

1  
2  
3  
4  
5  
6  
7  
8  
9

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

**Minutes of Meeting  
Tuesday November 19, 2019**

10 The Board of Adjustment met on Tuesday November 19, 2019 at 6:00 PM at City Hall, 401 Laureate  
11 Way, Kannapolis, North Carolina.

12  
13  
14  
15  
16  
17  
18

**Board Members Present:** Jonathan Farmer, Chairman  
James Palmer, Vice-Chairman  
Andrew Baker  
Boyd Hardin  
Colby Meadows  
Joann Crosby  
Ryan French  
Jeff Parker, Alternate

19  
20

**Board Members Absent:** Scott Trott, Alternate

21  
22  
23

**Staff Present:** Ryan Lipp, Senior Planner  
David Jordon, IT

24  
25  
26

**Visitors Present:** Richard Lubkin  
Stephen Parrish

27  
28  
29

**CALL TO ORDER**

Chairman Farmer called the meeting to order at 6:00pm.

30  
31

**ROLL CALL AND RECOGNITION OF QUORUM**

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

32  
33  
34  
35

**APPROVAL OF AGENDA**

Chairman Farmer asked for a motion to approve the Agenda which was made by Mr. French, seconded by Mr. Palmer and the motion was unanimously approved.

36  
37  
38  
39  
40  
41

**APPROVAL /CORRECTION OF MINUTES**

Chairman Farmer asked for a motion to approve the October 15, 2019 meeting minutes. Mr. Parker noted that two names are located on line #18 of the first page and asked for that correction. Mr. French made the motion to approve the minutes with the changes noted by Mr. Parker which was seconded by Mr. Baker and the motion was unanimously approved.

42  
43  
44

**SWORN IN FOR TESTIMONY**

Ryan Lipp and Richard Lubkin.

45  
46

**PUBLIC HEARING**

47  
48  
49

**BOA-2019-10 – Cloverleaf Plaza Comprehensive Sign Package – Conditional Use Permit**

Senior Planner Ryan Lipp gave a PowerPoint presentation regarding a request for a Comprehensive Sign Package and provided the application details for case BOA-2019-10 (Exhibit 1). He noted the applicant,

1 property owner, Parcel Identification Number, and dates that public notice was provided. Mr. Lipp stated  
2 that the applicant is requesting a Comprehensive Sign Package to allow for an alternative to the general  
3 signage requirements in Article 12 of the Unified Development Ordinance (UDO).  
4

5 Mr. Lipp directed the Board's attention to the Vicinity, Zoning and Future Land Use maps further  
6 detailing the location, zoning and future land use per the *2030 Plan*. He provided background details on  
7 the request stating that freestanding structures in excess of 25,000 sf or a master planned development in  
8 excess of 10 (ten) acres can apply for a Comprehensive Sign package. Mr. Lipp directed the Board's  
9 attention to a change in the request noting that the applicant is requesting an increase in the letter height  
10 of signs located on store façades. He directed the Board's attention to the site plan detailing location of  
11 the requested pole signs as well as site photos and renderings of all requested signage.  
12

13 Mr. Lipp reviewed the Policy Issues and staff findings:  
14

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

17 Staff Assessment

18 The *Move Kannapolis Forward 2030 Comprehensive Plan* designates the subject parcel as  
19 being located in a "Primary Activity Interchange" Character Area. The subject site is zoned C-  
20 2, and the shopping center use is a permitted use in the district. Signage is permitted in the C-2  
21 zoning district. The proposed sign package will be in conformance with the highway  
22 commercial uses recommended for this character area.  
23

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

26 Staff Assessment

27 The Comprehensive Sign Package proposes directional signage for each development to aid  
28 in the flow of traffic in and out of the site. The guidelines call for the signage to meet all  
29 visibility requirements of the City or State, whichever has jurisdiction. This would require  
30 all signage to be located outside of the public street Right-of-Way and the required sight  
31 triangle of any intersection. The plans submitted by the applicant would comply with these  
32 location restrictions and as a result, the proposed Comprehensive Sign Package will not create  
33 any traffic hazards or traffic congestion on public roads.  
34

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

37 Staff Assessment

38 The proposed use will not produce any noxious or offensive noise, odor, dust, smoke, or gas.  
39

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

42 Staff Assessment

43 The Comprehensive Sign Package will not impede the orderly development of the surrounding  
44 properties as they are all on premise signs. The only off premise sign will be where the existing  
45 monument sign is currently located.  
46

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

49 Staff Assessment

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

1  
2       **6. Compliance with any other applicable Sections of this Ordinance.**

3       Staff Assessment

4       The Comprehensive Sign Package complies with all requirements of Article 12.6. Applicant has  
5       submitted a site plan that identifies locations of freestanding, multi-tenant, and directional  
6       signage. Applicant has also met the requirements of Article 12.6 by providing a list of guidelines  
7       for all future signage in the development.  
8

9       Mr. Lipp indicated that staff is recommending approval of the Comprehensive Sign Package with conditions  
10       and read those conditions into the record:

- 11
- 12       1. Any signage not specifically identified in the Comprehensive Sign Package shall conform to the  
13       minimum signage criteria contained in Article 12 of the UDO.
  - 14       2. All signage must be located outside of the public street Right-of-Way.  
15

16

17       Mr. Lipp reminded the Board of the actions requested of them, concluded his presentation and made himself  
18       available for questions.  
19

20       Mr. Meadows asked if the existing sign complies with current UDO sign regulations? Mr. Lipp responded  
21       that to the best of his knowledge, all existing signs are in compliance.  
22

23       There being no questions or comments for staff, Chairman Farmer opened the Public Hearing.  
24

25       Richard Lubkin, President of Pretium Property Management which manages Benbrooke Cloverleaf  
26       Partners, thanked the Board for their time and consideration. Mr. Lubkin stated that their goal is to be a  
27       good member of the community and a good steward of real estate that they manage within the City of  
28       Kannapolis. He indicated that his company has managed the property for several years and have recently  
29       paved the parking lot, completed façade renovations, are attempting to improve the quality of the tenants  
30       and upgrading signage. Mr. Lubkin stated that the current signage is not visible from the road and  
31       determined that having substantial signage is needed. He stated that his company is committed to the future  
32       of the Cloverleaf shopping center as well as the Kannapolis Community and made himself available for  
33       questions.  
34

35       Mr. Parker asked if the existing signs will be incorporated into the sign request? Mr. Lubkin responded  
36       that the old signs will be replaced by the requested signs. Mr. Parker noted that Cloverleaf Plaza can  
37       accommodate more occupants than the new signage will allow and asked how Mr. Lubkin determines which  
38       tenants are advertised on the signs? Mr. Lufkin stated that the larger tenants will secure the signage spots  
39       and recognized that this is an ongoing issue with managing commercial spaces but also realizes the  
40       importance of tenant recognition on signage.  
41

42       Mr. Meadows asked if the applicant manages any other commercial space in Kannapolis? Mr. Lubkin  
43       responded that the Cloverleaf Plaza is the only commercial space managed by his company but that they  
44       also manage space in Charlotte as well as in Rock Hill and Charleston, South Carolina.  
45

46       There being no questions or comments, Chairman Farmer closed the Public Hearing.  
47

48       Chairman Farmer asked for a motion to accept the City's exhibits into the record including the revised  
49       change in letter height and staff report which was made by Mr. Palmer, seconded by Mr. French and the  
50       motion was unanimously approved.  
51

1 Chairman Farmer asked for a motion to approve or revise the Findings of Fact. Mr. Meadows made the  
2 motion to approve the Findings of Fact as presented by staff, which was seconded by Mr. Parker and the  
3 motion was unanimously approved.  
4

5 Chairman Farmer asked for a motion to approve or deny the Comprehensive Sign Package. Mr. Palmer  
6 made a motion to approve with the conditions as recommended by staff, which was seconded by Mr. Baker  
7 and the motion was unanimously approved.  
8

9 Chairman Farmer asked for a motion to issue the Order of Approval which was made by Mr. Meadows,  
10 seconded by Mr. Palmer and the motion was unanimously approved.  
11

12 **OTHER BUSINESS**

13 Recording Secretary Pam Scaggs reminded the Board that the December meeting will be held one (1) week  
14 earlier due to the Christmas holiday and is scheduled for December 10, 2019.  
15

16 **ADJOURN**

17 There being no further business, Chairman Farmer asked for a motion to adjourn which was made by Mr.  
18 Palmer, seconded by Mr. Baker and the motion was unanimously approved.  
19

20 The meeting was adjourned at 6:19 PM on Tuesday November 19, 2019.  
21

22  
23  
24   
25 \_\_\_\_\_  
26 Jonathan Farmer, Chairman  
27 Board of Adjustment

28   
29 \_\_\_\_\_  
30 Pam Scaggs, Recording Secretary  
31 Board of Adjustment

# EXHIBIT 1

BOA MINUTES 11/19/2019



## *Department of Planning*

**Board of Adjustment  
November 19, 2019**

### **Staff Report**

**TO:** Board of Adjustment

**FROM:** Ryan Lipp – Senior Planner

**SUBJECT:** Case # BOA-2019-10 – Cloverleaf Plaza Comprehensive Sign Package

**Request for a Comprehensive Sign Package to be reviewed as a Conditional Use Permit**

#### **A. Action Requested by Board of Adjustment**

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

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

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

#### **C. Background**

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

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

Cloverleaf Plaza is located off Cannon Boulevard just north of I-85 at Exit 58. (See Vicinity Map). The site is zoned General Commercial (C-2). The property has access to South Cannon Boulevard to the west, and Cloverleaf Parkway to the south. Cloverleaf Parkway further connects to Concord Lake Road to the east.

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

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

#### **Staff Findings of Fact** - Based on application review

Yes    No

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

The *Move Kannapolis Forward 2030 Comprehensive Plan* designates the subject parcel as being located in a “Primary Activity Interchange” Character Area. The subject site is zoned C-2, and the shopping center use is a permitted use in the district. Signage is permitted in the C-2 zoning district. The proposed sign package will be in conformance with the highway commercial uses recommended for this character 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 Comprehensive Sign Package proposes directional signage for each development to aid in the flow of traffic in and out of the site. The guidelines call for the signage to meet all visibility requirements of the City or State, whichever has jurisdiction. This would require all signage to be located outside of the public street Right-of-Way and the required sight triangle of any intersection. The plans submitted by the applicant would comply with these location restrictions and as a result, the proposed Comprehensive Sign Package will not create any traffic hazards or traffic congestion on public roads.

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

The proposed use will not produce any noxious or offensive noise, odor, dust, smoke, or gas.

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

The Comprehensive Sign Package will not impede the orderly development of the surrounding properties as they are all on premise signs. The only off premise sign will be where the existing monument sign is currently located.

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

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

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

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

#### **F. Recommendation**

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

- 1. Any signage not specifically identified in the Comprehensive Sign Package shall conform to the minimum signage criteria contained in Article 12 of the UDO.*
- 2. All signage must be located outside of the public street Right-of-Way.*

However, 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 requested Conditional Use Permit.

#### **G. Attachments**

1. Application
2. Master Signage Plan
3. Letter from Quick Trip
4. Vicinity Map
5. Zoning Map
6. Future Land Use Map
7. Public Hearing notice to abutting property owners

- 8. List of abutting property owners
- 9. Posted Public Notice Sign

**H. Issue Reviewed By:**

Planning Director	X
City Attorney	X