



## **Cabarrus County Government**

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Cabarrus County Planning and Zoning Commission  
Tuesday, June 13, 2023 @ 6:30 p.m.  
Board of Commissioners Meeting Room  
Cabarrus County Governmental Center

### Agenda

1. Roll Call
2. Approval of March 14th, 2023, PZ Meeting Minutes
3. New Business Planning Board Function:
4. RZON2023-00002 – Request to rezone property from Low Density Residential (LDR) district to Office / Institutional (OI) district. Allen Volunteer Fire Department, Inc. is the owner of the subject property and the applicant of this request. The address associated with the subject property is 4000 US Highway 601, South (PIN: 5548-09-3803).
5. Legal Update
6. Director's Report
7. Adjourn

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Mr. Adam Dagenhart, Chair, called the meeting to order at 6:35 p.m. Members present, in addition to the Chair, were Mr. Jeff Corley, Mr. Charles Paxton, Mr. Andrew Nance, Mr. Chris Pinto, Mr. Brent Rockett, Mr. Stephen Wise, Mr. David Hudspeth, and Mr. Mohammed Idlibi. Attending from the Planning and Zoning Division were, Ms. Sandy Howell, Planner, Ms. Susie Morris, Planning and Development Director, Ms. Kendall Bolton, Clerk to the Board, Mr. Richard Koch, County Attorney and Mr. Evan Lee, General Counsel.

**Oath of Office** was given to re-appointed members Mr. Stephen Wise, Mr. Andrew Nance and to newly appointed member, Mr. Mohammed Idlibi.

**Roll Call**

**Approval of Minutes**

Approval of October 11, 2022, Planning and Zoning Commission Meeting Minutes.

There being no corrections or additions to the minutes, Mr. Jeff Corley **MOTIONED, SECOND** by Mr. Stephen Wise to **APPROVE** the October 11, 2023, meeting minutes. The vote was unanimous.

**Approval of Granting Order with finding of facts**

Approval of October 11, 2023, Granting Order with finding of facts for SUSE2022-00014 Special Use Permit request for wireless communications tower. Applicant is PeakNet, LLC

There being no corrections or additions to the granting order, Mr. Charles Paxton **MOTIONED, SECOND** by Mr. Jeff Corley to **APPROVE** the October 11, 2023, Granting Order with Finding of Facts. The vote was unanimous.

The Chair said since there is not a large crowd, I will not read the suggested Rules and Procedure. Do we have a motion to adopt the rules?

Mr. Brent Rockett **MOTIONED, SECONDED** by Mr. Andrew Nance to **ADOPT** the Rules of Procedure. The vote was unanimous.

**New Business Planning Board Function:**

RZON2023-00001 – Rezone property from Office/Institutional (OI) to Agricultural/Open Space (AO). Owner/Applicant is Clement Hammill, Hammill Logging. Address is 15730

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Glenmore Road (PIN: 6603-89-3130).

The Chair called on Ms. Sandy Howell to present the Staff report.

Ms. Sandy Howell, Planner, addressed the Board presenting the Staff report for RZON2023-00001. The purpose of this request is to rezone the subject property from OI to AO. The subject property is approximately 51 acres. It has been in the forestry program for a while now, the owners used it periodically for timber.

A 68-foot Duke Power right-of-way runs diagonally across the property. There is no floodplain located on the subject property and it is not located in a Watershed.

Agricultural uses are not permitted in the OI district. Therefore, a rezoning of the subject property would decrease the non-conforming status of the property and bring the use of the property into better compliance with the current ordinance.

In 2005, several properties throughout the County were rezoned to OI as the result of recommendations in the Cabarrus County Strategic Plan for Economic Development (AKA LeakGoforth Study). This study identified potential sites for Future Employment/Industrial Development. It is assumed that this property was included in the rezoning as an expansion of the area identified in the study as Site Q. (Showing on Map)

The Comprehensive Transportation Plan Index from the Cabarrus-Rowan Metropolitan Planning Organization contemplates that the section of Hwy 52 near the subject property will expand from a 60 foot right of way to a 100 foot right of way due to increased traffic volume in the future. (Showing on Map)

A mining operation is present to the east of this property. In 2019, a Conditional Use Permit was approved to expand the mining operation. Two neighboring parcels to the east was purchased later that year for the mining company from which no site plans have been submitted concerning expansion, we can assume this is for buffering purposes. They purchased this (showing on map) parcel as well. In 2021, a Rezoning was approved to rezone from OI to GI-CU to expand the mining operation area, this was mainly used for laydown purposes.

Governmental water provided by Stanly County was extended in the area for public safety purposes. Sewer has not been extended in the area.

The proposed rezoning is not consistent with the Eastern Land Use Plan. However, the area where the subject property is located has not developed as contemplated in the original Plan. Except for the Gold Hill Quarry, Stalite, and the private airport to the north, properties in this area are developed as residential, a lot of which were constructed prior to the establishment of county zoning. The subject property has also been used for agricultural purposes since prior to the establishment of zoning.

This is a conventional rezoning request; therefore, all uses permitted in the AO zoning district would be allowed on the subject property if approved. The Planning and Zoning Commission

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should consider all the information provided and determine if the proposed rezoning is consistent with the Commission's vision for this area of Cabarrus County.

The Chair asked if there were any question for Ms. Howell.

There being none, the Chair called on Mr. Hammill to make a presentation.

Mr. Clement Hammill of 6007 St. Stephens Church Rd. Gold Hill, NC, addressed the Board. He said we acquired this property in 1993, it was a part of a larger piece of land that had been broken up. We bought it mainly for the timber that was on the property, it was about half timber and half farmland when purchased. My uncle farmed the land up front, while we cut the timber and re-planted trees in 1994 making them 29 years old today. We have tried to sell this land for the last 8-10 years and have had a lot of people interested in it until they found out you cannot build a house on it.

I will be 72 years old tomorrow; I have been retired for 5 years. The idea for selling the land is to supplement our retirement income.

The property is in a good place. It has good road frontage, city water, and red land on top of the hill. This would be no problem for septic if someone wanted to build a house on it. We have had the property now for 30 years and we would like for it to move on.

I have talked with all the neighbors and have had no complaints from anyone as far as changing it over. We have had several people that are interested in buying it for the investment, simply because the timber is young. It does need to grow another 15-18 years before it is mature enough to harvest, it will double in value then.

The Chair asked if there were any questions for Mr. Hammill.

There being none, the Chair opened the public hearing. There were no questions or comments from the public. The Chair closed the public hearing.

The Chair said we need to discuss this and come up with a motion to approve or deny the rezoning request.

Mr. Brett Rockett said although this rezoning would not be consistent with the land use plan, it still appears to be fully surrounded by AO property and would fit well with the surrounding properties.

Mr. Charles Paxton said this would also bring it into better conformity.

Mr. Chris Pinto asked was the OI put in there like the Hill property? They just inherited it and would not be here if they did not have the OI from before?

Ms. Susie Morris said that is correct. Based on that map, it looks like in this case they expanded that OI out. If you remember, that is how Mr. Hill got into that situation. It appears that this is how the Hammill's got into this situation because it does expand beyond that area that was identified in the LeakGoforth study.

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Mr. Chris Pinto asked so it was AO before OI. Right?

Ms. Susie Morris said correct. There is a map of the previous zoning in your packet, it shows that the property was OI. In 2005-2006 this was zoned OI to be put into the holding pattern that we have talked about multiple times, for projects to come in and ask for rezoning.

Mr. Chris Pinto said I guess what I am saying is, they have an expense now that they wouldn't have had to have if the County wouldn't have moved to put this to OI. They are here spending four hundred something per acre to get the zoning from what they had before.

Ms. Susie Morris said that area was contemplated as industrial. There were industrial opportunities there and it has not flipped over like they thought it would have. Also, there is not sewer there. That may also have something to do with it as far as industry not locating there. Had that site all flipped at once, we would not be having this conversation.

Mr. Jeff Corley said current use, and any potential use, in the AO is compatible with the adjacent properties and seems to be an extension of the existing AO that is already in place surrounding it.

The Chair asked if there was any further discussion. There being none, he asked if anyone would like to make a motion? Please give reasons to approve or deny the request.

Mr. Jeff Corley **MOTIONED, SECONDED** by Mr. Brett Rocket to **APPROVE** the rezoning request from OI to AO based on the reasons mentioned by the Board. Vote was unanimous.

### **Consistency statement**

Mr. Jeff Corley said this rezoning is reasonable and in the public interest in that while not consistent with the land use plan, this area has not developed as anticipated by the land use plan. This rezoning will provide better conformance for the existing uses on the property. The rezoning will keep the integrity of the surrounding community and the current uses, as well as any future uses, and will be compatible with the existing uses that surround it.

Mr. Rich Koch added that is based on the staff report, staff's presentation, the owner's presentation, and the owner's application.

Mr. Jeff Corley **MOTIONED, SECOND** by Mr. Stephen Wise to **APPROVE** the consistency statement. Vote was unanimous.

### **Legal update**

Mr. Rich Koch said not much has changed but in the next 30 days we may know more about several cases. He also introduced new general counsel for the County, Mr. Evan Lee.

Mr. Evan Lee greeted the Board.

### **Director's report**

Ms. Susie Morris said we still are working on filling our empty position. Mohammed Idlibi, our new alternate, represents the Harrisburg Area. We are still working towards filling the Midland position, we may have a potential candidate.

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As most of you probably know we are busy, there is a lot going on with the County. The new courthouse anticipated opening is May. They may do tours of the facility. What is happening on the front now, that is not the County, that is the city, that is the streetscape project. The plaza is also anticipated to be opened at the same time the courthouse is, the County's part of the public plaza. That will be a lot different for the downtown to now have that public space and area, then the streetscape will carry onto Union Street.

There is a lot going on with the County in general with construction and new projects we are involved in. There us a new park and Senior Center coming to the Mount Pleasant area. We had our first public meeting for the park off St. Stephens Church Rd. Where they were talking about doing the equestrian subdivision, they have flipped that property to the County. That is intended to be a passive type of park. I do not think you all will see that. Hopefully it will be headed on the right path from the start.

The last round of trainings done by the School of Government was for historic. When that next round starts of the in-person trainings, we will be sure to get that out to you so you can have a refresher. If any of you think you need a refresher before then, the videos are always available to you.

There being no further discussion, Mr. Charles Paxton **MOTIONED, SECONDED** by Mr. Stephen Wise to adjourn the meeting at 6:59 p.m. The vote was unanimous.

**APPROVED BY:**

Mr. Adam Dagenhart

**SUBMITTED BY:**

Kendall Bolton

**ATTEST BY:**

Susie Morris, Planning and Development Director