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

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**Minutes of Virtual Meeting
January 18, 2022**

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The Kannapolis Planning and Zoning Commission met on Tuesday January 18, 2022, at 6:00 PM. This meeting was held in accordance with the attached notice (Appendix A), as well as 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: N/A

Visitors: Michael Wagner Brian Rabon
Daryl Hayes Corey Baker
Courtney Landoll Dawn Scheessele
Creighton Call Andrew Grant
Tim Carter Joe Hatley
Marlene Rule Megan D'Albora
Michael Church Robert Oppenheimer
Scott Graham Sherri Wiles Argabright

Staff Present: Richard Smith, Planning Director
Boyd Stanley, Assistant Planning Director
Wilmer Melton, Assistant City Manager
Tony Eury, IT Director

CALL TO ORDER

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

ROLL CALL AND RECOGNITION OF QUORUM

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

APPROVAL OF AGENDA

Chair Puckett noted a change to the agenda stating that case CZ-2022-23 will be deferred to the February 15, 2022 meeting agenda. Planning Director Richard Smith confirmed that the case was continued at the December 14, 2021 meeting and that the applicant has requested that the case be continued to the February meeting. Chair Puckett asked for a motion to approve that change as well as approval of the amended agenda. Vice-Chair Parker made the motion to approve as amended, second by Dr. Litaker, and the motion was unanimously approved.

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APPROVAL OF MINUTES

Chair Puckett asked for a motion to approve the December 14, 2021 minutes which was made by Dr. Litaker, second by Mr. Trott and the motion was unanimously approved.

PUBLIC HEARING

CZ-2021-18 – Request by Creighton Call, Continuum Holding Company, LLC to conditionally rezone property located at 2802 Lane Street and an undressed parcel located off Lane Street from Cabarrus County Limited Commercial (LC) to City of Kannapolis Residential Compact-Conditional Zoning (RC-CZ) Zoning Designation.

Planning Director, Richard Smith reminded the Commission that case No. CZ-2021-18 was continued from the December 14, 2021 Planning and Zoning meeting due to City Council deferring decision of annexation at their December 8, 2021 Council meeting.

Assistant Planning Director, Boyd Stanley, gave a PowerPoint presentation regarding case CZ-2021-18, attached to and made part of these minutes as Exhibit 1. Mr. Stanley reiterated that the rezoning request was continued due to the annexation request not being finalized. He directed the Commission’s attention to the Vicinity, Zoning and Future Land Use maps, further detailing the location, zoning and future land use per the *Move Kannapolis Forward 2030 Comprehensive Plan (“2030 Plan”)*. Mr. Stanley directed the Commission’s attention to the site plan as well as street views of the subject property further detailing access to the proposed development. He stated that the applicant is proposing a 266-unit multi-family apartment community consisting of ten, three-story buildings and amenities. Mr. Stanley noted the primary gated access off Lane Street and an emergency gated access off Pinebrook Trail which will require upfit to City code standards for emergency response vehicles. He utilized the site plan to show the proposed layout of the development as well as elevation renderings.

Mr. Stanley stated that staff is recommending approval of the amendment request, concluded his presentation and made himself available for questions.

Vice-Chair Parker asked about buffering between the proposed development and Interstate 85 (I-85). Mr. Stanley utilized the site plan to show the large natural buffer splitting the site. He added that the applicant will have to meet all UDO requirements regarding landscaping and buffering.

Mr. Ensley asked if a noise abatement wall has been considered given the proximity to I-85. Mr. Stanley responded that the Commission could add a condition of approval requiring a noise abatement wall but that the applicant would have to agree to the condition. Mr. Stanley directed the Commission’s attention to the natural buffer located in the NCDOT right-of-way (ROW) along I-85. Mr. Ensley asked the affected school district and whether the development would cause impact issues. Mr. Stanley responded that the property is located within the Cabarrus County school district and has not received feedback from the schools regarding capacity issues. Mr. Ensley noted that the staff report talked about “water quality enhancements” and asked the meaning. Mr. Stanley responded that the property is located entirely within the Critical Watershed Protection Overlay Area for Lake Fisher and that the maximum built-upon area is limited to 24%. He added that the applicant has the option to apply for a higher density option (SIA) of up to 50% built-upon area, but that doing so requires strict stormwater management controls. Mr. Smith added that the applicant is working to mitigate stormwater impacts and that phasing the project will help mitigate any school impacts.

There was additional discussion regarding a noise abatement wall. Mr. Smith agreed that a wall could be a good option and reiterated the existing buffers along the DOT ROW as well as within the development.

1 Site designer for the applicant, Andrew Grant, gave a PowerPoint presentation and talked about access to
2 the site stating that the main access off Lane Street will be public access to the gated development and
3 that a secondary gated access located on Pinebrook Trail will be utilized for emergency response vehicles
4 only. Mr. Grant stated that in addition to the existing environmental areas that will be preserved as open
5 space, the existing tree line located along the ROW will remain undisturbed and act as a buffer between
6 I-85 and the development. Mr. Grant utilized the site plan to show location of existing land uses as well
7 as public utilities and stated that they are proposing to install additional utilities hoping to assist in the
8 future extension of utilities farther east. With regards to traffic impacts, Mr. Grant stated that the proposed
9 use will generate less traffic than potential “by-right” uses and that the most recent upgrades to Lane
10 Street were made based upon those “by-right” uses. Mr. Grant directed the Commission’s attention to
11 aerial views of the subject property stating that access to the development will be right-in/right-out and
12 will not be signalized since the roundabout can be utilized to gain access to I-85 and westbound Lane
13 Street. Mr. Smith noted an existing curb cut and asked if that is the development entrance. Mr. Grant
14 responded that entrance to the development is located approximately 20 feet from the existing curb cut.
15 He continued discussing the proposed amenities and utilized architectural renderings to show what the
16 development may look like, concluded his presentation, and made himself available for questions.
17

18 Vice-Chair Parker asked if elevators will be utilized and the applicant, Creighton Call responded that they
19 will not. Vice-Chair Parker asked if first-floor apartments will be ADA compliant and Mr. Call responded
20 that they will be compliant.
21

22 Mr. Gingras noted that the both the site plan and staff report indicate a proposed maximum built-upon
23 area of +/- 35% and asked if they are agreeable to an added condition stating that the impervious surface
24 will not exceed 35%. Mr. Grant responded they are currently showing 35% impervious surface and is not
25 comfortable committing to not exceeding that percentage because there are too many factors at this point,
26 that could impact impervious surface. He added that he is confident that the project will not exceed 40%.
27 Mr. Gingras suggested that future developments should reflect a maximum percentage instead of the +/-
28 because it is confusing.
29

30 Mr. Ensley asked if the applicant is agreeable to constructing a noise abatement wall. Mr. Call agreed to
31 review that possibility and that in addition to keeping existing vegetation located in the ROW along I-85,
32 they will take measures to increase sound barriers by installing quality windows and insulation. Mr.
33 Ensley asked if adding a noise abatement wall will interfere with the existing sewer located in the ROW.
34 Mr. Grant responded that in addition to the existing sewer line running along the property line,
35 topography, as well as constructing three-story buildings, challenges the effectiveness of a wall. He
36 suggested adding more trees and landscaping to create a natural buffer. Mr. Ensley asked the distance of
37 the open area [property adjacent to exit ramp] to the BMP pond. Mr. Grant created a rough measurement
38 and guessed that it was approximately 500 feet.
39

40 Mr. Trott asked if the existing pond will be accessible to residents for recreation such as fishing. Mr.
41 Grant responded that there will be a 100-foot buffer around the pond and a trail system will be created
42 adjacent to the pond but does not think that it would be suitable for fishing. Mr. Trott asked about garbage
43 collection? Mr. Grant responded that two trash collection areas are proposed in both the north and south
44 areas of the development. He added that they may offer trash valet service as added amenity.
45

46 Vice Chair Parker asked if the existing pond flows into any other tributaries? Mr. Grant responded that
47 he wasn’t sure but thought that it empties under I-85 and most likely to the reservoir [Lake Fisher].
48

49 Mr. O’Kelly asked if there will be onsite maintenance of trails and the other amenities? Mr. Call
50 responded that full-time staff will be on-site as well as an outside company to maintain the trail.
51

1 Mr. Trott noted the nearby hotel and restaurant and asked about fencing to prevent people from walking
2 into the neighborhood. Mr. Call responded that fencing, along with additional landscaping, will be
3 utilized. There was discussion regarding security issues and possible redevelopment of the hotel.
4

5 Vice-Chair Parker asked if the project will be phased and the projected timetable. Mr. Call responded that
6 it will most likely be a three-year build-out.
7

8 There being no additional questions or comments for staff or the applicant, Chair Puckett opened the Public
9 Hearing which was then closed with no public comment being made.
10

11 Mr. Ensley asked if a condition regarding an abatement wall could be added. Mr. Smith responded that they
12 could add a condition but that the applicant will need to agree. Chair Puckett asked if a noise abatement
13 wall is within the scope of the Commission's role. Mr. Smith responded that it is within the Commission's
14 scope to mitigate impacts to surrounding neighbors, as well as gateways into the city.
15

16 Vice-Chair Parker asked the rental price of the apartments. Mr. Call responded that the market dictates
17 pricing, but they are looking at \$1200 - \$2000 depending on the number of bedrooms.
18

19 There was additional discussion about adding a condition for a noise abatement wall as well as location of
20 the wall.
21

22 Chair Puckett requested a motion to either adopt or deny the Statement of Consistency for case CZ-2021-
23 18. Mr. Trott made the motion to approve, second by Dr. Litaker and the motion was unanimously approved.
24

25 Chair Puckett asked for a motion to approve the Resolution to Zone for case CZ-2021-18 with the added
26 condition to require a 500-foot sound abatement wall adjacent to the northern BMP if determined feasible
27 by staff. Mr. Ensley made the motion to approve as amended, second by Dr. Litaker and the motion was
28 unanimously approved.
29

30 **CZ-2022-02 – Request by Kevin McNally to amend conditionally rezoned property located at 5741,**
31 **5791 and an unaddressed parcel on Wabash Lane to allow development of a mini-warehouse/self-**
32 **storage use instead of a hotel use.**

33 Mr. Stanley gave a PowerPoint presentation regarding case CZ-2022-02, attached to and made part of
34 these minutes as Exhibit 2. He provided the application details noting that the request is to amend the
35 previously approved conditional rezoning [CZ-2020-02].
36

37 Mr. Stanley directed the Commission's attention to the Vicinity, Zoning and Future Land Use maps,
38 providing the property address, size, zoning and land uses. He stated that the applicant is requesting the
39 amendment to allow a 31,000 square foot, three-story, mini-warehouse, self-storage use instead of a hotel
40 use. He stated that if approved, the use will also require a Special Use Permit (SUP) by the Board of
41 Adjustment. Mr. Stanley directed the Commission's attention to the Farm Hill Small Area Plan (FHSAP)
42 and talked about the proposed uses for that area. He utilized the submitted site plan to illustrate access to
43 the proposed development and stated that the Kannapolis Parkway Corridor Overlay prohibits uses within
44 200 feet of the overlay and that while the subject property encroaches into the overlay area, the building
45 will not. Mr. Stanley directed the Commissions attention to building renderings and talked about the
46 proposed construction materials.
47

48 Mr. Stanley stated that staff found that the request is inconsistent with the FHSAP which is meant to
49 complement the 2030 Plan and therefore recommends denial of the rezoning request. He concluded his
50 presentation and made himself available for questions.
51

1 Applicant Tim Carter introduced himself, Kevin McNally, Chris Botick and Cory Baker, and gave a
2 PowerPoint presentation regarding their request to develop the property with a mini warehouse/self-storage
3 use. Mr. Carter stated that self-storage uses are permitted with a Special Use Permit in the General
4 Commercial zoning district and suggested that they are complementary to the growing residential uses of
5 the area. He directed the Commissions attention to the site plan and talked about access, parking, and
6 loading. Mr. Carter stated that the previous rezoning to allow a hotel required road improvements to
7 Kannapolis Parkway but with the proposed use, there will be reduced traffic impacts and will not require
8 roadway improvements (e.g., deceleration lanes) adding that a Type III landscape and perimeter buffer on
9 both the south and east borders of the property is proposed. Mr. Carter stated that the FHSAP is not parcel
10 specific and that a hotel can be developed on other properties within the FHSAP and that the proposed self-
11 storage use will have less sewer infrastructure impacts than that of a hotel. He directed the Commissions
12 attention to elevation renderings and talked about quality building materials and the installation of large
13 windows which will assist with the façade of the building. Mr. Carter said that no outdoor storage is
14 proposed and that all building operations will be interior. He summarized that the proposed project will
15 have less impact on surrounding uses, it does not front Kannapolis Parkway, the building will be constructed
16 using quality materials and they are combining parcels which allows for future development. Mr. Carter
17 concluded his presentation and made himself available for questions.
18

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

22 Chair Puckett noted that he was a member of the Commission when the FHSAP was adopted and asked for
23 clarification that a hotel was being built elsewhere. Mr. Smith responded that plans for a hotel have not
24 been submitted. Chair Puckett expressed concern that the FHSAP was adopted six years ago, and the
25 property has remained undeveloped. Mr. Ensley expressed concern that a three-story building would
26 dominate Kannapolis Parkway. Chair Puckett explained that the proposed project will not be fronting the
27 Parkway and that development has to be located at least 200 feet off the Parkway.
28

29 Mr. Smith stated that FHSAP property owners reference the plan frequently and that staff also refer to it
30 quite often. Chair Puckett stated that the highest and best use of property should be considered. Mr. Smith
31 noted the investments that the city has made to ensure that the Parkway is a major entrance into the city and
32 referred to the FHSAP as a basis for recommending denial. He conceded that while he likes the proposed
33 product and would like to see it in a different area of the city, does not feel it is an appropriate use for the
34 property. Ms Stein agreed that while the proposed building is more aesthetically pleasing, does not feel that
35 it is the highest and best use of the subject property. Chair Puckett expressed concern that the property has
36 been designated as a hotel location that may never come.
37

38 Chair Puckett asked for motion to adopt the Statement of Inconsistency. Dr. Litaker made the motion to
39 approve, second by Mr. Ensley and the motion was unanimously approved.
40

41 Chair Puckett asked for a motion regarding the Resolution to Zone. Mr. Gingras made the motion to deny
42 the rezoning request, second by Mr. O’Kelly and the motion was unanimously approved.
43

44 **CZ-2022-01 – Request by CP Kannapolis Investments, LLC to conditional rezone multiple**
45 **properties located at 2746, 2640 and an unaddressed parcel on Dale Earnhardt Boulevard, as well**
46 **as 1505, 1575, 1585, 1915, 1945, and two unaddressed parcels on Old Earnhardt Road from**
47 **Office-Institutional (O-I) to Planned Unit Development–Conditional Zoning (PUD–CZ) Zoning**
48 **Designation.**

49 Chair Puckett stated that he has property listed for sale that is adjacent to subject property and asked the
50 Commission to vote on whether he should recuse himself. Mr. Smith added that he spoke with both the
51 City Attorney as well as the applicant and they could find no conflict of interest on Chair Puckett’s behalf.

1 Dr. Litaker made the motion to allow Chair Puckett to remain on the Commission, second by Ms. Stein
2 and the motion was unanimously approved.
3

4 Mr. Smith gave a PowerPoint presentation regarding CZ-2022-01, attached to and made part of these
5 minutes as Exhibit 3 and provided the application details. He directed the Commission's attention to maps
6 further detailing the location, zoning and future land use per the *2030 Plan*. He stated that the applicant
7 is requesting a Planned Unit Development (PUD) zoning district to allow for a mixed-use development.
8

9 Mr. Smith reviewed consistency with the *2030 Plan*, Policy Issues and staff findings, stating that staff is
10 recommending approval with conditions as shown in the Staff Report and made himself available for
11 questions.
12

13 Representative for the applicant, Courtney Landoll, introduced herself, Michael Wagner and Daryl Hayes
14 and gave a PowerPoint presentation. Ms. Landoll directed the Commission's attention to the original site
15 plan and detailed parcels that are no longer part of the proposed project. She utilized the same plan to
16 show location of an intermittent stream and stream buffers, and another plan to show location of both
17 critical and protected watershed overlays areas. Ms. Landoll stated that impervious surface in the critical
18 watershed is limited to 50% build-upon area and 70% in the protected area. and acknowledged that the
19 site plan requires work to decrease the amount of proposed impervious surface.
20

21 Michael Wagner utilized both the current and modified site plan to illustrate the various uses that are
22 being proposed, street network, and connectivity. Mr. Wagner indicated that they are proposing medical
23 offices, retail, grocery, 300-400 apartments, 64 senior condos, 200 senior apartments, 151 townhomes,
24 12-1,400 structured parking spaces with both parallel and surface lots, as well as green space consisting
25 of parks and greenways.
26

27 Daryl Hayes talked about the design principles of the proposed project and stated that they want to create
28 a development that mitigates vehicular traffic and enhances walkability and connectivity versus a
29 development with shops located around a large parking lot (used Northlight shopping center as an
30 example). Mr. Hayes added that the proposed project offers a mix of shops, offices, apartments and homes
31 that are diverse, compliments the downtown area and provides a gateway from I-85 into downtown. He
32 provided examples of both Davidson and Birkdale Village that also offer mixed uses, while also providing
33 a balance between green space and density. Mr. Hayes provided an overview of the parcels included in
34 the proposed project and talked about the benefits of the plan which creates a better place for residents,
35 jobs and a tax base for the community.
36

37 Mr. Wagner discussed three different design concepts that are being considered for the project and
38 provided detailed background on those concepts including signaling the main entrance into the
39 development, the different types of residential uses and where those will be located versus location of the
40 office space, retail and parking. He also talked about incorporating the existing streams into the design
41 and utilizing them for parks and green space.
42

43 Ms. Landoll provided additional detail regarding the pedestrian connectivity throughout the site,
44 recreation, walking trails and green space. She added that the townhome development will be rear loading
45 and front green space areas. Ms. Landoll further detailed their intention to integrate the stream channel
46 to blend urban green space with the natural environment as well as preserving as many trees as possible
47 while augmenting with planting design. She also discussed their plans to integrate pedestrian activity
48 areas between the retail and residential uses to create neighborhood character. Ms. Landoll concluded the
49 presentation and asked if there were any questions.
50

1 Mr. Gingras asked the plan for stormwater. Ms. Landoll responded that they are still working through the
2 details with stormwater concerns. Mr. Gingras expressed concern that drivers may use the development
3 as a “cut-through” and asked if any traffic calming strategies will be utilized. Mr. Wagner responded that
4 the intent is to employ various strategies that will slow traffic naturally while conveying pedestrian
5 priority. Mr. Hayes added that he agrees with Mr. Gingras concern and stated that originally, they had
6 planned for three access points but decreased to two access points with a right-in/right-out located on Old
7 Earnhardt Road and a signalized entrance at Dale Earnhardt Boulevard (DEB). He stated that another
8 concern is the existing speed limit on DEB which will be mitigated by the signalized entrance.
9

10 Vice-Chair Parker asked the schedule to complete the project. Mr. Hayes responded that they are
11 projecting a 2-3 year build out and that market demands will drive the phasing process. Mr. Parker asked
12 the selling price and target audience of the townhomes. Chair Puckett cautioned that talking about selling
13 price compromises fair housing and does not feel comfortable discussing. Mr. Smith understood Chair
14 Puckett’s concern but deferred to the applicant on whether they wanted to discuss. Mr. Hayes responded
15 that there is a demand for affordable housing especially for those who live in Kannapolis but commute
16 for work to Charlotte and is targeting the first-time home buyer in the 22-35 age range with a \$300 - \$325
17 thousand price range adding that market demand determines the sell price.
18

19 Vice-Chair Parker asked about parking plans. Mr. Wagner responded that parking will be balanced
20 between structured and surface lots while avoiding large open parking lots. He indicated that they would
21 offer 1-1/2 spaces per unit for the multi-family and senior residential uses and will fluctuate based upon
22 the number of bedrooms. Ms. Landoll added that the townhome uses will utilize garages and driveways
23 for parking. Mr. Wagner stated that the total number of allotted spaces will be approximately 1,300
24 structured spaces and 300 surface spaces but these numbers may change as they progress through final
25 design.
26

27 Mr. Trott asked if there will be multiple Homeowner Associations (HOA). Mr. Hayes responded that
28 there will be separate HOAs for the commercial and residential uses. Mr. Trott asked the number of levels
29 in the parking decks and if elevators will be installed. Mr. Wagner responded that elevators will be
30 installed in the parking decks and that preliminary plans anticipate three to five levels. Mr. Trott asked if
31 there will be storage space for the townhomes. Ms. Landoll responded that the townhomes will have full-
32 length driveways with garages and that they will be approximately 2,000 square feet offering plenty of
33 storage.
34

35 Mr. Puckett expressed concern regarding the amount of impervious surface. Ms. Landoll explained that
36 they understand the need to re-evaluate the plan to ensure full compliance with the UDO and reminded
37 the Commission that there is an additional parcel across DEB that will not be developed. She reiterated
38 that the plan requires work regarding the amount of impervious surface. Mr. Smith added that the project
39 will require a Special Intensity Allocation (SIA) to be reviewed by the Commission which is separate
40 from the rezoning request. Chair Puckett expressed concern in the flexibility of options and is fearful that
41 if approved, instead of a mixed-use development, a manufacturing use will be developed. Mr. Smith
42 responded that if plans deviate too drastically from the PUD zoning, they will need to come back to the
43 Commission for approval. He added that staff recommends approval of the overall concept and feels that
44 option 2 or 3 best capitalizes on green space and the focal points of the entrance.
45

46 Chair Puckett asked about stormwater impacts. Ms. Landoll responded that stormwater will be managed
47 through treatment and control which will include a “detain, treat and release slowly” process. Chair
48 Puckett asked if water will be released at the same rate as it is currently. Ms. Landoll responded that it is
49 a requirement and Mr. Smith confirmed.
50

1 Vice-Chair Parker asked if apartments or townhomes will be offered as senior living choices. Mr. Hayes
2 responded that senior living includes both “flats” (condos) and apartments. Mr. Hayes provided further
3 detail regarding stormwater management.
4

5 There being no additional questions or comments for staff or the applicant, Chair Puckett opened the Public
6 Hearing.
7

8 Brian Rabon stated that he and his wife pastor an adjacent church and represent approximately 400
9 members. Mr. Rabon stated that they are in favor of the proposed development and talked about crime and
10 the current state of the property. He stated that the development complements the church’s vision for the
11 area.
12

13 There being no additional questions or comments, Chair Puckett closed the Public Hearing.
14

15 Chair Puckett asked for a motion regarding the Statement of Consistency. Mr. Gingras made the motion to
16 approve, second by Ms. Stein and the motion was unanimously approved.
17

18 Chair Puckett asked for a motion regarding the Resolution to Zone. Mr. Trott made the motion to approve,
19 second by Mr. Ensley and the motion was unanimously approved.
20

21 Vice-Chair Parker asked if staff would share the PowerPoint presentation made by the applicant. Mr. Smith
22 agreed to send it to the Commission.
23

24 **PLANNING DIRECTOR UPDATE**

25 Mr. Smith provided an update on the Kannapolis Development Ordinance (KDO) stating that he hopes to
26 have a draft to the Commission at the February 15, 2022 meeting and to City Council in March. Mr. Ensley
27 asked if the Commission could receive a draft prior to the meeting. Mr. Smith said that he would do his
28 best to provide the draft.
29

30 Mr. Smith indicated that the School of Government is offering on-line training for Board and Commissions
31 and wanted to gauge the Commissions interest in participating before purchasing the training. The
32 Commission agreed to participate.
33

34 Mr. Smith provided a PowerPoint presentation regarding sewer allocation stating that City Council adopted
35 a policy at their December 13, 2021 meeting which was in response to limitations of sewer capacity of the
36 Rocky River treatment facility managed by the Water and Sewer Authority of Cabarrus County (WSACC).
37 He added that there are three expansions planned in 2024, 2026/26 with a TBD on the third expansion.
38 Historically, WSACC has allocated capacity to new development on a first-come, first-served basis but that
39 the new agreement allocates current and future capacity to Concord, Kannapolis, Harrisburg and Mt.
40 Pleasant based on historical flow averages. Mr. Smith provided the current capacity estimates and talked
41 about the number of development projects in the pipeline and those that are not in the pipeline but want to
42 move forward. He stated that the purpose of the policy is to manage the projects coming in and that while
43 this issue presents challenges, there is not a moratorium on sewer capacity. Mr. Smith provided the scope
44 of the policy as well as the process for providing allocation to future developments stating that projects are
45 given priority based upon four factors:
46

- 47 1. Projects with prior City commitments
- 48 2. Strategic reserve (City investments with remaining debt, downtown development, economic
49 develop, projects that improve City infrastructure, infill development and affordable housing)
- 50 3. Previously approved projects (preliminary plat or site plan approval)
- 51 4. Waiting list (reviewed every 6 months based on WSACC’s revising capacity numbers)

1
2 Mr. Smith reviewed the process for acquiring an allocation permit, the scoring matrix, general conditions,
3 the appeals process, and the term of the policy. He concluded the presentation and made himself available
4 for questions. Mr. Gingras asked if staff will share both the presentation and the matrix. Mr. Smith
5 responded that he would share both with the Commission.
6

7 Vice-Chair Parker asked for confirmation that both the city and Rocky River have a wastewater treatment.
8 Assistant City Manager, Wilmer Melton clarified that Kannapolis does not have a wastewater treatment
9 facility and that all the city's raw waste is treated at the Rocky River treatment facility located on Flowe
10 Store Road. He added that the city does not have any plans to build a facility as it costly and takes years to
11 build. There was technical discussion regarding future sewer capacity and the process to estimate that
12 capacity. Mr. Ensley asked if there were federal funds that could assist with expansions. Mr. Melton
13 explained that the state has designated \$30MM to assist with the expansions, but that it will cost over
14 \$100MM. He added that the federal government hasn't offered any assistance.
15

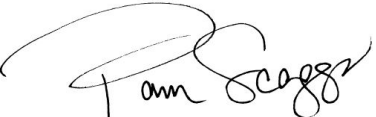
16 **OTHER BUSINESS**

17 Mr. Smith stated that future Commission meetings will be held virtually until further notice.
18

19 **ADJOURN**

20 There being no further business, questions or comments, Chair Puckett adjourned the meeting at 8:54 PM
21 on Tuesday January 18, 2022.
22

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Pam Scaggs, Recording Secretary



Chris Puckett, Chair
Planning and Zoning Commission



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000756393

**APPENDIX A
P&Z MINUTES
JANUARY 18, 2022**

Client: KANNAPOLIS,CITY OF
Phone: 7049204300

Payer : 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 **Acct Rep** **Ordered By**
aboan aboan Pam

Fax: 7049337463
EMAIL: bbell@kannapolisnc.gov

Total Amount \$841.32
Payment Amount \$841.32

Amount Due \$0.00

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

Tax Amount: 0.00
Payment Meth: Credit - Debit Card

Ad Number **Ad Type** **Ad Size** **Color**
0000756393-01 CLS Liner 2 X 68 li \$0.00

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

Product and Zone **Placement** **Position** #
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.

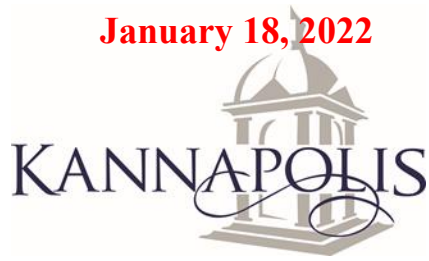
Conditional Zoning Map Amendment - CZ-2021-16 - Continued from November 16, 2021: Public Hearing to consider a request to rezone multiple unaddressed properties located on Enochville Rd. and Cannon Farm Rd. from Residential Medium Density (RM-1) to Planned Unit Development - Conditional Zoning (PUD - 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 0490000001, 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.

EXHIBIT 1

P&Z Minutes
January 18, 2022



Planning and Zoning Commission December 14, 2021 Meeting

Staff Report

TO: Planning and Zoning Commission
FROM: Boyd Stanley, Assistant Planning Director
SUBJECT: Case #CZ-2021-18
Applicant: Creighton Call, Continuum Holding Company, LLC

Request to conditionally rezone 2802 Lane Street and an unaddressed parcel located on Lane Street from Cabarrus County Limited Commercial (LC) zoning district to City of Kannapolis Residential Compact-Conditional Zoning (RC-CZ) zoning district to allow for a 266-unit multi-family apartment development. Cabarrus County PIN Numbers 56334815830000 and 56335809780000.

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 subject parcels were recently annexed into the City from unincorporated Cabarrus County on December 13, 2021 by City Council and must therefore be assigned a City of Kannapolis zoning designation within 60 days in accordance with state statute.

The applicant, Creighton Call, Continuum Holding Company, LLC., is proposing to rezone the subject properties from Cabarrus County Limited Commercial (LC) zoning district to City of Kannapolis Residential Compact-Conditional Zoning (RC-CZ) zoning district to allow for a 266-unit multi-family apartment development as shown on the attached site plan.

As shown on the preliminary site plan, a total of 10, 3-story multi-family buildings along with an amenity building and pool are being proposed. In addition, the site is heavily impacted by streams and wetlands, which are being preserved. It is anticipated the development will be gated at both access points. The main gated entrance will be the designated access to Lane Street and adjoining developing properties adjacent to the amenity. The applicant is requesting the secondary gated access at Pinebrook Trail be designated for emergency vehicles only. Preliminary comments indicate improvements will be required along Pinebrook Trail to accommodate a Fire Apparatus and other emergency vehicles.

The properties are located entirely within the Critical Watershed Protection Overlay Area for Lake Fisher (WS-IV CA), which limits maximum built-upon area to 24% impervious. Watershed Protection Overlay Districts are required to be adopted by local jurisdictions by the North Carolina Environmental Commission. There is an option to develop at a higher-density of up to a 50% built-upon area assuming a higher-quality development, which incorporates enhanced water quality and stormwater management controls in compliance with the State standards. The applicant is proposing to utilize the high-density option with a maximum +/-35% built-upon area.

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 35.59 +/- 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 "Primary Activity Center-Interchange" Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area designation is adjacent to Interstate 85 and allows for a mix of uses including multi-family residential consistent with the proposed use(s) and 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, industrial and commercial uses. The proposed use of a multi-family residential development 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 required and the applicant's engineer is working with NCDOT and City Staff on 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?

The properties are located entirely within the Critical Watershed Protection Overlay Area for Lake Fisher (WS-IV CA), The applicant is proposing to utilize the high-density option with a maximum of +/- 35% built-upon area.

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 this area is rapidly changing with development currently underway of the adjacent Metro 63 industrial site and plans to redevelop the nearby Old Intimidators Stadium as Lakeshore Industrial Park. Recent round-about and interchange improvements along Lane Street have helped ease traffic congestion in anticipation of this new growth.

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 General Commercial (C-2), Light Industrial (I-1), Office Institutional (O-I Cabarrus County) and Light Commercial (L-C Cabarrus County). 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?

The properties are currently zoned LC. A rezoning is required to develop multi-family apartments on the properties.

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 being located within the "Primary Activity Center-Interchange" Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area designation is adjacent to Interstate 85 and allows for a mix of uses including multi-family residential consistent with the proposed use(s) and 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 266 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. Additional information is forthcoming from the applicant prior to the Public Hearing.

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-2021-18, 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 within the “Primary Activity Center-Interchange” Character Area as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. This Character Area designation is adjacent to Interstate 85 and allows for a mix of uses including multi-family residential consistent with the proposed use(s) and 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 is it 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-2021-18, 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-2021-18, 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-2021-18 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-2021-18, 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 2

P&Z Minutes
January 18, 2022



Planning & Zoning Commission January 18, 2022 Meeting

Staff Report

TO: Planning & Zoning Commission

FROM: Boyd Stanley, AICP
Assistant Planning Director

SUBJECT: Case #CZ-2022-02
Conditional Zoning Map Amendment
Applicant: Kevin McNally

Request to amend the previously approved conditional zoning for properties located at 5741, 5791 and an unaddressed parcel on Wabash Lane (Cabarrus County Parcel Identification Numbers 56011233470000, 56011243840000, and 56011241680000) to allow for a Mini-Warehouse/Self Storage Facility. These properties were subject of a previously approved rezoning request under case No. CZ-2020-02 to allow the properties to be developed for a hotel.

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 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, Kevin McNally, is proposing to amend the CZ-C2 (General Commercial Conditional Zoning District) to allow for a 3-story, 31,292 square foot Mini-Warehouse/Self-Storage Facility. At

their May 6, 2020 meeting, the Planning and Zoning Commission approved the existing CZ-C2 zoning to accommodate a 4-story hotel under case No. CZ-2020-02.

The proposed preliminary site plan for the Mini-Warehouse/Self-Storage Facility shows 2 locations for full-movement access to the site on Wabash Lane. In addition, 11 parking spaces and a dumpster enclosure area are shown on the front-side (Wabash Lane) of the building with the Stormwater BMP behind the building closest to I-85. The proposed building incorporates a combination of metal, brick and stucco as generally depicted in the renderings.

The properties included with this amendment request fall within the Farm Hill Small Area Plan, which was adopted by Kannapolis City Council in 2016. Although the Plan is not parcel specific, it does designate this area for a future hotel site(s) “Accommodating business and pleasure travel, featuring short-term and extended stay suites with associated amenities (e.g., restaurants, shops personal and convenience services)”. During the drafting and adoption of this Plan, this area was determined as a “Gateway” into the City and a prime location for hotel uses given the frontage along the Interstate.

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 1.8 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 “Regional Commercial Center” within a “Suburban Activity 1” Character District in the *Move Kannapolis Forward 2030 Comprehensive Plan*.

The Regional Commercial Center includes land with opportunities for large format commercial as primary uses and multifamily residential as secondary uses. The Suburban Activity 1 Character District includes primarily regional-scale commercial development that can accommodate large format commercial development as primary uses and multifamily residential development as secondary uses.

The subject property is located within the *Farm Hill Small Area Plan Study Area*. This plan recommends a mix of commercial, hotel, office, and residential uses for the study area, including a hotel use on this property (see attached Farm Hill Small Area Plan Recommended Land Uses Map). The proposed use of Mini-Warehouse/Self-Storage is not consistent with this plan.

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

The property is located across Sportsman Drive, to the south of Kannapolis Small Shops and is zoned General Commercial-Conditional Zoning (C-2-CZ). Properties to the east of the subject property are existing residential properties, zoned Rural Estate (RE), with predominantly single family detached residential development. The property immediately adjacent to the west is zoned C-2-CZ.

The subject property is located east of the Afton Ridge shopping center, which is zoned Campus Development (CD) and contains a range of commercial uses, including national retailers and major anchors Target, Dick's Sporting Goods, Ashley Furniture, and Party City. Therefore, the proposed rezoning is considered compatible with some of the surrounding land uses, but not the Farm Hill Small Area Plan and overall vision of the 2030 Land Use Plan.

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

The subject property is and will continue to be accessed from Wabash Lane. The proposed development did not meet the threshold for a full Traffic Impact Analysis, however, review and approval from NCDOT and the City will be required.

5. Will there be parking problems?

The site plan submitted with this request for rezoning includes adequate parking for the listed use.

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 adverse environmental impacts such as water, air, or noise pollution issues associated with the rezoning request. In addition, 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 parcel to the north of the site known as Kannapolis Small Shops was rezoned to General Commercial-Conditional Zoning (C-2-CZ) in 2016, and construction of the retail shops was completed in late 2018. Commercial development is anticipated to continue along Kannapolis Parkway in the near future.

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?

Property to the south is zoned RE (Rural Estates) and is vacant. Property to the north (across Sportsman Drive) is zoned C-2-CZ and is currently developed with the Kannapolis Small Shops retail center. Property to the east is zoned RE (Rural Estates) and is developed with a single family detached residence. Property to the west across Kannapolis Parkway is zoned CD (Campus Development) and is developed with a mix of commercial and residential uses at Afton Ridge.

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

The current conditional zoning of C-2-CZ does not allow for a Mini-Warehouse/Self Storage Facility.

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

The proposed Mini-Warehouse/Self-Storage use is somewhat compatible with the adjacent area, which includes commercial development along Kannapolis Parkway, and the adjacent residential neighborhood to the east and south sides of the property but is not compatible with the Farm Hill Small Area Plan.

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

The subject property has been vacant for an undetermined amount of time.

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

Kannapolis Parkway is predominately a commercial corridor. There are vacant parcels as well as underutilized parcels along the parkway.

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 **inconsistent** 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 “*Regional Commercial Center*” and within a “*Suburban Activity I*” Character District, which allows for commercial development. Furthermore, staff finds the request **inconsistent** with the recommended land uses for this property, as specified in the Farm Hill Small Area Plan. The proposed use is not compatible with the anticipated vision of the Plan for this area without frontage on Kannapolis Parkway as it was targeted as an area for future hotel and event spaces. Generally, the Comprehensive Plan and Small Area plan complement each other in areas of City covered by both.

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 inconsistent with the Move Kannapolis Forward 2030 Comprehensive Plan, staff recommends denial for Zoning Map Amendment Case #CZ-2022-02.

Motion to Deny (2 votes)

1. Should the Commission choose to deny Case CZ-2022-02, a motion should be made to adopt the following Statement of Consistency:

Statement of Consistency: The Planning and Zoning Commission finds this zoning map amendment as presented in Case CZ-2022-02 to be **inconsistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*. Furthermore, staff finds the request **inconsistent** with the recommended land uses for this property, as specified in the Farm Hill Small Area Plan. The proposed

use is not compatible with the anticipated vision of the Plan for this area without frontage on Kannapolis Parkway as it was targeted as an area for future hotel and event spaces. Generally, the Comprehensive Plan and Small Area plan complement each other in areas of the City covered by both.

Alternative Courses of Action

Motion to Approve (2 votes)

- 1. Should the Commission choose to approve the request for rezoning as presented in Case #CZ-2022-02, 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 “Regional Commercial Center” and within a “Suburban Activity 1” Character District, which allows for commercial development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it is consistent with the recommended land uses for this property, as specified in the Farm Hill Small Area Plan. The proposed use is compatible with the surrounding zoning and commercial development land use pattern, 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. 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.*

- 2. Should the Commission choose to approve Case #CZ-2022-02, a motion should be made to adopt the Resolution to Zone with the following conditions:**

1. The permitted uses allowed by this rezoning shall only include a hotel as generally depicted on the site plan submitted with this rezoning.
2. Exterior Materials shall include a combination of metal, stucco and brick façade as generally depicted on the elevations presented.
3. Access to the storage units shall be limited to the internal portion of the proposed 3- story structure and shall not be visible from public view.
4. A Site Plan shall be submitted and approved by City Staff prior to issuance of a Zoning Clearance Permit.
5. Any lighting installed on the subject property shall be full cut-off fixtures with all lighting directed downward and away from adjacent residential property.
6. A Type 3 Perimeter buffer yard shall be provided to adjacent residential land to the west and south of the subject parcel.
7. Driveway locations shall be reviewed and approved by the City.
8. Driveways and parking lots shall comply with all Fire Codes and Autoturn (a traffic engineering program which specifies the required turning radii for vehicles including delivery trucks and emergency vehicles) shall be run for an SU-30 and Bus-45 (mimics ladder truck).
9. Appropriate access and deceleration turn lanes from Kannapolis Parkway shall be reviewed and approved by NCDOT with input from the City.
10. 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 BMP's.

11. The project developer shall be responsible for extension of all water and sewer infrastructure needed to serve the project.
12. Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.
13. The property shall be subject to the restrictions and guidelines of the CCTPOD (Coddle Creek Thoroughfare Protection Overlay District).

I. Attachments

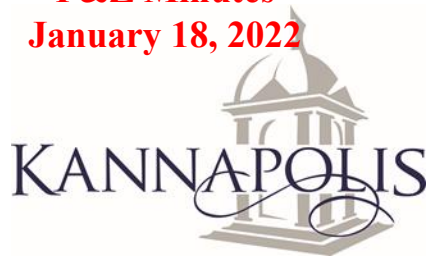
1. Rezoning Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use and Character Map
5. Small Hill Farm Area Plan Recommended Land Use Map
6. Site Plan
7. Notice of Public Hearing
8. List of Properties Notified
9. Letter to Adjacent Property Owners
10. Public Notice Sign
11. Resolution to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

J. Issue Reviewed By:

- Planning Director (R. Smith)
- Assistant City Manager (W. Melton)
- City Attorney (W. Safrit, II)

EXHIBIT 3

P&Z Minutes
January 18, 2022



Planning and Zoning Commission January 18, 2022 Meeting

Staff Report

TO: Planning and Zoning Commission

FROM: Richard Smith, Planning Director

SUBJECT: Case #CZ-2022-01
Conditional Zoning Map Amendment
Applicant: CP Kannapolis Investments, LLC

Request to conditionally rezone ten (10) properties located at 2746 & 2640 and an unaddressed parcel on Dale Earnhardt Boulevard, as well as 1505, 1575, 1585, 1915 & 1945 and unaddressed parcels on Old Earnhardt Road from General Commercial (C-2) and Office-Institutional (O-I) zoning districts to Planned Unit Development-Conditional Zoning (PUD-CZ) zoning district to allow for a mixture of multifamily residential, office and retail development. The proposed rezoning would allow for mixed use development.

The subject properties are approximately 53 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 56235032510000, 56234071560000, 56234074280000, 56234012430000, 56224936190000, 56224976410000, 56225937570000, 56225967850000, 56224968280000, and 56225915700000 (see reverse side of this letter for a map showing the location of this property).

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

The applicant, CP Kannapolis, LLC, is proposing to rezone the subject property from General Commercial (C-2) and Office-Institutional (O-I) zoning districts to Planned Unit Development-Conditional Zoning (PUD-CZ) zoning district to allow for a mixture of multi-family residential, office and retail development. The proposed rezoning would allow for mixed use development.

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 involves a mix of uses and product. It is important to note there are significant architectural design elements that must be incorporated into this development.

The proposed Master Plan incorporates a variety of use types. There are multiple points of access proposed on Dale Earnhardt Boulevard (two) and Old Earnhardt Road (three).

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 53 +/- combined 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 “Primary Activity Interchange” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Character Areas allows for a mixture of uses including but not limited to retail, office, multifamily residential, light manufacturing, and single family attached residential product types. The proposed use is therefore 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 surrounded by a mixture of non-residential and residential uses, with some commercial, multifamily and institutional uses nearby.

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 required for this rezoning. The applicant has acquired the services of a traffic study consultant to provide this analysis. The applicant will update the status of this study at the hearing.

5. Will there be parking problems?

A full site plan shall be submitted to comply with all parking requirements of the UDO.

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?

The proposed project lies within the Lake Concord Watershed Protected and Critical Areas. The maximum impervious for the protected area with the issuance of a Special Intensity Allocation shall not exceed 70% and for the critical area shall not exceed 50%. 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 this area has changed over time as a result of the four lane Dale Earnhardt Boulevard and surrounding growth, as well as the proximity to Exit 60 off Interstate 85. Redevelopment of this area has been anticipated.

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

There is public infrastructure 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?

There is a mix of zoning districts present in this immediate area. Properties to the south and west are zoned C-2 Commercial and RC Residential Compact; properties to the west are also zoned PUD Planned Unit Development, RV Residential Village, and OI Office Institutional; properties to the north are zoned OI and RM-2 Residential Medium Density; and properties to the east are zoned RM-2, OI, and C-2.

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

The property is zoned C-2 and OI. A rezoning is required in order to develop a Planned Unit Development, which incorporates a variety of uses. The requested rezoning will best allow for the desired uses for this area.

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

The proposed mixed 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 “Primary Activity Interchange” Character Area, which allows for the proposed mixed-use 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. Finally, 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-2022-01:

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-2022-01, 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 "Primary Activity" Character Area, which allows for the proposed mixed-use 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. Finally, sanitary sewer service is subject to allocation based upon sewer treatment capacity.

- 2. Should the Commission choose to approve Case #CZ-2022-01, a motion should be made to adopt the Resolution to Zone.**

Motion to Deny (2 votes)

- 1. Should the Commission choose to recommend denial of Case #CZ-2022-01, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #CZ-2022-01 to be inconsistent with the goals and policies of the **Move Kannapolis Forward 2030 Comprehensive Plan**, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

- 2. Should the Commission choose to deny Case #CZ-2022-01, 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:

- City Manager
- Assistant City Manager
- City Attorney