

GASTON COUNTY REZONING APPLICATION (REZ-22-12-30-00136)

STAFF REPORT

APPLICATION SUMMARY

Request:

To rezone the property from the (I-2) and (I-3) zoning districts with (US) and (CH) overlays to the (C-3) zoning district with (US) and (CH) overlay.

Applicant(s):

Justin Fulbright

Property Owner(s):

The TV Shop LLC / Danellia Mann

Parcel Identification (PID):

308406

Property Location:

5001 York Hwy, Gastonia

Total Property Acreage:

2.85

Acreage for Map Change:

2.85

Current Zoning:

(I-2) and (I-3) with (US) and (CH) overlays

Proposed Zoning:

(C-3) with (US) and (CH) overlays

Existing Land Use:

Machine Shop / Motor Shop

Proposed Land Use:

Commercial

COMPREHENSIVE LAND USE PLAN

Area 4: the Garden Gaston

Key issues for citizens in this area include: another bridge crossing the Catawba River, continued coordination amongst the local government agencies, road improvements and better connectivity to other areas of the County and throughout the region, increased walkability and connectivity between communities, and maintaining the enhanced quality of life

Comprehensive Plan Future Land Use:

Industrial – This area is primarily for industrial and manufacturing based uses, currently and projected in the future.

Staff Recommendation:

The application, as presented, is consistent with the Comprehensive Land Use Plan.

UTILITIES AND ROAD NETWORK INFRASTRUCTURE

Water/Sewer Provider:

N/A

Road Maintenance:

North Carolina Department of Transportation

Technical Review Committee (TRC) comments provided by Gaston Lincoln Cleveland Metropolitan Planning Organization (MPO)

According to the 2020-2029 STIP, there are no funded transportation improvement projects in the immediate vicinity of this site. There is a proposed unfunded Boulevard Improvement to York Hwy in the CTP. There is adequate r-o-w for any future improvements.

STAFF SUMMARY

Prepared By: Laura Hamilton, Planner III

Planning staff finds that the application as presented is consistent with the Gaston County Comprehensive Land Use Plan (CLUP) as the request does encourage the purpose, intent, and goals for Area 4 of the CLUP.

This property is in an industrial/commercial area in the county's southern region. The location is primarily industrial and commercial type uses, with some residential on the side roads.

The facility had a generator repair shop on it. The owner wants to change to a use, and possible future uses, which are currently not allowed or allowed easily in the industrial zoning district.

PLANNING BOARD RECOMMENDATION

The Planning Board recommended approval of this request 7-1 on February 6, 2023 based on the following:

The application and request is consistent with the Gaston County Comprehensive Land Use Plan (CLUP). The Garden Gaston area of the CLUP is characterized as having plenty of open space, pockets of commercial centers, and development set back off the road. The request also encourages the goals of the industrial future land use designation as the requested zoning district will provide opportunities for manufacturing and industrial-based uses as well as small businesses.

Attachments: Application, Allowed Uses in Proposed District, Maps



GASTON COUNTY

Department of Planning & Development Services

Street Address: 128 W. Main Avenue, Gastonia, North Carolina 28052
Mailing Address: P.O. Box 1578, Gastonia, N.C. 28053-1578

Phone: (704) 866-3195
Fax: (704) 866-3966

GENERAL REZONING APPLICATION

Application Number: Z

REZ-22-12-30-
00136

Applicant ☒ Planning Board (Administrative) ☐ Board of Commission (Administrative) ☐ ETJ ☐

A. *APPLICANT INFORMATION

Name of Applicant: Justin Fulbright

(Print Full Name)

Mailing Address: 312 Somerset Drive Kings Mountain North Carolina 28052

(Include City, State and Zip Code)

Telephone Numbers: (704) 830-8137

(Area Code) Business

(704) 830-8137

(Area Code) Home

Email: Nuggetspowersports1@yahoo.com

* If the applicant and property owner(s) are not the same Individual or group, the Gaston County Zoning Ordinance requires written consent form from the property owner(s) or legal representative authorizing the Rezoning Application. Please complete the Authorization/Consent Section on the reverse side of the application.

B. OWNER INFORMATION

Name of Owner: Danellia Mann

(Print Full Name)

Mailing Address: 2240 Township Road 108 Huntsville OHIO 43324

(Include City, State and Zip Code)

Telephone Numbers: (704) 524-9437

(Area Code) Business

(704) 941-5461

(Area Code) Home

Email: d.mann2010@gmail.com

C. PROPERTY INFORMATION

Physical Address or General Street Location of Property: 5001 York Highway

Gastonia, North Carolina 28052

Parcel Identification (PID): 300840 Correct Parcel ID is 308406

Acreage of Parcel: 2.85 +/- Acreage to be Rezoned: 2.85 +/- Current Zoning: I-2 / E-3 with US & CH overlays

Current Use: Machine Shop / Motor Shop Proposed Zoning: E-3 with CH and US Overlays

D. PROPERTY INFORMATION ABOUT MULTIPLE OWNERS

Name of Property Owner:

Name of Property Owner:

Mailing Address:

Mailing Address:

(Include City, State and Zip Code)

(Include City, State and Zip Code)

Telephone: (Area Code)

Telephone: (Area Code)

Parcel: (If Applicable)

Parcel: (If Applicable)

(Signature)

(Signature)

See Reverse Side For Completion of Additional Sections

E. AUTHORIZATION AND CONSENT SECTION

(I/We), being the property owner(s) or heir(s) of the subject property referenced on the **Gaston County Rezoning Application** and having authorization/interest of property parcel(s) 300840
hereby give Justin Fulbright consent to execute this proposed action.

(Name of Applicant)

Danellia Mann
(Signature)

12/09/22
(Date)

(Signature)

(Date)

I, Tessca J Hites, a Notary Public of the County of Logan
State of North Carolina, hereby certify that Danellia D Mann
personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
Witness my hand and notarial seal, this the day of December, 20 22.

Tessca J Hites
Notary Public Signature



4-18-26

4-18-26
Commission Expiration

(I/We), also agree to grant permission to allow employees of Gaston County to enter the subject property during reasonable hours for the purpose of making **Zoning Review**.

Please be advised that an approved general rezoning does not guarantee that the property will support an on site wastewater disposal system (septic tank). Though a soil analysis is not required prior to a general rezoning submittal and/or approval, the applicant understands a chance exists that the soils may not accommodate an on site wastewater disposal system thus adversely limiting development choices/uses unless public utilities are accessible.

If the application is not fully completed, this will cause rejection or delayed review of the application. In addition, please return the completed application to the Planning and Development Services Department within the County Administrative Building located at 128 West Main Avenue, Gastonia, NC 28052.

APPLICATION CERTIFICATION

(I/We), the undersigned being the property owner/authorized representative, hereby certify that the information submitted on the subject application and any applicable documents is true and accurate.

Danellia Mann
Signature of Property Owner or Authorized Representative

12/09/22
Date

Note: Approval of this request does not constitute a zoning permit. All requirements must be met within the UDO.

OFFICE USE ONLY

OFFICE USE ONLY

OFFICE USE ONLY

Date Received: 12-30-22

Application Number: REZ-22-12-30-00134

Fee: 791

Received by Member of Staff: WH
(Initials)

Date of Payment: _____

Receipt Number: _____

#42100

- ☐ COPY OF PLOT PLAN OR AREA MAP
☐ NOTARIZED AUTHORIZATION

- ☐ COPY OF DEED
☐ PAYMENT OF FEE

Date of Staff Review: _____

Date of Public Hearing: _____

Planning Board Review: _____

Recommendation: _____

Date: _____

Commissioner's Decision: _____

Date: _____

Mission Statement

Gaston County seeks to be among the finest counties in North Carolina. It will provide effective, efficient and affordable services leading to a safe, secure and healthy community, an environment for economic growth, and promote a favorable quality of life.



GASTON COUNTY Department of Planning & Development Services

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Public Hearing Consent Form

To: Gaston County Board of Adjustment / Planning Board / Board of Commissioners

From: The TV Shop L.L.C

Danellia Mann

Subject:

☐ consent for variance / ☐ conditional use / ☐ appeal / ☐ subdivision variance / ☐ watershed variance / ☒ rezoning

Date: 12/07/2022

I, Danellia Mann, being the property owner of parcel(s) 300840, give consent to Justin Fulbright to act on my behalf in applying for the **PUBLIC HEARING REQUEST** under consideration.

Danellia Mann
Signature (owner)

12/09/22
Date

North Carolina
Gaston County

I, Tessca J Hites, a Notary Public for the said County and State, do hereby certify that Danellia D Mann personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 9 of December, 20 22

Tessca J Hites
Notary Signature



Tessca J Hites
Notary Public, State of Ohio
My Commission Expires

My commission expires: 4-18-26

4-18-26

X = Permitted use by right; CD = Conditional Zoning required; E = Existing use subject to limitations; SP = Special Use Permit required; s = Supplemental regulations listed in addition to	
Use	C-3
Dwelling, Manufactured Home Class C	Es
Dwelling, Manufactured Home Class D	Es
Manufactured Home Park	Es
Abattoir Class 1	SP
Abattoir Class 2	SP
Aircraft Sales & Service	SP
Essential Services Class 3	SP
Offices, Excluding Medical, 100,000-199,999sqft GFA	SP
Offices, Excluding Medical, 200,000+sqft GFA	SP
Theater, outdoor movie	SP
Transit Station	SP
Check Cashing Establishment, Open Up to 24 hrs	SP
Marina, Commercial	SP
School, Elementary & Middle (public & private)	SP
School, Senior High (public & private)	SP
Septic Tank Cleaning Service	SP
Zoo	SP
Truck Stop	SP
Railroad Terminal & Yard	SP
Amusement Park	SP
Bus and Train Terminal, Passenger	SPs
Airport, Airstrip, Freight & Flying Service	SPs
Animal Kennel	SPs
Race Track, Large	SPs
Solid Waste & Septic Tank Vehicle Storage Facility	SPs
Telecommunication Tower & Facilities	SPs
Tower and/or Station, Radio & Television Broadcast	SPs
Animal Shelter	SPs
Farmers Market	SPs
Contractor's Office and Equipment / Storage Yard	SPs
Amusement and Sporting Facility, Outdoor	SPs
Animal Hospital (Outdoor kennel)	SPs
Auditorium /Assembly Hall / Amphitheater / Community Center, 500 or more seats	SPs
Camping and Recreational Vehicle Park	SPs
Continuing Care Facility	SPs
Correctional Facility	SPs
Motel	SPs
Retail, 100,000+sqft GFA	SPs
Rodeo / Accessory Rodeo	SPs
Shopping Center, 100,000+sqft GFA	SPs
Baseball Hitting Range	X
Farm Supply Store, with outdoor storage	X
Farm Supply Store, without outdoor storage	X
Business Services	X
Contractor's Office	X
Contractor's Office and Operation Center	X
Day Care Center, Accessory	X
Distribution / Wholesale / Storage Operation	X
Essential Services Class 1	X
Essential Services Class 4	X
Financial Institution (excluding principal use ATMs)	X
Heavy, Industrial, Farm Equipment Sales and Services	X
Laboratories - Dental, Medical	X
Medical Offices, 0-49,999sqft GFA	X
Medical Offices, 50,000-99,999sqft GFA	X
Offices, Excluding Medical, 0-49,999sqft GFA	X
Offices, Excluding Medical, 50,000-99,999sqft GFA	X
Post Office	X
Recycling Deposit Station, accessory	X

Sign Shop	X
Warehouse, 0-99,999sqft GFA	X
Warehouse, 100,000+sqft GFA	X
Electric, Heating, Air Conditioning, Ventilating, Plumbing Supplies & Equipment Sales	X
Photo finish Laboratory	X
Crematorium	X
Lawn and Garden Center	X
Monument Sales	X
Auction House	X
ABC Store	X
Amusement and Sporting Facility, Indoor (unless use specifically listed)	X
Amusement Arcade	X
Animal Grooming Service for household pet (indoor kennels)	X
Art Gallery	X
Bail Bond	X
Billiard Parlor	X
Bowling Lanes	X
Brew Pub	X
Check Cashing Establishment, Closed 12AM to 5AM	X
Cleaning & Maintenance Service	X
College / University	X
Conference / Retreat / Event Center	X
Exterminators Office	X
Food Pantry	X
Food Store, 10,000+sqft GFA	X
Furriers	X
Game Room	X
Glass & Mirror Shop	X
Grooming Services	X
Gunsmith, Gun & Ammunition Sales	X
Hardware Store	X
Health Club, Spa, Gymnasium (principal use)	X
Library	X
Museum	X
Personal Business Services	X
School for the Arts	X
Theater, indoor movie	X
Upholstery Shop	X
Moving & Storage Facilities	X
Building Material and Lumber Sales	X
Auditorium /Assembly Hall / Amphitheater / Community Center, Less than 500 seats	X
Food Store, 0-9,999sqft GFA	X
Funeral Homes	X
Automobile Repair Shop / Automobile, Truck Sales, Accessory	Xs
Automobile, Truck, Boat, Motorcycle, Manufactured Home, Recreational Vehicle Sales and Rental	Xs
Flea Market, Indoor	Xs
Flea Market, Outdoor	Xs
Automobile Body Shop / Automobile, Truck Sales, Accessory	Xs
ATM (Automated Teller Machine)	Xs
Automobile Hobbyist	Xs
Bona Fide Farms	Xs
Church / Place of Worship	Xs
Convenience Store, Closed 12AM to 5AM	Xs
Convenience Store, Open up to 24 hours	Xs
Electronic Gaming Operation	Xs
Essential Services Class 2	Xs
Flex Space	Xs
Machine, Metal, Wood Working, Welding Shop	Xs
Manufactured Goods, Class 1	Xs
Military Reserve Center	Xs

Mini-Warehouse	Xs
Parking Lot	Xs
Portable Toilet Service	Xs
Recycling Deposit Station, principal use	Xs
Restaurant	Xs
School, Vocation	Xs
Special Events Facility	Xs
Special Events Facility, Accessory	Xs
Telecommunication Antennae & Equipment Buildings	Xs
Telecommunication Tower, Freestanding Monopole, up to 199.9ft	Xs
Wood Waste Grinding Operation	Xs
Paint Ball / Laser Tag Facility	Xs
Assisted Living Center	Xs
Automobile Detail Shop	Xs
Breweries (including micro breweries and cideries)	Xs
Car Wash, Automatic	Xs
Cemetery	Xs
Charitable Service Facility	Xs
Country Club	Xs
Day Care Center, Class B	Xs
Day Care Center, Class C	Xs
Dwelling, Mixed Use	Xs
Golf Course; Golf Driving Range; Golf Miniature	Xs
Health and Behavioral Care Facility	Xs
Hotel or Full Service Hotel	Xs
Laundromat, Closed 12AM to 5AM	Xs
Laundromat, Open Up to 24 hrs	Xs
Maternity Home	Xs
Nursery (Garden)	Xs
Nursing Home, Rest Home	Xs
Produce Stand	Xs
Race Track, Small	Xs
Recreation Center and Sports Center	Xs
Retail, 0-24,999sqft GFA	Xs
Retail, 25,000-49,999sqft GFA	Xs
Retail, 50,000-99,999sqft GFA	Xs
Shopping Center, 25,000-49,999sqft GFA	Xs
Shopping Center, 50,000-99,999sqft GFA	Xs
Shopping Center,0-24,999sqft GFA	Xs
Swimming Pool, Sales, Service & Supplies	Xs
Tire Sales, new or used	Xs
Restaurant, within other facilities	Xs
Adult Establishments	Xs
Planned Unit Development (PUD)	Xs/CDs
Automobile Service Station / Automobile, Truck Sales, Accessory	Xs/SPs
Automobile Towing and Wrecker Service / Automobile, Truck Sales, Accessory	Xs/SPs
Bus Charter Service	Xs/SPs
Club, Private (without Adult Entertainment)	Xs/SPs
Commercial Vehicle and Truck Storage	Xs/SPs
Firing Range, Indoors, principal use	Xs/SPs
Lounge / Nightclub	Xs/SPs
Park	Xs/SPs
Restaurant, with drive thru	Xs/SPs
Animal Hospital, (Indoor kennel)	Xs/SPs
Car Wash, Self Service	Xs/SPs
Food Catering Facility	Xs/SPs
Fraternal & Service Organization Meeting Facility (non- or not-for profit), 0 - 9,999sqft GFA	Xs/SPs
Fraternal & Service Organization Meeting Facility (non- or not-for profit), 10,000+sqft GFA	Xs/SPs
Stadium	Xs/SPs



GASTON COUNTY
BUILDING AND DEVELOPMENT SERVICES

VICINITY MAP

REZ-22-12-30-00136

5001 York Hwy.

Gastonia

Legend

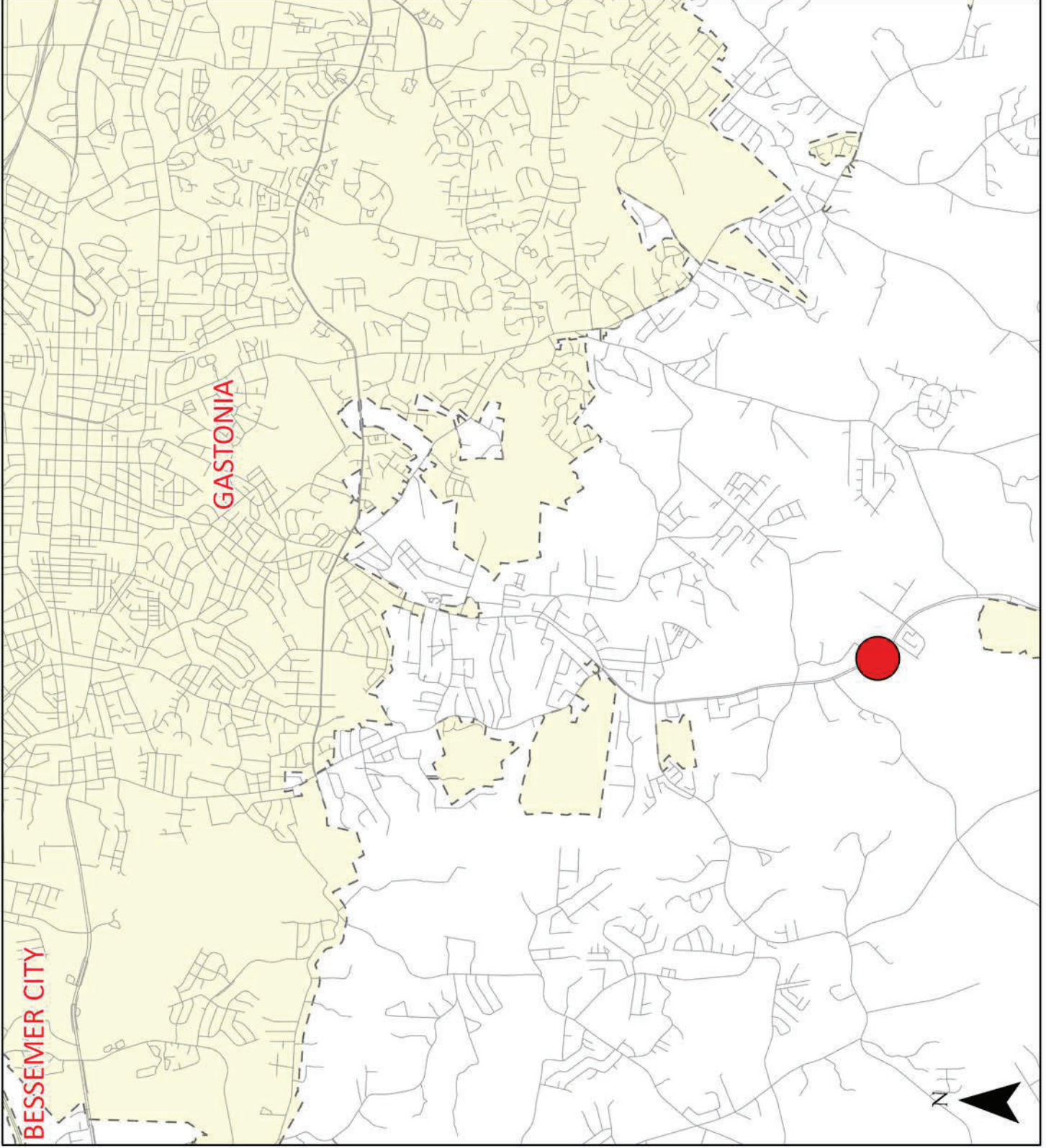
— Roads

- - - Municipalities

● Subject Property

Although strict standards have been employed in the compilation of this map, Gaston County does not make or imply any warranties or assume any responsibility for the information presented on this map or its use.

This map may not be resold or otherwise used for trade of commercial purposes without the expressed written consent of Gaston County, in accordance with North Carolina General Statute 132-10.





GASTON COUNTY
BUILDING AND DEVELOPMENT SERVICES
ORTHOPHOTO MAP
REZ-22-12-30-00136

LEGEND

- Subject Parcels
- Property Parcels

This map is intended for use by the Gaston County Board of Commissioners, in the review of rezoning requests.

Property parcels, zoning, transportation, and other map information were compiled from one or more data layers. The data is periodically updated, however, all data layers may not be displayed. Street names are subject to change.

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This map is for zoning purposes only - Not to be used for conveyance.





GASTON COUNTY
BUILDING AND DEVELOPMENT SERVICES

ZONING REVIEW MAP
REZ-22-12-30-00136

Legend

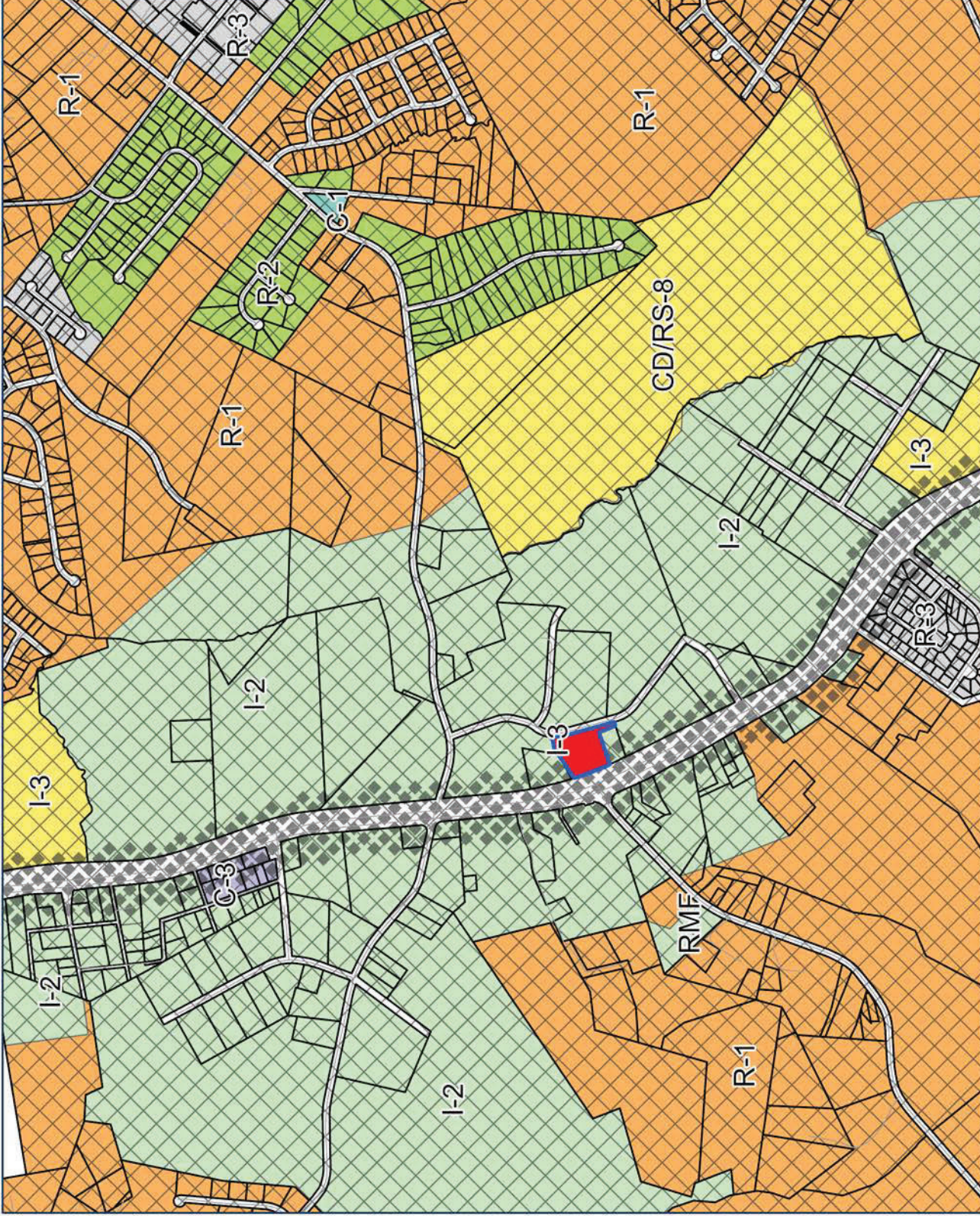
Gaston County Overlays

TYPE



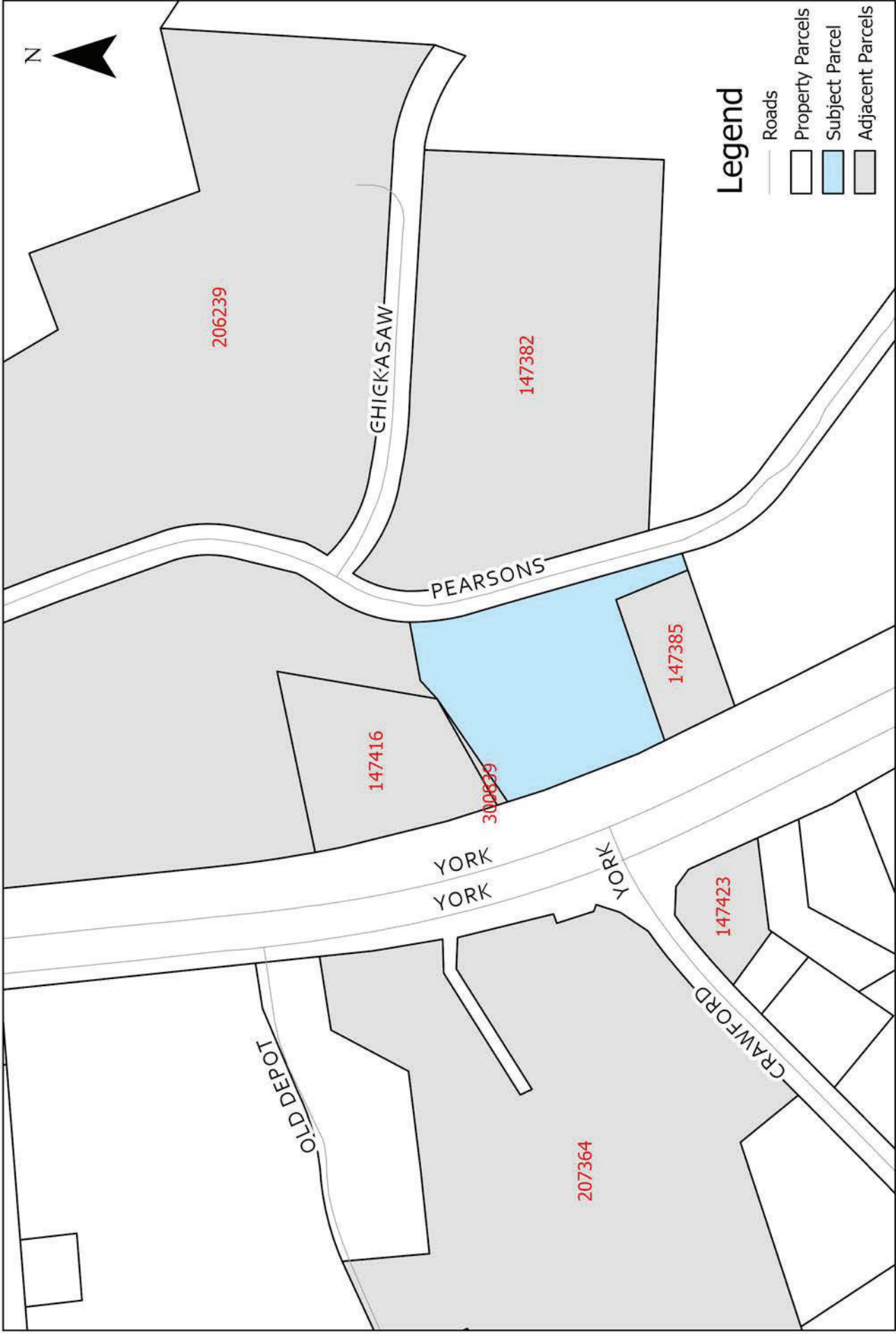
Gaston County UDO

ZONE TYPE



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REZ-22-12-30-00136

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIPCODE
308406	THE TV SHOP LLC	5001 YORK HIGHWAY	GASTONIA	NC	28052
147385	MCCLURE INVESTMENT CO INC	4555 WATER OAK DR	LAKE WYLIE	SC	297100000
147416	MT PLEASANT AME ZION CHURCH	PO BOX 2482	GASTONIA	NC	280522842
147423	TCG PROPERTIES LLC	1503 S YORK RD	GASTONIA	NC	280520000
300839	MT PLEASANT AME ZION CHURCH	PO BOX 2482	GASTONIA	NC	280522842
206239	BINGHAM PROPERTIES LLC	323 DOVER ROAD	KINGS MOUNTAIN	NC	28086
147382	CHICKASAW HOLDINGS LLC	108 CHICKASAW ROAD	GASTONIA	NC	28056
207364	JACKSON H EDWARD	PO BOX 1062	GASTONIA	NC	280531062