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

**Minutes of Meeting  
September 20, 2022**

10 The Kannapolis Planning and Zoning Commission met on Tuesday September 20, 2022, at 6:00 PM. This  
11 meeting was held in accordance with notice published on the City’s website.  
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**Commission Members Present:** Chris Puckett, Chair  
Jeff Parker, Vice-Chair  
Daniel O’Kelly  
James Litaker  
Larry Ensley  
Scott Trott  
Shelly Stein  
Travis Gingras

19  
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**Commission Members Absent:** Robert Severt, ETJ Representative

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22

**Visitors:** None

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**Staff Present:** Richard Smith, Planning Director  
Boyd Stanley, Assistant Planning Director  
Ben Barcroft, Senior Planner  
Rayvon Walker, Planner  
Pam Scaggs, Recording Secretary  
Wilmer Melton, Assistant City Manager

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**CALL TO ORDER**

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

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35

**ROLL CALL AND RECOGNITION OF QUORUM**

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37

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

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39

**APPROVAL OF AGENDA**

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42

Chair Puckett noted that Case No. CZ-2022-05 will need to be continued to the October 18, 2022  
Commission Meeting and that the Minutes for the July and August meetings were not made available. He  
asked for a show of hands to approve the revised Agenda as well as to continue Case No. CZ-2022-05 to  
October 18, 2022, which was unanimously approved.

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44

**PUBLIC HEARING**

45  
46

**CZ-2022-07 – Conditional Rezoning for Property Subject to a Legislative “Land Swap” between the  
City of Kannapolis and the Town of Landis**

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Planning Director Richard Smith gave a PowerPoint presentation regarding Case No. CZ-2022-07, attached  
to and made part of these minutes as Exhibit 1. Mr. Smith directed the Commission’s attention to maps  
illustrating the properties that were subject to a legislative “land swap” with the Town of Landis, stating that  
the two parcels require assignment of a City of Kannapolis zoning designation. He added that staff is

1 recommending the Planned Unit Development-Conditional Zoning (PUD-CZ) since the surrounding parcels  
2 were previously rezoned as part of the Irish Creek development.

3  
4 Mr. Smith concluded his presentation and made himself available for questions.

5  
6 Mr. Smith responded to questions from Mr. Gingras, Dr. Litaker and Mr. Ensley regarding further  
7 clarification of the “land swap” and whether the property will be developed. He responded that the City of  
8 Kannapolis transferred property to the Town of Landis and the Town of Landis transferred property to the  
9 City of Kannapolis and that it included part of the golf course and the maintenance building for the golf  
10 course.

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

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

17  
18 Chair Puckett asked for a motion regarding the Resolution to Zone. Dr. Litaker made the motion to approve  
19 with conditions as proposed by staff, second by Mr. Ensley and unanimously approved.

20  
21 **RECOMMENDATION TO CITY COUNCIL**

22  
23 **CPA-2022-03 – Comprehensive Plan Amendment – Unaddressed “Land Swap” Rowan County Parcels**

24 Mr. Smith stated that the same parcels in the previous case are also subject of case No. CPA-2022-03 (attached  
25 to and made part of these minutes as Exhibit 2) and that the Comprehensive Plan will need to be amended to  
26 show the addition of the Rowan County Parcel Identification Numbers 132 0130000001 and 141 0010000001.  
27 He added that staff is recommending a “Complete Neighborhood 2” Character Area to remain consistent with  
28 the rest of the Irish Creek neighborhood.

29  
30 Mr. Smith asked the Commission to consider a recommendation to City Council regarding an amendment to  
31 the Move Kannapolis Forward 2030 Comprehensive Plan “Future Land Use and Character Map” designation  
32 of the area as it relates to the Legislative “land swap”.

33  
34 Dr. Litaker made the motion to recommend approval, second by Ms. Stein and the motion was unanimously  
35 approved.

36  
37 **TA-2022-02 – Text Amendment – Article 4, Table 4.2.B(5): Principal Use Table; Table 4.3.B(3):**  
38 **Accessory Use/Structure Table; and Article 10, Definitions**

39 Mr. Smith and Senior Planner, Ben Barcroft, provided a PowerPoint presentation regarding Case No. TA-  
40 2022-02, recommended amendments to the Kannapolis Development Ordinance (KDO) attached to and made  
41 part of these minutes as Exhibit 3.

42  
43 Mr. Smith stated staff realized that single family residential dwellings in the R8, R18, Mixed-Use  
44 Neighborhood (MU-N) and Center City (CC) zoning districts, as well as accessory use structures were  
45 inadvertently either left off the permitted use table or shown as a Special Use. He introduced Ben Barcroft to  
46 discuss all of the recommended text amendments in further detail.

47  
48 As a result of the Zip-Line [company that utilizes drones to make medical deliveries] project that was initially  
49 permitted as a temporary use, Mr. Barcroft stated that he reviewed ordinances in other municipalities for  
50 guidance regarding drone deliveries because staff recognized the need to allow the use on a permanent basis.  
51 He added that while drones are high regulated by the FAA (Federal Aviation Administration), staff felt that

1 they should only be permitted in both the Campus Development (CD) and Heavy Industrial (HI) zoning  
2 districts by a Special Use Permit (S) so that the Board of Adjustment could review the use in further detail.  
3 Mr. Barcroft stated that in addition to adding drone deliveries, a definition for *Small-Scale Aerial Distribution*  
4 was also required to be added to Article 10, Definitions. He noted that the size and weight are included in the  
5 definition and reminded the Commission that they are highly regulated by the FAA.  
6

7 Mr. Barcroft reiterated that single-family residential uses is being added back to the Principal Use Table as a  
8 permitted use (P) in both the R8 and MU-N zoning districts and as a special use (S) in both the R18 and CC  
9 zoning districts. He further noted that the R18 and CC zoning districts are higher density zoning districts and  
10 should allow residential uses but are more for multi-family and attached residential uses to allow for that  
11 higher density.  
12

13 Mr. Barcroft stated that storage buildings (accessory structures) was not shown as a permitted use in most of  
14 the City's zoning districts and staff felt that it should be included as a permitted use in all of the zoning  
15 districts. He added that there are ordinances in other areas of the KDO that regulate the size and location of  
16 accessory structure and for consistency, accessory structures should be permitted on the Accessory  
17 structure/Use table.  
18

19 Mr. Smith reminded the Commission that Case No. TA-2022-02 does not require a Public Hearing and that  
20 the Commission will make recommendation to City Council on the proposed amendments.  
21

22 Mr. Ensley expressed concern that size of an accessory structure hasn't been defined in the text amendment.  
23 Mr. Smith responded that the size is addressed in other areas of the KDO.  
24

25 Mr. Gingras stated that the definition of storage building in the KDO is shown as a "storage of goods" and  
26 questioned why this would be allowed by right in residential zoning districts. Mr. Smith responded that a  
27 storage building is the same as an accessory structure and a storage building in a residential zoning district  
28 would have to be used for residential use and not commercial use and that the zoning district itself would  
29 regulate the use. He added that in residential districts, the storage building will be ancillary and smaller than  
30 the primary structure.  
31

32 Vice-Chair Parker asked if there is a designated size for storage buildings. Mr. Smith responded that a storage  
33 building in residential districts has to be less than the size of the primary structure. Mr. Barcroft added that  
34 the KDO regulates size of any structure in residential zoning districts.  
35

36 Dr. Litaker asked if a permit is required for a shelter cover such as for an RV (recreational vehicle). Mr. Smith  
37 responded that any accessory structure requires a permit.  
38

39 Mr. Trott expressed concern that a resident could use a storage building as a business. Mr. Smith responded  
40 that code enforcement would get involved in those types of incidents.  
41

42 Mr. Gingras asked whether the definition of small-scale aerial distribution should not include the number of  
43 trips a drone could complete. There was discussion among the Commission and staff regarding the regulation  
44 of drones by the FAA.  
45

46 There being no additional comments or questions, Chair Puckett asked for a motion regarding the Statement  
47 of Consistency. Vice-Chair Parker made motion to approve, second by Mr. Trott and unanimously approved.  
48

49 Chair Puckett asked for a motion regarding recommendation to City Council. Dr. Litaker made the motion to  
50 recommend approval to City Council, second by Mr. Trott and unanimously approved.  
51

1 **PLANNING DIRECTOR UPDATE**

2 Mr. Smith directed the Commission's attention to a development map and provided an overview of both  
3 residential and commercial projects occurring within the City of Kannapolis. He introduced Planner Rayvon  
4 Walker to discuss price points for the residential projects. Mr. Smith responded to questions from the  
5 Commission regarding affordable housing and sewer allocation.  
6

7 Mr. Smith reviewed data Ms. Stein had provided that gave statistics from MLS (Multiple Listing Service,  
8 used for real estate) regarding the average selling price per square foot, the number of days homes are on the  
9 market and the average selling price over the last 10 years.

10  
11 There was discussion among staff and the Commission regarding industrial space, the need for additional  
12 grocery stores, sewer capacity, and affordable housing. Mr. Smith noted that he is staff liaison for a  
13 neighborhood focus group, and they have been addressing affordable housing as well. He noted that they are  
14 trying to determine the future of existing manufactured home parks.  
15

16 Vice-Chair Parker asked if the development map is available online. Mr. Smith responded that he would send  
17 the link to the Commission and that after the development map has been updated, will also be made available  
18 on the City's website  
19

20 **OTHER BUSINESS**

21 None

22  
23 **ADJOURN**

24 There being no further business, questions or comments, Vice-Chair Parker made the motion to adjourn,  
25 second by Mr. Ensley and unanimously approve. The meeting adjourned at 7:18 PM on Tuesday, September  
26 20, 2022.  
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34 Chris Puckett, Chair  
35 Planning and Zoning Commission

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35 Pam Scaggs, Recording Secretary

# EXHIBIT 1



## Planning and Zoning Commission September 20, 2022 Meeting Staff Report

**TO:** Planning and Zoning Commission

**FROM:** Richard Smith, Planning Director

**SUBJECT:** Case #CZ-2022-07  
Conditional Zoning Map Amendment  
Applicant: City of Kannapolis

Request to apply City of Kannapolis zoning to unaddressed Rowan County properties that were approved as a legislative “land swap” between the City of Kannapolis and the Town of Landis

### 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

At its February 28, 2022 meeting, the City of Kannapolis City Council approved a legislative “land swap” request between the City of Kannapolis and the Town of Landis regarding properties that abut the Club at Irish Creek and future City development. Both jurisdictions determined that a jurisdictional land swap was warranted in order to better serve the area as it relates to emergency and municipal services. The swap was subsequently approved by the North Carolina Legislature in July of this year.

The resulting land swap transferred approximately 41.289 acres to the Town of Landis from the current City of Kannapolis' jurisdiction and approximately 62.66 acres from the Town of Landis' jurisdiction to the City of Kannapolis.

The parcels transferred to the City of Kannapolis are further identified as Rowan County Parcel Identification Numbers 132 0130000001 and 141 0010000001 and must be assigned a City of Kannapolis Zoning designation. Staff is requesting that the parcels be rezoned from Rowan County

Single Family Residential 2 (SFR2) zoning districts to City of Kannapolis Planned Development-Conditional Zoning (PD-CZ).

**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 “Future Planning Area” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan (2030 Plan)*. The Future Planning Area Character Area includes single-family residential as a primary use; therefore, the proposed use is in conformance with the goals and policies of the 2030 Plan.
- 2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?**  
No. The subject properties are adjacent to Cannon Farm Road, Kannapolis Lake, and Corriher Street. The mix of traditional and age targeted housing along with the preservation of open-space and connectivity are compatible with existing development in the surrounding area.
- 3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?**  
No, the subject properties were subject of a legislative “land swap” between the City of Kannapolis and the Town of Landis.
- 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, surrounding properties are zoned PD-CZ, Planned Development-Conditional Zoning and consist of single-family residential, open-space and the existing Golf Club at Irish Creek.
- 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?**  
A Traffic Impact Analysis was conducted in June of 2021 and the applicant is currently working with NCDOT and the City on suggested and required transportation improvements. There are public facilities available to the property or within close proximity, which will be extended to service the development. Sanitary sewer service is subject to allocation based upon sewer treatment capacity. 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 parcels were part of a legislative “land swap” between the City of Kannapolis and the Town of Landis and require assignment of City of Kannapolis zoning designation. Surrounding properties were rezoned to PUD-CZ (Planned Unit Development-Conditional Zoning) on December 14, 2021 under Case No. CZ-2021-16. The subject parcels will be added to the development plan under CZ-2021-16. Due to adoption of the Kannapolis Development Ordinance (KDO) and associated zoning map, the PUD zoning district is now PD (Planned Development).

**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 anticipated environmental impacts such as water, air, noise, storm water management, wildlife, vegetation, wetlands or the natural function of the environment. The development will be required to conform to all applicable local, state, and federal environmental regulations.

**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 “Future Planning” Character Area, which allows for the proposed single-family residential development. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The proposed use is also compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.

**H. Staff Recommendation and Alternative Courses of Action**

**Staff Recommendation**

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

**Based on the request being consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, staff recommends approval with the following conditions for Conditional Zoning Map Amendment Case #CZ-2022-07:**

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

### **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-2022-07, 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 "Future Planning" Character Area, which allows for the proposed professional office. 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. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.*

2. **Should the Commission choose to approve Case #CZ-2022-07, 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-2022-07, 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-2022-07 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-2022-07, a motion should be made to deny the Resolution to Zone.**

**I. Attachments**

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

**J. Issue Reviewed By:**

- City Attorney
- Planning Director



## Planning and Zoning Commission September 20, 2022

### Staff Report

**TO:** Planning and Zoning Commission  
**FROM:** Richard Smith, Planning Director  
**SUBJECT:** CPA-2022-03 – *Move Kannapolis Forward 2030 Comprehensive Plan*  
Amendments

Amend *Move Kannapolis Forward 2030 Comprehensive Plan* “Future Land Use and Character Map” for parcels subject to a legislative “land swap” to apply a “Complete Neighborhood 2” character designation.

#### **A. Actions Requested by Planning & Zoning Commission**

Motion to recommend to City Council approval of the proposed amendments to the *Move Kannapolis Forward 2030 Comprehensive Plan* Future Land Use and Character Map.

#### **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**

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

At its February 28, 2022 meeting, the City of Kannapolis City Council approved a legislative “land swap” request between the City of Kannapolis and the Town of Landis regarding properties that abut the Club at Irish Creek and future City development. Both jurisdictions determined that a jurisdictional land swap was warranted in order to better serve the area as it relates to emergency and municipal services. The swap was subsequently approved by the North Carolina Legislature in July of this year.

The parcels transferred to the City of Kannapolis are further identified as Rowan County Parcel Identification Numbers 132 0130000001 and 141 0010000001 and must be assigned a City of Kannapolis Character Area designation. Staff is recommending a “Complete Neighborhood 2” Character Area to remain consistent with the rest of the Irish Creek neighborhood.

**D. Fiscal Considerations**

None

**E. Policy Issues**

Section 2.3.B(1)d of the 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 and Character Map of the Move Kannapolis Forward 2030 Comprehensive Plan be amended to apply the “Complete Neighborhood 2” Character Area to the aforementioned parcels. (See attached map)

**Courses of Action**

**Based on the foregoing analysis, staff recommends approval of the proposed Land Use 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 and Character Map”:**

1. Consider motion to recommend approval of proposed Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use and Character Map amendment by City Council.

**DENIAL**

**The following actions are required to recommend denial of the proposed amendment to the 2030 Plan “Future Land Use and Character Map”:**

1. Consider motion to recommend denial of proposed Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use and Character Map amendment by City Council.

**H. Attachments**

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

**I. Issue Reviewed By:**

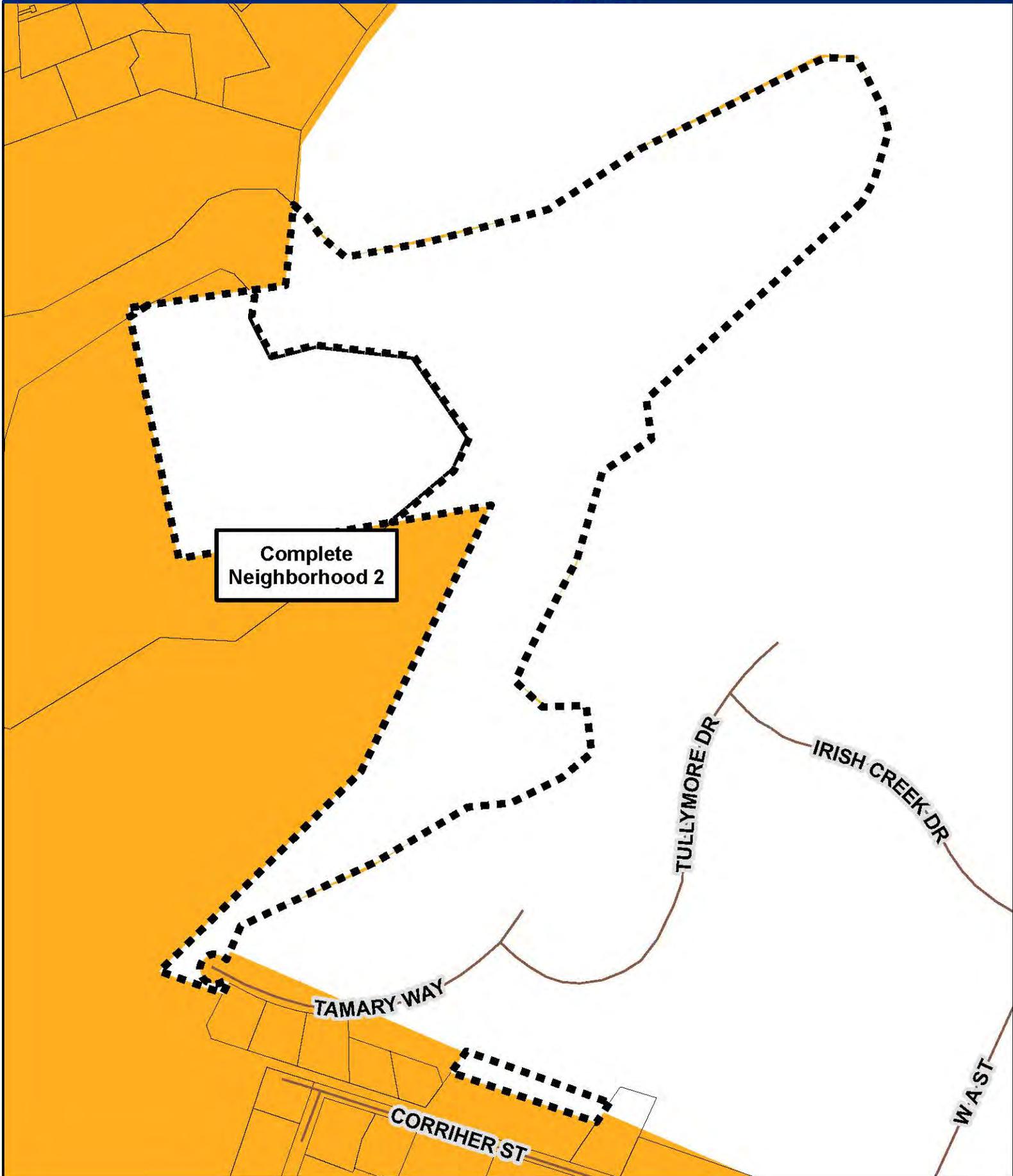
- City Manager
- Assistant City Manager
- Economic & Community Development Director



# Kannapolis 2030 Future Land Use Map

Case Number: CPA-2022-03

Applicant: City Of Kannapolis/  
Richard Smith, Planning Director  
Irish Creek

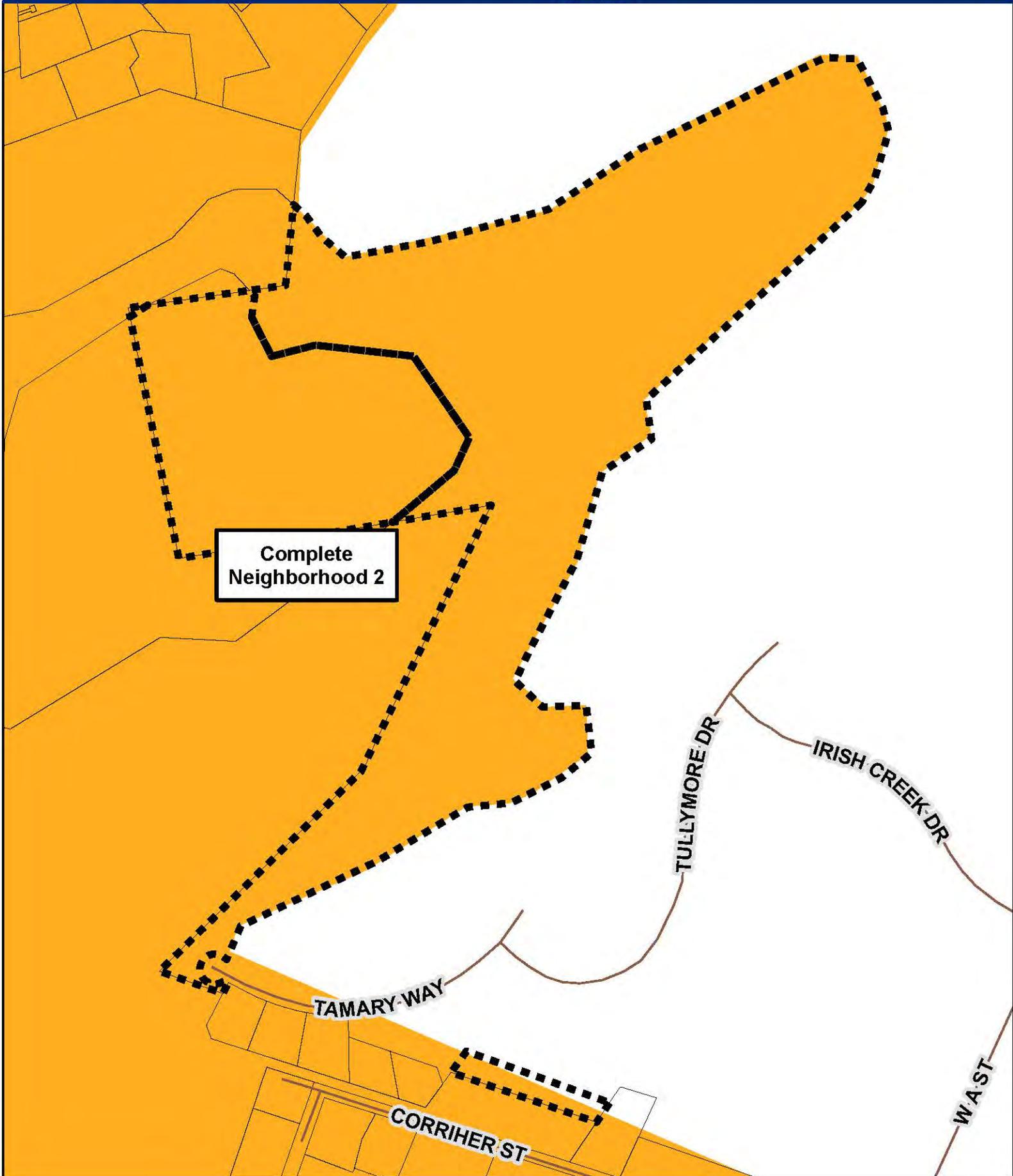




# Kannapolis 2030 Future Land Use Map

Case Number: CPA-2022-03

Applicant: City Of Kannapolis/  
Richard Smith, Planning Director  
Irish Creek





## Planning and Zoning Commission September 20, 2022 Meeting

### Staff Report

**DATE:** September 13, 2022  
**TO:** Planning and Zoning Commission Members  
**FROM:** Ben Barcroft, Senior Planner  
**SUBJECT:** **Text Amendments**  
**Applicant:** City of Kannapolis

Consider a recommendation to City Council regarding text amendments to Article 4, Table 4.2.B(5): Principal Use Table; Table 4.3.B(3): Accessory Use/Structure Table; and Article 10, Definitions 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-2022-02
2. Consider motion to recommend approval of proposed text amendments by City Council

#### B. Decision and Required Votes to Pass Requested Action

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

#### C. Background

Staff is proposing the following amendments to the KDO:

1. Amend Article 4, Table 4.2.B(5): Principal Use Table, Warehousing, Assembly, or Fabrication to add *Small-Scale Aerial Distribution* as a use permissible by issuance of a Special Use Permit ('S') in both the Campus Development (CD) and Heavy Industrial (HI) Zoning Districts, subject to specific standards, as well as to add *Small-scale Aerial Distribution* to Article 10, Definitions.

Staff recommends this amendment to allow the use of drone deliveries. (Please see attached proposed amendments for the proposed Small-scale Aerial Distribution definition.)

2. Amend Article 4, Table 4.2.B(5): Principal Use Table, Household Living to change the *Single-family detached dwelling* use from permissible by issuance of a Special Use Permit ('S') to a use permitted by right ('P') in the Residential 8-units per acre (R8) zoning district, as well as to add the use as 'P' in the Mixed-Use Neighborhood (MU-N) zoning district, and to add the use as 'S' in both the Residential 18-units per acre (R18) and Center City (CC) zoning districts.

This amendment will correct a revision that was to be made prior to adoption of the KDO. Single-family detached dwellings are typically a use permitted by right in most residential zoning districts. While both the R18 and CC zoning districts are also intended for residential uses, requiring a Special Use Permit in these districts is appropriate since they are intended for more dense uses such as single-family attached and multi-family residential. Without this amendment, nonconformities would result.

3. Amend Article 4 Table 4.3.B(3): Accessory Use/Structure Table, to add *Storage Building* as 'P' in all zoning districts.

This amendment will correct an additional revision that was to be made prior to adoption of the KDO. Currently, storage buildings are not permitted in any residential, mixed-use, Planned Development or Legacy zoning districts. Storage buildings include garages, storage sheds, and the like, and should be permitted in all zoning districts. The KDO provides standards for accessory uses and structures in Article 4, Section 4.3.C. General Standards for All Accessory Uses and Structures.

The proposed text amendments to the KDO are 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, Table 4.2.B(5): Principal Use Table; Article 4, Table 4.3.B(3): Accessory**

**Use/Structure Table; and Article 10, Definitions;** of the Kannapolis Development Ordinance, as shown per staff edits (attached).

**The following actions are required to recommend approval of TA-2022-02:**

1. Consider Resolution to Adopt a Statement of Consistency for TA 2022-02
2. Consider motion to recommend approval of proposed text amendments by City Council.

**The following actions are required to recommend denial of TA-2022-02**

1. Consider Resolution to not Adopt a Statement of Consistency for TA 2022-02
2. Consider motion to recommend denial of proposed text amendments by City Council.

**H. Attachments**

1. Proposed UDO changes: Article 4 and Article 10
2. Resolution to Adopt a Statement of Consistency

**I. Issue Reviewed By:**

- Planning Director
- Assistant City Manager
- City Attorney





**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO  
TEXT AMENDMENT TA-2022-02**

**WHEREAS**, Section 160A-383 (2013), of the North Carolina General Statutes, modified in Section 160D-605, specifies that the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive and any other officially adopted plan that is applicable; and

**WHEREAS**, the text amendment to **Article 4, Table 4.2.B(5), to add Small-Scale Aerial Distribution as a use permissible by issuance of a Special Use Permit in both the CD and HI Zoning Districts; Article 10, Definitions, to add the definition of Small-Scale Aerial Distribution; Article 4, Table 4.2.B(5), to change Single-family Detached Dwellings from a use permissible by issuance of a Special Use Permit to a use permitted by right in the R8 Zoning District, as well as to add the use as permitted by right in the MU-N Zoning District, and to add the use permissible by issuance of a Special Use Permit in both the R18 and CC Zoning Districts; and Article 4, Table 4.3.B(3), to add Storage Building as a use permitted by right in all Zoning Districts**, is consistent with policy 4.3.1 Provide Diverse Living Options and policy 3.1.1 Support Regional Freight Mobility, of the *Move Kannapolis Forward 2030 Comprehensive Plan*, because it encourages development of small, vacant, or undeveloped infill lots in established neighborhoods, allows for greater flexibility in housing options and supports the recommendations of the Greater Charlotte Regional Freight Mobility Plan .

**WHEREAS**, the Planning and Zoning Commission conducted a Public Hearing on September 20, 2022 for consideration of text amendment Case# TA-2022-02 as submitted by the Planning Department staff;

**NOW, THEREFORE BE IT RESOLVED** that the Planning and Zoning Commission finds the text amendment as represented in Case TA-2022-02 is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, as well as state statutes, reasonable, and in the public interest, and is recommended for approval by the City Council based on consideration of the application materials, information presented at the Public Hearing, and the recommendation provided by Staff.

**Adopted this the 20th Day of September 2022:**

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Chris Puckett, Chairman  
Planning and Zoning Commission

Attest:

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Pam Scaggs, Recording Secretary  
Planning and Zoning Commission