

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

April 30, 2024

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 March 26, 2024 Planning Board Meeting

Items

Preliminary approval of Deerbrook Phase 2 major subdivision

Case 24-07: Request to rezone parcel 66507 from Residential (R) to Rural Residential (RU).

Case 23-08: Text Amendment for Private Storage Buildings

Miscellaneous Business

Adjournment

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Minutes

Department:

Agenda Title: Minutes from the March 26, 2024 Planning Board Meeting

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 3-26-24_PB_Minutes.pdf	Minutes



PLANNING BOARD
1333 Fallston Rd., Shelby, NC
March 26, 2024 - 6:00 p.m.

Members Present:	Members Absent:	Others Present:
Noah Saldo, Chairman	Matthew Hord	Travis Bumgardner
Dobbin Lattimore, Vice Chairman		Noah Hostetler
Jay Carpenter	Staff Present:	David Bracken
Eddie Kee	Chris Martin, Planning Director	
David Caldwell	Henry Earl, Senior Planner	
Clinton Cook	Anna Parker, Clerk	

CALL TO ORDER AND ESTABLISH QUORUM

Chairman Saldo called the meeting to order at 6:00 pm. Quorum was established.

INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Saldo led the Pledge of Allegiance, followed by the invocation.

APPROVAL OF MINUTES FOR FEBRUARY 27, 2024

Jay Carpenter made a motion to approve the minutes for February 27, 2024 minutes. Dobbin Lattimore seconded the motion and it passed unanimously.

ROAD NAMING CASE 24-02: Re-name a portion of Shaker Dr. to Airforce Way

Chris Martin said the owner, Gene Schenck, requested to rename a portion of a private drive on Shaker Dr. to Air Force Way due to confusion for E-911 and mail services. He provided three options for a new name and E-911 approved the third option Air Force Way. The first two were too much like other road names or too hard to understand and pronounce on the phone in case of an emergency. The private drive is located off Philadelphia Rd. near Burns High School. It was originally designed as a loop that connected on Philadelphia Rd. but the connection was never completed, which causes confusion on accessing properties for E-911 and mail. The northern portion will remain Shaker Dr. The southern portion that serves Mr. Schenck's property will be re-named. David Caldwell asked about the owner's location in Georgia. Mr. Martin stated that the owner does live out of state but a family member resides at the residence.

Noah Saldo opened the Public Hearing at 6:05 pm. There was no public comment so he closed the Public Hearing at 6:05 pm.

Dobbin Lattimore made a motion to approve the road name Air Force Way. Eddie Kee seconded the motion and it carried unanimously.

REZONING CASE 24-05: 106 Spruce St.- General Business to Residential

Henry Earle said this case is like the one in February. The owner wants to develop it for residential use, which allows single family dwellings, mobile homes, and some multifamily dwellings. It is in the town of Grover and it is surrounded by General Business zoning which does not permit residential uses. Mr. Earle said he did bring up the Planning Board's comments to the Grover Town Council that the whole neighborhood should be rezoned. The town is favorable to the idea. Mr. Earle said Grover's Land Use Plan calls the area Village Commercial so the request is not in alignment. Therefore the Planning Board must determine if it is a valid request.

Dobbin Lattimore made a motion to recommend approval of Case 24-05 since it fits with the character of the neighborhood. Jay Carpenter seconded the motion and it carried unanimously.

REZONING CASE 24-06: A portion of 2220 Washington Rd. from R to NB-CU for a Local Food/Farm Grocery Store.

Henry Earle stated this request is a conditional use re-zoning; instead of allowing all the uses in Neighborhood Business it is just for the proposed use only. The re-zoning is based on the specific site plan and use requested for a farm grocery store to sell locally grown produce. The applicant is only requesting to re-zone a half-acre portion of the property for the store. The rest of the property will remain residential for the house. Most of the area is zoned residential. There is some industrial use to the south in Shelby where PPG is. The Land Use Plan shows the area as Primary Growth and bordering the Secondary Growth area. There are a variety of uses in the area- farming, residential, industrial, a solar facility, and the bypass about two miles to the south. Mr. Lattimore added that there are some neighborhood uses such as gas stations as well. David Carpenter asked about conditional re-zoning versus the general Neighborhood Business zoning. Mr. Earle stated that there is a better understanding and chance with a specific use and plan. Chris Martin added that it is also generally recommended when it is a small lot in a larger area and looking at the intensity of a business or commercial use in a residential area.

David Caldwell made a motion to recommend approval of Case 24-06 and Eddie Kee seconded the motion. Dobbin Lattimore asked to amend the motion to say that it fits with the Land Use Plan and the neighborhood. David Carpenter agreed to the amendment and the motion carried unanimously.

TEXT AMENDMENT CASE 23-08: Private Storage Buildings

Mr. Martin presented comments from the Commissioners about the text amendment for private storage buildings. He said the Commissioners passed the text amendments for the new Rural Residential zoning district, for Rural Residential Occupations, and the changes to Rural Agriculture Table of Uses. The Commissioners requested that the Private Storage text amendment be further reviewed and they continued the hearing. Currently storage buildings are only allowed as an accessory use on the same lot where a home is. This is a common rule- it maintains residential character of a community, preserves future residential uses, and prevents future code violations for possible business uses. The Commissioners asked the Planning Board to draft an order to allow private storage as a primary use, keeping in mind the more flexibility of uses in rural areas. Staff presented their recommendation of a minimum lot size of three acres. The Planning Board made their recommendation of limiting the building size based on the lot size. The Commissioners want to look at keeping space available for future residential use and the misuse of buildings for commercial purposes. Mr. Martin said the purpose tonight is for discussion and look at April for a recommendation.

Dobbin Lattimore asked about requiring the applicant to stake off a future homesite first and have a soil evaluation to reserve space for a home and wastewater system before the storage building is permitted. Mr. Martin added that setbacks don't necessarily account for the usable area of a property. Jay Carpenter agreed that lot size doesn't matter if you build over your only septic area. Clinton Cook commented that a house size and bedrooms would need to be provided for a soil Perc test. Dobbin Lattimore asked if it doesn't Perc, would it even matter? Mr. Martin said they can eliminate permitting bathrooms in the private storage buildings. Noah Saldo said it looks like they want a middle ground- to not allow them everywhere but to not eliminate them all together. Jay Carpenter pointed out that a building could technically be converted into a home.

Dobbin Lattimore said private storage is helpful for people that plan to build a home later and Mr. Martin said that is a request that Staff receives. Clinton Cook asked about the proposed setbacks. Mr. Martin said they would follow the primary structure setbacks of 50' front, 30' rear, and 10' side property lines. Mr. Martin said Perc tests design the wastewater system, are \$450 and are good for five years. The applicant must stake off a homesite and choose the number of bedrooms. The Board suggested that a general homesite be required to be staked off, such as 2000 square feet, and the applicant can always go with a smaller home size but this reserves the option for a larger home.

Mr. Martin summarized the Board's comments- require a Perc test, set a house size, have a bathroom restriction until a home is on the property, and limit installing a septic tank until a home permit is issued. The proposed private storage would only be allowed in Rural Agriculture and Rural Residential zoning.

MISCELLANEOUS BUSINESS

There was no miscellaneous business.

ADJOURNMENT

There being no further business, Chairman Saldo entertained a motion to adjourn.

Jay Carpenter made a motion to adjourn at 6:46 pm. Eddie Kee seconded the motion and it passed unanimously.

ATTEST:

Noah Saldo, Chairman

Anna Parker, Clerk

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Major Subdivision -Deer Brook Phase 2

Department:

Agenda Title: Preliminary approval of Deerbrook Phase 2 major subdivision

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> Deer_Brook_Phase_2_Preliminary_Planning_Board_Staff_Report.pdf	Staff Report
<input type="checkbox"/> Deer_Brook_Phase_2_Preliminary.pdf	Deer Brook Phase 2 Preliminary Survey

STAFF REPORT

To: The Cleveland County Planning Board
Date: April 30, 2024
From: Chris Martin, Planning Director
Subject: Major Subdivision – Deer Brook Phase 2

Summary Statement: North Point Custom Builders LLC is requesting preapproval for a proposed major subdivision.

Review: Parcel 24490 is a 4.6-acre tract located at the intersection of North Post Road, Arlee Drive and Augusta Lane, belonging to Boggs and Spangler, LLC. The applicant, North Point Custom Builders, is requesting to subdivide this property, into a total of six (6) buildable parcels, ranging in size from 0.66 acres to 0.91 acres.

The technical review committee (NCDOT, Cleveland Water, Fire Marshal, CC Building and Environmental Health) has reviewed the plan.

- **Brad Cornwell, Cleveland County Water Director: No issues with water, existing lines are sufficient.**

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

If approved, the developer may begin improvements. Once improvements have been completed the developer will submit a final plat for approval.

Pros:

- Subdivision may assist with housing.
- Preliminary approval allows the developer to begin necessary improvements before final approval is submitted.
- Existing infrastructure (roads, water, sewer) sufficient for proposed subdivision.

Cons:

- None noted

GENERAL NOTES:

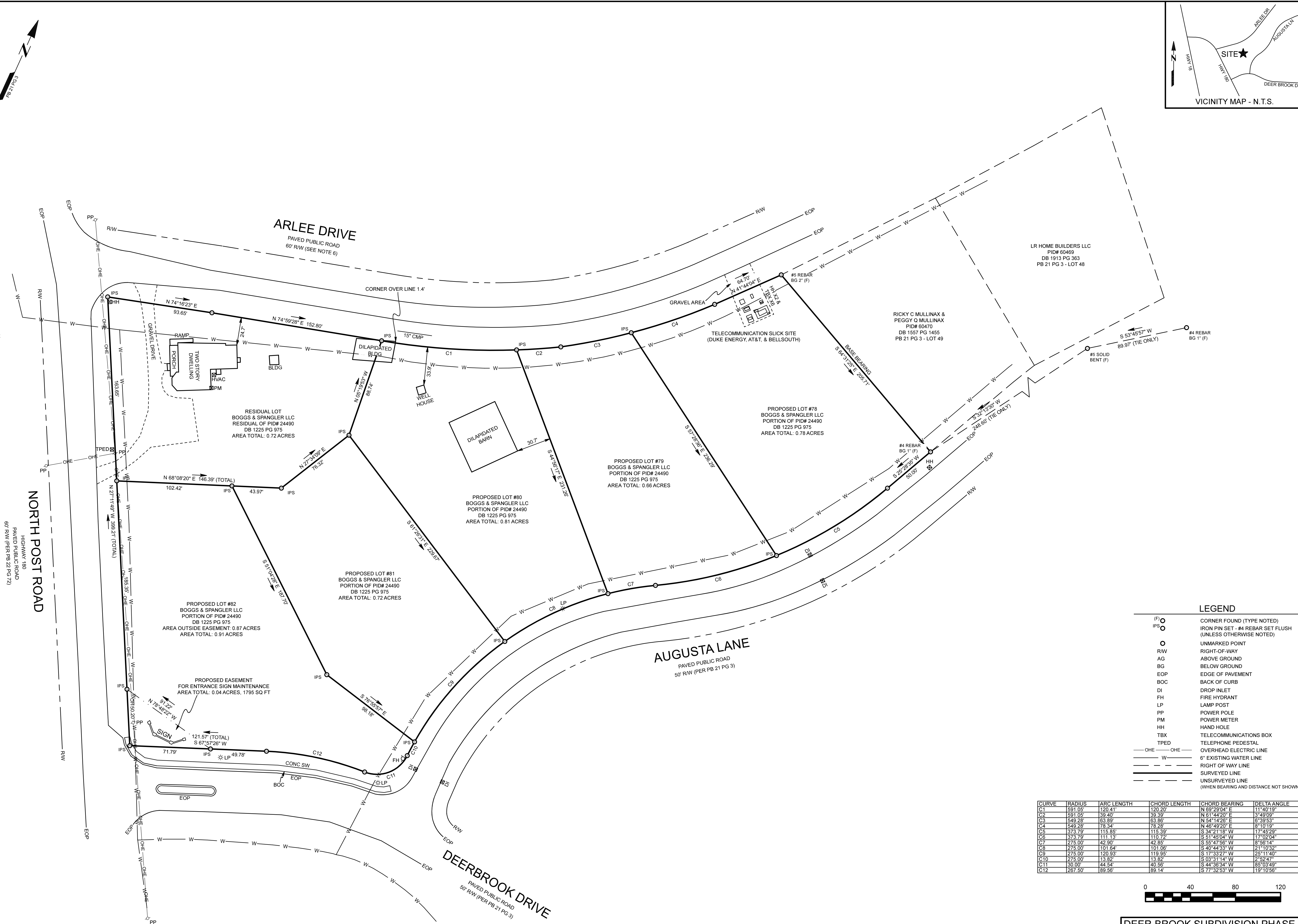
1. SURVEY BASED ON PHYSICAL EVIDENCE AND EXISTING CONDITIONS.
2. SURVEY PREPARED WITHOUT BENEFIT OF TITLE ABSTRACT. THE SURVEYED PROPERTY IS SUBJECT TO ANY EXISTING EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, SETBACK LINES, BURIED UTILITIES, PIPES, TANKS, MINERAL RIGHTS, TIMBER RIGHTS, AND LANDFILLS WHETHER OR NOT SHOWN ON THIS PLAT AND WHETHER OR NOT RECORDED IN THE PUBLIC RECORD.
3. NO NC GRID MONUMENTS WERE FOUND WITHIN 2,000 FEET OF SURVEY, UNLESS OTHERWISE INDICATED.
4. UNDERGROUND UTILITIES WERE NOT LOCATED EXCEPT AS SHOWN WHERE SHOWN, BY OBSERVED EVIDENCE ONLY, UNLESS OTHERWISE NOTED.
5. BEARINGS SHOWN HEREON ARE DEGREES, MINUTES, AND SECONDS AND DISTANCES ARE US SURVEY FOOT, UNLESS OTHERWISE INDICATED.
6. ROAD RIGHTS OF WAY SHOWN FOR GRAPHICAL PURPOSES ONLY BASED ON INFORMATION FROM CLEVELAND COUNTY GIS, SUBJECT TO FINAL LOCATION AND VERIFICATION BY THE NCDOT.
7. EXISTING COUNTY WATER LINE LOCATION SHOWN APPROXIMATELY BASED ON INFORMATION FROM CLEVELAND COUNTY GIS.

ZONING INFORMATION

PROPERTY IS ZONED RR (SOURCE: CLEVELAND CO. GIS)
SETBACKS PER CLEVELAND COUNTY UDO:
FRONT: 30', SIDE: 10' (20' ON CORNER LOT), REAR: 30'
MIN. LOT WIDTH: 80'

FLOOD CERTIFICATION

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS/IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION,
DATED: 02-20-2008
MAP NUMBER: 3710255800J
ZONE: X



LEGEND

- (F) ○ CORNER FOUND (TYPE NOTED)
IPS ○ IRON PIN SET - #4 REBAR SET FLUSH (UNLESS OTHERWISE NOTED)
○ UNMARKED POINT
RW RIGHT-OF-WAY
AG ABOVE GROUND
BG BELOW GROUND
EOP EDGE OF PAVEMENT
BOC BACK OF CURB
DI DROP INLET
FH FIRE HYDRANT
LP LAMP POST
PP POWER POLE
PM POWER METER
HH HAND HOLE
TBX TELECOMMUNICATIONS BOX
TPED TELEPHONE PEDESTAL
OHE OVERHEAD ELECTRIC LINE
W 6" EXISTING WATER LINE
- - - RIGHT OF WAY LINE
- - - SURVEYED LINE
- - - UNSURVEYED LINE (WHEN BEARING AND DISTANCE NOT SHOWN)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	591.05'	120.41'	120.20'	N 69°29'04" E	11°40'19"
C2	591.05'	38.40'	38.39'	N 61°44'20" E	3°45'09"
C3	549.28'	83.89'	83.86'	N 54°14'28" E	6°39'53"
C4	549.28'	78.34'	78.28'	N 48°49'20" E	8°10'19"
C5	373.79'	115.85'	115.39'	S 34°21'18" W	17°45'29"
C6	373.79'	111.13'	110.72'	S 51°45'04" W	17°02'04"
C7	275.00'	42.90'	42.85'	S 55°47'56" W	8°56'14"
C8	275.00'	101.84'	101.96'	S 40°44'33" W	21°10'32"
C9	275.00'	120.93'	119.95'	S 17°33'27" W	25°11'40"
C10	275.00'	13.82'	13.82'	S 03°31'14" W	2°52'47"
C11	30.00'	44.54'	40.56'	S 44°38'54" W	85°03'49"
C12	267.50'	89.56'	89.14'	S 77°32'53" W	19°10'56"



CERTIFICATE OF SURVEYOR

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

I, JOSEPH A. GRAY, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK AS PAGE SHOWN), THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK AS PAGE SHOWN, THAT THE RATIO OF PRECISION IS 1:10000+, 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 DAY OF 2024.

PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES, OR SALES.

CERTIFICATE OF REVIEW OFFICER

STATE OF NORTH CAROLINA, COUNTY OF CLEVELAND

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.

OWNERS CERTIFICATE:

KNOW BY ALL MEN PRESENT, THAT I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN HEREON, AND THAT I HEREBY ACKNOWLEDGE AND ADOPT THIS PLAT AND ALLOTMENT TO BE MY FREE ACT AND DEED, AND THAT I HEREBY DEDICATE TO THE PUBLIC USE OF ALL STREETS, ALLEYS, WALKS, PARKS, PLAYGROUNDS, OPEN SPACES AND EASEMENTS TO PUBLIC OR PRIVATE USE FOREVER ALL AREAS AS SHOWN OR INDICATED ON SAID PLAT.

DEER BROOK SUBDIVISION PHASE II
MADE AT THE REQUEST OF
NORTH POINT CUSTOM BUILDERS LLC
PROPERTY OF:
BOGGS AND SPANGLER LLC
CLEVELAND COUNTY, NORTH CAROLINA
NO. 8 TOWNSHIP
SCALE: 1" = 40'
DEED REF: AS SHOWN
DATE: 15 APRIL 2024
PID: 24490
JOB: 2024-074 NPCB

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 24-07

Department:

Agenda Title: Case 24-07: Request to rezone parcel 66507 from Residential (R) to Rural Residential (RU).

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 24-07_Staff_Report_Planning_Board.pdf	Staff Report
<input type="checkbox"/> Case_24-07_Zoning_Map.pdf	Zoning Map
<input type="checkbox"/> Case_24-07_Aerial_Map.pdf	Aerial Map
<input type="checkbox"/> Case_24-07_Land_Use_Map.pdf	Land Use Map
<input type="checkbox"/> 24-07_Petition.pdf	Petition

STAFF REPORT

To: Planning Board
Date: April 30, 2024
From: Chris Martin, Planning Director
Subject: Rezoning Case 24-07

Summary Statement: Adam and Katie Kates are requesting to rezone parcel 66507, containing 4 acres, from Residential (R) to Rural Residential (RU).

Review: The parcel lies at the intersection of Dixon School Rd and Early Rd, south of Kings Mountain, and is currently vacant.

Surrounding zoning districts include Residential and Restrict Residential while surrounding uses are mostly single-family dwellings and larger tracts of land.

The Land Use Plan designates this area as Primary Growth.

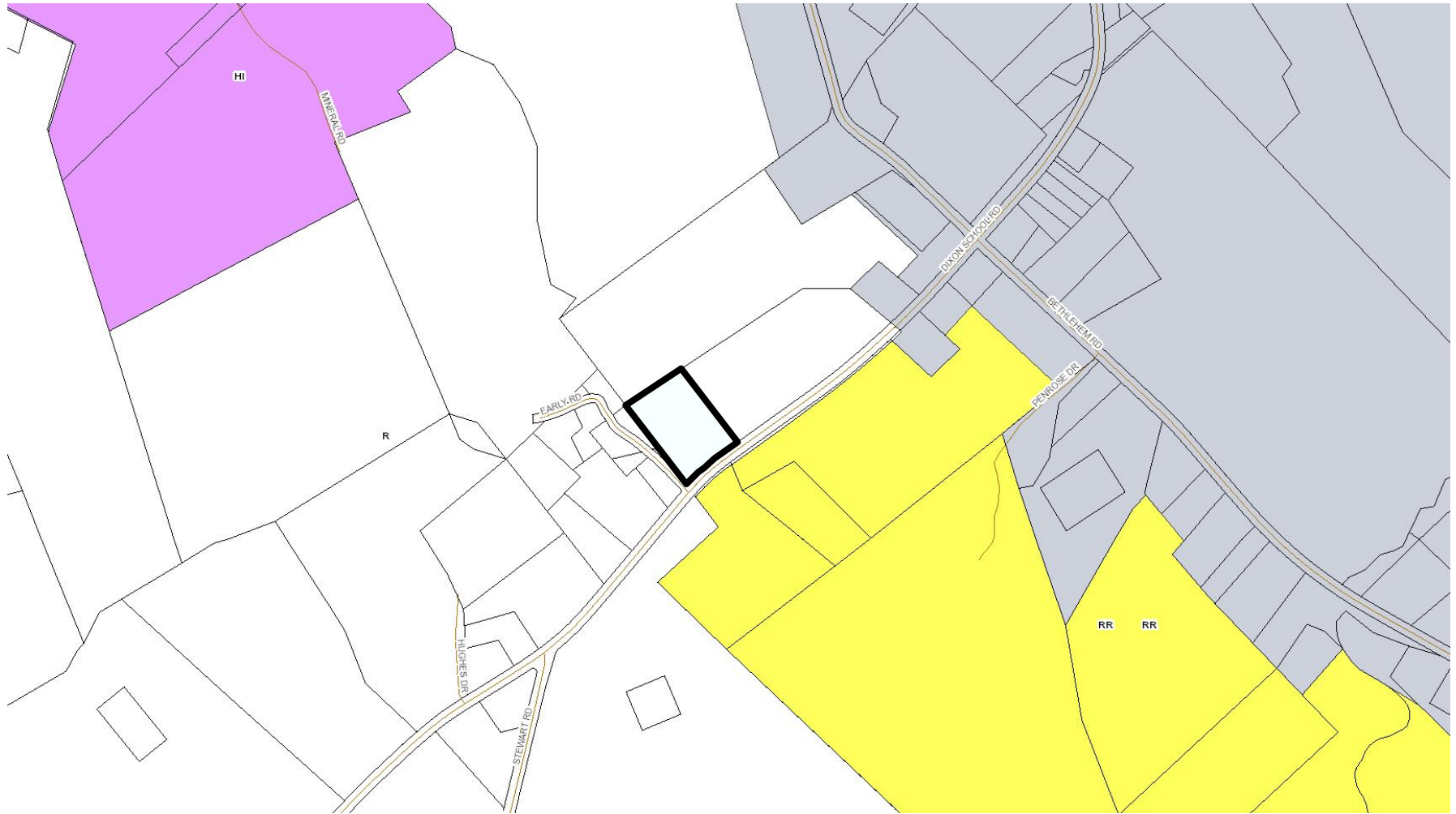
Consistency Statement

NCGS 160D-605 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.

Requested Board Action: Review, comment, and make a recommendation to the Board of Commissioners.

Rezoning Case 24-07

632 Dixon School Road

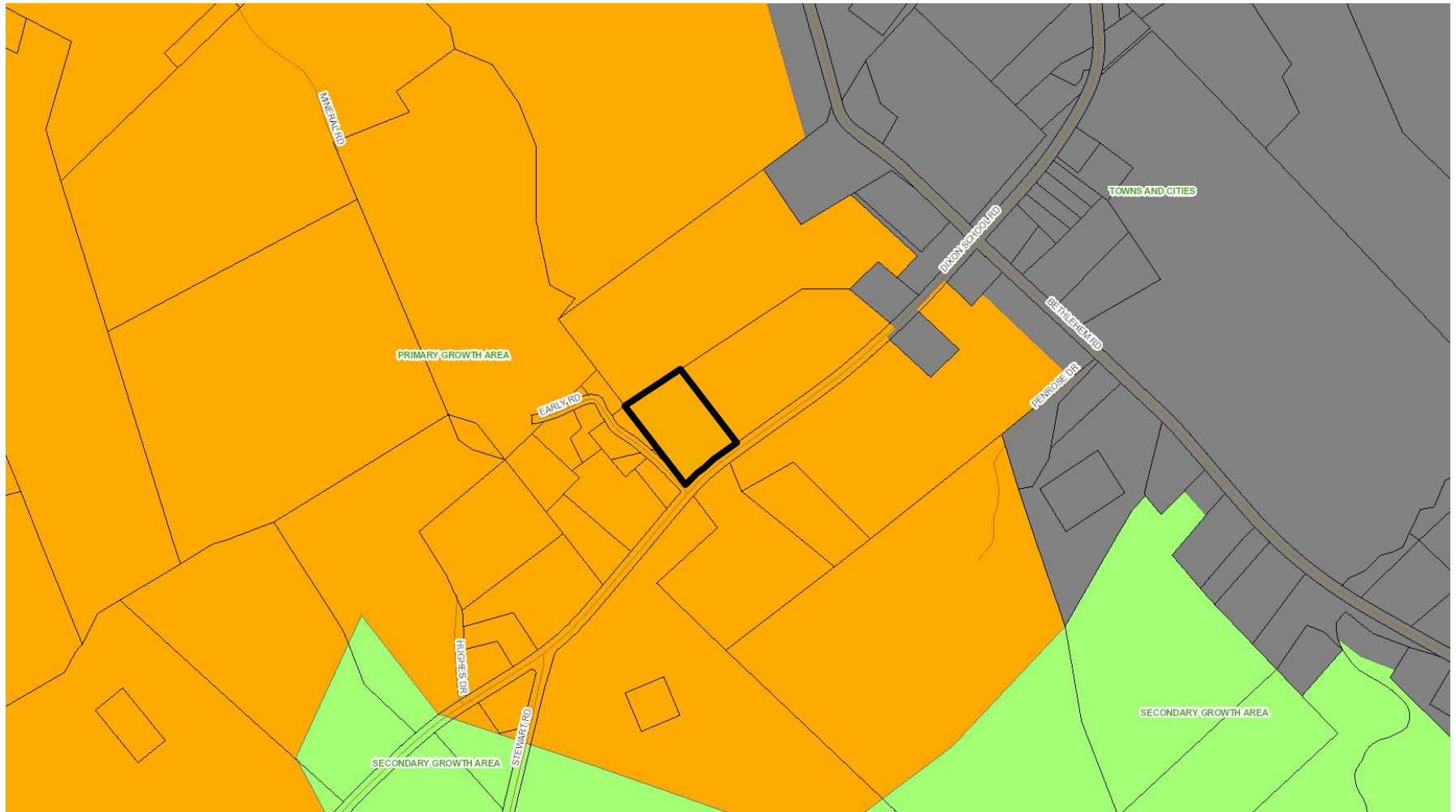


Rezoning Case 24-07
632 Dixon School Road



Rezoning Case 24-07

632 Dixon School Road





PETITION FOR AMENDMENT OF THE ZONING MAP

NOW COMES Adam and Katie Kates, Applicant, whose present address is
646 Dixon School Road, Kings Mountain NC 28086,

who respectfully petitions and shows 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: 632 Dixon School Road

Parcel(s): 66507 containing 4 acres. (if portion of property attach survey)

2. That said property above described is presently zoned (R) Residential and the undersigned applicant desires and does hereby request that said property be rezoned to: Rural Residential.

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 (attach an additional sheet if necessary).

PROPERTY OWNER (SIGNATURE)	PROPERTY OWNER (PRINT NAME)	PROPERTY ADDRESS
Margaret Childers	Margaret Childers	638 Dixon School Rd
Trudy Bridges	Trudy Bridges	1768 Bethlehem Rd.
Charles K Bridges	Charles K Bridges	1768 Bethlehem Rd

Respectfully submitted this 21 day of March, 2024.

SIGNED: Adam Kates Katie Kates

E-MAIL: Adamdkates@yahoo.com

PHONE NUMBER: (704) 300-0342

For office use:

Payment Code: ZP 11 Map Amendment

Fee: \$200

Paid on: 3-21-2024 ZP: 179139 Case #: 24-07

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 23-08

Department:

Agenda Title: Case 23-08: Text Amendment for Private Storage Buildings

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name		Description
<input type="checkbox"/>	23-08_Staff_Report_Private_Storage_Buildings_Planning_Board_March_2024.pdf	Staff Report

STAFF REPORT

To: Planning Board
Date: April 30, 2024
From: Chris Martin, Planning Director
Subject: Text Amendment Case 23+-

-08

Summary Statement: Evaluate standards for the use of private storage buildings.

Review: Currently private storage buildings are not permitted as principal use on a property. They must be located as an accessory. For example, they can be on the same lot as a residence but not as a standalone use. This is a common planning tool that helps maintain the character of neighborhoods, preserves the residential use of lots, and prevents the misuse of buildings in residential areas.

At the March 19, 2024 Board of Commissioners meeting, the Board requested staff re-evaluate the proposed storage building amendments and seek options that may assist in preserving lots for future residences and prevent potential mis-uses of buildings.

- **Residential preservation:** The Board stated that the intent of the residential districts was for residences and that the residential character needed to be preserved. The Board requested staff and Planning Board to evaluate setbacks so that space be preserved for future residences.
- **Commercial use:** The Board stated concerns that these private storage buildings could potential become commercial, creating non-compatible uses in residential areas. The Board asked the staff and the Planning Board to evaluate additional standards that could curtail these structures being used for business purposes in residential communities.

Requested Board Action: The Planning Board is requested to review, comment, and make a recommendation to the Board of Commissioners.