



Cabarrus County Government – Planning and Development

Planning and Zoning Commission Minutes

February 13th, 2024

Ms. Holly Edwards, Chair, called the meeting to order at 6:30 p.m. Members present, in addition to the Chair, were Mr. Charles Paxton, Mr. Chris Pinto, Mr. Brent Rockett, Mr. Stephen Wise, Mr. David Hudspeth, Ms. Ingrid Nurse, Mr. Adam Dagenhart, Mr. Andrew Nance, and Mr. Michael Bywaletz. Attending from the Planning and Zoning Department were, Mr. Phil Collins, Senior Planner, Ms. Sandy Howell, Planner, Ms. Susie Morris, Planning Director, Ms. Kendall Bolton, Clerk to the Commission, and Mr. Richard Koch, County Attorney. Mr. Jeff Corley and Mr. Mohammad Idlibi were absent from the meeting.

Oath of Office was given to Mr. Bywaletz. He will be representing the Midland Area.

Roll Call

Ms. Kendall Bolton, Clerk to the Commission, called the roll.

Approval of Minutes

The Chair asked if there were any corrections or additions to the minutes for the December 12th, 2023, Planning and Zoning Commission Meeting.

There being no corrections or additions to the minutes, Mr. Adam Dagenhart **MOTIONED, SECOND** by Mr. Charles Paxton to **APPROVE** the December 12th, 2023, meeting minutes. The vote was unanimous.

Approval of the Granting Order with Finding of Facts for SUSE2023-000028, Special Use Permit request for Public Service Facility (Radar Tower).

The Chair asked if there were any corrections or additions to the Granting Order for the December 12th, 2023, Planning and Zoning Commission Meeting.

There being no corrections or additions to the Granting Order, Mr. Brent Rockett **MOTIONED, SECOND** by Mr. Adam Dagenhart to **APPROVE** the December 12th, 2023, Granting Order. The vote was unanimous.

The Chair said, for the audience and the Board tonight, I am going to read the suggested Rules of Procedure.

1. The Cabarrus County planning staff person(s) shall first present the staff report and answer questions from the Commission. There will be no time limit on this presentation.
2. The Applicant may make a presentation to the Board (optional) and will then answer questions from the Commission. There will be a 15-minute time Limit on the presentation

- if the Applicant chooses to make a formal presentation. There will be no time limit on questions from the Board following the presentation.
3. When the Board is ready to proceed, the proponents (those speaking generally in favor of the case) will have a total of 15 minutes to speak and/or present documents in support of their position. The 15-minute time limit does not include questions directed to the proponents by the Commission.
 4. After the proponents' finish, the opponents (those speaking generally against the case) will have a total of 15 minutes to speak and/or present documents in support of their position. The 15- minute time limit does not include questions directed to the opponents by the Commission.
 5. Each side will then have 3 minutes for rebuttal, with the proponents going first. Again, questions directed to the speaker will not count against the time limit. This will conclude the public hearing portion of the meeting and the Commission will proceed to deliberation.
 6. Each side is strongly encouraged to use a spokesperson to present the positions commonly held by each. Each side is also strongly encouraged to organize their speakers and presentations to ensure that all persons wanting to speak will have time to do so.
 7. If a speaker has questions of a person on the other side, such questions shall be addressed to the Commission members to be redirected to the person to be asked. There will be no direct questioning of one speaker by another except through the Commission.
 8. Public demonstrations of support for a speaker's comments should be limited to clapping. Any other type of audible support shall be out of order and subject the offender to being removed from the building. Anyone speaking out of order shall likewise be subject to removal.
 9. These rules are designed to have a full and fair hearing that is orderly and expeditious and avoid unnecessarily repetitious presentations.

Mr. Brent Rocket **MOTIONED, SECOND** by Ms. Ingrid Nurse to **ADOPT** the Rules of Procedures. The vote was unanimous.

Old Business Planning Board Function (meeting canceled due to weather):

RZON2023-00005 – Rezoning from Office Institutional to General Industrial. 9-acre property. Owner is Clara M Wheeler. Applicant/Agent is Boyd Stanley. Address is 4788 NC Highway 49 N (PIN: 5559-39-9086).

The Chair asked the Board if anyone had any conflicts or information that needed to be disclosed related to the case.

Mr. Pinto said, I am personal friends with the owner of the property, I would like to recuse myself.

The Chair said, thank you Chris. At this time the Board will need to vote for Mr. Pinto to step down and for an alternate to take his place.

Mr. Brent Rockett **MOTIONED, SECOND** by Mr. Adam Dagenhart to **RECUSE** Mr. Chris Pinto and for alternate, Mr. David Hudspeth, to take his place. Vote was unanimous.

The Chair called on Senior Planner, Phil Collins, to present his staff report.

Mr. Collins said, a chemical manufacturing business currently occupies the subject property. The subject property is not located in a watershed area and has no regulated floodplain. The eastern half of the subject property, approximately 4.5 acres, is vacant and wooded.

The subject property is surrounded on the North by the Cabarrus Arena, on the West by the McDonald General Store, on the Southeast by residential and agricultural uses and vacant properties. The subject property is surrounded to the North by City of Concord Zoning Public Interest District (PID), to the West by OI and LC, to the South by CR, LDR, and OI, and to the East by LDR and OI.

The subject property is currently served by private well and septic. The development ordinance states the following about the General Industrial district: While this district permits both large and small scale industrial and office development, its primary purpose is to provide a location for large scale development. It is designed to permit a very wide variety of industrial uses which may occur both indoor and outdoor, including certain land uses which are permitted in no other zoning district because of their potential to create nuisances for adjoining properties. In no case, should a general industrial district be located where the result is industrial or commercial traffic penetrating a residential neighborhood.

The development ordinance gives the following about the rationale for the district: this district is intended to provide a location for both light and heavy industrial uses in a zoning district in which the potential for nuisance complaints from nearby properties is minimized. Certain land uses will be permitted only upon issuance of a Special Use Permit. General industrial districts are compatible neighbors with the light industrial and general commercial districts. Care should be taken to site this district on major roadways or near other forms of transportation, such as rail lines, airports, etc.

As a result of the review of this request, the Fire Marshal's Office made the following comments: If there were no immediate change in the operational plan, we would not have any issue with the request. However, if the property is used for another purpose, they will need to have a Certificate of Compliance inspection before changing use or business operations. If the business continues to be used as is, no special action would be needed. If it changes to a different business or they change how the property or buildings are being used in any way then, we will

need to conduct the Certificate of Compliance inspection. We would request that if the property changes hands they contact us and let us know if the updated contact information regardless.

With regards to the Land Use Plan, the subject property is in the Central Planning Area. The Central Area Land Use Plan calls for the subject property to be developed as very low density residential. These areas are intended to remain predominantly rural in character while allowing residential uses to occur at very low to low densities. The predominant use for these areas is single-family residential at densities of up to one unit per 2 acres, or up to one unit per acre provided additional development standards are met. Typically, that means until they have access to public utilities.

The Central Area Land Use Plan depicts five areas designated for mixed-use. Because of their locations and access to infrastructure, among other factors, each mixed-use area will accommodate a different mixture of uses. The area surrounding the Cabarrus Arena is one of these areas. A neighborhood retail node is also shown at the intersection of Highway 49 and Cold Springs Road. The purpose of the node is to support neighborhood scale retail, with no individual use being more than 100,000 SF. An Interlocal Agreement related to utilities and service area boundaries accompanies the Central Area Land Use Plan and was also adopted as part of the land use planning process.

The Interlocal Agreement Consist of two areas, Area A and Area B: For all those properties located within Area A, Concord shall not extend water and sewer utilities except as required by an emergency, including but not limited to failing on-site wastewater treatment systems or failing on-site water wells; or either to (I.) Properties located within Concord municipal limits or ETJ or (II.) to individual buildings or single service lots of record in existence as of June 30, 2008, and which are adjacent to wastewater or water lines as they may exist on June 30, 2008 or (III.) Capital improvement projects to resolve maintenance or operational issues but not to extend service to new customers. Requests for service pursuant to any of these three exceptions must be approved in writing by the City Manager and the County Manager. Concord and the County do consent to the extension of utilities to development owned and operated by the federal, state, county, or municipal governments, or to regional utility lines such as a water pipeline from the Yadkin River basin to Concord.

In conclusion, the Central Area Land Use Plan recommends the area containing the subject property be developed as a very low-density residential. The property is located within Area A as outlined in the Central Area Land Use Plan Interlocal Agreement and on the accompanying maps. In Exhibit D, I believe. The subject property currently has an Office/Institutional zoning designation. The subject property is approximately 9 acres in size. The subject property is currently used as a chemical manufacturing business. Chemical manufacturing is not permitted in the Office/Institutional zoning district. Chemical manufacturing is only allowed in the General Industrial zoning district. The current use of the property is considered non-conforming at this time.

According to the historic zoning maps on file, the subject property was zoned Medium Density Residential from 1992 up until 2003. Sometime between 2003 and 2005, the subject

property was rezoned to OI. A review of historic aerial photos and the current tax cards reveal that the primary structure has been on site since approximately 1971. The accessory building to the rear first appears in the aerials in 1984. The site has remained mostly unchanged since the accessory building was added. The proposed zoning change from OI to GI would allow for more uses, and more intense uses, than currently permitted under the existing OI zoning designation.

This is a conventional rezoning request; therefore, all uses permitted in the GI zoning district would be allowed on the subject property if approved. The Planning and Zoning Commission 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. With that, I will answer any questions you all may have.

There being no comments or questions for Mr. Collins, the Chair called on the applicant Mr. Boyd Stanley. The Chair said, please state your name and address for the record.

Mr. Stanley said, good evening. Boyd Stanley, 500 South Cannon Blvd. Kannapolis NC. A few points just in response to Phil's good presentation, I would like to point out there is no sewer to this property so it would be limited industrial uses. The reason why the Applicant wanted to apply for a straight rezoning was to get it into compliance. It has been a chemical manufacturing plant, I think, since '71. It has been over 45 years with the current ownership.

I would like to point out there is no sewer currently available so there is not a wide range of uses that could locate there. The Central Area Plan calls for this property to be very low-density residential. It does have 950 feet of road frontage on a 4-lane divided highway. So that doesn't really seem to fit, and that plan may be dated. That was another reason I was in agreement with my Applicant's decision to apply for a straight rezoning. Obviously, the existing land use is industrial. I think that is all I have; do you have any questions?

Mr. Dagenhart said, so the reason you are wanting this rezoning change is to get it into compliance, not to sell or develop it?

Mr. Stanley said, not at this time. I did speak with the Applicant. They mentioned there were no immediate plans to sell it. Of course, it is their right to do so in the future. But there are no immediate plans, I did ask that question.

Mr. Paxton said, if we approve this rezoning with a more intense use, I am a little bit concerned about that being across from the convention center, you have the fair and all of the other stuff there. With having a more intense use, would that affect the fair or anything like that?

Mr. Stanley said, being divided by a 4-lane highway and the buffering requirements for any use that would locate there, I would hope that would mitigate any negative impacts.

Mr. Dagenhart said, was it ever discussed about doing a conditional rezoning opposed to a straight rezoning?

Mr. Stanley said, that option was thrown out there, but there were just too many unknowns on the Applicant's behalf. Also, the requirement for the full-scale site plan of the existing site and driveway permit and erosion control and all of that is a burden when they are just trying to get it into compliance. That was probably the deciding factor in applying for the straight rezoning vs the conditional.

Mr. Dagenhart said, you are asking us for approval when we have a lot of unknowns about what may happen with the property. Not to mention all the uses that could potentially go there.

Mr. Stanley said, correct.

Mr. Dagenhart said, I have never been a fan of straight rezonings, without a plan at least on how the property is going to develop.

Mr. Stanley said, understood.

Mr. Hudspeth said, under the permitted uses, under industrial, there is intense uses that could be there. If we change the zoning it would follow the property to the new owner or if the owners decide to use it for some other purpose. That would concern me, especially since the County has the property across the street along with retail establishments across the street. I know there is 4 lanes there but still. There's an asphalt plant, concrete plant, ethanol fuel production plant, mining operations, foundry, iron works, steel mills, landfill, demolition and sanitary. A lot of the uses listed are fine, but it creates a concern.

The Chair asked if there were any other comments or questions before I open the public hearing. There being none, the Chair said, I will open the public hearing for those that are here to speak in favor or against. Hearing none, the Chair closed the public hearing.

Due to technical issues, the Chair asked the Board if they were okay taking a pause to hear the Directors report and Legal updates. Everyone agreed and the meeting proceeded.

The Chair called upon Ms. Susie Morris to present the Directors report.

Directors Report

Ms. Morris said, any of you that are looking at or trying to use the modules, they are no longer available to you. The School of Government decided to update those. They took them down but didn't replace them with anything. We are looking for other alternatives for training. They did say they anticipate they will be doing some in person trainings. When those come around, this year and next year, we will have money for you all to attend those training if the new budget is approved. We do have some funds there now.

Also, I wanted to let you all know we currently have an administrative position within our department that is open, if you know anyone that may be looking to move to the Community Development Division. There is a lot of reporting and grant tracking that goes along with it. If you know someone who is interested in making a change, let me know. It is not advertised yet

but we will also have a Planner position open if you know anyone that potentially would be interested in that. I know you may have seen the email earlier from Evan, so I will let Rich talk about that. That is from our in-house council, he sent you all an email. Just a reminder we need to be building the record. You all have a list of topics and questions for these different types of cases, we need to make sure that we are building a record. If there is an appeal and it goes to court, that is all that the Judge has to reference. We do not get a new opportunity to argue the case or anything like that. We just need to make sure that were all working together to build that record. Thank you.

Legal Update

Mr. Koch said, you all received an email from Evan earlier today concerning the Arstark case. This one has been hanging around for a long time. You on the Board that have been around for a while remember it. It was an appeal of NOV's that were served against her property. There were three different issues if you remember. Basically, the Board decided to uphold all three of those NOV's. The votes were different for each one of them, if you remember, but they were all upheld. From there she decided to appeal it to Superior Court which is where it goes. That appeal, she filed it on time, then she never perused it. It was just sitting there on the Docket of the Superior Court for a couple of years. At some point, since it wasn't the County's appeal, we weren't doing much about it. Finally, at the end of last year, she decided she wanted to peruse it on her own without an attorney. Evan argued it, I think he sent you a copy of the Judge's Order, you have to see that. Basically, what happened was the Judge upheld the decision of this Board on each of the three issues. So, she completely lost on all of them. The decision you will see is long, but he goes through all the issues that were raised on the appeal and sided them all in favor of the County and what this Board had decided.

It wasn't surprising that was the result because if you remember we had two hearings. We took a lot of time to make sure it was done right and that there was enough evidence to support each of those NOV's. It just took a long time to get there. For her, her next move is if she wanted to appeal that decision it would be to the Court of Appeals of the State of North Carolina. For her to try and do that on her own it would be awfully tough. Aside from that, you can see the Judge gave an Order that he prepared himself. It was not prepared by Evan or me, which a lot of times those kinds of Orders are prepared by the lawyer. He did that on his own, he was an out-of-town Judge. It wasn't like he was someone from Cabarrus County. He went through all the issues and marshalled the facts for each one of them. For those of us that deal with those kinds of legal issues, there is a lot of law that says how you are supposed to do that.

The way he went about it shows that he knows the law in that area. There are a lot of Superior Court Judges that do not deal with these kinds of cases very often. They really don't know much about them because they are so different from what they typically do in their daily judging. He did a really good job of handling the Appeal. If they were to try an appeal that, she wouldn't get very far in my opinion, and I don't think she plans to. At this point it does seem as if she has an understanding that she is kind of at the end of her legal rope. We just have to figure out a way to resolve the case. There is a little bit of discussion about that, but it hasn't gone very far. That is where that matter stands.

Given all that is going on, I see that County Commissioner, Lynn Shue, is here, he has received a lot of emails and information from her. She was working on the Commissioners to try and get some sort of result. They are not involved in these matters, they go directly from the Board of Adjustment to the Superior Court, it doesn't go to the Commissioners. There was a lot of that going on, a lot of other things behind the scenes that she was doing, and thought would help her, maybe politically or some other way to achieve the results she wanted.

None of that has worked and the County has kept their position of what we did in upholding what the Board here did. That is basically how that one worked out. It has been going on for 3, almost 4 years now. I think we are past the point of dealing with the legal issues. Hopefully, we can get some sort of resolution.

Part of the problem with her situation out there is the property is too small to do everything that she wants to do. Some of it that she wants to do, she can't do in that zoning district. She wants to have a commercial kennel for her dogs, she can't do that. She built a house out there, if you remember what got all this started is when she built a barn in the water body buffer, that is what started it. The barn is going to stay there, we are just trying to work it out and make sure the buffer is not disturbed any further. I think that is where we are trying to head. Even though the legal matters having been decided, we still need to deal with what is going on at the property. It is hard to say at this point how it is going to work out.

For those of you that were on the Board when we had those hearings, what you decided was affirmed by the Court. It was done in a way; the Judge really understood the law in the area. You should feel vindicated. Kinda like we do from a legal perspective, it was handled correctly, and it was the right decision. That's it for the legal update, just the one case.

The Chair said, getting back to where we left off, I would like to open the floor for discussion, who would like to start? I would like to ask, do any of you feel this meets the Land Use Plan?

Mr. Paxton said, I do not feel it meets the Land Use Plan but however, we are here to help in any way we can. I am concerned about more intense uses if we allowed the straight rezoning. My question would be, how much would it cost, you said there was a cost involved and that is why you went with a straight rezoning, how much would it cost to do the conditional rezoning?

Mr. Stanley said, obviously another application fee but it would be a full engineered site plan.

Mr. Paxton asked, is that \$1,000? Is it \$5,000?

Mr. Stanley said, probably at least \$5,000 and then a driveway permit from NCDOT, I would think. It really depends on peoples' availability. Sometimes you can get sketch plans for \$2,500, I don't really know.

Mr. Dagenhart said, I don't see why you need a driveway permit, you have an existing driveway.

Mr. Stanley said, is it not required for us to do so? Isn't erosion control and a driveway permit required Susie?

Ms. Morris said, to proceed with a conditional district, they would either have to have a permit in hand or something from that agency. Just like you all have seen in the past, saying they were not subject to that requirement. With a driveway permit, if DOT was good with what was there, then they would simply provide an email to say that it was fine. Same thing where if they are not disturbing the property, then there would be no input needed from NCDEQ at that time.

The Chair said, if that driveway does not meet the specs, then they would have to get the driveway permit to meet those specs, correct?

Ms. Morris said, that would be up to NCDOT but yes. If they were not changing the actual site, then they would probably say that it is fine but put a condition on it. If it changed, then they would have to come back. We do see that sometimes.

Mr. Stanley said, I would like to add that any additional uses, if it were straight rezoned, would require a revised driveway permit with that non-residential site plan. It would be an industrial site plan. Any other questions?

The Chair said, for the record, we need to have discussion. Does it meet the proposed zoning district?

Mr. Nance said, I do believe it meets the zoning district. I am concerned with my fellow Board members about the straight rezoning. I think there are too many variables right now that we do not know.

Mr. Dagenhart said, the Applicant said there is no sewer. There is 9 acres there. There is a lot you can do with 9 acres and do well and septic. A lot of those uses on that list do not need or generate a lot of water or sewer.

Mr. Paxton said, our options now are rezone or no rezone or do a conditional use.

Mr. Koch said, you cannot do that, it is not what is in front of you.

Mr. Paxton said, so it is rezone or no rezone.

Mr. Dagenhart said, we can ask the Applicant if they would like to table it and come back with the conditional district.

The Chair called upon Mr. Stanley to respond.

Mr. Stanley said, I assume that is the collective feeling of the Board?

The Chair said, it is starting to look that way, yes.

Mr. Stanley said, then yes, we would rather draw back than be denied.

The Chair asked if there was anyone on the Board that had an issue with the decision.

Mr. Wise said, I think we just need to see more information about this. I know 49 is growing like crazy, 4 miles away you have a Kroger/Harris Teeter distribution center that is almost done. I would like to see more drawings of what they have planned for this property before we just open it up to all of the stuff in GI.

Mr. Stanley said, is there any input on the level of detail you would like to see? Part of the challenge is they don't know. There are 9 acres there that they want to get into compliance.

Mr. Dagenhart said, I think what we are going towards is conditional district just for this specific use. Not conditional district for everything. Now if they wanted to sell the property or develop the property, then they come back with either a straight rezoning or another district.

Mr. Stanley said, is it a fair question to ask, because there is so much property there, could they draw basically a building and limit the uses? If we do come back with a site plan. Is that fair to say just so they don't have to keep coming back to the Board? Or would you guys like to know specifically?

Mr. Koch said, they could.

Mr. Stanley said, it seems like a big limitation just to limit themselves to that one use.

Mr. Dagenhart said, that's why you came, you said you were just trying to get it into compliance.

Mr. Stanley talking over Mr. Dagenhart (inaudible).

Mr. Stanley said, I know, but if they are going to spend the expense to get the fully engineered plans and come back, they would want some leeway probably.

Mr. Dagenhart said, is the county requiring them to get into compliance?

Mr. Stanley said, that is a requirement, a sealed engineer plan, is it not?

Mr. Dagenhart said, no, are they requiring the site to come into compliance?

Mr. Stanley said, no, the Applicant would like it to be in compliance.

Ms. Morris said, the answer to your question Mr. Dagenhart is the county is not requiring this. Nothing has come up as far as this site. As far as trying to do site modifications or anything like that. A non-conforming status would have come up. This is purely driven by the Applicant.

To answer your other question about the conditional district, that does require a site plan. It also requires a list of permitted uses. To Mr. Stanley's point, if the property owner wanted to propose additional uses versus just the one for that particular building and what is there, that is the site

plan that they submit and list of uses. The Board would then have the opportunity to decide whether that potentially shortened list of uses is appropriate or not appropriate.

At this point, the site plan most likely recognizes what is there but then the Applicant would also have the burden of determining whether they see expansion happening or coming up with the site plan. Sometimes you all see a phase one and phase two or something like that. That way the plan can then be carried on throughout the life of the project versus just that. It sounds to me, if I am hearing what you all are saying, that you all are concerned about the conventional rezoning and would like to see that list shortened. The way that list becomes a shorter list is a conditional district that also includes a site plan.

Mr. Dagenhart said, correct me if I am wrong, but if we do a conventional rezoning, that is with the property forever. If we do a conditional, it is with the property as long as they own it. If they sell it, does it change? Or if they change industry?

Ms. Morris said, the conditional district becomes its own mini ordinance and applies to that specific property. When you all approve it, that would transfer if ownership transferred.

The Chair said, I would now ask for a motion to table.

Mr. Stanley said, we will try to come back next month.

The Chair asked, do you want us to table this for 30 days, 60 days?

Mr. Stanley said, I am not sure we will be ready to come back in 30 days but 60 would be better. Can we come back in 30 if we are ready?

Ms. Morris said, if something starts out as a conventional district and then goes to a conditional district, we do not have to re-advertise but what we need to keep in mind is there are other applications that are submitted. There is no guarantee that those applications would make it to next month. I think 60 days or 90 days would be more reasonable. I know Mr. Stanley is a part of a larger group but they would have to do the work. The Applicant would have to decide what they need to do in order to come back for that type of request.

Mr. Stanley said, could we say like 60 days to how many ever days? 30 days is just not reasonable for us, we all know that right?

Ms. Morris said, (speaking to audience) is there anyone here that is an interested party for this particular case? With that being said, the issue becomes, if we do not set some sort of particular date, the people that are here do not know when to come back because it was advertised for this evening.

Mr. Stanley said, lets set it for 60 days.

Ms. Morris said, we allow someone to table twice. After that, they would have to start over because we would have to start over with the advertising.

Mr. Stanley said, I am confident we will be ready in 60 days.

Mr. Dagenhart said, do we need to put a date on that? April 9th would be the date if so.

Ms. Morris said, that is fine. If for some reason they are not ready, they can table again before they have to start over, and we have to readvertise.

Mr. Rockett said, if that meeting didn't take place for some other reason, it has only happened once since I have been on the Board, other than no cases but just for instance, what happens then?

Ms. Morris said, it would then get pushed to whatever that next available agenda is.

Mr. Rockett said, how do the people that wish to attend to speak on it know that?

Ms. Morris said, if we do not have a meeting, then it wouldn't be advertised.

The Chair said, we now need a motion.

Mr. Paxton **MOTIONED, SECOND** by Mr. Adam Dagenhart to **TABLE RZON2023-00005** – Rezoning from Office Institutional to General Industrial. Applicant will return in 60 days being April 9th, 2024. Vote was unanimous.

New Business Planning Board Function:

RZON2024-00001 – Request to add Manufactured Home Overlay 2 to CR property. David & Marissa Head & Janet Lentz are owners/applicants. Addresses: 6780 and 6790 HWY 49 N, Mt. Pleasant (PIN: 5660-43-4605 & 5660-44-4303).

The Chair called upon Mr. Pinto to be reseated.

Mr. Pinto said he would like to allow Mr. Hudspeth to continue in his place.

The Chair called on Planner, Sandy Howell, to present the staff report.

Ms. Howell said, the request is for the Mobile Home-2 Overlay to voluntarily be added to two properties. The proposed change could be considered an extension of the existing Overlay District as shown in the staff maps (showing map of properties and coloration of exhibit).

The subject properties are existing lots of record within the Countryside Residential zoning. A small triangle portion of the larger parcel is a part of Mount Pleasant's Extra Territorial Jurisdiction; the small triangle portion is not included in the request because it is in the Town of Mount Pleasants jurisdiction. The MH-2 Overlay allows a double wide manufactured home to be substituted on the property as the principal building versus a modular home or stick built home. The parcel addressed 6790 NC HWY 49 N currently has a double wide manufactured home and has been in use since 1997 as a legal non-conforming use. The addition of the MH-2 Overlay

would bring the current use of the property into better compliance with the Cabarrus County Development Ordinance.

Currently there are two single-wide homes, five double-wide homes, two modulars and seven stick built homes present within the vicinity of the subject properties. The properties are within the Eastern Planning Area Plan and while the Plan recommends a certain density, this request is intended to allow the Applicant to place a manufactured home on an existing lot of record where manufactured homes are currently not allowed. Therefore, this request would not have any effect on the application of the Plan. The area is already developed as recommended by the Plan.

This is a conventional rezoning request; therefore, all uses permitted within the underlying CR zoning district and the proposed MH-2 Overlay would be allowed on the subject property if approved. The Planning and Zoning Commission 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 Applicant is here to answer any questions you all may have. Thank you.

The Chair asked if there were any comments or questions for Staff or the Applicant. There being none, the Chair called upon the Applicant to speak. The Chair said, please state your name and address for the record.

Mr. David Head, 686 Miramar St. NE Concord, NC 28025. He stated, our plan for the property is to do a single-family dwelling, just for our family.

There being no further comments or questions, the Chair opened the public hearing and called upon Ms. Belinda Settle to speak.

Ms. Settle, 1200 Long Farm Lane, Mount Pleasant NC 28124. She said, I am the property immediately adjacent. The mail and all the information we got said that this would be rezoned for high-density mobile home rezoning. The high-density is the reason I am here. That is not something we are interested in having next door to us just because of the traffic. Mobile home parks bring in less than desirable crime and there is usually just a lot when bringing in a high-density mobile home park. If it is a single family, obviously we have no objection. We like our neighbors.

Again, we are immediately adjacent, we are right next door. Ms. Lentz, I think, my mother knew her for many many years. We were zoned one home per acre, I feel like that is appropriate for our area. My sister is right next door, between the two we have almost 3 acres. If this is just about having a single home for their family, welcome to the neighborhood. If it is about a high-density mobile home park, I just don't know. We are having so much growth in Mount Pleasant right now. I do not think that would be in anyone's best interest. We have a huge housing development going up right across from us almost. There is just too much. Again, I am here because the paperwork made it look like they are trying to rezone for a multi-home, mobile home park. That is the only objection I have.

The Chair asked if there were any comments or questions.

Mr. Paxton said, yes, is this being re-zoned for high-density?

Mr. Rockett said, it is not MHP right?

Ms. Howell said, it is Manufactured Home 2 Overlay. That is what those letters and numbers mean. In exhibit F, it lists everything that is allowed. The easiest way to put it is MH-1 allows for single wides and double wides. MH-2 only allows for double wides. That is the difference in the two. But that is not what they are asking for, they are not asking for a mobile home park.

Mr. Nance said, what is the density again?

Ms. Morris said, just to add, if this was an actual mobile home park, they would have to be asking for the MHP Overlay.

Mr. Rockett said, that doesn't mean there couldn't be multiple living units, right? It has to be a single residence?

Ms. Morris said, yes, one dwelling unit per parcel. If there was enough there to subdivide it, down the road they could potentially do something else with it. That particular property has some limitations as far as flood plain. The conversations they have had with Ms. Howell is that it is strictly for one manufactured home to be placed there.

The Chair asked if there were any further comments or questions, there being none, the public hearing closed and opened the floor for the Board to discuss.

Mr. Paxton said, I would like to speak in favor of the request. It seems like they want it for just a single-family dwelling. That is what is requested, and I think that is appropriate.

Mr. Dagenhart said, I would say that the proposal is consistent with the neighborhood around it.

The Chair said, what else? It is consistent with the neighborhood, and it meets the Land Use Plan.

Mr. Nance said, with the floodplain, I think it would be tough to try and subdivide and put more than what we are looking at or discussing here. That makes me feel better.

Mr. Paxton said, I do not think it would be detrimental to the neighborhood.

Ms. Settle approached and said, would this open us up to having more than one house per acre? Honestly, if it is one house per acre, other family members might want to move in and that is absolutely fine, but we do not want to see it subdivided and have 4 or 5 per acre.

The Chair said, that would have to a whole other application.

Ms. Settle said, so that would have to be a whole new thing, okay.

The Chair said, would anyone like to make a motion.

Mr. Adam Dagenhart **MOTIONED, SECONDED** by Mr. Stephen Wise to **APPROVE** the Request to add Manufactured Home Overlay 2 to CR property; RZON2024-00001. Vote was unanimous.

Consistency Statement

The Chair said, we approved the motion and request due to it is consistent to the neighborhood and meets the land use plan. There would have to be a new application to do anything different.

Mr. Nance said, I would just like to add, MH-2 has a lower density than MHP does.

Mr. Rockett said, it was also mentioned by Chuck that it is not detrimental to the neighborhood.

Mr. Koch said, for all the reasons that you have stated as the Board, this rezoning is consistent with the provisions of the Eastern Area Land Use Plan. It is reasonable and in the public interest.

Mr. Brent Rockett **MOTIONED, SECONDED** by Mr. Andrew Nance to **APPROVE** the consistency statement. Vote was unanimous.

There being no further discussion, Mr. Brent Rockett **MOTIONED, SECONDED** by Mr. Stephen Wise, to adjourn the meeting at 7:36 p.m. The vote was unanimous.

APPROVED BY: Holly Edwards, Chair



SUBMITTED BY: Kendall Bolton, Clerk



ATTEST BY: Susie Morris, Planning Director

