

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

**June 23, 2020**

**6:00 PM**

**1333 Fallston Road Shelby NC 28150**

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

**Invocation and Pledge of Allegiance**

**Approval of Minutes**

Minutes from the May 26, 2020 Planning Board Meeting and corrected minutes from the February 26, 2020 Planning Board Meeting.

**Items**

Road Naming Case 20-02: Request to name new road Winding River Way

Road Naming Case 20-03: Request to rename Carriage Court South to Carriage Run

Case 20-03: Text Amendment for Kennels and Boarding Facilities

Case 20-05: Request to rezone parcel 35222 at 102 Ball Park Road from Restricted Residential (RR) to General Business Conditional Use (GB-CU)

**Miscellaneous Business**

Land Use Plan Update

**Adjournment**

# COUNTY OF CLEVELAND, NORTH CAROLINA

## AGENDA ITEM SUMMARY

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### Minutes

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#### Department:

**Agenda Title:** Minutes from the May 26, 2020 Planning Board Meeting and corrected minutes from the February 26, 2020 Planning Board Meeting.

#### Agenda Summary:

#### Proposed Action:

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#### ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 5-26-20_PB_Minutes.pdf	Minutes
<input type="checkbox"/> 2-25-20_PB_Minutes.pdf	February 25 minutes



**PLANNING BOARD**  
**1333 Fallston Rd., Shelby, NC**  
**May 26, 2020 - 6:00 p.m.**

**Present:**

Tom Spurling, Chairman  
Dobbin Lattimore  
Charles Christenbury  
Leon Leonhardt

**Absent:**

Susan Scruggs  
Eddie Kee

**Others Present**

Chris Martin, Senior Planner  
Henry Earle, Planner  
Anna Parker, Clerk  
Mark Humphries, *Applicant*

**CALL TO ORDER AND ESTABLISH QUORUM**

**Chairman Spurling** called the meeting to order at 6:03 pm. It was determined that a quorum was present.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

**Chairman Spurling** led the invocation, followed by the Pledge of Allegiance.

**APPROVAL OF FEBRUARY 25, 2020 MINUTES**

**Dobbin Lattimore** made a motion to approve the February 25, 2020 Minutes. Charles Christenbury seconded the motion and it unanimously carried.

**TEXT AMENDMENT CASE 20-03: KENNELS AND ANIMAL BOARDING**

**Mr. Martin** stated that the applicant is Daniel Blanton. He is requesting to allow animal kennels and boarding in more zoning districts. Currently they are only allowed in General Business. General Business zoning is usually around major highways, intersections, and commercial areas. He has had requests over the years for kennels in rural parts of the county. It is common and this proposal would allow them with a few standards. The proposed amendment asks for a minimum of two acres and 50 feet setbacks from property lines/right-of-ways for kennel structures and fences. All buildings and kennels must be enclosed. The proposed amendment allows for Kennels to be allowed in Rural Agriculture, Residential, Manufactured Home Parks, Neighborhood Business, and General Business zoning districts with a Zoning Permit. Staff requested sample codes from other counties and there is a variety of requirements between the counties about minimum lot sizes and setbacks. The smallest allowed lot size was one acre. The Planning Board may look at adding additional standards such as limits on the number of animals. They may recommend it as is, with changes, or denying the proposal.

**The Planning Board** was in agreement to not allow the kennels in Residential zoning due to the noise. Henry Earle stated that Pender County limits the number of animals allowed to 10 per acre. The Planning Board felt that Rural Agriculture is a good fit for this type of business.

**Leon Leonhardt** discussed changing from a zoning by right in the table to conditional use permit in the Rural Agriculture and Neighborhood Business, while leaving General Business as it currently is allowed by zoning right. The Planning Board was in agreement, and added to remove it from the Residential and Manufactured Home Park zoning districts. Dobbin Lattimore pointed out that the new standards will be applied to General Business if passed. Currently there are no acreage limits on allowing kennels/boarding in General Business, but if this is passed will apply a two-acre minimum lot size. Mr. Martin pointed out that there has never been a limit on the number of animals allowed in the current code and there has not been an issue brought to the attention to the Planning Department relating to that.

**Mr. Leonhardt** asked about the definition of “enclosed” for the buildings and kennel areas. Mr. Martin stated that the purpose of this section is to ensure dogs are kept on the property and secured by fence or an enclosed building. It does not specify type of fence. Fences *are* included in the setback requirements.

**Charles Christenbury** said he would like more input from animal control and kennel associations about kennel requirements. Mr. Martin stated that a Public Hearing has not been set.

**Chairman Spurling** entertained a motion from the Board.

<p><b>Leon Leonhardt</b> made a motion to recommend postponing the case until there is input from animal control and other kennel owners. Dobbin Lattimore seconded the motion and it unanimously carried.</p>
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#### **RE-ZONING CASE 20-04: R to GBCU AT 863 STONY POINT RD**

Mr. Martin stated that Mark Humphries owns about three acres on Stony Point Rd. The Conditional Use request is for RV and Boat storage. The RV’s on site will not be lived in; it will be for storage only. There will be minimum electricity at the site for storage purposes only. The site location is between Woodbridge and Tom’s Family Mart. A Public Hearing has not been set. The petitioner does have the immediately adjoining property owner’s signatures on his application. He does not have the signatures of the owners across the street. Mr. Humphries said he can get their signatures.

**Mr. Martin** reviewed the site plan that the applicant submitted. It meets screening standards, with existing screening and new proposed. The storage sites are above the floodplain. Mr. Humphries stated that the surveyor, James West, did mark on the physical property where the floodplain is and his site is staying above that.

**Mr. Humphries** stated that the number and location of actual individual storage sites may change slightly. He wants to have as many as possible but the locations need to be feasible.

There will be a storage shed on the property with power and lights, but it will not be a shop. The spaces will be rented. The site will be secured with a fence, lights, and cameras. The fence is shown on the site plan. Mr. Martin stated that if approved, this conditional use will go with the property regardless of who the owner is. Mr. Humphries said that the neighbors he spoke with want that.

**Mr. Martin** showed the area on the Land Use Plan map. The area is similar to the current zoning request with General Business nodes to the north and south.

**Charles Christenbury** made a motion to recommend approving Case 20-04 as written. Dobbin Lattimore seconded the motion and it unanimously carried.

### **LAND USE PLAN UPDATE**

**Mr. Martin** presented a brief update about the County's Land Use Plan. The consultant is wrapping up interviews this week. There will be a Steering Committee meeting June 18<sup>th</sup>. After that there will be meetings for public input.

### **MISCELLANEOUS BUSINESS**

There was no miscellaneous business for discussion.

### **ADJOURNMENT**

There being no further business, Leon Leonhardt made a motion to adjourn, seconded by Charles Christenbury and unanimously carried. **Chairman Spurling** adjourned the meeting at 7:05 pm.

ATTEST:

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Tom Spurling, Chairman

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Anna Parker, Clerk



## 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 railroad 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 rezoned the property from Rural Agriculture to Heavy Industrial. This petition does not have the current property owner's consent. The property owner has been notified but is not present. There was no public comment.

**Dobbin Lattimore** made a motion to recommend denying the request to Re-Zone from Light Industrial to Rural Agriculture for Case 20-02 since they do not have the property owner's consent. Charles Christenbury seconded the motion and it unanimously carried.

**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, Charles Christenbury made a motion to adjourn, seconded by Eddie Kee and unanimously carried. **Vice-Chairwoman Scruggs** adjourned the meeting at 6:40 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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### Road Renaming Case 20-02

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**Department:**

**Agenda Title:** Road Naming Case 20-02: Request to name new road Winding River Way

**Agenda Summary:**

**Proposed Action:**

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#### ATTACHMENTS:

File Name	Description
<input type="checkbox"/> Road_Renaming_Case_20-02_Staff_Report.pdf	Staff Report
<input type="checkbox"/> 20-02_Aerial_Photo_road.pdf	Aerial Photo

## **STAFF REPORT**

To: Cleveland County Planning Board

Date: June 18, 2020

From: Chris Martin, Senior Planner

Subject: Road Renaming Case 20-02

Summary Statement: A newly created road off of the bypass needs to be named.

Review: Construction on the Shelby bypass has created the need for an access road at the intersection of the bypass and Polkville Road. Access to parcel 48678 was originally from Destiny Lane but the bypass cut off this access, leading to the creation of the new road. Planning Staff has proposed the name Winding River Way. This potential name has been approved for use by E911.

Pros:

- Giving this road a new name will help identify it in the need of an Emergency 911 call.

Cons:

- None noted.

Fiscal Impact:

- None.



# New Road Naming



DESTINY LANE

POLKVILLE ROAD

Newly created road  
to be named



# COUNTY OF CLEVELAND, NORTH CAROLINA

## AGENDA ITEM SUMMARY

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### Road Renaming Case 20-03

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**Department:**

**Agenda Title:** Road Naming Case 20-03: Request to rename Carriage Court South to Carriage Run

**Agenda Summary:**

**Proposed Action:**

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**ATTACHMENTS:**

File Name	Description
<input type="checkbox"/> Road_Renaming_Case_20-03_Staff_Report.pdf	Staff Report
<input type="checkbox"/> Carriage_Run_Currently.pdf	Aerial Pic

## **STAFF REPORT**

To: Cleveland County Planning Board

Date: June 18, 2020

From: Chris Martin, Senior Planner

Subject: Road Renaming Case 20-03

Summary Statement: A request to rename Carriage Court South has been filed.

Review: Citizens on Carriage Court South have filed a petition asking that their road become an extension of Carriage Run, an existing road that intersects Carriage Court South. Planning Staff has proposed the extension of this road to E911 and they have expressed their desire to see this change made. This change would require renumbering along the newly renamed stretch of Carriage Run.

Pros:

- Giving this road a new name will help alleviate post office and E911 confusion.

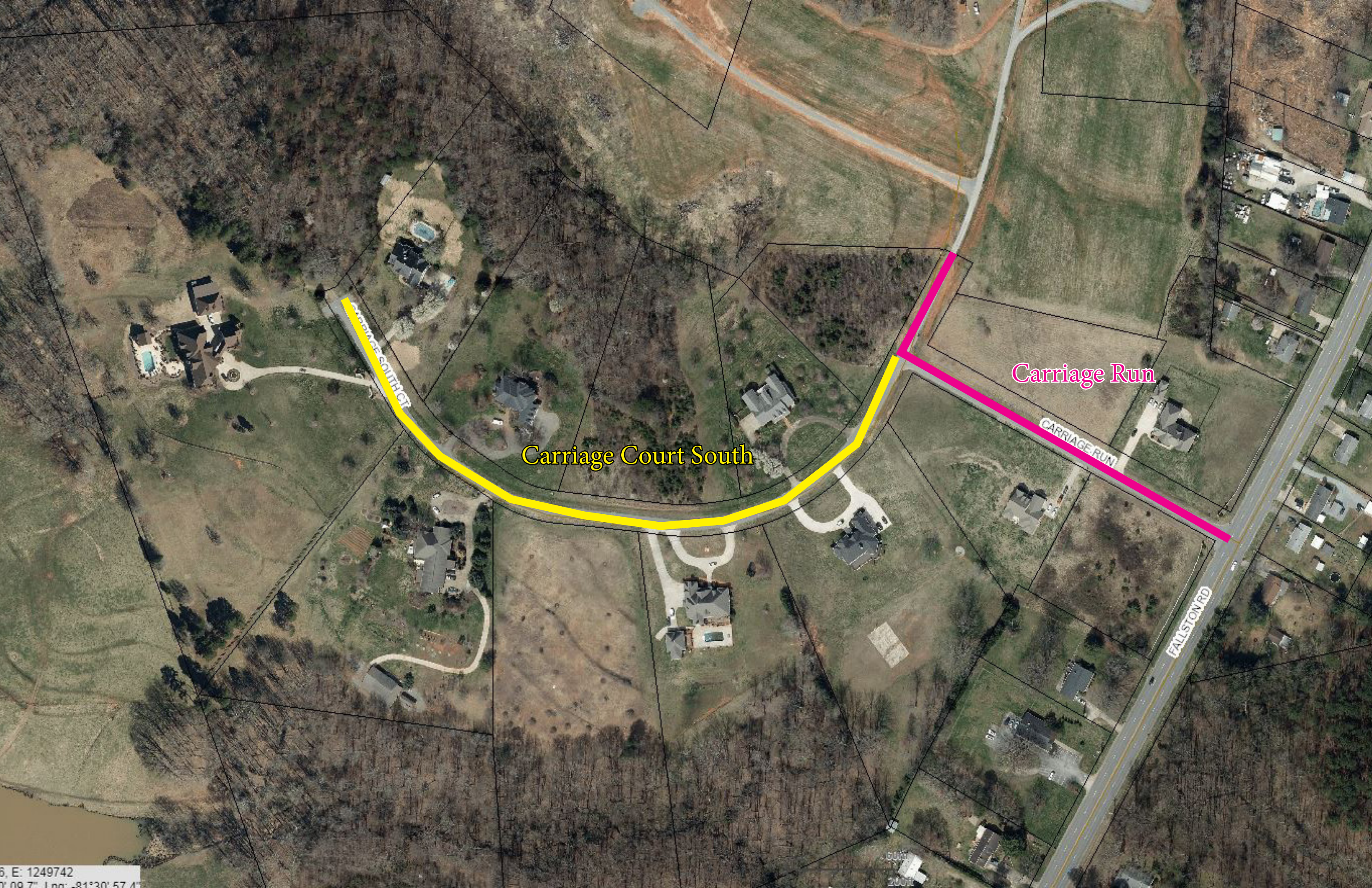
Cons:

- None noted.

Fiscal Impact:

- None.





Carriage Court South

Carriage Run

FALLSTON RD



# 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: Text Amendment for Kennels and Boarding Facilities

**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	Proposal

## **STAFF REPORT**

To: The Cleveland County Board of Commissioners      Date: June 18, 2020  
From: Chris Martin, Senior Planner  
Subject: Text Amendment: Kennels, 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 kennels. 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:**

- Allows kennels to be located in more areas throughout the county.
- Develops 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 has recommended tabling the decision until it can receive more information and make an informed decision.



## Kennels

### Section 12-20. – Definitions

*Kennel: A commercial operation that:*

1. Provides food and shelter and care of animals for purposes not primarily related to medical care (veterinarian); or
2. Engages in the breeding of animals for sale.

### 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 20-05

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#### Department:

**Agenda Title:** Case 20-05: Request to rezone parcel 35222 at 102 Ball Park Road from Restricted Residential (RR) to General Business Conditional Use (GB-CU)

#### Agenda Summary:

#### Proposed Action:

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#### ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 20-05_Staff_Report.pdf	Staff Report
<input type="checkbox"/> 20-05_Zoning_Map_102_Ball_Park_Road.pdf	Zoning map
<input type="checkbox"/> 20-05_Aerial_Map_102_Ball_Park_Road.pdf	Aerial Map
<input type="checkbox"/> 20-05_Site_Plan.pdf	Site Plan

## **STAFF REPORT**

To: The Cleveland County Board of Commissioners      Date: June 18, 2020  
From: Chris Martin, Senior Planner  
Subject: Text Amendment: Kennels, Case 20-05

Summary Statement: Top Quality Construction is requesting to rezone property from Restricted Residential to General Business Conditional Use.

Review: Chris Cook of Top Quality Construction has requested to rezone parcel 35222, located at 102 Ball Park Road in Lawndale, from Restricted Residential to General Business Conditional Use to have an office for the Construction business. The surrounding zoning is restricted residential on the western side of Ball Park Road and Neighborhood Business to the immediate east. Surrounding uses are residential, but there is also Stagecoach Hardware on the corner of Ball Park and East Stage Coach, and a veterinary office further south on Ball Park, as well as a utility substation next door to this parcel. The Land Use Plan calls this area future residential.

NCGS 153A-341 requires that local government boards adopt a consistency statement showing that the decision it makes fits in with the land use plan or if not, is reasonable and has a public interest. To that end, rezoning this property would be considered spot zoning. However, one tool local governments have is conditional rezoning, which allows the board to set terms and conditions and restrict the use of the property to one specific use.

**Pros:**

- In harmony with surrounding property uses.
- Conditional rezoning allows for the property to be restricted to one use.

**Cons:**

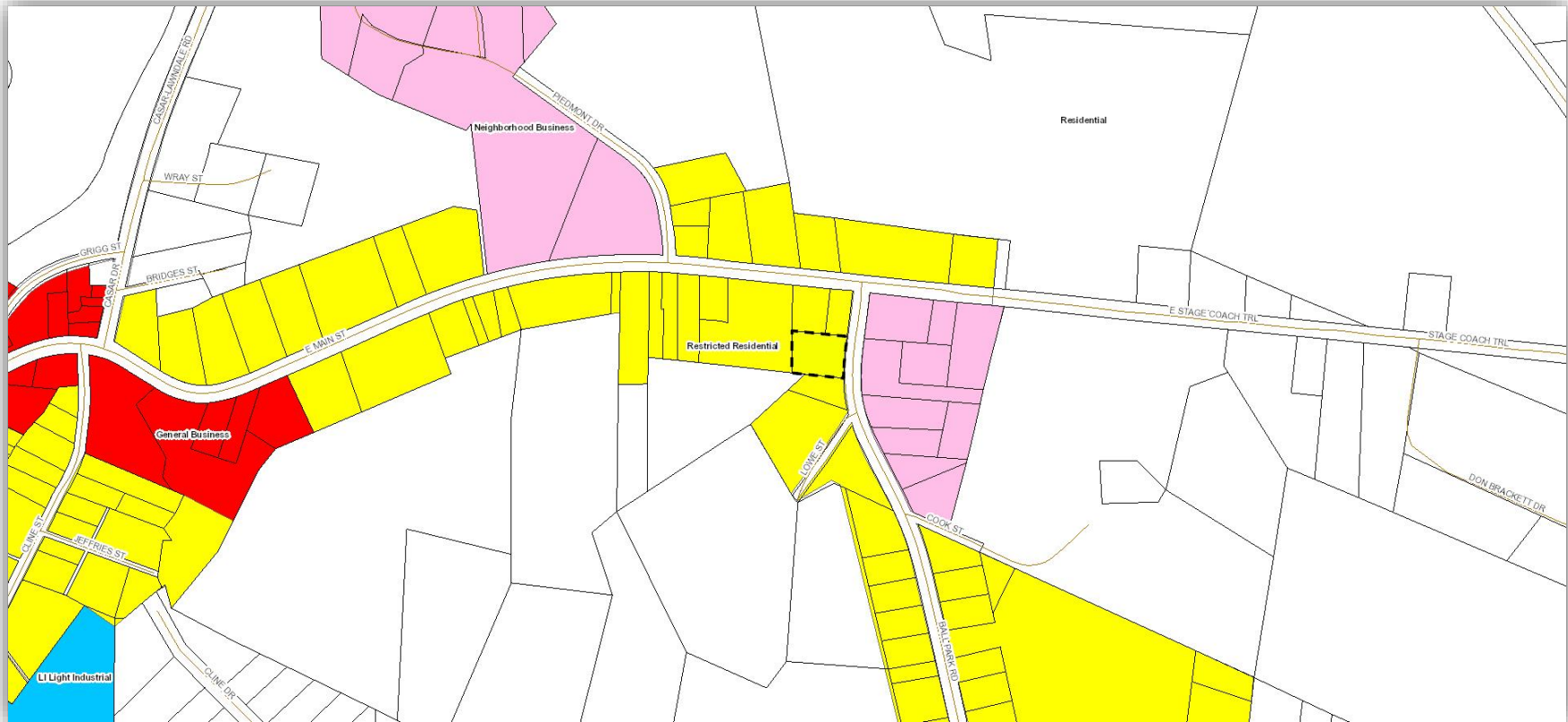
- Inconsistent with the adopted Land Use Plan

**Fiscal Impact:**

- None

**Planning Board Recommendation:**

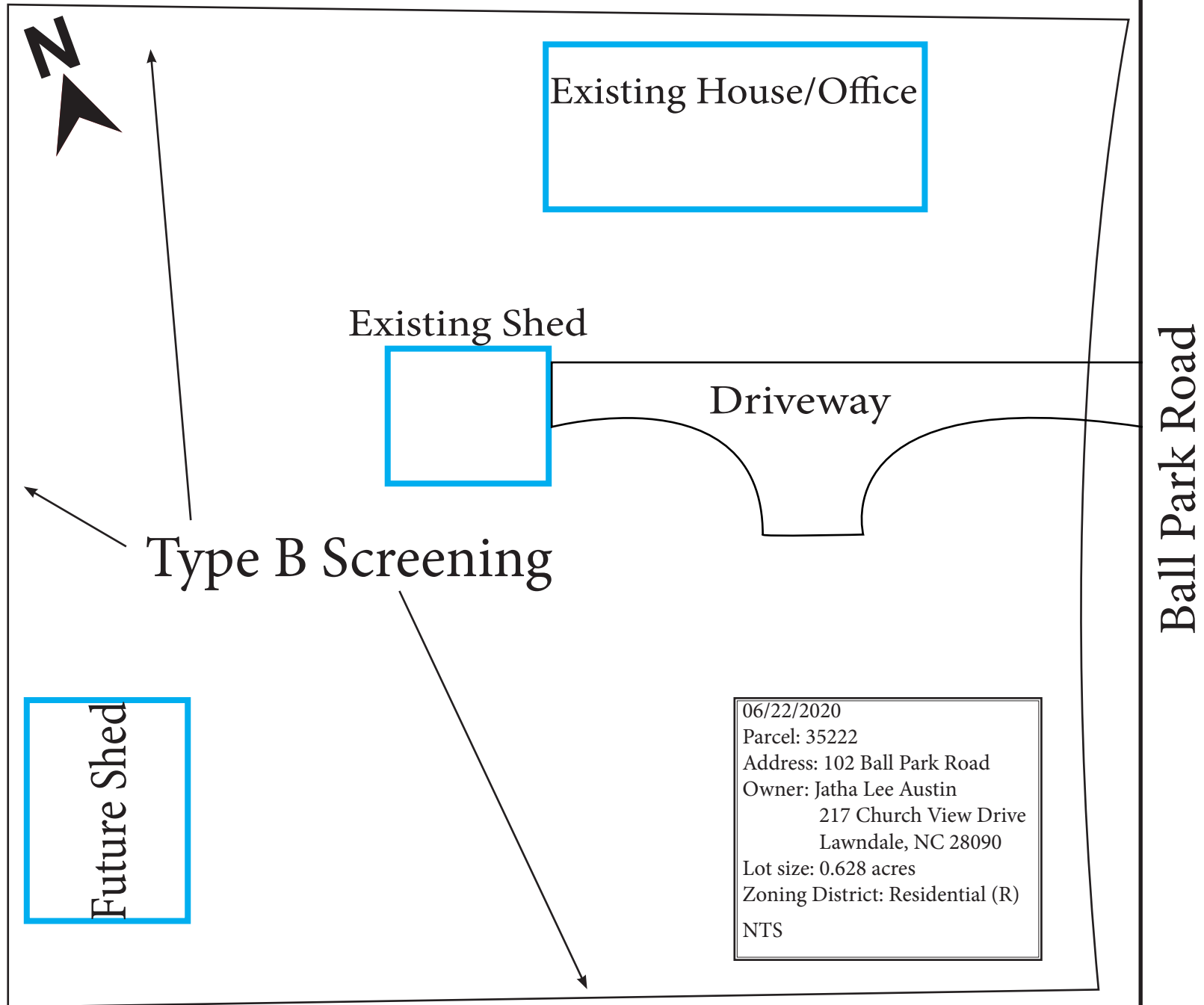
**Case # 20-05 Re-Zoning** for 102 Ball Park Road RR to GB-CU  
**Zoning Map**, Parcel #35222 0.62 acres



**Case # 20-05 Re-Zoning** for 102 Ball Park Road RR to GB-CU  
**Aerial Map**, Parcel #35222 0.62 acres



# 102 Ball Park Road Site Plan



**COUNTY OF CLEVELAND, NORTH CAROLINA**

**AGENDA ITEM SUMMARY**

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**LUP Update**

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**Department:**

**Agenda Title:** Land Use Plan Update

**Agenda Summary:**

**Proposed Action:**

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**ATTACHMENTS:**

File Name

Description

No Attachments Available