



Planning Department

Staff Report

**December 12, 2016
City Council Meeting**

DATE: December 8, 2016
TO: City Council
FROM: Zachary D. Gordon, AICP, Planning Director
SUBJECT: Case #Z-2016-06 (Zoning Map Amendment)
Applicant: TPA Group

Request by the TPA Group to rezone property located at 6501, 6419 & 6307 Macedonia Church Road from CD/RE/AG (Campus Development/Rural Estate/Agricultural) to CD-CZ (Campus Development-Conditional Zoning) in order to develop a “Distribution/Warehouse” facility. The property measures 117 acres +/- in size and consists of three (3) parcels; Cabarrus Tax Assessor Parcel ID #4691-79-5791; #4691-89-4379; and #4692-70-7980.

A. Actions Requested by City Council

1. Hold Public Hearing
2. Motion to adopt a Resolution to Zone
3. Motion to adopt Statement of Consistency

B. Decision and Required Votes to Pass Requested Actions

Section 3.3.4.2.2 of the UDO allows the Planning and Zoning Commission to render a final decision on the 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 the City Council shall have final decision making authority.

NOTE: The Planning and Zoning Commission denied the requested zoning map and conditional rezoning request at its November 2, 2016, regular meeting by a vote of 4-2 and therefore final decision making authority on this request rests with the City Council.

C. Background

The property proposed to be rezoned measures 117 +/- acres and is located within the *City of Kannapolis 2015 Land Use Plan* Coddle Creek Area along NC 73 (Davidson Highway), west of the intersection with Kannapolis Parkway (**SEE NOTE BELOW**). The property is partly bisected by an unnamed intermittent stream and approximately 50% of the property is located within the Coddle Creek Reservoir Critical Area Watershed Protection Overlay District.

The applicant is proposing to develop this property for a “Distribution/Warehouse” facility.

In order to accommodate the proposed development plan, the applicant will need to modify the watershed area boundary line, through regrading of the site. The grading plan to adjust the watershed boundary will require approval by the Board of Adjustment (BOA), scheduled for a public hearing on December 13, 2016 and the North Carolina Department of Environmental Quality (NCDEQ). (**NOTE:** NCDEQ granted “preliminary” approval to this request on December 8, 2016, with final approval subject to review of an as-built survey of the site confirming the watershed boundary modification). Any approval granted by the City Council would need to be made subject to both BOA and NCDEQ approvals.

The applicant is requesting City Council approval to rezone the subject property from CD/RE/AG (Campus Development/Rural Estate/Agricultural) to CD-CZ (Campus Development-Conditional Zoning) in order to accommodate a proposed distribution/warehouse facility.

The proposed project has access along NC 73, as well as both Barr and Macedonia Church Roads. A portion of Macedonia Church road is proposed to be realigned to intersect Barr Road at the northern corner of the property, across from Kannapolis Fire Station 5. The proposed re-alignment will require approval from the North Carolina Department of Transportation (NCDOT). The property is subject to compliance with the Supplemental Design Standards for Campus Development (CD) District (Section 11.6 of UDO); provisions of the River/Stream Overlay District; (Section 15.1 of UDO) and the Coddle Creek Thoroughfare Protection (CCTP) Overlay District (Section 4.15 of UDO).

NOTE: On June 8, 2015, the City Council annexed approximately 77 acres of this property. Because this portion of the property was annexed after adoption of the 2015 Land Use Plan on July 26, 2004, it was neither included in the Coddle Creek Area, nor was it given a “Recommended Land Use” designation. In a separate case preceding Council consideration of this rezoning request, staff recommended that City Council designate this property, along with the balance of the property previously included in the Coddle Creek Area., as “Campus Development”.

D. Fiscal Considerations

None

E. Policy Issues

Section 3.3.5 of the UDO states that the City Council 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 117 +/- 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 proposed rezoning would allow for a distribution/warehouse facility regulated by a site plan and conditions. Allowable uses, as proposed by the applicant, would be limited to;

- *Distribution/Warehousing*

On December 7, 2016, the Planning and Zoning Commission recommended that the City Council approve an amendment to the *City of Kannapolis 2015 Land Use Plan* designating the subject property as “Campus Development”. Subject to City Council action to adopt this recommended amendment, the proposed rezoning request is consistent with the *City of Kannapolis 2015 Land Use Plan*.

The proposed rezoning is also considered to be in conformance with the recommendations of the NC 73 Transportation/Land Use Corridor Plan, which designates this area for a mixture of Business Development and Residential uses. If approved, the requested rezoning would update the NC 73 Plan to Campus Development land use for this entire property. Finally, the proposed site plan can be considered in conformance with the goals, objectives and policies of the UDO.

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

The subject property is located across NC 73 from a Planned Unit Development (PUD) zoning district which allows for a mix of uses. The subject property is also located adjacent to Campus Development zoning at the intersection of Davidson Highway and Kannapolis Parkway. The proposed plan includes landscape buffers and elevated grade changes adjacent to neighboring properties which will serve as an effective buffer to the residential areas west and north of the property. The property is located within the Coddle Creek Thoroughfare Protection (CCTP) Overlay District and will require adherence to use and architectural regulations for this area. Therefore, the proposed rezoning is considered compatible with the surrounding area.

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

A portion of Macedonia Church road is proposed to be realigned to intersect Barr Road at the northern corner of the property, across from Kannapolis Fire Station 5. The proposed re-alignment will require approval from the North Carolina Department of Transportation (NCDOT). Access to the site will be gained primarily along NC 73, which will be controlled by NCDOT. Secondary access to the site (excluding tractor trailers) would occur from the re-aligned Macedonia Church Road and Barr Road. Access to the site from Barr Road will be restricted to right-in, right-out and left-in to the site. Tractor Trailers shall be prohibited from left turn movements leaving the site on to Barr Road, except in the event of emergency or life safety. Traffic control measures to insure restrictions must be approved by City of Kannapolis and NCDOT.

Based on the proposed access management plan for the site, no adverse effects on the capacity or safety of this portion of the street network is anticipated.

A Traffic Memorandum (see attached) has been prepared to address the traffic impact of the proposed use. This memorandum details the projected traffic impacts from the proposed use of this site as a distribution/warehouse facility. Based upon these projected impacts, the applicant is proposing a traffic signal at the site entrance on NC 73, along with turn lanes and the relocation of Macedonia Church Road to accommodate the intended use of the site. Should the City Council approve the request for rezoning, a more detailed traffic impact study will be prepared for review by NCDOT and City staff, in order to insure that all traffic impacts resulting from the proposed use are adequately addressed (and mitigated as necessary) consistent with NCDOT and City standards.

5. Will there be parking problems?

No parking problems are anticipated. Parking spaces shown on the site plan are sufficient for commercial and employee traffic. Site plan approval is required prior to any development of the site and plans are required to comply with all applicable parking standards of the UDO.

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?

Several site design measures are proposed by the applicant to mitigate environmental impacts from the proposed use (see Conditions proposed by applicant under Section H). As previously noted, the project will require a modification of the Coddle Creek Reservoir Watershed Protection Critical Area Boundary to accommodate the proposed site development plan. Site configuration and preliminary plans show storm-water runoff can be adequately managed, with full review of storm-water management to be conducted during final site plan review. The proposed buildings would be located along NC 73 with considerable distance separating the buildings from neighboring properties. In addition, the applicant is proposing full “cut-off” lighting at all property boundaries and reduced lighting after PM peak hours, where possible. Finally, the applicant is proposing to install landscaping berms to provide a

visual buffer to adjoining residential properties, along with a security fence around the perimeter of the building and parking area.

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 area surrounding the subject property has experienced significant growth and development in the past decade. Recent developments in the area include the Gateway Business Center east of Kannapolis Parkway, and Afton Ridge, a major retail shopping center located to the south of NC 73, along Kannapolis Parkway. Additional growth along NC 73 and Kannapolis Parkway is anticipated in the next 5-10 years.

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

There are adequate public facilities available to the property, including water, sewer and access along NC 73.

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

Property to the north is zoned RC-CZ (Residential Compact – Conditional Zoning) and AO (Agricultural Open – COUNTY DESIGNATION) and includes rural residential uses. Property to the south is zoned PUD (Planned Unit Development) and is currently undeveloped. Property to the east is zoned CD (Campus Development) and includes industrial, office and retail uses in a campus setting. Property to the west is zoned AO (Agricultural Open – COUNTY DESIGNATION) and includes rural residential uses.

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

The subject property is located across Kannapolis Parkway from the Gateway Business Center, which includes a mix of industrial, office and retail uses in a campus setting. The subject property is also located on the north side of NC 73, across from a large PUD (Planned Unit Development) currently zoned for a mix of retail, office and residential uses. The current property is partially zoned CD as well as AG and RE. The RE portion is too small to accommodate a Rural Estate subdivision. The AG portion is experiencing development pressure from proximity to CD zoning as well as NC 73, making agricultural uses infeasible. Combining the zoning designations into a single CD-CZ district would allow the fragmented AG and RE portions to be developed as a single project, making development plans more feasible. Therefore, based on the existing land use pattern and future market trends, the subject property is not considered suitable for the uses to which it has been restricted under the existing zoning classification.

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

The subject property is located in close proximity to the Gateway Business Center, which includes a mix of industrial, office and retail uses in a campus setting. In addition, the property is located on the north side of NC 73, across from a large PUD (Planned Unit Development) currently zoned for a mix of retail, office and residential

uses. To the north and west of the property are low density rural residential uses, along with several churches. The property is large enough to provide adequate buffers for these surrounding uses. The property is also subject to the UDO restrictions and guidelines for Campus Development, the River/Stream Overlay District and the Coddle Creek Thoroughfare Protection (CCTP) overlay district, which provide additional development and site design regulation. Taken together, compliance with these regulations will help to insure compatibility between the proposed use and adjacent neighborhood.

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

The subject property has been vacant for an undetermined amount of time.

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 is very limited available compatible properties available along NC 73, as most of these properties are occupied, have power easement constraints or are too small to accommodate the proposed project. The Gateway Business Park only has one remaining developable lot available and is too small to accommodate the proposed project. Therefore, given the limited supply of compatible land in this area, rezoning to a CD-CZ zoning is necessary in order to accommodate the community's future growth and employment 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

At its December 7, 2016 meeting, the Planning & Zoning Commission recommended that the City Council adopt an amendment to the 2015 Land Use Plan, changing the Recommended Land Use designation of the subject parcels to "Campus Development". Subject to City Council adoption of this amendment to the 2015 Land Use Plan, staff finds the request for rezoning consistent with the *City of Kannapolis 2015 Land Use Plan*.

H. Staff Recommendation and Alternative Courses of Action

Staff Recommendation

The City Council may choose to approve or deny the petition as presented.

Based on the request being consistent with the *City of Kannapolis 2015 Land Use Plan*, staff recommends approval of Zoning Map Amendment Case #Z-2016-06 and associated

site plan, subject to the following conditions offered by the applicant, with staff concurrence:

1. Driveway access and improvements to Davidson Highway (NC Hwy. 73) shall be subject to review and approval by the North Carolina Department of Transportation (NCDOT).
2. Relocation of Macedonia Church Road shall be subject to review and approval by NCDOT.
3. Tractor Trailers will be prohibited from entering or exiting the site to the realigned Macedonia Church Road.
4. Access to the site from Barr Road will be restricted to right-in, right-out and left-in to the site. Tractor Trailers shall be prohibited from left turn movements on to Barr Road, except in the event of emergency or life safety. Traffic control measures to insure restrictions must be approved by City of Kannapolis and NCDOT.
5. Any zoning approval shall require successful modification of the Coddle Creek Reservoir Watershed Protection Boundary, subject to review and approval by the North Carolina Department of Environmental Quality (NCDEQ) as well as the City of Kannapolis Board of Adjustment.
6. Any zoning approval shall require a Zoning Map amendment by the City of Kannapolis Planning and Zoning Commission to reflect modification of the Coddle Creek Reservoir Watershed Protection Boundary.
7. Allowable uses shall be limited to "Distribution/Warehousing".
8. A lighting plan shall be submitted and approved, as part of Technical Review Committee review, which shows full cut-off of light at all property boundaries and which shows a reduced lighting scheme after PM peak hours, where possible.
9. The property is subject to compliance with the Supplemental Design Standards for Campus Development (CD) District (Section 11.6 of UDO); River/Stream Overlay District (Section 15.1 of UDO); and the Coddle Creek Thoroughfare Protection (CCTP) Overlay District (Section 4.15 of UDO).
10. 6' High Landscaped Berms (Min. 4' wide w/2:1 side slopes) shall be required where noted on site plan. A 6' High Opaque Fence shall not be allowed as substitute
11. A security fence shall be installed around the perimeter of the building and parking area.

Furthermore, staff recommends City Council approval subject to final site plan review and approval by the Technical Review Committee (TRC) and compliance with all applicable sections of the Unified Development Ordinance (UDO), including the Coddle Creek Thoroughfare Protection (CCTP) Overlay District.

Alternative Courses of Action

APPROVAL

Motion 1 – Adopt Resolution to Zone

Should the City Council choose to approve rezoning Case #Z-2016-06, a motion

should be made to adopt the Resolution to Zone.

Motion 2 – Adopt Statement of Consistency

Should the City Council choose to approve the request for rezoning as presented in Case #Z-2016-06, a **motion should be made adopt** the following **Statement of Consistency**:

***Statement of Consistency:** The City Council finds the zoning map amendment as presented in Case #Z-2016-06 to allow for a distribution/warehouse facility to be consistent with the City of Kannapolis 2015 Land Use Plan, adopted by City Council, which recommends “Campus Development” land use for this property. Furthermore, the City Council finds the request for rezoning reasonable based on the existing Campus Development zoning district designation for a portion of this property, surrounding development patterns and current market conditions, and in the public interest because it allows for beneficial development of the site to facilitate future employment opportunities and that the proposed use of the property will be in conformance with all applicable provisions of the UDO, including adequate protection for the environment and surrounding uses.*

DENIAL

Motion 1 – Denial of Rezoning

Should the City Council choose to deny rezoning Case #Z-2016-06, a motion should be made to deny the request for rezoning.

Motion 2 – Statement of Consistency

Should the City Council choose to deny the request for rezoning as presented in Case #Z-2016-06, a **motion should be adopt** the following **Statement of Consistency**:

***Statement of Consistency:** The City Council finds this zoning map amendment, as represented in Case Z-2016-06, to be inconsistent with the City of Kannapolis 2015 Land Use Plan, adopted by City Council, because (state reason) and is neither reasonable nor in the public interest because (state reason).*

I. Attachments

1. Applications
2. Statement of Reasonableness
3. Vicinity Map
4. Kannapolis Current Zoning
5. Coddle Creek Area Recommended Land Use
6. Rezoning Plan (Site Plan)
7. Preliminary Rendering
8. Preliminary Exterior Elevations
9. Traffic Memorandum
10. Macedonia Church Abandonment Exhibit
11. Neighborhood Meeting Report

12. Citizen Comment Letter
13. Odell Church Comment Letter
14. Notice of Public Hearing
15. List of Properties Notified
16. Letter to Adjacent Property Owners
17. Posted sign for rezoning
18. Resolution to Zone
19. Resolution to adopt a Statement of Consistency

J. Issue Reviewed By:

- City Manager
- Deputy City Manager
- City Attorney
- Economic and Community Development Director
- Planning Director