

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

July 28, 2020

6:00 PM

Call to order and Establishment of a Quorum

Invocation and Pledge of Allegiance

Swearing in of New Members

Swearing in of new Planning Board member Noah Saldo

Approval of Minutes

Minutes from the June 23, 2020 Planning Board Meeting

Items

Case 20-06: Request to Rezone property at 127 East Main Street in Mooresboro from Rural Agriculture to Residential

Miscellaneous Business

Adjournment

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Swearing in of Noah Saldo

Department:

Agenda Title: Swearing in of new Planning Board member Noah Saldo

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name

Description

No Attachments Available

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Minutes

Department:

Agenda Title: Minutes from the June 23, 2020 Planning Board Meeting

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 6-23-20_PB_Minutes.pdf	Minutes



PLANNING BOARD
1333 Fallston Rd., Shelby, NC
June 23, 2020 - 6:00 p.m.

Present:

Tom Spurling, Chairman
Dobbin Lattimore
Charles Christenbury
Leon Leonhardt
Susan Scruggs

Absent:

Eddie Kee

Others Present

Chris Martin, Senior Planner
Henry Earle, Planner
Anna Parker, Clerk
Daniel Blanton
Chris & Tammy Cook

CALL TO ORDER AND ESTABLISH QUORUM

Chairman Spurling called the meeting to order at 6:00 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 AMENDED FEBRUARY 25, 2020 & MAY 26, 2020 MINUTES

Dobbin Lattimore made a motion to approve the May 26, 2020 Minutes. Charles Christenbury seconded the motion and it unanimously carried.

Susan Scruggs made a motion to approve the amended February 25, 2020 Minutes. Dobbin Lattimore seconded the motion and it unanimously carried.

ROAD NAMING CASE 20-02: WINDING RIVER WAY

Mr. Martin stated that a new road was created by the NCDOT for the 74 Bypass. Planning Staff proposed the name Winding River Way since the properties are on the river. E-911 is okay with the name. The new road is off of Polkville Rd. / Hwy 226 above the Ingles grocery store. The road serves a few parcels and one building at the end of the road. The property owner proposed a road name but it was after a personal individual's name and that was discouraged by the Planning Unified Development Code.

Chairman Spurling opened the Public Hearing at 6:05 pm. There was no public comment and the Chairman closed the Public Hearing at 6:06 pm.

Charles Christenbury made a motion to approve the road name "Winding River Way". Leon Leonhardt seconded the motion and it unanimously carried.

ROAD RENAMING CASE 20-03: CARRIAGE RUN

Mr. Martin stated that the residents of Carriage Ct. S. wish to change their road name to Carriage Run. The other part of the road that was previously named Carriage Ct. N. was changed to Carriage Run in a previous case. E911 is okay with this change due to the confusion. The residents have had trouble with the current name with their mail and with E-911. The addresses will have to change to the 300 block range instead of 100. The existing portion of Carriage Run off of Fallston Rd. is in the 100 address block range, and the portion to the right that was renamed in 2018 is in the 200 address block range. E-911 was okay with this change. Mr. Martin stated that there is also a road named Carriage Ct. in Fallston so that is another reason to change this road name.

Chairman Spurling opened the Public Hearing at 6:14 pm. There was no public comment and the Chairman closed the Public Hearing at 6:15 pm.

Leon Leonhardt made a motion to approve the road re-naming “Carriage Run”. Dobbin Lattimore 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. His request is to allow kennels in all residential areas except Restricted Residential with some rules: a minimum two acre lot, all buildings shall be fully enclosed and all outdoor uses, including kennels and runs, shall be completely enclosed with a fence, and a setback of fifty (50) feet shall be required from all public or private rights-of-way and all other property lines.

The Planning Board voted to continue the discussion at the last meeting in order to research more about kennel oversight. The NC Department of Agriculture oversees kennels; they oversee safety and conditions of the animals and sites, not noise.

Mr. Christenbury asked about Conditional Use Permit requirements if they decide to recommend that instead of Zoning Permits. Mr. Martin stated the applicant would need to get a surveyed site plan and the neighbors will need to be notified so they can give input.

Chairman Spurling asked about limits to the number of animals. Mr. Blanton stated that there is a limit in the state code; it is limited to the square footage of the building and the size of the animal. Mr. Martin stated that they can recommend to add a line stating the applicant must comply with the state code.

Daniel Blanton, the Petitioner, spoke about his request. He pointed out that General Business zoning where it is currently allowed is dense. It is not a good location next to businesses or houses. It is currently allowed in General Business but it is not a good fit there. Kennels are highly regulated by the state for cleanliness. He understands the worries are about smell and

noise. The noise is not what they think; having barriers up will prevent the noise. Mr. Blanton does not think a Conditional Use Permit is necessary. It is extra money and it is not necessary to comply with the four questions (about affecting adjoining property values, public health and safety, harmony in the area, and conformity with the Land Use Plan) if you have at least two acres. The state code limits the number of animals allowed based on the square footage of the building and the size of the animal. There must also be an indoor facility. Two acres with the 50' setbacks will provide a buffer.

Leon Leonhardt said he lives about a mile from a bird dog training facility and he can hear them. Mr. Blanton pointed out that there are already facilities in existence that are not in the proper zoning districts and are an illegal zoning use on those properties. If there were complaints about those facilities, they would be shut down already.

The Planning Board was in consensus that this text amendment is for county wide and they must balance business and neighborhood harmony. They felt that changing the requirement to a Conditional Use Permit in the residential zoning districts would help achieve this.

Chairman Spurling entertained a motion from the Board.

Dobbin Lattimore made a motion to recommend approving the text amendment with a change in the Table of Uses for Residential, Rural Agriculture, Neighborhood Business, and Manufactured Home Park districts from “Zoning by Right” to “Conditional Use Permit”. Charles Christenbury seconded the motion and it unanimously carried.

RE-ZONING CASE 20-05: RR to GB-CU at 102 BALLPARK RD., LAWNDALE

Mr. Martin pointed out this recommendation goes to the Town of Lawndale. The property is on the corner of Ball Park Rd., across from Ace Hardware and a veterinary office. The area is business with some houses. The property is currently zoned Restricted Residential. There is Neighborhood Business zoning across the street. The applicant, Top Quality Construction, is requesting the zoning to be General Business-Conditional Use for a construction business office and they have submitted a site plan. They will turn the house into an office and add a garage in the back for equipment. The properties on either side are Restricted Residential and the property to the back corner is Residential.

Mr. Leonhardt said it is encouraging to see business in Lawndale. Mr. Lattimore asked if this request could be neighborhood business instead of general business. Mr. Martin said it is because of the use for a construction business that is allowed in General Business but not Neighborhood Business. The property will be locked into this use if it is approved. The Board may recommend reasonable conditions, and the code does require screening.

Dobbin Lattimore made a motion to recommend approving Case 20-05 from Restricted Residential zoning to General Business Conditional use zoning for a Construction Office. Leon Leonhardt seconded the motion and it unanimously carried. Chairman Spurling added that this request is compatible with the Land Use Plan.

MISCELLANEOUS BUSINESS

Mr. Martin presented a brief update about the County’s Land Use Plan. The first Steering Committee was held June 18th. Benchmark is designing a plan for public input. They reviewed the need for housing, lack of cell and internet service, and that people like the rural character of Cleveland County. There was interest in more trails and parks. The Committee reviewed a survey questionnaire proposed by Benchmark for citizen engagement to be released in July.

ADJOURNMENT

There being no further business, **Chairman Spurling** adjourned the meeting at 7:09 pm.

ATTEST:

Tom Spurling, Chairman

Anna Parker, Clerk

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 20-06

Department:

Agenda Title: Case 20-06: Request to Rezone property at 127 East Main Street in Mooresboro from Rural Agriculture to Residential

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 20-06_Staff_Report.pdf	Staff Report
<input type="checkbox"/> 20-06_Aerial_Map_127_East_Main_Street_Mooresboro.pdf	Aerial Map
<input type="checkbox"/> 20-06_Zoning_Map_127_East_Main_Street_Mooresboro.pdf	Zoning Map

STAFF REPORT

To: The Town Council of Mooresboro
Date: July 1, 2020
From: Chris Martin, Senior Planner
Subject: Rezoning Case 20-06

Summary Statement: Ginger Baldwin Johnson is requesting to rezone property in Mooresboro.

Review: Ginger Baldwin Johnson is requesting to rezone Parcel 31413, at 127 East Main Street in Mooresboro, from Rural Agriculture (RA) to Residential (R). The surrounding zoning Residential and Neighborhood Business along East Main Street and Rural Agriculture to the immediate north and East. Surrounding uses are residential, with mostly single family dwellings nearby.

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.
- Rezoning allows the landowner to separate multiple residential structures through subdivision.

Cons:

- None noted

Fiscal Impact:

- None

Planning Board Recommendation: The Cleveland County Planning Board will hear Case 20-06 at its **July 28, 2020** meeting.

Case # 20-06 Rezoning for 127 East Main Street RA to R
Aerial Map, Parcel #31413 3.59 acres



Case # 20-06 Rezoning for 127 East Main Street RA to R
Zoning Map, Parcel #31413 3.59 acres

