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

**Minutes of Special Meeting
Tuesday December 5, 2023**

The Board of Adjustment met on Tuesday December 5, 2023, at 6:10 PM at City Hall, 401 Laureate Way, Kannapolis, North Carolina. This meeting was held in accordance with required Public Notice

Board Members Present: Emily Joshi, Chair
Chris Dwiggin
Ryan French
Wilfred Bailey, Sr.
Danielle Martini, Alternate Member

Board Members Absent: Holden Sides
Mike McClain, ETJ Representative

City Attorney: Walter M. Safrit

Staff Present: Richard Smith, Planning Director
Elizabeth McCarty, Assistant Planning Director
Ben Barcroft, Senior Planner
Kathryn Stapleton, Planner

Visitors Present: Judy Cox
Paige Seeley
Donald Spence

CALL TO ORDER

Chair Joshi called the meeting to order at 6:00pm.

ROLL CALL AND RECOGNITION OF QUORUM

Planner, Kathryn Stapleton, called the roll and presence of a quorum was recognized.

APPROVAL OF AGENDA

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

SWORN IN FOR TESTIMONY

Ben Barcroft, Paige Seeley, Geoff Stafford & Donald Spence.

PUBLIC HEARING

BOA-2023-15 – Continued from October 3, 2023 meeting, a request for a Special Use Permit for property located at 2225 Fowler Street to allow for a civic organization in the Residential 4 (R4) zoning district.

1 Senior Planner, Ben Barcroft, stated that Case No. BOA-2023-15 (attached to and made part of
2 these minutes as Exhibit 1) is a continuation from the original Board of Adjustment meeting on
3 October 3, 2023, and at that meeting the Board had expressed concerns regarding drainage of an
4 existing pond to allow construction of an amphitheater as well as traffic impacts. Mr. Barcroft
5 added that the applicant had made changes to the overall site plan, which was presented to the
6 Board at the November 7, 2023, meeting, but that a traffic expert was not available to provide in-
7 person testimony regarding those traffic impacts. He stated that the Board continued the November
8 meeting to December and directed the applicant to have an expert available to speak to those
9 impacts.

10
11 Mr. Barcroft directed the Board's attention to the revised site plan and reminded them that the
12 amphitheater has been removed and that the proposed use for the subject property will be utilized
13 only as a youth summer camp. He added that the campers will be bussed in from a separate
14 location, thereby reducing the traffic volume on the road. Mr. Barcroft utilized the Vicinity and
15 Zoning maps reminding the Board of the location, size, and zoning of the property, and that the
16 applicant seeks approval of a Special Use Permit (SUP) to allow for a civic organization. He
17 utilized the Future Land Use Map to remind the Board that the property is located in the Complete
18 Neighborhood 2 Character Area of the 2030 Comprehensive Plan, and that civic uses are permitted
19 in that character area. Mr. Barcroft stated that the site is the former location of a dog park and prior
20 to that, a private recreational park.

21
22 Chair Joshi asked for any additional comments or questions for staff. Mr. Dwiggins asked staff to
23 go back to the Vicinity map and asked about an additional pond on the property. It was determined
24 that what Mr. Dwiggins was referring to was a shadow on the map and not an additional pond.

25
26 Representative for the applicant [The Altar Global], Geoff Stafford, made himself available for
27 questions. Traffic expert, Don Spence, P.E., PLS with The Progressive Design Group, stated that
28 he has been with Progressive since 2009, and prior to that worked with Kubilins Transportation
29 Group as well as with NCDOT as a traffic engineer for seventeen (17) years. Mr. Spence stated
30 that he was contacted by Mr. Stafford, has visited the subject property as well as reviewed maps
31 of the property, and determined that two state roads connect the property to US 29 (state road) and
32 that these connections are signalized. He added that he has also spoke with the district engineer,
33 and that from his experience, is of the opinion that a Traffic Impact Analysis (TIA) is not necessary
34 because a traffic memorandum can be completed to obtain a traffic count if that is what the Board
35 determines to be necessary. Mr. Spence observed that the road is paved from the entrance of the
36 subject property to the state-maintained road, and that there appears to be a residential construction
37 site nearby. He added that a traffic memorandum would be sufficient to determine if road
38 improvements are necessary but that at this time, does not appear that improvements would be
39 necessary given the number of estimated campers.

40
41 Chair Joshi asked if Mr. Spence determined that a TIA is not necessary, due to the applicant stating
42 that the campers would be transported to the location. Mr. Spence responded that it is his
43 understanding that three (3) buses would be used to transport the campers onto the subject property.

44
45 Ms. Joshi referred to the original site plan and asked the applicant to confirm that the amphitheater
46 and ministry building will no longer be built on the subject property and that it will only be used

1 as a summer youth camp. Mr. Stafford responded that the primary use of the property will be for
2 youth, aged 10 – 18, and will be utilized as a summer camp. He added that the only additional
3 traffic to the subject property will be the staff employed at the camp.
4

5 Chair Joshi reminded the audience that the Public Hearing was opened and closed at the October
6 3, 2023, Board meeting, but that she will open the Public Hearing again to allow brief comments
7 on the case.
8

9 Resident, Paige Seeley, 2218 Lynn Street, stated that she lives near the entrance to the park, and
10 that while she appreciates that the applicant has agreed to bus the campers, asked about the
11 frequency of the buses and width of the road to accommodate both the buses and residential cars.
12 She stated that she is not opposed to the camp and supports positive events for the youth but is
13 concerned about the traffic.
14

15 There being no additional comments or questions, Chair Joshi closed the Public Hearing and asked
16 for a motion regarding the City's Exhibits. Mr. French made the motion to approve the City's
17 exhibits into the record, second by Ms. Martini and the motion was unanimously approved.
18

19 Chair Joshi asked for a motion regarding the Findings of Fact. City Attorney, Wally Safrit, directed
20 the Board's attention to item 2(a) of the Findings of Fact and read that finding into the record:
21

22 *The proposed use of a civic organization will be located on the site of a former park and*
23 *is not anticipated to cause any traffic hazards or traffic congestion. There is adequate*
24 *parking available for this use. Staff believes that the proposed camp would not create more*
25 *traffic than the previous use of recreation park. The Board of Adjustment, however, is*
26 *concerned about the increased traffic in the area and has requested expert testimony with*
27 *regards to the traffic*
28

29 Attorney Safrit suggested that the finding should be edited to show that expert testimony has
30 been provided and read the revision into the record:
31

32 *The proposed use of a civic organization will be located on the site of a former park and*
33 *is not anticipated to cause any traffic hazards or traffic congestion. There is adequate*
34 *parking available for this use. Testimony was presented by Donald W. Spence, P.E., PLS,*
35 *Traffic Engineer, that the use would not cause a significant increase in traffic. The existing*
36 *road is adequate for anticipated increase in traffic. Board finds that the proposed camp*
37 *would not create more traffic than the previous use of recreation park.*
38

39 Chair Joshi agreed with the amended finding and asked for a motion to approve the revision
40 of the Findings of Fact. Motion was made by Mr. French to approve the Findings of Fact with
41 the revision suggested by Attorney Safrit, second by Mr. Dwiggin and the motion was
42 unanimously approved.
43

44 Chair Joshi asked for a motion to approve, approve with conditions, or deny the issuance of the
45 Special Use Permit. Mr. Dwiggin made the motion to approve, second by Mr. French and the
46 motion was unanimously approved.

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

3
4 **PLANNING DIRECTOR UPDATE**

5 Planning Director, Richard Smith, provided an overview of NCDOT projects within the City and
6 stated that he had originally planned to provide training to the Board, but will postpone it until the
7 next scheduled meeting. The overview included updates on the Highway 3 widening, Rogers Lake
8 Overpass Grade Separation, Kannapolis Train Station track improvements and pedestrian
9 platform, the Highway 3 and Highway 29 intersection improvements, Cannon Boulevard and
10 Martin Luther King Jr. Avenue bridge replacement, Little Texas Road sidewalk construction,
11 Highway 73 widening, and North Main Street improvement projects. Mr. Smith responded to
12 several questions from the Board regarding those projects.

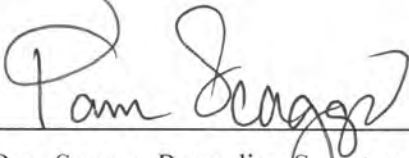
13
14 **OTHER BUSINESS**

15 None.

16
17 **ADJOURN**

18 There being no further business, Ms^{Jo} Martini made the motion to adjourn, second by Mr. French
19 and the motion was unanimously approved.

20
21 The meeting was adjourned at 6:29 PM on Tuesday, December 5, 2023.

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26
27 Pam Scaggs, Recording Secretary
28 Board of Adjustment


Emily Joshi, Chair
Board of Adjustment


EXHIBIT 1



Board of Adjustment December 5, 2023 Meeting

Staff Report

TO: Board of Adjustment
FROM: Ben Barcroft, Senior Planner
SUBJECT: Case# BOA-2023-15: Special Use Permit – 2225 Fowler Street
Applicant: The Altar Global

Request for a Special Use Permit to allow for a civic organization on property located at 2225 Fowler Street.

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 Board of Adjustment requested this case be continued from the November 7, 2023, meeting since the expert witness was unable to attend. The Board instructed the applicant to have an expert witness available to speak about the potential impacts of increased traffic.

The applicant, The Altar Global, is requesting a Special Use Permit (SUP) to allow for a civic organization in the Residential 4 (R4) zoning district on approximately 16.5 +/- acres of property located at 2225 Fowler Street, further identified as Rowan County Parcel Identification Number 144A04801 to allow for a seasonal camp, hosting 100-200 students that will be bussed in from a separate location. This property is located in the City's extra territorial jurisdiction (ETJ).

This meeting was previously continued from the October 3, 2023, meeting where the Board of Adjustment requested expert testimony with regards to draining a pond and the increased traffic. The

applicant removed the proposed ministry building as well as the amphitheater from the original plans and stated that the pond will not be drained.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for Civic, social, or fraternal organization uses in the R4 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 "Complete Neighborhood 2" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Primary uses of this Character Area consists of residential, civic, and small format retail. The specific area is composed primarily of single-family residential development and is the site of a former park.

Based on the Character Area and current development 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 use of a civic organization will be located on the site of a former park and is not anticipated to cause any traffic hazards or traffic congestion. There is adequate parking available for this use. Staff believes that the proposed camp would not create more traffic than the previous use of recreation park. The Board of Adjustment, however, is concerned about the increased traffic in the area and has requested expert testimony with regards to the traffic.

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 civic use 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 civic

organization is compatible with the surrounding residential uses and is located on a large site that was formally used as a park.

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. 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



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

Special Use Permit

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on this form below are submitted with your application. Please either bring this application to the address above or email to bbarcroft@kannapolisnc.gov. The fees may also be paid online with a link provided by staff.

SPECIAL USE PERMIT REQUEST

Special Use Permit (SUP) – Request for SUP as required by Table 4.3.B(3) of the Kannapolis Development Ordinance (KDO).
Approval authority – Board of Adjustment.

Property Address: 2225 Fowler St. Kannapolis NC

Applicant: The Altar Global

SUBMITTAL CHECKLIST

- Pre-Application Meeting
- SUP Checklist and Application – Complete with all required signatures
- Plot/Site Plan showing the proposed use
- Fee: \$625.00 (\$600 Application Fee + notification fee [see Fee Schedule])

PROCESS INFORMATION

Public Notification: This is a quasi-judicial process that requires a public hearing and public notification including first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Table 2.4.F(2) of the KDO).

Review Process: All applications will be reviewed for compliance and then forwarded to the Board of Adjustment for consideration at a public hearing which is held monthly on the 1st Tuesday at 6:00pm in City Hall Laureate Center. The application and all fees must be paid prior to scheduling the public hearing. Please review Section 2.4.D of the KDO.

Action by Board of Adjustment: After conducting a public hearing, the Board of Adjustment may: approve; approve with conditions; deny; or conduct an additional public hearing on the application. Per Section 2.5.A(5)c, the Board may approve a petition only if compliance with all standards is obtained.

Scope of Approval: Per Section 2.5.A(5)a.2 of the KDO, approval of a SUP does not authorize any development activity, but shall authorize the applicant to apply for final site plan approval. Zoning clearance permits will not be issued until the SUP and final site plan have been approved.

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Applicant's Signature: Jeremiah Johnson

Date: 9/6/23



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION
Approval authority – Board of Adjustment

Applicant Contact Information

Name: Jeremiah Johnson

Address: 2705 Moose Rd. Kannapolis

Phone: 863-430-4632

Email: fire@thealtarglobal.com

Property Owner Contact Information same as applicant

Name: The Altar Global

Address: 2225 Fowler St. Kannapolis

Phone: 704-625-2424

Email: fire@thealtarglobal.com

Project Information

Project Address: 2225 Fowler St. Kannapolis Zoning District Select

Parcel PIN: 144A04801 Size of property (in acres): 16.5

Current Property Use: Kannapolis Rec Park

Proposed Use: Altar Global Headquarters

The location of the above-mentioned proposed use is indicated on the accompanying site plan, and the nature of the proposed use is more fully described as follows *(attach separate sheet if necessary)*: _____

Host the Ministry headquarters and religious gatherings and overnight stay for guests periodically

REVIEW STANDARDS

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a Special Use Permit (SUP). Per Section 2.5.A(5)c of the Kannapolis Development Ordinance (KDO,) the applicant must demonstrate successful compliance with all standards to obtain a SUP. In the space provided below, indicate the **facts** that you intend to provide to convince the Board that it can properly reach the following conclusions:

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

The proposed use for this property will provide Maintenance to the overgrown property and promote wholesome activity as well as community support and charitable acts

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

There is an operational gate on the property and increased parking to accommodate periodic events

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

There will not be activity that is offensive on the property

4. 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 Altar Global supports the expansion of the city and believes in aiding the betterment of the community

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

The current condition of the property is overgrown. The Altar Global intends to bring the property up to excellence

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

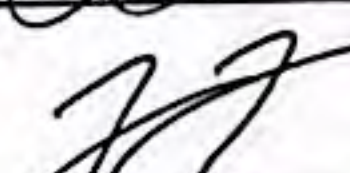
Yes

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

Yes

By signing below, I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I acknowledge that the Board of Adjustment may add conditions on the requested use as part of the approval to assure that adequate mitigation measures are associated with the use. For example, landscaping or fencing may be required, or a shift of operations away from adjoining properties may be stipulated.

 9/6/23
Applicant Signature Date

 9/6/23
Property Owner Signature Date

For Staff Use Only:

Filing Fee: _____

Receipt #: _____

Case #: _____

Date Received: _____

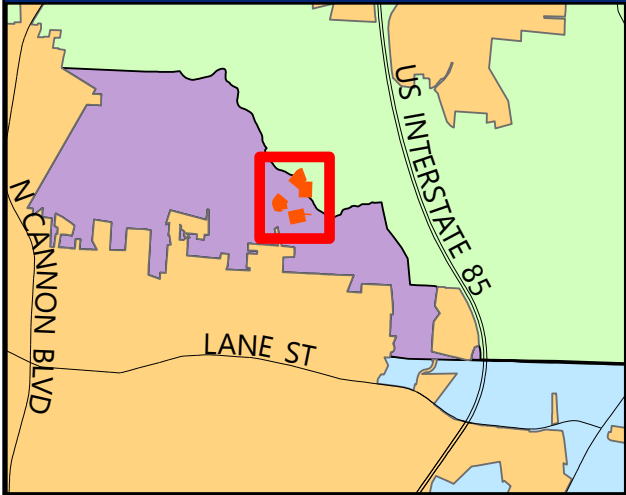


Vicinity Map

Case Number: BOA-2023-15

Applicant: Jeremiah Johnson

2225 Fowler St





Kannapolis Current Zoning

Case Number: BOA-2023-15

Applicant: Jeremiah Johnson

2225 Fowler St



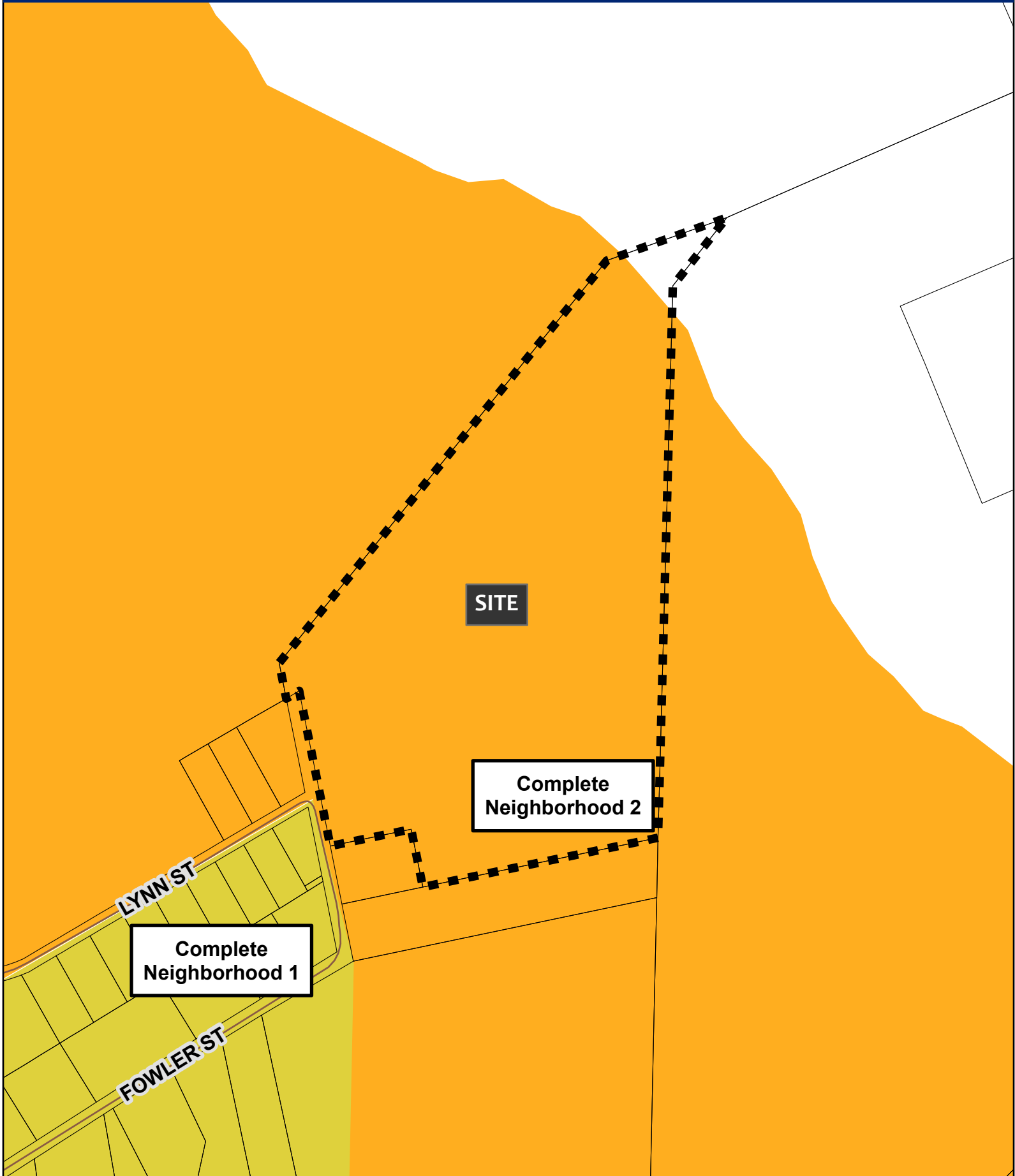


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2023-15

Applicant: Jeremiah Johnson

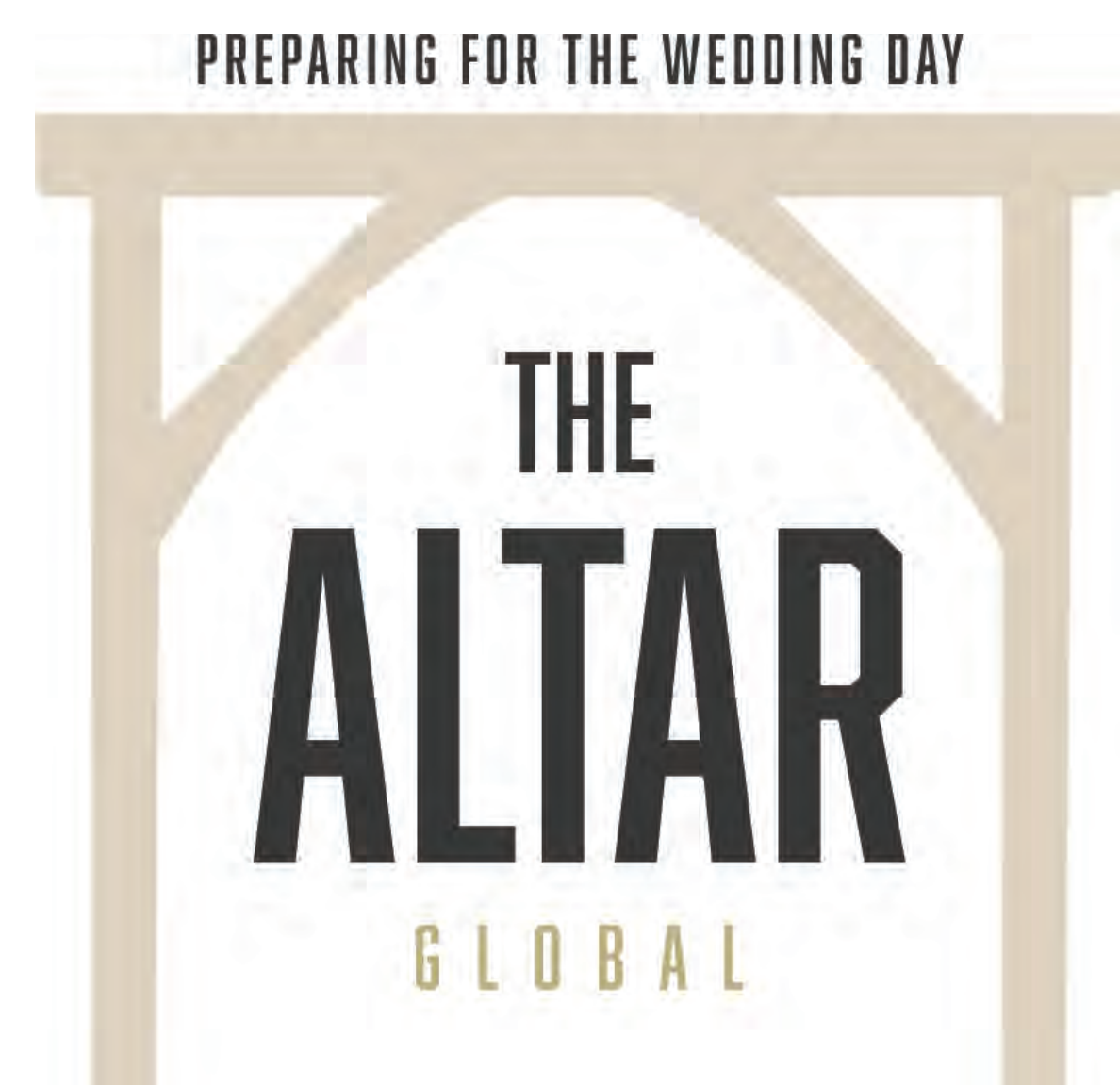
2225 Fowler St



THE ALTAR GLOBAL

CAMP GOSHEN

#occupytheland



OWNNAME	TAXADD1	CITY	STATE	ZIPCODE
CHARLES & ALICE TROUTMAN	2116 LYNN ST	KANNAPOLIS	NC	28083
MICHAEL WAYNE & JAMIE COWARD	2332 FOWLER ST	KANNAPOLIS	NC	28083
DONALD FREEMAN	PO BOX 1131	KANNAPOLIS	NC	28082
JOHN & HELEN EUBANKS	2331 FOWLER ST	KANNAPOLIS	NC	28083-9768
HIGHWAY 700 LLC	2078 FELDSPAR DR	DAVIDSON	NC	28036
JUDY COX	2220 LYNN ST	KANNAPOLIS	NC	28083
KARL MALINA	2222 LYNN ST	KANNAPOLIS	NC	28083
MATTHEW MALINA				
AGNES MALINA	2340 FOWLER ST	KANNAPOLIS	NC	28083-9768
MARTIN MARIETTA MATERIALS INC				
C/O BADEN TAX MANAGEMENT LLC	PO BOX 8040	FORT WAYNE	IN	46898
ROBERT MALINA	3110 BARR RD	CONCORD	NC	28027-7665
STEVEN & PAIGE SEELEY	2218 LYNN ST	KANNAPOLIS	NC	28083
JEREMIAH JOHNSON	2705 MOOSE RD	KANNAPOLIS	NC	28083
THE ALTER GLOBAL	2225 FOWLER ST	KANNAPOLIS	NC	28083



September 19, 2023

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday October 3, 2023 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2023-15 – Special Use Permit – 2225 Fowler Street

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow for a civic organization on property located at 2225 Fowler Street. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for Civic, social or fraternal organization uses in the Residential 4 (R4) zoning district. The subject property is 16.5 +/- acres and is more specifically identified as Rowan County Parcel Identification Number 144A04801 (Please see attached vicinity map showing the location of this property.)

As an abutting property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis Development Ordinance. You are welcome to attend the public hearing and present testimony to the Board of Adjustment if you so desire.

If you have any questions about the public hearing or request, please do not hesitate to contact the Planning Department at 704.920.4350 or bbarcroft@kannapolisnc.gov.

Sincerely,

Ben Barcroft
Senior Planner

Enclosure

The meeting is accessible to people with disabilities. To request special accommodation in advance, contact the City's ADA Coordinator at 704-920.4302.

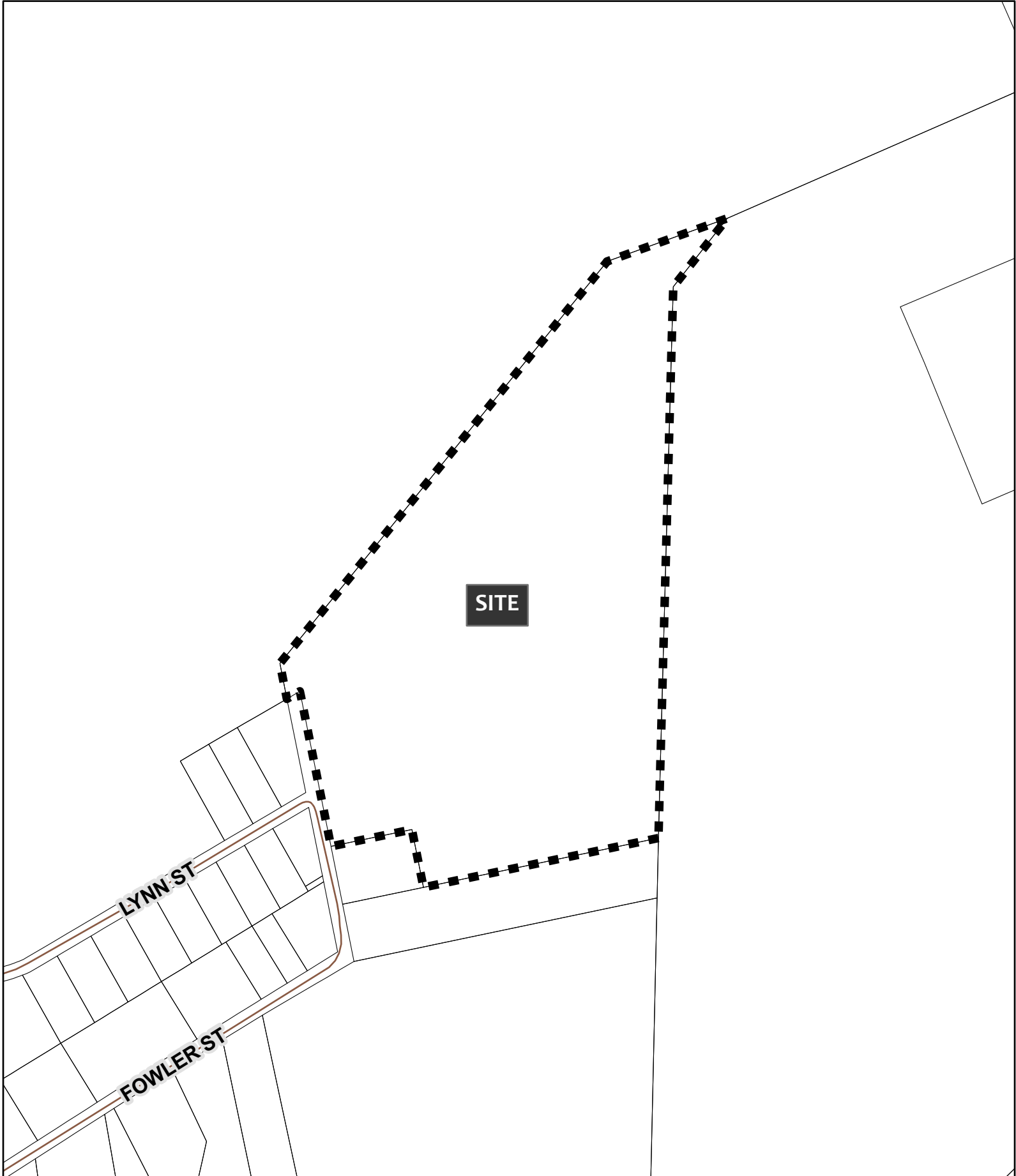


Special Use Permit

Case Number: BOA-2023-15

Applicant: Jeremiah Johnson

2225 Fowler St





BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # B0A - 2023 -15