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

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**Minutes of Meeting
July 19, 2022**

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The Kannapolis Planning and Zoning Commission met on Tuesday July 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.

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Commission Members Present: Jeff Parker, Vice-Chair
James Litaker
Larry Ensley
Scott Trott
Travis Gingras
Robert Severt, ETJ Representative

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Commission Members Absent: Chris Puckett, Chairman
Daniel O'Kelly
Shelly Stein

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Visitors: John V. Smith Joe Hatley
Page Castrodale Massie Flippin
Jordan Quinn Steve Schmitt
Carlton Burton Wallace Wyatt
Ken Jonmaire Terrence Llewellyn

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Staff Present: Richard Smith, Planning Director
Boyd Stanley, Assistant Planning Director
Pam Scaggs, Recording Secretary
Wilmer Melton, Assistant City Manager

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CALL TO ORDER

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Vice-Chair Parker called the meeting to order at 6:00 P.M.

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ROLL CALL AND RECOGNITION OF QUORUM

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

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APPROVAL OF AGENDA

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Vice-Chair Parker noted that the agenda required an amendment to add the Oath of Office for reappointed Commission Member Scott Trott. Dr. Litaker made the motion to approve the amended agenda, second by Mr. Ensley and the motion was unanimously approved.

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62

OATH OF OFFICE

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Reappointed Commission Member, Scott Trott was administered the Oath of Office by Recording Secretary, Pam Scaggs.

1 **CONTINUED FROM JUNE 21, 2022**

2 **CZ-2022-03 – Conditional Rezoning for property located at 6441 Davidson Highway.**

3 Planning Director, Richard Smith noted that Case No. CZ-2022-03 was continued at the
4 Commission’s June 21, 2022 Meeting and reminded the Commission that they asked staff to provide
5 an overview of industrial products within the City of Kannapolis as well as for the applicant to
6 provide elevation renderings of the proposed project. Mr. Smith stated that the Economic
7 Development Corporation (EDC) for Cabarrus County will be providing a presentation regarding
8 the number of industrial products for all of Cabarrus County and that the applicant has provided
9 elevation renderings. He provided an overview of the conditional rezoning request for case CZ-
10 2022-03, attached to and made part of these minutes as Exhibit 1 and noted that the Commission did
11 open and close the Public Hearing at their June 21, 2022 meeting so an additional Public Hearing
12 was not necessary.
13

14 Mr. Smith directed the Commission’s attention to Vicinity, Zoning, and Future Land Use Plan maps
15 and provided the surrounding zoning districts and their current uses as well as future land uses. He
16 stated that a recent Comprehensive Plan amendment was approved by the Commission to revise the
17 recommended future land uses [CPA-2022-01). Mr. Smith reminded the Commission that the
18 applicant is resubmitting the rezoning because staff advised that their current plan would not receive
19 wastewater allocation in the near future as previously proposed.
20

21 Mr. Smith directed the Commission’s attention to the City’s Development Map and provided an
22 overview of residential, industrial, commercial and mixed-use projects that are in some stage of the
23 approval process. He concluded stating that there are 46 residential (6,593 units), 8 mixed-use, 5
24 commercial, 5 industrial and 4 institutional projects.
25

26 Mr. Gingras asked if the residential numbers included both multi-family and single-family
27 structures. Mr. Smith confirmed that it does. Mr. Gingras asked if there is a total number of industrial
28 square footage space. Mr. Smith responded that there are two structures each with 1 million and the
29 other with 1.5 million square feet, as well as a 700,000 square foot spec building at Kannapolis
30 Crossing. Assistant City Manager, Wilmer Melton, provided additional information regarding
31 Kannapolis Crossing and Gateway Business Park which is a large building but broken down to fit
32 the need for the end users. Mr. Melton stated that the company, Zip Line, moved their offices to
33 Concord because Kannapolis did not have any available space.
34

35 Mr. Ensley asked about sewer allocation for the projects shown on the Development Map. Mr. Smith
36 responded that all of the projects discussed have either been approved for sewer allocation or are
37 going through the allocation process. Mr. Ensley asked the amount of square footage that is currently
38 available for businesses looking to establish within the City. Mr. Smith deferred to the EDC and
39 introduced Paige Castrodale to make presentation. He noted that North Carolina was ranked as being
40 the No. 1 state for business friendliness and that Ms. Castrodale’s presentation will show the number
41 of missed opportunities for Kannapolis.
42

43 EDC Executive Director, Paige Castrodale introduced Samantha Grass, Project Manager, and
44 provided an overview of the work that EDC completes, stating that their main focus is identifying
45 businesses that will increase quality of life by providing high skill and high wage jobs as well as to
46 increase and diversifying tax investments in the county. Ms. Castrodale stated that while individual

1 families pay property taxes, industrial and commercial developments also pay taxes which help to
2 fund amenities that citizen's enjoy such as schools, transportation, safety, and trash collection which
3 help to "balance the scales" and alleviates the tax burden from the citizen. Ms. Castrodale talked
4 about project activity and included project announcements such as Red Bull, Eli Lilly, company
5 expansions such as Core Choice and Zip Line, and the number of added jobs and the average wage.
6 Ms. Castrodale stated that in Fiscal Year 2021, 166 Request For Information (RFI's) were received
7 and explained that an RFI is a company expressing interest in the area and requesting information
8 regarding available space in Cabarrus County. Ms. Castrodale directed the Commission's attention
9 to a graph illustrating the number of RFI's that they could not respond to because there is no available
10 space meeting their specific criteria. She noted that some were looking for sites with rail access but
11 that most are looking for existing buildings so that they can move quickly, but that there is not an
12 inventory of existing buildings/space in the county. Ms. Castrodale directed attention to another
13 graph showing the number of RFI's that they were able to respond to and that Concord has the most
14 product availability. She added that most companies are looking for workforce, transportation,
15 infrastructure, available buildings and sites. Ms. Castrodale concluded her presentation stating that
16 they are finalizing their strategic action plan for the next three years and have included the quote:
17 "no product, no projects".

18
19 Mr. Parker asked if the presentation is available? Mr. Smith responded that staff will send a copy to
20 the Commission.

21
22 Mr. Gingras asked what types of products or industry has been missed due to the lack of space. Ms.
23 Castrodale responded that most inquiries are manufacturing, automotive and pharmaceutical.

24
25 Dr. Litaker asked if any of the inquiries include companies that are willing to wait for a building to
26 be constructed. Ms. Castrodale stated that companies are considering available space when building
27 out their timeline for project completion and it depends on the project.

28
29 Mr. Trott asked if they were considering rail expansions. Ms. Castrodale responded that the county
30 is lacking rail availability and that Midland is likely the best option for rail access but that they do
31 not have the utility infrastructure to support projects at this time.

32
33 Mr. Ensley asked about the vacancy rate on current industrial warehousing. Ms. Castrodale stated
34 that there is no vacant space in Kannapolis. Mr. Smith added that the only available current space
35 Kannapolis has is the old Walmart located on North Cannon Boulevard.

36
37 Ms. Castrodale responded to additional questions regarding available space and workforce. She
38 stated that inventory of both land and existing space is very scarce around the county and explained
39 the RFI response process. Ms. Castrodale added that Cabarrus County is very well positioned for
40 many reasons but also due to access points to the interstate and to both Concord and Charlotte
41 airports.

42
43 Building designer for the project, Steve Schmidt, talked about the architectural design of the
44 proposed project, noting that they have designed the Stewart Haas, Metro 63, and Kannapolis
45 Crossing projects. Mr. Schmidt addressed the Commission's elevation concerns by directing their
46 attention to illustrations of previously completed projects and their attention to landscape and

1 buffering; signage; unity throughout the park, and historical markers. He stated that they work with
2 developers to ensure that their buildings offer flexibility for multi-tenant demands as well as access.
3 Mr. Schmidt concluded stating that his firm’s goal is to produce a product that will “stand the test
4 of time” and be a beautiful building.
5

6 Massie Flippin (Trinity Capital Partners) stated that their goal is to be thoughtful about the current
7 environment in order to offer a modern industrial product that attracts high caliber tenants that will
8 provide higher wages for potential employees. Mr. Flippin added that they partner with EDC to
9 ensure that they are matching the size and height of buildings that are in demand.
10

11 Mr. Gingras stated that Kannapolis Parkway is one of the main thoroughfares into the downtown
12 area and expressed concern that constructing industrial products along this road will detract from the
13 “old town feel” of Kannapolis. He asked if they could push the building back off the Parkway and
14 incorporate more brick with enhanced landscaping. Mr. Gingras added that he understands the
15 demand for more industrial space but doesn’t feel that Kannapolis Parkway is the right location. Mr.
16 Flippin stated that there are ways to achieve what Mr. Gingras is looking for by incorporating colors
17 and different textures. Mr. Schmidt cautioned that end users are looking for more “cutting edge”
18 designed buildings that offer more height and natural light, and while they could incorporate more
19 brick into their design, they don’t want the building to look like a mill building. He used downtown
20 Charleston, SC as an example stating that they have very strict ordinances but do not restrict on the
21 types of materials that can be used and have been successful with modern interpretation of buildings
22 without conflicting with their history.
23

24 Dr. Litaker disagreed with Mr. Gingras stating that he served on the Commission when Kannapolis
25 Parkway was created and indicated that it was intended to be an industrial corridor. He expressed
26 concern regarding parking of tractor trailers along Kannapolis Parkway and ingress/egress to
27 Kannapolis Parkway.
28

29 Engineer, Randy Goddard discussed the scoping approval for the traffic study. Mr. Goddard stated
30 that their will be a full-movement traffic signal opposite Amazon on Highway 73 and another traffic
31 signal on Kannapolis Parkway at the main entrance with a right-in/right-out and a left-in.
32

33 Mr. Gingras noted a future connection to Highway 73 on the site plan and asked when that would
34 be completed. Mr. Goddard responded that they are unsure of the end design or connection because
35 it is dependent on NCDOT’s plans to update that intersection. Mr. Ensley expressed concern
36 regarding adding three full movement access points onto Kannapolis Parkway. Mr. Goddard
37 responded that the intersection further north [closer to Highway 73] will be a right-in/right out with
38 a signalized left-turn, one full-movement access to the south, and two more access points located at
39 the residential portion of the project but that only one would be full-movement per NCDOT.
40

41 Dr. Litaker asked why residential is even being added to this project? Bridgette Grant with Moore
42 & Van Allan responded that the portion of the project being used for residential is not efficient for
43 industrial uses due to existing wetlands, and that they needed to provide a transition from the existing
44 residential uses.
45

1 Mr. Ensley asked if it was possible to prevent left-turns during peak hours. Mr. Goddard cautioned
2 that this could cause an enforcement issue creating more safety issues.

3
4 Vice-Chair Parker asked for a motion to approve the Statement of Consistency which was made by
5 Mr. Trott, second by Mr. Ensley and the motion was unanimously approved.

6
7 Vice-Chair Parker asked for a motion regarding the Resolution to Zone. Dr. Litaker made the motion
8 to approve, second by Mr. Ensley and approved by vote 5-1 with Mr. Gingras casting the dissenting
9 vote.

10
11 **PUBLIC HEARING**

12 **CZ-2022-04 – Conditional Rezoning for property located at 6253 Mooresville Road**

13 Assistant Planning Director, Boyd Stanley gave a PowerPoint presentation regarding Case No. CZ-
14 2022-04, attached to and made part of these minutes as Exhibit 2. Mr. Stanley stated that the property
15 was recently annexed and that they are requesting a General Commercial-Conditional Zoning (GC-
16 CZ) zoning district to allow for a contractor’s shop/office and general office uses.

17
18 Mr. Stanley directed the Commission’s attention to Vicinity, Zoning, and Future Land Use Plan-
19 maps and provided the surrounding zoning districts and their current uses as well as future land uses
20 and site photos. He noted that there is an existing wood fence screening but that additional
21 landscaping along Mooresville and Stirewalt will be required. Mr. Stanley utilized the site plan to
22 illustrate the existing access drives and stated that the property is located in a watershed and that the
23 applicant will not be expanding due to the restriction on amount of impervious surface.

24
25 Mr. Stanley stated that staff is recommending approval of the rezoning request with conditions and
26 read those conditions into the record:

- 27
- 28 1. The permitted uses allowed by this rezoning shall only include a contractor’s shop/office and
29 general office uses.
 - 30 2. Prior to the occupancy of the property, a Change of Use Permit shall be obtained from the
31 City of Kannapolis.
 - 32 3. Any proposed uses(s) shall be in compliance with existing and modified NCDOT driveway
33 permits.
 - 34 4. Additional streetscape landscape buffer plantings shall be provided along street frontages per
35 the KDO landscaping requirements. Since there is some existing screening in place, staff will
36 work with the applicant to develop a minor planting plan prior to occupancy.
- 37

38 Mr. Stanley concluded his presentation and made himself available for questions.

39
40 Mr. Trott asked about sewer allocation. Mr. Stanley responded that they have an existing septic
41 system and do not plan to connect to City sewer.

42
43 Mr. Ensley asked if there will be any upfit to the building. Mr. Stanley responded that the only
44 proposed upfit is paving and striping of the existing parking lot.

1 The applicant, John Smith, stated that he purchased property in October and tried working with the
2 County but decided to annex into the City of Kannapolis. Mr. Smith stated that the requesting
3 rezoning is to allow a trade shop.
4

5 There being no additional questions or comments, Vice-Chair Parker opened the Public Hearing
6 which was then closed with no public comment made.
7

8 Mr. Gingras noted that the building is sitting in the front setback. Mr. Stanley responded that the
9 setback's shown are the county's setback.
10

11 Vice-Chair Parker asked for a motion regarding the Statement of Consistency. Mr. Ensley made the
12 motion to approve, second by Dr. Litaker and the motion was unanimously approved.
13

14 Vice-Chair Parker asked for a motion regarding the Resolution to Zoning. Mr. Trott made the motion
15 to approve with conditions, second by Dr. Litaker and the motion was unanimously approved.
16

17 **PLANNING DIRECTOR UPDATE**

18 Mr. Smith stated that the strategic planning process has been ongoing for the past six months and
19 the City Council has created focus groups as a result of that process and thanked those Commission
20 members who have volunteered to be on those focus groups. He added that applications for those
21 groups are being reviewed and anticipates that City Council will make appointments to those focus
22 groups at their next meeting.
23

24 Mr. Smith offered to review the projects map with the Commission in more detail or he could create
25 a "deep dive" into the map by adding price points to the residential projects and hold a work session
26 at a future meeting. The Commission agreed to have a work session during their August meeting.
27

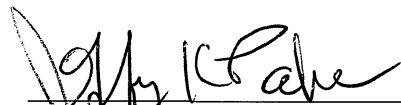
28 Mr. Smith stated that he requested, and City Council approved, an increase in pay for the
29 Commission that was consistent with other jurisdictions.
30

31 **OTHER BUSINESS**

32 Mr. Smith responded to questions from the Commission regarding the project map, affordable
33 housing, and the KDO. Mr. Severt asked whether the Mill house neighborhood will be listed as a
34 historical district. Mr. Smith responded that it may come as a recommendation from one of the focus
35 groups.
36

37 **ADJOURN**

38 There being no further business, questions or comments, Mr. Ensley made the motion to adjourn,
39 second by Mr. Gingras. Vice-Chair Parker adjourned the meeting at 7:31 PM on Tuesday July 19,
40 2022.
41

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45 _____
46 Jeff Parker, Vice-Chair
47 Planning and Zoning Commission
48

45 
46 _____
47 Pam Scaggs, Recording Secretary
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APPENDIX A

Order Confirmation

Order# 0000792001



PO Box 27283
Richmond, VA 23261-7283

Client: CITY OF KANNAPOLIS
Phone: 7049204300

Payer: CITY OF KANNAPOLIS
Phone: 7049204300

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

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

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

Fax: 7049337463
EMail: bbell@kannapolisnc.gov

Total Amount \$434.90

Payment Amount \$434.90

Amount Due \$0.00

Tax Amount: 0.00

Payment Meth: Credit - Debit Card

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

Ad Number **Ad Type** **Ad Size** **Color**
0000792001-01 CLS Liner 2 X 34 li \$0.00

Production Method
AdBooker (liner)

Production Notes

Product and Zone **Placement** **Position** **# Inserts**
CON Independent Trib C-Announcements General-Spec Notice 2

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

Run Dates 7/ 8/2022, 7/15/2022

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETINGTUESDAYJULY192022AT600P
MCONDITIONALZONINGMAPAMENDMENTCZ202204PUBLICHEAR



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

Tuesday July 19, 2022 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2022-04 - Public Hearing to consider a request to rezone property located at 6253 Mooresville Road from Cabarrus County Agricultural Open (AO) zoning district to City of Kannapolis General Commercial-Conditional Zoning (GC-CZ) zoning district to allow a contractor's office/shop. The subject property is approximately 1.98 +/- acres and further identified as Cabarrus County Parcel Identification Number 46938699660000.

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 attcline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

Publish: July 8, July 15, 2022.



**Planning and Zoning Commission
July 19, 2022 Meeting (Continued from the June 21, 2022 Meeting)**

Staff Report

TO: Planning and Zoning Commission
FROM: Boyd Stanley, AICP, Assistant Planning Director
SUBJECT: Case #CZ-2022-03
Conditional Zoning Map Amendment
Applicant: Trinity Capital Advisors

Continued request to conditionally rezone property located at 6441 Davidson Highway to allow retail, light industrial and multi-family uses.

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

As initially presented at the June 21, 2022, meeting, the applicant, Trinity Capital Advisors, is proposing to rezone properties located at 6441 Davidson HWY from City of Kannapolis Planned Unit Development-Conditional Zoning (PUD-CZ) zoning district to Light Industrial-Conditional Zoning (I-1-CZ); General Commercial-Conditional Zoning (C-2-CZ); Campus Development-Conditional Zoning (C-D-CZ) and Residential Compact-Conditional Zoning (R-C-CZ). The property is approximately 229.44 +/- acres and further identified as Cabarrus County Parcel Identification Number 46917672990000.

A rezoning for this site was approved in 2021 under Case No. CZ-2021-05, which approved a development consisting of a mix of residential, commercial and office uses.

Planning and Zoning Commission continued this case from the June 21, 2022 meeting and requested two items for the continued meeting. First, the Commission directed the applicant to provide additional building elevations for the proposed project. Second, the Commission directed staff to research and provide data related to existing and proposed industrial-type projects within the City and the County. This information will be made available at the continued meeting.

As shown on the provided site plan exhibits, the current rezoning amendment proposes four development areas as outlined below:

1. **Development Area A-** +/-10.14 acres located on the north side of the property along Davidson Highway which proposes a convenience store with gas sales. The proposed zoning for Area A is C-2-CZ.
2. **Development Area B-** +/- 18.74 acres located on the north side of the property at the corner of Davidson Highway which proposes a 357,000 square foot light industrial flex-office building. Elevations have been provided in this exhibit showing a variety of building materials and examples. All loading/unloading areas are provided at the rear of the building along with increased landscaping/berm provided at this highly visible intersection. In addition, a future roadway is shown behind this area which connects Davidson Highway and Kannapolis Parkway in conjunction with NCDOT improvement plans. The proposed zoning for Area B is CD-CZ
3. **Development Area C-** +/- 135.26 acres is the largest development area which proposes 2 light industrial/warehouse buildings with a maximum built-upon area of 2,500,000 square feet. Elevations have been provided in this exhibit showing a variety of building materials and building layout examples. The proposed zoning for Area C is I-1-CZ.
4. **Development Area D-** +/- 65.33 acres located on the south side of the property with frontage on Kannapolis Parkway which proposes a 300-unit multi-family apartment development consisting of 7 residential buildings along with a clubhouse building and pool. Elevations have been provided in this exhibit showing a variety of building materials and examples. The proposed zoning for Area D is RC-CZ.

D. Fiscal Considerations

None

E. Policy Issues

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

1. **The size of the tract in question.**

The size of the subject tract is approximately 229.444 +/- 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 in the “Suburban Activity 2”, “Employment Center” and “Complete Neighborhood 2” Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. These Character Areas include multi-family, light industrial and commercial development as primary or secondary uses in harmony with the proposed development areas. The proposed uses are therefore in conformance with the goals and policies of the 2030 Plan.

This property is also within the Coddle Creek Thoroughfare Protection Overlay District (CCTP) which was established to enhance the economic and aesthetic appeal along the City’s major transportation corridors. All uses, site and building design shall meet the requirements of the CCTP.

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

The area is undergoing a transition from agriculture and low-density residential uses to mixed commercial, light industrial and residential uses. The requested rezoning proposes an update to the previously approved planned development of a scale that is appropriate for the area.

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 recommended improvements, which have been reviewed and preliminarily accepted by NCDOT and the City, can be found in the TIA scoping document.

5. Will there be parking problems?

A full site plan shall be submitted to comply with all parking requirements in 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?

There are no negative environmental impacts, and 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 has changed the past several years, with the growth of a mixture of commercial and residential development.

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

There are adequate 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?

Properties to the north are zoned Campus Development (CD) and Campus Development Residential (CD-R). Properties to the south and east are zoned Residential Estate (RE), Campus Development (CD) and Residential Compact (RC). Properties to the west are Agricultural (AG) and Residential Estate (RE). The proposed mixed-use project integrates well with the surrounding area.

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

The proposed rezoning is intended to update the originally approved PUD under case CZ-2021-05. See plans attached for changes.

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

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

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

N/A

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

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

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

No.

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which designates this property as being located in the “Suburban Activity 2”, “Employment Center” and “Complete Neighborhood 2” Character Areas as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. These Character Areas include multi-family, light industrial and commercial development as primary or secondary uses in harmony with the proposed development areas. 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, there is adequate access or ability to extend to public facilities.

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

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

Based on the request being consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, staff recommends approval with the following conditions for Zoning Map Amendment Case #CZ-2022-03:

1. The permitted uses allowed by this rezoning shall include the uses, densities and intensities as shown on the master plan approved with this rezone.
2. A Final Site Plan, in compliance with all applicable City UDO standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.
3. Comply with current Land Development Standards Manual.
4. All road intersections on where development has access and/or street frontage shall be approved by the City.
5. The Developer will construct curb and gutter and sidewalk along the entire road frontage where development has access and/or street frontage. The improvements will be constructed to NCDOT and City standards. Internal streets shall meet current City standards and a dedicated public right-of-way per the City's Typical Section Local Residential Street, LDSM Detail 101.
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. 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.
11. 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.
12. 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%.

13. The Fire Department shall approve locations of all hydrants.
14. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.
15. All development shall adhere to site design and architectural standards as provided in the Site Plan and Rezoning exhibits.
16. All requirements as outlined in Article 15.1 *Coddle Creek Thoroughfare Protection Overlay District* of the Unified Development Ordinance shall be met along the Davidson Highway and Kannapolis Parkway Road frontages.

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-2022-03, a motion should be made to adopt the following Statement of Consistency:**

Statement of Consistency: *The Planning and Zoning Commission finds this rezoning consistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan, adopted by City Council, which designates this property as being located in the “Suburban Activity 2”, “Employment Center” and “Complete Neighborhood 2” Character Areas as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. These Character Areas include multi-family, light industrial and commercial development as primary or secondary uses in harmony with the proposed development areas. Furthermore, the Commission 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, there is adequate access or ability to extend to public facilities.*

2. **Should the Commission choose to approve Case #CZ-2022-03, 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-2022-03, 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-2022-03 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-2022-03, 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. Originally Approved Site Plan CZ-2021-05
6. Updated Site Plan & Elevation Renderings
7. Neighborhood Meeting Information
8. Notice of Public Hearing
9. List of Notified Properties
10. Letter to Adjacent Property Owners
11. Posted Public Notice Sign
12. Resolution to Adopt a Statement of Consistency
13. Resolution to Zone

J. Issue Reviewed By:

- Assistant City Manager
- City Attorney
- Planning Director

EXHIBIT 2



Planning and Zoning Commission July 19, 2022 Meeting

Staff Report

TO: Planning and Zoning Commission

FROM: Boyd Stanley, Assistant Planning Director

SUBJECT: Case #CZ-2022-04
Conditional Zoning Map Amendment
Applicant: John Smith

Request to conditionally rezone property located at 6253 Mooresville Road to allow for a contractor's office/shop and general office uses.

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, John Smith, is proposing to rezone approximately 1.98 +/- acres of property located at 6253 Mooresville Road, further identified as Cabarrus County Parcel Identification Number 46938699660000, from Cabarrus County Agricultural Open (AO) zoning district to City of Kannapolis General Commercial-Conditional Zoning (GC-CZ) district to allow for a contractor office/shop and general office uses.

The property was recently annexed into the City from unincorporated Cabarrus County on June 27, 2022 by City Council and must therefore be assigned a City of Kannapolis zoning designation within 60 days in accordance with state statute.

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 property is in the “Cluster Residential” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character area includes residential, open-space along with neighborhood-serving retail and office uses. The proposed use(s) of a contractor’s office and general office uses is consistent with the goals and objectives of the Plan.

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

No. There is an existing structure onsite that has been used for similar uses in the past under Cabarrus County zoning.

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

No, the subject property was recently annexed into the City of Kannapolis.

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, all adjoining properties are zoned AG (Agricultural) within the City of Kannapolis and AO (Agricultural Open Space) within Cabarrus County. The existing structure was constructed and utilized for the proposed use(s) under Cabarrus County Zoning.

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, there are no anticipated traffic concerns and there are two existing/permitted points of ingress/egress onto two NCDOT rights-of way. The applicant is not requesting additional utility services as part of this request and currently, there is no sewer service in this area. There is an existing fire hydrant adjacent to the 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 existing site is developed and lends itself to the existing/proposed use rather than residential or agricultural uses due to the size, shape, and location of the property.

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?

There are no negative environmental impacts, and the development will be required to conform to all applicable local, state, and federal environmental regulations.

The property is located within the Protected Watershed Area for the Coddle Creek Reservoir, which limits the maximum built-upon area to 12%. Based on the existing impervious built-upon areas, the current site could not be expanded for additional development.

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which designates this property as being located in the “Cluster Residential” Character Area as designated in the *Move Forward 2030 Comprehensive Plan*. This Character area includes residential, open-space along with neighborhood-serving retail and office uses. The proposed use(s) of a contractor’s office/shop, and general office use is consistent with the goals and objectives of the Plan. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The proposed use is also compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

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 Conditional Zoning Map Amendment Case #CZ-2022-04:

1. The permitted uses allowed by this rezoning shall only include a contractor's shop/office and general office uses.
2. Prior to the occupancy of the property, a Change of Use Permit shall be obtained from the City of Kannapolis.
3. Any proposed uses(s) shall be in compliance with existing and modified NCDOT driveway permits.
4. Additional streetscape landscape buffer plantings shall be provided along street frontages per the KDO landscaping requirements. Since there is some existing screening in place, staff will work with the applicant to develop a minor planting plan prior to occupancy.

Alternative Courses of Action

Motion to Approve (2 votes)

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2. **Should the Commission choose to approve Case #CZ-2022-04, 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-2022-04, a motion should be made to adopt the following Statement of Consistency:**

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2. **Should the Commission choose to deny Case #CZ-2022-04, a motion should be made to deny the Resolution to Zone.**

I. Attachments

1. Rezoning Application
2. Vicinity Map
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5. Site Plan
6. Notice of Public Hearing
7. List of Notified Properties
8. Letter to Adjacent Property Owners
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J. Issue Reviewed By:

- City Attorney
- Planning Director