



**BOARD OF ADJUSTMENT  
AGENDA**

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

**Tuesday November 30, 2021 at 6:00 PM**

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes – November 2, 2021**
- 5. Public Hearing:**
  - a. BOA-2021-16 – Special Use Permit – Unaddressed parcel on W C Street**

Public Hearing to consider a request for a Special Use Permit (SUP) to allow construction of a mini warehouse/self-storage use. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for a mini warehouse/self-storage use. The unaddressed property is located at the corner of West C Street and Nathan Avenue, is zoned General Commercial (C-2), measures approximately 3.01 +/- acres, and is more specifically identified as Rowan County Parcel Identification Number 249E174.
- 6. Planning Director Update**
- 7. Other Business**
- 8. Adjourn**



**Board of Adjustment  
November 30, 2021 Meeting**

**Staff Report**

**TO:** Board of Adjustment

**FROM:** Ryan Lipp, Senior Planner

**SUBJECT: Case# BOA-2021-16: Unaddressed parcel on West C Street  
Applicant: Kate Underwood, CESI**

**Request for a Special Use Permit to allow for construction of a mini warehouse/self-storage use in the General Commercial (C-2) zoning district.**

**A. Actions Requested by Board of Adjustment**

1. Motion to accept the City's exhibits into the record.
2. Motion to approve/revise Findings of Fact for the Special Use Permit.
3. Motion to approve (approve with conditions) (deny) the issuance of the Special Use Permit
4. Motion to Issue Order of Approval.

**B. Required Votes to Pass Requested Action**

A majority vote is required to approve, approve with conditions, or deny the requested actions.

**C. Background**

The applicant, Kate Underwood, is requesting a Special Use Permit (SUP) to allow construction of a mini warehouse/self-storage in the General Commercial (C-2) zoning district, on a portion of the unaddressed property located at the corner of West C Street and Nathan Avenue, further identified as Rowan County Parcel Identification Number 249E174.

Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for mini warehouse/self-storage in the C-2 zoning district. The subject property measures approximately 3.122 +/- acres and is located within the City's Extra Territorial Jurisdiction (ETJ). As required by Section 5.15.12 of the UDO, the minimum lot size for a mini warehouse/self-storage facility is 1 acre and the maximum is 3 acres. Therefore, the applicant is proposing to subdivide the property and only utilize a +/- 1.773-acre portion for the proposed use in accordance with the UDO.

**D. Fiscal Considerations**

None

**E. Policy Issues**

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

**Staff Findings of Fact** - Based on application review

Yes    No

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

The subject property is within the "Complete Neighborhood 1" Character Area as designated on the Future Land Use and Character Map in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 1 establishes opportunities for neighborhood serving businesses.

Based on the character areas noted above, the proposed mini warehouse/self-storage development is compatible with the future and existing uses in the surrounding area.

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

The proposed development of this site for mini warehouse/self-storage is not anticipated to cause any traffic hazards or traffic congestion. Egress/Ingress to provide for adequate fire protection has been addressed.

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

No vibration, noise, odor, dust, smoke or gas is expected as a result of the development of this property.

       **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.

### 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"/> | <b>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.</b><br>_____                 |
| <input type="checkbox"/> | <input type="checkbox"/> | <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.</b><br>_____    |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The proposed use shall not be noxious or offensive by reason of vibration, noise, <u>odor, dust, smoke or gas.</u></b><br>_____   |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.</b><br>_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.</b><br>_____              |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Compliance with any other applicable Sections of this Ordinance.</b><br>_____   |

### 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. Prior to the issuance site plan approval, the property shall be legally subdivided to meet the Supplemental Standards in Section 5.15 *Mini Warehouse/Self Storage* regarding lot size.
2. Use permitted is mini warehouse/self-storage as generally depicted on the included site plan. Final design of the site shall comply with the standards of the Unified Development Ordinance.
3. Must comply with current Land Development Standards Manual.
4. All road intersections where development has access and/or street frontage shall be approved by NCDOT and the City.
5. The developer will construct curb and gutter and sidewalk along the entire road frontage where development has access and/or street frontage. The improvements will be constructed to NCDOT and City standards.
6. The sidewalks shall be to current City standards and the curb & gutter and pavement structure shall be constructed to current NCDOT standards.
7. The parking lot shall comply with all Fire Codes and Autoturn shall be run for an SU-30 and Bus-45 (mimics ladder truck).
8. Streams and wetlands shall be identified by a qualified person and all buffers shown in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with RSOD Buffer requirements.
9. A NCDEQ Sediment & Erosion Control Permit will be required if disturbing > 1.0ac.
10. A Stormwater Management Permit will be required for this development in accordance with Article 9 of the Kannapolis UDO (9.1.5.B & 9.3.5). Credit for existing impervious area for both detention and water quality.
11. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and SCM's.
12. The Fire Department shall approve location and design of the emergency exit.

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

**H. Attachments**

1. Special Use Permit Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use Map
5. Conceptual Site Plan
6. 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: West C Street, PIN 5604-16-94-0088

Applicant: Kate Underwood, CESI

### SUBMITTAL CHECKLIST

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

### PROCESS INFORMATION


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

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

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

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

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

Applicant's Signature:  Date: 1/23/21



Planning Department  
401 Laureate Way  
Kannapolis, NC 28081  
704.920.4350  
planningapps@kannapolisnc.gov

## SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

### Applicant Contact Information

Name: Kate Underwood, PhD, PE

Address: PO Box 268  
Concord, NC, 28026-0268

Phone: 980-234-7500

Email: kateunderwood@cesicgs.com

### Property Owner Contact Information same as applicant

Name: JHP Holdings, LLC

Address: PO Box 620071  
Charlotte, NC, 28262-8262

Phone: 704-350-5432

Email: hphase@jhpholdings.com

### Project Information

Project Address: SW Corner of West C Street and Nathan Ave Zoning District RV - Residential Village

Parcel PIN: PIN 5604-16-94-0088 Size of property (in acres): 1.773 acre portion of 3.122 acres

Current Property Use: Currently Vacant, Past use mobile home community

Proposed Use: Conditioned self-storage on 1.773 acres. 0.315 acres to be dedicated for ROW.

Remaining 1.034 acre parcel not included in this proposed special use permit application.

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 proposed improvements are located on the south-west corner of Nathan Ave and West C Street. Improvements include a 2 or 3 story conditioned self-storage building with associated parking, landscaping, etc.

### 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.**

Please see attached response

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**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.**

Please see attached response

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

Please see attached response

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

Please see attached response

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

Please see attached response

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

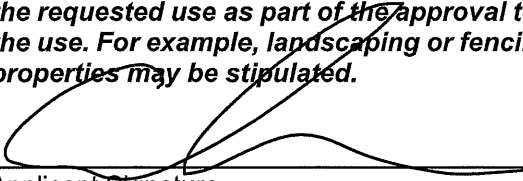
Please see attached response

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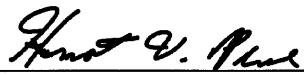
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***By signing below, I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I acknowledge that the Board of Adjustment may add conditions on the requested use as part of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

  
Applicant Signature

11/23/2021  
Date

  
Property Owner Signature

11/23/2021  
Date

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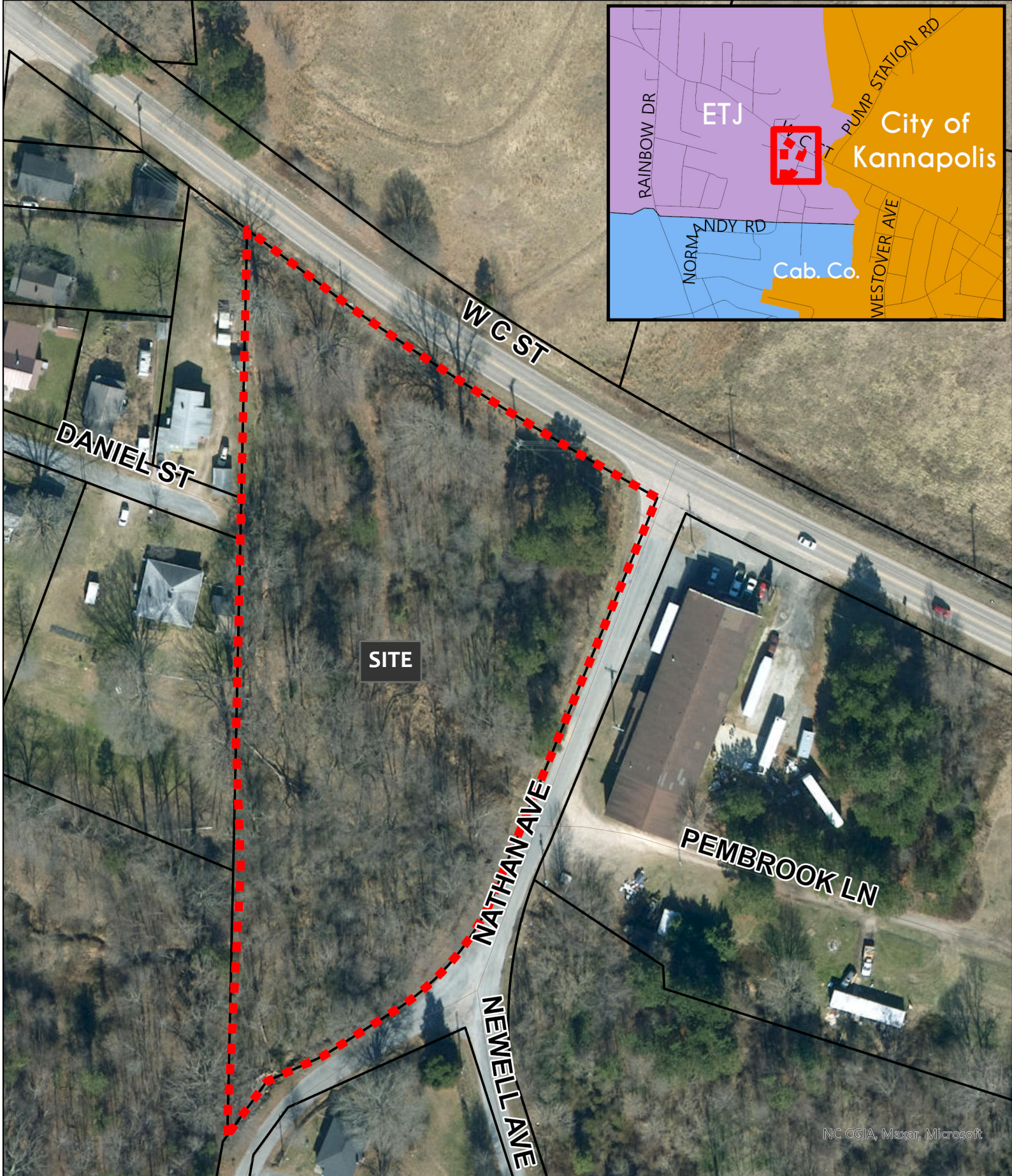
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# Vicinity Map

Case Number: BOA-2021-16  
Applicant: Kate Underwood, CESI  
Unaddressed W. C St.



**SITE**

DANIEL ST

W C ST

NATHAN AVE

NEWELL AVE

PEMBROOK LN

ETJ

City of  
Kannapolis

Cab. Co.

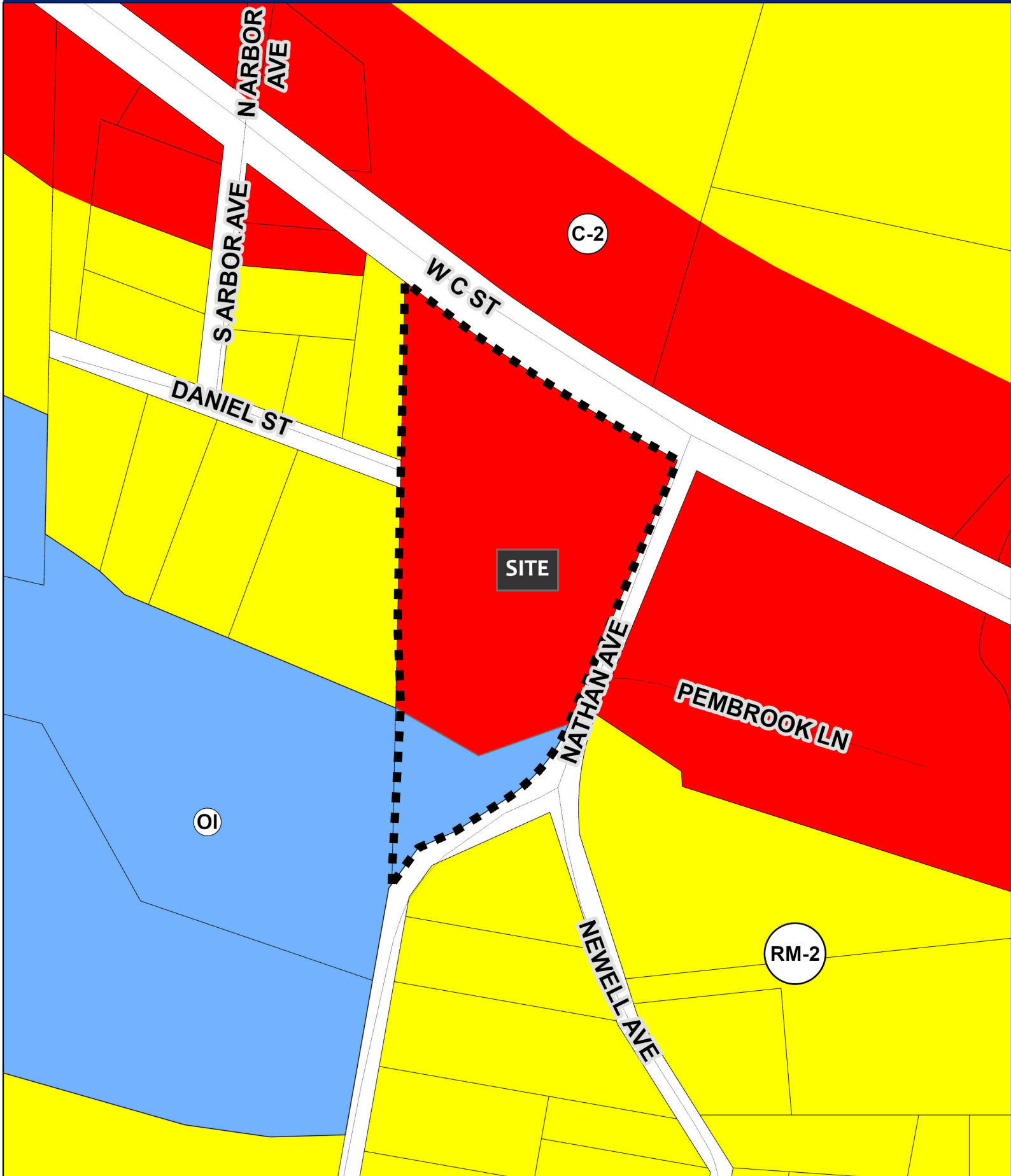


# Kannapolis Current Zoning

Case Number: BOA-2021-16

Applicant: Kate Underwood, CESI

Unaddressed W. C St.

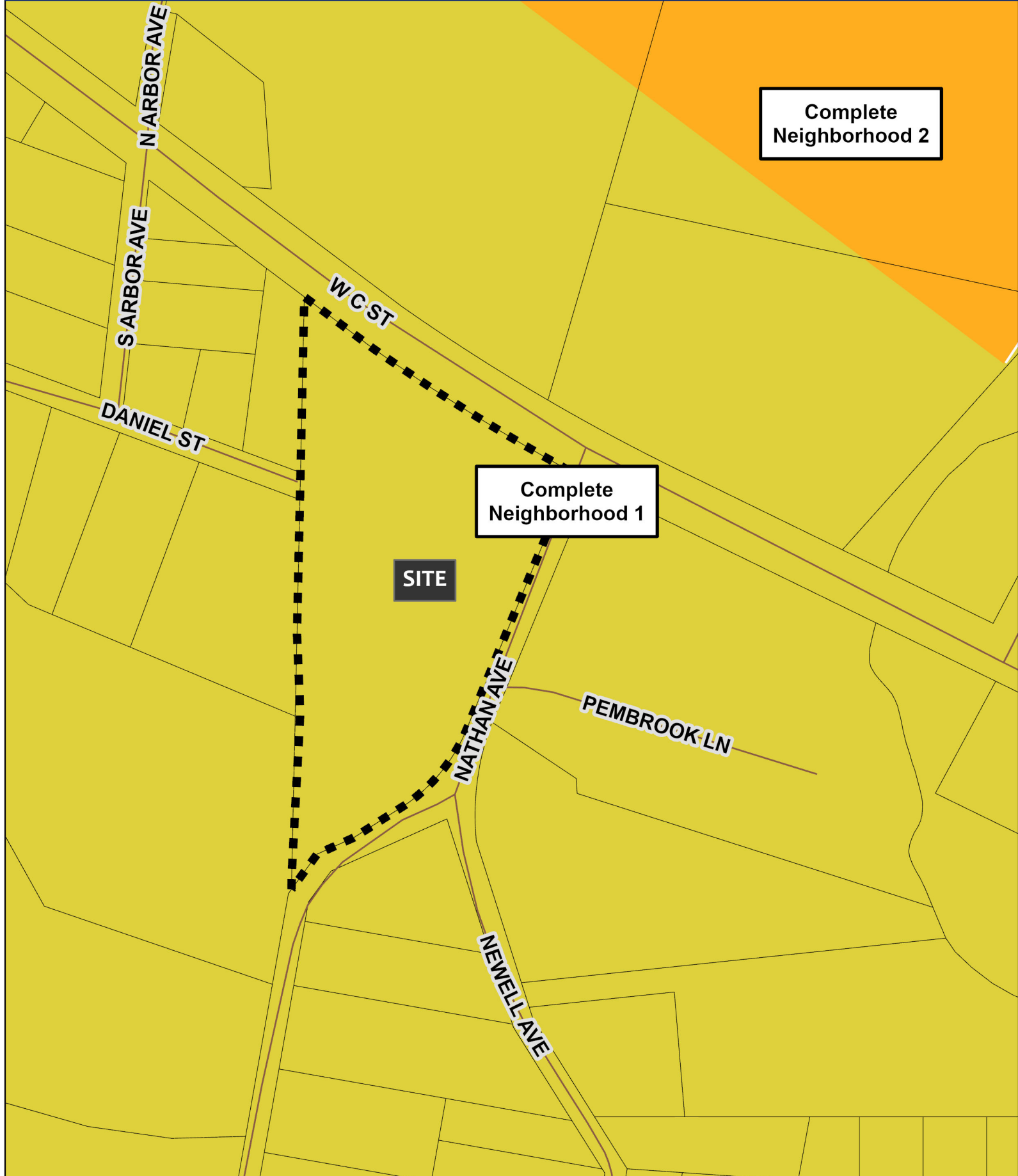


# Kannapolis 2030 Future Land Use Map

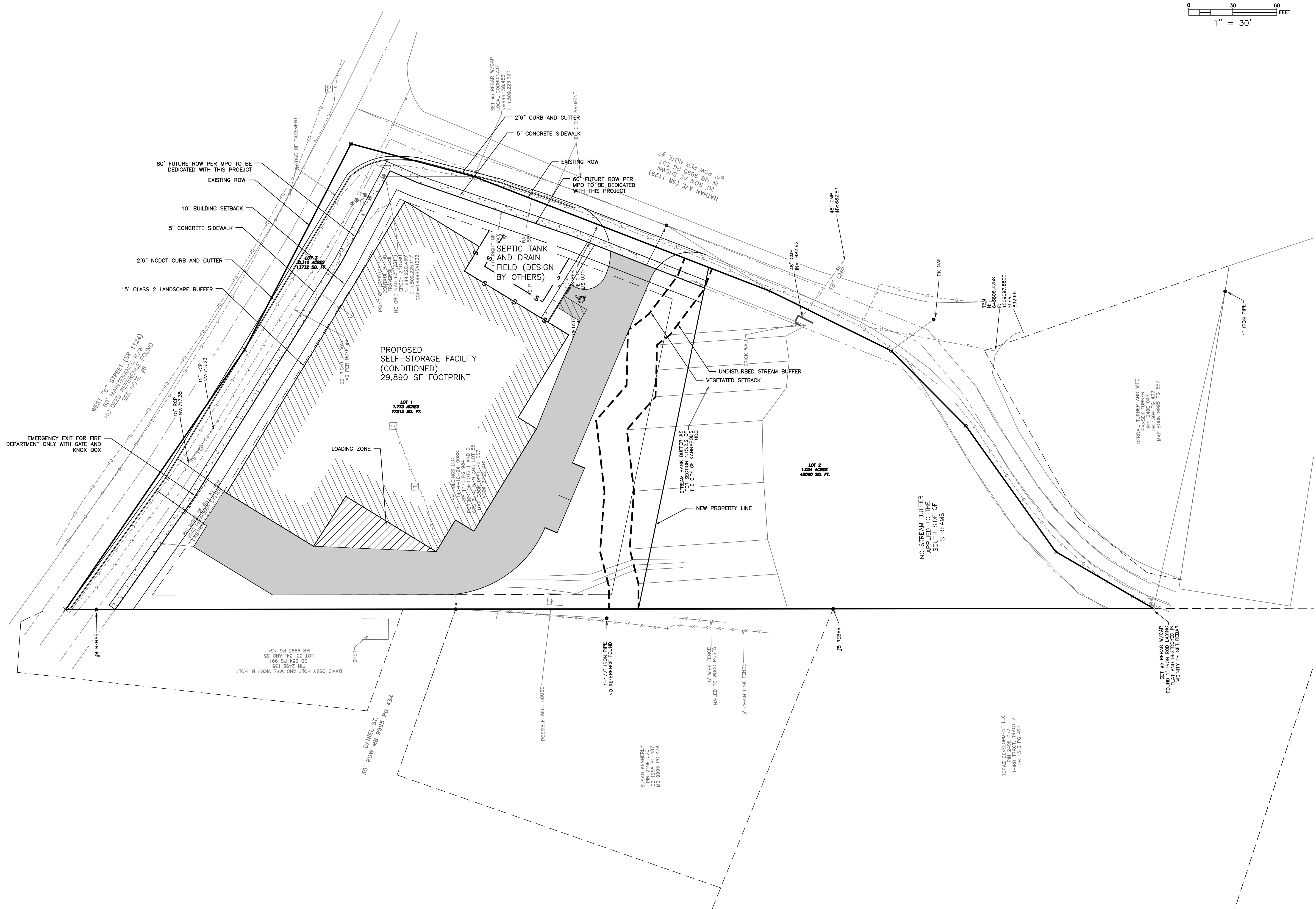
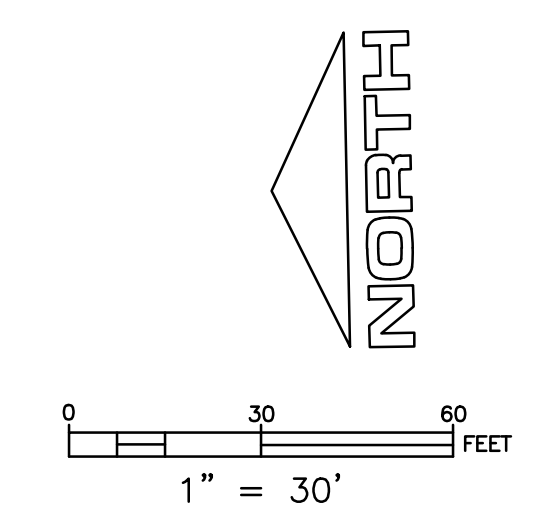
Case Number: BOA-2021-16

Applicant: Kate Underwood, CESI

Unaddressed W. C. St.



EXISTING SITE AREA 3.122 ACRES  
 NCDOT ROW DEDICATION AND NATHAN AVE ROW DEDICATION: 0.315 ACRES  
 PROPOSED LOT A: SELF-STORAGE FACILITY ± 1.773 ACRES  
 PROPOSED LOT B: NOT INCLUDED IN THIS PROPOSED DEVELOPMENT ± 1.034 ACRES



North Carolina One-Call Center  
 2 DAYS BEFORE DIGGING IN  
 CALL 1-800-637-4949  
 CONTRACTORS SHALL CONTACT EVERY 10 DAYS FOR AN UPDATE TO UTILITY LOCATIONS.  
 Call BEFORE you DIG!  
 "It's The Law"

REVISION	DATE	DESCRIPTION

**WEST C STREET MINI STORAGE**  
 SITE LAYOUT PLAN  
 WEST C STREET, KANNAPOLIS, NC.  
 JHP HOLDINGS  
 PROJECT NO. 210479.000  
 PROJECT MANAGER: KWU  
 DRAWN BY: KWU  
 CHECKED BY: NDB  
 PROJECT START: 8.31.21

**CESI** CIVIL GEOTECHNICAL SURVEYING  
 PO BOX 268  
 CONCORD, NC 28026-0268  
 P. 704.786.5404  
 F. 704.786.7454  
 www.cesigs.com  
 NCBELS CORP. NO. C-0263  
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ENGINEERS SEAL  
 PRELIMINARY  
 NOT FOR  
 CONSTRUCTION

11/23/2021  
**C200**

OWNNAME	TAXADD1	CITY	STATE	ZIPCODE
LINDA WIDENHOUSE FINK ETAL C/O SHERRY HENLEY	151 COLONY DR	MOORESVILLE	NC	28115-2873
VIRGINIA GRAY GOODMAN HEIRS	1535 SAW RD	CHINA GROVE	NC	28023
FLOYD III & SHEILA GOODNIGHT	112 N ARBOR AVE.	KANNAPOLIS	NC	28081
DAVID & VICKY HOLT	1606 DANIELS ST	KANNAPOLIS	NC	28081
JHP HOLDINGS LLC	PO BOX 28262	CHARLOTTE	NC	28262-8262
JOHN J ALENDEK	820 GUILFORD AVE	BALTIMORE	MD	21202
SUSAN KENNERLY TAYLOR KNOWLES &	1607 DANIELS ST	KANNAPOLIS	NC	28081-0000
MICHAEL SKOK	1614 W C ST	KANNAPOLIS	NC	28081-9319
ZACHARY & SEARRA MIMS	6770 NATHAN AV	KANNAPOLIS	NC	28081-7945
TODD & AMBER MORRIS	1609 DANIEL ST	KANNAPOLIS	NC	28081-9557
JAMES & TERESA PARKER	6519 ENOCHVILLE CIR	KANNAPOLIS	NC	28081-8601
FRED PARKS	107 S ARBOR AVE	KANNAPOLIS	NC	28081
KENDALL SELLERS	905 PINE ST	KANNAPOLIS	NC	28081
TOPAZ DEVELOPMENT INC	3122 HEGLAR RD	CONCORD	NC	28025-8738
DERRAIL & PANSEY TURNER	2550 PENNINGER RD	CONCORD	NC	28025-0000
AGNES WHITE	103 S ARBOR AVE	KANNAPOLIS	NC	28081
CHARLES & LINDA YATES CESI	6782 NATHAN AVE	KANNAPOLIS	NC	28081-7945
ATTN: KATE UNDERWOOD	PO BOX 268	CONCORD	NC	28026-0268

November 16, 2021

Dear Property Owner,

**Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday, November 30, 2021 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:**

**BOA-2021-16 – Special Use Permit – Unaddressed parcel on West C Street**

This Public Hearing is to consider a request for a Special Use Permit (SUP) to allow construction of a mini warehouse/self-storage use. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for mini warehouse/self-storage. The unaddressed property is located at the corner of West C Street and Nathan Avenue, is zoned General Commercial (C-2), measures approximately 3.01 +/- acres, and is more specifically identified as Rowan County Parcel Identification Number 249E174. **(Please see attached vicinity map showing the location of this property.)**

**As an adjacent property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis UDO; and are invited to attend the public hearing and present testimony, should you desire, to the Board of Adjustment.**

Should you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4350

Sincerely,



Ryan Lipp  
Senior Planner

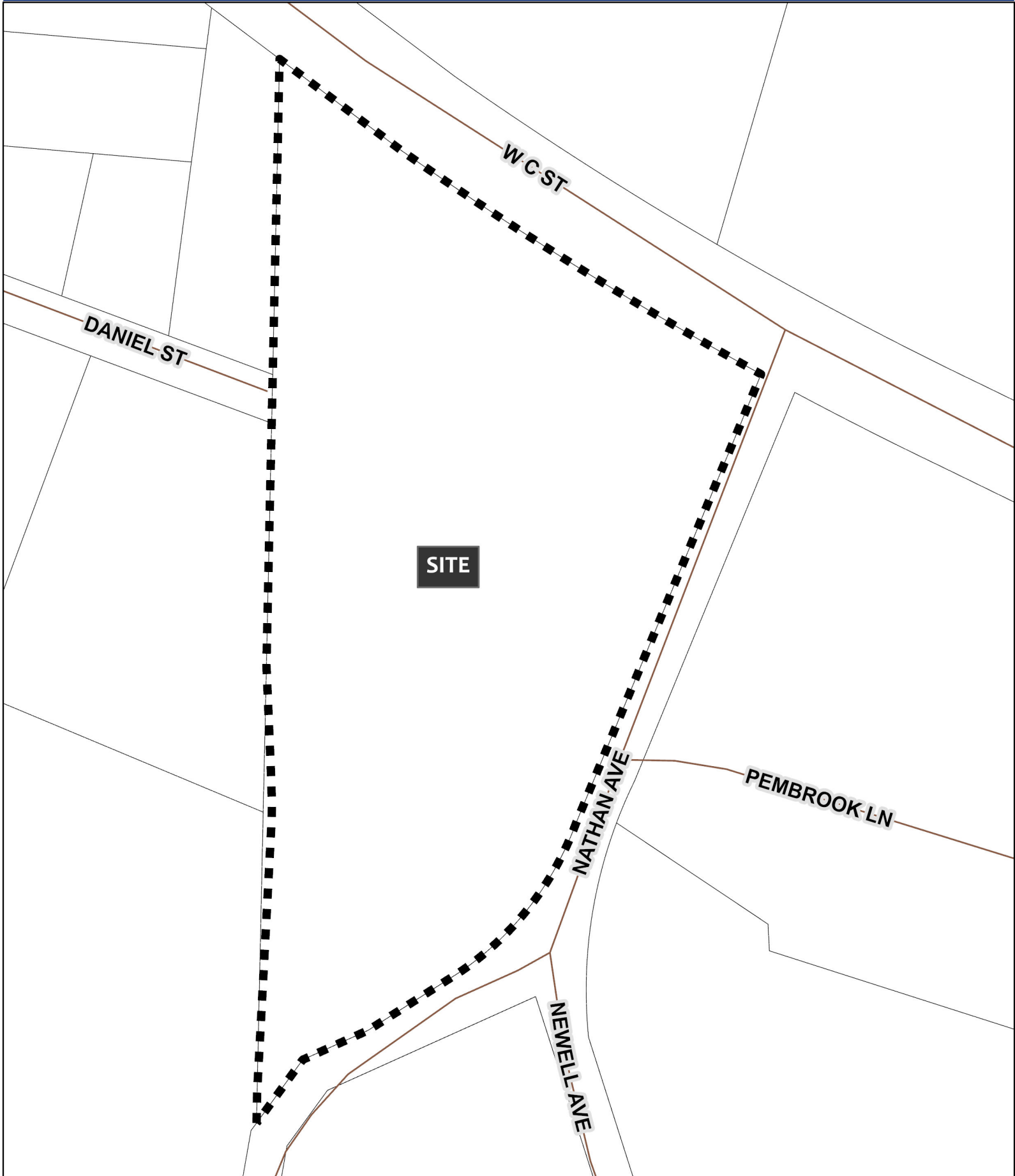
Enclosure

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



# Special Use Permit

Case Number: BOA-2021-16  
Applicant: Kate Underwood, CESI  
Unaddressed W. C St.



KANNAPOLIS  
**BOARD OF**  
**ADJUSTMENT**  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE # BOA - 2021 -16

SAM MILLER  
CABINET & LAMINATE  
COUNTERTOPS