

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

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

7 The Board of Adjustment met on Tuesday October 3, 2023, at 6:10 PM at City Hall, 401 Laureate
8 Way, Kannapolis, North Carolina. This meeting was held in accordance with required Public
9 Notice

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

18 **Board Members Absent:** Cyrus Rattler, Vice-Chair
19 Ryan French
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:** Derrick Hall John Eubanks
28 Judy Cox Paige Seely
29 Don Freeman Karl Malina
30 Kristina Ritchie Stephanie Castillo
31 Arianna Archer Geoff Stafford
32 Dan Dunham Kim Allman
33

34 **CALL TO ORDER**

35 Chair Joshi called the meeting to order at 6:10pm.
36

37 **ROLL CALL AND RECOGNITION OF QUORUM**

38 Ms. Stapleton 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. Bailey, second by
42 Mr. Sides and the motion was unanimously approved.
43

44 **APPROVAL OF MINUTES**

45 Chair Joshi asked for a motion to approve the August 1, 2023, meeting minutes which was made
46 by Ms. Martini, second by Mr. McClain and the motion was unanimously approved.
47

1 **SWORN IN FOR TESTIMONY**

2 Ben Barcroft, Geoff Stafford, Kim Allman, Derrick Hall, Patti and Carl Malina, Don Freeman,
3 Paige Seeley, Krystina Ritchie and Stephanie Castillo.

4
5 **PUBLIC HEARING**

6
7 **BOA-2023-13 – Request for a Special Use Permit for property located at 126 & 132 Glenn**
8 **Avenue to allow for a duplex dwelling in the Mixed-Use Neighborhood (MU-N) zoning**
9 **district.**

10 Senior Planner, Ben Barcroft, gave a presentation regarding a request for a Special Use Permit
11 (SUP) and provided the application details for BOA-2023-13, attached to, and made part of these
12 minutes as Exhibit I. Mr. Barcroft directed the Board’s attention to the Vicinity map and stated
13 that the applicant, RES-NC Restoration LLC, is requesting the SUP to build a duplex dwelling on
14 property located at 126 & 132 Glenn Avenue. He explained that the property was split after
15 application had been made and that per ordinance requirements, staff could only accept the
16 application for one of the parcels. Mr. Barcroft utilized the vicinity map to show location of the
17 subject parcel as well as the size and stated that per Table 4.2.B(5) of the Kannapolis Development
18 Ordinance (KDO), a SUP is required for duplex residential uses in the MU-N zoning district.

19
20 Mr. Barcroft utilized the Zoning and Future Land Use maps as well as site photos to illustrate
21 existing residential and church uses, stating that staff found the SUP request to be compatible with
22 existing and future land uses. He further directed the Board’s attention to the conceptual site plan
23 and identified subdivision of the parcel. Mr. Barcroft added that the Future Land Use Plan
24 Character Area allows for multi-family uses. He further utilized the site plan to illustrate that the
25 applicant will have to apply for an additional SUP on the adjacent lot, and that the third parcel
26 shown (1024 W C Street) is located within the Residential 8 (R8) zoning district, which allows
27 duplex developments by right. Mr. Barcroft concluded his presentation and made himself available
28 for questions.

29
30 Chair Joshi asked for confirmation that the applicant is requesting approval of one (1) or three (3)
31 duplex buildings for the property located on the corner of W C Street and Glenn Avenue [132
32 Glenn Avenue]. Mr. Barcroft responded that the applicant was originally requesting approval for
33 two (2) duplex buildings on the entire parcel, but since the parcel was already subdivided, the
34 request before the Board is to allow one (1) duplex unit on the property [132 Glenn Avenue]. He
35 added that the applicant will have to apply for a separate SUP for the other duplex building on the
36 adjacent property [170 Glenn Avenue] but that the third duplex building proposed for the property
37 located at 1024 W C Street will not require a SUP because it is located in a zoning district that
38 allows duplex buildings by right. Ms. Joshi asked if the applicant had started construction on the
39 building prior to the meeting. Mr. Barcroft responded that he did not believe so.

40
41 Planning Director, Richard Smith, further clarified that three (3) duplex buildings will be
42 constructed and that two (2) of those buildings will require approval of SUP’s, but that the third is
43 allowed by right.

44
45 Mr. McClain asked about parking for the residents. Mr. Barcroft stated that access will be from
46 Glenn Avenue. Mr. McClain asked if the sidewalk will be extended to W C Street and Mr. Barcroft

1 responded that the Ordinance [Kannapolis Development Ordinance (KDO)] requires extension of
2 the sidewalk.

3
4 Mr. Bailey asked about the location of the driveway. Mr. Barcroft deferred to the applicant.

5
6 The applicant, Dan Dunham, stated that the garage for the duplex building will be located under
7 the structure.

8
9 Mr. McClain asked if the duplexes are proposed to be one or two-story buildings. Mr. Dunham
10 responded that they will be two-story structures.

11
12 There being no additional questions or comments for staff or the applicant, Chair Joshi opened the
13 Public Hearing. Mr. Smith reminded the Board and the audience that anyone wishing to speak
14 should be prepared to provide evidence either for or against the proposed development. There
15 being no further questions or comments, Chair Joshi closed the Public Hearing.

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

20
21 Chair Joshi asked for a motion to approve or revise the Findings of Fact. Mr. Sides made the
22 motion to approve the Findings of Fact, second by Mr. Dwiggin, and the motion was unanimously
23 approved.

24
25 Chair Joshi asked for a motion to approve, approve with conditions, or deny the issuance of the
26 Special Use Permit. Mr. Bailey made the motion to approve, second by Mr. McClain, and the
27 motion was unanimously approved.

28
29 Chair Joshi asked for a motion to issue the Order of Approval. Mr. Sides made the motion to
30 approve the Order, second by Ms. Martini, and the motion was unanimously approved.

31
32 **BOA-2023-14 – Request for a Special Use Permit for property located at 906 S. Main Street**
33 **to allow for a private tattoo studio in the General Commercial (GC) zoning district.**

34 Mr. Barcroft gave a presentation regarding a request for a Special Use Permit (SUP) and provided
35 the application details for BOA-2023-14, attached to and made part of these minutes as Exhibit 2.
36 He directed the Board's attention to the vicinity map and stated the requested use will be located
37 within an existing multi-use building which currently contains a pet spa use. Mr. Barcroft added
38 that the applicant, Kristina Ritchie, is requesting the SUP to allow a tattoo studio located at 906 S.
39 Main Street and that per Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), a SUP
40 is required for private tattoo studio uses in the General Commercial (GC) zoning district.

41
42 Mr. Barcroft utilized the Zoning and Future Land Use maps as well as site photos to illustrate the
43 existing commercial uses and stated that the property is located within the Urban Corridor
44 Character Area of the 2030 Future Land Use Plan ("2030 Plan") which allows retail and office
45 uses. He stated that the applicant will be required to paint parking spaces and utilized the site plan

1 to illustrate layout of the interior space. Mr. Barcroft concluded his presentation and made himself
2 available for questions.

3
4 Mr. Bailey asked if the proposed use was the same as what the Board reviewed previously. Mr.
5 Smith responded “no” and that the previous tattoo studio Mr. Bailey is referring to was located on
6 North Cannon Boulevard.

7
8 Chair Joshi asked if striping the parking spaces is included in the conditions. Mr. Barcroft
9 responded that striping will be required when the applicant applies for their permits. Mr. Smith
10 added that the Board does not have this as a condition because the Ordinance already requires
11 striping of parking spaces.

12
13 The applicants, Krystina Ritchie and Stephanie Castillo, made themselves available for questions.

14
15 Mr. Dwiggins asked the difference between a private tattoo studio and any other tattoo studio. Ms.
16 Ritchie explained that she has a lot of peri medical clients that have had breast cancer and that she
17 likes to maintain their privacy. Mr. Dwiggins asked if their clients will have appointments. Ms.
18 Ritchie responded that most clients will be by appointment only, but that they plan to host “walk-
19 in” events.

20
21 Mr. Bailey voiced concern regarding the lack of parking. Ms. Castillo responded that most of their
22 clients will be by appointment only and that because they are new, she expects a low volume of
23 clients.

24
25 There being no additional questions or comments for staff or the applicant, Chair Joshi opened the
26 Public Hearing which was then closed with no public comment made.

27
28 Chair Joshi asked for a motion to accept the City’s exhibits, including the staff report into the
29 record, which was made by Mr. Sides, second by Mr. McClain, and the motion was unanimously
30 approved.

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

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

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

42
43 **BOA-2023-15 – Request for a Special Use Permit for property located at 2225 Fowler Street**
44 **to allow for a civic organization in the Residential 4 (R4) zoning district.**

45 Mr. Barcroft, gave a presentation regarding a request for a Special Use Permit (SUP) and provided
46 the application details for BOA-2023-15, attached to and made part of these minutes as Exhibit 3.

1 He directed the Board's attention to the vicinity map and stated that the property is located at 2225
2 Fowler Street which is located in Rowan County within the City's Extra Territorial Jurisdiction
3 (ETJ). He clarified that the property is located within the City's zoning jurisdiction, but not within
4 the City's limits. Mr. Barcroft identified the zoning district as Residential 4 (R4) and that the
5 request is to allow a civic organization on approximately sixteen and a half (16.5) acres. He added
6 that Table 4.2.B(5) of the KDO requires a SUP for civic uses in the R4 zoning district. Mr. Barcroft
7 identified the applicant as The Altar Global.

8
9 Mr. Barcroft utilized the Zoning and Future Land Use maps as well as site photos to illustrate the
10 existing adjacent residential uses and stated that the subject property was previously utilized as a
11 recreation park, as well as a dog park. He stated that staff found the SUP request to be compatible
12 with existing and future land uses and further explained that the property is located within the
13 Complete Neighborhood 2 Character Area of the 2030 Plan which allows for civic uses. Mr.
14 Barcroft directed the Board's attention to the conceptual site plan, stating that the property will
15 mostly be utilized as a church camp, but that they are also proposing an amphitheater, a ministry
16 building and recreation courts, as well as to renovate the existing pool and water slides. He further
17 utilized the site plan to show the location of proposed cabins for the camp use. Mr. Barcroft
18 concluded his presentation and made himself available for questions.

19
20 Chair Joshi asked about the current zoning and the reason a SUP is required. Mr. Barcroft
21 responded that the property is currently zoned R4 Residential and that all civic uses require a SUP
22 in residentially zoned areas.

23
24 Mr. Bailey referenced the residential zoning district and questioned location of adjacent residential
25 uses. Mr. Barcroft utilized the vicinity map to illustrate location of existing residential uses. Mr.
26 Bailey noted that the proposed use will not be directly abutting residential uses. Mr. Barcroft
27 confirmed and deferred to Mr. Smith for further comment. Mr. Smith utilized the site plan stating
28 that the property was previously used as the Kannapolis Rec Park [public swimming pool] and
29 eventually transitioned to a dog park. He added that the only reason the SUP is required at this
30 time, is due to the addition of the cabins and summer-camp type use to be located to the rear of the
31 subject property.

32
33 Mr. Smith noted that Mr. Sides previously asked to be recused from the case. Chair Joshi
34 acknowledged that Mr. Sides is recused. Mr. Sides left the meeting room during the hearing of this
35 particular case.

36
37 Chair Joshi utilized the Vicinity map and asked for confirmation that the pool is existing. Mr.
38 Barcroft confirmed and stated that the applicant intends to renovate the pool and the existing water
39 slides.

40
41 Mr. Bailey asked if the cabins are existing structures. Mr. Barcroft responded that the cabins do
42 not currently exist and that they, along with the ministry building and the amphitheater, will need
43 to be constructed.

44
45 Mr. Dwiggin asked about traffic impacts. Mr. Barcroft responded that staff does not anticipate
46 traffic impacts beyond what existed for the previous uses. He deferred to the applicant for further

1 clarification but suggested that the proposed use will be less intense than that which was consistent
2 traffic for the recreation park. Mr. Dwiggins suggested that an 800-seat amphitheater would create
3 a lot of traffic. Mr. Barcroft deferred to the applicant.
4

5 Geoff Stafford, representative for the applicant, The Altar Global, 2705 Moose Road, Kannapolis,
6 stated that their current location is less than one mile from subject property. Chair Joshi asked the
7 use of their current location. Mr. Stafford responded that current use of the organization [The Altar
8 Global] is utilizing the property located at 2705 Moose Road which is the location of the Ark
9 Fellowship Church. He added that due to the size and activities that the church would like to do,
10 they feel it is best to remove themselves from the church property and would like to move to 2225
11 Fowler Street. He clarified that The Altar Global is not a church and would like to remove
12 themselves from the church building so that they can have a permanent site.
13

14 Mr. McClain asked for clarification that both organizations are currently running out of the same
15 building. Mr. Stafford confirmed that to be true.
16

17 Chair Joshi referenced the amphitheater and asked the number of events they anticipate for the
18 year. Mr. Stafford responded that their main goal is to function as a summer camp for overnight
19 guests for approximately 10-15 youth per cabin and guessed that there would be approximately
20 150 students per year. He added that the amphitheater will be utilized for both shelter and activity
21 use. Mr. Stafford clarified that The Altar Global hosts two (2) conferences per year and that the
22 proposed 800-seat amphitheater will also be utilized during this time, but that the seating will
23 mainly be used for inclement weather shelter for campers. Chair Joshi asked if the amphitheater
24 will only be used by The Altar Global or if they intend to rent the space. Mr. Stafford responded
25 that they will not be renting the facility and will be for their use only.
26

27 Mr. Smith asked if the children attending the summer camp will be bussed in or will be dropped
28 off by a parent. Mr. Stafford responded that they had not defined yet how summer camp
29 transportation will be completed and stated that their intention is to reach out to local churches, as
30 well as to offer use of the soccer fields, the swimming pool and water slides. He added that they
31 would like to impact the local area first but may have a broader reach in the future.
32

33 Chair Joshi asked about the parking capacity. Mr. Stafford responded that their studies show that
34 the existing gravel parking will allow for sixty (60) cars, but that the previous owner stated that
35 100-150 cars could be accommodated.
36

37 Mr. Dwiggins asked about noise ordinance regulations regarding use of the amphitheater. Mr.
38 Smith responded that Rowan County Sherriff's office would regulate any noise issues for the
39 property since it is located within the City's ETJ.
40

41 Mr. McClain asked the size of the ministry building. Mr. Stafford utilized the vicinity map and
42 referenced location of an existing concrete pad that is approximately 9,000 square feet and stated
43 that the ministry building will be located on the same site and that the building would need to be
44 large enough to house approximately fifty (50) administrative staff on a bi-weekly basis.
45

1 Mr. Stafford addressed Mr. Dwiggins concerns regarding traffic impacts noting that the previous
2 owners, who utilized the property as a public swimming pool, stated that there was roughly 300-
3 500 people visiting the site throughout the day and that their proposed use will be a specific time
4 during the day, twice per year.

5
6 There being no additional questions or comments for staff or the applicant, Chair Joshi opened the
7 Public Hearing.

8
9 City Attorney, Wally Safrit, suggested that anyone wishing to speak, should address the Board and
10 that if a response is required from the applicant, that the applicant will be given an opportunity to
11 respond.

12
13 Resident, Don Freeman, 2223 Lynn Street, stated that his property is located directly adjacent to
14 the property and that lighting on the subject property is too bright and is left on all night. He added
15 that it interferes with his sleep and asked that it be turned down. Mr. Stafford stated that they want
16 to be a good neighbor and appreciated Mr. Freeman's comments and confirmed that they will
17 address the issue.

18
19 Resident Paige Seeley, 2218 Lynn Street, stated that her home is located three (3) properties from
20 the subject property, that she has lived there through all the previous uses and expressed concern
21 regarding traffic impacts. Ms. Seeley stated that there have already been a couple events on the
22 property and that while the noise was not as bad as when the pool was active, there were speeders
23 and a lot of traffic. She added that the proposed development will add additional traffic concerns.
24 Ms. Seeley expressed additional concern regarding location of the amphitheater as well as
25 environment impacts with regards to adjacent property owners' well systems and filling in the
26 pond. She stated that she and her neighbors are not against the church use, but do not support a use
27 that will bring more traffic and environmental impacts. Ms. Seeley addressed the Board stating
28 that the property is not located far from residential uses as was inferred by questions from the
29 Board. She stated: "I can throw a rock and hit the gate".

30
31 Mr. Stafford responded that the emphasis for their proposed use is on family and that the proposed
32 location offers the option for family enjoyment. He asked Ms. Seeley if she noticed speeders from
33 the two services that she referenced, and Ms. Seeley confirmed "yes". Ms Joshi asked the average
34 number of attendees for the events. Mr. Stafford responded that the first event had approximately
35 60-70 attendees and that it was raining during the second event, so they only had approximately
36 40 attendees. Chair Joshi asked the frequency of events. Mr. Stafford responded that the two events
37 previously held were "interest" meetings and that they do not have another interest event planned
38 for the remainder of the fiscal year, but that the founder and President of The Altar Global may
39 want to have one more fundraising event before the end of the year.

40
41 Patti Malina, 2222 Lynn Street, stated that she lives right across the street from the subject property
42 and clarified that there were two (2) previous events held on the property, not just one (1). Ms.
43 Malina stated that they are located in the ETJ and pay Rowan County taxes, which are low, but
44 complained that the applicant is a 501C organization and will not be required to pay taxes. Ms.
45 Malina asked the Board to consider impacts to the infrastructure, stating that the previous uses
46 were utilized three (3) months out of the year and not twelve (12) months. She suggested that the

1 roads will not be able to accommodate the amount of traffic generated by the proposed use or the
2 construction traffic, and guessed that City utilities would be required and then forced upon existing
3 residents. Ms. Malina expressed concern regarding the environmental impacts regarding the
4 proposed amphitheater over the existing pond as well as the proposed recreation fields. She
5 expressed additional concern regarding the removal of trees, as well as stormwater runoff impacts
6 from construction of the amphitheater. Ms. Malina asked the Board to consider the existing
7 neighborhood.

8
9 Mr. Stafford addressed Ms. Malina's concern regarding location of the property and utilities stating
10 that there is no intention to annex the property into the City nor do they intend to request extension
11 of City utilities due to an existing 300-foot artesian well that feeds the property and provides
12 current utilities. He added that a soil scientist has evaluated the property and is exploring the use
13 of an engineered sewer system, similar to what is being used by The Refuge on Kannapolis
14 Parkway. Mr. Stafford utilized the site plan stating that the intent is to retain as much forestry as
15 possible and that the plan is to utilize stormwater to irrigate the ball fields. He addressed concerns
16 regarding the amphitheater stating that they are working with a civil engineer and would like the
17 option to fill-in the pond to build the amphitheater, but if it is determined that it is not possible or
18 would cause issues for the well-spring pond, the amphitheater will be relocated or changed.

19
20 Chair Joshi noted that the amphitheater is listed as phase one on the site plan and asked for
21 clarification of the phases. Mr. Stafford apologized that the site plan provided to the Board is not
22 the most current site plan, but that Phase 1 and 2 have been switched and that their primary goal
23 is to vacate their current location so that Phase 1 would include septic and the ministry building to
24 house staff.

25
26 Ms. Malina questioned location of the ball fields if their intent is to leave as much forestry as
27 possible. She reiterated that the applicant will not be paying taxes and suggested that existing
28 property owners' taxes will be increased. Ms. Malina abruptly ended her comments.

29
30 Carl Malina, 2222 Lynn Street, stated that he has lived in his home for 27 years and that the
31 community is a "well-knit" community. Mr. Malina identified his property, one of which directly
32 abuts the subject property and suggested a plan to help take care of the homeless. He inferred that
33 property taxes would be raised as a result of the proposed development and accused the applicant
34 of building more homes and trying to buy surrounding properties for future residential
35 development. Mr. Stafford responded that some grading would take place on the property where
36 the proposed ball fields will be located and that general contractors as well as civil engineers have
37 been on site monitoring the progress. He added that Phase 1 will include construction of the
38 ministry building with Phase 2 and 3 occurring at a much later date.

39
40 Mr. Bailey expressed concern regarding water utilities and asked about the plan for providing
41 water to the proposed cabins. Mr. Stafford stated that while soil testing has been ongoing, the
42 initial plan for the cabins is for them to not have plumbing, but to have a shared bathhouse for the
43 campers. He reiterated that there is an existing artesian well that will be utilized as a water source.
44 Mr. Bailey asked if that well would be filled in [to allow construction of the amphitheater] and Mr.
45 Stafford responded that the well would not be filled in because it is the source to fill the pool and

1 will be utilized as a water source for the entire property. He suggested that Mr. Bailey is confusing
2 the well with the pond.
3

4 Mr. Dwiggins asked if studies have been completed to identify impacts to adjacent properties
5 regarding filling in the pond for the amphitheater. Mr. Stafford responded that the pond is very
6 stagnant and that a civil engineer is working to verify the validity of whether the pond is fed by a
7 spring. He added that there is a man-made runoff from the pond to Bakers Creek which is located
8 on the property. Mr. Dwiggins reiterated that he is concerned that studies have not been conducted
9 to determine impacts to the neighborhood if the pond is filled in. Mr. Stafford acknowledged his
10 concern and stated that they [The Altar Global] are not committed to filling the pond and building
11 the amphitheater and that they could achieve the same result by utilizing a large tent when needed,
12 if it is determined that filling the pond would result in negative impacts to the subject or
13 surrounding properties.
14

15 Chair Joshi asked for confirmation that the Board is reviewing the SUP because the request is for
16 a civic use in a residential neighborhood and that any issues or concerns with regards to water
17 quality or how those utilities are obtained are further reviewed by City staff and must comply with
18 City ordinances. Mr. Smith confirmed.
19

20 Ms. Seeley asked if there are alternate locations for the amphitheater if it is determined that the
21 pond cannot be filled in and expressed additional concern regarding traffic impacts. She also noted
22 that a rock quarry is located nearby and that they are subject to ground vibration and noise from
23 that use and asked if there would be additional noise with regards to construction of the cabins.
24 Mr. Stafford responded that they have discussed two other options as location for the amphitheater,
25 but that they would like to keep it to the rear of the property due to potential noise levels and
26 reiterated that their goal is to only utilize the amphitheater two times per year. He acknowledged
27 that they have already held two events on the property, but that those events were for fundraising
28 and to raise awareness about the project. Mr. Stafford stated that option 1 is to decrease the size of
29 the amphitheater and move it based on the engineer's recommendation and option 2 is to keep the
30 pond and utilize a temporary or permanent tent for future events.
31

32 Ms. Malina suggested that the well is not used for filling the pool and questioned whether it also
33 supplies the neighborhood with water. Mr. Stafford confirmed that the well located on the property
34 is a private well and is the water source to fill the pool. He utilized the site plan to illustrate location
35 of the current pump and well house for the property.
36

37 There being no additional questions or comments, Chair Joshi closed the Public Hearing.
38

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

43 Chair Joshi asked for a motion to approve or revise the Findings of Fact. Mr. Bailey made the
44 motion to approve the Findings of Fact pending the water assessment of the pond.
45

1 Mr. Safrit cautioned the Board that if they wanted to amend the Findings, the amendments should
2 be based on testimony provided by experts in their field and not on public opinion. He
3 acknowledged that while the testimony has been from neighbors who live there and have
4 experience with their environment, he discouraged the Board from amending the Findings based
5 on opinion. Mr. Safrit further advised that if they felt further testimony from experts is necessary,
6 that they should continue the hearing and require the applicant to provide expert testimony. Chair
7 Joshi asked if that should be made part of the Findings and Mr. Safrit responded that motion could
8 be made to continue the meeting. He reviewed the Findings of Fact listed in the staff report and
9 stated that he does not understand the issue that the Board has with the Findings.

10
11 Mr. Bailey asked if he should withdraw his previous motion regarding the Findings and asked for
12 direction from Mr. Safrit, who advised that if it is the Board's intention to require the applicant to
13 provide expert testimony, then a motion and a second is needed, and that the matter would be
14 continued to the next meeting.

15
16 Mr. McClain made the motion to continue the case and voiced concern regarding potential impacts
17 of water utilities to the existing neighborhood. Mr. Safrit asked Mr. Dwiggin to be more precise
18 so that the applicant will know what the Board needs to render decision on the SUP request.

19
20 Mr. Smith interjected that for Point of Order, Mr. Bailey should formally withdraw his previous
21 motion. Mr. Bailey stated that he withdraws his previous motion regarding the Findings of Fact.

22
23 Mr. McClain made the motion to require additional testimony regarding impacts to the integrity
24 of the water utilities, with regards to flooding, septic systems, and drinking water. Mr. Stafford
25 suggested that the only way that they could impact the surrounding neighbors' septic systems and
26 drinking water is if they were working directly on their land. Mr. Safrit interjected that if Mr.
27 McClain's motion receives a second, and is approved, that Mr. Stafford should be prepared to
28 provide expert testimony at the next meeting regarding the Board's concerns.

29
30 Chair Joshi asked for a second regarding Mr. McClain's motion which was made by Mr. Bailey
31 and the motion was unanimously approved.

32
33 Mr. McClain expressed additional concern regarding traffic impacts and asked how those concerns
34 should be addressed. Mr. Smith advised that the motion would have to be revised to include traffic
35 impacts and reminded the Board that Fowler Street is a NCDOT road and not a city street. He
36 added that the Board could require a traffic impact analysis (TIA) be completed. Mr. Safrit further
37 advised that the Board's responsibility regarding traffic is to determine that "adequate measures
38 have been taken to minimize traffic hazards and congestion", and stressed the word "minimize" as
39 opposed to "eliminate". Mr. McClain amended his motion to include TIA, second by Ms. Martini,
40 and the motion was unanimously approved.

41
42 Mr. Safrit asked the applicant if a month is enough time to gather the additional information and
43 Mr. Stafford confirmed that they should be ready.

44
45 Chair Joshi asked for a vote to continue the case to the November 7, 2023, meeting which was
46 unanimously approved.

1
2 **PLANNING DIRECTOR UPDATE**
3 Planning Director, Richard Smith, stated that he will provide an update regarding transportation
4 updates at the November meeting and that he will also provide Board training since there are new
5 board members.

6
7 **OTHER BUSINESS**
8 No updates.

9
10 **ADJOURN**
11 There being no further business, Mr. Sides made the motion to adjourn, second by Mr. McClain
12 and the motion was unanimously approved.

13
14 The meeting was adjourned at 7:30 PM on Tuesday, October 3, 2023.
15
16

17 
18 _____
19 Pam Scaggs, Recording Secretary
20 Board of Adjustment
21

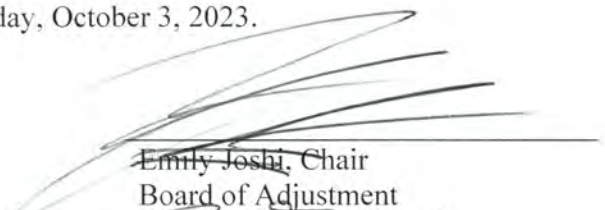
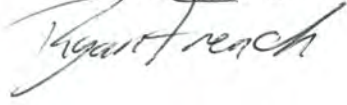

Emily Joshi, Chair
Board of Adjustment


EXHIBIT 1



Board of Adjustment October 3, 2023 Meeting

Staff Report

TO: Board of Adjustment
FROM: Ben Barcroft, Senior Planner
SUBJECT: Case# BOA-2023-13: Special Use Permit – 126 & 132 Glenn Ave
Applicant: RES-NC Restoration LLC

Request for a Special Use Permit to allow for a duplex dwelling on property located at 126 & 132 Glenn Ave (originally 1024 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, 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 0.19 +/- acres of property located at 126 & 132 Glenn Avenue and further identified as Cabarrus County Parcel Identification Number 56142246910000.

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 and surrounding properties as the "Urban Corridor" & "Urban Corridor" Character Area.

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

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

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

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

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

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

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



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: 1024 W. C Street 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 09/18/23 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: 1024 W. C Stret Kqannapolis, NC 28081 Zoning District MU-N
Parcel PIN: 56142246910000 Size of property (in acres): 0.19

Current Property Use: Vacant Lot

Proposed Use: Duplex

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

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.

Daniel Dunham 09/18/23

Applicant Signature

Date

Daniel Dunham 09/18/23

George Fountas 09/18/23

Property Owner Signature

Date

For Staff Use Only:

Filing Fee: _____

Receipt #: _____

Case #: _____

Date Received: _____



Vicinity Map

Case Number: BOA-2023-13
Applicant: RES-NC Restoration
1024 W C St





Kannapolis Current Zoning

Case Number: BOA-2023-13

Applicant: RES-NC Restoration

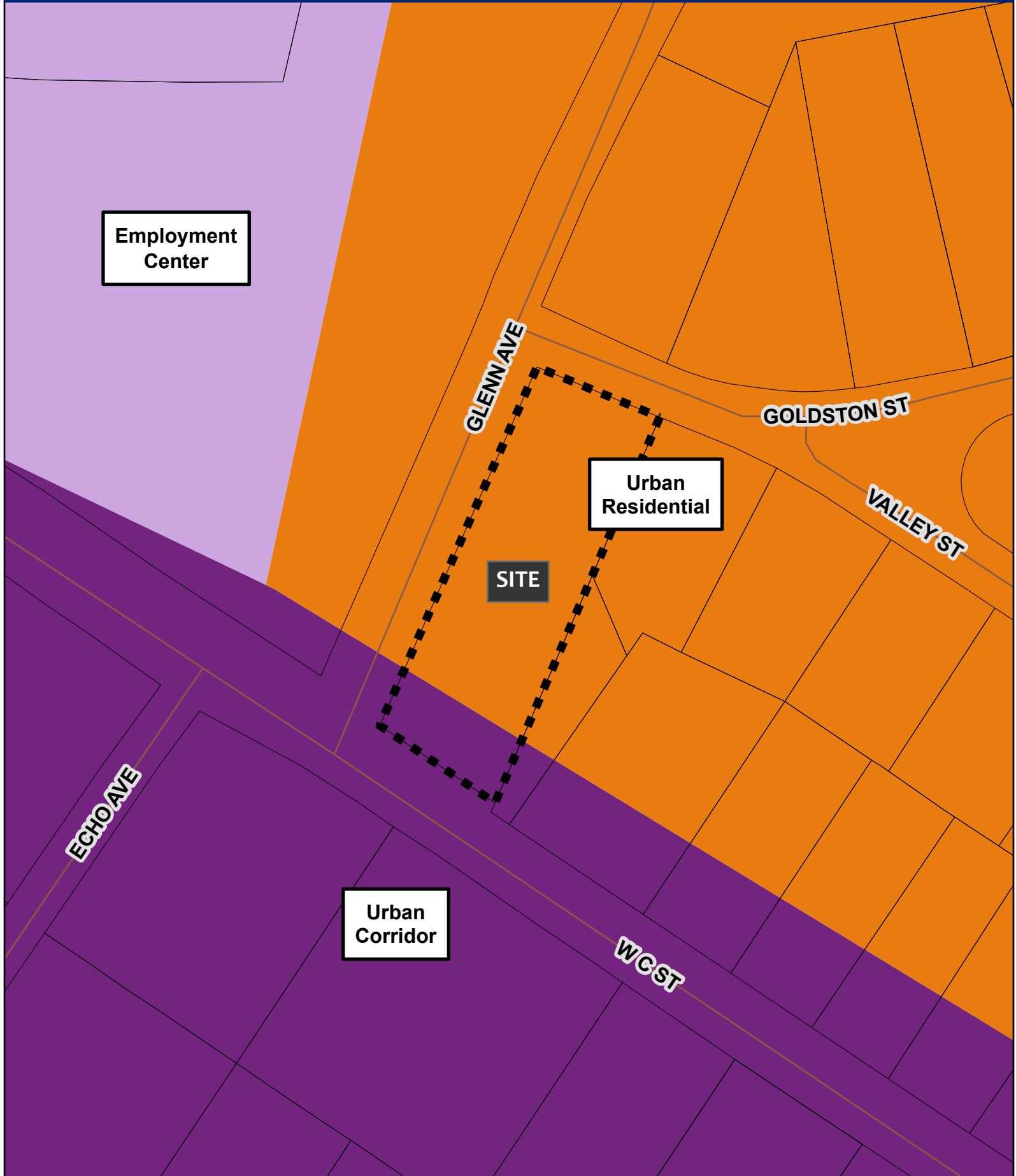
1024 W C St





Kannapolis 2030 Future Land Use Map

Case Number: BOA-2023-13
Applicant: RES-NC Restoration
1024 W C St



AcctName1	MailAddr1	MailCity	MailState	MailZipCod
KIM J ALLMAN	105 GOLDSTON ST	KANNAPOLIS	NC	28081
BEAVER LP	6311 WRIGHT ROAD	KANNAPOLIS	NC	28081
ANDREW DEPOMPA				
DIANA WILSON	218 E LENOIR ST	RALEIGH	NC	27601
GREGORY DICKENS	1018 W C ST	KANNAPOLIS	NC	28081
ADEL AHMED ALY KAMEL ELASMAR				
NEVINE ADEL HAGRAS	1027 W C ST	KANNAPOLIS	NC	28081
SHAFIQUE FIDAI				
FATIMA MAMDANI	4666 LOCKEHAVEN PL	N VANCOUVER	V7G2B8	BC
JOHN & LINDA HALL	107 GOLDSTON ST	KANNAPOLIS	NC	28081
EVELYN HARRINGTON	1020 W C ST	KANNAPOLIS	NC	28081
BETTY HARTSELL	1015 VALLEY ST	KANNAPOLIS	NC	28081
MARK & SHERRY HODGSON	1017 VALLEY STREET	KANNAPOLIS	NC	28081
JACK JONES	1012 ORANGEWOOD ST	KANNAPOLIS	NC	28081
JAMES JONES	230 CASSIA BLVD	SATELLITE BCH	FL	32937
MICHAEL KEY	1008 ORANGEWOOD ST	KANNAPOLIS	NC	28081
PHILLIP & MARLENE KISER	101 ECHO AVE	KANNAPOLIS	NC	28081
KIST PROPERTIES LLC	218 MAUNEY FARM RD	CHERRYVILLE	NC	28021
STEVEN W LOONEY	1025 W C ST	KANNAPOLIS	NC	28081
MEMORIAL UNITED METHODIST	1100 WEST C STREET	KANNAPOLIS	NC	28081
REID E MULLIS	1803 AZALEA AVE	KANNAPOLIS	NC	28081
WALTER OVERCASH	1005 ORANGEWOOD STREET	KANNAPOLIS	NC	28081
RANDY RODRIGUEZ	1019 VALLEY ST	KANNAPOLIS	NC	28081
MATTHEW J SELMER	3801 ISENHOUR RD	KANNAPOLIS	NC	28081
RES-NC RESTORATION LLC				
ATTN: DANIEL DUNHAM	16400 SUTTERS RUN LN	HUNTERSVILLE	NC	28078



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-2023-13 – Special Use Permit – 1024 W C Street

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow for two (2) duplex residential structures on property located at 1024 W C Street. 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 0.19 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56142246910000 (**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

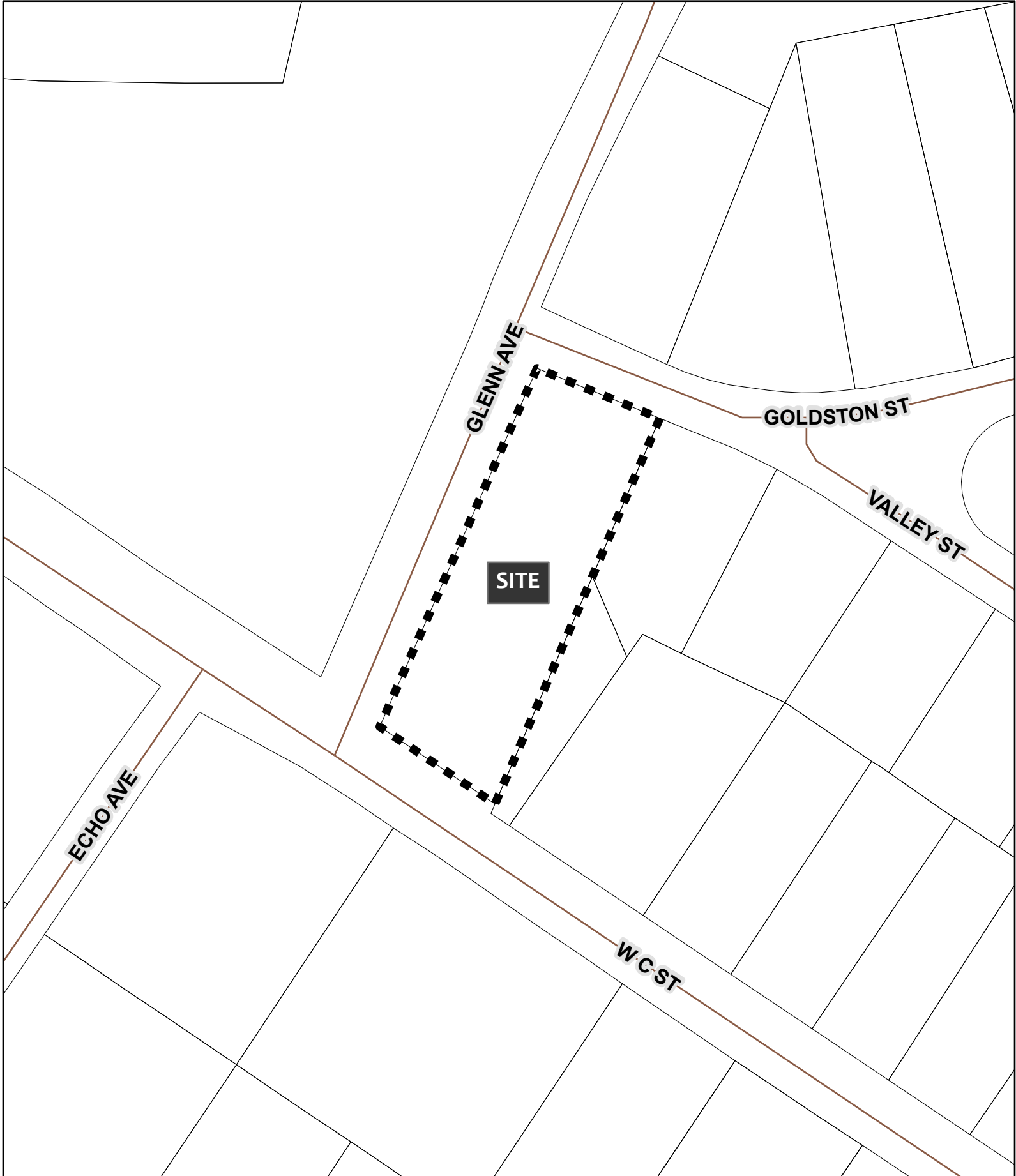
Enclosure

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-2023-13
Applicant: RES-NC Restoration
1024 W C St





BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE #BOA - 2023 - 13





BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE #BOA - 2023 - 13





**Board of Adjustment
October 3, 2023 Meeting**

Staff Report

TO: Board of Adjustment
FROM: Ben Barcroft, Senior Planner
SUBJECT: Case# BOA-2023-14: Special Use Permit – 906 S Main Street
Applicant: Krystina Ritchie

Request for a Special Use Permit to allow for a tattoo studio on property located at 906 S Main 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, Krystina Ritchie, is requesting a Special Use Permit (SUP) to allow for a tattoo studio in the General Commercial (GC) zoning district on approximately 0.52 +/- acres of property located at 906 S Main Street, further identified as Cabarrus County Parcel Identification Number 56135447100000.

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

D. Fiscal Considerations

None

E. Policy Issues

Section 2.5.A(5) of the KDO requires that the Board of Adjustment shall only approve a special use permit if the applicant demonstrates that the criteria below have been met. Staff analysis of each criterion is noted.

Staff Findings of Fact - Based on application review:

Yes No

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

This property is in the "Urban Corridor" 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. 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: _____

Applicant: _____

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: _____ Date: _____



SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: _____

Address: _____

Phone: _____

Email: _____

Property Owner Contact Information same as applicant

Name: _____

Address: _____

Phone: _____

Email: _____

Project Information

Project Address: _____ Zoning District _____

Parcel PIN: _____ Size of property (in acres): _____

Current Property Use: _____

Proposed Use: _____

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)*: _____

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.**

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

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

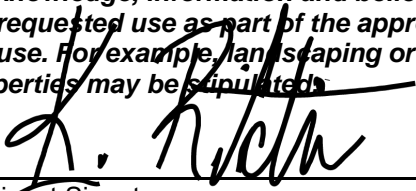
4. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

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

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

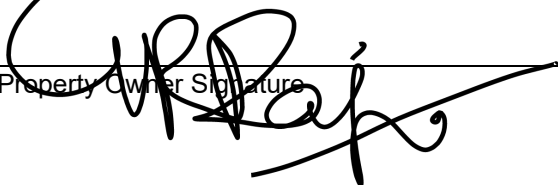
7. The applicant consents in writing to all conditions of approval included in the approved special use permit.

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



Applicant Signature

Date



Property Owner Signature

Date

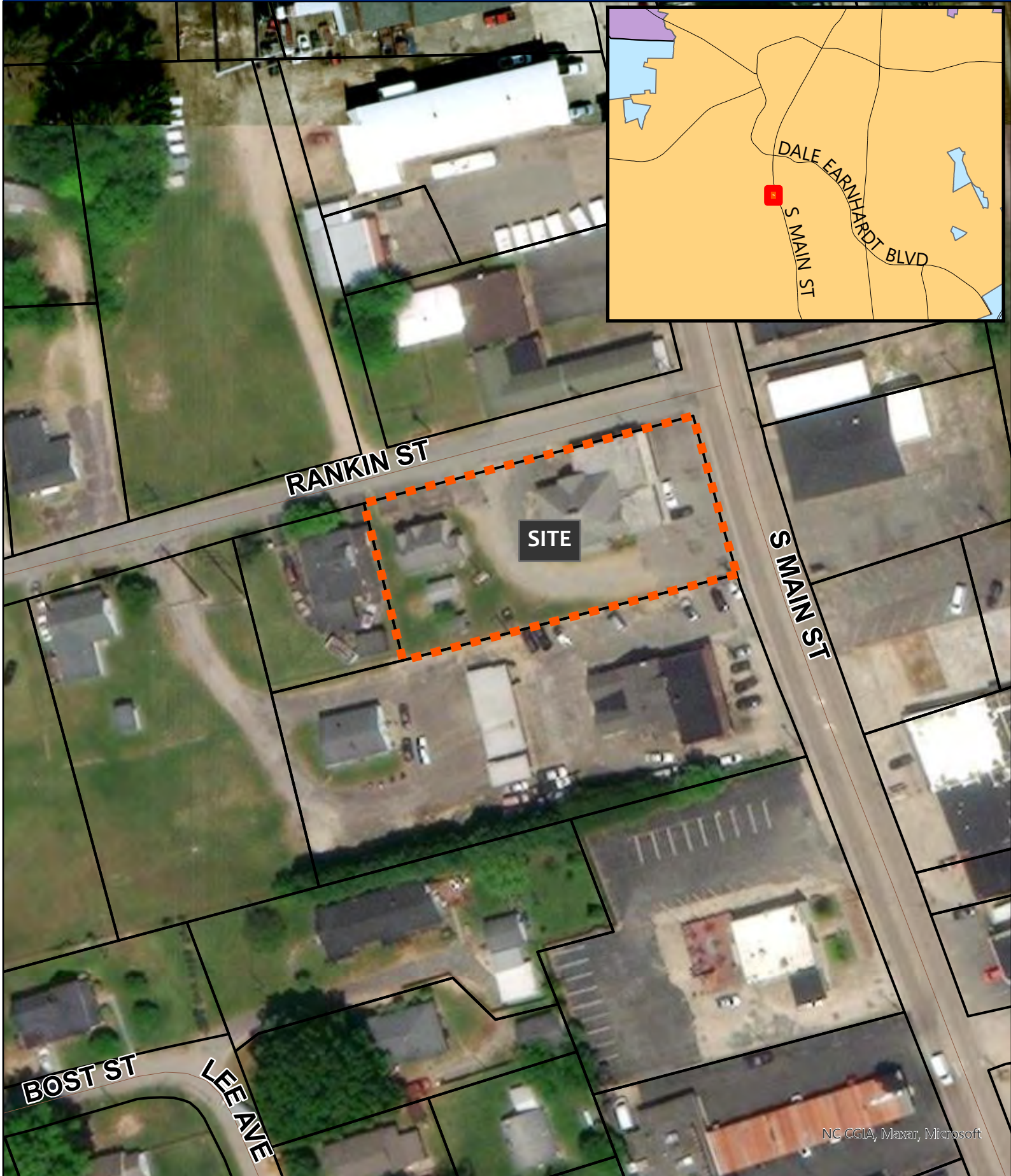


Vicinity Map

Case Number: BOA-2023-14

Applicant: Krystina Ritchie

906 S Main St



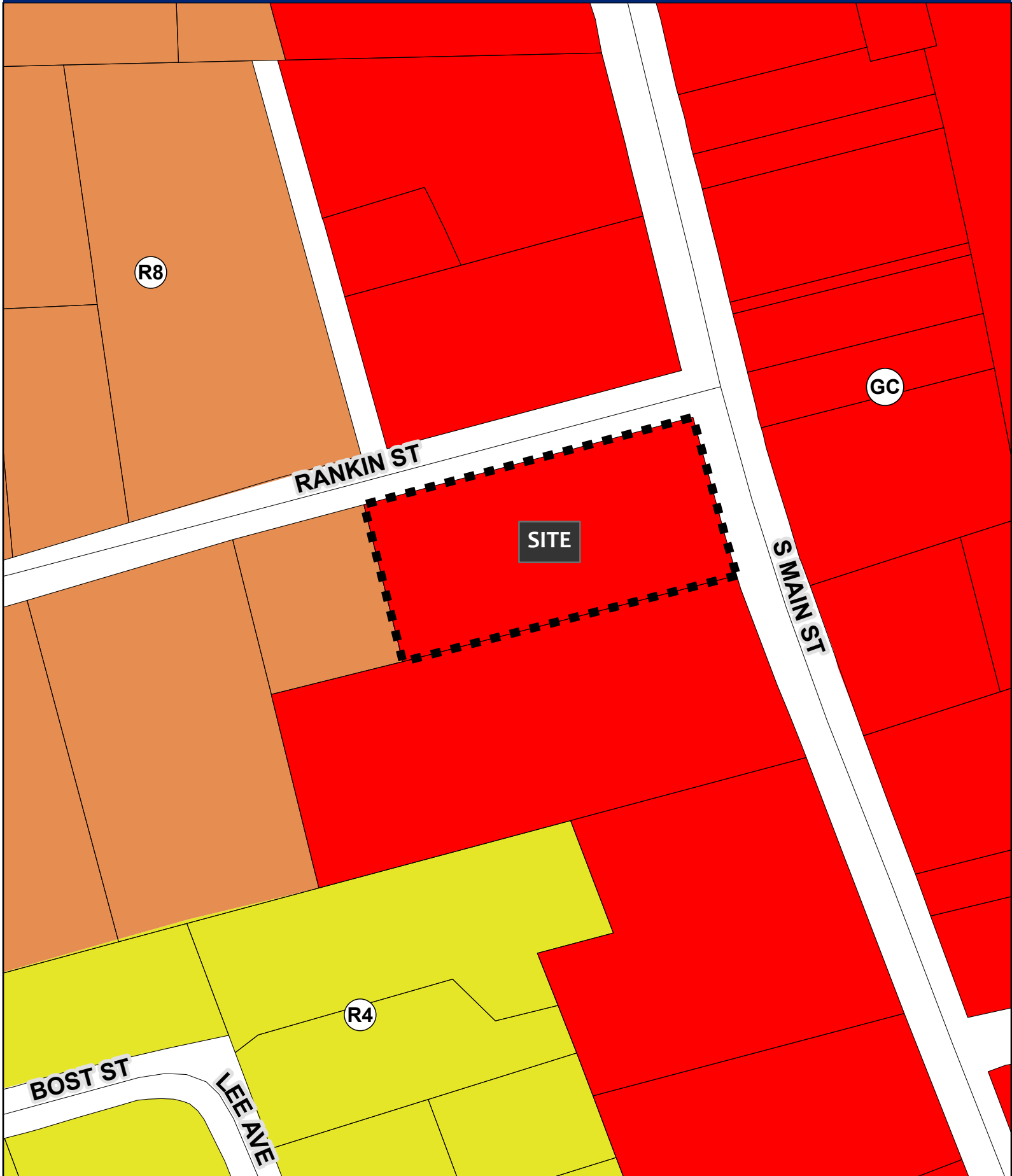


Kannapolis Current Zoning

Case Number: BOA-2023-14

Applicant: Krystina Ritchie

906 S Main St



Kannapolis 2030 Future Land Use Map

Case Number: BOA-2023-14

Applicant: Krystina Ritchie

906 S Main St



Urban Residential

SITE

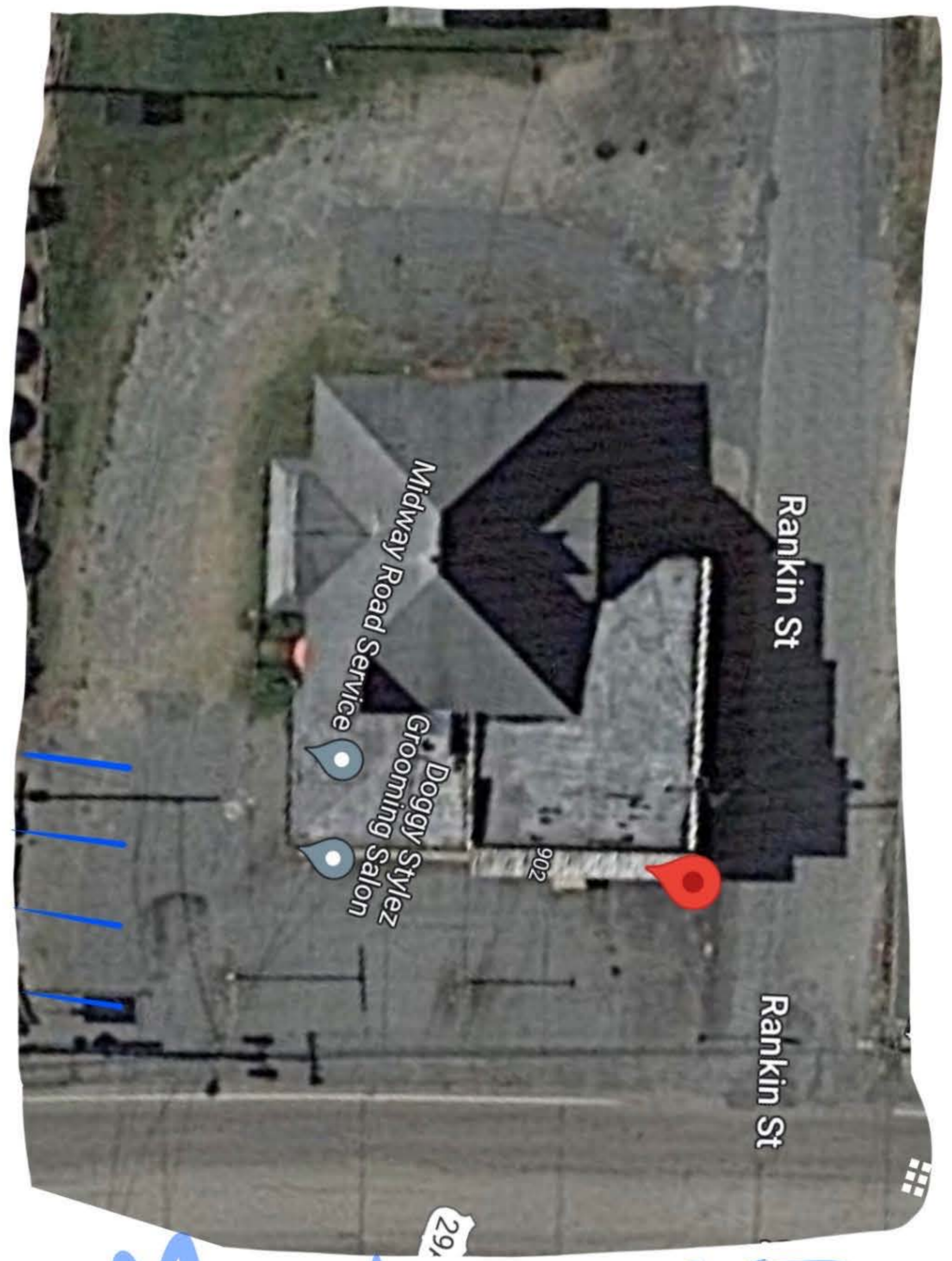
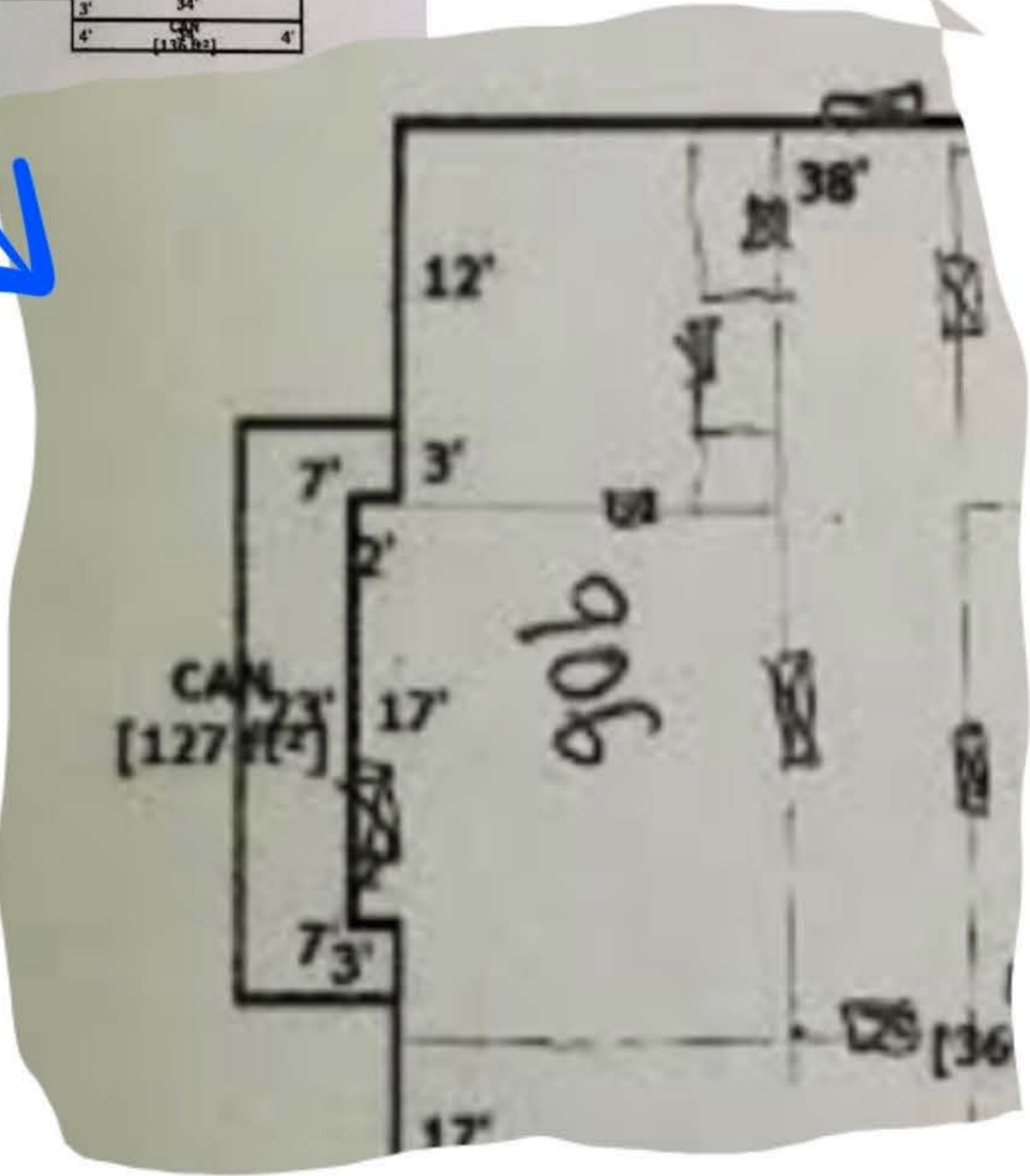
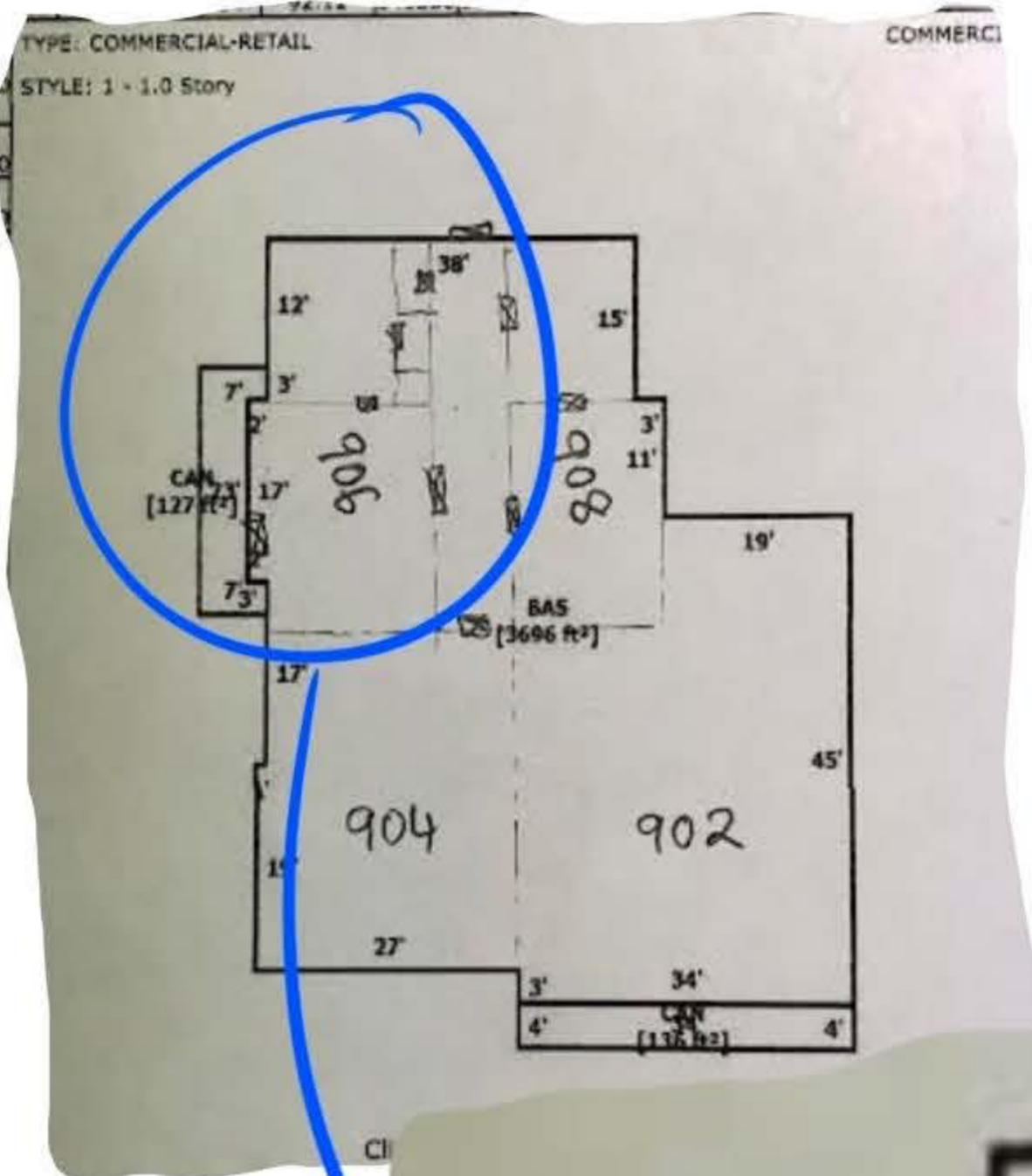
Urban Corridor

RANKIN ST

S MAIN ST

BOST ST

LEE AVE



← MAIN STREET →

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
DESIGN SHIFT INC				
C/O SAM SANGHOON PARK	288 8TH AVE	CRAMERTON	NC	28032
DONNA F DONNELLY	714 REBECCA JANE DRIVE	MOORESVILLE	NC	28115
BENNO & LISA FRITZ	107 RANKIN ST	KANNAPOLIS	NC	28081
JUDITH JAMISON	9121 TROON LN UNIT D	CHARLOTTE	NC	28214
NICOLAS LOPEZ	PO BOX 309	KANNAPOLIS	NC	28082
LANCE M MIDDLETON				
FRANCES J MIDDLETON	1132 N WINDSOR DR	KANNAPOLIS	NC	28081
MIDWAY OFFICE SUITES LLC	2280 WELLINGTON CHASE DR	CONCORD	NC	28027
NORTH CAROLINA RAILROAD CO	2809 HIGHWOODS BLVD STE 100	RALEIGH	NC	27604
NV REALTY LLC	4873 ANNELEISE DR	HARRISBURG	NC	28075
PRIME INVESTMENTS LLC	15400 GROVELAND ST	HUNTERSVILLE	NC	28078
ERIC & KRISTIE PURVIS	907 LEE AVE	KANNAPOLIS	NC	28081
HARRY & MARGARET TAYLOR				
ESTATE				
C/O MONICA MILLER	7800 CEDARBROOK DR	CHARLOTTE	NC	28215
DAVID & LISA THREATT ESTATE	831 S MAIN ST	KANNAPOLIS	NC	28081
DAVID & LISA THREATT	110 BASIL RD	CHINA GROVE	NC	28023
CRUZ R TORRES	416 GAULT AVE	KANNAPOLIS	NC	28081
TPM PROPERTIES LP	3816 MOORLAND DR	CHARLOTTE	NC	28226
KRISTINA RITCHIE	475 ERSKINE DR	CHINA GROVE	NC	28023
RAMA GOTTUMUKKALA	11 UNION ST	CONCORD	NC	28025



September 15, 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-2023-14 – Special Use Permit – 906 S Main Street

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow for a private tattoo studio on property located at 906 S Main Street. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for Tattoo or body-piercing establishment uses in the General Commercial (GC) zoning district. The subject property is 0.52 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56135447100000 (**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.

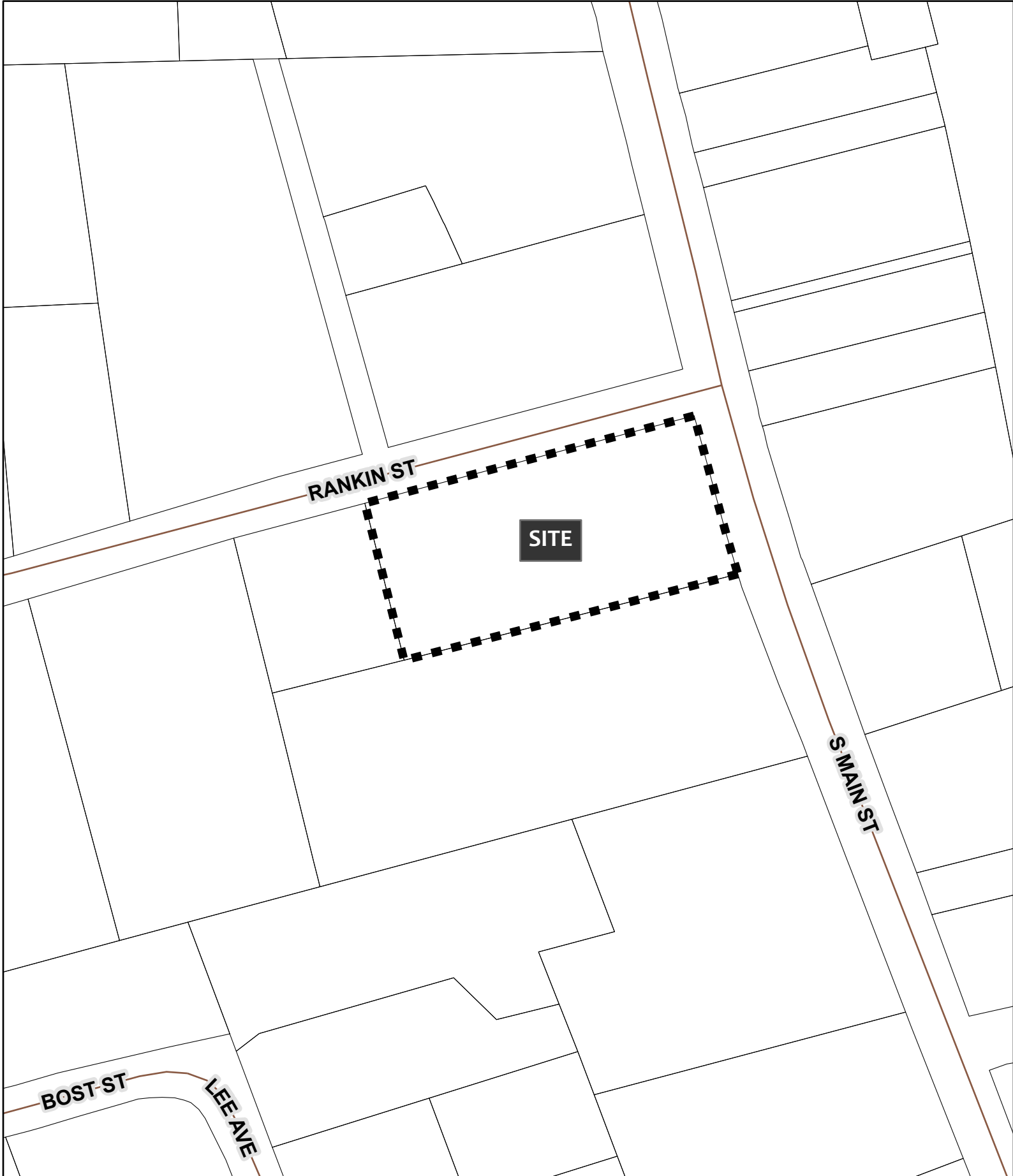


Special Use Permit

Case Number: BOA-2023-14

Applicant: Krystina Ritchie

906 S Main St



Middleton's
Car
Wash
→



AHEAD

KANNAPOLIS
BOARD OF
ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # BOA - 2023 -14

WHAT-A-BURGER
HAMBURGERS
FRIES & RINGS
PARKING FOR
900-886
800-886
ONLY



EXHIBIT 3



Board of Adjustment October 3, 2023 Meeting

Staff Report

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

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

A. Actions Requested by Board of Adjustment

1. Motion to accept the City's exhibits into the record.
2. Motion to approve/revise Findings of Fact for the Special Use Permit.
3. Motion to approve (approve with conditions) (deny) the issuance of the Special Use Permit
4. Motion to Issue Order of Approval.

B. Required Votes to Pass Requested Action

A majority vote is required to approve, approve with conditions, or deny the requested actions.

C. Background

The 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.

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.

 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 | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | <input type="checkbox"/> | The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas. |
| <input type="checkbox"/> | <input type="checkbox"/> | The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district. |
| <input type="checkbox"/> | <input type="checkbox"/> | The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare. |
| <input type="checkbox"/> | <input type="checkbox"/> | The proposed use complies with all applicable provisions of the KDO. |

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

G. Recommendation

Based on the above findings, staff recommends **approval** of the Special Use Permit based on the staff Findings of Fact (or as modified by the Board), the conceptual site plan, and compliance with all local, state and federal requirements.

The Board of Adjustment should consider all facts and testimony after conducting the Public Hearing and render a decision accordingly to approve, approve with conditions, or deny the Special Use Permit.

H. Attachments

1. Special Use Permit Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Conceptual Site Plan
6. List of Notified Properties
7. Notice to Adjacent Property Owners
8. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
Assistant City Manager	X
City Attorney	X



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

Special Use Permit

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

SPECIAL USE PERMIT REQUEST

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

Property Address: 2225 Fowler St. Kannapolis NC

Applicant: The Altar Global

SUBMITTAL CHECKLIST

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

PROCESS INFORMATION

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

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

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

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

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

Applicant's Signature: Jeremiah Johnson

Date: 9/6/23



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION
Approval authority – Board of Adjustment

Applicant Contact Information

Name: Jeremiah Johnson

Address: 2705 Moose Rd. Kannapolis

Phone: 863-430-4632

Email: fire@thealtarglobal.com

Property Owner Contact Information same as applicant

Name: The Altar Global

Address: 2225 Fowler St. Kannapolis

Phone: 704-625-2424

Email: fire@thealtarglobal.com

Project Information

Project Address: 2225 Fowler St. Kannapolis Zoning District Select

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

Current Property Use: Kannapolis Rec Park

Proposed Use: Altar Global Headquarters

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

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

REVIEW STANDARDS

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

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

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

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

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

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

There will not be activity that is offensive on the property

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

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

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

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

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

Yes

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

Yes

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

Applicant Signature

9/6/23

Date

Property Owner Signature

9/6/23

Date

For Staff Use Only:

Filing Fee: _____

Receipt #: _____

Case #: _____

Date Received: _____

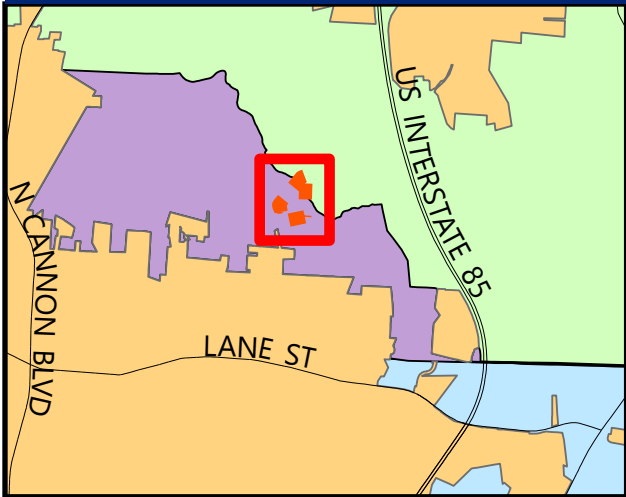


Vicinity Map

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



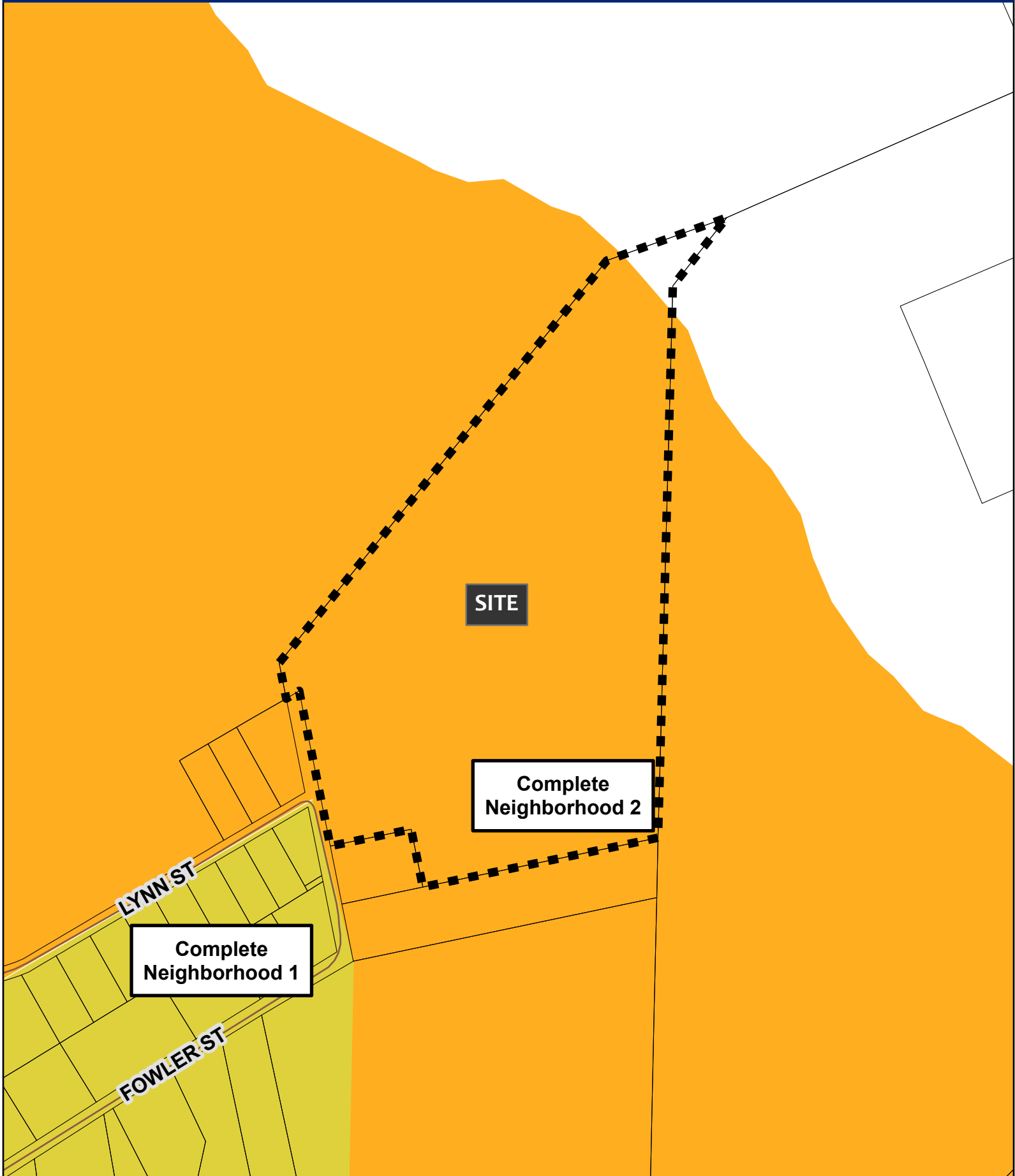


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2023-15

Applicant: Jeremiah Johnson

2225 Fowler St



THE ALTAR GLOBAL

HEADQUARTERS

#occupytheland



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.

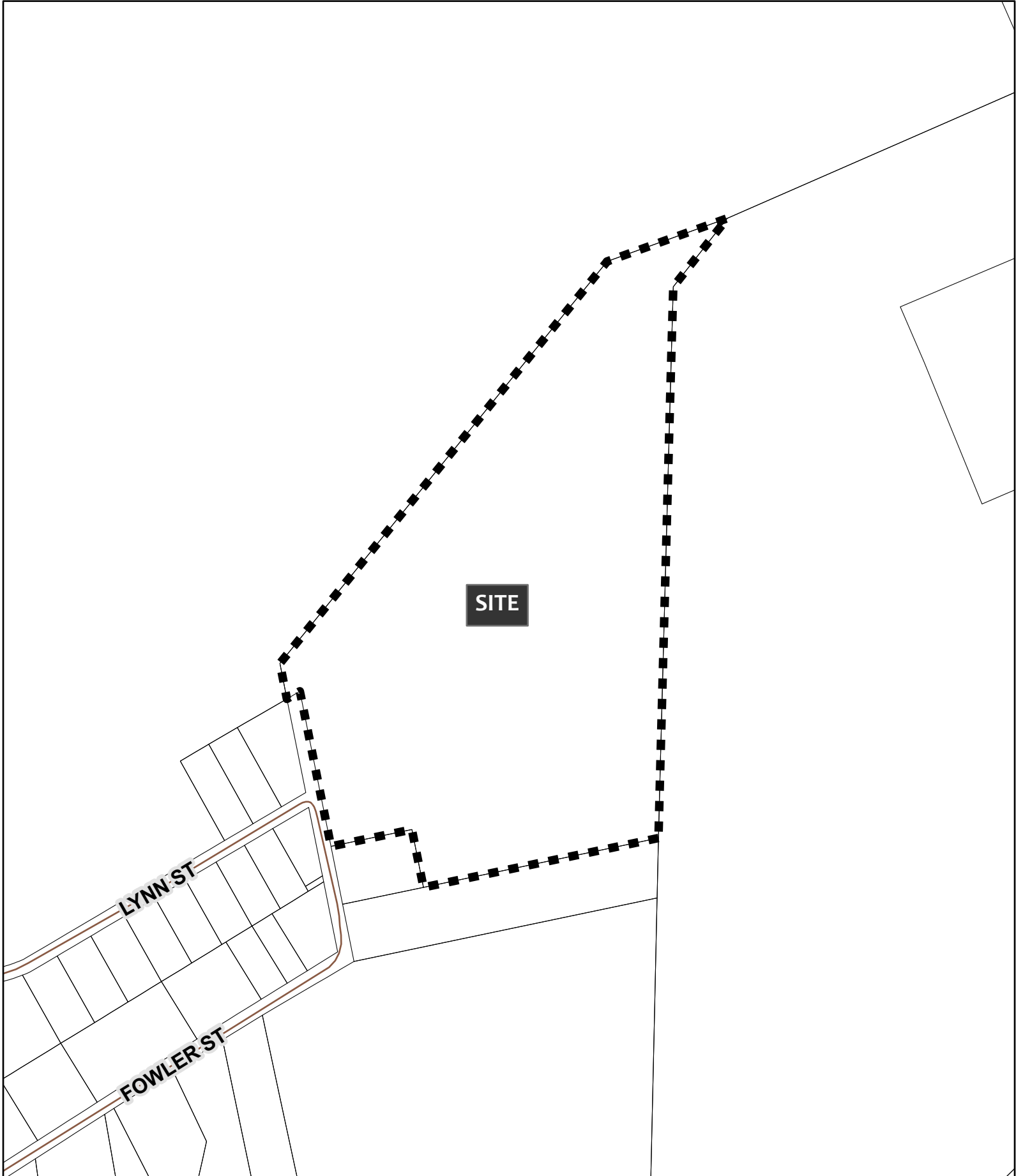


Special Use Permit

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