



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

**September 20, 2022 at 6:00 pm**

**Agenda**

1. **Call to Order**
2. **Roll Call and Recognition of Quorum**
3. **Approval of Agenda**
4. **Approval of Minutes** (July 19, 2022 & August 16, 2022)
5. **Public Hearing**
  - a. **CZ-2022-05 – Conditional Zoning Map Amendment – 601 J Avenue**  
Public Hearing to consider a request to rezone properties located at 602 J Ave from Residential 8 units per acre (R8) zoning district to General Commercial-Conditional Zoning (GC-CZ) zoning district to allow an eight-unit townhome development. The subject property is approximately 0.44 +/- acres and further identified as Cabarrus County Parcel Identification Number 56134732130000
  - b. **CZ-2022-07 – Conditional Zoning Map Amendment – Unaddressed “Land Swap” Rowan County Parcels**  
Public Hearing to rezone unaddressed properties that were approved as a legislative “land swap” between the City of Kannapolis and the Town of Landis from Rowan County Single Family Residential 2 (SFR2) zoning district to City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ). The subject properties are approximately 62.66 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 132 0130000001 and 141 0010000001.
6. **Recommendation to City Council**
  - a. **CPA-2022-03 – Comprehensive Plan Amendment – Unaddressed “Land Swap” Rowan County Parcels.**  
Consider a recommendation to City Council regarding an amendment to the Move Kannapolis Forward 2030 Comprehensive Plan “Future Land Use and Character Map” designation of the area as it relates to the Legislative “land swap”.
  - b. **TA-2022-02 – Text Amendment – Article 4, Table 4.2.B(5): Principal Use Table; Table 4.3.B(3): Accessory Use/Structure Table; and Article 10, Definitions**  
Consider a recommendation to City Council regarding text amendments to the Kannapolis Development Ordinance (KDO) to 1) Amend Article 4, Table 4.2.B(5): Principal Use Table, Warehousing, Assembly, or Fabrication to add *Small-Scale Aerial Distribution* as a use permissible by issuance of a Special Use Permit (‘S’) in both the Campus Development (CD) and Heavy Industrial (HI) Zoning Districts, subject to specific standards, as well as to add *Small-scale Aerial Distribution* to Article 10, Definitions; 2) Amend Article 4, Table 4.2.B(5): Principal Use Table, Household Living to change the *Single-family detached dwelling* use from permissible by issuance of a Special Use Permit (‘S’) to a use permitted by right (‘P’) in the Residential 8-units per acre

R8) zoning district, as well as to add the use as 'P' in the Mixed-Use Neighborhood (MU-N) zoning district, and to add the use as 'S' in both the Residential 18-units per acre (R18) and Center City (CC) zoning districts; and 3) Amend Article 4, Table 4.3.B(3): Accessory Use/Structure Table, to add *Storage Building* as 'P' in all zoning districts.

**7. Planning Director Update**

**8. Other Business**

**9. Adjourn**



**Planning and Zoning Commission  
September 20, 2022 Meeting  
Staff Report**

**TO:** Planning and Zoning Commission  
**FROM:** Richard Smith, Planning Director  
**SUBJECT:** Case #CZ-2022-07  
**Conditional Zoning Map Amendment**  
**Applicant: City of Kannapolis**

Request to apply City of Kannapolis zoning to unaddressed Rowan County properties that were approved as a legislative “land swap” between the City of Kannapolis and the Town of Landis

**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**

At its February 28, 2022 meeting, the City of Kannapolis City Council approved a legislative “land swap” request between the City of Kannapolis and the Town of Landis regarding properties that abut the Club at Irish Creek and future City development. Both jurisdictions determined that a jurisdictional land swap was warranted in order to better serve the area as it relates to emergency and municipal services. The swap was subsequently approved by the North Carolina Legislature in July of this year.

The resulting land swap transferred approximately 41.289 acres to the Town of Landis from the current City of Kannapolis' jurisdiction and approximately 62.66 acres from the Town of Landis' jurisdiction to the City of Kannapolis.

The parcels transferred to the City of Kannapolis are further identified as Rowan County Parcel Identification Numbers 132 0130000001 and 141 0010000001 and must be assigned a City of Kannapolis Zoning designation. Staff is requesting that the parcels be rezoned from Rowan County

Single Family Residential 2 (SFR2) zoning districts to City of Kannapolis Planned Development-Conditional Zoning (PD-CZ).

**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?**  
The property is in the “Future Planning Area” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan (2030 Plan)*. The Future Planning Area Character Area includes single-family residential as a primary use; therefore, the proposed use is in conformance with the goals and policies of the 2030 Plan.
- 2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?**  
No. The subject properties are adjacent to Cannon Farm Road, Kannapolis Lake, and Corriher Street. The mix of traditional and age targeted housing along with the preservation of open-space and connectivity are compatible with existing development in the surrounding area.
- 3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?**  
No, the subject properties were subject of a legislative “land swap” between the City of Kannapolis and the Town of Landis.
- 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, surrounding properties are zoned PD-CZ, Planned Development-Conditional Zoning and consist of single-family residential, open-space and the existing Golf Club at Irish Creek.
- 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?**  
A Traffic Impact Analysis was conducted in June of 2021 and the applicant is currently working with NCDOT and the City on suggested and required transportation improvements. There are public facilities available to the property or within close proximity, which will be extended to service the development. Sanitary sewer service is subject to allocation based upon sewer treatment capacity. There is an existing fire hydrant adjacent to the site.

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

Yes, the parcels were part of a legislative “land swap” between the City of Kannapolis and the Town of Landis and require assignment of City of Kannapolis zoning designation. Surrounding properties were rezoned to PUD-CZ (Planned Unit Development-Conditional Zoning) on December 14, 2021 under Case No. CZ-2021-16. The subject parcels will be added to the development plan under CZ-2021-16. Due to adoption of the Kannapolis Development Ordinance (KDO) and associated zoning map, the PUD zoning district is now PD (Planned Development).

**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?**

There are no anticipated environmental impacts such as water, air, noise, storm water management, wildlife, vegetation, wetlands or the natural function of the environment. The development will be required to conform to all applicable local, state, and federal environmental regulations.

**F. Legal Issues**

None

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

Staff finds this rezoning consistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates this property as being located in the “Future Planning” Character Area, which allows for the proposed single-family residential development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The proposed use is also compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.

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

**Staff Recommendation**

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

**Based on the request being consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, staff recommends approval with the following conditions for Conditional Zoning Map Amendment Case #CZ-2022-07:**

1. The permitted uses allowed by this rezoning shall include the uses, densities and intensities as shown on the master plan approved with this rezone.
2. A Final Site Plan, in compliance with all applicable City UDO standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.

3. Comply with current Land Development Standards Manual.
4. All road intersections on where development has access and/or street frontage shall be approved by the City.
5. The Developer shall construct traffic improvements as required by the Traffic Impact Analysis approved with this rezoning.
6. The lane widths, sidewalks, pavement structure, road alignment, and road grades shall be constructed to current City standards.
7. Roads and parking lots shall comply with all Fire Codes and Autoturn templates for SU-30 and Bus-45 (mimics ladder truck) shall be used.
8. Streams and wetlands shall be identified by a qualified person and all buffers shown in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with AE Zone & RSOD Buffer requirements or be relocated.
9. A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and SCM's. Stormwater SCM's cannot be constructed in the undisturbed buffer.
10. All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement. The water and sewer mains shall be located in the roadway under the pavement per the City's Typical Section Utility Layout, LDSM Detail 301.
11. Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-feet wide. Additional width may be required depending on the depth of the line. Sanitary sewer lines and storm sewer lines shall be located within Common Open Space (easements centered on property lines shall not be permitted). Viable access shall be provided along all easements with a grade no greater than 15% for maintenance vehicles and cross slopes shall not exceed 5%.
12. The Fire Department shall approve locations of all hydrants.
13. Additional Engineering and Fire comments are anticipated based on the latest version of the Master Plan.
14. The Developer shall provide a secondary access point in the form of a pedestrian crossing capable of handling an emergency response vehicle and/or a secondary access point.

### **Alternative Courses of Action**

#### **Motion to Approve (2 votes)**

1. **Should the Commission choose to approve the request for rezoning as presented in Case #CZ-2022-07, a motion should be made to adopt the following Statement of Consistency:**

**Statement of Consistency:** *The Planning and Zoning Commission finds this rezoning **consistent** with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates this property as being located in the "Future Planning" Character Area, which allows for the proposed professional office. Furthermore, the Commission finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The proposed use is also compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.*

2. **Should the Commission choose to approve Case #CZ-2022-07, a motion should be made to adopt the Resolution to Zone.**

**Motion to Deny (2 votes)**

1. Should the Commission choose to recommend denial of Case #CZ-2022-07, a motion should be made to adopt the following Statement of Consistency:

**Statement of Consistency:** *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #CZ-2022-07 to be inconsistent with the goals and policies of the **Move Kannapolis Forward 2030 Comprehensive Plan**, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

2. Should the Commission choose to deny Case #CZ-2022-07, a motion should be made to deny the Resolution to Zone.

**I. Attachments**

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

**J. Issue Reviewed By:**

- City Attorney
- Planning Director



## Conditional Zoning Map Amendment Checklist

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

### CONDITIONAL REZONING REQUEST

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

*Approval authority – Planning and Zoning Commission.*

Requested Rezoning Property Address: 132 0130000002 and 141 0010000002

Applicant: City of Kannapolis | Richard Smith, Planning Director

Proposed development: \_\_\_\_\_

Single family residential development

### SUBMITTAL CHECKLIST

- N/A Pre-Application Meeting – send an email to [planreviewappointment@kannapolisnc.gov](mailto:planreviewappointment@kannapolisnc.gov)
- N/A Neighborhood Meeting (if required)
- N/A Zoning Map Amendment Checklist and Application – Complete with all required signatures
- N/A Preliminary Major Site Plan
- N/A PDF format on disc containing all documents rotated and formatted in sequential order based upon cover page
- N/A Fee: \$925.00 (\$600 Application Fee, \$300 Legal Notices and notification fee, # of property owners notified [see Fee Schedule])

### PROCESS INFORMATION

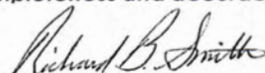
**Public Notification:** This is a legislative process that requires a public hearing and public notification including newspaper notice, first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Section 3.1.5.1 of the UDO).

**Review Process:** All applications will be reviewed for compliance and then forwarded to the Planning and Zoning Commission for consideration at a public hearing which is held monthly on the 3rd Tuesday at 6:00pm in City Hall Laureate Center. The application and all fees must be paid prior to scheduling the public hearing.

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

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

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

Applicant's Signature: 

Date: July 28, 2022





Planning Department  
401 Laureate Way  
Kannapolis, NC 28081  
704.920.4350

## CONDITIONAL ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

### Applicant Contact Information

Name: City of Kannapolis | Richard Smith, Planning Director

Address: 401 Laureate Way  
Kannapolis, NC 28081

Phone: 704-920-4350

Email: rsmith@kannapolisnc.gov

### Property Owner Contact Information same as applicant

Name: Atlantic American Properties, Inc.

Address: PO Box 28  
Kannapolis, NC 28082

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

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

### Project Information

Project Address: 132 0130000002 and 141 0010000002

Parcel: same as project address # of parcels: 2 Approx. size of parcels: \_\_\_\_\_  
(attach separate list if necessary)

Current Zoning Designation: Rowan County SFR-2 Requested Zoning Designation: PD – Planned Development

Reason for map amendment: Properties are part of a legislative "land swap" between City of Kannapolis & Rowan County and require rezoning from Rowan County zoning district to a City of Kannapolis zoning district designation

Condition(s) proposed by the applicant (attach separate sheet if necessary): Please refer to previously approved rezoning case CZ-2021-16

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

July 28, 2022

Applicant Signature

Date

7.29.2022

Property Owner Signature

Date

### For Staff Use Only:

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

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

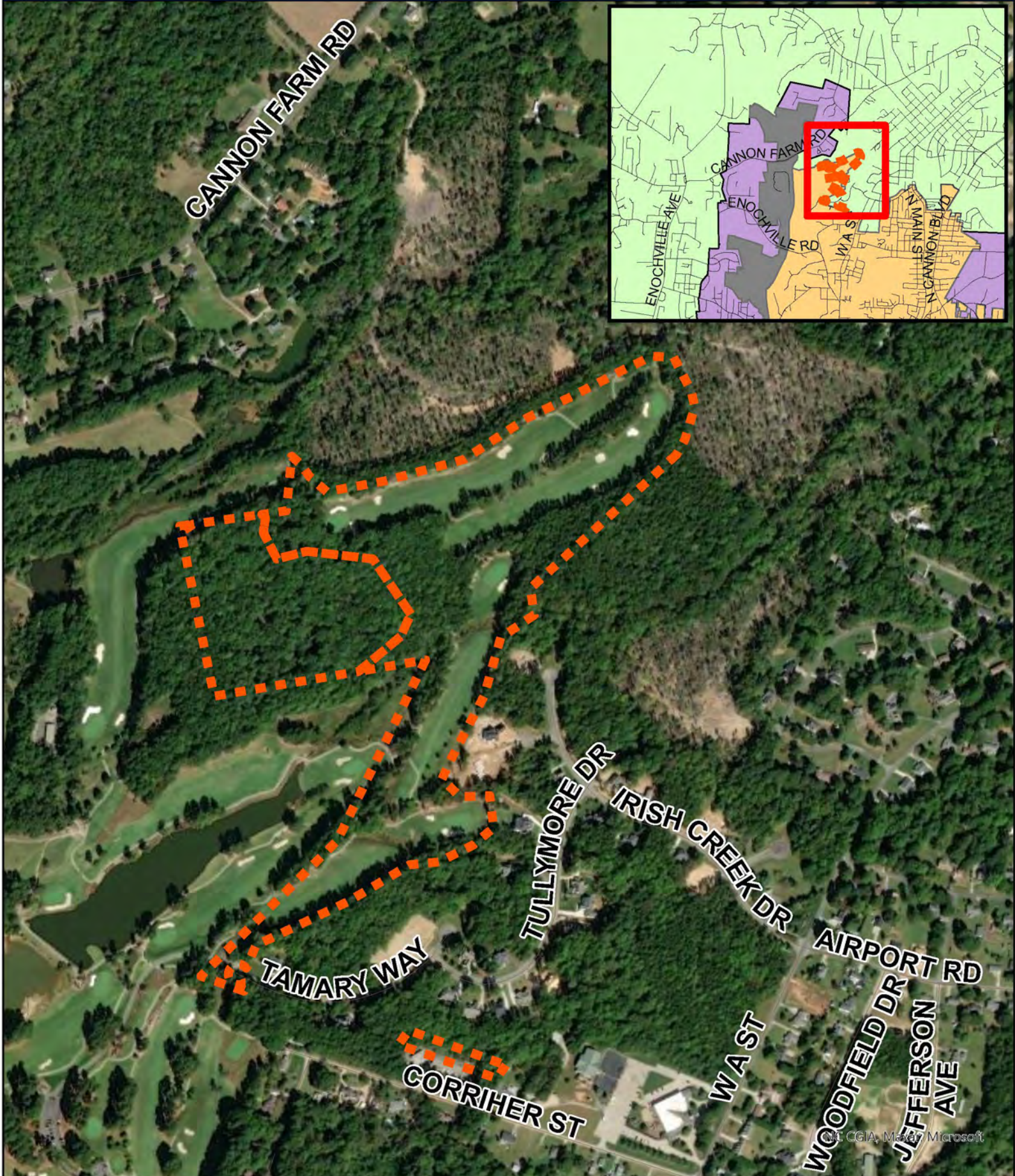
Case #: \_\_\_\_\_

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



# Vicinity Map

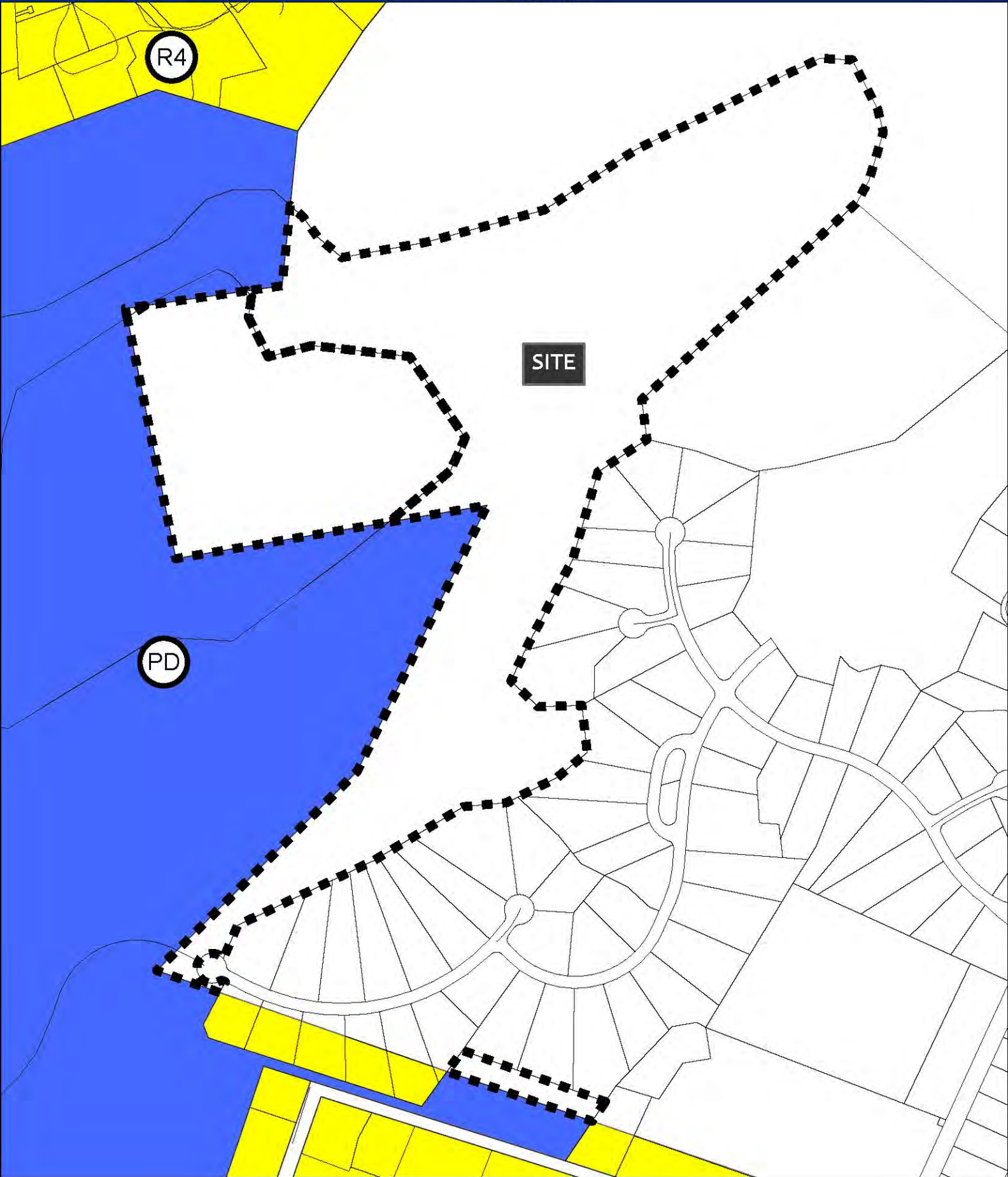
Case Number: CZ-2022-07  
Applicant: City Of Kannapolis/  
Richard Smith, Planning Director  
Irish Creek





# Kannapolis Current Zoning

Case Number: CZ-2022-07  
Applicant: City Of Kannapolis/  
Richard Smith, Planning Director  
Irish Creek

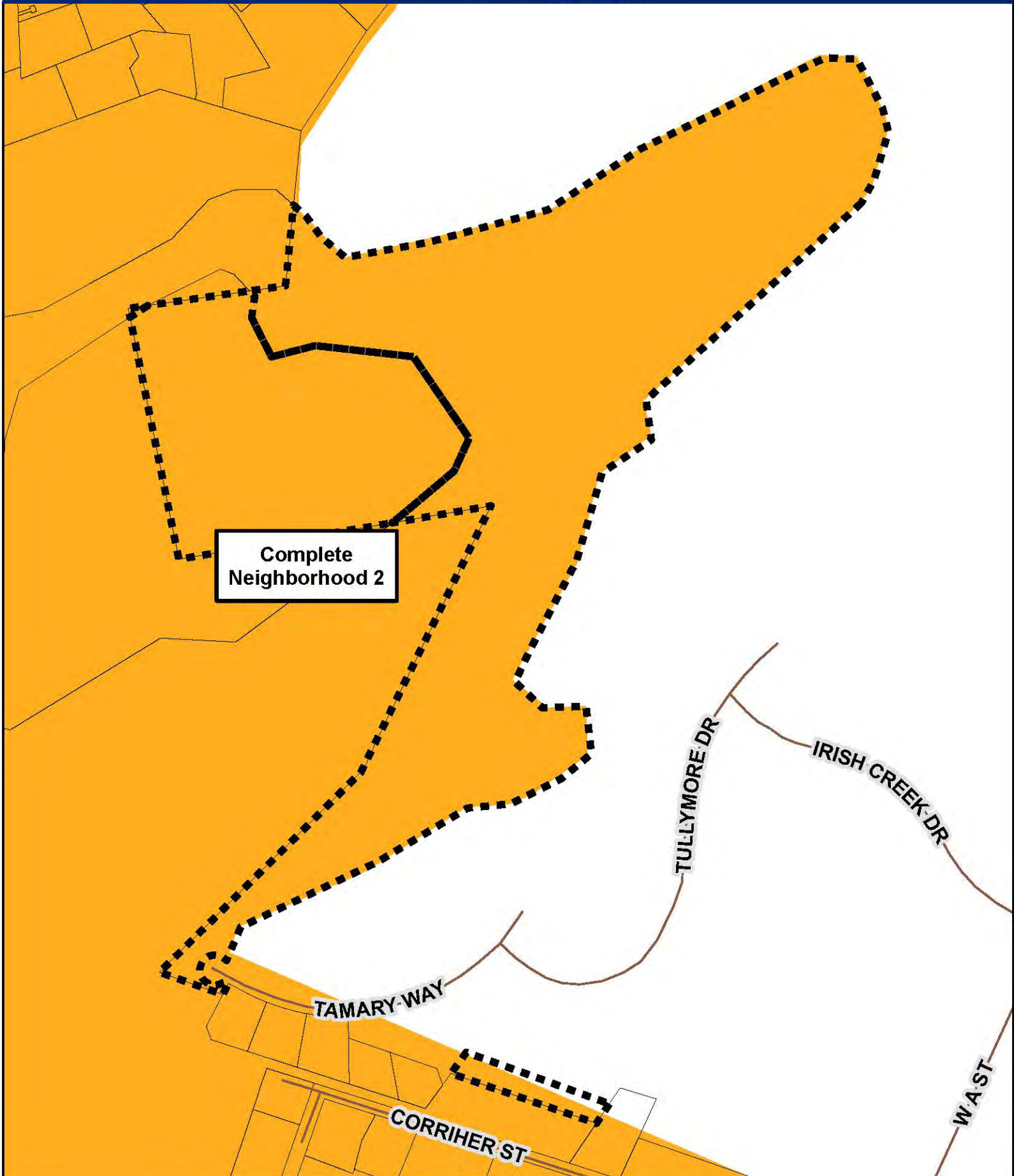




# Kannapolis 2030 Future Land Use Map

Case Number: CZ-2022-07

Applicant: City Of Kannapolis/  
Richard Smith, Planning Director  
Irish Creek

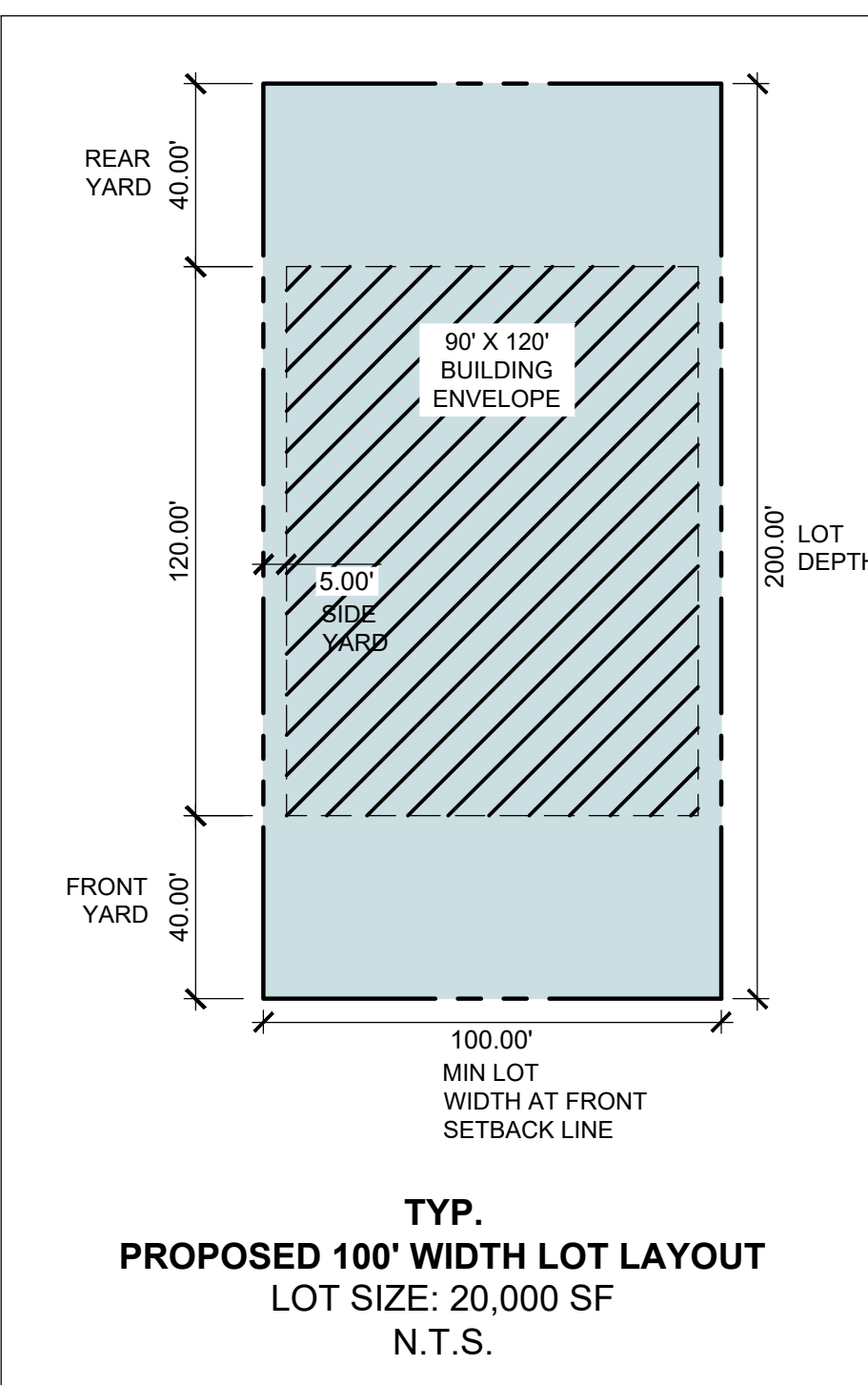
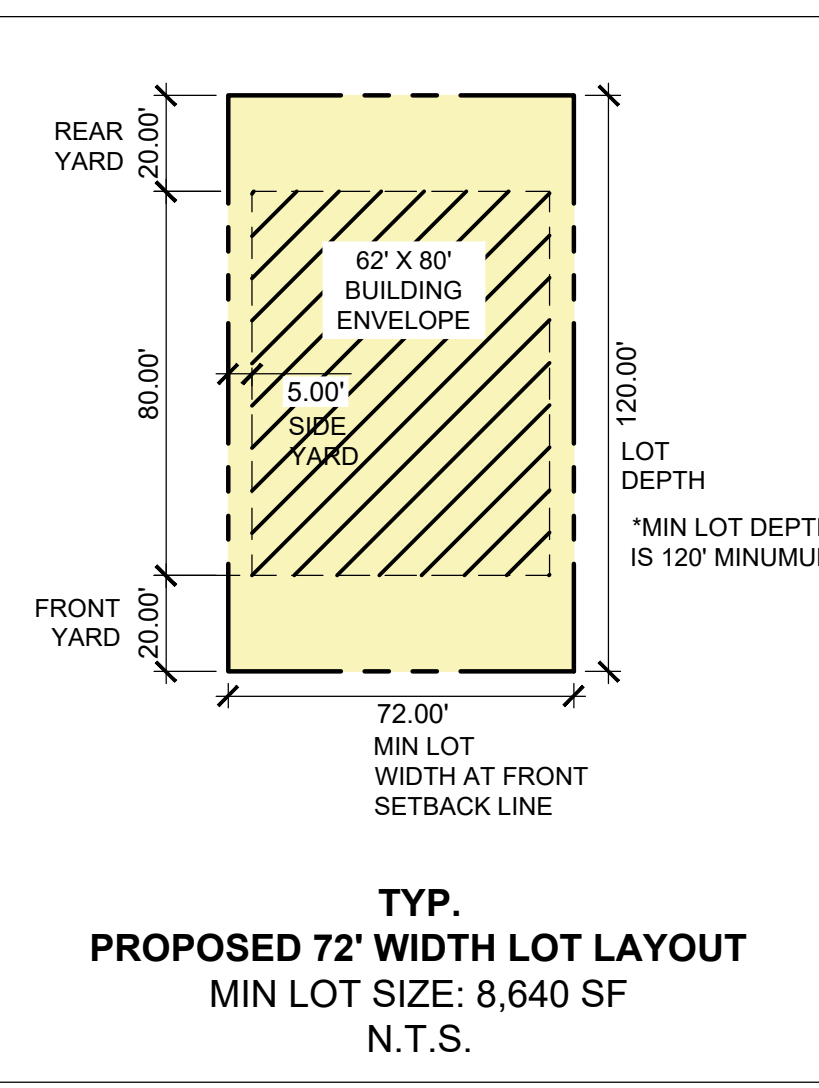
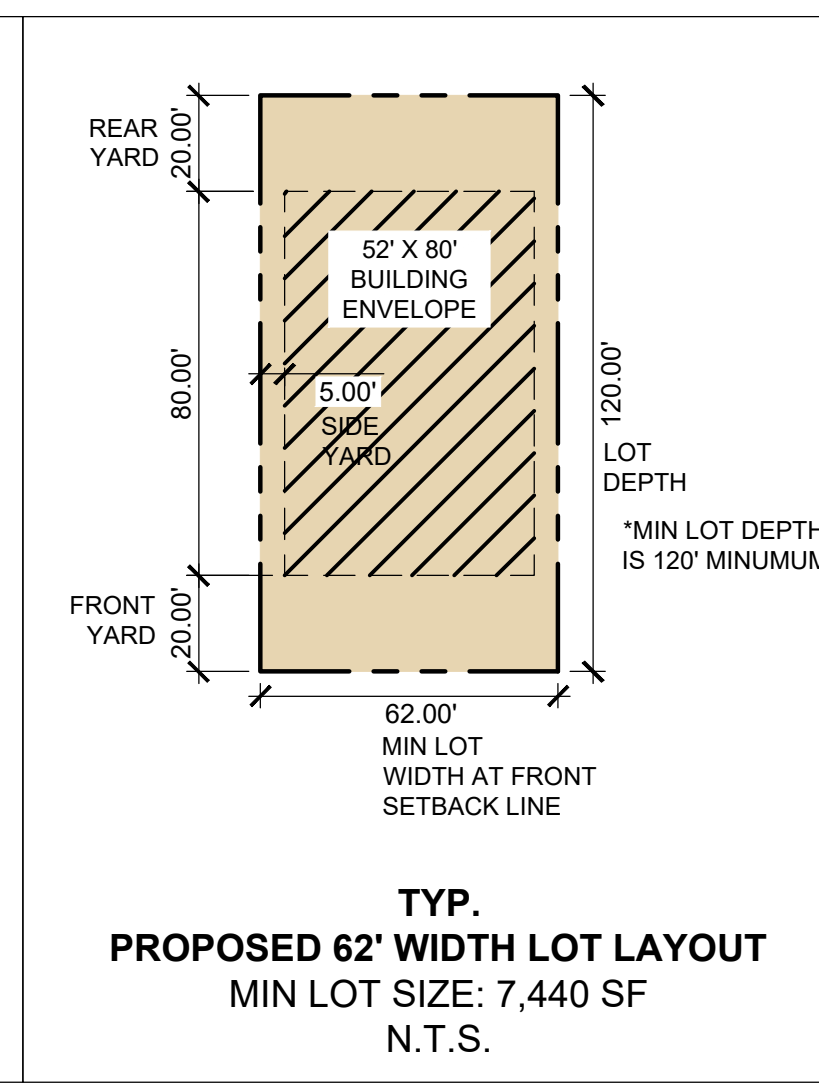
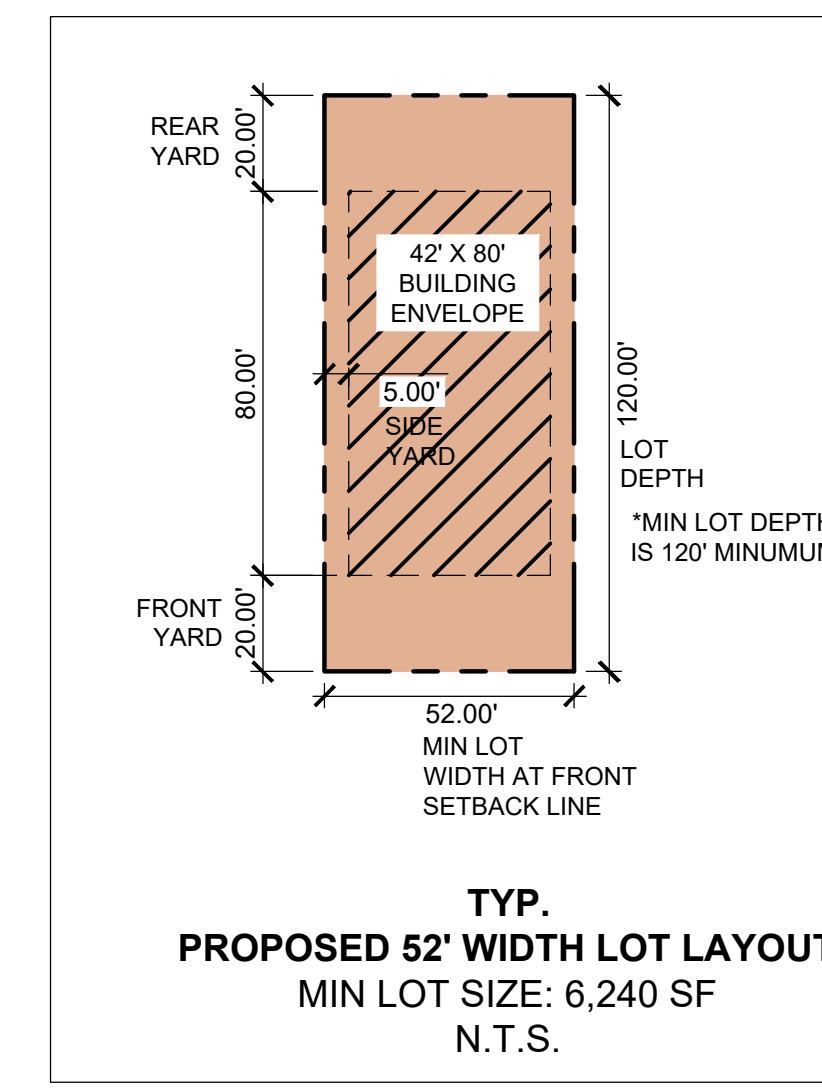
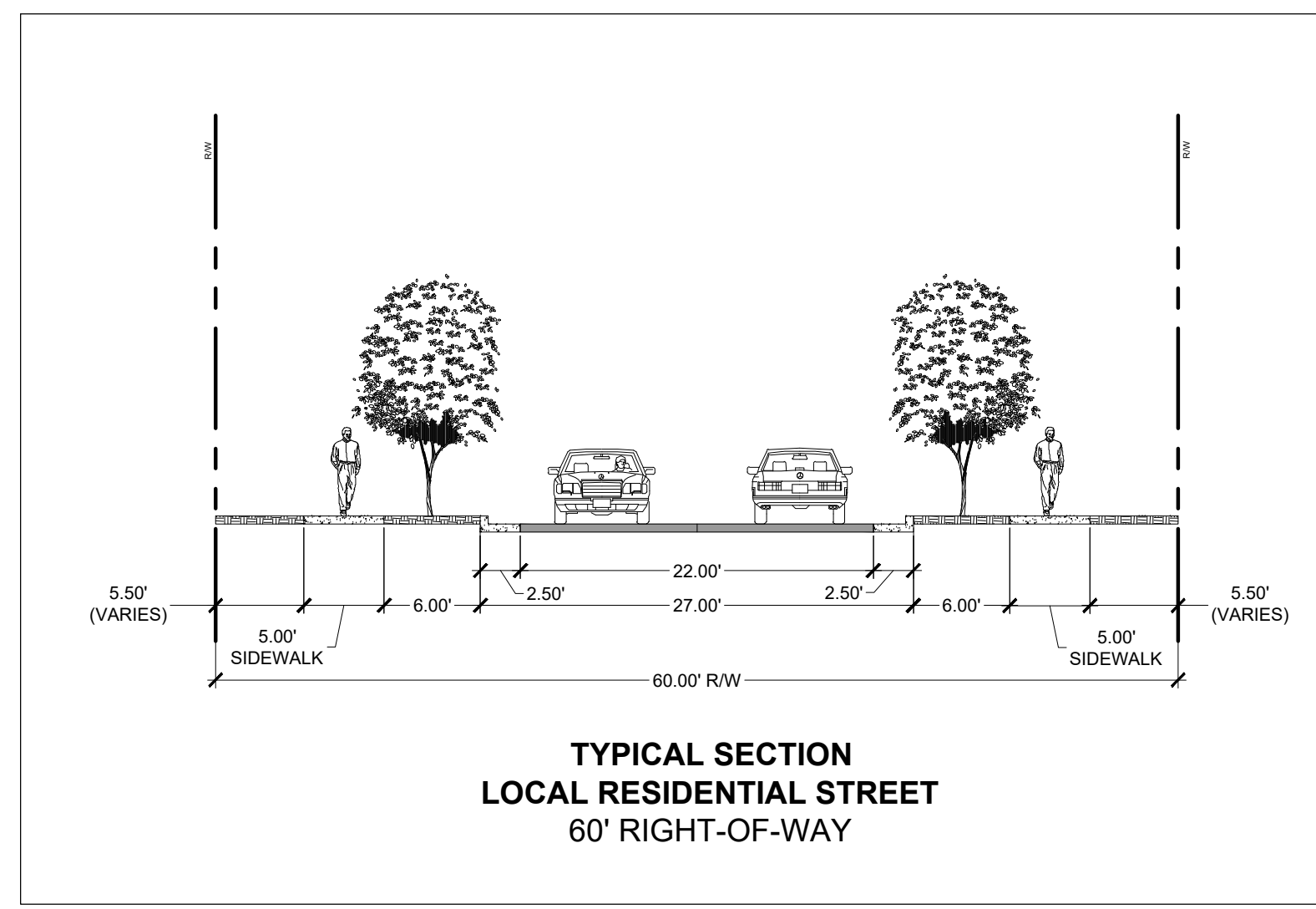


**LOT BREAKDOWN**

LOT COLOR	LOT TYPE	NUMBER OF LOTS
Orange	AGE TARGETED 52' LOTS (FORD SERIES)	197
Yellow	AGE TARGETED 62' LOTS (MEADOW SERIES)	226
Light Green	AGE TARGETED 72' LOTS (PINNACLE SERIES)	148
	<b>TOTAL</b>	<b>571</b>
Light Blue	TRADITIONAL 52' LOTS (WALK SERIES)	225
Dark Blue	TRADITIONAL 62' LOTS (ENCLAVE SERIES)	229
Light Blue	TRADITIONAL 100' LOTS	13
	<b>TOTAL</b>	<b>467</b>
	<b>GRAND TOTAL</b>	<b>1038</b>

MUNICIPALITY	NUMBER OF LOTS
KANNAPOLIS	792
LANDIS	246

WATERSHED	NUMBER OF LOTS
WS-III-BW	173
WS-III-CA	865



NOT FOR CONSTRUCTION

**IRISH CREEK**

DESIGNED BY: --  
DRAWN BY: --  
CHECKED BY: --

DATE: --

VERT: N/A  
HORZ: 1"=300'

0 150 300 600

TYPICAL LOT SHEET

RZ-5





PO Box 27283  
Richmond, VA 23261-7283

# Order Confirmation

Order# 000801914

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

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

**Account:** 3143368  
**Address:** ACTS PAYABLE/WANDA/TEARSHEETS  
KANNAPOLIS NC 28081

**Account:** 3143368  
**Address:** ACTS PAYABLE/WANDA/TEARSHEET:  
KANNAPOLIS NC 28081

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

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

**Total Amount**                      \$546.56  
**Payment Amount**                  \$546.56

<b>Amount Due</b>	<b>\$0.00</b>	<b><u>Tear Sheets</u></b>	<b><u>Proofs</u></b>	<b><u>Affidavits</u></b>	<b><u>PO Number:</u></b>
<b>Tax Amount:</b>	0.00	0	0	1	
<b>Payment Meth:</b>	Credit - Debit Card				

<b><u>Ad Number</u></b>	<b><u>Ad Type</u></b>	<b><u>Ad Size</u></b>	<b><u>Color</u></b>
0000801914-01	CLS Liner	2 X 44 li	\$0.00

**Production Method**  
AdBooker (liner)


**Production Notes**

<b><u>Product and Zone</u></b>	<b><u>Placement</u></b>	<b><u>Position</u></b>	<b><u># Inserts</u></b>
CON Independent Trib	C-Announcements	General-Spec Notice	2

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

**Run Dates** 9/ 9/2022, 9/16/2022

**TagLine:** NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETINGTUESDAYSEPTEMBER2022  
2AT600PMCONDITIONALZONINGMAPAMENDMENTCZ202205PUBL



**KANNAPOLIS**

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

**Tuesday, September 20, 2022 at 6:00 pm**

**Conditional Zoning Map Amendment - CZ-2022-05** - Public Hearing to consider a request to rezone properties located at 602 J Ave and an unaddressed parcel on J Ave from Residential 8 units per acre (R8) zoning district to General Commercial-Conditional Zoning (GC-CZ) zoning district to allow an eight-unit townhome development. The subject properties are approximately 0.44 +/- acres and further identified as Cabarrus County Parcel Identification Numbers 56134732130000.

**Conditional Zoning Map Amendment - CZ-2022-07** - Public Hearing to rezone unaddressed properties that were approved as a legislative "land swap" between the City of Kannapolis and the Town of Landis from Rowan County Single Family Residential 2 (SFR2) zoning district to City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ). The subject properties are approximately 62.66 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 132 0130000001 and 141 0010000001.

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 9, September 16, 2022.**

OWNNAME	TAXADD1	CITY	STATE	ZIPCODE
ATLANTIC AMERICAN PROP INC	PO BOX 28	KANNAPOLIS	NC	28082-0028
BRADY & LORI CHEEK	2399 TULLY MOORE DR	LANDIS	NC	28088-2052
DAVID & SHANNON FRYE	2379 FERNDAL CT	LANDIS	NC	28088
BRYLAN & CINDY GANN	6072 VILLAGE DR NW	CONCORD	NC	28027-5335
MARIO & DORIS GIUGNINO	823 CORRIHER ST	KANNAPOLIS	NC	28081
JAMES SR & SUSAN BOYER	2216 TULLYMORE DR	LANDIS	NC	28088-2056
JONATHAN & TAMISHA BENTON	2248 TULLY MORE DR	LANDIS	NC	28088-2056
KANNAPOLIS CHURCH OF GOD TRUSTEES	2211 W A ST	KANNAPOLIS	NC	28081
KANNAPOLIS-WEST A STREET CHURCH OF GOD	2211 W A ST	KANNAPOLIS	NC	28081
KARL J & SHARON DICHTL	64 CAMBRIDGE CT	WADING RIVER	NY	11792-3101
LOUISE K CONNOR TRUSTEE	4306 TILLSON RD	WILMINGTON	NC	28412-8242
MARK COYLE	2549 ASHWORTH LN	CONCORD	NC	28027-0000
MARSHALL & VIOLET EUBANKS	904 CUB ST	KANNAPOLIS	NC	28081-9340
SCOTT & EMMA MONTOYA	1028 WAKE DR	WESTERVILLE	OH	43082-8544
NIBLOCK HOMES LLC	759 CONCORD PKWY N STE 20	CONCORD	NC	28027-6035
NICHOLAS & CAMELIA ALLEN	PO BOX 1842	MOORESVILLE	NC	28115-1842
JOSEPH & SABRINA NIGGEL	2351 FERNDAL CT	LANDIS	NC	28088-2053
NORMAN & MARY BRENNENSTUHL	820 CORRIHER ST	KANNAPOLIS	NC	28081-0000
ROBERT & LUANNE POSS	5220 N GEMINI SPRINGS DR	KANNAPOLIS	NC	28081-6468
ROBERT & CYNTHIA QUERY	2224 TULLY MORE DRIVE	LANDIS	NC	28088
T D FEENEY CONSTRUCTION CO INC	4324 BRITLEY LN	HARRISBURG	NC	28075
CHARLES & SHERRI THACKER	940 TAMARY WAY	LANDIS	NC	28088
TONY & LARAIN WALDEN	1400 FAWN RIDGE RD NW	CONCORD	NC	28027
ERNEST JR & CARMELLA WILLARD	2232 TULLY MORE DR	LANDIS	NC	28088-2056





September 9, 2022

Dear Property Owner:

**Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, September 20, 2022 at 6:00 PM, for the following case:**

**CZ-2022-07 – Conditional Zoning Map Amendment – Rowan County Jurisdictional “Land Swap” between City of Kannapolis and Town of Landis**

The purpose of the Public Hearing is to rezone unaddressed properties that were approved as a legislative “land swap” between the City of Kannapolis and the Town of Landis from Rowan County Single Family Residential 2 (SFR2) zoning district to City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ). The subject properties are approximately 62.66 +/- combined acres and further identified as Rowan County Parcel Identification Numbers 132 0130000001 and 141 0010000001 (see reverse side of this letter for a map showing the location of this property).

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

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

Sincerely,

Richard Smith  
Planning Director

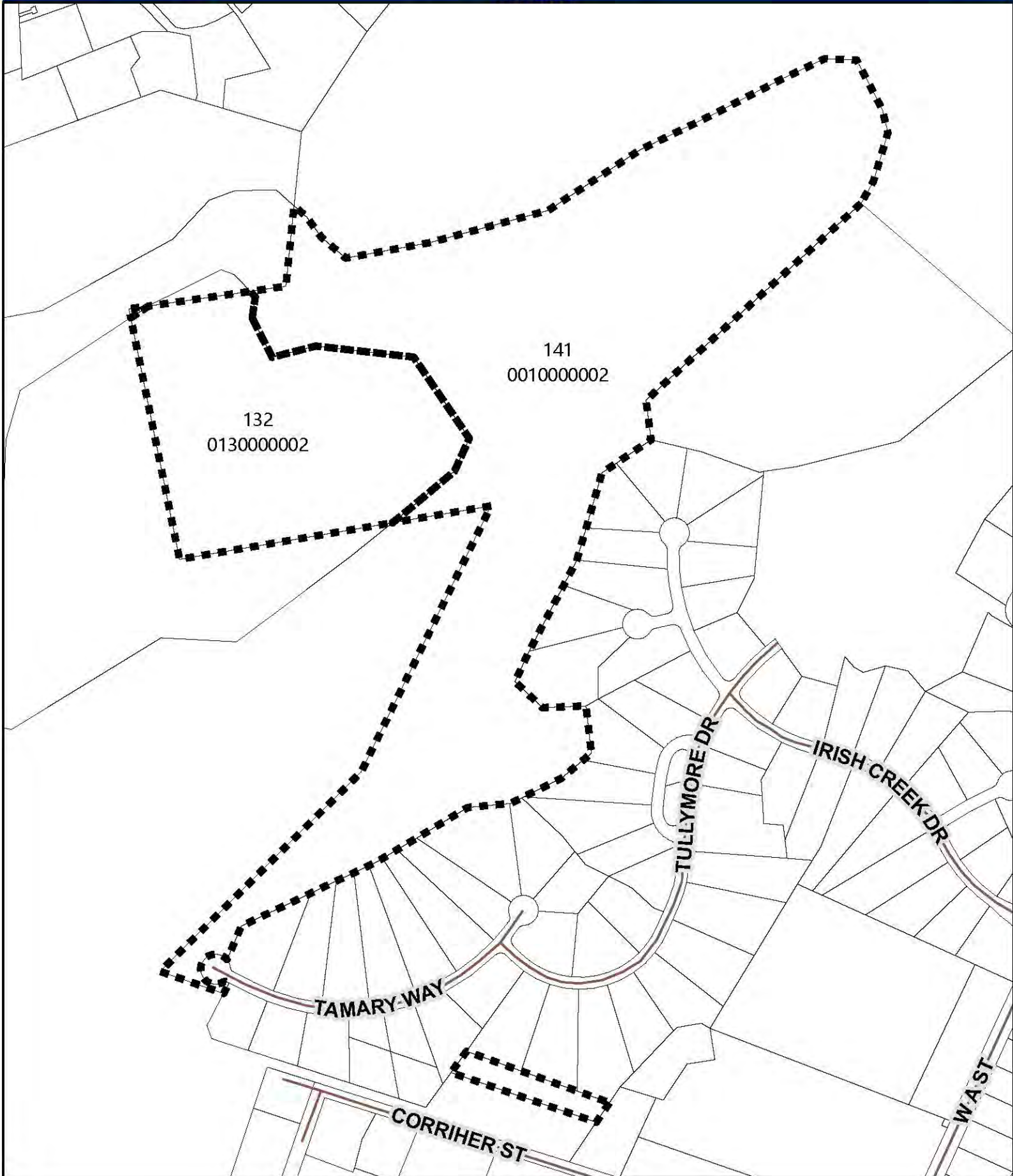
Enclosure

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



# Conditional Rezoning

Case Number: CZ-2022-07  
Applicant: City Of Kannapolis/  
Richard Smith, Planning Director  
Irish Creek





  
KANNAPOLIS

**PLANNING**

**ZONING**

**COMMISSION**

**PUBLIC HEARING**  
**INFORMATION**  
**CALL 704-920-4350**  
**CASE #CZ - 2022 - 07**



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY  
WITH REGARD TO CASE #CZ-2022-07**

**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 20, 2022 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone unaddressed parcels that were approved as a legislative “land swap” between the City of Kannapolis and the Town of Landis (Rowan County Parcel Identification Numbers 132 0130000001 and 141 0010000001) owned by Atlantic American Properties, Inc., from Rowan County Single Family Residential 2 (SFR2) Zoning Designation to a City of Kannapolis Planned Development-Conditional Zoning (PD-CZ) Zoning Designation.

**NOW, THEREFORE BE IT RESOLVED** *The Planning and Zoning Commission finds this rezoning **consistent** with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan (2030 Plan), adopted by City Council, which designates this property as being located in the “Future Planning” Character Area, which allows for the proposed professional office. Furthermore, the Commission finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The proposed use is also compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.*

**Adopted this the 20th day of September 2022:**

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

**Attest:**

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



## **RESOLUTION TO ZONE**

**Case #CZ-2022-07**

**(Unaddressed Rowan County Parcel Numbers 132 0130000001 and 141 0010000001)**

### **From Rowan County Single Family Residential 2 (SFR2) to City of Kannapolis Planned Development-Conditional Zoning (PD-CZ) Zoning Designation**

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

**WHEREAS**, the Commission conducted a public hearing on September 20, 2022 for consideration of rezoning petition Case #CZ-2022-07 as submitted to the City of Kannapolis Planning Department; and

**WHEREAS**, the request was to rezone unaddressed properties that were approved as a legislative "land swap" between the City of Kannapolis and the Town of Landis (Rowan County Parcel Identification Numbers 132 0130000001 and 141 0010000001) owned by Atlantic American Properties, Inc., from Rowan County Single Family Residential 2 (SFR2) Zoning Designation to a City of Kannapolis Planned Development-Conditional Zoning (PD-CZ) Zoning Designation; and

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

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

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

The property is in the "Future Planning Area" Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan (2030 Plan)*. The Future Planning Area Character Area includes single-family residential as a primary use; therefore, the proposed use is in conformance with the goals and policies of the 2030 Plan.

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

No. The subject properties are adjacent to Cannon Farm Road, Kannapolis Lake, and Corriher Street. The mix of traditional and age targeted housing along with the preservation of open-space and connectivity are compatible with existing development in the surrounding area.

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

No, the subject properties were subject of a legislative "land swap" between the City of Kannapolis and the Town of Landis.

**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, surrounding properties are zoned PD-CZ, Planned Development-Conditional Zoning and consist of single-family residential, open-space and the existing Golf Club at Irish Creek..

**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?**

A Traffic Impact Analysis was conducted in June of 2021 and the applicant is currently working with NCDOT and the City on suggested and required transportation improvements. There are public facilities available to the property or within close proximity, which will be extended to service the development. Sanitary sewer service is subject to allocation based upon sewer treatment capacity. There is an existing fire hydrant adjacent to the site.

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

Yes, the parcels were part of a legislative “land swap” between the City of Kannapolis and the Town of Landis and require assignment of City of Kannapolis zoning designation. Surrounding properties were rezoned to PUD-CZ (Planned Unit Development-Conditional Zoning) on December 14, 2021 under Case No. CZ-2021-16. The subject parcels will be added to the development plan under CZ-2021-16. Due to adoption of the Kannapolis Development Ordinance (KDO) and associated zoning map, the PUD zoning district is now PD (Planned Development).

**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?**

There are no anticipated environmental impacts such as water, air, noise, storm water management, wildlife, vegetation, wetlands or the natural function of the environment. The development will be required to conform to all applicable local, state, and federal environmental regulations.

**NOW, THEREFORE BE IT RESOLVED** by the City of Kannapolis Planning and Zoning Commission that the above referenced property, as shown on the site plan submitted to the City, be rezoned from Rowan County Single Family Residential 2 (SFR2) Zoning Designation to a City of Kannapolis Planned Development-Conditional Zoning (PD-CZ) Zoning Designation, subject to the following conditions:

1. The permitted uses allowed by this rezoning shall include the uses, densities and intensities as shown on the master plan approved with this rezoning.
2. A Final Site Plan, in compliance with all applicable City UDO standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Comply with current Land Development Standards Manual.
4. All road intersections on where development has access and/or street frontage shall be approved by the City.
5. The Developer shall construct traffic improvements as required by the Traffic Impact Analysis approved with this rezoning.
6. The lane widths, sidewalks, pavement structure, road alignment, and road grades shall be constructed to current City standards.

7. Roads and parking lots shall comply with all Fire Codes and Autoturn templates for SU-30 and Bus-45 (mimics ladder truck) shall be used.
8. Streams and wetlands shall be identified by a qualified person and all buffers shown in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with AE Zone & RSOD Buffer requirements or be relocated.
9. A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and SCM's. Stormwater SCM's cannot be constructed in the undisturbed buffer.
10. All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement. The water and sewer mains shall be located in the roadway under the pavement per the City's Typical Section Utility Layout, LDSM Detail 301.
11. Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-feet wide. Additional width may be required depending on the depth of the line. Sanitary sewer lines and storm sewer lines shall be located within Common Open Space (easements centered on property lines shall not be permitted). Viable access shall be provided along all easements with a grade no greater than 15% for maintenance vehicles and cross slopes shall not exceed 5%.
12. The Fire Department shall approve locations of all hydrants.
13. Additional Engineering and Fire comments are anticipated based on the latest version of the Master Plan.
14. The Developer shall provide a secondary access point in the form of a pedestrian crossing capable of handling an emergency response vehicle and/or a secondary access point.

**Adopted this the 120th day of September 2022:**

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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 20, 2022**

**Staff Report**

**TO:** Planning and Zoning Commission  
**FROM:** Richard Smith, Planning Director  
**SUBJECT:** **CPA-2022-03** – *Move Kannapolis Forward 2030 Comprehensive Plan*  
Amendments

Amend *Move Kannapolis Forward 2030 Comprehensive Plan* “Future Land Use and Character Map” for parcels subject to a legislative “land swap” to apply a “Complete Neighborhood 2” character designation.

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

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

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

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

**C. Background**

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

At its February 28, 2022 meeting, the City of Kannapolis City Council approved a legislative “land swap” request between the City of Kannapolis and the Town of Landis regarding properties that abut the Club at Irish Creek and future City development. Both jurisdictions determined that a jurisdictional land swap was warranted in order to better serve the area as it relates to emergency and municipal services. The swap was subsequently approved by the North Carolina Legislature in July of this year.



The parcels transferred to the City of Kannapolis are further identified as Rowan County Parcel Identification Numbers 132 0130000001 and 141 0010000001 and must be assigned a City of Kannapolis Character Area designation. Staff is recommending a “Complete Neighborhood 2” Character Area to remain consistent with the rest of the Irish Creek neighborhood.

**D. Fiscal Considerations**

None

**E. Policy Issues**

Section 2.3.B(1)d of the 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 and Character Map of the Move Kannapolis Forward 2030 Comprehensive Plan be amended to apply the “Complete Neighborhood 2” Character Area to the aforementioned parcels. (See attached map)

**Courses of Action**

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

**APPROVAL**

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

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

**DENIAL**

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

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

**H. Attachments**

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

**I. Issue Reviewed By:**

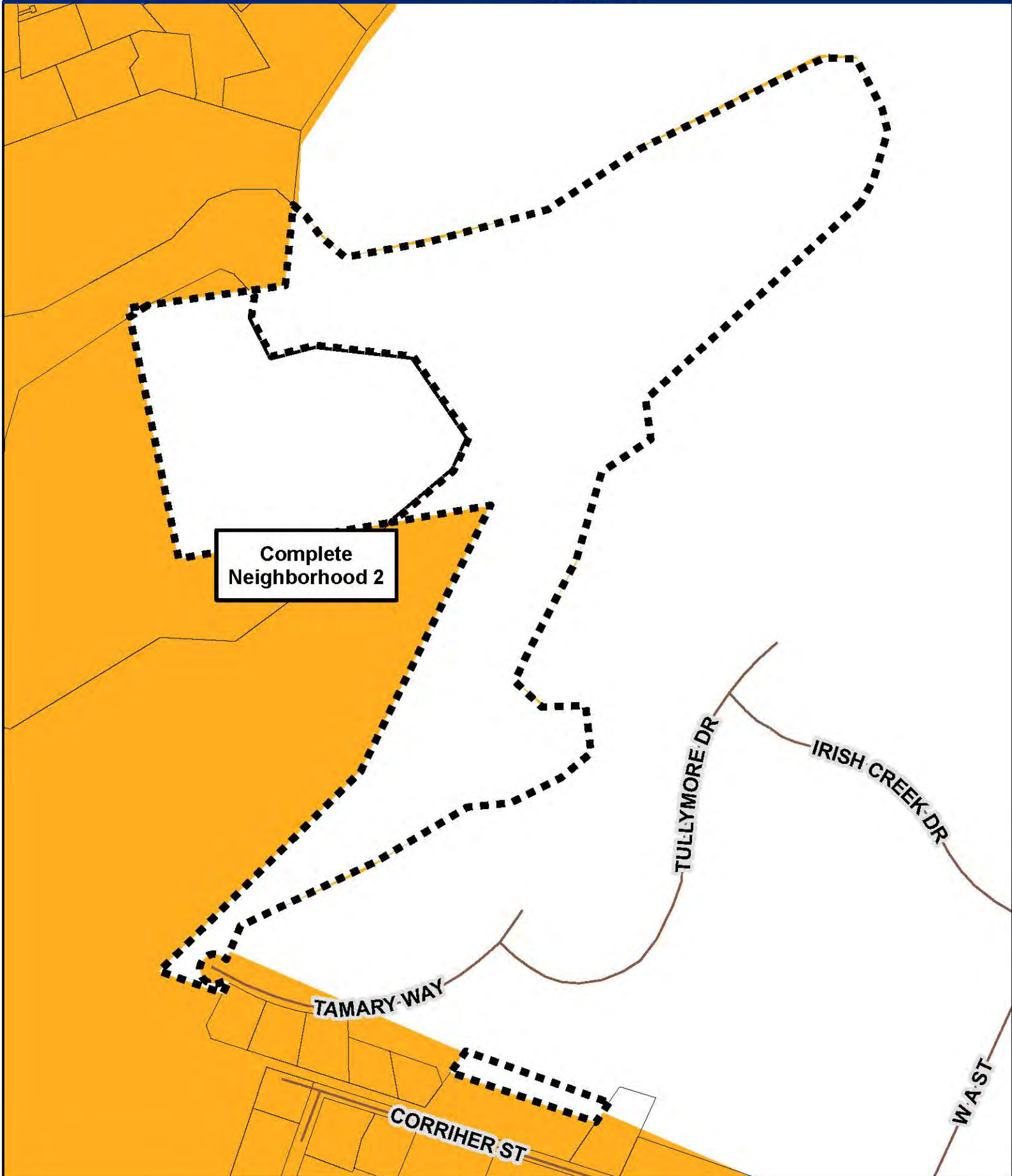
- City Manager
- Assistant City Manager
- Economic & Community Development Director



# Kannapolis 2030 Future Land Use Map

Case Number: CPA-2022-03

Applicant: City Of Kannapolis/  
Richard Smith, Planning Director  
Irish Creek

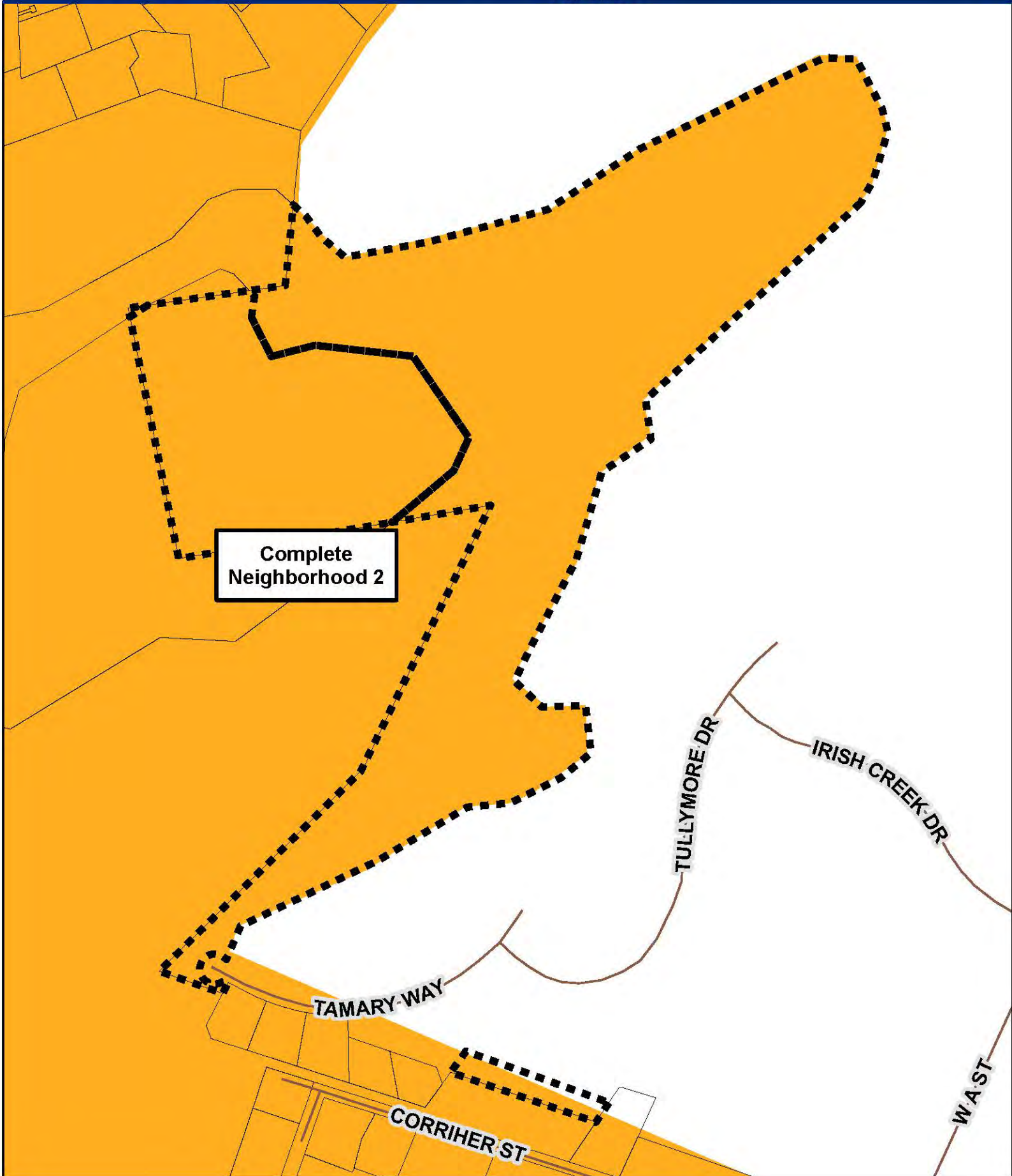




# Kannapolis 2030 Future Land Use Map

Case Number: CPA-2022-03

Applicant: City Of Kannapolis/  
Richard Smith, Planning Director  
Irish Creek





**Planning and Zoning Commission  
September 20, 2022 Meeting**

**Staff Report**

**DATE:** September 13, 2022  
**TO:** Planning and Zoning Commission Members  
**FROM:** Ben Barcroft, Senior Planner  
**SUBJECT:** **Text Amendments**  
**Applicant:** City of Kannapolis

Consider a recommendation to City Council regarding text amendments to Article 4, Table 4.2.B(5): Principal Use Table; Table 4.3.B(3): Accessory Use/Structure Table; and Article 10, Definitions 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-2022-02
2. Consider motion to recommend approval of proposed text amendments by City Council

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

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

**C. Background**

Staff is proposing the following amendments to the KDO:

1. Amend Article 4, Table 4.2.B(5): Principal Use Table, Warehousing, Assembly, or Fabrication to add *Small-Scale Aerial Distribution* as a use permissible by issuance of a Special Use Permit ('S') in both the Campus Development (CD) and Heavy Industrial (HI) Zoning Districts, subject to specific standards, as well as to add *Small-scale Aerial Distribution* to Article 10, Definitions.

Staff recommends this amendment to allow the use of drone deliveries. (Please see attached proposed amendments for the proposed Small-scale Aerial Distribution definition.)

2. Amend Article 4, Table 4.2.B(5): Principal Use Table, Household Living to change the *Single-family detached dwelling* use from permissible by issuance of a Special Use Permit ('S') to a use permitted by right ('P') in the Residential 8-units per acre (R8) zoning district, as well as to add the use as 'P' in the Mixed-Use Neighborhood (MU-N) zoning district, and to add the use as 'S' in both the Residential 18-units per acre (R18) and Center City (CC) zoning districts.

This amendment will correct a revision that was to be made prior to adoption of the KDO. Single-family detached dwellings are typically a use permitted by right in most residential zoning districts. While both the R18 and CC zoning districts are also intended for residential uses, requiring a Special Use Permit in these districts is appropriate since they are intended for more dense uses such as single-family attached and multi-family residential. Without this amendment, nonconformities would result.

3. Amend Article 4 Table 4.3.B(3): Accessory Use/Structure Table, to add *Storage Building* as 'P' in all zoning districts.

This amendment will correct an additional revision that was to be made prior to adoption of the KDO. Currently, storage buildings are not permitted in any residential, mixed-use, Planned Development or Legacy zoning districts. Storage buildings include garages, storage sheds, and the like, and should be permitted in all zoning districts. The KDO provides standards for accessory uses and structures in Article 4, Section 4.3.C. General Standards for All Accessory Uses and Structures.

The proposed text amendments to the KDO are 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, Table 4.2.B(5): Principal Use Table; Article 4, Table 4.3.B(3): Accessory**

**Use/Structure Table; and Article 10, Definitions;** of the Kannapolis Development Ordinance, as shown per staff edits (attached).

**The following actions are required to recommend approval of TA-2022-02:**

1. Consider Resolution to Adopt a Statement of Consistency for TA 2022-02
2. Consider motion to recommend approval of proposed text amendments by City Council.

**The following actions are required to recommend denial of TA-2022-02**

1. Consider Resolution to not Adopt a Statement of Consistency for TA 2022-02
2. Consider motion to recommend denial of proposed text amendments by City Council.

**H. Attachments**

1. Proposed UDO changes: Article 4 and Article 10
2. Resolution to Adopt a Statement of Consistency

**I. Issue Reviewed By:**

- Planning Director
- Assistant City Manager
- City Attorney







**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO  
TEXT AMENDMENT TA-2022-02**

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

**WHEREAS**, the text amendment to **Article 4, Table 4.2.B(5), to add Small-Scale Aerial Distribution as a use permissible by issuance of a Special Use Permit in both the CD and HI Zoning Districts; Article 10, Definitions, to add the definition of Small-Scale Aerial Distribution; Article 4, Table 4.2.B(5), to change Single-family Detached Dwellings from a use permissible by issuance of a Special Use Permit to a use permitted by right in the R8 Zoning District, as well as to add the use as permitted by right in the MU-N Zoning District, and to add the use permissible by issuance of a Special Use Permit in both the R18 and CC Zoning Districts; and Article 4, Table 4.3.B(3), to add Storage Building as a use permitted by right in all Zoning Districts**, is consistent with policy 4.3.1 Provide Diverse Living Options and policy 3.1.1 Support Regional Freight Mobility, of the *Move Kannapolis Forward 2030 Comprehensive Plan*, because it encourages development of small, vacant, or undeveloped infill lots in established neighborhoods, allows for greater flexibility in housing options and supports the recommendations of the Greater Charlotte Regional Freight Mobility Plan .

**WHEREAS**, the Planning and Zoning Commission conducted a Public Hearing on September 20, 2022 for consideration of text amendment Case# TA-2022-02 as submitted by the Planning Department staff;

**NOW, THEREFORE BE IT RESOLVED** that the Planning and Zoning Commission finds the text amendment as represented in Case TA-2022-02 is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, as well as state statutes, reasonable, and in the public interest, and is recommended for approval by the City Council based on consideration of the application materials, information presented at the Public Hearing, and the recommendation provided by Staff.

**Adopted this the 20th Day of September 2022:**

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Chris Puckett, Chairman  
Planning and Zoning Commission

Attest:

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Pam Scaggs, Recording Secretary  
Planning and Zoning Commission