

Cleveland County Board of Commissioners
February 7, 2023

The Cleveland County Board of Commissioners met on this date, at the hour of 6:00 p.m. in the Commission Chambers of the Cleveland County Administrative Offices.

PRESENT: Kevin Gordon, Chairman
Ronnie Whetstine, Vice-Chair
Doug Bridges, Commissioner
Deb Hardin Commissioner
Tim Moore, County Attorney
Todd Carpenter, Interim County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Katie Swanson, Social Services Director
Martha Thompson, Chief Deputy Attorney
Chris Martin, Planning Director
Emily Epley, Travel and Tourism Director
Sherry Lavender, Tax Assessor
Betsy Harnage, Register of Deeds
Sandra Orvig, Shooting Range Director
Alison Mauney, Human Resources Director
Jason Falls, Business Development Director
Scott Bowman, Maintenance Director
Clifton Philbeck, Board of Elections Director

ABSENT: Johnny Hutchins, Commissioner

CALL TO ORDER

Chairman Gordon called the meeting to order and Commissioner Bridges led the audience in the Pledge of Allegiance and provided the invocation.

AGENDA ADOPTION

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

CITIZEN RECOGNITION

No one registered to speak.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the ***January 17, 2023*** regular Commissioners' meeting in Board members' packets.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Hardin, and passed unanimously by the Board to, ***approve the minutes as written.***

TAX ADMINISTRATION: ORDER TO ADVERTISE TAX LIENS

Per North Carolina General Statute 105-369, uncollected taxes for the current year that are a lien on real property must be advertised in a newspaper having general circulation in the taxing unit. Upon receipt of the Tax Collector's report in February, the governing body must order the Tax Collector to advertise the tax liens.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Hardin, and approved unanimously by the Board to, *authorize the tax collector to, during the time frame between March 15, 2023 and March 29, 2023, advertise tax liens on real property that remain unpaid as of March 6, 2023. Advertisement shall be made in the manner provided by North Carolina General Statute 105-369.*

Number of Parcels	7,730
Assessed Value	\$494,671,899
Base Tax	\$4,127,429.60
Assessments	\$221,246.42
Penalties	\$83,866.72
Interest	\$34,296.03
Flat Fees	\$275.08
Total Taxes	\$4,348,676.02
Total Additional Charges	\$118,437.83
Total Due	\$4,467,113.85

TAX ADMINISTRATION: REQUEST FOR REFUND/WAIVER OF DISCOVERY PENALTIES

Taxpayer, Bryan and Stephen Baker, DDS, PA, were audited by a third-party auditor, Tax Management Associates. During the audit, machinery and equipment were discovered that had not been listed for business personal property tax purposes. Upon receipt of the audit summary report from the auditor, tax office staff sent a 30-day discovery letter, with the results of the audit, giving the taxpayer 30 days to appeal. During the taxpayer's appeal, they took exception to the assessment of the 10% penalty for each tax listing period that the equipment failed to be listed by the taxpayer. They asked for the penalties to be waived and be removed from the bill. Under North Carolina General Statute 105-312(k), only the County Commissioners are granted the ability to compromise or waive taxes resulting from a discovery bill. This is the only time this authority is granted by statute. Other types of tax bills such as annual taxes that were listed by the owner timely, registered vehicle taxes, etc. cannot be compromised pursuant to North Carolina General Statute 105-380. Staff recommendation is to deny the request to waive the penalties in fairness to other taxpayers whose discovery bills were charged the penalty as required by North Carolina General Statute 105-312(h), the same as this discovery bill was.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Hardin, and approved unanimously by the Board to, *deny the request to waive/refund the discovery bill penalties in fairness and equity to other taxpayers being assessed discovery bill penalties pursuant to North Carolina General Statute 105-312(h).*

010.444.5.700.00 RF-A1232-MEDS Detention Center/Grants \$264,279.00
Explanation of Revisions: Budget allocation for \$290,651 in grant monies awarded from the North Carolina Department of Public Safety to be used for Medicaid Assisted Treatment in the Detention center.

SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #039)

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, ***approve the following budget amendment:***

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.438.4.310.00	16738-Targets	Law Enforcement Grants/Federal Govt Grants	\$24,440.00	
010.438.5.210.00	16738-Targets	Law Enforcement Grants/Departmental Supplies	\$21,100.00	
010.438.5.211.00	16738-Targets	Law Enforcement Grants/Controlled Property	\$2,596.00	
010.438.5.910.00	16738-Targets	Law Enforcement Grants/Capital Equipment	\$744.00	

Explanation of Revisions: Budget allocation for \$24,440.00 in grant monies awarded from the North Carolina Governor’s Crime Commission to be used for the purchase of cameras, targets and target systems.

SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #040)

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, ***approve the following budget amendment:***

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.438.4.310.00	16582-NCVRW	Law Enforcement Grants/Federal Govt Grants	\$5,000.00	
010.438.5.700.00	16582-NCVRW	Law Enforcement Grants/Grants	\$5,000.00	

Explanation of Revisions: Budget allocation for \$5,000 in funds received from the National Association of the Office for Victims of Crimes Association (VOCA) for the 2023 National Crime Victim’s Right’s Week from April 23 – April 29, 2023. These funds will be used to promote and enhance community awareness.

LEGAL DEPARTMENT: SALE OF COUNTY-OWNED PROPERTY FOR PARCEL 70757

Cleveland County acquired parcel 70757, located on South Lafayette Street, Shelby through tax foreclosure in 1985. The 2023 tax value for this property is \$416 and has no residential structures on it. Bobby Hunt, II has made an offer of \$300. This bid is the highest received and would place the property back on the tax rolls. Staff is requesting the Board to approve the offer made on parcel 70757, authorize County staff to prepare a deed and complete the sale of this property.



Resolution

05 - 2023

Resolution Accepting Negotiated Offer and Upset Bid (G.S. 160A-269)

WHEREAS, Cleveland County received an offer to sell and adhered to the upset bid procedures pursuant to N.C.G.S. § 153A-176 and N.C.G.S. § 160A-269 and of its January 17, 2023 Resolution as to a certain property it owns identified, as follows:

Parcel #	Location	Highest Offeree	Current Offer
70757	S. Lafayette Street, Shelby	Bobby Hunt II	\$300.00

and
 WHEREAS, the time is ripe for the County to review and determine whether to accept or reject the highest bids by analyzing the bids and the property; and

WHEREAS, the County has incurred expenses and has outstanding property taxes due on the property identified above reflected as follows:

Parcel #	2022 Tax Value	Current Offer	Obtain by the County in 1985 in the amount of	Gains/(Losses)
70757	\$416.00	\$300.00	\$131.26	\$116.00

and
 WHEREAS, the County expects offers to cover the indebtedness of any property through this bid process, with the intention to sell property for a sum that is equal to or in excess of the amount owed to the County when reasonable and that takes into consideration a rational relationship to the tax value of the property at issue; and

WHEREAS, the bid on parcel 70757 is the sole bid that covers the outstanding indebtedness on the property although less than the current tax value.

WHEREAS, notice of this Board’s intention to accept the offer and instructions for the upset bid process were published in The Shelby Star on January 20, 2023; and

WHEREAS, the County received no other offers for the property during the upset bid process.


THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

- The Board of Commissioners approves the sale to Bobby Hunt II of the property identified as parcel # 70757 located at South Lafayette Street, Shelby, NC for the sum of \$300.00 in cash, money order or cashier’s check; and authorizes Chair Kevin Gordon to sign a quitclaim deed for parcel # 70757 to Bobby Hunt II upon payment; and instructs County staff to prepare the quitclaim deed to be delivered to Bobby Hunt II upon payment.

Adopted this 7th day of February 2023.


 Kevin Gordon, Chairman
 Cleveland County Board of Commissioners

ATTEST:


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



ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Hutchins, and unanimously approved by the Board to, *approve the \$300 offer made on parcel 70757 and authorize county staff to prepare a deed to sell this parcel to Bobby Hunt II to deliver upon payment.*

LEGAL DEPARTMENT: SALE OF COUNTY-OWNED PROPERTY FOR PARCEL 7924

Cleveland County acquired parcel 7924 from foreclosure proceedings in 1994. This plot of land has no residential structures. The 2023 Tax Value is \$160. Bobby Hunt, II has made an offer of \$200. This bid is the highest received and would place the property back on the tax rolls. Staff is requesting approval of the offer made on parcel 7924 and authorizes County staff to advertise and open the upset bid process.



Resolution

06 - 2023

Resolution Authorizing Negotiated Offer and Upset Bid (G.S. 160A-269)

WHEREAS, Cleveland County owns property identified as follows:

Parcel Number	Location	Offeror
7924	Campbell Circle	Bobby Hunt II

and

WHEREAS, N.C.G.S. § 153A-176 and N.C.G.S. § 160A-269 permit the County to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above in the amount as follows:

Parcel Number	Amount Offered
7924	\$200.00

and

WHEREAS, the required five percent (5%) deposit has been received from offeror;

THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The Board of Commissioners authorizes sale of the property described above through the upset bid procedure of N.C.G.S. § 160A-269.
2. The County paralegal will notify the offeror(s) of the Commissioners' authorization and the amount required of them for advertising costs to be paid by cash, money order or cashier's check to payable to the County and delivered to the County paralegal at 311 E. Marion Street, Suite 121, Shelby, North Carolina 28150.

3. Following receipt of payment of the advertising cost(s) by the offeror(s), the Clerk to the Board will cause a notice of the proposed sale to be published. (In the event that one or more offeror declines prepayment of the advertising cost, the corresponding property will not be advertised.) The notice will contain a general description of the property, the amount and terms of the offer, and a notice that within ten (10) days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder or the sum of \$2,100.00 whichever is greater.
4. Persons wishing to upset the offer that has been received shall submit a **sealed bid** with their offer to Christie Wooten, paralegal, Cleveland County Administrative Office Building, 311 E. Marion Street, Suite 121, Shelby, NC, 28150 for hand delivery or PO Box 1210 Shelby, NC 28151 for mail delivery on or before 3:00 p.m. on or before the 10th day following publication of said notice. Use of the mail or any means of delivery is at the bidder's risk and any bids received after the deadline will not be considered. Any bid with conditions or terms will not be accepted or considered. Use of the mail or any means of delivery is at the bidder's risk and any bids received after the deadline will not be considered. Any bid with conditions or terms will not be accepted or considered.
5. At 3:00 p.m. on said date, the County Attorney/Chief Deputy County Attorney will open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
6. If a qualifying higher bid is received, the County Clerk will cause a new notice of upset bid to be published and will continue to do so until a 10-day period has passed without any qualifying upset bid having been received.
7. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid and accompanying One Hundred Twenty-Five Dollars (\$125.00), or higher in the event of an increase, for advertising costs. This amount may be made in cash, money order, or cashier's check.
8. The County will apply the deposit of the final high bidder first to the costs of the bidding process, including but not limited to the cost(s) of advertising the notice(s) of the proposed sale, then the remaining balances to the purchase price at closing, unless the County withdraws the property from sale, at which time the deposit of the final high bidder will be returned. The County will also refund any deposit, excluding costs, made by bidders other than the final high bidder within two (2) weeks of the delivery of the deed to the final high bidder.

9. The terms of the final sale are that:

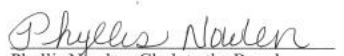
- The Board of Commissioners must review and decide whether or not to approve the final high offer before the sale is closed, which it will do within thirty (30) days after the final upset bid period has passed,
- The buyer must pay with cash, money order, or cashier's check at the time of closing, and
- The County will transfer its interest in the property via quitclaim deed.

10. The County reserves the right to withdraw any property from sale at any time before the final high bid is accepted and the right to reject at any time any bids. In no event shall the costs of advertising any proposed sale or upset bid be returned to an offeror.

Adopted this 7th day of February 2023.


Kevin Gordon, Chairman
Cleveland County Board of Commissioners

ATTEST:


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



ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Hutchins, and unanimously approved by the Board to, *adopt the resolution authorizing county staff to advertise and begin the upset bid process for parcel 7924.*

PUBLIC HEARING

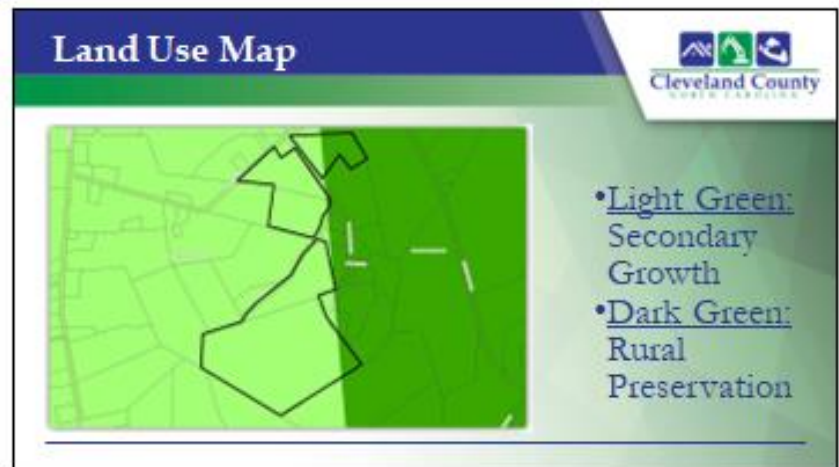
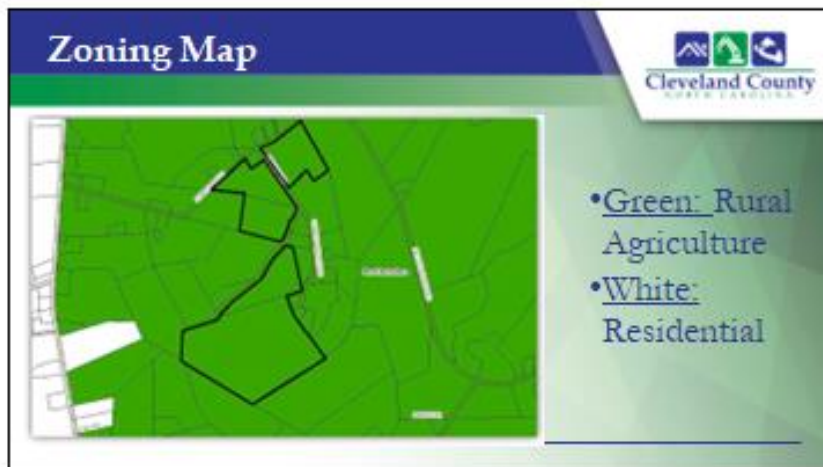
PLANNING DEPARTMENT CASE 22-36: REQUEST TO REZONE MULTIPLE PARCELS AT 105 CHARITY DRIVE FROM RURAL AGRICULTURAL (RA) TO RESIDENTIAL (R)

Chairman Gordon called Planning Director Chris Martin to the podium to present Case 22-36, request to rezone multiple parcels at 105 Charity Drive from Rural Agricultural (RA) to Residential (R). The Planning Department received a request to rezone adjoining parcels 35633, 64855, 35629, 35668, and 35621 from Rural Agriculture (RA) to Residential (R). These parcels, owned by Leon Leonhardt, are approximately 100 acres and are located along Charity Road below the town of Fallston. The surrounding area consists of rural single family residential, and the surrounding zoning is Rural Agriculture (RA). The county’s Land Use Plan (LUP) designates this area as both Rural Preservation and Secondary Growth.

Mr. Martin compared the two zoning districts. Rural Agriculture (RA) zoning districts requires a minimum of three acres per lot while the Residential (R) district only requires a minimum of half an acre per lot. Permitted uses such as farming, horticulture and forestry activities are allowed in both zoning districts as well as social and civic activities such as churches and schools are allowed in both districts. Rural Agriculture (RA) zoning is a flexible zoning district that does allow many commercial and residential uses that must be on a three-acre lot. These parcels are located in a transition area between Secondary Growth and Rural Preservation.

The Planning Board voted unanimously to recommend denial of the rezoning request. The Board heard comments from those in attendance, many of whom were surrounding neighbors. Those who spoke voiced concerns regarding the higher density uses allowed in the Residential (R) district compared to the lower density of the Rural Agricultural (RA) district. The Planning Board determined the Residential (R) district and its allowance of higher density residential uses to be incompatible with the surrounding rural area. Since the LUP shows this area split by the Secondary Growth area and the Rural Preservation area, both zoning districts could be consistent with the LUP. The following information and PowerPoint were presented to the Commissioners.

Residential vs. Rural Agriculture	
PERMITTED USES	
Residential (1/2 acre)	Rural Agriculture (3 acre)
House, Manufactured Home, Duplex, Multifamily Agriculture, Forestry, Horticulture	House, Manufactured Home, Duplex Agriculture, Forestry, Horticulture, Construction, Winery, Distillery, Wood Products Manufacturing (SUP), Sawmills (SUP), Printing, Farm Products
Library	Auto Dealers, RV Dealers, Auto Parts, Lawn and Garden Retail, Grocery, Health and Personal Care, Convenience/Gas, Books, Florist, Office Supplies, Used Merchandise, Miscellaneous Retail, Library, Veterinarian
Schools, Nursing Home, Daycare, Museum, Zoo (SUP), Nature Park, Golf Course (SUP), Bed and Breakfast	Water Treatment (SUP), School, Trade School, Ambulatory Health Care, Nursing Home, Daycare, Museum, Zoo (SUP), Nature Park, Golf Course (SUP), Bed and Breakfast
Campground (SUP), Room and Board, Kennels (SUP), Church, Public Safety	Campground (SUP), Room and Board, Special Food, Restaurant, Auto Repair (SUP), Household Goods Repair, Personal Care, Death Care, Dry Cleaning, Kennels (SUP), Church, Public Safety



Recommendation

Cleveland County
NORTH CAROLINA

- Planning Board – Denial (6-0)
- Heard comments of incompatibility of uses

Requested Board Action

Cleveland County
NORTH CAROLINA

- Public Hearing
- Approve
- Deny

Questions?

Cleveland County
NORTH CAROLINA

Chairman Gordon opened the Public Hearing at 6:16 pm for anyone wanting to speak for or against Planning Department Case 22-36, request to rezone multiple parcels at 105 Charity Drive from Rural Agricultural (RA) to Residential (R). (*Legal Notice was published in the Shelby Star on Friday, January 27, 2023 and Friday, February 3, 2023*).

Kevin Martin, 118 Charolais Drive, Fallston – spoke in opposition to the rezoning request stating if the parcels were rezoned and made into a mobile home park, the surrounding neighborhood and area are not prepared for a large influx of people and traffic. He asked if any studies had been completed, such as traffic and infrastructure impact study to determine the effect a dramatic increase of population would have on the town of Fallston and the surrounding neighborhoods and schools.

Rick Martin, 114 Charolais Drive, Fallston – spoke in opposition to the rezoning request stating the neighborhood is quiet, friendly, and peaceful and the neighbors would like to keep that way, citing the issues that could arise from the increased traffic.

James Lee, 138 Charolais Drive, Fallston – spoke in opposition to the rezoning request reiterating the previous comments.

Dennis Milne, 203 Charolais Drive, Fallston – spoke in opposition to the rezoning request citing if the request were approved, it would be considered spot zoning and not conducive to the surrounding area.

Dennis Martin, 111 Charolais Drive, Fallston – spoke in opposition to the rezoning request echoing previous comments and asked Commissioners to uphold the Planning Board’s decision.

Audrey Brittain, 230 Charity Church Road, Fallston – spoke in opposition of the rezoning request stating they live in a quiet and peaceful area and would like to see it kept that way.

Chris Devine, 4025 Devine Road, Lawndale – spoke in opposition of the rezoning request stating the area is zoned for agriculture use and expressed his concerns regarding possible crime and congestion that could arise if the parcels are rezoned for a mobile home park.

Sonya Parton, 235 Charity Church Road, Fallston – spoke in opposition of the rezoning request echoing previous comments regarding the possible negative effects that could arise from the dramatic population increase.

Robert Williams, 814 E. Stagecoach Trl, Fallston – spoke neither for or against the rezoning request advising he knew the people on both sides concerning this matter.

Kelly Goforth, 234 Charity Church Road, Fallston – spoke in opposition of the rezoning request expressing his frustration and concerns for his family and neighbors if the request were to be approved.

Lynn Williams, 101 Hull Rd, Casar – spoke in opposition of the rezoning request. She is a local business owner in Fallston and cited the previous comments and concerns regarding increased traffic and congestion.

Courtney Dedmon, 168 Charolais Drive, Fallston – spoke in opposition to the rezoning request and presented to the Board a petition signed by 217 people who do not want the rezoning to happen.

Dennis Bingham, 111 Ross Dr, Fallston – spoke in opposition to the rezoning request, stating the neighborhood should be zoned how the people living in that area want it to be, keeping it Rural Agricultural (RA).

Mark Stowe, 4423 Mountain View Drive, Polkville – spoke in opposition to the rezoning request echoing previous comments.

Brandi Beaver, 4302 Fallston Road, Shelby – spoke in opposition to the rezoning request. She expressed fears for children’s safety and potential crime should the rezoning request be approved.

Brian Beatty, 132 Charolais Drive, Fallston – spoke in opposition to the rezoning request explaining the difficulty first responders will have if there were an emergency, advising the infrastructure is not set up for the increase.

Andy Elmore, 810 E. Stagecoach Trl., Fallston – spoke in opposition to the rezoning request. He asked Commissioners to keep the integrity of the area and deny the request.

Hearing no further comments, Chairman Gordon closed the Public Hearing at 6:50 pm.

Chairman Gordon opened the floor to the Board for comments and questions. Commissioners commented on the negative impact to the area and potential spot zoning if the request were approved.


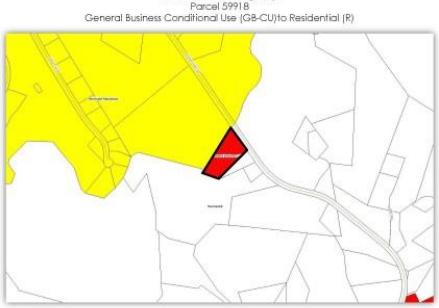

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, *deny the request to rezone parcels 35633, 64855, 35629, 35668, and 35621 located at 105 Charity Drive from Rural Agriculture (RA) to Residential (R).*

PLANNING DEPARTMENT CASE 23-01: REQUEST TO REZONE PARCEL 59918 AT 863 STONY POINT ROAD FROM GENERAL BUSINESS-CONDITIONAL USE (GB-CU) TO RESIDENTIAL (R)

Planning Director Chris Martin remained at the podium to present Case 23-01; request to rezone parcel 59918 at 863 Stony Point Road from General Business – Conditional Use (GB-CU) to Residential (R). Parcel 59918 is 2.94 acres and located at 863 Stony Point Road in Kings Mountain. In June 2020, the Board of Commissioners approved rezoning this property from Residential (R) to General Business-Conditional Use (GB-CU) for the purpose of a recreational vehicle and boat storage facility. Due to the topography and floodplain of the property, the property owner and applicant Mark Humphries, no longer wishes to use the property in this manner and is requesting to rezone the property back to Residential (R).

Property to the South and East is Residential (R). To the West and North, properties are zoned Restricted Residential (RR). The area has mostly residential uses except for several businesses located along the intersections of Stony Point Road and Oak Grove Road and Stony Point and New Camp Creek Church Road. The Land Use Plan (LUP) calls this area as Future Primary Growth.

The Planning Board voted unanimously to recommend approval of the request. They determined the proposed use of the property would be compatible with the surrounding area and that the rezoning would be an extension of an already existing zone. The following information and PowerPoint were presented to the Commissioners.

<p>Case 23-01 General Business Conditional Use to Residential 863 Stony Point Road</p> 	<p>Request</p> <ul style="list-style-type: none">• Parcel 59918• Current zoning district is General Business-Conditional Use for RV/Boat storage• Rezoned in 2020 to GB-CU
<p>Zoning Map</p>  <ul style="list-style-type: none">• <u>Red:</u> General Business Conditional Use• <u>Yellow:</u> Restricted Residential• <u>White:</u> Residential	<p>Land Use Map</p>  <ul style="list-style-type: none">• <u>Orange:</u> Primary Growth• <u>Green:</u> Secondary Growth
<p>Recommendation</p> <ul style="list-style-type: none">• Planning Board – Approve (6-0)	<p>Requested Board Action</p> <ul style="list-style-type: none">• Public Hearing• Approve• Deny

Questions?

Chairman Gordon opened the Public Hearing at 6:54 pm for anyone wanting to speak for or against Planning Department case 2301; request to rezone parcel 59918 at 863 Stony Point Road from General Business-Conditional Use (GB-CU) to Residential (R). (*Legal Notice was published in the Shelby Star on Friday, January 27, 2023 and Friday, February 3, 2023*).

Greg Randall, 907 Stony Point Rd, Kings Mountain – spoke neither for nor against the rezoning request. He inquired if the property were to be rezoned to Residential (R) what kind of housing could be built there and how many would be allowed on the parcel.

Hearing no further comments, Chairman Gordon closed the Public Hearing at 6:56 pm.

Chairman Gordon opened the floor to the Board for comments and questions.

Chairman Gordon asked Mr. Martin about the potential for mobile homes on the property. Mr. Martin advised a mobile home only needs a half-acre lot. The property is over two-acres and could, theoretically, hold multiple housing. The layout of the land does possess some challenges for that to happen due to the topography and floodplain. The applicant has not advised what he plans to do with the parcel but did indicate it would be only one home. Commissioner Hardin inquired, for clarification, if the property was previously zoned Residential (R); Mr. Martin replied it was.

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, ***approve the request to rezone parcel 59918 located at 863 Stony Point Road from General Business-Conditional Use (GB-CU) to Residential (R).***

PLANNING DEPARTMENT CASE 23-02; REQUEST TO REZONE PARCELS 10490 AND 10462 AT 708 SOUTH BATTLEGROUND ROAD FROM LIGHT INDUSTRIAL (LI) TO RESIDENTIAL-CONDITIONAL USE (R-CU) FOR A MULTI-USE RESIDENTIAL DEVELOPMENT

Planning Director Chris Martin remained at the podium to present Planning Department case 23-02; request to rezone parcels 10490 and 10462 located at 708 South Battleground Road from Light Industrial (LI) to Residential-Conditional Use (R-CU) for a multi-use residential development. Parcels 10490 and 10462 are adjoining and located at 708 Battleground Avenue between the Town of Grover and the City of Kings Mountain. The property is approximately 60 acres and currently owned by Cleveland County Government. This area is along Highway 29, a major four lane corridor, and surrounded by industrial uses. There is a single-family residence on

the property. The Land Use Plan (LUP) designates this area as Primary Growth which is ideal for the most intensive uses.

Tom Crouch, representing Liquid Management LLC, is requesting to rezone Parcels 10462 and 10490 from Light Industrial (LI) to Residential-Conditional Use (R-CU) for the purposes of developing the property for multi-family residential. A site plan has been submitted showing how the property is proposed to be developed, including 11 apartment buildings, multiple town home residential units, and an assisted living facility.


The Planning Board voted unanimously to recommend approval of the request. The Board determined the proposed use of the property would be compatible with the area and LUP designation. The LUP designates this area as a Primary Growth area accommodating uses of higher intensity.

Mr. Martin introduced the petitioner, who further reviewed the site plan with the Board. He detailed the topography of the property and the due diligence that has gone into this proposed project. He also reviewed the traffic flow and more highway accessibility from the site for first responders and visitors. The following information and PowerPoint were presented to Commissioners.

Case 23-02
Light Industrial to Residential Conditional Use
708 South Battleground Road

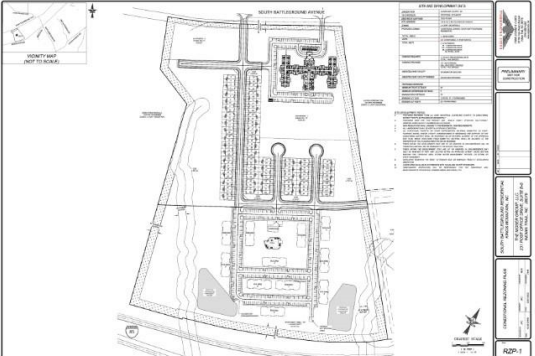



Request



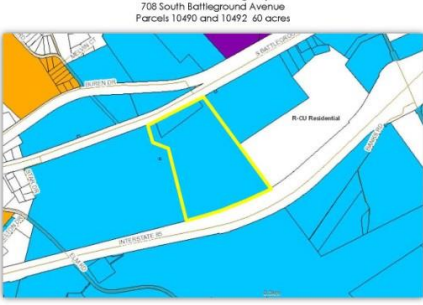

- Parcels 10462 and 10490
- Current zoning district is Light Industrial
- Requested zoning district is Residential-Conditional Use for apartments, townhouses and an assisted living facility

Site Plan





- Eleven (11) apartments with 264 total units
- 90 townhomes
- 100 bed nursing home

Zoning Map




- Blue: Light Industrial
- White: Residential
- Purple: Heavy Industrial

Land Use Map



- Orange: Primary Growth
- Green: Secondary Growth

Recommendation



- Planning Board – Approve (6-0)
- Consistent with Land Use Plan

Requested Board Action



- Public Hearing
- Approve
- Approve with conditions
- Deny

Questions?



Chairman Gordon opened the Public Hearing at 7:03 pm for anyone wanting to speak for or against Planning Department case 23-02; request to rezone parcels 10490 and 10462 located at 708 South Battleground Road from Light Industrial (LI) to Residential-Conditional Use (R-CU) for a multi-use residential development. (*Legal Notice was published in the Shelby Star on Friday, January 27, 2023 and Friday, February 3, 2023*).

Robert Williams, 814 E. Stagecoach Trl, Fallston – spoke in opposition of the rezoning request advising it should be denied. He questioned what the best use would be for the property and if anyone from the county’s Economic Development staff had any input or if they were in agreeance with the rezoning.

Hearing no further comments, Chairman Gordon closed the Public Hearing at 7:08 pm.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Bridges stated the property has been surveyed and the proposed site plan with more homes and a nursing facility is something that would benefit the county and residents. Commissioner Whetstine explained there is residential zoning across the street and the proposed project would be in line with the surrounding uses. He also spoke about the difficulty of the topography to build a large industrial site.

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, *approve the request to rezone parcels 10490 and 10462 located at 708 South Battleground Road from Light Industrial (LI) to Residential-Conditional Use (R-CU) for a multi-use residential development.*

BOARD APPOINTMENTS

FOOTHILLS DEVELOPMENT WORKFORCE BOARD

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to re-appoint Tim Blackwell to serve as a member of this board* for a three-year term, scheduled to conclude on January 1, 2026.

SHOOTING RANGE ADVISORY BOARD

ACTION: Commissioner Bridges made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, *to appoint Paul Ledford to serve as a member of this board*, for a three-year term, scheduled to conclude on June 30, 2025.

CLOSED SESSION

ACTION: Commissioner Bridges made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, *to go into closed session per North Carolina General Statute § 143-318.11(a)(5) and (a)(6) to consider a personnel matter and to establish the terms of an employment contract.* (Copy of closed session minutes are sealed and found in the Closed Session Minute Book).

RECONVENE IN REGULAR SESSION

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, *reconvene in open session.*

Chairman Gordon stated the following, *“no action was taken; the Board gave direction regarding a personnel matter.”*

ADJOURN

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Bridges and unanimously adopted by the Board, *to adjourn.* The next meeting of the Commission is scheduled for *Tuesday, March 21, 2023* in the Commissioners' Chambers.

*Kevin Gordon, Chairman
Cleveland County Board of Commissioners*

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