



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

July 18, 2023 at 6:00 pm

Agenda

- 1. Call to Order**
- 2. Oath of Office for New and Reappointed Members**
- 3. Roll Call and Recognition of Quorum**
- 4. Approval of Agenda**
- 5. Approval of Minutes – June 20, 2023**
- 6. Public Hearing**
 - a. Zoning Map Amendment - Z-2023-08 – 404 Ruth Ave.**

Public Hearing to consider a request to rezone property located at 404 Ruth Ave. from Office-Institutional (OI) zoning district to Residential 4 (R4) zoning district. The subject property is approximately 0.44 +/- acres and further identified as Cabarrus County Parcel Identification Number 56242062630000.
- 6. Recommendation to City Council**
 - a. Text Amendment – TA-2023-02 – Legacy CD Zoning District**

Consider a recommendation to City Council regarding amendments to Article 4, Table 4.2.B(5): Principle Use Table; Section 4.2.D(5)g.6: Standards Specific to Principal Uses; Section 3.8.F(4): Modification of Underlying Use Permissions to allow for quick oil change service establishments in the CD district and the Coddle Creek Subdistrict when located in proximity to high traffic volume areas.
- 7. Planning Director Update**
- 8. Other Business**
 - a. Adoption of 2024 Meeting Schedule**
 - b. Election of FY24 Chair and Vice-Chair**
- 9. Adjourn**



**Planning and Zoning Commission
July 18, 2023 Meeting**

Staff Report

TO: Planning and Zoning Commission
FROM: Kathryn Stapleton, Planner
SUBJECT: Case #Z-2023-08: 404 Ruth Ave.
Applicant: Tedy M. Morales, Property Owner

Applicant is requesting to rezone property located at 404 Ruth Avenue from Office-Institutional (OI) to Residential 4 (R4) zoning district.

A. Actions Requested by Planning & Zoning Commission

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

B. Decision and Required Votes to Pass Requested Actions

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

C. Background & Project Overview

The applicant, Tedy Morales is requesting to rezone approximately 0.44 +/- acres of property located at 404 Ruth Avenue, further identified as Cabarrus County Parcel Identification Numbers 56242062630000, from Office-Institutional (OI) zoning district to Residential 4 (R4) zoning district.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.5.A.(2).c of the KDO states that Amending the Zoning Map is a matter committed to the legislative discretion of the Planning and Zoning Commission or of the

City Council, as authorized by this section. In determining whether to adopt or deny the proposed amendment, the Planning and Zoning Commission or the City Council, as applicable, may consider, and weigh the relevance of, whether and to what extent the proposed Zoning Map amendment:

- 1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?**
Yes, this property is located within the “Urban Residential” Character Area designation.
- 2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?**
No, the Residential 4 zoning designation is appropriate for this area.
- 3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?**
No, but the proximity to other R4 zoning and the Comprehensive Plan Character Area make this zoning change appropriate for this area.
- 4. Does the proposed rezoning allow uses that are compatible with existing and allowed uses on surrounding land and with the stability and character of any adjacent residential neighborhoods?**
Yes, the properties are adjacent to residential and nonresidential land uses.
- 5. Does the proposed rezoning ensure efficient development within the City, taking into consideration the capacity and safety of the street network, the adequacy of public facilities, the suitability of the land for the uses allowed under the existing zoning, and other relevant considerations?**
Yes, this property is located adjacent to roads with adequate capacity and safety, adequate facilities, and is a suitable use allowed under the requested zoning.
- 6. Does the proposed rezoning result in a logical and orderly development pattern, taking into consideration the size of the subject lands and the zoning and existing and proposed development on surrounding lands?**
Yes, the proximity of this property to other R4 zoning is a logical and orderly development pattern.
- 7. Does the proposed rezoning result in significant adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment?**
No, there are no anticipated significant environmental impacts from rezoning this property.

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which designates the subject property as located within the “Urban Residential” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area designation encourages residential uses that would be appropriate for this parcel. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The R4 permitted uses would also be compatible with the surrounding zoning and are not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

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

Based on the request being consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, staff recommends approval for Zoning Map Amendment Case #Z-2023-08

Alternative Courses of Action

Motion to Approve (2 votes)

- 1. Should the Commission choose to approve the request for rezoning as presented in Case #Z-2023-08, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which designates the subject property as located within the “Urban Residential” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area designation encourages residential uses that would be appropriate for this parcel. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The R4 permitted uses would also be compatible with the surrounding zoning and are not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

- 2. Should the Commission choose to approve Case #Z-2023-08, a motion should be made to adopt the Resolution to Zone.**

Motion to Deny (2 votes)

1. Should the Commission choose to recommend denial of Case #Z-2023-08, a motion should be made to adopt the following Statement of Consistency:

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #Z-2023-08 to be inconsistent with the goals and policies of the **Move Knapolis Forward 2030 Comprehensive Plan**, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

2. Should the Commission choose to deny Case #Z-2023-08, a motion should be made to deny the Resolution to Zone.

I. Attachments

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

J. Issue Reviewed By:

- Planning Director
- Assistant City Manager
- City Attorney



Zoning Map Amendment Checklist

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

REZONING REQUEST

Rezoning – Request for an amendment to the Kannapolis Zoning Map. Approval authority – Planning and Zoning Commission.

Requested Rezoning Property Address: 404 Ruth Ave
Applicant: Tedy M Morales
Proposed development: Single Family Residential

SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to planreviewappointment@kannapolisnc.gov
- Zoning Map Amendment Checklist and Application – Complete with all required signatures
- Fee: \$825.00 (\$500 Application Fee, \$300 Legal Notices and notification fee, # of property owners notified [see Fee Schedule])

PROCESS INFORMATION

Public Notification: This is a legislative process that requires a public hearing and public notification including newspaper notice, first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Section 3.1.5.1 of the UDO).

Review Process: All applications will be reviewed for compliance and then forwarded to the Planning and Zoning Commission for consideration at a public hearing which is held monthly on the third Tuesday at 6:00pm in City Hall Laureate Center. All items listed above on the submittal checklist must be received at least one month prior to the next scheduled public hearing.

Action by Planning and Zoning Commission: After conducting a public hearing, the Commission may: deny the application; conduct an additional public hearing on the application; or approve the application.

Scope of Approval: An affirmative vote of three-fourths of the members present and not excused from voting, shall be necessary to approve a rezoning request. The approval of a rezoning does not authorize development activity, but does authorize the application to apply for a final major site plan. Any final decision rendered by the Commission may be appealed within fifteen (15) days to the City Council.

By signing below I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Applicant's Signature: Tedy Moran Morales Date: 06/05/23



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: Tedy M Morales

Address: 404 roth ave 28083

Phone: 704.701.5197

Email: Mayobrandon@icloud.com

Property Owner Contact Information same as applicant

Name: _____

Address: _____

Phone: _____

Email: _____

Project Information

Project Address: 404 roth ave 28083

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

Current Zoning Designation: OI Requested Zoning Designation: R4

Reason for map amendment: TO Develop Single Family

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

Tedy Morab morales 06/05/23
Applicant Signature Date

Tedy moralen Morales 06/05/23
Property Owner Signature Date

Note: This is not a permit to occupy a structure. Owner and/or applicant are responsible for the location of utility lines and easements. Zoning Map Amendment does not guarantee the availability of water and/or sewer.



Vicinity Map

Case Number: Z-2023-08

Applicant: Tedy Morales

404 Ruth Ave



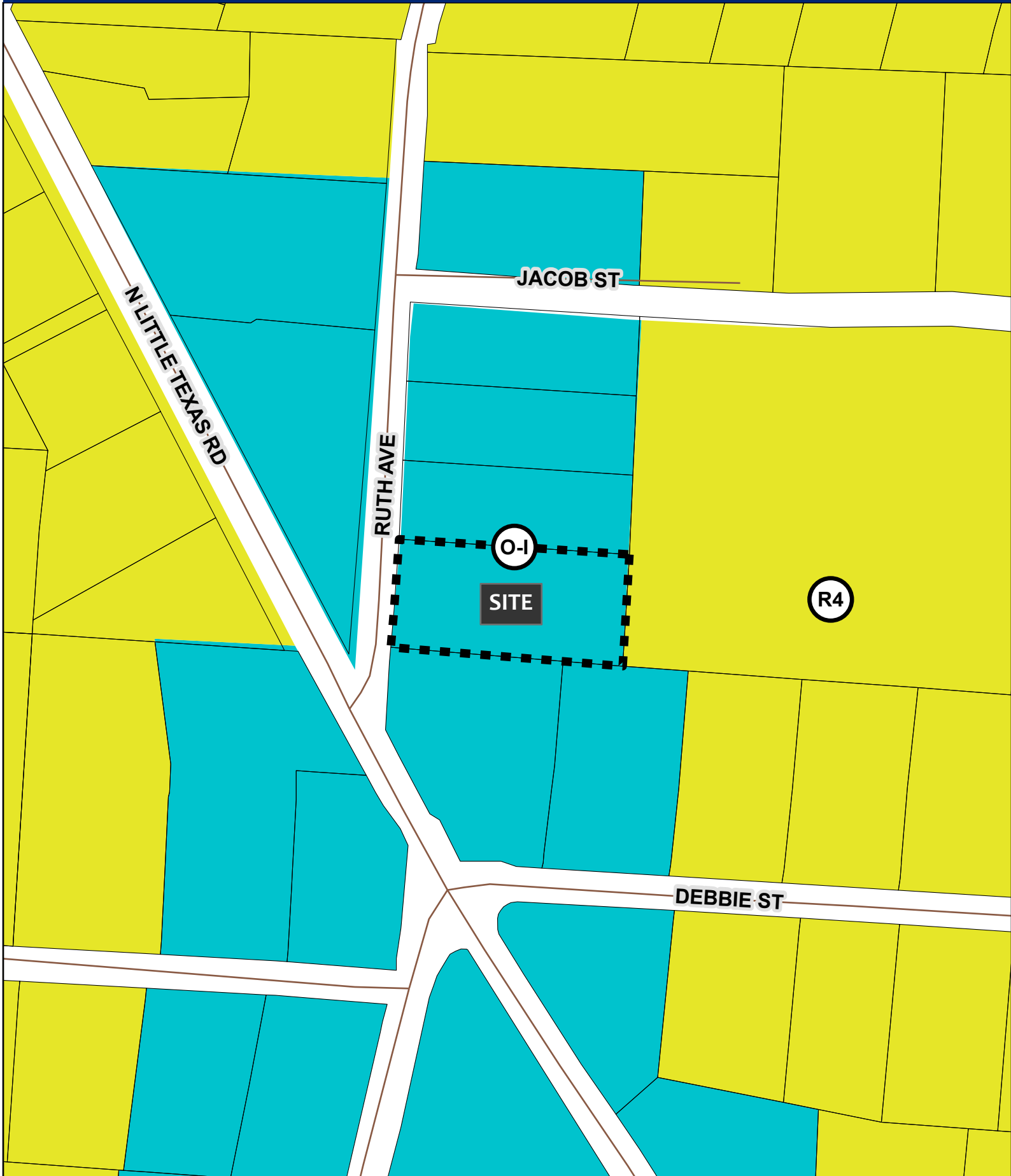


Kannapolis Current Zoning

Case Number: Z-2023-08

Applicant: Tedy Morales

404 Ruth Ave





Kannapolis 2030 Future Land Use Map

Case Number: CZ-2023-04

Applicant: HCP Kannapolis Crossing Land Ventures, LLC
Kannapolis Crossing





PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000840784

Client: CITY OF KANNAPOLIS
Phone: 7049204300

Payor : CITY OF KANNAPOLIS
Phone: 7049204300

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

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

Fax: 7049337463
Email: ap@kannapolisnc.gov

Total Amount \$353.76

Payment Amount \$353.76

Amount Due \$0.00

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

Tax Amount: 0.00

Payment Meth: Credit - Debit Card

Ad Number **Ad Type** **Ad Size** **Color**
0000840784-01 CLS Legal 2 X 33 li \$0.00

Production Method
AdBooker (liner)

Production Notes

Product and Zone **Placement** **Position** **# Inserts**
CON Independent Trib C-Legal Ads Legal Notices 2
Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING Planning and Zoning
Run Dates 7/ 7/2023, 7/14/2023

Product and Zone **Placement** **Position** **# Inserts**
NCC Online C-Legal Ads Legal Notices 7
Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING Planning and Zoning
Run Dates 7/ 7/2023, 7/ 8/2023, 7/ 9/2023, 7/10/2023, 7/11/2023, 7/12/2023,

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMIS
NINGMAPAMENDMENTZ202208404RUTHAVEPUBLICHEARIN



NOTICE OF PUBLIC HEARING Planning and Zoning Commission Meeting

Tuesday, July 18 at 6:00 pm

Zoning Map Amendment - Z-2022-08 - 404 Ruth Ave. Public Hearing to consider a request to rezone property located at 404 Ruth Avenue from Office-Institutional (O-I) to Residential 4 (R4) zoning district. The subject property is approximately 0.44 +/- acres and further identified as Cabarrus County Parcel Identification Number 56242062630000.

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

Published July 14, 2023

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
153 CAPITAL LLC	567 SCALEYBARK RD	CHARLOTTE	NC	28209
FUAD ALSHAIBI & EQBAL NAMER	411 RUTH AVE	KANNAPOLIS	NC	28083
ANDREW ALTOMARE	1307 DEBBIE ST	KANNAPOLIS	NC	28083
JOHN BOST	1205 DEBBIE ST	KANNAPOLIS	NC	28083
CAROLINA SUPERIOR BUILDERS LLC	3245 ROBERTA RD	CONCORD	NC	28027
PATRICIA HEIMBUCH	605 N LITTLE TEXAS RD	KANNAPOLIS	NC	28083
GLENDALE & STEPHANIE HICKS	1305 DEBBIE ST	KANNAPOLIS	NC	28083
HAROLYN JETER	603 N LITTLE TEXAS RD	KANNAPOLIS	NC	28083
TEDY MORALES & IRANEA MAYO ZARATE	1002 HEATHER DR	KANNAPOLIS	NC	28083
NEW RESTORATION CHURCH	PO BOX 255	KANNAPOLIS	NC	28082
CHRISTOPHER & LESLIE REED	1207 DEBBIE ST	KANNAPOLIS	NC	28083
WILLIAM & ESTELLA RICE	1401 DEBBIE STREET	KANNAPOLIS	NC	28083
EMANUAL & MARY STANTON	1303 DEBBIE ST	KANNAPOLIS	NC	28083



July 6, 2023

Dear Property Owner:

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

Z-2023-08 – Zoning Map Amendment – 404 Ruth Avenue

The purpose of this Public Hearing is to consider a request to rezone property located at 404 Ruth Avenue from Office-Institutional (O-I) to Residential 4 (R4) zoning district. The subject property is approximately 0.44 +/- acres and further identified as Cabarrus County Parcel Identification Number 56242062630000 (see reverse side of this letter for a map showing the location of this property).

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

If you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4325 or rsmith@kannapolisnc.gov.

Sincerely,

Richard Smith
Planning Director

Enclosure

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

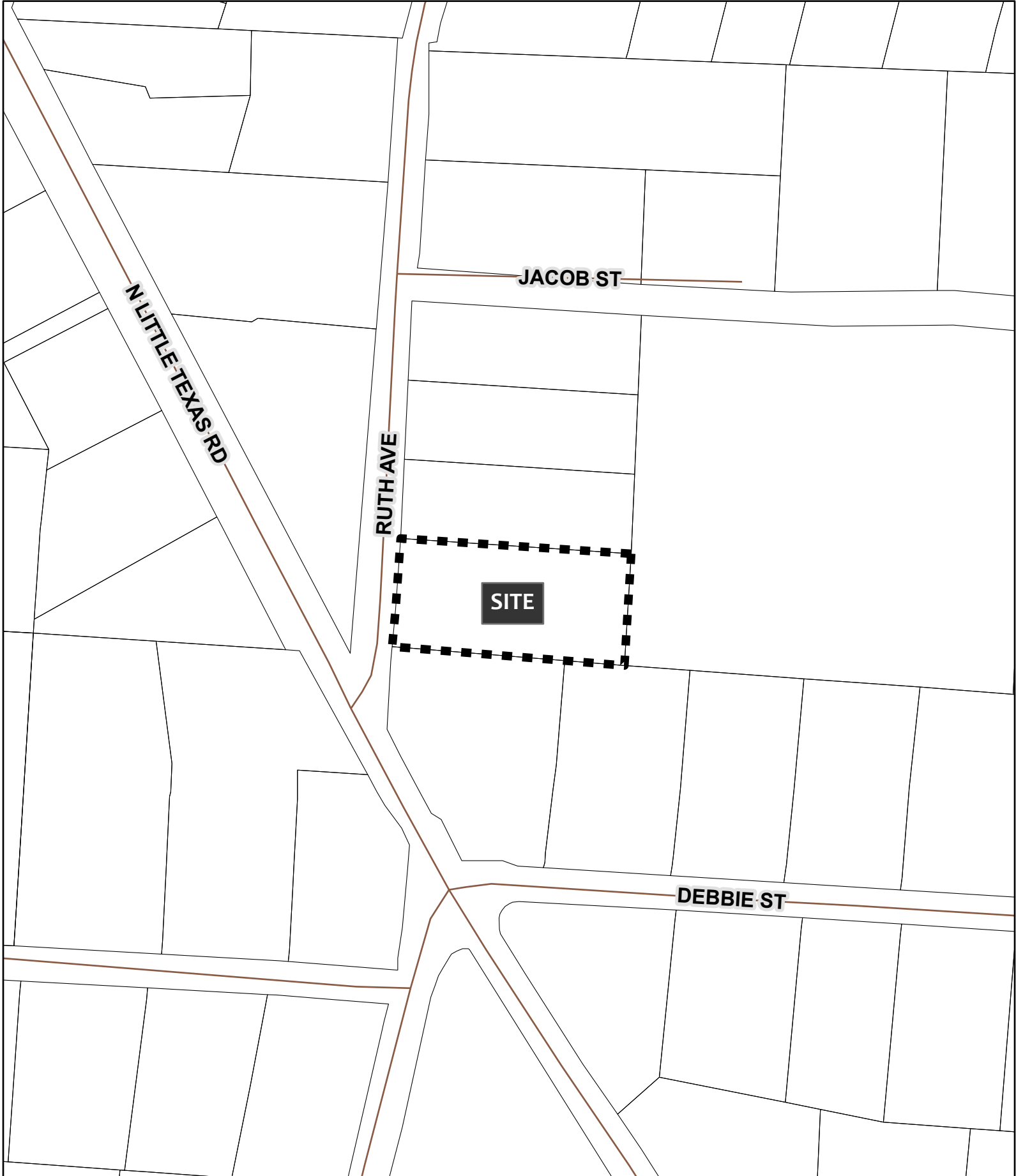


Conditional Rezoning

Case Number: Z-2023-08

Applicant: Tedy Morales

404 Ruth Ave





PLANNING
ZONING
COMMISSION
PUBLIC HEARING
INFORMATION
CALL 704-376-4327
CASE # 421298

Truck Equipment
Charlotte N.C.



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #Z-2023-08**

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

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

WHEREAS, on July 18, 2023 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone property located at 404 Ruth Avenue (Cabarrus County Parcel Identification Number 56242062630000) owned by Tedy Morales and Iranca Zarat, from Office-Institutional (O-I) Zoning Designation to Residential 4 (R4) Zoning Designation,

NOW, THEREFORE BE IT RESOLVED *The Planning and Zoning Commission finds this rezoning consistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates the subject property as located within the “Urban Residential” Character Area in the Move Kannapolis Forward 2030 Comprehensive Plan. This Character Area designation encourages residential uses that would be appropriate for this parcel. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The R4 permitted uses would also be compatible with the surrounding zoning and are not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.*

Adopted this the 18th day of July 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

**Case #Z-2023-08
(404 Ruth Avenue)**

From City of Kannapolis Office-Institutional (O-I) Zoning Designation to City of Kannapolis Residential 4 (R4) Zoning Designation

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

WHEREAS, the Commission conducted a public hearing on July 18, 2023 for consideration of rezoning petition Case #Z-2023-08 submitted by Tedy Morales; and

WHEREAS, the request was to rezone property located at 404 Ruth Avenue (Cabarrus County Parcel Identification Number 56242062630000) owned by Tedy Morales and Iranea Zarat, from Office-Institutional (O-I) Zoning Designation to Residential 4 (R4) Zoning Designation; and

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

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

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

Yes, this property is located within the "Urban Residential" Character Area designation.

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

No, the Residential 4 zoning designation is appropriate for this area.

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

No, but the proximity to other R4 zoning and the Comprehensive Plan Character Area make this zoning change appropriate for this area.

4. Does the proposed rezoning allow uses that are compatible with existing and allowed uses on surrounding land and with the stability and character of any adjacent residential neighborhoods?

Yes, the properties are adjacent to residential and nonresidential land uses.

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

Yes, this property is located adjacent to roads with adequate capacity and safety, adequate facilities, and is a suitable use allowed under the requested zoning.

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

Yes, the proximity of this property to other R4 zoning is a logical and orderly development pattern.

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

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

NOW, THEREFORE BE IT RESOLVED by the City of Kannapolis Planning and Zoning Commission, that the above referenced property be rezoned from City of Kannapolis Office-Institutional (O-I) Zoning Designation to City of Kannapolis Residential 4 (R4) Zoning Designation.

Adopted this the 18th day of July 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary Planning and
Zoning Commission



**Planning and Zoning Commission
July 18, 2023, Meeting**

Staff Report

DATE: July 13, 2023
TO: Planning and Zoning Commission
FROM: Ben Barcroft, Senior Planner
SUBJECT: TA-2023-02 KDO Text Amendments
Applicant: Randy Niessner

Consider a recommendation to City Council regarding text amendments to Article 4, Table 4.2.B(5): Principle Use Table; Section 4.2.D(5)g.6: Standards Specific to Principal Uses; Section 3.8.F(4): Modification of Underlying Use Permissions of the Kannapolis Development Ordinance (KDO)

A. Actions Requested by Planning and Zoning Commission Members

1. Consider Resolution to Adopt a Statement of Consistency for TA-2023-02
2. Consider motion to recommend approval of proposed text amendments by City Council

B. Decision and Required Votes to Pass Requested Action

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

Randy Niessner is proposing several text amendments to the KDO to allow for a quick-change oil service and a drive-thru coffee shop. See Exhibit A attached. After reviewing with the applicant, staff has evaluated what is needed for the proposed uses, the area where such uses shall be allowed, and recommends the following text amendments to the KDO.

Amend Principal Use Table 4.2.B(5) to allow for 'Personal vehicle service and repair' with a special use permit in the Campus District (CD). The Campus District already allows for restaurant drive-thru service if it is secondary to an indoor seating area. This Campus District is a legacy district from the old UDO and will not be used for any new sites.

Amend Section 4.2.D(5)g.6 Standards Specific to Principal Uses to restrict “Personal vehicle service and repair” in the campus district.

Amend Section 3.8.F(4) Modification of Underlying Use Permissions within the Coddle Creek Subdistrict to all allow for some uses in the vehicle and services category near major intersections.

The proposed text amendments to the KDO are attached as Exhibit B and shown in **bold, red text**.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.3.B(1)b of the KDO states that the Commission shall have the following powers and duties under this Ordinance “*To review and make recommendations to City Council on zoning text amendments (Section 2.5.A(1))*”. In accordance with Section 2.3.A(1)d of the KDO, City Council has final authority to review and make decision on Zoning Text Amendments.

F. Legal Issues

None

G. Alternative Courses of Action and Staff Recommendation

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

Based on the foregoing analysis, staff recommends **approval** of the proposed text amendments to **Article 4, Table 4.2.B(5): Principle Use Table; Section 4.2.D(5)g.6: Standards Specific to Principal Uses; Section 3.8.F(4): Modification of Underlying Use Permissions** of the Kannapolis Development Ordinance, as shown per staff edits (attached).

The following actions are required to recommend approval of TA-2023-02:

1. Consider Resolution to Adopt a Statement of Consistency for TA 2023-02
2. Consider motion to recommend approval of proposed text amendments by City Council.

The following actions are required to recommend denial of TA-2023-02:

1. Consider Resolution to not Adopt a Statement of Consistency for TA 2023-02
2. Consider motion to recommend denial of proposed text amendments by City Council.

H. Attachments

1. Text Amendment Application
2. Applicant proposed KDO changes: Exhibit A
3. Staff proposed KDO changes: Exhibit B
4. Resolution to Adopt a Statement of Consistency

I. Issue Reviewed By:

- Planning Director
- Assistant City Manager
- City Attorney



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

Zoning Text 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. Please either bring this application to the address above or email to bstanley@kannapolisnc.gov. The fees may also be paid online with a link provided by staff.

APPLICANT

Applicant: Randy Niessner

SUBMITTAL CHECKLIST

- Pre-Application Meeting
- Zoning Text Amendment Checklist and Application – Complete with all required signatures
- Fee: \$400.00

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 2.4.F of the KDO).

Review Process: All applications will be reviewed for compliance and then forwarded to the Planning and Zoning Commission for consideration of a public hearing which is held monthly on the third Tuesday at 6:00pm in City Hall Laureate Center. All items listed above on the submittal checklist must be received at least one month prior to the next scheduled public hearing.

Action by Planning and Zoning Commission: The Commission shall consider the text amendment request and make a recommendation to City Council in accordance with Section 2.4.G. of the KDO.

Scope of Approval: City Council may approve or deny the request in accordance with Section 2.5.A(1).

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: 7/5/2023



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

ZONING TEXT AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: JZN Properties, LLC - Randy Niessner

Phone: (509) 591-5701

Address: 6012 Bayfield Parkway, Ste. 372

Email: randyniessner24@gmail.com

Concord, NC, 28027

In the space provided below, or on a separate sheet, present your requested text for the Ordinance provisions in question:

See attached.

State your reasons for amending the text of the Ordinance:


The purpose of this proposed text amendment is to permit personal vehicle service and repair and carry-out

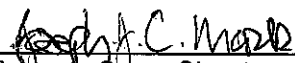
to the legacy CD zoning district and to allow for the oil change service in the corridor overlay. These uses are compatible to the existing uses in the business park, notably

the automotive race teams and the pizza hut/wing street and subway fast food restaurants, as well as the

under-construction gas station.

I certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

 7/5/2023
Applicant Signature Date

 Manager 7/5/2023
Property Owner Signature Date

*mpp gateway
Retail 2, LLC*

Requested Text Amendments:

1. **Modify Table 4.2.B(5):** Principal Use Table to check “Personal vehicle service and repair” and “restaurant, carryout” under the legacy zoning district column to indicate that those uses are permitted by right in the legacy CD zoning district.
2. **Add reference to 4.2.D(5)g.6** in the Use Specific Standards column in the “Personal vehicle service and repair” .
3. **Add section 4.2.D(5)g.6** to read:
Personal Vehicle Service and Repair
 - (a) When in the CD zoning district, the site shall have frontage on a street having a functional classification of collector or higher. In the CD zoning district all personal vehicle service and repair establishments shall be located at least 200 feet from any residential development, residential district, school, or childcare center.
4. Modify section 4.2.D(5)c.4 to **add**:
 - a. In the legacy CD zoning district all Restaurant, Carry-out establishments shall be located at least 200 feet from any residential development, residential district, school, or childcare center. When located in the legacy CD zoning district carry-out restaurant uses shall be limited to a maximum gross floor area of 1,000 sf.

EXHIBIT B TA-2023-02 Proposed Text Amendments

Article 4, Table 4.2.B(5):

Table: Principal Use Table

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

PRINCIPAL USE CATEGORY OR TYPE	AG	RESIDENTIAL							MIXED-USE				NON-RESIDENTIAL				PD			LEGACY			USE-SPECIFIC STANDARDS		
	AG	R1	R2	R4	R6	R7	R8	R18	MU-N	MU-SC	MU-UC	MU-AC	TOD	CC	OI	GC	LI	HI	PD	PD-	PD-C	CD		CD-R	C-1
COMMERCIAL USES																									
Vehicle Sales and Services																									
Personal vehicle service and repair	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	-	-	P	S	-	-	4.2.D(5)g.6

4.2.D(5)g.6:

g. VEHICLE SALES AND SERVICES USES

6. Personal vehicle service and repair

- (a) In the Campus District (CD) the site shall have frontage on a major arterial highway. The site must be within 500 feet of an intersection of two or more arterial highways.
- (b) In the Campus District (CD) no vehicles shall be stored on site.

3.8.F(4):

(1) MODIFICATION OF UNDERLYING USE PERMISSIONS

Within the TPO District, use permissions shall be those that apply in the underlying zoning district, except as follows:

g. Within the Coddle Creek Subdistrict, the following uses are prohibited:

1. Kennels;
2. Amusement parks;
3. Uses in the Vehicle Sales and Services category;
 - (a) Sites that have frontage on an arterial highway and within 500 feet of an intersection of two or more major arterial highways shall be permitted if no vehicles are stored on site.
4. Prefabricated building sales;

5. Self-service storage;
6. Motor freight facilities; and
7. Outdoor storage areas (as an accessory use).



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO TEXT AMENDMENT TA-2023-02**

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

WHEREAS, the text amendment to **Article 4, Table 4.2.B(5): Principle Use Table; Section 4.2.D(5)g.6: Standards Specific to Principal Uses; Section 3.8.F(4): Modification of Underlying Use Permissions to allow for quick oil change service establishments in the CD district and the Coddle Creek Subdistrict when located in proximity to high traffic volume areas** is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*; and

WHEREAS, the Planning and Zoning Commission conducted a Public Hearing on July 18, 2023 for consideration of text amendment Case# TA-2023-02 as submitted by the Planning Department staff;

NOW, THEREFORE BE IT RESOLVED that the Planning and Zoning Commission finds the text amendment as represented in Case TA-2023-02 is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, as well as state statutes, reasonable, and in the public interest, and is recommended for approval by the City Council based on consideration of the application materials, information presented at the Public Hearing, and the recommendation provided by Staff.

Adopted this the 18th Day of July 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission