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

**Minutes of Meeting
July 18, 2023**

The Kannapolis Planning and Zoning Commission met on Tuesday July 18, 2023, 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
Jeff Parker, Vice-Chair
Daisy Malit
James Litaker
Jamie Richardson
Larry Ensley
Scott Trott
Robert Severt, ETJ Representative

Commission Members Absent: Shelly Stein

Visitors: Randy Niessner
Dave Miller

Staff Present: Richard Smith, Planning Director
Ben Barcroft, Senior Planner
Kathryn Stapleton, Planner
Pam Scaggs, Recording Secretary

CALL TO ORDER

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

OATH OF OFFICE

Reappointed and new Commission members, Chris Puckett, Jamie Richardson and Daisy Malit, were administered the Oath of Office by Recording Secretary, Pam Scaggs.

ROLL CALL AND RECOGNITION OF QUORUM

Ms. Scaggs called the roll. The presence of a quorum was recognized.

APPROVAL OF AGENDA

Chair Puckett noted that the July 18, 2023 Minutes are not available for approval and asked for any other changes to the agenda, hearing none, he approved the agenda.

PUBLIC HEARING

Z-2023-08 – Rezoning request for property located at 404 Ruth Avenue from Office Institutional (O-I) to Residential 4 (R4) zoning district.

Planner Kathryn Stapleton provided a PowerPoint presentation regarding case Z-2023-08, attached to and made part of these minutes as Exhibit 1. Ms. Stapleton directed the Commission’s attention to Vicinity, Zoning, and Future Land Use Plan maps and identified the property owner, address and size of the property. She noted the requested zoning and stated that the request is a straight rezoning [versus a conditional rezoning]

1 and that a site plan is not required, nor can conditions be added should the Commission approve the request.
2 Ms. Stapleton talked about existing and surrounding zoning districts as well as the Future Land Use Plan and
3 its designated uses.
4

5 Ms. Stapleton further directed the Commission’s attention to site photos, stating that staff found consistency
6 with the Move Kannapolis Forward 2030 Plan and recommended approval of the rezoning request. She
7 concluded her presentation, reminded the Commission of the actions requested and made herself available
8 for questions.
9

10 There being no additional questions or comments for staff or the applicant, Chair Puckett opened the Public
11 Hearing which was then closed with no public comment made.
12

13 Chair Puckett asked for a motion regarding the Statement of Consistency. Vice-Chair Parker made the motion
14 to approve, second by Mr. Trott and the motion was unanimously approved.
15

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

19 **RECOMMENDATION TO CITY COUNCIL**

20 **TA-2023-02 – Text Amendment – Legacy CD Zoning District**

21 Senior Planner Ben Barcroft provided a PowerPoint presentation regarding case TA-2023-02, attached to and
22 made part of these minutes as Exhibit 2. Mr. Barcroft provided the application details regarding the requested
23 text amendments, stating that the applicant is requesting the amendment to allow for personal vehicle service
24 and repair [quick change oil service] as well as a drive-thru coffee shop. He added that after further review,
25 staff determined that a text amendment for the drive-thru coffee shop was not warranted since drive-thru uses
26 are permitted when it is secondary to an indoor seating area.
27

28 Mr. Barcroft further detailed that the proposed use will be located within the Campus Development (CD)
29 zoning district as well as the Coddle Creek Thoroughfare Overlay in the Gateway Business Park. He added
30 that the CD zoning district is a legacy district from the Unified Development Ordinance (UDO) and that it
31 will not be used for any new sites. Mr. Barcroft directed the Commission’s attention to the proposed
32 amendments (Exhibit 2), concluded his presentation and made himself available for questions.
33

34 Vice-Chair Parker asked if the proposed text amendments will apply to only the CD zoning district. Both Mr.
35 Barcroft and Planning Director Richard Smith provided responses stating that because the applicant is
36 requesting the use be located within the CD zoning district, as well as the Coddle Creek Overlay, if approved
37 the text amendment will require the applicant to obtain a Special Use Permit (SUP) for the oil-change business
38 use.
39

40 Chair Puckett asked for other locations of the CD zoning district within the City. Mr. Smith responded that
41 the CD zoning district is located at the corner of Kannapolis Parkway and Highway 73 (Gateway Business
42 Park) as well as the Afton Ridge (Target) shopping area. He added that the proposed project is specifically
43 located within the Gateway Business Park and under the Unified Development Ordinance, would have been
44 allowed by right, but is not permitted under the KDO. Mr. Smith stated that staff is recommending approval
45 because there are similar existing uses in the business park, as well as the convenience store that is under
46 construction, and determined that the proposed use is compatible.
47

48 Mr. Trott noted that there is grading occurring within the Gateway Business Park and asked if this will be the
49 location of the proposed project. Mr. Smith recognized the area Mr. Trott is referring and responded that area
50 will be the location of a convenience store. He added that the proposed oil change service will be located

1 within the same business park but on the opposite side, closer to Highway 73. There was additional discussion
2 regarding location of proposed uses in the area. Mr. Ensley asked if it will be similar to the oil change service
3 recently developed on South Cannon Boulevard. Mr. Smith responded yes, and that it is the same business
4 model and a good fit for the area.
5

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

9 Chair Puckett asked for a motion regarding the Statement of Consistency. Dr. Litaker made the motion to
10 approve, second by Vice-Chair Parker and the motion was unanimously approved.
11

12 Chair Puckett asked for a motion to recommend approval to City Council of the proposed text amendments.
13 Mr. Trott made the motion to approve, second by Dr. Litaker and the motion was unanimously approved.
14

15 **PLANNING DIRECTOR UPDATE**

16 Mr. Smith welcomed the new Commission members and then provided an update regarding City
17 development projects. He responded to questions and concerns from the Commission regarding parking,
18 the lack of diversity regarding investors/ownership of downtown properties, and location of future grocery
19 stores.
20

21 There was discussion regarding proposed amendments to the Wastewater Allocation Policy so that both
22 residential and commercial projects are receiving allocation. Mr. Smith responded to concerns regarding
23 school impacts as well as the completion timeframe of wastewater treatment plant improvements and
24 development of the Irish Creek area.
25

26 Vice-Chair Parker asked for a link to the development projects and asked if there is information regarding
27 which projects are being developed under the UDO versus the KDO. Mr. Smith responded that the
28 development map is available on the City's website and that he would provide which projects are UDO vs
29 KDO. Mr. Ensley asked if the City could post signage to show which projects are state/city/federally
30 funded. Mr. Smith stated that he would make City Council aware of the Commission's request.
31

32 Mr. Smith stated that the 2022 rezoning request regarding a proposed development on Stirewalt Road and
33 Trinity Church Road [CZ-2022-08] is scheduled for the July 24, 2023 City Council meeting.
34

35 Mr. Smith provided an update regarding the second quarter permit activity report as well as code
36 enforcement cases, GIS activity and annexations.
37

38 **OTHER BUSINESS**

39 Chair Puckett asked for a motion to adopt the 2024 meeting schedule which was made by Mr. Ensley,
40 second by Vice-Chair Parker and unanimously approved.
41


42 Chair Puckett asked for nominees to serve as Chair and Vice-Chair for the fiscal year 2024. Mr. Ensley
43 made the motion that both Chair Puckett and Vice-Chair Parker remain, second by Mr. Trott and
44 unanimously approved.
45

46 Mr. Smith stated that staff has secured tickets for the Commission to attend the August 10, 2023 Cannon
47 Baller baseball game and that tickets could be picked up at the Planning office or at the will-call ticket
48 booth.
49

50 **ADJOURN**

1 There being no further business, questions or comments, Mr. Ensley made motion to adjourn, second by Chair
2 Puckett and the meeting adjourned at 7:09 PM on Tuesday, July 18, 2023.

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Chris Puckett, Chair
Planning and Zoning Commission


Pam Scaggs, Recording Secretary

EXHIBIT 1



Planning and Zoning Commission July 18, 2023 Meeting

Staff Report

TO: Planning and Zoning Commission
FROM: Kathryn Stapleton, Planner
SUBJECT: Case #Z-2023-08: 404 Ruth Ave.
Applicant: Tedy M. Morales, Property Owner

Applicant is requesting to rezone property located at 404 Ruth Avenue from Office-Institutional (OI) to Residential 4 (R4) zoning district.

A. Actions Requested by Planning & Zoning Commission

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

B. Decision and Required Votes to Pass Requested Actions

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

C. Background & Project Overview

The applicant, Tedy Morales is requesting to rezone approximately 0.44 +/- acres of property located at 404 Ruth Avenue, further identified as Cabarrus County Parcel Identification Numbers 56242062630000, from Office-Institutional (OI) zoning district to Residential 4 (R4) 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, this property is located within the “Urban Residential” Character Area designation.
- 2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?**
No, the Residential 4 zoning designation is appropriate for this area.
- 3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?**
No, but the proximity to other R4 zoning and the Comprehensive Plan Character Area make this zoning change appropriate for this area.
- 4. Does the proposed rezoning allow uses that are compatible with existing and allowed uses on surrounding land and with the stability and character of any adjacent residential neighborhoods?**
Yes, the properties are adjacent to residential and nonresidential land uses.
- 5. Does the proposed rezoning ensure efficient development within the City, taking into consideration the capacity and safety of the street network, the adequacy of public facilities, the suitability of the land for the uses allowed under the existing zoning, and other relevant considerations?**
Yes, this property is located adjacent to roads with adequate capacity and safety, adequate facilities, 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 proximity of this property to other R4 zoning is a logical and orderly development pattern.
- 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*, adopted by City Council, which designates the subject property as located within the “Urban Residential” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area designation encourages residential uses that would be appropriate for this parcel. 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 R4 permitted uses would also be compatible with the surrounding zoning and are not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

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

Based on the request being consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, staff recommends approval for Zoning Map Amendment Case #Z-2023-08

Alternative Courses of Action

Motion to Approve (2 votes)

- 1. Should the Commission choose to approve the request for rezoning as presented in Case #Z-2023-08, 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*, adopted by City Council, which designates the subject property as located within the “Urban Residential” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area designation encourages residential uses that would be appropriate for this parcel. 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 R4 permitted uses would also be compatible with the surrounding zoning and are not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

- 2. Should the Commission choose to approve Case #Z-2023-08, a motion should be made to adopt the Resolution to Zone.**

Motion to Deny (2 votes)

1. **Should the Commission choose to recommend denial of Case #Z-2023-08, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this zoning map amendment as presented in Case #Z-2023-08 to be **inconsistent** with the goals and policies of the **Move Knapolis Forward 2030 Comprehensive Plan**, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

2. **Should the Commission choose to deny Case #Z-2023-08, 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

EXHIBIT 2



Planning and Zoning Commission July 18, 2023, Meeting

Staff Report

DATE: July 13, 2023
TO: Planning and Zoning Commission
FROM: Ben Barcroft, Senior Planner
SUBJECT: TA-2023-02 KDO Text Amendments
Applicant: Randy Niessner

Consider a recommendation to City Council regarding text amendments to Article 4, Table 4.2.B(5): Principle Use Table; Section 4.2.D(5)g.6: Standards Specific to Principal Uses; Section 3.8.F(4): Modification of Underlying Use Permissions of the Kannapolis Development Ordinance (KDO)

A. Actions Requested by Planning and Zoning Commission Members

1. Consider Resolution to Adopt a Statement of Consistency for TA-2023-02
2. Consider motion to recommend approval of proposed text amendments by City Council

B. Decision and Required Votes to Pass Requested Action

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

C. Background

Randy Niessner is proposing several text amendments to the KDO to allow for a quick-change oil service and a drive-thru coffee shop. See Exhibit A attached. After reviewing with the applicant, staff has evaluated what is needed for the proposed uses, the area where such uses shall be allowed, and recommends the following text amendments to the KDO.

Amend Principal Use Table 4.2.B(5) to allow for 'Personal vehicle service and repair' with a special use permit in the Campus District (CD). The Campus District already allows for restaurant drive-thru service if it is secondary to an indoor seating area. This Campus District is a legacy district from the old UDO and will not be used for any new sites.

Amend Section 4.2.D(5)g.6 Standards Specific to Principal Uses to restrict “Personal vehicle service and repair” in the campus district.

Amend Section 3.8.F(4) Modification of Underlying Use Permissions within the Coddle Creek Subdistrict to all allow for some uses in the vehicle and services category near major intersections.

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

D. Fiscal Considerations

None

E. Policy Issues

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

F. Legal Issues

None

G. Alternative Courses of Action and Staff Recommendation

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

Based on the foregoing analysis, staff recommends **approval** of the proposed text amendments to **Article 4, Table 4.2.B(5): Principle Use Table; Section 4.2.D(5)g.6: Standards Specific to Principal Uses; Section 3.8.F(4): Modification of Underlying Use Permissions** of the Kannapolis Development Ordinance, as shown per staff edits (attached).

The following actions are required to recommend approval of TA-2023-02:

1. Consider Resolution to Adopt a Statement of Consistency for TA 2023-02
2. Consider motion to recommend approval of proposed text amendments by City Council.

The following actions are required to recommend denial of TA-2023-02:

1. Consider Resolution to not Adopt a Statement of Consistency for TA 2023-02
2. Consider motion to recommend denial of proposed text amendments by City Council.

H. Attachments

1. Text Amendment Application
2. Applicant proposed KDO changes: Exhibit A
3. Staff proposed KDO changes: Exhibit B
4. Resolution to Adopt a Statement of Consistency

I. Issue Reviewed By:

- Planning Director
- Assistant City Manager
- City Attorney