

1
2
3
4
5
6

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

**Minutes of Meeting
Tuesday April 5, 2022**

7 The Board of Adjustment met on Tuesday April 5, 2022 at 6:00 PM at City Hall, 401 Laureate Way,
8 Kannapolis, North Carolina.

9 Board Members Present: Ryan French, Chair
10 Cyrus Rattler
11 Holden Sides
12 Wilfred Bailey, Sr.
13

14 Board Members Absent: Daisy Malit
15 Emily Joshi, Vice-Chair
16 Danielle Martini, Alternate Member
17

18 Staff Present: Ryan Lipp Senior Planner
19

20 City Attorney: Walter M. Safrit III
21

22 Visitors Present: Ginger Moore Tim Carter
23 Chip Mark Deep Panara
24 Kevin McNally Corey Baker
25
26

27 **CALL TO ORDER**

28 Chair French called the meeting to order at 6:00 PM.
29

30 **ROLL CALL AND RECOGNITION OF QUORUM**

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

33 **APPROVAL OF AGENDA**

34 Chair French asked for a motion to approve the Agenda, which was made by Mr. Rattler, second by Mr.
35 Bailey and the motion was unanimously approved.
36

37 **APPROVAL OF MINUTES**

38 Chair French asked for a motion to approve the March 1, 2022 meeting minutes. Mr. Sides made a motion
39 to approve, second by Mr. Rattler and the motion was unanimously approved.
40

41 **PUBLIC HEARING**
42

43 **SWORN IN FOR TESTIMONY**

44 Ryan Lipp, Ginger Moore, and Tim Carter.
45

46 **BOA-2022-04 – Request for a Special Use Permit for unaddressed property located on Concord Lake**
47 **Road to allow a multi-family apartment development in the Office-Institutional (O-I) zoning district.**

1 Senior Planner Ryan Lipp gave a presentation regarding a request for a Special Use Permit (SUP), attached
2 to and made part of these minutes as Exhibit 1. Mr. Lipp provided the application details for BOA-2022-
3 04 noting the applicant, property owners, address, dates of public notice, current zoning and stated that the
4 request is to allow a multi-family apartment development.
5

6 Mr. Lipp directed the Board's attention to the submitted site plan and talked about landscaping and access.
7 He reviewed Policy Issues and staff Findings of Fact as follows:
8

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

11 The subject property is within the "Suburban Activity 1" Character Area as designated on the
12 Future Land Use and Character Map in the *Move Kannapolis Forward 2030 Comprehensive Plan*.
13 The Suburban Activity 1 character area allows for both multifamily residential uses and single
14 family attached residential as secondary uses.

15 Based on the character areas noted above, the proposed development is compatible with the future
16 and existing uses in the surrounding area.
17

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

20 The proposed development of this site for a multi-family use is not anticipated to cause any traffic
21 hazards or traffic congestion. Egress/ingress is shown on the included conceptual site plan from
22 White Oak Drive.
23

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

26 No vibration, noise, odor, dust smoke or gas beyond what would be anticipated for a residential
27 use is expected as a result of the development of this property.
28

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

31 The proposed use would not impede development of the surrounding properties for uses allowed
32 within their respective zoning districts. The surrounding properties consist of mostly residential
33 uses with some light commercial uses as well as a charter school across Concord Lake Road.
34

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

37 There is no apparent danger or detriment to the overall public safety, health and welfare resulting
38 from the proposed use. The proposed development is subject to all the requirements of the Unified
39 Development Ordinance.
40

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

42 The proposed use shall comply with all sections of the City of Kannapolis Unified Development
43 Ordinance, conditions of approval, and any other applicable local, state and Federal regulations. It
44 is understood by the applicant that unless specifically relieved of a requirement, in writing, all UDO
45 requirements, including compliance with the Technical Review committee site plan review and
46 approval process, must be met. Sewer service is subject to allocation based upon sewer treatment
47 capacity.
48

1 Mr. Lipp reminded the Board of the actions requested of them and concluded his presentation. He added
2 that the conditions of approval are standard and that nothing needed to be added to make the request
3 compatible. Mr. Lipp made himself available for questions.
4

5 Attorney Safrit directed attention to a cleared lot located north of the proposed development and asked the
6 intended use. Mr. Lipp indicated that the land was owned by the same applicant and asked confirmation
7 from Ginger Moore [inaudible response] and added that there was a previous development request for an
8 office building but that the land was never developed. Attorney Safrit stated that he wondered about the
9 compatibility but that it didn't matter if the development plans have been withdrawn.
10

11 Architect for the applicant, Ginger Moore, 222 Church Street North, Concord, thanked the Board for their
12 time and addressed Attorney Safrit's question regarding the vacant property stating that the property had
13 been sold to an emergency veterinary clinic but does not know any plan details. Ms. Moore added that the
14 subject property will be developed with thirteen (13), 2-story townhome style apartments rather than a
15 single apartment building. She stated that this is an effort to be compatible with existing adjacent residential
16 uses on White Oak Lane. Ms. Moore noted that their plan will meet or exceed Unified Development
17 Ordinance (UDO) landscapic and buffering requirements as well as building materials. She stated that
18 egress/ingress drive for the development [from White Oak Lane] will be located 150' from Concord Lake
19 Road to the center of drive which meets state requirements.
20

21 There being no additional questions or comments, Chair French opened the Public Hearing which was then
22 closed with no public comment being made.
23

24 Chair French asked for a motion to accept the City's exhibits, including the staff report into the record,
25 which was made by Mr. Rattler, second by Mr. Bailey and the motion was unanimously approved.
26

27 Chair French asked for a motion to approve or revise the Findings of Fact. Mr. Sides made the motion to
28 approve as presented by staff, second by Mr. Bailey and the motion was unanimously approved.
29

30 Chair French asked for a motion to approve, approve with conditions or deny the request for Special Use
31 Permit. Mr. Sides made the motion to approve, second by Mr. Rattler and the motion was unanimously
32 approved.
33

34 Chair French asked for a motion to issue the Order of Approval. Mr. Sides made the motion to approve,
35 second by Mr. Bailey and the motion was unanimously approved.
36

37 **BOA-2022-05 – Request for a Special Use Permit for property located at 5791, 5741 and an**
38 **unaddressed parcel on Wabash Lane to allow a mini warehousing/self-storage leasing use in the**
39 **General Commercial-Conditional Zoning (C-2-CZ) zoning districts.**

40 Senior Planner Ryan Lipp gave a presentation regarding a request for a Special Use Permit (SUP) to allow
41 a mini warehousing/self-storage leasing facility and provided the application details for BOA-2022-05,
42 attached to and made part of these minutes as Exhibit 2. Mr. Lipp stated that the property was recently
43 rezoned on February 28, 2022, to General Commercial-Conditional Zoning (C-2-CZ) with conditions to
44 allow the requested use and noted the location, parcel identification numbers, size, property owners and
45 applicant.
46

47 Mr. Lipp stated that the property is located in both the Regional Commercial Center as well as the Suburban
48 Activity 1 Future Land Use Character Areas of the *2030 Move Kannapolis Forward Comprehensive Plan*
49 ("2030 Plan") which call for neighborhood serving uses. He directed the Board's attention to the
50 preliminary site plan and talked about access to the site. Mr. Lipp stated that most of the conditions from
51 the rezoning request were carried over to the SUP but that after discussion with NCDOT, discovered that

1 the parcel to the north of the subject properties (PIN # 56011221730000) would not be granted access to
2 Kannapolis Parkway so staff added a condition requiring a 40-foot access easement to allow for future
3 development. Mr. Lipp directed the Board's attention to submitted elevation renderings and reviewed
4 Policy Issues and staff Findings of Fact (FOF) as follows:
5

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

8 This property is located in the "Regional Commercial Center" within a "Suburban Activity 1"
9 Character District in the *Move Kannapolis Forward 2030 Comprehensive Plan*.

10
11 The Regional Commercial Center includes land with opportunities for large format commercial as
12 primary uses and multifamily residential as secondary uses. The Suburban Activity 1 Character
13 District includes primarily regional-scale commercial development that can accommodate large
14 format commercial development as primary uses and multifamily residential development as
15 secondary uses.
16

17 The subject property is also located within the *Farm Hill Small Area Plan Study Area*. This plan
18 recommends a mix of commercial, hotel, office, and residential uses for the study area, including a
19 hotel use in the area of this property (see attached Farm Hill Small Area Plan Recommended Land
20 Uses Map).
21

22 Based on the character areas noted above, the proposed development is compatible with the future
23 and existing uses in the surrounding area.
24

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

27 The proposed development of this site for a mini warehousing/self-storage leasing use is not
28 anticipated to cause any traffic hazards or traffic congestion. Egress/ingress is shown on the
29 included conceptual site plan. A condition to provide an access easement to parcel
30 56011221730000 is being added to allow future development of this parcel.
31

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

34 No vibration, noise, odor, dust, smoke or gas beyond what would be anticipated for a mini
35 warehousing/self-storage leasing use is expected as a result of the development of this property. In
36 addition, development will be required to conform to all applicable local, state, and federal
37 environmental regulations.
38

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

41 The proposed use would not impede development of the surrounding properties for uses allowed
42 within their respective zoning districts. The proposed mini warehousing/self-storage leasing use is
43 somewhat compatible with the adjacent area, which includes commercial development along
44 Kannapolis Parkway, and the adjacent residential neighborhood to the east and south sides of the
45 property.
46

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

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

1
2 **6. Compliance with any other applicable Sections of this Ordinance.**

3 The proposed use shall comply with all sections of the City of Kannapolis Unified Development
4 Ordinance, conditions of approval, and any other applicable local, state and Federal regulations.
5 It is understood by the applicant that unless specifically relieved of a requirement, in writing, all
6 UDO requirements, including compliance with the Technical Review Committee site plan review
7 and approval process, must be met. Sewer service is subject to allocation based upon sewer
8 treatment capacity.
9

10 Mr. Lipp reminded the Board of the actions requested of them, concluded his presentation, and made
11 himself available for questions.
12

13 Mr. Bailey asked for confirmation that the subject properties had previously been rezoned for residential
14 uses. Mr. Lipp responded that the property was previously rezoned to allow a hotel use and that the current
15 requested use required rezoning and the SUP due to the use being different. He added that conditions run
16 with the specific request, not the land. Mr. Bailey asked if this project is related to the Rogers Lake mini
17 warehousing project and questioned similar uses being so close in proximity. Mr. Lipp responded that there
18 are two different applicants and is assuming that they are not related but deferred to the applicant. Attorney
19 Safrit stated that he thought it is related to the Rogers Lake project. Mr. Lipp reiterated that he didn't think
20 that it was related but deferred to the applicant.
21

22 Attorney Safrit directed staff's attention to the FOF stating that staff found the request to be in harmony
23 with surrounding uses in FOF No. 1 but then used the words "*somewhat compatible*" in FOF No. 4. He
24 advised that the findings are contradicting and asked staff to explain as well as if they would consider
25 removing the word "*somewhat*" from FOF No. 4. Mr. Lipp explained that when the request went to the
26 Planning and Zoning Commission, staff's review didn't find that it was entirely compatible and the request
27 for rezoning failed. He continued that the applicant appealed the Commission's decision, and that City
28 Council found the request compatible and as a result is comfortable with Attorney Safrit's suggesting to
29 remove the wording. Attorney Safrit advised the Board that if they approved the SUP, recommended
30 amending the FOF to remove "*somewhat*" from FOF No. 4.
31

32 Kimley Horne representative for the applicant, Tim Carter, stated that the structure will be a three-story,
33 storage facility, and noted that the staff report stated that the facility size will be 31,292 sf but that is the
34 size of each floor so that the entire structure will actually be a 95,000 sf facility with all internal storage and
35 no outside storage. Mr. Carter made himself available for questions.
36

37 Attorney Safrit asked if both this project as well as the project located on Rogers Lake Road are both
38 Crosland developments? Mr. Carter responded that they are not and are separate developments.
39

40 There being no additional questions or comments for staff or the applicant, Chair French opened the Public
41 Hearing which was then closed with no public comment.
42

43 Chair French asked for a motion to accept the City's exhibits, including the staff report into the record
44 which was made by Mr. Bailey, second by Mr. Rattler and the motion was unanimously approved.
45

46 Chair French asked for a motion to approve or revise the Findings of Fact. Mr. Rattler made the motion to
47 revise the FOF to remove "*somewhat*" and to approve the amended FOF. Mr. Bailey asked if the square
48 footage also needs to be amended. Attorney Safrit responded, second by Mr. Bailey and the motion was
49 unanimously approved.
50

1 Chair French asked for a motion to approve, approve with conditions, or deny the request of the SUP. Mr.
2 Ratter made the motion to approve with conditions as proposed by staff, second by Mr. Sides and the motion
3 was unanimously approved.
4

5 Chair French asked for a motion to issue the Order of Approval which was made by Mr. Sides, second by
6 Mr. Rattler and the motion was unanimously approved.
7

8 **BOA-2022-06 – Request for a Special Use Permit for property located at 6031 R L Ketchie Boulevard**
9 **to allow a convenience store with gas and carwash use in the Campus Development (CD) zoning**
10 **districts.**

11 Senior Planner Ryan Lipp gave a presentation regarding a request for a Special Use Permit (SUP) and
12 provided the application details for BOA-2022-06, attached to and made part of these minutes as Exhibit 3,
13 noting the applicant, property owners, address, dates of public notice and the current zoning.
14

15 Mr. Lipp directed the Board’s attention to the submitted site plan, and talked about access to the site. He
16 stated ingress/egress has been extensively reviewed by both the City and NCDOT. He reviewed Policy
17 Issues and staff Findings of Fact as follows:
18

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

21 The subject property is within the “Suburban Activity 2” Character Area in the *Move Kannapolis*
22 *Forward 2030 Comprehensive Plan*.
23

24 The Suburban Activity 2 Character Area is composed primarily of small and medium-scale
25 commercial developments, that serve local residential neighborhoods. The requested use of
26 convenience store with gas and carwash is in harmony with the character area noted.
27

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

30 The proposed development of this site for a convenience store with gas and carwash use is not
31 anticipated to cause any traffic hazards or traffic congestion. Egress/ingress was largely handled
32 through previous development of the area and is shown on the included conceptual site plan.
33

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

36 No vibration, noise, odor, dust, smoke, or gas beyond what would be anticipated for a convenience
37 store with gas and carwash use is expected as a result of the development of this property.
38

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

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

44 **5. The establishment, maintenance, or operation of the proposed use shall not be detrimental to**
45 **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 resulting
47 from the proposed use. The proposed development is subject to all the requirements of the Unified
48 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 Development
2 Ordinance, conditions of approval, and any other applicable local, state and Federal regulations. It
3 is understood by the applicant that unless specifically relieved of a requirement, in writing, all UDO
4 requirements, including compliance with the Technical Review Committee site plan review and
5 approval process must be met. Sewer service is subject to allocation based upon sewer treatment
6 capacity.

7
8 Mr. Lipp reminded the Board of the action requested of them, concluded his presentation and made himself
9 available for questions.

10
11 Mr. Rattler asked if the property will be leased or purchased. Mr. Lipp responded that the property will be
12 purchased with an expected closing in the next couple of weeks.

13
14 There being no additional questions or comments for staff, Chair French opened the Public Hearing which
15 was then closed with no public comment.

16
17 Chair French asked for a motion to accept the City's exhibits, including the staff report into the record
18 which was made by Mr. Sides, second by Mr. Rattler and the motion was unanimously approved.

19
20 Chair French asked for a motion to approve or revise the Findings of Fact. Mr. Rattler made the motion to
21 approve, second by Mr. Bailey and the motion was unanimously approved.

22
23 Chair French asked for a motion to approve, approve with conditions, or deny the request of the SUP. Mr.
24 Rattler made the motion to approve with conditions as proposed by staff, second by Mr. Sides and the
25 motion was unanimously approved.

26
27 Chair French asked for a motion to issue the Order of Approval which was made by Mr. Sides, second by
28 Mr. Rattler and the motion was unanimously approved.

29
30 **PLANNING DIRECTOR UPDATE**

31 None

32
33 **OTHER BUSINESS**

34 None

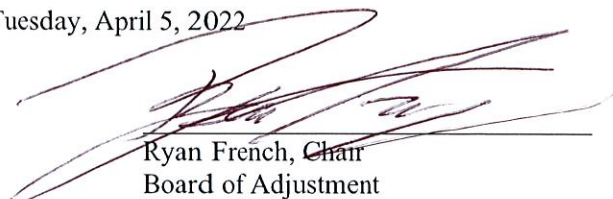
35
36 **ADJOURN**

37 There being no further business, Mr. Rattler, second by Mr. Bailey and approved by unanimous vote.

38
39 The meeting was adjourned 6:42 PM on Tuesday, April 5, 2022

40
41
42
43
44
45
46
47
48

Pam Scaggs, Recording Secretary


Ryan French, Chair
Board of Adjustment