



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

**June 21, 2022 at 6:00 pm**

**Agenda**

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes – May 17, 2022**
- 5. Public Hearing**
  - a. CZ-2022-003 – Conditional Zoning Map Amendment – 6441 Davidson Highway**

Public Hearing to consider a request to rezone property located at 6441 Davidson Highway from Planned Unit Development-Conditional Zoning (PUD-CZ) zoning district to Light Industrial-Conditional Zoning (I-1-CZ); General Commercial-Conditional Zoning (C-2-CZ); Campus Development-Conditional Zoning (C-D-CZ) and Residential Compact-Conditional Zoning (R-C-CZ) zoning districts to allow retail, light industrial and multi-family uses. The subject property is approximately 229.44 +/- acres and further identified as Cabarrus County Parcel Identification Number 46917672990000.
- 6. Recommendation to City Council**
  - a. CPA-2022-02 – Comprehensive Plan Amendment – Lane Street**

Consider a recommendation to City Council regarding an amendment to the Move Kannapolis Forward 2030 Comprehensive Plan “Future Land Use and Character Map” designation of the area east of the Interstate 85 and Lane Street interchange area from “Future Planning Area” to “Employment Center” and “Complete Neighborhood 2” Character Areas.
- 7. Transportation Planning Overview**
- 8. Planning Director Update**
- 9. Other Business**
- 10. Adjourn**

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

**Minutes of Meeting  
April 19, 2022**

The Kannapolis Planning and Zoning Commission met on Tuesday April 19, 2022, at 6:00 PM. This meeting was held in accordance with the attached notice (Appendix A), as well as notice published on the City's website.

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

**Commission Members Absent:** None

**Visitors:**

Priscilla Henly	Pat Henley
NaTaschia Patton	Phillip Martin
Keith McVain	Jonathan Parsons
Thomas Shirley	Vanessa Mile
Tracy Coleman	Joe Hatley
Mike Wallace	Daryl Hayes
Angela Argeta	

**Staff Present:** Richard Smith, Planning Director  
Boyd Stanley, Assistant Planning Director  
Pam Scaggs, Recording Secretary  
Wilmer Melton, Assistant City Manager

**CALL TO ORDER**

Chair Puckett called the meeting to order at 6:00 P.M.

**ROLL CALL AND RECOGNITION OF QUORUM**

Recording Secretary, Pam Scaggs called the roll. The presence of a quorum was recognized.

**APPROVAL OF AGENDA**

Mr. Ensley made the motion to approve the agenda, second by Mr. Trott and the motion was unanimously approved.

1 **PUBLIC HEARING**

2 Mr. Ensley asked to be recused from the first hearing since he is the property owner at 6600  
3 Fingerlake Drive. Mr. Gingras made the motion to recuse Mr. Ensley from the hearing, second by  
4 Ms. Stein and the motion was unanimously approved.

5  
6 **CZ-2021-23 – Amended request by Phillip Martin with HHH Land, LLC / HHHunt to**  
7 **conditionally rezone multiple parcels located on Kannapolis Parkway from Rural Estate**  
8 **(RE) to Residential Compact-Conditional Zoning (RC-CZ) Zoning Designation.**

9 Mr. Stanley gave a PowerPoint presentation regarding case CZ-2021-23, attached to and made  
10 part of these minutes as Exhibit 1. He noted that the case included several parcels along  
11 Kannapolis Parkway and that it was continued at the Commission’s December meeting due to a  
12 deed restriction issue. Mr. Stanley stated that the original request included 26.5 +/- acres but that  
13 the applicant removed 7.82 +/- acres, leaving the current request with 18.7 +/- acres consisting  
14 of ten (10) parcels. He reminded the commission that staff had initially encouraged the applicant  
15 to engage the property owner located at 6600 Fingerlake Drive to ensure connectivity  
16 compliance but that the property was ultimately removed from the project due to the deed  
17 restriction. Mr. Stanley added that the applicant has requested that the case be continued as they  
18 attempted to work out the deed restriction and provided the application details noting that the  
19 request is to conditionally rezone the subject properties from RE to RC-CZ to allow for a 277-  
20 unit multi-family residential development.

21  
22 Mr. Stanley talked about surrounding zoning districts and the existing land uses as well as the  
23 Future Land Use per the *2030 Comprehensive Plan*. He reminded the Commission that they  
24 previously recommended approval of land use amendments to City Council, but that Council has  
25 not rendered decision on those amendments. Mr. Stanley stated that one of the proposed  
26 amendments include property located at the terminus of Corl Road which is proposed to be a  
27 mixed-use development.

28  
29 Mr. Stanley directed the Commission’s attention to both the original site plan as well as the  
30 amended site plan to illustrate the removal of the Fingerlake property, the reduction in the  
31 number of proposed units (396 to 277), and possible location of future connectivity. He stated  
32 that primary access will be from Kannapolis Parkway and talked about the Traffic Impact  
33 Analysis (TIA). Mr. Stanley utilized the amended site plan to identify five (5) proposed  
34 residential buildings, a possible future building to the south, and noted an error in the staff report  
35 indicating that the proposed buildings will be 2-3 stories. He stated that most buildings will be  
36 4-5 stories with four (4) separate garage buildings. Mr. Stanley directed the Commission’s  
37 attention to an illustration showing the possible connection to the future Millcreek development.

38  
39 Mr. Stanley indicated that staff is recommending approval of the rezoning request, concluded  
40 his presentation and made himself available for questions.

41  
42 Mr. Gingras asked if the proposed 277-units included the possible future building. Mr. Stanley  
43 responded yes but received clarification from the applicant that it does not. Mr. Gingras asked if  
44 the applicant could construct that building without coming back to the Commission for approval.  
45 Mr. Stanley responded that if approved, the proposed rezoning request only includes the 277

1 units so that if the applicant decides to construct more, they will have to come back to the  
2 Commission for an amendment to the approved plan.

3  
4 Mr. Trott asked the number of floors for each building. Mr. Stanley directed the Commission's  
5 attention back to the site plan stating that the buildings labeled with a number one will be 4-5  
6 stories and the building labeled with a number three will be the clubhouse.

7  
8 Mr. Severt asked the number of proposed parking spaces. Mr. Stanley responded that the site  
9 plan does not show the number of spaces, but that they will have to meet the minimum  
10 requirements of the ordinance.

11  
12 Dr. Litaker asked for clarification regarding egress/ingress and expressed concern regarding  
13 safety. Mr. Stanley responded that a TIA was conducted and accepted by NCDOT, who indicated  
14 that the proposed improvements were acceptable.

15  
16 Chair Puckett asked for confirmation that the secondary access will be right-in/right-out but that  
17 the primary access is proposed to be full movement and not signalized. Mr. Stanley confirmed.  
18 Chair Puckett expressed concern that NCDOT would approve a non-signalized primary access  
19 on Kannapolis Parkway. Dr. Litaker agreed with Chair Puckett and expressed additional concern.  
20 Planning Director, Richard Smith, advised that the applicant's transportation advisor could best  
21 respond to their concerns.

22  
23 Representative for the applicant, Keith McVain with Moore & Van Allen gave a presentation  
24 regarding their proposed project. Mr. McVain introduced members of the team: Jonathan Martin,  
25 Jonathan Parsons and Thomas Shirley. He thanked staff for their help and support and provided  
26 a brief background on the applicant, HHHunt who is based in Virginia with offices in Charlotte.  
27 Mr. McVain talked about the benefits of a conditional zoning, location of the proposed  
28 development, surrounding zoning, the proposed buildings and clubhouse. He talked about  
29 access, open-space, potential future connectivity and then introduced Thomas Shirley to talk  
30 about ingress/egress.

31  
32 Thomas Shirley, with Kimley Horne, talked about the TIA process and directed the  
33 Commission's attention to the study area. Mr. Shirley stated that the study was conducted using  
34 the original proposed 396 units versus the revised 277 units and showed half the traffic moving  
35 south towards INTERSTATE 85 while the other half moved north towards HWY 73. He added  
36 that traffic counts were collected and increased by a 2% growth rate through 2025 (estimated  
37 project completion) and resulted in recommended mitigation at both access points. Mr. Shirley  
38 stated that mitigation efforts include a northbound left-turn lane into the site and that egress will  
39 consist of two dedicated (2) lanes, one going right and one going left with 100 feet of storage.  
40 He added that deceleration turn-lanes for both access points will also be added. Mr. Shirley noted  
41 that both the study results and mitigation recommendations have been approved by both NCDOT  
42 and the City. He addressed the lack of a signalized access stating that a signal warrant analysis  
43 was not conducted based on the volume of existing traffic.

44  
45 Mr. Shirley responded to questions and concerns from Vice-Chair Parker, Dr. Litaker and Chair  
46 Puckett regarding the posted speed limit (45 MPH), safety, traffic volume counts and lack of

1 signalized entrance. Mr. Shirley stated that they are willing to review traffic calming methods  
2 and noted that drivers making a left turn out of the site could pull into the median and wait to  
3 safely enter oncoming traffic. He assured the Commission that the study did not meet the  
4 NCDOT minimum threshold to warrant a signalized intersection. Chair Puckett did not agree.  
5

6 Mr. McVain reminded the Commission that the number of trips will be lower than what study  
7 indicated because the study was conducted using the original 396-unit count. He stated that the  
8 only other option would be to limit access to right-in/right-out with drivers and that drivers  
9 wanting to go north would have to make a U-turn at the Glen Afton Boulevard intersection and  
10 surmised that would be dangerous. Mr. McVain stated that it is not easy to warrant a traffic signal  
11 with NCDOT because it adds more delays and traffic congestion.  
12

13 Both Mr. Shirley and Mr. McVain responded to additional Commission concerns regarding the  
14 times of day that data was collected, the 2% growth rate used in the TIA, whether a less dense  
15 project would be considered, shared access with future development, and enforcement of right-  
16 in/right-out access at the secondary access. Mr. Shirley responded that the traffic counts were  
17 collected between 7:00am to 9:00am and again at 4:00pm to 6:00pm, which are peak traffic  
18 hours, Tuesday through Thursday. He added that the 2% growth rate was approved during the  
19 scoping process by both NCDOT and the City. Mr. Shirley reminded the Commission that the  
20 project had already been significantly reduced from 396 to 277-units based on previous access  
21 concerns and land acquisition. He added that coordination with future development to the north  
22 could be evaluated to possibly share a signalized access point. Mr. Shirley talked about the  
23 addition of median islands to help enforce right-in/right-out turns at the secondary access point.  
24

25 Mr. Gingras indicated that several access points along Kannapolis Parkway will be closed since  
26 they are existing driveways for properties included in the proposed project. He reminded the  
27 Commission that Kannapolis Parkway is a thoroughfare road which is designed to get traffic  
28 from point A to point B and suggested that a commercial use versus the proposed residential use  
29 would create more traffic congestion and feels that the applicant has met expectations. Mr.  
30 Gingras cautioned the Commission to carefully review the proposed project and consider the  
31 alternatives if they do not approve a residential use.  
32

33 Chair Puckett asked the timing of Millcreek [future development to the north] regarding shared  
34 access. Mr. Smith responded that although the applicants for Millcreek are reviewing alternative  
35 options and are considering an industrial use rather than residential use, it is still a viable option  
36 for shared connectivity. Chair Puckett asked about possible connectivity to the south near Corl  
37 Road. Mr. Smith responded that it depended on coordination with the Fingerlake Drive residents  
38 since there are restricted covenants in place. Mr. McVain asked staff if the townhome portion of  
39 Millcreek is still moving forward. Mr. Smith responded that it is to the best of his knowledge.  
40

41 Vice-Chair Parker asked if the proposed project will have elevators in the buildings. Mr. Parsons  
42 responded that each building would have one (1) elevator as well as stairs.  
43

44 There being no additional questions or comments for staff or the applicant, Chair Puckett opened  
45 the Public Hearing.  
46

1 Mike Wallace stated that he is one of the property owners included in the rezoning request and  
2 owns property across Kannapolis Parkway as well. Mr. Wallace stated that he is adamantly  
3 opposed to center lane dividers and suggested adding turn lanes. He additionally made a plea to  
4 add streetlights to Kannapolis Parkway.

5  
6 Larry Ensley stated that he is the property owner at 6600 Fingerlake Drive and talked about  
7 existing traffic impacts, indicating that drivers are mostly utilizing Kannapolis Parkway to access  
8 INTERSTATE 85. Mr. Ensley reminded the Commission that due to sewer capacity issues, build  
9 out of the proposed project may not even occur until 2027 and agrees that deceleration lanes will  
10 help ease traffic congestion.

11  
12 Tracy Coleman stated that he is one of the property owners included in the proposed rezoning and  
13 is supportive of the proposed use as well as the surrounding land uses. He asked the Commission  
14 to approve the rezoning.

15  
16 Gina Coleman stated that she also is a property owner included in the proposed rezoning and that  
17 she is proud of Kannapolis' growth and is supportive of growth as well as the added convenience  
18 to amenities. Ms. Coleman asked for the same opportunities as other property owners and asked  
19 for approval of the rezoning request.

20  
21 Vanessa Miles stated that she is a realtor representing the landowners involved with the proposed  
22 rezoning and briefly noted the need for housing in the Kannapolis area. Ms. Miles indicated that  
23 the property owners have been patient while progressing through the rezoning process. She added  
24 that since the request is consistent with the 2030 Comprehensive Plan and has received an approval  
25 recommendation from staff, asked the Commission to approve the rezoning request.

26  
27 There being no additional questions or comments, Chair Puckett closed the Public Hearing.

28  
29 Mr. Shirley responded to Mr. Wallace's concern stating that access locations could change  
30 slightly so that medians could be installed so as not to block opposing driveways. He corrected  
31 his previous statement regarding traffic and stated that 65% of the drivers were going south to  
32 INTERSTATE 85, and that the northern access point would operate as a full-access point and  
33 then be restricted later.

34  
35 Vice-Chair Parker expressed concern regarding school busses making a left turn out of the  
36 development. He asked to add a condition that NCDOT reevaluate the access.

37  
38 There was additional discussion between the Commission and staff regarding re-review by  
39 NCDOT.

40  
41 Chair Puckett reopened the Public Hearing to allow Mr. Ensley an opportunity to respond to  
42 Vice-Chair Parker's concern regarding school busses. Mr. Ensley guessed that school busses  
43 would make a right-in/right-out and proceed to the Hawthorn at the Glen apartment development  
44 and then utilize the traffic signal from Glen Afton Boulevard to safely turn left onto Kannapolis  
45 Parkway.

1 Mr. McVain addressed Vice-Chair Parker’s suggestion to have NCDOT reevaluate access stating  
2 that additional development review requirements will allow an opportunity to explore access  
3 options and is okay with the added condition.  
4

5 There being no additional comments or questions, Chair Puckett closed the Public Hearing.  
6

7 Mr. Trott made the motion to approve the Statement of Consistency, second by Mr. Gingras and  
8 the motion was unanimously approved.  
9

10 Chair Puckett asked for a motion regarding the Resolution to Zone for case CZ-2021-23. Vice-  
11 Chair Parker asked to add the following condition: “As directed by the Planning and Zoning  
12 Commission, the applicant shall readdress the Traffic Impact Analysis approval with the NCDOT  
13 regarding both points of access as there are concerns over the full-movement crossover and  
14 additional traffic onto Kannapolis Parkway”. Dr. Litaker made the motion to approve with the  
15 added condition, second by Ms. Stein and the motion was unanimously approved.  
16

17 Mr. Trott suggested that staff work with NCDOT to mitigate existing traffic impacts on Kannapolis  
18 Parkway.  
19

20 **CZ-2022-01 – Amended request by CP Kannapolis Investments, LLC to remove property**  
21 **located at 1945 Old Earnhardt Road from the previously approved conditional rezoning and**  
22 **apply an Office-Institutional (O-I) Zoning Designation as well as to add property located at**  
23 **1855 Old Earnhardt Road and conditionally rezone General Commercial (C-2) to Planned**  
24 **Unit Development–Conditional Zoning (PUD–CZ) Zoning Designation.**

25 Planning Director, Richard Smith gave a PowerPoint presentation regarding an amendment to  
26 case CZ-2022-01, attached to and made part of these minutes as Exhibit 2. Mr. Smith provided  
27 the application details noting that the request includes the removal of approximately 1.0 +/- acres  
28 of property located at 1945 Old Earnhardt Road and rezone the parcel to Office-Institutional (O-  
29 I) zoning district; as well as to add approximately 2.0 +/- acres of property located at 1855 Old  
30 Earnhardt Road, and rezone from General Commercial (C-2) to Planned Unit Development-  
31 Conditional Zoning (PUD-CZ) zoning district.  
32

33 Mr. Smith reviewed consistency with the *2030 Plan*, stating that staff is recommending approval  
34 of the rezoning request with conditions (Exhibit 2), concluded his presentation and made himself  
35 available for questions.  
36

37 Chair Puckett asked for clarification of the requested rezoning of the removed 1.0 +/- acre parcel.  
38 Mr. Smith responded that staff is recommending an Office-Institutional (O-I) zoning district to  
39 lessen future impacts on surrounding properties.  
40

41 Mr. Smith responded to questions from Dr. Litaker and Mr. Gingras regarding use of the 1.0 +/-  
42 acre as well as the intended use of the added 2.0 +/- acres stating that he did not know if the  
43 property owners for the 1.0 +/- acre had an intended use for the property and that he thought the  
44 2.0 +/- acres will be utilized for parking.  
45

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

3  
4 Dr. Litaker asked if the proposed project is impacted by the sewer capacity issue. Mr. Smith stated  
5 that the project will be put on the list to be considered for allocation priority.

6  
7 Mr. Trott asked if making the land swap’s impact the watershed. Mr. Smith responded that it did  
8 not and may help since acreage is being added.

9  
10 Mr. Gingras made the motion to approve the Statement of Consistency, second by Mr. Parker and  
11 the motion was unanimously approved.

12  
13 Chair Puckett asked for a motion regarding the Resolution to Zone for the amendment to case CZ-  
14 2022-01. Mr. Gingras made the motion to approve with the added condition, second by Mr. Ensley  
15 and the motion was unanimously approved.

16  
17 **KANNAPOLIS DEVELOPMENT ORDINANCE (KDO) REVIEW**

18 Mr. Smith stated that the intention of the update is to receive any additional edits that the  
19 Commission may have for the KDO and that he’s hoping to receive approval recommendation  
20 from the Commission to City Council in May. There was discussion regarding holding a special  
21 meeting to finalize the KDO and it was decided to schedule the meeting for May 10, 2022.

22  
23 Mr. Smith gave a PowerPoint presentation stating that the key highlights of the KDO is that it is  
24 user friendly with a lot of illustrations, navigable with hyperlinks, simplified to 10 articles versus  
25 the current 15, changes to general provisions which include state statute changes, administration  
26 summary and a table of responsible boards. He noted that there is reference to the Technical  
27 Review Committee (TRC) as well as the Land Development Standards Manual (LDSM).

28  
29 Mr. Smith stated that notable changes in the KDO include updating conditional zoning, as well as  
30 the elimination of the distinction between major and minor site plans, sketch plans, subdivision  
31 exceptions and vested rights. He stated that procedures added to the KDO include tree removal,  
32 administrative adjustments, interpretations and the TRC. Mr. Smith added that most of the zoning  
33 district names will change, a lot of illustrations have been included to help understand design  
34 standards, the Agricultural (AG) district include general provisions to protect farms (located  
35 mostly in the Extra Territorial Jurisdiction [ETJ]) and talked about legacy districts. He stated that  
36 each article consolidates and modernizes use regulations and that principal uses are clearly defined  
37 with specific guidelines. Mr. Smith stated that added development standards included landscaping,  
38 open space and greenspace provisions, fences and lighting, and a new section regarding native  
39 plantings. He concluded his presentation and made himself available for questions.

40  
41 Vice Chair Parker stated that the wording in title Article 1.8 “violations continue” seems  
42 redundant. Mr. Smith agreed. Vice Chair Parker asked when hyperlinks will be added to the KDO.  
43 Mr. Smith responded that they will be added when the document is finalized.



1 Mr. Ensley stated that the preliminary draft of the KDO indicated that connectivity standards had  
2 improved by 1.6% and asked if this was still an accurate percentage. Mr. Smith responded that it  
3 is still accurate. Mr. Ensley had several edit suggestions as noted below:  
4

- 5 • Article 2, Section 2.5 regarding tree removal permit – asked why someone would clear  
6 land without building on it. Mr. Gingras responded that timbering companies do not build  
7 on land. Dr. Litaker added that it could have been determined to be a fire hazard.
- 8 • Article 2.4 B Public Notice Requirement – asked if social media could be included in public  
9 notice requirements. Mr. Smith responded that he will add to the list of requested edits.
- 10 • Article 3 Zoning Districts – asked about the jump in zoning districts from R8 – R18. Mr.  
11 Smith responded that he will have to research and circle back since that was requested prior  
12 to his position with the City of Kannapolis.
- 13 • Article 3-10 Mixed Use Design, No. 6 Parking Structures – asked if the City can require  
14 EV [electric vehicle] charging stations. Mr. Smith responded that there has been an added  
15 requirement for a general commercial project located near an Interstate interchange with  
16 50 or more parking spaces to include a charging station. Mr. Ensley noted that Article 5,  
17 Development Standards requires “up to 20%” EV charging stations and asked if a  
18 minimum number of stations can be required instead of the 20%.
- 19 • Article 5, Section 5.2C – stated that the word “charging” is misspelled.
- 20 • Article 4, Use Regulations, Section 4.2 Principal Uses, No 5, Fueling stations – asked for  
21 a provision to require EV stations.  
22

23 Mr. Gingras asked if it is appropriate for the City to require EV charging stations and expressed  
24 concern regarding the baseload energy consumption. Mr. Ensley responded that the City could  
25 charge a fee to use a charging station. Mr. Smith stated that the use of EV charging stations was  
26 recently discussed during a City Council meeting and that charging stations were just added to the  
27 City Hall parking lot to accommodate an EV used by the Planning Department. He added that City  
28 Council is trying to determine if a fee should be charged to the public for use of those charging  
29 stations as well whether to add more EV charging stations. Mr. Ensley noted that the City of  
30 Concord has a charge station on the City garage and charge a fee for public consumption. Mr.  
31 Gingras asked why the City would require a gas company to provide EV charging stations if it’s  
32 not in their business model. There was “hearsay” discussion regarding EV charging stations. Mr.  
33 Gingras wanted to note that he is against requiring EV charging stations. Mr. Ensley suggested  
34 providing an incentive for making EV stations available.  
35

36 Mr. Ensley continued with his list of suggested edits:  
37

- 38 • Article 5, Section 5.2, Bicycle Parking Standards – asked to include a provision for electric  
39 bikes.
- 40 • Article 5, Section 5.3, Tree Protection – asked who determines the specimen of tree. Mr.  
41 Smith responded that an arborist would make those recommendations. Mr. Ensley asked if  
42 the arborist would be hired by the City or the developer. Mr. Smith responded that the  
43 arborist would be contracted by the City.
- 44 • Table 3.64 Thoroughfare Protection Overlay – noted that self-storage uses are prohibited  
45 and asked if a recently approved with the same use would have been applicable. Mr. Smith  
46 responded that the project was located outside the thorough overlay.

- 1 • Article 5, Section 5.11, Sustainable Green Building – asked if the City could provide  
2 incentives to builders offering structures 3 stories or taller if they utilized bird friendly glass  
3 to avoid confusing the birds. Mr. Ensley provided statistics on the number of birds that fly  
4 into windows thinking that it is open space. Mr. Smith asked Mr. Ensley to suggest an  
5 incentive that could be offered. Mr. Ensley suggested tax credits or a point system.
- 6 • Lastly, Mr. Ensley asked if the City could levy stormwater penalties. Mr. Smith responded  
7 that he could review other jurisdictions to see how they handle stormwater issues. He also  
8 asked Mr. Ensley to provide his list of edits to staff.

9  
10 Chair Puckett asked if the added requirement for a fence permit apply to both commercial and  
11 residential. Mr. Smith responded that it would apply to both and that there are more issues with  
12 residential fencing versus commercial. Chair Puckett asked if other municipalities require permits  
13 for fences. Mr. Smith responded that Kannapolis is one of only a few municipalities who does not  
14 currently require permits and that one of the provisions of the new requirement is that property  
15 owners will have to face the better side of the fence out toward neighbors. Mr. Severt added that  
16 doing so prevents a liability issue for pool owners since facing the other side out could allow  
17 someone to climb fence and get into the pool.

18  
19 Vice-Chair Parker stated that 5G will soon be made available and suggested that the micro-  
20 transmitters be located on existing towers. Mr. Smith stated that the same issue had been addressed  
21 in the state statute and should be accounted for in the KDO.

22  
23 Mr. Smith asked the Commission for a consensus of edits before the May 10<sup>th</sup> special meeting. He  
24 advised the Commission that repealing and replacing the current Unified Development Ordinance  
25 with the KDO, and zoning map would be like a text amendment in that they will be making a  
26 recommendation to City Council.

## 27 28 **PLANNING DIRECTOR UPDATE**

29 Mr. Smith stated that the City posted a call for infill projects and that ten (10) projects have been  
30 submitted with one (1) being a commercial project and the other nine (9) being residential. He  
31 added all projects were recommended to receive sewer allocation, but that City Council will render  
32 decision at the next meeting. Mr. Smith stated that three (3) affordable housing projects were also  
33 submitted and that one (1) was recommended to receive allocation. He noted that City Council  
34 will re-review the project list in July to create a “waiting” list.

35  
36 Dr. Litaker expressed concern regarding affordable housing and not being aware of current market  
37 trends. Mr. Smith responded that staff will attempt to provide information regarding affordable  
38 housing at a future Commission meeting.

39  
40 Mr. Ensley noted that stormwater grants were available and asked if WSSAC applied for any  
41 grants. Mr. Smith understood that they have applied for a grant but was unsure of the specific  
42 grant.

43  
44 Mr. Trott mentioned reading an article related to affordable housing incentives in the Concord  
45 Logan community Mr. Smith responded that he was not aware of the article but that all three (3)  
46 of the affordable housing projects submitted contained some sort of subsidizing aspect but that the

1 CIC (Community Improvement Commission) identified only one project that they felt was far  
2 enough along in the development process to receive allocation.

3  
4 Chair Puckett suggested adding a definition for affordable housing to the KDO that is specific to  
5 Kannapolis. Mr. Smith responded that he's not certain how to accomplish what Chair Puckett is  
6 suggesting because Kannapolis is in a metropolitan area but understands Chair Puckett's concern.

7  
8 Mr. Smith talked about Manufactured Home Park Overlay's and asked if the Commission is  
9 interested in phasing out mobile home parks or possible phasing them to a tiny home community.  
10 Chair Puckett expressed concern regarding phasing out mobile home parks and cited the current  
11 need for affordable housing. The Commission agreed.

12  
13 **OTHER BUSINESS**

14 None

15  
16 **ADJOURN**

17 There being no further business, questions or comments, Chair Puckett adjourned the meeting at  
18 7:42 PM on Tuesday April 19, 2022.

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23 Chris Puckett, Chair  
24 Planning and Zoning Commission

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27 Pam Scaggs, Recording Secretary

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

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**Minutes of Meeting  
May 17, 2022**

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The Kannapolis Planning and Zoning Commission met on Tuesday May 17, 2022, at 6:00 PM. This meeting was held in accordance with the attached notice (Appendix A), as well as notice published on the City's website.

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

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**Commission Members Absent:** None

**Visitors:**

Nancy Corriher	Jimmy Hooper
Jenny Hess	David Miller
Gerald Hedrick	Dorothy Hedrick
Robert Beasley	Joe Hatley
Dorothy Caldwell	Jonathan Chamberlain
Joe Furr	Patricia Furr
Sharon Harbour	Sylvia McDaniel
Willie Johnson	

**Staff Present:** Richard Smith, Planning Director  
Boyd Stanley, Assistant Planning Director  
Alana Sweatt, GIS Specialist  
Pam Scaggs, Recording Secretary

**CALL TO ORDER**

Chair Puckett called the meeting to order at 6:00 P.M.

**ROLL CALL AND RECOGNITION OF QUORUM**

Recording Secretary, Pam Scaggs called the roll. The presence of a quorum was recognized.

**APPROVAL OF AGENDA**

Chair Puckett noted that there are no minutes to approve and asked for a motion regarding the amended Agenda. Mr. Trott made the motion to approve the agenda, second by Dr. Litaker and the motion was unanimously approved.

**KANNAPOLIS DEVELOPMENT ORDINANCE (KDO) AND ZONING MAP REVIEW**

Planning Director Richard Smith provided a brief background regarding the reason why staff decided to rewrite the current Unified Development Ordinance (UDO) stating that the Kannapolis Development

1 Ordinance (KDO) is a comprehensive update to the UDO. Mr. Smith added that if the Planning and Zoning  
2 Commission recommends approval of both the KDO and the associated zoning map, that he hopes to have  
3 the items on the June 13, 2022 City Council meeting for their review and adoption.  
4

5 Mr. Smith stated that a rewrite of the ordinances was necessary because the UDO was adopted November  
6 2000, was not user friendly, and that ordinances and long-range plans are intended to complement each  
7 other. He added that along with the recently updated long-range plan (Move Kannapolis Forward 2030  
8 Comprehensive Plan), both the state and federal government have added additional requirements regarding  
9 flood and watershed regulations which warranted a comprehensive update to the UDO.  
10

11 Mr. Smith stated that the final document has been modernized and simplified from fifteen (15) to ten (10)  
12 chapters; is a more user-friendly document with illustrations and quick links; added language in the  
13 proposed KDO recognizes the Technical Review Committee (TRC) at a staff level; and that zoning districts  
14 have been updated with illustrations making it easier for users to identify what is required to develop in  
15 each zoning district. He stated that in addition to updating the UDO, the zoning map will also require an  
16 update to align with the proposed KDO. Mr. Smith cautioned the Commission that they may get asked  
17 questions from the public regarding whether their property is being rezoned and/or annexed and clarified  
18 that zoning districts are being updated to reflect the new naming proposed in the KDO but are not being  
19 rezoned. He added that properties are also not being annexed into the City and that it is against the law to  
20 annex property without the owner's consent.  
21

22 Mr. Smith stated that the proposed KDO and associated zoning map are "tied together" and if the  
23 Commission recommends approval of one, will also need to recommend approval of the other. He noted  
24 that they can be handled separately or together but adoption should be completed at the same time. Mr.  
25 Smith reiterated that he anticipates City Council will adopt both documents at their June 13, 2022 meeting  
26 if the Commission recommends approval.  
27

28 Mr. Smith provided additional detail on the zoning district changes stating that there will be some legacy  
29 districts. He used the Campus Development (CD) zoning district as an example stating that staff originally  
30 planned for the downtown area to retain legacy district, but after review, staff decided to include properties  
31 along Kannapolis Parkway with the CD zoning. Mr. Smith continued that those existing uses in the CD  
32 zoning district will continue but that future rezoning to CD will not be permitted. Mr. Smith talked about  
33 the addition of overlay districts but stated that GIS Specialist, Alana Sweatt, was going to go into further  
34 detail regarding those as well as the updated naming conventions for the existing zoning districts. He added  
35 that use regulations have been aligned with state law and that there will be more general type uses as  
36 opposed to specific uses to help mitigate legal issues. Mr. Smith stated that the additional development  
37 standards have been added and provided examples such as on-street parking, landscape, buffers, fences,  
38 lighting, form and design, and neighborhood compatibility. He noted that stormwater requirements are  
39 addressed in the KDO and that Appendix A will contain supplemental land design standards including  
40 native versus invasive landscaping species, which was written by a local professor, who is a citizen of  
41 Kannapolis. Mr. Smith reminded the Commission that the author of the native/invasive species provided a  
42 presentation to them a few months ago.  
43

44 Mr. Smith introduced Alana Sweatt, GIS Specialist, who gave a presentation regarding the zoning map  
45 changes. Ms. Sweatt directed the Commission's attention to the proposed zoning map and illustrated a  
46 feature that could be used to compare the "old" zoning with the proposed zoning. She stated that most of  
47 the zoning districts remain the same aside from the naming convention except for a couple and stated those  
48 changes:

- 49 1. Agricultural (AG) remains the same;
- 50 2. Rural Estate (RE) is updating to Rural Residential Transition (R1) with 1 unit per acre;
- 51 3. Residential Low Density (RL) is updating to Residential Single Family 2 (R2) with 2 units per acre;

- 1 4. Residential Medium Density 1 and 2 (RM1/RM2) are being combined and updated to Residential
- 2 Single Family 4 (R4) with density at 4 units per acre;
- 3 5. Residential Village (RV) is updating to Residential 8 (R8) and will contain medium density (8 units
- 4 per acre) instead of urban high density;
- 5 6. Residential Compact (RC) is updating to Residential 18 (R18) and will allow high density (18 units
- 6 per acre);
- 7 7. Office and Institutional (OI) is updating to Office-Institutional (O-I) and will no longer allow
- 8 single-family detached uses;
- 9 8. Neighborhood Commercial (B-1) is updating to Mixed-Use Neighborhood (MU-N) and will be a
- 10 “true” mixed-use zoning district that integrates the commercial needs with the surrounding
- 11 community;
- 12 9. Center City (CC) remains the same;
- 13 10. General Commercial (C-2) and Light Commercial (C-1) have been merged and are updating to
- 14 General Commercial (GC) but C-1 will remain a legacy district;
- 15 11. Both industrial zoning districts, Light Industrial (I-1) and Heavy Industrial (I-2), are being updated
- 16 to Light Industrial (LI) and Heavy Industrial (HI) and no longer require direct access to a major or
- 17 minor thoroughfare;
- 18 12. Traditional Neighborhood Development (TND) is updating to Planned Development Traditional
- 19 Neighborhood Development (PD-TND); and
- 20 13. Planned Unit Development (PUD) is updating to Planned Development (PD).

21  
22 Ms. Sweatt added that three (3) zoning districts have been identified as legacy districts and will remain on  
23 the zoning map but will not allow future rezoning to that district and include: Campus Development (CD),  
24 Campus Development Residential (CD-R) and Light Commercial (C-1). She stated that two (2) residential  
25 and six (6) mixed-use zoning districts have been added to help align development with long-range goals  
26 and include: Residential 6 (R6), Residential 7 (R7), Mixed Use Suburban Corridor District (MU-SC);  
27 Mixed Use Urban Corridor District (MU-UC); Mixed Use Activity Center (MU-AC); Transit Oriented  
28 Development District (TOD); and the Planned Development-Campus District (PD-C).

29  
30 Ms. Sweatt stated that the overlay districts are mostly unchanged (airport, watershed protection, and  
31 floodplain) and added that they are federal districts. She noted that the Manufactured Home Overlay  
32 districts (MH1 and MH2) have been combined and updating to MHO but will still have two separate types  
33 of homes within the district. Ms. Sweatt stated that the major change to the traffic protection overlay  
34 districts, Coddle Creek and Dale Earnhardt Boulevard is the buffer which will increase to 1000 feet instead  
35 of current 250 feet.

36  
37 Mr. Smith concluded the presentation and made staff available for questions. There being no questions or  
38 concerns for staff Chair Puckett asked if a public hearing was required? Mr. Smith responded that the  
39 Commission does not need to hold a public hearing as that will be completed at City Council. There was  
40 no one from the public attending who indicated that they wanted to speak on this matter.

41  
42 **RECOMMENDATION TO CITY COUNCIL**

43  
44 Chair Puckett asked for a motion to adopt the Statement of Consistency for the KDO which was made by  
45 Dr. Litaker, second by Ms. Stein and the motion was unanimously approved.

46  
47 Chair Puckett asked for a motion regarding the proposed zoning map. Dr. Litaker made the motion to  
48 recommend approval to City Council, second by Mr. Ensley and the motion was unanimously approved.

49  
50 Chair Puckett asked for a motion regarding the KDO. Mr. Ensley made the motion to recommend approval  
51 to City Council, second by Ms. Stein and the motion was unanimously approved.

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**PLANNING DIRECTOR UPDATE**

Mr. Smith stated that a traffic engineer will provide a presentation at the Commission’s June meeting in an effort to help clarify decisions that are made regarding signalized egress/ingress as well as other questions and concerns the Commission have raised. He added that there is also one (1) rezoning case on the agenda and that he anticipates updating the Commission on the Cannon Corridor project.

Mr. Smith stated that staff would like to address affordable housing at the Commission’s July meeting as well as to talk about possible training opportunities for the Commission. Dr. Litaker stated that he would like to better understand the needs and requirements of affordable housing.

**OTHER BUSINESS**

None

**ADJOURN**

There being no further business, questions or comments, Chair Puckett adjourned the meeting at 7:42 PM on Tuesday May 17, 2022.

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Chris Puckett, Chair  
Planning and Zoning Commission

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Pam Scaggs, Recording Secretary



**Planning and Zoning Commission  
June 21, 2022 Meeting**

**Staff Report**

**TO:** Planning and Zoning Commission  
**FROM:** Boyd Stanley, AICP, Assistant Planning Director  
**SUBJECT:** Case #CZ-2022-03  
**Conditional Zoning Map Amendment**  
**Applicant: Trinity Capital Advisors**

Request to conditionally rezone property located at 6441 Davidson Highway to allow retail, light industrial and multi-family uses.

**A. Actions Requested by Planning & Zoning Commission**

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

**B. Decision and Required Votes to Pass Requested Actions**

Section 3.3.4.2 of the UDO allows the Planning and Zoning Commission to render a final decision on a rezoning request; 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. 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, Trinity Capital Advisors, is proposing to rezone properties located at 6441 Davidson HWY from City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) zoning district to Light Industrial-Conditional Zoning (I-1-CZ); General Commercial-Conditional Zoning (C-2-CZ); Campus Development-Conditional Zoning (C-D-CZ) and Residential Compact-Conditional Zoning (R-C-CZ). The property is approximately 229.44 +/- acres and further identified as Cabarrus County Parcel Identification Number 46917672990000.



A rezoning for this site was approved in 2021 under Case No. CZ-2021-05, which approved a development consisting of a mix of residential, commercial and office uses.

As shown on the provided site plan exhibits, the current rezoning amendment proposes four development areas as outlined below:

1. **Development Area A-** +/-10.14 acres located on the north side of the property along Davidson Highway which proposes a convenience store with gas sales. The proposed zoning for Area A is C-2-CZ.
2. **Development Area B-** +/- 18.74 acres located on the north side of the property at the corner of Davidson Highway which proposes a 357,000 square foot light industrial flex-office building. Elevations have been provided in this exhibit showing a variety of building materials and examples. All loading/unloading areas are provided at the rear of the building along with increased landscaping/berm provided at this highly visible intersection. In addition, a future roadway is shown behind this area which connects Davidson Highway and Kannapolis Parkway in conjunction with NCDOT improvement plans. The proposed zoning for Area B is CD-CZ
3. **Development Area C-** +/- 135.26 acres is the largest development area which proposes 2 light industrial/warehouse buildings with a maximum built-upon area of 2,500,000 square feet. Elevations have been provided in this exhibit showing a variety of building materials and building layout examples. The proposed zoning for Area C is I-1-CZ.
4. **Development Area D-** +/- 65.33 acres located on the south side of the property with frontage on Kannapolis Parkway which proposes a 300-unit multi-family apartment development consisting of 7 residential buildings along with a clubhouse building and pool. Elevations have been provided in this exhibit showing a variety of building materials and examples. The proposed zoning for Area D is RC-CZ.

#### **D. Fiscal Considerations**

None

#### **E. Policy Issues**

**Section 3.3.5 of the UDO states that the Planning and Zoning Commission may consider the following questions, at a minimum, in reviewing an application for rezoning:**

1. **The size of the tract in question.**  
The size of the subject tract is approximately 229.444 +/- acres.
2. **Does the proposal conform with and further the goals and policies of the Land Use Plan, other adopted plans, and the goals, objectives, and policies of this Ordinance?**  
This property is in the “Suburban Activity 2”, “Employment Center” and “Complete Neighborhood 2” Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. These Character Areas include multi-family, light industrial and commercial development as primary or secondary uses in harmony with the proposed

development areas. The proposed uses are therefore in conformance with the goals and policies of the 2030 Plan.

This property is also within the Coddle Creek Thoroughfare Protection Overlay District (CCTP) which was established to enhance the economic and aesthetic appeal along the City's major transportation corridors. All uses, site and building design shall meet the requirements of the CCTP.

**3. Is the proposed rezoning compatible with the surrounding area?**

The area is undergoing a transition from agriculture and low-density residential uses to mixed commercial, light industrial and residential uses. The requested rezoning proposes an update to the previously approved planned development of a scale that is appropriate for the area.

**4. Will there be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning?**

A Traffic Impact Analysis is required for this rezoning. The recommended improvements, which have been reviewed and preliminarily accepted by NCDOT and the City, can be found in the TIA scoping document.

**5. Will there be parking problems?**

A full site plan shall be submitted to comply with all parking requirements in the UDO.

**6. Will there be environmental impacts that the new use will generate, such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances?**

There are no negative environmental impacts, and the development will be required to conform to all applicable local, state, and federal environmental regulations.

**7. Has there been any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development?**

The character of the area has changed the past several years, with the growth of a mixture of commercial and residential development.

**8. Is there compliance with the adequate public facilities criteria?**

There are adequate public facilities available to the property or within close proximity, which will be extended to serve the development. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.

**9. What are the zoning districts and existing land uses of the surrounding properties?**

Properties to the north are zoned Campus Development (CD) and Campus Development Residential (CD-R). Properties to the south and east are zoned Residential Estate (RE), Campus Development (CD) and Residential Compact (RC). Properties to the west are Agricultural (AG) and Residential Estate (RE). The proposed mixed-use project integrates well with the surrounding area.

**10. Is the subject property suitable for the uses to which it has been restricted under the existing zoning classification?**

The proposed rezoning is intended to update the originally approved PUD under case CZ-2021-05. See plans attached for changes.

**11. Is the zoning compatible with the adjacent neighborhood, especially residential neighborhood stability and character?**

The proposed mixed use is compatible with the existing and proposed land uses in the area.

**12. What length of time has the subject property remained vacant as zoned?**

N/A

**13. Is there an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs?**

There are parcels in the surrounding area that would be sufficient to accommodate future zoning and community needs.

**14. Was the existing zoning in error at the time of adoption?**

No.

**F. Legal Issues**

None

**G. Finding of Consistency with Comprehensive Plan**

Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which designates this property as being located in the “Suburban Activity 2”, “Employment Center” and “Complete Neighborhood 2” Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. These Character Areas include multi-family, light industrial and commercial development as primary or secondary uses in harmony with the proposed development areas. 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. Finally, there is adequate access or ability to extend to public facilities.

**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 Zoning Map Amendment Case #CZ-2022-03:**

1. The permitted uses allowed by this rezoning shall include the uses, densities and intensities as shown on the master plan approved with this rezone.
2. A Final Site Plan, in compliance with all applicable City UDO standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Comply with current Land Development Standards Manual.
4. All road intersections on where development has access and/or street frontage shall be approved by the City.
5. The Developer will construct curb and gutter and sidewalk along the entire road frontage where development has access and/or street frontage. The improvements will be constructed to NCDOT and City standards. Internal streets shall meet current City standards and a dedicated public right-of-way per the City's Typical Section Local Residential Street, LDSM Detail 101.
6. The lane widths, sidewalks, pavement structure, road alignment, and road grades shall be constructed to current City standards.
7. Roads and parking lots shall comply with all Fire Codes and Autoturn templates for SU-30 and Bus-45 (mimics ladder truck) shall be used.
8. Streams and wetlands shall be identified by a qualified person and all buffers shown in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with AE Zone & RSOD Buffer requirements or be relocated.
9. A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and SCM's. Stormwater SCM's cannot be constructed in the undisturbed buffer.
10. Water and sewer main extensions will be required for this project. The Developer shall be responsible for designing, permitting and constructing water and sewer mains in accordance with City and WSACC standards.
11. All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement. The water and sewer mains shall be located in the roadway under the pavement per the City's Typical Section Utility Layout, LDSM Detail 301.
12. Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-foot wide. Additional width may be required depending on the depth of the line. Sanitary sewer lines and storm sewer lines shall be located within Common Open Space (easements centered on property lines shall not be permitted). Viable access shall be provided along all easements with a grade no greater than 15% for maintenance vehicles and cross slopes shall not exceed 5%.
13. The Fire Department shall approve locations of all hydrants.
14. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.
15. All development shall adhere to site design and architectural standards as provided in the Site Plan and Rezoning exhibits.
16. All requirements as outlined in Article 15.1 *Coddle Creek Thoroughfare Protection Overlay District* of the Unified Development Ordinance shall be met along the Davidson Highway and Kannapolis Parkway Road frontages.

## 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-2022-03, a motion should be made to adopt the following Statement of Consistency:**

**Statement of Consistency:** *The Planning and Zoning Commission finds this rezoning **consistent** with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates this property as being located in the “Suburban Activity 2”, “Employment Center” and “Complete Neighborhood 2” Character Areas as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. These Character Areas include multi-family, light industrial and commercial development as primary or secondary uses in harmony with the proposed development areas. 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 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. Finally, there is adequate access or ability to extend to public facilities.*

2. **Should the Commission choose to approve Case #CZ-2022-03, a motion should be made to adopt the Resolution to Zone.**

### Motion to Deny (2 votes)

1. **Should the Commission choose to recommend denial of Case #CZ-2022-03, a motion should be made to adopt the following Statement of Consistency:**

**Statement of Consistency:** *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #CZ-2022-03 to be **inconsistent** with the goals and policies of the **Move Kannapolis Forward 2030 Comprehensive Plan**, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

2. **Should the Commission choose to deny Case #CZ-2022-03, a motion should be made to deny the Resolution to Zone.**

### **I. Attachments**

1. Rezoning Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use and Character Map
5. Originally Approved Site Plan CZ-2021-05

6. Updated Site Plan & Elevation Renderings
7. Neighborhood Meeting Information
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:**

- Assistant City Manager
- 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: 6441 Davidson Highway Concord, NC 28027

Applicant: Trinity Capital Advisors

Proposed development: Development of the Site with a mix of uses, including convenience store, warehouse distribution, light industrial and multi-family.

### SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to [planreviewappointment@kannapolisnc.gov](mailto: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 (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 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: 5/13/22



## CONDITIONAL ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

### Applicant Contact Information

Name: Mr. Ken Jonmaire  
Address: 440 S. Church St. St. 800  
Charlotte, NC 28202  
Phone: 240-444-3635  
Email: kjonmaire@trinitycapitaladvisors.com

### Property Owner Contact Information same as applicant

Name: Highway 73 Parkway LLC c/o MPV  
Address: 2400 South Blvd. #300  
Charlotte, NC 28203  
Phone: 704-248-2100  
Email: bpatrick@mpvre.com

### Project Information

Project Address: 6441 Davidson Highway Concord, NC 28027  
Parcel: 46917672990000 # of parcels: 1 Approx. size of parcels: ±229.44 acres  
(attach separate list if necessary)

Current Zoning Designation: PUD - Planned Unit Develop  Requested Zoning Designation: I-1-CZ - Light Industrial Condition

Reason for map amendment: \*Add'l Requ. Designations: CD (CZ) - Campus Development, C-2 (CZ)-General Commercial, and RC (CZ)-Residential Compact

Reason for map amendment: to allow a mix of uses, including convenience store, light industrial, and multi-family

Condition(s) proposed by the applicant (attach separate sheet if necessary): See enclosed development standards.

**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.**

Applicant Signature

5/13/22  
Date

Property Owner Signature

Date

### For Staff Use Only:

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

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

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

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





# Vicinity Map

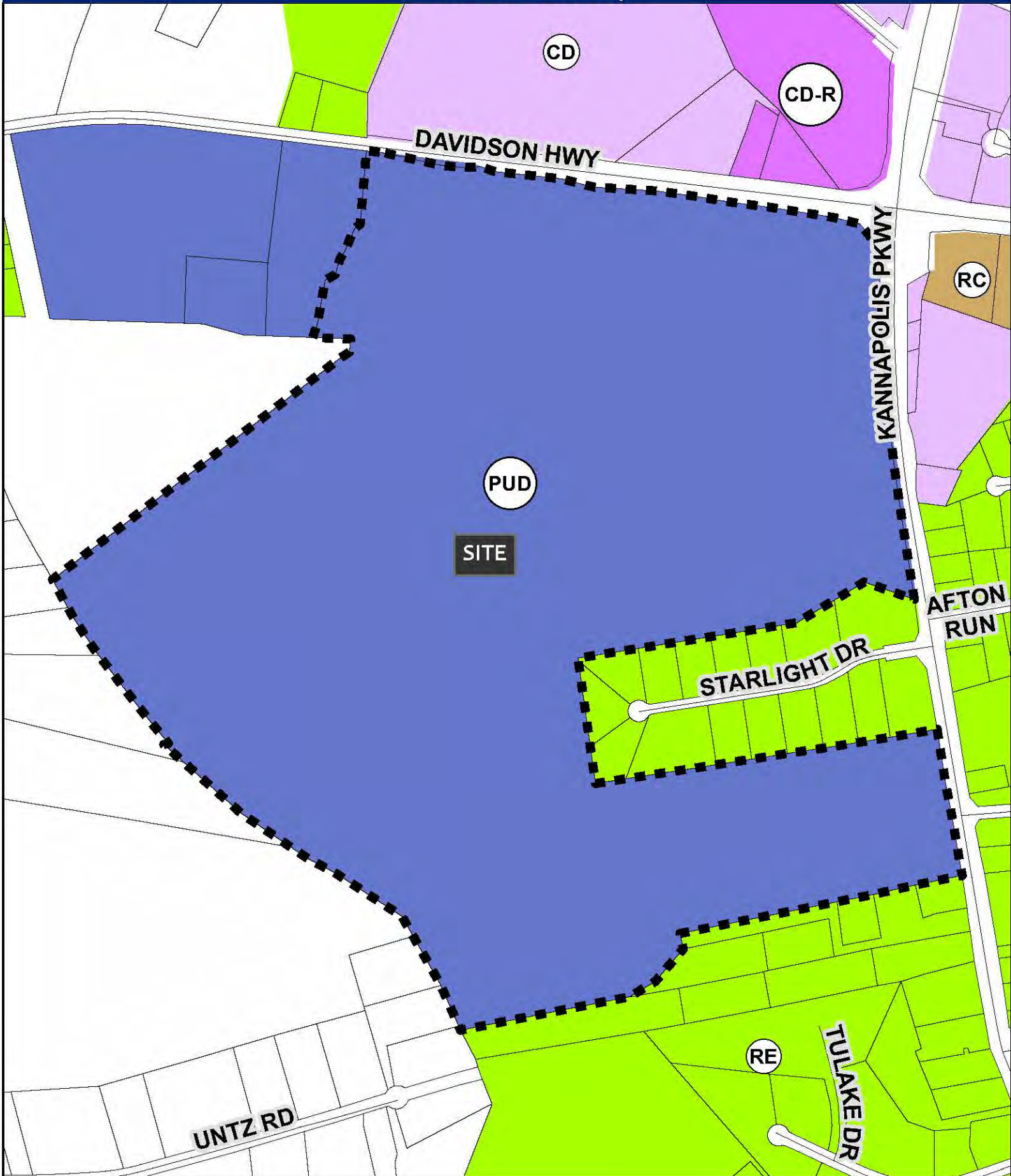
Case Number: CZ-2021-05  
Applicant: Highway 73 Parkway LLC  
6441 Davidson Hwy





# Kannapolis Current Zoning

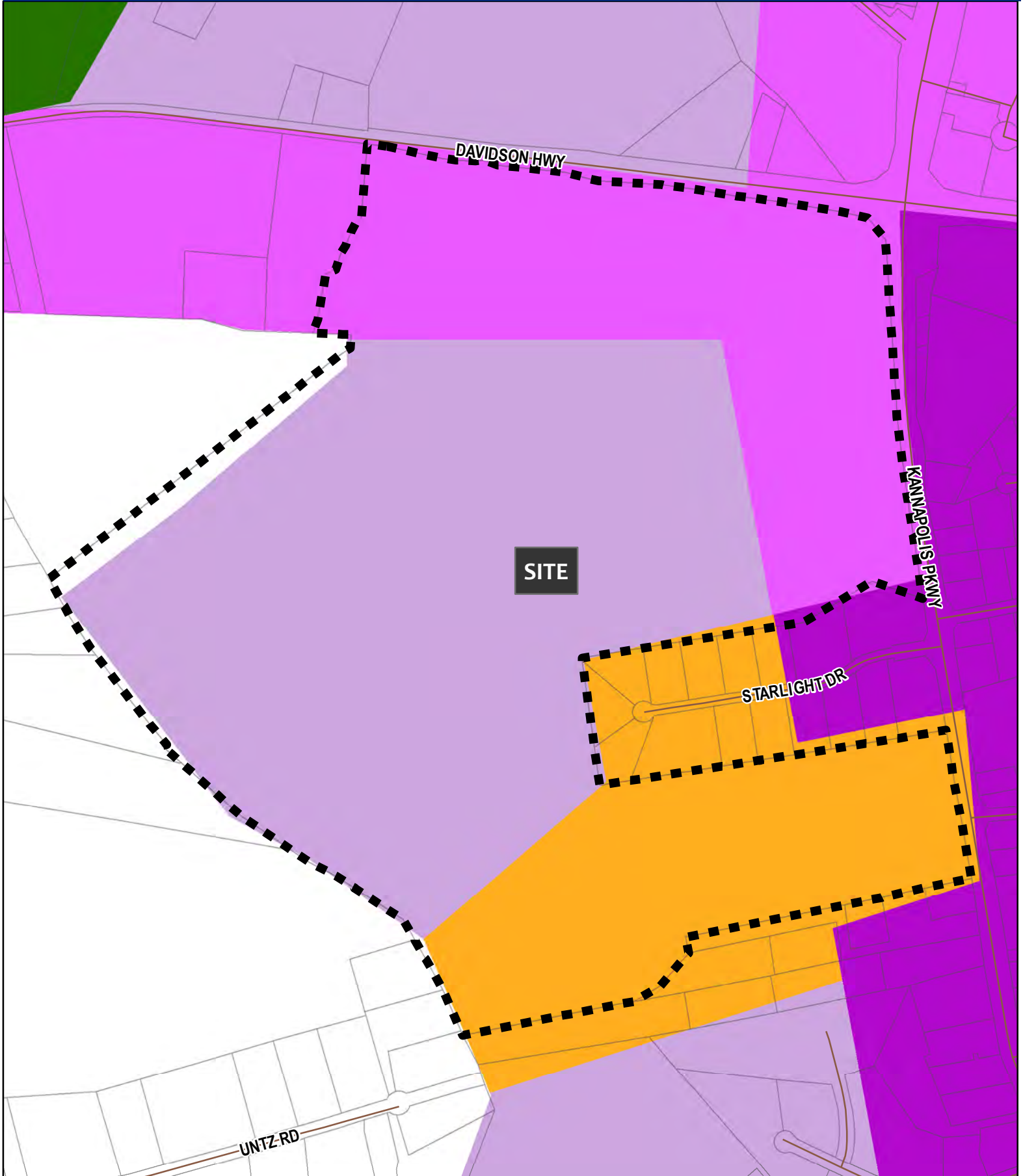
Case Number: CZ-2021-05  
Applicant: Highway 73 Parkway LLC  
6441 Davidson Hwy

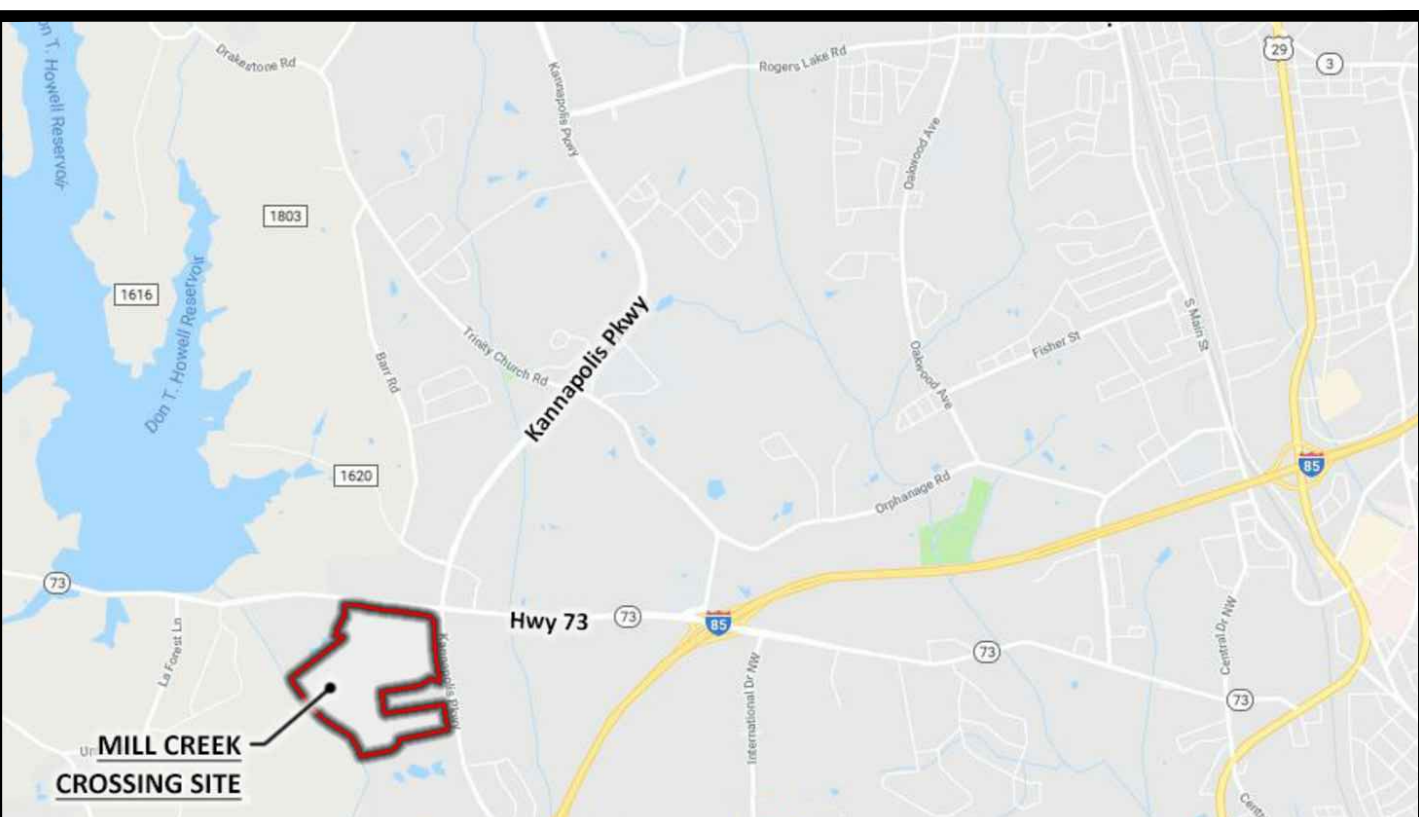




# Current Kannapolis 2030 Future Land Use Map

Case Number: CZ-2022-03  
Applicant: Trinity Capital Advisors  
Address: 6441 Davidson Highway





**Vicinity Map**  
Not to Scale

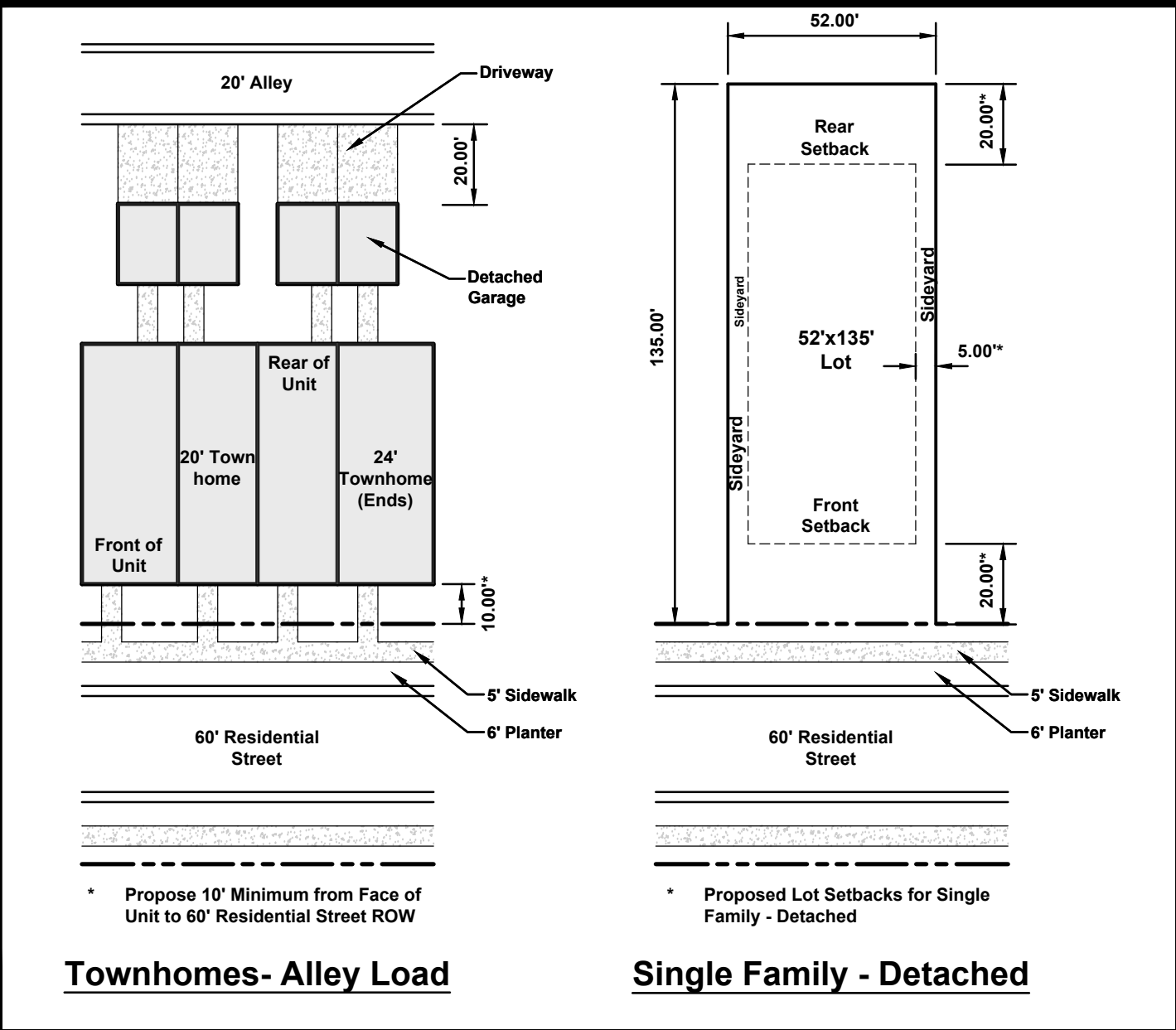
**Site Data**

Tax Parcels:	46917672990000
Total Acreage:	+/- 229.4 (Per GIS)
Location:	Kannapolis, NC
Existing Zoning:	PUD (Conditional Zoning)
Proposed Zoning:	PD (Conditional Zoning)
Existing Use:	Vacant
Proposed Use:	<ul style="list-style-type: none"> <li>Village A - Single Family Residential: Up to 283 Units</li> <li>Village B - Apartments: Up to 300 Units</li> <li>Village C - Commercial / Retail: Up to 77,000 SF (Including 2 Outparcels)</li> <li>Village D - Senior Living: Up to 150 Units</li> </ul>
Off-Street Parking:	Shall Satisfy or Exceed PD Minimum Requirements
Open Space:	+/- 105.83 Acres
Tree Preservation:	Shall Satisfy or Exceed PD Minimum Requirements

**General Notes**

- Base information obtained from Cabarrus County GIS.
- Stream / Wetland Information is based on "Mill Creek Crossing, Preliminary Boundary Map - Lennar, Waters of the United States, dated 11/29/17 & NC-73 Kannapolis Parkway Mixed Use Development, Preliminary Boundary Map - MPV, Waters of the United States, dated 12/04/17" wetlands report provided by Wetlands and Environmental Planning Group.

**Typical Single Family Details**  
Not to Scale



**Townhomes - Alley Load**      **Single Family - Detached**

**PROJECT INFORMATION**

PROJECT MANAGER:	PT
DESIGNED BY:	LH
DRAWN BY:	LH
PROJECT NUMBER:	FX33.101
ORIGINAL DATE:	02/16/2021
SHEET:	<b>4 of 6</b>

**GRAPHIC SCALE**  
(IN FEET)  
1 INCH = 200 FT.

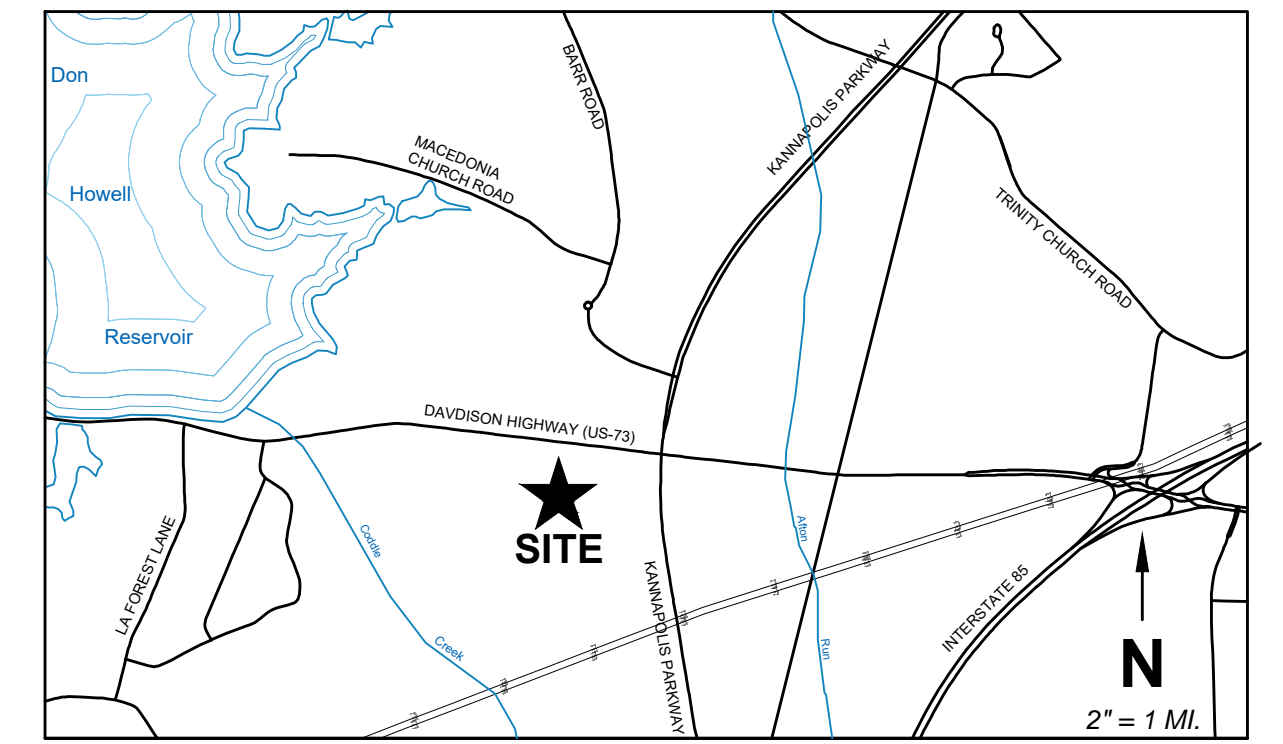
ESP Associates, P.A.  
P.O. Box 7039  
Charlotte, NC 28241  
3475 Lakemont Blvd.  
Fort Mill, SC 29708  
704-583-0440 (NC)  
803-802-2440 (SC)  
www.espassociates.com

**ESP**

PD CONDITIONAL ZONING - PD (CZ)  
MASTER PLAN - MAJOR SITE PLAN

**MILL CREEK CROSSING**  
City of Kannapolis  
Highway 73 Parkway, LLC

# VICINITY MAP



# SITE DATA

EXISTING TRACT: 229.44 ACRES  
 TAX PARCEL: 4691767299  
 DEED BK/PG: 10302 / 165  
 CURRENT ZONING: PUD  
 EXISTING USES: VACANT / RESIDENTIAL

PROPOSED DEVELOPMENT AREA A  
 AREA: 10.14 ACRES  
 ZONING: C-2 (CZ)  
 USES: CONVENIENCE STORE

PROPOSED DEVELOPMENT AREA B  
 AREA: 18.74 ACRES  
 ZONING: CD (CZ)  
 USES: LIGHT INDUSTRIAL

PROPOSED DEVELOPMENT AREA C:  
 AREA: 135.26 ACRES  
 ZONING: I-1 (CZ)  
 USES: WAREHOUSE

PROPOSED DEVELOPMENT AREA D:  
 AREA: 65.33 ACRES  
 ZONING: RC (CZ)  
 USES: MULTIFAMILY

**DEVELOPMENT AREA A**  
 - 10.14 ACRES  
 - PROPOSED C-2 (CZ) ZONING

**DEVELOPMENT AREA B**  
 - 18.74 ACRES  
 - PROPOSED CD (CZ) ZONING

**DEVELOPMENT AREA C**  
 - 135.26 ACRES  
 - PROPOSED I-1 (CZ) ZONING

**DEVELOPMENT AREA D**  
 - 65.33 ACRES  
 - PROPOSED RC (CZ) ZONING

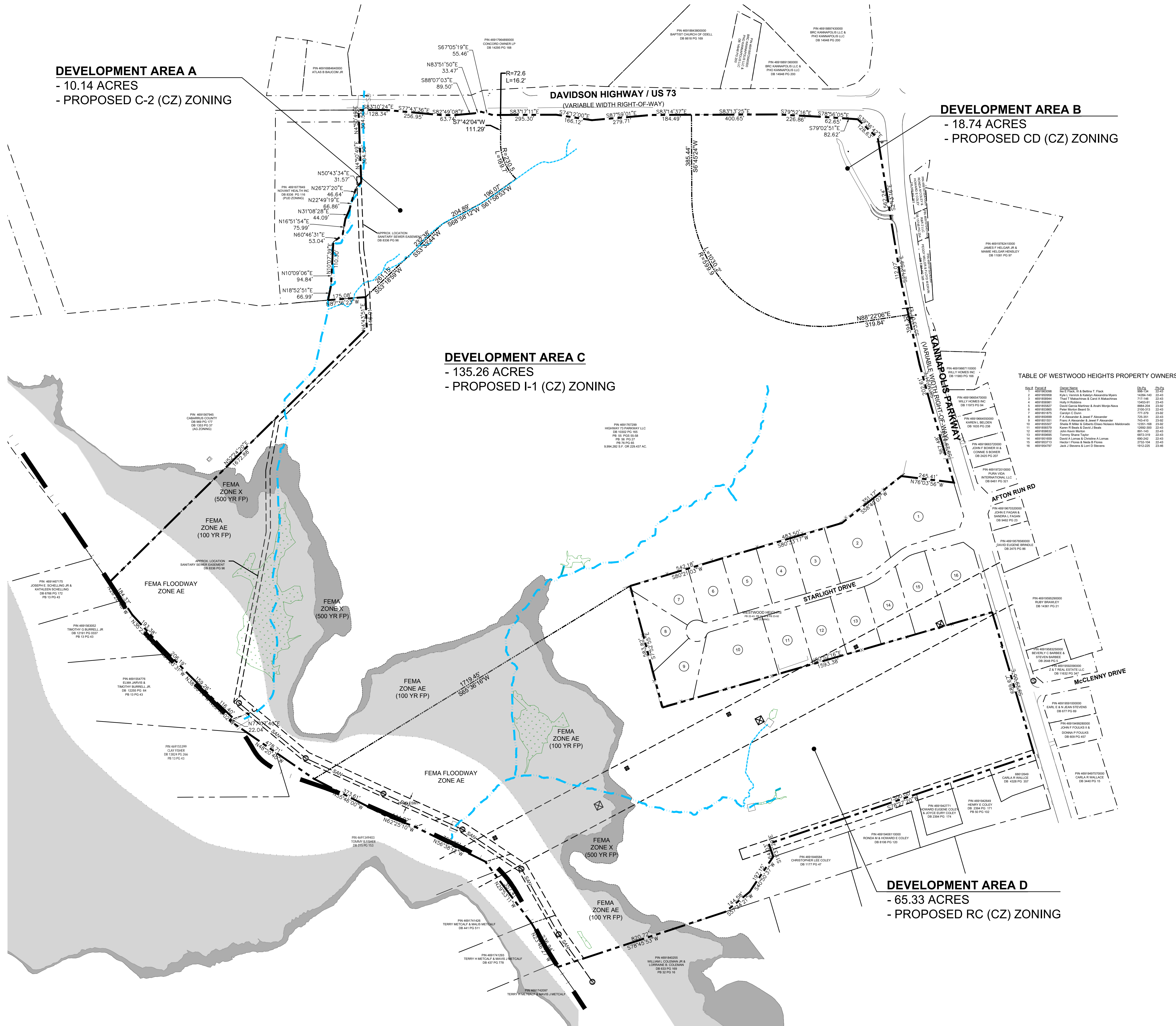
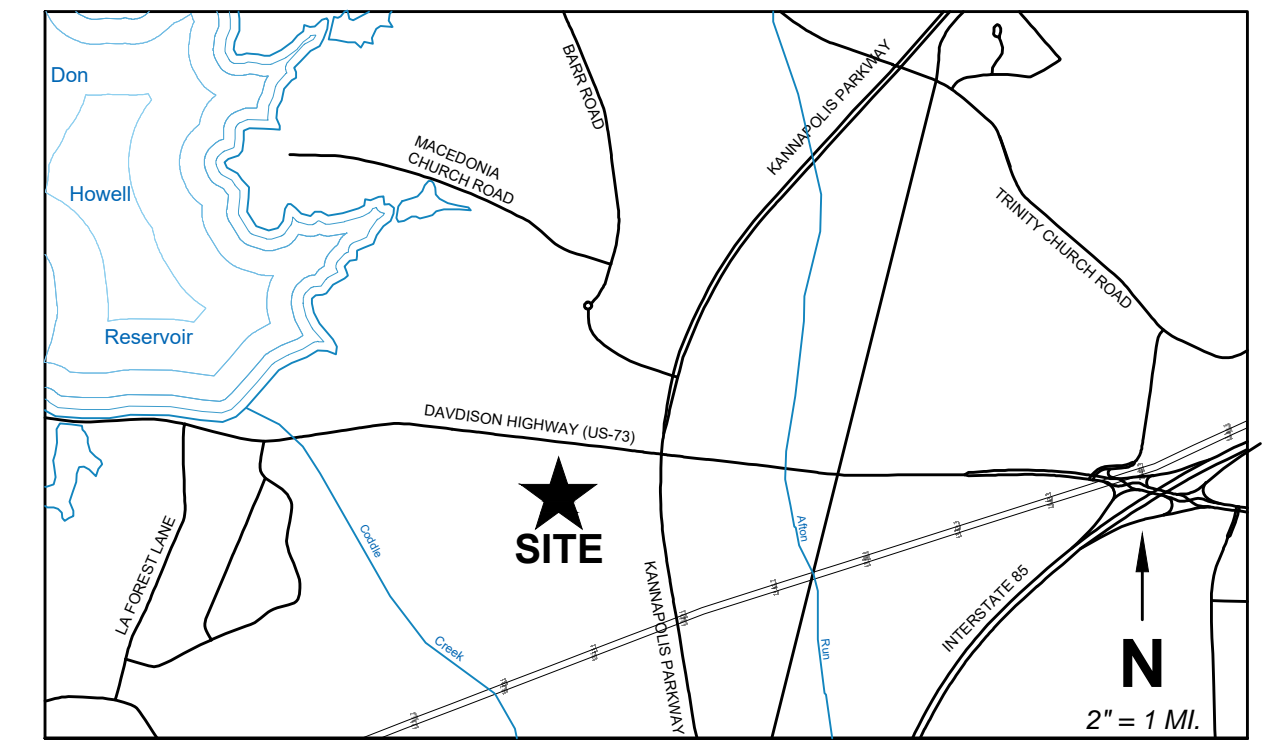


TABLE OF WESTWOOD HEIGHTS PROPERTY OWNERS

Parcel #	Owner Name	Area (Acres)
1	...	...
2	...	...
3	...	...
4	...	...
5	...	...
6	...	...
7	...	...
8	...	...
9	...	...
10	...	...
11	...	...
12	...	...
13	...	...
14	...	...
15	...	...
16	...	...

# VICINITY MAP



# SITE DATA

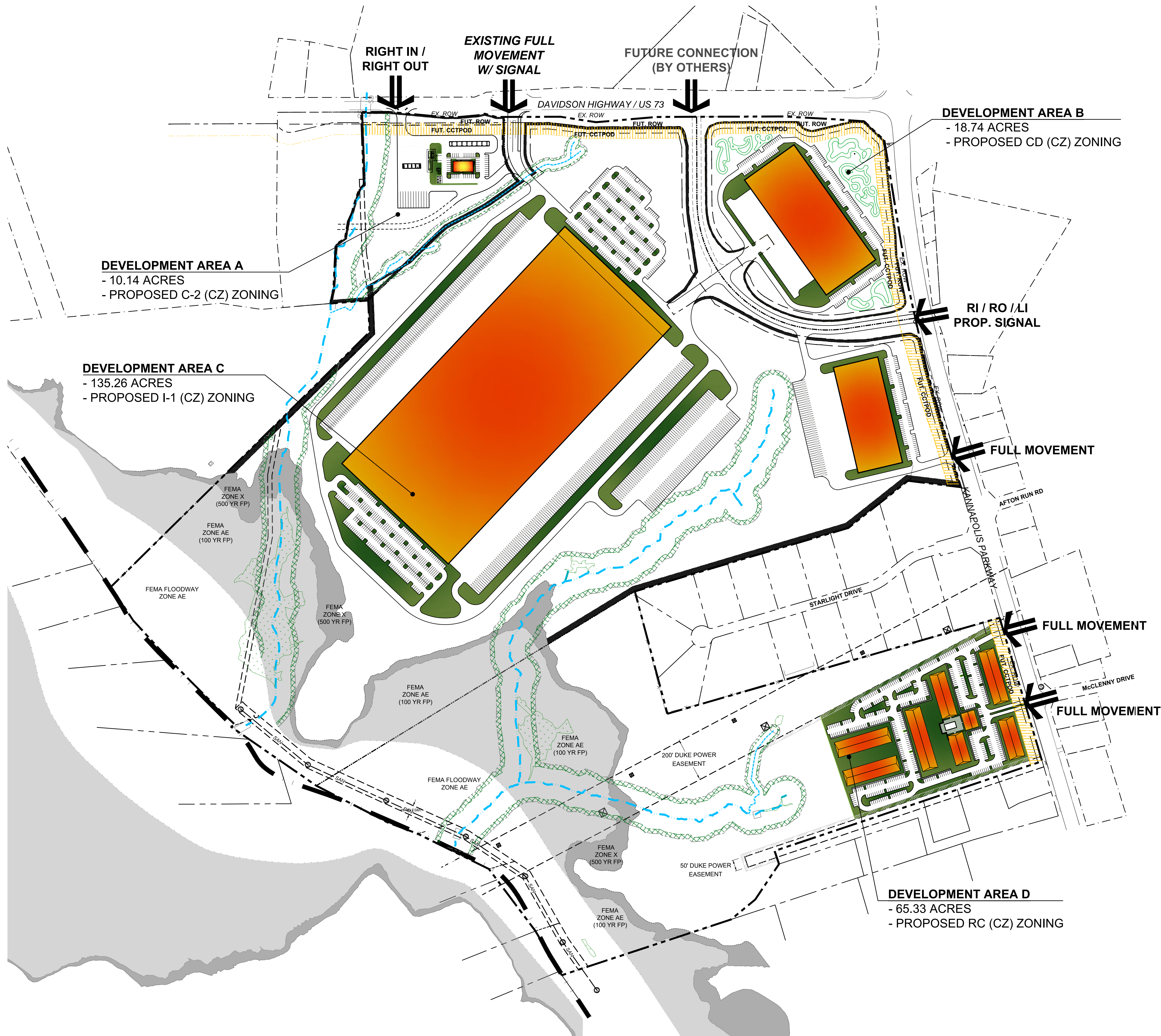
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 TAX PARCEL: 4691767299  
 DEED BK/PG: 10302 / 165  
 CURRENT ZONING: PUD  
 EXISTING USES: VACANT / RESIDENTIAL

PROPOSED DEVELOPMENT AREA A  
 AREA: 10.14 ACRES  
 ZONING: C-2 (CZ)  
 USES: CONVENIENCE

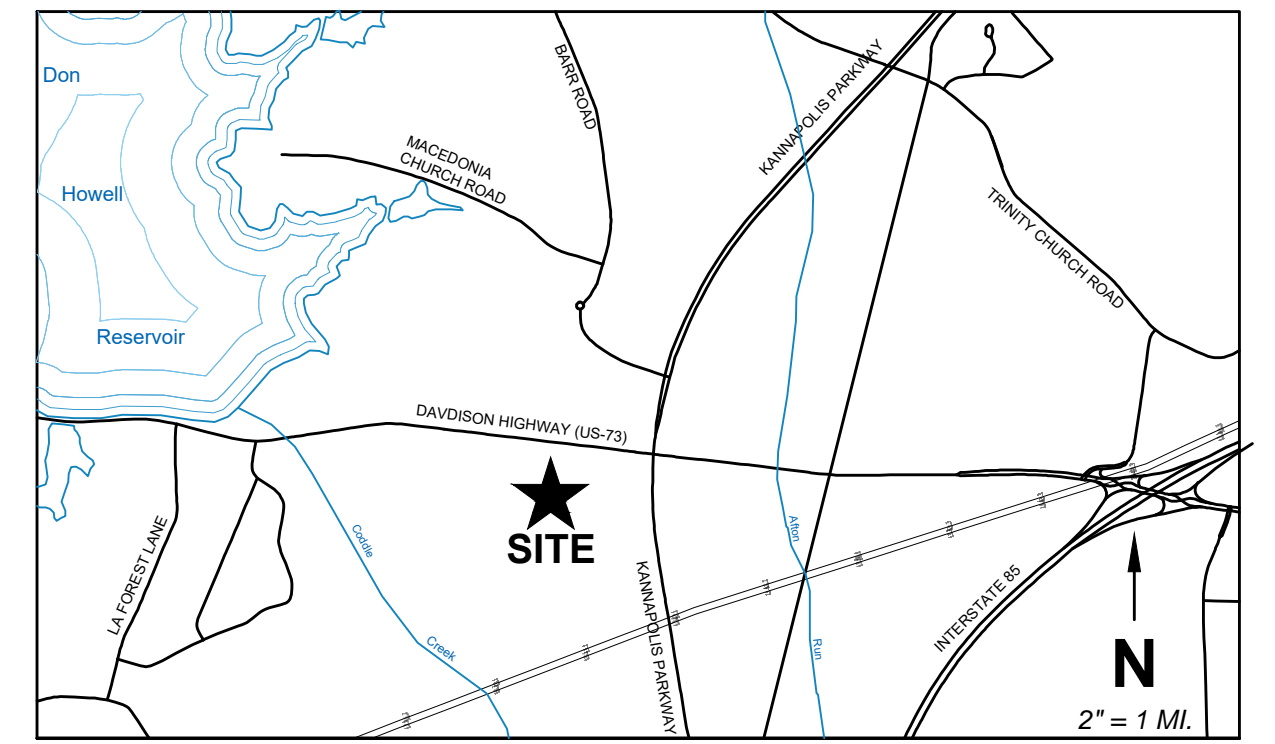
PROPOSED DEVELOPMENT AREA B  
 AREA: 18.74 ACRES  
 ZONING: CD (CZ)  
 USES: LIGHT INDUSTRIAL

PROPOSED DEVELOPMENT AREA C:  
 AREA: 135.26 ACRES  
 ZONING: I-1 (CZ)  
 USES: WAREHOUSE

PROPOSED DEVELOPMENT AREA D:  
 AREA: 65.33 ACRES  
 ZONING: RC (CZ)  
 USES: MULTIFAMILY



# VICINITY MAP



# SITE DATA

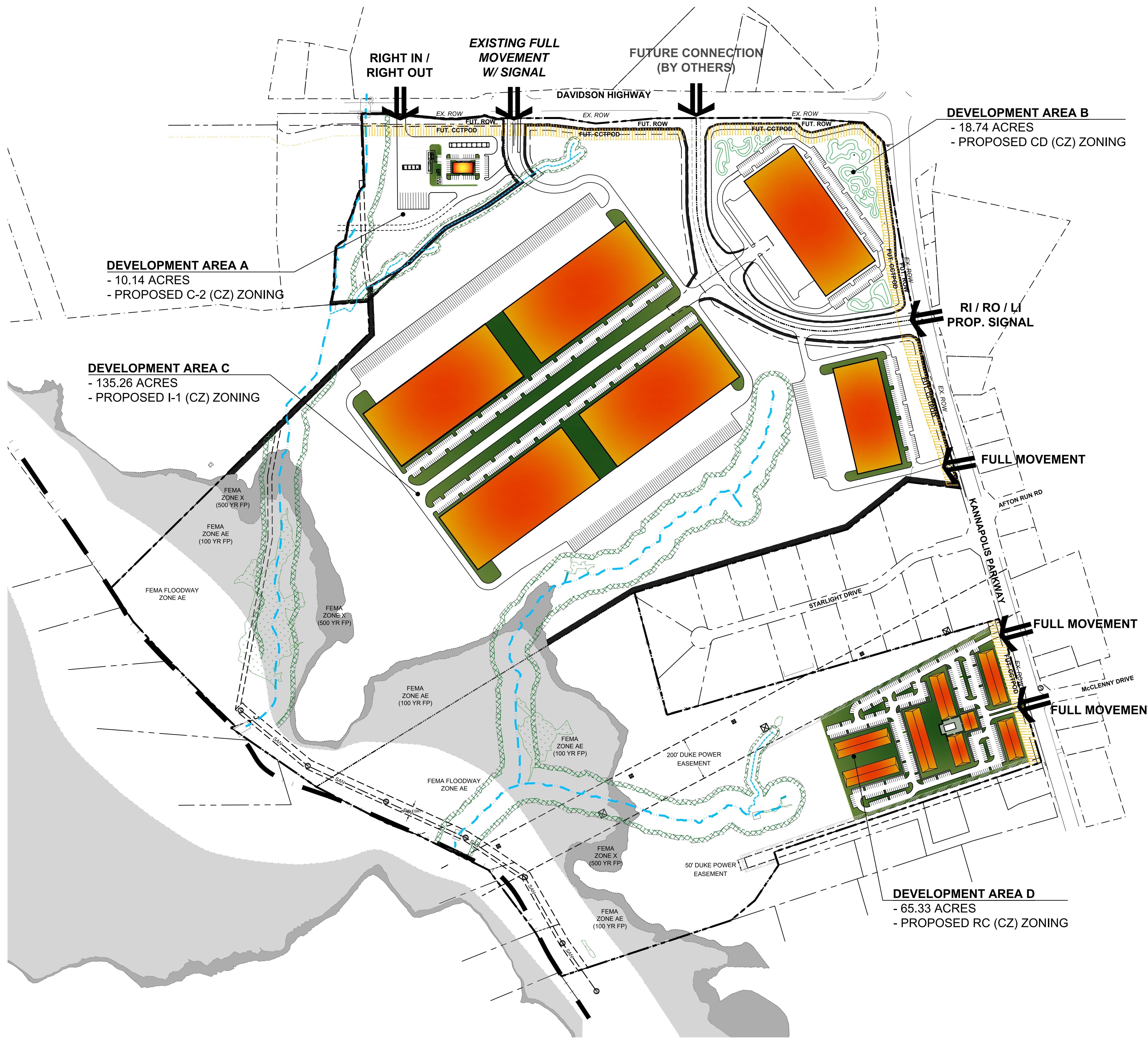
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 TAX PARCEL: 4691767299  
 DEED BK/PG: 10302 / 165  
 CURRENT ZONING: PUD  
 EXISTING USES: VACANT / RESIDENTIAL

PROPOSED DEVELOPMENT AREA A  
 AREA: 10.14 ACRES  
 ZONING: C-2 (CZ)  
 USES: CONVENIENCE

PROPOSED DEVELOPMENT AREA B  
 AREA: 18.74 ACRES  
 ZONING: CD (CZ)  
 USES: LIGHT INDUSTRIAL

PROPOSED DEVELOPMENT AREA C:  
 AREA: 135.26 ACRES  
 ZONING: I-1 (CZ)  
 USES: WAREHOUSE

PROPOSED DEVELOPMENT AREA D:  
 AREA: 65.33 ACRES  
 ZONING: RC (CZ)  
 USES: MULTIFAMILY



**DEVELOPMENT AREA A**  
 - 10.14 ACRES  
 - PROPOSED C-2 (CZ) ZONING

**DEVELOPMENT AREA B**  
 - 18.74 ACRES  
 - PROPOSED CD (CZ) ZONING

**DEVELOPMENT AREA C**  
 - 135.26 ACRES  
 - PROPOSED I-1 (CZ) ZONING

**DEVELOPMENT AREA D**  
 - 65.33 ACRES  
 - PROPOSED RC (CZ) ZONING

# SITE DATA

PARCEL IDS:	46917672990000
AREA:	10.14 AC
EXISTING ZONING:	PUD
WATERSHED:	N/A
PROPOSED ZONING:	C-2 (CZ)
PROPOSED USE:	CONVENIENCE STORE
PROPOSED BUA:	125,500 SF (2.88 AC)
IMPERVIOUS SURFACE RATIO:	0.28 (0.8 ALLOWED)

## SETBACKS AND BUFFERS

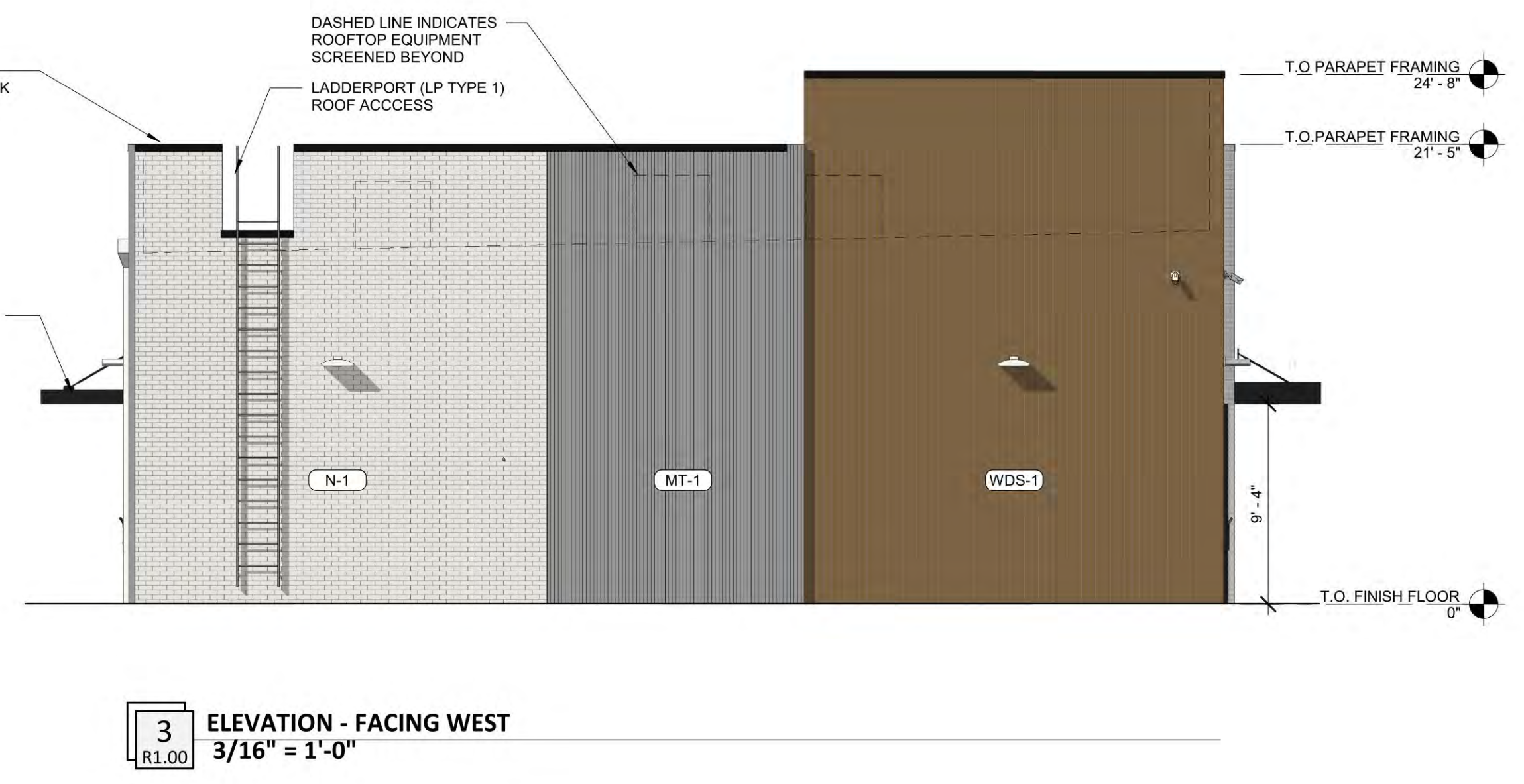
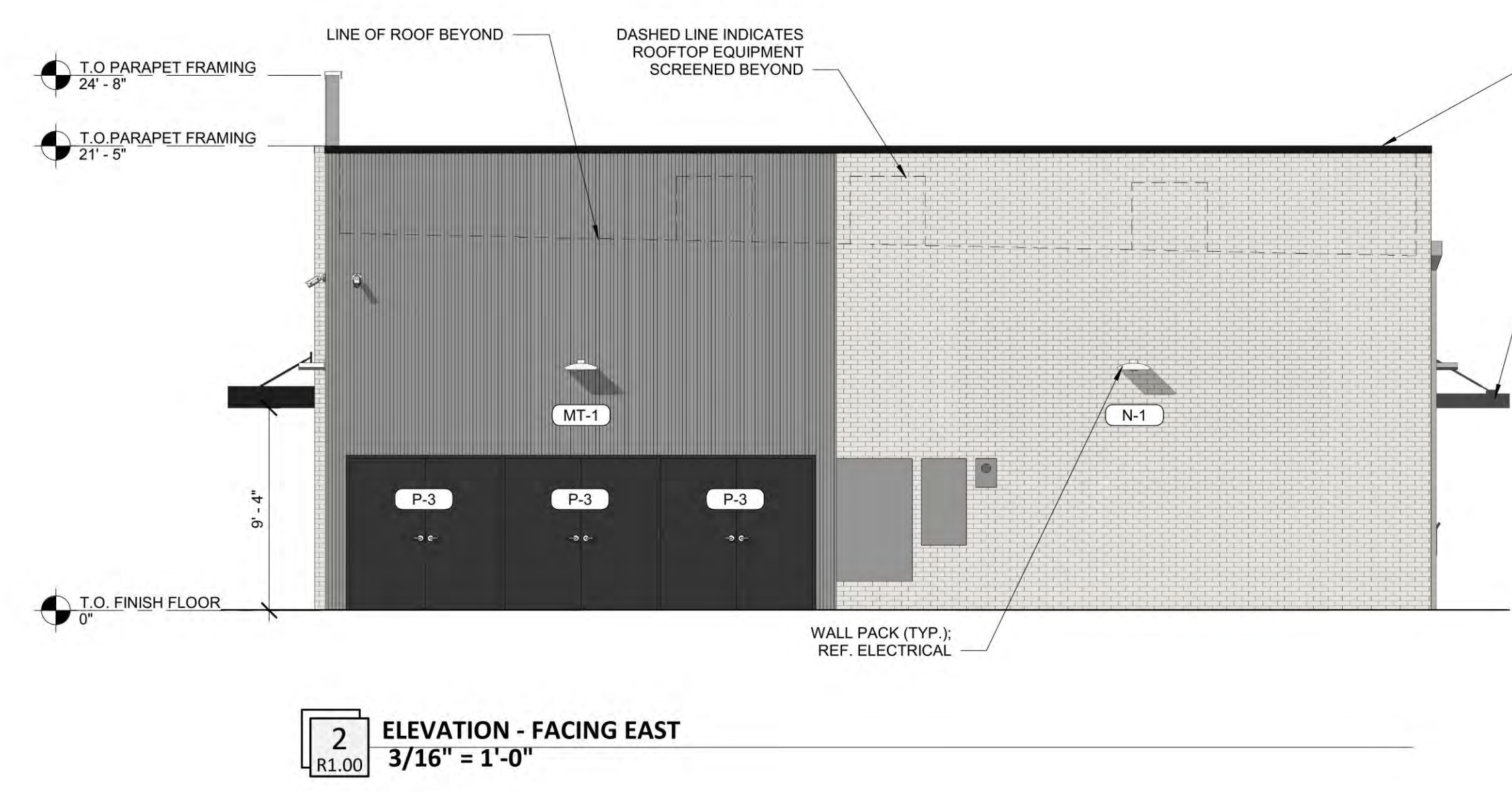
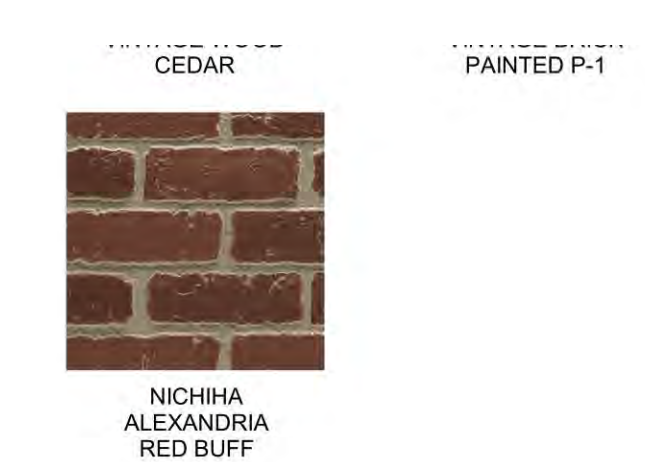
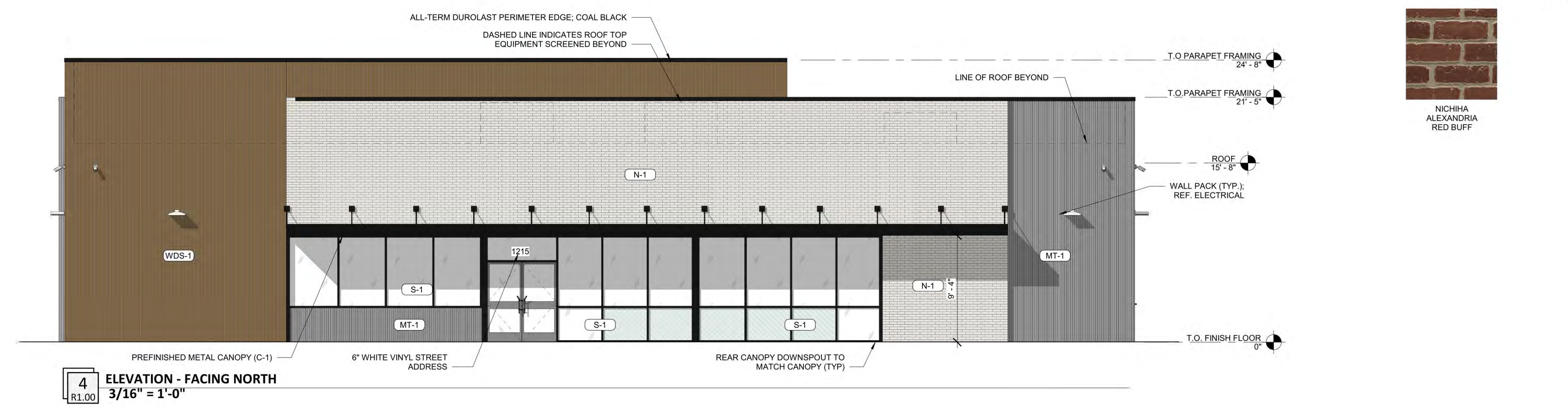
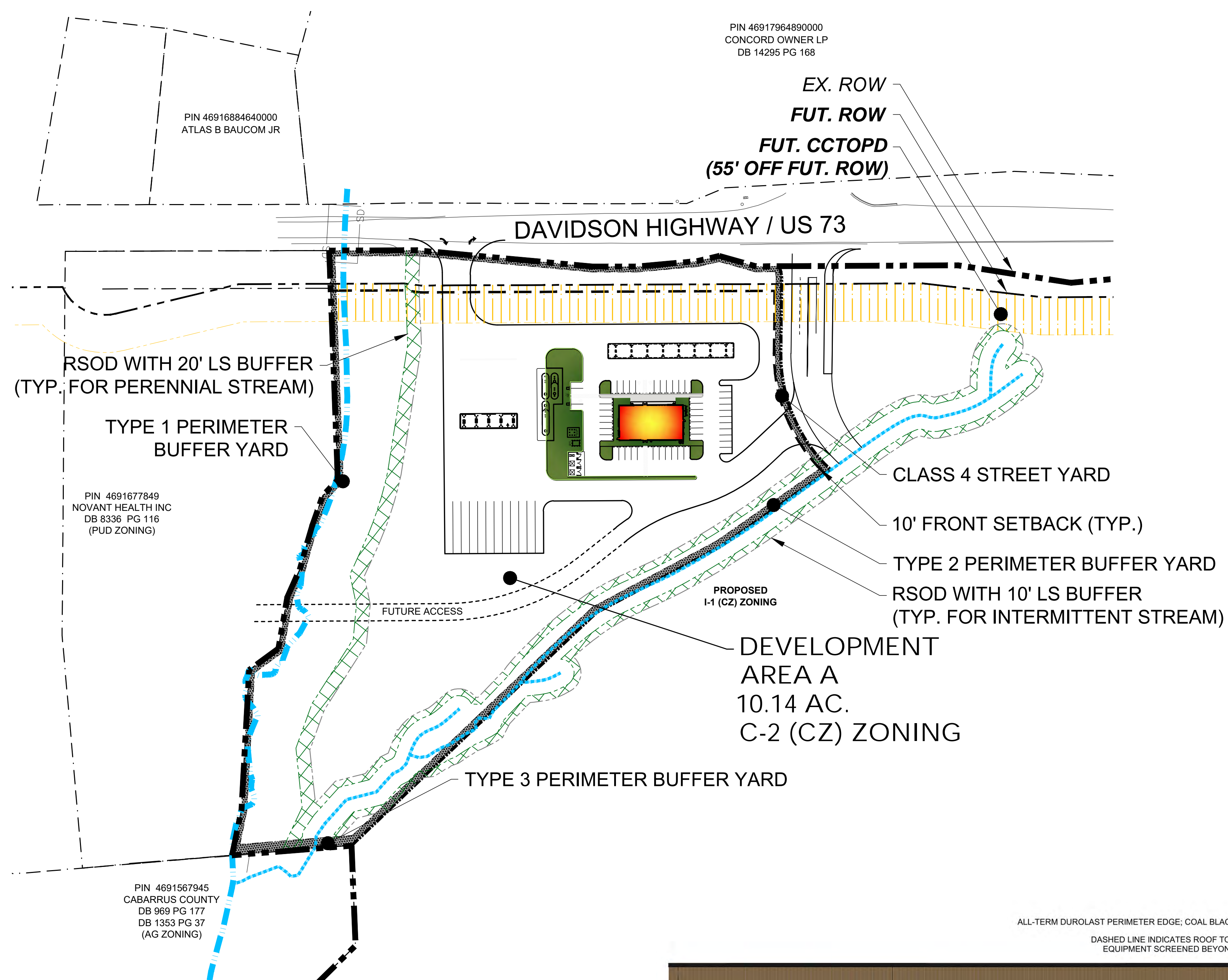
FRONT SETBACK:	10 FT. MIN.
SIDE SETBACK:	N/A
REAR SETBACK:	N/A
PERIMETER BUFFER YARD:	PER ORDINANCE
PARKING LOT YARD:	PER ORDINANCE
BUILDING YARD:	PER ORDINANCE
STREET YARD:	CLASS 4 (MIN. 8')
MAX. BUILDING HEIGHT:	48 FT.

## PARKING

WILL EXCEED MINIMUM AND NOT EXCEED MAXIMUM REQUIREMENTS PER ORDINANCE

## OVERLAYS

CODDLE CREEK THOROUGHFARE PROTECTION OVERLAY DISTRICT (CCTPOD)  
RIVER/STREAM OVERLAY DISTRICT (RSOD)





# SITE DATA

PARCEL IDS:	46917672990000
AREA:	19.81 AC
EXISTING ZONING:	PUD
WATERSHED:	N/A
PROPOSED ZONING:	CD (CZ)
PROPOSED USE:	LIGHT INDUSTRIAL
PROPOSED BUA:	367,500 SF (8.44 AC)
IMPERVIOUS SURFACE RATIO:	0.43 (0.8 ALLOWED)

## SETBACKS AND BUFFERS

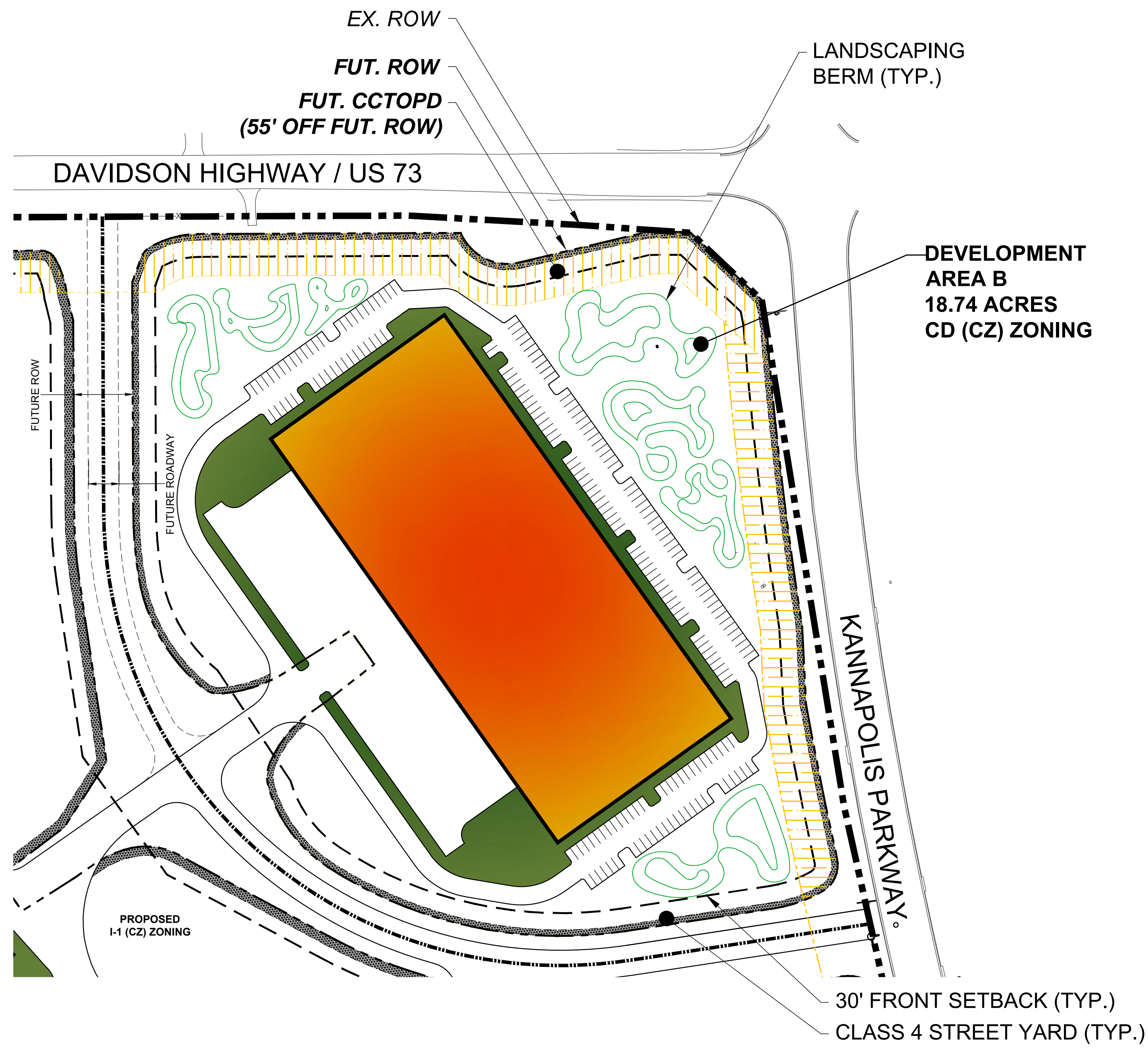
FRONT SETBACK:	30 FT. MIN.
SIDE SETBACK:	N/A
REAR SETBACK:	N/A
PERIMETER BUFFER YARD:	PER ORDINANCE
PARKING LOT YARD:	PER ORDINANCE
BUILDING YARD:	PER ORDINANCE
STREET YARD BUFFER:	CLASS 4 (MIN. 8')
MAX. BUILDING HEIGHT:	72 FT.

## PARKING

WILL EXCEED MINIMUM AND NOT EXCEED MAXIMUM REQUIREMENTS PER ORDINANCE

## OVERLAYS

CODDLE CREEK THOROUGHFARE PROTECTION OVERLAY DISTRICT (CCTPOD)





•Clear entry points will be highlighted through the use of offsets, canopies, overhangs, illumination and prominent detailing. Articulation using varying opening sizes, materials, patterns, recesses and projections



•Features use of offsets, canopies, overhangs, illumination and prominent detailing, recesses.

## INDUSTRIAL / COMMERCIAL / FLEX BUILDING PRECEDENT IMAGES



•Articulation using varying opening sizes, patterns, recesses and projections



•Creation of visual layers with exposed steel, perforated metal or mesh screening / shading devices.



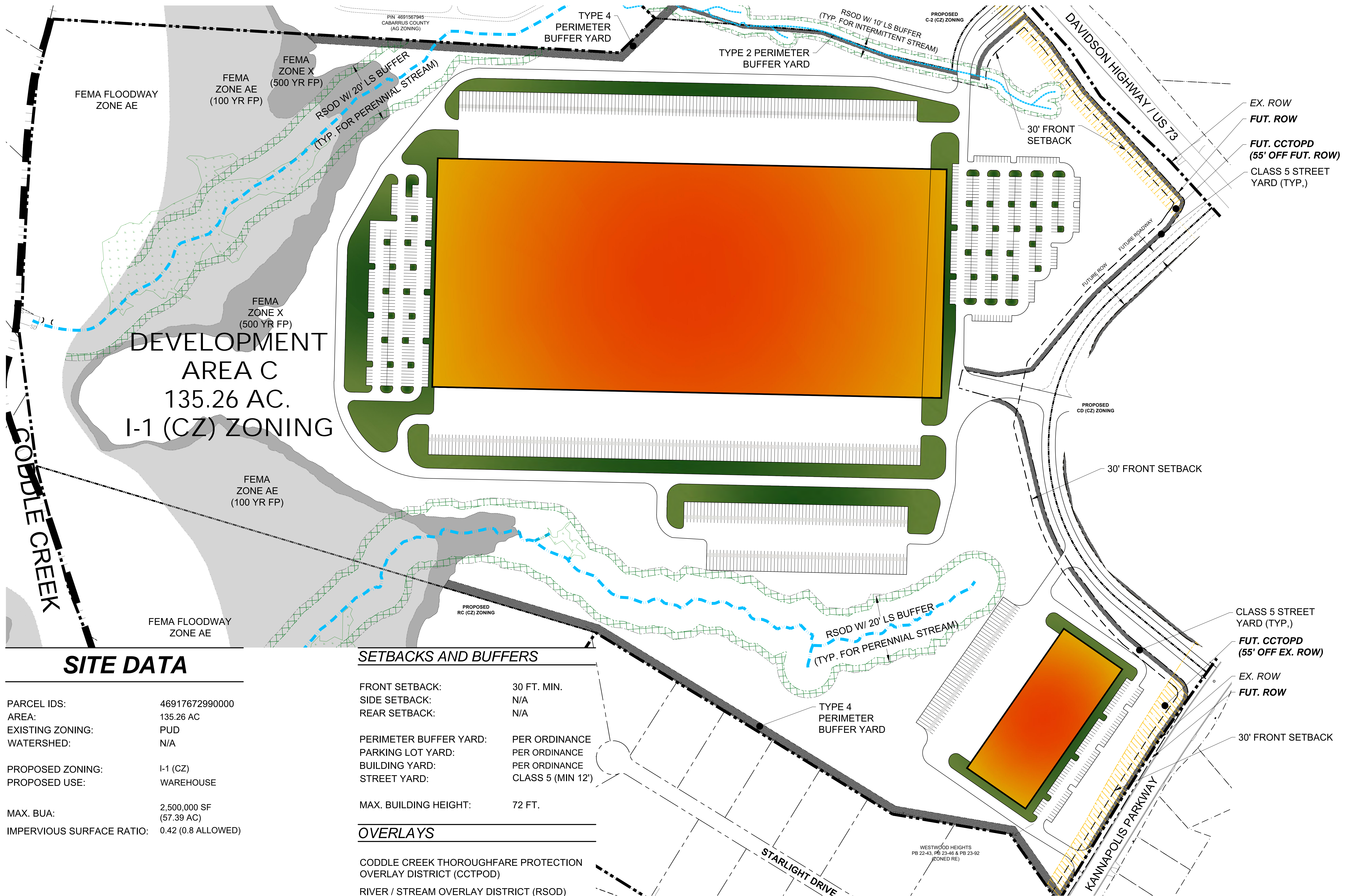
•Building frontage along public streets and open space will be pedestrian oriented on the first floor.



•Buildings shall have articulations in the overall massing that shall break down the building scale through use of offsets, recesses and varying materials

### ARCHITECTURAL GUIDELINES-INDUSTRIAL / FLEX / COMMERCIAL

- Buildings shall be appropriate in scale/massing to the proposed use and will express a modern, contemporary vernacular utilizing exterior skin materials and textures including but not limited to: Concrete tilt-up walls with textured paint coatings, aluminum storefront glazing, aluminum composite material (ACM), ceramic tile accents, perforated metal screen accents, wood or composite wood soffits, canopies, overhangs and cantilevered elements, shading and trellis elements, linear LED accent fixtures, outdoor patio spaces,
- Building frontage along public streets and open space will be pedestrian oriented on the first floor.
- Building forms, textures and detailing shall speak to the pedestrian experience expressed in classic modern architectural form language.
- Buildings shall have articulations in the overall massing that shall break down the building scale through use of offsets and varying materials as listed above.
- Building entry points will be highlighted through the use of offsets, canopies, overhangs, illumination and prominent detailing.
- Roofing will be primarily low slope membrane roofing with sufficient parapet heights to fully conceal rooftop mechanical equipment.
- Final building architectural elevations to be submitted during the building permitting process to the City of Kannapolis for review and approval.



**DEVELOPMENT  
AREA C**  
135.26 AC.  
I-1 (CZ) ZONING

**SITE DATA**

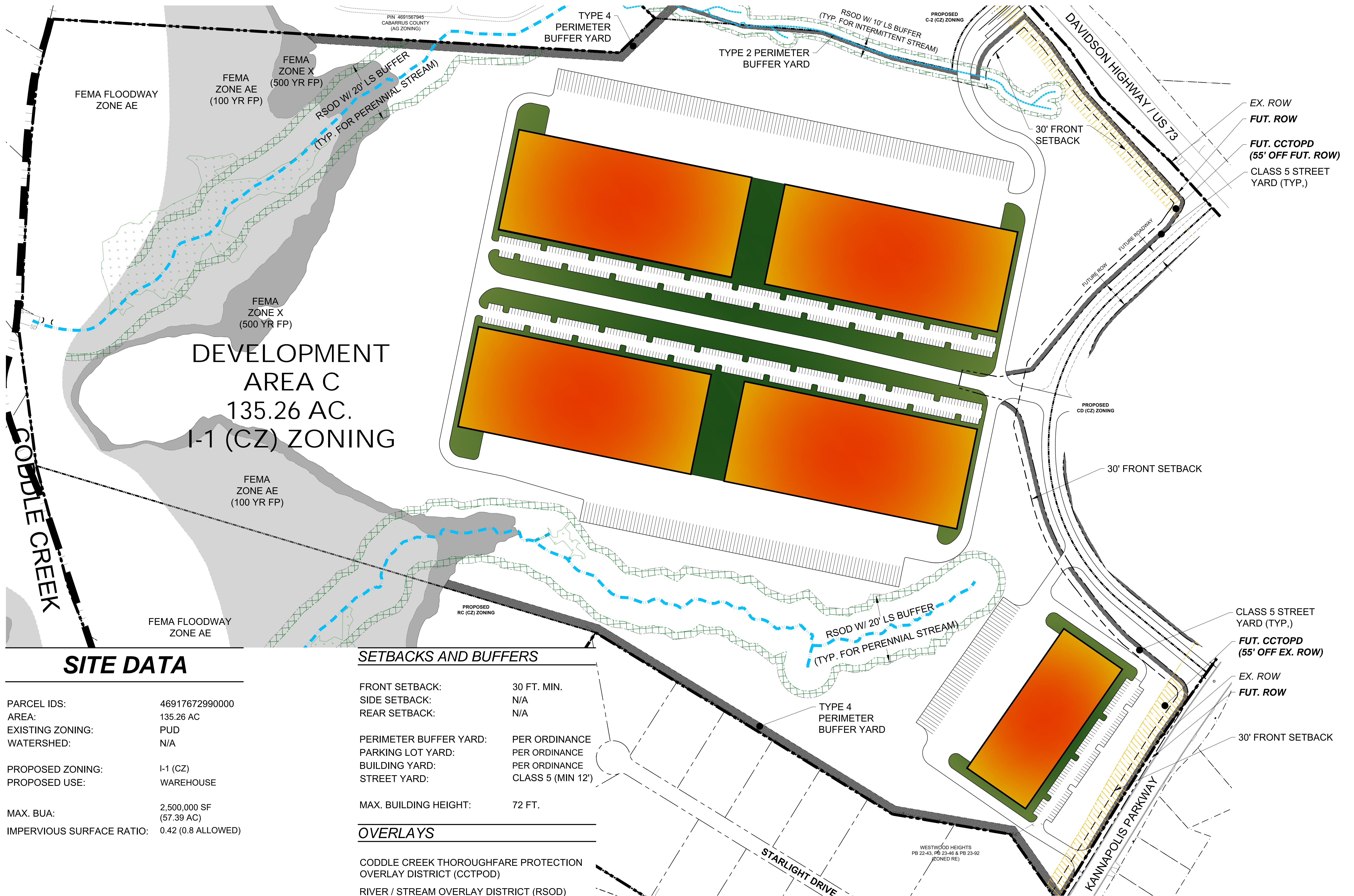
PARCEL IDS:	46917672990000
AREA:	135.26 AC
EXISTING ZONING:	PUD
WATERSHED:	N/A
PROPOSED ZONING:	I-1 (CZ)
PROPOSED USE:	WAREHOUSE
MAX. BUA:	2,500,000 SF (57.39 AC)
IMPERVIOUS SURFACE RATIO:	0.42 (0.8 ALLOWED)

**SETBACKS AND BUFFERS**

FRONT SETBACK:	30 FT. MIN.
SIDE SETBACK:	N/A
REAR SETBACK:	N/A
PERIMETER BUFFER YARD:	PER ORDINANCE
PARKING LOT YARD:	PER ORDINANCE
BUILDING YARD:	PER ORDINANCE
STREET YARD:	CLASS 5 (MIN 12')
MAX. BUILDING HEIGHT:	72 FT.

**OVERLAYS**

- CODDLE CREEK THOROUGHFARE PROTECTION OVERLAY DISTRICT (CCTPOD)
- RIVER / STREAM OVERLAY DISTRICT (RSOD)



**DEVELOPMENT  
AREA C  
135.26 AC.  
I-1 (CZ) ZONING**

**SITE DATA**

PARCEL IDS:	46917672990000
AREA:	135.26 AC
EXISTING ZONING:	PUD
WATERSHED:	N/A
PROPOSED ZONING:	I-1 (CZ)
PROPOSED USE:	WAREHOUSE
MAX. BUA:	2,500,000 SF (57.39 AC)
IMPERVIOUS SURFACE RATIO:	0.42 (0.8 ALLOWED)

**SETBACKS AND BUFFERS**

FRONT SETBACK:	30 FT. MIN.
SIDE SETBACK:	N/A
REAR SETBACK:	N/A
PERIMETER BUFFER YARD:	PER ORDINANCE
PARKING LOT YARD:	PER ORDINANCE
BUILDING YARD:	PER ORDINANCE
STREET YARD:	CLASS 5 (MIN 12')
MAX. BUILDING HEIGHT:	72 FT.

**OVERLAYS**

- CODDLE CREEK THOROUGHFARE PROTECTION OVERLAY DISTRICT (CCTPOD)
- RIVER / STREAM OVERLAY DISTRICT (RSOD)

# INDUSTRIAL / COMMERCIAL / DISTRIBUTION BUILDING PRECEDENT IMAGES



•Buildings shall have articulations in the overall massing that shall break down the building scale through use of offsets, recesses and varying materials



•Building frontage along public streets and open space will be pedestrian oriented on the first floor.  
•Creation of visual layers with building offsets, varying parapet heights, screening / shading devices.



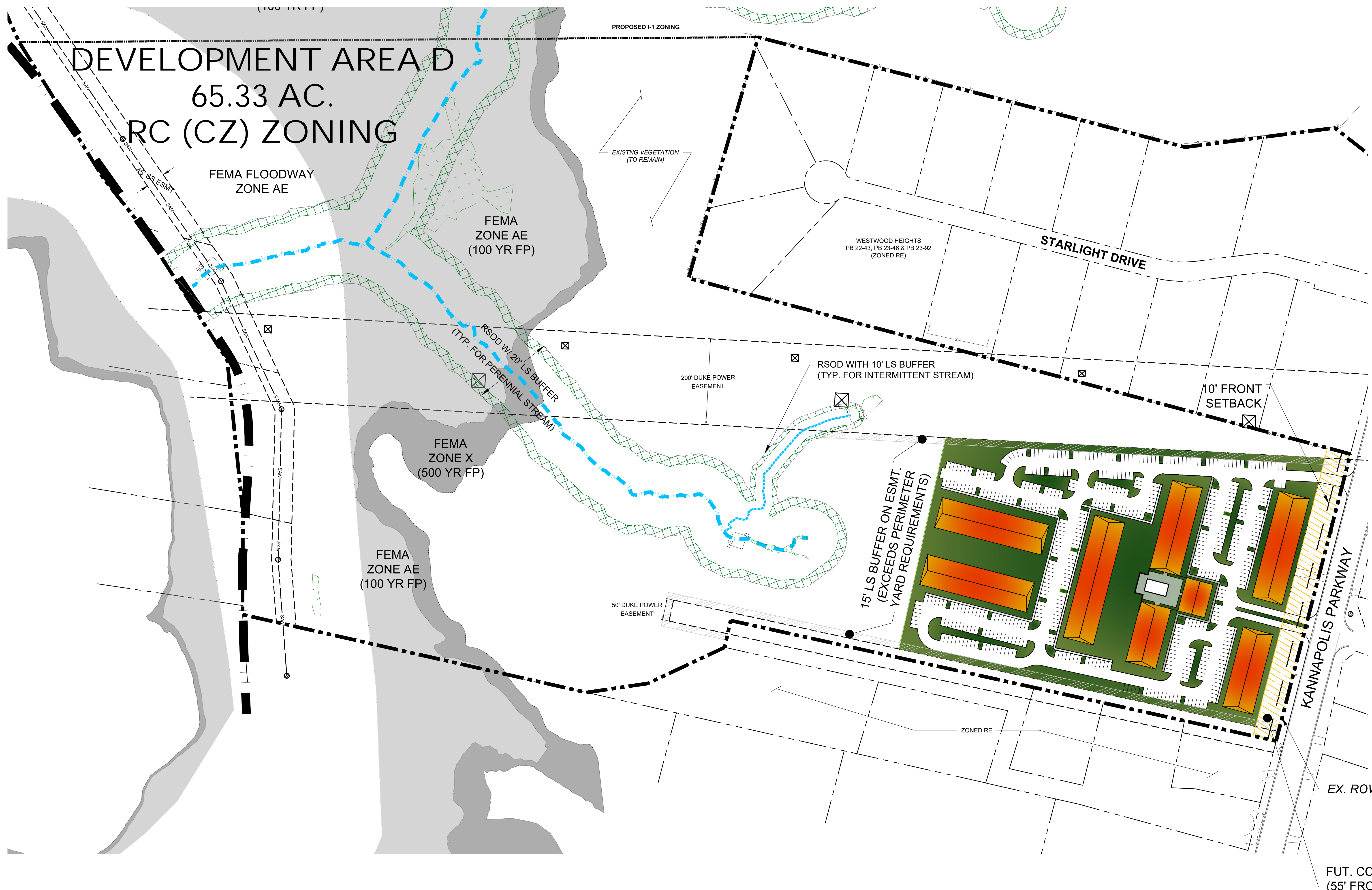
•Features use of offsets, canopies, overhangs, illumination and prominent detailing, recesses.



•Clear entry points will be highlighted through the use of offsets, canopies, overhangs, illumination and prominent detailing. Articulation using varying opening sizes, materials, patterns, recesses and projections

## ARCHITECTURAL GUIDELINES-INDUSTRIAL / FLEX / DISTRIBUTION

- Buildings shall be appropriate in scale/massing to the proposed use and will express a modern, contemporary vernacular utilizing exterior skin materials and textures including but not limited to:  
Concrete tilt-up walls with textured paint coatings, aluminum storefront glazing, aluminum composite material (ACM), ceramic tile accents, perforated metal screen accents, wood or composite wood soffits, canopies, overhangs and cantilevered elements, shading and trellis elements, linear LED accent fixtures, outdoor patio spaces,
- Building frontage along public streets and open space will be pedestrian oriented on the first floor.
- Building forms, textures and detailing shall speak to the pedestrian experience expressed in classic modern architectural form language.
- Buildings shall have articulations in the overall massing that shall break down the building scale through use of offsets and varying materials as listed above.
- Building entry points will be highlighted through the use of offsets, canopies, overhangs, illumination and prominent detailing.
- Roofing will be primarily low slope membrane roofing with sufficient parapet heights to fully conceal rooftop mechanical equipment.
- Final building architectural elevations to be submitted during the building permitting process to the City of Kannapolis for review and approval.



## SITE DATA

PARCEL IDS:	46917672990000
AREA:	65.33 AC
EXISTING ZONING:	PUD
WATERSHED:	N/A
PROPOSED ZONING:	RC (CZ)
PROPOSED USE:	MULTIFAMILY
PROPOSED YIELD:	300 UNITS
PROPOSED DENSITY:	
MAX. DENSITY PER ZONING:	15 / ACRE
PROPOSED BUA:	368,000 SF (8.44 AC)
IMPERVIOUS SURFACE RATIO:	0.13 (0.5 ALLOWED)

## SETBACKS AND BUFFERS

FRONT SETBACK:	20 FT. MIN.
SIDE SETBACK:	7 FT. MIN. (PRIN.) 5 FT. MIN. (ACC.)
REAR SETBACK:	5 FT. MIN.
PERIMETER BUFFER YARD:	PER ORDINANCE
PARKING LOT YARD:	PER ORDINANCE
BUILDING YARD:	PER ORDINANCE
STREET YARD:	CLASS 4 (MIN. 8')
MAX. BUILDING HEIGHT:	48 FT.

## PARKING

WILL EXCEED MINIMUM AND NOT EXCEED MAXIMUM REQUIREMENTS PER ORDINANCE

## OVERLAYS

CODDLE CREEK THOROUGHFARE PROTECTION OVERLAY DISTRICT (CCTPOD)  
RIVER/STREAM OVERLAY DISTRICT (RSOD)

REPRESENTATIVE ARCHITECTURAL CHARACTER



KANNAPOLIS PARKWAY  
KANNAPOLIS, NC  
MAY 9, 2022

LLEWELLYN  
DEVELOPMENT

**NEIGHBORHOOD MEETING REPORT**  
**FOR**  
**REZONING PETITION**

**Petitioner:** Trinity Capital Partners  
**Property:** ±229.44 acres located at 6441 Davidson Highway, Concord, NC, 28027  
(Kannapolis Parkway and Davidson Highway)

**I. PERSONS AND ORGANIZATIONS CONTACTED WITH DATES AND EXPLANATIONS OF HOW CONTACTED:**

A representative of the Petitioner mailed a written notice of the date, time and details of the Neighborhood Meeting to the individuals and organizations set out on **Exhibit A** by depositing the Neighborhood Meeting Notice in the U.S. mail on April 28, 2022. A copy of the written notice is attached as **Exhibit B**.

**II. TIME AND DATE OF MEETING:**

The Neighborhood Meeting required by the Ordinance was held on Tuesday, May 10, 2022, at 6:00 PM. The meeting was held at Concord Fire Station #9, 1020 Ivey Cline Road, Concord, NC, 28027.

**III. PERSONS IN ATTENDANCE AT MEETING:**

The list of attendees from the required Neighborhood Meeting is attached as **Exhibit C**. The Petitioner's representatives at the required Community Meeting were Massie Flippin and Ken Jonmaire with Trinity Capital Partners. Also present were Terrence Llewellyn of Llewellyn Development (multi-family developer); Carlton Burton of Burton Engineering (civil engineer); Randy Goddard of Design Research Group (transportation engineer); Steve Schmitt of Merriman Schmitt (architect); and Bridget Grant (land use) and John Floyd (legal) of Moore & Van Allen.

**IV. SUMMARY OF ISSUES DISCUSSED AT MEETING:**

**A. Overview of Petitioner's Presentation.**

Ms. Grant with Moore & Van Allen started the meeting by welcoming the neighborhood attendees to the meeting and thanking them for attending the neighborhood meeting. She then introduced the Petitioners representatives, the other project stakeholders, and consultants who were present. Ms. Grant explained to the attendees the purpose of the meeting and the benefits of the conditional zoning process.

Ms. Grant then identified the site that is subject to the rezoning request and explained that the Petitioner was seeking to rezone the Site from PUD CU to four separate zoning districts—C-2, CD, I-1, and RC—divided into four development areas. Ms. Grant noted the differences between the plan approved in connection with the current zoning and the proposed rezoning plan and explained the intended uses for each of the four development areas under the Petition. Ms. Grant discussed some of the benefits of the proposed plan, including the significant reduction in traffic impact and showed conceptual renderings for the type of construction that was anticipated in the development areas. Throughout the presentation, the attendees asked questions of Ms. Grant as



they were encouraged to do, and at the end of the presentation, Ms. Grant opened the meeting for any additional questions. A copy of the slide deck presented by Ms. Grant is attached as **Exhibit D**.

**B. Summary of Questions/Comments and Responses:**

Attendees initially expressed concern about changes to the character of the area that has resulted from continuing development and a purported lack of long-term planning. There was a significant discussion by the attendees regarding the need for the development to include overnight tractor-trailer parking, and the development team explained that the proposed site plan included significant areas for such parking. The attendees expressed approval that the retail component of the prior plan will be eliminated under the proposed plan and appreciation for the reduction in traffic resulting from the proposed plan. Attendees and the development team also discussed the location of a proposed convenience store, the possible timing for development to commence, where proposed access points for the development would be located, what buffers and setbacks would be in place in the area surrounding Starlight Drive, and how water and sewer would be provided for the site. There being no further questions, the meeting was concluded, and participants were thanked for their time and interest in the development.

## EXHIBIT A

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
IKE K III & BETTINA FLACK	6100 STARLIGHT DRIVE	CONCORD	NC	28027
KAREN L BELDEN	64 EASTSIDE DR	BALLSTON LAKE	NY	12019
ATLAS B BAUCOM JR	6700 DAVIDSON HWY	CONCORD	NC	28027
BRETT MORGAN	6200 STARLIGHT DR	CONCORD	NC	28027
CABARRUS COUNTY	PO BOX 707	CONCORD	NC	28026
CARLA R WALLACE	3429 TRINITY CHURCH RD	CONCORD	NC	28027
CAROLYN C DUNN	6400 STARLIGHT DR	CONCORD	NC	28027
CHRISTOPHER COLEY	915 KANNAPOLIS PKWY	CONCORD	NC	28027
CLAY FISHER	7310 UNTZ RD	CONCORD	NC	28027
DAVID & CHRISTINE LOMAS	6191 STARLIGHT DRIVE	CONCORD	NC	28027
DAVID & KAREN BEALS	6311 STARLIGHT DR	CONCORD	NC	28027
DAVID BRINDLE	1000 KANNAPOLIS PKWY	CONCORD	NC	28025
DAVID GARCIA MARTINEZ & ANAHI MONJE-NAVA E&E INVESTMENT PROPERTIES LLC	6320 STARLIGHT DRIVE	CONCORD	NC	28027
ATTN: ERROLL SULT	1151 BISCAYNE DR	CONCORD	NC	28027
EARL & JEAN STEVENS	938 KANNAPOLIS PARKWAY	CONCORD	NC	28027
EARL & RUBY BARBEE	236 ARROW POINT LN	DAVIDSON	NC	28036
ELMA JARVIS & TIMOTHY BURRELL JR	1212 JARVIS CIR	CONCORD	NC	28027
FRANC & JEWEL ALEXANDER	6440 STARLIGHT DRIVE	CONCORD	NC	28027
FRED MOTLEY	6331 CORL ROAD	CONCORD	NC	28027
H E COLEY	625 ST PETERS CHURCH RD	GOLD HILL	NC	28071
HECTOR I FLORES	9904 NOTT LN	CHESTERFIELD	VA	23832
HIGHWAY 73 PARKWAY LLC C/O MPV PROPERTIES LLC	2400 SOUTH BLVD STE 300	CHARLOTTE	NC	28203
HOLLY H ROBBINS	100 UNION ST N	CONCORD	NC	28025
HOWARD & RHONDA COLEY	625 ST PETERS CHURCH RD	GOLD HILL	NC	28071
HOWARD E COLEY	625 ST PETERS CHURCH RD	GOLD HILL	NC	28071
JACK J STEVENS	6101 STARLIGHT DRIVE	CONCORD	NC	28027
JAMES F JR & MAMIE HEGLAR	36225 FINGER RD	MT PLEASANT	NC	28124
JOHN & SANDRA FAGAN	1006 KANNAPOLIS PKWY	CONCORD	NC	28027
JOHN F II & DONNA P FOULKS	930 KANNAPOLIS PARKWAY	CONCORD	NC	28027
JOHN F III & CONNIE BOWER	1018 KANNAPOLIS PKWY	CONCORD	NC	28027
JOHN MORTON	6271 STARLIGHT DRIVE	CONCORD	NC	28025
JOSEPH E JR & KATHLEEN SCHELLING	1224 RIDING TRAIL LN	CONCORD	NC	28027
LARRY & MARTHA ENSLEY	6600 FINGER LAKE DRIVE	CONCORD	NC	28027
NATHAN & DEBORAH SHERRILL	1246 RIDING TRAIL LN	CONCORD	NC	28027
NOVANT HEALTH INC C/O PROPERTY MGMT	P O BOX 33549	CHARLOTTE	NC	28233
ODELL BAPTIST CHURCH OF CONCORD NC	6320 DAVIDSON HWY	CONCORD	NC	28027
PEGGY MILLER and FLOYD ERVIN	2909 WALTER DR NW	CONCORD	NC	28027
PETER BEARD SR	6360 STARLIGHT DRIVE	CONCORD	NC	28027
PPF INDUSTRIAL 6500 DAVIDSON C/O MORGAN STANLEY RE ADVISOR	1585 BROADWAY FL 37	NEW YORK	NY	10036
PURA VIDA INTERNATIONAL LLC	6814 HIGHGROVE PL	CONCORD	NC	28027
RANDY S FISHER	7417 UNTZ RD	CONCORD	NC	28027
RHONDA & HOWARD COLEY C/O GLYNIS & CHRISTOPHER COLEY	625 ST PETERS CHURCH RD	GOLD HILL	NC	28071
SHEILA MILLER C/O GILBERTO ELISEO MALDONADO	6351 STARLIGHT DR	CONCORD	NC	28027
STEVEN & BEVERLY BARBEE	950 KANNAPOLIS PKWY	CONCORD	NC	28027
T HALL ENTERPRISES II LLC	2701 COLTSGATE RD STE 300	CHARLOTTE	NC	28211
TERRY & MAVIS METCALF	6542 UNTZ RD	CONCORD	NC	28027
THAD & CAROL MAKACHINAS	6240 STARLIGHT DRIVE	CONCORD	NC	28027
TIMOTHY G BURRELL JR	1212 JARVIS CIR	CONCORD	NC	28027
TOMMY TAYLOR	6231 STARLIGHT DR	CONCORD	NC	28025
TRACY RAY & JANICE COLEMAN	877 KANNAPOLIS PARKWAY	CONCORD	NC	28027
WALLACE CARLA R	3429 TRINITY CHURCH RD	CONCORD	NC	28027
WILLIAM L COLEMAN JR	843 KANNAPOLIS PKWY	CONCORD	NC	28027
WILLY HOMES INC	1718 CABARRUS CROSSING DR	HUNTERSVILLE	NC	28078
Z & T REAL ESTATE LLC	9122 DYLAN RIDGE CT	CONCORD	NC	28027

## EXHIBIT B

### COMMUNITY MEETING NOTICE TO INTERESTED PARTIES OF A REZONING PETITION

Subject: Kannapolis Highway & Davidson Highway Rezoning

Petitioner/Developer: Trinity Capital Advisors

Current Land Use: Vacant

Existing Zoning: PUD CU

Rezoning Requested: C-2-CZ, I-1-CZ, RC-CZ and CD-CZ

**Date and Time of Meeting:** **Tuesday, May 10, 2022, at 6:00 PM**

Location of Meeting: Concord Fire Station #9  
1020 Ivey Cline Road  
Concord, NC 28027

Date of Notice: 4/28/2022

We are assisting Trinity Capital Advisors (the "Petitioner") on a recently filed request to rezone an approximately ± 229.44-acre site located at 6441 Davidson Highway (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 ±229.44-acre Site located at 6441 Davidson Highway, Concord, NC, 28027, from PUD CU to C-2-CZ, I-1-CZ, RC-CZ and CD-CZ. The request is to allow the development of the Site with a mix of uses including but not limited to a convenient store, warehouse distribution, light industrial, retail, and multi-family. The proposed mix of uses is anticipated to produce less traffic than the uses currently approved for the Site. The applicants would like to share their amended plans with the community prior to commencing the rezoning process with the city.

#### **Neighborhood Meeting Date and Location:**

The City of Kannapolis Planning Commission's records indicate that you are either a representative of a registered neighborhood organization or an owner of property near the Site. **Accordingly, we are extending an invitation to attend the upcoming Neighborhood Meeting to be held on Tuesday, May 10<sup>th</sup>, 2022, at 6:00 PM at Concord Fire Station #9, 1020 Ivey Cline Road, Concord, NC, 28027.** Representatives of the Petitioner look forward to discussing this exciting rezoning proposal with you at the Neighborhood Meeting.

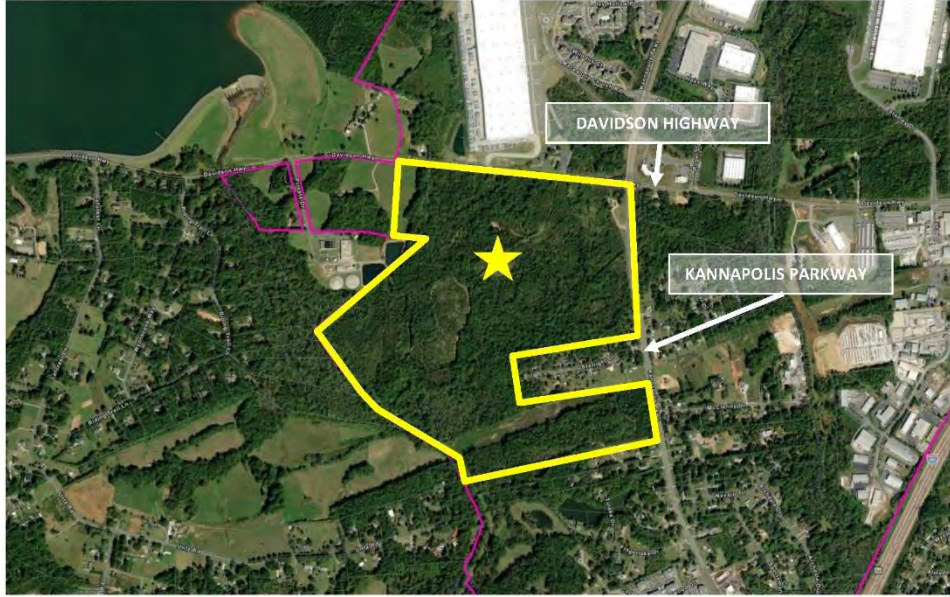
In the meantime, should you have any questions about this matter, you may call Bridget Grant at (704) 301-3137 or email [bridgetgrant@mvalaw.com](mailto:bridgetgrant@mvalaw.com). Thank you.

cc: Boyd V. Stanley, AICP, City of Kannapolis Planning Department  
Massie Flippin, Trinity Capital Advisors  
Ken Jonmaire, Trinity Capital Advisors  
Bridget Grant, Moore & Van Allen, PLLC  
John Floyd, Moore & Van Allen, PLLC

CHAR202592111v2

**EXHIBIT B (CONTINUED)**

**Site Location**



**EXHIBIT C**

Community Meeting Attendance Sheet

\*\* This sign in sheet is to acknowledge your attendance at the community meeting and so that the City Council may know who attended the community meeting. Signing this attendance sheet does not indicate support or opposition to the proposed rezoning petition. \*\*

Petitioner: Trinity Capital Advisors  
Date: May 10, 2022 at 6:00 PM

Name	Address	Phone	Email
Carolyn Dunn	6410 Starlet Dr	984 781-0181	jdunn@dundy.com
MIKE WALLACE	923 KANAWADUS Pkwy	704-965-3207	mw91@aol.com

\*Add additional sheets as needed\*

**EXHIBIT C (CONTINUED)**

Community Meeting Attendance Sheet

\*\* This sign in sheet is to acknowledge your attendance at the community meeting and so that the City Council may know who attended the community meeting. Signing this attendance sheet does not indicate support or opposition to the proposed rezoning petition. \*\*

Petitioner: Trinity Capital Advisors  
Date: May 10, 2022 at 6:00 PM

Name	Address	Phone	Email
Jewel F. Alexander	6440 Starlight Dr	704-784-8853	alexander_jewel@yahoo.com

\*Add additional sheets as needed\*

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
IKE K III & BETTINA FLACK	6100 STARLIGHT DRIVE	CONCORD	NC	28027
KAREN L BELDEN	64 EASTSIDE DR	BALLSTON LAKE	NY	12019
ATLAS B BAUCOM JR	6700 DAVIDSON HWY	CONCORD	NC	28027
BRC KANNAPOLIS LLC				
PHO KANNAPOLIS LLC	5826 SAMET DR STE 105	HIGH POINT	NC	27265
KYLE VENRICK & KATELY MYERS	6200 STARLIGHT DR	CONCORD	NC	28027
CABARRUS COUNTY	PO BOX 707	CONCORD	NC	28026
CARLA R WALLACE	3429 TRINITY CHURCH RD	CONCORD	NC	28027
CAROLYN C DUNN	6400 STARLIGHT DR	CONCORD	NC	28027
CHRISTOPHER COLEY	915 KANNAPOLIS PKWY	CONCORD	NC	28027
CLAY FISHER	7310 UNTZ RD	CONCORD	NC	28027
DAVID & CHRISTINE LOMAS	6191 STARLIGHT DRIVE	CONCORD	NC	28027
DAVID & KAREN BEALS	6311 STARLIGHT DR	CONCORD	NC	28027
DAVID BRINDLE	1000 KANNAPOLIS PKWY	CONCORD	NC	28025
DAVID GARCIA MARTINEZ & ANAHI MONJE-NAVA	6320 STARLIGHT DRIVE	CONCORD	NC	28027
E&E INVESTMENT PROPERTIES LLC				
ATTN: ERROLL SULT	1151 BISCAYNE DR	CONCORD	NC	28027
EARL & JEAN STEVENS	938 KANNAPOLIS PARKWAY	CONCORD	NC	28027
ELMA JARVIS & TIMOTHY BURRELL JR	1212 JARVIS CIR	CONCORD	NC	28027
FRANC & JEWEL ALEXANDER	6440 STARLIGHT DRIVE	CONCORD	NC	28027
FRED MOTLEY	6331 CORL ROAD	CONCORD	NC	28027
R&R 2 LLC	PO BOX 862	GRANITE QUARRY	NC	28072
HECTOR I FLORES	9904 NOTT LN	CHESTERFIELD	VA	23832
HIGHWAY 73 PARKWAY LLC				
C/O MPV PROPERTIES LLC	2400 SOUTH BLVD STE 300	CHARLOTTE	NC	28203
HOLLY H ROBBINS	100 UNION ST N	CONCORD	NC	28025
HOWARD & RHONDA COLEY				
CHRISTOPHER & GLYNIS COLEY	625 ST PETERS CHURCH RD	GOLD HILL	NC	28071
JACK J STEVENS	6101 STARLIGHT DRIVE	CONCORD	NC	28027
JAMES F JR & MAMIE HEGLAR	36225 FINGER RD	MT PLEASANT	NC	28124
JOHN & SANDRA FAGAN	1006 KANNAPOLIS PKWY	CONCORD	NC	28027
JOHN F III & CONNIE BOWER	1018 KANNAPOLIS PKWY	CONCORD	NC	28027
JOHN MORTON	6271 STARLIGHT DRIVE	CONCORD	NC	28025
JOSEPH E JR & KATHLEEN SCHELLING	1224 RIDING TRAIL LN	CONCORD	NC	28027
LARRY & MARTHA ENSLEY	6600 FINGER LAKE DRIVE	CONCORD	NC	28027
NATHAN & DEBORAH SHERRILL	1246 RIDING TRAIL LN	CONCORD	NC	28027
NOVANT HEALTH INC				
C/O PROPERTY MGMT	P O BOX 33549	CHARLOTTE	NC	28233
ODELL BAPTIST CHURCH OF CONCORD NC	6320 DAVIDSON HWY	CONCORD	NC	28027
PEGGY MILLER and				
FLOYD ERVIN	2909 WALTER DR NW	CONCORD	NC	28027
PETER BEARD SR	6360 STARLIGHT DRIVE	CONCORD	NC	28027
PPF INDUSTRIAL 6500 DAVIDSON				
C/O MORGAN STANLEY RE ADVISOR	1585 BROADWAY FL 37	NEW YORK	NY	10036
PURA VIDA INTERNATIONAL LLC	6814 HIGHGROVE PL	CONCORD	NC	28027
RUBY BRAWLEY	956 KANNAPOLIS KWY	CONCORD	NC	28027
SHEILA MILLER				
C/O GILBERTO ELISEO MALDONADO	6351 STARLIGHT DR	CONCORD	NC	28027
STEVEN & BEVERLY BARBEE	950 KANNAPOLIS PKWY	CONCORD	NC	28027
T HALL ENTERPRISES II LLC	2701 COLTSGATE RD STE 300	CHARLOTTE	NC	28211
TERRY & MAVIS METCALF	6542 UNTZ RD	CONCORD	NC	28027
THAD & CAROL MAKACHINAS	6240 STARLIGHT DRIVE	CONCORD	NC	28027
TIMOTHY G BURRELL JR	1212 JARVIS CIR	CONCORD	NC	28027
TOMMY & GERESA FISHER	133 ODELL SCHOOL RD	CONCORD	NC	28027
TOMMY TAYLOR	6231 STARLIGHT DR	CONCORD	NC	28025
TRACY RAY & JANICE COLEMAN	877 KANNAPOLIS PARKWAY	CONCORD	NC	28027
WILLIAM L COLEMAN JR	843 KANNAPOLIS PKWY	CONCORD	NC	28027
WILLY HOMES INC	1718 CABARRUS CROSSING DR	HUNTERSVILLE	NC	28078
Z & T REAL ESTATE LLC	9122 DYLAN RIDGE CT	CONCORD	NC	28027



KANNAPOLIS  
Planning

June 7, 2022

Dear Property Owner:

**Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, June 21, 2022 at 6:00 PM, for the following case:**

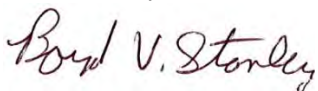
**CZ-2022-03 – Conditional Zoning Map Amendment – 6441 Davidson Highway**

The purpose of the Public Hearing is to consider a request to rezone property located at 6441 Davidson Highway from Planned Unit Development-Conditional Zoning (PUD-CZ) zoning district to Light Industrial-Conditional Zoning (I-1-CZ); General Commercial-Conditional Zoning (C-2-CZ); Campus Development-Conditional Zoning (C-D-CZ) and Residential Compact-Conditional Zoning (R-C-CZ) zoning districts to allow retail, light industrial and multi-family uses. The subject property is approximately 229.44 +/- acres and further identified as Cabarrus County Parcel Identification Number 46917672990000 (see reverse side of this letter for a map showing the location of this property).

**As an abutting property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis Unified Development Ordinance; and are invited to attend the public hearing and present testimony, should you desire, to the Planning and Zoning Commission.**

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

Sincerely,



Boyd V. Stanley, AICP  
Assistant Planning Director

Enclosure

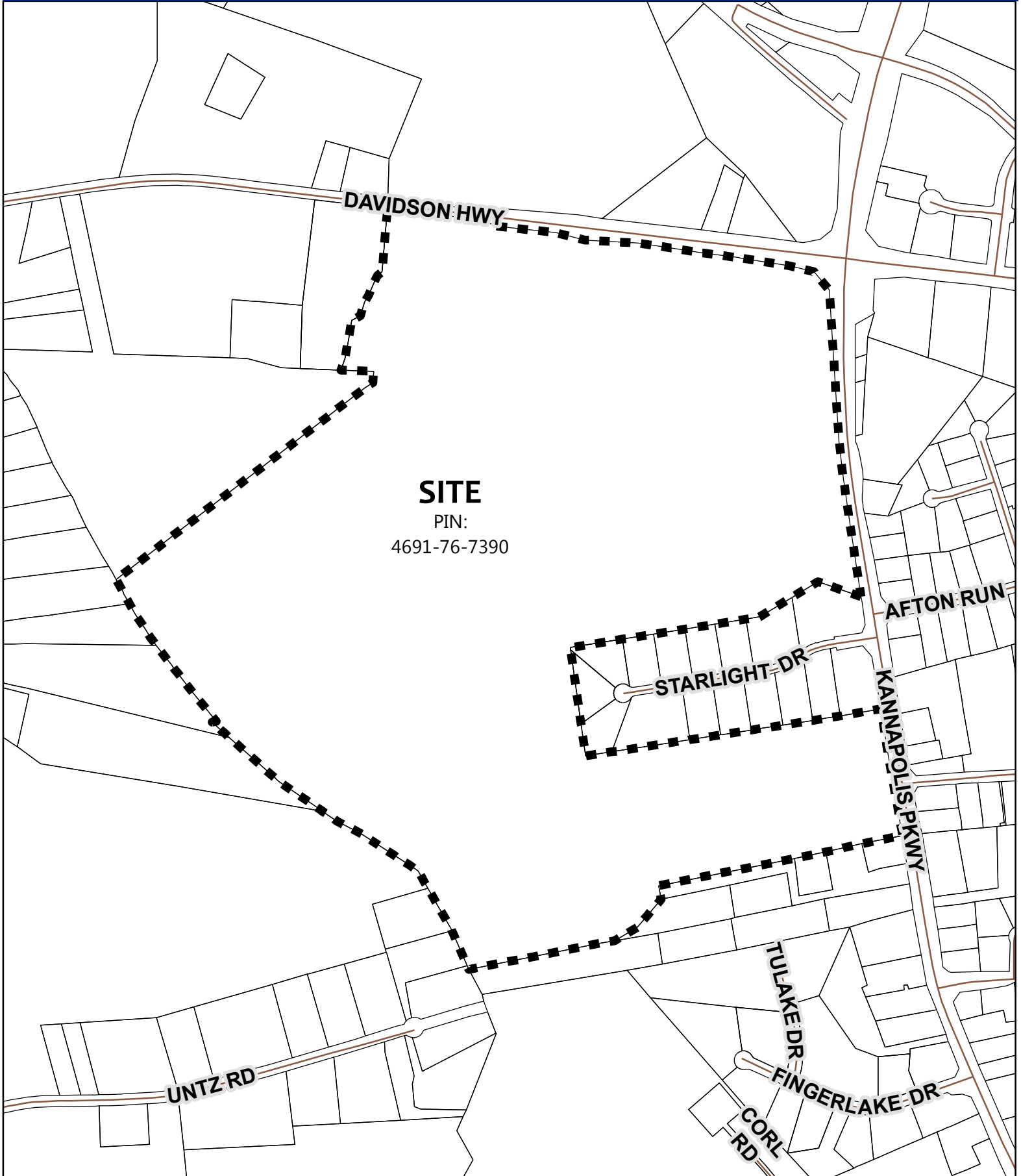
Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email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





# Zoning Map Amendment

Case Number: CZ-2022- 03  
Applicant: Trinity Capital Advisors  
6441 Davidson Hwy





**PLANNING**

**ZONING**

**COMMISSION**

**PUBLIC HEARING  
INFORMATION**

**CALL 704-920-4350**

**CASE # CZ - 2022 -03**



**PLANNING**

**ZONING**

**COMMISSION**

**PUBLIC HEARING  
INFORMATION**

**CALL 704-920-4350**

**CASE #CZ - 2022 -03**



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY  
WITH REGARD TO CASE #CZ-2022-03**

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

**WHEREAS**, Section 3.3.4.2.B. of the Unified 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 June 21, 2022 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone property located at 6441 Davidson Highway (Cabarrus County Parcel Identification Number 46917672990000) owned by Highway 73 Parkway, LLC., from Planned Unit Development-Conditional Zoning (PUD-CZ) to Light Industrial-Conditional Zoning (I-1-CZ); General Commercial-Conditional Zoning (C-2-CZ); Campus Development-Conditional Zoning (C-D-CZ) and Residential Compact-Conditional Zoning (R-C-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, adopted by City Council, which designates this property as being located in the “Suburban Activity 2”, “Employment Center” and “Complete Neighborhood 2” Character Areas as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. These Character Areas include multi-family, light industrial and commercial development as primary or secondary uses in harmony with the proposed development areas. 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 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. Finally, there is adequate access or ability to extend to public facilities.*

**Adopted this the 21<sup>st</sup> day of June 2022:**

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

**Attest:**

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



## **RESOLUTION TO ZONE**

**Case #CZ-2022-03  
(6441 Davidson Highway)**

**From City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) to Light Industrial-Conditional Zoning (I-1-CZ); General Commercial-Conditional Zoning (C-2-CZ); Campus Development-Conditional Zoning (C-D-CZ) and Residential Compact-Conditional Zoning (R-C-CZ) District**

**WHEREAS**, Section 3.3.4.1 of the City of Kannapolis Unified Development Ordinance (UDO) specifically delegates authority from the City Council to the Planning and Zoning Commission to take final action on a rezoning petition; and

**WHEREAS**, Section 3.3.4.2.B. of the City of Kannapolis UDO subjects this authority 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**, the Commission conducted a public hearing on June 21, 2022 for consideration of rezoning petition Case #CZ-2022-03 as submitted to the City of Kannapolis Planning Department; and

**WHEREAS**, the request was to rezone property located on 6441 Davidson Highway, (Cabarrus County Parcel Identification Number 46917672990000) owned by Highway 73 Parkway, LLC., from Planned Unit Development-Conditional Zoning (PUD-CZ) to Light Industrial-Conditional Zoning (I-1-CZ); General Commercial-Conditional Zoning (C-2-CZ); Campus Development-Conditional Zoning (C-D-CZ) and Residential Compact-Conditional Zoning (R-C-CZ) District; 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 3.3.5 of the Kannapolis UDO, the Planning and Zoning Commission makes the following findings in support of and in analysis of the rezoning:

**1. The size of the tract in question.**

The size of the subject tract is approximately 229.444 +/- acres.

**2. Does the proposal conform with and further the goals and policies of the Land Use Plan, other adopted plans, and the goals, objectives, and policies of this Ordinance?**

This property is in the “Suburban Activity 2”, “Employment Center” and “Complete Neighborhood 2” Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. These Character Areas include multi-family, light industrial and

commercial development as primary or secondary uses in harmony with the proposed development areas. The proposed uses are therefore in conformance with the goals and policies of the 2030 Plan.

This property is also within the Coddle Creek Thoroughfare Protection Overlay District (CCTP) which was established to enhance the economic and aesthetic appeal along the City's major transportation corridors. All uses, site and building design shall meet the requirements of the CCTP.

**3. Is the proposed rezoning compatible with the surrounding area?**

The area is undergoing a transition from agriculture and low-density residential uses to mixed commercial, light industrial and residential uses. The requested rezoning proposes an update to the previously approved planned development of a scale that is appropriate for the area.

**4. Will there be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning?**

A Traffic Impact Analysis is required for this rezoning. The recommended improvements, which have been reviewed and preliminarily accepted by NCDOT and the City, can be found in the TIA scoping document.

**5. Will there be parking problems?**

A full site plan shall be submitted to comply with all parking requirements in the UDO.

**6. Will there be environmental impacts that the new use will generate, such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances?**

There are no negative environmental impacts, and the development will be required to conform to all applicable local, state, and federal environmental regulations.

**7. Has there been any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development?**

The character of the area has changed the past several years, with the growth of a mixture of commercial and residential development.

**8. Is there compliance with the adequate public facilities criteria?**

There are adequate public facilities available to the property or within close proximity, which will be extended to serve the development. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.

**9. What are the zoning districts and existing land uses of the surrounding properties?**

Properties to the north are zoned Campus Development (CD) and Campus Development Residential (CD-R). Properties to the south and east are zoned Residential Estate (RE), Campus Development (CD) and Residential Compact (RC). Properties to the west are Agricultural (AG) and Residential Estate (RE). The proposed mixed-use project integrates well with the surrounding area

**10. Is the subject property suitable for the uses to which it has been restricted under the existing zoning classification?**

The proposed rezoning is intended to update the originally approved PUD under case CZ-2021-05. See plans attached for changes.

**11. Is the zoning compatible with the adjacent neighborhood, especially residential neighborhood stability and character?**

The proposed mixed use is compatible with the existing and proposed land uses in the area.

**12. What length of time has the subject property remained vacant as zoned?**

N/A.

**13. Is there an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs?**

There are parcels in the surrounding area that would be sufficient to accommodate future zoning and community needs.

**14. Was the existing zoning in error at the time of adoption?**

No.

**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 Planned Unit Development-Conditional Zoning (PUD-CZ) to Light Industrial-Conditional Zoning (I-1-CZ); General Commercial-Conditional Zoning (C-2-CZ); Campus Development-Conditional Zoning (C-D-CZ) and Residential Compact-Conditional Zoning (R-C-CZ) District, subject to the following conditions:

1. The permitted uses allowed by this rezoning shall include the uses, densities and intensities as shown on the master plan approved with this rezone.
2. A Final Site Plan, in compliance with all applicable City UDO standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Comply with current Land Development Standards Manual.
4. All road intersections on where development has access and/or street frontage shall be approved by the City.
5. The Developer will construct curb and gutter and sidewalk along the entire road frontage where development has access and/or street frontage. The improvements will be constructed to NCDOT and City standards. Internal streets shall meet current City standards and a dedicated public right-of-way per the City's Typical Section Local Residential Street, LDSM Detail 101.
6. The lane widths, sidewalks, pavement structure, road alignment, and road grades shall be constructed to current City standards.
7. Roads and parking lots shall comply with all Fire Codes and Autoturn templates for SU-30 and Bus-45 (mimics ladder truck) shall be used.

8. Streams and wetlands shall be identified by a qualified person and all buffers shown in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with AE Zone & RSOD Buffer requirements or be relocated.
9. A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and SCM's. Stormwater SCM's cannot be constructed in the undisturbed buffer.
10. Water and sewer main extensions will be required for this project. The Developer shall be responsible for designing, permitting and constructing water and sewer mains in accordance with City and WSACC standards.
11. All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement. The water and sewer mains shall be located in the roadway under the pavement per the City's Typical Section Utility Layout, LDSM Detail 301.
12. Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-feet wide. Additional width may be required depending on the depth of the line. Sanitary sewer lines and storm sewer lines shall be located within Common Open Space (easements centered on property lines shall not be permitted). Viable access shall be provided along all easements with a grade no greater than 15% for maintenance vehicles and cross slopes shall not exceed 5%.
13. The Fire Department shall approve locations of all hydrants.
14. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.
15. All development shall adhere to site design and architectural standards as provided in the Site Plan and Rezoning exhibits.
16. All requirements as outlined in Article 15.1 *Coddle Creek Thoroughfare Protection Overlay District* of the Unified Development Ordinance shall be met along the Davidson Highway and Kannapolis Parkway Road frontages

**Adopted this the 21<sup>st</sup> day of June 2022:**

---

Chris Puckett, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary  
Planning and Zoning Commission





**Planning and Zoning Commission  
June 21, 2022**

**Staff Report**

**TO:** Planning and Zoning Commission  
**FROM:** Richard Smith, Planning Director  
**SUBJECT:** *CPA-2022-02 – Move Kannapolis Forward 2030 Comprehensive Plan* Amendments

Amend *Move Kannapolis Forward 2030 Comprehensive Plan* “Future Land Use and Character Map” designation of the area east of the Interstate 85 and Lane Street interchange area from “Future Planning Area” to “Employment Center” and “Complete Neighborhood 2”.

**A. Actions Requested by Planning & Zoning Commission**

Motion to recommend to City Council approval of the proposed amendments to the *Move Kannapolis Forward 2030 Comprehensive Plan* Future Land Use and Character Map.

**B. Decision and Required Votes to Pass Requested Actions**

A simple majority vote of the Planning & Zoning Commission will be required to recommend approval/denial. City Council has final decision-making authority to approve or deny the amendments.

**C. Background**

In March 2018, the City Council adopted the *Move Kannapolis Forward 2030 Comprehensive Plan*. This plan includes a “Future Land Use and Character Map”, which provides guidance for future land development in the City of Kannapolis.

At a March 29, 2022, Special Meeting of the Planning and Zoning Commission, the Commission recommended to City Council, among other amendments, to amend the Comprehensive Plan Future Land Use Map so that the area near the eastern terminus of Lane Street, south on Irish Potato Road to just south of Barrier Road, running back west to

Centergrove Road area would be changed from Future Planning Area to “Complete Neighborhood 2” designation. City Council recently adopted the other amendments as recommended. After further research and review, however, staff found that the area closest to Lane Street and the intersection with Old Salisbury-Concord Road was perhaps more suited for a more non-residential type designation than the previously recommended designation of Complete Neighborhood 2.

After further review, staff has determined that the area around Lane Street and the intersections with Old Salisbury-Concord Road and Turkey Road is better suited for an “Employment Center” designation on the Future Land Use Map. The areas south on Irish Potato Road to just south of Barrier Road, running back west to Centergrove Road area remain suited to be changed from Future Planning Area to “Complete Neighborhood 2” designation, as previously discussed.

#### **D. Fiscal Considerations**

None

#### **E. Policy Issues**

Section 2.3.2.1 of the UDO states that “*The Commission shall provide an advisory function to assist in making decisions pertaining to amendments to the Comprehensive Plan*”, and further “*To prepare amendments to the plan and its elements and to submit the amendments to the City Council*”. In accordance with Section 2.4.1 of the UDO, the City Council has final authority to amend the 2030 Plan.

#### **F. Legal Issues**

None

#### **G. Staff Recommendation and Alternative Courses of Action**

##### **Staff Recommendation**

Staff is proposing that the Future Land Use and Character Map of the Move Kannapolis Forward 2030 Comprehensive Plan be amended to change the current designation for the above referenced areas from “Future Planning Area” to “Employment Center” and from “Future Planning Area” to “Complete Neighborhood 2”. (See attached map)

### **Courses of Action**

Based on the foregoing analysis, staff recommends **approval** of the proposed Land Use Plan amendment, as presented.

### **APPROVAL**

The following action is required for the Planning and Zoning Commission to recommend **approval** of the proposed amendment to the 2030 Plan “Future Land Use and Character Map”:

1. Consider motion to recommend approval of proposed Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use and Character Map amendment by City Council.

### **DENIAL**

The following actions are required to recommend **denial** of the proposed amendment to the 2030 Plan “Future Land Use and Character Map”:

1. Consider motion to recommend denial of proposed Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use and Character Map amendment by City Council.

### **H. Attachments**

1. Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use and Character Map (Current)
2. Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use and Character Map (Proposed)

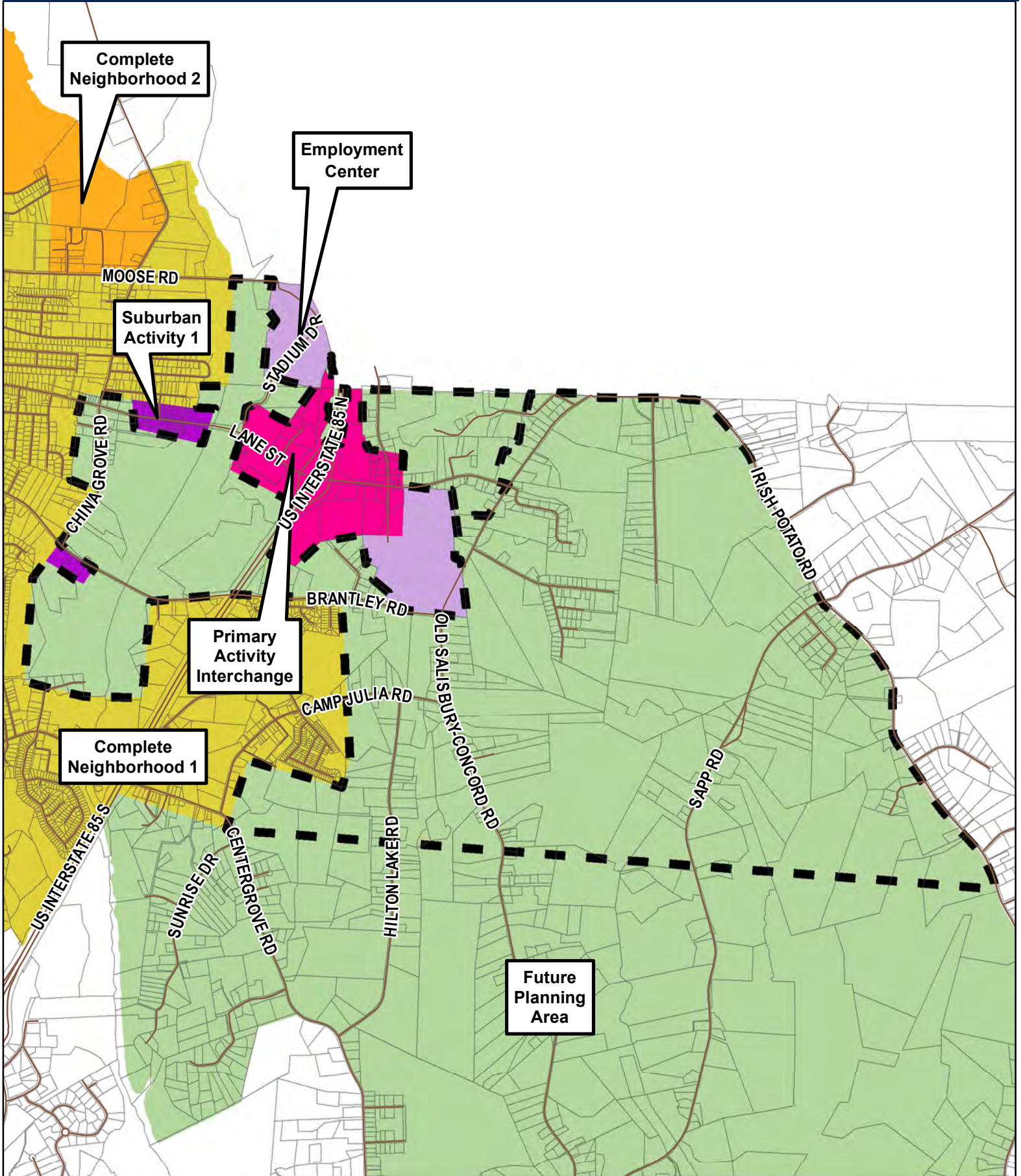
### **I. Issue Reviewed By:**

- City Manager
- Assistant City Manager
- Economic & Community Development Director



# Current Kannapolis 2030 Future Land Use Map

Case Number: CPA-2022-02  
Applicant: City of Kannapolis

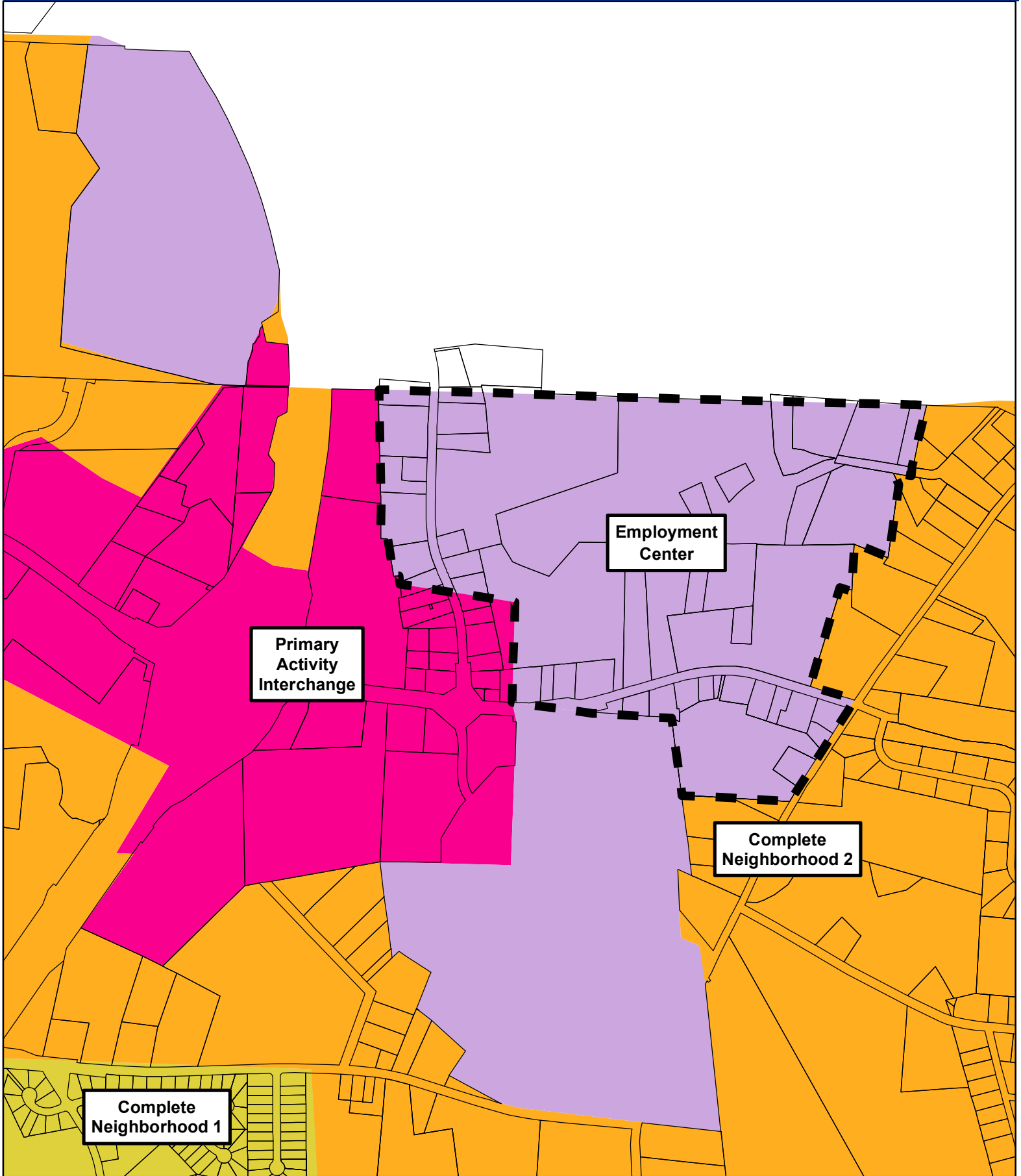




# Proposed Kannapolis 2030 Future Land Use Map

Case Number: CPA-2022-02

Applicant: City of Kannapolis





# Proposed Kannapolis 2030 Future Land Use Map

Case Number: CPA-2022-02

Applicant: City of Kannapolis

