



BOARD OF ADJUSTMENT AGENDA

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

Tuesday January 4, 2021 at 6:00 PM

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes – November 30, 2021**
- 5. Swearing In for Testimony**
- 6. Public Hearing:**
 - a. BOA-2022-02 – Special Use Permit – 5418 Davidson Highway**

Public Hearing to consider a request for a Special Use Permit (SUP) to allow construction of an industrial development. Pursuant to section 11.6.2.2 of the Unified Development Ordinance (UDO), a SUP is required for lots less than 20 acres in the Campus Development (CD) district. The property is located at 5418 Davidson Highway, is zoned Campus Development (CD), measures approximately 16.45 +/- acres, and is more specifically identified as Cabarrus County Parcel Identification Number 56012871370000.
- 7. Planning Director Update**
- 8. Other Business**
- 9. Adjourn**



**Board of Adjustment
January 4, 2022 Meeting**

Staff Report

TO: Board of Adjustment
FROM: Ryan Lipp, Senior Planner
SUBJECT: Case# BOA-2022-02: 5418 Davidson Hwy
Applicant: Mohammad Idlibi

Request for a Special Use Permit to allow for construction of an industrial development in the Campus Development (CD) zoning district.

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, Mohammad Idlibi, is requesting a Special Use Permit (SUP) to allow construction of two industrial buildings in the Campus Development (CD) zoning district, on 5418 Davidson Highway, further identified as Cabarrus County Parcel Identification Number 56012871370000.

Pursuant to section 11.6.2.2 of the Unified Development Ordinance (UDO), a SUP is required for development in the CD district where the parcel is less than 20 acres but at least one (1) acre and the parcel was in existence prior to the adoption of the current Unified Development Ordinance. The subject property measures approximately 16.45 +/- acres and the lot was recorded on October 4, 1995.

D. Fiscal Considerations

None

E. Policy Issues

Article 3.5 of the UDO 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.

The subject property is within the "Employment Center" Character Area as designated on the Future Land Use and Character Map in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Employment Center character area allows for opportunities in warehousing, light manufacturing, office, and other supporting 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 development of this site for industrial use is not anticipated to cause any traffic hazards or traffic congestion. Adequate egress/ingress has been shown on the included conceptual site plan.

 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 an industrial use is expected as a result of the development of this property.

 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 surrounding properties contain existing industrial uses. Conditions of approval will require compatible building materials with those of the surrounding industrial buildings.

 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 development is subject to all the requirements of the Unified Development Ordinance.

 Compliance with any other applicable Sections of this Ordinance.

The proposed use shall comply with all sections of the City of Kannapolis Unified 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 UDO requirements, including compliance with the Technical Review Committee site plan review and approval process, must be met. Sewer service is subject to allocation based upon sewer treatment capacity.

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 | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 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.
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 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.
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | The proposed use shall not be noxious or offensive by reason of vibration, noise, <u>odor</u>, <u>dust</u>, <u>smoke</u> or <u>gas</u>.
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | The establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Compliance with any other applicable Sections of this Ordinance.
_____ |

G. Recommendation

Based on the above findings, staff recommends **approval with conditions** 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.

Conditions of Approval proposed by staff:

1. Uses permitted are those allowed in the Campus Development (CD) district. Final design of the site shall comply with the standards of the Unified Development Ordinance.
2. Building materials should be those that are compatible with the materials of nearby industrial facilities.
3. Comply with current Land Development Standards Manual.
4. All road intersections where development has access and/or street frontage shall be approved by NCDOT and the City.
5. The developer will construct curb and gutter and sidewalk along the entire road frontage where development has access and/or street frontage. The improvements will be constructed to NCDOT and City standards, including the future R/W as defined in the CTP.
6. The sidewalks shall be to current City standards and the curb & gutter and pavement structure shall be constructed to current NCDOT standards.
7. The parking lot shall comply with all Fire Codes and Autoturn shall be run for an SU-30 and Bus-45 (mimics ladder truck).
8. Streams and wetlands shall be identified by a qualified person 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.
9. A NCDEQ Sediment & Erosion Control Permit will be required.
10. A NCDOT Driveway Permit will be required.
11. A Stormwater Management Permit will be required for this development in accordance with Article 9 of the Kannapolis UDO (9.1.5.B & 9.3.5). Credit for existing impervious area for both detention and water quality.
12. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and SCM's.

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. 2030 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

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. Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

SPECIAL USE PERMIT REQUEST

Special Use Permit (SUP) – Request for SUP as required by Table 4.6-1 of the Unified Development Ordinance (UDO)
Approval authority – Board of Adjustment.

Property Address: 5418 Davidson Hwy, Concord, NC (PN# 5601287137)
Applicant: TRUE SUMMIT CAPITAL

SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to planreview@appointment@kannapolisnc.gov
- SUP Checklist and Application – Complete with all required signatures
- Plot/Site Plan showing the proposed use
- Fee: \$525.00 (\$500 Application Fee + notification fee. [see Fee Schedule])

PROCESS INFORMATION

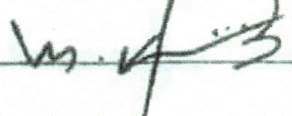
Public Notification: This is a quasi-judicial process that requires a public hearing and public notification including first class mailed notice to adjacent property owners and a sign posted prominently on the property (Section 3.1.5.2 of the UDO)

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 first Tuesday at 6:00pm in City Hall Laureate Center. All items listed above on the submittal checklist must be received at least one month prior to the next scheduled public hearing.

Action by Board of Adjustment: After conducting a public hearing, the Board of Adjustment may deny the application; conduct an additional public hearing on the application; approve the application; or approve the application with conditions. The Board may approve a petition only if it reaches all of the required conclusions.

Scope of Approval: Per Section 3.5.4 of the UDO, approval of an 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:  Date: 11/22/2021



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350
planningapps@kannapolisnc.gov

SPECIAL USE PERMIT APPLICATION

Approval authority - Board of Adjustment

Applicant Contact Information

Name: True Summit Capital
Address: Attn: Mohammed Idlibi
225 E. Warrington Ave #201
Charlotte, NC 28203
Phone: 980-721-6030
Email: midlibi@truesummitcapital.com

Property Owner Contact Information same as applicant

Name: Dogwood Partners LLC
Address: P.O. Box 3067
Concord, N.C. 28025
Phone: 704 752 1413 @ 704-794-2581 Cell
Email: W30888@dc.net

Project Information

Project Address: 5418 Davidson Hwy Zoning District: CD - Campus Development
RV - Residential Village
Parcel PIN: 56012871370000 Size of property (in acres): 16.45 acres

Current Property Use: vacant lot

Proposed Use: Industrial development

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):

Two industrial buildings

APPROVAL CRITERIA

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a Special Use Permit (SUP). The Unified Development Ordinance requires that the applicant demonstrate successful compliance with several conditions 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:

- A. The proposed special use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on the site.

Industrial buildings at this location conforms to the land use plan for this area. At present industrial buildings surround the project site.

Revised 09/2020

B. 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.

Subject property provides ingress & egress from Stanley Dr.

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

proposed use (industrial) shall not be noxious or offensive to the general public for any reason.

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

Based on the existing industrial development to the immediate area, our industrial development would not be out of place nor impede the orderly development of surrounding property for uses permitted within the zoning district

E. 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 industrial development will not be detrimental to or endanger the public health, safety, or general welfare

F. Compliance with any other applicable Sections of the Unified Development Ordinance.

The proposed industrial development will comply with applicable sections of the UDO.

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

By: [Signature]

Date

11/22/2021

Property Owner Signature

[Signature] Jay Wood Partners LLC

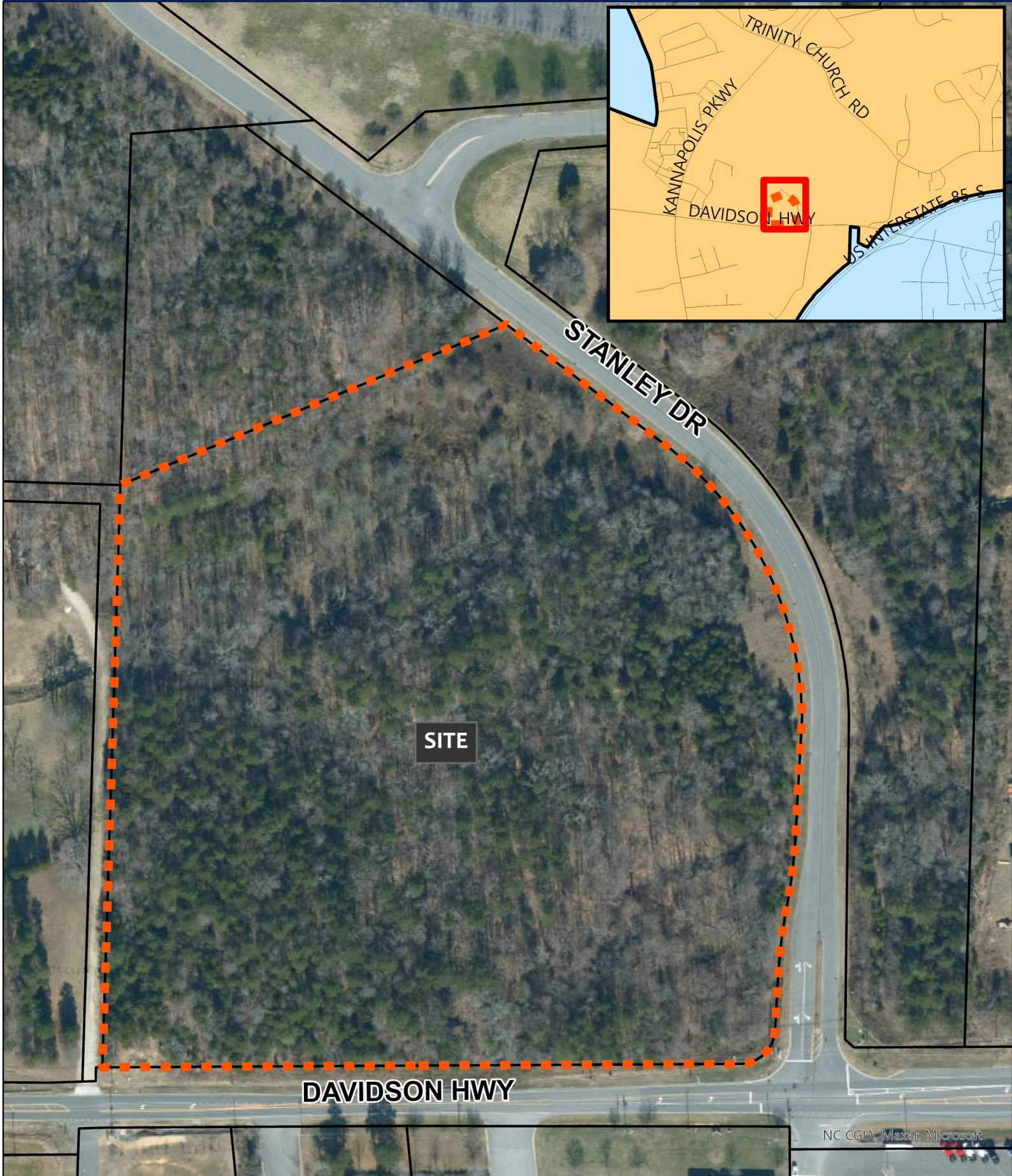
Date

11-22-2021



Vicinity Map

Case Number: BOA-2022-02
Applicant: True Summit Capital
5418 Davidson hwy



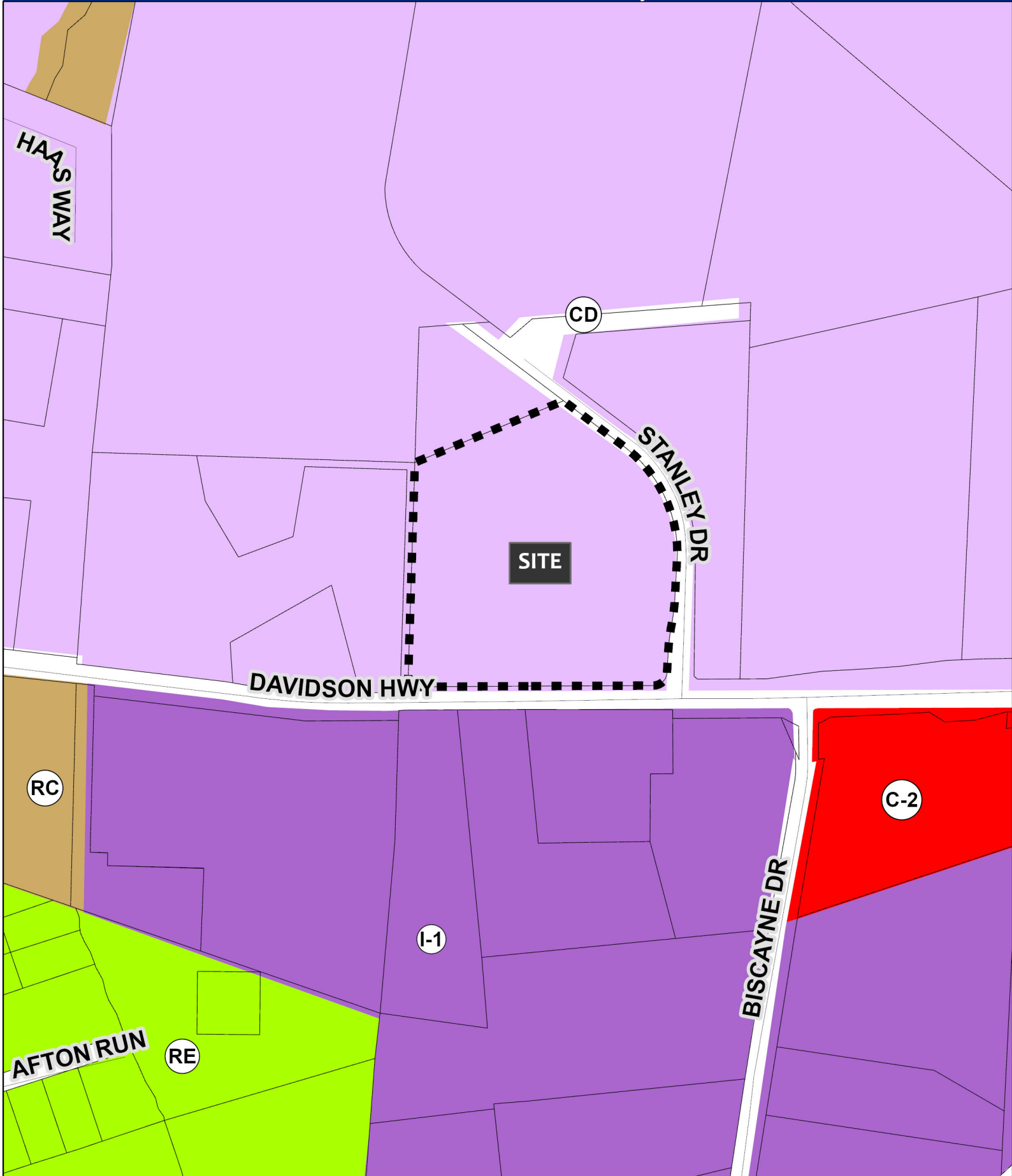


Kannapolis Current Zoning

Case Number: BOA-2022-02

Applicant: True Summit Capital

5418 Davidson hwy



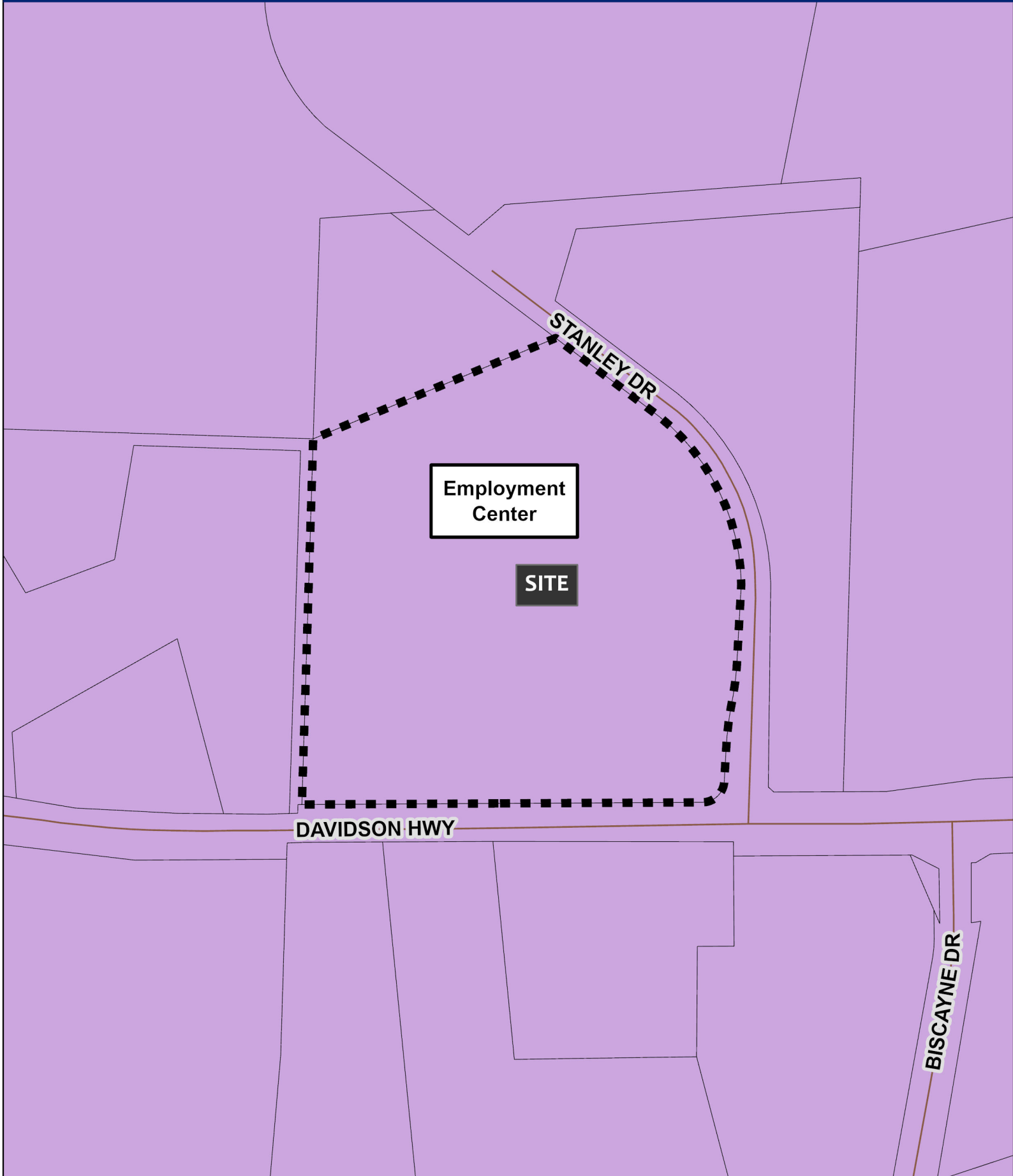


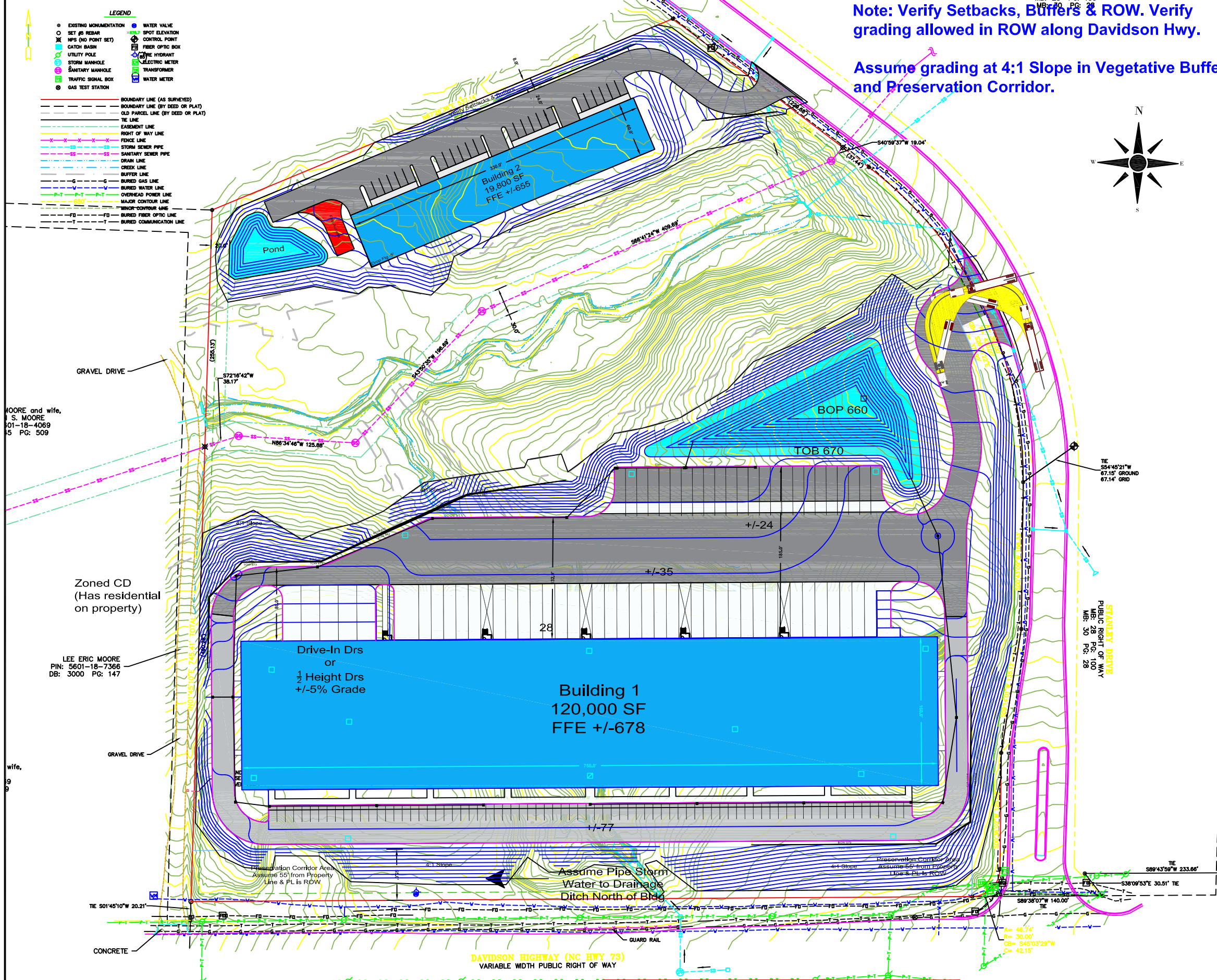
Kannapolis 2030 Future Land Use Map

Case Number: BOA-2022-02

Applicant: True Summit Capital

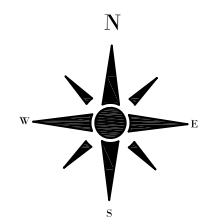
5418 Davidson hwy





Note: Verify Setbacks, Buffers & ROW. Verify grading allowed in ROW along Davidson Hwy.

Assume grading at 4:1 Slope in Vegetative Buffer and Preservation Corridor.



Preliminary Site Plan

5418 Davidson Highway
Cabarrus County, NC

True Summit Capitol

Developer

Site Specifications

Building 1: 120,000 SF
Car Parking: +/- 77 EA
Dock Doors: +/- 35 EA
Drive In Ramps: 1 EA
Grade Level: 5 EA
Trailer Parking: 24 EA

Building 2: 19,800 SF
Car Parking: +/- 24 EA
Grade Level Doors: +/- 4 EA



GENERAL CONTRACTOR

PO Box 34443
Charlotte, NC 28234
Phone (704)522-1140
Fax (704)522-1324

11/19/21 Version 1.0

Note: Existing conditions from drawing provided from survey by CESI Revised 7-30-21.

NOTE: This Site Plan is preliminary and for planning purposes between the owner/developer and InterCon Building Company, LLC. Existing terrain contours and site information are based on GIS information. Utilities are assumed to be available on site. Site quantities are subject to change as verified data is obtained.

© Copyright 2021 InterCon Building Company, LLC

THIS DOCUMENT ORIGINALLY SIGNED AND ISSUED BY NICHOLAS J. BARNES, L-5336 ON JULY 23, 2021, THIS MEDIUM SHALL NOT BE CONSIDERED A CERTIFIED DOCUMENT.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
CARNOUSTI INVESTMENTS LLC	PO BOX 669388	CHARLTTE	NC	28266
DOGWOOD PARTNERS I LLC	PO BOX 3067	CONCORD	NC	28025
LINDER INDUSTRIAL MACHINERY COMPANY	1601 S FRONTAGE RD	PLANT CITY	FL	33563
M-H CAROLINA LLC	11120 TOMAHAWK CREEK PKWY	LEAWOOD	KS	66211
LEE E MOORE	5548 DAVIDSON HIGHWAY	CONCORD	NC	28027
RED FEATHER LLC A NC LLC				
C/O DAVID BRENNAN	2485 TRAPP AVENUE	MIAMI	FL	33133
DILDAR & PARWINDER SANGHA	9943 LINKSLAND DR	HUNTERSVILLE	NC	28078
SLM VENTURES LLC	18736 BLUFF POINT RD	CORNELIUS	NC	28031
STANLEY BLACK & DECKER INC				
C/O US TAX CONSULTING GROUP	P O BOX 1029	DUBLIN	PA	18917
STANLEY WORKS/A CT CORPORATION				
C/O USTCG LLC	PO BOX 1029	DUBLIN	PA	18917
BILLY L WATSON				
C/O KAREN F WATSON	P O BOX 1935	BLUFFTON	SC	29910
TRUE SUMMIT CAPITAL				
ATTN: MOHAMMED IDLIBI	225 E. WORTHINGTON AVE # 201	CHARLOTTE	NC	28203

December 22, 2021

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday January 4, 2021 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2022-02 – Special Use Permit – 5418 Davidson Highway

This Public Hearing is to consider a request for a Special Use Permit (SUP) to allow construction of an industrial development. Pursuant to section 11.6.2.2 of the Unified Development Ordinance (UDO), a SUP is required for lots less than 20 acres in the Campus Development (CD) district. The property is located at 5418 Davidson Highway, is zoned Campus Development (CD), measures approximately 16.45 +/- acres, and is more specifically identified as Cabarrus County Parcel Identification Number 56012871370000. **(Please see attached vicinity map showing the location of this property.)**

As an adjacent property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis UDO; and are invited to attend the public hearing and present testimony, should you desire, to the Board of Adjustment.

Should you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4350

Sincerely,



Ryan Lipp
Senior Planner

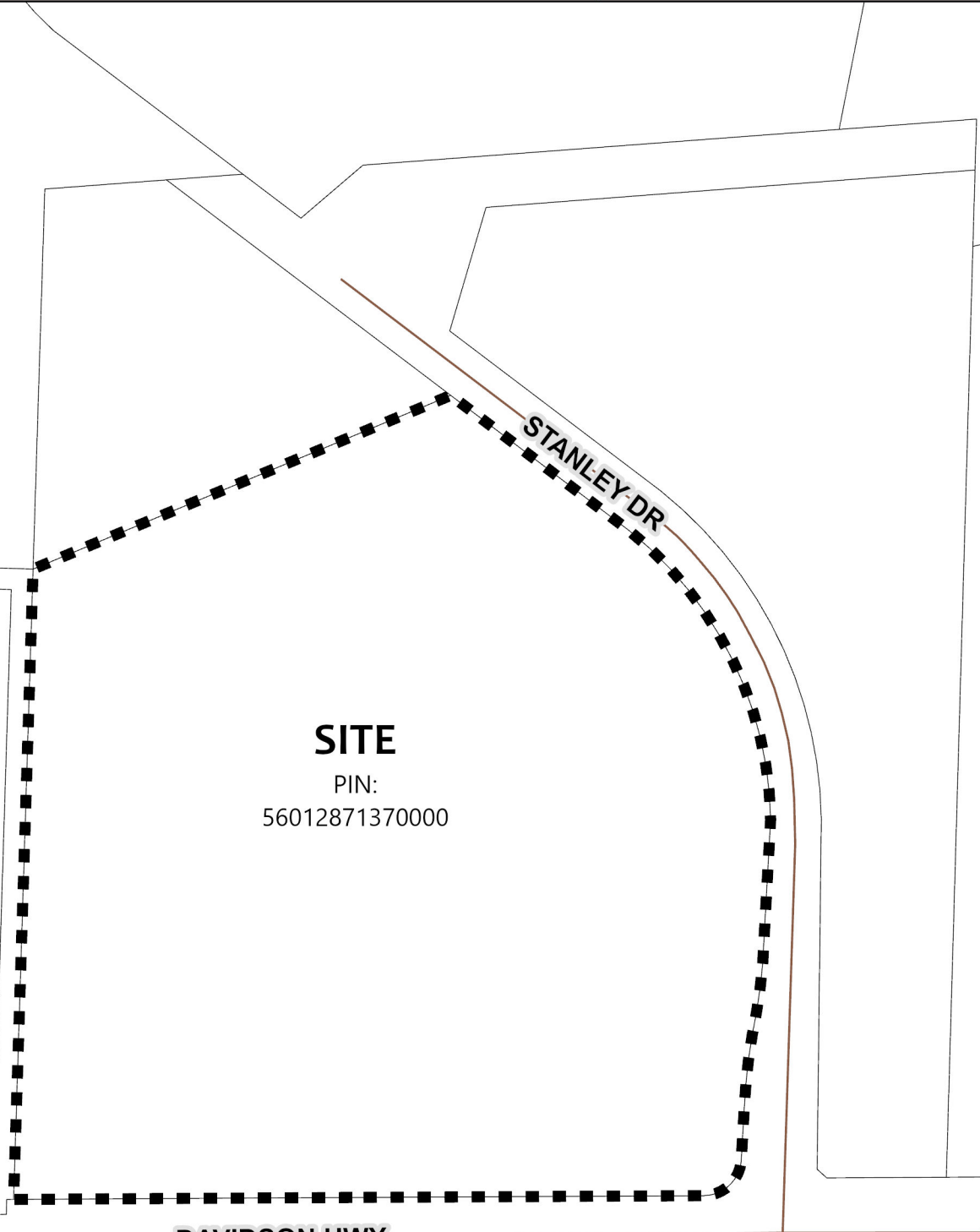
Enclosure

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-2022-02
Applicant: True Summit Capital
5418 Davidson hwy



SITE

PIN:
56012871370000

STANLEY DR

DAVIDSON HWY


BOARD OF

ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE #BOA-2022-02

