



**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

unc date
Dec. 23

\$625.⁰⁰/_{Fee}



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: RAMA GOTTUMUKKALA Owner: NV REALTY LLC
 Address: 4873 Annelise Dr Address: 4873 Annelise Dr
HARRISBURG, NC 28075 HARRISBURG, NC 28075
 Telephone: 704-907-4813 Telephone: 704-907-4813
 Email: NVrealityllc@yahoo.com Email: NVrealityllc@yahoo.com

Legal relationship of applicant to property owner: Member-Manager

Property Location/Address: 2580 ECHERD ST, KANNAPOLIS

Tax Parcel Number: 145B050 Zoning District: _____ Acreage of Site: 1.03 Ac

<u>RAMA GOTTUMUKKALA</u>	<u>NV REALTY LLC</u>
Applicant Name (Print)	Property Owner Name (Print)
<u>[Signature]</u> <u>12/15/19</u>	<u>[Signature]</u> <u>12/15/19</u>
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: \$625.00 + newspaper fee TBD Receipt # M-11281
 Application No.: BOA-2020-02 Date Submitted (Complete): 12/19/2019



CITY OF KANNAPOLIS PLANNING DEPARTMENT

CONDITIONAL USE PERMIT APPLICATION

I, RAMA GOTTUMUKKALA, 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: CHILDCARE FACILITY

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:

child care facility initially with an occupancy of 30 to 45 kids and later up to 50 to 60 kids as determined by the NC Division of child development.

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.

we believe the location building is suitable for child care facility which has approx 6100 sq. ft with more than 8 ft ceilings and enough bathrooms. The lot is fenced.

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.

The property has enough space for entering and exiting without traffic congestion on the public roads.

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

Since the building is used for childcare facility we do not anticipate 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.

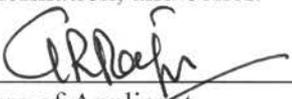
Since it is an existing building we do not see any problem that shall impede the orderly development and improvement of surroundings.

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

we do not see any reason which will endanger the public health, safety or general welfare

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

12/5/2019
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.

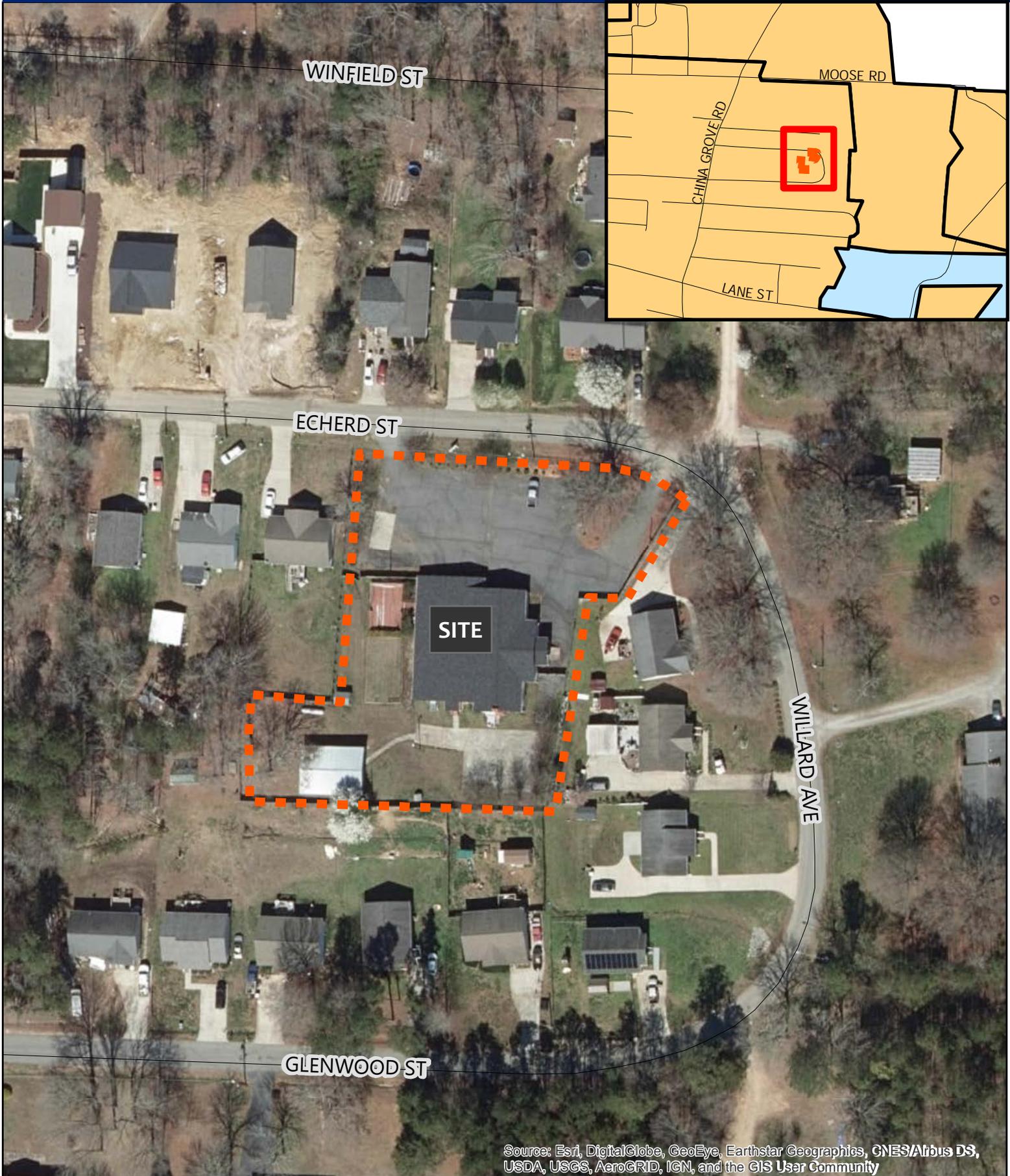
Required as part of Conditional Use Permit Submittal:

- 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



Vicinity Map

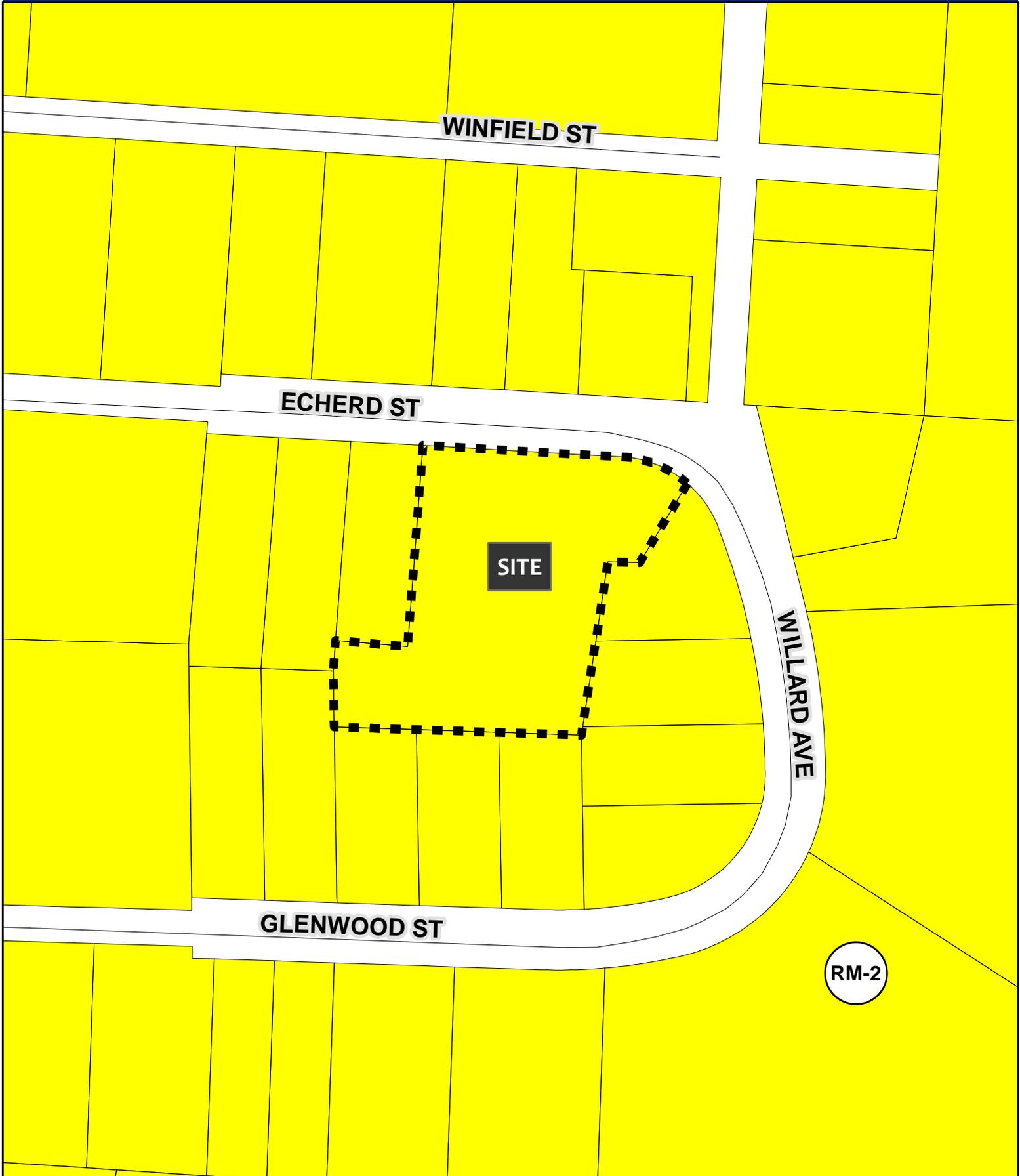
Case Number: BOA-2020-02
Applicant: Rama Gottumukkala
2580 Echerd St.





Kannapolis Current Zoning

Case Number: BOA-2020-02
Applicant: Rama Gottumukkala
2580 Echerd St.





Kannapolis 2030 Future Land Use Map

Case Number: BOA-2020-02

Applicant: Rama Gottumukkala

2580 Echerd St.



SITE PLAN 2011-938 41661

2580 ECHERD ST
KANNAH POLIS, NC 28083



PROPERTY OWNER	STREET	CITY	STATE	ZIP
WILLIAM III & MELLENA HELMS	2550 ECHERD ST	KANNAPOLIS	NC	28083
HOYT WYRICK JR	11500 OLD CONCORD RD	ROCKWELL	NC	28138
AJAJ LAND INVESTMENTS LLC	3481 BRIGHTON CT NW	CONCORD	NC	28027
ROBERT & PATRICIA SCALES	2562 ECHERD ST	KANNAPOLIS	NC	28083
2017-2 IH BORROWER LP C/O INVITATION HOMES	1717 MAIN ST STE 2000	DALLAS	TX	75201
LUIS RAMIREZ \$				
MARICRUZ ESTRELLA-MEJA	2801 IRETON PL	KANNAPOLIS	NC	28083
JOHN & AMANDA ROSS	2527 GLENWOOD ST	KANNAPOLIS	NC	28083
RONALD & ALBA PORTILLO	2535 GLENWOOD ST	KANNAPOLIS	NC	28083
MNSF II W1 LLC	6836 MORRISON BLVD STE 320	CHARLOTTE	NC	28211
BENJAMIN & ASHLEY GAUCHER	2567 GLENWOOD ST	KANNAPOLIS	NC	28083
JEREMY & ANGELICA ALDRIDGE	2551 GLENWOOD ST	KANNAPOLIS	NC	28083
TAMMI KNOX	905 WILLARD AVE	KANNAPOLIS	NC	28083
JAMES & PATRICIA MASON	909 WILLARD AVE	KANNAPOLIS	NC	28083
TIMOTHY VANPAY	913 WILLARD AVE	KANNAPOLIS	NC	28083
TYLER MORTON & ROSEMARY RICE	2549 ECHERD ST	KANNAPOLIS	NC	28083
JAMES CARNES	2561 ECHERD ST	KANNAPOLIS	NC	28083
ROBERT & THELMA HART	2575 ECHERD ST	KANNAPOLIS	NC	28083
AUDRY TUCKER	2583 ECHERD ST	KANNAPOLIS	NC	28083
PATRICIA NELSON	2589 ECHERD ST	KANNAPOLIS	NC	28083
KENDAL SHUE	2591 ECHERD ST	KANNAPOLIS	NC	28083
GABRIAL BENITEZ	2593 ECHERD ST	KANNAPOLIS	NC	28083
D & E LIMITED LLC	3140 CHELWOOD DR	CONCORD	NC	28027
KELLY IRVIN	910 WILLARD AVE	KANNAPOLIS	NC	28083
KELLY IRVIN	2307 MOOSE RD	KANNAPOLIS	NC	28083
DOUGLAS & CANDY LINKER	906 WILLARD AVE	KANNAPOLIS	NC	28083
LINDA EARLEY	908 WILLARD AVE	KANNAPOLIS	NC	28083
NAVONIA DIXON	2540 GLENWOOD ST	KANNAPOLIS	NC	28083
SANDRA MCCURDY & HOYT WYRICK	460 NORMANDY RD	MOORESVILLE	NC	28117
NV REALTY LLC	4873 ANNELISE DR	HARRISBURG	NC	28075
RAMA GOTTUMUKKALA	4873 ANNELISE DR	HARRISBURG	NC	28075



December 31, 2019

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday, January 21, 2019 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2020-02 – Conditional Use Permit (CUP) – 2580 Echerd Street Childcare Facility

This public hearing is to consider a request for a Conditional Use Permit (CUP) to allow a childcare facility. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow a childcare facility in the RM-2 (Residential Medium Density) zoning district. The subject property is located at 2580 Echerd Street and is approximately 1.03 +/- acres, further identified as Rowan County Parcel Identification Number(s) 145B-050. **(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,

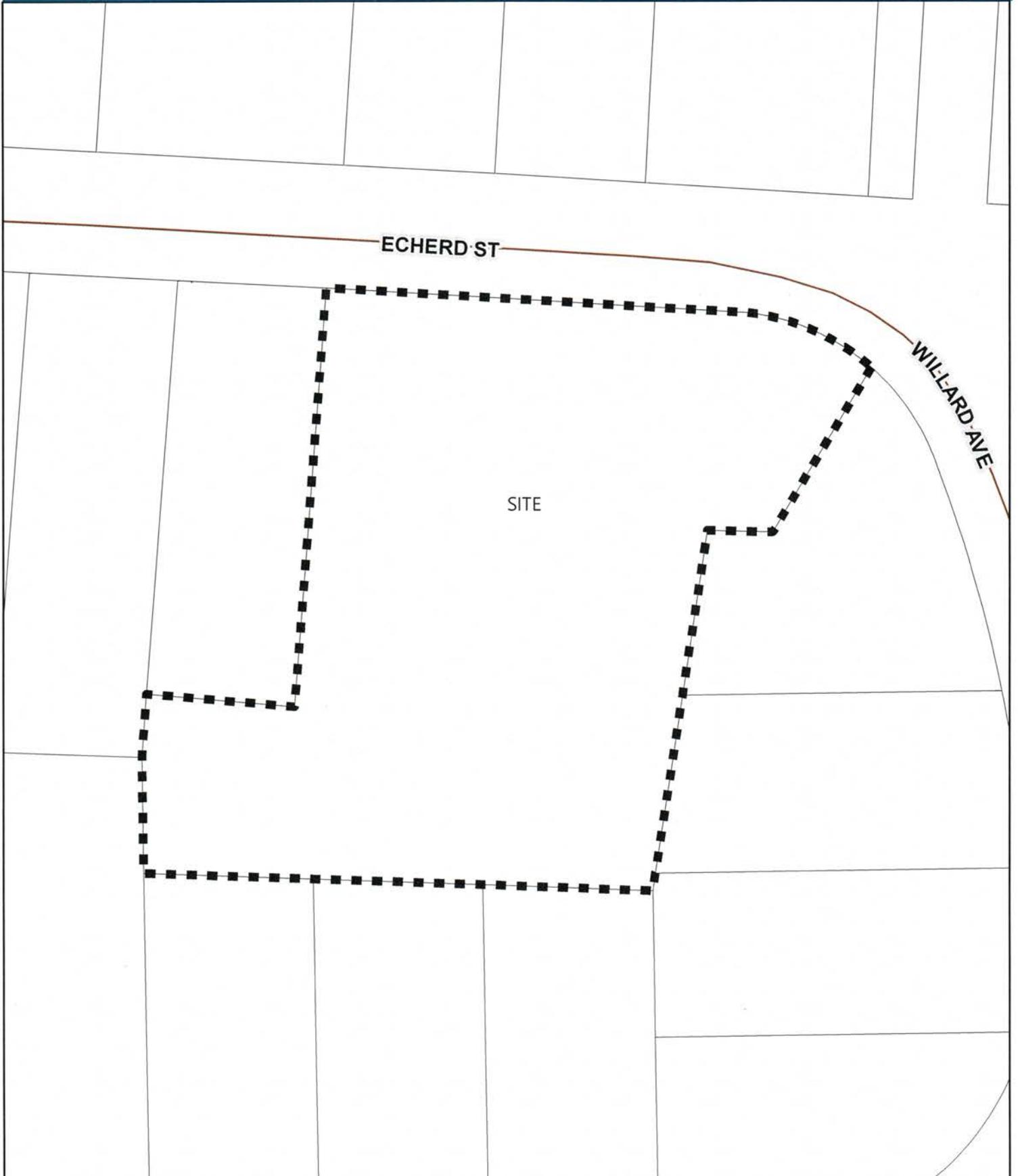
Ryan Lipp
Senior Planner

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



Rezoning

Case Number: BOA-2020-02
Applicant: Rama Gottumukkala
2580 Echerd St






KANNAPOLIS
BOARD OF
ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # **BOA-2020-02**



ARROSSI
EACHERD ST

