



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

**Staff Report**

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

**Request for a Conditional Use Permit to allow construction of a 6 (six) single-family detached homes in the Center City (CC) zoning district.**

**A. Actions Requested by Board of Adjustment**

1. Motion to accept the City's exhibits into the record.
2. Motion to approve/revise Findings of Fact for the Conditional Use Permit.
3. Motion to approve (approve with conditions) (deny) the issuance of the Conditional Use Permit
4. Motion to Issue Order of Approval.

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

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

**C. Background**

The applicant, Long Ridge Development & Properties, LLC, is requesting a Conditional Use Permit (CUP) to allow construction of a 6 (six) single-family detached homes in the CC (Center City) zoning district, located at 420, 422 & 428 S. Main Street, further identified as Cabarrus County Parcel Identification Numbers 5613-57-4737, 5613-57-4720, and 5613-57-4521. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow for single-family detached in the CC zoning district. The subject property is approximately 1.5 +/- total acres.

**D. Fiscal Considerations**

None

**E. Policy Issues**

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

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

Yes    No

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

The subject property is within the "Downtown Center" Character Area as designated on the Future Land Use and Character Map in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area has a desired density of 12-40 units/acre. The properties are surrounded by single-family detached and multi-family residential. Therefore, the proposed development is compatible with existing and desired residential character.

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

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

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

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

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

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

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

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

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

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

**F. Legal Issues**

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

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

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

**G. Recommendation**

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

**Conditions of Approval proposed by staff:**

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

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

***The Board of Adjustment should consider all facts and testimony after conducting the Public Hearing and render a decision accordingly to approve, approve with conditions, or deny the Conditional Use Permit.***

**H. Attachments**

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

**I. Issue Reviewed By:**

City Attorney	X
Planning Director	X
City Engineer	X
City Manager	X



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

Type of Action Requested (Check One):

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

Applicant: LONG RIDGE DEVELOPMENT PROPERTIES, LLC Owner: ATLANTIC AMERICAN PROPERTIES  
 Address: 202 OAK AVE Address: 226 OAK AVE  
KANNAPOLIS NC 28001 KANNAPOLIS

Telephone: (704) 933-7076 Telephone: \_\_\_\_\_

Email: JOSHUA@LONGRIDGE DEVELOPMENT.COM Email: \_\_\_\_\_

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

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

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

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

[Signature] \_\_\_\_\_  
 Applicant Signature & Date Property Owner Signature & Date

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

For Staff Use Only:

Filing Fee: \$1025.-

Receipt # M-11326

Application No.: PDA-2020-05

Date Submitted (Complete): 2/18/2020



**CITY OF KANNAPOLIS PLANNING DEPARTMENT**

**CONDITIONAL USE PERMIT APPLICATION**

I, JOSHUA MASTERS, hereby petition the Board of Adjustment for a Conditional Use Permit as required by Table 4.6-1 of the Unified Development Ordinance for the following proposed property use: RESIDENTIAL DEVELOPMENT.

The location of the above-mentioned proposed use is indicated on the accompanying site plan, and the nature of the proposed use is more fully described as follows:

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**APPROVAL CRITERIA**

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a conditional use permit. The Unified Development Ordinance requires that the applicant demonstrate successful compliance with several conditions to obtain a conditional use permit. In the spaces provided below, indicate the *facts* that you intend to provide to convince the Board that it can properly reach the following required conclusions:

**A. The proposed conditional use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on the site.**

YES, THE ANEA CONSISTS OF SINGLE FAMILY HOMES

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

YES, A PRIVATE DRIVE AND 2 PARKING SPACES  
PER UNIT

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

NO, SINGLE FAMILY HOMES

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

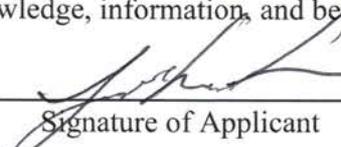
THE SURROUNDING AREA IS ALSO SINGLE FAMILY HOMES

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

NONE

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

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

  
Signature of Applicant

2/18/2020  
Date

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

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

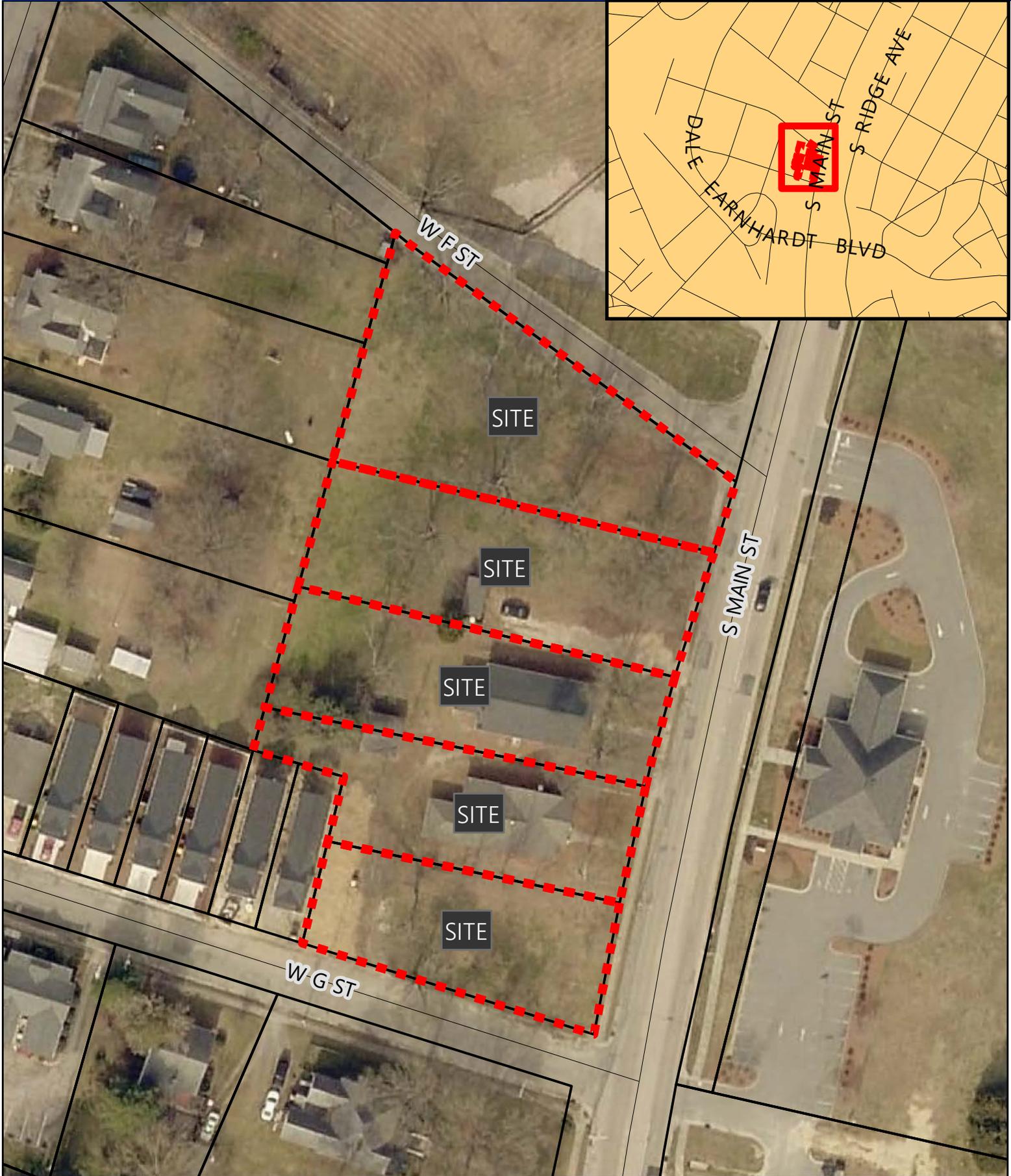
- Fee: Please refer to fee schedule to determine applicable fees.  
Fees are nonrefundable and help to cover administrative and notification costs.
- Site plan in conformance with criteria listed in Appendix B.4.
- Tax cards for all adjacent property owners



# Vicinity Map

Case Number: BOA-2020-05

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



WF ST

SITE

SITE

SITE

SITE

SITE

W G ST

S MAIN ST

DALE EARNHARDT BLVD  
S MAIN ST  
S RIDGE AVE





# Kannapolis 2030 Future Land Use Map

Case Number: BOA-2020-05

Applicant: Long Ridge Development & Properties, LLC

420, 422, 428 S. Main St.



Main Street  
KANNAPOLIS, NC



PLANNING PURPOSES ONLY NOT FOR CONSTRUCTION

- DATE: 2/18/2020
- REVISION:
- DRAWN BY: JRM
- SHEET: CV1.1



2 PROPOSED SITE PLAN  
CV1 SCALE: 1/16" = 1'-0"

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

NGS MONUMENT  
"NCR CB M3501"  
N: 636,293.46ft  
E: 1,515,528.30ft  
NAD 83(2011)  
CGF 0.99964190

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



February 26, 2020

Dear Property Owner,

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

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

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

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

Should you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4350

Sincerely,

Ryan Lipp  
Senior Planner

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



# Conditional Use Permit

Case Number: BOA-2020-05

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





KANNAPOLIS  
**BOARD OF**  
**ADJUSTMENT**  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE # BOA - 2020 - 05





SPEED  
LIMIT  
30

KANNAPLIS  
BOARD OF  
ADJUSTMENT  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE #04-2020-05

FIRST BANK