

Cabarrus County Government – Planning and Development



**Planning and Zoning Commission Minutes
July 14, 2026**

Mr. Michael Bywaletz, Chair, called the meeting to order at 6:30 p.m. Members present, in addition to the Chair, were Mr. Brent Rockett, Mr. Adam Dagenhart, Mr. Charles Paxton, Mr. Stephen Wise, Ms. Holly Thrift, Mr. Keith Conrade, Ms. Heather James and Mr. Peter Sabo. Attending from the Planning Department were, Mr. Phil Collins, Planning Supervisor, Ms. Susie Morris, Planning & Development Director, and Ms. Lisa Johnson, Clerk to the Commission. Also, in attendance was Mr. Douglas Hall, County Attorney. Absent from the meeting was Mr. Mohammed Idlibi and Ms. Ingrid Nurse.

Call to Order

Mr. Michael Bywaletz, Chair, called the meeting to order at 6:30 p.m.

Roll Call

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

Oath of Office

Ms. Lisa Johnson administered the oath to a new member, Mr. Peter Sabo.

Approval of June 9, 2026 Meeting Minutes

Mr. Brent Rockett **MOTIONED, SECOND** by Ms. Holly Thrift to **APPROVE** the meeting minutes for June 9, 2026. The vote was unanimous to **APPROVE**.

Mr. Brent Rockett **MOTIONED, SECOND** by Mr. Adam Dagenhart to **APPROVE** the Granting Order. The vote was unanimous to **APPROVE**.

Mr. Michael Bywaletz, Chair, read the Rules of Procedure:

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 or Appellant 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 or Appellant 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 or present evidence 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 or present evidence 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 Rockett **MOTIONED, SECOND** by Mr. Stephen Wise to **APPROVE** the Rules of Procedure. The vote was unanimous to **APPROVE**.

New Business Planning Board

PLPR2024-00073- Request to subdivide property located on the north side of Stirewalt Road. Harry T Morris and Maralyn R Morris Revocable Living Trust is the owner of the subject property and Sherwood Morris Investment is the applicant for this request. The address associated with the property 6950 Stirewalt Road (PINs: 4693-44-8805 & 4693-55-3001).

The Chair asked if any of the Board members had a conflict of interest with the case. There being none, the Chair called on Mr. Phil Collins, Planning Supervisor, to present the Staff Report.

Staff Report

The subject property is located within the protected area of the Coddle Creek watershed. Most of the subject property is currently vacant and undeveloped. A residence and accessory structure occupy a small area in the middle of the subject property.

Mill Creek traverses the subject property from north to south along the western boundary. Regulated Special Flood Hazard Area and wetlands are located on the subject property along and near Mill Creek. An unnamed intermittent stream feeds into Mill Creek traversing the subject property from east to west through its northern half.

Multiple rights of way and easements are located on the subject property:

- There are two Duke Power rights of way on the subject property. A 200-foot Duke Power Transmission Line traverses the western side of the subject property from the southeast to northwest that contains two power lines. The second, smaller right of way is to the western side of the larger Duke Power right of way. It turns westward exiting the larger right of way, proceeds west towards the SFHA and exits the subject property.

- A Town of Midland 30-foot utility easement for the Monroe-Midland Gas Line runs concurrently next to the transmission line, along with a Fiber Optic Line.

The property is surrounded by residential and vacant properties. The subject property is surrounded on all sides by Agricultural/Open Space (AO) properties. There are some Kannapolis Residential (R1) to the south.

No governmental services are currently available. Each lot will be served by an individual well and septic system. The applicant is proposing a 39-lot Open Space Design Subdivision. Additional review standards are outlined in the Development Ordinance and required for Open Space Design Subdivisions. The proposed project has been reviewed for the additional standards required for this type of subdivision.

The applicant initially submitted a sketch plat in August of 2024 for review. During the review process, it was found that the applicant would need to request variances for the proposed arterial street buffer width, the proposed cul-de-sac length and the lack of connections to adjacent properties.

A variance application was initially presented to the Board of Adjustment at the October 2025 meeting. However, not enough members were present for Board of Adjustment business. The case was continued to the November meeting.

The matter was placed on the November Agenda. However, not enough members were present for Board of Adjustment business to be carried out. The case was continued to the December meeting.

The matter was placed on the December Agenda. Enough members were present for Board of Adjustment business to be carried out and the case proceeded. The Board of Adjustment granted the variance for the arterial buffer width with the condition that an easement be recorded on the first 25 feet from Stirewalt Road of lots 1, 39, 33 and 32 to allow for the buffer width and landscaping. A three-foot tall berm is also to be located within the 50-foot buffer. The other two variance requests were granted without conditions and as shown on the plan provided. The applicant is now ready to move forward with the preliminary plat process. The request is an AO Open Space Design Subdivision with 39 lots.

The subject property is located entirely within the Protected Area of the Coddle Creek Watershed Area. Because of this, NCDEQ does not review the project for Phase II Post-Construction Permitting. The review is conducted at the local level and based on the adopted watershed ordinance. Reviews of this nature are performed using the

Watershed Overlay District standards in Chapter 4. The proposed development has been reviewed by the County Engineer for compliance with the requirements of the Watershed Overlay District.

The subject property is in the Western Area land use planning area. The subject property is designated as Low Density Residential, which is described as residential development at a density of 1 dwelling unit per acre or less. The proposed density of the project is .39 dwelling units per acre.

Staff review finds that the proposed subdivision meets the standards of the Cabarrus County Development Ordinance or the applicable variances that were granted by the Board of Adjustment at the December 2025 meeting.

Staff suggests the following conditions of approval for the proposed Marabrook preliminary plat:

- Applicant shall procure any and all applicable federal, state and local permits prior to zoning permitting.
 - Applicant shall provide copies of all required state, local and federal permits for the permanent project file prior to zoning permitting.
 - Applicant shall comply with the conditions of preliminary approval established by NCDOT in the letter regarding Driveway Permit.
 - Applicant shall comply with any conditions of preliminary approval established by NCDOT in the Driveway Permit and shall provide a copy of the official permit for the project file.
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- Soil and Erosion control measures must comply with Federal and State water quality laws, regulations and rules.
 - Applicant shall comply with terms established and presented related to the Duke Power Transmission Line Right of Way.
 - Applicant shall comply with terms established and presented related to the Monroe-Midland Gas Line, including providing construction plans and specifications as needed for the City of Monroe to review.

- Applicant shall submit a segmented landscape plan showing the required buffers and buffer calculations to Staff for review and approval prior to final platting.

Mr. Phil Collins, Planning Supervisor, concluded the Staff Report by asking the Board if there were any questions. There were no questions from the Board.

Mr. Michael Bywaletz, Chair, said, it is my understanding that the applicant will not be making another presentation. Has that changed at all?

Mr. Joe Untz, applicant, confirmed that he would not be making a presentation.

The Chair asked the Board if there were any questions for the applicant. There were none, so the Chair opened the public hearing calling on those generally speaking in favor of the request.

Mr. Joe Untz said, I am the applicant for Sherwood Morris and I am here to answer any questions that you may have. The civil engineer is here as well.

The Chair asked if there were any others generally speaking in favor of the request. There were none, so the Chair called on those speaking in opposition of the request. There were none and the Chair asked if there any additional questions for the applicant or Staff. There being none, the Chair closed the public hearing and moved into discussion.

Mr. Michael Bywaletz, Chair, reminded the Board that the proposal was for a subdivision and they would need to come up with general findings for the proposed development. Some examples could be discussing if it is consistent with the land use plan based on what is going on around it.

Mr. Brent Rockett said, I believe the AO residential request fits well with the land use plan immediately surrounding as well as the adjacent properties. It seems to be a good fit for the neighborhood.

Mr. Michael Bywaletz said, do we feel that this will be a minimal impact in regard to "look and feel"? I know we have discussed this previously and put on some conditions regarding the landscaping. We took a good look at this last time and it is consistent with the surrounding neighborhood.

Mr. Charles Paxton said, given the lay of the land, he's done the best he can. All of the low hanging fruit has been picked, so you have to work with what you've got. It seems to me he's done as good of a job as possible.

Mr. Adam Dagenhart said, the layout of the road meets the conditions that we set forth. He's got his Driveway Permit; he has the NCDEQ Erosion Control Permit. He's done everything that was asked in the conditions.

The Chair asked the Board if there were any additional conditions that needed to be added.

Mr. Heather James said, I don't have any additional conditions. I just have a question for the applicant. It looks like it's been several months since the neighbors were contacted. Has there been any follow up with the neighbors regarding any negative or positive comments?

Mr. Joe Untz said, I have not had any contact or communication from any neighbors in the local area.

Mr. Keith Conrade, said, in my experience, when you do something of this size, you reach out to the community to get their input.

Mr. Joe Untz said, that is correct, and we did send out letters to all of the adjacent property owners with my contact information. Whether this matters or not, I live about 2 blocks away from this property and most of the residents know where to find me.

Ms. Holly Thrift said, noting the conditions of compliance and the consistency statements made by the Board members, I would like to make a motion to approve this request.

Ms. Holly Thrift **MOTIONED, SECOND** by Mr. Charles Paxton to **APPROVE** the subdivision. The vote was unanimous to **APPROVE**.

New Business Planning Board

RZON2026-00003 – Request to rezone property from Kannapolis Residential 1 (R1) district to Agriculture / Open Space (AO) district. Cabarrus County is the Agent for the request and Robert & Sarah Malina and Jeffery & Anne Robinson are the owners of the subject properties. The address(es) associated with the subject properties are 3004, 3030 & 3110 Barr Rd (PINs: 4692-75-9333 & 4692-85-4212).

The Chair asked if there were any members of the Board that had a conflict of interest with the case. There being none, the Chair called on Mr. Phil Collins, Planning Supervisor, to present the Staff Report.

The subject property is currently zoned Kannapolis R1 (Residential 1) and the proposed zoning is AO (Agricultural/Open Space). All uses permitted in the Kannapolis R1 zoning district are permitted by right on the subject property. If this request is approved, all uses permitted in the AO district would be permitted on the subject property. The total area of this request is just over 16 acres in size.

The subject property is made up of two separate tracts of land that were de-annexed from Kannapolis effective June 30, 2026. Parts of both properties are in the Critical Area of the Coddle Creek Watershed. The subject properties are surrounded by single-family residential homes. Properties to the north, south and east of the subject property are in the City of Kannapolis. Properties to the west are in unincorporated Cabarrus County. The subject property is surrounded by R1 zoned properties to the north, east and south. AO zoned properties are to the west.

The subject properties as discussed in the Northwest Cabarrus Small Area Plan are designated as low density residential. Low density residential areas are characterized by low to moderate density residential development of .5 acres up to 1.5 units per acre if additional development standards are met.

The Critical area of the Coddle Creek Watershed extends onto the front portions of the subject properties. Densities in this area are limited pursuant to Chapter 4, Part 1, Watershed, Overlay Zone.

North Carolina General Statute 160D-202 (h) Relinquishment of Jurisdiction states that when a city relinquishes jurisdiction over an area that it is regulating under this Chapter to a county, the city development regulations and powers of enforcement shall remain in effect until (i) the county has adopted such development regulation or (ii) a period of 60 days has elapsed following the action by which the city relinquished jurisdiction, whichever is sooner. Prior to the transfer of jurisdiction, the county may hold hearings and take other measures consistent with G.S. 160D-204 that may be required to adopt and apply its development regulations for the area at the same time it assumes jurisdiction.

The subject properties were removed from the city limits of Kannapolis by SL 2026-02. Cabarrus County has 60 days from the effective date to place zoning on the property.

This is a conventional rezoning request; therefore, all uses permitted within the AO zoning district would be allowed and the development standards of the Coddle Creek Watershed Overlay, along with all other applicable Overlay standards would apply to 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.

Mr. Phil Collins asked the Board if there were any questions.

Mr. Michael Bywaletz said, the report says the action was effective June 30, 2024 and the County had 60 days?

Mr. Phil Collins, Planning Supervisor, said, that was a typo. It was supposed to say June 30, 2026.

Mr. Michael Bywaletz said, what is the zoning of the adjacent properties?

Mr. Phil Collins (showing on map) said, this green area is all zoned AO. This would be considered an extension of the district across the street.

Mr. Adam Dagenhart said, are those properties straight AO or AO-CD (Conditional District)?

Mr. Michael Bywaletz said, it is my understanding that the applicant doesn't have a presentation. We will open the public hearing and call on those speaking generally in favor of the request.

Mr. Scott Robinson of 3004 Barr Pond Road, Concord, NC 28027, came up to speak.

I live at the larger of the two properties. I am all for the de-annexation. I've been wanting out since 1998. There are about 19 other property owners that are in the process of trying to get out. We found out later they would never give us water and sewer. That's okay; we have well and septic. My only question is, will this affect my farm designation?

Ms. Susie Morris, Planning and Development Director, said, he told me that he had farm designation. That is actually a tax designation. It doesn't have anything to do with zoning. AO zoning does allow agriculture, so there shouldn't be any changes with that.

Mr. Scott Robinson said, I have something else that may come up with the other homeowners. I have paid over \$50,000 in taxes since 1998. We have a stormwater tax, but we have no sewer or water. They don't treat any water that comes off of our land, but we've been getting that bill also. Why is it okay to bill a service they know they are not going to give? Another question I had is whether we can recoup some of our money in a class action suit?

Mr. Douglas Hall, County Attorney, said, I wouldn't be able to advise you on that. I am here to represent the Board.

The Chair asked if there was anyone speaking in opposition of the request. There were none. The Chair asked if there were any additional questions for the applicant or Staff. There were none and the Chair closed the public hearing.

Mr. Michael Bywaletz, Chair, told the Board there would need to be a discussion about the request and come up with a proposed motion to approve or deny.

The Chair said, looking at the request and the designation across the street, it falls in line with the request. Does anyone agree or disagree?

Mr. Brent Rockett said, I think that considering the adjacent properties are zoned AO, this is a fit for that particular district. The current uses of the existing property fit well with AO zoning.

Mr. Michael Bywaletz said, it appears to also meet the intent of the zoning district in this area. You will be able to continue what you are doing on the land.

Mr. Brent Rockett said, the other side to this is that there's 60 days to have some type of designation. We are within that, but something has to be decided tonight and this seems to be the best fit.

Mr. Charles Paxton said, if the County has 60 days, how long do the other people have?

Mr. Michael Bywaletz said, do you mean the other properties? They haven't been de-annexed yet.

Ms. Susie Morris said, this was done by the legislature. I'm not sure if you remember Mr. Wallace in this area. He kind of said the same thing that these property owners are saying. If they are successful in going to the legislature, then it would be the same process for them.

Mr. Brent Rockett said, given that there is precedence, it is likely that is going to come into fruition at some point should they decide to push it.

Ms. Susie Morris said, sometimes they handle things differently. It depends on whether the bill itself makes it through or not. Sometimes if it's an add-on to something else, the bill is not successful. It all depends on how it would make its way through the process. There is no guarantee.

Ms. Heather James said, so there aren't any comments from Kannapolis on whether it fits their plan for that area?

Ms. Susie Morris said, there has not been comments from Kannapolis because they would not have jurisdiction at this point. It's up to the County to apply the zoning designation. If the AO is consistent with what the County has in the area, we would have to look at our land use plan.

Mr. Heather James said, but the rest of it is zoned Kannapolis around the property. Could this be problematic? I just wondered if there were any conversations you'd had about it.

Ms. Susie Morris said, not really, because once it reverts back to the County, it is County zoning and County land use plan and we only have that very short time. They are typically aware of these de-annexations. Up to this point, they really have not offered any comments on them, so we have proceeded with what is consistent with that area.

Ms. Heather James said, thank you.

Mr. Adam Dagenhart said, do you know if there was a land use plan for this area before they were de-annexed?

Ms. Susie Morris said, it may have been the Western Area Land Use Plan, but may have been called something different back then. Especially because it's close to the reservoir, it would have been a large lot designation or low-density designation. AO is the lowest density designation you can have.

Mr. Michael Bywaletz said, it sounds like it is consistent with the AO designation for Cabarrus County. Is there a motion to approve the request to place AO Zoning on the subject properties?

Vote #1

Mr. Brent Rockett **MOTIONED, SECOND** by Mr. Adam Dagenhart to **APPROVE** the Request to Change Zoning from Kannapolis R1 to Cabarrus County AO. The vote was unanimous to **APPROVE**.

Mr. Michael Bywaletz, Chair, said, we need to provide a consistency statement as it relates to the land use plan. As part of this process, we need to create a consistency statement and provide the reasons why we approved or denied the rezoning request and why the request is or is not reasonable in the public interest.

Mr. Brent Rockett said, I think we touched on many of those points earlier. It is nearest to the AO designation and meets the Northwest Land Use Plan. For all that I can see, it is very compatible with the surrounding area.

Mr. Michael Bywaletz said, it fits all of the adjacent uses in the general area.

Mr. Adam Dagenhart said, the rezoning meets the intent of the land use plan and is consistent with adjacent properties currently in the County zoning.

Vote #2

Mr. Adam Dagenhart **MOTIONED, SECOND** by Mr. Brent Rockett to **APPROVE** the Consistency Statement. The vote was unanimous to **APPROVE**.

Legal Update

Mr. Doug Hall, County Attorney, said I don't have anything specific to bring to your attention. I am looking forward to having Susie and Lisa back in the building. I know they are looking forward to being back also.

Director's Report

Ms. Susie Morris, Planning and Development Director, said, we have a new member. We would like to welcome Mr. Sabo. We are moving forward to other potential reappointments. Hopefully, we will know on July 21st if the reappointments were approved. It was placed on the consent agenda, so I am hopeful those two

reappointments will be approved. We will have a full complement of the board until August. Right now, we don't have any qualified applicants for a position that will be open. Our alternates will rotate until we find someone to take that position.

Mr. Brent Rockett asked if the open position was specific to an area.

Ms. Susie Morris said, yes, it will be Mr. Pinto's position. Also, around August or September, we will be electing leadership. So, you should be thinking about this.

Mr. Michael Bywaletz said, is there any other business to the good of the group? If not, is there a motion to adjourn?

Adjourn

Ms. Holly Thrift **MOTIONED, SECOND** by Mr. Stephen Wise to **ADJOURN**. The vote was unanimous to **ADJOURN** at 7:11 pm.

APPROVED BY: Michael Bywaletz, Chair

A handwritten signature in blue ink, appearing to read "Michael Bywaletz", is written over a horizontal line.

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

A handwritten signature in blue ink, appearing to read "Lisa Johnson", is written over a horizontal line.

ATTEST BY: Susie Morris, Planning & Development Director

A handwritten signature in blue ink, appearing to read "Susie Morris", is written over a horizontal line.