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

**Minutes of Virtual Meeting
December 14, 2021**

11 The Kannapolis Planning and Zoning Commission met on Tuesday December 14, 2021 at 6:00 PM. This
12 meeting was held in accordance with the attached notice (Appendix A), as well as notice published on the
13 City's website.
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Commission Members Present: Chris Puckett, Chair
Jeff Parker, Vice-Chair
James Litaker
Larry Ensley
Scott Trott
Shelly Stein
Travis Gingras
Robert Severt, ETJ Representative

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Commission Members Absent: Daniel O'Kelly

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Visitors:

Cavell Mill	Ethan Mindrebo
Philip Martin	Rhonda Coleman
Teri Coleman	Aaron Henley
Priscilla Henley	PM Henley
Angela Argeta	German Gonzalez
Natasha Putton-Walton	Eric Goldston
Zeb Trenil	Joe Hatley
Brian Freeman	Shaun Toole
Martha Ensley	Joel Causay
Matt Pannell	David Nelson
Trent Coleman	Cassandra Moss
Michael Moss	CR Miller
Vanessa Miles	Dr. Carrie Dejaco

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Staff Present: Richard Smith, Planning Director
Boyd Stanley, Assistant Planning Director
Ryan Lipp, Senior Planner
Wilmer Melton, Assistant City Manager
Tracy Winecoff, Fire Department Chief

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CALL TO ORDER

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

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ROLL CALL AND RECOGNITION OF QUORUM

Mr. Lipp called the roll. The presence of a quorum was recognized.

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APPROVAL OF AGENDA

Chair Puckett noted a change to the Agenda stating that case CZ-2021-18 will be moved to the January 18, 2022 meeting Agenda. He asked for a motion to approve that change as well as approval of the amended

1 agenda. Dr. Litaker made the motion to approve, second by Vice-Chair Parker, and the motion was
2 unanimously approved.

3
4 **APPROVAL OF MINUTES**

5 Chair Puckett stated that he did not see Minutes in the packet.

6
7 **PUBLIC HEARING**

8 **CZ-2021-22 – Request by Brian Freeman, Wisdom Realty, LLC to amend previously approved**
9 **rezoning conditions for property located at 267 N Cannon Boulevard.**

10 Assistant Planning Director, Boyd Stanley, gave a PowerPoint presentation regarding case CZ-2021-22,
11 attached to and made part of these minutes as Exhibit 1. Mr. Stanley stated that the property located at
12 267 N Cannon Boulevard was previously approved to conditionally rezone [Case No. CZ-2018-01] and
13 that the applicant has requested an amendment to the condition regarding the hours of operation. Mr.
14 Stanley stated there has been a change in restaurant management who would like to serve breakfast. The
15 requested amendment is reflected below:
16

Current Condition

#4: The business hours of operation shall not
open before 8am Monday through Saturday
and 2pm Sundays, and shall not extend
beyond 11pm on any day of the week

Proposed Condition

*The business hours of operation shall not open
before 6am Sunday through Saturday and shall
not extend beyond 11pm on any day of the week*

17
18 Mr. Stanley directed the Commission’s attention to the Vicinity, Zoning and Future Land Use maps,
19 further detailing the location, zoning and future land use per the *Move Kannapolis Forward 2030*
20 *Comprehensive Plan (“2030 Plan”)* as well as street views of the subject property. He stated that staff is
21 recommending approval of the amendment request, concluded his presentation and made himself
22 available for questions.

23
24 Mr. Trott asked if the amended hours will also apply to the miniature golf portion of the property? Mr.
25 Stanley guessed that no one would be playing golf at 6:00 AM but responded that the amendment would
26 apply to the entire property. Mr. Trott suggested that the amendment should only apply to the restaurant.
27 Mr. Stanley advised that the Commission could add that as a condition of approval.

28
29 The applicant, Brian Freeman, 405 Shuping Mill Road, Salisbury, made himself available for questions.

30
31 Mr. Trott asked if Mr. Freeman would be agreeable to the condition that the amended 6:00 AM hour
32 would only apply to the restaurant. Mr. Freeman agreed to that condition.

33
34 There being no additional questions or comments for staff or the applicant, Chair Puckett opened the Public
35 Hearing which was then closed with no public comment being made.

36
37 Mr. Trott suggested to add a condition that the 6:00 AM amendment apply to only the restaurant.

38
39 Chair Puckett requested a motion to either adopt or deny the Statement of Consistency for case CZ-2021-
40 22 with the added condition as proposed by Mr. Trott to apply the amended 6:00 AM opening to the
41 restaurant only and not the miniature golf. Vice Chair Parker made the motion to approve, second by Dr.
42 Litaker and the motion was unanimously approved.

43
44 Chair Puckett asked the Planning Director for clarification of where the additional condition of approval
45 should be added. Mr. Smith responded that if the Commission added a condition to the Statement of

1 Consistency, and the applicant was agreeable to the condition, it should also be added to the Resolution to
2 Zone.

3
4 Chair Puckett asked for a motion to approve the Resolution to Zone for case CZ-2021-22 with the added
5 condition proposed by Mr. Trott. Mr. Gingras made the motion to approve, second by Vice-Chair Parker
6 and the motion was approved 7-1 with Mr. Ensley casting the dissenting vote.

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8
9 **CZ-2021-23 – Request by Phillip Martin with HHH Land, LLC / HHHunt to conditionally rezone**
10 **multiple properties located on Kannapolis Parkway and 6600 Fingerlake Drive from Rural Estate**
11 **(RE) to Residential Compact–Conditional Zoning (RC-CZ) Zoning Designation.**

12 Mr. Ensley asked to be recused from case No. CZ-2021-23. Chair Puckett asked for a motion to approve
13 Mr. Ensley’s request which was made by Mr. Trott, second by Dr. Litaker and the motion was unanimously
14 approved.

15
16 Mr. Stanley gave a PowerPoint presentation regarding case CZ-2021-23, attached to and made part of
17 these minutes as Exhibit 2. He provided the application details noting that the request includes multiple
18 properties to be conditionally rezoned from RE to RC-CZ.

19
20 Mr. Stanley directed the Commission’s attention to the Vicinity, Zoning and Future Land Use maps,
21 further detailing the location, zoning and future land use per the 2030 Plan. He directed the Commission’s
22 attention to street views and to the preliminary site plan, stating that the applicant is proposing a 396- unit
23 multi-family development. Mr. Stanley utilized the site plan to further detail the number of proposed
24 buildings, possible amenities and egress/ingress off Kannapolis Parkway.

25
26 Mr. Stanley stated that a Traffic Impact Analysis (TIA) has been completed and that NCDOT responded
27 with recommendations but is deferring to the applicant for details of that analysis. He directed the
28 Commission’s attention to renderings of other properties that have been developed by the applicant.

29
30 Mr. Stanley reviewed consistency with the 2030 Plan, Policy Issues and staff findings, stating that staff
31 is recommending approval of the rezoning request with conditions (Exhibit 2) and read condition No. 13
32 into the record:

33
34 *All proposed buildings shall require architectural review and strict adherence to the*
35 *renderings, community examples, color palettes, architectural materials and overall*
36 *design elements provided by the applicant and required by Article 11.2 Multi-Family*
37 *Design Standards of the UDO.*

38
39 He added that after expressed concerns regarding quality products, staff has begun including a condition
40 regarding aesthetics and building materials in an effort to address those concerns. He concluded his
41 presentation and made himself available for questions.

42
43 Chair Puckett asked about the TIA recommended improvements to Kannapolis Parkway. Mr. Stanley
44 deferred to the applicant. Chair Puckett indicated that he is hesitant to move forward with decisioning the
45 rezoning request without knowing building materials that will be used and asked the Planning Director,
46 Richard Smith, for direction. Mr. Smith responded that staff has included condition No. 13 in an effort
47 to make the Commission feel comfortable in providing staff discretion regarding the interpretation of
48 building materials. He added that City Council has challenged staff to ensure that future development
49 projects be quality projects with quality materials which is the reason for including as a condition of
50 approval.

1 Vice-Chair Parker asked about location of a stormwater pond. Mr. Stanley utilized the submitted site
2 plan, noting that it is a preliminary site plan which could change as it progresses through the review
3 process, but does believe that a stormwater pond is illustrated and is required.
4

5 The applicant, Philip Martin, 1401 Sunday Drive, Raleigh, provided a brief background on HHHunt and
6 confirmed that they are proposing a 396-unit apartment development. Mr. Martin added that the proposed
7 development will include a mix four (4) story and three (3) story buildings with the 4-story manor style
8 buildings located to the north while the 3-story garden style buildings will be located further to better blend
9 with the abutting residential neighborhood. He added that the pond shown on the site plan will remain
10 untouched since it is shared with the existing neighborhood to the south and that additional buffers will be
11 added to the existing vegetation. Mr. Martin stated that access to the proposed project will not be available
12 via Fingerlake Drive and that Tulake Drive will be closed. He added that according to a market study, multi-
13 family housing is needed in the Kannapolis area and per the *2030 Plan*, is permitted as a secondary use on
14 the subject properties. He addressed Vice-Chair Parker’s question regarding stormwater ponds stating that
15 a stormwater pond is shown on site plan and that they attempted to design the development utilizing the
16 existing green space. Mr. Martin introduced Ethan Mindrebo, Engineer with Pennoni as well as Joe Wilson,
17 Engineer with Kimley-Horn who can respond to questions regarding traffic impacts.
18

19 Professional Engineer, Joe Wilson, 1117 Center Lane, Concord, responded to Chair Puckett’s concern
20 regarding traffic impacts to Kannapolis Parkway. Mr. Wilson stated that the northern entrance to the
21 proposed project will be full-movement access while the southern entrance will be right-in, right-out and
22 controlled by installation of an island on Kannapolis Parkway. He added that while the traffic impact study
23 is not yet complete, the analysis, which considers both traffic counts at intersections as well as current
24 infrastructure, shows the southside of the Interstate 85 interchange [Concord] as having more traffic. Mr.
25 Wilson stated that the area of influence for the analysis included NC Highway 73 and I-85. He noted that
26 the proposed project will have to adhere to recommendations resulting from the traffic study with approval
27 from both NCDOT and the City. Mr. Wilson added that the study will have to show that the proposed
28 development mitigates traffic impacts, and he provided an example to illustrate.
29

30 Chair Puckett asked for confirmation that full movement indicates that egress/ingress from the development
31 will be able to move in any direction. Mr. Wilson confirmed stating that there is an existing center left-turn
32 lane on Kannapolis Parkway. He added that both Kannapolis Parkway and Interstate 85 were constructed
33 based upon projected land uses and the assumption that land development would occur. Mr. Wilson stated
34 that TIA’s are important because even though infrastructure has been developed to allow for projected
35 growth, additional measures may be necessary based on each proposed development. Chair Puckett asked
36 if it is possible to add a light signal at the northern entrance. Mr. Wilson responded that trip generation of
37 the proposed project does not warrant a traffic signal and that there has to be a minimum of 15,000 feet
38 between traffic lights. Chair Puckett expressed concern for traffic safety as a result of the full movement
39 access.
40

41 Mr. Gingras asked why Fingerlake Drive is not being utilized as an access via Tulake Drive and suggested
42 a signal be added at Fingerlake Drive. Mr. Martin responded that they eliminated access to Fingerlake Drive
43 due to concerns raised at the neighborhood meeting. Mr. Gingras asked if Fingerlake Drive was ever
44 considered as an access to the proposed project. Mr. Martin replied that it was not because they assumed
45 that the existing neighborhood would object.
46

47 Vice Chair Parker asked whether upgrades to Highway 3 had been considered in the traffic impact analysis
48 inferring that Kannapolis Parkway will experience an influx of traffic once the project is completed. Mr.
49 Wilson reiterated that the study is not yet complete, but while they considered Highway 3, it is not included
50 in the “sphere” of influences and explained that the “sphere” includes a 1-mile radius as well as existing
51 signalized intersections. He added that Highway 3 fell outside the 1-mile radius but that both Highway 73

1 and I-85 are included. Chair Puckett asked if the study includes current development projects or a standard
2 growth rate. Mr. Wilson referenced his previous example of obtaining information for the traffic study
3 stating that both existing and projected counts are utilized in the study to simulate traffic impacts. He stated
4 that the standard growth rate utilizes a 1-1/2 to 2 percent average over twenty years which is a high growth
5 rate and is not representative of the current growth trends.

6
7 Mr. Trott asked if elevators will be available and the number of units per building. Mr. Wilson responded
8 that elevators will be available and does not yet know the number of units per building. Mr. Trott asked if
9 all buildings will be equipped with a sprinkler system. Mr. Wilson responded that they will.

10
11 Vice-Chair Parker asked about amenities. Mr. Wilson responded that a clubhouse with a gym, a dog park
12 with a pet spa and open space with a possible walking trail are being considered.

13
14 There being no additional questions or comments for staff or the applicant, Chair Puckett opened the Public
15 Hearing.

16
17 CR Miller, Fingerlake Drive, opposes the inclusion of Mr. Ensley's property [6600 Fingerlake Drive]
18 stating that neighborhood covenants prevent further development. Mr. Miller stated that Mr. Ensley
19 previously attempted to change the covenants but was unsuccessful. He stated that he had a copy of the
20 covenants since they were not included in the staff report.

21
22 Chair Puckett asked that the Commission receive a copy of the covenants (attached to and made part of
23 these Minutes as Appendix B).

24
25 Larry Ensley, 6600 Fingerlake Drive, stated that the referenced covenants were created in 1982 and are
26 forty years old. Mr. Ensley inferred that the covenants have never been enforced and that both current and
27 former residents have violated them. He suggested that the inclusion of his property would not impact the
28 existing neighborhood because Tulake Drive will be closed as indicated by the applicant. Mr. Ensley stated
29 that both Fingerlake Drive and the existing ponds will serve as a buffer between the proposed project and
30 the existing neighborhood.

31
32 Vanessa Miles, 2202 S. Ridge Avenue, stated that she is a local realtor working with Allen Tate Realtors
33 and recalled when Kannapolis Parkway was formerly part of Cisco Road surrounded by farmland. Ms.
34 Miles stated that she is excited about the revitalization occurring in Kannapolis but that there is a shortage
35 of housing and finds that multi-family residential uses are a good option for affordable housing. She added
36 that the proposed location provides a great location for shopping, restaurants, airport and access to the
37 interstate as well as attracting young professionals to the area. Ms. Miles stated that in January 2018, the
38 Charlotte are Multiple Listing Service (MLS) had an inventory of 245 homes whereas there is a current
39 inventory of 37 homes which include condos, townhomes, and single-family homes.

40
41 Michael Moss, 6475 Fingerlake Drive, stated that Ms. Miles makes a good point but he does not care about
42 other home buyers. Mr. Moss stated that he is "not opposed to selling but wants it to be fair".

43
44 There being no additional questions or comments, Chair Puckett closed the Public Hearing.

45
46 Chair Puckett suggested continuing the case and asked for direction from staff. Planning Director Richard
47 Smith stated that with the information obtained through the Public Hearing, staff would amend their
48 recommendation to make a decision tonight and advised that the Commission continue the case pending
49 additional information to be provided by the applicant.

1 Chair Puckett asked for a motion to continue the case to the January 18, 2022 Commission meeting, which
2 was made by Vice-Chair Parker, second by Mr. Trott and the motion was unanimously approved.

3 Chair Puckett asked for a show by hands to allow Mr. Ensley to resume his role on the Commission which
4 was approved by unanimous vote.

5
6 **CZ-2021-16 – CZ-2021-16 – Request by Mark Henninger with Lennar Carolinas, LLC to conditional**
7 **rezone multiple properties located on Cannon Farm & Enochville Roads from Residential Medium**
8 **Density (RM-1) to Planned Unit Development–Conditional Zoning (PUD–CZ) Zoning Designation.**

9 Mr. Stanley reminded the Commission that case No. CZ-2021-16, attached to and made part of these
10 minutes as Exhibit 3, was continued from the September 21, 2021 meeting due to concerns voiced by
11 both the Commission and during the Public Hearing. He noted that the applicant requested to defer the
12 rezoning request at both the October and November meetings to allow additional time to prepare a
13 response to those concerns.

14
15 Chair Puckett noted that Mr. Severt owns property that abuts the proposed project for CZ-2021-16 and
16 asked if Commission members are opposed to Mr. Severt maintaining his role for this case. Mr. Smith
17 added that he and Mr. Severt spoke regarding the same issue and found that there is no conflict of interest
18 for Mr. Severt since he will not directly financially benefit from the requested rezoning. The Commission
19 concurred that there was no conflict and Mr. Severt remained seated for the case.

20
21 Mr. Stanley directed the Commission’s attention to the Vicinity, Zoning and Future Land Use maps,
22 further detailing the location, zoning and future land use per the *Move Kannapolis Forward 2030*
23 *Comprehensive Plan*. He directed the Commission’s attention to street views and the preliminary site
24 plan noting that one of the issues the Commission cited with the site plan, was the uncertainty of the
25 connection from Cannon Farm Road to Enochville Road and that the applicant has committed to making
26 that connection. Mr. Stanley added that the Commission tasked staff to provide additional information on
27 the below issues:

- 28
29 1. Legislative Annexation Agreement with the Town of Landis. Mr. Stanley stated that the City of
30 Kannapolis is working with Landis on this agreement which should be finalized in January.
- 31
32 2. Traffic Impact Analysis. Mr. Stanley directed the Commission’s attention to the staff report
33 packet which includes a letter from NCDOT stating their approval of the recommended
34 improvements with conditions.
- 35
36 3. Fire protection coverage and response times. Mr. Stanley directed the Commission’s attention
37 to the staff report which includes a letter from the City of Kannapolis Fire Chief where the Chief
38 explains fire response times within a 5-mile radius and the importance of connectivity through
39 the site.
- 40
41 4. Rowan County public school capacity. Mr. Stanley stated that while not included in the staff
42 report, staff had received, via email, confirmation that there will not be school impacts for the
43 Rowan County school system.

44
45 Mr. Stanley reminded the Commission that staff is recommending approval with conditions, concluded
46 his presentation and made himself available for questions.

47
48 Mr. Smith recommended that even though the Commission continued the hearing and closed the Public
49 Hearing at the September meeting, that the applicant be permitted to make presentation addressing the
50 indicated concerns. He added that Fire Chief Tracy Winecoff was also present and available to respond
51 to additional questions.

1 Chair Puckett opened the floor to the applicant.
2

3 The applicant, David Nelson, 423 Watson Street, Davidson provided a PowerPoint presentation (attached
4 to and made part of these Minutes as Appendix C) and gave a brief background on Lennar and identified
5 the subject properties located in the Town of Landis and those located in the Extra Territorial Jurisdiction
6 (ETJ) of the City of Kannapolis. Mr. Nelson introduced Matt Pannell, Joel Causay, Shaun Tooley and
7 Andrew Eagle. He directed the Commission's attention to the revised site plan, stating that in response
8 to neighbor concerns, eighteen lots located along Cannon Farm Road have been removed from the
9 original plan. Mr. Nelson added that the concern regarding connectivity between Cannon Farm Road and
10 Enochville Road has been mitigated due to a study showing that the connection was necessary in order
11 to provide adequate fire response. He stated that the connection will be completed during the first phase
12 of the development. Mr. Nelson talked about the age targeted housing and that while there will be
13 renovations to the existing golf course clubhouse, the golf course will remain. He stated that the TIA has
14 been approved and requires significant road improvements which include six (6) signalized intersections
15 as well as turn lane improvements at various locations into the development. Mr. Nelson added that a
16 Homeowner's Association (HOA) will be established in order to maintain all amenity facilities. He
17 concluded his presentation and made himself available for questions.
18

19 Mr. Severt noted that the Commission previously voiced concern regarding a creek crossing near Johnson
20 Road. Mr. Nelson responded that the site plan has not been addressed regarding that concern but is
21 willing to review. Mr. Severt suggested a connection from Johnson Road to Fry Road. Mr. Nelson
22 indicated that he understood Mr. Severt's concern and is agreeable to consider that connection but could
23 not commit to that connection at this time.
24

25 Mr. Trott asked the location of the amenities off Cannon Farm Road. Mr. Nelson directed the
26 Commission's attention to approximately eight (8) acres committed to amenities. Mr. Trott asked if the
27 golf course will be part of the development. Mr. Nelson responded that the development would integrate
28 the golf course but will most likely transfer ownership at some point.
29

30 Vice-Chair Parker asked if there is a power line right-of-way through the development. Mr. Nelson
31 confirmed.
32

33 Mr. Ensley commended Lennar for removing the eighteen (18) lots from the plan and asked if roundabouts
34 were considered versus traffic signals. Mr. Nelson appreciated Mr. Ensley's comments and responded that
35 a roundabout was proposed at the intersection of Cannon Farm Road and Enochville Road but was denied
36 by NCDOT. Mr. Ensley asked the distance that sewer lines will need to be extended. Mr. Nelson responded
37 that a lift station will need to be constructed and that it will connect to Fairway Drive. Mr. Ensley asked if
38 the City is able to provide the required sewer capacity. Mr. Nelson responded that if approved, the first
39 phase of the development will take a year to complete with the entire development projected for completion
40 in seven (7) or eight (8) years.
41

42 Mr. Trott asked who is responsible for the required traffic improvements. Mr. Nelson responded that Lennar
43 is responsible.
44

45 Vice-Chair Parker asked Mr. Nelson to identify the properties included in Phase 1. Mr. Nelson utilized the
46 site plan to illustrate the area that will encompass Phase 1.
47

48 Mr. Severt asked if there will be any traffic improvements on the other end of Cannon Farm Road. Mr.
49 Nelson responded that NCDOT has identified a Traffic Improvement Project (TIP) at the intersection of
50 Cannon Farm Road and Rice Road.
51

1 Mr. Ensley noted that the Enochville Fire Chief expressed concerns at the September meeting and asked if
2 those concerns have been mitigated. Fire Chief Tracy Winecoff responded that he met with Chief Barnes
3 of the Enochville Fire Department shortly after the September meeting to address Chief Barnes' concerns
4 and explained that the road connection between Cannon Farm Road and Enochville Road will allow the
5 City of Kannapolis to respond to emergencies at the proposed development. Chief Winecoff talked about
6 the long-term plan to add a fire station on Pump Station Road prior to the submitted rezoning request, and
7 that as progress demands, will review the need to add a permanent fire station in the future. He added that
8 while the Enochville department is geographically located closer to the proposed development, it is a
9 volunteer department and explained response times for volunteer departments versus full-time departments.
10 Chief Winecoff stated that the City's average response time is three (3) minutes from the time of call to
11 arrival whereas response times for volunteer departments average eight (8) to twelve (12) minutes.
12

13 Mr. Gingras noted the density of the northern part of the project and cited the Unified Development
14 Ordinance (UDO) requirement regarding the number of units and access points. He asked if the applicant
15 is willing to commit to adding a secondary access. Mr. Nelson responded that they committed to adding a
16 stub for future connection but cannot commit to adding a connection since there is nothing there to connect
17 to at this time. Mr. Gingras expressed concern regarding the number of proposed units versus requirements
18 to have a secondary access for emergency access. Mr. Nelson offered one of two options:
19

- 20 1. Stub the connection and if future connectivity allows, make the connection; or
 - 21 2. Provide a pedestrian path that will support a truck in the event of emergencies
- 22

23 Mr. Gingras asked for confirmation that the applicant can commit to providing a pedestrian path. Mr.
24 Nelson confirmed stating that they will work with staff to ensure installation of that path.
25

26 Mr. Trott asked if there will be more than one (1) HOA given the size of the development. Mr. Nelson
27 responded that at this time, they are planning for one (1) HOA.
28

29 There being no additional questions or comments for staff or the applicant, Chair Puckett closed the floor
30 and asked if Mr. Gingras wanted to add a condition of approval requiring construction of the pedestrian
31 path. Mr. Gingras responded that he did and asked for guidance from staff. Mr. Nelson clarified that he is
32 willing to accept the condition to add the pedestrian path or future connection to a road but not both.
33

34 Mr. Trott asked if there are any thread trail requirements. Mr. Smith responded that there is not a
35 requirement for trail connectivity in the project area.
36

37 Chair Puckett asked if the added condition of approval is needed for the Statement of Consistency. Mr.
38 Smith responded that if the Commission wanted to add a condition, that it should be added to the Statement
39 as well. Mr. Smith stated that if the Commission approves the rezoning request, there will be a development
40 agreement between the City and the applicant further solidifying the addressed. Mr. Gingras made the
41 motion to approve the Statement of Consistency with the condition that the applicant provide a secondary
42 access point in the form of a pedestrian crossing capable of handling an emergency response vehicle and/or
43 a secondary access point, second by Mr. Ensley and the motion was unanimously approved.
44

45 Chair Puckett asked for a motion regarding the Resolution to Zone for case CZ-2021-16. Dr. Litaker made
46 the motion to approve with the added condition, second by Ms. Stein and the motion was unanimously
47 approved.
48

49 **PLANNING DIRECTOR UPDATE**

50 Mr. Smith provided an update on the Kannapolis Development Ordinance (KDO) stating that the
51 amendments have been received back from Clarion and that staff is now reviewing those amendments. He

1 added that as part of those amendments, staff will be adding a list of acceptable native plant species to the
2 KDO. He introduced Dr. Carrie Dejacco, Professor of Biology and Environmental Science at Phifer
3 University who has been instrumental in identifying those plant species. Dr. Dejacco gave a PowerPoint
4 presentation regarding invasive species of plants and the importance of keeping invasive plants out of our
5 area. She explained that it is very expensive to prevent invasive species from spreading and that they cause
6 habitat destruction. Dr. Litaker asked if the City has authority to prevent the sale of invasive species. Mr.
7 Smith responded that the City cannot prevent the sale of invasive species but can require developers to only
8 use native plants in their landscaping design. Mr. Ensley asked if Dr. Dejacco made a presentation to the
9 City of Concord. Dr. Dejacco indicated that she had not but would be glad to.

10
11 Mr. Smith stated that City Council approved a matrix and point system for sewer allocation and provided
12 an explanation regarding the point system. He added that he will provide a more detailed explanation at the
13 January meeting. Chair Puckett asked how this system will affect infill development. Mr. Smith responded
14 that unless a development exceeds the threshold that requires review, they will not be impacted. Mr. Gingras
15 asked if the City's point system is different than the City of Concord. Mr. Smith responded that it is different
16 because Concord received 60% allocation and Kannapolis received 30% allocation. He reiterated that this
17 issue has impacted all of Cabarrus County and that while there is not a moratorium on sewer capacity, these
18 limitations will most likely create a slowdown in development.

19
20 **OTHER BUSINESS**

21 Chair Puckett noted that the November minutes were included in the packet and asked for a motion to
22 approve the November 16, 2021 Minutes which was made by Mr. Gingras, second by Mr. Trott and the
23 motion was unanimously approved

24
25 Chair Puckett asked for a motion to approve the 2022 meeting schedule. Mr. Ensley made the motion to
26 approve, second by Ms. Stein and the motion was unanimously approved.

27
28 Mr. Smith stated that there was a groundbreaking ceremony for Block 4 (located near the main entrance to
29 the baseball stadium) for an apartment building and baseball team store. He added that a hotel was originally
30 planned for the adjacent location, but that the hotel will now be located near Watson Crick where the current
31 temporary parking is located. Chair Puckett asked if additional parking will be created. Mr. Smith
32 responded that City Council is currently reviewing the need for additional parking. Mr. Gingras noted that
33 a parking deck was supposed to be constructed. Mr. Smith responded that the parking deck is planned for
34 Block 6 and suggested that if an additional parking deck is needed, it would most likely be located near the
35 train station.

36
37 **ADJOURN**

38 There being no further business, questions or comments, Mr. Ensley made the motion to adjourn, second
39 by Chair Puckett and the meeting unanimously adjourned at 7:41 PM on Tuesday December 14, 2021.

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Ryan Lipp, Recording Secretary



Chris Puckett, Chair
Planning and Zoning Commission

EXHIBIT 1

Planning & Zoning Commission Meeting December 14, 2021



Planning and Zoning Commission December 14, 2021 Meeting

Staff Report

TO: Planning and Zoning Commission
FROM: Boyd Stanley, Assistant Planning Director
SUBJECT: Case #CZ-2021-22
Condition of Approval Amendment 267 N. Cannon Blvd
Applicant: Wisdom Realty, LLC

Request to amend conditions of approval for property located at 267 North Cannon Boulevard, further identified as Cabarrus County PINs # 56230967940000. The project was previously approved under Case No.: CZ-2018-01 (259-267 N Cannon).

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 3.3.4.2 of the UDO allows the Planning and Zoning Commission to render a final decision on an amendment request to the previously approved conditions of Case No. CZ-2018-01; 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. 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, Brian Freeman, Wisdom Realty, LLC, is requesting to amend condition of approval number 4 (attached) from CZ-2018-01 as follows:

Current Condition

#4: The business hours of operation shall not open before 8am Monday through Saturday and 2pm Sundays, and shall not extend beyond 11pm on any day of the week

Proposed Condition

The business hours of operation shall not open before 6am Sunday through Saturday and shall not extend beyond 11pm on any day of the week

D. Fiscal Considerations

None

E. Policy Issues

Section 3.3.5 of the UDO states that the Planning and Zoning Commission may consider the following questions, at a minimum, in reviewing an application for rezoning:

- 1. The size of the tract in question.**
The size of the subject tract is approximately 2 +/- acres.
- 2. Does the proposal conform with and further the goals and policies of the Land Use Plan, other adopted plans, and the goals, objectives, and policies of this Ordinance?**
This property is located in an “Urban Residential” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*.
- 3. Is the proposed rezoning compatible with the surrounding area?**
The subject property is currently zoned General Commercial-Conditional Zoning (C-2-CZ) and this amendment does not propose to change the zoning or density of the property.
- 4. Will there be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning?**
This amendment will not increase the unit count or density of the project. Therefore, it is not intended to have an adverse impact on the road network.
- 5. Will there be parking problems?**
N/A
- 6. Will there be environmental impacts that the new use will generate, such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances?**
N/A
- 7. Has there been any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development?**
The character of the area has remained stable.
- 8. Is there compliance with the adequate public facilities criteria?**
There are adequate public facilities available to the property including water, sewer and access to Cannon Boulevard and Willow Drive.
- 9. What are the zoning districts and existing land uses of the surrounding properties?**
The subject property is currently zoned General Commercial-Conditional Zoning (C-2-CZ) and this amendment does not propose to change the zoning or density of the property.
- 10. Is the subject property suitable for the uses to which it has been restricted under the existing zoning classification?**
Yes, the zoning of the property is not changing with this amendment.

11. Is the zoning compatible with the adjacent neighborhood, especially residential neighborhood stability and character?

The commercial use is less intense than others allowed in the C-2 zone and is therefore compatible with adjacent neighborhood.

12. What length of time has the subject property remained vacant as zoned?

The subject property is not vacant.

13. Is there an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs?

Cannon Boulevard is predominately a commercial corridor. There are vacant parcels as well as underused parcels along Cannon Boulevard.

14. Was the existing zoning in error at the time of adoption?

No

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which designates this property as being located in an “Urban Residential” Character Area, which may include a mixture of residential, small format retail and office uses. Furthermore, staff finds the request for amending the conditional rezoning reasonable and in the public interest because as it does not propose to substantially change the currently approved project under Case No.: CZ-2018-01. The proposed use and these amendments are compatible with the surrounding zoning, yet 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. Finally, there is adequate access or ability to extend to public facilities.

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 Zoning Map Amendment Case #CZ-2021-22:

1. Unless otherwise stated here, all Conditions of Approval under CZ-2018-01 remain effective.
2. Previous Condition of Approval No. 4 shall now state: *The business hours of operation shall not open before 6am Sunday through Saturday and shall not extend beyond 11pm on any day of the week*

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-2021-22, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this amendment 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 an “Urban Residential” Character Area, which may include a mixture of residential, small format retail and office uses. Furthermore, staff finds the request for amending the conditional rezoning reasonable and in the public interest because as it does not propose to substantially change the currently approved project under Case No.: CZ-2018-01. The proposed use and these amendments are compatible with the surrounding zoning, yet 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. Finally, there is adequate access or ability to extend to public facilities.*

Should the Commission choose to approve Case #CZ-2021-22, 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-2021-22, 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-2021-22 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-2021-22, a motion should be made to deny the Resolution to Zone.**

I. Attachments

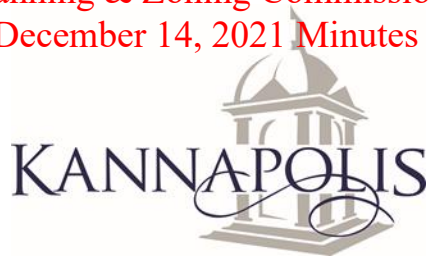
1. Rezoning Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use and Character Map
5. Previous Conditions of Approval for CZ-2018-01
6. Notice of Public Hearing
7. List of Notified Properties
8. Notice to Adjacent Property Owners
9. Posted Public Notice
10. Resolution to Adopt a Statement of Consistency
11. Resolution to Zone

J. Issue Reviewed By:

- Planning Director
- Assistant City Manager

EXHIBIT 2

Planning & Zoning Commission December 14, 2021 Minutes



Planning and Zoning Commission December 14, 2021 Meeting

Staff Report

TO: Planning and Zoning Commission

FROM: Boyd Stanley, Assistant Planning Director

SUBJECT: Case #CZ-2021-23
Applicant: Phillip Martin, HHH Land, LLC / HHHunt

Request to conditionally rezone 6600 Fingerlake Drive as well as multiple parcels located on Kannapolis Parkway from Rural Estate (RE) zoning district to Residential Compact-Conditional Zoning (RC-CZ) zoning district to allow for a 396-unit multi-family apartment development. Cabarrus County PIN Numbers 46918491960000, 46919463850000, 46918402550000, 46918463560000, 46919414050000, 46919455550000, 46919406110000, 46918465840000, 4691946861000, 46919426490000, and 46919427710000.

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 3.3.4.2 of the UDO allows the Planning and Zoning Commission to render a final decision on a rezoning request 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. 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, Phillip Martin, HHH Land, LLC / HHHunt, is proposing to rezone properties located at 6600 Fingerlake Drive as well as 843, 873, 877, 881, 885, 911, 915, 923, 927 and 935 Kannapolis Parkway from Rural Estate (RE) zoning district to Residential Compact-Conditional Zoning (RC-CZ) zoning district to allow for a 396-unit multi-family apartment development as shown on the attached site plan.

As shown on the preliminary site plan, a total of 9, 3 and 4-story multi-family buildings along with an amenity building and pool are being proposed. In addition, there are total of 5 detached garage

buildings along with shared common open space and gathering areas throughout the site. As shown in the applicant's preliminary site plan, residential buildings are centered around centralized green space. Two points of access are also being proposed onto Kannapolis Parkway.

D. Fiscal Considerations

None

E. Policy Issues

Section 3.3.5 of the UDO states that the Planning and Zoning Commission may consider the following questions, at a minimum, in reviewing an application for rezoning:

1. The size of the tract in question.

The size of the subject tracts are approximately 26.52 +/- acres.

2. Does the proposal conform with and further the goals and policies of the Land Use Plan, other adopted plans, and the goals, objectives, and policies of this Ordinance?

These properties are located within the "Suburban Activity Center", "Neighborhood Transition 2 Area" and "Employment Center" Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The majority of the properties fall outside of the "Employment Center" designation to the North, which encompasses a larger, previously approved mixed-use project. Therefore, the use of these properties for multi-family residential is consistent with the City's vision for this area as generally depicted on the preliminary site plan.

3. Is the proposed rezoning compatible with the surrounding area?

The subject properties are located in an area surrounded by a mix of vacant properties, residential and nearby commercial uses. The proposed use multi-family residential is consistent with the surrounding area uses.

4. Will there be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning?

A Traffic Impact Analysis is currently underway and the Traffic Engineers have received comments from NCDOT and City Staff on the initial submittal.

5. Will there be parking problems?

The site plan submitted with this request for rezoning includes adequate parking for the proposed uses.

6. Will there be environmental impacts that the new use will generate, such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances?

There are no anticipated environmental impacts such as water, air, or noise pollution, or excessive lighting issues associated with the rezoning request. The development will be required to conform to all applicable local, state, and federal environmental regulations.

7. Has there been any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development?

The character of the area continues to develop with commercial, residential and an industrial mix of land uses.

8. Is there compliance with the adequate public facilities criteria?

There are public facilities available to the property or within close proximity, which will be extended to serve the development. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.

9. What are the zoning districts and existing land uses of the surrounding properties?

All surrounding properties are zoned RE (Rural Estate) and PUD (Planned Unit Development). The surrounding land uses are a mix of vacant, residential and non-residential uses.

10. Is the subject property suitable for the uses to which it has been restricted under the existing zoning classification?

A conditional rezoning is required to accommodate the desired site plan and uses.

11. Is the zoning compatible with the adjacent neighborhood, especially residential neighborhood stability and character?

The proposed use is compatible with the existing and proposed land uses in the area.

12. What length of time has the subject property remained vacant as zoned?

N/A

13. Is there an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs?

There are parcels in the surrounding area that would be sufficient to accommodate future zoning and community needs.

14. Was the existing zoning in error at the time of adoption?

No

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 these properties as located within the “Suburban Activity Center”, “Neighborhood Transition 2 Area” and “Employment Center” Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The majority of the properties fall outside of the “Employment Center” designation to the North, which encompasses a larger, previously approved mixed-use project. Therefore, the use of these properties for multi-family residential is consistent with the City’s vision for this area as generally depicted on the preliminary site 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. 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 Zoning Map Amendment Case #CZ-2021-18:

1. The permitted uses allowed by this rezoning shall only include 396 multi-family units as generally depicted on the site plan submitted with this rezoning.
2. A Final Site Plan, in compliance with all applicable City UDO standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Compliance with the current Land Development Standards Manual (LDSM).
4. Final design of all road intersections which development has access to and/or street frontage on shall be approved by NCDOT and the City.
5. The lane widths, sidewalks, pavement structure, road alignment, and grades of all interior roads shall be constructed in compliance with current City standards.
6. Roads and parking lots shall comply with all Fire Codes and Autoturn shall be run for an SU-30 and Bus-45 (mimics ladder truck).
7. A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and SCM's. Stormwater SCM's cannot be constructed in the undisturbed buffer. Additional requirements are necessary to verify design of SCM within AE Zone see attached comments on sketch plan.
8. Water and sewer main extensions will be required for this project. The developer shall be responsible for designing, permitting and constructing water and sewer mains in accordance with City and WSACC standards.
9. All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement. The water and sewer mains shall be located in the roadway under the pavement per the City's Typical Section Utility Layout, LDSM Detail 301.
10. Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-feet wide. Additional width may be required depending on the depth of the line. Sanitary sewer lines and storm sewer lines shall be located within Common Open Space (easements centered on property lines shall not be permitted). Viable access shall be provided along all easements with a grade no greater than 15% for maintenance vehicles and cross slopes shall not exceed 5%.
11. The Fire Department shall approve locations of all hydrants.
12. Fire apparatus access roads shall remain open at all times.
13. All proposed buildings shall require architectural review and strict adherence to the renderings, community examples, color pallets, architectural materials and overall design elements provided by the applicant and required by Article 11.2 Multi-Family Design Standards of the UDO.

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-2021-23, 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 these properties as located within the “Suburban Activity Center”, “Neighborhood Transition 2 Area” and “Employment Center” Character Areas as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. The majority of the properties fall outside of the “Employment Center” designation to the North, which encompasses a larger, previously approved mixed-use project. Therefore, the use of these properties for multi-family residential is consistent with the City’s vision for this area as generally depicted on the preliminary site 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. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.*

2. **Should the Commission choose to approve Case #CZ-2021-23, 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-2021-23, 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-2021-23 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-2021-23, a motion should be made to deny the Resolution to Zone.**

I. Attachments

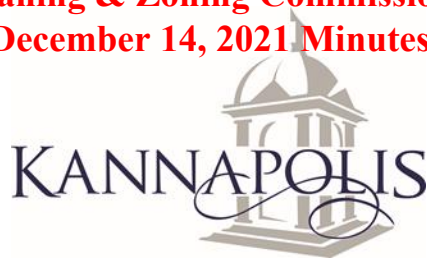
1. Rezoning Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use and Character Map
5. Site Plan
6. Elevation Rendering
7. Neighborhood Meeting Information
8. Notice of Public Hearing
9. List of Notified Properties
10. Letter to Adjacent Property Owners
11. Posted Public Notice Sign
12. Resolution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

J. Issue Reviewed By:

- Planning Director
- Assistant City Manager
- City Attorney

EXHIBIT 3

Planing & Zoning Commission December 14, 2021 Minutes



Planning and Zoning Commission December 14, 2021 Meeting

Staff Report

TO: Planning and Zoning Commission

FROM: Boyd Stanley, Assistant Planning Director

SUBJECT: Case #CZ-2021-16
Applicant: Lennar Carolinas, LLC.

Continued request to conditionally rezone multiple unaddressed properties located on Enochville and Cannon Farm Roads from Residential Medium Density (RM-1) to Planned Unit Development-Conditional Zoning (PUD-Conditional Zoning), further identified as Rowan County PINs #244 011, 245 163, 249C094000001, 132 0130000001, 141 0100000001, 142 049000001, 132 108, 244 158, 244 169, 131 202, 131 145, 131 173, 131 07202, 131 144, 131 07201, 131 142 and 131 143, to allow for a single-family residential development.

A. Actions Requested by Planning & Zoning Commission

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

B. Decision and Required Votes to Pass Requested Actions

Section 3.3.4.2 of the UDO allows the Planning and Zoning Commission to render a final decision on a rezoning request; 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. If there is a denial, an approval by a vote of less than three-fourths, or an appeal of the decision, then only the City Council shall have final decision-making authority. Any final decision rendered by the Commission may be appealed within fifteen (15) days to the City Council.

C. Background & Project Overview

At their September 21, 2021 meeting, the Planning and Zoning Commission heard the applicant, Lennar Carolinas, LLC's request to rezone the subject properties from Residential Medium Density (RM-1) to Planned Unit Development-Conditional Zoning (PUD-CZ) to allow for a single-family residential development. The Commission voted to table their decision and requested more information regarding the proposed development's Traffic Impact Analysis (TIA), the Legislative Annexation Agreement with the Town of Landis, Rowan County Public School capacity and City of Kannapolis fire protection coverage and response times. The applicant requested to defer the hearings at both the October and

November meetings for additional time to prepare exhibits and respond to the Commission’s requests. These items are addressed below following the project overview.

The proposed Master Plan incorporates a variety of differing size single-family residential lots within both Kannapolis and Landis. The majority of the development is proposed to be in the City of Kannapolis with over half being allocated as age targeted. There are multiple points of access proposed on both the North and South sides of Cannon Farm Road. Additional points of access are proposed at Enochville Road to the Southwest along with Johnson Street to the Northwest.

The Planned Unit Development (PUD) District option allows a mix of land uses and intensity. PUD zoning is intended to permit flexibility in the design and construction that cannot be achieved under conventional zoning standards. In this case, the required land use compositions in the PUD are being achieved per the UDO with both moderate and high density “clustered” pods of residential development along with vast amounts of open space. In addition to land use composition and percentages, the PUD District recommends certain architectural and recreational elements as outlined in the UDO. Specifically, the PUD District was selected in this case since it an extension of the existing Golf Club at Irish Creek and incorporates Kannapolis Lake while preserving environmentally sensitive areas with low-impact recreational uses. It is important to note there are significant architectural design elements that must be incorporated into this development.

In response to citizen concerns regarding fire and life safety, staff met with the Kannapolis Fire Department (KFD) and received a letter from Chief Winecoff explaining the importance of site connectivity to both Cannon Farm and Enochville Roads. Based on the current site plan, KFD can maintain their Class 1 ISO rating by providing a response area of less than 5 miles.

The legislative annexation agreement with the Town of Landis is on schedule to be finalized in January 2022. Also, staff received correspondence from Rowan County Schools stating there is adequate school capacity at all grade levels to accommodate the increase in households.

The applicant is preparing to discuss the improvements recommended and required by the Traffic Impact Analysis (TIA) and will provide exhibits at the meeting. Traffic counts have been conducted, which will necessitate both onsite and offsite improvements.

D. Fiscal Considerations

None

E. Policy Issues

Section 3.3.5 of the UDO states that the Planning and Zoning Commission may consider the following questions, at a minimum, in reviewing an application for rezoning:

- 1. The size of the tract in question.**
The size of the subject tracts is approximately 550.74 +/- acres.

- 2. Does the proposal conform with and further the goals and policies of the Land Use Plan, other adopted plans, and the goals, objectives, and policies of this Ordinance?**
This property is located in the “Future Planning Area” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Future Planning Area Character

Area includes single-family residential as a primary use; therefore, the proposed use is in conformance with the goals and policies of the 2030 Plan.

3. Is the proposed rezoning compatible with the surrounding area?

The subject properties are located along Cannon Farm Road, Kannapolis Lake and the Golf Club at Irish Creek. The mix of traditional and age targeted housing along with the preservation of open-space and connectivity are compatible with existing development in the surrounding area.

4. Will there be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning?

A Traffic Impact Analysis was conducted in June of 2021 and the applicant is currently working with NCDOT and the City on suggested and required transportation improvements.

5. Will there be parking problems?

The site plan submitted with this request for rezoning includes adequate parking for the proposed uses.

6. Will there be environmental impacts that the new use will generate, such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances?

There are no anticipated environmental impacts such as water, air, or noise pollution, or excessive lighting issues associated with the rezoning request. The development will be required to conform to all applicable local, state, and federal environmental regulations.

7. Has there been any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development?

The character of the area has changed the past several years with the continued need and growth of a single-family-residential development.

8. Is there compliance with the adequate public facilities criteria?

There are public facilities available to the property or within close proximity, which will be extended to serve the development. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.

9. What are the zoning districts and existing land uses of the surrounding properties?

Surrounding properties are zoned RM-1, Medium-Density Residential and consist of single-family residential, open space and the existing Golf Club at Irish Creek.

10. Is the subject property suitable for the uses to which it has been restricted under the existing zoning classification?

The property is currently zoned RM-1. A rezoning is required to develop a Planned Unit Development, which incorporates a variety of lot sizes and housing types.

11. Is the zoning compatible with the adjacent neighborhood, especially residential neighborhood stability and character?

The proposed single-family residential use is compatible with the existing and proposed land uses in the area.

12. What length of time has the subject property remained vacant as zoned?

N/A

13. Is there an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs?

There are parcels in the surrounding area that would be sufficient to accommodate future zoning and community needs.

14. Was the existing zoning in error at the time of adoption?

No.

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

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

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

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

Based on the request being consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, staff recommends approval with the following conditions for Zoning Map Amendment Case #CZ-2021-16:

1. The permitted uses allowed by this rezoning shall include the uses, densities and intensities as shown on the master plan approved with this rezone.
2. A Final Site Plan, in compliance with all applicable City UDO standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Comply with current Land Development Standards Manual.
4. All road intersections on where development has access and/or street frontage shall be approved by the City.
5. The Developer shall construct traffic improvements as required by the Traffic Impact Analysis approved with this rezoning.
6. The lane widths, sidewalks, pavement structure, road alignment, and road grades shall be constructed to current City standards.
7. Roads and parking lots shall comply with all Fire Codes and Autoturn templates for SU-30 and Bus-45 (mimics ladder truck) shall be used.
8. Streams and wetlands shall be identified by a qualified person and all buffers shown in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with AE Zone & RSOD Buffer requirements or be relocated.

9. A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and SCM's. Stormwater SCM's cannot be constructed in the undisturbed buffer.
10. All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement. The water and sewer mains shall be located in the roadway under the pavement per the City's Typical Section Utility Layout, LDSM Detail 301.
11. Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-feet wide. Additional width may be required depending on the depth of the line. Sanitary sewer lines and storm sewer lines shall be located within Common Open Space (easements centered on property lines shall not be permitted). Viable access shall be provided along all easements with a grade no greater than 15% for maintenance vehicles and cross slopes shall not exceed 5%.
12. The Fire Department shall approve locations of all hydrants
13. Additional Engineering and Fire comments are anticipated based on the latest version of the Master Plan.

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-2021-16, a motion should be made to adopt the following Statement of Consistency:**

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

2. **Should the Commission choose to approve Case #CZ-2021-16, 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-2021-16, 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-2021-16 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-2021-16, 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 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:

- Planning Director
- Assistant City Manager
- City Attorney



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000756393

APPENDIX A

Planning & Zoning Commission Meeting
December 14, 2021

Client: KANNAPOLIS,CITY OF
Phone: 7049204300

Payor : KANNAPOLIS,CITY OF
Phone: 7049204300

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

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

Sales Rep **Accnt Rep** **Ordered By**
aboan aboan Pam

Fax: 7049337463
EMail: bbell@kannapolisnc.gov

Total Amount \$841.32
Payment Amount \$841.32

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**
0000756393-01 CLS Liner 2 X 68 li \$0.00

Production Method **Production Notes**
AdBooker (liner)

<u>Product and Zone</u>	<u>Placement</u>	<u>Position</u>	<u>#</u>
CON Independent Trib	C-Announcements	General-Spec Notice	
Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING Planning and Zoning			
Run Dates 12/ 3/2021, 12/10/2021			
TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETING4 LISNCTUESDAYDECEMBER142021AT600PMCONDITIONALZONINGMA			



NOTICE OF PUBLIC HEARING
Planning and Zoning Commission Meeting
401 Laureate Way, Kannapolis, NC

Tuesday December 14, 2021 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2021-22 - Public Hearing to consider an amendment to the previously approved rezoning conditions for property located at 267 North Cannon Boulevard, zoned General Commercial-Conditional Zoning (C-2-CZ) and further identified as Cabarrus County Parcel Identification Number(s) 56230967940000. The requested changes include increasing the operating hours to Sunday through Saturday, 6:00 AM to 11:00 PM.

Conditional Zoning Map Amendment - CZ-2021-18 - Public Hearing to consider a request to rezone properties located at 2802 Lane Street and an unaddressed parcel on Lane Street from Cabarrus County Limited Commercial (LC) to City of Kannapolis Residential Compact-Conditional Zoning (RC-CZ) to allow for a 266-unit multi-family apartment development. The subject properties are approximately 35.59 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 56334815830000 and 56335809780000.

Conditional Zoning Map Amendment - CZ-2021-23 - Public Hearing to consider a request to rezone eleven (11) properties located at 6600 Fingerlake Drive, as well as 843, 873, 877, 881, 885, 911, 915, 923, 927 and 935 Kannapolis Parkway from Rural Estate (RE) zoning district to Residential Compact-Conditional Zoning (RC-CZ) zoning district to allow for a 396-unit multi-family apartment development. The subject properties are approximately 26.52 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 46918491960000, 46919463850000, 46918402550000, 46918463560000, 46919414050000, 46919455550000, 46919406110000, 46918465840000, 4691946861000, 46919426490000, and 46919427710000.

Conditional Zoning Map Amendment - CZ-2021-16 - Continued from November 16, 2021: Public Hearing to consider a request to rezone multiple unaddressed properties located on Enochville Rd. and Cannon Farm Rd. from Residential Medium Density (RM-1) to Planned Unit Development - Conditional Zoning (PUD - Conditional Zoning) to allow for a single-family residential development. The subject properties are approximately 550.74 +/- acres and further identified as Rowan County Parcel Identification 244 011, 245 163, 249C094000001, 132 0130000001, 141 0100000001, 142 049000001, 132 108, 244 158, 244 169, 131 202, 131 145, 131 173, 131 07202, 131 144, 131 07201, 131 142 and 131 143.

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

Publish: December 3, December 10, 2021.

APPENDIX B

Planning & Zoning Minutes

December 14, 2021

3649

BOOK 545 PAGE 683

PROTECTIVE COVENANTS AND RESTRICTION FINGERLAKE SUBDIVISION

NORTH CAROLINA
CABARRUS COUNTY

KNOW ALL MEN BY THESE PRESENTS, that LINDA OLNOWICH HOLDEN and husband WALTER G. HOLDEN, owners of the property hereinafter described do hereby agree and consent with all other persons, firms, and corporations hereafter acquiring any property in the Subdivision of FINGERLAKE, as surveyed and platted, a copy of which plat is filed in the Office of the Register of Deeds for Cabarrus County in Map Book 19 , Page 23 ; that said property by whomsoever owned is SUBJECT TO Protective Covenants and Restrictions as to the use thereof as hereinafter set forth;

These covenants are to run with the land and shall be binding on all parties and all persons under them until January 1, 2002, at which time said covenants shall be automatically extended for successive periods of ten (10) years unless by vote of the then owners of two thirds (2/3) of said lots, it is agreed to change said covenants in whole or in part;

If the parties hereto, or any of them or their assigns shall violate or attempt to violate any of the covenants herein, it shall be lawful for any person or persons, firms or corporation owning real property consisting of on of or part of one of the said lots to prosecute any proceedings at law or in equity against the person or persons, firms or corporation violating or attempting to violate any such restriction or covenants and either to prevent him, them or it from so doing or recover damages or other dues for such violation;

Invalidation of any one of these restrictions or covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect;

1. No lot shall be used other than for residential purposes. No building shall be erected, placed or permitted to remain on any lot other than one single family dwelling and not to exceed two and one-half (2½) stories in height (exclusive of basement) and a private garage for not more than three (3) cars. This provision shall not be construed so as to prevent a portion of a single family dwelling from being designated or used to provide separate living facilities for members of the same family.

2. The main structure, exclusive of one story open porches and garages, shall not be less than twelve hundred (1200) square feet of heated area.

3. No building shall be located on any lot nearer to the front lot line than is shown on the recorded plat, and not nearer than is shown in the recorded plat to any side street line. No building shall be located nearer than ten (10) feet to an interior property line (interior property line meaning the property owner's interior boundary line and not necessarily the interior lot lines shown on the recorded plat), except that no side yard shall be required for a garage or other permitted accessory building located 100 feet or more from the minimum set-back line. For the purpose of this covenant, eaves, steps, and open porches shall not be construed to permit any portion of a building on a lot to encroach upon another lot. No dwelling shall be erected or placed on a lot having a width of less than 75 feet at the minimum building set-back lines.

4. The undersigned hereby reserve the absolute right in their discretion to waive any of the building restrictions contained herein (which relate to set-back lines, and to the minimum square footage required) as to individual lots when in their opinion said waiver will not affect and diminish the overall development of the Subdivision;

5. No lot shall be used or maintained as a dumping ground for rubbish. Trash garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.

prepared by: *Jil.*
IRVIN, IRVIN & PICKETT, P.A.
Attorneys at Law
Concord, North Carolina

Appendix C
Planning & Zoning Commission Meeting
December 14, 2021



IRISH CREEK REZONING

• DECEMBER 13, 2021 •

MEETING OUTLINE

- DEVELOPMENT TEAM
- PROPERTY LOCATION
- ZONING - CURRENT VS. PROPOSED
- MASTER PLANNING - CONCEPT
- Q & A

DEVELOPMENT TEAM

DEVELOPER / BUILDER:

LENNAR[®]

LAND PLANNING / CIVIL ENGINEERING:

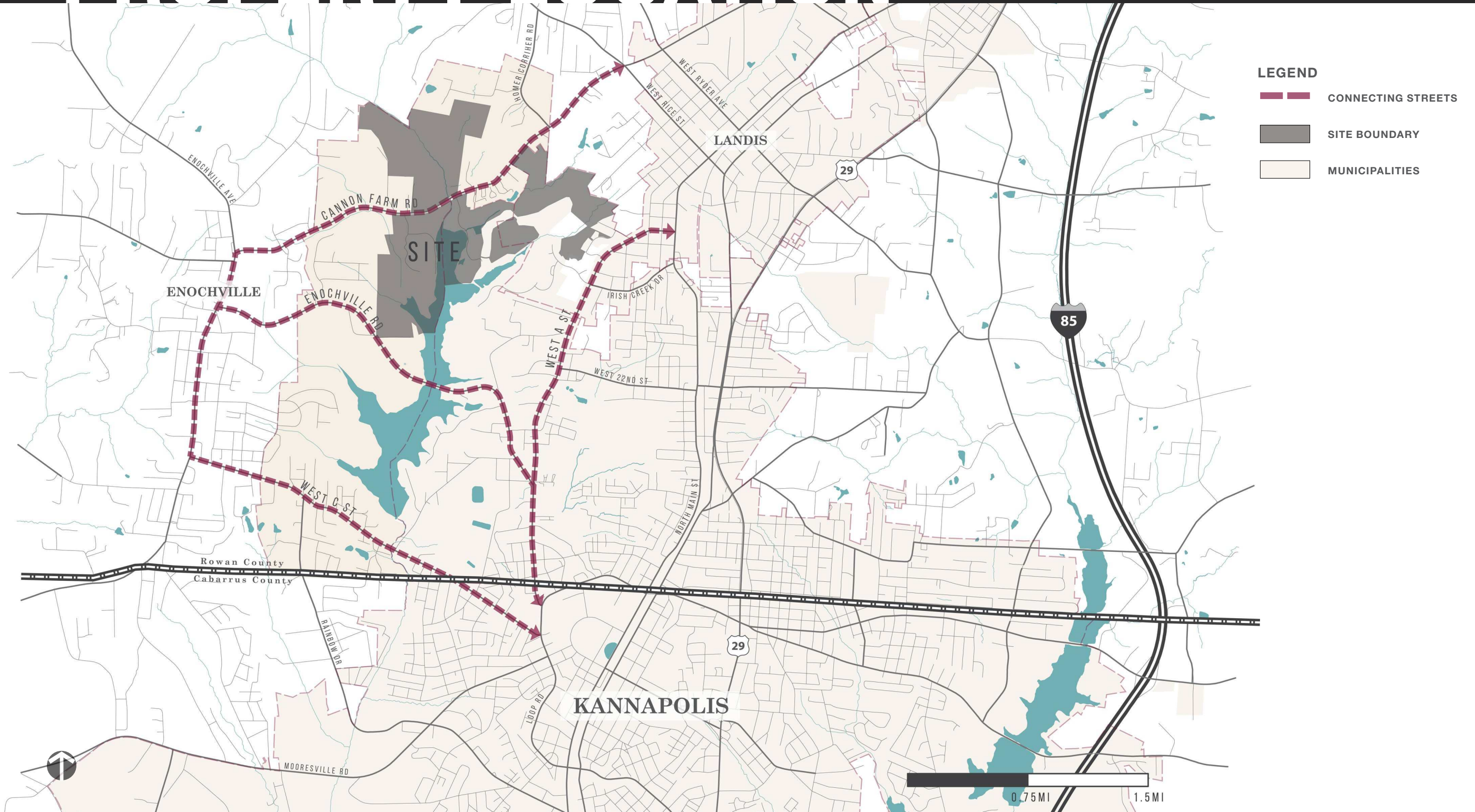


TRAFFIC ENGINEERING:

Moving forward.



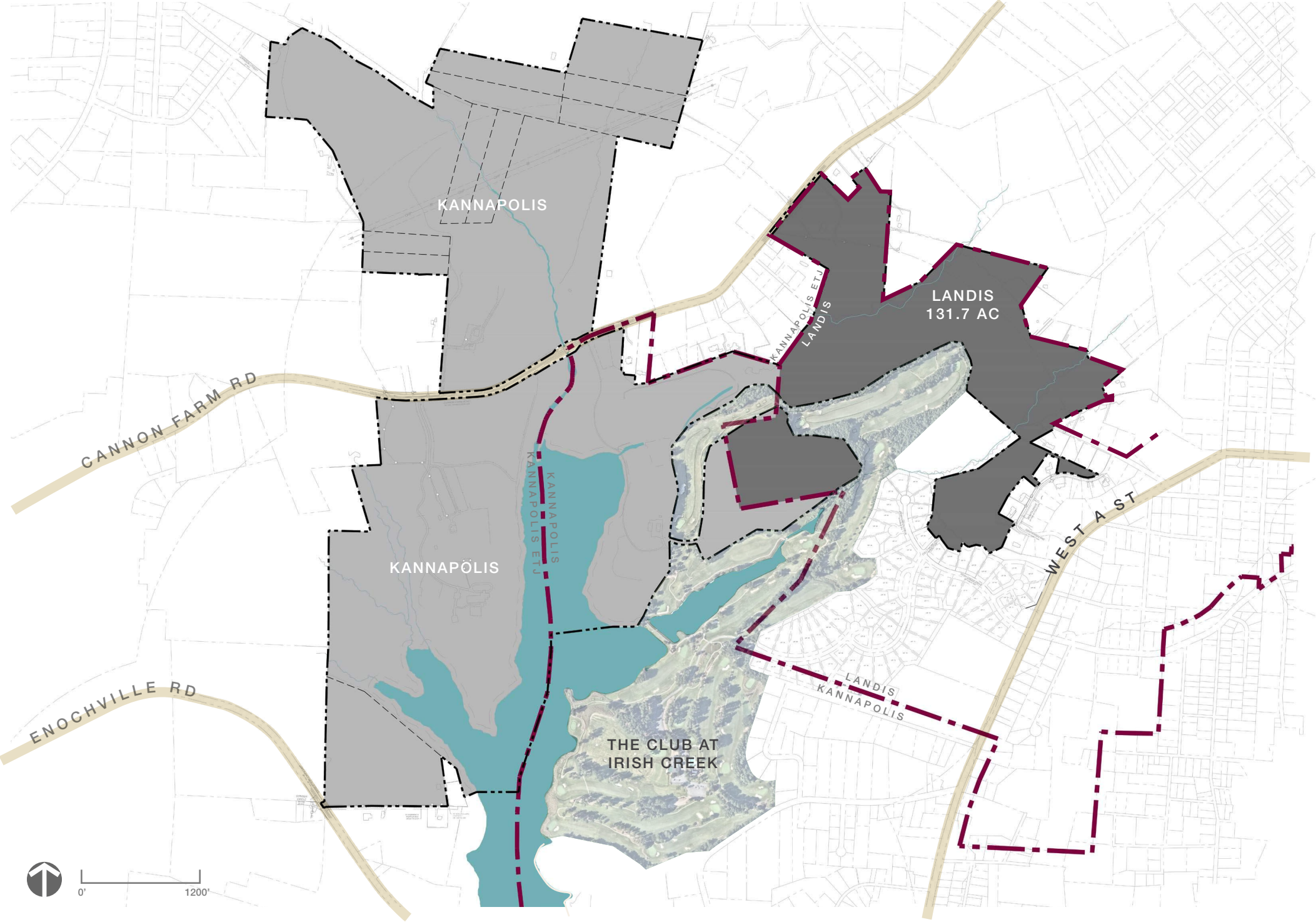
PROPERTY LOCATION



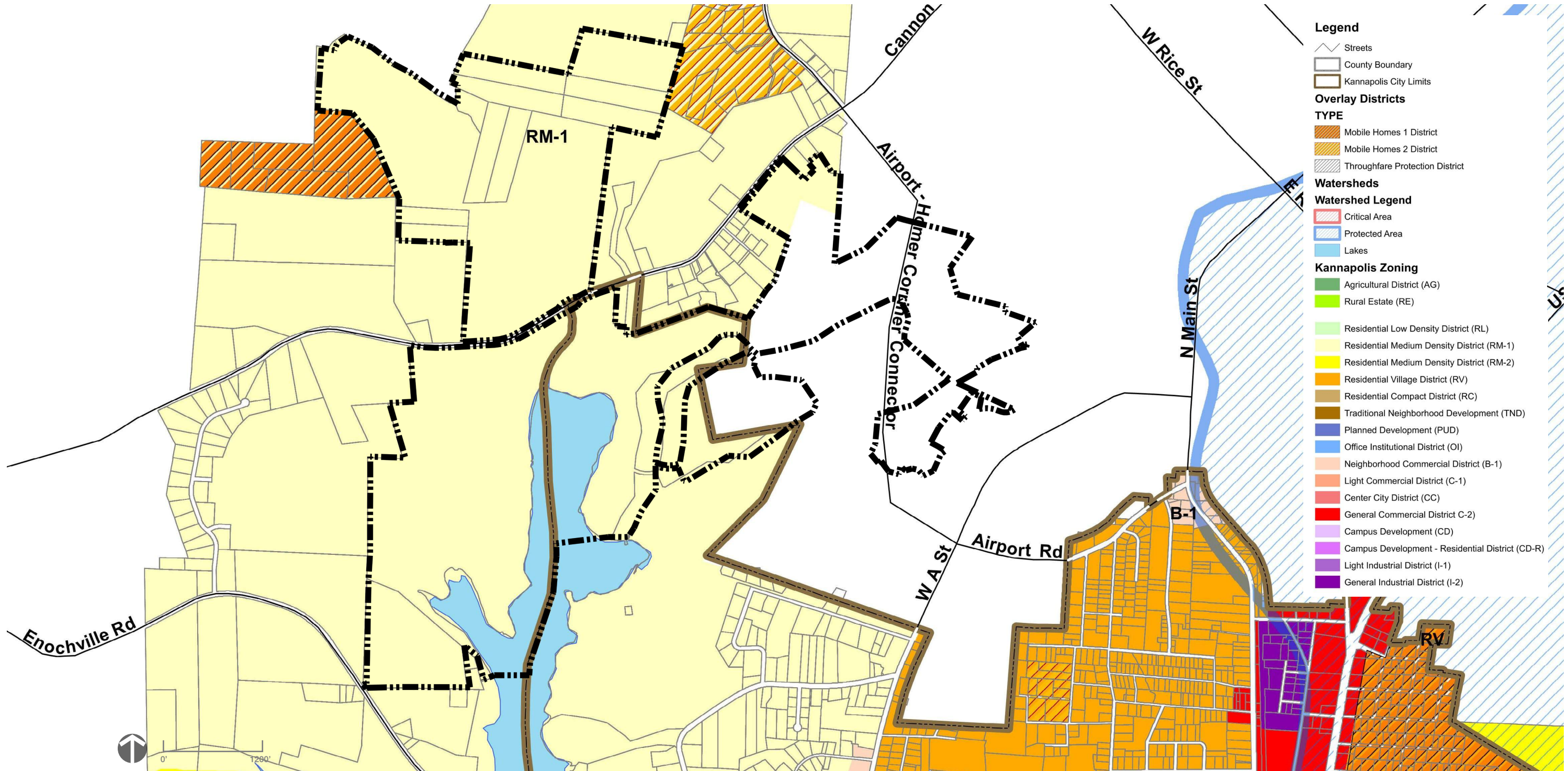
PROPERTY LOCATION

RESIDENTIAL ACREAGE: ±612.53 AC
GOLF COURSE ACREAGE: ±183.14 AC

LANDIS ACREAGE: ±131.7 AC
KANNAPOLIS ACREAGE: ±480.83 AC



CURRENT ZONING | KANNAPOLIS



CURRENT VS. PROPOSED ZONING

CURRENT ZONING:

RM-1: Residential Medium Density District

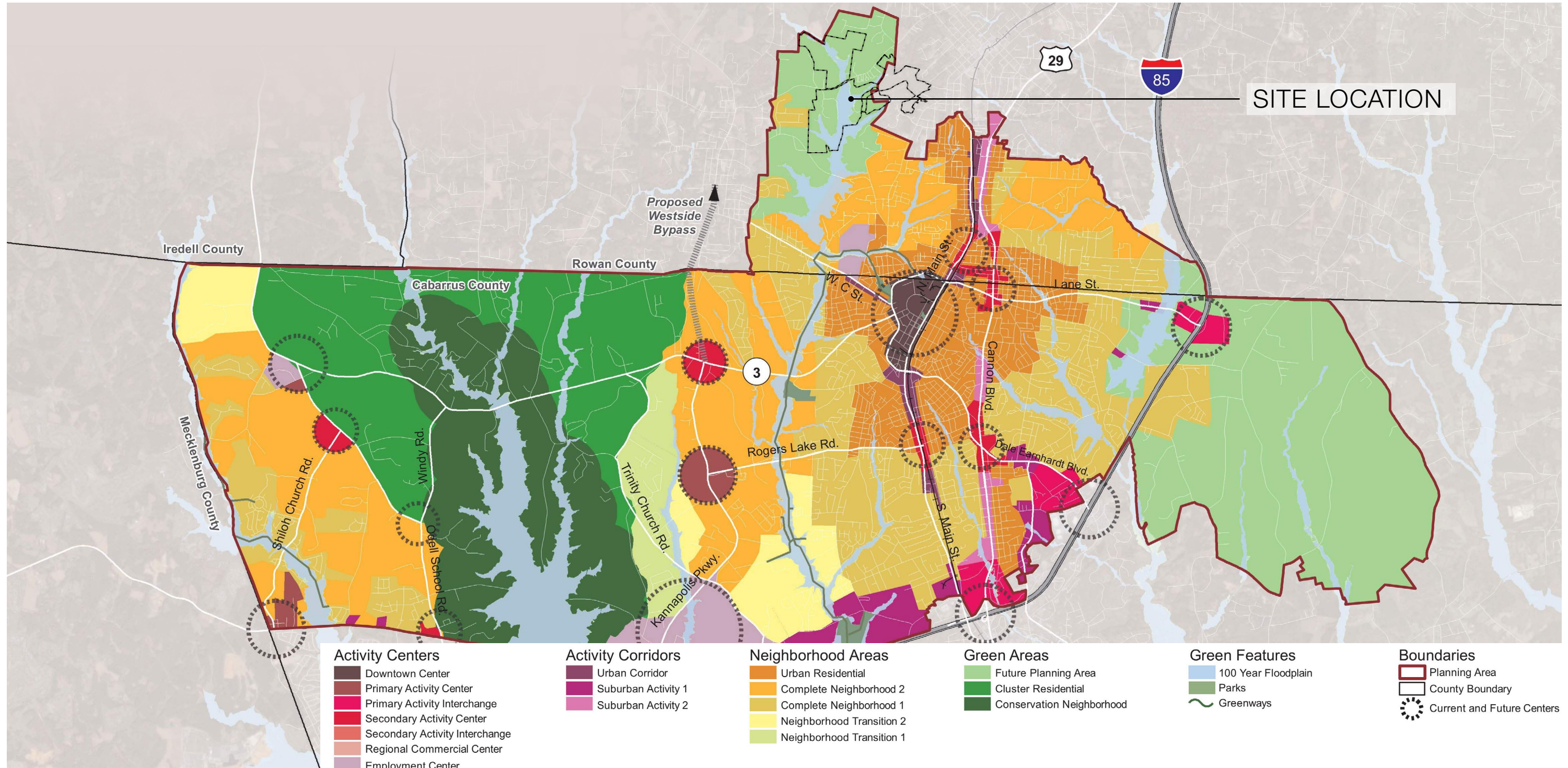
15,000 sf min lot size, 3.0 max dwelling units per acre (DUA), 75' min lot width

PROPOSED ZONING:

PUD-CZ: Planned Development District

to provide for the orderly development of land with a mix of land uses and intensity. PUD zoning is intended to permit flexibility in the design, construction and processing of residential and non-residential developments of a quality that could not be achieved under conventional zoning approaches.

FUTURE LAND USE MAP

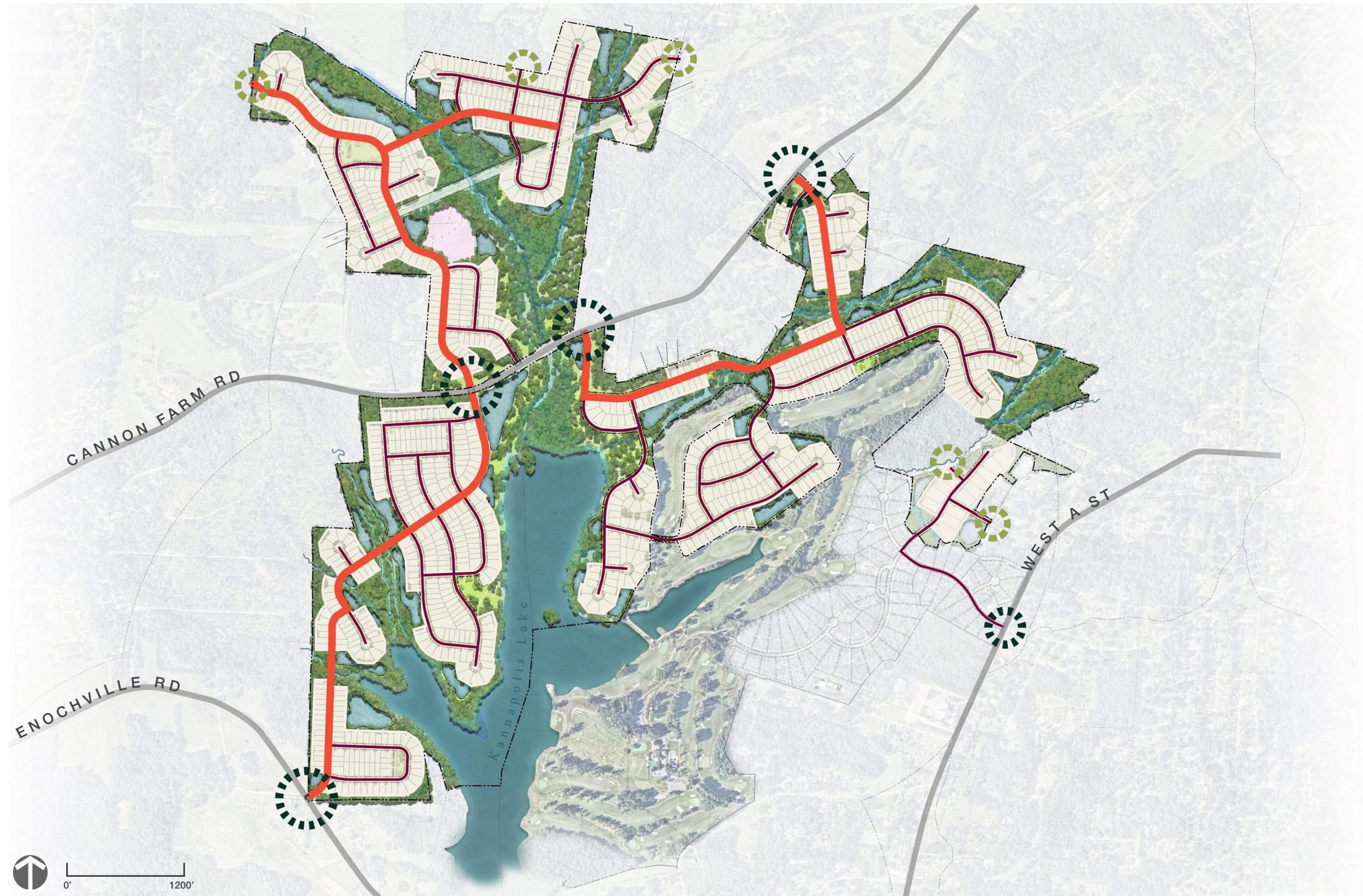


CONCEPT MASTER PLAN



DEVELOPMENT SUMMARY	
TRADITIONAL LOTS	
52' LOTS (WALK SERIES)	225 LOTS
62' LOTS (ENCLAVE SERIES)	229 LOTS
100' TRADITIONAL LOTS	13 LOTS
TOTAL LOTS	467 LOTS
AGE TARGETED LOTS	
52' LOTS (FORD SERIES)	197 LOTS
62' LOTS (MEADOW SERIES)	254 LOTS
72' LOTS (PINNACLE SERIES)	107 LOTS
TOTAL LOTS	558 LOTS

SITE PLAN DIAGRAM



LEGEND

-  PRIMARY STREETS
-  SECONDARY STREETS
-  COMMUNITY ACCESS
-  STUB TO ADJOINING PROPERTY

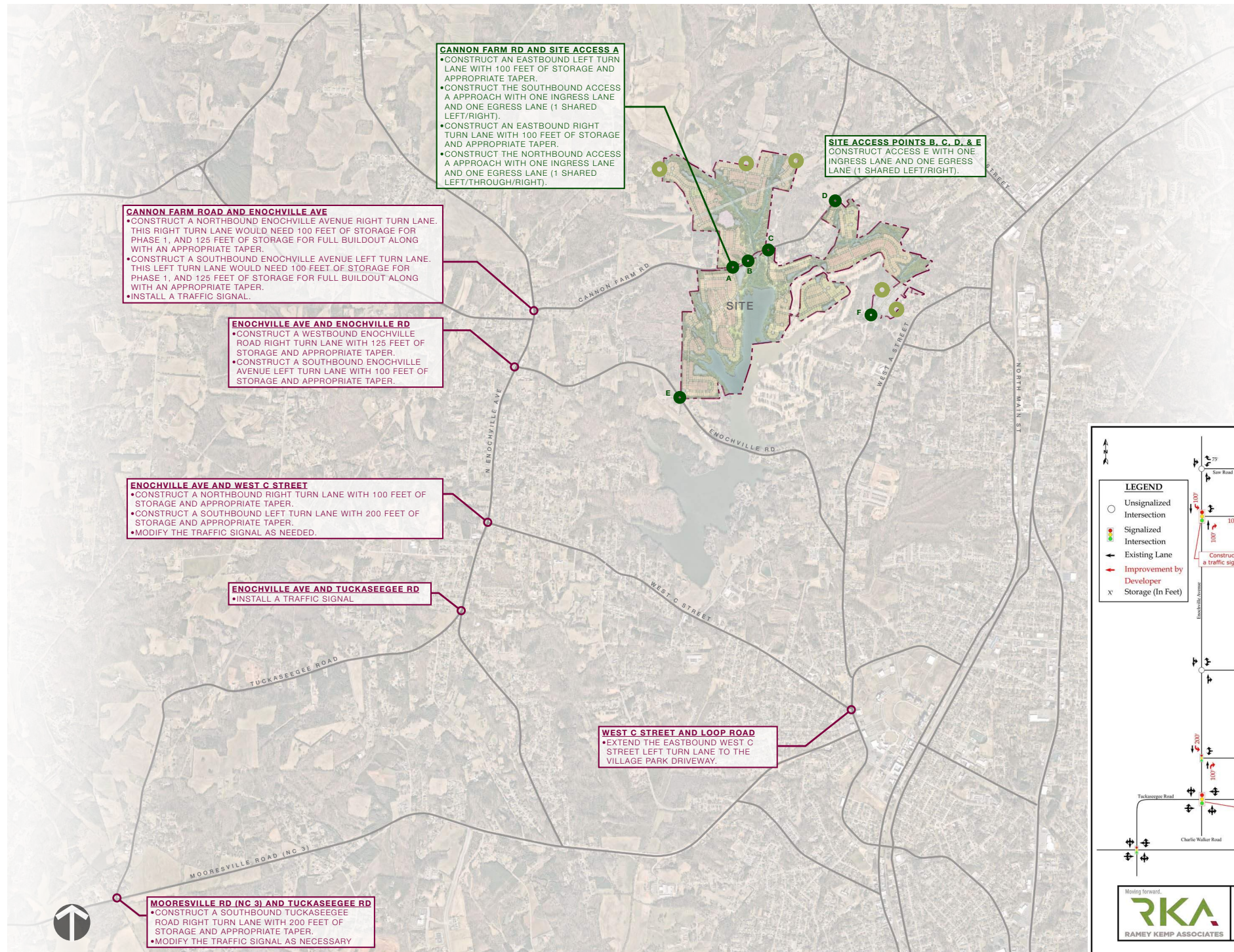
PHASING PLAN



EXISTING GOLF CLUB



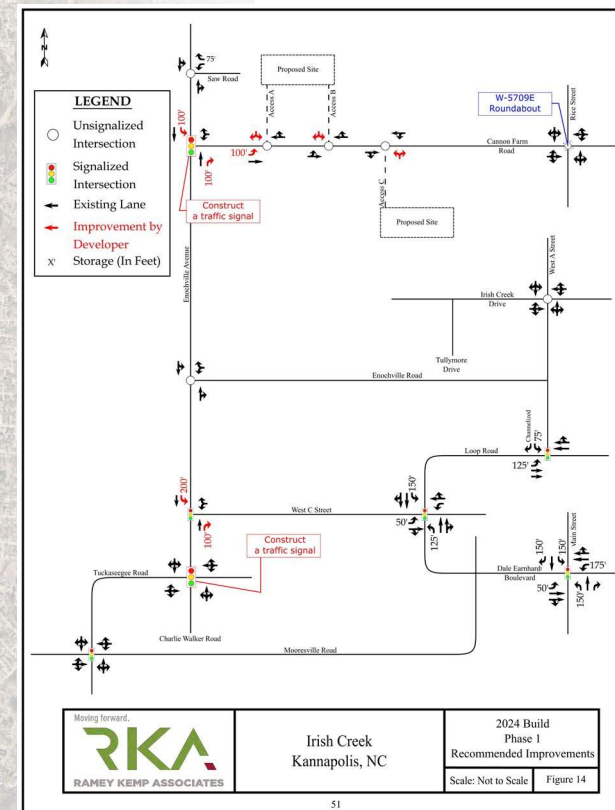
TRAFFIC IMPROVEMENTS



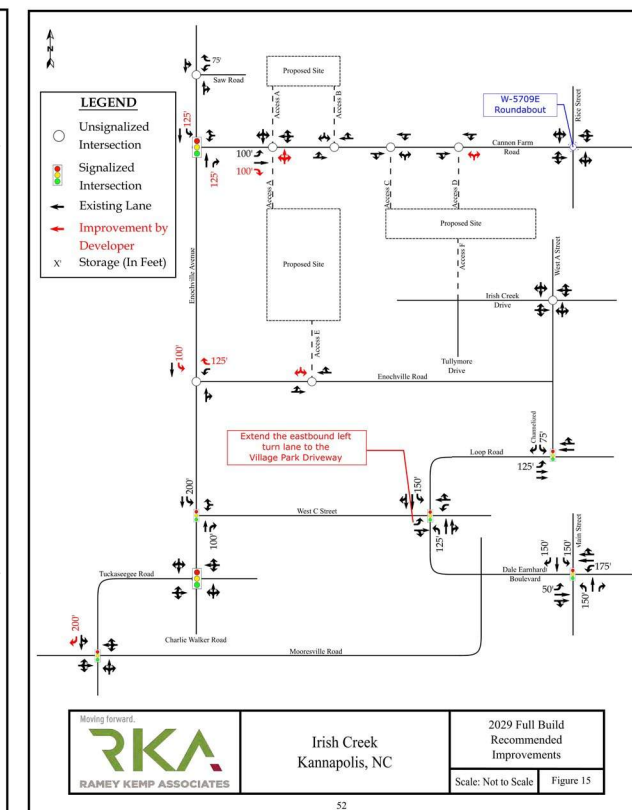
LEGEND

- COMMUNITY ACCESS INTERSECTIONS
- STUB TO ADJOINING PROPERTY

2024 BUILD
PHASE 1 RECOMMENDATIONS



2029 FULL BUILD
RECOMMENDATIONS



CONCEPT MASTER PLAN



THANK YOU

• DECEMBER 13, 2021 •