



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

**September 19, 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 – August 15, 2023**
- 5. Public Hearing**
  - a. Zoning Map Amendment – Z-2023-11 – 3495 Shiloh Church Road**

Public Hearing to consider a request to rezone property located at 3495 Shiloh Church Road from Cabarrus County Countryside Residential (CR) to City of Kannapolis Residential 4 (R4) zoning district. The subject property is approximately 1.06 +/- acres and further identified as Cabarrus County Parcel Identification Number 46726724470000.
  - b. Zoning Map Amendment – Z-2023-12 - 4401 Alder Street**

Public Hearing to consider a request to rezone property located at 4401 Alder St. from Cabarrus County Low Density Residential (LDR) to City of Kannapolis Residential 8 (R8) zoning district. The subject property is approximately 1.058 +/- acres and further identified as Cabarrus County Parcel Identification Number 56048004480000.
- 6. Recommendation to City Council**
  - a. Text Amendment - TA-2023-03 – Solar Panels**

Consider a recommendation to City Council regarding amendments to Article 4, Section 4.3.D(21)a: Solar Energy Conservation System.
  - b. Text Amendment – TA-2023-04 – Stormwater Controls**

Consider a recommendation to City Council regarding amendments to Article 5, Section 5.10.D.2.C.: Use of Charlotte Mecklenburg Storm Water Design Manual, of the Kannapolis Development Ordinance (KDO) to include the 1000+1 Flood Analysis.
  - c. Comprehensive Plan Amendment – CPA-2023-05 – Melchor Street**

Consider a recommendation to City Council regarding an amendment to the Move Kannapolis Forward 2030 Comprehensive Plan “Future Land Use Map and Character Area” designation of properties located between E 29<sup>th</sup> Street and E 22<sup>nd</sup> Street from “Urban Corridor” to “Urban Residential” Character Area.
- 6. Planning Director Update**
  - a. Transportation Projects Update**
- 7. Other Business**
- 8. Adjourn**



**Planning and Zoning Commission  
September 19, 2023 Meeting**

**Staff Report**

**TO:** Planning and Zoning Commission  
**FROM:** Kathryn Stapleton, Planner  
**SUBJECT:** Case #Z-2023-11: 3495 Shiloh Church Road  
Applicant: Emil Bec, Property Owner

Applicant is requesting to rezone property located at 3495 Shiloh Church Road from Cabarrus County Countryside Residential (CR) to City of Kannapolis 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, Emil Bec, is requesting to rezone approximately 1.06 +/- acres of property located at 3495 Shiloh Church Road, further identified as Cabarrus County Parcel Identification Number 46726724470000, from Cabarrus County Countryside Residential (CR) zoning district to City of Kannapolis Residential 4 (R4) zoning district.

Per the North Carolina General Statutes, a City of Kannapolis zoning designation must be applied to the property by the Planning and Zoning Commission within sixty (60) days of the effective date of the annexation. City Council approved the voluntary annexation of the subject property August 28, 2023.

**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.
- 2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?**  
No, residential zoning is consistent with the area.
- 3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?**  
No, the subject property was recently annexed into the City of Kannapolis.
- 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 property is adjacent to residential 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. Public water is available to this site at this time, but public sewer is not.
- 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*. Staff finds the request for rezoning 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-2023-11**

### **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-2023-11, 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*. Staff finds the request for rezoning 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-2023-11, 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-2023-11, 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-2023-11 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-2023-11, 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: 3495 Shiloh Church Rd. Davidson, NC 28036

Applicant: EMIL BEC

Proposed development: SUB-DIVIDE EXISTING 1.08 AC PARCEL into two parcels for  
Single Family Dwelling homes.

### SUBMITTAL CHECKLIST

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

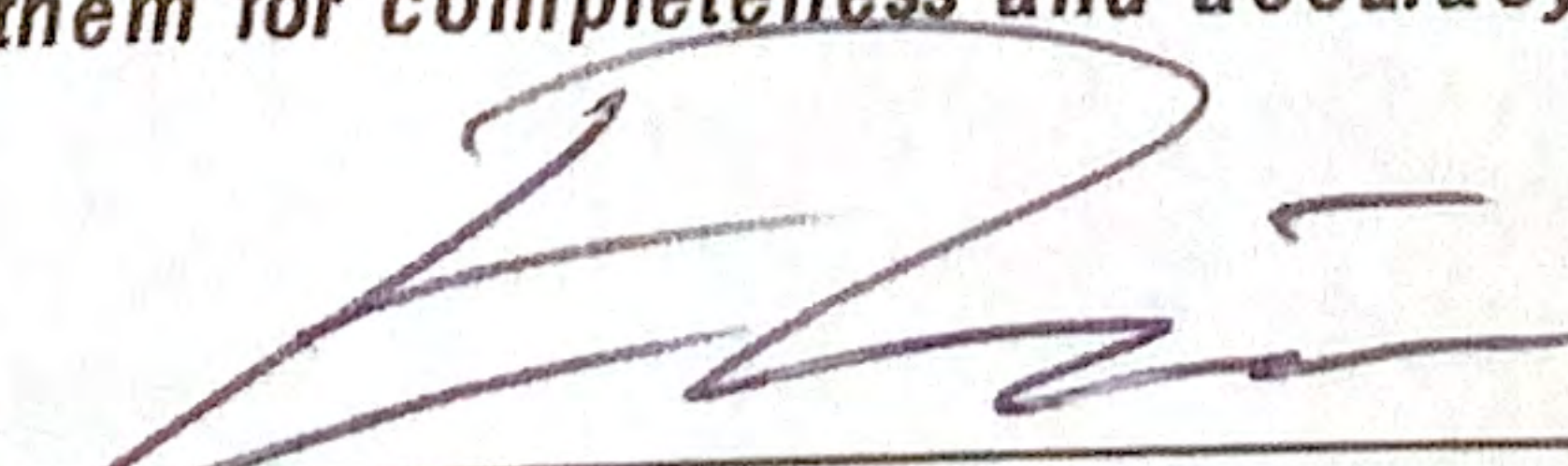
**Public Notification:** This is a legislative process that requires a public hearing and public notification including newspaper notice, first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Section 3.1.5.1 of the UDO).

**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: 

Date: 8/16/23



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: EMIL BEC  
Address: 119 Cairo Ct.  
MOORESVILLE, NC 28115  
Phone: 704-526-7115  
Email: emil\_bec@hotmail.com

#### Property Owner Contact Information same as applicant

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

#### Project Information

Project Address: 3495 Shiloh Church Rd. Davidson, NC 28036

Parcel: 4672672447 0000 # of parcels: 1 Approx. size of parcels: 1.08  
*(attach separate list if necessary)*

Current Zoning Designation: CR Requested Zoning Designation: R4

Reason for map amendment: Annexation to the city of Kannapolis & to create  
(2) parcels of approximately .53 Ac each.

**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.**

[Signature]  
Applicant Signature

8/16/23  
Date

[Signature]  
Property Owner Signature

8/16/23  
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.*

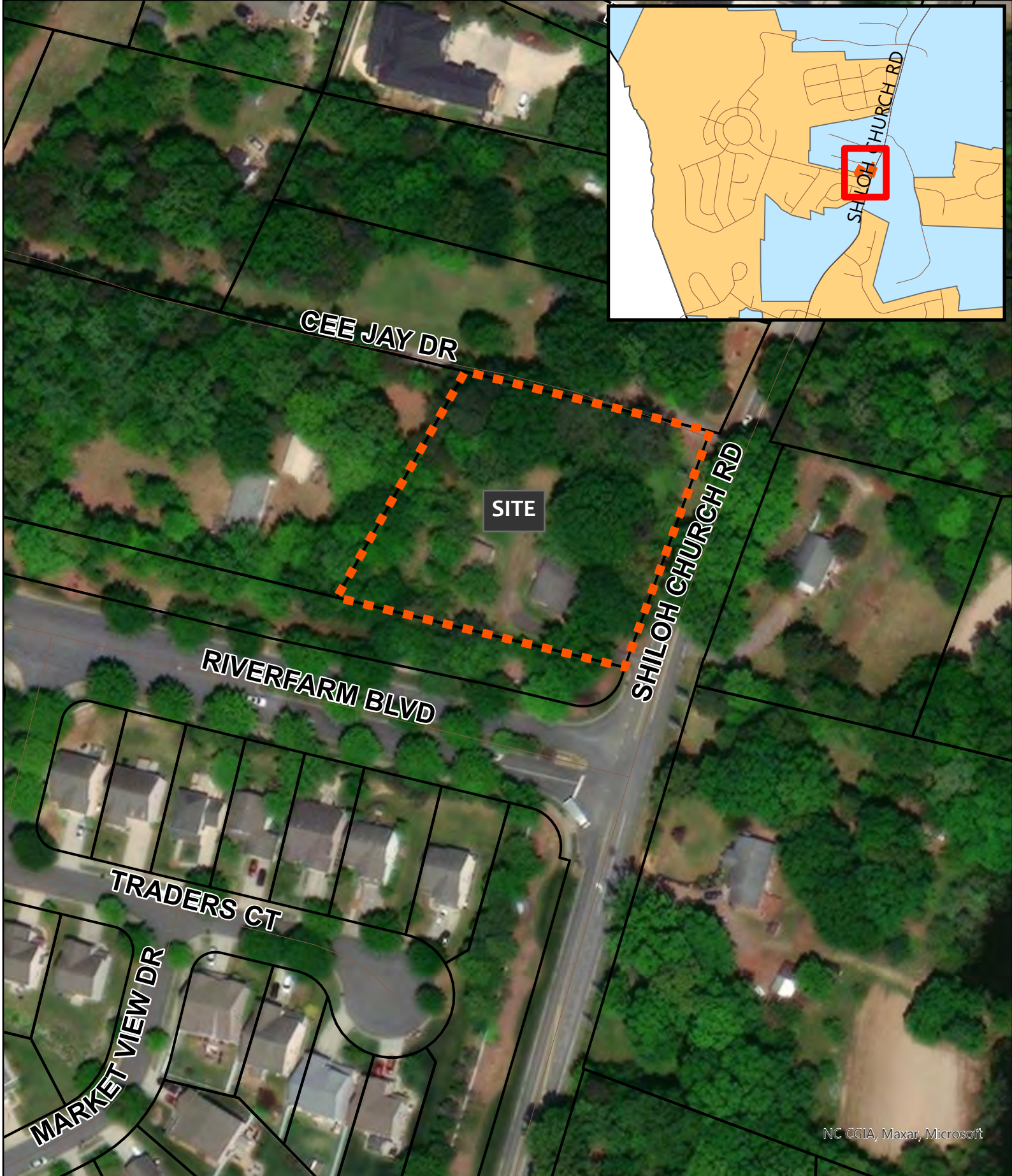


# Vicinity Map

Case Number: Z-2023-11

Applicant: Emil Bec

3495 Shiloh Church Rd



CEE JAY DR

SITE

SHILOH CHURCH RD

RIVERFARM BLVD

TRADERS CT

MARKET VIEW DR



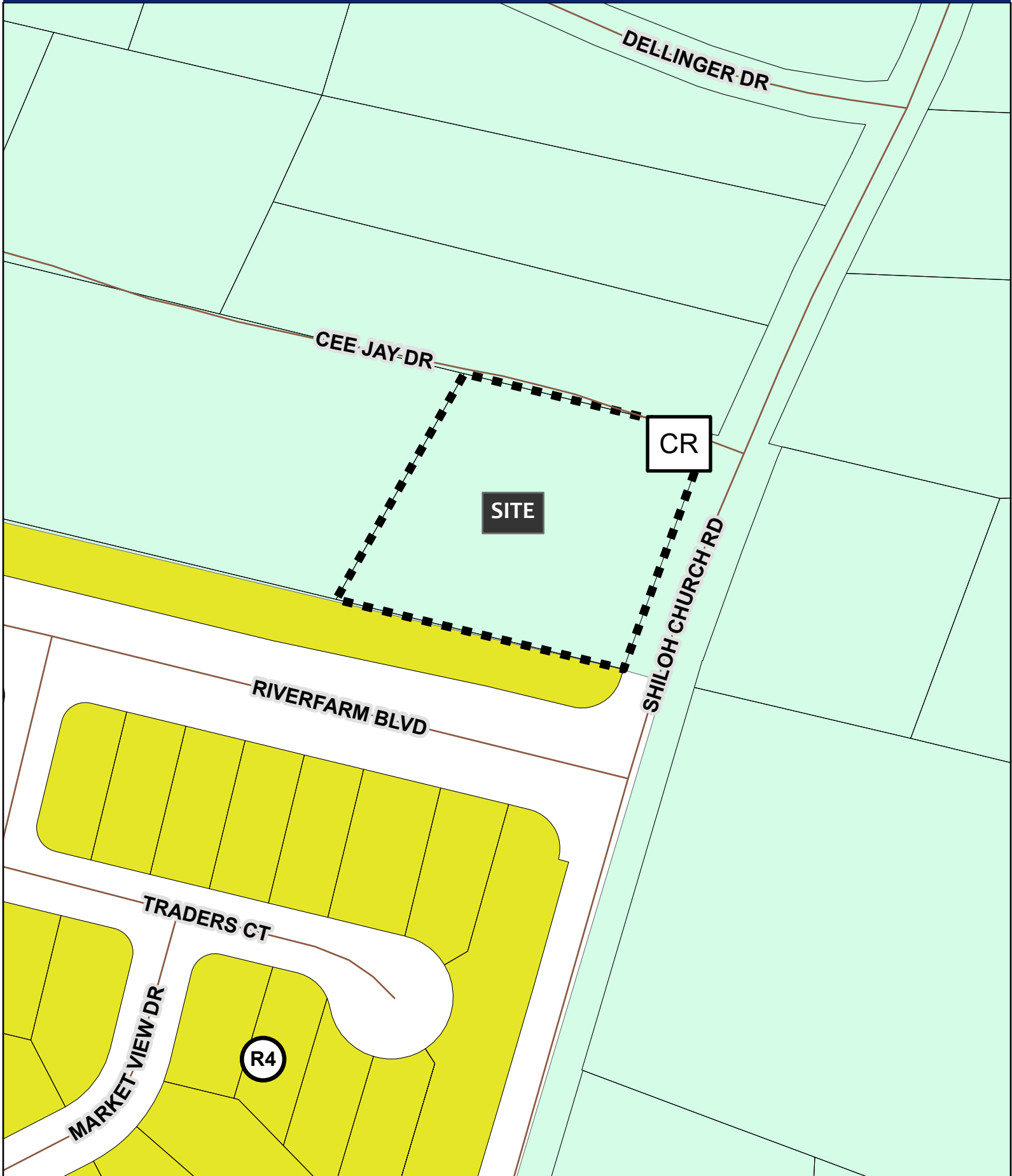


# Kannapolis Current Zoning

Case Number: Z-2023-11

Applicant: Emil Bec

3495 Shiloh Church Rd



# Kannapolis 2030 Future Land Use Map

Case Number: Z-2023-11

Applicant: Emil Bec

3495 Shiloh Church Rd





PO Box 27283  
Richmond, VA 23261-7283

# Order Confirmation

Order# 0000846845

**Client:** CITY OF KANNAPOLIS  
**Phone:** 7049204300

**Pavor :** CITY OF KANNAPOLIS  
**Phone:** 7049204300

**Account:** 3143368  
**Address:** BRIDGETTE BELL  
KANNAPOLIS NC 28081

**Account:** 3143368  
**Address:** BRIDGETTE BELL  
KANNAPOLIS NC 28081

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

**Fax:** 7049337463  
**EMail:** ap@kannapolisnc.gov

**Total Amount**                      \$522.84

**Payment Amount**                      \$522.84

**Amount Due**                              \$0.00

**Tax Amount:**                              0.00

**Payment Meth:**      Credit - Debit Card

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

**Ad Number**                      **Ad Type**                      **Ad Size**                      **Color**  
0000846845-01                      CLS Liner                      2 X 40 li                      \$0.00

**Production Method**  
AdBooker (liner)

**Production Notes**

**Product and Zone**                      **Placement**                      **Position**                      **# Inserts**  
CON Independent Trib                      C-Announcements                      General-Spec Notice                      2

**Run Schedule Invoice Text:**      NOTICE OF PUBLIC HEARING Planning and Zoning

**Run Dates**                      9/ 8/2023, 9/15/2023

**Product and Zone**                      **Placement**                      **Position**                      **# Inserts**  
NCC Online                      C-Announcements                      General-Spec Notice                      7

**Run Schedule Invoice Text:**      NOTICE OF PUBLIC HEARING Planning and Zoning

**Run Dates**                      9/ 8/2023, 9/ 9/2023, 9/10/2023, 9/11/2023, 9/12/2023, 9/13/2023, 9/14/2023

**TagLine:** NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETINGTUESDAYSEPTEMBER19AT6  
00PMZONINGMAPAMENDMENTZ2022113495SHILOHCHURCHRD



**NOTICE OF PUBLIC HEARING**  
**Planning and Zoning Commission Meeting**

**Tuesday, September 19 at 6:00 pm**

**Zoning Map Amendment - Z-2022-11 - 3495 Shiloh Church Rd.** - Public Hearing to consider a request to rezone property located at 3495 Shiloh Church Road from Cabarrus County Countryside Residential (CR) to City of Kannapolis Residential 4 (R4) zoning district. The subject property is approximately 1.06 +/- acres and further identified as Cabarrus County Parcel Identification Number 46726724470000.

**Zoning Map Amendment - Z-2022-12 - 4401 Alder St.** - Public Hearing to consider a request to rezone property located at 4401 Alder St. from Cabarrus County Low Density Residential (LDR) to City of Kannapolis Residential 8 (R8) zoning district. The subject property is approximately 1.058 +/- acres and further identified as Cabarrus County Parcel Identification Number 56048004480000.

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.

**Publish: September 8, 15, 2023.**

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
EMIL& MONICA BEC	119 CAIRO CT	MOORESVILLE	NC	28115
JAMES & ANGEL CURRIE	10760 DELLINGER DR	DAVIDSON	NC	28036
WILLIAM C DANZY III				
YVONNE WALLS	3635 PLACID DR	DAVIDSON	NC	28036
FRANCISCO & CRIMILDA GOMEZ	4218 SURF AVE	BROOKLYN	NY	11224
CHELSEA A HAWKINS-SMITH	10762 TRADERS CT	DAVIDSON	NC	28036
SHIRLEY F HUDSON	3460 SHILOH CHURCH RD	DAVIDSON	NC	28036
ANNIE M JOHNSON				
KENNETH W ALEXANDER	3482 SHILOH CHURCH RD	DAVIDSON	NC	28036
SHERRY K LAKES				
SERIA D LAKES	11825 CAPSTAN DR	UPPR MARLBORO	MD	20772
SIBERT LEWIS TR				
YVROSE JEAN LEWIS TR	10774 TRADERS CT	DAVIDSON	NC	28036
TIMOTHY & JOSELYN LUKACIK	3539 SHILOH CHURCH RD	DAVIDSON	NC	28036
RICHARD SR MCCARRON TRUSTEE				
SUSAN MCCARRON TRUSTEE	10758 TRADERS CT	DAVIDSON	NC	28036
DEVIN & RACHEL MCNELLIE	10750 TRADERS CT	DAVIDSON	NC	28036
LUZ ADRIANA CARDONA MUNOZ				
JUAN FELIPE MUNOZ	10766 TRADERS CT	DAVIDSON	NC	28036
MICHAEL & DANIELLE NEWMAN	10770 TRADERS CT	DAVIDSON	NC	28036
KRONA JEAN SIGMON				
MICHAEL RAY GRAVES	3517 SHILOH CHURCH RD	DAVIDSON	NC	28036
THE FARM AT RIVERPOINTE	631 BRAWLEY SCHOOL RD STE 407			
HOMEOWNERS ASSOCIATION	#148	MOORESVILLE	NC	28117
KENNETH & MYRA F TRULL				
	100 OLDE TOWNE YACHT CLUB RD UNIT 710	BEAUFORT	NC	28516



September 7, 2023

Dear Property Owner:

**Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, September 19, 2023 at 6:00 PM at City Hall located at 401 Laureate Way, for the following case:**

**Z-2023-11 – Zoning Map Amendment – 3495 Shiloh Church Road**

The purpose of this Public Hearing is to consider a request to rezone property located at 3495 Shiloh Church Road from Cabarrus County Countryside Residential (CR) to City of Kannapolis Residential 4 (R4) zoning district. The subject property is approximately 1.08 +/- acres and further identified as Cabarrus County Parcel Identification Number 46726724470000 (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](mailto: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 Heather James, Human Resource Director, by phone at 704-920-4322 or by email at [hjames@kannapolisnc.gov](mailto:hjames@kannapolisnc.gov) as soon as possible but no later than 48 hours before the scheduled event.

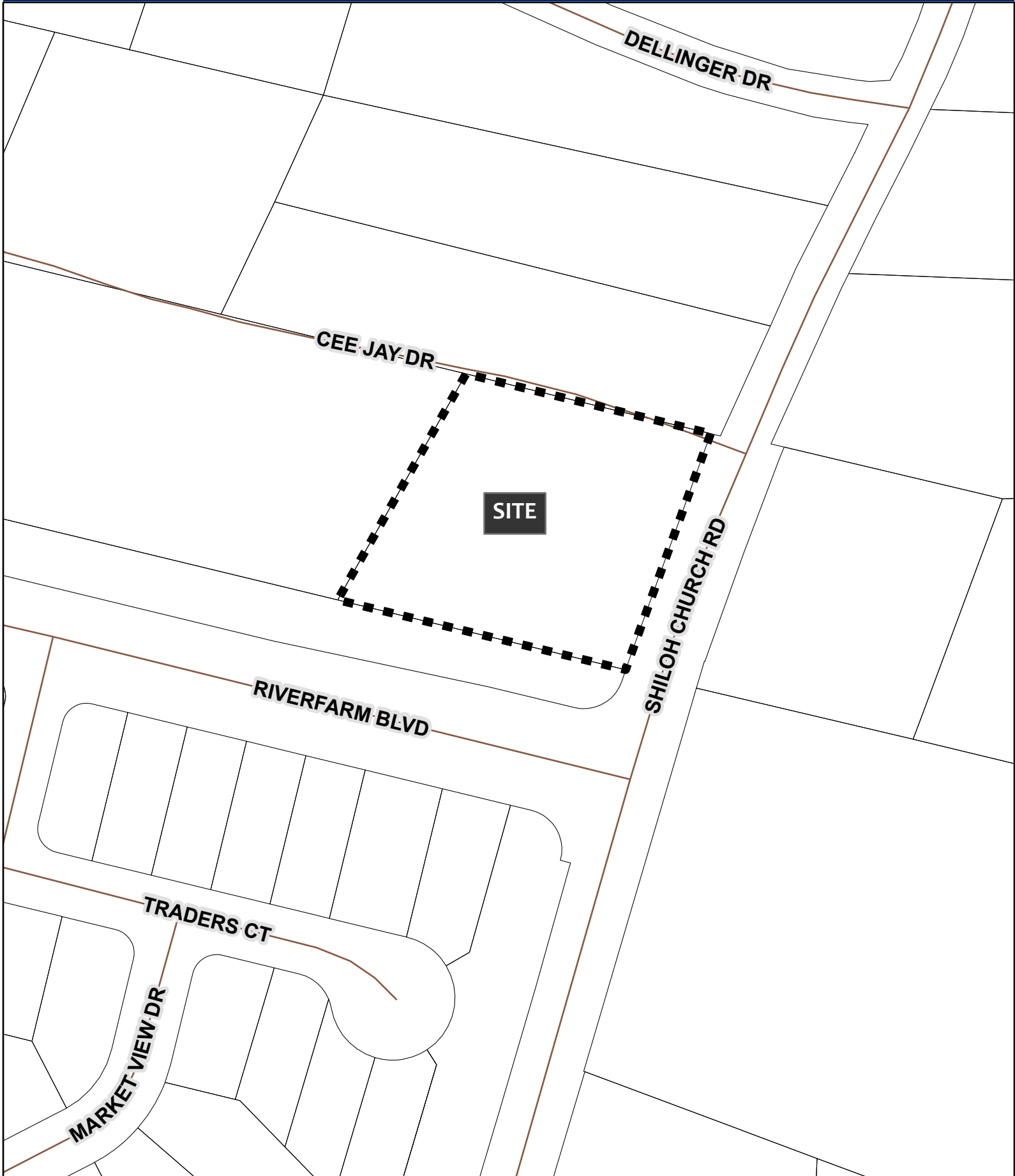


# Rezoning

Case Number: Z-2023-11

Applicant: Emil Bec

3495 Shiloh Church Rd





**PLANNING**

**ZONING**

**COMMISSION**

**PUBLIC HEARING  
INFORMATION**

**CALL 704-920-4350**

**CASE #**                     Z-2023-11



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY  
WITH REGARD TO CASE #Z-2023-11**

**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 September 19, 2023 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone property located at 3495 Shiloh Church Road (Cabarrus County Parcel Identification Number 46726724470000) owned by Emil & Monica Bec, from Cabarrus County Countryside Residential (CR) Zoning Designation to City of Kannapolis 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. Staff finds the request for rezoning 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 19th day of September 2023:**

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Chris Puckett, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary  
Planning and Zoning Commission





## **RESOLUTION TO ZONE**

**Case #Z-2023-11**

**3495 Shiloh Church Road**

### **From Cabarrus County Countryside Residential (CR) 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 September 19, 2023 for consideration of rezoning petition Case #Z-2023-11 submitted by Emil Bec; and

**WHEREAS**, the request was to rezone property located at 3495 Shiloh Church Road (Cabarrus County Parcel Identification Number 46726724470000) owned by Emil & Monica Bec, from Cabarrus County Countryside Residential (CR) 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.

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

No, residential zoning is consistent with the area.

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

No, the subject property was recently annexed into the City of Kannapolis.

**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 property is adjacent to residential 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. Public water is available to this site at this time, but public sewer is not.

- 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 Cabarrus County Countryside Residential (CR) Zoning Designation to City of Kannapolis Residential 4 (R4) Zoning Designation.

**Adopted this the 19th day of September 2023:**

---

Chris Puckett, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary Planning  
and Zoning Commission



**Planning and Zoning Commission  
September 19, 2023 Meeting**

**Staff Report**

**TO:** Planning and Zoning Commission  
**FROM:** Kathryn Stapleton, Planner  
**SUBJECT:** Case #Z-2023-12: 4401 Alder Street  
Applicant: City of Kannapolis

Staff request to apply the City of Kannapolis Residential 8 (R8) zoning designation to recently annexed property located at 4401 Alder Street.

**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**

On July 24, 2023, the City of Kannapolis voluntarily annexed approximately 1.058 +/- acres of property located at 4401 Alder Street, further identified as Cabarrus County Parcel Identification Number 56048004480000, which is currently zoned Cabarrus County Low Density Residential (LDR).

Per the North Carolina General Statutes, an initial City of Kannapolis zoning designation must be applied to the property by the Planning and Zoning Commission within sixty (60) days of the effective date of the annexation. Staff is recommending the Residential 8 (R8) zoning designation for this subject property.

**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 area of the City's future growth area is identified as "Complete Neighborhood 1" Character Area.

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

No. The requested R8 zoning district is similar to the previous Low-Density Residential (LDR) zoning district in Cabarrus County.

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

No, the subject property was recently annexed into the City of Kannapolis.

**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 property is adjacent to residential 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, and is a suitable use allowed under the requested zoning. Public water is available to this site at this time, but public sewer is not.

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

Yes, the requested zoning allows uses compatible with existing adjacent residential uses.

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

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

## **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 1” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Staff finds the request for rezoning compatible with the surrounding zoning and it is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

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

### **Staff Recommendation**

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

**Based on the request being consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, staff recommends approval for Zoning Map Amendment Case #Z-2023-12**

### **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-2023-12, 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 1” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Staff finds the request for rezoning compatible with the surrounding zoning and it is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

- 2. Should the Commission choose to approve Case #Z-2023-12, 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-2023-12, 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-2023-12 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-2023-12, 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. Please either bring this application to the address above or email to [bbarcroft@kannapolisnc.gov](mailto:bbarcroft@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: 4401 Alder St.

Applicant: City of Kannapolis

Proposed development: City zoning must be applied within 60 days of annexation

City zoning must be applied within 60 days of annexation

### SUBMITTAL CHECKLIST

N/A Pre-Application Meeting

N/A Zoning Map Amendment Checklist and Application – Complete with all required signatures

N/A 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: 

Date: 8/31/2023



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: City of Kannapolis / Richard Smith

Address: \_\_\_\_\_  
Kannapolis, NC 28081

Phone: 704-920-4350

Email: RSmith@kannapolisnc.gov

**Property Owner Contact Information**  same as applicant

Name: JC Home Improvements LLC

Address: 9 Veitor Ave NW  
Concord, NC 28027

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Project Information**

Project Address: 4401 Alder St


Parcel: 56048004480000 # of parcels: 1 Approx. size of parcels: 1.058 +/-  
*(attach separate list if necessary)*

Current Zoning Designation: CabCo CR Requested Zoning Designation: R8

Reason for map amendment: Property was voluntarily annexed into City of Kannapolis on July 24, 2023.

Per state statute, zoning must be applied to the property within sixty (60) days of annexation.

***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.***

  
Applicant Signature

8/31/2023  
Date

\_\_\_\_\_  
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-2023-12

Applicant: City of Kannapolis

4401 Alder St



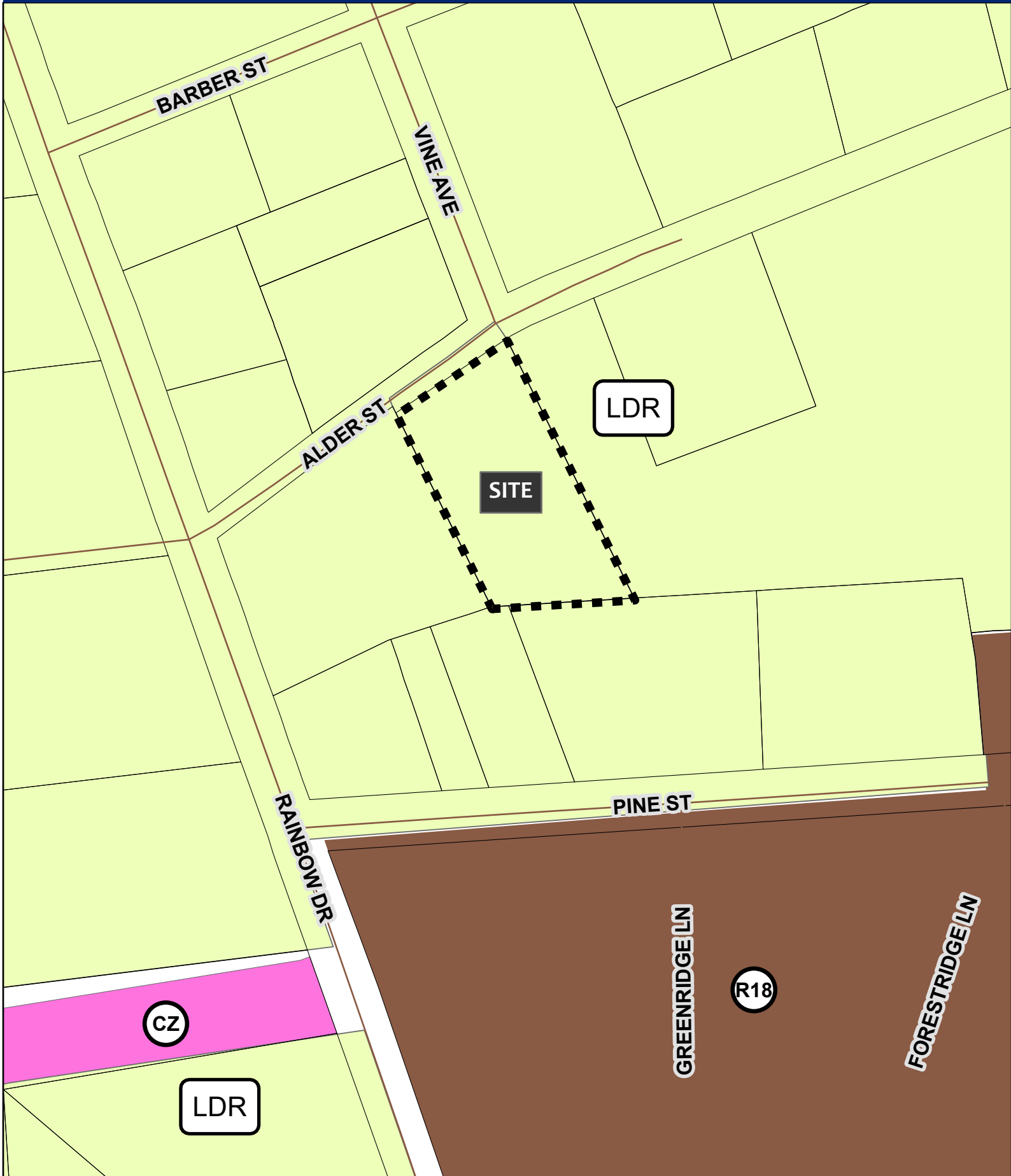


# Kannapolis Current Zoning

Case Number: Z-2023-12

Applicant: City of Kannapolis

4401 Alder St

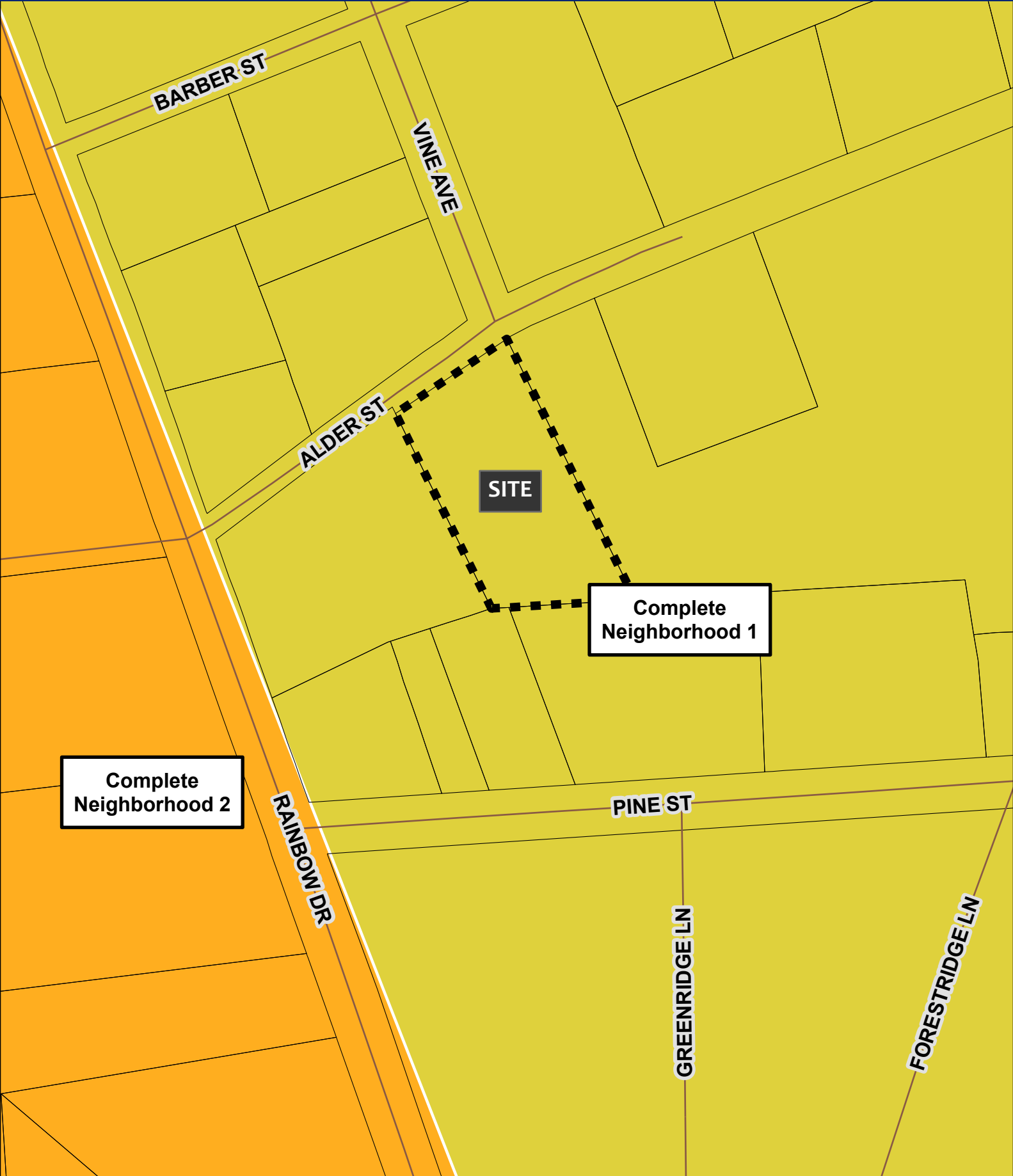


# Kannapolis 2030 Future Land Use Map

Case Number: Z-2023-12

Applicant: City of Kannapolis

4401 Alder St





PO Box 27283  
Richmond, VA 23261-7283

# Order Confirmation

Order# 0000846845

**Client:** CITY OF KANNAPOLIS  
**Phone:** 7049204300

**Pavor :** CITY OF KANNAPOLIS  
**Phone:** 7049204300

**Account:** 3143368  
**Address:** BRIDGETTE BELL  
KANNAPOLIS NC 28081

**Account:** 3143368  
**Address:** BRIDGETTE BELL  
KANNAPOLIS NC 28081

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

**Fax:** 7049337463  
**EMail:** ap@kannapolisnc.gov

**Total Amount**                      \$522.84

**Payment Amount**                      \$522.84

**Amount Due**                              \$0.00

**Tax Amount:**                              0.00

**Payment Meth:**      Credit - Debit Card

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

**Ad Number**                      **Ad Type**                      **Ad Size**                      **Color**  
0000846845-01                      CLS Liner                      2 X 40 li                      \$0.00

**Production Method**  
AdBooker (liner)

**Production Notes**

**Product and Zone**                      **Placement**                      **Position**                      **# Inserts**  
CON Independent Trib                      C-Announcements                      General-Spec Notice                      2

**Run Schedule Invoice Text:**      NOTICE OF PUBLIC HEARING Planning and Zoning

**Run Dates**                      9/ 8/2023, 9/15/2023

**Product and Zone**                      **Placement**                      **Position**                      **# Inserts**  
NCC Online                      C-Announcements                      General-Spec Notice                      7

**Run Schedule Invoice Text:**      NOTICE OF PUBLIC HEARING Planning and Zoning

**Run Dates**                      9/ 8/2023, 9/ 9/2023, 9/10/2023, 9/11/2023, 9/12/2023, 9/13/2023, 9/14/2023

**TagLine:** NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETINGTUESDAYSEPTEMBER19AT6  
00PMZONINGMAPAMENDMENTZ2022113495SHILOHCHURCHRD



**NOTICE OF PUBLIC HEARING**  
**Planning and Zoning Commission Meeting**

**Tuesday, September 19 at 6:00 pm**

**Zoning Map Amendment - Z-2022-11 - 3495 Shiloh Church Rd.** - Public Hearing to consider a request to rezone property located at 3495 Shiloh Church Road from Cabarrus County Countryside Residential (CR) to City of Kannapolis Residential 4 (R4) zoning district. The subject property is approximately 1.06 +/- acres and further identified as Cabarrus County Parcel Identification Number 46726724470000.

**Zoning Map Amendment - Z-2022-12 - 4401 Alder St.** - Public Hearing to consider a request to rezone property located at 4401 Alder St. from Cabarrus County Low Density Residential (LDR) to City of Kannapolis Residential 8 (R8) zoning district. The subject property is approximately 1.058 +/- acres and further identified as Cabarrus County Parcel Identification Number 56048004480000.

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.

**Publish: September 8, 15, 2023.**

<b>AcctName1</b>	<b>MailAddr1</b>	<b>MailCity</b>	<b>MailState</b>	<b>MailZipCod</b>
JAIME ADAME & MARCELA BRAVO MATTHEW CARTER	4418 ALDER ST	KANNAPOLIS	NC	28081
HAELY PRATT	4398 PINE ST	KANNAPOLIS	NC	28081
JERRY & SHEILA FAGAN	4510 RAINBOW DR	KANNAPOLIS	NC	28081
STANLEY HARDIN	4460 RAINBOW DRIVE	KANNAPOLIS	NC	28081
JC HOME IMPROVEMENTS LLC ATTN: CLAUDIA RIVERA	9 VEITOR AVE NW	CONCORD	NC	28027
MA LUZ VAZQUEZ LOPEZ				
AQUILEO MENDOZA TORRES	819 SARAH LAURA LN	STATESVILLE	NC	28625
RANDALL SHEETS	403 GADDY ST	KANNAPOLIS	NC	28081
HANNAH SOUTHARD	4418 PINE ST	KANNAPOLIS	NC	28081
FLOYD & DIXIE SPENCER	4252 ALDER ST	KANNAPOLIS	NC	28081
RAMIRO TORRES	5510 HENDERSON OAKS DR	CHARLOTTE	NC	28269



September 7, 2023

Dear Property Owner:

**Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, September 19, 2023 at 6:00 PM, for the following case:**

**Z-2023-12 – Zoning Map Amendment – 4401 Alder Street**

The purpose of this Public Hearing is to consider a request to rezone property located at 4401 Alder Street from Cabarrus County Low Density Residential (LDR) to City of Kannapolis Residential 8 (R8) zoning district. The subject property is approximately 1.058 +/- acres and further identified as Cabarrus County Parcel Identification Number 56048004480000 (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](mailto:kstapleton@kannapolisnc.gov).

Sincerely,

Kathryn Stapleton  
Planner

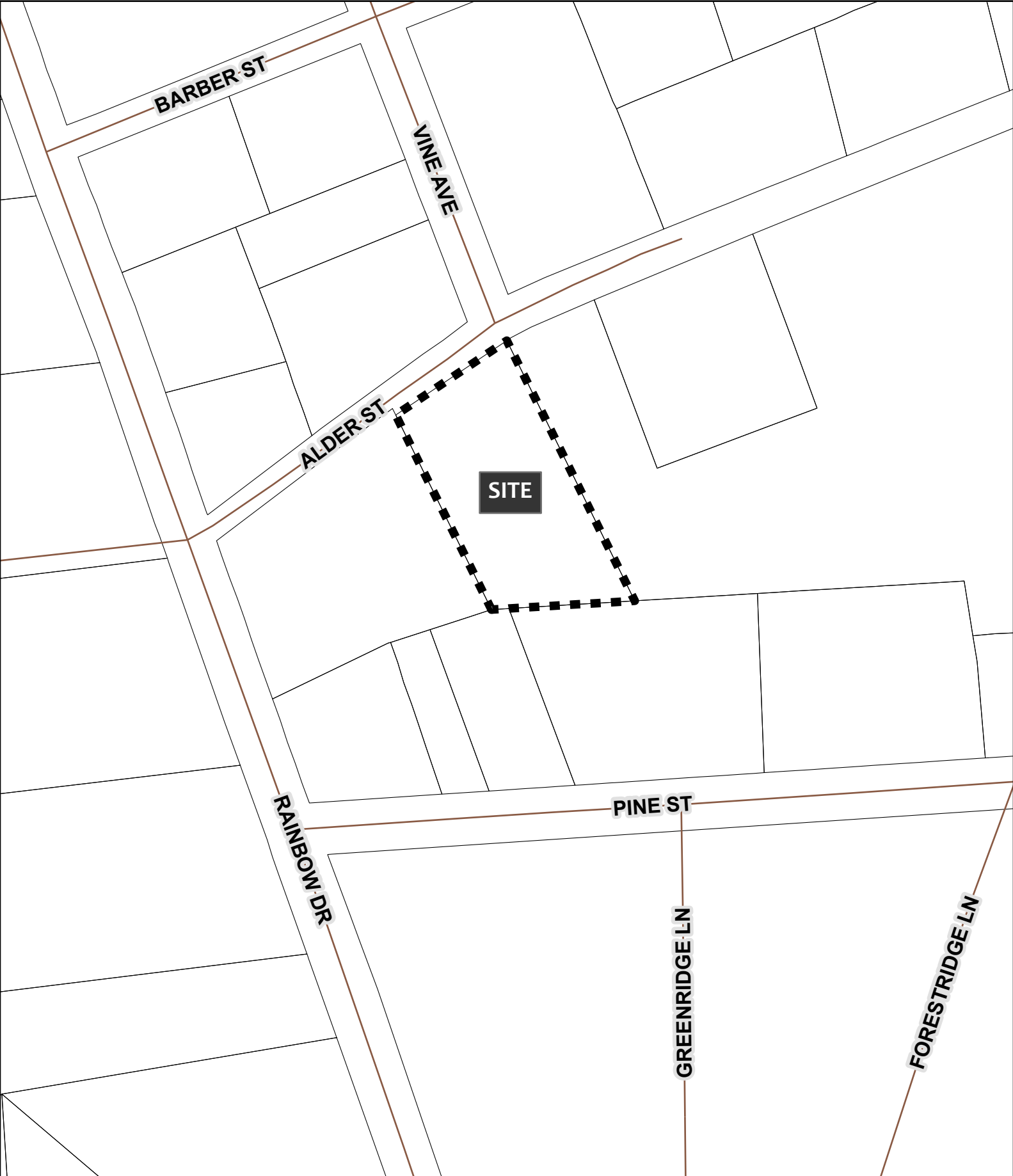
Enclosure

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



# Rezoning

Case Number: Z-2023-12  
Applicant: City of Kannapolis  
4401 Alder St





**PLANNING**

**ZONING**

**COMMISSION**

PUBLIC HEARING  
INFORMATION

CALL 704-920-4350

CASE #           Z-2023-12





**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY  
WITH REGARD TO CASE #Z-2023-12**

**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 September 19, 2023 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone property located at 4401 Alder Street (Cabarrus County Parcel Identification Number 56048004480000) owned by JC Home Improvements LLC, from Cabarrus County Low Density Residential (LDR) Zoning Designation to City of Kannapolis 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 “Complete Neighborhood 1” Character Area in the Move Kannapolis Forward 2030 Comprehensive Plan. Staff finds the request for rezoning compatible with the surrounding zoning and it is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.*

**Adopted this the 19th day of September 2023:**

---

Chris Puckett, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary  
Planning and Zoning Commission



## **RESOLUTION TO ZONE**

**Case #Z-2023-12**

**4401 Alder Street**

### **From Cabarrus County Low Density Residential (LDR) 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 September 19, 2023 for consideration of rezoning petition Case #Z-2023-12 submitted by the City of Kannapolis; and

**WHEREAS**, the request was to rezone property located at 4401 Alder Street (Cabarrus County Parcel Identification Number 56048004480000) owned by JC Home Improvements LLC, from Cabarrus County Low Density Residential (LDR) 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 area of the City's future growth area is identified as "Complete Neighborhood 1" Character Area.

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

No. The requested R8 zoning district is similar to the previous Low-Density Residential (LDR) zoning district in Cabarrus County.

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

No, the subject property was recently annexed into the City of Kannapolis.

**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 property is adjacent to residential 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, and is a suitable use allowed under the requested zoning. Public water is available to this site at this time, but public sewer is not.

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

Yes, the requested zoning allows uses compatible with existing adjacent residential uses.

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

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

**NOW, THEREFORE BE IT RESOLVED** by the City of Kannapolis Planning and Zoning Commission, that the above referenced property be rezoned from Cabarrus County Low Density Residential (LDR) Zoning Designation to City of Kannapolis Residential 8 (R8) Zoning Designation.

**Adopted this the 19th day of September 2023:**

---

Chris Puckett, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary Planning and  
Zoning Commission



**Planning and Zoning Commission  
September 19, 2023, Meeting**

**Staff Report**

**TO:** Planning and Zoning Commission  
**FROM:** Ben Barcroft, Senior Planner  
**SUBJECT:** TA-2023-03 KDO Text Amendments  
Applicant: Freedom Solar, LLC, Chad Preece

Consider a recommendation to City Council regarding a text amendment to Article 4, Section 4.3.D(21)a: Solar Energy Conservation System (Small Scale) 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-2023-03
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 text amendments.

**C. Background**

Chad Preece, representative for Freedom Solar, LLC, is proposing a text amendment to Section 4.3.D(21)a. to remove the location restriction of roof mounted solar panels. Staff has reviewed and is recommending approval of the proposed text amendment. It is more common for local government ordinances to be user-friendly toward solar panel placement on homes when they are considered small scale and unobtrusive. Furthermore, removing this restriction will not limit homes with northern exposures from being as limited on solar panel placement.

The proposed text amendment to the KDO is attached as Exhibit A 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, Section 4.3.D(21)a: Solar Energy Conservation System (Small Scale)** of the Kannapolis Development Ordinance, as shown per staff edits (attached).

**The following actions are required to recommend approval of TA-2023-03:**

1. Consider Resolution to Adopt a Statement of Consistency for TA 2023-03.
2. Consider motion to recommend approval of proposed text amendments by City Council.

**The following actions are required to recommend denial of TA-2023-03:**

1. Consider Resolution to not Adopt a Statement of Consistency for TA 2023-03
2. Consider motion to recommend denial of proposed text amendments by City Council.

**H. Attachments**

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

**I. Issue Reviewed By:**

- Planning Director
- Assistant City Manager
- City Attorney



## 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](mailto:bstanley@kannapolisnc.gov). The fees may also be paid online with a link provided by staff.

### APPLICANT

Applicant: Freedom Solar, LLC / Chad Preece

### 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 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:** 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:  *Chad Preece*

Date: 07/26/23



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: Freedom Solar, LLC / Chad Preece  
Address: 4502 BENNETT MEMORIAL RD  
DURHAM, NC 27705

Phone: 512-766-5765  
Email: permitting@freedomsolarpower.com

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

Please change "... except such equipment is prohibited on front-facing roofs or facades." to read  
"... such equipment is also permissible on front-facing roofs or facades. "

State your reasons for amending the text of the Ordinance:

1. Homeowner signed contract for solar installation before July 1, 2023 (when ordinance passed)
2. Homeowner lives in a neighborhood where several homes have (approved) front-facing solar panels
3. Removing/moving front-facing panels will drastically decrease homeowner's energy production

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

Emmanuel Omolaja Chad Preece

Applicant Signature

07/26/23

Date

Emmanuel Omolaja

Property Owner Signature

Date







# Zoning Text Amendment

Final Audit Report

2023-07-26

Created:	2023-07-26
By:	Olivia Petitt (opetitt@freedomssolarpower.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAYhbs4j-PWIMTJvPAG1EBO4fLoX1InkSK

## "Zoning Text Amendment" History

-  Document created by Olivia Petitt (opetitt@freedomssolarpower.com)  
2023-07-26 - 3:52:25 PM GMT
-  Document emailed to omolajat@gmail.com for signature  
2023-07-26 - 3:53:53 PM GMT
-  Email viewed by omolajat@gmail.com  
2023-07-26 - 4:01:55 PM GMT
-  Signer omolajat@gmail.com entered name at signing as Emmanuel Omolaja  
2023-07-26 - 4:02:20 PM GMT
-  Document e-signed by Emmanuel Omolaja (omolajat@gmail.com)  
Signature Date: 2023-07-26 - 4:02:22 PM GMT - Time Source: server
-  Agreement completed.  
2023-07-26 - 4:02:22 PM GMT



**(21) SOLAR ENERGY CONVERSION SYSTEM (SMALL-SCALE)**

Small-scale solar energy conversion systems shall comply with the following standards:

- a.** Solar energy equipment may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground in accordance with **Error! Reference source not found., Error! Reference source not found.,** ~~except such equipment is prohibited on front-facing roofs or facades.~~ Building-mounted photovoltaic systems are permitted in all districts subject to all necessary permit and building code requirements.
- b.** A roof-mounted system may exceed the height standards of the district in which it is located by up to five feet, or, in the case of an existing structure that exceeds the maximum height standards of the district in which it is located, the system may extend up to five feet above the roof surface.
- c.** Solar energy equipment shall be oriented so as to avoid casting glare onto adjacent lots.
- d.** The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the system, and for recording any such solar easement with the appropriate County.



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO  
TEXT AMENDMENT TA-2023-03**

**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, Section 4.3.D(21)a: Solar Energy Conservation System (Small Scale)**, is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*; and

**WHEREAS**, the Planning and Zoning Commission conducted a Public Hearing on September 19, 2023 for consideration of text amendment Case# TA-2023-03 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-2023-03 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 19th Day of September 2023:**

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Chris Puckett, Chairman  
Planning and Zoning Commission

Attest:

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Pam Scaggs, Recording Secretary  
Planning and Zoning Commission



**Planning and Zoning Commission  
September 19, 2023, Meeting**

**Staff Report**

**TO:** Planning and Zoning Commission  
**FROM:** Ben Barcroft, Senior Planner  
**SUBJECT:** TA-2023-04 KDO Text Amendments  
Applicant: City of Kannapolis

Consider a recommendation to City Council regarding text amendment to Article 5, Section 5.10.D(2).C.: Use of Charlotte Mecklenburg Storm Water Design Manual in 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-2023-04
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**

City staff is proposing the following text amendment to Section 5.10.D(2).C. to now include the 100+1 Flood Analysis.

*The following sections of the Charlotte Mecklenburg Storm Water Design Manual shall not apply to this Ordinance: ~~100+1 Flood Analysis~~, Approximate Flood Limits, Storm Drain Location, Inlet Types and Spacing, Cross Slope, Curb and Gutter, and Detention Facilities Used for Credits, including any references to the Charlotte-Mecklenburg Land Development Standards Manual or to storm water fees. Staff has reviewed and is recommending approval of the proposed text amendment.*

This amendment is in direct response to some of the more recent flooding incidents in and around the City. Including this provision in our ordinance will allow the City to be more proactive in combatting any potential future flooding issues as growth continues.

**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 5, Section 5.10.D(2).C.: Use of Charlotte Mecklenburg Storm Water Design Manual in the Kannapolis Development Ordinance (KDO)

**The following actions are required to recommend approval of TA-2023-04:**

1. Consider Resolution to Adopt a Statement of Consistency for TA 2023-04.
2. Consider motion to recommend approval of proposed text amendments by City Council.

**The following actions are required to recommend denial of TA-2023-04:**

1. Consider Resolution to not Adopt a Statement of Consistency for TA 2023-04
2. Consider motion to recommend denial of proposed text amendments by City Council.

**H. Attachments**

1. Text Amendment Application
2. Resolution to Adopt a Statement of Consistency

**I. Issue Reviewed By:**

- Planning Director
- Assistant City Manager
- City Attorney



## 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](mailto:bstanley@kannapolisnc.gov). The fees may also be paid online with a link provided by staff.

### APPLICANT

Applicant: \_\_\_\_\_

### 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 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:** 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: \_\_\_\_\_



## ZONING TEXT AMENDMENT APPLICATION

*Approval authority – Planning and Zoning Commission*

### Applicant Contact Information

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Email: \_\_\_\_\_

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

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State your reasons for amending the text of the Ordinance:

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

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO  
TEXT AMENDMENT TA-2023-04**

**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 5, Section 5.10.D(2)c: Use of Charlotte Mecklenburg Storm Water Design Manual**, is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*; and

**WHEREAS**, the Planning and Zoning Commission conducted a Public Hearing on September 19, 2023 for consideration of text amendment Case# TA-2023-04 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-2023-04 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 19th Day of September 2023:**

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Chris Puckett, Chairman  
Planning and Zoning Commission

Attest:

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Pam Scaggs, Recording Secretary  
Planning and Zoning Commission



**Planning and Zoning Commission  
September 19, 2023, Meeting**

**Staff Report**

**TO:** Planning and Zoning Commission  
**FROM:** Richard Smith, Planning Director  
**SUBJECT:** CPA-2023-05: Melchor Street  
Applicant: City of Kannapolis

Amend *Move Kannapolis Forward 2030 Comprehensive Plan (2030 Plan)* “Future Land Use Map and Character Area” designation of the properties located between E 29<sup>th</sup> Street and E 22<sup>nd</sup> “Urban Corridor” designation to the “Urban Residential” designation.

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

Motion to recommend to City Council approval of the proposed amendments to the *2030 Plan* Future Land Use Map and Character Area

**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 & Project Overview**

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

Staff has received several inquiries for possible rezonings in the area to allow for residential usage. Staff has inventoried existing uses and analyzed the potential for future uses and determined that the area is predominantly single-family residential with a mix of non-residential uses. The potential for this area tends to lend itself more to residential uses.

The Urban Residential Character Area allows for a mixture of single-family detached & attached residential and civic uses along with small format retail and offices spaces.

**D. Fiscal Considerations**

None



### **E. Policy Issues**

Section 2.3.B(1)d of the Kannapolis Development Ordinance (KDO) states that the Commission shall have the following powers and duties under this Ordinance: “*To advise and provide recommendations to the City Council on amendments to the Comprehensive Plan, including preparing amendments to the plan and its elements and submitting those amendments to the City Council*”. In accordance with Section 2.3.A(1)d of the KDO, 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 Map and Character Area of the *Move Kannapolis Forward 2030 Comprehensive Plan* be amended to apply the “Urban Residential” Character Area to the aforementioned parcels. (See attached map.)

#### **Courses of Action**

**Based on the foregoing analysis, staff recommends approval of the proposed *2030 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 Map and Character Area:**

1. Consider motion to recommend approval of the proposed *2030 Plan* Future Land Use Map and Character Area designation amendment by City Council.

#### **DENIAL**

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

1. Consider motion to recommend denial of the proposed *2030 Plan* Future Land Use Map and Character Area designation amendment by City Council.

### **H. Attachments**

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

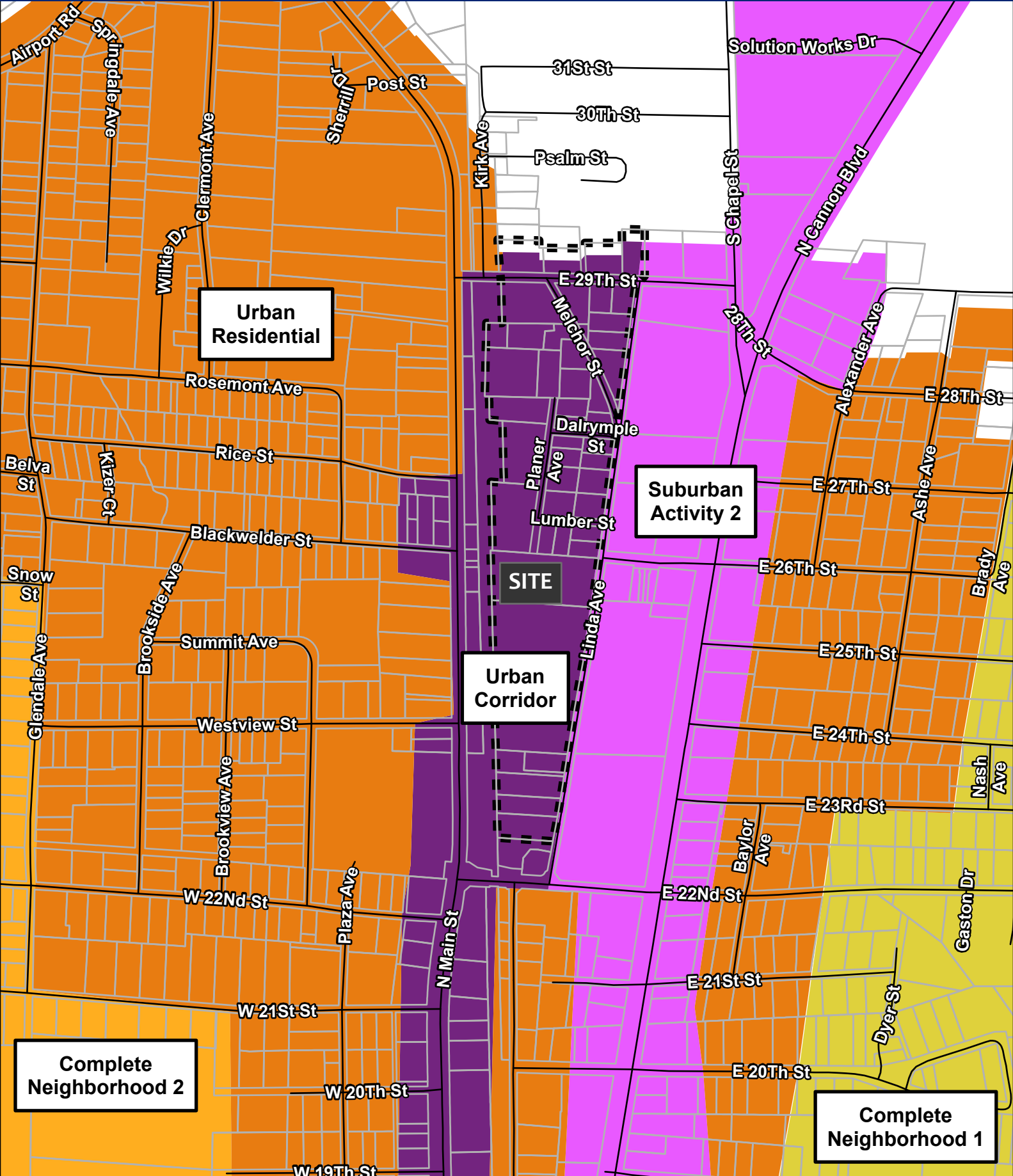
**J. Issue Reviewed By:**

- Assistant City Manager
- Economic & Community Development Director



# Kannapolis 2030 Future Land Use Map

Case Number: CPA-2023-05  
Applicant: City of Kannapolis  
Melchor St



# Kannapolis 2030 Future Land Use Map Proposed

Case Number: CPA-2023-05

Applicant: City of Kannapolis

Melchor St

