

CITY OF KANNPOLIS, NC
BOARD OF ADJUSTMENT

Minutes of Meeting

May 6, 2025

6:00 PM

The Kannapolis Board of Adjustments met on Tuesday, May 6, 2025, at 6:00 PM in the Laureate Center of City Hall. This meeting was held in accordance with required public notice, as well as announced on the City's website.

Board Members Present:

Emily Joshi, Chair

Holden Sides, Vice-Chair

Chris Dwiggin

Danielle Martini

Jeff Parker

Wilfred Bailey, Sr.

Board Members Absent:

N/A

Staff Present:

Richard Smith, Planning Director

Elizabeth McCarty, Assistant Planning Director

Ben Barcroft, Senior Planner

Mia Alvarez, Planner

Zulena Anderson, Planning Technician

City Attorney:

Walter Safrit, II

Visitors Present:

BJ Hunsucker

Ken Chapman

Susan Sartain

Daniel Ivey

Davis Chagnon

Edward Spanke

Richard Lewis

Gail Lewis

Michael Foess

1 **CALL TO ORDER**

2 Chair Joshi called the meeting to order at 6:00 P.M.

3 **ROLL CALL AND RECOGNITION OF QUORUM**

4 Recording Secretary Zulena Anderson called the roll. The presence of a quorum was recognized.

5 **APPROVAL OF AGENDA**

6 Chair Joshi asked for a motion to approve the agenda, which was made by Mr. Parker, second by Mr.
7 Sides, and the motion was unanimously approved.

8 **APPROVAL OF MINUTES**

9 Chair Joshi asked for a motion regarding April 1, 2025, minutes. Mr. Sides made the motion to approve,
10 second by Mr. Dwiggins, and the motion was unanimously approved.

11 **Sworn In for Testimony**

12 Mia Alvarez, Ben Barcroft, Richard Lewis, Michael Foess, Susan Sustain, BJ Hunsucker

13 **PUBLIC HEARING**

14 Chair Joshi called for the hearing of **BOA-2025-06**. However, Mr. Safrit mentioned that another Board
15 member will be arriving later during the BOA meeting. Mr. Smith confirmed that another Board member
16 will be arriving later. Mr. Safrit also mentioned that to approve a variance, the State statute requires a
17 four-fifths majority, and currently only five members are present out of six. He suggested for the Board
18 members to wait until Mr. Bailey arrived. Chair Joshi thanked Mr. Safrit and postponed case **BOA-2025-**
19 **06** to later in the meeting, acknowledging the Board member would be arriving shortly. She called for the
20 following case of **BOA-2025-07**.

21 **BOA-2025-07 – Request for a Special Use Permit (SUP) submitted by Ken Chapman to approve a**
22 **comprehensive sign package for property located at 5040 Dogwood Blvd.**

23 Senior Planner, Ben Barcroft, explained that the case consists of a comprehensive sign package that is for
24 multiple sites and parcels under common ownership. He also explained that several of the sites are
25 already under development. Mr. Barcroft said he has gotten multiple questions and emails on the case in
26 which he replied that the case is only for a comprehensive sign package. Mr. Barcroft explained that
27 under the zoning regulations, a sign package permit is required for any substitute or alternative to the sign
28 standards outlined in the KDO; Freestanding structures with 25,000 square feet or more in size as well as
29 master planned developments with more than ten acres may apply for a comprehensive sign package. He
30 identified the project involved with case **BOA-2025-07** as a development of more than ten acres. While
31 presenting, he showed the Board that the surrounding properties consist of both commercial and
32 residential development.

33 By utilizing the Future Land Use Map, Mr. Barcroft explained that the parcels are in a Complete
34 Neighborhood 2 Character Area with its primary uses consisting of single family residential, multifamily
35 residential, small format retail, and civic while its secondary uses consist of small format offices and live-
36 work units. Mr. Barcroft stated that the parcels are in a General Commercial District (GC) with all its
37 existing uses being already committed uses. When utilizing the map, Mr. Barcroft showed street images
38 of the project's location including the intersection of Dogwood Boulevard onto Kannapolis Parkway and
39 the entrance/exit of the proposed site onto Rogers Lake Road. He continued his presentation by showing
40 drone footage and the development site plan. Mr. Barcroft mentioned that the predetermined size of all the
41 signs were discussed with the applicant as well as the type of signage that would be used. He pointed out

1 a proposed wall sign to be facing Kannapolis Parkway will be of a maximum of forty (40) square feet for
2 the individual businesses.

3 Mr. Barcroft reviewed staff Findings of Fact as follows:

- 4 **1. The proposed conditional use will be in harmony with the area in which it is to be**
5 **located and in general conformance with the city's land use plan.**

6 The Move Kannapolis Forward 2030 Comprehensive Plan designates the subject parcels as
7 being located in the "Complete Neighborhood 2" Character Area and located within a
8 primary activity center. The subject properties are zoned General Commercial (GC), and
9 retail uses are permitted in these districts. Signage is permitted in the GC zoning district. The
10 proposed sign package will be in conformance with the commercial uses recommended for
11 this character area.

- 12
13 **2. Adequate measures shall be taken to provide ingress and egress so designed as to**
14 **minimize traffic hazards and to minimize traffic congestion on the public records.**

15 The plans submitted by the applicant would comply with ordinance location restrictions and
16 as a result, the proposed Comprehensive Sign Package will not create any traffic hazards or
17 traffic congestion on public roads.

- 18
19 **3. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor,**
20 **dust, smoke or gas.**

21 The proposed sign package will not produce any noxious or offensive noise, odor, dust,
22 smoke, or gas.

- 23
24 **4. The establishment of the proposed use shall not impede the orderly development and**
25 **improvement of surrounding property for uses permitted within the zoning district.**

26 The Comprehensive Sign Package will not impede the orderly development of the
27 surrounding properties as they are all on-premise signs.

- 28
29 **5. The establishment, maintenance, or operation of the proposed use shall not be**
30 **detrimental to or endanger the public health, safety, or general welfare.**

31 The proposed signs will be required to comply with all applicable regulations of the North
32 Carolina Building Code which will help safeguard public health and safety. Therefore, the
33 signs will not be detrimental to or endanger the public health, safety, or general welfare.

- 34
35 **6. The proposed use complies with all applicable provisions of the KDO.**

36 The Comprehensive Sign Package complies with all requirements of Section 5.9.F. The
37 applicant has submitted a site plan that identifies locations of freestanding and multi-tenant
38 signage.

- 39
40 **7. The applicant consents in writing to all conditions of approval included in the approved**
41 **special use permit.**

42 N/A unless the Board of Adjustment determines to add conditions.

43 Mr. Barcroft stated that the staff recommends the approval of the Special Use Permit based on the staff
44 Findings of Fact (or as modified by the Board), the conceptual site plan, and compliance with all local,
45 state and federal requirements (see Exhibit 1). He then made himself available for questions.

46 The applicant, Ken Chapman, made himself available for questions.

47 There being no questions or comments for staff or the applicant, Chair Joshi opened the Public Hearing
48 which was then closed due to the absence of anyone in attendance to comment.

Chair Joshi asked for a motion to accept the City’s exhibits into the record, which was made by Mr. Parker, second by Ms. Martini and the motion was unanimously approved.

Chair Joshi asked for a motion to approve or revise the Findings of Fact. Ms. Martini made the motion to approve the Findings of Fact, second by Mr. Dwiggins, and the motion was unanimously approved.

Chair Joshi asked for a motion to approve the issuance of the Special Use Permit. Mr. Sides made the motion to approve, second by Mr. Parker, and the motion was unanimously approved.

Chair Joshi asked for a motion to issue the Order of Approval. Mr. Sides made the motion to approve the Order, second by Ms. Martini, and the motion was unanimously approved.

BOA-2025-08- Request for a Special Use Permit (SUP) submitted by Sustar/Little LLC to allow for a self-service storage facility on a property located at 9170 Davidson Highway.

Planner, Mia Alvarez, mentioned that the property is approximately 2.2 acres, the intention for the Special Use Permit is to allow a self-service storage facility, and that the site is in the General Commercial (GC) zoning district. Ms. Alvarez detailed that the site is surrounded by single-family homes and an animal hospital. By utilizing a map in her PowerPoint, she pointed out where the site is located under GC and where surrounding sites are located under the R8 residential zoning district; she also pointed out that the site is surrounded by Cabarrus County’s zoning districts as well. She referenced the 2030 Future Land Use Map to show that part of the site is in a Secondary Activity Center Character Area with the other part of the site located in a Complete Neighborhood 1 Character Area. She explained that the primary uses in the Secondary Activity Center Area are retail, office, and multifamily residential while its secondary uses are institutional/civic, light manufacturing, and single family attached residential. The primary uses for the Complete Neighborhood 1 Character Area are both single family residential attached and detached along with civic; its secondary uses include live-work, small format office, multifamily residential, and neighborhood serving retail. Ms. Alvarez displayed a street view of Davidson Highway and also displayed drone footage in which she dictated that the site is currently vacant and there is a single-family residential subdivision behind the site. Ms. Alvarez exhibited the preliminary plat plan that the applicant provided and noted that the property is currently not reflected on the plat as it is only a preliminary plat used during the review process. Ms. Alvarez pointed out Parcel 4, which is the parcel of the subject, and showed the proposed site plan the applicant provided and a plan showing the elevation rendering from another similar project.

Ms. Alvarez continued her presentation by stating that staff recommends approval of the Special Use Permit with the conditions that the lot to be recombined as shown on the preliminary plat to comply with the Kannapolis Development Ordinance (KDO), specifically that the lot size for a self-service storage facility does not exceed three acres; access to the site is established; and that the number of storage units do not exceed 599 units. She noted that the site’s use is in harmony and in general conformance with the City’s comprehensive plan.

Ms. Alvarez reviewed staff findings of fact as follows:

1. 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.

This property is in the “Secondary Activity Center” and “Complete Neighborhood 1” Character Area in the Move Kannapolis Forward 2030 Comprehensive Plan. The Secondary Activity Center area calls for primary uses consisting of retail, office, and multifamily residential. The Complete Neighborhood 1 area calls for primary use consisting of single family residential and civic. The parcel is currently vacant. The surrounding uses consist of residential and an animal hospital.

Based on the character areas noted above, the proposed development is compatible with the future and existing uses in the surrounding area.

- 1 **2. Adequate measures shall be taken to provide ingress and egress so designed as to**
2 **minimize traffic hazards and to minimize traffic congestion on the public roads.**
3 The proposed use of self-service storage is not expected to create any traffic hazards
4 or cause traffic congestion.
5
- 6 **3. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust,**
7 **smoke or gas.**
8 No vibration, noise, odor, dust, smoke, or gas beyond what would be anticipated for a self-service
9 storage is expected as a result of this proposed use.
10
- 11 **4. The establishment of the proposed use shall not impede the orderly development and**
12 **improvement of surrounding property for uses permitted within the zoning district.**
13 The proposed use would not impede development of the surrounding properties for
14 uses allowed within their respective zoning districts. The proposed self-service
15 storage would have a minimal impact on the surrounding properties.
16
- 17 **5. The establishment, maintenance, or operation of the proposed use shall not be detrimental**
18 **to or endanger the public health, safety, or general welfare.**
19 There is no apparent danger or detrimental impact to the overall public safety, health and welfare
20 resulting from the proposed use. The proposed use is subject to all the requirements of the
21 Kannapolis Development Ordinance.
22
- 23 **6. The proposed use complies with all applicable provisions of the KDO.**
24 The proposed use shall comply with all sections of the Kannapolis Development Ordinance
25 (KDO), conditions of approval, and any other applicable local, state and Federal regulations. It is
26 understood by the applicant that unless specifically relieved of a requirement, in writing, all KDO
27 requirements must be met.
28
- 29 **7. The applicant consents in writing to all conditions of approval included in the**
30 **approved special use permit.**
31 The applicant has been informed they must sign the Conditions of Approval for this SUP.
32

33 Ms. Alvarez stated that staff recommends approval of the Special Use Permit based on the staff Findings
34 of Fact (or as modified by the Board), the conceptual site plan, and compliance with all local, State, and
35 Federal requirements (see Exhibit 2). She then made herself available for questions.

36 Ms. Joshi asked if there is a direct road and where could one currently access the site now. She asked if
37 they were planning to have an access point to the site established. Ms. Alvarez used the preliminary plat
38 to show where the access point to the site is proposed. Ms. Joshi also asked if an access point is part of
39 the condition and Ms. Alvarez replied, yes. Later, both Ms. Joshi and Mr. Parker asked if a road must be
40 built, in which Ms. Alvarez answered, yes.

41 Mr. Parker then asked if the road is going to be City maintained. Planning Director, Mr. Smith, said that
42 the road will most likely lead to shared access and showed on the map where part of the property goes to
43 the corner of the intersection of Odell School Rd. He also said that on Odell School Rd. there are some
44 commercial use projects to be located there which will likely lead to shared access due to limited access
45 in the future. Mr. Smith stated that the road will certainly be maintained, and that the City may take over
46 the road's maintenance.

1 Mr. Dwiggin asked if drainage will be part of road maintenance. Mr. Smith responded yes, and that
2 storm control will be considered during site planning. Mr. Smith mentioned that both the applicant and his
3 representative are available to answer questions.

4 Ms. Joshi asked if there were any other questions for staff.

5 Mr. Safrin asked Ms. Alvarez to read the Conditions of Approval. Ms. Alvarez read the Conditions of
6 Approval which state the requirement for the lots to be recombined as shown on the preliminary plat to
7 comply with the Kannapolis Development Ordinance. She also read that the self-service facility must not
8 exceed three acres nor 599 units as well as access to the site must be established.

9 Ms. Joshi later called for the applicant to answer questions.

10 Michael Foess, 15905 Brockway, stated that he represents Patrick Sustar from Sustar/Little LLC who is
11 both the applicant and owner of the property. He then made himself available for questions.

12 Mr. Parker asked if the project would consist of only inside storage units and not outside storage units.
13 Mr. Foess responded that there will be no outside access. Mr. Parker then asked if there will be elevators
14 or stairs since the storage building consists of three stories. Mr. Foess responded that there will be inside
15 elevators. Mr. Foess then requested that the site plan be shown to explain. He pointed out on the site plan
16 where the main entrance and the elevator is proposed in which he noted that guests will have to be inside
17 the lobby to access the elevator. He also pointed out that there will be a small retail type office in the
18 lobby where guests can purchase package supplies or request to lease a storage unit. He confirmed that all
19 the internal access will be through the front door. Mr. Parker questioned if the property is proposed to be
20 fenced. Mr. Foess said yes and pointed out two locations on the site plan where a gate is planned to be
21 installed; he mentioned that the idea is for people to be able to drive in, park, and access their unit on their
22 own. Mr. Foess brought up that there would be a loop road going around for emergency services. Next,
23 Mr. Parker questioned if people would have 24/7 access or if it is only during business hours. Mr. Foess
24 answered that for now, it will most likely be only during business hours since the facility does not have an
25 operator yet. Mr. Parker asked if the operator would be live-in and Mr. Foess said no.

26 Mr. Safrin mentioned that frequently there are questions about parking in storage facilities as there are
27 often claims that storage sites have insufficient parking spaces. He noted that while not stating that the
28 plan is not adequate, it appears on the site plan that there are only three parking places; he also said that
29 they are allowed to have up to 599 units. Mr. Foess responded that there are four parking spaces,
30 including one ADA space and three others, which is the minimum required for the building's size. He then
31 pointed to the area on the site plan that is planned to be paved, where he stated there will be additional
32 parking within the secured fence.

33 Mr. Dwiggin said that from his own knowledge, the property contains many mature trees that are
34 relatively near the neighborhood. Mr. Dwiggin inquired if any trees are planned to be kept and what the
35 proposed landscaping will look like since the building will be three stories; he questioned if the building
36 will be taller than the trees. Mr. Foess said that they are required to have a buffer in which they are
37 exceeding the minimum buffer size on the northern and eastern side of the property. Mr. Foess detailed
38 that they situated/relocated the layout for the site to back up to the common open space of the Wellington
39 Chase subdivision; in contrast, if the buffer were shifted to the west side of the site, it would lead to the
40 project being much closer to existing properties. He said that the whole back common open space is
41 heavily wooded and that they will maintain the existing tree line.

42 Mr. Parker requested to be informed about the lighting of the property particularly, if there will be any
43 external poles. Mr. Foess answered that they do not have their architectural plans out, but he suspects the
44 building only has wall packs and that they will meet the City's lighting requirements. Mr. Parker
45 discussed that potential problems might occur with properties behind the site, especially if a certain type
46 if lighting is used, which can lead to light pollution. Mr. Foess commented that he does not foresee having

1 any pole mounted lights out as it makes more sense to mount them on the actual building or to use wall
2 packs that shine downwards. Mr. Foess said that he believes that there are lighting specifications for
3 commercial buildings and that Patrick Sustar would agree not to use pole-mounted lights in areas near
4 residential properties.

5 Ms. Joshi asked if the Board members had any other questions for the applicant.

6 Mr. Dwiggins asked if the access road would be connected. Mr. Foess responded that the access road has
7 not been engineered at this point and for now, they are only focusing on obtaining a Special Use Permit.
8 He said that the access road will be part of a much larger master plan commercial development but for
9 now, they thought to get a Special Use Permit and then apply for other permits as needed. He discussed
10 that the road hasn't been engineered as there are currently no other uses for the front, but more will be
11 planned after the approval. Mr. Foess mentioned that if they were to have street lightning, he believes it
12 will only be on the shared access route. Mr. Foess reiterated what Mr. Smith said earlier on that the shared
13 access will be discussed with the adjacent commercial developments.

14 There being no additional questions or comments for staff or the applicant, Chair Joshi opened the Public
15 Hearing.

16 Edward Spanke, 2164 Prairie Rd, expressed that the proposed building is elevated over the residential
17 area; he said the elevation may not be well seen on the visual documents provided for the case although a
18 common open space area is present. Mr. Spanke declared that everybody on Prairie Road will see the
19 elevation. He also doubted that the lighting will not show off on the neighborhood due to the building's
20 height and considering it will most likely be on 24/7 to keep the property secure. Mr. Spanke said he
21 found out that there were regulations on height and lighting when he looked up information on this topic.
22 Mr. Spanke told the Board members that he thinks that a three-story building as close to his neighborhood
23 as proposed, will impact many of his neighbors. Mr. Spanke stated that enough trees cannot be placed to
24 hide anything when the building is thirty feet above where all the houses are. Mr. Spanke suggested to
25 make the building two stories instead and to pushing it further away from the neighborhood. Mr. Spanke
26 repeated that he believes the project will impact many of his neighbors. Mr. Spanke said that his home is
27 further back away from the common open space but that he does have neighbors that could not make it to
28 the BOA meeting who are closer to the proposed storage unit site. Mr. Spanke spoke that his neighbors
29 and himself are all very concerned about the three-story building. Mr. Spanke stated that he did not know
30 the proposed building was going to be three stories until one of his neighbors told him. Mr. Spanke said
31 that he is not against the self-storage unit being built but does not agree with the proposed building being
32 three stories nor as close to The Pinnacle at Wellington Chase. He then told the Board members that there
33 cannot be enough of a buffer to hide a three-story building as close as proposed to his subdivision.

34 Mr. Safrit asked Mr. Spanke for clarity on when he mentioned "Pinnacle at Wellington Chase." Mr.
35 Spanke responded that his address on Prairie Rd is located within the Pinnacle subdivision of Wellington
36 Chase. Mr. Safrit then asked what lot Mr. Spanke's house is. Mr. Spanke answered, 333. Next, Mr. Safrit
37 asked him what is behind his house. Mr. Spanke said that right now, there is common open space with
38 mostly mature trees. Then, Mr. Safrit asked if the trees were pine trees and if they were small or tall. Mr.
39 Spanke said there is a mixture of pine and poplar trees; he stated that some of the trees are tall while
40 others are not. Mr. Spanke commented that if the trees were cedar trees, it would have been better because
41 of the foliage being gone all winter long; he then repeated that the planned buffer will not work due to the
42 proposed building being three stories and the elevation. Mr. Spanke said that if all the trees were
43 evergreen, it might have been better, but the proposed development is just too close to his neighborhood.
44 Mr. Spanke expressed a concern of the proposed development negatively affecting his property value as
45 he thinks it will be difficult to sell a house with a three-story building behind it. Mr. Spanke clarified that
46 he is worried about his neighbors and him not being able to hide from an elevated three-story building
47 with lighting glaring towards them 24/7. Mr. Spanke provided a picture for the Board members to see. Mr.

1 Safrit asked if the pictures were recent, followed by how recent. Mr. Spanke replied “yes,” and that they
2 were taken about an hour ago, respectively.

3 Mr. Parker asked if each storage unit will be on average about 15 feet tall. Mr. Foess said that would be a
4 good assumption and that 15 feet would be a maximum. Mr. Foess detailed that if one has ever been in a
5 climate-controlled indoor storage facility, the ceiling height is usually low, at around 8 feet, and contains
6 structural steel to support the weight above it. He said that at most, there will be about 12 feet between
7 floor plates. Then, Mr. Parker referred to the picture provided by Mr. Spanke and mentioned that from a
8 lower-level view, he is assuming the lighting will not be on top of the building. Mr. Foess said that Mr.
9 Parker was correct and that the lights will be placed at a pedestrian height. Mr. Parker reflected that he
10 does not see any interference with the properties behind the proposed development. He said he could have
11 seen an issue if the poles were going to be around 30 feet tall. He also said that the trees in the picture
12 looked tall. Then, he added for consideration that he does not know the difference in the height of the land
13 on both the subdivision and the proposed site side. He discussed that it is difficult to know if the lighting
14 can be seen through the trees.

15 Ms. Joshi asked if there was anyone else from the public that would like to speak.

16 Richard Lewis, 9581 Horsebit Ln, specified that he lives right across from Mr. Spanke’s house and that
17 his patio faces the proposed development. He then provided a picture for the Board members which he
18 stated was from a different angle than the previous picture shown. He pointed out that most of the trees
19 shown in the picture are deciduous trees. He estimated that the height of the elevation is around 12 feet
20 and added that the height of the proposed building will surpass the top of the tree line. He said he believes
21 the value of the properties nearby will decrease. Mr. Lewis asked if due to the lighting and elevation, will
22 the developer leave any trees. Ms. Joshi responded that it was previously mentioned that it is planned to
23 leave some of the trees to create a barrier. Mr. Lewis replied that the development is very close to existing
24 residential properties. Mr. Lewis conveyed a concern for drainage specifically how drainage from the
25 driveways will flow around the building. Ms. Joshi informed Mr. Lewis that the development must meet
26 the City’s standards and that the City will send engineers to inspect the site. Mr. Lewis commented that
27 when he bought his house a few years ago, they did not expect a commercial development to be built
28 nearby.

29 There being no additional questions or comments for staff or the applicant, Chair Joshi closed the Public
30 Hearing.

31 Chair Joshi asked for a motion to accept the City’s exhibits into the record, which was made by Mr.
32 Parker, second by Ms. Martini, and the motion was unanimously approved.

33 Mr. Safrit advised Chair Joshi to acknowledge the pictures provided in the exhibits that the Board
34 accepted.

35 Chair Joshi asked for a motion to approve or revise the Findings of Fact. Ms. Martini made the motion to
36 approve the Findings of Fact, seconded by Mr. Parker, and the motion was unanimously approved.

37 Chair Joshi asked for a motion to approve, approve with conditions, or deny the issuance of the Special
38 Use Permit. Mr. Dwiggin mentioned that he has an issue with approving the case due to his not knowing
39 the topography of the site and how it compares to topography of the subdivision. He also said that since
40 the building is proposed to be three stories, he wonders how tall the trees are; he questioned if the
41 residents will be able to see the building. Then, Mr. Dwiggin requested more information on the
42 elevation of the parcel in comparison to the neighborhood. With this information, Mr. Dwiggin suggested
43 that the Board could decide if the building will surpass the height of the trees. Mr. Parker suggested that
44 an investigation be conducted for them to understand the difference between the topography of the
45 proposed site and subdivision. Mr. Smith told the Board members that they have the option to do a
46 condition of approval since it appears Mr. Dwiggin asked for more information. Mr. Dwiggin confirmed

1 that he would like more information. Mr. Smith replied that the Planning Department and the applicant
2 along with his representative can provide more information such as visuals of the site that show its
3 contours. He noted that GIS is limited on the details it can provide like grade differences between the
4 sites. Mr. Smith told the Board members that they can place more conditions as far as further screening of
5 the site. Ms. Martini stated that the unknown height of the land is the whole issue, especially if the land is
6 much higher. Ms. Joshi asked Mr. Smith how they can request the information he mentioned. Mr. Smith
7 commented that the GIS can be displayed on the screen, but the information it can provide will be basic,
8 based on his understanding of Mr. Dwiggins' question. As City staff, Mr. Smith said his department can
9 take the drone back out to the site to provide lower visuals along with possibly an engineer being able to
10 provide even further information to ensure both sides are mitigated. Mr. Smith recognized that part of the
11 challenge is that the commercial zoning is next to the residential neighborhood and that he understands
12 the concern. Ms. Joshi then asked if they could request the City and applicant to provide more
13 information given that they have noticed a need to gain more knowledge of the site before approval. Mr.
14 Smith told Ms. Joshi to ask for continuance if the Board believes not enough information has been given.
15 Ms. Joshi replied that she will refer to the Board for questioning. Mr. Safrit advised Ms. Joshi that she has
16 already approved the staff on the Findings of Fact. Mr. Safrit said that from his understanding, there are
17 issues on whether the site is in harmony with the area around it and that conflicts with what was
18 previously approved. Mr. Parker suggested obtaining information about the different elevations between
19 the sites and also considering the height of the trees to determine if it might pose a problem, though he
20 does not believe it would.

21 Chair Joshi asked for a motion for continuance of the Special Use Permit case. Mr. Sides made the motion
22 to approve, second by Mr. Dwiggins, and the motion was unanimously approved.

23 Ms. Joshi announced that the Board has voted for a motion for continuance of the Special Use Permit
24 request and noted that they will be revising the Finding of Fact during the next BOA meeting. Mr. Safrit
25 asked what will be requested for the next meeting, and Ms. Joshi said the Board will request a
26 topographical map and additional drone footage. Then, Ms. Joshi asked her fellow Board members if
27 there was anything else they would investigate at the next meeting. Mr. Parker mentioned he would like to
28 see if the proposed lighting on the development can be seen from the neighborhood.

29 Ms. Joshi reiterated that the Board voted to continue the Special Use Permit case and then acknowledged
30 that Mr. Bailey had arrived to the meeting, and therefore, they will begin case **BOA-2025-06.**

31 **BOA-2025-06- Variance submitted by Jennifer Ronneburger for property located at 2821 N.**
32 **Cannon Blvd. Request to consider a variance under Section 2.5.D(1) of the Kannapolis**
33 **Development Ordinance. The applicant seeks a variance from the sign area standards for the**
34 **General Commercial (GC) district, as specified in Table 5.9.E(1)a. Specifically, the applicant**
35 **requests a 49.05-square-foot increase for the sign on the front elevation.**

36 Mr. Barcroft introduced himself and explained that the variance case is for a sign that exceeds the
37 standards of the Ordinance, specifically for the General Commercial (GC) zoning district, by requesting a
38 49-square-foot increase for the sign on the front of the site. Mr. Barcroft detailed that the site is in an
39 existing shopping center next to Food Lion. He then referred to the Future Land Use map to inform that
40 the area's listed primary uses are retail, office, and multifamily, given it is within the Suburban Activity 2
41 Character Area. Then, he showed the Board pictures of the site that both the applicant and he have taken;
42 he also showed a map that visualized the distance of the store's tenant space when compared to Cannon
43 Blvd. Mr. Barcroft mentioned that the sign is difficult to see from multiple angles although the red paint
44 on the front of the building can be clearly seen as he indicated in a picture he took. He also showed a
45 picture of the view coming from S. Chapel St. as well as the side of the building. Next, Mr. Barcroft
46 displayed the street view and noted that there is a large hill near the store which prevents the sign from
47 being seen coming from either north or south on Cannon Blvd unless viewed from a certain angle. While
48 displaying more images, Mr. Barcroft pointed out that the hill and the trees block the entrance view of the

1 building. He then went over the elevations of the site that were submitted by the applicant and indicated
2 the length of the building front was 63 feet. He further explained that per the Ordinance, that the
3 maximum sign size is one square foot per linear foot of wall, meaning the limit is 63'-9" square feet for
4 the wall sign. However, the applicant's requested size for the sign is over one hundred square feet
5 (108.84), with the part of the sign reading "O'Reilly" being approximately 70-square-feet alone; the
6 measurements do vary depending on whether a box is placed around the sign although in either case, the
7 sign still surpasses the required limit for wall signage in a General Commercial zoning district.
8 Afterwards, Mr. Barcroft mentioned that the applicant previously applied for a permit for a sign on the
9 side of the building in which it was allowed/obtained and then showed the proposed signage site plan.
10 Subsequently, he showed the drone footage of the whole site and indicated its view coming from Cannon
11 Blvd. and from S. Chapel St. Mr. Barcroft reviewed all Findings of Fact and reviewed what the applicant
12 has submitted as well as their findings on the application. For the proposed variance to be approved, it
13 will need to meet all Findings of Fact.

14 Mr. Barcroft reviewed the staff's findings as follows:

- 15 **1. Unnecessary hardship would result from the strict application of the ordinance. It shall**
16 **not be necessary to demonstrate that, in the absence of the variance, no reasonable use**
17 **can be made of the property.**

18 The applicant states that the shopping center's setback and elevation reduce sign visibility,
19 making the one square foot per linear wall width limitation restrictive. However, staff does
20 not believe that an unnecessary hardship would result from the strict application of the
21 ordinance. Additionally, the applicant has not demonstrated that, in the absence of the
22 variance, no reasonable use can be made of the property.
23

- 24 **2. The hardship results from conditions that are peculiar to the property, such as location,**
25 **size, or topography. Hardships resulting from personal circumstances, as well as**
26 **hardships resulting from conditions that are common to the neighborhood or the**
27 **general public, may not be the basis for granting a variance. A variance may be granted**
28 **when necessary and appropriate to make a reasonable accommodation under the**
29 **Federal Fair Housing Act for a person with a disability.**

30 The proposed O'Reilly's Auto Parts location at the corner of Chapel Square Shopping Center
31 has two claimed hardships, according to the applicant: the distance from Cannon Blvd and
32 limited visibility due to its elevation. The shopping center is set back approximately 200-250
33 feet from both entrances. However, staff does not believe these factors constitute a practical
34 hardship unique to this applicant, as other stores within the shopping center also experience
35 limited visibility from the right-of-way regardless of sign size.
36

- 37 **3. The hardship did not result from actions taken by the applicant or the property owner.**
38 **The act of purchasing property with knowledge that circumstances exist that may**
39 **justify the granting of a variance shall not be regarded as a self-created hardship.**

40 The proposed location is within a well-established shopping center, so any claimed hardship
41 did not result from an action by the applicant.
42

- 43 **4. The requested variance is consistent with the spirit, purpose, and intent of the**
44 **ordinance, such that public safety is secured, and substantial justice is achieved.**

45 The applicant states that the larger exterior signage benefits the community by providing
46 better visibility for drivers approaching the location within the shopping center. However,
47 staff disagrees and does not believe the requested variance is consistent with the spirit,
48 purpose, and intent of the ordinance in a way that ensures public safety and achieves
49 substantial justice.

1 Mr. Barcroft stated that staff does not see a need for the requested variance. However, the Board of
2 Adjustment should consider all facts and testimony presented during the public hearing before making a
3 final decision (see Exhibit 3). He then stated that the applicant also has a presentation and made himself
4 available for questions.

5 Mr. Parker asked to clarify if the variance was for a building sign only and if it was affecting anything at
6 street level. Mr. Barcroft replied that the case is for a front elevation wall sign, and that Mr. Parker was
7 correct on his statement due to the subject only being a wall sign.

8 Mr. Dwiggins questioned whether, when Mr. Barcroft discussed the size and color of the sign, did he
9 mean the size of the colored part of the sign or the font size of the words on the sign. Mr. Barcroft
10 clarified that he meant the words and referred to pictures he previously showed to explain how the store
11 has painted the wall red.

12 Mr. Safrit inquired to find out what are the other facilities located in the shopping center along with the
13 subject of the case. Mr. Barcroft responded that Food Lion is the anchor tenant. Mr. Parker said that based
14 on what he saw in the picture, a Dollar General is there. Mr. Barcroft brought up that there is a
15 freestanding sign for the shopping center's tenants.

16 Mr. Dwiggins asked if the letters of the proposed sign are larger than the letters on Food Lion's sign. Mr.
17 Barcroft explained that the big difference is that the subject's tenant space is much smaller when
18 compared to Food Lion's. He then referred to a slide previously shown on his presentation to provide
19 visualization to his answer that Food Lion takes about half the size of the building. Mr. Barcroft further
20 explained that Food Lion has a much longer wall. Mr. Dwiggins then asked if when comparing the size of
21 the letters of the sign of Food Lion and of the subject, are the sizes similar. Mr. Barcroft told Mr.
22 Dwiggins that the Food Lion sign was constructed under an older ordinance and due to them having a
23 larger building, it permits them to have a bigger wall sign. Mr. Smith mentioned that the area of the sign
24 is relative to the size of the building; the area of the sign is measured with essentially a square that
25 encompasses the letters. Then, Mr. Barcroft referred to a slide in his PowerPoint and stated that the other
26 signage for the other tenants is small; there are multiple tenants on the northern side who are only
27 permitted smaller signage due to the proportion of their unit size. He believes they all have space to place
28 a sign on the freestanding sign in front of the shopping center.

29 Ms. Joshi stated that because the road is below the hill the applicant is requesting a variance due to what
30 Mr. Barcroft said in his presentation on how the store's sign cannot be seen unless it is viewed from a
31 certain angle. She remarked that the applicant's goal is to increase their chance to be recognized because
32 if someone were to drive past on the main road, one cannot see the sign.

33 Mr. Parker asked if the site is in Rowan County and if the Kannapolis Development Ordinance (KDO)
34 still applies to that area, meaning the County does not play a role in the enforcement of the ordinance, of
35 which Mr. Smith replied he is correct.

36 Mr. Safrit requested information on what is on the shopping center's freestanding sign. Mr. Barcroft said
37 that Food Lion and the other tenants that are currently located in the center are listed on the sign. Mr.
38 Safrit then asked if all tenants were on the freestanding sign. Mr. Sides told Mr. Safrit that the Dollar
39 General is no longer there. Mr. Barcroft said he has multiple images and then referred to pictures of the
40 freestanding sign.

41 Ms. Joshi asked if there would be another O'Reilly sign placed on the site's freestanding sign as well as
42 its wall sign. Mr. Barcroft discussed that he did not have that conversation with the applicant as that is up
43 to the property owner to decide. He said that to his knowledge, adding this tenant to the freestanding sign
44 would be permitted.

1 Mr. Bailey questioned if the Dollar General is gone and if the unit will be available. Mr. Barcroft
2 informed Mr. Bailey that Dollar General has left and that its unit will be utilized by O' Reilly's.

3 Ms. Joshi called for the applicant to give their presentation.

4 Susan Sartain, 125 Hall Dr., said she is from the company Gopermit and that with her came a few
5 personnel from O'Reilly's management and district support. To clarify, she mentioned that Dollar General
6 is no longer in the shopping center and that O' Reilly's is in that space and expecting to open on the
7 upcoming Saturday. She discussed that they came last month, but due to not all the Board members being
8 present, their case could not be heard. She thanked all the Board members for being present this time. She
9 described the property as unique and detailed that if one were to come down either north or south on
10 Cannon Blvd., one can see the elevation does not exist anywhere else on Cannon Blvd. She noted that the
11 setback of the shopping center itself is roughly 200 feet; most of the businesses along north and south
12 Cannon Blvd. are at about 50 feet and do not have an elevation. She agreed to what was previously said
13 during the meeting on how they need some sort of visibility. She said she believes there is at least one
14 other O'Reilly's in the area that has the same size signs they are seeking, and another business nearby will
15 also be requesting a sign of the same size to be permitted. Ms. Sartain clarified that the sign they are
16 requesting will not be larger than Food Lion's sign, as stated earlier, but rather comparable. She explained
17 that this approach is well-suited to the situation, particularly in comparison to the smaller nearby shops, as
18 they are only seeking additional visibility. Ms. Sartain presented a picture of the sign at the size permitted
19 by the ordinance to demonstrate how the sign cannot be seen because of the elevation. Next, she
20 presented an aerial view from the shopping center traveling south on Cannon Blvd. in which she claims is
21 the first opportunity to see O'Reilly's, 575 feet away from the entrance of the store. Then, she presented
22 another aerial view showing the parking lot; she explained that there was a pylon sign for the Food Lion
23 and below it on the pole was a sign of a Halloween store, which was the former tenant that she believed
24 had a two-by-four-foot sign. Even if the landlord allows O'Reilly's to have signage on the freestanding
25 sign, she stated that the sign can still not be seen. She specified by referring to a picture on her
26 PowerPoint that when cars are parked along the elevation, not even the top of the building nor Food Lion
27 can be seen. Ms. Sartain went along to show pictures and an aerial view traveling north from Cannon
28 Blvd. and pointed out the full landscape, she mentioned that she was traveling around 45 miles per hour
29 when recording. She said one cannot see the store if one is traveling fast and that there isn't a south
30 entrance when heading north leading the need to go up to the north entrance to get into the shopping
31 center. She then went on to show two more pictures that indicated one can only get a glimpse of the
32 shopping center when traveling along Cannon Blvd. Ms. Sartain concluded that the goal is for them to
33 gain visibility; it is desired that the store can be seen when traveling 45 miles per hour either north or
34 south along Cannon Blvd. especially since the property is unique due to the elevation. Ms. Sartain then
35 made herself available for any questions.

36 There being no additional questions or comments for staff or the applicant, Chair Joshi opened the Public
37 Hearing.

38 BJ Hunsucker mentioned that he is O'Reilly's District manager for the area and that they are heavily
39 involved in the community, noting they have cared for EMS, police, firefighters, and others. Even if just
40 the top of the sign can be seen, that would probably make a huge impact for them, he said. He discussed
41 that it might have been the case for why Dollar General moved to a freestanding building since their sign
42 was small, and that one can see how unbalanced the signage was that far back. He suggested that a little
43 visibility would probably go a long way. Mr. Hunsucker mentioned that they are heavily involved in the
44 community by making numerous donations and sponsorships. Also, he said that another nearby O'Reilly's
45 store on Cannon Blvd. has the same sign size on the front of the building, as it is a standard sign size.

46 There being no comments, Chair Joshi closed the Public Hearing.

Chair Joshi asked for a motion to accept the City's exhibits into the record, which was made by Mr. Parker, second by Mr. Bailey and the motion was unanimously approved.

Chair Joshi asked for a motion to approve the Findings of Fact. Mr. Bailey made the motion to approve the Findings of Fact, second by Ms. Martini, and the motion was unanimously approved.

Mr. Safrit asked Chair Joshi to clarify if the Board will be approving or disapproving the sign, if so to read their Findings of Fact. Chair Joshi replied that the staff took a review and agreed to the following findings:

1. **Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

The finding fact was no.

2. **The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.**

The finding fact was no.

3. **The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**

The finding fact was yes.

Mr. Safrit asked why the finding fact was yes. Chair Joshi answered that the statement claims the hardship did not result from actions taken by the applicant or the property owner; in this case, the applicant claims the hardship is limited visibility due to topography which was an action done with knowledge of the circumstances that exist.

4. **The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.**

The finding fact is no.

Chair Joshi concluded that the reason they are denying the variance is due to only one of the Findings of Fact being found to be a yes. She repeated, the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

Mr. Smith mentioned that since only one of the Findings of Fact was positive, a variance cannot be approved, and it was recognized that a hardship was not found. He said that Board members agreed to the Findings the Fact being a negative would remove the possibility that the variance can be approved. Mr. Parker asked if the Board would need to change their final statement and Mr. Smith said it is the Board's decision.

1 Mr. Parker discussed that he wonders why they cannot place their desired sign on the property and that he
2 sees the O'Reilly's and Food Lion's signs consistent; he said that the sign is not going to fill a large
3 portion of the area but instead, only a small section. Mr. Safrit replied that the proposed sign would be in
4 violation of the Ordinance. Ms. Joshi discussed that the Board should consider that the situation is not
5 enough of a hardship to grant a variance as the sign is bright red and will still be visible along with the
6 addition of the other signs on the site; the hardship is said to be due to wanting additional visibility. Mr.
7 Bailey said that people have recognized the difficulty to see the store's sign. Ms. Joshi said she agrees but
8 due to the nature of what constitutes the hardship since this situation will not prevent a business from
9 functioning but rather, it is the idea that with a larger sign, they can potentially receive more visits, profits,
10 and benefits to the community. Ms. Joshi considered that there are other businesses operating within the
11 shopping center that have smaller signs.

12 Mr. Parker asked if the store was to reduce the area of the sign, would the requirements be met. Mr. Smith
13 answered that Mr. Parker was correct and that their request is to go above the requirements. Mr. Smith
14 also answered that the store has the option to place a larger sign on the side of the building. Ms. Joshi
15 asked if in order for the applicant to place the sign on the other side of the building, would the variance
16 need to be denied along with informing them that the sign will be approved if placed on the side of the
17 building instead. Mr. Smith told Ms. Joshi she was correct.

18 Ms. Joshi asked the Board if there was any Findings of Fact that they disagree with.

19 Mr. Parker asked if the proposed sign is the standard size for most O'Reilly's stores.

20 Chair Joshi asked the board members if they would like to vote to request additional information from the
21 applicant. No official vote was taken though.

22 Ms. Sartain stated that there is signage along the side wall, the square footage requested is around 108
23 square feet so there is visibility from the back road along Chapel St. Ms. Sartain stated that one cannot see
24 the sign when traveling along Cannon Blvd. She explained that they can get a smaller sign on the front.
25 However, the major concern is non-visibility leads to a safety factor because if one does not see the red
26 sign on the building as she witnessed herself earlier while on the road. Ms. Sartain said that there is a
27 chance that people are going to zoom by and needing to make a U-turn or slam on their brakes. She
28 restated that they could reduce the sign to meet the requirements which is approximately 63 feet, but it
29 will not be visible over the hill; all that is requested is to have the same sign size that is placed on the back
30 which is 108 square feet and still smaller than Food Lion's sign. Mr. Parker asked if the sign size is a
31 corporate requirement. Ms. Sartain replied that the sign size is the standard size of most O'Reilly's and
32 most of the stores are in a freestanding building which allows for larger signs but in this case, the store is
33 in a shopping center. She detailed that she believes later this year, another store is planning to open which
34 will have a sign approximately 108 square feet in size.

35 Ms. Joshi asked if for the final review on the Findings of Fact, all four of them need a yes, as a response.
36 Mr. Safrit told Ms. Joshi that she was correct. Ms. Joshi told the Board that for the variance to be
37 permitted, they will need to amend three of the four findings of fact.

38 Mr. Parker asked the staff if they have dealt with a situation like the case in the past. Mr. Smith said he
39 does not recall one. Ms. Joshi said she believes they have dealt with a case like **BOA-2025-06** which dealt

1 with a site off the interstate. Mr. Smith told her that it was an off-premise sign that concerned the sign's
2 height.

3 Ms. Joshi stated that she believes the Board should agree with the staff because the situation is not an
4 unnecessary hardship that would result from the strict application of the Ordinance as it is not like the
5 applicant cannot place a sign, they are just limited. She then asked to go over the motion to approve or
6 revise the Findings of Fact.

7 Chair Joshi asked for a motion to approve the Findings of Fact. Mr. Sides made the motion to approve the
8 Findings of Fact, second by Mr. Dwiggin, and the motion was unanimously approved.

9 Chair Joshi asked for a motion to approve, approve with conditions, or deny the issuance of the variance.
10 Mr. Safrit told Chair Joshi to specifically announce the request to approve or deny the variance. Chair
11 Joshi asked the Board for a motion to deny the request with all those in favor to say, aye. Mr. Dwiggin,
12 Mr. Sides, Ms. Martini, and Mr. Bailey said aye. Chair Joshi then asked for those who oppose to say, aye.
13 Mr. Parker said, he opposed.

14 Mr. Safrit informed Ms. Joshi that she should ask for approval of the variance. Chair Joshi then asked for
15 a motion to approve the variance with those in favor to say, aye. She noted that Mr. Parker was in
16 approval. She then asked for those not in favor of the variance approval to say no. All the other members
17 affirmed, no, that they were not in favor of the variance.

18 Chair Joshi announced that the Board will move forward with denying the variance. Then, she said that
19 the variance has been denied.

20 **Planning Director Updates**

21 Mr. Safrit announced that he was out on medical leave for three months. He said that the City made the
22 has hired another City Attorney, which he believes was an excellent decision. He also announced that he
23 plans to retire later this year.

24 Mr. Smith discussed statistics on the first quarter updates. Specifically, he detailed that there have been 58
25 residential permits issued of which 63% were single family residential with the remaining 37% being
26 attached residential meaning there is an increase with townhomes being built. There have also been two
27 rezonings of which one was conditional rezoning. Mr. Smith also discussed that 1,041 maps have been
28 created with 706 of them being internal maps. Among the two annexations, one was a whole parcel and
29 the other was a partial parcel with a total of 52 acres. To date this year, six sewer allocation permits have
30 been issued, compared to only one done last year. Since Mr. Dwiggin asked about NCDOT projects
31 during the last meeting, Mr. Smith mentioned there are several road improvements that are occurring
32 citywide, notably on the sidewalks on Bethpage. Mr. Smith said that near Midlake Road and Centergrove
33 Rd., a new city park will be constructed and that the Martin Luther King, Jr. bridge will soon be replaced.

34 Mr. Dwiggin asked if the City can utilize any property that is under certain bridges which he believed
35 can be used for playgrounds or parking. Mr. Smith said it is a good idea, but that liability may play a role
36 in whether it can be done. He noted that he would discuss with NCDOT.

37 Ms. Martini asked when it was expected for the Martin Luther King, Jr. bridge to be done, and Mr. Smith
38 replied around the end of next summer. Mr. Parker then asked if the bridge would be a total replacement,
39 in which Mr. Smith answered the bridge would be a total replacement.

40 **Other Business**

- 1 Chair Joshi asked the Board members if there is any other business to be discussed.
- 2 **Adjourn**
- 3 There being no further business, Chair Joshi made the motion to adjourn, second by Mr. Sides, and the
- 4 motion was unanimously approved.
- 5 The meeting was adjourned at 7:50 PM on Tuesday, May 6, 2025.


Zulena Anderson, Planning Technician
Board of Adjustments


Emily Joshi, Chair
Board of Adjustments



**Board of Adjustment
May 6, 2025 Meeting**

Staff Report

TO: Board of Adjustment
FROM: Ben Barcroft, Senior Planner
SUBJECT: Case# BOA-2025-06: Variance – 2821 N. Cannon Blvd.
Applicant: Jennifer Ronneburger

Request to consider a variance request under Section 2.5.D(1) of the Kannapolis Development Ordinance. The applicant seeks a variance from the sign area standards for the General Commercial (GC) district, as specified in Table 5.9.E(1)a. Specifically, the applicant requests a 49.05-square-foot increase for the sign on the front elevation.

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 Variance.
3. Motion to approve (deny) the issuance of the Variance.
4. Motion to Issue Order of Approval.

B. Required Votes to Pass Requested Action

A supermajority (4/5) vote is required to grant the requested variance.

C. Background

The applicant, Jennifer Ronneburger, on behalf of O'Reilly's Auto Parts, is seeking a variance from the sign area standards for the General Commercial (GC) district, as specified in Table 5.9.E(1)a. Specifically, the applicant requests a 49.05-square-foot increase for the sign on the front elevation. The property is zoned General Commercial (GC) under the Kannapolis Development Ordinance (KDO), is approximately 5.01 +/- acres, and is more specifically identified as Rowan County Parcel Identification Number 133 055.

This is a continuation of the previous hearing held on April 1, 2025, during which a decision on the variance request could not be made due to the lack of a supermajority of board members present, as required for the board to act on the matter.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.5.D(1)d.1(a) of the KDO requires that the Board of Adjustment shall only grant a variance on finding the applicant demonstrates all of the following:

Staff Findings of Fact - Based on application review:

Yes No

☐☒

Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

The applicant states that the shopping center's setback and elevation reduce sign visibility, making the one square foot per linear wall width limitation restrictive. However, staff does not believe that an unnecessary hardship would result from the strict application of the ordinance. Additionally, the applicant has not demonstrated that, in the absence of the variance, no reasonable use can be made of the property.

☐☒

The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

The proposed O'Reilly's Auto Parts location at the corner of Chapel Square Shopping Center has two claimed hardships, according to the applicant: the distance from Cannon Blvd and limited visibility due to its elevation. The shopping center is set back approximately 200-250 feet from both entrances. However, staff does not believe these factors constitute a practical hardship unique to this applicant, as other stores within the shopping center also experience limited visibility from the right-of-way regardless of sign size.

☒☐

The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

The proposed location is within a well-established shopping center, so any claimed hardship did not result from an action by the applicant.

☐☒

The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

The applicant claims that the larger exterior signage benefits the community by providing better visibility for drivers approaching the location within the shopping center. However, staff disagrees and does not believe the requested variance is

consistent with the spirit, purpose, and intent of the ordinance in a way that ensures public safety and achieves substantial justice.

F. Legal Issues

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

In order to determine whether a variance is warranted, the Board must decide that each of the four criteria outlined below have been met. If the Board concurs completely with the finds 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 four criteria below. Should a variance be approved, the Board may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

Yes

No

☐☐

Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

☐☐

The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

☐☐

The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

☐☐

The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

G. Recommendation

Based on the above findings, staff does not see a need for the requested variance. However, the Board of Adjustment should consider all facts and testimony presented during the public hearing before making a final decision.

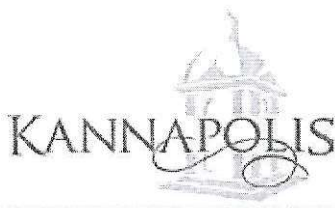
H. Attachments

1. Variance Application

2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Renderings
6. List of Notified Properties
7. Notice to Adjacent Property Owners
8. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
City Attorney	X
Assistant City Manager	X



Variance Application

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on this form below are submitted with your application. Please either bring this application to the address above or email to bbarcroft@kannapolisnc.gov. The fees may also be paid online with a link provided by staff.

VARIANCE REQUEST

Variance – Request for Variance as required by Section 2.5.D of the Kannapolis Development Ordinance (KDO).

Approval authority – Board of Adjustment.

Property Address: 2821 N Cannon Blvd Kannapolis, NC 28083

Applicant: Jennifer Ronneburger / GoPermit

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting
- ☒ Variance Checklist and Application – Complete with all required signatures
- ☐ Plot/Site Plan showing the variance
- ☐ Fee: \$350.00 (\$300 Application Fee + notification fee [see Fee Schedule])
- ☒ Please mark this box to authorize aerial drone photography of the site

PROCESS INFORMATION

Public Notification: This is a quasi-judicial process that requires a public hearing and public notification including first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Section 2.4.F of the KDO).

Review Process: All applications will be reviewed for compliance and then forwarded to the Board of Adjustment for consideration at a public hearing which is held monthly on the first Tuesday at 6:00pm in City Hall Laureate Center. The pre-application meeting, submittal of the application and site plan, and payment of fees, must be completed prior to scheduling the public hearing. Please review Section 2.4.D of the KDO.

Action by Board of Adjustment: After conducting a public hearing, the Board of Adjustment may: deny the application; conduct an additional public hearing on the application; approve the application; or approve the application with conditions.

Scope of Approval: A concurring vote of four-fifths of the members of the Board shall be necessary to grant a variance. A variance is not a right. It may be granted to an applicant only if the applicant establishes compliance with the hardship criteria established in NCGS §160D-705(d). (See Variance application for hardship criteria.).

By signing below I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Applicant's Signature: 

Date: 2/27/25



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

VARIANCE APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Jennifer Ronneburger/ GoPermit

Address: 9061 Woodlark Terrence
Boynton Beach FL 33472

Phone: 631-882-4718

Email: gopermit@gmail.com

Property Owner Contact Information ☒ same as applicant

Name: Chapel Square, LLC Attn: General Counsel

Address: 85-A Mill St., Suite 100
Roswell, GA 30075

Phone: 770-518-1100

Email: jwilkin@mimms.org

Project Information

Project Address: 2821 N Cannon Blvd Kannapolis, NC. 28083

Zoning District GC

Parcel PIN: 133 055

Size of property (in acres): 5.01

I, Jennifer Ronneburger,

hereby petition the Board of Adjustment for a Variance from the literal provisions of the Unified Development Ordinance because, under the interpretation given to me by the Planning Administrator, I am prohibited from using the parcel of land described above in a manner shown by the plot plan attached.

Ordinance provision(s) from which a variance is requested: 5.9.E(1) A - Wall Signs

1 sq. ft. per linear foot of width of the building to which wall sign is attached, not to exceed 120 sq. ft. or 10 percent of the area of the façade to which wall sign is attached

This is what I want to do (attach separate sheet if necessary): Installation one (1) illuminated wall sign reading

"O'Reilly Auto Parts" Measuring 108.84sqft on the east elevation.

APPROVAL CRITERIA

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a Variance. The Board is required to reach four conclusions before it may issue a Variance. In the spaces provided below, indicate the *facts* that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four required conclusions:

1. Unnecessary hardship would result from the strict application of the ordinance.

It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property. [It is *not* sufficient that failure to grant the Variance simply makes the property less valuable.] (State *facts* and arguments in support of this conclusion)

Due to the shopping center setback and at an elevated position, the existing ordinance for exterior signage

of 1 sqft per width of the building, limits the overall size of the O'Reilly Auto Part sign providing poor visibility from Cannon Blvd.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance. (State *facts* and arguments to show that the Variance requested represents the least possible deviate from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the Variance is granted, will not substantially detract from the character of the neighborhood.)

The proposed O'Reilly Auto Parts location at the south corner of Chapel Square Shopping Center offers 2 clear

hardships with distance from the main road of Cannon Blvd and visibility due to its elevated position.

The shopping center sits back from the road between 200-520 ft at both entrances.

3. The hardship did not result from actions taken by the applicant or the property owner.

The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. (State *facts* and arguments in support of this conclusion.)

The proposed O'Reilly's location is a well established existing shopping center.

Our new requested occupancy did not create or add to these existing hardships.

4. The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

(State *facts* and arguments to show that, on balance, if the Variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

Larger exterior signage for the O'Reilly's benefits the safety of the community as it will provides

better visibility, while driving, to the O'Reilly's location within the shopping center.

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

Applicant Signature

2/27/25

Date

Property Owner Signature

Adam J. Katz

Authorized Agent

for Chapel Square, LLC

2/28/25

Date



Vicinity Map

Case Number: BOA-2025-06
Applicant: Jennifer Ronneburger/GoPermit
2821 N Cannon Blvd

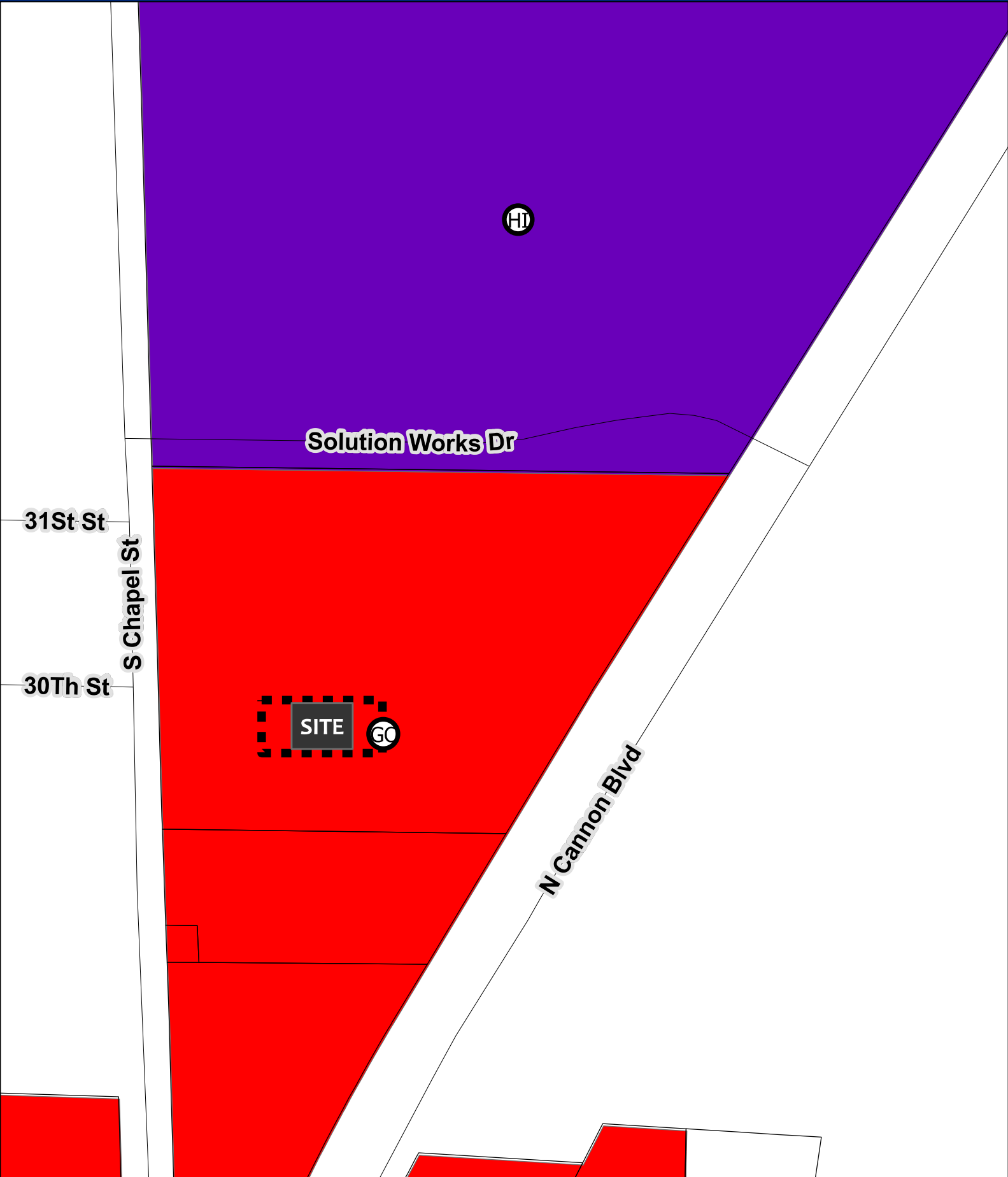




Kannapolis Current Zoning

Case Number: BOA-2025-06

Applicant: Jennifer Ronneburger/GoPermit
2821 N Cannon Blvd

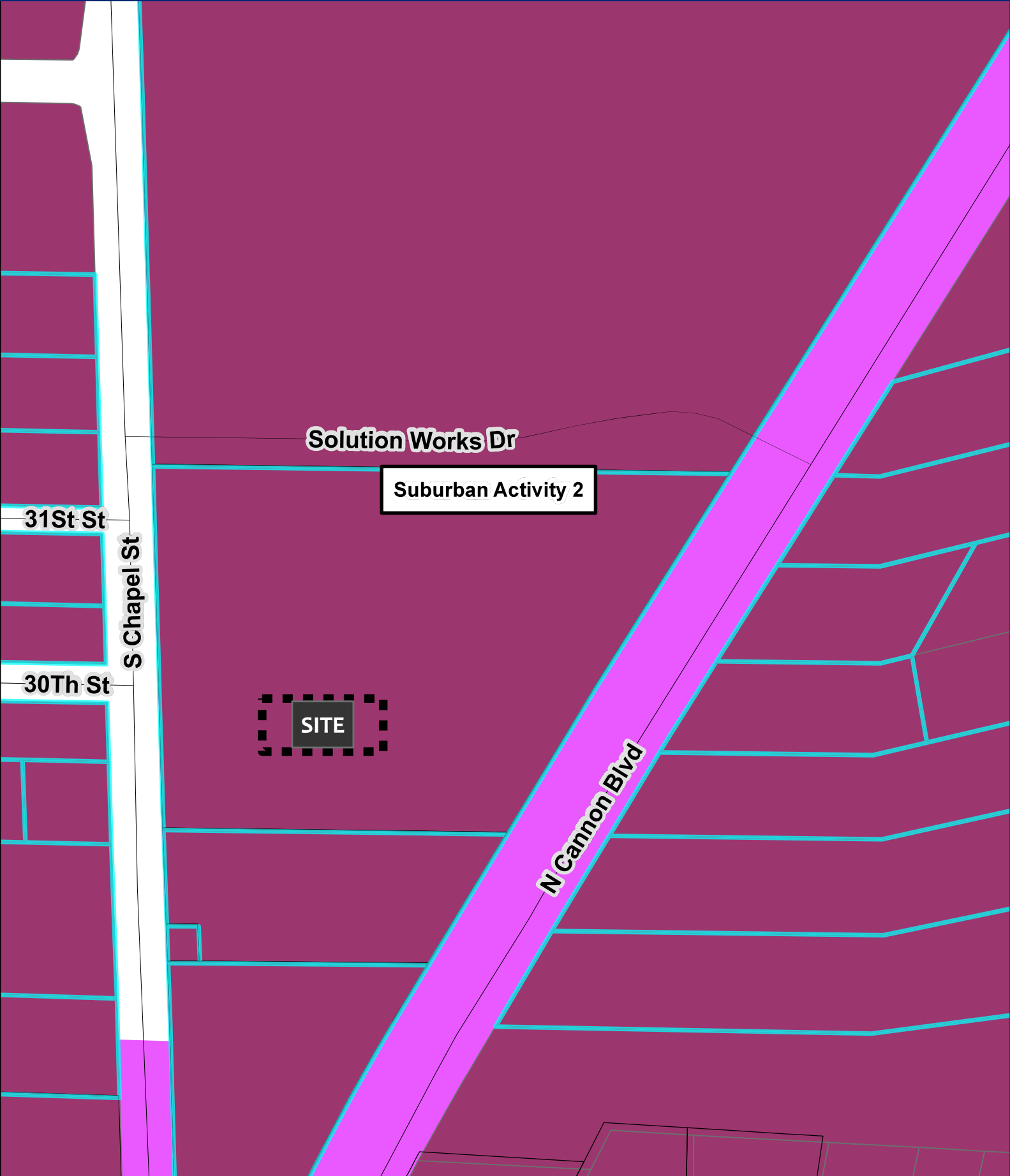




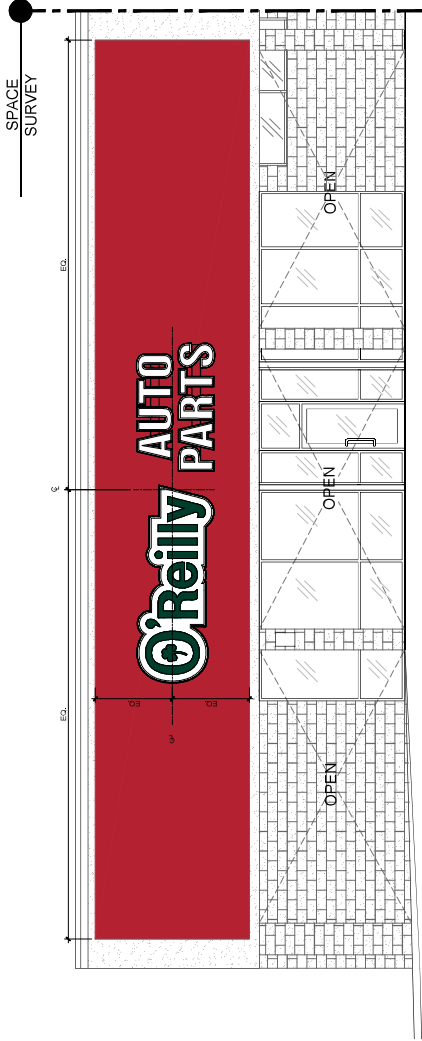
Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-06

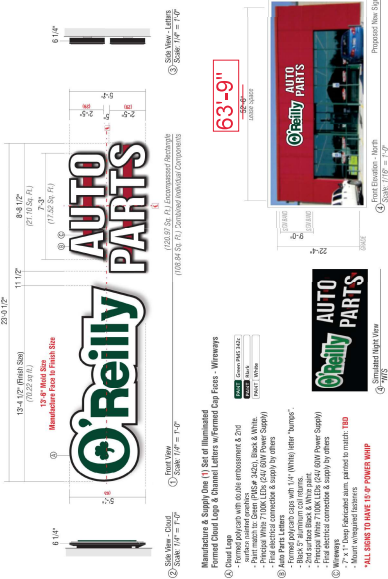
Applicant: Jennifer Ronneburger/GoPermit
2821 N Cannon Blvd



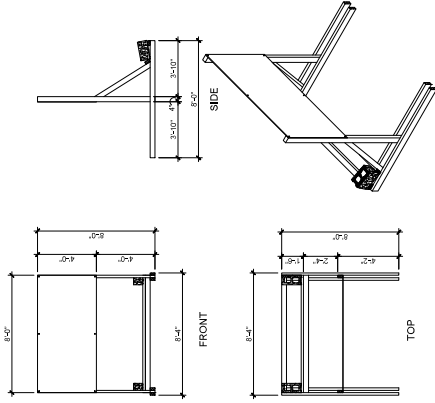
Scope: Installation one (1) illuminated wall sign reading "O'Reilly Auto Parts" Measuring 108.84sqft on the east elevation



2 EXTERIOR FRONT ELEVATION
SCALE: 1/8"=1'-0"



2 FRONT WALL SIGN DETAILS
SCALE: 1/4"=1'-0"



12 COMING SOON TEMPORARY CONSTRUCTION SIGN
SCALE: 1/4"=1'-0"

GENERAL NOTES

- REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.
- CONTACT O'REILLY'S OR TENANT'S DESIGNATED PROJECT ADMINISTRATOR FOR QUESTIONS OR CLARIFICATIONS.
- BUILDING PERMANENT SIGNAGE O'REILLY FURNISHED AND INSTALLED. (REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.)
- CONTRACTOR SHALL PROVIDE BACKING AND ROUGH-IN ELECTRICAL AS REQUIRED FOR INSTALLATION.
- SITE SIGN ROUGH-IN ELECTRICAL TO BE PROVIDED BY CONTRACTOR.
- REQUIRED GOVERNMENTAL PERMITS FOR PERMANENT TYPE SIGNAGE TO BE PROVIDED BY O'REILLY OR OTHERS (NEE).
- "COMING SOON" TEMPORARY CONSTRUCTION SIGN TO BE PROVIDED BY GENERAL CONTRACTOR. APPLIED SIGNAGE OFFERANCE TO BE O'REILLY FURNISHED AND INSTALLED. (REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.)
- UNLESS OTHERWISE INDICATED, SITE POLE SIGN FOUNDATION CONSTRUCTION BY CONTRACTOR. (REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.)
- ALL SIGNAGE TO BE UNDER SEPARATE PERMIT.
- SEE DESIGN BY OTHERS. REFER TO SIGN CONTRACTOR'S SHOP DRAWINGS FOR ADDITIONAL REQUIREMENTS.



BUILDING EXTERIOR SIGNAGE

O'REILLY AUTO PARTS STORE - KN2
2821 N CANNON BLVD
KANNAPOLIS, NC 28083



DATE: 08/12/2024	PROJECT: ABIME
FOR REVIEW: 24.01.70.00	PT
DATE: 08/12/2024	PROJECT: ABIME
FOR REVIEW: 24.01.70.00	PT

SG2.1

NOTE: REFER TO EVALUATIONS FOR FINISH LOCATIONS

STEEL DOORS AND FRAMES
MFG: REFER PROJECT MANUAL
FINISH: FACTORY PRIMED AND FIELD PAINTED, SEMI-GLOSS FINISH
COLOR: TO MATCH ADJACENT WALL COLOR, SHERWIN WILLIAMS OR APPROVED
EQUIV.

STOREFRONT SYSTEM
MFG. EFCO, KANNEER OR VISTA WALL (NO SUBSTITUTES)
ON OR TO MATCH EXISTING

WINDOUST

MFG. 3M
STYLE: LAYER 1 - NIGHT VISION 15 (APPLY FIRST); LAYER 2 - FASERA, MILANO
(APPLY OVER)
REP. JIM MANIUX | 612.325.6569

FACE Ep = 1	SHERWIN WILLIAMS MPR: SHEB-CRT L	SHERWIN WILLIAMS MPR: SWG-I41 SOFTER TAN
	STYLE: SW053 POSITIVE RED COLOR: SW053 POSITIVE RED FINISH: SEMI GLOSS	COLOR: SWG-I41 SOFTER TAN FINISH: SEMI GLOSS
APP: SURFACE	APP: SURFACE	APP: SURFACE
NOTES: / 695V105 / 695V105 / 695V105 CLEAR / 695V105 CLEAR	NOTES: / 695V105 / 695V105 / 695V105 CLEAR / 695V105 CLEAR	NOTES: / 695V105 / 695V105 / 695V105 CLEAR / 695V105 CLEAR

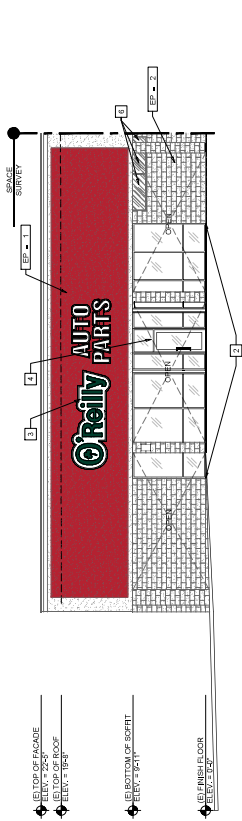
A MANUFACTURER: SHERWIN-WILLIAMS SPECIFIED EQUAL PRODUCTS BY PPG INDUSTRIES ACCEPTABLE (NO SUBSTITUTES).

B APPLICATION: INSTALL PER MANUFACTURER'S RECOMMENDATIONS FOR PROJECT CONDITIONS. EACH COAT SPECIFIED SHALL BE SPRAY APPLIED AND BACK ROLLED. COVERAGE THICKNESS INDICATED IN VET MIL UNITS, UNLESS OTHERWISE NOTED.

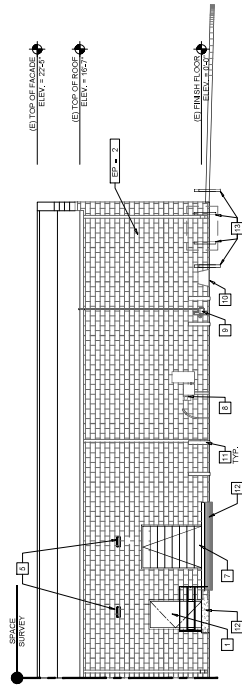
[illegible]

		EXTERIOR ELEVATIONS			PROJECT:	09/12/2024	09/12/24
					O'REILLY AUTO PARTS STORE - KN2 2821 N CANNON BLVD KANNAPOLIS, NC 28083	PT	09/12/2024
DATE: 09/12/24		KANNUS & KELLER ARCHITECTS 1000 W. HARRIS ST. KANNAPOLIS, NC 28083		FOR REVIEW		09/12/24	
		A2.2.2					

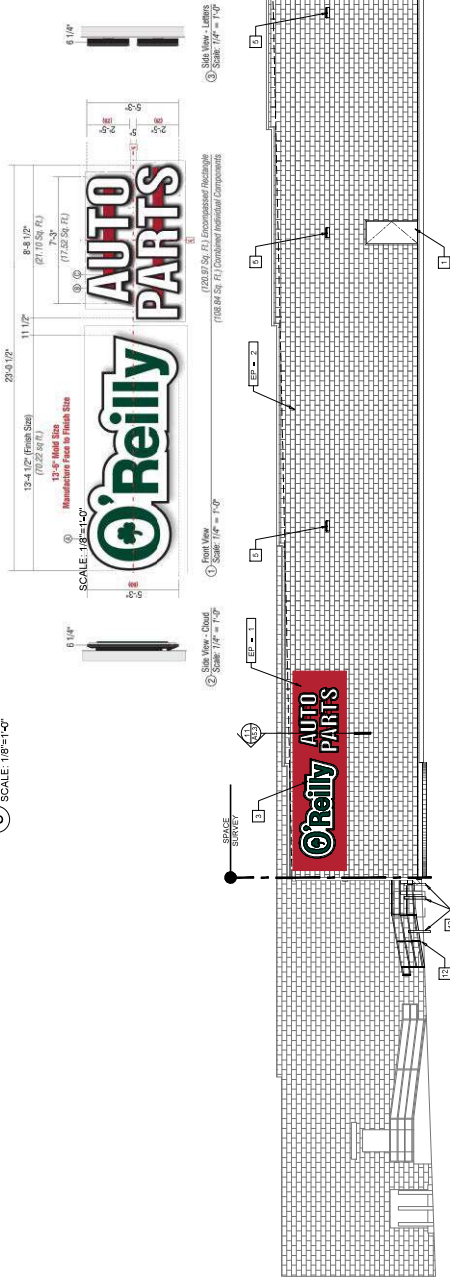
SCALE: 1/8"=1'-0"



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



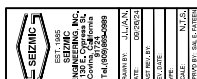
SCALE: 1/8"=1'-0"

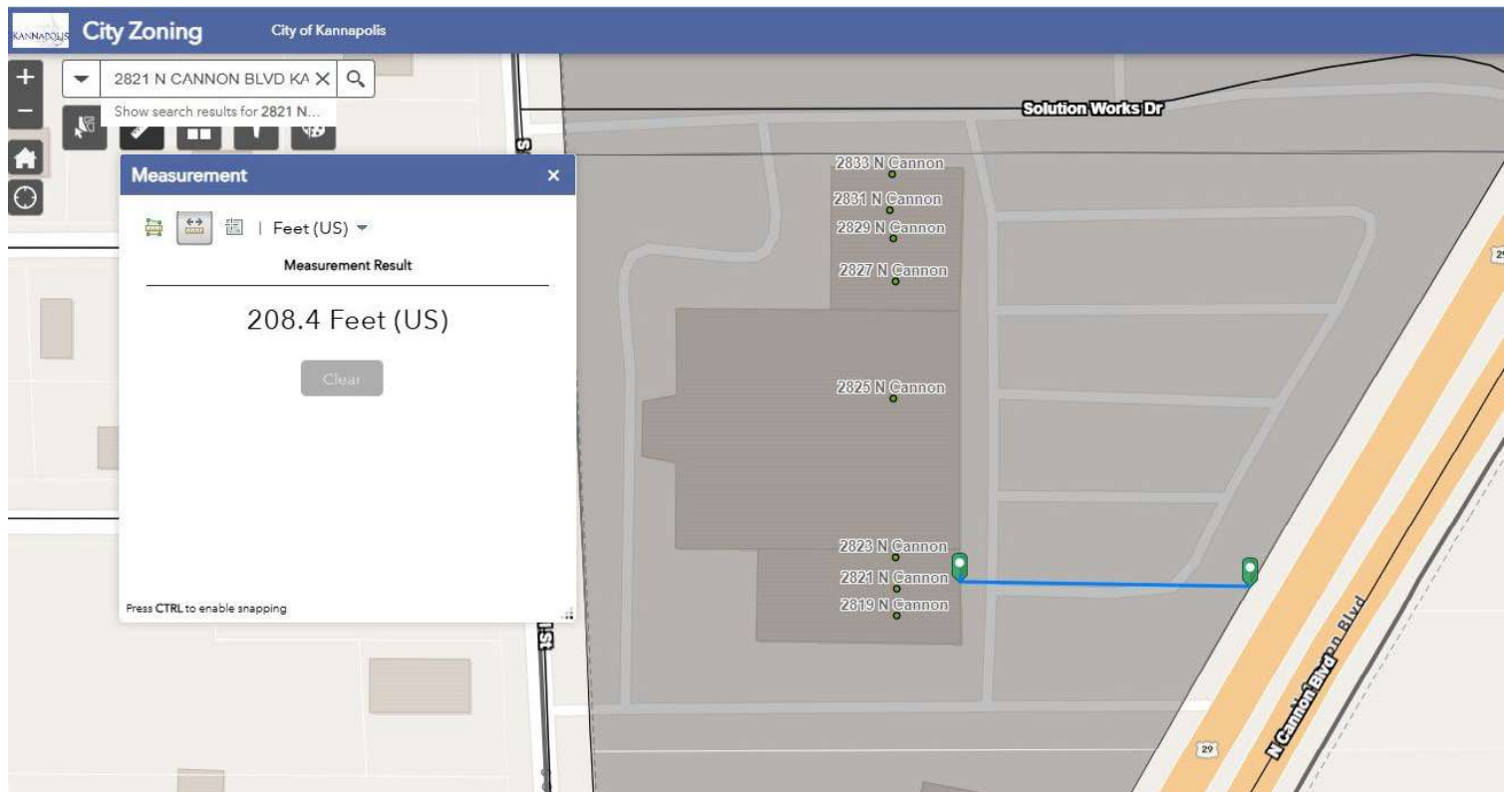
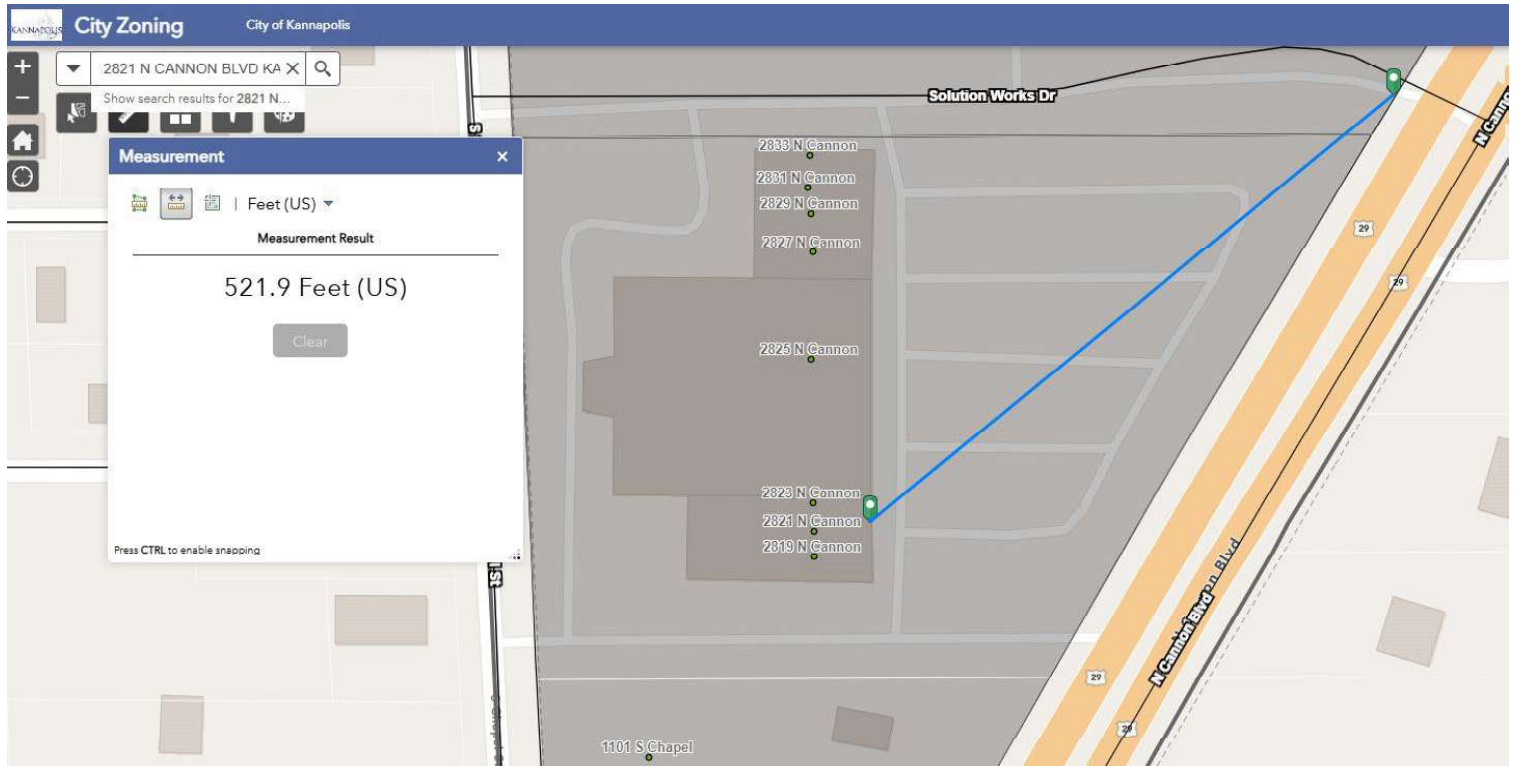


SCALE: 1/8"=1'-0"

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REV.	DATE	BY	DESCRIPTION
▽			
▽			
▽			









FID	PARCEL ID	OWNNAME	TAXADD1	TAXADD2	CITY	STATE	ZIPCODE	OWN2
51549	156 305	NEW PINEY GROVE BAPT CH	1000 S CHA		KANNAPOL NC		28083	
51719	156 084	LONG GEORGE R JR	607 HALLIV		CHARLOTT NC		28262-158	
51917	156 255	MELTON WILMER JR & WF	918 S CHAF		KANNAPOL NC		28083-978	MELTON HARRIET L
51931	156 105B	ANDRADE ZENON RAFAEL	170 ERNES		SALISBURY NC		28147-944	CAMPECHANO CANDIDO
53459	156 085	SLOAN JOHN HENRY ETAL	209 E 31ST		KANNAPOL NC		28083-974	
53460	156 083	MANDISA KONE LLC	914 S CHAF		LANDIS NC		28088-190	
53711	162 005	SPEEDWAY LLC	539 S MAIR		FINLAY OH		45840-000	
54772	156 105	MELTON WILMER III ETAL	1102 S CHA		KANNAPOL NC		28083	
54775	156 082	MISHKIN MICHAEL & WF DARLENE	2258 ISAAC		CONCORD NC		28027	MISHKIN LEONARD & WF GEULA
55139	133 188	INFANTE WILSON	2812 N CAI		KANNAPOL NC		28081	
55682	133 055	CHAPEL SQUARE LLC	85-A MILL		ROSWELL GA		30075	%MALON D MIMMS COMPANY LLC
55928	133 05705	ALLMAN ALMA MARIE & HUS	2818 N CAI		KANNAPOL NC		28083-912	ALLMAN EVERETTE LEE JR
56121	156 100	LANE LYNDIA Z	506 SAVAN		JACKSONV NC		28546	
57519	133 144	2865 NORTH CANNON LLC	1500 TECH		JACKSON MI		49201-270	
57652	133 05702	JORDAN JUSTIN HARRISON	2810 N CAI		KANNAPOL NC		28083-912	
58534	156 101	NEW PINEY GROVE BAPT CHURCH	1000 S CHA		KANNAPOL NC		28083	
59324	133 228	REED MARK ANTHONY	35 CURTIS		ARDEN NC		28704-977	
59327	133 145	PETHEL KAY HELMS	2822 N CAI		KANNAPOL NC		28083	
59416	133 05701	PAIGE FLORENCE THOMASINA &	15618 FAR		TAMPA FL		33624-181	HOWARD BRUCE A
59417	133 05502	KNOX MARY	PO BOX 74		LANDIS NC		28088	
61272	133 274	KANNAPOLIS CITY OF	401 LAURE		KANNAPOL NC		28081	
61509	133 057	FAMILY LAND LLC	2401 HAW		CELINA TX		75009-224	



March 14, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday April 1, 2025 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-06 – Variance – 2821 N. Cannon Blvd.

The purpose of this Public Hearing is to consider a variance request under Section 2.5.D(1) of the Kannapolis Development Ordinance. The applicant seeks a variance from the sign area standards for the General Commercial (GC) district, as specified in Table 5.9.E(1)a. Specifically, the applicant requests a 49.05-square-foot increase for the sign on the front elevation. This property is zoned General Commercial (GC) under the KDO, is approximately 5.01 +/- acres, and is more specifically identified as Rowan County Parcel Identification Number 133 055 **(Please see attached vicinity map showing the location of this property.)**

As an abutting property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis Development Ordinance. You are welcome to attend the public hearing and present testimony to the Board of Adjustment if you so desire.

If you have any questions about the public hearing or request, please do not hesitate to contact the Planning Department at 704.920.4350 or bbarcroft@kannapolisnc.gov.

Sincerely,

Ben Barcroft
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 Heather James, Human Resource Director, by phone at 704-920-4322 or by email at hjames@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.



BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE #BOA - 2025 - 06

STATE OF NORTH CAROLINA

CITY OF KANNAPOLIS

**IN RE: CHAPEL SQUARE, LLC
2821 N. CANNON BLVD**

APPLICATION # 2025-06-BOA

:
:
:
:
:

**ORDER DENYING
VARIANCE**

THE BOARD OF ADJUSTMENT for the City of Kannapolis, North Carolina (the "Board") having held a public hearing on Tuesday, May 6, 2025, to consider Application Number 2025-06-BOA submitted by Jennifer Ronneburger, on behalf of Chapel Square, LLC, a Georgia limited liability company (the "Applicant"), requesting a variance for the property located at 2821 N. Cannon Blvd, Kannapolis, North Carolina, 28083 (the "Property").

The Applicant is seeking a variance from the sign area standards for the General Commercial (GC) district, as specified in Table 5.9.E(1)a. Specifically, the applicant requests a 49.05 square-foot increase for the sign on the front elevation. The Property is zoned General Commercial (GC) under the Kannapolis Development Ordinance (KDO), is approximately 5.01 +/- acres, and is more specifically identified as Rowan County Parcel ID 133 055.

The following were accepted into evidence and constitute a part of the record in this matter:

1. Variance Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Applicant Existing Site Plan, Conceptual Sign Plan, and Illustrative Photos
6. List of Notified Properties
7. Notice to Notified Property Owners
8. Posted Public Notice
9. Staff Report

The Board considered the approval criteria set out in Section 2.5D(1)d.1(a) of the Kannapolis Development Ordinance and N.C.G.S. 160D-705(d). Having heard all the evidence and arguments presented at the hearing, the Board makes the following FINDINGS OF FACT:

1. Unnecessary hardship would not result from the strict application of the ordinance.
 - a. The applicant states that the shopping center's setback and elevation reduce sign visibility, making the one square foot per linear wall width limitation restrictive. However, the Board does not find that an unnecessary hardship would result from the strict application of the ordinance because there is an existing monument sign for the shopping center at this Property. Additionally, the applicant has not demonstrated that, in the absence of the variance, no reasonable use can be made of the Property.
2. The hardship does not result from conditions that are peculiar to the property, such as location, size, or topography.
 - a. The proposed O'Reilly's Auto Parts location at the corner of Chapel Square Shopping Center has two claimed hardships, according to the applicant: the distance from Cannon Blvd and

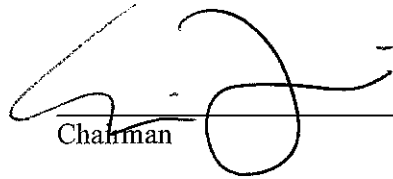
limited visibility due to its elevation. The shopping center is set back approximately 200-250 feet from both entrances. However, the Board does not find these factors constitute a practical hardship unique to this applicant, as other stores within the same shopping center and other nearby properties also experience the same conditions at this Property, including without limitation, elevation and distance to the right-of-way.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - a. The proposed location is within a well-established shopping center, so any claimed hardship did not result from an action by the applicant.
4. The requested variance is not consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
 - a. The applicant claims that the larger exterior signage benefits the community by providing better visibility for drivers approaching the location within the shopping center. However, the Board finds that the requested variance is consistent with the spirit, purpose, and intent of the ordinance in a way that ensures public safety and achieves substantial justice.

Therefore, on the basis of the foregoing FINDINGS OF FACT, the Board concludes that the applicant has not met requirements for granting a variance and the application for the variance is hereby Denied.

This the 6th day of May, 2025.


Secretary


Chairman



Board of Adjustment May 6, 2025 Meeting

Staff Report

TO: Board of Adjustment

FROM: Ben Barcroft, Senior Planner

SUBJECT: Case# BOA-2025-07: Special Use Permit –4925, 4910, 4930, 4950, 4960, 4980, 5000, 5040 Dogwood Blvd

Applicant: Ken Chapman

Request for a Special Use Permit (SUP) to approve a comprehensive sign package for property located at 5040 Dogwood Blvd.

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 Special Use Permit.
3. Motion to approve (approve with conditions) (deny) the issuance of the Special 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 is requesting a Special Use Permit (SUP) to approve a comprehensive sign package for property located at 4925, 4910, 4930, 4950, 4960, 4980, 5000, and 5040 Dogwood Boulevard. The subject properties are a combined 33.66 +/- acres, are zoned General Commercial (GC), and are more specifically identified as Cabarrus County Parcel Identification Numbers 56023946640000, 56033071120000, 56033040250000, 56023909020000, 56022995970000, 56023913120000, 56023921620000, 56023839820000, 56023847880000, and 56024936040000.

Pursuant to Section 5.9.F. of the Kannapolis Development Ordinance, a Comprehensive Sign Package may be submitted as an alternative to the permanent signage standards outlined in this section. Freestanding structures exceeding 25,000 square feet and/or master-planned developments larger than

10 acres are eligible to apply for a Comprehensive Sign Package.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.5.A(5) of the KDO requires that the Board of Adjustment shall only approve a Special 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 special 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 *Move Kannapolis Forward 2030 Comprehensive Plan* designates the subject parcels as being located in the "Complete Neighborhood 2" Character Area and located within a primary activity center. The subject properties are zoned General Commercial (GC), and retail uses are permitted in these districts. Signage is permitted in the GC zoning district. The proposed sign package will be in conformance with the commercial uses recommended for this character 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 plans submitted by the applicant would comply with ordinance location restrictions and as a result, the proposed Comprehensive Sign Package will not create any traffic hazards or traffic congestion on public roads.

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

The proposed sign package will not produce any noxious or offensive noise, odor, dust, smoke, or gas.

☒ ☐ **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 Comprehensive Sign Package will not impede the orderly development of the surrounding properties as they are all on-premise signs.

☒ ☐ **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 signs will be required to comply with all applicable regulations of the North Carolina Building Code which will help safeguard public health and safety. Therefore, the signs will not be detrimental to or endanger the public health, safety, or general welfare.

☒
☐

The proposed use complies with all applicable provisions of the KDO.

The Comprehensive Sign Package complies with all requirements of Section 5.9.F. The applicant has submitted a site plan that identifies locations of freestanding and multi-tenant signage.

☒
☐

The applicant consents in writing to all conditions of approval included in the approved special use permit.

N/A unless the Board of Adjustment determines to add conditions.

F. Legal Issues

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

In order to determine whether a Special 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 Special 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 special 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 shall 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.

☐
☐

The proposed use complies with all applicable provisions of the KDO.

☐
☐

The applicant consents in writing to all conditions of approval included in the approved special use permit.

G. Recommendation

Based on the above findings, staff recommends **approval** of the Special 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.

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 Special Use Permit.

H. Attachments

1. Special Use Permit Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Site Plan
6. Elevation Rendering w/ Related Images
7. List of Notified Properties
8. Notice to Adjacent Property Owners
9. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
Assistant City Manager	X
City Attorney	X



Special Use Permit

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on this form below are submitted with your application. Please either bring this application to the address above or email to bbarcroft@kannapolisnc.gov. The fees may also be paid online with a link provided by staff.

SPECIAL USE PERMIT REQUEST

Special Use Permit (SUP) – Request for SUP as required by Table 4.3.B(3) of the Kannapolis Development Ordinance (KDO).

Approval authority – Board of Adjustment.

Property Address: 4925, 4910, 4930,4950,4960, 4980,5000,5040 Dogwood Blvd

Applicant: Ken Chapman

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting
- ☒ SUP Checklist and Application – Complete with all required signatures
- ☒ Plot/Site Plan showing the proposed use
- ☒ Fee: \$650.00 (\$600 Application Fee + notification fee [see Fee Schedule])
- ☒ Please mark this box to authorize aerial drone photography of the site

PROCESS INFORMATION

Public Notification: This is a quasi-judicial process that requires a public hearing and public notification including first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Table 2.4.F(2) of the KDO).

Review Process: All applications will be reviewed for compliance and then forwarded to the Board of Adjustment for consideration at a public hearing which is held monthly on the 1st Tuesday at 6:00pm in City Hall Laureate Center. **The pre-application meeting, application and site plan submittal, and payment of fees, must be completed prior to scheduling the public hearing. Please review Section 2.4.D of the KDO.**

Action by Board of Adjustment: After conducting a public hearing, the Board of Adjustment may: approve; approve with conditions; deny; or conduct an additional public hearing on the application. Per Section 2.5.A(5)c, the Board may approve a petition only if compliance with all standards is obtained.

Scope of Approval: Per Section 2.5.A(5)a.2 of the KDO, approval of a SUP does not authorize any development activity, but shall authorize the applicant to apply for final site plan approval. Zoning clearance permits will not be issued until the SUP and final site plan have been approved.

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Applicant's Signature: Ken Chapman

Digitally signed by Ken Chapman
DN: C=US, E=kchapman@mpvre.com, O=MPV
Properties, CN=Ken Chapman
Date: 2025.05.01 15:07:22-04'00'

Date: 3/31/2025



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Ken Chapman
Address: 2400 South Blvd Suite 300
Charlotte NC 28203
Phone: 704-248-2100
Email: KChapman@mpvre.com

Property Owner Contact Information ☒ same as applicant

Name: MPV Kellswater
Address: 2400 South Blvd Suite 300
Charlotte NC 28203
Phone: 704-248-2100
Email: KChapman@mpvre.com

Project Information

Project Address: 4925, 4910, 4930, 4950, 4960, 4980, 5000, 5040 Dogwood BV Zoning District Select
Parcel PIN: 56023946640000 Size of property (in acres): 15.8

Current Property Use: NONE

Proposed Use: Multi-tenant shopping center

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 *(attach separate sheet if necessary)*:

3 large multi-tenant ID signs, allowance of a monument for each out parcel
business

REVIEW STANDARDS

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a Special Use Permit (SUP). Per Section 2.5.A(5)c of the Kannapolis Development Ordinance (KDO,) the applicant must demonstrate successful compliance with all standards to obtain a SUP. In the space provided below, indicate the **facts** that you intend to provide to convince the Board that it can properly reach the following conclusions:

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

This is compatible to other multi-tenant shopping centers in the area

2. Adequate measures shall be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads.

All signs will be in align with the size regulation of the ordinance and meet all setback requirements

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

the signs will not have any of these

4. 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 signs with be within harmony of the surrounding area

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

The signage will be beneficial to the safety of the public

6. The proposed use complies with all applicable provisions of the KDO.

All signs will comply with the ordiance

7. The applicant consents in writing to all conditions of approval included in the approved special use permit.

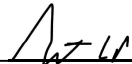
Yes

By signing below, I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I acknowledge that the Board of Adjustment may add conditions on the requested use as part of the approval to assure that adequate mitigation measures are associated with the use. For example, landscaping or fencing may be required, or a shift of operations away from adjoining properties may be stipulated.


Applicant Signature

3/31/2025

Date


Property Owner Signature

3/31/2025

Date

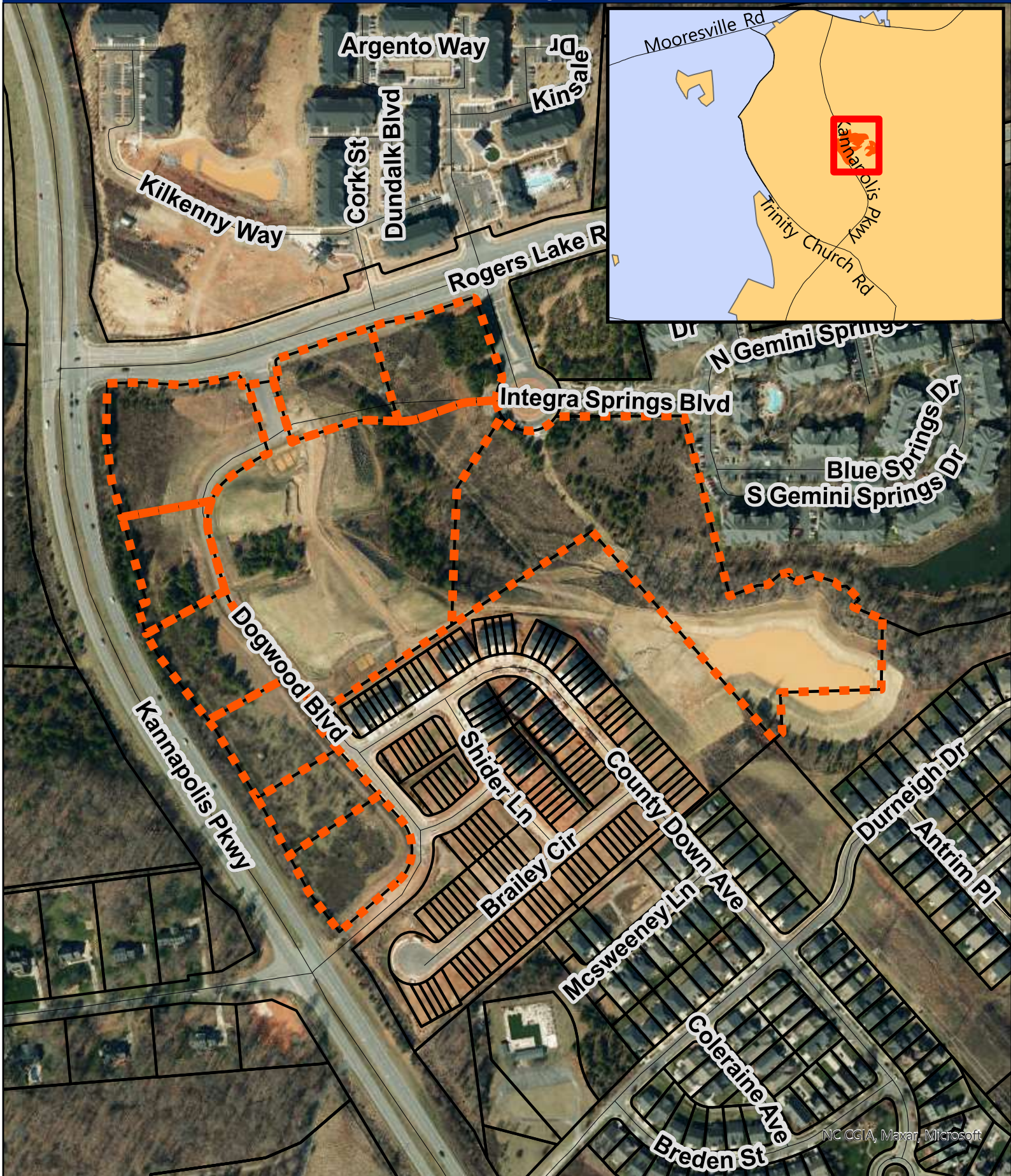


Vicinity Map

Case Number: BOA-2025-07

Applicant: Ken Chapman

5040 Dogwood Blvd



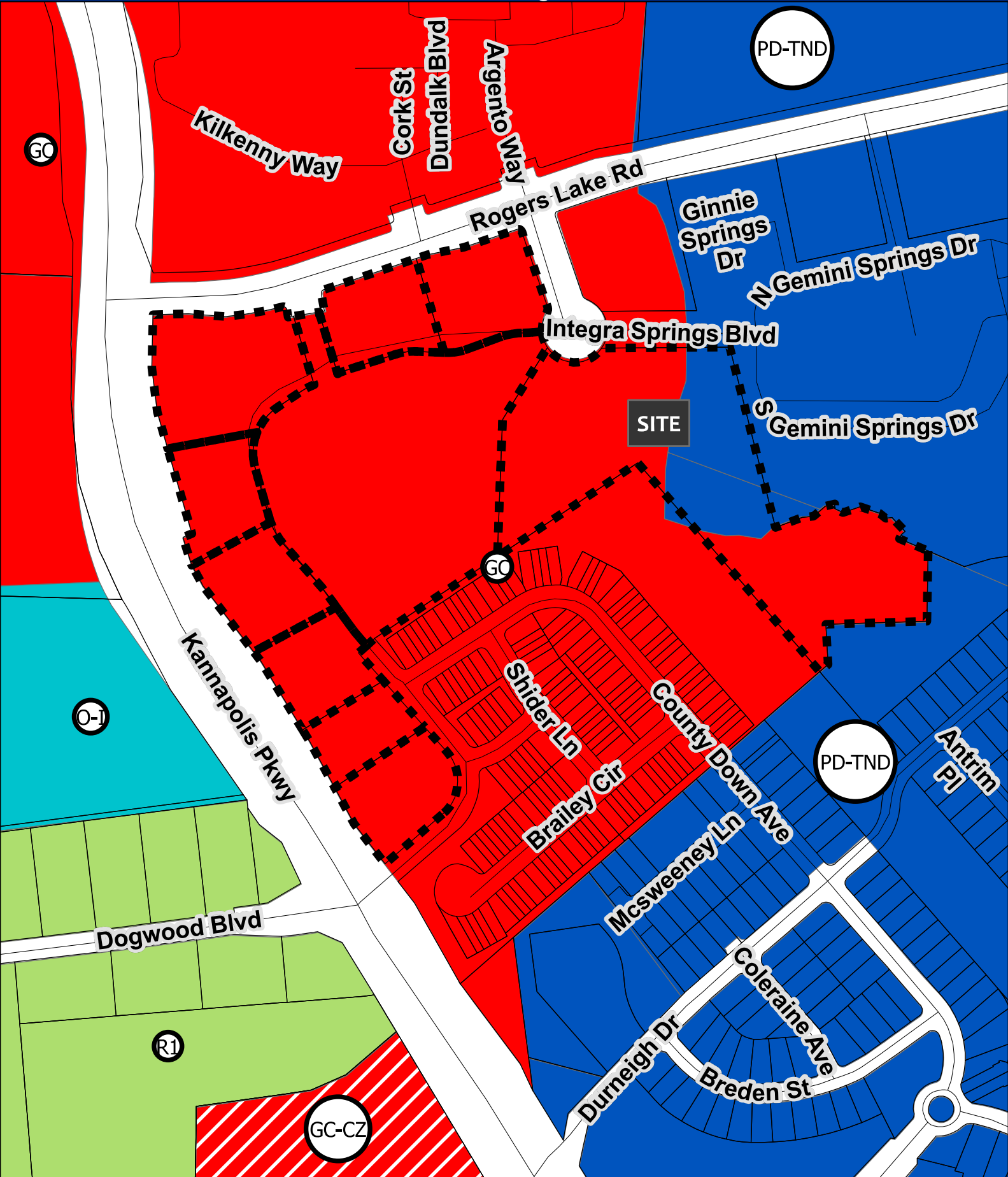


Kannapolis Current Zoning

Case Number: BOA-2025-07

Applicant: Ken Chapman

5040 Dogwood Blvd





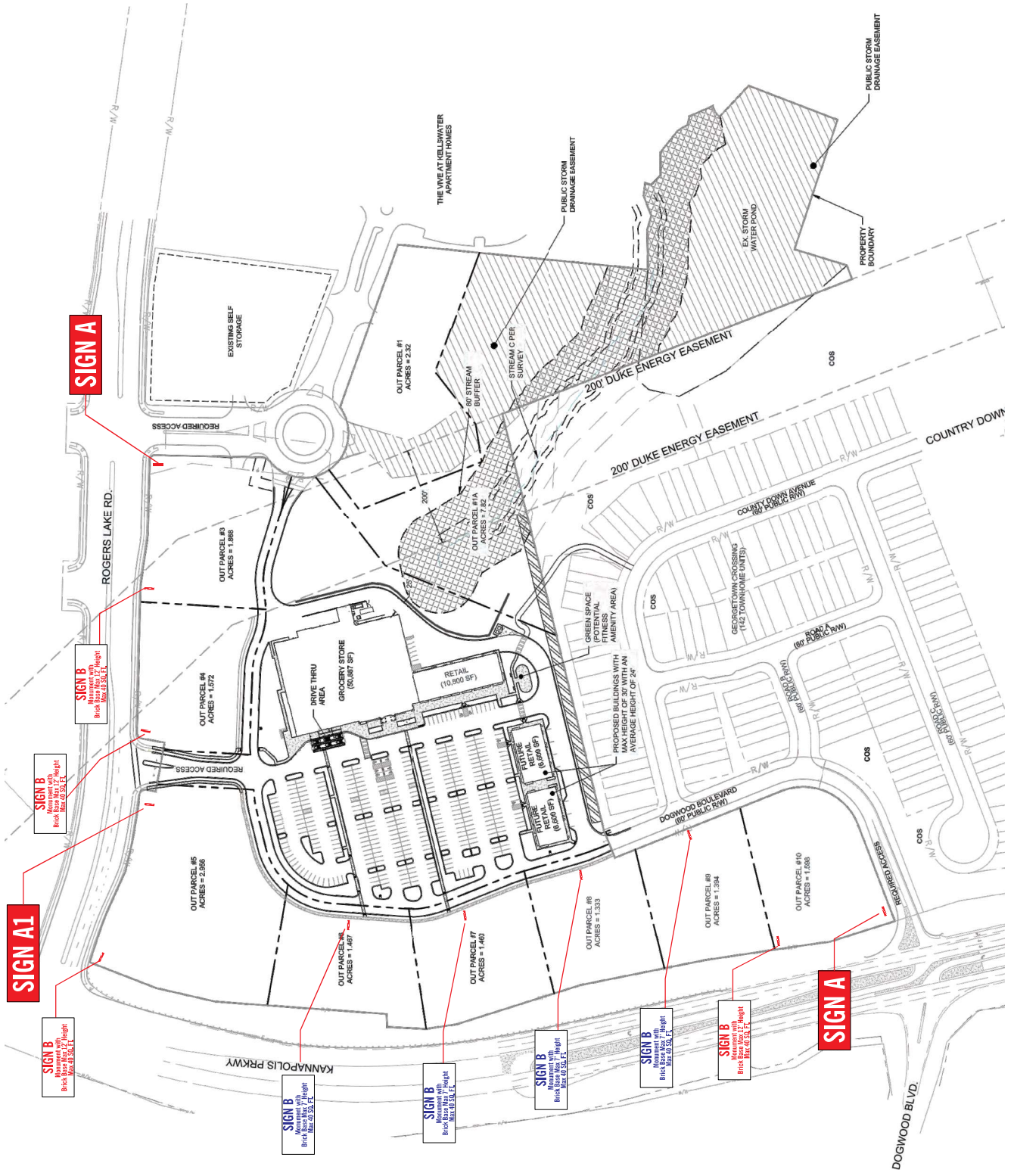
Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-07

Applicant: Ken Chapman

5040 Dogwood Blvd





Kellswater

Tenant Exhibit Kellswater Commons Signage Criteria

The following sign criteria has been established to assist in complying with their lease. These basic standards have been made to govern the design, fabrication and installation of tenant signs and is intended to afford all tenants with good visual identification, both day and night, and to protect against poorly designed and badly proportioned sign designs.

The sign standards have been selected to harmonize with and compliment the building materials and will assist in creating the proper atmosphere for the shopping center.

This sign criteria should be given to your sign contractor to serve as a guide in preparing its design and cost estimates for Landlord's approval and Tenants approval.

The sign contractor shall be required to submit two (2) copies of their detailed, scaled sign drawings to the office of the Shopping Center's leasing and management agent:

MPV PROPERTIES
2400 South Blvd Suite 300
Charlotte, North Carolina 28203
Phone: 704-248-2100

for approval prior to fabrication of your sign. In the event Tenant desires to change its initial sign, Tenant shall pay Landlord's actual legal fees, if any, and a possible administrative fee for review of any revised sign drawings.

Tenant shall be held liable and shall bear all costs for removal and/or correction of signs, sign installation and damage to the building by sign installations that do not conform with the following specifications.

SPECIFICATIONS

Monument Signs:

- (3) Main development ID signs.. Tenant cabinets to be 6" deep individual cabinets applied to face of brick and silver accent piece 6" deep cabinets with 1.5" retainers. Retainers and returns painted black. Faces to be acrylic with trans vinyl copy. Top of cabinet 20 ft above street grade

Each outparcel is allowed (1) D/F internally illuminated monument sign with a 40 sqft max cabinet. **NO ELECTRONIC MESSAGE CENTERS or CHANGEABLE COPY BOARDS** Triangle North Hampton Brick and Grey Mortar no tint.

Monument Height on Kanapolis Parkway and Rogers Lake Max 12' tall with brick or fabricated metal base
Monument Height on Dogwood Blvd 7' Tall must be on brick base

Building Signs:

All building signs are to be in form of individual face lit letters or box signs with landlord approval, illuminated with light emitting diodes (LED's) with acrylic faces

1. **Sign Size:** Not to exceed 10% of wall in area. Sign sizes are subject to the sign ordinance and shall adhere to the restrictions set forth in the ordinance.
2. **Lettering style:** Letter styles must be legible, appropriate and compatible with the building architecture which will be determined solely by the Landlord.
3. **Letter depth:** LED illuminated letter returns should be 3" to 6".
4. **Materials and Construction:**
 - a. Letter Channels (returns) - All letter returns shall be formed in aluminum in minimum thickness of .050 inches. LED illuminated letter returns shall be 3" to 6". All interior surfaces must be white for reflective purposes. The finish on the returns shall match face color or a color that compliments the building architecture to be approved by the Landlord.
 - b. Letter Backs - Letter backs are to be made of aluminum in a minimum thickness of .063. The letter backs are to be painted and finished because they will be visible when attached to the sign bracket.
 - c. Face Retainers - All letter faces must be attached to the letter channels using trim cap material commonly known as Jewelite (1 inch) trim. Trim caps shall match the return color as close as possible unless otherwise approved by the Landlord.

8. Electrical Requirements:

- A. The tenant's signage shall be controlled by timeclocks. The tenant is responsible for the power wiring and relay to the control box.
- B. Final electrical connection shall be the responsibility of the tenant. This work shall be done by the tenant's electrician or sign contractor. The cost of this work is the responsibility of the tenant or tenant's contractors.
9. Emblems or Logo's: Emblems or logos may be used in conjunction with sign letters upon prior written consent of the Landlord. Such emblems and logos are not to be box signs, but in contour form and dimensions within the limits of the sign letter size restrictions. Materials used for emblems and logos are to conform with the letter materials specified.
10. Quantity of Signs: One sign per tenant storefront. If a leased space affords more than one elevation, one sign will be allowed for each perpendicular elevation.

As previously stated, scaled drawings in duplicate, indicating all copy, materials of construction, letter style, colors, are to be submitted to the Landlord for approval prior to fabrication.

MAIN DEVELOPMENT ID SIGNS

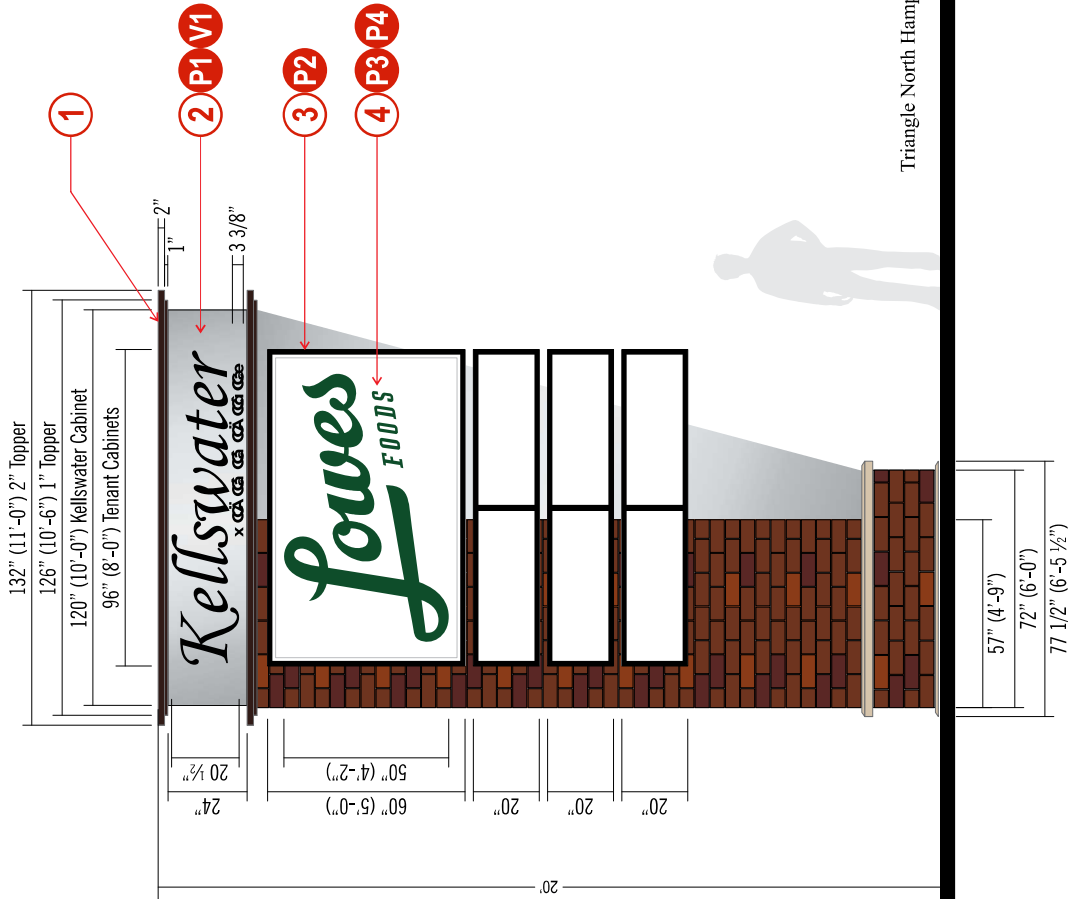
SIGN A

D/F Internally Illuminated Pylon Sign
Qty: 2

SPECIFICATIONS:

1. D/F Internally Illuminated Pylon Sign. Install in locations shown (see page 2).
2. Header cabinet painted brushed aluminum (Akzo 811 E). Copy to be 1/2" pushed thru acrylic with surface applied black perf vinyl to face.
3. Tenant Cabinets to be 6" deep individual cabinets applied to face of brick and silver accent piece, 6" deep cabinets with 1 1/2" retainers. Retainers and returns painted black. Faces to be flat acrylic with vinyl copy.
4. Lowes tenant cabinet to have clear acrylic perforated faces with embossed "Lowes Foods" graphics. Second surface translucent white and green paint.

COLORS & FINISHES:



Triangle North Hampton Brick and Grey Mortar no tint.

SignArt

6225 Old Concord Road
Charlotte, NC 28213
P: 704.597.9801
www.signartsign.com

All signage to be installed in compliance with
National Electrical Code
All signage to be constructed and installed in
compliance with UL standards



MAIN DEVELOPMENT ID SIGNS

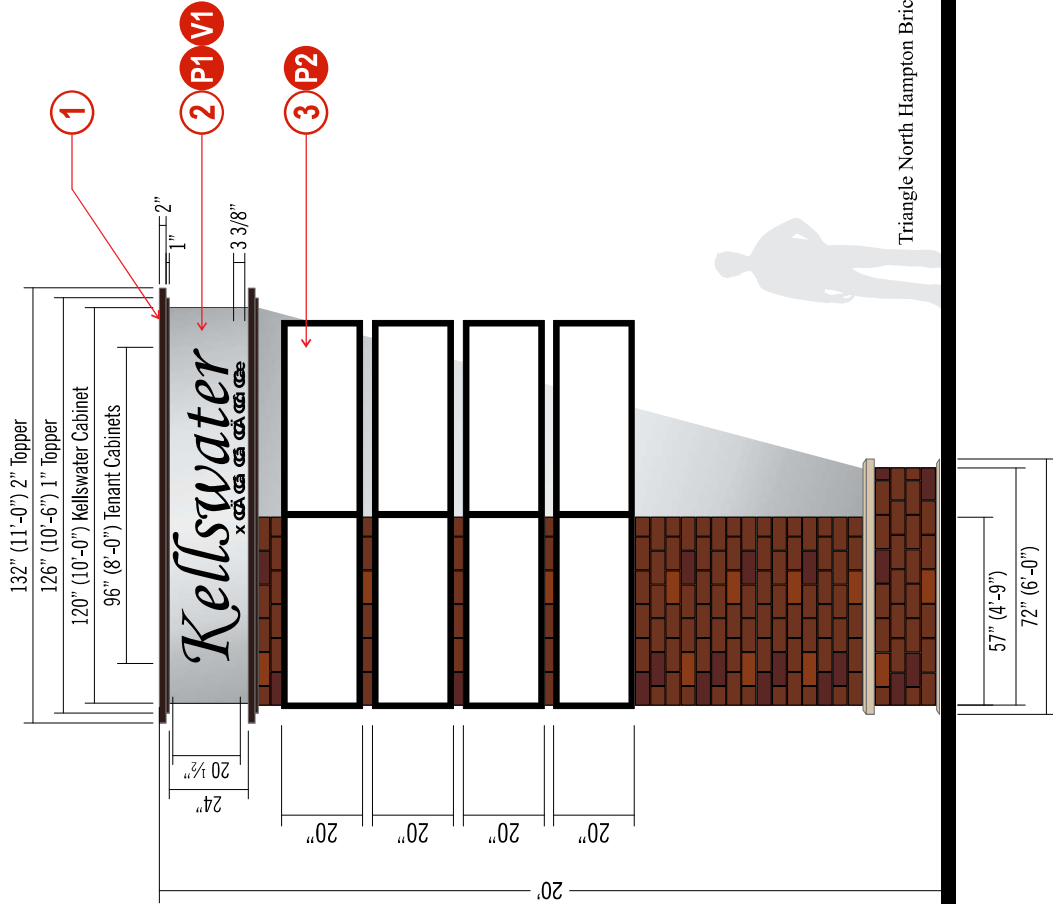
SIGN A1

D/F Internally Illuminated Pylon Sign
Qty: 1

SPECIFICATIONS:

1. D/F Internally Illuminated Pylon Sign. Install in locations shown (see page 2).
2. Header cabinet painted brushed aluminum (Akzo 811 E). Copy to be 1/2" pushed thru acrylic with surface applied black per vinyl to face.
3. Tenant Cabinets to be 6" deep individual cabinets applied to face of brick and silver accent piece, 6" deep cabinets with 1 1/2" retainers. Retainers and returns painted black. Faces to be flat acrylic with vinyl copy.
4. Lowes tenant cabinet to have clear acrylic panformed faces with embossed "Lowes Foods" graphics. Second surface translucent white and green paint.

COLORS & FINISHES:



Triangle North Hampton Brick and Grey Mortar no tint.

SignArt

6225 Old Concord Road
Charlotte, NC 28213
P: 704.597.9801
www.signartsign.com

All signage to be installed in compliance with
National Electrical Code
All signage to be constructed and installed in
compliance with UL standards



OUTPARCEL ID SIGNS

One freestanding sign allowed with landlord Approval

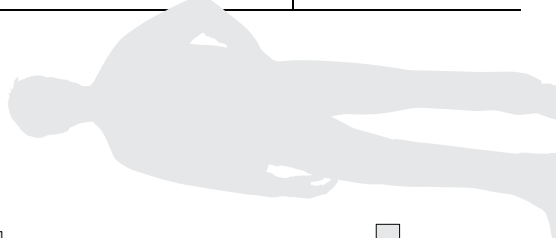
Monument Samples



Max 40 SQ FT

Monument Height on Kannapolis Pakwy and Rogers Lake
Max 12' tall with brick or fabricated metal base

Monument Height on Dogwood Blvd
7' Tall must be on brick base



SIGN B

D/F Internally Illuminated Pylon Sign
Qty: Each Outparcel

SPECIFICATIONS:

1. D/F Internally Illuminated Pylon Sign with internal LED illumination and pole cover over pole. Sign to be fabricated From Aluminum and Steel as needed for local wind loads.
2. Faces of the sign shall be Flex face, Metal or acrylic Plastic.
3. Sign can be no taller than 20' above Grade

COLORS & FINISHES:

Brick Base: Triangle Brick North Hampton Modular
Motor: Standard Grey no tint

SignArt

6225 Old Concord Road
Charlotte, NC 28213
P: 704.597.9801
www.signartsign.com

AcctName1	AcctName2	MailAddr1	MailCity	MailState	MailZipCod
WEST SHORE VIVE LLC		1 INTERNATIONAL PL STE 3900	BOSTON	MA	02110
ANUGU SUDHEER	KOTHALA SRAVANTHI SPOUSE	10129 BLACK LOCUST LN	CHARLOTTE	NC	28215
SANGROULA DINESH	SITOUULA PRAGYA SPOUSE	10580 SKIPPING ROCK LN NW	CONCORD	NC	28027
TOLETI PAVAN KUMAR VENKATA	BEHARA NAGA U SPOUSE	10597 SKIPPING ROCK LN NW	CONCORD	NC	28027
GHOSE SUSHMITA		1171 PHALLEN CT NW	CONCORD	NC	28027
SPIRIDON JULIAN	SPIRIDON ALAN	1215 CLAIRE'S CREEK LN	DAVIDSON	NC	28036
RANGINENI NARESH NAIDU		1294 BRIDGEFORD DR NW	HUNTERSVILLE	NC	28078
MERITAGE HOMES OF THE CAROLINAS INC	AN AZ CORP	13925 BALLANTYNE CORPORATE PL STE 300	CHARLOTTE	NC	28277
MPV KELLSWATER LLC	A NC LLC	2400 SOUTH BLVD	CHARLOTTE	NC	28203
UPPULA MANASA	UPPULA SRIKANTH REDDY SPOUSE	3486 FRIENDSHIP ST	INDIAN LAND	SC	29707
STORAGE UNITS KANNAPOLIS LLC		350 E CROWN POINT RD STE 1080	WINTER GARDEN	FL	34787
JEW BAILEY K	JEW JOY M WF	3650 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
LEAMON CHRISTOPHER DOUGLAS	LEAMON SARA BETH WF	3656 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
PAWA ROMANAND	WONG-PAWA AMY JULIA SPOUSE	3700 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
MILLER KEANCE CHONREE		3720 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
TEAGUE HANNAH		3730 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
HAFF GRAYSON		3740 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
TABALES JOHNNY	TABALES JESSICA DENISE SPOUSE	3750 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
BROWN CHRISTINA		3800 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
STEWART PERRYNN LANDERS		3810 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
CROWDER LAURYN V		3820 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
MCAFFEE MERCEDES		3830 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
DEENADAYALAN INDRA KUMAR	SIVAPRAKASAM SHANMUGA PRIYA	3840 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
RIEGERT PATRICIA		3850 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
ENCAR PROPERTIES LLC		3860 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
BETHEA ANTHONY QUINN		3870 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
BAKTHAN RAJINEE	RAJINEE SAIGEETHA SPOUSE	3880 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
HACKENSMITH WILLIAM F III	HACKENSMITH TRINA SPOUSE	3890 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
JOHNSON LAMAR		3900 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
ARGENTO KELLSWATER PROPERTY LLC		3900 EDISON LAKES PKWY STE 201	MISHAWAKA	IN	46545
JINDANI SHAMSUDDIN		3918 ISENHOUR RD	KANNAPOLIS	NC	28081
BLANCO ELKE		3920 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
DUNCAN THERESA JORDAN		3940 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
ADAMS AJA		3943 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
BERRY MATTHEW J	BERRY BONNIE S SPOUSE	3960 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
SUNKARA CHANDRA SEKHAR		3960 SHIDER LANE	KANNAPOLIS	NC	28083
KOSURU KRISHNAM	RALLABANDI SUHASINI WF	4040 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
COLEMAN ANNALISE	COLEMAN GERALD	4060 COUNTY DOWN AVE	KANNAPOLIS	NC	
STERK KENDALL	STERK JULIE SPOUSE	4070 COUNTY DOWN AVE	KANNAPOLIS	NC	
PALIWAL MANISH	PALIWAL BHUMIKA SPOUSE	4110 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
SINGH SANJAY KUMAR	SINGH RENU SPOUSE	4123 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
PARAMASIVAM PRAVEEN KUMAR	KALIDOSS UNMAGESHWARI SPOUSE	4130 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
YERRA SAMHITHA		4133 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
COSBY MICHAEL ALEXANDER	SALAS MARTHA DEL ROCIO ORTIZ SPOUSE	4143 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
HARRIS CHERYL A		4150 COUNTY DOWN AVE	KANNAPOLIS	NC	28081
IVEY RYAN		4160 COUNTY DOWN AVE	KANNAPOLIS	NC	28081

NIMMAGADDA PUNEETH	8641 WHITEHAWK HILL RD	WAXHAW	NC	28173
BODDUPALLY RAJ KUMAR	9803 SHEARWATER AVE NW	CONCORD	NC	28027
BANDARU VENKAT NARAYANA	9934 NICOLE LN	CHARLOTTE	NC	28269
KELLSWATER BRIDGE MASTER ASSOCIATION INC	1201 STALLINGS RD	MATTHEWS	NC	28104
GEORGETOWN CROSSING HOMEOWNERS ASSOCIATION INC	PO BOX 3340	FORT MILL	SC	29716
SFR FUND VI BORROWER LLC	PO BOX 4090	SCOTTSDALE	AZ	85261
CABARRUS COUNTY	PO BOX 707	CONCORD	NC	28026



April 25, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday May 6, 2025, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-07 – Special Use Permit – Kellswater Sign Package (5040 Dogwood Blvd)

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to approve a comprehensive sign package for properties located at 4925, 4910, 4930, 4950, 4960, 4980, 5000, and 5040 Dogwood Blvd. Pursuant to Section 5.9.F. of the Kannapolis Development Ordinance, a Comprehensive Sign Package may be submitted as an alternative to the permanent signage standards outlined in this section. Freestanding structures exceeding 25,000 square feet and/or master-planned developments larger than 10 acres are eligible to apply for a Comprehensive Sign Package. The subject properties are a combined 33.66 +/- acre and are more specifically identified as Cabarrus County Parcels Identification Numbers 56023946640000, 56033071120000, 56033040250000, 56023909020000, 56022995970000, 56023913120000, 56023921620000, 56023839820000, 56023847880000, and 56024936040000. **(Please see attached vicinity map showing the location of this property.)**

As an abutting property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis Development Ordinance. You are welcome to attend the public hearing and present testimony to the Board of Adjustment if you desire.

If you have any questions about the public hearing or request, please do not hesitate to contact the Planning Department at 704.920.4355 or bbarcroft@kannapolisnc.gov.

Sincerely,

Ben Barcroft
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 Heather James, Human Resource Director, by phone at 704-920-4322 or by email at hjames@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.



KANNAPOLIS
BOARD OF
ADJUSTMENT
PUBLIC HEARING INFORMATION
CALL 704-920-4350 CASE # BOA-2025-07

CertaPro Painters
800-GO-CERTA
certapro.com

STATE OF NORTH CAROLINA

CITY OF KANNAPOLIS

IN RE: Ken Chapman

Property located at 4925, 4910, 4930,

4950, 4960, 4980, 5000, and 5040

Dogwood Boulevard

:
:
:
:
:
:
:
:

**ORDER FOR A SPECIAL
USE PERMIT**

APPLICATION # 2025-07-BOA

The applicant is requesting a Special Use Permit (SUP) to approve a comprehensive sign package for property located at 4925, 4910, 4930, 4950, 4960, 4980, 5000, and 5040 Dogwood Boulevard, which consists of a combined 33.66 +/- acres, is zoned General Commercial (GC), and is more specifically identified as Cabarrus County Parcel Identification Numbers 56023946640000, 56033071120000, 56033040250000, 56023909020000, 56022995970000, 56023913120000, 56023921620000, 56023839820000, 56023847880000, and 56024936040000 (the "Property").

Pursuant to Section 5.9.F. of the Kannapolis Development Ordinance, a Comprehensive Sign Package may be submitted as an alternative to the permanent signage standards outlined in this section. Freestanding structures exceeding 25,000 square feet and/or master-planned developments larger than 10 acres are eligible to apply for a Comprehensive Sign Package.

1. Special Use Permit Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Site Plan
6. Elevation Rendering w/ Related Images
7. List of Notified Properties
8. Notice to Adjacent Property Owners
9. Posted Public Notice

The Kannapolis Board of Adjustment (the "Board") considered the approval criteria required by Section 2.5.A(5) of the Kannapolis Development Ordinance.

Having heard all the evidence and arguments presented at the hearing, the Board makes the following FINDINGS OF FACT:

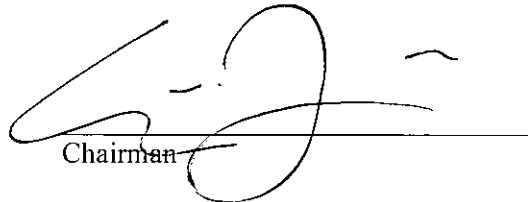
1. The proposed special use will be in harmony with the area in which it is to be located and in general conformance with the City's Land Use Plan.
 - a. The *Move Kannapolis Forward 2030 Comprehensive Plan* designates the Property as being located in the "Complete Neighborhood 2" Character Area and located within a primary activity center. The Property is zoned General Commercial (GC), and retail uses are permitted in these districts. Signage is permitted in the GC zoning district. The proposed sign package will be in conformance with the commercial uses recommended for this character area.

2. 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.
 - a. The plans submitted by the applicant would comply with ordinance location restrictions and as a result, the proposed Comprehensive Sign Package will not create any traffic hazards or traffic congestion on public roads.
3. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
 - a. The proposed sign package will not produce any noxious or offensive noise, odor, dust, smoke, or gas.
4. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
 - a. The Comprehensive Sign Package will not impede the orderly development of the surrounding properties as they are all on-premises signs.
5. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger public health, safety, or general welfare.
 - a. The proposed signs will be required to comply with all applicable regulations of the North Carolina Building Code which will help safeguard public health and safety. Therefore, the signs will not be detrimental to or endanger the public health, safety, or general welfare.
6. The proposed use complies with applicable provisions of the KDO.
 - a. The Comprehensive Sign Package complies with all requirements of Section 5.9.F. The applicant has submitted a site plan that identifies locations of freestanding and multi-tenant signage.
7. The applicant consents in writing to all conditions of approval included in the approved special use permit.
 - a. N/A unless the Board of Adjustment determines to add conditions.

Based on the above FINDINGS OF FACT and CONCLUSIONS OF LAW, the Board finds that the requirements of the KDO have been met and the application is hereby APPROVED.

This the 6th day of May, 2025.


Secretary


Chairman



**Board of Adjustment
May 6, 2025 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Mia Alvarez, Planner

SUBJECT: Case# BOA-2025-08: Special Use Permit – 9170 Davidson Highway
Applicant: Sustar/Little LLC

Request for a Special Use Permit to allow for a self-service storage facility on a property located at 9170 Davidson Highway.

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 Special Use Permit.
3. Motion to approve (approve with conditions) (deny) the issuance of the Special 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, Sustar/Little LLC, is requesting a Special Use Permit (SUP) to allow for a self-service storage facility in the General Commercial (GC) zoning district on an approximately 2.20 +/- acre portion of a 4.13 +/- acre property located at 9170 Davidson Highway, further identified as Cabarrus County Parcel Identification Number 46824023240000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for self-service storage uses in the GC zoning district.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.5.A(5) of the KDO requires that the Board of Adjustment shall only approve a Special 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

- | | | |
|--|--------------------------|--|
| ☒ | ☐ | <p>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.</p> <p>This property is in the "Secondary Activity Center" and "Complete Neighborhood 1" Character Area in the Move Kannapolis Forward 2030 Comprehensive Plan. The Secondary Activity Center area calls for primary uses consisting of retail, office, and multifamily residential. The Complete Neighborhood 1 area calls for primary uses consisting of single family residential and civic. The parcel is currently vacant. Surrounding uses consist of residential and an animal hospital</p> <p>Based on the character areas noted above, the proposed development is compatible with the future and existing uses in the surrounding area.</p> |
| ☒ | ☐ | <p>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.</p> <p>The proposed use of self-service storage is not expected to create any traffic hazards or cause traffic congestion.</p> |
| ☒ | ☐ | <p>The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.</p> <p>No vibration, noise, odor, dust, smoke, or gas beyond what would be anticipated for a self-service storage is expected as a result of this proposed use.</p> |
| ☒ | ☐ | <p>The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.</p> <p>The proposed use would not impede development of the surrounding properties for uses allowed within their respective zoning districts. The proposed self-service storage would have a minimal impact on the surrounding properties.</p> |
| ☒ | ☐ | <p>The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.</p> <p>There is no apparent danger or detrimental impact to the overall public safety, health and welfare resulting from the proposed use. The proposed use is subject to all the requirements of the Kannapolis Development Ordinance.</p> |

☒ ☐ **The proposed use complies with all applicable provisions of the KDO.**

The proposed use shall comply with all sections of the Kannapolis Development Ordinance (KDO), 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 KDO requirements must be met.

☒ ☐ **The applicant consents in writing to all conditions of approval included in the approved special use permit.**

The applicant has been informed they must sign the Conditions of Approval for this SUP.

F. Legal Issues

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

In order to determine whether a special 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 special 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 shall 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.**

☐ ☐ **The proposed use complies with all applicable provisions of the KDO.**

☐
☐

The applicant consents in writing to all conditions of approval included in the approved special use permit.

G. Recommendation

Based on the above findings, staff recommends **approval** of the Special 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 lot must be recombined as shown on the preliminary plat (included with this packet) to comply with the KDO requirement that the lot size for a self-service storage facility not exceed three (3) acres.
2. Access to the site must be established and meet the City's minimum requirements.
3. The number of storage units shall not exceed 599.

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 Special Use Permit.

H. Attachments

1. Special Use Permit Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Conceptual Site Plan
6. Elevation Rendering
7. Preliminary Plat
8. List of Notified Properties
9. Notice to Adjacent Property Owners
10. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
City Attorney	X
Assistant City Manager	X



Special Use Permit

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on this form below are submitted with your application. Please either bring this application to the address above or email to bbarcroft@kannapolisnc.gov. The fees may also be paid online with a link provided by staff.

SPECIAL USE PERMIT REQUEST

Special Use Permit (SUP) – Request for SUP as required by Table 4.3.B(3) of the Kannapolis Development Ordinance (KDO).

Approval authority – Board of Adjustment.

Property Address: No Address Assigned, Parcel 4682-40-2324

Applicant: Sustar/Little LLC

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting
- ☒ SUP Checklist and Application – Complete with all required signatures
- ☒ Plot/Site Plan showing the proposed use
- ☒ Fee: \$625.00 (\$600 Application Fee + notification fee [see Fee Schedule])
- ☒ Please mark this box to authorize aerial drone photography of the site

PROCESS INFORMATION

Public Notification: This is a quasi-judicial process that requires a public hearing and public notification including first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Table 2.4.F(2) of the KDO).

Review Process: All applications will be reviewed for compliance and then forwarded to the Board of Adjustment for consideration at a public hearing which is held monthly on the 1st Tuesday at 6:00pm in City Hall Laureate Center. **The pre-application meeting, application and site plan submittal, and payment of fees, must be completed prior to scheduling the public hearing. Please review Section 2.4.D of the KDO.**

Action by Board of Adjustment: After conducting a public hearing, the Board of Adjustment may: approve; approve with conditions; deny; or conduct an additional public hearing on the application. Per Section 2.5.A(5)c, the Board may approve a petition only if compliance with all standards is obtained.

Scope of Approval: Per Section 2.5.A(5)a.2 of the KDO, approval of a SUP does not authorize any development activity, but shall authorize the applicant to apply for final site plan approval. Zoning clearance permits will not be issued until the SUP and final site plan have been approved.

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Signed by:

Applicant's Signature: Patrick Sustar

07C3D3E75F3446F...

Date: 11/8/2024



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information
Name: Sustar/Little LLC
Address: PO Box 6600
Concord, NC 28027
Phone: (980) 521-0811
Email: psustar1@outlook.com

Property Owner Contact Information ☒ same as applicant
Name: _____
Address: _____
Phone: _____
Email: _____

Project Information
Project Address: No Address Assigned Zoning District GC
Parcel PIN: 4682-40-2324 Size of property (in acres): 2.2
Current Property Use: Vacant
Proposed Use: Self-Service Storage Facility

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 *(attach separate sheet if necessary)*:
Proposed Self-Service Storage facility located on the 2.2 acre parcel. One building, totaling 108,000 square feet is proposed, with a
160' x 225' (36,000SF) footprint. Two gates are proposed, limiting internal access. a 6' Type B and 8' Type C Landscape buffer shall abut a

The site shall conform to KDO Specific Principal Use Regulations in Section 4.2.D.f.4.

REVIEW STANDARDS

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a Special Use Permit (SUP). Per Section 2.5.A(5)c of the Kannapolis Development Ordinance (KDO,) the applicant must demonstrate successful compliance with all standards to obtain a SUP. In the space provided below, indicate the **facts** that you intend to provide to convince the Board that it can properly reach the following conclusions:

- 1. The proposed special use will be in harmony with the area in which it is to be located and in general conformance with the City's Comprehensive Plan.

The parcel is identified as a Secondary Activity Center in the Move Kannapolis Forward: 2030 Comprehensive Plan.
This place type provides daily needs and are generally located on intersections, near residential areas and interchanges,
with primary uses of retail and office.

2. Adequate measures shall be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads.

The proposed use of a self-service storage facility is a low trip generating use. As proposed, 101 trips per day are anticipated.

In coordination with NCDOT, the site will access NC 73 (Davidson Highway) at the existing signalized intersection.

3. 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 beyond what would be anticipated for a self-service storage facility

is expected to result from the proposed use.

4. 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 have minimal impact on surrounding properties. Establishment of the propose use will

not impede development of the surrounding properties for allowed uses within their respective zoning district.

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

The proposed use will not be detrimental to or endanger public health, safety, or general welfare. The site shall be

professionally managed, maintained, and operated.

6. The proposed use complies with all applicable provisions of the KDO.

The proposed use shall comply with all applicable provisions of the KDO, including supplemental use regulations.

7. The applicant consents in writing to all conditions of approval included in the approved special use permit.

Yes, the applicant consents in writing to all conditions of approval included in the approved special use permit.

By signing below, I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I acknowledge that the Board of Adjustment may add conditions on the requested use as part of the approval to assure that adequate mitigation measures are associated with the use. For example, landscaping or fencing may be required, or a shift of operations away from adjoining properties may be stipulated.

Signed by:		
		11/8/2024
Applicant Signature		Date
		11/8/2024
Property Owner Signature		Date

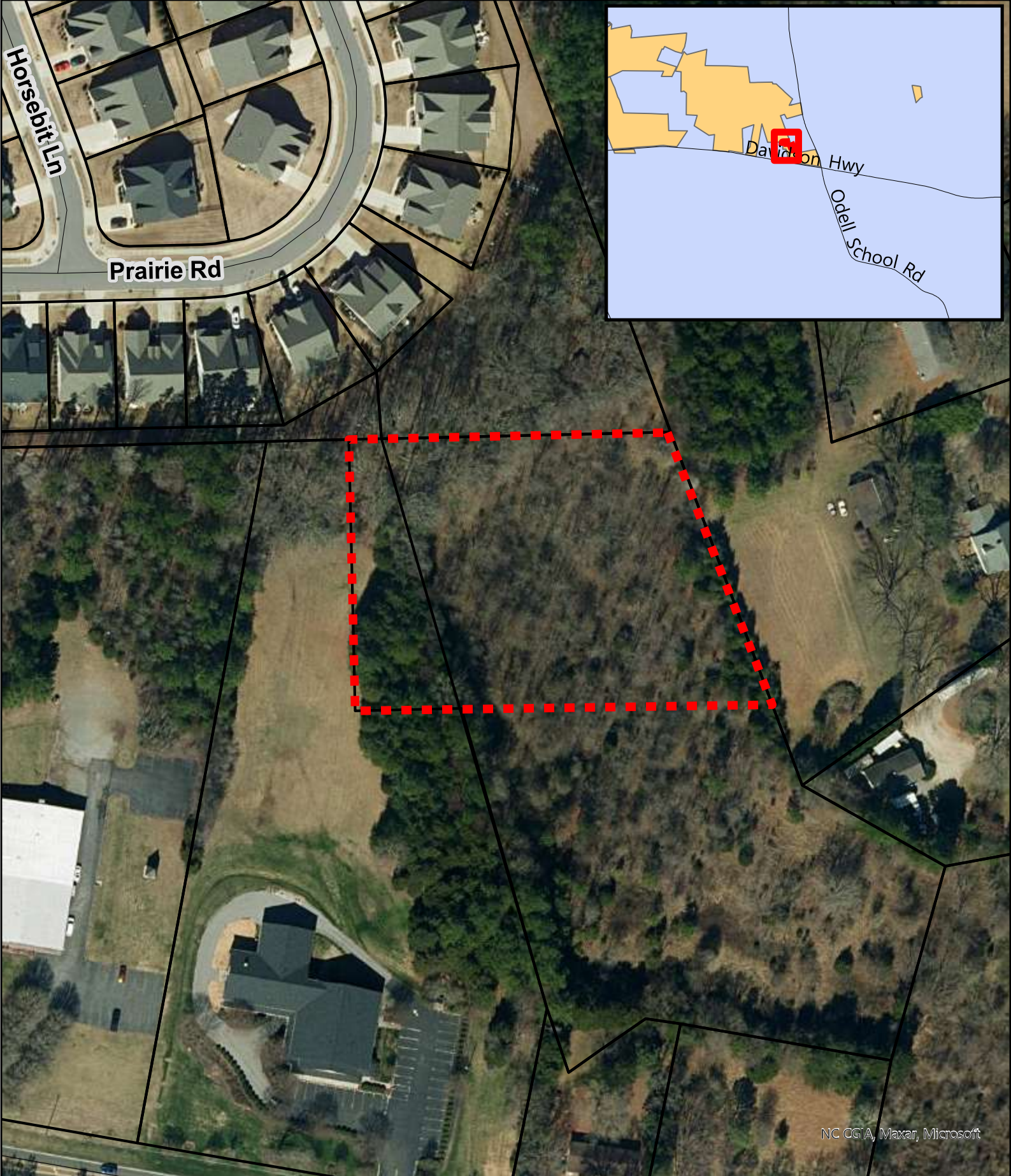


Vicinity Map

Case Number: BOA-2025-08

Applicant: Sustar/Little LLC

9180 Davidson Hwy



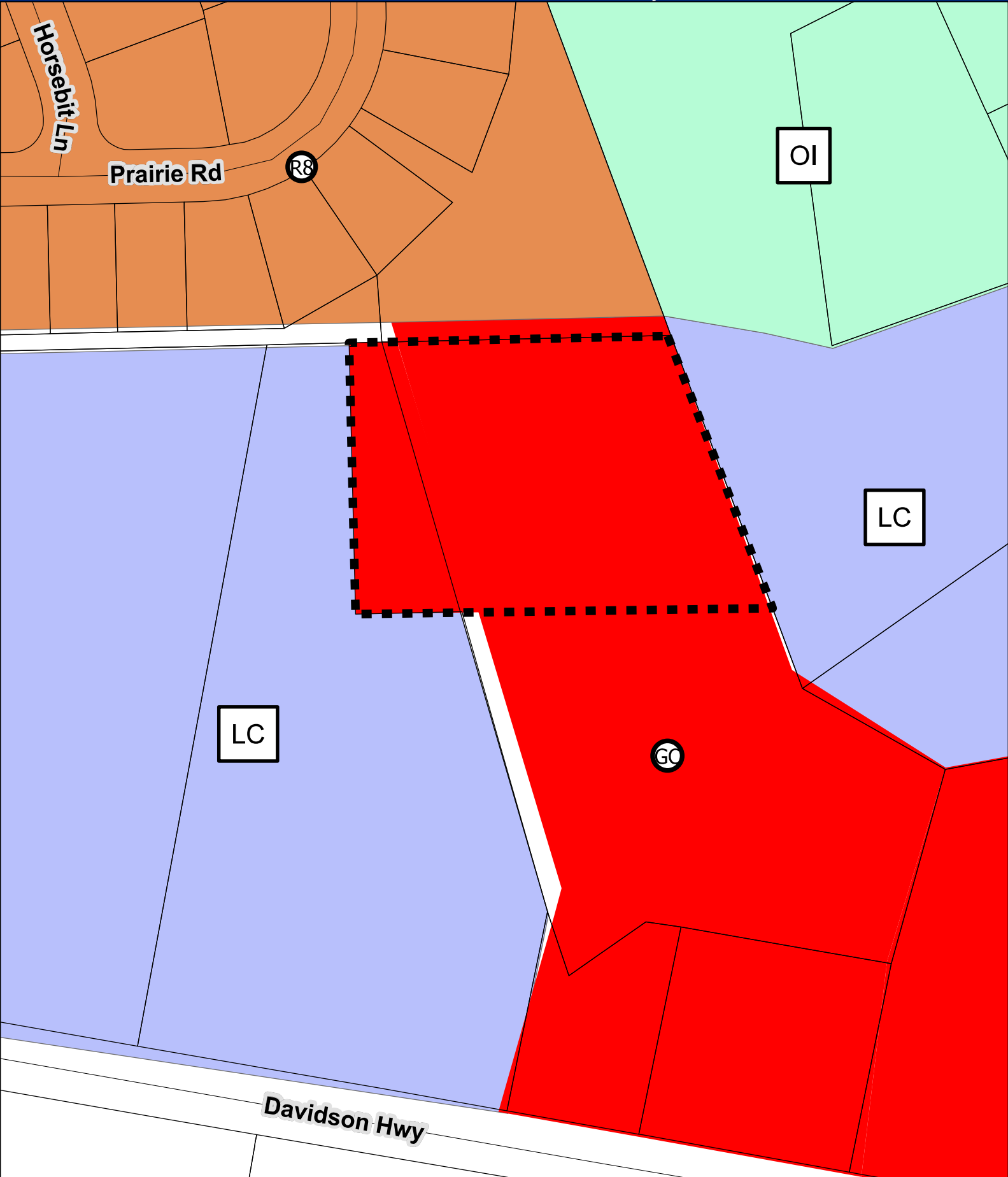


Kannapolis Current Zoning

Case Number: BOA-2025-08

Applicant: Sustar/Little LLC

9180 Davidson Hwy



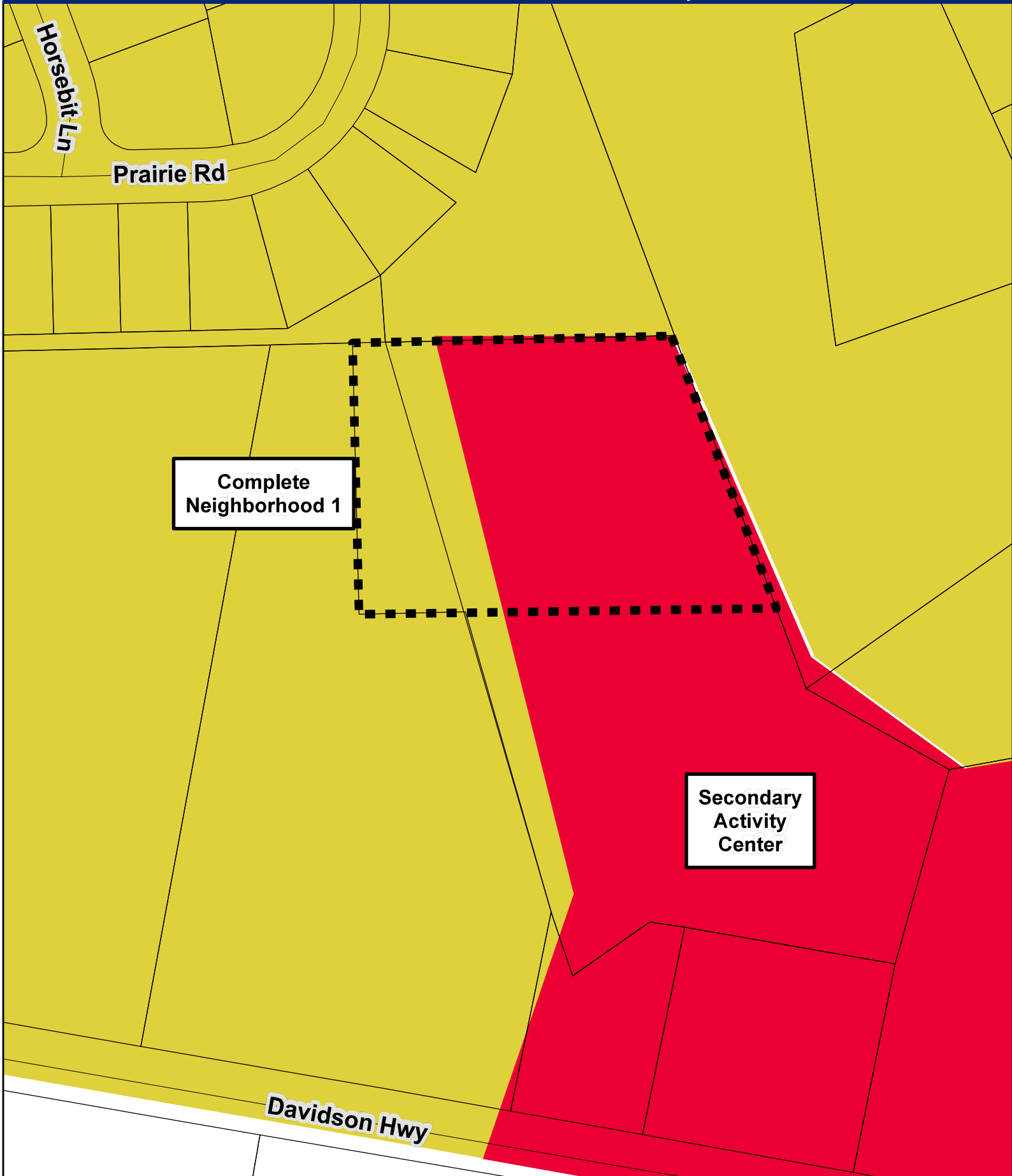


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-08

Applicant: Sustar/Little LLC

9180 Davidson Hwy



DEVELOPMENT SUMMARY

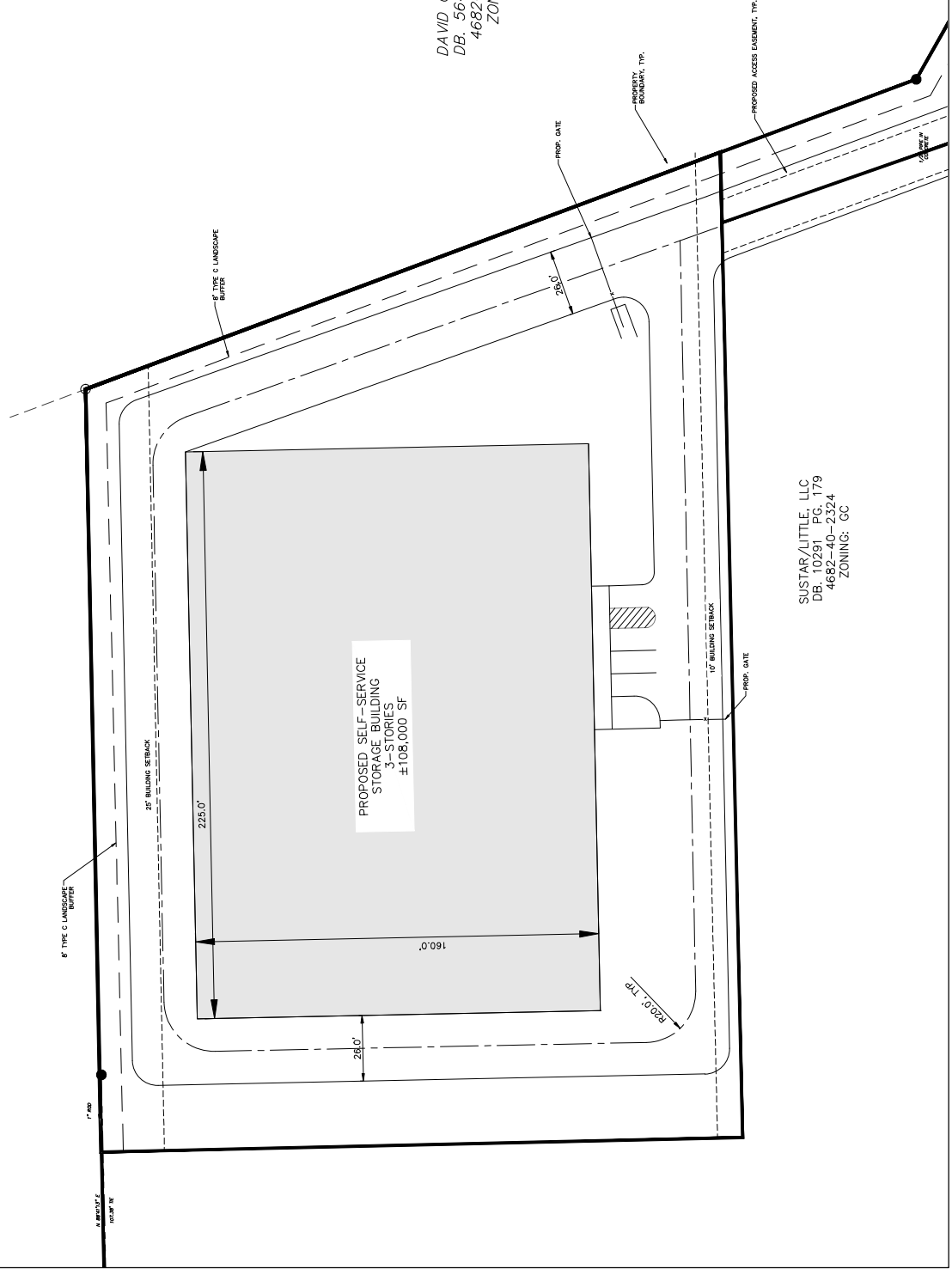
TAX PARCEL I.D.#	468-26-26264
TOTAL SITE AREA	2.018 ACRES (87,309 S.F.)
EXISTING ZONING	GC
PROPOSED USE	SELF-SERVICE STORAGE
SETBACKS:	
Front	10'
Side	0'
Rear	25' Abutting Residential Zoning
Buffer:	8' Type C
Parking:	1 Space per 200 Units 999 Units = 3 spaces 3 spaces = 1 ADA space
Required:	
Proposed:	
Impervious Coverage:	69% of Site, 20,207 S.F.
Permitted:	75% of Site, 60,122 S.F.

PARKER & ORLEANS HOMEBUILDERS, INC.
DB. 6534 PG. 274
4682-12-6914
ZONING: R8

DAVID GLENN YAWN
DB. 5643 PG. 168
4682-40-2979
ZONING: LC

SUSTAR/LITTLE, LLC
DB. 10291 PG. 179
4682-40-2324
ZONING: GC

Proposed Self Storage Building Unit Matrix				
Unit Size	Unit Area (SF)		% of NLF	Total Area Per Unit (SF)
	5	10		
5	5	25	13%	775
5	5	10	3%	2,400
7.5	10	10	10%	7,800
10	10	10	19%	14,800
10	10	15	20%	15,600
10	20	20	33%	28,000
10	30	30	14%	10,800
Total			100%	77,775



Odell Mini Storage

Special Use Permit Site Plan

9182 Davidson Hwy Concord, NC 28027

Sustar/Little, LLC
Mr. Patrick Sustar

PO Box 6600
Concord, NC 28024

11/11/2024

no firm no: P-00118 sec 004 no: C-00044

URBAN
DESIGN
PARTNERS

1015 MacArthur at Ste. 450

Project No: 23-CLT-157
Date: 11.19.2024
Sheet No:

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

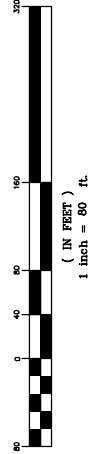
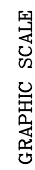
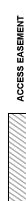


VICINITY MAP
(Not to Scale)

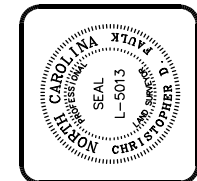
- NOTES**
1. AREA CALCULATED BY COORDINATE COMPUTATION.
2. ADJOINING PROPERTY OWNERS' NAMES WERE TAKEN FROM CABINETS.
3. THIS MAP IS SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, ENCUMBRANCES, ETC., AND IS NOT TO BE CONSIDERED A FINAL DEDICATION OF LAND OR CONVEYANCE OF ANY KIND.
4. THIS MAP IS SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, ENCUMBRANCES, ETC., AND IS NOT TO BE CONSIDERED A FINAL DEDICATION OF LAND OR CONVEYANCE OF ANY KIND.
5. PRELIMINARY PLAN WHICH MAY BE OF RECORD.
6. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES, MEASURED WITH A TOTAL STATION.
7. LOT SITUATE TO ALL ZONING ORDINANCES OF CITY OF ANNANDALE AND CITY OF ARLINGTON.
8. CABINETS, COUNTY, BUILDER/CORPORATE NAME, VERIFY THAT LOT IS IN CONFORMANCE WITH ALL APPLICABLE ZONING ORDINANCES.
9. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES, MEASURED WITH A TOTAL STATION.
10. THIS CURVE WAS FOUND WITHIN 700 FEET OF A TITLE SEARCH.
11. THIS CURVE WAS FOUND WITHIN 700 FEET OF A TITLE SEARCH.
12. PROPERTY ZONED GC (GENERAL COMMERCIAL) IN CITY OF ANNANDALE.
13. PROPERTY ZONED GC (GENERAL COMMERCIAL) IN CITY OF ANNANDALE.
14. EASEMENT TO DULLES POWER PLANT, BE SUBJECT TO THE FOLLOWING:
15. EASEMENT TO DULLES POWER PLANT PER DB 115 P.23 AND P.376.

LEGEND

- ROCKY RIVER ENTERPRISES LLC
 NEW OR CONFORMY
 PARCEL ID # 4682326300000



(IN FEET)
1 inch = 80 ft



"PRELIMINARY PLAT NO. 7 FOR
RECORDATION, CONVEYANCES,
MORTGAGES" and

Know what's below.
Call before you dig.
NORTH CAROLINA
ONE-CALL CENTER INC.
DIAL 811 or 1-800-532-4949
2 BUSINESS DAYS BEFORE DIG
www.ncoccc.org

SITE NOTES	
BUILDING SETBACK REQUIREMENT (MINIMUM) ZONED GC (GENERAL COMMERCIAL), CITY OF ANNAPOLIS:	10 FEET
FRONT YARD:	NONE
SIDE YARD:	NONE
REAR YARD:	NONE
LOT AREA:	507 FEET
LOT WIDTH:	507 FEET
MAXIMUM HEIGHT (MAX.):	18 UNITS PER ACRE
DENSITY MAX:	18 UNITS PER ACRE
IMPERVIOUS RATIO (MAX):	0.6

SITE NOTES

BUILDING SETBACK REQUIREMENTS (MINIMUM) ZONED LC
UNLIMITED COMMERCIAL, CABARRUS COUNTY:

FRONT: 30' FEET
SIDE YARD: 10'
REAR YARD: 20'
LOT AREA: 10,000
LOT WIDTH: 50' FEET
BUILDING HEIGHT (MAX.): 40' FEET
IMPERVIOUS RATIO (MAX): 75%

METROLINA
LAND SURVEYING, INC.

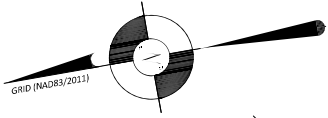
SURVEYING • MAPPING • PLANNING

Job No.	071-24-004
Date	10/15/24
Proj. Mgr.	DCC
Drawn	ERG
Checked	CDF
Sheet	1

OWNER CERTIFICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN, AND THAT I HEREBY SUBMIT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAN AS STREETS, WALKS, PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY NOTED AS PRIVATE, AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL ACCEPTED BY THE CITY OF MINNAPOLIS. I FURTHER THAT I HEREBY GUARANTEE THAT I WILL CORRECT DEFECTS OR FAILURE OF IMPROVEMENTS IN SUCH AREAS FOR A PERIOD OF ONE YEAR COMMENCING AFTER A FURTHER ACCEPTANCE OF SUCH AREAS BY THE CITY OF MINNAPOLIS. I HEREBY ACCEPTANCE OF REQUIRED IMPROVEMENTS, WHENEVER OCCURS, LATER.

EASEMENT CURVE TABLE					
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
EC1	46.88'	82.11'	32°42'42"	N 01°27'55" W	46.24'
EC2	57.46'	102.11'	32°14'44"	S 01°41'54" E	56.71'



OW/NER(S)

DATE _____

REVIEW OFFICER BLOCK

I, _____, REVIEW OFFICER OF THE COUNTY OF CABARRUS, N.C., CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER

DATE _____

LINE	BEARING	EASEMENT LINE	TABLE DISTANCE
ELL1	N 10°03'21" E		137.23'
ELL2	N 10°17'53" E		214.31'
ELL3	N 20°14'28" W		122.50'
ELL4	N 88°46'25" E		120.97'
ELL5	N 88°46'25" E		9.08'
ELL6	S 20°14'09" E		116.46'
ELL7	S 1°16'37" W		233.35'
ELL8	S 10°03'21" W		117.19'
ELL9	N 80°03'58" W		10.01'
ELL10	N 80°03'58" W		9.98'

GPS SURVEY
"I, CHRISTOPHER D. FAULK, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

1. CLASS OF SURVEY: A
2. POSITIONAL ACCURACY: <0.750 PPM
3. TYPE OF GPS FIELD PROCEDURE: GNSS RTK NETWORK (NCRVS)
4. DATES OF SURVEY: 7/09/24
5. DATUM/EPOCH: MAD 83/(2011)
6. PUBLISHED/FIXED CONTROL USE: RTK NETWORK
7. GEOD. MODEL USED: GEOD 18
8. COMBINED GRID FACTS: 0.99984840
9. UNITS: US SURVEY FEET

PURPOSE STATEMENT:
THE PURPOSE OF THIS PLAT IS TO RECONFIGURE THE PARCELS AS LISTED BELOW. NO OTHER CHANGES WERE MADE. THIS PLAT SUPERSEDES, LOTS 2 & 3, PREVIOUSLY RECORDED PLAT BOOK 8, PAGE 7 FOUND IN THE CABARRUS COUNTY REGISTRY

RECOMBINATION PLAT

AT PROPERTY KNOWN AS
9172 DAVIDSON HIGHWAY
HARRY G. HARTSELL SUBDIVISION
PB 8 PG 7, DB 1608 PG 161; DB 10291 PG 179
PARCEL # 46862-30-9176-0000, 46841-49-2903-0000,
46841-49-3973-0000, 46862-40-2324-0000
CABARRUS COUNTY, NC

DAVIDSON HIGHWAY
(HWY 73)
VARIABLE WIDTH PUBLIC R/W
per DB 97 DC 99

(HWY 73)
VARIABLE WIDTH PUBLIC R/W
per DR 97 PG 99

OWNER 1	OWNER 1	MAIL ADDRESS 1	MAIL ADDRESS 2	CITY	STATE	ZIPCODE
YAWN DAVID GLENN		YAWN DAVID GLENN	2131 ODELL SCHOOL ROAD	CONCORD	NC	28027
LEWIS RICHARD JOHN	& LEWIS GAIL CLAGETT SPOUSE	LEWIS RICHARD JOHN & LEWIS GAIL CLAGETT	9581 HORSEBIT LN	CONCORD	NC	28027
SUSTAR/LITTLE LLC		SUSTAR/LITTLE LLC	A NC LTD LIABILITY CO	CONCORD	NC	28027
ROCKY RIVER ENTERPRISES LLC		ROCKY RIVER ENTERPRISES LLC	9280 DAVIDSON HWY	CONCORD	NC	28027
CROSS LYMAN	& CROSS DEBORAH WF	CROSS LYMAN & CROSS DEBORAH WF	2176 PRAIRIE RD	CONCORD	NC	28027
WELLINGTON CHASE HOMEOWN ASSOC		WELLINGTON CHASE HOMEOWN ASSOC C/O CUSICK COMMUNITY MGMT	8008 CORPORATE CENTER DR	CHARLOTTE	NC	28226
GOODNIGHT DIANE	& GOODNIGHT MARIAN	GOODNIGHT DIANE & GOODNIGHT MAR	2175 PRAIRIE RD	CONCORD	NC	28027
YAWN JENNIE H -TRUSTEE	& YAWN JENNIE H REVOC TRS4/22/03	YAWN JENNIE H -TRUSTEE & YAWN JENNIE C/O ELLEN Y LOSKOSKI	94 OLDE COTTAGE LN	MIDWAY	GA	31320
THOTAKURI VIJAY KUMAR		THOTAKURI VIJAY KUMAR	2135 ODELL SCHOOL RD	CONCORD	NC	28027
SPANKE EDWARD	& SPANKE LINDA WF	SPANKE EDWARD & SPANKE LINDA WF	2164 PRAIRIE RD	CONCORD	NC	28027
COLES WILLIAM EDWARD JR	& COLES SHANNA WEIGMAN WF	COLES WILLIAM EDWARD JR & COLES SH 2158 PRAIRIE RD		CONCORD	NC	28027
YOUNG GWENDOLYN M	& MOORE CASANDRA	YOUNG GWENDOLYN M & MOORE CASA 2182 PRAIRIE RD		CONCORD	NC	28027
GREINER MICHAEL	& GREINER DIANE B	GREINER MICHAEL & GREINER DIANE B	2152 PRAIRIE RD	CONCORD	NC	28027
CLARK MARK	& CLARK SHERRY WF	CLARK MARK & CLARK SHERRY WF	2146 PRAIRIE RD	CONCORD	NC	28027
VSP BUSINESS LLC		VSP BUSINESS LLC	C/O SHAILESH V PANARA	CHARLOTTE	NC	28262
			1534 COPPERPLATE RD			



April 25, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday May 6, 2025, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-08 – Special Use Permit – 9170 Davidson Highway

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow for self-service storage on property located at 9170 Davidson Highway. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for self-service storage uses in the General Commercial (GC) zoning district. The subject project site is an approximate 2.20 +/- acre portion of a 4.13 +/- acre property, and further identified as Cabarrus County Parcel Identification Number 46824023240000. **(Please see attached vicinity map showing the location of this property.)**

As an abutting property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis Development Ordinance. You are welcome to attend the public hearing and present testimony to the Board of Adjustment if you so desire.

If you have any questions about the public hearing or request, please do not hesitate to contact the Planning Department at 704.920.4373 or malvarez@kannapolisnc.gov.

Sincerely,

Mia Alvarez
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 Heather James, Human Resource Director, by phone at 704-920-4322 or by email at hjames@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

