



BOARD OF ADJUSTMENT AGENDA

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

Tuesday November 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 – Meeting Minutes October 4, 2022**
- 5. Swearing In for Testimony**
- 6. Public Hearing:**
 - a. BOA-2022-11 – Special Use Permit – Unaddressed parcel on N. Main Street**

Continued from October 4, 2022 Board meeting, Public Hearing to consider a request for a Special Use Permit (SUP) to allow multi-family residential (MFR) uses on property located in the General Commercial (C-2) zoning district. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for MFR uses in the C-2 zoning district. The unaddressed property is located on N Main St., is approximately 0.45 +/- acres, and is more specifically identified as Rowan County Parcel Identification Number 159 039.
 - b. BOA-2022-12 – Special Use Permit – 401 Gay Street**

Public Hearing to consider a request for a Special Use Permit (SUP) to allow a six-unit townhome development in the General Commercial-Conditional Zoning (C-2-CZ) zoning district. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for MFR uses in the C-2 zoning district. The property is located at 401 Gay Street, is approximately 0.44 +/- acres, and is more specifically identified as Cabarrus County Parcel Identification Number 56134732130000.
 - c. BOA-2022-14 – Special Use Permit – 837 S Main Street**

Public Hearing to consider a request for a Special Use Permit (SUP) to allow a bar use on property located in the General Commercial (GC) zoning district. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), a SUP is required for bar uses in the GC zoning district. The property is located at 837 S Main Street, is approximately 0.13 +/- acres, and is more specifically identified as Cabarrus County Parcel Identification Number 56135468780000.
 - d. BOA-2022-15 – Special Use Permit – 2305 Moose Road Condition of Approval Amendment**

Public Hearing is to consider a request for a Special Use Permit (SUP) to allow an amendment to previously approved conditions under Case No. BOA-2020-18 regarding separate water and sewer connections for each parsonage structure on properties located at 2305 Moose Road. The properties are approximately 2.30 +/- acres and are more specifically identified as Rowan County Parcel Identification Number 145 1220000001, and 145 1220000002.

7. Planning Director Update

8. Other Business

9. Adjourn

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**CITY OF KANNAPOLIS, NC
BOARD OF ADJUSTMENT**

**Minutes of Special Meeting
Tuesday October 4, 2022**

The Board of Adjustment met on Tuesday October 4, 2022 at 6:00 PM at City Hall, 401 Laureate Way, Kannapolis, North Carolina.

Board Members Present: Ryan French, Chair
Emily Joshi, Vice-Chair
Cyrus Rattler
Daisy Malit
Wilfred Bailey, Sr.

Board Members Absent: Holden Sides
Danielle Martini, Alternate Member

Staff Present: Richard Smith, Planning Director
Boyd Staney, Assistant Planning Director
Ben Barcroft, Senior Planner
Kristin Jones, Assistant to City Manager
Pam Scaggs, Recording Secretary

Visitors Present: None

CALL TO ORDER

Chair Ryan French called the meeting to order at 6:00pm.

ROLL CALL AND RECOGNITION OF QUORUM

Recording Secretary Pam Scaggs called the roll and presence of a quorum was recognized.

APPROVAL OF AGENDA

Chair French asked for a motion to approve the Agenda, which was made by Mr. Bailey, second by Ms. Malit and the motion was unanimously approved.

APPROVAL OF MINUTES

Chair French asked for a motion to approve the September 6, 2022 meeting minutes which was made by Ms. Malit, second by Mr. Rattler, and the motion was unanimously approved.

PUBLIC HEARING

SWORN IN FOR TESTIMONY

Boyd Stanley

BOA-2022-11 – Request for a Special Use Permit for unaddressed property located on the corner of West 16th Street and North Main Street to allow a 6-unit townhome development in the General Commercial (GC) zoning district.

Assistant Planning Director, Boyd Stanley, stated that staff is requesting that the Board continue Case No. BOA-2022-11 to the November 1, 2022 Board of Adjustment Meeting. Mr. Stanley noted that the applicant submitted the application prior to adoption of the Kannapolis Development Ordinance (KDO) and therefore

1 the request should be reviewed under the Unified Development Ordinance (UDO). He further clarified that
2 multi-family attached (townhome) was a permitted use by issuance of a Special Use Permit in the General
3 Commercial (GC) zoning district under the UDO but is not permitted in the KDO.
4

5 Chair French asked for a motion to table the case until the November 1, 2022 meeting, which was made by
6 Vice-Chair Joshi, second by Mr. Rattler and approved by unanimous vote.
7

8 **BOARD REFRESHER**

9 Planning Director, Richard Smith, introduced Senior Planner Ben Barcroft, stating that Mr. Barcroft will
10 be the staff liaison for the Board. Mr. Smith noted that Mr. Stanley was filling in until Mr. Barcroft was
11 hired and could join the meetings.
12

13 Mr. Smith provided a training refresher for the Board. He provided an explanation of the meaning of a
14 “quasi-judicial” meeting and “evidentiary hearing”. Mr. Smith continued the refresher by reviewing the
15 different types of cases that the Board renders decision including Variances, Appeals of an administrative
16 decision (APP), Special Use Permits (SUP), and Certificate of Nonconformities (CONA). He noted that
17 approval of variances are the only types of cases that requires a super majority vote, and he reminded the
18 Board of their powers regarding modifying staffs Findings of Fact or adding conditions to a SUP. Mr. Smith
19 talked about the Rules of Procedure for the Board and procedures for a quasi-judicial hearing (application
20 deadlines, public notice, swearing-in of anyone speaking at a hearing, findings, record of the hearing,
21 notification to applicant of Board’s decision and appeal process of Board decision). He also provided the
22 procedures for a hearing and talked about ex parte communication and evidence.
23

24 **PLANNING DIRECTOR UPDATE**

25 Mr. Smith directed the Board’s attention to a development map and provided an overview of both residential
26 and commercial projects occurring within the City of Kannapolis. Mr. Smith responded to a question from
27 Mr. Bailey regarding affordable housing. He noted that the map will be made available on the City’s
28 website.
29

30 **OTHER BUSINESS**

31 Mr. Smith directed the Board’s attention to the proposed 2023 meeting dates and asked the Board to review
32 and make motion on the proposed schedule. Vice-Chair Joshi made the motion to approve, second by Mr.
33 Bailey and unanimously approved.
34

35 **ADJOURN**

36 There being no further business, Vice-Chair Joshi made the motion to adjourn, second by Mr. Rattler and
37 unanimously approved.
38

39 The meeting was adjourned at 7:29 PM on Tuesday October 4, 2022.
40
41

42 _____
43 Ryan French, Chair
44 Board of Adjustment

45 _____
46 Pam Scaggs, Recording Secretary
Board of Adjustment



Board of Adjustment November 1, 2022 Meeting

Staff Report

TO: Board of Adjustment
FROM: Boyd Stanley, Assistant Planning Director
SUBJECT: Case# BOA-2022-11: Special Use Permit
Applicant: Jesse Robinson

Continued request for a Special Use Permit to allow for a multi-family townhome development in the General Commercial zoning district. The application was submitted prior to the adoption of the KDO and will be reviewed under the UDO requirements.

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

Continued from the September 6, 2022 Board of Adjustment meeting. The applicant, Jesse Robinson, is requesting a Special Use Permit (SUP) to allow for the development of a six-unit townhome development in the General Commercial (C-2) zoning district on unaddressed property located at the corner of W 16th Street and N. Main Street, further identified as Rowan County Parcel Identification Number 159 073. The property is now identified as GC (General Commercial) under KDO zoning, but the applicant made application to develop under the previous UDO requirements so the individual units can be platted. Under the new KDO requirements, individually platted townhomes are not defined as multi-family development. Under the UDO provisions, townhomes are included in the definition of multi-family development.

The applicant proposes to construct the units along N. Main Street with driveway access from a proposed residential public alley off W 16th Street. In response to the questions and concerns discussed at the September meeting, the applicant has provided a revised site plan and exhibit showing a solid waste/recycling container

storage area and exhibit showing the desired backing and pickup for service. Further, three additional visitor parking spaces have been added to the site. The applicant has also provided a copy of a "Notice of No Further Action" letter issued by the North Carolina Department of Environment and Natural Resources (NCDENR) to address concerns related to the previous use of the property and underground storage tanks.

As was required by the UDO, multi-family residential development is permitted in the C-2 (General Commercial) zoning designation with the issuance of a Special Use Permit (SUP).

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 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.

This property is in the "Urban Corridor" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*.

The Urban Corridor Character Area includes activity corridors with places to live, work, and shop in a walkable configuration. The Area may include both vertically and horizontally mixed uses, however infill development will be vertically mixed, with ground floor retail and offices and housing on upper floors. These developments are located close together and near the street, providing connections to surrounding development.

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 to minimize traffic hazards and traffic congestion on the public roads.

The townhomes shall have individual driveway access from a residential public alley located along the rear of the property that is also to be used as a secondary Fire Department access for the units. Although the property fronts both North Main Street and W 16th Street, access to the project will be limited to W 16th Street only.

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 is normal for a single-family use is expected as a result of the development of this property.

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

The proposed use would not impede development of the surrounding properties for uses allowed within their respective zoning districts.

The establishment, maintenance, or operation of the proposed use will 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.

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.

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

The applicant has signed the Conditions of Approval acceptance.

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 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.

Adequate measures shall be taken to provide ingress and egress to minimize traffic hazards and 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 will not be detrimental to or endanger the public health, safety, or general welfare.

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

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 with conditions** of the Special Use Permit under the UDO provisions based on the staff Findings of Fact (or as modified by the Board), the conceptual site plan, and compliance with all local, state and federal requirements.

Conditions of Approval proposed by staff:

1. The permitted uses allowed by this SUP shall only include six (6) townhome units.
2. Proposed site plan included with this application is for illustrative purposes only. Final design of the site shall comply with the Unified Development Ordinance.
3. Must comply with City's Land Development Standards Manual (LDSM).
4. The developer will construct curb, gutter and sidewalk along the entire road frontage where development has access and/or street frontage. These improvements will be constructed to NCDOT and City standards.
5. A Site Plan shall be submitted and approved by City Staff prior to issuance of a Zoning Clearance Permit.
6. Any lighting installed on the subject property shall be full cut-off fixtures with all lighting directed downward and away from adjacent residential property.
7. Proof of UST Site Investigation and Closure if necessary.
8. Adequate measures shall be considered by the Technical Review Committee to determine placement of mail delivery and solid waste collection facilities so as to minimize or avoid traffic congestion and hazards on Main Street.
9. A NCDEQ Sediment & Erosion Control Permit is not required since the site is < 1.0 ac, however, provide a basic erosion control plan with details. No calculations required.
10. Sanitary sewer service is subject to allocation based upon sewer treatment capacity.

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. Vehicle Movement
7. Notice from NCDENR
8. List of Notified Properties
9. Notice to Adjacent Property Owners
10. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
Assistant City Manager	X
City Attorney	X

Special Use Permit

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

SPECIAL USE PERMIT REQUEST

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

Approval authority – Board of Adjustment.

Property Address: N. Main Street Kannapolis, NC 28081

Applicant: Jesse Robinson

SUBMITTAL CHECKLIST

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

PROCESS INFORMATION

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

Review Process: All applications will be reviewed for compliance and then forwarded to the Board of Adjustment for consideration at a public hearing which is held monthly on the first Tuesday at 6:00pm in City Hall Laureate Center. All items listed above on the submittal checklist must be received at least one month prior to the next scheduled public hearing.

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

Scope of Approval: Per Section 3.5.4 of the UDO, approval of an SUP does not authorize any development activity, but shall authorize the applicant to apply for final site plan approval. Zoning clearance permits will not be issued until the SUP and final site plan have been approved.

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

Applicant's Signature: Jesse Robinson Date: 6/30/22



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Jesse Robinson

Address: 1505 S. ROSE AVE

Kannapolis NC 28083

Phone: 704-728-6960

Email: Home Works, US @ GMAIL.COM

Property Owner Contact Information same as applicant

Name: Security Oil Company, Inc.

Address: PO Box 2058

Concord, NC 28027

Phone: _____

Email: _____

Project Information

Project Address: N. Main Street Kannapolis, NC 28081 Zoning District C-2 - General Commercial

Parcel PIN: 159-039 Rowan County Size of property (in acres): 0.45

Current Property Use: vacant and commercial

Proposed Use: 6 townhome units

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): see attached site plan

6 town home units are to be placed on this site.

APPROVAL CRITERIA

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a Special Use Permit (SUP). The Unified Development Ordinance requires that the applicant demonstrate successful compliance with several conditions to obtain a SUP. In the space provided below, indicate the *facts* that you intend to provide to convince the Board that it can properly reach the following conclusions:

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

The surrounding neighborhood contains a mixture of business and residential uses.

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

The townhomes shall have individual driveways access from a residential public alley located along the rear of the property that is also to be used as a secondary Fire Department access to the units.

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

The residential use shall not be offensive to the surrounding neighborhood.

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 residential use fits in with the permitted uses within the zoning district.

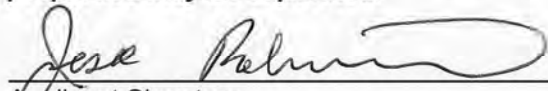
E. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

The proposed use shall not endanger or be detrimental to the public.

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

The proposed site will comply with all applicable section of the UDO.

By signing below, I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I acknowledge that the Board of Adjustment may add conditions on the requested use as part of the approval to assure that adequate mitigation measures are associated with the use. For example, landscaping or fencing may be required, or a shift of operations away from adjoining properties may be stipulated.


Applicant Signature

6-30-22
Date


Property Owner Signature

6-30-22
Date

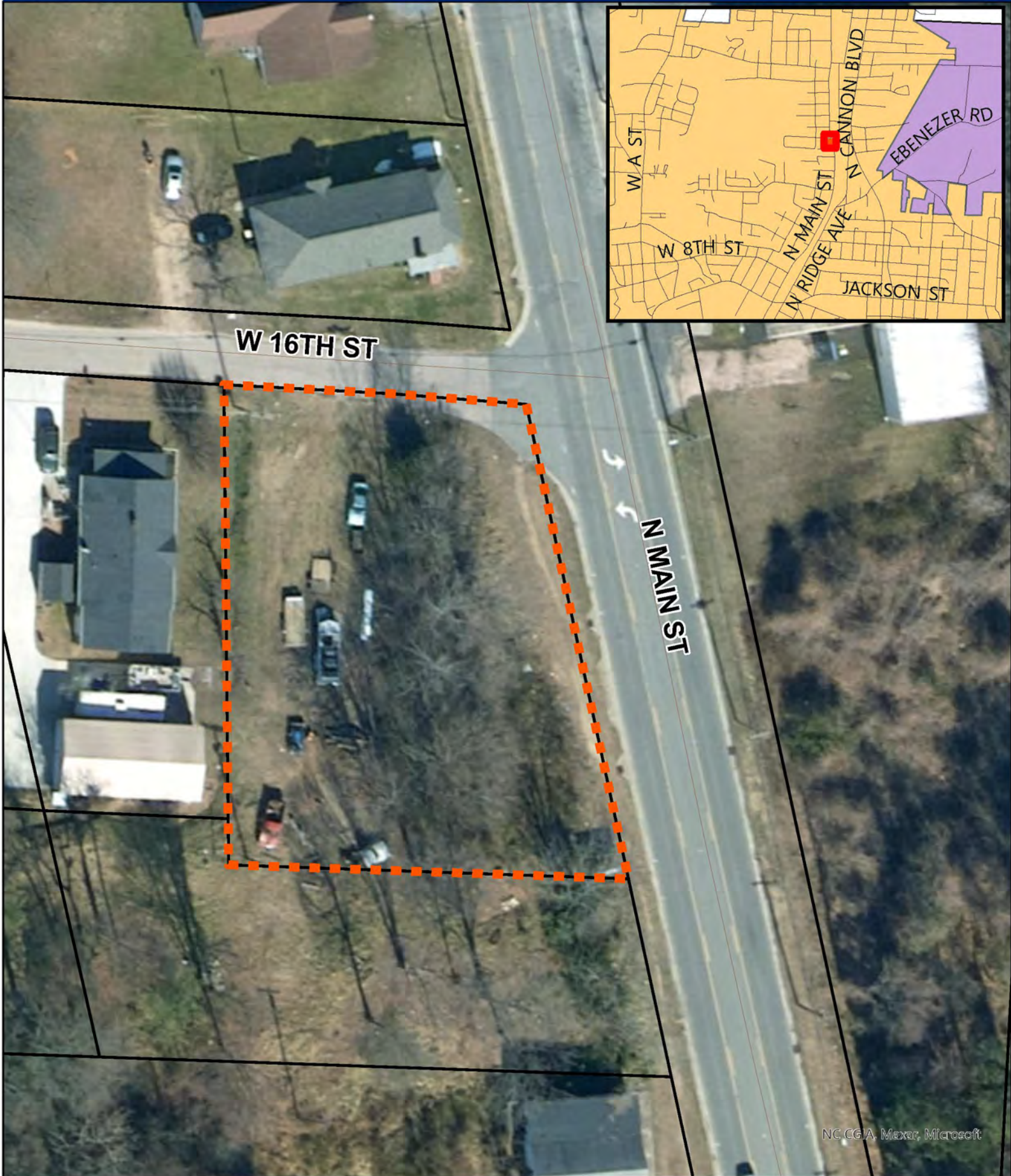


Vicinity Map

Case Number: BOA-2022-11

Applicant: Jesse Robinson

Parcel 159 073



W 16TH ST

N MAIN ST

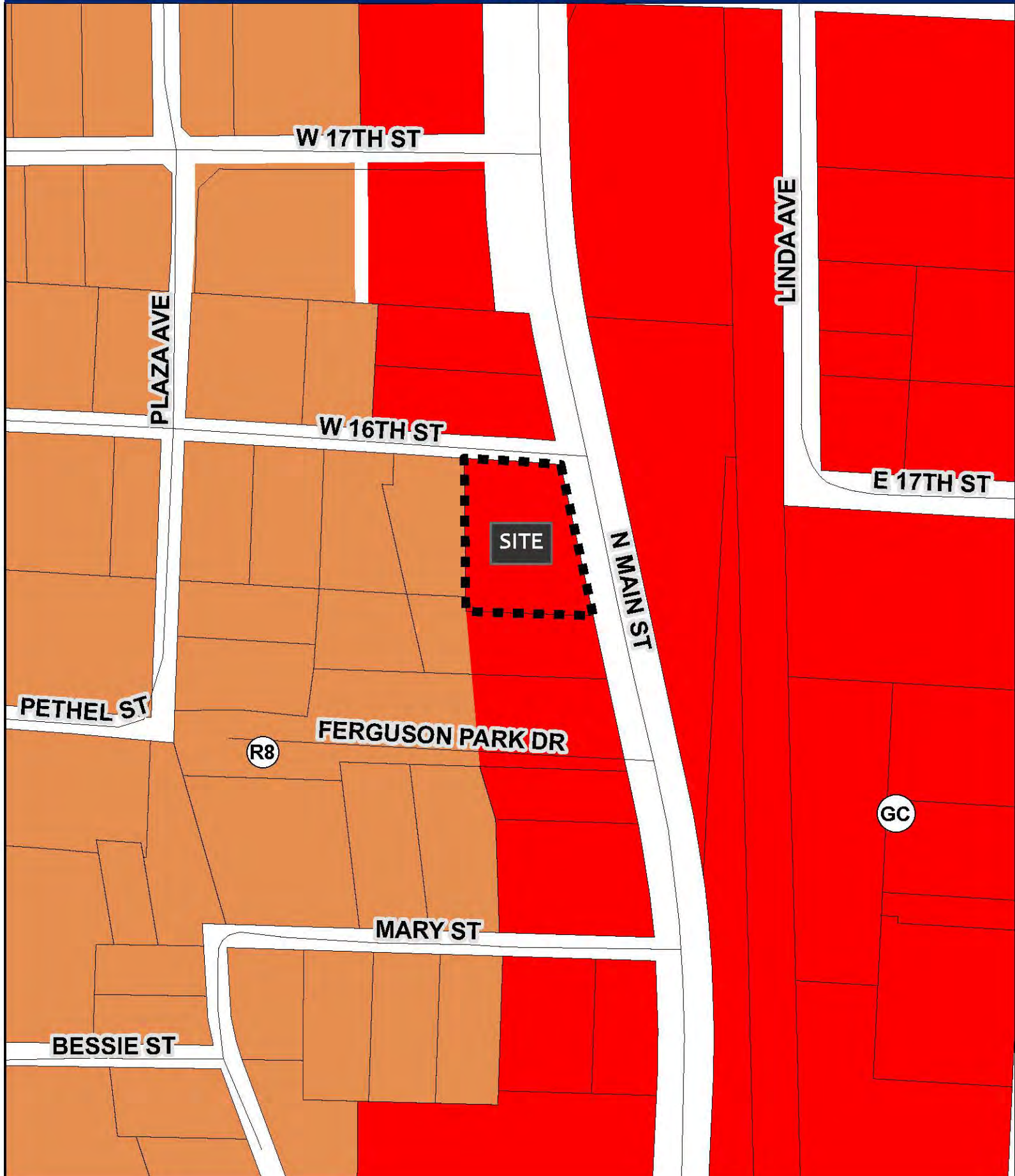


Kannapolis Current Zoning

Case Number: BOA-2022-11

Applicant: Jesse Robinson

Parcel 159 073



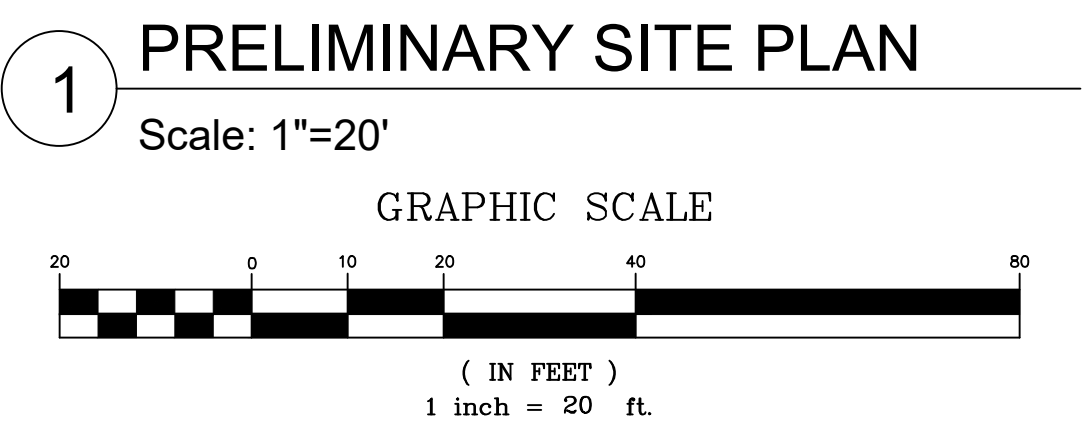
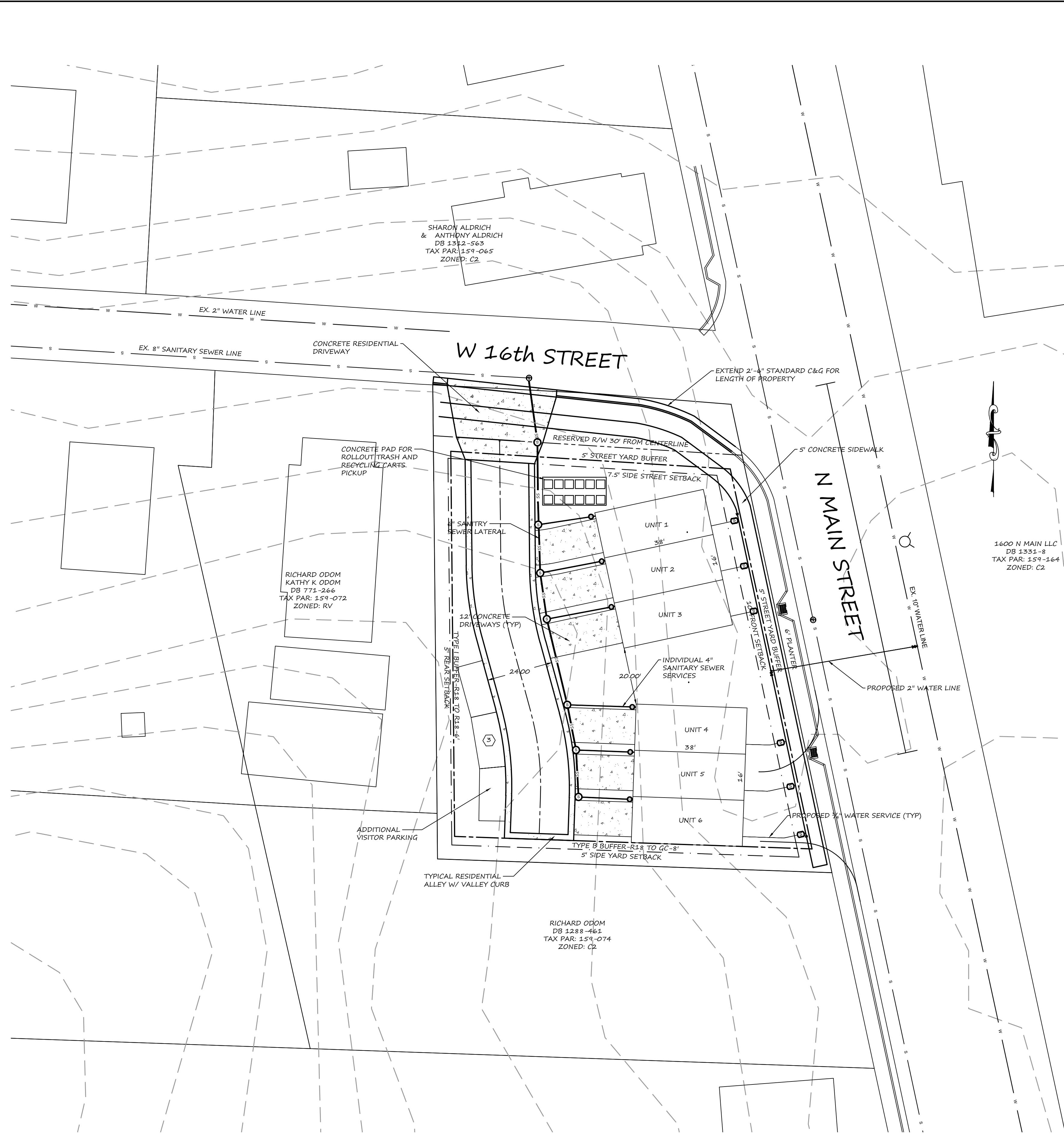
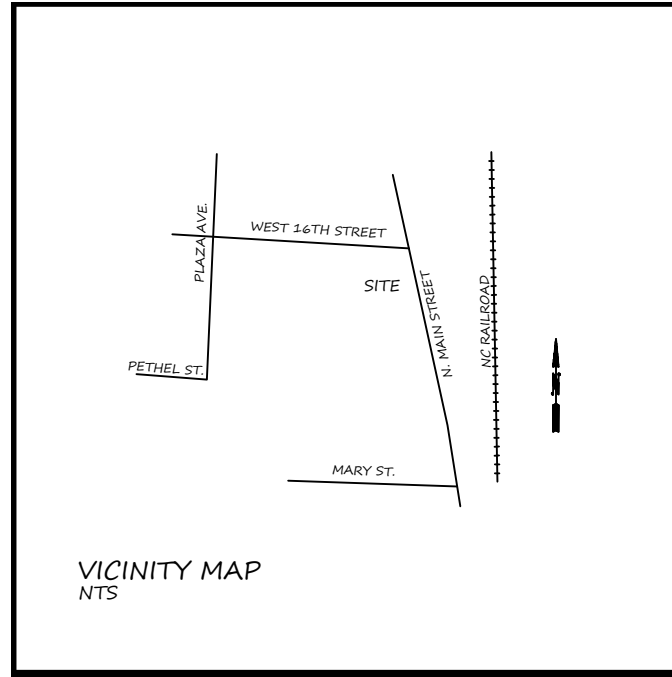
Kannapolis 2030 Future Land Use Map

Case Number: BOA-2022-11

Applicant: Jesse Robinson

Parcel 159 073





PLAN NOTES

- A. ALL WORK TO BE DONE IN ACCORDANCE WITH CITY OF KANNAPOLIS' UDO AND LDSM, WSACC, NCDOT, NCE&NR STANDARD SPECIFICATIONS AND PROJECT SPECIFICATIONS. WHEN SPECIFICATIONS ARE IN CONFLICT THE STRICTER SHALL BE HELD.
- B. EXISTING UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS ONLY. ANY DAMAGE DONE TO EXISTING UTILITIES, WHETHER SHOWN OR NOT ON THIS PLAN, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES, SHOWN OR NOT SHOWN ON THE PLAN, PRIOR TO BEGINNING CONSTRUCTION. TO ENSURE PROPER LOCATION OF UTILITIES, THE CONTRACTOR SHALL CONTACT NCOCC (NC ONE CALL CENTER) AT 1-800-632-4949 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION.
- C. DIMENSIONS AS SHOWN, ARE TO FACE OF CURB, FACE OF BUILDING, AND EDGE OF PAVEMENT UNLESS OTHERWISE NOTES.
- D. THE ENGINEER HAS MADE NO EXAMINATION TO DETERMINE WHETHER ANY HAZARDOUS OR TOXIC MATERIALS ARE PRESENT OR CONTAINED IN, UNDER, OR ON THE SUBJECT PROPERTY OR ITS WATERS; OR IF ANY HAZARDOUS OR TOXIC MATERIALS HAVE CONTAMINATED THIS OR OTHER PROPERTIES OR ITS WATERS IN ANY WAY WHATSOEVER. NO SUBSURFACE EXAMINATION OF ANY TYPE HAS BEEN MADE BY THE ENGINEER AND ACCORDINGLY, NO OPINION EXPRESSED OR INFERRED ON ALL SUCH MATTERS. FURTHER, NO OPINION IS RENDERED AS TO ANY VIOLATION OF ANY ENVIRONMENTAL LAWS OR REGULATIONS, EITHER FEDERAL, STATE OR LOCAL, RELATED TO THE INFORMATION SHOWN ON THIS PLAN AND THE ENGINEER IS IN NO WAY LIABLE FOR ANY VIOLATION OF SUCH ENVIRONMENTAL LAWS SHOULD THEY EXIST.
- E. BOUNDARY, PHYSICAL, AND TOPOGRAPHIC INFORMATION AS SHOWN TAKEN FROM THE AVAILABLE INFORMATION PROVIDED BY THE CITY OF KANNAPOLIS, CABARRUS COUNTY, AND THE NCDOT. THE EXISTING INFORMATION SHOWN ON THIS PLAN DOES NOT REPRESENT ANY FIELD RUN SURVEYS BY AWCK, INC.

alley, williams, carmen & king, inc.
CONSULTING ENGINEERS, SURVEYING & INSPECTION

Firm License No. F-0203
120 S. MAIN STREET
PO BOX 1248
KANNAPOLIS, NC 28081
704.938.1515
www.awck.com

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Prepared for:

JARED DULLUM
6012 BAYFIELD PKWY # 312
CONCORD, NC 28027
704-464-8424
jdullum@gmail.com

SITE NOTES

IDENTIFICATION:
PID 159 073

ACREAGE: 0.45

CURRENT ZONING: GC

PROPOSED USE IS MULTIFAMILY PER UDO ARTICLE 5.7D USE R18 DIMENSIONAL AND DENSITY STANDARDS

SETBACKS
FRONT - 10'
SIDE - 5'
REAR - 5'
SIDE STREET - 75% OF FRONT SETBACK
MAX. BUILDING HEIGHT - 35'

DENSITY - 18 UNITS PER ACRE
0.45 ACRES x 18 = 8.1 UNITS
NUMBER OF PROPOSED UNITS = 6

IMPERVIOUS AREA RATIO - 0.5 (9801 SF)
PROVIDED - 0.40 (7929 SF)

OPEN SPACE - 12% (2352 SF)
PROVIDED - 17% (5284)

PERIMETER BUFFER YARDS
R18 TO GC - TYPE B-8' IN WIDTH
R18 TO R18 - TYPE A-6' IN WIDTH

BUILDING YARDS
CATEGORY 1 - 6' IN WIDTH

STREET YARDS
CLASS 2 REQUIRED - 6' WIDE

PARKING SPACES:
MINIMUM 2/UNIT = 12 SPACES

SOLID WASTE AND RECYCLING CONTAINERS SHALL BE ASSIGNED INDIVIDUALLY FOR EACH TOWNHOME

N. MAIN & 16TH TOWNHOMES
N. MAIN ST. KANNAPOLIS, NC

ZONING COMPLIANCE PLAN

WASTEWATER ALLOCATION

6-3 BEDROOM UNITS AT 80 GPD/BDRM
EQUALS 1440 GPD TOTAL

6 UNITS x 3 BDRM/UNIT x 80 GPD/BDRM

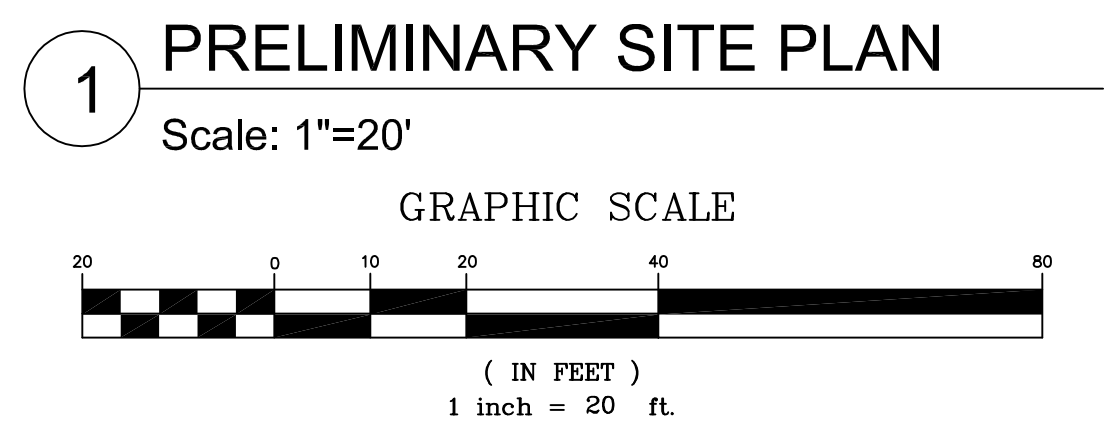
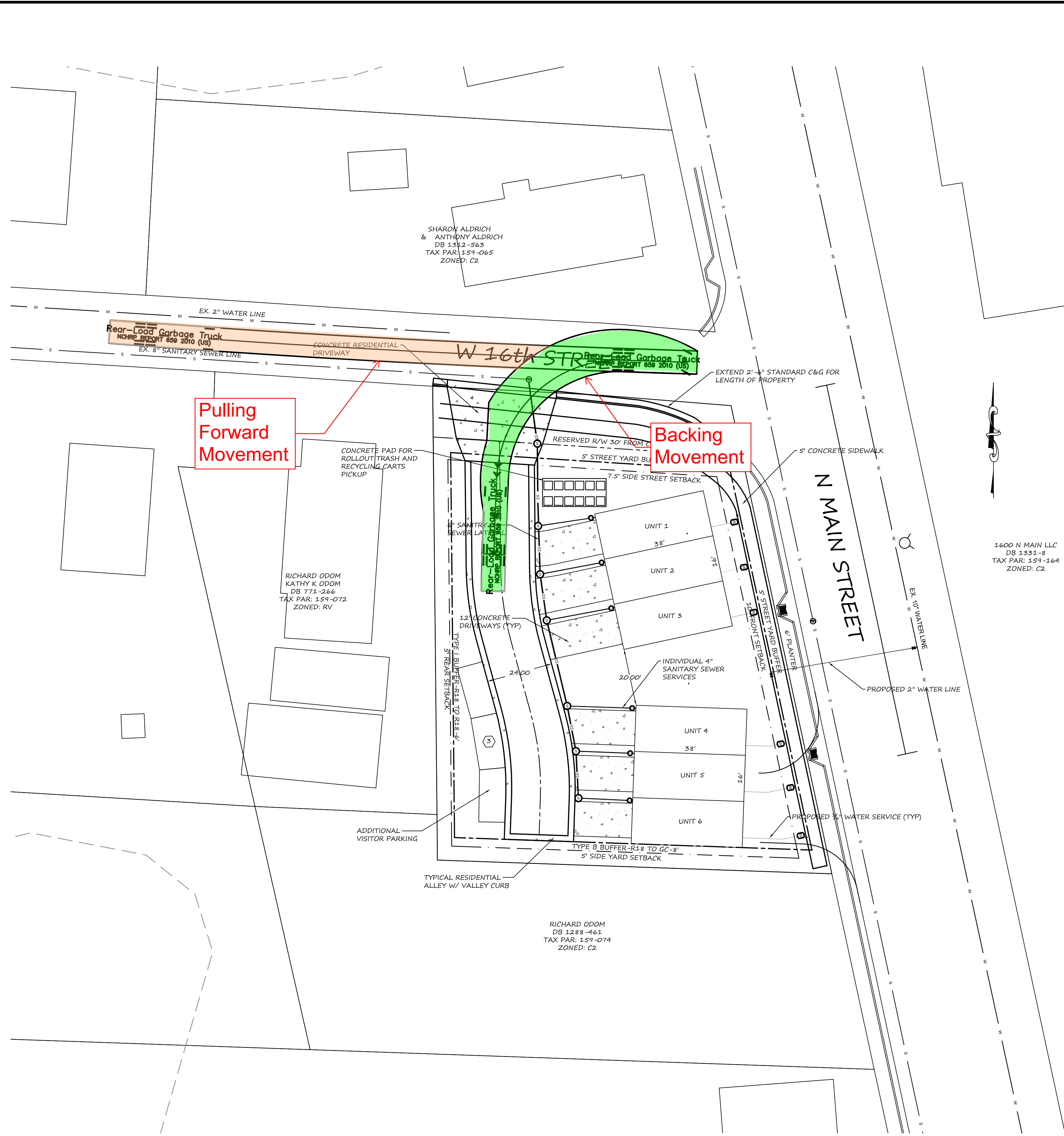
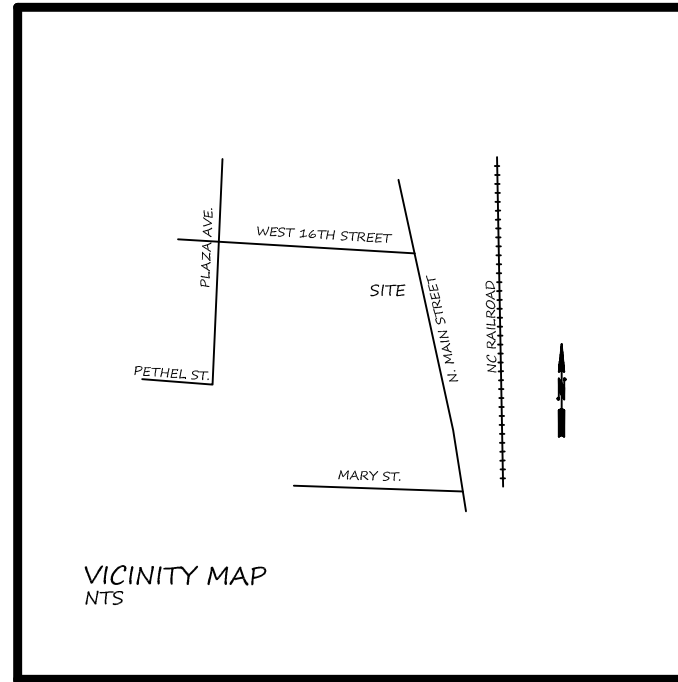
#	DATE	REVISION	BY	
			RDF	RDF
1	9/28/22	BDA Comments	RDF	RDF
2	10/18/22	Start Comments	RDF	RDF

SCALE: 1" = 20'

DATE: 5-18-22

JOB # 22546

C - 1.0



PLAN NOTES

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- B. EXISTING UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS ONLY. ANY DAMAGE DONE TO EXISTING UTILITIES, WHETHER SHOWN OR NOT ON THIS PLAN, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES, SHOWN OR NOT SHOWN ON THE PLAN, PRIOR TO BEGINNING CONSTRUCTION. TO ENSURE PROPER LOCATION OF UTILITIES, THE CONTRACTOR SHALL CONTACT NCOCC (NC ONE CALL CENTER) AT 1-800-632-4949 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION.
- C. DIMENSIONS AS SHOWN, ARE TO FACE OF CURB, FACE OF BUILDING, AND EDGE OF PAVEMENT UNLESS OTHERWISE NOTES.
- D. THE ENGINEER HAS MADE NO EXAMINATION TO DETERMINE WHETHER ANY HAZARDOUS OR TOXIC MATERIALS ARE PRESENT OR CONTAINED IN, UNDER, OR ON THE SUBJECT PROPERTY OR ITS WATERS; OR IF ANY HAZARDOUS OR TOXIC MATERIALS HAVE CONTAMINATED THIS OR OTHER PROPERTIES OR ITS WATERS IN ANY WAY WHATSOEVER. NO SUBSURFACE EXAMINATION OF ANY TYPE HAS BEEN MADE BY THE ENGINEER AND ACCORDINGLY, NO OPINION EXPRESSED OR INFERRED ON ALL SUCH MATTERS. FURTHER, NO OPINION IS RENDERED AS TO ANY VIOLATION OF ANY ENVIRONMENTAL LAWS OR REGULATIONS, EITHER FEDERAL, STATE OR LOCAL, RELATED TO THE INFORMATION SHOWN ON THIS PLAN AND THE ENGINEER IS IN NO WAY LIABLE FOR ANY VIOLATION OF SUCH ENVIRONMENTAL LAWS SHOULD THEY EXIST.
- E. BOUNDARY, PHYSICAL, AND TOPOGRAPHIC INFORMATION AS SHOWN TAKEN FROM THE AVAILABLE INFORMATION PROVIDED BY THE CITY OF KANNAPOLIS, CABARRUS COUNTY, AND THE NCCDT. THE EXISTING INFORMATION SHOWN ON THIS PLAN DOES NOT REPRESENT ANY FIELD RUN SURVEYS BY AWCK, INC.

alley, williams, carmen & king, inc.
 CONSULTING ENGINEERS, SURVEYING & INSPECTION
 Firm License No. F-0203
 120 S. MAIN STREET
 PO BOX 1248
 KANNAPOLIS, NC 28081
 704.938.1515
 www.awck.com

This drawing is the property of Alley, Williams, Carmen & King, Inc. It is not to be reproduced, copied, or used on any other project without written permission.

Prepared for:
JARED DULLUM
 6012 BAYFIELD PKWY # 312
 CONCORD, NC 28027
 704-464-8424
 jdullum@gmail.com

SITE NOTES

IDENTIFICATION:
 PID 159 073
 ACREAGE: 0.45
 CURRENT ZONING: GC
 PROPOSED USE IS MULTIFAMILY PER UDO ARTICLE 5.3D USE R18 DIMENSIONAL AND DENSITY STANDARDS
 SETBACKS
 FRONT - 10'
 SIDE - 5'
 REAR - 5'
 SIDE STREET - 75% OF FRONT SETBACK
 MAX. BUILDING HEIGHT - 35'
 DENSITY - 18 UNITS PER ACRE
 0.45 ACRES x 18 = 8.1 UNITS
 NUMBER OF PROPOSED UNITS = 6
 IMPERVIOUS AREA RATIO - 0.5 (9801 SF)
 PROVIDED - 0.40 (7929 SF)
 OPEN SPACE - 12% (2352 SF)
 PROVIDED - 17% (5284)
 PERIMETER BUFFER YARDS
 R18 TO GC - TYPE B-8' IN WIDTH
 R18 TO R18 - TYPE A-6' IN WIDTH
 BUILDING YARDS
 CATEGORY 1 - 6' IN WIDTH
 STREET YARDS
 CLASS 2 REQUIRED - 6' WIDE
 PARKING SPACES:
 MINIMUM 2/UNIT = 12 SPACES
 SOLID WASTE AND RECYCLING CONTAINERS SHALL BE ASSIGNED INDIVIDUALLY FOR EACH TOWNHOME

WASTEWATER ALLOCATION

6-3 BEDROOM UNITS AT 80 GPD/BDRM
 EQUALS 1440 GPD TOTAL
 6 UNITS x 3 BDRM/UNIT x 80 GPD/BDRM

N. MAIN & 16TH TOWNHOMES
 N. MAIN ST. KANNAPOLIS, NC
 ZONING COMPLIANCE PLAN

#	DATE	REVISION	BY	
			RDF	RDF
1	9/28/22	BDA Comments	RDF	RDF
2	10/18/22	Staff Comments	RDF	RDF

SCALE: 1" = 20'
 DATE: 5-18-22
 JOB # 22546
 C - 1.0

EXHIBIT "A"

Letter from North Carolina
Department of Environment and Natural Resources



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue, Governor

Division of Waste Management
UST Section

Dee Freeman, Secretary
Dexter R. Matthews, Director

February 25, 2011

Security Oil Company, Inc.
PO Box 5028
Concord, North Carolina 28027
Attention: Jeffrey C. Carpenter, President

Re: Notice of No Further Action
15A NCAC 2L .0407(d)
Risk-based Assessment and Corrective Action
for Petroleum Underground Storage Tanks

Kannapolis Oil Company
1531 North Main Street
Rowan County
Incident Number: 17558
Risk Classification: Low

Dear Mr. Carpenter:

The Notice of Residual Petroleum received by the UST Section, Mooresville Regional Office on February 21, 2011 has been reviewed. The review indicates that groundwater contamination meets the cleanup requirements for a low-risk site but exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202.

The UST Section determines that no further action is warranted for this incident. This determination shall apply unless the UST Section later finds that the discharge or release poses an unacceptable risk or a potentially unacceptable risk to human health or the environment. Pursuant to Title 15A NCAC 2L .0407(a) you have a continuing obligation to notify the Department of any changes that might affect the risk or land use classifications that have been assigned.

Be advised that as groundwater contamination exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202, groundwater within the area of contamination or within the area where groundwater contamination is expected to migrate is not suitable for use as a water supply.

As groundwater contamination exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202, pursuant to NCGS 143B-279.9 and 143B-279.11, you must file the approved Notice of Residual Petroleum (attached) with the Register of Deeds in the county in which the release is located and submit a certified copy to the UST Section within 30 days of receipt of this letter. **This No Further Action determination will not become valid until the UST Section receives a certified copy of the Notice of Residual Petroleum which is filed with the Register of Deeds.**

As groundwater contamination exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202, public notice in accordance with 15A NCAC 2L .0409(b) also is required. Thus, within 30 days of receipt of this letter, a copy of the letter must be provided by certified mail, or by posting in a prominent place, if certified mail is impractical, to the local health director, the chief

administrative officer of each political jurisdiction in which the contamination occurs, all property owners and occupants within or contiguous to the area containing contamination, and all property owners and occupants within or contiguous to the area where the contamination is expected to migrate. Within 60 days of receiving this no further action letter, this office must be provided with proof of receipt of the copy of the letter or of refusal by the addressee to accept delivery of the copy of the letter or with a description of the manner in which the letter was posted. **This No Further Action determination will not become valid until public notice requirements are completed.** Interested parties may examine the incident file by contacting this regional office and may submit comments on the site to the regional office at the address or telephone number listed below.

This No Further Action determination applies only to the subject incident; for any other incidents at the subject site, the responsible party must continue to address contamination as required.

If you have any questions regarding this notice, please contact me at the address or telephone number listed below.

Sincerely,



Dan Graham
Hydrogeologist
Mooresville Regional Office

Attachments: Notice of Residual Petroleum

cc: Dana Dillon-Shield Engineering with the **original NRP**
Rowan County Health Department

UST Regional Offices

Asheville (ARO) – 2090 US Highway 70, Swannanoa, NC 28778 **(828) 296-4500**

Fayetteville (FAY) – 225 Green Street, Suite 714, Systel Building, Fayetteville, NC 28301 **(910) 433-3300**

Mooresville (MOR) – 610 East Center Avenue, Suite 301, Mooresville, NC 28115 **(704) 663-1699**

Raleigh (RRO) – 1628 Mail Service Center, Raleigh, NC 27699 **(919) 791-4200**

Washington (WAS) – 943 Washington Square Mall, Washington, NC 27889 **(252) 946-6481**

Wilmington (WIL) – 127 Cardinal Drive Extension, Wilmington, NC 28405 **(910) 796-7215**

Winston-Salem (WS) – 585 Waughtown Street, Winston-Salem, NC 27107 **(336) 771-5000**

Guilford County Environmental Health, 400 West Market Street, Suite 300, Greensboro, NC 27401, **(336) 641-3771**

Kannapolisoil.nfarrp11

EXHIBIT B

Notice of Residual Petroleum



Doc ID: 011418440007 Type: CRP
Kind: NOTICE
Recorded: 03/01/2011 at 01:31:14 PM
Fee Amt: \$32.00 Page 1 of 7
Rowan, NC
Harry L. Welch Jr. Register of Deeds

BK 1176 PG 599

7
\$2.00
Jop

Prepared by and return to: Dana C. Dillon, Shield Engineering, Inc, 4301 Taggart Creek Road, Charlotte, NC 28208

**NORTH CAROLINA
ROWAN COUNTY**

NOTICE OF RESIDUAL PETROLEUM

Kannapolis Oil Company Site, Rowan County, North Carolina
(Site name)

The property that is the subject of this Notice (hereinafter referred to as the "Site") contains residual petroleum and is an Underground Storage Tank (UST) incident under North Carolina's Statutes and Regulations, which consist of N.C.G.S. 143-215.94 and regulations adopted thereunder. This Notice is part of a remedial action for the Site that has been approved by the Secretary (or his/her delegate) of the North Carolina Department of Environment and Natural Resources (or its successor in function), as authorized by N.C.G.S. Section 143B-279.9 and 143B-279.11. The North Carolina Department of Environment and Natural Resources shall hereinafter be referred to as "DENR".

NOTICE

Petroleum product was released and/or discharged at the Site. Petroleum constituents remain on the site, but are not a danger to public health and the environment, provided that the restrictions described herein, and any other measures required by DENR pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, are strictly complied with. This "Notice of Residual Petroleum" is composed of a description of the property, the location of the residual petroleum and the land use restrictions on the Site. The Notice has been approved and notarized by DENR pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11 and has/shall be recorded at the Rowan County Register of Deeds' office in *(name of county)*

Book _____, Page _____.

Any map or plat required by DENR has been/shall be recorded at the Rowan County Register of Deeds' office Book _____, Page _____, and has been/shall be incorporated into the Notice by this reference. *(name of county)*

Source Property

Security Oil Company, Inc. of Concord, North Carolina is the owner in fee
(Owner's name) (city & state of homeowner)
simple of all or a portion of the Site, which is located in the County of Rowan, State of North Carolina, and
is known and legally described as:

See Exhibit "A"

Additional Affected Property Also Subject to Restrictions

_____ of _____ is the owner in fee simple of a portion of
(Owner's Name) (City & State of owner)
the Site, which is located in the County of _____, State of North Carolina. Petroleum
contamination is located on this property at the time this Notice is approved. This property was also owned
or controlled by the underground storage tank owner or operator or another party responsible for the
petroleum discharge or release at the time the discharge or release was discovered or reported, or at any
time thereafter. This property is known and legally described as:

N/A

For protection of public health and the environment, the following land use restrictions required by
N.C.G.S. Section 143B-279.9(b) shall apply to all of the above-described real property. These restrictions
shall continue in effect as long as residual petroleum remains on the site in excess of unrestricted use
standards and cannot be amended or cancelled unless and until the Rowan County Register of Deed
receives and records the written concurrence of the Secretary (or his/her delegate) of DENR (or its
successor in function).

Additional Affected Property Not Subject to Restrictions

Additionally residual petroleum is also located on the following property. The following property
is not subject to land use restrictions pursuant to N.C.G.S. Section 143B-279.9(b). The following
property is known and legally described as:

N/A

PERPETUAL LAND USE RESTRICTIONS

[Restrictions apply to activities on, over, or under the land. Choose one or both of the following as appropriate.]

Soil: **NOT APPLICABLE**

Groundwater: *Groundwater from the site is prohibited from use as a water supply. Water supply wells of any kind shall not be installed or operated on the site.*

ENFORCEMENT

The above land use restriction(s) shall be enforced by any owner, operator, or other party responsible for the Site. The above land use restriction(s) may also be enforced by DENR through any of the remedies provided by law or by means of a civil action, and may also be enforced by any unit of local government having jurisdiction over any part of the Site. Any attempt to cancel this Notice without the approval of DENR (or its successor in function) shall be subject to enforcement by DENR to the full extent of the law. Failure by any party required or authorized to enforce any of the above restriction(s) shall in no event be deemed a waiver of the right to do so thereafter as to the same violation or as to one occurring prior or subsequent thereto.

IN WITNESS WHEREOF, Security Oil Company, Inc. has caused this Notice to be executed pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, this 17 day of February, 2010.

Security Oil Company, Inc.

By: *Grady S. Carpenter, Jr.*
(signature of responsible party, attorney or other agent if there is one)
Vice President
(Title of agent for responsible party if there is one)

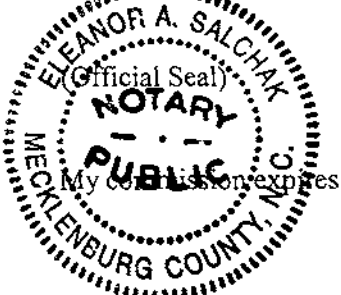
Signatory's name typed or printed: Grady S. Carpenter, Jr.

Choice Three: Conveying security interest in personal property of a corporation

NORTH CAROLINA
MECKLENBURG COUNTY

I, ELEANOR A. SALCHAK, a Notary Public for said County and State, do hereby certify that
GRADY S. CARPENTER, JR. Personally came before me this day and acknowledged that he is
Vice President of Security Oil Company, Inc. and acknowledged, on behalf of Security Oil Company,
Inc., the grantor the due execution of the foregoing instrument.

WITNESS my hand and official seal, this the 17th day of FEBRUARY, 2011 ^(LW)



Eleanor A Salchak
Notary Public (signature)

My commission expires 1018, 2012."

Approved for the purposes of N.C.G.S. 143B-279.11

(signature of Regional Supervisor)
_____, Regional Supervisor
(printed name of Regional Supervisor)

Mooresville Regional Office
UST Section
Division of Waste Management
Department of Environment and Natural Resources

NORTH CAROLINA
IREDELL COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me
that he or she signed the foregoing document: _____ (full printed name of Regional Supervisor)

Date: _____

Notary Public

(Official Seal)

My commission expires:

Choice Three: Conveying security interest in personal property of a corporation

NORTH CAROLINA
_____ COUNTY
(Name of county in which acknowledgment was taken)

I, _____, a Notary Public for said County and State, do hereby certify that
_____ personally came before me this day and acknowledged that he is
_____ of _____ and acknowledged, on behalf of
_____, the grantor the due execution of the foregoing instrument.

WITNESS my hand and official seal, this the _____ day of _____, 200__.

(Official Seal)

(signature of Notary Public)

(printed or typed name of Notary Public)

Notary Public

My commission expires: _____

Approved for the purposes of N.C.G.S. 143B-279.11

Ronald H. Taraban
(signature of Regional Supervisor)

Ronald H. Taraban, Ph.D.
Regional Supervisor

Mooresville Regional Office
UST Section
Division of Waste Management
Department of Environment and Natural Resources

NORTH CAROLINA
Redell COUNTY
(Name of county in which acknowledgment was taken)

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Ronald H. Taraban

Date: February 24, 2011

(Official Seal)

Sherian R. Black
(signature of Notary Public)

Sherian R. Black
(printed or typed name of Notary Public)

Notary Number 20041820022

My commission expires July 12, 2014



Revised February 1, 2010

EXHIBIT "A"

Lying and being in China Grove Township, Rowan County, North Carolina, and being a part of Lot No. 10 in Block "C" of the MARIE HEIGHTS SUBDIVISION, a plat of which is on file in the Register of Deeds Office for Rowan County, and a parcel of land lying on the south side of said Lot No. 10, and more particularly described as follows: (old description)

BEGINNING at a point in the intersection of Wilson Avenue with the Kannapolis-China Grove Highway, corner of Lot No. 10, and runs thence North 87 West with the South edge of Wilson Avenue 106.5 feet to a stake, a new corner in the South edge of Wilson Avenue, a corner of C.C. James; thence with James' line South 3-00 West 164.2 feet to an iron stake, a corner of James in the line of Andrew P. Jackson; thence with Jackson's line South 86-20 East 151.7 feet to an iron stake on the West edge of the Kannapolis-China Grove Highway; thence with the West edge of said highway North 12-12 West 172 feet to the point of BEGINNING, as surveyed by S. Glenn Hawfield, Jr., March 1, 1948.

For back reference, see Book 547, Page 857 in Rowan County Registry.

OWNNAME	TAXADD1	CITY	STATE	ZIPCODE
RICHARD & BRENDA ODOM	103 W 16TH ST	KANNAPOLIS	NC	28081
RICHARD & KATHY ODOM	101 W 16TH ST	KANNAPOLIS	NC	28081-2301
CAPITAL MARKETING & MANAGEMENT INC	23248 DORTHY RD	OAKBORO	NC	28129
DANNY SIMMONS JR	3980 FISH POND RD	SALISBURY	NC	28146
DEMARCUS & SHALETTE ELLISON	118 MARY ST	KANNAPOLIS	NC	28081
EDDIE B DURHAM	1311 LOWRANCE AVE	KANNAPOLIS	NC	28081
JOSHUA & ROSALYN HISATAKE	1603 N MAIN ST	KANNAPOLIS	NC	28081
ANTHONY & SHARON ALDRICH	1601 N MAIN ST	KANNAPOLIS	NC	28081-2317
SECURITY OIL CO INC	PO BOX 5028	CONCORD	NC	28027
RICHARD ODOM	1202 N CANNON BLVD	KANNAPOLIS	NC	28083-0000
CALIX INVESTMENTS LLC	6501 MIMOSA ST	INDIAN TRAIL	NC	28079-9578
D & E LIMITED LLC	3140 CHELWOOD DR	CONCORD	NC	28027
HILL CHILD LLC	1435 HWY 258 N	KINSTON	NC	28504
JOSE VARGAS	522 HURON ST	KANNAPOLIS	NC	28083
PRIMO AUTO SALES INC	766 CHRIS RD	KANNAPOLIS	NC	28081
1600 N MAIN LLC	PO BOX 21207	WINSTON SALEM	NC	27120-1207
NORTH CAROLINA RAILROAD	2809 HIGHWOODS BLVD STE 100	RALEIGH	NC	27604
JESSE ROBINSON	1505 S RIDGE AVE	KANNAPOLIS	NC	28083



October 20, 2022

Dear Property Owner,

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

BOA-2022-11 – Special Use Permit – Unaddressed property on N. Main Street

This Public Hearing was continued at the September 6 and October 4, 2022 Board meetings and is to consider a request for a Special Use Permit (SUP) to allow multi-family residential (MFR) uses on property located in the General Commercial (C-2) zoning district. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for MFR uses in the C-2 zoning district. The unaddressed property is located on N Main St., is approximately 0.45 +/- acres, and is more specifically identified as Rowan County Parcel Identification Number 159 039. **(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 Unified 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,

Boyd Stanley
Assistant Planning Director

Enclosure

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



Special Use Permit

Case Number: BOA-2022-11

Applicant: Jesse Robinson

Parcel 159 073



West 16th St
100



BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # BOA-2022-11



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

Staff Report

TO: Board of Adjustment
FROM: Boyd Stanley, Assistant Planning Director
SUBJECT: Case# BOA-2022-12: Special Use Permit
Applicant: Jesse Robinson

Request for a Special Use Permit to allow a multi-family townhome development in the General Commercial (C-2-CZ) zoning district. The application was submitted prior to the adoption of the KDO and will be reviewed under the UDO requirements

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, Jesse Robinson, is requesting a Special Use Permit (SUP) to allow development of a six-unit townhome development in the General Commercial-Conditional Zoning (C-2-CZ) zoning district on approximately 0.44 +/- acres of property located at 401 Gay Street, further identified as Cabarrus County Parcel Identification Number 56134732130000. The property is now identified as GC (General Commercial) under KDO zoning, but the applicant made application to develop under the previous UDO requirements so the individual units can be platted. Under the new KDO requirements, individually platted townhomes are not defined as multi-family development. Under the UDO provisions, townhomes are included in the definition of multi-family development.

Pursuant to Table 4.6-1 of the UDO, a SUP is required for MFR uses in the C-2-CZ Zoning District. The applicant is proposing two buildings, each containing three attached townhome units on individual lots. Individual driveways for each dwelling are proposed off Gay Street with a garage option. Additionally, a 20-foot wide, paved fire access easement is proposed along the rear of all units with access onto J Avenue.

The applicant recently received conditional rezoning approval for this project from the Planning and Zoning Commission under Case No. CZ-2022-05 on October 18, 2022.

D. Fiscal Considerations

None

E. Policy Issues

Article 3.5 of the UDO requires that the Board of Adjustment shall only approve a special use permit if the applicant demonstrates that the criteria below have been met. Staff analysis of each criterion is noted.

Staff Findings of Fact - Based on application review

Yes No

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

This property is in the "Urban Residential" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area allows for multi-family townhome development consistent with the proposed use(s) and site plan.

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 townhomes will have individual driveway access off Gay Avenue, which is not a heavily used side street and terminates to the northwest. Additional fire access will be provided along the rear of the proposed units with access onto J Avenue.

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 is normal for a single-family attached uses is expected as a result of the development of this property.

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

The proposed use would not impede development of the surrounding properties for uses allowed within their respective zoning districts.

The 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.

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

The applicant has signed the Conditions of Approval acceptance.

F. Legal Issues

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

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

- | Yes | No | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | The proposed conditional use will be in harmony with the area in which it is to be located and in general conformance with the City's Land Use Plan.
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | The proposed use shall not be noxious or offensive by reason of vibration, noise, <u>odor, dust, smoke or gas.</u>
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | The establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Compliance with any other applicable Sections of this Ordinance.
_____ |

G. Recommendation

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

Conditions of Approval proposed by staff:

1. The permitted uses allowed by this SUP shall only include six townhome units as generally depicted on the submitted site plan.
2. The proposed townhomes will be required to meet the architectural standards of the provided renderings.
3. A Final Site Plan, in compliance with all applicable City UDO standards shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.
4. Must comply with the current Land Development Standards Manual (LDSM).

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

H. Attachments

1. Special Use Permit Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Conceptual Site Plan
6. List of Notified Properties
7. Notice to Adjacent Property Owners
8. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
Assistant City Manager	X
City Attorney	X

Special Use Permit

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

SPECIAL USE PERMIT REQUEST

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

Approval authority – Board of Adjustment.

Property Address: 602 J Avenue Kannapolis, NC 28081

Applicant: Jesse Robinson

SUBMITTAL CHECKLIST

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

PROCESS INFORMATION

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

Review Process: All applications will be reviewed for compliance and then forwarded to the Board of Adjustment for consideration at a public hearing which is held monthly on the first Tuesday at 6:00pm in City Hall Laureate Center. All items listed above on the submittal checklist must be received at least one month prior to the next scheduled public hearing.

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

Scope of Approval: Per Section 3.5.4 of the UDO, approval of an SUP does not authorize any development activity, but shall authorize the applicant to apply for final site plan approval. Zoning clearance permits will not be issued until the SUP and final site plan have been approved.

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

Applicant's Signature: Jesse Robinson Date: 6-30-22



SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Jesse Robinson
Address: 1505 S ROBE AVE
Phone: 704-728-6960
Email: Home works.us@gmail.com

Property Owner Contact Information same as applicant

Name: Bent Oaks, LLC
Address: 6012 Bayfield Pkwy #312
Concord, NC 28027
Phone: 704-464-8424
Email: J.Dollum@gmail.com

Project Information

Project Address: 602 J Avenue Kannapolis, NC 28081 Zoning District C-2 - General Commercial
Parcel PIN: 5613-47-3250+3204+2278 Size of property (in acres): 0.97

Current Property Use: vacant and commercial

Proposed Use: 8 townhome units

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): see attached site plan
the site is to be subdivided into 8 townhome units (0.45 acres) and the remainder of the
property is to be used for a

APPROVAL CRITERIA

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a Special Use Permit (SUP). The Unified Development Ordinance requires that the applicant demonstrate successful compliance with several conditions to obtain a SUP. In the space provided below, indicate the facts that you intend to provide to convince the Board that it can properly reach the following conclusions:

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

The surrounding neighborhood contains a mixture of business and residential uses.

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

The townhomes shall have individual driveways plus a 20 hard surfaced public access has been provided along the rear of the property to be used for a secondary Fire Department access and temporary overflow parking.

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

The residential use shall not be offensive to the surrounding neighborhood.

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 residential use fits in with the permitted uses within the zoning district.

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

The proposed use shall not endanger or be detrimental to the public.

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

The proposed site will comply with all applicable section of the UDO.

By signing below, I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I acknowledge that the Board of Adjustment may add conditions on the requested use as part of the approval to assure that adequate mitigation measures are associated with the use. For example, landscaping or fencing may be required, or a shift of operations away from adjoining properties may be stipulated.

Jesse Murrin 6-30-22
Applicant Signature Date

Jesse Murrin 6-30-22
Property Owner Signature Date

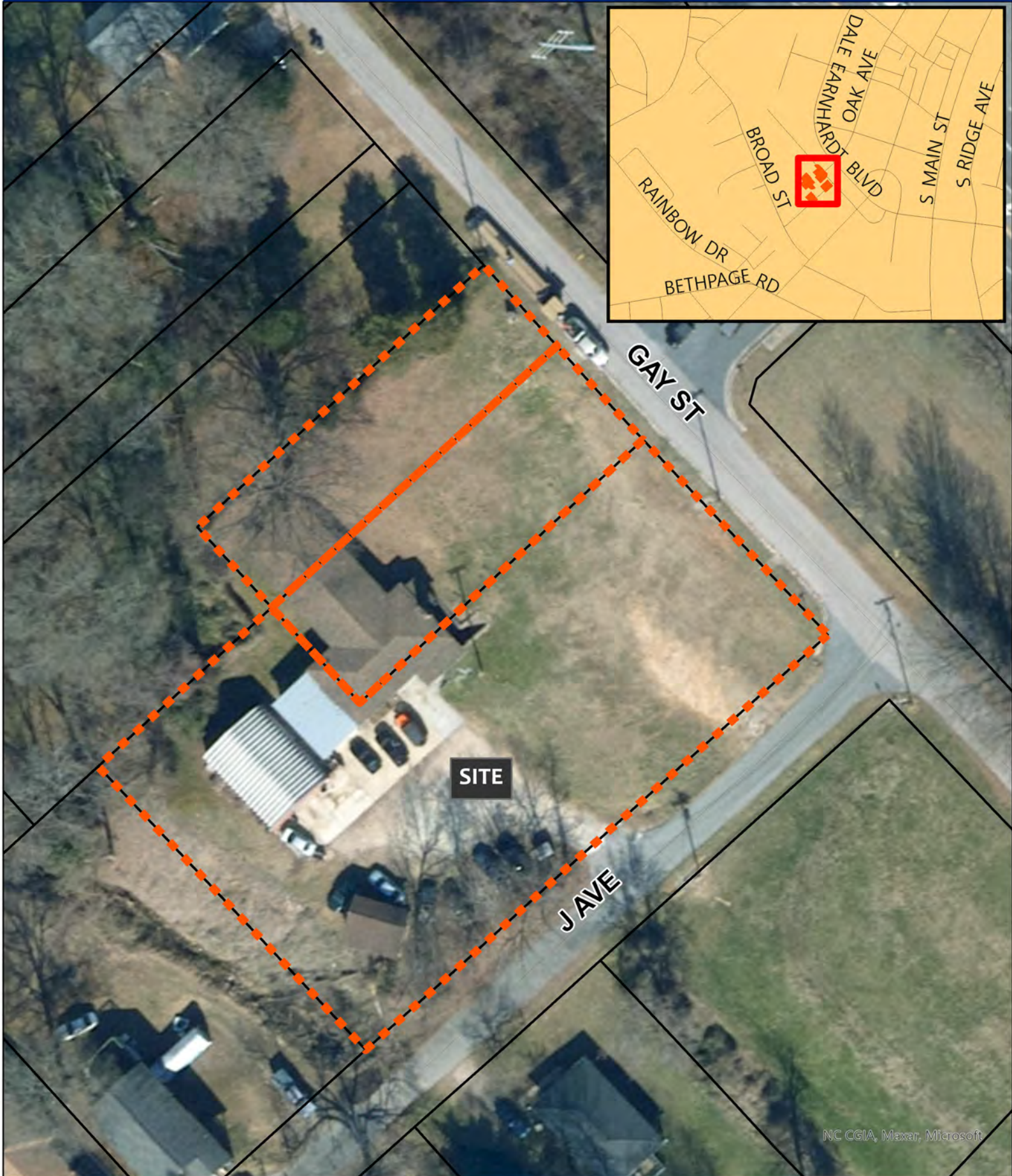


Vicinity Map

Case Number: BOA-2022-12

Applicant: Jesse Robinson

401 Gay St



SITE

GAY ST

J AVE



Kannapolis Current Zoning

Case Number: BOA-2022-12

Applicant: Jesse Robinson

401 Gay St



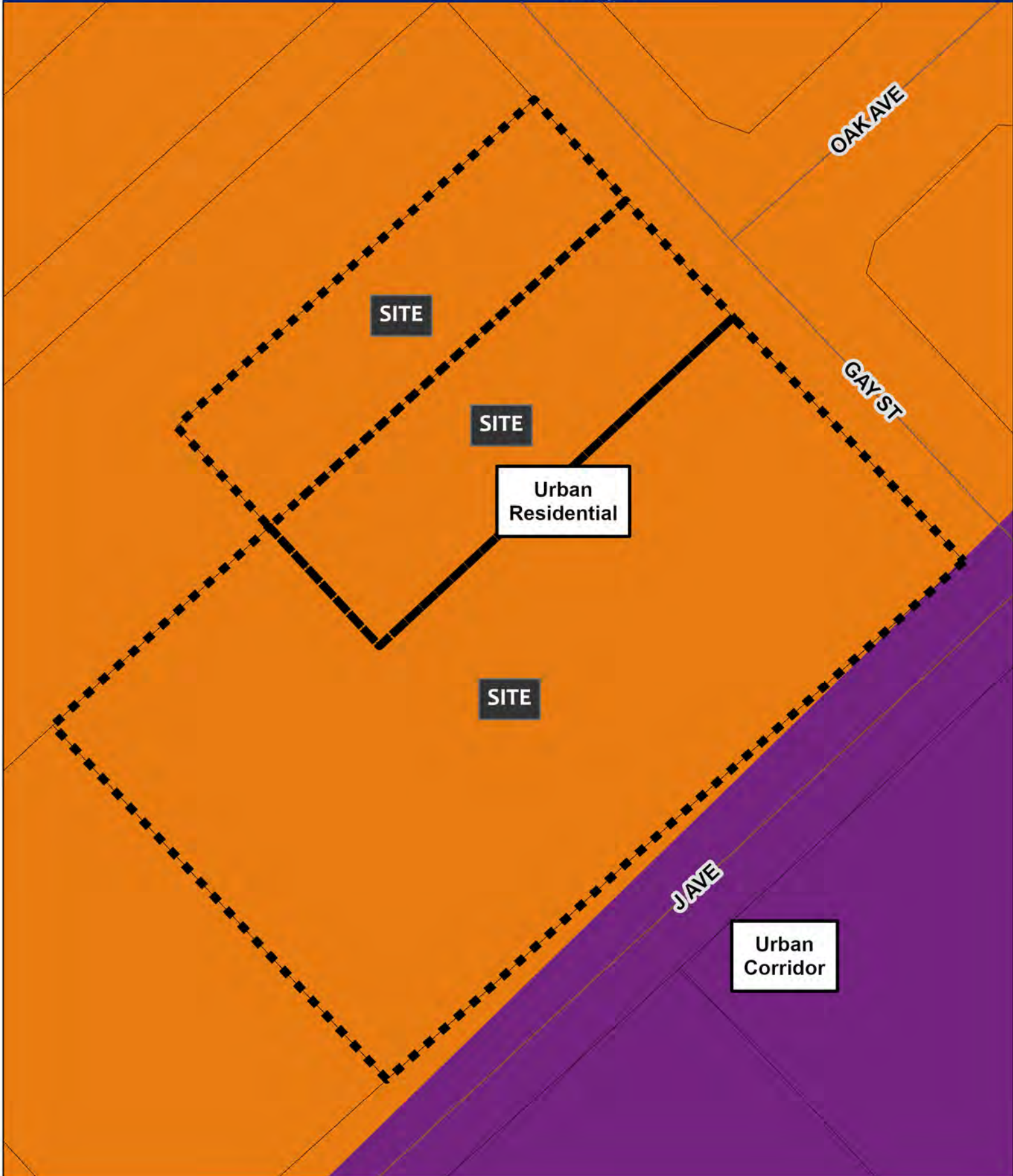


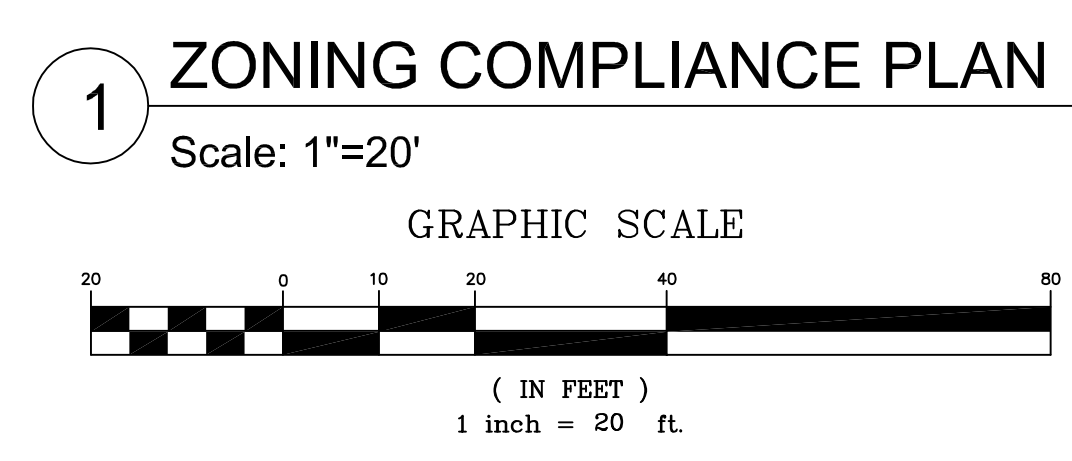
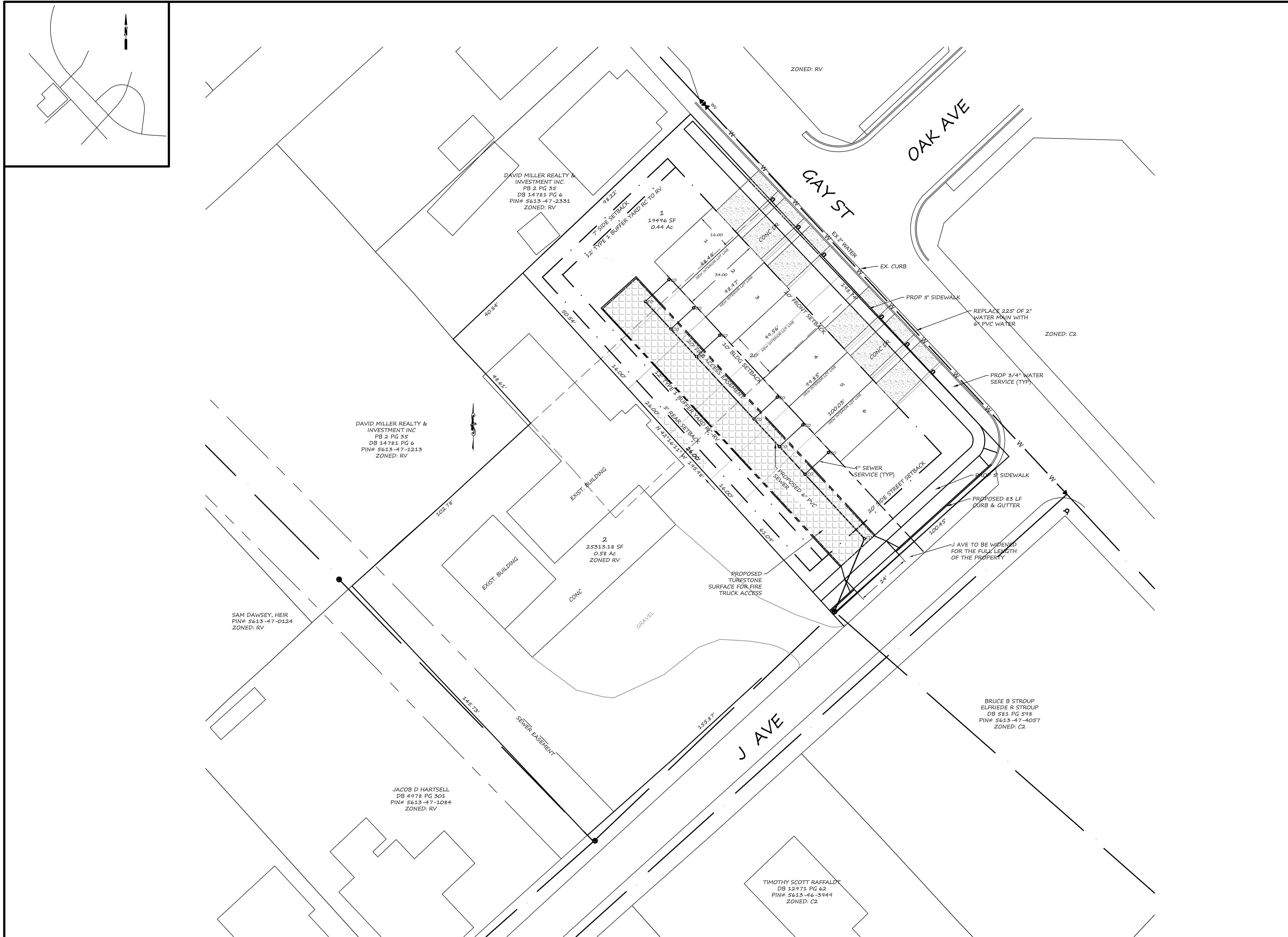
Kannapolis 2030 Future Land Use Map

Case Number: BOA-2022-12

Applicant: Jesse Robinson

401 Gay St





PLAN NOTES

- A. ALL WORK TO BE DONE IN ACCORDANCE WITH CITY OF KANNAPOLIS' UDO AND LDSM, WSACC, NCCOT, NCE&NR STANDARD SPECIFICATIONS AND PROJECT SPECIFICATIONS. WHEN SPECIFICATIONS ARE IN CONFLICT THE STRICTER SHALL BE HELD.
- B. EXISTING UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS ONLY. ANY DAMAGE DONE TO EXISTING UTILITIES, WHETHER SHOWN OR NOT ON THIS PLAN, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES, SHOWN OR NOT SHOWN ON THE PLAN, PRIOR TO BEGINNING CONSTRUCTION. TO ENSURE PROPER LOCATION OF UTILITIES, THE CONTRACTOR SHALL CONTACT NCOCC (NC ONE CALL CENTER) AT 1-800-632-4949 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION.
- C. DIMENSIONS AS SHOWN, ARE TO FACE OF CURB, FACE OF BUILDING, AND EDGE OF PAVEMENT UNLESS OTHERWISE NOTES.
- D. THE ENGINEER HAS MADE NO EXAMINATION TO DETERMINE WHETHER ANY HAZARDOUS OR TOXIC MATERIALS ARE PRESENT OR CONTAINED IN, UNDER, OR ON THE SUBJECT PROPERTY OR ITS WATERS; OR IF ANY HAZARDOUS OR TOXIC MATERIALS HAVE CONTAMINATED THIS OR OTHER PROPERTIES OR ITS WATERS IN ANY WAY WHATSOEVER. NO SUBSURFACE EXAMINATION OF ANY TYPE HAS BEEN MADE BY THE ENGINEER AND ACCORDINGLY, NO OPINION EXPRESSED OR INFERRED ON ALL SUCH MATTERS. FURTHER, NO OPINION IS RENDERED AS TO ANY VIOLATION OF ANY ENVIRONMENTAL LAWS OR REGULATIONS, EITHER FEDERAL, STATE OR LOCAL, RELATED TO THE INFORMATION SHOWN ON THIS PLAN AND THE ENGINEER IS IN NO WAY LIABLE FOR ANY VIOLATION OF SUCH ENVIRONMENTAL LAWS SHOULD THEY EXIST.
- E. BOUNDARY, PHYSICAL, AND TOPOGRAPHIC INFORMATION AS SHOWN TAKEN FROM THE AVAILABLE INFORMATION PROVIDED BY THE CITY OF KANNAPOLIS, CABARRUS COUNTY, AND THE NCCOT. THE EXISTING INFORMATION SHOWN ON THIS PLAN DOES NOT REPRESENT ANY FIELD RUN SURVEYS BY AWCK, INC.

alley, williams, carmen & king, inc.
 CONSULTING ENGINEERS, SURVEYING & INSPECTION
 Firm License No. F-0203
 120 S. MAIN STREET
 PO BOX 1248
 KANNAPOLIS, NC 28081
 704.938.1515
 www.awck.com

6/30/22

This drawing is the property of Alley, Williams, Carmen & King, Inc. It is not to be reproduced, copied, or used on any other project without written permission.

Prepared for:
 BENT OAKS, LLC.
 6012 BAYFIELD PARKWAY #312
 CONCORD, NC 28027

SITE NOTES

OWNER: BENT OAKS, LLC.
 6012 BAYFIELD PARKWAY #312
 CONCORD, NC 28027

IDENTIFICATION:
 5613-47-3213

DB 16114 PG 005

ACREAGE = 0.44 ACRES

EXISTING ZONING RV
 PROPOSED ZONING C-2
 PROPOSED USE IS MULTIFAMILY
 PER UDO ARTICLE 11.2.8.1 USE RC
 DIMENSIONAL AND DENSITY STANDARDS

SETBACKS
 FRONT - 20'
 SIDE - 7'
 REAR - 5'
 MAX. BUILDING HEIGHT - 35'

DENSITY - 15 UNITS PER ACRE
 0.46 ACRES x 15 = 6.9 UNITS = 6

IMPERVIOUS AREA - 0.5 (9809 SF) ALLOW.
 PROPOSED - 0.34 (6734 SF)

OPEN SPACE - 12% (2354 SF)
 PROVIDED - 18% (3576)

PERIMETER BUFFER YARDS
 RC TO RV - TYPE 1-12' IN WIDTH

BUILDING YARDS
 CATEGORY 1 - 6' IN WIDTH

STREET YARDS
 CLASS 2 REQUIRED - 6' WIDE

PARKING SPACES:
 MINIMUM 2/UNIT = 12 SPACES

NOTE: A 20' FIRE ACCESS HAS BEEN PROVIDED WHICH WOULD ALLOW TEMPORARY OVERFLOW PARKING

SOLID WASTE AND RECYCLING CONTAINERS SHALL BE ASSIGNED INDIVIDUALLY FOR EACH TOWNHOME

WASTEWATER ALLOCATION

8-3 BEDROOM UNITS AT 80 GPD/BDRM
 EQUALS 1920 GPD TOTAL

8 UNITS x 3 BDRM/UNIT x 80 GPD/BDRM



GAY STREET TOWNHOMES
 401 GAY AVENUE
 Kannapolis, North Carolina
 ZONING COMPLIANCE PLAN

BY	REVISION	DATE	#
RDE <td>Planning Dept. Review <td>10/12/22 <td>1</td> </td></td>	Planning Dept. Review <td>10/12/22 <td>1</td> </td>	10/12/22 <td>1</td>	1

SCALE: 1" = 20'
 DATE: 5-17-22
 JOB # 22545
 C - 1.0

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
BENT OAKS LLC	6012 BAYFIELD PKWY # 312	CONCORD	NC	28027
D & E LIMITED LLC	3140 CHELWOOD DR NW	CONCORD	NC	28027
DAVID MILLER REALTY & INVESTMENT INC SAM DAWSEY HEIR	1640 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
C/O DEBRA ALLMAN	9555 ARCHER RD	DAVIDSON	NC	28036
JACOB D HARTSELL	6248 CHARLIE WALKER ROAD	KANNAPOLIS	NC	28081
KACEYJACK	611 J AVE	KANNAPOLIS	NC	28081
KAM HOLDINGS LLC	202 OAK AVE	KANNAPOLIS	NC	28081
EVERETTE JAMES LINK ESTATE				
MARGARET RABON				
C/O DEBBIE CABELL	2007 WOODLAWN ST	KANNAPOLIS	NC	28083
DAVID & AMY MILLER	1640 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
MICHAEL & VENUS MILLER	315 S MYRTLE AVE	CHINA GROVE	NC	28023
OMG INVESTMENTS LLC	4311 SCHOOL HOUSE CMNS # 213	HARRISBURG	NC	28075
TIMOTHY RAFFALDT	1086 OPEN ST	CHINA GROVE	NC	28023
KAYLEE RICHARDSON	608 J AVE	KANNAPOLIS	NC	28081
SOM SIHARATH & LONG SOURINONG	2428 WINDINGBROOK DR	KANNAPOLIS	NC	28083
BRUCE & ELFRIEDE STROUP	308 COOK ST	KANNAPOLIS	NC	28081
TAMARA WILSON	607 J AVE	KANNAPOLIS	NC	28081
JACKIE WINSTEAD	201 PORTIS ST	UNION	MS	39365
JESSE ROBINSON	1505 S RIDGE AVE	KANNAPOLIS	NC	28083



October 20, 2022

Dear Property Owner,

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

BOA-2022-12 – Special Use Permit – 401 Gay Street

The purpose of the Public Hearing is to consider a request for a Special Use Permit (SUP) to allow a six-unit townhome development in the General Commercial-Conditional Zoning (C-2-CZ) zoning district. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for MFR uses in the C-2 zoning district. The property is located at 401 Gay Street, is approximately 0.44 +/- acres, and is more specifically identified as Cabarrus County Parcel Identification Number 56134732130000. **(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 Unified 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.

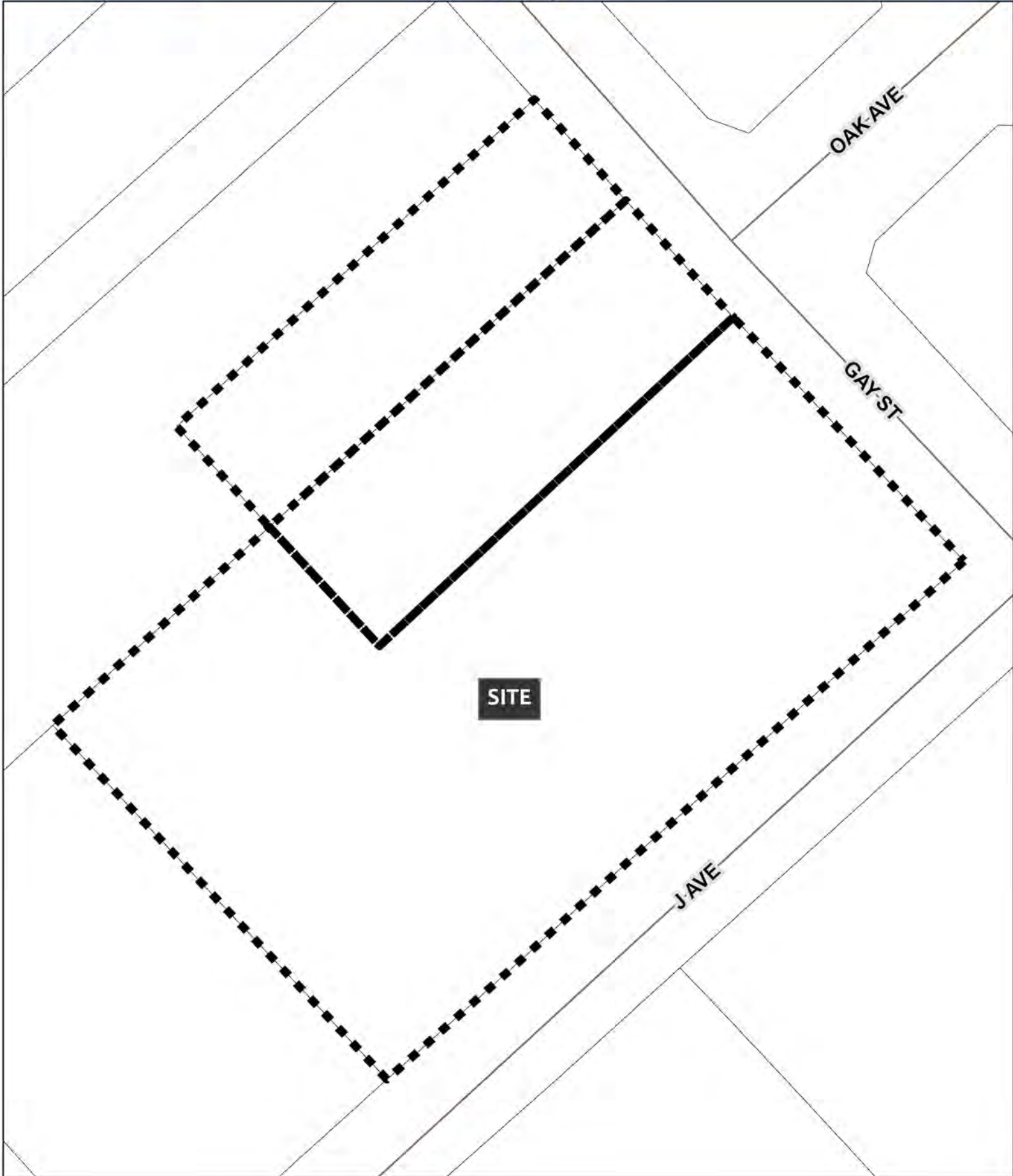


Special Use Permit

Case Number: BOA-2022-12

Applicant: Jesse Robinson

401 Gay St



KANNAPOLIS
BOARD OF
ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE #BOA-2022-12

J Ave
600





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

Staff Report

TO: Board of Adjustment
FROM: Ben Barcroft, Senior Planner
SUBJECT: Case# BOA-2022-14: Special Use Permit
Applicant: David Smith

Request for a Special Use Permit to allow a bar use in the General Commercial (GC) 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, David Smith, is requesting a Special Use Permit (SUP) to allow a bar use in the General Commercial (GC) zoning district on approximately 0.13 +/- acres of property located at 837 S. Main Street, further identified as Cabarrus County Parcel Identification Number 56135468780000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for bar uses in the GC zoning district. David Smith proposes to upfit the existing structure.

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 "Urban Corridor" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area allows for bars and many other commercial uses.

Based on the character areas noted above, the proposed development is compatible with the future and existing uses in the surrounding area.

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

The proposed use of this building as a bar is not anticipated to cause any traffic hazards or traffic congestion. 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 bar is expected as a result of this proposed use. In addition, development will be required to conform to all applicable local, state, and federal environmental regulations.

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

The proposed use would not impede development of the surrounding properties for uses allowed within their respective zoning districts. The proposed bar is compatible with the adjacent area, which includes commercial development along S. Main Street. The use of a bar shall also comply with the following standards specific to a bar or nightclub according to section 4.2.D:

Bars and nightclubs shall comply with the standards in this section, unless located completely within a hotel or motel and occupying not more than 25 percent of the gross floor area of the hotel or motel.

(a) A bar or nightclub shall not be established within 200 feet of any of the following:

1. A Residential zoning district; (see attachment 3)
2. A private, charter, or parochial school or a public school;
3. A childcare center;
4. An indoor public assembly use; or
5. An existing bar or nightclub.

(b) The minimum distance in subsection (a) above, shall be measured from the outer building walls of the proposed use to the nearest property line of the other use.

(c) The application shall include a floor plan of the building in which the bar or nightclub is proposed to be located. The floor plan shall delineate separately the areas of the building which are used for the dispensing of food and beverages, entertainment, and/or dancing

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 Kannapolis Development Ordinance.

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

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 KDO requirements.

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

The applicant has signed the Conditions of Approval acceptance.

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** of the Special Use Permit based on the staff Findings of Fact (or as modified by the Board), the conceptual floor 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. Floor Plan
6. List of Notified Properties
7. Notice to Adjacent Property Owners
8. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
Assistant City Manager	X
City Attorney	X

KANNAPOLIS

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: 837 SOUTH MAIN STREET KANNAPOLIS, NC 28081

Applicant: DAVID SMITH - MIDGARD TAVERN

SUBMITTAL CHECKLIST

Pre-Application Meeting – send an email to

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).

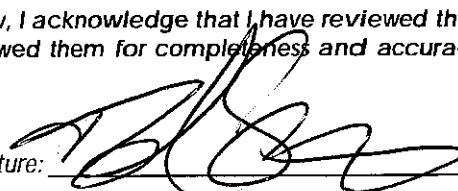
Review Process: All applications will be reviewed for compliance and then forwarded to the Board of Adjustment for consideration at a public hearing which is held monthly on the first Tuesday at 6:00pm in City Hall Laureate Center. All items listed above on the submittal checklist must be received at 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: _____

8-8-22

KANNAPOLIS

Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

Applicant Contact Information

Name: DAVID SMITH
Address: 422 MARTHA JANE LN
ROCKWELL, NC 28138
Phone: 704 680 8078
Email: DAVID.SMITH@MIDGARDTAVERN.NET

Property Owner Contact Information same as applicant

Name: CHONG CHOI
Address: PO BOX 1504
MATH, NC 28106
Phone: (704) 839-1575
Email: CBINVESTMENTPROPERTY@GMAIL.COM

Project Information

Project Address: 837 S MAIN ST KANNAPOLIS, NC 28081 (Zoning District X GC)
Parcel PIN: 56135408780000 Size of property (in acres): _____

Current Property Use: STOREFRONT

Proposed Use: PRIVATE SOCIAL CLUB

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):

The location is being proposed to be changed to a bar/tavern establishment

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.

There have been no exterior modifications to the property

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.

Emergency exit signs, as well as fire safety measures have been take

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

The noise from music is well kept in the noise ordinances of Cabarrus County regulations. Music in barely audible at full volume at 25 feet outside the building.

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 establishment will add to the overall revenue of the area, as it will bring new people as well as current people to the area

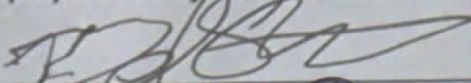
E. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

The establishment will adhere to the codes and maintenance, and will better the state of the community in visual aspect and financial

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

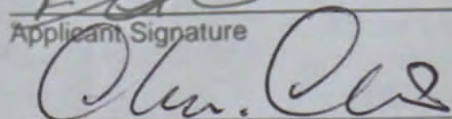
The establishment will comply with all applicable sections

By signing below, I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I acknowledge that the Board of Adjustment may add conditions on the requested use as part of the approval to assure that adequate mitigation measures are associated with the use. For example, landscaping or fencing may be required, or a shift of operations away from adjoining properties may be stipulated.



Applicant Signature

Date



Property Owner Signature

10/3/2022

Date



Vicinity Map

Case Number: BOA-2022-14

Applicant: David Smith

837 S Main St



SITE

S MAIN ST



Kannapolis Current Zoning

Case Number: BOA-2022-14

Applicant: David Smith

837 S Main St





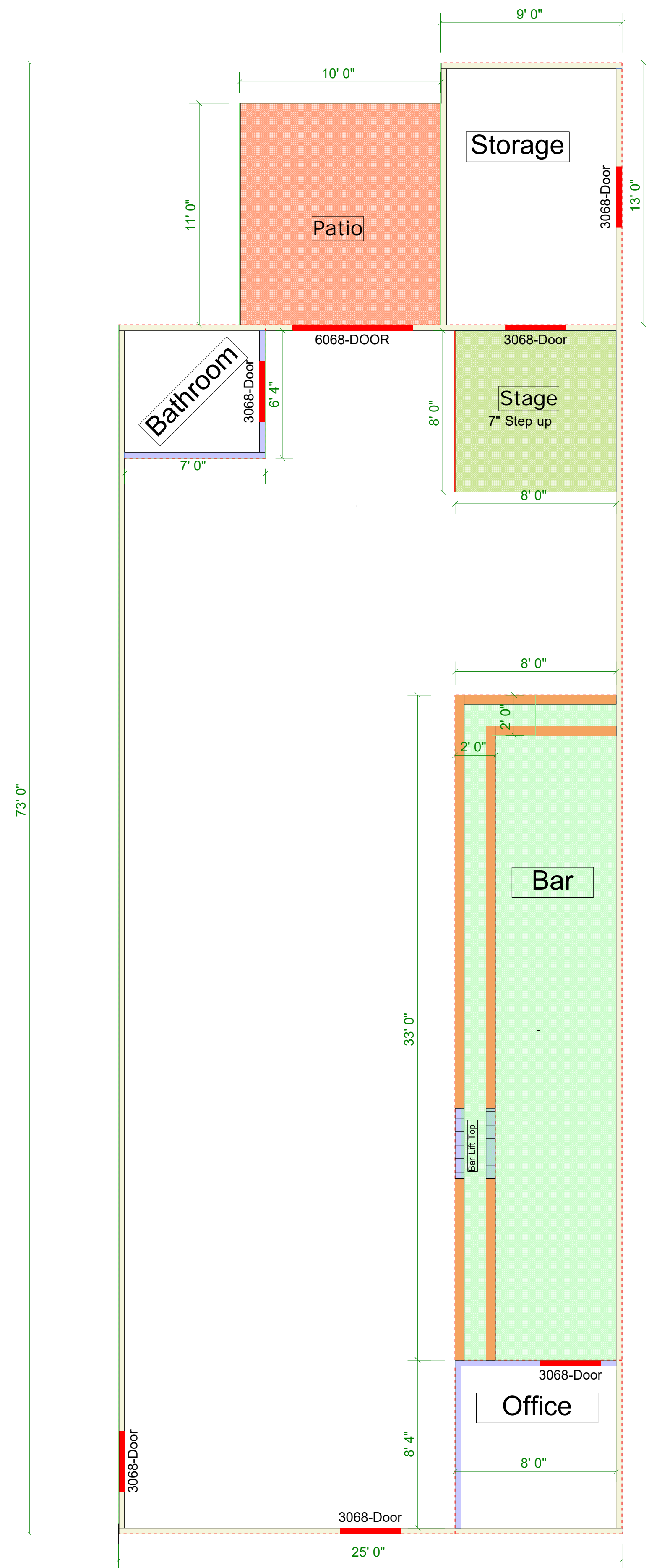
Kannapolis 2030 Future Land Use Map

Case Number: BOA-2022-14

Applicant: David Smith

837 S main St





Estimating			
Project: Midgard Tavern-Layout			
Job Name: .			
Options: .			
Revision: .			
Ship Date: .		P.O. Number: .	
Scale: 1/4"=1'-0"	Drawn Date: .	Drawn By: .	Order No.: .

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
NORTH CAROLINA RAILROAD CO	2809 HIGHWOODS BLVD STE 100	RALEIGH	NC	27604
DAVID & LISA THREATT	110 BASIL RD	CHINA GROVE	NC	28023
NOLAN PROPERTIES LLC	9353 CUB RUN DR	CONCORD	NC	28027
CRUZ R TORRES	416 GAULT AVE	KANNAPOLIS	NC	28081
HARRY A TAYLOR ESTATE				
C/O MARGARET TAYLOR	1110 ROGERS LAKE RD	KANNAPOLIS	NC	28081
THURMAN & JEANETTE HYMAN	3550 CAMP JULIA RD	KANNAPOLIS	NC	28083
CHARLES & TASKA SMITH	184 PONDEROSA CIR	MOORESVILLE	NC	28117
LARRY & LORETTA LOVE	209 HAHN ST	CONCORD	NC	28025
STEPHEN & CAROLYN SWEET	252 EASTCLIFF DRIVE SE	CONCORD	NC	28025
DONNA F DONNELLY	714 REBECCA JANE DRIVE	MOORESVILLE	NC	28115
TPM PROPERTIES LP	3816 MOORLAND DR	CHARLOTTE	NC	28226
DESIGN SHIFT INC				
C/O SAM SANGHOON PARK	288 8TH AVE	CRAMERTON	NC	28032
MARGARET B VALENTINE	818 S RIDGE AVE	KANNAPOLIS	NC	28083
THE KENDRICK NETWORK LLC	11308 LIMEHURST PL	CHARLOTTE	NC	28278
MRS W D MIDDLETON	1132 WINDSOR DR	KANNAPOLIS	NC	28081
CAROLINA OIL CO OF CONCORD INC	PO BOX 5010	CONCORD	NC	28027
DAVID THREATT ESTATE				
C/O LISA THREATT	831 S MAIN ST	KANNAPOLIS	NC	28081
NV REALTY LLC	4873 ANNELEISE DR	HARRISBURG	NC	28075
NICOLAS LOPEZ	PO BOX 309	KANNAPOLIS	NC	28082
TINA THOMPSON	1221 MCCROAN LN	TALLAHASSEE	FL	32310
NV REALTY LLC	4873 ANNELEISE DR	HARRISBURG	NC	28075
DAVID SMITH	422 MARTHA JANE LN	ROCKWELL	NC	28138



October 20, 2022

Dear Property Owner,

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

BOA-2022-14 – Special Use Permit – 837 S Main Street

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow a bar use on property located in the General Commercial (GC) zoning district. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), a SUP is required for bar uses in the GC zoning district. The property is located at 837 S Main Street, is approximately 0.13 +/- acres, and is more specifically identified as Cabarrus County Parcel Identification Number 56135468780000. **(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-2022-14

Applicant: David Smith

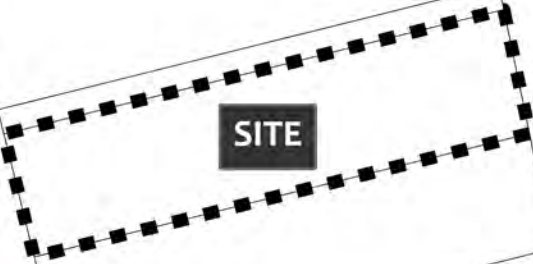
837 S Main St



S MAIN ST

RANKIN ST

SITE





BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # BOA - 2022 -14



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

Staff Report

TO: Board of Adjustment
FROM: Ben Barcroft, Senior Planner
SUBJECT: Case# BOA-2022-15: 2305 Moose Rd.
Applicant: Kelvin Thompson

Request to amend conditions of approval for property located at 2305 Moose Road and an unaddressed parcel further identified as Rowan County Parcel Identification Numbers 145 1220000001, and 145 1220000002. The project was previously approved under Case No. BOA-2020-18.

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 Conditional Use Permit.
3. Motion to approve (approve with conditions) (deny) the issuance of the Conditional 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, Kelvin Thompson with Bal Perazim Interdenominational Christian Center, is requesting to amend the previous case BOA-2020-18 (see attachment 5) by removing the condition #5 of the following conditions:

1. The homes are permitted to be used as an ancillary use to the principal use of Religious Institution. They are not permitted to be used as rental property or to be sold as separate single-family homes.
2. The included site plan is for illustrative purposes only. The applicant will be required to go through the site plan approval process as outlined in UDO Section 3.6 Site Plan Review.
3. Must comply with current Land Development Standards Manual (LDSM).
4. Driveways shall comply with LDSM for offsets, distances, and separations.
5. **Separate water and sewer service lines and connections are required for each structure/building.**

6. Streams and wetlands buffers should be in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with AE Zone & RSOD Buffer requirements or be relocated.
7. A Stormwater Management Permit will be required in accordance with Article 9 of the Kannapolis UDO.
8. Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-foot wide. Viable access shall be provided along all easements with a grade no greater than 15% for maintenance vehicles and cross slopes shall not exceed 5%.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.5A(5) of the KDO requires that the Board of Adjustment shall only approve a special use permit (previously conditional use) 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

- | | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>The proposed special (conditional) 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.</p> <p>This is only an amendment to previous conditions and will not change the use of the property. All the other conditions will still apply.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>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.</p> <p>N/A</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.</p> <p>N/A.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.</p> <p>N/A.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare.</p> <p>There is no apparent danger or detriment to public health, safety, or general welfare with this proposed amendment to previous conditions.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>The proposed use complies with all applicable provisions of the KDO.</p> <p>The removal of the condition is consistent with the KDO. Engineering and Water Resources staff have reviewed the request and found it to be reasonable and consistent with the uses. Under the KDO a Special Use Permit (Conditional Use Permit previously) would not be required for this type of project.</p> |

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

The applicant has signed the Conditions of Approval acceptance.

F. Legal Issues

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

In order to determine whether a special (conditional) 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 the conditional use permit amendment 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 special (conditional) 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.

Adequate measures shall be taken to provide ingress and egress to minimize traffic hazards and 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 will 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** to remove condition #5 from case **BOA-2020-18** 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 Conditional Use Permit.

H. Attachments

1. Special Use Permit Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use Map
5. Exhibit A BOA-2020-18 Staff Report
6. Site Plan
7. List of Properties Notified
8. Notice to Adjacent Property Owners
9. Posted Public Notice

I. Issue Reviewed By:

City Attorney ✓
Planning Director ✓



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 4.3.B(3) of the Kannapolis Development Ordinance (KDO).

Approval authority – Board of Adjustment.

Property Address: 2305 Moose Road Kannapolis, NC 28083

Applicant: Bal Perazim Christian Center II - Kelvin Thompson

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: 10/6/2022



SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Bal Perazim Christian Center/Kelvin Thompson

Address: 2305 Moose Road
Kannapolis, NC 28083

Phone: (704) 305-1701

Email: klt7870@gmail.com

Property Owner Contact Information same as applicant

Name: _____

Address: _____

Phone: _____

Email: _____

Project Information

Project Address: 2305 Mosse Road Kannapolis, NC 28083 Zoning District Kannapolis

Parcel PIN: 145 1220000001 Size of property (in acres): 2.41 acres

Current Property Use: church, religious services

Proposed Use: Parsonage housing

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): _____

Parsonage housing for church

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:

- 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 subject property is within the "Complete Neighborhood 2" Charter Area as designed on the
Future Land Use and Charter Map in the move Kannapolis Forward 2030 Comprehensive Plan.

The complete neighborhood 2 charter area allows for neighborhood-serving walkable commercial and civic use.

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

Per the poposed site plan, the homes will take direct access off Kidd Street.

The anticipated traffic is minimal.

3. 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 associated with the propose use is expected.

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 plan would not impede the development of the surrounding properties.

5. The establishment, maintenance, or operation of the proposed use will 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 requirements of the United Development Ordinance.

6. 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 other applicable local, state and federal regulations.

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

The applicant has consented in writing.

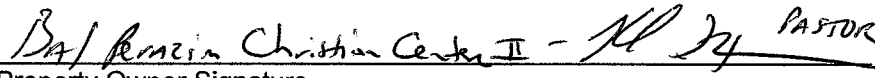
By signing below, I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I acknowledge that the Board of Adjustment may add conditions on the requested use as part of the approval to assure that adequate mitigation measures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

10/6/2022

Date

 Pastor

Property Owner Signature

10/6/2022

Date

For Staff Use Only:

Filing Fee: _____

Receipt #: _____

Case #: _____

Date Received: _____

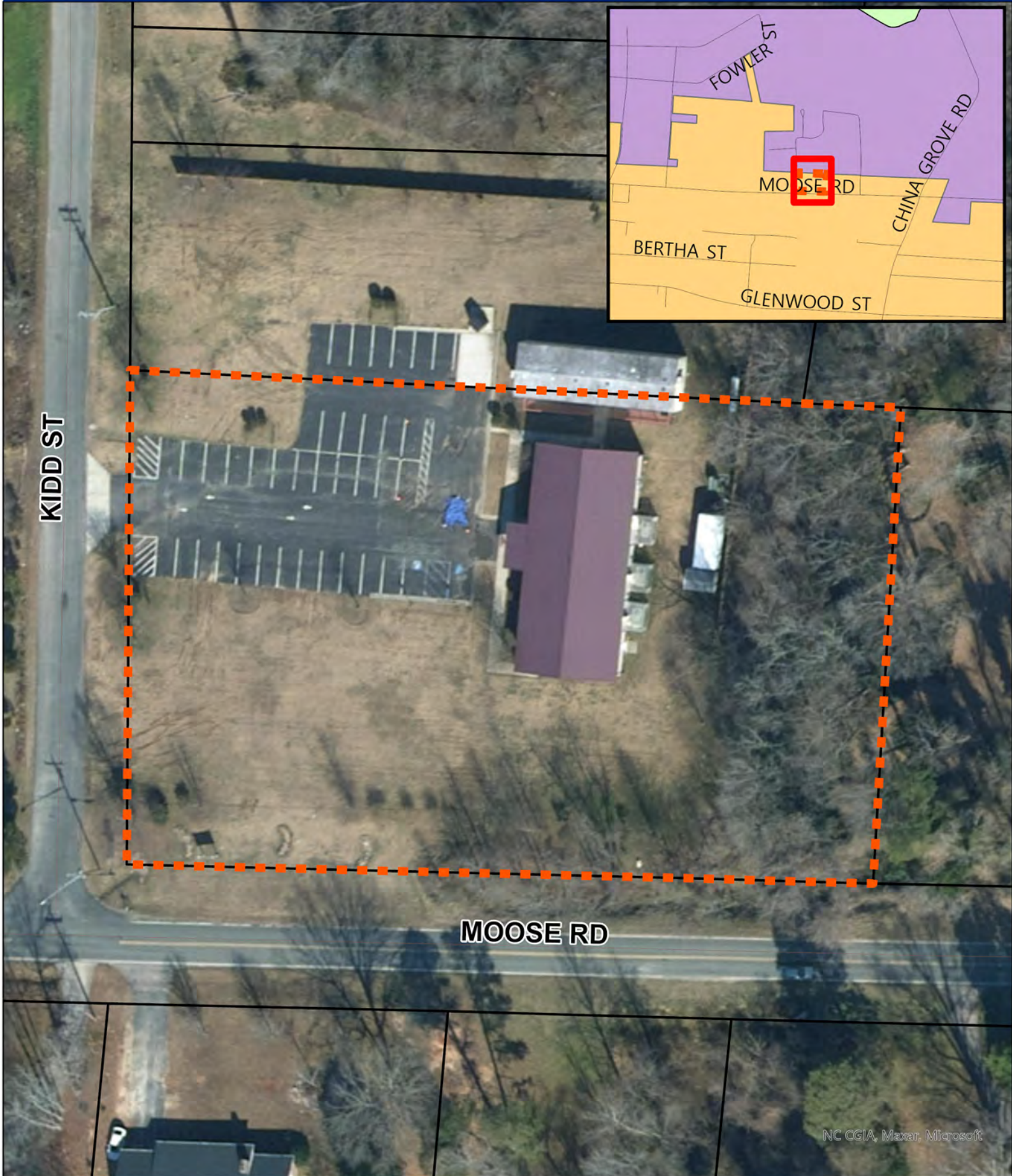


Vicinity Map

Case Number: BOA-2022-15

Applicant: Kelvin Thompson

2305 Moose Rd



KIDD ST

MOOSE RD

FOWLER ST

MOOSE RD

CHINA GROVE RD

BERTHA ST

GLENWOOD ST



Kannapolis Current Zoning

Case Number: BOA-2022-15

Applicant: Kelvin Thompson

2305 Moose Rd



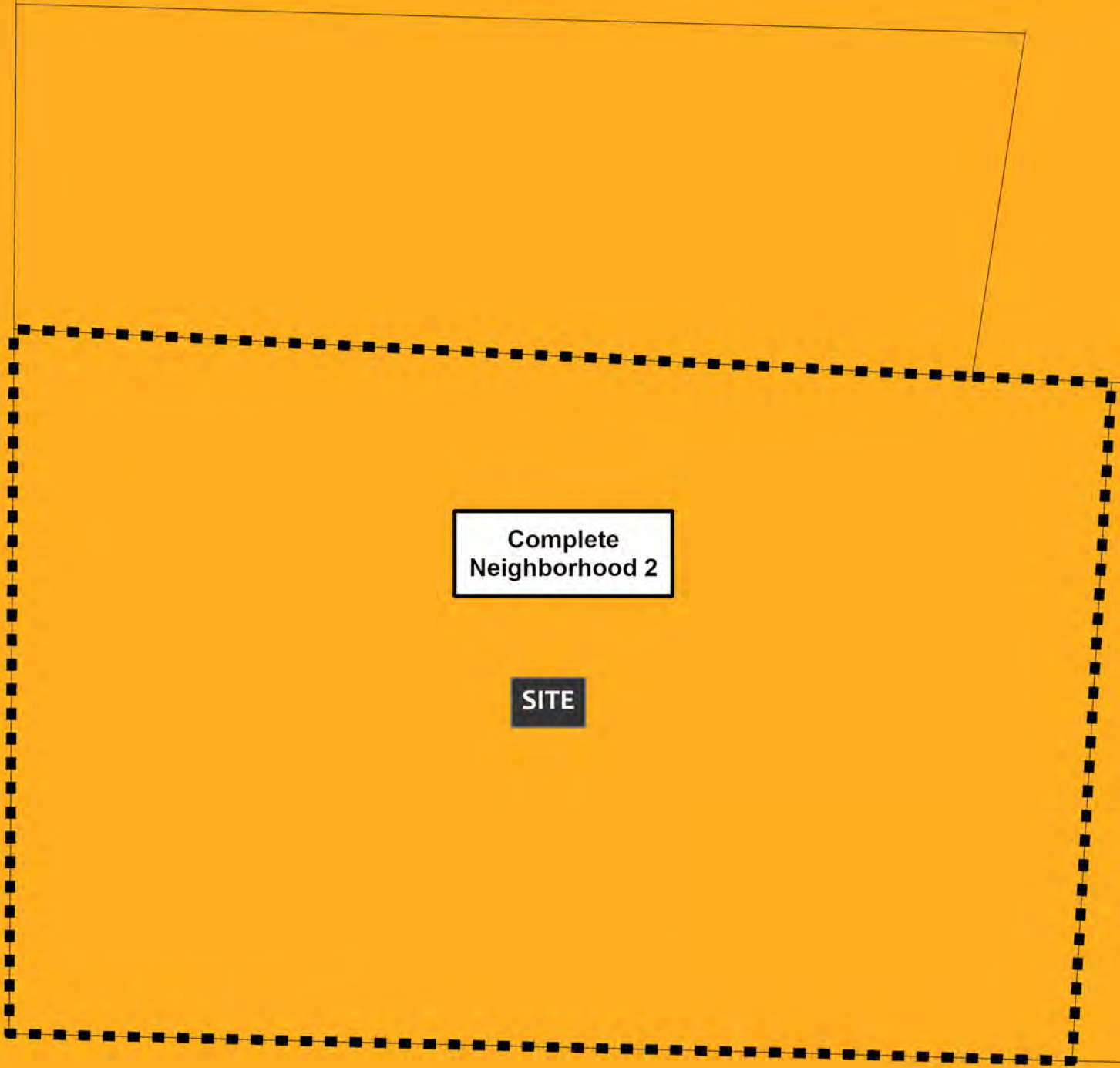


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2022-15

Applicant: Kelvin Thompson

2305 Moose Rd



Complete
Neighborhood 2

SITE

MOOSE RD

Complete
Neighborhood 1



**Board of Adjustment
September 15, 2020 Meeting**

Staff Report

TO: Board of Adjustment
FROM: Ryan Lipp, Senior Planner
SUBJECT: Case# BOA-2020-18: 2305 Moose Rd.
Conditional Use Permit (CUP)
Applicant: Kelvin Thompson

Request for a Conditional Use Permit to allow for modification of an existing Religious Institution 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 Conditional Use Permit.
3. Motion to approve (approve with conditions) (deny) the issuance of the Conditional 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, Kelvin Thompson with Bal Perazim Interdenominational Christian Center, is requesting a Conditional Use Permit (CUP) for construction of two (2) parsonage homes for an existing Religious Institution in the RM-2 (Residential Medium Density) zoning district, located at 2305 Moose Rd., further identified as Rowan County Parcel Identification Numbers 145 1220000001, and 145 1220000002.

Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow for Religious Institution as a use in the RM-2 zoning district. Consequently, because the applicant is requesting to modify an existing site, a CUP is required for any changes to the site. The subject properties are approximately 2.30 +/- total acres.

D. Fiscal Considerations

None

E. Policy Issues

Article 3.5 of the UDO requires that the Board of Adjustment shall only approve a conditional 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 character area allows for neighborhood-serving walkable commercial and civic uses.

The proposed use is compatible with the character intent of the Complete Neighborhood 2 Character Area, as well as, complementary to the existing single-family 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.

Per the proposed site plan, the homes will take direct access off Kidd St. The anticipated traffic is minimal.

 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 associated with the proposed use is expected.

 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 plan would not impede development of the surrounding properties.

 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.

F. Legal Issues

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

In order to determine whether a conditional 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 conditional use permit be approved, the Board may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use.

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	The proposed conditional use will be in harmony with the area in which it is to be located and in general conformance with the City's Land Use Plan. _____ _____
<input type="checkbox"/>	<input type="checkbox"/>	Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads. _____ _____
<input type="checkbox"/>	<input type="checkbox"/>	The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas. _____ _____
<input type="checkbox"/>	<input type="checkbox"/>	The establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district. _____ _____
<input type="checkbox"/>	<input type="checkbox"/>	The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare. _____ _____
<input type="checkbox"/>	<input type="checkbox"/>	Compliance with any other applicable Sections of this Ordinance. _____ _____

G. Recommendation

Based on the above findings, staff recommends **approval with conditions** of the Conditional 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 homes are permitted to be used as an ancillary use to the principle use of Religious Institution. They are not permitted to be used as rental property or to be sold as separate single-family homes.
2. The included site plan is for illustrative purposes only. The applicant will be required to go through the site plan approval process as outlined in UDO Section 3.6 Site Plan Review.
3. Must comply with current Land Development Standards Manual (LDSM).
4. Driveways shall comply with LDSM for offsets, distances, and separations.

5. Separate water and sewer service lines and connections are required for each structure/building.
6. Streams and wetlands buffers should be in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with AE Zone & RSOD Buffer requirements or be relocated.
7. A Stormwater Management Permit will be required in accordance with Article 9 of the Kannapolis UDO.
8. Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-foot wide. Viable access shall be provided along all easements with a grade no greater than 15% for maintenance vehicles and cross slopes shall not exceed 5%.

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 Conditional Use Permit.

H. Attachments

1. Conditional Use Permit Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use Map
5. Conceptual Site Plan
6. List of Properties Notified
7. Notice to Adjacent Property Owners
8. Posted Public Notice

I. Issue Reviewed By:

City Attorney	X
Planning Director	X
Director of Engineering	X
City Manager	X

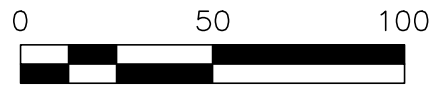
NOTES:

1. Property may be subject to recorded or unrecorded easements
2. No USGS monument within 2000'
3. Area by deed from Rowan County Public Records, NO FIELD VERIFICATION HAS BEEN PERFORMED.
4. THIS IS NOT AN ACTUAL FIELD SURVEY
5. THE PUPOSE OF THIS MAP IS TO SHOW PROPOSED HOUSE IN RELATION TO PROPERTY LINES ONLY.
6. PRELIMINARY- NOT FOR SALES OR CONVEYANCES

ZONING

ZONED: RM-2
 25' FRONT YARD
 25' REAR YARD
 10' SIDE YARD

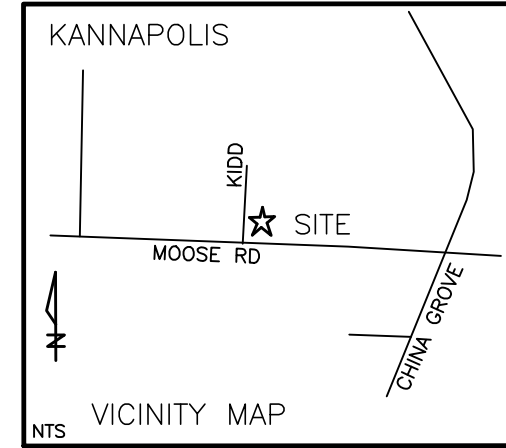
SPARKS
SURVEYING
 PLLC
 4485 NEEDMORE RD.
 WOODLEAF, N.C. 27054
 PHONE(704) 577-8429
 P-2041



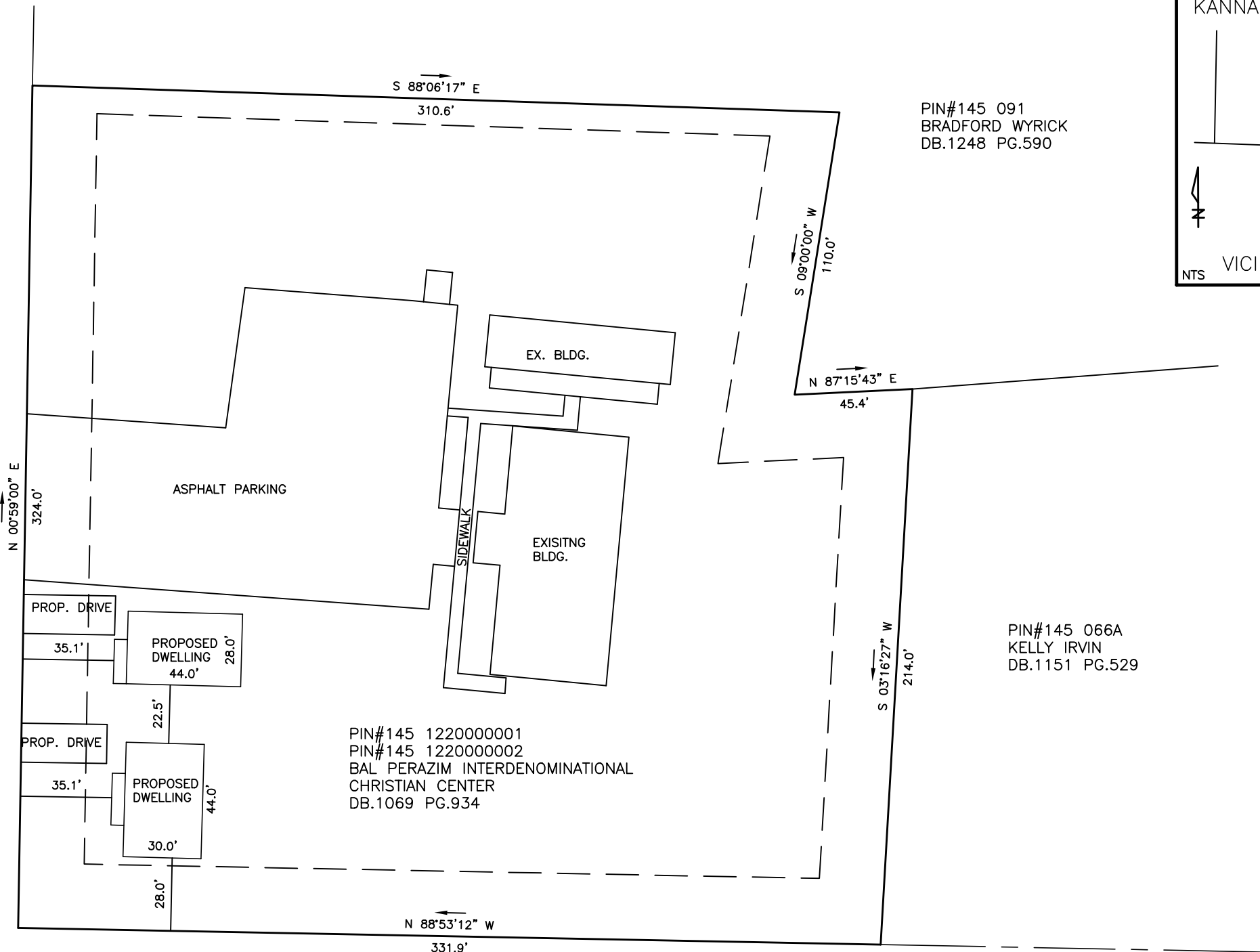
8/10/2020

OWNER
 BAL PERZIM INTERDENOMINATIONAL
 CHRISTIAN CENTER
 2305 MOOSE RD
 KANNAPOLIS N.C. 28082

PLOT PLAN
 OF
2305 MOOSE RD.
KANNAPOLIS, NC 28082
 PIN#145 1220000001 & 145 0000001
 China Grove Township Rowan County, N.C.



KIDD ST.
 PUBLIC R/W



MOOSE RD.
 PUBLIC R/W

LEGEND

- E.I.P. EXISTING IRON PIN
- N.I.P. NEW IRON PIN
- C.P. COMPUTED POINT
- C.B. CATCH BASIN
- SETBACKS
- PROPERTY LINE
- PROPERTY ADJOINERS
- RIGHT-OF-WAY
- ⊕ MANHOLE

OWNNAME	TAXADD1	CITY	STATE	ZIPCODE
KELLY IRVIN BAL PERAZIM INTERDENOMINATIONAL CHRISTIAN CENTER II	2307 MOOSE RD	KANNAPOLIS	NC	28083
ATTN: KELVIN THOMPSON	PO BOX 340	KANNAPOLIS	NC	28082-0340
STEVEN & PAMELA ARTZ	117 KIDD ST	KANNAPOLIS	NC	28081
MONTY RODGERS	411 JACKSON PARK RD	KANNAPOLIS	NC	28083
ERIC & KELLI BOSTIAN	2306 MOOSE RD	KANNAPOLIS	NC	28083-9781
DARYL & TONYA SIMPSON	2227 MOOSE RD	KANNAPOLIS	NC	28083
BRADFORD WYRICK	1200 WYRICK LN	KANNAPOLIS	NC	28083-9764
JAMES & CELENA AMBURGEY	2308 MOOSE RD	KANNAPOLIS	NC	28083-9781
DOROTHY HALL	2304 MOOSE RD	KANNAPOLIS	NC	28083



October 20, 2022

Dear Property Owner,

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

BOA-2022-15 – Special Use Permit – 2305 Moose Road

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow an amendment to previously approved conditions under Case No. BOA-2020-18 regarding separate water and sewer connections for each parsonage structure on properties located at 2305 Moose Road. The properties are approximately 2.30 +/- acres, and are more specifically identified as Rowan County Parcel Identification Numbers 145 1220000001, and 145 1220000002 **(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

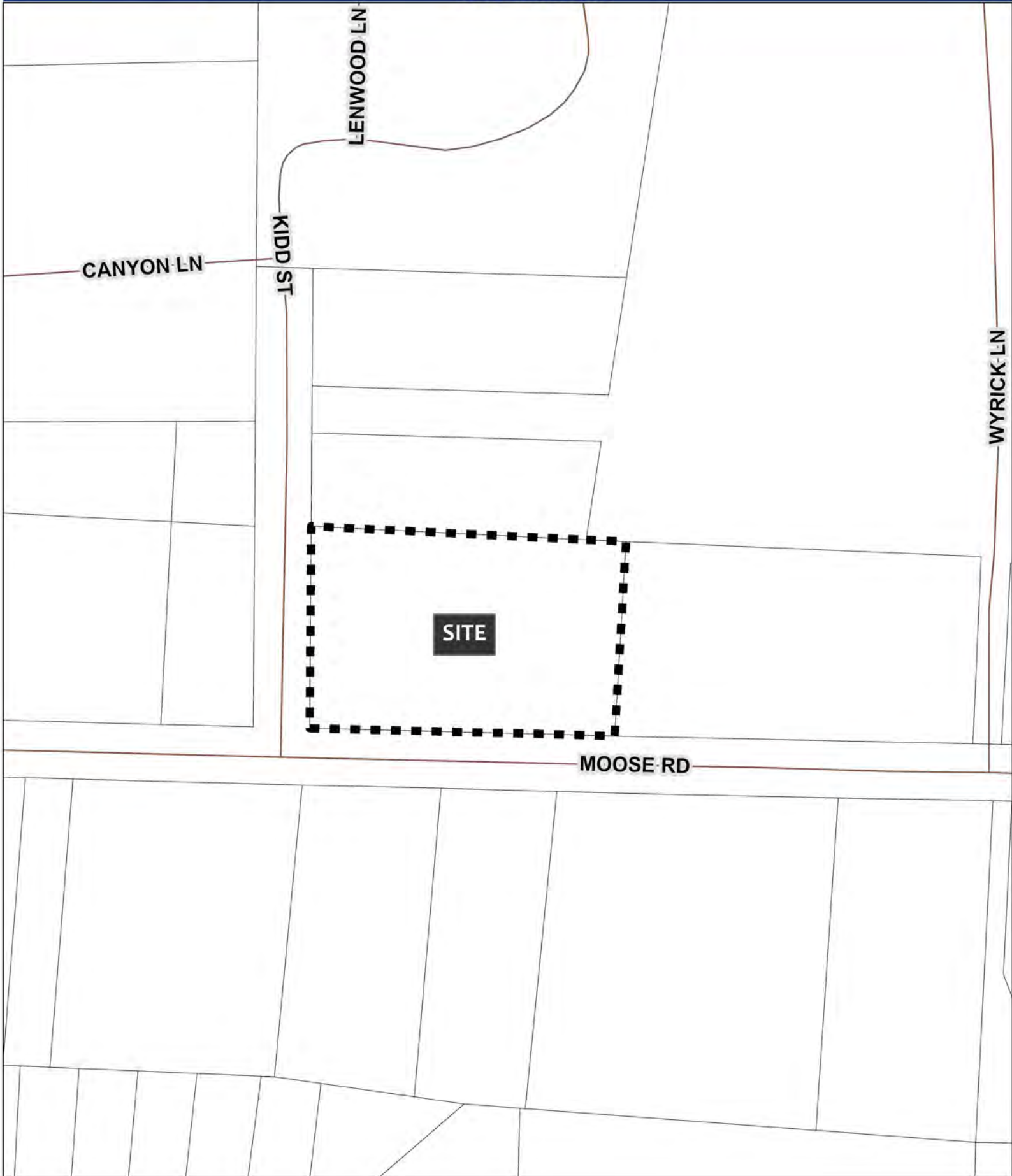
Enclosure

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-2022-15
Applicant: Bal Perazim Christian Center II
2305 Moose Rd.





BOARD OF

ADJUSTMENT

PUBLIC HEARING
INFORMATION

CALL 704-920-4350

CASE # BOA - 2022 -15

