

Cabarrus County Government – Planning and Development



**Planning and Zoning Commission Minutes  
November 12, 2025**

Mr. Brent Rockett, Chair, called the meeting to order at 6:30 p.m. Members present, in addition to the Chair, were Mr. Adam Dagenhart, Mr. Chris Pinto, Mr. Charles Paxton, Mr. Stephen Wise, Ms. Ingrid Nurse and Mr. Mohammed Idlibi. 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 Ms. Holly Edwards and Mr. Michael Bywaletz.

**Call to Order**

Mr. Brent Rockett, 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 re-appointed member, Mr. Mohammed Idlibi.

**Approval of October 14, 2025 Meeting Minutes**

Mr. Charles Paxton **MOTIONED, SECOND** by Ms. Ingrid Nurse, to **APPROVE** the meeting minutes for October 14, 2025. The vote was unanimous to **APPROVE**.

Mr. Brent Rockett, Chair, reminded the audience to fill out a blue card if they wished to speak.

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

Mr. Brent Rockett swore in members of the audience that wished to speak.

#### **Old Business Board of Adjustment**

**Petition VARN2025-00006**-Variance request for relief from the Arterial Street Buffer standards, the restriction of the cul-de-sac length and the requirement to connect to adjacent properties. Sherwood Morris Investments LLC is the applicant and the Harry T. Morris Trust is the owner. The address associated with the subject property is 6950 Stirewalt Road (PIN's: 4693-44-8805 & 4693-55-3301).

Mr. Brent Rockett, Chair, asked if any members of the board had any conflicts of interest with the case.

There being none, the Chair proceeded.

Mr. Brent Rockett said, unfortunately, we have to consider continuing this motion since we only have seven voting members. At this time, we invite a motion to continue this case until December 9, 2025.

Mr. Charles Paxton, **MOTIONED, SECOND** by Mr. Stephen Wise to **CONTINUE** the case. The vote was unanimous to **CONTINUE**.

#### **New Business Board of Adjustment**

**Petition VARN2025-00007**- Variance request for relief from the restriction of the cul-de-sac length, the requirement to connect to adjacent properties and the road design standards. Pavel A Shchetinin is the applicant and King Carolina Homes LLC is the owner. The addresses associated with the subject property are 2575 Shiloh Church Road, 11295, 11280, 11250, 11220, and 11145 Aubrey Elena Court (PIN's: 4672-43-0198, 4672-33-0198, 4009, 0565, 3332 & 4672-33-4395, 8027, 8206, 8554). **REQUEST TO TABLE**

Mr. Adam Dagenhart **MOTIONED, SECOND** by Mr. Charles Paxton to **TABLE** the request. The vote was unanimous to **TABLE**.

**Petition VARN2025-00008** – Variance request for relief from the landscape perimeter buffer yard requirement of Chapter 9. Remington Jackson is the applicant acting as agent for the owner, Duke Energy Carolinas LLC. The address associated with the subject property is 9001 Mooresville Road (PIN: 4683-44-0538).

Mr. Brent Rockett, Chair, asked if any of the board members had any conflicts of interest with the case.

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

### **Staff Report**

A new public service facility is proposed for the subject property. A 75-foot perimeter landscape buffer is required around the entire site. There are two "arms" that extend from the subject property to the public right-of-way, one to Mooresville Road and the other to Windy Road. Neither "arm" is wide enough to support a 75-foot buffer on both sides. Therefore, the applicant is requesting relief from the perimeter buffer standards of the Ordinance.

The subject property is currently occupied by old, unused structures that will be removed as the property develops. A perennial stream traverses the subject property in a northwesterly to southeasterly direction. The stream also has regulated Special Flood Hazard Area (SFH) that runs along with the stream.

In 2017, the applicant obtained a floodplain development permit for disturbance and development of the floodplain area for the driveway as well as a culvert. In addition to submitting a floodplain development permit request, a Letter of Map Revision was subsequently approved by FEMA in July of 2022. A Letter of Map Revision was issued in 2022 that revised the limits of the floodplain around the culvert and the road.

The subject property is entirely located within the bounds of Coddle Creek Watershed. The eastern portion is within the critical area and the western portion is within the protected area. There is a map in your packets that shows the areas.

The subject property is surrounded by residential and agricultural uses and vacant properties. The subject property is currently zoned Agriculture/Open Space (AO) and surrounded by properties zoned AO.

The NCDOT reviewed the request and had the following comment:

"They already have a driveway permit from us. So long as nothing changes at the access point, we have no comments."

A few points that I would like to cover before concluding is that the subject property is located on the south side of Mooresville Road and the west side of Windy Road. The subject property is approximately 15.15 acres in size. The proposed project is a new Duke Power public service facility to accommodate and serve growth, and anticipated growth, in this area. No additional disturbance of the Special Flood Hazard Area is proposed as part of the new site development. Additional design standards are listed in Chapter 8, Section 8-4.17, and include a level two perimeter buffer yard.

The application states that the reason for requesting the variance is that the parcel configuration prohibits compliance with the required perimeter buffer standards.

- There are two different sections, referred to as the "arms" of the property, that extend to Windy Road and Mooresville Road.
- These areas are not wide enough to support the required 75-foot buffers from the property lines because the "arm" is approximately 125 feet wide on the part where it joins Mooresville Road and approximately 75 feet wide where the "arm" adjoins Windy Road.
- The required buffer would be 75 feet from each property line, for a total of 150 feet.

The application states that given the existing parcel configuration, implementation of the required 75-foot perimeter buffer would result in the parcel not having viable access to a public roadway as there are no other points of access.

- The access road that currently exists within the "arm" leading to Mooresville Road is shared by the adjacent property owners and residents. This use is not intended to change.

The applicant contends that the hardship did not result from any actions taken by the owner.

- It is due to the parcel configuration and the development standards for the proposed use.

Should the Board of Adjustment grant approval of the requested variances, the following conditions should be considered as part of the approval and case record:

1. The Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed to the property.

2. The applicant shall submit a site plan for special use permit review and approval that complies with the findings and conclusions of this variance request.
3. The applicant shall adhere to the approved floodplain development permit as the project moves forward. Any deviations shall require amendments to the affected permit.
4. Approved variances must be reflected on all site plan submittals moving forward. Any changes would require additional review and approval from the Board of Adjustment.
5. Applicant shall comply with all applicable terms of the approved NCDOT Driveway Permit.

With that, I will answer any questions that you may have.

There were no questions and Mr. Brent Rockett called on the applicant to speak.

Mr. Remington Jackson said, I am a real estate attorney at Parker, Poe, Adams & Bernstein. The address is 620 South Tryon Street, Suite 800, Charlotte, NC 28202. We are representing Duke Energy.

Some of what I'm going to say is going to be a repeat of Phil's presentation, but that is just so it is on the record. The first thing I wanted to do was ask if our presentation could be entered into the record?

Mr. Brent Rockett, Chair, said, yes.

Mr. Remington Jackson said, as stated, this is for a landscape perimeter buffer. Duke Energy is requesting the variance from the perimeter landscape buffer requirement. The property is zoned AO, which requires a 75-foot perimeter buffer on both of the "arms". As you can see on the presentation, it shows the two "arms" in terms of how wide the buffers would need to be and why they don't fit. I have more pictures of the ground.

(Showing on map) This is a more detailed picture of the site. I think it has already been noted, but this variance is so that we can move to the next step, which is a Special Use Permit. Assuming everything is approved, that is the structure that will be built there. This is another aerial photo of where the site is located and the surrounding areas.

These are pictures on the ground that one of our project managers took at the site to show what these "arms" look like and why they're not wide enough to allow for the perimeter buffer. This is the Windy Road portion and this is the Mooresville Road portion of the "arm". As the progression goes down, there's just not enough space.

Regarding Section 8-4.17, the parcel configuration prohibits compliance with the required perimeter buffer standards, which are 75 feet. There are two different sections referred to as "arms" of the property that extend to Windy Road and Mooresville Road.

If you have questions regarding engineering of the project, we have one of our engineers here that may be able to answer questions more efficiently than I'm able to.

As mentioned the required buffer will be 75 feet from each property line for a total of 150 feet. As shown on one of the pictures, there's not enough space. This is just some additional viewing for you to in terms where the buffer would need to be and how much space we have, which is not enough.

Next, I will be talking about what the variance requirements are and addressing each one of them.

1. Unnecessary hardship would result in the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

In response, given the existing parcel configuration implantation of the 75-foot perimeter buffer would result in parcel not having viable access to public roadway as there are no other points to access. Those two "arms" are the only access to the parcel currently.

2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be a basis for granting a variance.

In response, given the existing parcel configuration implementation of required 75-foot perimeter buffer perimeter would result in parcel not having viable access to public roadway as there are no other points of access. Additionally, the access road that currently exists within the "arm" leading to Mooresville Road is shared by the adjacent property owners and residents. This use is not intended to change.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

In response, the hardship did not result from any actions taken by the owner. The creation of the parcel was according to the County code at the time of 2007, which allowed for the subdivision to occur. Proper due diligence was performed and now this variance is necessary for continued use of the parcel as intended by the owner.

4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured and substantial justice is achieved.

In response, the applicant intends to implement the perimeter buffer in the portions of the parcel where the geography allows and will provide the screening buffer from the substation to the surrounding property in the spirit of the Ordinance.

Now, I would like to take any questions you may have. Eddie Moore will take any engineering questions. Joe Crapster will speak if you have any questions regarding community outreach. Also, the project manager, Vinnie Sullivan, is here as well.

Brent Rockett, Chair, asked if there were any questions for the applicant.

Mr. Adam Dagenhart said, can you give more information on the shared use detail? Can you go back to the aerial in your presentation? Which is the property that shares access with your access; is it the one to the north or south?

Mr. Remington Jackson said, it would be the one to the north.

Mr. Adam Dagenhart said, it looks like the one to the south has a driveway that crosses this "arm" and has connection just north of your driveway. Also, the one to the north looks like they have access off that driveway, too.

Mr. Vinnie Sullivan said, my address is 22 Spooks Branch Road, Asheville, NC 28804.

Mr. Brent Rockett said, what Adam is referring to is labeled as Mooresville Road.

Mr. Adam Dagenhart said, it looks like the Mooresville Road drive crosses the "arm" and comes up just north of this newly constructed driveway. The other property to the north looks like they have access there, too. I'm trying to understand if they currently use that driveway now.

Mr. Vinnie Sullivan said, are you talking about the construction crews or the residents?

Mr. Adam Dagenhart said, the residents.

Mr. Vinnie Sullivan said, the residents of the area directly surrounding the parcel that Duke is intending to use comes in off the northern "arm". I've not seen anyone use the other part of Mooresville Road. I want to say there's some hydrological stuff there; I know there's a stream there. Before my time with Duke, in 2020, it was more of a construction road than anything else.

Mr. Adam Dagenhart said, do you know when that road was put in for you all (Duke)?

Mr. Vinnie Sullivan said, I'm sorry, I don't.

Ms. Susie Morris, Planning and Development Director said, that road was done through the floodplain development permitting process that is in the Staff Report. Duke Energy rents that house to Dominion, a gas company. The process started around 2016 and finished around 2018.

Mr. Brent Rockett said, is the house that is being rented by Dominion the one that is on the subject property?

Ms. Susie Morris said, it would be the property to the north on a separate parcel. It is my understanding from the conversations with Duke that the buildings on their property will all have to be removed. I do not think there is a residence there, correct?

Mr. Vinnie Sullivan said, correct.

Mr. Adam Dagenhart said, does anyone know what Dominion uses that property for? Do they have a transmission line in the area?

Ms. Susie Morris said, they own it; I don't know. I know that came up when we were discussing the floodplain permit and that's why they had to get the road fixed because it was becoming an emergency response issue.

Mr. Remington Jackson said, I wanted to mention that Duke is committed to the conditions that were put forward by Mr. Phil Collins. I just want to make sure that is on the record.

Mr. Adam Dagenhart said, are you asking for no buffer on those "arms"? Are you asking to mitigate it or reduce it?

Mr. Eddie Moore said, I'm with McAdams Civil Design. We are representing Duke on this project. Our address is 2100 South Tryon Street, Suite 400, Charlotte, NC 28203. There will be a 75-foot buffer completely surrounding the substation. The request will be to do away with the two, just along the "arms" themselves. Some of the trees that are along the southern "arm" will remain as part of a distribution line. The area where the red roof is located is where the substation will be. The road is already built to the current standard as it needs to be. We have NCDOT approval for the driveway permit. We are not requesting any change or variance for the internal part of the site; it's just along those two "arms".

Mr. Adam Dagenhart said, so you're asking to eliminate the requirement altogether for the "arms"?

Mr. Eddie Moore, said, yes.

Mr. Charles Paxton said, what's the downside of eliminating the buffer?

Mr. Eddie Moore said, with the buffer being 75 feet on each side, we only have 125 feet there at the northern "arm". The southern "arm" is roughly 75 feet wide. We can't have two buffers that total 150 feet in a swath that's so small.

Mr. Adam Dagenhart said, you didn't consider asking for a reduction to mitigate that? The width of the road is not 130 feet.

Mr. Eddie Moore said, we understand that. The use itself is internal to the site. Should the use be close against the road, we wouldn't be here requesting a variance. So, yes, it will just have landscape along the side to buffer the existing driveway that is there today.

Mr. Adam Dagenhart said, in pictures that one of your employees took, it looks like there were regular wooden poles, but it looks like you have steel towers. What is in the south "arm"?

Mr. Eddie Moore said, they're smaller transmission lines. There are two sets, you have the larger ones with the steel towers and then there's a line that comes into that line.

Mr. Adam Dagenhart said, I didn't recall seeing that on your construction drawing. You just gave us what was relative to your substation and not the entire property.

Mr. Remington Jackson said, the variance area is just the two "arms".

Mr. Adam Dagenhart said, I understand that, but you're assuming those shouldn't be shown on your construction plans. You're not showing information as to what's there other than a couple of pictures. Where on the construction drawing do you show the "arms"? That sheet shows me where the power line is or how wide the road is, relative to the "arm". There's a lot of missing information and you're asking us as a Board to say this is irrelevant because it's not a part of the actual workings of our proposed project.

Mr. Eddie Moore said, this is the site plan of the proposed substation itself. The areas that are in dark gray are the areas we're intending to keep as existing trees. In the right-hand corner is where the driveway stops and that is where we can get the buffer to come together. The request is to eliminate the buffers because one "arm" is already an existing power easement. The road itself is just a road and we're not developing there. We'll continue with the driveway and in the middle of the site is where the facility will be located.

Mr. Adam Dagenhart said, is that road 20 or 24 feet wide?

Mr. Eddie Moore said, it is whatever is needed for Fire.

Mr. Adam Dagenhart said, there's roughly 100 feet of property that can have some buffer on it.

Mr. Brent Rockett said, by my count, you've got about 53 feet on each side if it's perfectly centered. Is the existing access road perfectly centered in that "arm"?

Mr. Eddie Moore said, no, there's some deviation through there.

Mr. Adam Dagenhart said, I would say anywhere from 45 to 50 feet on each side.

Mr. Brent Rockett said, it doesn't appear that there is any significant vegetation on either side of that road currently; is that a fair statement?

Mr. Eddie Moore said, yes, it is. Again, the request is that we are providing the required 75-foot buffer around the actual use itself. The driveway will not change and will remain

as it is. Duke will just be connecting to their existing driveway for access to their substation site.

Mr. Adam Dagenhart said, if you're only required to buffer what you actually use, then you wouldn't be before us asking for a variance on the buffer along the "arms". You have the ability to ask for a reduction in that buffer, not just doing zero.

Mr. Eddie Moore said, I understand that, but again, the use is internal to the site and it's just an existing driveway that has been approved by the NCDOT.

Mr. Charles Paxton said, can you repeat that again?

Mr. Eddie Moore said, NCDOT has approved the access for this particular use.

Mr. Adam Dagenhart said, that's only relevant to your driveway apron. That has nothing to do with the "arm" and the zoning and the buffer requirements.

Mr. Eddie Moore said, correct.

Mr. Brent Rockett, Chair, asked the Board if there were any additional questions for the applicant.

Mr. Remington Jackson said, we would be open to a preferred reduction or something else, in order to move the variance forward at the next meeting. If that is proposed, I think Duke would be open to that. Currently, the proposal was for no buffer in that area. If that is the only way to move forward, we can have a discussion with Duke and see what that number would be. I wanted to leave that open as an option.

Mr. Brent Rockett said, I understand that. Most of the time in these scenarios, we're presented with a reduction and not an entire elimination. When there is something to work with there, it is more common than not, that something is offered in that scenario.

Mr. Adam Dagenhart said, I think we can probably agree that the one "arm" is more conducive to some buffer than the other for sure. It's up to you to suggest something at the next meeting. Obviously, you've got to have access. You know what vehicles are going to be coming in and out of there and you're going to need to have a clear path.

Mr. Chris Pinto said, should we go on a walk out there like we did the 600-acre farm?

Mr. Stephen Wise said, when the road was built in 2019, there were no requirements for a buffer; it was just an existing road?

Ms. Susie Morris said, it was just an access road. It was understood at that time when they came back, they would have to do what they needed to, in order to meet the Ordinance. They went through a mapping revision with FEMA. The first plan that came in showed expanding that road. They backed off that so that they didn't have to do another permit with FEMA. There would be some limitations to where landscape could be installed on that site unless they did another floodplain development permit. We did not have those discussions with them based on the nature of what they wanted to propose to the Board.

Mr. Adam Dagenhart said, that's what I was getting at earlier. They didn't show us information other than an aerial. We don't know the width of the road or the areas that may impact a revision to an existing permit with the County. That is the kind of information you need to provide so that we can understand if an area may need to be wider or smaller because of constraints.

Mr. Brent Rockett, Chair, opened the public hearing and said, I have one blue card from Mr. Joe Crapster.

Mr. Joe Crapster said that he would not be speaking. Mr. Brent Rockett closed the public hearing.

Mr. Brent Rockett said, I have a question for staff. Do we want to discuss any of these matters or consider a motion to continue?

Mr. Douglas Hall, County Attorney, said, at this point, there can't be any discussion since you don't have enough members. Presentation by applicant, presentation by staff and public hearing will be the conclusion of what you can do tonight. You can double check to make sure no one has anything to add.

Mr. Brent Rockett, Chair, said, if no one else wishes to speak, we will entertain a motion to continue until the December 9, 2025 meeting.

Mr. Mohammed Idlibi **MOTIONED, SECOND** by Mr. Stephen Wise to **CONTINUE**. The vote was unanimous to **CONTINUE**.

## Legal Update

Mr. Douglas Hall, County Attorney, said, aside from the ground we've covered from the last meeting and tonight, I don't have anything else specific to bring before you.

## Director's Report

We will be looking to try to seat some alternates. If you know anyone that is interested, please let them know that we have some open seats. That is all I have, thank you.

## Adjourn

Mr. Mohammed Idlibi **MOTIONED, SECOND** by Mr. Stephen Wise to **ADJOURN** the meeting at 7:17 p.m. The vote was unanimous to **ADJOURN**.

APPROVED BY: Brent Rockett, Chair

  
\_\_\_\_\_

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

  
\_\_\_\_\_

ATTEST BY: Susie Morris, Planning & Development Director

  
\_\_\_\_\_