

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

3
4 **Minutes of Special Meeting**
5 **Tuesday March 5, 2024**
6

7 The Board of Adjustment met on Tuesday March 5, 2024, at 6:10 PM at City Hall, 401 Laureate
8 Way, Kannapolis, North Carolina. This meeting was held in accordance with required Public
9 Notice

10
11 **Board Members Present:** Emily Joshi, Chair
12 Holden Sides
13 Mike McClain, ETJ Representative
14 Danielle Martini, Alternate Member
15

16 **Board Members Absent:** Chris Dwiggin
17 Ryan French
18 Wilfred Bailey
19

20 **Staff Present:** Richard Smith, Planning Director
21 Elizabeth McCarty, Assistant Planning Director
22 Ben Barcroft, Senior Planner
23 Wilmer Melton, Assistant City Manager
24 Alex Anderson, Stormwater Director
25 Pam Scaggs, Recording Secretary
26

27 **City Attorney:** Wally Safrit
28

29 **Visitors Present:** David Bartholow
30 Joshua Masters
31 Matthew Black
32

33 **CALL TO ORDER**

34 Chair Joshi called the meeting to order at 6:00pm.
35

36 **ROLL CALL AND RECOGNITION OF QUORUM**

37 Recording Secretary, Pam Scaggs, called the roll and presence of a quorum was recognized.
38

39 **APPROVAL OF AGENDA**

40 Chair Joshi asked for a motion to approve the agenda which was made by Ms. Martini, second by
41 Mr. McClain and the motion was unanimously approved.
42

43 **APPROVAL OF MINUTES**

44 Chair Joshi asked for approval of the February 6, 2024, minutes which was made by Ms. Martini,
45 second by Mr. Sides and the motion was unanimously approved.
46

47 **SWORN IN FOR TESTIMONY**

48 Ben Barcroft, Joshua Masters, and David Bartholow were sworn in for testimony.

1 PUBLIC HEARING

2 **BOA-2024-03 – Request for a Special Use Permit for property located at 1833 N Cannon**
3 **Boulevard to allow for a tattoo studio in the General Commercial (GC) zoning district.**

4 Mr. Barcroft, gave a presentation regarding a request for a Special Use Permit (SUP) and provided
5 the application details for BOA-2024-03, attached to, and made part of these minutes as Exhibit 1.
6 Mr. Barcroft identified the applicant, Thomas Bartholow, the property located at 1833 N. Cannon
7 Boulevard and the size of the property as 0.26 acres. He added that the request is for a SUP to
8 allow a tattoo studio in the General Commercial (GC) zoning district as required per the Ordinance
9 (KDO).

10
11 Mr. Barcroft utilized the Zoning and Future Land Use maps to illustrate that the subject property
12 is located within two Character Areas and identified them as Urban Residential and Suburban
13 Activity 2. He clarified that the use is proposed for the portion of the property located within the
14 Suburban Activity 2 Character Area which calls for retail as a primary use. Mr. Barcroft directed
15 the Board’s attention to site photos and renderings to illustrate what the structure could look like.
16 He concluded his presentation stating that staff found the requested use compatible and meets the
17 Findings of Fact as shown in the staff report (see Exhibit 1).

18
19 The applicant, David Bartholow, stated that he has an existing tattoo business located at 1033 S.
20 Cannon Boulevard but indicated that a crime committed at a nearby business has negatively
21 impacted his business and is looking to relocate to a safer area.

22
23 Attorney Safrit referred to a site photo of that subject property noting that a sign advertises for
24 massage services and asked if Mr. Bartholow will offer that service. Mr. Bartholow responded that
25 he would not.

26
27 There being no additional questions or comments for staff or the applicant, Chair Joshi opened the
28 Public Hearing which was then closed with no public comment made.

29
30 Chair Joshi asked for a motion to accept the City’s exhibits into the record, which was made by
31 Mr. Sides, second by Mr. McClain and the motion was unanimously approved.

32
33 Chair Joshi asked for a motion to approve or revise the Findings of Fact. Mr. Sides made the
34 motion to approve the Findings of Fact, second by Ms. Martini, and the motion was unanimously
35 approved.

36
37 Chair Joshi asked for a motion to approve, approve with conditions, or deny the issuance of the
38 Special Use Permit. Ms. Martini made the motion to approve, second by Mr. Sides, and the motion
39 was unanimously approved.

40
41 Chair Joshi asked for a motion to issue the Order of Approval. Mr. Sides made the motion to
42 approve the Order, second by Mr. McClain, and the motion was unanimously approved.

43
44 **BOA-2024-04 – Request for a Special Use Permit for property located at 1015 W C Street to**
45 **allow for a duplex dwelling in the Mixed-Use Neighborhood (MU-N) zoning district.**

46 Mr. Barcroft, gave a presentation regarding a request for a Special Use Permit (SUP) and provided
47 the application details for BOA-2024-04, attached to, and made part of these minutes as Exhibit 2.
48 Mr. Barcroft stated that the subject property is located at 1015 W C Street; identified the applicant

1 as Long Ridge Development & Properties, LLC.; and that the size of the property is 0.256 acres.
2 He added that the request is for a SUP to allow a duplex dwelling in the Mixed-Use Neighborhood
3 (MU-N) zoning district as required per the Ordinance [KDO].
4

5 Mr. Barcroft utilized the Zoning and Future Land Use maps to illustrate the surrounding zoning
6 districts and their residential uses. He stated that the subject property is located within the Urban
7 Residential Character Area of the *Move Kannapolis Forward 2030 Comprehensive Plan* (“2030
8 Plan”), which calls for multifamily as secondary uses, and that the proposed duplex would
9 therefore be consistent and in harmony with existing uses. Mr. Barcroft directed the Boards
10 attention to aerial photos to illustrate location of the subject property and to further illustrate the
11 existing surrounding residential uses. He further directed the Boards attention to the conceptual
12 site plan and elevation rendering to illustrate what the structure could look like. Mr. Barcroft
13 concluded his presentation stating that staff found the requested use compatible and is
14 recommending approval of the SUP.
15

16 Planning Director, Richard Smith, noted that Danielle Martini, Alternative Board Member,
17 notified staff that she received notice of the public hearing because she owns property near the
18 proposed development. Mr. Smith stated that staff determined that she would not be in conflict as
19 a voting member but wanted to disclose the information to the Board.
20

21 The applicant, Joshua Masters, 206 Oak Avenue, stated that the proposed duplex is complimentary
22 to the existing neighborhood and is surrounded by residential uses. Mr. Masters stated that he takes
23 pride in the type of products he provides and that the duplex will have a very nice façade.
24

25 There being no additional questions or comments for staff or the applicant, Chair Joshi opened the
26 Public Hearing which was then closed with no public comment made.
27

28 Chair Joshi asked for a motion to accept the City’s exhibits into the record, which was made by
29 Mr. McClain, second by Ms. Martini, and the motion was unanimously approved.
30

31 Chair Joshi asked for a motion to approve or revise the Findings of Fact. Mr. Sides made the
32 motion to approve the Findings of Fact, second by Mr. McClain, and the motion was unanimously
33 approved.
34

35 Chair Joshi asked for a motion to approve, approve with conditions, or deny the issuance of the
36 Special Use Permit. Mr. McClain made the motion to approve, second by Mr. Sides, and the
37 motion was unanimously approved.
38

39 Chair Joshi asked for a motion to issue the Order of Approval. Mr. Sides made the motion to
40 approve the Order, second by Mr. McClain, and the motion was unanimously approved.
41

42 **ELECTION OF VICE-CHAIR**

43 Chair Joshi asked for nominees or volunteers to serve as Vice-Chair. Ms. Martini nominated Mr.
44 Sides who was unanimously elected to serve as Vice-Chair.
45

46 **PLANNING DIRECTOR UPDATE**

47 Mr. Smith provided an update regarding development projects in the City and advised that a “Story
48 Map” showing the same information can be found on the City’ website.

1 **OTHER BUSINESS**

2 None.

3

4 **ADJOURN**

5 There being no further business, Mr. Sides made the motion to adjourn, second by Mr. McClain,
6 and the motion was unanimously approved.

7

8 The meeting was adjourned at 6:41 PM on Tuesday, March 5, 2024.

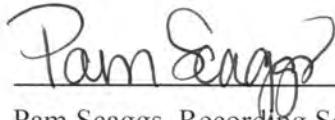
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11


12

13



14 Pam Scaggs, Recording Secretary

15 Board of Adjustment



Emily Joshi, Chair
Board of Adjustment

EXHIBIT 1



Board of Adjustment March 5, 2024 Meeting

Staff Report

TO: Board of Adjustment
FROM: Ben Barcroft, Senior Planner
SUBJECT: Case# BOA-2024-03: Special Use Permit – 1833 N. Cannon Blvd.
Applicant: David Bartholow

Request for a Special Use Permit to allow for a tattoo studio on property located at 1833 N. Cannon Blvd.

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 Bartholow, is requesting a Special Use Permit (SUP) to allow for a tattoo studio in the General Commercial (GC) zoning district on approximately 0.26 +/- acres of property located at 1833 N. Cannon Blvd., further identified as Rowan County Parcel Identification Number 161 141.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for Tattoo or body-piercing establishment uses in the GC 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.

Most of this property is in the "Suburban Activity 2" Character Area and the rear of the property is within the "Urban Residential" Character Area of the the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area is composed primarily of small and medium-scale commercial developments.

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 tattoo studio will be located in an established commercial building and is not anticipated to cause any traffic hazards or traffic congestion. There is adequate parking available for this use.

 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 tattoo studio 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 tattoo studio is compatible with the surrounding commercial uses.

 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

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.

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: 1833 W. Cannon Blvd Kannapolis

Applicant: David Bartholow

SUBMITTAL CHECKLIST

- Fee Application (KDO) – used at public hearing to request approval of the application.
- SUP Checklist and Application – Complete with all required signatures.
- Property Map showing the proposed use.
- Fee: KDO, KDO (SUP) 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:

Date: 02-02-24



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: David Bartholow
Address: 1617 Goldhill Rd
Concord NC
Phone: 980 781 7958
Email: Supercdave.tats@gmail.com

Property Owner Contact Information same as applicant

Name: Wing J. Bennett
Address: 2585 LIPE RD
CHINA GROVE
Phone: 704 791-0027
Email: KGC TOM@ETC.NET

Project Information

Project Address: 1833 N. Cannon Blvd Zoning District G 1
Parcel PIN: _____ Size of property (in acres): 6/10 ACRE

Current Property Use: _____

Proposed Use: Tattoo Shop

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): Moving Ink Station

Tattoo Studio From S. Cannon to New location at 1833
N. Cannon Ink Station Has been at its current location
for 7 years.

REVIEW STANDARDS


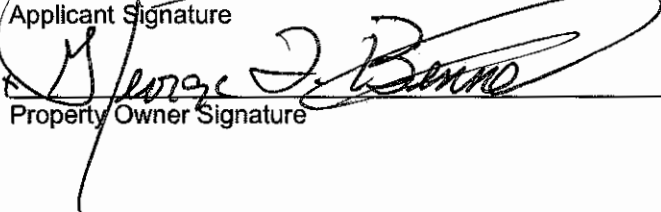
The Board of Adjustment does not have unlimited discretion in deciding whether to approve a Special Use Permit (SUP). Per Section 2.5.A(5)c of the Kannapolis Development Ordinance (KDO,) the applicant must demonstrate successful compliance with all standards to obtain a SUP. In the space provided below, 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.

with the special use permit it is in the
Correct Zoning of G 1

2. Adequate measures shall be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads. *There is already an existing driveway that shows a good view of 29 To make pulling in and out easy*
3. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas. *we do not use any thing to make this section applicable*
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. *my studio will not impede in anyway just as my existing 7yr studio*
5. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare. *All permits that are required by the health Department will be obtained seprately for each artist*
6. The proposed use complies with all applicable provisions of the KDO. *It is in the proper zoning district of G1*
7. The applicant consents in writing to all conditions of approval included in the approved special use permit. *All conditions and Guidelines will be met*

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.

	<i>2-2-24</i>
Applicant Signature	Date
	<i>2/5/24</i>
Property Owner Signature	Date



Vicinity Map

Case Number: BOA-2024-03

Applicant: David Bartholow

1833 N Cannon Blvd





Kannapolis Current Zoning

Case Number: BOA-2024-03

Applicant: David Bartholow

1833 N Cannon Blvd



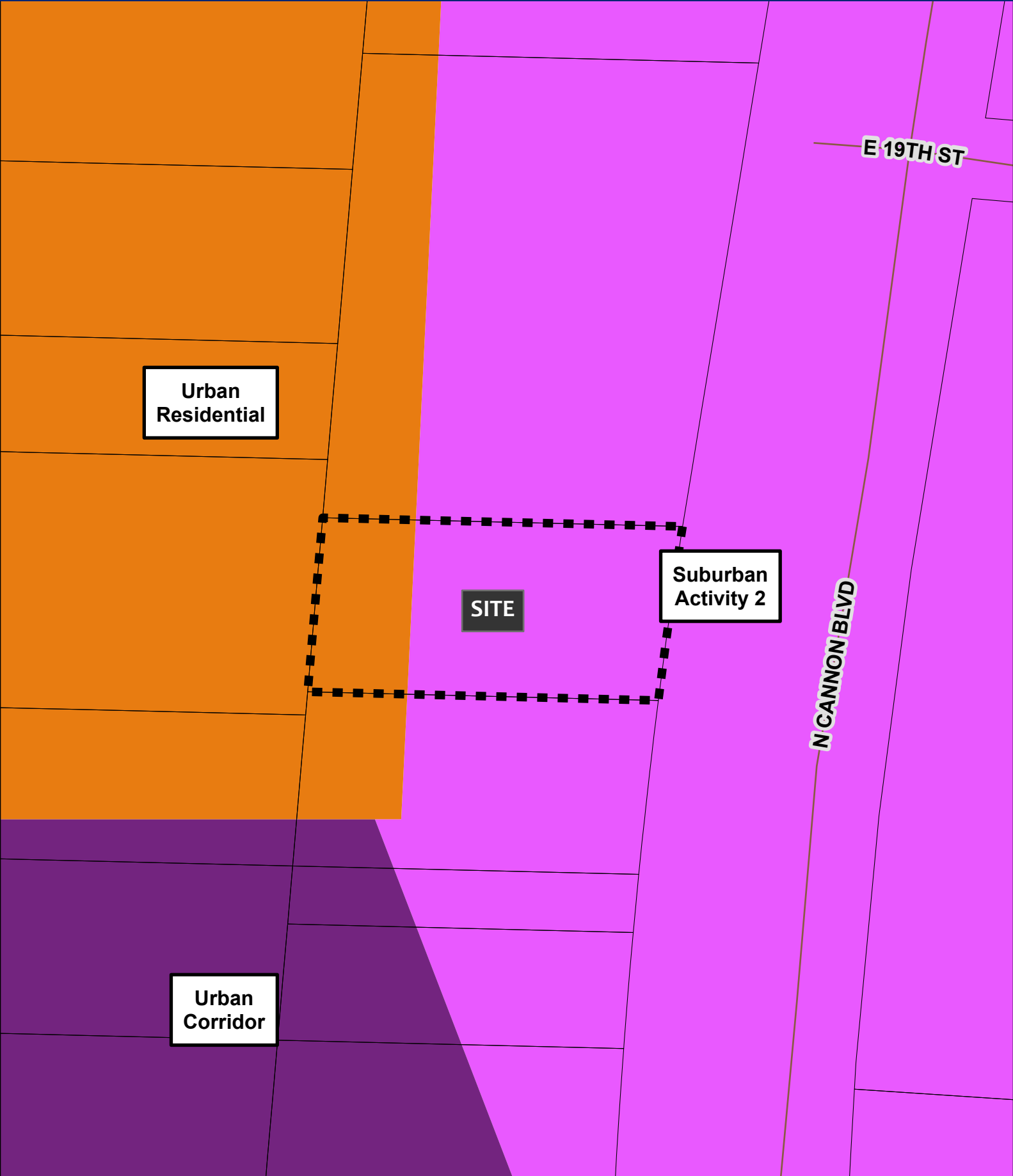


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2024-03

Applicant: David Bartholow

1833 N Cannon Blvd



Urban Residential

SITE

Suburban Activity 2

Urban Corridor

E 19TH ST

N CANNON BLVD

1ST Floor

Artist Station

15' x 9'

Tattoo Artist Station

Doorway

18' x 22' Lobby

Front Door

Piercing Station 10' x 12'

Doorway

Kitchen 14' x 10' AKA Clean Room

Doorway

Hand sink

Back Door

Bath room 9' x 6' Bathroom

Hall

Front Desk

Artist Station 10' x 12'

Bath room

15' x 20' Artist Station

1833 N. Cannon Blvd
Kannapolis

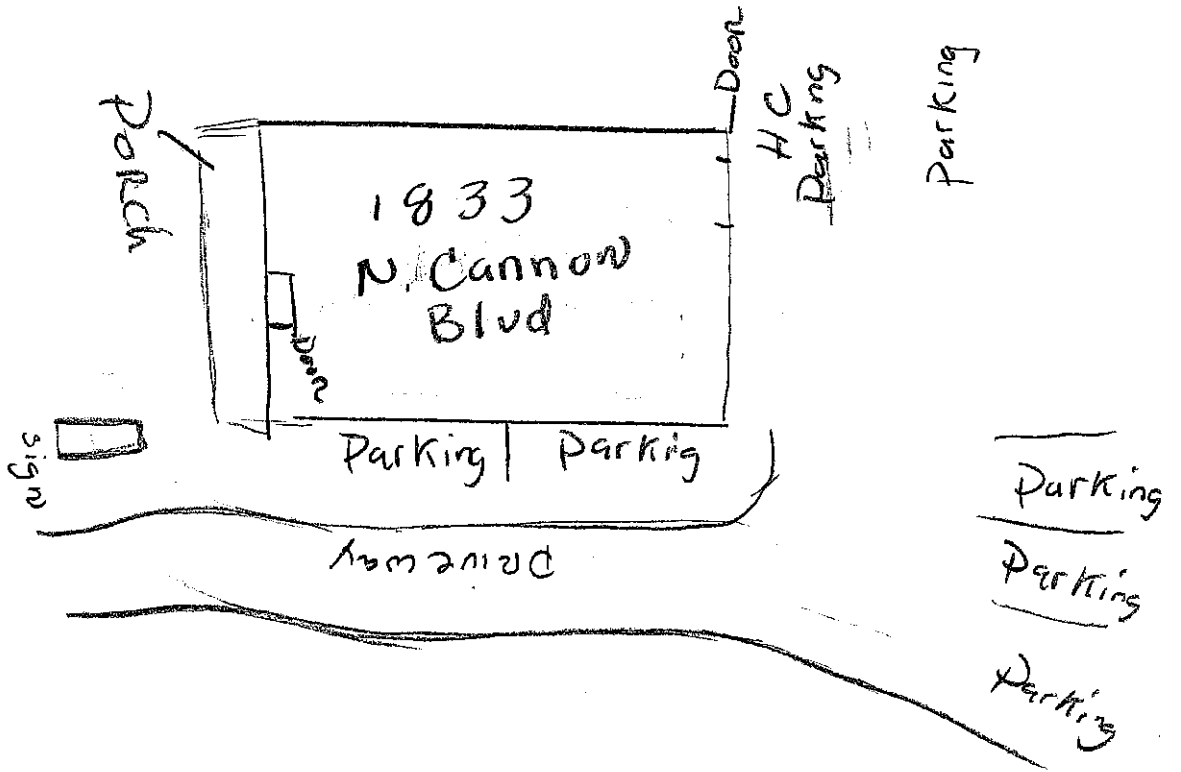
Storage
Supplies

Door
way

Bar
room

2nd
Floor

Drawing
Room



Outside

OWNNAME	TAXADD1	CITY	STATE	ZIPCODE
GEORGE & SABRINA BENNETT	2585 LIPE RD	CHINA GROVE	NC	28023-9300
CONNIE BITTER	1902 LINDA AVE	KANNAPOLIS	NC	28083-2639
HAL FREEMAN	1806 N CANNON BLVD	KANNAPOLIS	NC	28083-2670
KANNAPOLIS SERVICE CO INC	1705 N MAIN ST	KANNAPOLIS	NC	28081-2351
BEVERLY J LESSANE	PO BOX 5086	CONCORD	NC	28027-1562
GENE & CAROLYN MATLOCK	1812 LINDA AVE	KANNAPOLIS	NC	28083-2638
RANDY E MATLOCK	502 W RIDGE AVE	LANDIS	NC	28088
NORTH CAROLINA RAILROAD CO.	2809 HIGHWOODS BLVD STE 100	RALEIGH	NC	27604
DARVIN & TANA PETHEL	1245 PINE RIDGE RD	CHINA GROVE	NC	28023-8601
MICHAEL SHIRLEY	2106 W A ST	KANNAPOLIS	NC	28081-9317
WENDY SIFUENTES	9130 STRATTONVILLE CT	HUNTERSVILLE	NC	28078-9148
CRYSTAL WALLACE	7377 THERRELL RD	KANNAPOLIS	NC	28081-7310
DAVID BARTHOLOW	1617 GOLD HILL RD	CONCORD	NC	28025



February 22, 2024

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday March 5, 2024, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2024-03 – Special Use Permit – 1833 N Cannon Boulevard

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow for a tattoo studio on property located at 1833 N Cannon Blvd. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for Tattoo or body-piercing uses in the General Commercial (GC) zoning district. The subject property is 0.26 +/- acres and is more specifically identified as Rowan County Parcel Identification Number 161 141 **(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 704.920.4355 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.

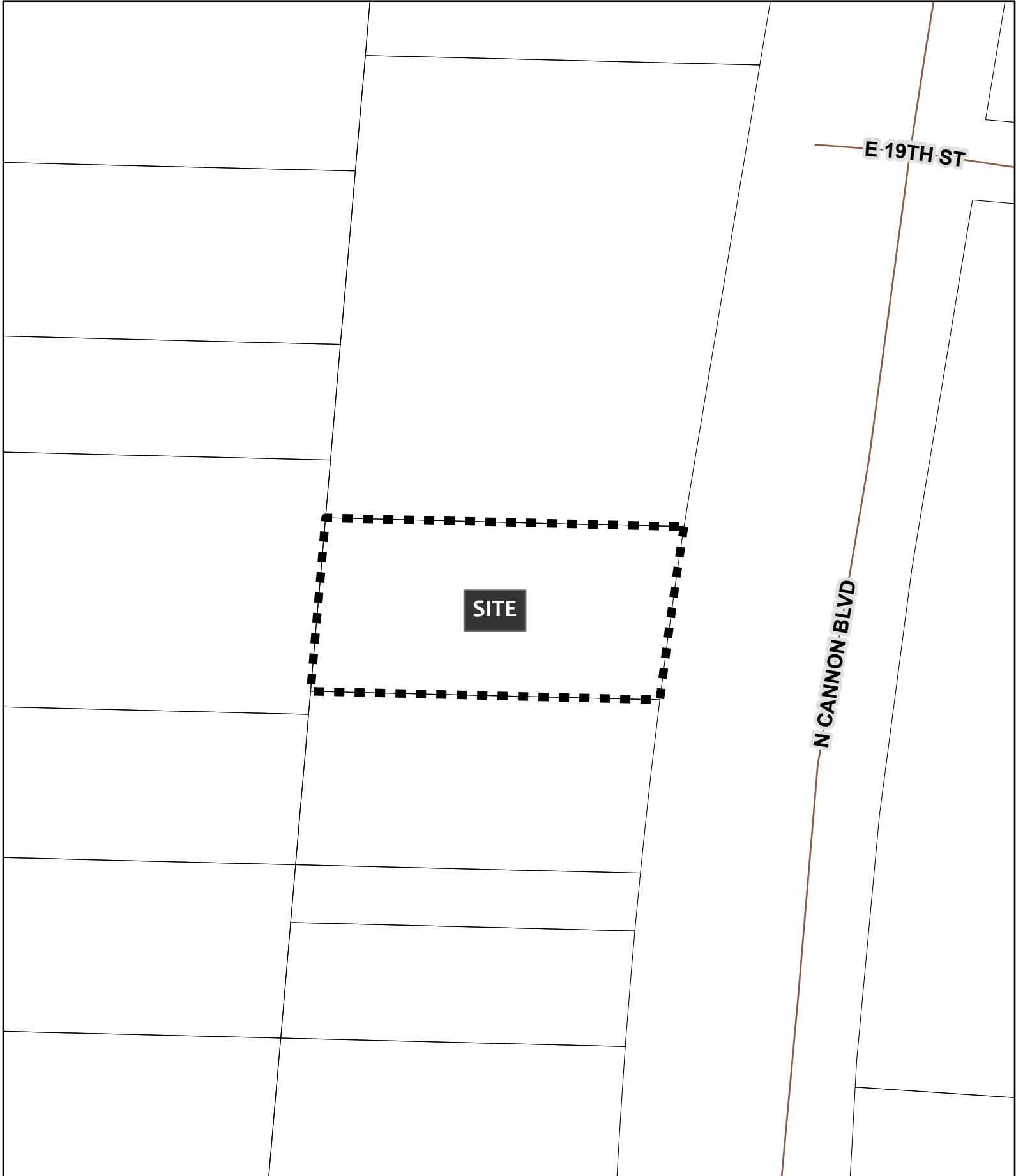


Special Use Permit

Case Number: BOA-2024-03

Applicant: David Bartholow

1833 N Cannon Blvd



massage
704-223-7979

KANNAPOLIS
BOARD OF
ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE #BOA-2024-03



STATE OF NORTH CAROLINA
CITY OF KANNAPOLIS

IN RE: Applicant, David Bartholow
Property: 1833 N. Cannon Blvd.
Kannapolis, NC 28083

APPLICATION # 2024-03-BOA

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:
:
:
:
:
:
:

**ORDER FOR A SPECIAL
USE PERMIT**

THE BOARD OF ADJUSTMENT for the City of Kannapolis, North Carolina having held a public hearing on March 5, 2024, to consider a request for a Special Use Permit (SUP) to allow for a tattoo studio on property located at 1833 N Cannon Boulevard, Kannapolis, North Carolina 28083.

The applicant, David Bartholow, is requesting a Special Use Permit (SUP) to allow for a tattoo studio on property located at 1833 N Cannon Boulevard, Kannapolis, North Carolina 28083. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for Tattoo or body-piercing uses in the General Commercial (GC) zoning district. The subject property is 0.26 +/- acres and is more specifically identified as Rowan County Parcel Identification Number 161 141.

The following were accepted into evidence to constitute a part of the record in the matter:

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

The Board considered the approval criteria required by Section 2.5.A(5) of the Kannapolis Development Ordinance.

Having heard all the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT, and draws 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 Land Use Plan.
 - (a) Most of this property is in the "Suburban Activity 2" Character Area and the rear of the property is within the "Urban Residential" Character Area of the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area is composed primarily of small and medium-scale commercial developments.
 - (b) Based on the character areas noted above, the proposed development is compatible with the future and existing uses in the surrounding area.
2. 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.

- (a) The proposed tattoo studio will be located in an established commercial building and is not anticipated to cause any traffic hazards or traffic congestion. There is adequate parking available for this use.
3. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
- (a) No vibration, noise, odor, dust, smoke, or gas beyond what would be anticipated for a tattoo studio is expected as a result of this proposed use.
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.
- (a) The proposed use would not impede development of the surrounding properties for uses allowed within their respective zoning districts. The proposed tattoo studio is compatible with the surrounding commercial uses.
5. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger public health, safety, or general welfare.
- (a) 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.
6. The proposed use complies with applicable provisions of the KDO.
- (a) 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.
7. The applicant consents in writing to all conditions of approval included to the approved Special Use Permit.
- (a) N/A unless the Board of Adjustment determines to add conditions.

Based on the above FINDINGS OF FACT the Board CONCLUDES that the Special Use Permit requirements of the KDO have been met and is hereby GRANTED.

This the 5th day of March, 2024.


Secretary


Chairman

EXHIBIT 2



Board of Adjustment March 5, 2024 Meeting

Staff Report

TO: Board of Adjustment
FROM: Ben Barcroft, Senior Planner
SUBJECT: Case# BOA-2024-04: Special Use Permit – 1015 W. C St.
Applicant: Long Ridge Development & Properties, LLC

Request for a Special Use Permit to allow for a duplex dwelling on property located at 1015 W. C St.

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, Long Ridge Development & Properties, LLC., is requesting a Special Use Permit (SUP) to allow for a duplex dwelling in the Mixed-Use Neighborhood (MU-N) zoning district on approximately 0.256 +/- acres of property located at 1015 W. C St. and further identified as Cabarrus County Parcel Identification Number 56142263330000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for a duplex dwelling use in the MU-N 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.

Uses on the surrounding properties consist of single-family residential. The *Move Kannapolis Forward 2030 Comprehensive Plan* designates the subject property and surrounding properties as the "Urban Residential" Character Area.

Multifamily residential is listed as a secondary use in the "Urban Residential" Character Area. Staff has determined that the use is consistent and in harmony with existing and surrounding uses. Further, the KDO permits duplex dwellings in the MU-N district with the issuance of a SUP.

 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.

This project 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.

It is not anticipated that the addition of one duplex dwelling would create vibration, noise, odor, dust, smoke, or gas that would be noxious or offensive to the surrounding area.

 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 addition of the proposed dwelling will not impede orderly development or improvement of surrounding property. The proposed duplex 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 detrimental impact 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 (KDO), 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

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. Elevation Rendering
7. List of Notified Properties
8. Notice to Adjacent Property Owners
9. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
City Attorney	X
Assistant City Manager	X



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.

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: 1015 W. C. Street

Applicant: Long Ridge Development & Properties, LLC

SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to planreviewappointment@kannapolisnc.gov
- 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: _____

Date: _____

2/5/24



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Long Ridge Development

Address: 206 Oak Avenue
Kannapolis NC 28081

Phone: 704-933-7076

Email: joshua@longridgedevelopment.com

Property Owner Contact Information same as applicant

Name: Fenway Properties, LLC

Address: 510 South St
Davidson NC 28036

Phone: 704-785-0345

Email: fenwaypropertiesllc@gmail.com

Project Information

Project Address: 1015 W. C. Street Zoning District MU-N

Parcel PIN: 56142263330000 Size of property (in acres): 256

Current Property Use: Vacant

Proposed Use: Duplex

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): _____

New Duplex Residential Use

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.**

Yes, the area is currently primarily residential, the current plan calls for higher density residential

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

Yes the driveway will be wide per DOT standards

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

No offensive noises will be with associated with this.

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 proposed use will enhance the surrounding property

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

No

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

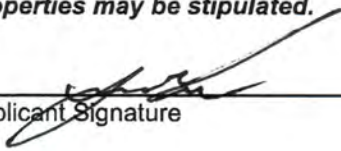
Yes

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.

Applicant Signature



Date

2/5/24

Property Owner Signature

Date

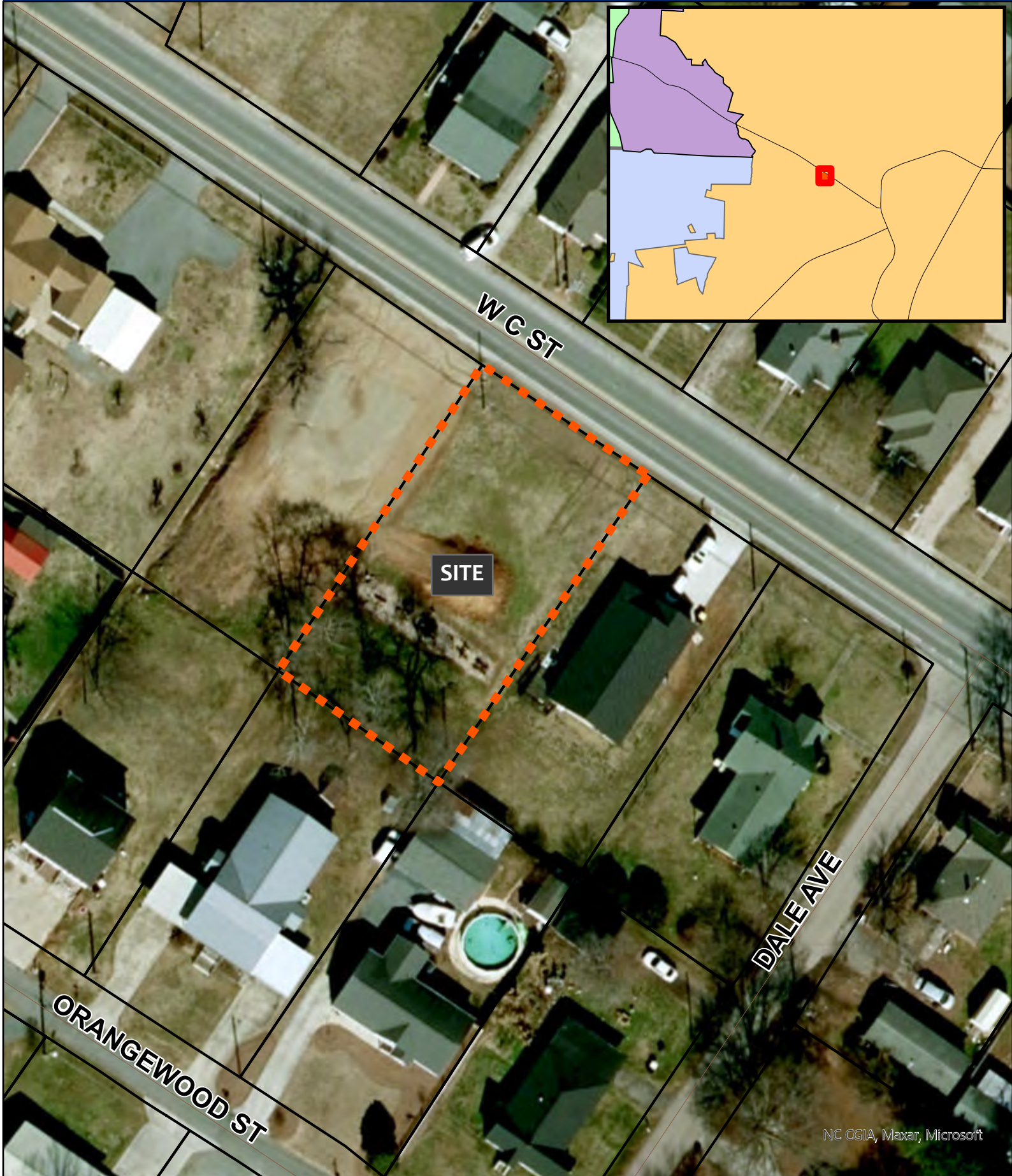


Vicinity Map

Case Number: BOA-2024-04

Applicant: Long Ridge Development

1015 W. C. St



SITE

WC ST

DALE AVE

ORANGEWOOD ST

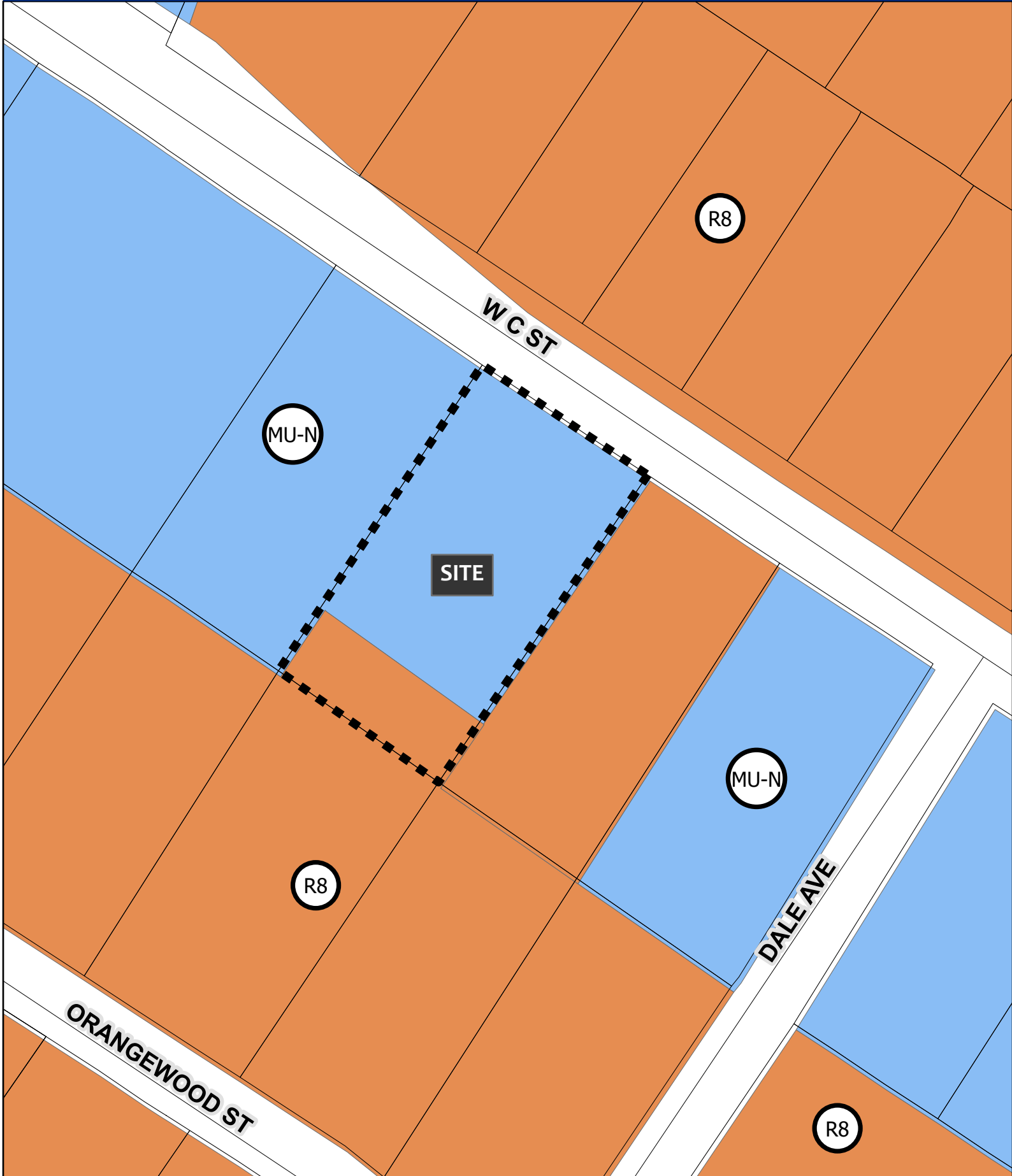


Kannapolis Current Zoning

Case Number: BOA-2024-04

Applicant: Long Ridge Development

1015 W. C. St



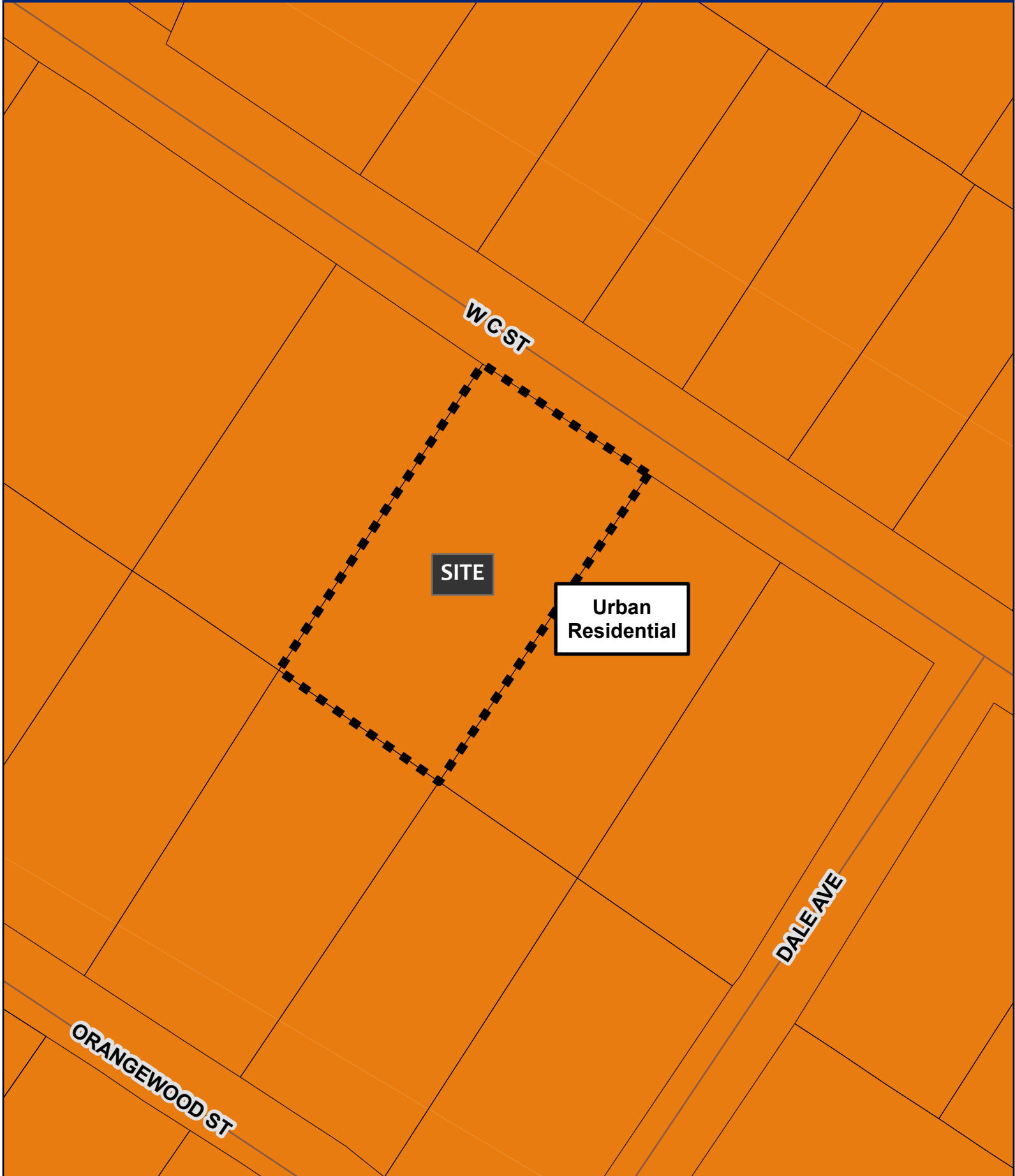


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2024-04

Applicant: Long Ridge Development

1015 W. C. St



ANY REPRODUCTION, ALTERATION OR USE FOR OTHER THAN THE INTENDED PROJECT, WITHOUT THE WRITTEN CONSENT OF LONG RIDGE DEVELOPMENT & PROPERTIES, LLC IS PROHIBITED.

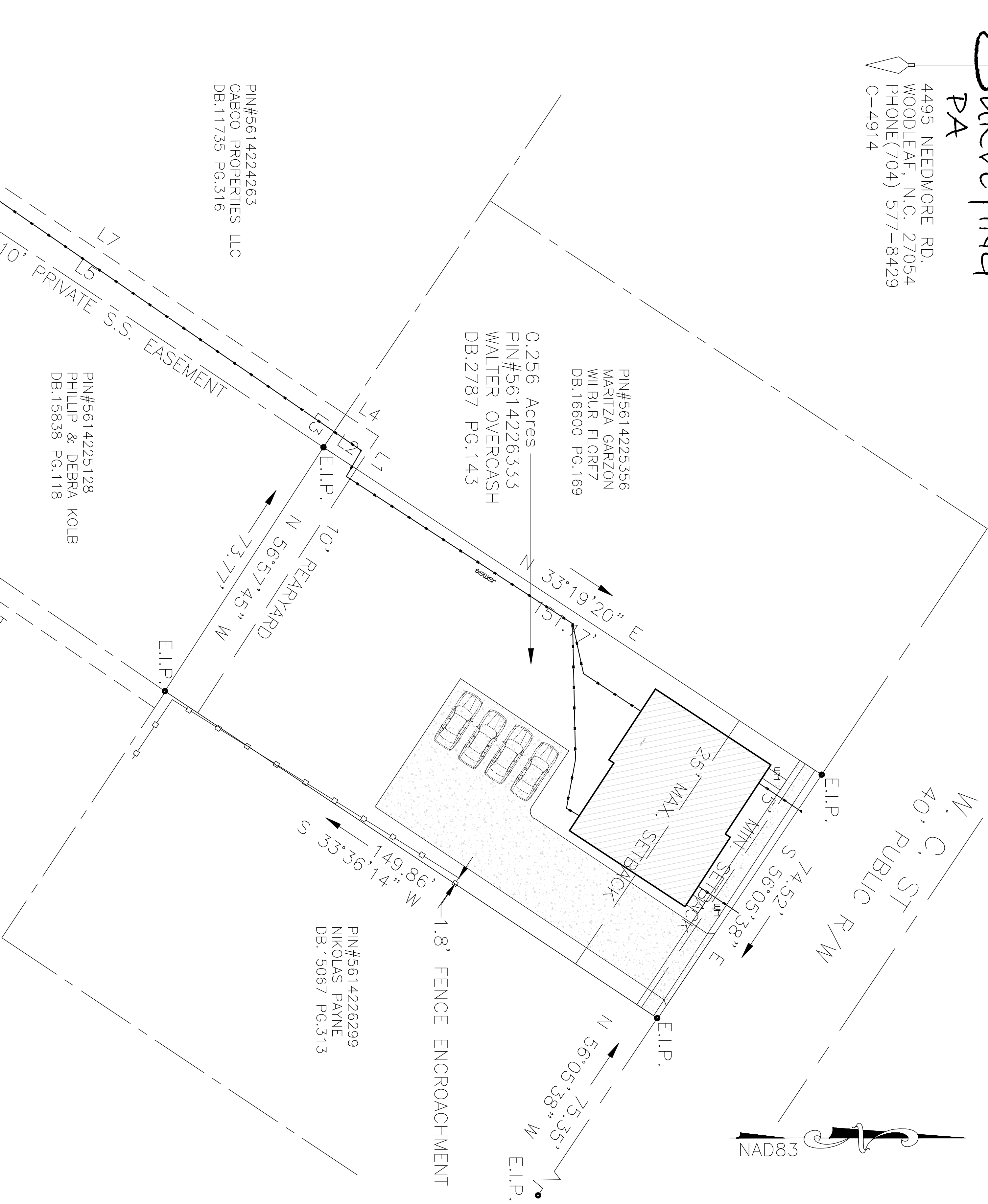
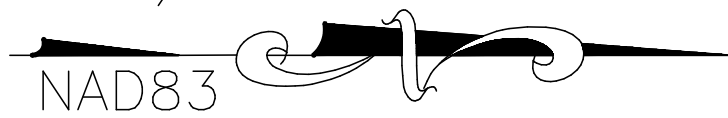
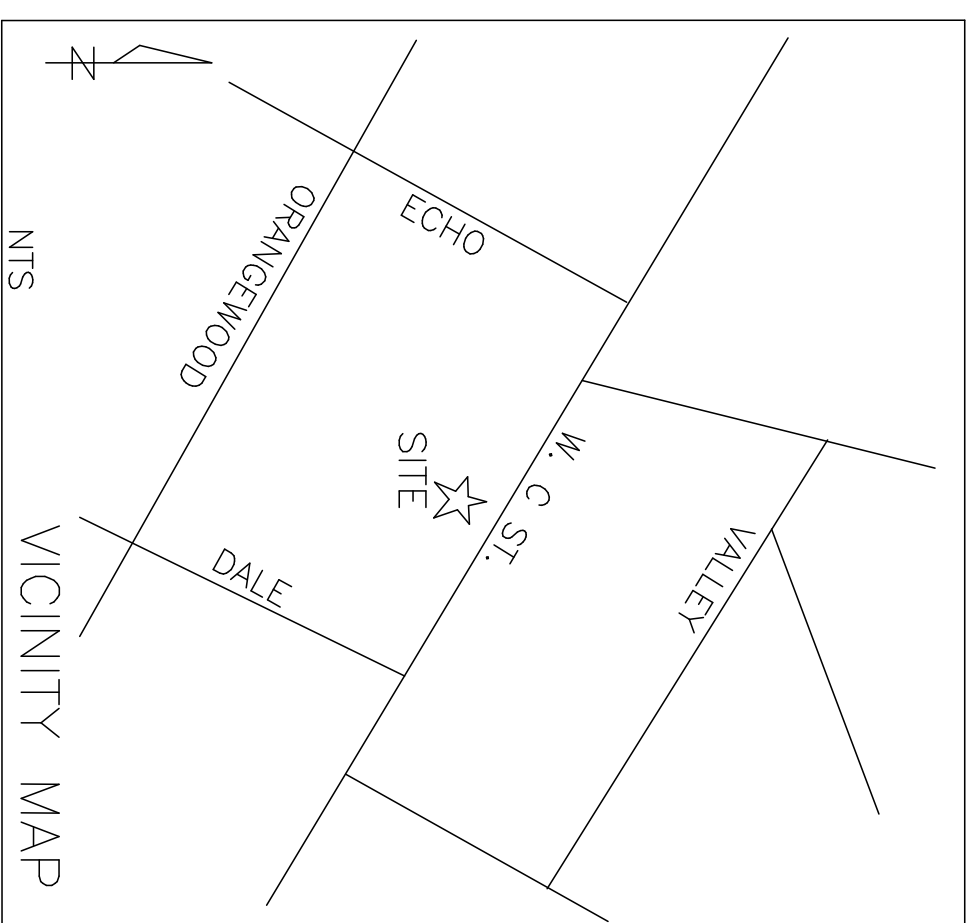
THIS DOCUMENT IS CONSIDERED AN ARTISTIC REPRESENTATION OF A SINGLE FAMILY RESIDENCE. USED AS A PROMOTIONAL DEVICE. (C) LONG RIDGE DEVELOPMENT & PROPERTIES, LLC. ALL IMAGES ARE SUBJECT TO CHANGE. ANY FURNITURE IS SUGGESTED ARE NOT PROVIDED BY LONG RIDGE DEVELOPMENT & PROPERTIES, LLC. ANY LISTED ROOM SIZES ARE CONSIDERED APPROXIMATE.

IT IS THE RESPONSIBILITY OF THE LICENSED CONTRACTOR TO VERIFY COMPLIANCE WITH ALL LOCAL & STATE BUILDING CODE AND REQUIREMENTS. LONG RIDGE DEVELOPMENT & PROPERTIES HOLDS NO LIABILITY FOR ERRORS & OMISSIONS WITH THESE PLANS.

- Date: 2/8/2024
- Revisions:
- Drawn By: JRM
- Sheet: CV1.1

SPARKS SURVEYING PA

4495 NEEDMORE RD.
WOODLEAF, N.C. 27054
PHONE (704) 577-8429
C-4914



PIN#5614225356
MARITZA GARZON
WILBUR FLOREZ
DB.16600 PG.169

0.256 Acres
PIN#5614226333
WALTER OVERCASH
DB.2787 PG.143

PIN#5614224263
CABCO PROPERTIES LLC
DB.11735 PG.316

PIN#5614225128
PHILIP & DEBRA KOLB
DB.15838 PG.118

PIN#5614226299
NIKOLAS PAYNE
DB.15067 PG.313

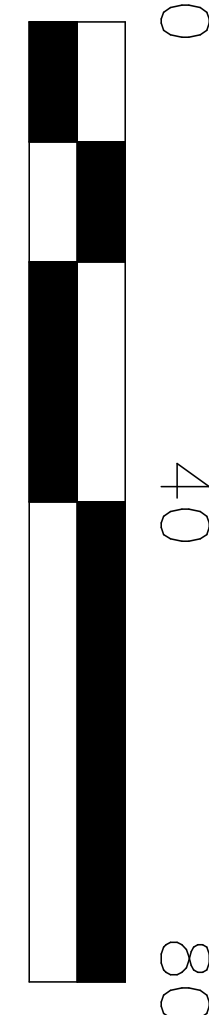
LINE	BEARING	DISTANCE
L1	S 56°00'36" E	10.00'
L2	S 33°19'20" W	10.00'
L3	N 56°00'36" W	10.00'
L4	N 33°19'18" E	10.00'
L5	S 33°40'31" W	150.00'
L6	N 55°33'16" W	10.00'
L7	N 33°40'34" E	149.92'

- Notes:
1. Iron pins at all lot corners unless otherwise noted.
 2. This property lies within the City of Kannapolis jurisdiction.
 3. Property may be subject to recorded or unrecorded rights-of-way or easements not observed.
 4. No USGS monument found within 2000'.
 5. This property does not lie within a special flood hazard area per FEMA Flood Insurance Rate Map #3710561400K, dated 11/16/2018.
 6. Property does not lie within a regulated watershed.

ZONING
ZONED: MU-N
5'/25' FRONT YARD
10' REAR YARD
0' SIDE YARD

BOUNDARY SURVEY
OF

OWNER:
WALTER GENE OVERCASH
1005 ORANGEWOOD ST.
KANNAPOLIS N.C. 28081



SCALE: 1"=40'

1015 W. C. ST
KANNAPOLIS N.C. 28081
LOT#9,10 & 11 W.P. GOODNIGHT ESTATE
NO. 4 TOWNSHIP CABARRUS COUNTY, N.C.

LEGEND:
E.I.P. EXISTING IRON PIN
N.I.P. NEW IRON PIN
C.P. COMPUTED POINT



1015 W. 'C' STREET ARTISTIC FRONT ELEVATION

AcctName1	MailAddr1	MailCity	MailState
A&W INVESTMENTS OF CONCORD LLC	6826 KLUTTZ RD	CONCORD	NC
MARCO BARRERA	1009 ORANGEWOOD ST	KANNAPOLIS	NC
TANGELA BELVINS-MILLER	1011 VALLEY ST	KANNAPOLIS	NC
CHARLES & TAMARA BILLINGS	1211 PINE ST	KANNAPOLIS	NC
KENNETH & SHIRLEY BLACKWELDER	103 DALE AVE	KANNAPOLIS	NC
CABCO PROPERTIES LLC	6470 RIVER HILLS DR	HARRISBURG	NC
ANDREW DEPOMPA & LEAH WILSON	218 E LENOIR ST	RALEIGH	NC
GREGORY D DICKENS	1018 W C ST	KANNAPOLIS	NC
ADEL ELASMAR			
NEVINE HAGRAS	1027 W C ST	KANNAPOLIS	NC
FENWAY PROPERTIES LLC	510 SOUTH ST	DAVIDSON	NC
MARITZA GARZON			
WILBER FLOREZ	1017 W C ST	KANNAPOLIS	NC
EVELYN HARRINGTON	1020 W C ST	KANNAPOLIS	NC
BETTY HARTSELL	1015 VALLEY ST	KANNAPOLIS	NC
MARK & SHERRY HODGSON	1017 VALLEY STREET	KANNAPOLIS	NC
J & J LEGACY VENTURES LLC	5925 EASTRIDGE CT	CONCORD	NC
JACK D JONES	1012 ORANGEWOOD ST	KANNAPOLIS	NC
MICHAEL WAYNE KEY	1008 ORANGEWOOD ST	KANNAPOLIS	NC
PHILLIP & DEDRIA KOLB	4000 HIGH RIDGE RD	CHARLOTTE	NC
STEVEN W LOONEY	1025 W C ST	KANNAPOLIS	NC
DANIELLE MARTINI TRUSTEE	404 N EAST AVE	KANNAPOLIS	NC
DEBORAH W MILSTEAD	1009 VALLEY ST	KANNAPOLIS	NC
HELEN G MORGAN	1002 ORANGEWOOD ST	KANNAPOLIS	NC
SEMON & CATHERINE NABORS	1011 W C ST	KANNAPOLIS	NC
WALTER & GINGER OVERCASH	1001 ORANGEWOOD STREET	KANNAPOLIS	NC
ZACHORY OVERCASH	1005 ORANGEWOOD ST	KANNAPOLIS	NC
NICKOLAS PAYNE	1013 W C ST	KANNAPOLIS	NC
RES-NC RESTORATION LLC	16400 SUTTERS RUN LN	HUNTERSVILLE	NC
KATELYN RIOS	1010 W C ST	KANNAPOLIS	NC
RANDY RODRIGUEZ	1019 VALLEY ST	KANNAPOLIS	NC
SMART INVESTMENTS GROUP LLC	7403 OLD OAK LANE	MINT HILL	NC
GILLIAN WADDELL	1016 W C ST	KANNAPOLIS	NC
JUDY A WHELAN	1007 VALLEY ST	KANNAPOLIS	NC
MCKENZIE WOLFORD	1012 W C ST	KANNAPOLIS	NC
LONG RIDGE DEVELOPMENT ATTN: JOSHUA MASTERS	206 OAK AVE	KANNAPOLIS	NC

MailZipCod

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February 22, 2024

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday March 5, 2024 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2024-04 – Special Use Permit – 1015 W C Street

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow for one (1) duplex residential structure on property located at 1015 W C St. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for duplex residential uses in the Mixed-Use Neighborhood (MU-N) zoning district. The subject property is 0.256 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56142263330000 (**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

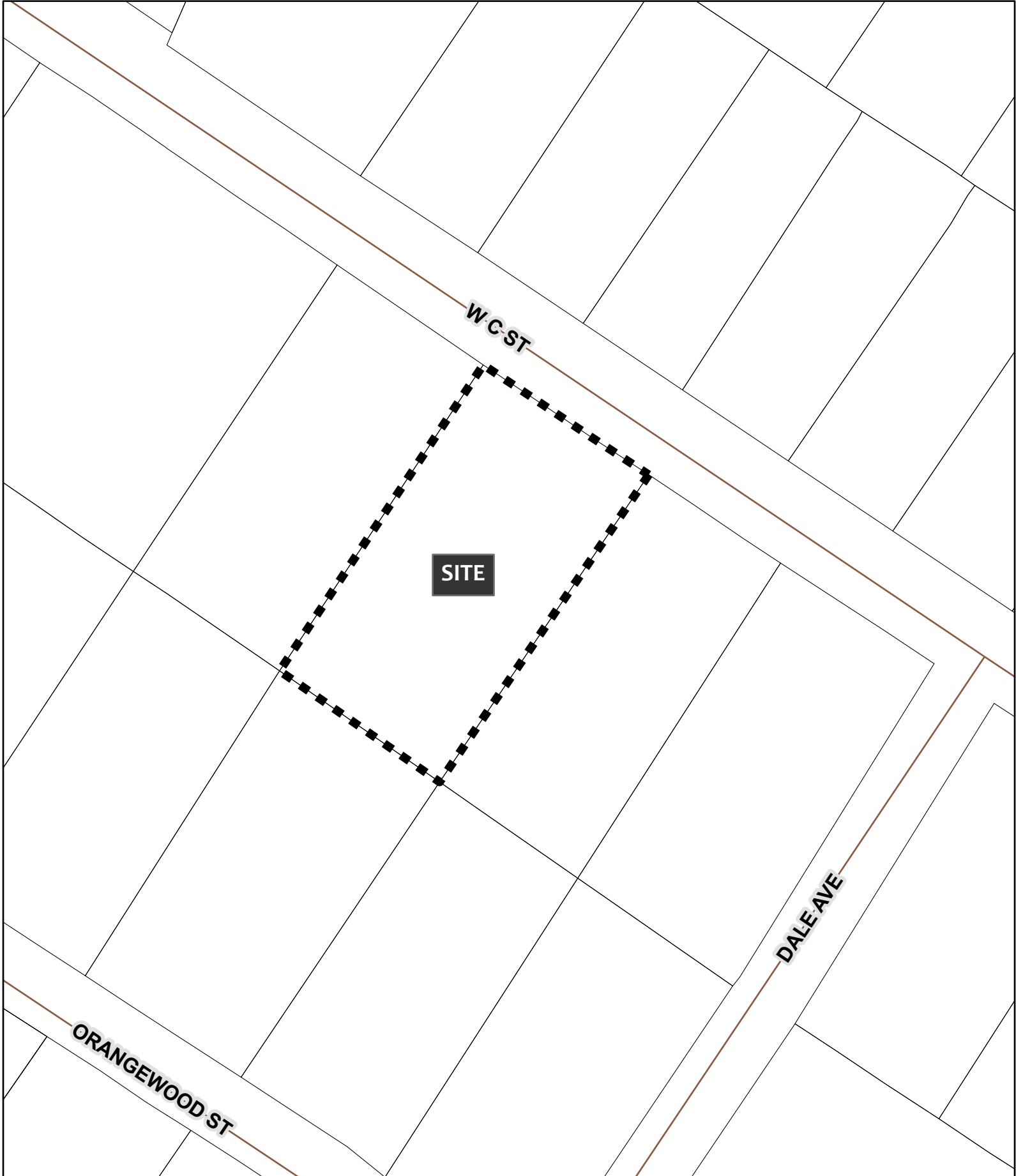
Enclosure

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-2024-04
Applicant: Long Ridge Development
1015 W. C. St





**BOARD OF
ADJUSTMENT**

**PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE #BOA-2024-04**

existing and surrounding uses. Further, the KDO permits duplex dwellings in the MU-N district with the issuance of a SUP.

2. 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.

(a) This project is not anticipated to cause any traffic hazards or traffic congestion.

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

(a) It is not anticipated that the addition of one duplex dwelling would create vibration, noise, odor, dust, smoke, or gas that would be noxious or offensive to the surrounding area.

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.

(a) The addition of the proposed dwelling will not impede orderly development or improvement of surrounding property. The proposed duplex is compatible with the adjacent uses of single-family residential.

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

(a) 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.

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


(a) 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.

7. The applicant consents in writing to all conditions of approval included to the approved Special Use Permit.

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

Based on the above FINDINGS OF FACT the Board CONCLUDES that the Special Use Permit requirements of the KDO have been met and is hereby GRANTED.

This the 5th day of March, 2024.


Secretary


Chairman