



Department of Planning

**Board of Adjustment
March 15, 2016**

Staff Report

TO: Board of Adjustment

FROM: Zachary D. Gordon, AICP, Planning Director

SUBJECT: Case # BOA-2016-01 – Concrescere Comprehensive Sign Package
Request for a Comprehensive Sign Package to be reviewed as a Conditional Use Permit for property located at 357 Concrescere Parkway and is more specifically identified as Cabarrus County Property Identification #s 4673-56-1326, 4673-56-8723, & 4673-47-7388.

A. Action Requested by Board of Adjustment

1. Motion to accept the City's exhibits into the record
2. Motion to approve/revise findings of fact proposed by Planning Staff
3. Motion to approve (approve with conditions) (deny) the issuance of the Comprehensive Sign Package

B. Required Votes to Pass Requested Action

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

C. Background

The applicant, Keith Wayne, is requesting approval of a Comprehensive Sign Package. As an option to the sign standards in the UDO, freestanding structures in excess of twenty-five thousand (25,000) square feet and/or master planned developments in excess of 10 acres shall be allowed to submit an application for a Comprehensive Sign Package. The purpose of a Comprehensive Sign Package is to encourage innovative, creative, and effective signage by providing an alternative to the general permanent signage criteria in Article 12. The Comprehensive Sign Package shall be reviewed as a Conditional Use Permit. The applicant is not limited to any dimensional regulations, except that the overall concept should follow these guidelines:

- The design, character, location and/or materials of all freestanding and attached signs proposed in a Comprehensive Sign Package shall be demonstrably more attractive than signs otherwise permitted on the parcel(s) proposed for development under the minimum sign standards in Article 12.
- All signs must be architecturally integrated into/with the design of the building and/or site using similar and coordinated design features, materials, colors, etc.

Concrescere Corporate Park is located in Northwest Kannapolis. The properties in this development are zoned Campus Development (CD). The properties border Mooresville Highway (Hwy 3) to the North, Davidson Road to the West, and Sudbury Road to the South. Concrescere Parkway (a private street) runs through the center of the development.

D. Policy Issues

Section 12.6 of the UDO states: “As an option to the permanent signage standards set forth in this Chapter, freestanding structures in excess of twenty-five thousand (25,000) square feet and/or master planned developments in excess of 10 acres shall be allowed to submit an application for a Comprehensive Sign Package. All Comprehensive Sign Packages shall be reviewed as a Conditional Use Permit.”

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.

The 2015 Land Use Plan (LUP) defines this property to be in the *Western Growth Area* of Kannapolis. The LUP calls for this area to have a Mixed Use. The area is currently zoned Campus Development (CD) which promotes mixed use; signage is currently permitted with supplemental conditions listed in Article 12.1-2 in the CD district, therefore, the proposed Comprehensive Sign Package will be in 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 Comprehensive Sign Package proposes allowed directional signage for each development to aid in the flow of traffic in and out of the site. The guidelines call for the signage to meet all visibility requirements of the City or State, whichever has jurisdiction. This would require all signage to be located outside of the public street Right-of-Way and the required sight triangle of any intersection. The plans submitted by the applicant would comply with these location restrictions and as a result, the proposed Comprehensive Sign Package will not create any traffic hazards or traffic congestion on public roads.

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

The proposed use will not produce any noxious or offensive 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 Comprehensive Sign Package will not impede the orderly development of the surrounding properties as they are all on premise signs.

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 signs will be required to comply with all applicable regulations of the North Carolina Building Codes which will help safeguard public health and safety. Therefore, the signs will not be detrimental to or endanger the public health, safety, or general welfare.

Compliance with any other applicable Sections of this Ordinance.

The Comprehensive Sign Package complies with all requirements of Article 12.6. Applicant has submitted a site plan that identifies locations of freestanding, multi-tenant, and directional signage. Applicant has also met the requirements of Article 12.6 by providing a list of guidelines for all future signage in the development.

F. Recommendation

Based upon an assessment of the criteria noted above, staff recommends approval of the Comprehensive Sign Package requested by Keith Wayne, to provide innovative, creative, and effective signage, as an alternative to the permanent signage criteria in Article 12 subject to the following conditions:

- 1. Any signage not specifically identified in the Comprehensive Sign Package shall conform to the minimum signage criteria contained in Article 12 of the UDO.*
- 2. All signage must be located outside of public street Right-of-Way.*
- 3. Conrescere Parkway is currently a private street. Signage may be located within the Right-of-Way of a private street. The main monument sign shall not be located in the Right-of-Way if Conrescere Parkway is to be dedicated as a public City maintained street.*

However, the Board of Adjustment should consider all facts and testimony after conducting the public hearing and render a decision accordingly to affirm or reverse the decision of the Zoning Administrator.

G. Attachments

1. Application
2. Master Signage Plan
3. Monument Sign Elevation

4. Monument Sign Construction Drawings
5. Aerial Map
6. Zoning Map
7. Future Land Use Map
8. Public Hearing notice to abutting property owners
9. List of abutting property owners
10. Posted Public Notice Sign

H. Issue Reviewed By:

Planning Director	X
City Attorney	X



Planning Department

**Board of Adjustment
March 15, 2016**

Staff Report

TO: Board of Adjustment

FROM: Joshua Langen, Senior Planner, AICP

SUBJECT: Case# BOA-2016-02 – Royal Oaks River/Stream Overlay District Variance
Request for a Variance from the provisions of Section 14.5 of the UDO to allow for reduction of River/Stream Overlay District (buffer and vegetative setback) in order to accommodate play fields and associated erosion control.

A. Action Requested by Board of Adjustment

1. Motion to accept the City's exhibits into the record
2. Motion to approve/revise findings of fact proposed by Planning Staff
3. Motion to approve (approve with conditions)/deny the issuance of the variance

B. Required Votes to Pass Requested Action

Six votes are required to approve or deny the requested actions.

C. Background

The applicant, Dave Burnett, is requesting a variance in order to accommodate play fields (baseball and soccer) being built in conjunction with expansion of the Royal Oaks Elementary School and submittal of a site plan for development approval. Site plan review is currently awaiting a decision on the proposed variance. Section 4.15. River/Stream Overlay (RSOD) District of the Unified Development Ordinance (UDO) requires an undisturbed buffer of fifty feet (50'), plus an additional allowance for slope of the stream bank, on both sides of a perennial stream in order to protect water quality. The property is bounded by Threemile Branch (a perennial stream) which is subject to the RSOD. In addition, Section 4.15 of the UDO requires a twenty foot (20') vegetative setback from the RSOD buffer of a perennial stream. The vegetative setback can be disturbed; however, the disturbed area is required to be replanted with perennial vegetation. The play fields and associated grading will require encroachment into the RSOD buffer and setback during construction as well as for permanent placement of the facilities. This encroachment into the RSOD buffer and setback is necessary to accommodate grading as well as temporary erosion control ponds. Construction will not require

encroachment into either the 100-year or 500-year Flood Hazard Areas (floodplains) (see BOA-2016-02 Royal Oaks Variance Map 2). The play fields themselves will require removal and restoration of the temporary ponds and will include grass play area, a short segment of sidewalk, very limited portion of backstop fencing, stormwater drainage piping, and graded slopes within the buffer and setback (see BOA-2016-02 Royal Oaks Variance Map 1). The majority of the encroachment will consist of grassed area, with a portion of the graded area to be replanted once construction has been completed.

D. Fiscal Considerations

None

E. Policy Issues

Staff Findings of Fact - Based on application review

Yes

No

Unnecessary hardship would result from the strict application of the ordinance.

Strict application of Section 4.15 of the UDO, requiring a fifty foot (50') plus stream buffer and an associated twenty foot (20') vegetative setback, would allow for school expansion, associated parking and drop-off areas, and one of the playfields. However, both playfields could not be accommodated by the confined site and erosion control would not be practical if no development or construction were to be allowed in the stream buffer or vegetative setback. To accommodate the playfields and site construction, the development plan would require a reduction in the size of the proposed buildings or parking area, or both. While the site plan proposes more than the minimum number of parking spaces required, the additional spaces are needed to reduce impact on the surrounding neighborhood during special events. On-street parking would be difficult on narrow neighborhood streets and no sidewalks exist in this area to accommodate pedestrians. Reduction of the size of the proposed parking and access drive does not appear feasible and reconfiguration of the site to accommodate all the proposed facilities does not appear possible.

The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

The construction of a substantial addition to the existing Royal Oaks Elementary is designed to provide maximum utilization of a confined area which is surrounded by existing residential development, roads and a stream. Parking, access, and buildings are located along existing property lines with no substantial remaining developable area. The proposed play fields are designed to overlap in order to maximize the confined developable area. Further overlap is not possible due to the infield of the ballfield being incompatible with the grass surface of the proposed soccer field. Reconfiguration of the parking, access and buildings areas, while maintaining conformance with the UDO development standards and site plan review requirements, does not appear possible without losing necessary facilities for school operation and therefore, no alternate configuration has been proposed. The hardship of losing needed recreational facilities, should a variance not be obtained, would

result from conditions particular to the property due to school's location, size and topography.

The hardship did not result from actions taken by the applicant or the property owner.

Royal Oaks Elementary has operated in this location since the 1960s in a single main building with minimal parking area and recreational facilities. Additional student population growth since the school's inception, including a 7% district-wide increase in the past five (5) years, has resulted in the need for expanded facilities. An increase in the building size, as well as parking areas for busing and student drop-off has left a minimal amount of school property to install a baseball and soccer field. Therefore, the hardship of having a limited configuration is a result of expanding school needs due to increased vehicular usage and expanded busing, not from the actions taken by the applicant.

The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

The requested variance is consistent with the spirit, purpose, and intent of the UDO, which is to protect Threemile Branch by limiting building and stormwater runoff through the provision of an undisturbed buffer and vegetative setback. The proposed variance for temporary encroachment into the buffer and setback would allow for grading and temporary erosion control basins, which, by their function, will minimize erosion as well as keep stormwater runoff from entering the stream. The proposed variance for permanent encroachment into the buffer and vegetative setbacks would mainly consist of grass playfields, with a small segment of built facilities, and associated grading. The grass areas would still control erosion and stormwater runoff. In addition, some amount of replanting is proposed, further controlling erosion and runoff.

Board Member's Findings of Fact - *Based on application review and public hearing.*

In order to determine whether a variance is warranted, the Board members must decide that each of the five criteria as outlined below has been met. If the Board members concur 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 members wish 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 five criteria below. Should a variance be approved, the Board members may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

Yes No **Unnecessary hardship would result from the strict application of the ordinance.**

The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

The hardship did not result from actions taken by the applicant or the property owner's own actions.

The requested variance, is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

F. Legal Issues

None

G. Recommendation

Based on the above findings, staff recommends **approval** of the variance, subject to the applicant obtaining all required zoning and building permits. However, the Board of Adjustment should consider all facts and testimony after conducting the public hearing and render a decision accordingly.

H. Attachments

1. Variance Application
2. BOA-2016-01 Royal Oaks Variance Map 1
3. BOA-2016-01 Royal Oaks Variance Map 2
4. Royal Oaks Elementary School Site Plan
5. Royal Oaks Elementary School Variance Engineering Comments
6. Aerial Map
7. Zoning Map
8. 2015 Future Land Use Map
9. Public Hearing notice to abutting property owners
10. List of abutting property owners
11. Posted Public Notice Sign

I. Issue Reviewed By:

Planning Director	X
City Manager	X
City Attorney	X