



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

August 15, 2023 at 6:00 pm

Agenda

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes** – July 18, 2023 and June 20, 2023
- 5. Public Hearing**
 - a. Zoning Map Amendment - Z-2023-09 – Melchor St.**

Public Hearing to consider a request to rezone two properties located on Melchor Street from Heavy Industrial (H-I) to Residential 8 (R8) zoning district. The subject properties are approximately 0.63 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 156 123 and 156 122.
 - b. Zoning Map Amendment – Z-2023-10 – 2343 Trinity Church Rd.**

Public Hearing to consider a request to rezone property located at 2343 Trinity Church Road from Campus Development (CD) to Residential 4 (R4) zoning district. The subject property is approximately 1.66 +/- acres and further identified as Cabarrus County Parcel Identification Number 56023264940000.
- 6. Planning Director Update**
- 7. Other Business**
- 8. Adjourn**



**Planning and Zoning Commission
August 15, 2023 Meeting**

Staff Report

TO: Planning and Zoning Commission
FROM: Kathryn Stapleton, Planner
SUBJECT: Case #Z-2023-09: Two parcels on Melchor Street.
Applicant: Yanwei Ma, Property Owner

Applicant is requesting to rezone two (2) properties located on Melchor Street from Heavy Industrial (HI) to Residential 8 (R8) 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, Yanwei Ma is requesting to rezone approximately 0.63 +/- combined acres of properties located at 2617 Melchor Street and an unaddressed parcel on Melchor Street, further identified as Rowan County Parcel Identification Numbers 156 123 and 156 122, from Heavy Industrial (HI) zoning district to Residential 8 (R8) 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 Corridor” Character Area designation.

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

No, the R8 zoning designation is appropriate for this area.

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 R8 zoning and the Comprehensive Plan Character Area make this zoning change appropriate for this area. Further, staff does not anticipate Heavy Industrial type uses occurring in this immediate 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 R8 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. In fact, the use of the properties as residential uses rather than industrial type uses are more likely to have less of an impact on the area environmentally.

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 R8 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-2023-09

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-2023-09, 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 R8 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-2023-09, 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-2023-09, 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-2023-09 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 #Z-2023-09, 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. 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.

REZONING REQUEST

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

Requested Rezoning Property Address: _____

Applicant: _____

Proposed development: _____

SUBMITTAL CHECKLIST

Pre-Application Meeting

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 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 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: Janwei Ma, PE

Date: _____



ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: _____

Address: _____

Phone: _____

Email: _____

Property Owner Contact Information same as applicant

Name: _____

Address: _____

Phone: _____

Email: _____

Project Information

Project Address: _____

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

Current Zoning Designation: _____ Requested Zoning Designation: _____

Reason for map amendment: _____

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.

Jianwei Ma, PE

Applicant Signature _____ Date

Jianwei Ma, PE

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-2023-09
Applicant: Yanwei Ma
2617 Melchor St



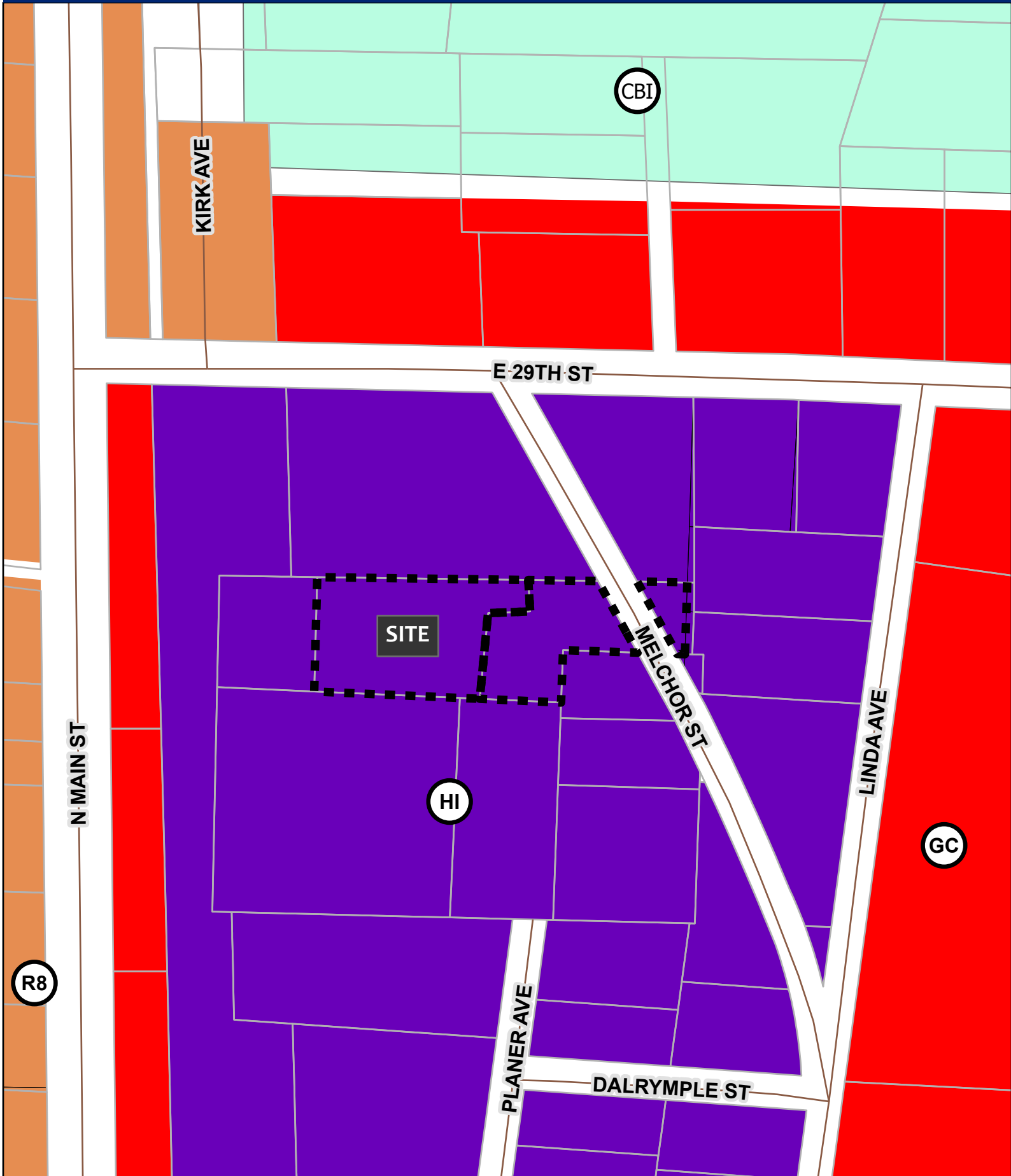


Kannapolis Current Zoning

Case Number: Z-2023-09

Applicant: Yanwei Ma

2617 Melchor St

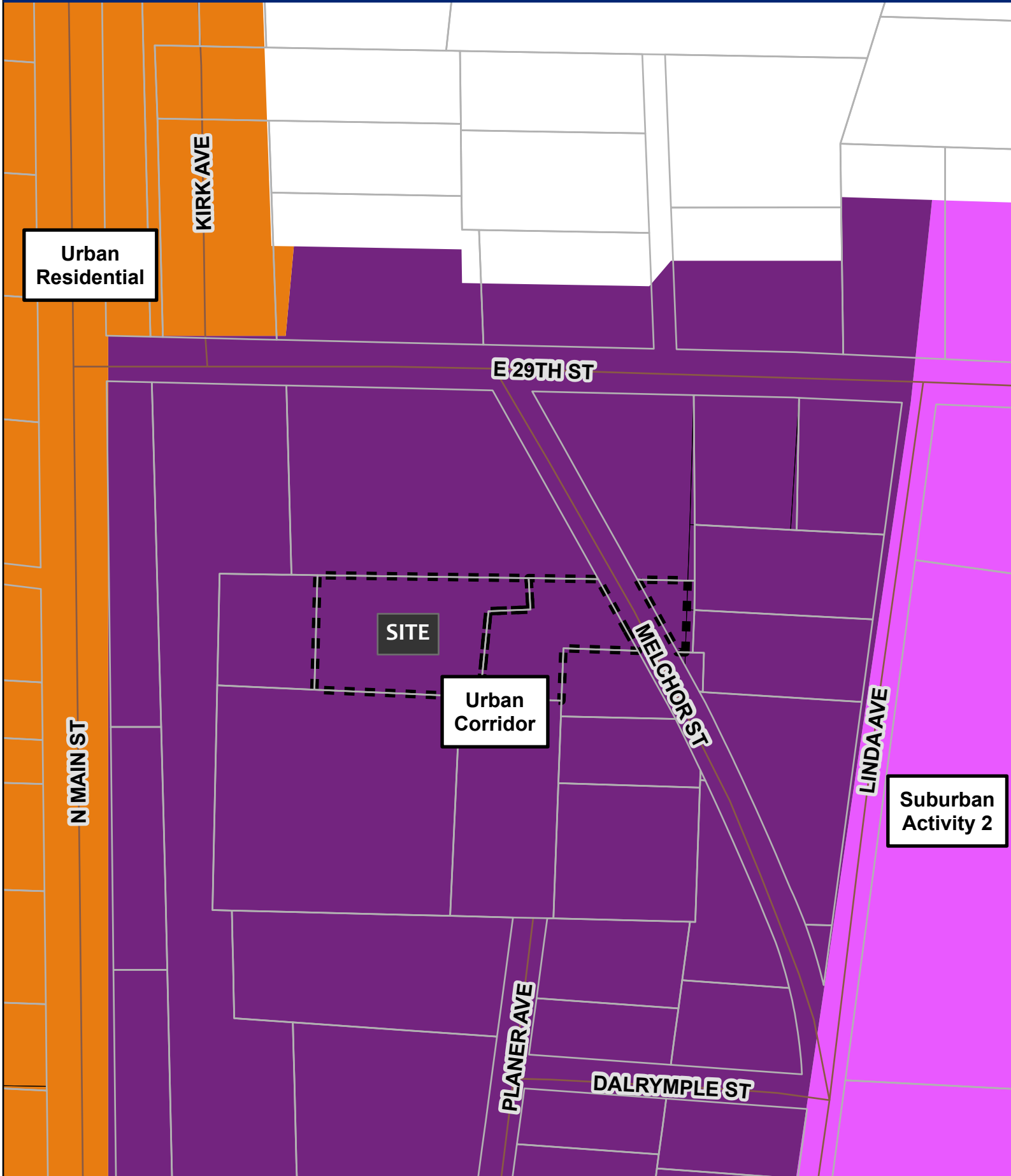


Kannapolis 2030 Future Land Use Map

Case Number: Z-2023-09

Applicant: Yanwei Ma

2617 Melchor St



Urban Residential

KIRK AVE

E 29TH ST

SITE

Urban Corridor

MELCHOR ST

LINDA AVE

Suburban Activity 2

N MAIN ST

PLANER AVE

DALRYMPLE ST



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000843035

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 \$432.16

Payment Amount \$432.16

Amount Due \$0.00

Tear Sheets Proofs Affidavits PO Number:

Tax Amount: 0.00

0 0 1

Payment Meth: Credit - Debit Card

Ad Number Ad Type Ad Size Color
0000843035-01 CLS Legal 2 X 43 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 8/ 4/2023, 8/11/2023

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 8/ 4/2023, 8/ 5/2023, 8/ 6/2023, 8/ 7/2023, 8/ 8/2023, 8/ 9/2023, 8/10/2023

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETING
ZONINGMAPAMENDMENTZ202209MELCHORSTPUBLICHEARIN



NOTICE OF PUBLIC HEARING Planning and Zoning Commission Meeting

Tuesday, August 15 at 6:00 pm

Zoning Map Amendment - Z-2022-09 - Melchor St. -Public Hearing to consider a request to rezone two properties located on Melchor Street from Heavy Industrial (H-I) to Residential 8 (R8) zoning district. The subject properties are approximately 0.63 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 156 123 and 156 122.

Zoning Map Amendment - Z-2022-10 - 2343 Trinity Church Rd. - Public Hearing to consider a request to rezone property located at 2343 Trinity Church Road from Campus Development (CD) to Residential 4 (R4) zoning district. The subject property is approximately 1.66 +/- acres and further identified as Cabarrus County Parcel Identification Number 56023264940000.

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

Publish: August 4, 11, 2023.

OWNNAME	TAXADD1	CITY	STATE	ZIPCODE
ANGEL & JEAMNELY ATILANO	106 E 29TH ST	KANNAPOLIS	NC	28083-9000
EUNICE BLAKENEY	400 E F ST	KANNAPOLIS	NC	28083
BILLY & ADDIE BROWN	1580 MT MORIAH CHURCH RD	CHINA GROVE	NC	28023-9587
CLARENCE & HATTIE CALDWELL	2605 LINDA AVE	KANNAPOLIS	NC	28083
LOUVENIA CHAMBERS	2603 MELCHOR ST	KANNAPOLIS	NC	28083
STANLEY & VANESSA HALEY	PO BOX 577	LANDIS	NC	28088-0577
MELCHOR RECREATION CTR INC				
ATTN: BENJAMIN SMITH	721 OLD PLANK RD	SALISBURY	NC	28144
VICTOR MELTON	918 S CHAPEL ST	KANNAPOLIS	NC	28083-9784
RUBEN MINGO HEIRS				
C/O BLANDENE THOMPSON	1202 CHIPOLA ST	KANNAPOLIS	NC	28083
WILHELMINA C MORGAN HEIRS				
C/O ANGELA MCHAM	10702 DAPPLE GREY LN	CHARLOTTE	NC	28213-2167
NCU4001KS LP				
MINI MALL STORAGE PROPERTIES	1201 GLENMORE TRAIL SW			
NORFOLK SOUTHERN CORPORATION	650 WEST PEAVHTREE ST NW	ATLANTA	GA	30308
NORTH CAROLINA RAILROAD CO	2809 HIGHWOODS BLVD STE 100	RALEIGH	NC	27604
RICHARDSON JAMES ETAL	2603 PLANER AV	KANNAPOLIS	NC	28083
VONGVISAY THANADABOUTH & KEO THANADABOUTH	4613 BOMAR DR	CHARLOTTE	NC	28216
TRUE NORTH PROPERTY OWNER B LLC	PO BOX 4090	SCOTTSDALE	AZ	85261-4090
ROSE WILLIAMS	204 DALRYMBLE ST	KANNAPOLIS	NC	28083-9702
YANWEI MA				
XINZI JI	4625 ARDMORE LN	HARRISBURG	NC	28075-0437



July 28, 2023

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, August 15, 2023 at 6:00 PM, for the following case:

Z-2023-09 – Zoning Map Amendment – Parcel ID’s 156 123 and 156 122 on Melchor Street

The purpose of this Public Hearing is to consider a request to rezone two properties located on Melchor Street from Heavy Industrial (H-I) to Residential 8 (R8) zoning district. The subject properties are approximately 0.63 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 156 123 and 156 122 (see reverse side of this letter for a map showing the location of this properties).

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 704.920.4361 or kstapleton@kannapolisnc.gov.

Sincerely,

Kathryn Stapleton
Planner

Enclosure

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of 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.

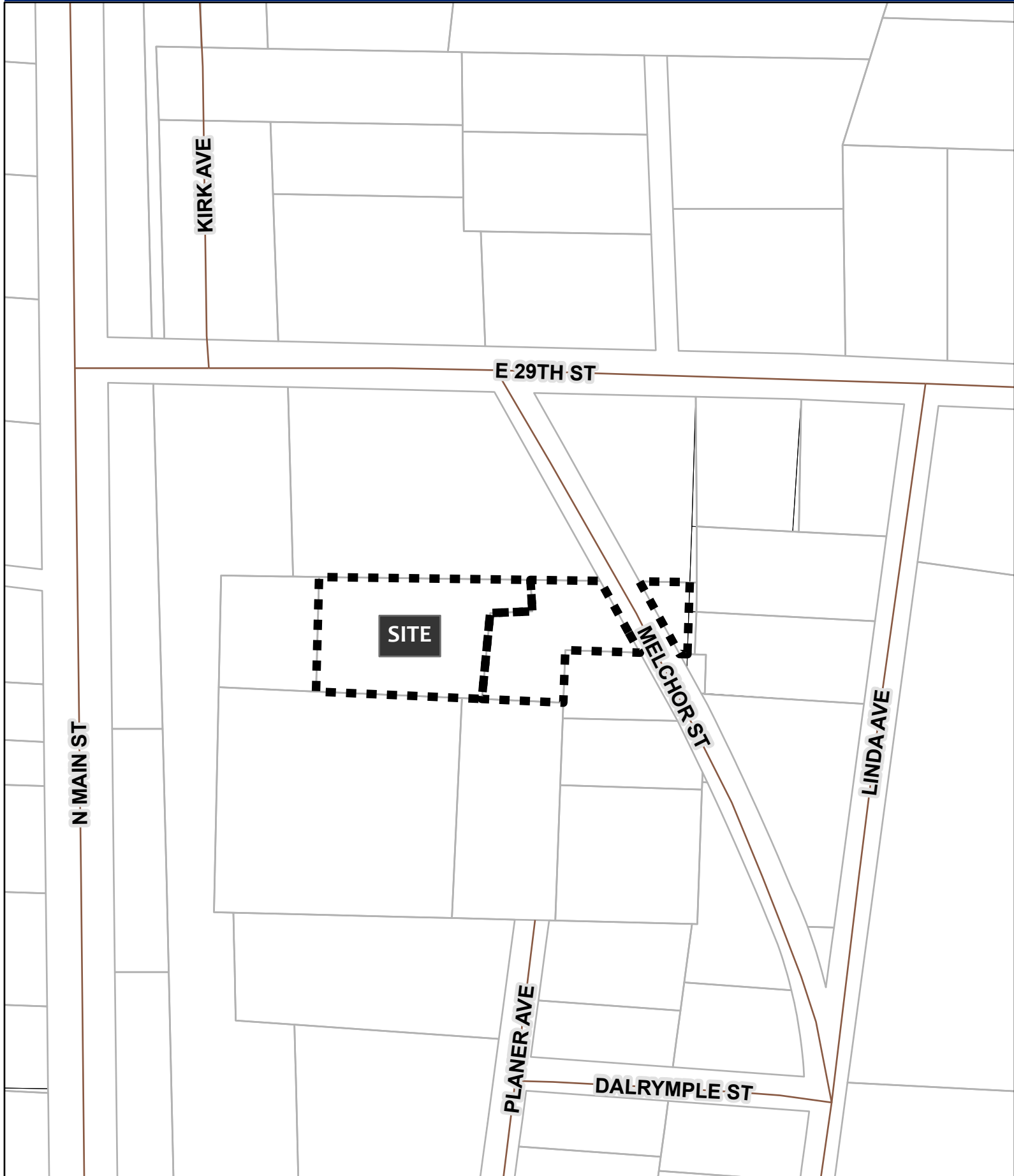


Conditional Rezoning

Case Number: Z-2023-09

Applicant: Yanwei Ma

Unaddressed Parcels: 156 123 and 156 122



KANNAPOLIS
PLANNING
ZONING
COMMISSION
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # Z-2023-09





**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #Z-2023-09**

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 August 15, 2023 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone two (2) properties located on Melchor Street (Rowan County Parcel Identification Numbers 156 123 and 156 122) owned by Yanwei Ma and Xinzi Ji, from Heavy Industrial (HI) Zoning Designation to Residential 8 (R8) 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 R8 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 15th day of August 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE
Case #Z-2023-09
(Two (2) Properties on Melchor Street)

**From City of Kannapolis Heavy Industrial (HI) Zoning Designation to
City of Kannapolis Residential 8 (R8) 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 August 15, 2023 for consideration of rezoning petition Case #Z-2023-09 submitted by Yanwei Ma; and

WHEREAS, the request was to rezone two (2) properties located on Melchor Street (Rowan County Parcel Identification Numbers 156 123 and 156 122) owned by Yanwei Ma and Xinzi Ji, from Heavy Industrial (HI) Zoning Designation to Residential 8 (R8) 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 8 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 R8 zoning and the Comprehensive Plan Character Area make this zoning change appropriate for this area. Further, staff does not anticipate Heavy Industrial type uses occurring in this immediate 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 R8 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. In fact, the use of the properties as residential uses rather than industrial type uses are more likely to have less of an impact on the area environmentally.

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 Heavy Industrial (HI) Zoning Designation to City of Kannapolis Residential 8 (R8) Zoning Designation.

Adopted this the 15th day of August 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



**Planning and Zoning Commission
August 15, 2023 Meeting**

Staff Report

TO: Planning and Zoning Commission
FROM: Kathryn Stapleton, Planner
SUBJECT: Case #Z-2023-10: 2343 Trinity Church
Road Applicant: Brad Brothers

Applicant is requesting to rezone property located at 2343 Trinity Church Road from Campus Development (CD) to Residential 18 (R18) 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, Brad Brothers, is requesting to rezone approximately 1.66 +/- acres of property located at 2343 Trinity Church Road, further identified as Cabarrus County Parcel Identification Number 56023264940000, from Campus Development (CD) zoning district to Residential 18 (R18) zoning district. After further review, staff has determined that a Residential 4 (R4) zoning district is more appropriate to this area.

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 “Complete Neighborhood 2” Character Area designation.

The Planning and Zoning Commission recently recommended approval of a Comprehensive Plan Amendment (CPA-2023-04) to amend the Future Land Use Map and Character Area designation for this area from “Employment Center” designation to the “Complete Neighborhood 2” designation at their June 20, 2023 meeting. City Council subsequently approved this amendment at their July 24, 2023 meeting.

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

No, but staff has determined that the R4 zoning designation is more 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 R4 proximity to other low-density zoning in the area 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 low-density 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 “Complete Neighborhood 2” 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 recommended 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-2023-10

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-2023-10, 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 “Complete Neighborhood 2” 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 recommended 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-2023-10, 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-2023-10, 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-2023-10 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 #Z-2023-10, 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



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

Zoning Map Amendment Checklist

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

REZONING REQUEST

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

Requested Rezoning Property Address: 2343 Trinity Church Rd

Applicant: Brad Brothers

Proposed development: New single family home

New single family home

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: Brad Brothers

Date: 8/10/2023



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: Brad Brothers

Address: 2343 Trinity Church RD

Phone: 704-796-6540

Email: krpro50@gmail.com

Property Owner Contact Information same as applicant

Name: _____

Address: _____

Phone: _____

Email: _____

Project Information

Project Address: 2343 Trinity Church RD

Parcel: 56023264940000 # of parcels: Tract 2 Approx. size of parcels: 1.66
(attach separate list if necessary)

Current Zoning Designation: CD Requested Zoning Designation: _____

Reason for map amendment: New single family home

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.

Brad Brothers
Applicant Signature

8/10/2023
Date

Brad Brothers
Property Owner Signature

8/10/2023
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.

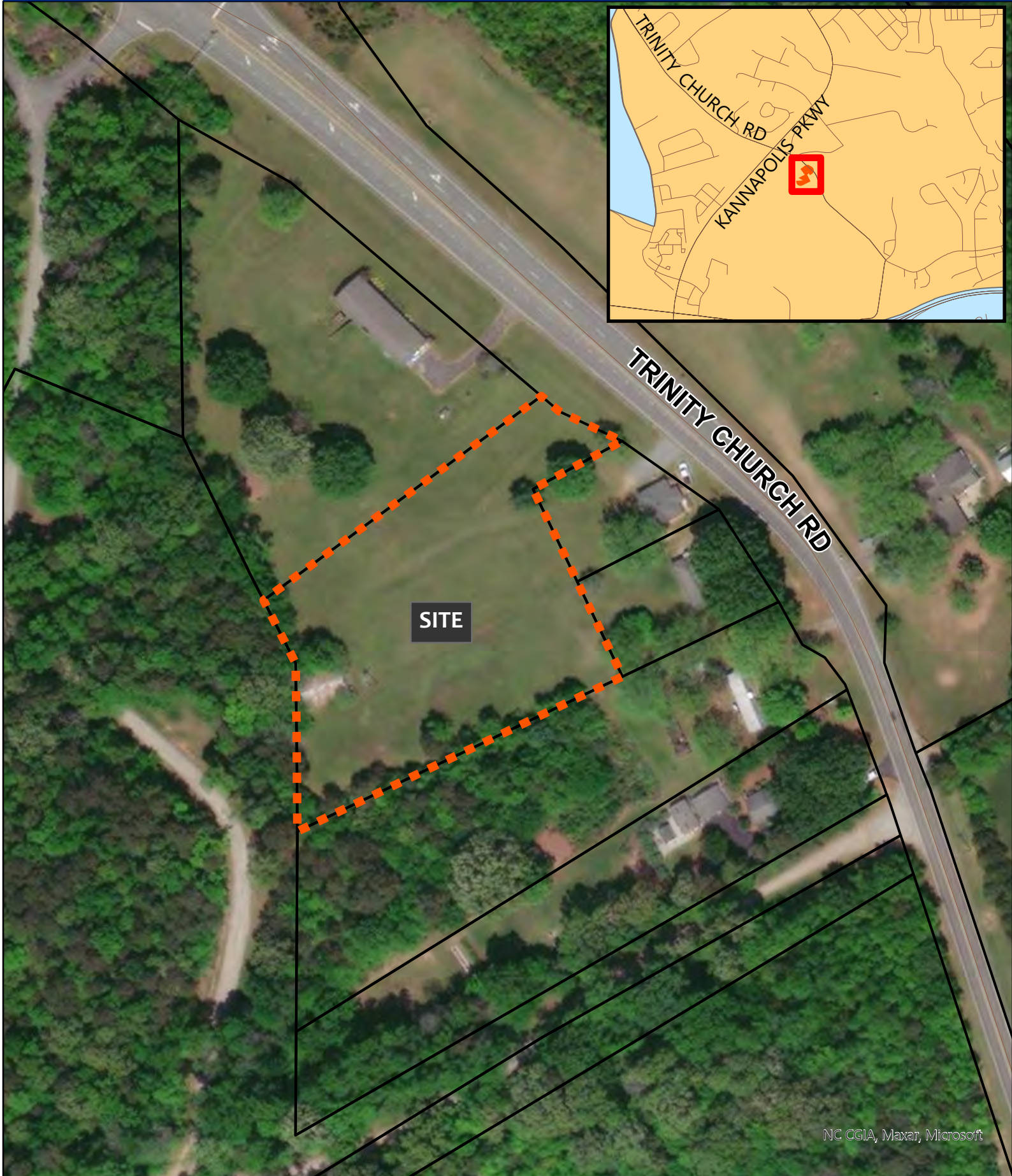


Vicinity Map

Case Number: Z-2023-10

Applicant: Kevin Reynolds

2343 Trinity Church Rd



SITE

TRINITY CHURCH RD

TRINITY CHURCH RD
KANNAPOLIS PKWY

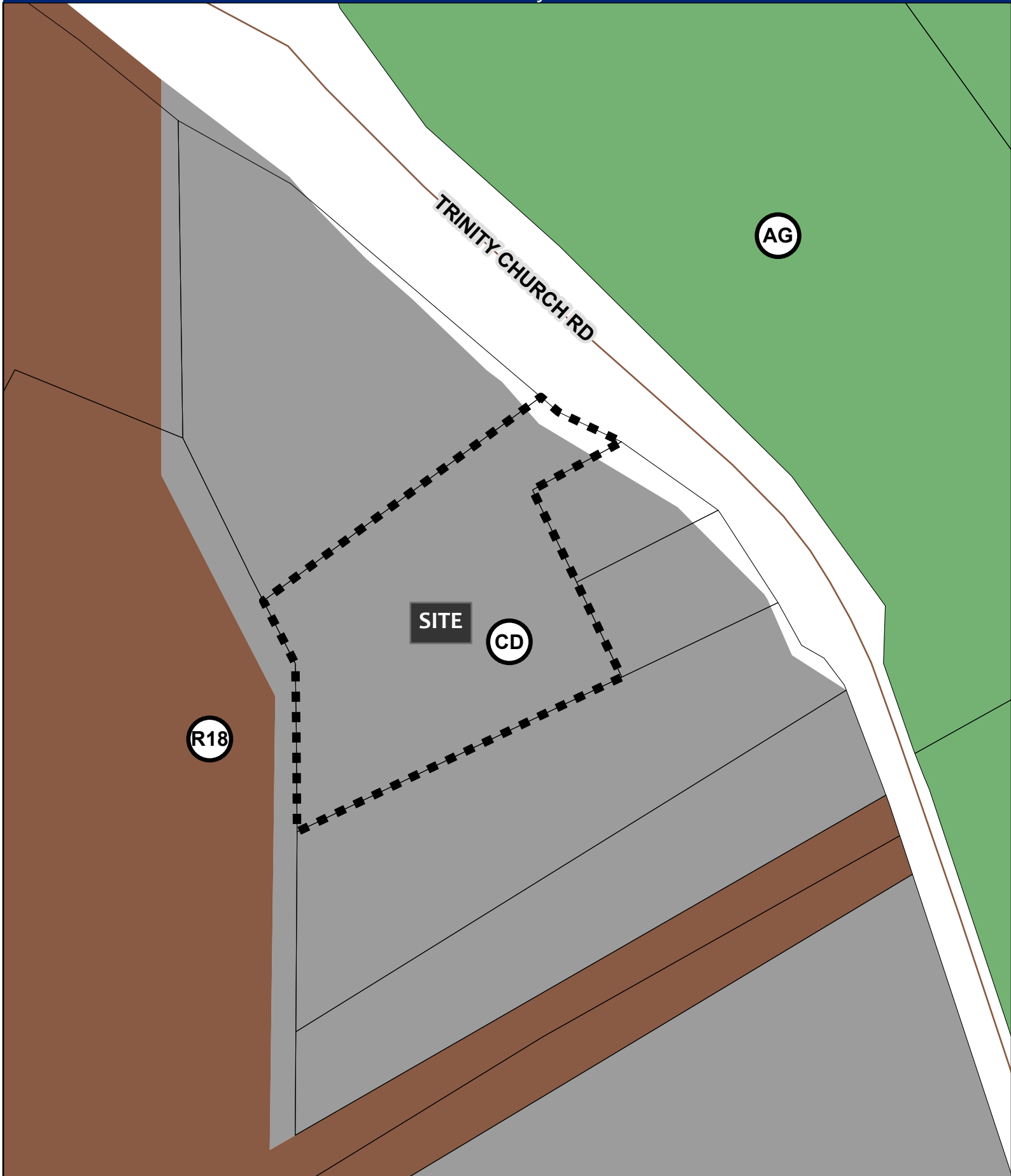


Kannapolis Current Zoning

Case Number: Z-2023-10

Applicant: Kevin Reynolds

2343 Trinity Church Rd





Kannapolis 2030 Future Land Use Map

Case Number: Z-2023-10

Applicant: Kevin Reynolds

2343 Trinity Church Rd





PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000843035

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 \$432.16

Payment Amount \$432.16

Amount Due \$0.00

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

Tax Amount: 0.00

0 0 1

Payment Meth: Credit - Debit Card

Ad Number **Ad Type** **Ad Size** **Color**
0000843035-01 CLS Legal 2 X 43 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 8/ 4/2023, 8/11/2023

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 8/ 4/2023, 8/ 5/2023, 8/ 6/2023, 8/ 7/2023, 8/ 8/2023, 8/ 9/2023, 8/10/2023

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETING
ZONINGMAPAMENDMENTZ202209MELCHORSTPUBLICHEARIN



NOTICE OF PUBLIC HEARING
Planning and Zoning Commission Meeting

Tuesday, August 15 at 6:00 pm

Zoning Map Amendment - Z-2022-09 - Melchor St. -Public Hearing to consider a request to rezone two properties located on Melchor Street from Heavy Industrial (H-I) to Residential 8 (R8) zoning district. The subject properties are approximately 0.63 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 156 123 and 156 122.

Zoning Map Amendment - Z-2022-10 - 2343 Trinity Church Rd. - Public Hearing to consider a request to rezone property located at 2343 Trinity Church Road from Campus Development (CD) to Residential 4 (R4) zoning district. The subject property is approximately 1.66 +/- acres and further identified as Cabarrus County Parcel Identification Number 56023264940000.

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

Publish: August 4, 11, 2023.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
SARAH B AUSTIN LLC	PO BOX 3067	CONCORD	NC	28025
WILLIAM & ANNE AUSTIN	2401 TRINITY CHURCH RD	CONCORD	NC	28027
SAMUEL & JANE BOLICK	2215 TRINITY CHURCH RD	CONCORD	NC	28027
BRADLEY BROTHERS				
C/O ROY REYNOLDS	2347 TRINITY CHURCH RD	CONCORD	NC	28027
TRENT FURR	1025 MIDLAKE ROAD	KANNAPOLIS	NC	28083
DAVID & WENDY OSBORNE	210 N CHURCH ST UNIT 3414	CHARLOTTE	NC	28202
FELIX D REYES	3136 KEADY MILL LOOP	KANNAPOLIS	NC	28081
MIGUEL SANTIAGO	2337 TRINITY CHURCH RD	CONCORD	NC	28027
KEVIN REYNOLDS	2343 TRINITY CHURCH RD	KANNAPOLIS	NC	28027



July 28, 2023

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, August 15, 2023 at 6:00 PM, for the following case:

Z-2023-10 – Zoning Map Amendment – 2343 Trinity Church Road

The purpose of this Public Hearing is to consider a request to rezone property located at 2343 Trinity Church Road from Campus Development (CD) to Residential 4 (R4) zoning district. The subject property is approximately 1.66 +/- acres and further identified as Cabarrus County Parcel Identification Number 56023264940000 (see reverse side of this letter for a map showing the location of this properties).

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 704.920.4361 or kstapleton@kannapolisnc.gov.

Sincerely,

Kathryn Stapleton
Planner

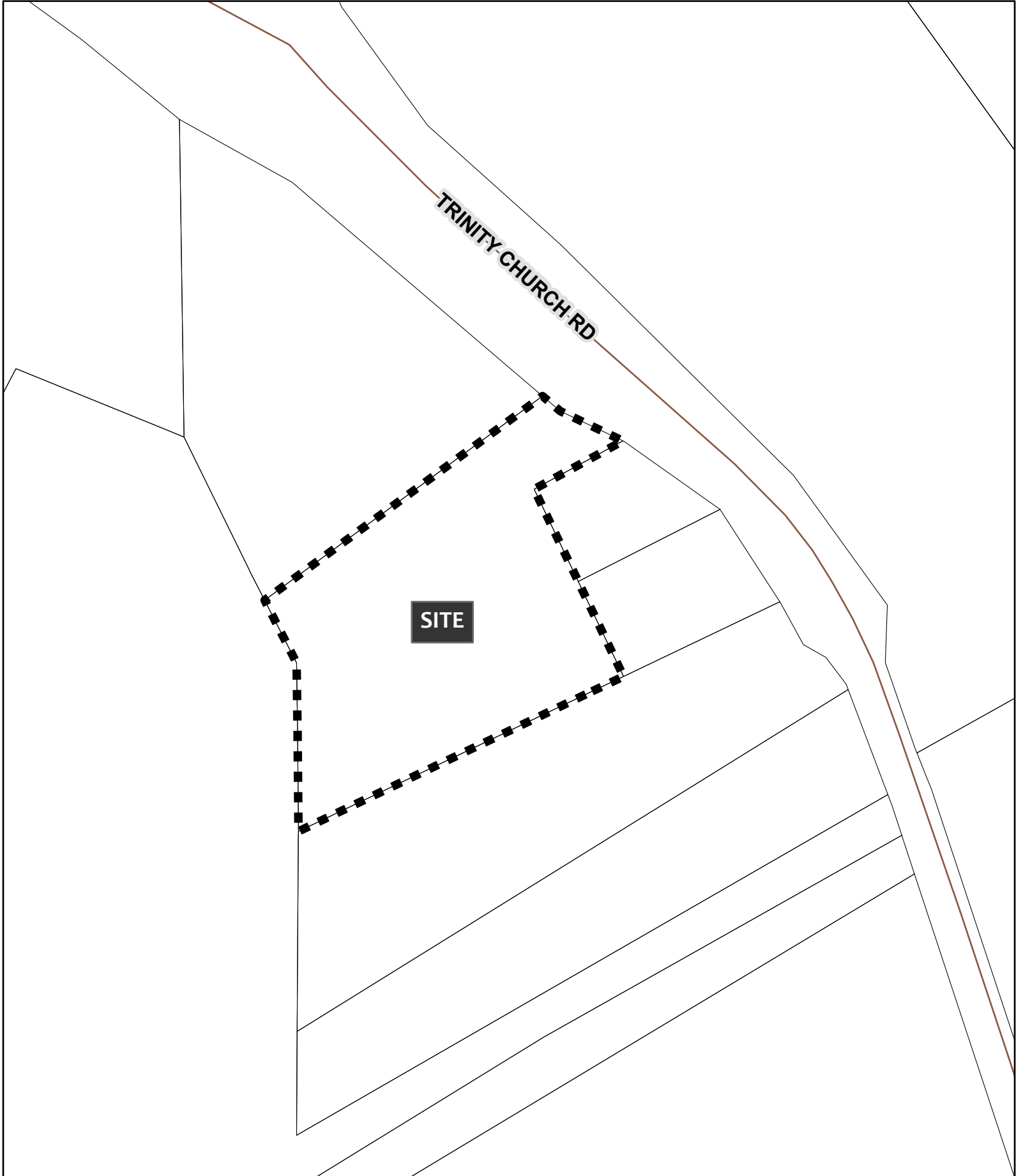
Enclosure

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of 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-2023-10
Applicant: Kevin Reynolds
2343 Trinity Church Rd





KANNAPOLIS
PLANNING
ZONING
COMMISSION
PUBLIC HEARING INFORMATION
CALL 704-920-4350 CASE # Z-2023-10



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #Z-2023-10**

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 August 15, 2023 the Planning and Zoning Commission conducted a public hearing to consider a request to property located at 2343 Trinity Church Road (Cabarrus County Parcel Identification Number 56023264940000) owned by Bradley Brothers, from Campus Development (CD) 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 “Complete Neighborhood 2” 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 15th day of August 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case #Z-2023-10

2343 Trinity Church Road

From City of Kannapolis Campus Development (CD) 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 August 15, 2023 for consideration of rezoning petition Case #Z-2023-10 submitted by Brad Brothers; and

WHEREAS, the request was to rezone property located at 2343 Trinity Church Road (Cabarrus County Parcel Identification Number 56023264940000) owned by Bradley Brothers, from Campus Development (CD) 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 “Complete Neighborhood 2” Character Area designation.

The Planning and Zoning Commission recently recommended approval of a Comprehensive Plan Amendment (CPA-2023-04) to amend the Future Land Use Map and Character Area designation for this area from “Employment Center” designation to the “Complete Neighborhood 2” designation at their June 20, 2023 meeting. City Council subsequently approved this amendment at their July 24, 2023 meeting.

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

No, but staff has determined that the R4 zoning designation is more 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 R4 proximity to other low-density zoning in the area 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 low-density 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 Campus Development (CD) Zoning Designation to City of Kannapolis Residential 4 (R4) Zoning Designation.

Adopted this the 15th day of August 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary Planning and
Zoning Commission