

Cabarrus County Government – Planning and Development



**Planning and Zoning Commission Minutes
April 8, 2025**

Mr. Adam Dagenhart, Chair, called the meeting to order at 6:31 p.m. Members present, in addition to the Chair, were Ms. Holly Edwards, Mr. Chris Pinto, Mr. Brent Rockett, Mr. Stephen Wise, Ms. Ingrid Nurse and Mr. Mohammed Idlibi. Attending from the Planning & Development Department were Mr. Phil Collins, Senior Planner, Ms. Susie Morris, Planning & Development Director and Ms. Lisa Johnson, Clerk to the Planning & Zoning Commission. Also in attendance were Ms. Lauren Linker, Clerk to the Board of Commissioners and Mr. Douglas Hall, General Counsel. Absent from the meeting were Mr. Michael Bywaletz, Mr. Charles Paxton, Mr. Andrew Nance and Mr. Jeff Corley.

ROLL CALL

Ms. Lisa Johnson, Clerk to the Commission, called the roll.

APPROVAL OF MEETING MINUTES FOR OCTOBER 8, 2024

Mr. Brent Rockett, **MOTIONED, SECOND** by Ms. Holly Edwards to **APPROVE** the meeting minutes for October 8, 2024. The vote was unanimous to **APPROVE**.

APPROVAL OF MEETING MINUTES FOR NOVEMBER 12, 2024

Ms. Holly Edwards **MOTIONED, SECOND** by Ms. Ingrid Nurse to **APPROVE** the meeting minutes for November 12, 2024. The vote was unanimous to **APPROVE**.

APPROVAL OF MEETING MINUTES FOR JANUARY 14, 2025

Ms. Holly Edwards **MOTIONED, SECOND** by Mr. Brent Rockett to **APPROVE** the meeting minutes for January 14, 2025. The vote was unanimous to **APPROVE**.

RULES OF PROCEDURE

Mr. Brent Rockett **MOTIONED, SECOND** by Mr. Mohammed Idlibi to adopt the Rules of Procedure. The vote was unanimous to **ADOPT** the Rules of Procedure.

RZON2025-00001 Request to Place AO Zoning on 2.5 Acres Removed from Mount Pleasant Extra-Territorial Jurisdiction per Town Ordinance

Owners of the property are Thomas and Amanda McKenzie. The address associated with the subject property is 375 Mount Pleasant Road, North (PIN: 5671-02-9051).

The Chair, Mr. Adam Dagenhart, asked, are there any conflicts from the Commission that need to be shared in relation to this case?

There being none, the Chair called on Mr. Phil Collins, Senior Planner, to present the Staff Report.

The subject property is currently zoned Mount Pleasant AG (Agricultural). The proposed zoning is Cabarrus County AO (Agricultural/Open Space). The subject property is approximately 2.5 acres in size. Currently, a residence and several accessory structures occupy the property. The property was removed from the Town of Mount Pleasant Extra-Territorial Jurisdiction (ETJ) pursuant to General Statute 160D-202. An ordinance removing the subject property from ETJ was adopted by the Town of Mount Pleasant Town Council at the March 11, 2025, board meeting. The subject property is surrounded by single-family residential homes to the east and south. Surrounding zoning consists of AG and AO zoned properties. The ordinance states that the AO district is comprised mostly of lands usually found on the eastern side, which due to physical characteristics, should remain agrarian. These are also those lands that are conducive to providing recreationally-oriented open space. These land areas should remain farmland and undeveloped forested land in the county. Public utilities will not be planned for these areas. Consequently, residential uses that support working and/or owning the land, home occupations allied with existing residences and very limited business endeavors are envisioned as complementary to the area. In sum, the primary activity of these lands is agricultural. Houses and businesses are typically related to, and supportive of, the practice of modern-day agriculture. However, it is not improbable that a hamlet-type settlement might evolve in this zoning district. As to those areas constituting open space, man-made uses must take care to enhance and not detract from the essential character of the area.

The subject property is located within the bounds of the Eastern Area Plan. The Plan recommends that the area where the subject property is located, be developed as suburban residential. The Plan states that suburban residential is the area plan's single-family designation. The Plan recommends housing densities of one to four units per acre in the suburban residential areas. It further recommends that areas without access to

existing, public utility infrastructure develop at one unit per acre. The suburban residential district includes portions of the existing Residential-Medium Density (RM-1) and Residential-Low Density (RL) districts.

As stated earlier, the subject property was removed from the Mount Pleasant ETJ and the North Carolina Statute section that addresses the relinquishment of the jurisdiction states that when a city relinquishes jurisdiction over an area that is regulated under this chapter to a county, the city development regulations and powers of enforcement shall remain in effect until the county has adopted such regulations or a period of 60 days has elapsed, following action by which the city relinquished jurisdiction, whichever is sooner. Prior to the transfer of jurisdiction, the county may hold hearings to take other measures consistent with General Statute 160D-204 that may be required to adopt and apply its development regulations. The subject property was removed from the Mount Pleasant ETJ per Ordinance with an effective date of March 12, 2025. Cabarrus County has until May 11, 2025, which is 60 days to apply county zoning.

The subject property is about 2.5 acres in size and supports a single-family dwelling. The request would be an extension of the existing AO zoning district to the northwest. The AO district would not be consistent with the Plan recommendation of suburban residential, which supports densities of four units per acre, where utilities are available. The development of one unit per acre is possible for divisions of five lots or less or a minor subdivision. For divisions in the AO district beyond five lots, the minimum lot size is three acres. The request to apply AO for a less intense zoning designation is what the Plan recommends. 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 & Zoning Commission should consider all the information provided and determine if the proposed rezoning is consistent with this area in the county. With that, I will try to answer any questions you might have.

The Chair asked if there were any questions. There being none, the Chair called on the Applicant to speak.

The Applicant said, my name is Thomas McKenzie and I live at 375 Mount Pleasant Road, North. Just to give a brief synopsis of why we are here; we have two children that we want to get into the Mount Pleasant school district. There's not a lot of homes available in the area. We did find one that is a very, small two-bedroom, one bathroom house. There's four of us, so we're a little cramped. To make matters worse, the next door neighbor is the same age as my daughter, and they are absolute, best friends. Everything we could ask for. We are also licensed to foster and adopt. We want to add children, which we obviously can't do with the size of the home that we have now.

When we bought this property, there was a beautiful section on the back side where our realtor said we could build our dream home. Then come to find out, we can't because the zoning in Mount Pleasant requires one house per two acres, so we didn't have enough land to be a part of that. So, our only option was to try to get out of the Mount Pleasant zoning and try to get into Cabarrus, where we could split the parcel and build our house on the back side of it. We've already done the perc testing and everything else to know that we can build whatever house we want on there. Jacob Snyder said we had the best soil in Cabarrus County. That's all we're asking, to be able to build a house big enough for our family to stay in Mount Pleasant and our children go to Mount Pleasant schools.

The Chair asked if there were any questions for the applicant. There being none, the Chair opened the public hearing.

The Chair asked if there was anyone speaking in favor of this request. There being none, the Chair asked if there was anyone speaking in opposition to this request. There being none, the Chair asked if there were any additional questions before the public hearing was closed. There being none, the public hearing was closed.

The Chair, Adam Dagenhart, said, at this time, we need to discuss whether to approve or deny the request. We will also need to generate a consistency statement.

Mr. Brent Rockett said, while AO is not consistent with the land use plan recommendation in that area, it is consistent with at least two adjoining properties. It doesn't seem to be detrimental in any way.

The Chair asked if there was anything else anyone wanted to add.

The Chair said, I would also like to add that to the northwest, there is AO zoning, So, there is AO zoning in which the primary residence is consistent with the neighborhood or the area.

Ms. Susie Morris said, just to clarify, it was difficult for us to articulate this in relation to the land use plan. It's not that it is inconsistent with the Plan, necessarily. The Plan allows higher densities. It's just that the zoning designation is a lower density. They could actually request a higher density. It's still consistent because it's residential, they're just asking for a lower density.

The Chair said, it would be difficult to do a higher density because of the utilities.

Ms. Morris said, that is correct.

The Chair said, if there if there are no other discussions, I would entertain a motion.

Mr. Brent Rockett **MOTIONED, SECOND** by Mr. Mohammed Idlibi to apply AO zoning to the parcel removed from the ETJ area.

The Chair asked Mr. Rockett to give a brief summary of why.

Mr. Brent Rockett said, while it may not be completely ideal because the area does allow the greater density; this proposal is requesting a less intense use of the property. Again, the property next to this is also AO, so it is consistent with the area. Based on the comments and lack thereof from the previous meetings and obviously, there is no one here to speak against it; it appears not to be detrimental in any way to the surrounding property owners or to the area in general.

The Chair advised the board to proceed with the vote. The vote was unanimous to **APPROVE** the request to apply AO zoning to the parcel removed from the ETJ area.

The Chair asked, was there enough provided to suffice as the consistency statement a moment ago?

Mr. Douglas Hall, General Counsel, said, I think so, yes.

Ms. Ingrid Nurse **MOTIONED, SECOND** by Ms. Holly Edwards to **APPROVE** the Consistency Statement. The vote was unanimous to **APPROVE**.

VARN2025-00003 Variance Request for Setback Requirements of Chapter 5 for Existing Accessory Structure-REQUEST TO TABLE

Ms. Susie Morris said, unfortunately, this was inadvertently advertised without having some of the information needed. It is unclear at this time whether the Applicant may need a variance for an additional item. The Applicant feels like they can provide that additional information after a survey is completed.

The Chair asked, so the Application would be at the June 10th meeting?

Ms. Morris replied, correct.

The Chair asked, do we have a motion to table this request?

Mr. Brent Rockett **MOTIONED, SECOND** by Mr. Stephen Wise to **TABLE** the request until the June 10, 2025 meeting. The vote was unanimous to **APPROVE** the request.

LEGAL UPDATE

Mr. Douglas Hall, General Counsel said, I don't have much of a legal update. It's good to meet you all. I will take a moment to tell you a little about me. I've practiced thirty years this coming August. Pretty much that entire time, I've worked in the government space. I've been the county attorney for Avery County. I have been a DSS attorney. I've worked

for Mecklenburg County in the County Attorney's Office for two and a half years before joining you all. I have enjoyed being here. I've enjoyed getting to know Susie. I have been on the Planning & Zoning Board of Adjustment when I lived in Burke County. I served three terms on the Board of Adjustment. I was a reluctant Chairman for one term. So, I appreciate your service. It's good to meet you all. I don't have anything specific, otherwise. Susie and I are meeting regularly and discussing what's going on. I definitely look forward to working with her. Thank you.

DIRECTOR'S REPORT

Ms. Susie Morris said, we are lucky to have Mr. Hall. We are using him on a regular basis because we do have some outstanding cases from the pandemic. I have been getting him up to speed on everything and he is trying to move some of our cases along. So, you may be seeing some of those before you sooner, rather than later.

For those of you who have expressed interest in the training, we did sign you up for that and you should have that information. I think that it is approaching soon on April 14th. Staff will not be attending this, so you are on your own. I know the last time we did the training some of you had trouble accessing it online. That's why we did the in-person session this time. They are not issuing certificates like they used to do. You just attend, but it does go on your transcript.

We are fully staffed at this point, so this is Lisa's first meeting driving the bus. I did want to formally recognize Lauren and thank her for all of her help. We appreciate her spending Tuesday nights with us. We have asked her to attend the next meeting just to make sure we have everything down.

I think at this point registration is closed. So, we will probably start some trainings like we used to do and get everyone up to speed and maybe inviting our Commissioners to attend those as well. Thank you all for being here this evening because we weren't sure if we were going to have enough for a quorum.

The Chair asked if there were any other questions or comments. There were none.

Mr. Adam Dagenhart **MOTIONED, SECOND** by Mr. Mohammed Idlibi to **ADJOURN** the meeting at 6:54p.m. The vote was unanimous to **ADJOURN**.

APPROVED BY: Adam Dagenhart, Chair

Adam Dagenhart

SUBMITTED BY: Lisa Johnson, Clerk to the Planning & Zoning Commission

Lisa Johnson

ATTEST BY: Susie Morris, Planning & Development Director

Susie Morris