



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

Staff Report

TO: Board of Adjustment

FROM: Gretchen Coperine, AICP, Assistant Planning Director

SUBJECT: **Case# BOA-2020-06: Unaddressed parcel on N. Cannon Boulevard
Conditional Use Permit (CUP)
Applicant: Parent Development LLC**

Request for a Conditional Use Permit to allow multi-family residential in the General Commercial (C-2) 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, Parent Development, LLC, is requesting a Conditional Use Permit (CUP) to allow construction of a 72-unit apartment community in the C-2 (General Commercial) zoning district, located on an unaddressed parcel on N. Cannon Blvd., further identified as Rowan County Parcel Identification Number 162 004. The project lies within protected area watershed and has a maximum impervious restriction of

The proposed project is age-targeted for persons 55 year of age and over. Age-targeted refers to the segment of the market that the project is intending to serve. It does not mean age-restricted and therefore, does not have the same restrictions.

Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow for multi-family detached in the C-2 zoning district. The subject property is approximately 5.05 +/- 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 "Suburban Activity 2" Character Area as designated on the Future Land Use and Character Map in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Suburban Activity 2 Character Area allows multifamily residential uses.

The proposed use is compatible with the character intent of the Suburban Activity 2 Character Area, as well as, complementary to the existing mixed 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 N. Cannon Boulevard. The proposed project did not meet the threshold for a Traffic Impact Analysis. However, final access and road improvements shall be subject to NCDOT review and approval.

Also, as a condition of approval, the site shall have a secondary emergency access point for Fire safety.

 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 proposed plan would not impede development of the surrounding properties.

 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 uses permitted with this rezoning shall only include 72 apartments, in general conformance with the plan submitted with this rezoning.
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. All road intersections or where development has access and/or street frontage shall be approved by NCDOT and the City.
4. 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.
5. The lane widths, sidewalks, pavement structure, road alignment, and road grades shall be constructed to current City standards.
6. Roads and parking lots shall comply with all Fire Codes and Autoturn shall be run for an SU-30 and Bus-45 (mimics ladder truck).
7. Streams and wetlands shall be identified by a qualified person and all buffers shown in accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and other structures must comply with AE Zone & RSOD Buffer requirements or be relocated.
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. Stormwater SCM's cannot be constructed in the undisturbed buffer.
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). Viable access shall be provided along all easements with a grade no greater than 15% for maintenance vehicles and cross slopes shall not exceed 5%.
12. The Fire Department shall approve locations of all hydrants.
13. A secondary emergency access shall be provided per Fire Department requirements.

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
Director of Engineering	X
City Manager	X

KANNAPOLIS

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: Parent Development LLC

Owner: TERRY L. WEAVER & Family

Address: 4110 Southpoint Blvd, Suite 206
Jacksonville, FL 32216

Address: 34 MYRTLE IS. CIRCK
BLUFFTON, SC 29910

Telephone: 904-279-0131

Telephone: 843-338-9648

Email: bjparent@comcast.net

Email: terry@msicorp.us

Legal relationship of applicant to property owner: Applicant has purchase agreement with owner

Property Location/Address: N Cannon Blvd

Tax Parcel Number: 162 004 Zoning District: C2 Acreage of Site: 5.05

Brian Parent

TERRY L. WEAVER

Applicant Name (Print)

Property Owner Name (Print)

[Signature] 2/17/2020

[Signature] 2/14/2020

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.-

Receipt # M-11327

Application No.: BOA-2020-06

Date Submitted (Complete): 2/18/2020



CITY OF KANNAPOLIS PLANNING DEPARTMENT

CONDITIONAL USE PERMIT APPLICATION

I, Brian Parent, 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: Multi-family.

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:

Development of a 72 unit apartment community consisting of 1BR and 2BR units targeted to seniors aged 55 and over along with associated amenities.

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.

The property sits on N Cannon Blvd and is in between a commerical retail center to the south and commercial to the north. To the west is vacant property. East Across N Cannon Blvd is neighborhood commercial and residential. The proposed use fits well within the context of the area and will be a positive impact for the neighborhood. Area has many neighborhood services that will serve the new residential property as well.

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.

Conceptually, ingress and egress is proposed on N Cannon Blvd at the location of a median cut in the highway directly across from E 24th Street. Final site design will follow all City requirements as well as DOT permitting requirements. The ingress point is flexible based on final design review. Also, concept plan incorporates a circular drive to allow easy in/out by fire department.

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

This is a 100% residential development. No noxious or offensive uses are proposed. Additionally, the development will be for

seniors which generate fewer trips from a traffic standpoint.

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 proposed use will only enhance the local area and create stimulus for the existing commercial and retail uses in the

neighborhood. New residents will provide a benefit to the area. New investment will only positively enhance the potential

for new investment and improvements.

E. 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 residential community will be well maintained with on-site management and maintenance. There will be no

negative impact to the health, safety, and welfare of area residents.

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

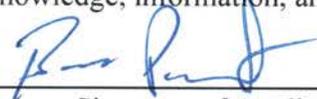
The proposed development will comply with all applicable sections of the ordinance. The preliminary plans have been designed

to meet all development standards, height restrictions, parking requirements, setbacks, and open space requirements. Additionally,

the total impervious surface as proposed is less than 25% to meet all watershed requirements. Water and Sewer are available to site.

Future Land Use is Suburban Activity 2 which states multifamily residential is a Primary Use.

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

2/17/2020

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.

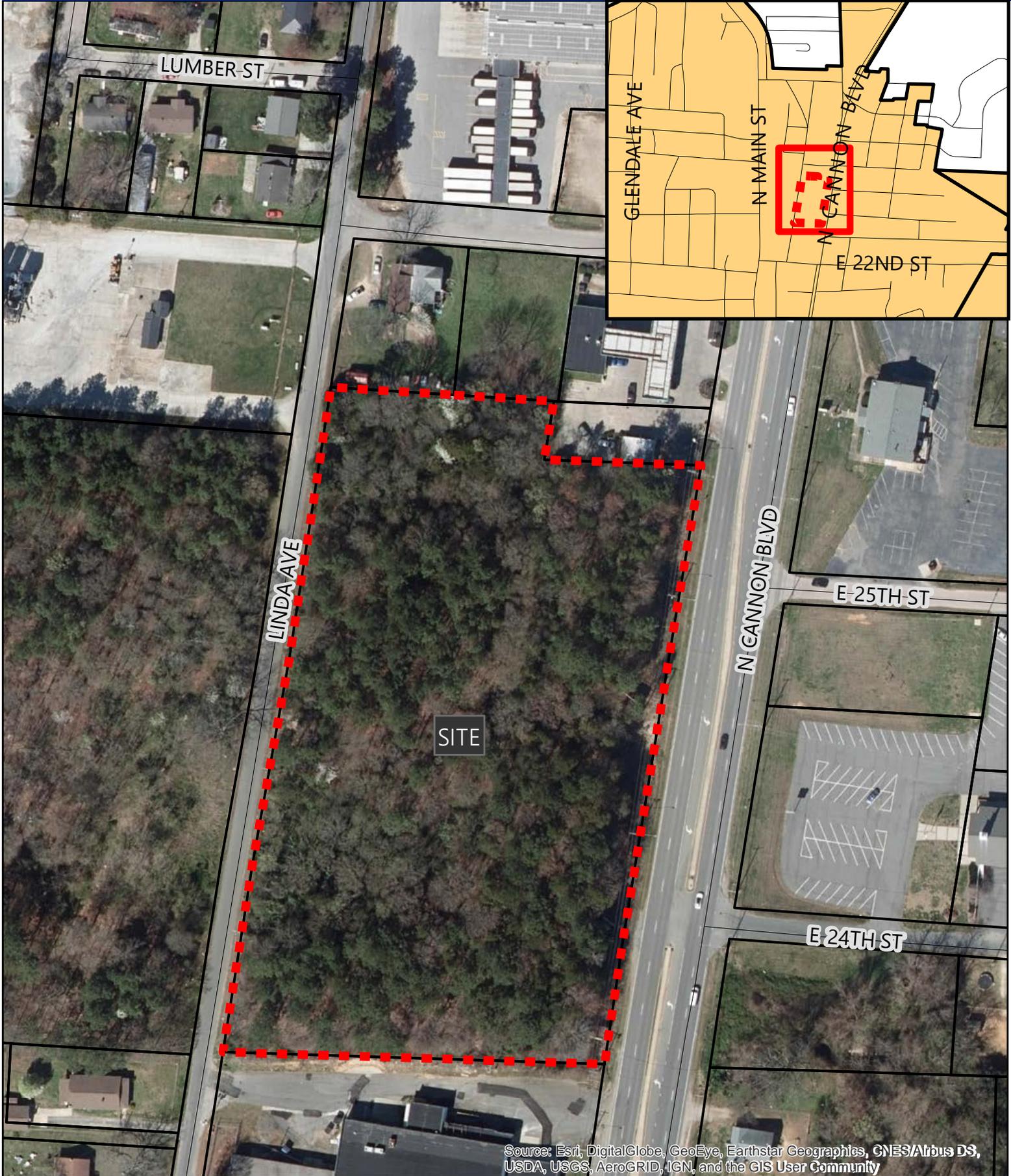
Required as part of Conditional Use Permit Submittal:

- 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-2020-06
Applicant: Parent Development, LLC
2351 N Cannon Bv





Kannapolis Current Zoning

Case Number: BOA-2020-06
Applicant: Parent Development, LLC
2351 N Cannon Bv





Kannapolis 2030 Future Land Use Map

Case Number: BOA-2020-06

Applicant: Parent Development, LLC

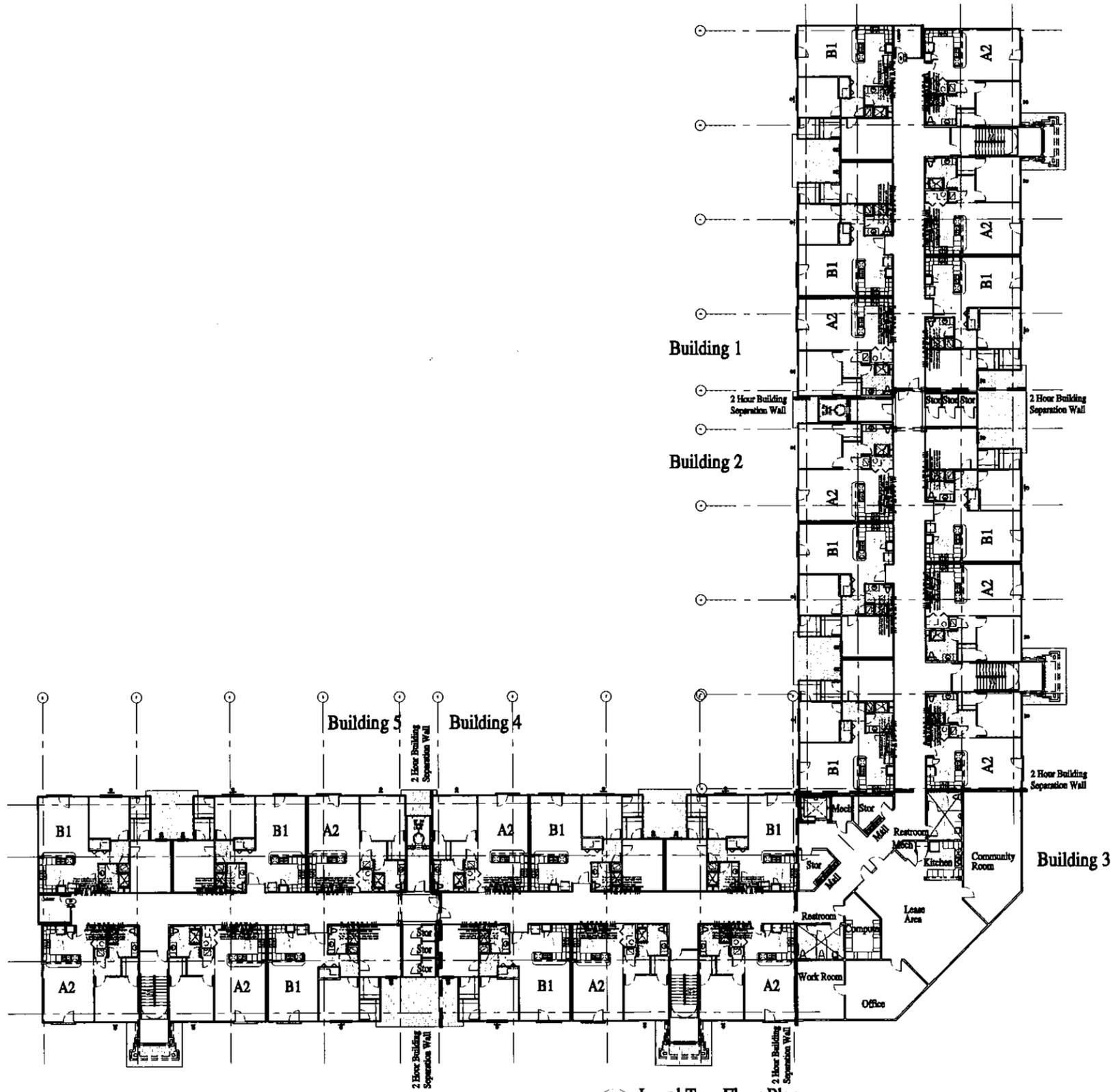
2351 N Cannon Bv



PROJECT TABULATION

Site Acreage		5.5		2/12/2020	
Project Density		13.09			
UNIT DATA:					
Unit Description	A1 1B/1B	B1 2B/2B	Total Average	Net S.F.	Net square footage includes all conditioned area included within the perimeter exterior walls of a unit. This number does not include private interior stairs and stair foyer.
Total Number	36	36	36	Gross S.F.	Gross square footage when applied to the unit data, includes all square footage associated with that unit including private stairs, balconies / patio and exterior storage closets. Private garages are not included in this number. Gross square footage when applied to the building data, includes the unit gross square footage, the garage square footage and misc. square footage (mechanical closets) to result in a total gross square footage per building.
Net Square Footage	736	1,015	1,751		
Gross Square Footage	802	1,095	1,897		
Percent of Total	100.00	100.00	100		
Unit Net Totals	36,496	36,540	63,036		
Unit Gross Totals	28,872	39,420	68,292		
BUILDING DATA:					
Bldg. Number	Bldg. Type	A2 1B/1B	B1 2B/2B	Total Units per Building	Number of Buildings
Type 1a	Elev. SR	9	9	2	2
Type 1b	Elev. SR	9	9	2	2
Leasing Office	Club	4470		1	1
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01 Level Two Floor Plan
 SCALE 1/8" = 1'-0"

**Brookwood Park
 Apartments
 Kannapolis, NC.**

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 Fax. (904) 513-9285

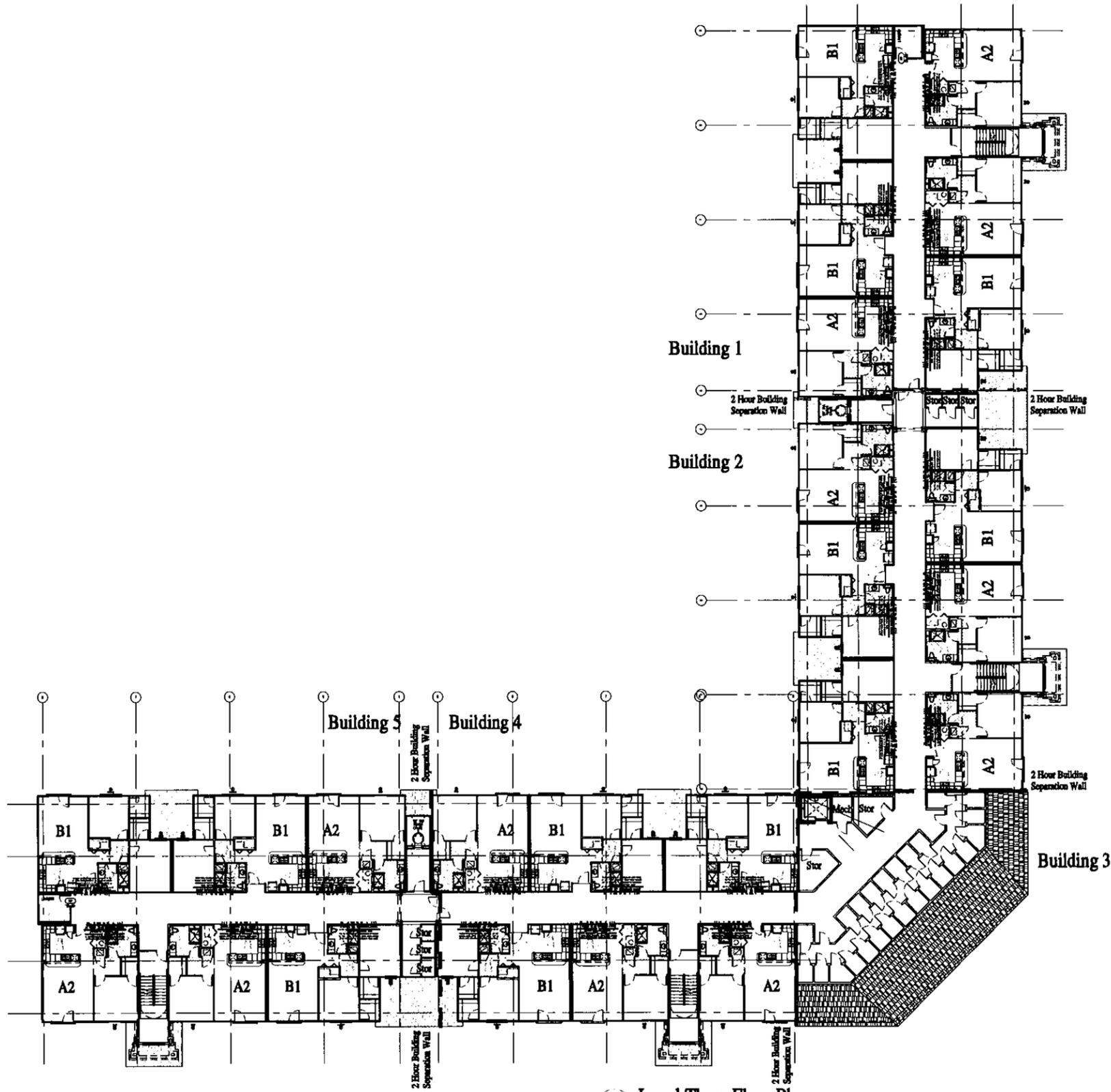
Frank W. Pollacia AIA
 Frank W. Pollacia AIA
 North Carolina Architect #13351
 t. 972.509.0088 f. 972.509.0022
 pollacia@archi.tectura-inc.com

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A2.01b

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01 Level Three Floor Plan
SCALE: 1/8" = 1'-0"

**Brookwood Park
Apartments
Kannapolis, NC.**

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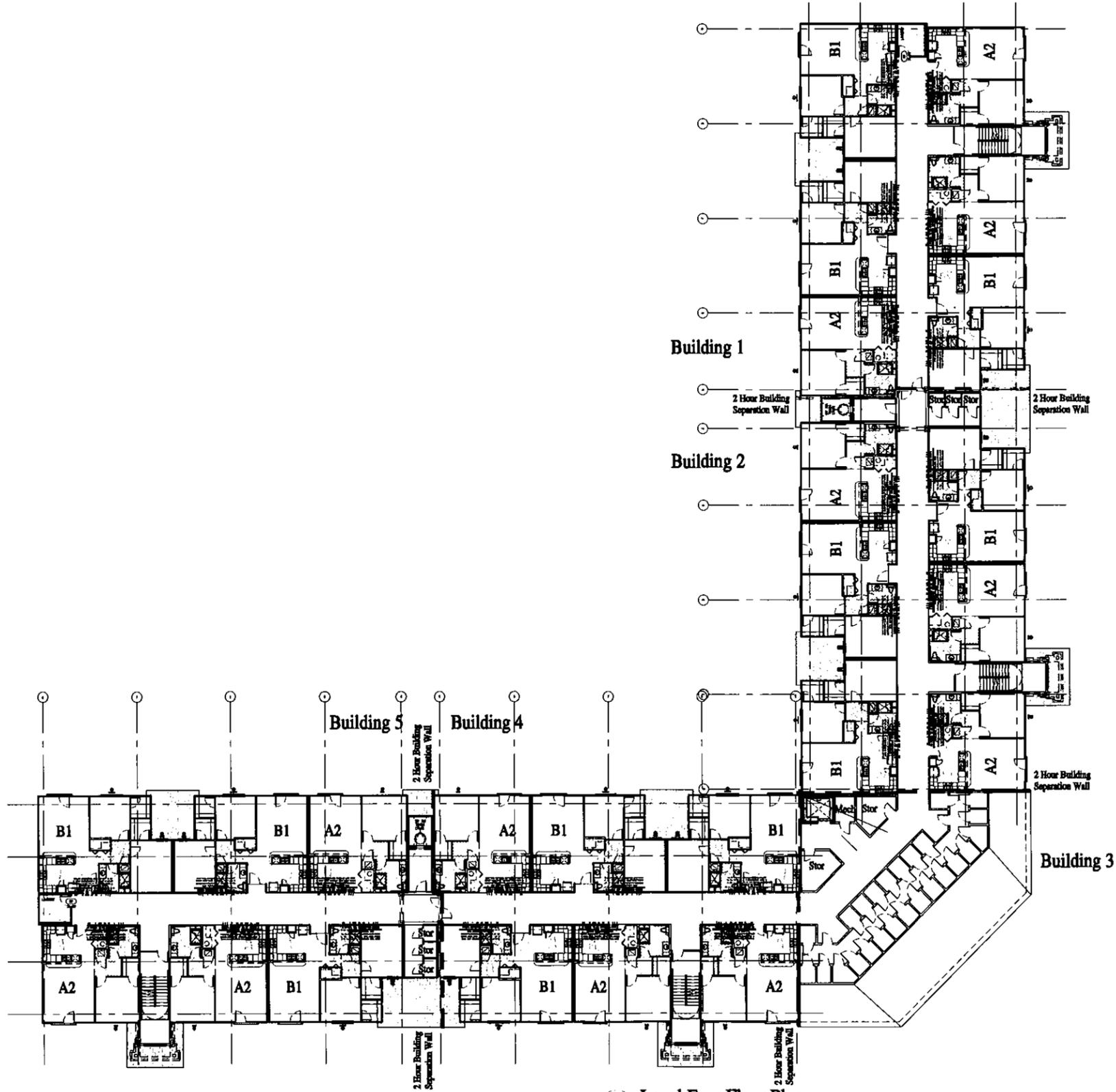
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01 Level Four Floor Plan
 SCALE: 1/8" = 1'-0"

**Brookwood Park
 Apartments
 Kannapolis, NC.**

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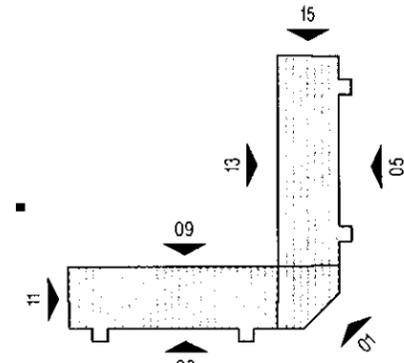
Frank W. Pollacia AIA
 Frank W. Pollacia AIA
 North Carolina Architect #13351
 T. 972.509.0088 F. 972.509.0022
 pollacia@architetture-inc.com

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 Date: January 23, 2020 8:47 am
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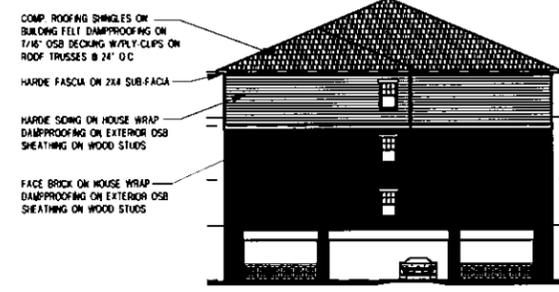
16 Key Plan
SCALE: None



15 Building Elevation
SCALE: 1/8" = 1'-0"

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 TOP PLATE
 EL 32'-0" AFF
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 BRICK LEDGE

13 Building Elevation
SCALE: 1/8" = 1'-0"

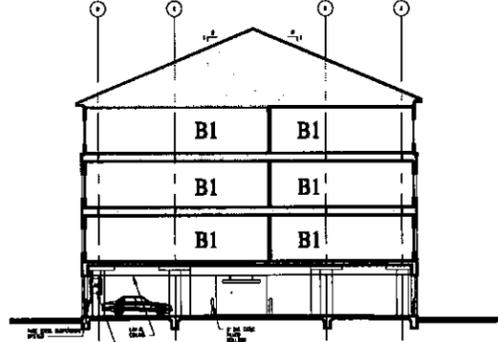


11 Building Elevation
SCALE: 1/8" = 1'-0"



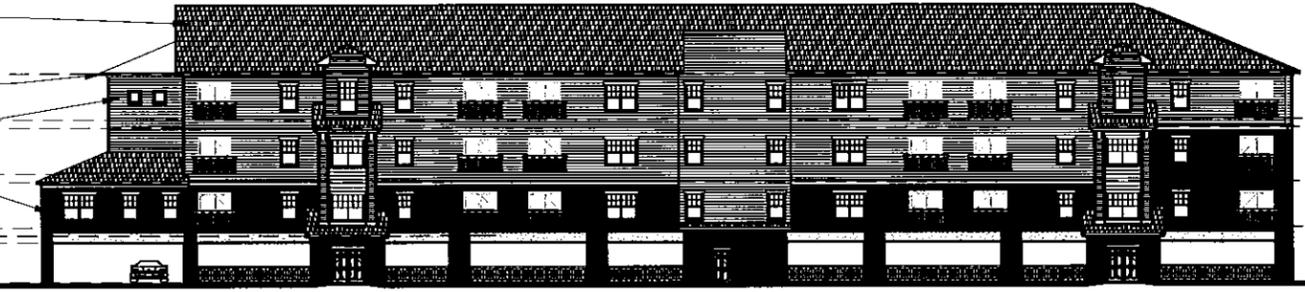
09 Building Elevation
SCALE: 1/8" = 1'-0"

EL 41'-0" AFF
 TOP PLATE
 EL 32'-0" AFF
 /FN FLR
 EL 30'-4" AFF
 TOP PLATE
 EL 27'-4" AFF
 /FN FLR
 EL 19'-8" AFF
 TOP PLATE
 EL 17'-8" AFF
 /FN FLR
 EL 9'-2" AFF
 TOP PLATE
 EL 0'-0" AFF
 /FN FLR
 EL -0'-1 1/2" AFF
 BRICK LEDGE



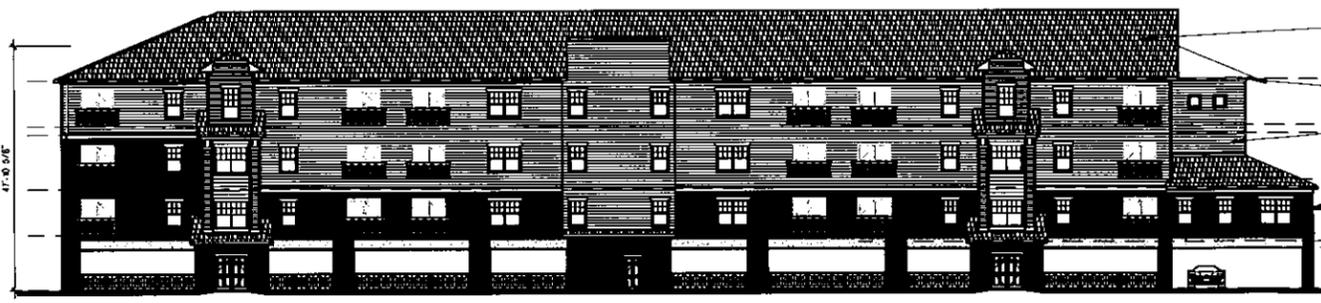
06 Building Section
SCALE: 1/8" = 1'-0"

COMP ROOFING SHINGLES ON
 BUILDING FELT DAMPROOFING ON
 7/16" OSB DECKING W/PLY CLIPS ON
 ROOF TRUSSES @ 24" O.C.
 HARDIE FASCIA ON 2X4 SUB-FACIA
 HARDIE SOING ON HOUSE WRAP
 DAMPROOFING ON EXTERIOR OSB
 SHEATHING ON WOOD STUDS
 FACE BRICK ON HOUSE WRAP
 DAMPROOFING ON EXTERIOR OSB
 SHEATHING ON WOOD STUDS



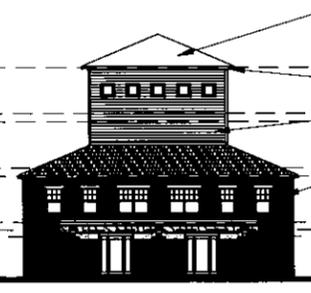
05 Building Elevation
SCALE: 1/8" = 1'-0"

EL 41'-0" AFF
 TOP PLATE
 EL 32'-0" AFF
 /FN FLR
 EL 30'-4" AFF
 TOP PLATE
 EL 27'-4" AFF
 /FN FLR
 EL 19'-8" AFF
 TOP PLATE
 EL 17'-8" AFF
 /FN FLR
 EL 9'-2" AFF
 TOP PLATE
 EL 0'-0" AFF
 /FN FLR
 EL -0'-1 1/2" AFF
 BRICK LEDGE



03 Building Elevation
SCALE: 1/8" = 1'-0"

COMP ROOFING SHINGLES ON
 BUILDING FELT DAMPROOFING ON
 7/16" OSB DECKING W/PLY CLIPS ON
 ROOF TRUSSES @ 24" O.C.
 HARDIE FASCIA ON 2X4 SUB-FACIA
 HARDIE SOING ON HOUSE WRAP
 DAMPROOFING ON EXTERIOR OSB
 SHEATHING ON WOOD STUDS
 FACE BRICK ON HOUSE WRAP
 DAMPROOFING ON EXTERIOR OSB
 SHEATHING ON WOOD STUDS



01 Building Elevation
SCALE: 1/8" = 1'-0"

EL 41'-0" AFF
 TOP PLATE
 EL 32'-0" AFF
 /FN FLR
 EL 30'-4" AFF
 TOP PLATE
 EL 27'-4" AFF
 /FN FLR
 EL 19'-8" AFF
 TOP PLATE
 EL 17'-8" AFF
 /FN FLR
 EL 9'-2" AFF
 TOP PLATE
 EL 0'-0" AFF
 /FN FLR
 EL -0'-1 1/2" AFF
 BRICK LEDGE

**Brookwood Park
 Apartments**
 Kannapolis, NC.

JPM Group
 4110 Southpoint Blvd, Suite
 Jacksonville, Florida 32216
 Tel. (904) 279-0131
 Fax. (904) 513-9285

Frank W. Pollacia AIA
 Frank W. Pollacia AIA
 North Carolina Architect #13351
 t. 972.509.0088 f. 972.509.0022
 pollacia@architectura-inc.com

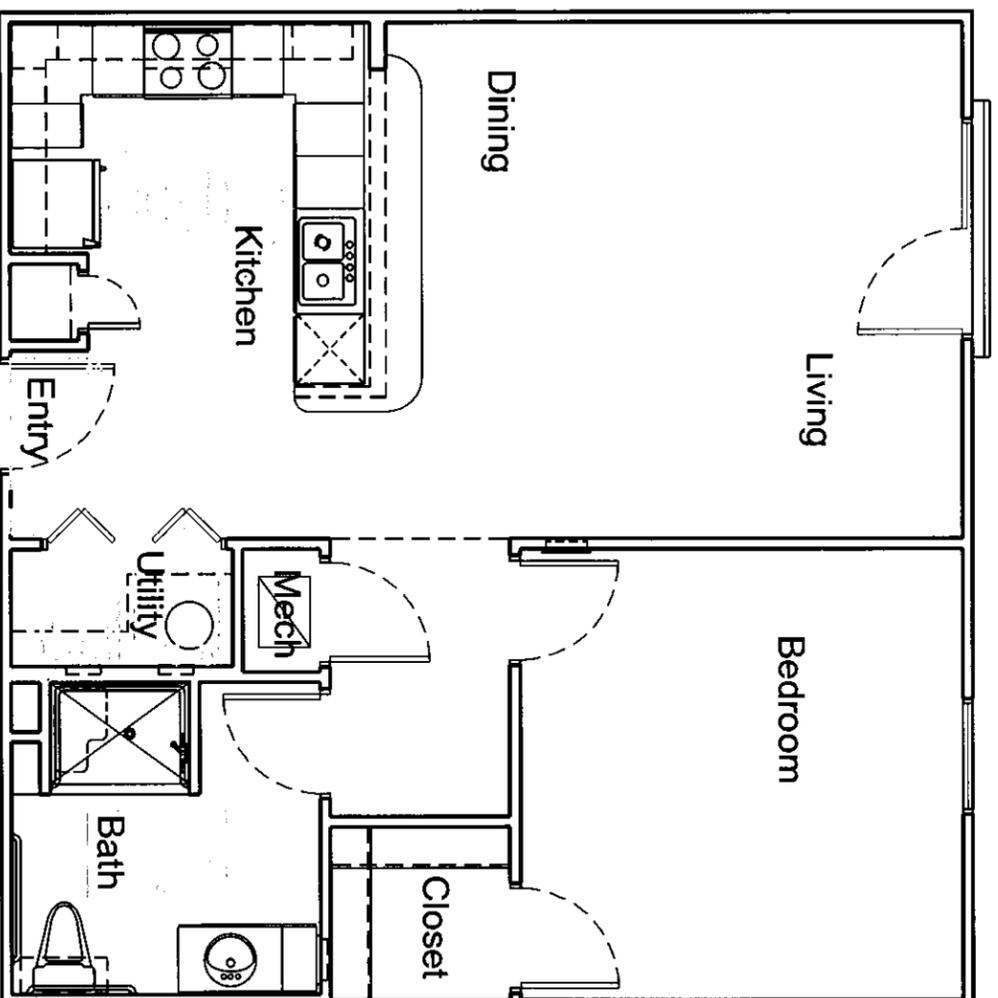
Project No. 201001
 Issue Drawing Log

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Sheet Title
Building Elevations
 Drawing No.
A4.01

Unit A2

One Bedroom - One Bath
Market Net Area 746 Sf



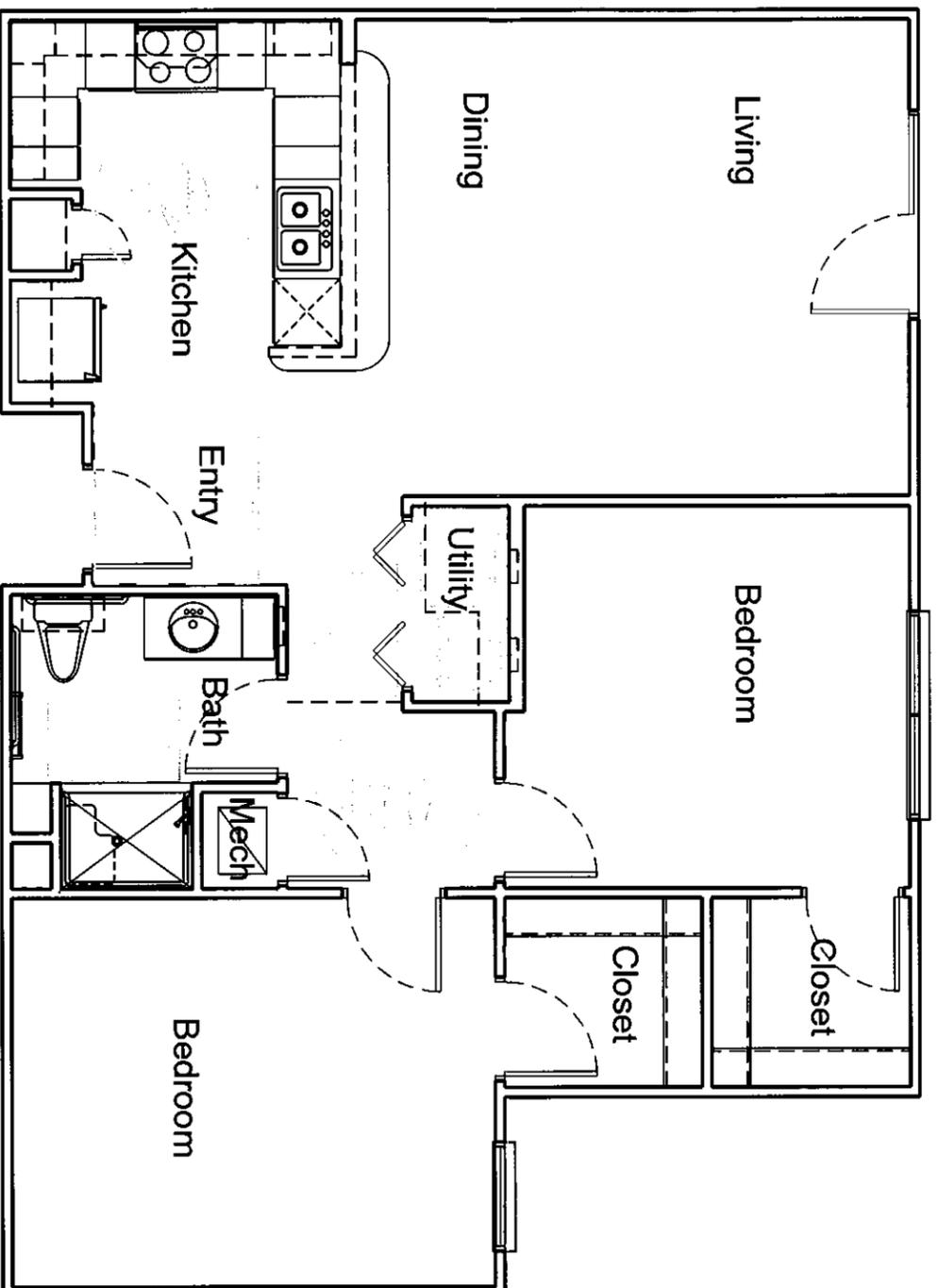
Frank W. Pollacia AIA

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pollacia@architectura-inc.com

A2

Unit B1

Two Bedroom - One Bath
Market Net Area 940 Sf



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pollacia@architecttura-inc.com

B1

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
SARAH BUTLER	2205 LINDA AVE	LANDIS	NC	28083
CARL GRIFFITH JR	2207 LINDA AVE	KANNAPOLIS	NC	28083
BT-OH LLC				
ATTN: REAL ESTATE DEPT	55 GLENLAKE PKWY NE	ATLANTA	GA	30325
RUSHER OIL CO INC.	PO BOX 1483	SALISBURY	NC	28145
ROGERS PARK BAPTIST CHURCH	PO BOX 183	LANDIS	NC	28088
ARICH STAR LLC	17814 CLARE MORRIS LN	PFLUGERVILLE	TX	78660
MARIBEL ZARCO ESQUIVEL	2501 LINDA AVE	KANNAPOLIS	NC	28083
JONETTE HICKS	2503 LINDA AVE	KANNAPOLIS	NC	28083
NEWMAN JUNG JR &				
DERRELL PERKINS	1216 S. MAIN ST	KANNAPOLIS	NC	28081
VFW POST #8989				
C/O LACY ROBBINS	1265 PUMP STATION RD	KANNAPOLIS	NC	28081
CONCRETE SUPPLY CO LLC	PO BOX 5247	CHARLOTTE	NC	28225
CONNOLLY BARNES	101 OLD HERITAGE RD	KANNAPOLIS	NC	28081
DOROTHY POOLE ETAL	34 MYRTLE ISLAND CIR	BLUFFTON	SC	29910
ETHIO PROPERTIES LLC				
C/O FOUNDRY COMMERCIAL LLC	121 W TRADE ST STE 2500	CHARLOTTE	NC	28202
RICHARD MCGUIRE	8864 WRIGHT RD	KANNAPOLIS	NC	28081
ROSE HILL MISSIONARY BAPTIST C	216 RICE ST	KANNAPOLIS	NC	28081
EDDIE DURHAM	1311 LOWRANCE AVE	KANNAPOLIS	NC	28081
	4110 SOUTHPOINT BLVD			
PARENT DEVELOPMENT LLC	STE 206	JACKSONVILLE	FL	32216
TERRY WEAVER & FAMILY	34 MYRTLE ISLAND CIR	BLUFFTON	SC	29910



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-2020-06 – Conditional Use Permit (CUP) – Unaddressed property on N. Cannon Blvd.

This public hearing is to consider a request for a Conditional Use Permit (CUP) to allow for a 72-unit 55+ apartment community. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow for multi-family residential in the C-2 (General Commercial) zoning district. The subject property is located on an unaddressed parcel located between N. Cannon Boulevard and Linda Avenue. The property is approximately 5.05 +/- acres and is further identified as Rowan County Parcel Identification Number(s) 162 004. **(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,

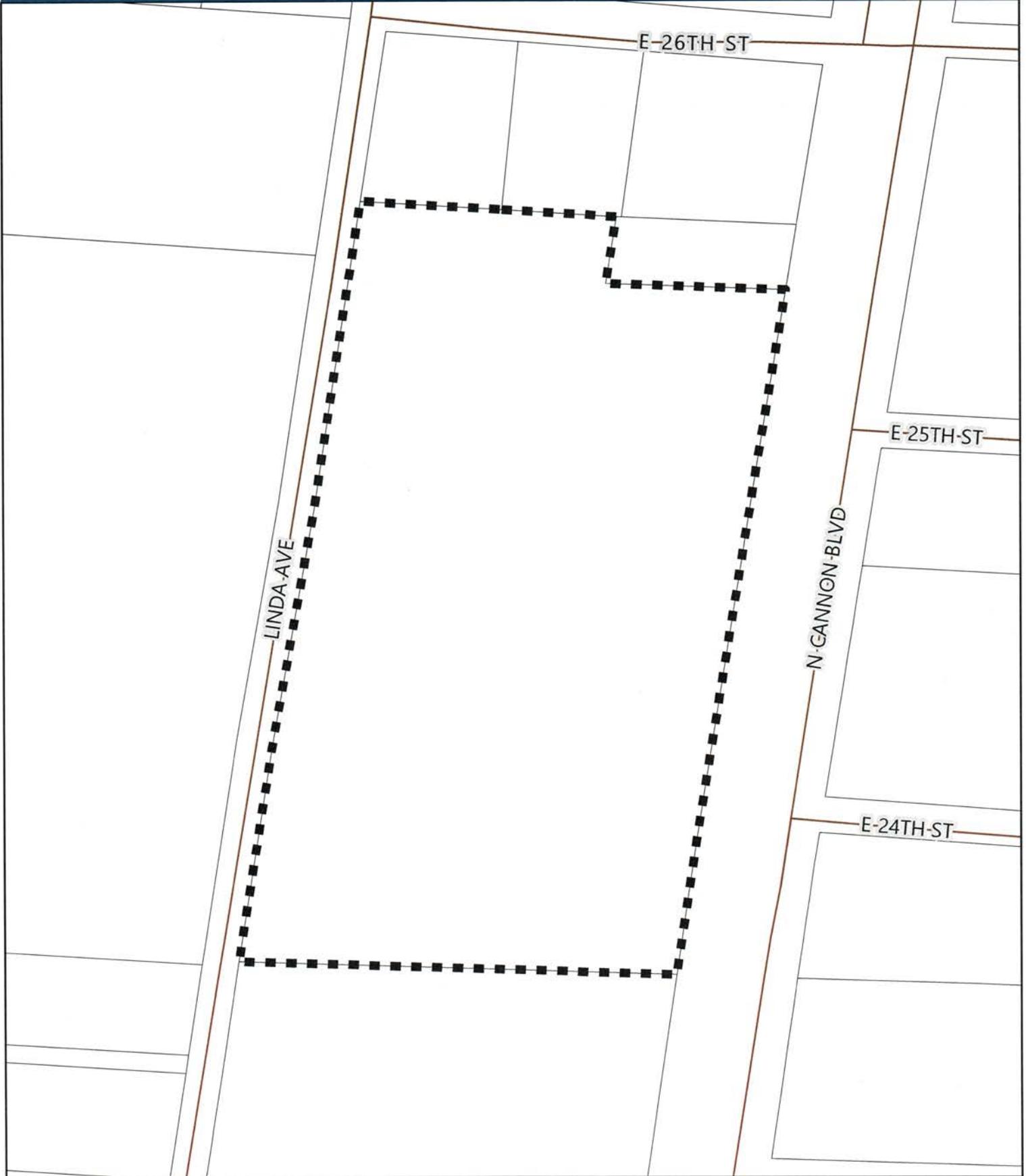
Ryan Lipp
Senior Planner

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-2020-06
Applicant: Parent Development, LLC
2351 N Cannon Bv



KANNAPOLIS
BOARD OF
ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE #BOA - 2020 - 06

Philips Air Care
www.philipsair.com

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SITE