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

5 **Minutes of Meeting**
6 **September 19, 2023**
7

8 The Kannapolis Planning and Zoning Commission met on Tuesday September 19, 2023, at 6:00 PM
9 in the Laureate Center of City Hall. This meeting was held in accordance with notice published in
10 the Independent Tribune (Appendix A), as well as on the City's website.
11

12 **Commission Members Present:** Chris Puckett, Chair
13 Jeff Parker, Vice-Chair
14 Daisy Malit
15 James Litaker
16 Jamie Richardson
17 Larry Ensley
18 Scott Trott
19 Robert Severt, ETJ Representative
20

21 **Commission Members Absent:** Shelly Stein
22

23 **Visitors:** Vicki Hardin
24 Emil Bec
25 Jerry Fagan
26 Hope Dee
27

28 **Staff Present:** Richard Smith, Planning Director
29 Ben Barcroft, Senior Planner
30 Rayvon Walker, Planner
31 Kathryn Stapleton, Planner
32 Gabriela Burwell, Planning Technician
33 Pam Scaggs, Recording Secretary
34

35 **CALL TO ORDER**

36 Chair Puckett called the meeting to order at 6:00 P.M.
37

38 **ROLL CALL AND RECOGNITION OF QUORUM**

39 Recording Secretary Pam Scaggs called the roll. The presence of a quorum was recognized.
40

41 **APPROVAL OF AGENDA**

42 Chair Puckett asked for a motion regarding the agenda. Dr. Litaker made the motion to approve,
43 second by Mr. Trott and the agenda was unanimously approved.
44

45 **APPROVAL OF MINUTES**

46 Chair Puckett asked for a motion regarding the August 15, 2023 meeting minutes. Dr. Litaker made
47 the motion to approve, second by Vice-Chair Parker and the minutes were unanimously approved.

1 **PUBLIC HEARING**

2 **Z-2023-11 – Rezoning request for property located at 3495 Shiloh Church Road from**
3 **Cabarrus County Countryside Residential (CR) to City of Kannapolis Residential 4 (R4)**
4 **zoning district.**

5 Planner Kathryn Stapleton provided a PowerPoint presentation regarding case Z-2023-11, attached
6 to and made part of these minutes as Exhibit 1. Ms. Stapleton directed the Commission’s attention
7 to Vicinity, Zoning, and Future Land Use Plan maps and identified the property owner, address, and
8 size of the property. She stated that the rezoning request is to apply the R4 zoning district, and that
9 the property was voluntarily annexed into the City on August 28, 2023. Ms. Stapleton further
10 identified the existing and surrounding zoning districts as well as the Future Land Use Plan and its
11 designated uses.

12
13 Ms. Stapleton directed the Commission’s attention to site photos and stated that staff found
14 consistency with the *Move Kannapolis Forward 2030 Plan* and is recommending approval of the
15 rezoning request. She concluded her presentation, reminded the Commission of the actions requested
16 and made herself available for questions.

17
18 Chair Puckett asked for confirmation that the Commission must apply City zoning to the recently
19 annexed property per state statute and Ms. Stapleton confirmed.

20
21 There being no additional questions or comments for staff or the applicant, Chair Puckett opened
22 the Public Hearing which was then closed with no public comment being made.

23
24 Chair Puckett asked for a motion regarding the Statement of Consistency. Mr. Trott made the motion
25 to approve, second by Mr. Ensley and the motion was unanimously approved.

26
27 Chair Puckett asked for a motion regarding the Resolution to Zone. Ms. Malit made the motion to
28 approve, second by Dr. Litaker and the motion was unanimously approved.

29
30 **Z-2023-12 – Rezoning request for property located at 4401 Alder Street from Cabarrus**
31 **County Low Density Residential (LDR) to City of Kannapolis Residential 8 (R8) zoning**
32 **district.**

33 Ms. Stapleton provided a PowerPoint presentation regarding case Z-2023-12, attached to and made
34 part of these minutes as Exhibit 2. She directed the Commission’s attention to Vicinity, Zoning, and
35 Future Land Use Plan maps and identified the City of Kannapolis as the applicant, as well as the
36 property owners, address, and size of the property. Ms. Stapleton stated that the request is to apply
37 City of Kannapolis R8 zoning to the property which was voluntarily annexed on July 24, 2023. She
38 identified the existing and surrounding zoning districts as well as the Future Land Use Plan and its
39 designated uses.

40
41 Ms. Stapleton further directed the Commission’s attention to site photos, stating that staff found
42 consistency with the *Move Kannapolis Forward 2030 Plan* and is recommending approval of the
43 rezoning request. She concluded her presentation, reminded the Commission of the actions requested
44 and made herself available for questions.

1 Vice-Chair Parker asked why the City is requesting R8 zoning instead of Residential 4 (R4) zoning
2 district. Ms. Stapleton responded that staff determined the R8 zoning district is more compatible
3 with the density and zoning of the area.

4
5 Chair Puckett asked the number of units per acre that R8 would allow. Ms. Stapleton responded that
6 R8 will allow for eight (8) units per acre as long as each lot conforms with the minimum lot width
7 requirements of the R8 zoning district.

8
9 Mr. Ensley asked if any development plans have been submitted for the property. Ms. Stapleton
10 responded that no development plans have been submitted to date.

11
12 Chair Puckett asked if water and sewer are available to the property. Ms. Stapleton stated that water
13 is available, but that sewer is not available. Chair Puckett asked why staff would support rezoning
14 to R8 if sewer is not available. Ms. Stapleton responded that the applicant is aware that sewer is not
15 available and that they may have to wait until sewer is available or proceed with the necessary steps
16 to obtain a septic system. Mr. Ensley suggested that a condition be placed on the request regarding
17 the lack of sewer availability. Planning Director, Richard Smith, stated that conditions cannot be
18 placed on the request since it is a straight rezoning. Ms. Stapleton added that, to the best of her
19 knowledge, the applicant has not applied for testing of the site to obtain a septic system.

20
21 Chair Puckett asked if this case is the same as the previous case in that zoning must be applied after
22 annexation. Ms. Stapleton confirmed.

23
24 There being no additional questions or comments for staff, Chair Puckett opened the Public Hearing.

25
26 Resident Hope Dee apologized that she didn't previously ask regarding a construction start date for
27 case Z-2023-11. Chair Puckett stated that the Commission only assigned zoning to the property and
28 does not know anything about construction dates.

29
30 Resident Vicky Hardin stated that she lives directly behind the subject property and asked how she
31 will be impacted by development of the property. Chair Puckett reiterated that the Commission is
32 only assigning zoning to the property at this time and that no development plans for the subject
33 property have been submitted.

34
35 There being no further questions or comments, Chair Puckett closed the Public Hearing.

36
37 Chair Puckett asked for a motion regarding the Statement of Consistency. Mr. Ensley made the
38 motion to approve, second by Ms. Malit and the motion was unanimously approved.

39
40 Chair Puckett asked for a motion regarding the Resolution to Zone. Ms. Malit made the motion to
41 approve, second by Vice-Chair Parker and the motion was unanimously approved.

42
43 **RECOMMENDATION TO CITY COUNCIL**

44 **TA-2023-03 – Text Amendment for Section 4.3.D(21)a.: Solar Energy Conservation System**
45 **(Small Scale)**

1 Senior Planner, Ben Barcroft, gave a presentation regarding a text amendment for case TA-2023-03,
2 attached to and made part of these minutes as Exhibit 3. Mr. Barcroft stated that staff received an
3 application for the text amendment due to a restriction of placement for rooftop mounted solar
4 panels.

5
6 Mr. Barcroft directed the Commission's attention to the proposed text changes (shown below),
7 concluded his presentation and made himself available for questions.
8

(21)→SOLAR-ENERGY-CONVERSION-SYSTEM-(SMALL-SCALE)¶

Small-scale solar energy conversion systems shall comply with the following standards:¶

- a.→Solar energy equipment may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground in accordance with Section 4.3.C, General Standards for all Accessory Uses and Structures, ~~except such equipment is prohibited on front-facing roofs or facades.~~ Building-mounted photovoltaic systems are permitted in all districts subject to all necessary permit and building code requirements.¶

9
10
11 Chair Puckett asked why the existing language was in the Kannapolis Development Ordinance
12 (KDO). Mr. Smith responded that he contacted the consultant that drafted the KDO and stated that
13 the language is common in some jurisdictions, but that others have eliminated it because it creates
14 an issue for homes that have north facing side and rear roofs. He added that the rewrite of KDO
15 began in 2018, and that other municipalities have become more user-friendly with regard to roof
16 mounted solar panels.

17
18 Mr. Trott asked how this amendment will impact Homeowners Associations (HOA) that restrict
19 placement of solar panels. Mr. Smith responded that HOA's can still restrict placement and that the
20 amendment will not impact those restrictions.

21
22 Dr. Litaker indicated that he does not agree with the proposed amendment and that panels should be
23 ground mounted if front placement is the only option. He expressed concern that solar panels do not
24 have a "long life", that they cannot be recycled and stated that that solar panels are an "eyesore".

25
26 Chair Puckett asked if there are City ordinances regarding placement of ground mounted solar
27 panels. Mr. Smith responded that they would be considered "accessory structures" at that point.
28 Chair Puckett asked if they could be located anywhere on the property. Mr. Smith responded that
29 placement of accessory structures are limited to the setback requirements of the respective zoning
30 district. He added that an industry leader made the amendment application, and that staff is agreeable
31 either way but wanted to bring it to the Commission and then on to City Council for their decision.

32
33 Mr. Ensley cautioned that the request is not for a solar farm but for individual homes and that denying
34 residents the opportunity to take advantage of solar power due to the orientation of the home could
35 be discriminatory.

36
37 There being no additional questions or comments for staff, Chair Puckett asked for a motion
38 regarding the Statement of Consistency. Mr. Ensley the motion to approve, second by Ms. Malit and

1 the motion was approved 5 - 3 with Mr. Severt, Mr. Trott, and Dr. Litaker casting the dissenting
2 votes.

3
4 Chair Puckett asked for a motion to recommend approval of the proposed text amendment to City
5 Council. Mr. Ensley the motion to approve, second by Mr. Parker and the motion was approved 5 -
6 3 with Mr. Severt, Mr. Trott and Dr. Litaker casting the dissenting votes.

7
8 **TA-2023-04 – Text Amendment for Section 5.10.D(2)C.: Use of Charlotte Mecklenburg Storm**
9 **Water Design Manual**

10 Senior Planner, Ben Barcroft, gave a presentation regarding case TA-2023-04, attached to and
11 made part of these minutes as Exhibit 4. Mr. Barcroft stated that the City follows some of
12 Charlotte’s storm water design standards, and that what is listed in the manual, shows those
13 standards that the City does not follow. He continued that staff is recommending removing *100+1*
14 *Flood Analysis* from the excluded sections so that it can now be included in the storm water design
15 standards [Proposed amendment shown below]. Mr. Barcroft added that sections not being
16 removed, will still not be applied to the City’s design standards.

17
18 *The following sections of the Charlotte Mecklenburg Storm Water Design Manual shall not apply*
19 *to this Ordinance: ~~100+1 Flood Analysis~~, Approximate Flood Limits, Storm Drain Location, Inlet*
20 *Types and Spacing, Cross Slope, Curb and Gutter, and Detention Facilities Used for Credits,*
21 *including any references to the Charlotte-Mecklenburg Land Development Standards Manual or*
22 *to storm water fees.*

23
24 Mr. Parker asked the meaning of “*100+1 Flood Analysis*”. Mr. Smith reminded the Commission of
25 recent heavy rains that resulted in flooding and added that utilizing the *100+1 Flood Analysis* would
26 allow additional departments to review a project site and require additional information and
27 measures to curb potential flooding. He added that some developers will “pan” a site so that it is
28 below grade of adjacent properties which could eventually cause flooding of the area. Mr. Smith
29 stated that developers will have to provide further analysis regarding flow of stormwater to and from
30 the site. He added that the proposed amendment is a result of the recent flooding and direction from
31 City Council.

32
33 Vice-Chair Parker asked how the amendment relates to the 100-year flood map. Mr. Smith stated
34 that the most recent storm resulted in flooding of an area that is outside both the 100 and 500-year
35 flood maps and that by adding the *100+1 Flood Analysis* requirement, the City will be able to require
36 developers to show how stormwater runoff will be captured. He provided another example of a home
37 that was built outside of flood map areas but that the home sustained negative impacts as a result of
38 stormwater runoff. This provision will be another means to help alleviate future occurrences such as
39 this example.

40
41 Chair Puckett asked if the amendment is for new construction only. Mr. Smith confirmed that it will
42 not be retroactive and will be applied to new construction.

43
44 Mr. Trott expressed concern regarding developers that build homes that are below or above grade to
45 adjacent properties. Mr. Smith reiterated that the proposed amendment would help combat that issue
46 and provided additional examples of homes that sustain flooding that are not located in flood areas.

1 Mr. Trott expressed confusion about the language of the text. Mr. Smith provided further explanation
2 that the amendment simply removes a provision that is prohibited at the moment. It is a confusing
3 due to the “double negative” involved.
4

5 Chair Puckett asked if the proposed amendment will be a layer on the County’s GIS map or if the
6 builder will have to get approval. Mr. Smith responded that the builder will have to coordinate with
7 the City before obtaining permits.
8

9 Vice-Chair Parker asked who identifies the areas where potential issues could exist. Mr. Smith
10 responded that both the Planning, Environmental Services and Engineering departments will identify
11 areas of issue.
12

13 Chair Puckett asked if the properties that have been identified as potential issues will be made public.
14 Mr. Smith stated that the intention is to have these areas mapped out and identified. Chair Puckett
15 reiterated his previous question on whether these areas could be shown as a layer on the Cabarrus
16 County GIS map. Mr. Smith responded that the areas could be added but does not know how quickly
17 the map can be updated. Vice-Chair Parker asked if the County has a similar plan to identify problem
18 areas, but Mr. Smith did not know.
19

20 There being no additional questions or comments for staff, Chair Puckett asked for a motion
21 regarding the Statement of Consistency. Mr. Trott made the motion to recommend approval to City
22 Council, second by Ms. Malit and the motion was unanimously approved.
23

24 Chair Puckett asked for a motion to recommend approval of the proposed text amendment to City
25 Council. Dr. Litaker made the motion to approve, second by Ms. Malit and the motion was
26 unanimously approved.
27

28 **CPA-2023-05 – Comprehensive Plan Amendment – Melchor Street**

29 Mr. Smith asked the Commission to consider recommending an amendment to the Move Kannapolis
30 Forward 2030 Comprehensive Plan “Future Land Use and Character Map” designation of properties
31 located between E 29th Street and E 22nd Street from “Urban Corridor” designation to “Urban
32 Residential” designation (attached as Exhibit 5). He reminded the Commission that they recently
33 rezoned a property from an industrial zoning district to a residential zoning district to allow for a
34 single-family residential and a duplex [Z-2023-09] and further explained that this area was originally
35 envisioned to be more industrial, but staff has noticed that the trend for the area is more residential
36 uses. Mr. Smith added that most of the existing inventory is already residential.
37

38 There being no questions or comments, Chair Puckett asked for a motion to recommend approval of
39 the plan amendment which was made by Vice-Chair Parker, second by Mr. Ensley and the motion
40 was unanimously approved.
41

42 **PLANNING DIRECTOR UPDATE**

43 Mr. Smith provided updates on City NCDOT Projects and their expected completion dates which
44 included: NC Highway 3 widening, Rogers Lake Road grade separation, Kannapolis Train Station
45 grade separation, US Highway 29/NC Highway 3 intersection improvements, East First St. bridge
46 replacement (Martin Luther King Jr. Boulevard), Little Texas Road sidewalk project, NC Highway

1 73 widening, and North Main Street improvements. Mr. Ensley asked how much is federally
2 funded but Mr. Smith was not certain of the actual amount. Mr. Trott asked if both sides of Little
3 Texas Road will receive sidewalk improvement and Mr. Smith responded that he believes only
4 one side of the road will receive a sidewalk. Mr. Trott suggested that a turn-lane be added at the
5 Oakwood Avenue and Rogers Lake Road intersections. Mr. Smith responded that both are state
6 maintained roads so the state would have to install those turn lanes.

7
8 **OTHER BUSINESS**

9 Mr. Smith responded to Commission member questions regarding a rehab center located on Barr
10 Road, allocation for the proposed Lowes grocery store, amendments to the Allocation policy and
11 matrix to include nonresidential development, updates to the Midway area, location of the proposed
12 skatepark, Main Street streetscape updates, and the possibility of grant funding for upfitting
13 storefronts on Main Street.

14
15 **ADJOURN**

16 There being no further business, questions or comments, Mr. Ensley made the motion to adjourn,
17 second by Ms. Malit and the meeting adjourned at 6:46 PM on Tuesday, September 19, 2023.

18
19
20 
21 Chris Puckett, Chair
22 Planning and Zoning Commission

23
24 
25 Pam Scaggs, Recording Secretary

EXHIBIT 1



Planning and Zoning Commission September 19, 2023 Meeting

Staff Report

TO: Planning and Zoning Commission
FROM: Kathryn Stapleton, Planner
SUBJECT: Case #Z-2023-11: 3495 Shiloh Church Road
Applicant: Emil Bec, Property Owner

Applicant is requesting to rezone property located at 3495 Shiloh Church Road from Cabarrus County Countryside Residential (CR) to City of Kannapolis 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, Emil Bec, is requesting to rezone approximately 1.06 +/- acres of property located at 3495 Shiloh Church Road, further identified as Cabarrus County Parcel Identification Number 46726724470000, from Cabarrus County Countryside Residential (CR) zoning district to City of Kannapolis Residential 4 (R4) zoning district.

Per the North Carolina General Statutes, a City of Kannapolis zoning designation must be applied to the property by the Planning and Zoning Commission within sixty (60) days of the effective date of the annexation. City Council approved the voluntary annexation of the subject property August 28, 2023.

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.
- 2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?**
No, residential zoning is consistent with the area.
- 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, the property is adjacent to residential 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. Public water is available to this site at this time, but public sewer is not.
- 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*. Staff finds the request for rezoning 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-2023-11

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-2023-11, 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*. Staff finds the request for rezoning 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-2023-11, 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-2023-11, 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-2023-11 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-2023-11, 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 September 19, 2023 Meeting

Staff Report

TO: Planning and Zoning Commission
FROM: Kathryn Stapleton, Planner
SUBJECT: Case #Z-2023-12: 4401 Alder Street
Applicant: City of Kannapolis

Staff request to apply the City of Kannapolis Residential 8 (R8) zoning designation to recently annexed property located at 4401 Alder Street.

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

On July 24, 2023, the City of Kannapolis voluntarily annexed approximately 1.058 +/- acres of property located at 4401 Alder Street, further identified as Cabarrus County Parcel Identification Number 56048004480000, which is currently zoned Cabarrus County Low Density Residential (LDR).

Per the North Carolina General Statutes, an initial City of Kannapolis zoning designation must be applied to the property by the Planning and Zoning Commission within sixty (60) days of the effective date of the annexation. Staff is recommending the Residential 8 (R8) zoning designation for this subject property.

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 area of the City's future growth area is identified as "Complete Neighborhood 1" Character Area.
- 2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?**
No. The requested R8 zoning district is similar to the previous Low-Density Residential (LDR) zoning district in Cabarrus County.
- 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, the property is adjacent to residential 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, and is a suitable use allowed under the requested zoning. Public water is available to this site at this time, but public sewer is not.
- 6. Does the proposed rezoning result in a logical and orderly development pattern, taking into consideration the size of the subject lands and the zoning and existing and proposed development on surrounding lands?**
Yes, the requested zoning allows uses compatible with existing adjacent residential uses.
- 7. Does the proposed rezoning result in significant adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment?**
No, there are no anticipated significant environmental impacts from rezoning this property.

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 1” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Staff finds the request for rezoning compatible with the surrounding zoning and it is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

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

Based on the request being consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, staff recommends approval for Zoning Map Amendment Case #Z-2023-12

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-2023-12, 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 1” Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Staff finds the request for rezoning compatible with the surrounding zoning and it is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment.

- 2. Should the Commission choose to approve Case #Z-2023-12, 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-2023-12, 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-2023-12 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-2023-12, 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



Planning and Zoning Commission September 19, 2023, Meeting

Staff Report

TO: Planning and Zoning Commission

FROM: Ben Barcroft, Senior Planner

SUBJECT: TA-2023-03 KDO Text Amendments
Applicant: Freedom Solar, LLC, Chad Preece

Consider a recommendation to City Council regarding a text amendment to Article 4, Section 4.3.D(21)a: Solar Energy Conservation System (Small Scale) 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-2023-03
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 text amendments.

C. Background

Chad Preece, representative for Freedom Solar, LLC, is proposing a text amendment to Section 4.3.D(21)a. to remove the location restriction of roof mounted solar panels. Staff has reviewed and is recommending approval of the proposed text amendment. It is more common for local government ordinances to be user-friendly toward solar panel placement on homes when they are considered small scale and unobtrusive. Furthermore, removing this restriction will not limit homes with northern exposures from being as limited on solar panel placement.

The proposed text amendment to the KDO is attached as Exhibit A 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, Section 4.3.D(21)a: Solar Energy Conservation System (Small Scale)** of the Kannapolis Development Ordinance, as shown per staff edits (attached).

The following actions are required to recommend approval of TA-2023-03:

1. Consider Resolution to Adopt a Statement of Consistency for TA 2023-03.
2. Consider motion to recommend approval of proposed text amendments by City Council.

The following actions are required to recommend denial of TA-2023-03:

1. Consider Resolution to not Adopt a Statement of Consistency for TA 2023-03
2. Consider motion to recommend denial of proposed text amendments by City Council.

H. Attachments

1. Text Amendment Application
2. Proposed KDO changes: Exhibit A
3. Resolution to Adopt a Statement of Consistency

I. Issue Reviewed By:

- Planning Director
- Assistant City Manager
- City Attorney



Planning and Zoning Commission September 19, 2023, Meeting

Staff Report

TO: Planning and Zoning Commission

FROM: Ben Barcroft, Senior Planner

SUBJECT: TA-2023-04 KDO Text Amendments
Applicant: City of Kannapolis

Consider a recommendation to City Council regarding text amendment to Article 5, Section 5.10.D(2).C.: Use of Charlotte Mecklenburg Storm Water Design Manual in 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-2023-04
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

City staff is proposing the following text amendment to Section 5.10.D(2).C. to now include the 100+1 Flood Analysis.

The following sections of the Charlotte Mecklenburg Storm Water Design Manual shall not apply to this Ordinance: ~~100+1 Flood Analysis~~, Approximate Flood Limits, Storm Drain Location, Inlet Types and Spacing, Cross Slope, Curb and Gutter, and Detention Facilities Used for Credits, including any references to the Charlotte-Mecklenburg Land Development Standards Manual or to storm water fees. Staff has reviewed and is recommending approval of the proposed text amendment.

This amendment is in direct response to some of the more recent flooding incidents in and around the City. Including this provision in our ordinance will allow the City to be more proactive in combatting any potential future flooding issues as growth continues.

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 5, Section 5.10.D(2).C.: Use of Charlotte Mecklenburg Storm Water Design Manual in the Kannapolis Development Ordinance (KDO)

The following actions are required to recommend approval of TA-2023-04:

1. Consider Resolution to Adopt a Statement of Consistency for TA 2023-04.
2. Consider motion to recommend approval of proposed text amendments by City Council.

The following actions are required to recommend denial of TA-2023-04:

1. Consider Resolution to not Adopt a Statement of Consistency for TA 2023-04
2. Consider motion to recommend denial of proposed text amendments by City Council.

H. Attachments

1. Text Amendment Application
2. Resolution to Adopt a Statement of Consistency

I. Issue Reviewed By:

- Planning Director
- Assistant City Manager
- City Attorney

EXHIBIT 5



Planning and Zoning Commission September 19, 2023, Meeting

Staff Report

TO: Planning and Zoning Commission
FROM: Richard Smith, Planning Director
SUBJECT: CPA-2023-05: Melchor Street
Applicant: City of Kannapolis

Amend *Move Kannapolis Forward 2030 Comprehensive Plan (2030 Plan)* “Future Land Use Map and Character Area” designation of the properties located between E 29th Street and E 22nd “Urban Corridor” designation to the “Urban Residential” designation.

A. Actions Requested by Planning & Zoning Commission

Motion to recommend to City Council approval of the proposed amendments to the *2030 Plan* Future Land Use Map and Character Area

B. Decision and Required Votes to Pass Requested Actions

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 & Project Overview

In March 2018, City Council adopted the *2030 Plan*. This plan includes a “Future Land Use Map and Character Area” designation which provides guidance for future land development in the City of Kannapolis.

Staff has received several inquiries for possible rezonings in the area to allow for residential usage. Staff has inventoried existing uses and analyzed the potential for future uses and determined that the area is predominantly single-family residential with a mix of non-residential uses. The potential for this area tends to lend itself more to residential uses.

The Urban Residential Character Area allows for a mixture of single-family detached & attached residential and civic uses along with small format retail and offices spaces.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.3.B(1)d of the Kannapolis Development Ordinance (KDO) states that the Commission shall have the following powers and duties under this Ordinance: “*To advise and provide recommendations to the City Council on amendments to the Comprehensive Plan, including preparing amendments to the plan and its elements and submitting those amendments to the City Council*”. In accordance with Section 2.3.A(1)d of the KDO, the City Council has final authority to amend the *2030 Plan*.

F. Legal Issues

None

G. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

Staff is proposing that the Future Land Use Map and Character Area of the *Move Kannapolis Forward 2030 Comprehensive Plan* be amended to apply the “Urban Residential” Character Area to the aforementioned parcels. (See attached map.)

Courses of Action

Based on the foregoing analysis, staff recommends **approval** of the proposed *2030 Plan* amendment, as presented.

APPROVAL

The following action is required for the Planning and Zoning Commission to recommend **approval** of the proposed amendment to the *2030 Plan* Future Land Use Map and Character Area:

1. Consider motion to recommend approval of the proposed *2030 Plan* Future Land Use Map and Character Area designation amendment by City Council.

DENIAL

The following action is required for the Planning and Zoning Commission to recommend **denial** of the proposed amendment to the *2030 Plan* Future Land Use Map and Character Area:

1. Consider motion to recommend denial of the proposed *2030 Plan* Future Land Use Map and Character Area designation amendment by City Council.

H. Attachments

1. Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use Map and Character Area (Current)
2. Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use Map and Character Area (Proposed)

J. Issue Reviewed By:

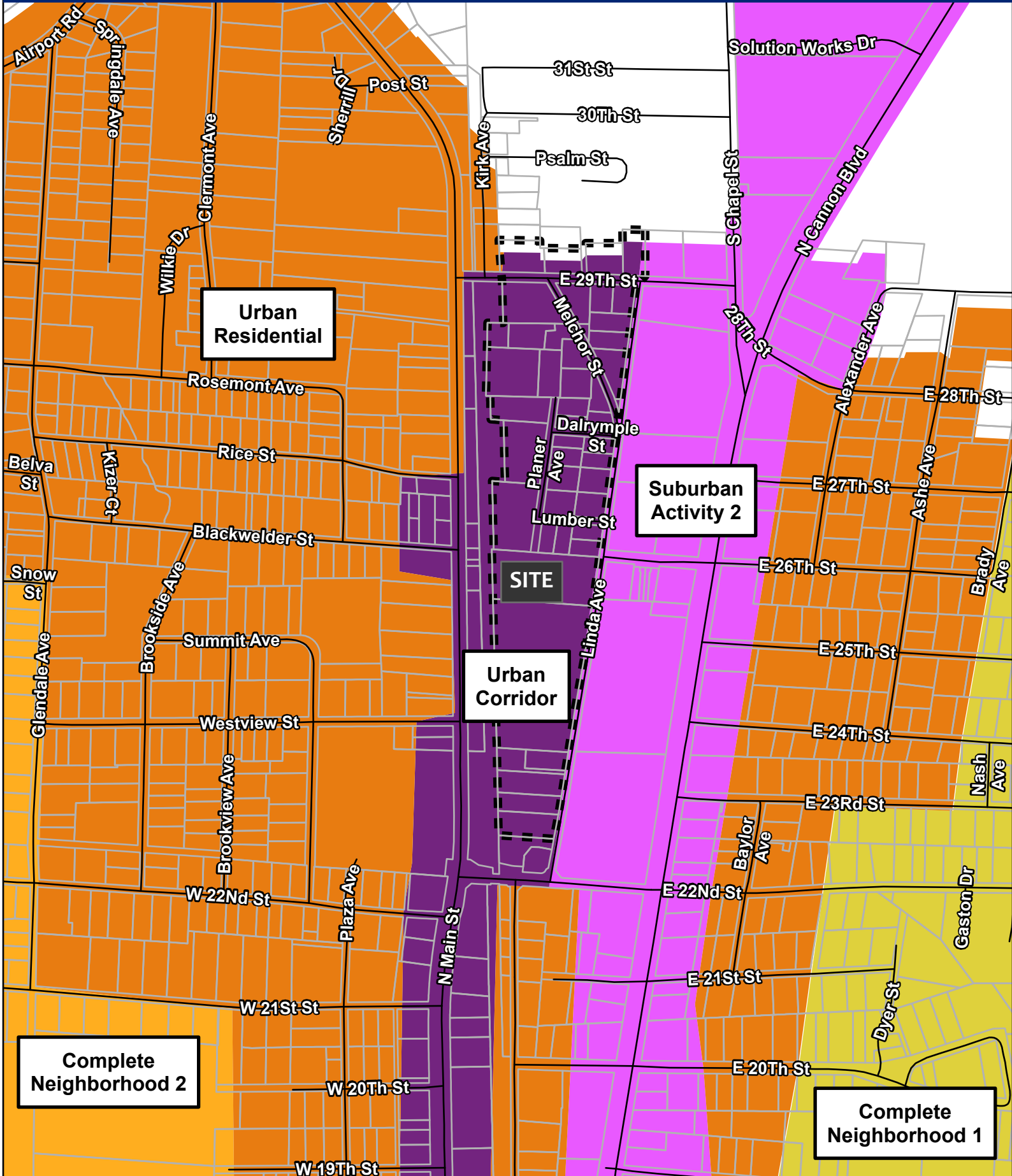
- Assistant City Manager
- Economic & Community Development Director

Kannapolis 2030 Future Land Use Map

Case Number: CPA-2023-05

Applicant: City of Kannapolis

Melchor St



Kannapolis 2030 Future Land Use Map Proposed

Case Number: CPA-2023-05

Applicant: City of Kannapolis

Melchor St

