

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

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

**Minutes of Meeting
April 16, 2024**

The Kannapolis Planning and Zoning Commission met on Tuesday, April 16, 2024, at 6:00 PM in the Laureate Center of City Hall. This meeting was held in accordance with notice published in the Independent Tribune (Appendix A), as well as on the City’s website.

- Commission Members Present:** Chris Puckett, Chair
Daisy Malit
James Litaker
Jamie Richardson
Jeff Parker, Vice-Chair
Larry Ensley
Scott Trott
Shelly Stein
- Commission Members Absent:** Robert Severt, ETJ Representative

- Visitors:** Joe Hatley Susanne Todd
Michael Law Stewart Hasty
Mathias Young Jane Hudson
Ken Hudson

- Staff Present:** Richard Smith, Planning Director
Elizabeth McCarty, Assistant Planning Director
Kathryn Stapleton, Planner
Mia Alvarez, Planner
Wilmer Melton, Assistant City Manager

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 asked for a motion to approve the Agenda which was made by Dr. Litaker, second by Mr. Trott, and the motion was unanimously approved.

APPROVAL OF MINUTES

Chair Puckett noted that on page 1, line 42 of the March 19, 2024, he should be reflected as calling the meeting to order rather than Vice-Chair Parker. Hearing no other changes to the minutes, he asked for a motion to approve the amended minutes, which was made by Dr. Litaker, second by Vice-Chair Parker, and the motion was unanimously approved.

1 Planning Director, Richard Smith, noted for the record that Daisy Malit arrived after roll call and should
2 be counted as being present for the meeting.

3
4 **ECONOMIC DEVELOPMENT – Irene Wong**

5 Mr. Smith provided a brief background on Ms. Wong and introduced her to make her presentation. Ms.
6 Wong stated that the City works closely with both the Cabarrus and Rowan County EDCs (Economic
7 Development Corporations) and talked about the recruitment process for future projects. She stated that
8 the City receives a lot of inquiries regarding manufacturing space and that most questions are regarding
9 utilities and whether the zoning is appropriate for the use. Ms. Wong talked about the incentive process
10 and the importance of providing incentives, stating that the City typically provides a tax break for the
11 first three (3) years. She talked about the importance of job creation and utilized Eli Lilly (City of
12 Concord) as an example, stating that they are investing \$1 billion into the community which will generate
13 \$12.2 million in taxes and six hundred (600) jobs. Ms. Wong stated that the tax base generated by Eli
14 Lilly was equivalent to adding 3,800 homes.

15
16 Ms. Wong stated that the City has worked hard to promote Kannapolis for businesses and has been named
17 in the top fifteen (15) cities in development magazines. She stated that Kannapolis Parkway and Highway
18 73 is the “hub” for industrial development and directed the Commission’s attention to several locations
19 within the City regarding industrial uses that included: *85 Exchange* (located at the southwest corner of
20 Kannapolis Parkway and Highway 73); *Lakeshore Corporate Park* (located between Lane Street and
21 Moose Road off Interstate 85); *Overlook 85* (located on Old Beatty Ford Road off Interstate 85); and
22 *Metro 63* (located between Lane Street and Brantley Road and Old Concord Salisbury Road, near
23 Interstate 85). Ms. Wong reiterated the challenges with attracting businesses including water, sewer,
24 electric, natural gas, construction costs, company decision-making timeframe, and workforce shortage.
25 She concluded her presentation stating that the Cabarrus Center for Innovation and Entrepreneurship
26 provides services for small and start-up businesses within Cabarrus County and provided examples of
27 the services they provide.

28
29 Ms. Wong responded to questions from Chair Puckett who expressed concern regarding the number of
30 warehouses in the City; as well as a question from Mr. Ensley regarding incentive follow-up to ensure
31 that businesses are doing what is needed to receive the incentives. She advised Chair Puckett that there
32 is a large demand for warehouse space and that while the City has not found the right occupant for Metro
33 63, feels confident that the space will be occupied in the near future. In response to Mr. Ensley’s question,
34 she stated that the incentives are performance based.

35
36 **PUBLIC HEARING**

37 **CZ-2024-03 – Conditional zoning map request submitted by Eden Property Holdings, LLC. for**
38 **multiple properties located at 1411, 1431 and 1375 Dale Earnhardt Boulevard, as well as 601**
39 **Laundry Street from Office-Institutional (O-I) to General Commercial-Conditional Zoning (GC-**
40 **CZ) zoning district.**

41 Assistant Planning Director, Elizabeth McCarty, stated that case # CZ-2024-03 was continued from both
42 the February and March meetings and provided the application details for the case, attached to and made
43 part of these minutes as Exhibit 1. Ms. McCarty identified the applicant and property owner, the location
44 of the parcels, the size of the parcels and stated that the request is to conditionally rezone the properties
45 to General Commercial-Conditional Zoning (GC-CZ) and to utilize the existing building for general
46 wholesale and accessory office uses. She added that previous use of the property was for warehousing
47 and wholesaling uses which operated under a Certificate of Nonconformity Adjustment (CONA – BOA-
48 2017-03) but has since expired.

1 Ms. McCarty directed the Commission’s attention to the Zoning map stating that the current Office-
2 Institutional zoning district does not permit general wholesale uses and provided the surrounding zoning
3 districts. She directed attention to the Future Land Use Maps and stated that the subject properties are
4 located within both the Urban Residential and Urban Corridor Character Areas as shown in the Move
5 Kannapolis Forward 2030 Land Use Plan (“2030 Plan”) and provided the recommended uses for both
6 areas. Ms. McCarty further directed attention to site photos and the site plan stating that the parking lot,
7 landscaping and sidewalk were added with the CONA.
8

9 Ms. McCarty stated that staff recommends approval of the requested rezoning with the following
10 conditions:
11

- 12 1. The permitted uses allowed by this rezoning shall exclude the following uses: Vehicle sales
13 and services uses, Eating or drinking establishments uses, Recreation/entertainment uses,
14 Contractor’s yard, Fleet terminal, Prefabricated building sales, Self-service storage, Outdoor
15 storage, Commercial parking as a principal use, Passenger terminal, surface transportation,
16 Recycling collection center, Crematory, Animal shelter, Kennel. Except as specifically
17 prohibited above, the site may be used for other uses permitted by right or under use-specific
18 standards in the General Commercial (GC) zoning district, together with any incidental and/or
19 accessory uses associated therewith that are permitted in the GC zoning district.
- 20 2. Future development on the parcel identified as 1375 Dale Earnhardt Boulevard (PIN
21 56138630070000) shall relate to the principal use established in the existing building located
22 at 1411 Dale Earnhardt Boulevard (PIN 56138549450000). If a separate and unrelated use is
23 proposed, application shall be made for further review and reconsideration of the conditions
24 imposed by approval of this Zoning Map Amendment.
25

26 She reminded the Commission of the actions requested of them, stated that the applicant is present and
27 will make their own presentation, concluded the presentation, and made herself available for questions.
28

29 Chair Puckett asked for confirmation of the requested zoning district. Ms. McCarty responded that the
30 applicant is requesting to rezone to General Commercial (GC) from Office-Institutional. Chair Puckett
31 expressed concern that approving the rezoning will create “spot zoning. Mr. Smith responded that there
32 is non-residential zoning in the area as well as GC across the street and reminded the Commission that
33 they recently recommended an amendment to the Future Land Use Map and Character Area for the Dale
34 Earnhardt corridor. Ms. McCarty utilized the zoning map to illustrate location of the surrounding zoning
35 districts. Chair Puckett asked for confirmation that if the applicant decides to develop the other parcels,
36 they will need to apply for approval. Mr. Smith confirmed.
37

38 Representative for the applicant, Susanne Todd, provided a presentation which included site photos and
39 a video. Ms. Todd reiterated that the requested zoning to GC will allow the property to continue to be
40 used for wholesale and general distribution as well as to make the property conforming and consistent
41 with the 2030 Plan. She noted that the property was used for furniture wholesale in 2012 and was
42 occupied by an automotive headlight supplier (All Star Auto Parts) in 2017. Ms. Todd stated that while
43 there is no guarantee, the property is currently under contract to a tooling division of an equipment sales
44 business that caters to the construction industry and that they sell hand tools and small personal protective
45 equipment such as hard hats and eyeglasses.
46

47 Ms. Todd stated that one of the neighbors at the community meeting expressed concern that large tractor
48 trailer trucks would not be able to easily access the property without damaging his yard. She added that
49 Laundry Street is a 30 foot wide road that allows for two (2) cars and directed the Commission’s attention

1 to a video which illustrated a large tractor trailer accessing the site without leaving the paved street area.
2 She concluded her presentation but reserved the right to address any neighbor complaints.

3
4 Dr. Litaker asked if the applicant is aware of the size and number of trucks that will be making deliveries.
5 Ms. Todd deferred to Stewart Hasty, who responded that while he does not represent the potential tenant
6 and is hesitant to provide incorrect information, he speculated that there would be eight (8) to ten (10)
7 deliveries per week. Mr. Hasty added that the potential tenant operates a fleet of 53-foot trucks and
8 assumed that most of the deliveries would be made with those trucks, but that there could be other sized
9 trucks making deliveries.

10
11 Mr. Ensley asked about the timing of day that deliveries would be made. Mr. Hasty responded that most
12 deliveries would occur Monday through Friday during normal business hours with occasional deliveries
13 on Saturdays but no deliveries on Sundays.

14
15 Chair Puckett asked if NCDOT recommended any access improvements. Mr. Smith responded that the
16 proposed use did not necessitate any changes.

17
18 Dr. Litaker asked if Laundry Street could handle the weight of tractor trailers. Ms. Todd responded that
19 it has handled truck traffic for many years and Mr. Smith added that Laundry Street is a City maintained
20 street.

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

24
25 Chair Puckett asked for a motion regarding the Statement of Consistency. Mr. Trott made the motion to
26 approve, second by Dr. Litaker, and the motion was unanimously approved.

27
28 Chair Puckett asked for a motion regarding the Resolution to Zone. Dr. Litaker made the motion to
29 approve, second by Ms. Stein, and the motion was unanimously approved.

30
31 **CZ-2024-04 – Conditional zoning map amendment submitted by Kenneth Hudson for property**
32 **located at 2814 Lyla Avenue from City of Kannapolis Office-Institutional (O-I) to City of**
33 **Kannapolis Residential 4-Conditional Zoning (R4-CZ) Zoning Designation.**

34 Ms. McCarty provided the application details for conditional rezoning case # CZ-2024-04, attached to
35 and made part of these minutes as Exhibit 2, and stated that the requested rezoning is to allow for a
36 single-family detached dwelling. She directed the Commission’s attention to the case maps identifying
37 the current zoning of the subject and surrounding properties and stated that the property is located in the
38 Suburban Activity 1 Character Area as identified in the 2030 Plan. Ms. McCarty also identified location
39 of the neighboring Complete Neighborhood 1 Character Area and stated that while single-family
40 residential uses are not listed as primary or secondary uses in the Suburban Activity 1 Character Area,
41 proximity of the subject property to the Complete Neighborhood 1 Character Area, which does allow
42 single-family residential as a primary use, is a logical extension. She utilized site photos to illustrate that
43 the surrounding properties consist of residential uses.

44
45 Ms. McCarty explained that the requested rezoning is conditional due to the requirement for a future
46 turnaround for emergency vehicles at the end of Lyla Avenue and that the applicant is dedicating right-
47 of-way (ROW) for a single “hammerhead” turnaround. Ms. McCarty stated that staff found the request
48 to be compatible with surrounding zoning as well as the 2030 Plan because it is a logical extension of
49 the R4 zoning district and the Complete Neighborhood 1 Character Area. She added that a single-family

1 residential use is less intensive than the uses permitted under the existing O-I zoning district and that
2 staff recommends approval of the requested rezoning with the condition as stated in the Staff Report
3 (Exhibit 2). Ms. McCarty concluded her presentation, reminded the Commission of the actions requested,
4 and made herself available for questions.

5
6 Chair Puckett asked why single-family residential is not currently allowed on the lot. Ms. McCarty
7 responded that the current zoning district (O-I) does not permit residential uses. Chair Puckett questioned
8 the residential uses along Lane Street [zoned O-I] and Mr. Smith responded that it was a change as a
9 result of rewriting the City’s ordinance, and that residential uses are no longer permitted in the OI district.

10
11 Mr. Trott asked if water and sewer were available to the property. Ms. McCarty confirmed that both are
12 available.

13
14 There being no additional questions or comments for staff or the applicant, Chair Puckett opened the
15 Public Hearing which was then closed with no public comment made.

16
17 Chair Puckett asked for a motion regarding the Statement of Consistency. Ms. Malit made the motion to
18 approve, second by Vice-Chair Parker, and the motion was unanimously approved.

19
20 Chair Puckett asked for a motion regarding the Resolution to Zone. Ms. Richardson made the motion to
21 approve, second by Ms. Malit, and the motion was unanimously approved.

22
23 **Z-2024-03 – Zoning map amendment submitted by Tripp Reed for property located at 125**
24 **Lowrance Avenue from City of Kannapolis Residential 4 (R4) to City of Kannapolis Mixed-Use**
25 **Neighborhood (MU-N) Zoning Designation.**

26 Ms. McCarty stated that the requested rezoning is a straight rezoning and as such, no conditions may be
27 placed on the approval. She provided the case details for case #Z-2024-03, attached to and made part of
28 these minutes as Exhibit 3. Ms. McCarty directed the Commission’s attention to case maps and identified
29 existing and surrounding zoning districts and stated that the subject property was rezoned in February
30 2022 under the Unified Development Ordinance (UDO) from General Commercial (C-2) to the previous
31 Residential Medium Density (RM-2) district and that the requested MU-N zoning district permits both
32 residential and small-format commercial uses which is an appropriate transition between the General
33 Commercial (GC) and R4 zoning districts.

34
35 Ms. McCarty stated that the property is located within two Character Areas of the 2030 Plan and directed
36 the Commission’s attention to the Future Land Use maps and talked about the recommended uses for
37 each Character Area, noting that residential uses are permitted in both Character Areas. She added that
38 the subject property is located adjacent to the Rogers Lake Road “flyover” (bridge construction) and
39 introduced site photos to further illustrate location of the property and surrounding uses. Ms. McCarty
40 stated that staff recommends approval of the requested rezoning, concluded her presentation, reminded
41 the Commission of the actions requested, and made herself available for questions.

42
43 Mr. Trott asked if the same property wasn’t previously rezoned. Mr. Smith reiterated that the property
44 was rezoned under the UDO, but the property owner determined that the property would be better suited
45 for a duplex and staff concurs. He also reiterated that the MU-N zoning district permits both commercial
46 and residential uses and that the proposed duplex is an appropriate transition between the adjacent
47 commercial and residential uses.

1 Vice-Chair Parker asked if Lowrance Avenue will accommodate increased traffic as a result of the
2 “flyover”. Mr. Smith indicated that NCDOT did study and determine the suitability and suggested that
3 Lowrance will most likely be resurfaced.
4

5 There being no additional questions or comments for staff or the applicant, Chair Puckett opened the
6 Public Hearing which was then closed with no public comment made.
7

8 Chair Puckett asked for a motion regarding the Statement of Consistency. Dr. Litaker made the motion
9 to approve, second by Mr. Trott, and the motion was unanimously approved.
10

11 Chair Puckett asked for a motion regarding the Resolution to Zone. Ms. Malit made the motion to
12 approve, second by Ms. Richardson, and the motion was unanimously approved.
13

14 **PLANNING DIRECTOR UPDATE**

15 Mr. Smith reminded the Commission that training is being made available to them and that there is still
16 time to sign up. He also noted that the Commission recommended thirteen (13) text amendments to City
17 Council and that they acted on ten (10) of those amendments. Mr. Smith identified the three (3) that they
18 did not act on included building height for Center City (CC), Apiary and Self-service storage uses. He
19 added that staff will bring Apiary and Self-service storage amendments back to the Commission at a
20 future meeting. There was question and discussion regarding building height in CC.
21

22 Mr. Smith provided an update on existing project in the City.
23

24 **OTHER BUSINESS**

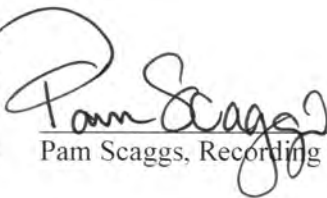
25 Mr. Smith responded to Commission member questions regarding other projects not covered in his
26 update.
27

28 **ADJOURN**

29 There being no further business, questions, or comments, Chair Puckett adjourned the meeting at 7:53
30 PM on Tuesday, April 16, 2024.
31
32
33



Chris Puckett, Chair
Planning and Zoning Commission



Pam Scaggs, Recording Secretary



NOTICE OF PUBLIC HEARING
Planning and Zoning Commission Meeting

Tuesday, April 16, 2024, at 6:00 pm

Conditional Zoning Map Amendment – CZ-2024-03 – Dale Earnhardt Blvd. & Laundry St. – Continued from the February 20, 2024 and March 19, 2024 meetings. Public Hearing to consider a request to rezone properties located at 1411, 1431 and 1375 Dale Earnhardt Blvd., as well as 601 Laundry Street from City of Kannapolis Office Institutional (OI) zoning district to City of Kannapolis General Commercial – Conditional Zoning (GC-CZ) zoning district to allow for utilization of the existing building for general wholesale, accessory office uses, or other uses allowed by right in the GC zoning district. The subject properties are approximately 3.3 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 56138549450000, 56138548910000, 56138630070000, and 56138559600000, respectively.

Conditional Zoning Map Amendment – CZ-2024-04 – 2814 Lyla Ave. – Public Hearing to consider a request to rezone property located at 2814 Lyla Avenue from City of Kannapolis Office Institutional (OI) zoning district to City of Kannapolis Residential 4 – Conditional Zoning (R4-CZ) zoning district to allow for a single-family residential structure. The subject property is approximately 2.966 +/- acres and further identified as Cabarrus County Parcel Identification Number 56124215530000.

Zoning Map Amendment – Z-2024-03 – 125 Lowrance Ave. – Public Hearing to consider a request to rezone property located at 125 Lowrance Avenue from City of Kannapolis Residential 4 (R4) to City of Kannapolis Mixed Use-Neighborhood (MU-N) zoning district. The subject property is approximately 0.404 +/- acres and further identified as Cabarrus County Parcel Identification Number 56135294710000.

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 Heather James, Human Resource Director, by phone at 704-920-4302 or by email at hjames@kannapolisnc.gov. as soon as possible but no later than 48 hours before the scheduled event.

EXHIBIT 1



Planning and Zoning Commission April 16, 2024, Meeting

Staff Report

TO: Planning and Zoning Commission

FROM: Elizabeth McCarty, Assistant Planning Director

SUBJECT: Case #CZ-2024-03: Conditional Zoning Map Amendment
Applicant: Eden Property Holdings, LLC

Request to conditionally rezone four properties located along Dale Earnhardt Boulevard and Laundry Street to allow for the use of an existing building for general wholesale and accessory offices.

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 City Council.

C. Background & Project Overview

This case was continued from the February 20, 2024, and March 19, 2024, meetings. The applicant, Eden Property Holdings, LLC., is proposing to rezone approximately 3.3 +/- combined acres of property located at 1375, 1411, and 1431 Dale Earnhardt Boulevard and 601 Laundry Street from City of Kannapolis Office-Institutional (O-I) zoning district to City of Kannapolis General Commercial-Conditional Zoning (GC-CZ) zoning district. The properties are further identified as Cabarrus County Parcel Identification Numbers 56138630070000, 56138549450000, 56138548910000, and 56138559600000, respectively.

The applicant is proposing to use the existing building, currently vacant, for general wholesale and accessory office uses or for other uses allowed in the GC zoning district. General wholesale is not a permitted use in the O-I District, but it is within the GC District. The applicant's rezoning plan does not indicate any expansion of the existing building or parking area.

The site was previously used for automotive headlight warehousing and wholesale. The automotive business operated under a Certificate of Nonconformity Adjustment (CONA) which was granted by the Board of Adjustment in 2017 (Case #BOA-2017-03). At that time, the parking lot, sidewalk, and street trees were installed. The CONA issued in 2017 has expired. Prior to the automotive warehouse, the site was used as a furniture warehouse and was considered a legal non-conforming use.

The applicant conducted the required neighborhood meeting for a conditional rezoning on January 23, 2024, at 6:30 p.m. The meeting was held at the Trinity United Methodist Church on Martin Luther King, Jr. Avenue.

D. Fiscal Considerations

None

E. Policy Issues

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

1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?

The three properties along Dale Earnhardt Boulevard are in the “Urban Corridor” Character Area. The property fronting Laundry Street is within the “Urban Residential” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Primary uses in the “Urban Corridor” include retail, office, and multifamily residential. Secondary uses are institutional/civic, light manufacturing, and single family attached residential. The “Urban Residential” Character Area promotes primary uses of single family detached and single family attached residential as well as civic uses. Secondary uses include multifamily residential, small format retail and office, and live-work units. With most of the site within the “Urban Corridor” Character Area, the proposed reuse of the existing building for general wholesale and accessory offices is compatible with the Comprehensive Plan.

2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?

No, the proposed rezoning is not in conflict with any ordinances.

3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?

The existing building was previously used for warehousing, a use not permitted in the O-I District. The past furniture warehouse was established before the adoption of the UDO which made it a legal nonconforming use. The prior automotive warehouse was granted a Certificate of Nonconformity Adjustment, which has now expired. The

applicant intends to reuse the existing building for general wholesale and accessory offices. With the proposed rezoning, this would be a conforming use.

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 four subject properties are surrounded by both residential and commercial uses. The applicant has indicated that the existing parking area on the site will be sufficient; no expansion is anticipated. There are trees at the rear of 1375 and 1411 Dale Earnhardt Boulevard that serve as a buffer to adjacent Residential 9 (R8) zoned properties. Additionally, the applicant owns the parcel at 607 Laundry Street which is vacant with trees. This parcel is not part of the proposed conditional rezoning request yet provides a buffer from neighboring residential uses.

The rezoning allows for conditions to exclude uses not deemed suitable for the area. City staff recommends excluding the following uses: Vehicle sales and services uses, Eating or drinking establishments uses, Recreation/entertainment uses, Contractor's yard, Fleet terminal, Prefabricated building sales, Self-service storage, Outdoor storage, Commercial parking as a principal use, Passenger terminal, surface transportation, Recycling collection center, Crematory, Animal shelter, Kennel. The applicant concurs with this proposed condition.

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 property is located adjacent to roads with adequate capacity and safety and is a suitable use allowed under the requested zoning. The properties have access to water and sewer service.

During the neighborhood meeting, attendees raised concerns about trucks driving onto neighboring properties and the ability of trucks to maneuver within the site's loading area. The applicant has indicated that the loading and parking areas are adequate for trucks to load and unload without driving onto adjacent properties. It is anticipated that the applicant will present this information during the public hearing.

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 requested zoning allows for the reuse of an existing building. The development is compatible with existing adjacent uses.

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 rezoning this property. No new development is proposed on the Rezoning Plan.

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* (“2030 Plan”), adopted by City Council, which designates the subject properties as located within the “Urban Corridor” and “Urban Residential” Character Areas in the *2030 Plan*. Staff finds the request for rezoning compatible with the surrounding zoning and it is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

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

Based on the request being consistent with the 2030 Plan, staff recommends approval for Zoning Map Amendment Case #CZ-2024-03 with the following conditions:

1. The permitted uses allowed by this rezoning shall exclude the following uses: Vehicle sales and services uses, Eating or drinking establishments uses, Recreation/entertainment uses, Contractor’s yard, Fleet terminal, Prefabricated building sales, Self-service storage, Outdoor storage, Commercial parking as a principal use, Passenger terminal, surface transportation, Recycling collection center, Crematory, Animal shelter, Kennel. Except as specifically prohibited above, the site may be used for other uses permitted by right or under use-specific stands in the General Commercial (GC) zoning district, together with any incidental and/or accessory uses associated therewith that are permitted in the GC zoning district.
2. Future development on the parcel identified as 1375 Dale Earnhardt Boulevard (PIN 56138630070000) shall relate to the principal use established in the existing building located at 1411 Dale Earnhardt Boulevard (PIN 56138549450000). If a separate and unrelated use is proposed, application shall be made for further review and reconsideration of the conditions imposed by approval of this Zoning Map Amendment.

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-2024-03, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan* (“2030 Plan”), adopted by City

Council, which designates the subject properties as located within the “Urban Corridor” and “Urban Residential” Character Areas in the *2030 Plan*. Staff finds the request for rezoning compatible with the surrounding zoning and it is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

2. **Should the Commission choose to approve Case #CZ-2024-03, 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-2024-03, 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-2024-03 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-2024-03, a motion should be made to deny the Resolution to Zone.**

I. Attachments

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

J. Issue Reviewed By:

- Planning Director
- Assistant City Manager
- City Attorney



Conditional Zoning Map Amendment Checklist

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the size of the parcel, the proposed use or the adequacy of existing infrastructure servicing the location. Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

CONDITIONAL REZONING REQUEST

Conditional Rezoning – Request for an amendment to the Kannapolis Zoning Map.

Approval authority – Planning and Zoning Commission.

Requested Rezoning Property Address: 1375, 1411, and 1431 Dale Earnhardt Blvd, 601 Laundry Street (the "Si

Applicant: Eden Property Holdings LLC

Proposed development: Re-use of existing building for general wholesale and incidental office use,
plus certain other uses as allowed by the Kannapolis Development Ordinance and subject to the proposed conditions attached hereto.

SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to planreviewappointment@kannapolisnc.gov
- Neighborhood Meeting (if required)
- Zoning Map Amendment Checklist and Application – Complete with all required signatures
- Preliminary Major Site Plan
- PDF format on disc containing all documents rotated and formatted in sequential order based upon cover page
- Fee: \$ 925.00 (\$ 600 Application Fee, \$ 300 Legal Notices and notification fee, # of property owners notified [see Fee Schedule])

PROCESS INFORMATION

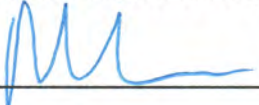
Public Notification: This is a legislative process that requires a public hearing and public notification including newspaper notice, first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Table 2.4.F(2) of the Kannapolis Development Ordinance [KDO]).

Review Process: All applications will be reviewed for compliance and then forwarded to the Planning and Zoning Commission for consideration at a public hearing which is held monthly on the 3rd Tuesday at 6:00pm in City Hall Laureate Center. The application and all fees must be paid prior to scheduling the public hearing.

Action by Planning and Zoning Commission: After conducting a public hearing, the Commission may: deny the application; conduct an additional public hearing on the application; or approve the application with conditions.

Scope of Approval: An affirmative vote of three-fourths of the members present and not excused from voting, shall be necessary to approve a conditional rezoning request. The approval of a rezoning does not authorize development activity, but does authorize the application to apply for a final major site plan. Any final decision rendered by the Commission may be appealed within fifteen (15) days to the City Council.

By signing below I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Applicant's Signature: 

Date: 1/19/24



CONDITIONAL ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: Eden Property Holdings LLC by Johnston, Allison & Hord, P.A.
Address: 1065 East Morehead Street
Charlotte, NC 28204
Phone: 704-998-2306
Email: stodd@jahlaw.com/myoung@jahlaw.com

Property Owner Contact Information same as applicant

Name: Eden Property Holdings LLC
Address: 50 Forest St
Windermere, FL 34786
Phone: 704-998-2306
Email: stodd@jahlaw.com/myoung@jahlaw.com

Project Information

Project Address: 1375, 1411, and 1431 Dale Earnhardt Blvd, 601 Laundry Street
Parcel: See attached exhibit A # of parcels: 4 Approx. size of parcels: 3.3ac
(attach separate list if necessary)

Current Zoning Designation: O-I Requested Zoning Designation: GC(CZ)

Reason for map amendment: Allow for re-use of existing building and ancillary improvements for general wholesale and incidental office use, and certain other uses as allowed by the Kannapolis Development Ordinance, subject to the proposed conditions attached hereto.

Condition(s) proposed by the applicant (attach separate sheet if necessary): See attached exhibit A

By signing below, it is understood and acknowledged that if the property is conditionally rezoned as requested, the property involved in this request will be perpetually bound to the use(s) authorized and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.


Applicant Signature

1/19/24
Date


Property Owner Signature

1/19/24
Date

EXHIBIT A to Conditional Rezoning Application
Eden Property Holdings, LLC

PARCELS:

1431* DALE EARNHARDT BLVD KANNAPOLIS	56138548910000
601 LAUNDRY ST KANNAPOLIS	56138559600000
1411 DALE EARNHARDT BLVD KANNAPOLIS	56138549450000
1375 DALE EARNHARDT BLVD KANNAPOLIS	56138630070000

*1431 Dale Earnhardt Blvd. includes former address 1435 Dale Earnhardt Blvd.

PROPOSED CONDITIONS:

A. Permitted Uses:

The Site may be devoted to one or more of the following uses, along with any incidental or accessory uses thereto:

All uses as allowed in the Office/Institutional (O/I) Zoning District, plus Wholesale, General use; Wholesale, Florist and nursery supply use; Contractors yard use; Fleet terminal use; Microbrewery use; Restaurant use; Personal or Household Goods Repair use; Personal Grooming or Well-being Service use; and Consumer Goods Establishment use as allowed in the General Commercial Zoning District.

B. Existing building and site improvements, including loading docks, located on the Site shall remain.



Vicinity Map

Case Number: CZ-2024-03

Applicant: Eden Property Holdings LLC

1375, 1411, and 1431 Dale Earnhardt Blvd and 601 Laundry St



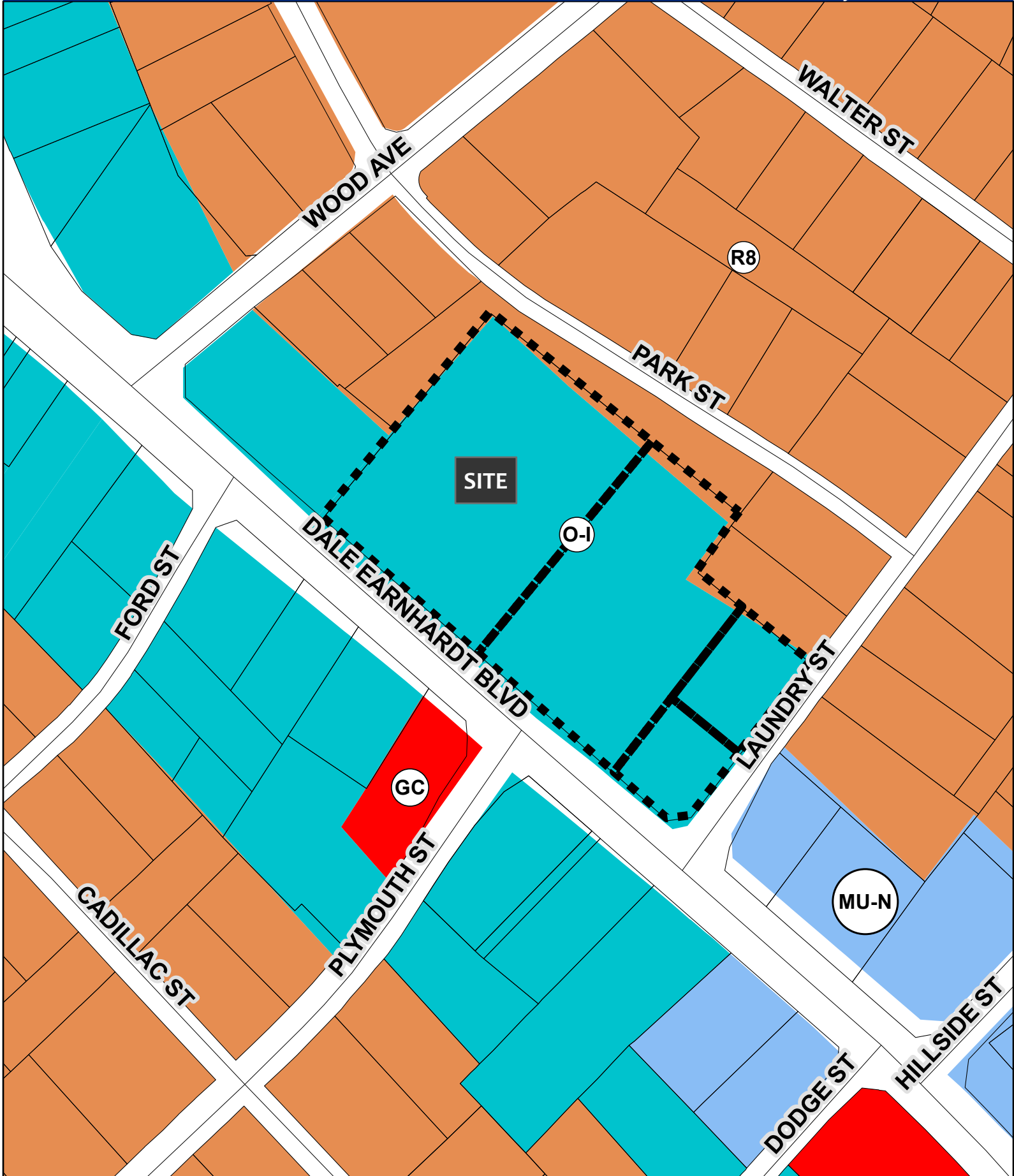


Kannapolis Current Zoning

Case Number: CZ-2024-03

Applicant: Eden Property Holdings LLC

1375, 1411, and 1431 Dale Earnhardt Blvd and 601 Laundry St





Kannapolis 2030 Future Land Use Map

Case Number: CZ-2024-03

Applicant: Eden Property Holdings LLC

1375, 1411, and 1431 Dale Earnhardt Blvd and 601 Laundry St



NEIGHBORHOOD MEETING REPORT
APPLICANT: Eden Property Holdings, LLC
REZONING APPLICATION NO. KN-CZ-2024-00011

This Neighborhood Meeting Report is being filed with the Kannapolis Planning Department pursuant to the provisions of the Kannapolis Development Ordinance.

PERSONS AND ORGANIZATIONS CONTACTED WITH DATE AND EXPLANATION OF HOW CONTACTED:

A representative of the Applicant mailed a written notice of the date, time and location of the Neighborhood Meeting to the individuals and organizations set out on Exhibit A attached hereto by depositing such notice in the U.S. mail on January 16, 2024. A copy of the written notice is attached hereto as Exhibit B.

DATE, TIME AND LOCATION OF MEETING:

The Neighborhood Meeting was held on Tuesday, January 23, 2024 at 6:30PM at Trinity United Methodist Church, 416 Martin Luther King Jr. Ave, Kannapolis, NC 28083.

PERSONS IN ATTENDANCE AT MEETING (see attached copy of sign-in sheet):

The Neighborhood Meeting was attended by the persons identified on the sign-in sheet attached hereto as Exhibit C. Applicant, Eden Property Holdings, LLC, was represented at the Neighborhood Meeting by Stewart Hasty, broker with Piedmont Properties of the Carolinas, Inc., and by R. Susanne Todd and Mathias A. Young, attorneys with Johnston, Allison & Hord, P.A.

SUMMARY OF PRESENTATION/DISCUSSION:

The Applicant's agent, R. Susanne Todd, welcomed the attendees and introduced the Applicant's team. Ms. Todd indicated that the Applicant proposed to rezone an approximately 3.3 acre site (the "Site") located at 1375, 1411, and 1431 Dale Earnhardt Blvd and 601 Laundry Street from the Office/Institutional (O-I) zoning district to the General Commercial – Conditional Zoning (GC-CZ) zoning district. Ms. Todd explained that the purpose of the meeting was to discuss the rezoning request with nearby property owners and community leaders, address questions, and receive comments. Ms. Todd showed the PowerPoint presentation attached as Exhibit D to address attendees' questions.

The Site is improved with a warehouse, loading docks and parking. The Site has historically been used for warehousing of furniture, and after 2017, for wholesale storage and distribution. Neither of these uses is currently allowed in O-I zoning. The Site is currently vacant, but there is a potential buyer for the Site that would like to continue General Wholesale use.

Attendee Questions and Answers:

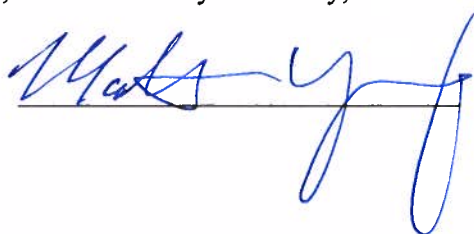
- Q. Will the parking at the Site be adequate for the proposed use?
- A. The Applicant believes that existing parking at the Site will be sufficient for continued use of the Site for General Wholesale use.
- Q. How many trucks will be at the Site?
- A. According to the potential buyer of the property, between five and eight deliveries will be made to the Site each week, comprised of a mix of 53' and LTL trucks.
- Q. Why can't the Applicant put parking along Dale Earnhardt Boulevard as opposed to Laundry Street?
- A. The Applicant is unsure why additional parking or a truck turnaround has not been allowed along Dale Earnhardt Boulevard, but there are two curb cuts already in place.
- Q. When did the Applicant buy the property?
- A. The Applicant purchased the property in 2016.
- Q. Who will be purchasing the property?
- A. The Applicant is currently in negotiations with the tooling division of Equipmentshare, a national equipment and tool supplier, to purchase the property.

There was significant discussion as to whether the existing loading dock and parking arrangement at the Site allowed for 53' trucks to adequately maneuver into the Site's loading dock without driving onto neighboring properties. The Applicant indicated that the loading docks and parking did allow for 53' trucks to enter the Site, load, unload, and leave without driving onto neighboring property. The Applicant indicated that previous issues with trucks were primarily due to contract drivers, and that the proposed buyer's truck drivers would all work at the location and be accountable to the new property owner. Obviously, the Applicant cannot guarantee that there will be no problems if purchased by Equipmentshare. However Applicant believes there would be additional accountability and opportunities for neighbors to voice concerns regarding any issues with trucks that did arise.

When the attendees had no further questions, the Neighborhood Meeting was adjourned at 8:00 PM.

Respectfully submitted, this the 25th day of January, 2024.

By:

A handwritten signature in blue ink, appearing to read 'Matsy', is written over a horizontal line.

PIN	LegalDesc	AcctName1	AcctName2	MailAddr1	MailAddr2	MailCity	MailState	MailZipCod
5613864157.00000000	LT 17 CENTERVIEW	DURHAM EDDIE B ESTATE	DURHAM CONNIE G WF	1311 LOWRANCE AVE		KANNAPO NC		28081
5613854945.00000000	711 CENTERGROVE RD	EDEN PROPERTY HOLDINGS LLC		50 FOREST ST		WINDERM FL		34786
5613855999.00000000	607 LAUNDRY ST	EDEN PROPERTY HOLDINGS LLC		50 FOREST ST		KANNAPO NC		28083
5613867270.00000000	LTS 32-34 CENTERVIEW	ALLISON CLAUDE JR & WIFE		C/O TRENTON MEADOWS	608 WALTER STREET	KANNAPO NC		28083
5613857729.00000000	P/O LOTS 2-12 C B PETHEL PROPERTY	WILLIFORD C TODD	WILLIFORD RITA C WF	1461 DALE EARNHARDT BLVD		KANNAPO NC		28081
5613850948.00000000	S/E INT FORD ST & DALE EARNHARDT BLVD	MCINTOSH JANIE A		1380 DALE EARNHARDT BLVD		KANNAPO NC		28083
5613850991.00000000	CENTERGROVE RD	MCINTOSH WILLIE		1380 DALE EARNHARDT BLVD		KANNAPO NC		28083
5613856704.00000000	P/O LOTS 6-9 CARL PETHEL PROP	WILLIFORD C TODD	WILLIFORD RITA C WF	1461 DALE EARNHARDT BLVD		KANNAPO NC		28083
5613865393.00000000	PT LOT 53 BL B CENTERVIEW #2	WILLIFORD C TODD		C/O TRENTON MEADOWS		KANNAPO NC		28081
5613866210.00000000	611 PARK ST	CRAYTON MATTHEW RALPH JR	CRAYTON VALERIE	611 PARK ST	608 WALTER ST	KANNAPO NC		28081
5613853722.00000000	800 CENTERGROVE RD	SHIVE LARRY W	SHIVE KAYE H WF	PO BOX 60		KANNAPO NC		28082
5613853722.00000000	800 CENTERGROVE RD	SHIVE LARRY W	SHIVE KAYE H WF	PO BOX 60		KANNAPO NC		28082
5613851866.00000000	WEST SIDE DALE EARNHARDT BLVD	MCINTOSH JANIE A		1380 DALE EARNHARDT BLVD		KANNAPO NC		28081
5613851765.00000000	LT 1 CHARLES WILSON JORDAN	GRIMES MATTHEW RYAN		3884 MEADOW RIDGE CT NW		CONCORD NC		28027
5613864342.00000000	LTS 45-52 CENTERVIEW EXT BLK B	HAMPTON HAZEL G		607 PARK ST		KANNAPO NC		28083
5613857972.00000000	LTS 15-17 PETHEL	DOBSON CHRISTIAN B		606 LAUNDRY ST		KANNAPO NC		28083
5613856678.00000000	P/O LTS 2-5 CARL PETHEL	GLICK PROPERTIES LLC		2326 S CHURCH ST STE C		BURLINGT NC		27215
5613854891.00000000	NORTH WEST INTER CENTERGROVE/LAUNDRY	EDEN PROPERTY HOLDINGS LLC		50 FOREST ST		WINDERM FL		34786
5613857836.00000000	LOTS 13-14 P/O 12 CARL B PETHEL	WILLIFORD C TODD	WILLIFORD RITA C WF	1461 DALE EARNHARDT BLVD		KANNAPO NC		28083
5613865254.00000000	609 PARK ST	PEELER SHEILA B		609 PARK ST		KANNAPO NC		28083
5613853695.00000000	806 CENTERGROVE RD	SHIVE LARRY W	SHIVE KAYE H WF	PO BOX 60		KANNAPO NC		28082
5613868030.00000000	LTS 18-22 & P/O 23 C B PETHEL	LINDSAY WALLACE L		610 LAUNDRY ST		KANNAPO NC		28083
5613867102.00000000	LTS 35-38 BLK B CENTERVIEW	CRAYTON MATTHEW RALPH JR	CRAYTON VALERIE	611 PARK ST		KANNAPO NC		28081
5613855960.00000000	WEST SIDE LAUNDRY ST	EDEN PROPERTY HOLDINGS LLC		50 FOREST ST		WINDERM FL		34786
5613853668.00000000	CENTERGROVE RD	SHIVE LARRY W	SHIVE KAYE H WF	PO BOX 60		KANNAPO NC		28082
5613854670.00000000	LTS 49-52 PT42-48 BL "A" BARNHDT	BENTLEY HOLDINGS LLC		10659 RIPPLING STREAM DR NW		CONCORD NC		28027
5613855544.00000000	P/O LTS 47-48 AMANDA S BARNHARDT BLK A	SMITH JOSEPH DANIEL		2141 KISER RD SW		CONCORD NC		28025
5613869192.00000000	LT 1 LAUNDRY ST EXT	NEW LIFE DEVELOPERS LLC		PO BOX 1096		CONCORD NC		28026
5613866033.00000000	NW INTERSECT LAUNDRY ST & PARK ST	DODDS INC		5025 SAPP RD		KANNAPO NC		28083
5613863007.00000000	EAST SIDE CENTERGROVE RD	EDEN PROPERTY HOLDINGS LLC		50 FOREST ST		WINDERM FL		34786



R. Susanne Todd
Partner

WRITER'S E-MAIL ADDRESS:
stodd@johnstonhord.com

WRITER'S DIRECT DIAL:
704-998-2306

INVITATION TO NEIGHBORHOOD MEETING

Subject: Neighborhood Meeting – Proposed Rezoning Application by Eden Property Holdings, LLC to rezone approximately 3.3 acres located at the corner of Dale Earnhardt Boulevard and Laundry Street, Kannapolis, NC from Office-Institutional (OI) to General Commercial-Conditional Zoning (GC-CZ).

Date and Time of Meeting: **Tuesday, January 23rd at 6:30PM**

Place of Meeting: Trinity United Methodist Church, 416 Martin Luther King Jr. Ave, Kannapolis, NC 28083

Applicant: Eden Property Holdings, LLC

Dear Kannapolis Neighbor:

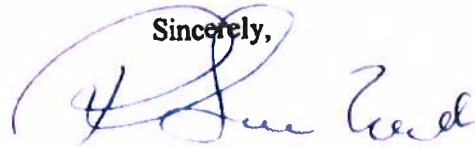
Our firm represents Eden Property Holdings, LLC (the "Applicant") in its proposal to rezone approximately 3.3 acres located on the corner of Dale Earnhardt Boulevard and Laundry Street (the "Site") to allow use of the existing building for general wholesale and accessory office use. The parcels to be rezoned are located at 1411, 1431, and 1375 Dale Earnhardt Boulevard and 601 Laundry Street, and bear parcel numbers of 56138549450000, 56138548910000, 56138630070000, and 56138559600000, respectively. A Site map is included for your reference.

Applicant intends to ask the City of Kannapolis to approve the rezoning of the Site from OI (Office-Institutional) to GC-CZ (General Commercial – Conditional Zoning). The proposed rezoning would also allow the existing building to be used for other uses allowed by right or subject to prescribed conditions within the General Commercial zoning district. The purpose of this neighborhood meeting is to educate owners and residents of nearby lands about the proposed application to be reviewed under the Kannapolis Development Ordinance, and provide an opportunity to discuss comments and concerns before formally submitting an application.

If you would like to learn more about the rezoning and Applicant's plans for the Site, please attend our neighborhood meeting on the above-referenced date, time and location. The meeting will begin with a presentation regarding the plans for the Site, and conclude with a Question and Answer session.

Should you have any questions or are unable to attend, please feel free to call me at (704) 998-2306 or email me at stodd@jahlaw.com.

Sincerely,



R. Susanne Todd

cc: Richard Smith, Director of Planning (via email)

Date Mailed: January 16, 2024

Eden Property Holdings, LLC
Invitation to Neighborhood Meeting
Site Map



Neighborhood Meeting Attendance Sheet

** This sign in sheet is to acknowledge your attendance at the community meeting and so that the City Council may know who attended the community meeting. Signing this attendance sheet does not indicate support or opposition to the proposed rezoning petition. **

Petitioner: Eden Property Holdings, LLC

Rezoning Petition Number: CZ-2024-00011

Date: January 23, 2024

Name	Address	Phone	Email
Matthew Crayton	611 Park St	932-0898	Matthew.Crayton3@gmail.com
STEWART HASTY	115 F PARK AVE	704-560-8000	SHASTY@PEMONTPEOPLE
Rita Williford	1461 Dale Earnhardt Blvd	704 305-0061	twilliford@ctc.net

Add additional sheets as needed

Dale Earnhardt Boulevard GC (CZ) Rezoning

1375, 1411, & 1431 Dale Earnhardt Blvd
601 Laundry Street
Kannapolis

KN-CZ-2024-00011
Official Neighborhood Meeting
January 23, 2024

Team Introductions

- ▶ Property Owner and Applicant: Eden Property Holdings, LLC
- ▶ Owner Representative: Piedmont Properties of the Carolinas, Inc.
 - ▶ Stewart Hasty
- ▶ Applicant's Agent: Johnston, Allison & Hord, P.A.
 - ▶ Susanne Todd
 - ▶ Mathias Young

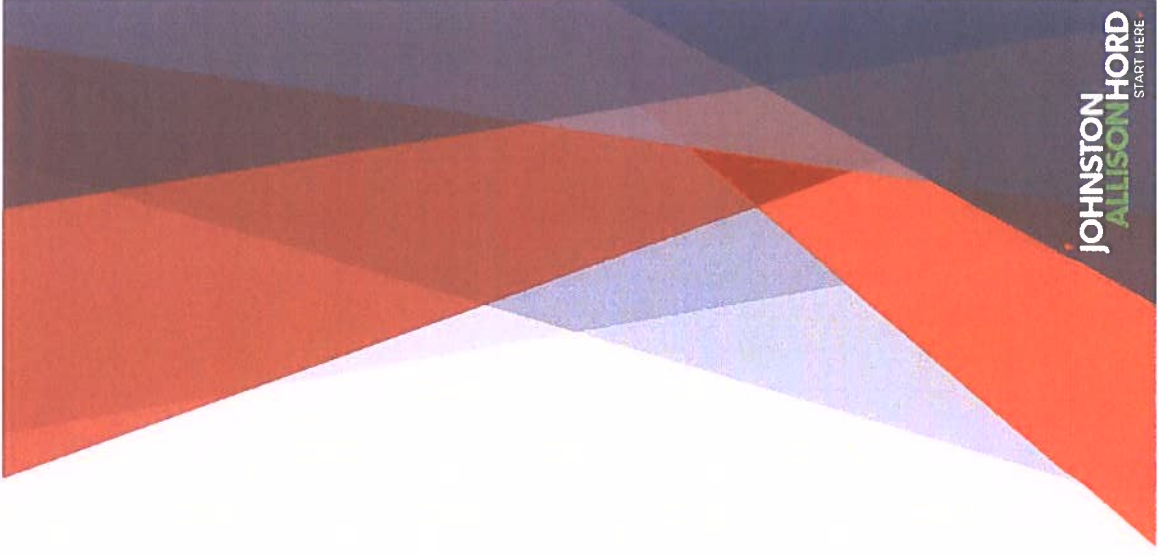


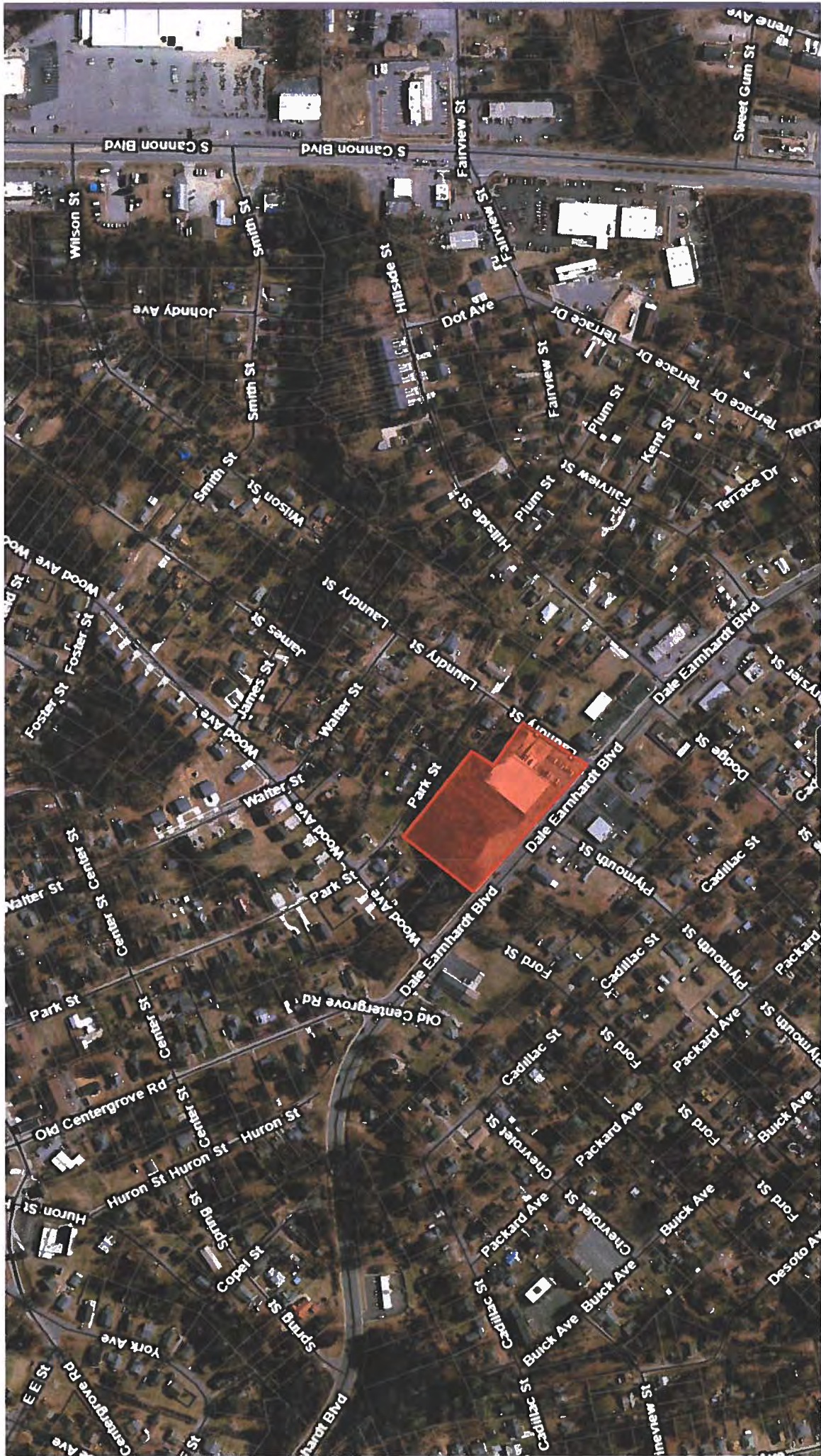
Meeting Agenda

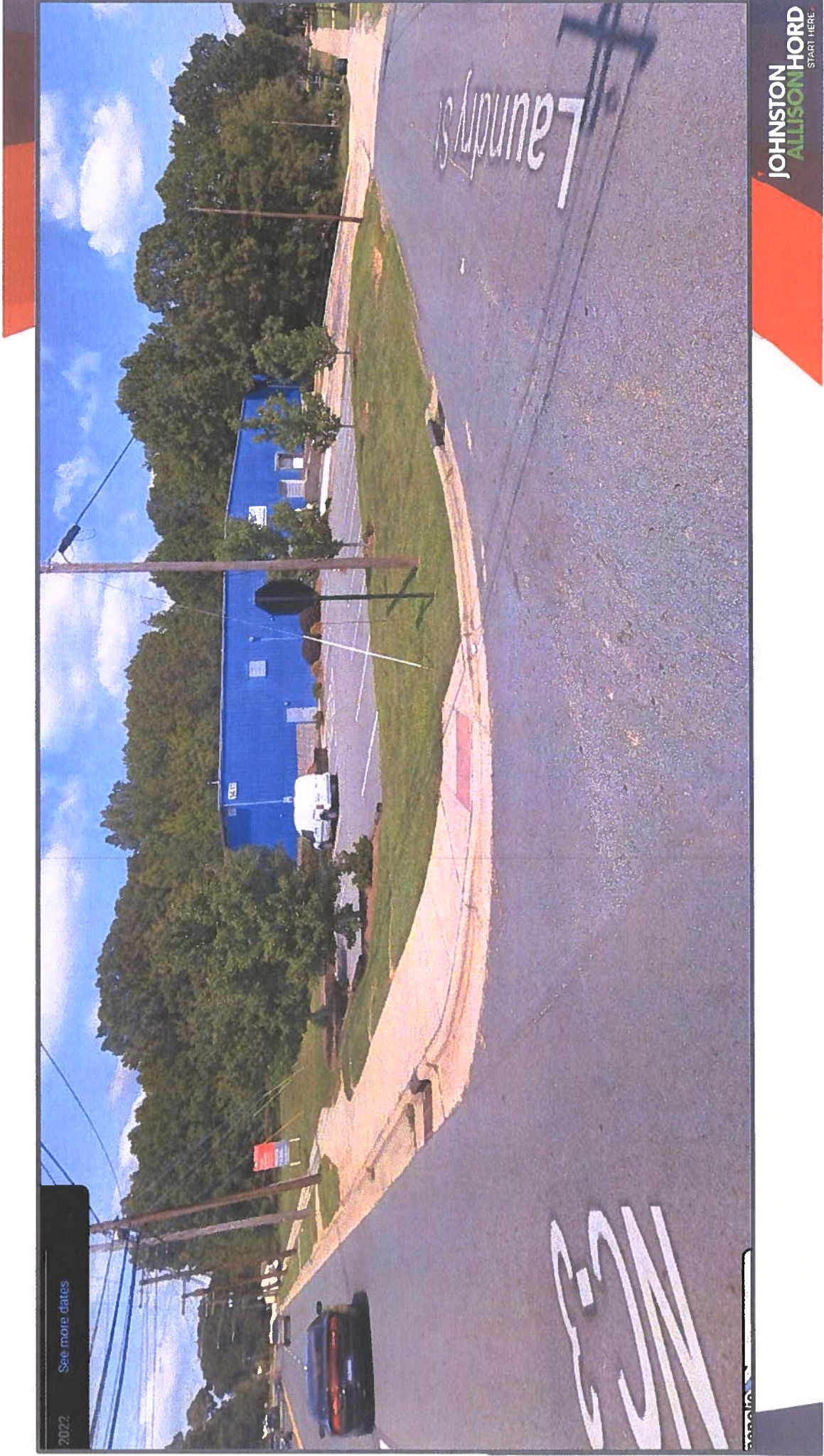
- ▶ Introductions
- ▶ Property Location
- ▶ Current Uses & Zoning
- ▶ Proposed Uses & Zoning
- ▶ Site Plan
- ▶ Land Use Plan
- ▶ Anticipated Rezoning Schedule
- ▶ Questions/Discussion



Property Location







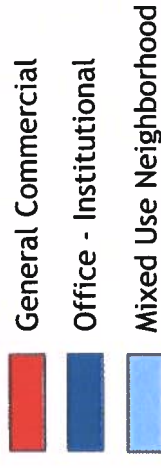
2022 See more dates

JOHNSTON
ALLISONHORD
START HERE

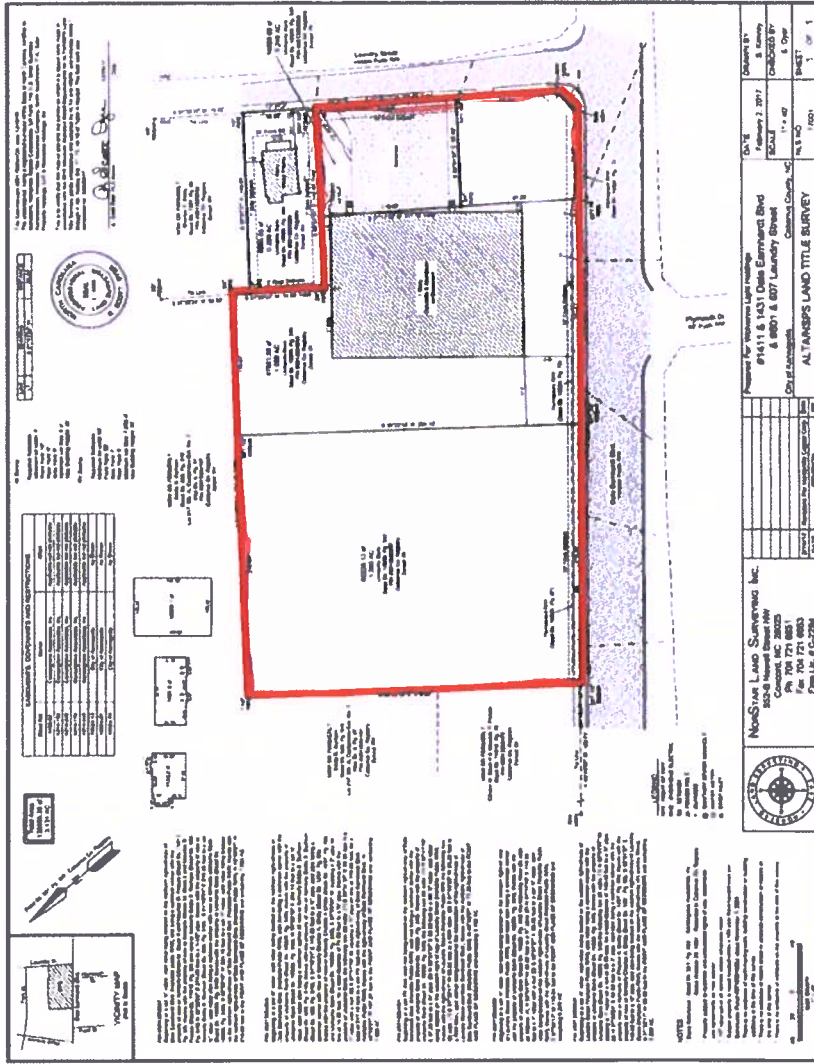


Current Use & Zoning

- ▶ Current Use
 - ▶ Former All Star Auto Parts Distributor
 - ▶ Former Furniture Warehousing & Distribution
 - ▶ Currently Vacant
- ▶ Current Zoning
 - ▶ (O-1) Office - Institutional



Site Plan



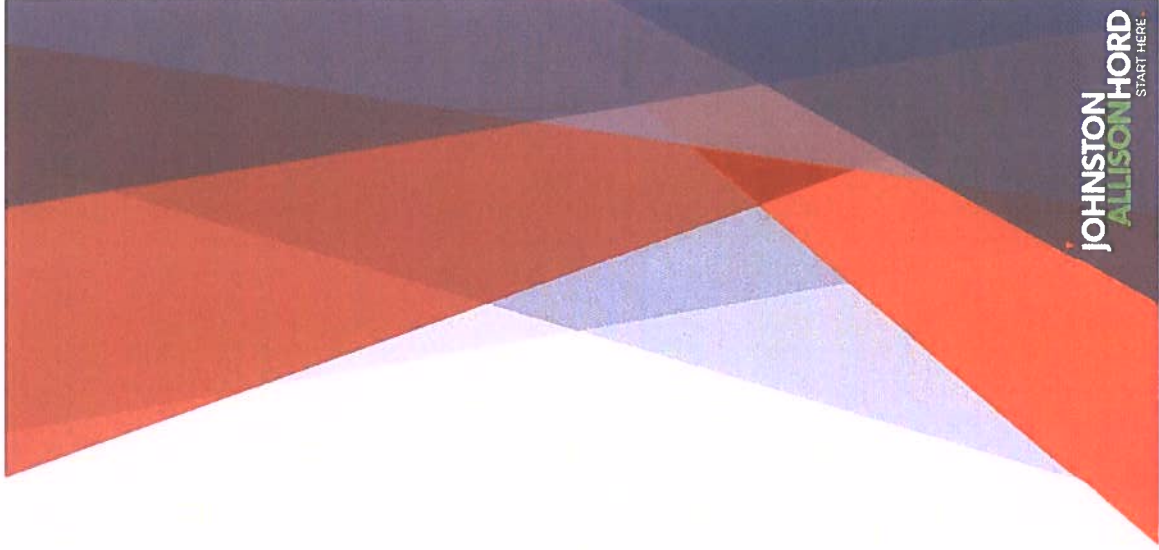
Adaptive Reuse

- ▶ No planned additional construction
- ▶ Existing building to remain

Proposed Uses allow for future development within O-I standards

Productive interim use of existing assets

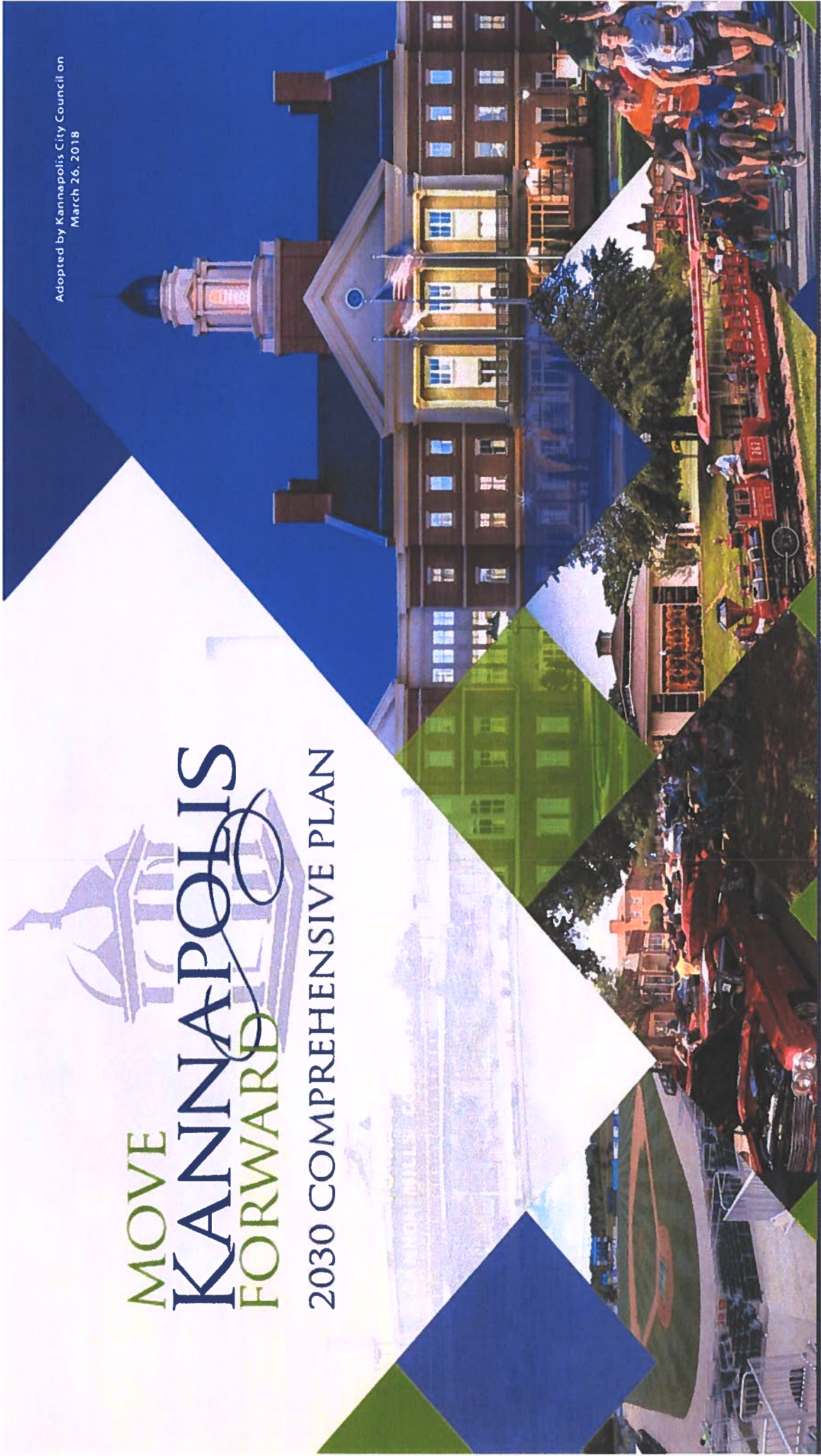
Land Use Plan Recommendations

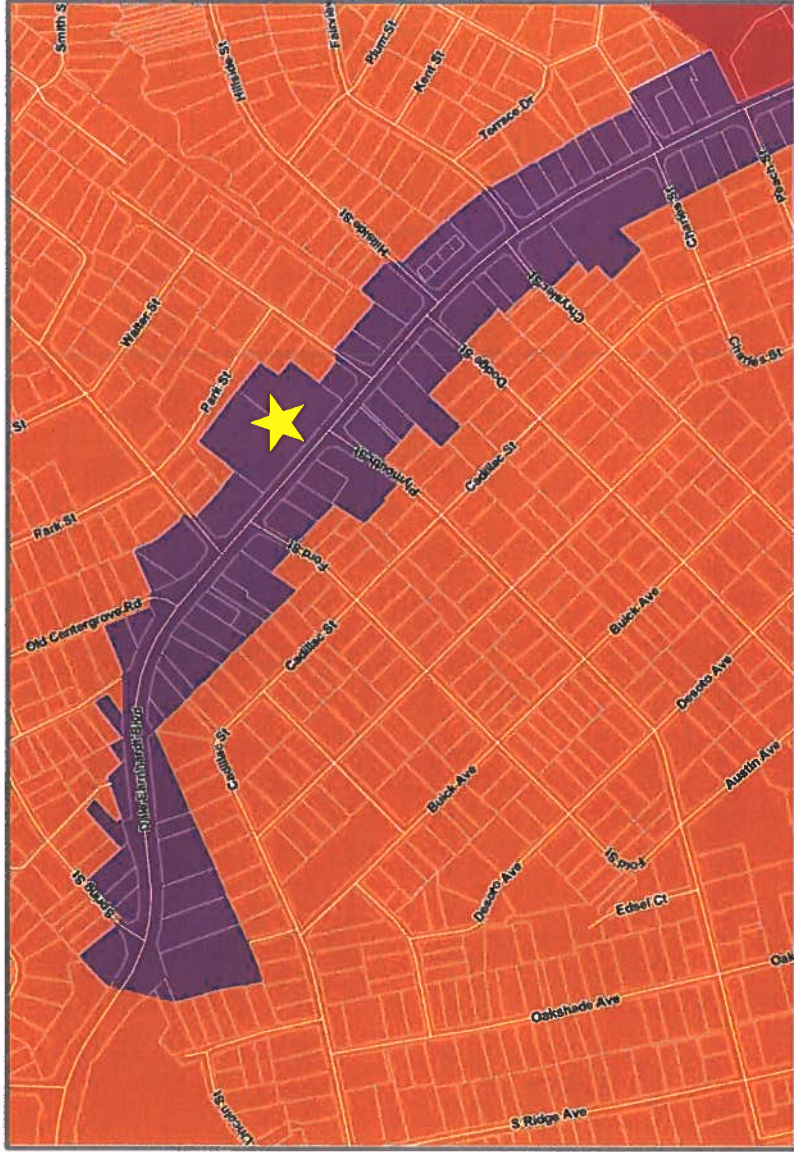


MOVE
KANNAPOLIS
FORWARD

2030 COMPREHENSIVE PLAN

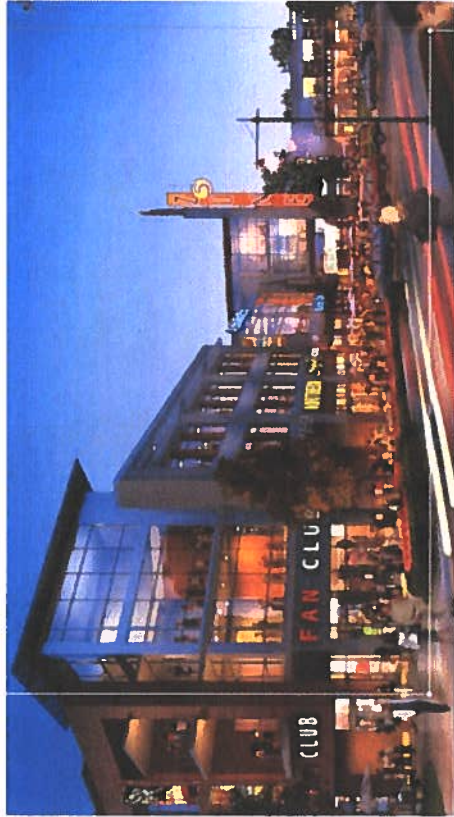
Adopted by Kannapolis City Council on
March 26, 2018





- ▲ Urban Corridor and Residential
- ▲ Proposed Uses align with City's vision for future development
- ▲ Continued use of existing building
- ▲ Productive interim use until market supports future re-development

Urban Corridor



Character Intent

The Urban Corridor Character Area includes activity corridors with places to live, work, and shop in a walkable configuration. The Area may include both vertically and horizontally mixed uses, however infill development will be vertically mixed, with ground floor retail and offices and housing on upper floors. These developments are located close together and near the street, providing connections to surrounding development.

Retrofit Opportunities

- Mixed-use infill and redevelopment
- Multi-modal street redevelopment
- Sidewalks and street trees
- Additional connections to reduce block sizes

- Crosswalks and pedestrian amenities
- Protected bike lanes

Primary Uses

- Retail
- Office
- Multi-family residential

Secondary Uses

- Institutional / Civic
- Light manufacturing
- Single family attached residential



Characteristics of Urban Form

	Existing	Desired
Building Heights	1 - 3 Stories	2 - 5 Stories
Setbacks	0 - 30 ft	0 - 30 ft
Block Length	400 - 800 ft	400 - 600 ft
Street Character	Gridded	Gridded Walkable
Parking	Front, Rear, Side, On-street	Behind buildings, On-street, Mid-block structured parking
Residential Density	n/a	6 - 20 units/acre

Anticipated Rezoning Schedule

- ▶ Neighborhood Meeting and Application Submitted
 - ▶ Today, January 23rd
- ▶ Earliest Public Hearing and Decision by Planning and Zoning Commission
 - ▶ February 20th
- ▶ Earliest City Council Consideration
 - ▶ March 25th



Questions and Discussion





NOTICE OF PUBLIC HEARING
Planning and Zoning Commission Meeting

Tuesday, April 16, 2024, at 6:00 pm

Conditional Zoning Map Amendment – CZ-2024-03 – Dale Earnhardt Blvd. & Laundry St. – Continued from the February 20, 2024 and March 19, 2024 meetings. Public Hearing to consider a request to rezone properties located at 1411, 1431 and 1375 Dale Earnhardt Blvd., as well as 601 Laundry Street from City of Kannapolis Office Institutional (OI) zoning district to City of Kannapolis General Commercial – Conditional Zoning (GC-CZ) zoning district to allow for utilization of the existing building for general wholesale, accessory office uses, or other uses allowed by right in the GC zoning district. The subject properties are approximately 3.3 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 56138549450000, 56138548910000, 56138630070000, and 56138559600000, respectively.

Conditional Zoning Map Amendment – CZ-2024-04 – 2814 Lyla Ave. – Public Hearing to consider a request to rezone property located at 2814 Lyla Avenue from City of Kannapolis Office Institutional (OI) zoning district to City of Kannapolis Residential 4 – Conditional Zoning (R4-CZ) zoning district to allow for a single-family residential structure. The subject property is approximately 2.966 +/- acres and further identified as Cabarrus County Parcel Identification Number 56124215530000.

Zoning Map Amendment – Z-2024-03 – 125 Lowrance Ave. – Public Hearing to consider a request to rezone property located at 125 Lowrance Avenue from City of Kannapolis Residential 4 (R4) to City of Kannapolis Mixed Use-Neighborhood (MU-N) zoning district. The subject property is approximately 0.404 +/- acres and further identified as Cabarrus County Parcel Identification Number 56135294710000.

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 Heather James, Human Resource Director, by phone at 704-920-4302 or by email at hjames@kannapolisnc.gov. as soon as possible but no later than 48 hours before the scheduled event.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
JAMES ABERNATHY	465 PARKS FIELD DR	KANNAPOLIS	NC	28081
EDWIN ALEMAN				
ANA ALAS	455 WOOD AVE	KANNAPOLIS	NC	28083
CLAUDE ALLISON JR				
KATHLEEN MEADOWS				
C/O TRENTON MEADOWS	608 WALTER STREET	KANNAPOLIS	NC	28083
ZACHARY & BRITTANY BARDSLEY	468 WOOD AVE	KANNAPOLIS	NC	28083
BENTLEY HOLDINGS LLC	10659 RIPPLING STREAM DR NW	CONCORD	NC	28027
CORNERSTONE APARTMENTS LLC	P O BOX 1962	CONCORD	NC	28026
MATTHEW R CRAYTON JR				
VALERIE CRAYTON	611 PARK ST	KANNAPOLIS	NC	28081
JACKIE BRAWLEY CROSS TRUSTEE				
REID CARLTON CROSS TRUSTEE	1325 ROGERS RD	CHINA GROVE	NC	28023
CHRISTIAN B DOBSON	606 LAUNDRY ST	KANNAPOLIS	NC	28083
DODDS INC	5025 SAPP RD	KANNAPOLIS	NC	28083
NANCY DOSS ESTATE				
C/O CLYDE L DICKENSON	604 WALTER ST	KANNAPOLIS	NC	28083
EDDIE B & CONNIE G DURHAM ESTATE	1311 LOWRANCE AVE	KANNAPOLIS	NC	28081
EDEN PROPERTY HOLDINGS LLC	50 FOREST ST	WINDERMERE	FL	34786
MICHAEL K EDWARDS	604 PLYMOUTH STREET	KANNAPOLIS	NC	28083
RANDY FRAZIER	417 WOOD AVE	KANNAPOLIS	NC	28083
GLICK PROPERTIES LLC	2326 S CHURCH ST STE C	BURLINGTON	NC	27215
MATTHEW GRIMES	3884 MEADOW RIDGE CT NW	CONCORD	NC	28027
TERRY & KATHY HALL	609 HILLSIDE ST	KANNAPOLIS	NC	28083
HAZEL G HAMPTON	607 PARK ST	KANNAPOLIS	NC	28083
OWEN & JUDITH HILL	803 ISABELLE ST	KANNAPOLIS	NC	28083
KANNAPOLIS 528 CRE 061 LLC	13190 SW 68TH PKWY STE 110	TIGARD	OR	97223
WALLACE L LINDSAY	610 LAUNDRY ST	KANNAPOLIS	NC	28083
JANIE A MCINTOSH	1380 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28081
WILLIE MCINTOSH	1380 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
SCOTT MCNEILLY	2826 HAMPTON GLEN CT	MATTHEWS	NC	28105
KATHLEEN MEADOWS				
C/O TRENTON MEADOWS	608 WALTER ST	KANNAPOLIS	NC	28081
NEW LIFE DEVELOPERS LLC	PO BOX 1096	CONCORD	NC	28026
OLD TOWNE DEVELOPMENT CORPORATION	8312 CALDWELL RD	HARRISBURG	NC	28075
SHEILA B PEELER	609 PARK ST	KANNAPOLIS	NC	28083
KENNEDY PHILLIPS	456 WOOD AVE	KANNAPOLIS	NC	28083
ANA MARIA QUIRINO-GODINEZ				
CAMERINO GONZALEZ-REZA	463 WOOD AVE	KANNAPOLIS	NC	28083
REICHENBACH CHRISTOPHER JAMES	607 HILLSIDE ST	KANNAPOLIS	NC	28083
REID CROSS FAMILY LLC	1288 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
RESIDENTIAL HOME BUYER CHARLOTTE LLC	PO BOX 4090	SCOTTSDALE	AZ	85261
LARRY & KAYE SHIVE	PO BOX 60	KANNAPOLIS	NC	28082
SMITH JOSEPH DANIEL	2141 KISER RD SW	CONCORD	NC	28025
TURNER WAYNE GEORGE JR	471 WOOD AVE	KANNAPOLIS	NC	28083
VILLALTA ANAVELI FERMINA CASTRO LF EST	516 LANDIS OAK WAY	LANDIS	NC	28088
C TODD & RITA WILLIFORD	1461 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
WOLVERINE PROPERTY HOLDINGS LLC	50 FOREST ST	WINDERMERE	FL	34786



April 5, 2024

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, April 16, 2024, at 6:00 PM, at 401 Laureate Way, Kannapolis, NC for the following case:

CZ-2024-03 – Conditional Zoning Map Amendment – 1411, 1431 and 1375 Dale Earnhardt Blvd., as well as 601 Laundry Street

This Public Hearing was continued from the February 20, 2024 and March 19, 2024 meetings and is to consider a request to rezone properties located at 1411, 1431 and 1375 Dale Earnhardt Blvd., as well as 601 Laundry Street from City of Kannapolis Office Institutional (OI) zoning district to City of Kannapolis General Commercial – Conditional Zoning (GC-CZ) zoning district to allow for utilization of the existing building for general wholesale, accessory office uses or other uses allowed by right in the GC zoning district. The subject properties are approximately 3.3 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 56138549450000, 56138548910000, 56138630070000, and 56138559600000, respectively (see reverse side of this letter for a map showing the location of this property).

As an abutting property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis Development Ordinance. You are invited to attend the public hearing and will be provided an opportunity to speak to the Planning and Zoning Commission, if you believe it to be necessary for their decision making on this matter.

If you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4362 or emccarty@kannapolisnc.gov.

Sincerely,

Elizabeth L. McCarty, AICP
Assistant Planning Director

Enclosure

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.

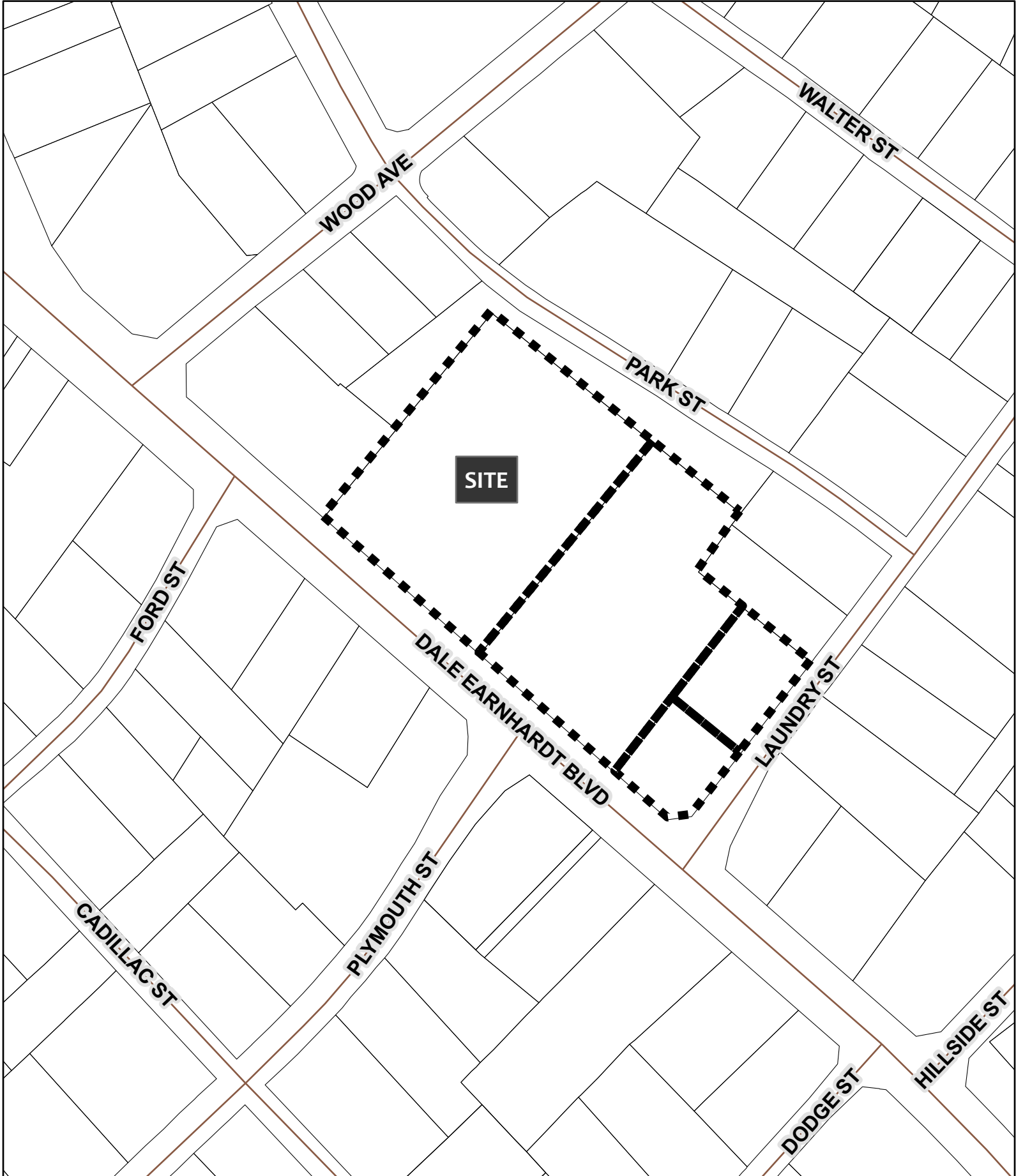


Special Use Permit

Case Number: CZ-2024-03

Applicant: Eden Property Holdings LLC

1375, 1411, and 1431 Dale Earnhardt Blvd and 601 Laundry St






KANNAPOLIS
PLANNING
ZONING
COMMISSION
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE CZ-2024-03





**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #CZ-2024-03**

WHEREAS, Sections 160D-604 and 160D-605 of the North Carolina General Statutes specify that when adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable and explain why the action taken is reasonable and in the public interest; and

WHEREAS, Section 2.3.B(1).a. of the Kannapolis Development Ordinance delegates final authority to the Planning and Zoning Commission on zoning map amendments 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; and

WHEREAS, on April 16, 2024 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone approximately 3.3 +/- combined acres of properties located at 1375, 1411 and 1431 Dale Earnhardt Boulevard, and 601 Laundry Street, (Cabarrus County Parcel Identification Numbers 56138630070000, 56138549450000, 56138548910000, and 56138559600000, respectively) owned by Eden Property Holds, LLC, from City of Kannapolis Office Institutional (OI) to City of Kannapolis General Commercial – Conditional Zoning (GC-CZ) Zoning Designation.

NOW, THEREFORE BE IT RESOLVED *The Planning and Zoning Commission finds this rezoning consistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan (“2030 Plan”), adopted by City Council, which designates the subject properties as located within the “Urban Corridor” and “Urban Residential” Character Areas in the 2030 Plan. Staff finds the request for rezoning compatible with the surrounding zoning and it 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.*

Adopted this the 16th day of April 2024:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case #CZ-2024-03
(1375, 1411, and 1431 Dale Earnhardt Boulevard and
601 Laundry Street)

From City of Kannapolis Office Institutional (OI) to
City of Kannapolis General Commercial–Conditional Zoning (GC-CZ) Zoning Designation

WHEREAS, Section 2.3.B.(1).a of the Kannapolis Development Ordinance (KDO) specifically delegates authority to the Planning and Zoning Commission to take final action on a rezoning application provided, if the application is approved by less than a three quarters majority of voting members or denied, or if the Planning and Zoning Commission’s decision is appealed, the City Council shall make the final decision on the application; and

WHEREAS, the Commission conducted a public hearing on April 16, 2024 for consideration of rezoning petition Case #CZ-2024-03 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone approximately 3.3 +/- combined acres of properties located at 1375, 1411 and 1431 Dale Earnhardt Boulevard, and 601 Laundry Street, (Cabarrus County Parcel Identification Numbers 56138630070000, 56138549450000, 56138548910000, and 56138559600000, respectively) owned by Eden Property Holds, LLC, from City of Kannapolis Office Institutional (OI) to City of Kannapolis General Commercial–Conditional Zoning (GC-CZ) Zoning Designation; and

WHEREAS, the Commission has approved the request for rezoning and found it to be consistent with the City of Kannapolis *Move Kannapolis Forward, 2030 Comprehensive Plan*, reasonable and in the public interest; and

WHEREAS, per Section 2.5.A.(2).c of the Kannapolis Development Ordinance, the Planning and Zoning Commission makes the following findings in support of and in analysis of the rezoning:

1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?

The three properties along Dale Earnhardt Boulevard are in the “Urban Corridor” Character Area. The property fronting Laundry Street is within the “Urban Residential” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Primary uses in the “Urban Corridor” include retail, office, and multifamily residential. Secondary uses are institutional/civic, light manufacturing, and single family attached residential. The “Urban Residential” Character Area promotes primary uses of single family detached and single family attached residential as well as civic uses. Secondary uses include multifamily residential, small format retail and office, and live-work units. With most of the site within the “Urban Corridor” Character Area, the proposed reuse of the existing building for general wholesale and accessory offices is compatible with the Comprehensive Plan.

2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?

No, the proposed rezoning is not in conflict with any ordinances.

3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?

The existing building was previously used for warehousing, a use not permitted in the O-I District. The past furniture warehouse was established before the adoption of the UDO which made it a legal nonconforming use. The prior automotive warehouse was granted a Certificate of Nonconformity Adjustment, which has now expired. The applicant intends to reuse the existing building for general wholesale and accessory offices. With the proposed rezoning, this would be a conforming use.

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 four subject properties are surrounded by both residential and commercial uses. The applicant has indicated that the existing parking area on the site will be sufficient; no expansion is anticipated. There are trees at the rear of 1375 and 1411 Dale Earnhardt Boulevard that serve as a buffer to adjacent Residential 9 (R8) zoned properties. Additionally, the applicant owns the parcel at 607 Laundry Street which is vacant with trees. This parcel is not part of the proposed conditional rezoning request yet provides a buffer from neighboring residential uses.

The rezoning allows for conditions to exclude uses not deemed suitable for the area. City staff recommends excluding the following uses: Vehicle sales and services uses, Eating or drinking establishments uses, Recreation/entertainment uses, Contractor's yard, Fleet terminal, Prefabricated building sales, Self-service storage, Outdoor storage, Commercial parking as a principal use, Passenger terminal, surface transportation, Recycling collection center, Crematory, Animal shelter, Kennel. The applicant concurs with this proposed condition.

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 property is located adjacent to roads with adequate capacity and safety and is a suitable use allowed under the requested zoning. The properties have access to water and sewer service.

During the neighborhood meeting, attendees raised concerns about trucks driving onto neighboring properties and the ability of trucks to maneuver within the site's loading area. The applicant has indicated that the loading and parking areas are adequate for trucks to load and unload without driving onto adjacent properties. It is anticipated that the applicant will present this information during the public hearing.

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 requested zoning allows for the reuse of an existing building. The development is compatible with existing adjacent uses.

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 rezoning this property. No new development is proposed on the Rezoning Plan.

NOW, THEREFORE BE IT RESOLVED by the City of Kannapolis Planning and Zoning Commission that the above referenced properties, as shown on the site plan submitted to the City, be rezoned from City of

Kannapolis Office Institutional (OI) Zoning Designation to City of Kannapolis General Commercial – Conditional Zoning (GC-CZ) Zoning Designation, subject to the following conditions:

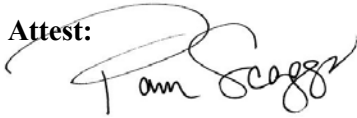
1. The permitted uses allowed by this rezoning shall exclude the following uses: Vehicle sales and services uses, Eating or drinking establishments uses, Recreation/entertainment uses, Contractor’s yard, Fleet terminal, Prefabricated building sales, Self-service storage, Outdoor storage, Commercial parking as a principal use, Passenger terminal, surface transportation, Recycling collection center, Crematory, Animal shelter, Kennel. Except as specifically prohibited above, the site may be used for other uses permitted by right or under use-specific standards in the General Commercial (GC) zoning district, together with any incidental and/or accessory uses associated therewith that are permitted in the GC zoning district.
2. Future development on the parcel identified as 1375 Dale Earnhardt Boulevard (PIN 56138630070000) shall relate to the principal use established in the existing building located at 1411 Dale Earnhardt Boulevard (PIN 56138549450000). If a separate and unrelated use is proposed, application shall be made for further review and reconsideration of the conditions imposed by approval of this Zoning Map Amendment.

Adopted this the 16th day of April 2024:



Chris Puckett, Chairman
Planning and Zoning Commission

Attest:



Pam Scaggs, Recording Secretary
Planning and Zoning Commission

EXHIBIT 2



Planning and Zoning Commission April 16, 2024, Meeting

Staff Report

TO: Planning and Zoning Commission
FROM: Elizabeth McCarty, Assistant Planning Director
SUBJECT: Case #CZ-2024-04: Conditional Zoning Map Amendment
Applicant: Kenneth Hudson

Request to conditionally rezone property located at 2814 Lyla Avenue to allow for a single-family residential home.

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 City Council.

C. Background & Project Overview

The applicant, Kenneth Hudson, is proposing to conditionally rezone approximately 2.994 +/- acres of property from City of Kannapolis Office-Institutional (O-I) zoning district to City of Kannapolis Residential 4 - Conditional Zoning (R4-CZ) zoning district. The subject property is located at 2814 Lyla Avenue and further identified as Cabarrus County Parcel Identification Number (PIN) 56124215530000. The intent of this rezoning request is to construct a single family detached dwelling, which is not a permitted use in the O-I 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. The subject property is within a “Suburban Activity 1” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. While a single family detached residential use is not specifically listed as a primary or secondary use in the Suburban Activity 1 Character Area, the use is compatible at this location. The subject property is a logical extension of the adjacent Complete Neighborhood 1 Character Area in which single family detached residential is a primary use.

2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?

No. The R4 zoning designation is appropriate for this area. The property abuts other residential uses.

3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?

No. Because of the proximity to the Complete Neighborhood 1 Character Area and properties zoned R4, this rezoning request is appropriate for the 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 intent of the rezoning request is to construct a single family detached dwelling on the property. This use is consistent with surrounding residential 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 property is located adjacent to roads with adequate capacity and safety, and is a suitable use allowed under the requested zoning. The applicant’s survey shows the dedication of right-of-way for a single hammerhead at the end of Lyla Avenue to provide, as needed, for a future turnaround for emergency vehicles. Public water and sewer services are accessible to this site.

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 requested zoning allows for a use that is compatible with existing adjacent residential uses.

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 rezoning this property. The intent of this rezoning request is to construct a single family detached dwelling, which is not a permitted use in the O-I zoning district. Development of a single family detached dwelling is a less intensive use than others permitted within the O-I District and fits the character of the surrounding residential uses.

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* (“2030 Plan”), adopted by City Council, which designates the subject property as located within the “Suburban Activity 1” Character Area in the *2030 Plan*. Staff finds the request for rezoning compatible with the surrounding zoning and it is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

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

Based on the request being consistent with the 2030 Plan, staff recommends approval for Zoning Map Amendment Case #CZ-2024-04 with the following condition:

1. Dedication of right-of-way for a single hammerhead at the end of Lyla Avenue to provide for a future turnaround for emergency vehicles.

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-2024-04, a motion should be made to adopt the following Statement of Consistency:

Statement of Consistency: Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan* (“2030 Plan”), adopted by City Council, which designates the subject property as located within the “Suburban Activity 1” Character Area in the *2030 Plan*. Staff finds the request for rezoning compatible with the surrounding zoning and it is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

2. **Should the Commission choose to approve Case #CZ-2024-04, 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-2024-04, 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-2024-04 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-2024-04, a motion should be made to deny the Resolution to Zone.**

I. Attachments

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

J. Issue Reviewed By:

- Planning Director
- Assistant City Manager
- City Attorney



Conditional Zoning Map Amendment Checklist

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the size of the parcel, the proposed use or the adequacy of existing infrastructure servicing the location. Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

CONDITIONAL REZONING REQUEST

Conditional Rezoning – Request for an amendment to the Kannapolis Zoning Map.

Approval authority – Planning and Zoning Commission.

Requested Rezoning Property Address: 2814 Lyla Ave Concord, NC 28027
Applicant: Kenneth Hudson
Proposed development: single family home

SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to planreviewappointment@kannapolisnc.gov
- Neighborhood Meeting (if required)
- Zoning Map Amendment Checklist and Application – Complete with all required signatures
- Preliminary Major Site Plan
- PDF format on disc containing all documents rotated and formatted in sequential order based upon cover page
- Fee: \$925.00 (\$600 Application Fee, \$300 Legal Notices and notification fee, # of property owners notified [see Fee Schedule])

PROCESS INFORMATION

Public Notification: This is a legislative process that requires a public hearing and public notification including newspaper notice, first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Table 2.4.F(2) of the Kannapolis Development Ordinance [KDO]).

Review Process: All applications will be reviewed for compliance and then forwarded to the Planning and Zoning Commission for consideration at a public hearing which is held monthly on the 3rd Tuesday at 6:00pm in City Hall Laureate Center. The application and all fees must be paid prior to scheduling the public hearing.

Action by Planning and Zoning Commission: After conducting a public hearing, the Commission may: deny the application; conduct an additional public hearing on the application; or approve the application with conditions.

Scope of Approval: An affirmative vote of three-fourths of the members present and not excused from voting, shall be necessary to approve a conditional rezoning request. The approval of a rezoning does not authorize development activity, but does authorize the application to apply for a final major site plan. Any final decision rendered by the Commission may be appealed within fifteen (15) days to the City Council.

By signing below I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Applicant's Signature:

Date: 2/22/24



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

CONDITIONAL ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: Kenneth Hudson
Address: 933 Orange Rd
Concord, NC 28027
Phone: 704 450 1243
Email: kenhudson@bellcoIL.net

Property Owner Contact Information same as applicant

Name: Jane B Hudson
Address: _____
Phone: 704 450 2715
Email: janehudson@bellcoIL.net

Project Information

Project Address: 2814 Lyla Ave Concord, NC 28027
Parcel: 5612421553000 # of parcels: 1 Approx. size of parcels: 2.966 ACRES
(attach separate list if necessary)
Current Zoning Designation: Select I0 Requested Zoning Designation: R4
Reason for map amendment: Fire Truck Turn Around

Condition(s) proposed by the applicant (attach separate sheet if necessary):

Surveyor will draw jugged Turn around
on plat

By signing below, it is understood and acknowledged that if the property is conditionally rezoned as requested, the property involved in this request will be perpetually bound to the use(s) authorized and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

[Signature]
Applicant Signature

2/22/24
Date

[Signature]
Property Owner Signature

2/22/24
Date

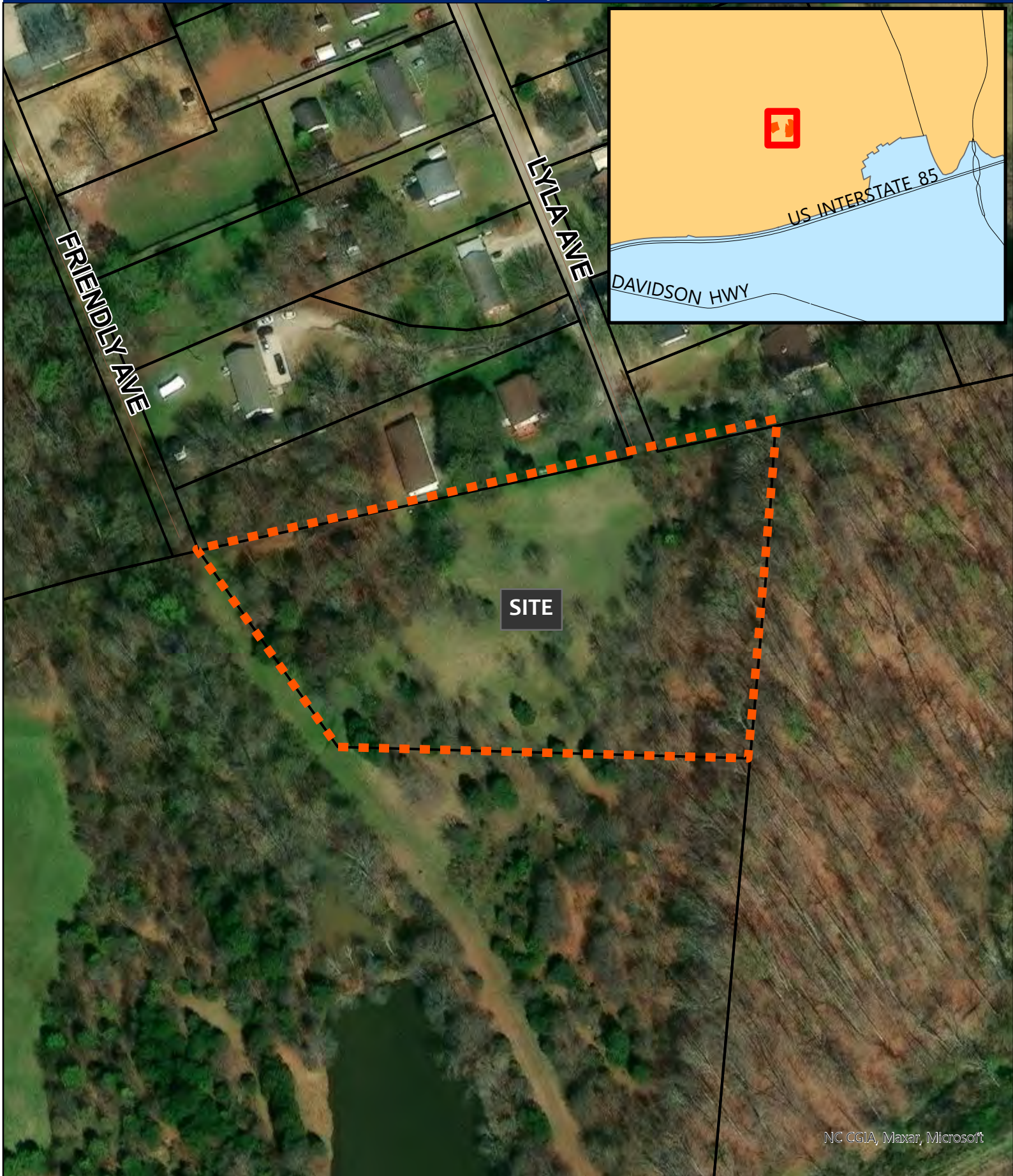


Vicinity Map

Case Number: CZ-2024-04

Applicant: Kenneth Hudson

2814 Lyla Ave





Kannapolis Current Zoning

Case Number: CZ-2024-04

Applicant: Kenneth Hudson

2814 Lyla Ave





Kannapolis 2030 Future Land Use Map

Case Number: CZ-2024-04

Applicant: Kenneth Hudson

2814 Lyla Ave



Point #	Northing	Easting	Elevation	Description
1	622614.06	1514209.55	673.45	tn
2	622787.58	1514699.41	648.39	5/8" rod Fd.
3	622759.20	1514568.42	661.79	5/8" rod Fd.
4	622720.34	1514392.87	672.49	5/8" rod Fd.
207	622764.92	1513759.76	657.18	1" rod Fd.
208	622857.24	1513721.99	658.22	5/8" rod Fd.
216	622694.27	1514274.16	678.47	5/8" rod Fd.
217	620950.23	1514240.47	695.28	5/8" rod Fd.

Point #	Northing	Easting	Elevation	Description
401	622388.45	1514364.34	665.80	5/8" rod Set
402	622399.60	1513963.68	653.40	5/8" rod Fd.
408	622688.00	1514246.34	679.77	5/8" rod Set
410	622592.85	1513825.73	656.11	5/8" rod Fd.
1001	595611.29	1533753.92	606.25	CORS NCCO DF7471
1002	670777.62	1463780.77	976.31	CORS NCMO DH3838
1003	716979.86	1574849.82	676.70	CORS NCSA DNS840

STATE OF NORTH CAROLINA
COUNTY OF Cabarrus County

I, REVIEW OFFICER OF Cabarrus County
CITY OF Kannapolis
CERTIFY THAT THE MAP OR PLAT
TO WHICH THIS CERTIFICATION IS
AFFIXED MEETS ALL REQUIREMENTS
FOR RECORDING.

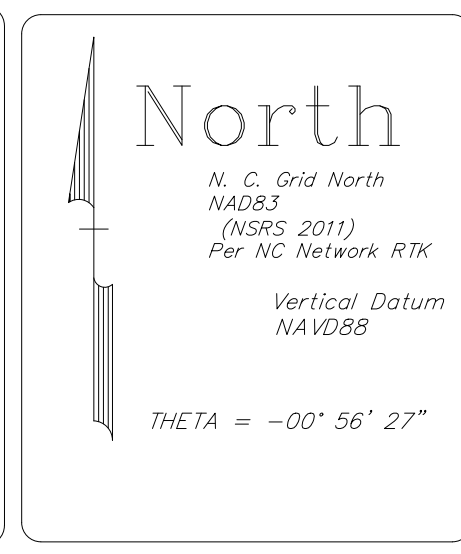
REVIEW OFFICER _____ DATE _____

Final Plat Approval
City of Kannapolis

I hereby certify that this plat is exempt from the
subdivision regulations of the City of Kannapolis
due to its exclusion from the definition of a
subdivision as established by NCGS 160D-802(a)

Planning Director _____ Date _____

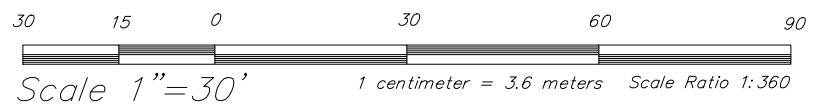
Note:
All distances given are reduced to
the Grid Plan. Surface
distances can be obtained
by dividing by combined
scale factor.



Horizontal Control ±3.0centimeters
Vertical Control ±3.0 Centimeters
Elevations are based on NAVD88

Measurements taken from
North Carolina Network RTK
with Trimble R12 GNSS Dual
Frequency GPS Receiver

Conventional Ground Work
performed with 1" Trimble SB or
SX-12 Robotic Station.



i, Norman Grey Ribelin, certify that this report was produced under my supervision from an actual GPS
survey made under my supervision and the following information was used to perform the survey:

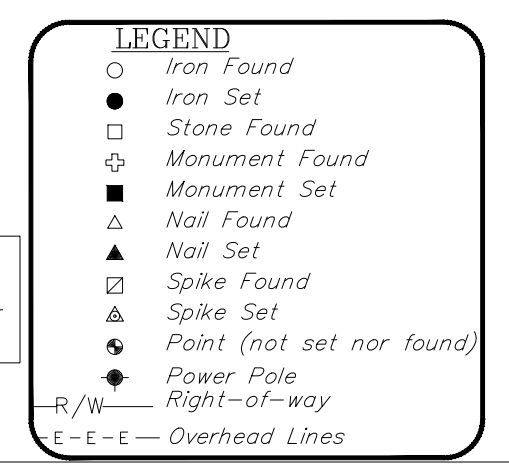
(1) Class of survey: _____
(2) Positional accuracy: _____
(3) Type of GPS field procedure: _____
(4) Dates of survey: _____
(5) Datum/Epoch: _____
(6) Published/Fixed-control use: _____
(7) Geoid model: _____
(8) Combined grid factor(s): _____
(9) Units: _____

CERTIFICATE FOR BOUNDARY SURVEY
I, Norman Grey Ribelin, certify that this plat was drawn under my
supervision from an actual survey performed under my supervision
(deed description recorded in Book 16656 page 2107,
that the boundaries not surveyed are clearly indicated as drawn from
information found in Book 177 page 218;
that the ratio of precision as calculated is 1:10000+; that the Global
Positioning System (GPS) observations were performed to the
Geospatial Positioning Accuracy Standards, Part 2: Standards for
Geodetic Networks at the 3d centimeter accuracy classification (95%
confidence) using RTK Network and that this map meets the
requirements of The Standards of Practice for Land Surveying in North
Carolina (21 NCAC 56.16002).
d. That the survey is of another category, such as the recombination
of existing parcels, a court-ordered survey, or other exception to the
definition of subdivision,
Witness my original signature and seal this the day

Norman Grey Ribelin, PLS L-2674 _____ Date _____
Ribelin Land Surveying, Inc. C-1693

**PRELIMINARY PLAT
NOT FOR RECORDATION
CONVEYANCES, OR SALES**

This survey is conducted by:
Norman Grey Ribelin, PLS, L-2674
dba/
Ribelin Land Surveying, Inc., C-1693
333 Surveyors Drive Salisbury, N. C.
28146-1538 Ph. (704) 633-2995



This drawing is of an existing parcel and
recorded previously in Book of Maps 97
page 81 in the Cabarrus County Register
of Deeds.

Survey Type: Street Dedication
FOR: **Kenneth M. & Jane B. Hudson**
Present Owners: Kenneth M. & Jane B. Hudson

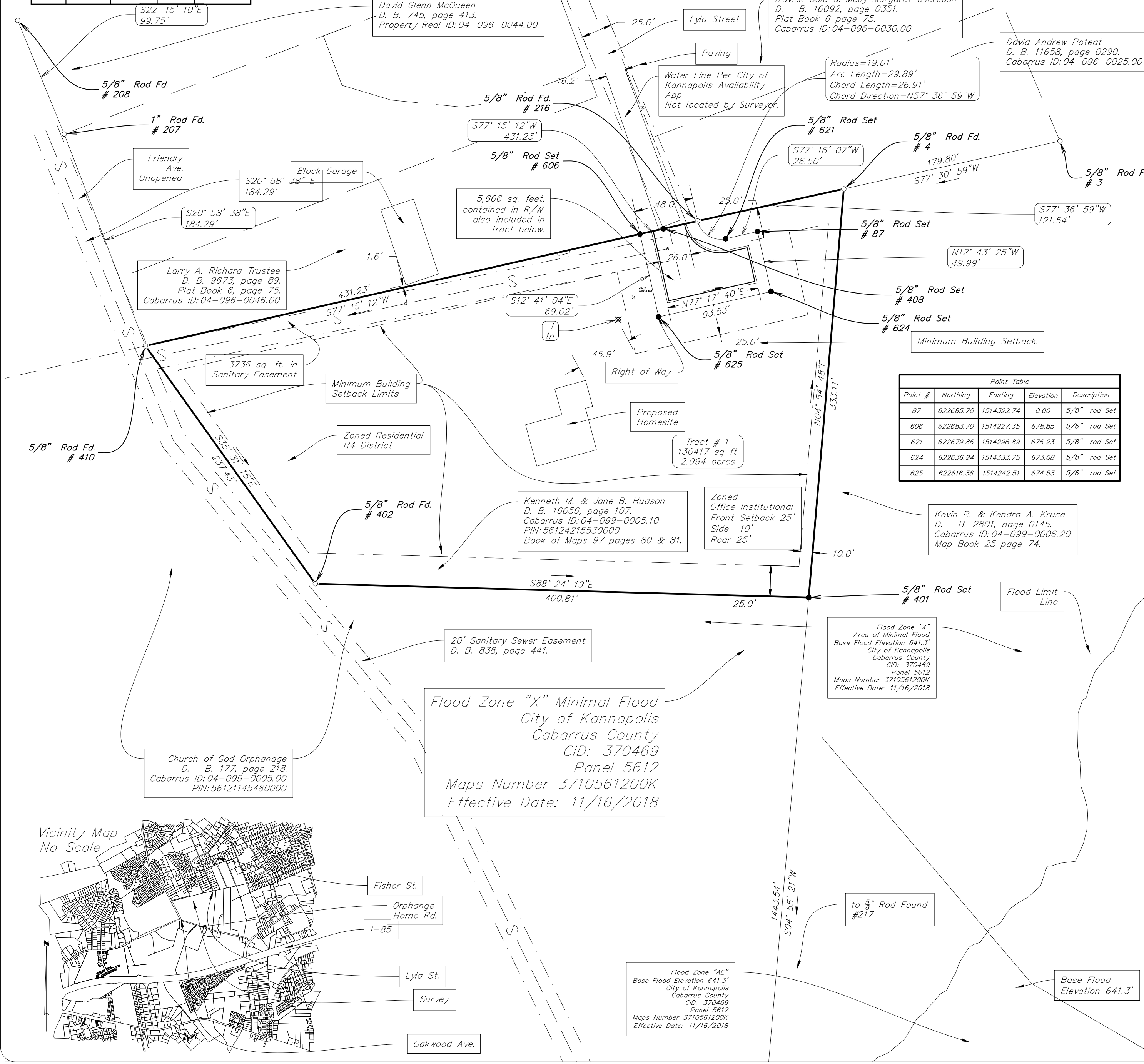
City/Township: City of Kannapolis, Township #4 Township
County: Cabarrus County North Carolina

Parcel Id: 04-099-0005.10
Pin Number: 5612-42-1553-0000

Total Acreage: 2.994 Acres Area by coordinates
Error Adjusted by Compass Rule

Beginning Field Survey Date: 07/11/2023 Last Survey Date: 07/19/2023
Drawing Date: 4/6/24, Revised 07/23/2023, 08/17/2023, Revised 09/02/2023,
Revised 02/23/2024, Revised 03/10/2024, Revised 03/14/2024, Revised
03/19/2024, Revised 04/06/2024

COGO/CAD FILE: D:\Surveys\2100_S\2160\2161 Hudson\20240406.dwg
JOB NUMBER 2024-2161





NOTICE OF PUBLIC HEARING
Planning and Zoning Commission Meeting

Tuesday, April 16, 2024, at 6:00 pm

Conditional Zoning Map Amendment – CZ-2024-03 – Dale Earnhardt Blvd. & Laundry St. – Continued from the February 20, 2024 and March 19, 2024 meetings. Public Hearing to consider a request to rezone properties located at 1411, 1431 and 1375 Dale Earnhardt Blvd., as well as 601 Laundry Street from City of Kannapolis Office Institutional (OI) zoning district to City of Kannapolis General Commercial – Conditional Zoning (GC-CZ) zoning district to allow for utilization of the existing building for general wholesale, accessory office uses, or other uses allowed by right in the GC zoning district. The subject properties are approximately 3.3 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 56138549450000, 56138548910000, 56138630070000, and 56138559600000, respectively.

Conditional Zoning Map Amendment – CZ-2024-04 – 2814 Lyla Ave. – Public Hearing to consider a request to rezone property located at 2814 Lyla Avenue from City of Kannapolis Office Institutional (OI) zoning district to City of Kannapolis Residential 4 – Conditional Zoning (R4-CZ) zoning district to allow for a single-family residential structure. The subject property is approximately 2.966 +/- acres and further identified as Cabarrus County Parcel Identification Number 56124215530000.

Zoning Map Amendment – Z-2024-03 – 125 Lowrance Ave. – Public Hearing to consider a request to rezone property located at 125 Lowrance Avenue from City of Kannapolis Residential 4 (R4) to City of Kannapolis Mixed Use-Neighborhood (MU-N) zoning district. The subject property is approximately 0.404 +/- acres and further identified as Cabarrus County Parcel Identification Number 56135294710000.

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 Heather James, Human Resource Director, by phone at 704-920-4302 or by email at hjames@kannapolisnc.gov. as soon as possible but no later than 48 hours before the scheduled event.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
CHURCH OF GOD ORPHANAGE	3485 WEATHERBY CIR	CONCORD	NC	28027
KENNETH & JANE HUDSON	933 ORPHANAGE RD	CONCORD	NC	28027
KEVIN & KENDRA KRUSE	721 ORPHANAGE ROAD	CONCORD	NC	28027
MICHAEL & BONNIE MARTIN	2634 PARKS LAFFERTY ROAD	CONCORD	NC	28025
JEREMY MCMANUS	2631 CRAIG AVE	CONCORD	NC	28027
DAVID MCQUEEN	2800 LYLA AVE	CONCORD	NC	28027
TRAVIS & MOLLY OVERCASH	6979 UNTZ RD	CONCORD	NC	28027
DAVID POTEAT	2807 LYLA AVE	CONCORD	NC	28027
LARRY A RICHARD TRUSTEE	2810 LYLA AVE	CONCORD	NC	28027
ERIC W RODGERS	2803 LYLA AVE	CONCORD	NC	28027
NORMA MUNOZ TORRES	2806 LYLA AVE	CONCORD	NC	28027



KANNAPOLIS
Planning

April 5, 2024

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, April 16, 2024, at 6:00 PM, at 401 Laureate Way, Kannapolis, NC for the following case:

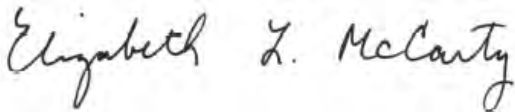
CZ-2024-04 – Conditional Zoning Map Amendment – 2814 Lyla Ave.

The purpose of this Public Hearing is to consider a request to rezone property located at 2814 Lyla Avenue from City of Kannapolis Office Institutional (OI) zoning district to City of Kannapolis Residential 4 – Conditional Zoning (R4-CZ) zoning district to allow for a single-family residential structure. The subject property is approximately 2.966 +/- acres and further identified as Cabarrus County Parcel Identification Number 56124215530000 (see reverse side of this letter for a map showing the location of this property).

As an abutting property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis Development Ordinance. You are invited to attend the public hearing and will be provided an opportunity to speak to the Planning and Zoning Commission, if you believe it to be necessary for their decision making on this matter.

If you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4362 or emccarty@kannapolisnc.gov.

Sincerely,



Elizabeth L. McCarty, AICP
Assistant Planning Director

Enclosure

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.

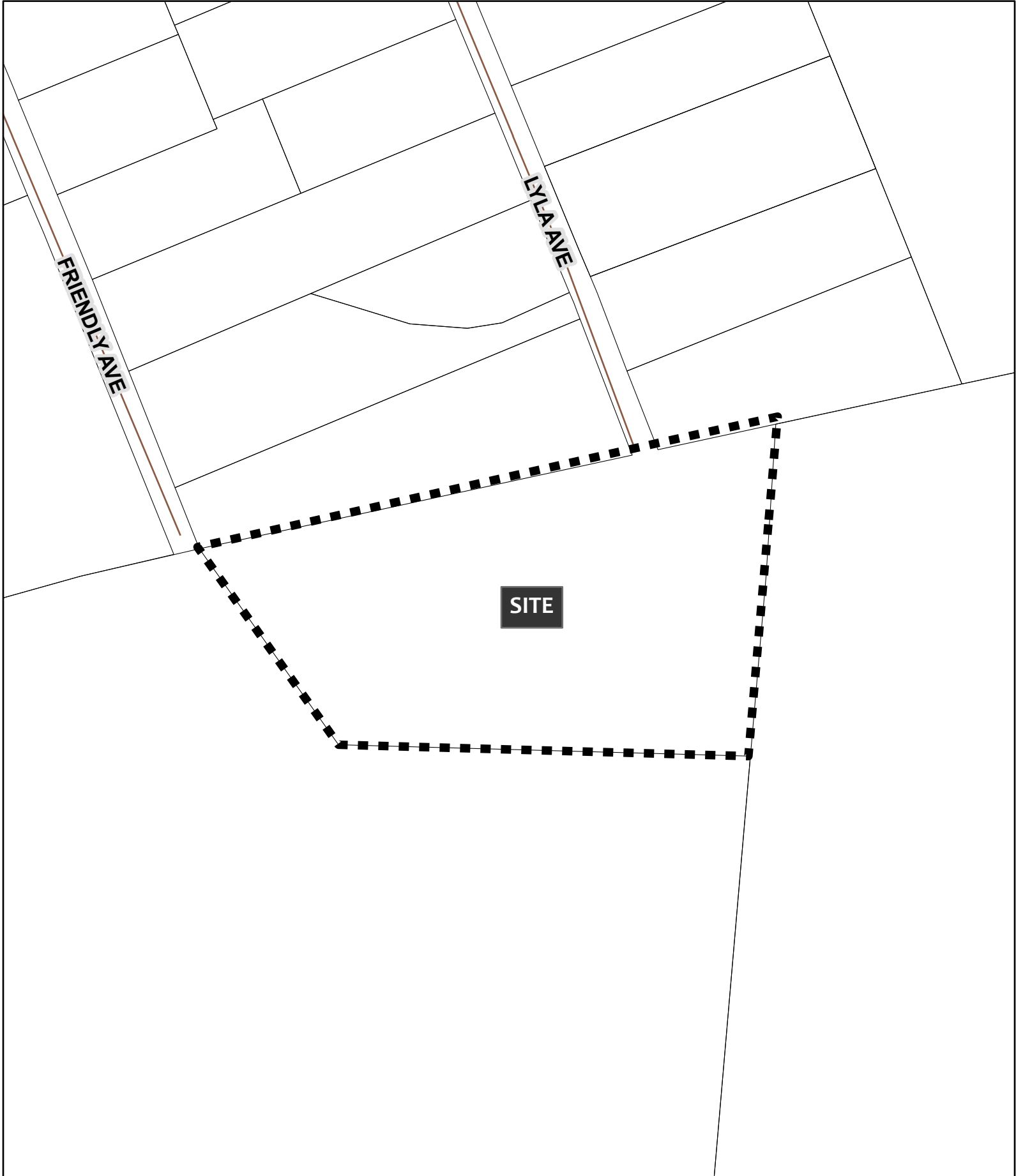


Conditional Rezoning

Case Number: CZ-2024-04

Applicant: Kenneth Hudson

2814 Lyla Ave



KANNAPOLIS

PLANNING

ZONING

COMMISSION

PUBLIC HEARING INFORMATION
CALL 704-920-4350 CASE # CZ-2024-04

KANNAPOLIS
PLANNING
ZONING
COMMISSION
PUBLIC HEARING INFORMATION
CALL 704-920-4350 CASE # CZ-2024-04



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #CZ-2024-04**

WHEREAS, Sections 160D-604 and 160D-605 of the North Carolina General Statutes specify that when adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable and explain why the action taken is reasonable and in the public interest; and

WHEREAS, Section 2.3.B(1).a. of the Kannapolis Development Ordinance delegates final authority to the Planning and Zoning Commission on zoning map amendments 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; and

WHEREAS, on April 16, 2024 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone approximately 2.994 +/- acres of property located at 2814 Lyla Avenue, (Cabarrus County Parcel Identification Number 56124215530000) owned by Kenneth and Jane Hudson, from City of Kannapolis Office Institutional (O-I) to City of Kannapolis Residential 4-Conditional Zoning (R4-CZ) Zoning Designation.

NOW, THEREFORE BE IT RESOLVED *The Planning and Zoning Commission finds this rezoning consistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan ("2030 Plan"), adopted by City Council, which designates the subject properties as located within the "Suburban Activity 1" Character Area in the 2030 Plan. Staff finds the request for rezoning compatible with the surrounding zoning and it 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.*

Adopted this the 16th day of April 2024:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

Case #CZ-2024-04
(2814 Lyla Avenue)

**From City of Kannapolis Office-Institutional (O-I) to
City of Kannapolis Residential 4–Conditional Zoning (R4-CZ) Zoning Designation**

WHEREAS, Section 2.3.B.(1).a of the Kannapolis Development Ordinance (KDO) specifically delegates authority to the Planning and Zoning Commission to take final action on a rezoning application provided, if the application is approved by less than a three quarters majority of voting members or denied, or if the Planning and Zoning Commission’s decision is appealed, the City Council shall make the final decision on the application; and

WHEREAS, the Commission conducted a public hearing on April 16, 2024 for consideration of rezoning petition Case #CZ-2024-04 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone approximately 2.994 +/- acres of property located at 2814 Lyla Avenue, (Cabarrus County Parcel Identification Number 56124215530000) owned by Kenneth and Jane Hudson, from City of Kannapolis Office Institutional (O-I) to City of Kannapolis Residential 4–Conditional Zoning (R4-CZ) Zoning Designation; and

WHEREAS, the Commission has approved the request for rezoning and found it to be consistent with the City of Kannapolis *Move Kannapolis Forward, 2030 Comprehensive Plan*, reasonable and in the public interest; and

WHEREAS, per Section 2.5.A.(2).c of the Kannapolis Development Ordinance, the Planning and Zoning Commission makes the following findings in support of and in analysis of the rezoning:

- 1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?**
Yes. The subject property is within a “Suburban Activity 1” Character Area as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. While a single family detached residential use is not specifically listed as a primary or secondary use in the Suburban Activity 1 Character Area, the use is compatible at this location. The subject property is a logical extension of the adjacent Complete Neighborhood 1 Character Area in which single family detached residential is a primary use.
- 2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?**
No. The R4 zoning designation is appropriate for this area. The property abuts other residential uses.
- 3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?**
No. Because of the proximity to the Complete Neighborhood 1 Character Area and properties zoned R4, this rezoning request is appropriate for the 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 intent of the rezoning request is to construct a single family detached dwelling on the property. This use is consistent with surrounding residential 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 property is located adjacent to roads with adequate capacity and safety, and is a suitable use allowed under the requested zoning. The applicant's survey shows the dedication of right-of-way for a single hammerhead at the end of Lyla Avenue to provide, as needed, for a future turnaround for emergency vehicles. Public water and sewer services are accessible to this site.

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 requested zoning allows for a use that is compatible with existing adjacent residential uses.

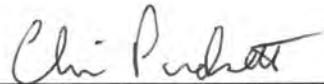
7. Does the proposed rezoning result in significant adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment?

No. There are no anticipated significant environmental impacts from rezoning this property. The intent of this rezoning request is to construct a single family detached dwelling, which is not a permitted use in the O-I zoning district. Development of a single family detached dwelling is a less intensive use than others permitted within the O-I District and fits the character of the surrounding residential uses.

NOW, THEREFORE BE IT RESOLVED by the City of Kannapolis Planning and Zoning Commission that the above referenced properties, as shown on the site plan submitted to the City, be rezoned from City of Kannapolis Office-Institutional (O-I) Zoning Designation to City of Kannapolis Residential 4- Conditional Zoning (R4-CZ) Zoning Designation, subject to the following conditions:

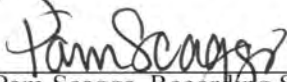
1. Dedication of right-of-way for a single hammerhead at the end of Lyla Avenue to provide for a future turnaround for emergency vehicles.

Adopted this the 16th day of April 2024:



Chris Puckett, Chairman
Planning and Zoning Commission

Attest:



Pam Scaggs, Recording Secretary
Planning and Zoning Commission

EXHIBIT 3



Planning and Zoning Commission April 16, 2024, Meeting

Staff Report

TO: Planning and Zoning Commission
FROM: Elizabeth McCarty, Assistant Planning Director
SUBJECT: Case #Z-2024-03: Zoning Map Amendment
Applicant: Tripp Reed

Request to rezone property located at 125 Lowrance Avenue from Residential 4 (R4) to Mixed-Use Neighborhood (MU-N) 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 City Council.

C. Background & Project Overview

The applicant, Tripp Reed, is proposing to rezone approximately 0.404 +/- acres of property located at 125 Lowrance Avenue from City of Kannapolis Residential 4 (R4) zoning district to City of Kannapolis Mixed-Use Neighborhood (MU-N) zoning district. The subject property is further identified as Cabarrus County Parcel Identification Number (PIN) 56135294710000. The property is currently vacant.

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. The property is within a “Secondary Activity Center” Character Area as well as an “Urban Residential” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The “Secondary Activity Center” designation identifies multifamily residential as a primary use and single family attached residential as secondary use. The “Urban Residential” Character Area identifies single family attached as a primary use and multifamily residential as a secondary use. Residential uses are compatible within both character areas.

2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?

No. The MU-N zoning designation is appropriate for this area. The MU-N district provides a mix of residential and neighborhood commercial uses.

3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?

No. Because the surrounding zoning is R-4 to the west and General Commercial (GC) to the east, the MU-N district will serve as a transition between the residential and commercial district.

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. This property is located between residential and commercial uses. The MU-N zoning district allows a mix of residential and commercial uses and would act as a transition between the adjacent properties’ 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. The subject property is located adjacent to roads with adequate capacity and safety and is a suitable use allowed under the requested zoning.

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 requested zoning allows uses compatible with existing adjacent uses for the area.

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 rezoning 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* (“2030 Plan”), adopted by City Council, which designates the subject property as located within the “Secondary Activity Center” and “Urban Residential” Character Areas in the *2030 Plan*. Staff finds the request for rezoning compatible with the surrounding zoning and it is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

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

Based on the request being consistent with the 2030 Plan, staff recommends approval for Zoning Map Amendment Case #Z-2024-03.

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-2024-03, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan* (“2030 Plan”), adopted by City Council, which designates the subject property as located within the “Secondary Activity

Center” and “Urban Residential” Character Areas in the *2030 Plan*. Staff finds the request for rezoning compatible with the surrounding zoning and it is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

2. **Should the Commission choose to approve Case #Z-2024-03, 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-2024-03, 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-2024-03 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-2024-03, 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. Notice of Public Hearing
6. List of Notified Properties
7. Letter to Adjacent Property Owners
8. Posted Public Notice Sign
9. Resolution to Adopt a Statement of Consistency
10. Resolution to Zone

J. Issue Reviewed By:

- Planning Director
- Assistant City Manager
- City Attorney



Zoning Map Amendment Checklist

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. Please either bring this application to the address above or email to bbarcroft@kannapolisnc.gov. The fees may also be paid online with a link provided by staff.

REZONING REQUEST

Rezoning – Request for an amendment to the Kannapolis Zoning Map. Approval authority – Planning and Zoning Commission.

Requested Rezoning Property Address: 125 Lowrance Ave

Applicant: Tripp Reed

Proposed development: Duplex

SUBMITTAL CHECKLIST

- Pre-Application Meeting
- Zoning Map Amendment Checklist and Application – Complete with all required signatures
- Fee: \$825.00 (\$500 Application Fee, \$300 Legal Notices and notification fee, # of property owners notified [see Fee Schedule])

PROCESS INFORMATION

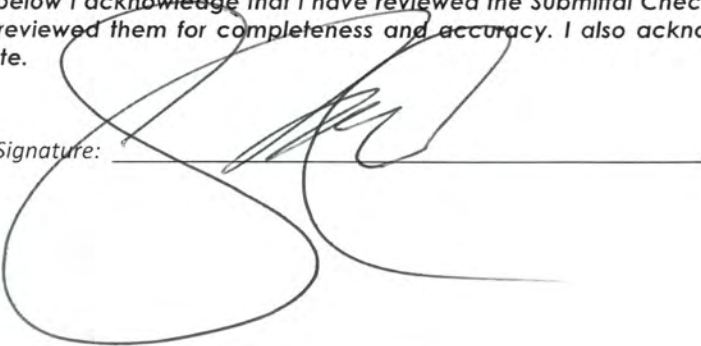
Public Notification: This is a legislative process that requires a public hearing and public notification including newspaper notice, first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Section 2.4.F of the KDO).

Review Process: All applications will be reviewed for compliance and then forwarded to the Planning and Zoning Commission for consideration at a public hearing which is held monthly on the third Tuesday at 6:00pm in City Hall Laureate Center. **The pre-application meeting, submittal of application, and payment of fees, must be completed prior to scheduling the public hearing. Please review Section 2.4.D. of the KDO.**

Action by Planning and Zoning Commission: After conducting a public hearing, the Commission may: deny the application; conduct an additional public hearing on the application; or approve the application.

Scope of Approval: An affirmative vote of three-fourths of the members present and not excused from voting, shall be necessary to approve a rezoning request. The approval of a rezoning does not authorize development activity, but does authorize the application to apply for a final major site plan. Any final decision rendered by the Commission may be appealed within fifteen (15) days to the City Council.

By signing below I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Applicant's Signature: 

Date: 4/3/24



ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: Tripp Lead
Address: 4230 Lawn Stone Church Rd
Rockwell NC 28138
Phone: 704-793-8346
Email: tripp@CSbuilders.net

Property Owner Contact Information same as applicant

Name: _____
Address: _____
Phone: _____
Email: _____

Project Information

Project Address: 125 Lawrence Ave
Parcel: 56135294710000 # of parcels: 1 Approx. size of parcels: 50 acres
(attach separate list if necessary)
Current Zoning Designation: Select R-4 Requested Zoning Designation: Select MU-N
Reason for map amendment: Build Duplex

By signing below, it is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound to the use(s) authorized unless subsequently changed or amended as provided for in the Zoning Ordinance.

[Handwritten Signature]
Applicant Signature
[Handwritten Signature]
Property Owner Signature

4/3/24
Date
4/3/24
Date

Note: This is not a permit to occupy a structure. Owner and/or applicant are responsible for the location of utility lines and easements. Zoning Map Amendment does not guarantee the availability of water and/or sewer.



Vicinity Map

Case Number: CZ-2024-03

Applicant: Tripp Reed

125 Lowrance Ave





Kannapolis Current Zoning

Case Number: CZ-2024-03

Applicant: Tripp Reed

125 Lowrance Ave



LEE AVE

LOWRANCE AVE

SITE

R4

GC





Kannapolis 2030 Future Land Use Map

Case Number: CZ-2024-03

Applicant: Tripp Reed

125 Lowrance Ave



LEE AVE

LOWRANCE AVE

Urban Residential

SITE

Secondary Activity Center





NOTICE OF PUBLIC HEARING
Planning and Zoning Commission Meeting

Tuesday, April 16, 2024, at 6:00 pm

Conditional Zoning Map Amendment – CZ-2024-03 – Dale Earnhardt Blvd. & Laundry St. – Continued from the February 20, 2024 and March 19, 2024 meetings. Public Hearing to consider a request to rezone properties located at 1411, 1431 and 1375 Dale Earnhardt Blvd., as well as 601 Laundry Street from City of Kannapolis Office Institutional (OI) zoning district to City of Kannapolis General Commercial – Conditional Zoning (GC-CZ) zoning district to allow for utilization of the existing building for general wholesale, accessory office uses, or other uses allowed by right in the GC zoning district. The subject properties are approximately 3.3 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 56138549450000, 56138548910000, 56138630070000, and 56138559600000, respectively.

Conditional Zoning Map Amendment – CZ-2024-04 – 2814 Lyla Ave. – Public Hearing to consider a request to rezone property located at 2814 Lyla Avenue from City of Kannapolis Office Institutional (OI) zoning district to City of Kannapolis Residential 4 – Conditional Zoning (R4-CZ) zoning district to allow for a single-family residential structure. The subject property is approximately 2.966 +/- acres and further identified as Cabarrus County Parcel Identification Number 56124215530000.

Zoning Map Amendment – Z-2024-03 – 125 Lowrance Ave. – Public Hearing to consider a request to rezone property located at 125 Lowrance Avenue from City of Kannapolis Residential 4 (R4) to City of Kannapolis Mixed Use-Neighborhood (MU-N) zoning district. The subject property is approximately 0.404 +/- acres and further identified as Cabarrus County Parcel Identification Number 56135294710000.

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 Heather James, Human Resource Director, by phone at 704-920-4302 or by email at hjames@kannapolisnc.gov. as soon as possible but no later than 48 hours before the scheduled event.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
FRANCES NICHOLSON ESTATE				
C/O STEVEN & LEIGH ANN DAVIS	2956 DONEGAL DR	KANNAPOLIS	NC	28081
DILLON & SCOTT BOSTIC-STAFFORD	208 ROGERS LAKE RD	KANNAPOLIS	NC	28081
CHARLES R REED III	4230 LOWER STONE CHURCH RD	ROCKWELL	NC	28138
DEAN & NINA GRAVES	173 ADAMS ST	MILTON	MA	02186
DEPARTMENT OF TRANSPORTATION	1546 MAIL SERVICE CTR	RALEIGH	NC	27699
GFS PROPERTIES LLC				
C/O JAMES H SLAUGHTER	PO BOX 41027	GREENSBORO	NC	27404
BNM REALTY INC	1314 S MAIN ST	KANNAPOLIS	NC	28081
RICHARD & JANET ABSHER	1226 LEE AVE	KANNAPOLIS	NC	28081
ROBERT E JR & KATHY STAMEY	425 ORBISON RD	MOORESVILLE	NC	28115
JUAN LUIS FIERRO APAC				
ELENE ROMERO	203 LOWRANCE AVE	KANNAPOLIS	NC	28081
MACY A MEJIA	201 LOWRANCE AVE	KANNAPOLIS	NC	28081
ARTHUR G WOODS JR				
DAWN M LEATHEM	204 ROGERS LAKE RD	KANNAPOLIS	NC	28081



KANNAPOLIS
Planning

April 5, 2024

Dear Property Owner:

Please be advised that the City of Kannapolis Planning & Zoning Commission will conduct a Public Hearing on Tuesday, April 16, 2024, at 6:00 PM, at 401 Laureate Way, Kannapolis, NC for the following case:

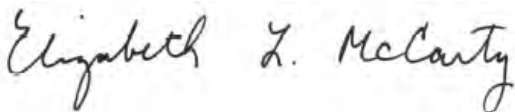
Z-2024-03 – Conditional Zoning Map Amendment – 125 Lowrance Ave.

The purpose of this Public Hearing is to consider a request to rezone property located at 125 Lowrance Avenue from City of Kannapolis Residential 4 (R4) to City of Kannapolis Mixed Use-Neighborhood (MU-N) zoning district. The subject property is approximately 0.404 +/- acres and further identified as Cabarrus County Parcel Identification Number 56135294710000 (see reverse side of this letter for a map showing the location of this property).

As an abutting property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis Development Ordinance. You are invited to attend the public hearing and will be provided an opportunity to speak to the Planning and Zoning Commission, if you believe it to be necessary for their decision making on this matter.

If you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4362 or emccarty@kannapolisnc.gov.

Sincerely,



Elizabeth L. McCarty, AICP
Assistant Planning Director

Enclosure

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.



Conditional Rezoning

Case Number: CZ-2024-03

Applicant: Tripp Reed

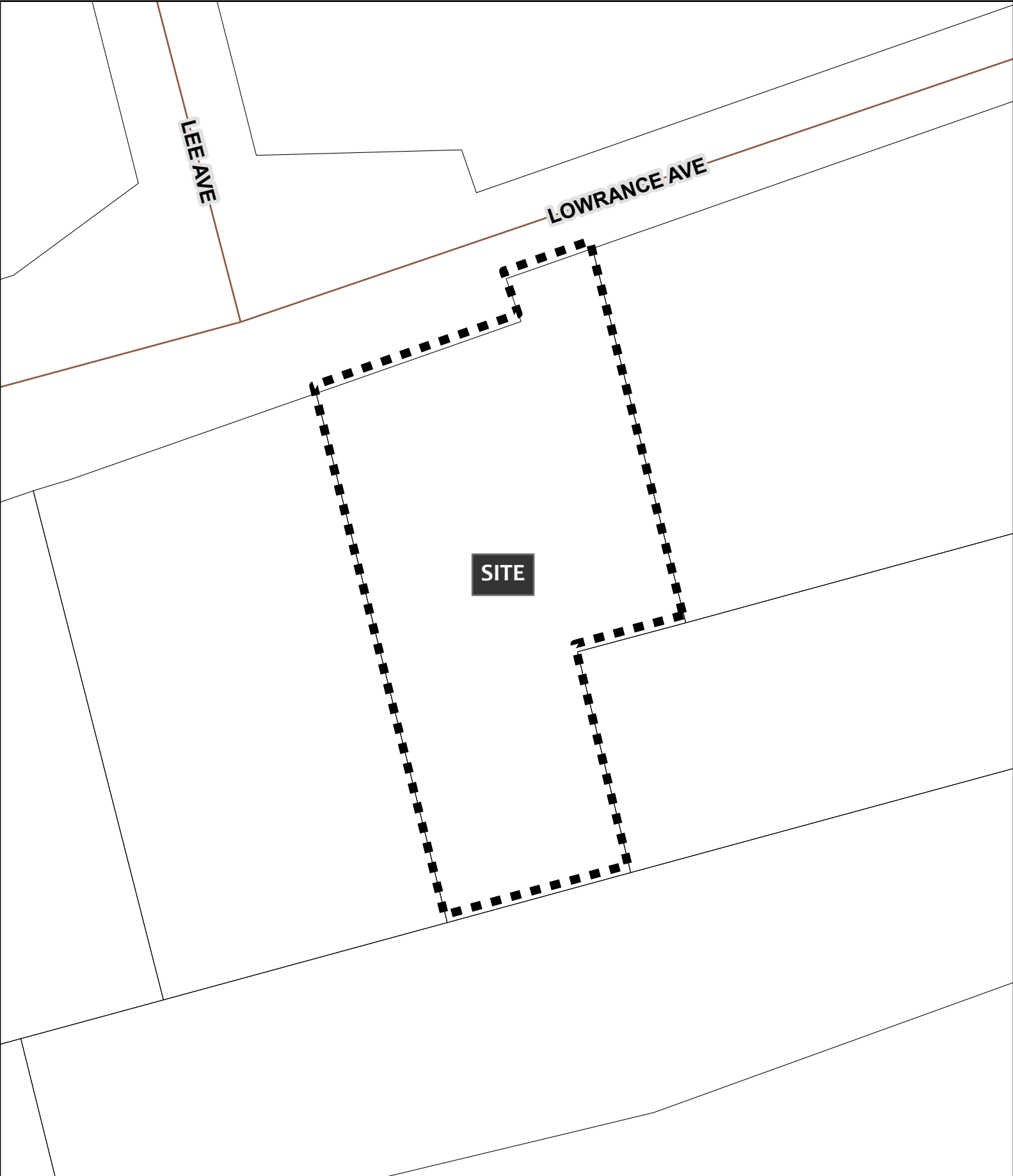
125 Lowrance Ave



LEE AVE

LOWRANCE AVE

SITE





KANNAPOLIS

PLANNING

ZONING

COMMISSION

PUBLIC HEARING INFORMATION
CALL 704-920-4350 CASE # Z-2024-03



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #Z-2024-03**

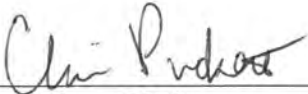
WHEREAS, Sections 160D-604 and 160D-605 of the North Carolina General Statutes specify that when adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable and explain why the action taken is reasonable and in the public interest; and

WHEREAS, Section 2.3.B(1).a. of the Kannapolis Development Ordinance delegates final authority to the Planning and Zoning Commission on zoning map amendments 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; and

WHEREAS, on April 16, 2024 the Planning and Zoning Commission conducted a public hearing to consider a request to rezone approximately 0.404 +/- acres of property located at 125 Lowrance Avenue, (Cabarrus County Parcel Identification Number 56135294710000) owned by Charles R. Reed, III, from City of Kannapolis Residential 4 (R4) to City of Kannapolis Mixed-Use Neighborhood (MU-N) Zoning Designation.


NOW, THEREFORE BE IT RESOLVED *The Planning and Zoning Commission finds this rezoning consistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan ("2030 Plan"), adopted by City Council, which designates the subject properties as located within the "Secondary Activity Center" and "Urban Residential" Character Areas in the 2030 Plan. Staff finds the request for rezoning compatible with the surrounding zoning and it 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.*

Adopted this the 16th day of April 2024:



Chris Puckett, Chairman
Planning and Zoning Commission

Attest:



Pam Scaggs, Recording Secretary
Planning and Zoning Commission



RESOLUTION TO ZONE

**Case #Z-2024-03
(125 Lowrance)**

**From City of Kannapolis Residential 4 (R4) to
City of Kannapolis Mixed-Use Neighborhood (MU-N) Zoning Designation**

WHEREAS, Section 2.3.B.(1).a of the Kannapolis Development Ordinance (KDO) specifically delegates authority to the Planning and Zoning Commission to take final action on a rezoning application provided, if the application is approved by less than a three quarters majority of voting members or denied, or if the Planning and Zoning Commission's decision is appealed, the City Council shall make the final decision on the application; and

WHEREAS, the Commission conducted a public hearing on April 16, 2024 for consideration of rezoning petition Case #Z-2024-03 as submitted to the City of Kannapolis Planning Department; and

WHEREAS, the request was to rezone 0.404 +/- acres of property located at 125 Lowrance Avenue, (Cabarrus County Parcel Identification Number 56135294710000) owned by Charles R. Reed, III, from City of Kannapolis Residential 4 (R4) to City of Kannapolis Mixed-Use Neighborhood (MU-N) Zoning Designation; and

WHEREAS, the Commission has approved the request for rezoning and found it to be consistent with the City of Kannapolis *Move Kannapolis Forward, 2030 Comprehensive Plan*, reasonable and in the public interest; and

WHEREAS, per Section 2.5.A.(2).c of the Kannapolis Development Ordinance, the Planning and Zoning Commission makes the following findings in support of and in analysis of the rezoning:

1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?

Yes. The property is within a "Secondary Activity Center" Character Area as well as an "Urban Residential" Character Area in the Move Kannapolis Forward 2030 Comprehensive Plan. The "Secondary Activity Center" designation identifies multifamily residential as a primary use and single family attached residential as secondary use. The "Urban Residential" Character Area identifies single family attached as a primary use and multifamily residential as a secondary use. Residential uses are compatible within both character areas.

2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?

No. The MU-N zoning designation is appropriate for this area. The MU-N district provides a mix of residential and neighborhood commercial uses.

3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?

No. Because the surrounding zoning is R-4 to the west and General Commercial (GC) to the east, the MU-N district will serve as a transition between the residential and commercial district.

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. This property is located between residential and commercial uses. The MU-N zoning district allows a mix of residential and commercial uses and would act as a transition between the adjacent properties' 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. The subject property is located adjacent to roads with adequate capacity and safety and is a suitable use allowed under the requested zoning.

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 requested zoning allows uses compatible with existing adjacent uses for the area.

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 rezoning this property.

NOW, THEREFORE BE IT RESOLVED by the City of Kannapolis Planning and Zoning Commission that the above referenced properties, as shown on the site plan submitted to the City, be rezoned from City of Kannapolis Residential 4 (R4) Zoning Designation to City of Kannapolis Mixed-Use Neighborhood (MU-N) Zoning Designation.

Adopted this the 16th day of April 2024:



Chris Puckett, Chairman
Planning and Zoning Commission

Attest:



Pam Scaggs, Recording Secretary
Planning and Zoning Commission