

Cabarrus County Government – Planning and Development



**Planning and Zoning Commission Minutes
December 9, 2025**

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

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 re-appointed member, Ms. Holly Edwards, and newly-appointment members, Mr. Keith Conrade and Ms. Heather James.

Approval of November 12, 2025 Meeting Minutes

Mr. Brent Rockett **MOTIONED, SECOND** by Mr. Mohammed Idlibi to **APPROVE** the minutes. The vote was unanimous to **APPROVE**.

The Chair proceeded to 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**.

Mr. Michael Bywaletz, Chair, swore in members of the audience that wished to speak.

Old Business Board of Adjustment

Petition 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). **REQUEST TO TABLE**

Mr. Adam Dagenhart **MOTIONED, SECOND** by Mr. Charles Paxton to **TABLE** the request until the January 13 ,2026 meeting. The vote was unanimous to **TABLE**.

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. Michael Bywaletz, Chair, confirmed that all board members absent from the original meeting had listened to the recording or read the minutes of the meeting. All members confirmed and the Chair asked if any members of the board had any conflicts with the case. There being none, the Chair proceeded.

The Chair explained to the board and the audience that since this case had already been presented at a previous meeting, the board would move to deliberations.

The Chair proceeded to read the standards of review for the case.

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.

Request #1 Chapter 5: Relief from the Arterial Street Buffer Standards

Mr. Adam Dagenhart said, these are going to be public streets and NCDOT has not reviewed the internal road network. They have only looked at the public access points.

Mr. Michael Bywaletz, Chair, reminded the board of some of the items from the Staff Report:

Pursuant to Chapter 5, Section 5-7, Ownership and Management of Open Space, Section D, Perimeter Compatibility, Section 2 Buffer Required, Subsection C, Arterial Street Buffer Required:

-An arterial street buffer shall be provided along any project boundary that abuts an arterial street. The buffer shall be measured perpendicular to the right-of-way line that defines the project area.

- *The minimum width of the buffer shall be 50 feet.*

Applicant contends that the 50-foot arterial buffer requirement is unreasonable and that the classification of Stirewalt Road does not warrant the required buffer to meet the intent of the code.

Mr. Charles Paxton said, can we ask questions of the applicant?

Mr. Adam Dagenhart said, we can ask. It's just not a public hearing.

Mr. Charles Paxton asked the applicant if he had modified any of his positions since the original meeting.

Mr. Nicholas Vesely said, I'm a principal engineer with Peninsula Civil Design. On behalf of the applicant, generally speaking, no, we haven't changed our position. Is there something in the findings of fact that you would like addressed specifically?

Mr. Charles Paxton said, I was wondering if you had addressed anything during the interim period that would change the outcome.

Mr. Nicholas Vesely said, the basis of the site and basis of the buffer and whether or not we felt it was required, to the extent that it affects the developable area, has not changed in the past two months.

Mr. Adam Dagenhart asked if the NCDOT review had changed.

Mr. Nicholas Vesely said, the plans for the internal road network have been submitted to NCDOT and are currently under review. We have not received any first round comments back. They have made comments regarding the connections as far speed and site distance. They agreed that they're generally in compliance, but no official statement.

Mr. Charles Paxton, can you explain why you presented this variance before you received comments from the NCDOT?

Mr. Nicholas Vesely said, we didn't feel that the buffer was directly dependent on the NCDOT's position. We felt that the grounds of the buffer were more about buffering the neighborhood itself. The feedback we've received from the NCDOT were on the grounds of it being arterial versus local. The evidence presented in the packet was NCDOT's classification of Stirewalt as a local road. Regarding the need for the buffer, that would be strictly a County decision.

Mr. Adam Dagenhart said, they're saying, based upon their interpretation of the classification by the NCDOT, what they feel the buffer should be. We go by whether the County's or the NCDOT's is stricter.

Ms. Susie Morris, Planning & Development Director, said, we're not necessarily talking about the classification. It says arterial street, but the intent of the Ordinance was for there to be a buffer at the street. That is a 50-foot buffer and that is the part that is under discussion. During the initial meeting, we talked about the perimeter buffer. These standards are all County standards and the arterial street buffer, which is the buffer out at the street, is intended be 50 feet. I don't know why it was called arterial street buffer. I know it's the one along the street.

Mr. Michael Bywaletz said, it's supposed be classified as a street buffer, not just arterial or local?

Ms. Susie Morris said, correct. It's not just based on the classification. It's just the exterior that is up against any roads they're connecting to. Since that seems to be a point of confusion, when we do that next round of text amendments, we will clarify that.

Mr. Adam Dagenhart said, you're proposing a 25-foot frontage buffer instead of 50 feet?

Mr. Nicholas Vesely said, yes, the position is partially based upon what we felt was a reasonable classification, which we felt warranted the reduction. Generally speaking, the grounds of the variance request has dealt with the fact that the site is roughly 100 acres. There are floodplains in the rear, stream buffers and other environmental impacts, including steep topography. There is a Duke Energy easement and there's a City of Monroe gas easement and a lot of other site restrictions. We felt that you would agree that the buffer itself is another encroachment into the developable area. The reduction from 50 feet to 25 feet still meets the intent of providing the street buffer. It also recaptures some of the area that we have to use the property versus the other restrictions we have.

Mr. Adam Dagenhart said, you're asking for a reduction of buffer in the most visible portion of your development to adjacent properties?

Mr. Nicholas Vesely said, yes, however, keep in mind that 100 acres has very limited street frontage compared to the size of the property. Whereas, the perimeter buffer is offering the additional buffer to adjacent properties.

Mr. Michael Bywaletz said, it does, but the lots adjoining that road are the ones affected.

Mr. Nicholas Vesely said, yes, there's essentially four lots that would be directly impacted. Given that they're one-acre lots, they will have their own internal landscaping. We felt that it was reasonable to only provide 20 feet of buffer.

Mr. Adam Dagenhart said, you're not going to get to control that landscaping once a person buys the property.

Mr. Nicholas Vesely said, they have the opportunity, given the large setback. It's basically a conversation of "what is the purpose of the buffer?" The Ordinance doesn't really define a purpose. We can easily say that it's either to protect the development

itself or to protect the community. We felt like the 25 feet was a reasonable exchange considering the limitations of the site otherwise.

Mr. Michael Bywaletz said, is there any topographical enhancement that's going to happen in that buffer?

Mr. Nicholas Vesely said, not specifically. We would be open to something like that.

Ms. Holly Edwards said, have you received anything back for NCDOT about a traffic study?

Mr. Nicholas Vesely said, NCDOT's response is essentially that the traffic generated by the site wouldn't warrant the threshold for a TIA (Traffic Impact Analysis). The feedback that we received from the County is that it may be required based on a number of factors within the Ordinance, but we haven't had a specific request for a TIA.

Mr. Adam Dagenhart said, you didn't submit anything for review to NCDOT or to Staff before you came before this board?

Mr. Nicholas Vesely said, that's inaccurate. We submitted a site plan on a preliminary basis that was reviewed by Staff and the County's engineer and consultant. We have discussed the nature of the buffer in some detail. Our understanding was that we were not allowed to submit a preliminary plat until we had approvals for erosion control and NCDOT. We have submitted a concept plan.

Ms. Susie Morris said, the applicant did not want to move into the preliminary plat process until they had a better understanding of the board's tolerance for what they're asking. The developer is here if you would like to speak to him. They did not submit the preliminary plat that you would normally see because he was not willing to assume that risk at this time. This site plan is what was submitted to us. We issued preliminary comments like we would for any other sketch plans. As far as a preliminary plat review, that has not been done or completed.

Mr. Nicholas Vesely said, we have received two invoices from the County for engineering review.

Mr. Joe Untz, applicant, said, I'm not here for rebuttal. Initially, when we met with NCDOT, we looked at their buffer requirements, which we met. We looked at their buffer requirement and there is no buffer requirement with NCDOT. We researched Jacob's Ridge, which was approved with the same Ordinance. There is no buffer requirement for

Jacob's Ridge. Yes, the 50-foot buffer is detrimental to this project and it only affects four or five lots, but we're talking about 39 lots on 102 acres. It is critical and I did want to point out something in this discussion and this was mentioned previously. For the reduction in the buffer for the developer and applicant, we are okay with anything that would be imposed by the board, such as additional landscaping within the 25-foot buffer that we're proposing.

There were reasons why we felt comfortable moving forward with this. We did speak to the NCDOT in depth. They have emphatically told us that a TIA is not going to be required. We started out with 49 lots and we're down to 39 lots. If we get down to less than that it is what it is. It's no one's fault. We were trying to derive a way to retain those lots. I think it's four or five lots, which is about the same number that Jacob's Ridge has, that would impede on the same buffer. I wanted to point these items out and let you know that we are open to additional standards with buffering that can be implemented into the project.

Ms. Holly Edwards said, just to clarify, the preliminary comments from NCDOT were no TIA and no additional comments? I know you understand how important that can be with Stirewalt Road being so narrow.

Mr. Joe Untz said, this is the project I've done that the NCDOT did not require me to do a TIA and I do understand the question.

Mr. Michael Bywaletz said, you have a perimeter buffer of 50 feet, just not along the roadway frontage?

Mr. Nicholas Vesely said, that is correct. The perimeter buffer is a requirement based on the type of development.

Mr. Adam Dagenhart said, the perimeter is 25 feet, but along the road front, you're required 50 feet?

Mr. Nicholas Vesely said, as it has been interpreted to us, that is the arterial street buffer requirement.

Ms. Susie Morris said, there's a perimeter buffer. Based on the lot size they are proposing, which is smaller than what is adjacent, they have to do that buffer. The arterial street buffer is completely separate. Typically, the perimeter buffer that goes around the development, may not be required, depending on the size of the lots. Just to clarify, Jacob's Ridge was not done under the same Ordinance. The County went

through a significant Ordinance change when they did the Designing Cabarrus Project. So, there would have been different standards when that project was submitted and constructed.

Mr. Michael Bywaletz, Chair, asked if anyone wished to make a motion.

Mr. Adam Dagenhart said, I don't see how we can consider this when NCDOT hasn't weighed in on it. You do not have official comments from NCDOT, correct?

Mr. Nicholas Vesely said, we don't think this is relevant to NCDOT.

Mr. Adam Dagenhart said, because we don't know how your lots are going to change, you can't ask for a change on a variance for a buffer on the street, when we don't know what your road network is going to be.

Mr. Adam Dagenhart said, I see ways that you can manipulate some lots to get more than 25 feet.

Mr. Nicholas Vesely said, what we're requesting is an increase of the recapture of developable area. In the 100 acres of sight that we have, we have significant area that's being lost due to stream buffers, FEMA floodplains, Duke Energy easements and Monroe Gas easements. The arterial street buffer classification is irrelevant to the fact that we have a reduction in area. We found areas that we thought were reasonable requests because they are related to the specifics of the property. We can say that a 25-foot buffer is reasonable because we felt the classification of the road isn't arterial highway.

Mr. Adam Dagenhart said, that is irrelevant on the classification of the road.

Mr. Nicholas Vesely said, my point was that we felt that if the purpose of the buffer is to buffer arterial streets, it would be reasonable to reduce the buffer, so that we can recapture area due to the other losses. No different than any other variance request for a limitation.

Mr. Charles Paxton said, what is the downside of going from 50 to 25 feet?

Mr. Phil Collins, Senior Planner, said I guess it would be more aesthetic.

Mr. Adam Dagenhart said, typically when you reduce the buffer, you would increase the number of plantings. Half of the plantings aren't going to live because they're not going

to have space to grow. You defeat the purpose of decreasing the buffer and increasing the landscaping. You don't want to reduce the buffer and reduce the landscaping.

Mr. Michael Bywaletz said, currently there is no landscaping so that would be a condition that we would come up with.

Mr. Nicholas Vesely said, because the Ordinance lacks strict purpose for the buffer, we don't have any findings of fact to establish what the purpose of the buffer is. It could be completely subjective. Our opinion on that would be that we could reduce buffer in exchange for more developable area, that is the basis of our request.

Mr. Adam Dagenhart said, let's go through the four items to see if it meets the Ordinance. If it doesn't meet one, then it shouldn't be approved.

Mr. Michael Bywaletz read the first Standard of Review for a variance:

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.

Mr. Brent Rockett said, it appears to me that reasonable use can be made, just not with the 39-lot plan.

Mr. Michael Bywaletz read the second Standard of Review for a variance:

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.

Mr. Michael Bywaletz said, I'm not seeing that as a reason.

Mr. Michael Bywaletz read the third Standard of Review for a variance:

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.

Mr. Michael Bywaletz read the fourth Standard of Review for a variance:

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.

Mr. Adam Dagenhart said, I guess that one could go either way, but if one and two are not met, we can't approve the variance.

Mr. Douglas Hall, County Attorney, said, I wasn't quite sure what you said about number two. Did you say that it was not established?

Mr. Adam Dagenhart said, there are property issues, but they're not impacting this particular variance request.

Mr. Charles Paxton said, are you going to vote on these individually?

Mr. Michael Bywaletz said, can we get a motion?

Mr. Adam Dagenhart said, the applicant did offer to mitigate but I don't know how you would mitigate it?

Mr. Brent Rockett asked the applicant if there was any option between the 25 and 50 feet along with berming and plantings that would make your plan feasible?

Mr. Nicholas Vesely said, I guess that's a question as to what the purpose of the buffer is. We felt that 25 feet was more than a reasonable amount of space between the street and the development.

Mr. Brent Rockett said, I think it's very difficult to get more than 50 feet of buffering in a 25-foot buffer.

Mr. Nicholas Vesely said, I don't believe there's a specific standard for the planting density that we were looking to try to overwhelm. We figured the application of a reasonable standard of planting with 25 feet was acceptable. If it's a matter of adding a berm, we'd be amendable to that.

Mr. Adam Dagenhart said, I think what he is inferring is that 25 feet in a berm would not be sufficient. You need to go somewhere between 50 and 25 with the berm and landscaping.

Mr. Nicholas Vesely, I think you're concerned about having an overwhelming amount of plants and having them die? I have a full-time landscape architect on staff that would be

designing the berm and the landscaping to make sure it's a sufficient buffer to meet the intent. There's several standards and other areas of the code, where buffers can go down to 10 feet and still provide a reasonable screening standard.

Mr. Charles Paxton said, what about the noise level from 25 to 50 for the homeowner?

Mr. Nicholas Vesely said, I don't have any specific information to document that, but I know there's highway corridor studies that have been done regarding noise reduction. Anything short of a physical wall, really doesn't provide noise reduction. With Stirewalt Road being a local NCDOT classification and low traffic, we don't think road noise would be problematic for the development.

Mr. Adam Dagenhart said, are you planning to do a monument sign?

Mr. Nicholas Vesely said, not at this time.

Mr. Adam Dagenhart said, half of the buffer in both directions of each drive is going to be clear. If they do monuments, you're pushing it even further back.

Mr. Nicholas Vesely said, we can accommodate an additional ten feet at the site triangle if needed.

Mr. Adam Dagenhart said, do you know where the ditch line is going to be?

Mr. Nicholas Vesely said, the existing ditch line is the typical NCDOT standard ditch line. Stirewalt Road is a 50-foot right-of-way. A typical road section for NCDOT is an 11-foot travel lane and a 4-foot shoulder. You're roughly 16 feet or so to the center line of that ditch.

Mr. Adam Dagenhart said, I'm not comfortable with 25 feet. It's either we make a motion to deny it or offer them an opportunity to come up with a plan.

Mr. Nicholas Vesely said, I think a berm would be reasonable.

Mr. Adam Dagenhart said, 25 feet with a berm is not acceptable. We're not going to tell you exactly what you need to do. You need to propose something.

Mr. Nicholas Vesely said, what's the primary concern? Is it visibility, noise or something else?

Mr. Brent Rockett said, I believe all of those things are factors but we're considering a variance and we're looking for a solution that is feasible and in the best interest of all involved.

Mr. Joe Untz said, I'm going to try my best to simplify this so that we can come up with a compromise or I understand it's a "no".

Ms. Susie Morris said, for clarification, the Ordinance does prescribe the plantings that go in that buffer, so if there's a reduction, the board could say you can reduce the plantings or you must have whatever was required, be in that buffer.

Mr. Nicholas Vesely said, if you're concerned about the screening aspect, would you be open to a 25-foot buffer, but an additional 25-foot setback instead of the required 15-foot setback? We can propose plantings in the setback between the buildings and the street.

Mr. Adam Dagenhart said, the only problem with that is when you sell lots, you don't control that.

Mr. Nicholas Vesely said, we can provide a 50-foot buffer but we can provide a 25-foot overlap between the lot and where the buffer starts. So, you will have 25 feet of clear buffer and 25 feet of easement buffer.

Mr. Adam Dagenhart said, I think that would have to be a landscape easement. I don't think we can do that with a buffer. The buffers can't encroach into the lots.

Mr. Michael Bywaletz said, I have actually seen where the developer has planted on the property, not in the right-of-way, in order to sell the lot to keep it screened from the roadway.

Mr. Adam Dagenhart said, but if you don't put in an easement, the property owner is not required to keep it.

Ms. Susie Morris said, I think what they're proposing is 25 feet that would be planted and 25 feet that would encroach onto the lot. Typically, that has to be included as part of the open space because it becomes the HOA's responsibility.

Mr. Nicholas Vesely said, we're gauging that as an option right now. It would be 50 feet of planted buffer. 25 in open space and 25 in the lot. That's not conventional, but it would be in a protected easement.

Mr. Adam Dagenhart said, who maintains that easement?

Mr. Nicholas Vesely said, it would be the HOA.

Mr. Adam Dagenhart said, does that have to be open space maintained by the HOA?

Mr. Douglas Hall, County Attorney, said I don't think it has to be open space, but there would have to be some type of easement.

Mr. Nicholas Vesely said, we can provide an easement and covenants in the HOA that would protect this and that could be approved at the preliminary plat.

Mr. Douglas Hall said, it's not our call to decide what to call that. It may be limited common area that is reserved for that homeowner's use, but the HOA is dictating what has to happen there. It has to stay planted and the HOA is going to maintain it. Either an easement or limited common area, but I think the exact language can be sorted out later.

Mr. Joe Untz said, I had not thought of that idea myself, but if something could be worked out, the HOA is the company that's going to be handling all of the landscaping. It would be an extra contract for them and it would be restricted by the covenants of the HOA.

Mr. Adam Dagenhart said, if we did not do that variance and he had to do the 50-foot buffer, they're going to have to maintain that anyway.

Mr. Charles Paxton said, can you repeat your proposal again so that I can completely understand it?

Mr. Nicholas Vesely said, essentially, you would be getting your 50-foot buffer but we would also be getting our request for increased depth of developable area. The first 25 feet of buffer would be a protected, common open space. The second 25 feet would overlap the lots. In this case, the four front lots would be in a protected easement. The covenants would require the plantings and the maintenance of the plantings by the HOA.

Mr. Charles Paxton said, and a berm?

Mr. Nicholas Vesely said, generally speaking, when the contractors strip the pads for the buildings, they need a place to dump topsoil anyway.

Mr. Adam Dagenhart said, is it safe to say in your proposal that the 50 feet would be what your setbacks are now?

Ms. Susie Morris said, (showing on map) this is going to be considered the side. When it's an undeveloped lot that has multiple frontages, they can determine which becomes the front. This would be the front setback and this would be a side setback. I think this was AO or CR and the setback is only going to be 20 feet. If you guys are going to do this, please clarify for Staff so that we understand what you're talking about.

Mr. Adam Dagenhart said, can you we put a condition on the four lots for that side setback?

Mr. Nicholas Vesely said, we assume it would be some kind of plat restriction either approved at the preliminary and final plat. Because this is a concept plan and not a preliminary plat, we would advise you to put it just on those four plats.

Mr. Adam Dagenhart said, one of the conditions of any variance is that they get preliminary plat approval.

Mr. Brent Rockett said, I think what we meant was if they realign the lots, that it be specific to those four lots.

Ms. Susie Morris said, again, this is a conceptual plan. If there are any substantive changes to this plan when it comes back, those variances are no longer any good. Legal can speak to that because we have had this conversation, since this is a conceptual plan.

Mr. Douglas Hall said, some counties require a preliminary plat to get to this stage, but many jurisdictions do not. If there is any material and substantial change, it would render any variances void. That doesn't mean there can't be any changes. For example, if they have 39 lots and have to tweak something because of what NCDOT says and end up with 27 lots, that wouldn't be a material change. If it ends up being 51 lots or drops down to 20 lots, that's a material change. I don't think we can give an exact definition of what that is tonight, but it doesn't mean nothing can be changed whatsoever. Once plats are approved and building begins, something usually shifts one way or the other.

Mr. Nicholas Vesely said, we would like to hold that the variance request is not directly related to this plan itself, but the property. Due to the property being restricted by

environmental factors, steep topography, easements, etc., that's why we are looking for additional developable area.

Mr. Adam Dagenhart said, we're going to consider a variance on the hypothetical?

Mr. Nicholas Vesely said, it's not the hypothetical of the subdivision. The property is what the variance is tied to, not the subdivision. We're showing an example of how the subdivision works, but the developable area of the subdivision doesn't change. The topography of the area, stream buffers, etc. are the basis for the variance.

Mr. Charles Paxton said, I would like to make the motion to approve the request based on the proposal of the applicant.

Mr. Nicholas Vesely said, what we would propose instead of a 50-foot arterial street buffer within common open space, we ask for variance relief in 25-foot buffer in common open space and an additional 25-foot buffer along the front of Stirewalt Road that could overlap private lot lines.

Mr. Adam Dagenhart said, I think we need to add a 3-foot berm.

Ms. Susie Morris said, I would like to ask a question because we need to understand this. What you are proposing is a 25-foot landscaped buffer at the street and an additional 25 feet that would encroach into the lot and be restricted by an easement? The HOA is going to mow the lots and that would apply to the frontage along Stirewalt Road? Is that what you are proposing?

Mr. Adam Dagenhart said, there will be landscaping across the entire 50 feet to meet the Ordinance, plus a berm.

Ms. Susie Morris said, we're going to have a 50-foot buffer that's going to be landscaped?

Mr. Adam Dagenhart said, 25 feet of open space and 25 feet on the private side, that will require some type of HOA landscape easement.

Ms. Susie Morris said, if you are asking for a buffer, do they meet the standards of the Ordinance for that 50 feet or are they allowed some type of reduction if they do the berm you're speaking of and where does the berm go?

Mr. Adam Dagenhart said, I think the berm needs to go in the 25-foot landscape buffer.

Mr. Nicholas Vesely said, the buffer would not be required in the overlap in the Duke easement?

Mr. Adam Dagenhart said, correct.

Mr. Charles Paxton **MOTIONED, SECOND** by Ms. Ingrid Nurse to **APPROVE** request for **Relief from the Arterial Street Buffer Standards** with conditions. Ms. Holly Edwards voted no. The motion to **APPROVE** was carried.

REQUEST #2: Chapter 15 Request A: Relief from the restriction of the cul-de-sac length

Mr. Michael Bywaletz, Chair, read items from the Staff Report:

Pursuant to Chapter 15 Chapter 15, Section 15-9, Road Design Standards, 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. No residential street cul-de-sac serving lots less than one acre in size shall exceed 600 feet. The District Engineer for NCDOT has the right to vary this standard upon coordination with the Subdivision Administrator and County Engineer.

Applicant contends that a 1,000-foot maximum is unreasonable for a project proposing lots being 1 acre or greater in size and that is unreasonable due to the size and shape of the property and the restrictions from the existing utility easements.

Mr. Michael Bywaletz said, NCDOT has not provided any feedback.

Mr. Nicholas Vesely said, NCDOT has not officially commented or responded based on the proposal we presented. However, you'll see in your packet that NCDOT typically allows subdivision cul-de-sac lengths up to 2,500 feet and we are within that standard. The standard that we are in violation of, is the County's requirement to have a cul-de-sac no longer than 1,320 feet. We feel like official comment from the NCDOT wasn't necessarily warranted. (Note: the Cabarrus County Development Ordinance states that no residential street cul-de-sac serving lots of one acre or greater in size shall exceed 1,000 feet).

Mr. Adam Dagenhart said, another part of this equation is Fire. You're asking for another 250 feet. This is tied to the shape and frontage availability of the parcel.

Mr. Steve Wise said, has Fire seen this preliminary drawing?

Mr. Nicholas Vesely said, I'm not sure if Fire has seen it. We did request to send it to them. I don't have it in memory if they ever responded.

Mr. Nicholas Vesely said, typically, Fire would require you have sprinklers or some secondary emergency access.

Mr. Nicholas Vesely said, we understand the North Carolina Fire Code to allow the NCDOT standard of 2500 feet in exchange for a wider pavement width. I believe the County standard is 24 feet of total pavement and 12-foot lanes on either side. We were going to provide the aerial access for 13 feet on either side.

Mr. Adam Dagenhart said, I would really like for Fire to weigh in on that, as well as NCDOT.

Ms. Susie Morris said, you will see in your packet that Fire looked at it. The Fire Code has changed. Their threshold now is 750 feet. Anything over 750 feet is at their discretion. Typically, what you see is an increased pavement width to the 26 feet. Depending on availability, they may require an onsite water source, such as hydrants. These are being done on well and septic, so there wouldn't be hydrants. If it gets to that point, they will be required to have an onsite water source or the houses have to be individually sprinkled depending on size. There are some allowances once you get past that, for the road width.

Mr. Charles Paxton said, Fire's response was "no response" or they haven't responded at all?

Ms. Susie Morris said, the comments are in your packet. They apparently were fine with the preliminary design and those details would be hammered out during the preliminary process. The preliminary plat would also have to come back to you and meet any of the terms of any of the variances that would be granted this evening. It is not at a preliminary process so the standards that are in the Ordinance for us would be the rural residential street unless NCDOT is looking for something different. That's going to require 24 feet of pavement and the Fire Code would bump it up to 26 feet.

Mr. Brent Rockett said, can we make that a condition of the approval?

Ms. Susie Morris said, you can, but they will have to show you the road typical on the preliminary plat. If there are any adjustments made to the road that you feel are necessary based on the length, you can negotiate that with them or that comes out as part of the Fire Code review and potentially as the NCDOT review. The NCDOT is going to look at those streets and how they are constructed because ultimately they are asking NCDOT to take over those streets.

Mr. Nicholas Vesely said, Joe Untz had a meeting with the fire marshal regarding this project. We would be fine with a condition that states that approval is required from the NCDOT and the fire marshal can weigh in and approve it as well. The variance is specific to the County's requirements.

Mr. Joe Untz, applicant, said, according to the discussion of fire hydrants with the fire marshal a year ago, it was determined that hydrants are not required with individual wells unless the footprint of the house exceeds 9,000 square feet. These houses will not exceed 9,000 square feet.

Mr. Adam Dagenhart said, in your drawing, are you proposing everything with the blue line to be 26 feet?

Mr. Nicholas Vesely said, we're open to whatever the fire marshal requires. They didn't have any objections to what we originally proposed.

Mr. Michael Bywaletz said, if we approve the variance and the NCDOT comes back with comments and say "no", NCDOT overrules.

Mr. Nicholas Vesely said, we're in review with NCDOT for the road design. If they come back with comments that say it exceeds their minimum standard, then we will have to make adjustments.

Mr. Adam Dagenhart said, you need to make official reviews and submittals and not just say we're talking to NCDOT.

Our instructions from Staff were to not submit until we had NCDOT and erosion control approval.

Mr. Adam Dagenhart said, NCDOT is not going to approve anything without a preliminary plat other than your access points. Those are two separate reviews.

Mr. Nicholas Vesely said, that was not our instructions.

Ms. Susie Morris said, I believe what they are referencing is that when a preliminary plat is approved, those documents have to be included with it. The preliminary plat would be sent to NCDOT along with erosion control. They have to have their erosion control permit and a storm water permit. Once they get to the preliminary plat process and everything is submitted, that would be when the official review starts. We haven't seen a preliminary plat. We have seen conceptual drawings and proposed lot layouts. It may or may not work out. We haven't received enough data to review it from the Staff standpoint. As far as direction, they can't move to preliminary plat until they have the other permits because we can't bring it to you until we know that it meets everybody's ordinance and ours.

Mr. Nicholas Vesely said, I would like to add that we did produce a preliminary plat and submitted it to the Planning Department in March or April. I didn't think that would be the grounds of the variance so we didn't prepare for that.

Ms. Holly Edwards said, you submitted a preliminary plat?

Mr. Nicholas Vesely said, we sent it in to Planning for review.

Mr. Adam Dagenhart said, you didn't upload it to Accela?

Mr. Nicholas Vesely said, no, because we were asking what the process was at the time. For public record, we submitted a preliminary plat and we were billed for review.

Ms. Holly Edwards said, did you receive any acknowledgement?

Mr. Nicholas Vesely, we did receive comments back and they stated we couldn't submit a preliminary plat until we received NCDOT and NCDEQ approval.

Ms. Susie Morris said, what they submitted was sketch plat review. We give comments back and the next step is to move to preliminary plat. They wanted to rebut some of those comments and the way of doing that is through this variance process. We are now in between sketch plat and preliminary plat.

Ms. Holly Edwards said, in my opinion, that makes it really hard because we don't have a lot of definitive information. I'm not used to making those kinds of decisions that way.

Mr. Joe Untz said, I've been doing this for 31 years and this is the way we've done every plat for every subdivision in every municipality. The reason we are here asking for these variances is because if we do it the other way around, I'm dropping another six figures

of money to see if these other entities are going to approve. Then, only to come back to see if I'm going to get the variance from you guys. It needs to be the other way around. I need to know what I've got and what you're going to allow me to do so that I can go to NCDOT and the fire marshal and say this is what I can do as long as I meet the guidelines. Otherwise, I'm dropping another six figures in engineering on a whim. I don't see how you can ask developers to spend the money we do in engineering to submit a preliminary plat with three or four variance requests that still have to come back. These requests can be answered and you can put stipulations on them. If we don't get approval moving forward, then that's on me. I disagree 100 percent with this process and I don't mind saying it.

Ms. Holly Edwards said, my question would be for Staff. There are other entities that could turn this down so does it come back to us because we approved the variance? There are plenty that will override us.

Ms. Susie Morris said, when you turn in a sketch plat, we send it out to other agencies for preliminary comments, in case there are any red flags. Then we start working on the details. When those comments were sent back to this developer, they did not agree with those comments and wanted to file variances because they want the road to be longer. They don't want to install the buffer. There has to be that in-between step. When they come back to you and the preliminary plat is approved, it's ready to go. They have their storm water permit because there's a stormwater ordinance that you have to meet. We don't know if you meet it unless the State reviews it. We don't have a stormwater ordinance. We're subject to the state's stormwater ordinance and the same thing for NCDOT. They control access; they control driveway permits. All of that comes in to play before we can bring it to you. We have to be able to certify to you that it meets the Ordinance.

Mr. Adam Dagenhart said, you're looking for NCDOT to approve the accesses? You're not looking for approval on the road network layout?

Ms. Susie Morris said, NCDOT is part of that process. They're reviewing for access and road typicals to make sure it's something they can take over. No, they don't have to do a TIA, but there's a good chance, they may have to do a turn lane. We all know that Stirewalt is a narrow road. That is where NCDOT comes into play. We had preliminary comments back from them that they hadn't received and other things would happen

once they got to the preliminary plat point. The sketch plat is only to address red flags. It does not get into the detail that we would for a preliminary plat.

Mr. Nicholas Vesely said, I feel that we're getting off track. The variance request is for the general concept of exceeding the County's required road length. The variance request is specific to the County's requirement.

Mr. Charles Paxton said, I agree with what you said. This process bothers me a lot. I agree with the developer. We need to make some changes in this county about some of that stuff. I need to ask a question to legal. If we grant this variance and somebody changes it down the road, have we wasted our time granting this variance?

Mr. Douglas Hall said, it's not a waste of your time. If it changes, it changes.

Mr. Charles Paxton said, if you grant a variance, how could someone ungrant it?

Mr. Adam Dagenhart said, can I answer that? Part of the condition of a variance is that you have to meet the conditions and get site plan or preliminary plat approval. If you can't achieve that, it goes away.

Mr. Douglas Hall said, the variances you are granting tonight are going to be conditioned on the subdivision not materially and substantially changing. I'm sure there will be changes. When we get further down the road, we'll be looking at a completely different subdivision. Once you grant a variance, no one can ungrant it, but it may become inapplicable based upon the wording of the granting.

Mr. Nicholas Vesely said, our understanding of the 160-D rules in North Carolina is that a variance is tied to the property and it's a condition of an ordinance requirement. In this case, we're requesting a variance on the road length, regardless of the layout of the subdivision because we have limited frontage. We have to get deep into the property based on the shape of the property itself to get to the back part of the property. Unless we exceed the road limit, we can't get to half of our property, which we felt was a reasonable request to exceed, subject to conditions of NCDOT approval.

Mr. Adam Dagenhart said, you are considering it's a hardship to get to the back of the property. It's not specific to the site plan, it's specific to the property. I would argue that it is not difficult. It just doesn't fit the business model. There is a difference.

Mr. Charles Paxton **MOTIONED** to **APPROVE** the request.

Mr. Adam Dagenhart said, I think we need to add the conditions that preliminary plat review with the County and NCDOT is approved.

Mr. Nicholas Vesely said, can we request the conditions be specific to County Fire review and NCDOT road review?

Mr. Adam Dagenhart said, no, because the Ordinance states how long your cul-de-sac can be.

Mr. Nicholas Vesely said, the request for increase is specific to Planning's requirement. If we condition it, we're getting back to the starting point and the variance is null. We are okay with NCDOT, which has a different requirement.

Mr. Joe Untz said, if we were to get the variance granted, it is granted as long as we get approvals from those other entities?

Mr. Michael Bywaletz said, yes.

Mr. Charles Paxton **MOTIONED, SECOND** by Mr. Brent Rocket to **APPROVE** request for **Relief from the restriction of the cul-de-sac length**. The vote was unanimous to **APPROVE**.

REQUEST #3 Chapter 15 Request B: Relief from the requirement to connect adjacent properties

Mr. Michael Bywaletz, Chair, read items from the Staff Report:

Pursuant to Chapter 15 Chapter 15, Section 15-9, Road Design Standards, Connections to Adjacent Properties:

Where necessary to provide access or to permit the reasonable future subdivision or development of adjacent land, rights-of-way and improvements shall be extended to the boundary of a development.

Connections shall be placed at locations where future connection can be made at a reasonable cost and shall not be directed into wetlands, creeks, steep slopes, or other locations that would make the future extension of the road impractical.

A temporary turnaround may be required where the dead end exceeds 250 feet in length. Where such a connection has been established on adjacent property, each new subdivision

shall be required to extend the connection as a link in the proposed subdivision street network.

Mr. Michael Bywaletz said, from previous discussions, I think this property was going over a creek.

Mr. Adam Dagenhart said, we had many things. We had creeks, topography, Duke Energy, gas lines, etc. The only place you could potentially connect is the back cul-de-sac on the right. You've got a hardship there with topography. The entire property is bordered by one of the things I listed, other than Stirewalt Road.

Mr. Charles Paxton **MOTIONED, SECOND** by Mr. Mohammed Idlibi to **APPROVE** request for **Relief from the requirement to connect adjacent properties**. The vote was unanimous to **APPROVE**.

Mr. Charles Paxton **MOTIONED, SECOND** by Mr. Mohammed Idlibi to **APPROVE** the **Conditions of Approval**. The vote was unanimous to **APPROVE**.

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. Michael Bywaletz asked if any of the board members had any conflicts of interest with the case. There being none, the Chair proceeded.

Mr. Michael Bywaletz reminded the board members of the Standards of Review:

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.

Mr. Phil Collins, Senior Planner, said, some of the conversation that took place last time is the fact that the buffering width standards along the so-called "arms" reach out to Windy Road and Mooresville Road.

Mr. Remington Jackson, agent for the applicant, said our address is 620 South Tryon Street, Suite 800, Charlotte, NC 28202. Before I get started, I would like to give you a physical copy of the presentation that I'll be giving, so that it can be entered into evidence as well.

Mr. Michael Bywaletz said, is this in addition to what's been provided in our packet?

Mr. Remington Jackson said, yes. During our presentation, I'll have some of our other experts coming up to speak. As noted, this is a variance request for a landscape perimeter buffer yard. The property is 9001 Mooresville Road, Concord, NC 28027. The property is zoned AO (Agricultural Open Space). Duke Energy is seeking approval from relief from landscape perimeter buffer requirements. Most of the maps are already in your packet and I will be including them for reference.

(Showing on Map) This is one addition that we added showing more of the landscaping that will be added to the northern "arm". I will be explaining more of that later. We also had pictures done on the ground. I'm going to have Vinnie Sullivan with Duke Energy come up to explain why we will be making this request.

Mr. Vinnie Sullivan said, my address is 22 Spooks Branch Road, Asheville, NC 28804. I am with Duke Energy. We are looking at the power line that is going through the southern "arm". On the left side is looking up toward Mooresville Road. The picture on the right is looking parallel to Windy Road. These are also pictures of that road. There's a small power line going down that road. The left side is a drainage creek. The center picture is looking toward the main transmission line, which runs along the south side of the parcel. I couldn't get any closer because of the creek. The right-hand picture is a picture of the creek looking towards Windy Road.

The one on the left is looking toward the main transmission line. The right-hand side is a picture just off of Windy Road looking west. That's at the back of the bordering parcel on the north side of the right-hand "arm".

Mr. Remington Jackson said, this is the northern "arm", which is the Mooresville Road "arm". These "arms" are access points; we call them "arms" because that's what they look like. We are going to move on to our actual requests that we've updated since our last meeting. As mentioned, in section 8-417, level 2 perimeter buffer yard requirement is 75 feet. Parcel configuration prohibits compliance with the required perimeter buffer standards as there are two different sections referred to as "arms" of the property that extend from Mooresville Road to Windy Road. These areas are not wide enough to support the 75-foot buffer from the property lines because the "arms" are approximately 125-feet wide on the part that joins Mooresville Road and approximately 75-feet wide on the "arms" that join Windy Road. The required buffer will be 75 feet from each property line for a total of 150 feet.

I'm going to ask our engineer, Eddie Moore, to give a more detailed explanation of what we're requesting.

Mr. Eddie Moore said, my address is 2100 South Tryon Street, Suite 400, Charlotte, NC 28277. I am with McAdams & Co. and we are representing Duke Energy on this project. I'm going to take a look at this from a 1,000-foot view to give you some context of what is surrounding the property. We're calling the northern driveway the actual northern "arm". There is an existing driveway that serves not only the Duke property, but also serves the property to the south. The property to the south is owned by the Colonial Pipeline Company. You can see how the driveway veers to the south.

We will be back before you for the Special Use Permit. That will be for the substation to be located here (showing on map). Here, we refer to the northern "arm" and here, we refer to the southern "arm". The northern "arm" is the existing driveway that does veer off to the left, so it does provide this property access. The north and south of the site is owned by Colonial Pipeline. The northwest is owned by Colonial Pipeline and is an existing substation. For those that are not familiar with Colonial Pipeline, they are a fuel distribution company that moves over 100 million gallons of fuel a day between Houston and the New York Harbor. Those are our neighbors.

There were a lot of questions at the initial presentation, so we super imposed where the existing dwellings are. To the north, the house is about 450 feet to the closest point of the shared driveway. The property to the south is approximately 317 feet from the shared driveway. You can see where these driveways branch out and this will be the entrance into the substation site.

For the northern "arm", we initially requested a variance from 75 feet to 0 feet. We are requesting from along the northern and southern part of the property "arm" to reduce

that buffer from 75 feet to 25 feet. We have had our landscape architect look at this to see what will survive in this area the best. We have provided a ratio and that will be one canopy tree per 30 linear feet, which comes to 45 trees that will be planted along the driveway access. Then, 5 shrubs per 30 feet which equates to 225 shrubs that will be added in with the over story canopy trees. This is just the southern portion of the driveway as it does branch off to the property to the south. There will be 75-foot buffer around that substation.

To the south, we would like to request the same proposal to reduce this buffer from 75 feet to 0 feet. The reason for that is the red line represents an existing distribution line that runs through the property. There will be no development and will remain as-is. There are existing standing groups of trees that are within the southern "arm" that runs along the back side of the distribution line. There's a group of trees and as you cross the creek itself, there's a larger stand of trees. This is the larger transmission line that runs through. I will answer any questions that you may have.

Mr. Remington Jackson said, we would like to answer the findings of fact in regard to items 1 through 4. The Chair has read them out to you, so I will read the responses.

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.

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

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 hardship resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

Given the existing parcel configuration, implementation of required 75-foot perimeter buffer 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 exist within the "arm" leading to Mooresville Road is shared by the adjacent property owners/residents, and this 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.

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 (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.

Applicant intends to implement the perimeter buffer in the portions of the parcel where the geometry allows and will provide the screening buffer from the substation to the surrounding property in the spirit of the Ordinance.

In summation, our request has changed. In the northern "arm", a reduction of the 75-foot buffer requirement down to 25 feet and in the southern "arm" a reduction of the 75-foot buffer down to 0 feet. I will answer any questions you may have based on our initial presentation and the changes made since then.

Mr. Brent Rockett said, I appreciate the attempt to make some amendments to the northern "arm". Thank you for coming back with an adjustment to your original plan.

Mr. Adam Dagenhart said, I don't see how we could buffer the southern "arm". Anything we did buffer, they would eventually have to trim and cut with maintenance. I appreciate them making an effort. I think the one we need to discuss, is the 75 feet reduction to 25 feet. Is that acceptable?

Mr. Brent Rockett said, can you remind me of what the total width of the northern "arm" was?

Mr. Remington Jackson said, 130 feet.

Mr. Charles Paxton said, was the reduction based on any formula?

Mr. Brent Rockett said, you have to start with the width of the road.

Mr. Adam Dagenhart said, I'm assuming it meets Fire Code and whatever it needs for operations.

Mr. Eddie Moore said, the distance varies. The roadway was widened when the bridge was put in. It varies one to two feet. The thought of having the plantings closer to the road is to buffer the road itself since it's not wide enough to meet any type of setbacks. We have compressed it down from 75 feet to 25 feet.

Mr. Adam Dagenhart said, do you anticipate having any issues in the future for maintenance? You're going to be bringing large trucks. Are you going to have to clip it to keep it clear?

Mr. Eddie Moore said, we can push out the trees and shrubs a little. We are bound by the Floodway and Floodplain permit. I don't anticipate that it will be any wider than what it is today. We will just be maintaining the gravel, but wanted to give enough space to where the trees can grow and not have to be trimmed up.

Mr. Michael Bywaletz said, I'm seeing the floodplain on here. Does it narrow going through the culvert?

Mr. Eddie Moore said, you have the pond to the north. Then, it kind of narrows down. The lines that you see are the limits of the floodplain.

Mr. Adam Dagenhart said, it looks like you have a little bit of landscaping in the floodplain.

Mr. Eddie Moore said, yes we do.

Mr. Adam Dagenhart said, has Staff looked at this as far as intensity and does it meet the intent?

Ms. Susie Morris said, Staff did review it. The one comment we had, that is a potential condition of approval, would be if they want to install landscaping in the floodplain area, they would have to get a floodplain development permit. You could also negotiate what happens in that area. However, if any work is done in that area, FEMA considers it a man-made change.

Mr. Michael Bywaletz said, that was my concern when looking at the floodplain.

Mr. Remington Jackson said, I just spoke with Duke Energy and they're okay to stipulating to get that permit.

Mr. Adam Dagenhart said, our leadership packets do not list all of the conditions. Let all look at page 94 for all the conditions proposed by staff.

Mr. Adam Dagenhart said, are we good with 25 feet on each side?

Mr. Brent Rockett said, given the limitation of space, I don't know what more could be asked. I think this is a significant improvement from the first time we saw this. If some points of that road are 30 feet and then another 50 feet, you're narrowing available space significantly.

Mr. Adam Dagenhart said, it meets the intent of the buffer.

Ms. Holly Edwards **MOTIONED, SECOND** by Mr. Charles Paxton to **APPROVE** request for **Relief from the landscape perimeter buffer yard requirement as prescribed in Chapter 9**. The vote was unanimous to **APPROVE**.

Conditions of Approval

We need a motion to approve conditions of approval. There are conditions by staff in the Staff Report. Does the staff wish to add any additional conditions to the approval?

Mr. Brent Rockett **MOTIONED, SECOND** by Mr. Adam Dagenhart to **APPROVE** the conditions of approval. The vote was unanimous to **APPROVE**.

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.

Mr. Michael Bywaletz, Chair, asked if anyone had any conflicts related to the case. There being none, the Chair called on Mr. Phil Collins to present the Staff Report.

Mr. Phil Collins, Planning Supervisor, said the applicant is proposing a Countryside Residential (CR) conventional design major subdivision project for the subject property and is currently in the preliminary development review process.

The subject property is comprised of 8 parcels and a private road. An intermittent stream traverses the property from south to north that feeds into the Rocky River to the north. The subject property is located on the west side of Shiloh Church Road and is approximately 200 feet from the Mecklenburg-Cabarrus County line to the west.

The Comprehensive Transportation Plan recommends a future right-of-way width of 110 feet for Shiloh Church Road. The applicant is aware of the future right-of-way and has accounted for it in the project design.

Two residences (one under construction and one completed) currently occupy the subject property. A private road, Aubrey Elena Court, provides access to Shiloh Church Road for the subject property. An existing private access easement borders the subject property on its south side. A 70-foot-wide utility easement is located on the western side of the subject property.

Commercial, residential and vacant properties surround the subject property. The subject property is currently zoned Countryside Residential (CR) and surrounded by properties that are zoned Countryside Residential (CR).

There were several comments provided from the initial review of the variance request.

The Fire Marshal stated, "We are fine with the requested variance as they are sprinkling the homes as a trade off, but the plat is missing the required comments we had them add to the plat."

That will be addressed at the preliminary plat stage when we get to that.

NCDOT stated, they already have a driveway permit in place. As long as nothing changes at the access point, we have no comments."

NCDEQ Storm Water stated, "Mercer Estates has a permit for post construction stormwater. If there are any changes to the design of the road/swales, they will need to modify their permit. A minor modification is required if there is no built upon area change. If there is a change in the BUA, a major modification is required."

The applicant is proposing a major conventional subdivision using the lots created in the minor subdivision, along with other lots near the original development. The applicant is proposing to rearrange the lots to the west and the rear of the original right-of-way that was recorded, and to extend the road right-of-way and cul-de-sac bulb to the area where the road and cul-de-sac was already installed.

In November of 2024, the applicant recorded a minor subdivision that created five lots and a private lot, the applicant recorded a minor subdivision that created five lots and a private road.

The developer installed the road prior to review and approval of the minor plat, resulting in a road being installed that exceeds the allowable 1,000 linear feet standard.

During the plat review process, the minor plat and the lot design that was used placed the property lines in a fashion where the road right-of-way itself (the right-of-way and the cul-de-sac bulb) was only 1,000 linear feet and met the standard.

The rear lots were to be accessed by flag lots to accommodate the additional distance beyond the allowable 1,000 feet shown on the plat where the cul-de-sac was located.

The resultant recorded minor plat incorrectly permitted frontage/access for two existing lots near the new right-of-way that was created, which was an oversight on the part of Staff.

The minor subdivision road was constructed using the alternate construction standard for private roads serving 5 lots or less.

The road was required to have a minimum of a 25-foot right-of-way and an all-weather access road a minimum of 20 feet wide to meet fire code.

The applicant submitted a letter from their engineer to address the variances being requested from Chapter 15, Section 15-8, which is Exhibit "J" in your packets.

Based on the applicant, the following variances are requested:

Variance Requests:

1. Chapter 15, Section 15-8: Private Roads serving more than five lots

The road currently does not meet the minimum standards for a public road.

2. Chapter 15, Section 15-9: Cul-de-sac Length & Appendix A, Requirements for Dead-End and Stub Streets

The existing road is greater than 1,000 feet in length.

3. Chapter 15, Section 9, Road design standards- Connections to adjacent properties

The proposed design does not provide any connections to adjacent properties.

4. Appendix A – Requirements for Dead-End and Stub Streets Table:

The existing road is greater than 1,000 feet in length.

5. Appendix A – Rural Residential Cross Section:

The current road design does not meet the minimum standards of a Rural Residential Street.

6. Appendix A – Pavements Schedule:

The existing pavement structure does not meet the minimum paving requirements of a local residential street.

As part of the application, the applicant has proposed the following conditions of approval:

1. 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.
2. The road shall remain private and serve only the nine residential lots within this subdivision.
3. 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.
4. 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.

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. (NCDOT)
3. Proposed major subdivision design must comply with all applicable terms of any variances granted.

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

Adam Dagenhart, I have questions about exhibits "D & E". I assume exhibit "E" is the one they're wanting to do.

Mr. Phil Collins, Senior Planner, said exhibit "E" is the recorded minor subdivision and exhibit "D" is what they're proposing.

Mr. Adam Dagenhart said, how do the permits that have been pulled affect the setbacks on the proposed lot lines versus what was approved? It looks like three permits have been pulled because one house is near completion and two others that seem to be in some form of construction.

Mr. Phil Collins said, I think they have built it far enough back to where it's not going to be an issue.

The Chair called on the applicant, Pavel Shchetinin, to speak.

Mr. Pavel Shchetinin said, my address is 17332 River Race Drive, Huntersville, NC 28078.

Mr. Adam Dagenhart said, can you give us any insight as to what you're wanting to do, as opposed to what was previously approved?

Mr. Pavel Shchetinin said, this is my first development so I wasn't completely clear on some of the steps. I had expressed what we wanted to do and spoke to Phil prior to recording, but I put the cart before the horse. We continued to move forward not knowing the 1,000 linear foot distance. The power and gas lines were ran in to service those lots. In order to access those back lots, we have no other choice but to move the cul-de-sac back. We cleared it with the Fire Department and the fire marshal gave us stipulations that we had to do sprinkler systems on all the lots except for the front two.

Mr. Adam Dagenhart said, what type of fire suppression are you doing? Hydrants?

Mr. Pavel Shchetinin said, everything is on well and septic.

Mr. Adam Dagenhart said, I'm trying to figure out how you're sprinkling without public water.

Mr. Pavel Shchetinin said, with the wells.

Mr. Michael Bywaletz said, why wasn't that acceptable with the way it was initially platted?

Mr. Phil Collins said, technically, it was acceptable to make the cul-de-sac 1,000 feet. He brought in the minor plat and we found out it was over 1,000 feet, so they dropped it back and put in here (showing on map).

Mr. Michael Bywaletz said, they want to extend the cul-de-sac to match what they did in the field?

Mr. Phil Collins said, yes, correct.

Mr. Pavel Shchetinin said, on one of the lots we didn't have enough room to be able to flag where the cul-de-sac is drawn currently. So, it would be non-compliant with the County as far as the way the flag lots would lay out.

Mr. Adam Dagenhart said, I really wish there was an overlay of the two plats.

Mr. Pavel Shchetinin said, there should be.

Mr. Adam Dagenhart said, there's a Pictometry, but not a survey plat.

Mr. Pavel Shchetinin said, I believe there is a survey plat.

Mr. Phil Collins said, there were some corrections through land records because there was some crazy stuff going on out there that they fixed.

Mr. Adam Dagenhart said, if you went back to the old design with the shorter cul-de-sac, what would that lot layout look like?

Mr. Pavel Shchetinin said, we are currently at eight. If we move the cul-de-sac back, we would lose one full lot.

Mr. Adam Dagenhart said, I thought you were at nine.

Mr. Phil Collins said, it hasn't been added yet. There's a ninth one, that could potentially be added.

Mr. Michael Bywaletz said, so that's not a part of this development yet?

Mr. Adam Dagenhart said, you're proposing to leave the pavement width at 20 feet?

We're actually going to be paving an extra two and a half inches on what's already there.

Mr. Michael Bywaletz said, has the pavement been inspected? I think that I read that it's lacking the base of a standard structure.

Mr. Pavel Shchetinin said, we meet NCDOT standards, but not quite the County standards.

Mr. Adam Dagenhart said, so you'll end up with five inches of surface and six inches of base?

Mr. Pavel Shchetinin said, we're between six and eight inches of base and we'll be between four and five inches of surface. We currently have two inches compacted and we'll do another two-and-a-half-inch lift. This road will be privately maintained. We won't ever ask to hand it over to NCDOT.

Mr. Adam Dagenhart said, I'm okay with where the final cross section of the road will be, as far as pavement depth.

Mr. Adam Dagenhart said, if Fire is okay with the 20 versus 24 feet because of sprinklers, that negates that. I guess it will just be the length and public versus private. It has to be wider to be public. I guess the length is not a concern for Fire. You haven't dug all of your wells so you don't know what you're going to end up with, right?

Mr. Pavel Shchetinin said, we have dug three of them and they have a requirement as far as the well meeting the sprinkler design.

Mr. Adam Dagenhart said, he could dig the well and it may not meet the requirements.

Mr. Pavel Shchetinin said, Fire doesn't actually inspect after the fact. It's all up to our designers as far the design for the engineered plans for the fire sprinkler system. They will be a sprinkler system to fit whatever we're getting from the wells.

Mr. Brent Rockett said, if the well is not producing at a high level, there's a way to produce a system that will work?

Mr. Pavel Shchetinin said, we either have to drill deeper and set the pumps a little deeper to have a reserve of water.

Mr. Adam Dagenhart said, this is irrelevant, but how deep are the wells that you have so far?

Mr. Pavel Shchetinin said, for lot one, we went 330 feet and hit over ten gallons a minute. For lot two, we drilled 600 feet and we are getting six gallons a minute. For lot three, we went 1,000 feet and I'm getting five and a half gallons a minute, but I've got a 4,000-gallon reserve tank. The first one was the deepest and the second was the shallowest. The other kind of landed in the middle.

Mr. Michael Bywaletz, Chair, asked if there were any other questions for the applicant. There being none, the public hearing was opened. There were none speaking in favor or against, so the public hearing was closed.

Mr. Michael Bywaletz reminded the board of the standards of review for the request:

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.

We have three requests before us, request for relief from the restriction of the cul-de-sac length, the requirement to connect to adjacent properties and the road design standards.

Michael Bywaletz said, do we want to do these individually?

Request #2: Relief from the requirement to connect to adjacent properties

Mr. Adam Dagenhart said, yes, let's start with request number two, the requirement to connect to adjacent properties. It looks like the County line is to the west, is that correct? It looks like the property to the north potentially has access to Shiloh Church Road.

Mr. Phil Collins said, it's an access easement to Shiloh Church Road.

Mr. Michael Bywaletz said, is that a dirt road?

Mr. Pavel Shchetinin said, there's nothing there at all; it's just platted.

Mr. Adam Dagenhart said, I don't know that a connection to an adjacent property is really going to serve anything. Have you pulled septic permits? Do all the proposed lots have septic?

Mr. Pavel Shchetinin said, the three that are currently under development all have septic. We had engineers come out and flag for septic on the other lots. Every one of these lots has perced for a septic system.

Mr. Adam Dagenhart **MOTIONED, SECOND** by Ms. Holly Edwards to **APPROVE** the request for relief from the requirement to connect to adjacent properties. The vote was unanimous to **APPROVE**.

Request #1: Relief from the restriction of the cul-de-sac length and cul-de-sac design

Mr. Michael Bywaletz, Chair, let's go back to number one, which is the cul-de-sac length. How long is that?

Mr. Pavel Shchetinin said, 1,385 feet.

Mr. Michael Bywaletz said, so you've put it right at the limit?

Mr. Phil Collins said, the minor subdivision as recorded is right at 1,000 feet. So, what he's submitting as a major subdivision would be right at 1,385 feet.

Mr. Adam Dagenhart said, he is mitigating with sprinklers, but that only covers a part of emergency services. The theory behind the cul-de-sac length is that you don't want to have a long street if there is an incident.

Mr. Pavel Shchetinin said, the only problem with widening it is the topography. If you're looking at the map to the bottom of the street, the topography goes straight up. We're very limited on where to go the left. To the right, it has a good drop off to support the ditches. I'm not sure if we would have enough room to push it over that way without covering the gas, power and communication lines.

Mr. Adam Dagenhart said, I guess I was thinking between lots one and two. Odd question, but are you having to do a mailbox cluster?

Mr. Pavel Shchetinin said, each lot will have its own mailbox.

Mr. Adam Dagenhart said, have you asked the postmaster?

Mr. Pavel Shchetinin said, no.

Mr. Adam Dagenhart said, I was thinking if they were going to require a cluster, that would be an awesome place to put one.

Mr. Pavel Shchetinin said, we are doing oversized driveways as well. As far as a passing lane, there would be more than enough room to accommodate. It's a major subdivision but we're going from five to eight lots.

Mr. Brent Rockett said, what do you mean by oversized driveways?

Mr. Pavel Shchetinin said, wider than the actual road. Lot #1 calls for a 22-foot-wide driveway up until you get to the house and lot #2 is similar. Lot #3, the way the driveways is laid out, the two driveways are so close to each other that makes the cul-de-sac accessible for turn around.

Mr. Pavel Shchetinin, I think the restriction for the fire department was mostly for the fire trucks. Ambulances are a lot smaller so they should use a lot less room. We can also

add that no street parking is allowed, if needed. Each of the three houses going up now have four-car garages and long and wide driveways. There should be no reason people are parking in the street overnight.

Mr. Michael Bywaletz said, the access from the front of the development to the back is the issue.

Mr. Brent Rockett said, he said the driveways are wide enough that they could be used as the passing area, if necessary.

Mr. Adam Dagenhart said, if you built that ninth lot and built that road, then that cul-de-sac length would shrink.

Mr. Pavel Shchetinin said, the NCDOT said, for what we're developing or potentially develop, they would have no problem. They actually don't want us to have a second connection. They would prefer we have one to Shiloh Church Road. I believe the stipulation in the permit was that they don't want to have another connection.

Mr. Michael Bywaletz said, the lot will be attached to the private road and not the NCDOT road?

Ms. Susie Morris said, major subdivisions require internal access. If it is considered part of it, then it has to be served by that road as well.

Mr. Adam Dagenhart said, if he does acquire that property, will that require a revision to the plat?

Ms. Susie Morris said, it depends on access. If NCDOT is not going to give him access and it's included as a part of this, it would be a revision but it was not included in what was submitted and how his engineer set up the request.

Mr. Adam Dagenhart said, you said you had a cul-de-sac proposed but now you're saying you can't widen it. If it wasn't there before, then it would be different.

Mr. Michael Bywaletz said, is there any way to create a bulb at that location?

Mr. Pavel Shchetinin said, we have a transformer sitting there currently.

Mr. Michael Bywaletz said, where's the driveway?

Mr. Pavel Shchetinin said, currently the driveway for this lot is going to be coming out right here (showing on map). There's a well right here. Our ditch currently runs straight. In order for us to widen that, I will have to re-route the ditch around that section.

Mr. Michael Bywaletz said, what about doing it on the other side?

Mr. Pavel Shchetinin said, this is where the topography shoots up. The south is high and the north is low.

Mr. Adam Dagenhart said, is there any way you could move it any further down?

Mr. Pavel Shchetinin said, can we count the driveway for lot one as your pass through? We could use that as the buffer and I could make it as long as you wanted. How long do you need it?

Mr. Michael Bywaletz said, enough to come out and around so probably about 30 feet.

Mr. Pavel Shchetinin said, but how deep should it be?

Mr. Michael Bywaletz said, four to six feet.

Mr. Pavel Shchetinin said, we could potentially give it flares and kind of swoop it into the house, right?

Mr. Adam Dagenhart said, make it asphalt. Don't do concrete. Basically, you need to do a 30 feet x 6 feet.

Mr. Pavel Shchetinin, could we not just do a thickened concrete like NCDOT standards?

Mr. Adam Dagenhart said, then it wouldn't be clear to the future property owners as far as maintenance and who owns it.

Mr. Pavel Shchetinin said, could we possibly get it down to 4 feet instead of 6 feet? That way I can hide it into the landscape.

Mr. Adam Dagenhart said, we can do 4 feet, but I think the length needs to be longer.

Mr. Pavel Shchetinin said, I have two 20-foot pipes in there now.

Mr. Adam Dagenhart said, how wide is the shoulder?

Mr. Pavel Shchetinin said, three feet right now and then it goes down into the ditch. We currently have two, 20-foot sections of pipe to be able to cross the ditch to access the house. I've got about 40-feet of pipe, but as soon as you get past those 40 feet, there's a 3-foot shoulder and it drops off.

Mr. Adam Dagenhart said, could you do two on each side of the road?

Mr. Michael Bywaletz said, I'm trying to work with your shoulder area.

Mr. Pavel Shchetinin said, we could try. The soil here is soft and we had to compact it and bring in a lot of stone. This area in general has eight to twelve inches of stone. Once you get off to this side, it gets soft. I don't want to be pushing the road too close, in case any were to runoff. Right now, I have a clear shoulder.

Mr. Michael Bywaletz said, you're going to keep your 3-foot shoulder and make 2 feet of it asphalt. You'll still have a 3-foot shoulder.

Mr. Pavel Shchetinin said, that leaves me with one foot of grass before we ditch down.

Ms. Susie Morris said, if this is something you would like to explore with the applicant, he does have an engineer to look at this to determine where those areas could go. He could maybe come back to you on this particular item with a proposal, if you're not okay with it being 20 feet the entire length of the road. There are also some things that come along with the road that may or may not play into this.

Ms. Holly Edwards said, your engineer's soil testing is going to be important.

Ms. Susie Morris said, unfortunately, his engineer wasn't available to be here, but we did have some good conversations. His engineer understands that the road doesn't meet the standards and the curve radius' do not meet. He is familiar with the site and has been working with the applicant since the beginning.

Mr. Adam Dagenhart said, your property is that private road, right?

Mr. Pavel Shchetinin said, yes, that's part of the road parcel.

Mr. Adam Dagenhart said, you could do it as an emergency access and that would shorten it to less than 1,000 feet. NCDOT would allow that as an emergency connection that only emergency services use.

Mr. Pavel Shchetinin said, that's what I proposed originally, but it was shot down by zoning.

Ms. Susie Morris said, our length is starting here and going to the back (showing on map). From the planning & zoning perspective, it would not shorten it.

Mr. Adam Dagenhart said, what we're proposing on the apron is not going to shorten it either.

Mr. Pavel Shchetinin said, if you guys are okay with doing an apron here. If you say 30 has got to be asphalt and it can't be concrete, I'll take it.

Mr. Adam Dagenhart said, I would make a recommendation that we table that particular variance so you can discuss what you can do with your engineer.

Mr. Pavel Shchetinin said, is there a limitation as to what we can do? For example, we were talking about doing this as an access and it shortens our road.

Mr. Adam Dagenhart said, not an access, emergency services access only.

Mr. Pavel Shchetinin said, correct, emergency access only, in order to shorten the road.

Mr. Adam Dagenhart said, at least it eases the concern on the length with emergency services.

Mr. Pavel Shchetinin said, does Fire take emergency services into consideration?

Mr. Adam Dagenhart said, no, Sheriff's Department and Emergency Services are a separate review.

Ms. Susie Morris said, typically, if they can get the fire truck in, the assumption is that they can get the ambulance in.

Mr. Pavel Shchetinin said, if a fire truck can get in there and turn around, I don't know why an ambulance couldn't do the same. As a matter of fact, I measured Shiloh Church Road, which is an NCDOT road and it's 20-feet wide as well.

Ms. Holly Edwards said, is the engineer that you're working with the one that conducted the soil studies?

Mr. Pavel Shchetinin said, yes.

Ms. Holly Edwards said, he has all the information you need to put this together.

Mr. Pavel Shchetinin said, what else do we need to put together if Fire and an ambulance can get back there?

Ms. Holly Edwards said, I think we could scenario it to death on where to put what, but I think it's his information that's going to help with the best location.

Mr. Pavel Shchetinin, if we've met the different entities and they don't have an issue with it, why would we need to widen anything at this point.

Mr. Adam Dagenhart said, that's the way to mitigate not meeting your zoning requirement.

Mr. Pavel Shchetinin said, that's where I'm confused because Zoning is completely separate from Fire. We're not in any kind of violation with Fire or Emergency Services.

Mr. Adam Dagenhart said, but you're asking for a 33 percent increase over what we allow.

Mr. Pavel Shchetinin said, the County zoning requirement has nothing to do with the emergency services. Zoning's restriction has nothing to do with Fire or Emergency Services.

Mr. Adam Dagenhart said, it doesn't but you're still asking for more than what we allow. You heard in the previous case that length was an issue which is why they were exploring mitigation.

Mr. Pavel Shchetinin said, NCDOT doesn't have an opinion on it and the fire marshal has gone in and approved everything. We've gone through the hurdle of getting approval for emergency access.

Mr. Adam Dagenhart said, it's a private road that doesn't meet the width and the pavement structure. The only thing you've satisfied is Fire.

Mr. Pavel Shchetinin said, we're also going from minor to major and I'm assuming certain stipulations change. We're just as wide as Shiloh Church Road.

Ms. Holly Edwards said, Adam, can you be clear in what you're asking for?

Mr. Adam Dagenhart said, I'm just trying to justify a 1,385-foot cul-de-sac.

Mr. Pavel Shchetinin said, we have to be able to access the two lots at the back of the property.

Mr. Adam Dagenhart said, you're doing lot configurations that you didn't have approval for. That's a hardship he created on his own.

Mr. Pavel Shchetinin said, we have to be able to access the two lots at the back of the property.

Mr. Adam Dagenhart said, you're doing lot configurations that you didn't have approval for. You backed yourself into a corner and you're asking for us to forgive and allow of this other stuff.

Mr. Pavel Shchetinin said, I did have conversations with Zoning prior to doing all this work. The preliminary plat that was provided and we weren't told anything about it until it was too late and we had gotten to a point where there was no turning back. We had to get the fire marshal involved and it was approved with certain stipulations. I didn't go out of my way to do something and then ask for forgiveness. I wasn't made aware of that and I didn't know until it was too late. We've done everything the fire marshal has asked for from a safety standpoint. In the spirit of it, I think we're doing what's expected of us. At this point, it's a technicality on County Zoning.

Mr. Adam Dagenhart said, you're asking to do a major subdivision that doesn't check several boxes of a major subdivision. You've already constructed your infrastructure.

Mr. Charles Paxton said, are you saying that you don't want to take this to your engineer and let him come up with some new ideas?

Mr. Pavel Shchetinin said, if that's what it takes, I'll do what I have to do. The spirit of the Ordinance is to make sure emergency vehicles can get back there. We meet all the stipulations, but County has an arbitrary 1,000-foot length of road. The NCDOT has a 2500-foot length of road.

Mr. Adam Dagenhart said, that was someone's interpretation unless NCDOT says otherwise, you don't need to use that.

Mr. Pavel Shchetinin said, from a safety standpoint, we meet everything that the fire marshal asks of us. Now we're just talking about a technicality on the County's side. It has nothing to do with safety or emergency vehicle access.

Mr. Adam Dagenhart said, but it's still a part of the Ordinance.

Mr. Pavel Shchetinin said, that's why we're applying for a variance. I think we've demonstrated we're trying to do the right thing.

Ms. Holly Edwards said, I think it would be my suggestion that you take it to your engineer and let him come back. I don't think all of us are going to have an agreement until we see that.

Mr. Pavel Shchetinin said, what is it exactly that you want the engineer to do? Do you want me to widen a certain section of the road? If so, why, if we're in compliance with Fire and Safety. I'd like to understand if I talk to him, do I tell him the County wants me to widen a certain section of the road? We haven't established where and why we need to do that. How much of the road do we need to widen? I don't have any clear instructions to tell my engineer.

Ms. Holly Edwards said, Adam, I feel like we need to give him some type of direction.

Mr. Adam Dagenhart said, we can't sit here and tell you what to do. You need to present to us a way to mitigate the variance request. You're asking to allow 385 extra feet on your cul-de-sac. You're asking for a reduction in your pavement width. You're asking for a change to your pavement schedule. What are you offering for those things to be approved?

Mr. Pavel Shchetinin, we're bringing everything into compliance with the fire marshal.

Mr. Adam Dagenhart said, that's for Fire. This is a Zoning board. We make decisions based upon what the Ordinance says, not what Fire says.

Mr. Pavel Shchetinin said, I just need a little direction. For example, I need you to pave 30 feet in front of lot one at 6-foot wide extra, then we're okay with it.

Mr. Adam Dagenhart said, I thought that was the direction we were going and then you said I have bad soil and no shoulder.

Mr. Pavel Shchetinin said, I was only talking about this side. If you're okay with widening it on this particular lot, we've got a wide enough driveway to where I can hide that. I have two, 20-foot pipes over there so I have 40 feet. If you're asking for 6 feet at 30-foot length, I can make that happen. You said I needed to go to 40 feet and I knew I can't make 40-foot work.

Mr. Adam Dagenhart said, why can't you make it work?

Mr. Pavel Shchetinin said, because I have two, 20-foot pipes.

Mr. Adam Dagenhart said, you can't add more pipe?

Mr. Pavel Shchetinin said, we could, but I may as well keep at 30-feet and 6-feet wide.

Mr. Charles Paxton said, do we need to put that in the form of a motion?

Mr. Douglas Hall, County Attorney, said, for purposes of drafting an order, that would need to be a limited common area? I don't know that it's in the right-of-way?

Mr. Adam Dagenhart said, looking below the creek is 50 feet of right-of-way. What is the right-of-way going west? It doesn't look like 50 feet.

Mr. Pavel Shchetinin said, it would still be in the right-of-way. It should be 50 feet because it was 25 and 25 from the center of the street.

Mr. Adam Dagenhart said, then you have it labeled wrong.

Mr. Phil Collins said, I think that weird notch was just a weird shape and they couldn't do anything with it.

Mr. Adam Dagenhart said, if it's 50 feet and you've got 20 feet of pavement, you've got plenty of room to where you won't need any easement or right-of-way.

Mr. Pavel Shchetinin said, 30 feet and 6 feet deep, you got it.

Mr. Adam Dagenhart **MOTIONED, SECOND** by Mr. Brent Rockett to **APPROVE** request for relief from the cul-de-sac length with the **CONDITION** that applicant will construct a 30' x 6' asphalt section with tapers along the frontage of Lot #1.

Variance Request #3: Request to use road as installed and not meet the standards outlined for a rural residential street or the standards outlined by NCDOT for road classification or curve design.

Request 3A: Rural Residential Street Typical Design Deviations

Mr. Adam Dagenhart said, those are lots #5 and #6. The constraint is the property to the south of the road that he does not own.

Ms. Susie Morris said, for clarification, that is three things. What comes along with that rural residential street standard is the pavement width of 24 feet. The shoulder width and planting strips are required to be 6 feet. What they have installed is less than 6 feet. The typical requires a 60-foot right-of-way and the proposed is only 50-feet. The curve radius was handled separately because that's more of a design standard.

Mr. Charles Paxton said, are we going to vote on these separately?

Mr. Adam Dagenhart said, I have a question for Staff. Do private roads normally have landscape strips?

Ms. Susie Morris said, private roads are supposed to meet the NCDOT public road standard. This does not meet anything about that standard. Essentially, they are asking to be able to use what has been installed.

Mr. Michael Bywaletz said, I have a question for Staff. If this was done the first time, how did this meet the standard the first time?

Mr. Phil Collins, Senior Planner, said when it was installed it was a minor subdivision, which has different standards with the thought that were going to add three lots and become a major subdivision. That's when the upgrades would've been made. I'm not sure why it was 50 feet, it may have been a misunderstanding.

Mr. Adam Dagenhart said, how do we get away with not having the proper shoulder section?

Mr. Phil Collins said, because it was a minor subdivision.

Mr. Michael Bywaletz said, what's the requirement for a minor subdivision?

Mr. Phil Collins said, far less than this, 20 feet wide with gravel and withstand the weight of 75,000-pound fire apparatus. There are also some stipulations about no tree lines, but he meets all of that.

Mr. Charles Paxton said, now we're back to having the engineer come up with something to mitigate all of this.

Mr. Adam Dagenhart said, I don't know how you mitigate when you only have a 3-foot shoulder and it should be 6 feet.

Ms. Holly Edwards said, I'm assuming there's no ability to widen it because of your infrastructure?

Mr. Pavel Shchetinin said, we would be covering everything up. We wouldn't have access to the gas or power lines, communication lines, etc. I showed both minor and major with the clear communication they we were planning to go to a major subdivision. I wanted to make sure everything we did during the minor would translate well into the major and we would meet those standards. I don't know if there was just a miscommunication on our end. We did a lot more than what the minor subdivision required, but not quite enough for what the major subdivision required. We are going from five lots to eight lots. We're only adding three lots.

Now that I've gone this far with this process and understand more, if there was an intermediate between a major and minor subdivision, that would be extremely helpful. We presented this to NCDOT and they said that nothing we're doing is going to significantly impact anything. Even from the driveway standpoint, from the amount of homes going in there, NCDOT was never going to be impacted by that.

Mr. Michael Bywaletz said, I'm going to jump ahead in regard to request #3 and the curve radiuses. What are the radiuses that are there now?

Ms. Susie Morris said, the engineer said in his letter that it doesn't meet it. It's a 90-degree turn twice.

Mr. Michael Bywaletz said, is that not a problem for Fire? They said they don't have a problem with it?

Mr. Pavel Shchetinin said we have had 53-foot tractor trailers come all the way to the back and turn around. We've widened the turns; they're almost 30-feet. We've also widened the shoulder. The fire marshal looked at this for the minor and for the major.

Mr. Charles Paxton said, what's the downside for you if we deny these variances?

Mr. Pavel Shchetinin said, we don't have four lots and that makes this whole project an issue.

Mr. Michael Bywaletz said, it started at five and went to eight, then potentially nine.

Mr. Pavel Shchetinin said, I'm not sure if the ninth will happen because the County standards require at least one acre. We will have to buy the whole thing or none of it, so that's a big "if". As of right now, we're only asking for eight.

Mr. Michael Bywaletz said, is this a hardship if it goes back to five lots?

Mr. Pavel Shchetinin said, extremely.

Mr. Adam Dagenhart said, yes, from a financial standpoint, but it's a hardship that he created.

Mr. Michael Bywaletz, I'm looking back at our guidelines and it's something you created.

Mr. Pavel Shchetinin said, not necessarily. In order for us to have access to the back lots, we'd have to extend the road, regardless.

Mr. Adam Dagenhart said, no, you previously had a cul-de-sac with long flag lots.

Mr. Pavel Shchetinin, but only two lots. The other ones would not be accessible.

Mr. Adam Dagenhart said, lot five is basically the entire left side of the street. I don't see how you can say it didn't have access. It has 1,385 feet of access.

Mr. Pavel Shchetinin said, not lot #5. That would be lot #8.

Mr. Adam Dagenhart said, lot #5 goes to the creek. I'm sorry, I see a property line here. You have a portion of parcel that has two acres. There is road frontage along the 1,000-foot cul-de-sac that you could have had access to. Saying that you couldn't access the rear property is not an accurate statement.

Mr. Pavel Shchetinin said, that was per the County. The lot that is currently recorded is split into three sections. We would not have access to the cul-de-sac due to the shape of the lots.

Mr. Adam Dagenhart said, Phil, can you go to page 160 and let's see if that's what was recorded? I don't see where you have a lot that doesn't have access.

Mr. Pavel Shchetinin said, this parcel stops right here (showing on map). So, it wouldn't touch the cul-de-sac. In order for us to do that, we couldn't do an odd-shaped lot. Anything past five lots, has to be two acres minimum. It would make this lot irregular shaped and the County wouldn't allow that.

Mr. Adam Dagenhart said, you have two parcels there that are 2.04, 1.029 and 2.91 (acres). I don't know how that doesn't equate to the minimum lot sizes.

Mr. Charles Paxton said, with these three variances, have you attempted to mitigate or are you saying we just have to go with this?

Mr. Pavel Shchetinin said, we're willing to go thicker on the pavement to meet that variance request and meet halfway between a major and minor subdivision. We've done a lot more than what the minor requires. It's not like I have a gravel road in there and I'm saying take it or leave it. We're trying to upgrade and we are restricted by the topography as well.

Mr. Michael Bywaletz said, we can get around some of it, but it's just one thing on another that doesn't meet the major subdivision requirement. There are little things we can do, but it's just not adding up.

Mr. Pavel Shchetinin said, I am open to suggestions.

Mr. Michael Bywaletz said, you can have your engineer widen your asphalt to the other side of the road, put your shoulders in how they're supposed to be and come back with a plan.

Mr. Pavel Shchetinin said, that's the only problem. All of the infrastructure loops around the whole thing. My only other option is to leave the cul-de-sac where it is, draw the flag lot for lot #8 and leave it the way it is.

Mr. Adam Dagenhart said, anything over five is going to push it to a major. The only thing I can potentially see is that he goes back to a minor subdivision. Then the variance for the cul-de-sac length is "as is".

Mr. Charles Paxton said, would he lose the four lots?

Mr. Adam Dagenhart said, yes.

Mr. Charles Paxton said, before that happens, I would like to see you go back to the engineer to see if there is anything you can do.

Mr. Adam Dagenhart said, I would like for your engineer to try to see if there's any way you can get closer to what the requirements are. There are stacks of requests piling up, request #3 is more than one thing, it's actually about five things.

Mr. Pavel Shchetinin said, we can't really do anything with the radiuses. We're following property lines and we're restricted by topography.

Mr. Adam Dagenhart said, you not only have the cart before the horse. You've got every other vehicle before the horse.

Mr. Michael Bywaletz said, I would like to make a motion, but before I do, I would ask that you go back to your engineer to see what can be done. I would like to see this get tabled.

Mr. Pavel Shchetinin said, before we do that, I want to point out that we went to County Zoning and asked if this was something could be converted to a major subdivision.

Mr. Adam Dagenhart said, was that a sketch discussion or was it an official submittal discussion?

Mr. Pavel Shchetinin said, we sent it for both the minor and major subdivision.

Mr. Adam Dagenhart said, that is confusing. If you had plans to do a Phase II for a major subdivision, why wouldn't you do that upfront instead of doing a minor subdivision and coming back and doing a major subdivision?

Mr. Pavel Shchetinin, we had a situation in which we had approval minus a couple of things. The first house that is getting built in there is my personal residence. We started the process and pretty much had approval. When we closed on the loan, I wanted to get

started on what was developable. The major subdivision is a much longer process. We tried to do it in two steps so we could start developing some of the homes. I'm a one-man show and it's very difficult.

Mr. Phil Collins, Senior Planner, said, to address design, we didn't get into the specifics of design for a major subdivision, it was just a minor subdivision. I don't know if we talked about it in depth. There may have been some miscommunication on the 50 feet versus 25-feet wide on the pavement. We put remarks of what needs to be done for a road on the minor plat. We didn't really discuss the specifics on the preliminary plat. He went above and beyond the minor subdivision, obviously.

Mr. Adam Dagenhart said, he did almost two minors.

Mr. Brent Rockett said, that's what's difficult for me. If you knew in the long-term that you were going to add these lots, then the infrastructure should have matched.

Mr. Pavel Shchetinin said, when we were doing the minor subdivision, it was clearly communicated up front that we were doing it in two phases. I wanted to make sure that phase one will transfer properly into phase two. I didn't know about the 1,000 feet until we were ready to record and we pulled back on the 1,000 feet. Also, it was the same thing with the radius on the turns. If I would've known, I would have done it differently, but I am relying on Zoning Staff to help guide us into compliance.

Mr. Adam Dagenhart said, you also hired professional staff. You hired professional services whether it was with a surveyor or engineer. Not a single lot matches what you recorded. Every acreage and lot line changed.

Mr. Pavel Shchetinin said, the engineer was hired after we were trying to go to a major subdivision. I didn't have an engineer on staff until we had already submitted and recorded the minor.

Mr. Michael Bywaletz said, he should've guided you a little better.

Mr. Adam Dagenhart said, your surveyor should've guided you better.

Mr. Michael Bywaletz said, I think the big hiccup is you had approval for the minor subdivision, then you wanted to go to a major subdivision. Then you hired an engineer and it went sideways from there.

Mr. Michael Bywaletz, the guidance you should've gotten from the engineer is that the infrastructure will not match a major subdivision.

Mr. Pavel Shchetinin said, but eventually I would be standing in front of you because the infrastructure is already there.

Mr. Michael Bywaletz said, and the instruction would've been that maybe you just need to stick with the minor subdivision.

Mr. Adam Dagenhart said, you would've only been before us concerning a cul-de-sac length.

Mr. Pavel Shchetinin said, from a financial standpoint, we wouldn't even be doing this project if we could only do a minor subdivision.

Mr. Douglas Hall, County Attorney, said, may I ask a question? The area beside Mary Overby, do you own that? It would appear to be a second connection to Shiloh Church Road.

Mr. Pavel Shchetinin said, yes, it's part of this parcel (showing on map).

Mr. Douglas Hall said, I know you said the NCDOT doesn't want two connections that close together. I'm not on the board, I just need to understand what's going on. Why can't you abandon the road connection you have and just make the road straight on the other side of Mary Overby?

Mr. Pavel Shchetinin said, it's not wide enough to support a road and the easements. This has all been paved and NCDOT wanted us to have it over here because the school has a turning lane and a middle lane. This doesn't quite meet what they want as far as access to the neighborhood. Because we're doing a maximum of eight houses, they don't want us to have an extra entrance. If the board want to have an emergency access and tee this off so that we have a better turning radius, we'll pave it and extend it and give it a dead end.

Mr. Adam Dagenhart said, those are minor issues compared to the other issues.

Mr. Pavel Shchetinin, what is the major issue, the width? I believe we corrected that with the road widening.

Mr. Adam Dagenhart said, there's a 3-foot shoulder and it's supposed to be a 6-foot shoulder.

Mr. Pavel Shchetinin said, this was also reviewed and all of the erosion permits the State looked at is for the major subdivision as well.

Mr. Adam Dagenhart said, again, that doesn't supersede zoning requirements. When you went to a major subdivision, that doesn't matter anymore. We can't speak to what erosion control says because you added three lots. We don't know what you submitted to erosion control. Was it for the buildout?

Mr. Pavel Shchetinin said, it was for everything, for the eight lots. We tried to build it out in such a way that we would be in compliance with the major subdivision.

Mr. Adam Dagenhart, you haven't done anything in compliance with the major.

Mr. Pavel Shchetinin said, we tried to do it to be in compliance based on the information we had when we were doing the minor subdivision.

Mr. Michael Bywaletz said, there's such a big difference between those two as far as design standards required between a minor and a major subdivision. Between radiuses, asphalt widths and actually asphalt shoulder widths, curves, right-of-way widths, there is a lot there.

Mr. Brent Rockett said, you mentioned earlier that there needed to be some middle ground. There's always going to be some delineation somewhere. A line has to be drawn in the sand somewhere to define one versus the other. The standards are what the standards are and there's precedence here, too.

Mr. Pavel Shchetinin said, hindsight is 20/20. I definitely would have done this different. As a first-time developer, I did due diligence and measured some of the other rural road widths out there.

Mr. Adam Dagenhart said, you can't go by that because you learned earlier this evening you can't do that because you don't know which ordinance it was approved under.

Mr. Pavel Shchetinin said, again, this is a first time for me and I'm learning as I go. These are all things I'm understanding now, but I'm just asking for some leniency. I'm open to whatever you guys suggest.

Mr. Charles Paxton said, I'm going to make a motion that we table this under the provision that you go back to your engineer. If you don't want to do that, I'm going to make another motion.

Mr. Michael Bywaletz said, the motion means your engineer has to come up with some kind of concessions to upgrade this facility to get somewhere close.

Mr. Adam Dagenhart said, we're not asking for you to check off all five boxes, but you need to do a better job of checking most of them.

Mr. Michael Bywaletz said, you may need to realign a road and put it on the other side of a transformer. Whatever that looks like to your engineer to upgrade this facility, that's the concession we need.

Mr. Pavel Shchetinin said, is there a threshold you can give me?

Mr. Michael Bywaletz said, I can't give you that threshold.

Mr. Brent Rockett, it's more of a matter of you coming back with the best you can do and we'll see if we can make it work.

Mr. Adam Dagenhart said, it's also what you're willing to do from a cost perspective to meet what we may approve.

Mr. Pavel Shchetinin said, that's where the mystery lies for me. What are guys looking to see to be able to say if you hit these things, we will approve it? Is it doing 4-foot shoulders instead of 3-foot shoulders? Is it going to 22 feet instead of 24 feet and you're okay with the radius? I just want to understand so that I don't come back here in January and propose something and you tell me that's not going to cut it. If I had a clear direction, I would be completely open to it.

Mr. Charles Paxton said, I'm sympathetic to that. Phil, is there anything that Staff can recommend?

Mr. Phil Collins said, I don't know of anything.

Mr. Stephen Wise said, I think the engineer needs to take the County Ordinance and be creative and try to get you in compliance with a major subdivision.

Mr. Adam Dagenhart said, I have a question for Staff. Are the three lots that have permits considered nonconforming lots?

Ms. Susie Morris said, depending on where the new right-of way shows, it could potentially create some nonconformities as far as the setbacks. I don't know off hand what the setbacks are. It's 50 feet along this road. I would assume due to the size of those houses; they're back a little farther. If it's nonconforming after the fact, it wouldn't be a problem until they tried to transfer it and the new survey would pick up on the fact that it's nonconforming. For the new lots, I assume there would be enough leeway to accommodate whatever needs to be accommodated from that new right-of-way if it is extended to match up what was initially put on the ground.

Mr. Adam Dagenhart said, my suggestion would be that you have your engineer look at the County Engineer's report and the County Ordinance and do the best you can to get in compliance.

Mr. Brent Rockett said, that's why I said we can't give you a road map. Just look at it and come back with the most feasible.

Mr. Pavel Shchetinin said, I don't want to come back and be a foot short to the finish line. If I could just so clear direction to get close to the marks.

Mr. Michael Bywaletz said, that's what we want is how close your engineer can get to that. Being an engineer myself, I know what that is. You try what you can and ask (the client) if they can pay for it. If they can't pay for it, you produce what you can to get close. That's where you are with your engineer. I know there's a financial piece and what zoning needs to get done, to fit within our box. We understand where you are, but how you get out of that is what you need to present to us.

Mr. Pavel Shchetinin said, I do have one nuance that I would want a little clarification on. I am very limited with the creek crossing. I could possibly widen it an extra foot on each side. Right now, our base stone is at 22 feet and the road is actually paved at 20 feet.

Mr. Michael Bywaletz said, how big is the culvert?

Mr. Pavel Shchetinin said, 48 inches.

Mr. Michael Bywaletz said, you can add a segment on to it.

Mr. Pavel Shchetinin said, then we're restricted by the designation of that creek. I have a foot of compacted and road base ready shoulders on each side that extended an extra two feet for the entire road.

Mr. Adam Dagenhart said, it's not just that. Where does that put your ditch?

Mr. Pavel Shchetinin, we could at least extend on the right side.

Mr. Michael Bywaletz said, is there an environmental concern?

Mr. Pavel Shchetinin said, the environmental concern is that right here is the creek crossing. That's where I would be restricted by NCDEQ.

Mr. Adam Dagenhart said, how long is that pipe now?

Mr. Pavel Shchetinin said, I'd have to look but we're at the max on the pipe.

Mr. Adam Dagenhart said, you're saying you're at roughly 50 feet?

Mr. Pavel Shchetinin said, 50 feet and we've got the slopes down to it because the road is substantially higher.

Ms. Holly Edwards said, I think this is where your engineer is going to have to get involved. You've got so many technicalities. It probably should have been engineered to begin with.

Mr. Michael Bywaletz said, justification for us is to come back with the environmental justification as to why you can't lengthen that pipe anymore.

Mr. Adam Dagenhart said, I would make the suggestion that you not come back to this board until Staff, including the County's engineer has looked at this. I don't think you're going to be able to get it on January's agenda. Isn't next week the deadline?

Ms. Susie Morris said, essentially, we have only two weeks to process it.

Mr. Adam Dagenhart said, that's not enough time for Staff to review, so it's going to be February before we can look at this.

Ms. Holly Edwards said, you're under construction, right?

Mr. Pavel Shchetinin said, we are but it's getting really tight on the financial side. I was really banking on this coming through and getting a little financial relief before the holidays.

Mr. Charles Paxton said, I make the motion that we table this under the provision that you involve an engineer and come back when available and as close as you can get. From what I'm hearing that may be half a mile. I understand that we can't give you anything exact, but any type of input that Staff could give to the engineer may be beneficial.

Mr. Brent Rockett said, do we need to put a specific date on that?

Mr. Adam Dagenhart said, I don't think Staff could review it if he turned it in tomorrow.

Ms. Susie Morris said, if you want the County engineer to be involved, he's going to be out of the office for at least two weeks. He wouldn't even be able to start reviewing it until after the new year, pending the applicant's engineer providing some type of design for him to review.

Mr. Adam Dagenhart said, we're essentially looking at engineering issues. Yes, they're related to the Ordinance, but they're related to engineering.

Mr. Charles Paxton said, could he make the February date, Susie?

Ms. Susie Morris said, it depends on his engineer. We've made multiple requests for the engineer to be involved. We were able to finally get a path with that letter. There's not a typical per se. We're going from this County typical to this NCDOT typical. I had that conversation with the engineer and that's not what they were doing. It's pieces and parts and there's no way to put all of those pieces and parts together unless everything is completely excused based on what the plan currently is.

Mr. Brent Rockett said, we generally specify a date with a table.

Mr. Adam Dagenhart said, we can table it, but it also starts a shot clock.

Ms. Susie Morris said, I would say February, and if he's not ready in February, we can address it then. That should allow his engineer enough time. As far as design and structure, that is not Staff's wheelhouse.

Mr. Charles Paxton **MOTIONED, SECOND** by Mr. Mohammed Idlibi to **TABLE** the request until the February 10, 2025 meeting. The vote was unanimous to **TABLE**.

DIRECTOR'S REPORT

I am pleased to announce that we have two new members that were appointed by the Board of Commissioners. Mr. Keith Conrade represents the Concord area and is in construction and has been in Project Management for a long time, so he brings that expertise to us. Ms. Heather James was actually a clerk to the board at one point so she brings that experience plus several years of local government with her. We are very happy to have them on board. I hate this experience and I promise this is not how things normally go. We are very glad to have both of them on board.

LEGAL UPDATE

Mr. Douglas Hall, County Attorney, had no updates at this time.

Mr. Brent Rockett **MOTIONED, SECOND** by Mr. Mohammed Idlibi to **ADJOURN** the meeting. The vote was unanimous to **ADJOURN** the meeting at 10:19 pm.

APPROVED BY: Michael Bywaletz, Chair



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



ATTEST BY: Susie Morris, Planning & Development Director


