



**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



**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 | <input checked="" type="checkbox"/> | Nonconformity Adjustment | _____ |
| Subdivision Exception | _____ | Watershed Boundary Modification | _____ |
| Zoning Text Amendment | _____ | Zoning Map Amendment | _____ |
| Appeal | _____ | Conditional Zoning Map Amendment | _____ |

Applicant: **Kevin Brown** Owner: **NC C St OZ Fund LLC**
 Address: **3111 Cramer Pond Dr** Address: **3111 Cramer Pond Dr**
Charlotte, NC 28205 **Charlotte, NC 28205**
 Telephone: **704-648-8247** Telephone: **704-648-8247**
 Email: **kbrown150@gmail.com** Email: **kbrown150@gmail.com**

Legal relationship of applicant to property owner: **Manager**

Property Location/Address: **911 W C St, Kannapolis**

Tax Parcel Number: _____ Zoning District: _____ Acreage of Site: _____

Kevin Brown	NC C St OZ Fund LLC
Applicant Name (Print)	Property Owner Name (Print)
 1/20/20	 1/20/20
Applicant Signature & Date	Property Owner Signature & Date

The agenda deadline is the first day of the month preceding the month of the meeting. To be considered for placement on the next meeting agenda, the signed application, application fee, 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, **Kevin Brown**, 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: **3 unit townhome**.

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:

3 Attached Townhomes

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.

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.

C. The proposed use shall 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.

E. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or 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

1/20/20

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: _____

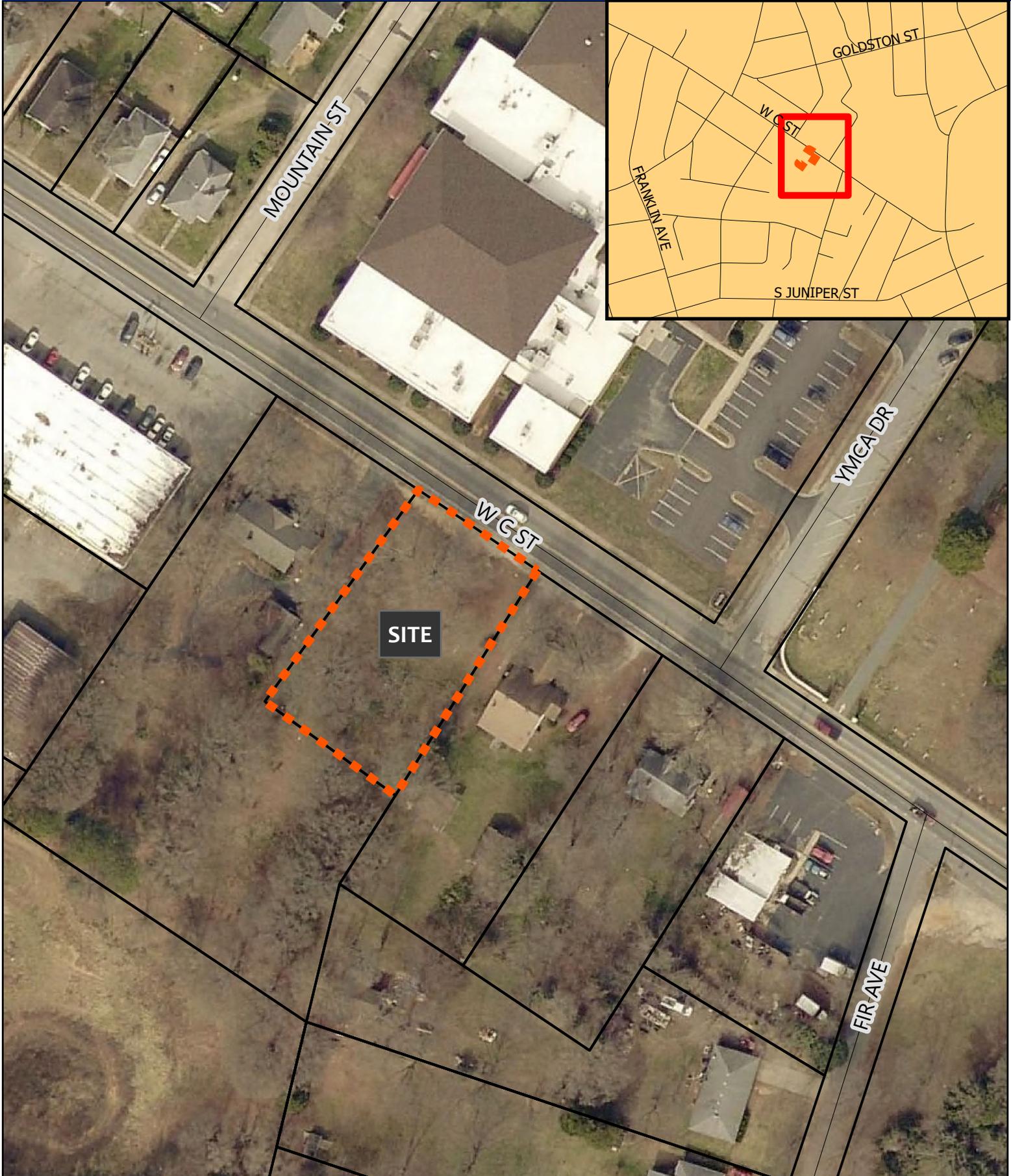
Conditions: _____

Date written notice of Board decision sent to applicant: _____



Vicinity Map

Case Number: BOA-2020-03
Applicant: Kevin Brown
911 W C St.



MOUNTAIN ST

GOLDSTON ST

W C ST

FRANKLIN AVE

S JUNIPER ST

YMCA DR

W C ST

SITE

FIR AVE



Kannapolis Current Zoning

Case Number: BOA-2019-05
Long Ridge Development
Vance St.





Kannapolis 2030 Future Land Use Map

Case Number: BOA-2020-03

Applicant: Kevin Brown

911 W C St.



MND GROUP

Mike Novick Designs
www.mndgroup.com

13016 EASTFIELD RD
SUITE #200-235
HUNTERSVILLE, NC 28078
704-948-5556

MIKE NOVICK, DESIGNER

PRIVATE
RESIDENCE
TOWN HOMES

911 WEST C STREET
KANNAPOLIS
NORTH CAROLINA
28081

SHEET INDEX

COVER	DESCRIPTION
AO	SITE PLAN
AO.1	GENERAL NOTES
AO.2	NOT INCLUDED
AO.3	NOT INCLUDED
A1.0	FOOTING-FOUNDATION PLAN
A1.2	NOT INCLUDED
A2.0	FIRST FLOOR PLAN
A2.1	NOT INCLUDED
A2.2	NOT INCLUDED
A3.0	SECOND FLOOR PLAN
A3.1	NOT INCLUDED
A3.2	NOT INCLUDED
A4.0	NOT INCLUDED
A4.1	NOT INCLUDED
A4.2	NOT INCLUDED
A5.0	ROOF PLAN
A5.2	NOT INCLUDED
A6.0	EXTERIOR ELEVATIONS
A6.1	EXTERIOR ELEVATIONS
A6.2	NOT INCLUDED
A6.3	NOT INCLUDED
A6.4	NOT INCLUDED
A6.5	NOT INCLUDED
A6.6	NOT INCLUDED
A6.7	NOT INCLUDED
A7.0	NOT INCLUDED
A8.0	NOT INCLUDED
A9.0	WALL SECTION DETAILS
A9.1	STAIRWAY SECTION DETAILS
A9.2	NOT INCLUDED
A9.3	NOT INCLUDED
A9.4	NOT INCLUDED
A9.5	NOT INCLUDED
A9.6	NOT INCLUDED
A9.7	NOT INCLUDED
STRUCTURAL ENGINEERING BY OTHERS	

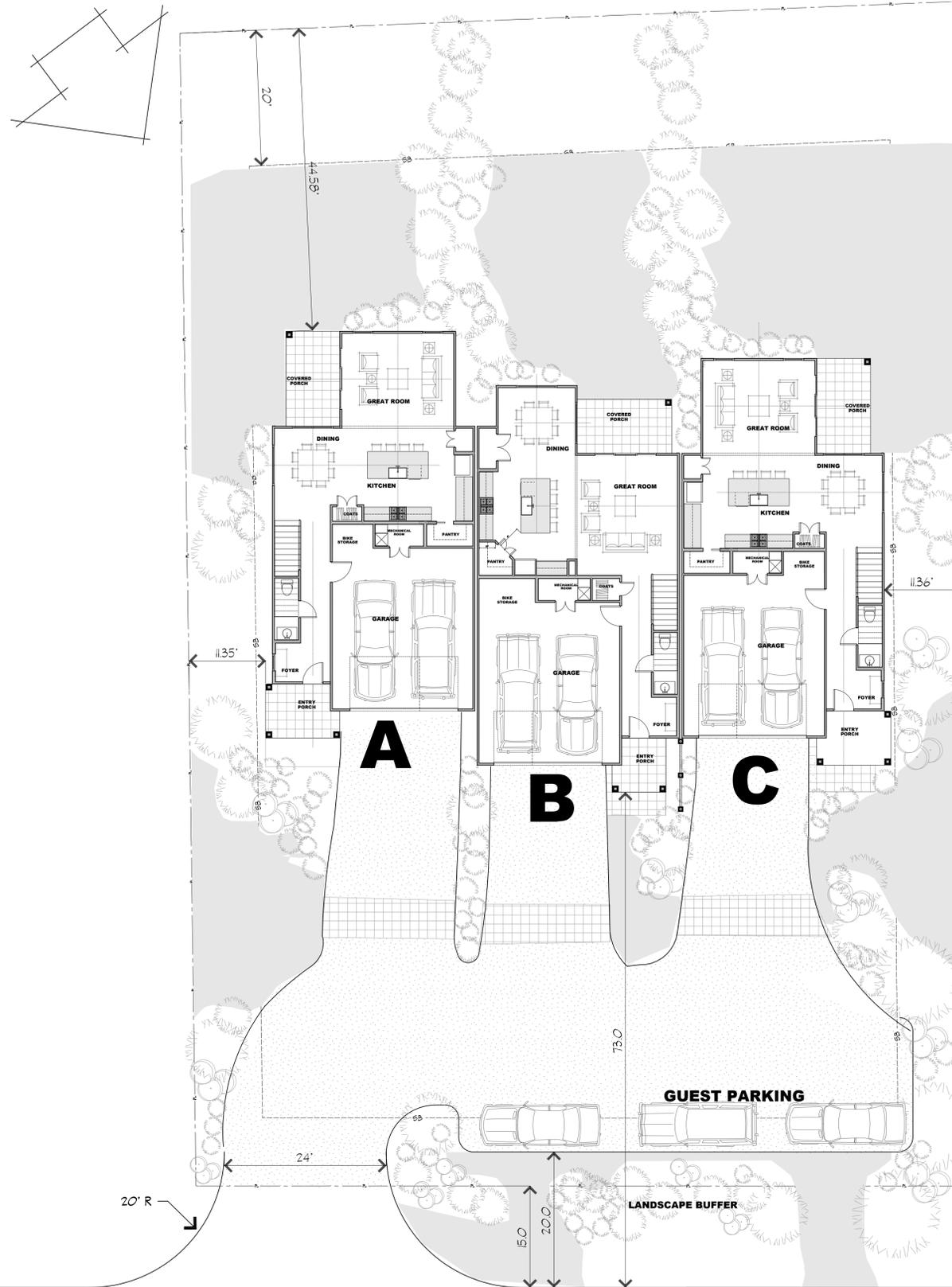
AREA CALCULATIONS

UNITS A + C	
HEATED SQUARE FOOTAGE	
MAIN LEVEL LIVING	906.91
UPPER LEVEL LIVING	122.71
TOTAL HSF	2029.62
UNHEATED SQUARE FOOTAGE	
GARAGE AREA	571.28
STORAGE AREA	0.00
COVERED ENTRY PORCH	82.33
COVERED REAR PATIO	14.00
TOTAL UNHSF	773.61
TOTAL UNDER ROOF	2803.23
UNIT B	
HEATED SQUARE FOOTAGE	
MAIN LEVEL LIVING	894.65
UPPER LEVEL LIVING	131.85
TOTAL HSF	2026.5
UNHEATED SQUARE FOOTAGE	
GARAGE AREA	567.62
STORAGE AREA	0.00
COVERED ENTRY PORCH	58.53
COVERED REAR PATIO	14.00
TOTAL UNHSF	740.5
TOTAL UNDER ROOF	2766.65

FOR REVIEW
01/19/2020

SITE PLAN

A0



WEST C STREET

1 SITE PLAN
AO SCALE 1" = 10'-0"

This Drawing and all Information Contained within are the sole Property of The MND Group, Mike Novick Designs and may not be used or distributed by others without written consent of Mike Novick and/or His Agents. Reproduction of this plan in whole or in part is Prohibited, without consent of The MND Group.

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MND GROUP

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UNITS A + C

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TOTAL UNHSF	740.5
TOTAL UNDER ROOF	2166.65

FOR REVIEW
01/19/2020

EXTERIOR ELEVATIONS

A6.0



1 FRONT ELEVATION
A6.0 SCALE 1/4" = 1'-0"

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AcctName1	MailAddr1	MailCity	MailState	MailZipCod
ACADEMIA PROPERTIES LLC	4325 BENDER CT	TROY	MI	48098
SMART INVESTMENTS GROUP LLC	7403 OLD OAK LANE	MINT HILL	NC	28227
GARRET HILLMAN	102 FIR AVE	KANNAPOLIS	NC	28081
HASKEL & IRENE CHILDERS	4900 HILTON LAKE ROAD	KANNAPOLIS	NC	28083
CANNON MEM YMCA & COMM CTR INC	P O BOX 46	KANNAPOLIS	NC	28081
TIMOTHY & WENDY BURRIS	100 FIR AVENUE	KANNAPOLIS	NC	28081
RUTH S WEDDINGTON ESTATE				
C/O LARRY WEDDINGTON	365 PITTS SCHOOL RD NW	CONCORD	NC	28027
NC C ST OZ FUND LLC				
ATTN: KEVIN BROWN	3111 CRAMER POND DR	CHARLOTTE	NC	28205



January 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, February 18, 2020 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2020-03 – Conditional Use Permit (CUP) – 911 W C Street

This public hearing is to consider a request for a Conditional Use Permit (CUP) to allow construction of a 3-unit townhome. 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 (Neighborhood Commercial) zoning district. The subject property is located at 911 W C Street and is approximately .41 +/- acres, further identified as Cabarrus County Parcel Identification Number(s) 5614-11-9950. **(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-2020-03

Applicant: Kevin Brown
911 W C St.

N




KANNAPOLIS
BOARD OF
ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE #BOA - 2020 - 03

 KANNAPOLIS
YMCA

