



BOARD OF ADJUSTMENT AGENDA

**Kannapolis City Hall
Laureate Center - Kannapolis, N.C.**

Tuesday, December 5, 2023 at 6:00 PM

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes – November 7, 2023**
- 5. Swearing In for Testimony**
- 6. Continued from November 7, 2023 Board of Adjustment Meeting:**
 - a. BOA-2023-15 – Special Use Permit – 2225 Fowler Street**

Consider a request for a Special Use Permit (SUP) to allow for a civic organization on property located 2225 Fowler Street. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for Civic, social, or fraternal organization uses in the Residential 4 (R4) zoning district. The subject property is 16.5 +/- acres and is more specifically identified as Rowan County Parcel Identification Number 144A04801.
- 7. Planning Director Update**
- 8. Other Business**
- 9. Adjourn**



**Board of Adjustment
December 5, 2023 Meeting**

Staff Report

TO: Board of Adjustment
FROM: Ben Barcroft, Senior Planner
SUBJECT: Case# BOA-2023-15: Special Use Permit – 2225 Fowler Street
Applicant: The Altar Global

Request for a Special Use Permit to allow for a civic organization on property located at 2225 Fowler Street.

A. Actions Requested by Board of Adjustment

1. Motion to accept the City's exhibits into the record.
2. Motion to approve/revise Findings of Fact for the Special Use Permit.
3. Motion to approve (approve with conditions) (deny) the issuance of the Special Use Permit
4. Motion to Issue Order of Approval.

B. Required Votes to Pass Requested Action

A majority vote is required to approve, approve with conditions, or deny the requested actions.

C. Background

The Board of Adjustment requested this case be continued from the November 7, 2023, meeting since the expert witness was unable to attend. The Board instructed the applicant to have an expert witness available to speak about the potential impacts of increased traffic.

The applicant, The Altar Global, is requesting a Special Use Permit (SUP) to allow for a civic organization in the Residential 4 (R4) zoning district on approximately 16.5 +/- acres of property located at 2225 Fowler Street, further identified as Rowan County Parcel Identification Number 144A04801 to allow for a seasonal camp, hosting 100-200 students that will be bussed in from a separate location. This property is located in the City's extra territorial jurisdiction (ETJ).

This meeting was previously continued from the October 3, 2023, meeting where the Board of Adjustment requested expert testimony with regards to draining a pond and the increased traffic. The

applicant removed the proposed ministry building as well as the amphitheater from the original plans and stated that the pond will not be drained.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for Civic, social, or fraternal organization uses in the R4 zoning district.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.5.A(5) of the KDO requires that the Board of Adjustment shall only approve a special use permit if the applicant demonstrates that the criteria below have been met. Staff analysis of each criterion is noted.

Staff Findings of Fact - Based on application review:

Yes No

The proposed conditional use will be in harmony with the area in which it is to be located and in general conformance with the City's Land Use Plan.

This property is in the "Complete Neighborhood 2" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Primary uses of this Character Area consists of residential, civic, and small format retail. The specific area is composed primarily of single-family residential development and is the site of a former park.

Based on the Character Area and current development noted above, the proposed development is compatible with the future and existing uses in the surrounding area.

Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

The proposed use of a civic organization will be located on the site of a former park and is not anticipated to cause any traffic hazards or traffic congestion. There is adequate parking available for this use. Staff believes that the proposed camp would not create more traffic than the previous use of recreation park. The Board of Adjustment, however, is concerned about the increased traffic in the area and has requested expert testimony with regards to the traffic.

The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

No vibration, noise, odor, dust, smoke, or gas beyond what would be anticipated for a civic use is expected as a result of this proposed use.

The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

The proposed use would not impede development of the surrounding properties for uses allowed within their respective zoning districts. The proposed civic

organization is compatible with the surrounding residential uses and is located on a large site that was formally used as a park.

The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

There is no apparent danger or detriment to the overall public safety, health and welfare resulting from the proposed use. The proposed use is subject to all the requirements of the Kannapolis Development Ordinance.

The proposed use complies with all applicable provisions of the KDO.

The proposed use shall comply with all sections of the Kannapolis Development Ordinance, conditions of approval, and any other applicable local, state and federal regulations. It is understood by the applicant that unless specifically relieved of a requirement, in writing, all KDO requirements must be met.

The applicant consents in writing to all conditions of approval included in the approved special use permit.

The applicant has been informed they must sign the Conditions of Approval for this special use permit.

F. Legal Issues

Board's Findings of Fact - Based on application review and public hearing.

In order to determine whether a special use permit is warranted, the Board must decide that each of the six findings as outlined below has been met and that the additional approval criteria has been satisfactorily addressed. If the Board concurs completely with the findings of the staff, no additional findings of fact are necessary, and the staff findings should be approved as part of the decision. However, if the Board wishes to approve different findings (perhaps as a result of additional evidence or testimony presented at the public hearing), alternate findings need to be included as part of the six criteria below. Should a special use permit be approved, the Board may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use.

Yes **No**

The proposed conditional use will be in harmony with the area in which it is to be located and in general conformance with the City's Land Use Plan.

Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

The proposed use complies with all applicable provisions of the KDO.

The applicant consents in writing to all conditions of approval included in the approved special use permit.

G. Recommendation

Based on the above findings, staff recommends **approval** of the Special Use Permit based on the staff Findings of Fact (or as modified by the Board), the conceptual site plan, and compliance with all local, state and federal requirements.

The Board of Adjustment should consider all facts and testimony after conducting the Public Hearing and render a decision accordingly to approve, approve with conditions, or deny the Special Use Permit.

H. Attachments

1. Special Use Permit Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Conceptual Site Plan
6. List of Notified Properties
7. Notice to Adjacent Property Owners
8. Posted Public Notice

I. Issue Reviewed By:

| | |
|------------------------|---|
| Planning Director | X |
| Assistant City Manager | X |
| City Attorney | X |



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

Special Use Permit

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on this form below are submitted with your application. Please either bring this application to the address above or email to bbarcroft@kannapolisnc.gov. The fees may also be paid online with a link provided by staff.

SPECIAL USE PERMIT REQUEST

Special Use Permit (SUP) – Request for SUP as required by Table 4.3.B(3) of the Kannapolis Development Ordinance (KDO).
Approval authority – Board of Adjustment.

Property Address: 2225 Fowler St. Kannapolis NC

Applicant: The Altar Global

SUBMITTAL CHECKLIST

- Pre-Application Meeting
- SUP Checklist and Application – Complete with all required signatures
- Plot/Site Plan showing the proposed use
- Fee: \$625.00 (\$600 Application Fee + notification fee [see Fee Schedule])

PROCESS INFORMATION

Public Notification: This is a quasi-judicial process that requires a public hearing and public notification including first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Table 2.4.F(2) of the KDO).

Review Process: All applications will be reviewed for compliance and then forwarded to the Board of Adjustment for consideration at a public hearing which is held monthly on the 1st Tuesday at 6:00pm in City Hall Laureate Center. The application and all fees must be paid prior to scheduling the public hearing. Please review Section 2.4.D of the KDO.

Action by Board of Adjustment: After conducting a public hearing, the Board of Adjustment may: approve; approve with conditions; deny; or conduct an additional public hearing on the application. Per Section 2.5.A(5)c, the Board may approve a petition only if compliance with all standards is obtained.

Scope of Approval: Per Section 2.5.A(5)a.2 of the KDO, approval of a SUP does not authorize any development activity, but shall authorize the applicant to apply for final site plan approval. Zoning clearance permits will not be issued until the SUP and final site plan have been approved.

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Applicant's Signature: Jeremiah Johnson

Date: 9/6/23



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION
Approval authority – Board of Adjustment

Applicant Contact Information

Name: Jeremiah Johnson
Address: 2705 Moose Rd. Kannapolis

Phone: 863-430-4632
Email: fire@thealtarglobal.com

Property Owner Contact Information same as applicant

Name: The Altar Global
Address: 2225 Fowler St. Kannapolis

Phone: 704-625-2424
Email: fire@thealtarglobal.com

Project Information

Project Address: 2225 Fowler St. Kannapolis Zoning District Select
Parcel PIN: 144A04801 Size of property (in acres): 16.5

Current Property Use: Kannapolis Rec Park

Proposed Use: Altar Global Headquarters

The location of the above-mentioned proposed use is indicated on the accompanying site plan, and the nature of the proposed use is more fully described as follows (*attach separate sheet if necessary*):

Host the Ministry headquarters and religious gatherings and overnight stay for guests periodically

REVIEW STANDARDS

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a Special Use Permit (SUP). Per Section 2.5.A(5)c of the Kannapolis Development Ordinance (KDO,) the applicant must demonstrate successful compliance with all standards to obtain a SUP. In the space provided below, indicate the **facts** that you intend to provide to convince the Board that it can properly reach the following conclusions:

1. **The proposed special use will be in harmony with the area in which it is to be located and in general conformance with the City's Comprehensive Plan.**
The proposed use for this property will provide Maintenance to the overgrown property and promote wholesome activity as well as community support and charitable acts

2. Adequate measures shall be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads.

There is an operational gate on the property and increased parking to accommodate periodic events

3. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

There will not be activity that is offensive on the property

4. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

The Altar Global supports the expansion of the city and believes in aiding the betterment of the community

5. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare.

The current condition of the property is overgrown. The Altar Global intends to bring the property up to excellence


6. The proposed use complies with all applicable provisions of the KDO.


Yes

7. The applicant consents in writing to all conditions of approval included in the approved special use permit.

Yes

By signing below, I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I acknowledge that the Board of Adjustment may add conditions on the requested use as part of the approval to assure that adequate mitigation measures are associated with the use. For example, landscaping or fencing may be required, or a shift of operations away from adjoining properties may be stipulated.

 9/6/23
Applicant Signature Date

 9/6/23
Property Owner Signature Date

For Staff Use Only:

Filing Fee: _____

Receipt #: _____

Case #: _____

Date Received: _____

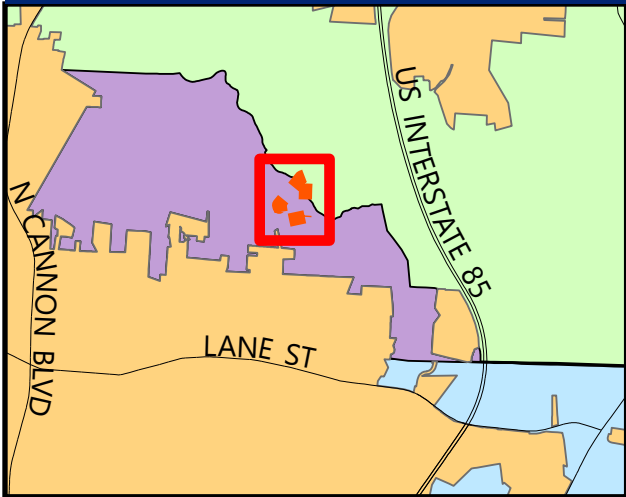


Vicinity Map

Case Number: BOA-2023-15

Applicant: Jeremiah Johnson

2225 Fowler St



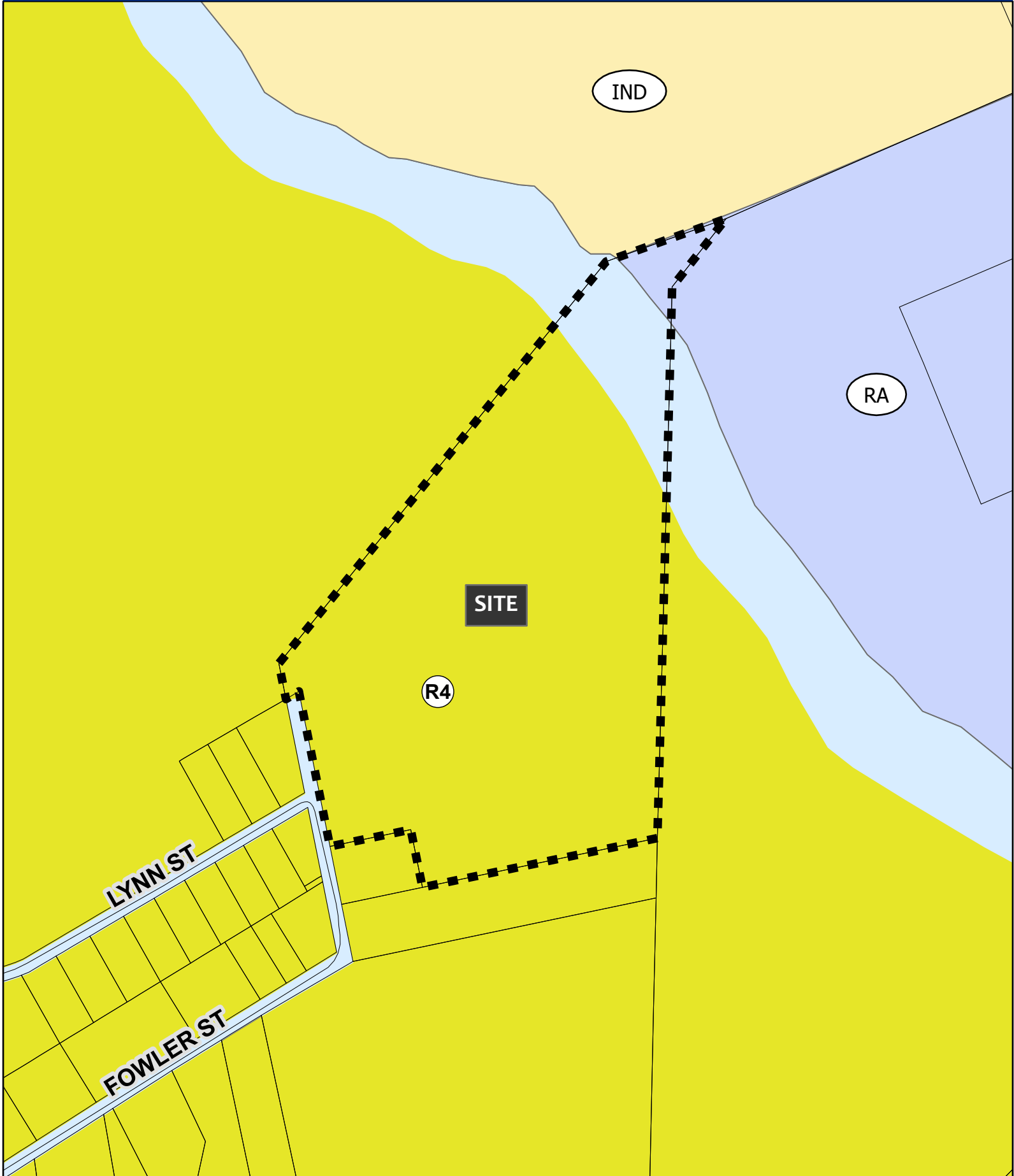


Kannapolis Current Zoning

Case Number: BOA-2023-15

Applicant: Jeremiah Johnson

2225 Fowler St



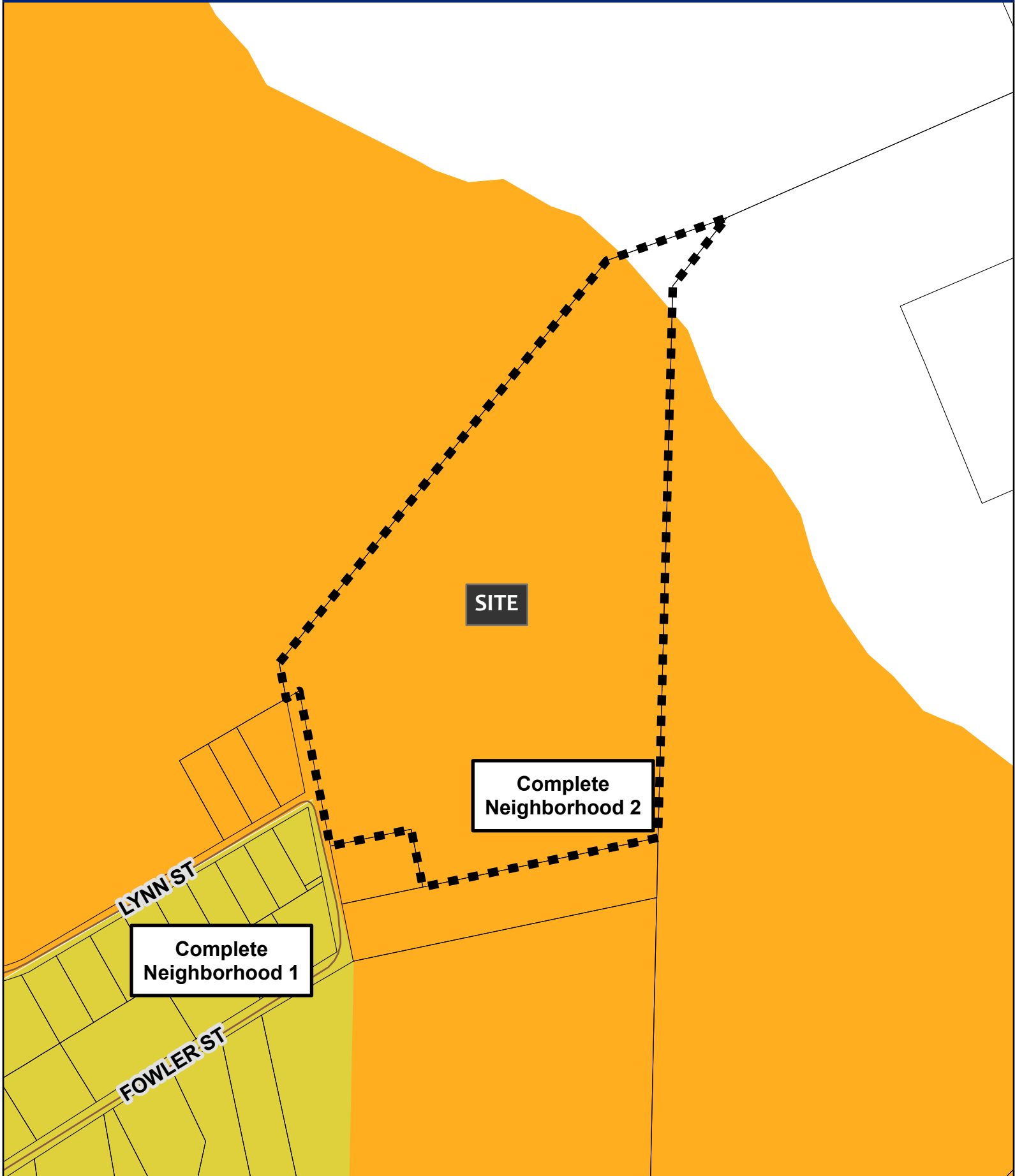


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2023-15

Applicant: Jeremiah Johnson

2225 Fowler St



THE ALTAR GLOBAL

CAMP GOSHEN

#occupytheland



| OWNNAME | TAXADD1 | CITY | STATE | ZIPCODE |
|-------------------------------|------------------|------------|-------|------------|
| CHARLES & ALICE TROUTMAN | 2116 LYNN ST | KANNAPOLIS | NC | 28083 |
| MICHAEL WAYNE & JAMIE COWARD | 2332 FOWLER ST | KANNAPOLIS | NC | 28083 |
| DONALD FREEMAN | PO BOX 1131 | KANNAPOLIS | NC | 28082 |
| JOHN & HELEN EUBANKS | 2331 FOWLER ST | KANNAPOLIS | NC | 28083-9768 |
| HIGHWAY 700 LLC | 2078 FELDSPAR DR | DAVIDSON | NC | 28036 |
| JUDY COX | 2220 LYNN ST | KANNAPOLIS | NC | 28083 |
| KARL MALINA | 2222 LYNN ST | KANNAPOLIS | NC | 28083 |
| MATTHEW MALINA | | | | |
| AGNES MALINA | 2340 FOWLER ST | KANNAPOLIS | NC | 28083-9768 |
| MARTIN MARIETTA MATERIALS INC | | | | |
| C/O BADEN TAX MANAGEMENT LLC | PO BOX 8040 | FORT WAYNE | IN | 46898 |
| ROBERT MALINA | 3110 BARR RD | CONCORD | NC | 28027-7665 |
| STEVEN & PAIGE SEELEY | 2218 LYNN ST | KANNAPOLIS | NC | 28083 |
| JEREMIAH JOHNSON | 2705 MOOSE RD | KANNAPOLIS | NC | 28083 |
| THE ALTER GLOBAL | 2225 FOWLER ST | KANNAPOLIS | NC | 28083 |

September 19, 2023

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday October 3, 2023 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2023-15 – Special Use Permit – 2225 Fowler Street

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow for a civic organization on property located at 2225 Fowler Street. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for Civic, social or fraternal organization uses in the Residential 4 (R4) zoning district. The subject property is 16.5 +/- acres and is more specifically identified as Rowan County Parcel Identification Number 144A04801 (Please see attached vicinity map showing the location of this property.)

As an abutting property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis Development Ordinance. You are welcome to attend the public hearing and present testimony to the Board of Adjustment if you so desire.

If you have any questions about the public hearing or request, please do not hesitate to contact the Planning Department at 704.920.4350 or bbarcroft@kannapolisnc.gov.

Sincerely,



Ben Barcroft
Senior Planner

Enclosure

The meeting is accessible to people with disabilities. To request special accommodation in advance, contact the City's ADA Coordinator at 704-920.4302.

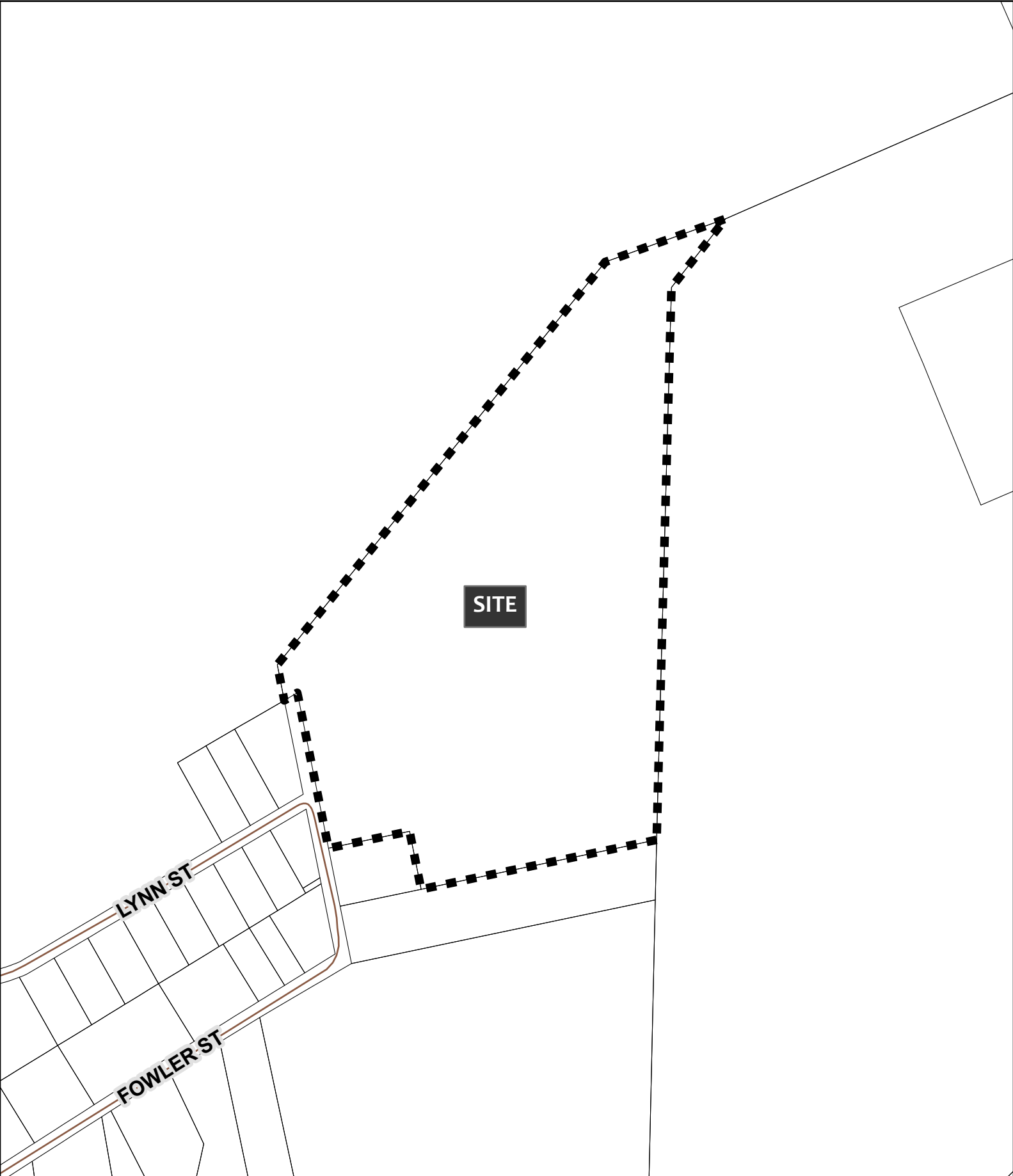


Special Use Permit

Case Number: BOA-2023-15

Applicant: Jeremiah Johnson

2225 Fowler St





BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # B0A - 2023 -15