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

**Minutes of Meeting
April 19, 2022**

The Kannapolis Planning and Zoning Commission met on Tuesday April 19, 2022, at 6:00 PM. This meeting was held in accordance with the attached notice (Appendix A), as well as notice published on the City's website.

Commission Members Present: Chris Puckett, Chair
Jeff Parker, Vice-Chair
Daniel O'Kelly
James Litaker
Larry Ensley
Scott Trott
Shelly Stein
Travis Gingras
Robert Severt, ETJ Representative

Commission Members Absent: None

Visitors:

Priscilla Henly	Pat Henley
NaTaschia Patton	Phillip Martin
Keith McVain	Jonathan Parsons
Thomas Shirley	Vanessa Mile
Tracy Coleman	Joe Hatley
Mike Wallace	Daryl Hayes
Angela Argeta	

Staff Present: Richard Smith, Planning Director
Boyd Stanley, Assistant Planning Director
Pam Scaggs, Recording Secretary
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

Mr. Ensley made the motion to approve the agenda, second by Mr. Trott and the motion was unanimously approved.

1 **PUBLIC HEARING**

2 Mr. Ensley asked to be recused from the first hearing since he is the property owner at 6600
3 Fingerlake Drive. Mr. Gingras made the motion to recuse Mr. Ensley from the hearing, second by
4 Ms. Stein and the motion was unanimously approved.
5

6 **CZ-2021-23 – Amended request by Phillip Martin with HHH Land, LLC / HHHunt to**
7 **conditionally rezone multiple parcels located on Kannapolis Parkway from Rural Estate**
8 **(RE) to Residential Compact-Conditional Zoning (RC-CZ) Zoning Designation.**

9 Mr. Stanley gave a PowerPoint presentation regarding case CZ-2021-23, attached to and made
10 part of these minutes as Exhibit 1. He noted that the case included several parcels along
11 Kannapolis Parkway and that it was continued at the Commission’s December meeting due to a
12 deed restriction issue. Mr. Stanley stated that the original request included 26.5 +/- acres but that
13 the applicant removed 7.82 +/- acres, leaving the current request with 18.7 +/- acres consisting
14 of ten (10) parcels. He reminded the commission that staff had initially encouraged the applicant
15 to engage the property owner located at 6600 Fingerlake Drive to ensure connectivity
16 compliance but that the property was ultimately removed from the project due to the deed
17 restriction. Mr. Stanley added that the applicant has requested that the case be continued as they
18 attempted to work out the deed restriction and provided the application details noting that the
19 request is to conditionally rezone the subject properties from RE to RC-CZ to allow for a 277-
20 unit multi-family residential development.
21

22 Mr. Stanley talked about surrounding zoning districts and the existing land uses as well as the
23 Future Land Use per the *2030 Comprehensive Plan*. He reminded the Commission that they
24 previously recommended approval of land use amendments to City Council, but that Council has
25 not rendered decision on those amendments. Mr. Stanley stated that one of the proposed
26 amendments include property located at the terminus of Corl Road which is proposed to be a
27 mixed-use development.
28

29 Mr. Stanley directed the Commission’s attention to both the original site plan as well as the
30 amended site plan to illustrate the removal of the Fingerlake property, the reduction in the
31 number of proposed units (396 to 277), and possible location of future connectivity. He stated
32 that primary access will be from Kannapolis Parkway and talked about the Traffic Impact
33 Analysis (TIA). Mr. Stanley utilized the amended site plan to identify five (5) proposed
34 residential buildings, a possible future building to the south, and noted an error in the staff report
35 indicating that the proposed buildings will be 2-3 stories. He stated that most buildings will be
36 4-5 stories with four (4) separate garage buildings. Mr. Stanley directed the Commission’s
37 attention to an illustration showing the possible connection to the future Millcreek development.
38

39 Mr. Stanley indicated that staff is recommending approval of the rezoning request, concluded
40 his presentation and made himself available for questions.
41

42 Mr. Gingras asked if the proposed 277-units included the possible future building. Mr. Stanley
43 responded yes but received clarification from the applicant that it does not. Mr. Gingras asked if
44 the applicant could construct that building without coming back to the Commission for approval.
45 Mr. Stanley responded that if approved, the proposed rezoning request only includes the 277

1 units so that if the applicant decides to construct more, they will have to come back to the
2 Commission for an amendment to the approved plan.

3
4 Mr. Trott asked the number of floors for each building. Mr. Stanley directed the Commission's
5 attention back to the site plan stating that the buildings labeled with a number one will be 4-5
6 stories and the building labeled with a number three will be the clubhouse.

7
8 Mr. Severt asked the number of proposed parking spaces. Mr. Stanley responded that the site
9 plan does not show the number of spaces, but that they will have to meet the minimum
10 requirements of the ordinance.

11
12 Dr. Litaker asked for clarification regarding egress/ingress and expressed concern regarding
13 safety. Mr. Stanley responded that a TIA was conducted and accepted by NCDOT, who indicated
14 that the proposed improvements were acceptable.

15
16 Chair Puckett asked for confirmation that the secondary access will be right-in/right-out but that
17 the primary access is proposed to be full movement and not signalized. Mr. Stanley confirmed.
18 Chair Puckett expressed concern that NCDOT would approve a non-signalized primary access
19 on Kannapolis Parkway. Dr. Litaker agreed with Chair Puckett and expressed additional concern.
20 Planning Director, Richard Smith, advised that the applicant's transportation advisor could best
21 respond to their concerns.

22
23 Representative for the applicant, Keith McVain with Moore & Van Allen gave a presentation
24 regarding their proposed project. Mr. McVain introduced members of the team: Jonathan Martin,
25 Jonathan Parsons and Thomas Shirley. He thanked staff for their help and support and provided
26 a brief background on the applicant, HHHunt who is based in Virginia with offices in Charlotte.
27 Mr. McVain talked about the benefits of a conditional zoning, location of the proposed
28 development, surrounding zoning, the proposed buildings and clubhouse. He talked about
29 access, open-space, potential future connectivity and then introduced Thomas Shirley to talk
30 about ingress/egress.

31
32 Thomas Shirley, with Kimley Horne, talked about the TIA process and directed the
33 Commission's attention to the study area. Mr. Shirley stated that the study was conducted using
34 the original proposed 396 units versus the revised 277 units and showed half the traffic moving
35 south towards INTERSTATE 85 while the other half moved north towards HWY 73. He added
36 that traffic counts were collected and increased by a 2% growth rate through 2025 (estimated
37 project completion) and resulted in recommended mitigation at both access points. Mr. Shirley
38 stated that mitigation efforts include a northbound left-turn lane into the site and that egress will
39 consist of two dedicated (2) lanes, one going right and one going left with 100 feet of storage.
40 He added that deceleration turn-lanes for both access points will also be added. Mr. Shirley noted
41 that both the study results and mitigation recommendations have been approved by both NCDOT
42 and the City. He addressed the lack of a signalized access stating that a signal warrant analysis
43 was not conducted based on the volume of existing traffic.

44
45 Mr. Shirley responded to questions and concerns from Vice-Chair Parker, Dr. Litaker and Chair
46 Puckett regarding the posted speed limit (45 MPH), safety, traffic volume counts and lack of

1 signalized entrance. Mr. Shirley stated that they are willing to review traffic calming methods
2 and noted that drivers making a left turn out of the site could pull into the median and wait to
3 safely enter oncoming traffic. He assured the Commission that the study did not meet the
4 NCDOT minimum threshold to warrant a signalized intersection. Chair Puckett did not agree.
5

6 Mr. McVain reminded the Commission that the number of trips will be lower than what study
7 indicated because the study was conducted using the original 396-unit count. He stated that the
8 only other option would be to limit access to right-in/right-out with drivers and that drivers
9 wanting to go north would have to make a U-turn at the Glen Afton Boulevard intersection and
10 surmised that would be dangerous. Mr. McVain stated that it is not easy to warrant a traffic signal
11 with NCDOT because it adds more delays and traffic congestion.
12

13 Both Mr. Shirley and Mr. McVain responded to additional Commission concerns regarding the
14 times of day that data was collected, the 2% growth rate used in the TIA, whether a less dense
15 project would be considered, shared access with future development, and enforcement of right-
16 in/right-out access at the secondary access. Mr. Shirley responded that the traffic counts were
17 collected between 7:00am to 9:00am and again at 4:00pm to 6:00pm, which are peak traffic
18 hours, Tuesday through Thursday. He added that the 2% growth rate was approved during the
19 scoping process by both NCDOT and the City. Mr. Shirley reminded the Commission that the
20 project had already been significantly reduced from 396 to 277-units based on previous access
21 concerns and land acquisition. He added that coordination with future development to the north
22 could be evaluated to possibly share a signalized access point. Mr. Shirley talked about the
23 addition of median islands to help enforce right-in/right-out turns at the secondary access point.
24

25 Mr. Gingras indicated that several access points along Kannapolis Parkway will be closed since
26 they are existing driveways for properties included in the proposed project. He reminded the
27 Commission that Kannapolis Parkway is a thoroughfare road which is designed to get traffic
28 from point A to point B and suggested that a commercial use versus the proposed residential use
29 would create more traffic congestion and feels that the applicant has met expectations. Mr.
30 Gingras cautioned the Commission to carefully review the proposed project and consider the
31 alternatives if they do not approve a residential use.
32

33 Chair Puckett asked the timing of Millcreek [future development to the north] regarding shared
34 access. Mr. Smith responded that although the applicants for Millcreek are reviewing alternative
35 options and are considering an industrial use rather than residential use, it is still a viable option
36 for shared connectivity. Chair Puckett asked about possible connectivity to the south near Corl
37 Road. Mr. Smith responded that it depended on coordination with the Fingerlake Drive residents
38 since there are restricted covenants in place. Mr. McVain asked staff if the townhome portion of
39 Millcreek is still moving forward. Mr. Smith responded that it is to the best of his knowledge.
40

41 Vice-Chair Parker asked if the proposed project will have elevators in the buildings. Mr. Parsons
42 responded that each building would have one (1) elevator as well as stairs.
43

44 There being no additional questions or comments for staff or the applicant, Chair Puckett opened
45 the Public Hearing.
46

1 Mike Wallace stated that he is one of the property owners included in the rezoning request and
2 owns property across Kannapolis Parkway as well. Mr. Wallace stated that he is adamantly
3 opposed to center lane dividers and suggested adding turn lanes. He additionally made a plea to
4 add streetlights to Kannapolis Parkway.
5

6 Larry Ensley stated that he is the property owner at 6600 Fingerlake Drive and talked about
7 existing traffic impacts, indicating that drivers are mostly utilizing Kannapolis Parkway to access
8 INTERSTATE 85. Mr. Ensley reminded the Commission that due to sewer capacity issues, build
9 out of the proposed project may not even occur until 2027 and agrees that deceleration lanes will
10 help ease traffic congestion.
11

12 Tracy Coleman stated that he is one of the property owners included in the proposed rezoning and
13 is supportive of the proposed use as well as the surrounding land uses. He asked the Commission
14 to approve the rezoning.
15

16 Gina Coleman stated that she also is a property owner included in the proposed rezoning and that
17 she is proud of Kannapolis' growth and is supportive of growth as well as the added convenience
18 to amenities. Ms. Coleman asked for the same opportunities as other property owners and asked
19 for approval of the rezoning request.
20

21 Vanessa Miles stated that she is a realtor representing the landowners involved with the proposed
22 rezoning and briefly noted the need for housing in the Kannapolis area. Ms. Miles indicated that
23 the property owners have been patient while progressing through the rezoning process. She added
24 that since the request is consistent with the 2030 Comprehensive Plan and has received an approval
25 recommendation from staff, asked the Commission to approve the rezoning request.
26

27 There being no additional questions or comments, Chair Puckett closed the Public Hearing.
28

29 Mr. Shirley responded to Mr. Wallace's concern stating that access locations could change
30 slightly so that medians could be installed so as not to block opposing driveways. He corrected
31 his previous statement regarding traffic and stated that 65% of the drivers were going south to
32 INTERSTATE 85, and that the northern access point would operate as a full-access point and
33 then be restricted later.
34

35 Vice-Chair Parker expressed concern regarding school busses making a left turn out of the
36 development. He asked to add a condition that NCDOT reevaluate the access.
37

38 There was additional discussion between the Commission and staff regarding re-review by
39 NCDOT.
40

41 Chair Puckett reopened the Public Hearing to allow Mr. Ensley an opportunity to respond to
42 Vice-Chair Parker's concern regarding school busses. Mr. Ensley guessed that school busses
43 would make a right-in/right-out and proceed to the Hawthorn at the Glen apartment development
44 and then utilize the traffic signal from Glen Afton Boulevard to safely turn left onto Kannapolis
45 Parkway.
46

1 Mr. McVain addressed Vice-Chair Parker’s suggestion to have NCDOT reevaluate access stating
2 that additional development review requirements will allow an opportunity to explore access
3 options and is okay with the added condition.
4

5 There being no additional comments or questions, Chair Puckett closed the Public Hearing.
6

7 Mr. Trott made the motion to approve the Statement of Consistency, second by Mr. Gingras and
8 the motion was unanimously approved.
9

10 Chair Puckett asked for a motion regarding the Resolution to Zone for case CZ-2021-23. Vice-
11 Chair Parker asked to add the following condition: “As directed by the Planning and Zoning
12 Commission, the applicant shall readdress the Traffic Impact Analysis approval with the NCDOT
13 regarding both points of access as there are concerns over the full-movement crossover and
14 additional traffic onto Kannapolis Parkway”. Dr. Litaker made the motion to approve with the
15 added condition, second by Ms. Stein and the motion was unanimously approved.
16

17 Mr. Trott suggested that staff work with NCDOT to mitigate existing traffic impacts on Kannapolis
18 Parkway.
19

20 **CZ-2022-01 – Amended request by CP Kannapolis Investments, LLC to remove property**
21 **located at 1945 Old Earnhardt Road from the previously approved conditional rezoning and**
22 **apply an Office-Institutional (O-I) Zoning Designation as well as to add property located at**
23 **1855 Old Earnhardt Road and conditionally rezone General Commercial (C-2) to Planned**
24 **Unit Development–Conditional Zoning (PUD–CZ) Zoning Designation.**

25 Planning Director, Richard Smith gave a PowerPoint presentation regarding an amendment to
26 case CZ-2022-01, attached to and made part of these minutes as Exhibit 2. Mr. Smith provided
27 the application details noting that the request includes the removal of approximately 1.0 +/- acres
28 of property located at 1945 Old Earnhardt Road and rezone the parcel to Office-Institutional (O-
29 I) zoning district; as well as to add approximately 2.0 +/- acres of property located at 1855 Old
30 Earnhardt Road, and rezone from General Commercial (C-2) to Planned Unit Development-
31 Conditional Zoning (PUD-CZ) zoning district.
32

33 Mr. Smith reviewed consistency with the *2030 Plan*, stating that staff is recommending approval
34 of the rezoning request with conditions (Exhibit 2), concluded his presentation and made himself
35 available for questions.
36

37 Chair Puckett asked for clarification of the requested rezoning of the removed 1.0 +/- acre parcel.
38 Mr. Smith responded that staff is recommending an Office-Institutional (O-I) zoning district to
39 lessen future impacts on surrounding properties.
40

41 Mr. Smith responded to questions from Dr. Litaker and Mr. Gingras regarding use of the 1.0 +/-
42 acre as well as the intended use of the added 2.0 +/- acres stating that he did not know if the
43 property owners for the 1.0 +/- acre had an intended use for the property and that he thought the
44 2.0 +/- acres will be utilized for parking.
45

1 There being no additional questions or comments, Chair Puckett opened the Public Hearing which
2 was then closed with no public comment being made.

3
4 Dr. Litaker asked if the proposed project is impacted by the sewer capacity issue. Mr. Smith stated
5 that the project will be put on the list to be considered for allocation priority.

6
7 Mr. Trott asked if making the land swap's impact the watershed. Mr. Smith responded that it did
8 not and may help since acreage is being added.

9
10 Mr. Gingras made the motion to approve the Statement of Consistency, second by Mr. Parker and
11 the motion was unanimously approved.

12
13 Chair Puckett asked for a motion regarding the Resolution to Zone for the amendment to case CZ-
14 2022-01. Mr. Gingras made the motion to approve with the added condition, second by Mr. Ensley
15 and the motion was unanimously approved.

16
17 **KANNAPOLIS DEVELOPMENT ORDINANCE (KDO) REVIEW**

18 Mr. Smith stated that the intention of the update is to receive any additional edits that the
19 Commission may have for the KDO and that he's hoping to receive approval recommendation
20 from the Commission to City Council in May. There was discussion regarding holding a special
21 meeting to finalize the KDO and it was decided to schedule the meeting for May 10, 2022.

22
23 Mr. Smith gave a PowerPoint presentation stating that the key highlights of the KDO is that it is
24 user friendly with a lot of illustrations, navigable with hyperlinks, simplified to 10 articles versus
25 the current 15, changes to general provisions which include state statute changes, administration
26 summary and a table of responsible boards. He noted that there is reference to the Technical
27 Review Committee (TRC) as well as the Land Development Standards Manual (LDSM).

28
29 Mr. Smith stated that notable changes in the KDO include updating conditional zoning, as well as
30 the elimination of the distinction between major and minor site plans, sketch plans, subdivision
31 exceptions and vested rights. He stated that procedures added to the KDO include tree removal,
32 administrative adjustments, interpretations and the TRC. Mr. Smith added that most of the zoning
33 district names will change, a lot of illustrations have been included to help understand design
34 standards, the Agricultural (AG) district include general provisions to protect farms (located
35 mostly in the Extra Territorial Jurisdiction [ETJ]) and talked about legacy districts. He stated that
36 each article consolidates and modernizes use regulations and that principal uses are clearly defined
37 with specific guidelines. Mr. Smith stated that added development standards included landscaping,
38 open space and greenspace provisions, fences and lighting, and a new section regarding native
39 plantings. He concluded his presentation and made himself available for questions.

40
41 Vice Chair Parker stated that the wording in title Article 1.8 "violations continue" seems
42 redundant. Mr. Smith agreed. Vice Chair Parker asked when hyperlinks will be added to the KDO.
43 Mr. Smith responded that they will be added when the document is finalized.

1 Mr. Ensley stated that the preliminary draft of the KDO indicated that connectivity standards had
2 improved by 1.6% and asked if this was still an accurate percentage. Mr. Smith responded that it
3 is still accurate. Mr. Ensley had several edit suggestions as noted below:
4

- 5 • Article 2, Section 2.5 regarding tree removal permit – asked why someone would clear
6 land without building on it. Mr. Gingras responded that timbering companies do not build
7 on land. Dr. Litaker added that it could have been determined to be a fire hazard.
- 8 • Article 2.4 B Public Notice Requirement – asked if social media could be included in public
9 notice requirements. Mr. Smith responded that he will add to the list of requested edits.
- 10 • Article 3 Zoning Districts – asked about the jump in zoning districts from R8 – R18. Mr.
11 Smith responded that he will have to research and circle back since that was requested prior
12 to his position with the City of Kannapolis.
- 13 • Article 3-10 Mixed Use Design, No. 6 Parking Structures – asked if the City can require
14 EV [electric vehicle] charging stations. Mr. Smith responded that there has been an added
15 requirement for a general commercial project located near an Interstate interchange with
16 50 or more parking spaces to include a charging station. Mr. Ensley noted that Article 5,
17 Development Standards requires “up to 20%” EV charging stations and asked if a
18 minimum number of stations can be required instead of the 20%.
- 19 • Article 5, Section 5.2C – stated that the word “charging” is misspelled.
- 20 • Article 4, Use Regulations, Section 4.2 Principal Uses, No 5, Fueling stations – asked for
21 a provision to require EV stations.
22

23 Mr. Gingras asked if it is appropriate for the City to require EV charging stations and expressed
24 concern regarding the baseload energy consumption. Mr. Ensley responded that the City could
25 charge a fee to use a charging station. Mr. Smith stated that the use of EV charging stations was
26 recently discussed during a City Council meeting and that charging stations were just added to the
27 City Hall parking lot to accommodate an EV used by the Planning Department. He added that City
28 Council is trying to determine if a fee should be charged to the public for use of those charging
29 stations as well whether to add more EV charging stations. Mr. Ensley noted that the City of
30 Concord has a charge station on the City garage and charge a fee for public consumption. Mr.
31 Gingras asked why the City would require a gas company to provide EV charging stations if it’s
32 not in their business model. There was “hearsay” discussion regarding EV charging stations. Mr.
33 Gingras wanted to note that he is against requiring EV charging stations. Mr. Ensley suggested
34 providing an incentive for making EV stations available.
35

36 Mr. Ensley continued with his list of suggested edits:
37

- 38 • Article 5, Section 5.2, Bicycle Parking Standards – asked to include a provision for electric
39 bikes.
- 40 • Article 5, Section 5.3, Tree Protection – asked who determines the specimen of tree. Mr.
41 Smith responded that an arborist would make those recommendations. Mr. Ensley asked if
42 the arborist would be hired by the City or the developer. Mr. Smith responded that the
43 arborist would be contracted by the City.
- 44 • Table 3.64 Thoroughfare Protection Overlay – noted that self-storage uses are prohibited
45 and asked if a recently approved with the same use would have been applicable. Mr. Smith
46 responded that the project was located outside the thorough overlay.

- 1 • Article 5, Section 5.11, Sustainable Green Building – asked if the City could provide
2 incentives to builders offering structures 3 stories or taller if they utilized bird friendly glass
3 to avoid confusing the birds. Mr. Ensley provided statistics on the number of birds that fly
4 into windows thinking that it is open space. Mr. Smith asked Mr. Ensley to suggest an
5 incentive that could be offered. Mr. Ensley suggested tax credits or a point system.
- 6 • Lastly, Mr. Ensley asked if the City could levy stormwater penalties. Mr. Smith responded
7 that he could review other jurisdictions to see how they handle stormwater issues. He also
8 asked Mr. Ensley to provide his list of edits to staff.

9
10 Chair Puckett asked if the added requirement for a fence permit apply to both commercial and
11 residential. Mr. Smith responded that it would apply to both and that there are more issues with
12 residential fencing versus commercial. Chair Puckett asked if other municipalities require permits
13 for fences. Mr. Smith responded that Kannapolis is one of only a few municipalities who does not
14 currently require permits and that one of the provisions of the new requirement is that property
15 owners will have to face the better side of the fence out toward neighbors. Mr. Severt added that
16 doing so prevents a liability issue for pool owners since facing the other side out could allow
17 someone to climb fence and get into the pool.

18
19 Vice-Chair Parker stated that 5G will soon be made available and suggested that the micro-
20 transmitters be located on existing towers. Mr. Smith stated that the same issue had been addressed
21 in the state statute and should be accounted for in the KDO.

22
23 Mr. Smith asked the Commission for a consensus of edits before the May 10th special meeting. He
24 advised the Commission that repealing and replacing the current Unified Development Ordinance
25 with the KDO, and zoning map would be like a text amendment in that they will be making a
26 recommendation to City Council.

27 28 **PLANNING DIRECTOR UPDATE**

29 Mr. Smith stated that the City posted a call for infill projects and that ten (10) projects have been
30 submitted with one (1) being a commercial project and the other nine (9) being residential. He
31 added all projects were recommended to receive sewer allocation, but that City Council will render
32 decision at the next meeting. Mr. Smith stated that three (3) affordable housing projects were also
33 submitted and that one (1) was recommended to receive allocation. He noted that City Council
34 will re-review the project list in July to create a “waiting” list.

35
36 Dr. Litaker expressed concern regarding affordable housing and not being aware of current market
37 trends. Mr. Smith responded that staff will attempt to provide information regarding affordable
38 housing at a future Commission meeting.

39
40 Mr. Ensley noted that stormwater grants were available and asked if WSSAC applied for any
41 grants. Mr. Smith understood that they have applied for a grant but was unsure of the specific
42 grant.

43
44 Mr. Trott mentioned reading an article related to affordable housing incentives in the Concord
45 Logan community Mr. Smith responded that he was not aware of the article but that all three (3)
46 of the affordable housing projects submitted contained some sort of subsidizing aspect but that the

1 CIC (Community Improvement Commission) identified only one project that they felt was far
2 enough along in the development process to receive allocation.
3

4 Chair Puckett suggested adding a definition for affordable housing to the KDO that is specific to
5 Kannapolis. Mr. Smith responded that he's not certain how to accomplish what Chair Puckett is
6 suggesting because Kannapolis is in a metropolitan area but understands Chair Puckett's concern.
7

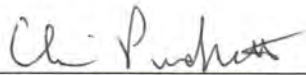
8 Mr. Smith talked about Manufactured Home Park Overlay's and asked if the Commission is
9 interested in phasing out mobile home parks or possible phasing them to a tiny home community.
10 Chair Puckett expressed concern regarding phasing out mobile home parks and cited the current
11 need for affordable housing. The Commission agreed.
12

13 **OTHER BUSINESS**

14 None
15

16 **ADJOURN**

17 There being no further business, questions or comments, Chair Puckett adjourned the meeting at
18 7:42 PM on Tuesday April 19, 2022.
19
20

21
22 
23 _____
24 Chris Puckett, Chair
25 Planning and Zoning Commission
26
27

23 
24 _____
25 Pam Scaggs, Recording Secretary
26
27

APPENDIX A

Order Confirmation

Order# 0000777161



PO Box 27283
Richmond, VA 23261-7283

Client: KANNAPOLIS,CITY OF
Phone: 7049204300

Payer: KANNAPOLIS,CITY OF
Phone: 7049204300

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

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

Sales Rep: aboan
Accnt Rep: aboan
Ordered By: Pam

Fax: 7049337463
Email: bbell@kannapolisnc.gov

Total Amount \$644.48

Payment Amount \$644.48

Amount Due \$0.00

Tax Amount: 0.00

Payment Meth: Credit - Debit Card

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

Ad Number: 0000777161-01
Ad Type: CLS Liner
Ad Size: 2 X 51 li
Color: \$0.00

Production Method
AdBooker (liner)

Production Notes

Product and Zone: CON Independent Trib
Placement: C-Announcements
Position: General-Spec Notice
Inserts: 2
Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING Planning and Zoning
Run Dates: 4/ 8/2022, 4/15/2022
TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETING
LISNCTUESDAYAPRIL192022AT600PMCONDITIONALZONINGMAP



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

Tuesday April 19, 2022 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2022-23 - Continued from March 29, 2022, Public Hearing to consider an amended request to rezone ten (10) properties located at 843, 873, 877, 881, 885, 911, 915, 923, 927 and 935 Kannapolis Parkway from Rural Estate (RE) to RC-CZ (Residential Compact-Conditional Zoning) zoning district to allow for a 277-unit multi-family apartment development. The subject properties are approximately 26.52 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 46919463850000, 46918402550000, 46918463560000, 46919414050000, 46919455550000, 46919406110000, 46918465840000, 4691946861000, 46919426490000, and 46919427710000.

Conditional Zoning Map Amendment - CZ-2022-24 - Public Hearing to consider an amendment to previously rezoned properties under CZ-2022-01. This amendment will remove approximately 1.0 +/- acres of property located at 1945 Old Earnhardt Road, further identified as Cabarrus County Parcel Identification Number 56225967850000 and rezone the parcel to Office-Institutional (O-I) zoning district, as well as to rezone approximately 2.0 +/- acres of property located at 1855 Old Earnhardt Road, from General Commercial (C-2) to Planned Unit Development-Conditional Zoning (PUD-CZ) zoning district, further identified as Cabarrus County Parcel Identification Number 56224993240000.

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

Publish: April 8, April 15, 2022.

EXHIBIT 1



Planning and Zoning Commission April 19, 2022 Meeting

Staff Report

TO: Planning and Zoning Commission

FROM: Boyd Stanley, Assistant Planning Director

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

Continued request to conditionally rezone ten (10) properties located at 843, 873, 877, 881, 885, 911, 915, 923, 927 and 935 Kannapolis Parkway from Rural Estate (RE) to RC-CZ (Residential Compact-Conditional Zoning) zoning district to allow for a 277-unit multi-family apartment development.

A. Actions Requested by Planning & Zoning Commission

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

B. Decision and Required Votes to Pass Requested Actions

Section 3.3.4.2 of the UDO allows the Planning and Zoning Commission to render a final decision on a rezoning request subject to an affirmative vote of three-fourths of the Commission members present and not excused from voting, or if there is no appeal of the decision. If there is a denial, an approval by a vote of less than three-fourths, or an appeal of the decision, then only City Council shall have final decision-making authority. Any final decision rendered by the Commission may be appealed within fifteen (15) days to City Council.

C. Background & Project Overview

The applicant, Phillip Martin, HHH Land, LLC / HHHunt, is proposing to conditionally rezone ten (10) properties located at 843, 873, 877, 881, 885, 911, 915, 923, 927 and 935 Kannapolis Parkway from Rural Estate (RE) to RC-CZ (Residential Compact-Conditional Zoning) zoning district to allow for a 277-unit multi-family apartment development. The subject properties are approximately 18.7 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 46919463850000, 46918402550000, 46918463560000, 46919414050000, 46919455550000, 46919406110000, 46918465840000, 4691946861000, 46919426490000, and 46919427710000.

As shown on the preliminary site plan, a total of seven 3 and 4-story multi-family buildings along with an amenity building and clubhouse are being proposed. In addition, there are a total of four detached garage buildings along with shared common open space and gathering areas throughout the site. As

shown in the applicant's preliminary site plan, residential buildings are centered around centralized green space. Two points of access are also being proposed onto Kannapolis Parkway.

The initial request, which was presented at the December 14, 2021, Planning and Zoning Commission meeting, included a total of +/- 26.5 acres and 396 units. This previous request included +/- 7.82 acres located at 6600 Fingerlake Drive. During the Public Hearing, an existing covenant for the Fingerlake neighborhood, which could restrict this property from the proposed development type, was brought to the attention of the Commission during the Public Hearing. The request for rezoning was continued and the applicant agreed to work to resolve the issue with the adjoining neighborhood. The rezoning request was subsequently continued at the January, February and March Planning and Zoning Commission meetings as the applicant worked with the Finger Lake residents and staff on the current site plan and building renderings through multiple meetings. The applicant has indicated they have met with the adjoining neighborhood on multiple occasions and the covenant issue has not been resolved to date. The property located at 6600 Fingerlake Drive has been removed from the revised application and site plan that is now being considered, which now totals +/- 18.7 acres.

Based on feedback from staff, the applicant has provided a linear parking area which bisects the site to provide for potential cross-access connectivity to the Finger Lake Community to the south and the proposed mixed-use development to the north. An additional stub street is also being provided for connectivity to the north near the primary access along Kannapolis Parkway. Staff has recommended the applicant continue discussions with the Finger Lake Community to provide the southern connection in the future as this is integral to providing well-connected communities and developments.

Since the initial hearing, staff presented a Comprehensive Plan amendment to the Commission as an informational item at the March 29, 2022 meeting to expand the Southwest area of City, west of Kannapolis Parkway at the terminus of Corl Road to be changed from Neighborhood Transition 2 to Employment Center designation and portion of southwest area of Highway 73 and Kannapolis Parkway intersection, including Starlight community to be changed from Employment Center and Neighborhood Transition 2 to Complete Neighborhood 2 designation based on area development proposals and trends. City Council will consider this Comprehensive Plan amendment request soon once staff prepares the necessary maps and exhibits for adoption.

D. Fiscal Considerations

None

E. Policy Issues

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

1. The size of the tract in question.

The size of the subject tracts are approximately 18.7 +/- acres.

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

These properties are located within the "Suburban Activity Center", "Neighborhood Transition 2 Area" and "Employment Center" Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The majority of the properties fall outside of the "Employment Center" designation to the North, which encompasses a larger, previously

approved mixed-use project. As mentioned in the background summary, staff will present the recommended Comprehensive Plan amendments to City Council, which would add the “Employment Center” designation to the south and the Complete Neighborhood 2 designation to the north, which would remove all of the “Employment Center” designation from the subject properties.

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

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

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

A Traffic Impact Analysis has been completed, and the Traffic Engineers have responded to comments from NCDOT and City Staff on the initial submittal.

5. Will there be parking problems?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

N/A

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

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

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

No

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which designates these properties as located within the “Suburban Activity Center”, “Neighborhood Transition 2 Area” and “Employment Center” Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Therefore, the use of these properties for multi-family residential is consistent with the City’s vision for this area as generally depicted on the preliminary site plan as it provides a transition between the single-family neighborhood to the south and the proposed mixed-use development to the north. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The proposed use is also compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

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

Based on the request being consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, staff recommends approval with the following conditions for Zoning Map Amendment Case #CZ-2021-18:

1. The permitted uses allowed by this rezoning shall only include 277-unit multi-family units as generally depicted on the site plan submitted with this rezoning.
2. A Final Site Plan, in compliance with all applicable City UDO standards shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Compliance with the current Land Development Standards Manual (LDSM).
4. Final design of all road intersections which development has access to and/or street frontage on shall be approved by NCDOT and the City.
5. The lane widths, sidewalks, pavement structure, road alignment, and grades of all interior roads shall be constructed in compliance with current City standards.
6. Roads and parking lots shall comply with all Fire Codes and Autoturn shall be run for an SU-30 and Bus-45 (mimics ladder truck).
7. A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO. Easements, maintenance agreements and viable access shall

- be provided for all stormwater structures and SCM's. Stormwater SCM's cannot be constructed in the undisturbed buffer. Additional requirements are necessary to verify design of SCM within AE Zone see attached comments on sketch plan.
8. Water and sewer main extensions will be required for this project. The developer shall be responsible for designing, permitting and constructing water and sewer mains in accordance with City and WSACC standards.
 9. All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement. The water and sewer mains shall be located in the roadway under the pavement per the City's Typical Section Utility Layout, LDSM Detail 301.
 10. Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-foot wide. Additional width may be required depending on the depth of the line. Sanitary sewer lines and storm sewer lines shall be located within Common Open Space (easements centered on property lines shall not be permitted). Viable access shall be provided along all easements with a grade no greater than 15% for maintenance vehicles and cross slopes shall not exceed 5%.
 11. The Fire Department shall approve locations of all hydrants.
 12. Fire apparatus access roads shall remain open at all times.
 13. All proposed buildings shall require architectural review and strict adherence to the renderings, community examples, color pallets, architectural materials and overall design elements provided by the applicant and required by Article 11.2 Multi-Family Design Standards of the UDO.
 14. The applicant shall continue to work with the residents of the Finger Lake Community and update staff on any progress regarding the existing covenant restrictions for the desired connection to the south. If this additional property is added in the future, the applicant will be required to amend the current plan and make application for Planning and Zoning Commission consideration and approval.

Alternative Courses of Action

Motion to Approve (2 votes)

1. **Should the Commission choose to approve the request for rezoning as presented in Case #CZ-2021-23, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this rezoning consistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates these properties as located within the "Suburban Activity Center", "Neighborhood Transition 2 Area" and "Employment Center" Character Areas as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. Therefore, the use of these properties for multi-family residential is consistent with the City's vision for this area as generally depicted on the preliminary site plan as it provides a transition between the single-family neighborhood to the south and the proposed mixed-use development to the north. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The proposed use is also compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.*

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

Motion to Deny (2 votes)

1. **Should the Commission choose to recommend denial of Case #CZ-2021-23, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #CZ-2021-23 to be **inconsistent** with the goals and policies of the **Move Kannapolis Forward 2030 Comprehensive Plan**, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

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

I. Attachments

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

J. Issue Reviewed By:

- Planning Director
- Assistant City Manager
- City Attorney

EXHIBIT 2



Planning and Zoning Commission April 19, 2022 Meeting

Staff Report

TO: Planning and Zoning Commission

FROM: Richard Smith, Planning Director

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

Request to amend the previously approved conditionally zoned properties under CZ-2022-01.

A. Actions Requested by Planning & Zoning Commission

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

B. Decision and Required Votes to Pass Requested Actions

Section 3.3.4.2 of the UDO allows the Planning and Zoning Commission to render a final decision on a rezoning request; subject to an affirmative vote of three-fourths of the Commission members present and not excused from voting, or if there is no appeal of the decision. If there is a denial, an approval by a vote of less than three-fourths, or an appeal of the decision, then only the City Council shall have final decision-making authority. Any final decision rendered by the Commission may be appealed within fifteen (15) days to the City Council.

C. Background & Project Overview

The applicant, CP Kannapolis Investments, LLC, is requesting an amendment to remove approximately 1.0 +/- acres of church property located at 1945 Old Earnhardt Road, further identified as Cabarrus County Parcel Identification Number 56225967850000 from the previously approved Planned Unit Development-Conditional Zoning (PUD-CZ) designation and to apply an Office-Institutional (O-I) zoning designation to this property. Further, the request is to add a 2-acre property located at 1855 Old Earnhardt Road, further identified as Cabarrus County Parcel Identification Number 56224993240000, to the (PUD-CZ) zoning designation and conditional site plan. This property is currently zoned C-2.

As previously approved at the January 18, 2022, Planning and Zoning Commission meeting, the applicant successfully rezoned properties located at 2746 & 2640 and an unaddressed parcel on Dale Earnhardt Boulevard, as well as 1505, 1575, 1585, 1915, 1945, and unaddressed parcels on Old Earnhardt Road, further identified as Cabarrus County Parcel Identification Numbers 56235032510000, 56234071560000, 56234074280000, 56234012430000, 56224936190000, 56224976410000, 56225937570000, 56224968280000, and 56225915700000, from General Commercial (C-2) and Office-Institutional (O-I) zoning districts to Planned Unit Development-Conditional Zoning (PUD-CZ) zoning district to allow for a mixture of multi-family residential, office and retail development.

With the proposed revision, the subject properties are approximately 54 +/- combined acres.

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

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

D. Fiscal Considerations

None

E. Policy Issues

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

1. The size of the tract in question.

The size of the subject tracts is approximately 54 +/- combined acres.

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

This property is located in the “Primary Activity Interchange” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Character Areas allows for a mixture of uses including but not limited to retail, office, multifamily residential, light manufacturing, and single family attached residential product types. The proposed use is therefore in conformance with the goals and policies of the 2030 Plan.

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

The subject properties are surrounded by a mixture of non-residential and residential uses, with some commercial, multifamily and institutional uses nearby.

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

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

5. Will there be parking problems?

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

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

The proposed project lies within the Lake Concord Watershed Protected and Critical Areas. The maximum impervious for the protected area with the issuance of a Special Intensity Allocation shall not exceed 70% and for the critical area shall not exceed 50%. The development will be required to conform to all applicable local, state, and federal environmental regulations.

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

The character of this area has changed over time as a result of the four lane Dale Earnhardt Boulevard and surrounding growth, as well as the proximity to Exit 60 off Interstate 85. Redevelopment of this area has been anticipated.

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

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

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

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

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

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

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

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

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

N/A

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

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

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

No

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

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

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

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

Based on the request being consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, staff recommends approval with the following conditions for the amendments to Zoning Map Amendment Case #CZ-2022-01:

1. The permitted uses allowed by this rezoning shall include the uses, densities and intensities as shown on the master plan approved with this rezoning.

2. A Final Site Plan, in compliance with all applicable City UDO standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Comply with current Land Development Standards Manual.
4. All road intersections on where development has access and/or street frontage shall be approved by the City.
5. The Developer shall construct traffic improvements as required by the Traffic Impact Analysis approved with this rezoning.
6. The lane widths, sidewalks, pavement structure, road alignment, and road grades shall be constructed to current City standards.
7. Roads and parking lots shall comply with all Fire Codes and Autoturn templates for SU-30 and Bus-45 (mimics ladder truck) shall be used.
8. Streams and wetlands shall be identified by a qualified person and all buffers shown in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with AE Zone & RSOD Buffer requirements or be relocated.
9. A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and SCM's. Stormwater SCM's cannot be constructed in the undisturbed buffer.
10. All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement. The water and sewer mains shall be located in the roadway under the pavement per the City's Typical Section Utility Layout, LDSM Detail 301.
11. Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-feet wide. Additional width may be required depending on the depth of the line. Sanitary sewer lines and storm sewer lines shall be located within Common Open Space (easements centered on property lines shall not be permitted). Viable access shall be provided along all easements with a grade no greater than 15% for maintenance vehicles and cross slopes shall not exceed 5%.
12. The Fire Department shall approve locations of all hydrants
13. Additional Engineering and Fire comments are anticipated based on the latest version of the Master Plan.

Alternative Courses of Action

Motion to Approve (2 votes)

1. **Should the Commission choose to approve the request for rezoning as presented in Case #CZ-2022-01, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this amendment to the previously approved rezoning consistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates this property as being located in the "Primary Activity Interchange" Character Area, which allows for the proposed mixed-use development. Furthermore, staff finds the request for*

rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The proposed use is also compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment. Finally, sanitary sewer service is subject to allocation based upon sewer treatment capacity.

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

Motion to Deny (2 votes)

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

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

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

I. Attachments

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

J. Issue Reviewed By:

- Assistant City Manager
- City Attorney