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

**Minutes of Meeting  
December 12, 2023**

11 The Kannapolis Planning and Zoning Commission met on Tuesday December 12, 2023, at 6:00 PM  
12 in the Laureate Center of City Hall. This meeting was held in accordance with notice published in  
13 the Independent Tribune (Appendix A), as well as on the City’s website.

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**Commission Members Present:** Chris Puckett, Chair  
Daisy Malit  
Jamie Richardson  
Larry Ensley  
Shelly Stein  
Robert Severt, ETJ Representative

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**Commission Members Absent:** Jeff Parker, Vice-Chair  
James Litaker  
Scott Trott

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**Visitors:**

Sara Shirley	Andrew Loftin
Austin Pope	John Suther
C. Minnis	Patrick Nelson
Brooke Nelson	Jared Wall
Krishna Paladugu	Venkata Kalluri
Shirish Bairishetty	Brian Schmidt
Kelly Schmidt	Justin Lawrence
Laida Chininga	Michelle Morrison
Mike Henderson	Alexandra Henderson
Satish Kollipara	Gary Panepinto

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**Staff Present:** Richard Smith, Planning Director  
Elizabeth McCarty, Assistant Planning Director  
Kathryn Stapleton, Planner  
Rayvon Walker, Planner  
Ben Barcroft, Senior Planner  
Wilmer Melton, Assistant City Manager  
Pam Scaggs, Recording Secretary

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43

**CALL TO ORDER**

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

44  
45  
46

**ROLL CALL AND RECOGNITION OF QUORUM**

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

47

**APPROVAL OF AGENDA**

1 Chair Puckett made motion that Item B [Z-2023-13] of the Agenda be moved to the first item. The  
2 motion received a second by Mr. Ensley, and the motion was unanimously approved.  
3

#### 4 **PUBLIC HEARING**

##### 5 **Z-2023-13 – Zoning map request for property located at 2313 N Main Street from City of** 6 **Kannapolis General Commercial (GC) to City of Kannapolis Residential 8 (R8) zoning district.**

7 Planner, Kathryn Stapleton, provided a PowerPoint presentation regarding case CZ-2023-13,  
8 attached to and made part of these minutes as Exhibit 1. She directed the Commission’s attention to  
9 the Vicinity, Zoning, and Future Land Use Plan maps and identified the applicant, address, and size  
10 of the property. Ms. Stapleton stated that the request is to rezone the property from GC zoning district  
11 to R8 zoning district. She identified the current and surrounding zoning districts and property uses,  
12 as well as the Character Area’s.  
13

14 Ms. Stapleton further directed the Commission’s attention to site photos, stating that staff found  
15 consistency with the Move Kannapolis Forward 2030 Plan (“2030 Plan”) and is recommending  
16 approval of the rezoning request. She reminded the Commission of the actions requested, concluded  
17 her presentation, and made herself available for questions.  
18

19 There being no additional questions or comments for staff, Chair Puckett opened the Public Hearing  
20 which was then closed with no public comment being made.  
21

22 Chair Puckett asked for a motion regarding the Statement of Consistency. Mr. Ensley made the  
23 motion to approve, second by Ms. Stein, and the motion was unanimously approved.  
24

25 Chair Puckett asked for a motion regarding the Resolution to Zone. Mr. Ensley made the motion to  
26 approve, second by Ms. Richardson, and the motion was unanimously approved.  
27

##### 28 **CZ-2023-06 – Conditional rezoning request for property located at 9600 Davidson Highway** 29 **from Cabarrus County Countryside Residential (CR) to City of Kannapolis Residential 8-** 30 **Conditional Zoning (R8-CZ) zoning district.**

31 Assistant Planning Director, Elizabeth McCarty, provided a PowerPoint presentation regarding case  
32 CZ-2023-06, attached to and made part of these minutes as Exhibit 2. Ms. McCarty directed the  
33 Commission’s attention to Vicinity, Zoning, and Future Land Use Plan maps and identified the  
34 applicant, property owner, address, and size of the property. She stated that the property was  
35 voluntarily annexed by City Council on October 23, 2023, and that the applicant is requesting to  
36 conditionally rezone the property to the R8 zoning district to allow for a townhome development.  
37

38 Ms. McCarty identified the current zoning of the subject and surrounding properties as well as their  
39 uses and the recommended uses of the Character area. She directed the Commission’s attention to  
40 site photos, as well as the site plan and talked about NCDOT and City requirements for access,  
41 stating that property is located within a Thoroughfare Protection Overlay (TPO) district, which is  
42 intended to help with orderly development and aesthetics along major corridors through increased  
43 design standards. Ms. McCarty added that the proposed development is subject to sewer allocation  
44 based upon capacity.  
45

1 Ms. McCarty stated that the rezoning process requires a neighborhood meeting, which was held on  
2 November 28, 2023, and that concerns were voiced regarding proximity to homes, access, location  
3 of a stream at back of property and grade changes. She added that staff received calls voicing concern  
4 about school capacity, and that townhomes do not “fit” with the rural area. Ms. McCarty stated that  
5 staff has found consistency with 2030 Plan, is compatible with surrounding zoning and recommends  
6 approval with conditions (see Exhibit 1). She concluded her presentation, reminded the Commission  
7 of the actions requested and made himself available for questions.  
8

9 Chair Puckett asked for clarification that the Commission is only assigning zoning to the property,  
10 per State Statutes, and is not approving site plans or sewer application. Ms. McCarty confirmed.  
11

12 Mr. Ensley asked if the property is located in wetlands or in the floodplain. Ms. McCarty responded  
13 that it is not.  
14

15 Representative for the applicant, Austin Pope, Kimley Horne and Associates, made himself available  
16 for questions.  
17

18 Mr. Ensley asked about the estimated build-out date. Mr. Pope responded that due to the sewer  
19 allocation process, it is hard to know, but estimated that it would be two to three years.  
20

21 Ms. Stein asked about a “stub-out” shown on the site plan. Mr. Pope responded that is shown for  
22 future connectivity.  
23

24 Chair Puckett asked if the setbacks shown on the site plan account for the future widening of NC  
25 HWY 73. Mr. Pope responded that a 75-foot setback is proposed from the right-of-way (ROW).  
26

27 There being no additional questions or comments for staff or the applicant, Chair Puckett opened  
28 the Public Hearing and reminded the public that the meeting is only to assign zoning.  
29

30 Six (6) citizens spoke and voiced concern regarding access; the NCDOT widening project of NC  
31 Hwy 73; traffic impacts; road safety; proximity to NC Hwy 73; widening of the highway to allow  
32 for turn lanes; repairs to the highway; school impacts; impacts to Wellington Chase; future  
33 connectivity; and infrastructure. It was suggested by the citizens that development wait until schools  
34 have been updated and that there be more collaboration between the Boards to consider impacts to  
35 existing residents.  
36

37 Planning Director, Richard Smith, acknowledged the arrival of Daisy Malit at 6:25 PM.  
38

39 Mr. Ensley asked about the number of sewer allocation projects already on the waiting list. Mr.  
40 Smith responded that there are at least twenty (20) projects on the waiting list and that expected  
41 development of new projects is at least five (5) years out.  
42

43 Chair Puckett asked if the local schools are made aware of development projects. Mr. Smith  
44 responded that they are made aware and participate in weekly meetings.  
45

46 There being no further public comment, Chair Puckett closed the Public Hearing.

1  
2 Chair Puckett asked if the Commission could assign Agriculture (AG) as a holding zoning  
3 designation. Mr. Smith responded that they could assign a holding zone but that the applicant could  
4 then appeal to City Council. Mr. Severt asked if the R8 zoning is the recommendation by staff. Mr.  
5 Smith confirmed. Mr. Ensley asked if the Commission were to assign the AG zoning district and  
6 then the applicant appeals to City Council, would the rezoning come back to the Commission. Mr.  
7 Smith responded that City Council has final authority on appeals of rezoning.

8  
9 Chair Puckett asked for a motion regarding the Statement of Consistency. Ms. Richardson made the  
10 motion to approve, second by Ms. Malit, and the motion was unanimously approved.

11  
12 Chair Puckett asked for a motion regarding the Resolution to Zone. Mr. Ensley made the motion to  
13 approve, second by Ms. Malit, and the motion was unanimously approved.

14  
15 **CANNON BOULEVARD SURVEY DISCUSSION**  
16 Mr. Smith referred to a survey that was sent to the Commission and thanked them for participating  
17 in the survey. He introduced Planner, Rayvon Walker, and Senior Planner, Ben Barcroft, to provide  
18 an update regarding the Cannon Boulevard Corridor Survey.

19  
20 Mr. Walker stated that the purpose of the survey is to prioritize the suggested recommendations to  
21 enhance Cannon Boulevard. Mr. Barcroft stated that staff organized the survey into four (4)  
22 categories which included: safe multimodal movement; opportunities for development; vibrant  
23 public realm, corridor entry/gateway improvements; and efficient access.

24  
25 There was discussion regarding the redevelopment of privately owned property, signage grant  
26 funding, street lighting and landscaping, improved intersections, car lots, and screening.

27  
28 Mr. Smith stated that staff will draft final recommendations based upon survey results and hopes to  
29 present to City Council at their June business meeting.

30  
31 **PLANNING DIRECTOR UPDATE**  
32 Mr. Smith stated that the proposed development at the corner of Rogers Lake Road and Kannapolis  
33 Parkway (Lowe's grocery store) received sewer allocation, and entered into a Development  
34 Agreement with the City that was approved at City Council's November 27, 2023, meeting. He  
35 added that it should be completed by spring 2025 and will include an outparcel building. Mr. Smith  
36 indicated that McDonald's is proposing a restaurant in the same location and expects the  
37 Development Agreement and subsequent sewer allocation to be scheduled for January 2024. He  
38 provided an update regarding the proposed multi-family residential project that was to be located  
39 behind City Hall, stating that the previous developer has withdrawn but that there had been  
40 previous interest by other developers. Mr. Smith also stated that a developer has shown interest in  
41 the property located at Irish Creek and that there may be a submittal for development.

42  
43 Mr. Smith stated that staff has recognized the need for a possible rezoning of several properties  
44 located along W C Street and noted that the majority of the properties are zoned General  
45 Commercial (GC) and Office Institutional (OI) but that the uses are mostly residential. He  
46 indicated that staff would conduct a neighborhood meeting to better understand the needs of the

1 citizens in that area, but that the Commission should expect to see a staff-initiated rezoning of the  
2 area in the coming months.

3  
4 **OTHER BUSINESS**

5 Mr. Smith responded to Commission questions regarding the status of the new high school  
6 (Northwest Cabarrus) proposed at the end on Rogers Lake Road on Kannapolis Parkway, Vida, and  
7 rail improvements.

8  
9 **ADJOURN**

10 There being no further business, questions, or comments, Chair Puckett adjourned the meeting at  
11 7:02 PM on Tuesday, December 12, 2023.

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Pam Scaggs, Recording Secretary

  
~~Chris Puckett, Chair~~ Jeff Parker, Vice-Chair  
Planning and Zoning Commission

# EXHIBIT 1



## Planning and Zoning Commission December 12, 2023 Meeting

### Staff Report

**TO:** Planning and Zoning Commission

**FROM:** Kathryn Stapleton, Planner

**SUBJECT:** Case #Z-2023-13: 2313 N. Main Street  
Applicant: John Suther

Applicant is requesting to rezone property located at 2313 N. Main Street from General Commercial (GC) to Residential 8 (R8) zoning district.

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

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

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

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

#### C. Background & Project Overview

The applicant, John Suther, is requesting to rezone approximately 0.17 +/- acres of property located at 2313 N. Main Street, further identified as Rowan County Parcel 160 119.

#### 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 "Urban Corridor" Character Area as well as "Urban Residential". The Urban Residential designation identifies single family detached residential and single family attached as primary uses.

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

No, the R8 zoning designation is appropriate for this area. There is existing R8 zoning on nearby properties.

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

No, but the proximity to other R8 zoning and the Comprehensive Plan Character Areas make this zoning change appropriate for this area.

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

Yes, the 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.

**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 "Urban Corridor" Character Area and "Urban Residential" in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Staff finds the request for rezoning 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.

## 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-2023-13**

### 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-2023-13, a motion should be made to adopt the following Statement of Consistency:**

**Statement of Consistency:** Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which designates the subject property as located within the “Urban Corridor” and “Urban Residential” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Staff finds the request for rezoning 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.

2. **Should the Commission choose to approve Case #Z-2023-13, 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-2023-13, 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-2023-13 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-2023-13, 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: 2313 N. Main St. Kannapolis, NC 28081

Applicant: John Suther

Proposed development: Single Family Detached  
Single Family Detached

### 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: 11.17.23



## ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

### Applicant Contact Information

Name: John Suther  
Address: 1316 S. Main St. Ste. D  
Kannapolis, NC 28081  
Phone: 704-856-9148  
Email: john.suther@sutherengineering.com

### Property Owner Contact Information same as applicant

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

### Project Information


Project Address: 2313 N. Main St. Kannapolis, NC 28081

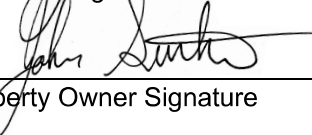
Parcel: 160 119 # of parcels: 1 Approx. size of parcels: 0.17 AC  
*(attach separate list if necessary)*

Current Zoning Designation: GC Requested Zoning Designation: R8

Reason for map amendment: Proposed map amendment to R8 to build single family detached residential. Currently the two adjoining properties are single family detached residential. There was previously a single family detached residence on this property the subject property was lost to a fire per the neighbors somewhere between the year 2010 and 2014. This map amendment would provide an allowable use in order to build a new single family detached structure in keeping with the neighborhood and with the previous use of the property

**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.**

 11.17.23  
Applicant Signature Date

 11.17.23  
Property Owner Signature Date

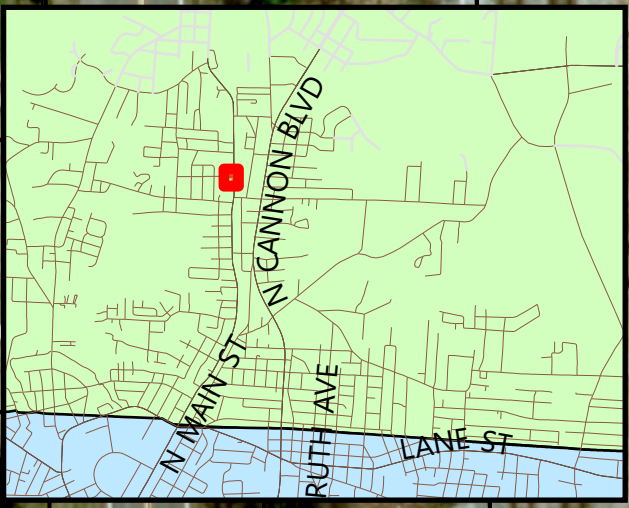
*Note: This is not a permit to occupy a structure. Owner and/or applicant are responsible for the location of utility lines and easements. Zoning Map Amendment does not guarantee the availability of water and/or sewer.*

### For Staff Use Only:

Filing Fee: \_\_\_\_\_ Receipt #: \_\_\_\_\_  
Case #: \_\_\_\_\_ Date Received: \_\_\_\_\_



Vicinity Map  
Case Number: Z-2023-13  
Applicant: John Suther  
2313 N Main St



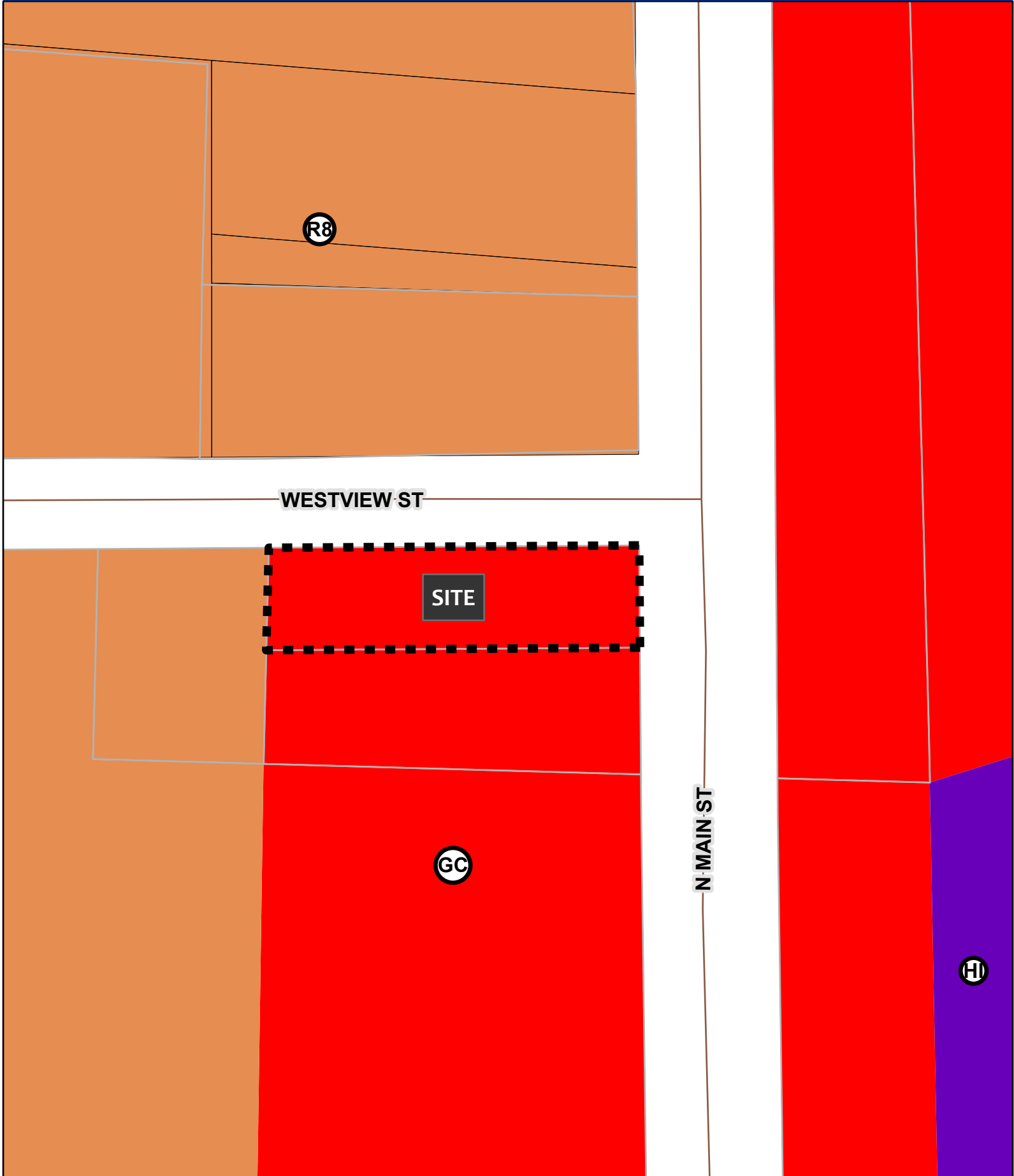


# Kannapolis Current Zoning

Case Number: Z-2023-13

Applicant: John Suther

2313 N Main St



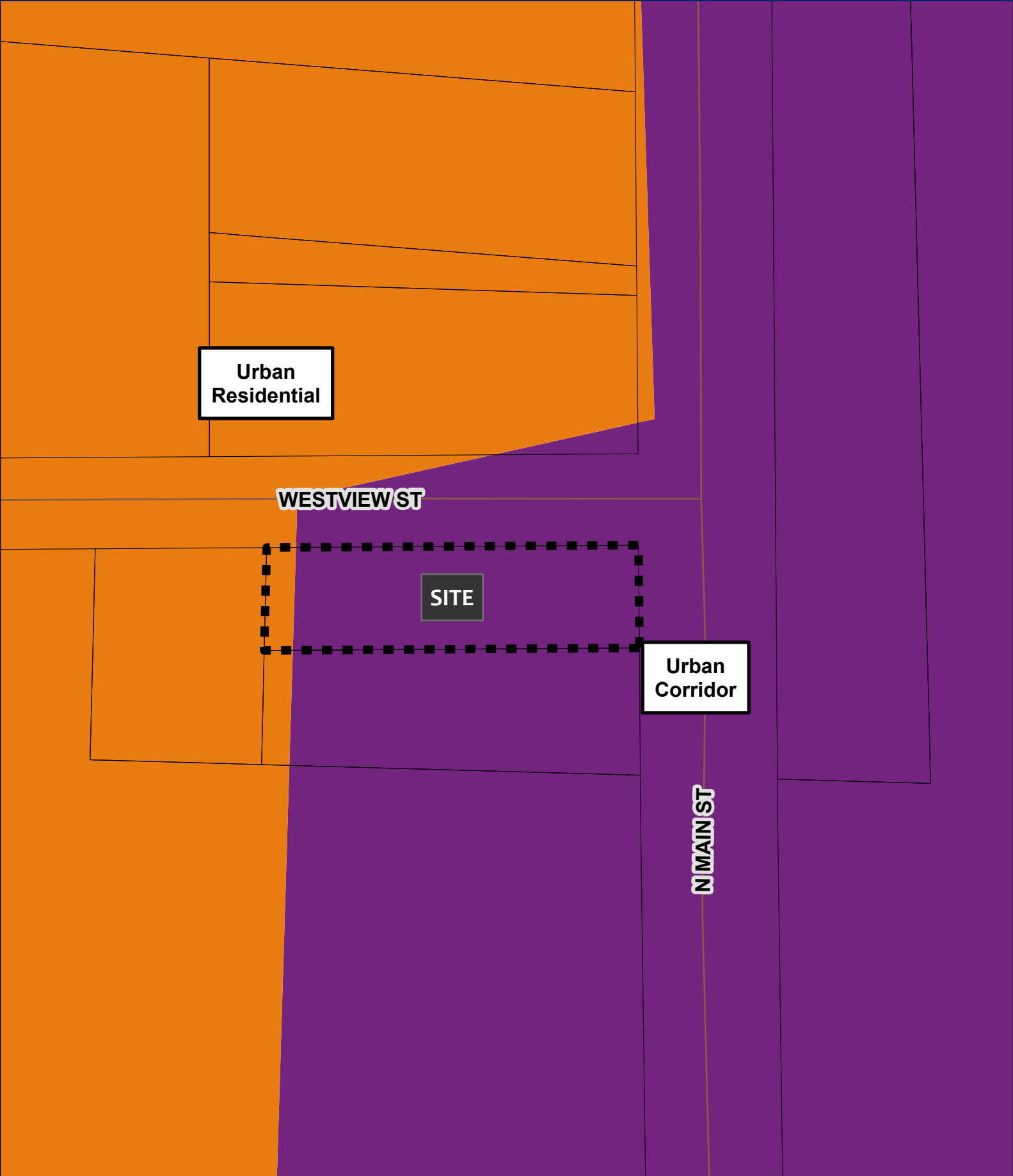


# Kannapolis 2030 Future Land Use Map

Case Number: Z-2023-13

Applicant: John Suther

2313 N Main St





PO Box 27283  
Richmond, VA 23261-7283

# Order Confirmation

Order# 0000855045

**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**                      \$399.88

**Payment Amount**                      \$399.88

**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**  
0000855045-01                      CLS Legal                      2 X 42 li                      \$0.00

**Production Method**  
AdBooker (liner)

**Production Notes**

**Product and Zone**                      **Placement**                      **Position**                      **# Inserts**  
CON Independent Trib                      C-Legal Ads                      Legal Notices                      2

**Run Schedule Invoice Text:**      NOTICE OF PUBLIC HEARING 401 Laureate Way,


**Run Dates**                      12/ 1/2023, 12/ 8/2023

**Product and Zone**                      **Placement**                      **Position**                      **# Inserts**  
NCC Online                      C-Legal Ads                      Legal Notices                      7

**Run Schedule Invoice Text:**      NOTICE OF PUBLIC HEARING 401 Laureate Way,

**Run Dates**                      12/ 1/2023, 12/ 2/2023, 12/ 3/2023, 12/ 4/2023, 12/ 5/2023, 12/ 6/2023, 12/ 7/2023

**TagLine:** NOTICEOFPUBLICHEARING401LAUREATEWAYKANNAPOLISNCPLANNINGZONINGCOMMISSIONTUESD  
AYDECEMBER122023AT600PMCONDITIONALZONINGMAPAMENDME



**NOTICE OF PUBLIC HEARING**  
401 Laureate Way, Kannapolis, NC

**Planning & Zoning Commission**  
Tuesday, December 12, 2023 at 6:00 pm

**Conditional Zoning Map Amendment - CZ-2023-06** - Public Hearing to consider a request to rezone property located at 9600 Davidson Highway from Cabarrus County Countryside Residential (CR) zoning district to City of Kannapolis Residential 8-Conditional Zoning (R8-CZ) zoning district. The subject property is approximately 9.7 +/- acres and further identified as Cabarrus County Parcel Identification Number 46822015490000.

**Zoning Map Amendment - Z-2023-13** - Public Hearing to consider a request to rezone property located at 2313 N. Main Street from City of Kannapolis General Commercial (GC) zoning district to City of Kannapolis Residential 8 (R8) zoning district. The subject property is approximately 0.17 +/- acres and further identified as Rowan County Parcel Identification Number 160 119.

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

**Publish: December 1, December 8, 2023.**

PARCEL_ID	OWNNAME	TAXADD1	CITY	STATE	ZIPCODE
160 119	BLACKWELDER PARK BAPTIST CHURC	2204 SUMMIT AVE	KANNAPOLIS	NC	28081-2460
161 001	EDDIE B DURHAM	1311 LOWRANCE AVE	KANNAPOLIS	NC	28081
160 282	GODS TABERNACLE SPIRITED CHURCH	2405 N MAIN ST	KANNAPOLIS	NC	28081
160 046A	MARYROSE HOLLON	102 WESTVIEW ST	KANNAPOLIS	NC	28081-0000
160 049	DWIGHT KELLY	2017 WEST A ST	KANNAPOLIS	NC	28081-9316
160 120	MARGARET M LISK	2311 N MAIN ST	KANNAPOLIS	NC	28081
160 247	HOMER JR & NANCY MILAM	2401 N MAIN ST	KANNAPOLIS	NC	28081
NCR NCR	NORTH CAROLINA RAILROAD CO	2809 HIGHWOODS BLVD STE 100	RALEIGH	NC	27604
162 137	SOMO INVESTMENTS LLC	10010 ALLYSON PARK DR	CHARLOTTE	NC	28277-2932
160 048	CHRISTOPHER R WHITLEY	104 WESTVIEW ST	KANNAPOLIS	NC	28081-2464





KANNAPOLIS  
Planning

November 30, 2023

Dear Property Owner:

**Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, December 12, 2023 at 6:00 PM, for the following case:**

**Z-2023-13 – Zoning Map Amendment – 2313 N Main Street**

The purpose of this Public Hearing is to consider a request to rezone property located at 2313 N Main Street from City of Kannapolis General Commercial (GC) to City of Kannapolis Residential 8 (R8) zoning district. The subject property is approximately 0.17 +/- acres and further identified as Rowan County Parcel Identification Number 160 119 (see reverse side of this letter for a map showing the location of this property).

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

If you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4361 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.

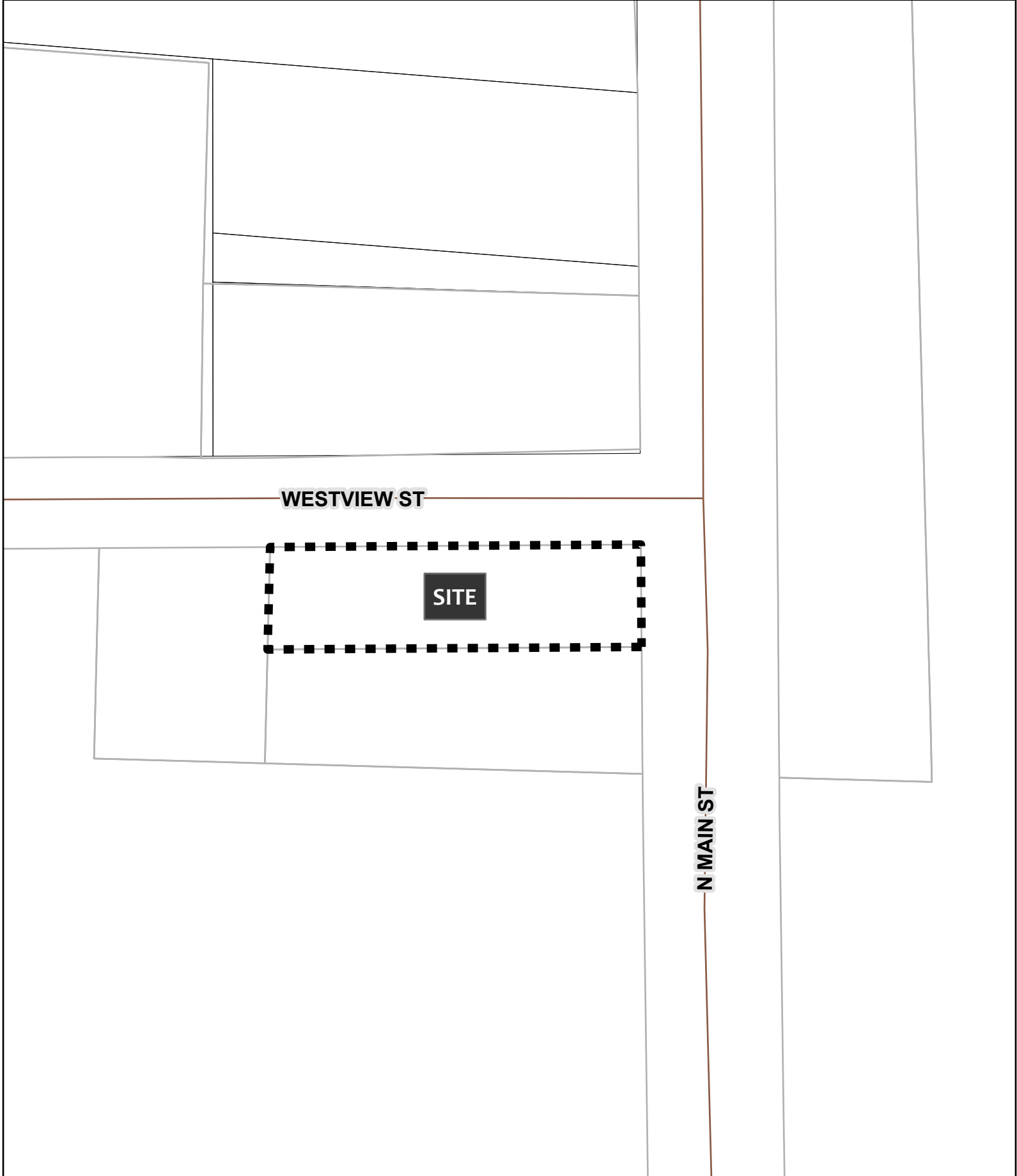


# Conditional Rezoning

Case Number: Z-2023-13

Applicant: John Suther

2313 N Main St





**PLANNING**

**ZONING**

**COMMISSION**

PUBLIC HEARING  
INFORMATION

CALL **704-920-4350**

CASE # Z-2023-13





**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY  
WITH REGARD TO CASE #Z-2023-13**

**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 December 12, 2023, the Planning and Zoning Commission conducted a public hearing to consider a request to rezone property located at 2313 North Main Street (Rowan County Parcel Identification Number 160 119) owned by Southland Realty & Development, LLC, from City of Kannapolis General Commercial (GC) 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 “Urban Corridor” and “Urban Residential” Character Area in the Move Kannapolis Forward 2030 Comprehensive Plan. Staff finds the request for rezoning 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.*

**Adopted this the 12th day of December 2023:**

---

Chris Puckett, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary  
Planning and Zoning Commission



## **RESOLUTION TO ZONE**

**Case #Z-2023-13  
2313 N Main Street**

### **From City of Kannapolis General Commercial (GC) 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 December 12, 2023 for consideration of rezoning petition Case #Z-2023-13, as submitted by John Suther; and

**WHEREAS**, the request was to rezone property located at 2313 North Main Street (Rowan County Parcel Identification Number 160 119) owned by Southland Realty & Development, LLC, from City of Kannapolis General Commercial (GC) Zoning Designation to City of Kannapolis 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 “Urban Corridor” Character Area as well as “Urban Residential”. The Urban Residential designation identifies single family detached residential and single family attached as primary uses.

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

No, the R8 zoning designation is appropriate for this area. There is existing R8 zoning on nearby properties.

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

No, but the proximity to other R8 zoning and the Comprehensive Plan Character Areas make this zoning change appropriate for this area.

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

Yes, the 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.

- 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 City of Kannapolis General Commercial (GC) Zoning Designation to City of Kannapolis Residential 8 (R8) Zoning Designation.

**Adopted this the 12th day of December 2023:**

---

Chris Puckett, Chairman  
Planning and Zoning Commission

**Attest:**

---

Pam Scaggs, Recording Secretary Planning and  
Zoning Commission

# EXHIBIT 2



## Planning and Zoning Commission December 12, 2023 Meeting

### Staff Report

**TO:** Planning and Zoning Commission  
**FROM:** Elizabeth McCarty, Assistant Planning Director  
**SUBJECT:** Case #CZ-2023-06: Conditional Zoning Map Amendment  
**Applicant:** Alpesh Patel

Request to conditionally rezone property located at 9600 Davidson Highway to allow for a townhome development.

#### 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, Alpesh Patel, is proposing to rezone approximately 9.7 +/- acres of property located at 9600 Davidson Highway, further identified as Cabarrus County Parcel Identification Number 46822015490000, from Cabarrus County Countryside Residential (CR) zoning district to City of Kannapolis Residential 8-Conditional Zoning (R8-CZ) zoning district to allow for a 54-unit townhome development.

The subject property was voluntarily annexed into the City of Kannapolis on October 23, 2023. Per the North Carolina General Statutes, a zoning designation must be applied to the property by the Planning and Zoning Commission within 60 days of the effective date of the annexation.

#### 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 “Complete Neighborhood 1” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 1 Character Area lists single family detached residential, single family attached residential, and civic as primary uses. Multifamily residential, neighborhood-serving retail, small format office, and live-work are listed as secondary uses. Therefore, the proposed use is consistent with the goals and objectives of the Plan.

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

No, the proposed rezoning is not in conflict with any ordinances.

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

No, the 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 proposed rezoning and use of the property for a townhome development is consistent with existing surrounding land uses. The subject property is adjacent to residential zoning districts to the north (City of Kannapolis R8), east (Cabarrus County CR Countryside Residential), and south (City of Concord RC-CD Residential Compact-Conditional District and Cabarrus County LDR Low Density Residential). An existing commercial use operates on the abutting property to the west which is zoned City of Kannapolis GC General Commercial.

**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, the proposed zoning is compatible with surrounding uses. Access points and design are subject to approval by the North Carolina Department of Transportation and the City of Kannapolis. Currently, there is no public sewer or water service to the site. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.



**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 property is within a future growth area for the City of Kannapolis and the proposed development of townhomes is consistent with surrounding zoning and existing 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 significant negative environmental impacts are anticipated. Much of the property is currently wooded. An unnamed tributary runs along the rear property line. The proposed 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 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. 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-2023-06.**

1. The permitted uses allowed by this rezoning shall be limited to those uses and accessory uses allowed by-right in the Residential 8 (R8) district. Intent with this rezoning submittal is to provide for a residential community.
2. Density shown may flex within a ten percent (10%) increase or decrease at time of site plan submittal based on actual site conditions.

3. The development and uses depicted on the rezoning Concept Plan are schematic in nature and are intended to depict the general arrangement of such uses and improvements on the site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the rezoning Concept Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the City of Kannapolis Development Ordinance.
4. NCDOT driveway permit shall be obtained for site access points. Access points shall be as generally depicted on the rezoning Concept Plan. The placement and configuration of the access points are subject to any minor modifications required to accommodate final site and construction plans and designs and any adjustments required for approval by the City of Kannapolis and/or the North Carolina Department of Transportation (NCDOT).
5. The alignments of the internal streets, driveways, and vehicular circulation areas may be modified by the Applicant to accommodate changes in traffic patterns, parking layouts, and any adjustments required for approval by the City of Kannapolis and/or NCDOT.
6. A final Site Plan, in compliance with the applicable Kannapolis Development Ordinance standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance permit.
7. Final Site plan shall comply with current Kannapolis Land Development Standards Manual.

### **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-2023-06, 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 #CZ-2023-06, 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-2023-06, 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-2023-06 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-2023-06, 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. Neighborhood Meeting Details
7. Notice of Public Hearing
8. List of Notified Properties
9. Letter to Adjacent Property Owners
10. Posted Public Notice Sign
11. Resolution to Adopt a Statement of Consistency
12. Resolution to Zone

**J. Issue Reviewed By:**

- Planning Director
- Assistant City Manager
- City Attorney



## 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: 9600 Davidson Hwy, Concord, NC 28027

Applicant: Alpesh Patel

Proposed development: 54 Townhomes

### SUBMITTAL CHECKLIST

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

### PROCESS INFORMATION

**Public Notification:** This is a legislative process that requires a public hearing and public notification including newspaper notice, first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Table 2.4.F(2) of the Kannapolis Development Ordinance [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 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: A. J. Patel

Date: 08-28-2023



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: Alpesh Patel  
Address: 1483 Coffeetree Drive NW  
Concord, NC 28027  
Phone: 785-787-5220 and 478-206-7846  
Email: alpeshshell@yahoo.com

### Property Owner Contact Information same as applicant

Name: Shilpabahen K Patel  
Address: 1483 Coffeetree Drive NW  
Concord, NC 28027  
Phone: 785-787-5220 and 478-206-7846  
Email: alpeshshell@yahoo.com

### Project Information

Project Address: 9600 Davidson Hwy, Concord, NC 28027  
Parcel: 46822015490000 # of parcels: 54 Approx. size of parcels: 1900 sf  
*(attach separate list if necessary)*  
Current Zoning Designation: CR (County) Requested Zoning Designation: R-8 CZ  
Reason for map amendment: Property annexed into the City of Kannapolis. Rezoning to match adjacent properties

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

**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.**

A.P. Patel  
Applicant Signature

08-28-2023  
Date

S.K. Patel  
Property Owner Signature

08-28-2023  
Date

## R8-CZ Zoning Conditions

1. The permitted uses allowed by this rezoning shall be limited to those uses and accessory uses allowed by-right in the R-8 zone. Intent with this rezoning submittal is to provide for a residential community.
2. Density shown may flex within a 10% increase or decrease at time of site plan submittal based on actual site conditions.
3. The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of such uses and the improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the City of Kannapolis Development Ordinance.
4. NCDOT driveway permit shall be obtained for site access points. Access points shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required to accommodate final site and construction plans and designs and any adjustments required for approval by the City of Kannapolis and/or the North Carolina Department of Transportation ("NCDOT").
5. The alignments of the internal streets, driveways and vehicular circulation areas may be modified by Applicant to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the City of Kannapolis and/or NCDOT
6. A final Site Plan, in compliance with the applicable Kannapolis Development Ordinance standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.
7. Final Site plan shall Comply with current Land Development Standards Manual.



# Vicinity Map

Case Number: CZ-2023-06

Applicant: Alpesh Patel

9600 Davidson Hwy



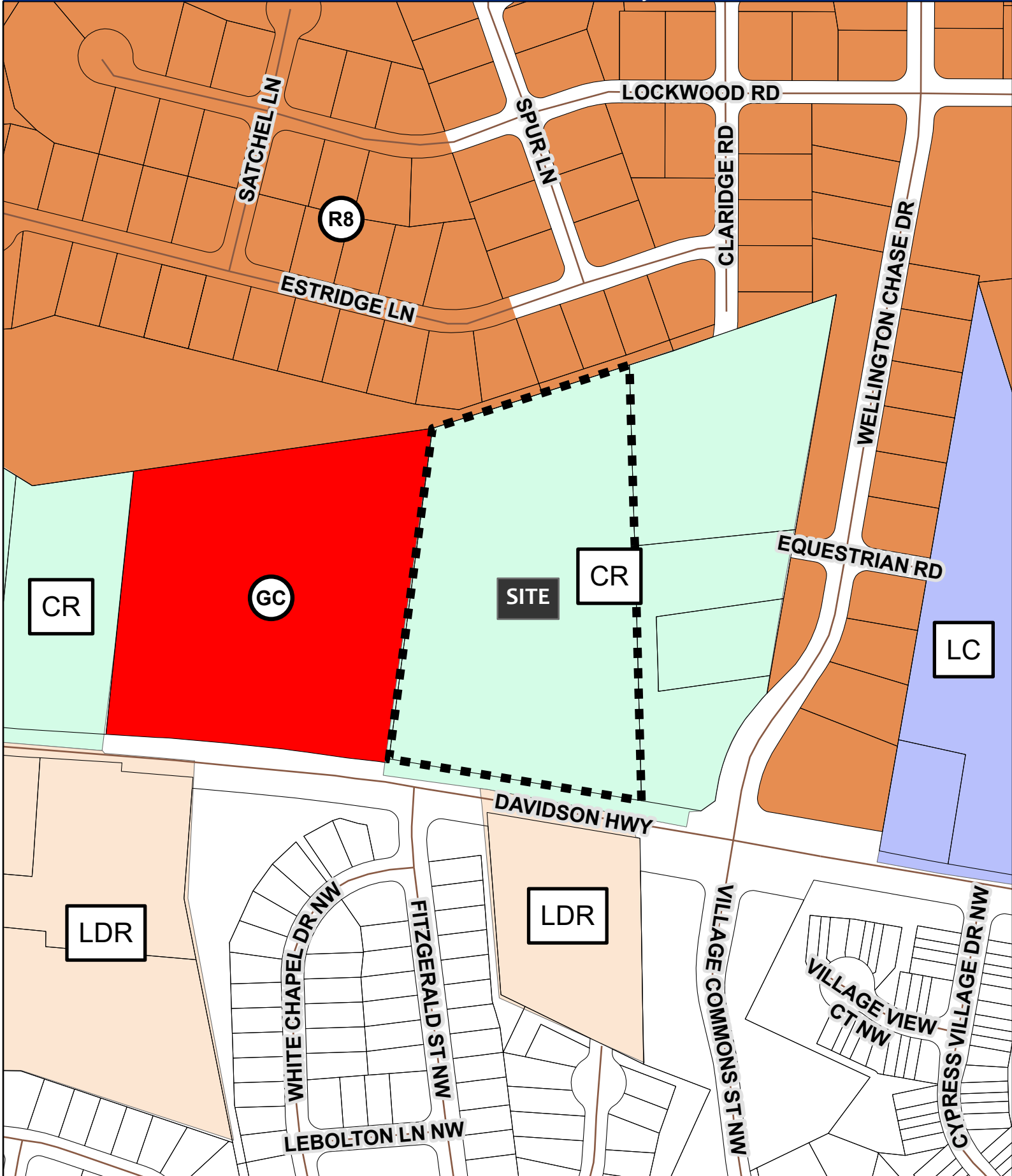


# Kannapolis Current Zoning

Case Number: CZ-2023-06

Applicant: Alpesh Patel

9600 Davidson Hwy



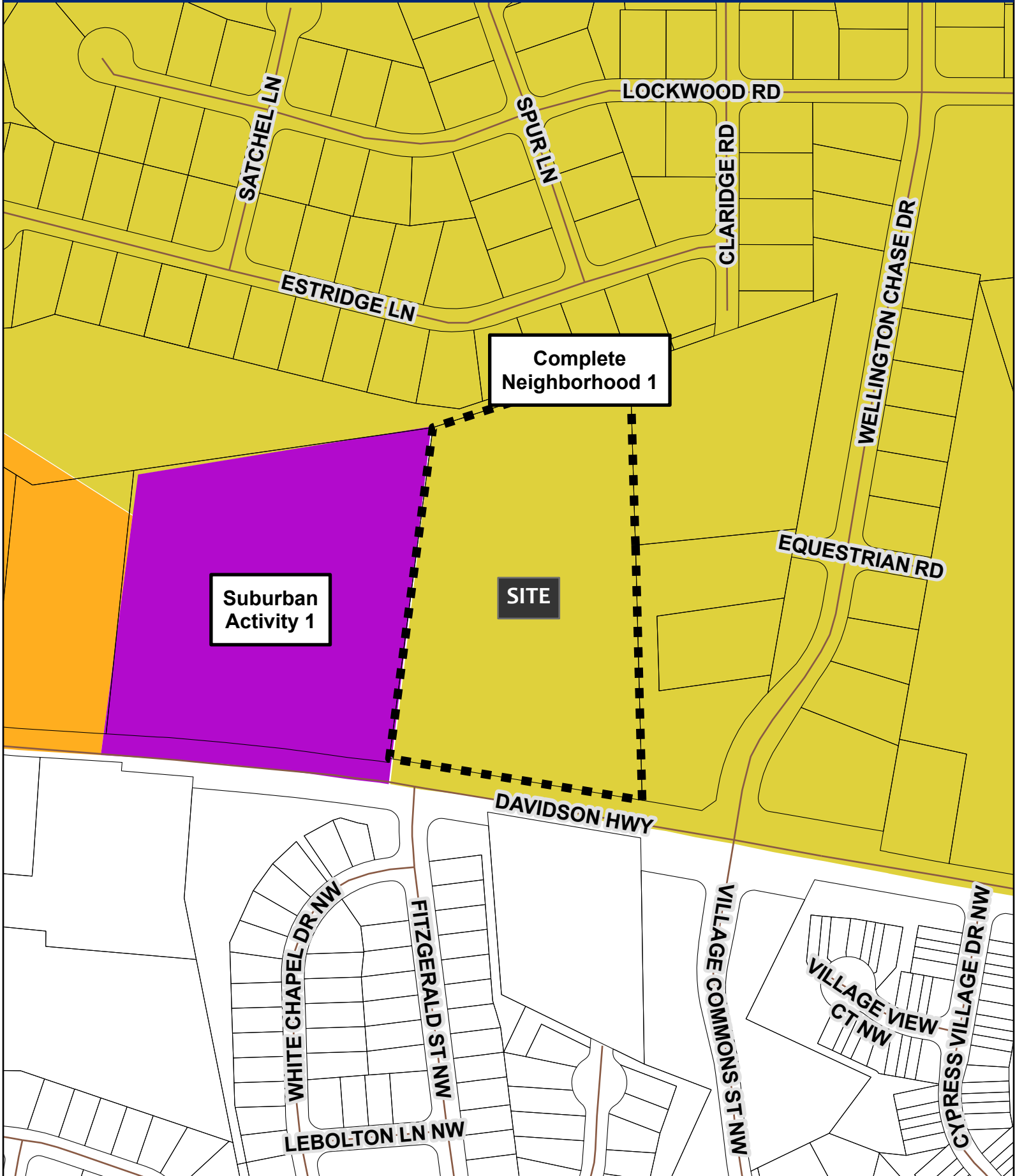


# Kannapolis 2030 Future Land Use Map

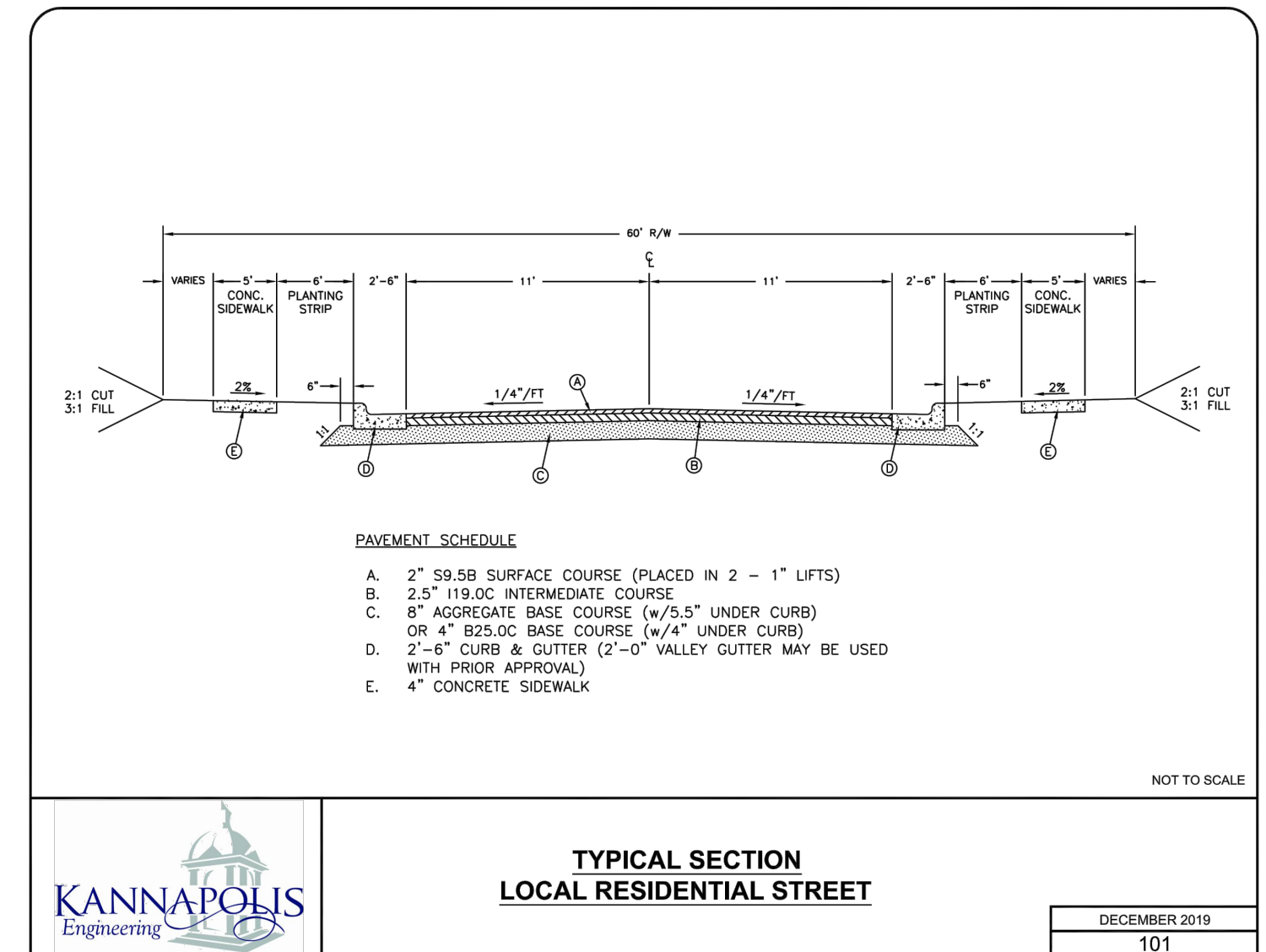
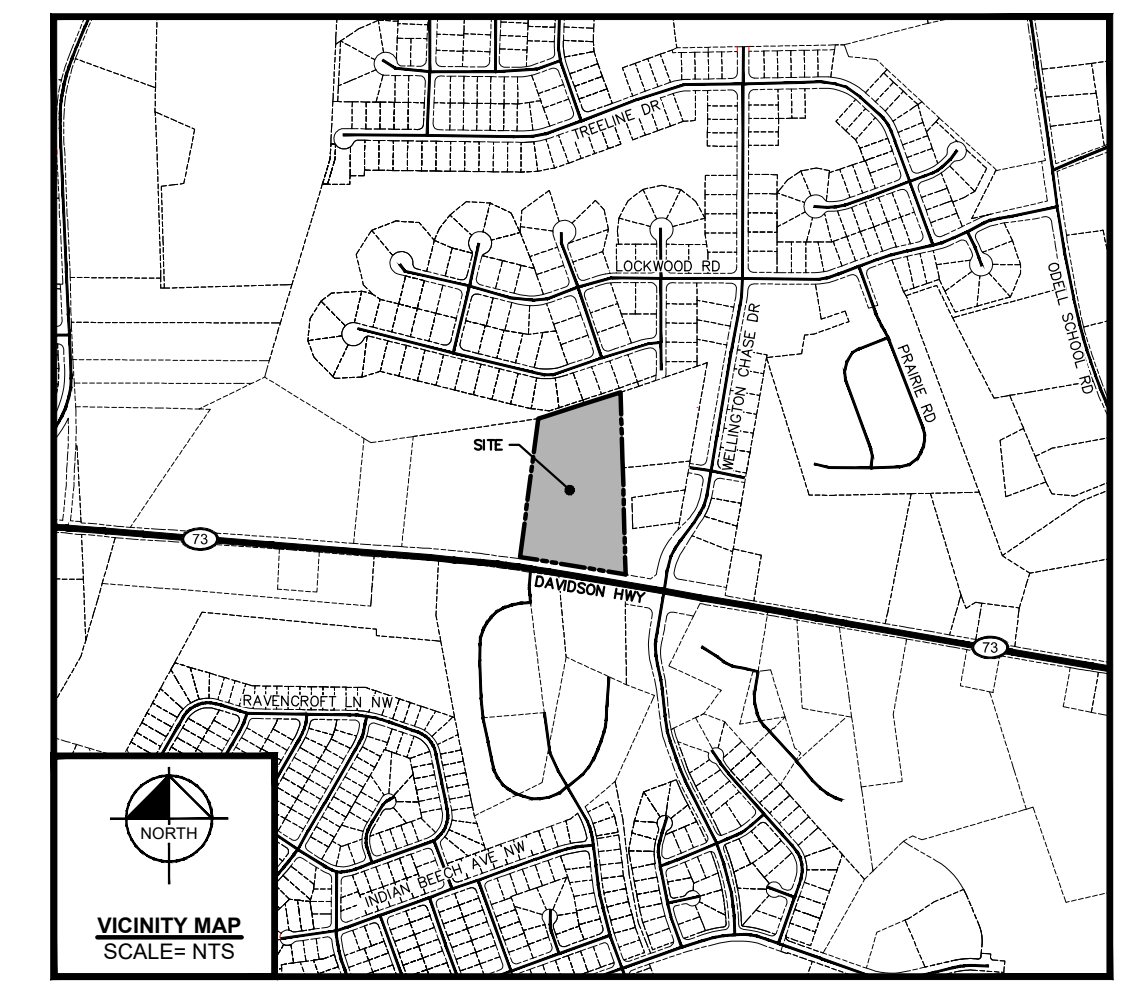
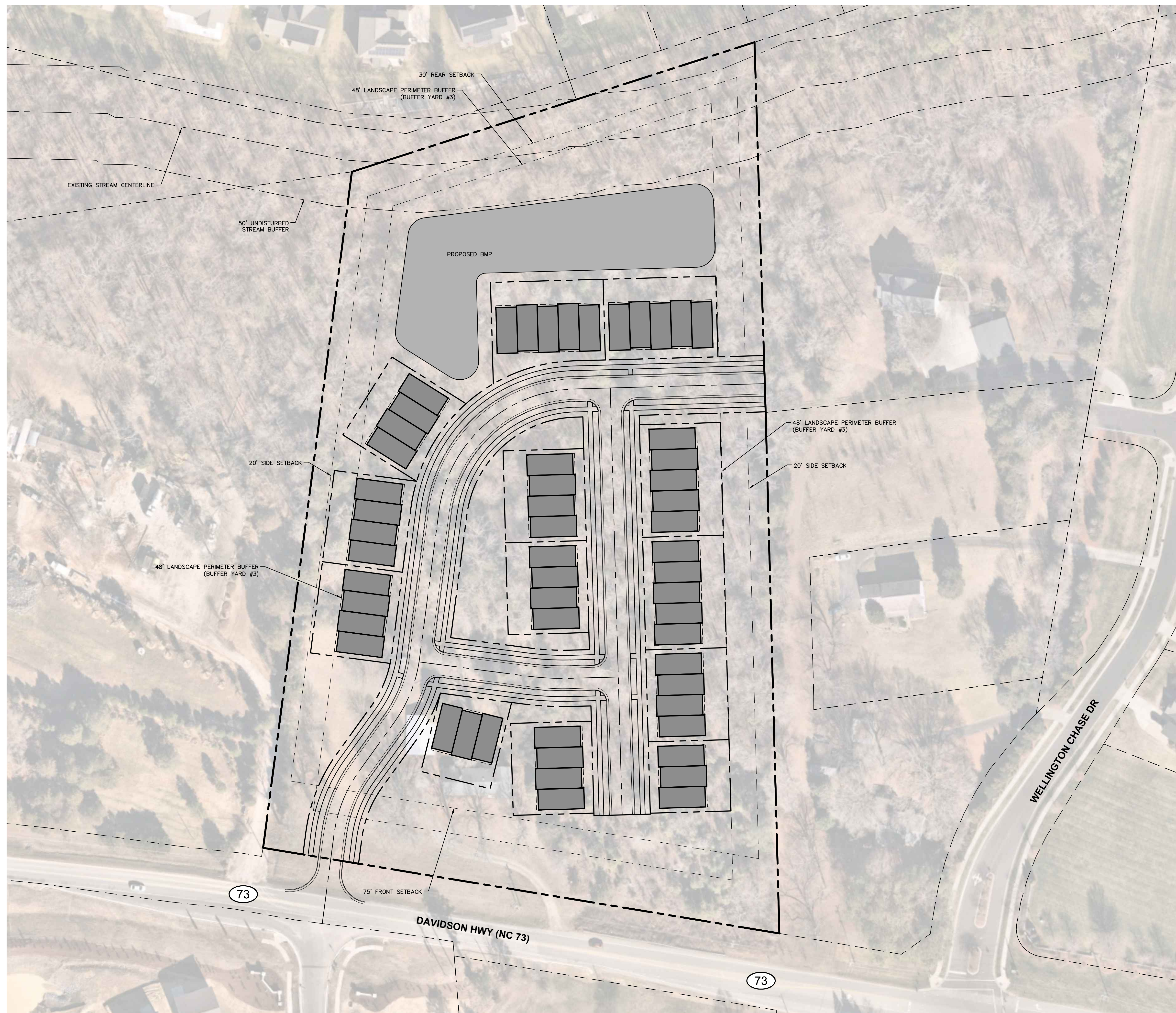
Case Number: CZ-2023-06

Applicant: Alpesh Patel

9600 Davidson Hwy



Plotted By: Atuncar, Carlos Layout: CSP1-01 Aerial-1B December 13, 2022 10:02:10am K:\CHL\_PRA\_Marketing\_Land Development Marketing\Kiran Broker\NC 73 Hwy - Kannapolis\02 - DMC\References\Parcels.dwg



SITE DATA TABLE	
<b>DEVELOPMENT DATA:</b>	
TAX PARCEL ID:	46822015490000
EXISTING LAND USE:	RESIDENTIAL
PROPOSED LAND USE:	RESIDENTIAL
TOTAL SITE AREA:	±9.37 ACRES
TOTAL NUMBER TOWNHOMES:	54
GARAGE AND DRIVEWAY PARKING PROVIDED:	108
MINIMUM PARKING RATIO PER UNITS:	2.0
<b>ZONING DATA:</b>	
FEMA FLOOD PANEL:	370225C0030D
STREAM WATERSHED:	NA
EXISTING ZONING DISTRICT:	CR (COUNTY)
PROPOSED ZONING DISTRICT:	R-8 (RESIDENTIAL 8 - CITY)
LANDSCAPE PERIMETER BUFFER:	48' (BUFFER YARD #3)
<b>DEVELOPMENT STANDARDS</b>	
FRONT SETBACK:	10'
SIDE SETBACK:	5'
REAR SETBACK:	5'
MAX HEIGHT:	35'
MINIMUM BUILDING SEPARATION:	10'
PROPOSED DENSITY:	5.76 DUA

## 9600 Davidson Hwy Neighborhood Meeting Summary

Subject: Neighborhood Community Meeting – Rezoning application filed by Alpesh Patel to rezone approximately 9.7 acres located on parcel 03-014-0034.00 off Davidson Highway, Concord, NC.

Date and Time of Meeting: Tuesday, November 28, 2023, at 6:00-7:00PM

Place of Meeting: Kannapolis Town Hall  
Laureate Center  
401 Laureate Way  
Kannapolis, NC 28081

Applicant: Alpesh Patel

Meeting notifications for the neighborhood community meeting were mailed November 17, 2023 by USPS to the persons and organizations attached on Exhibit "A". A copy of the notification is also attached as Exhibit "B".

There were 11 adjacent residents as shown on Exhibit "C". Representatives of the developer were also in attendance.

The meeting was a drop-in option for the attendees, who generally asked questions about site context (where it is located) and statistics. Attendees offered comments on amount of proposed growth in the area, traffic increases, quality of homes, density, overcrowding schools, and safety.

Specific questions asked and answered during the meeting included:

**1. Does this take into account the Davidson Conservatory Easement?**

Easements for Davidson Conservatory do not exist on this property

**2. Most of this property is a gulley? There is a significant grade change. How is that handled?**

We explained that detailed grading on the site will be taken care of during construction documents and would work with the property's topography.

**3. Will the entrance be full access onto 73? What happens when 73 is widened?**

We explained that we will work with NCDOT to determine the allowable entrance orientation for the development.

**4. Will the property be fenced?**

We explained that there is not a plan for a fence to be installed around the property.

**5. Voiced concern over the proximity of houses to 73.**

We explained that we are showing a 75' building set back off of the R/W, and that based on aerial imagery, there is 125' from edge of pavement to the closest house, which will also be a 48' buffer, which surrounds the property.

**6. Will the houses be sprinklered? Is there concern with only one entrance to for 54 homes?**

We explained that the houses are not planned to be sprinklered. Fire flow analysis will be run to confirm there is enough available flow. We also explained that we are meeting fire code with total number of units with one ingress/egress point.

**7. Raised concerns about the existing stream flooding when it rains.**

We explained that with the inclusion of the stormwater pond, that the site has to maintain and mitigate the current storm effects on the property based on City and State requirements.

The last attendees left around 6:50 and the meeting ended promptly at 7 p.m.

## EXHIBIT A

### List of adjacent property owners

PIN14	AcctName1	MailAddr1	MailCity	MailState	MailZipCod
46812929530000	FITZPATRICK WALTER WAYNE	9521 DAVIDSON HWY	CONCORD	NC	28027
46822055770000	HENDERSON ALEXANDRA D	2055 WELLINGTON CHASE DR	CONCORD	NC	28027
46821081010000	REDDI KARTHIKEYAN RAMASAMY JEYRAM	9638 WHITE CHAPEL DR NW	CONCORD	NC	28027
46822152300000	WELLINGTON CHASE HOMEOWN ASSOC	C/O CUSICK COMMUNITY MGMT	CHARLOTTE	NC	28226
46821171970000	KALLURI VENKATA S	9631 ESTRIDGE LN	CONCORD	NC	28027
46812909670000	HERITAGE RIDGE COMMUNITY	2221 E LAMAR BLVD STE 790	ARLINGTON	TX	76006
46822000240000	HARIHARAN ANJU	1670 FITZGERALD ST NW	CONCORD	NC	28027
46821065980000	BIG GREEN TREE LAWN CARE SERVICE INC	19205 CARTER CIR	CORNELIUS	NC	28031
46822069090000	SCHMIDT BRIAN J	9520 EQUESTRIAN RD	CONCORD	NC	28027
46812975570000	MOSS CREEK VILLAGE MASTER	3030 LATROBE DR	CHARLOTTE	NC	28211
46822132220000	MCDANIEL JONATHAN	9601 ESTRIDGE LN	CONCORD	NC	28027
46820290120000	WELLINGTON CHASE HOMEOWN ASSOC	C/O CUSICK COMMUNITY MGMT	CHARLOTTE	NC	28226
46821050710000	FORESTAR (USA) REAL ESTATE	C/O REAL ESTATE TAX DEPT	ARLINGTON	TX	76006
46822111250000	BAIRISHETTY SHIRISH KUMAR	9619 ESTRIDGE LN	CONCORD	NC	28027
46822053610000	DIETSCHI EUGEN M & ROSARIO/TTS	2007 WELLINGTON CHASE DR	CONCORD	NC	28027
46821070490000	HAPANI SHITALBEN GANGADASBHAI	9642 WHITE CHAPEL DR NW	CONCORD	NC	28027
46822131540000	WELLINGTON CHASE HOMEOWN ASSOC	C/O CUSICK COMMUNITY MGMT	CHARLOTTE	NC	28226
46822121290000	GADDE SUMANA	9611 ESTRIDGE LN	CONCORD	NC	28027
46822101130000	NELSON PATRICK T	9623 ESTRIDGE LN	CONCORD	NC	28027
46822142150000	KOONTZ RUSSELL	9591 ESTRIDGE LN	CONCORD	NC	28027
46821181950000	PALADUGU VENKATA RAMA KRISHNA PRASAD	9627 ESTRIDGE LN	CONCORD	NC	28027
46822152290000	RUOCCO DANIEL	9581 ESTRIDGE LN	CONCORD	NC	28027
46822015490000	PATEL SHILPABAHEN	1483 COFFEETREE DR NW	CONCORD	NC	28027
	City of Kannapolis	401 Laureate Way	KANNAPOLIS	NC	28081

## EXHIBIT B

### Notification Mailed to property owners

#### NOTICE TO INTERESTED PARTIES OF NEIGHBORHOOD COMMUNITY MEETING

**Subject:** Neighborhood Community Meeting – Rezoning application filed by Alpesh Patel to rezone approximately 9.7 acres located on parcel 03-014-0034.00 off Davidson Highway, Concord, NC.

**Date and Time of Meeting:** Tuesday, November 28, 2023, at 6:00-7:00PM

**Place of Meeting:** Kannapolis Town Hall  
Laureate Center  
401 Laureate Way  
Kannapolis, NC 28081

**Applicant:** Alpesh Patel

We are assisting Alpesh Patel (the "Applicant") with the Rezoning application filed with the City of Kannapolis Planning Department. The applicant is requesting to rezone an approximately 9.7-acre site (the "Site") along Davidson Highway from the CR zoning district to the R-8 CZ zoning district. The purpose of the rezoning is to permit the development of a single-family attached dwelling community within the City of Kannapolis.

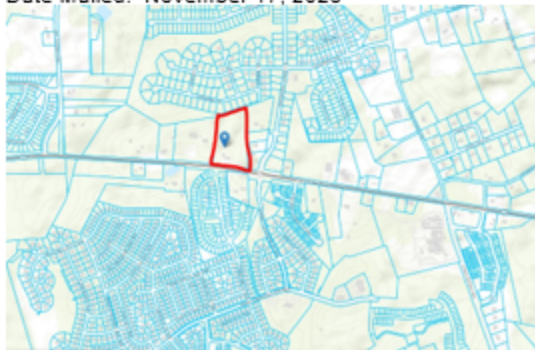
The applicant will hold a Neighborhood Community Meeting prior to the Public Hearing on this Rezoning application to discuss the request with the nearby property owners. The Cabarrus County GIS (Geographical Information Systems) Mapping Department records indicate that either you are an owner of property that adjoins or is within 200 feet of the Site.

Accordingly, on behalf of the Applicant, we give you notice that we, along with the representatives of the Applicant, will hold a Neighborhood Community Meeting regarding this application on Tuesday, November 28<sup>th</sup>, 2023, located at the Laureate Center at 6:00PM. We, along with the Applicant's representatives, look forward to sharing this rezoning proposal with you and to answer any questions you may have with respect to this application.

**Any questions or comments before the meeting may be emailed to:** [andrew.loftin@kimley-horn.com](mailto:andrew.loftin@kimley-horn.com).

cc: Richard Smith, Director of Planning, City of Kannapolis  
Alpesh Patel, Developer  
Sara Shirley, L.A., Kimley-Horn and Associates, Inc.  
Andrew Loftin, P.E., Kimley-Horn and Associates, Inc.

Date Mailed: November 17, 2023



Subject Property  
9600 Davidson Highway  
PIN: 46822015490000  
Property Real ID: 03-014-0034.00





PO Box 27283  
Richmond, VA 23261-7283

# Order Confirmation

Order# 0000855045

**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**                      \$399.88

**Payment Amount**                      \$399.88

**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**  
0000855045-01                      CLS Legal                      2 X 42 li                      \$0.00

**Production Method**  
AdBooker (liner)

**Production Notes**

**Product and Zone**                      **Placement**                      **Position**                      **# Inserts**  
CON Independent Trib                      C-Legal Ads                      Legal Notices                      2

**Run Schedule Invoice Text:**      NOTICE OF PUBLIC HEARING 401 Laureate Way,


**Run Dates**                      12/ 1/2023, 12/ 8/2023

**Product and Zone**                      **Placement**                      **Position**                      **# Inserts**  
NCC Online                      C-Legal Ads                      Legal Notices                      7

**Run Schedule Invoice Text:**      NOTICE OF PUBLIC HEARING 401 Laureate Way,

**Run Dates**                      12/ 1/2023, 12/ 2/2023, 12/ 3/2023, 12/ 4/2023, 12/ 5/2023, 12/ 6/2023, 12/ 7/2023

**TagLine:** NOTICEOFPUBLICHEARING401LAUREATEWAYKANNAPOLISNCPLANNINGZONINGCOMMISSIONTUESD  
AYDECEMBER122023AT600PMCONDITIONALZONINGMAPAMENDME



**NOTICE OF PUBLIC HEARING**  
401 Laureate Way, Kannapolis, NC

**Planning & Zoning Commission**  
Tuesday, December 12, 2023 at 6:00 pm

**Conditional Zoning Map Amendment - CZ-2023-06** - Public Hearing to consider a request to rezone property located at 9600 Davidson Highway from Cabarrus County Countryside Residential (CR) zoning district to City of Kannapolis Residential 8-Conditional Zoning (R8-CZ) zoning district. The subject property is approximately 9.7 +/- acres and further identified as Cabarrus County Parcel Identification Number 46822015490000.

**Zoning Map Amendment - Z-2023-13** - Public Hearing to consider a request to rezone property located at 2313 N. Main Street from City of Kannapolis General Commercial (GC) zoning district to City of Kannapolis Residential 8 (R8) zoning district. The subject property is approximately 0.17 +/- acres and further identified as Rowan County Parcel Identification Number 160 119.

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

**Publish: December 1, December 8, 2023.**



AcctName1	MailAddr1	MailCity	MailState	MailZipCod
PATRICK & BROOKE NELSON	9623 ESTRIDGE LN	CONCORD	NC	28027
ALEXANDRA D HENDERSON	2055 WELLINGTON CHASE DR	CONCORD	NC	28027
SHIRISH KUMAR BAIRISHETTY				
BINDU PRIYA GOPISHETTY RAM	9619 ESTRIDGE LN	CONCORD	NC	28027
BIG GREEN TREE LAWN CARE SERVICE INC	19205 CARTER CIR	CORNELIUS	NC	28031
EUGEN M & ROSARIO DIETSCHI/TTS				
DIETSCHI FMLY TRST DTD 8/10/05	2007 WELLINGTON CHASE DR	CONCORD	NC	28027
WALTER FITZPATRICK	9521 DAVIDSON HWY	CONCORD	NC	28027
FORESTAR (USA) REAL ESTATE GROUP				
C/O REAL ESTATE TAX DEPT	2221 E LAMAR BLVD	ARLINGTON	TX	76006
GADDE SUMANA				
SATISH KOLLIPARA	9611 ESTRIDGE LN	CONCORD	NC	28027
ANJU HARIHARAN				
SARIN RATHEESH KUMAR	1670 FITZGERALD ST NW	CONCORD	NC	28027
HERITAGE RIDGE COMMUNITY ASSON	2221 E LAMAR BLVD STE 790	ARLINGTON	TX	76006
RAMASAMY JEYRAM REDDI KARTHIKEYAN	9638 WHITE CHAPEL DR NW	CONCORD	NC	28027
RUSSELL & ASHLEIGH KOONTZ	9591 ESTRIDGE LN	CONCORD	NC	28027
SATISH VETTAMPARAMBIL CHAMI KRISHNAN				
MEGHA MURALEEDHARAN	9642 WHITE CHAPEL DR NW	CONCORD	NC	28027
JONATHAN & CHERYL MCDANIEL	9601 ESTRIDGE LN	CONCORD	NC	28027
MOSS CREEK VILLAGE MASTER ASSN	3030 LATROBE DR	CHARLOTTE	NC	28211
VENKATA RAMA KRISHNA PRASAD PALADUGU				
NARMADA PALADUGU	9627 ESTRIDGE LN	CONCORD	NC	28027
SHILPABAHEN PATEL	1483 COFFEETREE DR NW	CONCORD	NC	28027
DANIEL RUOCCO				
TANIA DE LE CRUZ	9581 ESTRIDGE LN	CONCORD	NC	28027
BRIAN J & KELLY SCHMIDT	9520 EQUESTRIAN RD	CONCORD	NC	28027
VENKATA & SRILAKSHMI KALLURI	9631 ESTRIDGE LN	CONCORD	NC	28027
WELLINGTON CHASE HOMEOWN ASSOC	8008 CORPORATE CENTER DR			
C/O CUSICK COMMUNITY MGMT	STE 100	CHARLOTTE	NC	28226
ALPESH PATEL				
SHILPABAHEN PATEL	1483 COFFEETREE DR NW	CONCORD	NC	28027



KANNAPOLIS  
Planning

November 30, 2023

Dear Property Owner:

**Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, December 12, 2023 at 6:00 PM, for the following case:**

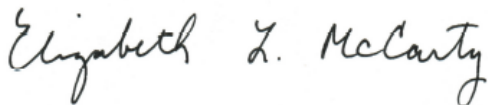
**CZ-2023-06 – Zoning Map Amendment – 9600 Davidson Highway**

This Public Hearing was rescheduled from the November 14, 2023, meeting and the purpose is to consider a request to rezone property located at 9600 Davidson Highway from Cabarrus County Countryside Residential (CR) to City of Kannapolis Residential 8-Conditional Zoning (R8-CZ) zoning district to allow for a 54-unit townhome development. The subject property is approximately 9.7 +/- acres and further identified as Cabarrus County Parcel Identification Number 46822015490000 (see reverse side of this letter for a map showing the location of this property).

**As an abutting property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis Development Ordinance. You are invited to attend the public hearing and will be provided with 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 704.920.4362 or [emccarty@kannapolisnc.gov](mailto:emccarty@kannapolisnc.gov).

Sincerely,



Elizabeth McCarty, AICP  
Assistant Planning Director

Enclosure

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

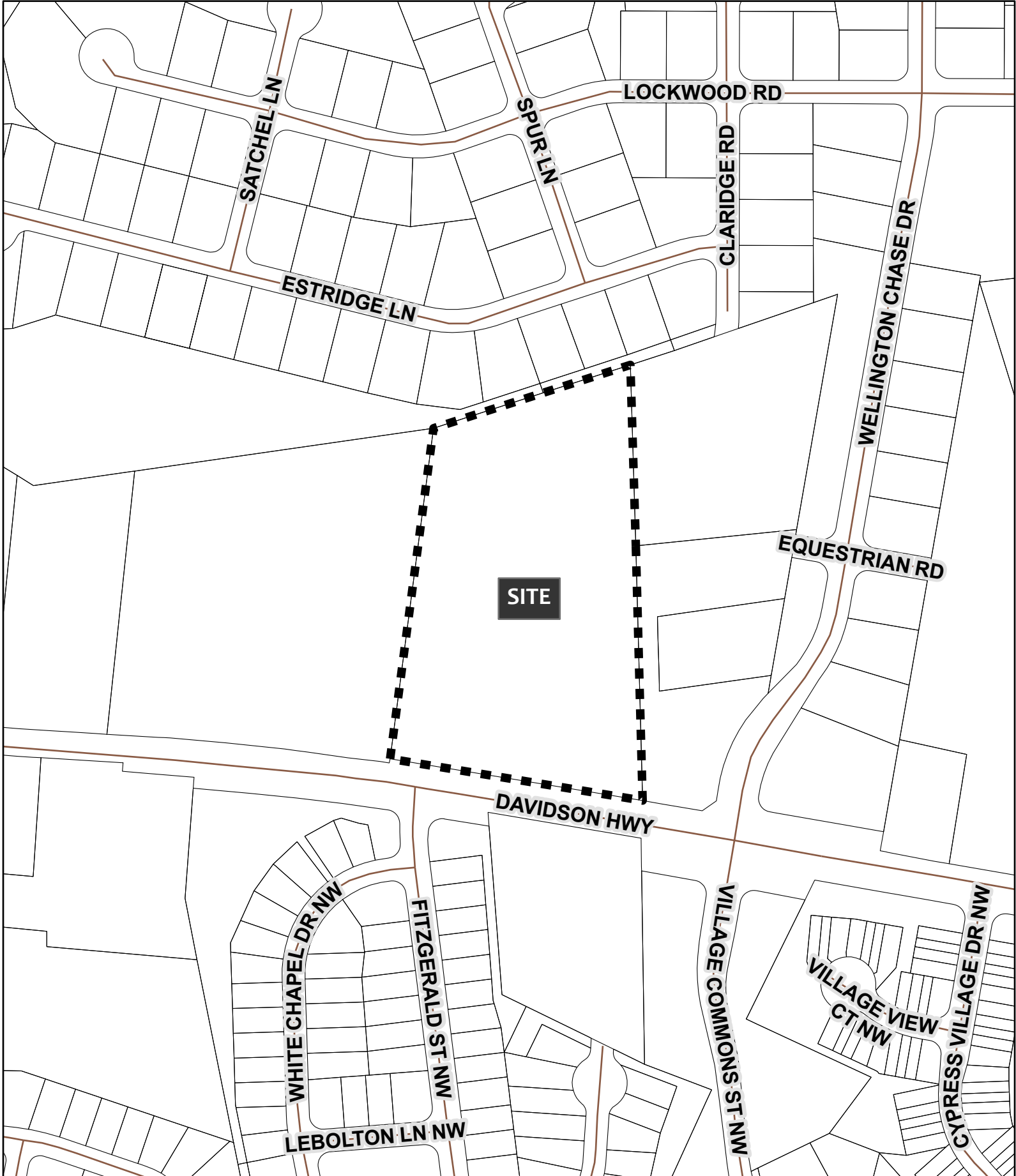


# Conditional Rezoning

Case Number: CZ-2023-06

Applicant: Alpesh Patel

9600 Davidson Hwy



KANNAPOLIS  
**PLANNING**  
**ZONING**  
**COMMISSION**  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE C-Z-2023-06



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY  
WITH REGARD TO CASE #CZ-2023-06**

**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 December 12, 2023, the Planning and Zoning Commission conducted a public hearing to consider a request to conditionally rezone property located at 9600 Davidson Highway (Cabarrus County Parcel Identification Number 46822015490000) owned by Shilpabahen Patel, from Cabarrus County Countryside Residential (CR) Zoning Designation to City of Kannapolis Residential 8-Conditional Zoning (R8-CZ) Zoning Designation,

**NOW, THEREFORE BE IT RESOLVED** *The Planning and Zoning Commission finds this rezoning consistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates 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 12th day of December 2023:**

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

**Attest:**

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



## RESOLUTION TO ZONE

Case #CZ-2023-06  
9600 Davidson Highway

### **From Cabarrus County Countryside Residential (CR) Zoning Designation to City of Kannapolis Residential 8-Conditional Zoning (R8-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 December 12, 2023 for consideration of rezoning petition Case #CZ-2023-06, as submitted by Alpesh Patel; and

**WHEREAS**, the request was to rezone property located at 9600 Davidson Highway (Cabarrus County Parcel Identification Number 46822015490000) owned by Shilpabehen Patel, from Cabarrus County Countryside Residential (CR) Zoning Designation to City of Kannapolis Residential 8-Conditional Zoning (R8-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 "Complete Neighborhood 1" Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 1 Character Area lists single family detached residential, single family attached residential, and civic as primary uses. Multifamily residential, neighborhood-serving retail, small format office, and live-work are listed as secondary uses. Therefore, the proposed use is consistent with the goals and objectives of the Plan.

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

No, the proposed rezoning is not in conflict with any ordinances.

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

No, the 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 proposed rezoning and use of the property for a townhome development is consistent with existing surrounding land uses. The subject property is adjacent to residential zoning districts to the north (City of Kannapolis R8), east (Cabarrus County CR Countryside Residential), and south (City of Concord RC-CD Residential Compact-Conditional District and Cabarrus County LDR Low Density Residential). An existing commercial use operates on the abutting property to the west which is zoned City of Kannapolis GC General Commercial.

**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, the proposed zoning is compatible with surrounding uses. Access points and design are subject to approval by the North Carolina Department of Transportation and the City of Kannapolis. Currently, there is no public sewer or water service to the site. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.

**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 property is within a future growth area for the City of Kannapolis and the proposed development of townhomes is consistent with surrounding zoning and existing 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 significant negative environmental impacts are anticipated. Much of the property is currently wooded. An unnamed tributary runs along the rear property line. The proposed 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 be rezoned from Cabarrus County Countryside Residential (CR) Zoning Designation to City of Kannapolis Residential 8-Conditional Zoning (R8-CZ) Zoning Designation, subject to the following conditions:

1. The permitted uses allowed by this rezoning shall be limited to those uses and accessory uses allowed by-right in the Residential 8 (R8) district. Intent with this rezoning submittal is to provide for a residential community.
2. Density shown may flex within a ten percent (10%) increase or decrease at time of site plan submittal based on actual site conditions.
3. The development and uses depicted on the rezoning Concept Plan are schematic in nature and are intended to depict the general arrangement of such uses and improvements on the site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the rezoning Concept Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the City of Kannapolis Development Ordinance.
4. NCDOT driveway permit shall be obtained for site access points. Access points shall be as generally depicted on the rezoning Concept Plan. The placement and configuration of the access points are subject to any minor modifications required to accommodate final site and construction plans and designs and any adjustments required for approval by the City of Kannapolis and/or the North Carolina Department of Transportation (NCDOT).

5. The alignments of the internal streets, driveways, and vehicular circulation areas may be modified by the Applicant to accommodate changes in traffic patterns, parking layouts, and any adjustments required for approval by the City of Kannapolis and/or NCDOT.
6. A final Site Plan, in compliance with the applicable Kannapolis Development Ordinance standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance permit.
7. Final Site plan shall comply with current Kannapolis Land Development Standards Manual

**Adopted this the 12th day of December 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