

Cabarrus County Government – Planning and Development



**Planning and Zoning Commission Minutes
March 10, 2026**

Mr. Brent Rockett, Chair, called the meeting to order at 6:35 p.m. Members present, in addition to the Chair, were Mr. Adam Dagenhart, Mr. Charles Paxton, Mr. Stephen Wise, Ms. Holly Edwards, Ms. Ingrid Nurse, Mr. Chris Pinto and Mr. Keith Conrade. 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 were Mr. Michael Bywaletz, Mr. Mohammed Idlibi and Ms. Heather James.

Call to Order

Mr. Brent Rockett, Chair, called the meeting to order at 6:35 p.m.

Roll Call

The Chair called on Ms. Lisa Johnson to call the roll.

Approval of December 9, 2025 Meeting Minutes

Ms. Holly Edwards **MOTIONED, SECOND** by Mr. Adam Dagenhart to **APPROVE** the minutes. The vote was unanimous to **APPROVE**.

Approval of Granting Order and Findings for 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).

Ms. Ingrid Nurse **MOTIONED, SECOND** by Mr. Stephen Wise to **APPROVE** the Granting Order. The vote was unanimous to **APPROVE**.

Approval of Granting Order and Findings for 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).

Ms. Ingrid Nurse **MOTIONED, SECOND** by Adam Dagenhart to **APPROVE** the Granting Order. The vote was unanimous to **APPROVE**.

Approval of February 10, 2026 Meeting Minutes

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

Approval of Granting Order and Findings for VARN2025-00005

Variance request for relief from the setback requirements from County Line and the dimensional requirements of the AO district. Gary and Kathy Almond are the applicants/owners. The address associated with the subject property is 3077 Pickens Road (PIN: 5589-95-0742).

Ms. Holly Edwards **MOTIONED, SECOND** by Mr. Stephen Wise to **APPROVE** the Granting Order. The vote was unanimous to **APPROVE**.

Approval of January 13, 2026 Meeting Minutes

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

Old 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 & 4672-334395, 8027, 8206, 8554). **REQUEST TO TABLE**

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

The Chair reminded the audience that anyone wishing to speak would need to fill out a blue card.

Mr. Brent Rockett, Chair, asked the board if there was a motion to adopt 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.

Ms. Holly Edwards **MOTIONED, SECOND** by Mr. Stephen Wise to **APPROVE** the Rules of Procedure. The vote was unanimous to **APPROVE**.

Mr. Brent Rockett, Chair, proceeded to swear in members of the audience wishing to speak.

The Chair asked Mr. Douglas Hall, County Attorney, if the meeting needed to be paused while waiting on a board member to arrive.

Mr. Douglas Hall, County Attorney, said, the issue is that on one or more prior occasions you heard the Staff Report, heard from the applicant, had the public hearing and stopped. You had additional board members review the recordings and documents, so that you could deliberate at the next meeting. We understand that the 8th board member is on the way. If you started without him, there would not be an opportunity for him to pick up on what he missed. I will leave it up to the board and staff; I would suggest waiting 30 minutes to see if he arrives.

Mr. Brent Rockett, Chair, said, I have a question for the applicant. Would he like to proceed with 8 members or would he prefer to wait until we have a full complement?

Ms. Susie Morris, Planning & Development Director, said, we would typically make sure that the applicant is okay with that and have it on record.

Mr. Brent Rockett said, is it okay to go ahead and ask the applicant if it is okay to proceed with 8 board members, with the understanding that it has to be an 8-0 vote? Is it okay to ask that prior to Mr. Conrade's (8th board member) arrival?

Mr. Douglas Hall, County Attorney, said, yes. Then you would be ready to proceed when Mr. Conrade walks in. I had already mentioned to Mr. Untz that we were waiting for the 8th board member to arrive. He understands that it would have to be an 8-0 vote.

Ms. Susie Morris said, he can re-confirm during the process, but the applicant is fine with proceeding with the 8 members. If for some reason, we do not have the 8 board

members, he is fine with going through the public hearing portion and stopping there. Then we would proceed at the next meeting once all board members have read the minutes and are caught up.

Mr. Brent Rockett said, at this point we are just going to wait until the 8th board member arrives. Is that correct?

Ms. Susie Morris said, yes, that is the applicant's preference, so that there can be a vote this evening.

The 8th board member arrived at approximately 7:10 and the Chair asked the board members if there was anyone that had a conflict with the case. There being none, the Chair proceeded with the meeting.

New Business Board of Adjustment:

Petition VARN2026-00001 - Variance request for relief from the restriction of the cul-de-sac length. Joseph G Untz is the applicant, and Michael Foster is the owner. The address associated with the subject property is 4471 Trinity Church Road (PIN: 4693-62-1831).

Staff Report

The Chair called on Mr. Phil Collins, Planning Supervisor, to present the Staff Report:

The Applicant is proposing a minor subdivision in the Agriculture/Open Space zoning district with a proposed road that exceeds the allowable 1,000 feet in length. The applicant is seeking relief from Section 15-9 and Appendix A of the Cabarrus County Development Ordinance.

The subject property is mostly wooded and vacant. An intermittent stream, flowing northeast to southwest, traverses the northwestern corner of the subject property. The property generally appears to slope downwards from south to north towards the intermittent stream. A 30-foot utility easement bisects the property from south to north. The entire property is in the protected area of the Coddle Creek Watershed.

The subject property is currently vacant and surrounded by residential and vacant properties. The property is currently zoned AO and is surrounded by properties to the north and south that are zoned AO. The properties to the east and west are in the town limits of Kannapolis and are zoned Agricultural (AG) and Residential (R4-CZ).

The applicant is proposing a minor subdivision. As depicted in the plat provided, the subdivision will create 6 lots, one of which will be combined with an adjacent parcel, resulting in 5 new, total lots. Per Chapter 15, minor subdivisions may use an alternate construction standard for private roads and are not required to meet the street typicals outlined in Appendix A of the Cabarrus County Development Ordinance. An excerpt of the Ordinance describing minor subdivision road standards is included as Exhibit H.

Although minor subdivisions do not have to meet the street typicals outlined in Appendix A, minor subdivisions remain subject to the following:

- Chapter 15, Section 15-9: Cul-de-sac Length
- *NCDOT standards for cul-de-sac length must be met. No residential street cul-de-sac serving lots of 1 acre or greater in size shall exceed 1,000 feet.*
- Appendix A, Requirements for Dead-End and Stub Streets Table (Mr. Phil Collins showed the table in the Staff Report).

The project includes a private road that will extend from Trinity Church Road into the property providing access to the proposed lots. The proposed private road is 1,944 linear feet. This exceeds the allowable 1,000 linear feet. The application states that due to the shape of the property, the road distance to access the western portion of the subject property needs to exceed the allowable 1,000 linear feet.

The Fire Marshal's Office has reviewed the proposal and provided comments related to the fire code requirements.

Should the Board of Adjustment grant approval of the 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 of the property.
2. Applicant shall comply with all applicable terms of the approved NCDOT Driveway Permit.
3. Applicant shall comply with requirements set forth by the Cabarrus County Fire Marshal's Office including the following in the project design:
 - Fire department access roads will need to be a minimum of 26 feet wide with an all-weather driving surface.

- At the end of the road, there will need to be a 120-foot hammerhead or a 96-foot diameter cul-de-sac.
- A turnaround will also need to be provided midway on the road due to the extended length of the road.

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

Mr. Adam Dagenhart said, I noticed on the plat, there is a stream. You had mentioned an intermittent stream buffer, is that correct?

Mr. Phil Collins said, we don't have the stream buffer in our ordinance. There is an NCDEQ requirement so we ask for that to be shown there.

Mr. Adam Dagenhart said, I wasn't sure if it was required because it's in the watershed.

Mr. Phil Collins said, the NCDEQ requires them even if it's in the watershed.

The Chair asked if there were any other questions for staff. There being none, the Chair called on the applicant to speak.

The applicant, Mr. Joe Untz, 4200 Maid Marion Lane, Kannapolis, NC 28081, began to speak.

Thank you for your time this evening. One of the things that I would like to point out in the layout of the 5 lots, is that the 1,000 linear feet stated in the Development Ordinance would stop at about 500 feet before you get to lots #2 and #5. To do this per the Ordinance, you're looking at 900 linear feet of 4 flag lot driveways.

When I talked to Fire, they unanimously agreed that it would be better to have one continuous road that is maintained for emergency vehicles versus 3 lengths of football fields of private driveways that have to be privately maintained. As far as a fire and safety issue, this is definitely a much better plan.

In terms of hardship, if you look at the road frontage and shape of the property, there's no way to do a mixture of roads where you can access two-thirds of the rear of the property without exceeding a road of 1,000 feet. That's one of the main issues that I wanted to point out in requesting this variance.

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

Mr. Charles Paxton said, if this is going to be a private road, are the property owners going to maintain the road?

Mr. Joe Untz, that is really the only option we have. I don't see that NCDOT would ever agree to take this over.

Mr. Charles Paxton said, since it is a private road, are you still going to build it to state standards?

Mr. Joe Untz, it's not a state road.

Mr. Charles Paxton said, so it will be below state standards?

Mr. Joe Untz said, it's a private road so it doesn't have to build to state standards. It will be built to the Ordinance guidelines.

Mr. Phil Collins, Planning Supervisor, said, we have the requirement for it be 20-foot-wide gravel all-weather surface and support the weight of a 75,000-pound fire apparatus.

Mr. Joe Untz said, it's actually a 50-foot right-of-way for this private road, which will be built to the 26-foot standards.

The Chair asked if there were any other questions.

Mr. Adam Dagenhart said, I noticed Lot #1 is being bisected?

Mr. Joe Untz said, yes, that is going to be sold to the gentleman that has a house off of Drakestone Road. It will become a part of his overall deed and property, not consisting of another lot. That is why that has been labeled as having no access to that lot from that street.

Mr. Adam Dagenhart said, would that be Mr. Lois?

Mr. Joe Untz said, the name is Nicholas Cottone. That property will be deeded in with his existing deed and classified as "no access" to the private road.

Mr. Adam Dagenhart said, no access to the private road, but he could have access to Trinity Church Road?

Mr. Joe Untz said, he would have a small strip of property on Trinity Church Road.

Mr. Adam Dagenhart said, I know that is a private transaction but why is that being done?

Mr. Joe Untz said, it was debated whether they would actually create a lot #6 and we need to stay at 5 lots or less. He was wanting to add this to his existing property for pastureland. That was worked out between Mr. Foster and that gentleman. We were creating a way for him to put in a horse pasture behind his existing house with access on Drakestone Road and stay within our 5 lots.

Mr. Adam Dagenhart said, why was that location chosen instead of lot #5?

Mr. Joe Untz said, that's the least desirable lot.

Mr. Adam Dagenhart said, the lot he's getting or lot #5?

Mr. Joe Untz said, the lot he's getting is much less desirable and he has more property that backs up to that. Only a small portion of this property actually backs up to lot #5.

Mr. Adam Dagenhart said, I'm just trying to understand why you put the road in dead center of that. It seems that you could have offset the road to one side or the other and had more lots than what's allowed.

Mr. Joe Untz said, I think we could change lot #1 but I don't know that it does anything in being able to meet our 1,000-foot requirement for lots #2 and #5. (Showing on map) if you see the writing under lot #1 (4.7 acres), you're looking at just below 1,000 feet. Without the variance, that's where the road would stop.

Mr. Adam Dagenhart, basically below the curve?

Mr. Joe Untz said, it is a difficult piece to make work. I guess the thought process is that we're looking at 5 lots that range between 3 and 5 acres. It seems like the most valid way to go forward.

Mr. Adam Dagenhart said, do we allow flag lots?

Ms. Susie Morris, Planning and Development Director, said, we do allow flag lots. In this particular instance, they needed to be separate flag lots, which is what Mr. Untz was trying to explain. When they came in, they were all still trailing together. In essence, it was still a road. There was a lot of discussion with the Fire Marshal's office about how to

accomplish that. Think about it like the Blue Angels, they go up and shoot off into the sky. They would've had to do something like that and that is the only way they would have met the Ordinance at 1,000 feet, was my understanding.

Mr. Joe Untz said, that is correct. In speaking with Fire, they were unanimous across the board in thinking this was a safer way for emergency vehicles to access the back lots. If we did a flag lot, someone could put in a 10-foot-wide driveway for an emergency vehicle. They may have the width that's required for the flag lot, but then you've got a 10-foot gravel strip. I don't think the Fire Marshal would like that idea.

Mr. Adam Dagenhart said, why didn't you do a 1,000-foot public road with a cul-de-sac and then a private drive?

Mr. Joe Untz said, what's the difference?

Mr. Adam Dagenhart said, because you're asking for almost twice what we allow. You are here based upon the density you're wanting to do, is that correct?

Mr. Joe Untz said, no sir. I don't see how you take a 20-acre lot and restrict it to one lot due to the 1,000 feet required by the Ordinance. I really don't understand where that number comes from. NCDOT's requirement is 2,500 feet. We are 400 feet under NCDOT's requirement. This is something that needs to be addressed in the Ordinance.

Mr. Charles Paxton said, say that again; I didn't hear you.

Mr. Joe Untz said, this needs to be addressed in the Ordinance.

Mr. Adam Dagenhart said, part of your statement is correct, but what makes it a challenge is the 28 acres, which the County does not control. It's just an odd piece of property.

Mr. Joe Untz said, that is a justification for hardship based on the statute. The configuration of the property is considered a hardship.

Mr. Brent Rockett said, it's not technically the configuration of the lot that is the hardship. If you were putting one home on that spot and developing it as such, you wouldn't have this hardship.

Mr. Joe Untz said, do you think it's fair to put one lot on 28 acres of land? Sometimes you have to use common sense on these things. You've got property in that area that have lots that are selling for \$250,000 for one to two acres. You're going to limit

someone to one residence on 28 acres because they can't build a road over 1,000 linear feet because of the Ordinance standards?

Mr. Adam Dagenhart said, I don't think anyone is trying to constrain it to one lot. In theory, you could still do three lots.

Mr. Joe Untz said, the decision is on the board. I don't see anything different on this variance regarding the cul-de sac length, than the last two that were approved.

Mr. Adam Dagenhart said, I don't know that we've approved a cul-de-sac length.

Mr. Joe Untz said, yes, it was approved at the end of 2025 and another one since then.

Mr. Adam Dagenhart said, that was going to be a public road, though. That is a different situation; this is a private road.

Mr. Joe Untz said, a private road that meets NCDOT standards.

Mr. Adam Dagenhart said, if our standards are more strict, that supercedes NCDOT's standards. It's the same in any jurisdiction you're in.

Mr. Joe Untz said, you want to handicap a man on 28 acres of land to one house because a variance on a road that's going to be put in to make public Fire more satisfied.

Mr. Brent Rockett said, as I recall, there was a request for a turnaround of 1,000 feet?

Mr. Adam Dagenhart said, yes, there's either a hammerhead or bulb at 1,000 feet and one at the end. It was in one of the conditions.

Mr. Joe Untz said, that would be put in the subdivision application and review process.

Mr. Brent Rockett said, I assume this was drawn before the feedback from Fire. Are there any other questions for the applicant at this time?

There being none, the public hearing was opened with those speaking generally in favor of the request.

Stan Morris of 4639 & 4477 Trinity Church Road, Kannapolis, NC 28081, began to speak.

I am new to this and I'm trying to understand of what the resolve is. What would be the best instead of just hearing the negative? Is it the 1,000-foot road? You can make this happen or not happen. I don't see what the problem is. Across the street, in the City of Kannapolis, they built 200 homes on 50 acres. What they're doing here is marvelous. If you were a neighbor here, one house on a 4- or 5-acre lot is wonderful. I don't know what the restriction is on 1,000 feet. I'm not sure if it has to be gravel or paved, but it's a great idea. That's all I have to say; thank you for your time.

There were none speaking generally in opposition of the request. The Chair asked if the board had additional questions for the applicant.

Ms. Holly Edwards said, I have a question for Susie. What is the thought process for the 1,000 feet? What is that derived from and who enacted that threshold?

Ms. Susie Morris said, that has been in the Ordinance for a long time intended to create that alternate street network. The 1,000 feet is there to try to create the network of streets. Some of what is in the Ordinance is hard coded, as the fire code was incorporated into the Zoning Ordinance. Some of that has changed over the years, so now that is 750 feet. That allows the Fire Marshal some flexibility, but that is only related to the private streets, not to anything that is NCDOT related. The NCDOT is always going to have authority there. Eventually, it will most likely be changed because at this point, they keep making more changes to the fire code. It is inherently causing conflicts for us as Planning Staff. We are trying to put the fire code out there and let people know what they have to do. There has to be a happy medium. Unfortunately, with this whole down-zoning situation people's ordinances are kind of stuck as it relates to certain things. It is intended to create those alternate street networks and get those connections.

We have places in the County that completely flood and the people are stuck in the back. This is a gravel road that is much lengthier, and there are many properties accessed from it. Really, it's about trying to get that connectivity. The other one you were talking about, we worked with them and they did go in and create some of that alternate street network. There was no inner connectivity between the neighborhoods. The last segment of that is what was over 1,000 feet. Ordinances are constantly changing when the Legislature is in session. There are things we have to react to, but when the fire code or NCDOT codes change, it is very difficult to try to marry everything up. With the developer interest nowadays, it is just constantly changing.

Mr. Brent Rockett, Chair, asked if anyone had any other questions.

Mr. Adam Dagenhart said, is the applicant saying that Fire would not approve it?

Mr. Phil Collins, Planning Supervisor, said, that's a suggestion from Fire, not a requirement.

Ms. Susie Morris said, think about it this way. If you have four flag lots that are running next to each other. One flag lot has to be 15 feet and two have to be 25 feet. It ends up being the same thing. You get 50 feet across and they want to put 20 feet down the middle of it. In this case, 20 feet is now becoming 26 feet. It is better to have the consistent 26 feet, which is the length of the road, versus having 20 feet that veers off into the smaller driveways. Mr. Untz was talking about where that road curves; after that you would see flag lots. It essentially becomes the same thing.

Mr. Stephen Wise said, it's a straight shot all the way to the cul-de-sac. A ladder truck or EMS can make a turn and come back out.

Ms. Susie Morris said, if they would have gone to those lots, in order for the fire code not to apply, it would have to come up and then shoot off. That's where you get down to the smaller driveways, but they would've been extremely long.

Mr. Brent Rockett asked if anyone had any other questions. There being none, the public hearing was closed.

The Chair read the application of the variance power:

A variance may only be allowed by the Commission in cases involving practical difficulties or unnecessary hardships when substantial evidence in the official record of the application supports all of the following findings:

1. Unnecessary hardship would result from 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.
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 the basis for granting a variance.
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 created as a self-created hardship.

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.

All of these findings of fact shall be made in the indicated order by the Commission, which is not empowered to grant a variance without an affirmative finding of fact on all four categories above, each finding of fact shall be supported by substantial, material, and competent evidence in the record of the proceeding before the Commission.

The Commission may impose reasonable conditions upon the granting of any variance to ensure that public health, safety and general welfare shall be protected and substantial justice done. Violation of such conditions shall be a violation of this Ordinance.

Request A: Chapter 15: Relief from the restriction of the cul-de-sac length

Mr. Charles Paxton said, I understand that it is double the size that seems appropriate or has been allocated. However, in looking at all of the factors, I think this is the best he could come up with to solve the issues before us.

Mr. Brent Rockett reminded the board of the request: *NCDOT standards for cul-de-sac length must be met. No residential street cul-de-sac serving lots of 1 acre or greater in size shall exceed 1,000 feet. Applicant is proposing a road that is approximately 1,944 linear feet per the plan submitted.*

Mr. Adam Dagenhart said, I understand what he's trying to do and I understand what Fire's recommendation is. I struggle with you saying it's a hardship and if you can't get the variance, you can't use or develop the property. You can use the property and you can develop the property, you just can't get the density you want. In my mind, that should not apply to a hardship unless I'm not understanding these four items.

Mr. Charles Paxton, why would it not be fair to allow the density? You're trying to hold him back.

Mr. Adam Dagenhart said, I'm not trying to hold him back. He can still develop the property. What complicates this is property was sold to an adjacent property owner, which takes away potential property that could be developed.

Mr. Brent Rockett said, it can't exceed the 5 lots.

Mr. Adam Dagenhart said, I understand that but a private property deal between two property owners is throwing a wrench into what we can do.

Mr. Untz (speaking from audience) (inaudible).

Mr. Adam Dagenhart said, I disagree. That lot could be built and you could push it to the back. Please come to the microphone if you're going to speak.

Mr. Douglas Hall, County Attorney, said this is not closed session. This is being recorded because if you appeal their decision, Superior Court has to have the recording.

Mr. Joe Untz (now at the microphone) said, Adam, I have to strongly disagree. Let's cut out the fact that he's going to sell that and it's going to remain a part of lot #1. That doesn't change a thing.

Mr. Adam Dagenhart said, other than the fact you've got a lot that is bisected by a road. I don't know that we allow that.

Mr. Joe Untz said, you don't know that you don't. My issue is that you are trying to nitpick. Whether he sells the property to an adjacent property owner has nothing to do with the variance that's being requested.

Mr. Adam Dagenhart said, you're correct in that statement, but it limits what you can do with the property. The property owner created an issue that limits what he can do with the property.

Mr. Joe Untz said, if you think safety doesn't come before hardship, then that's how you feel.

Mr. Adam Dagenhart said, you know for a fact that is not the case with me.

Mr. Joe Untz said, this is the best plan. This is the safest plan for emergency, fire and police. It is the safest plan we can come up with.

Mr. Adam Dagenhart said, I don't disagree with that. I just have a hard time with you asking for double and the reasons are financially driven.

Mr. Joe Untz said, no, it's not. Three of these lots will remain in the ownership of the Fosters for family. It has nothing to do with finances. Three of these lots will belong to Mike Foster and his two kids. I don't see anything financially driven in that; that was an assumption.

Mr. Adam Dagenhart said, I understand that. Property ownership can change down the road as well.

Mr. Brent Rockett said, is there any other discussion about the request?

Ms. Ingrid Nurse said, my understanding is that everyone that owns these lots are in agreement with this proposed plan.

Mr. Joe Untz said, yes. Just to be clear, it is all owned by one individual, Mr. Foster. His plan was to buy this and subdivide into five lots; one for himself and two kids and potentially sell two lots. A road maintenance agreement would have to be in place. Basically, they would end up having to be an HOA most likely. The property owners would be liable to maintain that road.

Mr. Adam Dagenhart said, the road is gravel, not paved?

Mr. Joe Untz said, it's gravel now, but that could potentially change. That would be up to Mr. Foster and what they want to do. I don't know if regulation wise, it matters.

Mr. Adam Dagenhart said, I just want to make sure that if it has to be paved, there are adequate shoulders.

Mr. Joe Untz said, it does not have to be paved. I will ask staff if I'm correct. Knowing the level of development in building standards that Mike Foster uses, I would be surprised if it wasn't paved. (Comment from the audience) He just answered that; it will be paved.

Mr. Adam Dagenhart said, it makes a difference; gravel versus pavement requires different maintenance. Asphalt typically will last longer than gravel.

Mr. Joe Untz said, I agree. In terms of shoulder width and following road construction guidelines, everything will be met.

Adam Dagenhart said, I just to make sure if we allow this and it's 26 feet, that there's plenty of shoulder.

Mr. Joe Untz said, there's a 50-foot designated right-of-way for that so there's plenty of room to build that.

Mr. Brent Rockett said, you have a 26-foot road, a 50-foot right-of-way, and the extra 24 feet. Then you have a bulb in the middle?

Ms. Susie Morris said, these are the Fire Marshal's standards. They're showing a 50-foot right-of-way. The Fire Marshal said it is acceptable for a 26-foot gravel road or all-weather access. As long as it meets their terms of all-weather access they can do that. They will need to work that out with the Fire Marshal, this was just their exhibit for the variance. They have not gone through the final platting process. This is a minor subdivision so it goes through a different process. The preliminary plat is the final plat. Either it could be a mini loop that comes through someone else's property or it could be a half moon that comes out where they can pull over and get out. This is all about shuttling water. They have to connect the truck and the hoses and shuttle the water back and forth. A lot of people think it's about cars, but it's about getting fire trucks and ambulances out if needed.

Mr. Douglas Hall, County Attorney, said, I want to add something. I've been working with the Fire Marshal on an existing road that is similar. The road is as long, or longer, and has many houses. They are trying to address things like passing lanes where two tankers can pass. The Fire Marshal's office is being very flexible on how to make that work. They're talking about having a little more gravel off the travel portion or a place where there was a turnaround in someone's driveway. The Fire Marshal said, we think their driveway could count and we could make it work. I think they have a fair amount of flexibility.

Mr. Joe Untz said, these are things that Mr. Foster and I have not had the opportunity to discuss with the Fire Marshal. I can assure you when we get to that point, we will kindly agree to any recommendations they have.

Mr. Brent Rockett said, I think the Board's concern is that we've had a case recently they got ahead of themselves and didn't have room to meet the standards.

Mr. Joe Untz said, I understand.

Ms. Holly Edwards said, I have a question. As far as your infrastructure lines, has that all been taken into consideration in that 50-foot right-of-way?

Mr. Joe Untz said, in terms of if there is room for it or have we already addressed Duke Energy?

Ms. Holly Edwards said, yes.

Mr. Joe Untz said, we have not addressed Duke Energy. I've done quite a bit of this in the past. In the 50-foot right-of-way shoulder to shoulder, there's no other utilities.

There's no water, sewer or storm drain and no issue with Duke Energy running underground.

Mr. Adam Dagenhart said, is there a lot of topography on this site?

Mr. Joe Untz said, there is, but not in the road and how it is to be graded. As you can see, the lots are large. We have some falling off topography with 1 to 2 acres to build on. As far as the road itself, there aren't any issues with the topography in terms of utilities.

Request B: Appendix A-Requirements for Dead-End and Stub Streets

Mr. Brent Rockett said, we need to discuss Request B, the project includes a private road that will extend from Trinity Church Road into the property providing access to the proposed lots. The proposed private road is 1,944 linear feet and exceeds the allowable 1,000 linear feet. Are there any questions or discussion about the requirement for dead end and stub streets? What do you the board members think about this in totality and dividing it up by the requests?

Ms. Holly Edwards said, I think it looks good and they have valid concerns about the presentation and how they've done their lots. I don't think they could do anything different knowing that Fire and Safety is primary and they've done their due diligence. I would move for approval.

Vote #1

Ms. Holly Edwards **MOTIONED, SECOND** by Mr. Charles Paxton to **APPROVE** the request for **Relief from the Restriction of the Cul-de-Sac Length AND Relief from Appendix A, Requirements for Dead-End and Stub Streets to Allow a Road that is 1,944 Linear Feet**. The vote was unanimous to **APPROVE**.

Vote #2

Ms. Holly Edwards **MOTIONED, SECOND** by Mr. Stephen Wise to **APPROVE** the Conditions of Approval. The vote was unanimous to **APPROVE**.

The Chair told the applicants they were free to leave.

LEGAL UPDATE

Mr. Douglas Hall, County Attorney, said, I don't have any specific legal updates. I appreciate you approving the Granting Orders. Susie was very patient with me in drafting those three, somewhat lengthy, Orders.

Director's Report

We have a vacancy in our division for a Zoning Compliance Officer. If any of you know anyone looking to make a change or has that type of background that may be interested, the position is on the Cabarrus County website.

Adjourn

Ms. Holly Edwards **MOTIONED, SECOND** by Mr. Stephen Wise to **ADJOURN** the meeting a 7:02. 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


