

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

3  
4 **Minutes of Meeting**  
5 **Tuesday November 30, 2021**  
6

7 The Board of Adjustment met on Tuesday November 30, 2021 at 6:00 PM at City Hall, 401 Laureate Way,  
8 Kannapolis, North Carolina.  
9

10 **Board Members Present:** Ryan French, Chair  
11 Emily Joshi, Vice-Chair  
12 Holden Sides  
13 Wilfred Bailey, Sr.  
14 Danielle Martini, Alternate Member  
15

16 **Board Members Absent:** Daisy Malit  
17 Cyrus Rattler  
18

19 **Staff Present:** Richard Smith, Planning Director  
20 Ryan Lipp, Senior Planner  
21 David Hancock, IT  
22 Pam Scaggs, Recording Secretary  
23

24 **City Attorney:** Walter M. Safrit III  
25

26 **Visitors Present:** Hemant Phack Mark Sherman  
27 Abhishek Bharal Susan Kennerly  
28 Susan Ward David Holt  
29 Dr. Kate Underwood Jason Williams  
30

31 **CALL TO ORDER**

32 Chair Ryan French called the meeting to order at 6:00pm.  
33

34 **ROLL CALL AND RECOGNITION OF QUORUM**

35 Recording Secretary Pam Scaggs called the roll and presence of a quorum was recognized.  
36

37 **APPROVAL OF AGENDA**

38 Chair French asked for a motion to approve the Agenda, which was made by Mr. Bailey, second by Mr.  
39 Sides and the motion was unanimously approved.  
40

41 **APPROVAL OF MINUTES**

42 Chair French asked for a motion to approve the November 2, 2021. Mr. Sides made a motion to approve,  
43 second by Ms. Joshi and the motion was unanimously approved.  
44

45 Chair French recognized the arrival of Alternate Member Danielle Martini who will be sitting as a voting  
46 member of the Board.  
47

48 **PUBLIC HEARING**  
49

50 **SWORN IN FOR TESTIMONY**

51 Ryan Lipp, Mark Sherman, Susan Kennerly and Dr. Kate Underwood.

1  
2 **BOA-2021-16 – Request for a Special Use Permit on unaddressed property located on W C Street to**  
3 **allow for mini warehouse/self-storage.**

4 Senior Planner Ryan Lipp gave a presentation regarding a request for a Special Use Permit (SUP) and  
5 provided the application details for BOA-2021-16, attached to and made part of these minutes as Exhibit 1,  
6 noting the applicant, property owners, address, dates of public notice, current zoning and that the request is  
7 for a SUP to allow for a mini warehouse/self-storage in the General Commercial (C-2) zoning district.  
8

9 Mr. Lipp directed the Board’s attention to the Vicinity, Zoning and 2030 Future Land Use maps, as well as  
10 the site plan, noting the location, zoning, and recommended future land uses. He stated that the property is  
11 located within the Extra Territorial Jurisdiction (ETJ) of the City. Mr. Lipp noted that a mini  
12 warehouse/self-storage use requires a minimum of one (1) acre and a maximum of three (3) acres and that  
13 the applicant will be subdividing the property to align with the maximum three (3) acre requirement. Mr.  
14 Lipp added that emergency access for fire is required and is shown on the site plan as being located on West  
15 C Street but will require approval from both Fire and NCDOT. He reviewed Policy Issues and staff findings  
16 as follows:  
17

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

20 The subject property is within the “Complete Neighborhood 1” Character Area as designated  
21 on the Future Land Use and Character Map in the *Move Kannapolis Forward 2030*  
22 *Comprehensive Plan*. The Complete Neighborhood 1 establishes opportunities for  
23 neighborhood serving businesses.  
24

25 Based on the character areas noted above, the proposed mini warehouse/self-storage  
26 development is compatible with the future and existing uses in the surrounding area.  
27

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

30 The proposed development of this site for mini warehouse/self-storage is not anticipated to  
31 cause any traffic hazards or traffic congestion. Egress/Ingress to provide for adequate fire  
32 protection has been addressed.  
33

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

36 No vibration, noise, odor, dust, smoke or gas is expected as a result of the development of this  
37 property.  
38

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

41 The proposed use would not impede development of the surrounding properties for uses  
42 allowed within their respective zoning districts.  
43

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

46 There is no apparent danger or detriment to the overall public safety, health and welfare  
47 resulting from the proposed use. The proposed development is subject to all the requirements  
48 of the Unified Development Ordinance.  
49

50 **6. Compliance with any other applicable Sections of this Ordinance.**

1 The proposed use shall comply with all sections of the City of Kannapolis Unified  
2 Development Ordinance, conditions of approval, and any other applicable local, state and  
3 Federal regulations. It is understood by the applicant that unless specifically relieved of a  
4 requirement, in writing, all UDO requirements, including compliance with the Technical  
5 Review Committee site plan review and approval process, must be met. Sewer service is  
6 subject to allocation based upon sewer treatment capacity.  
7

8 Mr. Lipp stated that staff is recommending approval of the SUP request with conditions as noted in the staff  
9 report, reminded the Board of the actions requested, concluded his presentation and made himself available  
10 for questions.  
11

12 Mr. Bailey asked for location confirmation of the entrance. Mr. Lipp utilized the submitted site plan to  
13 show the entrance off Nathan Avenue with an emergency access for fire off W C Street. Mr. Bailey asked  
14 the location of residential homes and asked if it is adjacent to a residential neighborhood. Mr. Lipp utilized  
15 street views of the property and responded that a portion of the property will not be developed and that the  
16 portion abutting residential homes will have to maintain a buffer.  
17

18 The applicant, Dr. Kate Underwood, made herself available for questions. Dr. Underwood stated that the  
19 project will meet all requirements of the Unified Development Ordinance (UDO) and that the project is a  
20 low traffic impact compared to other uses allowed in C-2 zoning district. She addressed Mr. Bailey's  
21 concern regarding access stating that the W C Street access will be a gated, locked access and utilized for  
22 emergency use only.  
23

24 Chair French asked the number of units that will be developed. Dr. Underwood responded that they have  
25 not determined the number of units but are tentatively planning for 300-400 units and also have not  
26 determined if a two or three-story building will be developed. Chair French asked if the units will be exterior  
27 or interior units. Dr. Underwood responded that all of the units will be interior climate-controlled units.  
28 She added that due to topography of the land, they are determining the number of stories that will be  
29 developed. Chair French asked if they had examples of any other units that have been developed. Dr.  
30 Underwood responded that they do not.  
31

32 Attorney Safrit asked if tenants will be able to access by parking in front of the units. Dr. Underwood  
33 responded that loading zones will be located in front of the building but not provided for each unit. Attorney  
34 Safrit asked the number of parking spaces? Dr. Underwood stated that two parking spaces will be provided  
35 per the UDO requirement. Attorney Safrit asked what happens when multiple tenants show up to unload or  
36 load their unit. Dr. Underwood responded that there is space around the building that would allow for  
37 multiple tenants to access their unit. Attorney Safrit asked if solar power will be utilized. Dr. Underwood  
38 responded "no" and that traditional power will be used. Attorney Safrit asked the building materials that  
39 will be used? Dr. Underwood introduced the architect to respond to that question.  
40

41 The project architect, Mark Sherman, responded that building materials will consist of exterior glazing  
42 (glass) and a combination of block & metal. Chair French asked if it would look similar to a storage facility  
43 currently located near S&D Coffee in Concord? Mr. Sherman admitted that he's not familiar with that  
44 location and therefore could not respond.  
45

46 Chair French asked if there will be multiple entrances into the building. Mr. Sherman responded that they  
47 have not yet determined the number of entrances to the building but that typically, there is only one  
48 entrance/exit with emergency exits.  
49

50 There being no additional questions or comments for staff, Chair French opened the Public Hearing.

1  
2 Susan Kennerly, 1607 Daniel Street, stated that her property is adjacent to the proposed project. Ms.  
3 Kennerly stated that she did not receive notification in an appropriate timeframe and expressed concern  
4 regarding the number of stories and tenants being able to view into her home. She expressed additional  
5 concerns regarding security, lighting, noise, animals, property lines, an existing ditch, a pond draining into  
6 the property, and encroachment. She stated that three minutes is not enough time to allow for all of her  
7 questions. Ms. Kennerly inferred that the applicant was not ready for the meeting and questioned why other  
8 neighbors were not notified. She had additional questions regarding notification requirements, the permitted  
9 use table, sign notice issues, and an existing water well located on the property.

10  
11 Mr. Lipp responded to Ms. Kennerly's concerns regarding encroachment and buffering. He utilized the site  
12 plan to show that the proposed project will not encroach property lines as well as the buffer that will be  
13 provided between her property and the proposed project. Mr. Lipp referenced UDO requirements to further  
14 explain stream buffer requirements.

15  
16 Dr. Underwood responded to Ms. Kennerly's concerns regarding noise stating that aside from tenants  
17 loading and unloading, there is very little noise generated from this type of use. With regard to security,  
18 Mr. Sherman responded that they do not provide 24-hour access and that typical operating hours are 9:00a  
19 to 6:00p Monday through Sunday with on-site management.

20  
21 Ms. Joshi asked the number of staff and whether there will be outdoor storage. Mr. Sherman responded that  
22 staff would consist of no more than two people and that there will be no outdoor storage of any kind. He  
23 added that the average number of visits to a storage facility in a city is four (4) per hour but surmised that  
24 it will be much lower for the proposed facility.

25  
26 Inaudible question from Ms. Kennerly regarding access. Mr. Sherman stated that there will be gate access  
27 into the facility and that security cameras will also be used. Additional inaudible question from Ms.  
28 Kennerly regarding lighting. Mr. Sherman stated that photo metrics could be used to determine light  
29 pollution but that all lighting will be facing down. He added that the maximum height of buildings is limited  
30 to 30 feet.

31  
32 Inaudible discussion between Dr. Underwood and Ms. Kennerly.

33  
34 Mr. Bailey asked when public notification was made. Mr. Lipp responded that letters were mailed  
35 November 16, 2021 which met state statute notification requirements.

36  
37 Attorney Safrit noted that Ms. Kennerly asked about an existing well but that he did not hear a response.  
38 Dr. Underwood responded the prior use of the property was for a mobile home park and guessed that the  
39 well was used to service that development. She added that they intend to abandon the well and tie into City  
40 water. Attorney Safrit questioned whether City utilities are available. Dr. Underwood stated that City water  
41 is available but that a separate septic system will be required and is shown on the site plan.

42  
43 David Holt was sworn in to provide testimony.

44  
45 David Holt, 1606 Daniel Street, stated that the proposed project is adjacent to his property and confirmed  
46 that the prior use for the subject property was a mobile home park. Mr. Holt questioned why adjacent  
47 property owners were not notified as to the proposed use prior to the meeting. He voiced concern about  
48 water runoff.

49  
50 There being no additional questions or comments, Chair French closed the Public Hearing.

1  
2 Chair French asked for a motion to accept the City's exhibits, including the staff report into the record  
3 which was made by Mr. Sides, second by Ms. Joshi and the motion was unanimously approved.  
4

5 Chair French asked for a motion to approve or revise the Findings of Fact. Ms. Joshi made the motion to  
6 approve the Findings of Fact, second by Ms. Martini and the motion was unanimously approved.  
7

8 Chair French asked for a motion to approve, approve with conditions, or deny the issuance of the SUP. Ms.  
9 Joshi made the motion to approve with the conditions as proposed by staff, second by Mr. Sides and the  
10 motion was unanimously approved.  
11

12 Chair French asked for a motion to issue the Order of Approval which was made by Mr. Sides, second by  
13 Ms. Joshi and the motion was unanimously approved.  
14

15 **DIRECTOR UPDATE**

16 Planning Director, Richard Smith reminded the Board that there will not be a meeting in December and  
17 that their next meeting will be January 4, 2022.  
18

19 He added that the Kannapolis Development Ordinance is still being edited and that he hopes to have a  
20 final version of the new ordinance adopted by February or March.  
21

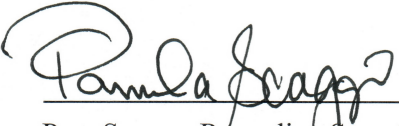
22 **OTHER BUSINESS**

23 None  
24

25 **ADJOURN**

26 There being no further business, Mr. Sides made the motion to adjourn the meeting, second by Ms. Joshi  
27 and approved by unanimous vote.  
28

29 The meeting was adjourned at 6:42 PM on Tuesday November 30, 2021.  
30  
31

32  
33   
34 \_\_\_\_\_  
35 Pam Scaggs, Recording Secretary  
36 Board of Adjustment

  
\_\_\_\_\_  
Ryan French, Chair  
Board of Adjustment

# EXHIBIT 1

## Board of Adjustment Minutes November 30, 2021



### 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</u>, <u>dust</u>, <u>smoke</u> or <u>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