

Cabarrus County Government – Planning and Development



Planning and Zoning Commission Minutes

June 9, 2026

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. Ingrid Nurse, Ms. Holly Thrift and Ms. Heather James. 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, Mr. Chris Pinto and Mr. Keith Conrade.

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.

Approval of April 14, 2026 Meeting Minutes

Ms. Holly Thrift **MOTIONED, SECOND** by Ms. Ingrid Nurse to **APPROVE** the meeting minutes for March 10, 2026. The vote was unanimous to **APPROVE**.

Approval of Granting Order & Findings for 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, 4672-43-4009, 4672-43-0565, 4672-43-3332 & 4672-33-4395, 4672-33-8027, 4672-33-8206, 4672-33-8554, 4672-33-5575).

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

Approval of Granting Order & Findings for SUSE2025-00028

Request for a Special Use Permit for a Public Service Facility. Remington Jackson (agent for Duke Energy) is the applicant, and the owner of the subject property is Duke Energy Carolinas LLC. Subject property is located at 9001 Mooresville Road (PIN#: 4683-44-0538).

Ms. Holly Thrift **MOTIONED, SECOND** by Mr. Adam Dagenhart to **APPROVE** the Granting Order. The vote was unanimous to **APPROVE**.

Approval of Granting Order & Findings for VARN2026-00002

Variance request for relief from the active open space requirements of Chapter 15. Valley Development is the applicant, and Cedarvale Farm Homeowners is the owner. The address associated with the subject property is 11238 Serenity Farm Drive (PIN's: 5525-55-9176, 5525-66-9388 & 5525-73-1082).

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

Approval of May 12, 2026 Meeting Minutes

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

The Chair reminded the audience to fill out a blue card if anyone was wishing to speak.

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. Adam Dagenhart to **APPROVE** the Rules of Procedure. The vote was unanimous to **APPROVE**.

Old Business Planning Board

PLPR2025-00007- Request to subdivide property located on the west side of Shiloh Church Road. Pavel Shchetinin is the owner of the subject property and applicant of this request. The addresses associated with the subject property are 2575 Shiloh Church Road and 11145, 11220, 11250, 11280 & 11295 Aubrey Elena Court (PINs: 4672-43-4009, 4672-43-3332, 4672-43-0565, 4672-43-0198, 4672-33-8554, 4672-33-8206, 4672-33-8027, 4672-33-5575 & 4672-33-4395).

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 currently zoned CR (Countryside Residential) and approximately 17.15 acres in size. The northern and eastern portions of the subject property are currently under development. A private road has been installed that provides access to the interior of the subject property from Shiloh Church road to the east. The southern portion of the subject property is wooded and vacant. It is the applicant's intention to further develop the southern portion of the subject property with residences. An intermittent stream traverses the center of the property from south to north, eventually feeding into the Rocky River, approximately a half mile to the north.

An unpermitted contractor's storage yard abuts the subject property to the north. A school (Christ the King) is located to the east of the property on the opposite side of Shiloh Church Road. The other adjacent properties are residential and vacant. The subject property is surrounded on all sides by properties zoned CR. No governmental services are available at the site and it will be served by well and septic.

The applicant originally submitted a minor subdivision for a portion of the property. The intention was to process the minor subdivision and begin construction to recuperate some of the cost, then move forward with the major subdivision. Once the minor subdivision was recorded, the applicant commenced with the installation of the road. However, the road was installed to meet the private road requirements for a minor subdivision. The applicant submitted a variance application requesting relief from Chapter 15, Sections 8 & 9 and Appendix A, for the following reasons:

- the existing road was not built to the NCDOT standard for a public road
- the existing road exceeds 1,000 feet in length

- no connections to adjacent properties were proposed
- existing road is 20 feet in width-required width is 24 feet
- existing right-of-way was 50 feet in width-required width is 60 feet
- existing shoulders were less than the required 6 feet
- existing road has a base course of 6 inches-required to be 8 inches

The request was initially heard at the November 2025 meeting of the Board of Adjustment. There was no resolution and the matter was continued to the December meeting. The Board of Adjustment approved the request for relief from the road length and connections to adjacent property requirements at its December meeting. However, no decision was made on the other requests, which were tabled to the April meeting. The Board considered the remaining requests at the April meeting and approved all but two of the original requests. The applicant proposed changes to the plat that would address the right-of-way and shoulder-width requirements, so those variances no longer needed consideration.

The Board of Adjustment granted the following variances for Mercer Estates:

- relief from the 1,000-foot restriction on the cul-de-sac length
-The applicant offered the condition of approval that the road would not exceed 1,385 feet in length.
- relief from the requirement to provide connections to adjacent properties
- relief from the required 6-foot shoulder width
-The applicant agreed to increase the width of the right-of-way to 60 feet, eliminating the need for this variance.
- relief from the required 60-foot right-of-way width
-The applicant agreed to increase the width of the right-of-way to 60 feet, eliminating the need for this variance.
- relief from the curve radius requirement
-The applicant provided a fire truck template to show that the road was sufficient for emergency vehicle access.
- relief from the 24-foot road width requirement
-The applicant offered an increase in the width of the existing road from 20 feet to 22 feet.

- relief from the requirement of an 8-inch base course for the road
-The applicant offered to add 2 inches of asphalt to the top coat to offset the 2-inch shortage of the base.

The applicant is now proposing to add two new lots and rearrange two existing lots to officially recognize Mercer Estates as a major subdivision. The total lot count will be eight. The proposed project is located on property recommended for residential development at a density of 1 to 3 dwelling units per acre in the Western Area Plan. The proposed density of the project is 1 dwelling unit per 2 acres. The proposed density of the project is 1 dwelling unit per 2 acres. Three of the lots within the minor subdivision were less than the required 2 acres in size as permitted in under the minor subdivision regulations of Section 5-5.C. The remaining proposed lots are 2 acres or greater in size. Therefore, this is a conventional subdivision request and no open space is required for the development.

A staff review finds that the proposed subdivision meets the development standards of the Cabarrus County Subdivision Ordinance or the variance standards granted by the Board of Adjustment.

Staff suggests the following conditions of approval for the proposed Mercer Estates 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.
- The applicant shall comply with the standards established by NCDOT in Driveway Permit Number C-1973.
- Soil and Erosion control measures must comply with Federal and State water quality laws, regulations and rules.
- Project subject to design standards as outlined in Stormwater Permit #SW3250401. Deed restrictions as outlined in Schedule of Compliance must be recorded in the Cabarrus County Office of the Register of Deeds and a copy provided to NCDEQ and to Cabarrus County Planning after recordation. Modifications to the plan as submitted must be reviewed and approved by NCDEQ.

- The total private road length shall not exceed 1,385 feet, as shown on the submitted site plan. No additional extensions shall be requested or approved beyond this distance.
- The road shall remain private and serve only the eight residential lots within this subdivision.
- The road must be inspected and certified by a licensed professional engineer to ensure it meets structural integrity and drainage requirements suitable for long-term residential use.
- A Private Road Maintenance Agreement shall be recorded prior to final plat approval, establishing clear responsibility for long-term maintenance, repair and shared access among all property owners served by the road.

Mr. Phil Collins, Planning Supervisor, asked if anyone had any questions.

Ms. Holly Thrift said, out of the 3 lots that are less than 2 acres, I don't see where it tells us how much less it is. Do you have an idea?

Mr. Adam Dagenhart said, according to the plat, they are 1.503, 1.537 and 1.249 acres in size.

Mr. Michael Bywaletz, Chair, called on the applicant, Pavel Shchetinin, to speak.

The applicant stated that he did not have any comments that needed to be added at this time.

The Chair asked if anyone had questions for the applicant.

Mr. Charles Paxton said, will you agree to the conditions proposed by Staff?

Mr. Pavel Shchetinin said, yes.

The Chair asked if there was anyone present speaking in favor or against the request. There were none and the public hearing was closed.

The Chair told the Board members that they would need to discuss the proposed subdivision and come up with any findings that make it consistent or inconsistent with the land use plan.

Mr. Michael Bywaletz said, I know we've gone through this multiple times. He has met all of the requirements that we have requested. Based on some of the other land uses around the property, these parcels are larger than most.

Mr. Brent Rockett said, I feel like all of those are applicable. I know there were some changes and items that were already approved that didn't quite meet the standards. In my opinion, all of that has been met.

Mr. Michael Bywaletz said, I agree with the Conditions of Approval that were put in the Staff Report. Is there a motion to approve or deny the subdivision?

Mr. Adam Dagenhart said, I don't see the (Fire) condition concerning the sprinkler system.

Ms. Susie Morris, Planning & Development Director, said, you can reference it if you want, but Fire will determine what statements need to be on there when the final plat is renewed.

Mr. Adam Dagenhart said, if it's going to be on the final plat, I don't think we need it as a condition.

Ms. Susie Morris said, they typically will provide the statements to put on the plats.

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

Legal Update

Mr. Douglas Hall, County Attorney, did not have a legal update at this time.

Director's Report

Ms. Susie Morris, Planning & Development Director, said, if your appointment is coming up and you're eligible for reappointment, I have reached out to you. I had asked for a response by the end of the day today. I put forth an alternate member for succession, in

planning for Mr. Bywaletz's move. Please let me know so I can get those turned in; I need to know if you're interested. If not, I can look through new applications.

Adjourn

Mr. Adam Dagenhart **MOTIONED, SECOND** by Ms. Holly Thrift to **ADJOURN** the meeting at 6:50 p.m. The vote was unanimous to **ADJOURN**.

APPROVED BY: Michael Bywaletz, Chair



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



ATTEST BY: Susie Morris, Planning & Development Director


