

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

March 27, 2018

6:00 PM

County Commissioners Chamber

Call to order and Establishment of a Quorum

Invocation and Pledge of Allegiance

Approval of Minutes

Approval of Minutes from the 2-27-18 Planning Board Meeting

Cases

Case 18-05: Request to Rezone from Heavy Industrial (HI) to General Business (GB)

Case 18-04: Request to Rezone from Rural Agriculture-Conditional District to Residential
at 2617 Royster Road

Road Naming Case 18-01: Request to name unnamed road to Bills Creek Lane

Miscellaneous Business

Adjournment

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Minutes

Department:

Agenda Title: Approval of Minutes from the 2-27-18 Planning Board Meeting

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 02-27-18_PB_Minutes.pdf	Minutes



CLEVELAND COUNTY PLANNING BOARD
Cleveland County Administrative Building – Commission Chambers
311 E. Marion Street, Shelby, NC
February 27, 2018 - 6:00 p.m.

Present:

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

Absent:

Max Hopper, Chairman

Others

Chris Martin, Senior Planner
Henry Earle, County Planner
Anna Parker, Admin. Assistant
John T. Williams, Jr.
Aundrea Williams
Chareline Morris
Joe Morris
Brandy Moore

CALL TO ORDER

Vice Chairman Tom Spurling called the meeting to order at 6:03 pm.

INVOCATION, PLEDGE OF ALLEGIANCE, AND ESTABLISH QUORUM

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

APPROVAL OF JANUARY 27, 2018 MINUTES

Charles Christenbury made a motion to approve the 01-27-2018 minutes with the correction to members present for Lucas Shires, who was not present at the meeting. It was seconded by Susan Scruggs and unanimously carried.

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

Petitioner: John and Aundrea Williams

Location: 217 Blazer St.

Chris Martin reviewed the property owners' request to re-zone from Residential to General Business-Conditional Use for their trucking company parking lot for 5-6 trucks at 217 Blazer St. The Board of Commissioners opened, held, and closed a Public Hearing on February 6, 2018 and agreed to postpone its decision on this case until Staff and the Planning Board had an opinion from the Isothermal Planning and Development Commission (IPDC). Mr. Martin stated that Isothermal recommended denying the re-zoning due to the inconsistency with the Land Use Plan and the impacts on properties along Oates Dr.

The IPDC report states that the impacts include noise, potential to road damage, and impact on pedestrian safety. Conditions could be applied for appearance such as screening, lighting, and hours of operation, but there were no reasonable conditions that could make it less of a public

safety or nuisance issue. It is not consistent with the Land Use Plan, specifically addressing access management; it cannot negatively affect traffic flow and safety along the adjoining highway. This property does not have an access point to an arterial road and therefore is increasing the impact on residential properties nearby.

Vice-Chairman Tom Spurling opened the public comment period at 6:11 pm.

John T. Williams, Jr. said he is a co-owner of the trucking company and was told when he purchased the property it would be ideal to use it for his truck parking. He has been there about two years. He thinks the problem was caused by a pine tree hitting a post connected to a meter box, and it was thought that one of their trucks hit it. He has spoken with many people who have told him that they do not mind them being there. Mr. Williams appreciates being able to speak and would like to stay at the property temporarily until they are in better shape to move.

Joe Morris has known Mr. Williams for twenty years. His home that he owns is 250 feet from the door to Mr. William's gate. He has no complaints. He said a rotten pine tree limb fell on a line and snapped a transformer off a pole.

Vice-Chairman Tom Spurling closed the public comment period at 6:15 pm as there was no further public comment.

Board Discussion

Lucas Shires asked if there is some way to allow the use with an expiration date attached. Mr. Martin stated that no, the conditional use would still be attached to the property. A Conditional Use Permit without Re-Zoning could only be issued for this use in Light and Heavy Industrial zoned districts. The "Conditional Use" re-zoning request was suggested to look at conditions to possibly make the use safer and address spot zoning. This property is zoned Residential, which allows for stick built, modular, and manufactured housing. The Restricted Residential property it adjoins allows for stick built and modular housing only.

Ronnie Whetstine addressed the bypass question from the previous meeting. Since the last meeting there was a bypass meeting held by the NCDOT and there will not be any exits along Elizabeth Rd. and Borders Rd. that could affect this area and its zoning.

Darryl Crawford inquired if the NCDOT will require a commercial permit for a commercial entrance and if a building/office needs to be on site to meet NCDOT requirements. Mr. Martin said they will need a NCDOT driveway permit and they do not need a building on site in this situation. The NCDOT response implied they would be able to get a NCDOT driveway permit for this site since they look at the ingress and egress safety, even though it is not coming out of an arterial road.

Vice Chairman Spurling asked about temporary zoning. Mr. Martin replied that there could be a condition on the use, but the zoning district still remains attached to the property, not the person or company. Even if this particular use ceases or expires, the General Business zoning is still there.

Vice Chairman Spurling said that he feels for Mr. Williams and his business, but it does not negate the compliance or safety issues. They need to be consistent with the laws and apply them the same all across.

Susan Scruggs said it is very difficult, and she respects the business.

Charles Christenbury pointed out the issues of spot zoning of having a general business in the middle of residential zoning. The business has the right to operate, but the infrastructure in this area is not designed for the trucks to operate safely in the neighborhood, despite how much the Board wants to help.

Darryl Crawford expressed how much he respects the business owners for providing jobs, and they have done a good job, but unfortunately they relied on the wrong information when they purchased the property instead of checking with the County Planning and Zoning office. In order to approve this use, they must amend the Land Use Plan and there must be justification to do so. Mr. Crawford stated that they cannot justify the use to make it consistent with the Land Use Plan.

<p>Darryl Crawford made the motion to recommend denying the re-zoning request case 18-01 due to lack of justification for amending the Land Use Plan. Charles Christenbury seconded the motion and it unanimously carried.</p>

MISCELLANEOUS BUSINESS

The Board reviewed available training dates with Staff. There are two dates available- May 1st or May 10th. Staff will provide a ride to the class, which is 1:00 pm to 4:30 pm, with the option of going to Asheville or Charlotte. Staff will e-mail the dates and the one with most attendance will be selected.

Vice Chairman Spurling asked Staff about the Land Use Plan audit. Mr. Martin said he did relay the Board's recommendation to the Managers, but they have a lot going on at this time.

ADJOURNMENT

There being no further business, **Vice Chairman Spurling** adjourned the meeting at 6:52 pm.

ATTEST:

Max Hopper, Chairman

Anna Parker, Administrative Assistant

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 18-05

Department:

Agenda Title: Case 18-05: Request to Rezone from Heavy Industrial (HI) to General Business (GB)

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 18-05_Staff_Report_1_5110_E_Dixon.pdf	Staff Report
<input type="checkbox"/> 18-05_Zoning_Map_5110_East_Dixon_Blvd.pdf	Zoning Map
<input type="checkbox"/> 18-05_Future_Land_Use_Map_5110_East_Dixon_Blvd.pdf	Land Use Map
<input type="checkbox"/> 18-05_Rezone_Aerial_5110_East_Dixon_Blvd.pdf	Aerial Map
<input type="checkbox"/> Future_Land_Use_Plan_Business_Node_Proposal.pdf	LUP Business Node Creation
<input type="checkbox"/> Future_Land_Use_Plan_Two_Business_Node_Proposal.pdf	LUP Two Business Nodes Creation

STAFF REPORT

To: Board of Commissioners
Via: Brian Epley, County Manager
From: Chris Martin, Senior Planner
Subject: Rezoning Case 18-05

Date: March 13, 2018

Summary Statement: Teresa Caldwell is requesting a zoning text amendment to add Gambling and Video Gaming Machines as an allowable use in the Corridor Protection (CP) zoning district with the issuance of a conditional use permit.

Review: Currently, gaming machines are only allowed in the General Business (GB) zoning district with a conditional use permit. This amendment would also allow Gambling and Video Gaming Machines in the Corridor Protection (CP) zoning district with a conditional use permit.

The Corridor Protection district allows many uses including retail, office and administration, recreation, restaurants, and hotels.

If you concur with this request a public hearing may be scheduled for April 17th, 2018.

Pros:

- Conditional Use Permits require the proposed use be evaluated by the Board of Adjustment to determine any negative impacts to surrounding properties. Also, Corridor Protection zoning district has specific standards that helps commercial development become more compatible with the surrounding area by requiring screening, parking and access standards.

Cons:

- Permitting in Corridor Protection districts will allow the use on all major arterial roads in the County, including Hwy 74, Hwy 18, Hwy 226, Hwy 150, etc.

Recommendations:

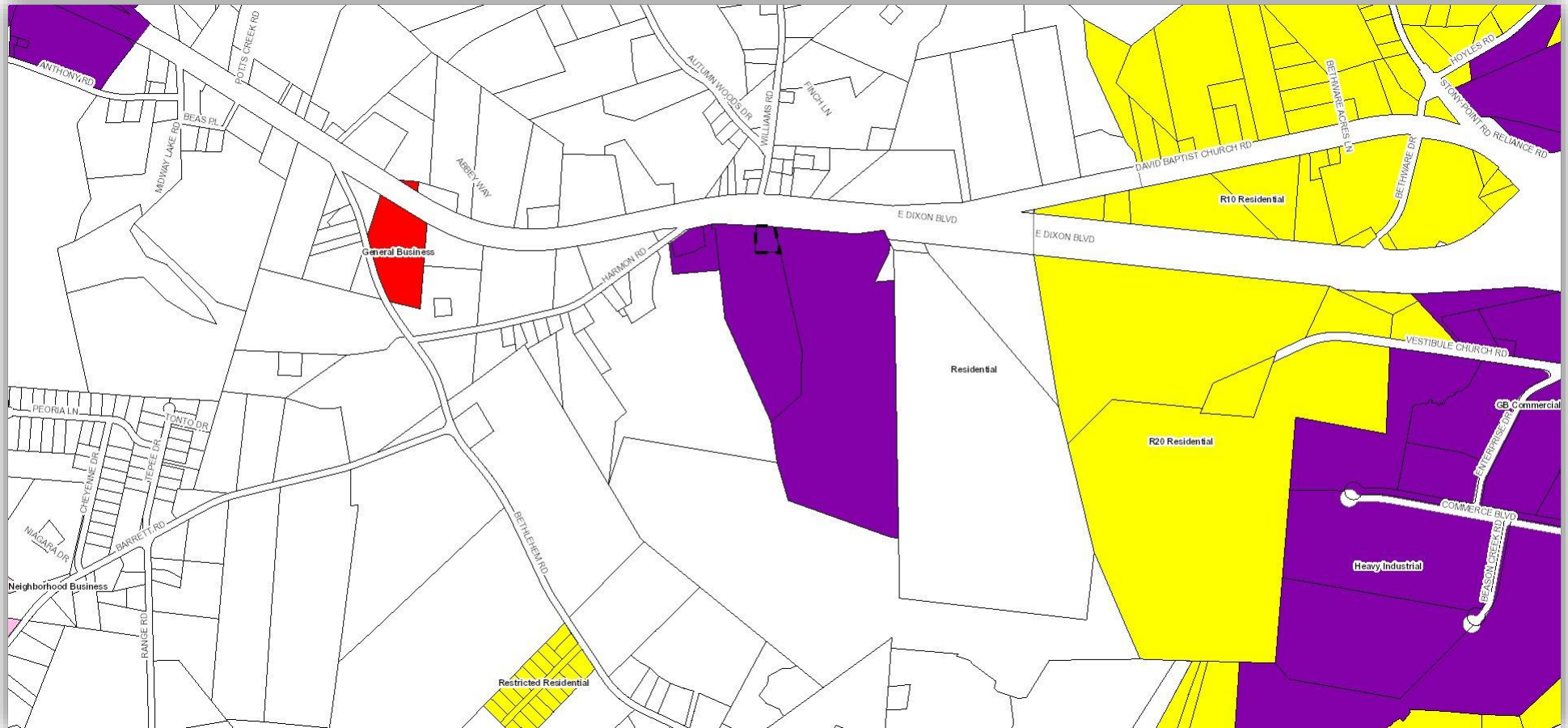
Isothermal Planning and Development Commission:

Planning Board:

Attachments:

- Petition
- Recommendations

Case # 18-05 Re-Zoning for 5110 East Dixon Blvd: HI to GB,
Future Lane Use Plan, Parcel #59646, 1.07 acres



Case # 18-05 Re-Zoning for 5110 East Dixon Blvd: HI to GB,
Future Lane Use Plan, Parcel #59646, 1.07 acres



Commercial



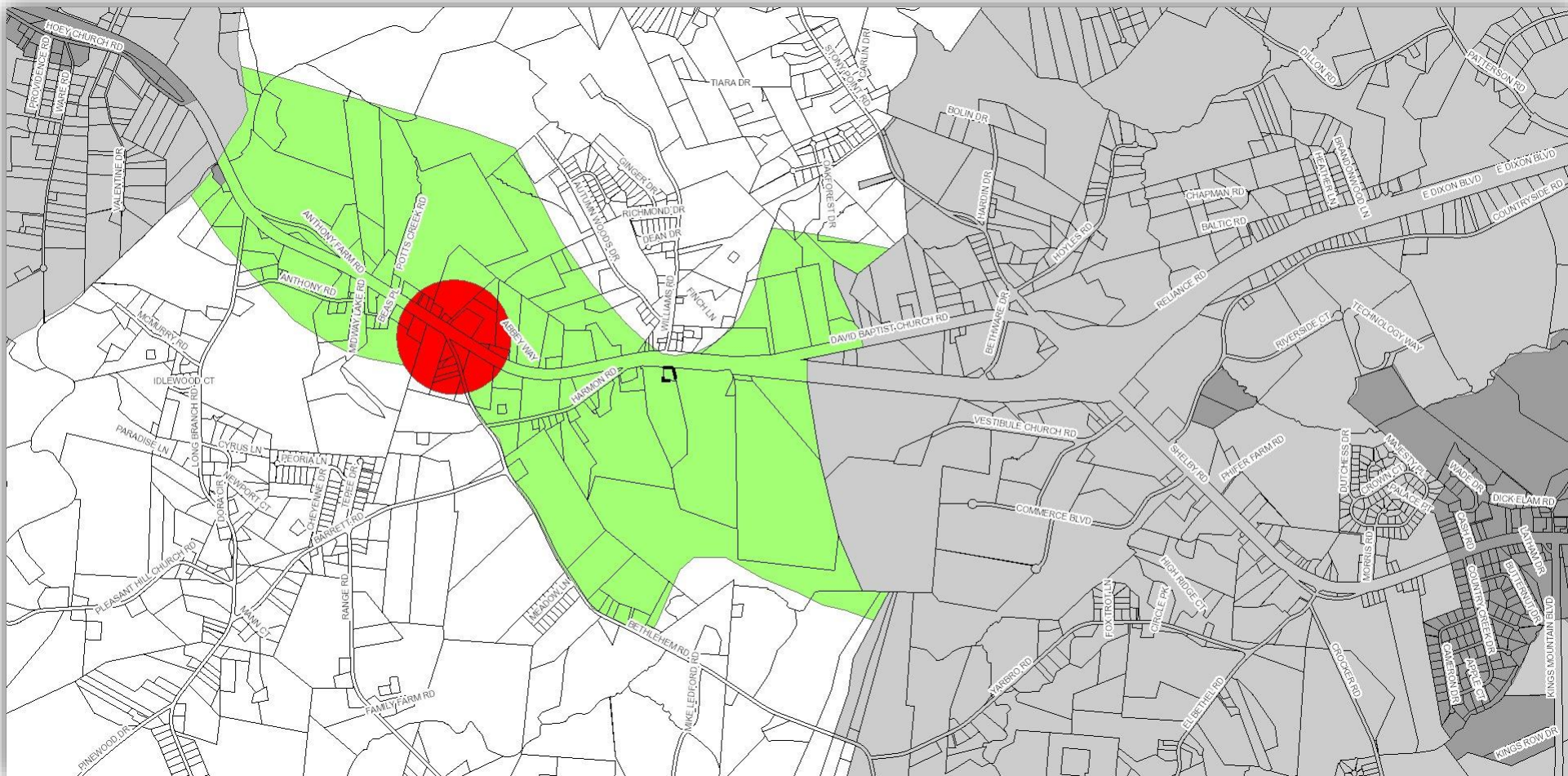
Industrial



Residential



Municipal



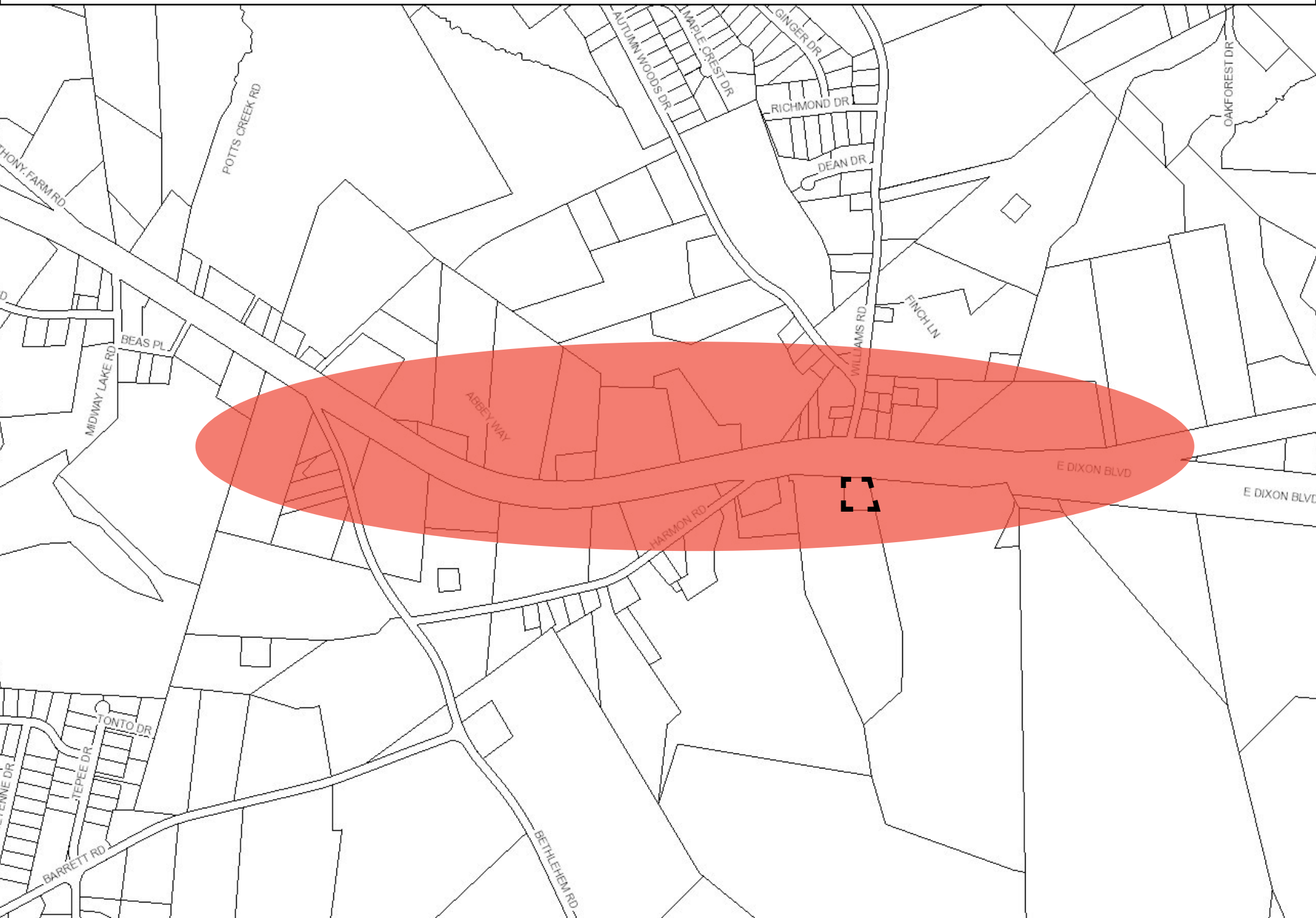
Case # 18-05 Re-Zoning: HI to GB for 5110 East Dixon Blvd.
Parcel #59646, 1.073 acres



Future Land Use Plan Map

5110 East Dixon Blvd

Case 18-05



Future Land Use Plan Map
5110 East Dixon Blvd
Case 18-05



COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 18-04

Department:

Agenda Title: Case 18-04: Request to Rezone from Rural Agriculture-Conditional District to Residential at 2617 Royster Road

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 18-04_Staff_Report_2617_Royster_Rd._Rezoning.pdf	Staff Report
<input type="checkbox"/> 18-04_Zoning_Map_2617_Royster_Rd.pdf	Zoning Map
<input type="checkbox"/> 18-04_Land_Use_Map_2617_Royster_Rd.pdf	Land Use Map
<input type="checkbox"/> 18-04_Rezone_Aerial_2617_Royster_Rd.pdf	Aerial Map

STAFF REPORT

To: Board of County Commissioners

Date: March 13, 2018

From: Brian Epley County Manager

Via: Chris Martin, Senior Planner

Subject: Rezoning Case 18-04

Summary Statement: Rhonda Clark, SVP for Bank of the Ozarks, is requesting to rezone Parcel #58542 at 2617 Royster Rd. from Rural Agriculture-Conditional Use (RA-CU) to Residential to revert the property use back to residential.

Review: Bank of the Ozarks, Inc. has acquired this property and wishes to sell it for residential use. It is currently zoned as Rural Agriculture-Conditional Use district for a motorcycle repair shop and therefore cannot be sold for residential use under its current zoning district. This RA-CU zoning district was assigned to the property on October 3, 2006.

The area surrounding 2617 Royster Rd. is zoned Residential and the land use plan designates this area and the surrounding area as future 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.

Pros:

- Consistency with Future Land Use Plan
- Extension of the current residential zoning district therefore could not be considered spot zoning
- Returning property to original zoning

Cons:

- None

Fiscal Impact:

- None

Recommendations:

- Planning Board: *Meeting scheduled for March 27th, 2018
- Isothermal Planning Consultant:

Case # 18-04 Re-Zoning for 2617 Royster Rd: RA-CD to R,
Current Zoning Designation, Parcel #58542, 13.285 acres



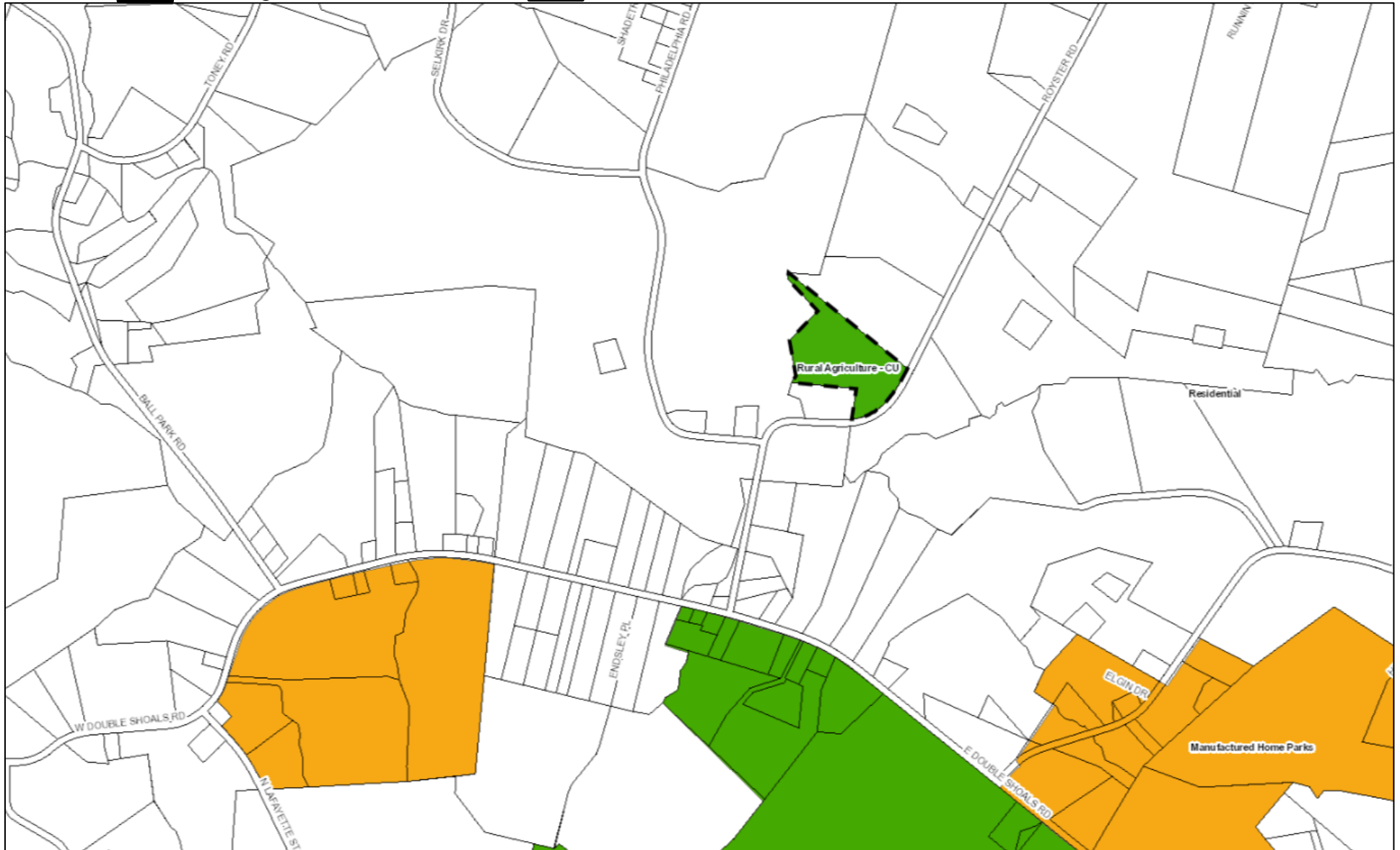
Rural Agriculture/ RA-CD



Residential



Manufactured Home Park



Case # 18-04 Re-Zoning for 2617 Royster Rd: RA-CD to R,
Future Land Use Plan, Parcel #58542, 13.285 acres



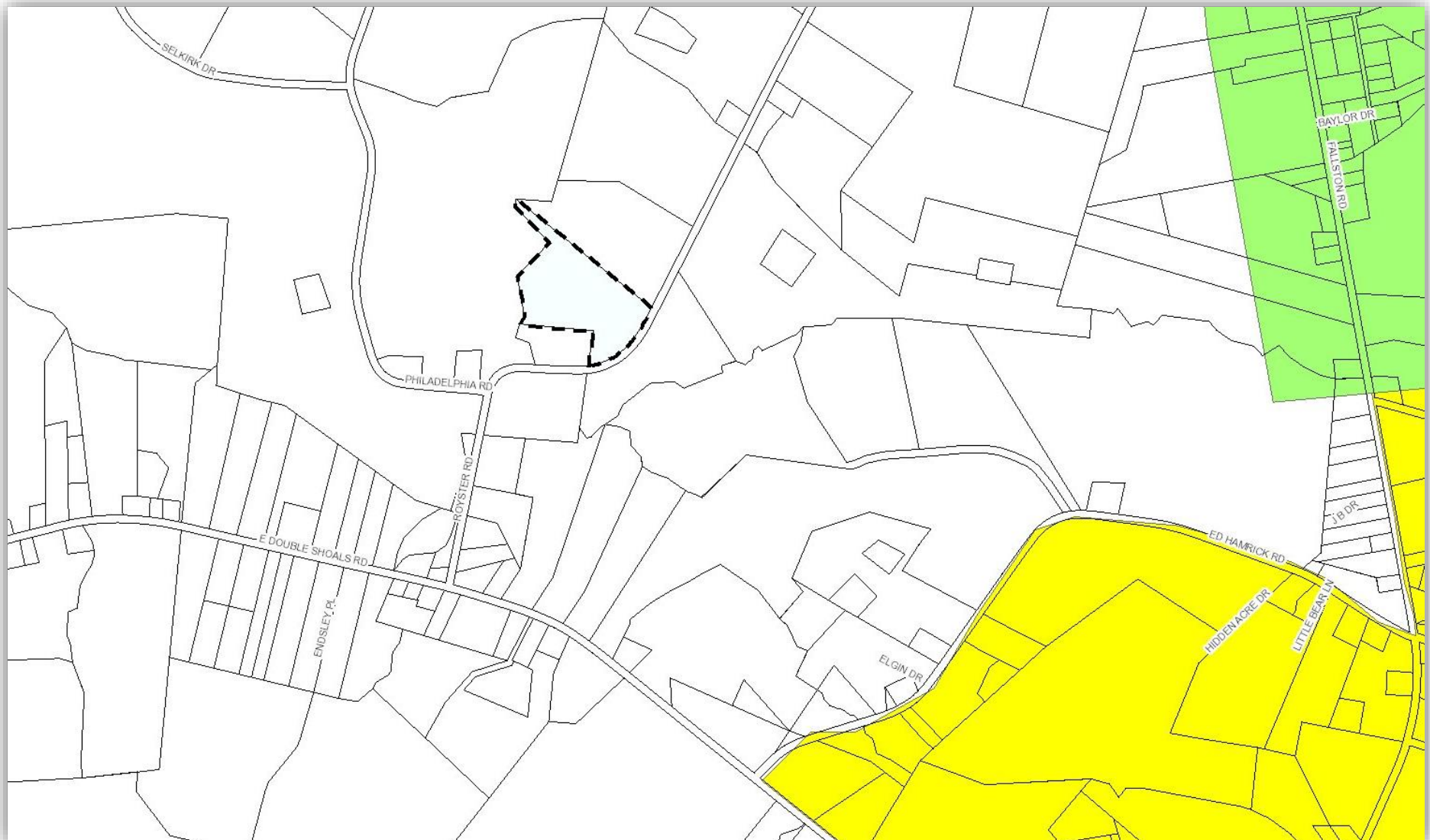
Light Industrial



Residential



Low Density Residential



Case # 18-04 Re-Zoning: RA-CD to R for 2617 Royster Rd.
Parcel #58542, 13.285 acres



COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Road Renaming Case 18-01

Department:

Agenda Title: Road Naming Case 18-01: Request to name unnamed road to Bills Creek Lane

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 18-01_Bills_Creek_Aerial.pdf	Aerial Map
<input type="checkbox"/> 18-01_Bills_Creek_Petition.pdf	Petition
<input type="checkbox"/> 18-01_Bills_Creek_Survey.pdf	Right of Way Survey

Road Name Case 18-01: Bill's Creek Lane

Petitioner: Jean Wyte

Road Location: On Bethlehem Rd. between Prim Lane and Dettler Lane



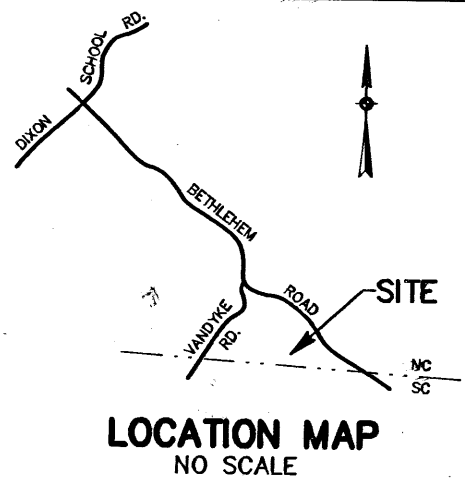
ROAD NAMING PETITION

We the undersigned, hereby request the Cleveland County Planning Board to name our street as Bill's Creek Lane. We have enclosed the \$100.00 fee to cover the cost of advertising for the required Public Hearing and for the cost of the sign and post. Thank you for your consideration in this matter.

[illegible]

Handwritten labels for evidence items:

- *59822
103
- *59823
102
- *59821
101



CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE MINOR SUBDIVISION SHOWN ON THIS PLAT IS IN ALL RESPECTS IN COMPLIANCE WITH THE CLEVELAND COUNTY DEVELOPMENT ORDINANCE, AND THAT THIS PLAT HAS BEEN APPROVED BY THE ADMINISTRATOR, SUBJECT TO ITS BEING RECORDED WITH THE CLEVELAND COUNTY REGISTER OF DEEDS WITHIN SIXTY (60) DAYS OF THE DATE BELOW.

10-6-06
DATE

Chi Marti
ADMINISTRATOR

CERTIFICATE OF REVIEW OFFICER

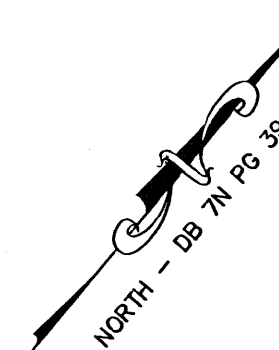
STATE OF NORTH CAROLINA COUNTY OF CLEVELAND

I, Paul McCune, REVIEW OFFICER OF CLEVELAND COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

10-06-06
DATE

Paul McCune
REVIEW OFFICER

CURVE	LENGTH	RADIUS	CHORD	CHORD DIRECTION
C1	98.84'	265.13'	98.27'	N 36°02'28" E
C2	99.11'	303.64'	98.67'	N 34°42'45" E
C3	91.77'	281.14'	91.38'	S 34°42'45" W
C4	107.23'	287.63'	106.61'	S 36°02'28" W
C5	128.78'	45.00'	88.82'	S 67°25'02" W
C6	108.88'	45.00'	84.19'	N 37°25'02" E
C7	90.45'	242.64'	89.93'	N 36°02'28" E
C8	108.45'	326.14'	105.98'	N 34°42'45" E

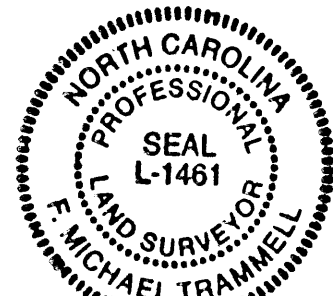


BK 30 Pg 62

CERTIFICATE OF SURVEYOR

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

I, F.M. TRAMMELL, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK AS PAGE SHOWN, ETC.) (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK AS PAGE SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THE AREA WAS CALCULATED BY THE COORDINATE METHOD; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 27 DAY OF SEPT, 2006.



F.M. Trammell
F. M. TRAMMELL, NC PLS L-1461

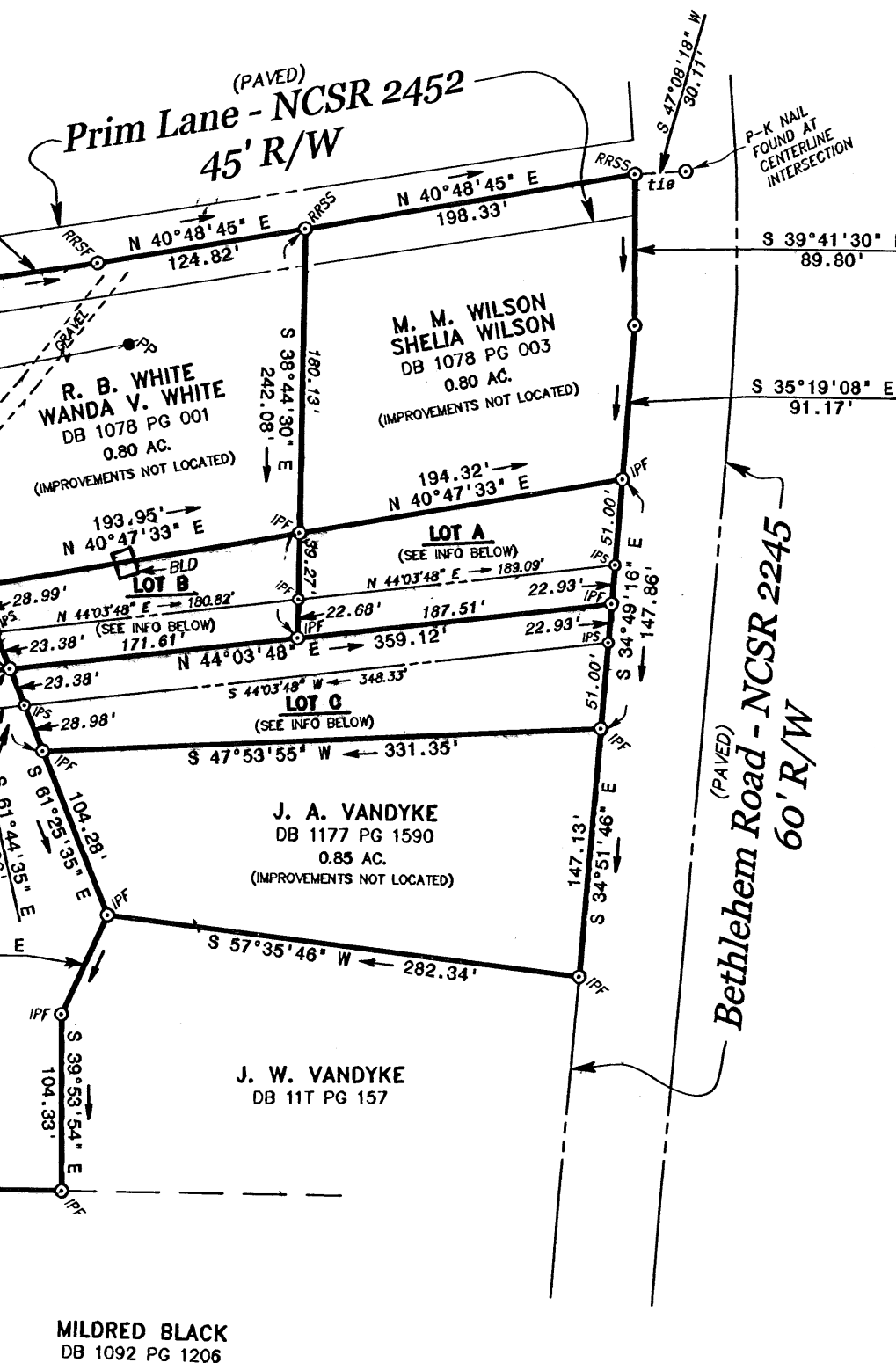
F. M. TRAMMELL
PROFESSIONAL LAND SURVEYOR
TRAMMELL SURVEYING & MAPPING, INC.
104 NORTH DILLING STREET
KINGS MOUNTAIN, N.C. 28086
(704) 739-7383

NOTE:

- THIS SURVEY IS BASED ON PHYSICAL EVIDENCE FOUND IN THE FIELD ON THE DATE THE SURVEY WAS MADE.
- NO KNOWN NC GRID MONUMENTS WITHIN 2,000 FEET OF SURVEYED PROPERTY.
- UNDERGROUND UTILITIES NOT LOCATED.
- THIS SURVEY WAS PREPARED WITHOUT 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, TIMBER RIGHTS AND LANDFILLS WHETHER OR NOT SHOWN ON THIS PLAT OR WHETHER OR NOT RECORDED IN THE PUBLIC RECORDS.
- LOT "A" TO BE COMBINED WITH WILSON'S 0.80 ACRE LOT.
LOT "B" TO BE COMBINED WITH WHITE'S 0.80 ACRE LOT.
LOT "C" TO BE COMBINED WITH VANDYKE'S 0.85 ACRE LOT.

LEGEND

IPF	IRON PIN FOUND
IPS	IRON PIN SET
○	UNMARKED POINT
CMF	CONCRETE MONUMENT FOUND
RRSF	RAILROAD SPIKE FOUND
RRSS	RAILROAD SPIKE SET
---	SURVEYED LINE
- - -	UNSURVEYED LINE (WHEN BEARING & DISTANCE NOT SHOWN)
---	ROAD RIGHT-OF-WAY LINE
---	OVERHEAD POWER LINE
PP	POWER POLE



LOT A	LOT B	LOT C
0.10 AC. (INSIDE R/W)	0.09 AC. (INSIDE R/W)	0.19 AC. (INSIDE R/W)
0.19 AC. (OUTSIDE R/W)	0.14 AC. (OUTSIDE R/W)	0.30 AC. (OUTSIDE R/W)
0.29 AC. (TOTAL)	0.23 AC. (TOTAL)	0.49 AC. (TOTAL)

(SEE NOTE No. 5)

RECORDING FEE \$ 21.00

FILED in CLEVELAND County, NC
on Oct 08 2006 at 12:15:14 PM
by: BONNIE E. REECE
REGISTER OF DEEDS
BOOK 30 PAGE 62

MINOR SUBDIVISION

PROPERTY OF
JAMES ROBERT VANDYKE, HEIRS
CLEVELAND COUNTY, NORTH CAROLINA
TOWNSHIP No. 4

SCALE: 1"=100'
DATE: SEPTEMBER 27, 2006
DEED REF: DB 7N PG 396
TAX MAP: 4-84-1-8

