



BOARD OF ADJUSTMENT AGENDA

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

Tuesday June 7, 2022 at 6:00 PM

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes – Special Meeting Minutes May 10, 2022**
- 5. Swearing In for Testimony**
- 6. Public Hearing:**
 - a. BOA-2022-09 – Special Use Permit – 607 E 13th St., a portion of 605 E 13th St., and 653 E 14th St.**

Public Hearing is to consider a request for a Special Use Permit (SUP) to allow development of a mini warehousing/self-storage leasing facility in the General Commercial (C-2) zoning district. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for mini warehousing/self-storage leasing uses in the C-2 zoning district. The properties are located at 607 E 13th St., a portion of 605 E 13th St. and 653 E 14th St., are zoned C-2, measure approximately 1.25 +/- combined acres, and are more specifically identified as Rowan County Parcel Identification Numbers 159 367, 159 366, and 159 284.
- 7. Planning Director Update**
- 8. Other Business**
- 9. Adjourn**



**Board of Adjustment
June 6, 2022 Meeting**

Staff Report

TO: Board of Adjustment
FROM: Boyd Stanley, Assistant Planning Director
SUBJECT: Case# BOA-2022-09: Special Use Permit
Applicant: Alan Overcash-Overcash Real Estate

Request for a Special Use Permit to allow a mini warehousing/self-storage leasing facility in the General Commercial-Conditional Zoning (C-2-CZ) 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, Alan Overcash, is requesting a Special Use Permit (SUP) to allow a mini warehousing/self-storage leasing facility in the General Commercial-Conditional Zoning (C-2-CZ) zoning district, on multiple properties located at 607 E 13th St., 653 E 14th St. and a portion of 650 E 14th St., further identified as Rowan County Parcel Identification Numbers 159 367, 159 284 and 159 366.

Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for mini warehousing/self-storage leasing uses in the C-2-CZ zoning district. The applicant is proposing a 1-story, 24,000 square foot facility. The subject property measures approximately 1.25 +/- combined acres.

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.

This property is in the "Secondary Activity Center" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*.

The Secondary Activity Center Character Area's intent is to primarily consist of service-oriented small and medium scale commercial developments, typically located on the corner of major thoroughfares. Primary uses include retail, office and multi-family residential.

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 a mini warehousing/self-storage leasing use is not anticipated to cause any traffic hazards or traffic congestion. Egress/ingress is 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 a mini warehousing/self-storage leasing use is expected as a result of the development of this property. In addition, development will be required to conform to all applicable local, state, and federal environmental regulations.

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 mini warehousing/self-storage leasing use is compatible with the adjacent area, which includes commercial development along N. Cannon Boulevard, and the adjacent residential neighborhood to the west of the property.

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. The permitted uses allowed by this SUP shall only include a mini warehousing/self-storage leasing facility as generally depicted on the submitted conceptual site plan.

2. The site is within the Protected Watershed Protection Overlay area for Lake Concord (WS-IV-PA) and must receive a Special Intensity Allocation (SIA) from the Planning and Zoning Commission prior to construction document submittal.
3. Curb, gutter, and sidewalk shall be installed along the East 13th Street and North Cannon Boulevard project frontages.
4. Exterior Materials shall include a combination of brick façade, stucco and metal as generally depicted on the elevations presented.
5. A Site Plan shall be submitted and approved by City Staff prior to issuance of a Zoning Clearance Permit.
6. Any lighting installed on the subject property shall be full cut-off fixtures with all lighting directed downward and away from adjacent residential property.
7. A Type 2 Perimeter buffer yard shall be provided to adjacent residential land to the west and north of the subject parcel.
8. Driveway locations shall be reviewed and approved by the City.
9. Driveways and parking lots shall comply with all Fire Codes and Auto turn (a traffic engineering program which specifies the required turning radii for vehicles including delivery trucks and emergency vehicles) shall be run for an SU-30 and Bus-45 (mimics ladder truck).
10. 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.
11. The project developer shall be responsible for extension of all water and sewer infrastructure needed to serve the project.
12. Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.

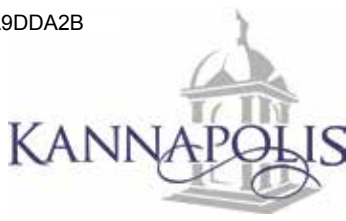
The Board of Adjustment should consider all facts and testimony after conducting the Public Hearing and render a decision accordingly to approve, approve with conditions, or deny the Special Use Permit.

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



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: 607 E 13th Street Kannapolis, NC

Applicant: Overcash Real Estate

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 (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: Alan Overcash Digitally signed by Alan Overcash
Date: 2022.05.06 14:28:14 -04'00'

Date: 5/6/22



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Alan Overcash
Address: 1641 Dale Earnhardt Blvd.
Kannapolis, NC 28083
Phone: 704-305-1020
Email: overcasha@gmail.com

Property Owner Contact Information same as applicant

Robert Phillips & Gail Phillips - Robin
Name: Olsen POA
Address: 602 S. Beaver St.
Landis, NC 28088
Phone: 704 467-1655
Email: olsrob7@aol.com

Project Information

Project Address: 607 E 13th Street Kannapolis Zoning District C-2 - General Commercial
Parcel PIN: 159-284,159-367, 159-336 (PORTION OF) Size of property (in acres): 1.25

Current Property Use: Vacant

Proposed Use: Self Storage

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 24,000 SF Self Storage Building and associated parking is proposed for the property

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.

The proposed self storage commercial use of self storage is a compatible use with the existing commercial uses on

N. Cannon Boulevard. Additionally, the proposed building will be one story in height which is comparable to the surrounding commercial building heights.

The project will comply with the Kannapolis landscape ordinance and provide Type 2 buffer yard and screening fence along the property lines that abut residential properties.

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.

The ingrees/egrees has been located as far away from the N. Cannon/13th St intersection as possible to ensure safe maneuvering onto the public road. For a commercial use, self-storage has a low trips per day metric therefore it will not create excessive traffic to the area.

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

The self storage facility will not be noxious or offensive to neighboring properties for reasons of vibration, noise, odor dust, smoke or gas.

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.

The property located in a commercial zoned area therefore it is an appropriate and compatible use for surrounding properties. Additionally, it shall not impede the development or improvement of surrounding properties.

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 site shall be designed to comply with all required codes and ordinances that are in place to ensure public health, safety and welfare. Facility Maintenance and operation shall follow these same principles.

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

The project will be designed and permitted through all required UDO sections

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.

Alan Overcash

5/6/22

Applicant Signature

Date

DocuSigned by:

Robert Phillips & Gail Phillips by Robin Olsen P.O.

5/9/2022

Property Owner Signature

Date



Vicinity Map

Case Number: BOA-2022-09
Applicant: Overcash Real Estate
607 E 13th St.



E 13TH ST

N CANNON BLVD

N CANNON BLVD

EBENEZER RD

N MAIN ST
N RIDGE AVE

13TH ST

E 11TH ST

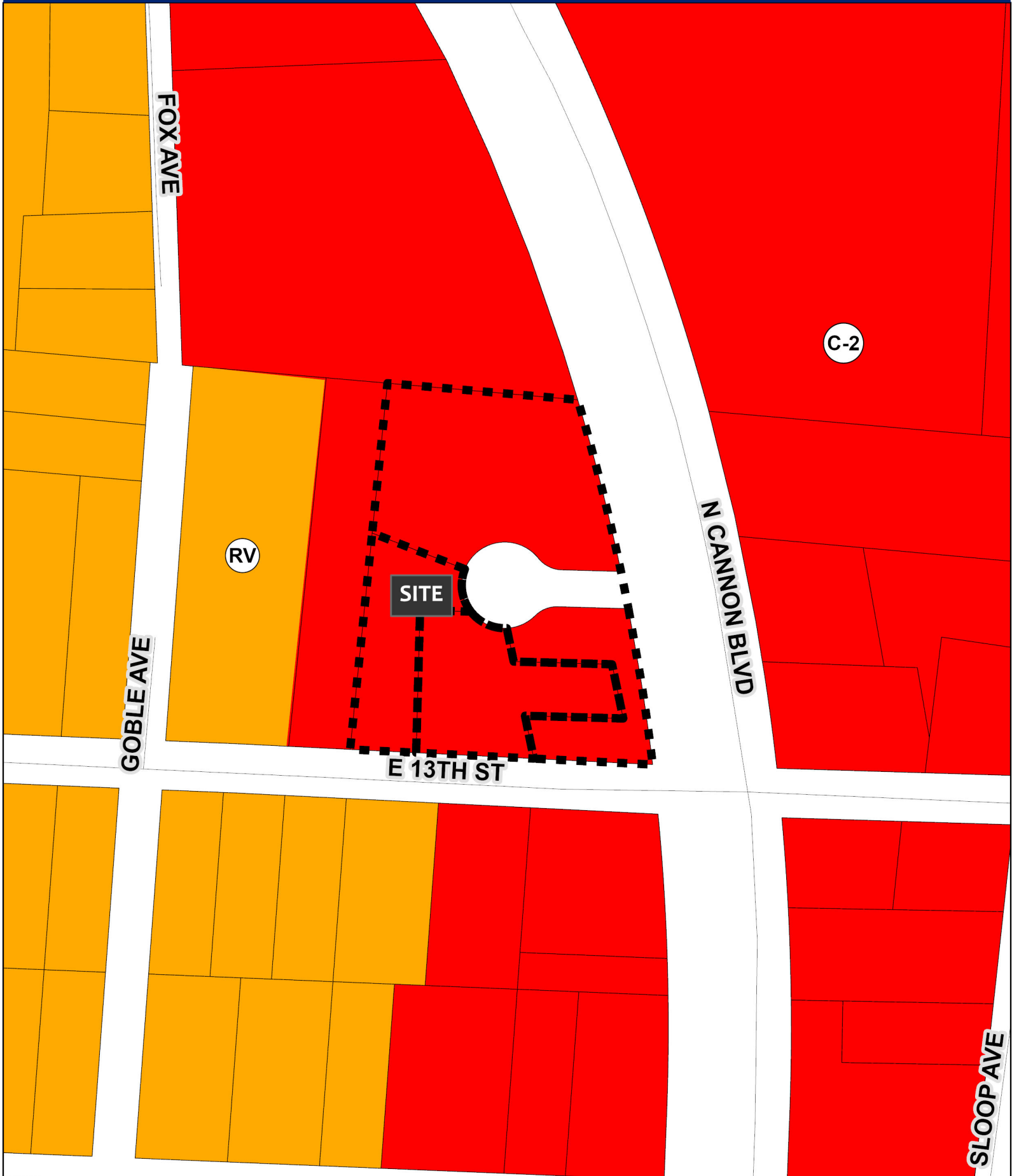


Kannapolis Current Zoning

Case Number: BOA-2022-09

Applicant: Overcash Real Estate

607 E 13th St.



Kannapolis 2030 Future Land Use Map

Case Number: BOA-2022-09

Applicant: Overcash Real Estate

607 E 13th St.



OWNNAME	TAXADD1	CITY	STATE	ZIPCODE
VEDA B SLOOP				
C/O MICHAEL SLOOP	1155 MISTYWOOD LN	CONCORD	NC	28027
AMERICAS TOP AUTO INC	1206 N CANNON BLVD	KANNAPOLIS	NC	28083-2831
MARGARITA GEORGIU & HUMBERTO AMAYA	1311 CENTRAL DR	KANNAPOLIS	NC	28083
RICKY OLIVER	1311 FOX AVE	KANNAPOLIS	NC	28083-2731
DAYVAULT CHARLES GREGORY ETAL	1322 N CANNON BLVD	KANNAPOLIS	NC	28083
MARY G HIGH	1658 EASTWOOD DR	KANNAPOLIS	NC	28083-6071
JRS EAST SIDE PROPERTIES LLC	2797 MAJOR RIDGE TRL	DULUTH	GA	30096-4988
COMMUNITY CAPITAL GROUP LLC	3 UNION ST S STE 210	CONCORD	NC	28025-5288
TERRT & JANET J KEITH	4235 ISENHOUR RD	KANNAPOLIS	NC	28081
ANNIE THOMAS	508 E 13TH ST	KANNAPOLIS	NC	28083
JESSICA MUSGROVE	509 E 13TH ST	KANNAPOLIS	NC	28083-0000
ROMEO E SOSA & EVEN GOMEZ TRUSTEES	519 LANDIS OAK WAY	LANDIS	NC	28088
VICTOR BENITEZ	572 OLD CHARLOTTE RD SW	CONCORD	NC	28027-6325
RUSSELL & LINDA DAVIS	600 E 13TH ST	KANNAPOLIS	NC	28083-2879
CHARLES J & ELIZABETH STEVERS	601 E 13TH ST	KANNAPOLIS	NC	28083
JOHNNY HORNE	603 E 13TH ST	KANNAPOLIS	NC	28083-2886
JEFFREY & ANGELA BROCK	608 E 13TH ST	KANNAPOLIS	NC	28083
TIMOTHY & PATRICIA LONG	745 BOSTIAN RD	CHINA GROVE	NC	28023-9214
DAVID O'BRYAN	8030 MCCARRON WAY	CHARLOTTE	NC	28215
NIKOLAOS GEORGIU ETAL	902 NANCE ST	KANNAPOLIS	NC	28083-0000
MARSHALL EUBANKS	904 CUB ST	KANNAPOLIS	NC	28081
ROBERT J & GAIL PHILLIPS ETAL				
C/O ROBIN OLSEN	602 S BEAVER ST	LANDIS	NC	28088-1818
ALAN OVERCASH	1641 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083



KANNAPOLIS
Planning

May 20, 2022

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday June 6, 2022 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

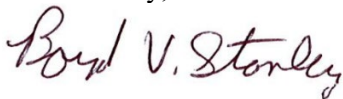
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This Public Hearing is to consider a request for a Special Use Permit (SUP) to allow development of a mini warehousing/self-storage leasing facility in the General Commercial (C-2) zoning district. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for mini warehousing/self-storage leasing uses in the C-2 zoning district. The properties are located at 607 E 13th St., a portion of 605 E 13th St. and 653 E 14th St., are zoned C-2, measure approximately 1.25 +/- combined acres, and are more specifically identified as Rowan County Parcel Identification Numbers 159 367, 159 366, and 159 284. **(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.

I may be contacted at bstanley@kannapolisnc.gov or 704-920-4362 if you have any questions about the public hearing or request.

Sincerely,



Boyd Stanley, AICP
Assistant Planning Director

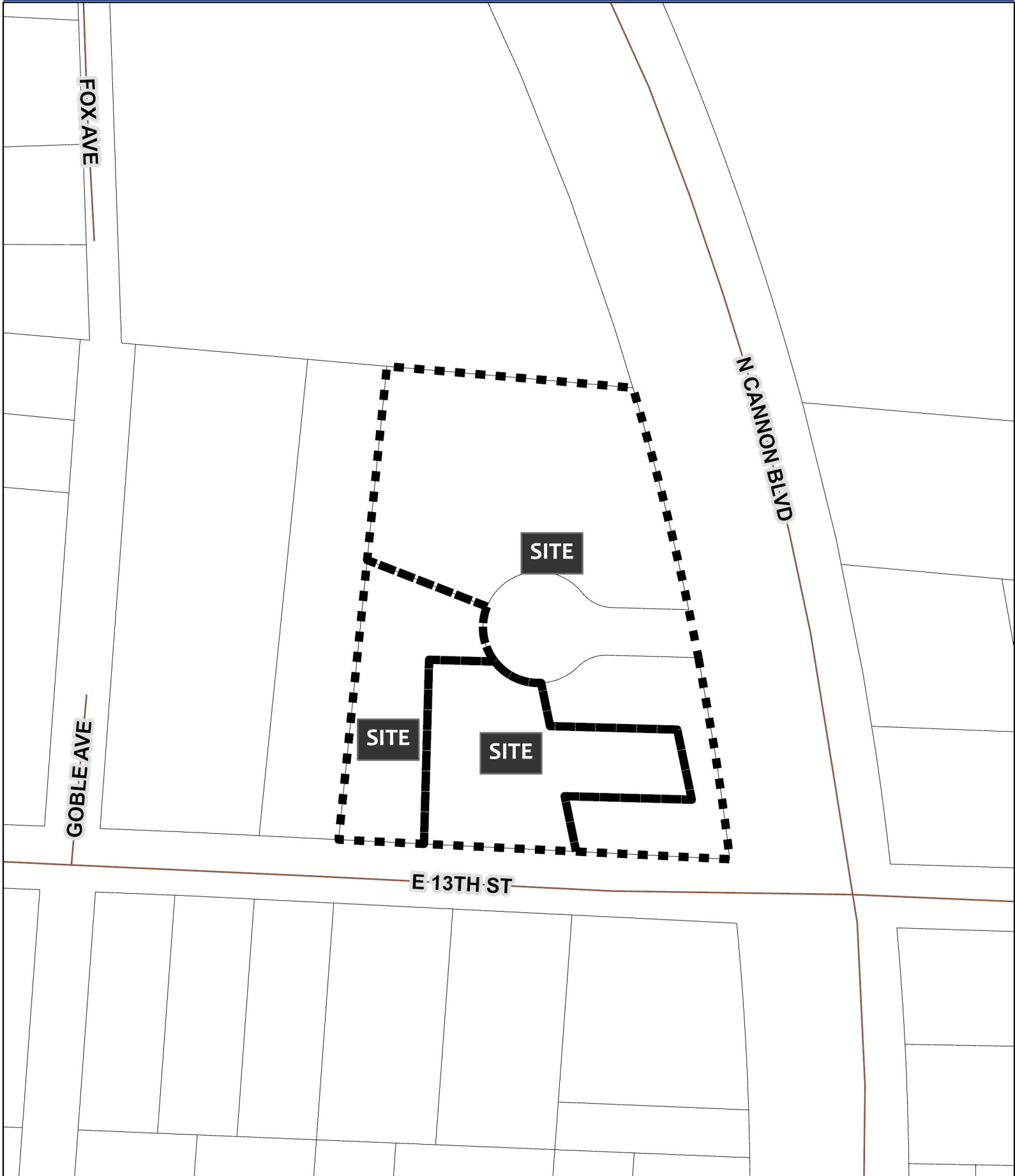
Enclosure

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-2022-09
Applicant: Overcash Real Estate
607 E 13th St.





BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # BOA - 2022 -09

**GARAGE
SALE**

Merrick Clinic
Chiropractic & Rehabilitation
704-919-3500
Dustin R. Merrick, D.C.

**FOR
RENT**
CALL US