

Cleveland County Board of Commissioners
July 15, 2021

The Cleveland County Board of Commissioners reconvened from their July 6, 2021 meeting on this date, at the hour of 6:00 p.m. in the Commission Chamber of the Cleveland County Administrative Offices.

PRESENT: Doug Bridges, Chairman
Deb Hardin, Vice-Chair
Johnny Hutchins, Commissioner
Ronnie Whetstine, Commissioner
Kevin Gordon, Commissioner
Martha Thompson, Deputy County Attorney
Brian Epley, County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Scott Bowman, Maintenance Director
Chris Martin, Planning Director
Sherry Lavender, Tax Assessor
Tiffany Hansen, Health Department Director
Betsy Harnage, Register of Deeds
Sandra Orvig, Shoting Range Director

CALL TO ORDER

Chairman Bridges called the meeting to order and invited anyone from the audience to lead the Pledge of Allegiance and provide the invocation.

Hearing no volunteer, Chairman Bridges provided the invocation and led the audience in the Pledge of Allegiance.

AGENDA ADOPTION

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Hutchins and unanimously adopted by the Board to, *approve the agenda as presented.*

PUBLIC HEARINGS

PLANNING DEPARTMENT – CASE 21-10: REQUEST TO CONDITIONALLY REZONE PARCEL 52468 AT 134 KAY ROAD FROM RESIDENTIAL (R) TO LIGHT INDUSTRIAL CONDITIONAL DISTRICT (LI-CD)

Chairman Bridges called Planning Director Chris Martin to the podium to present Case 21-10; Request to rezone parcel 52468 at 134 Kay Road from Residential (R) to Light Industrial – Conditional District (LI-CD). Parcel 52468 is 41-acres located at 134 Kay Road. Paul Chambers is the owner and petitioner and has applied to rezone Parcel 52468 from Residential (R) to Light Industrial – Conditional District (LI-CD) for the purposes of operating a meat processing facility. Mr. Chambers included a site plan with his application which includes a processing room, corral and parking lot.

Kay Road runs off Highway 18 in the northern part of Cleveland County close to the Town of Belwood. The areas primarily surrounding parcel 52468 are Residential (R) and the uses consist of large tracts of land to include agricultural, single family residential and several commercial businesses. The Land Use Plan designates this area as future Rural Residential. Rural Residential is a proposed zoning district in the approved 2005 Land Use Plan for Cleveland County that encouraged residential uses with large lot sizes and suggested some commercial

uses that would support the agricultural communities and rural character of the area. The Cleveland County Unified Development Ordinance classifies meat processing under the North American Industry Classification System (NAICS) 31100, Food Manufacturing. This use is only allowed in Light and Heavy Industrial areas with the issuance of a zoning permit.

Planning staff recommends approval of the petition for the meat processing facility as it's proposed use is compatible with the surrounding zoning districts and the Land Use Plan. The Planning Board voted unanimously to recommend approving the rezoning request from Residential (R) to Light Industrial – Conditional Use (LI-CD). The Board felt the proposal is consistent with the Rural Residential designation in the Land Use Plan. The use of the meat processing would serve the surrounding agricultural community.



CASE # 21-10 Rezoning Residential to Light Industrial Conditional Use
Property Location: 134 Kay Road
Parcel Number: 52468
Acreage: 41.355



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Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hutchins reviewed the proposed site plan and inquired about the size of the 15-foot driveway and traffic safety concerns. Mr. Martin explained the driveway correlates with the size of the facility and the anticipated amount of business traffic flow, however, as the request is a conditional use, Commissioners could require a certain width and/or length for the driveway into the facility.

Chairman Bridges opened the Public Hearing at 6:08 pm for anyone wanting to speak for or against the request to rezone parcel 52468 at 134 Kay Road from Residential (R) to Light Industrial – Conditional District (LI-CD). (*Legal Notice was published in the Shelby Star on Monday, July 5, 2021 and Monday, July 12, 2021*).

Jackson Cartner, 115 Hallman Mill Road, Vale – spoke in opposition of the proposed rezoning of parcel 52468. He voiced his concerns regarding the possibility of pests, larger predatory animals, safety and decrease in property values to the surrounding homes. Mr. Cartner also expressed his concerns for the children in the neighborhood who would hear the noises from the processing facility.

Candy Beal, 119 Hallman Mill Road, Vale – spoke in opposition of the proposed rezoning of parcel 52468. She echoed Mr. Cartner’s comments regarding pests, various safety concerns and the possibility of a decrease in property values.

Paul Chambers, 134 Kay Road, Vale – the petitioner, spoke in favor of the rezoning request. He detailed his proposed plans for the meat processing facility and stated it will be a small business. No meat will be sold from the business. The facility will be for local farmers. All packaged meat that leaves the processor will have a “not for resale” label on it.

Hearing no further comments, Chairman Bridges closed the Public Hearing at 6:18pm.

Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hutchins questioned about any inspections that have been or will be done for the proposed facility. Mr. Martin explained the State will do all the inspections to include run-off, waste disposal, environmental impacts, etc. Commissioner Hutchins commented on the amount of time farmers currently must wait for meat processing and the need for more local meat processors. Board members further discussed the difference between a meat processing facility and a slaughterhouse and the type of inspections the State will conduct.

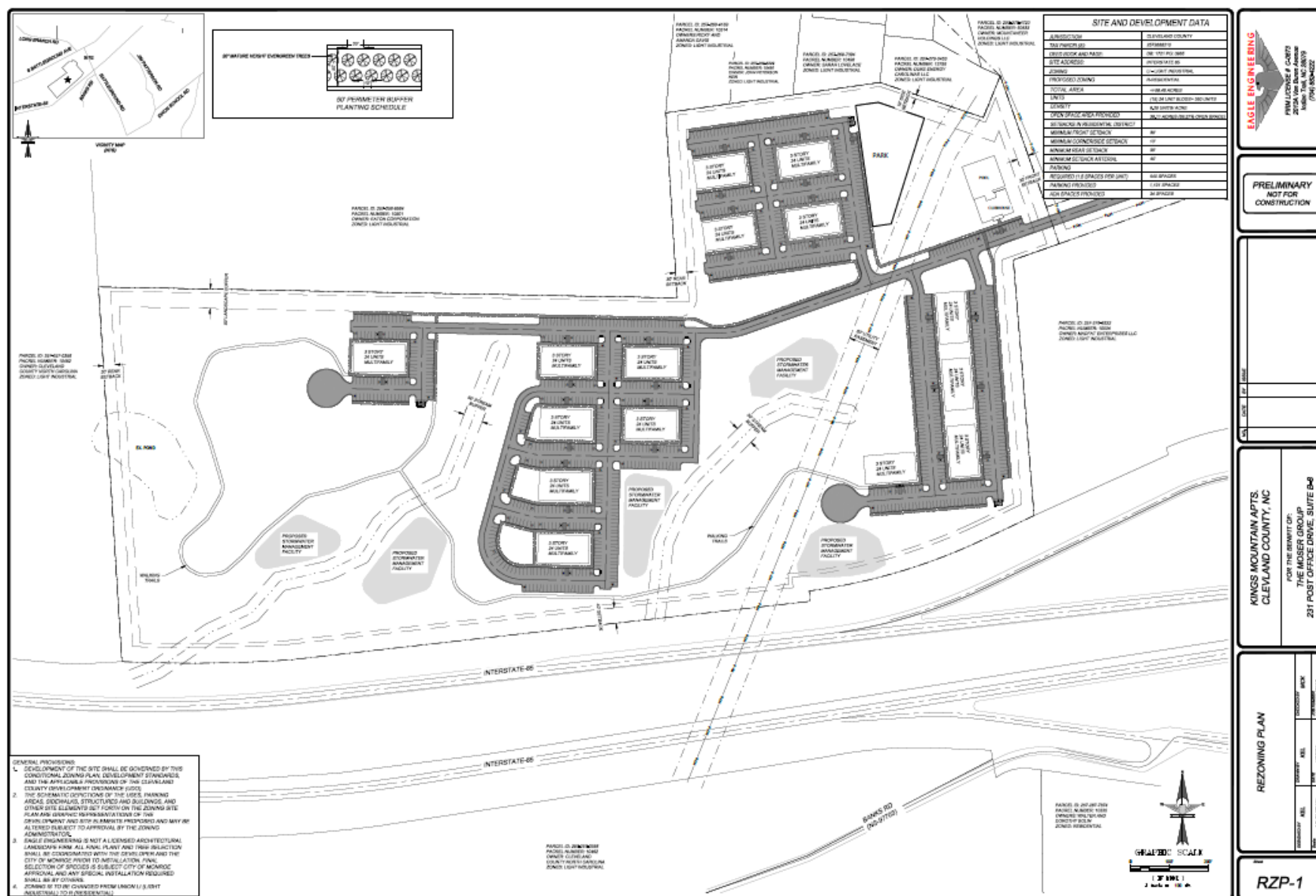
ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, *to approve the request to rezone parcel 52468 at 134 Kay Road from Residential (R) to Light Industrial – Conditional District (LI-CD)*.

PLANNING DEPARTMENT – CASE 21-11: REQUEST TO REZONE PARCEL 59861 AT 110 BATTLEGROUND ROAD FROM LIGHT INDUSTRIAL (LI) TO RESIDENTIAL CONDITIONAL DISTRICT (R-CD)

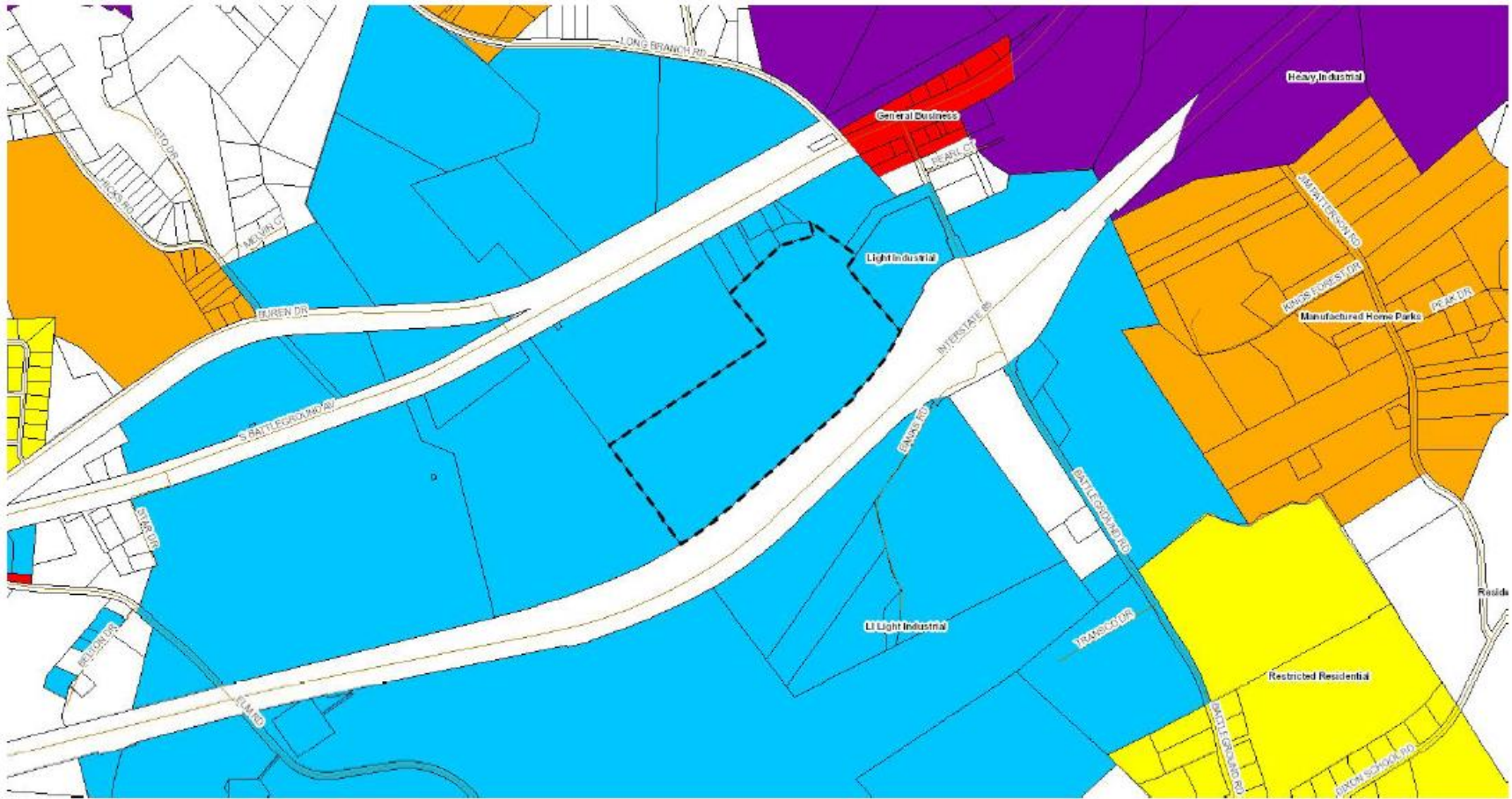
Planning Director Chris Martin remained at the podium to present Case 21-11; a request to rezone parcel 59861 at 110 Battleground Road from Light Industrial (LI) to Residential – Conditional District (R-CD). Parcel 59861 is owned by Madeline Harper and is 56-acres located along Highway 216 on Battleground Avenue between the Town of Grover and Kings Mountain and adjoins Interstate 85. The property lies adjacent to Exit 2 off Interstate 85 and the surrounding area consists of a mixture of industrial, commercial, and residential uses, with two major transportation corridors running along the property. The Land Use Plan calls this area future Light Industrial.

The Moser Group, represented by Tom Crouch, is requesting to rezone parcel 59861 from Light Industrial (LI) to Residential Conditional Use (R-CU) for the purposes of developing multi-family housing. A site plan accompanying the application includes 15 buildings with 360 housing units, landscape screening around the perimeter, parking and walking trails throughout the property. The developer intends to have utilities provided by the City of Kings Mountain, including water and sewer. If the property is rezoned, the development will be subject to any applicable standards required by the City of Kings Mountain, North Carolina Department of Transportation (NCDOT), Emergency Services, and the North Carolina Department of Environmental Quality. The proposed Residential (R) rezoning request is not consistent with the Land Use Plan designation of Light Industrial (LI).

The Planning Board voted unanimously to recommend approving the rezoning request from Light Industrial to Residential Conditional Use. The board felt the proposal, although inconsistent with the Land Use Plan's designation of Future Industrial, would provide a benefit to the community due to a shortage in housing, as well as recognizing the rapidly evolving landscape of the area between Grover and Kings Mountain.



CASE # 21-11 Rezoning Light Industrial to Residential Conditional Use
Property Location: 108 Battleground Road
Parcel Number: 59861
Acreage: 56.46 acres



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Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hutchins questioned the availability of power and a substation to the project. Mr. Martin replied there is power availability to the site.

Chairman Bridges opened the Public Hearing at 6:26 pm for anyone wanting to speak for or against the request to rezone parcel 59861 at 110 Battleground Road from Light Industrial (LI) to Residential – Conditional District (R-CD). (*Legal Notice was published in the Shelby Star on Monday, July 5, 2021 and Monday, July 12, 2021.*)

Matthew Curser, Eagle Engineering – spoke in favor of the proposed rezoning. He reviewed the site plans to the Board which include a site layout, amenities, and traffic flow.

Hearing no further comments, Chairman Bridges closed the Public Hearing at 6:30pm.

Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hutchins inquired about the driveways in and out of the complex and traffic flow concerns. Mr. Curser reviewed the traffic flow pattern plans. Board members discussed the surrounding roadways traffic flow, NCDOT's obligations and the strong need for more housing in the county.

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, *to approve to rezone parcel 59861 at 110 Battleground Road from Light Industrial (LI) to Residential – Conditional District (R-CD) as it is a reasonable request and has the public's best interest by providing additional housing in Cleveland County.*

ADJOURN

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Whetstine and unanimously adopted by the Board, *to adjourn.* The next meeting of the Commission is scheduled for *Thursday, August 3, 2021 at 6:00 p.m. in the Commissioners Chambers.*

*Doug Bridges, Chairman
Cleveland County Board of Commissioners*

*Phyllis Nowlen, Clerk to the Board
Cleveland County Board of Commissioners*