

1
2
3 **CITY OF KANNPOLIS, NC**
4 **PLANNING AND ZONING COMMISSION**

5 **Minutes of Meeting**
6 **August 15, 2023**
7

8 The Kannapolis Planning and Zoning Commission met on Tuesday August 15, 2023, at 6:00 PM in
9 the Laureate Center of City Hall. This meeting was held in accordance with notice published in the
10 Independent Tribune (Appendix A), as well as on the City's website.
11

12 **Commission Members Present:** Jeff Parker, Vice-Chair
13 Daisy Malit
14 James Litaker
15 Jamie Richardson
16 Larry Ensley
17 Scott Trott
18 Shelly Stein
19

20 **Commission Members Absent:** Chris Puckett, Chair
21 Robert Severt, ETJ Representative
22

23 **Visitors:** Yanwei Ma
24 Phillip Hammond
25

26 **Staff Present:** Richard Smith, Planning Director
27 Wilmer Melton, Assistant City Manager
28 Kathryn Stapleton, Planner
29 Pam Scaggs, Recording Secretary
30

31 **CALL TO ORDER**

32 Vice-Chair Parker called the meeting to order at 6:00 P.M.
33

34 **OATH OF OFFICE**

35 Reappointed Commission member Shelly Stein was administered the Oath of Office by Recording
36 Secretary Pam Scaggs.
37

38 **ROLL CALL AND RECOGNITION OF QUORUM**

39 Ms. Scaggs called the roll. The presence of a quorum was recognized.
40

41 **APPROVAL OF MINUTES**

42 Vice-Chair Parker asked for a motion regarding the June 20 and July 18, 2023 meeting minutes. Dr.
43 Litaker made the motion to approve, second by Ms. Stein. and the agenda was unanimously
44 approved.
45

46 **APPROVAL OF AGENDA**

1 Vice-Chair Parker asked for a motion regarding the agenda. Mr. Trott made the motion to approve,
2 second by Ms. Malit and the agenda was unanimously approved.

3
4 **PUBLIC HEARING**

5 **Z-2023-09 – Rezoning request for properties located on Melchor Street from Heavy Industrial**
6 **(HI) to Residential 8 (R8) zoning district.**

7 Planner Kathryn Stapleton provided a PowerPoint presentation regarding case Z-2023-09, attached
8 to and made part of these minutes as Exhibit 1. Ms. Stapleton directed the Commission’s attention
9 to Vicinity, Zoning, and Future Land Use Plan maps and identified the property owner, parcel
10 identification numbers and size of the property. She stated that the applicant is requesting a rezoning
11 to the R8 zoning district and reminded the Commission that a straight rezoning does not require a
12 site plan, nor can conditions be added should the Commission approve the request. Ms. Stapleton
13 identified the existing and surrounding zoning districts as well as the Future Land Use Plan and its
14 designated uses.

15
16 Ms. Stapleton further directed the Commission’s attention to site photos, stating that staff found
17 consistency with the Move Kannapolis Forward 2030 Plan and recommended approval of the
18 rezoning request. She concluded her presentation, reminded the Commission of the actions requested
19 and made herself available for questions.

20
21 Mr. Ensley asked the size of the subject property across Melchor Street and asked if it could be
22 developed. Planning Director, Richard Smith, deferred to the applicant, who was not sure the exact
23 size but indicated that it will not be developed. [The subject parcel is bisected by Melchor Street and
24 has been determined to be too small to accommodate any type of development.]

25
26 There being no additional questions or comments for staff or the applicant, Vice-Chair Parker
27 opened the Public Hearing.

28
29 The applicant, Yanwei Ma, utilized the Zoning map and addressed Mr. Ensley’s question confirming
30 that he would not be developing that portion of property located across Melchor Street.

31
32 Ms. Stein asked if Mr. Ma had a site plan. Mr. Ma responded that he was not required to submit a
33 site plan.

34
35 Mr. Parker asked if there is an intended development for the property. Mr. Ma responded that he
36 intends to develop one (1) single-family home and one (1) duplex. He added that the rest of the
37 neighborhood also consists of residential uses.

38
39 Resident Phillip Hammond, 1206 Chipola Street, stated that he is not opposed to the proposed
40 development but that his mother-in-law owns property adjacent to the subject property and is
41 concerned that she will become landlocked and asked if he was at the right meeting to prevent the
42 property from being landlocked. Ms. Stapleton utilized the Vicinity Map to illustrate the property
43 Mr. Hammond is referring to and stated that the driveway has been utilized as a “shared drive” but
44 does not believe that there is a recorded easement or right-of-way. Mr. Smith added that Mr.
45 Hammond has a legitimate concern, but that the issue should be addressed legally between the two

1 property owners and should not be considered by the Commission as part of the rezoning request.
2 Mr. Smith provided Mr. Hammond with his contact information and offered to discuss further.

3
4 Vice-Chair Parker asked for a motion regarding the Statement of Consistency. Dr. Litaker made the
5 motion to approve, second by Ms. Stein and the motion was unanimously approved.

6
7 Vice-Chair Parker asked for a motion regarding the Resolution to Zone. Ms. Malit made the motion
8 to approve, second by Ms. Richardson and the motion was unanimously approved.

9
10 **Z-2023-10 – Rezoning request for property located at 2343 Trinity Church Road from Campus**
11 **Development (CD) to Residential 4 (R4) zoning district.**

12 Ms. Stapleton provided a PowerPoint presentation regarding case Z-2023-10, attached to and made
13 part of these minutes as Exhibit 2. She directed the Commission’s attention to Vicinity, Zoning, and
14 Future Land Use Plan maps and identified the property owner, address and size of the property. Ms.
15 Stapleton stated that the applicant is requesting a Residential 18 (R18) zoning district but that after
16 further review, staff is recommending the R4 zoning district because the proximity to other low-
17 density zoning in the area and the Comprehensive Plan Character Area make the R4 zoning district
18 more appropriate for this area. She talked about existing and surrounding zoning districts as well as
19 the Future Land Use Plan and its designated uses.

20
21 Ms. Stapleton further directed the Commission’s attention to site photos, stating that staff found
22 consistency with the Move Kannapolis Forward 2030 Plan and is recommending approval of the
23 rezoning request. She concluded her presentation, reminded the Commission of the actions requested
24 and made herself available for questions.

25
26 Mr. Ensley asked if staff anticipates future rezoning of the adjacent properties. Mr. Smith reminded
27 the Commission that they recently approved a Comprehensive Plan Amendment [CPA-2023-04] for
28 the same area and that the adjacent property owners were advised that they could also rezone their
29 property at the same or different time as this applicant and surmised that they will rezone their
30 property at some point. He added that existing single-family detached residential uses in the CD
31 zoning district are currently considered a “legal nonconforming” use.

32
33 There being no additional questions or comments for staff, Vice-Chair Parker opened the Public
34 Hearing which was then closed with no public comment made.

35
36 Vice-Chair Parker asked for a motion regarding the Statement of Consistency. Mr. Trott made the
37 motion to approve, second by Mr. Ensley and the motion was unanimously approved.

38
39 Vice-Chair Parker asked for a motion regarding the Resolution to Zone. Mr. Ensley made the motion
40 to approve the recommended R4 zoning district, second by Ms. Stein and the motion was
41 unanimously approved.

42
43 **PLANNING DIRECTOR UPDATE**

44 Mr. Smith stated that City Council approved amendments to the Wastewater Allocation Policy at
45 their July 24, 2023 meeting which was necessary to separate non-residential projects and
46 residential projects. He noted that Exhibit A [list of projects that have applied for allocation] has

1 also been updated and will require approval by City Council. He added that he anticipates that City
2 Council will render a decision on those updates at their August business meeting and reminded
3 them that Exhibit A can be updated every 6 months. Mr. Smith stated that the Commission should
4 expect a greater precedence on non-residential developments which will include grocery stores
5 and projects submitted by Insite for the downtown properties designated by Council as priority.
6

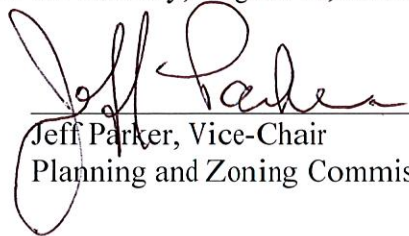
7 Mr. Ensley suggested that power utilities be installed underground. Mr. Smith responded that
8 utilities for new development are being installed underground.
9

10 **OTHER BUSINESS**

11 Mr. Smith responded to several questions from the Commission which included the status of Block
12 6 [the area between the previous Wells Fargo bank and Lee Clothing Warehouse], affordable
13 housing, bus shelters, Cannon Boulevard updates, progress of Loop Yard, progress of wastewater
14 treatment plants and Highway 3, the Rogers Lake Overpass, possibility of commuter trains and the
15 self-storage project that was approved for Rogers Lake Road.
16

17 **ADJOURN**

18 There being no further business, questions or comments, Mr. Ensley made motion to adjourn, second
19 by Ms. Malit and the meeting adjourned at 6:31 PM on Tuesday, August 15, 2023.
20

21
22
23
24 
25
26
27

Jeff Parker, Vice-Chair
Planning and Zoning Commission

24 
25
26
27

Pam Scaggs, Recording Secretary

EXHIBIT 1



Planning and Zoning Commission August 15, 2023 Meeting

Staff Report

TO: Planning and Zoning Commission

FROM: Kathryn Stapleton, Planner

SUBJECT: Case #Z-2023-09: Two parcels on Melchor Street.
Applicant: Yanwei Ma, Property Owner

Applicant is requesting to rezone two (2) properties located on Melchor Street from Heavy Industrial (HI) to Residential 8 (R8) 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, Yanwei Ma is requesting to rezone approximately 0.63 +/- combined acres of properties located at 2617 Melchor Street and an unaddressed parcel on Melchor Street, further identified as Rowan County Parcel Identification Numbers 156 123 and 156 122, from Heavy Industrial (HI) zoning district to Residential 8 (R8) 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 Corridor” Character Area designation.

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

No, the R8 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 R8 zoning and the Comprehensive Plan Character Area make this zoning change appropriate for this area. Further, staff does not anticipate Heavy Industrial type uses occurring in this immediate 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 R8 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. In fact, the use of the properties as residential uses rather than industrial type uses are more likely to have less of an impact on the area environmentally.

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 R8 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-2023-09

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-2023-09, 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 R8 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-2023-09, 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-2023-09, 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-2023-09 to be **inconsistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

- 2. Should the Commission choose to deny Case #Z-2023-09, 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 August 15, 2023 Meeting

Staff Report

TO: Planning and Zoning Commission

FROM: Kathryn Stapleton, Planner

SUBJECT: Case #Z-2023-10: 2343 Trinity Church Road
Applicant: Kevin Reynolds

Applicant is requesting to rezone property located at 2343 Trinity Church Road from Campus Development (CD) to Residential 18 (R18) 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, Kevin Reynolds, is requesting to rezone approximately 1.66 +/- acres of property located at 2343 Trinity Church Road, further identified as Cabarrus County Parcel Identification Number 56023264940000, from Campus Development (CD) zoning district to Residential 18 (R18) zoning district. After further review, staff has determined that a Residential 4 (R4) zoning district is more appropriate to this area.

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 “Complete Neighborhood 2” Character Area designation.

The Planning and Zoning Commission recently recommended approval of a Comprehensive Plan Amendment (CPA-2023-04) to amend the Future Land Use Map and Character Area designation for this area from “Employment Center” designation to the “Complete Neighborhood 2” designation at their June 20, 2023 meeting. City Council subsequently approved this amendment at their July 24, 2023 meeting.

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

No, but staff has determined that the R4 zoning designation is more 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 R4 proximity to other low-density zoning in the area 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 low-density 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 “Complete Neighborhood 2” 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 recommended 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-2023-10

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-2023-10, 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 “Complete Neighborhood 2” 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 recommended 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-2023-10, 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-2023-10, 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-2023-10 to be **inconsistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, because (state reason(s)) and is unreasonable and not in the public interest because (state reason(s)).*

- 2. Should the Commission choose to deny Case #Z-2023-10, 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