075
TODDCO BUILDERS INC				
ATTN: TODDCO BUILDERS, INC.	253 CHARTER CT SE	CONCORD	NC	28025
TRUSTEES OF THE FIRST BAPTIST CHURCH KANNAPOLIS	101 N MAIN ST	KANNAPOLIS	NC	28081



KANNAPOLIS
Planning

May 10, 2024

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, May 21, 2024, at 6:00 PM, at 401 Laureate Way, Kannapolis, NC for the following case:

CZ-2024-05 – Conditional Zoning Map Amendment – 2280 Dale Earnhardt Blvd.

The purpose of this Public Hearing is to consider a request to rezone property located at 2280 Dale Earnhardt Boulevard from City of Kannapolis General Commercial (GC) zoning district to City of Kannapolis Residential 8–Conditional Zoning (R8-CZ) zoning district to allow for a single-family detached residential structure. The subject property is approximately 0.26 +/- acres and further identified as Cabarrus County Parcel Identification Number 56231079810000 (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 emccarty@kannapolisnc.gov.

Sincerely,



Kathryn Stapleton, CZO
Planner

Enclosure

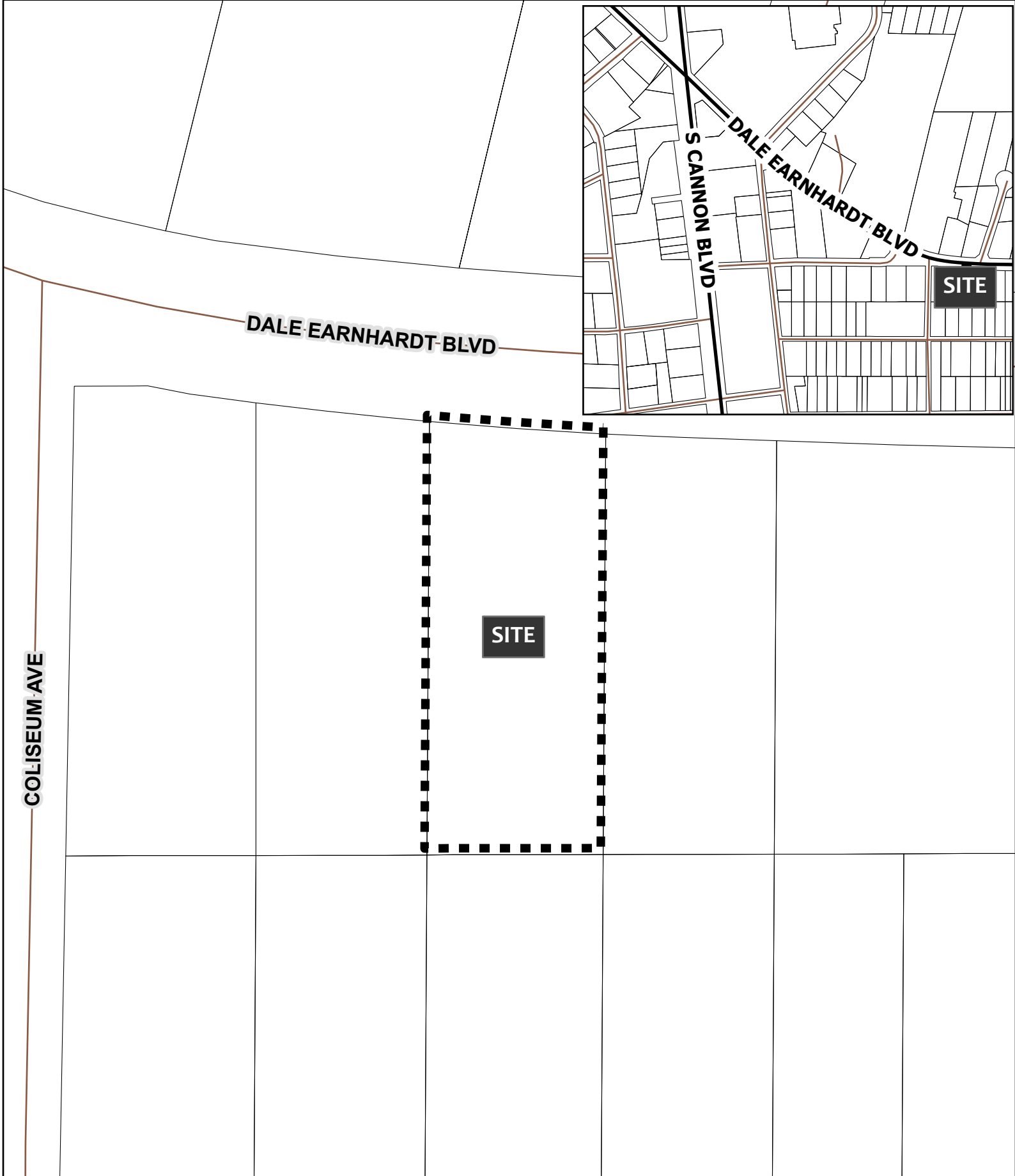
Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Heather James, Human Resource Director, by phone at 704-920-4322 or by email at hjames@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.



Conditional Rezoning

Case Number: CZ-2024-05

Applicant: Reginald R Todd/Toddco Builders Inc
2280 Dale Earnhardt Blvd





PLANNING

ZONING

COMMISSION

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # CZ-2024-05



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #CZ-2024-05**

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 May 21, 2024 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone approximately 0.2692 +/- acres of property located at 2280 Dale Earnhardt Boulevard, (Cabarrus County Parcel Identification Number 56231079810000) owned by Toddcoco Builders Inc., from City of Kannapolis General Commercial (GC) to City of Kannapolis Residential 8–Conditional Zoning (R8-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 the subject properties as located within the “Secondary Activity Center” Character Area and abutting the Urban Residential Character Area in the 2030 Plan. Staff finds the request for rezoning compatible with the surrounding zoning and it is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.*

Adopted this the 21st day of May 2024:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

**Case #CZ-2024-05
(2280 Dale Earnhardt Boulevard)**

From City of Kannapolis General Commercial (GC) to City of Kannapolis Residential 8-Conditional Zoning (R8-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 May 21, 2024 for consideration of rezoning petition Case #CZ-2024-05 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone approximately 0.2692 +/- acres of property located at 2280 Dale Earnhardt Boulevard, (Cabarrus County Parcel Identification Number 56231079810000) owned by Toddco Builders Inc., from City of Kannapolis General Commercial (GC) to City of Kannapolis Residential 8-Conditional Zoning (R8-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 subject property is within a Secondary Activity Center Character Area and abutting the Urban Residential Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. While a single family detached residential use is not specifically listed as a primary or secondary use in the Secondary Activity Center Character Area, the use is compatible at this location. The subject property is a logical extension of the adjacent Urban Residential Character Area in which single family detached residential is a primary use. Further, many of the nearby properties are presently being used for residential purposes.

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

No. The R8 zoning designation is appropriate for this area. The property abuts other residential uses.

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

No. Because of the proximity to the Urban Residential Character Area and properties zoned R8, this rezoning request is appropriate for the 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 intent of the rezoning request is to construct a single family detached dwelling on the property. This use is consistent with surrounding 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?

Yes. This property is located adjacent to roads with adequate capacity and safety, and is a suitable use allowed under the requested zoning. Public water and sewer services are accessible to this site.

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

Yes. The requested zoning allows for a use that is compatible with existing adjacent residential 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?

No. There are no anticipated significant environmental impacts from rezoning this property. The intent of this rezoning request is to construct a single family detached dwelling, which is not a permitted use in the GC zoning district. Development of a single family detached dwelling is a less intensive use than others permitted within the GC District and fits the character of the surrounding residential uses.

NOW, THEREFORE BE IT RESOLVED by the City of Kannapolis Planning and Zoning Commission that the above referenced properties, as shown on the site plan submitted to the City, be rezoned from City of Kannapolis General Commercial (GC) Zoning Designation to City of Kannapolis Residential 8- Conditional Zoning (R8-CZ) Zoning Designation, subject to the following conditions:

1. The permitted use allowed by this rezoning shall be limited to a single-family detached residential unit and may include accessory structures.

Adopted this the 21st day of May 2024:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



**Planning and Zoning Commission
May 21, 2024 Meeting
Staff Report**

TO: Planning and Zoning Commission Members
FROM: Elizabeth McCarty, Assistant Planning Director
SUBJECT: Case: TA-2024-02: Text Amendment

Consideration of text amendments to Article 4, Table 4.2.B(5): Principal Use Table and to Section 4.2.D.(5)f.4(b): Standards Specific to Principal Uses, regarding Self-service storage; and to Article 4, Table 4.3.B(d): Accessory Use/Structure Table; Section 4.3.D(4): Standards Specific to Accessory Uses & Structures; and to Article 10: Definitions, regarding Apiaries.

A. Actions Requested by Planning and Zoning Commission Members

1. Consider Resolution to Adopt a Statement of Consistency for TA-2024-02
2. Consider motion to recommend approval of proposed text amendments by City Council

B. Decision and Required Votes to Pass Requested Action

Article 2, Section 2.5.A of the KDO addresses the procedures for processing amendments to the text of the ordinance. These proposed text amendments were initiated primarily by staff.

C. Background

On March 19, 2024, the Planning and Zoning Commission recommended approval of multiple text amendments to City Council (TA-2024-01) On April 8, 2024, City Council approved several of the text amendments but not all of them. Based on discussion with City Council, staff is bringing two of the previous amendments back for consideration. One is related to Apiaries and the other to Self-service Storage. City Council has requested for the Planning and Zoning Commission to further deliberate the details of these two proposed text amendments.

Presently, there are no standards for Apiaries in the KDO. The proposed amendment would add requirements for hives that follow General Statute §106-645. Specifically, staff is proposing to amend Article 4, Table 4.3.B(3): Accessory Use/Structure Table to allow Apiary as a permitted accessory use by right in all zoning districts; and to add a link to Section 4.3.D(4) for the use-specific standards for Apiaries; to amend Section 4.3.D(4): Standards Specific to Accessory Uses & Structures to add specific standards for Apiaries; and to amend Article 10: Definitions, to add a definition for Apiary. Council deferred this amendment in order to allow staff further time to

consult local beekeepers about the proposed amendments. Staff has discussed the proposed amendments with a couple of apiarists and agreed that the proposed amendments are consistent with statutes and sufficient provisions for the KDO.

Staff also proposed to amend development standards related to Self-service Storage. Self-service Storage is permitted by Special Use Permit (SUP) in the GC and Light Industrial (LI) zoning districts and by right in the Heavy Industrial (HI) and Planned Development-Campus (PD-C) zoning districts. At the March Planning and Zoning Commission meeting, staff presented two options for Self-service Storage uses. The first was to no longer permit the use in the GC zoning district, and the second was to impose a distance requirement between facilities. The Planning and Zoning Commission's recommendation to City Council was to amend the KDO to remove Self-service Storage as a permitted use in the General Commercial (GC) zoning district and only allow the use in the industrial zoning districts. Following City Council consideration of the proposed text amendments in April, City Council directed staff and the Planning and Zoning Commission to reevaluate options related to the development of Self-Service Storage uses within the City of Kannapolis.

The KDO already includes some standards specific to Self-service Storage (Section 4.2.D(5)f.4). Among them are requirements for maximum lot size, perimeter buffer yard, lighting, and building height for units accessed directly from the exterior of the building. Besides these, Self-service Storage uses must follow the KDO's Form and Design Standards for non-residential and mixed-use buildings (Section 5.7) which address building orientation, building materials, facade and roof details, and loading areas. These requirements are intended to mitigate the visual impact of Self-service Storage uses.

To better incorporate Self-service Storage among other uses, particularly within the GC zoning district, additional standards could be considered and added to the KDO. These could include the following for projects proposed within the GC zoning district:

- Enhanced building appearance – Street facing facades shall present the appearance of an office or retail commercial use. Furthermore, building renderings would be required with the SUP application to demonstrate this.
- Increased setbacks – Self-service storage setbacks shall be twenty-five (25) feet when adjacent to areas that are zoned residential.
- Limit outdoor storage – No outdoor storage is permitted with Self-service Storage uses located in the GC district.

The proposed text amendments to the KDO are attached as Exhibit A **bold, red-text** for deletions and **bold, green text** for additions. With the request by City Council to further explore alternatives for Self-service Storage uses, the Planning and Zoning Commission could choose to recommend text amendments that do not strictly remove the Self-service Storage use from the GC District but instead require a further layer of review and consideration for Self-service Storage uses through the Special Use Permit (SUP) process. The Commission will also need to consider whether or not to include additional provisions for the Light Industrial (LI) zoning district since Self-service Storage use also requires a SUP for this district as well.

D. Fiscal Considerations

None

E. Policy Issues

The proposed text amendments to the KDO are **attached**.

F. Legal Issues

None

G. Alternative Courses of Action and Staff Recommendation

The Planning and Zoning Commission may choose to recommend approval or denial of the text amendments as presented. The Commission may also add, delete, or change any of the language as proposed.

Based on the foregoing analysis, staff recommends **approval** of the proposed text amendment to the Kannapolis Development Ordinance, as shown per staff edits on Appendix A.

The following actions are required to recommend approval of TA-2024-02:

1. Consider Resolution to Adopt a Statement of Consistency for TA 2024-02
2. Consider motion to recommend approval of proposed text amendments by City Council.

The following actions are required to recommend denial of TA-2024-02

1. Consider Resolution to not Adopt a Statement of Consistency for TA 2024-02
2. Consider motion to recommend denial of proposed text amendments by City Council.

H. Attachments

1. Proposed KDO changes: Exhibit A
2. Resolution to Adopt a Statement of Consistency

I. Issue Reviewed By:

- Planning Director
- City Manager
- Assistant City Manager
- City Attorney

PROPOSED TEXT AMENDMENTS – APPENDIX A

TA-2024-02

1. Beehives – Amend Accessory Use/Structure Table to add *apiary*. Add definition and use-specific standards for apiaries.

Table 4.3.B(3): Accessory Use/Structure Table

P = Permitted by right, or, in planned development district, if specified in PD Plan; S = Special use; -- = Prohibited

ACCESSORY USE/STRUCTURE	AG	RESIDENTIAL								MIXED-USE				NONRESIDENTIAL				PD			LEGACY			USE-SPECIFIC STANDARDS	
	AG	R1	R2	R4	R6	R7	R8	R18	MU-ND	MU-5C	MU-UC	MU-AC	TOD	CC	OI	GC	LI	HI	PD	PD-TND	PD-C	CD	CD-R		C-1
Animal boarding	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.3.D(3)
Apiary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.3.D(4)
Automated teller machine (ATM)	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P		4.3.D(4 5)

Section 4.3.D. STANDARDS SPECIFIC TO ACCESSORY USES AND STRUCTURES

(4) ~~AUTOMATED TELLER MACHINE (ATM)~~ APIARY

Five (5) or fewer hives shall be allowed in any zoning district.

- a. The hives shall be placed at ground level or securely attached to an anchor or stand. The hive may also be permanently attached to a roof surface if secured to an anchor or stand.
- b. The hive shall be removed if the owner no longer maintains the hive or if necessary to protect the health, safety, and welfare of the public. (Source NCGS § 106-645). City staff will consult a trained or knowledgeable beekeeper if it is determined that a hive may need to be removed.
- c. More than five (5) hives shall be considered agriculture for the purpose of this ordinance.

(5) AUTOMATED TELLER MACHINE (ATM)

ARTICLE 10. DEFINITIONS

Apiary

Bees, comb, hives, appliances, or colonies, wherever they are kept, located, or found.
(Source: NCGS § 106-635)

2. Self-service Storage Uses – Add standards specific to self-service storage.

Section 4.2.D(5)f.

4. Self-Service Storage

- (a) The maximum lot size is three acres.
- (b) Notwithstanding the building height standards in the district where the self-service storage is located, except in the GC District, buildings where storage units are accessed directly from the building’s exterior shall have a maximum height of one story. For purposes of this section, one story shall mean and refer to a maximum interior ceiling height of ten feet, which may include a maximum of eight feet with an additional two feet to accommodate a garage-type sliding or roll up door.
- (c) The required setback shall be twenty-five (25) feet when adjacent to areas that are zoned residential.**
- (d) A Type B perimeter buffer yard shall be provided in accordance with Section 5.3.G, Perimeter Buffer Yards, around the perimeter of the self-service storage facility.
- (e) Signs and other advertising mediums are prohibited within the buffer yard.
- (f) The establishment shall have an on-site manager or an electronic security system.

- (g) The sale of personal property and the conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units and incidental sales of storage-related materials (boxes, tape, labels, etc.) is prohibited.
- (h) No portion of any self-service storage shall be used, on a temporary or permanent basis, as a dwelling, except a single dwelling unit for use by an on-site manager or caretaker is allowed as an accessory use.
- (i) The repair, construction, or reconstruction of any boat, engine, motor vehicle on-site is prohibited.
- (j) On-site storage of a propane or gasoline engine or a propane or gasoline storage tank is prohibited. All rental contracts for storage units shall include clauses prohibiting (a) the storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals, and (b) the use of the property for purposes other than dead storage.
- (k) All outdoor lights must be shielded to direct light and glare only onto the lot which the self-service storage is located.
- (l) Building renderings are required to demonstrate that street facing facades present the appearance of an office or retail commercial use.**
- (m) No outdoor storage within the General Commercial (GC) zoning district.**



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO
TEXT AMENDMENT TA-2024-02**

WHEREAS, Section 160A-383 (2013), of the North Carolina General Statutes, modified in Section 160D-605, specifies that the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive and any other officially adopted plan that is applicable; and

WHEREAS, the text amendments to **Article 4, Table 4.3.B(3): Accessory Use/Structure Table; Section 4.3.D.: Standards Specific to Accessory Uses and Structures; Article 10: Definitions; and Article 4, Section 4.2.D: Standards Specific to Principal Uses**, is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*; and

WHEREAS, the Planning and Zoning Commission conducted a Public Hearing on May 21, 2024 for consideration of text amendment Case# TA-2024-02 as submitted by the Planning Department staff and shown on Exhibit A (attached);

NOW, THEREFORE BE IT RESOLVED that the Planning and Zoning Commission finds the text amendment as represented in Case TA-2024-01 is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, as well as state statutes, reasonable, and in the public interest, and is recommended for approval by the City Council based on consideration of the application materials, information presented at the Public Hearing, and the recommendation provided by Staff.

Adopted this the 21st Day of May 2024:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission