



**BOARD OF ADJUSTMENT
AGENDA**

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

Tuesday March 7, 2023 at 6:00 PM

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes –February 7, 2023**
- 5. Swearing In for Testimony**
- 6. Public Hearing:**
 - a. BOA-2023-03 – Special Use Permit – 5223 Davidson Hwy.**
Public Hearing to consider a request for a Special Use Permit (SUP) to allow for a Self-service storage facility on property located at 5223 Davidson Highway. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, Self-service storage uses require approval of a SUP in the General Commercial (GC) zoning district.
- 7. Planning Director Update**
- 8. Other Business**
- 9. Adjourn**



**Board of Adjustment
March 7, 2023 Meeting**

Staff Report

TO: Board of Adjustment
FROM: Ben Barcroft, Senior Planner
SUBJECT: Case# BOA-2023-03: Special Use Permit – 5223 Davidson Hwy
Applicant: Legacy Pointe Properties, LLC

Request for a Special Use Permit to allow for a Self-service storage facility on property located at 5223 Davidson Hwy

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, Legacy Pointe Properties, LLC, is requesting a Special Use Permit (SUP) to allow for a Self-service storage facility in the General Commercial (GC) zoning district on approximately 2.52 +/- acre portion of an existing 8.51 +/- acre tract of property located at 5223 Davidson Hwy, further identified as Cabarrus County Parcel Identification Number 56013793670000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for Self-service storage uses in the GC zoning district. This use must also meet the standards specific to principal uses for Self-Service Storage as shown in KDO Section 4.2.D(5)f.4. and listed below:

- (a) The maximum lot size is three acres.
- (b) Notwithstanding the building height standards in the district where the self-service storage is located, except in the GC District, buildings where storage units are accessed purposes of this section, one story shall mean and refer to a maximum interior ceiling height of ten feet, which may include a maximum of eight feet with an additional two feet to accommodate a garage-type sliding or roll up door.

- (c) A Type B perimeter buffer yard shall be provided in accordance with Section 5.3.G, Perimeter Buffer Yards, around the perimeter of the self-service storage facility.
- (d) Signs and other advertising mediums are prohibited within the buffer yard.
- (e) The establishment shall have an on-site manager or an electronic security system.
- (f) The sale of personal property and the conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units and incidental sales of storage-related materials (boxes, tape, labels, etc.) is prohibited.
- (g) No portion of any self-service storage shall be used, on a temporary or permanent basis, as a dwelling, except a single dwelling unit for use by an on-site manager or caretaker is allowed as an accessory use.
- (h) The repair, construction, or reconstruction of any boat, engine, motor vehicle on-site is prohibited.
- (i) On-site storage of a propane or gasoline engine or a propane or gasoline storage tank is prohibited. All rental contracts for storage units shall include clauses prohibiting (a) the storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals, and (b) the use of the property for purposes other than dead storage.
- (j) All outdoor lights must be shielded to direct light and glare only onto the lot which the self-service storage is located.

D. Fiscal Considerations

None

E. Policy Issues

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

Staff Findings of Fact - Based on application review:

Yes No

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

This property is in the "Employment Center" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area is composed primarily of small and medium-scale commercial developments.

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 construction of a self-service storage facility is not anticipated to cause any traffic hazards or traffic congestion. The access for the facility will be off Biscayne Drive with no access to Davidson Highway. There is adequate parking available for this use.

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

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

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

The proposed use would not impede development of the surrounding properties for uses allowed within their respective zoning districts. The proposed self-service storage facility is compatible with the surrounding uses of vehicle rental/sales, hotel, and commercial distribution.

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

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

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

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

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

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

F. Legal Issues

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

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

Yes **No**

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

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

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

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

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

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

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

G. Recommendation

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

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

H. Attachments

1. Special Use Permit Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Conceptual Site Plan
6. Elevation Renderings
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



Special Use Permit

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on this form below are submitted with your application.

SPECIAL USE PERMIT REQUEST

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

Property Address: 5223 DAVIDSON HWY. CONCORD, NC 28027

Applicant: Legacy Pointe Properties, LLC.

SUBMITTAL CHECKLIST

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

PROCESS INFORMATION

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

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

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

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

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

Applicant's Signature: _____

Date: 1-20-23



SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Legacy Pointe Properties

Address: 19354 Watermark Dr Suite 102
Cornelius, NC 20831

Phone: 434-203-0818

Email: chris@legacypointe.com

Property Owner Contact Information same as applicant

Name: Cabarrus County Enterprises

Address: 1627 Scotland Ave
Charlotte, NC 28207

Phone: 704-782-7777

Email: t.propst@southcentralproperties.com

Project Information

Project Address: 5223 DAVIDSON HWY. CONCORD, NC 28027 Zoning District GC

Parcel PIN: 56013793670000 Size of property (in acres): 1.87

Current Property Use: Undeveloped

Proposed Use: Multilevel Climate Controlled Self 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*):

Project will be a professionally managed storage facility. All loading and unloading will be done inside a two story loading bay. The facility will more closely resemble an office building than a traditional storage facility.

REVIEW STANDARDS

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

- 1. The proposed special use will be in harmony with the area in which it is to be located and in general conformance with the City's Comprehensive Plan.**

Yes, the project will serve as a good buffer between the industrial sites to the south, and potential future retail developments adjacent to HWY 73. The project will serve local neighborhoods and help connectivity

with sidewalk expansion.

2. **Adequate measures shall be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads.**
This project has very low traffic generation, less than 25 trips per day. It will, however, still provide two points of ingress and egress.

3. **The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.**
No, it will not be noxious or offensive by any reasons listed. There will be no odors, dust, smoke or gas emitted from the facility. Indoor loading/unloading will keep noise from being projected to neighboring sites.



4. **The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.**
No, it will not. The project will provide options for future connectivity to adjacent parcels. The project

5. **The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare.**
No, this facility is very low traffic and will subsequently require very low resources from fire,ems, police, and local utilities. It will also be surrounded by security cameras to increase safety in the general area.

6. **The proposed use complies with all applicable provisions of the KDO.**
Yes, several meetings have been held with planning staff to ensure all applicable provisions are followed.

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

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.

	1-20-23
Applicant Signature	Date
	1/21/2023
Property Owner Signature	Date

For Staff Use Only:

Filing Fee: \$625

Receipt #: KN-SUP-2023-00002

Case #: BOA-2023-03

Date Received: 1/25/2023



Vicinity Map

Case Number: BOA-2023-03

Applicant: Legacy Pointe Properties

5223 Davidson Hwy



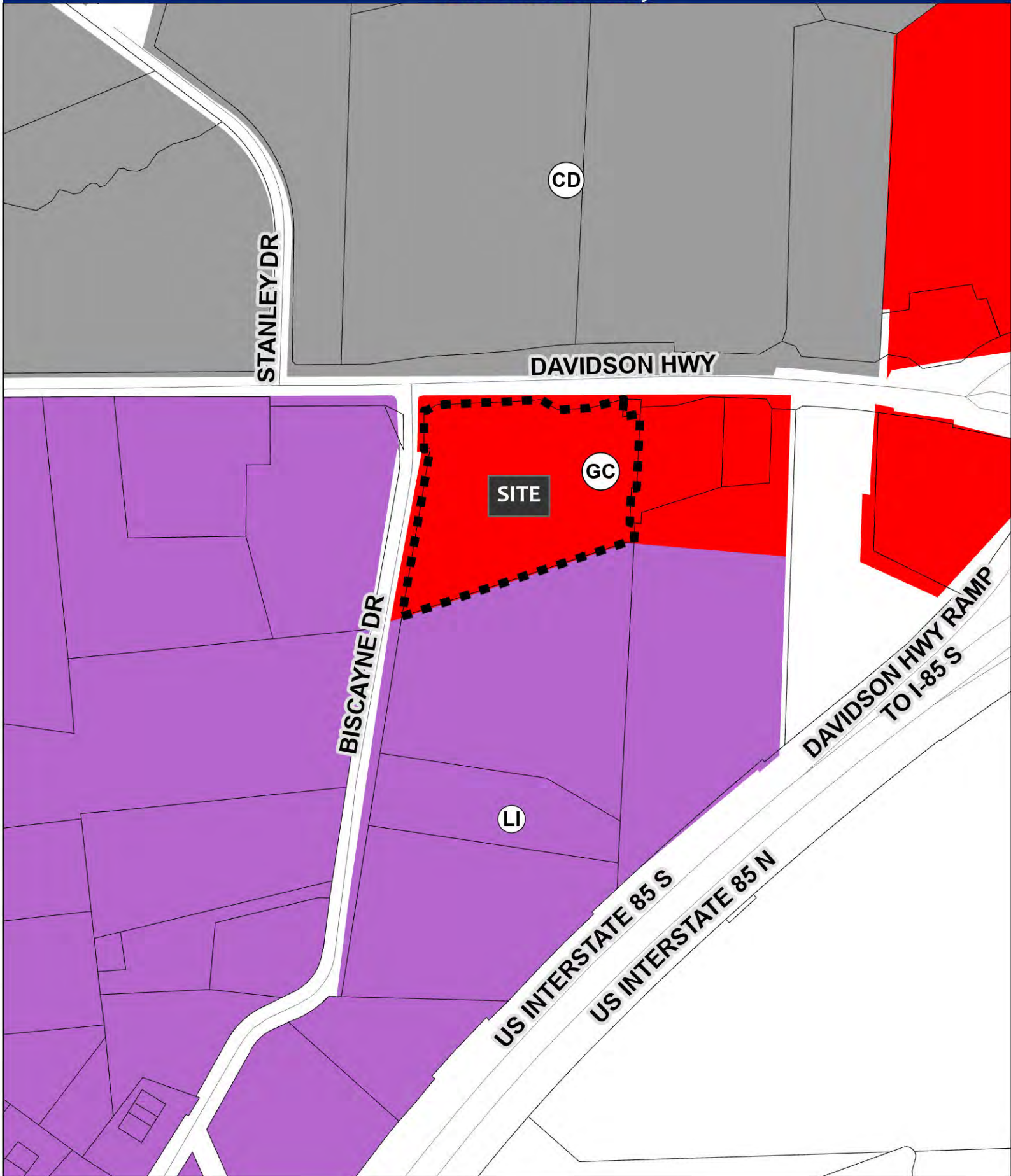


Kannapolis Current Zoning

Case Number: BOA-2023-03

Applicant: Legacy Pointe Properties

5223 Davidson Hwy



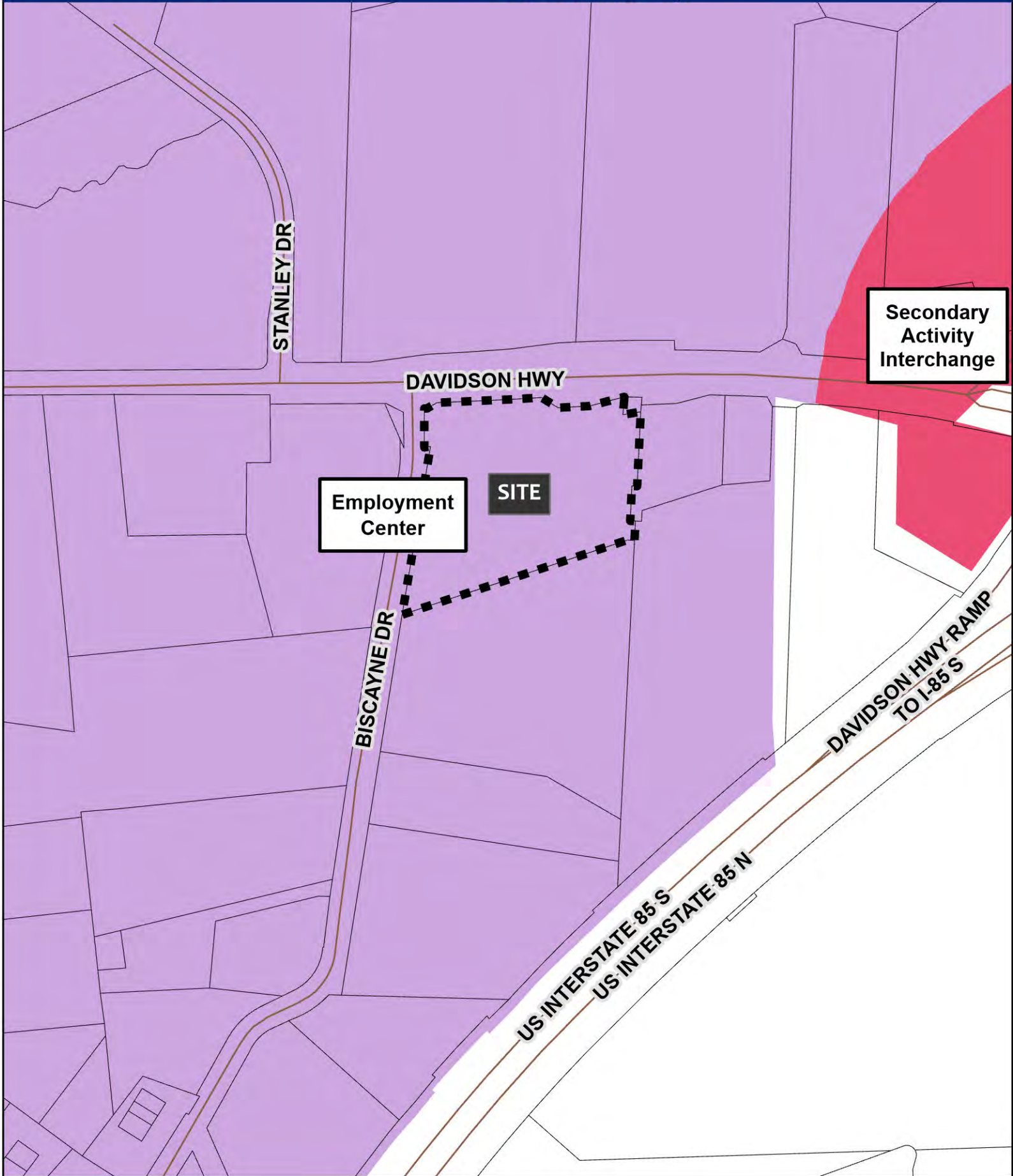


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2023-03

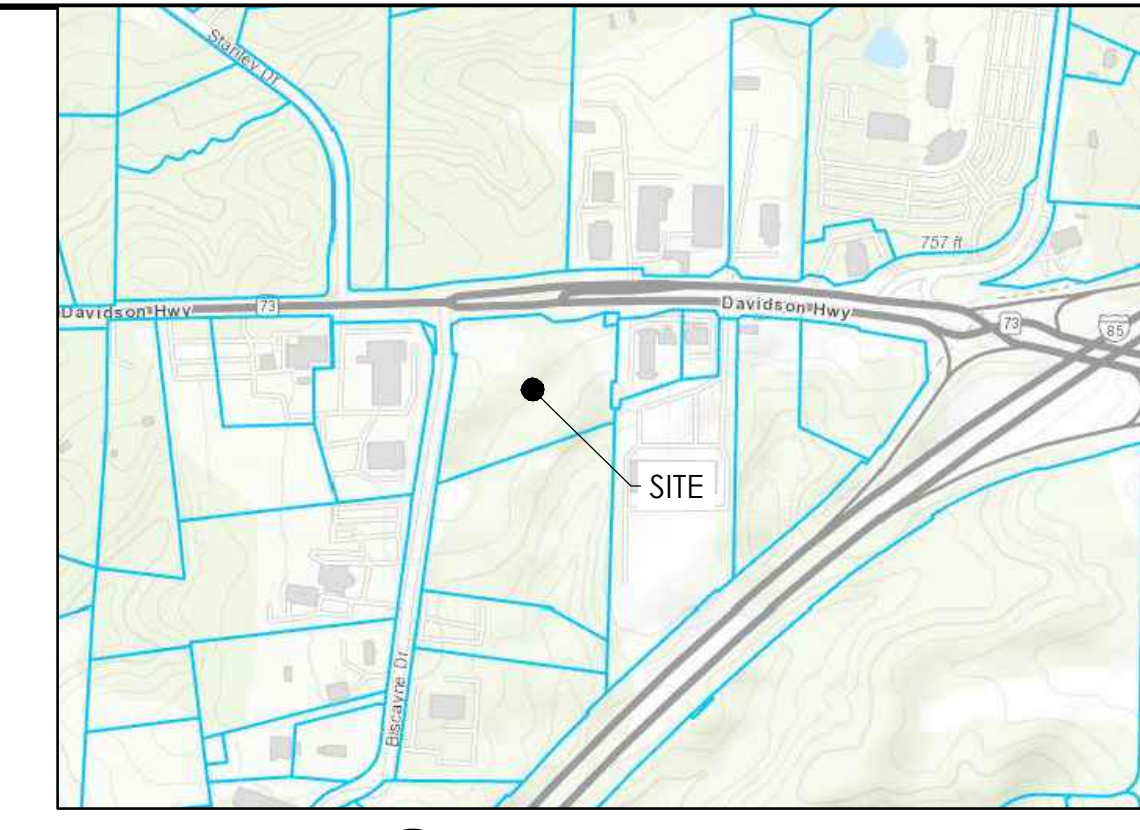
Applicant: Legacy Pointe Properties

5223 Davidson Hwy



Davidson Hwy.

Project Reference No. 1-3803B

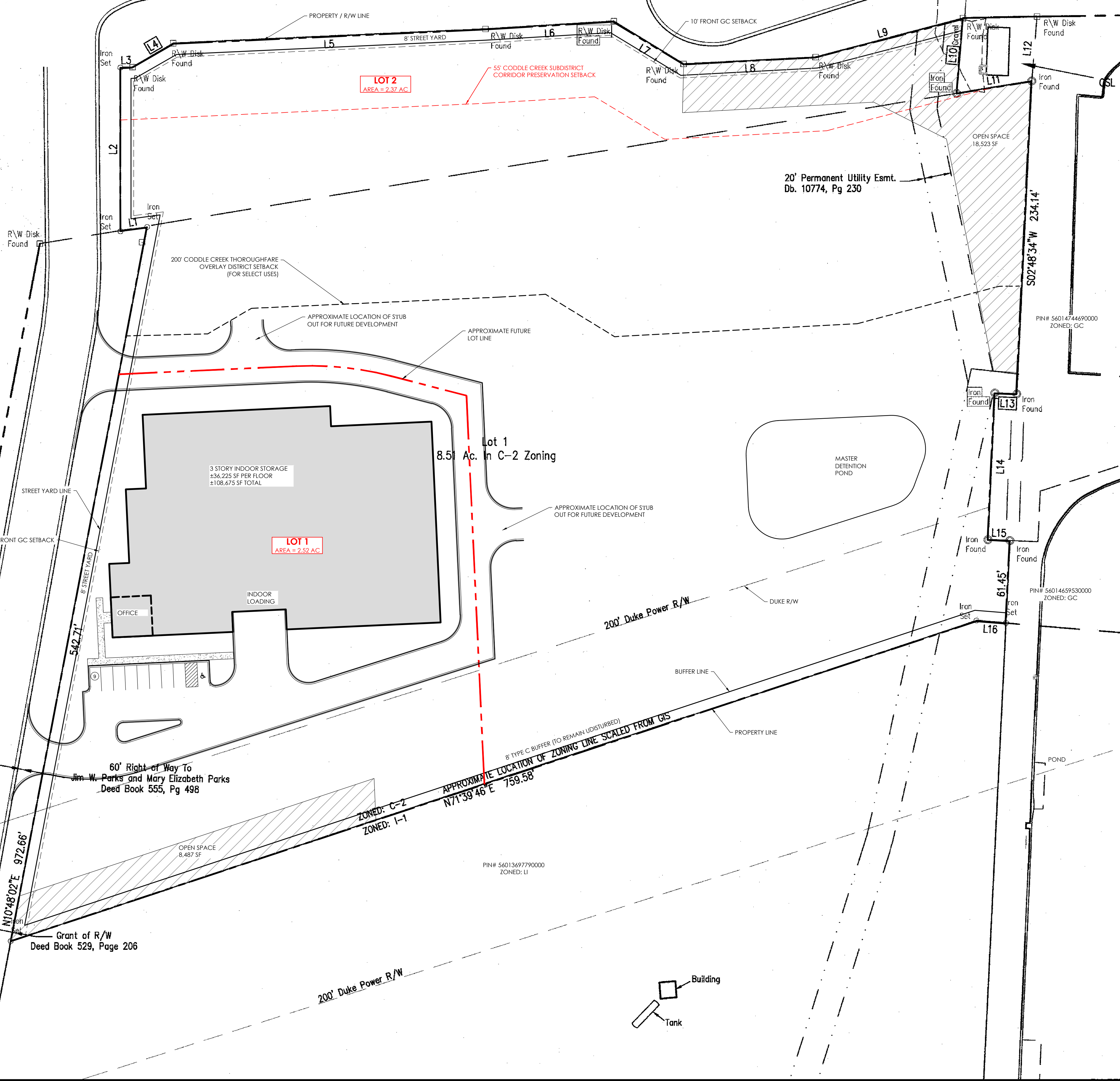


VICINITY MAP
SCALE: N.T.S.

HensonFoley
 Landscape Architecture | Civil Engineering
 121 Gilead, Huntersville, NC 28078
 P: 704.875.1615 | F: 704.875.0959 | www.hensonfoley.com
 NC ENGINEERING BOARD LICENSE #: C0391
 NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399

PRELIMINARY
NOT FOR
CONSTRUCTION

LIFE STORAGE - KANNAPOLIS
 PIN # / PARCEL ID: 56013793670000
 5223 DAVIDSON HWY., CONCORD, NC 28027
 SUP PLAN



PARKING REQUIREMENTS:
 SELF-SERVICE STORAGE (LOT 1)
 1 SPACES PER 200 RENTAL SPACES
 599 UNITS X 1/200 = 3 SPACES
 PROVIDED SPACES = 9 SPACES
 REQUIRED BICYCLE SPACES = 1

SITE & ZONING DATA TABLE	
PARCEL ID	56013793670000
LOCATION	5223 DAVIDSON HWY., CONCORD, NC 28027
JURISDICTION	KANNAPOLIS
ZONING	GC
OVERLAY DISTRICT	CODDLE CREEK THOROUGHFARE PROTECTION OVERLAY DISTRICT (CCTPOD)
TOTAL PARCEL AREA	8.51 AC
LOT 1 AREA	1.87 AC
LOT 1 PROPOSED USE	SELF-SERVICE INDOOR STORAGE
MIN. FRONT / STREET SETBACK	10'
MIN. SIDE SETBACK	NONE
MIN. REAR SETBACK	0
MAX. BUILDING HEIGHT	48 FT
MAX IMPERVIOUS AREA	80%
FEMA MAP # & DATE	3710560100K (11/16/2018)
SOIL TYPES	CcB2 (80%) & CuD2 (20%)
LOT 1	
BUILDING AREA	±36,225 SF PER FLOOR X 3 FLOORS = 108,675 SF
PARKING SPACES REQUIRED	4 SPACE
PARKING SPACES PROVIDED	9 SPACES
REQUIRED OPEN SPACE	7.5% - (6,109 SF - 0.140 AC)
PROVIDED OPEN SPACE	10.4% - (8,487 SF - 0.195 AC)
ALL ARCHITECTURAL DESIGN STANDARDS SHALL APPLY	
SITE LIGHTING BY OTHERS & SHALL COMPLY WITH LAND DEVELOPMENT STANDARDS	

- NOTES:**
- SITE LIGHTING WILL BE PROVIDED BY OTHERS.
 - ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.

LEGEND

	PROJECT BOUNDARY		BUILDING HATCH
	PROPOSED BUILDING CURB AND GUTTER		OPEN SPACE
	FIRE LANE C&G		SIDEWALK
	BUILDING SETBACK		5' HEAVY ASPHALT PAVING
	IRRIGATION CONDUIT		HANDICAPPED PARKING SYMBOL
	EXISTING SURVEY		
	STOP SIGN W/ WHITE STOP BAR		PARKING ROW COUNT
	COMPACT CAR SPACE		

- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
- ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE DEPARTMENT OF TRANSPORTATION. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.



REVISIONS:

NO.	DESCRIPTION

SUP EXHIBIT.DWG
 PROJECT NUMBER: 222053
 DATE: 10/4/2022 DRAWN BY: kiw
 SHEET 01 OF 01



LifeStorage

LifeStorage





 LifeStorage

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
NC DEPT OF TRANSPORTATION	1546 MAIL SERVICE CTR	RALEIGH	NC	27699
PART TIME INVESTMENTS OF NORCROSS LLC	5725 CHELSEN WOOD DR	JOHNS CREEK	GA	30097
CABARRUS COUNTY ENTERPRISES	369 HUNTINGTON LAKE CIR	PAWLEYS ISLAND	SC	29585
WHITAKER INVESTMENTS LLC	530 CONCORD PKWY N	CONCORD	NC	28027
NEW LIFE INDEPENDENT BAPTIST CHURCH OF CONCOF	1281 BISCAYNE DR	CONCORD	NC	28027
RV RETAILER CONCORD REAL ESTATE LLC				
ATTN: JONATHAN P FERRANDO	1 FINANCIAL PLZ STE 1850 BENTON BLDG STE 300	FT LAUDERDALE	FL	33394
CSL NORTH CAROLINA SYSTEM LP	10802 EXECUTIVE CENTER DR	LITTLE ROCK	AR	72211
M-H CAROLINA LLC	11120 TOMAHAWK CREEK PKWY	LEAWOOD	KS	66211
GM HOSPITALITY LLC A NC LLC	5125 DAVIDSON HWY	CONCORD	NC	28027
LEGACY POINTE PROPERTIES, LLC				
ATTN: CHRIS BAKER	19354 WATERNARK DR STE 102	CORNELIUS	NC	20831



February 24, 2023

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday March 7, 2023 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2023-03 – Special Use Permit – 5223 Davidson Hwy.

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow for a Self-service storage facility on property located at 5223 Davidson Highway. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, Self-service storage uses require approval of a SUP in the General Commercial (GC) zoning district. The subject property is a 2.52 +/- acre portion of an existing 8.51 +/- acre tract and is more specifically identified as Cabarrus County Parcel Identification Number 56013793670000 **(Please see attached vicinity map showing the location of this property.)**

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

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

Sincerely,

Ben Barcroft
Senior Planner

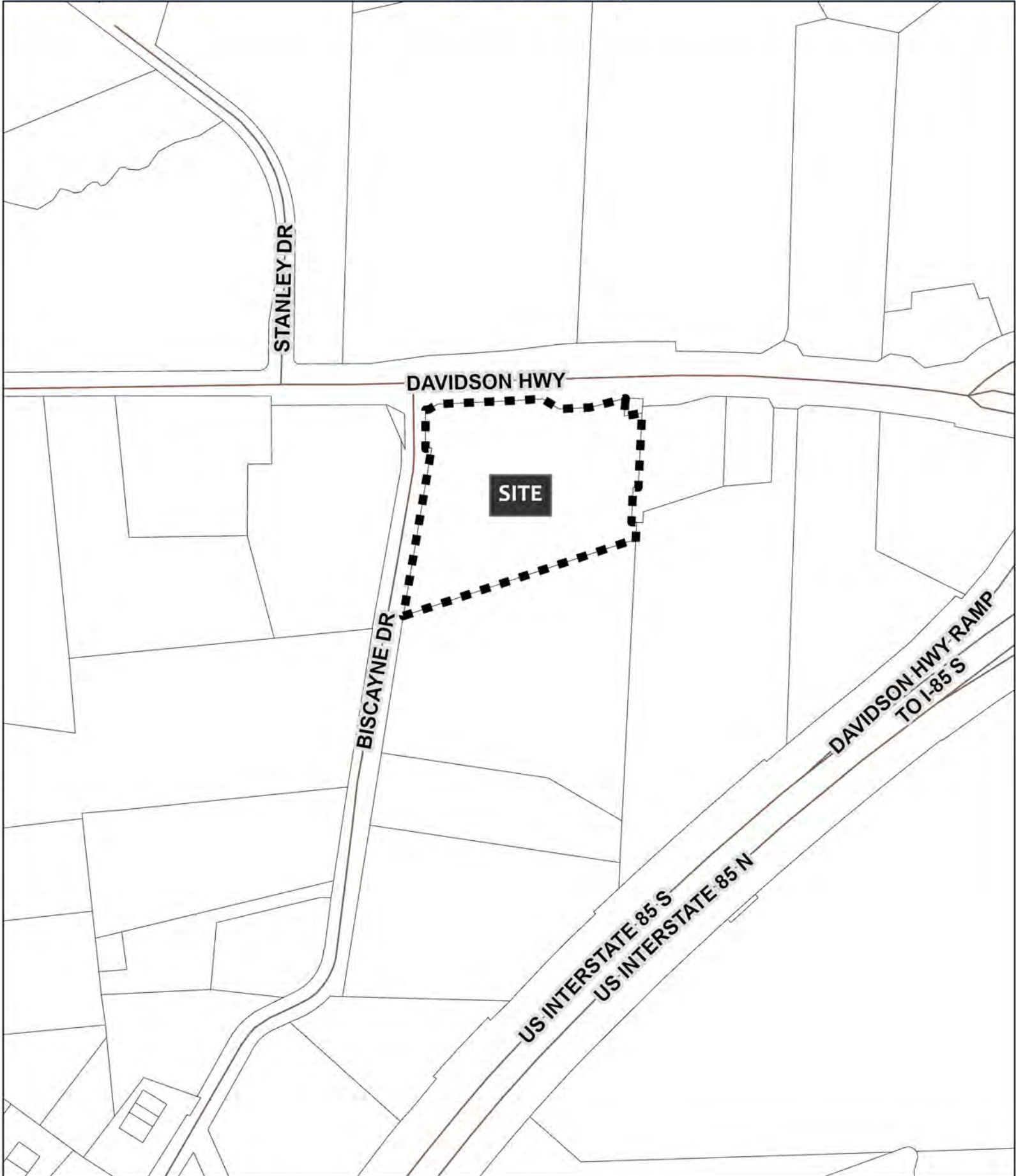
Enclosure

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



Special Use Permit

Case Number: BOA-2023-03
Applicant: Legacy Pointe Properties
5223 Davidson Hwy





**BOARD OF
ADJUSTMENT**

**PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE #BOA-2023-03**

