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

**Minutes of Meeting  
January 17, 2023**

10 The Kannapolis Planning and Zoning Commission met on Tuesday January 17, 2023, at 6:00 PM. This  
11 meeting was held in accordance with notice published on the City's website.  
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**Commission Members Present:** Chris Puckett, Chair  
Jeff Parker, Vice-Chair  
Daniel O'Kelly  
James Litaker  
Larry Ensley  
Scott Trott  
Shelly Stein  
Travis Gingras  
Robert Severt, ETJ Representative

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**Commission Members Absent:** None

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**Visitors:** Joe Hatley

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**Staff Present:** Richard Smith, Planning Director  
Boyd Stanley, Assistant Planning Director  
Ben Barcroft, Senior Planner  
Kathryn Stapleton, Planning Technician  
Pam Scaggs, Recording Secretary

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**CALL TO ORDER**

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

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**ROLL CALL AND RECOGNITION OF QUORUM**

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

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**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

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Chair Puckett asked for a motion regarding the December 13, 2022 minutes. Mr. Ensley made the motion  
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to approve, second by Dr. Litaker and the motion was unanimously approved.

**RECOMMENDATION TO CITY COUNCIL**

**TA-2023-01 – Text Amendment for Table 3.6.G(3)a: Coddle Creek Subdistrict Segments**

Senior Planner, Ben Barcroft, gave a PowerPoint presentation regarding case TA-2023-01, attached to and  
made part of these minutes as Exhibit 1. Mr. Barcroft stated that the proposed text amendment will reduce  
the width of the Coddle Creek corridor preservation area along Davidson Highway (NC73) from 55 feet to  
35 feet. He clarified that reducing the preservation area will not impact the Coddle Creek Protection Overlay  
and that staff is proposing this amendment due to information provided by the North Carolina Department of

1 Transportation (NCDOT) and the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO), which  
 2 shows that the largest proposed cross section/right-of-way (ROW) width for future widening of Davidson  
 3 Highway (NC73) is one-hundred twenty (120) feet and that the narrowest portion of the existing ROW is  
 4 sixty (60) feet. He further detailed that the future cross section can be developed with the reduced corridor  
 5 preservation area for the entirety of the portion of highway located within the City.  
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7 Mr. Barcroft directed the Commission’s attention to the proposed text changes (shown below) as well as  
 8 several maps to illustrate the proposed changes along Davidson Highway (NC73). He concluded his  
 9 presentation and made himself available for questions.  
 10

**Table 3.6.G(3)a: Coddle Creek Subdistrict Segments**

ROAD OR HIGHWAY SEGMENT AND SIDE OF SEGMENT	CORRIDOR PRESERVATION AREA WIDTH
North side of Davidson Highway (NC 73) from Coddle Creek to the Mecklenburg County line (within Kannapolis city limits)	55 35 feet
Both sides of Trinity Church Road from Orphanage Road to Barr Road and the east side of Trinity Church Road from Barr Road to Stirewalt Road	55 feet from Orphanage Road to the Westside Bypass (existing Boy Scout Camp Road); 40 feet from Westside Bypass to Stirewalt Road
Both sides of the Kannapolis Parkway (Westside Bypass, including the existing Crisco Road and the existing Boy Scout Camp Road) from Interstate 85 to Mooresville Road (NC 3)	0 feet (No Corridor Preservation Area)
Both sides of Davidson Highway (NC 73) from Interstate 85 to the westernmost boundary of the City’s limits	55 35 feet
Both sides of Mooresville Road (NC 3) from ___ to the westernmost boundary of the City’s limits	40 feet

11 Chair Puckett asked the purpose of the preservation area. Mr. Barcroft responded that the preservation area  
 12 will allow for expansion of the highway without NCDOT condemning property for an expansion. Planning  
 13 Director Richard Smith added that several surrounding municipalities provide the same preservation area and  
 14 that the requested change will allow for an additional 35 feet off the existing ROW.  
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16 Mr. Gingras asked why the original preservation area was set at 55 feet. Mr. Smith explained that it was  
 17 understood that Davidson Highway (NC73) would be expanded at some point but that until recently, neither  
 18 NCDOT nor the CRMPO had provided clear direction regarding the size of the future expansion. He further  
 19 added that previously staff felt that 55 feet would allow for more than enough space for future expansion. Mr.  
 20 Gingras noted that the ROW is sixty (60) feet and wondered why staff isn’t proposing thirty (30) feet instead  
 21 of thirty-five (35) feet. Mr. Smith responded that the extra five (5) feet allows for a buffer. Mr. Gingras asked  
 22 if the preservation area along Trinity Church and Barr Road should also be changed. Mr. Smith responded  
 23 that staff does not anticipate widening along Trinity Church or Barr Road.  
 24

25 Vice-Chair Parker asked if these changes will affect the Coddle Creek reservoir area. Mr. Smith reiterated  
 26 that the existing 200-foot Coddle Creek Protection Overlay area will remain the same and not be impacted by  
 27 the proposed text amendment.  
 28

29 There being no additional questions or comments for staff, Chair Puckett asked for a motion regarding the  
 30 Statement of Consistency. Mr. Trott made the motion to approve, second by Vice-Chair Parker and the motion  
 31 was unanimously approved.  
 32

33 Chair Puckett asked for a motion to recommend approval of the proposed text amendment to City Council.  
 34 Dr. Litaker made the motion to approve, second by Ms. Stein and the motion was unanimously approved.  
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1 **PLANNING DIRECTOR UPDATE**

2 Mr. Smith provided a presentation update on the NCDOT projects located within the City of Kannapolis and  
3 talked about the NC 3 widening project; the Rogers Lake Road “flyover”; the addition of a pedestrian platform  
4 at the Kannapolis train station; the US29/NC3 intersection improvements; the bridge improvements to the  
5 Martin Luther King Jr. Avenue; the addition of curb, gutter and sidewalk along Little Texas Road; and the  
6 future widening of Davidson Highway (NC73). Mr. Smith also talked about City initiated improvements to  
7 both the N. Main Street and S. Main Street areas.

8  
9 Mr. Severt asked if existing parking along S. Ridge Avenue will be impacted due to the train station  
10 improvements. Mr. Smith stated that he did not think that there would be impacts. Mr. Ensley asked if the  
11 glass on the pedestrian platform would be tinted, efficient glass and Mr. Parker asked if there will be  
12 environmental controls. Mr. Smith responded that he did not know for certain. Chair Puckett asked who would  
13 be responsible for maintaining and cleaning the platform. Mr. Smith stated that while it is a NCDOT project,  
14 it will be turned over to the City once completed, for maintenance and cleaning. The City’s General Services  
15 Department will maintain the facility. Dr. Litaker suggested that there needs to be better communication to  
16 impacted residents regarding these scheduled improvements.

17  
18 Mr. Smith stated that he would like to provide training opportunities to the Commission and there was  
19 discussion on when that training will be provided. It was decided that the training would take place at a regular  
20 Commission meeting. Mr. Smith stated that he would provide the first training session (Introduction to Land  
21 Use Decisions) at the February meeting.

22  
23 **OTHER BUSINESS**

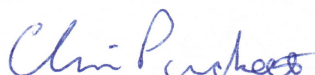
24 Mr. Trott asked if the adult gaming businesses in the Midway area will remain open. Mr. Smith responded  
25 that the NC Supreme Court changed the determination of how those businesses are used and that it is not  
26 likely that any adult gaming business in the City will remain open.


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28 Dr. Litaker asked for an update on Case No. CZ-2022-08. Mr. Smith responded that it is scheduled for City  
29 Council at their February 13, 2023 meeting.

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31 Mr. Ensley stated that courts ruled that covenants over 30 years old are not enforceable and advised the  
32 Commission to be cautious when making decisions regarding covenants. Vice-Chair Parker asked how a  
33 neighborhood could get new covenants. Both Mr. Smith and Mr. Ensley responded that the majority of  
34 neighbors have to agree on covenants and have them recorded. Mr. Smith clarified that the Commission  
35 should not make decisions based on covenants because covenants can only be enforced in the courts.

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37 **ADJOURN**

38 There being no further business, questions or comments, Chair Puckett made the motion to adjourn which  
39 was unanimously approved. The meeting adjourned at 6:40 PM on Tuesday, January 17, 2023.

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Chris Puckett, Chair  
Planning and Zoning Commission

  
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Pam Scaggs, Recording Secretary



**Planning and Zoning Commission  
January 17, 2023, Meeting  
Staff Report**

**DATE:** January 13, 2023  
**TO:** Planning and Zoning Commission Members  
**FROM:** Ben Barcroft, Senior Planner  
**SUBJECT:** **Text Amendments**  
**Applicant:** City of Kannapolis

Consider a recommendation to City Council regarding text amendments to Table 3.6.G(3)a: Coddle Creek Subdistrict Segments; of the Kannapolis Development Ordinance (KDO)

**A. Actions Requested by Planning and Zoning Commission Members**

1. Consider Resolution to Adopt a Statement of Consistency for TA-2023-01
2. Consider motion to recommend approval of proposed text amendments by City Council

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

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

**C. Background**

Staff is proposing the following amendments to the KDO, Section 3.8, F. Thoroughfare Protection Overlay (TPO) District, (3)a. Coddle Creek Subdistrict:

Amend Table 3.6.G(3)a: Coddle Creek Subdistrict Segments. Staff recommends this amendment to reduce the corridor preservation area width along Davidson Highway (NC 73) from fifty-five (55) feet to thirty-five (35) feet. The preservation area is measured from the edges of the right-of-way. According to information provided by the North Carolina Department of Transportation (NCDOT) and the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO), the proposed cross section/right-of-way width for Highway 73/Davidson Highway is one-hundred twenty (120) feet. The narrowest portion of the existing right-of-way is sixty (60) feet; therefore, the future cross section can be achieved with the reduced corridor preservation area for the entirety of the City of Kannapolis' portion of this highway.

The proposed text amendments to the KDO are attached as Exhibit A and shown in **bold, red text**.

**D. Fiscal Considerations**

None

**E. Policy Issues**

Section 2.3.B(1)b of the KDO states that the Commission shall have the following powers and duties under this Ordinance *“To review and make recommendations to City Council on zoning text amendments (Section 2.5.A(1))”*. In accordance with Section 2.3.A(1)d of the KDO, City Council has final authority to review and make decision on Zoning Text Amendments.

**F. Legal Issues**

None

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

The Planning and Zoning Commission may choose to recommend approval or denial of the text amendments as presented. The Commission may also add, delete, or change any of the proposed language.

Based on the foregoing analysis, staff recommends **approval** of the proposed text amendments to **Table 3.6.G(3)a: Coddle Creek Subdistrict Segments**; of the Kannapolis Development Ordinance, as shown per staff edits (attached).

**The following actions are required to recommend approval of TA-2023-01:**

1. Consider Resolution to Adopt a Statement of Consistency for TA 2023-01
2. Consider motion to recommend approval of proposed text amendments by City Council.

**The following actions are required to recommend denial of TA-2023-01:**

1. Consider Resolution to not Adopt a Statement of Consistency for TA 2023-01
2. Consider motion to recommend denial of proposed text amendments by City Council.

**H. Attachments**

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

**I. Issue Reviewed By:**

- Planning Director
- Assistant City Manager
- City Attorney

## EXHIBIT A

### TA-2023-01 Proposed Text Amendments

**Table 3.6.G(3)a: Coddle Creek Subdistrict Segments**

ROAD OR HIGHWAY SEGMENT AND SIDE OF SEGMENT	CORRIDOR PRESERVATION AREA WIDTH
North side of Davidson Highway (NC 73) from Coddle Creek to the Mecklenburg County line (within Kannapolis city limits)	<b>55 35</b> feet
Both sides of Trinity Church Road from Orphanage Road to Barr Road and the east side of Trinity Church Road from Barr Road to Stirewalt Road	55 feet from Orphanage Road to the Westside Bypass (existing Boy Scout Camp Road); 40 feet from Westside Bypass to Stirewalt Road
Both sides of the Kannapolis Parkway (Westside Bypass, including the existing Crisco Road and the existing Boy Scout Camp Road) from Interstate 85 to Mooresville Road (NC 3)	0 feet (No Corridor Preservation Area)
Both sides of Davidson Highway (NC 73) from Interstate 85 to the westernmost boundary of the City's limits	<b>55 35</b> feet
Both sides of Mooresville Road (NC 3) from ___ to the westernmost boundary of the City's limits	40 feet



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO TEXT  
AMENDMENT TA-2023-01**

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

**WHEREAS**, the text amendment to **Article 3, Table 3.6.G(3)a, to reduce the corridor preservation area width along Davidson Highway (NC 73) from fifty-five (55) feet to thirty-five (35) feet**, is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*..

**WHEREAS**, the Planning and Zoning Commission conducted a Public Hearing on January 17, 2023 for consideration of text amendment Case# TA-2023-01 as submitted by the Planning Department staff;

**NOW, THEREFORE BE IT RESOLVED** that the Planning and Zoning Commission finds the text amendment as represented in Case TA-2023-01 is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, as well as state statutes, reasonable, and in the public interest, and is recommended for approval by the City Council based on consideration of the application materials, information presented at the Public Hearing, and the recommendation provided by Staff.

**Adopted this the 17th Day of January 2023:**

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Chris Puckett, Chairman  
Planning and Zoning Commission

Attest:

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Pam Scaggs, Recording Secretary  
Planning and Zoning Commission