



## **BOARD OF ADJUSTMENT AGENDA**

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

**Tuesday March 1, 2022 at 6:00 PM**

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes – January 4, 2022**
- 5. Swearing In for Testimony**
- 6. Public Hearing:**
  - a. BOA-2022-01 – Special Use Permit – 5111 Rogers Lake Road**

Public Hearing to consider a request for a Special Use Permit (SUP) to allow construction of a mini warehousing/self-storage leasing use. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for mini warehousing/self-storage leasing. The property is located at 5111 Rogers Lake Road, is zoned General Commercial (C-2) and Traditional Neighborhood (TND), measures approximately 2.279 +/- acres, and is more specifically identified as Cabarrus County Parcel Identification Number 56034012040000.
  - b. BOA-2022-03 – Special Use Permit – 619 Breckenridge Road**

Public Hearing to consider a request for a Special Use Permit (SUP) to allow a daycare use in the Residential Medium Density (RM-2) zoning district. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for a daycare use in the RM-2 district. The property is located at 619 Breckenridge Road, is zoned RM-2, measures approximately 0.58 +/- acres, and is more specifically identified as Cabarrus County Parcel Identification Number 56220903130000.
- 7. Planning Director Update**
- 8. Other Business**
- 9. Adjourn**



**Board of Adjustment  
March 1, 2022 Meeting**

**Staff Report**

**TO:** Board of Adjustment  
**FROM:** Ryan Lipp, Senior Planner  
**SUBJECT:** Case# BOA-2022-01: 5111 Rogers Lake Rd  
Applicant: Tom McClellan

**Request for a Special Use Permit to allow for construction of a mini warehousing/self-storage leasing use in the General Commercial (C-2) 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, Tom L. McClellan, is requesting a Special Use Permit (SUP) to allow construction of a mini-warehousing/self-storage leasing development in the General Commercial (C-2) zoning district, on 5111 Rogers Lake Rd, further identified as Cabarrus County Parcel Identification Number 5603-40-1204-0000.

Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for mini warehousing/self-storage leasing in the C-2 zoning district. The subject property measures approximately 2.279 +/- acres. A portion of the property is zoned Traditional Neighborhood Development (TND). Mini warehousing/self-storage leasing is not permitted in the TND district; therefore, the development must be contained entirely within the portion of the site zoned C-2.

**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 "Complete Neighborhood 2" Character Area as designated on the Future Land Use and Character Map in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 2 establishes opportunities for neighborhood serving businesses.

The lot is located just outside the Coddle Creek Throughfare Protection (CCTP) Overlay District, however, to ensure that the development remains compatible with existing and future land uses in the area, a condition has been added that will require the development to meet the standards of the CCTP located in UDO Article 15.1.

Based on the character area noted above, and the conditions added by staff, the proposed mini warehousing/self-storage leasing 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 mini warehousing/self-storage leasing is not anticipated to cause any traffic hazards or traffic congestion. Egress/Ingress to the site was addressed through previous development.

**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 is expected as a result of the development of this property. A condition requiring a Type III buffer along the eastern property line, bordering the TND zoning, is being added to help mitigate any potential nuisance caused by use of the property as mini-warehousing/self-storage.

**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 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 and availability.

**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 will 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.**

**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. Use permitted is mini warehousing/self-storage leasing as generally depicted on the included site plan. Final design of the site shall comply with the standards of the Unified Development Ordinance.
2. Development of the mini warehousing/self-storage leasing facility must be contained within the portion of the site zoned General Commercial (C-2).
3. The site must comply with UDO Article 15.1 Coddle Creek Thoroughfare Protection Overlay District.
4. A Type 3 Perimeter Buffer Yard will be required along the eastern property line adjacent to parcel 5602-49-8922-0000 in accordance with table 7.4-4 of the UDO.
5. Must comply with current Land Development Standards Manual.
6. All road intersections where development has access and/or street frontage shall be approved by NCDOT and the City.
7. 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.
8. The sidewalks shall be to current City standards and the curb & gutter and pavement structure shall be constructed to current NCDOT standards.
9. The parking lot shall comply with all Fire Codes and Autoturn shall be run for an SU-30 and Bus-45 (mimics ladder truck).
10. A NCDEQ Sediment & Erosion Control Permit will be required if disturbing > 1.0ac.

***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. Elevations
7. List of Notified Properties
8. Notice to Adjacent Property Owners
9. 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  
planningapps@kannapolisnc.gov

## 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: 5111 Rogers Lake Rd. Kannapolis, NC 28081

Applicant: Tom McClellan

### SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to [planreviewappointment@kannapolisnc.gov](mailto: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: \_\_\_\_\_

*Tom J. McClellan*

Date: \_\_\_\_\_

*11-17-21*



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: Tom L. McClellan

Address: P.O. Box 5144  
 Mooresville, NC 28117

Phone: 704-252-0975

Email: tom@adjamerica.com

### Property Owner Contact Information same as applicant

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### Project Information

Project Address: 5111 Rogers Lake Rd. Zoning District TND  
C-2 - General Commercial

Parcel PIN: 56034012040000 Size of property (in acres): 2.280 AC

Current Property Use: Vacant

Proposed Use: Mini-Storage Facility

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)*: \_\_\_\_\_

Approximately 635 units, fortress style building with exterior row of units and 3 story interior building including an enclosed drive.

### 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.**

Both building height and buffering standards are consistent w/ ordinance requirements. Building placement on site pays respect to adjacent roads and utilizes existing driveway cuts to remain consistent with the original development intent.

**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.**

Only existing approved curb cuts are being utilized for site access.

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

None of these issues are inherent in the Mini-Warehouse/self-storage use.

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**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.**

All directly adjacent property has already been developed, and no offsite impacts are proposed as part of this plan.

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

No safety or health hazards are inherent within the Mini-Warehouse/self-storage use.

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

Project as proposed is compliant with section 5.15 of the UDO regulating Mini-Warehouse/self-storage facilities.

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***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

  
Date

  
Property Owner Signature

  
Date





# Vicinity Map

Case Number: BOA-2022-01

Applicant: Tom McClellan

5111 Rogers Lake Rd



**SITE**

ARGENTIO WAY

FURLONG WAY

ROGERS LAKE RD

INTEGRA SPRINGS BLVD

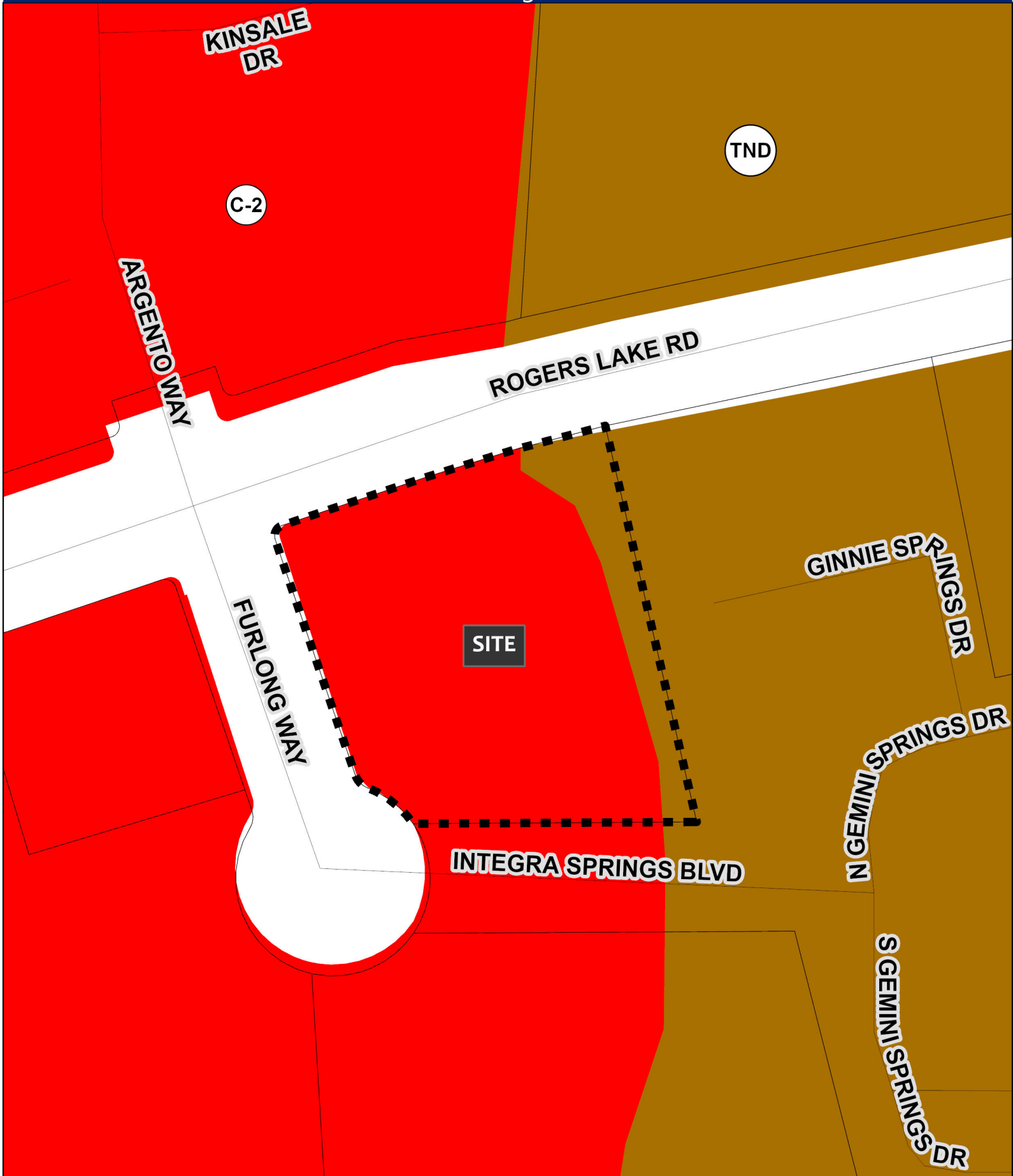


# Kannapolis Current Zoning

Case Number: BOA-2022-01

Applicant: Tom McClellan

5111 Rogers Lake Rd

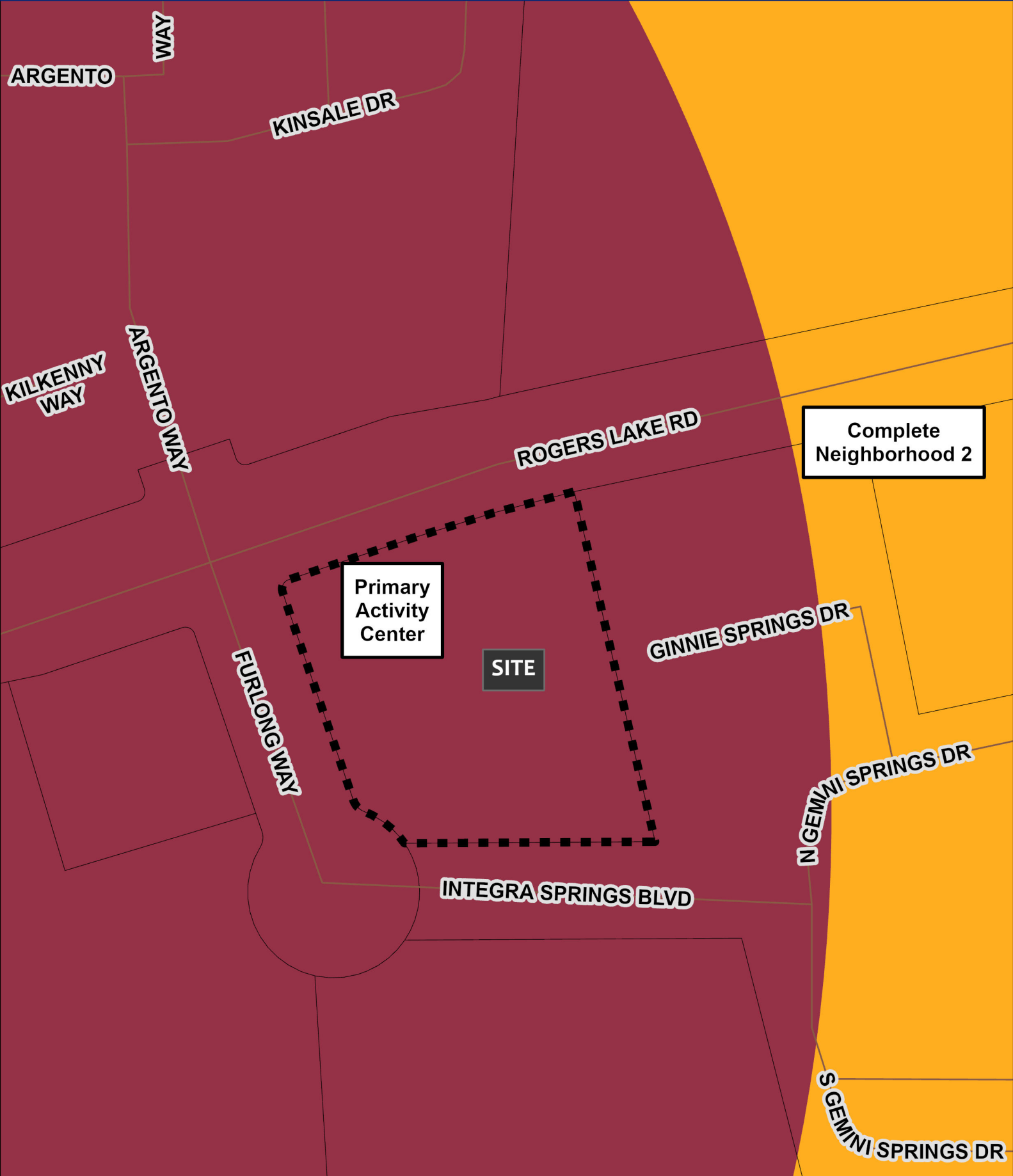


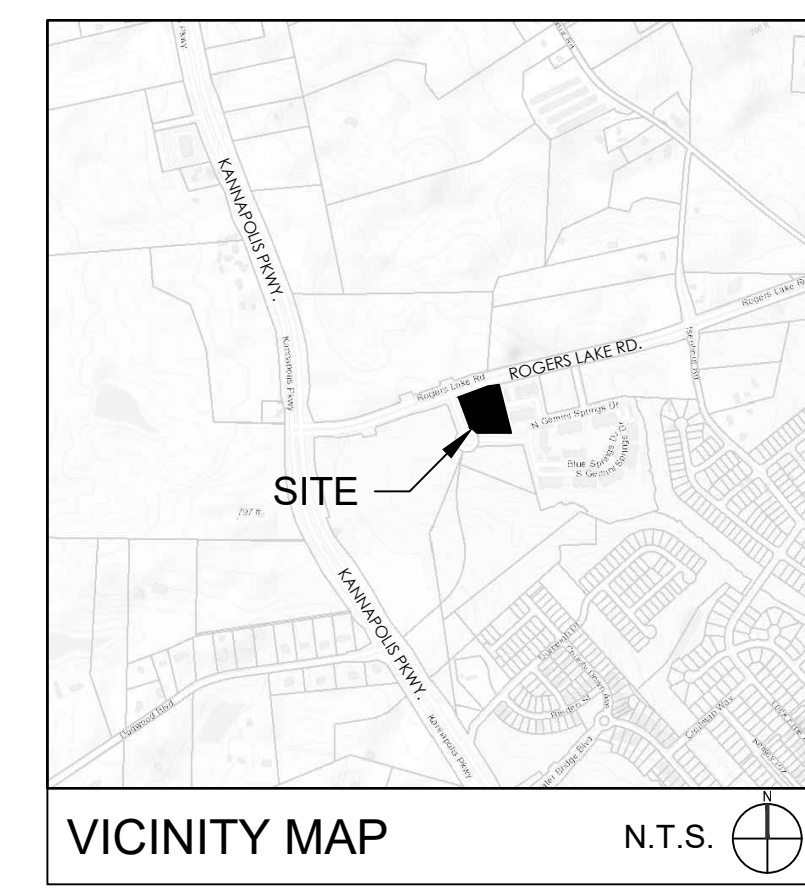
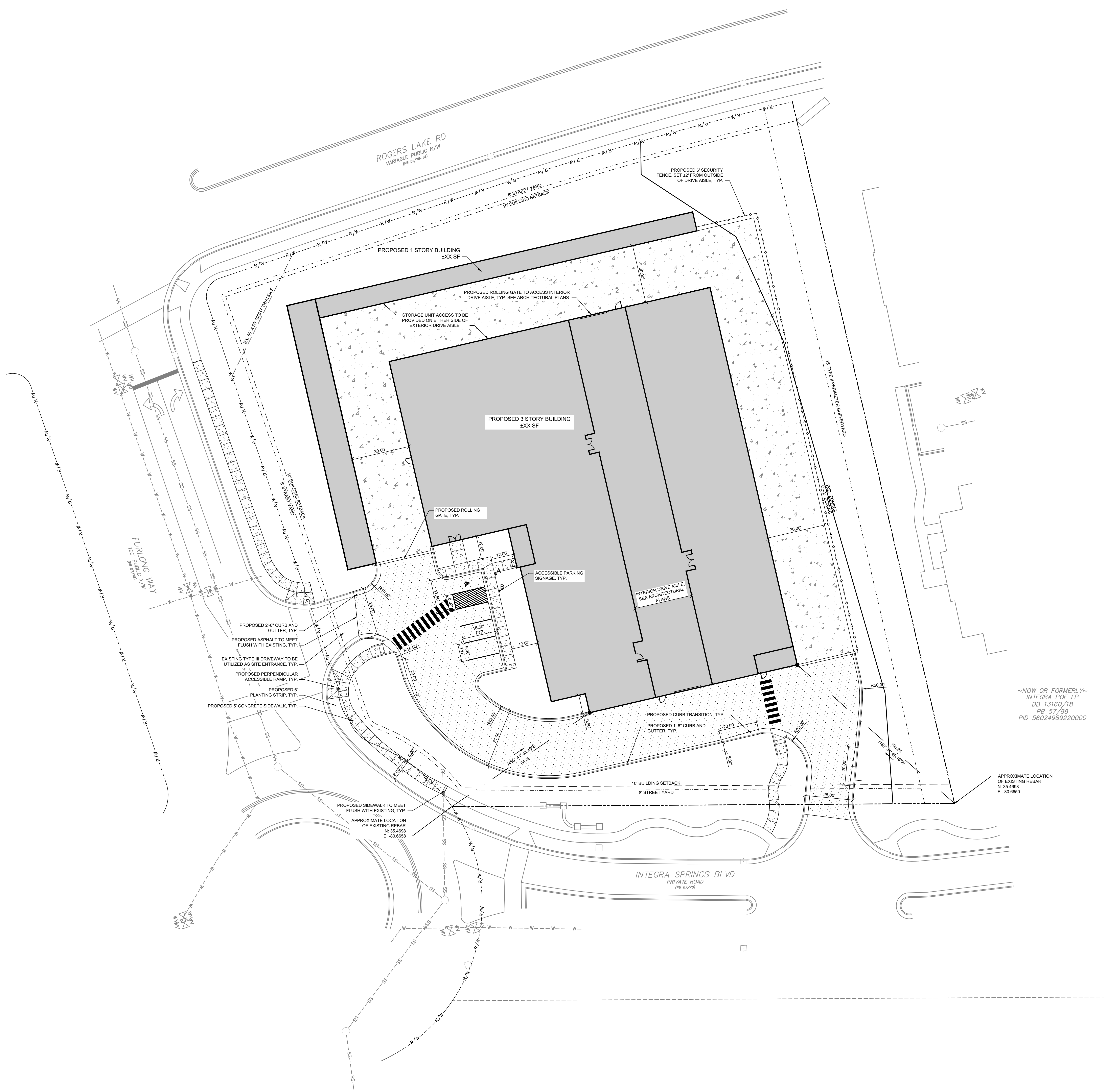
# Kannapolis 2030 Future Land Use Map

Case Number: BOA-2022-01

Applicant: Tom McClellan

5111 Rogers Lake Rd





**SURVEY DISCLAIMER**  
 TOPOGRAPHIC SURVEY DATED MAY 27, 2021 PROVIDED BY CAROLINA SURVEYORS, INC., P.O. BOX 267, PINEVILLE, NC 28134, 704-889-7601.

**LEGEND**

| SYMBOL    | DESCRIPTION                               |
|-----------|---|
| [Pattern] | PROPOSED SIDEWALK                         |
| [Pattern] | PROPOSED ACCESSIBLE RAMP                  |
| [Pattern] | PROPOSED 1'-6" CURB & GUTTER              |
| [Pattern] | PROPOSED 2'-6" CURB & GUTTER              |
| [Symbol]  | PROPOSED ACCESSIBLE SPACE                 |
| [Symbol]  | PROPOSED ACCESSIBLE & VAN ACCESSIBLE SIGN |
| [Pattern] | PROPOSED HEAVY DUTY CONCRETE              |
| [Pattern] | PROPOSED HEAVY DUTY ASPHALT               |

**ZONING SUMMARY:**  
 OWNER: K-TOWN STORAGE FACILITY, LLC  
 OWNER PHONE #: 704-255-0275  
 OWNER ADDRESS: 131 OVERHILL DRIVE SUITE 116, MOORESVILLE, NC 28115  
 CIVIL ENGINEER/LANDSCAPE ARCHITECT: BLOC DESIGN, PLLC  
 BLOC DESIGN PHONE #: 704-940-2883  
 ZONING DESIGNATION: C-2 / TND  
 JURISDICTION: KANNAPOLIS  
 DISTANCE TO NEAREST AIRPORT: ~5 MILES  
 PARCEL SIZE: 2.280 ACRES  
 DISTURBED AREA: TBD  
 PARCEL NUMBER: 56034012040000  
**SETBACK AND YARD REQUIREMENTS**  
 FRONT: 10' SETBACK  
 SIDE: NONE  
 REAR: NONE  
**BUFFERS REQUIRED**  
 FRONT: 8' STREET YARD ALONG ROAD FRONTAGE  
 SIDE: NONE  
 REAR: 10'-20' TYPE II PERIMETER BUFFER YARD ADJACENT TO RESIDENTIAL  
**PARKING SUMMARY (KANNAPOLIS - 1 SPACE PER 200 STORAGE UNITS WITH A MINIMUM OF 2 - 9' LANES ALONG SIDE OF EXTERIOR UNITS FOR LOADING/UNLOADING)**  
 REQUIRED: 636 UNITS \* 1 SPACE/200 UNITS = 5 SPACES  
 PROVIDED: 3 SPACES (REGULAR: 4, ACCESSIBLE: 1 INC. VAN SPACE)  
 LOADING SPACES: 9 LANES ALONG ALL EXTERIOR UNITS.  
**BICYCLE PARKING SUMMARY**  
 SHORT TERM: NA  
 LONG TERM: NA  
 IMPERVIOUS SURFACE RATIO: MAX. 0.80 SHOWN: 0.88  
 BUILDING GROSS FLOOR AREA: MAX 100,000 SF

- SITE PLAN NOTES:**
- SEE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS.
  - ALL DIMENSIONS ARE AT 90 DEGREES UNLESS OTHERWISE NOTED ON THE CONSTRUCTION DOCUMENTS.
  - ALL DIMENSIONS ARE TO FACE OF BUILDING, BACK OF CURB OR PROPERTY LINE UNLESS OTHERWISE NOTED.
  - ALL SIDEWALKS SHALL BE FIVE (5) FEET WIDE UNLESS OTHERWISE NOTED.
  - ALL CURB AND GUTTER RADI SHALL BE 4.50 FEET, BACK OF CURB UNLESS OTHERWISE NOTED.

~NOW OR FORMERLY~  
 INTEGRA POE LP  
 DB 13160/18  
 PB 57/88  
 PID 56024989220000

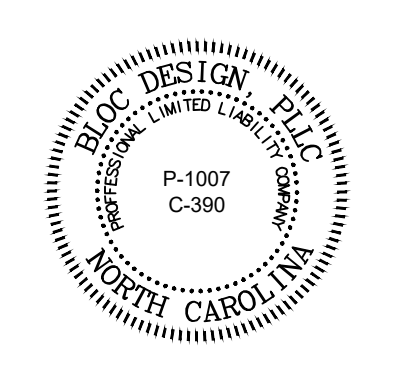
APPROXIMATE LOCATION OF EXISTING REBAR  
 N: 35.4698  
 E: 40.6650



**REVISIONS**

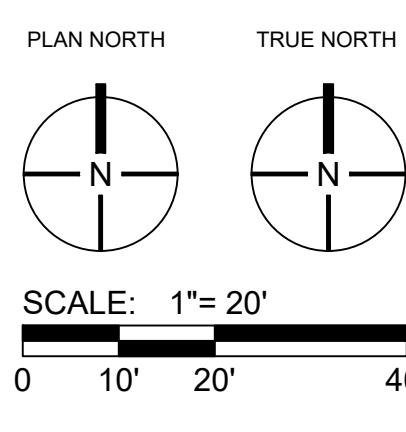
| NO. | DATE | DESCRIPTION |
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stamp / seal:



**FOR SPECIAL USE PERMIT REVIEW ONLY**

**RAPID BUILDING SOLUTIONS SELF STORAGE**  
 5111 ROGERS LAKE RD.  
 KANNAPOLIS, NC 28081



|                                       |                     |
|---------------------------------------|---------------------|
| DATE: 01/31/22                        | MPIC: WLL           |
| DRAWN BY: CEB                         | CHECKED BY: WLL/DRK |
| PROJECT NUMBER: 00784.00              |                     |
| SCALE: 1"=20'                         |                     |
| TITLE: SITE PLAN - SPECIAL USE PERMIT |                     |

SHEET NO:  
**CS-101**



- CONTRACTOR IS RESPONSIBLE FOR PLACEMENT OF ALL BARRICADES, SIGNAGE, FLAGGERS, SHORING, ETC., TO ENSURE THE SAFETY OF WORKERS AND THE PUBLIC.
- ALL PAVEMENT CUTS SHALL BE REPLACED ACCORDING TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND CITY OF KANNAPOLIS.



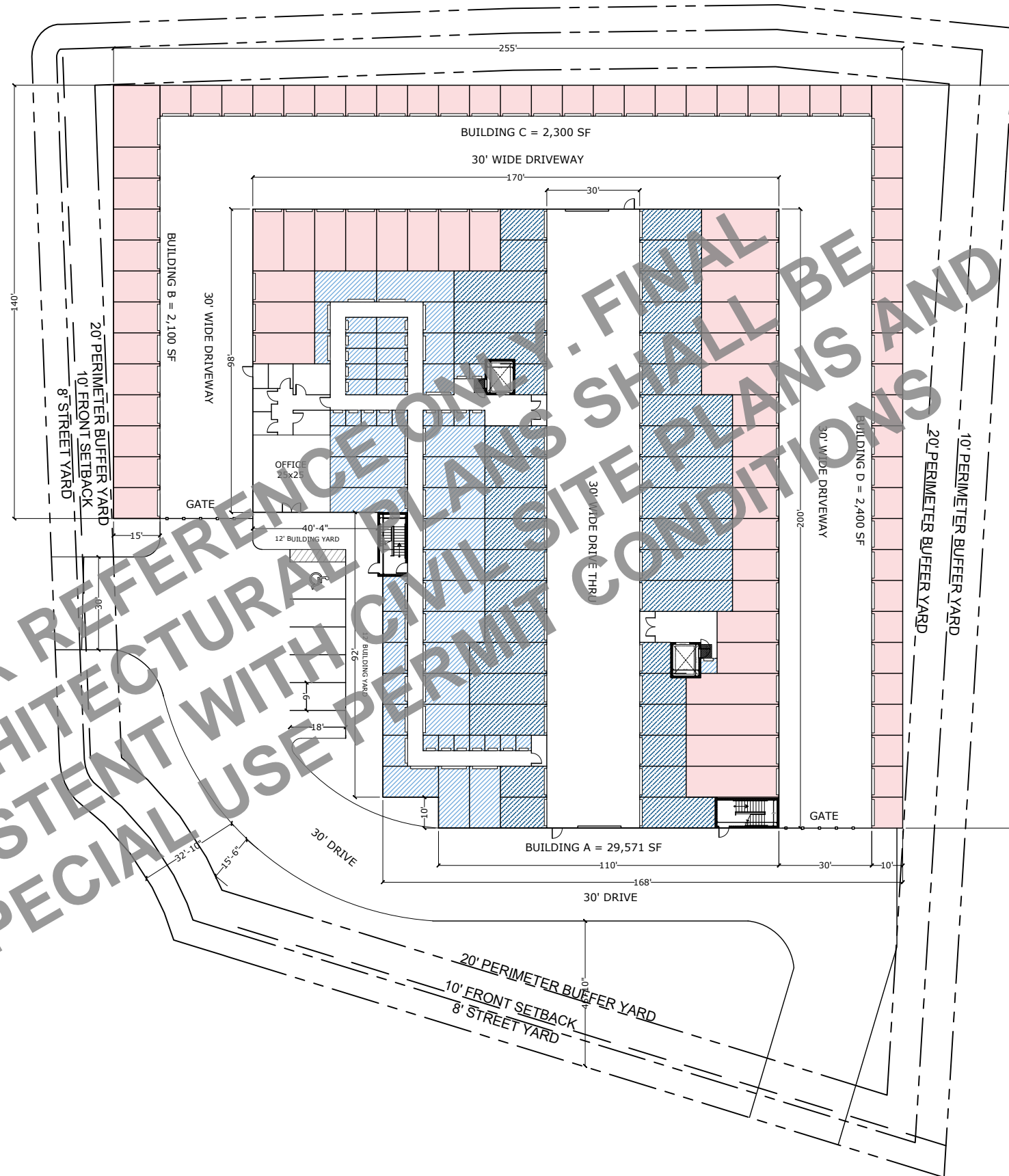
**TOTAL GROSS SQ.FT. = 95 513 SF**

x3 STORY BLDG SQ.FT. = 29 571 SF

BUILDING B = 2 100 SF

BUILDING C = 2 300 SF

BUILDING D = 2 400 SF



Jennifer Zabik, P.E., S.E.  
1024 N Fullers Cross Road  
Winter Garden, FL 34787  
jzabik@ztengineering.com

SEALS



350 E Crown Point Rd  
Suite 1080  
Winter Garden, FL 34787  
Phone: (407)347-9614

Info@  
rapidbuildingsolutions.com

**JOB NAME:**  
KANAPOLIS PROJECT  
KANNAPOLIS, NC

**JOB NUMBER:**  
1388-20-NC-W-1

| REV | DATE     | DESCRIPTION      | APP |
|-----|----------|------------------|-----|
| 1   | 08/20/20 | LAY              | JS  |
| 2   | 01/14/21 | LAY              | JS  |
| 3   | 02/01/21 | LAY + MUC opt. 1 | MC  |
| 4   | 02/01/21 | LAY + MUC opt. 2 | MC  |
| 5   | 02/08/21 | LAY              | MC  |
| 6   | 02/17/21 | LAY              | MC  |
| 7   | 03/24/21 | LAY              | JS  |
| 8   | 08/31/21 | LAY + ELEV + MUC | AB  |
| 9   | 09/02/21 | ELEV             | AB  |

DESIGNED BY: DRAWN BY: XX  
CHECKED BY: SUBMITTED BY: XX

**FOR APPROVAL ONLY**

NOT FOR FIELD USE

SIGNATURE

DATE

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CLIMATE CONTROLLED UNITS

|           |          |           |           |           |           |
|-----------|----------|-----------|-----------|-----------|-----------|
| ① 5 X 5   | ⑤ 5 X 12 | ⑨ 10 X 10 | ⑬ 10 X 25 | ⑰ 15 X 25 | ⑳ 20 X 30 |
| ② 5 X 7   | ⑥ 5 X 15 | ⑩ 10 X 12 | ⑭ 10 X 30 | ⑱ 15 X 30 | ㉑ 25 X 25 |
| ③ 5 X 7.5 | ⑦ 7 X 7  | ⑪ 10 X 15 | ⑮ 15 X 15 | ⑲ 20 X 20 | ㉒ 25 X 30 |
| ④ 5 X 10  | ⑧ 8 X 10 | ⑫ 10 X 20 | ⑯ 15 X 20 | ㉓ 20 X 25 | ㉔ 25 X 40 |

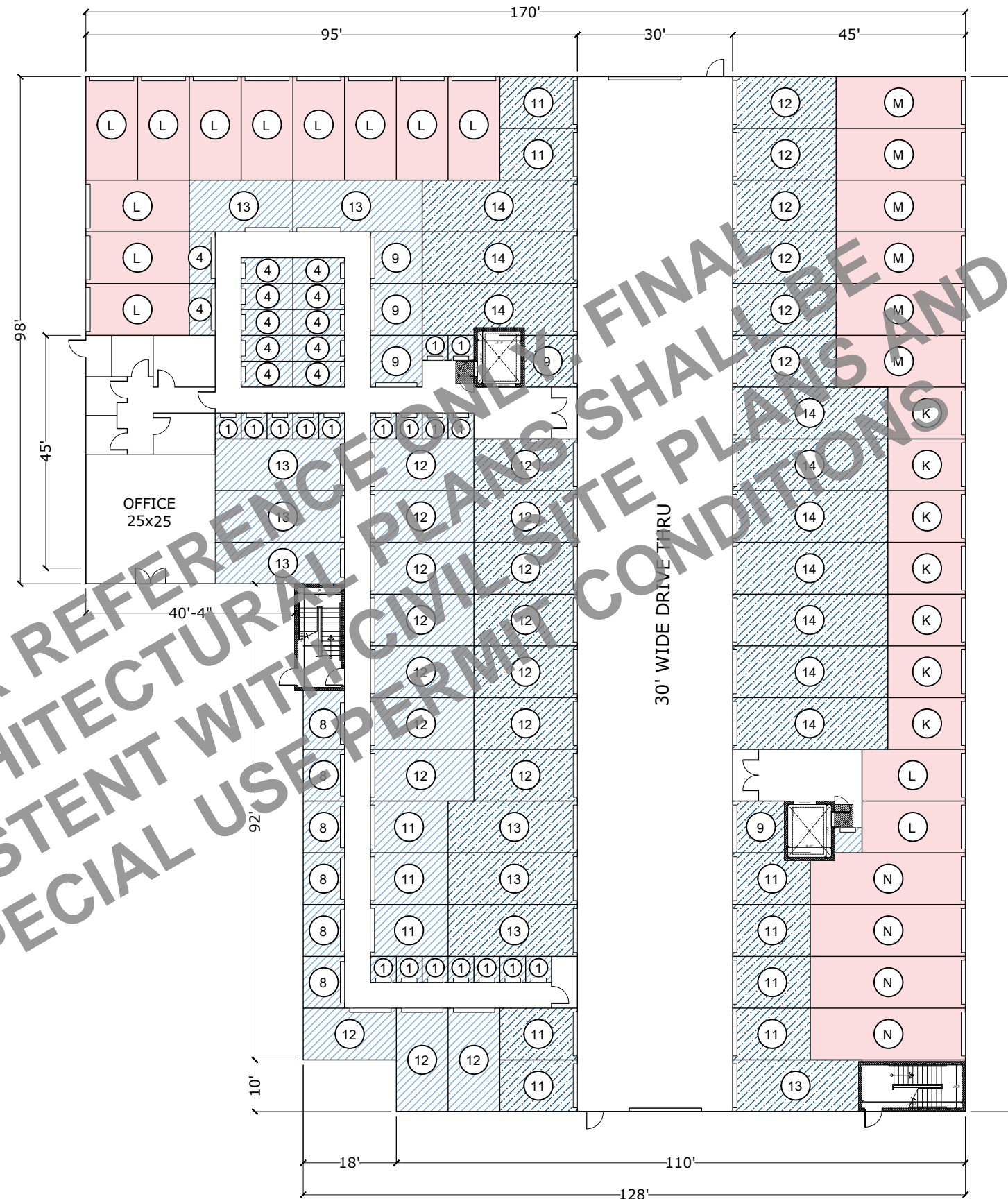
NON-CLIMATE CONTROLLED UNITS

|           |          |           |           |           |           |
|-----------|----------|-----------|-----------|-----------|-----------|
| Ⓐ 5 X 5   | Ⓔ 5 X 12 | Ⓘ 10 X 10 | Ⓜ 10 X 25 | Ⓠ 15 X 25 | Ⓤ 20 X 30 |
| Ⓑ 5 X 7   | Ⓛ 5 X 15 | Ⓝ 10 X 12 | Ⓨ 10 X 30 | Ⓡ 15 X 30 | Ⓟ 25 X 25 |
| Ⓒ 5 X 7.5 | Ⓚ 7 X 7  | Ⓞ 10 X 15 | Ⓟ 15 X 15 | Ⓢ 20 X 20 | Ⓡ 25 X 30 |
| Ⓓ 5 X 10  | Ⓜ 7 X 10 | Ⓛ 10 X 20 | Ⓟ 15 X 20 | Ⓣ 20 X 25 | Ⓝ 25 X 40 |



**BUILDING A**  
1ST FLOOR

TOTAL GROSS SQ.FT. =  
29 571 SF



Jennifer Zabik, P.E., S.E.  
1024 N Fullers Cross Road  
Winter Garden, FL 34787  
jzabik@ztengineering.com

SEALS



350 E Crown Point Rd  
Suite 1080  
Winter Garden, FL 34787  
Phone: (407)347-9614

Info@  
rapidbuildingsolutions.com

**JOB NAME:**  
KANAPOLIS PROJECT  
KANNAPOLIS, NC

**JOB NUMBER:**  
1388-20-NC-W-1

| REV | DATE     | DESCRIPTION      | APP |
|-----|----------|------------------|-----|
| 1   | 08/20/20 | LAY              | JS  |
| 2   | 01/14/21 | LAY              | JS  |
| 3   | 02/01/21 | LAY + MUC opt. 1 | MC  |
| 4   | 02/01/21 | LAY + MUC opt. 2 | MC  |
| 5   | 02/08/21 | LAY              | MC  |
| 6   | 02/17/21 | LAY              | MC  |
| 7   | 03/24/21 | LAY              | JS  |
| 8   | 08/31/21 | LAY + ELEV + MUC | AB  |
| 9   | 09/02/21 | ELEV             | AB  |

|              |                  |
|--------------|------------------|
| DESIGNED BY: | DRAWN BY: XX     |
| CHECKED BY:  | SUBMITTED BY: XX |

**FOR APPROVAL ONLY**  
NOT FOR FIELD USE

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

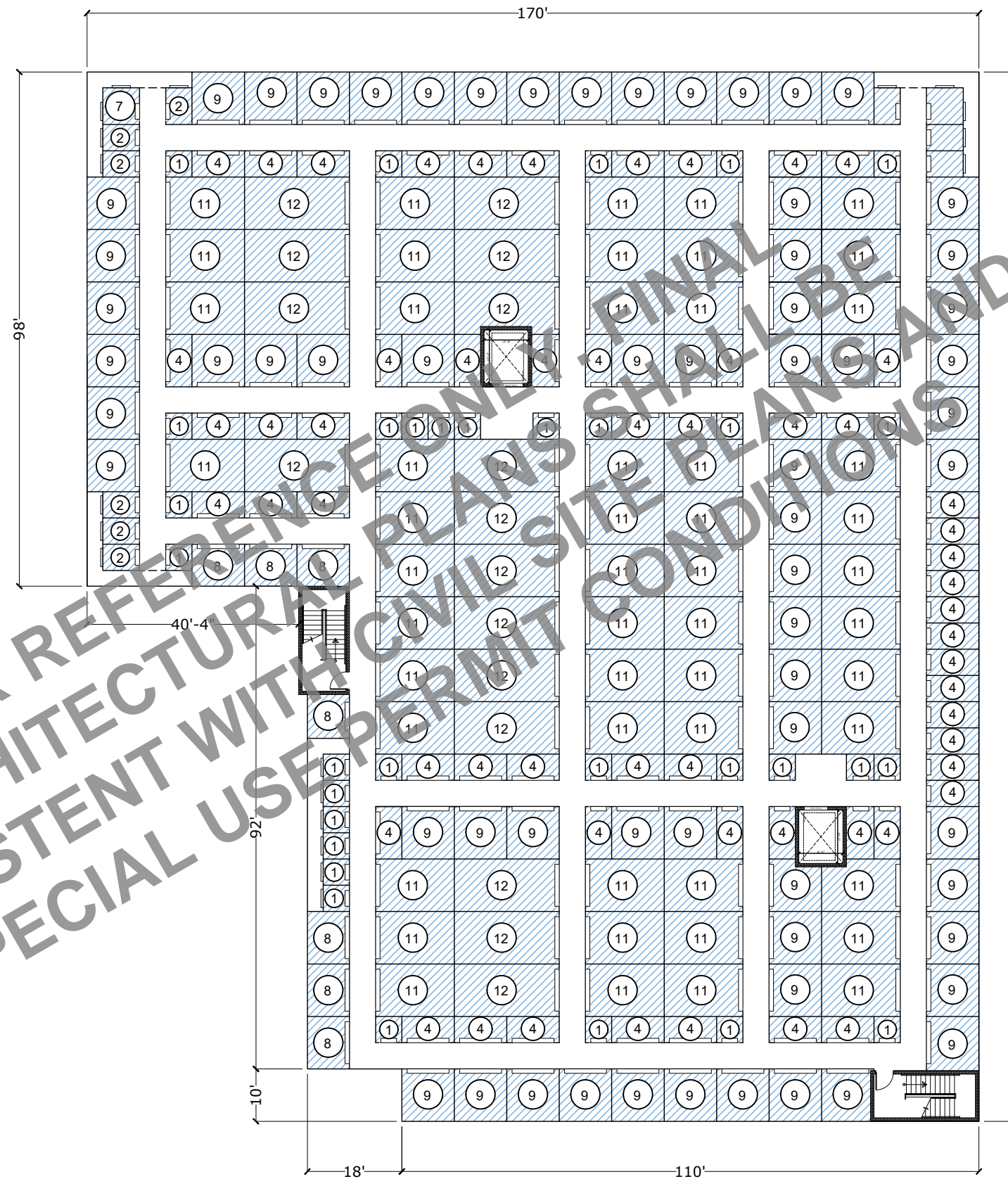
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| CLIMATE CONTROLLED UNITS |          |           |           |           |           | NON-CLIMATE CONTROLLED UNITS |          |           |           |           |           |
|--------------------------|----------|-----------|-----------|-----------|-----------|------------------------------|----------|-----------|-----------|-----------|-----------|
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| ② 5 X 7                  | ⑥ 5 X 15 | ⑩ 10 X 12 | ⑭ 10 X 30 | ⑱ 15 X 30 | ㉑ 25 X 25 | B 5 X 7                      | F 5 X 15 | J 10 X 12 | N 10 X 30 | R 15 X 30 | V 25 X 25 |
| ③ 5 X 7.5                | ⑦ 7 X 7  | ⑪ 10 X 15 | ⑮ 15 X 15 | ⑲ 20 X 20 | ㉒ 25 X 30 | C 5 X 7.5                    | G 7 X 7  | K 10 X 15 | O 15 X 15 | S 20 X 20 | W 25 X 30 |
| ④ 5 X 10                 | ⑧ 8 X 10 | ⑫ 10 X 20 | ⑯ 15 X 20 | ⑳ 20 X 25 | ㉓ 25 X 40 | D 5 X 10                     | H 7 X 10 | L 10 X 20 | P 15 X 20 | T 20 X 25 | X 25 X 40 |



**BUILDING A**  
2ND / 3RD FLOOR

TOTAL GROSS SQ.FT. =  
29 571 SF



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**JOB NAME:**  
KANAPOLIS PROJECT  
KANNAPOLIS, NC

**JOB NUMBER:**  
1388-20-NC-W-1

| REV | DATE     | DESCRIPTION      | APP |
|-----|----------|------------------|-----|
| 1   | 08/20/20 | LAY              | JS  |
| 2   | 01/14/21 | LAY              | JS  |
| 3   | 02/01/21 | LAY + MUC opt. 1 | MC  |
| 4   | 02/01/21 | LAY + MUC opt. 2 | MC  |
| 5   | 02/08/21 | LAY              | MC  |
| 6   | 02/17/21 | LAY              | MC  |
| 7   | 03/24/21 | LAY              | JS  |
| 8   | 08/31/21 | LAY + ELEV + MUC | AB  |
| 9   | 09/02/21 | ELEV             | AB  |

|              |                  |
|--------------|------------------|
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| CHECKED BY:  | SUBMITTED BY: XX |

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| CLIMATE CONTROLLED UNITS |          |           |           |           |           | NON-CLIMATE CONTROLLED UNITS |          |           |           |           |           |
|--------------------------|----------|-----------|-----------|-----------|-----------|------------------------------|----------|-----------|-----------|-----------|-----------|
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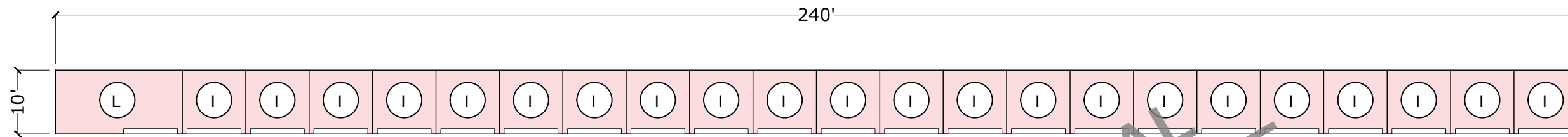
| REV | DATE     | DESCRIPTION      | APP |
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| 6   | 02/17/21 | LAY              | MC  |
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| 8   | 08/31/21 | LAY + ELEV + MUC | AB  |
| 9   | 09/02/21 | ELEV             | AB  |

|              |                  |
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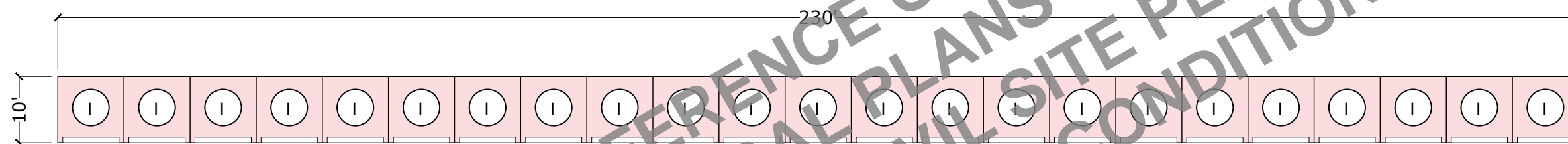
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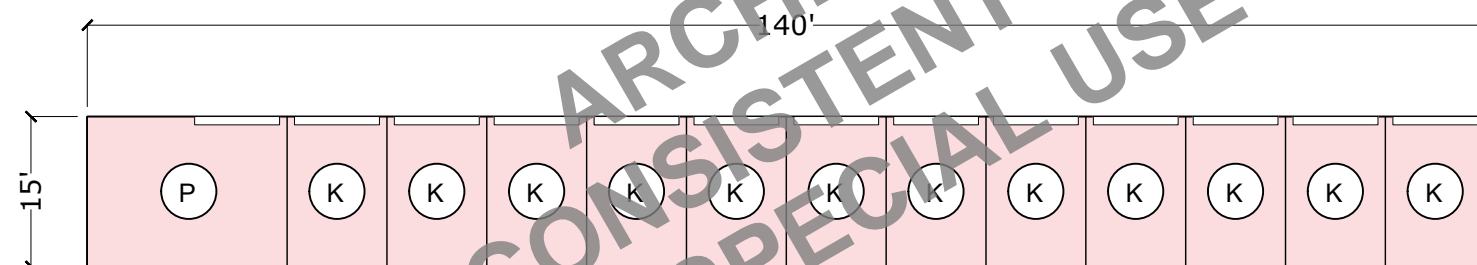
**BUILDING B**

TOTAL GROSS SQ.FT. =  
24 00 SF



**BUILDING C**

TOTAL GROSS SQ.FT. =  
23 00 SF



**BUILDING B**

TOTAL GROSS SQ.FT. =  
21 00 SF



| CLIMATE CONTROLLED UNITS |          |           |           |           |           | NON-CLIMATE CONTROLLED UNITS |          |           |           |           |           |
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| 8   | 08/31/21 | LAY + ELEV + MUC | AB  |
| 9   | 09/02/21 | ELEV             | AB  |

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**WEST ELEVATION**



**SOUTH ELEVATION**

| CLIMATE CONTROLLED UNITS |          |           |           |           |           | NON-CLIMATE CONTROLLED UNITS |          |           |           |           |           |
|--------------------------|----------|-----------|-----------|-----------|-----------|------------------------------|----------|-----------|-----------|-----------|-----------|
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 KANNAPOLIS, NC

**JOB NUMBER:**  
 1388-20-NC-W-1

| REV | DATE     | DESCRIPTION      | APP |
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| 6   | 02/17/21 | LAY              | MC  |
| 7   | 03/24/21 | LAY              | JS  |
| 8   | 08/31/21 | LAY + ELEV + MUC | AB  |
| 9   | 09/02/21 | ELEV             | AB  |

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 CHECKED BY: \_\_\_\_\_ SUBMITTED BY: XX

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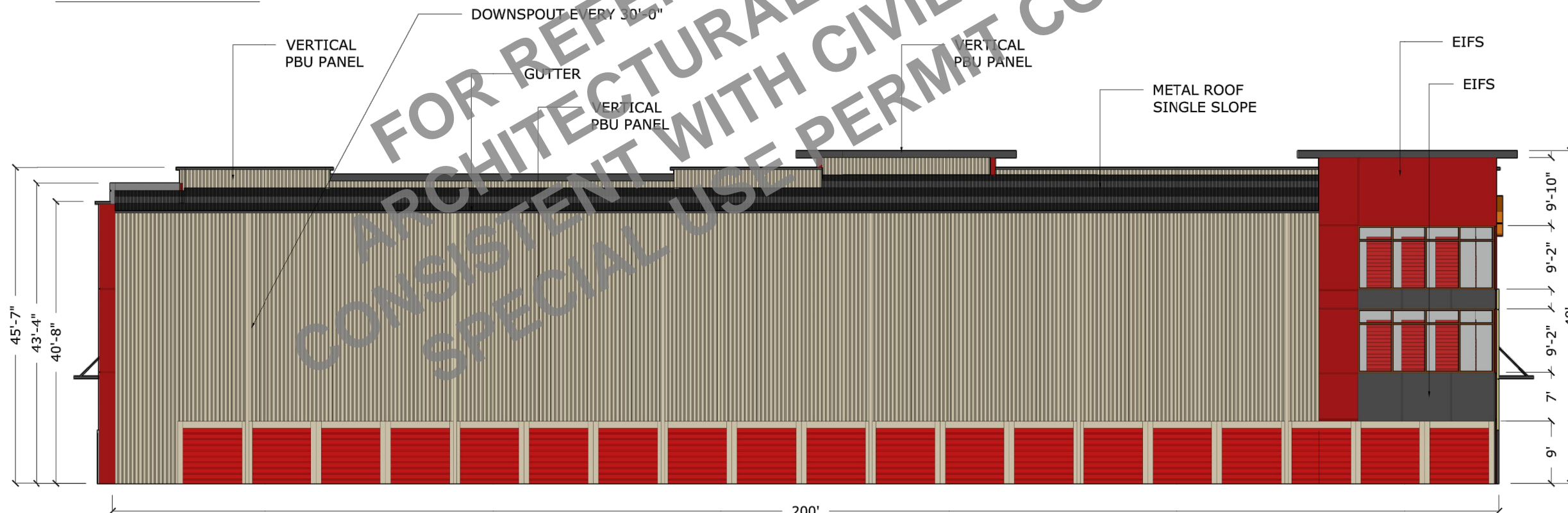
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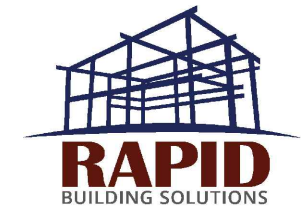
**NORTH ELEVATION**



**EAST ELEVATION**

| CLIMATE CONTROLLED UNITS |          |           |           |           |           | NON-CLIMATE CONTROLLED UNITS |          |           |           |           |           |
|--------------------------|----------|-----------|-----------|-----------|-----------|------------------------------|----------|-----------|-----------|-----------|-----------|
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**JOB NUMBER:**  
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| 8   | 08/31/21 | LAY + ELEV + MUC | AB  |
| 9   | 09/02/21 | ELEV             | AB  |

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**1388-20-NC-W-1**

KANNAPOLIS PROJECT, KANNAPOLIS, NC

**Climate Controlled Units**

|                   | GSF          | 5x5   | 5X7  | 5X10  | 7X7  | 8X10 | 10X10 | 10X15 | 10X20 | 10X25 | 10X30 | 15X20 | Unit Totals | Net Sq. Ft.       |
|-------------------|--------------|-------|------|-------|------|------|-------|-------|-------|-------|-------|-------|-------------|-------------------|
| BLDG. A 1ST FLOOR | 29571        | 18    | 0    | 12    | 0    | 6    | 5     | 11    | 23    | 9     | 10    | 0     | 94          | 13530             |
| BLDG. A 2ND FLOOR | 29571        | 32    | 6    | 57    | 1    | 7    | 64    | 52    | 16    | 0     | 0     | 0     | 235         | 21869             |
| BLDG. A 3RD FLOOR | 29571        | 32    | 6    | 57    | 1    | 7    | 64    | 52    | 16    | 0     | 0     | 0     | 235         | 21869             |
| <b>Total GSF</b>  | <b>88713</b> |       |      |       |      |      |       |       |       |       |       |       |             |                   |
| Unit Totals       |              | 82    | 12   | 126   | 2    | 20   | 133   | 115   | 55    | 9     | 10    | 0     | 564         | Total Units       |
| Unit SQ. FT.      |              | 25    | 35   | 50    | 49   | 80   | 100   | 150   | 200   | 250   | 300   | 300   |             |                   |
| Total Sq. FT.     |              | 2050  | 420  | 6300  | 98   | 1600 | 13300 | 17250 | 11000 | 2250  | 3000  | 0     | 57268       | Net Rentable      |
| % Unit (#)        |              | 14.5% | 2.1% | 22.3% | 0.4% | 3.5% | 23.6% | 20.4% | 9.3%  | 1.6%  | 1.8%  | 0.0%  |             | % of Total Net SF |
| % Unit (SQ. FT.)  |              | 3.6%  | 0.7% | 11.0% | 0.2% | 2.8% | 23.2% | 30.1% | 19.2% | 3.9%  | 5.2%  | 0.0%  | 101.54      | Unit Sq. Ft. Ave  |

**Non-Climate Controlled Units**

|                  | GSF         | 5x5  | 5X7  | 5X10 | 7X7  | 8X10 | 10X10 | 10X15 | 10X20 | 10X25 | 10X30 | 15X20 | Unit Totals | Net Sq. Ft.       |
|------------------|-------------|------|------|------|------|------|-------|-------|-------|-------|-------|-------|-------------|-------------------|
| BLDG. A          | 0           | 0    | 0    | 0    | 0    | 0    | 0     | 7     | 13    | 6     | 4     | 0     | 30          | 6350              |
| BLDG. B          | 2100        | 0    | 0    | 0    | 0    | 0    | 0     | 12    | 0     | 0     | 0     | 1     | 13          | 2100              |
| BLDG. C          | 2300        | 0    | 0    | 0    | 0    | 0    | 23    | 0     | 0     | 0     | 0     | 0     | 23          | 2300              |
| BLDG. D          | 2400        | 0    | 0    | 0    | 0    | 0    | 22    | 0     | 1     | 0     | 0     | 0     | 23          | 2400              |
| <b>Total GSF</b> | <b>6800</b> |      |      |      |      |      |       |       |       |       |       |       |             |                   |
| Unit Totals      |             | 0    | 0    | 0    | 0    | 0    | 45    | 19    | 14    | 6     | 4     | 1     | 89          | Total Units       |
| Unit SQ. FT.     |             | 25   | 35   | 50   | 49   | 80   | 100   | 150   | 200   | 250   | 300   | 300   |             |                   |
| Total Sq. FT.    |             | 0    | 0    | 0    | 0    | 0    | 4500  | 2850  | 2800  | 1500  | 1200  | 300   | 13150       | Net Rentable      |
| % Unit (#)       |             | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 50.6% | 21.3% | 15.7% | 6.7%  | 4.5%  | 1.1%  |             | % of Total Net SF |
| % Unit (SQ. FT.) |             | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 34.2% | 21.7% | 21.3% | 11.4% | 9.1%  | 2.3%  | 147.75      | Unit Sq. Ft. Ave  |

**Combined Totals**

|                  | GSF          | 5x5   | 5X7  | 5X10  | 7X7  | 8X10 | 10X10 | 10X15 | 10X20 | 10X25 | 10X30 | 15X20 | Unit Totals | Net Sq. Ft.  |
|------------------|--------------|-------|------|-------|------|------|-------|-------|-------|-------|-------|-------|-------------|--------------|
| Unit Totals      |              | 82    | 12   | 126   | 2    | 20   | 178   | 134   | 69    | 15    | 14    | 1     | 653         | Total Units  |
| Unit SQ. FT.     |              | 25    | 35   | 50    | 49   | 80   | 100   | 150   | 200   | 250   | 300   | 300   |             |              |
| Total Sq. FT.    | <b>95513</b> | 2050  | 420  | 6300  | 98   | 1600 | 17800 | 20100 | 13800 | 3750  | 4200  | 300   | 70418       | Net Rentable |
| % Unit (#)       |              | 12.6% | 1.8% | 19.3% | 0.3% | 3.1% | 27.3% | 20.5% | 10.6% | 2.3%  | 2.1%  | 0.2%  |             |              |
| % Unit (SQ. FT.) |              | 2.9%  | 0.6% | 8.9%  | 0.1% | 2.3% | 25.3% | 28.5% | 19.6% | 5.3%  | 6.0%  | 0.4%  | 107.84      | Unit Ave     |
| Office Space     | 625          |       |      |       |      |      |       |       |       |       |       |       |             |              |
| Total Sq. FT.    | 95513        |       |      |       |      |      |       |       |       |       |       |       | 73.7%       | Efficiency   |

CLIMATE CONTROLLED UNITS

NON-CLIMATE CONTROLLED UNITS

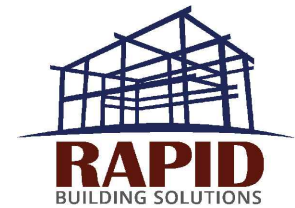
|           |          |           |           |           |           |           |          |           |           |           |           |
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**YOUR STORAGE UNITS**  
KANNAPOLIS, NC



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| 8   | 08/31/21 | LAY + ELEV + MUC | AB  |
| 9   | 09/02/21 | ELEV             | AB  |

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# YOURSTORAGEUNITS

KANNAPOLIS, NC



Jennifer Zabik, P.E., S.E.  
1024 N Fullers Cross Road  
Winter Garden, FL 34787  
jzabik@ztengineering.com

SEALS



350 E Crown Point Rd  
Suite 1080  
Winter Garden, FL 34787  
Phone: (407)347-9614

Info@  
rapidbuildingsolutions.com

**JOB NAME:**  
KANAPOLIS PROJECT  
KANNAPOLIS, NC

**JOB NUMBER:**  
1388-20-NC-W-1

| REV | DATE     | DESCRIPTION      | APP |
|-----|----------|------------------|-----|
| 1   | 08/20/20 | LAY              | JS  |
| 2   | 01/14/21 | LAY              | JS  |
| 3   | 02/01/21 | LAY + MUC opt. 1 | MC  |
| 4   | 02/01/21 | LAY + MUC opt. 2 | MC  |
| 5   | 02/08/21 | LAY              | MC  |
| 6   | 02/17/21 | LAY              | MC  |
| 7   | 03/24/21 | LAY              | JS  |
| 8   | 08/31/21 | LAY + ELEV + MUC | AB  |
| 9   | 09/02/21 | ELEV             | AB  |

|              |                  |
|--------------|------------------|
| DESIGNED BY: | DRAWN BY: XX     |
| CHECKED BY:  | SUBMITTED BY: XX |

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DATE

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350 E Crown Point Rd  
Suite 1080  
Winter Garden, FL 34787  
Phone: (407)347-9614

Info@  
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|              |                  |
|--------------|------------------|
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| CHECKED BY:  | SUBMITTED BY: XX |

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**YOUR STORAGE UNITS**  
KANNAPOLIS, NC

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| <b>AcctName1</b>                    | <b>MailAddr1</b>               | <b>MailCity</b> | <b>MailState</b> | <b>MailZipCod</b> |
|-------------------------------------|--------------------------------|-----------------|------------------|-------------------|
| MPV KELLSWATER LLC                  | 2400 SOUTH BLVD                | CHARLOTTE       | NC               | 28203             |
| UPLANDS COMPANY INC                 | 2600 S CANNON BLVD STE         | KANNAPOLIS      | NC               | 28083             |
| STERLING CHARLOTTE APARTMENTS V LLC | 3900 EDISON LAKES PKWY STE 201 | MISHAWAKA       | IN               | 46545             |
| INTEGRA POE LP                      | 4890 W KENNEDY BLVD STE 240    | TAMPA           | FL               | 33609             |
| TOM MCCLELLAN                       | PO BOX 5144                    | MOORESVILLE     | NC               | 28117             |

February 17, 2022

Dear Property Owner,

**Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday March 1, 2022 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:**

**BOA-2022-01 – Special Use Permit – 5111 Rogers Lake Road**

This Public Hearing is to consider a request for a Special Use Permit (SUP) to allow construction of a mini warehousing/self-storage leasing use. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for mini warehousing/self-storage leasing. The property is located at 5111 Rogers Lake Road, is zoned General Commercial (C-2) and Traditional Neighborhood (TND), measures approximately 2.279 +/- acres, and is more specifically identified as Cabarrus County Parcel Identification Number 56034012040000. **(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.



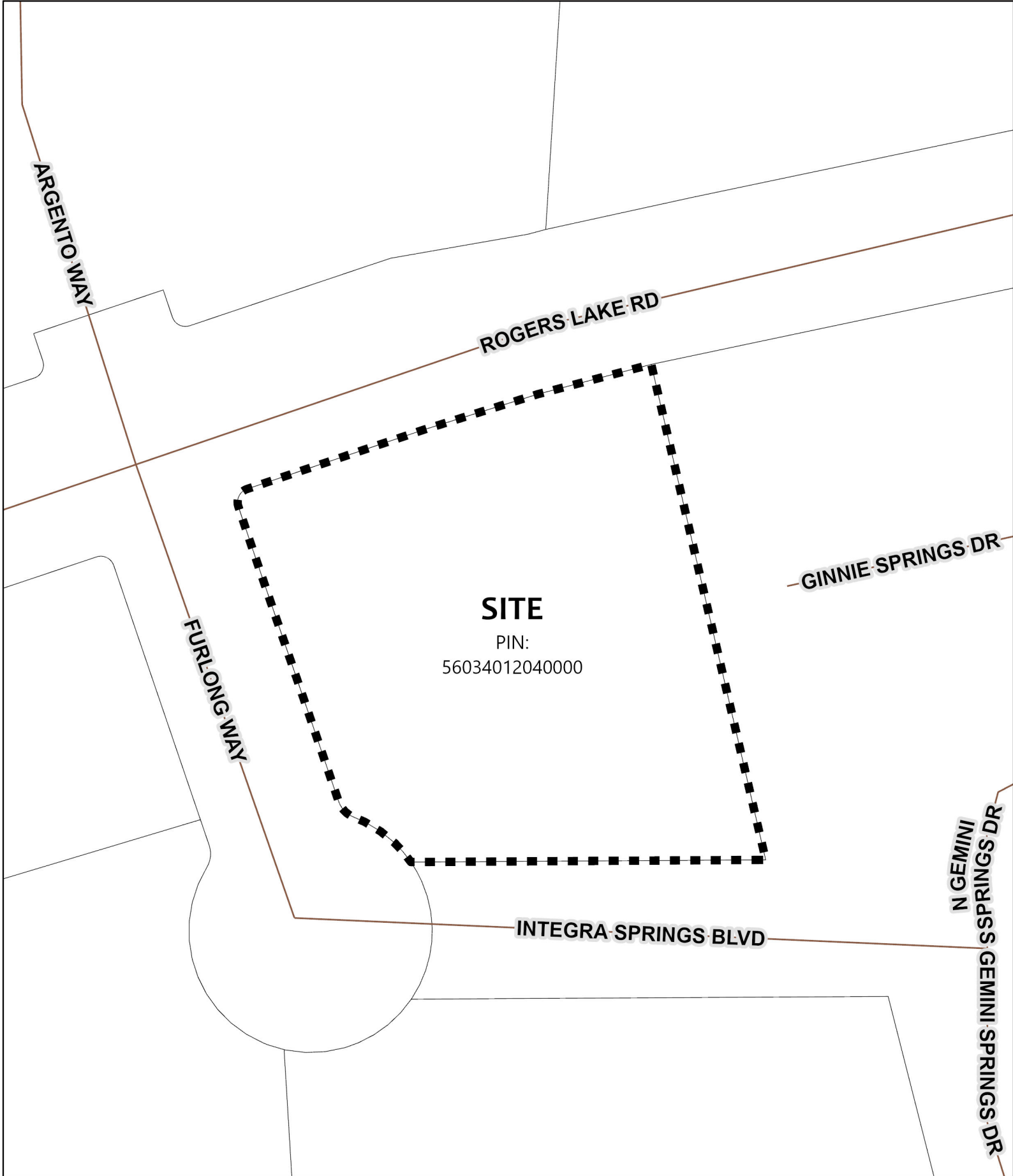


# Special Use Permit

Case Number: BOA-2022-01

Applicant: Tom McClellan

5111 Rogers Lake Rd



  
**BOARD OF**  
  
**ADJUSTMENT**  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE #BOA-2022-01



**Board of Adjustment  
March 1, 2022 Meeting**

**Staff Report**

**TO:** Board of Adjustment  
**FROM:** Ryan Lipp, Senior Planner  
**SUBJECT:** Case# BOA-2022-03: 619 Breckenridge Road  
Applicant: Mayank Gandhi

**Request for a Special Use Permit to allow for a Child Care Center in the Residential Medium Density (RM-2) 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, Mayank Gandhi, is requesting a Special Use Permit (SUP) to allow a Child Care Center use in the Residential Medium Density (RM-2) zoning district, on property located at 619 Breckenridge Road, further identified as Cabarrus County Parcel Identification Number 56220903130000.

Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for a Child Care Center use in the RM-2 zoning district.

**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 "Complete Neighborhood 1" Character Area as designated on the Future Land Use and Character Map in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 1 establishes opportunities for Neighborhood-serving walkable commercial and civic uses. These uses should generate limited traffic and serve the neighborhood directly. The lot is a corner lot located on the corner of Kansas St and Breckenridge Rd. The character area highlights corner lots as a potential for redevelopment by the use being proposed.

The surrounding area is almost exclusively residential in use and character. To help mitigate the effect a potential commercial use can have on the surrounding properties, staff will be proposing certain conditions of approval, including increased buffering and limits on the number of children allowed within the facility.

Based on the discussion above, and with the added conditions, 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 as a Child Care Center has the potential to add additional traffic beyond what is expected in a residential neighborhood. The property is currently accessed off Breckenridge Road. To help alleviate some of the issues, staff is adding a condition that will require the applicant to provide a one-way drive through the property. This will require the applicant to add an additional access point off Kansas St. Both access points will be required to meet the minimum standards of the Land Development Standards Manual (LDSM).

**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 Child Care Center. To help alleviate any potential nuisance caused by an outdoor play area, the applicant will be required to provide a Type III buffer in accordance with 7.4-4 of the UDO.

**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

are zoned RM-2, which allows for single-family detached homes. The Child Care Center should have no impact on ability for these lots to continue in that function in the future.

**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 and availability.

**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 will 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.**

---

**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 use permitted is Child Care Center with no more than 20 children permitted on premise.
2. Development of the property must comply with Section 5.16 of the UDO, as well as all other applicable sections.
3. A Type 3 Perimeter Buffer Yard will be required along all property lines adjacent to residential uses.
4. A one-way drive, with an ingress point on Breckenridge Road and an egress point on Kansas Street, is required. A sign shall be installed at the ingress point to properly direct traffic through the site and away from further advancement down Breckenridge Road.
5. Must comply with current Land Development Standards Manual.
6. All road intersections where development has access and/or street frontage shall be approved by the City.
7. 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.
8. Additional right-of-way needed for Kansas Street (existing 40' r-o-w). Shall dedicate an additional 10' on development side.
9. The parking lot shall comply with all Fire Codes and Autoturn shall be run for a SU-30.
10. A NCDEQ Sediment & Erosion Control Permit will be required if disturbing > 1.0ac.
11. Existing services shall be used or capped at the main. The applicant is responsible for verifying that services are adequately sized for the building and use. Backflow preventor shall be installed behind meter.
12. Driveway construction shall conform to LDSM and standard detail per commercial use.

***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. Neighbor Opposition
7. List of Notified Properties
8. Notice to Adjacent Property Owners
9. 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  
planningapps@kannapolisnc.gov

## 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: 619 Breckenridge Rd, Kannapolis, NC - 28083

Applicant: Mayank Gandhi / Nidhi D Adharyu.

### SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to [planreviewappointment@kannapolisnc.gov](mailto: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


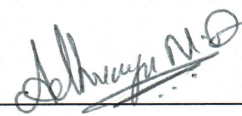
**Public Notification:** This is a quasi-judicial process that requires a public hearing and public notification including first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Section 3.1.5.2 of the UDO).

**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:   Date: 01/20/2022





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: Mayank Gandhi  
Address: 1335 Watson Mills St NW  
Concord, NC - 28027  
Phone: 331-401-4259  
Email: mayankvgandhi@gmail.com

#### Property Owner Contact Information same as applicant

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: 732-372-1406  
Email: \_\_\_\_\_

#### Project Information

Project Address: 619 Breckenridge Rd, Kannapolis Zoning District RV - Residential Village RM-2  
Parcel PIN: 56220903130000 Size of property (in acres): 0.58

Current Property Use: Residential

Proposed Use: Day care

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): We intend to open a daycare/experiential learning center for kids aged 2-5 years. Apart from taking care of kids, the purpose of our center is to help kids ignite their curiosity for Science, Technology, Engineering & Math (STEM) through hands-on experience.

#### 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.

We DO NOT intend to make any structural changes (external) to the existing building. We intend to use the open floor concept to make classrooms compliant with State and County requirements. We intend to create a driveway for vehicle to come in and out and 5 parking places.

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.

To ensure there is NO blocking of public roads, we intend to create a drive thru for vehicles to go in and out. Additionally, 5 parking places on the property will ensure there is NO traffic congestion because of center's operation.

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

We intend to build MODEL CITIZENS of tomorrow. To lead by example, the center does not use any equipment that produce noises, vibration, odor, dust, smoke or gas that may cause inconvenience to the neighbours.

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 center's operation is confined within the property. We DO NOT foresee any impact on any improvements that the city plans to implement in the area.

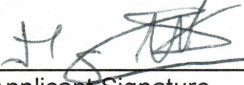
E. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

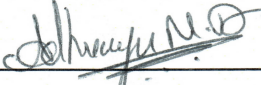
The center's operation is purely a service of building future leaders. It DOES NOT produce any air, soil, water or sound pollution that may be detrimental to or endanger the public health safety or general welfare.

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

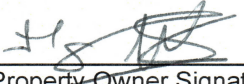
We assure to comply with all requirements of Unified Development Ordinance that are applicable for center's operations.

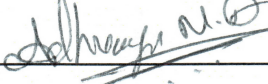
By signing below, I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I acknowledge that the Board of Adjustment may add conditions on the requested use as part of the approval to assure that adequate mitigation measures 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



01/30/2022  
Date

  
Property Owner Signature



01/30/2022  
Date

619, Breckenridge Rd, Kannapolis, NC - 28083

To,  
Kannapolis Technical Review Committee.

Subject: Uplift residential property for use as daycare for minimum 2 to maximum 29 kids capacity supported by 1 to 4 teaching and/ or administrative staff.

Dear Sir/ Madam,

We, Mayank Gandhi & Nidhi D Adhvaryu, are owners of the property at 619 Breckenridge Rd, Kannapolis, NC 28083. We intend to open a daycare/ experiential learning center for kids aged 2 – 5 years with hours of operations between 6 am and 6 pm during weekdays. Weekends off. Apart from taking care of the kids at the center, the purpose of the center is to help kids ignite their curiosity for Science, Technology, Engineering and Math (STEM) through hands-on experience. This daycare/ experiential learning center will intends to make kids prepare for the school by enabling them to:

1. Read and write
2. Develop social skills
3. Develop creativity
4. Develop motor and sensory skills
5. Experience based introduction to Science, Technology, Engineering and Math

We are planning for a capacity of minimum 2 to maximum 29 kids supported by 1 to 4 teaching and/ or administrative staff. We do not intend to reside at the property.

Request you to review the proposal and help us making our dream of nurturing the kids for tomorrow a reality.

Please feel free to get in touch with us for any clarification required.

Yours Truly,



Mayank Gandhi  
Mobile: 331-401-4259  
Email: mayankvgandhi@gmail.com  
Address: 1335 Watson Mills ST NW, Concord, NC 28027

**received**  
1/27/2022



# Vicinity Map

Case Number: BOA-2022-03

Applicant: Mayank Gandhi/ Nidhi D. Adhvaryu  
619 Breckenridge Rd.



**SITE**

**KANSAS ST**

**BRIDGE RD**

**CAROLINA AVE**

EDDLEMAN RD

S CANNON BLVD

PENNSYLVANIA AVE

KANSAS ST

DAKOTA ST



# Kannapolis Current Zoning

Case Number: BOA-2022-03

Applicant: Mayank Gandhi/ Nidhi D. Adhvaryu

619 Breckenridge Rd.





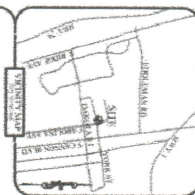
# Kannapolis 2030 Future Land Use Map

Case Number: BOA-2022-03

Applicant: Mayank Gandhi/ Nidhi D. Adhvaryu

619 Breckenridge Rd.



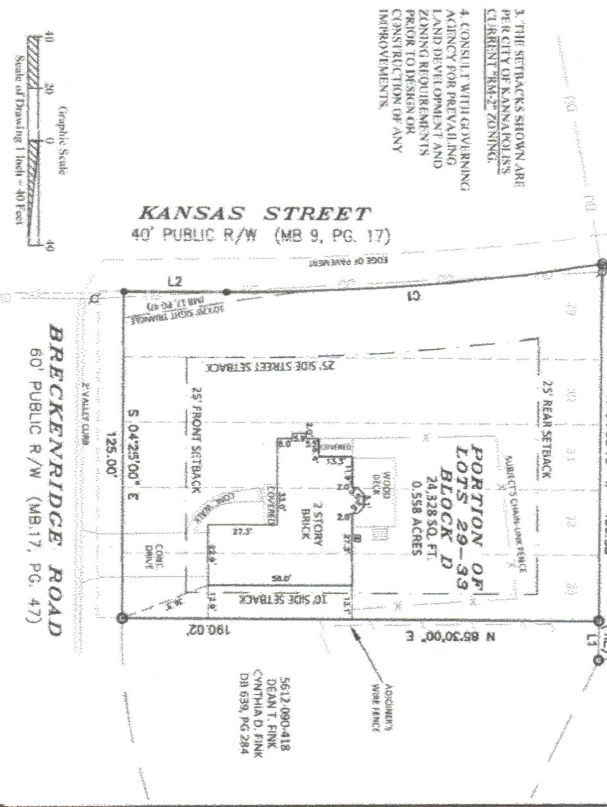


DARREL W. LONG, P.L.S.  
18335 OLD STATESVILLE ROAD  
SUITE A  
CORNELIUS, N.C. 28031  
(704) 765-5134



NOTES:  
1. NO N.C.S. MONUMENT FOUND WITHIN 200'.  
2. PROPERTY MAY BE SUBJECT TO EASEMENTS OR RIGHTS-OF-WAY THAT MAY BE OF RECORD.

3. THE SETBACKS SHOWN ARE PER CITY OF KANSAS POLICE CLERK RENE ZIMMING.  
4. CONSULT WITH GOVERNING AGENCY FOR PREVALUING LAND REVENUE AND ZONING REQUIREMENTS PRIOR TO DESIGN OR CONSTRUCTION OF ANY IMPROVEMENTS.



| CURVE | LENGTH | RADIUS | CHORD  | CHORD BEG      | CHORD END |
|-------|--------|--------|--------|----------------|-----------|
| C1    | 149.87 | 940.10 | 149.71 | S 80°56'53\"/> |           |
| C2    | 13.53  | 940.10 | 13.63  | N 76°17'21\"/> |           |

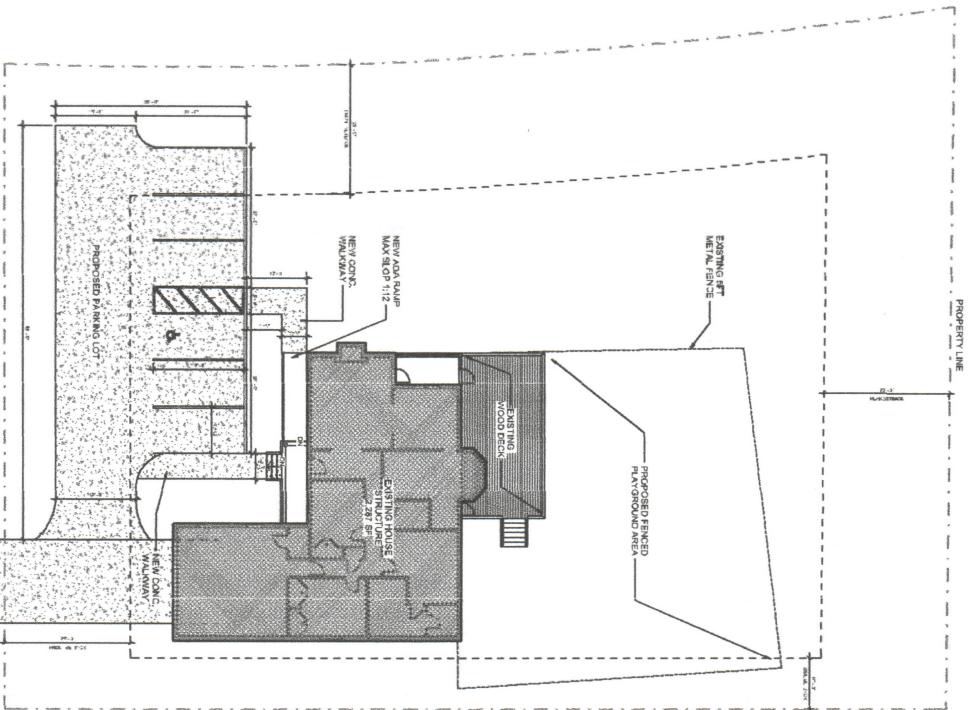
  

| LINE | BEARING        | DISTANCE |
|------|----------------|----------|
| 1    | S 04°25'00\"/> |          |
| 2    | S 85°50'26\"/> |          |

Physical Survey of a Portion of Lots 29-33, Block D of Hoover & Alexander Addition to Royal Oaks

|  |  |   |   |
|--|--|---|---|
| Professional Property Surveyors, Inc.<br>18335 Old Statesville Road, Suite A<br>Cornelius, N.C. 28031<br>(704) 765-5134<br>www.ppsurveyors.com | Property of:<br>Mayank Gandhi<br>Nidhi D. Advaniyu | As Recorded in:<br>Map Book 9, Pg 15<br>Map Book 17, Pg 47<br>Deed Book 15344, Pg 346 | Site Address:<br>619 Breckenridge Road<br>Kannapolis, NC<br>Cabarrus County |
| Prepared By:<br>JST  | Drawing Scale:<br>1" = 40'                         | Drawing File Name:<br>46224806211   | Sheet Number:<br>1 of 1   |
| Checked By:<br>JST   | Drawing Date:<br>11/10/20                          | Client Name:<br>CANNAPOLIS  | Date:<br>06/20/21   |

PROPERTY SURVEY



WALL PLAN



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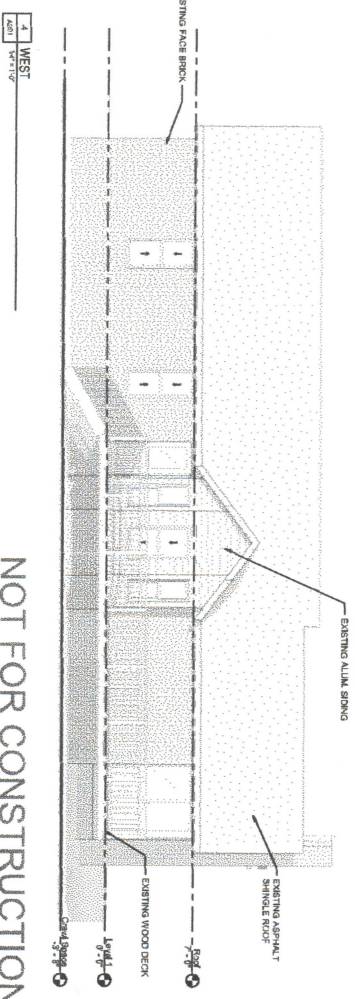
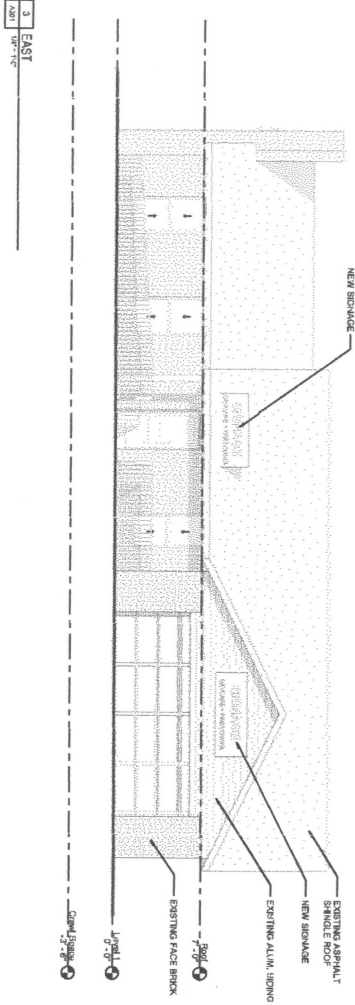
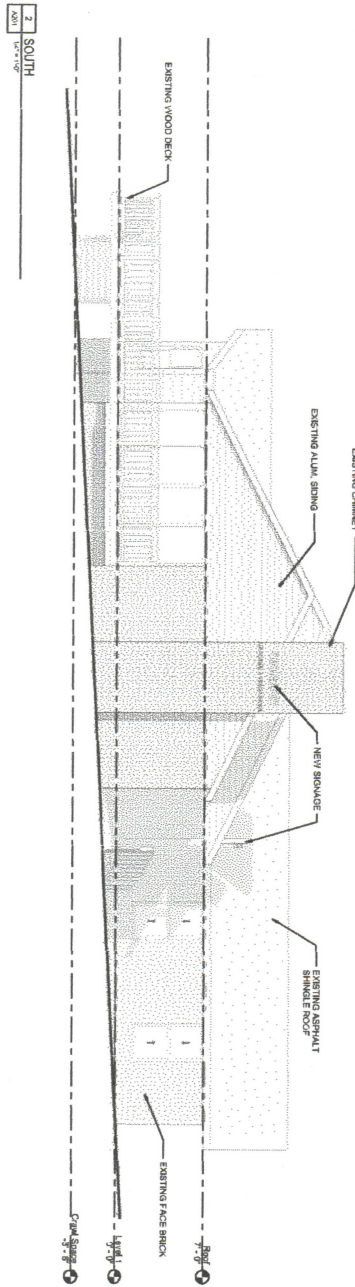
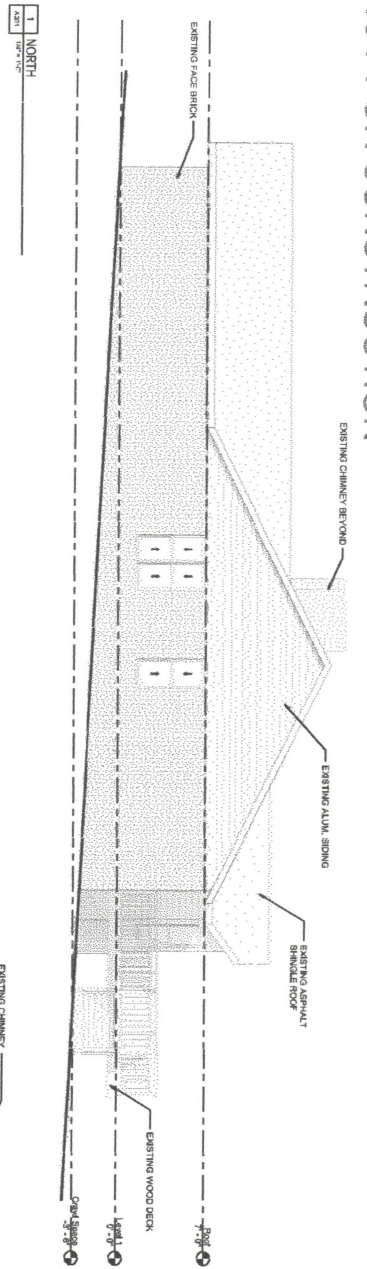


Preliminary Not for Construction

|                    |         |
|--------------------|---------|
| DATE: 02/29/2021   | BY: JST |
| NO. DESCRIPTION: 1 | Sheet   |

|              |            |
|--------------|------------|
| PROJECT NO.: | XXXXXXXXXX |
| SHEET NO.:   | A010       |

NOT FOR CONSTRUCTION



NOT FOR CONSTRUCTION



1111 Avenue of the Stars, Suite 2000  
 Atlanta, Georgia 30328  
 Tel: 404.524.2000  
 Fax: 404.524.2001  
 www.pbcgroup.com



Prepared by  
 Not for Construction

CONSTRUCTION

DATE: 02/29/2023  
 NO. | Description | Size

XXXXXXXXXXXX  
 EXTERIOR ELEVATIONS

A201



PROTECTIVE COVENANTS AND RESTRICTIONS

FOR BRECKENRIDGE

NORTH CAROLINA

CABARRUS COUNTY

KNOW ALL MEN BY THESE PRESENTS, That the Kannapolis Real Estate Agency, Inc., a North Carolina corporation with principal place of business in Kannapolis, Cabarrus County, North Carolina, owner of the property hereinafter described, does hereby covenant and agree to and with all other persons, firms or corporations hereafter acquiring any property in the area hereinafter described, the same being Lots Numbers 1 through 18 as shown on the map of the Subdivision of BRECKENRIDGE, located in Number Four Township, Cabarrus County, Kannapolis, North Carolina, which said map is duly filed in the Office of the Register of Deeds for Cabarrus County, North Carolina, in Map Book 17 at page 47; that Lots Nos. 1 through 18 in said subdivision are hereby subjected to the following restrictions as to the use thereof, to wit;

1. No lot shall be used other than for residential purposes except that a street may be constructed across any lot in the subdivision if such construction has the written and recorded consent of the Kannapolis Real Estate Agency, Inc., and the owner(s) of the lot if it is not then owned by the said corporation.

2. No dwelling shall be permitted on any lot at a cost of less than \$45,000.00 based upon the cost levels prevailing on February 10, 1980, it being the intention and purpose of this covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which could have been constructed on February 10, 1980 for \$45,000.00.

3. The total heated "living" area of a dwelling, exclusive of open porches, carport, and open or enclosed garage, shall not be less than 1,600 square feet.

4. No building shall be located on any lot nearer than 35 feet to the front lot line as shown on the recorded map. No building shall be located nearer than 10 feet to an interior property line (interior property line meaning the property owner's interior boundary line and not necessarily the interior lot lines shown on the recorded plat), except that no side yard shall be required for a garage or other permitted accessory building located 90 feet or more from the front lot line as shown on the recorded map. For the purposes of this covenant, eaves, steps, and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building to encroach upon another lot.

5. Each lot is subject to such existing utility line rights-of-way or drainage easements as may appear of record.

6. Excluding the cul de sac, Breckenridge Road has a dedicated right-of-way width of sixty (60) feet. The right-of-way of the cul de sac is as shown on the recorded map.

7. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

8. No structure of a temporary character, mobile home, trailer, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

9. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than nine square feet advertising the property for sale or rent. Signs of like size used by a builder, contractor or sub-contractor to advertise during the construction and sales period are permitted.

10. No animal, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept provided they are not kept, bred, or maintained for any commercial purpose.

11. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon or permitted to remain thereon which may be or may become detrimental to or an annoyance or nuisance to the neighborhood.

12. No automobile or other motor vehicle without a valid and current license plate attached thereto shall be permitted to remain in any part of the subdivision; nor shall any type of junked motor vehicle be allowed to remain in the subdivision.

13. Upon the sale by the Kannapolis Real Estate Agency, Inc., of any lot in the subdivision, the purchaser and subsequent owners shall maintain that part of the lot which adjoins the street for the full width of the lot and for a distance of 40 feet from the front lot line (except that area covered by the dwelling) attractively and as a lawn; or with the written consent of the Kannapolis Real Estate Agency, Inc., this "40 feet lawn area" may be left in its natural state. At no time shall any part of this "40 feet lawn area" be used as a garden. Nothing in this paragraph shall be construed in such a manner as to prevent the construction of a dwelling upon any lot in the subdivision so long as the dwelling is located and constructed in conformity with the other provisions of these Protective Covenants. Nor shall this paragraph be construed as preventing the use of walkways, flowers, and shrubbery in beautifying the lawn.

14. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until February 10, 2005, at which time said covenants shall be automatically extended for successive periods of 10 years unless by vote of a majority of the then owners of the lots it is agreed to change said covenants in whole or in part.

15. If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any person or persons, firm or corporation owning any real property situated in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants and either to prevent him or them from doing so or to recover damages or other dues for such violations. The Kannapolis Real Estate Agency, Inc., shall have no legal responsibility to enforce these Protective Covenants and Restrictions. These Protective Covenants and Restrictions may be amended, altered, or rescinded at any time upon the recordation of a properly drafted legal instrument signed by all of the owners of the land in the subdivision and also signed by each mortgagee or trustee in all mortgages or deeds of trust secured by real property in the subdivision. In event of an unintentional minor violation (10% or less) of any of the provisions set forth above in the paragraphs numbered, 2, 3, and 4, the Kannapolis Real Estate Agency, Inc., may, by a duly recorded written instrument, waive such violation. Such recorded waiver shall serve to release the property from the specific restriction set forth in the waiver, and all other restrictions and provisions contained herein shall continue in full force and effect.

16. Invalidity of any one of these covenants by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

6/14/90

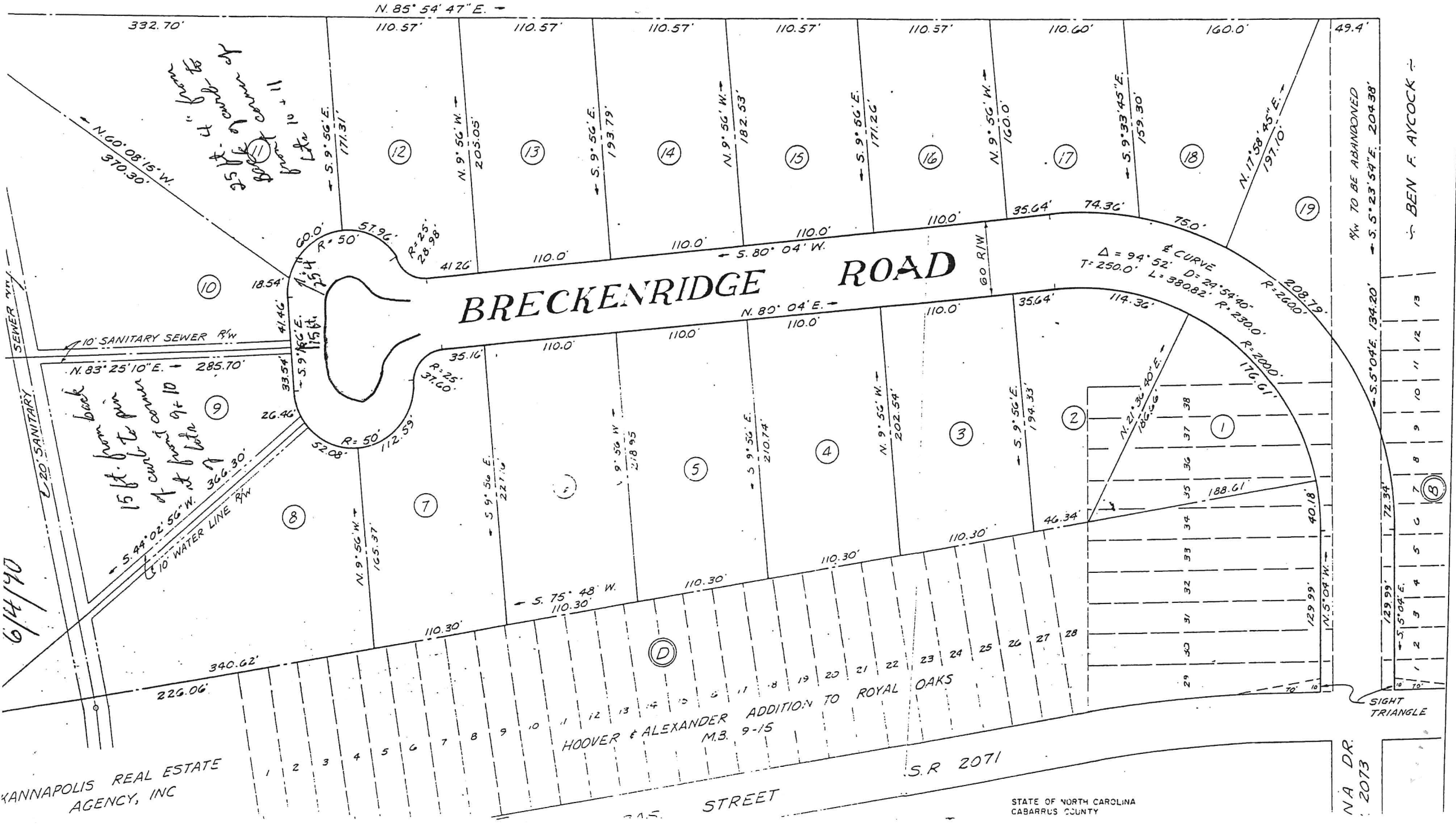
KANNAPOLIS REAL ESTATE  
AGENCY, INC

SEWER 10' SANITARY  
20' SANITARY

SEWER 10' SANITARY

*15 ft. from  
back of  
curb  
of  
road  
of  
10'*

*11  
feet  
from  
back  
of  
road  
to  
center  
of  
lot  
11*



STATE OF NORTH CAROLINA  
CABARRUS COUNTY

NA DR.  
2073

1.5 STREET

S.R 2071

HOOPER & ALEXANDER  
M.B. 9-15  
ADDITION TO ROYAL OAKS

SIGHT  
TRIANGLE

# HOOVER & ALEXANDER ADDITION TO ROYAL OAKS

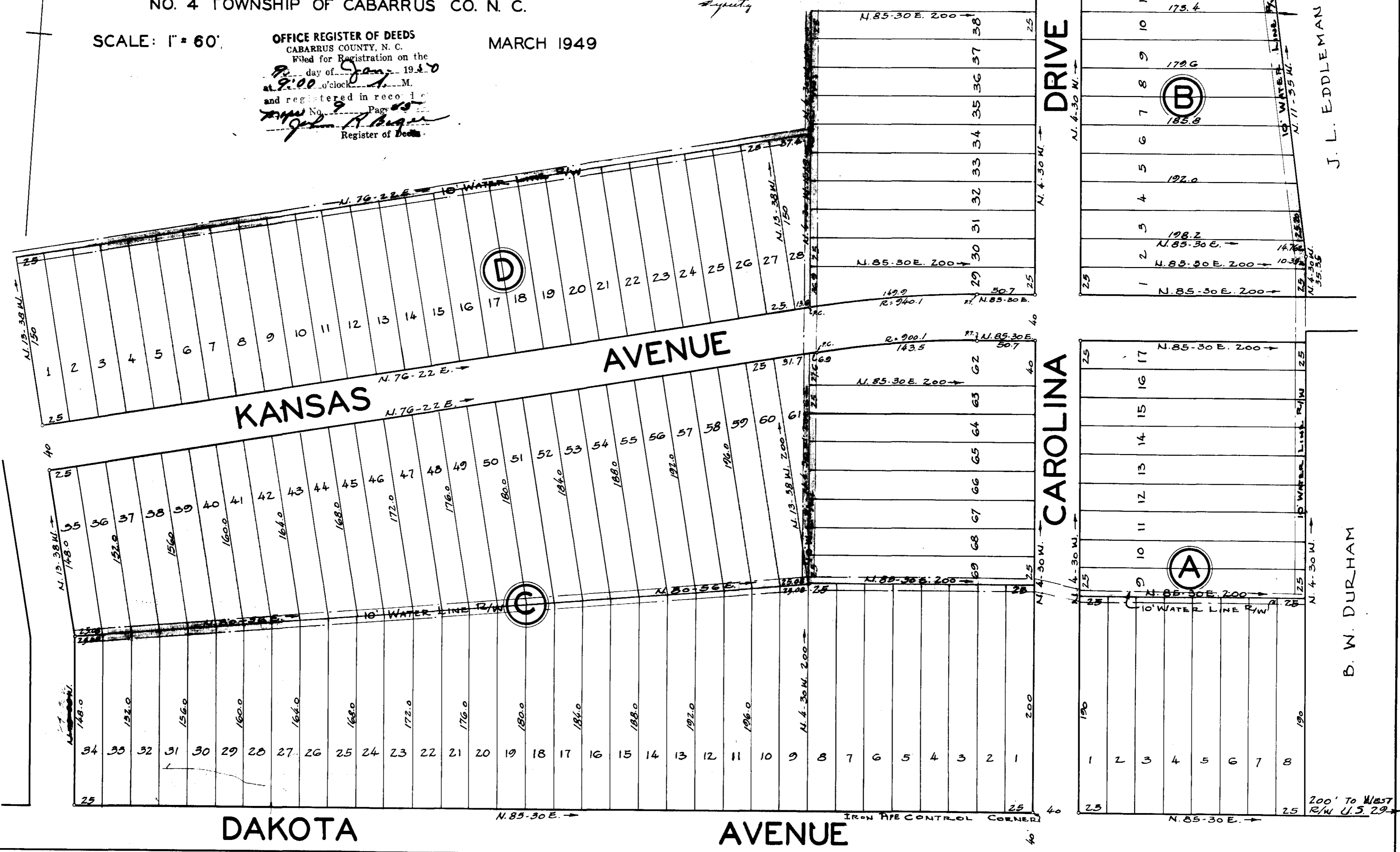
NO. 4 TOWNSHIP OF CABARRUS CO. N. C.

SCALE: 1" = 60'

OFFICE REGISTER OF DEEDS  
 CABARRUS COUNTY, N. C.  
 Filed for Registration on the  
 8th day of Jan. 1949  
 at 9:00 o'clock P.M.  
 and registered in record  
 Book No. 9 Page 15  
*John R. Bugar*  
 Register of Deeds

MARCH 1949

*John Alexander* *County Sur*  
*March 1949*  
*Variable*  
*John Alexander*  
*County*



J. L. EDDLEMAN

B. W. DURHAM

SURVEY BY  
*S. Glenn Hayfield, Jr.*  
 COUNTY SURVEYOR

**Residents Against Daycare Being**

**Opened At 619 Breckenridge Rd.**

**Kannapolis , N.C. 28083**

- 1 Debra Niles 617 Breckenridge Rd
- 2 Hoy Gentle 615 Breckenridge Rd.
- 3 6
- 4 Dr James D. 611 Breckenridge Rd
- 5 Kenneth E. Bendig 609 Breckenridge Rd.
- 6 Cherry Marcum 607 Breckenridge Rd
- 7 Keith M. Snow 605 BRECKENRIDGE RD
- 8 Grady L. Christie 603 Breckenridge Rd
- 9 Barry + Betty Lambert 601 Breckenridge Rd.
- 10 Priscilla Johnson 600 Breckenridge rd
- 11 Curtis VanDike 602 Breckenridge Rd.
- 12 Wayne Overcash 604 BRECKENRIDGE RD
- 13 Neil + Ann Pifer 606 Breckenridge Rd Kannapolis, NC 28083
- 14 Barry + Cindy KARNWART 608 BRECKENRIDGE RD
- 15 Caleb Sheffield 612 Breckenridge Rd
- 16 \_\_\_\_\_
- 17 \_\_\_\_\_

18 ~~James E. Campbell~~ 616 BRECKENRIDGE

19 ~~Michael M. Buel~~ 618 Breckenridge Rd

20

21

22 ~~Carole & Brittany Bryant~~  
(former)

23 ~~J. Anne G. Boswell~~ - 628 Breckenridge Rd.

24 Dawn Burr 626 Breckenridge Rd

25 Tammya Joy Purvis 1901 Carolina Ave Kampala

26 Andrea Jackson 1902 Carolina Ave.

27 ~~Stephan~~ 1900 Carolina Ave

28

29

30

| AcctName1                       | MailAddr1             | MailCity   | MailState | MailZipCod |
|---------------------------------|-----------------------|------------|-----------|------------|
| MUSSA & ABRAR AIYASH            | 1903 CAROLINA AVE     | KANNAPOLIS | NC        | 28083      |
| JACOB C ALLEN                   | 622 BRECKENRIDGE RD   | KANNAPOLIS | NC        | 28083      |
| ANGELA C BENNETT                | 516 KANSAS ST         | KANNAPOLIS | NC        | 28083      |
| ISIS M BENNETT                  | 701 KANSAS ST         | KANNAPOLIS | NC        | 28083      |
| ORMAH BOSWELL                   | 628 BRECKENRIDGE ROAD | KANNAPOLIS | NC        | 28083      |
| BRECKENRIDGE TOWNHOME ASSOC     |                       |            |           |            |
| C/O JEANNE BOSWELL              | 628 BRECKENRIDGE RD   | KANNAPOLIS | NC        | 28083      |
| PATSY D BURR                    | 626 BRECKENRIDGE ROAD | KANNAPOLIS | NC        | 28083      |
| FRANCIS & KATIE CONGEL          | 517 KANSAS ST         | KANNAPOLIS | NC        | 28083      |
| JOHN & LAUREN DALTON            | 624 BRECKENRIDGE RD   | KANNAPOLIS | NC        | 28083      |
| SHARON S DEHAAN                 | 150 HILLCREST AVE SE  | CONCORD    | NC        | 28025      |
| DEAN T & CYNTHIA D FINK         | 617 BRECKENRIDGE ROAD | KANNAPOLIS | NC        | 28081      |
| MAYANK GANDHI &                 |                       |            |           |            |
| NIDHI ADVARYU                   | 619 BRECKENRIDGE RD   | KANNAPOLIS | NC        | 28083      |
| FLOY GENTLE                     | 615 BRECKENRIDGE RD   | KANNAPOLIS | NC        | 28083      |
| GREGORY HAAS &                  |                       |            |           |            |
| CARL & PATRICIA HAAS            | 1905 CAROLINA AVE     | KANNAPOLIS | NC        | 28083      |
| HANCOCK DEVELOPMENT LLC         | 1100 E MOREHEAD ST    | CHARLOTTE  | NC        | 28204      |
| MITCHELL & ANDREWA JACKSON      | 1902 CAROLINA AVENUE  | KANNAPOLIS | NC        | 28083      |
| WILLIAM H JR & SABRINA JAMIESON | 611 BRECKENRIDGE ROAD | KANNAPOLIS | NC        | 28083      |
| TAISHA MCBRIDE                  | 618 BRECKENRIDGE RD   | KANNAPOLIS | NC        | 28083      |
| GWYNN GMCCOMBS                  |                       |            |           |            |
| C/O GWYNN GOODMAN               | 13000 MOORESVILLE RD  | DAVIDSON   | NC        | 28036      |
| RALPH & DEBRA MCGEE             | 764 COURTNEY ST SE    | CONCORD    | NC        | 28025      |
| THOMAS F PURSER JR              | 1901 CAROLINA AVENUE  | KANNAPOLIS | NC        | 28081      |
| JAMIE A STALLINGS               | 519 KANSAS STREET     | KANNAPOLIS | NC        | 28083      |
| POLLY TROTT                     | 97 SEA BEACH DR       | STAMFORD   | CT        | 06902      |
| WAYNE O WAGONER                 | 518 KANSAS ST         | KANNAPOLIS | NC        | 28083      |
| JOHNNY & STEVETTE WATKINS       | 515 KANSAS STREET     | KANNAPOLIS | NC        | 28083      |



February 17, 2022

Dear Property Owner,

**Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday March 1, 2022 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:**

**BOA-2022-03 – Special Use Permit – 619 Breckenridge Road**

This Public Hearing is to consider a request for a Special Use Permit (SUP) to allow a daycare use in the Residential Medium Density (RM-2) zoning district. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for a daycare use in the RM-2 district. The property is located at 619 Breckenridge Road, is zoned RM-2, measures approximately 0.58 +/- acres, and is more specifically identified as Cabarrus County Parcel Identification Number 56220903130000. **(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.



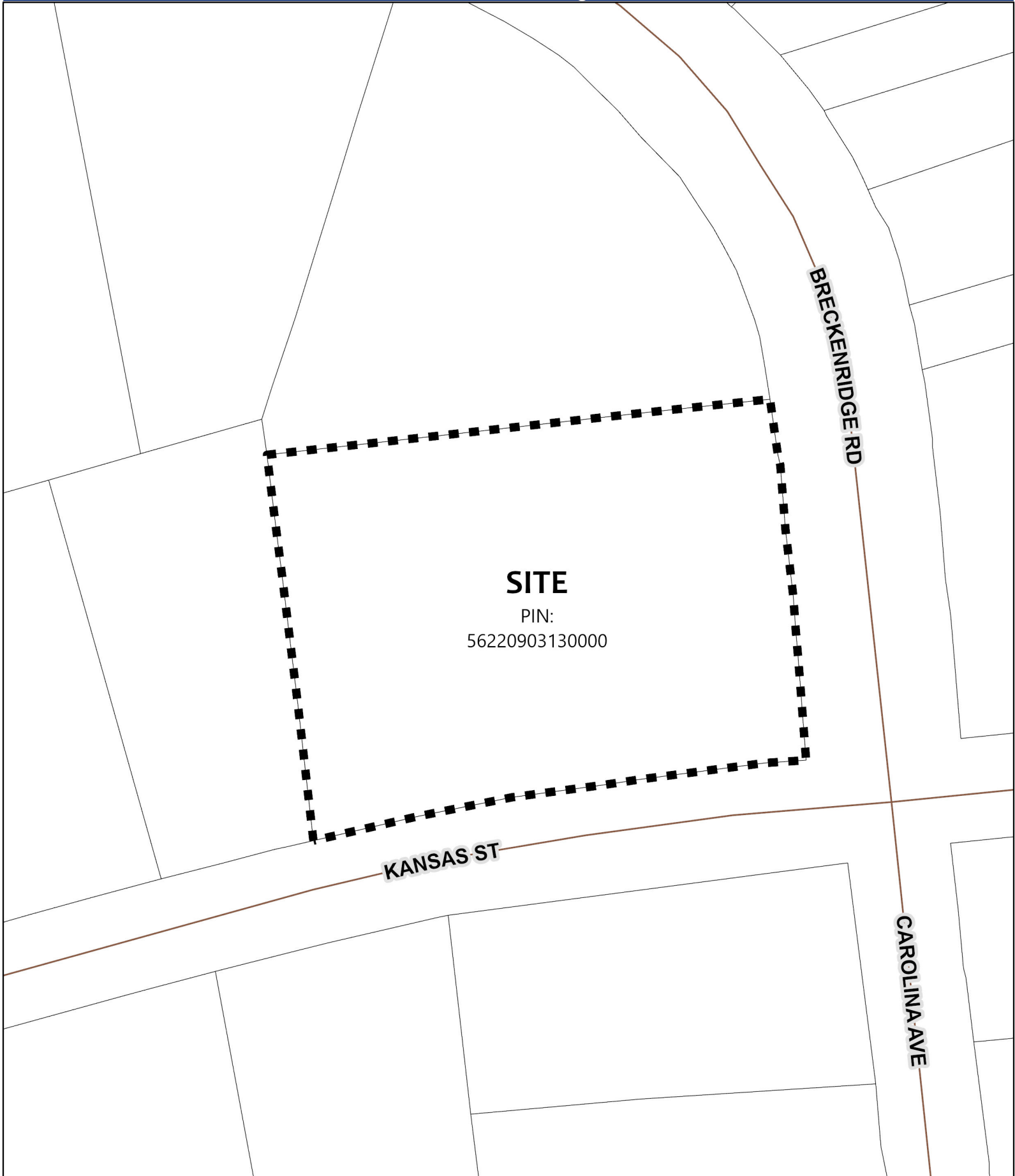


# Special Use Permit

Case Number: BOA-2022-03

Applicant: Mayank Gandhi/ Nidhi D. Adhvaryu

619 Breckenridge Rd.



**SITE**

PIN:

56220903130000

BRECKENRIDGE RD

KANSAS ST

CAROLINA AVE

KANNAH COLLEGE  
**BOARD OF**  
**ADJUSTMENT**  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE #BOA - 2022 -03

