



BOARD OF ADJUSTMENT AGENDA

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

Tuesday, February 6, 2024, at 6:00 PM

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes** – October 3, 2023, November 7, 2023, and December 5, 2023
- 5. Swearing In for Testimony**
- 6. Public Hearing:**
 - a. BOA-2024-02 – Special Use Permit – 3392 Cloverleaf Parkway**
Public Hearing to consider a request for a Special Use Permit (SUP) to allow for self-service storage on property located at 3392 Cloverleaf Parkway. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for self-service storage uses in the General Commercial (GC) zoning district. The subject property is 2.39 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56222159950000.
- 7. Board Training**
- 8. Planning Director Update**
- 9. Other Business**
- 10. Adjourn**



**Board of Adjustment
February 6, 2024 Meeting**

Staff Report

TO: Board of Adjustment
FROM: Ben Barcroft, Senior Planner
SUBJECT: Case# BOA-2024-02: Special Use Permit – 3392 Cloverleaf Pkwy
Applicant: Evergreen Investment Company, LLC

Request for a Special Use Permit to allow for a self-service storage facility on property located at 3392 Cloverleaf Parkway.

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 applicant, Evergreen Investment Company, LLC, is requesting a Special Use Permit (SUP) to allow for a self-service storage facility in the General Commercial (GC) zoning district on approximately 2.39 +/- acres of property located at 3392 Cloverleaf Parkway, further identified as Cabarrus County Parcel Identification Number 56222159950000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for Self-service storage uses in the GC 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 "Primary Activity Center Interchange" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This area calls for primary uses consisting of retail and office. This Character Area is composed primarily of retail uses.

Based on the character areas 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 self-service storage facility is not anticipated to cause any traffic hazards or traffic congestion.

 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 self-service storage facility 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 self-service storage facility would have a minimal impact on the surrounding properties.

 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. Elevation Rendering
7. Trip Generation Table
8. List of Notified Properties
9. Notice to Adjacent Property Owners
10. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
Assistant City Manager	X
City Attorney	X



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.

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: 3392 Cloverleaf Parkway, Kannapolis, NC 28083

Applicant: Evergreen Investment Company, LLC

SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to planreviewappointment@kannapolisnc.gov
- 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

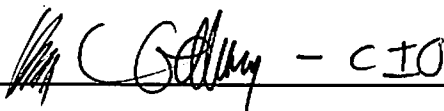
Public Notification: This is a quasi-judicial process that requires a public hearing and public notification including first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Table 2.4.F(2) of the KDO).

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:  - CIO Date: 1/8/2024



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Evergreen Investment Company, LLC, c/o Jessica McClendon

Address: 271 Winslow Way E., Unit 10727
Bainbridge Island, WA 98110

Phone: 580-319-6869

Email: jessica@evergreeninvestco.com

Property Owner Contact Information same as applicant

Name: Cloverleaf Parkway Development II, LLC, c/o Keith E. Greenspon

Address: 3028 Cambridge Road
Charlotte, NC 28209

Phone: 912-239-4838

Email: keith@greenspon.com

Project Information

Project Address: 3392 Cloverleaf Parkway, Kannapolis, NC 28083 Zoning District GC

Parcel PIN: 56222159950000 Size of property (in acres): 2.39 acres

Current Property Use: Vacant

Proposed Use: A four story, climate controlled self-service storage building that would contain a maximum of 100,000 square feet of gross floor area and a maximum of 750 individual storage units. The maximum building height in feet would be 48 feet.

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):

A four story, climate controlled self-service storage building that would contain a maximum of 100,000 square feet of gross floor area and a maximum of 750 individual storage units. The maximum building height in feet would be 48 feet.

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.**

See Exhibit A attached hereto

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

See Exhibit A attached hereto

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

See Exhibit A attached hereto

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.

See Exhibit A attached hereto

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

See Exhibit A attached hereto

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

See Exhibit A attached hereto

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

Applicant consents in writing to all conditions of approval

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.


Applicant Signature

1/8/2024
Date

See Attached Signature Page

Property Owner Signature

Date

January 9, 2024

Mr. Ben Barcroft
The City of Kannapolis Planning Department
401 Laureate Way
Kannapolis, NC 28081

RE: Special Use Permit Application for Property Located at 3392 Cloverleaf Parkway in
Kannapolis (PIN No. 56222159950000)

Dear Mr. Barcroft:

Cloverleaf Parkway Development II, LLC is the owner of that approximately 2.39 acre parcel of land located at 3392 Cloverleaf Parkway in Kannapolis that is designated as PIN No. 56222159950000 (the "Property").

This letter will confirm that Cloverleaf Parkway Development II, LLC, as the owner of the Property, consents to Evergreen Investment Company, LLC submitting a Special Use Permit Application for the Property to the City of Kannapolis Planning Department requesting the issuance of a Special Use Permit to allow the development of a climate controlled self-storage building on the Property.

Thank you for your assistance on this matter.

CLOVERLEAF PARKWAY DEVELOPMENT II, LLC


By: 

Name: Keith Greenstrom

Title: Managing Member

**Signature of Property Owner to Special Use Permit Application Filed by
Evergreen Investment Company, LLC**

CLOVERLEAF PARKWAY DEVELOPMENT II, LLC

By: 
Name: Keith Greenspan
Title: Managing Member

Date: December 7, 2023

Exhibit A to Special Use Permit
Application Filed by Evergreen Investment Company, LLC

Cloverleaf Parkway Site

Review Standards

- (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.*

Testimony will be provided at the public hearing that shows that the proposed climate controlled, self-storage building that will contain a maximum of 100,000 square feet of gross floor area and up to 750 individual storage units (the "Project") 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 site on which the Project is proposed to be developed is located at 3392 Cloverleaf Parkway and is designated by Parcel Number 56222159950000 (the "Site"). The Site is surrounded by Interstate 85 to the south and a mixture of commercial uses to the north, east and west of the Site. The commercial uses are comprised of large retail uses, a tool store, small retail and office uses, restaurant uses, hotels and a medical clinic. The proposed Project will be a low impact commercial use located in an aesthetically appealing building, and the self-storage use will be located entirely within the building. As a result, the proposed special use will be in harmony with the surrounding commercial uses and the area in which it is to be located.

In terms of the City's Comprehensive Plan, the Site is located in a Primary Activity Center –Interchange Character Area under the Comprehensive Plan. Consistent with a Primary Activity Center –Interchange Character Area, the Project will provide supporting commercial services (climate controlled, self-storage) to area businesses and residents. Climate controlled, self-storage is akin to a retail use. The Project will have an urban form with the building pulled up to the street and parking will be located to the sides of the building. The maximum building height will be 4 stories, which is also consistent with a Primary Activity Center –Interchange Character Area.

In short, the Applicant will provide testimony to the effect that the Project will be in general conformance with the City's Comprehensive Plan.

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

The Applicant's traffic engineer will testify at the public hearing that the vehicular access points for the Project will provide safe ingress to the Project from Cloverleaf Parkway and safe egress from the Project to Cloverleaf Parkway. Moreover, in view of the low vehicular trip generation of the Project (particularly at the peak hours) and the existing three lane section of Cloverleaf Parkway, the Applicant's traffic engineer will testify that Cloverleaf Parkway can accommodate the vehicular trips that will be generated by the Project. Therefore, the Applicant's traffic engineer will testify that the Project will

provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads.

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

The Project is not an industrial use or a use that will generate vibration, noise, odor, dust, smoke or gas. The Project is a climate controlled, self-storage building. The storage units and the storage use will be located entirely inside the building and there will not be any outside storage. The unloading and loading areas will be located toward the rear of the building, near Interstate 85, as shown on the site plan. As a result, the Project will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

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

The Site is vacant. Immediately to the south of the Site is Interstate 85. The parcels located to the north of the Site across Cloverleaf Parkway are zoned GC and are devoted to large retail uses, a tool store and small retail, office and restaurant uses.

The parcels located to the west of the Site are zoned GC and are devoted to hotel uses. The parcel located to the east of the Site is zoned GC and is devoted to a medical clinic.

The Project will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district. The surrounding parcels are all zoned GC and are devoted to commercial uses. The proposed use of the Site will also be a commercial use, however, it will be a low impact commercial use in terms of traffic generation and noise generation.

Additionally, the proposed climate controlled, self-storage building will be an aesthetically appealing building that will blend nicely with the mixture of commercial uses surrounding the Site.

As a result, the Project will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

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

At the hearing on this Application, the Applicant will present testimony and evidence that will show that the establishment, maintenance, or operation of the proposed Project will not be detrimental to or endanger the public health, safety or general welfare.

The Applicant's traffic engineer will testify that the Project will generate minimal daily vehicular trips due to the nature of the use, and that Cloverleaf Parkway, which is a three lane street, can accommodate the minimal daily vehicular trips that will be generated by the Project. The Applicant's traffic engineer will also testify that the Project will provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads. In short, the minimal daily vehicular trips that will be generated by the Project will not have an adverse impact on the surrounding transportation system. As a result, the Applicant's traffic engineer will testify that the proposed Project will not be detrimental to or endanger the public health, safety or general welfare from a transportation or traffic standpoint.

The Applicant's site engineer will testify that the Project will meet all applicable storm water, soil erosion and sedimentation control and environmental ordinances and regulations. Therefore, the Project will not be detrimental to or endanger the public health, safety or general welfare from a storm water, erosion or environmental standpoint. The Applicant's site engineer will also discuss the overall design of the Project.

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

The Applicant will provide testimony at the public hearing that the proposed use and the Applicant's site plan and building elevations comply with the applicable provisions of the KDO.

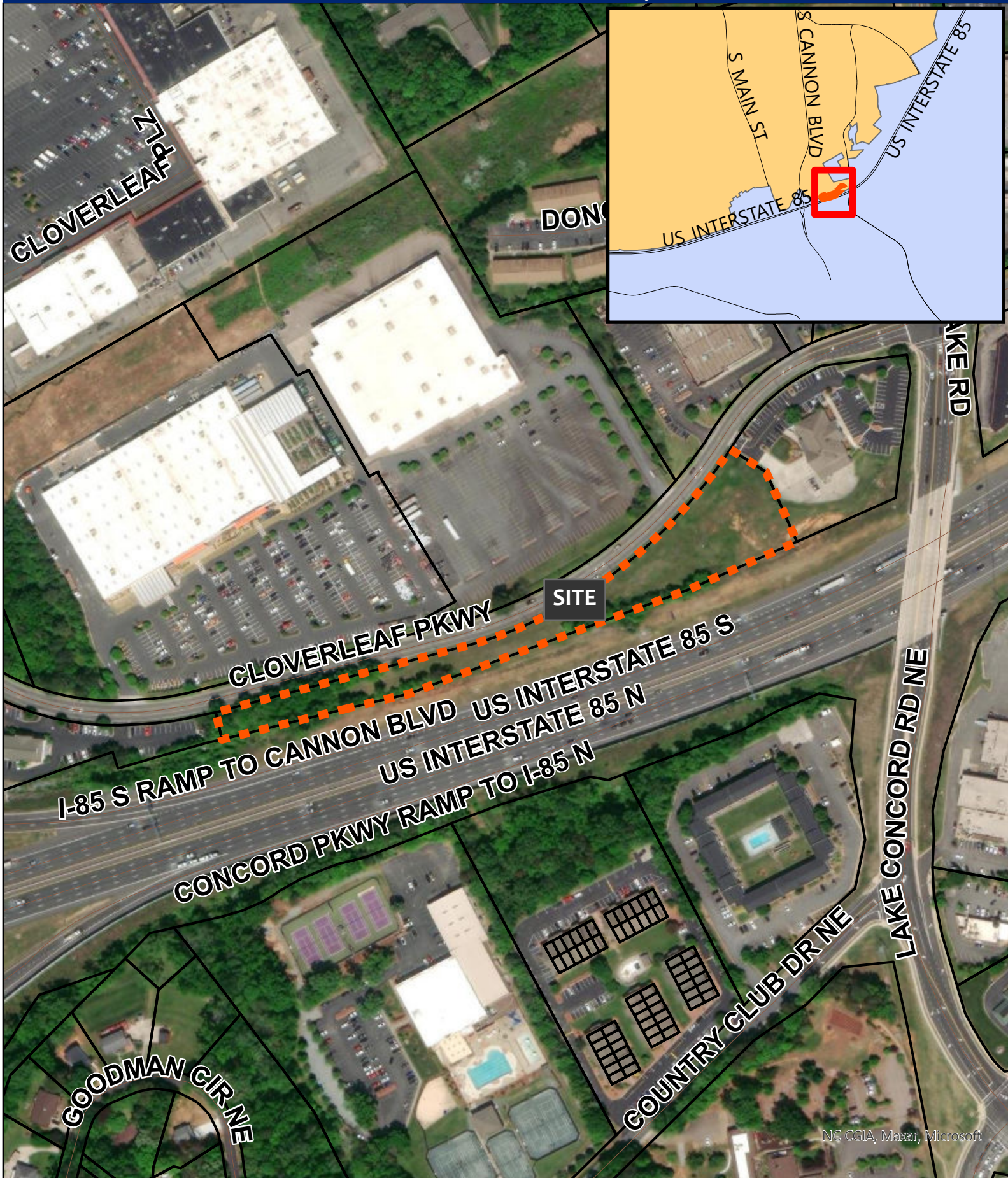


Vicinity Map

Case Number: BOA-2024-02

Applicant: Evergreen Investment Company LLC

3392 Cloverleaf Pkwy



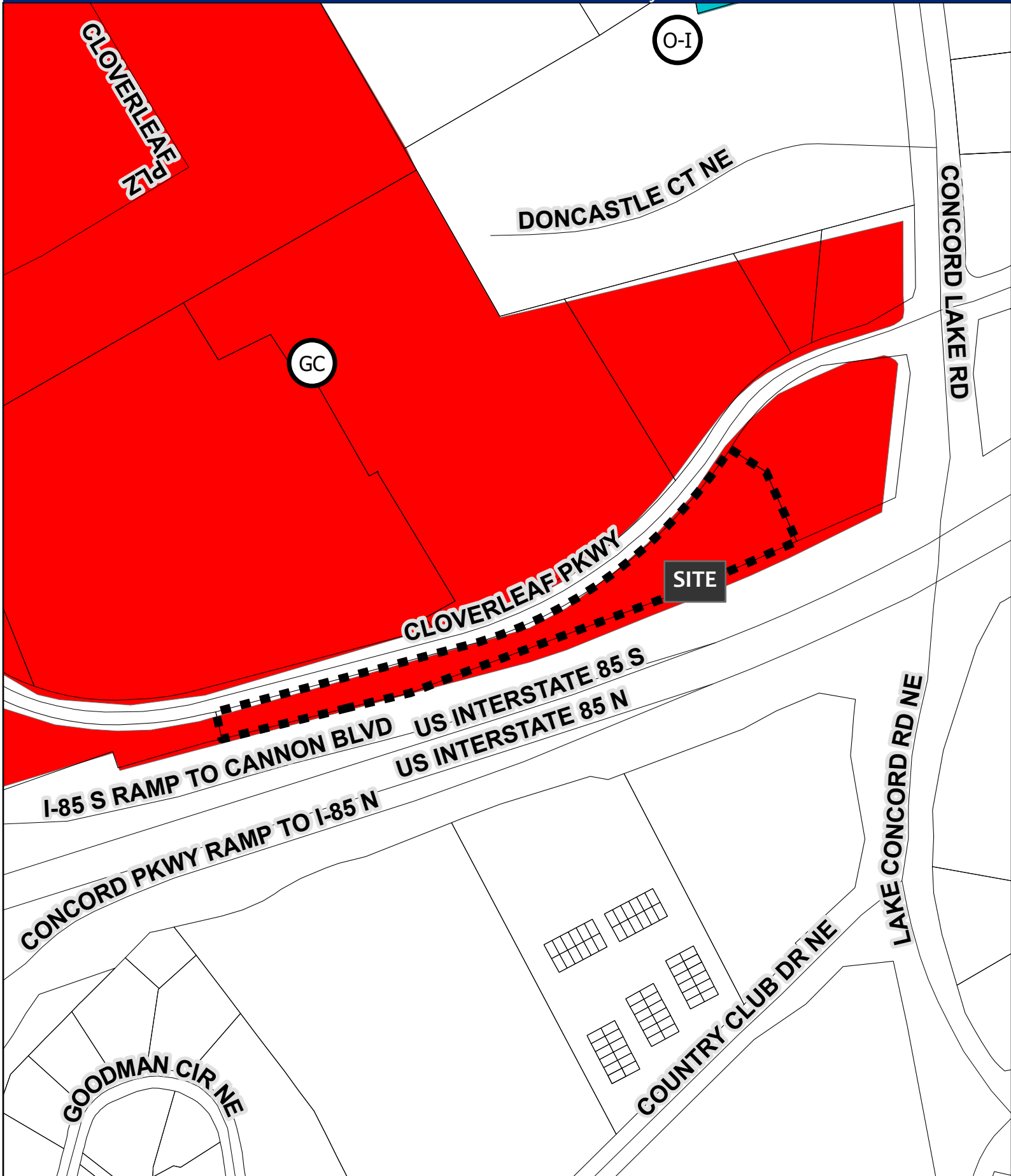


Kannapolis Current Zoning

Case Number: BOA-2024-02

Applicant: Evergreen Investment Company LLC

3392 Cloverleaf Pkwy

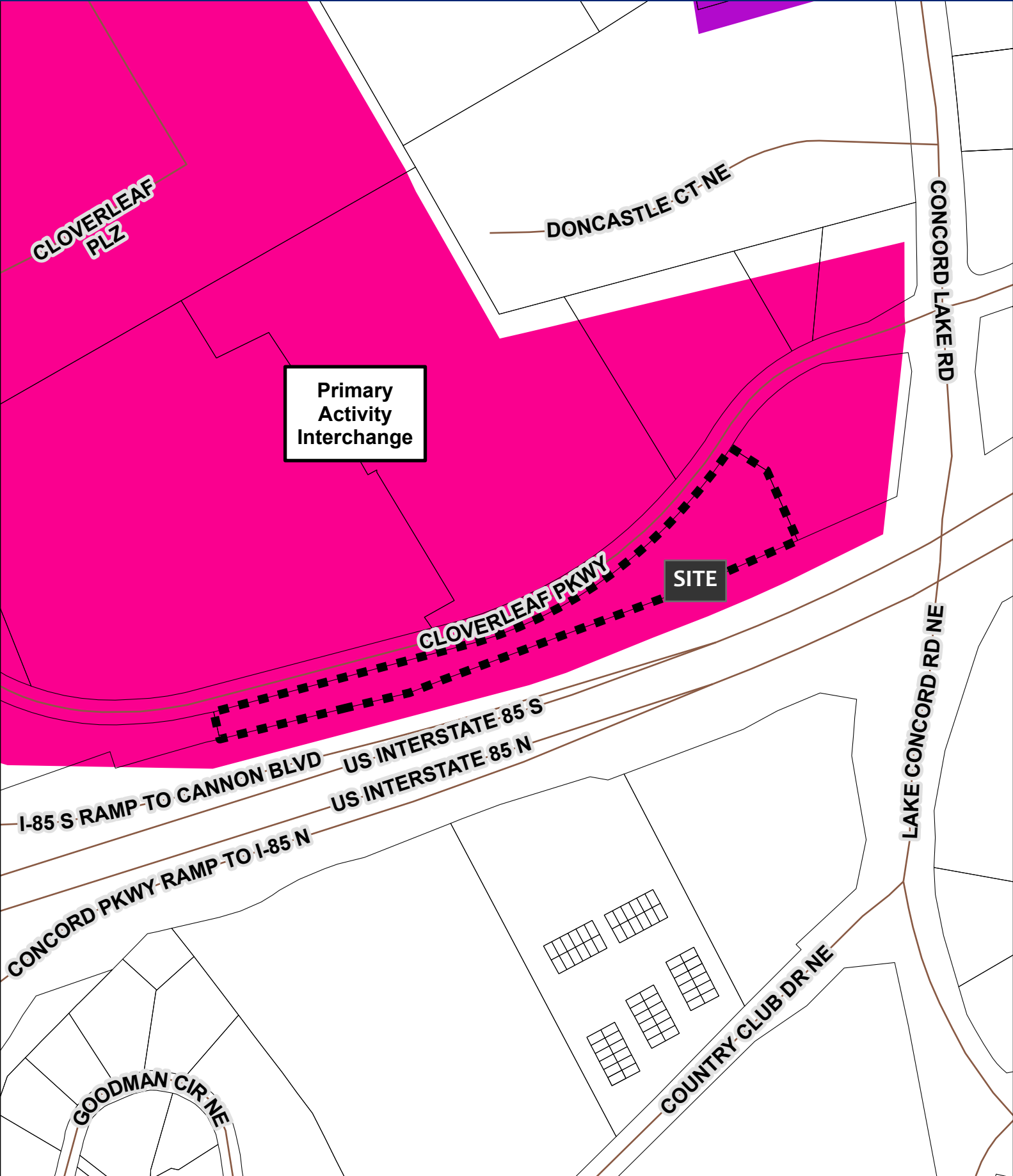


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2024-02

Applicant: Evergreen Investment Company LLC

3392 Cloverleaf Pkwy



CLOVERLEAF PLZ

DONCASTLE CT NE

CONCORD LAKE RD

Primary Activity Interchange

CLOVERLEAF PKWY

SITE

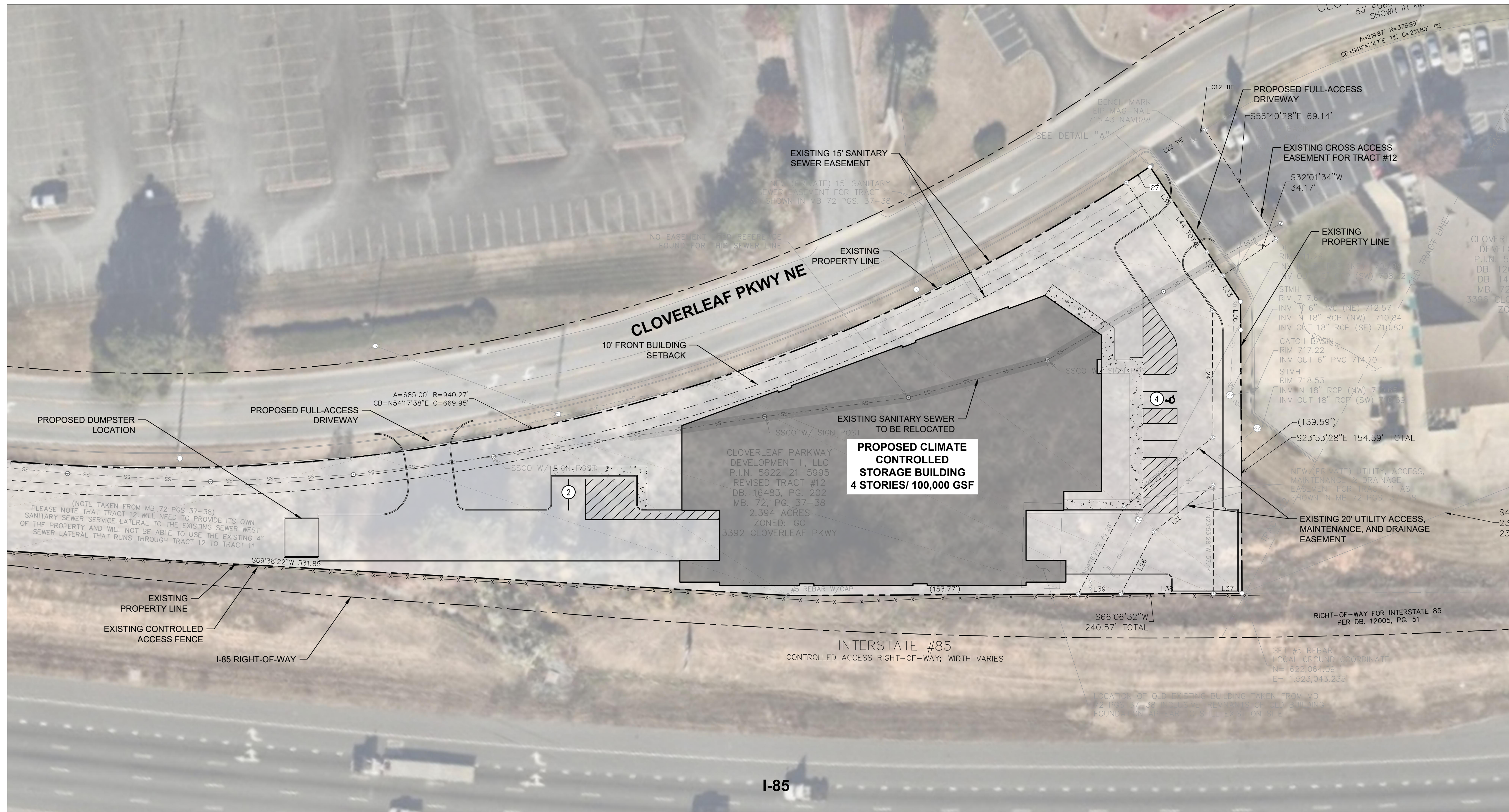
LAKE CONCORD RD NE

I-85 S RAMP TO CANNON BLVD
US INTERSTATE 85 S
US INTERSTATE 85 N

CONCORD PKWY RAMP TO I-85 N

COUNTRY CLUB DR NE

GOODMAN CIR NE



SITE DATA TABLE	
DEVELOPMENT DATA:	
TAX PARCEL ID:	56222159950000
LAND USE:	VACANT
TOTAL SITE AREA:	±2.39 ACRES
TOTAL UNITS:	750 'SEE NOTE BELOW
ZONING DATA:	
FEMA FLOOD PANEL:	3710562200K
WATERSHED:	NOT IN CRITICAL WATERSHED
ZONING DISTRICT:	
CURRENT:	GC-C-2
MAX. BUILDING HEIGHT:	48'
MAX. IMPERVIOUS AREA:	80%
SETBACKS	
FRONT:	10'
SIDE:	0'
REAR:	0'
PARKING DATA:	
REQUIRED PARKING:	
1 SPACE PER 200 RENTAL SPACES * 1.75	
750 UNITS / 200 RENTAL SPACES * 1.75	6 SPACES MAX
PROVIDED PARKING:	6 SPACES
*NOTE: A SEPTIC DESIGN WILL BE PROVIDED BY OTHERS TO ACCOMMODATE THE 750 UNITS. IF WASTEWATER WILL BE DISCHARGED TO THE EXISTING SANITARY SEWER SYSTEM, THE MAXIMUM ALLOWABLE UNIT COUNT IS 599 UNITS. THIS WOULD LIMIT THE MAXIMUM ALLOWABLE PARKING TO 5 SPACES	



OVERALL SITE AREA
NTS



CLOVERLEAF STORAGE
KANNAPOLIS, NORTH CAROLINA

EXTERIOR RENDERINGS - V3



21 DECEMBER 2023

Project Number - CLOVERLEAF STORAGE

oda.us.com | ODA ARCHITECTURE



CLOVERLEAF STORAGE
KANNAPOLIS, NORTH CAROLINA

EXTERIOR RENDERINGS - V3

21 DECEMBER 2023
Project Number - CLOVERLEAF STORAGE

oda.us.com | ODA ARCHITECTURE



AcctName1	MaiAddr1	MailCity	MailState	MailZipCod
HD DEVELOPMENT OF MARYLAND INC PROPERTY TAX DEPT #3607	PO BOX 105842	ATLANTA	GA	30348
SCG LH KANNAPOLIS LP C/O SOF-IX SLEEP II LP	980 HAMMOND DR STE 1400	ATLANTA	GA	30328
MDC NC3 LP	11995 EL CAMINO REAL	SAN DIEGO	CA	92130
SPORTSCENTER ATHLETIC CLUB	233 COUNTRY CLUB DRIVE NE	CONCORD	NC	28025
MELROSE CONDOS INC	PO BOX 129	CHINA GROVE	NC	28023
CLOVERLEAF PARKWAY DEVELOPMENT II LLC	6804 DUMBARTON DR	CHARLOTTE	NC	28210
DARA PROPERTIES OF KANNAPOLIS LLC	5 ROCKY RIDGE RD STE 20	ASHEVILLE	NC	28806
WOODRIDGE CONDOS C/O JOHN WYATT	247-4 COUNTRY CLUB DR NE	CONCORD	NC	28025
CLOVERLEAF PARKWAY DEVELOPMENT LLC				
C/O KEITH E. GREENSPAN	3028 CAMBRIDGE RD	CHARLOTTE	NC	28209
EVERGREEN INVESTMENT COMPANY, LLC C/O JESSICA MCCLENDON	271 WINSLOW WAY E., UNIT 10727	BAINBRIDGE ISLAND	WA	98110

January 18, 2023

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday February 6, 2024, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2024-02 – Special Use Permit – 3392 Cloverleaf Parkway

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow for self-service storage on property located at 3392 Cloverleaf Parkway. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for self-service storage uses in the General Commercial (GC) zoning district. The subject property is 2.39 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56222159950000 (**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 704.920.4355 or bbarcroft@kannapolisnc.gov.

Sincerely,



Ben Barcroft
Senior Planner

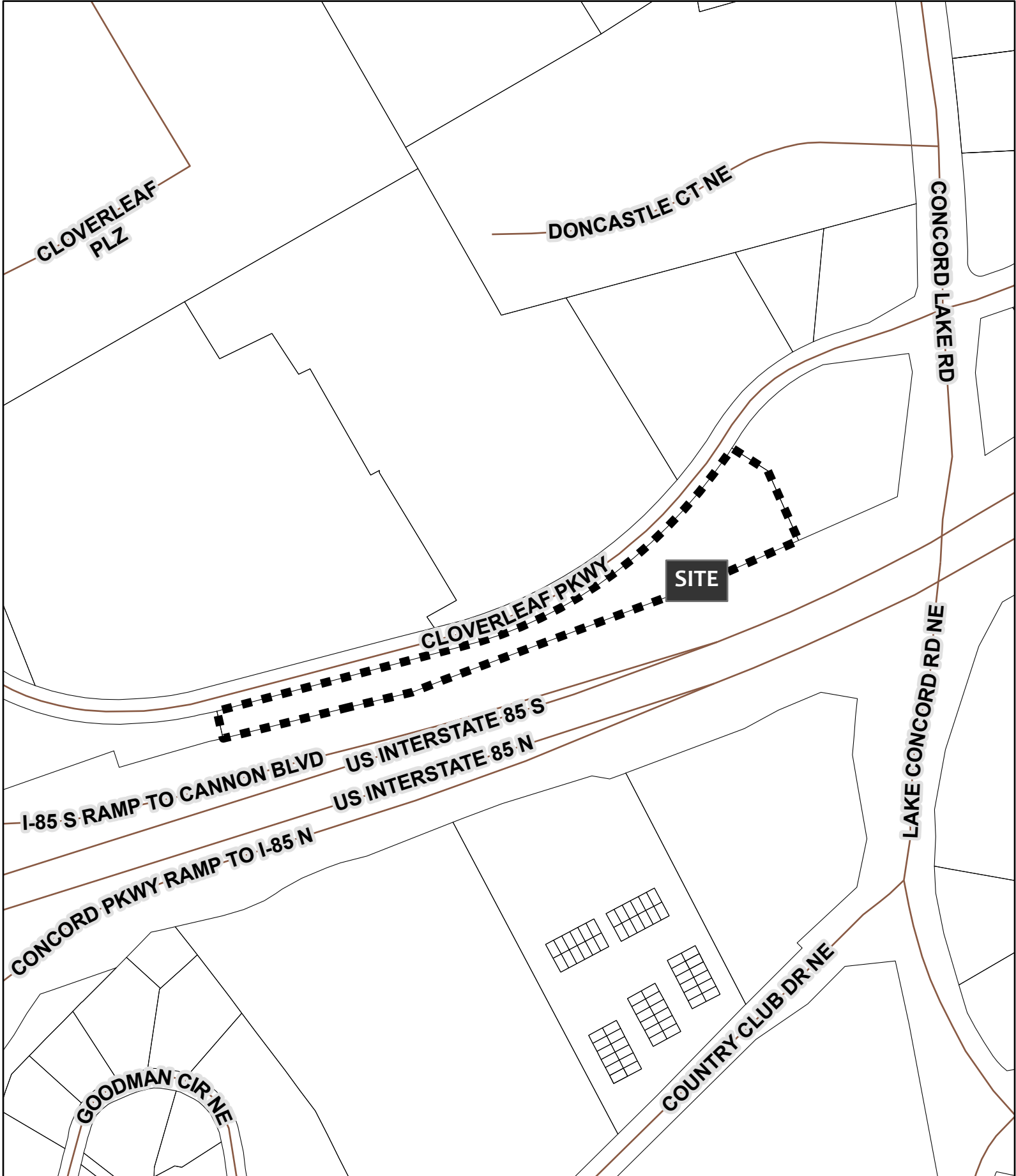
Enclosure

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-2024-02
Applicant: Evergreen Investment Company LLC
3392 Cloverleaf Pkwy



Atrium Health
Levine Children's
Suburban Pediatrics

SCHEDULE
YOUR
WELL CHECK

KANNAPOLIS
BOARD OF
ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE #B0A - 2024-02

KANNAPOLIS
PUBLIC HEARING
INFORMATION