

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

3
4 **Minutes of Special Meeting**
5 **Tuesday November 7, 2023**
6

7 The Board of Adjustment met on Tuesday November 7, 2023, at 6:10 PM at City Hall, 401
8 Laureate Way, Kannapolis, North Carolina. This meeting was held in accordance with required
9 Public Notice

10
11 **Board Members Present:** Emily Joshi, Chair
12 Chris Dwiggin
13 Mike McClain, ETJ Representative
14 Ryan French
15 Wilfred Bailey, Sr.
16 Danielle Martini, Alternate Member
17

18 **Board Members Absent:** Cyrus Rattler, Vice Chair
19 Holden Sides
20

21 **City Attorney:** Walter M. Safrit
22

23 **Staff Present:** Richard Smith, Planning Director
24 Ben Barcroft, Senior Planner
25 Kathryn Stapleton, Planner
26

27 **Visitors Present:** Brad Richard Phillip Richard
28 Paige Seeley Judy Cox
29 Shelley Baucom Rex Baucom
30 Kim Allman Don Allman
31 Albaro Reyes Mr. & Mrs. Malina
32 Erica Reliford George Fontas
33

34 **CALL TO ORDER**

35 Chair Joshi called the meeting to order at 6:00pm.
36

37 **ROLL CALL AND RECOGNITION OF QUORUM**

38 Recording Secretary, Pam Scaggs, called the roll and presence of a quorum was recognized.
39

40 **APPROVAL OF AGENDA**

41 Chair Joshi asked for a motion to approve the agenda which was made by Mr. French, second by
42 Ms. Martini and the motion was unanimously approved.
43

44 **SWORN IN FOR TESTIMONY**

45 Ben Barcroft, Karl Malina, Patti Day-Malina, Kim Allman, and Paige Seeley.
46

47 **PUBLIC HEARING**

1 Chair Joshi reminded the Board that the first case [BOA-2023-15] is a continuation from the
2 October 3, 2023, Board meeting.

3
4 **BOA-2023-15 – Continued from October 3, 2023 meeting, a request for a Special Use Permit**
5 **for property located at 2225 Fowler Street to allow for a civic organization in the Residential**
6 **4 (R4) zoning district.**

7 Senior Planner, Ben Barcroft, reiterated that Case No. BOA-2023-15 (attached to and made part
8 of these minutes as Exhibit 1) was continued from the October 3, 2023, Board meeting. Mr.
9 Barcroft stated that the Board had previously expressed some concerns regarding drainage of the
10 pond to allow for an amphitheater, and that they had also requested a Traffic Impact Analysis
11 (TIA). He directed the Board's attention to an updated site plan and stated that the applicant is no
12 longer proposing to build the amphitheater, nor will they be constructing the previously proposed
13 ministry building. Mr. Barcroft added that the site will only be utilized as a seasonal camp facility.

14
15 Mr. Barcroft directed the Board's attention to the Vicinity and Zoning maps, stating that the
16 property is located within the ETJ (Extra Territorial Jurisdiction) area of the City, that it is
17 approximately a 16-1/2-acre parcel, and that the request is for a camp, which is a civic use and
18 requires approval of a Special Use Permit (SUP) in the R4 zoning district. He identified the
19 applicant as The Altar Global and continued to review the existing and surrounding zoning as well
20 as their uses. Mr. Barcroft utilized the Future Land Use Map stating that the property is located
21 within the Neighborhood 2 Character Area and that civic uses are permitted as primary uses in that
22 Character Area. He stated that the property was previously utilized as both a recreational and dog
23 park [consecutively] and that the existing site entrance will remain off Fowler Street. He directed
24 the Board's attention to the Staff Report for their review of the Findings of Fact and made himself
25 available for questions.

26
27 Chair Joshi asked for confirmation that interruption of the natural spring [previous speculation that
28 it feeds the existing pond] is no longer a concern because the applicant no longer proposes to build
29 the amphitheater. Mr. Barcroft confirmed. Chair Joshi asked if there will be anyone providing
30 testimony regarding the traffic impacts. Planning Director, Richard Smith, deferred to the
31 applicant. Chair Joshi reiterated that the applicant is no longer proposing to build the amphitheater,
32 which eliminates the Board's previous concerns regarding impacts to water utilities, and that the
33 only other Finding that the Board required additional testimony was regarding traffic impacts.

34
35 Representative for the applicant, Geoff Stafford, also confirmed that the amphitheater will not be
36 built and as such, the pond will not be filled. Mr. Stafford added that they have attempted to contact
37 several traffic engineers, two of which initially accepted the project, but then had to decline due to
38 their existing workload and the limited timeframe. He continued that Don Spence, a project
39 manager for Progressive Design Group (previously a NCDOT traffic engineer for 17 years), is
40 working and could not attend the meeting but that he received correspondence from Mr. Spence at
41 3:52 PM via email and indicated that he could provide the Board a copy of the email. Mr. Stafford
42 stated that the initial plan was to have the campers dropped off by their parents, but due to the
43 traffic concerns, campers will now be dropped off at the church [The Ark Fellowship Church],
44 which is about a mile and a half down Moose Road, and that they will be bussed in to the subject
45 property in an effort to eliminate the amount of traffic coming in and out of the subject property.

1 He added that there will be a bus traveling the road twice per week, which is to drop off and then
2 to pick up the campers.
3

4 Mr. Stafford attempted to state what Mr. Spence wrote in his email, but City Attorney, Wally
5 Safrit, advised that Mr. Stafford is under oath and cannot testify as to what someone else has said.
6 Mr. Safrit added that Mr. Stafford can provide testimony of his own knowledge and that the Board
7 can decide whether his testimony is adequate to render decision. Mr. Stafford responded that
8 according to North Carolina Department Of Transportation (NCDOT), a TIA is not required for
9 projects that would generate less than 3000 trips per day and added that this information is located
10 on NCDOT's website. He stated that Mr. Spence concluded that while a TIA is not required by
11 NCDOT, he would complete one if the Board recommended one be completed. Mr. Safrit
12 reminded Mr. Stafford that he could not provide testimony on behalf of someone else. Mr. Stafford
13 apologized if he misunderstood Mr. Safrit and did not know if what he found on NCDOT's website
14 could be considered as his testimony. Mr. Safrit stated that the Board directed the applicant to have
15 an expert in the field of traffic available to provide testimony. Mr. Stafford apologized again and
16 stated that Mr. Spence could not attend the meeting in person due to his workload and the timing
17 of the meeting.
18

19 Ms. Martini questioned the location from which the campers will be bussed. Mr. Stafford
20 responded that campers will be bussed from The Ark Fellowship church, located at 2705 Moose
21 Road, which is less than a mile and a half from the subject property. He indicated that he
22 understood the concern of the Board was for the number of cars that would be traveling to drop
23 campers at the subject property, so to alleviate that concern, the decision was made to bus the
24 campers in from a separate location.
25

26 Mr. Bailey noted the "revival events" that were previously held on the property and asked if those
27 type of events will still be held on the subject property. Mr. Stafford responded that due to the
28 construction cost of the amphitheater, as well as the concern regarding potential environmental
29 impacts to the pond, they will not be building the amphitheater and will not be conducting revival
30 services at the subject property. He added that any events held on the property will be for the
31 campers. Mr. Bailey asked for confirmation that there won't be events held on the property. Mr.
32 Stafford suggested that the events to which Mr. Bailey is referring were fundraising campaigns,
33 and that there may be one or two more similar events to raise awareness about the camp.
34

35 Mr. French apologized for not being at the previous meeting and asked if the camp will be a
36 seasonal camp. Mr. Stafford responded that the property was the site of the former rec park and
37 that the camp will be for youth and young adults, who attend school, so that the camp will be
38 seasonal during the summer months. Mr. French asked the goal capacity for the summer camp.
39 Mr. Stafford utilized the preliminary site plan and directed the Board's attention to the location of
40 the cabins, stating that they are proposing ten (10) cabins with a goal of approximately 100-150
41 campers per week.
42

43 There being no additional questions or comments for staff or the applicant, Chair Joshi stated that
44 the Public Meeting was opened and closed at the previous meeting and would not be opened again
45 tonight. She asked for a motion to approve the City's exhibits.
46

1 Attorney Safrit expressed concern that the meeting was continued from the previous month
2 because the Board required the applicant to provide expert testimony regarding traffic impacts,
3 which did not happen, so questioned how the Board was going to alleviate their concerns regarding
4 the traffic impacts. He quoted the Finding of Fact amended by the Board at the previous meeting
5 stating: “*The Board of Adjustment, however, is concerned about the increased traffic in the area*
6 *and has requested expert testimony with regards to the traffic.*”
7

8 Mr. Bailey asked for confirmation that even though the applicant has an email from a traffic expert,
9 the Board could not consider it because the expert did not appear in person. Mr. Safrit responded
10 that only those appearing in person could be considered as providing testimony on a quasi-judicial
11 matter. Chair Joshi asked if the Board could amend the findings based upon testimony provided
12 by Mr. Stafford. Attorney Safrit responded that the Findings could be amended based on testimony
13 provided in person. Planning Director, Richard Smith, advised the Board that they could require
14 further traffic analysis to occur at the staff level and noted that the ordinance requires a TIA for
15 any proposed development generating more than 1000 vehicle trips per day, or more than 100 trips
16 during peak travel times (typically early morning, afternoon, or evening. He added that they could
17 require that the TIA still be completed by the applicant, or that they could continue the meeting
18 and still require that a traffic expert appear to provide testimony. Attorney Safrit apologized for
19 not being able to hear what Mr. Smith advised and asked him to repeat the options and Mr. Smith
20 reiterated the Board’s options for amending the Findings of Fact or continuing the case to the next
21 meeting. Attorney Safrit asked if staff does not require TIA’s during the weekly TRC (Technical
22 Review Committee) meetings. Mr. Smith responded that staff does not require TIA’s unless a
23 project requires one [based on the Ordinance], but that the Board could add a condition to require
24 a TIA.
25

26 Chair Joshi asked for confirmation that the Findings could be amended to require staff to complete
27 a TIA. Mr. Smith responded that the Board could amend the Findings to require the applicant to
28 complete a TIA, or they could continue the meeting to December and require testimony from a
29 traffic expert.
30

31 Mr. French made the motion to continue the case to the December and require the applicant to
32 provide testimony from a traffic expert. The motion received a second by Mr. Bailey and was
33 approved 5-1 with Ms. Martini casting the dissenting vote.
34

35 **BOA-2023-16 – Request for a Special Use Permit for property located at 1704 W C Street to**
36 **allow for a self-service storage use in the General Commercial (GC) zoning district.**

37 Mr. Barcroft, gave a presentation regarding a request for a Special Use Permit (SUP) and provided
38 the application details for BOA-2023-16, attached to, and made part of these minutes as Exhibit 2.
39 Mr. Barcroft directed the Board’s attention to the Vicinity map, identified the applicant and that
40 the subject property is just over 2 acres, and stated that the applicant, West C, LLC, is requesting
41 the SUP to allow a self-service storage facility on property located at 1704 W C Street. He stated
42 that a SUP is required per the Ordinance [KDO] and that the property is also located in the ETJ.
43

44 Mr. Barcroft utilized the Zoning map to illustrate that most of the area is zoned for commercial
45 uses but that existing uses consist mostly of single-family residential uses. He stated that while
46 staff found the SUP request to be incompatible with existing and future land uses, felt that requiring

1 enhanced landscaping would help mitigate impacts of commercial uses within a mostly residential
2 neighborhood and that the applicant agreed to enhancing the street façade to meet staff design
3 requirements. Mr. Barcroft directed the Board’s attention to the Future Land Use Map stating that
4 the subject property is located within the Complete Neighborhood 1 Character Area of the *2030*
5 *Land Use Plan*, and that while the proposed use is not a high-impact use, it is not specifically listed
6 as a recommended use within that character area, which also indicates that it may not be compatible
7 within the existing area. He further directed the Board’s attention to the conceptual site plan, noting
8 that the proposed design will include four (4) rows of self-service, drive-up units and noted access
9 to the proposed project.

10
11 Mr. Barcroft directed the Board to the elevation rendering and stated that staff has asked that the
12 façade be updated to include some type of other materials other than metal and reiterated that the
13 applicant has committed to staff recommended street-facing façade improvements. He added that
14 the Ordinance [KDO] does not allow metal material to be part of street facing façades, such as
15 aluminum siding. Chair. Joshi asked to see an aerial photo of the subject property. Mr. Barcroft
16 directed the Board’s attention to street photos of the subject and surrounding properties, noting an
17 existing curb cut that will be used as access to the proposed development, as well as existing
18 residential uses. He then reintroduced the Vicinity map and utilized it as the aerial photo that Chair
19 Joshi requested.

20
21 Chair Joshi expressed concern regarding lack of an office building on the site plan and noted that
22 the proposed use does not meet either the primary or secondary uses of the Character Area. Mr.
23 Bailey agreed with Ms. Joshi’s concerns and voiced additional concern that the area consists
24 mostly of residential uses. Mr. Barcroft responded that staff has recommended enhanced
25 landscaping and buffering to help mitigate those concerns. He added that there are a few self-
26 storage locations within the City and that there has been discussions whether self-storage uses
27 should continue to be permitted in the General Commercial zoning district, but that currently, the
28 Ordinance [KDO] allows the use with a SUP. Mr. Bailey stated that previous requests for the same
29 use were located near shopping centers or a retail area, and reiterated his concern that this one is
30 being requested in the middle of a residential neighborhood. Chair Joshi agreed with Mr. Bailey
31 and stated that while the permitted uses within the Character Area allow for neighborhood serving
32 retail, questioned whether a self-service storage use could be considered as a neighborhood serving
33 retail use. Mr. Bailey noted property lines shown on the Vicinity map and asked about the area
34 shown with “two (2) dashed lines”. Mr. Barcroft suspected that it may be showing a right-of-way
35 or an easement, but deferred to the applicant for clarification.

36
37 Attorney Safrit stated that he is trying to orientate himself to the area and asked if the subject
38 property is close to the Carpet Outlet store. Mr. Smith responded that he is not familiar with the
39 business that Attorney Safrit is referencing but that the property is near Pump Station Road and
40 that it is located in the ETJ. Attorney Safrit indicated that the Board of Adjustment previously
41 approved a storage facility that is in proximity to the subject property. Mr. Smith agreed with
42 Attorney Safrit that the Board did previously approve a self-storage use, but that the application
43 has since expired, and the property was never developed. He added that the City has seen an influx
44 of self-service storage use applications because the City of Concord no longer allows them within
45 any other zoning district other than the Industrial zoning district. Mr. Smith noted that staff has
46 been discussing the possibility of limiting the use within the General Commercial (GC) zoning

1 district and plans to review this issue with the Planning and Zoning Commission at future
2 meetings.

3
4 **SWORN IN FOR TESTIMONY**

5 Brad Richard

6
7 Representative for the applicant, Brad Richard, 759 Kathy Diane Drive, Fort Mill, SC, stated that
8 the site was approved in 2017 for a self-service storage use, but that it was never developed, and
9 the approval expired. Mr. Richard addressed Mr. Bailey's question regarding the property lines
10 [parcel showing double dashed lines on the Vicinity Map], stating that it traverses a driveway that
11 is used by the adjacent property owner and will not be impacted as a result of the proposed
12 development. He added that due to setback requirements, the enhanced landscaping, and fencing
13 requirements, the developable acreage will be less than 2.18 acres; indicating that it will be
14 approximately 1.8 total acres to be impacted and even less that will be paved. Mr. Richard made
15 himself available for questions.

16
17 Attorney Safrit asked Mr. Richard to repeat what he stated regarding the previous approval. Mr.
18 Richard reiterated that the same property was approved for a self-service storage development in
19 2017 but has since expired. He identified the applicant for the 2017 request as Gary Hamblin and
20 indicated that Mr. Hamblin has since deceased. Attorney Safrit asked for confirmation that the
21 same type of use was approved in 2017, but that the approval has expired and so the applicant is
22 requesting approval again. Mr. Richard confirmed stating that nothing was constructed after the
23 2017 approval and that they are seeking the same approval. He added that they intend to utilize
24 enhanced landscaping and vegetation surrounding the project to create a buffer between the
25 developed site and the neighbors. Mr. Richard continued stating that the majority of self-service
26 storage customers utilize the use within a two to three (2-3) mile radius of their personal residence,
27 indicating that that the proposed use would not drive new business to the area, but should be
28 utilized by people within a few miles' radius, which is of course residents of the area.

29
30 Mr. French asked if the property will be staffed or accessed by a gated keypad. Mr. Richard
31 responded that the property will be automated and will not have on-site employees, so will not
32 require plumbing utilities (bathroom/toilets). He stated that the only occupants on-site will be
33 tenants visiting their units.

34
35 Mr. McClain asked if the units will be air conditioned. Mr. Richard responded that they do not
36 intend to offer conditioned units.

37
38 Mr. Dwiggins expressed concern regarding stormwater runoff and potential drainage issues for
39 neighbors and asked Mr. Richard if there is a plan to mitigate drainage. Mr. Richard directed the
40 Board's attention to the site plan, responding that the northwest corner of the property is the highest
41 point, and that it slopes down to the southeast corner, so the water trends in that direction. He noted
42 location of a dry pond in the southeast corner that will be utilized to divert stormwater from West
43 C Street and reiterated the natural slope of the property to the proposed dry pond. Mr. Richard
44 indicated location of an existing culvert and ditch that runs parallel to West C Street and believes
45 that accessing the existing water drain will be beneficial to existing neighbors.

1 Chair Joshi expressed concern at the lack of existing landscaping and asked Mr. Richard how they
2 intend to address the enhanced landscaping requirement. Mr. Richard responded that their
3 application included a landscaping plan but did not think that it was part of the staff report. He
4 continued that they have obtained quotes from landscaping contractors ranging between \$50-
5 \$80,000.000 to improve the property and that that they intend to exceed Ordinance requirements.
6

7 Chair Joshi asked about the proposed façade changes. Mr. Richard responded that their architect
8 is working on those changes and that he believes the final product will include a combination of a
9 beige stucco, and brick or stone and understands that aluminum or metal materials will not be
10 permitted on street-facing buildings.
11

12 Chair Joshi asked if the lighting will be full-on, or motion detected lighting. Mr. Richard responded
13 that they plan to utilize wall pack lighting which includes lights that are attached to the buildings
14 and will allow downward facing lights to provide security at the ground level. He added that they
15 do not plan to utilize overhead pole lights because they do not want to negatively impact adjacent
16 properties with lights.
17

18 Mr. McClain asked for confirmation that the applicant will not be requesting water or sewer
19 utilities. Mr. Richard confirmed. Mr. McClain asked how the applicant intends to irrigate for the
20 enhanced landscaping requirements. Mr. Richard responded that they will most likely hire a third-
21 party landscaper. Mr. McClain reiterated his question about being able to provide irrigation. Mr.
22 Richard responded that the engineer would need to amend the plan to include irrigation and
23 reiterated that there will not be on-site employees so there will be no need for sewer utilities. Mr.
24 McClain noted the lack of City utilities in the area and asked if an irrigation plan will include
25 drilling for a well. Mr. Richard responded that there are no plans to drill for a well.
26

27 Mr. French asked the number of proposed units. Mr. Richard responded that they are proposing
28 174 units but that one unit would be utilized for their storage of wi-fi and other equipment.
29

30 Chair Joshi agreed with Mr. McClain's concern regarding the lack of water to allow for
31 maintenance of the enhanced landscaping. Mr. Richard agreed that they are still working on the
32 landscaping plan and can address that issue.
33

34 Mr. Smith addressed Attorney Safrit's earlier question regarding location of the subject property
35 to a carpet store, stating that according to google maps, there is a carpet store that is located
36 approximately 700 feet from the subject property [Sam's Carpet]. He confirmed that there was a
37 case for the same use on the same property in 2017, submitted under a different comprehensive
38 plan and different ordinances. Mr. Smith stated that the request was approved with conditions that
39 included limiting the hours of operation, the use of concertina wire on the fence as well as
40 landscaping, but that those conditions are irrelevant to the current request. He also confirmed that
41 the approval for that case has expired.
42

43 Mr. French asked the buffering requirements. Mr. Smith responded that the previous approval
44 included opaque fencing. Mr. Barcroft stated that there are two different options listed in the
45 Kannapolis Development Ordinance (KDO) which include just landscaping or landscaping with a
46 fence; adding that the applicant is proposing a fence with landscaping. Mr. French asked if a fence

1 is required or if the proposed project simply has to be mostly obscured from adjacent properties.
2 Mr. Barcroft reiterated that the applicant can choose one of the previously stated options, but that
3 fencing would help with the buffer between commercial and adjacent residential uses.

4
5 There being no additional questions or comments, Chair Joshi opened the Public Hearing.

6
7 Resident, Kim Allman, 105 Goldston Street, expressed concern regarding environmental impacts
8 to Bakers Creek and its tributaries as a result of construction, stating that the applicant needs to
9 address those issues and asked the Board to deny the request because he does not feel that the use
10 will fit with the existing residential neighborhood.

11
12 There being no additional questions or comments for staff or the applicant, Chair Joshi closed the
13 Public Hearing.

14
15 Chair Joshi asked for a motion to accept the City's exhibits, including the staff report into the
16 record, which was made by Mr. French, second by Mr. Bailey and the motion was unanimously
17 approved.

18
19 Chair Joshi asked for a motion to approve, revise or deny the Findings of Fact. Mr. French made
20 the motion to approve the Findings of Fact and second by Ms. Martini. Chair Joshi asked for any
21 other motions and was reminded that there was already a motion and second. Mr. Smith suggested
22 that the Chair ask for a show of hands on the vote. The Board voted 4-2 to approve the Findings
23 of Fact with Mr. McClain and Mr. Dwiggins casting the dissenting votes. Attorney Safrit advised
24 that majority vote approved the Findings.

25
26 Chair Joshi asked for a motion to approve, approve with conditions, or deny the issuance of the
27 Special Use Permit. After no motion was made, Attorney Safrit advised that since the Board
28 approved the Findings of Fact, the only option is to approve the SUP.

29
30 Ms. Martini asked if Mr. Smith would clarify what was meant when it was mentioned that the
31 Planning and Zoning Commission was going to review the zoning in that area at their December
32 meeting. Mr. Smith stated that staff has been reviewing the West C Street area because it is zoned
33 as General Commercial (GC) but that existing uses are predominantly residential. He added that
34 since there is no utility infrastructure in that area to allow more commercial growth, staff feels that
35 it deserves review by the Commission and is recommending a mixed-use neighborhood (MU-N)
36 zoning as opposed to the current GC zoning. Mr. Smith stated that if the Board were to approve
37 the SUP request, and the Commission approved rezoning the area to MU-N, the proposed use
38 would be considered legally nonconforming.

39 Ms. Martini asked if the Board could continue the case to the December meeting. Attorney Safrit
40 advised that the request failed to receive a motion to approve the SUP which defaults to a denial
41 and that the Board would have to revise the Findings of Fact. Mr. McClain asked if he could submit
42 a motion to deny the request. Mr. Safrit responded that if it is the pleasure of the Board to deny the
43 SUP request, that they would need to revise the Findings of Fact which they could delay until the
44 December meeting but that the Board would have to pick back up with revising the Findings of
45 Fact at that time.

1 Mr. McClain made the motion to deny the SUP request, second by Mr. Dwiggin and the motion
2 was approved 4-2 with Mr. French and Ms. Martini casting the dissenting votes. Attorney Safrit
3 advised that the Board will need to revise the Findings of Fact.

4
5 Chair Joshi made the motion to amend Findings No. 1: *The proposed special use is not in harmony*
6 *with the area in which it is to be located and in general conformance with the City's Land Use*
7 *Plan*; indicating that it is not in harmony. Attorney Safrit advised that the Board will need to state
8 the reason that the request is not in harmony. Chair Joshi stated that there is no sufficient evidence
9 that the enhanced landscaping buffer can be maintained without a water supply so is therefore not
10 in harmony. She asked if her motion to amend required a second. Attorney Safrit asked if there are
11 any other proposed changes. Mr. McClain recommended amending Finding No. 4: *The*
12 *establishment of the proposed use shall not impede the orderly development and improvement of*
13 *surrounding property for uses permitted within the zoning district*; stating that allowing the
14 requested use will be detrimental to the existing neighborhood. Attorney Safrit asked for
15 confirmation that Mr. McClain is suggesting that the proposed use is not compatible with the
16 existing residential uses. Mr. McClain responded that the proposed use does not line up with
17 existing uses. Attorney Safrit asked him to elaborate. Mr. McClain suggested that the proposed
18 use could negatively impact surrounding uses and existing property values. Chair Joshi added that
19 the proposed use will not have a minimal impact as stated in staff findings but finds that the 24-
20 hour access to the facility would have a substantial impact to adjacent properties.

21
22 Chair Joshi asked for a motion to amend the Findings of Fact as stated, which was made by Mr.
23 French, second by Mr. McClain and unanimously approved.

24
25 Chair Joshi asked for a motion regarding the Order. Mr. McClain made the motion to deny the
26 Order, second by Mr. French and the motion was unanimously approved.

27
28 **BOA-2023-17 – Request for a Special Use Permit for property located at 160 & 170 Glenn**
29 **Avenue to allow for a duplex dwelling in the Mixed-Use Neighborhood (MU-N) zoning**
30 **district.**

31 Mr. Barcroft, gave a presentation regarding a request for a Special Use Permit (SUP) and provided
32 the application details for BOA-2023-17, attached to, and made part of these minutes as Exhibit 3.
33 He reminded the Board that they previously approved a SUP on the adjacent property at their
34 October 3, 2023, meeting, and that the property was split after application was submitted which
35 resulted in separate cases. He directed the Board's attention to the Vicinity map and stated that the
36 applicant, RES-NC Restoration, LLC, is requesting the SUP to allow construction of a duplex
37 dwelling on property located at 160 & 170 Glenn Avenue with access from Glenn Avenue.

38
39 Mr. Barcroft utilized the Zoning and Future Land Use maps as well as site photos to illustrate
40 adjacent residential and church uses, stating that staff found the SUP request to be compatible with
41 existing and future land uses. He further directed the Board's attention to the conceptual site plan
42 and the previously approved SUP for the same use. Mr. Barcroft directed the Board's attention to
43 elevation renderings as well as an interior layout of the units. Mr. Barcroft concluded his
44 presentation and made himself available for questions.

45
46 **SWORN IN FOR TESTIMONY**

1 George Fontas

2
3 The applicant, George Fontas, 16400 Sutters Run Lane, Huntersville, made himself available for
4 questions.

5
6 Mr. French asked if the proposed structure will be the same as what is currently being constructed.
7 Mr. Fontas responded that there will be some color variation but that each duplex will be three
8 bedroom, 2-1/2 bathroom units with a master bedroom downstairs and the other bedrooms upstairs.
9 He stated that they submitted the SUP application and then subdivided the property, not knowing
10 that subdividing the property would cause issues. Mr. Fontas stated that they are proposing units
11 separated by a garage because they feel that they will better match the surrounding neighborhood.
12 He added that they could have built eight (8) townhomes, but that they would have had to wait
13 longer for sewer allocation and that the four (4) units fit better with the existing neighborhood.

14
15 There being no additional questions or comments for staff or the applicant, Chair Joshi opened the
16 Public Hearing.

17
18 Resident Tim Allman, 105 Goldston Street, stated that he lives directly across from proposed
19 structures and that while he has researched the developer and has found them to be reputable and
20 agrees that they will fit in with the existing neighborhood, expressed concern regarding traffic
21 impacts to West C Street. Mr. Allman stated that an additional residential project located off West
22 C Street, Lynn Ave. South, is not far from the proposed development and suggested that the current
23 construction occurring on Mooresville Road (HWY 3), is causing traffic to divert to West C Street
24 and asked the City to consider adding a roundabout, traffic light or widening West C Street. Mr.
25 Allman stated that he is not opposed to growth, and is in favor of the proposed project, but prefers
26 “smart growth” and asked the Board and the City to consider impacts to existing residents.

27
28 Mr. Bailey stated that Hwy 3 should be completed within 8 months and that the traffic impacts
29 stated by Mr. Allman may be eliminated but agreed that the addition of townhomes will increase
30 traffic on West C Street. He apologized to Mr. Allman that the Board of Adjustment does not have
31 the authority to require road improvements. Mr. Smith advised that the current SUP request would
32 not generate significant traffic impacts nor trigger the requirement for a traffic impact analysis.

33
34 There being no additional questions or comments, Chair Joshi closed the Public Hearing and asked
35 for a motion to accept the City’s exhibits, including the staff report into the record. Mr. Bailey
36 made the motion to approve, second by Mr. French and the motion was unanimously approved.

37
38 Chair Joshi asked for a motion to approve or revise the Findings of Fact. Mr. French made the
39 motion to approve the Findings of Fact, second by Ms. Martini and the motion was unanimously
40 approved.

41
42 Chair Joshi asked for a motion to approve, approve with conditions, or deny the issuance of the
43 Special Use Permit. Mr. French made the motion to approve, second by Mr. Bailey and the motion
44 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, introduced the new Assistant Planning Director, Elizabeth
6 McCarty, and provided a brief background. Mr. Smith provided an overview of the Permit Report
7 for the 3rd quarter (attached as Appendix A) and responded to questions from the Board regarding
8 that report.
9

10 **OTHER BUSINESS**

11 Mr. Smith stated that he will provide an update regarding transportation as well as training at the
12 Board's December meeting and responded to the Board regarding the allocation process.
13

14 **ADJOURN**

15 There being no further business, Mr. French made the motion to adjourn, second by Ms. Martini
16 and the motion was unanimously approved.
17

18 The meeting was adjourned at 7:25 PM on Tuesday, November 7, 2023.
19
20

21 
22
23

24 Pam Scaggs, Recording Secretary
25 Board of Adjustment


Emily Joshi, Chair
Board of Adjustment


EXHIBIT 1



Board of Adjustment November 7, 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 (changes to the previous staff report are shown in red)

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, 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. This property is located in the City's extra territorial jurisdiction (ETJ).

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.

This is a continuation of the hearing from October 3, 2023. The Board of Adjustment previously requested expert testimony with regards to draining a pond and the increased traffic. The applicant has since decided the construction of the amphitheater is no longer part of the proposed plans so, the pond

will not be drained. The building is no longer part of the plans either. The applicant only plans to operate a seasonal camp, hosting 100-200 students. Staff has still recommended that the applicant have an expert witness available to speak on the potential issue with increased traffic.

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 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 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.

Staff recommends requiring a traffic impact analysis to address any potential concerns or needed improvements.

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.

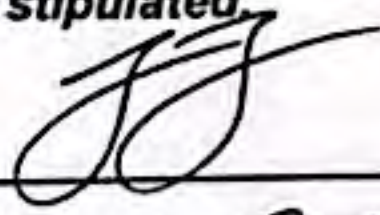
Yes

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.

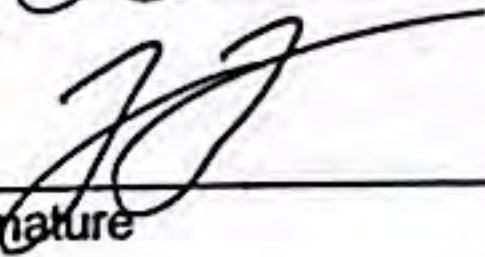
Applicant Signature



9/6/23

Date

Property Owner Signature



9/6/23

Date

For Staff Use Only:

Filing Fee: _____

Receipt #: _____

Case #: _____

Date Received: _____

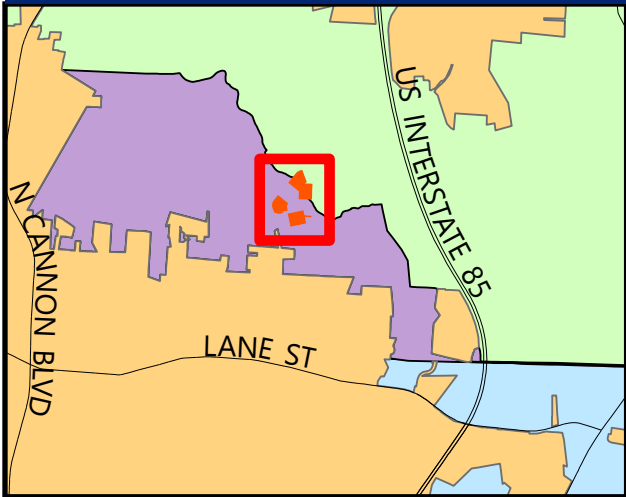


Vicinity Map

Case Number: BOA-2023-15

Applicant: Jeremiah Johnson

2225 Fowler St



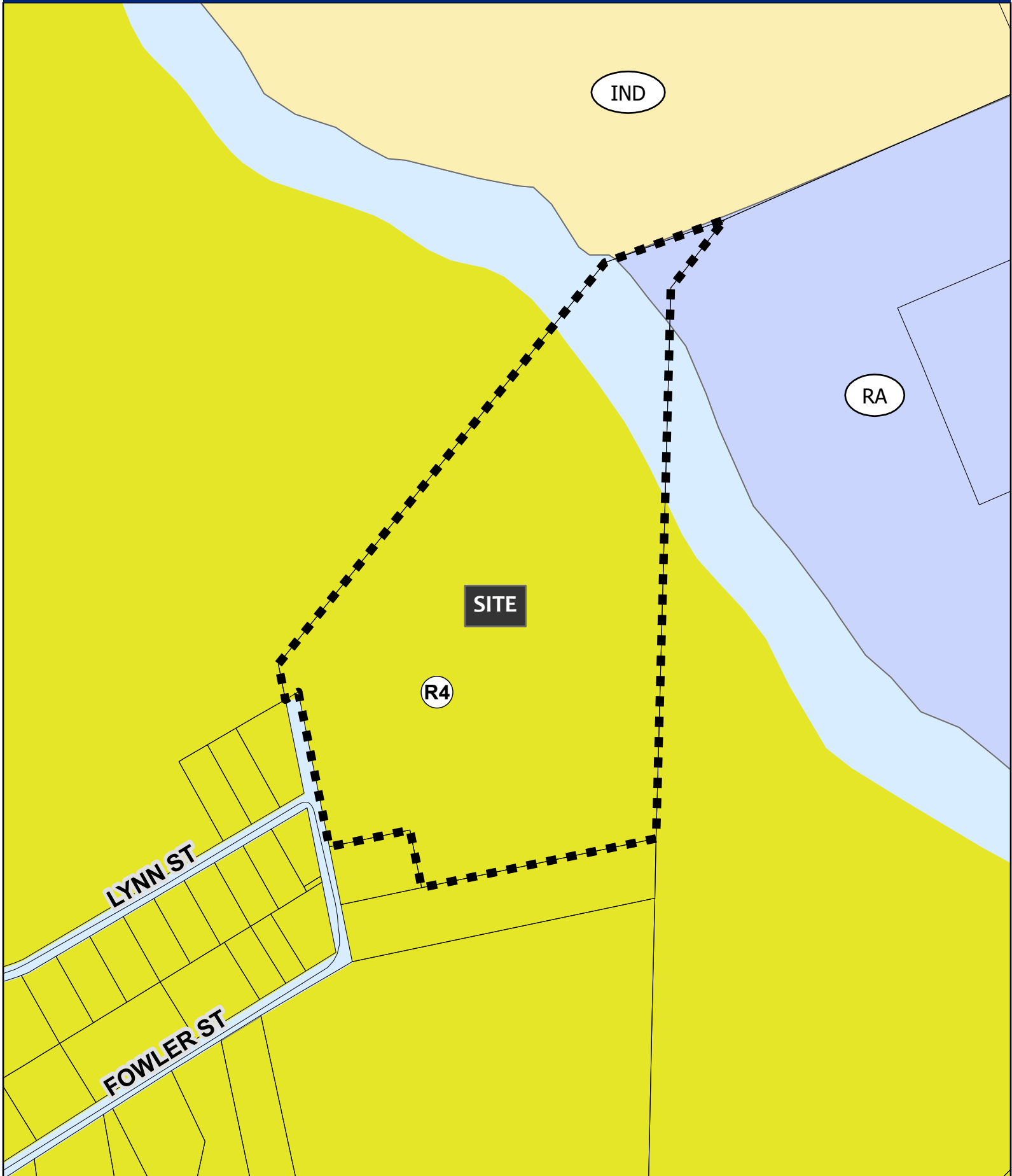


Kannapolis Current Zoning

Case Number: BOA-2023-15

Applicant: Jeremiah Johnson

2225 Fowler St



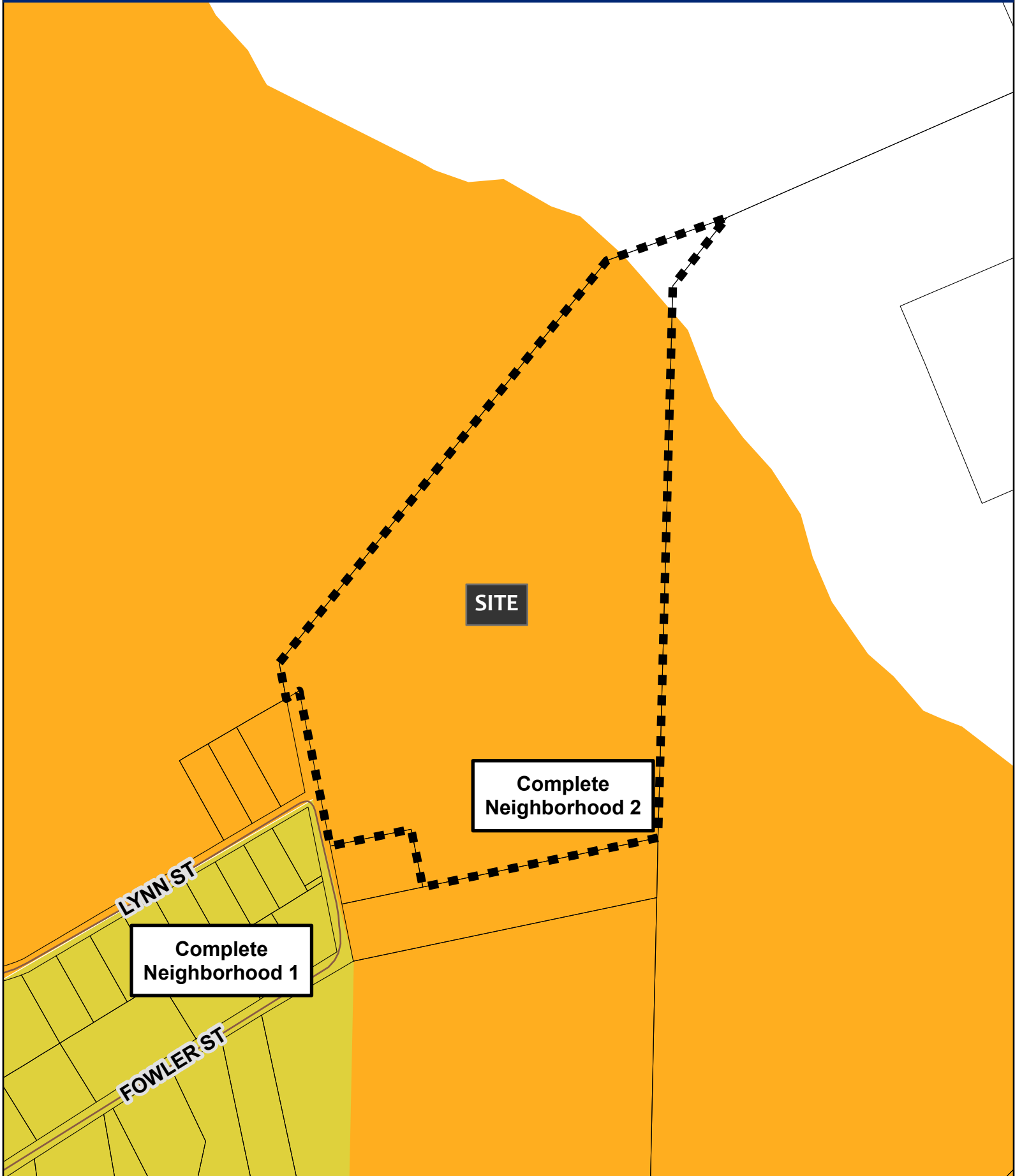


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2023-15

Applicant: Jeremiah Johnson

2225 Fowler St



THE ALTAR GLOBAL

HEADQUARTERS

#occupytheland

PREPARING FOR THE WEDDING DAY



| 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.

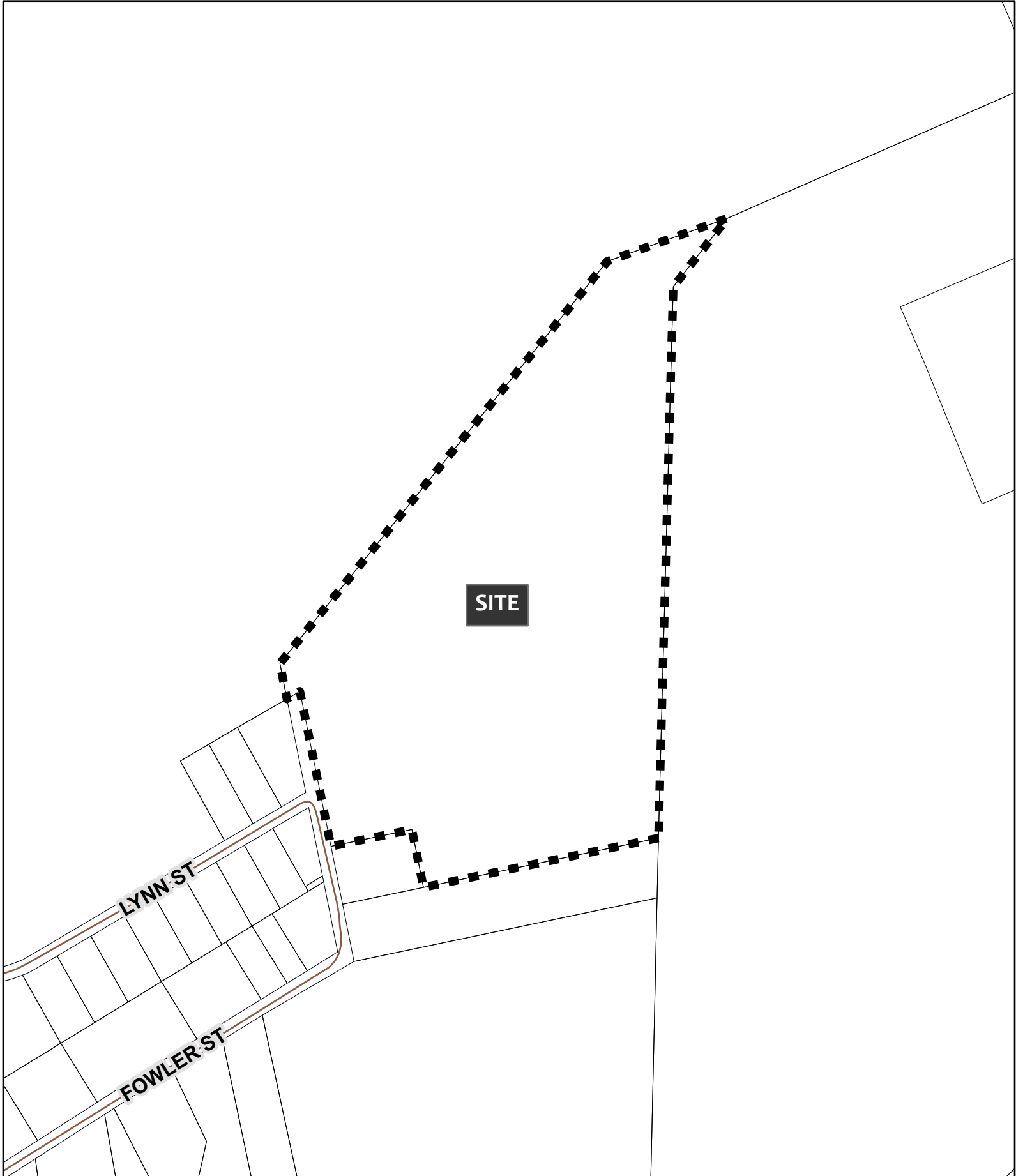


Special Use Permit

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

EXHIBIT 2



Board of Adjustment November 7, 2023 Meeting

Staff Report

TO: Board of Adjustment

FROM: Ben Barcroft, Senior Planner

SUBJECT: Case# BOA-2023-16: Special Use Permit – 1704 W C Street
Applicant: West C, LLC

Request for a Special Use Permit to allow for a self-service storage facility on property located at 1704 W C 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 applicant, West C, LLC, is requesting a Special Use Permit (SUP) to allow for a self-service storage facility in the General Commercial (GC) zoning district on approximately 2.18 +/- acres of property located at 1704 W C Street, further identified as Rowan County Parcel Identification Number 249C081.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for Self-service storage 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.

This property is in the "Complete Neighborhood 1" Character Area in 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 use of a tattoo studio will be located in an established multi-use 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.

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 |



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**. Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

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: 0 West C Street, Kannapolis NC 28081 (nearest intersection N Arbor Ave / West C)

Applicant: West C, 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: _____

9/29/2023



SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: West C, LLC
Address: 709 Crystal Cove Court
Sneads Ferry, NC 28460
Phone: 704-975-3201
Email: bnr0327@gmail.com

Property Owner Contact Information same as applicant

Name: _____
Address: _____
Phone: _____
Email: _____

Project Information

Project Address: 0 West C St, Kannapolis NC 28081 Zoning District GC (C2)
Parcel PIN: 5604-16-84-6878 Size of property (in acres): 2.18

Current Property Use: Vacant commercial

Proposed Use: Self storage

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): _____

See attached plans.

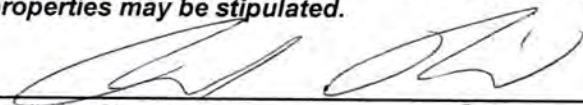
REVIEW STANDARDS

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:

- 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.**
West C street is identified as a key travel corridor, with increasing population in the Kannapolis region-including Glenn Avenue South-retail self storage will assist to serve the future development of the rural transition and surrounding neighborhoods.

2. **Adequate measures shall be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads.**
60' right of way will be utilized with adequate off-street entry space for vehicles to enter the facility without impeding traffic on West C Street.
3. **The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.**
The proposed business use does not generate any offensive by-products or waste.
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 not impede or encroach on any neighboring sites, and with the maximum permitted height of one (1) story the building will not be a disturbance to the surroundings.
5. **The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare.**
There are no waste products generated during the business operations of the proposed use.
6. **The proposed use complies with all applicable provisions of the KDO.**
Confirmed in Article 4, Table 4.2.B(5) - Retail Sales & Services
7. **The applicant consents in writing to all conditions of approval included in the approved special use permit.**
I consent.


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

9/29/2023

Date



Property Owner Signature

9/29/2023

Date

For Staff Use Only:

Filing Fee: _____

Receipt #: _____

Case #: _____

Date Received: _____

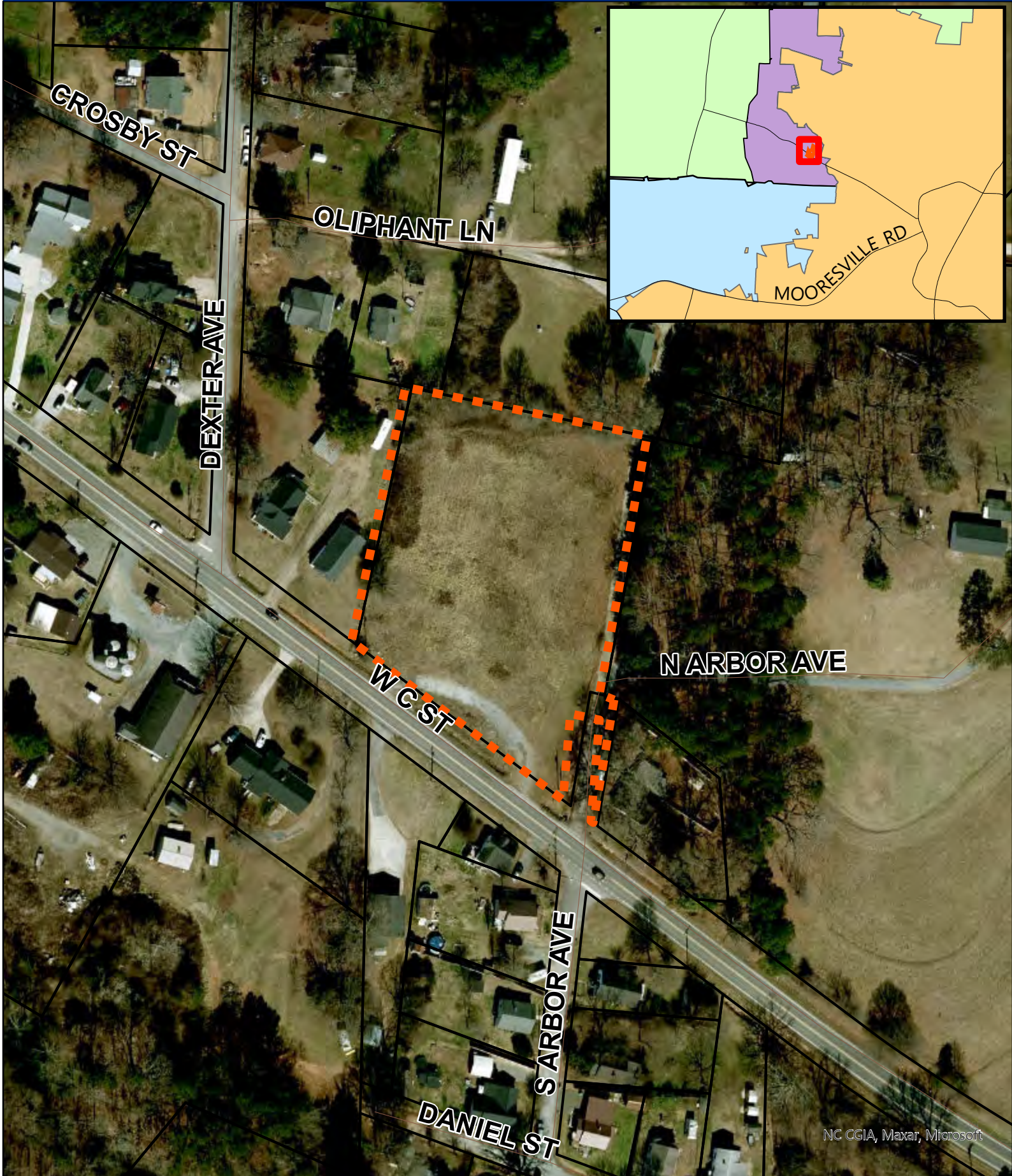


Vicinity Map

Case Number: BOA-2023-16

Applicant: West C LLC

1704 W C St





Kannapolis Current Zoning

Case Number: BOA-2023-16

Applicant: West C LLC

1704 W C St

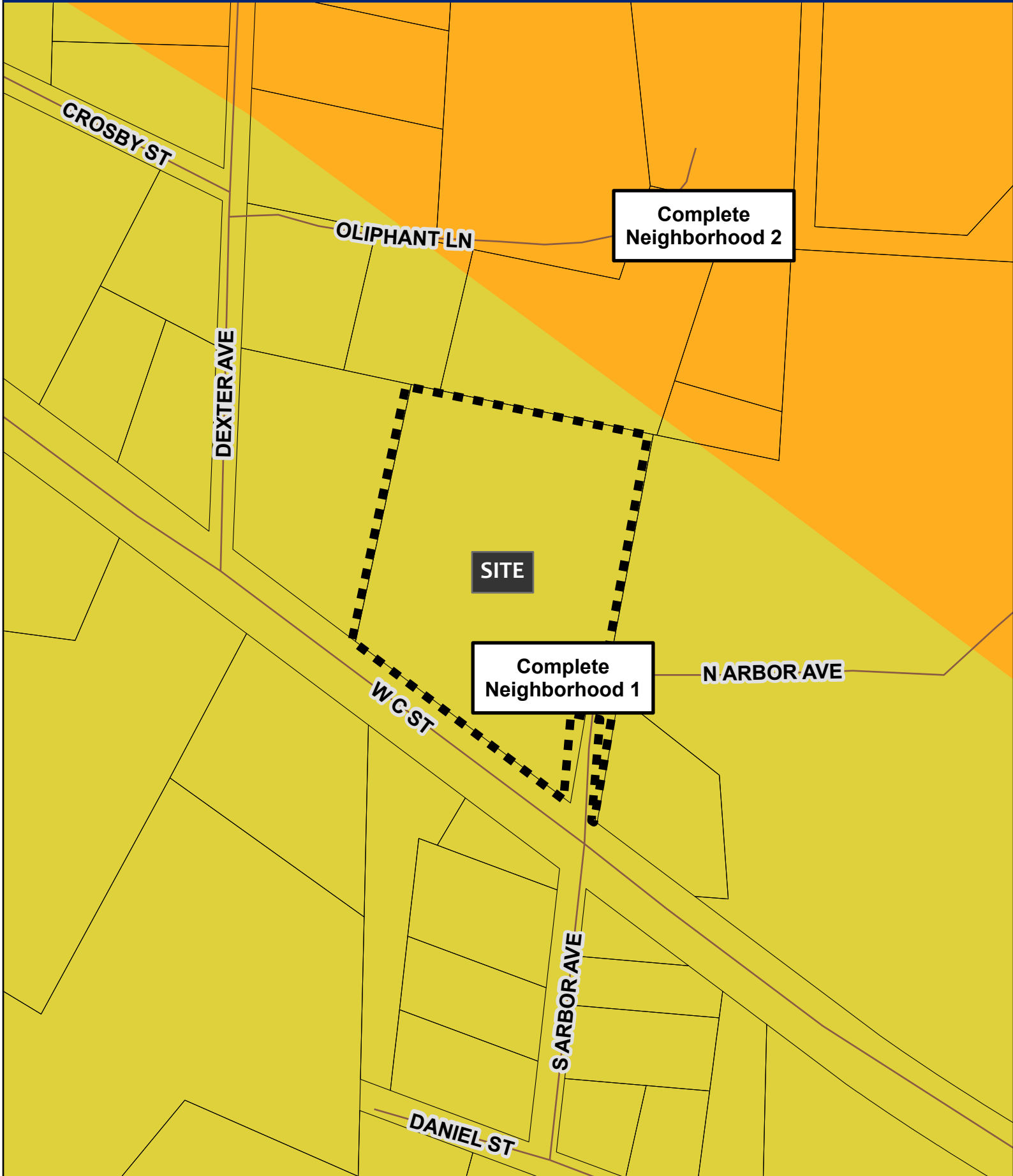


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2023-16

Applicant: West C LLC

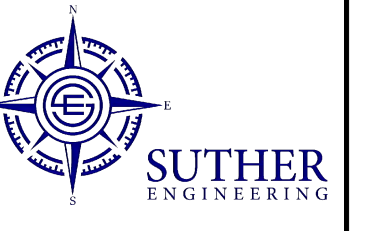
1704 W C St



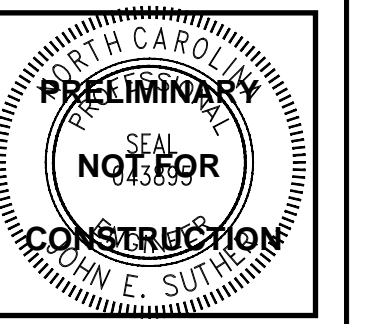
SPECIAL USE PERMIT DRAWINGS

WEST C ST STORAGE

KANNAPOLIS, NC



FIRM No. P-1946
1316 S. MAIN ST. STE D
KANNAPOLIS, NC 28081



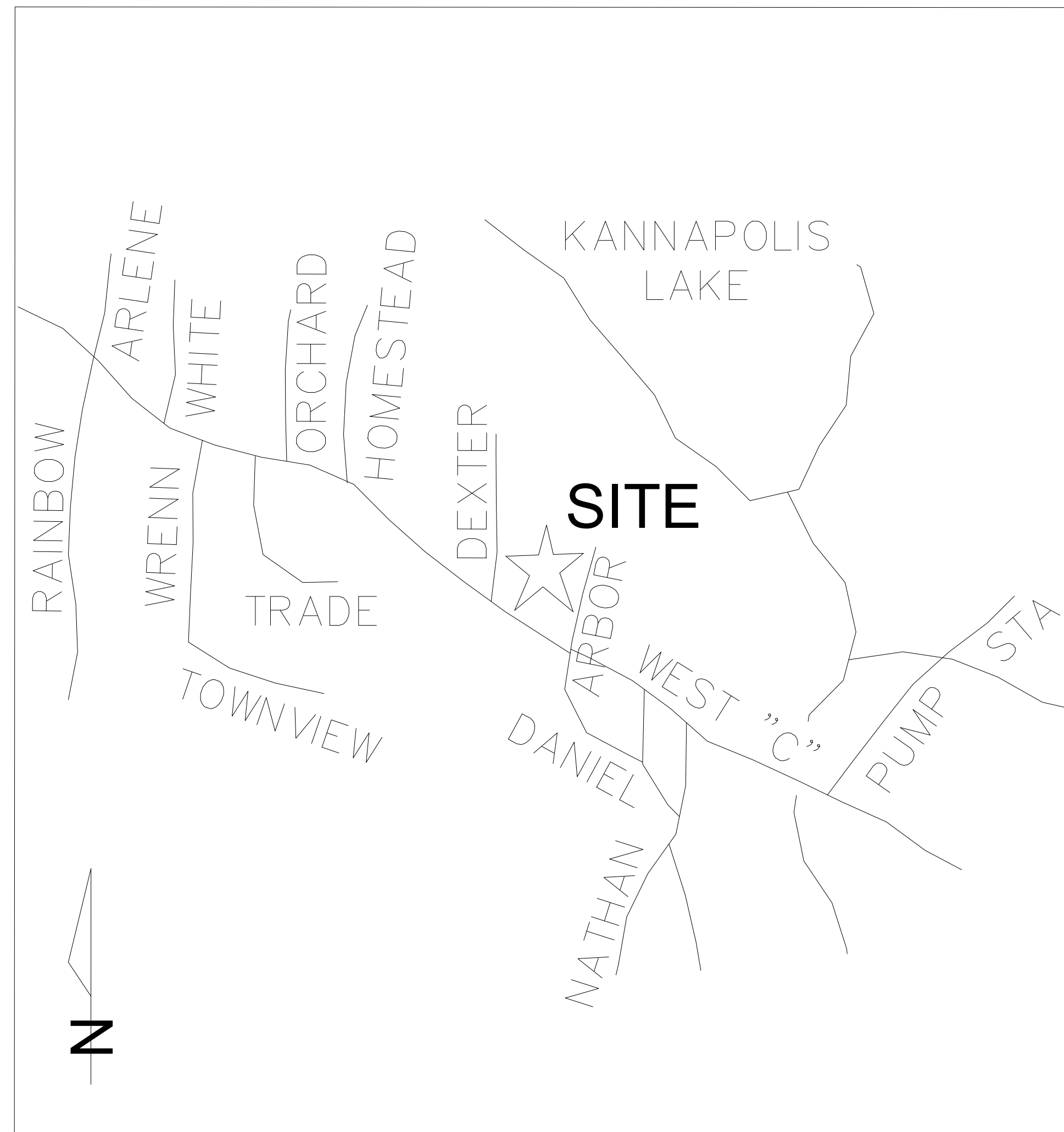
SUBJECT PROPERTY INFO:
PARCEL ID(S):
249C081
DEED BOOK & PAGE:
DB: 1426 PG: 261
CURRENT ZONING:
GC (KANNAPOLIS)
PROPERTY LOCATION:
CITY OF KANNAPOLIS ETJ
ROWAN COUNTY
OWNER INFORMATION:
WEST C LLC
6323 WILLOW RUN DR
CHARLOTTE, NC 28277

ENGINEERS NOTES:

1. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF WORK 48 HOURS PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES.
2. THE CONTRACTOR SHALL CONFIRM AT THE TIME OF NOTIFICATION TO THE ENGINEER OF THE COMMENCEMENT OF WORK THE CURRENT DRAWING REVISION AND DOCUMENTS. STATUS OF CURRENT PLANS FROM THE CITY OF KANNAPOLIS AND RELEVANT JURISDICTIONS SHALL ALSO BE CONFIRMED PRIOR TO THE START OF CONSTRUCTION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE TO OBTAIN INTERPRETATIONS FOR ANY QUESTIONS REGARDING THESE DRAWINGS PRIOR TO COMMENCEMENT OF WORK OR ORDERING OF MATERIALS AND SHALL BEAR THE COST OF ALL REWORK IF NOT PROPERLY COORDINATED.
4. THE CONTRACTOR SHALL OBTAIN A PERMIT FOR ANY EXCAVATION PERFORMED WITHIN THE PUBLIC RIGHT OF WAY.
5. THE ENGINEER OF RECORD SHALL NOT BE RESPONSIBLE FOR THE ENFORCEMENT OF SAFETY MEASURES OR REGULATIONS. THE CONTRACTOR SHALL DESIGN, CONSTRUCT, AND MAINTAIN ALL SAFETY DEVICES AND SHALL BE SOLELY RESPONSIBLE FOR CONFORMING TO ALL LOCAL, STATE, AND FEDERAL SAFETY STANDARDS, LAWS AND REGULATIONS.
6. MEANS AND METHODS OF CONSTRUCTION SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. ANY PROCESS, METHOD, OR ADDITIONAL DESIGN REQUIRED FOR THE INSTALLATION OF PROJECT ELEMENTS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR PERFORMING THE WORK.
7. THE CONTRACTOR SHALL ADJUST ALL PROPOSED AND EXISTING FACILITIES TO FINAL DESIGN GRADE.
8. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN THE FIELD DATA AND THE INFORMATION SHOWN HEREIN. ENGINEER SHALL NOT BE RESPONSIBLE FOR ANY WORK DONE WITHOUT PROPER NOTIFICATION AND COORDINATION.
9. THE ENGINEER PREPARING THESE PLANS SHALL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGED TO OR USES OF THESE PLANS. ALL CHANGES MUST BE IN WRITING AND MUST BE APPROVED BY THE DESIGN ENGINEER PRIOR TO IMPLEMENTATION.
10. PRIVATE WATER AND SANITARY SEWER SYSTEMS SHALL BE TESTED IN ACCORDANCE WITH N.C.D.E.N.R. REGULATIONS IN THE PRESENCE OF THE ENGINEER OR APPROPRIATE CITY INSPECTOR PRIOR TO ACTIVATION OF FACILITIES.
11. EXISTING SANITARY SEWER AND WATER SYSTEM SHOWN PER PROVIDED SURVEY AND SALISBURY REFERENCE DRAWINGS. EXISTING PUBLIC UTILITY INFORMATION IS SHOWN FOR REFERENCE ONLY AND EXISTING SIZES, INVERTS, AND LOCATIONS SHALL BE FIELD VERIFIED.
12. A LICENSED UTILITY CONTRACTOR OR APPLICABLE CITY PUBLIC WORKS WILL INSTALL THE TAPS AND METERS. THE AUTHORIZED CONTRACTOR PERFORMING THE WORK IS RESPONSIBLE FOR INSTALLING THE TAPS AND METERS TO KANNAPOLIS STANDARDS AND REGULATIONS.
13. SANITARY YARD HYDRANTS SHALL BE "STOP AND DRAIN", "STOP AND WASTE", OR "WEEP HOLE" TYPE HYDRANTS.
14. IF THE CONTRACTOR OPTS TO INSTALL PRECAST STRUCTURES, THE CONTRACTOR SHALL BE REQUIRED TO VERIFY RIM ELEVATION AND LAYOUT OF ALL PIPES INCLUDING SIZE AND INVERTS OF EXISTING FACILITIES, PRIOR TO THE ORDERING OF MATERIALS.
15. IT SHALL BE THE RESPONSIBILITY OF THE INSTALLER TO ADJUST ALL PRECAST STRUCTURES TO FINISH GRADE IN ACCORDANCE WITH AGENCY SPECIFICATIONS AND MANUFACTURER RECOMMENDATIONS. NO ADDITIONAL PAYMENT WILL BE MADE FOR ADJUSTING FACILITIES TO FINISHED GRADES.
16. FIRE HYDRANTS SHALL BE 10' CLEAR OF ANY OBSTRUCTIONS.
17. FDC LOCATIONS SHALL BE IN ACCORDANCE WITH KANNAPOLIS FIRE DEPARTMENTS REQUIREMENTS.
18. FIRE SPRINKLER SIZING AND FDC CONNECTIONS (IF REQ) TO BE SIZED AND LOCATED PER THE RECOMMENDATION OF THE FIRE SPRINKLER CONSULTANT. ALL REFERENCE SHOWN HEREIN ARE FOR SCHEMATIC PURPOSES ONLY.
19. THE CONTRACTOR SHALL FLUSH AND CLEAN ALL ONSITE STORM DRAINAGE AND HAUL OFF ALL ACCUMULATED MATERIALS AT THE COMPLETION OF CONSTRUCTION. THE CONTRACTOR SHALL PROTECT DOWN STREAM PROPERTIES AND BMP INSTALLATIONS FROM EXCESSIVE SEDIMENT ACCUMULATION. UPON COMPLETION OF CLEANING, CONTRACTOR SHALL PROVIDE WRITTEN CONFIRMATION TO THE OWNER AND REQUEST INSPECTION OF THE PROJECT BY THE ENGINEER FOR FINAL INSPECTIONS.

GENERAL NOTES

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS, RULES, AND REGULATIONS.
2. NOTIFY NORTH CAROLINA 811 OR A PRIVATE UTILITY LOCATION SERVICE AT LEAST TWO FULL DAYS PRIOR TO COMMENCEMENT OF ANY EXCAVATION OR DEMOLITION ACTIVITY.
3. EXISTING UTILITY LINES AND UNDERGROUND FACILITIES, WHERE KNOWN, ARE INDICATED ON THE CONSTRUCTION DOCUMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND IDENTIFYING IN THE FIELD ALL EXISTING UNDERGROUND UTILITIES, PIPELINES AND OTHER INSTALLATIONS PRIOR TO EXECUTING ANY EARTHWORKS OR EXCAVATIONS.
4. BOUNDARY AND TOPOGRAPHIC INFORMATION WAS OBTAINED FROM THE PLAT BOUNDARY REFERENCED AND CABARRUS COUNTY DATA AVAILABLE IN THE PUBLIC DOMAIN, INTERNAL SURVEY INFORMATION, AND NORTH CAROLINA LIDAR INFORMATION AVAILABLE IN THE PUBLIC DOMAIN.
5. ARCHITECTURAL DIMENSIONS TO BE VERIFIED BY SURVEYOR. REFER TO ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS.
6. THE SURVEYOR SHALL REPORT ANY ENCROACHMENTS OR DISCREPANCIES GENERATED BY THE SITE PLAN AGAINST ANY SITE DEVELOPMENT REQUIREMENTS SPECIFIED BY THE SITE PLAN TO THE OWNER, ARCHITECT, OR CIVIL ENGINEER PRIOR TO ANY ACTUAL CONSTRUCTION.
7. ALL STREET INTERSECTIONS, DRIVES, AND CURB GRADES SHALL BE COORDINATED WITH THE CITY OF KANNAPOLIS INSPECTOR.
8. ALL ROAD IMPROVEMENTS ARE TO BE COORDINATED WITH THE CITY OF KANNAPOLIS ENGINEERING DEPARTMENT AND / OR THE NCDOT PRIOR TO CONSTRUCTION.
9. IN ORDER TO ENSURE PROPER DRAINAGE, KEEP A MINIMUM OF 0.5% SLOPE ON THE CURBS.
10. CURB AND GUTTER SHOWN ON PLANS MAY BE ADJUSTED BASED UPON FIELD STAKING BY CITY OF KANNAPOLIS ENGINEERING. ASSOCIATED STORM DRAINAGE MAY ALSO REQUIRE MODIFICATION BASED UPON FIELD CONDITIONS.
11. PE SEALED SHOP DRAWINGS FOR RETAINING WALLS MUST BE SUBMITTED TO THE CITY ENGINEER AND COUNTY FOR PERMIT PRIOR TO CONSTRUCTION.
12. "AS-BUILT" DRAWINGS AND PLANS OF THE STORM DRAINAGE SYSTEM, INCLUDING DESIGNED DETICHES, MUST BE SUBMITTED PRIOR TO FINAL INSPECTION TO THE CITY/COUNTY ENGINEERING DEPARTMENT IN ACCORDANCE WITH THE CITY OF KANNAPOLIS ORDINANCE.
13. PRIOR TO BUILDING CO. SURVEYOR SEALED "AS-BUILT" DRAWINGS OF ALL WATER QUALITY BMP'S AND DETENTION/RETENTION SYSTEMS MUST BE PROVIDED IF PRESENT IN THE DESIGN DOCS.
14. PRIOR TO PLAT RECORDATION, OFFSITE R/W AND/OR CONSTRUCTION EASEMENTS ARE REQUIRED TO BE OBTAINED.
15. ALL REQUIRED POST CONSTRUCTION CONTROLS AND EASEMENTS (PCCES) MUST BE RECORDED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
16. ANY WORK WITHIN THE CITY OR STATE'S R/W THAT REQUIRES CLOSURE OF THE SIDEWALK OR TRAVEL LANES MUST BE APPROVED BY HARRISBURG OR NCDOT. THE CONTRACTOR SHALL BE RESPONSIBLE TO COORDINATE ANY CLOSURES.
17. ALL DIMENSIONS, ELEVATIONS AND COORDINATES ARE IN FEET UNLESS NOTED OTHERWISE. VERTICAL DATUM IS NAD 83.
18. CONTRACTOR SHALL FURNISH ALL EQUIPMENT AND TOOLS AND SHALL BE RESPONSIBLE FOR ACCURATELY LOCATING AND STAKING OUT THE WORK. BENCHMARKS AND REFERENCE LINES SHALL BE CAREFULLY MAINTAINED AND, IF DISTURBED OR DESTROYED, SHALL BE REPLACED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
19. CONTRACTOR SHALL PROVIDE ALL SURVEYING AND ENGINEERING SERVICES TO ESTABLISH REFERENCE POINTS, LINES AND GRADES TO CONTROL THE WORK, AND TO MEASURE EXCAVATION AND FILL QUANTITIES BY USE OF RECOGNIZED SURVEY PRACTICES.
20. IF NEEDED GEOTECHNICAL EXPLORATION REPORTS TO INCLUDE BORING AND SOILS DATA AND IS PROVIDED TO THE CONTRACTOR FOR USE. THE BORING LOGS AND TEST DATA SHOULD INDICATE THE CONDITIONS AT THE PARTICULAR LOCATIONS OF THE BORINGS OR TESTING LOCATIONS. IT SHALL NOT BE CONSTRUED THAT BORING LOGS AND OTHER TEST DATA INDICATE THE ACTUAL CONDITIONS THAT WILL BE ENCOUNTERED THROUGHOUT THE SITE. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ANY INTERPRETATION AND CONCLUSIONS, WHICH THEY MAY MAKE AS TO THE NATURE OF THE MATERIALS TO BE ENCOUNTERED AND THE DIFFICULTY OF PERFORMING THE WORK.
21. THE CONTRACTOR IS RESPONSIBLE FOR MONITORING AND TESTING THEIR WORK TO ENSURE COMPLIANCE WITH THE PROJECT DOCUMENTS. ADDITIONAL TESTS AND INSPECTIONS PERFORMED BY THE OWNER/ENGINEER SHALL NOT RELIEVE THE CONTRACTOR OF RESPONSIBILITY TO CONFORM TO THE CONSTRUCTION DOCUMENTS.
22. CONTRACTOR SHALL PROVIDE ACCESS TO TESTING AGENCY TO PERFORM MATERIALS TESTING AND INSPECTIONS AND PROVIDE REASONABLE ASSISTANCE, WHEN NEEDED.
23. IF, IN THE JUDGMENT OF THE OWNER/ENGINEER, BASED ON TESTS, THE SUBGRADE OF FILL HAS BEEN PLACED BELOW THE SPECIFIED DENSITY, THE SUBCONTRACTOR WILL BE REQUIRED TO PROVIDE ADDITIONAL COMPACTION AND TESTING AT NO ADDITIONAL COSTS TO THE OWNER/ENGINEER. IN THE CASE OF THIS SITE COMPACTION REQUIREMENTS ARE TO BE SPECIFIED BY THE BUILDING DESIGNER.
24. ALL AREAS NOT SURFACED WITH ASPHALT, CONCRETE OR STONE SHALL BE COVERED WITH 4 INCHES OF COMPACTED TOPSOIL AND SHALL BE PERMANENTLY SEEDED WITHIN (7) CALENDAR DAYS OF ACHIEVING FINAL GRADE. SEE PERMANENT SEEDING NOTES FOR REQUIREMENTS.



NTS VICINITY MAP

PROJECT TEAM

OWNER/DEVELOPER:
WEST C LLC
6323 WILLOW RUN DR
CHARLOTTE, NC 28277

CIVIL ENGINEER:
SUTHER ENGINEERING PLLC
1316 S. MAIN ST SUITE D
KANNAPOLIS, NC 28081

SHEET INDEX

- C-1 COVER SHEET
- C-2 EXISTING CONDITIONS
- C-3 SITE LAYOUT PLAN
- C-4 SAMPLE BUILDING ELEVATIONS

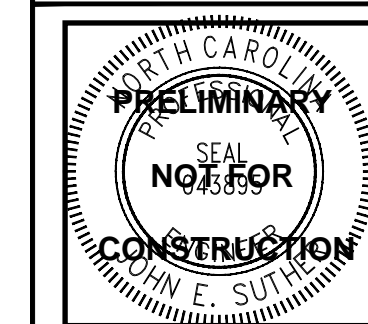
PLAN NOTES:
1. PLAN NORTH IS BASED ON NAD83(2011)
2. GEODETIC MONUMENTS WERE SURVEYED AS SHOWN
3. ALL DISTANCES ARE GROUND HORIZONTAL UNLESS OTHERWISE NOTED
4. PROPERTY MAY BE SUBJECT TO BURDENS OR BENEFITS NOT SHOWN ON MAP
5. NO UNDERGROUND UTILITIES WERE LOCATED WITH THIS PLAN. BEFORE DIGGING CALL NO ONE-CALL (1-800-632-4949)
6. ZONING DISTRICTS NOTED ARE PER GIS INFORMATION AVAILABLE TO THE PUBLIC
7. THE SUBJECT PARCEL(S) AND ANY ADJOINING PROPERTY OWNERS NAMES, DEEDS OF RECORD, AND TAX PARCEL IDENTIFICATIONS REFLECT THOSE AVAILABLE TO THIS ENGINEER AS OF THE DATE OF THE PLAN SHOWN
8. SURVEY INFORMATION FOR THIS PLAN SHOWN WAS PROVIDED BY: MEL THOMPSON ASSOCIATES

| REVISION ISSUE | | |
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| 00 | WEST C | 09.30.23 |
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WEST C STORAGE

SHEET TITLE:
COVER SHEET

SHEET NUMBER:
C-1



SUBJECT PROPERTY INFO:

PARCEL ID(S):
249C081
DEED BOOK & PAGE:
DB: 1426 PG: 261
CURRENT ZONING:
GC (KANNAPOLIS)
PROPERTY LOCATION:
CITY OF KANNAPOLIS ETJ
ROWAN COUNTY
OWNER INFORMATION:
WEST C, LLC
6323 WILLOW RUN DR
CHARLOTTE, NC 28277

PLAN NOTES:

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| 00 | WEST C | 09.30.23 |
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WEST C STORAGE

SHEET TITLE:

EXISTING CONDITIONS

SHEET NUMBER:

C-2

SITE NOTES:

1. ALL DIMENSIONS SHOWN ARE FROM EDGE OF PAVEMENT TO EDGE OF PAVEMENT OR FACE OF BUILDING TO FACE OF BUILDING
2. THIS PLAN DOES NOT CONSTITUTE A BOUNDARY SURVEY OR SUBDIVISION SURVEY PLAN. ALL SUBDIVISION PLATS SHALL BE NOTED AND CERTIFIED BY A LICENSED PROFESSIONAL SURVEYOR.
3. ALL STRIPING WITHIN THE RIGHT OF WAY SHALL CONFORM TO THE KANNAPOLIS KDD.
4. ALL WORK AND MATERIALS SHALL CONFORM TO THE KANNAPOLIS KDD, CITY/COUNTY REGULATIONS, LOCAL AND STATE CODES, O.S.H.A. STANDARDS, AND ANY OTHER GOVERNING BODY HAVING JURISDICTION OVER THE PERFORMANCE AND INSTALLED MATERIALS OF THE PROJECT.
5. EXISTING STRUCTURES, PIPES, UTILITIES, ETC. ARE TO BE ABANDONED, REMOVED, OR RELOCATED AS NECESSARY TO PERFORM THE SHOWN SCOPE OF WORK. ALL COSTS FOR SUCH WORK SHALL BE INCLUDED IN THE BASE BIDS BY CONTRACTORS. THE CONTRACTORS SHALL BE RESPONSIBLE FOR THE RELOCATIONS AND COORDINATION OF SUCH RELOCATIONS WITH THE UTILITY OWNER / PROVIDERS. THIS INCLUDES BUT IS NOT LIMITED TO: ALL UTILITIES, STORM DRAINAGE, STREET SIGNS, TRAFFIC SIGNALS, POLES, ETC... AS REQUIRED TO PERFORM THE SHOWN SCOPE OF WORK.

EXISTING SITE DATA

EXISTING AREA QUANTITIES

AREA BEING DEVELOPED: 2.18 +/- AC.
AREA IN RIGHT OF WAY: 8,681 +/- SF; 0.20 +/- AC
EXISTING IMPERVIOUS AREA:
DRIVES: 8,025 SF; 0.184 AC
EXISTING IMPERVIOUS % : 9.30 %
ALLOWABLE IMP. % = 80%

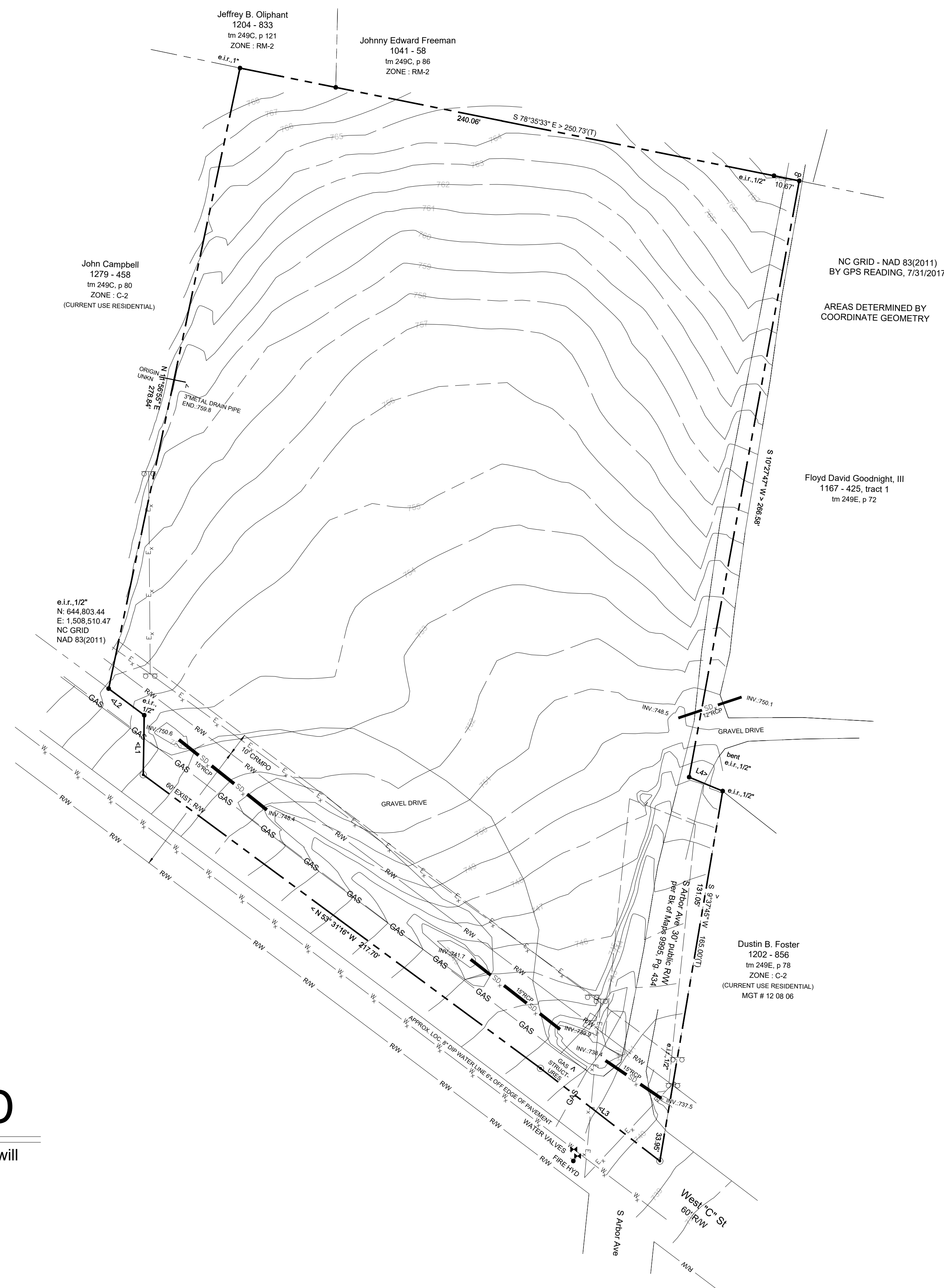
DIMENSIONAL STANDARDS GC-KANNAPOLIS:

MINIMUM LOT WIDTH: 50 FT
MINIMUM LOT AREA: 1-3 AC SELF STORAGE
FRONT SETBACK MINIMUM: 10 FT
FRONT SETBACK MAXIMUM: -- FT
SIDE YARD SETBACK: 0 FT
REAR SETBACK MINIMUM: 0 FT

NOTE:
CRMPD "CABARRUS-ROWAN METRO PLANNING ORG."
FUTURE RIGHT OF WAY SHOWN TO ROW WIDTH OF 80'

ENVIRONMENTAL NOTES:

MAX IMPERVIOUS SURFACE: 80%
POST CONSTRUCTION STORM JURISD.: LOCAL PHASE II
THIS PROJECT IS NOT LOCATED IN A WATERSHED
THIS PROJECT IS NOT LOCATED WITHIN A FLOOD ZONE
REF. FEMA FLOOD PANEL 3710560400K; 06.16.2009



| Line | Bearing | Distance |
|------|-----------------|----------|
| L1 | N 0° 58' 40" E | 26.16' |
| L2 | N 53° 11' 05" W | 19.55' |
| L3 | N 52° 07' 44" W | 55.55' |
| L4 | S 07° 28' 16" E | 15.96' |

SURVEY LEGEND:
n.i.p. = New Iron Pin, (SET)
e.i.p. = Existing Iron Pipe, as described (FOUND)
e.i.r. = Existing Iron Rod, as described (FOUND)
cp = Computed Point / No Physical Monu.

LEGEND

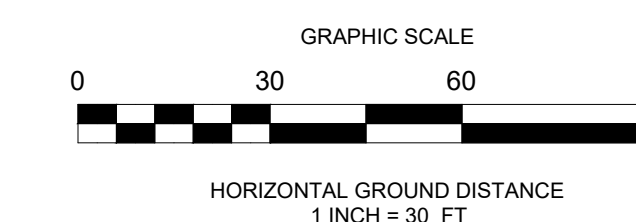
These standard symbols will be found in the drawing.

- GAS — GAS — EX-GAS
- W_x — W_x — EX-WATER-LINE
- RW — RW — EX-ROW
- - - - EX-EASEMENT
- E_x — E_x — EX-OVERHEAD-PWR
- - - - EX-PROPERTY-LINES
- - - - EX-TOPO-CONTOURS

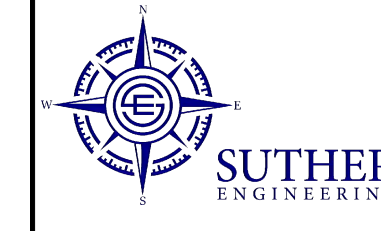


Know what's below.
Call before you dig.

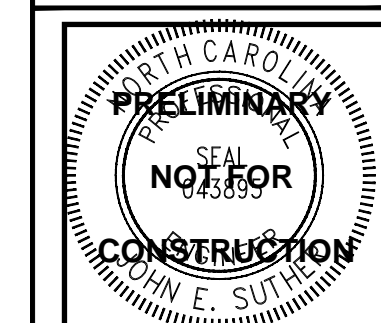
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2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL PAVEMENT CURBS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
4. SHOWING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART P, OR AS AMENDED.



NAD83(2011)



FIRM No. P-1946
1316 S. MAIN ST. STE D
KANNAPOLIS, NC 28081



SUBJECT PROPERTY INFO:
PARCEL ID(S): 249C081
DEED BOOK & PAGE: DB: 1426 PG: 261
CURRENT ZONING: GC (KANNAPOLIS)
PROPERTY LOCATION: CITY OF KANNAPOLIS ETJ
ROWAN COUNTY
OWNER INFORMATION: WEST C LLC
6323 WILLOW RUN DR
CHARLOTTE, NC 28277

PLAN NOTES:
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8. SURVEY INFORMATION FOR THIS PLAN SHOWN WAS PROVIDED BY: MEL THOMPSON ASSOCIATES

REVISION ISSUE

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| 00 | WEST C | 09.30.23 |
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WEST C STORAGE

SHEET TITLE: SITE LAYOUT PLAN

SHEET NUMBER: C-3

SITE NOTES:

1. ALL DIMENSIONS SHOWN ARE FROM EDGE OF PAVEMENT TO EDGE OF PAVEMENT OR FACE OF BUILDING TO FACE OF BUILDING
2. THIS PLAN DOES NOT CONSTITUTE A BOUNDARY SURVEY OR SUBDIVISION SURVEY PLAN. ALL SUBDIVISION PLATS SHALL BE NOTED AND CERTIFIED BY A LICENSED PROFESSIONAL SURVEYOR.
3. ALL STRIPING WITHIN THE RIGHT OF WAY SHALL CONFORM TO THE KANNAPOLIS KDD.
4. ALL WORK AND MATERIALS SHALL CONFORM TO THE KANNAPOLIS KDD, CITY/COUNTY REGULATIONS, LOCAL AND STATE CODES, O.S.H.A. STANDARDS, AND ANY OTHER GOVERNING BODY HAVING JURISDICTION OVER THE PERFORMANCE AND INSTALLED MATERIALS OF THE PROJECT.
5. EXISTING STRUCTURES, PIPES, UTILITIES, ETC. ARE TO BE ABANDONED, REMOVED, OR RELOCATED AS NECESSARY TO PERFORM THE SHOWN SCOPE OF WORK. ALL COSTS FOR SUCH WORK SHALL BE INCLUDED IN THE BASE BIDS BY CONTRACTORS. THE CONTRACTORS SHALL BE RESPONSIBLE FOR THE RELOCATIONS AND COORDINATION OF SUCH RELOCATIONS WITH THE UTILITY OWNER / PROVIDERS. THIS INCLUDES BUT IS NOT LIMITED TO: ALL UTILITIES, STORM DRAINAGE, STREET SIGNS, TRAFFIC SIGNALS, POLES, ETC... AS REQUIRED TO PERFORM THE SHOWN SCOPE OF WORK.

SITE DEVELOPMENT DATA

PROPOSED AREA QUANTITIES

AREA BEING DEVELOPED: 2.18 AC.
AREA IN RIGHT OF WAY: 8,681 SF +/- ; 0.20 +/- AC
DISTURBED AREA: 1,286 AC.
PROPOSED IMPERVIOUS: 56,015 SF , 1.286 AC.
BUILDING: 19,600 SF
PAVING: 34,781 SF
SIDEWALK: 129 SF
CURB & GUTTER: 1,505 SF

IMPERVIOUS % : 64.9 %
ALLOWABLE IMP. % = 80%
NCDEQ DENSITY: HIGH
BMP CONTROLS: YES
PHASE II LOCAL - KANNAPOLIS

DIMENSIONAL STANDARDS NC-HARRISBURG:

MINIMUM LOT WIDTH: 50 FT
FRONT SETBACK MINIMUM: 10 FT
FRONT SETBACK MAXIMUM: --- FT
SIDE YARD SETBACK: 0 FT
REAR SETBACK MINIMUM: 0 FT

MAX BUILDING HEIGHT: 1 STORY
MAX IMPERVIOUS SURFACE: 80%

SITE MATERIALS NOTES:

PAVING
HEAVY DUTY ASPHALT PAVING: AREAS INSIDE R/W
PROFILE:
8" AGG. BASE COURSE (ABC)
2.5" 119.0C INT. COURSE
1.5" S9.5B SURF. COURSE

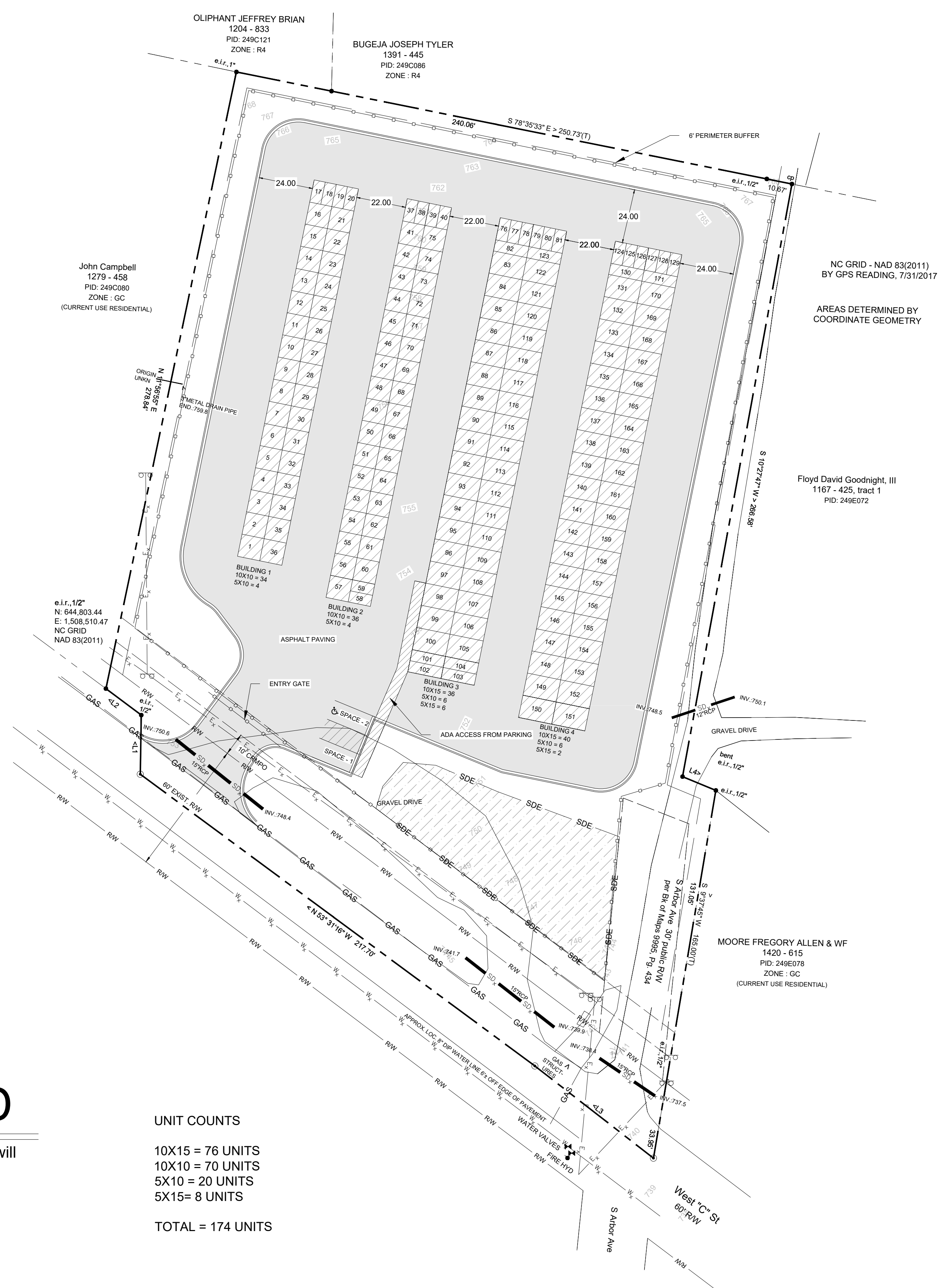
LIGHT DUTY ASPHALT PAVING: DRIVE & PARKING
PROFILE:
6" AGG. BASE COURSE (ABC)
2" S9.5B SURF. COURSE

SIDEWALKS:
PROFILE:
4" 3500 PSI MIN. CONC. W/ AIR

PARKING NOTES:

REQUIRED PARKING: 1 / 200 RENTAL UNITS
REQUIRED SPACES: 1 SPACES
PROVIDED SPACES: 2 SPACES

HC SPACES REQ. : 1 SPACE
HC SPACES PROVIDED: 1 SPACE



Line Bearing Distance

| | | |
|----|-----------------|--------|
| L1 | N 0° 58' 40" E | 26.16' |
| L2 | N 53° 11' 05" W | 19.55' |
| L3 | N 52° 07' 04" W | 65.85' |
| L4 | S 67° 28' 16" E | 15.96' |

LEGEND

- These standard symbols will be found in the drawing.
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 - W_w — W_w — EX-WATER-LINE
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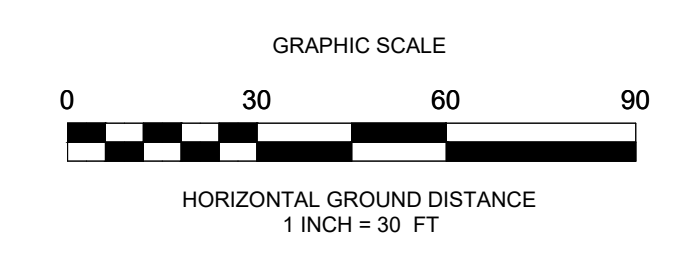
UNIT COUNTS
10X15 = 76 UNITS
10X10 = 70 UNITS
5X10 = 20 UNITS
5X15 = 8 UNITS

TOTAL = 174 UNITS



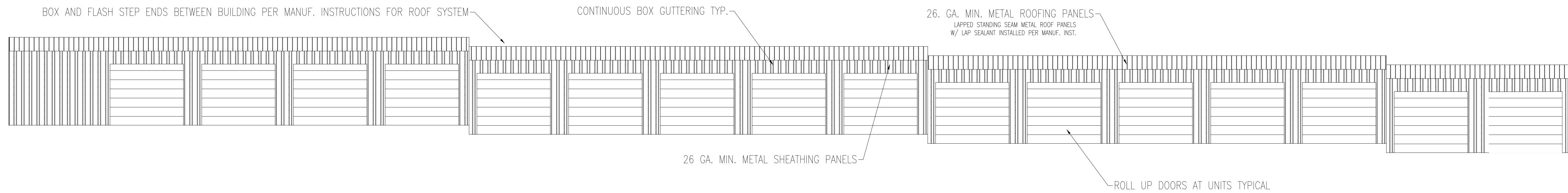
Know what's below.
Call before you dig.

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2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL PAVEMENT CURBS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
4. SHOWING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.

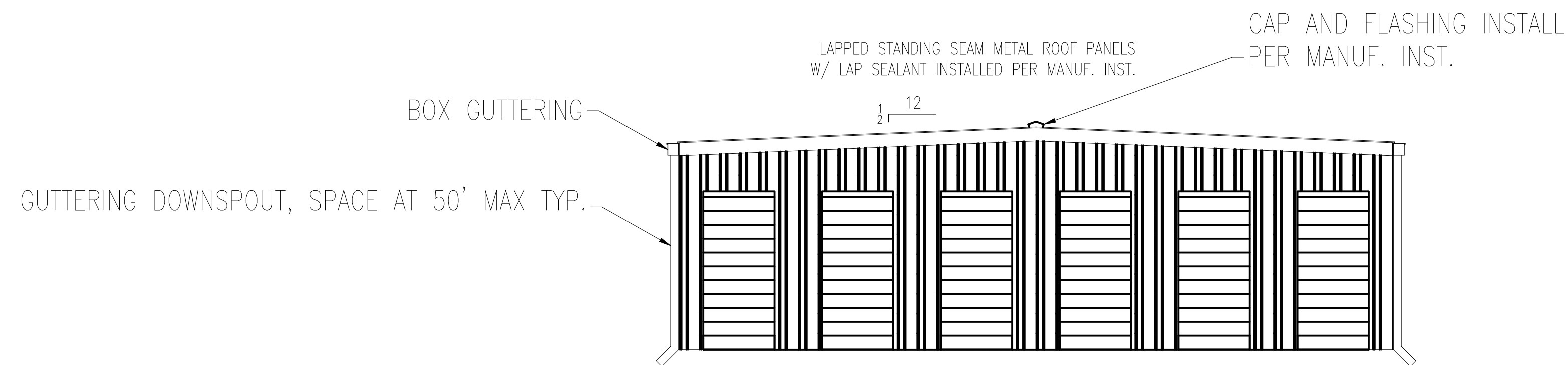




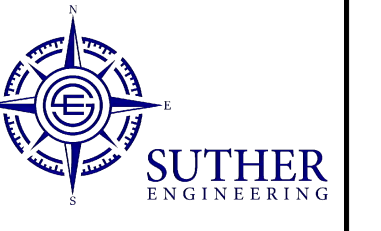
SAMPLE END ELEVATION TOWARDS WEST C ST
NTS



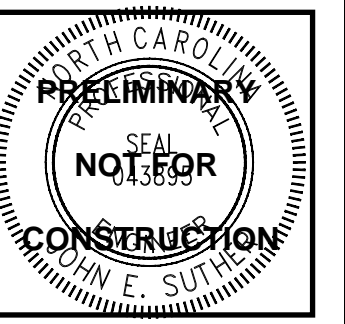
SAMPLE BUILDING ELEVATION LONGITUDINAL DIRECTON
NTS



SAMPLE END ELEVATION AT PLAN NORTH AWAY FROM WEST C ST
NTS



FIRM No. P-1946
1316 S. MAIN ST. STE D
KANNAPOLIS, NC 28081



SUBJECT PROPERTY INFO:

PARCEL ID(S): 249C081

DEED BOOK & PAGE: DB: 1426 PG: 261

CURRENT ZONING: GC (KANNAPOLIS)

PROPERTY LOCATION: CITY OF KANNAPOLIS ETJ

ROWAN COUNTY

OWNER INFORMATION: WEST C LLC

6323 WILLOW RUN DR
CHARLOTTE, NC 28277

PLAN NOTES:

1. PLAN NORTH IS BASED ON NAD83(2011)
2. GEODETIC MONUMENTS WERE SURVEYED AS SHOWN
3. ALL DISTANCES ARE GROUND HORIZONTAL UNLESS OTHERWISE NOTED
4. PROPERTY MAY BE SUBJECT TO BURDENS OR BENEFITS NOT SHOWN ON MAP
5. NO UNDERGROUND UTILITIES WERE LOCATED WITH THIS PLAN. BEFORE DIGGING CALL NO ONE-CALL (1-800-632-4949)
6. ZONING DISTRICTS NOTED ARE PER GIS INFORMATION AVAILABLE TO THE PUBLIC
7. THE SUBJECT PARCEL(S) AND ANY ADJOINING PROPERTY OWNERS NAMES, DEEDS OF RECORD, AND TAX PARCEL IDENTIFICATIONS REFLECT THOSE AVAILABLE TO THIS ENGINEER AS OF THE DATE OF THE PLAN SHOWN
8. SURVEY INFORMATION FOR THIS PLAN SHOWN WAS PROVIDED BY: MEL THOMPSON ASSOCIATES

REVISION ISSUE

| | | |
|----|--------|----------|
| 00 | WEST C | 09.30.23 |
|----|--------|----------|

WEST C STORAGE

SHEET TITLE:

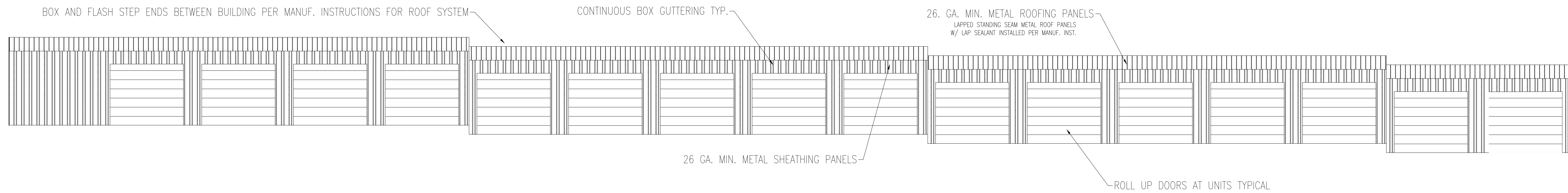
SAMPLE BUILDING ELEVATIONS

SHEET NUMBER:

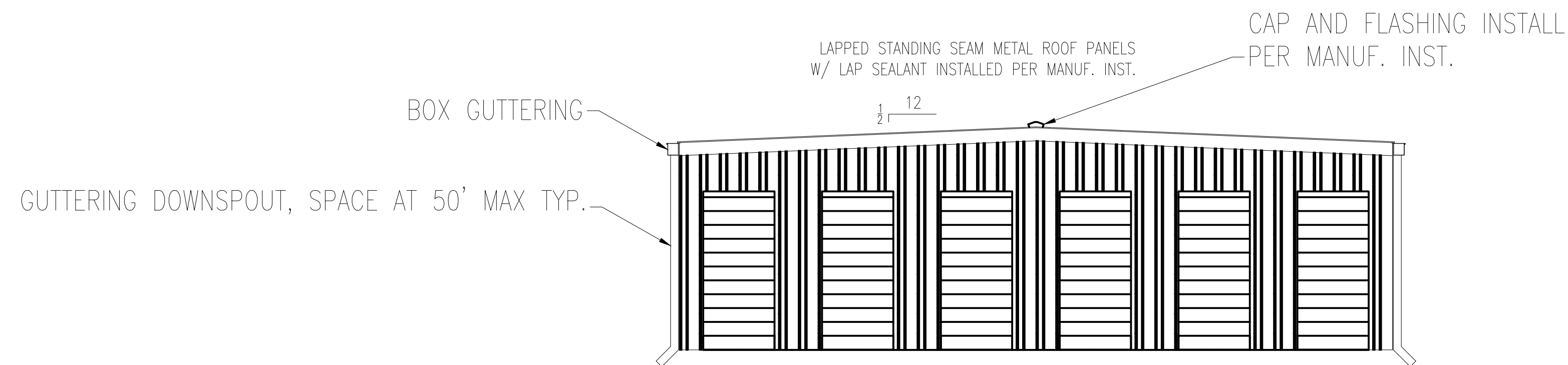
C-4



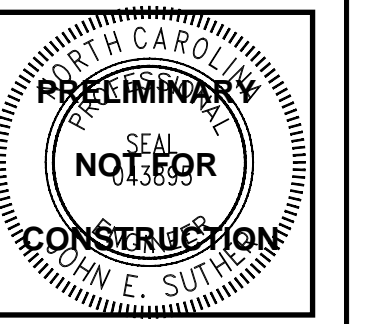
SAMPLE END ELEVATION TOWARDS WEST C ST
NTS



SAMPLE BUILDING ELEVATION LONGITUDINAL DIRECTON
NTS



SAMPLE END ELEVATION AT PLAN NORTH AWAY FROM WEST C ST
NTS



SUBJECT PROPERTY INFO:
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 CHARLOTTE, NC 28277

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 8. SURVEY INFORMATION FOR THIS PLAN SHOWN WAS PROVIDED BY: MEL THOMPSON ASSOCIATES

| REVISION ISSUE | | |
|----------------|--------|----------|
| 00 | WEST C | 09.30.23 |
| | | |
| | | |
| | | |

WEST C STORAGE

SHEET TITLE:
SAMPLE BUILDING ELEVATIONS

SHEET NUMBER:

C-4

| OWNNAME | TAXADD1 | CITY | STATE | ZIPCODE |
|-------------------------------|----------------------|--------------|-------|------------|
| RACHEL OLIPHANT BAREFOOT ETAL | 1095 OLIPHANT LN | KANNAPOLIS | NC | 28081-9442 |
| BARRY & TERESA BENFIELD | 1800 W C ST | KANNAPOLIS | NC | 28081-9341 |
| PAUL & PATRICIA BROADWAY | 1707 W C ST | KANNAPOLIS | NC | 28081-9386 |
| JOSEPH BUGEJA | 105 N ARBOR AV | KANNAPOLIS | NC | 28081-9529 |
| JOHN CAMPBELL | | | | |
| JUANITA CAMPBELL | 1708 W C ST | KANNAPOLIS | NC | 28081 |
| ELECTRIC CONNECTION INC | 1703 W C ST | KANNAPOLIS | NC | 28081-9386 |
| LINDA WIDENHOUSE FINK ETAL | | | | |
| C/O SHERRY HENLEY | 151 COLONY DR | MOORESVILLE | NC | 28115-2873 |
| FLOYD DAVID GOODNIGHT III | | | | |
| SHEILA KEPLEY GOODNIGHT | 112 N ARBOR AVE. | KANNAPOLIS | NC | 28081 |
| JEANA HAGER | 1220 HOLLAND OAKS DR | CHINA GROVE | NC | 28023-6809 |
| SUSIE S HARRIS | 483 CARVER ST | NORWOOD | NC | 28128-7425 |
| TODD & ELIZABETH MAITLAND | 100 S ARBOR AV | KANNAPOLIS | NC | 28083-0000 |
| GREGORY & AMEILIA MOORE | 1614 W C ST | KANNAPOLIS | NC | 28081-9319 |
| DOROTHY J OLIPHANT TRUSTEE | 617 DOGWOOD CIR | HIGH POINT | NC | 27260-2517 |
| JEFFREY OLIPHANT | 102 DEXTER ST | KANNAPOLIS | NC | 28081 |
| SHELDON PARK N STORE LLC | PO BOX 1259 | HUNTERSVILLE | NC | 28078 |
| WEST C LLC | 6323 WILLOW RUN DR | CHARLOTTE | NC | 28277-0016 |
| AGNES E WHITE | 103 S ARBOR AVE | KANNAPOLIS | NC | 28081 |
| ANTHONY WILLIAMS | 112 DEXTER ST | KANNAPOLIS | NC | 28081 |
| WEST C LLC | 709 CRYSTAL COVE CT | SNEADS FERRY | NC | 28460 |



October 23, 2023

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday November 7, 2023 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2023-16 – Special Use Permit – 1704 W C Street

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow for a self-service storage on property located at 1704 W C Street. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for self-service storage uses in the General Commercial (GC) zoning district. The subject property is 2.18 +/- acres and is more specifically identified as Rowan County Parcel Identification Number 249C081 **(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.

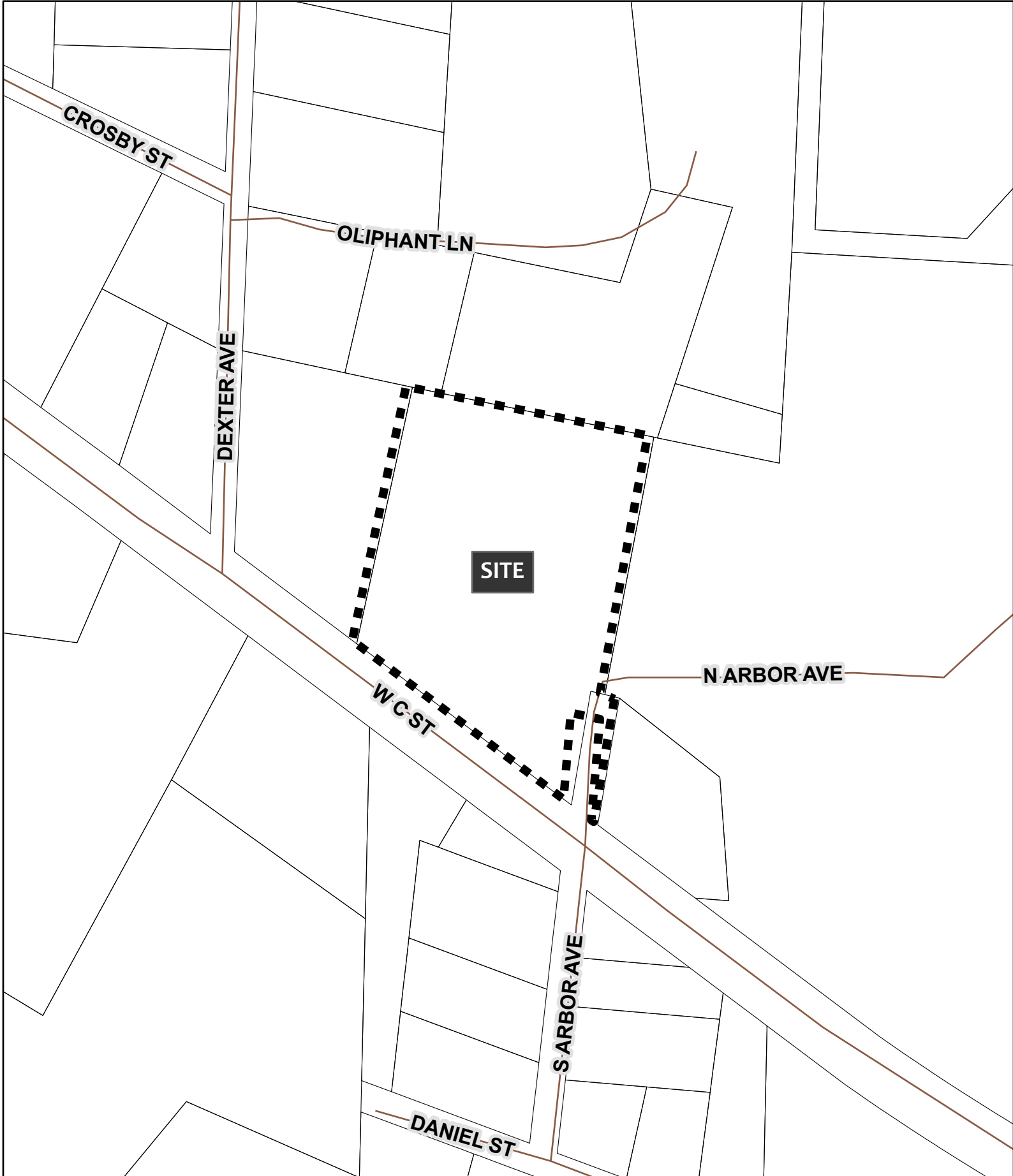


Special Use Permit

Case Number: BOA-2023-16

Applicant: West C LLC

1704 W C St





BOARD OF

ADJUSTMENT

PUBLIC HEARING
INFORMATION

CALL 704-920-4350

CASE # BOA-2023-16

EXHIBIT 3



Board of Adjustment November 7, 2023 Meeting

Staff Report

TO: Board of Adjustment
FROM: Ben Barcroft, Senior Planner
SUBJECT: Case# BOA-2023-17: Special Use Permit – 160 & 170 Glenn Ave
Applicant: RES-NC Restoration LLC

Request for a Special Use Permit to allow for a duplex dwelling on property located at 160 & 170 Glenn Ave.

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, RES-NC, is requesting a Special Use Permit (SUP) to allow for a duplex dwelling in the Mixed-Use Neighborhood (MU-N) zoning district on approximately 0.177 +/- acres of property located at 160 & 170 Glenn Avenue and further identified as Cabarrus County Parcel Identification Number 56142257320000.

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 mostly single-family residential and a church. The *Move Kannapolis Forward 2030 Comprehensive Plan* designates the subject property as the "Urban Residential" Character Area.

Multifamily residential is listed as a secondary use in the "Urban Residential" Character Area and 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 and a church.

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

I. Issue Reviewed By:

| | |
|------------------------|---|
| Planning Director | X |
| City Attorney | X |
| Assistant City Manager | 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. Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

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: 160 and 170 Glen Ave Kannapolis NC 28081

Applicant: RES-NC Restoration 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: Daniel Dunham 09/22/23 Date: _____



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Daniel Dunham
Address: 16400 Sutters Run Lane
Huntersville, NC 28078
Phone: 704 400-4784
Email: dan@res-nc.com

Property Owner Contact Information same as applicant

Name: RES-NC Restoration LLC
Address: 16400 Sutters Run Lane
Huntersville, NC 28078
Phone: 704 400-4784
Email: dan@res-nc.com

Project Information

Project Address: 160 and 170 Glen Ave Kannapolis, NC 28081 Zoning District MU-N
Parcel PIN: 56142257320000 Size of property (in acres): 0.177

Current Property Use: Vacant Lot

Proposed Use: Dplex

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):

Site plan and duplex drawing attached.

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.**
Surrounding neighborhood consists of a mix of business and residential uses.

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

The two residential units will be serviced by a 15 foot driveway with a one car garage and a carport to minimize impact.

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

The residential use shall not be offensive to the surrounding neighborhood.

- 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 residential use fits in with the existing uses in the neighborhood.

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

This use will not be detrimental or endanger the public.

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

This development will comply with all KDO.

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

Applicant will consent to all conditions of approved SUP.

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.

Authentisign
 Daniel Dunham 09/22/23

Applicant Signature Date

Authentisign Authentisign
 Daniel Dunham 09/22/23 George Fountas 09/22/23

Property Owner Signature Date

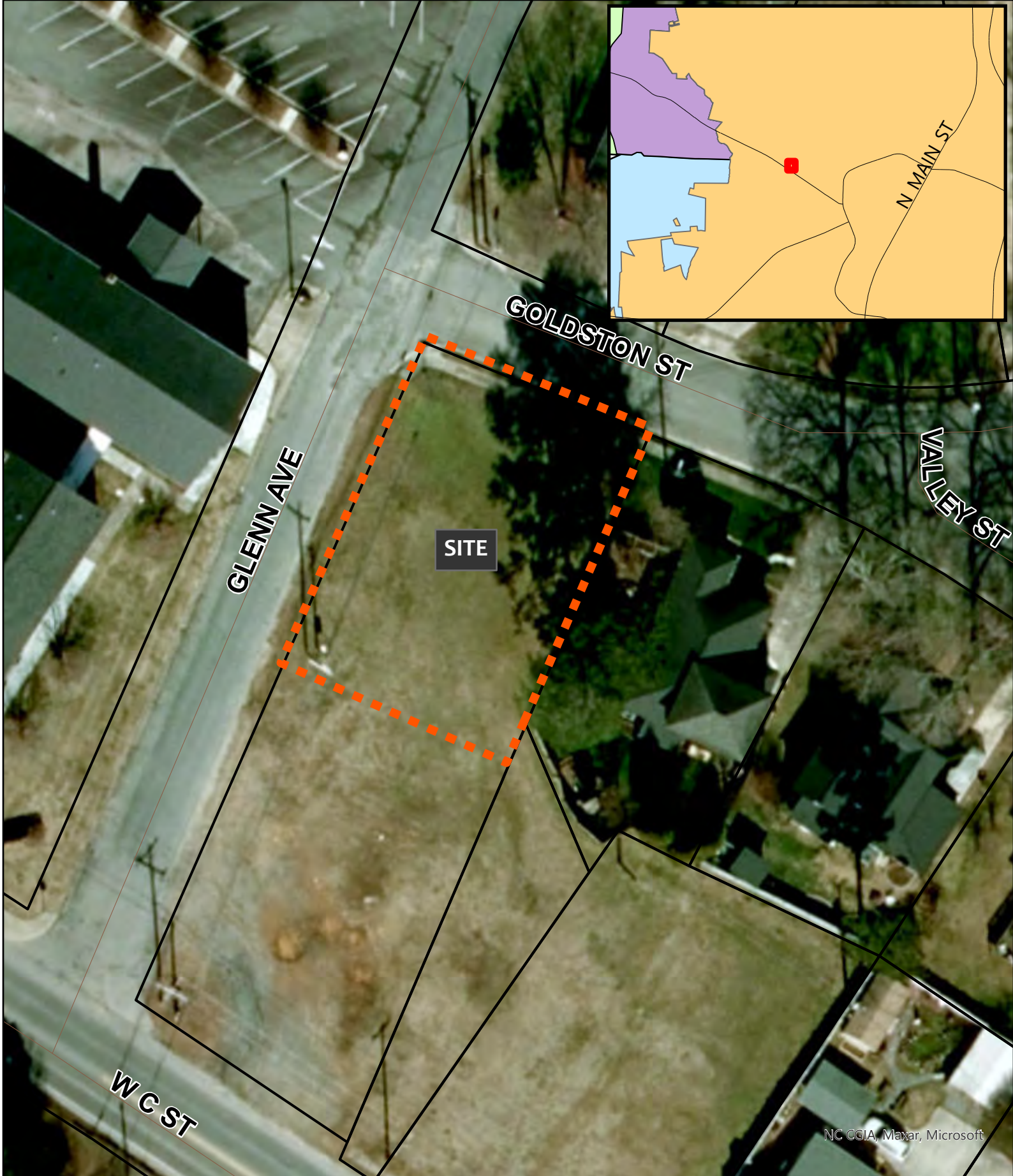


Vicinity Map

Case Number: BOA-2023-17

Applicant: RES-NC Restoration LLC

160 and 170 Glen Ave





Kannapolis Current Zoning

Case Number: BOA-2023-17

Applicant: RES-NC Restoration LLC

160 and 170 Glen Ave





Kannapolis 2030 Future Land Use Map

Case Number: BOA-2023-17

Applicant: RES-NC Restoration LLC

160 and 170 Glen Ave



Employment
Center

GLENN AVE

GOLDSTON ST

VALLEY ST

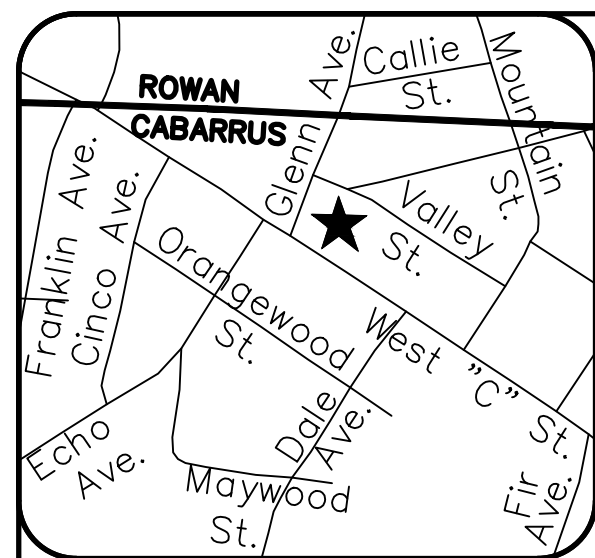
SITE

Urban
Residential

Urban
Corridor

WC ST





VICINITY MAP
NOT TO SCALE

REFERENCES:

- ALL DEEDS AND MAPS SHOWN HEREON.
- MAP TITLED "PLAT OF SUBDIVISION KANNAPOLIS SUBDIVISION, N.W. SECTION, THE PROPERTY OF CANNON HOLDING CORPORATION" DATED: AUG. 1984, SURVEYED BY: MEL G. THOMPSON RLS. RECORDED IN THE CABARRUS COUNTY REGISTER OF DEEDS MB:20 PG:31

NOTES:

- TRAVERSE ADJUSTED BY THE LEAST SQUARES ADJUSTMENT METHOD.
- AREAS DETERMINED BY COORDINATE COMPUTATIONS.
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- NO UNDERGROUND UTILITIES WERE LOCATED WITH THIS SURVEY. BEFORE DOING ANY DIGGING, CALL NC ONE-CALL (1-800-632-4949).
- AREA IS LOCATED IN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SCALED FROM FLOOD INSURANCE RATE MAP NUMBER 3710561400K; MAP REVISED NOVEMBER 16, 2018.
- BASIS OF BEARINGS (SEE REFERENCE #2, UNITS ARE US SURVEY FEET.)
- EXISTING NUMBER OF LOTS (2), PROPOSED NUMBER OF LOTS (2)
- ZONING DISTRICTS ARE PER CABARRUS COUNTY GIS
- THERE ARE NO NCGS MONUMENTS WITHIN 2000 FEET OF SITE

THE PURPOSE OF THIS SURVEY IS TO COMBINE PIN# 5614-22-5641 WITH PIN#5614-22-5599 AND TO DIVIDE PIN #5614-22-5608 INTO TWO LOTS

CERTIFICATE OF OWNERSHIP AND OFFER OF DEDICATION.

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE CITY OF CONCORD, AND THAT WE HEREBY SUBMIT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS STREETS, SIDEWALKS, GREENWAYS, RIGHTS OF WAY, EASEMENTS, AND/OR OPEN SPACE AND/OR PARKS, EXCEPT ANY OF THOSE USES SPECIFICALLY INDICATED AS PRIVATE, AND WE FURTHER DEDICATE ALL SANITARY SEWER, STORMWATER DRAINAGE, AND WATER LINES THAT ARE LOCATED IN ANY PUBLIC UTILITY EASEMENT OR RIGHT OF WAY AND CERTIFY THAT WE WILL MAINTAIN ALL SUCH AREAS UNTIL ACCEPTED BY THE CITY OF CONCORD, AND FURTHER THAT WE HEREBY GUARANTEE THAT WE WILL CORRECT DEFECTS OR FAILURE OF IMPROVEMENTS IN SUCH AREAS FOR A PERIOD OF ONE YEAR COMMENCING AFTER FINAL ACCEPTANCE OF REQUIRED IMPROVEMENTS. ANY STREETS INDICATED AS PRIVATE SHALL BE OPEN TO PUBLIC USE, BUT SHALL BE PRIVATELY MAINTAINED. SAID DEDICATION SHALL BE IRREVOCABLE PROVIDED DEDICATIONS OF EASEMENTS FOR STORM DRAINAGE, WHETHER INDICATED AS PRIVATE OR PUBLIC, ARE NOT MADE TO THE CITY OF CONCORD BUT ARE IRREVOCABLY MADE TO THE SUBSEQUENT OWNERS OF ANY AND ALL PROPERTIES SHOWN HEREON FOR THEIR USE AND BENEFIT UNLESS SPECIFICALLY DESIGNATED A DRAINAGE EASEMENT TO THE CITY OF CONCORD.

_____(OWNER) _____ DATE
_____(OWNER) _____ DATE
_____(OWNER) _____ DATE

NOTARY ACKNOWLEDGMENT

NORTH CAROLINA
CABARRUS COUNTY

I, _____, A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL, THIS THE _____ DAY OF _____, 2023.

MY COMMISSION EXPIRES: _____

SETBACKS PER KDO
ZONE R8
FRONT:10
SIDE:5
REAR:5
ZONE MU-N
FRONT:5-25
*THE AREA BETWEEN THE MINIMUM AND MAXIMUM BUILD-TO ZONE BOUNDARIES THAT EXTENDS THE WIDTH OF THE LOT CONSTITUTES THE BUILD-TO ZONE. THE MAXIMUM BUILD-TO ZONE BOUNDARY MAY BE INCREASED BY 15 FEET ALONG 25 PERCENT OF THE LOT WIDTH FOR A CIVIC SPACE OR OUTDOOR DINING AREA
SIDE:-
REAR:10

FINAL PLAT APPROVAL
CITY OF KANNAPOLIS

I HEREBY CERTIFY THAT THIS PLAT IS EXEMPT FROM THE SUBDIVISION REGULATIONS OF THE CITY OF KANNAPOLIS DUE TO ITS EXCLUSION FROM THE DEFINITION OF A SUBDIVISION AS ESTABLISHED BY NCGS 1600-801(A)

PLANNING DIRECTOR _____ DATE _____

| LEGEND | | | |
|---------|---------------------------------|---------|---------------------|
| ● | EIP (AS DESCRIBED) | ○ | POWER POLE |
| ○ | SIP (#5 REBAR W/CAP) | ○ | GUY WIRE |
| ⊗ | NPS (NO POINT SET) | ○ | WATER VALVE |
| ⊙ | SEWER MANHOLE | ⊙ | WATER METER |
| --- | BOUNDARY LINE (AS SURVEYED) | -SS- | SANITARY SEWER PIPE |
| - - - - | BOUNDARY LINE (BY DEED OR PLAT) | -P- | OVERHEAD POWER LINE |
| --- | TIE LINE | -X-X-X- | FENCE LINE |

PLAT REVIEW OFFICER CERTIFICATE (AS REQUIRED BY NCGS § 47-30.2).

STATE OF NORTH CAROLINA COUNTY OF CABARRUS

I, _____ REVIEW OFFICER OF CABARRUS COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____ DATE _____

I, DAVID L. HAYWOOD, JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION (DEEDS AND MAPS RECORDED AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEEDS AND MAPS AS SHOWN; THAT THE RATIO OF PRECISION IS 1:135,018; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G. S. 47-30 AS AMENDED; THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION; THE BASIS OF BEARING IS REFERENCE #2, UNIT OF MEASUREMENT IS U.S. SURVEY FEET.

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 28TH DAY OF AUGUST, 2023.

**PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES.**

DAVID L. HAYWOOD, JR., PLS L-4822

REVISIONS

EXEMPT SUBDIVISION AND RECOMBINATION PLAT FOR:

RES-NC RESTORATION, LLC

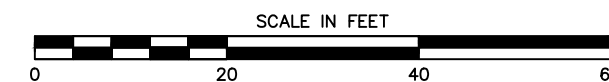
NO. 4 TOWNSHIP, CITY OF KANNAPOLIS, CABARRUS CO., NC

OWNER:

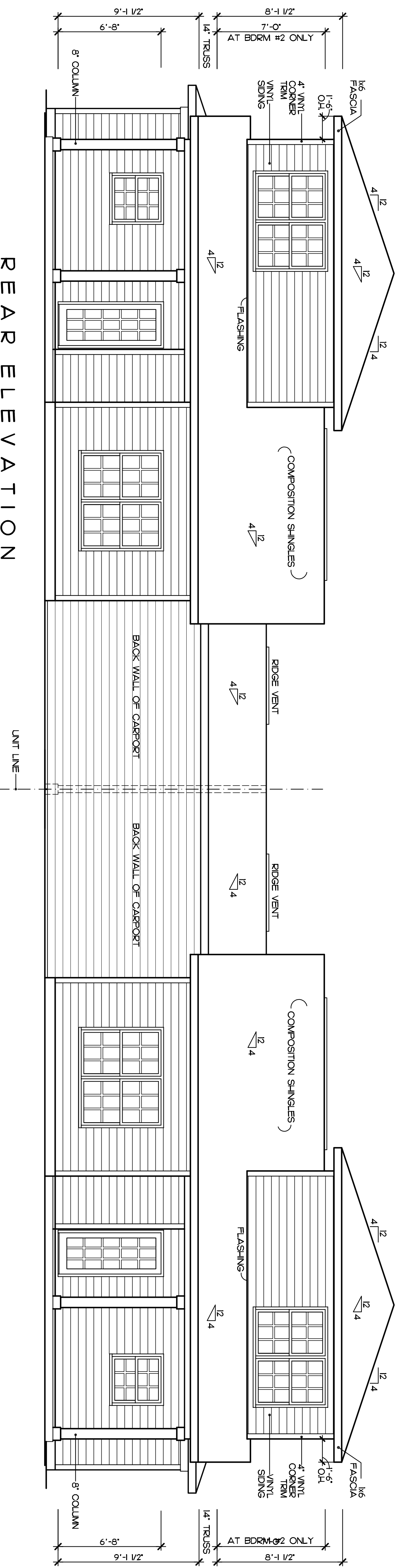
RES-NC
16400 SUTTERS RUN LANE
HUNTERSVILLE NC, 28078

DATE: 08/28/2023
REVISED:
SCALE: 1" = 20'
JOB NO.: 230505.000

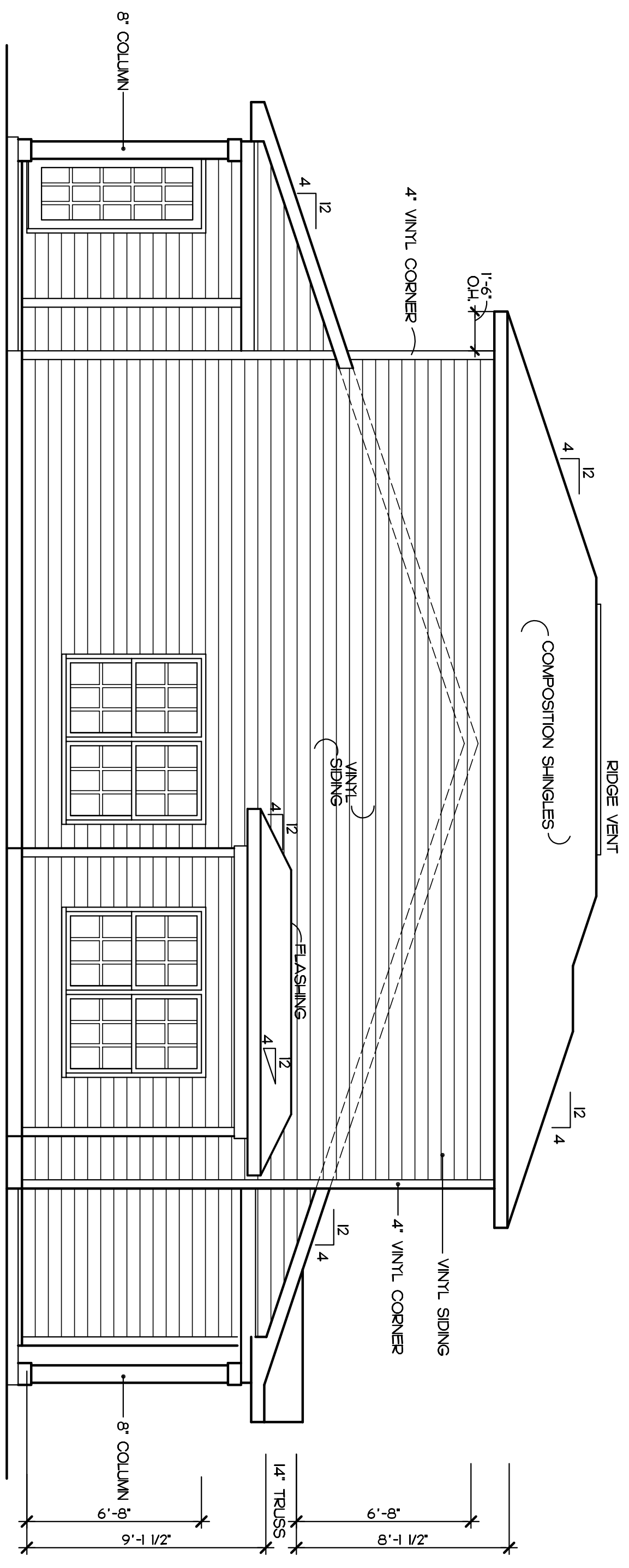
COMPUTED BY: MLT
DRAWN BY: MLT
CHECKED BY: DLH



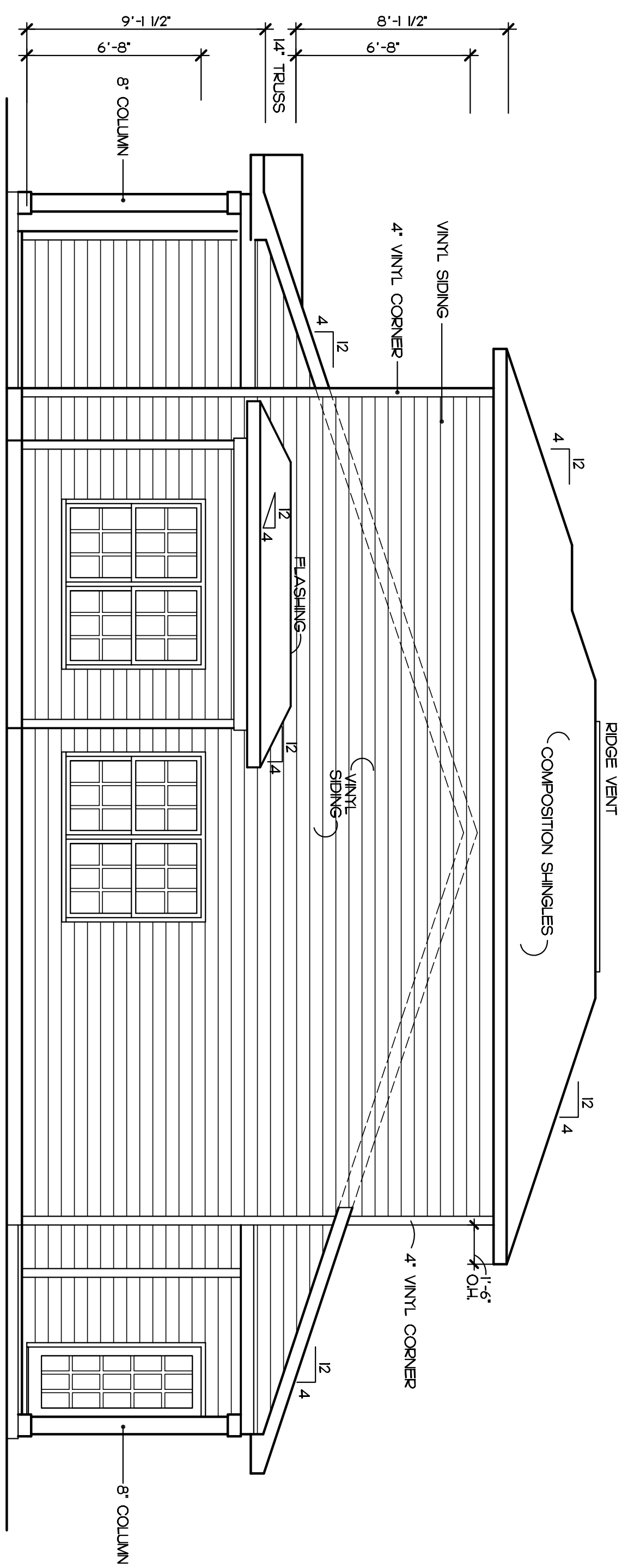
CIVIL - GEOTECHNICAL - SURVEYING
N.C. FIRM LICENSE NO. C-0263
45 SPRING STREET SW CONCORD (704) 786-5404
CONCORD, NC 28025
ACAD FILE: WEST C STREET .DWG
© CESI 2023



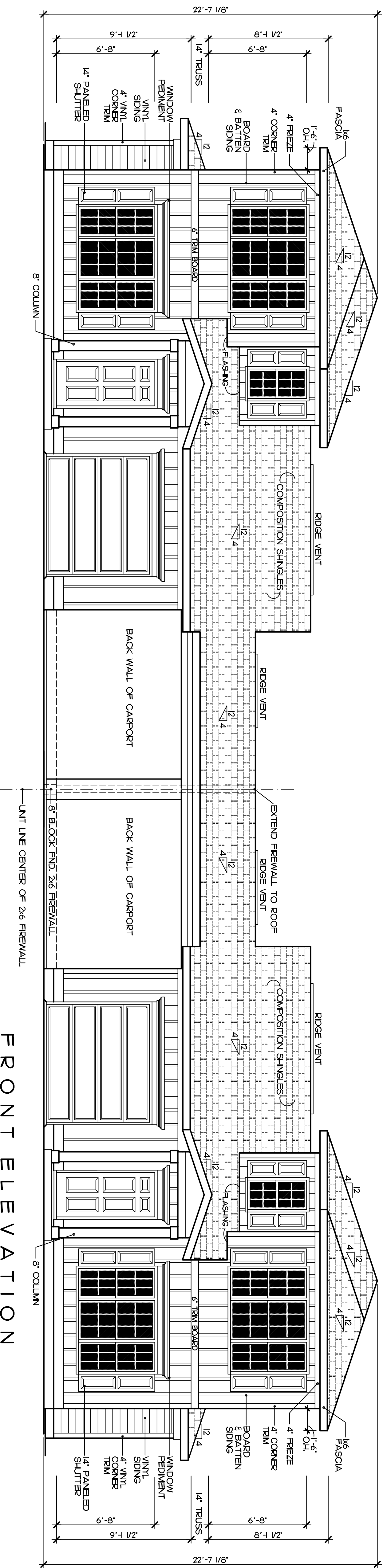
REAR ELEVATION
SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"
NOTE: PROVIDE FLASHING WHERE ROOF MEETS VERTICAL WALLS TYP



RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

NOTE:
Drafting & Design assumes no liability for any future construction errors or omissions. The contractor is responsible for the proper installation of all materials and components. All dimensions are to the center of the member unless otherwise noted. The contractor shall verify all dimensions and materials used in the field. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for the safety of the construction site. The contractor shall be responsible for the protection of the existing site conditions. The contractor shall be responsible for the cleanup of the construction site. The contractor shall be responsible for the disposal of all waste materials. The contractor shall be responsible for the maintenance of the construction site. The contractor shall be responsible for the safety of the construction workers. The contractor shall be responsible for the safety of the public. The contractor shall be responsible for the safety of the environment. The contractor shall be responsible for the safety of the community. The contractor shall be responsible for the safety of the world.

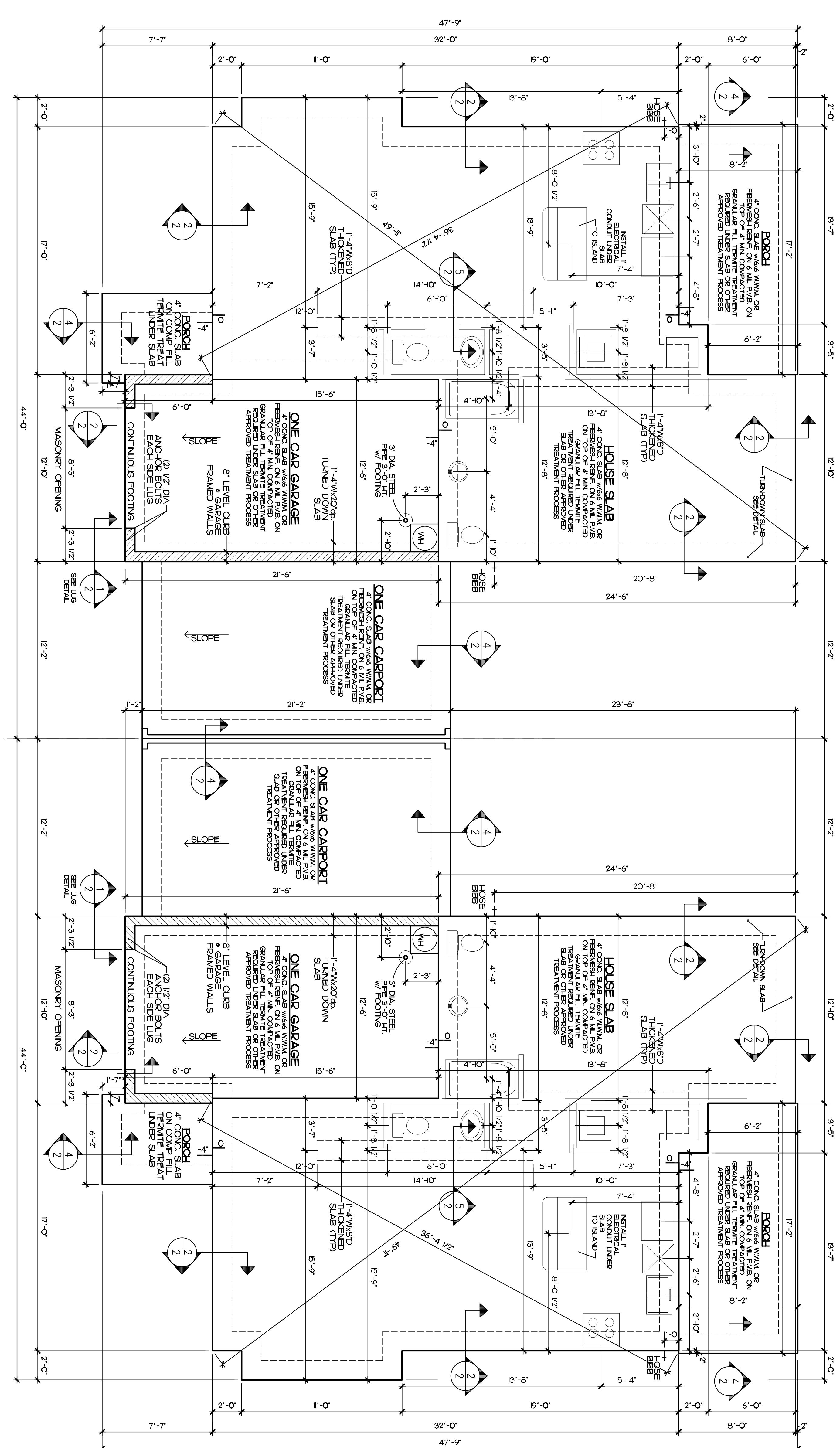
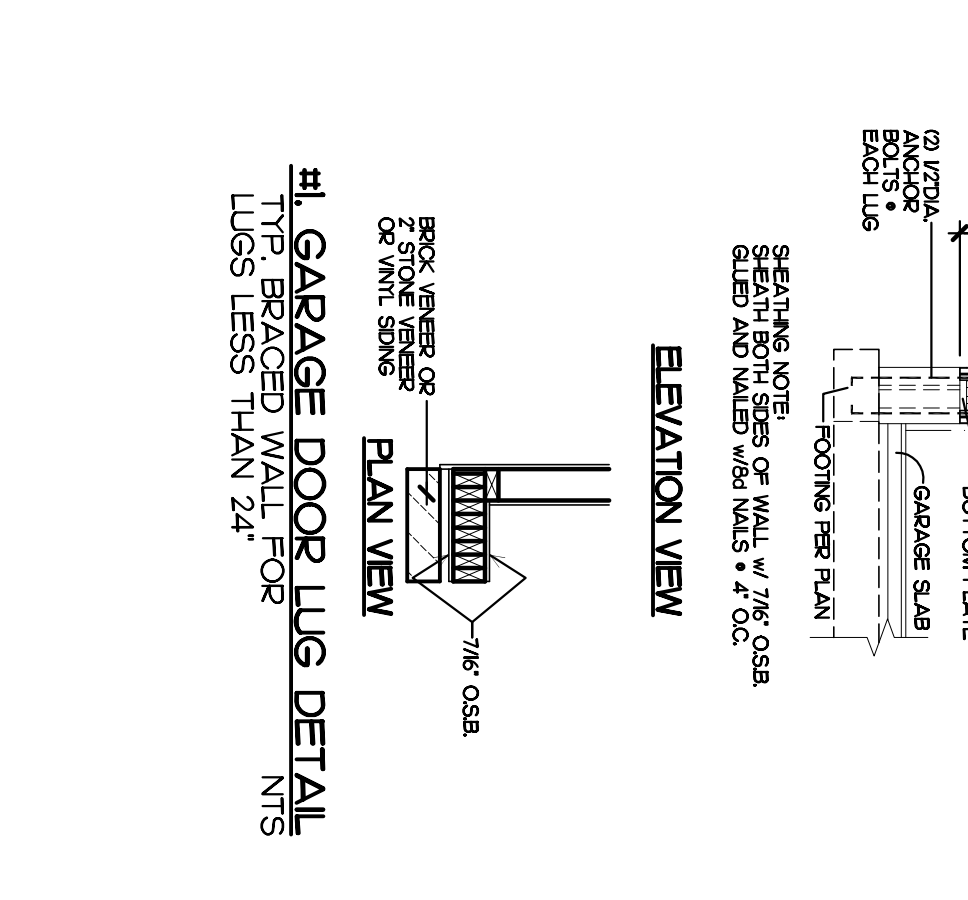
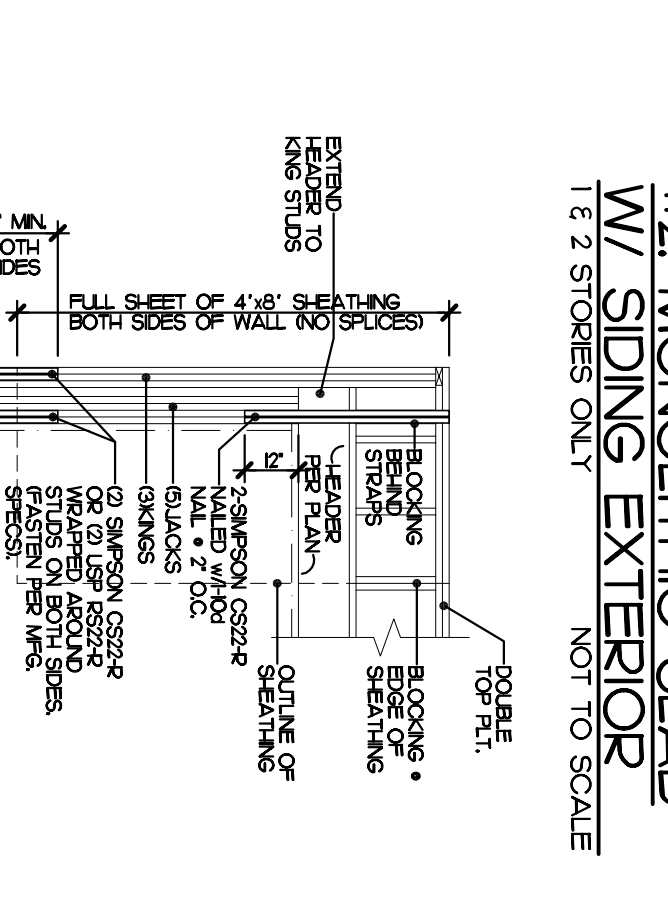
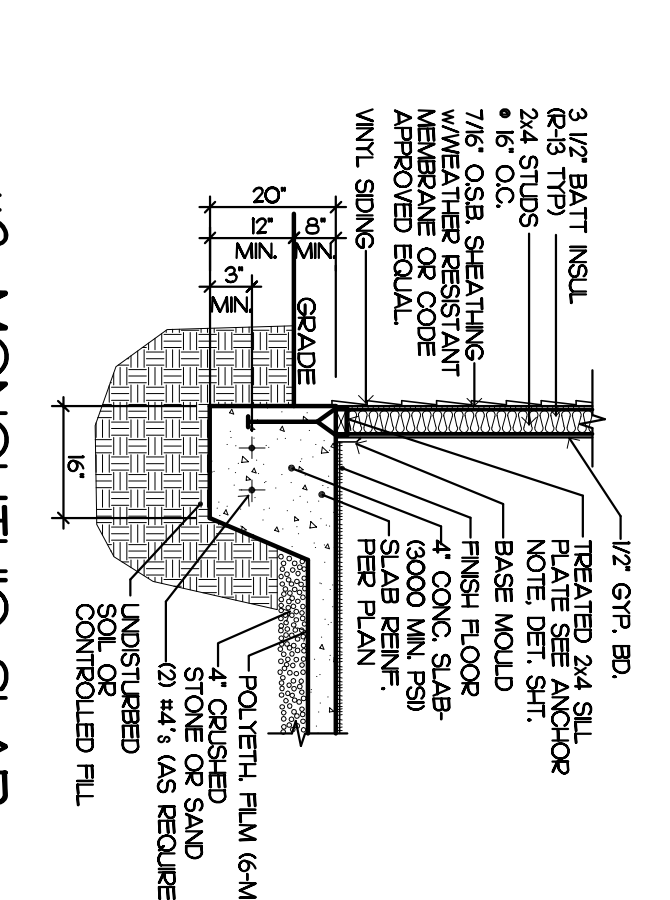
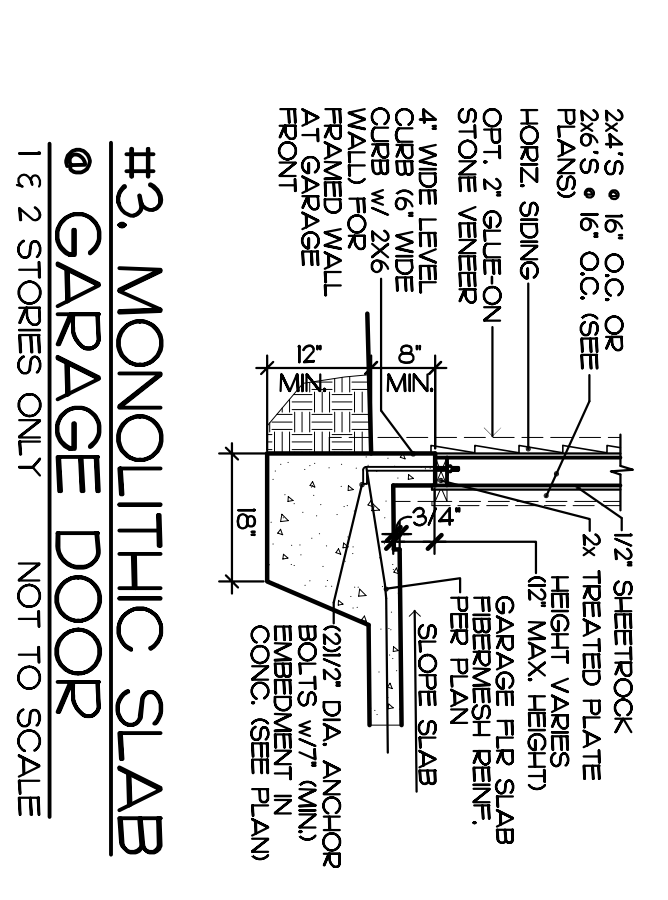
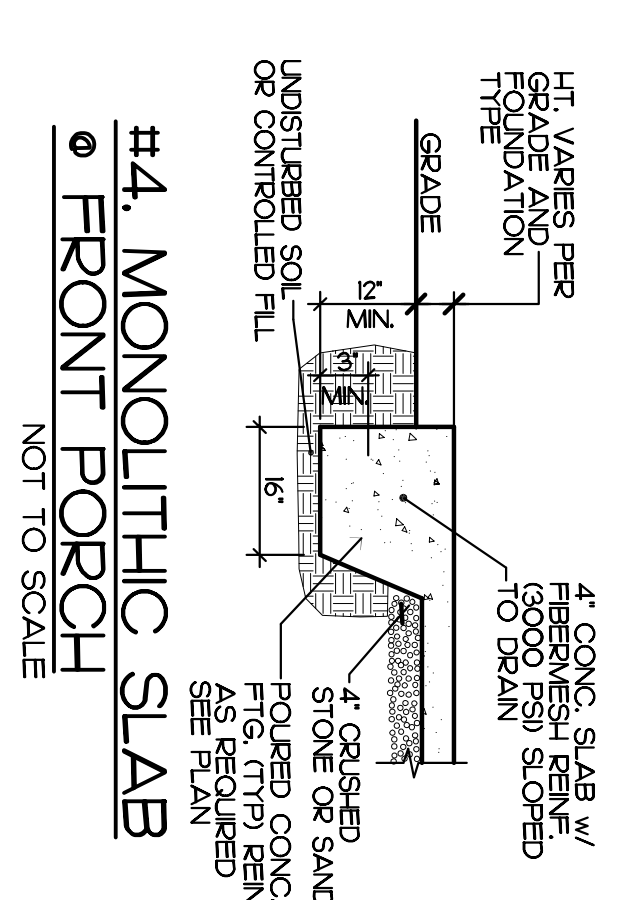
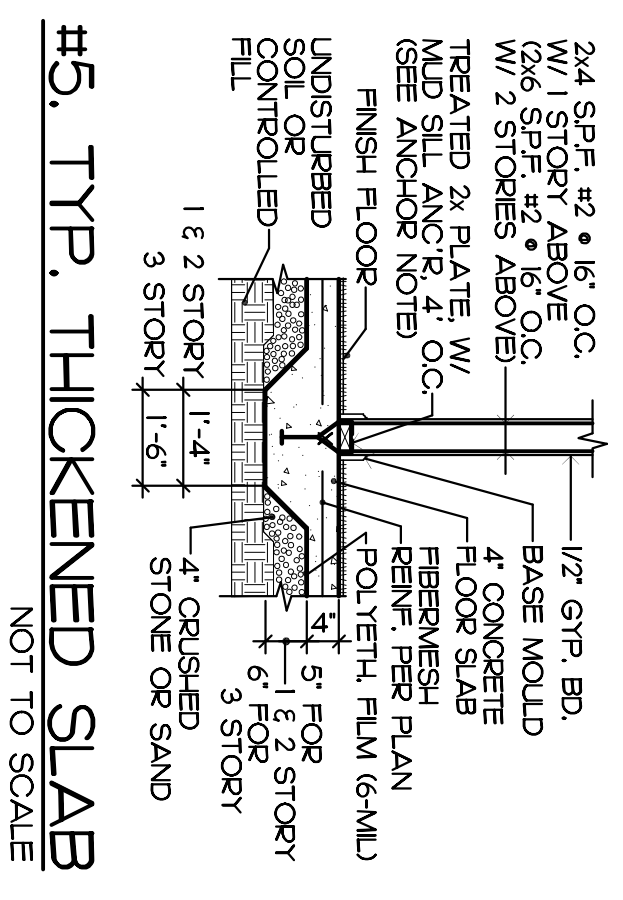
Drafting
INC.
Charlotte, N.C.
704-542-8858

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Project
Kannapolis Duplex
ELEVATIONS
Sheet Title

Drawn By: C. BAZZANI
Date: 8-18-23
REV:
Site

1
Kannapolis Duplex
Sheet



NOTE

Contractor shall be responsible for any items omitted from this drawing. The contractor shall be responsible for the accuracy of the information provided. The contractor shall be responsible for the accuracy of the information provided. The contractor shall be responsible for the accuracy of the information provided.

CONTRACT STATEMENT

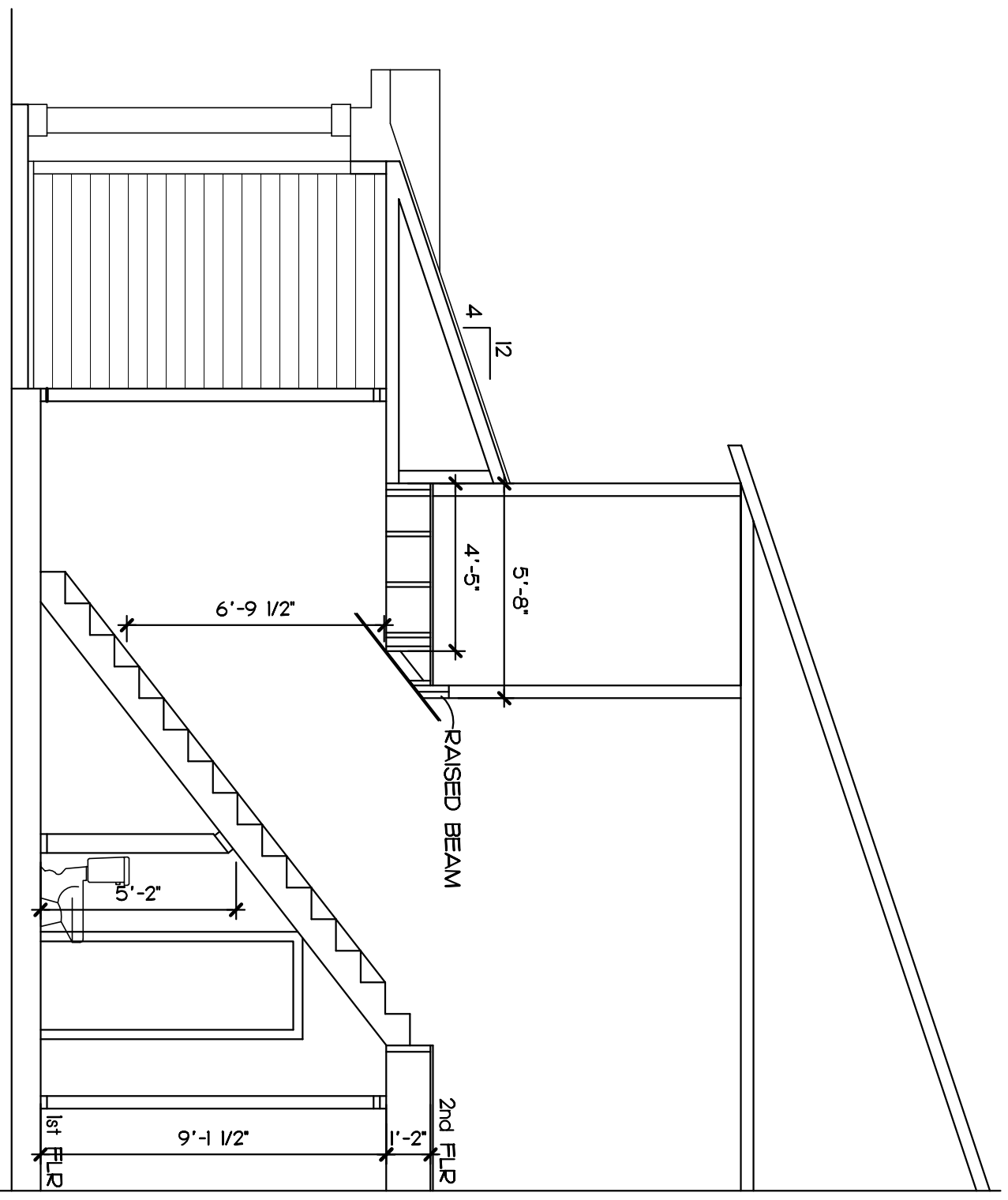
I, the undersigned, hereby certify that I am the owner of the property shown on this drawing and that I have authorized the preparation of this drawing. I understand that the contractor shall be responsible for the accuracy of the information provided. I understand that the contractor shall be responsible for the accuracy of the information provided.

Drafting
704-542-8858
Charlotte, N.C.

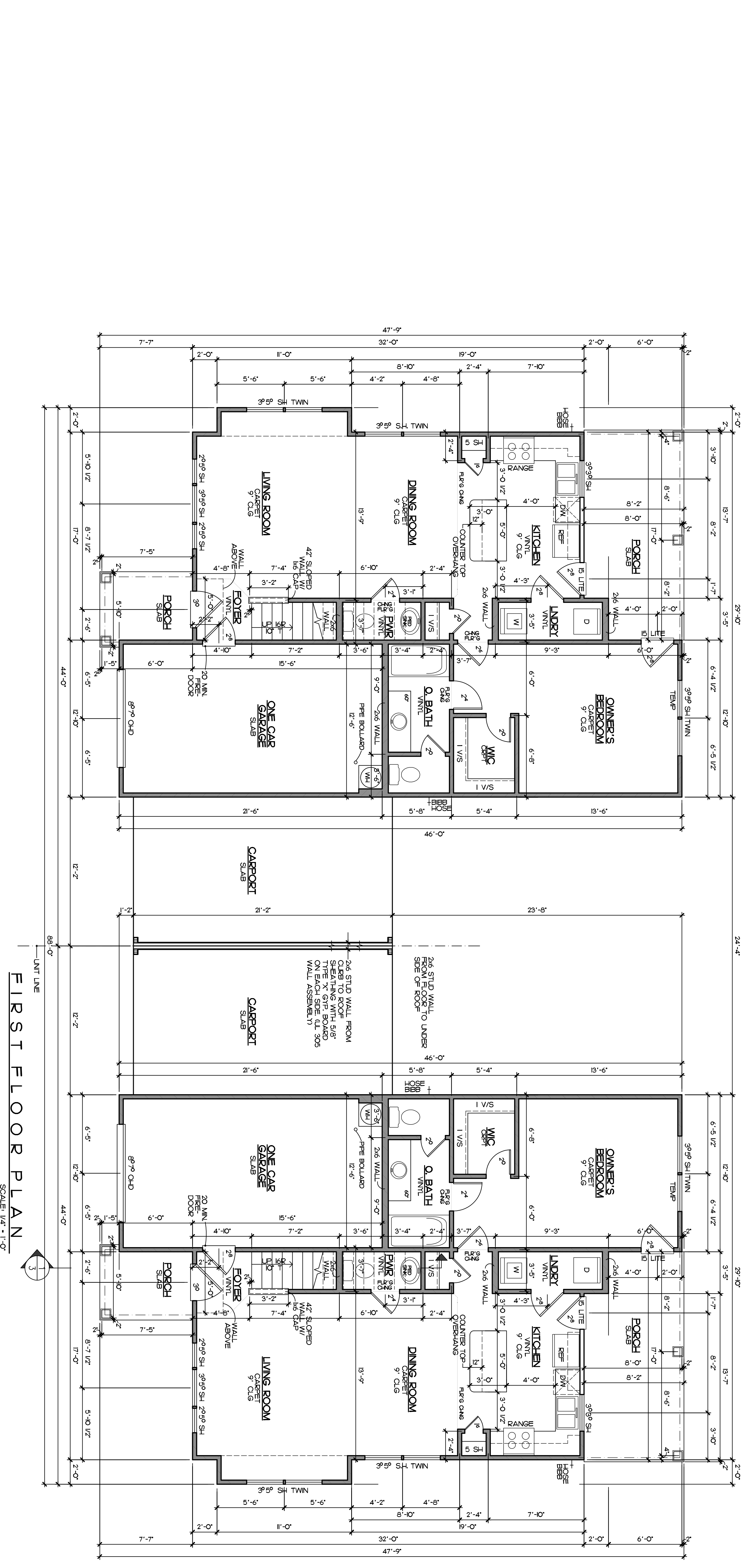
Project
Kannapolis Duplex
Sheet Title
FOUNDATION PLAN

Drawn By: **C. BAZZARE**
Date: **8-18-23**
REV: 1

Sheet
Kannapolis Duplex
2



SECTION AT STAIRS
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

DESIGNED AND ENGINEERED TO COMPLY WITH THE 2016 IBC.

NOTE:
Contractor shall be responsible for any items not shown on this plan. The contractor shall verify the location and depth of all existing utilities and structures before construction. The contractor shall be responsible for any items not shown on this plan. The contractor shall be responsible for any items not shown on this plan.

CONTRACT STATEMENT
The undersigned hereby certifies that the drawings and specifications herein were prepared by the undersigned or under the direct supervision and control of the undersigned. The undersigned is a duly licensed Professional Engineer in the State of North Carolina. The undersigned is not responsible for any errors or omissions in the drawings and specifications herein. The undersigned is not responsible for any items not shown on this plan. The undersigned is not responsible for any items not shown on this plan.

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Charlotte, N.C.
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Project
Kannapolis Duplex
Sheet Title
FIRST FLOOR PLAN

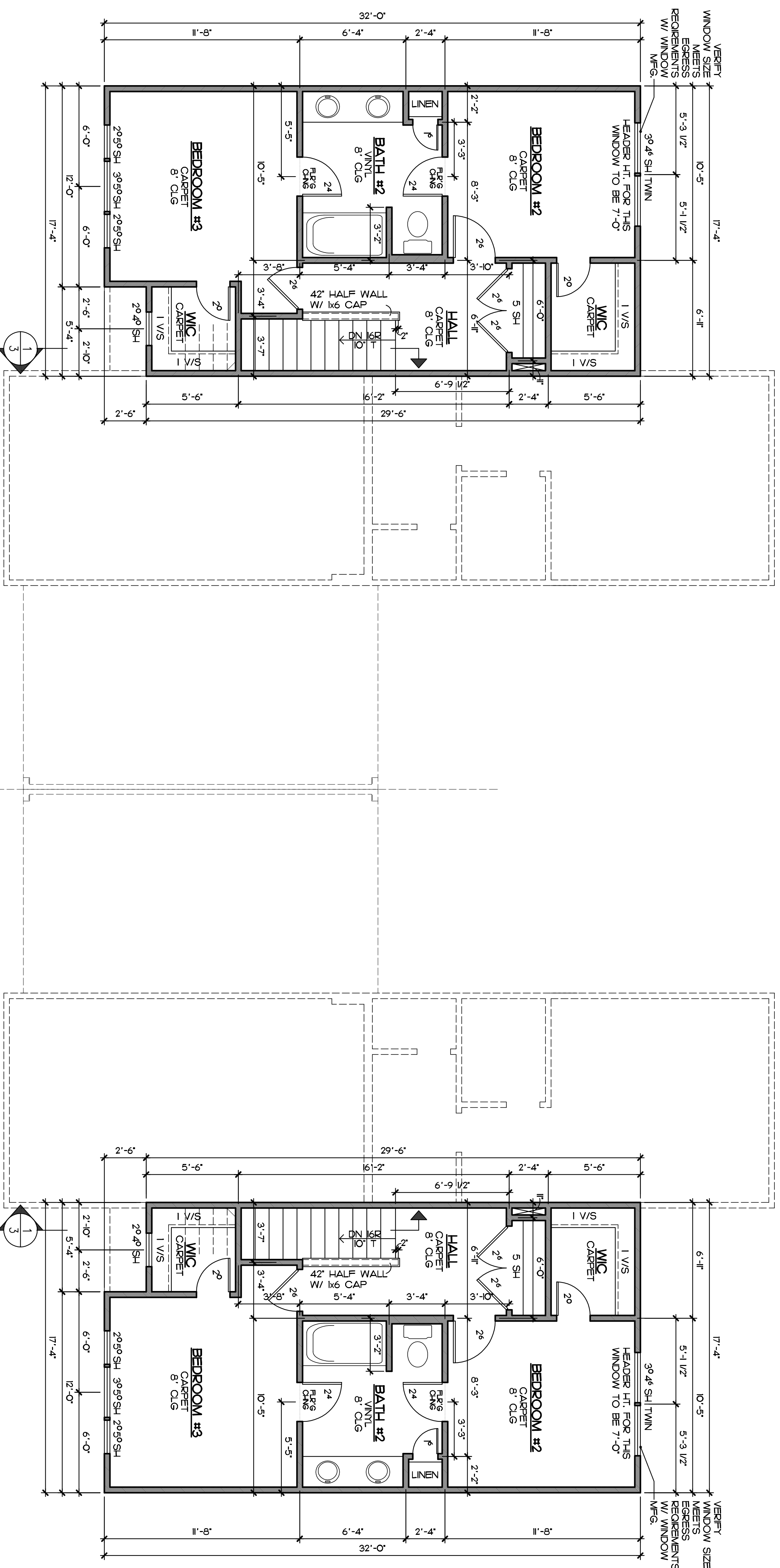
Drawn By: C. BAZZARE
Date: 8-18-23
REV:
Site

Kannapolis Duplex
Sheet
3

NOTE
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DRAFTING
 RESPONSIBILITY STATEMENT
 The responsibility of the architect/builder/contractor is to verify all dimensions and conditions on the job site prior to construction. The architect/builder/contractor is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The architect/builder/contractor is responsible for obtaining approval from the appropriate authorities for any changes made to the plan. All materials used to produce this drawing are considered to have been obtained from a reliable source.

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 Charlotte, N.C.
 704-542-8858



SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

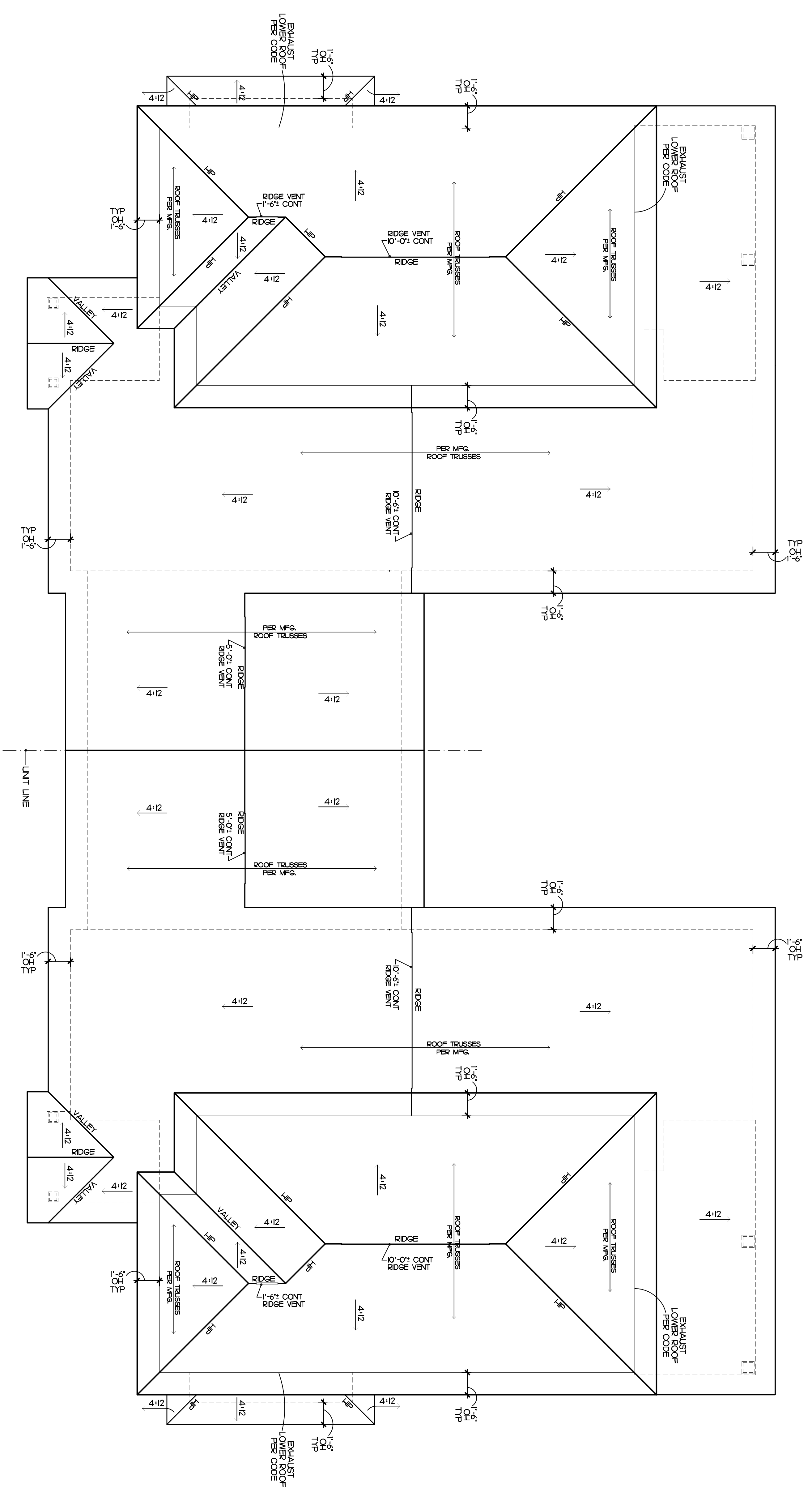
DESIGNED AND ENGINEERED TO COMPLY WITH THE 2006 IBC.

Project
Kannapolis Duplex
 Sheet Title
SECOND FLOOR PLAN

Drawn By: **C. BAZAKE**
 Date: **8-18-23**
 REV:

Site

Kannapolis Duplex
 Sheet
4



ROOF PLAN
 FLASH CHANGES IN
 ROOF PITCH AND DIRECTION
 1/4" = 1'-0"

| | | |
|--|--|--|
| CARRIOT 256 SQ. FT. ATTIC VENTILATION REQ. 300 (2288 SQIN) | GARAGE & ATTIC 593 SQ. FT. ATTIC VENTILATION REQ. 300 (28512 SQIN) | ATTIC - 2F 541 SQ. FT. ATTIC VENTILATION REQ. 300 (2592 SQIN) |
| ATTIC VENTILATION SHOWN ** RIDGE VENTS - 80 SQIN ** SOFFIT VENTS - 72 SQIN TOTAL - 152 SQIN | ATTIC VENTILATION SHOWN ** RIDGE VENTS - 148 SQIN ** SOFFIT VENTS - 140 SQIN TOTAL - 348 SQIN | ATTIC VENTILATION SHOWN ** RIDGE VENTS - 184 SQIN ** SOFFIT VENTS - 198 SQIN TOTAL - 382 SQIN |
| ** 10'-0" RIDGE VENT w/ 1/6 SQIN FREE OPEN AREA PER FT ² | ** 10'-0" RIDGE VENT w/ 1/6 SQIN FREE OPEN AREA PER FT ² | ** 10'-0" RIDGE VENT w/ 1/6 SQIN FREE OPEN AREA PER FT ² |
| ** 2'-0" x 3/4" W/ PERFORATED PER FT ² | ** 2'-0" x 3/4" W/ PERFORATED PER FT ² | ** 2'-0" x 3/4" W/ PERFORATED PER FT ² |

NOTE
 Drafting & design services are provided for any items covered in this drawing. The contractor is responsible for the purchase of materials and the responsibility of the architect-builder/contractor to verify all dimensions and conditions. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The contractor shall be responsible for the construction of the building and shall be responsible for the safety of the building. The contractor shall be responsible for the safety of the building. The contractor shall be responsible for the safety of the building.

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 704-542-8858

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Project
Kannapolis Duplex
 Sheet Title
ROOF PLAN

Drawn By: **C. BAZZAKE**
 Date: **8-18-23**
 REV:

Kannapolis Duplex
 Sheet
5

| AcctName1 | MailAddr1 | MailCity | MailState | MailZipCod |
|------------------------------|----------------------|--------------|-----------|------------|
| RANDY RODRIGUEZ | 1019 VALLEY ST | KANNAPOLIS | NC | 28081 |
| JOHN & LINDA HALL | 107 GOLDSTON ST | KANNAPOLIS | NC | 28081 |
| RES-NC RESTORATION LLC | 16400 SUTTERS RUN LN | HUNTERSVILLE | NC | 28078 |
| ADEL AHMED ALY KAMEL ELASMAR | | | | |
| NEVINE ADEL HAGRAS | 1027 W C ST | KANNAPOLIS | NC | 28081 |
| RES-NC RESTORATION LLC | | | | |
| ATTN: DANIEL DUNHAM | 16400 SUTTERS RUN LN | HUNTERSVILLE | NC | 28078 |
| KIM J ALLMAN | 105 GOLDSTON ST | KANNAPOLIS | NC | 28081 |
| MEMORIAL UNITED METHODIST | 1100 WEST C STREET | KANNAPOLIS | NC | 28081 |
| STEVEN W LOONEY | 1025 W C ST | KANNAPOLIS | NC | 28081 |
| ADNAN CASKEY | | | | |
| TRACY CASKEY | 202 GLEN AVE | KANNAPOLIS | NC | 28081 |
| EVELYN HARRINGTON | 1020 W C ST | KANNAPOLIS | NC | 28081 |
| MATTHEW J SELMER | 3801 ISENHOUR RD | KANNAPOLIS | NC | 28081 |
| BETTY E HARTSELL | 1015 VALLEY ST | KANNAPOLIS | NC | 28081 |
| MARK & SHERRY HODGSON | 1017 VALLEY STREET | KANNAPOLIS | NC | 28081 |



October 23, 2023

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday November 7, 2023 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2023-17 – Special Use Permit – 160 & 170 Glenn Avenue

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 160 & 170 Glenn Avenue. 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 0.177 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56142257320000 (**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

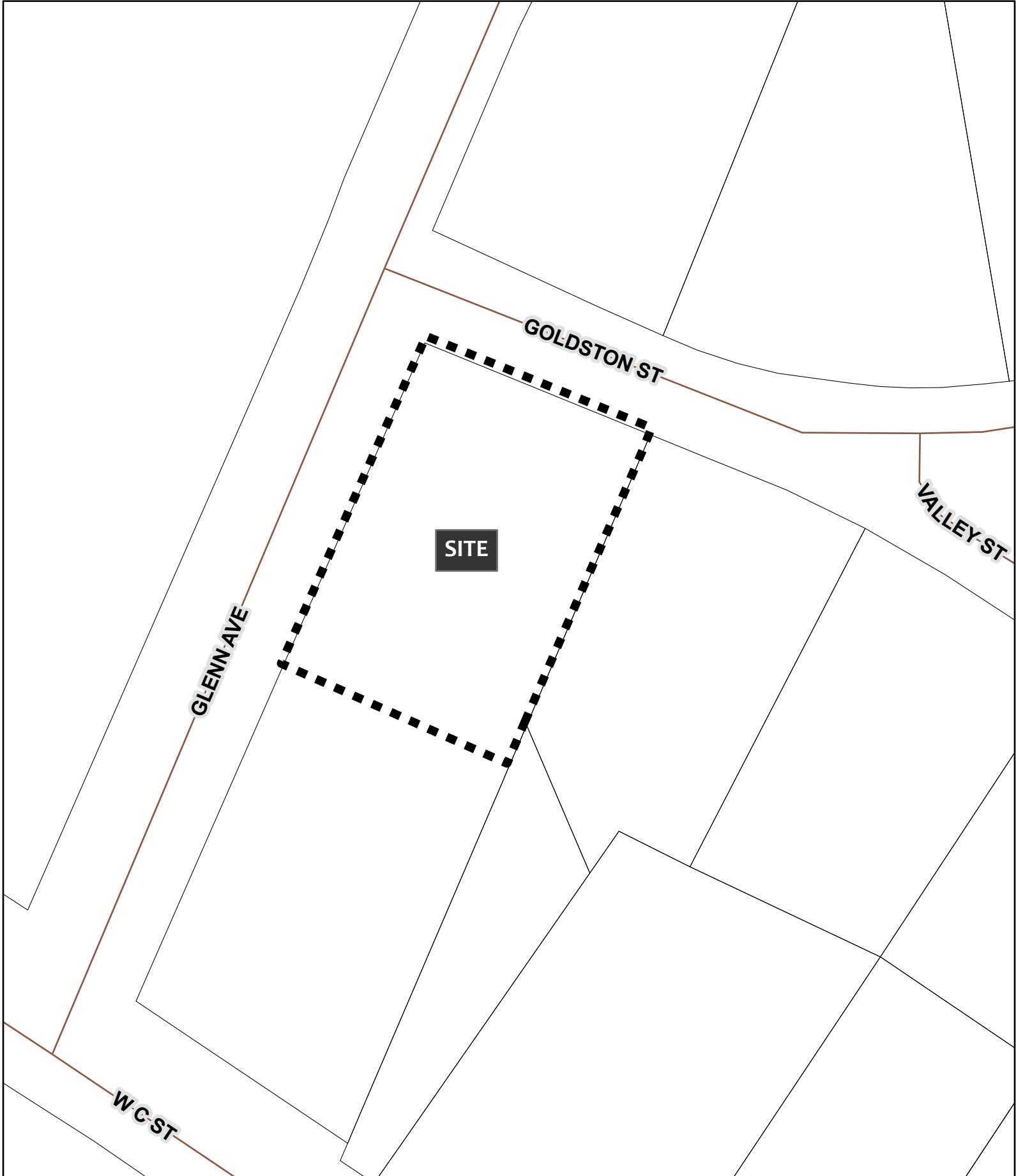
Enclosure

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-2023-17
Applicant: RES-NC Restoration LLC
160 and 170 Glen Ave





BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

**CALL 704-920-4350
CASE #BOA-2023-17**