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

**Minutes of Meeting  
March 21, 2023**

11 The Kannapolis Planning and Zoning Commission met on Tuesday March 21, 2023, at 6:00 PM in  
12 the Laureate Center of City Hall. This meeting was held in accordance with notice published in the  
13 Independent Tribune (Appendix A), as well as 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:** Richard Petersheim  
Bart Murr  
Dana Coulter  
Wyatt Street  
Thomas Auer  
Joe Hatley  
Adam Coulter

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**Staff Present:** Richard Smith, Planning Director  
Boyd Stanley, Assistant Planning Director  
Rayvon Walker, Planner  
Kathryn Stapleton, Planner  
Pam Scaggs, Recording Secretary

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**CALL TO ORDER**

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

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**ROLL CALL AND RECOGNITION OF QUORUM**

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

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**APPROVAL OF AGENDA**

Chair Puckett asked for any changes to the agenda and hearing none, Dr. Litaker made the motion to approve, second by Vice-Chair Parker and the motion was unanimously approved.

1 **APPROVAL OF MINUTES**

2 Chair Puckett asked for a motion regarding the February 21, 2023 minutes. Mr. Ensley made the  
3 motion to approve, second by Mr. Trott and the motion was unanimously approved.  
4

5 **PUBLIC HEARING**

6 **Z-2023-07 – Rezoning for seventeen (17) properties located on Mooresville Road, Chestnut**  
7 **Ave. and Central Ave. from Residential 8 (R8) to Center City (CC) zoning district.**

8 Planning Director, Richard Smith, stated that case Z-2023-07 is a straight rezoning request (no  
9 conditions) and gave a brief overview of the request, stating that staff felt comfortable  
10 recommending a straight rezoning for these properties because the requested Center City (CC)  
11 zoning district, as well as the requirement for a Development Agreement, allows for more strict  
12 development guidelines than does other City zoning districts.  
13

14 Assistant Planning Director, Boyd Stanley, gave a PowerPoint presentation regarding case Z-2023-  
15 07, attached to and made part of these minutes as Exhibit 1. Mr. Stanley stated that the request  
16 consists of seventeen (17) properties, and noted the applicant, location, and the size. He reiterated  
17 that the applicant is requesting to rezone from Residential 8 (R8) to Center City (CC).  
18

19 Mr. Stanley directed the Commission’s attention to Vicinity, Zoning, and Future Land Use Plan  
20 maps and provided the surrounding zoning districts and their current uses as well as future land uses.  
21 He utilized the Zoning Map to illustrate location of surrounding zoning districts. He reviewed the  
22 Policy Issues stating that staff found the request to be consistent with the Move Kannapolis Forward  
23 2030 Comprehensive Plan and is recommending approval of the rezoning request, concluded his  
24 presentation and made himself available for questions. Mr. Stanley noted that the Kannapolis  
25 Development Ordinance (KDO) is a strong document and that there are “form-based design  
26 standards” which further restricts development in the CC zoning district.  
27

28 Dr. Litaker asked if the roads [Chestnut and Central Ave.] will remain open or does the developer  
29 intend to incorporate those streets into development of the properties. Mr. Stanley deferred to Mr.  
30 Smith who responded that the roads will remain open.  
31

32 Mr. Gingras asked the intended use of the property. Mr. Stanley deferred to the applicant but  
33 indicated that it will most likely be developed as multi-family residential development with some  
34 type of retail. He added that since the request is a straight rezoning request, the applicant would not  
35 be tied to a site plan. Mr. Gingras expressed concern that the request is not conditional and suggested  
36 that approval of Z-2023-07 will set a precedent for future development. Mr. Stanley stated that the  
37 CC design standards are restrictive, and that staff felt comfortable recommending approval with  
38 those restrictive standards. He added that while the CC zoning district is not appropriate for all areas  
39 of the City, it is appropriate for the subject properties due to their proximity to the existing CC zoning  
40 district. Mr. Stanley reminded the Commission that the KDO is a strong document and that the  
41 Commission should anticipate more straight rezoning requests instead of conditional requests. Mr.  
42 Gingras stated that the CC zoning district offers a variety of development options and feels that a  
43 conditional rezoning would have been more appropriate. Mr. Smith stated that staff can encourage  
44 conditional rezoning when appropriate, but that staff cannot require an applicant to submit a  
45 conditional rezoning. He added that in addition to the strict development guidelines in the CC zoning

1 district, a Development Agreement would also be required which could lend to additional  
2 development restrictions.

3  
4 Mr. Trott asked the identity of the property owners and Ms. Stein asked if the existing homes will  
5 be demolished or moved. Mr. Stanley responded that the applicant, Kannapolis Land Partners LLC,  
6 is the property owner and he deferred to them regarding Ms. Stein's question.

7  
8 Vice-Chair Parker asked the maximum building height. Mr. Smith responded that building height in  
9 the CC zoning district is currently 72 feet, but that the Commission should expect to see a text  
10 amendment adjusting that height noting that both City Council and Cabarrus County schools has  
11 expressed interest in increasing building height.

12  
13 Chair Puckett asked the location of the CC zoning district. Mr. Smith responded that traditionally  
14 the CC district only included the properties that were located within the "loop" [properties between  
15 Dale Earnhardt Boulevard/Loop Road and Main Street], but that the 2030 Plan indicates that other  
16 properties should be included as long as they are in close proximity to the traditional CC district  
17 (roughly 2 blocks). Mr. Smith noted that there was previous discussion regarding adding North and  
18 South Ridge Avenue into the CC district, but that City Council determined that the district would  
19 not be extended out that far.

20  
21 Mr. Ensley asked if the CC district will "creep down" Mooresville Road (Hwy 3). Mr. Smith  
22 responded that it will not and that the intention of the CC zoning district is to facilitate development  
23 of the core downtown area.

24  
25 Representative for the applicant, Bart Murr, made himself available for questions.

26  
27 Mr. Gingras, Chair Puckett and Mr. Trott asked the intended use of the property, whether the  
28 property will be developed or sold and whether they also own the properties that front Dale Earnhardt  
29 Boulevard. Mr. Murr responded that there is not an intended use for the property at this time and  
30 that the rezoning request is to make all of their properties consistent for ease of future development.  
31 He added that the properties will most likely be sold. Mr. Murr stated that Kannapolis Land Partners  
32 also owns the properties fronting Dale Earnhardt Boulevard.

33  
34 Mr. Smith added that with the proximity to the downtown core area as well as improvements to  
35 Mooresville Road. (Hwy 3), and in addition to location of the Cabarrus Health Alliance, the credit  
36 union and the Atrium healthcare building, development of the properties would create a "marquis  
37 corner" into the downtown core and encourage further development.

38  
39 Vice-Chair Parker asked who would be responsible for improvement of the streets and Mr. Trott  
40 asked if curb and gutter would be added. Mr. Smith responded that while Chestnut and Central  
41 Avenue are City streets, and that Dale Earnhardt Boulevard and Mooresville Road (Hwy 3) are  
42 NCDOT streets, the type of development would determine whether street improvements are  
43 required.

44  
45 There being no additional questions or comments for staff or the applicant, Chair Puckett opened  
46 the Public Hearing, which was then closed with no public comment made.

1  
2 Chair Puckett asked for a motion regarding the Statement of Consistency. Mr. Trott made the motion  
3 to approve, second by Vice-Chair Parker and unanimously approved.  
4

5 Chair Puckett asked for a motion regarding the Resolution to Zone. Mr. Ensley made the motion to  
6 approve, second by Ms Stein and unanimously approved.  
7

8 **PLANNING DIRECTOR UPDATE**

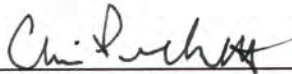
9 Mr. Smith reviewed Robert’s Rules of Order and provided an update on Case No. CZ-2022-08 for  
10 the Commission.  
11

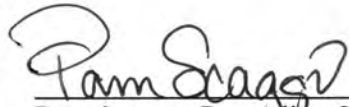
12 **OTHER BUSINESS**

13 Mr. Trott recalled that the Commission used to receive the monthly permit report and asked if they  
14 could begin receiving it again. Mr. Smith responded that staff will provide the requested report at  
15 the next meeting.  
16

17 **ADJOURN**

18 There being no further business, questions or comments, Chair Puckett asked for a motion to adjourn  
19 which was made by Mr. Ensley, second by Vice-Chair Parker and the motion was unanimously  
20 approved. The meeting adjourned at 6:45 PM on Tuesday, March 21, 2023.  
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Chris Puckett, Chair  
25 Planning and Zoning Commission

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27 \_\_\_\_\_  
28 Pam Scaggs, Recording Secretary



PO Box 27283  
Richmond, VA 23261-7283

# Order Confirmation

Order# 0000827350

# APPENDIX A

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

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

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

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

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

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

**Total Amount**                      \$508.34  
**Payment Amount**                      \$508.34

<b>Amount Due</b>	<b>\$0.00</b>	<b><u>Tear Sheets</u></b>	<b><u>Proofs</u></b>	<b><u>Affidavits</u></b>	<b><u>PO Number:</u></b>
<b>Tax Amount:</b>	0.00	0	0	1	
<b>Payment Meth:</b>	Credit - Debit Card				

<b><u>Ad Number</u></b>	<b><u>Ad Type</u></b>	<b><u>Ad Size</u></b>	<b><u>Color</u></b>
0000827350-01	CLS Liner	2 X 40 li	\$0.00


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

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

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

**Run Dates** 3/10/2023, 3/17/2023

**TagLine:** NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETINGTUESDAYMARCH21AT600PM  
ZONINGMAPAMENDMENTZ202207WESTDCHESTNUTANDCENTRA



**KANNAPOLIS**

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

**Tuesday, March 21 at 6:00 pm**

**Zoning Map Amendment - Z-2022-07 - West D, Chestnut and Central Ave:**  
Public Hearing to consider a request to rezone seventeen (17) properties located at 317, 321, 331 & 341 Mooresville Road; 306-313 Chestnut Avenue and 304, 306, 308, 310 and 312 Central Avenue from a Residential 8 (R8) zoning district to a Center City (CC) zoning district. The subject properties are approximately 3.5 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 56144052880000, 56144052150000, 56144042410000, 56144031870000, 56144061680000, 56144070540000, 56144051860000, 56144060700000, 56144051100000, 56134959960000, 56144040470000, 56134959230000, 56134989120000, 56134978590000, 56134978070000, 56134968440000 and 56134958820000.

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

**Publish: March 10, 17, 2023.**

# EXHIBIT 1



## Planning and Zoning Commission March 21, 2023 Meeting

### Staff Report

**TO:** Planning and Zoning Commission

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

**SUBJECT:** Case #Z-2023-07: Mooresville Rd., Chestnut & Central Ave.  
Applicant: Kannapolis Land Partners, LLC

Applicant is requesting to rezone seventeen (17) properties located on Mooresville Road, Chestnut Ave. and Central Ave. from Residential 8 (R8) to Center City (CC) zoning district.

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

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

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

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

#### C. Background & Project Overview

The applicant, Kannapolis Land Partners, LLC is proposing to rezone approximately 3.5 +/- combined acres of property located at 317, 321, 331 & 341 Mooresville Road; 306-313 Chestnut Avenue and 304, 306, 308, 310 and 312 Central Avenue, further identified as Cabarrus County Parcel Identification Numbers 56144052880000, 56144052150000, 56144042410000, 56144031870000, 56144061680000, 56144070540000, 56144051860000, 56144060700000, 56144051100000, 56134959960000, 56144040470000, 56134959230000, 56134989120000, 56134978590000, 56134978070000, 56134968440000 and 56134958820000, from Residential 8 (R8) zoning district to a Center City (CC) zoning district.

#### D. Fiscal Considerations

None

## E. Policy Issues

**Section 2.5.A.(2).c of the KDO states that Amending the Zoning Map is a matter committed to the legislative discretion of the Planning and Zoning Commission or of the City Council, as authorized by this section. In determining whether to adopt or deny the proposed amendment, the Planning and Zoning Commission or the City Council, as applicable, may consider, and weigh the relevance of, whether and to what extent the proposed Zoning Map amendment:**

- 1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?**  
Yes, a portion of the properties are already located within the Downtown Center Character Area, with the remainder within the Urban Residential designation.
- 2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?**  
No, the Center City zoning designation is appropriate for this area.
- 3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?**  
No, but due to proximity to the Center City and Comprehensive Plan Character Areas, the zoning change is appropriate for this area.
- 4. Does the proposed rezoning allow uses that are compatible with existing and allowed uses on surrounding land and with the stability and character of any adjacent residential neighborhoods?**  
Yes, the properties are adjacent to residential and nonresidential land uses.
- 5. Does the proposed rezoning ensure efficient development within the City, taking into consideration the capacity and safety of the street network, the adequacy of public facilities, the suitability of the land for the uses allowed under the existing zoning, and other relevant considerations?**  
Yes, this request is located adjacent to roads with adequate capacity and in close proximity to the downtown core area of the City. Further, the suitability of future projects on this site will be further ensured by the necessity of a development agreement with the City as part of established wastewater allocation provisions.
- 6. Does the proposed rezoning result in a logical and orderly development pattern, taking into consideration the size of the subject lands and the zoning and existing and proposed development on surrounding lands?**  
Yes, the proximity of this site with the core downtown area and the newly expanded Highway 3/Mooresville Road sets this location apart as a marquis entryway into the City.
- 7. Does the proposed rezoning result in significant adverse impacts on the natural environment, including but not limited to water, air, noise, storm water**

**management, wildlife, vegetation, wetlands, and the natural functioning of the environment?**

No, there are no anticipated significant environmental impacts from developing this property.

**F. Legal Issues**

None

**G. Finding of Consistency with Comprehensive Plan**

Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which designates the subject properties as located within the “Urban Residential” and “Downtown Center” Character Areas in the *Move Kannapolis Forward 2030 Comprehensive Plan*. These Character Area designations encourage a mix of residential and nonresidential uses that would be appropriate for these parcels. 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 CC permitted uses would also be compatible with the surrounding zoning and are not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

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

**Staff Recommendation**

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

**Based on the request being consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, staff recommends approval for Zoning Map Amendment Case #Z-2023-07**

**Alternative Courses of Action**

**Motion to Approve (2 votes)**

- 1. Should the Commission choose to approve the request for rezoning as presented in Case #Z-2023-07, 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 the subject properties as located within the “Urban Residential” and “Downtown Center” Character Areas in the *Move Kannapolis Forward 2030 Comprehensive Plan*. These Character Area designations encourage a mix of residential and nonresidential uses that would be appropriate for these parcels. 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 Center City permitted uses would also be*



*compatible with the surrounding zoning and are not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.*

- 2. Should the Commission choose to approve Case #Z-2023-07, a motion should be made to adopt the Resolution to Zone.**

**Motion to Deny (2 votes)**

- 1. Should the Commission choose to recommend denial of Case #Z-2023-07, a motion should be made to adopt the following Statement of Consistency:**

**Statement of Consistency:** *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #Z-2023-07 to be inconsistent with the goals and policies of the **Move Kannapolis Forward 2030 Comprehensive Plan**, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

- 2. Should the Commission choose to deny Case #Z-2023-07, 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. Neighborhood Meeting Information
6. Notice of Public Hearing
7. List of Notified Properties
8. Letter to Adjacent Property Owners
9. Posted Public Notice Sign
10. Resolution to Adopt a Statement of Consistency
11. Resolution to Zone

**J. Issue Reviewed By:**

- Planning Director
- Assistant City Manager
- City Attorney