

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

3
4 **Minutes of Special Meeting**
5 **Tuesday March 7, 2023**
6

7 The Board of Adjustment met on Tuesday March 7, 2023 at 6:00 PM at City Hall, 401 Laureate Way,
8 Kannapolis, North Carolina.
9

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

15 **Board Members Absent:** Ryan French, Chair
16 Cyrus Rattler
17 Daisy Malit
18

19 **City Attorney:** Walter M. Safrit
20

21 **Staff Present:** Richard Smith, Planning Director
22 Ben Barcroft, Senior Planner
23 Kathryn Stapleton, Planner
24 Pam Scaggs, Recording Secretary
25

26 **Visitors Present:** Thomas Propst
27

28 **CALL TO ORDER**

29 Vice-Chair Joshi called the meeting to order at 6:00pm.
30

31 **ROLL CALL AND RECOGNITION OF QUORUM**

32 Recording Secretary Pam Scaggs called the roll and presence of a quorum was recognized.
33

34 **APPROVAL OF AGENDA**

35 Vice-Chair Joshi asked for a motion to approve the Agenda, which was made by Mr. Bailey, second by Ms.
36 Martini and the motion was unanimously approved.
37

38 **APPROVAL OF MINUTES**

39 Vice-Chair Joshi asked for a motion to approve the February 7, 2023 meeting minutes which was made by
40 Mr. Sides, second by Mr. Bailey and the motion was unanimously approved.
41

42 **PUBLIC HEARING**
43

44 **SWORN IN FOR TESTIMONY**

45 Ben Barcroft
46

47 **BOA-2023-03 – Request for a Special Use Permit for property located at 5223 Davidson Highway to**
48 **allow for a self-service storage use in the General Commercial (GC) zoning district.**

49 Senior Planner Ben Barcroft gave a presentation regarding a request for a Special Use Permit (SUP) to
50 allow a self-service storage use on property located in the GC zoning district. Mr. Barcroft provided the

1 application details for BOA-2023-03, attached to and made part of these minutes as Exhibit 1, noting the
2 applicant, size, and location of the proposed use. He added that the proposed use will occupy a 2.52 +/- acre
3 portion of the 8.51 +/- acre parcel. Mr. Barcroft stated that the proposed self-service storage use must meet
4 standards specific to the use and in copying those standards from the Kannapolis Development Ordinance
5 (KDO) into the staff report, a portion of standard (b) was inadvertently left out of the report. He proceeded
6 to read that specific standard into the record:
7

8 (b) Notwithstanding the building height standards in the district where the self-service storage is
9 located, except in the GC District, buildings where storage units are accessed directly from the
10 building's exterior shall have a maximum height of one story. For purposes of this section, one story
11 shall mean and refer to a maximum interior ceiling height of ten feet, which may include a maximum
12 of eight feet with an additional two feet to accommodate a garage-type sliding or roll up door.
13

14 Mr. Barcroft stated that the proposed building will consist of three (3) stories and have interior access. He
15 directed the Board's attention the Vicinity, Zoning and Future Land Use maps as well as the submitted site
16 plan and utilized that plan to further illustrate location of the proposed building as well as proposed parking
17 and noted that the site plan shows a proposed building consisting of 108,675 total square feet (36,225 sf per
18 floor). Mr. Barcroft directed the Board's attention to site photos and building renderings and noted that
19 while landscaping is not shown on the site plan, the applicant will need to meet the minimum landscaping
20 requirements as shown in the KDO.
21

22 He stated that staff found compliance with all Findings of Fact located in the staff report (see Exhibit 1),
23 reminded the Board of the actions requested, concluded his presentation and made himself available for
24 questions.
25

26 There being no additional questions or comments for staff, Vice-Chair Joshi opened the Public Hearing
27 which was then closed with no public comment made.
28

29 Vice-Chair Joshi asked for a motion to accept the City's exhibits, including the staff report into the record
30 which was made by Mr. Sides, second by Mr. Bailey and the motion was unanimously approved.
31

32 Vice-Chair Joshi asked for a motion to approve or revise the Findings of Fact. Mr. Bailey made the motion
33 to approve the Findings of Fact, second by Mr. Sides and the motion was unanimously approved.
34

35 Vice-Chair Joshi asked for a motion to approve, approve with conditions, or deny the issuance of the Special
36 Use Permit. Mr. Sides made the motion to approve, second by Ms. Martini and the motion was unanimously
37 approved.
38

39 Vice-Chair Joshi asked for a motion to issue the Order of Approval.
40

41 City Attorney, Walter Safrit, noted that the Order indicates that there are conditions associated with the
42 approval of the SUP and that the Order will need to be amended to remove that statement. He advised Ms.
43 Joshi that the Board could approve the Order as amended.
44

45 Mr. Bailey made the motion to approve the Order as amended, second by Mr. Sides and the motion was
46 unanimously approved.
47

48 **PLANNING DIRECTOR UPDATE**

49 Planning Director, Richard Smith stated that Planning Technician Kathryn Stapleton was promoted to
50 Planner and that Gabriela Burwell had been hired to fill the Planning Technician position.

1 **OTHER BUSINESS**

2 None

3

4 **ADJOURN**

5 There being no further business, Mr. Sides made the motion to adjourn, second by Mr. Bailey and the
6 motion was unanimously approved.

7

8 The meeting was adjourned at 6:14 PM on Tuesday, March 7, 2023.

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13

14 Pam Scaggs, Recording Secretary

15 Board of Adjustment



Emily Joshi, Vice-Chair
Board of Adjustment

EXHIBIT 1



Board of Adjustment March 7, 2023 Meeting

Staff Report

TO: Board of Adjustment

FROM: Ben Barcroft, Senior Planner

SUBJECT: Case# BOA-2023-03: Special Use Permit – 5223 Davidson Hwy
Applicant: Legacy Pointe Properties, LLC

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

A. Actions Requested by Board of Adjustment

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

B. Required Votes to Pass Requested Action

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

C. Background

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

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

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

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

D. Fiscal Considerations

None

E. Policy Issues

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

Staff Findings of Fact - Based on application review:

Yes No

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F. Legal Issues

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

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

Yes **No**

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

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

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

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

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

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

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

G. Recommendation

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

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

H. Attachments

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

I. Issue Reviewed By:

Planning Director	X
Assistant City Manager	X
City Attorney	X