



**Board of Adjustment
July 14, 2020 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Gretchen Coperine, AICP, Assistant Planning Director

SUBJECT: **Case# BOA-2020-13: Parcel on Irene Avenue
Conditional Use Permit (CUP)
Applicant: Workforce Solutions LLC**

Request for a Conditional Use Permit to allow multi-family residential in the Residential Village (RV) 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, Workforce Development, LLC, is requesting a Conditional Use Permit (CUP) to allow construction of a 72-unit apartment community in the RV (Residential Village) zoning district, located on the north side of Irene Ave, east of N. Cannon Blvd., further identified as Cabarrus County Parcel Identification Number 5623-15-2751. The subject parcel is within the Lake Fisher Watershed Protected Area, which restricts development to no more than 24% max built-upon area. The attached site plan is below that maximum development percentage. The parcel is also located partially within floodplain. Any development will be subject to all floodplain regulations.

Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow for multi-family in the RV zoning district. The subject property is approximately 8.045 +/- 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 multifamily residential uses.

The proposed use is compatible with the character intent of the Complete Neighborhood 1. The multi-family use serves as a transitional use between the commercial uses along N. Cannon Blvd., and the lower density residential development to the east.

 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 continue take direct access off Irene Avenue. A Traffic Impact Analysis (TIA) was not warranted by the development, however access and roadway improvements will be reviewed and approved by the City.

 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 associated with the proposed residential use 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 CUP.
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. Roadway improvements are required (LDSM detail #101) to Fairview St & Sweet Gum St.
4. Water & sewer extensions are required to serve the site. Utilities will require public easements, easement plat, and easement agreement.
5. Each building can be metered (no master meters).
6. Use Bus-45 for turning template (mimics ladder truck).
7. A Stormwater Operations & Maintenance Agreement will be required prior to CO.
8. 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. 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



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

Type of Action Requested (Check One):

- Variance
Conditional Use Permit
Subdivision Exception
Zoning Text Amendment
Appeal
SIA Application
Noneconformity Adjustment
Watershed Boundary Modification
Zoning Map Amendment
Conditional Zoning Map Amendment

Applicant: Workforce Solutions, LLC Owner: City of Kannapolis, North Carolina
Address: PO Box 2063 Address: 401 Laureate Way
Jamestown, NC 27282 Kannapolis, NC 28081
Telephone: 336.625.7641 Telephone: 704.920.4300
Email: pbreeder@wkfslc.com Email: mlegg@kannapolisnc.gov

Legal relationship of applicant to property owner: Applicant currently has a purchase agreement to purchase property.

Property Location/Address: Located East of S. Cannon Blvd off Fairview St. at the end of Irene Ave.

PIN:

Tax Parcel Number: 5623-15-2751-0000 Zoning District: RV Acreage of Site: 8.045 +/- acres

Requesting Zoning (if applicable):

Workforce Solutions, LLC - Patty Reeder, Member City of Kannapolis, North Carolina - Michael B. Legg, City Manager
Applicant Name (Print) Property Owner Name (Print)

Applicant Signature & Date (Handwritten signature and date 3.23.2020)

Property Owner Signature & Date (Handwritten signature and date 3.23.20)

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(s), and one (1) copy of any required site plan for staff review must be submitted by the deadline. All fees are nonrefundable and help to cover administrative and notification costs.

For Staff Use Only:

Filing Fee: Receipt #

Application No.: BOA-2020- Date Submitted (Complete):



CONDITIONAL USE PERMIT APPLICATION

I, Workforce Solutions, LLC, 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: Multifamily 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:

Our firm is proposing the development of a 72 unit multifamily community. Our plan includes (3) three-story residential buildings consisting of 1, 2, and 3 bedroom apartments, detailed in our plans. Additionally, our plans call for a single story community building consisting of the manager's office, community room, laundry facility, and business center.

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.

Our plan conforms with the nature of the neighborhood with a mixture of single family, commercial/retail and multifamily within close proximity of the site. As detailed in our plans our community will be an attractive addition to both the city and the neighborhood. Our proposed residential buildings will be three stories in height (approximately 40').

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.

After meeting with various members of the City staff we feel that our plans address any traffic issues that may be of concern. Currently we plan for two points of ingress/egress (Irene Avenue & Fairview Street) which we feel will adequately handle traffic concerns related to this development. Prior to construction our plans will go before NCDOT as well as municipal departments for review and approval.

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

Once the development is complete (post construction) our development will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas. Our property will be in harmony with the surrounding and neighboring uses as a dynamic addition to an already well established neighborhood.

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.

As stated in Section C, our proposed use will be a dynamic addition to the area and will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district. We feel our proposed community will be well received by the community and neighbors.

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

As we move forward with the development of our proposed community we will comply with all requirements set forth by the City of Kannapolis, Cabarrus County, and the North Carolina DOT, as well as any other applicable agencies.

Should any additional action such as, any traffic improvements or mitigation design requirement need to be made we will adhere to those requirements. In the event further action is required, additional correspondence will be provided.

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

Our development will be in compliance with all Sections of the Ordinance.

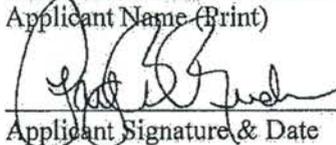
I certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Workforce Solutions, LLC - Patty Reeder, Member

City of Kannapolis, North Carolina - Michael B. Legg, City Manager

Applicant Name (Print)

Property Owner Name (Print)

 3.23.2020
Applicant Signature & Date

 3.23.20
Property Owner Signature & Date

Required as part of Conditional Use Permit Submittal:

- The Board of Adjustment may add conditions on the use requested as part of the approval to assure that adequate mitigation measures are associated with the use.
- Fee: Please refer to fee schedule on the City's website 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-2020-13
Applicant: Workforce Solutions, LLC.
Verona St.

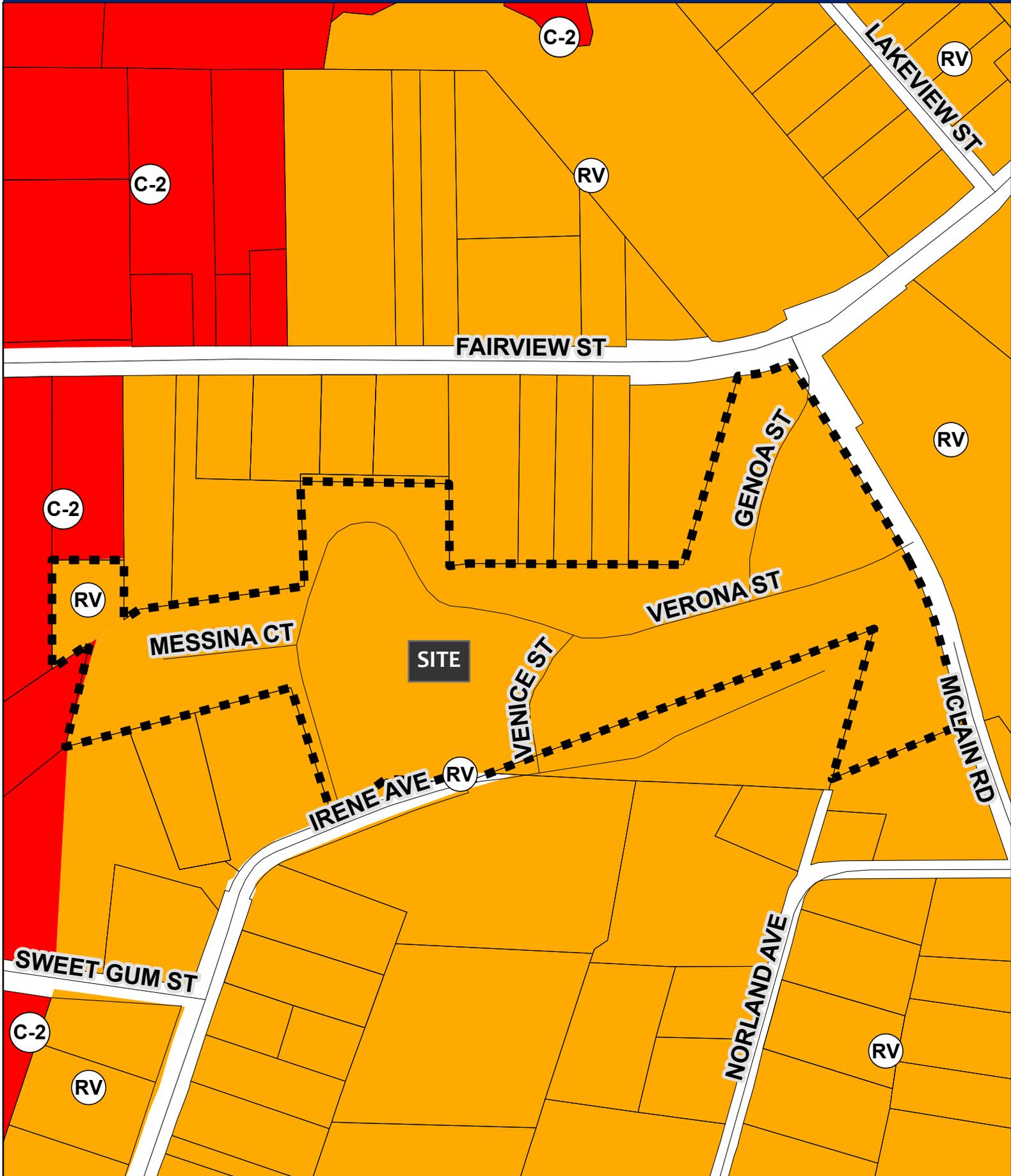




Kannapolis Current Zoning

Case Number: BOA-2020-13

Applicant: Workforce Solutions, LLC.
Verona St.

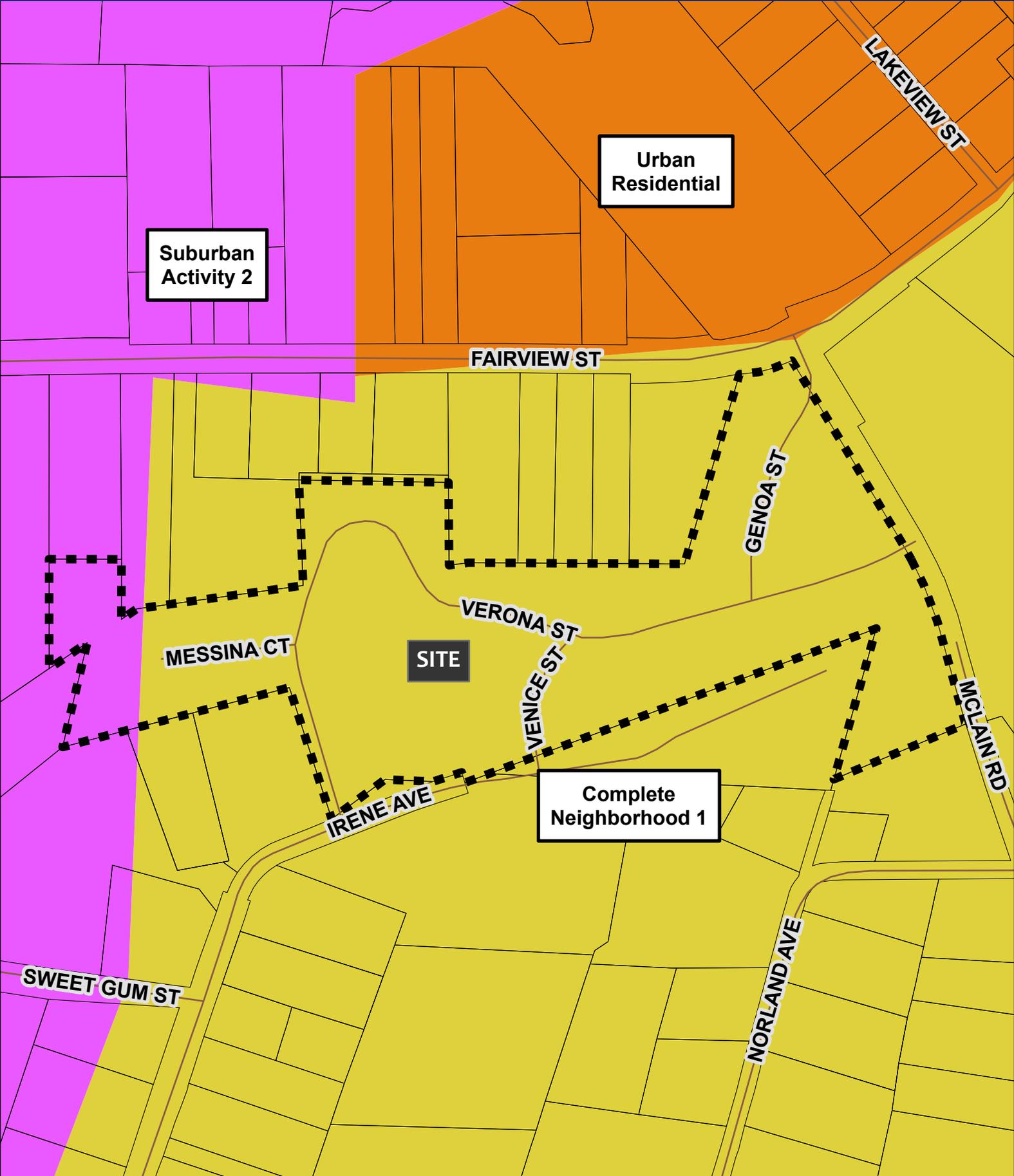


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2020-13

Applicant: Workforce Solutions, LLC.

Verona St.



SITE INFORMATION:

SITE: 8.05 ACRES
 IMPERVIOUS SURFACE: 2.3 ACRES (31% OF THE TOTAL SITE AREA;
 IMPERVIOUS SURFACE CANNOT EXCEED 45%)
 DENSITY: 8.94 UNITS/ACRES
 BUILDINGS: (1) 1 STORY CLUBHOUSE
 (3) 3-STORY APARTMENT BUILDING
 SPRINKLERS: 13R
 PARKING SPACES: 144 REQUIRED SPACES @ 2 PER UNIT
 144 PROVIDED SPACES

ZONING: RV
 SETBACKS: FRONT = 20'
 SIDE = 20'
 REAR = 20'

UNIT INFORMATION:

Unit Type	Unit Heated Area	Unit Net Area	No. of Units	Heated Total	Net Total
1 BEDROOM "A1"	705	742	12	8460	8904
2 BEDROOM "B1"	967	1,015	36	34812	36540
3 BEDROOM "C1"	1,124	1,177	24	26976	28248
TOTAL			72	70248	73692

REQUIRED SITE AMENITIES:

- A. PLAYGROUND - (W/ MIN. 1 BENCH)
- B. MULTI-PURPOSE ROOM (MIN. 250 SQ. FT.)
- C. COVERED PICNIC AREA - (150 SQ.FT. W/ 2 TABLES & GRILL)

ADDITIONAL AMENITIES:

- D. OUTDOOR SITTING AREAS W/ BENCHES - (MIN. 3 LOCATIONS)
- E. COVERED PATIO WITH SEATING - (MIN. 150 SQ. FT.)
- F. RESIDENT COMPUTER CENTER - (MIN. 2 COMPUTERS)

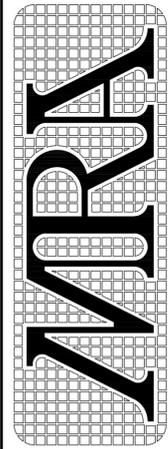
MAPLE RIDGE

KANNAPOLIS, NORTH CAROLINA



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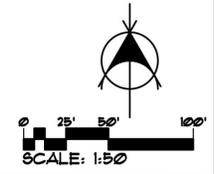
MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
 215 CHURCH STREET SUITE 200 DECATUR GEORGIA 30030-3329 404-373-2800
 MAPLE RIDGE
 KANNAPOLIS, NC



CSP.1

ARCHITECTURAL SITE PLAN

NOT RELEASED FOR CONSTRUCTION



PROJECT	2017-098
DATE	1-15-20
DRAWN BY / CHECKED BY	IM

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4 BUILDING 100 - SIDE ELEVATION
1/16" = 1'-0"



3 BUILDING 100 - SIDE ELEVATION
1/16" = 1'-0"



2 BUILDING 100 - REAR ELEVATION
1/16" = 1'-0"

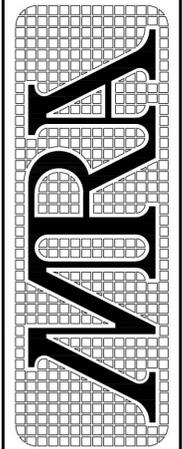


1 BUILDING 100 - FRONT ELEVATION (PARKING LOT)
1/16" = 1'-0"

SCALE: 1/8" = 1'-0"

PROJECT	2017-098
DATE	1-15-20
DRAWN BY / CHECKED BY	IM
REVISIONS	

MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
 215 CHURCH STREET SUITE 200 DECATUR GEORGIA 30030-3329 404-373-2800
 MAPLE RIDGE
 KANNAPOLIS, NC



A3.1

BUILDING 100 - ELEVATIONS

NOT RELEASED FOR CONSTRUCTION

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
A B GULLEDGE JR ESTATE				
C/O DOROTHY GULLDGE	106 EVANDALE RD	KANNAPOLIS	NC	28081
MICHAEL ADAMSKI	808 FAIRVIEW ST	KANNAPOLIS	NC	28083
SCOTT & TINA BYRNE	1112 S WINDSOR DR	KANNAPOLIS	NC	28081
MANUEL CALDERON JR	804 FAIRVIEW ST	KANNAPOLIS	NC	28083
CRAFTER'S WOODS LLC	318 HICKORY WOOD DR	KANNAPOLIS	NC	28083
EDDIE& CONNIE DURHAM	1311 LOWRANCE AVE	KANNAPOLIS	NC	28081
FOUR LANE BAPTIST MISSION				
C/O GRY SCOGGINS	425 OAK AVE	KANNAPOLIS	NC	28081
JAMES K FURR LF EST	2100 PENNINGER RD	CONCORD	NC	28025
G & M ALLEN PROPERTIES LLC	8918 CHERRYS FORD CT	HARRISBURG	NC	28075
GABRIEL & SOPHIE GONZALEZ	824 FAIRVIEW ST	KANNAPOLIS	NC	28083
FRIEDA HOLTZHAUSEN	1106 MCLAIN RD	KANNAPOLIS	NC	28083
MARY JONES	826 FAIRVIEW ST	KANNAPOLIS	NC	28083
JUNIPER PROPERTIES LLC	100 S LINK AVE	SALISBURY	NC	28144
MARGARET LAUZON &				
BARBARA GRANT	6917 LEBANON RD	MINT HILL	NC	28227
MITCHELLLUNSFORD	831 FAIRVIEW ST	KANNAPOLIS	NC	28083
LUCINA MARTINEZ	627 IRENE AVE	KANNAPOLIS	NC	28083
MANUEL MARTINEZ	1500 KINGSTON DR	KANNAPOLIS	NC	28083
MIDTRAIL ASSOCIATES LLC NC LLC				
ATTN: ROBERT G ROVEGNO	4021 NORTHWOOD PL	THE VILLAGES	FL	32163
ELIZABETH S PORTER	1043 MCLAIN ROAD	KANNAPOLIS	NC	28081
CLAIRE ROLLINS	608 NORLAND AVE	KANNAPOLIS	NC	28083
RUBEN ROMERO	2491 WILLOW POND LN SE	CONCORD	NC	28025
KENNETH & SHARON SCOGGINS	285 PAULOWNIA DR	CHINA GROVE	NC	28023
SECOND BAPTIST CHURCH				
C/O GARY SCOGGINS	425 OAK AVENUE	KANNAPOLIS	NC	28081
RAY & MARIE SIMS JR	816 FAIRVIEW STREET	KANNAPOLIS	NC	28083
SUTHERLAND'S RENTALS 115 SHAMROCK LLC	P O BOX 1317	TROUTMAN	NC	28166
NICKOLAS J SWEENEY	701B IRENE AVE	KANNAPOLIS	NC	28083
DIXIE E WIGGINS				
C/O DIXIE ANN HUNEYCUTT	796 NORLAND AVE	KANNAPOLIS	NC	28083
BRUCE L WOODARD	846 FAIRVIEW ST	KANNAPOLIS	NC	28083
WORKFORCE SOLUTIONS LLC	PO BOX 2063	JAMESTOWN	NC	27282



June 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, July 14, 2020 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2020-13 – Conditional Use Permit (CUP) – Maple Ridge

This public hearing is to consider a request for a Conditional Use Permit (CUP) to allow for a 72-unit multi-family residential development. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow for multi-family residential in the RV (Residential Village) zoning district. The subject property is located at 817 Genoa Street. The property measures approximately 8.045 +/- acres and is further identified as Cabarrus County Parcel Identification Number(s) 5623-15-2715. **(Please see reverse side of this letter for vicinity map showing the location of this property).**

You are being notified because you are an abutting property owner.

NOTE: IN ORDER TO COMPLY WITH FEDERAL, STATE AND LOCAL RESTRICTIONS IMPOSED IN RESPONSE TO THE COVID-19 VIRUS, SOCIAL DISTANCING PRACTICES WILL BE OBSERVED DURING THIS MEETING.

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,

Gretchen Coperine, AICP
Assistant Planning Director

Enclosure

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email at tccline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

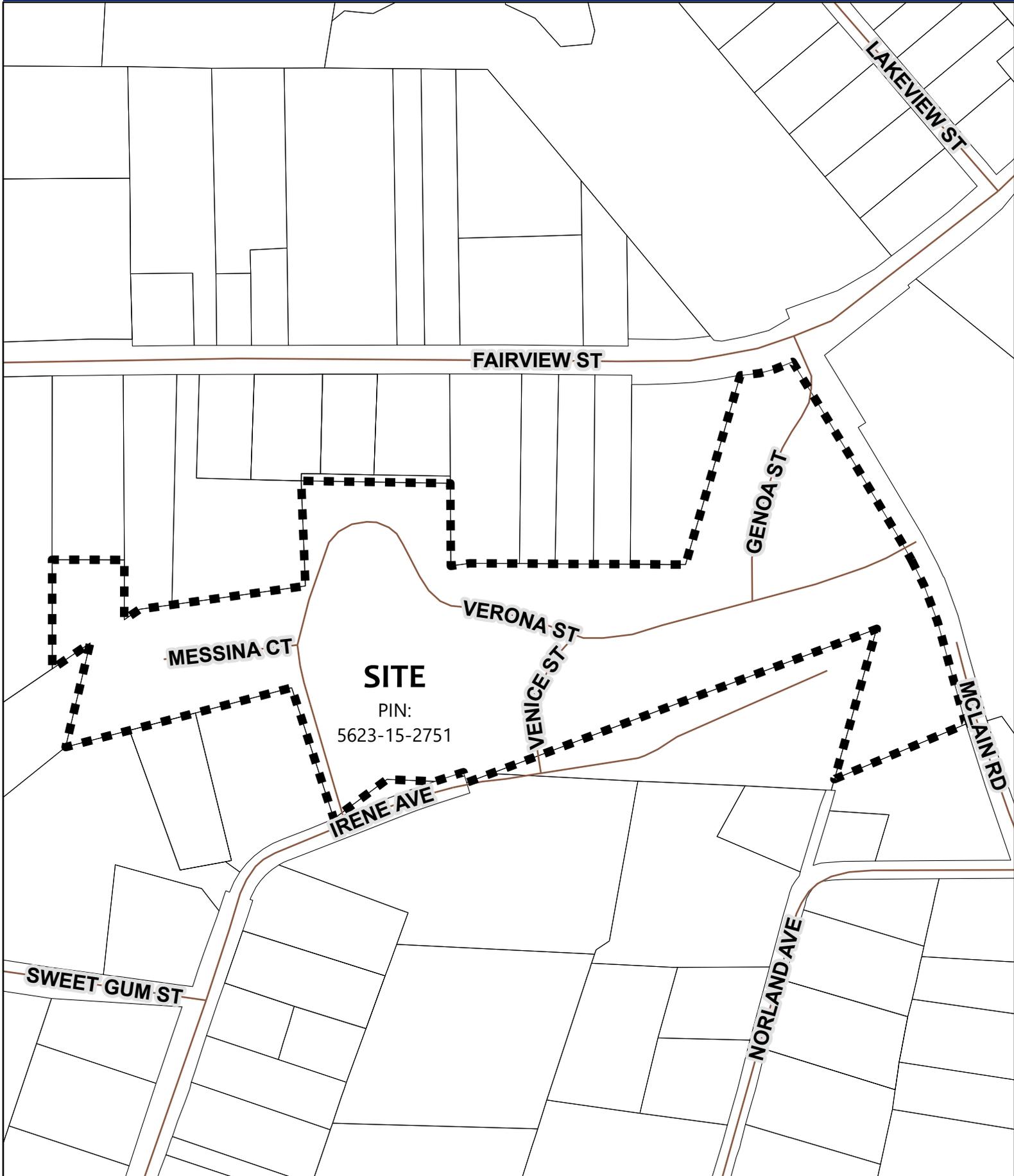


Conditional Use Permit

Case Number: BOA-2020-13

Applicant: Workforce Solutions, LLC.

Verona St.





KANNAPOLIS

BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE #BOA - 2020 -13


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