



**Board of Adjustment  
March 17, 2020 Meeting**

**Staff Report**

**DATE:** March 9, 2020  
**TO:** Board of Adjustment  
**FROM:** Gretchen Coperine, AICP, Assistant Planning Director  
**SUBJECT:** **Case# BOA-2019-11: Kellswater Commons CUP**  
**Request for a Conditional Use Permit to allow for construction of townhomes in the C-2 (General Commercial) 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, Meritage Homes of the Carolinas, Inc., is requesting a Conditional Use Permit (CUP) to allow the construction of 150 townhomes in the C-2 (General Commercial) zoning district, located at 3820 Kannapolis Parkway and portions of unaddressed properties, further identified as Cabarrus County Parcel Identification Number(s) 5602-39-3594, 5602-38-6551, 5602-38-7169, 5602-38-9296, 5602-38-8556, 5602-49-3071, 5602-49-1394 and 5602-39-8206 . Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow for townhomes in the C-2 zoning district. The subject portions of the parcels to be developed for townhomes total approximately 18.86 +/- acres. See attached Board of Adjustment map with Townhomes location.

Kellswater is one of the largest subdivisions within the City of Kannapolis. As part of the original master plan for the subdivision, commercial development was planned for the southeast corner of Kannapolis Parkway and Rogers Lake Road currently zoned C-2 (General Commercial). In response to market demands, the applicant is proposing 150 townhomes on a portion of the parcels zones C-2. A full Traffic Impact Analysis (TIA) has been

provided for the future commercial development as well as the currently proposed townhomes. The recommended traffic impacts will be required to be completed by the full project buildout.

**At this time, only the townhome portion of this development is the subject of the Conditional Use Permit.**

**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 parcels are in the "Complete Neighborhood 2" Character Area, within a "Primary Activity Center" as designated on the Future Land Use and Character Map in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Both the Complete Neighborhood 2 and Primary Activity Center Character Areas allow single family attached residential as a primary use.

The proposed use is compatible with the character intent of the "Complete Neighborhood 2" Character Area, within a "Primary Activity Center" Character Area as well as comparable to the existing single-family homes and 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 townhome development will be accessed through an existing driveway cut on Rogers Lake Road. A full TIA was proposed for the entire future commercial development along with the proposed subject townhome development. At full project buildout, all traffic improvements will be required to be completed.

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

No vibration, odor, dust, smoke or gas is expected. No noise beyond typical residential uses is anticipated.

       **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 improvement of surrounding property would not be impeded by the development of the subject property.

       **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 uses. 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**

**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 will 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.**

**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 uses permitted with this CUP shall only include 150 townhomes, in general conformance with the plan submitted with this application. Access for the subject development shall be provided off Rogers Lake Road. Appropriate design shall be finalized with site plan approval.
2. All road intersections where development has access and/or street frontage shall be approved by NCDOT and the City.
3. The developer will construct curb and gutter and sidewalk along the entire road frontage where development has access and/or street frontage. The improvements will be constructed to NCDOT and City standards.
4. The lane widths, sidewalks, pavement structure, road alignment, and road grades shall be constructed to current City standards.
5. Roads and parking lots shall comply with all Fire Codes and Autoturn shall be run for an SU-30 and Bus-45 (mimics ladder truck).
6. Streams and wetlands shall be identified by a qualified person and all buffers shown 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 for this Development in accordance with Article 9 of the Kannapolis UDO. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and Stormwater Control Measures (SCM). SCM's cannot be constructed in the undisturbed buffer. Additional requirements are necessary to verify design of SCM within AE Zone see attached comments on sketch plan.
8. Water and sewer main extensions will be required for this project. The developer shall be responsible for designing, permitting and constructing water and sewer mains in accordance with City and WSACC standards.
9. All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement. The water and sewer mains shall be located in the roadway under the pavement per the City's Typical Utility Layout.
10. Easements for sanitary sewer lines, water lines and storm sewer pipes need to be a minimum of 20-foot wide. Additional width may be required depending on the depth of the line. Sanitary sewer lines and storm sewer lines shall be located within Common Open Space (easements centered on property lines shall not be permitted). 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%.
11. The Fire Department shall approve locations of all hydrants.
12. Prior to platting the 31st parcel/lot, an emergency access road is required. Emergency access shall remain open at all times. Prior to platting the 100<sup>th</sup> parcel/lot, a permanent second access (built to City standards) is required.
13. The concept plan and elevations are illustrative. Final Design of the project as reviewed by the Technical Review Committee shall be subject to meeting all city standards.

***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. BOA Map with Townhouse Location
4. Zoning Map
5. 2030 Future Land Use Map
6. Site Plan
7. List of notified properties
8. Notice to Adjacent Property Owners
9. 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"/> |

Applicant: Meritage Homes of the Carolinas, Inc. Owner: MPV Kellswater LLC  
 Address: 13925 Ballantyne Corporate Place, Suite 300 Address: 2400 South Blvd  
Charlotte, NC 28277 Charlotte, NC 28203  
 Telephone: 704-944-8943 Telephone: 704-561-5238  
 Email: Reid.Owen@meritagehomes.com Email: KChapman@mpvre.com

Legal relationship of applicant to property owner: Under Contract

Property Location/Address: 3820 Kannapolis Pkwy, Kannapolis, NC 28081

Portions of  
56024930710000,  
56023885560000,  
56023866510000,  
56024913940000,  
56023982080000,  
56023936940000,  
56023871680000,  
56023892960000

Tax Parcel Number: \_\_\_\_\_ Zoning District: C-2 Acreage of Site: 18.86

J. Reid Owen  
Applicant Name (Print)

James E Merrifield  
Property Owner Name (Print)

J Reid Owen  
Applicant Signature & Date

James E Merrifield  
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, and five (5) copies of any required site plans for staff review must be submitted by the deadline. However, to remain on the next meeting agenda, fifteen (15) copies of such plans, determined by staff to conform to all ordinance standards, must be submitted at least ten (10) days before the meeting date. All fees are nonrefundable and help to cover administrative and notification costs.**

For Staff Use Only:

Filing Fee: \_\_\_\_\_

Receipt # \_\_\_\_\_

Application No.: \_\_\_\_\_

Date Submitted (Complete): \_\_\_\_\_



**CITY OF KANNAPOLIS PLANNING DEPARTMENT**

**CONDITIONAL USE PERMIT APPLICATION**

I, J. Reid Owen, 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: Single Family Attached Townhomes.

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:

The proposed use within the C-2 District is Single Family Attached Townhomes,

which requires a conditional use permit.

**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.**

Yes, the proposed townhouses are an extension of the existing Kellswater Bridge

Subdivision and will provide a developmental transition between single family

detached dwelling to the south and the future commercial to the north.

**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.**

Yes, the townhouses will be accessed from the south via the existing County

Down Ave. as well as two locations along one of the commercial centers

future roadways, which will be constructed in conjunction with the townhouses.

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

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

**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.**

The proposed use of townhouses is an extension of the existing Kellswater Bridge Subdivision. It will provide a transition between the existing single family detached to the south and the future commercial to the north.

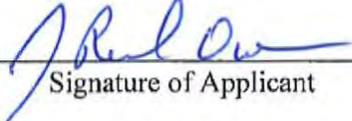
**E. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.**

The townhouses shall not be detrimental to or endanger the public health, safety, or general welfare.

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

The townhouses shall be in compliance with applicable sections of the Ordinance.

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

  
Signature of Applicant

10/22/2019  
Date

The Board may place conditions on the use requested as part of the approval to assure that adequate mitigation measures are associated with the use.

**Required as part of Conditional Use Permit Submittal:**

Fee: Please refer to fee schedule 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

**STAFF USE ONLY**

Scheduled meeting date: \_\_\_\_\_

Dates advertised in newspaper: \_\_\_\_\_ and \_\_\_\_\_

Date written notices mailed: \_\_\_\_\_

Date sign posted: \_\_\_\_\_

**Board Decision:** \_\_\_\_\_

**Conditions:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date written notice of Board decision sent to applicant: \_\_\_\_\_



# Vicinity Map

Case Number: BOA-2019-11  
Applicant: Meritage Homes of the Carolinas, Inc.  
Kellswater Commons

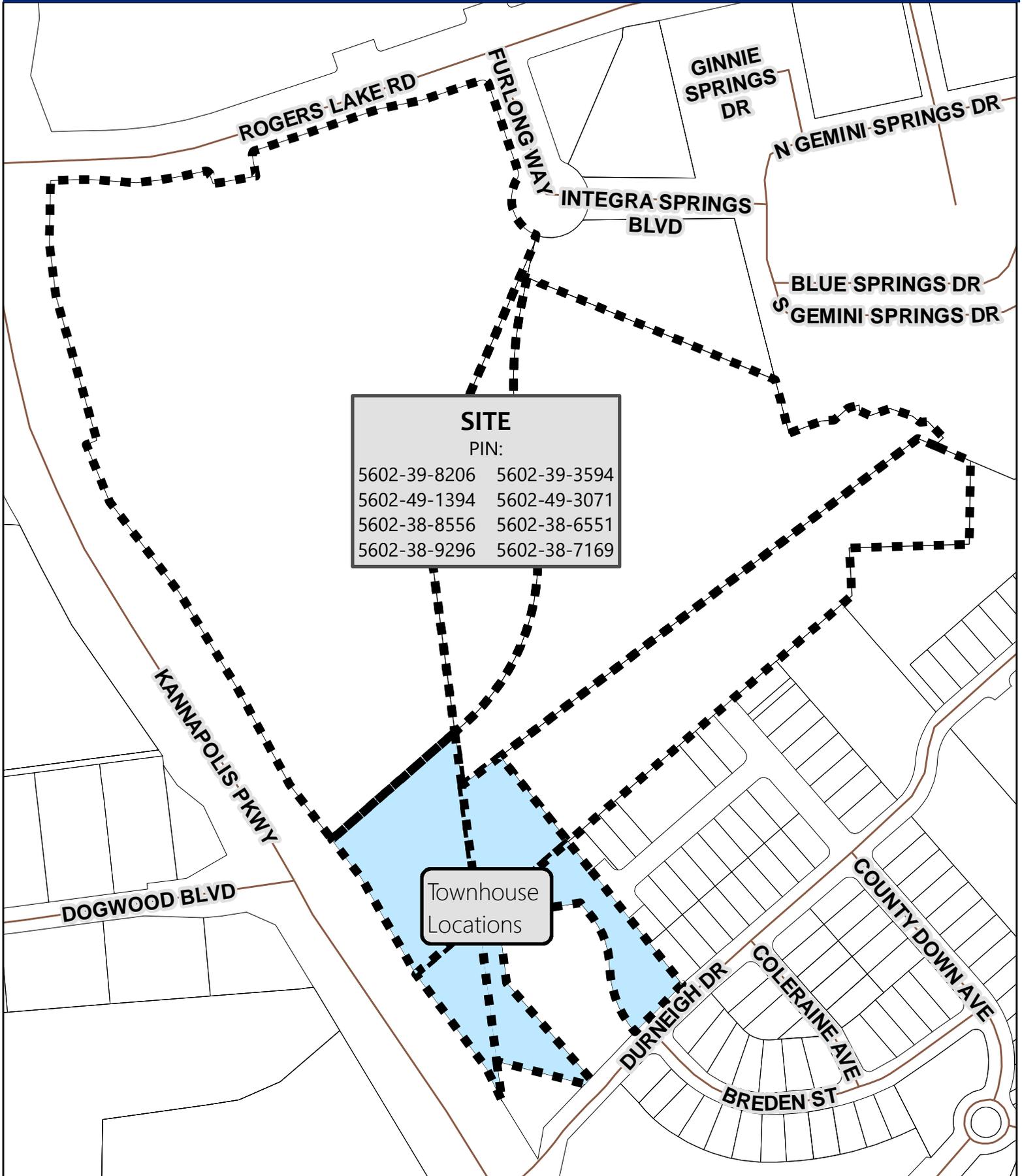




# Board of Adjustment

Case Number: BOA-2019-11

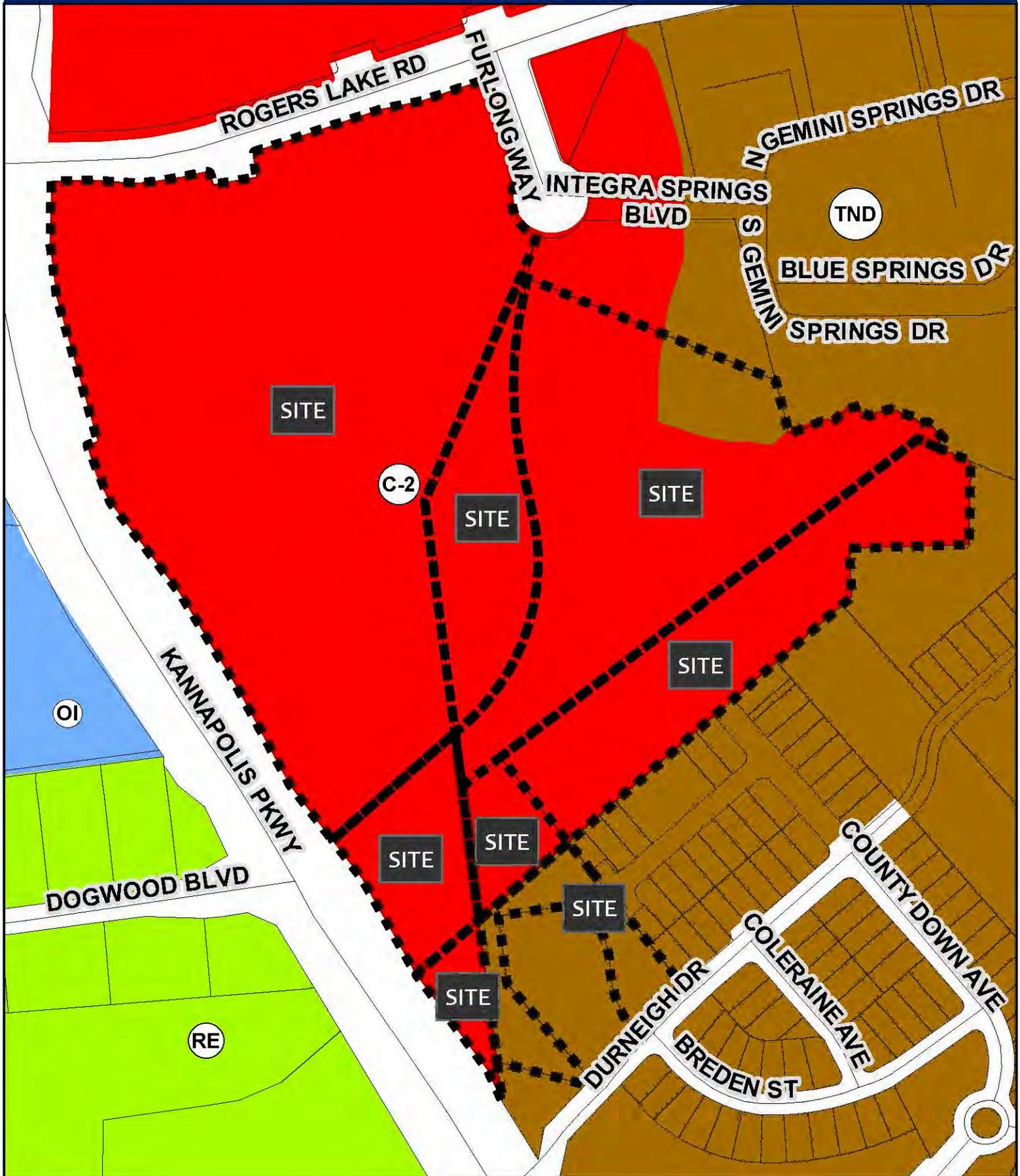
Applicant: Meritage Homes of the Carolinas, Inc.  
Kellswater Commons





# Kannapolis Current Zoning

Case Number: BOA-2019-11  
Applicant: Meritage Homes of the Carolinas, Inc.  
Kellswater Commons



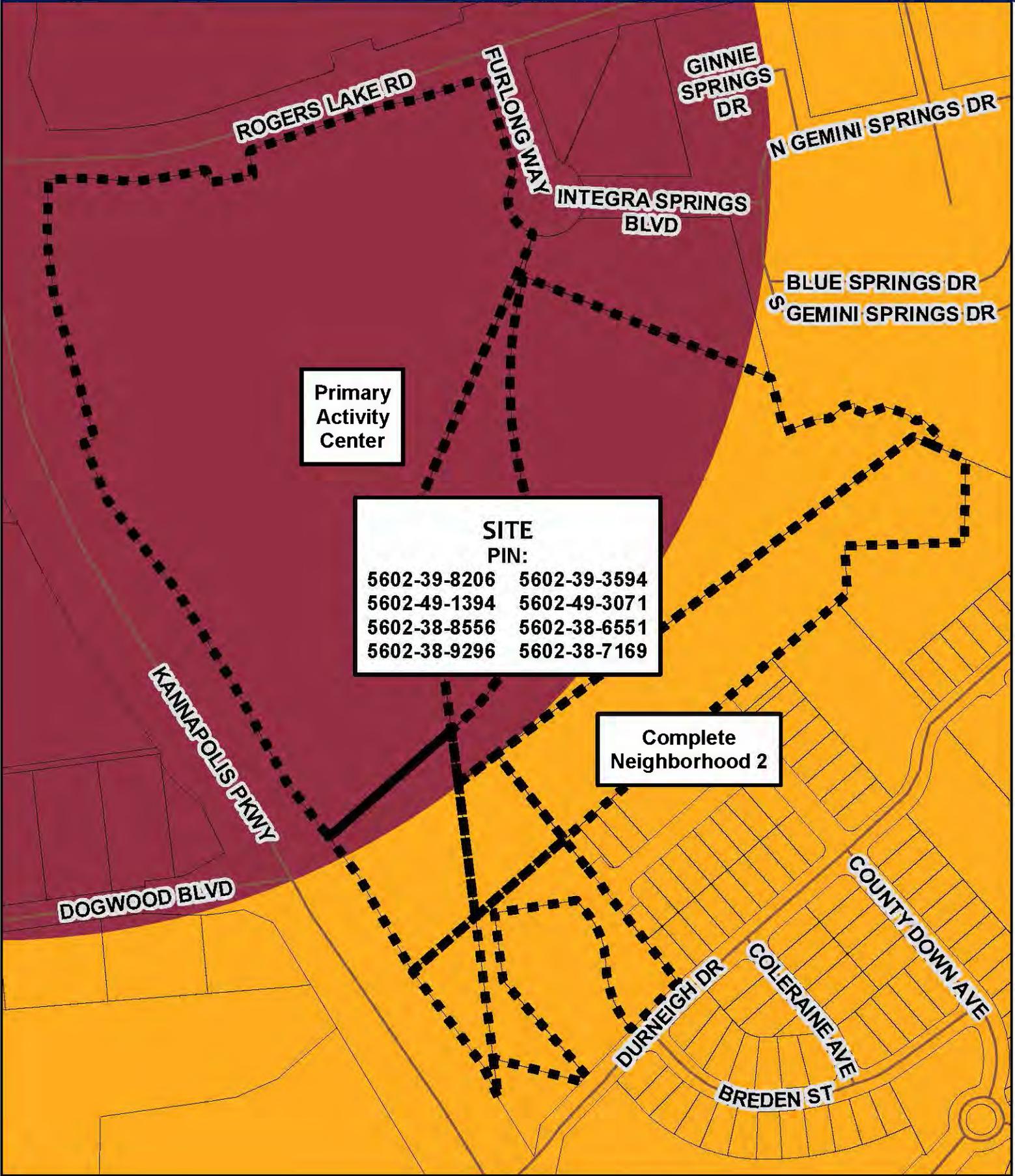


# Kannapolis 2030 Future Land Use Map

Case Number: BOA-2019-11

Applicant: Meritage Homes of the Carolinas, Inc.

Kellswater Commons

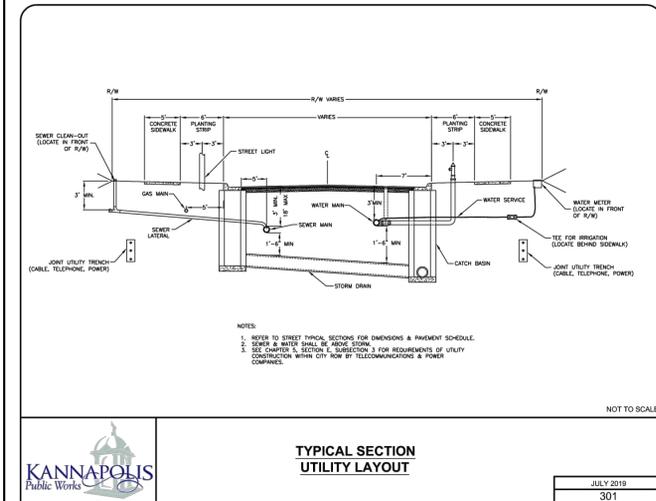
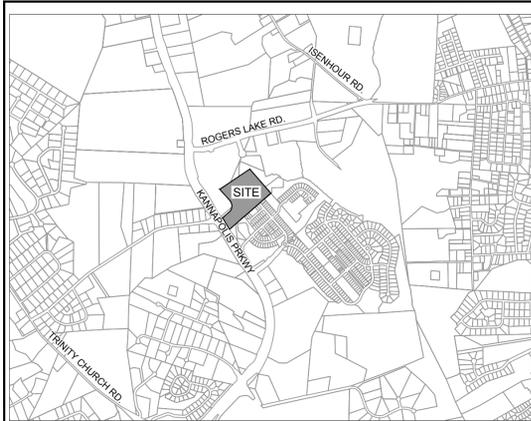


**Primary  
Activity  
Center**

SITE PIN:	
5602-39-8206	5602-39-3594
5602-49-1394	5602-49-3071
5602-38-8556	5602-38-6551
5602-38-9296	5602-38-7169

**Complete  
Neighborhood 2**





**KELLSWATER COMMONS CUP CONDITIONS:**

1. COMPLY WITH CURRENT LAND DEVELOPMENT STANDARDS MANUAL.
2. ALL ROAD INTERSECTIONS ON WHERE DEVELOPMENT HAS ACCESS AND/OR STREET FRONTAGE SHALL BE APPROVED BY NCDOT AND THE CITY.
3. THE DEVELOPER WILL CONSTRUCT CURB AND GUTTER AND SIDEWALK ALONG THE ENTIRE ROAD FRONTAGE WHERE DEVELOPMENT HAS ACCESS AND/OR STREET FRONTAGE. THE IMPROVEMENTS WILL BE CONSTRUCTED TO NCDOT AND CITY STANDARDS.
4. THE LANE WIDTHS, SIDEWALKS, PAVEMENT STRUCTURE, ROAD ALIGNMENT, AND ROAD GRADES SHALL BE CONSTRUCTED TO CURRENT CITY STANDARDS.
5. ROADS AND PARKING LOTS SHALL COMPLY WITH ALL FIRE CODES AND AUTOTURN SHALL BE RUN FOR AN SU-30 AND BUS-45 (MIMICS LADDER TRUCK).
6. STREAMS AND WETLANDS SHALL BE IDENTIFIED BY A QUALIFIED PERSON AND ALL BUFFERS SHOWN 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 FOR THIS DEVELOPMENT IN ACCORDANCE WITH ARTICLE 9 OF THE KANNAPOLIS UDO. EASEMENTS, MAINTENANCE AGREEMENTS AND VIABLE ACCESS SHALL BE PROVIDED FOR ALL STORMWATER STRUCTURES AND SCM'S. STORMWATER SCM'S CANNOT BE CONSTRUCTED IN THE UNDISTURBED BUFFER. ADDITIONAL REQUIREMENTS ARE NECESSARY TO VERIFY DESIGN OF SCM WITHIN AE ZONE.
8. WATER AND SEWER MAIN EXTENSIONS WILL BE REQUIRED FOR THIS PROJECT. THE DEVELOPER SHALL BE RESPONSIBLE FOR DESIGNING, PERMITTING AND CONSTRUCTING WATER AND SEWER MAINS IN ACCORDANCE WITH CITY AND WSACC STANDARDS.
9. ALL WATER AND SEWER MAINS SHALL BE PUBLICLY MAINTAINED AND LOCATED WITHIN A PUBLIC RIGHT-OF-WAY OR UTILITY EASEMENT. THE WATER AND SEWER MAINS SHALL BE LOCATED IN THE ROADWAY UNDER THE PAVEMENT PER THE CITY'S TYPICAL UTILITY LAYOUT.
10. EASEMENTS FOR SANITARY SEWER LINES, WATER LINES AND STORM SEWER PIPES NEED TO BE A MINIMUM OF 20-FEET WIDE. ADDITIONAL WIDTH MAY BE REQUIRED DEPENDING ON THE DEPTH OF THE LINE. SANITARY SEWER LINES SHALL BE LOCATED WITHIN COMMON OPEN SPACE (EASEMENTS CENTERED ON PROPERTY LINES SHALL NOT BE PERMITTED). 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%.
11. THE FIRE DEPARTMENT SHALL APPROVE LOCATIONS OF ALL HYDRANTS.
12. PRIOR TO PLATTING THE 31ST PARCELLLOT, AN EMERGENCY ACCESS ROAD IS REQUIRED. EMERGENCY ACCESS SHALL REMAIN OPEN AT ALL TIMES.
13. PRIOR TO PLATTING THE 100TH PARCELLLOT, A PERMANENT SECOND ACCESS (BUILT TO CITY STANDARDS) IS REQUIRED.
14. THE KELLSWATER COMMONS TIA SHALL BE APPROVED BY THE CITY OF KANNAPOLIS PRIOR TO THE CONSTRUCTION DOCUMENT APPROVAL FOR THE KELLSWATER COMMONS TOWNHOMES

**UTILITY PLAN NOTES:**

1. PER UDO APPENDIX C.3.3 FIRE SERVICE REQUIREMENTS FOR C-2 ZONING, MAINS SHALL BE DESIGNED TO PROVIDE A FLOW OF 2,000 GPM AT 20 PSI.
2. TOWNHOMES SHALL HAVE SEPARATE SERVICES: WATER METERS AND SEWER CLEANOUTS.

**NOTE:**  
 CONCEPTUAL SITE PLAN SUBJECT TO CHANGE.  
 CONCEPTUAL SITE PLAN PREPARED AS A PRELIMINARY SITE CAPACITY STUDY AND DEVELOPMENT SUMMARY BASED ON INFORMATION PROVIDED BY CABARRUS COUNTY GIS DATA AND ASSUMPTIONS BASED ON THE DEVELOPMENT OF THE PROPERTY.



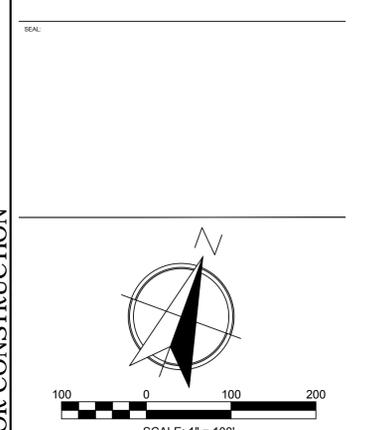
**WK DICKSON**  
 community infrastructure consultants  
 1213 W. MOREHEAD STREET, SUITE 300  
 CHARLOTTE, NC 28208  
 (704) 334-0078  
 (704) 334-5348  
 WWW.WKDICKSON.COM  
 NC LICENSE NO. F-0374

**MPV PROPERTIES**  
 Merrifield Patrick Vermillion

**MeritageHomes**

**Kellswater Commons Townhomes**  
 Conditional Use Permit BOA-2019-11

**Preliminary Utility Plan**



PROJ. MGR.:	WGB
DESIGN BY:	ETS
DRAWN BY:	ETS
PROJ. DATE:	OCT. 2019
DRAWING NUMBER:	

**C1.1**  
 WKD PROJ. NO.: 20190207.00.CL

REVISION	DATE	COMMENT

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PRELIMINARY DRAWINGS - DO NOT USE FOR CONSTRUCTION

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
ALESSANDRO M BOLOGNA	4968 DURNEIGH DR	KANNAPOLIS	NC	28081
ANGELA SHUNTICH	4897 BREDEN ST	KANNAPOLIS	NC	28081
BAILEY & JOY JEW	3650 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
BOYCE & FELICIA DAVIS	5157 MCSWEENEY LN	KANNAPOLIS	NC	28081
CHARLES & MARGARET HURLBRINK	3583 COLERAINE AVE	KANNAPOLIS	NC	28081
CLAYTON & KATHRYN GRAHAM	5121 MCSWEENEY LN	KANNAPOLIS	NC	28081
COLE & JESSICA CAMPBELL	3656 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
DAVID & AMY MILLER	1640 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
DENNIS & CHARLOTTE BEAN	5126 MCSWEENEY LN	KANNAPOLIS	NC	28081
DONALD & CYNTHIA TURNER	5510 DOGWOOD BLVD	KANNAPOLIS	NC	28081
DONALD B STEWART JR	4885 BREDEN ST	KANNAPOLIS	NC	28081
GRADY & DANA HARDEMAN	3662 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
H & H CONSTRUCTORS OF FAYETTEVILLE LLC	2919 BREEZEWOOD AVE STE 400	FAYETTEVILLE	NC	28303
INTEGRA POE LP	4890 W KENNEDY BLVD STE 240	TAMPA	FL	33609
JAMES SLAWTER & KAREN BURSCH	5120 MCSWEENEY LN	KANNAPOLIS	NC	28081
JAMES V DAVIS	4862 DURNEIGH DR	KANNAPOLIS	NC	28081
JOEL & SARAH MALDONADO	5139 MCSWEENEY LN	KANNAPOLIS	NC	28081
JOSHUA & CARA HAYES	4874 BREDEN ST	KANNAPOLIS	NC	28081
KAREN E EAGLE	3577 COLERAINE AVE	KANNAPOLIS	NC	28081
KEVIN H LOGAN & MARGIE CLEMENTS	4896 BREDEN ST	KANNAPOLIS	NC	28081
LUIS & VIVIAN NIEVES	4950 DURNEIGH DR	KANNAPOLIS	NC	28081
MERITAGE HOMES OF THE CAROLINAS INC	13925 BALLANTYNE CORPORATE PL			
ATTN: REID OWEN	STE 300	CHARLOTTE	NC	28277
MICHAEL & SHELLEY RINALDO	4880 BREDEN ST	KANNAPOLIS	NC	28081
MPV KELLSWATER LLC	2400 SOUTH BLVD	CHARLOTTE	NC	28203
MRECV-KW LLC	6836 MORRISON BLVD STE 410	CHARLOTTE	NC	28211
MRECV-KW LLC A DELAWARE LLC	11610 N COMMUNITY HOUSE RD			
C/O MTN REAL ESTATE GROUP LLC	STE 100	CHARLOTTE	NC	28277
NANCY J MARTIN	5145 MCSWEENEY LN	KANNAPOLIS	NC	28081
NORTHWEST SWIM & RACQUET CLUB	P O BOX 796	KANNAPOLIS	NC	28081
RICHARD & CONNIE TRAUGH	4956 DURNEIGH DR	KANNAPOLIS	NC	28081
RICHARD & LESLIE MCMILLAN	3624 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
ROBERSON RANDY E JR	5163 MCSWEENEY LN	KANNAPOLIS	NC	28081
ROBERT & EDNA ANTY	4854 DURNEIGH DR	KANNAPOLIS	NC	28081
RYAN & NATALIE KEITH	4842 DURNEIGH DR	KANNAPOLIS	NC	28081
SCOTT & COURTNEY BROPHY	5151 MCSWEENEY LN	KANNAPOLIS	NC	28081
SHANE WATKINS	3565 COLERAINE AVE	KANNAPOLIS	NC	28081
SHAUNA SIMPSON	4846 DURNEIGH DR	KANNAPOLIS	NC	28081
SHELLEY MCGRAW	5127 MCSWEENEY LN	KANNAPOLIS	NC	28081
SYLVESTER JR & MIA LINDSAY	4850 DURNEIGH DR	KANNAPOLIS	NC	28081
THE REFUGE INC	230 REFUGE WAY	KANNAPOLIS	NC	28081
TODD & CIERA WILSON	5133 MCSWEENEY LN	KANNAPOLIS	NC	28081
WILLIAM & GALE REIGEL	4888 BREDEN ST	KANNAPOLIS	NC	28081



February 26, 2020

Dear Property Owner,

**Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday, March 17, 2020 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:**

**BOA-2019-11 – Conditional Use Permit (CUP) – Kellswater Commons Townhomes**

This public hearing is to consider a request for a Conditional Use Permit (CUP) to allow construction of 150 townhomes. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow for construction of townhomes in the C-2 (General Commercial) zoning district. The subject properties are located at 3820 Kannapolis Parkway and include portions of unaddressed properties. The properties are approximately 18.86 +/- total acres and further identified as Cabarrus County Parcel Identification Number(s) 5602-39-3594, 5602-38-6551, 5602-38-7169, 5602-38-9296, 5602-38-8556, 5602-49-3071, 5602-49-1394 and 5602-39-8206. **(Please see revers side of this letter for vicinity map showing the location of this property).**

**As an adjacent property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis UDO; and are invited to attend the public hearing and present testimony, should you desire, to the Board of Adjustment.**

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

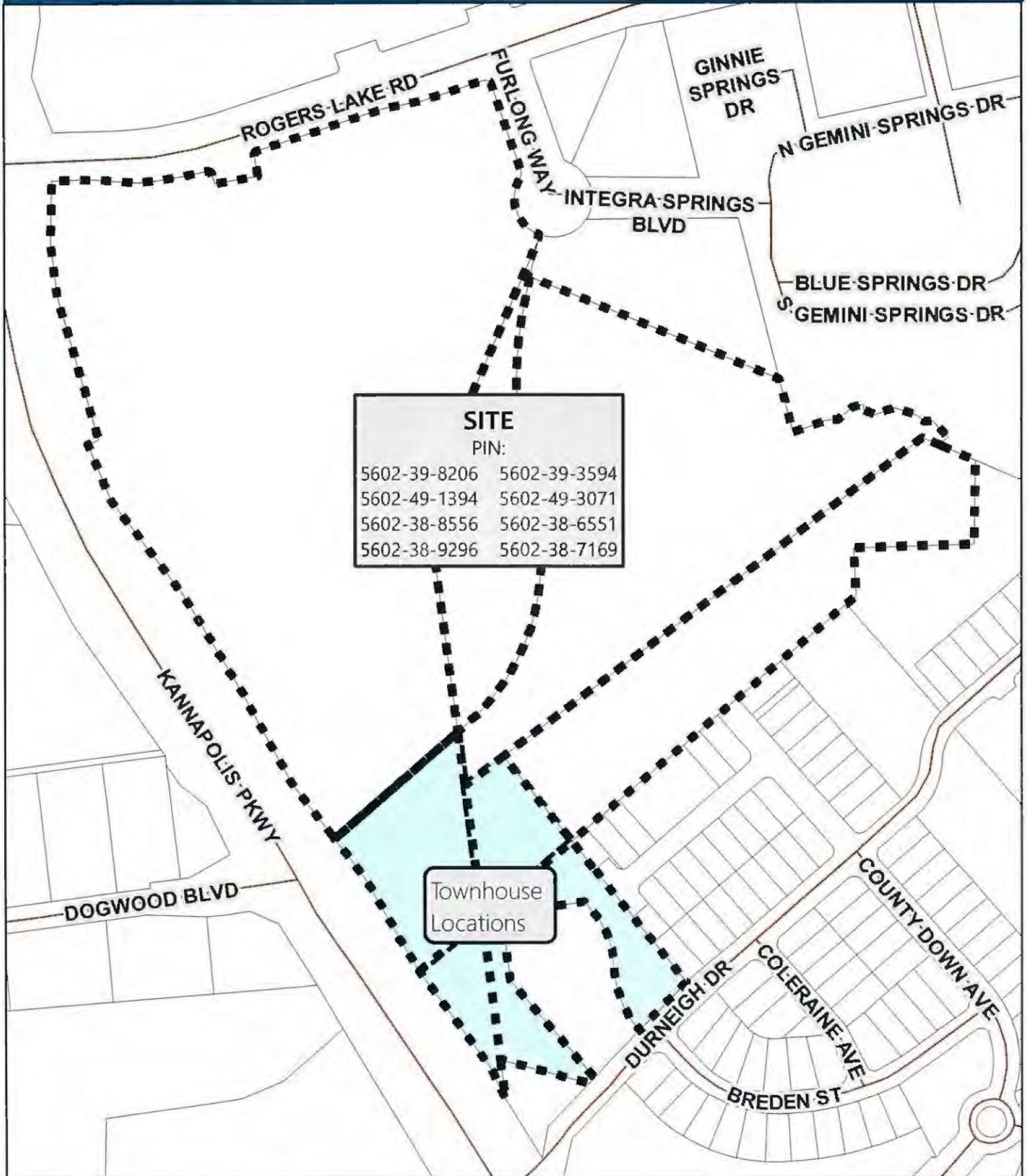
The meeting is accessible to people with disabilities. To request special accommodation in advance, contact the City's ADA Coordinator at 704-920.4302.



# Board of Adjustment

Case Number: BOA-2019-11

Applicant: Meritage Homes of the Carolinas, Inc.  
Kellswater Commons



SPEED  
LIMIT  
55

SPEED  
LIMIT  
55

  
KANNAPOLIS  
**BOARD OF**  
  
**ADJUSTMENT**  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE #BOA - 2019 - 11



  
KANNAPOLIS  
**BOARD OF**  
**ADJUSTMENT**  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE #BOA - 2019 - 11





**Board of Adjustment  
March 17, 2020 Meeting**

**Staff Report**

**TO:** Board of Adjustment

**FROM:** Gretchen Coperine, AICP, Assistant Planning Director

**SUBJECT: Case# BOA-2020-06: Unaddressed parcel on N. Cannon Boulevard  
Conditional Use Permit (CUP)  
Applicant: Parent Development LLC**

**Request for a Conditional Use Permit to allow multi-family residential in the General Commercial (C-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, Parent Development, LLC, is requesting a Conditional Use Permit (CUP) to allow construction of a 72-unit apartment community in the C-2 (General Commercial) zoning district, located on an unaddressed parcel on N. Cannon Blvd., further identified as Rowan County Parcel Identification Number 162 004. The project lies within protected area watershed and has a maximum impervious restriction of

The proposed project is age-targeted for persons 55 year of age and over. Age-targeted refers to the segment of the market that the project is intending to serve. It does not mean age-restricted and therefore, does not have the same restrictions.

Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow for multi-family detached in the C-2 zoning district. The subject property is approximately 5.05 +/- 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 "Suburban Activity 2" Character Area as designated on the Future Land Use and Character Map in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Suburban Activity 2 Character Area allows multifamily residential uses.

The proposed use is compatible with the character intent of the Suburban Activity 2 Character Area, as well as, complementary to the existing mixed commercial 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 site will take direct access off N. Cannon Boulevard. The proposed project did not meet the threshold for a Traffic Impact Analysis. However, final access and road improvements shall be subject to NCDOT review and approval.

Also, as a condition of approval, the site shall have a secondary emergency access point for Fire safety.

       **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 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**

**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 will 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.**

**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 uses permitted with this rezoning shall only include 72 apartments, in general conformance with the plan submitted with this rezoning.
2. The site concept plan and elevations are illustrative. Final design of the project, as reviewed by staff, shall be subject to meeting all city standards.
3. All road intersections or where development has access and/or street frontage shall be approved by NCDOT and the City.
4. The developer will construct curb and gutter and sidewalk along the entire road frontage where development has access and/or street frontage. The improvements will be constructed to NCDOT and City standards.
5. The lane widths, sidewalks, pavement structure, road alignment, and road grades shall be constructed to current City standards.
6. Roads and parking lots shall comply with all Fire Codes and Autoturn shall be run for an SU-30 and Bus-45 (mimics ladder truck).
7. Streams and wetlands shall be identified by a qualified person and all buffers shown 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.
8. A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and SCM's. Stormwater SCM's cannot be constructed in the undisturbed buffer.
9. Water and sewer main extensions will be required for this project. The developer shall be responsible for designing, permitting and constructing water and sewer mains in accordance with City and WSACC standards.
10. All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement. The water and sewer mains shall be located in the roadway under the pavement per the City's Typical Utility Layout.
11. Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-feet wide. Additional width may be required depending on the depth of the line. Sanitary sewer lines and storm sewer lines shall be located within Common Open Space (easements centered on property lines shall not be permitted). 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%.
12. The Fire Department shall approve locations of all hydrants.
13. A secondary emergency access shall be provided per Fire Department 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 Conditional Use Permit.***

**H. Attachments**

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

**I. Issue Reviewed By:**

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

# KANNAPOLIS

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

Type of Action Requested (Check One):

Variance	_____	SIA Application	_____
Conditional Use Permit	_____	Nonconformity Adjustment	_____
Subdivision Exception	_____	Watershed Boundary Modification	_____
Zoning Text Amendment	_____	Zoning Map Amendment	_____
Appeal	_____	Conditional Zoning Map Amendment	_____

Applicant: Parent Development LLC

Owner: TERRY L. WEAVER & Family

Address: 4110 Southpoint Blvd, Suite 206  
Jacksonville, FL 32216

Address: 34 MYRTLE IS. CIRCK  
BLUFFTON, SC 29910

Telephone: 904-279-0131

Telephone: 843-338-9648

Email: bjparent@comcast.net

Email: terry@msicorp.us

Legal relationship of applicant to property owner: Applicant has purchase agreement with owner

Property Location/Address: N Cannon Blvd

Tax Parcel Number: 162 004

Zoning District: C2

Acreage of Site: 5.05

Brian Parent

Applicant Name (Print)

TERRY L. WEAVER  
Property Owner Name (Print)

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, and five (5) copies of any required site plans for staff review must be submitted by the deadline. However, to remain on the next meeting agenda, fifteen (15) copies of such plans, determined by staff to conform to all ordinance standards, must be submitted at least ten (10) days before the meeting date. All fees are nonrefundable and help to cover administrative and notification costs.*

For Staff Use Only:

Filing Fee: \$ 625.

Receipt # M-11327

Application No.: POA-2020-06

Date Submitted (Complete): 2/18/2020



## CITY OF KANNAPOLIS PLANNING DEPARTMENT

### CONDITIONAL USE PERMIT APPLICATION

I, Brian Parent, 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: Multi-family.

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:

Development of a 72 unit apartment community consisting of 1BR and 2BR units targeted to seniors aged 55 and over along with associated amenities.

### 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.**

The property sits on N Cannon Blvd and is in between a commercial retail center to the south and commercial to the north. To the west is vacant property. East Across N Cannon Blvd is neighborhood commercial and residential. The proposed use fits well within the context of the area and will be a positive impact for the neighborhood. Area has many neighborhood services that will serve the new residential property as well.

**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.**

Conceptually, ingress and egress is proposed on N Cannon Blvd at the location of a median cut in the highway directly across from E 24th Street. Final site design will follow all City requirements as well as DOT permitting requirements. The ingress point is flexible based on final design review. Also, concept plan incorporates a circular drive to allow easy in/out by fire department.

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

This is a 100% residential development. No noxious or offensive uses are proposed. Additionally, the development will be for seniors which generate fewer trips from a traffic standpoint.

**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.**

The proposed use will only enhance the local area and create stimulus for the existing commercial and retail uses in the neighborhood. New residents will provide a benefit to the area. New investment will only positively enhance the potential for new investment and improvements.

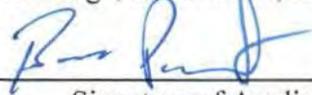
**E. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.**

The proposed residential community will be well maintained with on-site management and maintenance. There will be no negative impact to the health, safety, and welfare of area residents.

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

The proposed development will comply with all applicable sections of the ordinance. The preliminary plans have been designed to meet all development standards, height restrictions, parking requirements, setbacks, and open space requirements. Additionally, the total impervious surface as proposed is less than 25% to meet all watershed requirements. Water and Sewer are available to site. Future Land Use is Suburban Activity 2 which states multifamily residential is a Primary Use.

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

  
\_\_\_\_\_  
Signature of Applicant

2/17/2020  
\_\_\_\_\_  
Date

The Board may place conditions on the use requested as part of the approval to assure that adequate mitigation measures are associated with the use.

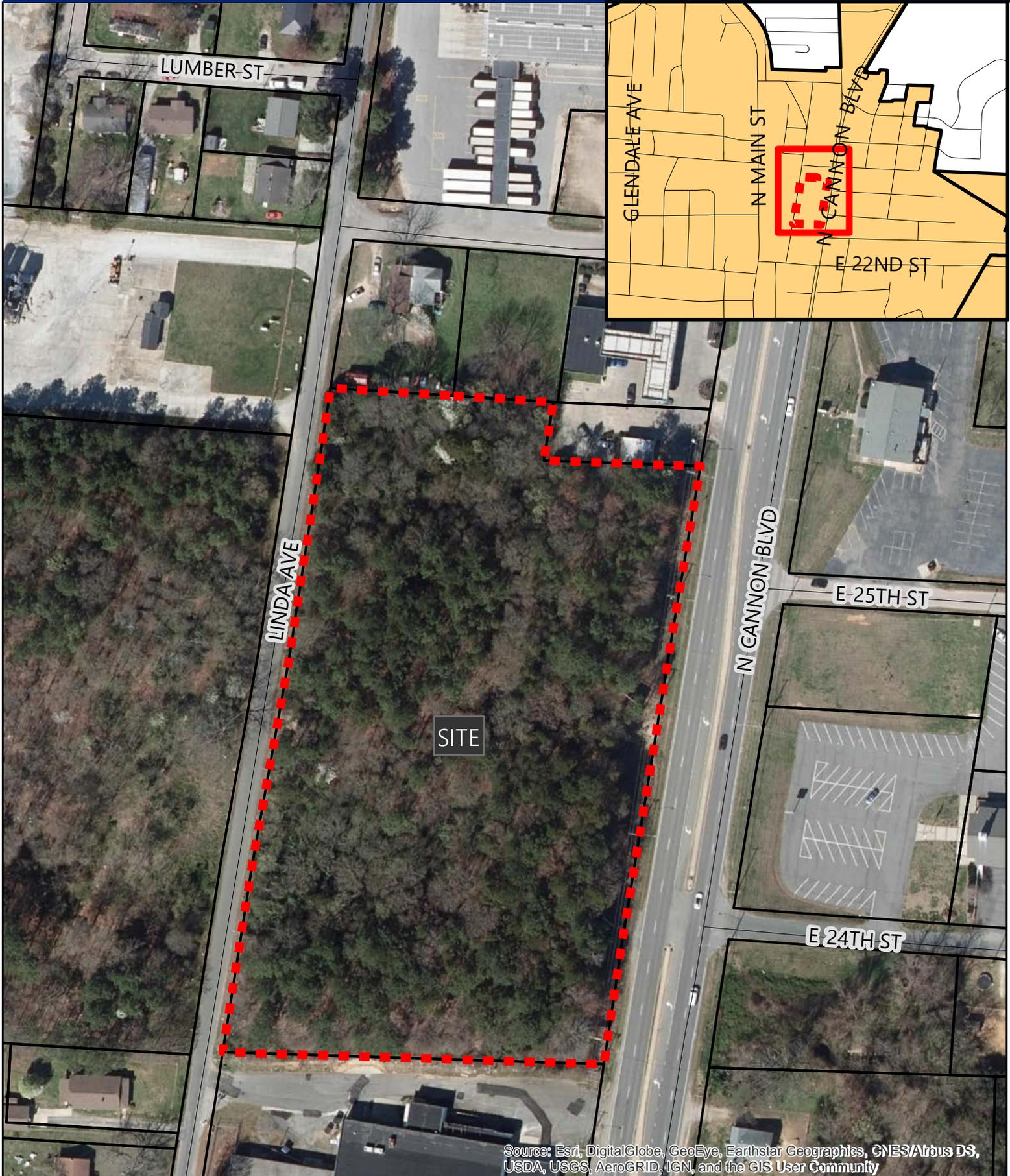
**Required as part of Conditional Use Permit Submittal:**

- Fee: Please refer to fee schedule 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-2020-06  
Applicant: Parent Development, LLC  
2351 N Cannon Bv





# Kannapolis Current Zoning

Case Number: BOA-2020-06  
Applicant: Parent Development, LLC  
2351 N Cannon Bv





# Kannapolis 2030 Future Land Use Map

Case Number: BOA-2020-06

Applicant: Parent Development, LLC

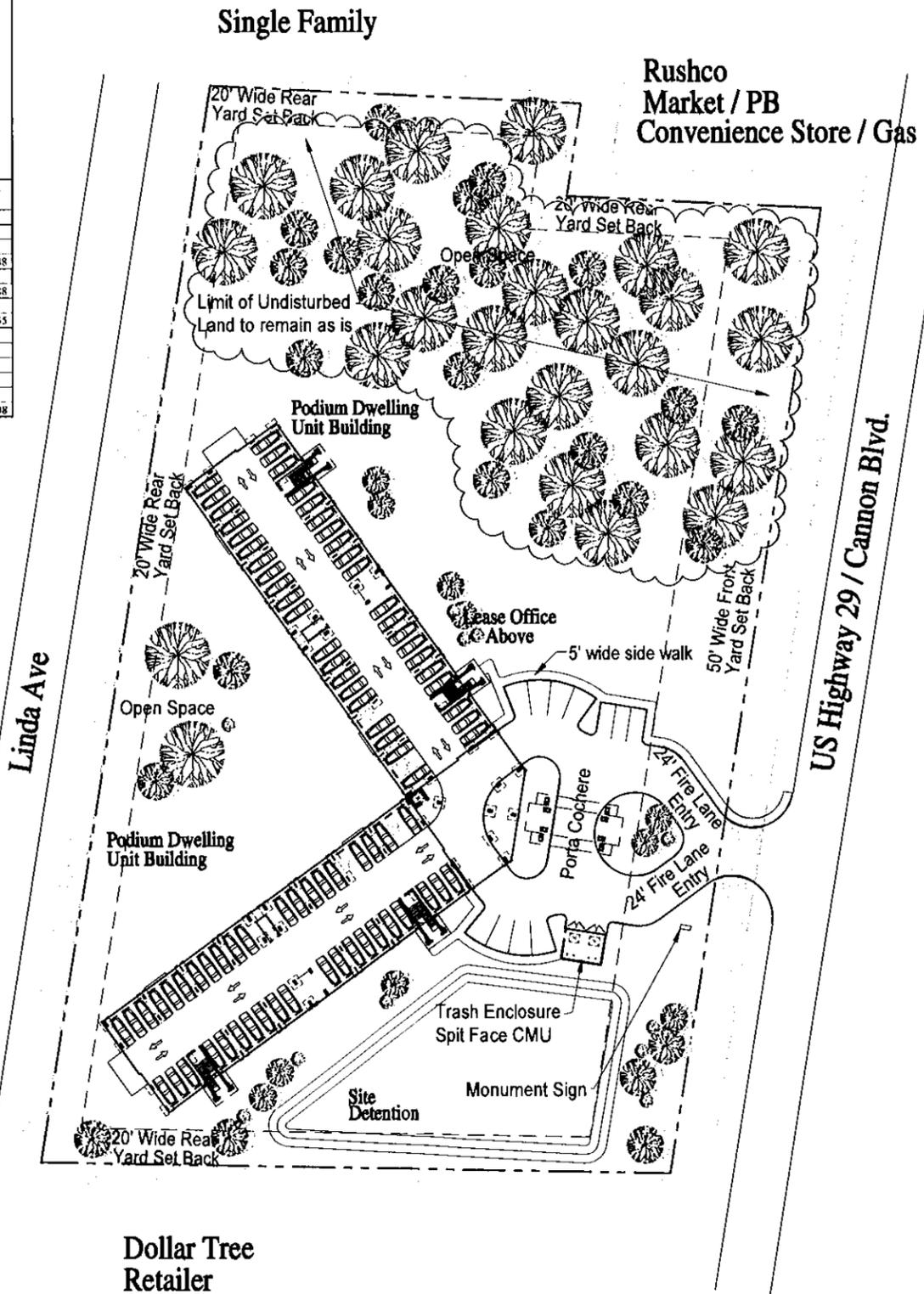
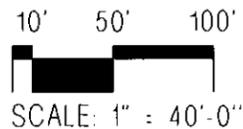
2351 N Cannon Bv



PROJECT TABULATION				2/12/2020				
Site Acreage 5.5				Project Density 13.09				
UNIT DATA:				Net S.F. Net square footage includes all conditioned area included within the perimeter exterior walls of a unit. This number does not include private interior stairs and stair foyer.				
Unit Description	A1 1B/1B	B1 2B/2B	Total Average	Gross S.F. Gross square footage when applied to the unit data, includes all square footage associated with that unit including private stairs, balconies / patio and exterior storage closets. Private garages are not included in this number. Gross square footage when applied to the building data, includes the unit gross square footage, the garage square footage and misc. square footage (mechanical closets) to result in a total gross square footage per building.				
Total Number	36	36	36					
Net Square Footage	736	1,015	1,751					
Gross Square Footage	802	1,095	1,897					
Percent of Total	100.00	100.00	100					
Unit Net Totals	26,496	36,540	63,036					
Unit Gross Totals	28,872	39,420	68,292					
BUILDING DATA:				Total Gross S.F. per Building				
Bldg. Number	Bldg. Type			Number of Buildings	Total Net S.F. per Building	Total Unit Gross S.F. per Building	Misc. S.F. (Corridors) (Storage)	Total Gross S.F. per Building
Type 1a	Elev. SR	9	9	2	15,759	17,073	512	23,588
Type 1b	Elev. SR	9	9	2	15,759	17,073	512	23,588
Leasing Office 4470	Club			1	0	0		0
					4,382		1273	5,655
TOTAL								
	Total A2	Total B1	Unit Total	Total Buildings	Total Project Net S.F.	Total Unit Gross S.F.	Total Misc. S.F. Parking	Total Project Gross S.F.
	36	36	72	5	67,418	68,292	651	132,108

Vacant Land

- A description of the proposed development including proposed uses and coverage.
  - Development is a Seniors Multi-Family independent living apartment facility.
  - The Facility will consist of three levels of dwelling units over a concrete podium structure.
  - The lease office and support facilities will be located on the second floor. The property will have elevator access.
  - The impervious coverage is 1.05 acres. The open space is 4.0 acres. The ratio of impervious cover is 20.7% out of an allowable 24%
- The following data, when such data is applicable to a given development plan:
  - Total number of dwelling units, by development phase. = 72
  - Residential density and units per acre. = 13.09
  - Total floor area and floor area ratio for each type of use. Total floor area utilized including structured parking is 132,108 SF. Total land available is 219,134 SF. The FAR is 0.4399.
  - Total area in open space. Previous open space = 4 acres
  - Total area in developed recreational open space = 0
  - Total number of off-street parking and loading spaces. = 86
- (1) A Plot Plan as defined in this Appendix B, with the following additions:
  - Location and widths of existing and proposed streets, drives, entrances, sidewalks, paths and any other pedestrian and vehicular circulation systems.
  - Size and/or types of yards as required by Article 7 = Noted on Plan
  - Location for all ground-mounted signs. = Noted on Plan
  - Location, acreage and category of passive and active (if required) open space. = Noted on Plan
  - Location of solid waste container(s) with type of screening noted. = Noted on Plan
  - General phasing information if the project is to be completed in phases. = N/A
  - Noted areas (if any) of undisturbed land which is to remain as is. = Noted on Plan
  - Definition of all areas of special flood hazard as defined in Section 4.14 or wetlands as defined in Appendix A. = None
  - Location and size, in acres, of any proposed school sites. = N/A



**Conceptual Site Plan**  
 72 Units Three Levels over  
 Podium Parking  
 86 Total Parking Stalls  
 No Flood Plain

Baptist Church

# Kannapolis Apartments

**Frank W. Pollacia AIA**

Frank W. Pollacia AIA  
 North Carolina  
 Registered Architect 13351  
 1-972-509-0088 f. 972-509-0022  
 pollacia@architectura-inc.com

Project No. JOBNUM

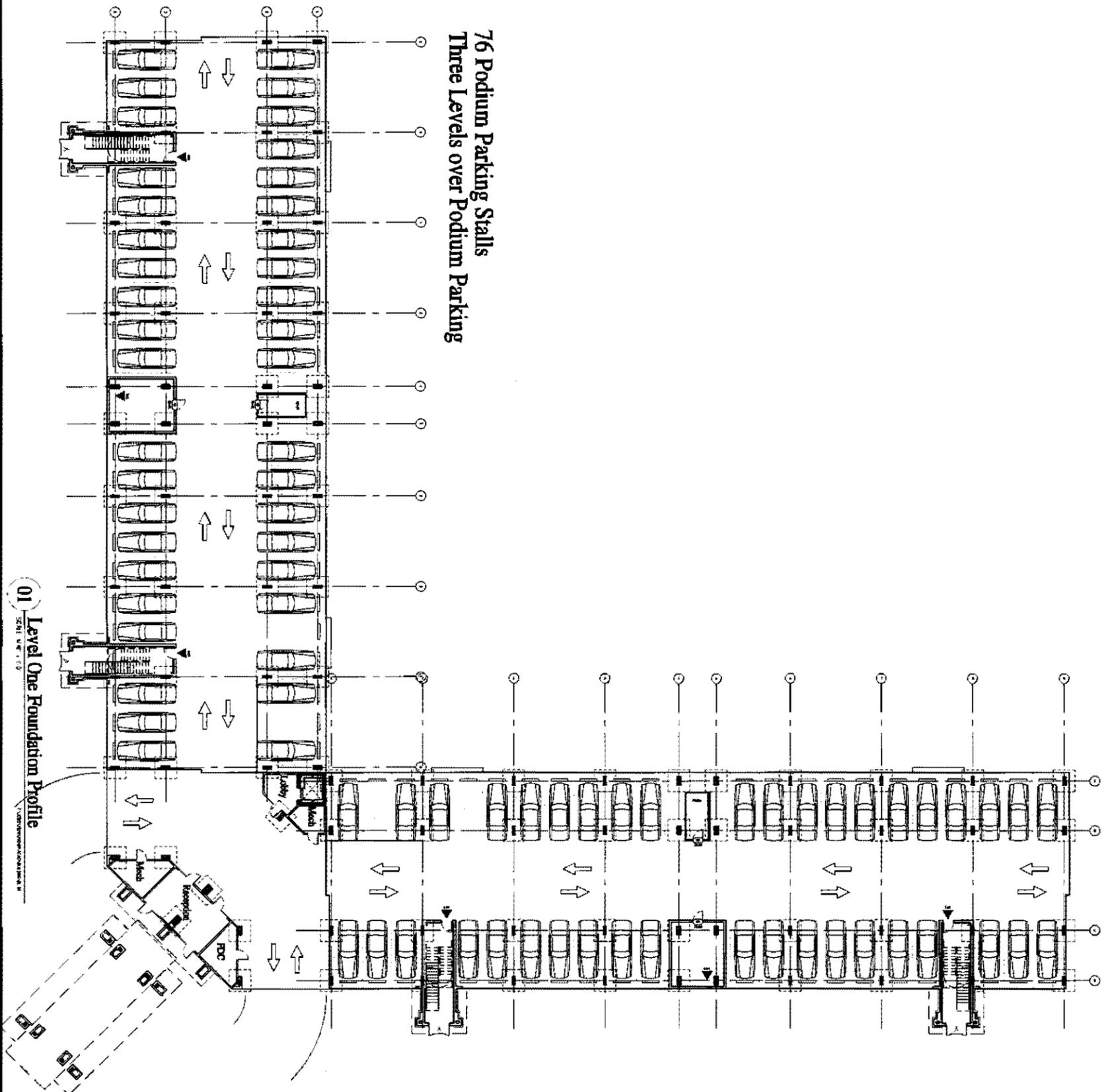
Issue Drawing Log

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Sheet Title

Drawing No.

**76 Podium Parking Stalls  
Three Levels over Podium Parking**



**01 Level One Foundation Profile**  
SCALE: 1/4" = 1'-0"

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Sheet Title  
**Ground Floor Plan**  
Drawing No.  
**A2.01a**

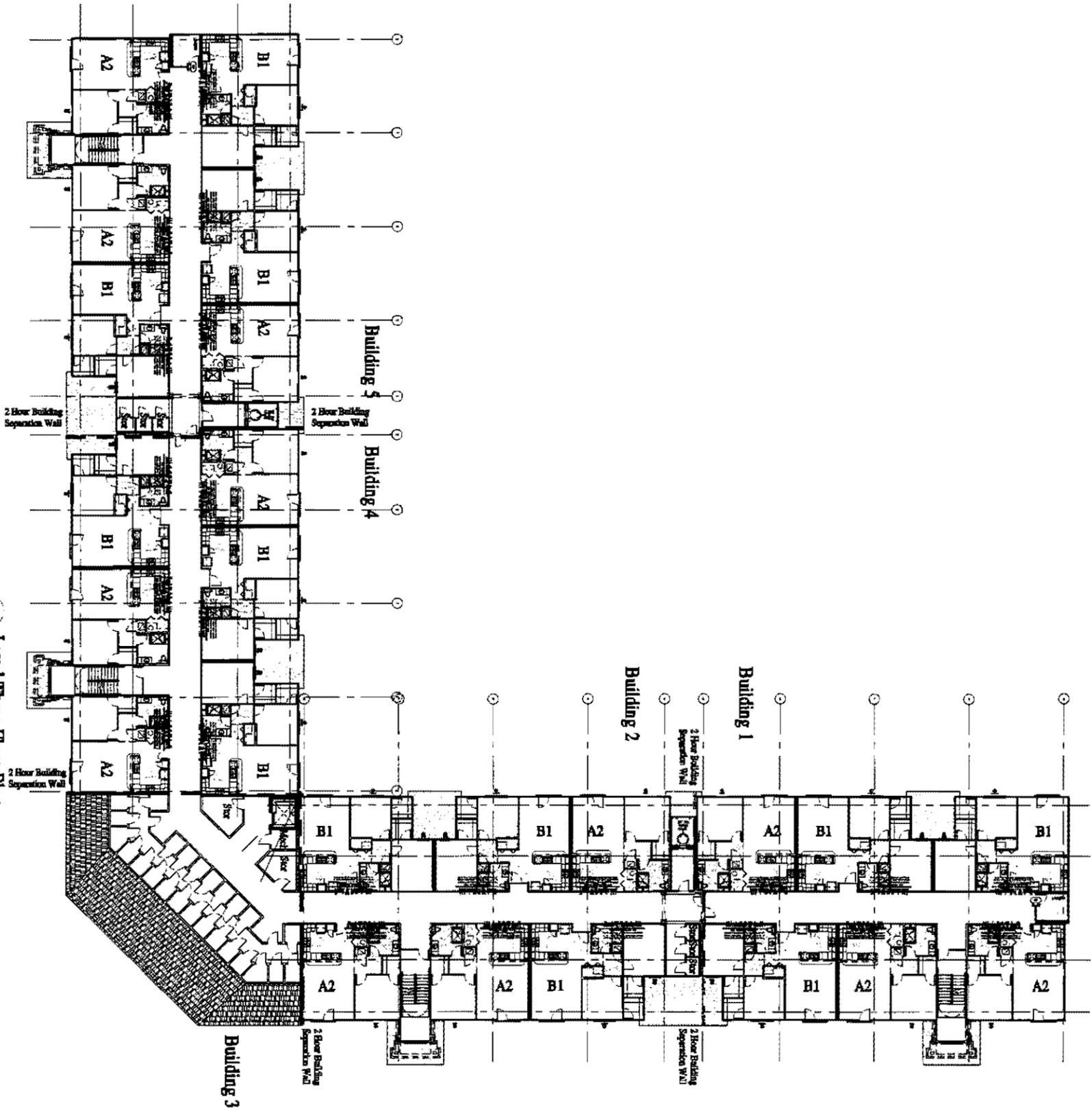
Project No. 201001  
Issue Drawing Log

**Frank W. Pollacia AIA**  
Frank W. Pollacia AIA  
North Carolina Architect #13351  
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pollacia@architetture-inc.com

**JPM Group**  
4110 Southpoint Blvd. Suite  
Jacksonville, Florida 32216  
Tel. (904) 279-0131  
Fax. (904) 513-9285

**Brookwood Park  
Apartments  
Kannapolis, NC.**





01 Level Three Floor Plan  
SCALE: 1/8" = 1'-0"

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Sheet Title:  
Third Floor Plan  
Drawing No:  
**A2.01c**

Project No.: 2011001  
Issue Drawing Log:

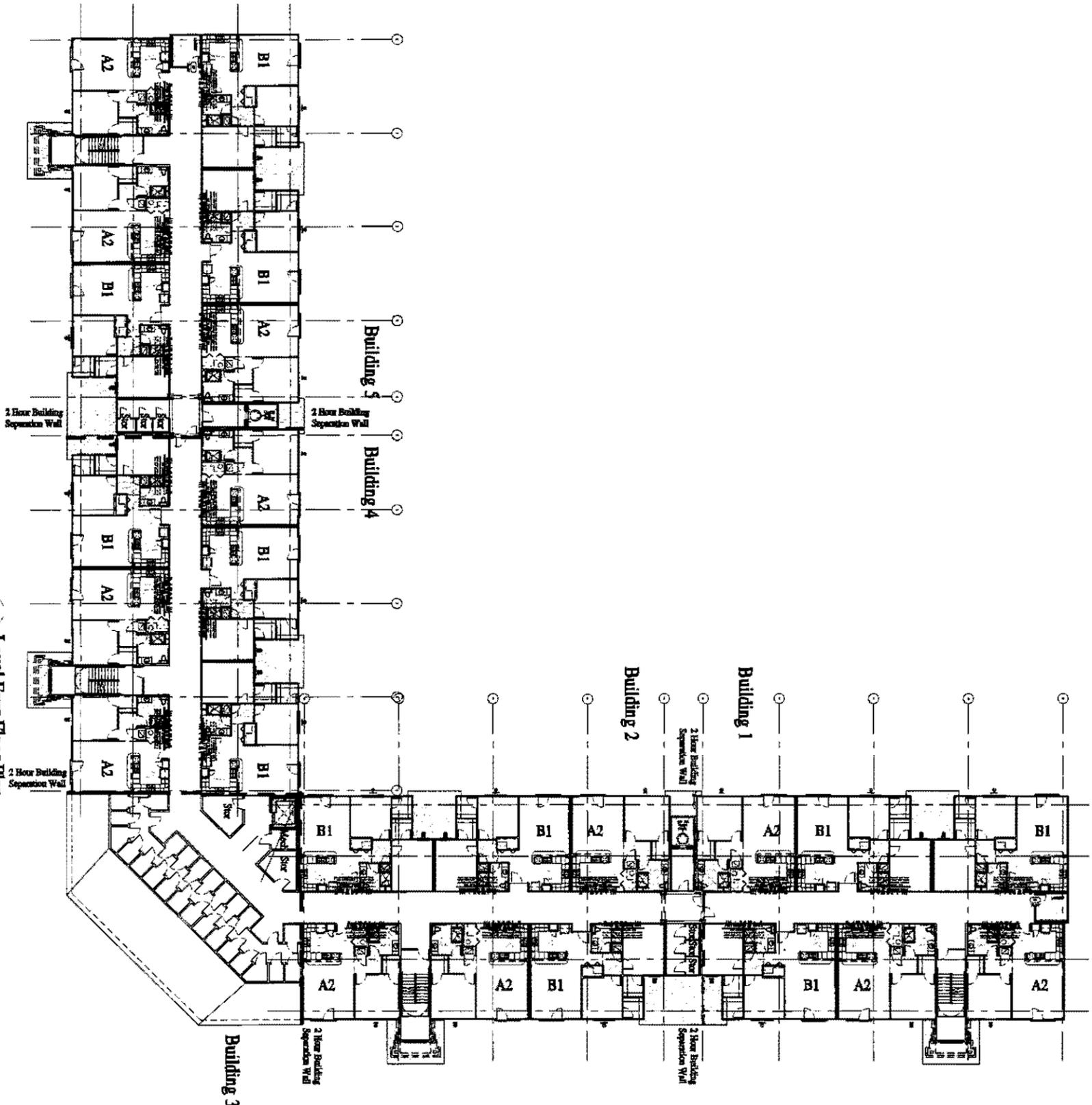
### Frank W. Pollacia AIA

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### JPM Group

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Jacksonville, Florida 32216  
Tel. (904) 279-0131  
Fax. (904) 513-9265

## Brookwood Park Apartments Kannapolis, NC.



01 Level Four Floor Plan  
 SCALE: 1/8" = 1'-0"

Sheet Title  
**Fourth Floor Plan**  
 Drawing No.  
**A2.01d**

Project No. 201001  
 Issue Drawing Log

**Frank W. Pollacia AIA**  
 Frank W. Pollacia AIA  
 North Carolina Architect #13351  
 t. 972.509.0088 f. 972.509.0022  
 pollacia@architetura-inc.com

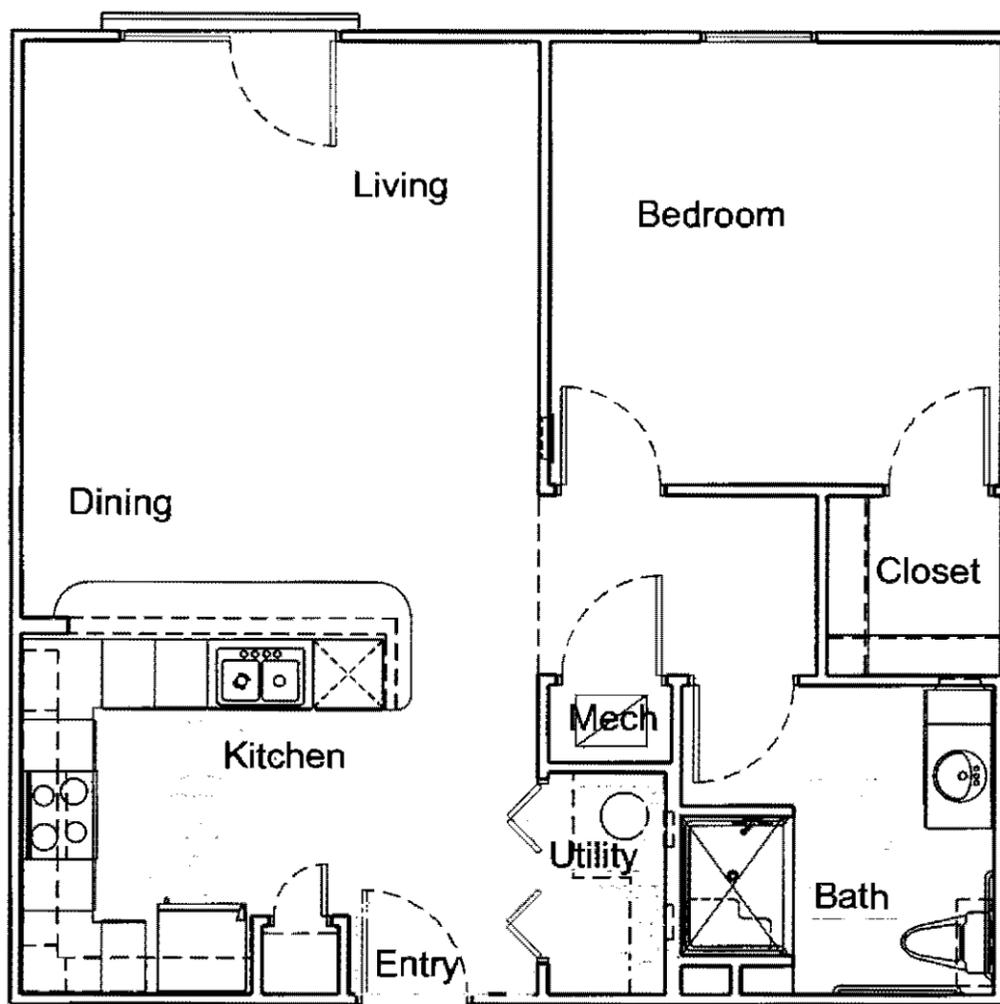
**JPM Group**  
 4110 Southpoint Blvd. Suite  
 Jacksonville, Florida 32216  
 Tel. (904) 279-0131  
 Fax. (904) 513-9285

**Brookwood Park  
 Apartments  
 Kannapolis, NC.**



# Unit A2

One Bedroom - One Bath  
Market Net Area 746 Sf



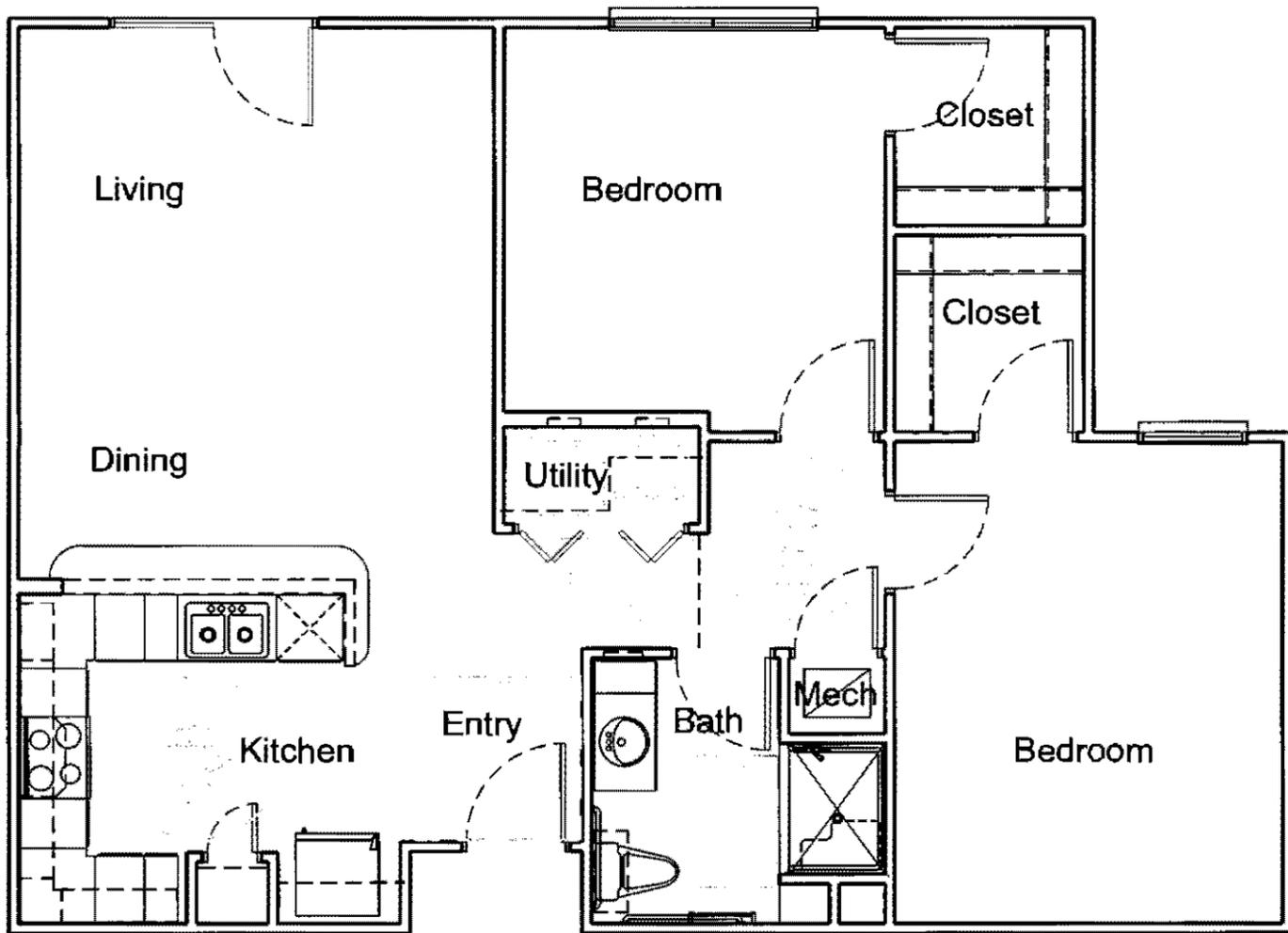
**Frank W. Pollacia AIA**

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North Carolina Architect #13351  
t. 972.509.0088 f. 972.509.0022  
pollacia@architetture-inc.com

**A2**

# Unit B1

Two Bedroom - One Bath  
Market Net Area 940 Sf



**Frank W. Pollacia AIA**

Frank W. Pollacia AIA  
North Carolina Architect #13351  
t. 972.509.0088 f. 972.509.0022  
pollacia@architetture-inc.com

**B1**

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
SARAH BUTLER	2205 LINDA AVE	LANDIS	NC	28083
CARL GRIFFITH JR	2207 LINDA AVE	KANNAPOLIS	NC	28083
BT-OH LLC				
ATTN: REAL ESTATE DEPT	55 GLENLAKE PKWY NE	ATLANTA	GA	30325
RUSHER OIL CO INC.	PO BOX 1483	SALISBURY	NC	28145
ROGERS PARK BAPTIST CHURCH	PO BOX 183	LANDIS	NC	28088
ARICH STAR LLC	17814 CLARE MORRIS LN	PFLUGERVILLE	TX	78660
MARIBEL ZARCO ESQUIVEL	2501 LINDA AVE	KANNAPOLIS	NC	28083
JONETTE HICKS	2503 LINDA AVE	KANNAPOLIS	NC	28083
NEWMAN JUNG JR &				
DERRELL PERKINS	1216 S. MAIN ST	KANNAPOLIS	NC	28081
VFW POST #8989				
C/O LACY ROBBINS	1265 PUMP STATION RD	KANNAPOLIS	NC	28081
CONCRETE SUPPLY CO LLC	PO BOX 5247	CHARLOTTE	NC	28225
CONNOLLY BARNES	101 OLD HERITAGE RD	KANNAPOLIS	NC	28081
DOROTHY POOLE ETAL	34 MYRTLE ISLAND CIR	BLUFFTON	SC	29910
ETHIO PROPERTIES LLC				
C/O FOUNDRY COMMERCIAL LLC	121 W TRADE ST STE 2500	CHARLOTTE	NC	28202
RICHARD MCGUIRE	8864 WRIGHT RD	KANNAPOLIS	NC	28081
ROSE HILL MISSIONARY BAPTIST C	216 RICE ST	KANNAPOLIS	NC	28081
EDDIE DURHAM	1311 LOWRANCE AVE	KANNAPOLIS	NC	28081
	4110 SOUTHPOINT BLVD			
PARENT DEVELOPMENT LLC	STE 206	JACKSONVILLE	FL	32216
TERRY WEAVER & FAMILY	34 MYRTLE ISLAND CIR	BLUFFTON	SC	29910



February 26, 2020

Dear Property Owner,

**Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday, March 17, 2020 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:**

**BOA-2020-06 – Conditional Use Permit (CUP) – Unaddressed property on N. Cannon Blvd.**

This public hearing is to consider a request for a Conditional Use Permit (CUP) to allow for a 72-unit 55+ apartment community. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow for multi-family residential in the C-2 (General Commercial) zoning district. The subject property is located on an unaddressed parcel located between N. Cannon Boulevard and Linda Avenue. The property is approximately 5.05 +/- acres and is further identified as Rowan County Parcel Identification Number(s) 162 004. **(Please see reverse side of this letter for vicinity map showing the location of this property).**

**As an adjacent property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis UDO; and are invited to attend the public hearing and present testimony, should you desire, to the Board of Adjustment.**

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,

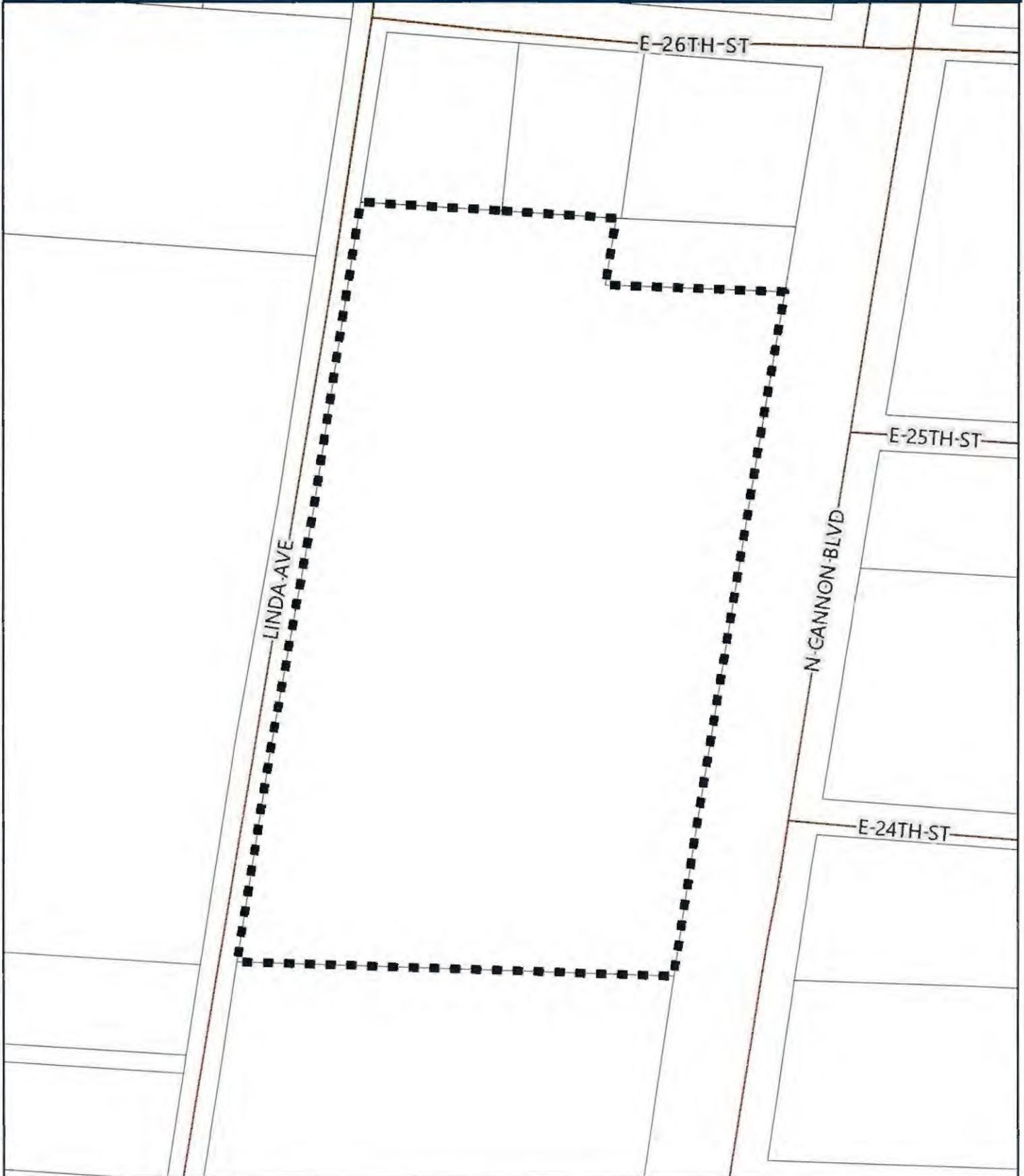
Ryan Lipp  
Senior Planner

The meeting is accessible to people with disabilities. To request special accommodation in advance, contact the City's ADA Coordinator at 704-920.4302.



# Conditional Use Permit

Case Number: BOA-2020-06  
Applicant: Parent Development, LLC  
2351 N Cannon Bv



KANNAPOLIS  
**BOARD OF**  
**ADJUSTMENT**  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE #BOA - 2020 - 06

Philips Air Care  
www.philipsair.com

TESTING & AIR  
PHYSICAL  
MEMBER  
788-5027  
PRO  
PROPERTY

SITE



**Board of Adjustment  
March 17, 2020 Meeting**

**Staff Report**

**TO:** Board of Adjustment  
**FROM:** Ryan Lipp – Senior Planner  
**SUBJECT:** **Case# BOA-2020-05: 420 – 428 S. Main Street  
Conditional Use Permit (CUP)  
Applicant: Long Ridge Development & Properties, LLC**

**Request for a Conditional Use Permit to allow construction of a 6 (six) single-family detached homes in the Center City (CC) 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, Long Ridge Development & Properties, LLC, is requesting a Conditional Use Permit (CUP) to allow construction of a 6 (six) single-family detached homes in the CC (Center City) zoning district, located at 420, 422 & 428 S. Main Street, further identified as Cabarrus County Parcel Identification Numbers 5613-57-4737, 5613-57-4720, and 5613-57-4521. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow for single-family detached in the CC zoning district. The subject property is approximately 1.5 +/- 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 "Downtown Center" Character Area as designated on the Future Land Use and Character Map in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area has a desired density of 12-40 units/acre. The properties are surrounded by single-family detached and multi-family residential. Therefore, the proposed development is compatible with existing and desired residential character.

       **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 development is proposing to have a shared access drive in the rear of the homes. This will provide adequate ingress and egress to the site. The developer will also be required to provide sidewalk along the frontage to connect to future development, and the downtown core.

       **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 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 improvement of surrounding property would not be impeded by the development of the subject property.

       **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"/> | <b>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.</b><br>_____<br>_____                 |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>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.</b><br>_____<br>_____    |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.</b><br>_____<br>_____  |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.</b><br>_____<br>_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.</b><br>_____<br>_____              |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Compliance with any other applicable Sections of this Ordinance.</b><br>_____<br>_____   |

**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 number of new single-family homes is limited to 6.
2. The site concept plan and elevations are illustrative. Final design of the project, as reviewed by staff, shall be subject to meeting all city standards.

3. Comply with current Land Development Standards Manual.
4. All road intersections or where development has access and/or street frontage shall be approved by NCDOT and the City.
5. The developer will construct curb and gutter and sidewalk along the entire road frontage where development has access and/or street frontage. The improvements will be constructed to NCDOT and City standards.
6. The lane widths, sidewalks, pavement structure, road alignment, and road grades shall be constructed to current City standards.
7. Roads shall comply with all Fire Codes and Autoturn shall be run for an SU-30 and Bus-45 (mimics ladder truck).
8. A Stormwater Management Permit will be required for this Development in accordance with Article 9 of the Kannapolis UDO. Easements, maintenance agreements and viable access shall be provided for all stormwater structures and SCM's.
9. Water and sewer main extensions will be required for this project. The developer shall be responsible for designing, permitting and constructing water and sewer mains in accordance with City and WSACC standards.
10. All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement. The water and sewer mains shall be located in the roadway under the pavement per the City's Typical Utility Layout.
11. Easements for Sanitary Sewer lines, Water lines and Storm Sewer pipes need to be a minimum of 20-feet wide. Additional width may be required depending on the depth of the line. Sanitary sewer lines and storm sewer lines shall be located within Common Open Space (easements centered on property lines shall not be permitted).
12. The Fire Department shall approve locations of all hydrants.

***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. Site Plan
6. List of notified properties
7. Notice to Adjacent Property Owners
8. Posted Public Notice

**I. Issue Reviewed By:**

City Attorney	X
Planning Director	X
City Engineer	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"/> |

Applicant: LONG RIDGE DEVELOPMENT & PROPERTIES, LLC Owner: ATLANTIC AMERICAN PROPERTIES  
 Address: 202 OAK AVE Address: 226 OAK AVE  
KANNAPOLIS NC 28001 KANNAPOLIS  
 Telephone: (704) 933-7076 Telephone: \_\_\_\_\_  
 Email: JOSHUA@LONGRIDGEDEVELOPMENT.COM Email: \_\_\_\_\_

Legal relationship of applicant to property owner: \_\_\_\_\_

Property Location/Address: 428, 427, 420 S MAIN ST

Tax Parcel Number: \_\_\_\_\_ Zoning District: CC Acreage of Site: 1.5 ACRES

JOSHUA MASTERS \_\_\_\_\_  
 Applicant Name (Print) Property Owner Name (Print)

[Signature] \_\_\_\_\_  
 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, and five (5) copies of any required site plans for staff review must be submitted by the deadline. However, to remain on the next meeting agenda, fifteen (15) copies of such plans, determined by staff to conform to all ordinance standards, must be submitted at least ten (10) days before the meeting date. All fees are nonrefundable and help to cover administrative and notification costs.*

For Staff Use Only:  
 Filing Fee: \$1025.- Receipt # M-11326  
 Application No.: POA-2020-05 Date Submitted (Complete): 2/18/2020



**CITY OF KANNAPOLIS PLANNING DEPARTMENT**

**CONDITIONAL USE PERMIT APPLICATION**

I, JOSHUA MASTERS, 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: RESIDENTIAL DEVELOPMENT.

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:

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**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.**

YES, THE AREA CONSISTS OF SINGLE FAMILY HOMES

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**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.**

YES, A PRIVATE DRIVE AND 2 PARKING SPACES  
PER UNIT

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

NO, SINGLE FAMILY HOMES

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.

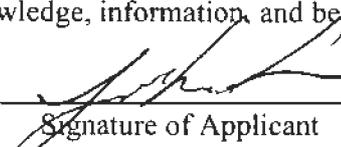
THE SURROUNDING AREA IS ALSO SINGLE FAMILY HOMES

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

NONE

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

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

  
Signature of Applicant

2/18/2020  
Date

The Board may place conditions on the use requested as part of the approval to assure that adequate mitigation measures are associated with the use.

**Required as part of Conditional Use Permit Submittal:**

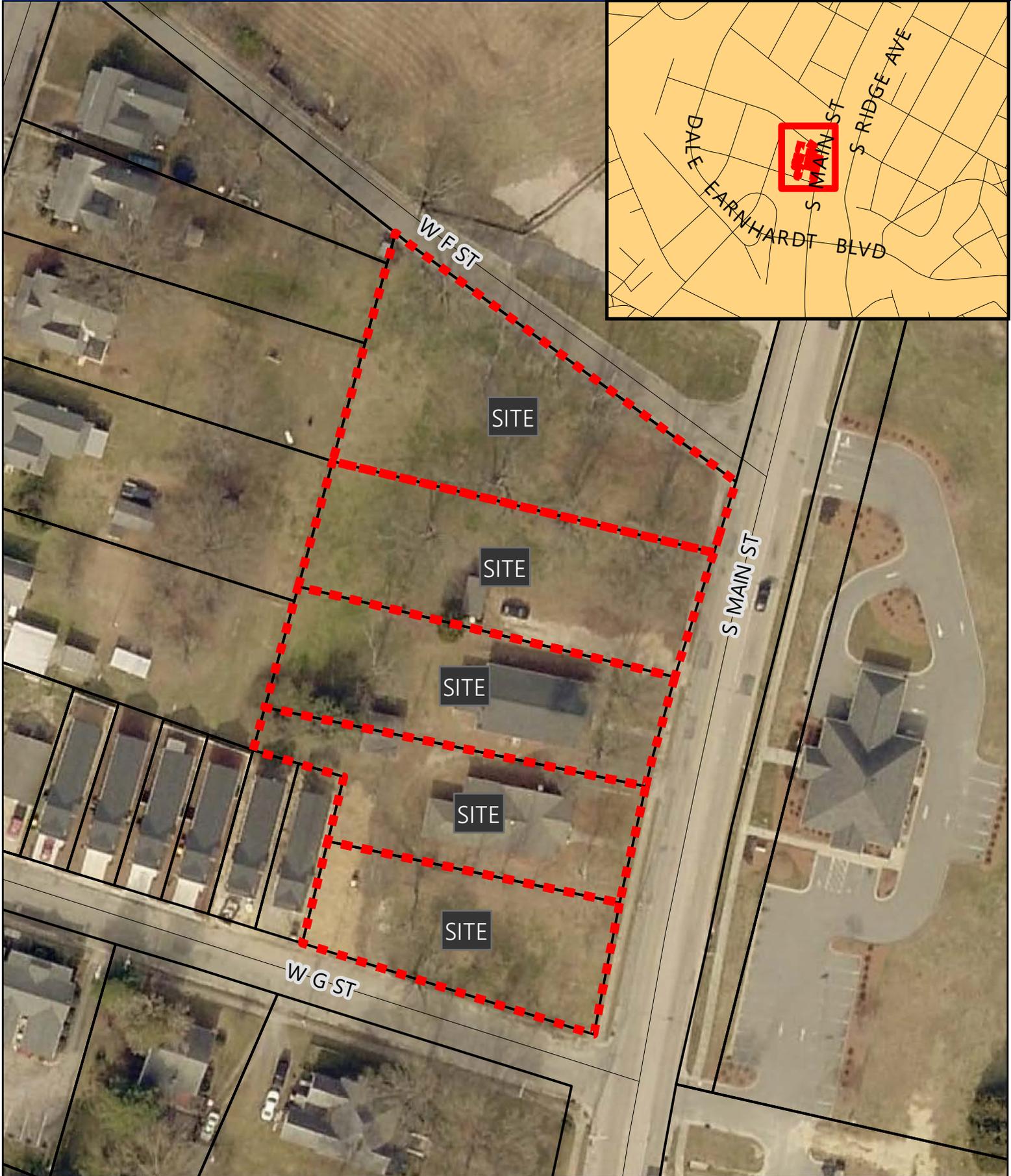
- Fee: Please refer to fee schedule to determine applicable fees.  
Fees are nonrefundable and help to cover administrative and notification costs.
- Site plan in conformance with criteria listed in Appendix B.4.
- Tax cards for all adjacent property owners



# Vicinity Map

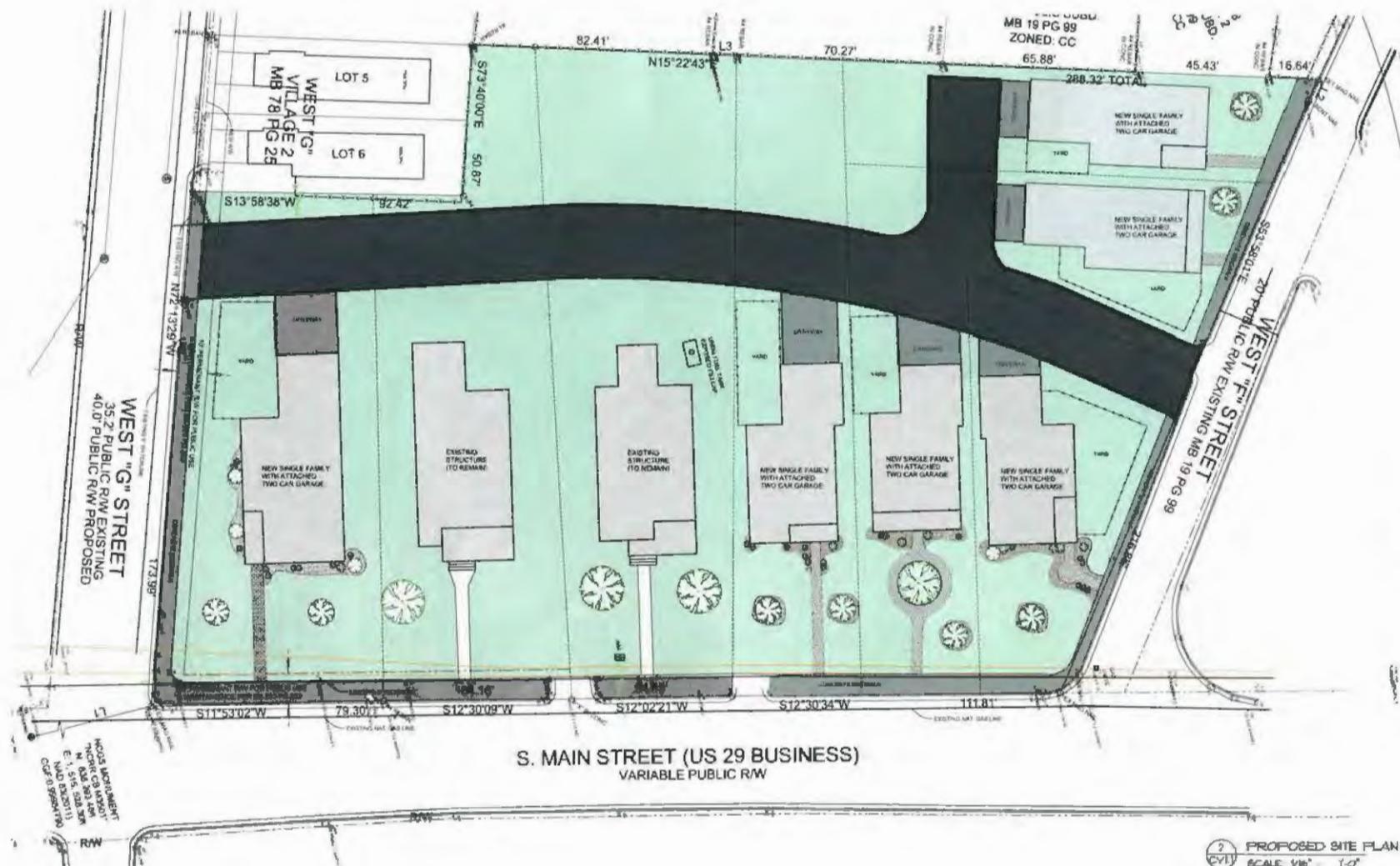
Case Number: BOA-2020-05

Applicant: Long Ridge Development & Properties, LLC  
420, 422, 428 S. Main St.









WEST "G" STREET  
35.2' PUBLIC R/W EXISTING  
40.0' PUBLIC R/W PROPOSED

NOVA ARCHITECTURE  
10000 W. MAIN STREET  
KANNAPOLIS, NC 28084  
E. 1.516.282.1111  
MVA 05/20/11  
COP 03/29/2010

S. MAIN STREET (US 29 BUSINESS)  
VARIABLE PUBLIC R/W

MB 19 PG 99  
ZONED: CC  
65.88'

PROPOSED SITE PLAN  
SCALE 1/8" = 1'-0"

Main Street  
KANNAPOLIS, NC

LONG  
RIDGE  
DEVELOPMENT PROPERTIES

PLANNING  
PURPOSES ONLY  
NOT FOR  
CONSTRUCTION

- Date: 2/18/2010
- Revision:
- Drawn By: JRM
- Sheet: CV1.1

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
ATLANTIC AMERICAN PROPERTIES INC	226 OAK AVE	KANNAPOLIS	NC	28081
ALLAN & PENNIE BASHUS	104 W G ST # 5	KANNAPOLIS	NC	28081
BILLY & METTA BURRIS	425 WEST AVENUE	KANNAPOLIS	NC	28081
OPAL BURRIS	427 WEST AVE	KANNAPOLIS	NC	28081
CORNERSTONE CABARRUS LLC	PO BOX 210	KANNAPOLIS	NC	28082
DAVID MILLER REALTY & INVESTMENT INC.	1640 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
SHARI EUBANKS	118 W G ST	KANNAPOLIS	NC	28081
FIRST BANK A NC CORPORATION	211 BURNETTE ST	TROY	NC	27371
EDDIE C GURLEY	103 WEST G ST	KANNAPOLIS	NC	28081
BARBARA C HANCOCK	429 WEST AVE	KANNAPOLIS	NC	28081
LEGRANDLE JOHNSON	108 W G ST	KANNAPOLIS	NC	28081
KIMBERLEE KANE	114 W G ST	KANNAPOLIS	NC	28081
MURDOCK HOLDINGS LLC	210 OAK AVE	KANNAPOLIS	NC	28081
ERIKA E NASSAR	509 MARTIN CIR	KANNAPOLIS	NC	28081
REINALDO & MARA OYANEDER	122 W G ST	KANNAPOLIS	NC	28081
MARGIE H ROBERTS TRUSTEE	4100 W 85TH ST APT 2201	PRAIRIE VLG	KS	66206
WALTER STOFFORD	125 COTTONTAIL LN SE	CONCORD	NC	28025
TANYA STURDIVANT	100 W G ST # 6	KANNAPOLIS	NC	28081
RODNEY TAYLOR	431 WEST AVE	KANNAPOLIS	NC	28081
LONG RIDGE DEVELOP & PROPERTIES, LLC	202 OAK AVE	KANNAPOLIS	NC	28081



February 26, 2020

Dear Property Owner,

**Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday, March 17, 2020 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:**

**BOA-2020-05 – Conditional Use Permit (CUP) – 420, 422, 424, 426 & 428 S. Main St.**

This public hearing is to consider a request for a Conditional Use Permit (CUP) to allow construction of a six (6) single-family homes. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow for single-family detached in the CC (Center City) zoning district. The subject property is located at 420, 422 and 428 S. Main Street and is approximately 1.5 +/- acres, further identified as Cabarrus County Parcel Identification Number(s) 5613-57-4737, 5613-57-4720, and 5613-57-4521. **(Please see reverse side of this letter for vicinity map showing the location of this property).**

**As an adjacent property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis UDO; and are invited to attend the public hearing and present testimony, should you desire, to the Board of Adjustment.**

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

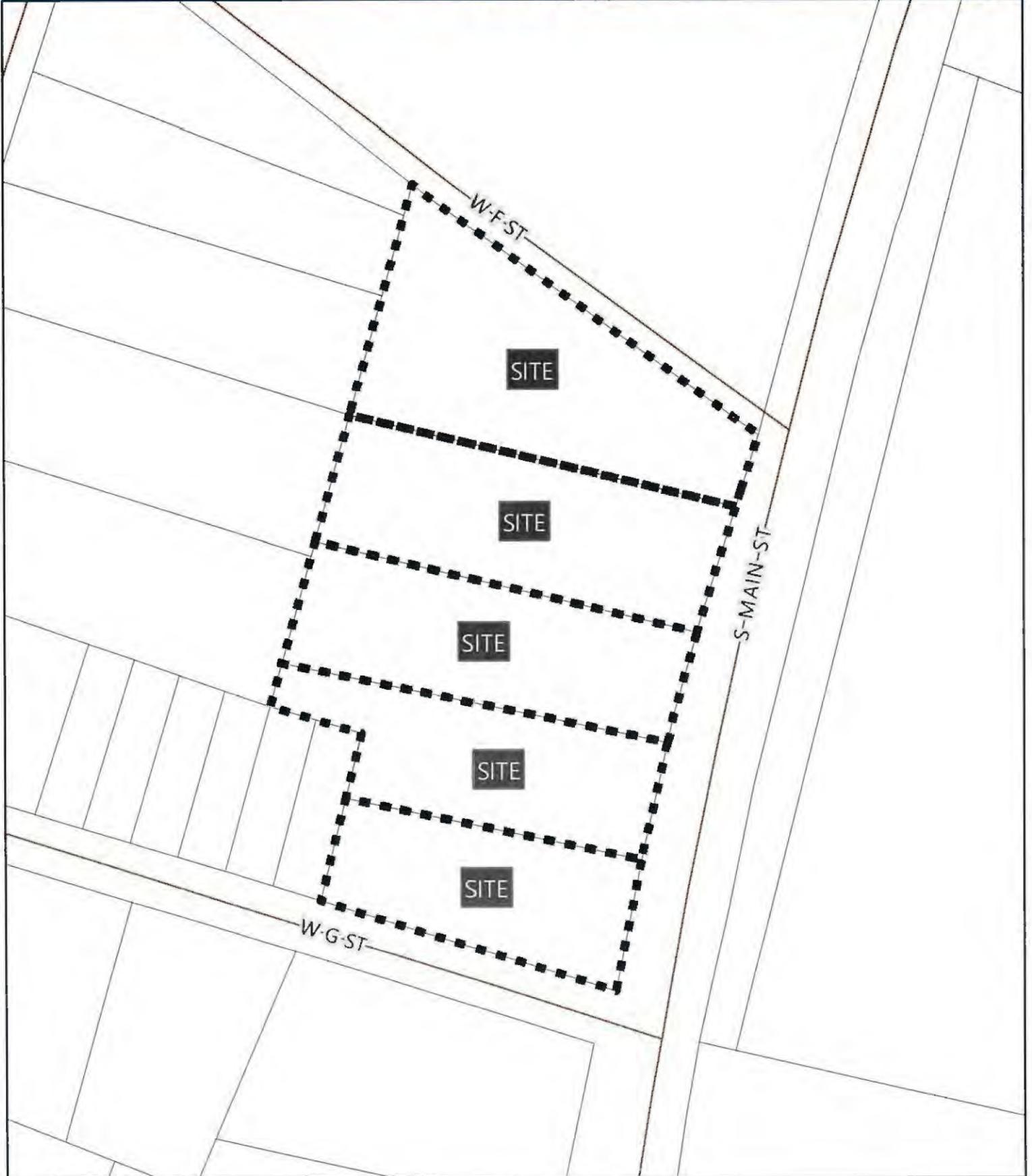
The meeting is accessible to people with disabilities. To request special accommodation in advance, contact the City's ADA Coordinator at 704-920.4302.



# Conditional Use Permit

Case Number: BOA-2020-05

Applicant: Long Ridge Development & Properties, LLC  
420, 422, 428 S. Main St.





**BOARD OF**

**ADJUSTMENT**

**PUBLIC HEARING  
INFORMATION**

**CALL 704-920-4350**

**CASE # BOA - 2020 - 05**



SPEED  
LIMIT  
30

KANNAPLES  
BOARD OF  
ADJUSTMENT  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE #104-2020-05

FIRST BANK



**Board of Adjustment  
March 17, 2020**

**Staff Report**

**TO:** Board of Adjustment

**FROM:** Ryan Lipp, AICP – Senior Planner

**SUBJECT:** Case# BOA-2020-08: Variance – Unaddressed parcel on Buick Avenue, Cabarrus County Pin # 56136578200000

**Request for variance from the provisions of Article 4, Table 4.7-1 of the Unified Development Ordinance (UDO) for a reduction of the front setback to allow construction of a single-family detached residential structure in the Residential Village (RV) 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 proposed by Planning Staff
3. Motion to approve (approve with conditions) (deny) the issuance of the variance
4. Motion to issue Order for Approval

**B. Required Votes to Pass Requested Action**

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

**C. Background**

The applicant, Marie Dellinger, is requesting a variance from Article 4, Table 4.7-1 of the Unified Development Ordinance, which requires a minimum front setback of 20 feet for property located within the Residential Village (RV) zoning district, in order to construct a single-family detached residential structure. A large portion of the property is within a stream buffer, limiting the buildable area for a single-family residential structure. The intent of the variance is to allow a larger setback along one of the frontages to enlarge the buildable area, thus allowing a single-family home to be constructed.

**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.**

Article 4.15 of the Unified Development Ordinance establishes minimum buffers for rivers and streams within the City of Kannapolis. The stream located on the subject property requires a 60' buffer on either side of the bank where no land disturbance is allowed. Without the variance the buildable area on the lot is insufficient to allow for the construction of a single-family detached structure.

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

The property is a corner lot, which requires a 20-foot setback from the public right of way on two sides of the property. The location of the stream runs parallel to the interior lot line. The buffer required for this stream combined with the required setbacks leaves only a small portion of the lot at the corner intersection of Pineview St. and Buick Ave available to build a home. Without the variance the applicant would be unable to build a home at this location.

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

No actions were taken by the applicant or the property owner that affected the topography of the land, nor were any actions taken to create the hardship resulting from the application of the 20-foot front setbacks.

           **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 and will preserve its spirit.**

The intent of section 4.15 is the preservation of natural vegetation along streams and rivers within the City of Kannapolis. The general purpose of Article 4 is to implement the comprehensive plan and to provide for the orderly growth and development of the City, while also promoting the general welfare of all stakeholders. The approval of this variance would allow for the use of this property as intended by the comprehensive plan, while still maintaining the buffer required by section 4.15.

**Board'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 four 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 four 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.**

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

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

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**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.**

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#### **F. Legal Issues**

None

#### **G. Recommendation**

Based on the above findings, staff recommends **approval** of the variance. 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. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use and Character Map
5. 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 Manager	X
City Attorney	X

\$325<sup>00</sup>



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

Applicant: Marie Dellinger Owner: Marie Dellinger, Manager  
Sol Marie Properties, LLC

Address: 1005 Dakota Street  
Kannapolis, NC 28083 Address: 1005 Dakota Street  
Kannapolis, NC 28083

Telephone: 321-276-9979 Telephone: 321-276-9979

Email: Marie.Mess48@gmail.com Email: Marie.Mess48@gmail.com

Legal relationship of applicant to property owner: self

Property Location/Address: Buick Avenue

Tax Parcel Number: 5613 65 7820 000 Zoning District: RV Acreage of Site: \_\_\_\_\_

Marie Dellinger Applicant Name (Print) Marie Dellinger Property Owner Name (Print)

Marie Dellinger 2/17/2020 Applicant Signature & Date Marie Dellinger 2/17/2020 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, and five (5) copies of any required site plans for staff review must be submitted by the deadline. However, to remain on the next meeting agenda, fifteen (15) copies of such plans, determined by staff to conform to all ordinance standards, must be submitted at least ten (10) days before the meeting date. All fees are nonrefundable and help to cover administrative and notification costs.*

For Staff Use Only:

Filing Fee: \$325.- Receipt # M-11325  
Application No.: BOA-2020-05 Date Submitted (Complete): 2/18/2020



**CITY OF KANNAPOLIS PLANNING DEPARTMENT**

**APPLICATION FOR A VARIANCE**

I, Marie Dellinger, hereby petition the Board of Adjustment for a Variance from the literal provisions of the Unified Development Ordinance because, under the interpretation given to me by the Planning Administrator, I am prohibited from using the parcel of land described in the attached form (General Application Form) in a manner shown by the plot plan attached to that form. I request a Variance from the following provisions of the ordinance (cite paragraph numbers): Article 7.1

so that the above-mentioned property can be used in a manner indicated by the plot plan attached to the General Application Form or, if the plot plan does not adequately reveal the nature of the Variance, as more fully described herein:

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**Factors Relevant to the Issuance of a Variance**

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a Variance. Under the State Enabling Act, the Board is required to reach four conclusions before it may issue a Variance: (1.) that unnecessary hardship would result from the strict application of the ordinance; (2.) that the hardship results from conditions that are peculiar to the property, such as location, size, or topography; (3.) that the hardship did not result from actions taken by the applicant or the property owner; and (4.) 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. In the spaces provided below, indicate the *facts* that you intend to show and the *arguments* that you intend to make to convince the Board that it can properly reach these four required conclusions.

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

It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property. [It is *not* sufficient that failure to grant the Variance simply makes the property less valuable.] (State facts and arguments in support of this conclusion.)

Due to the creek buffer zone, additional 10 foot no-build area and easements, building a residential property is impossible.

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2. **The hardship results from conditions that are peculiar to the property, such as location, size, or topography.** Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance. (State facts and arguments to show that the Variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the Variance is granted, will not substantially detract from the character of the neighborhood.)

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3. **The hardship did not result from actions taken by the applicant or the property owner.** The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. (State facts and arguments in support of this conclusion.)

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4. **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.** (State facts and arguments to show that, on balance, if the Variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

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

Marie Dellinger  
Applicant Name (Print)

2/17/2020  
Date

Marie Dellinger  
Applicant Signature

2/17/2020  
Date

**Note:** The Board may impose reasonable conditions upon the granting of any Variance to ensure that the public health, safety, and general welfare shall be protected and substantial justice has been done.

Calls or conversations with Board of Adjustment members prior to the meeting may disqualify members from participation at the Board meeting. For the testimony of supporters not to be considered hearsay, they must be present at the meeting. Petitions and written consent may be accepted by the Board, but cannot be used as a basis for decision.

**Fee:** Please refer to fee schedule to determine applicable fees. All fees are nonrefundable and help to cover administrative and notification costs.



# Vicinity Map

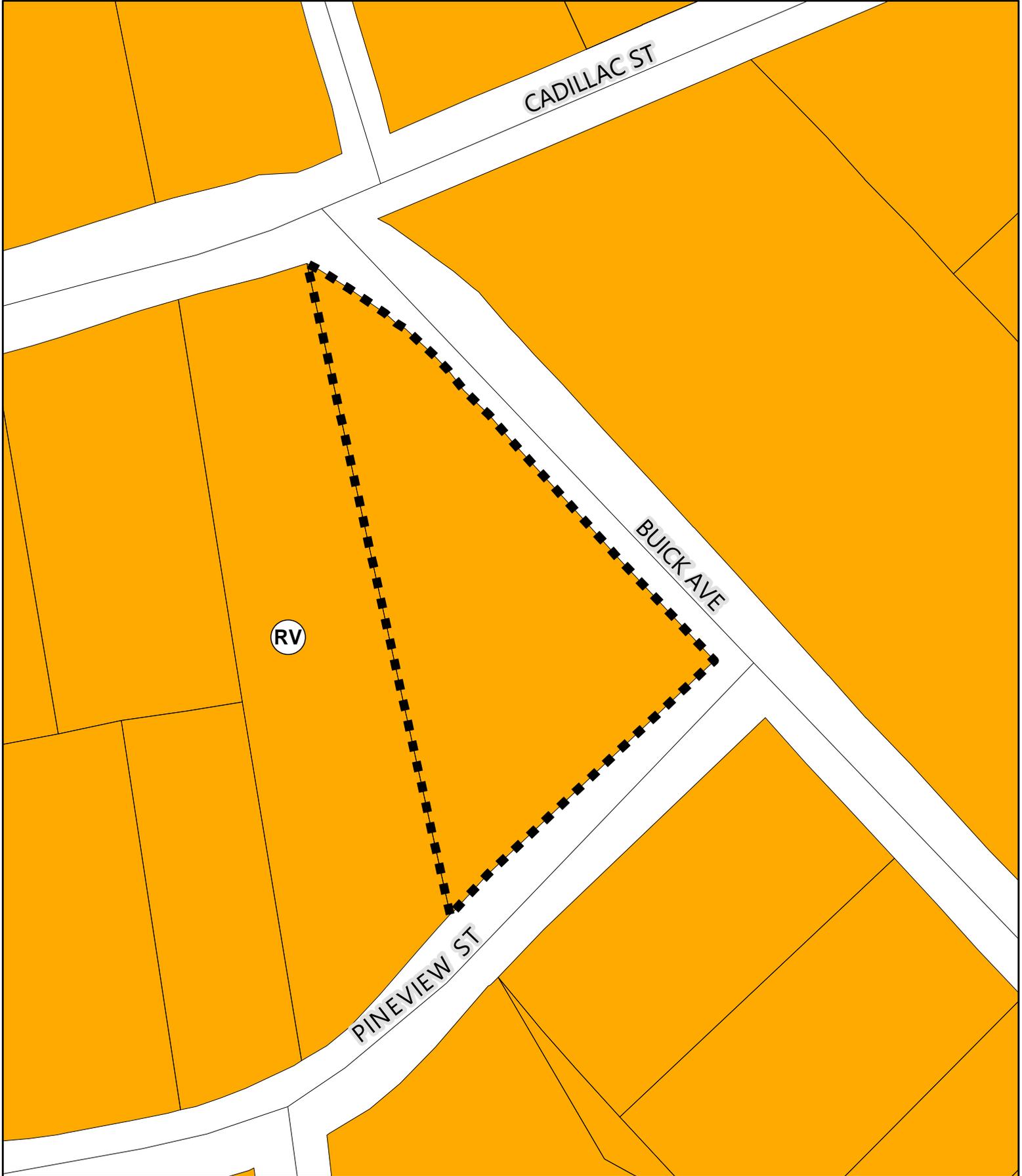
Case Number: BOA-2020-08  
Applicant: Marie Dellinger  
Corner of Buick Ave. & Pineview St.





# Kannapolis Current Zoning

Case Number: BOA-2020-08  
Applicant: Marie Dellinger  
Corner of Buick Ave. & Pineview St.



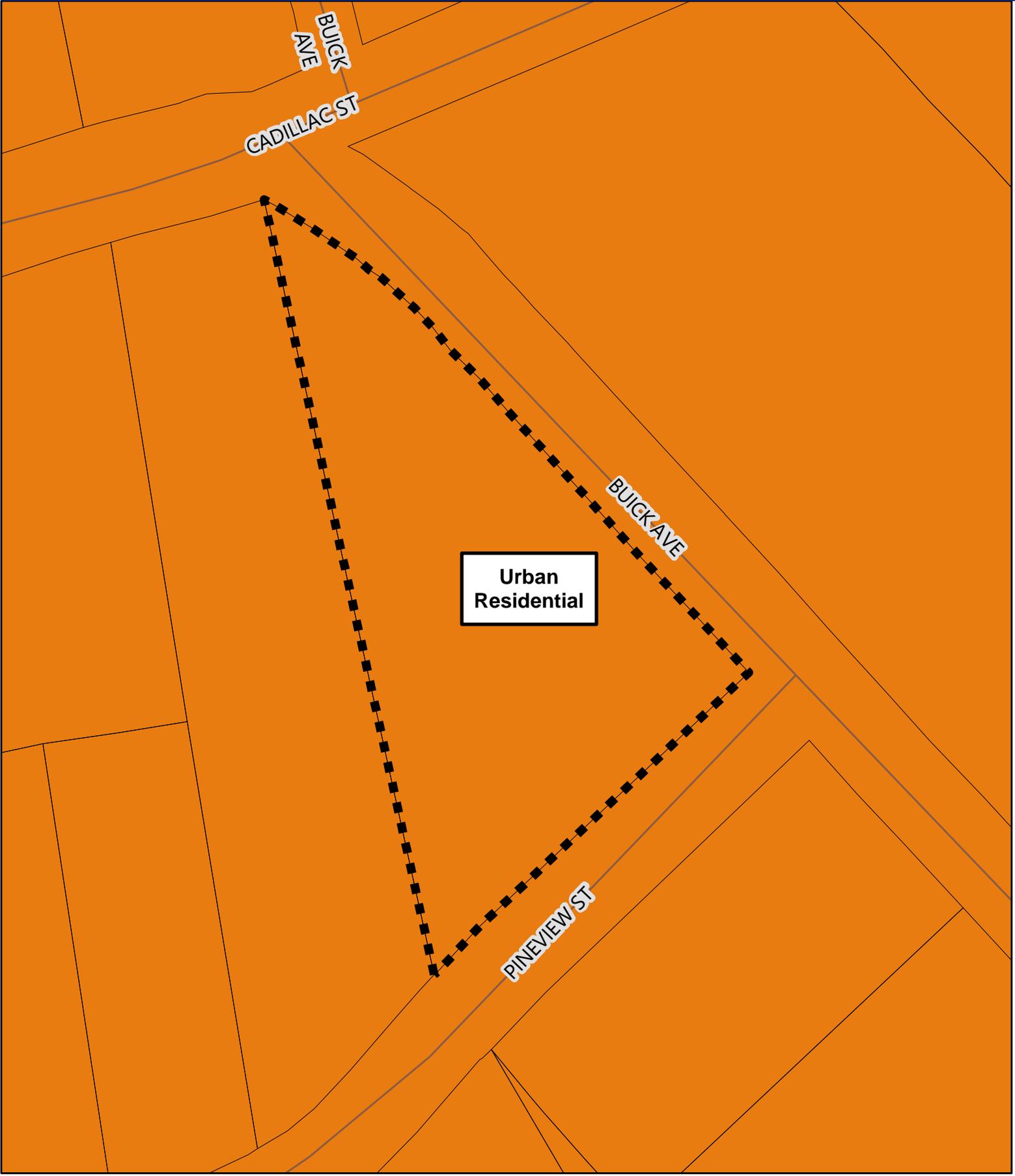


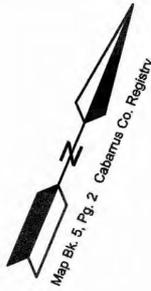
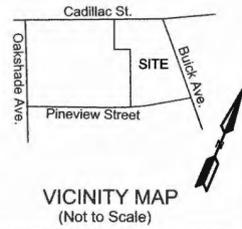
# Kannapolis 2030 Future Land Use Map

Case Number: BOA-2020-08

Applicant: Marie Dellinger

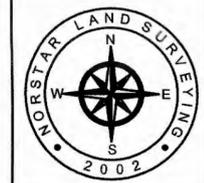
Corner of Buick Ave. & Pineview St.





Total Area  
46872.89 sf  
1.076 AC

Line	Bearing	Distance
L1	N 21°21'01" W	8.98'



**NORSTAR LAND SURVEYING, INC.**  
552-B Newell Street NW  
Concord, NC 28025  
Ph 704 721 6651  
Fax 704 721 6653  
Firm Lic. # C-2294

Prepared for: Sol Marie Properties, LLC  
**1.076 AC - Cadillac Street**  
Cabarrus County, NC  
**BOUNDARY SURVEY**

DATE  
September 11, 2019

SCALE  
1" = 30'

NLS NO.  
19133

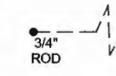
DRAWN BY  
S. Kimrey

CHECKED BY  
S. Dyer

NO.	BY	REVISION	DATE

SHEET  
1 OF 1

- LEGEND**
- R/W - RIGHT OF WAY
  - EoP - EDGE OF PAVEMENT
  - OHE - OVERHEAD ELECTRIC
  - σ - POWER POLE
  - - WATER METER
  - ⊙ - SANITARY SEWER MANHOLE

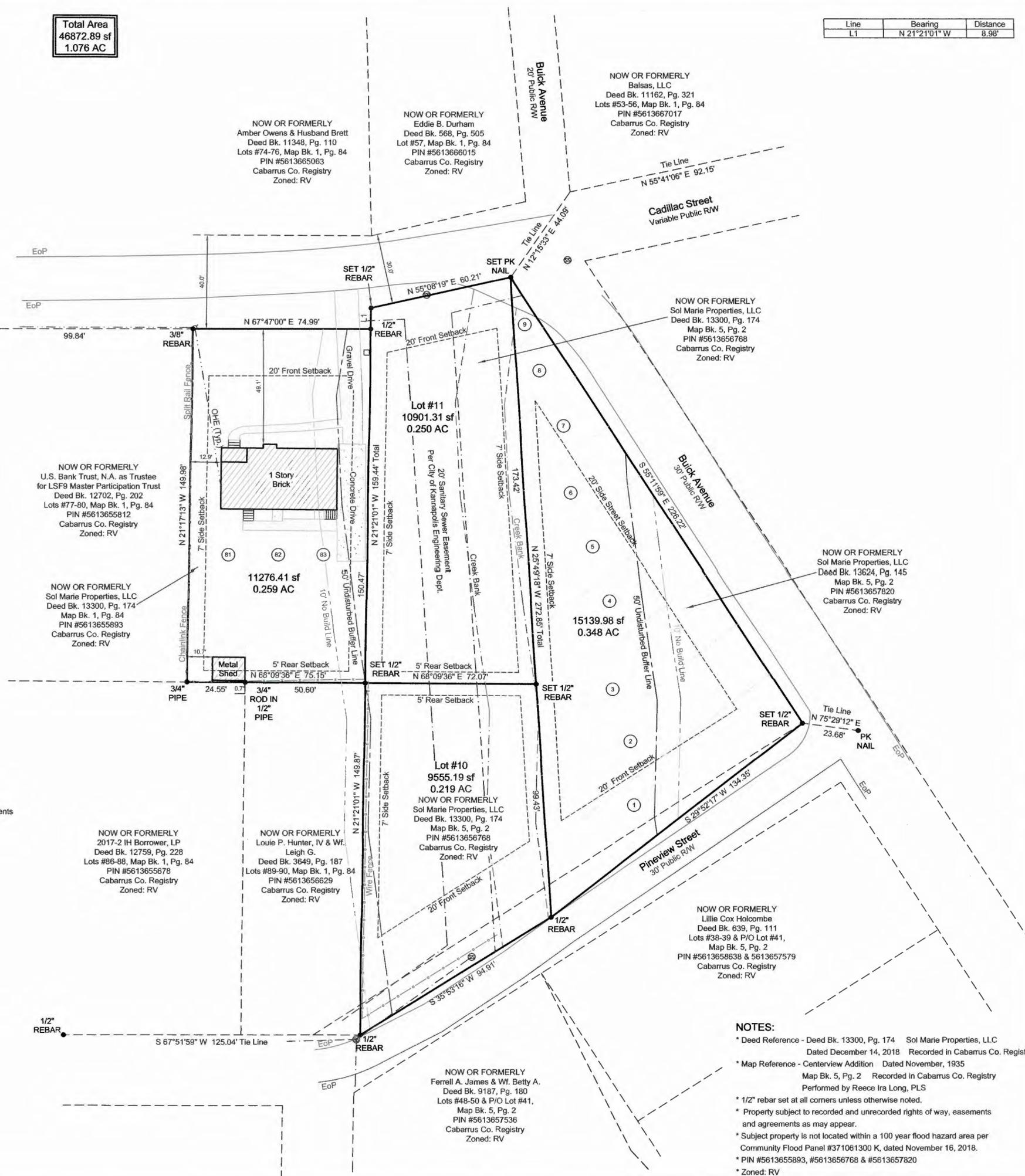
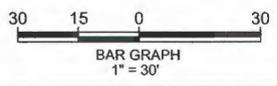


I, R. Scott Dyer, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 13300, page 174, etc.); that the boundaries not surveyed are clearly indicated as drawn from information found in Book n/a, page n/a; that the ratio of precision as calculated exceeds 1:10,000; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56. 1600). Witness my original signature, registration number and seal this 2nd day of October, A.D., 2019.

*R. Scott Dyer*  
R. Scott Dyer, PLS #4444



RV SETBACKS	
FRONT	20'
SIDEYARD	7'
REARYARD	5'



- NOTES:**
- \* Deed Reference - Deed Bk. 13300, Pg. 174 Sol Marie Properties, LLC Dated December 14, 2018 Recorded in Cabarrus Co. Registry
  - \* Map Reference - Centerview Addition Dated November, 1935 Map Bk. 5, Pg. 2 Recorded in Cabarrus Co. Registry Performed by Reece Ira Long, PLS
  - \* 1/2" rebar set at all corners unless otherwise noted.
  - \* Property subject to recorded and unrecorded rights of way, easements and agreements as may appear.
  - \* Subject property is not located within a 100 year flood hazard area per Community Flood Panel #371061300 K, dated November 16, 2018.
  - \* PIN #5613655893, #5613656768 & #5613657820
  - \* Zoned: RV

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
2017-2 IH BORROWER LP C/O INVITATION HOMES ROSALINA ARELLANO & VERONICA CARDENAS-FERREL	1717 MAIN ST STE 2000	DALLAS	TX	75201
BALSAS LLC SCOTT & TINABYRNE CALVARY BAPTIST CHURCH KAN INC	303 CADILLAC STREET 8906 ST CROIX LN 1112 S WINDSOR DR	KANNAPOLIS CHARLOTTE KANNAPOLIS	NC NC NC	28083 28277 28081
CELIA ADAME DE AGUILERA JAMES C DEMING EDDIE & CONNIE DURHAM MAZALEE C GALLOWAY ESTATE	703 BUICK AVENUE 704 PACKARD AVE 702 PACKARD AVE 1311 LOWRANCE AVE	KANNAPOLIS KANNAPOLIS KANNAPOLIS KANNAPOLIS	NC NC NC NC	28083 28083 28083 28081
C/O GAYNELL FUNDERBURK LILLIE C HOLCOMBE LOUIE P IV & LEIGH HUNTER FERRELL & BETTY JAMES ESTATE	704 ROGERS LAKE ROAD 804 BUICK AVE 134 SPRINGWAY DR	KANNAPOLIS KANNAPOLIS KANNAPOLIS	NC NC NC	28081 28083 28081
C/O REBEKAH JAMES DOROTHY C KINCAID LF EST C/O JEFFREY H KINCAID BRITTANY MESSMER DAVID & RHONDA MOORE BRETT & AMBER OWENS DAVID REDMAN JEFFREY & MARI REID SOL MARIE PROPERTIES LLC U S BANK TRUST TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST	1902 TROUTMAN HILL RD 1480 SAW RD 803 DESOTO AVE 10533 PULLENGREEN DR 307 CADILLAC ST 1025 LAKE JASON DR 708 PACKARD AVE 1005 DAKOTA ST	KANNAPOLIS CHINA GROVE KANNAPOLIS CHARLOTTE KANNAPOLIS WHITE LAKE KANNAPOLIS KANNAPOLIS	NC NC NC NC NC MI NC NC	28083 28023 28083 28277 28083 48386 28083 28083
C/O CALIBER HOME LOANS JAMES & SUSAN VARNER JODY WRIGHT MARIE DELLINGER	3630 PEACHTREE RD NE 710 CAMPBELL RD 710 BUICK AVE 1005 DAKOTA ST	ATLANTA KANNAPOLIS KANNAPOLIS KANNAPOLIS	GA NC NC NC	30326 28081 28083 28083



KANNAPOLIS  
Planning

February 26, 2020

Dear Property Owner,

**Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing at 6:00 PM on Tuesday March 17, 2020 at City Hall, located at 401 Laureate Way, for the following case:**

**BOA-2020-08 - Variance – Unaddressed parcel on Buick Ave.**

This public hearing is to consider a request for a variance from Article 4, Table 4.7-1. of the Unified Development Ordinance, which requires minimum dimensional requirements for property located in the Residential Village (RV) zoning district. The applicant is requesting a variance from the front yard setback to allow development of a single-family structure. The subject property is approximately .40 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Numbers 5613-65-7820. **(Please see reverse side of this letter for vicinity map showing the location of this property.)**

**As an adjacent property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis UDO; and are invited to attend the public hearing and present testimony, should you desire, to the Board of Adjustment.**

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

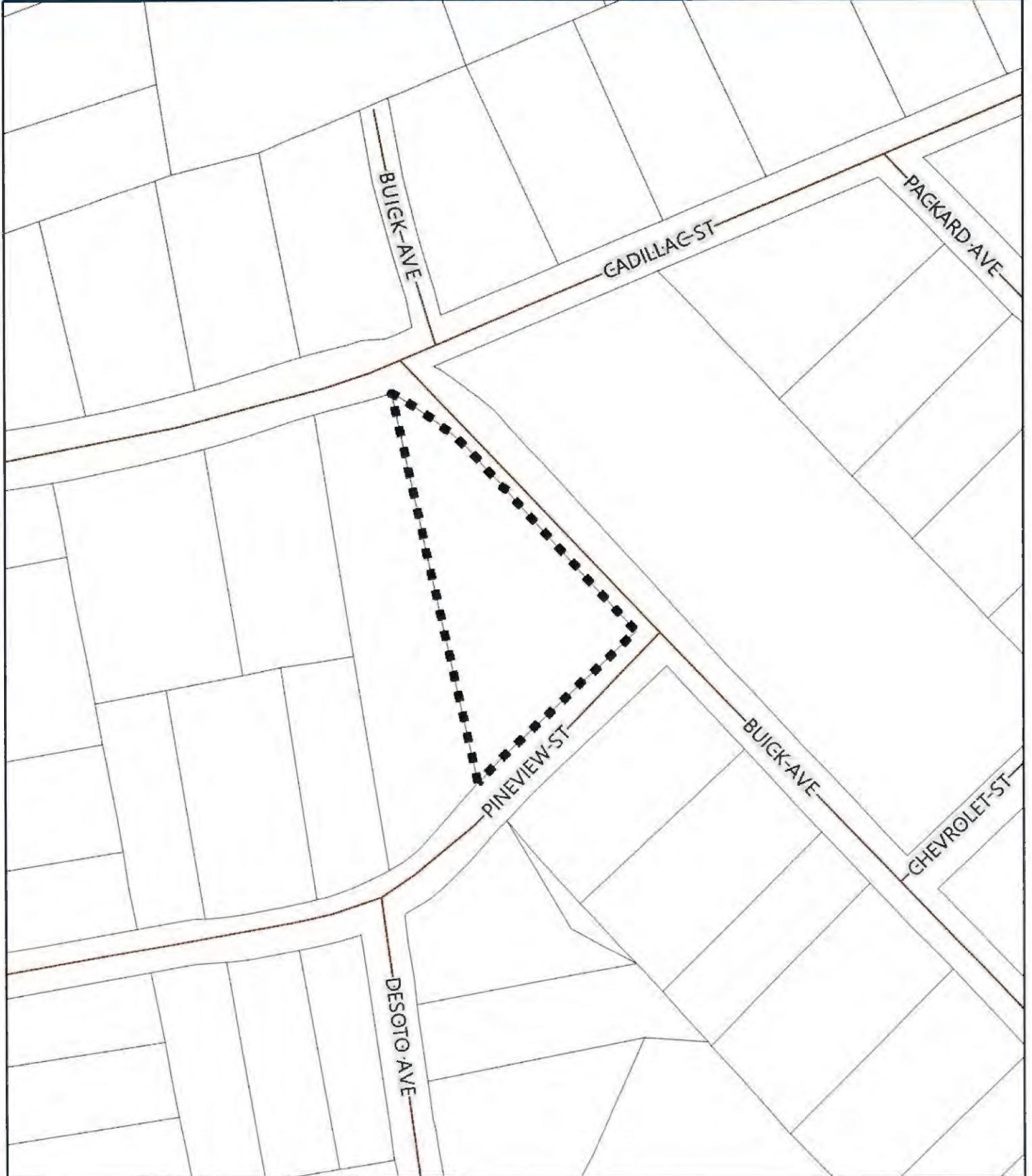
Enclosure

The meeting is accessible to people with disabilities. To request special accommodation in advance, contact the City's ADA Coordinator at 704.920.4302



# Variance

Case Number: BOA-2020-08  
Applicant: Marie Dellinger  
Corner of Buick Ave. & Pineview St.



  
**KANNAPOLIS**  
**BOARD OF**  
  
**ADJUSTMENT**  
PUBLIC HEARING  
INFORMATION  
CALL **704-920-4350**  
CASE # **BOA - 2020 - 08**

STOP

CHILLAC ST



**Board of Adjustment  
March 17, 2020**

**Staff Report**

**DATE:** March 11, 2020  
**TO:** Board of Adjustment  
**FROM:** Zachary D. Gordon, AICP, Planning Director  
**SUBJECT:** Case # BOA-2020-10 – Northern Tool + Equipment – 3363 Cloverleaf Parkway  
**Request for a Certificate of Nonconformity Adjustment (CONA) to allow for signage in excess of maximum area permitted**

**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, or deny the applicant's request for a Certificate of Nonconformity Adjustment

**B. Required Votes to Pass Requested Action**

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

**C. Background**

The applicant, Sign Art Company, Inc., is requesting a Certificate of Nonconformity Adjustment (CONA) on behalf of Northern Tool + Equipment, to allow for building wall signage in excess of the maximum allowed within a C-2 (General Commercial) zoning district.

The Unified Development Ordinance (UDO) permits a maximum of one (1), 120-sf wall sign; with a second wall sign allowed where more than 50% of the parking for the building is located to the side or rear of the and an entrance to the establishment faces the parking lot.

The applicant is requesting wall signage on the northwest building façade for a total of 258.74 sf and on the southwest facade for a total area of 167.25 sf.

The previous wall signage for the Staples store measured approximately 245 sf on both the northwest southwest building façades.

The proposed signage, while greater than the maximum of 120 sf allowed, is cumulatively less than the previous non-conforming sign area.

In accordance with Section 13.1.3.4.of the UDO:

*A Nonconforming Use may be changed to another Nonconforming Use which more closely approximates permitted Uses in the Zoning District, with respect to scale and intensity of use, upon issuance of a Certificate of Nonconformity Adjustment.*

#### **D. Policy Issues**

**Section 13.1.6.1** of the UDO states: *A Certificate of Nonconformity Adjustment shall be required to enlarge, expand or otherwise alter any Nonconforming Use or Structure as set forth in this Section 13.1. A Certificate of Nonconformity Adjustment shall be issued by the Board of Adjustment subject to the requirements of this section.*

**Section 13.1.6.3** of the UDO states that: *The decision to approve or deny will be made based on the following criteria:*

**Noise - Does the nonconformity create noise above and beyond levels considered normal to the area?**

##### Staff Assessment

There are no anticipated noise impacts associated with the proposed signage.

**Traffic - Does the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land use?**

##### Staff Assessment

The proposed signage is not expected to generate a higher volume of traffic than would be associated with a conforming sign.

**Other measurable, physical effects - Does the nonconformity generate any other negative effects including but not limited to: dust, air pollution, foul smell, etc.?**

##### Staff Assessment

No negative environmental effects are anticipated from the proposed signage.

**Surrounding property values - Does the nonconformity detract from the prevailing property values?**

##### Staff Assessment

The proposed signage is not anticipated to detract from surrounding property values.

**Aesthetics - Does the nonconformity compliment or detract from the overall aesthetic character of the area?**

Staff Assessment

The proposed signage is designed in a manner which will complement the aesthetic character of the area.

**E. Legal Issues**

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

**In order to determine whether to grant a Certificate of Nonconformity Adjustment, the Board must find that each of the five criteria noted above have been met.**

If the Board concurs with the staff assessments for each of the criteria, then no additional findings of fact are necessary and the Board may adopt the staff findings as part of its 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 five criteria below.

Should a certificate of nonconformity adjustment be approved, the Board may impose such reasonable conditions as will ensure that the use of the property to which the certificate applies will be as compatible as practicable with the surrounding properties. Any approval granted will "run with the land" and subject all future property owners to the same restrictions.

Yes      No

           **Noise - Does the nonconformity create noise above and beyond levels considered normal to the area?**

\_\_\_\_\_  
\_\_\_\_\_

           **Traffic - Does the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land use?**

\_\_\_\_\_  
\_\_\_\_\_

           **Other measurable, physical effects - Does the nonconformity generate any other negative effects including but not limited to: dust, air pollution, foul smell, etc.?**

\_\_\_\_\_  
\_\_\_\_\_

           **Surrounding property values - Does the nonconformity detract from the prevailing property values?**

\_\_\_\_\_  
\_\_\_\_\_

**Aesthetics - Does the nonconformity detract from the prevailing property values?**

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#### **F. Recommendation**

Based upon an assessment of the criteria noted above, **staff recommends approval** of the applicant's request for a Certificate of Nonconformity Adjustment to allow for signage greater than allowed by the UDO, as detailed in the application submitted, for the proposed Northern Tool + Equipment store location at 3363 Cloverleaf Parkway, Cabarrus County Parcel Identification Number (PIN) 56-2222-8431.

*However, the Board of Adjustment should consider all facts and testimony after conducting the public hearing and render a decision accordingly to either approve, approve with conditions, or deny the request for a Certificate of Nonconformity Adjustment.*

#### **G. Attachments**

1. Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. List of notified properties
6. Letter to adjacent property owners
7. Posted zoning sign
8. Proposed sign package
9. Previous Staples sign graphic

#### **H. Issue Reviewed By:**

Planning Director	X
City Attorney	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
Conditional Use Permit
Subdivision Exception
Zoning Text Amendment
Appeal
SIA Application
Nonconformity Adjustment
Watershed Boundary Modification
Zoning Map Amendment
Conditional Zoning Map Amendment

Applicant: SignArt Company Inc
Owner: KALNC LC, AMLNC LC, and HTNC LC
Address: 2933 Mondovi Rd
Address: 999 Home Plaza Ste 220
Eau Claire WI 54701
Waterloo IA 50701
Telephone: 715.834.5127
Telephone: 319.277.8027
Email: amceathron@signartusa.com (Angela)
Email: jackj@lockardonline.com

Legal relationship of applicant to property owner: Mandi Timmerman CFO

Property Location/Address: 3363 Cloverleaf Pkwy Concord NC 28027

Tax Parcel Number: 56222284310000 Zoning District: C-2 Acreage of Site:
Angela McEathron
Applicant Name (Print)
Mandi Timmerman
Property Owner Name (Print)
HTNC LC
KALNC LC
AMLNC LC
Angela McEathron 02.12.2020
Mandi Timmerman
Property Owner Signature & Date 2/12/2020

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, and five (5) copies of any required site plans for staff review must be submitted by the deadline. However, to remain on the next meeting agenda, fifteen (15) copies of such plans, determined by staff to conform to all ordinance standards, must be submitted at least ten (10) days before the meeting date. All fees are nonrefundable and help to cover administrative and notification costs.

For Staff Use Only:
Filing Fee:
Receipt #
Application No.:
Date Submitted (Complete):



# KANNAPOLIS

## City of Kannapolis - Request for Certificate of Nonconformity Adjustment

I, SignArt Company Inc, hereby petition the Board of Adjustment for a CERTIFICATE OF NONCONFORMITY ADJUSTMENT as required by Section 13.1.6 of the Unified Development Ordinance to enlarge, expand, or otherwise alter a Nonconforming Use or Structure.

The current use of the property is described as follows:

Retail store

---

---

The location of the nonconforming use or structure is indicated on the accompanying site plan. The degree of nonconformity with respect to the dimensional and design regulations of the Ordinance is more fully described as follows:

Code allows 120sf of signage per elevation

---

The nature of the proposed enlargement, expansion, or alteration is described as follows:

Install 182.25 sf of Northern Tool + Equipment identification signage on the NW elevation

Install 167.25 sf of Northern Tool + Equipment identification signage on the SW elevation

### APPROVAL CRITERIA

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a certificate of nonconformity adjustment. The Unified Development Ordinance requires that the applicant demonstrate positive responses to several questions to obtain a certificate of nonconformity adjustment. In the spaces provided below, indicate the *facts* that you intend to provide to convince the Board that the proposed enlargement, expansion, or alteration can properly address the following questions:

**A. Does the nonconformity create noise above and beyond levels considered normal to the area?**

No

---

**B. Does the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land use?**

No \_\_\_\_\_

**C. Does the nonconformity generate any other negative effects, including, but not limited to, dust, air pollution, foul smell, etc.?**

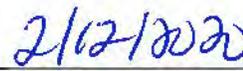
No \_\_\_\_\_

**D. Does the nonconformity detract from the prevailing property values?**

No \_\_\_\_\_

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

  
\_\_\_\_\_  
Signature of Property Owner

  
\_\_\_\_\_  
Date

The Board of Adjustment may add conditions regarding what the nonconformity owner/operator must do to the property for certification. For example, landscaping or fencing may be required or a shift of operations away from adjoining properties may be stipulated.

**Fee:** Please refer to fee schedule to determine applicable fees.  
Fees are nonrefundable and help to cover administrative and notification costs.

---

**STAFF USE ONLY**

Scheduled meeting date: \_\_\_\_\_  
Dates advertised in newspaper: \_\_\_\_\_ and \_\_\_\_\_  
Date written notices mailed: \_\_\_\_\_

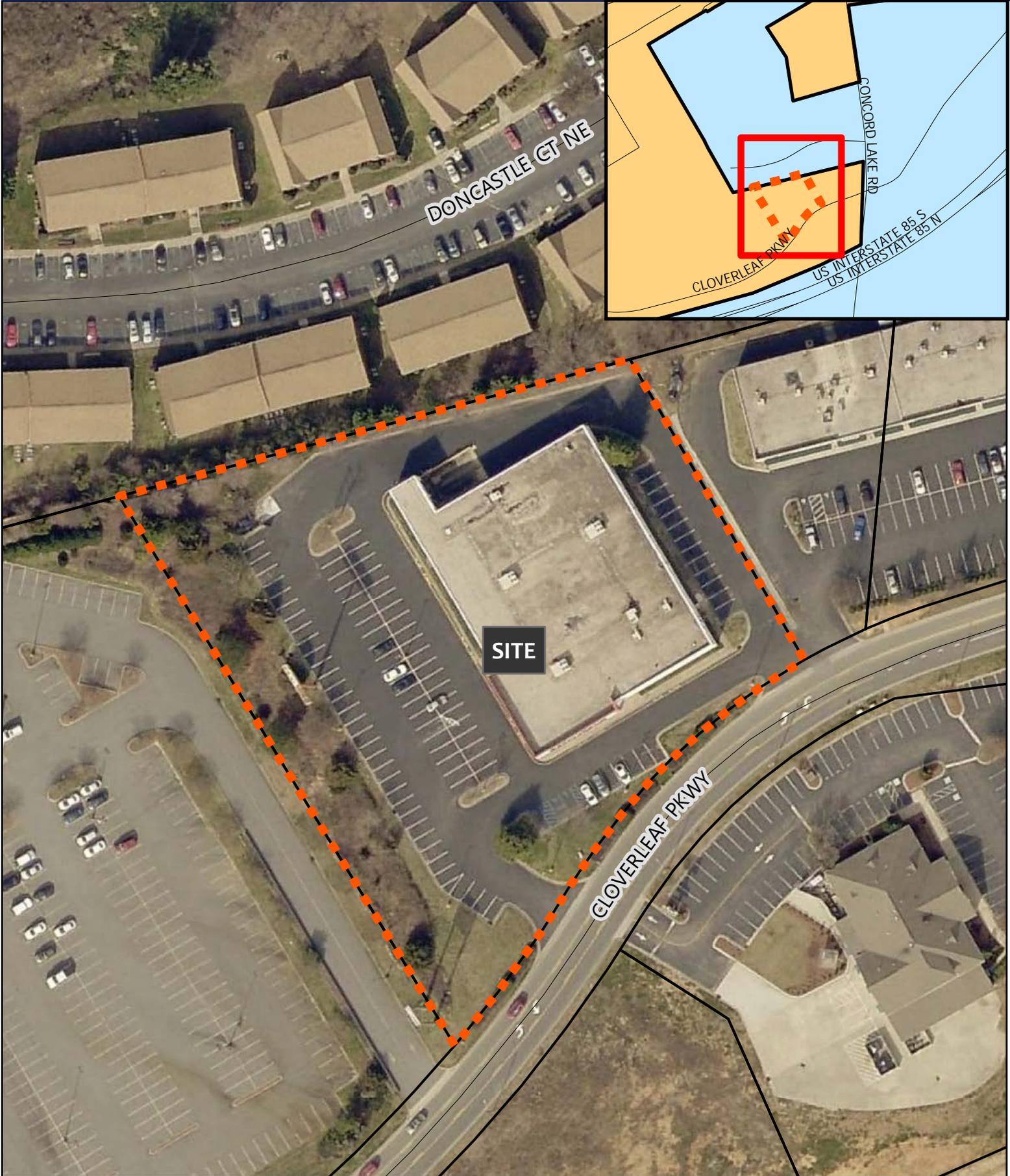
**Board decision:** \_\_\_\_\_  
**Conditions:** \_\_\_\_\_  
\_\_\_\_\_

*Date written notice sent to applicant:* \_\_\_\_\_



# Vicinity Map

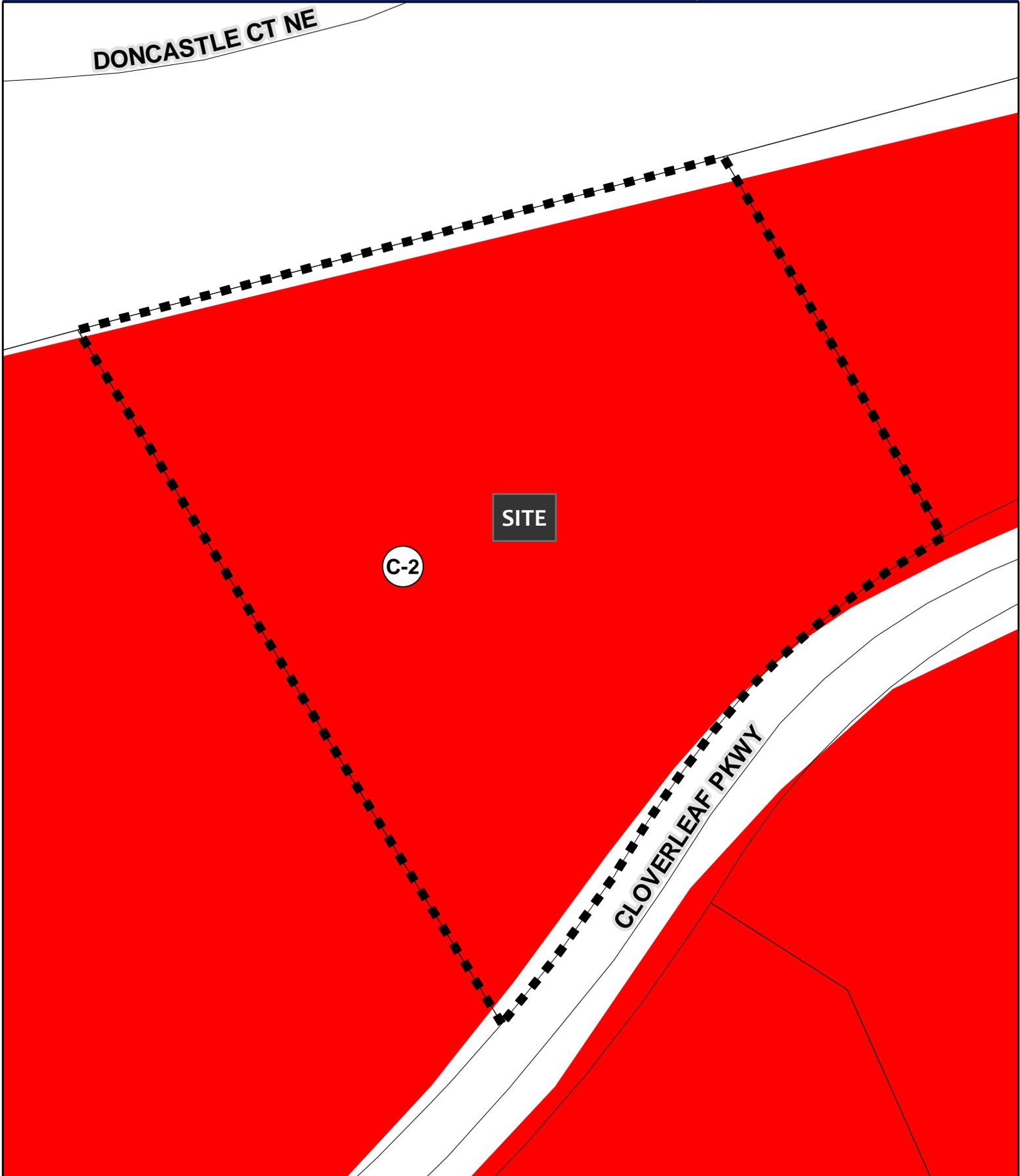
Case Number: BOA-2020-10  
Applicant: Sign Art Company Inc.  
3363 Cloverleaf Pkwy





# Kannapolis Current Zoning

Case Number: BOA-2020-10  
Applicant: Sign Art Company Inc.  
3363 Cloverleaf Pkwy





# Kannapolis 2030 Future Land Use Map

Case Number: BOA-2020-10

Applicant: Sign Art Company Inc.

3363 Cloverleaf Pkwy



DONCASTLE CT-NE

SITE

Primary  
Activity  
Interchange

CLOVERLEAF PKWY

<b>AcctName1</b>	<b>MailAddr1</b>	<b>MailCity</b>	<b>MailState</b>	<b>MailZipCod</b>
CHUNG PROPERTIES LLC	381 SYCAMORE RIDGE RD NE	CONCORD	NC	28025
CLOVERLEAF PARKWAY DEVELOPMENT LLC				
ATTN: KEITH GREENSPON	6804 DUMBARTON DR	CHARLOTTE	NC	28210
KALNC LC, AMLNC LC AND HTNC LC	999 HOME PLZ STE 220	WATERLOO	IA	50701
BUCKINGHAM PLACE REAL ESTATE	366 ELM AVE SW	ROANOKE	VA	24016
DARA PROPERTIES OF KANNAPOLIS	799-B BREVARD ROAD	ASHEVILLE	NC	28806
SIGNART COMPANY INC.	2933 MONDOVI RD	EAU CLAIRE	WI	54701



February 28, 2020

Dear Property Owner,

**Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday, March 17, 2020 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:**

**BOA-2020-10 – Certificate of Nonconformity Adjustment (CONA) – 3363 Cloverleaf Parkway**

Under the terms of the Unified Development Ordinance (UDO), a CONA is required to enlarge, expand, or otherwise alter any nonconforming use or structure. The applicant is requesting permission to install signage which exceeds the maximum allowed square footage for the C-2 (General Commercial) zoning district. The property measures approximately 2.43 +/- acres, is located at 3363 Cloverleaf Parkway and more specifically identified as Cabarrus County Parcel Identification Number 5622-22-8431. **(Please see reverse side of this letter for vicinity map showing the location of this property.)**

**As an adjacent property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis UDO; and are invited to attend the public hearing and present testimony, should you desire, to the Board of Adjustment.**

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,

Zachary D. Gordon, AICP  
Planning Director

The meeting is accessible to people with disabilities. To request special accommodation in advance, contact the City's ADA Coordinator at 704-920.4302.



# Board of Adjustment

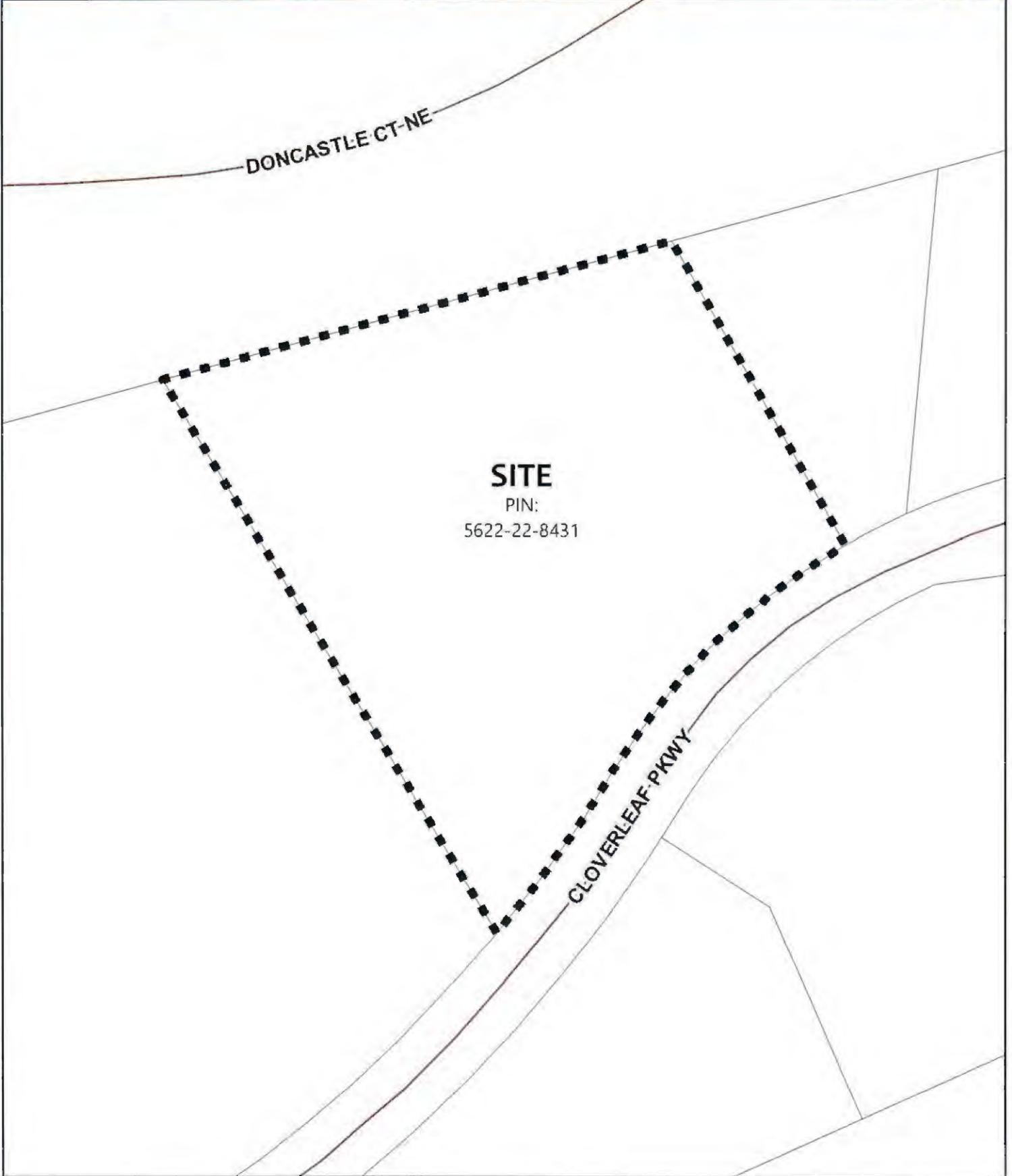
Case Number: BOA-2020-10  
Applicant: Sign Art Company Inc.  
3363 Cloverleaf Pkwy



DONCASTLE CT-NE

**SITE**  
PIN:  
5622-22-8431

CLOVERLEAF PKWY



## Sign Specifications: Front Northwest Elevation

### A Internally Illuminated (LED) Raceway Mounted Channel Letters and Tagline Cabinet

Channel Letters and Tagline are Raceway Mounted

#### Faces:

Translucent white polycarbonate faces with applied vinyl overlay (black, Sunflower Yellow)

#### Retainers, Returns & Trimcaps:

Returns, Retainer & Trim Caps (black)

#### Raceway:

6 1/2" extruded Aluminum Raceway painted to match wall

### B Internally Illuminated (LED) Logo Cabinet Sign with Lit Face

Flush Mounted to wall

Fabricated aluminum frame

#### Faces:

Translucent white polycarbonate or flex faces with applied vinyl overlay (black, Sunflower Yellow)

#### Retainers and Returns:

(black)

### C Internally Illuminated (LED) Parts and Service Cabinet

flush mounted

#### Faces:

translucent white polycarbonate faces with applied vinyl graphic overlay (black, Sunflower Yellow)

#### 4" Returns, 1 1/2" Retainer:

(black)

### D Non-Illuminated Address Numbers

flat cut out stud mount aluminum numbers

## Sign Code:

TBD

### Proposed Signs:

#### Front Northwest Elevation:

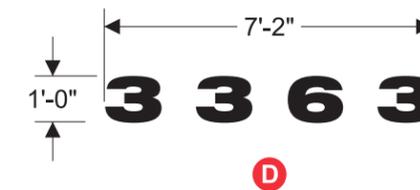
8'-0" DIA. Round NTE Logo: 64 sq. ft.  
5'-0" H. x 20'-7 3/4" W. NTE Channel Letterset: 103.25 sq. ft.  
3'-0" H. x 5'-0" W. NTE Parts and Service Sign: 15 sq. ft.  
2'-0" H. x 9'-9" W. Stihl Channel Letterset: 19.50 sq. ft.  
4'-2 1/4" H. x 9'-5" W. Milwaukee Channel Letterset: 39.49 sq. ft.  
1'-5 1/2" H. x 12'-0" W. Honda Channel Letterset: 17.50 sq. ft.

**Total Sign Area Northwest Elevation: 258.74 sq. ft.**

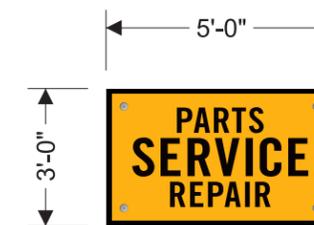
**Total Sign Area Allowed by Code: X sq. ft.**

**Below Code: X sq. ft.**

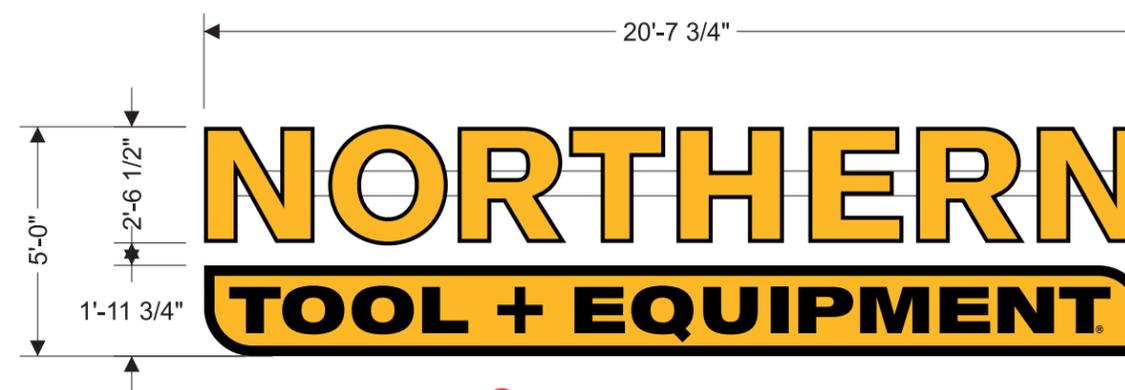
SCALE: 1/4" = 1'-0"



**B** Sign Area: 64 sq. ft.



**C** Sign Area: 15 sq. ft.



**A** Sign Area: 103.25 sq. ft.

## CUSTOMER INFORMATION

Customer: **Northern Tool and Equipment**

Address: **Kannapolis, NC**

Sales: **Matt Snyder**

## DRAWING INFORMATION

File Name: **NTE Kannapolis, NC Northwest Elevation Wall Signs REV A 10-15-19**

Date: **REV A 10-15-19**

Revisions:

Scale: 1/4" = 1'-0" at 11" x 17"

Page: 1 of 5

Designer: **Jeff Weispfenning**

Customer/  
LL Approval:



## SignArt Company

Eau Claire, WI  
715-834-5127  
800-235-5178

St. Paul, MN  
651-688-0563  
800-699-0563

www.signartusa.com



This drawing was created to assist you in visualizing our proposal. It is the property of Sign Art Company and may not be used or reproduced by others.

### Sign Specifications: Front Northwest Elevation

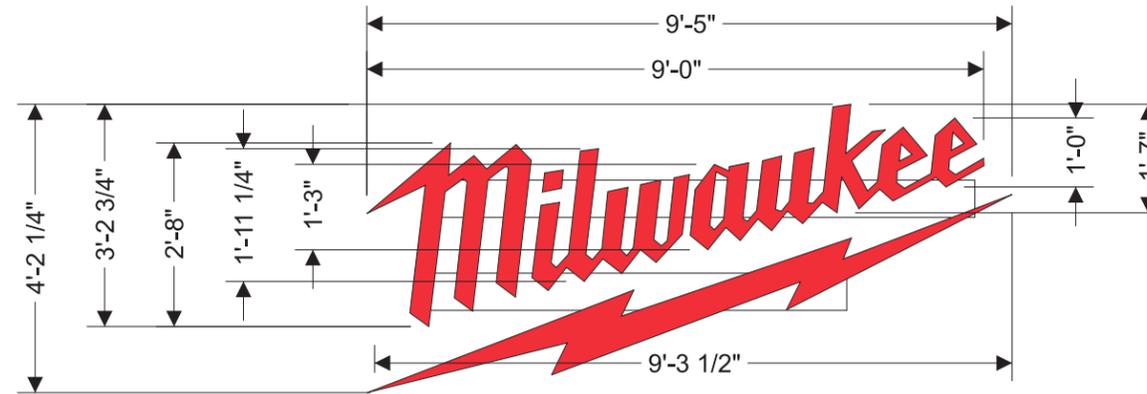
SCALE: 3/8" = 1'-0"

**M** Internally Illuminated (LED)  
**H** Channel Letters  
Raceway Mounted

**Faces:**  
Translucent red polycarbonate faces

**Trimcaps and Returns:**  
(black)

**Raceway:**  
6 1/2" extruded Aluminum Raceway painted to match wall



**M** Sign Area: 39.49 sq. ft.

### CUSTOMER INFORMATION

Customer: Northern Tool and Equipment

Address: Kannapolis, NC

Sales: Matt Snyder

### DRAWING INFORMATION

File Name: NTE Kannapolis, NC Northwest Elevation Wall Signs REV A 10-15-19

Date: REV A 10-15-19

Revisions:

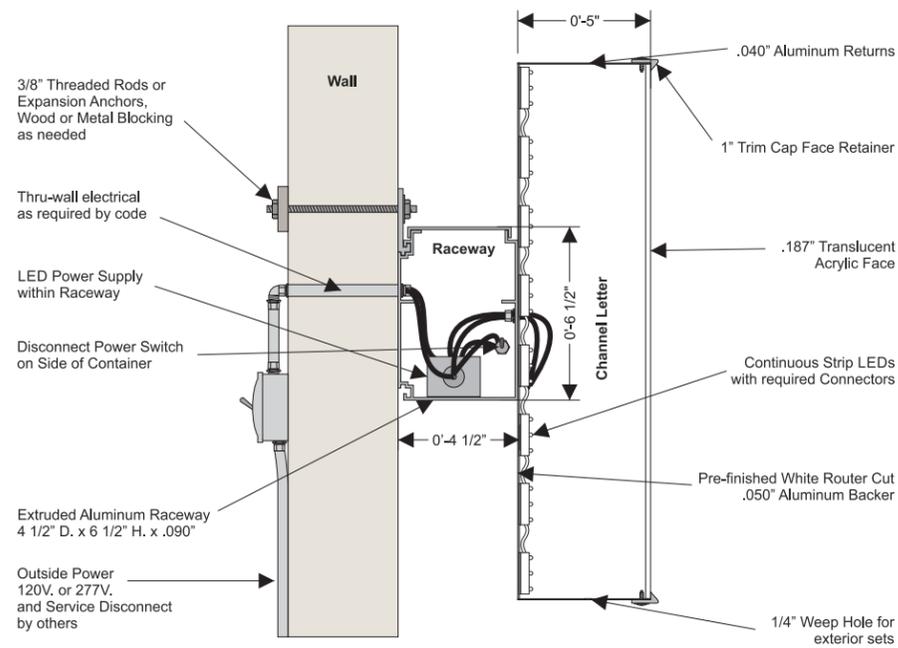
Scale: 3/8" = 1'-0" at 11" x 17"

Page: 2 of 5

Designer: Jeff Weispfenning

Customer/LL Approval:

The actual sign attachment technique depends on the type of building wall, and to be determined at Site Survey.



**H** Sign Area: 17.50 sq. ft.

### SECTION ASSEMBLY DETAIL

Typical Internally Illuminated (LEDs) Channel Letter/Logo (Raceway Mounted)



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### Sign Specifications: Front Northwest Elevation

SCALE: 1/2" = 1'-0"

**S** Internally Illuminated (LED)  
Channel Letters  
Raceway Mounted

**Letter Faces:** Translucent #2119 Orange Acrylic faces  
**Registered Trade Mark Face:** Translucent #7328 White Acrylic Face with applied Orange Vinyl overlay

**5 3/8" Returns & Trimcaps:**  
Orange

**LEDs:**  
white

**Raceway and Bridge:**  
8" extruded bottom mount Aluminum Raceway with Aluminum Bridge between "L" and "Registered Trademark"



Sign Area: 19.5 Sq. Ft.

**Existing Sign Do Not Fabricate**

### CUSTOMER INFORMATION

Customer: Northern Tool and Equipment

Address: Kannapolis, NC

Sales: Matt Snyder

### DRAWING INFORMATION

File Name: NTE Kannapolis, NC Northwest Elevation Wall Signs REV A 10-15-19

Date: REV A 10-15-19

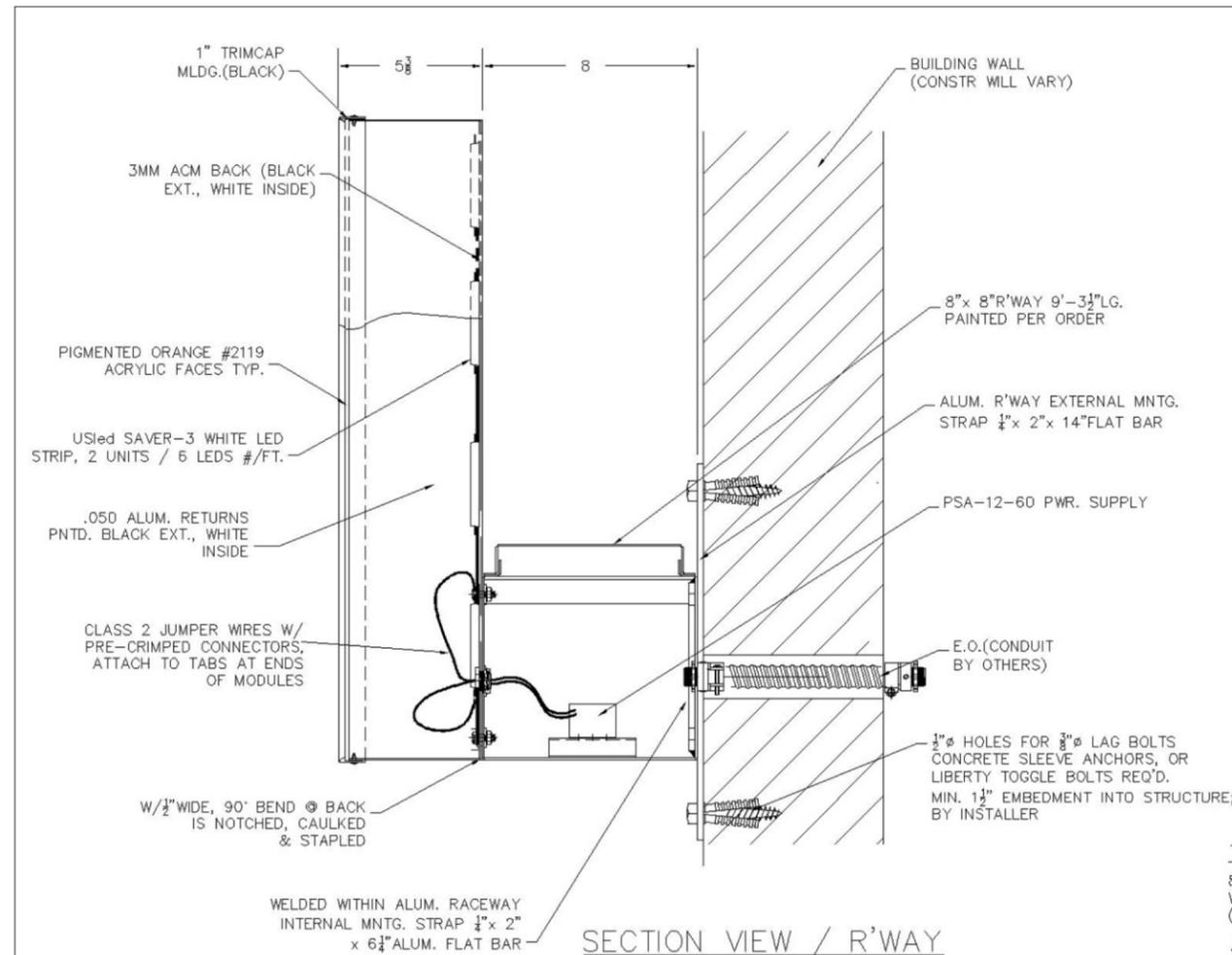
Revisions:

Scale: 1/2" = 1'-0" at 11" x 17"

Page: 3 of 5

Designer: Jeff Weispfenning

Customer/LL Approval:



SECTION VIEW / R'WAY

**TOTAL ELECTRICAL REQ'MTS.**

84 UNITS @ 42'-0" LG., USled 'SAVER-3' WHITE LEDS; 2 UNITS (6 LEDS FT.) (1) PSA-12-60 POWER SUPPLY

AMPS: .63

WATTS: 55.44

U.L. LABEL: STD.



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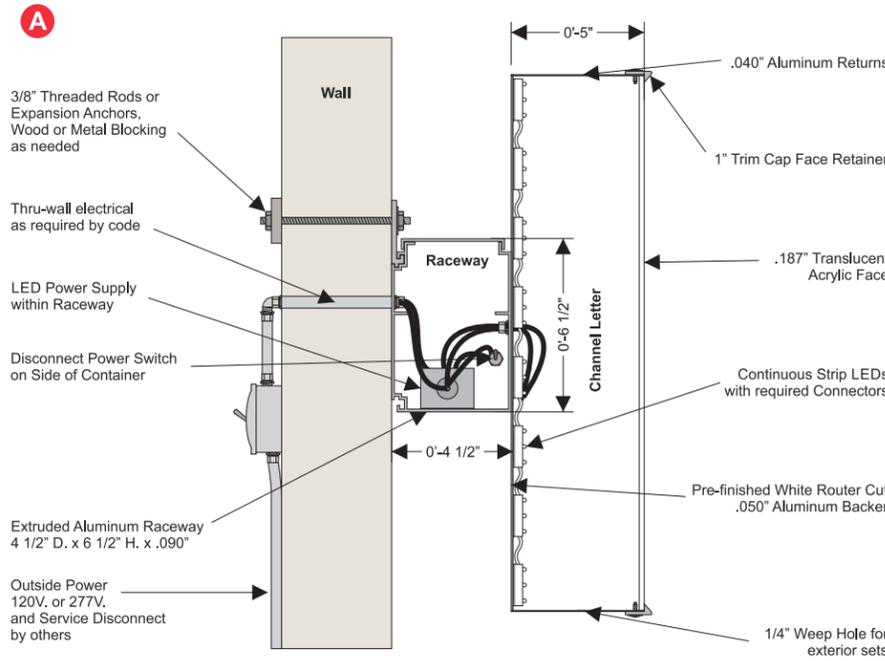
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Section Details:

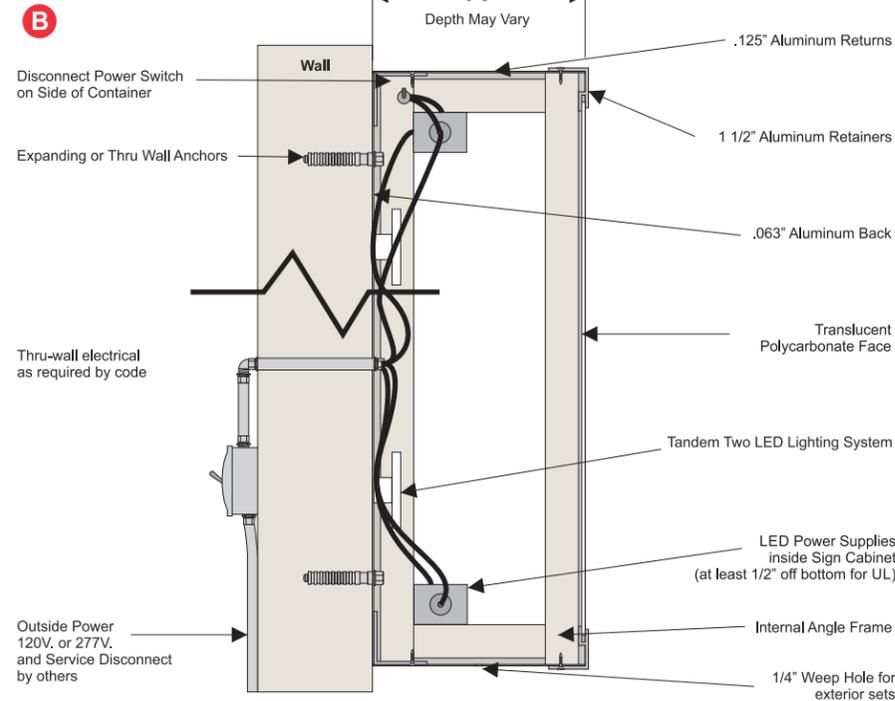
The actual sign attachment technique depends on the type of building wall, and to be determined at Site Survey.



**SECTION ASSEMBLY DETAIL**  
 Typical Internally Illuminated (LEDs)  
 Channel Letter/Logo (Raceway Mounted)



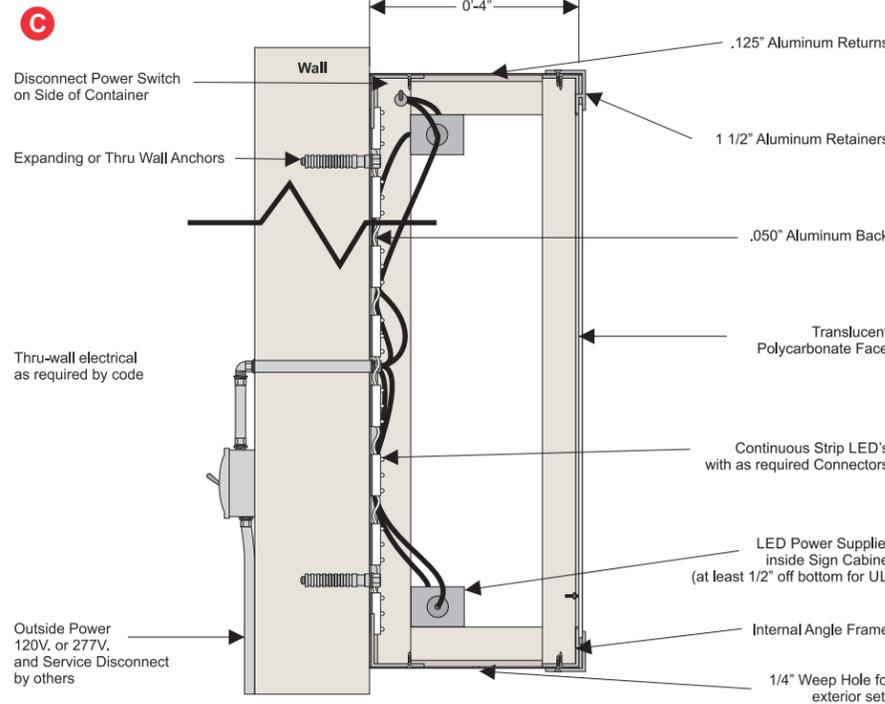
The actual sign attachment technique depends on the type of building wall, and to be determined at Site Survey.



**SECTION ASSEMBLY DETAIL**  
 Internally Illuminated (Tandem Two LEDs)  
 Polycarbonate Face Cabinet Sign



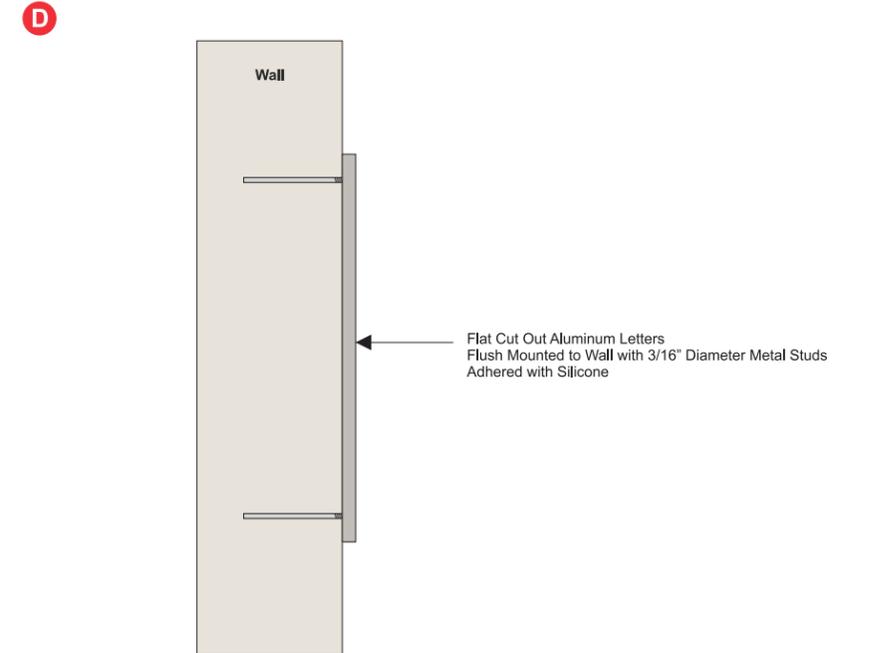
The actual sign attachment technique depends on the type of building wall, and to be determined at Site Survey.



**SECTION ASSEMBLY DETAIL**  
 Typical Internally Illuminated (LEDs)  
 Polycarbonate Face Cabinet Sign



The actual sign attachment technique depends on the type of building wall, and to be determined at Site Survey.



**SECTION ASSEMBLY DETAIL**  
 Typical Non-Illuminated Flat Cut Out Letters  
 (Flush Mounted with Studs)



**CUSTOMER INFORMATION**

Customer: **Northern Tool and Equipment**

Address: **Kannapolis, NC**

Sales: **Matt Snyder**

**DRAWING INFORMATION**

File Name: **NTE Kannapolis, NC Northwest Elevation Wall Signs REV A 10-15-19**

Date: **REV A 10-15-19**

Revisions:

Scale: none

Page: 4 of 5

Designer: **Jeff Weispfenning**

Customer/  
 LL Approval:



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# Building Front Northwest Elevation with Sign Location:

SCALE: 1/16" = 1'-0"

## CUSTOMER INFORMATION

Customer: Northern Tool and Equipment

Address: Kannapolis, NC

Sales: Matt Snyder

## DRAWING INFORMATION

File Name: NTE Kannapolis, NC Northwest Elevation Wall Signs REV A 10-15-19

Date: REV A 10-15-19

Revisions:

Scale: 1/16" = 1'-0" at 11" x 17"

Page: 5 of 5

Designer: Jeff Weispfenning

Customer/LL Approval:



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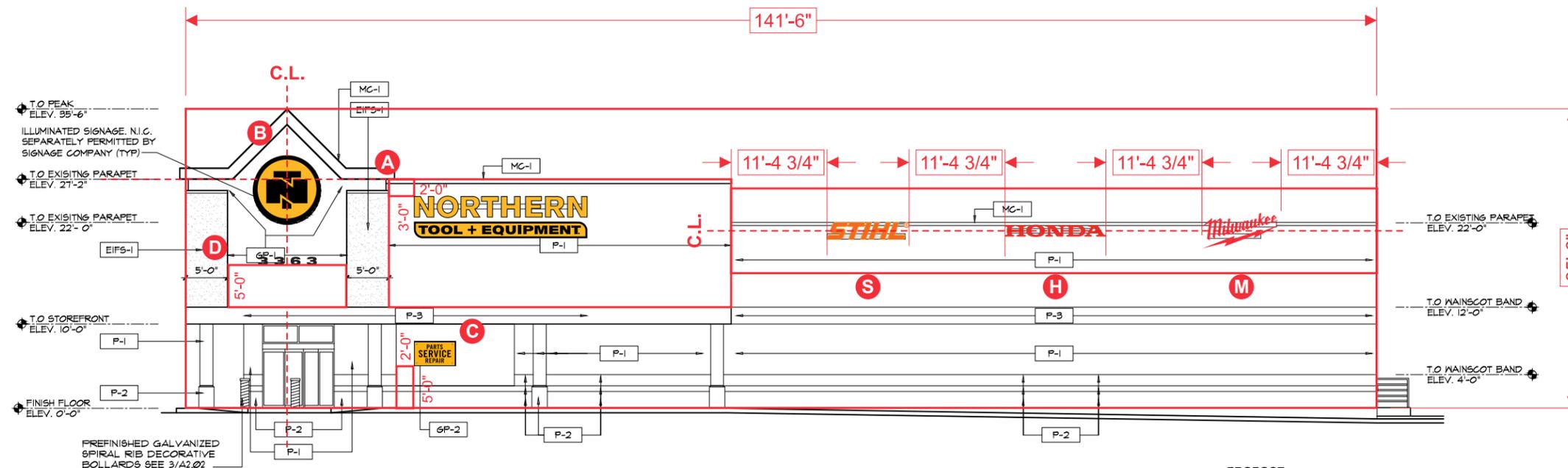
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**INSTALLATION INSTRUCTIONS:**  
 INSTALL the (Northern Tool letterset) 5'-0" to the right from the column as shown.  
 INSTALL the (Northern Tool letterset) 2'-0" down from the roof top as shown.  
  
 CENTER the (circle logo) Left to Right on the peak as shown.  
 ALIGN the top of the "N" with the bottom of the witches hat fascia as shown.  
  
 INSTALL the (parts and service) sign to the right of the entrance, 2'-0" from the column and 5'-0" AFF as shown.  
  
 CENTER the (address numbers Left to Right on the peak as shown.  
 INSTALL the (address numbers) 5'-0" above the canopy as shown.  
  
 CENTER the (vendor lettersets) Up and Down in the space as shown.  
 INSTALL the (vendor lettersets) Left to Right evenly in the space as shown.



PROPOSE  
 1 | NORTHWEST ELEVATION  
 1/8" = 1'-0"

**Sign Specifications:  
Front Southwest Elevation**

**Sign Code:**  
TBD

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

**A Internally Illuminated (LED)  
Raceway Mounted Channel Letters  
and Tagline Cabinet**  
Channel Letters and Tagline are Raceway Mounted

**Proposed Signs:  
Front Southwest Elevation:**  
8'-0" DIA. Round NTE Logo: 64 sq. ft.  
5'-0" H. x 20'-7 3/4" W. NTE Channel Letterset: 103.25 sq. ft.

**Total Sign Area Southwest Elevation: 167.25 sq. ft.  
Total Sign Area Allowed by Code: X sq. ft.  
Below Code: X sq. ft.**

**Faces:**  
Translucent white polycarbonate faces with  
applied vinyl overlay (black, Sunflower Yellow)

**Retainers, Returns & Trimecaps:**  
Returns, Retainer & Trim Caps (black)

**Raceway:**  
6 1/2" extruded Aluminum Raceway painted to match wall

**B Internally Illuminated (LED)  
Logo Cabinet Sign with Lit Face**  
Flush Mounted to wall

Fabricated aluminum frame

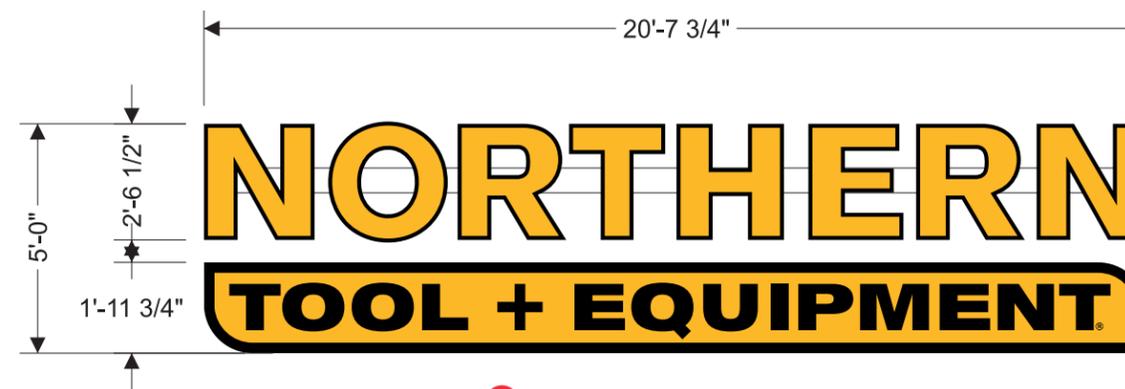
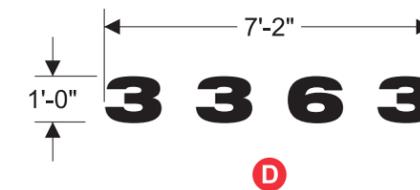
**Faces:**  
Translucent white polycarbonate or flex faces  
with applied vinyl overlay (black, Sunflower Yellow)

**Retainers and Returns:**  
(black)

**D Non-Illuminated Address Numbers**  
flat cut out stud mount aluminum numbers



**B Sign Area: 64 sq. ft.**



**A Sign Area: 103.25 sq. ft.**

**CUSTOMER INFORMATION**

Customer: **Northern Tool and  
Equipment**

Address: **Kannapolis, NC**

Sales: **Matt Snyder**

**DRAWING INFORMATION**

File Name: **NTE Kannapolis, NC  
Southwest Elevation  
Wall Signs  
REV A 10-16-19**

Date: **REV A 10-16-19**

Revisions:

Scale: 1/4" = 1'-0" at 11" x 17"

Page: 1 of 3

Designer: **Jeff Weispfenning**

Customer/  
LL Approval:



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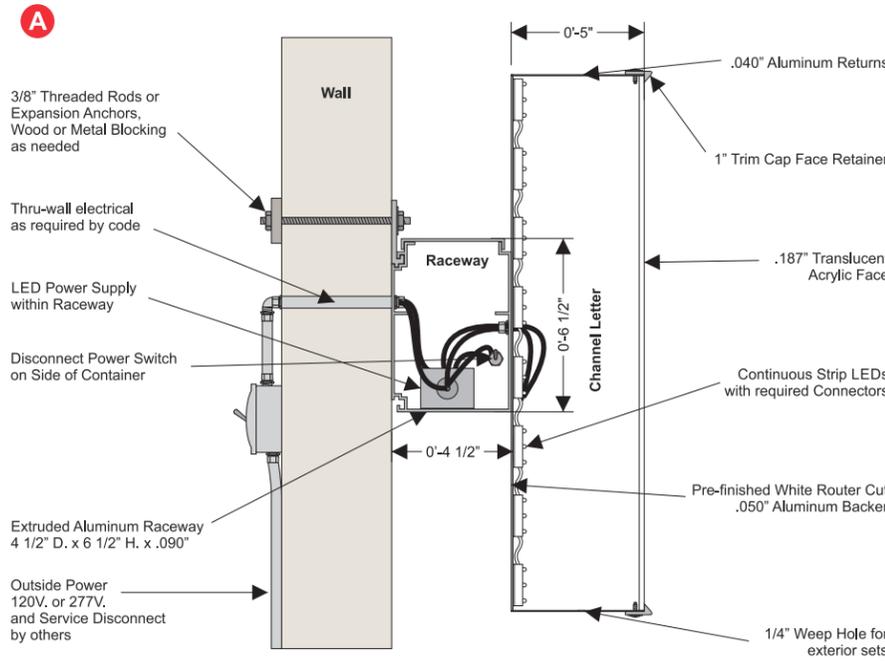
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Section Details:

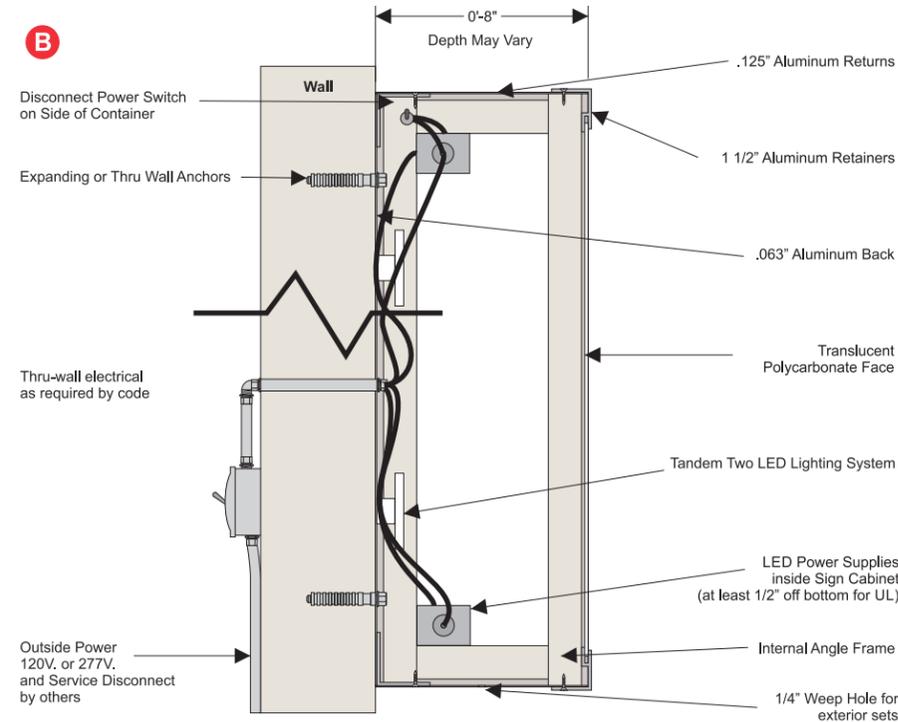
The actual sign attachment technique depends on the type of building wall, and to be determined at Site Survey.



**SECTION ASSEMBLY DETAIL**  
 Typical Internally Illuminated (LEDs)  
 Channel Letter/Logo (Raceway Mounted)



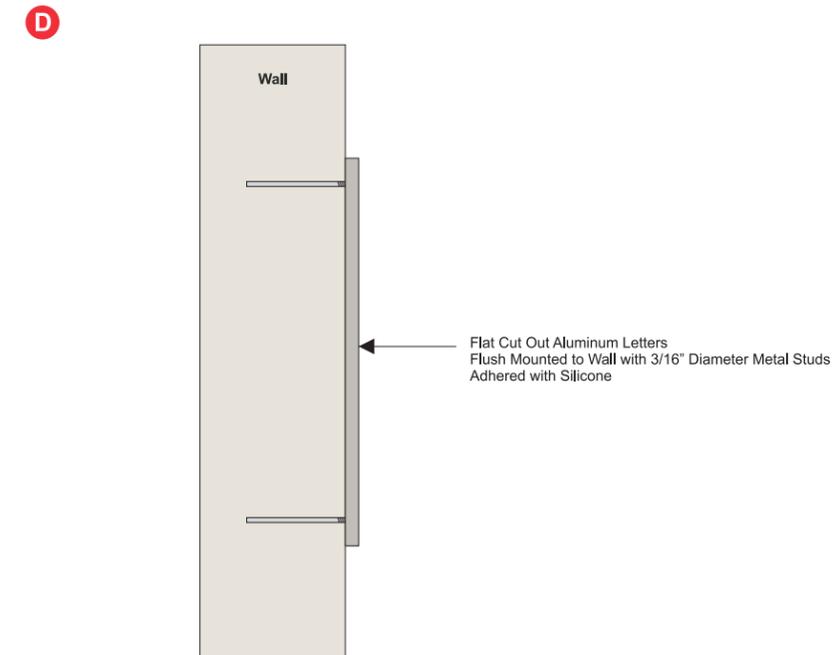
The actual sign attachment technique depends on the type of building wall, and to be determined at Site Survey.



**SECTION ASSEMBLY DETAIL**  
 Internally Illuminated (Tandem Two LEDs)  
 Polycarbonate Face Cabinet Sign



The actual sign attachment technique depends on the type of building wall, and to be determined at Site Survey.



**SECTION ASSEMBLY DETAIL**  
 Typical Non-Illuminated Flat Cut Out Letters  
 (Flush Mounted with Studs)



**CUSTOMER INFORMATION**

Customer: **Northern Tool and Equipment**

Address: **Kannapolis, NC**

Sales: **Matt Snyder**

**DRAWING INFORMATION**

File Name: **NTE Kannapolis, NC Southwest Elevation Wall Signs REV A 10-16-19**

Date: **REV A 10-16-19**

Revisions:

Scale: none

Page: 2 of 3

Designer: **Jeff Weispfenning**

Customer/  
 LL Approval:



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# Building Front Southwest Elevation with Sign Location:

SCALE: 1/16" = 1'-0"

## CUSTOMER INFORMATION

Customer: Northern Tool and Equipment

Address: Kannapolis, NC

Sales: Matt Snyder

## DRAWING INFORMATION

File Name: NTE Kannapolis, NC Southwest Elevation Wall Signs REV A 10-16-19

Date: REV A 10-16-19

Revisions:

Scale: 1/16" = 1'-0" at 11" x 17"

Page: 3 of 3

Designer: Jeff Weispfenning

Customer/LL Approval:



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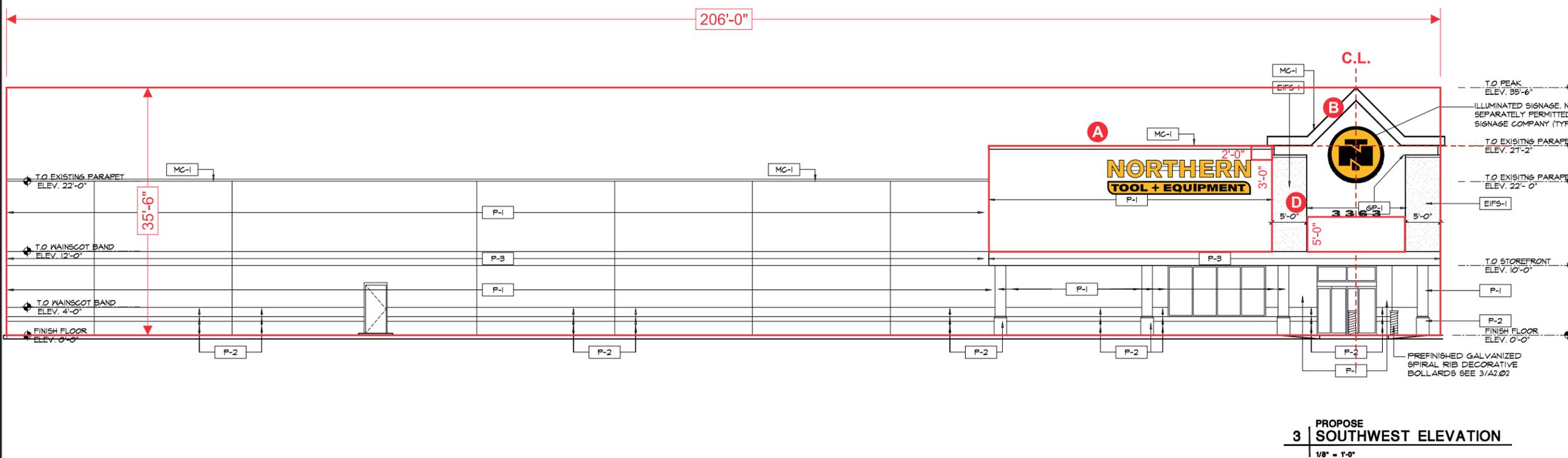
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**INSTALLATION INSTRUCTIONS:**  
 INSTALL the (Northern Tool letterset) 5'-0" to the Left from the column as shown.  
 INSTALL the (Northern Tool letterset) 2'-0" down from the roof top as shown.  
  
 CENTER the (circle logo) Left to Right on the peak as shown.  
 ALIGN the top of the "N" with the bottom of the witches hat fascia as shown.  
  
 CENTER the (address numbers Left to Right on the peak as shown.  
 INSTALL the (address numbers) 5'-0" above the canopy as shown.



PROPOSE  
**3 | SOUTHWEST ELEVATION**  
 1/8" = 1'-0"

**REFACE Existing Pylon Sign****Sign Specifications:****Internally Illuminated  
Double Faced Pylon Sign  
with Flex Face**

Fabricated aluminum frame

**Retainers and Returns:**  
(black)**Faces:**  
Translucent white flex faces  
with digitally printed graphics  
(black, Sunflower Yellow)**Pole:**  
Steel Pole with Concrete Footing

Actual Dimensions to be Field Verified



Sign Area: TBD sq. ft.

**CUSTOMER INFORMATION***Customer:* **Northern Tool and  
Equipment***Address:* **Kannapolis, NC***Sales:* **Matt Snyder****DRAWING INFORMATION***File Name:* **NTE Kannapolis, NC  
Pylon Sign  
REV A 10-16-19***Date:* **REV A 10-16-19***Revisions:**Scale:* **0" = 1'-0" at 11" x 17"***Page:* **1 of 2***Designer:* **Jeff Weispfenning***Customer/  
LL Approval:***SignArt Company****Eau Claire, WI**  
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**REFACE Existing Pylon Sign**  
**Photograph with Sign Location**

**INSTALLATION INSTRUCTIONS:**  
INSTALL the sign face on the sign as shown.

Existing Condition



Proposed New Sign



**CUSTOMER INFORMATION**

Customer: **Northern Tool and Equipment**

Address: **Kannapolis, NC**

Sales: **Matt Snyder**

**DRAWING INFORMATION**

File Name: **NTE Kannapolis, NC Pylon Sign REV A 10-16-19**

Date: **REV A 10-16-19**

Revisions:

Scale: **0" = 1'-0" at 11" x 17"**

Page: **2 of 2**

Designer: **Jeff Weispfenning**

Customer/  
LL Approval:



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SCALE: 1/8" = 1'-0"

**CUSTOMER INFORMATION**

Customer: **Kannapolis Existing Signage**

Address: **Concord, NC**

Sales: **Matt Snyder**

**DRAWING INFORMATION**

File Name: **Existing Scale Footage REV A 1-22-20**

Date: **REV A 1-22-20**

Revisions:

Scale: **1/8" = 1'-0" at 11" x 17"**

Page: **1 of 1**

Designer: **Elizabeth Bremer**

Customer/  
I.L. Approval:



Sign Area: 245.65 sq. ft.



**SignArt Company**

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