

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

3  
4 **Minutes of Special Meeting**  
5 **Tuesday June 7, 2022**  
6

7 The Board of Adjustment met on Tuesday June 7, 2022 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 Daisy Malit  
13 Holden Sides  
14 Wilfred Bailey, Sr.  
15 Danielle Martini, Alternate Member  
16

17 **Board Members Absent:** Cyrus Rattler  
18

19 **Staff Present:** Richard Smith, Planning Director  
20 Boyd Staney, Assistant Planning Director  
21 Wilmer Melton, Assistant City Manager  
22 Pam Scaggs, Recording Secretary  
23

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

26 **Visitors Present:** Lin Leslie Jason Banks  
27 Joe Hatley Alan Overcash  
28

29 **CALL TO ORDER**

30 Chair Ryan French called the meeting to order at 6:00pm.  
31

32 **ROLL CALL AND RECOGNITION OF QUORUM**

33 Recording Secretary Pam Scaggs called the roll and presence of a quorum was recognized.  
34

35 **APPROVAL OF AGENDA**

36 Chair French asked for a motion to approve the agenda which was made by Mr. Sides, second by Mr. Bailey  
37 and the motion was unanimously approved.  
38

39 **APPROVAL OF MINUTES**

40 Chair French asked for a motion to approve the May 10, 2022 Special meeting minutes which was made  
41 by Mr. Bailey, second by Mr. Sides, and the motion was unanimously approved.  
42

43 **PUBLIC HEARING**  
44

45 **SWORN IN FOR TESTIMONY**

46 Boyd Stanley, Alan Overcash and Lin Leslie.  
47

48 **BOA-2022-09 – Request for a Special Use Permit for property located on multiple properties located**  
49 **at the intersection of N. Cannon Boulevard and E 13<sup>th</sup> Street to allow a mini storage/warehouse**  
50 **leasing facility in the General Commercial (C-2) zoning district.**

1 Assistant Planning Director Boyd Stanley gave a presentation regarding a request for a Special Use Permit  
2 (SUP) to allow a mini warehousing/self-storage leasing use on two parcels and a portion of a third parcel  
3 located on the corner of E 13<sup>th</sup> Street and N. Cannon Boulevard. Mr. Stanley provided the application details  
4 for BOA-2022-09, attached to and made part of these minutes as Exhibit 1, noting the applicant, property  
5 owners, address, size, and the current zoning. He noted that the request includes two (2) parcels and a  
6 portion of a third parcel and provided those property locations.  
7

8 Mr. Stanley directed the Board's attention to the Zoning map and noted that a portion of property was  
9 incorrectly shown as being included in the SUP request. He further directed the Board's attention to the  
10 Future Land Use Map as well as the site plan and recombination plat and utilized both to illustrate the  
11 correct properties that are subject of the SUP request. Mr. Stanley stated that the applicant is proposing a  
12 24,000 square foot building with six (6) parking spaces and explained that curb, gutter and sidewalk are  
13 being required along N. Cannon Boulevard. He added that staff did require that curb, gutter and sidewalk  
14 continue along the length of E. 13<sup>th</sup> Street. Mr. Stanley reviewed Policy Issues and staff Findings of Fact  
15 as follows:  
16

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

19 This property is in the "Secondary Activity Center" Character Area in the Move Kannapolis  
20 Forward 2030 Comprehensive Plan.  
21

22 The Secondary Activity Center Character Area's intent is to primarily consist of service  
23 oriented small and medium scale commercial developments, typically located on the corner  
24 of major thoroughfares. Primary uses include retail, office and multi-family residential.  
25

26 Based on the character areas noted above, the proposed development is compatible with the  
27 future and existing uses in the surrounding area.  
28

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

31 The proposed development of this site for a mini warehousing/self-storage leasing use is not  
32 anticipated to cause any traffic hazards or traffic congestion. Egress/ingress is shown on the  
33 included conceptual site plan.  
34

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

37 No vibration, noise, odor, dust, smoke, or gas beyond what would be anticipated for a mini  
38 warehousing/self-storage leasing use is expected as a result of the development of this  
39 property. In addition, development will be required to conform to all applicable local, state,  
40 and federal environmental regulations.  
41

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

44 The proposed use would not impede development of the surrounding properties for uses  
45 allowed within their respective zoning districts. The proposed mini warehousing/self-storage  
46 leasing use is compatible with the adjacent area, which includes commercial development  
47 along N. Cannon Boulevard, and the adjacent residential neighborhood to the west of the  
48 property.  
49

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

3       There is no apparent danger or detriment to the overall public safety, health and welfare  
4       resulting from the proposed use. The proposed development is subject to all the requirements  
5       of the Unified Development Ordinance.  
6

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

8       The proposed use shall comply with all sections of the City of Kannapolis Unified  
9       Development Ordinance, conditions of approval, and any other applicable local, state and  
10       Federal regulations. It is understood by the applicant that unless specifically relieved of a  
11       requirement, in writing, all UDO requirements, including compliance with the Technical  
12       Review Committee site plan review and approval process, must be met. Sewer service is  
13       subject to allocation based upon sewer treatment capacity.  
14

15       Mr. Stanley stated that the conditions are in the report, so he would not read all of them into the record,  
16       unless the Board requested him to do so. He did, however, explain a couple of the conditions as well as  
17       requested an amendment to another. He read Condition No. 1 into the record:  
18

- 19           1. The permitted uses allowed by this SUP shall only include a mini warehousing/self-storage  
20           leasing facility as generally depicted on the submitted conceptual site plan.  
21

22       Mr. Stanley stated that if the applicant decided not to move forward with the proposed project, anyone else  
23       wanting to construct the same type of facility would have to come back to the Board for approval. He then  
24       read Condition No. 2 into the record:  
25

- 26           2. The site is within the Protected Watershed Protection Overlay area for Lake Concord (WS-  
27           IV-PA) and must receive a Special Intensity Allocation (SIA) from the Planning and Zoning  
28           Commission prior to construction document submittal.  
29

30       Mr. Stanley explained that since the property is located with a Protection Overlay, the applicant is required  
31       to apply for and receive approval for a Special Intensity Allocation (SIA) prior to submitting construction  
32       documents. He gave a brief background on the requirements regarding obtaining a SIA and stated that final  
33       approval of whether the applicant will be able to construct a mini warehousing/self-storage facility will  
34       depend on approval of the SIA. Mr. Stanley read Condition No. 3 into the record:  
35

- 36           3. Curb, gutter and sidewalk shall be installed along the East 13<sup>th</sup> Street and North Cannon  
37           Boulevard project frontages.  
38

39       Mr. Stanley requested to amend Condition No. 3 to read “Curb, gutter and sidewalk shall be installed along  
40       the North Cannon Boulevard project frontage as depicted on the site plan”. He explained that staff is  
41       requiring the installation of curb, gutter and sidewalk along Cannon Boulevard due to the anticipated  
42       improvements resulting from the Cannon Boulevard Corridor Plan but did not determine that it should be  
43       required along E. 13<sup>th</sup> Street. Mr. Stanley then read Condition No. 4 into the record:  
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- 45           4. Exterior Materials shall include a combination of brick façade, stucco and metal as generally  
46           depicted on the elevations presented.  
47

1 Mr. Stanley reminded the Board of the actions requested, concluded his presentation and made himself  
2 available for questions.

3  
4 Ms. Joshi directed attention to the site plan and asked the definition of a “BMP”. Mr. Stanley responded  
5 that BMP is an acronym for *Best Management Practices* regarding stormwater detention. Ms. Joshi asked  
6 if the BMP will be located near Cannon Boulevard. Mr. Stanley utilized the site plan to illustrate the  
7 proposed location of the BMP and explained that the applicant is required to detain and treat stormwater  
8 before it is released. City Attorney Wally Safrit explained that the City will be replacing BMP with SCM  
9 (Storm Control Management). Planning Director Richard Smith noted that the SCM will be below grade  
10 level of Cannon Boulevard.

11  
12 Mr. Bailey questioned whether six (6) parking spaces is adequate parking for the proposed size of the  
13 facility. Mr. Stanley indicated that the applicant can further address Mr. Bailey’s question but that the  
14 requested use does not typically get high volume visits. He added that the proposed parking meets current  
15 Unified Development Ordinance (UDO) requirements.

16  
17 Ms. Martini asked if ingress/egress to the facility will be able to accommodate emergency response  
18 vehicles, to which Mr. Stanley confirmed that it would. Ms. Martini asked if the applicant is required to  
19 install landscaping and buffers. Mr. Stanley responded that a Type II Buffer is required for this type of use  
20 and further detailed those requirements.

21  
22 The applicant, Alan Overcash, stated that he is a native of Kannapolis, owns and operates his business here  
23 and is invested in the City. Mr. Overcash stated that he has a business office located on Dale Earnhardt  
24 Boulevard (DEB) and that he currently operates three (3) other storage facilities within the City. He  
25 addressed Mr. Bailey’s concern regarding parking spaces stating that the property will be managed from  
26 the office located on DEB and that self-storage businesses average three (3) visits per day. Mr. Overcash  
27 added that his other self-storage facilities have approximately 300 units and has recognized a demand for  
28 this type of use in Kannapolis. Mr. Bailey asked if there are parking issues at any of his other facilities. Mr.  
29 Overcash responded that he purchased two (2) of the facilities after they were constructed [prior to adoption  
30 of the UDO] and that they did not offer any parking spaces but has never experienced any parking issues.  
31 He added that he built the 3<sup>rd</sup> facility on DEB under the UDO and that the office staff utilizes five (5) of the  
32 six (6) parking spaces and has never had a parking issue.

33  
34 Ms. Joshi asked about the type of building materials that will be used. Mr. Overcash responded that it will  
35 be a mix of brick, metal and windows. He added that a lot of the trees currently located on the site will be  
36 undisturbed and will help to shield the building from the street.

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

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

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

46  
47 Chair French asked for a motion to approve, approve with conditions, or deny the issuance of the SUP. Mr.  
48 Sides made the motion to approve, second by Ms. Joshi with the conditions as proposed and amended as  
49 requested by Mr. Stanley, and the motion was unanimously approved.

1 Chair French asked for a motion to issue the Order of Approval which was made by Ms. Joshi, second by  
2 Ms. Martini and the motion was unanimously approved.

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4 **PLANNING DIRECTOR UPDATE**

5 Mr. Smith stated that Senior Planner Ryan Lipp transferred to the City's Engineering Department and  
6 that Mr. Stanley will be presenting Board of Adjustment cases going forward. He added that adoption of  
7 the Kannapolis Development Ordinance (KDO) is scheduled for City Council on June 13, 2022. Mr.  
8 Smith stated that if approved, there will be different development standards for quasi-judicial cases but  
9 that the procedures will remain the same and that he will review those changes with the Board if the KDO  
10 is adopted.

11  
12 **OTHER BUSINESS**


13 None

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15 **ADJOURN**

16 There being no further business, Ms. Joshi made the motion to adjourn, second by Mr. Sides and approved  
17 by unanimous vote.

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19 The meeting was adjourned at 6:18 PM on Tuesday June 7, 2022.

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24  
25 Pam Scaggs, Recording Secretary  
26 Board of Adjustment

  
Ryan French, Chair  
Board of Adjustment