

COUNTY OF CLEVELAND, NORTH CAROLINA
AGENDA FOR THE PLANNING BOARD MEETING

February 27, 2018

6:00 PM

County Commissioners Chamber

Call to order and Establishment of a Quorum

Invocation and Pledge of Allegiance

Approval of Minutes

Minutes from the January 23, 2018 Planning Board Meeting

Cases

Case 18-01: Request to Rezone Property at 217 Blazer Street from Residential to General Business Conditional District

Miscellaneous Business

Regional Development Workshop for Planning and Development Regulation- May 1, 2018 in Charlotte, NC.

Adjournment

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Minutes

Department:

Agenda Title: Minutes from the January 23, 2018 Planning Board Meeting

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 01-23-18_PB_Minutes.pdf	Minutes



CLEVELAND COUNTY PLANNING BOARD
Cleveland County Administrative Building – Commission Chambers
311 E. Marion Street, Shelby, NC
January 23, 2018 - 6:00 p.m.

Present:

Max Hopper, Chairman
Tom Spurling, Vice-Chairman
Susan Scruggs
Charles Christenbury
Darryl Crawford
Ronnie Whetstine
Lucas Shires

Absent:

N/A

Others:

Chris Martin, Senior Planner
Henry Earle, County Planner
Anna Parker, Administrative Assistant
John Williams
Michelle Twiggs

Others Continued:

Milton Williams
Andrea Williams
Robert Williams
Ricky Thompson
Melvin Duncan
J. Brooks
Ben Roberts
Max Carroll
Allen C. Jolly

CALL TO ORDER

Chairman Max Hopper called the meeting to order at 6:05 pm.

INVOCATION, PLEDGE OF ALLEGIANCE, AND ESTABLISH QUORUM

Tom Spurling led the Pledge of Allegiance, followed by the invocation. It was determined that a quorum was present.

ELECTION OF CHAIRMAN

Darryl Crawford nominated **Max Hopper** for Chairman of the Planning Board. It was seconded by Ronnie Whetstine and unanimously carried.

ELECTION OF VICE-CHAIRMAN

Ronnie Whetstine nominated **Tom Spurling** for Vice-Chairman of the Planning Board. It was seconded by Darryl Crawford and unanimously carried.

Chairman Hopper entertained a motion for vote by acclamation.

Susan Scruggs motioned for the vote of Chairman and Vice-Chairman by acclamation. It was seconded by Tom Spurling and unanimously carried.

APPROVAL OF NOVEMBER – NOVEMBER 28 & DECEMBER 12, 2018 MINUTES

Tom Spurling made a motion to approve the 11-28-18 minutes. It was seconded by Ronnie Whetstine, and unanimously carried.

Tom Spurling made a motion to approve the 12-12-18 minutes. It was seconded by Darryl Crawford, and unanimously carried.

RE-ZONE CASE 18-01: R TO GB-CD

Petitioner: John and Aundrea Williams

Location: 217 Blazer St.

Chris Martin presented background information on the case. There was a site plan presented showing five trucks located at 217 Blazer St. which is approximately 1.5 acres. The site is surrounded by parcels that are zoned Residential and Restricted Residential and the Land Use Plan designates this site as Residential. Mr. Martin stated the property is currently in use for truck parking, and that without a Conditional Re-zoning request, the request would be considered Spot Zoning. The route for the trucks is through a residential neighborhood. The property has been used for truck parking for two years, and this request is due to a neighbor complaint about the business. There are no plans on the site plan for a building, just parking space only for five trucks. The roads in use for the truck routes are NCDOT maintained secondary roads (as shown on an aerial map by Mr. Martin; the follow Oates St., past Blazer, out to Oak Grove Rd.)

Chairman Hopper inquired about a recommendation from Isothermal (IPDC). Staff does not have a recommendation from IPDC. Mr. Martin stated that this request can be considered spot zoning and it does not comply with the Land Use Plan. He is not sure if NCDOT has a vehicle size limit on the roads.

Public Comment Period:

John T. Williams presented further background information about his property. He stated that he purchased the property for the five trucks that they owned for the business. His business location prevents people from just parking on the lot and he employs local people. Their hours of truck operations vary and can be as late as midnight or as early as one am. They work with Clearwater (90% of their business) and also make deliveries to Florida. They make deliveries two to three times a week.

Aundrea Williams stated that their daughter’s husband is the second owner of the business and he believes in safety. They looked for other properties, for instance a property on Wyke Rd. was \$60,000. This property was only \$9,000 and they don’t want to throw that away. The owner at the time of purchase did not tell them about zoning on the property.

Michelle Twiggs stated that she grew up in this area. The business is for parking only, and the business has changed the perception of the area. It has helped prevent people littering on the property, and it has brought something of value. They want to uphold & respect the community as their own.

Ricky is a homeowner in the area. He said there is no noise from the trucks and it does not bother him.

Aundrea Williams addressed the initial complaint that was filed with the Zoning Department. A driver hit a wire that had been lowered when a tree limb hit it during a storm. The wire was hanging lower than the standard power lines in the neighborhood due to the storm damage. Duke Power repaired the line the very next day, but Mrs. Williams was sorry she did not do more to help the homeowner that was affected by the resulting power outage. The drivers all know to look out for the power lines now.

Ben Roberts owns the property that is zoned Restricted Residential behind 217 Blazer St. He stated that Williams & Twiggs has fenced off the road access to his property at the end of the paved portion Blazer St.

Mr. Martin stated he did not observe a fence during the inspection, but he was focused on the trucks at the time and not looking at any fencing. The right-of-way is not necessarily a DOT maintained road- it looks a like a public right-of-way without any one person or owner to maintain it.

Mr. Williams said the fence is to prevent access to the lot and it also prevents trash. It is kept open 50% of the time. The fence was viewed on the Google Map aerial of the property during the meeting.

Chairman Hopper closed the Public Comment period at 6:48 pm as there was no more public comment on the matter. He stated that he thinks the business is good & trying but a re-zoning can lead to problems if there are no conditions, and they have to keep the neighbors happy.

Charles Christenbury stated concern about the size of the trucks, the additional traffic and noise, and the effect on neighboring property values. He stated he was impressed with the business growth. The Board requested ideas for conditions from Staff.

Mr. Martin said some options would be screening, the number of trucks, and hours of operation. Expiration of use cannot be a condition though.

Darryl Crawford pointed out that growth of the business will be an issue and that looking for another property would be beneficial for expanding the business.

Chairman Hopper requested from staff more information on conditions and a recommendation from IPDC. Mr. Martin stated that the business could remain in operation if the decision is postponed to gather this information. He entertained a motion from the board to address the matter.

<p>Tom Spurling made the motion to recommend postponing to the next Planning Board meeting for Staff to come up reasonable conditions and a recommendation from IPDC. The motion died for lack of a second.</p>
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The Board discussed the matter further. Mr. Crawford stated that conditions could be too strenuous for the business owner. He pointed out that it was the property purchaser's responsibility to research the requirements and that they did not inquire about getting a Zoning Permit.

Chairman Hopper reiterated the request to evaluate possible conditions, and to not recommend allowing or approving the request at this time.

Susan Scruggs said that trucks in a residential area are a danger to children. If there is growth toward more residential properties in the neighborhood, it will be dangerous for kids. Mr.

Christenbury pointed out that even with conditions it is still spot zoning and a danger to kids.

The Board discussed right-of-way issues. The street right-of-ways are 60', but the paved streets are very narrow and are not 60'. Staff was not sure of NCDOT requirements or restrictions for truck access on these secondary roads.

Max Carol and Mr. Robertson, both owners/heirs to the Restricted Residential property, pointed out the proposed Hwy. 74 Bypass could change zoning in the future. **Ronnie Whetstine** pointed out that any zoning changes would occur at the interchanges.

Chairman Hopper entertained another motion from the Board.

<p>Tom Spurling made the motion to recommend researching conditions and to postpone a decision to the next meeting. It was seconded by Ronnie Whetstine, and unanimously carried.</p>
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MAJOR SUBDIVISION CASE 18-02: AUTUMN WOODS WEST

Petitioner: Vernon Baumrind

Location: Autumn Woods Dr.

Mr. Martin stated that this is a re-configuration of the plans that were approved in the 12-12-2017 Planning Board meeting. The lots are smaller in the new plan. The roads are paved, there is a 4" water line, and Kings Mountain will need to approve city sewer and the final subdivision plat. The fire district is Bethlehem.

<p>Tom Spurling made the motion to approve the major subdivision with the condition that Kings Mountain approves the plat. It was seconded by Charles Christenbury, and unanimously carried.</p>

MAJOR SUBDIVISION CASE 18-03: AUTUMN WOODS SOUTH

Petitioner: Vernon Baumrind

Location: Autumn Woods Dr.

Mr. Martin stated that this is also a re-configuration of the plans that were approved in the 12-12-2017 Planning Board meeting. The lots are smaller in the new plan. The roads are paved, there is a 4” water line, and Kings Mountain will need to approve city sewer and the final subdivision plat. The fire district is Bethlehem.

Tom Spurling made the motion to approve the major subdivision with the condition that Kings Mountain approves the sewer. It was seconded by Charles Christenbury, and unanimously carried.

LAND USE PLAN

Mr. Martin stated that Staff needs a formal recommendation to the Board of Commissioners on what direction to take with the Land Use Plan. IPDC presented at the 11-28-2017 meeting and provided quotes to perform a plan audit.

There are a couple of directions to go with:

- Make no changes
- Make minor cosmetic changes to update look, but not content
- Make major revisions to the plan

Charles Christenbury made the motion to recommend performing the audit by hiring IPDC per their quote. It was seconded by Susan Scruggs, and unanimously carried.

ADJOURNMENT

There being no further business, Chairman Hopper adjourned the meeting at 7:52 pm.

ATTEST:

Max Hopper, Chairman

Anna Parker, Administrative Assistant

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 18-01

Department:

Agenda Title: Case 18-01: Request to Rezone Property at 217 Blazer Street from Residential to General Business Conditional District

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 18-01_Staff_Report_217_Blazer_Street_Rezoning.pdf	Staff Report
<input type="checkbox"/> 217_Blazer_Street_Site_Plan_Scan.pdf	Site Plan
<input type="checkbox"/> 18-01_Zoning_Map.pdf	Zoning Map
<input type="checkbox"/> 18-01_LUP_217_Blazer_Street.pdf	Future Land Use Map
<input type="checkbox"/> Isothermal_Planning_and_Development_Commission_Recommendation_for_Case_18-01.pdf	Recommendation from IPDC

STAFF REPORT

To: Board of County Commissioners Date: February 22, 2018
From: Brian Epley County Manager
Via: Chris Martin, Senior Planner
Subject: Conditional Rezoning Case 18-01

Summary Statement: Williams and Twiggs Trucking is requesting to rezone Parcel 27384, at 217 Blazer Street, from Residential (R) to General Business-Conditional District (GB-CD) to be used for Williams and Twiggs Trucking.

Review: John Williams is the owner of Williams and Twiggs Trucking. In August, 2015, Mr. Williams bought the property at 217 Blazer Street and began grading the property for his trucking business. Mr. Williams currently uses this property to park six (6) semitrailer trucks. A zoning permit was not sought for this use.

In July 2017 a complaint was made by Jeanine Ford, a resident at 349 Oates Drive, about large trucks going up and down Oates Drive to Oak Grove Road. The property, being zoned Residential, is not zoned for what is referred to in the Cleveland County Unified Development Code (The Code) as General Freight Trucking, and is therefore in violation of the Code. Mr. Williams has requested that the land be conditionally rezoned to General Business so that he may keep his trucks on this property.

The area surrounding 217 Blazer Street is zoned both Residential and Restricted Residential and is comprised of mostly single family dwellings. To the southwest is some commercial property within Shelby's zoning jurisdiction and to the east there is some general business along Oak Grove Road. The land use plan designates this area and the surrounding area as Residential.

Per North Carolina General Statute 153A-341 the Board is required to craft a plan consistency statement giving explanation as to the Board's decision and how it relates to the land use plan utilizing one of the three below:

- A statement approving the proposed zoning amendment and describing its consistency with the Land Use Plan;
- A statement rejecting the proposed zoning amendment and describing its inconsistency with the Plan; or
- A statement approving the proposed amendment and declaring that this also amends the Plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

At the February 6, 2018 Regular Agenda Meeting, the Board of Commissioners, upon recommendation from the Planning Board, voted to postpone their decision until the March 20, 2018 Regular Agenda Meeting, to give the Planning Consultant and the Planning Board time to make a recommendation. The Planning Department received a recommendation to deny the proposed conditional rezoning from the Isothermal Planning and Development Commission on Wednesday, February 21, 2018.

Pros:

- Rezoning would allow the existing business to remain in its current location.

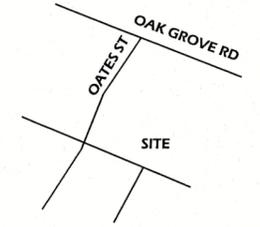
Cons:

- Rezoning this parcel to GB-CD could be considered spot zoning.
- The Code defines General Business parcels as generally being located on arterial roads with the capacity to handle additional traffic. This parcel is not located on an arterial road.
- The land use plan identifies this area as future residential so rezoning this would be out of compliance with the land use plan.

Fiscal Impact:

- None

PLAT NORTH: PB 8 PG 85



NOTES:
-PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED EASEMENTS NOT OBSERVED
-NO TITLE SEARCH PERFORMED BY THIS FIRM.
-PROPERTY MAY OR MAY NOT BE IN A FLOOD ZONE, UNLESS SPECIFIED ON SURVEY, UPON REQUEST.
-ANY UNDERGROUND UTILITIES SHOWN CANNOT BE FULLY VERIFIED BY THIS FIRM UNLESS UNCOVERED FOR VISUAL INSPECTION.
-THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF TITLE ABSTRACT. THE SURVEYED PROPERTY IS SUBJECT TO ANY EXISTING EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, SETBACK LINES, BURIED UTILITIES, PIPES, TANKS, MINERAL RIGHTS AND LANDFILLS WHETHER OR NOT SHOWN ON THIS PLAT OR WHETHER OR NOT RECORDED IN PUBLIC RECORDS.
-R/W SHOWN SUBJECT TO NC DOT VERIFICATION

SCHANTEL VASSILOPANAGOS
8E-503
100 CHERRYTREE TRL
FORNEY, TX 75126
RESIDENTIAL
PARCEL # 27383

PHILLIP & FRANCES
GOSSAGE
1494-1671
11780 DEVON DOWNS TRL
JOHNS CREEK, GA 30005
RESIDENTIAL
PARCEL # 22165

PROPERTY OF
JOHN & AUNDREA
WILLIAMS
1702-1902
1.75 ACRES BY GIS
RESIDENTIAL
PARCEL # 27384

KATE SPAKE &
EDWARDS ROBERTS
1728-1309
523 BORDERS RD
SHELBY, NC 28152
RESTRICTED RESIDENTIAL
PARCEL # 21905

KELLOM DRIVE

GRAVEL PARKING AREA

SEMI TRAILERS



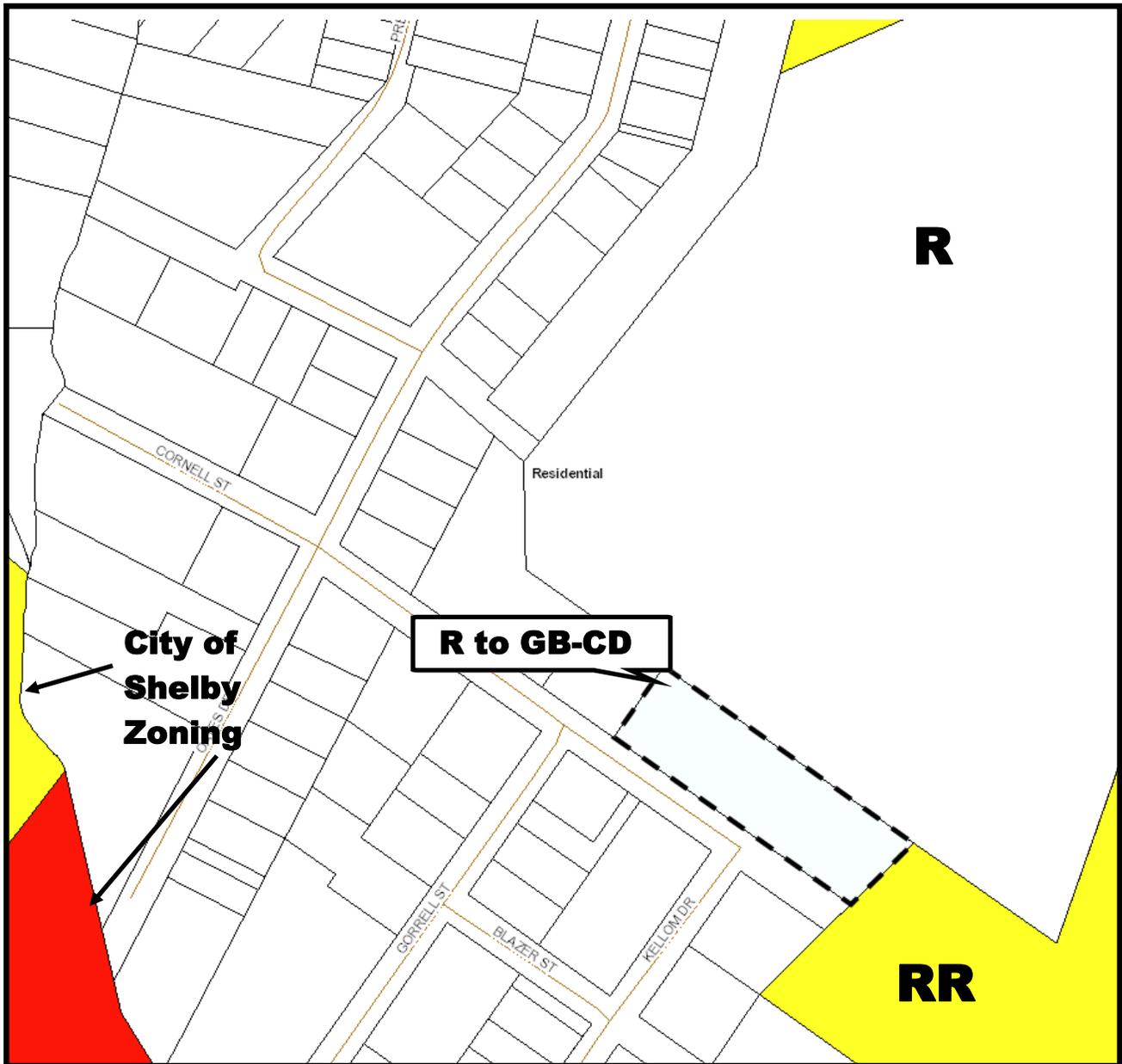
THIS PLAT IS A SITE PLAN ONLY. NO FIELD WORK HAS BEEN COMPLETED.

LAND OWNER:
JOHN & AUNDREA WILLIAMS
2707 ELIZABETH AVE.
SHELBY, NC 28150
PH:

REVISIONS:

SITE PLAN FOR:		JOHN & AUNDREA WILLIAMS	
LOCATION:	TWSP NO. SIX, CLEVELAND COUNTY, NC		
PARCEL ID:	27384		
DATE:	SEPTEMBER 29, 2017		
SCALE:	1" = 60'	DRAWN BY:	DJW
FILE:	JWILLIAMS.DWG		

LEDFORD & WEST
LAND SURVEYING & MAPPING, PLLC.
228 E. DOUBLE SHOALS ROAD
LAWNDALE, NC 28090 704-312-6039
JWSURVEYOR6@GMAIL.COM



REZONING CASE 18-01: 217 East Blazer Street

Existing: Residential

Proposed: General Business-Conditional District



Planning Board Recommendation

January 23, 2018

Public Hearing

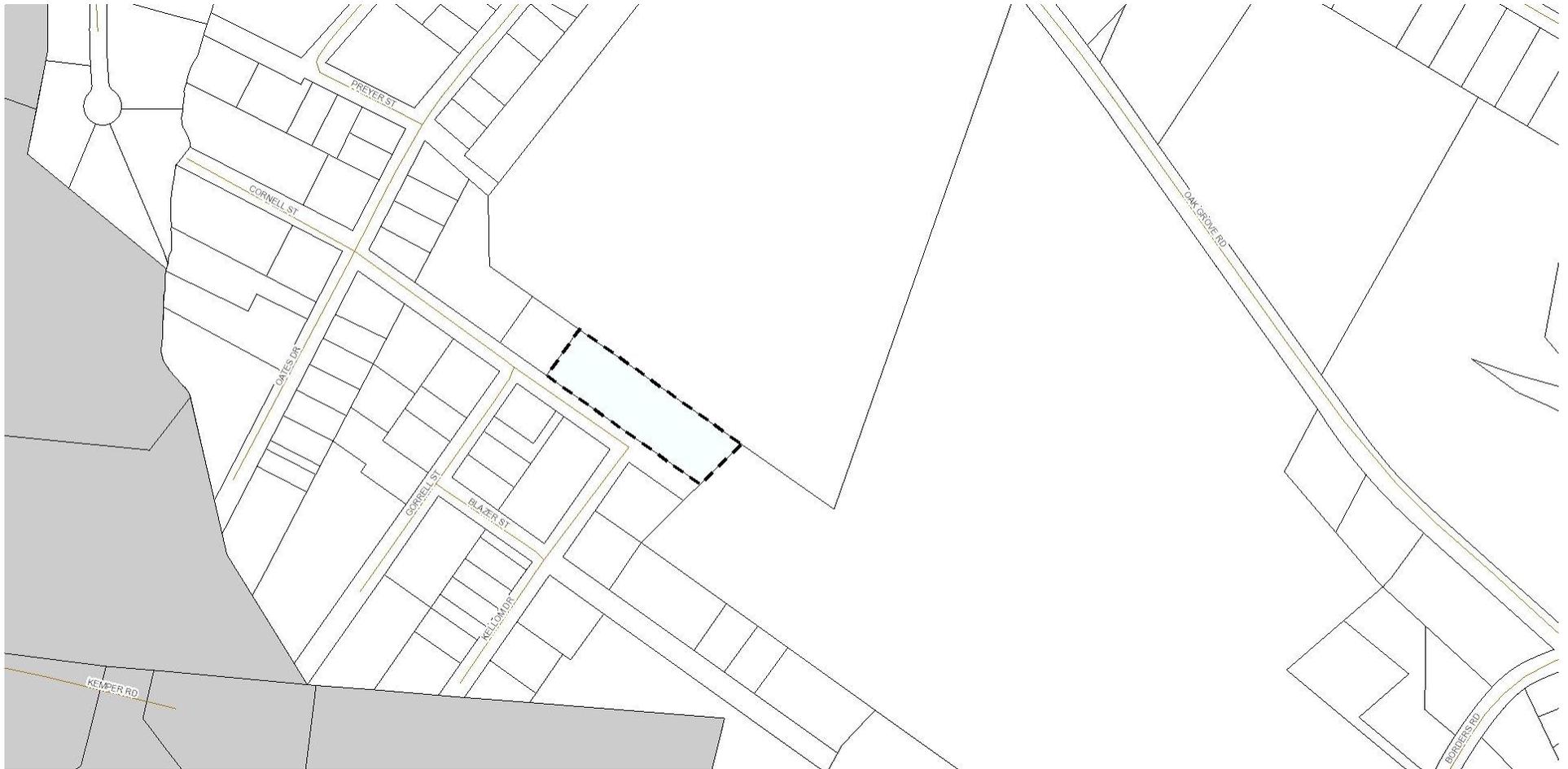
February 6, 2018

R	Residential	NB	Neighborhood Business
RR	Restricted Residential	GB	General Business
RM	Manufactured Homes & Parks	LI	Light Industrial
RA	Rural Agricultural	HI	Heavy Industrial

**Case # 18-01 Re-Zoning: 217 Blazer Street: R to GB-CD
Future Land Use Plan Designation**

 Residential

 Municipal Zoning



Isothermal Planning and Development Commission zoning opinion: Requested Rezoning of 217 Blazar St from Residential to General Business.

It is the recommendation of the Isothermal Planning and Development Commission that the Cleveland County Planning Board denies the proposed rezoning of 217 Blazar St from Residential to General Business due to its inconsistency with the Cleveland County Land Use Plan and its impact on surrounding properties.

Most notably, the properties along Oates Drive will be impacted. Drivers along Oak Grove Road may be impacted as well when the trucks turn on or off of Oates Drive.

The presence of large trucks traveling down Oates Drive and Oak Grove Road (noise, potential damage to road, impact on pedestrian safety) create the biggest impact to surrounding neighbors and contributes most to the rezoning's inconsistency.

If the property is rezoned to General Business, any use authorized in a General Business District must be authorized on the site in the future. Potential conditions to lessen impact may include restrictions on hours of operation, lighting, screening, or parking surface materials and could make the general freight trucking use more attractive to surrounding neighbors, but no reasonable condition could make the presence of large trucks traveling down small, residential streets less of a public safety and nuisance issue.

Additionally, the approval of rezoning may be considered spot zoning due to its inconsistency with the surrounding zoning districts.

Cleveland County Unified Development Ordinance Sec. 12-121. - Zoning districts established:

(b) RR—Restricted Residential. This district is the most restrictive residential, district intended to accommodate low-density single-family detached dwellings and modular homes at a maximum density of two (2) dwelling units per acre.

(c) R—Residential. The purpose of this district is to accommodate low-density single-family detached dwellings, modular homes, manufactured homes at a maximum density of two (2) dwelling units per acre. Multi-family housing is also permitted in this district, but may be exempt from the density requirements depending on location.

(f) GB—General Business. The purpose of this district is to accommodate a wide variety of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. These uses are generally located on arterial streets with the capacity for additional commercial traffic.

Strategy R-A2.2 of the Cleveland County Land Use Plan calls for access management issues “to be addressed to ensure that new uses do not negatively impact traffic flow and safety along the adjoining highway.” This parcel is not located on an arterial road, which increases the impact on the residential properties nearby.

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Planning and Development Training

Department:

Agenda Title: Regional Development Workshop for Planning and Development Regulation- May 1, 2018 in Charlotte, NC.

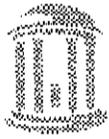
Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> Planning_Scan_009929.pdf	SOG Class Offering
<input type="checkbox"/> Staff_Report_for_Regional_Board_Workshops.pdf	Staff Report

\$55⁰⁰



UNC
SCHOOL OF GOVERNMENT

Regional Board Workshops for Planning and Development Regulation

Greenville, NC - *Click here to register for this course offering*

April 3, 2018

Raleigh, NC - *Click here to register for this course offering*

April 5, 2018

Kernersville, NC - *Click here to register for this course offering*

April 10, 2018

Carthage, NC - *Click here to register for this course offering*

April 12, 2018

Charlotte, NC - *Click here to register for this course offering*

May 1, 2018

Asheville, NC - *Click here to register for this course offering*

May 10, 2018



Overview



Register



Materials



Contact



Spring 2018 Topic: Legislative Zoning Decisions

Equip your development review boards to be more efficient and effective. These half-day workshops are offered in regions across the state for boards making development decisions. Each year we alternate between quasi-judicial decision-making and legislative zoning decisions. For 2018 the focus is legislative zoning decisions such as rezonings and zoning ordinance amendments.

What factors can the governing board consider when evaluating a zoning ordinance amendment? What are the planning board's powers and limits when considering a rezoning request? And, more broadly, what is the role of planning for North Carolina local governments. Through group discussion, lecture, and case studies we will explore these questions and more.

These workshops are intended for boards making or advising on land development regulation decisions, especially governing boards and planning boards, as well as planning and zoning staff.

The spring workshops are coordinated in conjunction with Piedmont Triad Regional Council, Centralina COG, Wake County, Local Government Training Program at WCU, Moore County, Pitt County, and American Planning Association-North Carolina Chapter.

All workshops are 1:00 p.m. - 4:30 p.m. Slides and reference materials will be posted online in advance of the workshops. AICP and CZO credit pending.

Scholarship Information

Local Government Federal Credit Union

The Local Government Federal Credit Union offers scholarships to local government employees to apply towards tuition for conferences, classes, and seminars offered by the School of Government. There are five deadlines to submit applications: March 1, June 1, August 1, September 1 and December 1.

Visit the LGFCU website for more information and to submit an application.

AICP and CZO CE credit have been applied for.

LEAD FACULTY



STAFF REPORT

To: Planning Board Date: February 20, 2018
From: Chris Martin, Senior Planner
Via: Henry Earle, Planner
Subject: Regional Board Workshop for Planning and Development Regulation

Summary Statement: The Planning Board has the opportunity to participate in some training for planning boards conducted by the UNC School of Government

Review: The University of North Carolina at Chapel Hill's School of Government conducts various local government trainings throughout the year. The SOG will be holding several one day trainings entitled "Regional Board Workshop for Planning and Development Regulation" in various locations in North Carolina.

Staff would like to invite anyone on the Planning Board who would like to participate in this training to do so. There are two locations that are close enough to make the trip up and back within the day. Those dates and locations are May 1, 2018 in Charlotte and May 10, 2018 in Asheville.

The cost of the training is \$55 and will be paid for by the County. The County will also provide transportation. Staff would like for the Planning Board to decide which date works best for the most members of the Board to attend and to let staff know so they can begin planning for it.

Pros:

- Equipping the Board even further to be as effective as possible.
- Refreshing Board members on issues of zoning and land development.

Cons:

- None noted