

**CITY OF KANNAPOLIS, NC
PLANNING AND ZONING COMMISSION
Minutes of Regular Meeting
October 7, 2015**

The Kannapolis Planning and Zoning Commission met on Wednesday, October 7, 2015 at 6:00 PM at the Kannapolis Train Station, 201 South Main Street, Kannapolis, North Carolina.

Commission Members Present: Vice-Chairman Scott Trott
Chris Puckett
Bob Caison
William Cranford
Allan Overcash
David Steele

Commission Members Absent: Chairman David Baucom

Visitors: None

Staff Present: Zachary Gordon, AICP, Planning Director
Josh Langen, AICP, Senior Planner
Wes Webb, Engineering
David Jordan, IT

Recording Secretary: Pam Scaggs

CALL TO ORDER

Commission Vice-Chairman Scott Trott called the meeting to order.

ROLL CALL AND RECOGNITION OF QUORUM

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

APPROVAL OF AGENDA

Mr. Trott asked for a motion to approve the agenda. Commission Member David Steele made a motion to change the order of the agenda so that Case Z-2015-05 could be heard first due to the number of residents in attendance interested in that case. This motion was seconded by Commission Member William Cranford and the motion unanimously approved.

APPROVAL/CORRECTION OF MINUTES

Mr. Trott requested a motion to approve the August 5, 2015 minutes. Commission Member Bob Caison stated that a correction should be made in that he is listed as being present but was not yet a member of the board. Commission Member Chris Puckett made a motion to approve the August 5, 2015 minutes with the correction that Mr. Caison was not present which was seconded by Mr. Caison and the motion unanimously approved.

Mr. Trott requested a motion to approve the September 2, 2015 minutes. Mr. Steele made a motion to approve the minutes from September 2, 2015 which was seconded by Commission Member Alan Overcash and the motion unanimously approved.

1 **ZONING MAP AMENDMENT – Z-2015-05**

2 Planning Director, Zac Gordon presented a PowerPoint (see Attached Exhibit A) detailing Case
3 #Z-2015-05 which calls for a rezoning from C-2 – CZ (Originally called “CU-C2”) General
4 Commercial – Conditional Zoning to C-2 – CZ (Amended) General Commercial – Conditional
5 Zoning to allow for construction of a grocery store or similar use. The applicant is Bohler
6 Engineering and the property owner is Charles S. Smith. The property is identified by Cabarrus
7 County Parcel Identification Number 5622-69-3764, comprises approximately 4.09 acres and is
8 located at 2825 Dale Earnhart Boulevard.
9

10 Mr. Gordon stated section 3.3.4.2.2 of the Unified Development Ordinance (UDO) allows the
11 Planning and Zoning Commission to render a final decision on the rezoning request, subject to an
12 affirmative vote of three-fourths (3/4) of the Commission members present or if there is no appeal
13 of the decision. If there is a denial, an approval by a vote of less than three-fourths (3/4), or an
14 appeal of the decision, then only City Council shall have final decision making authority. Mr.
15 Gordon also stated that any final decision rendered by the Commission Board may be appealed
16 within fifteen (15) days to the City Council.
17

18 Mr. Gordon then directed attention to both the zoning and aerial maps to detail the location of the
19 property. The subject property was rezoned from R-3 – Residential to Conditional Use Office and
20 Institutional (CU-O&I) in April, 1998. It was then subsequently rezoned from CU-O&I to “CU-
21 C2” (General Commercial) in March, 2003. The applicant is now requesting an amendment to the
22 2003 rezoning in order to alter conditions and allowable uses to facilitate the grocery store
23 construction.
24

25 The Future Land Use Plan, adopted by the City of Kannapolis in 2015, identifies the subject
26 property as being in a Light Commercial Future (Recommended) Land Use category and
27 recommends a change from the existing O-I zoning to C-1. The O-I designation was actually CU-
28 OI, at the time, and was changed to CU-C2 during plan development. The applicant is requesting
29 an amendment from the existing “CU-C2” designation to C-2-CZ (Amended) in order to allow for
30 different use and development restrictions and to be bound by a new Site Plan. Grocery Stores are
31 permitted in C-2 and are not listed as a prohibited use in the current C-2-CZ zoning. However, the
32 proposed Grocery Store would be a retail use and would not be allowed due to the development
33 condition prohibiting retail uses beyond 275 feet of the front property line, measuring greater than
34 3,000 square feet.
35

36 Mr. Gordon then presented a rendering of the store depicting entrance/exits to/from the building,
37 landscaping, front, side and rear elevation views as well as a retention wall and fence that would
38 be constructed along the back of the building. The delivery/loading area will also have a retention
39 wall to help alleviate noise. Mr. Gordon referenced a rendering depicting the proposed elevation
40 due to the subject property being located within the Lake Concord watershed. Cross-section
41 renderings were also introduced and explained.
42

43 Section 3.3.5 of the UDO cites several criteria that may be considered in reviewing the application
44 for a rezoning. Mr. Gordon stated that there are 3 major factors to be considered:

- 45 1. Size of the tract in question

2. Whether the proposal conforms with and furthers the goals and policies of the Comprehensive Plan (2015 Land Use Plan), other adopted plans, and the goals, objectives, and policies of the UDO
3. The relationship of the uses envisioned under the new zoning and the uses currently present in adjacent tracts which outlines impacts on the surrounding properties

Mr. Gordon noted that these criteria have been reviewed by Planning staff with analysis provided in the staff report. Mr. Gordon added that one factor was inadvertently omitted from the staff report regarding whether the proposed rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability and character. Mr. Gordon noted that the Commission has been provided with an updated staff report and the factor previously omitted is now listed as item #12 under Policy Issues. Mr. Gordon also stated that the requested rezoning to permit a grocery store would require modification of the rezoning approval granted in 2003. The proposed screening, landscaping and architectural design and layout of the building is intended to mitigate impacts on the adjacent residential neighborhood. Mr. Gordon asked that these corrections along with the entire staff report be entered into the record.

STAFF RECOMMENDATION

Based upon the request being consistent with the goals and strategies of the city of Kannapolis, staff recommends approval of Conditional Zoning Z-2015-05 with conditions noted below as well as completion of recommended items in the Traffic Impact Study:

1. Streams and wetlands shall be identified by a qualified persona and all buffers shown in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with RSOD Buffer requirements or be relocated.
2. 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 BMP's. Stormwater BMP's cannot be constructed in the undisturbed buffer.
3. The FDC and hydrants shall comply and be approved by the Fire Department.
4. The Fire Department shall have access to the building and therefore, Auto Turn shall be run with a CAD drawing file supplied by the developer/engineer.
5. Water and sewer main extensions will be required for this project. The developer shall be responsible for designing, permitting and constructing water and sewer mains in accordance with City and WSACC standards.
6. All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement.
7. 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.
8. 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%.
9. There is an existing sewer line that runs through the site. The sewer and easement shall be shown on the plans. The developer shall be responsible for diverting/abandoning the sewer as needed in accordance with City and WSACC standards.
10. The water for this site shall connect to either the 12" water line on the west side of Dale Earnhardt Blvd. or the 8" water line that connects to Windingbrook Dr.

11. Provide documentation for construction and the access easement agreement to the site, as the driveway connects through the adjacent property.
12. The rezoning plan shows a proposed traffic signal. NCDOT will need to review and approve the recommended improvements indicated by the Traffic Impact Study.
13. The developer shall construct sidewalk with a planting strip along their road frontage of Dale Earnhardt Blvd. The sidewalk shall match the existing sidewalk that is located between the site's access driveway and Jaycee Rd.
14. The applicant shall apply for a driveway permit from NCDOT.
15. Right-of-way dedication shall be required per the Comprehensive Transportation Plan (CTP), as the right-of-way for Dale Earnhardt Blvd shall be a total of 110'
16. The construction of the stormwater treatment and stormwater detention systems that require a connection to the existing NCDOT drainage system and possibly a modification of the existing storm drainage system must be approved by NCDOT prior to site plan approval.
17. If the Board of Adjustment issues an order to relocate the watershed boundary site, the developer will be allowed to construct impervious surfaces that exceeds the 24% built upon area development restriction for a portion of the site that is currently located within the Lake Concord watershed.

Mr. Gordon noted that there are a number of technical conditions that would need to be met in order for the applicant to move forward, including movement of the watershed boundary line. This process normally takes 3-4 months so if there is an approval tonight, the applicant would need to obtain approval from the Board of Adjustment and then approval from the State. Once these approvals were obtained, the applicant would need to go back to the Planning and Zoning Commission for a zoning map amendment to move the watershed boundary. There were several recommendations based upon the Traffic Impact study prepared by the applicant (see staff report) which included a traffic signal at the intersection of Cold Water Ridge Drive and Dale Earnhardt Boulevard. NCDOT will also need to complete their study to determine if a traffic signal is warranted. Finally, Mr. Gordon noted that for any approval granted, the applicant would be required to obtain TRC approval to ensure that all ordinance requirements are met. The Planning & Zoning Commission can choose to approve, deny or continue the meeting to next month. If the request is approved, the decision may be appealed within 15 days to the City Council.

ACTIONS REQUESTED

1. Hold Public Hearing
2. Motion to approve (deny) a Resolution to Adopt a Statement of Consistency
3. Motion to approve (deny) a Resolution to Zone

Mr. Overcash asked if there was a landscaping buffer? Mr. Gordon responded that the landscaping buffer requirement is 30 feet. There is existing vegetation and the applicant proposes to keep and enhance with additional vegetation. Mr. Gordon also noted that the applicant will construct a retaining wall with a fence on top of the retaining wall. Mr. Overcash then asked if the fence would abut the residential property located behind the proposed grocery store. Mr. Gordon responded that the fence would run the entire perimeter of the proposed site except for that portion facing Dale Earnhardt Boulevard (DEB).

1 Jim Gamble, with Bohler Engineering, representing the property owner Steve Smith and MGP
2 Retail, addressed the Commission regarding the proposed site. Mr. Gamble directed the
3 Commission's attention to a map outlining the proposed site layout as well as an aerial map that
4 detailed some of the commercial changes in the area that have occurred since 2005. Mr. Gamble
5 presented the applicant's site plan and reiterated current zoning and stated that although the zoning
6 allowed for the construction of a grocery store, the proposed building will be approximately 36,000
7 square feet which he noted is smaller than similar grocery stores in the area.

8
9 Mr. Gamble noted that Bohler is working with NCDOT to obtain a warrant for a traffic signal in
10 to and out of the proposed site. After staff review, a fire lane was added to the site as requested
11 by the Fire Marshal. There will be a retaining wall around the perimeter of the property, proposing
12 50 feet of undisturbed area that will be enhanced with additional landscaping. Bohler Engineering
13 has committed to constructing a 7 foot fence on top of the retaining wall to help alleviate noise.
14 With City approval, additional landscaping will be planted around the Windingbrook Drive cul-
15 de-sac to help screen the neighbor's view of the grocery store. Mr. Gamble used a rendering to
16 help depict the setbacks of the building compared to abutting properties.

17
18 Mr. Gamble stated that Bohler Engineering conducted four (4) community meetings and thanked
19 the residents for their input. He apologized for an error with communication regarding one of the
20 meetings and stated that they attempted to rectify that error by hand delivering notices. As a result
21 of those community meetings, there were several changes to the site plan which are as follows:

- 22
- 23 1. Increase setbacks and buffer yards
- 24 2. Relocation of the driveway
- 25 3. Sight lighting limitations
- 26 4. Retaining wall with fence
- 27 5. Security fence around perimeter of property
- 28 6. High quality building structure
- 29 7. High quality landscape plantings throughout the property
- 30

31 Mr. Gamble introduced an elevation map and discussed the height and architectural design of the
32 building. He noted that zoning would allow for a 48 foot building height but Bohler is proposing
33 a 33 foot building. Mr. Gamble also stated that they would comply with all the conditions listed
34 in the Staff Report as well as any conditions that are a result of the TRC meeting.

35
36 Mr. Puckett asked Mr. Gamble if they had considered any other property along Dale Earnhardt
37 Boulevard for the location of the grocery store that were less impactful to residential properties?
38 Mr. Gamble responded that yes, other properties were considered, however retailers go to great
39 lengths to understand demographics and what is best for their store and that this site offers
40 connectivity to existing adjacent retail. He added that the proposed store will be unique and from
41 a marketability standpoint, it was determined that this was the best location. He added that other
42 areas are located further into the watershed, the residential areas become more dense and finally
43 that the proposed site is already zoned as commercial.

44
45 Mr. Trott asked how many jobs would be available? Mr. Gamble stated that there would be 70
46 full-time jobs created. He also noted that the applicants understand and embrace community
47 outreach and would become involved with the community.

1 Mr. Caison asked if the store would operate 24 hours a day. Mr. Gamble answered "no" and that
2 the store would operate during hours comparable to other grocery stores in the area.

3
4 Mr. Cranford noted that he hadn't seen any signage in any of the renderings and asked Mr. Gamble
5 to speak to the proposed signage. Mr. Gamble directed attention to the site map and pointed out
6 where signage would be posted and also stated that they would comply with the UDO sign
7 regulations but that they haven't yet developed any signage for the proposed grocery store.

8
9 There being no further questions or comments from the Commission, Mr. Trott opened the floor
10 to public comments at 6:50 PM.

11
12 Gary Sharpe of 2422 Forestbrook Drive requested that the Case be tabled until next month. He
13 also asked that if the Case is denied, he would like the opportunity to speak again. Vice-Chairman
14 Trott asked for confirmation that Mr. Sharpe would like the case tabled until next month and if the
15 case is denied, that he would like to speak again tonight. Mr. Cranford asked why the Commission
16 should consider his request. Mr. Sharpe stated that he discovered new information concerning the
17 case and would like additional time to investigate and share with other residents in the
18 neighborhood. Mr. Overcash asked Mr. Sharpe to clarify and Mr. Sharpe responded by stating
19 that he, along with his neighbors, have fought development in the proposed area for the last 15
20 years and he reiterated that he would like time to investigate and then share his findings. Mr. Trott
21 asked Mr. Sharpe if he was involved with previous cases in the past and Mr. Sharpe responded
22 "yes" that he has lived in the same neighborhood for thirty (30) years.

23
24 Tim Ruane of 2452 Forrestbrook Drive stated that he attended a meeting hosted by Bohler
25 Engineering on August 20 and a different plan for the proposed grocery store was presented to
26 them as far as the concept and size of the store. Mr. Ruane referenced the application and surmised
27 that the proposed store would be Lidl which is a competitor to Aldi and not upscale as the applicant
28 has stated. Mr. Ruane stated that according to the UDO, a C-2 should not be placed next to a
29 residential area. Mr. Ruane stated that he's concerned about property value and quality of life
30 should the grocery store be allowed in the proposed location. He also stated that he is not against
31 development of the area as long as it is Office/Industrial.

32
33 Debra Ruane of 2452 Forrestbrook Drive stated that she has lived in the Forestbrook neighborhood
34 for the last 20 years. She cited different development scenarios that have been presented over the
35 years and stated that at one time the City helped construct a fence around the abutting property.
36 She asked the Commission to help them keep the fence.

37
38 Vickie Carpenter of 913 Brushwood Avenue stated that her property abuts directly to the proposed
39 grocery store and she is concerned about noise, lights, smells and the elevation of the store. Ms.
40 Carpenter also voiced concerns about her privacy and stated that that this is the 2nd rezoning request
41 on the subject property. She asked that the Commission visit the property so that they could see
42 for themselves how close the store will be to her property. Ms. Carpenter asked that they deny the
43 rezoning request.

44
45 Tommy Doonan, 2444 Acadia Court, stated that he is the Vice President of the Forest Ridge HOA.
46 He stated that the proposed grocery store is overdeveloped and is too big for the proposed site.
47 Mr. Doonan also voiced concern about whether the developer will landscape as they proposed,

1 lights, noise and his fear that Winding Brook Drive will be opened from Dale Earnhardt over to
2 Centergrove Road.

3
4 Jeff Johnson of 2420 Forrestbrook Drive stated that he understands that the property is prime real
5 estate and that there will be development but there are conditions in the C-2 district including the
6 size of the building in order that it doesn't interfere with the abutting residential neighborhood.
7 Mr. Johnson stated that it is the City of Kannapolis' responsibility to protect the integrity of the
8 residential neighborhood and the taxpayers. Mr. Johnson also invited the Commission to visit the
9 proposed site in order that they see the potential impact to their neighborhood.

10
11 Bill Waite of 2430 Forrestbrook Drive handed the Vice Chairman photographs that he had taken
12 earlier in the day. He voiced concerns about the way in which communication was received from
13 Bohler regarding the community meetings. Mr. Waite also voiced concerns about the signage
14 posted on the property informing residents of the rezoning request. He also stated that he believes
15 there are already enough grocery stores in the area within a mile of the proposed site. Mr. Waite
16 requested the Commission to table the request until next month but if they would not table, he
17 asked that they deny the request.

18
19 Ralph McGee owns the property on Windingbrook Drive directly across from the proposed
20 grocery store. Mr. McGee stated the proposed subject property is 2/3 of the property available and
21 is concerned that if this request is approved, it will then be easier for another developer to purchase
22 the remaining property causing more issues for the Forrestbrook Community. He asked the
23 Commission to take this issue into consideration. Mr. Trott asked Mr. McGee if his property is
24 located directly across from the proposed grocery store. Mr. McGee stated "yes" and that a few
25 years ago, a hotel attempted to purchase the property but he along with other community members
26 fought against it because of its size and won and would like to win again.

27
28 Jerry Fritz of 2411 Windingbrook Drive stated that his property will be adjacent to the proposed
29 grocery store. Mr. Fritz cited an agreement between the residents and the property owner, Steve
30 Smith, stating that only Office/Institutional buildings would be built on the property. Mr. Fritz
31 asked the Commission to deny the request due to its size, noise, hours of operation and proximity
32 to the abutting neighborhood.

33
34 Mr. Steele asked Mr. Gordon about the number and location of the posted signs. Mr. Gordon
35 asked Staff Member Josh Langen to respond. Mr. Puckett stated that he drove down Windingbrook
36 Drive earlier that day and saw one (1) sign posted. Mr. Langen stated that two (2) signs were
37 posted, one (1) at the end of Windingbrook Drive and one (1) posted on Dale Earnhardt Boulevard.
38 Mr. Langen stated that when he received the photos of the posting, he compared to the map and
39 noticed that it was posted approximately 3 feet from where it should have been so requested that
40 it be moved to ensure that it was in front of the property line.

41
42 Mr. Waite stated that there was only one (1) sign posted which was at the end of Windingbrook
43 Drive and that there was no other sign posted. Mr. Trott asked Mr. Gordon if some of the signs
44 had been removed. Mr. Gordon responded that all signs were posted in the correct locations and
45 that photo confirmation of the postings was included in the staff report. Mr. Trott confirmed that
46 he received photo confirmations of two (2) signs in his Agenda packet as well.

1 Leonard Deal of 2446 Forrestbrook Drive voiced concerns about the communication received from
2 Bohler Engineering regarding the community meeting and stated that there are trust issues with
3 Bohler Engineering.
4

5 There being no further questions or comments from the public, Mr. Trott closed the Public Hearing
6 at 7:30 PM.
7

8 Mr. Puckett asked Mr. Gamble if he could confirm that the proposed grocery store would be a Lidl
9 store? Mr. Gamble responded "yes". Mr. Puckett questioned the demographic need for a "Harris
10 Teeter/Trader Joe's" hybrid store. Mr. Gamble responded that he is not employed by Lidl but that
11 a "Harris Teeter/Trader Joe's" demographic has been presented across the east coast. The store
12 would be more convenient and provide competition to the higher end stores.
13

14 Mr. Steele suggested that the Commission, along with Mr. Gamble, the Planning Department and
15 members of the community visit the site as invited by the residents attending the meeting and
16 asked Mr. Gordon if that could be arranged. Mr. Gordon responded that it could. Mr. Gamble
17 requested that the motion be tabled until next month because he agreed that a site visit was
18 warranted and apologized again about the clerical error regarding the community meeting
19 communication and stated that they would also like another opportunity to conduct an additional
20 community meeting. Mr. Trott asked if the proposed building stakes were still in place? Mr.
21 Gamble responded that they were not but he would have the surveyor insert the stakes again for
22 purposes of the site visit.
23

24 Mr. Steele made the motion to table Z-2015-05 until next month which was seconded by Mr.
25 Caison and the motion was approved 4 to 2. Those approved were Mr. Trott, Mr. Caison, Mr.
26 Steele and Mr. Overcash; opposed were Mr. Puckett and Mr. Cranford. Mr. Trott asked when the
27 next Planning and Zoning Commission meeting was scheduled and Mr. Gordon responded that it
28 was scheduled for November 4, 2015. Mr. Langen stated that given the case is tabled until the
29 following month, a motion should be made to keep the Public Hearing open.
30

31 Mr. Puckett made the motion to continue Z-2015-05 Public Hearing until November 4, 2015 which
32 was seconded by Mr. Cranford and the motion was approved 4 to 2. Those approved were Mr.
33 Trott, Mr. Caison, Mr. Steele and Mr. Overcash; opposed were Mr. Puckett and Mr. Cranford. Mr.
34 Trott requested that a site visit be arranged and Mr. Gordon responded that a site visit would be
35 coordinated with the applicant.
36

37 **SPECIAL INTENSITY ALLOCATION – SIA-2015-01**

38 Planning Director, Zac Gordon presented a PowerPoint (see Attached Exhibit B) detailing Case
39 #SIA-2015-05 which calls for a Special Intensity Allocation (SIA). The applicant is Clay Neal
40 with JRN, Inc. and the property is identified by Cabarrus County Parcel Identification Number(s):
41 5623-06-5122, 5623-06-6126, 5623-06-6177 and a portion of 5623-06-5277. The property is
42 currently zoned C-2 and comprises approximately +/- 1.255 acres and is located at the intersection
43 of S. Cannon Boulevard and Fairview Street.
44

45 Mr. Gordon directed attention to both the current zoning map for the subject property and an aerial
46 map as well as the Future Land Use Map. Mr. Gordon noted that the SIA request is aligned with
47 the Future Land Use Plan. Mr. Gordon then introduced the site plan and noted that the SIA is

being requested in order to redevelop the subject property for a Kentucky Fried Chicken restaurant. The subject property is located in the Lake Concord Watershed Protected Area which limits impervious (built upon) surface area to 24% of the undeveloped property.

Mr. Gordon noted that the applicant is requesting an additional 4.05% of impervious allowance, or 0.03 acres, on the site for a total of 28.05% impervious surface. The Unified Development Ordinance (UDO) employs a point system (Table 4.16-4), outlining six (6) criteria that are used to evaluate the merits of each SIA request. The potential increase in allowable impervious area is based upon the point ratings for each of these criteria:

Table 4.16-4 Special Intensity Allocation System

Categories Used for SIA Consideration	Potential Points										
1. Tax Base Increase: <i>(estimated tax value of completed project)</i> \$200,000 - \$500,000 \$500,000 - \$999,999 \$1,000,000 - \$1,999,999 \$2,000,000 or more	15 25 50 75										
2. Full-time jobs created 1 – 10 11 – 25 26 or more	15 25 50										
3. Community Value <i>(determined by Watershed Review Board)</i>	up to 150										
4. Type of Industry Retail Trade Office / Institutional Industrial / Manufacturing Research & Development / Medical	10 10 20 20										
5. Revitalization of Existing Development	50										
6. Energy Reduction / Conservation Measures 10-20% Increase in Landscaping above UDO > 20% Increase in Landscaping above UDO Bioretention Applications LEED Certification	50 75 75 100										
<table border="1"> <thead> <tr> <th colspan="2">Potential Impervious Allowance</th></tr> </thead> <tbody> <tr> <td>100 – 149 points</td><td>40% imp.</td></tr> <tr> <td>150 – 199 points</td><td>50% imp.</td></tr> <tr> <td>200 – 249 points</td><td>60% imp.</td></tr> <tr> <td>> 249 points</td><td>70% imp.</td></tr> </tbody> </table>		Potential Impervious Allowance		100 – 149 points	40% imp.	150 – 199 points	50% imp.	200 – 249 points	60% imp.	> 249 points	70% imp.
Potential Impervious Allowance											
100 – 149 points	40% imp.										
150 – 199 points	50% imp.										
200 – 249 points	60% imp.										
> 249 points	70% imp.										

In reviewing the SIA request, staff has assigned a total of 185 points to the site as follows:

- Tax Base Increase of over 2 million: 75 points
- Full time jobs Created of 26 or more: 50 points
- Community Value: To be determined by Watershed Review Board
- Retail/Manufacturing Type of Industry: 10 points
- Revitalization of Existing Development: 50 points
- Energy Reduction/Conservation Measures: 0 points

ACTIONS REQUESTED

1. Assign sufficient point to allow the increase from 24% to 28.05% impervious surface
2. Motion to approve (deny) Special Intensity Allocation Request

1 3. Motion to approve (deny) the Special Intensity Allocation Permit
2

3 Mr. Gordon introduced Wes Webb, P.E., Engineer for the city, and advised the Commission that
4 Mr. Webb could answer any questions they had regarding the percentage of impervious surface
5 allowed within the watershed. Mr. Gordon also noted that approximately 190 acres has been
6 assigned to the Lake Concord Watershed for allocation and that any allocations would draw from
7 that 190 acres. Mr. Trott voiced concern that they had already approved allocation from that
8 watershed but Mr. Webb stated that virtually all 190 acres is still available to allocate for
9 development.
10

11 Mr. Trott asked what buildings would need to be torn down? David Reese, P.E. with CESI
12 Engineering, responded that the buildings from Fairview Street down to AutoZone will be
13 removed and the property combined to form two different lots. One lot will remain undeveloped
14 at this point and the other lot will be used to build a new Kentucky Fried Chicken (KFC) restaurant
15 which would encompass approximately 1.25 acres. Mr. Reese noted that the KFC currently
16 located at 267 N. Cannon Boulevard would be relocated to the corner of Fairview and Cannon
17 Boulevard. Mr. Reese also noted the move would result in traffic improvements at the current
18 KFC location as well as to give right-of-way to Fairview and provide additional right-of-way for
19 Cannon Boulevard. The new construction would increase the Fairview right-of-way from 32 feet
20 to 60 feet and will include road improvements with curb gutter and sidewalk around the entire
21 property.
22

23 Mr. Reese noted that they are allowed to develop up to 24% of what is currently undeveloped and
24 also have a credit for any impervious surface that already exists. The overall additional impervious
25 needed is 6400 feet and they are allowed 5800 feet so are requesting an additional 925 feet. He
26 added that the applicant will be designing stormwater treatment for new impervious area which
27 will be detained on-site, thereby improving the drainage system along with overall improvement
28 to the adjacent roads.
29

30 Mr. Trott asked how traffic would access KFC? Mr. Reese stated that the main entrance would be
31 off Fairview and that the entrance off South Cannon would be right-in/ right out due to the island
32 in the middle of South Cannon.
33

34 Mr. Caison asked if the 28% impervious requirement was for the entire site? Mr. Reese responded
35 by stating that the current impervious area does not count towards the 24%. In order to develop
36 the subject property, they require 28.05% of what is not currently impervious. Mr. Caison then
37 asked if the total impervious for the whole site is 70%? Mr. Reese responded that was correct.
38 Mr. Reese also noted that this site would be adequately landscaped.
39

40 Mr. Trott asked if there were any issues tearing down the current building due to one of the
41 buildings being an old oil station. Clay Neal with JRN, Inc. responded that there are actually three
42 (3) buildings that would be torn down. He directed attention to the site map and indicated that one
43 building being demolished used to be Red's Oil Station, another building was used as a church and
44 another is an old house. Through environmental studies conducted by the state in 2005, oil tanks
45 were removed but they were unable to remove the contaminated soil due to the existing building
46 as well as work being conducted on Cannon Boulevard. JRN and CESI are working with the state
47 to remove that soil once the buildings are demolished.
48

1 Mr. Neal noted that this will be the last buffet style KFC restaurant as they are phasing out. Mr.
2 Neal also noted that he met with the business owners of the abutting property owners, performed
3 asbestos studies and removed asbestos from the buildings that will be torn down. He indicated
4 that they are currently working on obtaining demolition permits and are set to close on the property
5 within the next thirty (30) days.
6

7 Mr. Caison asked what would be done with the building at the existing KFC site? Mr. Neal
8 responded that it is currently up for sale. He also noted that he considered redeveloping the existing
9 site but there are zoning issues and the proposed site is better suited for marketability.
10

11 Mr. Gordon reminded the Commission that the applicant will need a total of 100 points in order to
12 receive a 40% impervious approval. The Staff has reviewed the Special Intensity Allocation point
13 system and has assigned a total of 185 points. Mr. Gordon noted that the Staff had not assigned
14 points for Community Value because that was up to the *Watershed Review Board* which is the
15 Commission. He also noted that they could concur with the Staff assessment or evaluate
16 themselves and assign their own points.
17

18 Mr. Cranford asked why the City is not charging applicants for additional impervious requests if
19 at some point the City may deplete the allocation? Mr. Webb stated that originally (1990's) 10%
20 of the watershed was the Special Intensity Allocation issued by the state and anyone could request.
21 Within the last 10 years, the City came to appreciate the value of the property and developed the
22 point system. The higher the value of the project to the community the more points could be
23 awarded which equated to additional impervious surface. Mr Webb also noted that charging
24 applicants based upon their request has never been requested before and he's not aware of any city
25 that does charge a fee. He noted, as well, that the City of Kannapolis can control how the allocation
26 is distributed.
27

28 Mr. Trott asked if the Staff already assigned 185 points which generates 50%, why does the
29 Commission need to assign more points? Mr. Neal responded that the project would be eligible
30 for an additional 40% of impervious area. 28% is already allowed but the project requires an
31 additional 4%. Mr. Gordon added that if the board wishes to change their assessment, add points
32 or assign points to Community Value, they are able to do so.
33

34 Mr. Cranford made the motion to award points as recommended by the staff for SIA-2015-01.
35

36 Mr. Puckett asked if the jobs that would be created were simply moving jobs from the previous
37 location to the new location. Mr. Neal responded "no". Mr. Puckett asked if JRN would be
38 receiving any credit for the environmental clean-up of the site? Mr. Gordon responded that he felt
39 that it would fall under Community Value.
40

41 Mr. Cranford again made the motion to award points as recommended by the Staff to SIA-2015-
42 01 which was seconded by Mr. Steele and the motion unanimously approved.
43

44 Mr. Overcash made the motion to approve the Special Intensity Allocation Request which was
45 seconded by Mr. Puckett and the motion unanimously approved.

46 Mr. Steele made the motion to approve the Special Intensity Allocation Permit which was
47 seconded by Mr. Caison and the motion unanimously approved.
48

1 **TEXT AMENDMENT TA-2015-05**

2 Planning Director, Zac Gordon presented a PowerPoint (see Attached Exhibit A) detailing Case
3 #TA-2015-05 which is a request to amend Article 11.5 Supplemental Design Standards for Center
4 City District, Section 11.5.2.2 and Section 11.5.2.4 regarding entrance and frontage requirements
5 within the Center City (CC) Zoning District.
6

7 Mr. Gordon noted that Article 3.8 of the UDO states that "*Any person, board, department, or*
8 *commission may apply for a change in zoning ordinance text*". TA-2015-05 has been initiated by
9 the Planning Department. Per Sections 3.8.3.2 and 3.8.3.3 of the UDO, a majority vote of the
10 Planning and Zoning Commission is required to recommend approval of a text amendment. A
11 recommendation to approve is then forwarded to City Council who shall then approve or deny the
12 text amendment by a majority vote.
13

14 Currently, Section 11.5.2.2 of the UDO requires that "All buildings shall have their principal
15 entrance opening to a public street, square, plaza or sidewalks". Mr. Gordon noted that the
16 intention of this requirement is to ensure pedestrian accessibility. Staff believes that this same
17 objective can be achieved by allowing buildings to have their principal entrance opening on to a
18 "*private* street, square, plaza or sidewalk", provided that it is accompanied by a public access
19 easement. Mr. Gordon provided the example of West Ave being a private street with a public
20 access easement.
21

22 Mr. Gordon directed the Commission's attention to a current zoning map for the City of
23 Kannapolis and indicated the area to be affected by the proposed text amendment which
24 encompasses the Center City (CC) Zoning District. The CC District is bound by Loop Road and
25 Dale Earnhardt Boulevard (DEB) to the north, south and west and Ridge Avenue to the east. In
26 addition, the CC District includes some property along the outside of Loop Road and DEB.
27

28 The text amendment proposed by staff is as follows: "All buildings shall have their principal
29 entrance opening to a public **or private** street, square, plaza, or sidewalks. **Where a principal**
30 **building entrance opens to a private street, square, plaza, or sidewalks, it shall be**
31 **accompanied by a public access easement**" (new text in bold).
32

33 **ACTIONS REQUESTED**

- 34 1. Hold a Public Hearing
35 2. Consider Resolution to Adopt (not adopt) a Statement of Consistency for TA-2015-05
36 3. Consider a motion to recommend approval (denial) of proposed text amendment by City
37 Council
38

39 Mr. Trott opened the public portion at 8:20 PM. There being no questions or comments from the
40 public, the public portion was closed at 8:21 PM.
41

42 Mr. Caison asked Mr. Gordon if there are time limits for access easements? Mr. Gordon responded
43 that it would be a perpetual easement open to the public.
44

45
46 Mr. Overcash asked if property bordering a public road would be affected by this text amendment?
47 Mr. Gordon responded "no".
48

1 Mr. Caison made the motion to adopt the Statement of Consistency contained in the staff report
2 which was seconded by Mr. Steele and the motion unanimously approved.

3
4 Mr. Overcash made the motion to recommend approval of TA-2015-05 by City Council which
5 was seconded by Mr. Puckett and the motion unanimously approved.

6
7 **ADDITIONAL ITEMS:**

8 Mr. Gordon noted October is National Planning Month and that City Council made a proclamation
9 for October to be designated as such for the City of Knapolis. He invited Commission Members
10 to an Open House to be held at 118 South Main Street on Tuesday, October 27th from 4:30-6:30
11 PM.

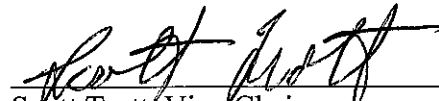
12
13 Mr. Gordon also noted that the purchase of downtown properties has been completed. The City
14 Hall project is moving along on schedule and will be completed by end of November. The City
15 Council will be holding their first meeting in the new City Hall on December 14, 2015. The
16 Planning Department will be moving into the new building in January.


17
18 Vice Chairman Trott asked if they would be notified when they will be able to tour the new
19 building. Mr. Gordon responded that Planning would organize a tour and communicate the date
20 to the Commission.

21
22 Mr. Cranford made a motion to adjourn which was seconded by Mr. Overcash and the motion
23 unanimously approved.

24
25 **ADJOURN:**

26 There being no further business, the meeting adjourned at 8:34 PM on Wednesday, October 7,
27 2015.

28
29
30 
31 Scott Trott, Vice-Chairman
32 Planning & Zoning Commission

33
34 
35 Pam Scaggs, Recording Secretary
Planning & Zoning Commission