

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

September 22, 2020

6:00 PM

1333 Fallston Road

Call to order and Establishment of a Quorum

Invocation and Pledge of Allegiance

Approval of Minutes

Minutes from the July 28, 2020 Planning Board Meeting

Items

Road Naming Case 20-04: Request to rename a portion of Dixon School Road to Kings Mountain Boulevard

Case 20-07: Request to amend the Cleveland County Unified Development Ordinance to allow Child Care Institutions in the Residential District with a Conditional Use Permit

Case 20-09: Request for a 14 lot major subdivision on parcel 64789

Miscellaneous Business

Adjournment

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Minutes

Department:

Agenda Title: Minutes from the July 28, 2020 Planning Board Meeting

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 7-28-20_PB_Minutes.pdf	Minutes



PLANNING BOARD
1333 Fallston Rd., Shelby, NC
July 28th, 2020 - 6:00 p.m.

Present:

Tom Spurling, Chairman
Dobbin Lattimore
Eddie Kee
Leon Leonhardt
Susan Scruggs
Noah Saldo

Absent:

Charles Christenbury

Others Present

Chris Martin, Senior Planner
Henry Earle, Planner
Anna Parker, Clerk

CALL TO ORDER AND ESTABLISH QUORUM

Chairman Spurling called the meeting to order at 5:58 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.

OATH OF OFFICE AND INTRODUCTIONS

Noah Saldo was sworn in as a Planning Board Member and members and staff were introduced.

APPROVAL OF JUNE 23, 2020 MINUTES

Leon Leonhardt made a motion to approve the June 23, 2020 Minutes. Dobbin Lattimore seconded the motion and it unanimously carried.

RE-ZONING CASE 20-06: 127 E. MAIN ST. (MOORESBORO) FROM RA TO R

Chris Martin stated that the applicant, Ginger Johnson, wants to subdivide her property but the Rural Agriculture (RA) zoning has a three-acre minimum lot size restriction. Her property is in a watershed and if her request to re-zone her property to Residential (R) is approved, her minimum lot size will be one acre instead and she can subdivide the property. She inherited the property and wants to sell it; there are two homes on the property that have been grandfathered in as nonconforming to have two homes on one parcel. Subdividing the property will make it possible to sell. The area is mostly residential with some neighborhood business such as the Post Office. At the time of adopting of the county zoning, the Town of Mooresboro liked the larger Rural Agriculture lot size but now this situation has come up a few times.

Chairman Spurling asked if this would be spot zoning. Henry Earle said that it is not, since the property is surrounded by property zoned as Residential.

Dobbin Lattimore made a motion to recommend approval of Re-Zoning Case 20-06 from Rural Agriculture to Residential, based on the fact that it fits with the surrounding neighborhood. Susan Scruggs seconded the motion and it unanimously carried.

MISCELLANEOUS BUSINESS

Mr. Martin presented a brief update about the County's Land Use Plan. Benchmark reviewed data at the last Steering Meeting. Some of the common comments Benchmark received from stakeholders were about needing more housing (there is an issue with reports stating the county has a 20% vacancy rate when many of that housing is not habitable such as run-down manufactured homes and mill housing). There have been about 300 responses to the survey so far and there are ten locations to fill out hard copies. The deadline is August 31st, and staff will send a link to the survey to all the Board members.

ADJOURNMENT

There being no further business, **Chairman Spurling** adjourned the meeting at 6:25 pm.

ATTEST:

Tom Spurling, Chairman

Anna Parker, Clerk

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Road Renaming Case 20-04

Department:

Agenda Title: Road Naming Case 20-04: Request to rename a portion of Dixon School Road to Kings Mountain Boulevard

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> Road_Renaming_Case_20-04_Staff_Report.pdf	Staff Report
<input type="checkbox"/> 20-04_Aerial_Map.pdf	Aerial Map

STAFF REPORT

To: Cleveland County Planning Board

Date: June 18, 2020

From: Chris Martin, Senior Planner

Subject: Road Renaming Case 20-04

Summary Statement: A request to extend Kings Mountain Boulevard has been filed.

Review: The City of Kings Mountain has requested that a portion of Dixon School Road be renamed as an extension of Kings Mountain Boulevard. Currently Kings Mountain Boulevard ends as it intersects Dixon School Road. The petition requests that the extension of Kings Mountain Boulevard run south 0.4 miles to the intersection of Interstate 85. At the intersection of I-85 the road moving south will resume the name Dixon School Road.

Pros:

- Brings the name Kings Mountain Boulevard to the interstate.

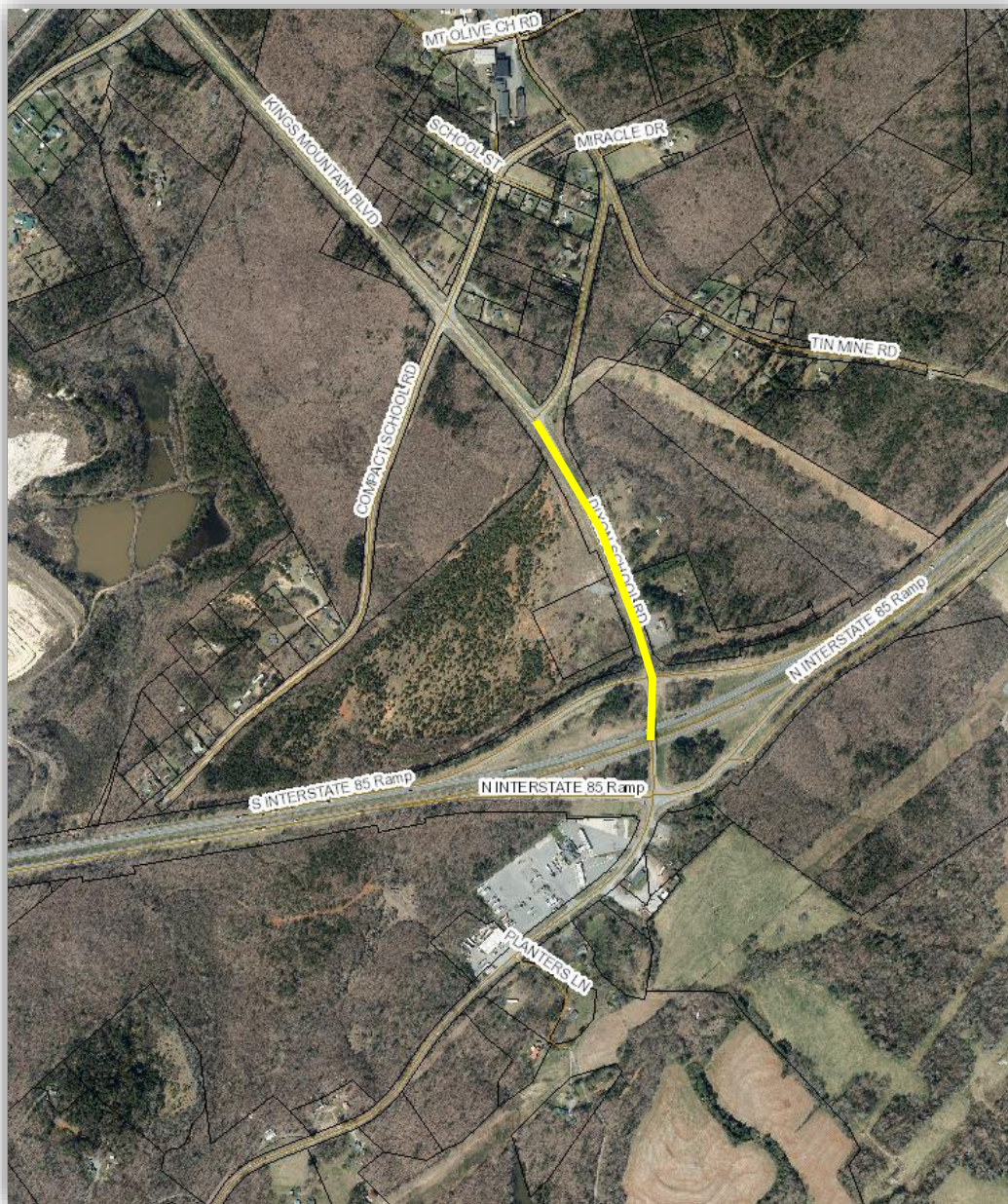
Cons:

- Address changes for property along that stretch of road.
- Potential confusion with Dixon School Road being in two separate sections.

Fiscal Impact:

- None

Road Renaming Case # 20-04 Aerial Map
Kings Mountain Boulevard



COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 20-07

Department:

Agenda Title: Case 20-07: Request to amend the Cleveland County Unified Development Ordinance to allow Child Care Institutions in the Residential District with a Conditional Use Permit

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 20-07_Staff_Report.pdf	Staff Report
<input type="checkbox"/> Child_Care_Institution_Amendment_Text.pdf	Text
<input type="checkbox"/> Case_20-07_Petition.pdf	Petition

STAFF REPORT

To: The Cleveland County Board of Commissioners Date: August 25, 2020
From: Chris Martin, Senior Planner
Subject: Case 20-07: Text Amendment to allow Child Care Institutions in the R district

Summary Statement: Jay Westmoreland has requested an amendment to the Cleveland County Unified Development Ordinance (UDO) to allow Child Care Institutions in the Residential District (R) with a Conditional Use Permit (CUP).

Review: Currently, Child Care Institutions/Orphanages is a use allowed in the UDO under the General Business district with a CUP. This proposal would allow this use to also be allowed in the Residential district.

Pros:

- Allows this use to be located in more places across Cleveland County

Cons:

- Potential for incompatibility with surrounding residential uses

Fiscal Impact:

- None

Planning Board Recommendation: The Planning Board will make a recommendation on Case 20-07 at its September 22, 2020 meeting.

Child Care Institution

Sec. 12-21. – Definitions

Child Care Institution. A residential child facility utilizing permanent buildings located on one site for ten (10) or more foster children.

Sec. 12-124. – Table of Permitted Uses

Table of Permitted Uses										
	NAICS	RA	RR	R	RM	NB	GB	CP	LI	HI
HEALTH CARE AND SOCIAL ASSISTANCE										
Child Care Institution	62399			C			C			



Cleveland County
NORTH CAROLINA

PETITION FOR AMENDMENT OF THE ZONING CODE

NOW COMES Jay Westmoreland, Applicant, whose present address is
2309 Emerald Mine Road, who respectfully petitions to amend the
following section of the Cleveland County Unified Development Code: 12-124

The applicant is requesting that the above mentioned section of the Cleveland County Unified Development Code be amended in the following manner: (state as specifically as possible how you'd like to see the code amended)

NAICS 62399, Child Care Institution/Orphanage, be amended so as to be allowed in the
Residential District (R), with a Conditional Use Permit.

Respectfully submitted this 29 day of July, 2020.

SIGNED

Jay Westmoreland
Helianthus Properties, LLC

Phone:

(704) 619 1599
or (704) 331-2266

E-MAIL:

clemwest439@gmail.com

MAILING ADDRESS:

439 SAINT MICHAEL'S WAY FORT MILL, SC 29708

Time: Approximately 60 days

For Office Use:

Payment Code: ZP 12 Code Amendment

Fee: \$200

Paid on: _____

ZP: _____

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 20-09

Department:

Agenda Title: Case 20-09: Request for a 14 lot major subdivision on parcel 64789

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 20-09_Staff_Report.pdf	Staff Report
<input type="checkbox"/> Preliminary_Plat_vs_2.pdf	Preliminary Plat

STAFF REPORT

To: The Cleveland County Planning Board

Date: September 22, 2020

From: Chris Martin, Senior Planner

Subject: Rezoning Case 20-09

Summary Statement: David Evans is requesting approval of a major subdivision

Review: Parcel 64789 is a 9.75 acre tract that belongs to Don Peeler Realty. A 14 lot major subdivision plat has been submitted to the Planning Office for approval. The Cleveland County Unified Development Ordinance (UDO) section 12-54, states that a major subdivision is approved by:

1. The technical review committee reviews the plat and makes comments
2. The Planning Board reviews the plat and gives preliminary approval, along with any recommendations.
3. Final plat approval by either the administrator or the Planning Board.

The job of the Planning Board is to review the plat and vote to approve or deny the preliminary plat and to offer any recommendations the Board notes.

Pros:

- Creation of a new subdivision to help with Cleveland County's housing shortage.
- Preliminary approval will allow the developer to begin necessary improvements before final approval is given.

Cons:

- None noted

Planning Board Recommendation:

Notes:

- All distances are horizontal ground feet unless otherwise noted.
- Areas were determined by coordinate computations.
- All coordinates and distances are in US Survey Feet.
- This survey does not certify to title or ownership.
- No title search was provided for this survey.
- The survey that resulted in the preparation of this plat used only the information of record as noted hereon.
- Property is subject to any and all easements, rights of way, and restrictive covenants of record.
- No location of underground utilities was performed during this survey other than those shown.
- Watershed classification : Unknown.
- Cleveland County Zoning District : Residential (Per GIS)
- Flood Zone Category : Zone X.
- as per FIRM Index Map No. : 3710253300J.
- Community Panels Numbers: 2533J.
- FIRM Panel Effective Date : February 20, 2008.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, hereby certify that I am the owner of the property shown on this plat, that I hereby acknowledge this plat and allotment to be my fee act and deed and that I do hereby dedicate to the public use all streets, alleys, walks, parks, playgrounds, open spaces and easements, except those specifically indicated as private on said plat, and that I do also dedicate forever to the agency all utilities on the accompanying plan and profile sheets; and warrant all such utilities and improvements to be free of defects and workmanship and materials for a period of twenty-four (24) months following the date of this certification; further, I certify the land as shown hereon is within the planning jurisdiction of Cleveland County, North Carolina.

Owner (Notarized) _____ Date _____

DIVISION OF HIGHWAYS DISTRICT ENGINEER CERTIFICATE

I hereby certify that the streets shown on this plat have been designed in accordance with at least the minimum specifications and standards of NCDOT.

District Engineer _____ Date _____

ENVIRONMENTAL HEALTH CERTIFICATE

I hereby certify that the lots in this subdivision have been issued improvement permits for the installation of on-site sewage treatment and disposal systems as specified in Law and Rules for Sewage Treatment and Disposal Systems 15A NCAC 18A.1900. Permits are valid only for a specified period of time as provided by law, and should be reviewed prior to purchase.

County Sanitation Officer or Authorized Representative _____ Date _____

ENDORSEMENT OF ADMINISTRATOR

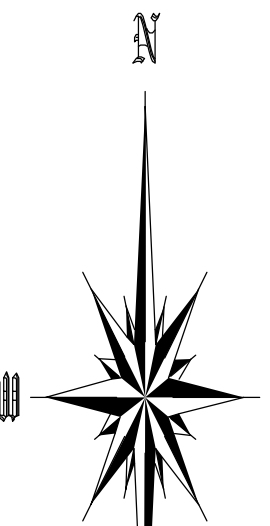
I hereby certify that this subdivision has been granted final approval by the Cleveland County Development Ordinance Administrator this ____ day of _____, 20____, provided this plat is recorded within sixty (60) day of the above date

Administrator, Cleveland County Development Ordinance _____ Date _____

CERTIFICATION OF IMPROVEMENTS

I hereby certify that all required improvements required by Cleveland County have been installed according to all public agency specifications.

Engineer _____ Date _____



NAD83/NSRS2011
CGF=0.99983767
GEOID 18
RTK NETWORK

LINE TABLE - CALLS ALONG PROPERTY LINES

LINE	BEARING	DISTANCE
L1	N 11°00'57" E	27.47'
L2	N 11°00'57" E	45.00'
L3	N 11°00'57" E	27.47'
L4	S 78°04'27" E	90.16'
L5	S 78°04'27" E	17.36'
L6	S 78°06'41" E	82.74'
L7	S 78°06'41" E	36.68'
L8	S 78°07'42" E	65.70'
L9	S 78°07'42" E	43.09'
L10	S 78°07'00" E	50.83'
L11	N 81°15'40" E	10.00'
L12	N 81°15'40" E	69.67'
L13	N 81°08'49" E	21.21'
L14	N 81°08'49" E	109.65'
L15	S 05°35'50" E	25.00'
L16	N 68°38'22" E	115.52'
L17	N 81°08'35" E	66.92'
L18	N 10°59'37" E	27.45'
L19	S 10°52'22" W	27.60'
L20	S 83°50'16" E	85.26'
L21	S 83°50'16" E	99.49'
L22	S 83°50'16" E	103.98'
L23	S 83°50'16" E	91.58'
L24	N 85°41'51" E	107.97'
L25	N 85°41'51" E	49.70'
L26	N 85°41'51" E	56.01'
L27	S 85°41'51" W	80.94'
L28	S 85°41'51" W	76.73'
L29	N 83°50'16" W	91.58'
L30	N 83°50'16" W	106.40'
L31	N 83°50'16" W	97.07'
L32	N 83°50'16" W	85.26'

LEGEND

- IRON FOUND AS INDICATED
- UTILITY POLE
- ⊗ FIRE HYDRANT
- ⊗ WATER VALVE

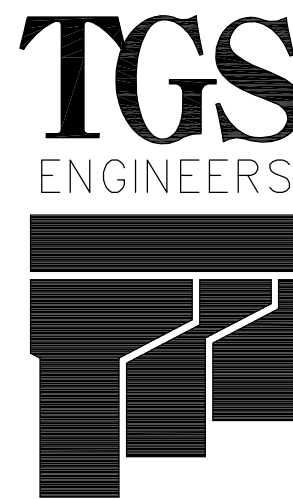
NOTE: IRONS TO BE SET AT ALL CORNERS

- BOUNDARY LINE (SURVEYED)
- TIE LINE (SURVEYED)
- - - ADJ. PROP. LINE (NOT SURVEYED)
- ROAD EDGE OF PAVING (SURVEYED)
- OVERHEAD UTILITY LINE (SURVEYED)
- X — X FENCE LINE (SURVEYED)
- - - - - NCDOT RIGHT OF WAY LINE (SURVEYED)
- PROPOSED LOT LINE
- PROPOSED DRAINAGE EASEMENT

CURVE TABLE - CALLS ALONG PROPERTY LINES

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	227.50'	6.19'	6.19'	N 79°45'42" W
C2	227.50'	13.09'	13.09'	N 82°11'22" W
C3	227.50'	18.54'	18.53'	S 86°10'19" W
C4	227.50'	23.02'	23.01'	S 88°35'44" W
C5	25.00'	22.12'	21.41'	N 60°20'44" W
C6	50.00'	52.42'	50.05'	N 65°01'41" E
C7	50.00'	70.37'	64.70'	S 44°37'13" E
C8	50.00'	121.83'	93.85'	S 65°29'55" W
C9	50.00'	0.96'	0.96'	N 44°08'58" W
C10	25.00'	22.12'	21.41'	S 68°57'03" E
C11	272.50'	31.34'	31.32'	S 88°59'32" W
C12	272.50'	18.43'	18.43'	S 85°46'32" W
C13	272.50'	16.89'	16.88'	N 82°03'45" W
C14	272.50'	6.21'	6.21'	N 79°38'05" W

**PRELIMINARY PLAT –
NOT FOR RECORDATION,
CONVEYANCES OR SALES**



Firm License #
C-0275

MAJOR SUBDIVISION SURVEY OF:

Wheatfield Phase 3

Parcel Address:
2621 South Post Road
Shelby, NC 28152
Deed Reference: DB 1820 PG 2248
Parcel No.: 64789; Map/Blk/Lot: 3234/1/81
Located near: Earl, Cleveland County, NC (#3 Township)

TGS Engineers
804-C N. LAFAYETTE ST.
SHELBY, NC 28150
PH. (704) 476-0003

DRAWN BY: M.T. Cornwell, PLS, PE

Date of Survey: August 12, 2020

Map Date: September 2020

SURVEYED BY: C. S. Willis

CHECKED BY: M.T. Cornwell, PLS, PE

SITE DATA:

CURRENT DEEDS/PLATS:
DB 1820 PG 2248
PB 43 PG 95
PB 26 PG 87
CONTAINS 8.947 ACRES TOTAL
ACREAGE IN PUBLIC R/W: 1.037 ACRES
ACREAGE IN DEVELOPABLE LOTS: 7.632 ACRES
ACRES IN UNDEVELOPED LOTS: 0.278 ACRES
CONTAINS 8.947 ACRES TOTAL
AVERAGE LOT SIZE = 0.545 ACRES
TOTAL NUMBER OF LOTS = 14
(EXCLUDING 2 UNDEVELOPED LOTS)
WATER SYSTEM: CLEVELAND COUNTY WATER
SEWER SYSTEM: INDIVIDUAL SEPTIC
MINIMUM SETBACKS:
FRONT & REAR = 30'
SIDE = 10'
SCHOOL DISTRICTS:
ELEMENTARY: TOWNSHIP 3 ELEMENTARY
MIDDLE: CREST MIDDLE
HIGH: CREST HIGH

OWNER: SUNDOWN AUTOMOTIVE, INC.

DEVELOPER: DAVID EVANS
ADDRESS: 228 ROLLINGBROOK RD.
KINGS MOUNTAIN, NC 28086

REVIEW OFFICER

I, _____, Review officer of Cleveland County, certify that the map or plat to which this certification is affixed meets all the statutory requirements for recording.

Review Officer _____ Date _____



SCALE 1"=50'

SHEET 1 OF 1