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

**Minutes of Meeting**  
**December 13, 2022**

The Kannapolis Planning and Zoning Commission met on Tuesday December 13, 2022, at 6:00 PM. This meeting was held in accordance with notice published in the Independent Tribune (Appendix A) as well as on the City's website.

**Commission Members Present:** Jeff Parker, Vice-Chair  
Daniel O'Kelly  
Larry Ensley  
Scott Trott  
Shelly Stein  
Travis Gingras  
Robert Severt, ETJ Representative

**Commission Members Absent:** Chris Puckett, Chair  
James Litaker

**Visitors:**

Bob Doty	Derek Moore	Charles Brallay
Carrigan Brallay	Sam Moore	Linda Moore
Sam King	J.W. England	Gray Fisher
Laura Fisher	Jim Grotha	Diane Grotha
Alan Thompson	Myra Thompson	John Cress
Erin Cress	David Thompson	Vicky Thompson
Sherry Hoppe	Mike Wallace	Cassandra Phipps
Roberta Loney	Gina Brown	Mark Brown
Sawyer Brown	Al Grafke	Diane Grafke
Kate Battinelli	David Broome	Tracy Broome
Chris Morrison	Dawn Morrison	Joe Hall
Kim Hall	Craig Clinard	Andrew Riddle
Robert Rosser	Tony Riddle	Joe Hatley
Adam Keller	Naomi Keller	Jack McKinley
Frank Cantrell	Ann Pilkington	

**Staff Present:** Richard Smith, Planning Director  
Boyd Stanley, Assistant Planning Director  
Rayvon Walker, Planner  
Wilmer Melton, Assistant City Manager  
Pam Scaggs, Recording Secretary

**CALL TO ORDER**

Vice-Chair Parker called the meeting to order at 6:00 P.M.

**ROLL CALL AND RECOGNITION OF QUORUM**

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

1 **APPROVAL OF MINUTES**

2 Vice-Chair Parker asked for a motion regarding the May 18, 2021, February 15, 2022, March 29, 2022  
3 Special Meeting and the November 15, 2022 minutes. Mr. Ensley made the motion to approve, second by  
4 Mr. Trott and unanimously approved.  
5

6 **PUBLIC HEARING**

7  
8 **CZ-2022-06 – Rezoning for Property located at 2290 Brantley Road from Cabarrus County Low  
9 Density Residential (LDR) to City of Kannapolis General Commercial-Conditional Zoning (GC-CZ)**

10 Assistant Planning Director, Boyd Stanley gave a PowerPoint presentation regarding case CZ-2022-06,  
11 attached to and made part of these minutes as Exhibit 1. Mr. Stanley provided the application details stating  
12 the applicant, address, location, size, and the current zoning and noted that the subject property was recently  
13 annexed on November 14, 2022, into the City of Kannapolis. He noted that the subject rezoning is  
14 approximately an 8.8 +/- acre portion of an approximately 22.44 +/- acre parcel.  
15

16 Mr. Stanley directed the Commission’s attention to Vicinity, Zoning, and Future Land Use Plan maps and  
17 provided the surrounding zoning districts and their current uses as well as future land uses. He stated that  
18 state statute requires assignment of City zoning within sixty (60) days of annexation and that there are times  
19 that the City will apply a “holding” zone until a rezoning application is submitted but that the applicant was  
20 ready to submit the rezoning request. Mr. Stanley stated that staff found the request in harmony with the *2030*  
21 *Comprehensive Plan* (“*2030 Plan*”) because the *Complete Neighborhood 2 Character Area* allows for small  
22 format office uses and felt that the request was a smooth transition between residential and the light-industrial  
23 uses further to the north. He utilized the submitted site plan to illustrate location and size of the proposed  
24 office building as well as the parking and outdoor gravel area. Mr. Stanley reminded the Commission that  
25 should they approve the rezoning request, the submitted site plan is preliminary and that it will require  
26 additional review by the Technical Review Committee (TRC) with regards to landscaping, buffering, ingress  
27 and egress. He added that while it is not large enough to warrant a Traffic Impact Analysis (TIA), it will  
28 require driveway permits. He introduced a site photo to further illustrate location of the proposed contractor’s  
29 shop/office use.  
30

31 Mr. Stanley reviewed consistency with the *2030 Plan* stating that City utilities are not currently available to  
32 the property and that the applicant will be utilizing both a well and septic. He stated that staff is recommending  
33 approval of the rezoning request, concluded his presentation and made himself available for questions.  
34

35 Ms. Stein asked if the applicant will be able to add additional commercial structures in the future. Mr. Stanley  
36 responded that if the Commission approved the rezoning request, any changes would require an amendment  
37 to the approved plan and further approval by the Commission. He noted that there is some flexibility to the  
38 plan during TRC, but they cannot increase square footage of an approved plan.  
39

40 Mr. Trott asked for clarification of the property being rezoned. Mr. Stanley utilized the submitted site plan to  
41 illustrate the 8.8 +/- acre portion being rezoned.  
42

43 Mr. Gingras asked if the applicant has submitted a recombination plat. Mr. Stanley responded that they have  
44 submitted a recombination plat but that it needs to be recorded.  
45

46 Mr. Ensley asked for clarification that only the 8.8 +/- acre was annexed into the City and that the remaining  
47 property is still in the County and Mr. Stanley confirmed. Mr. Ensley asked if Brantley Road or Old Salisbury-  
48 Concord Road will be widened. Mr. Stanley responded that there are no proposed changes to either road. Mr.  
49 Ensley asked if the roads are able to handle large sized trucks. Mr. Stanley stated that he did not think that  
50 there would be large trucks accessing the property but deferred to the applicant. Planning Director Richard  
51 Smith interjected that the trucks are regular sized service trucks and not a large commercial truck.

1 Vice-Chair Parker asked if there will be addition of turn lanes into property. Mr. Stanley reiterated that there  
2 are no proposed changes to the road and that this is a small-scale development.

3  
4 There being no additional questions or comments for staff, Vice-Chair Parker opened the Public Hearing.

5  
6 Representative for the applicant, Sam King introduced himself and made himself available for questions.

7  
8 Vice-Chair Parker asked the type of business that is being proposed. Mr. King responded that it will be a  
9 contractor's office for plumbing and associated business.

10  
11 Resident, Kate Battinelli, 3525 Camp Julia Road, expressed concern that allowing this use in a low-density  
12 residential setting, in conjunction with the light industrial project to the north [Metro 63], will set a precedent  
13 to allow additional commercial uses. Ms. Battinelli suggested the utilization of available properties along  
14 Lane Street is a better location for the proposed business use. She expressed additional concerns regarding  
15 light and noise pollution as well as traffic impacts.

16  
17 There being no additional questions or comments, Vice-Chair Parker closed the Public Hearing.

18  
19 Vice-Chair Parker asked for a motion regarding the Statement of Consistency. Mr. Trott made the motion to  
20 approve, second by Mr. Gingras and unanimously approved.

21  
22 Vice-Chair Parker asked for a motion regarding the Resolution to Zone. Mr. Gingras made the motion to  
23 approve, second by Mr. Ensley and unanimously approved.

24  
25 **CZ-2022-08 – Rezoning for Property located at 6205 Stirewalt Road and 5032 Trinity Church Road**  
26 **from City of Kannapolis Agricultural (AG) to City of Kannapolis Residential 4-Units Per Acre-**  
27 **Conditional Zoning (R4-CZ)**

28 Mr. Stanley gave a presentation regarding case CZ-2022-08, attached to and made part of these minutes as  
29 Exhibit 2. He provided the application details stating the applicant, location, size, and the current and  
30 requested zoning districts. Mr. Stanley stated that although the applicant is requesting the Residential 4-units  
31 per acre (R4) zoning district, the proposed plan shows a density of 1.56-units per acre and 56-lots on  
32 approximately 35.5 acres. He added that the minimum lot size shown is 15,000 square feet and a maximum  
33 lot size of 39,000 square feet for the largest lot.

34  
35 Mr. Stanley directed the Commission's attention to Vicinity, Zoning, and Future Land Use Plan maps and  
36 explained that the existing zoning would allow for 1-acre lots but that the applicant is requesting R4 zoning  
37 district due to the minimum lot width that is permitted in the R4 zoning district. He noted that the property is  
38 located within the *Neighborhood Transition 1 Character Area* of the *2030 Plan* which allows for 3-units per  
39 acre. Mr. Stanley utilized the site plan to illustrate the proposed primary access along Stirewalt Road and  
40 location of the secondary access on Trinity Church Road (NCDOT roads). He stated that NCDOT did not  
41 require a TIA due to the small size of the proposed development and that the City's Engineering Department  
42 has also preliminarily approved the location of the access drives. Mr. Stanley added that the applicant is  
43 exceeding the buffer requirements along Stirewalt Road as well as the perimeter of the development for  
44 landscape and screening and directed the Commission's attention to two "stub-outs" for future connectivity,  
45 which is also a requirement. He provided additional detail regarding the various proposed lot sizes (reiterating  
46 the smallest being 15,000 square feet and the largest being 39,000 square feet), as well as location of the water  
47 retention ponds.

48  
49 Mr. Stanley reviewed staff finding and stated that staff found the request consistent with the *2030 Plan*. He  
50 stated that the applicant intends to proceed through the wastewater allocation process for utilities but that he

1 has provided information regarding alternative septic systems as well. Mr. Stanley stated that staff is  
2 recommending approval with conditions of the rezoning request and read those conditions into the record:  
3

- 4 1. The permitted uses allowed by this rezoning shall only include the single-family detached residential  
5 densities as shown on the conceptual site plan approved with this rezoning.
- 6 2. NCDOT driveway permits shall be obtained for both proposed access points.
- 7 3. A Final Site Plan, in compliance with all applicable KDO standards, shall be submitted to and  
8 approved by City Staff prior to issuance of a Zoning Clearance Permit.
- 9 4. Comply with current Land Development Standards Manual.
- 10 5. The alternative individual septic/wastewater system shall only be considered if capacity/allocation  
11 are not available at the time of development.

12  
13 Mr. Stanley stated that the proposed development was part of a previous 2017 rezoning request submitted  
14 and withdrawn by M/I Homes which proposed a higher density (2-1/2 units per acre) and included more  
15 properties. He concluded his presentation and made himself available for questions.  
16

17 Mr. Trott asked if the alternative septic system is for the 56-individual lots or will be a community system  
18 and whether the property had been tested for septic. Mr. Stanley responded that it would be for the individual  
19 lots, and that the property has been tested but deferred to the applicant for further clarification. Mr. Trott  
20 asked when sewer may be available. Mr. Stanley responded that sewer capacity is projected to be allocated  
21 sometime after 2027.  
22

23 Mr. Ensley asked if the individual septic systems would have any impact on the current residents' properties.  
24 Mr. Stanley responded that the units would be self-contained to each lot. Mr. Ensley asked the expected build-  
25 out for the development. Mr. Stanley surmised that it would be at least two (2) years. Mr. Ensley asked if  
26 there are future annexation plans for this area. Mr. Stanley responded that there are no pending annexation  
27 requests. Mr. Ensley asked about the impacted schools and their current capacity. Mr. Stanley stated that the  
28 development is proposed for the Northwest Cabarrus school district and while he does not know the current  
29 capacity at this time, rezoning requests are shared with the school systems. Mr. Ensley asked if there are any  
30 proposed amenities. Mr. Stanley directed attention to the site plan and noted that no other amenities are shown  
31 other than the open space, retention ponds and the buffers. Mr. Ensley asked the target age group for the  
32 development and Mr. Stanley replied that there is not a targeted age group.  
33

34 There being no additional questions or comments for staff, Vice-Chair Parker opened the Public Hearing.  
35

36 Engineer representative for the applicant, Frank Cantrell, introduced himself stating that the request is a  
37 conditional rezoning and that there are only 56-lots being proposed and made himself available for questions.  
38

39 The applicant, Jack McKinley, introduced himself and stated that while he lives in South Carolina, he was  
40 previously a long-time resident of Kannapolis and is attempting to develop the property per the Kannapolis  
41 Development Ordinance (KDO) guidelines and made himself available for questions.  
42

43 Mr. Severt asked the minimum square footage of the homes. Mr. McKinley stated that the homes will be  
44 comparable to the existing nearby neighborhood of Trinity Crossing, and that they will be 3 to 4-bedroom, 2  
45 to 2-1/2-bathroom homes starting at 2400 square feet. Mr. Severt questioned the type of septic system that  
46 will be used to handle a 2400 square foot home on a 15,000 square foot lot. Mr. McKinley responded that the  
47 alternative septic system is a panel block septic system which is approved and used in Cabarrus County. He  
48 noted that Mark Thompson, Environmentalist for the County has approved use of the system. He stated that  
49 this type of system has also been used frequently on Lake Norman and Badin Lake because it is good for  
50 small lots. He provided a brochure of information on the septic system to the Commission stating that it is  
51 manufactured by T&J Panel Systems located in Statesville [NC] and reiterated that it is approved by the state.

1 Mr. McKinley stated that the system is an expensive alternative to his plans and his primary goal is connecting  
2 to City utilities and would rather avoid this alternative. He added that Mr. Stanley is correct in that it will take  
3 at least two years to get the project started and is hoping that the sewer allocation issues are resolved at that  
4 time [2026/2027]. Mr. McKinley suggested that the sewer allocation process does not mean that development  
5 will discontinue, rather that it qualifies a candidate to build homes and he feels that he is a good candidate.  
6

7 Mr. Trott expressed concern regarding the lack of amenities. Mr. McKinley compared the proposed project  
8 to Trinity Crossing stating that the lot size is 15,000 square feet and that the proposed average lot size is  
9 18,451 square feet which is 23% larger than Trinity Crossing. He suggested that Trinity Crossing residents  
10 are responsible owners with fenced yards and that he expects the same from future residents of the proposed  
11 project. Mr. McKinley provided information regarding the sale price and number of homes sold in Trinity  
12 Crossing within the last eighteen months and suggested that a 15,000 square foot lot is plenty of space for  
13 children to play.  
14

15 Vice-Chair Parker directed attention to the neighborhood meeting minutes and asked if there were any  
16 unresolved questions regarding area residents' concerns. Mr. McKinley stated that he attempted to reach out  
17 to the Moore, Doty, Allen, and Hall families but never received response and was under the impression that  
18 their concerns centered around the requested R4 zoning district but deferred to Planning Director, Richard  
19 Smith for further comment.  
20

21 Mr. Smith stated that he did speak with the families referenced by Mr. McKinley and that they expressed  
22 concerns regarding the proposed lot sizes, buffer area, septic issues, and detention ponds. He clarified that  
23 Mr. McKinley will be applying for sewer allocation for this project but that he is only suggesting the  
24 individual septic systems as an alternative. Mr. Smith added that the requested R4 zoning district is causing  
25 some confusion because it does allow 4-units per acre but that the plan only shows 56 homes with much less  
26 density, which is a condition of this request.  
27

28 Mr. Trott asked if there will be a Homeowners Association (HOA) created. Mr. McKinley responded yes and  
29 suggested that an HOA enforces rules and forces better home ownership. He added that the HOA will be  
30 responsible for maintaining the ponds which will be written into the development contract.  
31

32 Resident, Sam Moore, 6121 Chisholm Trail, stated that he lives adjacent to the proposed development and  
33 stated that he was appointed as representative for his neighbors and chose to communicate directly with City  
34 staff to avoid confrontation. Mr. Moore stated that there are eight (8) lots with homes that abut the proposed  
35 development and that the lot sizes vary from 1 to 15 acres. He also stated that the average lot size is  
36 approximately 4 acres. He stated that he built his home in 1997 and has owned and managed two businesses  
37 within the City of Kannapolis. Mr. Moore expressed concern regarding the proposed lot size as well as the  
38 requested R4 zoning. He stated that the proposed development does not fit with the rest of the larger lot  
39 neighborhood and worried that another developer could build to the permitted 4-units per acre in the R4  
40 zoning district. Mr. Moore asked the Commission to approve an R1 (Residential 1-unit per acre) zoning  
41 district that allows for larger lots.  
42

43 Resident, Robert Rosser, 6100 Mooresville Road, agrees that R1 is a more suitable zoning district for the  
44 proposed location. He expressed concern that the submitted site plan does not illustrate the layout of the home  
45 within the lot, nor has the applicant provided any elevation examples to show how the homes will look. Mr.  
46 Rosser stated that he would like to see a plan that is more suitable to the area and not one that allows for 56-  
47 individual septic systems.  
48

49 Resident, Bob Doty, 6325 Stirewalt Road, identified himself as an adjacent property owner and stated that he  
50 is not opposed to development and asked for responsible growth. Mr. Doty stated that he appreciates Mr.  
51 McKinley's efforts to reduce the proposed density from the 2017 development plan but expressed concern

1 regarding the proposal to utilize a hybrid septic system. He indicated that he has researched the hybrid system  
2 and while it is designed to use half of the area of a normal septic system, he expressed concern that there is  
3 no historical data for maintenance and durability of the systems and that there will be a cluster of 56-units on  
4 35 +/- acres of land suggesting that the surrounding properties utilizing well and septic will be impacted. Mr.  
5 Doty suggested that approval of the development wait until the sewer capacity issues are alleviated and the  
6 City can hire additional personnel to handle the workload.  
7

8 Resident Derrick Moore, 6121 Chisholm Trail, expressed concern that the density being requested does not  
9 align with the Coddle Creek Watershed restrictions in the area. Mr. Moore stated that the Kannapolis  
10 Development Ordinance (KDO) indicates that a gradual transition in zoning should be applied and does not  
11 feel that the proposed R4 zoning is gradual. He indicated that future residents and businesses should be able  
12 to utilize the KDO to predict future zoning changes and asked the Commission “do what’s in the best interest  
13 for residents who already call Kannapolis home”.  
14

15 Resident, Cassandra Flippo, 7348 Three Sisters Lane, stated that she is confused by the requested R4 zoning  
16 because it does not match the proposed square footage and asked why an R2 (Residential 2-units per acre)  
17 zoning is not being requested. Ms. Flippo expressed concern that a builder has not been identified and that if  
18 the R4 zoning is approved that a builder could increase the number of lots to fit with the R4.  
19

20 Mr. Stanley agreed that the requested R4 is deceiving but reiterated that the request is for 1.56 units per acre  
21 and if approved, the development will be held to that density regardless of the builder. He added that Mr.  
22 McKinley is requesting the R4 zoning district because it allows for a 75-foot lot width which is not available  
23 in the R2 zoning, and that lot width will provide flexibility with the final site plan and that less than 2-units  
24 per acre is being requested. Mr. Stanley stated that a builder has not been identified which is why elevation  
25 examples are not available. He noted that if the applicant applies for sewer allocation, it requires a  
26 Development Agreement and allows the city to require higher quality developments.  
27

28 Ms. Flippo asked for clarification that regardless of the builder, there cannot be more than 1.5 units per acre  
29 and that there will be language that limits the number of homes in the approval. Mr. Stanley confirmed that  
30 approval will limit the plan to 56-lots. Ms. Flippo asked the process if a builder rejects the approved plan.  
31 Planning Director Richard Smith responded that the process starts over and that it would have to come back  
32 to the Commission for consideration.  
33

34 Mr. McKinley introduced a letter from Cabarrus County Health Alliance (CHA) that indicates that the  
35 proposed septic system is approved for use and that it is rated to last 30 years. He provided McKinley family  
36 history regarding property ownership and gave a presentation directing attention to a vicinity map illustrating  
37 the location of the proposed development as well as Trinity Crossing. Mr. McKinley indicated that he cannot  
38 predict the market but that he has a vested interest in the City of Kannapolis. He referred the letter from CHA  
39 stating that while it is an approved system, it is also very expensive and that he wants to avoid having to use  
40 it if possible.  
41

42 Ms. Stein asked if a soil report has been completed. Mr. McKinley responded that it has and that the soil is  
43 good. Ms. Stein asked if the system would fit within the proposed development. Mr. McKinley responded  
44 that it would and that it has been approved by the state of North Carolina. Mr. Cantrell clarified that each  
45 individual lot would have to be tested which is part of the engineering process that is yet to be completed.  
46

47 Mr. Ensley asked what happens to the lot if it does not perk. Mr. McKinley responded that the acreage of that  
48 lot will be split between two other lots. He clarified that the soil test must meet higher standards than a typical  
49 perk test.  
50

1 Mr. McKinley reiterated that the requested density meets the criteria of both the KDO as well as the Move  
2 Kannapolis Forward 2030 Comprehensive Plan (2030 Plan).

3  
4 Mr. Gingras asked if the proposed development will add more value than the referenced Trinity Crossing  
5 neighborhood. Mr. McKinley responded that the proposed development is offering larger lots and suggested  
6 that the homes will also be larger. Mr. Gingras asked if the homes will be sold at the same cost as those in  
7 Trinity Crossing. Mr. McKinley responded that the homes will be sold at a higher cost and talked about the  
8 increased tax base for the City.

9  
10 Resident, Andrew Riddle, 6088 Mooresville Road, suggested that Trinity Crossing is not a good  
11 neighborhood and expressed concern regarding traffic impacts, the lack of elevation examples, the proposed  
12 density, and the septic system. Mr. Riddle suggested that the proposed plan does not fit the existing  
13 neighborhood and expressed additional concerns regarding safety. He stated that he preferred the area to stay  
14 rural.

15  
16 Resident Mike Wallace, 3429 Trinity Church Road, stated that he bought his property based upon the rural  
17 environment and expressed concerns regarding traffic impacts, lack of a TIA, and NCDOT versus City  
18 maintained roads. Mr. Wallace indicated that NCDOT stated that a TIA is needed on Trinity Church Road  
19 and that they also stated that they will not build new roads for a development but will require access roads.  
20 He expressed concern regarding school capacity noting that he was informed that there are only 120 spaces  
21 before Northwest school district will be at full capacity. Mr. Wallace asked the Commission to respect current  
22 residents, talked about sewer capacity issues and suggested that no other development plans be approved until  
23 previously approved plans have been completed. He asked if the 2030 Plan is intended for 2030. Mr. Smith  
24 responded that it is a working document to guide growth through to 2030. Mr. Wallace asked to wait until  
25 2030 to approve the requested development. He suggested that the city should demand large lot developments.

26  
27 Resident Tim Allen stated that he owns property located at 4942 Trinity Church Road but lives at 6212  
28 Mountain Vine Avenue and stated that he takes pride in his community. Mr. Allen asked if there is a  
29 requirement for members of the Commission to reside within the City of Kannapolis. Vice-Chair Parker  
30 responded that this is the case. Mr. Allen stated that he loves his community because it is safe, peaceful and  
31 because of the home values. He expressed concern regarding the size of the lots and the lack of amenities for  
32 kids, and maintenance of the proposed septic system. He asked the Commission to keep the neighborhood  
33 secure, safe and retain value.

34  
35 Inaudible question from Mr. Gingras followed by an inaudible response from Vice-Chair Parker.

36  
37 Resident Craig Clinard, 7266 Three Sisters Lane, expressed concern regarding the use of septic versus a sewer  
38 system, and asked if it is the desire of the City to push the higher density developments to the outer border of  
39 City. Mr. Smith responded that neither the KDO nor the 2030 Plan recognizes the proposed development as  
40 a high-density development due to the requested density and lot size. He further clarified that there are other  
41 zoning districts within the city that are considered high density and provided the example of the R8 zoning  
42 district which allows 8-units per acre. Mr. Smith added that the proposed development is located in the future  
43 growth area for the city.

44  
45 Resident Mark Brown, 4020 Winter Jasmine Place, stated that he is a retired Fire Marshal for the City of  
46 Concord and in that capacity was responsible for reviewing development plans for Concord. Mr. Brown  
47 expressed concern regarding interconnectivity, the lack of cul-de-sacs with respect to access for larger  
48 emergency response vehicles. He directed attention to the site plan noting that the proposed stub-outs do not  
49 offer turn-around access for the large vehicles and expressed additional concern regarding on-street parking.  
50 Mr. Brown expressed additional concern that turn radius and curb type has not been identified. Vice-Chair  
51 Parker asked for clarification that in the event of an emergency, a water truck would be utilized for

1 developments using well systems. Mr. Brown confirmed and added that his neighborhood was annexed into  
2 the City in 1997 and that City utilities were not available at that time but now they are, but residents have to  
3 pay a large fee to connect to those utilities.  
4

5 Resident Kim Hall, 4918 Copper Creek Trail, expressed concern regarding neighborhood compatibility, and  
6 lack of an identified builder. Ms. Hall expressed additional concerns regarding the possibility of increased  
7 density, retention pond failure, the proposed septic system, and lack of identified construction materials. She  
8 stated that she is not opposed to growth but does not feel the proposed plan fits with the existing neighborhood.  
9 Ms. Hall stated that Mr. McKinley mentioned at their community meeting that he wants to leave a legacy and  
10 suggested that a previous development by Mr. McKinley, Palace Chase is a nice development and something  
11 similar would be a better fit.  
12

13 Mr. McKinley clarified that City utilities do exist, and it is his intention to connect to them. He added that a  
14 lot of comments have been “hearsay” and nothing factual has been presented. He made himself available for  
15 additional questions.  
16

17 Vice-Chair Parker stated that they have heard concerns regarding the proposed density, the size of the lots,  
18 fire protection and utilities and feels that the Commission can proceed with their decision making. Mr.  
19 McKinley interjected that the City set the standard for all the concerns raised by the residents and that his  
20 development plan meets and, in some instances, exceeds those standards. He asked if meeting and exceeding  
21 the standards is not good enough, then why have standards at all.  
22

23 Mr. Smith addressed concerns clarifying that the requested rezoning is conditional which means that an  
24 approved plan cannot increase in density further clarifying that density can decrease but cannot increase  
25 without coming back to the Commission for approval of those changes. He added that it is in the intention of  
26 Mr. McKinley and the City for the development to connect to both City water and sewer utilities but that if it  
27 is not available at the time of development, then the septic system is an alternative. Mr. Smith explained the  
28 process for sewer allocation and suspected that, if approved, the development will be ready to go vertical by  
29 the time allocation is available. He indicated that Mr. McKinley is ready to proceed with the allocation  
30 process, but that staff advised him to wait until the Commission rendered a decision on the rezoning request.  
31 He addressed concerns regarding the lack of elevation examples stating that if the City enters into a  
32 Development Agreement with Mr. McKinley, the City can negotiate residential design and materials, but  
33 without an agreement, and by state law, dictation of residential design is not permitted as part of the rezoning  
34 process. Mr. Smith stated that NCDOT does control most City roads, and they did not require a TIA because  
35 the proposed development consists of 56-lots on 35 acres which does not meet the threshold to require a TIA.  
36 He noted that the current study being conducted by NCDOT (as indicated by Mr. Wallace) was due to “bottle  
37 necking” on Highway 3 from a 4-lane into a 2-lane road. Mr. Smith stated that the surrounding school systems  
38 are included in development discussions and that a new Northwest Cabarrus high school is being planned to  
39 be built with completion in 2026 which will accommodate future growth in the area. Mr. Smith concluded  
40 stating that comparison has been made to Trinity Crossing but is not the best comparison regarding lot sizes  
41 and that there have been issues with developer but that the City has performance guarantees in escrow which  
42 will help enforce any ongoing issues there.  
43

44 Mr. Ensley commented that the preliminary site plan will come back to the Commission to be finalized. Mr.  
45 Smith clarified that all site plans are preliminary at the rezoning phase and that staff finalizes the site plan  
46 through the Technical Review Committee (TRC) and that the Development Agreement is handled through  
47 City Council. After rezoning, the project only comes back to the Commission if substantial changes are made,  
48 like an increase in density.  
49

50 Mr. Severt asked for clarification that if the development connects to septic, the City cannot dictate the type  
51 of construction materials used but that if they connect to City sewer, then the City can dictate. Mr. Smith



1 confirmed and stated that the City will push hard for the applicant to connect to the sewer utility which will  
2 require a Development Agreement and through the agreement, the City can negotiate building materials and  
3 residential design standards. Mr. Severt asked if the Commission could add a condition regarding cul-de-sacs.  
4 Mr. Smith responded that they could but cautioned that interconnectivity is a requirement and when a cul-de-  
5 sac is constructed, people who purchase homes in the cul-de-sac are under the impression that it will always  
6 remain that way not knowing that it is intended for future connectivity to the site. He added that Mr. McKinley  
7 is proposing two points of access and buffering that exceeds the KDO requirements.  
8

9 Mr. Gingras asked if the applicant proceeds with a private septic system and then sewer is made available,  
10 will it be connected to the community. Mr. Smith responded that it will be most likely be nearby but will not  
11 be connected to the community unless each individual owner decides to connect at their cost.  
12

13 Mr. Trott asked if the street design, curb, gutter, sidewalks, and landscaping will have to comply with the  
14 KDO requirements. Mr. Smith responded that they would adding that a Development Agreement typically  
15 requires standards above the KDO requirements in order to get wastewater allocation approval.  
16

17 Mr. Ensley asked if the on-street parking will be reviewed by TRC. Mr. Smith confirmed that it is. Mr. Ensley  
18 asked if there is any proposed buffering with adjacent property owners. Mr. Smith responded that the site  
19 plan shows an 8-foot strip of buffering but that the Commission can add that as a condition of approval. Mr.  
20 Ensley asked if the applicant needs to agree to the condition. Mr. Smith responded that they do need to agree  
21 to any additional conditions. Mr. Cantrell interjected that they are allowing for an 8-foot buffer to adjacent  
22 property owners and will agree to an increase up to 15-feet which will be turned over to the HOA to maintain.  
23 Mr. Smith offered that perhaps the Commission could offer to decrease the other buffers to allow additional  
24 buffer along the peripheral. Mr. Ensley asked the size of the buffers along Stirewalt and Trinity Church Roads.  
25 Mr. Cantrell responded that they are proposing 40-foot buffers along Stirewalt and Trinity Church Roads.  
26 Mr. Ensley asked if they would be agreeable to keep those and add the condition to increase to a 15-foot  
27 buffer along the peripheral. Mr. Cantrell agreed.  
28

29 There being no other questions or comments, Vice-Chair Parker closed the Public Hearing.  
30

31 Vice-Chair Parker stated that the Commission has received a lot of information and while he understood  
32 neighbors' concerns, felt that 1-acre lots should be pushed to the outer City limits. There were comments  
33 from the audience stating that they are in the outer City limits.  
34

35 There was discussion among the Commission regarding buffering, density, adding a condition requiring a 15-  
36 foot buffer to the south and west side adjacent property owners, the original zoning of the property prior to  
37 annexation, the previous 2017 development plan, and the lack of open space. Mr. Smith addressed the current  
38 zoning stating that the City is required to place zoning on property within 60-days of annexation and that the  
39 Agricultural (AG) zoning district is commonly used as "holding zone" until a rezoning plan is submitted.  
40

41 Vice-Chair Parker asked for a motion regarding the Statement of Consistency. Mr. Ensley made the motion  
42 to approve, second by Mr. Trott, the motion failed three to four with Mr. Severt, Mr. Parker, Mr. Gingras and  
43 Mr. O'Kelly casting the dissenting votes.  
44

45 Mr. Smith clarified for those in attendance that since the motion failed, City Council will most likely hear the  
46 rezoning request at an upcoming meeting.  
47

#### 48 **PLANNING DIRECTOR UPDATE**

49 Mr. Smith provided updates on purchase of the Research Campus property and development possibilities as  
50 part of that sale as well as the possibility of the USPC (Olympics) purchasing property for outdoor sport  
51 training facilities on the old Plant 4 property.

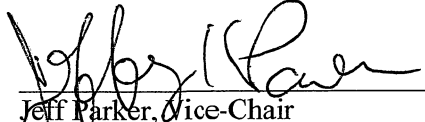
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**OTHER BUSINESS**

None

**ADJOURN**

There being no further business, questions or comments, Vice-Chair Parker made the motion to adjourn which was unanimously approved. The meeting adjourned at 8:10 PM on Tuesday, December 13, 2022.

  
\_\_\_\_\_  
Jeff Parker, Vice-Chair  
Planning and Zoning Commission

  
\_\_\_\_\_  
Pam Scaggs, Recording Secretary



**PO Box 27283**  
**Richmond, VA 23261-7283**

## Order Confirmation

Order# 0000813864

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

**Payor :** CITY OF KANNAPOLIS  
**Phone:** 7049204300

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

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

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

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

**Total Amount**                      \$631.24  
**Payment Amount**                    \$631.24

**Amount Due**                              \$0.00

**Tax Amount:**                              0.00

**Payment Meth:**      Credit - Debit Card

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

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>	<u>Color</u>
0000813864-01	CLS Liner	2 X 50 li	\$0.00


<u>Production Method</u>	<u>Production Notes</u>
AdBooker (liner)	

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

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

**Run Dates**                      12/ 2/2022, 12/ 9/2022

**TagLine:** NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETING  
 AT600PMCONDITIONALZONINGMAPAMENDMENTCZ202206PUBLIC



**KANNAPOLIS**

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

**Tuesday December 13, 2022 at 6:00 pm**

**Conditional Zoning Map Amendment - CZ-2022-06** – Public Hearing to consider a request to rezone an 8.813 +/- acre portion of property located at 2290 Brantley Road from Cabarrus County Low Density Residential (LDR) zoning district to City of Kannapolis General Commercial-Conditional Zoning (GC-CZ) to allow a contractor's office/shop. The subject property, further identified as Cabarrus County Parcel Identification Number 56336683330000, was voluntarily annexed into the City of Kannapolis on November 14, 2022 and must be assigned City zoning.

**Conditional Zoning Map Amendment - CZ-2022-08** – Public Hearing to consider a request to rezone properties located at 6205 Stirewalt Road and 5032 Trinity Church Road from City of Kannapolis Agricultural (AG) zoning district to City of Kannapolis Residential 4-Units Per Acre-Conditional Zoning (R4-CZ) to allow for a 56-unit single-family residential development. The subject properties are approximately 35.59 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 46939615960000 and 46939663830000.

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: December 2, December 9, 2022.**

# EXHIBIT 1



## Planning and Zoning Commission December 13, 2022, Meeting Staff Report

**TO:** Planning and Zoning Commission  
**FROM:** Boyd Stanley, Assistant Planning Director  
**SUBJECT:** Case #CZ-2022-06  
**Conditional Zoning Map Amendment**  
**Applicant: LaFave's Construction**

Request to conditionally rezone property located at 2990 Brantley Road to allow for a plumbing contractor's office and shop.

### 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, LaFave's Construction, on behalf of Stolz Plumbing, is proposing to rezone approximately 8.8 +/- acres of property located at 2990 Brantley Road, further identified as Cabarrus County Parcel Identification Number 56336683330000, from Cabarrus County Low-Density Residential (LDR) zoning district to City of Kannapolis General Commercial-Conditional (GC-CZ) zoning district to allow for a plumbing contractor's office and shop.

The property was recently annexed into the City from unincorporated Cabarrus County on November 14, 2022, by City Council and must therefore be assigned a City of Kannapolis zoning designation within 60 days in accordance with state statute.

As shown on the site plan provided, the applicant is proposing a new 19,000 +/- square foot building, 19 parking spaces, gravel storage area along with access onto both Brantley Road and Old Salisbury-Concord Roads. No building renderings have been provided to date, but the new building will be required to meet the Nonresidential Form and Design Standards as outlined in Section 5.7.E of the KDO.

**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 2” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character area includes residential and commercial uses. The proposed use(s) of a plumbing contractor’s office and shop 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 property is currently vacant.
- 3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?**  
No, the subject property was recently annexed into the City of Kannapolis.
- 4. Does the proposed rezoning allow uses that are compatible with existing and allowed uses on surrounding land and with the stability and character of any adjacent residential neighborhoods?**  
Yes, all adjoining properties to the south are zoned LDR (Low-Density Residential) within Cabarrus County and LI (Light Industrial) to the north within the City of Kannapolis. A small-scale office/contractor’s shop is an acceptable transitional use in this area.
- 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, there are no anticipated traffic concerns and there are two proposed points of ingress/egress onto two NCDOT rights-of way. The applicant is not requesting additional utility services as part of this request and currently, there is no water or sewer service in this immediate area. Well and septic will be provided.
- 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 site lends itself to the proposed use rather than residential uses since the area is transitioning to non-residential uses to the north and public water and sewer are not currently available to the site.

**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 negative environmental impacts, and the development will be required to conform to all applicable local, state, and federal environmental regulations.

The property is located within the Protected Watershed Area for Lake Fisher (WS-IV PA) which limits the maximum built-upon area to 24% utilizing the low-density option.

**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 in the "Complete Neighborhood 2" Character Area as designated in the *Move Forward 2030 Comprehensive Plan*. This Character area includes residential and commercial uses. The proposed use(s) of a plumbing contractor's office and shop is consistent with the goals and objectives of the Plan. 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.

**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-2022-06:**

1. The permitted uses allowed by this rezoning shall only include a plumbing contractor's shop and office.
2. NCDOT driveway permits shall be obtained for both proposed access points.
3. A Site Plan shall be submitted and approved by City Staff prior to issuance of a Zoning Clearance Permit.
4. The new building shall be required to meet the Nonresidential Form and Design Standards as outlined in Section 5.7.E of the KDO

**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-2022-06, 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 “Complete Neighborhood 2” Character Area as designated in the *Move Forward 2030 Comprehensive Plan*. This Character area includes residential and commercial uses. The proposed use(s) of a plumbing contractor’s office and shop is consistent with the goals and objectives of the Plan. 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.*

2. **Should the Commission choose to approve Case #CZ-2022-06, 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-2022-06, 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-2022-06 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-2022-06, 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. 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

# EXHIBIT 2



## Planning and Zoning Commission December 13, 2022, Meeting Staff Report

**TO:** Planning and Zoning Commission

**FROM:** Boyd Stanley, Assistant Planning Director

**SUBJECT:** Case #CZ-2022-08  
Conditional Zoning Map Amendment  
Applicant: John McKinley

Request to conditionally rezone properties located at 6205 Stirewalt Road and 5032 Trinity Church Road to allow for a 56-lot single-family residential 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 City Council shall have final decision-making authority. Any final decision rendered by the Commission may be appealed within fifteen (15) days to City Council.

### C. Background & Project Overview

The applicant, John McKinley, is proposing to rezone approximately 35.5 +/- acres of property located at 6205 Stirewalt Road and 5032 Trinity Church Road, further identified as Cabarrus County Parcel Identification Numbers 46939615960000 and 46939663830000 from AG (Agricultural District) to R4-CZ (Residential 4-units per acre-Conditional Zoning) district to allow for a 56-lot single-family detached residential development.

As shown on the subdivision plan, full-movement access is being provided on both Stirewalt and Trinity Church Roads, which are both NCDOT maintained. Both proposed points of access have received conceptual approval by NCDOT and the City. A TIA (Traffic Impact Analysis) is not warranted for the number of daily/hourly trips provided for this number of lots.

As proposed on the subdivision plan, the minimum lot size is 15,000 square feet, with the largest lot being shown as 39,239 square feet. The minimum lot dimensions are shown as 75'X125' for width and depth minimums, but the overall lot area would be required to meet the 15,000 square foot minimum.



Two detention/water quality ponds are being shown along the southern property boundary along with areas set aside for landscaped buffering/berms along both road frontages.

Although the applicant intends to connect to City water and sanitary sewer, information has been provided to staff and was also presented at the neighborhood meeting held on November 2, 2022, regarding alternative individual septic systems. The applicant has stated they fully intend to utilize City sewer but given the timing and uncertainty of wastewater allocation and capacity in the short-term, individual septic systems could be a possible alternative. Additional concerns brought up at the neighborhood meeting by area residents included the proposed lot size, buffering/screening, well contamination (assuming septic alternative) and consistency with the character of surrounding neighborhoods.

Although the applicant is requesting the R4-CZ zoning designation, which allows for a density of up to 4 units per acres, the overall density being requested is 1.56 dwelling units per acre. This density calculation assumes the total acreage divided by the total number of lots and includes common open space, landscaped buffers, and natural areas. Under the current AG zoning, the maximum density is 1 unit per acre with a 1-acre minimum lot size. All surrounding properties are zoned City of Kannapolis AG or Cabarrus County AO (Agriculture/Open Space).

The subject properties were part of a rezoning petition withdrawn by MI Homes in 2018, which included additional properties along with higher density and smaller lots. The properties were initially zoned AG in 1999 as part of the Coddle Creek Annexation by the City.

#### **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 “Neighborhood Transition 1” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character area’s primary use is listed as single-family detached residential with a desired density not to exceed 3 units per acre. The proposed use(s) 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 property is currently vacant.
- 3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?**  
No, the subject property has been zoned AG or equivalent since annexed into the City of Kannapolis in 1999.

**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 subject property is located approximately one-half mile west of the intersection of Mooresville Road (NC 3) and Kannapolis Parkway which is anticipated to see more development in the future. The proposed subdivision plan provides for a transition from higher-density development to the east and lower-density development to the west/southwest.

**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, there are no anticipated traffic concerns. There are two proposed points of ingress/egress onto two NCDOT roads.

**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 proposed development provides a balance between surrounding low-density single-family residential land uses and the maximum density of 3-units per acre supported in the Comprehensive Plan.

**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 negative environmental impacts, and the development will be required to conform to all applicable local, state, and federal environmental regulations.

The property is located along the fringe of the Protected Watershed Area for the Coddle Creek Reservoir (WS-II BW) which limits the maximum built-upon area to 12% utilizing the low-density option.

**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 in the "Neighborhood Transition 1" Character Area as designated in the *Move Forward 2030 Comprehensive Plan*. The Neighborhood Transition 1 Character Area includes areas that have been developed over time into low-density residential neighborhoods. Existing neighborhoods will maintain their character, although there are opportunities to enhance these places with additional connectivity, bicycle and pedestrian amenities, parks and open space, and sidewalks. New master planned communities in this area will be built according to the traditional neighborhood design principles and conserving connected open space. New developments will provide appropriate transitions to existing adjacent developments and homes. Transitions between existing and new developments can incorporate visual screenings through natural buffers and larger sized lots along the boundary of developments and major roadways.

The proposed use(s) of a single-family residential development is consistent with the goals and objectives of the Plan. 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. The Comprehensive Plan also calls for average lot sizes of 15,000 square feet or larger for all new development, with a desired density of up to 3 units per acre. This development proposal is consistent with these recommendations of the Comprehensive Plan.

## **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-2022-08:**

1. The permitted uses allowed by this rezoning shall only include the single-family detached residential densities as shown on the conceptual site plan approved with this rezoning.
2. NCDOT driveway permits shall be obtained for both proposed access points.
3. A Final Site Plan, in compliance with all applicable KDO standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.
4. Comply with current Land Development Standards Manual.
5. The alternative individual septic/wastewater system shall only be considered if capacity/allocation are not available at the time of development.

### **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-2022-08, 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 in the “Neighborhood Transition 1” Character Area as designated in the *Move Forward 2030 Comprehensive Plan*. The Neighborhood Transition 1 Character Area includes areas that have been developed over time into low-density residential neighborhoods. Existing neighborhoods will maintain their character, although there are opportunities to enhance these places with additional connectivity, bicycle and pedestrian amenities, parks and open space, and sidewalks. New master planned communities in this area will be built according to the traditional neighborhood design principles and conserving connected open space. New developments will provide appropriate transitions to existing adjacent developments and homes. Transitions between existing and new developments can incorporate visual screenings through natural buffers and larger sized lots along the boundary of developments and major roadways.*

*The proposed use(s) of a single-family residential development is consistent with the goals and objectives of the Plan. 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. The Comprehensive Plan also calls for average lot sizes of 15,000 square feet or larger for all new development, with a desired density of up to 3 units per acre.*

2. **Should the Commission choose to approve Case #CZ-2022-08, a motion should be made to adopt the Resolution to Zone.**

**Motion to Deny (2 votes)**

1. **Should the Commission choose to recommend denial of Case #CZ-2022-08, a motion should be made to adopt the following Statement of Consistency:**

**Statement of Consistency:** *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #CZ-2022-08 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-2022-08, a motion should be made to deny the Resolution to Zone.**

**I. Attachments**

1. Rezoning Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use and Character Map
5. Subdivision Plan
6. Neighborhood Meeting Information
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:**

- City Attorney
- Planning Director