

1 **CZ-2022-05 – Conditional Rezoning for Property located at 401 Gay St.**

2 Assistant Planning Director, Boyd Stanley gave a PowerPoint presentation regarding Case No. CZ-2022-05,
3 attached to and made part of these minutes as Exhibit 1. Mr. Stanley noted the applicant, address, and size
4 of the subject property and stated that since the applicant made application for the rezoning under the Unified
5 Development Ordinance (UDO) instead of the Kannapolis Development Ordinance (KDO), decision of the
6 rezoning request will be made under the UDO provisions.
7

8 Mr. Stanley directed the Commission’s attention to Vicinity, Zoning, and Future Land Use Plan- maps and
9 provided the surrounding zoning districts and their current uses as well as future land uses. He utilized the
10 site plan to illustrate location of the proposed six (6) townhome units, with access drives from Gay Street as
11 well as a proposed 20-foot paved fire access drive from J Avenue. Mr. Stanley directed the Commissions
12 attention to a 0.44 +/- acre portion of the property that has been subdivided from the subject property by a
13 recorded exemption plat, that is not subject of the rezoning request. He indicated that there is an existing
14 building on that portion of property that was previously used as a mechanics shop, and that there are no plans
15 for this property at this time.
16

17 Mr. Stanley stated that staff is recommending approval of the rezoning request with conditions as stated in
18 the staff report. He concluded his presentation and made himself available for questions.
19

20 Mr. Gingras noted the new property lines on the recorded exemption plat and expressed concern regarding
21 the setback requirements. Mr. Stanley responded that the applicant is required to meet the minimum setback
22 requirement which is 5-feet off rear property lines.
23

24 The applicant, Jesse Robinson, confirmed that the submitted site plan does meet setback requirements on all
25 four sides of the subject property.
26

27 Vice-Chair Parker asked why the rezoning request is from a residential zoning district to a commercial zoning
28 district. Mr. Stanley responded that the applicant is requesting greater density than what is permitted under
29 the current Residential 8-units per acre (R8)/Residential Village (RV) zoning. He added that since the
30 property is adjacent to existing commercially zoned properties, staff recommended a General Commercial-
31 Conditional Zoning (C-2-CZ) zoning designation which would allow for the desired residential density while
32 remaining consistent with surrounding zoning and uses. Mr. Stanley stated that the townhomes will be sold
33 on individual lots and that Mr. Robinson accepted staff’s recommendation regarding the General Commercial
34 zoning district.
35

36 Mr. Ensley expressed concern regarding on-street parking. Mr. Stanley deferred to the applicant but indicated
37 that each unit is proposed to have a garage with a parking pad.
38

39 Mr. Gingras asked if the applicant gave any thought to having a rear loaded garage and expressed concern
40 that the driveway is too close to the intersection. Mr. Robinson responded that the units were originally
41 proposed as rear-loading garages but that they compromised in order to meet both setback and fire access
42 requirements. He noted that the proposed units have been designed so that they will integrate into the existing
43 and future development of the downtown area.
44

45 Mr. Stanley added that residential uses in the General Commercial zoning district require approval for a
46 Special Use Permit from the Board of Adjustment and noted that if the Planning and Zoning Commission
47 approves the rezoning request, Mr. Robinson will need to apply for a Special Use Permit. Mr. Gingras referred
48 to his concern regarding access drives off Gay Street and asked if the Board of Adjustment could consider a
49 variance to rectify that issue. Mr. Stanley responded that while he understands Mr. Gingras concern, the site
50 plan has been vetted with City staff, that it is a low traffic area and that if approved, the site plan will still
51 require review by the Technical Review Committee (TRC).

1
2 Chair Puckett asked if the property between Gay Street and Dale Earnhardt Boulevard is available to be
3 developed. Mr. Robinson responded that there are power lines across that property that prevent development
4 and suggested that the lots are probably too small to allow development.
5

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

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

12 Chair Puckett asked for a motion regarding the Resolution to Zone. Mr. Ensley made the motion to approve
13 with conditions as proposed by staff, second by Mr. Gingras and unanimously approved.
14

15 Mr. O’Kelly rejoined the Commission.
16

17 **PLANNING DIRECTOR UPDATE**

18 Planning Director, Richard Smith, directed the Commission’s attention regarding key intersections of the
19 Cannon Boulevard Corridor Project (the “Corridor”) and illustrated the proposed changes to Dale Earnhardt
20 Boulevard (projected for 2024), the Martin Luther King Boulevard bridge replacement (projected for 2023),
21 and the completed improvements on Lane Street. Mr. Smith talked about improvements to pedestrian safety,
22 sidewalks, landscaping, signage, transit shelters, painting guard rails to blend with background, and
23 crosswalks. He provided examples of an improved intersection, various ways to soften median islands, and
24 updating storm drains. Mr. Smith also discussed enforcing signage provisions for existing businesses and
25 those that are no longer in business. He provided further detail regarding softening the Corridor by discussing
26 incentives for existing businesses to make building façade improvements and not allowing parking within the
27 right-of-way (ROW). Mr. Smith indicated that the neighborhood focus group, created by City Council, has
28 recommended the incentive to encourage business owners to improve the aesthetics and discussed the
29 possibility of a matching funds program. He further detailed the need for infrastructure improvements, the
30 addition of bike lanes, accent lighting and consolidation of properties (used the example of strip malls with
31 individual businesses). Mr. Smith talked about the possibility of another restaurant next to Kentucky Fried
32 Chicken (KFC) which is on the corner of Fairview Avenue and South Cannon Boulevard.
33

34 Mr. Smith concluded his presentation and asked the Commission if they had any suggestions to improve the
35 Corridor.
36

37 Mr. Severt provided several examples of short-term improvements offering that crepe myrtles be planted
38 within the medians and suggested that overgrowth of weeds and grass is an “eye sore”. He added that the
39 bright lights on the electronic gaming business are “eye sores” as well. Mr. Smith responded that there are
40 new regulations for gaming facilities and that the Police Department is monitoring those business along with
41 Code Enforcement. He agreed that the lights are obtrusive, and that Code Enforcement is addressing that
42 issue. Mr. Smith stated that there are some areas along the corridor that the City maintains and mows.
43

44 Mr. Gingras asked if the City has a main objective for the Corridor. Mr. Smith responded that one goal would
45 be to focus on target areas and then fine tune those areas with City Council to develop a plan. He added that
46 there will be long-term and short-term goals but that the short-term goals can be immediately addressed.
47

48 Assistant City Manager, Wilmer Melton, addressed Mr. Severt’s concern regarding the overgrowth stating
49 that the City supplements NCDOT with mowing along all of the City streets. He added that there are budget
50 constraints with NCDOT, but that the City does depend on them to complete their responsibilities. Mr. Melton

1 noted that prime mowing season adds additional constraints but that he will discuss the issue with the
2 transportation team.

3
4 Mr. Ensley asked if Mr. Melton knew the timeframe for adding bus shelters. Mr. Melton responded that he
5 does participate in the meeting conducted by the transportation focus group (also created by City Council)
6 and that the challenge is that NCDOT has different requirements depending on the location. He added that
7 they are also working to purchase property from private landowners for a few of the proposed locations but
8 does not know the timeframe for installation of the shelters. Mr. Melton noted that some proposed locations
9 are dependent on completion of new developments.

10
11 Chair Puckett noted an auto sales business located across from Food Lion on the Corridor and asked if it
12 would be condemned. Mr. Smith responded that in order to condemn a commercial building, it would have
13 to have building code issues. Chair Puckett asked how the City finds the structures that require condemnation.
14 Mr. Smith replied that the City's Code Enforcement team constantly monitors the City but sometimes issues
15 are complaint driven. He added that there is a minimum housing case that will be on the November City
16 Council meeting that was complaint driven.

17
18 Mr. Ensley suggested that short-term improvements could include large planters in front of car dealers and in
19 medians, condemn and demolish minimum housing issues, and to add streetlights along all City
20 thoroughfares. He noted that long-term improvements could address the need for sidewalks, business signage,
21 enforcement of the minimum setback off the Corridor for car sales inventory, and to reduce the amount of
22 pavement that meets the Corridor.

23
24 Chair Puckett indicated that he would like more information on how other municipalities have addressed the
25 same issues. Mr. Smith agreed and responded that staff will complete research to determine if and how other
26 municipalities made similar improvements. He added that staff will consolidate the Commission's
27 recommendations and address at their November meeting.

28
29 **OTHER BUSINESS**

30 Mr. Smith responded to questions from Mr. Ensley regarding the sale of the Research Campus. He stated that
31 with the exception of the Core Lab building, the sale on the property closed a couple weeks ago and noted
32 that the first development as part of that sale will most likely be a multi-family development. Mr. Smith
33 added that he hopes to provide additional development details to the Commission at their November meeting.
34 He noted that as part of the sale, the City will gain possession of the parking deck, the parking lot across from
35 Veteran's Park and the Central Energy Plant. Mr. Ensley asked if the City could encourage the development
36 to offer affordable housing. Mr. Smith indicated that this location is probably not feasible for affordable
37 housing options but that the Neighborhood Focus Group has suggested that existing manufactured mobile
38 home parks could transition to affordable housing instead of mobile homes or possibly provide both.

39 Mr. Smith responded to additional questions from Chair Puckett, Vice-Chair Parker and Mr. Severt regarding
40 future land use for the City owned land on Glen Avenue, the possibility of an Atrium nursing school, the
41 proposed skate park and whether the Olympic training facilities are still interested in locating to Kannapolis.
42 He stated that the City is not certain on whether the Glen Avenue property will be developed in the near
43 future, and that the nursing school may be added onto the campus later in the development process. Mr. Smith
44 stated that the City is still discussing locating Olympic training facilities on the Old Plant 4 site (old post
45 office). He added that the City is still discussing the best location of a skate park and is under contract with
46 the UNC Development Finance Institute (DFI) who is preparing a study on developing the North Main Street
47 and Midway areas of the City.

48
49 On another topic, Mr. Smith indicated that some of the Commission members voiced concern that the Wabash
50 Lane storage facility was approved by City Council after it was denied by the Commission. He communicated

1 that he heard their concerns and offered to convey any additional concerns to Council, but that state statute
2 and City ordinance requires any cases that is denied or fails to pass by a supermajority of votes, automatically
3 proceeds to City Council and that they have final decision-making authority. Dr. Litaker commented that the
4 Commission and City Council should be “like minded” and that it may help to have the two Boards meet.
5 Chair Puckett stated that it can be frustrating to deny a request only to have the Council approve it. Mr. Ensley
6 noted that City Council members are elected officials and should have the City’s best interest in mind.
7

8 Mr. Melton added that there are times when there is strategic decisions or competition with another state when
9 information is subject to confidentiality. Dr. Litaker responded that he understood those instances but
10 suggested that an explanation on why Council overturns a Commission decision is warranted. Chair Puckett
11 agreed with Dr. Litaker, adding that he was shocked the Council approved the Wabash Lane storage facility.
12 Mr. Gingras added that it would be ideal if the Council and the Commission could share the same vision and
13 stated that there seems to be a disconnect.
14

15 Both Mr. Smith and Mr. Melton agreed that it was a great suggestion for a strategic meeting between City
16 Council and the Planning and Zoning Commission and would relay the message.
17

18 **ADJOURN**

19 There being no further business, questions or comments, Mr. Ensley made the motion to adjourn which was
20 unanimously approved. The meeting adjourned at 6:57 PM on Tuesday, October 18, 2022.
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Pam Scaggs, Recording Secretary



Chris Puckett, Chair
Planning and Zoning Commission

APPENDIX A

Order Confirmation

Order# 0000805841



PO Box 27283
Richmond, VA 23261-7283

Client: CITY OF KANNAPOLIS
Phone: 7049204300

Payer: CITY OF KANNAPOLIS
Phone: 7049204300

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

Sales Rep Acct Rep Ordered By
aboan aboan Pam

Fax: 7049337463
EMAIL: ap@kannapolisnc.gov

Total Amount \$422.16

Payment Amount \$422.16

Amount Due \$0.00

Tax Amount: 0.00

Payment Meth: Credit - Debit Card

Tear Sheets Proofs Affidavits PO Number:
0 0 1

Ad Number Ad Type Ad Size Color
0000805841-01 CLS Liner 2 X 34 li \$0.00

Production Method
AdBooker (liner)

Production Notes

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

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

Run Dates 10/ 7/2022, 10/14/2022

TagLine: NOTICEOFPUBLICHEARINGPLANNINGANDZONINGCOMMISSIONMEETINGTUESDAYOCTOBER182022AT
600PMCONDITIONALZONINGMAPAMENDMENTCZ202205PUBLICH



NOTICE OF PUBLIC HEARING Planning and Zoning Commission Meeting

Tuesday, October 18, 2022 at 6:00 pm

Conditional Zoning Map Amendment - CZ-2022-05 - Public Hearing to consider a request to rezone properties located at 401 Gay St. from Residential Village (RV) zoning district to General Commercial-Conditional Zoning (C2-CZ) zoning district to allow a nine-unit townhome development. Note, this application was made under the provision of the City's former UDO. The subject properties are approximately 0.6 +/- acres and further identified as Cabarrus County Parcel Identification Numbers 56134732130000.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email at tccline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

Publish: October 7, 14, 2022.

EXHIBIT 1



Planning and Zoning Commission October 18, 2022 Meeting

Staff Report

TO: Planning and Zoning Commission
FROM: Boyd Stanley, Assistant Planning Director
SUBJECT: Case #CZ-2022-05
Applicant: Jesse Robinson

Request to conditionally rezone property located at 401 Gay Street to allow for a six-unit townhome development. **The application was submitted prior to the adoption of the KDO and will be reviewed under the UDO requirements.**

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 3.3.4.2 of the UDO allows the Planning and Zoning Commission to render a final decision on a rezoning request subject to an affirmative vote of three-fourths of the Commission members present and not excused from voting, or if there is no appeal of the decision. If there is a denial, an approval by a vote of less than three-fourths, or an appeal of the decision, then only City Council shall have final decision-making authority. Any final decision rendered by the Commission may be appealed within fifteen (15) days to City Council.

C. Background & Project Overview

The applicant, Jesse Robinson, is proposing to rezone approximately 0.44 +/- acres of property located at 401 Gay Street, further identified as Cabarrus County Parcel Identification Number 56134732130000, from Residential Village (RV) to General Commercial-Conditional Zoning (C2-CZ) district to allow for a six-unit townhome development. With the recent adoption of the KDO and Zoning Map, the districts are now shown as Residential 8 Units Per Acre (R-8) and GC (General Commercial).

As depicted on the preliminary site plan, the proposed development will consist of 2 buildings, with each containing 3 attached townhome units on individual lots. Individual driveways for each dwelling are proposed off Gay Street with a garage option. Additionally, a 20-foot wide, paved fire access easement is proposed along the rear of all units with access onto J. Avenue. Architectural renderings have also been included for the Commission's review.

As required by the UDO, multi-family residential development is permitted in the C-2 (General Commercial) zoning designation with the issuance of a Special Use Permit (SUP). Townhomes are defined as multi-family development under the UDO. Therefore, if the proposed conditional rezoning is approved, it will require an SUP approval by the Board of Adjustment. Furthermore, the C-2 designation was recommended for this property based on surrounding zoning and proximity to the Center City zoning designation.

D. Fiscal Considerations

None

E. Policy Issues

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

1. The size of the tract in question.

The size of the subject tract is approximately .44 +/- acres.

2. Does the proposal conform with and further the goals and policies of the Land Use Plan, other adopted plans, and the goals, objectives, and policies of this Ordinance?

The subject property is located within the "Urban Residential" Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area designation allows for multi-family townhome development consistent with the proposed use(s) and site plan.

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

The subject property is in an area surrounded by a mix of vacant properties, residential, and commercial uses. The proposed use of townhomes is consistent with the surrounding area uses.

4. Will there be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning?

A Traffic Impact Analysis was not required for this rezoning.

5. Will there be parking problems?

The site plan submitted with this request for rezoning includes adequate parking for the proposed uses.

6. Will there be environmental impacts that the new use will generate, such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances?

There are no anticipated environmental impacts such as water, air, or noise pollution, or excessive lighting issues associated with the rezoning request. The development will be required to conform to all applicable local, state, and federal environmental regulations.

7. Has there been any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development?

The character of the area has remained the same for many years but will continue to experience a mix of residential and commercial growth with the build-out of Downtown Kannapolis.

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

There are public facilities available to the property or within close proximity, which will be extended to serve the development. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.

9. What are the zoning districts and existing land uses of the surrounding properties?

All surrounding properties are zoned General Commercial (GC) and Residential-8 (R8). These are the newly adopted KDO designations. Previously, these properties were zoned RV (Residential Village) and C-2 (General Commercial) under the UDO. The surrounding land uses are a mix of vacant, residential, and non-residential uses.

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

A conditional rezoning is required to accommodate the desired site plan and uses.

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

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

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

N/A

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

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

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

No

F. Legal Issues

None

G. Finding of Consistency with Comprehensive Plan

Staff finds this rezoning **consistent** with the goals and policies of the *Move Kannapolis Forward 2030 Comprehensive Plan*, adopted by City Council, which designates the subject property as located within the “Urban Residential” Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area designation allows for multi-family townhome development consistent with the proposed use(s) and site plan. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The proposed use is also compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment. 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 Zoning Map Amendment Case #CZ-2022-05:

1. The permitted uses allowed by this rezoning shall only include six townhome units as generally depicted on the site plan submitted with this rezoning.
2. The proposed townhomes will be required to meet the architectural standards of the provided renderings.
3. 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.
4. Must comply with the current Land Development Standards Manual (LDSM).

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-2022-05, 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 the subject property as located within the “Urban Residential” Character Area as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. This Character Area designation allows for multi-family townhome development consistent with the proposed use(s) and site plan. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The proposed use is also compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor is it 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-2022-05, 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-2022-05, 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-2022-05 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-2022-05, 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. Architectural Renderings
7. Neighborhood Meeting Information
8. Notice of Public Hearing
9. List of Notified Properties
10. Letter to Adjacent Property Owners
11. Posted Public Notice Sign
12. Resolution to Adopt a Statement of Consistency
13. Resolution to Zone