

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

3
4 **Minutes of Meeting**
5 **Tuesday January 4, 2022**
6

7 The Board of Adjustment met on Tuesday January 4, 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 Cyrus Rattler
13 Daisy Malit
14 Wilfred Bailey, Sr.
15 Danielle Martini, Alternate Member
16

17 **Board Members Absent:** Holden Sides
18

19 **Staff Present:** Richard Smith, Planning Director
20 Ryan Lipp, Senior Planner
21 David Hancock, IT
22 Pam Scaggs, Recording Secretary
23

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

26 **Visitors Present:** Dildar Sangha
27

28 **CALL TO ORDER**

29 Chair Ryan 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, which was made by Mr. Rattler, second by Ms.
36 Malit and the motion was unanimously approved.
37

38 **APPROVAL OF MINUTES**

39 Chair French asked for a motion to approve the November 30, 2021 meeting minutes. Ms. Martini made a
40 motion to approve, second by Mr. Rattler and the motion was unanimously approved.
41

42 **PUBLIC HEARING**
43

44 **SWORN IN FOR TESTIMONY**

45 Ryan Lipp and Dildar Sangha.
46

47 **BOA-2022-02 – Request for a Special Use Permit for property located at 5418 Davidson Highway to**
48 **allow an industrial development in the Campus Development (CD) zoning district.**

49 Senior Planner Ryan Lipp gave a presentation regarding a request for a Special Use Permit (SUP) and
50 provided the application details for BOA-2022-02, attached to and made part of these minutes as Exhibit 1,
51 noting the applicant, property owners, address, dates of public notice and the current zoning. Mr. Lipp noted

1 that the applicant is not present but that the request is for a SUP to allow construction of an industrial
2 development in the Campus Development (CD) zoning district. He further noted that that properties located
3 in the CD zoning district with lots below 20 acres require a SUP for development.
4

5 Mr. Lipp directed the Board's attention to the Vicinity, Zoning and 2030 Future Land Use maps, as well as
6 the site plan, noting the location, zoning, and recommended future land uses. Mr. Lipp directed the Board's
7 attention to street views of the subject property and the submitted site plan to review the proposed layout.
8 He stated that the proposed structures will be "spec" buildings. He reviewed Policy Issues and staff Findings
9 of Fact as follows:

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

13 The subject property is within the "Employment Center" Character Area as designated on the
14 Future Land Use and Character Map in the *Move Kannapolis Forward 2030 Comprehensive*
15 *Plan*. The Employment Center character area allows for opportunities in warehousing, light
16 manufacturing, office, and other supporting uses.
17

18 Based on the character areas noted above, the proposed development is compatible with the
19 future and existing uses in the surrounding area.
20

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

23 The proposed development of this site for industrial use is not anticipated to cause any traffic
24 hazards or traffic congestion. Adequate egress/ingress has been shown on the included
25 conceptual site plan.
26

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

29 No vibration, noise, odor, dust, smoke or gas beyond what would be anticipated for an industrial
30 use is expected as a result of the development of this property.
31

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

34 The proposed use would not impede development of the surrounding properties for uses
35 allowed within their respective zoning districts. The surrounding properties contain existing
36 industrial uses. Conditions of approval will require compatible building materials with those
37 of the surrounding industrial buildings.
38

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

41 There is no apparent danger or detriment to the overall public safety, health and welfare
42 resulting from the proposed use. The proposed development is subject to all the requirements
43 of the Unified Development Ordinance.
44

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

46 The proposed use shall comply with all sections of the City of Kannapolis Unified
47 Development Ordinance, conditions of approval, and any other applicable local, state, and
48 Federal regulations. It is understood by the applicant that unless specifically relieved of a
49 requirement, in writing, all UDO requirements, including compliance with the Technical

1 Review Committee site plan review and approval process, must be met. Sewer service is
2 subject to allocation based upon sewer treatment capacity.
3

4 Mr. Lipp stated that staff is recommending approval of the SUP with conditions as noted in the staff report.
5 He reminded the Board of the actions requested and directed the Board's attention to street views of
6 surrounding businesses to illustrate the condition of approval regarding building materials. He concluded
7 his presentation and made himself available for questions.
8

9 Ms. Joshi asked the number of entrances to the proposed development. Mr. Lipp responded that both
10 accesses shown are off Stanley Drive and thought that NCDOT would not approve access off Davidson
11 Highway. He added that the number of egress/ingress aligns with UDO requirements. Mr. Rattler suggested
12 that there may be a lot of traffic utilizing Stanley Drive and asked the possibility of access off Davidson
13 Highway. Planning Director Richard Smith responded that due to proximity of the traffic signal, NCDOT
14 most likely would not approve access off Davidson Highway. Mr. Lipp agreed.
15

16 Mr. French asked the number of building fronts on both buildings. Mr. Lipp responded the buildings are
17 "spec" buildings and that one will be approximately 120,000 square feet and the other 20,000 square feet
18 but does not know the number of tenants.
19

20 City Attorney, Walter Safrit referenced the site plan and asked the definition of "BOP". It was determined
21 that "BOP" was a typo and should read "BMP". Attorney Safrit recommended that it be changed on the
22 final site plan. Mr. Bailey asked the definition of "BMP". Mr. Lipp defined it as Best Management Practices
23 but indicates location of retention ponds which are used for stormwater runoff/control.
24

25 There being no additional questions or comments for staff, Chair French opened the Public Hearing.
26

27 Dildar Sangha, 9943 Linksland Avenue, Huntersville, stated that he recently purchased the adjacent
28 property and was concerned about the types of industrial uses that will be in use on the subject property.
29 Mr. Lipp responded that light manufacturing and warehousing are permitted uses in the CD zoning district
30 and that the applicant is proposing to build a "spec" building so there is not a specific tenant or use
31 determined at this time. He stated that the development will need to meet all buffer requirements for the
32 zoning district and that he would keep Mr. Singha apprised of the potential tenants as that information
33 becomes available. Attorney Safrit provided a copy of the site plan to Mr. Sangha.
34

35 There being no additional questions or comments, Chair French closed the Public Hearing.
36

37 Chair French asked for a motion to accept the City's exhibits, including the staff report into the record
38 which was made by Ms. Malit, second by Ms. Joshi and the motion was unanimously approved.
39

40 Chair French asked for a motion to approve or revise the Findings of Fact. Ms. Joshi made the motion to
41 approve the Findings of Fact, second by Mr. Bailey and the motion was unanimously approved.
42

43 Chair French asked for a motion to approve, approve with conditions, or deny the issuance of the SUP. Ms.
44 Joshi made the motion to approve with the conditions as proposed by staff, second by Ms. Malit and the
45 motion was unanimously approved.
46

47 Chair French asked for a motion to issue the Order of Approval which was made by Ms. Malit, second by
48 Mr. Bailey and the motion was unanimously approved.
49

50 Chair French noted that the agenda is showing the incorrect date.

1 **PLANNING DIRECTOR UPDATE**

2 Mr. Smith stated that at their December 13, 2021 meeting, City Council adopted a wastewater allocation
3 policy which creates a matrix or point system for development projects which allows for a prioritization
4 of allocation of sewer utilities. He added that there is not a moratorium on sewer availability but that the
5 policy will allow for prioritization of each development project as it is reviewed through the approval
6 process. Mr. Smith added that previous development projects that have received preliminary site plan
7 approval were given priority for sewer allocation and that other projects will be graded according to the
8 policy and WSACC (Water Sewer Authority for Cabarrus County).
9

10 **OTHER BUSINESS**

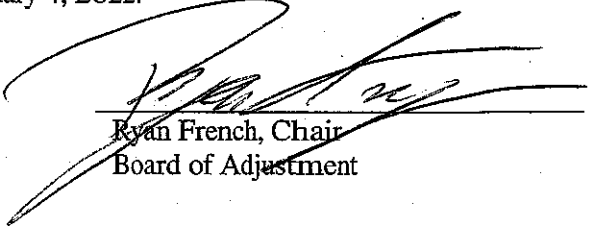
11 None
12

13 **ADJOURN**

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

17 The meeting was adjourned at 6:21PM on Tuesday January 4, 2022.
18
19

20
21 
22 _____
23 Pam Scaggs, Recording Secretary
24 Board of Adjustment



Ryan French, Chair
Board of Adjustment