

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

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

7 The Board of Adjustment met on Tuesday April 4, 2023 at 6:00 PM at City Hall, 401 Laureate  
8 Way, Kannapolis, North Carolina.  
9

10 **Board Members Present:** Ryan French, Chair  
11 Emily Joshi, Vice-Chair  
12 Cyrus Rattler  
13 Daisy Malit  
14 Holden Sides  
15 Wilfred Bailey, Sr.  
16 Danielle Martini, Alternate Member  
17

18 **Board Members Absent:** None  
19

20 **City Attorney:** Walter M. Safrit  
21

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

26 **Visitors Present:** David Miller  
27

28 **CALL TO ORDER**

29 Chair French 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 Chair French asked for a motion to approve the Agenda. Mr. Rattler noted that the date on the  
36 agenda is incorrect. Ms. Malit made the motion to approve the amended agenda, second by  
37 Ms. Martini and the motion was unanimously approved.  
38

39 Chair French recognized that Wilfred Bailey joined the meeting.  
40

41 **APPROVAL OF MINUTES**

42 Chair French asked for a motion to approve the March 7, 2023 meeting minutes which was made  
43 by Mr. Rattler, second by Ms. Malit and the motion was unanimously approved.  
44

45 **PUBLIC HEARING**  
46

47 **SWORN IN FOR TESTIMONY**

48 Ben Barcroft

1 **BOA-2023-04 – Request for a Special Use Permit for property located at 2832 South Ridge**  
2 **Avenue to allow for a single-family dwelling in the Residential 18 (R18) zoning district.**

3 Senior Planner Ben Barcroft gave a presentation regarding a request for a Special Use Permit  
4 (SUP) to allow a single-family dwelling on property located in the R18 zoning district. Mr.  
5 Barcroft provided the application details for BOA-2023-04, attached to and made part of these  
6 minutes as Exhibit 1, noting the applicant, size, and location of the proposed use. He noted that  
7 Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO) requires a SUP for single-family  
8 residential uses in the R18 zoning district. Mr. Barcroft directed the Board’s attention to Vicinity,  
9 Zoning and Future Land Use maps and the conceptual site plan, further illustrating location of the  
10 home on the parcel.

11  
12 He stated that staff found compliance with all Findings of Fact located in the staff report (see  
13 Exhibit 1), reminded the Board of the actions requested, concluded his presentation and made  
14 himself available for questions.

15  
16 Ms. Joshi asked for clarification that “detached” meant that it is a stand-alone building and that  
17 “attached” meant that it was attached to another structure, i.e. townhome. Mr. Barcroft confirmed.

18  
19 Planning Director, Richard Smith, noted that the Planning and Zoning Commission rezoned the  
20 properties subject to R18 Residential at their February 2023 meeting. Mr. Smith added that single-  
21 family residential uses were permitted in the OI zoning district under the old Unified Development  
22 Ordinance, but that a SUP is required in the new Kannapolis Development Ordinance (KDO)  
23 [Zoning Case No. Z-2023-01].

24  
25 Mr. Bailey expressed concern that staff responded that the proposed home is in “harmony” with  
26 the rest of the neighborhood without knowing the aesthetics of the home. Mr. Barcroft responded  
27 that staff does not consider aesthetics but does consider adjacent uses. Mr. Smith clarified that, by  
28 state statute, staff cannot regulate the design of a home.

29  
30 Mr. Bailey asked if curb, gutter and sidewalks will be required. Mr. Barcroft responded that  
31 sidewalks are not required because there are none on adjacent properties. Mr. Smith added that if  
32 this were a commercial project, or a large subdivision, then curb, gutter and sidewalks would be  
33 required.

34  
35 Ms. Malit asked when the homes will be developed. Mr. Barcroft did not know the answer but  
36 suspected that it will sometime this year.

37  
38 There being no additional questions or comments for staff, Chair French opened the Public Hearing  
39 which was then closed with no public comment made.

40  
41 Chair French asked for a motion to accept the City’s exhibits, including the staff report into the  
42 record which was made by Ms. Malit, second by Ms. Joshi and the motion was unanimously  
43 approved.

44  
45 Chair French asked for a motion to approve or revise the Findings of Fact. Ms. Malit made the  
46 motion to approve the Findings of Fact, second by Mr. Rattler and the motion was unanimously  
47 approved.

1 Chair French asked for a motion to approve, approve with conditions, or deny the issuance of the  
2 Special Use Permit. Mr. Sides made the motion to approve, second by Mr. Bailey and the motion  
3 was unanimously approved.  
4

5 Chair French asked for a motion to issue the Order of Approval. Ms. Malit made the motion to  
6 approve the Order, second by Ms. Martini and the motion was unanimously approved.  
7

8 **BOA-2023-05 – Request for a Special Use Permit for property located at 2838 South Ridge**  
9 **Avenue to allow for a single-family dwelling in the Residential 18 (R18) zoning district.**

10 Mr. Barcroft stated that case BOA-2023-05 is basically the same request as was for BOA-2023-  
11 04 and gave a presentation stating that case details are the same with the exception of the address  
12 and parcel size (attached at Exhibit 2). Mr. Barcroft directed the Board’s attention the Vicinity,  
13 Zoning and Future Land Use maps and the conceptual site plan. He stated that staff found  
14 compliance with all Findings of Fact located in the staff report (see Exhibit 2), reminded the Board  
15 of the actions requested, concluded his presentation and made himself available for questions.  
16

17 There being no additional questions or comments for staff, Chair French opened the Public Hearing  
18 which was then closed with no public comment made.  
19

20 Chair French asked for a motion to accept the City’s exhibits, including the staff report into the  
21 record which was made by Ms. Martini, second by Mr. Bailey and the motion was unanimously  
22 approved.  
23

24 Chair French asked for a motion to approve or revise the Findings of Fact. Ms. Malit made the  
25 motion to approve the Findings of Fact, second by Ms. Joshi and the motion was unanimously  
26 approved.  
27

28 Chair French asked for a motion to approve, approve with conditions, or deny the issuance of the  
29 Special Use Permit. Ms. Martini made the motion to approve, second by Ms. Malit and the motion  
30 was unanimously approved.  
31

32 Chair French asked for a motion to issue the Order of Approval. Ms. Malit made the motion to  
33 approve the Order, second by Ms. Joshi and the motion was unanimously approved.  
34

35 **BOA-2023-06 – Request for a Special Use Permit for property located at 2850 South Ridge**  
36 **Avenue to allow for a single-family dwelling in the Residential 18 (R18) zoning district.**

37 Mr. Barcroft stated that case BOA-2023-06 is the same as the previous two cases and is attached  
38 as Exhibit 3. He noted the address and parcel size and directed the Board’s attention the Vicinity,  
39 Zoning and Future Land Use maps as well as the conceptual site plan. He stated that staff found  
40 compliance with all Findings of Fact located in the staff report (see Exhibit 2), reminded the Board  
41 of the actions requested, concluded his presentation and made himself available for questions.  
42

43 There being no additional questions or comments for staff, Chair French opened the Public Hearing  
44 which was then closed with no public comment made.  
45

1 Chair French asked for a motion to accept the City's exhibits, including the staff report into the  
2 record which was made by Ms. Malit, second by Mr. Sides and the motion was unanimously  
3 approved.  
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5 Chair French asked for a motion to approve or revise the Findings of Fact. Mr. Bailey made the  
6 motion to approve the Findings of Fact, second by Ms. Malit and the motion was unanimously  
7 approved.  
8

9 Chair French asked for a motion to approve, approve with conditions, or deny the issuance of the  
10 Special Use Permit. Ms. Joshi made the motion to approve, second by Ms. Martini and the motion  
11 was unanimously approved.  
12

13 Chair French asked for a motion to issue the Order of Approval. Ms. Malit made the motion to  
14 approve the Order, second by Mr. Sides and the motion was unanimously approved.  
15

16 **PLANNING DIRECTOR UPDATE**

17 Planning Director, Richard Smith reviewed Planning permit statistics for the Board and directed  
18 their attention to a graphic which illustrated cases and permits issued by the Planning Department  
19 for the first quarter of 2023.  
20

21 Ms. Malit asked if additional schools will be built. Mr. Smith responded that Cabarrus County is  
22 building a new Northwest Cabarrus High School and provided the location. Mr. Bailey noted that  
23 Northwest Cabarrus High School is a replacement, not a new school. Mr. Smith confirmed that it  
24 is a replacement school, but that it will be much larger than the existing school and that the existing  
25 high school will be utilized as the middle school and then the existing middle school will be utilized  
26 as split elementary school. Mr. Rattler asked if students living within City limits will have the  
27 ability to choose the school they attend. Mr. Smith responded that he did not know for certain.  
28

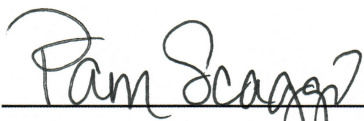
29 **OTHER BUSINESS**

30 Ms. Martini asked about the moratorium on new construction due to sewer capacity. Mr. Smith  
31 responded that there was never a moratorium and explained the wastewater allocation process.  
32

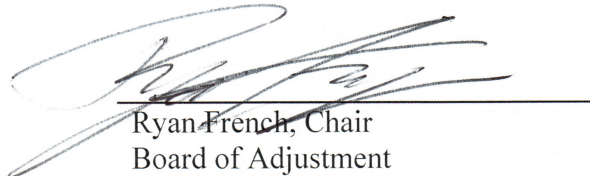
33 **ADJOURN**

34 There being no further business, Ms. Martini made the motion to adjourn, second by Mr. Bailey  
35 and the motion was unanimously approved.  
36

37 The meeting was adjourned at 6:27 PM on Tuesday, April 4, 2023.  
38  
39

40  
41   
42

43 Pam Scaggs, Recording Secretary  
44 Board of Adjustment

  
Ryan French, Chair  
Board of Adjustment

# EXHIBIT 1



## Board of Adjustment April 4, 2023 Meeting

### Staff Report

**TO:** Board of Adjustment

**FROM:** Ben Barcroft, Senior Planner

**SUBJECT:** Case# BOA-2023-04: Special Use Permit – 2832 S Ridge Ave  
Applicant: David Miller

**Request for a Special Use Permit to allow for a single-family detached dwelling on property located at 2832 S. Ridge Ave.**

#### 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 Miller, is requesting a Special Use Permit (SUP) to allow for a Single-family detached dwelling in the Residential 18 (R18) zoning district on approximately 0.288 +/- acres of property located at 2832 S. Ridge Ave., further identified as Cabarrus County Parcel Identification Number 56128391220000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for Single-family detached dwelling uses in the R18 zoning district.

#### D. Fiscal Considerations

None

**E. Policy Issues**

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

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

Yes      No

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

This property is in the "Suburban Activity 1" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area includes primarily regional-scale commercial development that can accommodate large format commercial developments. The plan also calls for secondary uses of multifamily and single-family residential. The property is currently adjacent to single-family and vacant lots.

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 single-family dwelling is not anticipated to cause any traffic hazards or traffic congestion.

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

No vibration, noise, odor, dust, smoke, or gas beyond what would be anticipated for a single-family detached dwelling 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 single-family dwelling is compatible with the adjacent uses of single-family residential.

**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.**

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

**F. Legal Issues**

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

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

- | Yes                      | No                       |                                                                                                                                                                              |
|--------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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>                  |
| <hr/>                    |                          |                                                                                                                                                                              |
| <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>     |
| <hr/>                    |                          |                                                                                                                                                                              |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.</b>                                                           |
| <hr/>                    |                          |                                                                                                                                                                              |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.</b> |
| <hr/>                    |                          |                                                                                                                                                                              |
| <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>               |
| <hr/>                    |                          |                                                                                                                                                                              |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The proposed use complies with all applicable provisions of the KDO.</b>                                                                                                  |
| <hr/>                    |                          |                                                                                                                                                                              |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The applicant consents in writing to all conditions of approval included in the approved special use permit.</b>                                                          |
| <hr/>                    |                          |                                                                                                                                                                              |

**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. 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



# EXHIBIT 2



## Board of Adjustment April 4, 2023 Meeting

### Staff Report

**TO:** Board of Adjustment

**FROM:** Ben Barcroft, Senior Planner

**SUBJECT:** Case# BOA-2023-05: Special Use Permit – 2838 S Ridge Ave  
Applicant: David Miller

**Request for a Special Use Permit to allow for a single-family detached dwelling on property located at 2838 S. Ridge Ave.**

#### 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 Miller, is requesting a Special Use Permit (SUP) to allow for a Single-family detached dwelling in the Residential 18 (R18) zoning district on approximately 0.288 +/- acres of property located at 2838 S. Ridge Ave., further identified as Cabarrus County Parcel Identification Number 56128390350000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for Single-family detached dwelling uses in the R18 zoning district.

#### D. Fiscal Considerations

None

**E. Policy Issues**

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

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

Yes      No

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

This property is in the "Suburban Activity 1" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area includes primarily regional-scale commercial development that can accommodate large format commercial developments. The plan also calls for secondary uses of multifamily and single-family residential. The property is currently adjacent to single-family and vacant lots.

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 single-family dwelling is not anticipated to cause any traffic hazards or traffic congestion.

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

No vibration, noise, odor, dust, smoke, or gas beyond what would be anticipated for a single-family detached dwelling 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 single-family dwelling is compatible with the adjacent uses of single-family residential.

**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.**

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

**F. Legal Issues**

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

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

- | Yes                      | No                       |                                                                                                                                                                              |
|--------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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>                  |
| <hr/>                    |                          |                                                                                                                                                                              |
| <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>     |
| <hr/>                    |                          |                                                                                                                                                                              |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.</b>                                                           |
| <hr/>                    |                          |                                                                                                                                                                              |
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| <hr/>                    |                          |                                                                                                                                                                              |
| <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>               |
| <hr/>                    |                          |                                                                                                                                                                              |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The proposed use complies with all applicable provisions of the KDO.</b>                                                                                                  |
| <hr/>                    |                          |                                                                                                                                                                              |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The applicant consents in writing to all conditions of approval included in the approved special use permit.</b>                                                          |
| <hr/>                    |                          |                                                                                                                                                                              |

**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. 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



**Board of Adjustment  
April 4, 2023 Meeting**

**Staff Report**

**TO:** Board of Adjustment

**FROM:** Ben Barcroft, Senior Planner

**SUBJECT:** Case# BOA-2023-06: Special Use Permit – 2850 S Ridge Ave  
Applicant: David Miller

**Request for a Special Use Permit to allow for a single-family detached dwelling on property located at 2850 S. Ridge Ave.**

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

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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 Miller, is requesting a Special Use Permit (SUP) to allow for a Single-family detached dwelling in the Residential 18 (R18) zoning district on approximately 0.288 +/- acres of property located at 2850 S. Ridge Ave., further identified as Cabarrus County Parcel Identification Number 56128297890000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for Single-family detached dwelling uses in the R18 zoning district.

**D. Fiscal Considerations**

None

**E. Policy Issues**

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

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

Yes      No

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

This property is in the "Suburban Activity 1" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area includes primarily regional-scale commercial development that can accommodate large format commercial developments. The plan also calls for secondary uses of multifamily and single-family residential. The property is currently adjacent to single-family and vacant lots.

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.**

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           **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.**

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

**F. Legal Issues**

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

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

- | Yes                      | No                       |                                                                                                                                                                              |
|--------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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>                  |
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| <hr/>                    |                          |                                                                                                                                                                              |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.</b>                                                           |
| <hr/>                    |                          |                                                                                                                                                                              |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.</b> |
| <hr/>                    |                          |                                                                                                                                                                              |
| <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>               |
| <hr/>                    |                          |                                                                                                                                                                              |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The proposed use complies with all applicable provisions of the KDO.</b>                                                                                                  |
| <hr/>                    |                          |                                                                                                                                                                              |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The applicant consents in writing to all conditions of approval included in the approved special use permit.</b>                                                          |
| <hr/>                    |                          |                                                                                                                                                                              |

**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. 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