



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

Staff Report

TO: Board of Adjustment

FROM: Gretchen Coperine, AICP, Assistant Planning Director

SUBJECT: **Case# BOA-2020-14: Parcels on the north side of Cold Water Ridge, east of Doffer Lane Conditional Use Permit (CUP)**
Applicant: Urquhart 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, Urquhart Development, LLC, is requesting a Conditional Use Permit (CUP) to allow construction of a 74-unit apartment community in the C-2 (General Commercial) zoning district, located on the north side of Cold Water Ridge and east of Doffer Lane, further identified as Cabarrus County Parcel Identification Numbers 5622-48-9964, 5622-59-1003, 5622-59-2141, 5622-59-3270, & 5622-59-5209. The subject properties are within the Lake Fisher Watershed Critical and Protected Areas, which restricts development to no more than 24% maximum built-upon area. The attached site plan shall be developed within the maximum built-upon area allowed at the time of site plan approval.

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 5.41 +/- 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 "Suburban Activity 1" Character Area as designated on the Future Land Use and Character Map in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Suburban Activity 1 Character Area allows multifamily residential uses.

The proposed use is compatible with the character intent of the Suburban Activity 1. The multi-family use serves as a complementary use to the commercial development 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 continue to take direct access off Cold Water Ridge. A Traffic Impact Analysis (TIA) was not warranted by the development, however access and roadway improvements will be reviewed and approved by NCDOT and 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 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 74 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. Use Bus-45 for turning template (mimics ladder truck).
4. A Stormwater Operations & Maintenance Agreement will be required prior to CO.
5. 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 | <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: Urquhart Development LLC Owner: Arbor Lane Investments Inc
 Address: 309 N. Bloodworth Street Address: 630 Windsor Place
Raleigh, NC 27601 Concord, NC 28025
 Telephone: (919) 270-0121 Telephone: (704) 782-y7777 ext 2
 Email: tomu@mindspring.com Email: t.propst@southcentralproperties.com

Legal relationship of applicant to property owner: option holder

Property Location/Address: 2622 Coldwater Ridge Drive

Tax Parcel Number: 04-086G-0007.00 to 04-086G-0011.00 Zoning District: C-2 Acreage of Site: 5.45

Requesting Zoning (if applicable): _____

Urquhart Development, LLC

Arbor Lane Investments Inc

Applicant Name (Print)

Property Owner Name (Print)

Thomas W. Urquhart 4/1/2020

T David Propst 4/3/20

Applicant Signature & Date

Property Owner Signature & Date

Thomas W. Urquhart

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.: _____

Date Submitted (Complete): _____



CONDITIONAL USE PERMIT APPLICATION

I, Thomas W. Urquhart, 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: 72 apartment units.

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:

Develop 72 apartment units in four two-story or three-story buildings and a single story common building on 5 parcels of land

This is directly across Coldwater Ridge Drive from the Coldwater Ridge Apartments and will be of a similar but not exactly the same style.

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.

There are other multifamily developments directly across the street and to the Southwest and West.

Most of these units are of similar character and style.

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.

Our development will front on Coldwater Ridge Drive with two entrances. Coldwater Ridge Drive is a wide street commercial street with sidewalks on both sides and it feeds into two throughfares;

Dale Earnhardt Blvd to the north and Roxie Street to the southwest.

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

The project will produce no offensive noises, odors, smoke or dust.

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 project is the perfect transition from the retail to the south and east to the single family to the north.

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 complex will not have a detrimental effect on public health or safety. It will add much needed housing to the Kannapolis market which has prove health benefits

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

The complex will be designed and constructed to meet all applicable 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.

Urquhart Development, LLC

Applicant Name (Print)

Thomas W. Urquhart, 4/1/2020

Applicant Signature & Date

Thomas W. Urquhart, Manager

Arbor Lane Investments Inc.

Property Owner Name (Print)

David Propst 4/3/20

Property Owner Signature & Date

David Propst

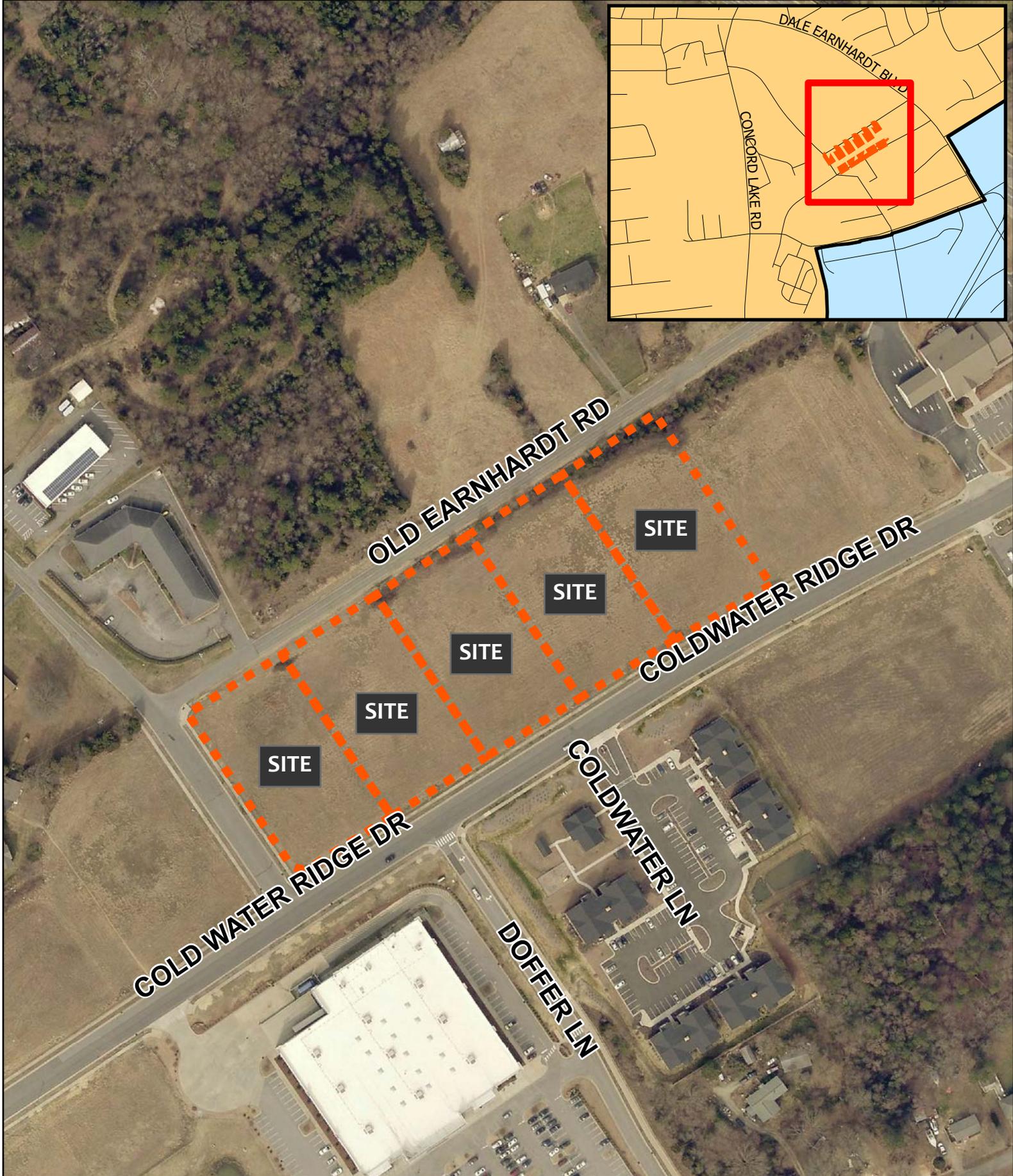
Required as part of Conditional Use Permit Submittal:

- 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

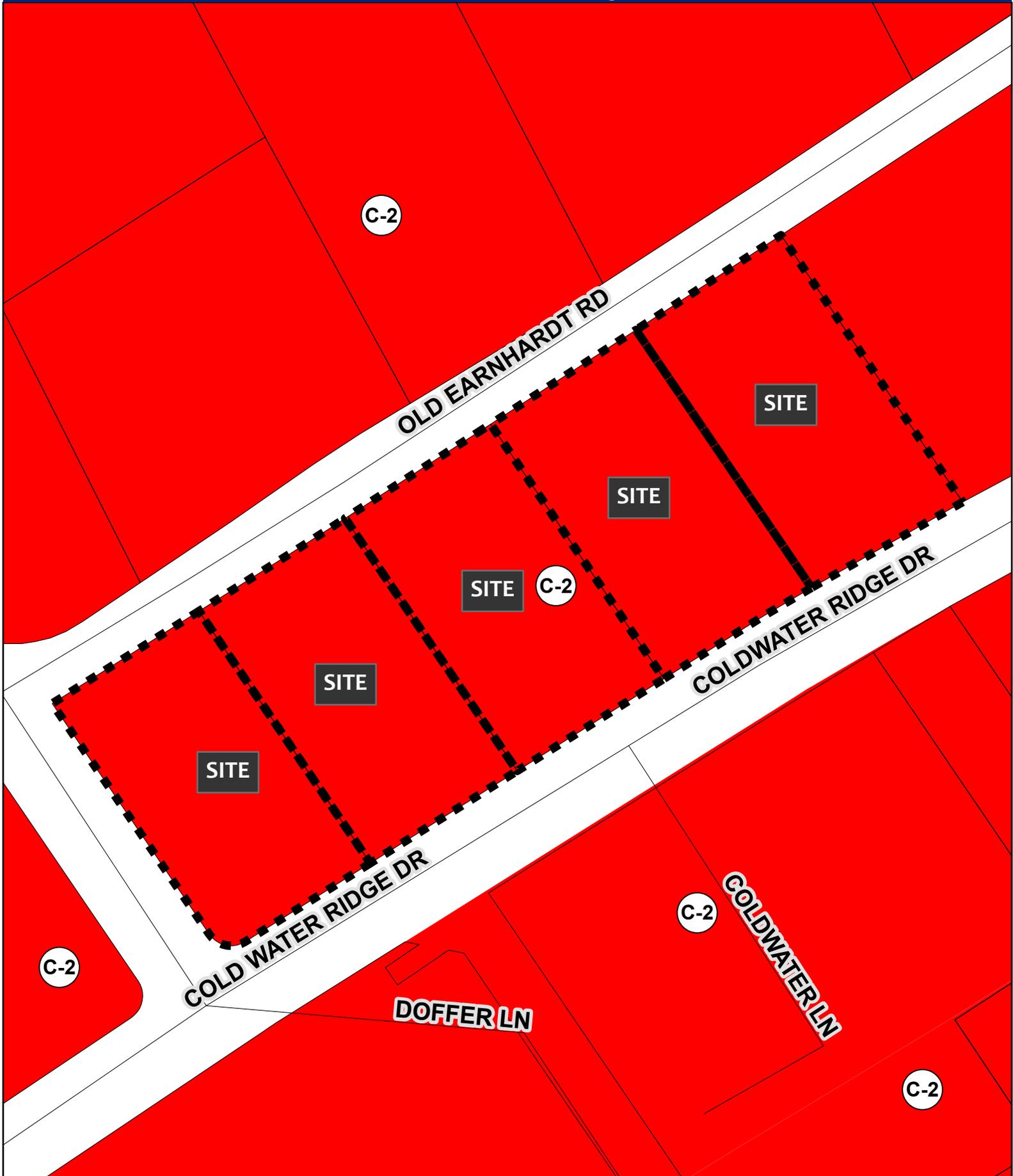
Case Number: BOA-2020-14
Applicant: Urquhart Developments LLC
2374 Cold Water Ridge Dr.





Kannapolis Current Zoning

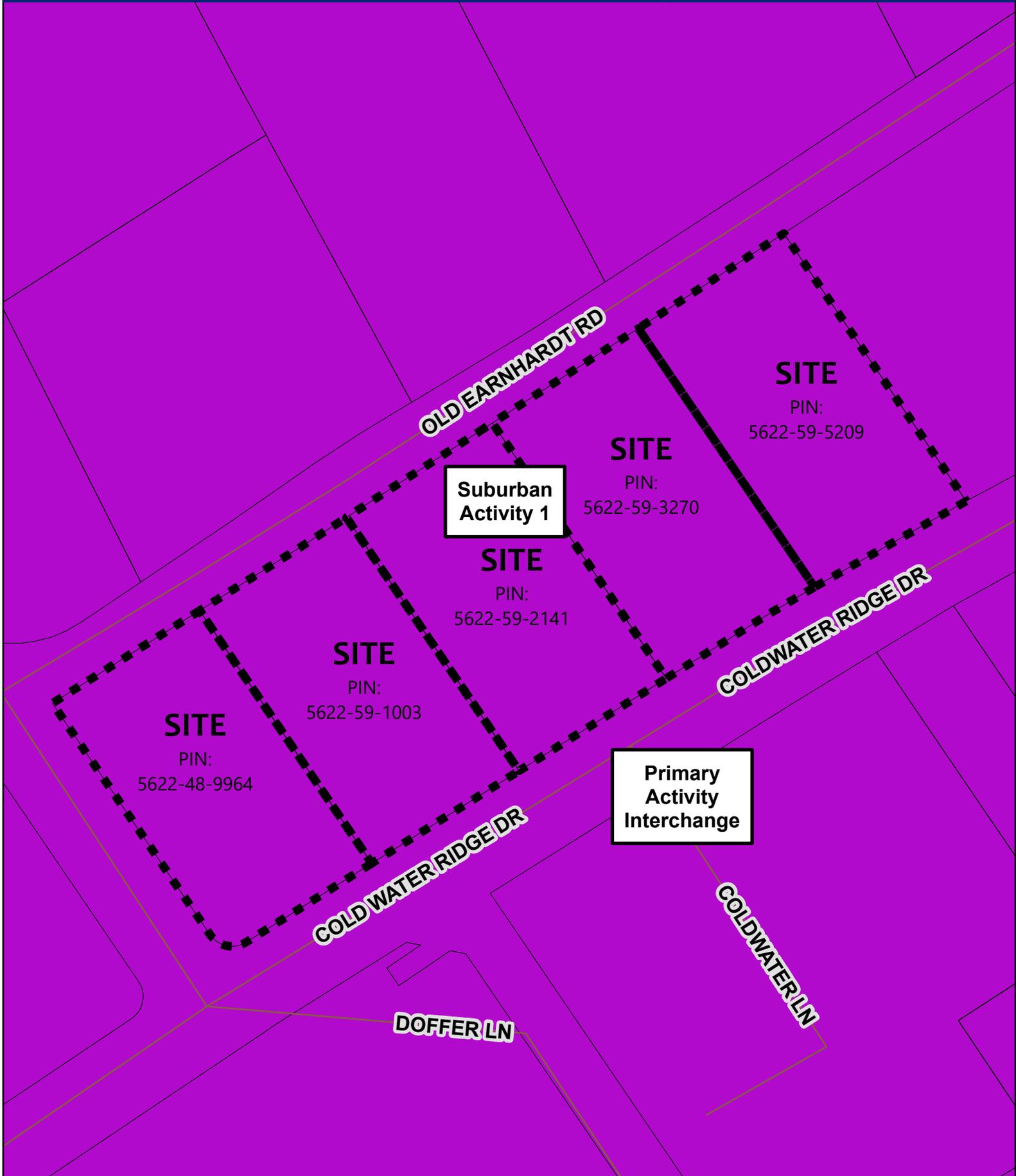
Case Number: BOA-2020-14
Applicant: Urquhart Developments LLC
2374 Cold Water Ridge Dr.



Kannapolis 2030 Future Land Use Map



Case Number: BOA-2020-14
Applicant: Urquhart Developments LLC
2374 Cold Water Ridge Dr.



COLDWATER RIDGE APARTMENTS II

KANNAPOLIS, NC



SITE INFORMATION:

SITE: 5.43 +/- ACRES
DENSITY: 13.25 UNITS/ACRES
BUILDINGS: (1) 1 STORY CLUBHOUSE
 (2) 2-STORY APARTMENT BUILDING
 (2) 3-STORY APARTMENT BUILDINGS
SPRINKLERS: 13R
PARKING SPACES: 126 SPACES REQUIRED @ 1.75 SPACES / UNIT
 126 SPACES PROVIDED
ZONING : C-2 WITH SPECIAL USE (SETBACKS TO BE AS SHOWN)
SETBACKS: NO SET BACKS RECORDED
 (25' SET BACK SHOWN THROUGHOUT)

SITE NOTES:

- SITE IS RELATIVELY FLAT AND IS TO BE GRADED TO PROVIDE 5% SLOPE AWAY FROM THE BUILDINGS IN FIRST 10'.
 - NO WETLANDS OR FLOOD PLAIN ON SITE.

UNIT INFORMATION:

Unit Type	Unit Heated Area	Unit Net Area	No. of Units	Heated Total	Net Total
1 BEDROOM "A1"	705	742	12	8,460	8,904
2 BEDROOM "B1"	967	1,015	40	38,680	40,600
3 BEDROOM "C1"	1,124	1,177	20	22,480	23,540
Total			72	69,620	73,044

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)

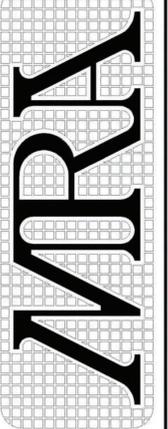
ADDITIONAL AMENITIES:

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

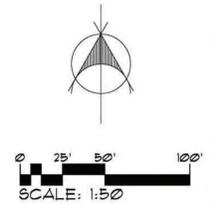
MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
 215 CHURCH STREET SUITE 200 DECATUR GEORGIA 30030-3329 404-373-2800

COLDWATER RIDGE APARTMENTS II
 KANNAPOLIS, NC

ARCHITECTURAL SITE PLAN



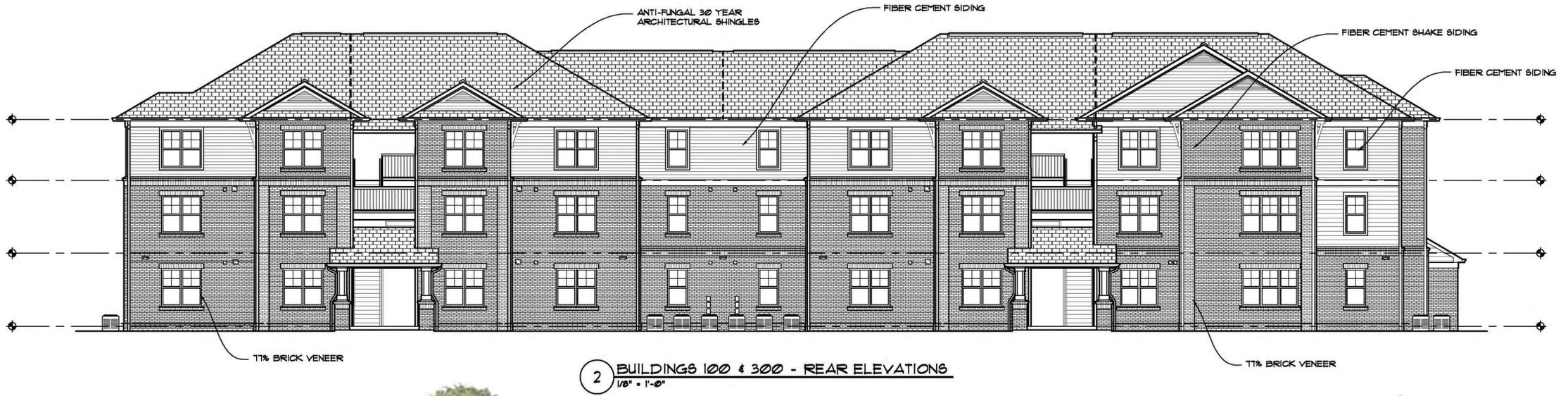
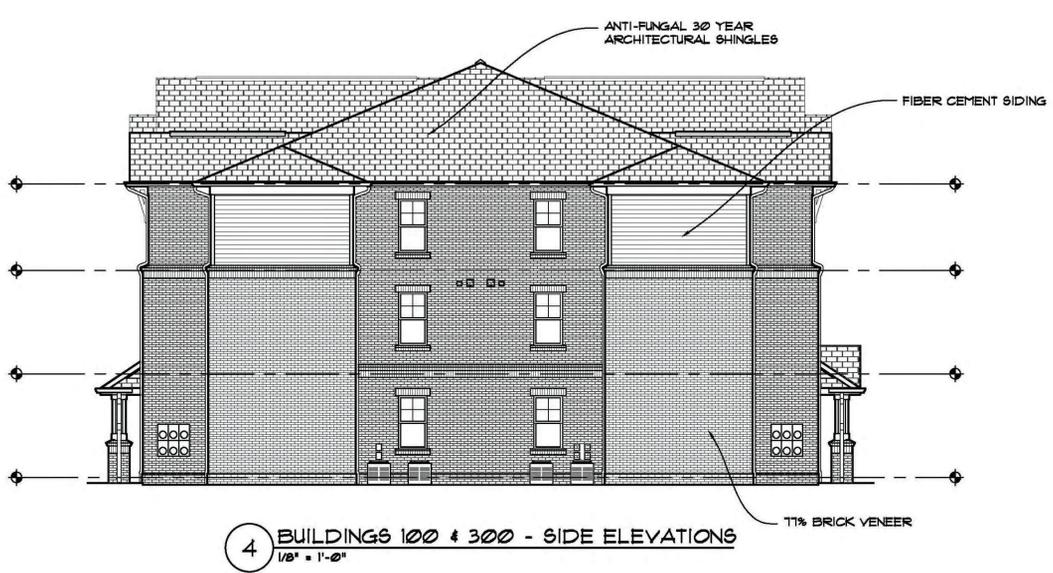
CSP.1



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NOT RELEASED FOR CONSTRUCTION

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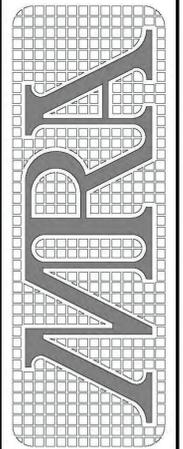
4 BUILDINGS 100 & 300 - SIDE ELEVATIONS
1/8" = 1'-0"

3 BUILDINGS 100 & 300 - SIDE ELEVATIONS
1/8" = 1'-0"

2 BUILDINGS 100 & 300 - REAR ELEVATIONS
1/8" = 1'-0"

1 BUILDINGS 100 & 300 - FRONT ELEVATIONS (PARKING LOT)
1/8" = 1'-0"

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

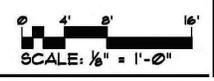


A3.1

PROJECT	2020-006
DATE	5-6-2020
DRAWN BY / CHECKED BY	MRL

BUILDINGS 100 & 300 - ELEVATIONS

NOT RELEASED FOR CONSTRUCTION



AcctName1	MailAddr1	MailCity	MailState	MailZipCod
1787 LLC	4817 HARDISON RD	CHARLOTTE	NC	28226
AURION LLC A LLC CONC NC 28025	3003 DALE EARNHARDT BLVD STE 1	KANNAPOLIS	NC	28083
DARLA HARKEY & BONNIE AMBLE	323 GREYSTONE RD	CHARLOTTE	NC	28209
ESTATE OF MARY ROSS MURRAY	6109 CHARLIE WALKER RD	KANNAPOLIS	NC	28081
JEFFREY & CHARLENE POWER	1780 OLD EARNHARDT RD	KANNAPOLIS	NC	28083
ARBOR LANE INVESTMENTS INC ATTN: DAVID PROPST	630 WINDSOR PL NE	CONCORD	NC	28025
ATA PROPERTIES OF CHARLOTTE LLC	127 S JULIANA ST	BEDFORD	PA	15522
RIVER OF LIFE FMLY WORSHIP CNT ACADEMY ASSOCIATES KANNAPOLIS	1945 OLD EARNHARDT RD	KANNAPOLIS	NC	28083
C/O K E ANDREWS & COMPANY	1900 DALROCK RD	ROWLETT	TX	75088
COLDWATER RIDGE APARTMENTS LLC URQUHART DEVELOPMENT LLC	PO BOX 87770	FAYETTEVILLE	NC	28304
ATTN: THOMAS URGUHART	309 N BLOODWORD ST	RALEIGH	NC	27601

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-2020-14 – Conditional Use Permit (CUP) – Cold Water 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 C-2 (General Commercial) zoning district. The subject property is located at 2350, 2366, 2374, 2382 & 2390 Cold Water Ridge Dr. The properties measure approximately 5.41 +/- acres and are further identified as Cabarrus County Parcel Identification Numbers 5622-48-9964, 5622-59-1003, 5622-59-2141, 5622-59-3270, & 5622-59-5209. **(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.

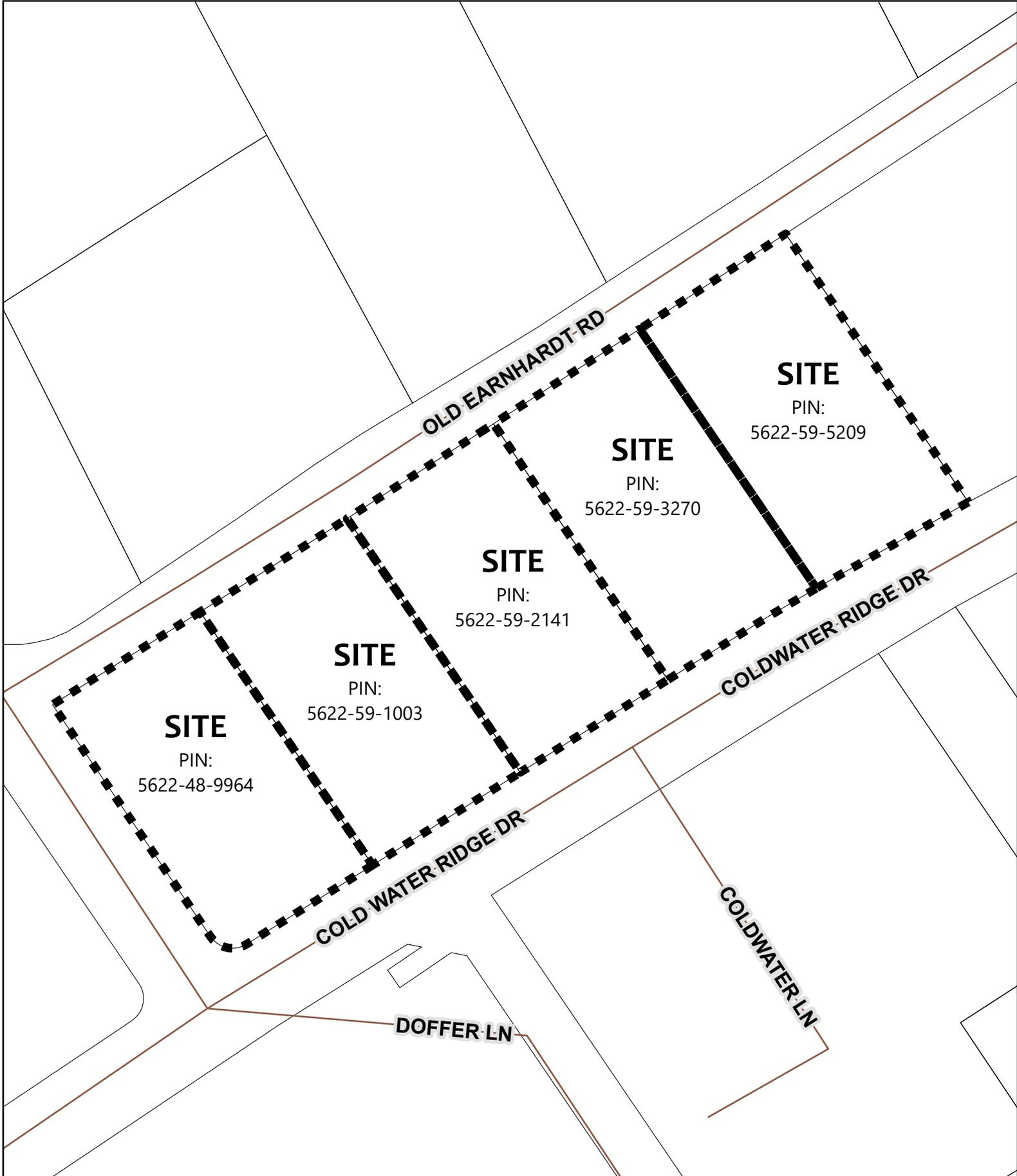


Conditional Use Permit

Case Number: BOA-2020-14

Applicant: Urquhart Developments LLC

2374 Cold Water Ridge Dr.



FOR MORE INFORMATION
GREEN ROUTE
www.kanawha.com
BOYS STOP

KANAWHA COUNTY
BOARD OF
ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE #BOA - 2020 - 14

