



**Board of Adjustment
September 15, 2020 Meeting**

Staff Report

TO: Board of Adjustment
FROM: Ryan Lipp, Senior Planner
SUBJECT: Case# BOA-2020-18: 2305 Moose Rd.
Conditional Use Permit (CUP)
Applicant: Kelvin Thompson

Request for a Conditional Use Permit to allow for modification of an existing Religious Institution in the Residential Medium Density (RM-2) zoning district.

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 Conditional Use Permit.
3. Motion to approve (approve with conditions) (deny) the issuance of the Conditional 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, Kelvin Thompson with Bal Perazim Interdenominational Christian Center, is requesting a Conditional Use Permit (CUP) for construction of two (2) parsonage homes for an existing Religious Institution in the RM-2 (Residential Medium Density) zoning district, located at 2305 Moose Rd., further identified as Rowan County Parcel Identification Numbers 145 1220000001, and 145 1220000002.

Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow for Religious Institution as a use in the RM-2 zoning district. Consequently, because the applicant is requesting to modify an existing site, a CUP is required for any changes to the site. The subject properties are approximately 2.30 +/- total acres.

D. Fiscal Considerations

None

E. Policy Issues

Article 3.5 of the UDO requires that the Board of Adjustment shall only approve a conditional 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.

The subject property is within the "Complete Neighborhood 2" Character Area as designated on the Future Land Use and Character Map in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 2 character area allows for neighborhood-serving walkable commercial and civic uses.

The proposed use is compatible with the character intent of the Complete Neighborhood 2 Character Area, as well as, complementary to the existing single-family 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.

Per the proposed site plan, the homes will take direct access off Kidd St. The anticipated traffic is minimal.

 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 associated with the proposed use is expected.

 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 plan would not impede development of the surrounding properties.

 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 development is subject to all the requirements of the Unified Development Ordinance.

 Compliance with any other applicable Sections of this Ordinance.

The proposed use shall comply with all sections of the City of Kannapolis Unified 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 UDO requirements, including compliance with the Technical Review Committee site plan review and approval process, must be met.

F. Legal Issues

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

In order to determine whether a conditional 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 conditional 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 will 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"/>	Compliance with any other applicable Sections of this Ordinance. _____ _____

G. Recommendation

Based on the above findings, staff recommends **approval with conditions** of the Conditional 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.

Conditions of Approval proposed by staff:

1. The homes are permitted to be used as an ancillary use to the principle use of Religious Institution. They are not permitted to be used as rental property or to be sold as separate single-family homes.
2. The included site plan is for illustrative purposes only. The applicant will be required to go through the site plan approval process as outlined in UDO Section 3.6 Site Plan Review.
3. Must comply with current Land Development Standards Manual (LDSM).
4. Driveways shall comply with LDSM for offsets, distances, and separations.

5. Separate water and sewer service lines and connections are required for each structure/building.
6. Streams and wetlands buffers should be in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with AE Zone & RSOD Buffer requirements or be relocated.
7. A Stormwater Management Permit will be required in accordance with Article 9 of the Kannapolis UDO.
8. Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-foot wide. Viable access shall be provided along all easements with a grade no greater than 15% for maintenance vehicles and cross slopes shall not exceed 5%.

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 Conditional Use Permit.

H. Attachments

1. Conditional Use Permit Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use Map
5. Conceptual Site Plan
6. List of Properties Notified
7. Notice to Adjacent Property Owners
8. Posted Public Notice

I. Issue Reviewed By:

City Attorney	X
Planning Director	X
Director of Engineering	X
City Manager	X



**Planning and Zoning Commission and Board of Adjustment
General Application Form
(Not for Site Plan Review Submittals)**

Type of Action Requested (Check One):

- | | | | |
|------------------------|-------------------------------------|----------------------------------|--------------------------|
| Variance | <input type="checkbox"/> | SIA Application | <input type="checkbox"/> |
| Conditional Use Permit | <input checked="" type="checkbox"/> | Nonconformity Adjustment | <input type="checkbox"/> |
| Subdivision Exception | <input type="checkbox"/> | Watershed Boundary Modification | <input type="checkbox"/> |
| Zoning Text Amendment | <input type="checkbox"/> | Zoning Map Amendment | <input type="checkbox"/> |
| Appeal | <input type="checkbox"/> | Conditional Zoning Map Amendment | <input type="checkbox"/> |

Bal Perazim Interdenominational Christian Center

Applicant: Kelvin L. Thompson Owner: Bal Perazim Interdenominational Christian Center II

Address: 2305 Moose Rd Address: 2305 Moose Rd

Kannapolis, NC 28083 Kannapolis, NC 28083

Telephone: (704) 305-1701 Cell# Telephone: (704) 933-3424 Church#

Email: KLT7870@gmail.com Email: KLT7870@gmail.com

Legal relationship of applicant to property owner: Lead Pastor

Property Location/Address: 2305 Moose Rd Kannapolis, NC 28083

PIN# 145-1220000001 & 145 0000001

Tax Parcel Number: ↑↑ Zoning District: RM2 Acreage of Site: 2.41 AC

Requesting Zoning (if applicable): _____

Bal Perazim Interdenominational Christian Center

Kelvin L. Thompson Bal Perazim Interdenominational Christian Center
Applicant Name (Print) Property Owner Name (Print)

KLT 8/13/20 M. B. Blanton Sr 8/13/20
Applicant Signature & Date Property Owner Signature & Date

The agenda deadline is the first day of the month preceding the month of the meeting. To be considered for placement on the next meeting agenda, the signed application, application fee(s), and one (1) copy of any required site plan for staff review must be submitted by the deadline. All fees are nonrefundable and help to cover administrative and notification costs.

For Staff Use Only:

Filing Fee: _____ Receipt # _____

Application No.: _____ Date Submitted (Complete): _____

CONDITIONAL USE PERMIT APPLICATION

Bal Perazim Inter-denominational Christian Center

I, Kelvin L. Thompson, hereby petition the Board of Adjustment for a Conditional Use Permit as required by Table 4.6-1 of the Unified Development Ordinance for the following proposed property use: Church Parsonage Housing

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:

We are building 2 parsonage houses. One for our Senior Pastor and another for a Senior citizen church member family.

APPROVAL CRITERIA

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a conditional use permit. The Unified Development Ordinance requires that the applicant demonstrate successful compliance with several conditions to obtain a conditional use permit. In the spaces provided below, indicate the *facts* that you intend to provide to convince the Board that it can properly reach the following required conclusions:

A. The proposed conditional use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on the site.

Site plans & property plans will show that we meet this standard

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

Site plans & property plans will show that we meet this standard. Also, the church has been established at this location, since 2007.

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

Building plans will show that we meet this standard

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

Building plans & site plans will show that we are in compliance.

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

Building plans & site plans will show that we are in compliance. Also, the church has been established at this location since 2007.

F. Compliance with any other applicable Sections of this Ordinance.

Site plans & building plans will show that we are in compliance.

I certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

BAL Perazim Interdenominational Christian Center

Kelvin L. Thompson
Applicant Name (Print)

BAL Perazim Interdenominational Christian Center
Property Owner Name (Print)

[Signature] 8/13/20
Applicant Signature & Date

[Signature] 8/13/20
Property Owner Signature & Date

Required as part of Conditional Use Permit Submittal:

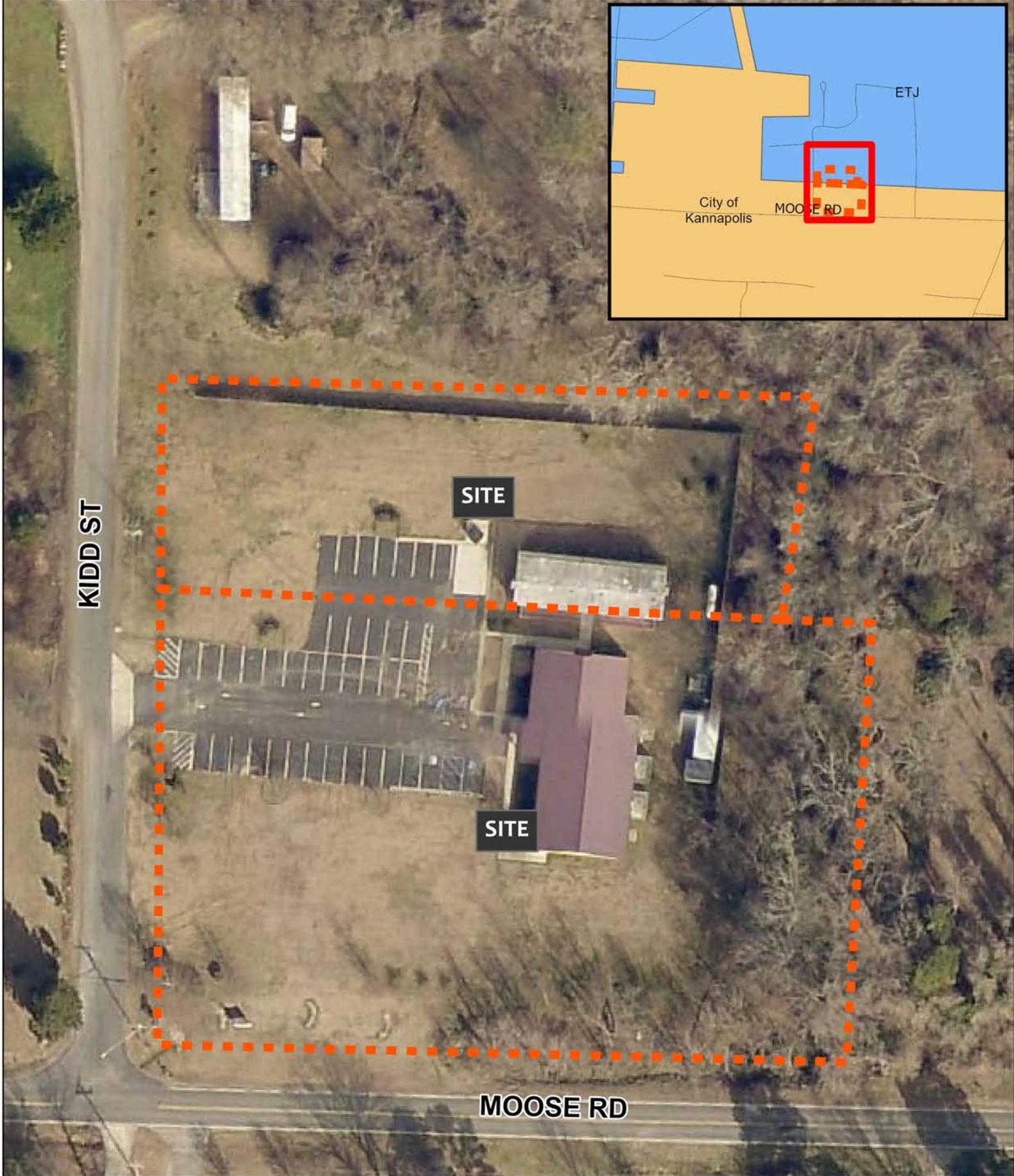
- The Board of Adjustment may add conditions on the use requested as part of the approval to assure that adequate mitigation measures are associated with the use.
- Fee: Please refer to fee schedule on the City's website to determine applicable fees. Fees are nonrefundable and help to cover administrative and notification costs.
- Site plan in conformance with criteria listed in Appendix B.4.
- Tax cards for all adjacent property owners.



Vicinity Map

Case Number: BOA-2020-18

Applicant: Kelvin L Thompson for Bal Perazim Interdenominational Christian Center
2305 Moose Rd.



KIDD ST

SITE

SITE

MOOSE RD



City of
Kannapolis

MOOSE RD

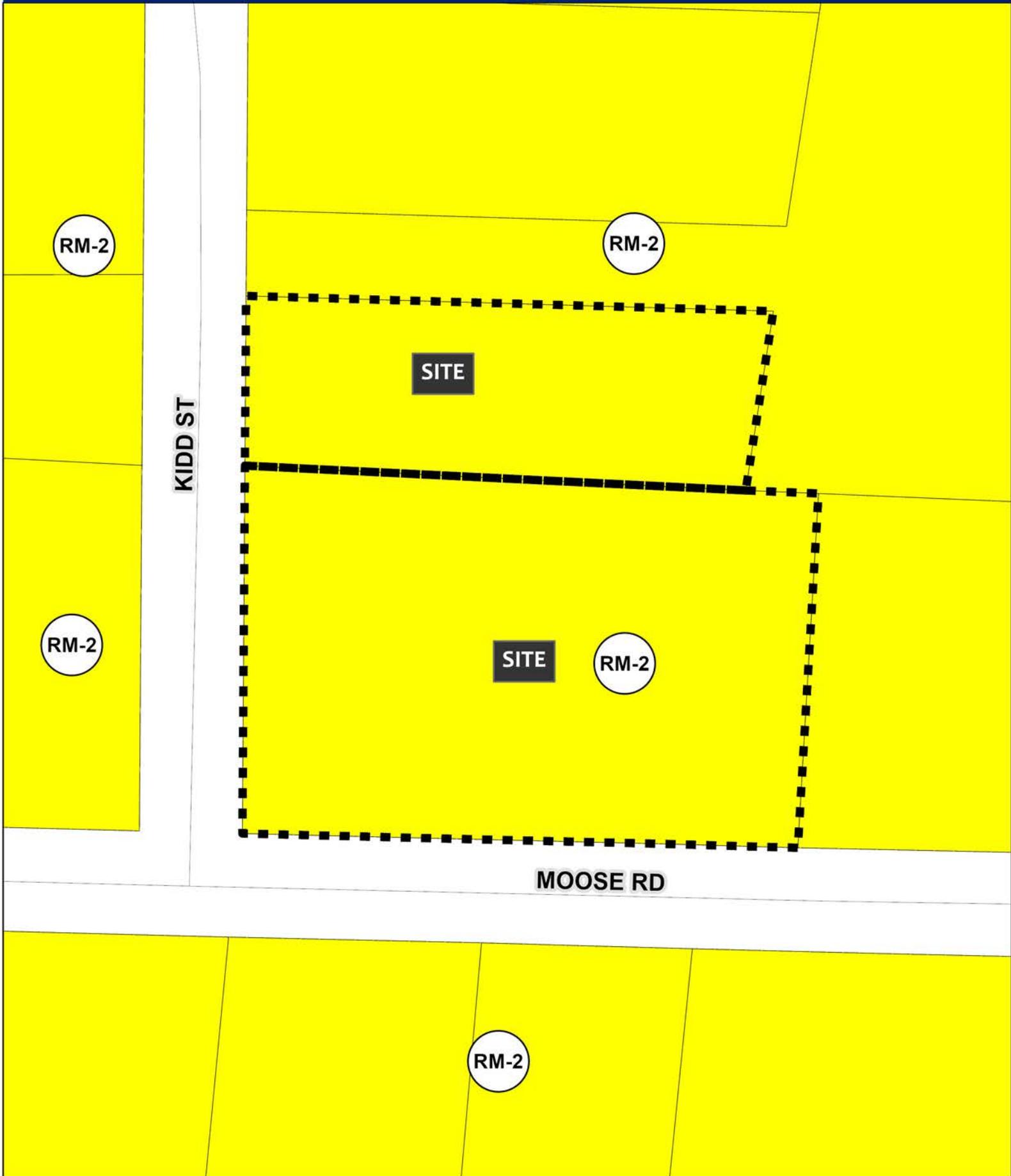
ETJ



Kannapolis Current Zoning

Case Number: BOA-2020-18

Applicant: Kelvin L Thompson for Bal Perazim Interdenominational Christian Center
2305 Moose Rd.



Kannapolis 2030 Future Land Use Map

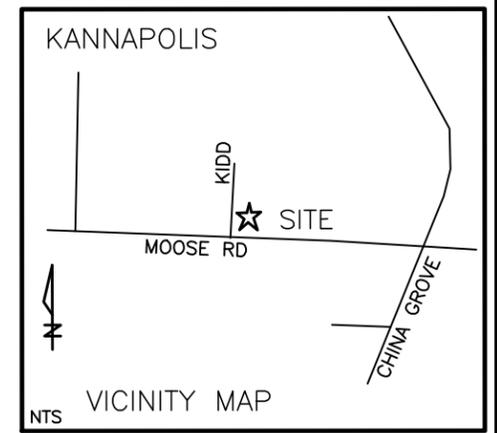
Case Number: BOA-2020-18

Applicant: Kelvin L Thompson for Bal Perazim Interdenominational Christian Center
2305 Moose Rd.



NOTES:

1. Property may be subject to recorded or unrecorded easements
2. No USGS monument within 2000'
3. Area by deed from Rowan County Public Records, NO FIELD VERIFICATION HAS BEEN PERFORMED.
4. THIS IS NOT AN ACTUAL FIELD SURVEY
5. THE PUPOSE OF THIS MAP IS TO SHOW PROPOSED HOUSE IN RELATION TO PROPERTY LINES ONLY.
6. PRELIMINARY- NOT FOR SALES OR CONVEYANCES



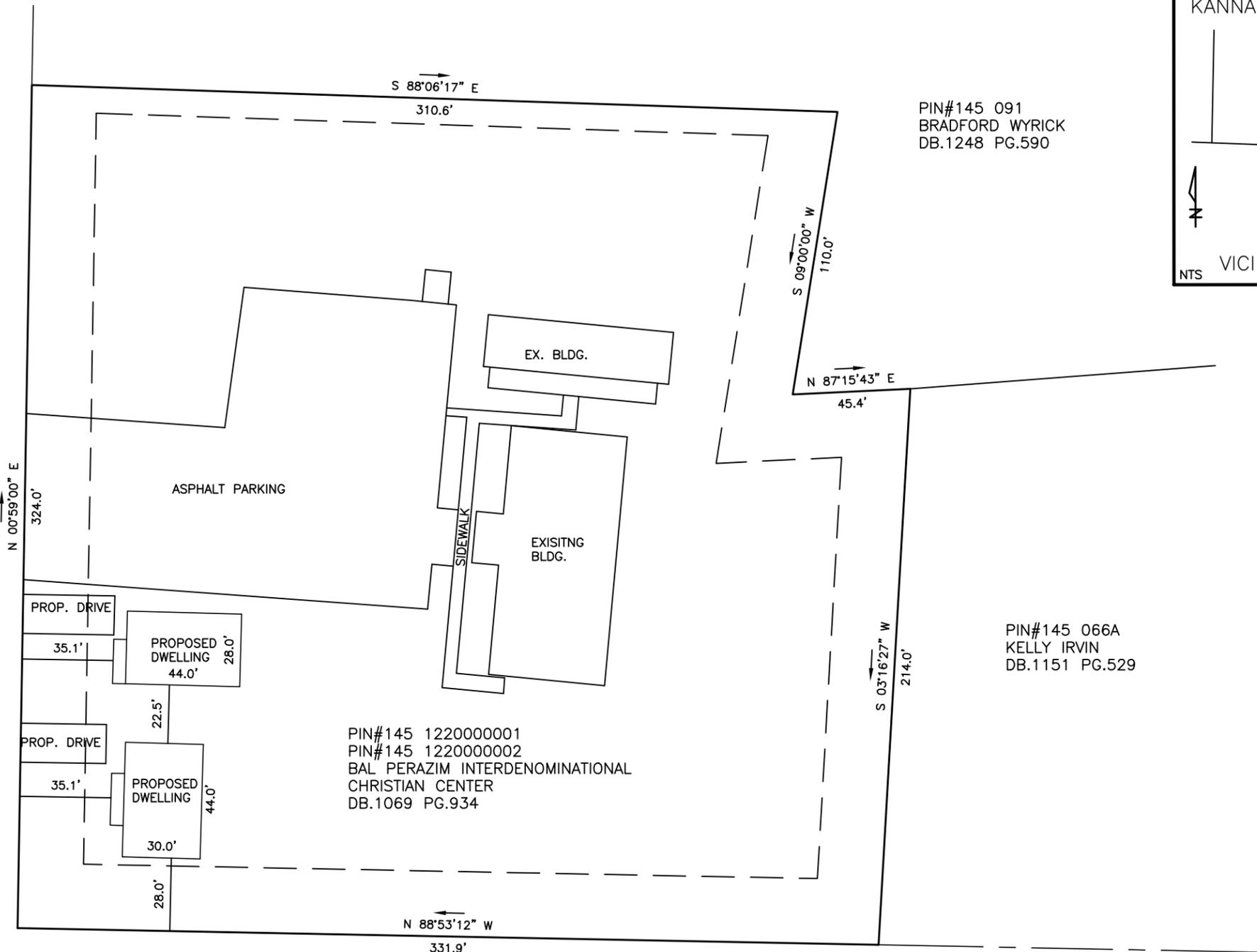
PIN#145 091
BRADFORD WYRICK
DB.1248 PG.590

PIN#145 066A
KELLY IRVIN
DB.1151 PG.529

ZONING

ZONED: RM-2
25' FRONT YARD
25' REAR YARD
10' SIDE YARD

KIDD ST.
PUBLIC R/W



PIN#145 1220000001
PIN#145 1220000002
BAL PERAZIM INTERDENOMINATIONAL
CHRISTIAN CENTER
DB.1069 PG.934

MOOSE RD.
PUBLIC R/W

LEGEND

- E.I.P. EXISTING IRON PIN
- N.I.P. NEW IRON PIN
- C.P. COMPUTED POINT
- C.B. CATCH BASIN
- SETBACKS
- PROPERTY LINE
- PROPERTY ADJOINERS
- RIGHT-OF-WAY
- ⊕ MANHOLE

SPARKS SURVEYING PLLC
4485 NEEDMORE RD.
WOODLEAF, N.C. 27054
PHONE(704) 577-8429
P-2041



8/10/2020

OWNER
BAL PERZIM INTERDENOMINATIONAL
CHRISTIAN CENTER
2305 MOOSE RD
KANNAPOLIS N.C. 28082

PLOT PLAN
OF
2305 MOOSE RD.
KANNAPOLIS, NC 28082
PIN#145 1220000001 & 145 00000001
China Grove Township Rowan County, N.C.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
WINSTON KIDD	1380 ROGERS RD	CHINA GROVE	NC	28023
JAMES & CELENA AMBURGEY	2308 MOOSE RD	KANNAPOLIS	NC	28083
ERIC & KELLI BOSTIAN	2306 MOOSE RD	KANNAPOLIS	NC	28083
BRADFORD WYRICK II	1200 WYRICK LN	KANNAPOLIS	NC	28083
BAL PERAZIM INTERDENOMINATIONAL CHRISTIAN CENTER ATTN: KELVIN THOMPSON	2305 MOOSE RD	KANNAPOLIS	NC	28083
STEVEN & PAMELA ARTZ	117 KIDD ST	KANNAPOLIS	NC	28081
DOROTHY HALL	2304 MOOSE RD	KANNAPOLIS	NC	28083
BRANDFORD WYRICK II	256 KIDD ST	KANNAPOLIS	NC	28083
KELLY IRVIN	2307 MOOSE RD	KANNAPOLIS	NC	28083
MONTY RODGERS	411 JACKSON PARK RD	KANNAPOLIS	NC	28083
DARYL & TONYA SIMPSON	2227 MOOSE RD	KANNAPOLIS	NC	28083

September 3, 2020

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday, September 15, 2020 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2020-18 – Conditional Use Permit (CUP) – 2305 Moose Rd.

This public hearing is to consider a request for a Conditional Use Permit (CUP) to allow for construction of two (2) parsonage homes. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow for accessory dwelling units in the RM-2 (Residential Medium Density) zoning district. The subject properties are located at 2305 Moose Rd., measure approximately 2.30 +/- combined acres and are further identified as Rowan County Parcel Identification Number(s) 145 1220000001, and 145 1220000002. **(Please see reverse side of this letter for vicinity map showing the location of this property).**

You are being notified because you are an abutting property owner.

NOTE: IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, SOCIAL DISTANCING PRACTICES WILL BE OBSERVED DURING THIS MEETING.

Should you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4350

Sincerely,



Ryan Lipp
Senior Planner

Enclosure

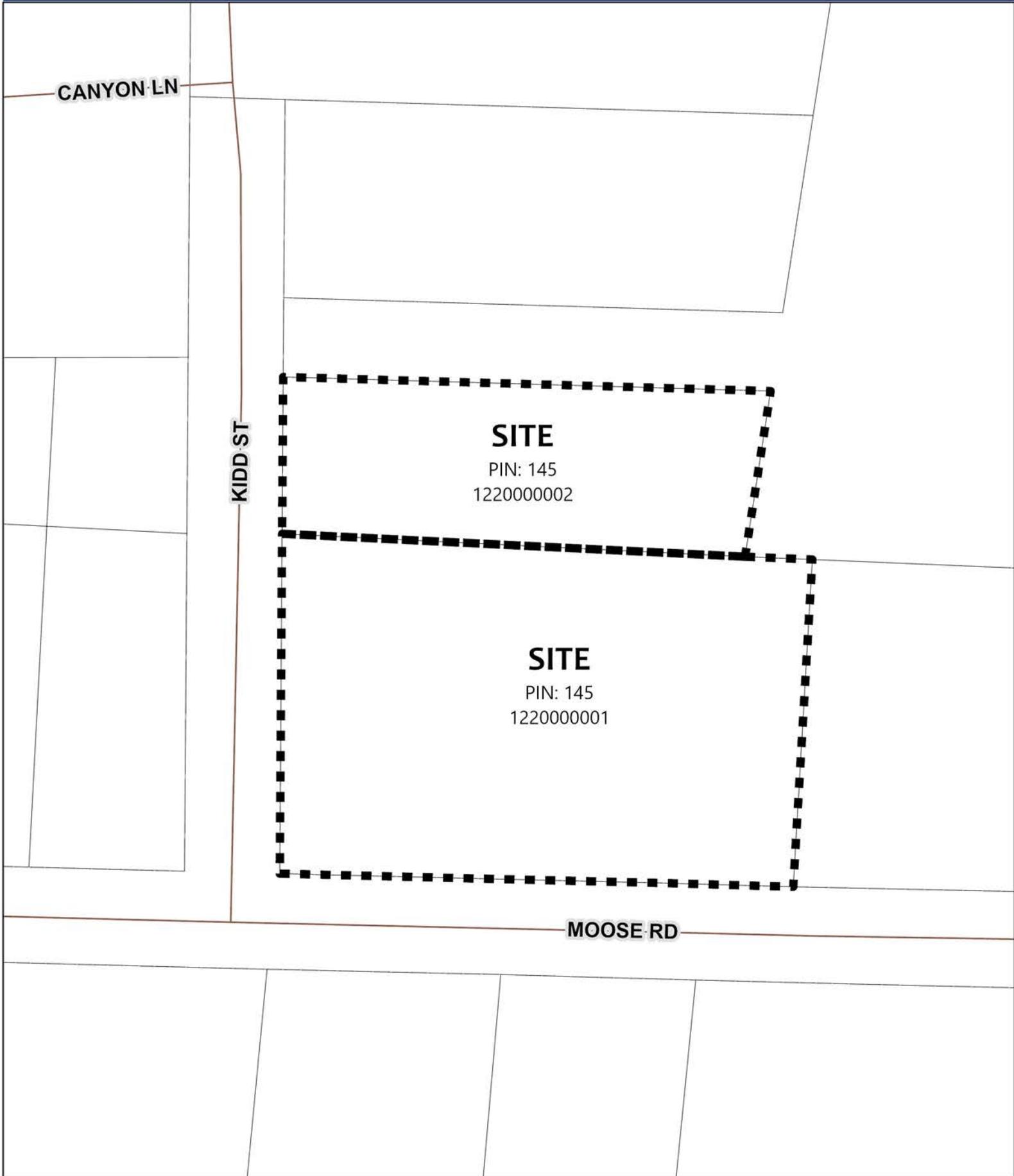
Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email at tccline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.



Conditional Use Permit

Case Number: BOA-2020-18

Applicant: Kelvin L Thompson for Bal Perazim Interdenominational Christian Center
2305 Moose Rd.



KANNAH COUNTY
BOARD OF
ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # 50A - 2020 - 18

