



**BOARD OF ADJUSTMENT
AGENDA**

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

Tuesday May 2, 2023 at 6:00 PM

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes – April 7, 2023**
- 5. Swearing In for Testimony**
- 6. Public Hearing:**
 - a. BOA-2023-07 – Special Use Permit – 2804 S Main St.**

Public Hearing to consider a request for a Special Use Permit (SUP) to allow for a wireless support structure on property located at 2804 S. Main St. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, new or substantial modification to wireless support structures 65 feet or taller require approval of a SUP in the Office Institutional (OI) zoning district. The subject property is 17.06 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56128301670000.
- 7. Planning Director Update**
- 8. Other Business**
- 9. Adjourn**



**Board of Adjustment
May 2, 2023 Meeting**

Staff Report

TO: Board of Adjustment
FROM: Ben Barcroft, Senior Planner
SUBJECT: Case# BOA-2023-07: Special Use Permit – 2804 S Main St
Applicant: Duke Energy c/o Kevin Koeneman

Request for a Special Use Permit to allow for a Wireless Support Structure located at 2804 S Main St.

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, Duke Energy, is requesting a Special Use Permit (SUP) to allow for a 300-foot wireless support structure, in the Office Institutional (OI) zoning district on approximately 17.06 +/- acres of property located at 2804 S Main St., further identified as Cabarrus County Parcel Identification Number 56128301670000. This site was chosen due to its proximity to the existing 171-foot water tower that needs to be replaced. Building a new communications tower at this location helps reduce the time to change from an old system to a new one and helps minimize downtime for critical utility communications.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for a wireless support structure, that is either new or is a substantial modification 65 feet or taller when located in the OI zoning district.

D. Fiscal Considerations

None

E. Policy Issues

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

Staff Findings of Fact - Based on application review:

Yes No

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

This property is in the "Suburban Activity 1" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area includes primary uses of office and retail. The use of a wireless support structure is not listed however, it is vital for commercial development, emergency services, and governmental communications. The property contains multiple utility uses including an existing Duke Energy Substation Facility, a 171-foot aging water tower that currently supports communication assets, and a retention pond for storm water management.

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 wireless support structure is not anticipated to cause any traffic hazards or traffic congestion.

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

No vibration, noise, odor, dust, smoke, or gas would be anticipated for a wireless support structure at this site.

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 wireless support structure is compatible with the adjacent area, which includes auto related businesses along S. Main Street and is well buffered between the single-family dwellings to the north. The closest adjacent properties to the proposed tower are zoned General Commercial and Office Institutional. The properties to the north are zoned Residential. The tower would be setback over 300 feet from any non-Duke Energy site with a fall radius of 150 feet.

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. The use of a wireless support structure shall also comply with all standards specific to a wireless

support structure according to KDO section 4.2.D(4)a.1. Please see the attached responses to meeting all the requirements for a wireless support structure, that is either new or a substantial modification 65 feet or taller. 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.

N/A unless the Board of Adjustment determines to add conditions.

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. Letter to the Board
7. List of Notified Properties
8. Notice to Adjacent Property Owners
9. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
City Attorney	X
Assistant City Manager	X



Special Use Permit

So that we may efficiently review your project in a timely manner, it is **important that all required documents and fees listed on this form below are submitted with your application.** Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

Special Use Permit (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: 2804 S MAIN ST CONCORD, NC 28027

Applicant: Duke Energy c/o Mike Calderhead (Owner) & Burns & McDonnell c/o Kevin Koneman

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])

Public Notification

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: 03/15/23



SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Kevin Koeneman

Address: 9400 Ward Parkway
Kansas City, MO 64114

Phone: (816) 839-7331

Email: kkoeneman@burnsmcd.com

Property Owner Contact Information same as applicant

Name: Mike Calderhead

Address: 9700 David Taylor Blvd.
Charlotte, NC 28262

Phone: (704) 382-3230

Email: Mike.Calderhead@duke-energy.com

Project Information

Project Address: 2804 S MAIN ST CONCORD, NC 28027 Zoning District OI

Parcel PIN: 56128301670000 Size of property (in acres): 17.06

Current Property Use: Public Utility

Proposed Use: Public Utility - Telecommunications Tower

The location of the above-mentioned proposed use is indicated on the accompanying site plan, and the nature of the proposed use is more fully described as follows (*attach separate sheet if necessary*): A 300-foot-tall microwave telecommunication tower,

which is a key component to Duke Energy's day-to-day operations and a fundamental part of the physical infrastructure required to support

Duke Energy's SmartGrid, generation plant emergency signals, transmission and substation line communications, and distribution for storm Operational Technologies. The proposed tower will be located on and adjacent to Duke Energy owned parcels totaling 32.2 acres. (Site Plans Attached)

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.**

The proposed tower is in keeping with the existing nature of the 32.2-acre tract, owned by Duke Energy, and current property use (Public Utility). The use will have minimal impact on the surrounding community as it will be centrally located, interior to the Property and away from residentially zoned areas. Other uses surrounding the tower site are commercial, industrial, or utility related.

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

The proposed tower will use the current, restricted access road into this site.

The site is secured by fencing and largely unmanned. Few vehicles will access the site or contribute to traffic hazards or congestion.

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

During the construction period, occasional dust associated with general construction may occur.

There will be no noxious or offensive odor, dust, smoke, vibration, or gas from the use.

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

The proposed tower use is to be located on Duke Energy property that contains an existing

substation and a 171-foot water tower and should not impede surrounding property development.

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

The site and proposed tower will be located within a fenced area so as to not be detrimental to or

endanger the public health, safety, or general welfare. The Proposed Tower is likely to enhance public safety by providing better communications reliability during emergencies.

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

KDO provisions have been reviewed and are accounted for as applicable within the application's supporting documents. The KDO requirements will be met.

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

The applicant understands that Conditions of Approval must be signed in order for the special use permit to be issued.

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.



03/15/23

Applicant Signature

Date

see attached letter of authorization.

Property Owner Signature

Date

For Staff Use Only:

Filing Fee: \$625.00

Receipt #: KN-SUP-2023-00006

Case #: BOA-2023-07

Date Received: 4/6/2023



Letter of Authorization

I, Genevieve Burkindine, Director IT Telecom, and duly authorized representative of Duke Energy Company (Duke Energy), do hereby authorize pursuant to Duke Energy communication tower projects under consideration and development between December 1, 2022 and December 31, 2023 that: (1) authorizes Burns & McDonnell representatives with Burns & McDonnell North Carolina, Inc. to act as agents on behalf of the applicant, Duke Energy, for any and all land use applications, including but not limited to: Conditional/Special Use Permits, Special Exceptions, Variances, Rezoning, Site Plans, Easement Plats, Building, Zoning, and Land Disturbance Permits, (2) authorizes Burns & McDonnell representatives with Burns & McDonnell North Carolina, Inc. to amend in whole or in part any of the documents relating to the above referenced applications, and (3) authorizes Burns & McDonnell representatives with Burns & McDonnell North Carolina, Inc. the authority to appear before Federal, State, County, City, or Town officials to present the case in support of the application(s) on behalf of Duke Energy.

Genevieve Burkindine
Name

1/12/2023
Date

STATE OF NORTH CAROLINA, to wit:

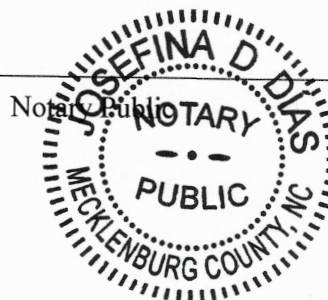
I, the undersigned, a Notary Public in and for the state aforesaid, do hereby certify that

Genevieve Burkindine, whose name is signed to the foregoing document, has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this day of January 12, 20 23

My Commission Expires: 9/18/2027

Registration Number: _____





Vicinity Map

Case Number: BOA-2023-07

Applicant: Duke Energy

2804 S Main St



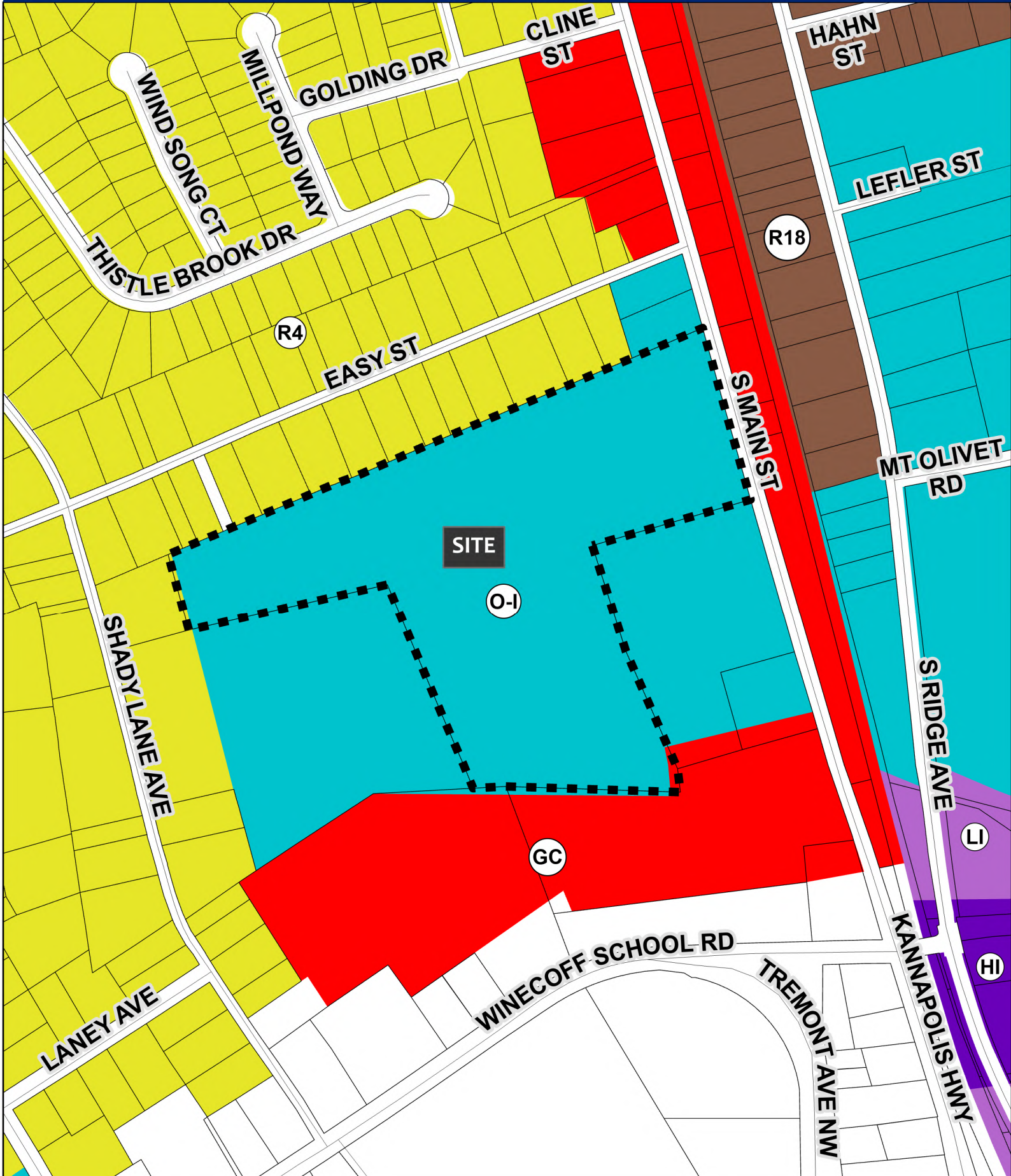


Kannapolis Current Zoning

Case Number: BOA-2023-07

Applicant: Duke Energy

2804 S Main St



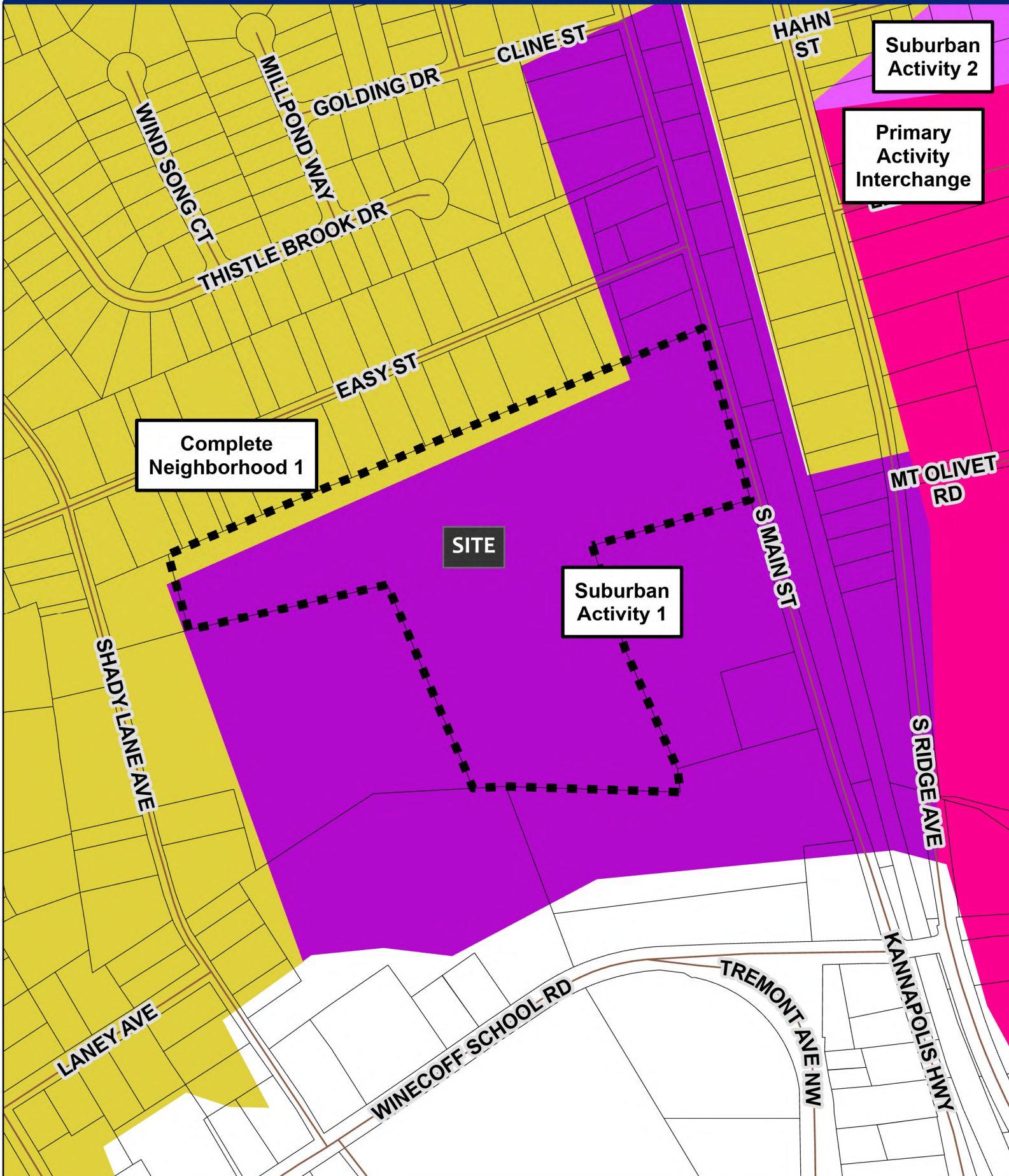


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2023-07

Applicant: Duke Energy

2804 S Main St



Complete
Neighborhood 1

SITE

Suburban
Activity 1

Suburban
Activity 2

Primary
Activity
Interchange



OVERALL SITE PLAN
NOT TO SCALE



PROJECT SUMMARY:

PROJECT INFORMATION: NEW TELECOMMUNICATIONS FACILITY

OWNER/CONTACT: DUKE ENERGY
9700 DAVID TAYLOR DR.
CHARLOTTE, NC 28262

MIKE CALDERHEAD
OFFICE NUMBER: (704) 382-3230

GENERAL INFO: LATITUDE: N 35° 27' 5.54"
LONGITUDE: W 80° 37' 2.65"
ELEVATION: 730' AMSL.

STRUCT TYPE: SELF SUPPORT
STRUCT HEIGHT: 300' AGL (TOP OF STEEL)
OVERALL HEIGHT: 315' AGL (TIP OF AIR TERMINAL)
STRUCTURE FALL RADIUS: 150'

SITE ADDRESS: 2804 S MAIN ST; CONCORD, NC 28027

JURISDICTION: CITY OF KANNAPOLIS

ELECTRICAL SERVICE: LOCAL UTILITY

SITE DETAILS: NEW 100' X 75' COMPOUND, NEW 300' SELF SUPPORT TOWER, NEW 13'-1 x 17'-1" COMMUNICATION SHELTER, NEW 50kW GENERATOR, NEW 500 GALLON PROPANE TANK, NEW ACCESS DRIVE, NEW 8' FENCE WITH BARBED WIRE TOP.

GENERAL NOTES:

- SITE PLAN SHOWN ON THIS PLAN IS TAKEN FROM A CABARRUS COUNTY MAP. ALL INFORMATION IS AS INDICATED ON SITE PLAN. CONTRACTOR TO ESTABLISH THE EXISTENCE AND LOCATION OF ALL EXISTING OVERHEAD AND UNDERGROUND UTILITIES. IMMEDIATELY NOTIFY THE CONSTRUCTION MANAGER OF ANY DISCREPANCIES.
- BURNS & McDONNELL DID NOT SURVEY AND DOES NOT GUARANTEE, OR ENSURE THE PRECISION, ACCURACY, OR CORRECTNESS AND ASSUMES NO RESPONSIBILITY OR LIABILITY FOR DAMAGES, LOSS OF REVENUE OR INJURY THAT MIGHT OCCUR.
- TOWER SET BACK TO CLOSEST NON DUKE ENERGY OWNED PROPERTY IS 306'-6".
- IN THE UNLIKELY EVEN THAT DUKE ENERGY WERE TO SELL PARCEL 04-092-0012.00, AN EASEMENT ENCOMPASSING THE FALL ZONE RADIUS WOULD BE MAINTAINED FOR CONTINUED SAFETY AND SECURITY OF THE TOWER AND SURROUNDING AREAS.

LEGEND:

- NEW INSTALLATION
- NEW FENCE
- NEW GRAVEL DRIVE
- OWNER PROPERTY BOUNDARY
- PROPERTY BOUNDARY
- TOWER FALL RADIUS

PARCEL	PARCEL OWNER	PARCEL ID
A	GIJR USA INC	04-093-0120.00
B	TUNNEL GARY RAYMOND III, ROSS BRANDIE	04-093-0118.00
C	BRANG LAWRENCE J JR, BRANG LAWRENCE	04-093-0117.00
D	HOLDER DEBRA	04-093-0116.00
E	READLING WILLIAM B	04-093-0115.00
F	READLING WILLIAM B	04-093-0114.00
G	BYRD TRAVIS	04-093-0113.00
H	SANDOVAL JULIO E, PANTOJA MITZY A TREJO SPOUSE	04-093-0112.00
J	UMBERGER CHARLES K AND UMBERGER EVELYN TRUSTEES - THE	04-093-0111.00
K	UMBERGER CHARLES K AND UMBERGER EVELYN TRUSTEES - THE	04-093-0110.00
L	UMBERGER CHARLES K AND UMBERGER EVELYN TRUSTEES - THE	04-093-0109.00
M	HELMS RAY V & WILLIE H C/O GLENN W HELMS	04-093-0108.00
N	HELMS RAY V & WILLIE H C/O GLENN W HELMS	04-093-0107.00
P	MEHAFFEY JEFFREY MICHAEL	04-093-0106.00
Q	RIDGEWAY CHARLES H SR, RIDGEWAY IRENE ANN WF	04-093-0105.00
R	BROWN LINDA LEE	04-093-0104.00
S	FLEMING KIM ALEXANDER	04-092-0011.00

no.	date	by	ckd	description
0	02/17/23	DPK	JJW	ISSUED FOR PERMITTING

ISSUED FOR PERMITTING

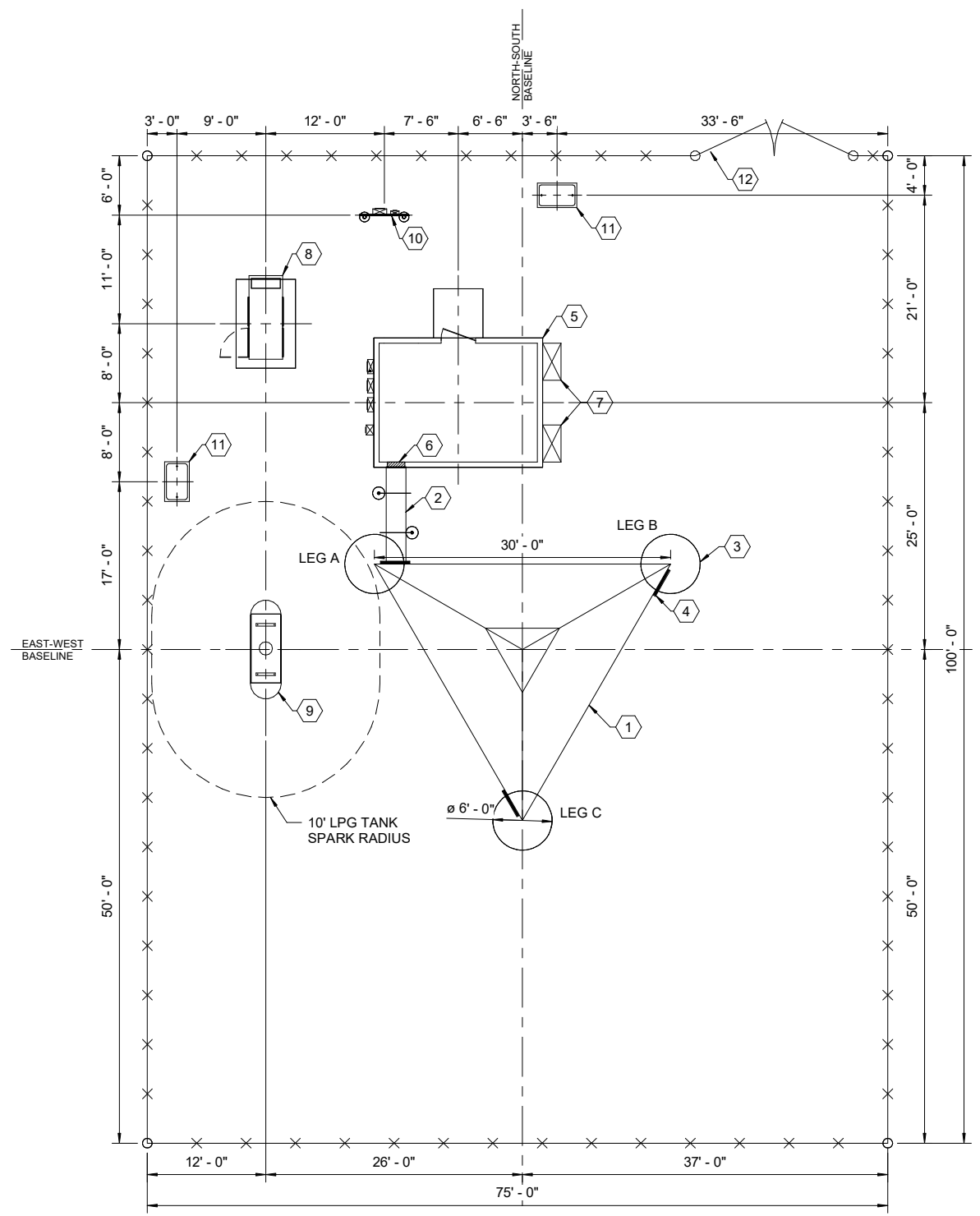


BURNS & McDONNELL CONSULTANTS, INC.
9400 WARD PARKWAY
KANSAS CITY, MO 64114
816-333-9400

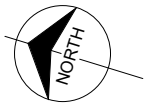
date	detailed
02/17/23	DPK
designed	checked
DPK	JJW



DUKE ENERGY	
WINECOFF TIE	
OVERALL SITE PLAN	
project	contract
147605	
drawing	rev.
C-1 - 0	
sheet	of sheets
file	



SITE PLAN
NOT TO SCALE



GENERAL NOTES:

- OVERALL FENCE DIMENSIONS, GATE LOCATIONS, ELECTRICAL EQUIPMENT AND STRUCTURE LOCATIONS ARE APPROXIMATE AND ARE SHOWN FOR ORIENTATION ONLY.

LEGEND:

- NEW INSTALLATION
- X—X— NEW FENCE
- - - - - BASELINE
- - - - - 10' SPARK RADIUS
- # CODED DRAWING NOTE

CODED DRAWING NOTES:

ITEM NUMBER	ITEM DESCRIPTION
1	NEW 300' SELF SUPPORTED TOWER
2	NEW 9'-0" ICE BRIDGE
3	TOWER FOUNDATIONS
4	CABLE LADDER
5	NEW 13'-1"x17'-1" EQUIPMENT SHELTER
6	FEEDLINE ENTRY
7	SHELTER HVAC
8	NEW 50KW GENERATOR
9	NEW 500 GALLON LPG TANK
10	NEW SERVICE FRAME, 200A DISCONNECT AND METER
11	NEW 30"x48" PULL BOX
12	NEW CHAIN LINK FENCE AND 16' WIDE DOUBLE GATE

ANY EXCAVATION WITHIN THE PROXIMITY OF UNDERGROUND SERVICES SHALL BE PERFORMED BY HAND



North Carolina 811,
1-800-632-4949 or 811

no.	date	by	ckd	description
0	02/17/23	DPK	JJW	ISSUED FOR PERMITTING

ISSUED FOR PERMITTING



BURNS & MCDONNELL CONSULTANTS, INC.
9400 WARD PARKWAY
KANSAS CITY, MO 64114
816-333-9400

date	02/17/23	detailed	DPK
designed	DPK	checked	JJW



DUKE ENERGY
WINECOFF TIE
SITE PLAN

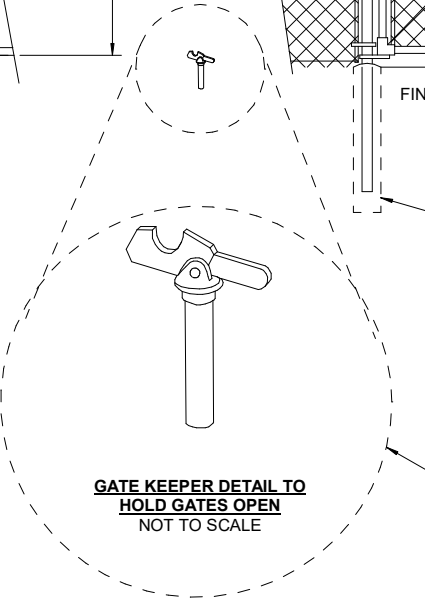
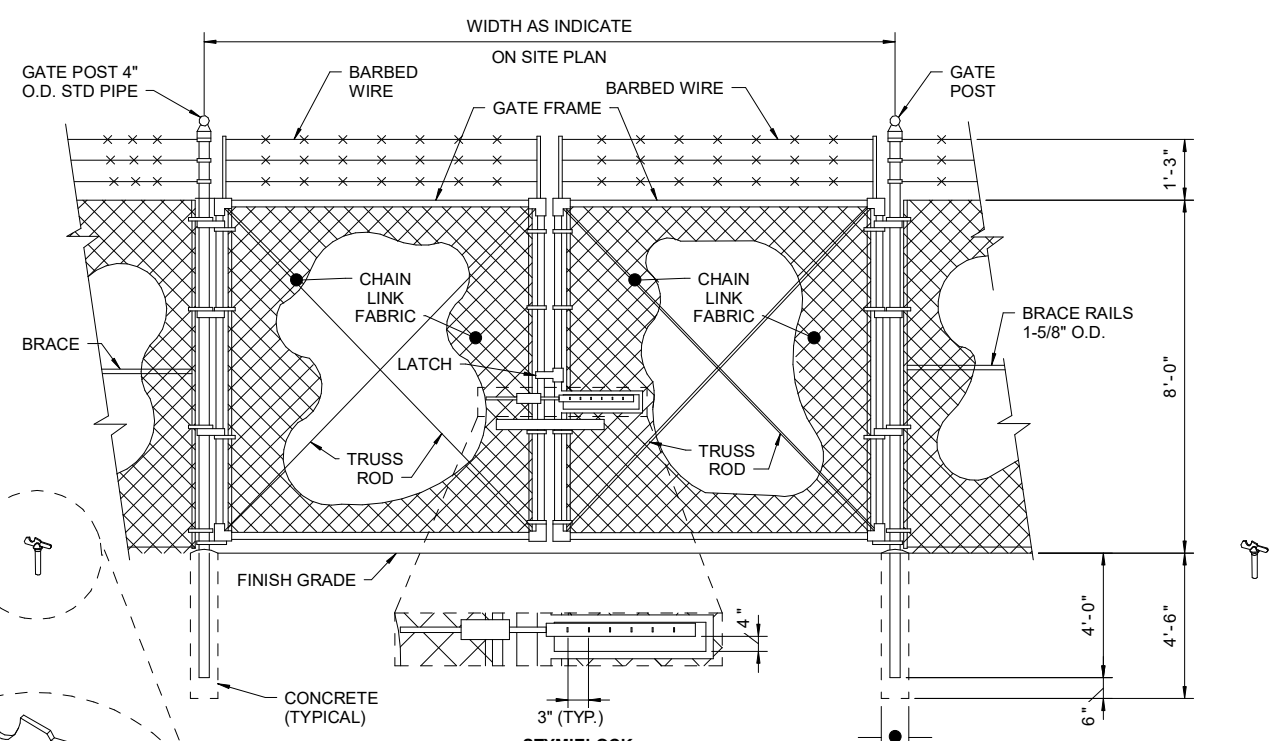
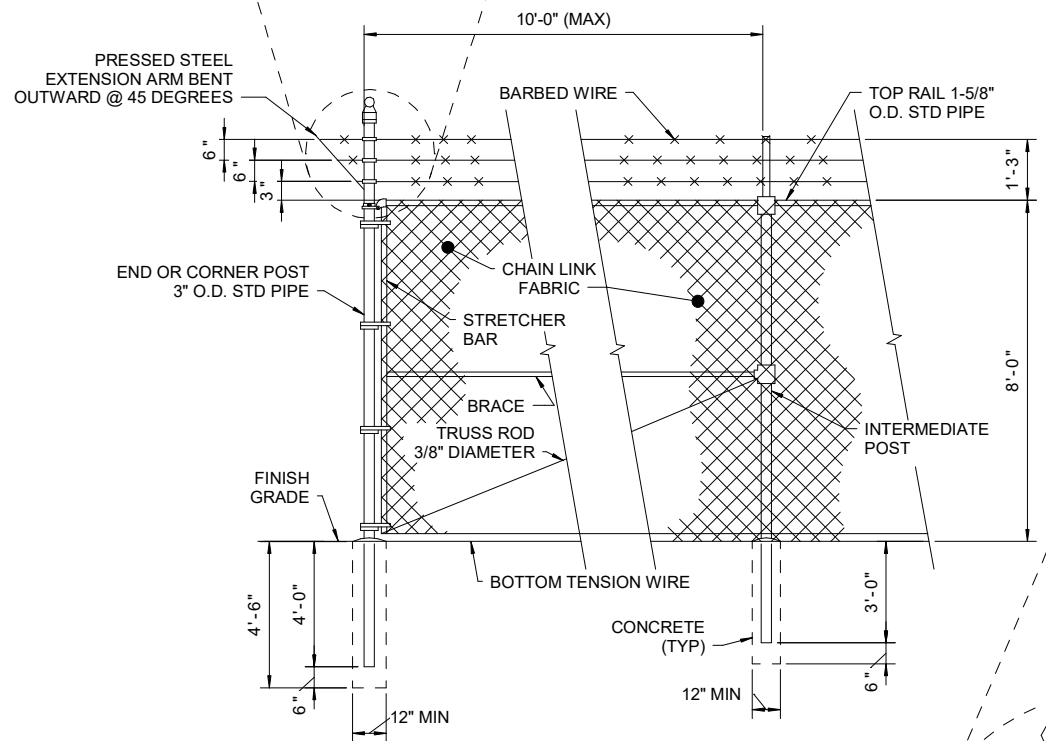
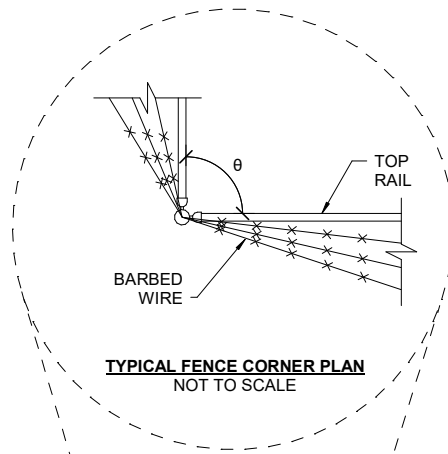
project	147605	contract	-
drawing	C-3 - 0	rev.	-
sheet	of	sheets	-
file			

GENERAL FENCE NOTES:

1. ALL MATERIAL AND HARDWARE FOR THE CHAIN LINK FENCE SHALL BE OF A HOT DIP GALVANIZED FINISH.
2. CHAIN LINK FABRIC TO BE 8 FT. HIGH, 9 GA. WIRE, 2 IN. MESH WITH TWISTED SELVAGE TOP AND BOTTOM. (ASTM A392)
3. BARED WIRE TO CONSIST OF 3 NO. 12-1/2" GA. GALVANIZED STEEL WIRE WITH 4 POINT BARBS OF NO. 14 GA. GALVANIZED STEEL.
4. POST, RAIL, AND GATE FITTINGS TO BE PRESSED STEEL OR MALLEABLE CASTING. (ASTM A153)
5. ALL POSTS SHALL HAVE WEATHER CAPS INSTALLED.
6. POSTS TO SET IN 3000 PSI CONCRETE. BOTTOM OF CONCRETE TO BE 6" MIN. FROM BOTTOM OF POST.
7. TIE WIRES TO BE 9 GA. ALUMINUM SPACES AT 12" O.C. POSTS/GATES AND 24" O.C. RAILS/WIRE.
8. TENSION BARS TO BE 3/16 X 3/4 INCH CARBON STEEL ATTACHED TO TERMINAL POSTS BY MEANS OF BEVELED EDGE BANDS.
9. PROVIDE TWO GATE KEEPER HOLD OPEN DEVICES FOR SWING GATES. GATE KEEPERS TO ALLOW GATES TO OPEN APPROX. 180 DEGREES.
10. DUKE ENERGY WILL PROVIDE A STANDARD LOCK FOR GATE.
11. ALL FENCE POST FOUNDATIONS SHALL BE ROUNDED AT TOP AS SHOWN TO DIVERT WATER AWAY FROM THE POSTS.
12. THE FABRIC SHALL BE SET SO THERE IS NO GAP BETWEEN THE FENCE FABRIC AND THE FINISH GRADE.
13. 3" O.D. STD PIPE FOR CORNER AND END POSTS.
14. 2 1/2" O.D. STD PIPE FOR INTERMEDIATE POSTS.
15. 4" O.D. STD PIPE FOR GATE POST.

CONSTRUCTION NOTE:

1. SUBCONTRACTOR TO SUPPLY AND INSTALL A STYMILOCK CAPABLE OF SUPPORTING SIZE LOCKS AND PROVIDE A RE-ENFORCED OPENING IN THE FENCE AREA FABRIC OF 4" BELOW THE STYMILOCK MECHANISM TO ALLOW ACCESS FROM BOTH SIDES OF THE GATE.



no.	date	by	ckd	description
0	02/17/23	DPK	JJW	ISSUED FOR PERMITTING

ISSUED FOR PERMITTING

BURNS & MCDONNELL

BURNS & MCDONNELL CONSULTANTS, INC.
9400 WARD PARKWAY
KANSAS CITY, MO 64114
816-333-9400

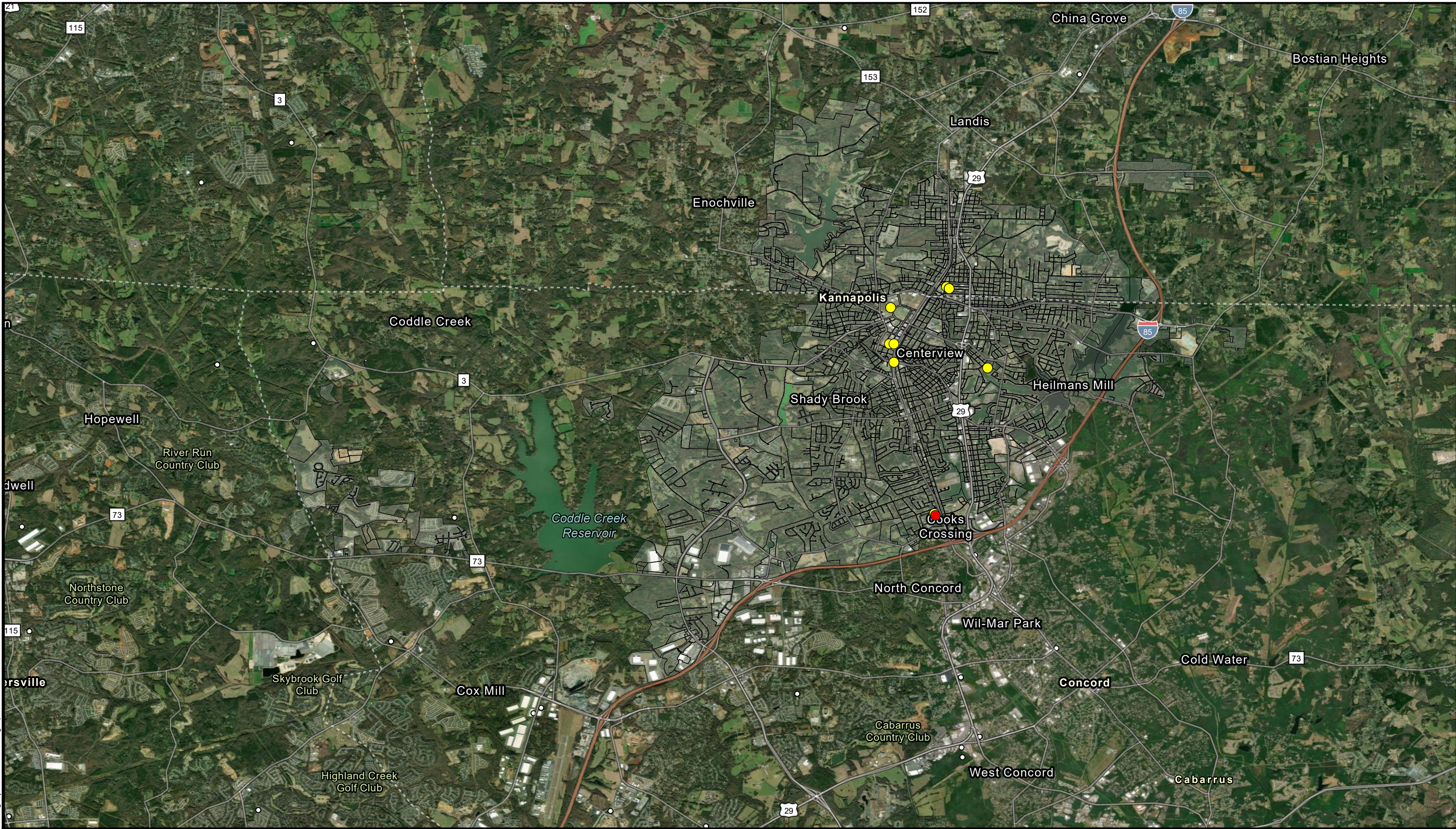
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designed	DPK	checked	JJW

DUKE ENERGY

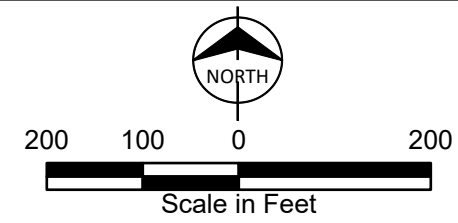
WINECOFF TIE
FENCE DETAILS

project	147605	contract	
drawing	C-9 - 0		rev.
sheet	of	sheets	
file			

Path: Z:\Resources\Site\FSR\VA\Data\General\VA\Employees\Kerry_Ramos\KannapolisTowers\KannapolisTowers.aprx kramos 3/31/2023
Service Layer Credits: World Imagery: Earthstar Geographics



- Proposed Tower
- Towers in Kannapolis
- Towers Within 1.5 Mi
- Kannapolis



Vicinity Map
Kannapolis, North Carolina

March 29, 2023

City of Kannapolis
401 Laureate Way
Kannapolis, NC 28081

Re: Proposed Duke Energy Winecoff Tie Tower Project and Special Use Permit Application

Dear Members of the City of Kannapolis Board of Adjustment:

Duke Energy proposes to construct a 300-foot Winecoff Tie Communications Tower ("Proposed Tower") that will be located on a 32.2-acre tract owned by Duke Energy at 2804 South Main Street (the "Property"). The Proposed Tower will contain a state-of-the-art design with co-location apparatus and communications equipment locations. The existing 171-foot water tower will remain.

The Proposed Tower will be located on the Property which is zoned Office/Institutional (OI). Residentially zoned properties are situated along the northern boundary of the Property. Parcels to the south of the Property are currently zoned General Commercial (GC). The Property contains multiple utility uses including an existing Duke Energy Substation Facility, a 171-foot aging water tower that currently supports communication assets and a retention pond for storm water management.

Duke Energy selected this site location for two main reasons. The primary reason is the proximity to the existing 171-foot water tower that needs replacement. Building a new communications tower at this location helps reduce cutover time and helps minimize downtime for critical utility communications. There is a point-to-point (PTP) microwave path on the existing water tower and building a new tower close in proximity to the existing water tower will minimize variability in the clutter data and will help maintain line-of-sight to the far end. A new tower at this location aids Duke Energy's ability to maintain the proper reliability metrics for their customers which enhances public safety. Secondly, the large size of the Property, its 32.2 acres and its span across 3 parcels, the existing dedication of the Property to existing utility uses and the existence of a 171-foot water tower were key factors in the selection of this ideal site for location of the Proposed Tower. Other considerations included the site's adjacency to the substation, the stretches of transmission lines that exist and run into and out of the substation and the available land area on the Property. A property of this size is ideal for a communications tower to be situated interior to the Property, as it simplifies the ability to satisfy setback requirements and access is limited only to Duke Energy, thereby increasing safety.

As it relates to existing support structure suitability, a communications tower is required to support the PTP microwave path. This link provides critical backhaul communications for Duke Energy, which is necessary for connecting its network of towers. Underground fiber is an alternative technology; however, it is not in place currently and is highly expensive to buildout.

The proposed communications tower will be designed to accommodate future apparatus loading considerations and will support up to four (4) co-location third parties. This includes,

but is not limited to, emergency services, county/municipality communications, or commercial carriers.

The proposed site provides an isolated location for the construction of the communications tower, while contributing an additional component to the overall Duke Energy system that is integral to system reliability.

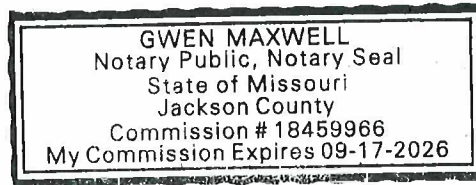
Respectfully submitted,



Kevin Koeneman
Project Manager
Burns & McDonnell



Caleb Jergensen
Engineer of Record,
NC Profession Engineer #052862
Burns & McDonnell



Permit Requirements

1. **No wireless support structure or antenna shall be erected or established unless and until a zoning clearance permit has been issued in accordance with Section 2.5.C(1), Zoning Clearance Permit.**

No construction of the microwave tower or support structure will begin until all necessary permits have been issued in accordance with Section 2.5.C(1), Zoning Clearance Permit.

2. **In addition to the procedures, standards and criteria set forth in Section 2.5.A(5), Special Use Permit, special use permits for support structures and antennas shall be issued in accordance with the following provisions:**
 - a. **Support structures or antennas 65 feet or more from the average ground level shall require a special use permit. This applies to mounted antennas, referring to the total height from the base of the building or other structure to the top of the antenna. This requirement shall not apply to applications for collocations or to eligible facilities requests (see Article 10: Definitions), in accordance with N.C.G.S. §160D-934.**
 - The tower height of this project exceeds the 65 feet limit and thus a Special Use Permit is required and is being sought.
 - b. **Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a professional engineer licensed in the State of North Carolina.**
 - Information of an engineering nature has been completed and certified by a professional engineer licensed in the State of North Carolina.
 - c. **Each applicant shall provide to the Planning Director an inventory of existing support structures, antennas, and sites approved for support structures or antennas, that are either within the jurisdiction of the City or are located in adjacent areas of Cabarrus County and Rowan County. For purposes of this subsection, adjacent means located no more than one-half mile from Kannapolis' planning and zoning jurisdiction. Such information shall include specific information about the location, height, and design of each support structure. The Planning Director may share such information with other applicants applying for administrative approvals or special use permits under this Ordinance or with other organizations seeking to locate antennas within the jurisdiction of this Ordinance provided, however that the Planning Director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.**
 - See attached vicinity map.
 - d. **A preliminary major site plan consistent with the LDSM which clearly indicates the location, type, and height of the proposed support structure; on-site land uses and zoning; adjacent land uses and zoning (including**

when adjacent to other zoning jurisdictions); adjacent roadways; proposed means of access; setbacks from property lines; elevation drawings of the proposed support structure and any other structures; and other information deemed by the Planning Director to be necessary to assess compliance with this Section;

- See attached Site Plan Package
- e. **The setback distance between the proposed support structure and the nearest residential unit and residentially zoned properties;**
- See attached Site Plan Package
- f. **The availability of suitable existing support structures, other structures, or alternative technology.**
- See attached notarized letter.
- g. **The separation distance from other support structures pursuant to Table 4.2.D(4)a.1(e)4.c shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing support structure(s) and the owner/operator of the existing support structure(s), if known;**
- See attached Site Plan Package
- h. **Method of fencing and finished color and, if applicable, the method of camouflage and illumination;**
- See attached Site Plan Package
- i. **A notarized statement by the applicant as to whether construction of the support structure will accommodate co-location of additional antennas for future users;**
- See attached notarized letter.
- j. **A description of the suitability of the use of existing support structures, other structures or alternative technology not requiring the use of support structures or structures to provide the services to be provided through the use of the proposed new support structure; and**
- See attached notarized letter.
- k. **A statement of compliance with the FCC Radio Frequency (RF) exposure standards.**
- Compliance with FCC Radio Frequency (RF) exposure standards has been filled with the FCC.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
AMERICA'S TOP AUTO INC BURNS & MCDONNELL	1206 N CANNON BLVD	KANNAPOLIS	NC	28083
ATTN: KEVIN KONEMAN	9400 WARD PARKWAY	KANSAS CITY	MO	64114
TRAVIS BYRD	201 EASY ST	CONCORD	NC	28027
DENNIS & TAMMY CABLE DUKE POWER COMPANY	3904 OLD CONCORD RD	SALISBURY	NC	28146
ATTN: MIKE CALDERHEAD	400 S. TRYON ST ST22M	CHARLOTTE	NC	28201
JUSTIN & EDNA ENGLE	217 EASY ST	CONCORD	NC	28027
KIM FLEMING	2801 SHADY LANE AVE	CONCORD	NC	28027
GIJR USA INC	520 MONTGROVE PL NW	CONCORD	NC	28027
ZACHARY & DILAINE GLOEGE	2824 S RIDGE AVE	CONCORD	NC	28025
GERALD G GREENE II	1809 S MAIN ST	KANNAPOLIS	NC	28081
JAMES & LINDA GUNNELL RAY V & WILLIE H HELMS	2808 S RIDGE AVE	CONCORD	NC	28025
C/O GLENN W HELMS	1148 N WINDSOR DR	KANNAPOLIS	NC	28081
DEBRA HOLDER	107 EASY ST	CONCORD	NC	28027
PENNY JOHNSTON	2806 S RIDGE AVE	CONCORD	NC	28025
RICHARD & VICKI JORDAN	1711 HIGHWAY 17 S UNIT 1024	SURFSIDE BCH	SC	29575
MIGUEL ANGEL MARTINEZ LUCERO				
JUAN MANUEL MARTINEZ LUCERO	2831 S MAIN ST	CONCORD	NC	28027
JEFFREY MEHAFFEY	213 EASY ST	CONCORD	NC	28027
ROY D MILLS TRUSTEE				
ROY D MILLS REVOC TRST	983 ROY HARTLEY RD	LEXINGTON	NC	27295
JEFFREY L MOORE	2800 S MAIN ST	CONCORD	NC	28027
NORTH CAROLINA RAILROAD CO	2809 HIGHWOODS BLVD STE 100	RALEIGH	NC	27604
WILLIAM B READLING	111 EASY ST	CONCORD	NC	28027
CHARLES H SR & IRENE RIDGEWAY	215 EASY ST	CONCORD	NC	28027
JULIO SANDOVAL & MITZY A TREJO PANTOJA	203 EASY ST	CONCORD	NC	28027
FRANCISCO SANTANA & LUZ CUBANO	4051 CLOVER RD NW	CONCORD	NC	28027
MARK & TRACY SHOREY	3018 DEWITT CT NW	CONCORD	NC	28027
JERRY F SORROW	219 EASY ST	CONCORD	NC	28027
GARY R TUNNELL III & BRANDIE ROSS	103 EASY ST PO BOX 71870	CONCORD	NC	28027
U LOCK DST CHARLES K & EVELYN UMBERGER TRUSTEES	6890 S 2300 E	SALT LAKE CTY	UT	84171
THE UMBERGER FAMILY TRUST	2823 S RIDGE AVE	CONCORD	NC	28025
MARVIN E & IRIS M WILDER ESTATE	3628 WILDER RD	CONCORD	NC	28025
CATHY C WINGLER	2826 S RIDGE AVE	CONCORD	NC	28025

April 17, 2023

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday May 2, 2023 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2023-07 – Special Use Permit – 2804 S Main St.

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow for a wireless support structure on property located at 2804 S. Main St. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, new or substantial modification to wireless support structures 65 feet or taller require approval of a SUP in the Office Institutional (OI) zoning district. The subject property is 17.06 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56128301670000 (**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 bbarcroft@kannapolisnc.gov.

Sincerely,



Ben Barcroft
Senior Planner

Enclosure

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

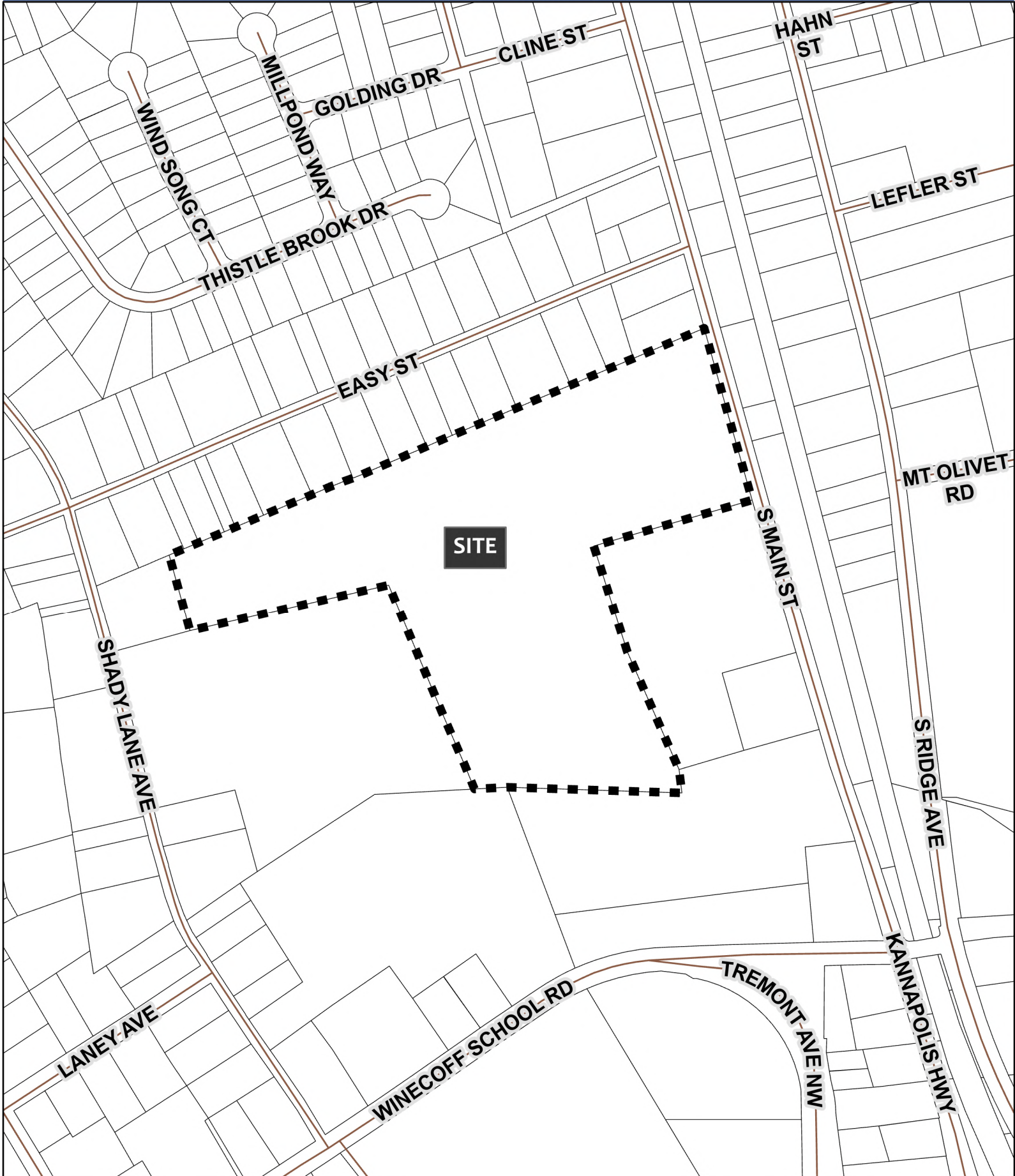


Special Use Permit

Case Number: BOA-2023-07

Applicant: Duke Energy

2804 S Main St





BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE #BOA - 2023 -07

2804

