

1 **CITY OF KANNPOLIS, NC**

2 **BOARD OF ADJUSTMENT**

3 **Minutes of Meeting**

4 **April 01, 2025**

5 **6:00 PM**

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7 The Board of Adjustment met on Tuesday, April 1, 2025, at 6:00 PM in the Laureate Center of City Hall.  
8 This meeting was held in accordance with required public notice, as well as announced on the City's  
9 website.

10  
11 **Board Members Present:** Holden Sides, Vice-Chair  
12 Chris Dwiggin  
13 Jeff Parker  
14 Wilfred Bailey, Sr.

15 **Board Members Absent:** Emily Joshi, Chair  
16 Danielle Martini

17 **Staff Present:** Richard Smith, Planning Director  
18 Ben Barcroft, Senior Planner  
19 Mia Alvarez, Planner  
20 Zulena Anderson, Planning Technician

21 **City Attorneys:** Andrew Kelly

22 **Visitors Present:** Bruce Woodard  
23 Davis Ray  
24 Drew Summerfield

25 **CALL TO ORDER**

26 Vice-Chair Sides called the meeting to order at 6:00 P.M.

27 **ROLL CALL AND RECOGNITION OF QUORUM**

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

29 **APPROVAL OF AGENDA**

30 Vice-Chair Sides asked for a motion to approve the agenda, which was made by Mr. Parker, second by  
31 Mr. Bailey, and the motion was unanimously approved.

32 **APPROVAL OF MINUTES**

33 Vice-Chair Sides asked for approval of the February 4, 2025, and February 11, 2025, minutes. Mr. Bailey  
34 made the motion to approve, second by Mr. Dwiggin, and the motion was unanimously approved.

35 **Sworn In for Testimony**

36 Mia Alvarez, Ben Barcroft, Bruce Woodard, Davis Ray, and Drew Summerfield

37 **PUBLIC HEARING**

**BOA-2025-04 – Request for a Special Use Permit (SUP) submitted by Maria Whack and Drew Summerford for property located at 6441 Davidson Hwy for a comprehensive sign package.**

Senior Planner, Ben Barcroft, explained that case BOA-2025-04 consists of a comprehensive sign package submitted as an alternative to the sign standards outlined in the KDO. Freestanding structures with a minimum of 25,000 square feet and/or master planned developments with more than 10 acres may apply for a Comprehensive Sign Package. Mr. Barcroft mentioned that the proposed development is compatible with the future and existing land uses as well as the uses that have been approved for the existing buildings. Mr. Barcroft referenced the future land use map and said that the properties are located within two character areas with one being the Suburban Activity 2 Character Area and the other being the Employment Center Character Area. Mr. Barcroft also explained that the main use on the site is light manufacturing.

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

**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 Move Kannapolis Forward 2030 Comprehensive Plan designates the subject parcels as being located in the "Employment Center" Character Area and "Suburban Activity 2" Character Areas. The subject properties are zoned Campus Development Conditional Zoning (CD-CZ) and Light Industrial Conditional Zoning (LI-CZ), and industrial uses are permitted in these districts. Signage is permitted in the CD & LI zoning districts. The proposed sign package will be in conformance with the commercial uses recommended for these character areas.

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

The Comprehensive Sign Package proposes directional signage for each building to aid in the flow of traffic in and out of the site. The guidelines call for the signage to meet all visibility requirements of the City or State, whichever has jurisdiction. This would require all signage to be located outside of the public street right-of-way and the required sight triangle of any intersection. The plans submitted by the applicant comply with these 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.**

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.**

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

**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 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 all applicable provisions of the KDO.**

1 The Comprehensive Sign Package complies with all requirements of Section 5.9.F. Applicant  
2 has submitted a site plan that identifies locations of freestanding, multitenant, and directional  
3 signage.  
4

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

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

8 Mr. Barcroft stated that the staff reviewed the application and that it meets all the criteria to be approved  
9 for a special use permit.

10 Mr. Bailey requested clarification regarding whether the buildings are already in use, built, and if the  
11 application is only intended for signage purposes. Mr. Barcroft responded to Mr. Bailey by stating that the  
12 application is for a signage package which is required due to not all signs meeting the ordinance  
13 requirements because there are large free-standing signs which are considered off-premise signs. Mr.  
14 Barcroft continued by stating sites, like the current case, with over 10 acres or with a 25,000 square feet  
15 or larger building require a review to ensure it still meets the intent of the Ordinance such as the size and  
16 scale of the signage. Mr. Barcroft stated that some buildings at the subject site have been built while  
17 others have not.

18 Mr. Parker asked whether the signage would be placed on the median and expressed concern that a height  
19 of only two to three feet seemed small for the area. Mr. Barcroft responded that the sign would be placed  
20 on the median and confirmed that it would be 36 inches high.

21 Mr. Bailey asked if the City of Kannapolis Planning Department has ever approved a signage package on  
22 a major highway, and if so, how large were the signs in comparison to the signs of the case. Mr. Barcroft  
23 said that the signs in this case will be placed on a median, therefore it is not a large sign and not in a  
24 typical location a free-standing sign would be. The sign is in a location where multiple trucks will be  
25 passing by; therefore, visibility is required.

26 Mr. Diggins asked why the signs don't meet the ordinances. Mr. Barcroft responded by saying the signs  
27 do not meet the ordinances due to the location and not due to their size.

28 Mr. Bailey asked why the applicant felt the need to have the signs located in the median instead of on the  
29 side of the building. Mr. Barcroft suggested the applicant should answer the question.

30 Mr. Smith informed Mr. Diggins that the signs, in fact, do meet the ordinance requirements because of  
31 the City's vision that large projects will likely have increased signage, but it still requires the Board of  
32 Adjustment's approval for clarity. Mr. Smith also informed Mr. Bailey that there have been signage  
33 packages approved in the past for commercial sites such as Target and that this case is most likely one of  
34 the first industrial projects requesting a signage package.

35 The applicant in the case, Drew Summerford, made himself available for questions. Mr. Summerford  
36 answered Mr. Bailey's question by stating that due to the location of the main entry and exit of the  
37 business park along with the coordination of the client as well as developer, they felt the proposed  
38 location was the best location for signage. He also stated that the location of the signage is relatable to  
39 other similar projects they have worked on.

40 There being no additional questions or comments for staff or the applicant, Vice-Chair Sides opened the  
41 Public Hearing which was then closed.

42 Vice-Chair Sides asked for a motion to accept the City's exhibits into the record, which was made by Mr.  
43 Diggins, second by Mr. Parker, and the motion was unanimously approved.

1 Vice-Chair Sides asked for a motion to approve or revise the Findings of Fact. Mr. Bailey made the  
2 motion to approve the Findings of Fact, second by Mr. Dwiggins, and the motion was unanimously  
3 approved.

4 Vice-Chair Sides asked for a motion to approve the issuance of the special use permit. Mr. Dwiggins  
5 made the motion to approve second by Mr. Parker and the motion was unanimously approved.

6 Vice-Chair Sides asked for a motion to issue the Order of Approval. Mr. Bailey made the motion to  
7 approve the Order, second by Mr. Dwiggins, and the motion was unanimously approved.

8 **BOA-2025-05 – Request for a Special Use Permit (SUP) submitted by Wynnefield Forward, LLC**  
9 **for property located at 811 Fairview Street for a multifamily dwelling**

10 Planner, Mia Alvarez gave a presentation regarding the SUP and provided details for BOA-2025-05 by  
11 identifying the applicant as Wynnefield Forward, LLC, the address, which is 811 Fairview Street, that the  
12 property is approximately 3.56 acres, and the purpose of the permit which is to allow multifamily  
13 dwellings in the General Commercial (GC) zoning district. Ms. Alvarez later added that according to the  
14 zoning map, the property is split between GC and General Commercial Conditional Zoning (GC-CZ). Ms.  
15 Alvarez explained that the GC-CZ portion of the site prohibits specific uses such as pawn shops, tattoo  
16 parlors, shooting ranges, tobacco/vape sales, liquor stores, towing services, and personal vehicle sales and  
17 rentals. She mentioned that the surrounding property uses consist of a restaurant, retail, and residential;  
18 the proposed development is compatible with future and existing uses.

19 Ms. Alvarez utilized the Future Land Use Map to show the audience that the property is split between  
20 Suburban Activity 2 and Urban Residential Character Areas. She detailed that in Suburban Activity 2, the  
21 uses primarily consist of retail, offices, and multifamily dwellings while secondary uses consist of  
22 institutional, civic, light manufacturing, and single family attached. She also elaborated on Urban  
23 Residential by stating its primary uses consist of single family detached, single family attached dwelling,  
24 and civic while its secondary uses include multifamily, small format retail, small format office, and live  
25 work.

26 Ms. Alvarez directed the Board's attention to the drone footage of the property as well as the proposed  
27 site plan which she noted consists of three 3-story buildings, with the parking lot in the middle, and a  
28 clubhouse. She also showed the street view of the property.

29 Ms. Alvarez reviewed staff findings of fact as follows:

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

32 This property is in the "Suburban Activity 2" and "Urban Residential" Character Area in the  
33 Move Kannapolis Forward 2030 Comprehensive Plan. The Suburban Activity 2 area calls for  
34 primary uses consisting of retail, office, and multifamily residential. The Urban Residential  
35 area calls for primary uses consisting of single family residential and civic. The existing uses  
36 are composed primarily of retail uses. Surrounding uses consist of restaurants, retail, and  
37 residential. Based on the character areas noted above, the proposed development is  
38 compatible with the future and existing uses in the surrounding area  
39

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

42 The proposed use of multifamily dwellings is not expected to create any traffic hazards or  
43 cause traffic congestion.  
44

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

1 No vibration, noise, odor, dust, smoke, or gas beyond what would be anticipated for a  
2 multifamily dwelling is expected as a result of this proposed use.

3  
4 **4. The establishment of the proposed use shall not impede the orderly development and  
5 improvement of surrounding property for uses permitted within the zoning district.**

6 The proposed use would not impede development of the surrounding properties for uses  
7 allowed within their respective zoning districts. The proposed multifamily dwellings would  
8 have a minimal impact on the surrounding properties.

9  
10 **5. The establishment, maintenance, or operation of the proposed use shall not be  
11 detrimental to or endanger the public health, safety, or general welfare.**

12 There is no apparent danger or detrimental impact to the overall public safety, health and  
13 welfare resulting from the proposed use. The proposed use is subject to all the requirements  
14 of the Kannapolis Development Ordinance.

15  
16 **6. The proposed use complies with all applicable provisions of the KDO.**

17 The proposed use shall comply with all sections of the Kannapolis Development Ordinance  
18 (KDO), conditions of approval, and any other applicable local, state and Federal regulations.  
19 It is understood by the applicant that unless specifically relieved of a requirement, in writing,  
20 all KDO requirements must be met.

21  
22 **7. The applicant consents in writing to all conditions of approval included in the approved  
23 special use permit.**

24 The applicant has been informed they must sign the Conditions of Approval for this special  
25 use permit.

26 Ms. Alvarez stated that the staff recommends approval and made herself available for questions.

27 Mr. Dwiggins asked whether the GC zoning district was used to grandfather the long-standing building  
28 supply use, given that the site is split between two zoning districts. He also questioned why the entire  
29 property does not share the same zoning. Mr. Smith explained that the property was rezoned to the GC-  
30 CZ district about two years ago to improve compatibility with the surrounding area, while the GC district  
31 has been in place for some time with its prevalence in the previous ordinance. He clarified that the site  
32 was grandfathered under both districts. The portion now zoned GC-CZ had previously been zoned  
33 residential, and at the time of the rezoning change, the nonconforming status was removed to help bring  
34 the property into compliance and support financing efforts.

35 Mr. Parker asked for the number of units the proposed project will have. Mr. Parker said that the reason  
36 for his concern is whether the property would need a secondary exit. Mr. Smith replied by first asking the  
37 applicant, Davis Ray, for the number of units in which Mr. Ray answered 72 units. Mr. Smith mentioned  
38 that formerly the state statutes required any site with over 50 dwelling units to install a secondary exit,  
39 however, the current statutes require a secondary exit for any site with over 100 units. Recently, the City  
40 Council changed the Ordinance to be consistent with the fire codes. Mr. Parker said that he remembered  
41 past cases that involved additional exits based on the number of units.

42 The applicant, Davis Ray, said the proposed project consists of 72 units with 12-one, 36--two, and 24-  
43 three bedroom apartment units although the number of units may decrease due to their finance  
44 application. He also said the clubhouse on the property will house the manager's office, maintenance  
45 room, computer center, and laundry facility as all units will only have washer and dryer hookups. Mr. Ray  
46 claims that the company has been in business for 52 years and is based in Greensboro, NC. The company  
47 specializes in multifamily development, construction, and property management as they currently manage  
48 around 100 communities across North Carolina.

1 Mr. Parker asked Mr. Ray if the property would be fenced. Mr. Ray responded by stating they are  
2 currently not proposing a fence and instead are trying to increase the vegetation to create a vegetation  
3 buffer instead of a fence.

4 Mr. Bailey asked Mr. Ray to confirm if the property will only have one entrance. Mr. Ray replied that the  
5 property will only have one entrance/exit.

6 There being no additional questions or comments for staff or the applicant, Vice-Chair Sides opened the  
7 Public Hearing.

8 Bruce Woodard, 833 Fairview St, asked if the one entrance of the proposed community will be placed on  
9 the top of the hill and how far down the entrance will be because his property is adjoined to the bottom of  
10 the hill. Mr. Ray replied by stating he believes Mr. Woodard's property is further down the hill. Mr. Ray  
11 told Mr. Woodard that there is either a stormwater easement or pond that is located behind the building  
12 that will serve as an additional buffer; he also reminded Mr. Woodard that they may decrease the number  
13 of proposed units and if so, he showed him which building would be eliminated to add an additional  
14 buffer. Mr. Woodard asked how far back the entrance would be. Mr. Ray said he does not know the exact  
15 measurements. Mr. Woodard mentioned there is an existing creek to which Mr. Ray replied that they are  
16 in the due diligence process working with their engineers to make sure they avoid any floodplains and we  
17 areas.

18 There being no additional questions or comments for staff or the applicant, Vice-Chair Sides opened the  
19 Public Hearing which was then closed.

20 Vice-Chair Sides asked for a motion to accept the City's exhibits into the record, which was made by Mr.  
21 Parker, second by Mr. Dwiggins and the motion was unanimously approved.

22 Vice-Chair Sides asked for a motion to approve or revise the Findings of Fact. Mr. Dwiggins made the  
23 motion to approve the Findings of Fact, second by Mr. Parker, and the motion was unanimously  
24 approved.

25 Vice-Chair Sides asked for a motion to approve the issuance of the special use permit. Mr. Dwiggins  
26 made the motion to approve, second by Mr. Bailey, and the motion was unanimously approved.

27 Vice-Chair Sides asked for a motion to issue the Order of Approval. Mr. Parker made the motion to  
28 approve the Hold Order, second by Mr. Dwiggins, and the motion was unanimously approved.

29 **BOA-2025-06- Variance Submitted by Jennifer Ronneburger for property located at 2821 N.**  
30 **Cannon Blvd. for a variance from the sign area standards for the General Commercial (GC)**  
31 **district, as specified in Table 5.9.E(1) a.**

32 Mr. Smith asked the Board to continue this case for the following meeting that will be held on May 6<sup>th</sup>,  
33 2025, due to not having enough members present to vote on a variance case as required by the state  
34 statute. Attorney Kelly mentioned that four-fifths of Board members are required for a case to be held for  
35 approval.

36 Vice-Chair Sides asked for a motion to continue the variance request to the May 6<sup>th</sup>, 2025, Board meeting.  
37 Mr. Dwiggins made a motion to approve, second by Mr. Parker, and the motion was unanimously  
38 approved.

### 39 **Planning Director Updates**

40 Mr. Smith made the Board members aware of the development story map. He continued by informing that  
41 there are now two maps on the city's website which have been very useful and have received favorable  
42 feedback. He also made note that one map is more static than the other, with the story map being more  
43 detailed by showing where projects were. Mr. Smith said the story map was simplified into generalized

1 areas such as industrial, downtown projects, residential, civic, mixed-use, and commercial. He gave the  
2 Board an example of utilizing the map by clicking on the breakdown of the type of developments; he gave  
3 an example by clicking the Industrial development type and said if one clicked on a project such as the  
4 site where the recently held case of BOA-2025-04, it will provide information on the development.

5 Another update Mr. Smith provided was City Council's vote on wastewater allocation distribution for  
6 non-residential projects. City Council directed that they want non-residential projects to be prioritized for  
7 allocation because of the 6,000 residential units pending, with about half of those being multi-family  
8 units. Mr. Smith said there have been four projects competing for allocation in which three of them had to  
9 compete due to their uses; all projects were able to get the allocation they applied for. He said that some  
10 allocations still occur, but they are constrained with much effort being placed to properly plan them  
11 especially since the non-residential order became effective in July 2021. Mr. Smith said that the project  
12 from the recently held case of BOA-2025-05, could have a sewer allocation which may happen some time  
13 after 2028.

14 Mr. Dwiggins asked if there is an interactive map that shows any road construction or any type of  
15 NCDOT work being done in the city. Mr. Smith answered the question by stating that NCDOT has its  
16 own website with projects. He said that he can create a list that contains both city and NCDOT projects.  
17 Mr. Dwiggins said he has been asked often to describe current projects, which is the reason for his  
18 question. Mr. Smith mentioned to Mr. Dwiggins that many people, including those with experience in  
19 reading maps, struggle to understand NCDOT maps due to how the right-of-way is shown. Mr. Parker  
20 mentioned he struggles with NCDOT maps and asked if the new map mentioned will be on the city's  
21 planning website. Mr. Smith showed the Board members that the new development map's link is on the  
22 website under his picture.

### 23 **Other Business**

24 Vice-Chair Sides asked the Board members if there is any other business to be discussed.

### 25 **Adjourn**

26 There being no further business, Mr. Dwiggins made the motion to adjourn, second by Mr. Parker and the  
27 motion was unanimously approved.

28 The meeting was adjourned at 6:38 PM on Tuesday, April 1, 2025.

  
Zulena Anderson, Planning Technician  
Board of Adjustments

  
Holden Sides, Vice-Chair  
Board of Adjustments