

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

**May 26, 2020**

**6:00 PM**

**Development Services Building**

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**Call to order and Establishment of a Quorum**

**Invocation and Pledge of Allegiance**

**Approval of Minutes**

Minutes from the February 25, 2020 Planning Board Meeting

**Items**

Case 20-03: Request for a Text Amendment regarding Kennels and Animal Boarding

Case 20-04: Request to Rezone Property at 863 Stony Point Road from Residential (R) to General Business Conditional Use (GB-CU)

**Miscellaneous Business**

**Adjournment**

**COUNTY OF CLEVELAND, NORTH CAROLINA**

**AGENDA ITEM SUMMARY**

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**Minutes**

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**Department:**

**Agenda Title:** Minutes from the February 25, 2020 Planning Board Meeting

**Agenda Summary:**

**Proposed Action:**

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**ATTACHMENTS:**

File Name	Description
<input type="checkbox"/> 2-25-20_PB_Minutes.pdf	Minutes



## PLANNING BOARD

Cleveland County Administrative Building – Commission Chambers

311 E. Marion Street, Shelby, NC

February 25, 2020 - 6:00 p.m.

### **Present:**

Susan Scruggs, Vice-Chairwoman

Dobbin Lattimore

Charles Christenbury

Eddie Kee

Leon Leonhardt

### **Absent:**

Tom Spurling, Chairman

### **Others Present**

Chris Martin, Senior Planner

Henry Earle, Planner

Anna Parker, Clerk

Mike Frantz, *Applicant*

### **CALL TO ORDER AND ESTABLISH QUORUM**

**Vice-Chairwoman Scruggs** called the meeting to order at 6:00 pm. It was determined that a quorum was present.

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

**Vice-Chairwoman Scruggs** led the invocation, followed by the Pledge of Allegiance and NC State Pledge.

### **APPROVAL OF JANUARY 28, 2020 MINUTES**

**Dobbin Lattimore** made a motion to approve the January 28, 2020 Minutes. Eddie Kee seconded the motion and it unanimously carried.

### **RE-ZONING CASE 20-01: LI to GB for 4803 Ellenboro Rd.**

**Chris Martin** stated that Mike Frantz of Challenger Properties submitted a re-zoning application for 4803 Ellenboro Rd. to rezone Light Industrial (LI) to General Business (GB) for the portion of the property within the Town of Mooresboro city limits. The property is 5.32 acres on Business 74 / Ellenboro Rd. The area to the south and west is rural agricultural use and the east is mixed use. The current zoning is Light Industrial, and the surrounding zoning is Heavy Industrial, Neighborhood Business, and Rural Agriculture. This property currently has a warehouse for a metal fabrication business. The current owner got signatures from adjoining property holders supporting the re-zoning to General Business. The Town has not adopted a Land Use Plan Map. A portion of the property is outside of the Town limits but that is not included in this application. The owner would need to submit a separate application for it to be considered. General Business zoning is for a variety of retail uses, for heavy business traffic, and arterial traffic. Light Industrial zoning is for limited manufacturing and wholesale business uses. They share some business uses but Light Industrial is more light manufacturing and General Business is more retail.

Mr. Martin explained that this is not spot Zoning for this site. It is a large tract of land relative in size to the surrounding tracts of land. If it was much smaller, or a vastly different zoning request from the surrounding land usage it could be considered spot zoning. The Board discussed the re-zoning and did not have any issue with the request.

**Vice-Chairwoman Scruggs** entertained a motion from the Board.

**Charles Christenbury** made a motion to recommend approval of Re-Zoning from Light Industrial to General Business for Case 20-01. Dobbin Lattimore seconded the motion and it unanimously carried.

**RE-ZONING CASE 20-02: LI to RA for 4803 110 Lahrmer Ln.**

**Mr. Martin** stated that the property has been re-zoned from RA to HI, then to LI. The Town of Mooresboro is now requesting to re-zone it back to RA. One of the railroads on the property has abandoned the Right-of-Way. The one to the north of the property is still in use. There are approximately 5 acres within the Town of Mooresboro limits that is being considered under this application, not the portion of the parcel that is in the County limits. The original owner of the property.

**LAND USE PLAN UPDATE**

**Mr. Martin** presented a brief update about the County's Land Use Plan. The Commissioners awarded a bid to Benchmark Planning in Charlotte to create a new County Land Use Plan. The Planning Board will have a chance to participate sometime around late summer. The whole process takes approximately 12 to 18 months. Benchmark will work with the County to get everyone's input and to hold public meetings throughout the county.

**MISCELLANEOUS BUSINESS**

There was no miscellaneous business for discussion.

**ADJOURNMENT**

There being no further business, \_\_\_\_\_ made a motion to adjourn, seconded by \_\_\_\_\_ and unanimously carried. **Vice-Chairwoman Scruggs** adjourned the meeting at \_\_\_\_ pm.

ATTEST:

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Susan Scruggs, Vice-Chairwoman

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Anna Parker, Clerk

# COUNTY OF CLEVELAND, NORTH CAROLINA

## AGENDA ITEM SUMMARY

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### Case 20-03

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#### Department:

**Agenda Title:** Case 20-03: Request for a Text Amendment regarding Kennels and Animal Boarding

#### Agenda Summary:

#### Proposed Action:

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#### ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 20-03_Staff_Report.pdf	Staff Report
<input type="checkbox"/> Proposal_for_Kennels_May_20_2020.pdf	Text Proposal

## **STAFF REPORT**

To: The Cleveland County Board of Commissioners      Date: May 20, 2020  
From: Chris Martin, Senior Planner  
Subject: Case 20-03

Summary Statement: Daniel Blanton has requested an amendment to the Cleveland County Unified Development Ordinance (UDO) to allow boarding and kennels in various residential districts.

Review: Currently, kennels and animal boarding facilities are classified in the UDO table of uses under "Other Personal Services" and are only allowed in General Business. This requested amendment would allow this use to be placed in the Rural Agriculture, Residential, Manufactured Home Park and Neighborhood Business district as well as create standards for future creation. Standards proposed under this requested amendment would be a minimum two acre parcel and fifty foot setbacks for all indoor and outdoor uses associated with the kennel.

**Pros:**

- Allowance for kennels to be located in more places throughout the county.
- Creation of standards for the orderly placement of these uses.

**Cons:**

- Potential noise impact in more populated areas

**Fiscal Impact:**

- None

**Planning Board Recommendation:** The Planning Board will make a recommendation at its May 26, 2020 meeting.

## Kennels

### Section 12-20. – Definitions

*Kennel:* An establishment wherein any person engages in business or practice of boarding, breeding, or training of domesticated animals (dogs, cats or other generally acceptable household pets) at any one time.

### Section 12-124. Table of Permitted Uses

OTHER SERVICES										
	NAICS	RA	RR	R	RM	NB	GB	CP	LI	HI
Kennels/Animal Boarding	812910	Z		Z	Z	Z	Z			

### Section 12-162. – Kennels

Kennels shall be allowed pursuant to section 12-124 and are subject to the following standards.

- A. No kennel shall exist on a single parcel that is less than two (2) acres in size.
- B. All buildings shall be fully enclosed and all outdoor uses, including kennels and runs, shall be completely enclosed with a fence.
- C. Setbacks
  - a. A setback of fifty (50) feet shall be required from all public or private rights-of-way.
  - b. A setback of fifty (50) feet shall be required from all other property lines.



# COUNTY OF CLEVELAND, NORTH CAROLINA

## AGENDA ITEM SUMMARY

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### Case 20-04

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#### Department:

**Agenda Title:** Case 20-04: Request to Rezone Property at 863 Stony Point Road from Residential (R) to General Business Conditional Use (GB-CU)

#### Agenda Summary:

#### Proposed Action:

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#### ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 20-04_Staff_Report.pdf	Staff Report
<input type="checkbox"/> Surveyed_Site_Plan_RV_Storage.pdf	Site Plan
<input type="checkbox"/> 20-04_Aerial_Map_863_Stony_Point_Road.pdf	Aerial Map
<input type="checkbox"/> 20-04_Zoning_Map_863_Stony_Point_Road.pdf	Zoning Map
<input type="checkbox"/> 20-04_Land_Use_Map_863_Stony_Point_Road.pdf	Land Use Map
<input type="checkbox"/> Section_324_Conditional_Rezoning.pdf	Conditional Rezoning
<input type="checkbox"/> 20-04_Application.pdf	Application

## STAFF REPORT

To: Cleveland County Board of Commissioners

Date: May 20, 2020

From: Chris Martin, Senior Planner

Subject: Rezoning Case 20-04 at 863 Stony Point Road

Summary Statement: Humphries Property Management LLC is requesting to rezone property at 863 Stony Point Road from Residential (R) to General Business Conditional Use (GB-CU).

Review: The property is 2.94 acres and is located at 863 Stony Point Road. The zoning is Residential as is the property to the East and South. To the West and North property is zoned Restricted Residential. The area has mostly residential uses except for several businesses located along the intersection of Stony Point and Oak Grove Road to the South.

Mr. Humphries is requesting to rezone this property to establish an RV storage facility on the property. Mr. Humphries is NOT requesting to establish an RV park. In accordance with the Cleveland County Unified Development Ordinance Mr. Humphries has submitted a site plan showing the number and location of RV storage sites he plans to install on the property.

NCGS 153A-341 requires that local government boards adopt one of the following three zoning consistency statements to go along with its decision:

- Approving the zoning amendment and describing its consistency with the adopted plan and why the action is reasonable and in the public interest;
- Rejecting the zoning amendment and describing its inconsistency with the adopted plan and why the action is reasonable and in the public interest;
- Approving the zoning amendment and:
  - A declaration that the approval is deemed an amendment to the comprehensive plan.
  - An explanation in the conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
  - Why the action was reasonable and in the public interest.

Pros:

- The requested zone is compatible with surrounding business uses.

Cons:

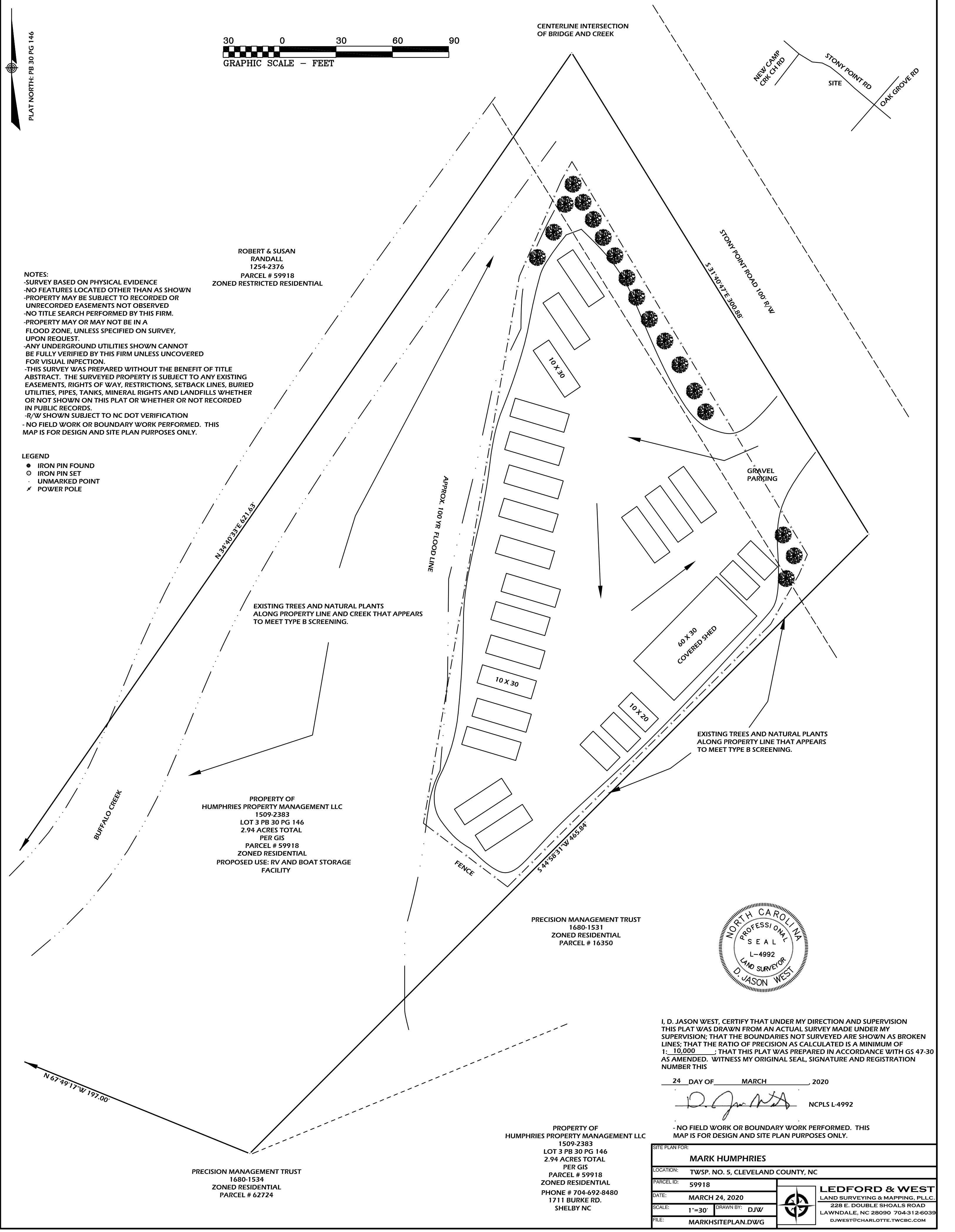
- None noted.

Fiscal Impact:

- None.

Recommendations:

- Planning Board: The Planning Board unanimously recommended **approval** of this rezoning request.



PLAT NORTH: PB 30 PG 146

30 0 30 60 90  
GRAPHIC SCALE - FEET

CENTERLINE INTERSECTION  
OF BRIDGE AND CREEK

NEW CAMP  
CRK CH RD  
STONY POINT RD  
SITE  
OAK GROVE RD

ROBERT & SUSAN  
RANDALL  
1254-2376  
PARCEL # 59918  
ZONED RESTRICTED RESIDENTIAL

NOTES:  
-SURVEY BASED ON PHYSICAL EVIDENCE  
-NO FEATURES LOCATED OTHER THAN AS SHOWN  
-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  
-NO FIELD WORK OR BOUNDARY WORK PERFORMED. THIS  
MAP IS FOR DESIGN AND SITE PLAN PURPOSES ONLY.

LEGEND  
● IRON PIN FOUND  
○ IRON PIN SET  
- UNMARKED POINT  
✕ POWER POLE

EXISTING TREES AND NATURAL PLANTS  
ALONG PROPERTY LINE AND CREEK THAT APPEARS  
TO MEET TYPE B SCREENING.

PROPERTY OF  
HUMPHRIES PROPERTY MANAGEMENT LLC  
1509-2383  
LOT 3 PB 30 PG 146  
2.94 ACRES TOTAL  
PER GIS  
PARCEL # 59918  
ZONED RESIDENTIAL  
PROPOSED USE: RV AND BOAT STORAGE  
FACILITY

PRECISION MANAGEMENT TRUST  
1680-1531  
ZONED RESIDENTIAL  
PARCEL # 16350



I, D. JASON WEST, CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION  
THIS PLAT WAS DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY  
SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN  
LINES; THAT THE RATIO OF PRECISION AS CALCULATED IS A MINIMUM OF  
1: 10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-30  
AS AMENDED. WITNESS MY ORIGINAL SEAL, SIGNATURE AND REGISTRATION  
NUMBER THIS

24 DAY OF MARCH, 2020

*D. Jason West* NCPLS L-4992

- NO FIELD WORK OR BOUNDARY WORK PERFORMED. THIS  
MAP IS FOR DESIGN AND SITE PLAN PURPOSES ONLY.

PROPERTY OF  
HUMPHRIES PROPERTY MANAGEMENT LLC  
1509-2383  
LOT 3 PB 30 PG 146  
2.94 ACRES TOTAL  
PER GIS  
PARCEL # 59918  
ZONED RESIDENTIAL  
PHONE # 704-692-8480  
1711 BURKE RD.  
SHELBY NC

PRECISION MANAGEMENT TRUST  
1680-1534  
ZONED RESIDENTIAL  
PARCEL # 62724

SITE PLAN FOR:	
MARK HUMPHRIES	
LOCATION: TWSP. NO. 5, CLEVELAND COUNTY, NC	
PARCEL ID:	59918
DATE:	MARCH 24, 2020
SCALE:	1"=30'
DRAWN BY:	DJW
FILE:	MARKHSITEPLAN.DWG

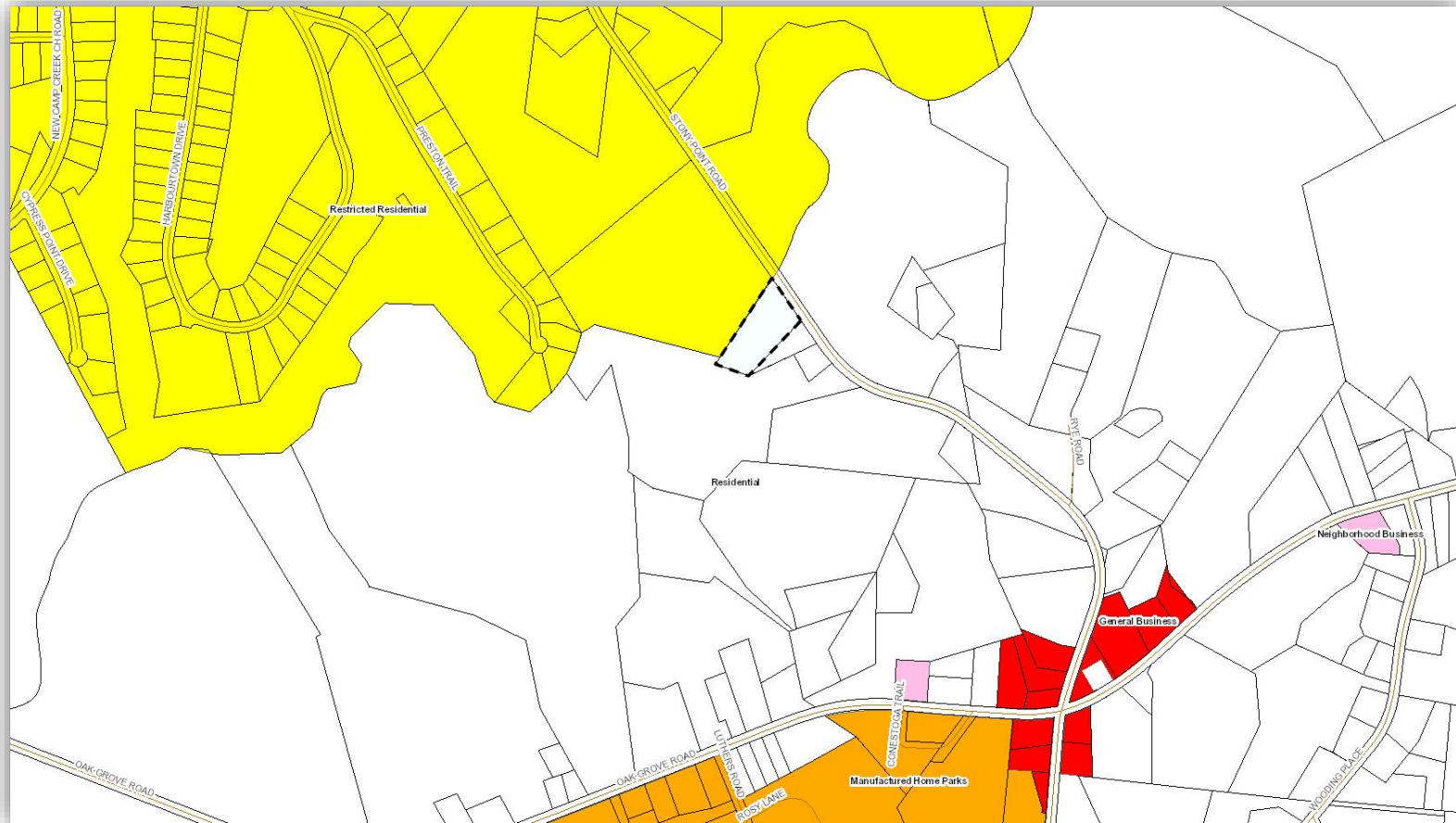
	<b>LEDFORD &amp; WEST</b> LAND SURVEYING & MAPPING, PLLC. 228 E. DOUBLE SHOALS ROAD LAWNDALE, NC 28090 704-312-6039 DJWEST@CHARLOTTE.TWCBC.COM
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**Case # 20-04 Re-Zoning** for 863 Stony Point Road R to GB-CU  
**Aerial Map, Parcel #59918 2.94 acres**

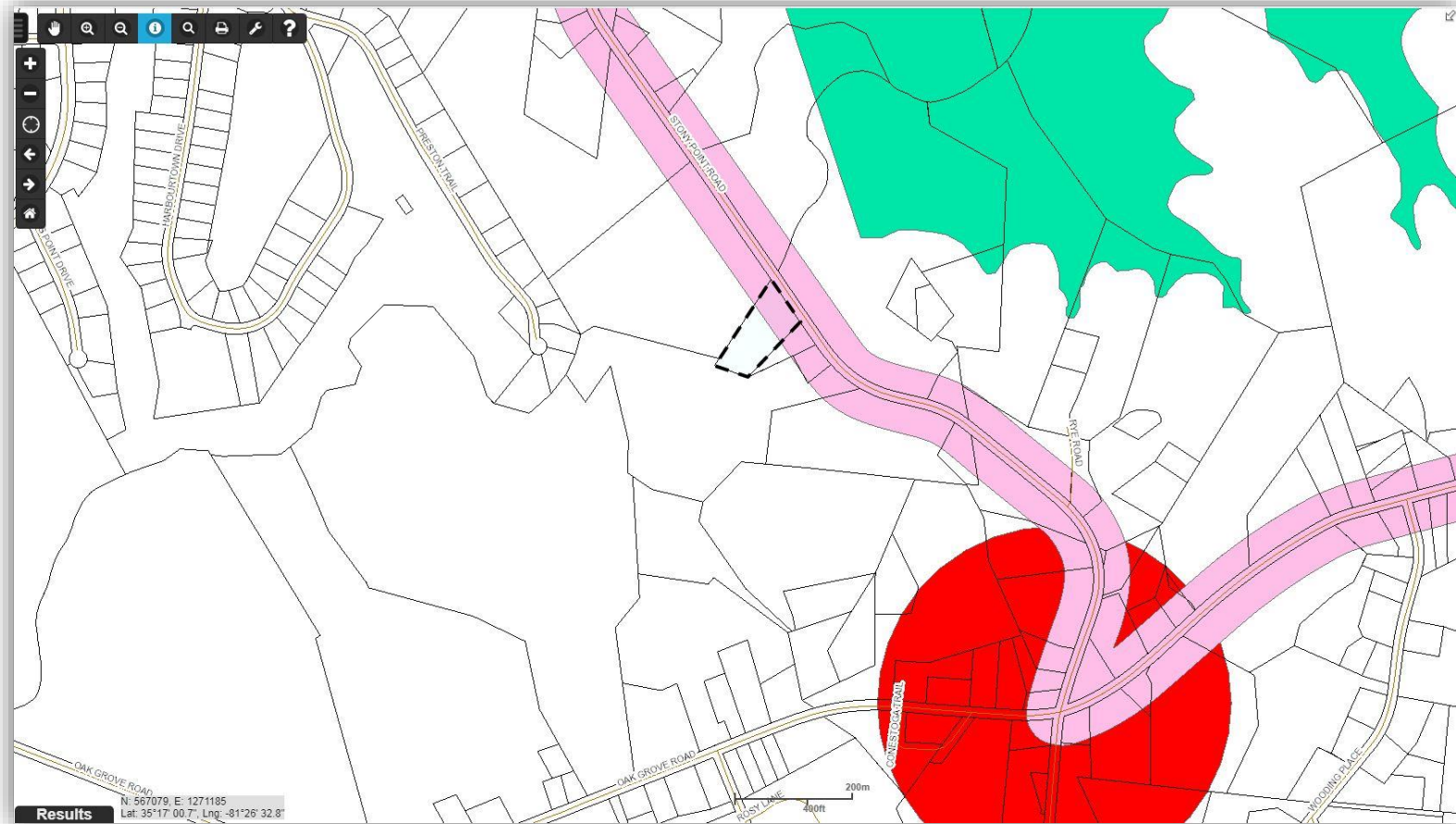


**Case # 20-04 Re-Zoning** for 863 Stony Point Road R to GB-CU  
**Zoning Map**, Parcel #59918 2.94 acres





**Case # 20-04 Re-Zoning** for 863 Stony Point Road R to GB-CU  
**Land Use Map**, Parcel #59918 2.94 acres



## Sec. 12-324. - Conditional district rezoning.

- (a) *Initiation.* The reclassification of property to a conditional use district may be initiated only by the property owner(s), or an agent authorized by affidavit to act on the owner's behalf.
- (b) *Petition.* A request for conditional use district rezoning shall include an official petition consisting of the following:
  - (1) A completed application form and fee.
  - (2) A site plan showing all natural, man-made, political and recorded features of the property deemed by the zoning administrator to be necessary to indicate the location, type, scale, size, height, and general extent of the proposed development and its physical, financial, and use impacts upon any on-site or adjacent natural and historic resources, public infrastructure and facilities, and/or existing or approved development as may be regulated or protected by this article. Such plan shall be at a scale sufficient to meet the intent of this section.
  - (3) A written description or notation on the map explaining the proposed use of all land and structures, including the number of residential units or the total square footage of any nonresidential development.
  - (4) Any other information deemed necessary by the zoning administrator, planning board or board of commissioners.
- (c) *Conditions.* Prior to the action on the proposed map amendment (which may also include a period after the public hearing) any staff person, planning board member, or county commissioner may meet with the petitioner to discuss the proposed plan and suggest features to be included in the rezoning proposal. The specifics of the plan may be negotiated to address community issues or concerns and to insure that the spirit and intent of this ordinance are preserved. During the public hearing, the board of commissioners may suggest additional features to be included or reflected in the proposal prior to taking action on the request.
- (d) *Workshops.* In addition to any meeting that may occur informally between any group and the petitioner and the public hearing that is required as part of any rezoning request, the planning board or board of commissioners may require the petitioner to hold one or more formal workshops with neighbors and other stakeholders. The petitioner shall be responsible for providing adequate public notice, arranging for meeting space, documenting attendance, and creating a written summary of the comments received at the workshop. Proof of meeting notice, attendance logs, and the comments summary including the petitioners response to each shall be forwarded to staff for inclusion in the board agenda packet. Adequate public notice for any workshop shall include a written notice and a sign posted on the property in a manner that is visible to the public providing the day, time and location of the meeting, both of which must occur not less than ten (10) nor more than twenty-one (21) calendar days prior to the workshop. Meeting space should be reasonably near the affected property and should be accessible to everyone.
- (e) *Development not started within three (3) years.* The property owner shall commence construction in accordance with the approved site plan within three (3) years after the zoning amendment is approved. If the planning board determines that construction has not commenced within such time period, it may, recommend to the board of commissioners that the property be zoned to an appropriate general use district.

(Amd. of 6-6-06(2)) Secs. 12-325—12-350. - Reserved

STATE OF NORTH CAROLINA  
CLEVELAND COUNTY

PETITION FOR AMENDMENT OF THE ZONING  
MAP OF CLEVELAND COUNTY

Fee: \$200 Paid on: \_\_\_\_\_

NOW COMES Humphreys Property Management LLC, Applicant, whose present address is  
1719 Kings Row Drive, who respectfully petitions and show as follows:

1. That the applicant is the ☐ owner, ☐ legal representative, ☐ or other concerned parties, of a certain tract or parcel of land located in Cleveland County, North Carolina, being more particularly described as:

Physical Address 863 Stony Point Road  
Parcel 59918 and containing 2.938 acres. (if portion of property attach survey)

2. That said property above described is presently zoned R and the undersigned applicant desires and does hereby request that said property be rezoned GB-CD.

3. The proposed zoning change would require a change in the Zoning Map? YES ☒ NO ☐  
If the answer is yes: An application for rezoning shall be accompanied by a survey, legal description, or map sufficient to provide public notice of the area requested for rezoning.

4. Owners of adjoining property hereby support this petition by signing below: Adjoining property shall be construed to mean and include property on the opposite side of any street, road, or highway from the property sought to be rezoned.

PROPERTY OWNER  
(SIGNATURE)

PROPERTY OWNER  
(PRINT NAME)

PROPERTY ADDRESS

<u>John A. Gault</u> TRUSTEE	PRECISION MANAGEMENT TRUST	857 STONY POINT RD
<u>John A. Gault</u> TRUSTEE	PRECISION MANAGEMENT TRUST	857-2 STONY POINT RD
<u>Robert C. Randall</u>	ROBERT C. RANDALL	907 STONY POINT RD.

Respectfully submitted this 22 day of April, 2020

SIGNED

Phone 704-692-8480