

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

3
4 **Minutes of Meeting**
5 **Tuesday February 18, 2020**

6
7 The Board of Adjustment met on Tuesday February 18, 2020 at 6:00 PM at City Hall, 401 Laureate Way,
8 Kannapolis, North Carolina.
9

10 **Board Members Present:** Jonathan Farmer, Chairman
11 Boyd Hardin
12 Colby Meadows
13 Joann Crosby
14 Scott Trott, Alternate
15

16 **Board Members Absent:** James Palmer, Vice-Chairman
17 Andrew Baker
18 Ryan French
19 Jeff Parker, Alternate
20

21 **Staff Present:** Zac Gordon, Planning Director
22 Ryan Lipp, Senior Planner
23 Eddie Smith, Deputy City Manager
24 David Jordon, IT
25

26 **Visitors Present:** Amber Shue
27 Kevin Brown
28 Rich Bridwell
29 Rama Gottumukkala
30

31 **CALL TO ORDER**

32 Chairman Farmer called the meeting to order at 6:04pm.
33

34 **ROLL CALL AND RECOGNITION OF QUORUM**

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

36 **APPROVAL OF AGENDA**

37 Chairman Farmer asked for a motion to approve the Agenda which was made by Mr. Meadows, seconded
38 by Mr. Trott and the motion was unanimously approved.
39

40 **SWORN IN FOR TESTIMONY**

41 Zac Gordon, Ryan Lipp, Amber Shue, Kevin Brown, Rich Bridwell, Rama Gottumukkala and Eddie
42 Smith.
43

44 **PUBLIC HEARING**
45

46 **BOA-2019-12 – Variance – Northern Tools Cloverleaf Parkway**

47 Senior Planner Ryan Lipp indicated that the applicant has withdrawn their request for a variance. Chairman
48 Farmer asked if a vote was needed to accept the application withdrawal and City Attorney Wally Safrit
49 responded that a vote was not needed. Mr. Trott asked if the applicant has totally withdrawn their

1 application? Mr. Lipp responded that the variance has been withdrawn and that the applicant is resubmitting
2 under a different application.

3
4 **BOA-2020-02 – Conditional Use Permit – 2580 Echerd St. Child Care Facility**

5 Senior Planner Ryan Lipp indicated that case BOA-2020-02 was continued from the January 21, 2020
6 meeting. After a brief discussion with City Attorney, Wally Safrit and Chairman Farmer, it was decided
7 that staff should provide an overview of the application and that the Public Hearing would be re-opened.

8
9 Due to some technical difficulties, Chairman Farmer took the liberty to thank Deputy City Manager,
10 Eddie Smith, for the opportunity the City provided to City Council and members of Boards and
11 Commissions to tour the Sports and Entertainment Venue (SEV). Mr. Smith stated that a tour will also
12 be available to the public on Saturday, April 4, 2020, 11:00 am – 3:00 pm.

13
14 Mr. Lipp gave a PowerPoint overview presentation regarding the request for a Conditional Use Permit
15 (CUP) and provided the application details for case BOA-2020-02 (Exhibit 1). He noted the applicant,
16 property owner, Parcel Identification Number, and dates that public notice was provided. Mr. Lipp stated
17 that the applicant is requesting a CUP to allow for a childcare facility. He indicated that a childcare facility
18 is a permitted use in the RM-2 (Residential Medium Density) zoning district with a CUP per Table 4.6-
19 1.

20
21 Mr. Lipp directed the Board’s attention to the Vicinity, Zoning, and Future Land Use maps as well as the
22 submitted site plan and photos of the subject property.

23
24 Mr. Lipp reviewed the Policy Issues and staff findings:

- 25
26 1. **The proposed conditional use will be in harmony with the area in which it is to be**
27 **located and in general conformance with the City’s Land Use Plan.**

28 Staff Assessment

29 The subject property is within the “Complete Neighborhood 1” Character Area as designated
30 on the Future Land Use and Character Map in the *Move Kannapolis Forward 2030*
31 *Comprehensive Plan*. The Complete Neighborhood 1 Character Area allows for civic uses as a
32 primary use. It also recognizes opportunities for neighborhood-serving walkable commercial
33 and civic uses.

34
35 The proposed use is compatible with the character intent of the Complete Neighborhood 1
36 Character Area, as well as, complementary to the existing single-family homes and surrounding
37 area.

- 38
39 2. **Adequate measures shall be taken to provide ingress and egress so designed as to**
40 **minimize traffic hazards and to minimize traffic congestion on the public roads.**

41 Staff Assessment

42 Mr. Lipp indicated that the previous church use listed in the staff report is incorrect but that
43 there is still adequate ingress and egress to the site, as well as, parking. The site takes access
44 off Echerd St and there should be minimal traffic impact.

- 45
46 3. **The proposed use shall not be noxious or offensive by reason of vibration, noise, odor,**
47 **dust, smoke or gas.**

48 Staff Assessment

49 No vibration, odor, dust, smoke or gas is expected. No noise beyond typical community
50 recreation uses is anticipated.

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

3 Staff Assessment

4 The improvement of surrounding property would not be impeded by the development of the
5 subject property.
6

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

9 Staff Assessment

10 There is no apparent danger or detriment to the overall public safety, health and welfare resulting
11 from the proposed uses. The proposed development is subject to all the requirements of the
12 Unified Development Ordinance.
13

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

15 Staff Assessment

16 The proposed use shall comply with all sections of the City of Kannapolis Unified Development
17 Ordinance, conditions of approval, and any other applicable local, state and federal regulations.
18 It is understood by the applicant that unless specifically relieved of a requirement, in writing, all
19 UDO requirements, including compliance with the Technical Review Committee site plan review
20 and approval process, must be met. Furthermore, the applicant is required to meet all state, county
21 and any other regulations for the operation of a childcare facility.
22

23 Mr. Lipp indicated that staff is recommending approval of the CUP with the below conditions:

- 24
- 25 1. The site shall be re-stripped and paved, complying with ADA requirements, and clearly marked
26 to ensure one directional flow through the site as depicted on the site concept plan.
 - 27
 - 28 2. The site concept plan is illustrative. Final design of the project, as reviewed by staff, shall be
29 subject to meeting all city standards.
30

31 Mr. Lipp reminded the Board of the actions requested of them, concluded his presentation and made himself
32 available for questions.
33

34 Ms. Crosby asked the year that the building was built and the prior use? Mr. Lipp responded that he did not
35 know when the building was built and that he spoke with the fire department who indicated that the building
36 was previously used as a Moose Lodge but has been vacant for a number of years.
37

38 Chairman Farmer reminded the Board that they continued the case from January in an effort to ask the
39 applicant about parking, fencing, hours of operation, lighting and playground. Mr. Lipp added that while
40 the applicant can address those concerns, the Technical Review Committee (TRC) will review the
41 application to ensure that all requirements of the UDO have been met and that the state will also have review
42 and approve.
43

44 There being no questions or comments for staff, Chairman Farmer opened the Public Hearing.
45

46 Rama Gottumukkala, identified himself as the applicant and made himself available for questions.
47

48 Mr. Trott directed attention to the aerial photo of the property and asked if all the building shown will be
49 utilized for the daycare facility? Mr. Gottumukkala responded that there is a picnic shelter and a storage
50 building but that the main building will be the only one used for the childcare facility.
51

1 Mr. Trott asked if a playground will be available and Mr. Gottumukkala responded that a playground will
2 be installed near the rear of the property.

3
4 Chairman Farmer asked the hours of operation and if he owns other daycare facilities? Mr. Gottumukkala
5 indicated that the hours will be approximately 5:30 a.m. to 6:00 or 6:30 p.m. and that he does not own any
6 other facilities.

7
8 Amber Shue, 2591 Echerd St., expressed concern regarding the pick-up and drop-off indicating that there
9 is only room for 5 cars to drop their children off and that traffic will be blocked. There was discussion
10 regarding the number of parking spaces shown on the site plan and whether parents would be parking and
11 walking their children into the facility or dropping them off. Ms. Shue further expressed concern regarding
12 traffic impacts and asked the Board to not allow a commercial business in a residential neighborhood.

13
14 Mr. Gottumukkala indicated that he expects parents to park and walk their children into the building and
15 that he would instruct parents to do so.

16
17 Mr. Meadows asked the previous use of the property? Mr. Gottumukkala responded that he was also told
18 that the previous use was for a Moose Club and does not know if that is accurate but that it has been vacant
19 and owned by a bank for the last 6 years.

20
21 There being no further questions or comments, Chairman Farmer closed the Public Hearing.

22
23 Chairman Farmer asked for a motion to accept the City's exhibits into the record which was made by Mr.
24 Meadows seconded by Ms. Crosby and the motion was unanimously approved.

25
26 Chairman Farmer asked for a motion to approve or revise the Findings of Fact. Attorney Safrit indicated
27 that Finding of Fact 2 should be revised to reflect the previous use as a civic meeting center rather than a
28 church. Mr. Meadows made the motion to approve the findings as amended which was approved by Ms.
29 Crosby and the motion was unanimously approved.

30
31 Chairman Farmer asked for a motion to approve with the conditions or to deny the issuance of the CUP.
32 Mr. Trott made the motion to approve with the conditions as presented by staff which was seconded by Mr.
33 Hardin and the motion was unanimously approved.

34
35 Chairman Farmer asked for a motion to issue the Order of Approval. Attorney Safrit indicated that the
36 Order should also be amended to reflect the previous use as a civic meeting center rather than a church. Ms.
37 Crosby made the motion to approve the issuance of the Order with the amended change which was seconded
38 by Mr. Meadows and the motion was unanimously approved.

39
40 **BOA-2020-03 – Conditional Use Permit – 911 W C Street**

41 Senior Planner Ryan Lipp gave a PowerPoint presentation regarding a request for a Conditional Use
42 Permit (CUP) and provided the application details for case BOA-2020-03 (Exhibit 2). He noted the
43 applicant, property owner, Parcel Identification Number, and dates that public notice was provided. Mr.
44 Lipp stated that the applicant is requesting a CUP to allow single-family attached in the B-1
45 (Neighborhood Commercial) zoning district pursuant to Table 4.6-1 of the Unified Development
46 ordinance (UDO).

47
48 Mr. Lipp directed the Board's attention to the Vicinity, Zoning, and Future Land Use maps as well as
49 photos of the subject property further detailing the location, zoning and future land use per the *2030 Plan*.
50 He reiterated that the CUP request is to allow single-family attached and that the applicant is proposing

1 a 3-unit townhome. Mr. Lipp directed the Board’s attention to the submitted site plan, proposed elevation
2 and photos of the subject property.

3
4 Mr. Lipp reviewed the Policy Issues and staff findings:

- 5
6 **1. The proposed conditional use will be in harmony with the area in which it is to be**
7 **located and in general conformance with the City’s Land Use Plan.**

8 Staff Assessment

9 The subject property is within the “Urban Corridor” Character Area as designated on the Future
10 Land Use and Character Map in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The
11 Urban Corridor Character Area allows for retail, office and multifamily residential uses as a
12 primary use.

13
14 The proposed use is compatible with the character intent of the Urban Corridor Character Area,
15 as well as, complementary to the existing single-family homes and commercial uses in the
16 surrounding area.

- 17
18 **2. Adequate measures shall be taken to provide ingress and egress so designed as to**
19 **minimize traffic hazards and to minimize traffic congestion on the public roads.**

20 Staff Assessment

21 The site will take direct access off W C Street. Per the attached plans, the interior of the site
22 will have adequate parking and movement through the site will be maintained.

- 23
24 **3. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor,**
25 **dust, smoke or gas.**

26 Staff Assessment

27 No vibration, noise, odor, dust, smoke or gas is expected.

- 28
29 **4. The establishment of the proposed use shall not impede the orderly development and**
30 **improvement of surrounding property for uses permitted within the zoning district.**

31 Staff Assessment

32 The improvement of surrounding property would not be impeded by the development of the
33 subject property.

- 34
35 **5. The establishment, maintenance, or operation of the proposed use shall not be detrimental**
36 **to or endanger the public health, safety, or general welfare.**

37 Staff Assessment

38 There is no apparent danger or detriment to the overall public safety, health and welfare resulting
39 from the proposed use. The proposed development is subject to all the requirements of the
40 Unified Development Ordinance.

- 41
42 **6. Compliance with any other applicable Sections of this Ordinance.**

43 Staff Assessment

44 The proposed use shall comply with all sections of the City of Kannapolis Unified Development
45 Ordinance, conditions of approval, and any other applicable local, state and federal regulations.
46 It is understood by the applicant that unless specifically relieved of a requirement, in writing, all
47 UDO requirements, including compliance with the Technical Review Committee site plan review
48 and approval process, must be met.

49
50 Mr. Lipp indicated that staff is recommending approval of the CUP with the below conditions:
51

1 1. The site concept plan and elevations are illustrative. Final design of the project, as
2 reviewed by staff, shall be subject to meeting all city standards.
3

4 Mr. Lipp reminded the Board of the actions requested of them, concluded his presentation and made himself
5 available for questions.
6

7 Mr. Trott asked the setback requirements for the B-1 zoning district? Mr. Lipp responded that any
8 residential uses permitted in a non-residential zoning district have to conform to the dimensional standards
9 of the RC (Residential Compact) zoning district.
10

11 Mr. Meadows asked if approving the CUP request will set precedent for future development? Mr. Lipp
12 responded that the CUP request is specifically for the subject parcel and that anyone wanting to build in a
13 non-residential zoning district would also have to apply for a CUP.
14

15 There being no further comments or questions, Chairman Farmer opened the Public Hearing.
16

17 Kevin Brown and Rich Bridwell identified themselves as the property owners. Mr. Brown clarified that the
18 property is currently commercially zoned and that they are requested a residential use for the property. He
19 also indicated that while the property is currently vacant, it previously served as a dress shop.
20

21 Mr. Safrit indicated that the location is great for the requested use but was concerned that the front yard
22 seemed to be mostly concrete. Mr. Brown responded that NCDOT would approve only one entrance and
23 that the UDO requires at least two (2) parking spaces per unit, plus additional parking for guests in an effort
24 to eliminate on-street parking. He added that due to the front setback requirement, the building had to be
25 pushed back from the front which allowed more room for parking. Mr. Safrit commented that there looks
26 to be enough room to add another unit. Mr. Bridwell responded that the requirements allowed for another
27 unit but that he and Mr. Brown were trying to be sensitive to the area, to those living in the townhomes and
28 to surrounding neighbors.
29

30 Mr. Trott asked if sidewalks will be added? Mr. Lipp responded that a sidewalk is not shown on the site
31 plan and is not a condition of approval.
32

33 Mr. Meadows asked why the applicant did not abide by the maximum driveway width requirement? Mr.
34 Lipp indicated that given the number of townhomes utilizing the driveway, engineering approved the wider
35 driveway.
36

37 Mr. Brown and Mr. Bridwell responded to questions from the Board regarding the size and selling price of
38 the townhomes.
39

40 There being no further comments or questions, Chairman Farmer closed the Public Hearing.
41

42 Chairman Farmer asked for a motion to accept the City's exhibits and staff report into the record which was
43 made by Mr. Trott, seconded by Mr. Meadows and the motion was unanimously approved.
44

45 Chairman Farmer asked for a motion to approve or revise the Findings of Fact. Mr. Meadows made the
46 motion to approve the Findings of Fact as presented by staff, which was seconded by Ms. Crosby and the
47 motion was unanimously approved.
48

1 Chairman Farmer asked for a motion to approve or deny the CUP. Mr. Meadows made a motion to approve
2 with the condition as recommended by staff, which was seconded by Mr. Hardin and the motion was
3 unanimously approved.
4

5 Chairman Farmer asked for a motion to issue the Order of Approval which was made by Mr. Trott, seconded
6 by Mr. Meadows and the motion was unanimously approved
7

8 **BOA-2020-04 – Comprehensive Sign Package – Sports and Entertainment Venue**

9 Senior Planner Ryan Lipp gave a PowerPoint presentation regarding a request for a Comprehensive
10 Sign Package and provided the application details for case BOA-2020-04 (Exhibit 3). He noted the
11 applicant, property owner, Parcel Identification Number, and dates that public notice was provided. Mr.
12 Lipp stated that the applicant is requesting a Comprehensive Sign Package to allow for an alternative
13 to the general signage requirements in Article 12 of the Unified Development Ordinance (UDO). He
14 identified the property as the Sports and Entertainment Venue (SEV) and provided the size of the
15 parcel and structure.

16 Mr. Lipp directed the Board’s attention to the Vicinity, Zoning and Future Land Use maps further
17 detailing the location, zoning and future land use per the *2030 Plan*. He provided background details on
18 the request stating that freestanding structures in excess of 25,000 sf or a master planned development in
19 excess of 10 (ten) acres can apply for a Comprehensive Sign package. Mr. Lipp directed the Board’s
20 attention to sign renderings and talked about the proposed location of each signs.
21

22 Deputy City Manager, Eddie Smith, indicated that the Kannapolis sign shown in the staff report will not
23 be included in the completed signs but will be replaced with a sign of the same size showing Atrium
24 Health Ballpark. He responded to questions regarding whether the signs will be illuminated. Mr. Safrit
25 expressed concern that the Kannapolis sign is in the package but not being approved. Mr. Smith reiterated
26 that the Kannapolis sign shown in the staff report will be replaced with an Atrium Health Ballpark sign.
27 There was additional discussion regarding the proposed signage and their locations.
28

29 Mr. Lipp reviewed the Policy Issues and staff findings:
30

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

33 Staff Assessment

34 The *Move Kannapolis Forward 2030 Comprehensive Plan* designates the subject parcel as
35 being located in a “Downtown Center” Character Area. The subject site is zoned CC (City
36 Center), and the sports entertainment venue use is a permitted use in the district. Signage is
37 permitted in the CC zoning district. The proposed sign package will be in conformance with the
38 uses recommended for this character area.
39

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

42 Staff Assessment

43 The Comprehensive Sign Package proposes tenant fascia allowances and property
44 identification sign allowances. All signage meets visibility requirements of the City or State,
45 whichever has jurisdiction. This would require all signage to be located outside of the public
46 street Right-of-Way and the required sight triangle of any intersection. The plans submitted
47 by the applicant would comply with these location restrictions and as a result, the proposed
48 Comprehensive Sign Package will not create any traffic hazards or traffic congestion on
49 public roads.
50

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

3 Staff Assessment

4 The proposed use will not produce any noxious or offensive noise, odor, dust, smoke, or gas.
5

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

8 Staff Assessment

9 The Comprehensive Sign Package will not impede the orderly development of the surrounding
10 properties as they are all on premise signs.
11

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

14 Staff Assessment

15 The proposed signs will be required to comply with all applicable regulations of the North
16 Carolina Building Code which will help safeguard public health and safety. Therefore, the signs
17 will not be detrimental to or endanger the public health, safety, or general welfare.
18

- 19 6. **Compliance with any other applicable Sections of this Ordinance.**

20 Staff Assessment

21 The Comprehensive Sign Package complies with all requirements of Article 12.6. Applicant has
22 submitted a site plan that identifies locations of tenant and property identification signage.
23 Applicant has also met the requirements of Article 12.6 by providing a list of guidelines for all
24 future signage in the development.
25

26 Mr. Lipp indicated that staff is recommending approval of the CUP and reminded the Board of the actions
27 requested of them. He concluded his presentation and made himself available for questions.
28

29 There being no questions or comments for staff, Chairman Farmer opened the Public Hearing which was
30 closed with no public comment made.
31

32 Chairman Farmer asked for a motion to accept the City's exhibits into the record including the Kannapolis
33 to Atrium Health Ballpark sign change which was made by Mr. Trott, seconded by Mr. Hardin and the
34 motion was unanimously approved.
35

36 Chairman Farmer asked for a motion to approve or revise the Findings of Fact. Mr. Hardin made the motion
37 to approve the Findings of Fact as presented by staff, which was seconded by Mr. Meadows and the motion
38 was unanimously approved.
39

40 Chairman Farmer asked for a motion to approve or deny the Comprehensive Sign Package. Mr. Meadows
41 made a motion to approve with the conditions as recommended by staff, which was seconded by Ms. Crosby
42 and the motion was unanimously approved.
43

44 Chairman Farmer asked for a motion to issue the Order of Approval which was made by Mr. Trott, seconded
45 by Mr. Hardin and the motion was unanimously approved.
46

47 **DIRECTOR UPDATE**

48 Planning Director Zac Gordon stated that a draft of the first module of the KDO (Kannapolis
49 Development Ordinance) has been posted on City's website and invited the Board to review and submit
50 their comments. Mr. Gordon added that a public presentation of the KDO will be made in March as well

1 as a presentation to City Council of the first module. He also provided an update on the Cannon Boulevard
2 Corridor Plan.

3
4 **OTHER BUSINESS**

5 Mr. Gordon indicated that there may be a need to move the March meeting from March 17th to March 10th
6 and stated that an email poll will be sent to the Board in the morning to see who will be available.

7
8 Mr. Trott noted that he previously saw Zoning signs for proposed townhomes near Kellswater and asked if
9 it is still an active case? Mr. Lipp responded that the applicant needed to perform a Traffic Impact Analysis,
10 which was just completed, and this application for a CUP will be on the March agenda.

11
12 Chairman Farmer asked the Board to be aware of the email poll being sent in the morning and asked that
13 the Board respond in a timely manner.

14
15 **ADJOURN**

16 There being no further business, Chairman Farmer asked for a motion to adjourn which was made by Ms.
17 Crosby.

18
19 The meeting was adjourned at 7:06 PM on Tuesday February 18, 2020.

20
21
22
23 

24
25
26
27 Pam Scaggs, Recording Secretary
28 Board of Adjustment

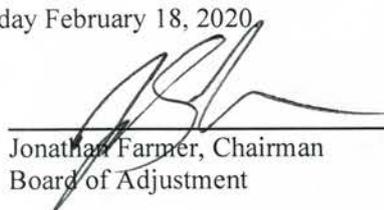

Jonathan Farmer, Chairman
Board of Adjustment

EXHIBIT 1

Board of Adjustment Meeting
February 18, 2020



Board of Adjustment January 21, 2019 Meeting

Staff Report

DATE: January 10, 2020
TO: Board of Adjustment
FROM: Ryan Lipp – Senior Planner
SUBJECT: Case# BOA-2020-02: 2580 Echerd Street Childcare Facility CUP
Request for a Conditional Use Permit to allow for a childcare facility in the RM-2 (Residential Medium Density) 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, Rama Gottumukkala, is requesting a Conditional Use Permit (CUP) to allow for a childcare facility in the RM-2 (Residential Medium Density) zoning district, located at 2580 Echerd Street, further identified as Rowan County Parcel Identification Number(s) 145 B050. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow for childcare facilities in the RM-2 zoning district. The subject property is approximately 1.03 +/- total acres.

D. Fiscal Considerations

None

E. Policy Issues

Article 3.5 of the UDO requires that the Board of Adjustment shall only approve a conditional use permit if the applicant demonstrates that the criteria below have been met. Staff analysis of each criterion is noted.

Staff Findings of Fact - Based on application review

Yes No

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

The subject property is within the "Complete Neighborhood 1" Character Area as designated on the Future Land Use and Character Map in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Complete Neighborhood 1 Character Area allows for civic uses as a primary use. It also recognizes opportunities for neighborhood-serving walkable commercial and civic uses.

The proposed use is compatible with the character intent of the Complete Neighborhood 1 Character Area, as well as, complementary 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 site previously functioned as a church, providing adequate ingress and egress to the site, as well as, parking. The site takes access off Echerd St and there should be minimal traffic impact.

 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 community recreation 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. Furthermore, the applicant is required to meet all state, county and any other regulations for the operation of a childcare facility.

F. Legal Issues

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

In order to determine whether a conditional use permit is warranted, the Board must decide that each of the six findings as outlined below has been met and that the additional approval criteria has been satisfactorily addressed. If the Board concurs completely with the findings of the staff, no additional findings of fact are necessary and the staff findings should be approved as part of the decision. However, if the Board wishes to approve different findings (perhaps as a result of additional evidence or testimony presented at the public hearing), alternate findings need to be included as part of the six criteria below. Should a conditional use permit be approved, the Board may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use.

- | Yes | No | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | The proposed conditional use will be in harmony with the area in which it is to be located and in general conformance with the City's Land Use Plan. _____ _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads. _____ _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas. _____ _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | The establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district. _____ _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare. _____ _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Compliance with any other applicable Sections of this Ordinance. _____ _____ |

G. Recommendation

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

Conditions of Approval proposed by staff:

1. The site shall be re-stripped and paved, complying with ADA requirements, and clearly marked to ensure one directional flow through the site as depicted on the site concept plan.
2. The site concept plan is illustrative. Final design of the project, as reviewed by staff, 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. 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 |

EXHIBIT 2

Board of Adjustment Meeting
February 18, 2020



Board of Adjustment February 18, 2020 Meeting

Staff Report

TO: Board of Adjustment

FROM: Ryan Lipp – Senior Planner

SUBJECT: Case# BOA-2020-03: 911 W C Street
Conditional Use Permit (CUP)
Applicant: Kevin Brown

Request for a Conditional Use Permit to allow construction of a 3-unit townhome in the Neighborhood Commercial (B-1) 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, Kevin Brown, is requesting a Conditional Use Permit (CUP) to allow construction of a 3-unit townhome in the B-1 (Neighborhood Commercial) zoning district, located at 911 W C St., further identified as Cabarrus County Parcel Identification Number 5614-11-9950. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow for single-family attached in the B-1 zoning district. The subject property is approximately .41 +/- 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 "Urban Corridor" Character Area as designated on the Future Land Use and Character Map in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Urban Corridor Character Area allows for retail, office and multifamily residential uses as a primary use.

The proposed use is compatible with the character intent of the Urban Corridor Character Area, as well as, complementary to the existing single-family homes and 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 W C Street. Per the attached plans, the interior of the site will have adequate parking and movement through the site will be maintained.

 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

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 site concept plan and elevations are illustrative. Final design of the project, as reviewed by staff, 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. 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 |
| City Engineer | X |
| City Manager | X |

EXHIBIT 3

Board of Adjustment Meeting
February 18, 2020



Board of Adjustment – Special Meeting February 18, 2020

Staff Report

TO: Board of Adjustment

FROM: Ryan Lipp – Senior Planner

SUBJECT: Case# BOA-2020-04: Sports Entertainment Venue (SEV) Comprehensive Sign Package

Request for a Comprehensive Sign Package to be reviewed as a Conditional Use Permit for property located off Laureate Way and Watson Creek Drive.

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 Comprehensive Sign Package.

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, Barton Malow, 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.

The Sports and Entertainment Venue (SEV) is located at 250 W B Street and is zoned Center City (CC). The property has access to Laureate Way to the north, W B St. to the south, West Ave. to the east and Chestnut Ave. to the west (See Vicinity Map).

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 “Downtown Center” Character Area. The subject site is zoned CC (City Center) , and the sports entertainment venue use is a permitted use in the district. Signage is permitted in the CC zoning district. The proposed sign package will be in conformance with the 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 tenant fascia allowances and property identification sign allowances. All signage meets visibility requirements of the City or State, whichever has jurisdiction. This would require all signage to be located outside of the public street Right-of-Way and the required sight triangle of any intersection. The plans submitted by the applicant would comply with these location restrictions and as a result, the proposed Comprehensive Sign Package will not create any traffic hazards or traffic congestion on public roads.

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

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

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

The Comprehensive Sign Package will not impede the orderly development of the surrounding properties as they are all on premise signs.

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

The proposed signs will be required to comply with all applicable regulations of the North Carolina Building 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 tenant and property identification signage. Applicant has also met the requirements of Article 12.6 by providing a list of guidelines for all future signage in the development.

E. Recommendation

Based upon an assessment of the criteria noted above, staff recommends approval of the Comprehensive Sign Package.

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.

F. Attachments

1. Conditional Use Permit Application
2. Proposed Sign Plans
3. Vicinity Map
4. Zoning Map
5. Future Land Use Map
6. List of notified properties
7. Letter to abutting property owners
8. Posted zoning sign

G. Issue Reviewed By:

| | |
|-------------------|---|
| City Attorney | X |
| Planning Director | X |
| City Manager | X |