



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

Staff Report

TO: Board of Adjustment
FROM: Ryan Lipp, Senior Planner
SUBJECT: **Case# BOA-2020-15: Front St
Conditional Use Permit (CUP)
Applicant: Chris Puckett**

**Request for a Conditional Use Permit to allow single-family residential in the
Neighborhood Commercial/Office (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, Chris Puckett, is requesting a Conditional Use Permit (CUP) to allow construction of 3 single-family homes in the B-1 (Neighborhood Commercial/Office) zoning district, located on Front St, further identified as Cabarrus County Parcel Identification Numbers 5613-77-6448, 5613-77-5433, 5613-77-4491.

Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow for single-family residences in the B-1 zoning district. The subject properties are approximately 0.63 +/- 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 Residential" Character Area as designated on the Future Land Use and Character Map in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Urban Residential Character Area allows for single-family residential uses.

The proposed use is compatible with the character intent of the Urban Residential Character Area, as well as, complementary to the existing single-family 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 Front St. The anticipated traffic is minimal.

 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	
<input type="checkbox"/>	<input type="checkbox"/>	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. _____ _____
<input type="checkbox"/>	<input type="checkbox"/>	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. _____ _____
<input type="checkbox"/>	<input type="checkbox"/>	The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas. _____ _____
<input type="checkbox"/>	<input type="checkbox"/>	The establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district. _____ _____
<input type="checkbox"/>	<input type="checkbox"/>	The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare. _____ _____
<input type="checkbox"/>	<input type="checkbox"/>	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 be limited to single-family residential.
2. Must comply with all city standards for single-family development.

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. List of notified properties
6. Notice to Adjacent Property Owners
7. 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: Chris Puckett Owner: Josely Dina Flores /
Miguel Sanchez
 Address: 848 Canton Way Address: 3131 Bayla Ln
Kannapolis, NC 28081 Charlotte NC 28215
 Telephone: 704-298-5872 Telephone: _____
 Email: ch2reality@gmail.com Email: _____

Legal relationship of applicant to property owner: buyer

Property Location/Address: 231 Front St. Kannapolis NC 28083

Tax Parcel Number: _____ Zoning District: B-1 Acreage of Site: 0.11

Requesting Zoning (if applicable): R.V

Applicant Name (Print) Chris Puckett JOSE FLORES, Dina E Flores
MISAEEL SANCHEZ

Property Owner Name (Print) _____

Applicant Signature & Date Chris Puckett 5/4/2020
Property Owner Signature & Date [Signature] 5/20/20

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: \$625.00 Receipt # M-11360
 Application No.: BOA-2020-15 Date Submitted (Complete): 4/16/2020



KANNAPOLIS

CONDITIONAL USE PERMIT APPLICATION

I, Chris Puckett, 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: single family residential.

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:

single family residential

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.

Chris Puchett
Applicant Name (Print)

JOSE FLORES, DINA FLORES
X MISAEL SANCHEZ
Property Owner Name (Print)

Chris Puchett 5/4/2020
Applicant Signature & Date

[Signature] [Signature] [Signature]
Property Owner Signature & Date 5/20/20

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.



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: KTown Homes, LLC Owner: Jose & Dina Flores / Misael Sanchez
 Address: 620 N. Main St. Kannapolis NC 28081 Address: 3131 Kaylit Ln Charlotte, NC 28115
 Telephone: 704-248-5872 Telephone: _____
 Email: CH2 Realty@gmail.com Email: _____

Legal relationship of applicant to property owner: buyer

Property Location/Address: 235 Front St, Kannapolis NC 28083

Tax Parcel Number: _____ Zoning District: B-1 Acreage of Site: 0.11

Requesting Zoning (if applicable): RV

KTown Homes, LLC JOSE FLORES, Dina Flores
 Applicant Name (Print) X MISAEEL SANCHEZ
 Property Owner Name (Print)

Chin Puchon 5-4-2020 X [Signature] X [Signature]
 Applicant Signature & Date Property Owner Signature & Date 5/20/20

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: \$625.- Receipt # M-11361
 Application No.: 200A-2020-17 Date Submitted (Complete): 5/16/20



CONDITIONAL USE PERMIT APPLICATION

I, Emily Puckett / 1250007 #5025/12, 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: single family residential

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:

single family residential

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:

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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.

Chris Puchert / KTown Homes LLC
Applicant Name (Print)

JOSE FLORES, Dina Flores
MISAEEL SANCHEZ
Property Owner Name (Print)

Chris Puchert 5/4/2020
Applicant Signature & Date

[Signature] 5/20/20
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.
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Planning and Zoning Commission and Board of Adjustment
General Application Form
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| 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: David Miller Realty Trust Owner: Jose + Dina Flores/Misael
near 95, LLC Sanchez
 Address: 1640 Bush Earnhardt Blvd. Address: 3131 Kayla Ln.
Kannapolis NC 28083 Charlotte, NC 28215
 Telephone: 704-791-5845 Telephone: _____
 Email: _____ Email: _____

Legal relationship of applicant to property owner: buyer

Property Location/Address: none

Tax Parcel Number: 5613776448 Zoning District: B1 Acreage of Site: 0.410

Requesting Zoning (if applicable): RV

Applicant Name (Print) _____
JOSE FLORES, Dina Flores
 X MISAEEL SANCHEZ
 Property Owner Name (Print)

Applicant Signature & Date _____
 X [Signature] [Signature]
 Property Owner Signature & Date 5/20/20

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: \$625.-
 Application No.: B01A-2020-18

Receipt # M-11632
 Date Submitted (Complete): 6/18/2020



CONDITIONAL USE PERMIT APPLICATION

I, _____, 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: single family residential

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:

single family residential

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:

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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.

Applicant Name (Print)

X JOSE FLORES, DINA FLORES
MISAEEL SANCHEZ
Property Owner Name (Print)

Applicant Signature & Date

X [Signature] [Signature]
Property Owner Signature & Date 5-20-20

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-2020-15

Applicant: Chris Puckett

Front St.



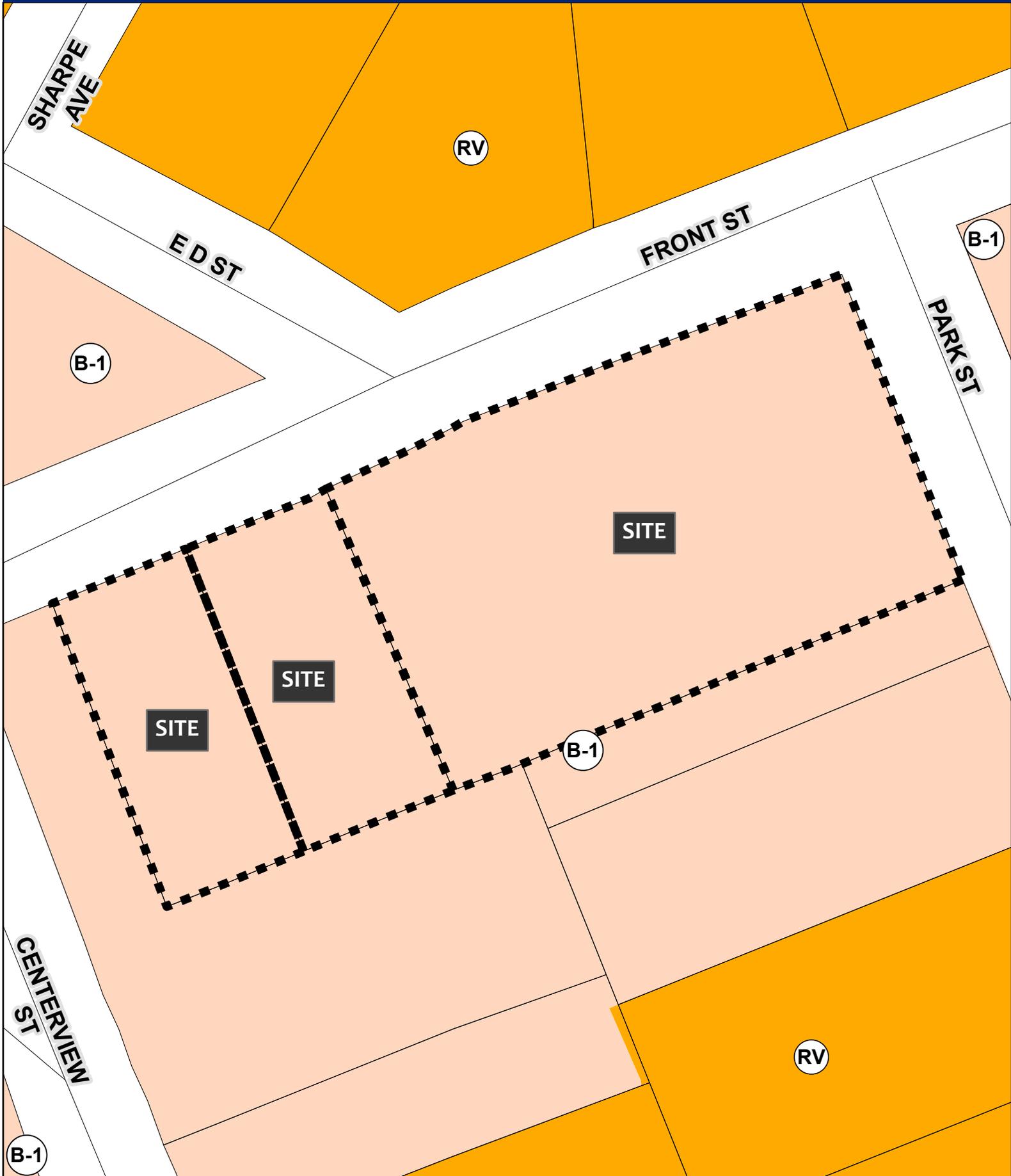


Kannapolis Current Zoning

Case Number: BOA-2020-15

Applicant: Chris Puckett

Front St.





Kannapolis 2030 Future Land Use Map

Case Number: BOA-2020-15

Applicant: Chris Puckett

Front St.



SHARPE AVE

ED ST

FRONT ST

PARK ST

CENTERVIEW OLD ST
CENTERGROVE RD

Urban Residential

SITE

SITE

SITE

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
ALL GOODNESS ENTERPRISES LLC	PO BOX 1944	CONCORD	NC	28026
MARK ALTARAC	60 COMMERCE AVE	ALBANY	NY	12206
FREDDY & SARA CABRERA	523 OLD CENTERGROVE RD APT A	KANNAPOLIS	NC	28083
CENTERVIEW BAPTIST CHURCH	415 WALTER STREET	KANNAPOLIS	NC	28081
CENTERVIEW HARDWARE INC				
C/O MARGARET PROPST	707 NORTH CANNON BLVD	KANNAPOLIS	NC	28083
DAVID MILLER REALTY & INVESTMENT INC	1640 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
LAURA FISHER ESTATE	3713 WOODPARK DR	JAMESTOWN	NC	27282
JOSE & DINA FLORES	3131 KAYLA LN	CHARLOTTE	NC	28215
GIVITA PROPERTIES LLC	2109 JENNINGS ST	CHARLOTTE	NC	28216
RAYMOND & MARY GORDNER	153 OAKWOOD MEADOW DR	MOORESVILLE	NC	28115
CYNTHIA GRIGGS	213 IDLEWOOD DR	KANNAPOLIS	NC	28083
GRADY GULLEDGE				
C/O TERRY STANCIL	412 V 8 ST	KANNAPOLIS	NC	28083
MARABLE MEMORIAL AME				
ZION CHURCH TRUSTEES	P O BOX 607	KANNAPOLIS	NC	28082
MYRA MCMANUS	6583 DERBY LANE	CONCORD	NC	28027
C D & MAYO MERRITT ESTATE				
C/O JOHN MERRITT	9333 EDWAY CIR	RANDALLSTOWN	MD	21133
MISENHEIMER INVESTMENT GROUP	408 WALKER ST	KANNAPOLIS	NC	28081
TROY MOHR	840 LEE CT	BRILLION	WI	54110
OPERATION HOMELESS INC				
C/O TERRY STANCIL	511 OLD CENTERGROVE RD	KANNAPOLIS	NC	28083
CARL GAIL & PIEPER	510 PARK STREET	KANNAPOLIS	NC	28081
LEWIS REID				
C/O THELMA REID ESTATE	712 LONG ST	KANNAPOLIS	NC	28083
RICHARD MCGUIRE PROPERTIES LLC	8864 WRIGHT RD	KANNAPOLIS	NC	28081
DONALD & JANIE ROSE LF EST	222 FRONT ST	KANNAPOLIS	NC	28083
MARION WARD	413 E D ST	KANNAPOLIS	NC	28083
BOOKER WASHINGTON	411 EAST D STREET	KANNAPOLIS	NC	28083
JUDI WIKE	400 PINE STREET	LANDIS	NC	28088
PEGGY WILES				
C/O ESTATE OF PEGGY JEAN WILES	217 FRONT ST	KANNAPOLIS	NC	28083
BRADFORD WYRICK	1200 WYRICK LN	KANNAPOLIS	NC	28083
CHRIS PUCKETT	848 LANTERN WAY	KANNAPOLIS	NC	28081
KTOWN HOMES				
ATTN: CHRIS PUCKETT	620 N MAIN ST	KANNAPOLIS	NC	28081
MISAIL SANCHEZ	3131 KAYLA LN	CHARLOTTE	NC	28215



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-2020-15 – Conditional Use Permit (CUP) – 231, 235 & Unaddressed Parcel Front St.

This public hearing is to consider a request for a Conditional Use Permit (CUP) to allow for a single-family residential home. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a CUP is required to allow for single-family residential in the B-1 (Neighborhood Commercial) zoning district. The subject properties are located at 231, 235 and an unaddressed parcel on Front St., measure approximately .63 +/- acres and is further identified as Cabarrus County Parcel Identification Number(s) 5613-77-5433, 5613-77-4491, and 5613-77-6448. **(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,

Ryan Lipp
Senior Planner

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-2020-15

Applicant: Chris Puckett

231 Front St.



SHARPE
AVE

E D ST

FRONT ST

SITE

PIN:

5613-77-5433

CENTERVIEW ST

OLD CENTERGROVE RD

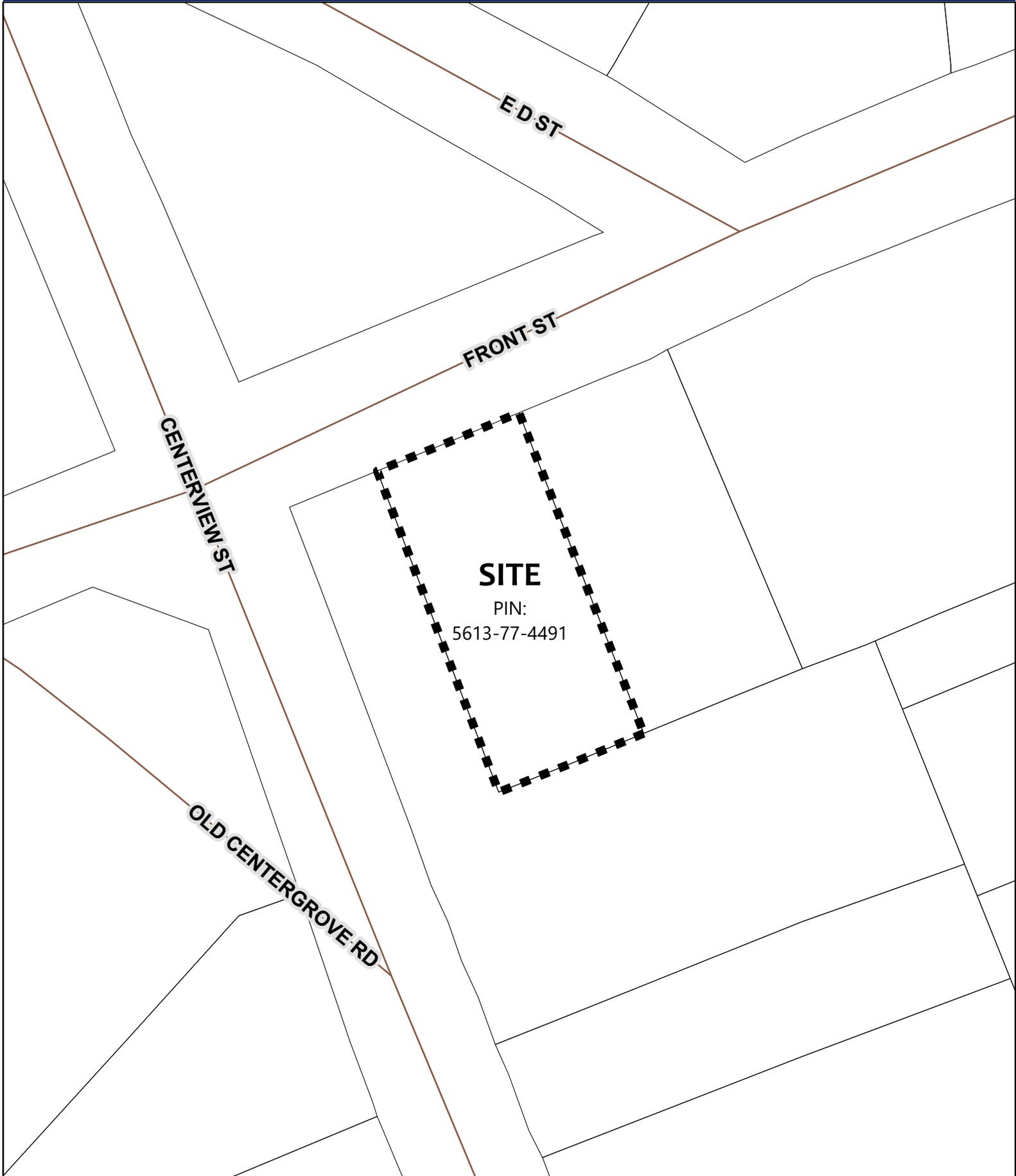


Conditional Use Permit

Case Number: BOA-2020-17

Applicant: Ktown Homes LLC

235 Front St.

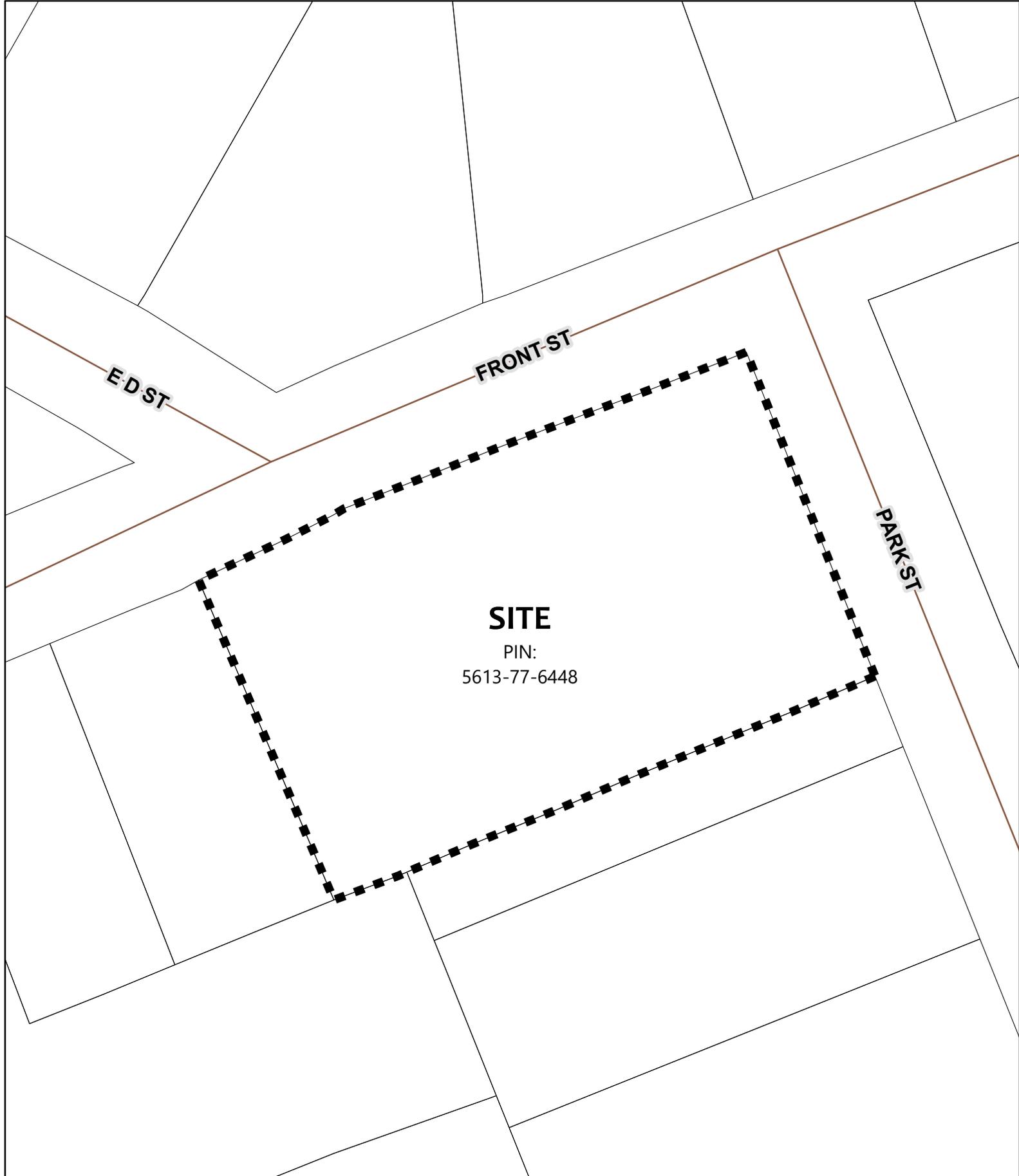




Conditional Use Permit

Case Number: BOA-2020-18

Applicant: David Miller Realty & Investments LLC
Front St.



SITE

PIN:
5613-77-6448



BOARD OF
ADJUSTMENT
PUBLIC HEARINGS
INFORMATION
CALL 781-534-4100
CASE #13-107-14

PRIVATE
PARKING
ONLY